

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

NOVEMBER 10, 2016

VI). PUBLIC HEARINGS

Case # 16-173

A request by Catalyst Design Works (agent) on behalf of P1316, LLC (owner) for approval of a C-P/O-P (Planned Business/Planned Office District) Development Plan on 12.51 acres of land, to be known as "Discovery Park Subdivision Plat 4 C-P/O-P Development Plan". The subject property is located on the west side of Nocona Parkway, approximately 1,500 feet south of Ponderosa Street.

MR. STRODTMAN: May we have a staff report, please?

Staff report by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the Discovery Park Subdivision Plat 4 C-P/O-P Development Plan and the associated design parameters, with the condition that the City may require the construction of a third access any time after 150 units have received occupancy permits provided the City clearly demonstrates that the two access points are not sufficient to provide safe and adequate ingress and egress from the site.

MR. STRODTMAN: Commissioners? Mr. MacMann?

MR. MACMANN: Yes, sir. Thank you, Mr. Chairman. Mr. Smith, where -- could we go back to the intermediary map where we are showing the private road as it --

MR. SMITH: Uh-huh

MR. MACMANN: -- discharges to the south there? Conceptually -- and I'm just not holding you to this, where would that third egress be?

MR. SMITH: Sure. And I'll go back to the --

MR. MACMANN: I mean, where can't it be, I guess is the better --

MR. SMITH: Right. So as you can see here -- and no, I don't think it has it in your packet, but generally, Nocona comes along the east portion of this property and it stubs into a roundabout. Generally, the third access point likely would come south out of that development and hook into an extension of this round -- or an extension of a roadway that would come directly west out of this roundabout. So it would basically be an access point that came generally something along these lines to -- to access this roundabout at this location.

MR. MACMANN: Okay. That's -- that's kind of what I was thinking. Now, can we go back to your final page? What's your trigger? 150?

MR. SMITH: Yes. So that gives them something --

MR. MACMANN: Will the City ask to be notified? I mean, what's the process there? I mean, we're giving COs as these buildings each of the ten --

MR. SMITH: Correct.

MR. MACMANN: -- come online.

MR. SMITH: Uh-huh. Yeah.

MR. MACMANN: Are you all going to automatically review traffic at that point or --

MR. SMITH: No. This is something we see to be a -- a kind of as-needed or as-identified issues come up. So it's not something we'll be actively tracking the 150 units. I think it is something that once that 150 units are met, the City at any point can come if those issues have been brought up or --

MR. MACMANN: That's where I'm going here.

MR. SMITH: Right.

MR. MACMANN: At any point. So you're not going to miss a window there. Correct? I mean, they could have full COs on all 336 -- all ten buildings, and then you all could make your assessment and then it could be problematic.

MR. SMITH: Exactly.

MR. MACMANN: I just wanted to make sure there wasn't a narrow window. Thank you, Planner Smith.

MR. STRODTMAN: And the consequences if they were fully built out? How would -- I mean, what would be the enforcement tool?

MR. SMITH: At that stage they would be in violation of the zoning requirement per the PUD plan. So there are -- there are steps included within the zoning ordinance that would allow certain measures to be taken. Obviously, the easier way would be to withhold COs in the future, but again --

MR. STRODTMAN: If they --

MR. SMITH: -- we don't necessarily foresee this as a -- as a pending issue. It is more of a -- kind of a -- like I said, a tool in your toolbox in case something does come up.

MR. STRODTMAN: Commissioners? Mr. MacMann?

MR. MACMANN: Just one more question. As that does develop to the south, that private drive is going to get overloaded. That's -- that's my thinking.

MR. SMITH: Uh-huh.

MR. MACMANN: I mean, right now there is nothing there.

MR. SMITH: Sure.

MR. MACMANN: Okay.

MR. SMITH: And that weighed into the conversation some is that without having that development plan to the south and knowing how the private street would be used --

MR. MACMANN: So assume it is as is? That's all we can do right now.

MR. SMITH: Yes.

MR. MACMANN: Correct?

MR. SMITH: Uh-huh.

MR. MACMANN: All right. Thank you.

MR. SMITH: As new development comes online, we'll also review that for -- for how it meshes

with this development.

MR. STRODTMAN: Additional comments? Questions of staff? I see none. We'll go ahead and open up to the public. Anyone in the audience would like to come forward and speak on this matter, we would appreciate it.

PUBLIC HEARING OPENED

MR. STRODTMAN: Just please give us your name and address.

MR. HALL: Good evening, Mike Hall, Catalyst Design Group, 4240 Phillips Farm Road. Just a lot of what we've talked about as far as the intricacies of the project has already been outlined by Mr. Smith. I would kind of like to expand on a couple things. One thing is Nocona has -- is -- as of today, all of the signs are up. So the City inspection should have the pre-final issued on Monday is where we are at on the status of the road. So between that and the plat that the road lies upon, that all is in -- through the work, so that is all -- all done from an infrastructure standpoint because not only the road, but it is also the utilities to serve this development. In addition to that on the easement, like Mr. Smith noted, it is different entities that own the parcels now. That is why we are doing the easements, so that it is protected in the future, but it is common ownership. It is all common ownership between the two different entities. And the other thing is as far as the third access point, we are doing private road. The reason we did not want to do a third access point at this time is because we don't want to build something and then have to rip it out if it is not exactly where plans intended. So this was a mutually acceptable compromise that felt like it protected the interests of the public as well as the interest of the developer. And it is a way to really mitigate concerns. And it has -- like Mr. Smith said, fail-safes and stop gaps in it to make sure it is appropriately done. A couple of other things, this particular development, the small -- the buildings close to the road will be four story in height. The rest of them will be similar in construction, three story in height to what is out there right now. All will be all brick, all sides, just like we have, so it will be very consistent with what is already constructed out there. Beyond that, we've -- in this particular plan, I personally believe we've done a little bit more as far as pedestrian connectivity throughout the site, partially by the nature of the plan because it is not just a single strip of road like the first phase. Beyond that, that is pretty much everything I have. I'm happy to answer any questions that anyone has at this point.

MR. STRODTMAN: Commissioners, any questions of this speaker? I see none. Thank you, Mr. Hall.

MR. HALL: Thank you very much. I appreciate your time.

MR. STRODTMAN: Anyone else in the room would like to speak on this matter? I see none.

PUBLIC HEARING CLOSED

MR. STRODTMAN: We'll close the public hearing portion of this. Commissioners, questions, comments, motions?

MS. RUSHING: Are there any landscaping requirements with regard to this proposal?

MR. SMITH: Yes. There are the typical landscape requirements within our zoning ordinance, and it generally relates to the amount of pavement -- a ratio of pavement per required trees. There's

requirements if parking is located within a certain proximity to streets, but they do meet the minimum landscaping requirements. And if I may actually -- I would say that, kind of give some appreciation to the applicant. We did request some additional landscaping within the parking lot as part of our discussions, and again, he said the connectivity as well was something that staff and the applicant had discussed. And we do appreciate them working that into the plan and adding some additional islands in the parking lot to kind of break up the expanse of pavement. So those are things that we think add a level of interest and value to the property, and we do appreciate them accommodating those requirements -- or those requests.

MR. STRODTMAN: Commissioners, additional? Mr. MacMann?

MR. MACMANN: Mr. -- I have another question for Mr. Smith. And this is RE storm water. Is there a bioretention on site? I'm sorry. I'm not as familiar with the plan as I should be.

MR. SMITH: I don't think on this site. This is -- this is a part of a large storm water plan for all of Discovery Park. If -- some of you may recall some conversations we have had in the past with Discovery Park, it has kind of its own --

MR. MACMANN: Right.

MR. SMITH: -- developed storm water outside of what our typical storm water 12A Chapter requirements are, so I think most of the storm water for this one is being accommodated to the west.

MR. STRODTMAN: Mr. Hall, if you would like to come back up and -- sorry, you have to say your name and address again.

MR. HALL: Not a problem. Michael Hall, Catalyst Design, 4240 Phillips Farm Road. To answer -- to specifically address the storm water, the -- right above the arrow on the aerial print there, there is a -- it's called Lot 6 of the first plat out here. That particular lot is an extended wet detention basin that is providing storm water quality. It is not detention because detention retention is through the lake as part of the original development agreement. But the storm water quality feature is that, and that is like a two-acre tract of ground that has been developed specifically for storm water quality for more than just one particular lot. It is more of a quasi-regional feature.

MR. MACMANN: It's a common.

MR. HALL: Yes. That is correct. And that is something that I worked very hard with City storm water staff to develop because this is such an odd duck out there compared to everything else.

MR. MACMANN: And that's -- that's actually why I brought it up and got it on the record.

MR. HALL: Absolutely. And I appreciate the question for sure.

MR. MACMANN: Yeah. Because we -- you know, we have these -- these ongoing issues. Just one more question. I'm sorry. I just wanted to make sure we get this right. The easement in the future -- and this may be Mr. Smith's thing. And, Mr. Hall, you spoke of this also.

MR. HALL: Yes.

MR. MACMANN: A potential third point of egress is also going to be a utility corridor. I mean, are we conceptually -- and I know this is not all your all's property, and that is why I directed some of this to

Mr. Smith. Is it going to be wide enough for what we want to do -- where you think we are going with Discovery Parkway?

MR. SMITH: Which portion of the roadway?

MR. MACMANN: Well, a potential third --

MR. SMITH: A third access point?

MR. MACMANN: Yeah.

MR. SMITH: Yeah. It is something that is not designed and we don't have specific minimums with that. But it's -- it would be reviewed as part of the requirement for them to construct that. So we would have them built to some minimum standard. When it comes to plan developments, there is not necessarily in these private streets that are within them, there's not necessarily a minimum given to staff, so it makes it a little --

MR. MACMANN: Well, that's one of the reasons I bring this up. And we've seen this in -- in like West County, St. Louis, and other major urban and suburban areas that are developed. These private streets over time become public streets. And that's -- it's relatively common for that to happen.

MR. SMITH: This -- there is some language in there that states that unless it is built to a specific City standard, the City will not accept it in the future. Most private streets we have now don't have the necessary space for a full right-of-way, and they are typically not -- I can't say for 100 percent, but they are typically not built and inspected like a City street. And if they're not inspected like a City street, the City can't -- I don't think they can verify that it is up to standards, and therefore, would not accept it. We haven't had -- well, I don't want to speak out of turn. As far as I know, we haven't had that come up, but I understand the concern there.

MR. MACMANN: It's a potential issue up in the north and things, so I just -- again, I kind of wanted to get that on the record because private streets can tend to go in that direction. If it is going to be ours, so to speak in the future --

MR. HALL: Correct. And as Mr. Smith indicated, on the actual C-P plan itself that will be approved, there is specific language to that effect that unless it's built according to City standards, it can't be turned over. So it's locked in from that perspective.

MR. MACMANN: All right.

MR. HALL: And I think that is a very valid question. I have seen it happen and I've seen it on the other side -- the municipality side when people try to get streets that are substandard, for a lack of way to put it, to the City standard approved, and you just can't do it.

MR. MACMANN: All right. Thank you very much, Mr. Hall. I appreciate it.

MR. HALL: Absolutely.

MR. STRODTMAN: Any additional questions of Mr. Hall before he -- thank you, Mr. Hall, for coming up again.

MR. HALL: Thanks again. Yeah.

MR. STRODTMAN: Commissioners, any additional questions, comments, motion?

Mr. MacMann?

MR. MACMANN: In the matter of 16-173, a request by Catalyst Design Works on behalf of P1316, LLC for approval of the C-P/O-P Planned Business District, I move we approve and accept.

MR. STRODTMAN: Thank you, Mr. MacMann. Do we have a second?

MR. STANTON: Second.

MR. MACMANN: I apologize. Ms. Loe has corrected me. I'm going to add on before I get a second here. Where did I stop off?

MR. STRODTMAN: Page 2.

MR. MACMANN: With the condition that the City require the construction of a third access -- the City may require the construction of a third access any time after 150 units have received occupancy permits provided the City clearly demonstrates that the two access points are not sufficient to provide safe and adequate ingress and egress from the site. Thank you, Ms. Loe.

MR. STRODTMAN: That is the correct motion. Is there a second?

MR. STANTON: Second.

MR. STRODTMAN: Mr. Stanton seconds that motion. Commissioners, there has been -- a motion has been put on the table and seconded. Is there any questions or comments on this motion? As I see none, may we have a roll call, please, Ms. Burns.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Seven to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Do we have -- Mr. Zenner, I don't need to open up the public -- we can do that at the end after all of our M-DT discussions have been completed or do we need to do a public input now -- discussion, comments?

MR. ZENNER: We can do that if you would like. I mean, we won't do -- and I can do the staff comments or at least the upcoming projects, if you would like.

MR. STRODTMAN: Yes. Why don't we just do that and that way we're not -- if anybody is here for that reason, they -- and then we can get straight back to M-DT, please.

MR. ZENNER: So if you would like to ask if there is any public comments.

MR. STRODTMAN: Oh, yeah. I'm sorry. I was just getting to my notes. Okay.