

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**JUNE 6, 2019**

**Case Number 122-2019**

**A request by Crockett Engineering (agent) on behalf of HJRJ Investments, LLC, for a major amendment to the existing Copperstone Commercial C-P Plan to allow for a mixed-use development to include commercial, office and residential uses, to be known as the Copperstone Lot 102A PD Plan. The subject property is located on the west side of Frontgate Drive, approximately 300 feet south of Vawter School Road, and is commonly addressed as 4015 Frontgate Drive. (This case was tabled at the May 23, 2019 Planning and Zoning Commission meeting.)**

MS. LOE: May we have a staff report, please?

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the requested major amendment for the Copperstone Lot 102A PD Plan and the associated Statement of Intent, with the following conditions:

- Provision of an 80-percent opaque buffer and 8-foot screening device along the west side of Lot 102B.
- Provision of an 80-percent opaque buffer and 8-foot screen device along the south side of Lot 102C where it abuts R-1.

MS. LOE: Thank you, Mr. Smith. Before we move on to staff questions -- or Commissioner questions, I should say, I would like to ask any Commissioner who has had an ex parte prior to this meeting relating to Case 122-2019 to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Ms. Rushing?

MS. RUSHING: Again, I was -- have not had any contact regarding this request, but I have had several people complain about Addison's, which is related -- to me, related to this request, so --

MS. LOE: Thank for that. Any additional comments? I see none. Are there any questions of Commissioners for staff? Mr. MacMann?

MR. MACMANN: Question for staff. Planner Smith, it looks to me like these houses front to the north-northeast; is that my -- is that a correct way to look at that?

MR. SMITH: I believe the intent there is the front would actually be to the south. The -- in speaking with the applicant when we were reviewing these, I think the intent there was to have almost a front yard that would open to the open space.

MR. MACMANN: So almost -- it could be the front yard and those are garages in the back or something; is that what those are?

MR. SMITH: That's correct, yes.

MR. MACMANN: All right. That was my other -- that's the other way I was going to flip it. Thank you.

MS. LOE: Any additional questions for staff?

MS. CARROLL: I have a general question for staff.

MS. LOE: Ms. Carroll.

MS. CARROLL: Yeah. I'm aware that the eight-foot landscaping screening device could be provided in this case. I'm wondering what the rationale would be for requiring that. If the homeowners and the neighbor -- neighboring residents don't want that, surely the requirement is intended to protect homeowners' interests?

MR. SMITH: No. That's a fair question. I think it's one we do get occasionally. It may seem, you know, out of step for us not to recommend something that all the residents seem to support, but I think we have been consistent in sometimes kind of bucking the residents', I think, intent or their desire, based on the fact that sometimes there are other factors that we look at that maybe they aren't looking at. So we're, I think, looking at more on a broad term from City-wide objectives. So in a case where maybe the next time this comes before the Council and there's not, you know, residents' outcry for providing this minimum screening, it's -- it's helpful to have objectives to say this is what we based our recommendations on and it's not solely based on how the residents feel about it. So one of the objectives of planned developments is to ensure that when we have uses that are grouped together like this, you know, incompatible uses, or not necessarily incompatible, but different uses is that we're providing an adequate buffer between those, so any possible impacts on those are mitigated. And the Code is clear that the minimum amount that we consider necessary to mitigate those uses for other sites is the ten-foot, 80-percent opacity with the eight-foot screen. So barring a -- some sort of substantial evidence provided to us to say that that mitigation isn't necessary here, aside from just residents' concerns, I think it's -- it's our place here to look more on the long term, I think, compatibility of the site, not just the most recent owners of the site directly adjacent to the site. So we -- we look at it a little more holistically, I think.

MS. LOE: Any additional questions, Ms. Carroll?

MS. CARROLL: No.

MS. LOE: Ms. Rushing?

MS. RUSHING: I -- I have two questions. So are you indicating there is going to be a roadway or a driveway along the southern border of that property?

MR. SMITH: Not along the southern border. There is an eight-foot pedway that kind of wraps around the southern side of this property. The Copperstone residential subdivision has a fairly unique sidewalk system, if you've ever been out there, but they're not necessarily traditional sidewalks that are set right at the property line. So this one, if I can go back to the aerial, it's a little easier to see maybe.

Yeah. So -- so this -- this is the continuation of this pedway that's going through this common lot, and this common lot is directly south of the site.

MS. RUSHING: Well, I understood you to say that the front of the residences was the south?

MR. SMITH: Right.

MS. RUSHING: And there's no road going --

MR. SMITH: To the front of the buildings would be to the south. The functional -- I don't know if that's the right word, but the entrance to the structures are going to be from the rear on the north side. That's where the garage will be.

MS. RUSHING: Okay. And is there -- is there a plan at some point in time to have a roadway entering from the north onto this larger piece of property?

MR. SMITH: Not that I'm aware of. I think the access to the single-family will be from here, but the -- there's also an access here on the far north side that would access the commercial site, as well. So this is an access, if you can see on the screen, this is a driveway from Frontgate Lane.

MS. RUSHING: Well, I'm -- I'm looking at the whole piece of property going clear over to Scott Boulevard.

MR. SMITH: Oh, excuse me. That, I couldn't answer that question right now. This is a -- I think also a zoned planned development, if I'm correct, and I think -- I couldn't answer what access they'll have there. The grades are a little difficult, so that would have to be something we would look at at the time of submission of a PD plan or engineering.

MR. ZENNER: The extension of Frontgate Lane, Ms. Rushing, is intended -- is intended to extend westward through the commercially zoned tract that is bounded there on Scott and Vawter. There is a connection -- there were controlled access points for the Scott frontage. If I recall correctly, there are two on Scott, and then if I am not incorrect, it is potentially a right-in, right-out only on the Vawter frontage directly across from I believe the access to the Break Time gas station, which is what you can see just to the north about center of that western parcel.

MS. RUSHING: Well, my -- my concern is based on what I've -- you know, what I indicated I had heard, is that you're going to have a lot of traffic -- commercial traffic coming into a residential area. And so, you know, assuming we're going to have development here along Vawter School Road, you know, I was just wondering about the possibility of, at some point in time, a road coming in from the north to take commercial traffic off of this residential street. I'm also wondering if this development doesn't isolate that piece of R-1 property from development.

MR. ZENNER: Immediately to the south, ma'am?

MS. RUSHING: To the south.

MR. ZENNER: That's common land that's part of the Copperstone development.

MS. RUSHING: Okay.

MR. ZENNER: And to answer the question again, there would be a coordinated access point to the north through the undeveloped tract to the west that Frontgate Lane will connect to. That is a planned

district project that once plans are submitted for the commercial development of that, we will be connecting road infrastructure in order to offset the impact right now that is felt on Frontgate Lane or Frontgate Drive. At the time that the Addison's was approved, your concerns that you're raising at this point were shared by residents as it related to the impact that Addison's would create, and it's a matter of development timing to relieve the traffic impacts that are there today when the western tract develops. So it will occur, we just don't know what the timing is at this point. And if we go back and we look at the staff report for the Addison's development, there were very clear, affirmative statements that as this developments plans come in for the commercial tract west, we will be evaluating that to ensure that there is road connectivity either through a shared private access that's actually platted or through the creation of additional public streets.

MS. LOE: Any additional questions for staff? Mr. Smith, I had one questions. The landscape plan shows the property meeting the property edge buffering requirements at 29-4.4(e), and the report identifies these are lesser requirements than what would be required between a commercial and residential requirement. What level -- this is level 3. Which level are they meeting?

MR. SMITH: And the location is on the screen right now in the green areas.

MS. LOE: Yes.

MR. SMITH: So it's difficult to determine what standard they're meeting because they have provided -- they provided screening, but right now they're just asking to waive the 80 percent opacity. So they're not committing to any other levels of opacity. So whatever screen level this will apply or will provide will be the standard, but it's hard for us to say this is going to meet some standard because without -- without a minimum commitment from them, we can't enforce anything. Does that make sense?

MS. LOE: Right. No. I was just trying to understand what they -- they --

MR. SMITH: We can enforce this specific plant material.

MS. LOE: It implies they're meeting a standard, and I was just trying to differentiate between what staff was asking for and what they're providing. Thank you. Well, with that, we will move on to public comment. Same rules apply. Name and address and time periods.

#### **PUBLIC HEARING OPENED**

MR. CROCKETT: Thank you. Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, office at 1000 West Nifong. If you don't mind, Clint, flip me over, please. Before we start, I wanted to get -- just make one clarification. The residential units that we are proposing, we don't really want to have a front or a back necessarily. We want what we call a double front. We want them as aesthetically pleasing from both sides, both from the road view as you drive into the development, as well as on what we believe will be the recreational space sitting behind the building. We want them aesthetically pleasing from both sides. Again, I'm Tim Crockett. With me tonight is John Hall, who is the applicant. He is the owner of the property; he's also a resident of the Copperstone neighborhood. Just a quick overview, we are looking at 2.2 acres. It is zoned PD. It is located between a single-family residential neighborhood and a restaurant use, so we are trying to go for that transitional

zoning. The tract was zoned CP in 1998. At that time, no statement of intent was required, therefore, as you see tonight, you have a statement of intent included with this packet. In 1998, this Copperstone development had not taken place yet, so the zoning of this piece of property supersedes the development that has happened behind it. Again, this development provides transitional zoning between the existing single-family residential and the commercial use. While we are commercial, the intent is to develop this property more in an office and residential style. Mr. Hall has a couple of businesses that he intends to occupy one of the buildings, and in his due diligence, going to the neighbors, talking to them, he has spurred up other interest, so he has serious discussions taking place with other residents who have businesses that want to occupy some office space, as well. So we think that's very important. Again, you've seen the layout that we're talking about, and we are asking for a couple -- several design modifications. First of all, as to 29-4.6, which is regarding the doors facing the public street, and this is in this location right here. It's on the north side of our property on the easterly portion of the north building up against Frontgate Drive. And as Mr. Smith indicated, the purpose of that -- the reason for that is that we have significant fall, a significant grade that we drop off. So what we're trying to do is transition from the front of our building to the rear of our building which will sit above the street, and so we're trying to make that transition and it creates a very difficult, if -- very difficult and very costly and kind of unsightly to add additional retaining walls to make that access work. The second item that we're asking for is variance to Section 29-4.4 for the landscaping, more particularly the eight-foot screen device. Again, this -- in this location here, and if you look at the landscape plan, it is very detailed. Mr. Hall has worked closely with the HOA, been working closely with the residents to give them what they want for the landscaping. It's packed full of elms, you know, elms, oaks, maples. It's got boxwoods, it's got evergreens. It's a large landscaping buffer. It has a lot of landscaping in it. What it does not have is the eight-foot privacy fence or solid hedge. The neighbors don't require that in their own development and they certainly don't want it to be included here. They want it to be a transitionally zoning that goes from a -- you know, the restaurant use into their neighborhood. They don't want barriers, if you will. They don't want to have a solid line with a privacy fence. When they're not -- and when they're not allowed in their development, they don't want it allowed here. They want to kind of have that nice transition with a lot of landscaping. So we're not trying to skimp on the landscaping. We're not trying to get around landscaping or a natural buffer. We just don't want that privacy fence or privacy hedge, and that's what we're looking for. The other variance we're asking for is the 20-foot setback for the office or the commercial portion. It's not for the residential side. As Mr. Smith indicated, there has been some misunderstanding or some questions about what that setback really is. Previous plats call it 15 feet. Zoning would say it's 25. So there's a lot of questions on how that got shown on previous plats at 15 feet. So I believe we've talked to staff and said, hey, well, we'll do 25 on the residential portion, which is in conjunction with the single-family side to the south, but let's do 20 feet here. And I think -- I think they actually suggested that, and we agreed with it, and so that's what we're going with. We're requesting the 20 feet and I think they're supportive of that. And then lastly, we're asking for dimensional standards for the single-family attached

units. Single-family attached units are shown in blue. The single-family common area, if you will, is in green. And so if you really add all that together, each of those lots are in excess of 5,000 square feet. The minimum is, I believe, 3,500 for a single-family attached. So while the requirement is there, it's really used for different applications. In this case, it's more like a PUD, and when we look at the gross area. And so that's that issue. Mr. Hall, he's met personally with residents to discuss this project. He is setting the bar, if you will, on what it takes to meet with neighbors and get support for his projects. I've never seen a client do this much work to go talk to residents. He has personally gone door to door throughout the neighborhood and talked to many, many residents. He's conducting listening sessions, if you will. When I say listening sessions, it's not for the residents to listen to him, but necessarily for him to listen to them and get what they want and what they're -- what they're input is. And so he's modified the plan several times according to what he has heard from them. And then, of course, he has provided current and updated information consistently so that the HOA can put that on their website to keep their residents informed of what's taking place. He -- in support of that and because of that, he's got unanimous support from the Copperstone HOA board. He's got a signed petition, I say 31 neighboring properties, really it's what he has -- what he has signed, but he's got many more verbal -- verbal support from other residents that has given him support when he has not had the petition with him, and he's got, you know, many letters of support. Here's a quick little schematic showing in blue the subject site. In green are all the properties that have supported, given him support for this project. The yellow -- I just want to throw that out there. The yellow are properties that have not sold yet. They're still under builder or developer control, so I want to make sure that it kind of shows up that those aren't against the project. And again, in conclusion, the plan conforms with the original zoning. The requested variances are appropriate given the site characteristics, the neighborhood desire, and site layout. It has support from the neighbors and the HOA board, and I'm happy to answer any questions that you may have.

MS. LOE: Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MS. LOE: Mr. Toohey?

MR. TOOHEY: I guess the only concern I have with the landscape buffering is the buffering that would go north and south would protect those future residents.

MR. CROCKETT: Mr. Toohey, if you look at that, if you look at -- you know, you can look at the schematic, but if you look at what we're planting there, we're planting evergreens. It's a fairly solid run of evergreens that are about roughly six to eight foot tall. Now because it doesn't have that solid -- solid privacy fence in there, it doesn't mean that we don't have a substantial amount of screening. Like I say, it's six to eight-foot-tall, it's got a lot of evergreens, it's got, you know, a lot of year-around coverage through there, so it's pretty heavily -- heavily landscaped.

MS. LOE: Mr. Crockett, just to intercede.

MR. CROCKETT: Yes, ma'am.

MS. LOE: I mean, the privacy screening may be landscaping. It doesn't need to be a fence. It sounds like you're saying you're providing that, but --

MR. CROCKETT: Well, there's other -- there's other aspects to the -- to that particular section also. It has to have certainly four different varieties. There's several different things in there. And so really what we're trying to do is we're trying to achieve the screen that's necessary, but not with the solid hedge or the solid privacy fence. And so while it may very well comply, it doesn't necessarily comply with the intent of the regulation. The City arborist would not say that this would comply, even though it's six to eight foot tall. It's -- you know, it's evergreens. I mean, I believe that that section running north and south would have 80-percent opacity, but because it doesn't qualify as the device, I think that's the reason why we have to ask that, as well as the four varieties and everything.

MS. LOE: Ms. Burns, then Mr. MacMann.

MS. BURNS: I just had -- Mr. Crockett, do you know how many homes are current in the Copper Ridge Subdivision?

MR. CROCKETT: I do not know. I believe -- I believe there are some folks here that might be able to answer that.

MS. BURNS: Okay. Thank you.

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you. Mr. Crockett, I want to commend you on the innovative residential. I actually really like that. I have the same concern that Mr. Toohey -- well, the -- the buffer between the residential and the parking lot. These are single-family homes, kids, cars. That's my -- convince me. I mean, I might -- after this development and Mr. Hall. I don't know which gentleman you are. I mean, it's wonderful. This concerns me because we have to hear -- the Copperstone people are great. They're fantastic. None of us know these people yet. We have to look out for their interests going forward because they're not present, they don't exist yet, the future residents here. How are we going to protect a child from running into that parking lot?

MR. CROCKETT: Well, first of all, Mr. MacMann, I appreciate the compliment, however, the layout was designed by my client, so he deserves the credit for that.

MR. MACMANN: And he did great.

MR. CROCKETT: With regards to -- with regards to the screen, I mean, if you look at the screen that we have there, Mr. MacMann, it is still a high, high level of landscaping. You know, what we don't want -- what we want to create is an open atmosphere. We don't want to create a situation where we have a fence that completely cuts one side off from the other. There are going to be potentially children there. Now my client, in circulating this, he has two potential clients that are interested in those single-family attached. Both of them happen to be couples that are in their retirement ages, you know. So they want to, you know, have the openness. They don't want to be contained in with a fence and with hard landscaping. The landscaping that's going in between the R-1 to the south and the parking lot, that is still a substantial amount of landscaping with a good number of trees, a good number of smaller line shrubs,

but you can still see over it, you still see what's on the other side. It's a -- I'd say it's a safety issue. You can see what's on the other side. And so you know what's going on over there, but not to the effect that it affects your quality of life. You're not going to see headlights and you're not going to see, you know, a lot amount of noise.

MR. MACMANN: That's -- my biggest concern would be the headlights --

MR. CROCKETT: Right.

MR. MACMANN: -- future people living to the south and --

MR. CROCKETT: It sits at a lower elevation, as well, so it's not -- it's going to be cut off from a lot of the headlights that are coming through as well, just by natural grade, and then you also have some types of other landscaping, too, of varying types.

MR. MACMANN: All right. I'm, like, 80 percent there. I'll let you know.

MS. LOE: Mr. Strodtman?

MR. STRODTMAN: Mr. Crockett, for clarification, there are no fences anywhere in Copperstone. Correct?

MR. CROCKETT: That is correct. And I believe the HOA is here and they speak on that, but I don't want to speak out incorrectly. But I believe the only fences that are allowed in Copperstone would be, like, a four-foot tall picket fence, something that's open, something that's not a, you know, privacy-type fence, so it's very short, very open.

MR. STRODTMAN: All right. More to keep a dog in, but not to keep --

MR. CROCKETT: Correct. But not -- not -- so they -- you know, they don't want privacy necessarily. They want to see, you know --

MR. STRODTMAN: All the way across.

MR. CROCKETT: -- all across.

MR. STRODTMAN: The intent of the residentials, would they have front porches and a traditional look on the south without the front door? I mean --

MR. CROCKETT: Yes. Yes. Yes. Exactly. It's -- the desire there is to make them -- well, I say double front -- is to have them aesthetically pleasing on both sides. So while you have a garage on one side, that's not necessarily the unattractive side where you come into the back. Or, likewise, you don't just have just a patio on the backside. It's going to be very attractive on the backside, as well.

MR. STRODTMAN: Will the residents have access off of the south side? I mean, can I get off my porch and go to that common -- that common area, or do you know that yet?

MR. CROCKETT: Well, the pedway that runs through there, I believe is a -- is a public sidewalk. Now I actually have an access, I think -- I'm not sure if my client has discussed with the HOA if those residents would have access to the common area, but they certainly would have access through the common sidewalk, because that's a public element.

MR. STRODTMAN: You're not planning any sidewalks to that, though, are you?



MR. CROCKETT: Oh, yes, sir. The sidewalk that you see, the eight-foot pedway that circles behind the residential units ties into the existing --

MR. STRODTMAN: Right. I mean from the residential along the south side. There's not going to be another additional sidewalk that would tie into that -- in that -- they're going to walk through their yards to get to --

MR. CROCKETT: Okay. Yeah. Walk through their yard. You know, we don't want to take up additional green space.

MR. STRODTMAN: Right. I was just making sure of that. To me, that's where the people are going to be spending their time --

MR. CROCKETT: Right.

MR. STRODTMAN: -- is on that side of the house, so that would help maybe with the children and the lights and kind of get away from the parking lot a little bit is -- the intent is probably on that side looking at --

MR. CROCKETT: And our intent, too, is try to hit that retirement crowd, too.

MR. STRODTMAN: Thank you.

MS. LOE: Any additional questions for this speaker? And I see none. Thank you, Mr. Crockett.

MR. CROCKETT: Okay. Thank you.

MR. WORSTELL: Hi. My name is Tim Worstell. I'm the president of the HOA in Copperstone, so I might be able to answer a few of your guys' questions that you raised. We're in full support of John Hall's proposed --

MR. ZENNER: Your address, Mr. Worstell?

MR. WORSTELL: Excuse me?

MR. ZENNER: Your address, please?

MR. WORSTELL: Oh, I'm sorry. 4001 Granite Springs Court. Sorry about that. Thank you. So Copperstone is -- it's a unique neighborhood. It's very family friendly. We all have kids running around. We've got an amazing state-of-the-art clubhouse. The pedways are unique eight-foot-wide pedways. People walk all over through the neighborhood. As far as the HOA covenants, and we don't have fences. We -- everything that we have is basically a six-foot-high metal fence. We don't do picket fences. We don't do any barrier-type fences, so everybody is part of the family, if you will, once you move in the neighborhood. So we totally support just doing the landscaping the way that it's called for here. It backs up to green space. It will block all car lights and the things that are -- the issues for you guys. But our biggest thing is we just don't want fences. I mean, we don't want a big barrier. We don't want -- I mean, we want landscaping, and that's how -- if you walk down the pedways, that's what we have. We have big trees, evergreens and things that make it feel private and feel exclusive. So it fits perfectly into Copperstone from our opinion. So I don't know if you guys have any questions. I'm happy to answer those.

MS. LOE: Mr. MacMann?

MR. MACMANN: Just one quick question. We all spent a great deal of time when Addison's went in hearing about parking and traffic.

MR. WORSTELL: Right.

MR. MACMANN: This is going to increase that footprint pretty well.

MR. WORSTELL: Yeah. We haven't had any problems, to be honest with you, from Addison's.

MR. MACMANN: From Addison's. You're good?

MR. WORSTELL: Yeah. I mean, it's been remarkable, to be honest. I mean, going through the neighborhood --

MR. MACMANN: I mean, there was just a very serious level of concern and I just -- you guys were --

MR. WORSTELL: Yeah. Well, I understand. That was all of our conservative --

MR. MACMANN: You guys are cool with the potential add-on of traffic. Right?

MR. WORSTELL: We are. Yeah.

MR. MACMANN: Okay.

MR. WORSTELL: I mean, and what John is proposing is his own businesses and then he's got a couple of other local businesses or people within the neighborhood that want to occupy that commercial space, and then the residential is, you know, it is what it is. It's --

MR. MACMANN: All right. Thank you. We're apparently talking over each other and the --

MR. WORSTELL: Sorry.

MR. MACMANN: -- and our recorder had difficulty getting that. So are you caught up; you're good? All right. I apologize. Thank you, sir. I don't have any more questions for you.

MR. WORSTELL: Yeah. Any other questions or anything I could answer?

MS. LOE: Any additional questions for this speaker? Mr. Strodtman?

MR. STRODTMAN: Yes. Do you know if these residents would have access to the lot to the south, the --

MR. WORSTELL: The pedway? Yeah. So --

MR. STRODTMAN: The pedway, as well as just the common?

MR. WORSTELL: The pedway and then the common ground, it's all a big green space. We have, I think, 40 -- 22 to 40 acres worth of green space that we mow, and so it's all taken care of. And, yeah. The people coming out of the back, you know, there might be -- there will be some trees back there, I imagine. It's not probably listed there, but John would be able to speak more to that, but, yeah. They'll be able to go into that green space, and the kids will be able to play. There's plenty of places for them to play.

MR. STRODTMAN: Will they be part of your homeowners' association?

MR. WORSTELL: Currently, they -- they aren't. We're open to the idea that they could. I mean, if it makes sense. I mean, it doesn't -- we're not saying no. We're saying we haven't had the discussion. We just want to get this approved because we believe in what John is doing, being a resident of the

neighborhood, and we could have a whole lot worse situations where we don't have somebody that's in the neighborhood that cares about what's happening. So we're in complete support of this.

MR. STRODTMAN: Thanks.

MS. LOE: Any additional questions? I see none. Thank you.

MR. WORSTELL: Yeah.

MR. FICHTER: Phil Fichter, 4013 Blue Hollow Drive, Copperstone. We actually own a home that overlooks this. Just to clarify for Ms. Rushing, we have no problem. We actually look at Addison's out our backyard. We think it's a great idea and we're glad it's there. We support John's plan here and along with the landscaping, we want to keep that all soft. So everything has been said before by Tim. We don't want a fence. We don't want a bush. We want to keep it open and consistent with what we have in Copperstone, so that's my comments.

MS. LOE: Thank you. Any questions for this speaker? I see none. Thank you.

MR. BALDWIN: I'm Darren Baldwin; I live at 4109 Frontgate Drive. My house is actually on that -- the side, the same side of the street on Frontgate just two houses down, so I'm very much affected by this. I like John, he's a nice guy, but not enough to devalue my house or look at something I don't want to look at. So I've been very honest with him, but I will echo the statements that Tim came up here. I can't think of his name, but the same thing he said. We don't want to look at a fence. I can see that from my backyard. John has plans for a lot of landscaping that is going to go on that I think is more than sufficient to accommodate the neighborhood. I know you guys asked, you know, questions about Addison's. I was here as -- as somewhat on the fence on Addison's in the first place, mainly due to the traffic. I have three small kids. And other than, you know, like the first three weeks, Addison's has not been an issue. If anything, the additional, you know, when Addison's is an issue, it's in the evening, so I -- a lot of the people aren't going to be in John's offices at that point. It will more than alleviate the traffic more than it will -- will cause it. So that's kind of our thoughts on that. But just echoing the support that I think that this is really good and one of the best things that could go in to help transition from, you know, Addison's, you know, being a full-on restaurant to kind of, you know, transitioning into the residences. I think it'll blend really nice, so -- if you have any questions, I'll be glad to answer.

MS. LOE: Any questions for this speaker? Mr. Baldwin, I have a question. So the requirement for a privacy barrier does not dictate that it's a fence?

MR. BALDWIN: Sure. Sure.

MS. LOE: It could be landscaping. I mean, what staff are saying is -- or asking for is a commitment that there be 80-percent opacity up to eight feet. The trees that have been described are tall trees, so they may not provide that opacity at that lower level, meaning you will see the cars and you may see the headlights.

MR. BALDWIN: Sure.

MS. LOE: You're comfortable with not having smaller --

MR. BALDWIN: I think with the amount, I mean, and looking, going back to Addison's. Like, I was very, very concerned about Addison's. I mean, I can hear noise from Addison's if someone is in the parking lot yelling. And other than, again, like the first two weeks when everybody wanted to be there, I have not heard a peep out of them, and I was -- I was a very vocal, you know, somewhat of a critic at the beginning before I finally got on board with that being a really good thing for our neighborhood. So I do not see -- I think -- I think with that amount of landscaping, I just don't see that being an issue. I don't see any -- there's no barrier right there at all, and I don't have an issue with headlights. Obviously, this is going to be a little bit closer, but it's not a concern of mine.

MS. LOE: Thank you. Any additional questions? I see none. Thank you.

MR. BALDWIN: Thank you.

MR. RODRIGUEZ: My name is Jose Rodriguez; I live at 4301 Granite Springs. I'm a resident of the Copperstone. And I just want to say that I'm 100-percent on board of this project, that I think this is, like, the best situation for the neighborhood to have a -- a neighbor planning this project for us. I mean, he was -- John Hall he was graceful to host all of us to kind of hearings to make sure that we were heard, and pretty much most of the neighbors I know, they're on board of having a neighbor building something for all of us to -- they know what we want and we don't want. And I've heard about all of the people talking about that, these privacy fences, I'm a big opposer of privacy fences. I usually like open spaces, so, I mean, I just want to make sure that this project is approved, and do you have any questions?

MS. LOE: Any questions for this speaker? I see none. Thank you.

MR. RODRIGUEZ: Yeah.

MS. LOE: Any additional speakers? If you have anything new to add to the conversation, that would be welcome.

MR. BRAND: Hello. Matt Brand, 3906 Creekfront Way. I'm at the subdivision that's just north of Copperstone. I just wanted to make sure that it was known that John will spend the time to also go north of Copperstone. I know there's been Copperstone residents here mostly, but, for the most part, those houses north of this street that are closer than many of the houses that are in Copperstone, as well. So he went through there and spoke with us. We were invited across the street. That was not something that the folks from Addison's did, so we're very welcoming to that. And we do share that intersection right there and have not experienced anything in terms of that crossway. I walk across it all the time to attend Addison's, even though they didn't talk to us. But I do experience a lot of fence issues in my subdivision. It has affected property value, particularly fences that are just horrendous. You're welcome to drive through there and look at them. So the concept of larger fences, close, especially since I can see both of these properties from my backyard, I don't like that just from a monetary perspective, so that's all I have to say. If anyone has any questions?

MS. LOE: Any questions for this speaker? I see none. Thank you.

MR. BRAND: Thank you.

MS. LOE: If there are any additional speakers, if you can move forward so we can keep things moving, that will be great.

MR. HALL: I'll try and wrap things up, guys. My name is John Hall; I live at 4307 Granite Springs Drive. Tonight is my ten-year anniversary, so I'm spending it with you guys, so vote in favor of me being a butthead husband, but also vote in favor of this project. So I did want to -- like, this is something where I -- I've been here for eight years. I have three kids. My family is there, my wife is there, but in the villa that we're talking about right there, my parents are going in there. And so I am extremely motivated to make sure that this looks nice. And so when we're talking about the landscaping here, like, honestly, like, I'm meeting with the neighbors and I'm looking at this, and I want this to be great. I want trees. I'm actually a sustainable person, like, okay, put a fence there with wood or actually put living trees there and have it naturally go into the neighborhood. If I need to plant more, if we're not at a certain -- like, if Darren comes to me and is, like, there's a hole here, I'm going to plant a frigging tree. I would -- I want trees there, but, like, you've got to understand, from my standpoint, I came in and I'm listening to everybody. I sat there and talked to Pat Zenner for a couple of hours listening to him. I changed the plan and not like -- you're, like, oh, well. But I changed the plan because of his suggestions. I sat there and I said, Pat, I value this. I changed it. It took 2,000 square feet of commercial or office space away. No developer does that. That is the dumbest thing in the world to do, but I did it because I truly care about this community. I plan to live there the rest of life. I'm going -- one of those villas is for me after my parents go. And so I am extremely motivated to make this an amazing property for my family. My kids will be playing right in this area that we're talking about here -- right there. And so I am very motivated to make this safe for children. Trust me. I have three beautiful kids. I've got a three-month-old that just was born, and I am extremely motivated. So if you have any questions, I'm happy to clarify, answer questions, and let's just keep them brief because my wife is really upset.

MS. LOE: Any questions from Mr. Hall? Mr. Hall, I have one question. I appreciate all the verbal support, but one thing staff has brought up is setting a precedent here. Do you have written support for the proposed landscaping?

MR. HALL: Yeah. Yeah. If you look, the HOA actually -- half who couldn't be here, my parents who are going to be the tenants, so when we're looking at future tenants, my parents actually wanted to be here. They flew, they came in, traveled five hours to be at the last meeting and it got postponed. And so they were here to talk -- they were here to talk, to be in front of you guys. Hap, who is an HOA board member, wrote and written and said, hey, I've reviewed -- I actually sat down with the first plan, the landscaping plan, and I went over this with them.

MS. LOE: Was any of that written support submitted?

MR. ZENNER: It was forwarded. It was forwarded to you by separate e-mail.

MS. LOE: Okay. All right. Thank you.

MR. HALL: And so, I actually changed the plan, because initially -- like, this is my 34th iteration of this plan. I've spent 6,127 -- 28, around there, minutes right now on this project, and so it's a lot. And

so when you think about what I've done with landscape, it's -- at first, I did my own. Then I realized I wasn't that cool. I had hired Ross to come in, who is not a cheap landscaper. They are very good at landscaping. And so I went through one iteration. I sent it to Darren, I sent it to Hap, I sent it to people who are directly affected by this. My house is only a block away from this, too, so I am as well. We went through one iteration. Then we went through another iteration. The landscaping plan is third iteration where I've added trees. And so, like -- and I'm not a put -- like, I'm actually looking at, like, okay, what can I do. So is there written support? Hap -- H -- and works with the HOA board who reviews things like that. He was -- he sent in a report, and I'm aware of other people sending in written, as well.

MS. LOE: Great.

MR. HALL: Sorry if I got riled up there.

MS. LOE: That's fine. It's your anniversary. I understand -- exciting. Any additional questions. I see none. Thank you.

MR. HALL: Thanks a lot. I appreciate your time.

MS. LOE: Any additional speakers on this case? Seeing none, I'm going to close public hearing.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Move on to Commissioner comments. Mr. MacMann?

MR. MACMANN: I have a question for staff. Planner Smith, given what we've just heard, can we somehow meld precedent and make this work?

MR. SMITH: Can you clarify that? Well, I'm sorry. What are you asking?

MR. MACMANN: Okay.

MR. SMITH: Are you asking if I'm going to change my recommendation?

MR. MACMANN: No, I'm not -- not -- no. I'm not asking -- you've given your commission and that's totally fine. You were concerned. You wanted some clarity to write up in this plan. Can you write this -- if -- if we -- if we were to grant what Mr. Hall and Mr. Crockett have requested, can -- do you have enough clarity? Is there enough clarity for you to write this up so it's enforceable? Is that -- that's where I'm going. Are you with me?

MR. SMITH: Maybe. I think right now the way their request is structured, they're asking for no minimum requirements except for what physically is shown on the plan, so it could be 80. I mean, it could be 80, it could be ten. I don't know. So there's nothing for us to hang our hat in and say this is the minimum amount of opacity we're getting there. If they could commit to a minimum number, I think that's something then that is an objective measure that staff could enforce. So --

MS. LOE: Mr. Smith, it describes it as level 3 buffering.

MR. SMITH: Uh-huh.

MS. LOE: Our level 3 buffering does not establish any minimum standard?

MR. SMITH: No. So -- and excuse me. I was -- I was stating what the request is tonight from the applicant, and that is to not provide level 3?

MS. LOE: You're asking not to provide what's shown in the landscaping plans?

MR. SMITH: Yes. They are waiving the -- the requirement for the 80-percent opacity and the screening device. That's not to say they're not providing landscaping, but they are asking to waive any type of minimum standard beyond what's physically shown on the plan.

MS. RUSHING: But they're showing trees --

MS. LOE: Correct. But they're showing themselves as meeting level 3.

MR. SMITH: There is no indication I have seen that commits them to a level 3 buffer there.

MS. LOE: Except for the screening. We're not going to open up public discussion again, so I'm just going to --

MR. SMITH: Do you -- well, maybe I -- I could be mistaken. Is there something on the plan that you've seen that indicates they're -- they're are committing to the level 3 requirements because they specifically --

MS. LOE: Yes. Yes. On the landscaping plan under landscape compliance, Item B, which describes the landscaping along the south. As you can see, all those little Bs, at the south end, not necessarily along the west of the townhouses, it's described as 29-4.4(e), property edge buffering, level 3. Trees required, nine; trees provided, nine. Minimum area of shrubs and flowering provided how many square feet. I agree it doesn't have opacity levels and screening, but it is describing a certain amount of landscaping.

MR. SMITH: So -- so my understanding of what the applicant has requested and from my conversations with Mr. Crockett was that they didn't want to be held to the 80-percent opacity screening, so that's how I've interpreted their specific modification requests that's on the plan listed as number B or letter B. And letter C, in addition, modification to the required 80-percent opacity, so it doesn't say a reduction in the 80-percent opacity, it says a modification. And, to me, that means it removes that requirement because there is no other requirement stated in that section. Well, even if it's shown on the landscape plan, they're specifically asking for that modification, so it -- it would, in my mind, would trump whatever they're showing on there as providing. So if they're -- if they're indicating they are providing that minimum, there is no need for the design modification then. So maybe we open up the public hearing again to get clarity from the applicant.

MS. LOE: I think we need to open up public hearing and have clarification of what's being shown and what's being requested.

#### **PUBLIC HEARING REOPENED**

MR. CROCKETT: First, for a point of clarification, when --

MS. LOE: First, Mr. Crockett --

MR. CROCKETT: Tim Crockett, Crockett Engineering, 100 West Nifong. When Mr. Hall said he was going to talk with Pat for a couple hours, he, on the phone with me, and he said I'll be right back, 15 minutes, and it was two and half hours, so that's how that goes, Pat. Sorry. What we're asking for is in the level 3 screening, you have to provide the screening device, which is typically the fence. But then you also have to provide a certain number of trees and shrubbery and everything else that goes along with it,

so it's not one or the other. It is landscaping and the screening device. Okay? Now then, you can amp up your screen -- your landscaping to provide that -- that device. Okay? So it's not one or the other. So we can't go in here and remove all of -- all of the landscaping and then put a fence in. We still have to have the landscaping. That's the element that we're providing and, actually, it exceeds that, I believe. It's additional trees. By giving the variance tonight, by granting the variance tonight does not relieve us of the obligation to plant what is on the landscape plan on the PD plan. We are obligated to that plan, even with the variance that we get. The variance is so that we don't have to do the screening, but it does not obligate us -- or does not give us the freedom to ignore what we are presenting to you tonight with regards to the landscape plan. We are held to that plan.

MS. LOE: Mr. Smith?

MR. SMITH: May I clarify. So there are -- there are two requirements, to be clear. So part of the level 3 requirement is to do a ten-foot-wide landscape buffer, and that landscape buffer must be 80-percent opaque and include a variety of landscaping. The screen does not require landscaping. If you put in --

MR. CROCKETT: Are you sure, Clint? Because it's --

MR. SMITH: I'm --

MR. CROCKETT: It's always required landscaping before --

MR. SMITH: I could --

MR. CROCKETT: -- on one side or the other.

MR. SMITH: The section -- I'm looking at it right now. The screen shall be constructed of wood, masonry, brick, stone, wrought iron, compact evergreen hedge, an earthen berm, or some combination of those materials.

MR. CROCKETT: Right.

MR. SMITH: So it does not specify that it must be a certain number.

MR. CROCKETT: I'm not sure where it's in the Code --

MR. SMITH: So it could literally just be a --

MR. CROCKETT: -- but in the regulation at some point --

MR. SMITH: -- (Inaudible) -- or a wrought iron fence. Excuse me.

MR. CROCKETT: It's somewhere in the Code we do have to landscape on the backside of the fence, because we cannot put a privacy fence on a property line and put that onto a neighbor, so landscaping is a requirement even with a fence.

MR. SMITH: I'm going to disagree with you on that. In this instance, it says screen in the screen section only requires a screen, such as a fence.

MR. CROCKETT: It's -- it's -- okay. We can look at that later, but there is a requirement there. But the idea here is --

MR. SMITH: So where do you -- do you -- is the --



MR. CROCKETT: The idea here is is we will provide the landscaping, but the issue is the opacity from an eight-foot-tall level. Eighty percent, eight foot, solid all the way across, and that's the concern that we don't want. We still want an amped up landscape plan. We still want a lot of greenery; we want a lot of trees and shrubs. Yes, we do have a lot of trees in there, but if you also look at the plan, we also have a low of low-lying shrubbery underneath it, as well. Can we get to that eight foot at 80 percent? That's what we want relief from. That's the only thing that we want relief from.

MR. SMITH: It's 80 percent opacity from one to five feet, just to clarify that, too. So all right.

MR. CROCKETT: On -- are you sure? Because the --

MR. SMITH: Again, the Section 2 of the landscape --

MR. CROCKETT: Because it is an eight-foot-tall -- it is an eight-foot-tall fence. Correct?

MR. SMITH: It shall be designed -- a fence. Now, we're not talking about the screen, we're talking about the buffer again. Right? And the buffer is where the 80 percent opacity comes in. So the landscape buffer, it says at least 80 percent opacity when viewed in the space between one foot and five feet above ground at the time of installation.

MR. ZENNER: Mr. Crockett, let me add to this. The location you're referring to that it is at the property line is the exact same location that Mr. Smith is referring to as it relates to the screen, location, and design. Item, it is 29-4.4(e)(3)(i) and it reads specifically, The screen shall be located along the property line of the applicant's lot and shall not extend into an established setback of an adjoining lot. Item 2 of that same section then is the screen standard, which can be a combination of wood, masonry, brick, stone, wrought iron, the compact evergreen hedge, and earthen berm. And then the third provision within that particular section is that the combination of height to get to the eight-foot screen, the landscape material, a combination height of the screening methods identified in this section shall not be less than six feet. And since level 3 requires an eight-foot screen device, you could do a two-foot berm and then six feet of additional landscaping in order to meet the screening device standard in addition, I believe, to what Mr. Smith is saying the landscape buffer requires. So it's almost a -- if you choose to opt out of the landscape -- of the -- of a screen, of a permanent screen of some nature, and the landscaping is capable of providing that screen, plus meeting the 80-percent of the first section of the buffer, I think that's what we're trying to drive at. Does the landscaping that's provided on the site afford that area --

MR. CROCKETT: But you're asking me these questions. This is the plan we've submitted, and your arborist has told us we need to have these variances.

MR. ZENNER: And I'm asking is the plan, though, is there -- I'm not sure that --

MR. CROCKETT: I would say that we meet that requirement, especially on the north-south portion, but the City's arborist is the one that's saying that we don't. We're the one providing six to eight-foot-tall greenery. It may not be ten foot in width, but it's a screen, but the City arborist is the one who is advising us and saying that doesn't conform to their own standard. And so that's the issue that we're at. So we've argued that it potentially does and you're saying it doesn't. So you're asking me these

questions and I think that the City arborist would be the one that needs to be asked because he's the one saying that we don't conform to that.

MS. LOE: Mr. MacMann?

MR. MACMANN: I think I can narrow some of this down. I get the feeling you all don't want a fence.

MR. ZENNER: That's what I'm hearing, as well.

MR. MACMANN: So, say -- just say, the sake of argument going forward, so just get the greenery, we were to waive the fence.

MR. CROCKETT: If you waive the fence and approve the landscape plan, we would be ecstatic.

MR. MACMANN: Okay. But let's for the sake of discussion moving forward, say we voted to waive the fence. Mr. Smith, you need something you can define in this plan, that you can enforce; is that what you're saying?

MR. SMITH: We can enforce what's there now. It's a --

MR. MACMANN: What's in the PD plan?

MR. SMITH: -- (inaudible) -- presentation of plants. It is not a percentage of opacity similar to what the Code has now. So we can enforce this, but it's hard to visualize exactly what that will be on the end.

MR. MACMANN: But you can enforce that. It's -- it's -- it would not, if we move the screen, the protections that we've taken away, the neighbors say they don't need, if we accept the plantings as they are, we are meeting the protective need that we sought to provide in the short term. I agree with you, your holistic long-term view, I agree that may very well be an issue. I guess going back to my question of about 15 minutes ago, this plan is enforceable. You guys can enforce that --

MR. SMITH: (Inaudible) -- yes.

MR. MACMANN: -- although it doesn't meet the typologies --

MR. SMITH: Right.

MR. MACMANN: -- and perhaps the width the arborist would -- is -- has been asked to enforce by us.

MR. SMITH: Yes. If that's the question, yes. It's enforceable. It has plant species on there. It has the physical location, so they can go out and verify that these plants were planted.

MR. MACMANN: Thank you, Mr. Smith. Thank you, Mr. Crockett.

MS. LOE: Mr. Stanton?

MR. STANTON: Mr. Crockett, just to verify. We can achieve 80 percent opacity with just plants and berms; is that what you're telling me -- with no fence?

MR. CROCKETT: We can. I'm not sure that your City arborist is saying that that conforms to that.

MR. STANTON: But could you do it -- can you do it?

MR. CROCKETT: Between what -- between what height? That's the issue. The neighbors don't want a barrier. They don't want a fence, they don't want a barrier, they want it open.

MR. STANTON: Yeah. I --

MR. CROCKETT: So, you know, while we can provide screening or a landscape element, we don't want a solid barrier between the two properties. The neighbors don't want a solid barrier between the two properties.

MR. STANTON: Okay. This is where I'm at. This is where I'm at. I don't want to open up a can of worms because you know and I know if we give you a variance on this, every other contractor from here on out is going to be, like, I need a variance on landscaping. Everyone, and you know it's going to happen. Just like sidewalks, you know it. So what I'm trying to say, okay, I agree that the neighbors do not want a fence, they don't want a solid barrier. Can you give me 80-percent with just plants and dirt? Can it happen engineeringwise, mathematic scope, slope and everything. Can you do it?

MR. CROCKETT: It can happen, but it will go against what the neighbors have just -- have voiced that they want.

MR. STANTON: Okay.

MR. CROCKETT: We have come before this Commission for decades. This Commission and Council has asked us to go to the neighbors, get their input, seek their approval. Go to them and see what they want. Mr. Stanton, you're asking me to have a win-win. I'm bringing you a win-win tonight. I've got the neighbors on support, I've got my applicant who is in -- you know, willing to do what they want. I've got a win-win, and that's what we're asking for.

MR. STANTON: Okay. Now, a win-win, if we're going to go there. Okay? A win-win is not putting me in a position to have to attack variances from here on out, because every contractor is watching this show right now waiting for us to give you a variance on this landscaping. We will be flooded with landscape variances if we say, oh, Mr. Crockett, forget about it, just because the neighbors don't want it.

MR. CROCKETT: And the landscape variance and the landscape screening is there to serve a purpose, is to screen your development from the neighboring development. And I'm telling you that if you have both parties on both sides and both associations that are in favor to that development, I think then that -- that justifies -- gives good justification for a variance. If the other says no, hey, it's a totally different ballgame. But when we don't have a single person opposing what we're proposing here tonight, I think, yes, then it does justify a variance.

MR. STANTON: Good argument. Thank you.

MR. CROCKETT: Thank you.

MS. LOE: Any additional questions for this speaker?

MR. MACMANN: I just have a comment. You just made me agree with Paul Land.

MR. CROCKETT: I'm sorry for that. Thank you.

MS. LOE: Thank you, Mr. Crockett. This is still public comment, so -- yes.

MR. STANTON: It's about to be my anniversary, so --

MR. HALL: It's my ten-year -- this is my ten-year, and I'm with you guys. You guys seem like lovely people, but still my wife's -- sorry. But this precedent thing.

MR. STANTON: Name, please.

MR. HALL: I'm sorry. John -- I'm really not good at this. John Hull, 4307 Granite Springs Drive. Cool. I completely understand where you're coming -- this is actually Deja vu. Pat will tell you the same thing. I was here, like, four or five years ago for this precedent thing, and it was a similar concern. Pat -- and this has not happened, and I stopped it from happening actually. And what I would just tell you is that -- and you guys have more experience in this matter. When you have something where -- and I worry about precedents with my companies. Like, I can screw over a lot of people with precedents, but when there are specific circumstances where you have full neighborhood support all around you, an applicant who is extremely motivated to do the right thing, and when you look at it from a standpoint if you ever run into a situation exactly like this, similar to when I'm looking at my company on precedents, I'm going to grant it, honestly. That's me as a boss. I will look at it and say when that next person comes in and asks for a variance, you better clearly have all this stuff. You better have this situation, this situation, this situation, and I feel like we have that, honestly. And, like, I've been working so hard towards this. And so I would just tell you when it comes, I'm concerned about precedents all the time in my everyday life, but I would just tell you in this case, to me, this is a win on every single level. And the reason why there is Code in place is to protect me as a neighbor and protect the people who have spoken out tonight. And so I would -- I would just tell you, honestly, in the future, if something comes up like this, I think you will be able to clearly show what happened here.

MS. LOE: Mr. MacMann?

MR. MACMANN: Scenario.

MR. HULL: Sure.

MR. MACMANN: Thank you, sir. Ten years down the road, HOA turns over. They don't like what you've done.

MR. HULL: Yeah. Okay. So what -- specifically --

MR. MACMANN: What do you do?

MR. HULL: Specifically, what --

MR. MACMANN: I mean, the trees. It's not whatever.

MR. HULL: Specifically with this landscaping?

MR. MACMANN: Yeah.

MR. HULL: I find it very hard to believe that any HOA in the future is going to be upset with the enforceable. Once again, this is enforcement. Like, when you look at actually what this looks like, it is an enforceable plan. That's what I was told. Maybe somebody --

MR. MACMANN: I think it is. It's probably -- I went over it repeatedly with Planner Smith. I wanted to make sure that this is something that they could do.

MR. HULL: This, yes. And I worked -- and this has been three upgrades. I've talked to -- like, yes. If I -- I can honestly -- be honest with you, if I had talked to one person that said no. But when you think about ten years down the road, do you think that I'm going to have 100 percent people right now in this moment and go around on both sides of it and everywhere and say, like, I am being honest. I do think that they would fine with this.

MR. MACMANN: Well -- well, we shall see. I was just positing that. Thank you.

MR. HULL: Okay.

MS. LOE: Any additional questions?

MR. HULL: All right. Thank you, guys.

MS. LOE: I see none. Thank you. Any additional speakers? Seeing none, I'm going to close public comment.

### **PUBLIC HEARING CLOSED**

MS. LOE: Commission, comment? Discussion, motions.

MR. STANTON: I'm going to say this. Oh, I'm almost there. Crockett almost did it. I'm almost there, but I'm still concerned. I'm concerned that you know -- we know how this is going to go. If we say yes, you think we've got sidewalk variances, man, every guy that comes in -- comes up here and asks for something will ask for a variance on this landscaping. Now I do agree that it seems like all the stars are aligned on this project -- this project.

MR. STRODTMAN: Mr. Stanton, my only comment would be that we look -- I think we look at every situation uniquely for what it is, and we try to apply the zoning and the rules across the board evenly with all of them, but we know every case is a little bit unique and different and they're not always the same apples to apples. And so I think you have to listen to the neighbors. I mean, if you go out to this -- this development, it's probably one of the nicest developments in our community. And, you know, these neighbors are not going to support -- I think they're going to put so much pressure on this landowner if he does not fulfill it that they'll run him out of this neighborhood. I mean, I think they'll really turn on him if he doesn't do what he says he will. So I think as a result, I think that I tend to want to support them because that's -- you know, it's the neighborhood. They were so against Addison's initially, and now there's no one here today to speak against it. So I think it's a win -- you know, not to use your words, but I think it's a win-win because we are transitioning from a higher density use into more residential in a very nice community of our neighborhood -- in our community that wants this. And I don't think we're setting ourselves up for future because when Mr. Crockett brings the next deal and he wants to, you know, do something different, we'll be, like, you know, no. The residents don't want this or, you know. I plan on supporting it. I think it's a great project. I think it helps us with that west corner. That west corner, I think, should really scare everybody because it's a big chunk of land and it could really change things. So I think this is a good set continuing a good trend of a nice development that I hope can continue on to the west side.

MS. LOE: Ms. Burns?

MS. BURNS: I respect everything that's been said here tonight, but I agree with Mr. Strodman. I think the fact that there has been no negative comment on this particular plan. Frankly, the landscaping out in Copperstone is spectacular. We went out there to get ideas when we were doing landscaping. I can't see that this would be skimpy or look like it wasn't appropriate and provide the screening that I think everything hopes for in their residential neighborhood.

MS. LOE: Mr. Toohey, do you have a motion?

MR. TOOHEY: Sure.

MS. LOE: Sorry. Ms. Rushing? We'll have comments on the motion.

MS. RUSHING: Yeah. I can do that.

MR. TOOHEY: Does she have comments?

MS. LOE: Do you have comments now, Ms. Rushing?

MS. RUSHING: It doesn't matter when I make it, but I believe the request is consistent with the rest of the development, which is they have fences, but they're not opaque fences. It has an open feeling. They have substantial green space and trees and I just think that their proposal is consistent with the overall look and feel of the development.

MS. LOE: Mr. Toohey?

MR. TOOHEY: I make a motion in Case Number 122-2019, a request by Crockett Engineering on behalf of HJRJ Investments to approve their request as the request has been stated.

MR. MACMANN: Second.

MS. LOE: Second by Mr. MacMann. Staff, does that cover approving the requested design adjustments?

MR. ZENNER: You're making a motion to approve with the landscape design adjustments, with the design adjustments, so that covers it.

MS. LOE: Any discussion on -- we have a motion on the table. Any discussion on that motion? I see none. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 8-0.**

MS. BURNS: Eight to zero, motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council.