MINUTES

PLANNING AND ZONING COMMISSION MEETING

COLUMBIA CITY HALL

701 EAST BROADWAY, COLUMBIA, MO

JANUARY 9, 2025

COMMISSIONERS PRESENT	COMMISSIONERS ABSENT
Ms. Sharon Geuea Jones	**Ms. McKenzie Ortiz**
Ms. Sara Loe	**Mr. David Brodsky**
Mr. Anthony Stanton	
Ms. Peggy Placier	
Ms. Shannon Wilson	
Mr. Robert Walters	
Mr. Thomas Williams	

STAFF PRESENT

Mr. Pat Zenner
Mr. Ross Halligan
Mr. Jesse Craig

I. CALL TO ORDER

MS. GEUEA JONES: I will now call the January 9th, 2025 meeting of the Planning and Zoning Commissioner to order.

II. INTRODUCTIONS

MS. GEUEA JONES: Commissioner Williams, when you're ready, may we have a roll call?

MR. WILLIAMS: Ms. Geuea Jones?

MS. GEUEA JONES: Here.

MR. WILLIAMS: Commissioner Williams, here. Commissioner Loe?

MS. LOE: Here.

MR. WILLIAMS: Commissioner Wilson?

MS. WILSON: Here.

MR. WILLIAMS: Commissioner Walters?

MR. WALTERS: Here.

MR. WILLIAMS: Commissioner Brodsky? Commissioner Ortiz? Commissioner Placier?

MS. PLACIER: Here.

MR. WILLIAMS: Commissioner Stanton?

MR. STANTON: Present.

MR. WILLIAMS: Seven present, two absent. We have a quorum.

MS. GEUEA JONES: Thank you.

III. APPROVAL OF AGENDA

NS, GEUEA JONES: Are there any changes or adjustments to the agenda this evening, Mr. Zenner?

MR. ZENNER: No, there are not, ma'am.

MS. GEUEA JONES: Is there a motion to approve?

MS. LOE: Move to approve the agenda.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner Loe; seconded by Commissioner Stanton. Could we get a thumbs-up approval on the agenda?

(Unanimous vote for approval.)

MS. GEUEA JONES: Unanimous.

IV. APPROVAL OF MINUTES

MS. GEUEA JONES: We all received a copy of the December 5th, 2024 regular meeting minutes. Are there any changes or adjustments to the minutes?

MS. LOE: Move to approve the minutes.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner Loe; seconded by Commissioner Stanton. Could I get a thumbs-up approval on the minutes?

(Unanimous vote for approval.)

MS. GEUEA JONES: Unanimous. Thank you.

V. PUBLIC HEARINGS

Case Number 48-2025

A request by Crockett Engineering (agent), on behalf of Beacon Street Properties, LLC (owner), seeking approval of a site-specific PD development plan and Statement of Intent (SOI) for Lot 96 of the Bristol Lake Subdivision. The proposed development plan is to be known as "The Cottages at Bristol Lake" and would permit the development of the site with 40 single-family lots and two common lots. The associated site-specific statement of intent amends the approved 2004 statement of intent for Tract 2 of the Bristol Lake development. The approximately 6.2-acre subject site is located northwest of the intersection of East Gans Road and Bristol Lake Parkway.

MS. GEUEA JONES: May we please have a staff report?

Staff report was given by Mr. Ross Halligan of the Planning and Development Department. Staff recommends approval of the proposed PD Plan entitled "The Cottages at Bristol Lake" and associated Statement of Intent.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had contact with parties to this case outside of a public hearing, please disclose so

now. Seeing none. Are there questions for staff? Commissioner Loe?

MS. LOE: Thank you. The 15.81 acres of impervious area currently there, did that include streets?

MR. HALLIGAN: Yes. That includes the streets and the sidewalks that are currently in place.

MS. LOE: And the streets are not on parcel 96 --

MR. HALLIGAN: Yes.

MS. LOE: -- or lot 96?

MR. HALLIGAN: There is no developed streets yet.

MS. LOE: Okay.

MR. HALLIGAN: That has not been developed, the infrastructure of that nature yet.

MS. LOE: Thank you.

MS. GEUEA JONES: Any other questions for staff? Commissioner Williams?

MR. WILLIAMS: Sorry. In 2004, you know, I feel like I read this in your report, but is there -- what was originally approved for Lot 96? Was there --

MR. HALLIGAN: The original developed was condominiums -- was condominiums and town homes, is what they were reserved for; am I correct on that?

MR. ZENNER: That's correct. And the -- so when the PD Plan was approved in 2005, the lot layout that you see before you was created. So the preliminary plat that was presented also served as the PD Plan. At that time, there was no development proposed on Lot 96, however, the Statement of Intent and that PD Plan -- the Statement of Intent was in 2004 when the annexation and development statements of intent for all of Bristol Lake were approved, and so there was an allocation per that Statement of Intent of an impervious coverage and a product allowable uses on Tract 2, which is what Lot 96 is part of. In 2005 when the -- when the preliminary plat was approved, which again served as the PD Plan, as well, there was very specific allocations of square footages to each of the product types that were proposed. Allocation for single family homes, allocation for attached two-family, and then an allocation for what was proposed on Lot 96 as condominiums at 2.75 acres. The homes that are part of Bristol Lake have been built out. They have been built out at a impervious coverage ratio greater than what they were originally allocated. The two-family structures that have been built have been being built at a slightly larger impervious cover than what was originally anticipated in 2005. Hence, that is what is causing, our staff has noted in the staff report and in his presentation this evening, to identify the development patterns as they exist right now on everything other than Lot 96 are exceeding the impervious cover ratios that were allowed or allocated. Lot 96, however, is seeking to increase its impervious coverage roughly .3 -- .13 acres greater than the 2.75 that was allocated in 2005, and is seeking to change the land use, which was originally condominiums, to 40 single-family, small footprint or small lots. So they are looking at introducing a product tied into this environment that was not previously contemplated, however, consistent with current housing trends and demands within the City of Columbia.

And the condominium product is not desired by the current owner of this land and therefore, the site specific development plan is being proposed with the lotting arrangement that is presented as part of this, and the site specific Statement of Intent uniquely tied to Lot 96 only. So while the 2.75 acres is part of the overall tract, added to that would be the additional .13 acres. The Statement of Intent would allow for up to 50 percent, as Mr. Halligan had indicated, and that would allow for a maximum of 3.1 acres. But based on the plan that's been presented, 2.88 acres is all that would be being utilized. The allocation of remaining square footage, so the upshot to the Planning Commission's action this even is is you would be, in essence, increasing at this time the total impervious coverage for Tract 2 by .13 acres and allowing Lot 96 to be developed with 40 single-family detached residential lots versus a single condominium structure containing 36 units. That is the end impact of this evening's request. As pointed out in the staff report, the applicant -- or the developer of the two-family attached product has been notified and was coordinated with after the concept review for this Lot 96 was presented. There has been further discussion with staff as it relates to a subsequent amendment to the remaining Statement of Intent applying to Tract 2 to address their needs in order to ensure that the remaining 33 lots can be built with whatever additional impervious cover needs to be created. That is a subsequent request solely before the Planning Commission this evening as a consideration of approving a site-specific plan for 40 individual detached residential lots and .13 acres of an increase in impervious surface.

MR. WILLIAMS: Thank you, Mr. Zenner. And then as a follow-up, if the developer had decided to move forward this year with the original proposal for the condominium units, would they have needed any further approval from this body?

MR. ZENNER: It still would have needed a site-specific PD Plan approval because no site-specific PD Plan was submitted in 2005. So you still would be receiving a development plan review, but for a condominium building, that would have then had to have shown compliance with .27 or the 2.75 acres of impervious cover and meeting all other development requirements as they exist today.

MR. WILLIAMS: Thank you.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Mr. Zenner, you've touched on a topic that is troubling me because, basically what the question that appears before this body does appear to be that you're asking us to increase the percentage of impervious pavement for Tract 2 as approved in the original Statement of Intent, which was set at 30 percent, whereas, the original 2004 SOI provided means for accommodating shifting percentages between parcels, and it sounds to me like the developer has not taken advantage of that. So I -- I just want to reconfirm that these conversations were had with the developer and they've chosen not to pursue those paths?

MR. ZENNER: From -- from the conversations that were had as it related to the subject sites owner and the two-family portion of Bristol Lake that is still under development, it was a desire that we had both developers present one unified amendment to the Statement of Intent for Tract 2. The owners

of Lot 96 decided to proceed forward first, and it was in our opinion that it was better that they asked for a site-specific Statement of Intent for Lot 96 dealing with their development impact as we have done with other projects within the overall Bristol Lake development. So the -- the site-specific Statement of Intent applying to Lot 96 would be not inconsistent with what we've done elsewhere. And the interesting thing is is elsewhere within Bristol Lake it has all been under a single comprehensive common ownership, and so if you look at all of what is occurring two parcels over on the other side of Philips Farm Lake is being developed by the Odles, and it is being developed under Discovery Park. It is all -- all of the development tracts, and there are, if I'm not incorrect, four, that are involved in the existing Discovery Park development, they are -- they all have the same sharing of impervious cover ratios between all of those tracts that they control in a unified development. This particular project here is a unique animal in that there are three separate and distinct development entities that are within it, and each of those development entities do not have to play together at the same time. And so from a staff perspective, we're -- as the staff report identified, impervious surface coverages, we look at that as a holistic number. So the total impervious cover within this development was just a little bit over 22 acres, and it is on a first-come-first-serve basis. You could take it if you wanted. However, our advice to the applicant in the processing of this request was seek to -- seek to increase your allotment per the 2005 PD Plan specific to Lot 96, and work with the developer of the remaining large bulk of property and do a comprehensive amendment. They chose not to. So that's -- I mean I think if we had had what we wanted, we'd be looking at this from a much more holistic perspective and understanding how much of the open space allocation per se to all of Tract 2 would be impacted. There's a significant correlation, I think, to the amount of public open space that surrounds this property, stormwater improvements that were made in the development of Tract 2 in Bristol Lake that need to be considered when we look at a .13 acre increase in impervious surface before saying we've completely ignored or we are on the precipice of ignoring a 30 percent open space coverage for Tract 2. This particular property in general is probably surrounded by the most public open space in the City of Columbia. And therefore it is unique, and it is also potentially very unique in that the drainage features that were constructed which were part of the underpinning purposes of why the impervious coverage ratios were established have been exceeded, and we will let the applicant's engineer speak to that fact. We also had this property annexed into the City of Columbia several years before our current stormwater ordinance is in place, which actually provides higher qualities of BMPs and other stormwater management features than were ever envisioned through the actual development agreement and parameters that were established for Discovery Park. And so Mr. Crockett can respond to questions the technical component of this as to how this increase in their allocation of impervious surfaces may impact the surrounding area. It is the staff's opinion that the process in which we are -- which is being presented to you this evening is consistent with what we have done elsewhere, but it is also against the backdrop of three separate developers in one planned development which is typically you would consider a planned development being one unitary project built

by one group. That's not the case here.

MS. LOE: Thank you, Mr. Zenner.

MS. GEUEA JONES: Any other questions? Go ahead, Commissioner Walters?

MR. WALTERS: Yeah. I have one minor questions. So the 2005 plan that specified that these could be condominiums, was there any stipulation or expectation of a size of those -- what those condominiums may have been?

MR. ZENNER: No. It was only controlled by the amount of impervious cover that was allocated to the tract.

MR. WALTERS: So those 36 units could have been 1,000 square foot units or 2,000 square foot units, whatever the designer at the time would fit the impervious standards.

MR. ZENNER: As long as, yes, the combined impervious area of the building plus any common parking areas didn't exceed what the maximum limitations were.

MR. WALTERS: Okay. Thank you.

MS. GEUEA JONES: Commissioner Loe, did you have --

MS. LOE: Just to follow up, there's also an open-space requirement, I believe, of 70 percent for Tract 2?

MR. ZENNER: Thirty percent -- 30 percent developed, 70 percent open; that is correct.

MS. LOE: Thank you.

MS. GEUEA JONES: Anyone else?

MR. ZENNER: That was -- and if I may, that's collectively over all of Tract 2, not of the individual parts that were identified.

MS. GEUEA JONES: So I've got a couple of questions. This PD Plan, the one that exists without the site specific plan, and the SOI attached to it have been in place for 20 years. Correct? This was passed in 2004?

MR. ZENNER: Correct.

MS. GEUEA JONES: I know we've done a lot including adopting the UDC and a bunch of other things to our planning ordinances since then. However, the usage of this property has not changed, and everyone developing there had access to the SOI for 20 years. Correct?

MR. ZENNER: That is correct.

MS. GEUEA JONES: Everyone purchasing the properties in there knows this is the SOI attached to it, this is what you can and can't do.

MR. ZENNER: One would assume that that was provided them as they were purchasing their properties.

MS. GEUEA JONES: Right. Right. Correct. One would assume much the way that you know the zoning of the property that you're buying. You would know that it's a PD and there's an SOI attached. Do we have any idea when building was last done within this tract?

MR. ZENNER: The portion that is developing as two-family attached is still ongoing. Actually the developer, Scott Daugherty, had contacted me earlier this week in regards to his concern about how he was being identified within the staff report as potentially being non-cooperative in seeking an SOI revision. That is not the case. He is -- he is down to actually 30 remaining lots, so I think our data that we have available to us is not fully up-to-date. Based on what we have here, it's presented to you on this graphic right now. That showed the 33 lots, so there are some that have been actively being permitted, and Mr. Daugherty has every intention of continuing to complete the remaining lots that have been platted and have been allocated an impervious cover associated to them. He made that very clear.

MS. GEUEA JONES: So I guess that -- that gets to my question. How did we end up in a spot where everyone has known for 20 years this is the limit, and now we're running up against it and it looks like the development is maybe half done, maybe a little less?

MR. ZENNER: So the -- there are a number of processes that 20 years ago did not exist that exist today with tracking impervious coverages within our organization. And as we have advanced organizationally in managing projects like this, we have become more adept in insuring that impervious coverages associated with each building permit application are submitted. Those standards and those processes did not exist as this project was being built out. And again, we have three separate property owners, three separate developers, and without a process in place and specified through regulatory procedure of how we should have been monitoring that, unfortunately, the monitoring was not being adequately done. This project actually -- the concern associated with the development exceeding its impervious coverage ratios was brought to light probably two years ago.

MS. GEUEA JONES: Uh-huh.

MR. ZENNER: There was a process established by which this could have been resolved at that point. It has taken that period of time to now to bring this full circle to this body to make improvements to this particular parcel that is the question of tonight's action. The remaining portion of the development is either going to be left with no impervious area to develop out and will require another amendment, simply put, because the applicant who -- or the individual that is developing those lots has every intention of being able to develop his platted lots. And so we will get a separate request, most -- most definitely. We're just not getting it today.

MS. GEUEA JONES: So -- but it's not your department's responsibility to tell developers every time they develop by right, hey, you just use this percentage. Your responsibility is when this happens.

MR. ZENNER: We have processes. We have processes. However, we have processes that are more contemporary to developments to where we have established impervious coverage limitations within projects that are regulatorily incorporated into those ordinances that require reporting with each individual building permit. And Mr. Crockett has got experience with this with Parkside, which is the development that is accessed off of Route K adjacent to Rock Bridge State Park, which has an impervious coverage limitation and it has a reporting structure that was part of the established ordinance.

Those are the types of advances that we have made. We have reporting structure that we have implemented with Discovery Park because of these same concerns. And so, again, as -- as 20 years has clicked by, we, as an organization, have become a little bit smarter and work a little bit less hard by having the applicants as they are submitting their individual building permits doing the monitoring for us.

MS. GEUEA JONES: So last question, and then I'll -- I'll stop quizzing you on history.

MR. ZENNER: That's all right.

MS. GEUEA JONES: Have we changed what counts as impervious surface since 2004?

MR. ZENNER: That is actually defined within the Tract 2 Statement of Intent. It is -- so --

MS. GEUEA JONES: Okay. So it's not our ordinance, it's their SOI?

MR. ZENNER: It's not our ordinance, it's the ordinance that went with this project when it was annexed. And so it is inclusive of driveways, sidewalks, footprints, streets, all -- any impervious surface. And actually, again, I go back to when the problem was originally identified. There was a request to put a pool in the single-family section of this development. That pool triggered our then building regulation supervisor to say that you have exceeded your impervious coverage limits for the single family, and the permit for the pool was not issued. And that was the first meeting we had with Mr. -- with the developer of our two-family, and shortly thereafter, we were talking with Mr. Crockett about Beacon Street's request that would be forthcoming for Lot 96.

MS. GEUEA JONES: Thank you. Commissioner Williams?

MR. WILLIAMS: Mr. Zenner, are you -- just from a process standpoint for this recommendation and we're talking a lot about impervious surface. Has this been reviewed by city engineers with respect to stormwater? I understand in the report, it just says that the applicant's engineer has said that it exceeds, but, at some point, I assume that this is going to be reviewed, either it has been or it would be subsequent to our vote.

MR. ZENNER: It will -- it will be -- so the construction plans with a -- with a zoning modification, the actual construction plans have not yet been submitted. What I can tell you is is, comprehensively, the stormwater system that exists within Bristol Lake was designed to accommodate the development that is -- was proposed, the 2.75 acres of development. Mr. Crockett, as well as the original design engineers, Allstate Engineering, have indicated that the stormwater improvements exceed the requirements for the runoff that would be generated by a full build out at the 22, almost 23 acres. So the additional .13, at least with just Lot 96, would be potentially identified as not being problematic, but that full review hasn't occurred, and so when you look at what stormwater capacity is available, that is a detail that then you run through a variety of other technical processes. And so we -- much of the stormwater system is already in place around the property, and so what the applicant will be doing is tying into that existing stormwater system. Post-development flow rate is going to have to be monitored as to how much water is coming in after development versus how it exists and how it drains today, and that's generally how you balance potential impact. So if there is a need for on-site stormwater retention, which

I believe, based on the graphic that is included in the packet, you'll notice the blue area that's in the lower right-hand corner, that is actually a stormwater retention feature, that would be utilized in order to store water before releasing it into the rest of the network that already exists within the development to ensure that it is not overwhelming the system. That is typically what we see at a -- at a PD Plan review level. Conceptually, this is how we're going to deal with it. We know we're going to go through the rest of the complex review, should our proposal be approved. So to answer your question in a simple yes or no, no, they have not done a full stormwater review And yes, it will occur prior to actual platting.

MR. WILLIAMS: You had mentioned though that post-development, there will be a review, but will there be efficient land left if we find out that there's too much water for the existing -- you know, runoff for the existing system? Is there enough capacity to develop further?

MR. ZENNER: Based on what we have been told by the original design engineers for Bristol Lake, the improved stormwater facilities existing today exceed minimum current 2024 stormwater management requirements to support all of this development plus more.

MR. WILLIAMS: Okay. Thank you.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Since we're on the topic of runoff stormwater quality, the 2004 SOI required monitoring of the water quality. I understand that half the tracts drain to the lake and the other half drain directly to Clear Creek or Gans Creek. Tract 2 is one of the tracts that drains to Clear Creek or Gans Creek, and the monitoring of water quality at Philips Lake would be separate. But do we know if that monitoring has begun yet, and do we have those reports, just so we know?

MR. ZENNER: We do not have those reports to --

MS. LOE: Okay.

MR. ZENNER: -- from our -- we have not seen those reports. And what I would -- what I would express to you, Ms. Loe, is is that the majority of this development within the project area has occurred post-adoption of our current stormwater ordinance, and then its revisions. Again, the regulatory structure that was adopted as a part of the original annexation was in the absence of the current stormwater ordinance. So as the projects have been reviewed, post-contemporary stormwater ordinances, they have been reviewed and assured that they are compliant with the current stormwater standards. Facets of -- facets of the original agreement, monitoring of the Philips Lake, which is the City's property at this point, as well as other monitoring, I cannot speak to specifically because those are in elements that would have been managed by our stormwater utility. Our stormwater utility has given us no indication to indicate that the outflow of water from any of the developed property at Bristol Lake -- at Discovery in general -- has created any greater impact to the surrounding environment which was what the purpose of the original annexation agreement was intended to address. And so we've been given no indication that there are deficiencies in the runoff. Now I can't tell you and we do not have the -- we do not have the capability of enforcing monitoring controls. That's our stormwater utility. And so from a planning

perspective, you're asking a question that we have -- we wouldn't have information on.

MS. LOE: In summary, though, we don't know if those reports have been submitted at this time?

MR. ZENNER: I do not know, and Mr. Crockett may have more information as it relates to that as he is an active engineering consultant with one of the principal developed areas that is there today.

MS. LOE: Thank you.

MS. GEUEA JONES: Anyone else? Commissioner Walters?

MR. WALTERS: I still want to clarify one take-away, which may not be the primary take-away, is that compared to the 2004 plan, there are 36 units then, condominium units from there, and 40 with this proposal, and this proposal would entail 686 more square feet of impervious surface, which is .13? Are those accurate statements?

MR. ZENNER: The calculation that you've made is probably accurate. I'd have to pull my calculator out to verify that, but you are correct on the total number of units.

MR. WALTERS: Okay. That's all I have. Thank you.

MR. ZENNER: Thank you.

MS. GEUEA JONES: Anyone else? Seeing none. We will go to public hearing.

PUBLIC HEARING OPENED

MS. GEUEA JONES: We've got a lot of people to get through tonight, so I'm going to be a little stricter on my times than I normally am for these hearings. We allow six minutes for the applicant and any groups, three minutes for individuals. Please state your name and address for the record, and speak directly into the microphone as we have people watching online and we do record it for transcripts.

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering Consultants, offices at 1000 West Nifong. With me tonight is Carol Linnemeyer, as well as Scott Linnemeyer. They are the applicants; they are the owners of Beacon Street Properties. They've been constructing homes in this community for several decades. They've worked in a lot of communities throughout the -- throughout the City of Columbia that you're familiar with, so they're certainly not new to this area. A quick overview was indicated, 6.21 acre tract, Lot 96 of Bristol Lake Plat Number 1. It was annexed, zoned and preliminary platted in 2004. It's been in its current state for nearly 20 years, final platted in 2005, to give it the final lot status that's there today. We are -- as I indicated, we are requesting a slight increase in impervious area. On this site, we get the 2.75 acres, roughly 44.3 percent, we're asking to go to 50. Really the actual increase is to 46.4 onsite. The extra 50 -- to go to 50 was there's some exterior sidewalks that were added. That's not on this property, but we're not sure if those get covered in the overall amount or not, but one of those sidewalks was increased at some point to a pedway that we're going to show. It's not on Lot 96, but is adjacent to. Now again, we're asking for requesting approval of an updated PD Plan. The original PD Plan didn't show any units on this site, didn't show any buildings, didn't show any construction, but it was a lot on the PD Plan. And we are developing under the existing zoning of the tract. The tract was zoned in 2004. We don't want to -- we

don't want to ask -- we're not asking for a rezoning, we're developing under the existing zoning of that tract, and the density is well below the allowable units. So I'll go into that in -- more in detail. This is the layout of the PD Plan that you've seen before, 40 single-family lots. The density -- now I know Mr. Zenner has talked about 36, but if you look at Tract 2 and the ordinance that was approved in 2004, it allowed for 220 units to be constructed on Tract 2 of Bristol Lake. Now that Tract 2 included the single family, the larger single family lots, the two-family attached, as well as this tract. So it allowed for 220 units over that entire Tract 2. To date, 139 units have been allocated. Haven't been built necessarily, but they've been allocated, and that leaves everything else potentially for Lot 96, if I'm not mistaken, because all the rest of it has already been final platted. If you look at those numbers, that allows that this piece of property, Lot 96, to technically have 81 total units allowed. So we're allowed by the original zoning that was zoned in 2004 to have 81 lots on this piece of property. We're asking for less than half of that at 40. Here's a little overview of what you can see. The lighter yellow on the left side, that's the R-1 portion in the area, not necessarily Bristol, not all Tract 2. Some of that's outside of Bristol, but that gives you an idea of the R-1. The little darker yellow right above the X, that is the two-family. And then the darker where the X is is our piece of property. So you can kind of see as the progression goes, the density gets a little bit tighter as you go further out. That's pretty common in what we see in the UDC, as well as Columbia Imagined. The green is the park. And the -- of course, everything for -- on the right is the commercial and the higher density residential. Again, the uses in the UD -- excuse me -- in the original zoning allow for detached units utilizing cottage standards -- or, excuse me. That's what we're asking for is units utilizing cottage standards. The original ordinance says, and this is verbatim, single-family residence which are attached, detach clustered, or detached zero lot line single-family residences and/or attached zero lot line family -- single family residences -- town homes. Now that is verbatim even with punctuation, so I had to go back and kind of look at it a little bit, that allows for attached single-family, allows for detached single-family, detached zero lot line single-family, and attached zero lot line single-family. We fit that -- that classification. So while cottages weren't necessarily anticipated back in 2004, that wasn't a concept or a product line that we really put out there at the time, we still fit the uses in the original zoning. Here's some schematics that we're looking at. This was provided to me by Beacon Street, some of the home styles that they're looking at for the area. Single-car garages and two-car garages, but mainly you see that, you know, one- and two- -- one- and two-story buildings. Similar developments, and we're talking about cottage style, and I know some of you -- most of the Commissioners that's on here have approved many other cottage developments in town, so we're not looking for anything that's outside the norm, outside of what we've done before in the past. Traffic -- I know traffic has been a concern. Traffic was looked at when this entire development was approved in 2004, not only for the entire piece, but specifically the higher density for this piece of property, so that has been accounted for. Utilities, sewer, water, electric, all of it's there being provided to the site. Stormwater is a concern. That was something that was -- that was pointed out. When the plan was

done in 2004, when it was designed, when the streets were designed for Plat 1, it included Lot 96. So the water quality, the detention, all of that was included in the original design plans, so this piece of property and its 2.75 acres of impervious surface were all included in the original design standards and design plans for Bristol Lake Plat Number 1, so that's already been accounted for. So the facilities that are out there account for that. What we're asking for is we're asking for an increase basically of .13 on the site. That's about 5,600 square feet, 5,700 square feet of additional area. So -- and in talking with the design engineer who designed those -- the existing facilities out there, we asked him can we have additional impervious surface, he goes yes, because we don't design those facilities on the bare minimum, we always add extra in. And so certainly the small amount that we're asking for, which is less than a half percent of the total, is allowed. So Columbia Imagined, you know, residential neighborhoods and proximity to schools. We have Tolton next door. Access to commercial services, access to open space, recreational facilities, and housing options.

MS. GEUEA JONES: Thank you, Mr. Crockett.

MR. CROCKETT: Thank you. If you have any questions, I'd be happy to answer them.

MS. GEUEA JONES: Any questions for this speaker? Commissioner Loe, anything?

MS. LOE: Sure.

MR. CROCKETT: Yes, ma'am.

MS. LOE: Hi, Mr. Crockett.

MR. CROCKETT: Hello.

MS. LOE: Can you talk about any low-impact development techniques you've incorporated? The plan didn't appear -- they appear to be more BMP.

MR. CROCKETT: When you talk about low impact, are you referring to the building -- the actual building themselves or even more specific --

MS. LOE: The stormwater system.

MR. CROCKETT: The stormwater system right now, all being accounted for in the existing system. And so -- so the existing detention basins, the existing water quality, everything that's out there right now accounts for 2.75 acres of impervious surface on this tract itself. The additional BMP that we show on our property is, if for some reason, and this kind of goes back to Mr. Williams' comment about, well, what if we don't have enough. If we don't have enough, we have a place there that we can put in a facility of some type, so it could be a wet pond, it could be a dry pond, it could be a water retention cell for water quality. We can either get water quality or additional stormwater management on that lot if needed.

MS. LOE: Are you aware of any permeable pavement?

MR. CROCKETT: We are. We've done that before in other projects. We're having some concern with that, and I think the staff has indicated, and I'm not familiar with this, but in Bristol Lake Plat 1, the single-family houses, it is my understanding that some of those driveways were pavers, and they've

had issues over time, and they -- and that's part of the reason why there's an increase in impervious surface because, over time, those pavers have been removed and replaced with pervious concrete. I'm not -- I'm taking that from -- from information I'm getting from City staff, but we have done that before in the past. I think one place that we've done that in is Parkside, and there are some issues. Pervious pavements in this part of the country don't work really well, and the reason for that is is we have freeze-thaw. And as we can -- you know, tonight is very cold. And with that, those layers, those what we call low volume change underneath those pavers will heave over time, and then we have issues. And so pervious pavements, while we do use them from time to time, they're not really suitable for this part of the country.

MS. LOE: So you said you were aware of some on Tract 1, but not on Tract 2? And the only reason I ask is because the SOI encourages the use of that.

MR. CROCKETT: Correct

MS. LOE: So, I mean, I was impressed with how much the original SOI was pushing for the low impact and the pervious pavement.

MR. CROCKETT: Right. Right.

MS. LOE: I was interested in how much it had actually been employed.

MR. CROCKETT: We have done it. We have used it. I think there's some parking lots south of town that have employed it, as well, and we've also gone back and removed some of those pavements and gone to more traditional water quality and detention mechanisms because of the long-term maintenance.

MS. LOE: Thank you.

MS. GEUEA JONES: Any other questions for this speaker? Commissioner Stanton?

MR. STANTON: I worked on developments around this area for quite a while. You know, we have a very valuable natural resource very close. My colleague, Ms. Loe, brought up as far as low-impact development, in particular, using it for stormwater drainage. I like this, but it just seems like you didn't give a hoot about none of that stuff.

MR. CROCKETT: Well, to talk about that, Mr. Stanton, it's already been accounted for in all of the stormwater management. Two point seventy-five acres has already been accounted for on this piece of property, whether that's concrete, asphalt, roof-top, sidewalk, street, it doesn't matter. All of that impervious surface has already been accounted for, and all the BMPs have been constructed out there. So -- and I don't want to say -- please don't imply that we don't give a hoot about it, we do. But 2.75 is what has been allocated to this piece of property, whether that's one big parking lot for a condominium building. Keep in mind the maximum height for Lot 96 is 52 feet, I believe. So we can build a 52-foot-tall building with a big parking lot, and have 2.75 acres and still be under the original Statement of Intent for this -- for this piece of property. And so whether the 2.75 is in a big 53 foot -- 52-foot-tall building and a big parking lot or a bunch of smaller individual single-family houses, the 2.75 has already been

accounted for.

MR. STANTON: I'm done for now, Madam Chair.

MS. GEUEA JONES: Thank you, Commissioner Stanton.

MR. STANTON: Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MS. GEUEA JONES: Any other -- Commissioner Placier.

MS. PLACIER: Yeah. At one point, you named four different possibilities for this particular tract. One was single family detached, one was --

MR. CROCKETT: Yes, ma'am. Let me clarify that.

MS. PLACIER: There it is.

MR. CROCKETT: Yeah. Yeah. So these aren't what we're proposing, that is a breakdown of what the original ordinance will allow. So the original ordinance that was approved in 2004, would allow attached single-family, detached single-family, detached zero lot line single-family, and attached zero lot line single-family. That's not what we're proposing, those different -- those four different ones, that is what the original zoning ordinance in 2004 would allow for this piece of property.

MS. PLACIER: And so up until now, that was in place for 20 years?

MR. CROCKETT: Correct.

MS. PLACIER: Those possibilities?

MR. CROCKETT: Right. And what we are -- what we are proposing is exactly what's listed as attached single-family. We're doing detached single-family, but we're just doing it under a PD before -- or cottage standards. So we're just -- I mean, it's -- I mean, the cottage standards were not precluded, they weren't eliminated from the 2004 zoning ordinance.

MS. PLACIER: No.

MR. CROCKETT: It wasn't -- it wasn't -- it didn't say we couldn't do that, certainly never said we couldn't do cottage standards, certainly said we couldn't do smaller lot development, so I think we are in full conformance with the uses that were approved in 2004.

MS. PLACIER: And were the other homeowners and the other parts of Bristol Lake aware that this particular --

MR. CROCKETT: I'm not sure if they were aware, but it was certainly on the record.

MS. PLACIER: Okay.

MR. CROCKETT: It was -- it was there since 2004.

MS. PLACIER: Okay.

MR. CROCKETT: Keep in mind their development, the other portions of development -- of Bristol, all of -- none of that was developed until after 2004, after all of this zoning went into effect.

MS. PLACIER: Right.

MR. CROCKETT: So this was part of the original, so was theirs. So all of this that was done

was done originally, so before any house was built, before any street was built, before any, you know, shovel of dirt was turned, all of this was in place already.

MS. PLACIER: Okay. That's what I wanted to clarify.

MR. CROCKETT: Yes, ma'am. Thank you.

MS. PLACIER: I'm not -- I realize that homeowners aren't always aware of this kind of thing --

MR. CROCKETT: Yes. I understand that.

MS. PLACIER: -- of the conditions under which they're purchasing --

MR. CROCKETT: Right.

MS. PLACIER: -- and what might be next door to them. The other thing you pointed out was that there was a possibility of 81?

MR. CROCKETT: That is correct.

MS. PLACIER: Which is hard to imagine, given that this looks pretty dense the way you've laid it out with 40.

MR. CROCKETT: Keep in mind we can go 53 foot tall, or 52 feet tall with the building, too, which we don't desire to do. But that is the allowable units that are allowed by the original zoning. That's for the entire Tract 2. And all of Tract 2 has already been developed, except for this Lot 96, and that is the remaining units that's available to develop on Lot 96.

MS. PLACIER: Okay. Got you. Thank you.

MR. CROCKETT: Thank you.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: Just a quick clarification. You said in the event that, you know, the stormwater may create unforeseen increases in the future, was the Lot -- is Lot C-2 intended for that purpose, should that become necessary?

MR. CROCKETT: C-2, yes. Yes.

MR. WALTERS: That's what that's for?

MR. CROCKETT: Yes. That's what it -- yeah. If there's -- I mean, Mr. Walters, and as Mr. Zenner indicated, the stormwater engineers need to go through it, and they'll do that when we do our final design plans, and they review that.

MR. WALTERS: Okay.

MR. CROCKETT: We have preliminarily looked at it. We believe that -- And you know, we looked at the calculations. We've talked to the design engineer who did the original calculations. He said it's all accounted for and then some. And so if by chance for some reason and then some isn't there or enough is not there --

MR. WALTERS: Right.

MR. CROCKETT: -- then we have a backup where we can provide some onsite.

MR. WALTERS: Okay. And one more thing. Is Lot 51 really Lot 15?

MR. CROCKETT: Yes, it is. And it's on the revised plan. That is correct. Yeah.

MR. WALTERS: That's all. Thanks.

MR. CROCKETT: Thank you.

MS. GEUEA JONES: Anyone else? Mr. Crockett, you just said something and -- and I thought it -- you said all of Tract 2 has been developed except this lot. Do you mean it's all in development?

MR. CROCKETT: Excuse me. It's all been final platted in development, yes.

MS. GEUEA JONES: Right. Okay. Yeah.

MR. CROCKETT: So that includes the two-family units that have not been -- they've been final platted, but not built. And Mr. Zenner is right. I mean, in talking, we would like to have this whole project come together at one time. We have been in contact with that -- with that applicant, with that developer's engineer. We've discussed this, as Mr. Zenner indicated, this has been doing on for two years, and I think that that's kind of the reason why we wanted to proceed. They were on a different time frame than we were, but we waited for two years and we're ready to move forward.

MS. GEUEA JONES: Sure. No. I -- I understand that, and certainly every developer has a right to do what is allowable within their property --

MR. CROCKETT: Right.

MS. GEUEA JONES: -- without consulting others. My concern is that we have a very clear, very specific SOI --

MR. CROCKETT: Correct.

MS. GEUEA JONES: -- that has been in place while all of this development has been going on, while all the building has been happening, while people have been tearing up pavers and laying down more tradition driveway paths. And now because, first come/first serve, everyone has used up all the allotment, now we have to make to make all these changes.

MR. CROCKETT: Right.

MS. GEUEA JONES: And this -- you know, it does not escape my attention that we rejected a development across the street because of how close this is to Gans Creek.

MR. CROCKETT: Correct.

MS. GEUEA JONES: And I hear what you're saying about all of your stormwater management. My point is the 2004 PD Plan was put in place for a reason. We can't just throw it out because, oops, we overbuilt some of the lots and so now we can't use all of our lots.

MR. CROCKETT: Right.

MS. GEUEA JONES: So why -- why do you need the extra .13, .15, whatever?

MR. CROCKETT: Well, we think just how we -- how we envision the development taking place now, if the Commission -- I'm not here to say that we have to have the .13. Okay?

MS. GEUEA JONES: Uh-huh.

MR. CROCKETT: It's 5,600 square feet of additional -- it's minimal. Does that help us? Does

that make for a better development? I think so. But if the Commission says, listen, we're going to hold firm -- firm to the 2004 ordinance, and we're going to get 2.75 and that's it, we're happy with that. We can make that work if need be. We just think it makes for another 5,600 square feet of additional impervious surface helps our development out, and it's very minimal. Now if the board -- if the Commission thinks otherwise, we respect that. And if you want to hold us to the 2.75, we can make that work, but we're asking for a slight increase.

MS. GEUEA JONES: Because I think you're right, you know. Commissioner Loe was kind enough to ask staff to send us the original SOI and thank you for doing so. And I think you're right that you probably could do this development instead of a condominium tower, do it like you're doing with the detached, smaller lot homes under the original SOI.

MR. CROCKETT: Right. Yeah.

MS. GEUEA JONES: And you would still be here with a site-specific plan --

MR. CROCKETT: We'd still be here with a plan.

MS. GEUEA JONES: -- but you wouldn't be asking for increases and changes to the underlying SOI; is that right?

MR. CROCKETT: Yeah. The only thing in the SOI that's really changing is the increase in impervious surface. I believe that the allowed uses are still there, I think they're the same. I don't think there's much -- much different there. And so I think really the -- I believe the only real -- true difference, Mr. Zenner, is the point .13 acres?

MR. ZENNER: Well, it's the -- it's the impervious surface coverage. It would be the product type because, again, the product type wasn't specifically called out in '04, or the dimensional standards associated with this specific lot style.

MR. CROCKETT: Well, the product type is covered because it allowed for detached single-family. It doesn't allow -- it doesn't -- I mean, whether it's cottage standards or a large lot, it's still attached -- or detached single-family, so I think the unit type is fine.

MR. ZENNER: But I believe the unit type in the Statement of Intent has been more clearly defined as to what is clearly defined.

MR. CROCKETT: It may be more clearly defined.

MS. GEUEA JONES: Okay.

MR. ZENNER: We have dimensional standards, though, that are also being clearly laid out as is with any Statement of Intent, so you have your minimum lots size, you have your setback requirements. Those are specific to this Lot 96, whereas other provisions existing potentially within the Tract 2 SOI may be slightly different and they may be referencing dimensional standards of the then existing zoning district that it was comparable to. So we are ensuring that what would be built moving forward is contained in a very specific format that we are accustomed to since this is a formal planned district approval, and it has to conform with today's UDC standards, and that's -- that's -- that's one of the major reasons why you

have a Statement of Intent revision, as well. It's because we have a contemporary PD that's coming in versus if Lot 96 has been shown with something as a lot arrangement, for example, and they wanted to come in and they wanted to change that lot arrangement, that may have been able to have been handled as a minor amendment never coming before you because what Mr. Crockett is saying, they could have lived with everything else that was in that Statement of Intent.

MS. GEUEA JONES: Right.

MR. ZENNER: But because this parcel was originally identified as a condominium, they didn't know what the condominium would look like, so they never showed it in 2004 or in 2005 when Lot 96 was final platted, And therefore, we're where we're at. So you're changing what was originally an intended land use on the property, the Statement of Intent and the new PD, basically, PD Plan allow for that to be addressed in a fashion that's consistent with today's regulatory requirements.

MS. GEUEA JONES: So we --

MR. ZENNER: In general, though, everything else that's in the Statement of Intent, as we do with others that we have done, particular criteria that applies under landscape treatments and things of that nature, all of those provisions normally carry forward. They do not get modified, so they are consistent with the original approving ordinance for Bristol -- or for -- yeah, for Bristol -- for discovery as a whole. We have a particular ordinance number that's referenced in particular locations within the Statement of Intent where those standards will not change.

MR. CROCKETT: And Madam Chair, if I may, to clarify one of your comments that you -- you had a question about is the impervious.

MS. GEUEA JONES: Please. Yeah.

MR. CROCKETT: How did we get here? How did we get to the situation? And yes, it's an unfortunate situation because other -- other folks are outside of this lot, have built bigger homes than anticipated, have built bigger, you know, units, you know, bigger driveways, bigger whatever. What we do in our developments that we are in a restricted impervious category is we have a running total. We have a spreadsheet for every lot. and what happens is is every time that my clients go in for a building permit, they apply for a building permit, it has a plot plan. That's a requirement of the City. We have a second sheet to that, and that second sheet is that tabulation, is that running total, and illustrates to the City how much is being added per this building permit, how much has been allocated already, and where do we stand in the entire process. And so listen on this piece of property, we are under 100 square feet, so that can be allocated to other lot. Or if we need to borrow from another lot, we allocate -- we indicate how that is being taken care of. And so that is how we do it today. We have not been involved with anything else out of Bristol. I'm not sure how it's been done. It's unfortunate that we're in the situation that we're in, but, as Mr. Zenner has indicated, the City staff has a lot more procedures in place now to ensure this doesn't happen.

MS. GEUEA JONES: And I suspect that if you pulled your permits and built quickly enough, you

would still come under the cap?

MR. CROCKETT: Well, we have 2.75 per the original --

MS. GEUEA JONES: That's specific to your lot?

MR. CROCKETT: Yeah. To our lot. Yeah.

MS. GEUEA JONES: Oh, okay.

MR. CROCKETT: The 2.75 acres is given to this lot on the PD Plan that was approved in 2004.

MS. GEUEA JONES: Got it. So --

MR. CROCKETT: So 2.75 acres is allocated to this piece of property.

MS. GEUEA JONES: Without your agreement then, the person who is building -- or the developer that's building the duplexes that are in -- in development right now can't borrow from your lot without your permission?

MR. CROCKETT: Not without our -- not without our consent. And that's how I take it.

MR. ZENNER: And as I said, it's not -- from a practical perspective in the City's viewpoint, it is on a first-come/first-served basis. And so, hence, two years ago when the problem was identified, and we began discussions of what was going to happen with Lot 96, everybody was trying to figure out how do we get our part of the pie before the pie is gone.

MR. CROCKETT: Right. But -- but the -- but the 2004 plan --

MR. ZENNER: Plan allocates -- allocate -- allocates that.

MR. CROCKETT: Allocates it to the individual section.

MR. ZENNER: But that -- while that is what the plan shows, again, from an administrative perspective, that is not always how it is procedurally allocated. If, in fact, that was what was happening, as the single-family section was building out, you would not have the scale of housing there because once they had reached their maximum impervious limitation, we would have told the remaining seven to eight houses, sorry you can't build. We didn't do that, and that again is as we have evolved as an organization, we have gotten much better at that, and you would have identified the problems much sooner, that that allocation was going to be expired before you finished half of your project, and you would have had to have taken effective action then, not as we're ending a project, and we could have then potentially made other adjustments accordingly.

MS. GEUEA JONES: So is my -- was my statement correct then that they may -- they may be on a clock to get these things built according to the City's calculation?

MR. ZENNER: Yes. Because just the way that we would apply it in general, that the property has just under 23 acres of impervious surface, we would look at the 23 total acres somewhat agnostic to the individual areas allocated. And again, this goes back to a long history associated with planned development, review internally, project that create very unique and specialized zoning requirements that create significant challenges from an administrative perspective. Hence, this is the reason why when we adopted the code in 2017, we said no more planned districts. And this is outside of discovery, any other

development you go just north of this, the development that is north of it has smaller lots that what you see in Bristol Lake, does not have any requirements of similar nature. The development that you denied to the south would not have been part of this development agreement, and therefore, did not have the same standards. We have a microcosm here at discovery, and it's very similar to what we have as a microcosm at Cross Creek and a microcosm that we have at Center State. They are very, very unique and very, very ornery types of projects that have to be administered over time. And so it is a very unfortunate situation that we have gotten here, but it is not as 20 years of development, 20 years of product demand. All of those changes have to be given consideration, and I think 20 years of regulatory development and implementation of other regulatory standards that exceed what was originally identified as being appropriate for this location also have to be acknowledged as potential mitigating factors for denial of a future amendment on the remaining two-family product that is going to be forthcoming. I will tell you, based on the conversation I had with that developer, it will probably be here in March because he is as concerned about his investment that he has made in purchasing the property such that he can develop it. So it is -- it is a matter of it will be here and I think as we can become more informed as to what your expectation is of the justification, we can confirm and we can coordinate with the future applicant to make sure that they provide you the information that you need, I believe, to make an informed and educated decision. As Mr. Crockett has pointed out, you hold the keys. You do not have to approve this request, you have to approve, however, a development plan. And so you could deny the Statement of Intent, but approve the development plan, and Mr. Crockett's staff would have to go back and just re-lay the lots out to comply with the 2.75 acres, and we move forward.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: I think you covered my question. Thank you.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: So this is a question for either you, Mr. Crockett, or you, Mr. Zenner, or both, if you both wish to reply. But -- so the .13-acre increase is really coming out of the share of the other developer. If you were to maintain the limit --

MR. CROCKETT: Well, no. Because I believe what we are asking -- we are -- yes. We are asking for our limitation to be increased from 2.75 to -- to 50 percent of the site. And -- but we would be -- what we're planning on using is, we'd like to increase it to the point -- increase it by the .13. Now if for some reason we don't use that, that goes back. That's just a maximum that's allowed on this piece of property. If we don't use that, then that goes back into the overall till for Tract 2 which should go back to that developer. so, if for some reason we don't use it and it's very likely we may not, you know, it depends upon what units we build on what lots, we may not use that .13, and if we don't, then that's going to go back -- back to the developer and to the other developer, the R-2 -- or, excuse me -- of the two-family attached units anyway. And so I'm not saying that just because it gets approved doesn't mean that it's off the table to them. It just allows us to have a little bit more for this piece of property if it -- if it's

used.

MR. WILLIAMS: But based on the plot that you have provided, that would -- I mean, if you build according to the plot, then you would use the .13. Right?

MR. CROCKETT: We can still -- we can still develop to this exact layout, this same layout, and if this Commission did not give us the .13 addition, we can still develop accordingly on this exact same layout. Each unit would just be slightly smaller, because we're talking about a smaller amount, a very small amount of increased impervious surface. So you spread that out over 40 lots, it's not much of a change per lot. So it doesn't mean that we have to lose a lot. It doesn't mean that we have to lose a change of the layout. We can still do it to the same exact configuration, it's just each lot would have just a little bit smaller home on it or -- or net aggregate would be slightly less.

MR. ZENNER: But Mr. Walters, that was the -- that was the 653 square feet?

MR. WALTERS: Yeah. Seventeen square feet per -- per unit, so less.

MR. ZENNER: What I would -- the other way I would look at this is what Mr. Crockett is suggesting is if the Commission were to increase the impervious allocation to Lot 96, which was defined on the approved PD Plan as having .75 acres allocated to it, the 2.75 acres is part of the 20 -- just under 23 total acres. So if you add .13, that gets added to the total just under 23 acres for all of Tract 2. Now given that it is -- given again how we -- how we do Statement of Intent amendment specific to what's happening within an existing approved PD, when you do not do a comprehensive revision to that Statement of Intent, it becomes a little bit more complicated. And it's more of a -- it's a back-end related issue because the Statement of Intent that we are approving to go with this particular property, it's taking the allocation of the 2.75 acres and it is, in essence, pulling it out of the Tract 2 Statement of Intent, putting in a new Statement of Intent specific to Lot 96, and adding the additional impervious area. And that then is entitled to just Lot 96. So, in essence, the 2.75 acres is secured for their applicant and their developer. They get the extra to build what they believe is more appropriate. And the remainder that is left within Tract 2 is the remainder. It's the 23 -- just under 23 acres less the 2.75. That's what's left, which is what the two-family developer is going to need to ask to have increased to complete his project. And that's when the remainder of the Statement of Intent for Tract 2 becomes whole. And again, all things being considered equal with the exception of a couple of minor changes that have to be addressed within the Statement of Intent for Lot 96 specifically, all other major requirements of the Tract 2 Statement of Intent remain unchanged. They get carried forward by reference into the new SOI. So I think it's a different way of looking at this because I think what Mr. Crockett, if we were doing this as a comprehensive revision to Track 2, yes. the way Mr. Crockett described this, that is how it would play out. All of Tract 2's impervious coverage is being increased, so the boat is being raised holistically. In this, we are doing a very sight-specific Statement of Intent that applies only to the lot that is the subject. And as a result of that, I think from a legal perspective, as we prepared the entitling ordinance to Lot 96 and Lot 96 only, there will be some other modifications that will have to be made as part of the legislative

process to the existing Statement of Intent to Track 2 that severs, in essence, the 2.75 acres originally identified in 2004 and placing that in the new ordinance for Lot 96. And that is how we have done it in the past. And so -- and we've done this with not only impervious coverage, but we've done it with allowable gross square footage of development, as well, in commercial projects. We've handled this in various situations in a very consistent manner.

MR. WILLIAMS: As -- and again, to Mr. Crockett and/or Mr. Zenner. Has -- has the other developer presented any objection? I mean, I guess the way I'm looking at it is, as Mr. Zenner has presented it, that if we approve this tonight, we have taken albeit a very small amount, but we have shifted the pie boundaries ever so slightly, because, as of this point, the total allowed impervious acreage for plot -- or for Track 2 is -- remains the same, we've just, again, ever so slightly shifted that allotment over to --

MR. CROCKETT: Yeah.

MR. WILLIAMS: And so I'm just wondering if there's been any objection to this?

MR. CROCKETT: There has not been any objection. Myself, as representatives from my client, as well as a representative from the other developer, have met with Mr. Zenner and his staff on at least two occasions to discuss this very thing. And so we've had that discussion, we've talked back and forth about it. There hasn't been any objection. I mean, we're -- I mean, I don't want to feel like we're -- we're butting heads. We're certainly not. We all understand there's a situation out here, we're just on different time frames of how we want to address it. So, yes. We had to have that discussion -- excuse me -- with them. They have not had any objection that I know of.

MR. ZENNER: I think, Mr. Williams, again, I want to reinforce, the 2.75 acres that is allocated to Lot 96 is still allocated to Lot 96, as a part of a separate -- as a part of the new Statement of Intent, that allocation is being part of this request is to allow that allocation specific to that lot in a new Statement of Intent to be increased by .13. You're not taking away .13 from the remainder. You're subtracting out the originally allocated 2.7, so they never had entitlement to that technically. And so whatever is left, the roadway acreages that have not been absorbed yet, because all of the infrastructure is built, and then any of the buildable area that was allocated, all of the single-family is gone because they ran that out early on when they finished that development. So really the two-family development is already at a deficiency. And so if you just subtracted the 2.75 acres, the two-family developer never was going to have enough area without going through a technical change. So if Mr. Crockett just developed his development as he's allowed to, you still would be hearing from the two-family developer.

MR. CROCKETT: He's still deficient.

MR. ZENNER: He's still deficient, and he's going to be as deficient if you approve this development as he would be if you don't approve Mr. Crockett's clients' request. Mr. Crockett is going to have the extra -- the .13 acres of impervious area to be able to develop a product that they believe -- a project that they believe is more appropriate as it relates to needs for construction.

MR. WILLIAMS: I'm just trying to make sure I understand whose interests are being affected, and make sure that I understand whether they've -- I mean, certainly it would be their right to show up here tonight and -- and -- you know. And I just -- that's why I wanted to make sure.

MR. CROCKETT: Well, I mean --

MR. WILLIAMS: Because if there's a situation where we don't approve whatever comes up from -- right?

MR. ZENNER: He's been made aware of that. Trust me.

MR. WILLIAMS: And in that situation then, in some ways it really has come out of his --

MR. CROCKETT: Well, to be honest with you, I think the units that are being built in that are bigger than what was originally anticipated, so it's somewhat self-inflicted on their side. And that developer, as well as my client, are both affected over Bristol Lake Plat 1, the R-1, because those homes are well over the allocated amount. And so while two -- the other, the remaining development is -- is being affected because it wasn't done appropriately to start with. Also it's kind of self-inflicted because they are building bigger units than were anticipated. Instead of us building more than it's anticipated, we're coming before this Commission asking can we have a little more or, if not, we'll build -- we'll develop to the 2.75 and be fine with it. We're the only ones who haven't built more than what we should be.

MR. WILLIAMS: Thank you.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: I had a question about Gans Road and the front gate showing Gans Road. Your plat says proposed pedway, and Gans Road has no curb and gutter, so what does proposed mean in this --

MR. CROCKETT: Mr. Walters, on that, the City and the County have done a joint study for Gans Road, and they have a preliminary alignment for Gans Road. And so they have an idea where the future alignment -- or excuse me -- the future vertical alignment of Gans Road will be. What we do is we work with -- with Public Works to build that pedway in the best location possible so that, if we can, we try to get it at an elevation so that it coincides with the future construction of Gans Road.

MR. WALTERS: So you're not waiting for that future construction, you will --

MR. CROCKETT: No. No. We'll go ahead and build -- yeah. And this says proposed, it means proposed for this development, so that -- that pedway will be constructed as part of this development. We're not going to wait for Gans Road for that roadside sidewalk to be built.

MR. WALTERS: Okay. And one quick follow-up. Is Gans Road projected to be four lanes in the future, or is it -- it is in the near future?

MR. CROCKETT: It is a minor arterial in classification, so I'm not sure what the class -- what it would be.

MR. WALTERS: Okay.

MR. CROCKETT: My anticipation out here would be probably three -- three lanes, one in either

direction with center turn lane would be my -- would be my guess. I haven't studied Gans Road alignment. I know the City and the Count have, but my guess is it's going to probably be, unless Mr. Zenner knows, I anticipate probably being a three-lane road initially with the ability for being two lanes in either direction with a center turn lane long term. We are granting 50 foot of additional -- or it's already granted when they did the plat, was 50 foot of additional right-of-way, half right-of-way, so it's 100 foot of right-of-way total.

MR. WALTERS: Okay. All right. Thank you.

MS. GEUEA JONES: Final call? Thank you, Mr. Crockett. Thank you. Next speaker. Again, I'm just going to remind everyone, name and address for the record, and speak into the microphone for us.

MR. SHANKER: Good evening. Rick Shanker, Sixth Ward. I had a couple of questions. What is a cottage versus a single-family dwelling, number one. Are these anticipated to be rental or owner occupied? Are you able to answer those questions, please?

MS. GEUEA JONES: I can tell you -- cottage standards just means it's a smaller lot. It doesn't have any architectural issues, and I think that would be up to the developer how they end up doing it. We don't know that.

MR. SHANKER: Because you had some pictures and I thought that that was typical of what they were going to be.

MS. GEUEA JONES: Commissioner -- Mr. Zenner?

MR. ZENNER: Tenancy -- Tenancy is not defined by the zoning ordinance, Mr. Shanker, and as Ms. Geuea Jones has indicated, the differences between a standard residential lot have to deal with square footage.

MR. SHANKER: Okay. And so those were not typical of this proposal, it was just an example; is that correct?

MR. ZENNER: What was shown by the applicant is what Beacon Street is proposing to develop. How those structures will be occupied is really not a concern as it relates to zoning.

MR. SHANKER: Okay. And one more question. If he or if they minimize this controversy about the -- the square footage or that amount, would they still be here for this?

MS. GEUEA JONES: They would have to be here regardless, yes.

MR. SHANKER: Thank you very much.

MS. GEUEA JONES: Thank you very much, Mr. Shanker. Next speaker, come forward. Can't -- can't be shy. Somebody come.

MS. DOKKEN: Well I'm very disturbed at not following this plan for impervious surface.

MR. CRAIG: Ma'am, can you state your name and --

MS. GEUEA JONES: I'm sorry, yeah.

MS. DOKKEN: Dee Dokken, 804 Again Street. I guess I wasn't expecting this. I have a

question. Like, how much do we expect this other developer to go over the impervious limit? What are we thinking the final impervious surface will be on this. I know people work very hard on this to protect Gans Creek, and impervious surface is a much more -- as we know from the impervious pavement condition, you can't trust these BMPs. The best way to protect a watershed is with a limit on impervious surface because it doesn't depend on engineering or anyone keeping track of -- well, I guess it didn't -- it did. And also, I -- I feel like these people should be suing each other instead of asking for more impervious surface because they -- one person screwed the other, so it's a mess. Thank you for dealing with it.

MS. GEUEA JONES: Thank you, Ms. Dokken. Any questions? Thank you, Ms. Dokken. Next speaker?

MR. BARBEE: Hello. My name is Phil Barbee; I'm at 2617 Baxley. I just moved there three months ago from South Carolina. And in that short period of time, the Gans Creak Recreational Area has been designated, I guess, a new SEC track and field area, and they're parking in the green space right across the street from what this proposed development is. Has that --

MS. GEUEA JONES: Can you -- I'm sorry. Can you get closer to the microphone?

MR. BARBEE: Yeah. So they have the Gans Creek Recreational Area has been designated an SEC track and field event location, and they're parking in the green space right across from this development. My question is, is the stormwater plan taking into consideration the possibility because it appears that that's going to be a -- a parking lot in the very near future, because they're currently parking with gravel in that green space area that's just across the street from, I believe they call it The Parkway.

MR. ZENNER: Crystal Lake Parkways, sir.

MR. BARBEE: Yeah. Crystal. So that's my question. Has that been taken into -- has that been taken into account?

MR. ZENNER: As it relates to the development of Lot 96, sir, it is -- no. I don't believe it has been. The parking is occurring on a City-owned piece of property --

MR. BARBEE: Yeah.

MR. ZENNER: -- that has hosted track and field event or cross-country events for the SEC now. This will be, I believe, it's third year.

MR. BARBEE: It's a mud pit.

MR. ZENNER: And that -- it's a Parks and Recreation related issue, though, sir. And so from the overall stormwater aspects associated with the Gans Recreation Area, I -- we do not have specific information as to how they would maintain or manage their facilities. And so that's not actually -- that wouldn't be something that would be involved in this applicant's calculations. They have to deal with -- they have to deal with theirs.

MR. BARBEE: I'm not talking about the applicant, I'm talking about the --

MR. ZENNER: Yeah. So the City -- the City itself, if we were to put in a parking facility, a paved

parking facility, the City would have to manage its stormwater in accordance to our standard procedures that we would apply to any other developer. This is temporary event parking. There are specific exceptions within our Code that do allow for that to occur. My strong recommendation and suggestion to you, sir, is to contact our Parks and Recreation Department, and express your concerns to them as to what damage it may be being creating.

MS. GEUEA JONES: Thank you. Next speaker? And if whoever wants to come next wants to come and sit on the front row to make this a little quicker, that would be great.

MR. MAHBOOD: Hey, my name is Muddassar; I am from 2706 Bristol Lake Drive. I am not -- (inaudible) -- so I cannot say what was done in 2004 and the stormwater. But my home is downside towards the Bristol Lake, 2706, and there are a few more homes. And whenever there is a heavy rain, all the stones, everything on the backyard, everything ran away. It just flush everything. And it happens not only on the backside, on the front. They are like the river is coming from downside, so I don't know, but this maybe 22 homes, we are unable to tolerate the water flow when there is heavy rain, so I don't know what -- how that was included before and what is happening actually on the ground, that is totally different. And I can see the few more neighbors on the backside, and they can witness.

MS. GEUEA JONES: Yeah. If you can wait just one moment. Commissioner Williams?

MR. WILLIAMS: Sorry. There's a cul-de-sac at the end of Bristol Lake Drive. Which way is the water flowing from, you're saying? I don't know the topography of the --

MR. MAHBOOD: Well, my home is, like, toward the end, maybe third or fourth from the right side. And there's a creek just on my backside. And whenever the water flow is coming, no one -- nothing can stand. Even I put stones there, I did my -- I put new grass there and everything just ran away. Everyone is invited any time to come to see what is happening there. This part all my -- from the last two years. Nothing is there.

MR. WILLIAMS: Sorry. What was your address?

MR. MAHBOOD: 2706 Bristol Lake Drive.

MS. GEUEA JONES: So is it flowing towards Bradington or away from Bradington?

MR. MAHBOOD: No. Sorry. It is like, if you can see the map --

MS. GEUEA JONES: Uh-huh.

MR. MAHBOOD: -- this is a -- if you will move forward from the junction of the Bristol Lake and Rutherford, I think my home is third on the right.

MS. GEUEA JONES: Okay. So it's flowing down toward the end of the cul-de-sac, or the other way?

MR. MAHBOOD: Away from the cottage, further down side.

MS. GEUEA JONES: Okay.

MR. ZENNER: It would be flowing -- the lake, sir, is behind your home; is that correct?

MR. MAHBOOD: Sorry?

MR. ZENNER: The stormwater lake, is that behind your home?

MR. SED: There's a creek. I don't know about this lake or not lake to speak.

MR. ZENNER: Okay.

MR. SED: And all the water is coming toward from this cottage site. Thank you.

MS. GEUEA JONES: Thank you. Or sorry. Any other questions? Okay. Thank you. Next speaker?

MR. LOETHEN: (Inaudible).

MS. GEUEA JONES: No. You've got to come all the way. I'm sorry.

MR. LOETHEN: Troy Loethen, 2704 Bristol Lake.

MS. GEUEA JONES: You've got to say it into the microphone for the transcript.

MR. LATHAM: Troy Loethen, 2704 Bristol Lake. Yeah. I live right next to him, and we get about a foot or two of water.

MR. CRAIG: Sir, we need your name, as well.

MR. LOETHEN: Yeah. Troy Loethen.

MR. CRAIG: Okay. Thank you.

MR. LOETHEN: So, yeah. I live right next to him. I mean, our backyard is a swamp every time it rains. I mean, we get about a foot or two of water in there. It washes everything away. So what he's explaining, we live in -- in between my home is next to the next house, we're not next to the lakeside. But I get one-two foot of water back there all the time. Our neighbors have tried to put -- I've tried to put -- anything you put there, it's not going to matter. It's gone. I mean, it's wiped away. We get massive amounts of flood water through there. I mean, when it rains, it is a river. So it's really hard. Our backyard is just mud. We've got about five feet of grass, and then the rest is all washed off -- every storm. So we get a lot -- a lot of drainage from somewhere, and mostly probably from that lot area. And so I'm concerned about that. And I've got small kids. I'm more concerned about all the traffic, all the cars. I mean, it's horrible traffic there, and that roadway is going to come right out in front where I turn into my driveway, which I'm not a big fan of either. When we turn in onto that, there's going to be -- there will be accidents there. I mean, that's just too short of a road coming in when I make a turn in, and you're not going to be able to see around those -- those houses. Thanks.

MS. GEUEA JONES: Thank you. Any questions for this speaker? Commissioner Williams?

MR. WILLIAMS: I'm still trying to make sure I understand where we're talking about. So you're backyard would look at the houses that are on the south side of Rutherford?

MR. LOETHEN: If you move your mouse down a bit into the cul-de-sac.

MR. WILLIAMS: That's not mine.

MR. LOETHEN: Oh, okay.

MR. ZENNER: Do you mean this cul-de-sac, sir?

MR. LOETHEN: Yeah. Now go up. Right there, that's not my house. I'm right next to it to the

right. That there, all those trees, just floods every rain. I mean as much water as you can imagine. It's a full running creek. I mean, you could -- my kids could float boats down the thing. I mean it's a lot of water.

MR. WILLIAMS: And which way does the water run?

MR. LOETHEN: Down from past my house all the way down, because we -- we're down at the bottom of that hill, so we get tons of runoff down our street -- mud, water, all the time. I mean, it's always tons of water coming through there.

MS. GEUEA JONES: Thank you.

MR. LOETHEN: Thanks.

MS. GEUEA JONES: Next speaker, please.

MR. GOMEZ: My name is Camilo Gomez. G-O-M-E-Z, like the Addams Family, and I live in 2702 Bristol Lake Drive next to him. And everything he said is absolutely correct. The water flows all the way from right to left on your screen and it creates a mess. I think that it's important for you to understand that. I also am a little bit disturbed, as somebody else said earlier. I'm a physician and a scientist, and I find this whole process somewhat bizarre. The City, in my opinion, and I could be wrong, should be looking out for the quality of life for the citizens. And no one has bothered to ask any of us what the impact of this ghetto that they're trying to build in there is going to have on us. You're going to put --

(Audience applauds.)

MS. GEUEA HONES: Please -- please do not do that, folks. Thank you.

MR. GOMEZ: Forty brand-new families at least of two people, that's 80 more people in there, their car, their vehicles in there in a zone that is not like that. And then we're told the following. We had a faulty system where people have actually taken more of what you call impervious surfaces that they were allowed, and what are we going to do? We're going to give them some more that they're allowed? Really? So we're going to continue the same process we've had before without regard to the fact that this whole thing was planned 20 years ago. We live in a different world, ladies and gentlemen. This is not the same world we lived 20 years ago. Whatever ideas people had 20 years ago, we need to rethink about it. Twenty years ago, nobody talked about the green movement, nobody talked about, you know, the earth dying and all of that other stuff. Here, we're going to -- we're going to plow that through that area. Has anybody talked to the Missouri Department of Conservation? Do you know there's a -- there's Northern Harrier which is an endangered species that lives in that plot of land? Does anybody know that? Has anybody bothered to ask these questions? So I'm telling you, we're wrong. This is -- this is all wrong, and I -- don't get me wrong. I do not -- I do not interfere with the right of anybody to develop their property. I'm a capitalistic pig until the end. So -- okay. But I also don't like subtle threats of if you don't give us this, we could build a 51-foot monstrosity of a condominium, which is essentially -- it's a threat. This is the alternative. That's door number two if you don't approve this. With all due

respect, look in the mirror.

MS. GEUEA JONES: Thank you very much. Are there any -- I'm sorry. Sir. Sir, we've got a Commissioner that has a question for you, if you're willing.

MR. GOMEZ: I'm always willing and able.

MS. GEUEA JONES: Appreciate that, sir.

MS. PLACIER: Yeah. Well, and this is not just directed at you, but anybody else who comes forward, who intends to imply that who -- the people who would move into these homes would be somehow inferior, that it would be a ghetto, et cetera, that is deeply offensive to me. And I just hope that that's not the basis of the decision.

MR. GOMEZ: It is not. But it's also not the basis of my comment, ma'am. The ghetto, really physically speaking, not culturally speaking, has to do with this pushing people together into a small area in one way or another, and that's -- look at the sizes of these so-called cottages. You know, I lived in totalitarian states. I lived in South America. I lived next to favelas. I know what it is to -- and I'm not sure of the word in English, to pile people up in small areas just so we can make more money. That's what it's all about. Come on, let's call it what it is.

(Audience applauds.)

MS. GEUEA JO0NES: One more time, folks, and we're not going to do that. Just one second. Commissioner Wilson?

MS. WILSON: I'm going to double down on Commissioner Placier's comment because home ownership does not make you a ghetto person. It is people owning homes, regardless as to the size of the home. And so I also find that to be a highly offensive and unnecessary to make your point comment, and that's not why we're here. They have a right to develop what they're going to develop, period. That's what we're here discussing, so it's irrelevant. And while I appreciate you coming forward, I would also appreciate everybody being respectful of human dignity and homeownership.

MR. GOMEZ: Anything else?

MS. GEUEA JONES: Thank you.

MR. GOMEZ: You're welcome.

MS. GEUEA JONES: Thank you. Next speaker, please? I appreciate everyone's enthusiasm, but we like to keep things as professional as possible.

MR. YEW: Hi. Good evening. My name is Felix, so I live on 2404 Baxley Drive.

MR. CRAIG: Sir, can you give your last name, as well?

MR. YEW: Y-E-W, Yew.

MS. GEUEA JONES: It's for our records. We do that for all these hearings.

MR. CRAIG: Full name?

MR. YEW: Full name is Felix Yew.

MR. CRAIG: Thank you.

MR. YEW: So I live in 2404 Baxley Drive. Now, my concern is basically the infrastructure to support the new development. Now you can see we have a single lane traffic on East Gans Road. We also have a single traffic on South Bearfield. We have the high school, Tolton, is right next door. In weather like this, right now in this storm, for example, all you need is just one car to break down. Every -- all traffic is basically going to -- (inaudible) the entire neighborhoods. It's going to be shunted -- we're going to have traffic issues. We have people who work at the university. I work over at the university myself. A lot of people over here, they work there. All we just need is one car to break down, the whole road gets jammed up. We have to take one big detour that goes now 20 minutes round, just to -- for where we go. And for example, even school kids cannot get to school. I think to consider such a development, such a massive development, we need to at least plan for the infrastructure, like traffic. We need to account for, diversions we need to account for are there any alternatives -- alternative routes that cars can take, because I anticipate traffic will be even more congested. And I think the last thing people want is for traffic to be rerouted through our neighborhoods, for that to become Main Street.

MS. GEUEA JONES: Thank you. Any questions for this speaker? Seeing none. Thank you very much. Next?

MS. REICHARD: Hi. My name is Kristy Reichard. Did you need my address?

MS. GEUEA JONES: Yes, please.

MS. REICHARD: 2700 Bristol Lake Drive.

MS. GEUEA JONES: Thank you.

MS. REICHARD: I'm here not just as a homeowner, but I'm the HOA president of Bristol Lake, and so I'm representing multiple people that have asked me to give their interest that couldn't be here tonight. So the comments mostly that I have heard, there's a lot of concern about the runoff as you've heard with some of the homeowners that have already talked about the water issues. But what hasn't been talked about is if you look at your map, right across the street from the proposed property development is our lake and our entrance. And at every HOA meeting that I have -- I've lived there eight years this April, so I think every meeting that I've ever attended and as well as being on the board, we discuss our major problem, keeping that lake full. So I have had multiple people ask me to represent that that lake is completely -- and I'm not a water expert, and I don't know. I'm just telling you what I've been told, that our lake is sourced completely by the runoff of the proposed property development. We've -- we've had questions of can we get the fire department out here to fill it because it's -- and I know we've been in a drought, but we're having really record lows that's created a lot of problems with routes out to the conservation department. We've had somebody from the City come out, and it is my -- I've been told that the City requires us to have the lake because we did discuss possibly trying to fill it. And so we've been having ongoing problems with the lake, so that's a major concern. How are we going to keep the lake with the stormwater being affected and the runoff from right across the street -- the six acres across the street that feeds it. And the traffic has already been mentioned. The MU SEC course, which has

been a great thing, I think, for our City, so I'm not opposed to that at all, but it is used by middle school, high school, and college cross-country teams as well, so it is heavily used. We have a lot of traffic increase there. The too much impervious surface was also -- I was asked to share. It doesn't fit our neighborhood. I -- I understand it sounds like this was a big mess from 20 years ago, and I think that is really awful actually for all three developers that we're discussing here tonight, or maybe four. I don't know that we've had. But the -- from the way I understand it, from when I purchased, that the lot that the developer chose in the Bristol Lake Phase 1 to build the lots or the homes and the impervious surface to -- to make that larger than anticipated because they were trying to protect the natural habitat and the wildlife in the Gans Creek Watershed. And then when Scott Daugherty began developing The Villas, he -- if I'm understanding what you guys are saying, he also started developing The Villas in a larger capacity than maybe what was planned initially. And so I do know that I have, being on the HOA Board, we have with met with Scott probably five times in the last four years, and he has told us his plans for The Villas. He's talked about what he's doing. They're very much in line with our neighborhood in size and in price. So I think it's kept with the feel of the wildlife being very important. And so the water issue with its sourcing Gans Creek Watershed, which you guys already mentioned, was already a huge topic here, and then our lake is the two things that I think are the biggest concerns, as well as the density. Outside of discovery, it was mentioned you don't see these limitations, and I think that's mostly what I have been told was because of the Gans Creek Watershed. I think that's most of -- I was just going through my notes real quick. Yeah. I think that's it.

MS. GEUEA JONES: Thank you. Commissioner Stanton, let's start with you.

MR. STANTON: I've been kind of silent most of the evening, but since I have a representative of a bigger group, I can kind of say this. Number one, everybody that has spoken is living by one of the premier high schools in the City -- Tolton. So from the Egyptians or let's go back -- we can go back to the Mesopotamians, when they build institutions of knowledge, the communities grow around that. It's been that way since that. So to anticipate that there would not be growth around one of the premiere high schools in this community would be naive. We have all the amenities for growth. You have a lake, you have a premiere high school, you have the Discovery Ridge, the whole development that's been taking place. So at no point did you not know that there's going to be development here. I really didn't want to touch on the density and the ghetto statement, but I can't help it. Cottage style development is taking advantage of, yes, density. Cottage in Europe are used to create a smaller footprint on the land versus a sprawl which I see everywhere else. Sprawl is anti-conservation because it spreads out those -- that infrastructure, and in places like Europe and other places that I've lived, I'm not just reading off a book, I've been there, density is used to create less stress on the infrastructure. I promise you, and I'm predicting this, these are not going to be affordable housing. These are going to be within the market pricing of probably the stuff that you guys live in. I'm going to make an implicit bias and say that pretty much everybody that lives down there is probably, as I would say, ebonically papered up, so they've got

jobs, they're not -- you know, there's -- you guys are probably pretty developed neighborhoods. The people that will be buying these cottages will not be less papered up. They'll have money. They may be smaller because there's a market for smaller places to live. I have a problem with that because I -- this is what we would use to affect affordable housing, but this is put in a place that people are papered up and you're going to use this as a market. It's a market. People want cottage-style houses, and they're going to pay $200,000 to $300,000, if I'm correct -- around that for these places. Far from a ghetto, far from that. These people will just be closer neighbors than you are, but the income will probably be the same. I have great concern about it being so close to the wildlife sanctuary. I do. I have great concern with the runoff. This 18-year-old, Madam Chair, if you were them, what would you do to solve this?

MS. RICHARDS: If I was them, meaning the developer?

MR. STANTON: Yeah. Yeah. Yeah.

MS. RICHARDS: I would have --

MR. STANTON: I just don't want to hear a no, I want to hear a --

MS. RICHARDS: Right. No, I agree. I agree.

MR. STANTON: Okay.

MS. RICHARDS: And I think that developers should have the ability to develop, I -- sure. I think that the amount of -- of units is way too much. So I wasn't aware 20 years ago what was allotted there. But based on the way it was developed when I purchased almost eight years ago, it's very much considered a -- just -- there's a lot of wildlife protection. And so I think that the water issues and the Gans Creek watershed and all of that, in keeping with the Bristol Lake neighborhood, Bristol Ridge neighborhood, and Bristol Villas, I would just do a lot less units --

MR. STANTON: But you know they could have done 81. Right? You know they could have done 81?

MS. RICHARDS: And if I understand that, my -- and I don't -- I'm not claiming to understand this. Is that just for that part, or was that in shared with The Villas?

MR. STANTON: Right where they're at, they could have put 81 units there, right where we're at.

MS. RICHARDS: Right.

MR. STANTON: So they're going with half that, and not saying that argument isn't feasible --

MS. RICHARDS: Right.

MR. STANTON: -- it could be lower.

MS. RICHARDS: Well, it just -- that's why I feel very bad for all of these developers because that doesn't seem to be in tune with what people that purchased the property were told about the Gans Creek Watershed either. So I don't know how -- I don't know how 20 years ago anyone would have ever approved an 81-unit for something we're trying to protect this amazing natural resource right across the street. I don't -- I just -- to me I can't -- I can't comprehend -- they don't -- I can't mesh them, so that's

where I'm having trouble understanding. And -- and I would -- I love the question about the water study because we need help with the lake. We can't get anyone to come out and help us with the lake. It's just kind of on us to try to figure it out, and we've been trying to figure it out. We've -- we do think that there is a leak. We've also been in a drought, so that six acres is the primary source of feeding our lake, and it's a major problem.

MS. GEUEA JONES: Are you done, Commissioner Stanton?

MR. STANTON: Yes. Thank you.

MS. GEUEA JONES: Yeah. Before I ask for more questions, I suspect that's not a lake, that's a water retention feature --

MS. RICHARDS: Uh-huh.

MS. GEUEA JONES: -- which means that it's supposed to run dry, which may be a problem that your neighborhood association needs to address --

MS. RICHARDS: Right.

MS. GEUEA JONES -- making it something that's more permanently wet instead of a -- just a rain basin, which is what it is.

MS. RICHARDS: Uh-huh.

MS. GEUEA JONES: But any other questions? Commissioner Walters, go ahead.

MR. WALTERS: Thank you. I was still confused on a point. So you're concerned about -- you're not keeping the pond or lake up to -- it's leaking, so it's less than what you -- what you desire?

MS. RICHARDS: Well, it's been really hard to determine if it's actually a leak or if it's just been because we've been in a drought.

MR. WALTERS; But it's less than what you desire?

MR. RICHARDS: Right. But not -- it's not that, it's just that we've had a lot -- it creates a lot of problems for the homeowners around it because the mosquitoes and pests and all kinds of other things, you know.

MR. WALTERS: Okay. All right.

MS. RICHARDS: That kind of issue. I'm no -- obviously no water expert, I'm just representing multiple comments that have been -- I've been asked to share.

MR. WALTERS: All right. Thank you.

MS. GEUEA JONES: Any other questions? And just -- we always ask this when it's an HOA person. Did your HOA actually take a vote or did they just ask you to come here and speak tonight?

MS. RICHARDS: Oh, yeah. We didn't take a vote. I was just asked.

MS. GEUEA JONES: Okay. That's all. We just ask as a curiosity.

MS. RICHARDS: No. No. It was just merely volunteer. I pulled the short straw.

MS. GEUEA JONES: The president usually does. Seeing no further questions, thank you very much, ma'am. Next? I'm going to close the public hearing if no one stands up. Going once, going

twice. Okay. We will close the public hearing on this case and go to Commissioner comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Are there any Commissioner comments on the case? Commissioner Placier?

MS. PLACIER: Yeah. I've been thinking about this the whole time. I still don't see the relationship between the flooding, drainage in one part, and this particular lot, but I think the important issue is the impervious surface. And unfortunately, we have a case where first-come/first-served, serves the first come. They say we've got ours, and so the latecomers have to argue over the scraps, whatever is left. And that was an unfortunate way that this area was created, designed. Well, I don't even know if that was a design. It was just a mistake. It's unfair inherently, but in the interest of the environment, and environmental protection, I would favor keeping the limits -- the regular limits even though it would help the current applicant because that's not the issue. It's -- the issue is the watershed, and we have to protect it. And so if we have to balance the two, I'd say let's work with the previous limits. Let's protect Gans as much as possible. It's not fair that -- to a latecomer, but that's what I would say would be the -- the way to -- what do they say, split the baby? That sounds terrible, but, you know --

MS. GEUEA JONES: Any other Commissioner comments? Commissioner Williams?

MR. WILLIAMS: I'm happy to be corrected on my interpretation, but this is how I'm understanding everything we've talked about tonight. The first is that none of the problems that relate to the over development in terms of impervious surfaces has anything to do with Beacon Street Properties, and what they're proposing to build, other then the .13-acre impervious overage, they could build under the existing plan that was approved in 2004. So -- and I haven't -- I don't know that it is inherently the purpose of this body, but if it is, there has been no information presented to us tonight to suggest that building this is going to create an environmental hazard. We have speculation, but there's been no material data presented to us on that point. And so with all of that in mind, I am intending to vote to approve.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: In order to address this, the proposal is to break out the assigned impervious acreage for Tract+ 2, and assign it a 50 percent impervious percentage. While you can definitely build to greater percentages, in fact the impervious percentages on Tracts 3, 4, 5, 8 and 9, which drain to the lake are 40, 60, 85 percent. However, none of the parcels that drain to Clear Creek or Gans Creek exceed 30 percent. And I am very reticent to break out any parcel within the group and start assigning a greater percentage. While I agree an environmental issue has not been presented, I, by the same token, have not been presented in this report the data that I'm sure went into determining that 30 percent that was originally assigned in 2004. There is a lot of language in this SOI regarding addressing water runoff and stormwater and permeability. Nor do I see any evidence that the proposed plan is attempting to maximize low impact development techniques to the extent practical or feasible, which was a mandate

under the original SOI. So if we were balancing some intention or if we -- if there was something being done that helped support why additional impervious pavement or helped mitigate that additional impervious pavement, I might see my way to a solution. But right now I don't understand that we've been presented with any rationale other than this is the plan we like for wanting 40 units, and wanting that amount of impervious pavement. As such, I believe I'm not comfortable with exceeding that 30 percent, and that the developer should work within the cap they received when they bought the property of the 2.75. Thank you.

MS. GEUEA JONES: Any other Commissioner comments? Commissioner Stanton?

MR. STANTON: My colleague, Ms. Loe, kind of developed what our previous conversation was going. I'm uncomfortable filling -- I guess when we had this -- this issue come up years ago, and I said this back then. If you're going to be this close to that wildlife refuge, you need to have a hippie-friendly development, and I'm talking hippie. I'm talking natural swales. I'm talking rain gardens. I'm talking flower -- you know, I'm talking straight-up hippie, almost off the grid kind of level. That's kind of what I was thinking years ago when we were looking at developments along this -- along this corridor. So here we are today. I -- I do agree with my colleague in some parts. I don't see a problem granting this, but I would almost want to see that what if hydrology solution develop, so you have C-1 as a bio-retention. I would like to see more, you know, or something along that line to kind of quiet my angst about it being so close to the wildlife refuge. So dealing with more stormwater, making it where it would be impossible for it to be a problem would make me happy. I think it would make my colleague happy, too, just to ensure more -- more. Because, honestly, this ain't hippie enough. I'm compromising because I support the cottage style development, and I'm kind of wanting to see if it works or not, so I'm kind of curious. But, yeah, this ain't hippie enough for me, so if you're not going to make it hippie enough, you've got to do all of those things that protect that wildlife sanctuary down the street.

MS. GEUEA JONES: Any other -- Commissioner Walters?

MR. WALTERS: I need some help from my former -- my fellow Commissioners here. We're talking -- I think I'm still confused about something. He -- they could do it right now and conform to the 2.75 thing. Right? And they're asking for 520 -- 620 -- 686 more square feet?

MS. GEUEA JONES: It's actually 5,600 square feet.

MR. WALTERS: Well, you said -- but if you're asking for .13 of an acre, that equates to 600.

MS. GEUEA JONES: Well, 5,600 square feet. Mr. Crockett, can you nod for the record? It's --

MR. WALTERS: Oh, that's right. You're right. That's right. I had 5,600. I'm sorry. I'm sorry.

MS. GEUEA JONES: Yeah. Yeah. It's okay.

MR. WALTERS: I was thinking --

MS. GEUEA JONES: You were doing math in your head and I used Google.

MR. WALTERS: Google is more reliable, so, all right. I have no further comment.

MS. GEUEA JONES: Yes. Anyone else? Commissioner Placier?

MS. PLACIER: Yeah. Maybe some -- older people really love these things, these cottages, and we're also very often hippies, so that could be the solution.

MS. GEUEA JONES: If no one else has a comment, I would like to make one.

MR. STANTON: I have one more, just --

MS. GEUEA JONES: Go ahead, Commissioner Stanton.

MR. STANTON: I hate we're in this situation, but this, as people in TV land look at this, first-come/first-served. Who is going to jump on and do what they've got to do first? It's just messed up we're here, that's the reality of this -- of development. Don't wait around to my perception. It's been two years or so since, you know, this issue was about. Nobody wanted to pull the trigger. Everybody is waiting on everybody else. Crockett's client jumped off the starting line. And so I don't want to really penalize them for jumping off the starting line first and getting it done and not waiting anymore. That's just my perspective.

MS. GEUEA JONES: My thoughts are this is exactly why we discourage PD Plans, and staff knows this, and I think has started encouraging developers to look at straight zoning if at all possible, but this is exactly why. Twenty years ago, a single property owner came in and said I want to do a PD Plan. I know I'm close to Gans Creek. I'm out in the sprawl area with all this beautiful wildlife, so here's my really sensitive plan that I've developed, then they didn't build. Then I'm making some assumptions here and guesses, but someone else did come in and build and they overbuilt. And they took up a lot of extra, you know, they cover hogged the impervious surface allotage. Now we're in a position where the people who own the property now aren't going to be able to build the way they want to build necessarily. And I'm not talking about 96 -- Lot 96 specifically, because I think that it's pretty clear that even if we say you have to stick to the 2.75, this will go forward. But we've got a lot of lots that are going to have to sit empty because somebody came up with a PD Plan. And I am not inclined to change the PD Plan because everyone who holds that property knew it existed when they bought it, when they developed their plans, when they came up with the ideas about how they were going to use it as an investment or a property that they owned or whatever. This wasn't a secret. And where, you know, we're talking about people who are developers, so they've got some familiarity with what zoning means. That, to me, is separate and apart from the other issue, which is even if lot coverage weren't an issue, even if we weren't dealing with, you know, the sins of -- of the single-family home developer, we're still dealing with the fact that we have to approve a site plan before building can begin because there is no site plan on Lot 96. So then the question becomes, okay, take the increased coverage out of it, small lots, single-family homes, they might be rentals, they might be, you know, sold to individual owners. Beacon does both. So we don't know that, that's none of our business. Our business is do we like this level of density in this area with this kind of usage. We need residential homes in Columbia. To me, if it is allowable for us to say no, you have to stick to the 2.75 that was in the original plan, I don't have a problem with the site plan.

I think that it actually may end up helping some of the water runoff issues because now, instead of it being a big field that has no water control on it whatsoever, you're going to have an additional drainage or additional retention pond. I would strongly encourage folks to look at putting fountains or something in to help with mosquitoes and that kind of thing, but that's a whole different issue. But taking the lot coverage out of it, and assuming that we're sticking with the original 2004 SOI and the 2005 PD Plan, as long as they're willing to stick to the original requirements, I don't have a problem with the layout of single-family homes on small lots. I will tell you, I know a lot of the comments we got. People were like, oh, you need a yard, you need a place for kids to play. I have never wanted a big yard. I have one right now. I could do without it. When my husband and I were looking for our first homes, we were looking for homes with the smallest yard possible because low maintenance. I know Commissioner Placier said people who are older are looking for the same thing. I think there's a market for that, but I'm not willing to amend the original PD Plan because everyone knew the terms when they bought in. So that's -- that's kind of where I'm at. With that, I'll shut up and we can move forward. Yes. Oh, sorry.

MR. STANTON: You have to open that back up.

MS. GEUEA JONES: We would have to reopen public hearing, and then allow anyone else to speak who wanted to. Okay.

MR. CROCKETT: (Inaudible.)

MS. GEUEA JONES: Okay. For the record, and as Mr. Crockett stated in his original testimony, they are willing to concede to the original 2.75. I'm getting nods from legal, that that's okay. Commissioner Williams?

MR. WILLIAMS: Just to City staff. If they concede the -- to the 2.75, is there any end we're essentially voting on all --

MS. GEUEA JONES: No, because we have to approve the site plan.

MR. ZENNER: You still have to approve the site plan, and what I would -- I do not have the 2004 Statement of Intent sitting in front of me, and what I am apprehensive to say is that a statement of intent specific to the proposed development standards on Lot 96 may not be required as a result of some of the modifications that are proposed. My recommendation of the Planning Commission would be your recommendation needs to be to approve the site plan as submitted, because that shows a layout that can be built provided that the Statement of Intent is amended such that the restrictions associated with impervious coverage match the 2004 Statement of Intent and the standard provisions that would normally be in a contemporary Statement of Intent specific to the development proposed on Lot 96 are properly amended to reflect that condition of approval, which is the 2.75 acres of impervious.

MS. GEUEA JONES: Could we approve the associated SOI minus paragraph 6, relating to impervious surface percentage?

MR. ZENNER: If that is specific -- if that paragraph is specific to that one condition, I believe that that would be an acceptable alternative. We would have to review those provisions in whole to make

sure that there aren't any other necessary changes. I -- just without the Statement of Intent sitting in front of me right now, I don't want to make a statement that may not allow us to be able to process the case forward to City Council should you decide to take action as you are contemplating.

MS. GEUEA JONES: So could we say the Statement of Intent, except for any provision relating to impervious surface?

MR. CRAIG: And make that a condition and that will be fine.

MS. GEUEA JONES: Okay.

MR. CRAIG: They've styled the motion conditional upon --

MS. GEUEA JONES: Okay.

MR. CRAIG: -- on that, and submit that to Council. That would be -- that would be acceptable, yes.

MS. GEUEA JONES: Yes. Yeah. Would anyone like to make that motion? Commissioner Stanton?

MR. STANTON: I'm just going to say all this lawyer talk, one of you need to do it.

MS. GEUEA JONES: I was going to ask Commissioner Wilson to do it.

MR. STANTON: Okay. Yeah. That's a good idea.

MS. WILSON: No.

MS. GEUEA JONES: Okay. Commissioner Loe?

MS. LOE: Right. In the case of 48-2025, move to approve the proposed PD Plan and associated Statement of Intent with the exception that the percentage of impervious surface shall remain as originally identified in the 2004 Statement of Intent --

MR. ZENNER: For tract 2.

MS. LOE: -- as directed by the applicant.

MR. STANTON: Second.

MS. GEUEA JONES: I have thumbs up from legal. Motion made by Commissioner Loe; seconded by Commissioner Stanton. Commissioner Williams, did you have a question about the motion?

MR. WILLIAMS: Can I read back what I'm writing?

MS. GEUEA JONES: If it makes -- yes.

MR. WILLIAMS: And request Commissioner Loe adopt that as the motion?

MS. GEUEA JONES: Well, we already have the motion.

MR. STANTON: It's already been seconded.

MS. GEUEA JONES: And we have it in the transcript, so your handwritten note is acceptable, as I read it.

MR. CRAIG: I will say if we're going to -- if we're going to change it, then withdraw the previous motion and resubmit the --

MS. GEUEA JONES: Yeah. I think we're okay.

MR. CRAIG: Okay.

MS. GEUEA JONES: Yeah. Okay. In that case, we have a motion and a second. Are there any -- is there any further discussion or questions about the motion? Seeing none. Commissioner Williams, may we have a roll call?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Mr. Williams, Ms. Loe, Ms. Wilson, Mr. Walters, Ms. Placier, Mr. Stanton. Motion carries 7-0.

MR. WILLIAMS: Seven yeses, two absences, and the motion carries.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. And just as a P.S. comment, I think we're going to have a much bigger fight and a much longer discussion when the next applicant comes forward.

MR. ZENNER: I'll address that during Comments of Staff this evening, just so I have guidance to provide that applicant's engineer.

MS. GEUEA JONES: Thank you, Mr. Zenner. Moving to the next case, and our last one for the evening.

Case Number 49-2025

A request by Parker Sands (Agent), on behalf of Angela Huhman (owner), for approval of a Conditional Use Permit (CUP) to allow 1003 Sunset Drive to be used as a short-term rental for a maximum of eight transient guests up to 120-nights annually pursuant to Section 29-3.3(vv) and Section 29-6.4(m) of the Unified Development Code. The 0.4-acre site is zoned R-1 (One-family Dwelling), is located at the northwest corner of Sunset Drive and South West Boulevard, and is addressed 1003 Sunset Drive.

MS. GEUEA JONES: May we please have a staff report?

Staff report was given by Mr. Ross Halligan of the Planning and Development Department. Staff recommends approval of the conditional use permit to allow 1003 Sunset Drive to be operated as a 120-night STR for a maximum of eight transient guests subject to:

1. Both garage parking spaces within the detached two-car garage and the drive be made available at all times the dwelling is used for STR purposes; and
2. The maximum occupancy permitted within the dwelling shall not exceed eight transient guests regardless of potential occupancy allowed by most recently adopted edition of the International Property Maintenance Code (IPMC); and
3. A maximum of 120 nights of annual usage.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had any contact with parties to this case outside of a public hearing, please disclose so now. Seeing none. Commissioner Williams, I saw your hand.

MR. WILLIAMS: Briefly, if the staff could remind us, under the UDC requirements for an STR,

the parking to the use of the property by individuals other than the -- the persons renting it. Right? So they host other guests. Does the UDC prevent them from having a gathering over the number of occupants, or having guests of the occupants park along the street?

MR. ZENNER: No. The City's municipal code in other sections outside of Chapter 29, has a nuisance party provision within it, and it does not allow parties over a specified number of individuals. And if my recollection is correct, it's either 16 or 20. It is very specific in the code that there is a provision about utilizing the home for social gatherings, such as wedding parties, you know, large gatherings of that nature, but that is confined by the other codes that are in place. So if you are having a large party, if you're -- if you have your eight guests, your eight guests are what have to be accommodated onsite, because that is what the short-term rental is being used for. If you happen to have eight more friends that you know here in Columbia and they decide that they want to drive eight separate vehicles, this home fronts a public street that allows public street parking in accordance to our City's municipal code. And we don't bar people from inviting friends over when they're in town. We do, however, if there is a party that exceeds the maximum occupancy, that is another offense that's not contained within the short-term rental regulations. And so that is a -- that's something that an impact to the adjacent property owner would need to take effective action to call and have resolved. Again, as Mr. Halligan pointed out, having this property registered as a short-term rental affords those affected property owners an additional means by which to report a violation, so that violation could be reported. The contact, the designated agent, would be the point of contact to resolve that issue at that point, if the issue is to a level that it does require other actions by the police department, for example, if it's a noise violation, or if it's a nuisance party, it would be the responsibility then that that complaint would be escalated to the appropriate department within the City's organization. But our code does specifically -- it does not require guests beyond the occupancy limit to be accommodated onsite. It requires the guests within that are permitted by that conditional use to be satisfactorily parked onsite. And we have not experienced at this point a question of where we have over-occupancy as a result of a party, so it's difficult for me to say how that whole process will play out. It has more or less been utilized within our neighborhood services staff for nuisance party enforcement, which we do again have other municipal code provisions that deal with that very similar to noise complaints.

MR. WILLIAMS: Thank you.

MS. GEUEA JONES: Any other questions for staff? Commissioner Loe?

MS. LOE: Mr. Halligan, Mr. Zenner sent out some additional comments yesterday, I believe.

MR. ZENNER: That's correct.

MS. LOE: The last one of those comments was actually about this case, so there was two comments on this case -- written comments. Can you remind me -- all right. So the ordinance was adopted in June 2024, but is not effective until June 2025. Is none of it effective until June 2025?

MR. ZENNER: So those that are licensing early are voluntarily coming into compliance before

June 2025, and enforcement at that point technically should begin. Again, enforcement action is something that is not handled by our staff internally. It is handled by our Office of Neighborhood Services which deals with the rental licensing program. So I would have to consult with our Office of Housing and Neighborhood Services to figure out what procedure. But, technically speaking, once you become licensed, you receive your conditional use permit, that is one of three steps. So if you choose to -- if you choose to delay obtaining your short-term rental certificate of compliance and your business license until just before June 1st of 2025, you could conceivably do that. What I can tell you is, based upon how our applicants have been processing through the system as they have received their conditional use permits, they have proceeded in timely fashion to obtain their short-term rental certificate of compliance and their business license. It is at that point that there is an expectation, I believe, of the public as a whole, and I would suggest of possibly this body, as well as my staff, that enforcement would begin. I cannot confirm or deny that that is happening. We're not receiving complaint calls as it relates to the licensed or permitted CUP short-term rentals that we have authorized up to this point. And so if an individual were to call and the applicant for this evening has not completed -- completed the licensure process, they are still adequately in compliance because they do not have to become fully compliant until June 1st.

MS. LOE: They don't -- so none of the measures of the ordinance. The ordinance is not in effect? You can rent an STR anyway you want to any number for any amount of time, any location, until June 2025?

MR. ZENNER: You have -- you have come in and requested an approval --

MS. LOE: Uh-huh.

MR. ZENNER: -- under these regulations, yes, you have. The board, the Planning Commission, and the Councils' action is to grant a conditional use. A registrant is coming to the City of Columbia asking for that authorization to be granted to them. I'm not going to tell -- I'm not going to tell you that that applicant will fully comply or won't fully comply, but they are not obligated until June 1 to be fully compliant. Again, if you have gone through the entire process of licensure, CUP, short-term rental certificate and business license, and a complaint were to be lodged by an adjourning property owner, I believe our staff would effectively take action to administer the code as it is written to that fully licensed and legally operating short-term rental even though they may not have to.

MS. LOE: That's a penalty to the people that are getting -- coming in within -- sooner.

MR. ZENNER: That is -- the penalty -- the penalty is is if they are not registered through the entire process, which is three and a half months, through this body and Council, the penalty is is if they wait till April, they will be illegally operating into June. And so the folks that have come before us, as Mr. Stanton has repeatedly said, are trailblazers. They are the ones that are putting themselves out trying to become compliant. Technically speaking, the ordinance is not to be fully implemented until June 1st. However, if you are fully licensed, there is an -- there should be an obligation by our Housing and

Neighborhood Services Department and our Finance Department to be ensuring that full compliance is achieved. I am not in the position to be able to tell either staff how they administer their pieces of this ordinance. I can only assure that the applicant has achieved CUP compliance, which is the first step in a three-step process. And that is what this applicant is seeking to do. And until June 1st, if this applicant has not fully completed the registration, they then are being -- they are willingly operating in an illegal fashion, because they have had every opportunity from the date of conditional use approval to become fully licensed. Those that don't come in until April and continue to operate in June without a CUP or any other license have also failed to become compliant. And what actions we will take as a City at this point have not yet been fully disclosed and are still in the process of being determined as to how we will handle enforcement-related matters. We are not going out on June 1st and trying to find every short-term rental that is still operating and shutting them down. We will identify them, we will provide notice as we do with any other violating business, and we will seek to gain compliance. And so this particular owner is asking to go through this process first, and they are believed to be willing to go through the rest of the process to complete and become legally compliant. And being legally compliant means you have to comply with all of the provisions.

MS. LOE: Thank you, Mr. Zenner.

MS. GEUEA JONES: Thank you. Any other questions for staff? Thank you. We will go to public comment then.

PUBLIC HEARING OPENED.

MS. GEUEA JONES: If any member of the public would wish to speak on this case, please come forward. State your name and address for the record. We will give six minutes to the applicant and representatives of groups, and three minutes to individuals.

MS. COLEY: Good evening. Is that working okay?

MS. GEUEA JONES: Yes.

MS. COLEY: All right. My name is Carolyn Coley, and I live at 1004 Sunset Drive, the property across the street from 1003. And I believe you should have my e-mail that I submitted. I've lived in Columbia since 1992 at that property, and I also want to go and make a point that that unit was not -- that house was not being operated as a STR in 2019. The -- a company, Central Development Group, had been redoing the house. So in 2019, it was being remodeled, gutted, and I don't believe it was being used as a short-term rental until 2021. Okay? I work remotely, and my office is right -- I look right across the street, so I have a bird's eye view of what goes on. A couple of other points I wanted to make is I believe she said -- Angela stated that she lives there 140 days or 144 days out of the year. That is not correct. That home, when it's not rented, for the most part remains empty. To me, that also incites or invites potential crime. The concern about extra vehicles being there when people are renting the unit, we've had up to 12 trucks -- or yeah, pickup trucks being parked there. This fall there was a commercial dump truck that was parked there overnight for almost three to four weeks. I'll be honest. I didn't know

what, as a homeowner, what measures I could take or I should take when I felt that this was, you know, not the best use for the neighborhood. I now know that there are some avenues to take. I would also like to have a point of contact. I think you mentioned that the agent, if that agent is here, I'm not sure why Angela is not here. Okay. It's kind of indicative that she's not at her property when it's not being used as a rental property. So I'm trying to think if there's anything else I wanted to add. You know, there was one complaint that was filed. I think that was noted in the PowerPoint. Somebody called the police when there was a wedding party going on. That was also stated by the actual renter when she was called -- when the police was called on her. She posted that review on -- I think it was Airbnb. Yeah. So for those reasons, as I outlined in my letter to the City, I object to granting the City -- the conditional permit.

MS. GEUEA JONES: Thank you very much. Any questions for this speaker? Commissioner Stanton, go ahead.

MR. STANTON: What's the solution? I don't want to just hear no. If it was your property, what are you going to -- put yourself as her. What are -- and I'm you. What are you going to tell me -- what should I tell you that you can do with your property to make money to create family wealth or whatever you're trying to do? What's the yes? What's the alternative if you don't want me to use that as short-term rental? What can I do?

MS. COLEY: Okay. I'm not objecting to the short-term rental. I'm just -- there's nobody there to -- let me step back. I am objecting to the short-term rental, but I'm also objecting to the fact that she's -- she's not there. The property remains unattended when it's not in use.

MR. STANTON: So the applicant is not being honest in the application, is what you're saying?

MS. COLEY: In short-term, yeah. Uh-huh.

MS. GEUEA JONES: Any other questions? Commissioner Placier?

MS. PLACIER: Well, I'm trying to just tick off in my own mind the things that for you would make this -- I know -- I don't want to lead you to say it's possible or a good or whatever. One would be having a contact to call if anything happens.

MS. COLEY: Uh-huh.

MS. PLACIER: All the neighbors should have that. Having somebody who doesn't advertise that come on down, I'm having a big party, or you can have parties at my house. Somebody who comes to the property regularly and checks on things or has their agent check on things, and take mail in or whatever. Those kinds of things could be expected under a licensed short-term rental. And I'm just -- I wish -- well, the agent is here. I just wish that the applicant were also here so that they could hear the kinds of things that would make this --

MS. COLEY: And the concerns. You know, and I -- the driveways are sometimes blocked because of the extra cars that are there. In the past, there's also, for whatever event that they had, it was like a mini-school bus that came and picked people up, so there's congestion in the street. Again

with -- you know, when you're backing out of your own driveway, people are, you know -- I'll be honest, you know. They parked right outside my driveway, so, you know, it's congestion with the traffic, and it's also for me backing out. I'm not a spring chicken anymore. Okay? You know, I just -- I'm concerned about the neighborhood. You know, I've lived here for 32-plus years, and I've got a vested interest in -- in the neighborhood, and I know we have support here. We all know our neighbors. We -- you know, they know when I go out of town. I know when they go out of town. You know, it's that -- that sense of neighborhood that it comes back to.

MS. GEUEA JONES: Any other questions? Thank you very much.

MS. LOE: I --

MS. GEUEA JONES: Oh, sorry. Commissioner Loe, go ahead.

MS. LOE: Have you met the owner?

MS. COLEY: Yes. Yeah.

MS. LOE: Has she spent any time at the house?

MS. COLEY: She has spent some time, but I can tell you it's not 144 days.

MS. LOE: All right. Thank you.

MS. GEUEA JONES: Any other -- okay. Next person, please come forward.

MR. GEIBEL: You'll know how serious we are that we've been sitting here all this time waiting for our chance. Thank you for that. You have my letter, too. I'm Steve Geibel; I live at 1000 Sunset Drive, across the street. I'm on the corner. Do you have my letter?

MS. LOE: I don't think we do, Mr. Geibel.

MS. GEUEA JONES: I'm not sure. Did you send it today?

MR. GEIBEL: No.

MS. LOE: We have Sarah's and we have Carol's.

UNKNOWN AUDIENCE MEMBER: (inaudible.)

MR. HALLIGAN: Yes. So that message, it says -- when I went to add it to the file, it says it has been deleted, so I don't -- I just presumed that's regardless. There was a message in my spam folder that I noticed, I believe, yesterday. Then when I went to add it to the folder, it said it has been deleted.

MS. GEUEA JONES: Okay.

MR. GEIBEL: Shall I read my letter?

MS. GEUEA JONES: Well, either that, or you can just summarize. But we appreciate you being here tonight and I -- I apologize for that. That's very rare. But please, continue.

MR. GEIBEL: Okay. My wife and I live at 1000 Sunset Drive across the street from 1003. We have owned this home for more than 25 years. We are opposed to the conditional use permit for the following reasons: One, this will lower property values; two, this is historically a one-family neighborhood; three, the owner does not live here. She has stated she spends her winters in Mexico. Delivery packages are often left on the porch for days, making it obvious that the house is empty. Trash

and recycle days are not handled promptly. Noise and congestion are higher than the norm for this neighborhood. There have been as many as 14 pickup trucks parked overnight. This is not a BNB, it's a motel. We question if vetting is done on the guests. And I had some other things to say. I found the conditional use supplemental questions form, and I take issue with a couple of her answers. Whether the proposed STR is used for any part of the year by the registrant as a residence, if so, for how long. The answer was given, yes, the owner stays at the property approximately 44 [sic] days per year. And yet in the sentence that she sent when she applied -- made this application, she says I understand that the house is not considered my personal residence at this time. If she were to live there 144 days a year, and if she were able to rent the property for 120 days a year, it would be empty for more than 100 days a year. That's 264 days. Number -- question D, whether the proposed STR will increase the intensity of the use of the property and cause increased traffic or noise coming from the property, she said no. I say yes. How could it not? Whether there is support for the establishment of the proposed STR from the neighboring property owners, she never mentioned it. On the -- (inaudible) -- condition use permit review criteria, question D says, is adequate accesses provided and designed -- adequate accesses denied is provided and designed to prevent traffic hazards and minimize traffic congestion. She said yes. No. And finally, the proposed conditional use will not cause significant adverse impacts to surrounding properties. Well, would you like to live next to a motel that's empty a lot of the time? That's what I have to say. Thank you.

MS. GEUEA JONES: Thank you. Any questions for this speaker? Commissioner Loe?

MS. LOE: Have you met the owner?

MR. GEIBEL: Yes. And her dog.

MS. LOE: Okay.

MR. GEIBEL: And we've helped catch the dog and return it to her on several occasions. When she first bought the house, she was around a lot, but then she started renting it and isn't.

MS. LOE: Hasn't been around as much.?

MR. GEIBEL: I think I have seen her once in the 2024.

UNKNOWN AUDIENCE MEMBER: (Inaudible.)

MS. GEUEA JONES: I was -- we can't -- I'm sorry. We can't have questions from the -- but you're free to come up. But that was going to be my follow-up. Did she communicate with you at all about her plans to use it as a short-term rental?

MR. GEIBEL: No. No. Just all of a sudden, she's not there and other people are. And they always say what a lovely quiet neighborhood it is, and we think yes, it is, until you come.

MS. LOE: Thank you.

MR. GEIBEL: Thank you.

MS. GEUEA JONES: Next, please?

MS. FREDERICK: Hi. My name is Chris Frederick; I live on 915 West Boulevard, and she lives

right next to me. We -- 1003 Sunset is right next to me. I have three points to make. I would like to ask you not to give her that permit, what she's applying for. Oh, and I'd like to ask what eight transient people are so many days less than a year. Is that -- are those student houses -- student housing?

MS. GEUEA JONES: It's -- transient is the legal term for a guest, an overnight guest.

MS. FREDERICK: But eight, I think it sounded like student housing.

MS. GEUEA JONES: It's the number allowed by the ordinance per house.

MS. FREDERICK: And you know -- and that house was a one-family dwelling, as is mine, as is all the other ones, and anyway. I have -- the reason I'm asking for you not to grant her that permit is because I've got to know her, and so -- I don't know, I'll just read this. The owner, Angela Huhman, of the property, she is -- has been extremely ruthless and ethical -- unethical, untrustworthy in all her dealings with me, and from the beginning. When I first saw her there, and saw some rumblings going on, she came running down. I was leaving in my car. She came running down and said, oh, I just want to tell you, we're making the bedroom bigger because it was just such a small house. And I said, well, I understand that, you know. And she gave me -- made me believe she and her husband wanted a bigger bedroom. Well, that's not what it was. She, in the process, cut all of my bushes that are there 30 years from 20 to 30 years, several trees, and because I didn't -- I don't wake up early, I'm a night person. So when I woke up, I woke up to that, and she was about three-fourths done, and I said what are you doing? Just cutting all this down, and she did not have the land surveyed, but, you know, my husband took care of all the stuff before he died, and so I -- I just trusted him, and I couldn't tell her where the line was or anything. But I hired a land surveyor and he checked it, and there's -- I -- my -- my line was well past my bushes and stuff. And anyway -- and since then, she's been hiding from me. I have not seen her over there, or if I suspect -- well, I don't even want to see her. But anyway, it's been -- if you give her another permit and that means she gets to build more on top of what -- she already has a permit which takes away from that one family dwelling. And then you give her another permit on top of that --

MS. GEUEA JONES: Thank you. I'm sorry. Your time is up. Do you have a last wrap-up or anything?

MS. FREDERICK: What?

MS. GEUEA JONES: Do you have anything to wrap up that you were saying?

MS. FREDERICK: No.

MS. GEUEA JONES: Okay. One moment, ma'am. Any questions? Thank you. Next?

MR. SANDS: Hi. My name is Parker Sands, at 402 Circus Avenue. I am Angela's agent. I want to -- very wonderful people here. I hate to come up and refute what they say. I'm there every week. I'm the cleaner. I do management. I could say for a fact these are parents coming to visit their kids at college. If there are cars over, it's these kids' roommates coming over, having dinner. It's a wonderfully kept property. I make sure of that. Other than that, I don't have a lot of say, but I would love to answer any questions you guys may have about the property.

MS. GEUEA JONES: Are there any questions? Commissioner Stanton?

MR. STANTON: So you're the person, when the stuff hits the fan, you're the one that's going to come and address the issues?

MR. SANDS: Yes, sir.

MR. STANTON: So all the testimony we heard previous to you has no grounds or you're not aware of it, or is this before your tenure? And I'm going to be honest with you. Where we're at is these first people to get these licenses, like Mr. Zenner said, are pioneers.

MR. SANDS: Correct.

MR. STANTON: This is -- I'm almost like this might be my first no. Convince me why I should be a yes after I say what I say. If I give you this permit and you screw it up, it destroys the system because we're trying to gain trust with the community because these people are coming out, and I commend your client coming to be compliant. That's the first step. But if we grant someone one and it's a bad apple, it ruins the bunch; do you get where I'm coming from? So we're really, really depending on the pioneers to be good. And this right here, I'm scary [sic]. Convince me why I should give a license to this house.

MR. SANDS: I'll give my personal experience and then what I'm here for. I've been a house cleaner, carpet cleaner. I've been in and out of homes, different rental properties for six years now, all throughout high school and no into my college career. Out of any rental property owner I've ever met, Angela has by far been the most caring for her property. She pays me the best, makes sure I take care of the property well, constantly checks up on me. I'll do face time walk-throughs with her. And even outside of that, she vets her guests more than anyone I've ever met. Any time we have had an issue, like, one of them mentioned a dump truck that was parked out there. This was someone who was in town helping for some flood clean-up out in a surrounding area. There was nowhere else to stay. It was football season. This was the Airbnb available within 50 miles. Outside of that truck's parking, I know recently we had that issue of the complaint that was mentioned here. That was promptly solved by Angela. She called them, immediately moved their cars. That was just a miscommunication between her and the clients, and hopefully, obviously, will never happen again. That was not our intention at all. Outside of that, we have ample parking, two spaces on the garage, the garage is always empty, two spaces on the driveway. It's a four-bedroom house, three bathrooms, two living rooms. This is a place where people are having their kids who at college over, stuff like that. I understand she's a pioneer in this sort of space. I wouldn't put anyone else in that space. I have so much respect for her as a person and as a property owner, but I know a character report isn't what you want. But it is a very well-kept property, even if she might not be there all the time.

MR. STANTON: Okay. I've got one more humdinger; are you ready?

MR. SANDS: Yes, sir.

MR. STANTON: So the primary concern that we've heard is that she's not living there.

MR. SANDS: Right. I --

MR. STANTON: That's -- so in the criteria, you know --

MR. SANDS: I will say -- I mean, she had Thanksgiving with her family there. She was there for a couple weeks. She has holidays there. She's -- I'm -- I don't know how personal I follow that much. I don't know quite -- how often she's there. I only know when she's not there because that's when I take care of it. And I can say I'm not there all that -- I'm not there, you know, however many weeks there are in a month or year. So she is there, even if she's not necessarily out in her yard doing yard work or whatever. It's an enclosed garage. Not to discredit what they're saying, but I don't take Angela as a liar, if she says she's there 144 days, I believe that to be close to accurate.

MR. STANTON: Thank you.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: Mr. Sands, I -- I appreciate you being here, and as an attorney, I empathize with your position of representing a client who is not here to speak for herself. And I think, just to commend you, I think you're doing a fine job in the face of what is -- I want to be frank -- the strongest opposition we've had to one of these, and I've been present for every one of them. What I'd like to know is it sounds like Angela is -- I should use her -- Ms. Huhman is very interested in the care of her property, and it sounds like she treats you well. What I'm interested in though is what evidence you can provide me of her concern for the neighbors and how her operation of this impacts them. And you mentioned something about checking in on the -- well, you didn't say background checks, but you said investigating -- something about that the people who are coming to rent, so if you could speak to that?

MR. SANDS: So I'll do the last point first, and then I'll move on to some of the other ones. For the vetting that I have mentioned, Airbnb has a rating system out of five stars. They're able to look at who is renting your property before they were to ever rent it. She exclusively accepts four stars and up. Anything below that is not worth the risk to her property, her assets really is what it is. And outside of that, I've even, you know, vetted certain people, even if they're a five star person, if I come in there and this place, you know, muddy footprints all on the carpet, that sort of stuff, they're blacklisted, can never book that property again. Outside of that, though, just one thing I will mention, 90 percent of our clients are return people. I think the last five bookings we've had have been the exact same family coming up to visit their son. It's a lot of the same people who are booking this property. It's not as if it's, you know, someone new every week, because it's only for a weekend, two days. The rest of the five days, that's time for me to come over, clean the property, water all the plants, all of that sort of stuff, so that's what I meant by the vetting process. And I'm sorry, I might have forgotten what you had asked prior to that.

MR. WILLIAMS: Just other -- I'm curious about --

MR. SANDS: Oh, her concern with the neighbors.

MR. WILLIAMS: And I'll be more specific than that, because that was somewhat vague. I'm interested in specifically whether or not she's advertising this for parties and --

MR. SANDS: Absolutely not. Her demographic definitely is families -- families who are coming here. About the biggest party I've ever seen was a family who came for their 90th grandfather, and they held a little cookout, barbecue thing, and that was maybe a dozen people. And that was, you know, messy. It's a barbecue. There's going to be some barbecue sauce and some cole slaw on the floor and whatnot, but it's a family gathering. While I don't doubt there have been tailgates and stuff being right off Stadium, right down the road from, you know, Mizzou's been doing very well these past couple of years -- (inaudible) -- but I don't doubt that they have happened. That is not our intention. We do not hope that continues to happen. That's not only harm to the neighbors, the community, but our property, as well. And it is a family-based home. We're not -- you know, they're queen-size beds, couches. It's -- the way it's decorated even is designed around a family. But I hope that answers your question.

MR. WILLIAMS: Yeah.

MS. GEUEA JONES: Commissioner Loe? Oh, I'm sorry. Commissioner Wilson had her hand up first, and then I'll go to you, Commissioner Loe.

MS. WILSON: Two questions. First question, has anyone contacted you so far about problems, or do they -- well --

MR. SANDS: Every time Angela has been contacted, I've always given the people staying, I can come over, fix this, fix that. They've always said no.

MS. WILSON: All right. And --

MR. SANDS: But that has been from the client's side. I've never heard anything from any neighbors or anything of that sort, no.

MS. WILSON: Yeah. That was my question. Second question is, do they have your information to be able to contact you?

MR. SANDS: They do not, no. I, unfortunately, have only ever met one of them, just while I was outside. I -- someone had locked the key inside the property, and I had to get through a window to get in and unlock the property. And being the wonderful neighbor he is, he thought I was breaking in, and was, like, hey, don't do that, and I was like, no, I'm just trying to get into the house. That is the only contact I've ever had with him.

MS. WILSON: Third question then. Are you willing to ensure that you share your contact information?

MR. SANDS: Absolutely. That is no issue to me at all. That's why I'm here.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: To Mr. Williams question about parties, the current advertisement does state parties and events, including family gatherings and birthday parties are allowed on the site. Maximum attendees, 20. Were you aware of that?

MR. SANDS: I was not aware of specifically that. The family event sounds about right. That's about what we get, like I said, families coming up, visiting their kids, having a party for their birthday,

inviting all their roommates, those sort of friends. As the staff mentioned earlier, it's, you know, you're allowed to have visitors over.

MS. LOE: You're allowed to have eight -- eight people -- events with eight people.

MR. ZENNER: What if I would have provided that as clarification, so --

MS. LOE: And the other limitation, which will modify the advertisement is currently, it's being advertised for 12, and that would be limited to eight.

MR. SANDS: Yes. I'm sure that will change after this application.

MS. LOE: You're not aware of that either? Okay.

MR. SANDS: I'm not -- no, ma'am. I'm sorry.

MS. LOE: You're not involved with part. Thank you.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: Oh, buddy. All those things that were presented by my colleagues are very important. I think what is equally important is the relationship between your client and the surrounding neighbors, because, honestly, that's going to be the success or failure of this endeavor. So that communication. And you know, I'll be honest with you. You're not even legal yet, so now -- you know, now that you're going to become a legal entity, those things have to be addressed or your client will be punished in the marketplace.

MR. SANDS: Absolutely.

MR. STANTON: You see what I'm saying?

MR. SANDS: Yes, sir.

MR. STANTON: And I'm still on the fence, bud. That’s just a lot of stuff --

MR. SANDS: If I may?

MR. STANTON: But I will say this, and I'm kind of speaking out to the group. Neighbors, everyone has a right to their property, so make a win-win. Make it work because they have a right to use their property. And imagine someone made a decision about something you wanted to do on your property, let's say some bushes or some trees, or whatever, painting your house, imagine someone on the outside had the capacity to tell you that you couldn't do that to your own house? Imagine someone telling you you couldn't do that in your yard, or you couldn't have a certain type of car in your driveway. So I want both sides to think, because a decision could be made off of somebody's desires, and everybody that owns a piece of property has a right to use their property. It's about -- it's about making a win-win, and being able to work together. So I'm just saying that to say that's how we have to look at these and frame these things.

MR. SANDS: And if I may say it, as well. All of this caught me by such a surprise, knowing Angela. I have absolutely no doubt in my mind to the point to where I could even make a promise in front of you all, that had she known these concerns, she would have already been reaching out and communicating with these people. I have no doubt in my mind that she is not aware of any of this

outside of maybe the recent complaint about the vehicles. And even then, she was very apologetic even to me over the phone, I can't believe this happened. This isn't what I want sort of thing. So I think really what I'm noticing is that if she was here, it's just a lack of communication, and I'm sure one phone call from me to Angela right after this meeting hopefully will be enough to resolve that. But, of course, I understand that isn't exactly a legal answer.

MS. GEUEA JONES: If none of the other Commissioners have questions, I've got a couple. When did you start working with Angela on this property?

MR. SANDS: I'd have to check to be sure, but two to three years.

MS. GEUEA JONES: Okay. So about the same time that she got it -- finished renovating and all that?

MR. SANDS: Yeah. I was probably her first paid service to take care of the property.

MS. GEUEA JONES: Yeah.

MR. SANDS: Prior to that, she probably took care of it herself.

MS. GEUEA JONES: And honestly, to Commissioner Stanton's point, this -- and Commissioner Williams, I think, also referred to it, this is the first time that the complaints we're hearing from neighbors who don't want us to issue the CUP are related to the use of the property as a short-term rental. And I -- I hope that Ms. Huhman is listening to this. We broadcast it on the internet, and I know she knew her case was up.

MR. SANDS: Yes, I think she will be.

MS. GEUEA JONES: And -- and so, if she didn't know that there was tension with the neighbors before, she does now. So I guess my second question is two things about packages and trash not going out on the day, and some of that, some of that's your responsibility, or is that --

MR. SANDS: Yes. That would be mine. About the packages, I'm not always able to make it over there.

MS. GEUEA JONES: Uh-huh.

MR. SANDS: I don't exactly know when the packages get there, so if I see them, as soon as I get there, I try to check up on the property at least once a week, I pull them in. For trash, I wouldn't see opening it out on time makes a difference because it's normally within the garage anyways, And you know, I won't take out trash if we don't have any. But in terms of bringing it in on time, which is what I assume they were referring to, yeah. It occasionally will take me later until a couple days after the trash gets picked up to pick up the trash cans.

MS. GEUEA JONES: You're going to have to be on top of that.

MR. SANDS: Yes, ma'am.

MS. GEUEA JONES: So these houses that are in, you know, a residential neighborhood --

MR. SANDS: Yes. In Angela's defense, as well, that is something she has gotten on to me about. So that is completely on me, and hope that will not reflect on her at all.

MS. GEUEA JONES: Surely. And I guess my last question is -- no. I think -- I think I'm done. Thank you very much for being here tonight.

MR. SANDS: Thank you all for --

MS. GEUEA JONES: This is an awkward position to put you in and -- and you look young, I know I'm starting to get to the age where everyone looks young, but thank you. Thank you for being here.

MR. SANDS: I appreciate you all giving me respect beside that.

MS. GEUEA JONES: Taking some responsibility, appreciate that.

MR. SANDS: Thank you.

MS. GEUEA JONES: Any other questions? Oh, Commissioner Stanton?

MR. STANTON: I have a question for staff. What if she gets rejected right now. What's the turnover to reapply?

MR. ZENNER: I'd have to look to find out how land-use changes, if they -- if a recommendation of denial is made by this body, Council -- and she would withdraw, she would not be able to come back if this was a rezoning action for one year with ostensibly the same request. And so if you were to deny her, this is a conditional use application, it would have to be processed through Council unless she chose to withdraw the application. And unless -- I don't think Mr. Craig and I have ever had this conversation previously as it relates to a conditional-use permit, because it's -- this is a very specific type of action. It is not a rezoning. And a rezoning action could be modified so you could come back immediately at the following Planning Commission meeting, there is really -- there would be ostensibly no difference between her applications if she withdrew after a negative recommendation, and I believe the 12-month period would exist. So if that were to be her choice, the unit could be registered as a long-term rental unit. It could be offered to individuals under a contract for 30 days or greater and qualify, so you could have every month, you could have a different individual, or she could rent the property to a traditional 12-month -- under a 12-month rental contract to a maximum of three unrelated individuals, but that does not necessarily mean in a home of this scale, that you may not get a multi-generational family that has far more than eight people in it. So the impact associated with denying an eight-person short-term rental for 120 nights may be no less than a long-term rental used either for 30 consecutive days, 12 months out of the year, or offered to a family of more than eight. The choice is entirely within Ms. Huhman's purview, and I, again, Counsel would be taking your guidance probably as it relates to the conditional use permit.

MS. GEUEA JONES: Mr. Sands, I suggest you might step out into the hallway and reach out to Ms. Huhman and let her know how things are going, just in case she's not watching. A lot of times, we like to make sure that we're not ignoring the applicant's wishes before we do something that might create a one-year delay in their plan and that sort of thing.

MR. SANDS: Thank you.

MS. GEUEA JONES: So with that, unless anyone else -- oh, Commissioner Placier?

MS. PLACER: Well, I was just wondering if -- if you're able to reach her, is it impossible for her to table at this point -- request a tabling at this point contingent on her fixing the ad, fixing the contact with the neighbors, fix -- you know, some things need to be fixed.

MS. GEUEA JONES: We'll double-check with legal, but I don't think we have to take a vote tonight.

MR. ZENNER: We would have to have consent of the applicant to table the project --

MS. GEUEA JONES: Yeah.

MR. ZENNER: -- versus taking action. And what I will inform the Commission --

MS. GEUEA JONES: We've done it before.

MR. ZENNER: Again, how the ad is currently posted, how the lack of contact of information is presently available, given that she is not licensed, she was no obligation to license, all of those factors get resolved as a part of the licensure process. So the ad will be verified that it has a licensure number on it. It is not advertising parties greater than eight. It is not offering more than eight or whatever the chosen occupancy is. It further states that it is, because of the license number and the license condition as asked, it's 120-night, she is entitled as a non-resident, non-long-term resident, to a 210 night right out of the gate. She did not ask for that, and that's a point, possibly, that may be didn't resonate well enough. She has chosen to take less --

MS. GEUEA JONES: Mr. Zenner, I'd like to get comments from the public, if that's possible.

MR. ZENNER: That -- those issues will be resolved, I believe. And if we want to try to have those resolved before action is taken by this body, that's entirely left up to this Ms. Huhman.

MS. GEUEA JONES: Thank you very much. Or sorry, did you have something else?

MR. SANDS: Just a small piggy-back off of that. A hundred and twenty nights is way outside of what we even see at this property. It's maybe a weekend or two a month, just as a side note.

MS. GEUEA JONES: Okay. Thank you very much. We'll -- thank you.

MR. SANDS: Of course. Thank you.

MS. GEUEA JONES: Yeah. What --

MR. STANTON: I had a comment.

MS. GEUEA JONES: We've got more people.

MR. STANTON: Oh, I'm sorry.

MS. GEUEA JONES: Yeah. Next member of the public.

MS. DAVIS: Sarah Davis; my address is 1206 Sunset Drive. The one issue that has not been mentioned here is that this is a community of neighbors. I moved here in 2009, have been recently through a divorce, and hung onto my house because of the neighborhood. I feel loved there. I can only speak for myself, but I know that there are also other single women of my age who live there -- I would say at least four within a small radius. And I think the reason we want to be there is because we know people are looking out for us. These folks have just been wonderful to get me through a really trying

time. I think safety is a major issue. These are people, the transient renters aren't invested in the neighborhood. They're not a part of our community. I don't know them. I don't know how they were vetted. I do have a wish that -- I mean, I have no problem with it being rented to a family or to another elderly woman. I just feel it's important that this stays a community of families. Thank you for your time. I do want to thank everyone for your time.

MS. GEUEA JONES: Thank you.

MS. DAVIS: I know that you're volunteers and I appreciate that. I can't tell you how much you're doing a job I could never do.

MS. GEUEA JONES: Well, thank you for your patience. I know we had a long one before you. Commissioner Stanton, did you have a question?

MR. STANTON: Yes. I'm just going to reiterate. So back to my previous thing. Just don't tell me no, tell me some kind of yes. So what I heard from you is, you're not opposed to it being a long-term rental thing?

MS. DAVIS: No.

MR. STANTON: Even though the drawbacks are, it's a big house. I could have two generations of people living in that house, grandma and you know, or my kids, and their kids, which would be the same intensity, but over a year.

MS. DAVIS: And I say --

MR. STANTON: And multiple cars and kids and noise and all that that will come -- I have seven grandkids, so if they all stay with me and their -- and their sisters, or even my daughters, could easily live in that house. That's four cars, four cars, seven kids, plus three adults. Are you cool with that?

MS. DAVIS: Indeed I am. I say bring them, because you're part of our family.

MR. STANTON: Thank you.

MS. GEUEA JONES: Anyone else? Thank you very much, Ms. Davis. Next?

MS. O'BRIEN: Hi. I'm Dianna O'Brien; I live at 1200 Sunset Drive. I live a little ways from the affected domicile. I'm Sarah's neighbor. And I just want to say that when I trim trees, when I remove a tree, when I want a shrub to be different, I visit with Sarah. The second thing I want to say is I have a crazy little dog and I walk him. In that neighborhood, if it's dusk, you're taking your life in your own hands. We are not blessed with sidewalks. There very narrow streets. I don't know how many cars you itemized, but I can tell you almost never are there only four cars when that place is being used as an Airbnb. I am pro Airbnb. I have just rented four Airbnb's for my next vacation, so it's not that it's an Airbnb, it's that there's so many cars and they don't park in the driveway. They may be permitted to park in the driveway, but they park along the street. And when you turn that corner, it is almost impossible to be sure that nobody is going to walk out between two parked cars. You have to go very slow, and if there's oncoming traffic, you just have to wait. So for me, it's about public service. And to answer your question, how can we get to yes, fewer people staying there. There's only four bedrooms. She can

make a sufficient amount of money with fewer people staying there. And if people are bringing their families, I hope they're bringing kids that aren't driving. You know, if you brought your partner, yourself and four kids, not all of them would be driving if they're from ages zero to 16, I hope. Anyway, the point is that it's about where the cars are parked, and it's about the quantity of cars. And I can't address the issue of neighborliness, I can only say that that is an issue for me in my neighborhood. The end.

MS. GEUEA JONES: Thank you. Any question? Commissioner Placier.

MS. PLACIER: Yeah. Just very briefly. If this is approved as written, there could be four cars and they would have to be off the street. Now these four cars for the people staying there. Now if they're my guests, there is on-street parking, I assume. They're for anybody.

MS. O'BRIEN: If these are people -- if these are people coming from somewhere else to stay there, how do they magically have guests in Columbia? They make friends faster than I do then.

MS. PLACIER: Well, I think that the agent said that sometimes parents come and then they -- their student children invite their friends to come for dinner or something like that.

MS. O'BRIEN: It's just problematic when it's a significant number of cars lining that portion of the block.

MS. PLACIER: Okay.

MS. O'BRIEN: I mean, if you -- I don't know if you have a map of that area, but you're coming off --

MS. PLACIER: Oh, I live in the area.

MS. O'BRIEN: Oh, you go girl.

MS. PLACIER: And I have two of these on my block, so I'm very well aware of the issue.

MS. O'BRIEN: We have the lots of --.

MS. PLACIER: But --

MS. O'BRIEN: Yeah.

MS. PLACIER: At this point --

MS. O'BRIEN: We have lots of them in our neighborhood.

MS. PLACIER: But the owner would have to -- and the agent would have to say this is the rule.

MS. O'BRIEN: Yeah.

MS. PLACIER: You can have four cars -- eight people, four cars, max, and the four cars need to be in the garage and driveway. That just has to be one of the rules.

MS. O'BRIEN: That would be tip top.

MS. PLACIER: Under licensing. But just -- I didn't mean to take so long.

MS. O'BRIEN: No. I mean, people don't typically park on Sunset Drive. I mean, that's why we have driveways.

MS. GEUEA JONES: Thank you.

MS. O'BRIEN: So that would be my take on it is, you know, walking my dog and the traffic issue.

MS. GEUEA JONES: Anyone else? Seeing none. Thank you very much. Next? Please come forward.

MR. BASS: My name is Tom Bass; I live at 909 Westover Street, which is right around the corner from this proposed -- I guess it's not a rezoning, but a conditional use permit, and I'm here to speak against it. The problem with short-term rentals, it's you can make all these wonderful promises and rules and regulations, but it's extremely difficult to police these things because the people there for a short amount of time, and then they leave, and then you have other people come in. So if you have a long-term rental and you have a problem, you can complain to the authorities, and they can address the issue. By the time someone has a big party on Saturday night, by Sunday afternoon, they're gone. Then next weekend, you have somebody else. So I can complain to the agent, yeah, and he'll say I will do better next time, but then they're gone. That's the problem with short-term rentals. To have a short-term rental in a residential neighborhood I think is extremely bad. That should -- these issues should be addressed when the property is originally developed, not after the fact when it's been a residential neighborhood for 50-some odd years. So thank you.

MS. GEUEA JONES: Thank you. Any questions? Commissioner Stanton? No?

MR. STANTON: Don’t worry about it.

MS. GEUEA JONES: No. You're good. Thank you very much, sir. You're fine. Thank you. Anyone else to speak? I think we've gotten most of the people in the room. Very good. Nothing else from -- okay. Perfect. Great. Thank you all very much for coming tonight. We will close public hearing and go Commissioner comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Also, I'd just like to make sure everyone knows that there is snow that's about to start. This may take us a few minutes. You will find out the result one way or the other. Commissioner comments? Any Commissioner comments on the case?

MR. WILLIAMS: I do.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: First, I am a big proponent of something our society has largely lost, and that is civility. And so, first and foremost, I want to thank everyone here who has commented because you have all remained civil, and I appreciate that very much. We've had only one other of these that's had a real contest to it, and it wasn't quite as civil as this. And so I just really appreciate and commend you all for that.

MS. GEUEA JONES: Agreed.

MR. WILLIAMS: I am generally a big proponent of property rights, and so, you know, Mr. Stanton, to kind of your point, I mean, when -- as a -- as a defacto matter, if you buy a house, you have the right to let anyone who wants to live there, live there. And under whatever conditions, as long as it's lawful. And the City Council decided with the authority that's given to them by the State that they are

going to restrict the ability of houses to be used for short-term rental purposes under certain conditions. And those conditions include that we are supposed to consider whether the proposed registrant has previously operated a STR and if such operation has resulted in a history of complaints, a denied STR certification of compliance, a revocation of an issued STR certificate of compliance, whether the proposed STR will increase the intensity of use of the property and cause increased traffic or noise coming from the property, and whether there is support for the establishment of the proposed STR from neighboring property owners. So what I take that as is that the City Council did not create these regulations and instruct us with them for the very purpose of just approving everyone that came by. They were put in place for a reason, which is to provide some guard rails on what happens with properties in neighborhoods in the City of Columbia. I do not see support from neighboring property owners. I do hear about increased intensity of use of the property, and there have been complaints here, not a great many, but there have been complaints, and certainly there have been some complaints from the neighbors that have raised tonight that haven't been brought to -- to the authorities. For that reason, I think I'm a no on this one, and I'm having a hard time reconciling it because what I'm hearing from Mr. Sands, what I'm hearing from the neighbors just seem very much juxtaposed to one another, and without the applicant actually here to speak for herself on it, I'm having a difficult time, and so I guess I'm weighing that in the balance, and I'm going to -- I'm going to vote no on this one.

MS. GEUEA JONES: Other commissioner comments? Commissioner Stanton?

MR. STANTON: Uncharted territory again.

MS. GEUEA JONES: Uh-huh.

MR. STANTON: Have we allowed the applicant to go see if he could get ahold of the owner?

MS. GEUEA JONES: Can you talk into the microphone?

MR. STANTON: We're getting ready -- we're going to go down that road and you're going to make a vote. Are we going to let there be an exit route, or is that agent said no go?

MS. GEUEA JONES: I -- I gave the applicant's agent a chance to come back to the mic, and got a negative response in coming back for further comments, which I think gives us an answer.

MR. STANTON: Okay.

MS. GEUEA JONES: Unless you want to drag him back up here.

MR. STANTON: Yeah. I'm --

MS. GEUEA JONES: All right. We will reopen public comment and have the agent come back forward and let us know if he was able to get ahold of the applicant.

PUBLIC HEARING REOPENED

MR. SANDS: I was not. She -- when she doesn't reside in Columbia or resides in Texas, it is 10:00 p.m.

MS. GEUEA JONES: Sure.

MR. SANDS: I'm sure she is asleep, unfortunately.

MR. STANTON: Okay.

MS. GEUEA JONES: Thank you. And for the record, you are Patrick Sands?

MR. SANDS: Or Parker Sands, yes.

MS. GEUEA JONES: Parker Sands. I'm sorry. Parker. Parker Sands.

MR. SANDS: Yes. I reside at 402 Circus Avenue.

MS. GEUEA JONES: Thank you.

MR. STANTON: Okay.

MS. GEUEA JONES: All right. We will -- anyone else? Last chance? Okay. We will re-close public hearing.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Oh, sorry. Commissioner Loe, did you want to ask Mr. --

MS. LOE: No. You're closing public hearing.

MS. GEUEA JONES: Okay. I'm re-closing public hearing, going back to Commissioner comments. Further Commissioner comments?

MS. LOE: Is Mr. Stanton done?

MR. STANTON: Yes.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: I want to thank the neighbors for coming forward. I, too, am very entrenched in my neighborhood I buy my house based on the neighbors, and they are basically my second family. So I do take this very seriously. And I have to admit I'm impressed with the amount of friction being caused by the use of this house even with how infrequently the house is being used apparently. So the Comprehensive Plan identifies goals for us to promote and protect existing neighborhoods, preserving the personality and character of neighborhoods, and create livable neighborhoods. And those are touchstones for me. And as Mr. Williams pointed out, we do take neighborhood -- neighbor support in a conditional use permit. I believe a conditional use permit is -- it's not a by right use, and it should provide a benefit. It should not be simply a no harm is being done. There -- there should be a benefit for that use being provided, and at this time, it does not appear that there's a benefit being provided to the neighborhood by that. There may be a benefit to the owner, but I think that it could be resolved if the neighborhood -- neighbors were more comfortable with the owner and manager. So I don't think this is a no-win situation. I think it's going to require some work. And frankly, I need to see some support for this use from the neighbors before I can support it. Thank you.

MS. GEUEA JONES: Any further Commissioner comment? Commissioner Placier?

MS. PLACIER: Okay. Yeah. One of my concerns is that the proposals, the -- the CUPs we have approved -- well, I guess all of them up until this point, the neighborhoods have been a mix of rental and owner occupied, and sometimes they've tipped all the way to mostly rentals. And so the renters, the tenants of the rental properties, don't get as involved in the decision. And this neighborhood is different

in that it seems to be -- I don't know if it's 100 percent owner occupied, but it may be mostly, I suppose, because of the -- the long longevity of the residents. And so that creates more, you know, friction than it does with rental tenants. I don't know the answer to that, but I just to be careful of not relegating STRs only to neighborhoods where hardly anybody comes and complains, or maybe one or two people come and complain. But -- whereas this is a pretty solid block of people. Not that I have any answer to that.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: This decision is really bothering me. Two things. One, the property right issue I brought up. Is this neighbor just somebody you all just don't like? Everybody has got a neighbor in the neighborhood you're just like, oh; you know what I mean? Is this that woman? I don't know. I -- and we're setting -- we're setting another precedent, colleagues, because if we say no to this -- you know, and I think this is probably one we could defend pretty good. But I just look at it like, okay, can we have worked -- can we work this out, because whatever reason, this -- this woman has a right to use her property to expand her family wealth. We could say no, surely off the strength of what this group has said and snatch that income from this person with a vote right now. Without a win-win, is there no way we can make this a win, because we're looking at a snatch of someone's income with a click of our finger, with a snap of pen, and then imagine that's you. Imagine that being you. Imagine you might not be an STR. It could be something else. It could be, you know -- you know, with the dump-truck thing, I was just thinking, because that was probably somebody that was working in the area, and, you know, as you said, was working on flood relief, or was just here on a temporary job. And then, you know, all kinds of implicit biases were brought into all this -- blah, blah, blah, blah, blah. Man, we've given a lot of power to someone, and maybe (a) maybe doesn't have enough information about the person, or (b) just doesn't like him, or (c) says not in my neighborhood. So I just want the neighbors to really think that we're going to -- imagine that income snatched. Are we really that anti-STR with this particular case? And what if that was you? I just want everybody to be thinking about that.

MS. GEUEA JONES: To that point, Commissioner Stanton, I don't -- I am not taking this decision lightly, and there have been cases that came before us that it was pretty clear that there were some implicit biases and just that was the guy on the block that nobody liked, and -- or it was just straight up not in my backyard fist shaking. This is the first time that the complaints that are coming forward, the neighbors that are coming forward say, oh, no, we knew it was a short-term rental. It's been a problem. We've called the police. We've called Neighborhood Services. We've told people this is a problem. They called the police. This is the first time that the neighbors showing up aren't just saying we don't like them. They're saying, no, we know her. We know her and she is not being forthright, and she is not being a good neighbor, and the things that she is doing are directly related to the things she's asking permission to do. And then we go and look, and, yes, I know she'll change the ads theoretically if she gets licensed, but if you look at her VRBO and her Airbnb ads, she is specifically saying this is a great place to have big family gatherings, big parties, big events, big weddings, big whatevers. I -- this is the

first one that I truly feel like this is not a good operator. So my question is, do I give her a chance and in six months in June regret it because it's the first license we have to revoke, or do I deny the license and risk the fact that for the next six months, she's going to keep operating completely without any enforcement, and then hope that our City staff has enough money in June to go after her as an unlicensed operator, and neither of those are good options. And, I mean, I'm truly torn and I'm not exactly sure what the answer is, but I can tell you that I don't think this is just a simple matter of we don't like our neighbor, and we have personality conflicts. I think this is a everything was fine, she was a perfectly normal neighbor, until she started renting this out. And then we started having problems. And I hear what you're saying about the dump truck and people are allowed to bring their work vehicles home and totally believe that the guy was actually just staying there while he was doing some stuff. I also know that he could have parked that dump truck not on the street where he's blocking everyone pulling in and out. And again, do we say, okay, here's your license, now go do it. I don't know. It's -- it's difficult for me, but I -- I don't feel good about trusting that someone who is not even listening tonight is going to behave and follow the law. Commissioner Williams?

MR. WILLIAMS: I just -- I do want to respond to Commissioner Stanton, and I came out rather forcefully in my earlier comments particularly because maybe because I wanted to -- to be direct about where I think this falls and the fact that we do have the authority, and I think even the -- we were given the mandate from City Council to reject some of these if they didn't meet certain criteria. But I hear you, and I want to say specifically, you know, to -- to the applicant, and even though she's not here, and to Mr. Sands, that I don't take a lightly, that there could be an income, and, you know, revenue hit to someone, to you from this decision. But I think what really does separate this is that every other one of these we've had except one, which I'll touch on, the concerns and complaints have been directed as general matter to I don't like the idea of an STR in my neighborhood. It's been very conceptual with no real example of this has been a problem. We've had one instance, but it was a little difficult to tell whether the problem was because that person lived there. Was it their party? Was it the party -- so it was muddied. This one is much clearer about the complaints from the neighbors being directed specifically to the use as an STR, and that really does make a difference to me. And then the -- the large events. You know, I don't want to -- there are some people who have come recently, some operators who I think have gone above and beyond, and I don't want that to be bar because that's not the bar that the City Council has given us. But they've really gone above and beyond about their policies, about their vetting, they have security cameras. Those things make me feel really good about voting yes. So I just wanted to say I'm not unaware of the impacts of what I'm advocating. I just think we were given -- this is what we were charged with by City Council with a situation like this. Now look, there could be much worse situations, and let's be clear. But I think this crosses that line, and -- and if the applicant, the owner was here to speak for herself, that might -- again, that might change my view, but I -- we don't have that. And so in the absence of -- of her voice, again, her agent has done a remarkable job representing her interests, but

that's where I'm falling.

MS. GEUEA JONES: Any further -- Commissioner Placier? Oh, sorry. We also have something from legal, but --

MR. CRAIG: Yeah. Before we go to a vote, let Commissioner Placier go, and then --

MS. PLACIER: Oh, well. It might be a question for you. It's for anybody. The consequences of a no vote, you know, a majority no vote, that still goes to City Council. Correct?

MR. ZENNER: Yes.

MS. PLACIER: The owner could still come to City Council --

MS. GEUEA JONES: Yes.

MS. PLACIER: -- at the time when the vote is taken, and address some of this stuff that will be in our notes.

MS. GEUEA JONES: Yes.

MS. PLACIER: It is not like if we vote no, you cannot -- never come back for a year. They have an opportunity to appear, and argue their case, and say I am going to do this in front of the whole town. So it's not -- this is a strong message. A no vote is a really strong message, but it's not the end of the road for the applicant, but she had better turn up.

MR. CRAIG: I just wanted to address a question that Commissioner Stanton had asked staff earlier as a turnaround or would you be barred from re-application for conditional use. The code is -- is silent as to that. I know for zoning map amendments and such, it's one year turn-around. For CUPs, there is silence, so as such, I would say I don't know that they are barred from coming back again. I guess whatever their appetite is for hearings would limit them. But the code is silent as to -- as barring re-application for a CUP, so I don't know that it would take -- it would be a year turn around. And also I just wanted to point out that subsection 8 of the STR, it does say that the ordinance that dwellings licensed for short-term rental usage shall not be used for special events such as weddings, corporate evens, commercial functions, large parties greater than eight persons and other similar events and activities otherwise prohibited by this code, because I think it was sort of ambiguous as to what would be allowed, and I just wanted to make sure that everyone is clear on what the ordinance said about that.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: Mr. Sands, I hope you heard all of that. I'll just say that.

MS. GEUEA JONES: Okay. Any further Commissioner comments?

MR. STANTON: That's how -- I wasn't finished yet, ma'am. I'm sorry.

MS. GEUEA JONES: Oh, sorry. Go ahead.

MR. STANTON: Counsel was saying that that the code is silent on it. Right? How do we proceed? Does that mean we could say come back in three months or what, because there's no -- there's no ground.

MR. CRAIG: I don't know that you can -- you can create -- you know, I don't know if you have

authority to create that condition to tell them they can't come back.

MR. STANTON: Immediately. Because there's no plan.

MR. CRAIG: We can't tell them -- yeah. I don't think we have authority to tell them they can almost immediately come back. Like I said, you have to reapply and go through this whole thing.

MS. GEUEA JONES: But the question is, there's nothing barring them from reapplying immediately? Not if --

MR. CRAIG: I see nothing that bars them from reapplying, and that might be an omission, or that might be intention with the -- I mean, legislative intent, I don't know. but as -- as the code and the ordinance is silent as to that. I don't know that this Commission has authority to -- to impose such a restriction on re-application.

MS. GEUEA JONES: Okay.

MR. ZENNER: Any re-application would need to follow the standard application deadlines, and they would not appear before this body for at least an additional six weeks following the actual application. I think the public record is very clear at this point with what the expectations are and the concerns that have been expressed, which can be provided to Ms. Huhman upon approval of the next set of minutes because they will be available. If she chooses not to withdraw this item, those minutes will go to City Council and City Council will have that in front of them. While City Council does hold the authority to potentially hear from Ms. Huhman and potentially give consideration to the concerns that have been expressed and any conditions that she may have to offer or self-impose upon herself, based on past history associated with controversial projects that have come before this body, it is likely that the case would be remanded to the Planning Commission for a rehearing and re-advertising and any conditions associated with addressing the concerns that have been raised her this evening, would potentially need to be incorporated formally into a revised Planning Commission vote. That's just how we have handled controversial cases before because Council utilizes this body as the public hearing body for these types of actions, both re-zonings, text amendments, and then conditional uses. So that would be what, from a staff perspective, being here as long as I have been, I think that that was what you could probably expect. However, stranger things have happened, and it may be that the applicant, hearing this, decides that they want to pursue the long-term rental option, which this home is not presently under a long-term rental license either, and afford themself the opportunity to do a 30-day or greater to a traveling nurse, a visiting professor, or something along those lines. The economic viability of using this property for a rental home and obtaining income was specifically and very intentionally created by this Commission. The option for that to happen and dual registration of a property was never eliminated when we adopted the code as it is. So I think the commission needs to be satisfied to the fact that you gave a one-year process by which somebody could have an opportunity to determine what they wanted to do with their property, that they were not the primary resident of. You have to come through this process. It's refining, and obviously sometimes things get said that may not have been known, and tonight has been an opportunity for that to

be expressed for this applicant to hear. They need to now make a business decision, that business decision being either to proceed with the short-term rental and try to collect what they can out of it, and potentially have to come back here, or withdraw and proceed in a different direction. We're here to help that applicant figure out what direction that they would like to go in, and if they want to resubmit, we will give them all of this information that was made.

MS. GEUEA JONES: Well, let's get to a vote before we start speculating what happens. Any further Commission comments? Anyone want to make a motion? Yeah. Commissioner Williams, go ahead.

MR. WILLIAMS: I've already written it down.

MS. GEUEA JONES: Excellent.

MR. WILLIAMS: Should I give the -- so all motions are made in the affirmative.

MS. GEUEA JONES: Correct.

MR. WILLIAMS: Motion to approve the requested STR CUP subject to the following: 120 nights of rental, maximum of eight transient guests regardless of allowance permitted by IPMC, and the two parking spaces within the detached garage will be made available when dwelling is in use as an STR.

MR. STANTON: Second.

MS. GEUEA JONES: Motion made by Commissioner Williams, seconded by Commissioner Stanton. Is there any further discussion on the motion? Seeing none. Commissioner Williams, when you're ready, please take a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Wilson. Voting No: Ms. Geuea Jones, Mr. Williams, Ms. Loe, Mr. Walters, Ms. Placier, Mr. Stanton. Motion fails 6-1.

MR. WILLIAMS: One yes and six nos. The motion fails.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. Seeing no further cases, we will now go to general public comment.

VI. PUBLIC COMMENTS

MS. GEUEA JONES: Are there any comments from the public of a general nature for this evening? Seeing none.

VII. STAFF COMMENTS

MS. GEUEA JONES: Mr. Zenner?

MR. ZENNER: So your next meeting will be on the 23rd of January. We do have one more short-term rental that we can handle on that agenda, as well as several other items that will be discussed. And that will -- the regular meeting will proceed or will follow a regular work session at which we will re-engage a discussion on the small-lot standards. Your cases for the January 23rd meeting are a design adjustment for Tuscany Ridge Plat 4. This is located up off of Brown Station Road just south of Waco in the very rear portion of the development, and involves, basically, a design requirement associated with

Appendix A, and a utility easement that must be provided adjacent to public road right of way. The public road right of way runs along the outside edge of the property immediately adjoining the City's Fairgrounds Park property, and the road design itself is such that -- and the subdivision design is such that moving the roadway eastward in order to accommodate a ten-foot strip that would be basically adjacent to City-owned property does not work, so the applicant is seeking to have that utility easement that would serve no useful purpose pursuant to our own utilities department to have it waived from the design. Mr. Palmer will be providing the staff report on that. 1407 Cinnamon Hill Road, this is a major amendment to the Fresh Karma PD Plan at the corner of Stadium Drive and the northbound on-ramp to U.S. 63. It is a revision that would introduce a second lot on the originally approved PD Plan, which did identify two buildings. The second lot that is proposed to be created is to accommodate the second building that was shown, the non-marijuana facility, and it's being requested in order to create the opportunity for future sale of that property to a separate owner. 4804 John Garry Drive. This is a rezoning request from MN to RM-F. This is a portion of a piece of property that was rezoned in 2022 out of a series of planned zoning districts. If many of you -- if you're familiar with this particular location, Cedar Grove Drive, which is along the southern boundary of the property at its intersection with John Garry Drive, it's multi-family development surrounding it. This particular property is part of the amenity area of the apartment complexes and is to be improved with additional multi-family dwellings. And the problem that has arisen here is that the height restrictions within the M-N zoning district, which were 35 feet, are impacting the ability to build a series of multi-family buildings to the height necessary, and by rezoning to the RM-F zoning district, you're providing additional setbacks on that property, it increases the available building height to accommodate the proposed multi-family structures. The request, in general, is non-consequential to the surrounding area. Mr. Palmer will be providing a report on this, since he was the original planner that did the comprehensive rezonings for this -- the Corporate Lake area. And then the short-term rental request is at 5406 Gemstone Way. This is a 210-night non-long-term resident-owned property that is sought to be utilized for short-term rental purposes. To familiarize yourself with where we're located, your Brown Station Road request at Tuscany, our Fresh Karma PD Plan amendment, the John Garry Drive rezoning request down at Corporate Lake, and then Gemstone Way STR requests. As indicated during our discussion as it related to Case Number 48-2025, and the subsequent application that is to come in from Scott Daugherty and their development company, if it is to my understanding correctly, you are going to want specific justification as to why an increase in impervious surfaces is going to be necessary and how such increase in impervious surfaces will not otherwise impact the environmental features of the surrounding area as originally requested to be preserved as part of the Discovery Park annexation and permanent zoning; is that correct? That is what I will express to the applicant's engineer, and they will provide technical information associated with how an increase in impervious surfaces will not impact environmental or water quality features in the surrounding area. Just to be clear, an increase in impervious surface areas will reduce the amount of

green space, the 70 percent that is allocated currently in Tract 2. And so if that is what this Commission is insistent on maintaining, irrespective of the fact that it can otherwise be justified that the environmental impact of why that 70 percent open space was required to be maintained, I don't know if we're ever going to get to a yes. And so I either need to help the applicant understand that their argument needs to be significantly compelling, or that they just may be out of luck on getting any development enhancements and they'll have to be building product that may not be necessary -- necessarily desirable by their buyers and their folks that they are building for, because, in essence, I think that's what's going to end up potentially happening and that individual, unfortunately, is going to be penalized for the exorbitant increases in single-family housing that they had no control over. And so I just want to make sure I understood what came out of this evening's discussion with Mr. Crockett, so when we work to try to help the applicant prepare a request that will come before you, they're not wasting their time. They're not wasting their time, they're not wasting our time from a staff perspective, and they're not definitely wasting the Planning Commission's time, because that will be probably another very lengthy conversation.

MS. GEUEA JONES: Yeah. We are coming up on 11:00. It is snowing. Commission Loe and Commissioner Williams both, I think, want to provide some clarifying comments for you. Commissioner Loe?

MS. LOE: I simply want to observe that it is not just -- the SOI does not just limit that impervious surface, as we discussed this evening. As you just noted, it is also about the open space and it is about the low impact development techniques. And frankly, with what was presented in this case, I saw no evidence that low-impact development was being employed whatsoever. So there are ways to retain stormwater in such a way that it may meet some metric, but there are different ways of doing it, more environmentally friendly ways, shall we say. And I believe that was the intention of the original SOI. And so, for me, it wouldn't be simply enough to say, yes, we're -- you know, we're dealing with the stormwater adequately. There was a bigger intention in the original SOI. If there was third-party evaluation to help determine what set that 30 percent for those tracts that are draining into Gans Creek and Clear Creek, and if there -- it's been 20 years, so I'm sure some of the technology and techniques have changed, but if there is, again, third-party input on what some of the development might occur. But if we're simply saying you chose to build larger footprints or larger driveways, and therefore, we're going to let you build larger detention ponds, that, I don't think, is adequate.

MR. ZENNER: I -- and I understand that point. I would suggest that while the increase in the building footprints that is something that, as Mr. Crockett pointed out this evening, they're at fault for doing that, as well. And so that's a choice that they have to understand they need to -- they need to reconcile in order to minimize the impact that they may be creating. But we do have -- we do have a 2005 final plat that is in place, and so if what we're suggesting, what may be suggested by the Planning Commission going through the hearing process, the formal hearing process, is is that platting may not be considered valid anymore, and that you have to revise to create different options for preserving your

green space, that's, I think, something that obviously may be a bigger pill for the -- for Mr. Daugherty and his development company to accept, because that's going to maybe have a much more significant impact to the existing infrastructure system that is there because it all exists. But again, I want to just make sure that the applicant is aware of what the general idea and the expectation is as to what they may need. Stormwater, again, we didn't have enough presentation because the original design engineer wasn't here to present the stormwater calculations that they performed for this site. The original design engineer is Mr. Daugherty's engineer. And so you're going to hear probably much more detailed compelling testimony as it relates to how the stormwater, which was one of the critical elements in protection of the watershed, which all of this occurred before I joined staff, so I get this tangentially. However, I think that that may be able to help support that because, of course, Mr. Shy -- Ron Shy with Allstate, was involved with this overall agreement. And so I think those are the types of things that we didn't have this evening. Low-impact development is one of those things that I -- I mean, we can tell them to do low-impact development, but they have a lotting arrangement that's there. So I appreciate the additional clarifications. Mr. Williams?

MR. WILLIAMS: I would like it if you could distribute the SOI.

MR. ZENNER: We will do that and we will submit the original plan. That was a conversation Mr. Halligan and I had after the report went out, and Ms. Loe's comments came in.

MR. WILLIAMS: And also any environmental -- any secondary materials that were provided at the time that's available in record, it would be -- it would be helpful. I mean, there's a lot of talk about the environment here, and I'm not entirely certain what our Commission's role is, being still fairly new to this, in that it's a difficult thing to, I think, make a decision on at a hearing with no foundational evidence in front of us. I mean, I share the comments and concerns the Commissioners had about the environment and the sensitive area there, and I appreciate what the gentleman said about the Blue Heron [sic], I think it was, but in any event, if -- if that is something we should be considering, then I would like to see what those reports were at the time, too. I appreciate your amendment tonight so that we really weren't doing any changes. They were -- we were approving a plot, but beyond that, it was -- they have to operate it within -- consistent with what was in the 2005 SOI, so anyway.

MS. GEUEA JONES: Anything else? Commissioner Stanton, I thought you had something?

IX. ADJOURNMENT

MR. STANTON: I'd like to entertain a motion to adjourn.

MS. LOE: Second.

MS. GEUEA JONES: Moved by Commissioner Stanton; seconded by Commissioner Loe. Without objection, we stand adjourned.

(The meeting adjourned at 10:56 p.m.)

(Off the record.)