

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
JANUARY 19, 2017

Moving on to our last, but not least case.

At this time, I would like -- I would ask any Commissioner who has -- who has had any ex parte communications prior to this meeting related to Case 17-48 to please disclose that now so all Commissioners have the same information to consider on behalf of the case in front of us. Thank you.

Case No. 17-48

A request by Frontgate of Columbia (owner) for approval of a C-P (Planned Business District) development plan to be known as "Addison's South C-P Plan". The 1.51-acre subject site is located on the southwest corner of Vawter School Road and Frontgate Drive.

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

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the C-P development plan and design parameters.

MR. STRODTMAN: Thank you, Mr. MacIntyre. Ms. Burns?

MS. BURNS: Yes. Mr. MacIntyre, can you indicate where the second site is for the C-P lot?

MR. MACINTYRE: The second site -- the second lot --

MS. BURNS: Yes.

MR. MACINTYRE: -- that's already been -- okay. That's -- that's right here --

MS. BURNS: Okay.

MR. MACINTYRE: -- to the south of Frontgate Lane, so that would be even a more crucial site in terms of trying to maintain the sensitive design that blends with the surrounding residential since it doesn't have that benefit of the frontage drive here that these three lots nearest the entrance have with the large evergreen trees to buffer them.

MS. BURNS: Thank you.

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

MR. MACMANN: Just a clarification, Mr. MacIntyre. Frontgate Lane, you said a reasonable amount of time. You said about two years before that was finished out?

MR. MACINTYRE: Yes. I think the -- a note on the plan indicates that more precisely, and I've forgotten. I think it was 2020 that we decided on, but there were a number of back and forths in discussing how that would be facilitated, so please excuse my lack of memory.

MR. MACMANN: Two or three years, somewhere in there. Right?

MR. MACINTYRE: Yes.

MR. MACMANN: Okay. And a follow-up question there. You did say, if I heard you clearly, and I'm sorry for not hearing you clearly, the remainder of the C-P property to the west, there are currently no plans --

MR. MACINTYRE: That's correct.

MR. MACMANN: -- that you're aware of or that have been submitted to the City to develop that property?

MR. MACINTYRE: That's correct. No plans have been submitted.

MR. MACMANN: That's all the questions I have at this moment. Thank you, Mr. Chairman.

MR. STRODTMAN: Commissioners, additional questions? Mr. MacIntyre, I would like to follow up with a question from Mr. MacMann. Explain to me that two or three years of reasonable amount of time. Is that a fixed date or is that just a projection?

MR. MACINTYRE: Please bear with me. I'm looking --

MR. STRODTMAN: If I'm -- I was looking for it, too, but --

MR. GEBHARDT: Node 8. Steve it is Node 8.

MR. STRODTMAN: Node 8.

MR. GEBHARDT: Node 8. Is right next to the --

MR. STRODTMAN: Oh, okay. Thank you. We'll act like we didn't hear anything, Mr. --

MR. MACINTYRE: Yes. There's a note on the plan and I'll just read that back to you.

Construction of a right-in/right-out driveway -- and this covers the access onto Vawter School Road from the site that I mentioned earlier. That's generally shown at the northwest corner -- shall be allowed by a separate phase of development and subject to City approval and acceptance of improvements for Vawter School Road. Improvements or relocation of utilities along the right-of-way as may be necessary at the time of application. And then following that, the shown entrance may be required to be removed, and this is a point I did not touch on, but that entrance at the northwest corner onto Vawter School may be required to be removed or relocated at the time of future development to the west subject to site -- pardon me -- to the subject site to accommodate cross-access between developments and provide proper access management along Vawter School Road. So that follow-up note just indicates that if they were to build that driveway onto Vawter School shown on this site, and then at some point in the future, the property to the west develops and provides an additional access onto Vawter School, we maintain the or reserve the right to have them remove that second access to try to maintain, you know, as few a number of accesses onto Vawter School Road as possible. And I think this is where we get to answering your question. If a right-in/right-out entrance is constructed as shown on this plan or a right-in/right-out entrance is constructed as a shared entrance with the future development to the west onto Vawter School Road, then the full access driveway at Frontgate Drive shall become a right-in/right-out and the median reconstructed as it was prior to development of this lot. Actually, that covers the entrance -- okay. Apparently, that was the wrong note, but it was illuminating.

MR. STRODTMAN: Well, we can always wait until the -- our -- the public portion starts, too, Mr. MacIntyre, if that will help you. It sounds like there might be some information coming from the audience in the future.

MR. MACINTYRE: Yes. Sorry. I apologize.

MR. STRODTMAN: You're fine. You're fine. Another question is on the parking data, if the northwest entrance is added at a later date, is that the elimination of the three stalls that is referenced to 90 -- it goes to 91. Maybe it's more. Two stalls. It goes to 91 spaces. Is that after the entrance is added? Correct?

MR. MACINTYRE: So that would eliminate the -- those additional parking spaces.

MR. STRODTMAN: All right. Okay. And then this ATM, couple questions on that. Is -- is an ATM like that a -- a use that's -- an approved use outside of a building such as this. Correct?

MR. MACINTYRE: It is permitted on this.

MR. STRODTMAN: And then that -- today we should assume that's going to be there and, if not, I think it references maybe like eight more spaces. If ATM is eliminated, an additional eight spaces will be provided in addition to the 91 and/or 96 spaces; is that correct? In addition to, not -- those eight are not included today?

MR. MACINTYRE: I believe that's the case, yes.

MR. STRODTMAN: Okay.

MR. MACINTYRE: Although I'll have the applicant verify that, if you don't mind.

MR. STRODTMAN: That's fine. And there's no street parking allowed on either of these streets that they'll access; is that correct -- is there -- or is there side parking allowed on these streets, Frontgate Lane and --

MR. MACINTYRE: That, I don't believe it is. I don't believe it is currently restricted formally; however, I'm not sure there would be space.

MR. STRODTMAN: There's not today. I was just curious if it was -- if that was -- anything that was discussed. Okay. Commissioners, additional questions of staff? I see none. We'll go ahead and open it to the public. Just please give us your name and address, and we would ask to limit it to three minutes each, if we could.

PUBLIC HEARING OPENED

MR. STRODTMAN: And the time is already ticking. I'm just joking. Just keeping you on your toes.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt and I'm a civil engineer and I own a company called A Civil Group here in Columbia at 3401 Broadway Business Park Court. And first of all, I want to thank Steve and Pat for their report because they've done a very good job of giving you the basis of this proposal. I'm also here representing Jeremy, Matt, and Adam, who are the three owners of Sophia's and Addison's and are the owners of this lot and would like to build Addison's South as proposed. In the packet I handed out to you, it's a -- a drawing that we used with the neighborhood that's

a color drawing that shows the layout, and then there is a conceptual drawing of the building itself. Even though it's not required, we felt like it was important to show that. Now, the colors and things aren't set exactly yet, but it's -- you know, the building is going to be designed with brick or some type of stone on all four sides and try to be attractive for the -- for the restaurant itself and then to also benefit the neighbors. Back in May of 2016, I think it was in May, we met with the neighborhood for the first time, and we presented the idea of building an Addison's on this property. And overall there were some concerns, but mainly they were focused on traffic, and cut-through traffic through the neighborhood. And the existing C-P plan that exists only allowed us to have two entrances, one on Frontgate Drive and one on the private road that's Frontgate Lane -- kind of confusing. But because of the way that loop is built for the four first homes in Copperstone, it became very apparent that if -- if someone was to turn right out there, they're either going to continue on over to Scott, especially if they live in Thornbrook or something, or they're going to flip around in that little access drive and go back to Vawter that way. So they asked us to look at having a driveway onto Vawter School, and we thought was a pretty good idea. We had a concept review with the City after that, and we discussed it, and the traffic engineers didn't have an issue with it as much as long as it was right-in/right out. What we ran into issues with was the utilities that exist in that corridor. There is a 24-inch waterline that feeds the whole south side of the city and there's a 12-inch waterline there. And if you've driven by the site, you'll know that ground is a lot lower than the road. So the waterlines are about 18 feet below the surface of the road. If we were to build a driveway in there, then we would have to fill that area and put the utilities that much deeper, you know, with -- right now, they have about eight foot of cover and the ground is ten feet lower than the road. If we fill that ten feet up, we've put the utilities deep. And the utility companies, mainly the water department, had huge concerns about that. So we spent from May, June, July and August trying to find a solution to this and find partners to help us either through the City Water and Light Department, the neighbor to the west of us, and try to solve that issue so that we didn't have a driveway onto Frontgate and we could make the neighborhood -- satisfy their needs. But the cost of that has become a killer for the project. And so, you know, the three guys who are trying to do this have a -- have a budget that they have to -- or it doesn't make sense. And that driveway at this time, because of those utilities, is too expensive. Now, when Vawter School is widened, which it undoubtedly will be someday, the City or the utilities will have to relocate their utilities at their expense and -- and at that time, then we can feasibly build this driveway and then eliminate the Frontgate access. So left with that as being a deal killer -- literally a deal killer, we developed the idea of using the drive that we're allowed on Frontgate, but then to break the median as shown in that drawing that's shown so that people coming out can make a left turn and don't have to go right-in or right-out of that driveway. And we -- after we kind of came to that conclusion and redrew the plan that way, we met with the neighbors again and presented that idea to them. And I'll let them speak for themselves. Some -- some were, you know, not thrilled, some were, like, well, it is -- you know, it is what it is, and that's kind of where we're at on this. It's -- it seems to be a good compromise position. So there are a lot of other details about this that I could talk about and go on, but my three minutes would go

way over. And so I have hit on the traffic part of it because I think that's what we're going to hear about tonight. And if you have any questions about that in specifics, I would be glad to come back up, if you invite me up.

MR. STRODTMAN: We'll probably have a couple questions for you, so just hang tight. Commissioners, we've got hands popping. Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. Mr. Gebhardt, thank you. You've prompted me to ask a question. Mr. Zenner, do you know when the widening of Vawter School is or where it is on the CIP? Is that one to five, ten to fifteen?

MR. ZENNER: I -- I hadn't --

MR. MACMANN: Is it even platted, you know?

MR. GEBHARDT: Actually, the CIP covers Nifong from in front of the new hospitals --

MR. MACMANN: Uh-huh.

MR. GEBHARDT: -- up to there. There is no funding for it from there to Mill Creek School, and from Mill Creek School on, it's -- it's -- it's way off.

MR. MACMANN: So we're plus ten, because that's all fantasy time anyway.

MR. GEBHARDT: Yes.

MR. MACMANN: That's where I was going. That's when that would happen. That's where I was going. Thank you for knowing that, Mr. Gebhardt. Thank you very much.

MR. GEBHARDT: Also, to answer your question -- I'm sorry. The note for the extension of Frontgate Lane -- now, we're working with our neighbor to the west -- the owner of that. But we haven't -- until we get to the construction phase of this, we won't be able to finalize any of those negotiations. So what we've done is we've said we'll extend the 38-foot private Frontgate Lane to the west line. The Lot 101, the Addison's lot owners, will be responsible for grading and -- and filling in the drainage portion of the work, to do that, with the lot owner of Lot 102, the lot to the south of us, being responsible for the paving portion of that. And all that would have to be completed by December 31st of 2020, except as described below, and then this is the exception to that. And so, our neighbor -- we need -- in order to do that, we need easements -- construction easements from our neighbor. If we're unable to obtain that, then what the Planning Department and us have worked out is we would then give easements to him so that he can complete it. So he either gives us the easements so we can complete it or, if he refuses to do that for whatever reason, then we'll give him the easements he needs so that he'll extend it and improve it when he does his development. And that seemed to be -- is that about right, Steve?

MR. MACINTYRE: That's right. Thank you for finding it.

MR. GEBHARDT: So -- yeah. So that's -- it's -- it's -- there is an exception to that, but the 2020 is probably was -- I think we're going to be able to work with him because the writing on the wall is is that he's going to have to spend his money to fix it or he's going to give us an easement or we're going to buy an easement from him to do it. So I think it's probably going to happen.

MR. MACMANN: So the short answer to Mr. Strodtman and I's question is you have a primary and a secondary plan for Frontgate Lane?

MR. GEBHARDT: Correct.

MR. MACMANN: Thank you very much.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Yes. On the rendering that we have, there is no freestanding lighting; is that correct?

MR. GEBHARDT: Freestanding lighting?

MS. BURNS: Yeah. Additional lighting in the parking lot?

MR. GEBHARDT: There is some light standards.

MS. BURNS: Okay. I'm sorry.

MR. GEBHARDT: But one of the things they've -- that we're showing on the plan is a freestanding monument sign. The guys at this time don't plan on building that, but it's -- it was already shown on the previous C-P plan, so we've included it. If they decide to build it, then we would -- we would be able to do that, but they don't plan on doing that sign on the corner there.

MS. BURNS: Thank you.

MR. GEBHARDT: But I think -- correct me again, Steve. But I think the City's ordinances require parking lot lighting, and we have to meet those.

MS. BURNS: I just didn't seem them on your -- your rendering, so I didn't know where they were.

MR. GEBHARDT: Right.

MR. STRODTMAN: She was thinking maybe wireless, you know. Technology is always changing. Commissioners, additional? I've got a question, Mr. Gebhardt.

MR. GEBHARDT: Yes.

MR. STRODTMAN: You made reference to the finishing of Frontgate Lane and that scenario of the -- you know, getting the ground ready and then the neighbor does the additional -- you know, the asphalt or concrete. I assume the owner of 102, I think you referenced, is on board and is in -- that they're part of the agreement and that's -- okay. I didn't want to assume something.

MR. GEBHARDT: Yes. He's the original developer. He's also my client, so we've been able to work that out with him.

MR. STRODTMAN: Okay. All right. Fine. Any additional questions? Thank you, Mr. --

MR. GEBHARDT: One last thing I would like to say on traffic that's not perfectly clear on this is when Dave Dunafon developed Copperstone and we did this original C-P plan, we actually widened Vawter School in front of our property for a left-turn lane to be put into the Spring Creek to the north of us and a left-turn lane into Copperstone. At the time, the City traffic engineers decided not to stripe it for those left-turn lanes because the traffic wasn't -- didn't warrant those lanes at that time. But the pavement is out there and been built by the developer for those lanes, and it's really a matter of the City restriping -- erasing the paint that's out there and restriping it to create those left-turn lanes. So that was just another

point I wanted to make that -- on traffic, because if we weren't doing that, it could get to the point where lefts become an issue, but we are creating this -- a pocket for that -- left-turn pocket.

MR. STRODTMAN: Thank you, Mr. Gebhardt.

MR. GEBHARDT: Thank you.

MR. STRODTMAN: Additional speakers? There we go.

MR. DOW: Commissioners, my name is David Dow; I live at 4010 Frontgate Drive. We live right across basically from the proposed restaurant entrance. I'm not here to take and downplay or talk negative about the restaurant at all. I think it would probably be a pretty good addition to our neighborhood, but it's a unique -- a very unique situation. You've got a neighborhood full of homes, full of young children, full of folks that walk up and down the sidewalks through the various trails that we have. By bringing this restaurant in, we're making it a situation where we're going to have traffic. And I'm here to talk about that this evening, along with several folks from our subdivision, as well. You know, when I said our subdivision, Copperstone is our subdivision. That's where we live. And my point is pretty clear. As it is right now, and Jay talked about -- somewhat about the entrance off of Frontgate into the restaurant. Back when Scott Boulevard was shut down, we had traffic galore come through from Thornbrook, from Wyndham Ridge, and from down south, if you will -- southwest Columbia. And of no fault of theirs, they had nowhere to go but either that way, cut through our subdivision, and/or take and then turn, go way around to get to their work, to school, wherever it may be. You cannot convince me that by having that entrance off of Frontgate, even though they will take and change part of the median there, if I live in the south part of town, I'm not about to turn left and go back onto Vawter School Road. I'm cutting through the neighborhood. I think any of you folks that are up there on the panel, if you live -- and you may live -- I don't know where you live, to be honest with you. But if you live in the south part of town, it's easier to be coming through the neighborhood to take and then turn, come to the restaurant more so than getting back onto Vawter School Road. Our hope is tonight to take and bring to your attention what this would do to a very, very nice neighborhood. Again, we have a lot of families there. We have about 100 homes and/or lots with homes to be built on. We have about seven or eight starts right now of homes going up. Increased traffic, back when -- again, when -- when Scott Boulevard was shut down, there was -- they had to have the police come up and put radar up because the people speeding through our neighborhood. That being said, and that's just for a short period of time, we're going to have a permanent resident now at the corner of Vawter School Road and Frontgate that's going to having people come through all the time. Well, they can't tell them where to go, no question about that, and I understand that fully. And really I understand the point that regardless of where you put this entrance, we're going to have traffic, undoubtedly. But to me, as it is right now, if you have it coming in on Frontgate, you'll have more people going south than you will going north. It's pretty much plain and simple. Anybody who lives south will come in from the south end. There's two entrances to our subdivision from the south, which, in turn, again, could be people coming from either Thornbrook, Wyndham Ridge, or somewhere down there into our neighborhood. Why go through the roundabout, and

why come out on Vawter when you can come out on Frontgate Drive or go back Frontgate Drive onto Blue Hollow and go out the neighborhood? My concern is for the kids in our neighborhood, for the people who live in our neighborhood who get out and walk daily, maybe not so much in the wintertime, but spring, summer, and fall. And by having increased traffic and having it where you're more or less inviting increased traffic, if we have this opening where it is right now. Again, I want to stress to you, we're not opposed to the restaurant at all. I'm not for sure. I'll speak for myself only here. I'm not opposed to the restaurant. But where you plan on having the entrance to our subdivision -- again, our subdivision. If you folks lived there, it would be your subdivision. I don't think you would maybe care for it as much because of the fact being that you're coming in of nice homes, of good people. We want to keep that the way it is if at all possible. And like I said, right now, I guess on the plan there is an entrance that could be on Vawter School Road. I would hope you all would reconsider the proposal that's on the table right now to have it where it would come in off of Vawter School Road instead of Frontgate Drive. I think what will happen is you'll have increased accidents if you take and come in and you try to turn around that little berm or that median, you could have accidents right there happening. You'll have speeding going through the neighborhood. We'll have to be regulated more probably by the police because of the fact being you'll have more people coming through there on a regular basis with cars. And no offense, but if we have a situation with a restaurant bar going in, people may stay late. They could have one drink or two drinks too many, and therefore, in turn, they may take and leave there somewhat not really capable of driving, hit -- hit cars going down the road, whatever it may be. One thing I would ask if you would take and in turn, if nothing else, we need to have signs put up with no parking on Frontgate Drive, because you're going to narrow that street that much more if you do allow this opening to be where it is now, we need to have signs up because it's going to narrow it down that much more, have that much more of an area that you are -- actually less of an area to take and drive. We really wish and appreciate if you would take and consider that. I have other fellow neighbors who would like to talk, as well. Thank you very much for your time. Any questions you might have for me?

MR. STRODTMAN: Commissioners, any questions for this speaker? Mr. Stanton?

MR. DOW: Yes, sir?

MR. STANTON: So from your perspective, you don't want the cut-through coming off of Frontgate at all? You want it to stay as it is, no entrance to the restaurant at all from your street?

MR. DOW: Personally, I would just as soon it would be that way, yes. Because you'll have one of three things happen. If they come in on Frontgate and you go into the restaurant. And even though it's not a right-in/right-out, you can take and do -- if you're from the south, you'll probably go to the south going back to your homes. You can either take and turn from that berm, try and take a little almost like a U-turn, go back to Vawter School Road. Or we live -- we're the berm that's kind of hidden. We're kind of the house that's kind of hidden back. We're one of two houses along with a lot that a house could be built upon that's kind of shielded by that traffic to a point. They're going to make a U-turn around there, as well, quite possibly. So if you can't make it one way, you'll make another. So you have three choices:

Go back down our neighborhood or go out, or come back and make U-turns in the neighborhood, which will cause additional traffic hazards. And all it's going to take is one time for an accident to happen. To me, I think if the board is proactive and at least look at this in a proactive way, more so than a reactive way, we'll be better off. We just wish you would consider what could happen here. The chance now is to be proactive and not reactive. Other questions?

MR. STRODTMAN: Any additional? Mr. Harder?

MR. HARDER: A question. I can't really tell from -- from this depiction, but the -- the -- basically, the whatever it's called, the berm through --

MR. STRODTMAN: The median?

MR. DOW: The median

MR. HARDER: The median. How mounded up is that, because I've seen sometimes where either it's mounded up or you get a little bit of growth and then, all of a sudden, it's hard to kind of see directions.

MR. DOW: The one that Jay is talking about taking out, you can see up there, it's -- it's very low.

MR. HARDER: Oh, okay.

MR. DOW: I mean -- I mean, the berm in front of our -- or the actual median in front of our house on Frontgate Drive, you've got several little pine trees and bushes, so it would be hard to see through that. But what Jay is talking about, taking that berm out would not be a problem as far as there's not hardly any trees, just little small -- you know, small bushes, things like that. It would make it much easier, to be honest with you, from that standpoint because you can take it out and then go in and go out. But my point is, even with that, you're going to have more traffic coming through out neighborhood. I'm -- I'm kind of speaking on both sides here, but the thing is, more importantly, the main -- the main structure here is the fact of the increased traffic. We know it's going to increased traffic regardless of where it goes in. We understand that totally. But you've got a unique situation of a restaurant coming into a very nice neighborhood. I don't think anywhere here in Columbia has got the situation quite like this, and we know this was platted back years ago, commercial, both that lot and the lot behind it. We realize that. But you've got a really, really nice neighborhood in Copperstone Subdivision, and we, as neighbors, are concerned about where this goes in. Other questions?

MR. STRODTMAN: Commissioners, is there any additional questions? I see none. Thank you, sir.

MR. DOW: Yes, sir. Thank you.

MR. HUBBLE: My name is Kenny Hubble; I live at 4110 Frontgate Drive. I want to just follow up on a couple things. The berm, the median, if you will, the picture that's at the bottom left on the screen, that's 200 feet long. And, basically, it's 100 feet from where they're going to potentially be having the cutout, so it leaves an extra 100 feet going back to the south. My major concern with the cutout of that is when you are going to be turning onto Frontgate Drive, taking a left out of the restaurant, you're going to be having to look to the right to watch the traffic coming to the south -- or, excuse me -- to the north on

Frontgate. So normal traffic coming in and out being able to pass through there, there's trees, it was mentioned Red Buds, and that's where the trees start, right about where the cutout you'll see is proposed. That's where the trees actually start. And so you're really having to look through trees and, in the wintertime, it's going to be fairly okay. Anytime there's leaves on those trees, you're going to have big issues because you can't see. And so, ultimately, there's a -- you can kind of tell it from the picture with the snow where the truck is parked. That's actually downhill. And so when you're going downhill, that's where the -- you know, you're -- you're going a pretty good speed there. And if you're, you know, not paying attention about somebody coming through that median, there could be serious traffic concerns there. The other part about the traffic is this, that it would -- I'm speaking for and in favor of trying to be able to have the entrance from Vawter into the restaurant at this time as opposed to the other entrances because of the fact of -- that you -- and it was mentioned a left-turn lane, and I think it's actually a right-turn lane is what was meant to be said by Jay. I could be wrong, as far as being able to do that, because it's right -- essentially, it's a right-hand going to the east of Scott-Vawter School. And when they did -- when they built Copperstone, they actually did right-turn lanes into Spring Creek, so I think it's right-turn lanes and left, just to try to do a clarification, unless I'm misunderstanding. But the -- the entrance off of Vawter would sure make the traffic patterns into Copperstone and Frontgate Drive a lot -- lot easier. If you do right-in/right-outs off of Frontgate Drive, it was mentioned by Dave, the previous speaker, that they're going to south. And when they do that, 39 homes is how many you have to pass through until you get to Scott Boulevard. So you're essentially creating how many ever patrons to the restaurant you have every day and the path of least resistance is going through the neighborhood and you're affecting at least 39 houses. So if you're not going to take the chance and the first time that you almost get into a car wreck by turning and going straight out to -- having the tree issue and berm issue, you're going to do path of least resistance and go right-out, which means you're going to go back out to Scott, do the roundabout to get on Vawter if you're going to go to the east, or if you're going south, you live south, then you're just going to go through the neighborhood anyway. So that's one of the two points I wanted to make on that. The other thing is, as far as parking on the road, Sophia's is kind of the closest of the two restaurants that are currently the owners have that's going to be close to this. They park on the road and they have their -- and staff park on the road. So you can go there before patrons even come through, and the staff is already on the road. So if staff parks on the road on that Frontgate Lane, which is fine. It's not going to affect traffic. If they park on Frontgate Drive, it's a big issue. Frontgate Drive is 20 feet wide, but where that median is, it's 14 feet wide. So if you park a car there, you cannot get through. Today when I measured, my car was parked there and there was three cars waiting for me to get done because they couldn't go around me. So if they're parked on Frontgate Drive between the median and where the median stops, traffic will not be able to go through at all. So at the very least, there needs to be no parking and it needs to be striped to indicate no parking. And if Frontgate Drive upwards 28 feet, if there's a car on the other side, it's really single-file line getting through there. So -- and I know my time is up, and I'll take any questions you may have.

MR. STRODTMAN: Commissioners, questions for this speaker? I see none. Mr. Stanton?

MR. STANTON: No, go ahead.

MR. STRODTMAN: Thank you, Mr. Hubble.

MR. HUBBLE: Thank you.

MS. DOW: Hello. My name is Patty Dow; I live at 4010 Frontgate Drive, which is across the street from the proposed restaurant/bar. My husband and I have lived there for three years. We purchased this home as our retirement home. Our nice quiet neighborhood is about to change drastically. When we purchased, the lot now proposed as a restaurant, a bank owned that. And as you're aware, the dynamics of bank hours, bank traffic, does not compare to restaurant and bar areas and traffic which will be like 11:00 a.m. lunch-hour traffic to midnight, 1:00 in the morning, seven days a week. Another key factor, this is a bar, as well. With that being said, the 1:00 a.m. traffic in our neighborhood will not be a dinner crowd, guys, it will be an intoxicated crowd. In the early 1990s when the zoning was platted and approved, it was based on the fact that there was farmland and one home sitting up way comfortably away from this area, which is now zoned as commercial. It is now a family neighborhood with over 100 homes and lots, with small children, families, and families walking their dogs. If you proceed with placing the entrance to this restaurant on Frontgate Drive, you will totally change everyone's life in our neighborhood. There will be parking on our residential streets with safety issues for our residents, the patrons of the restaurants, and children and pets. In fact, we will have cut-through traffic from all neighborhoods south of us avoiding traffic at the Scott Boulevard roundabout. I propose that you continue with the original plans to construct this entrance for this restaurant/bar off of Vawter School Road. Vawter School Road is a main road which will be converted to four lanes in the near future as discussed. This will separate the neighborhood traffic from the restaurant/bar traffic lessening the congestion coming into our neighborhood. This will also enable the restaurant and bar to have 50 additional parking spots, which they desperately need, versus a green space that will have no functional use. I ask you to please put yourself in our shoes as you make this decision. Thank you. Any questions?

MR. STRODTMAN: Commissioners, any questions for this speaker? Mr. Stanton?

MR. STANTON: Are you against or for the restaurant there?

MS. DOW: You know, I feel like that we don't have a choice on the restaurant. If I had a choice, I would be against it, yes, because this is a residential area. I know before the -- the neighborhood was developed, this was already rezoned commercial, and I don't know if that's something you can change. If it could be changed, yes. I would definitely want it changed because I have a fear of it devaluing my home that we have spent our life savings on. And we chose this area because it was nice and quiet, the amenities, the neighbors, and now I'm faced with this. Like I stated, when we originally purchased our home, that was bank owned, and I could deal with that because bank hours are totally different than a restaurant and bar, as you know, living here in Columbia. So did I answer your question?

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

MS. DOW: You're welcome.

MR. STRODTMAN: Commissioners, additional questions for this speaker? Thank you, Ms. Dow.

MS. BALDWIN: Good evening. My name is Nichole Baldwin, and I live a 4109 Frontgate Drive. My husband and I have three children, one furry, and two human, ages six and three, and one on the way. We moved into the Copperstone neighborhood four years ago to be in a home where we planned to raise our children for years to come. Promised in marketing material as a spacious community nestled in rolling hills with plentiful green space and a system of pedestrian ways, we envisioned this being a peaceful and safe place where our children could freely ride their bikes, draw on the driveway with chalk, run across the street and play with kids, so on and so forth. And thus far, our community has been what we hoped for with the exception of the road improvements where, as someone else stated, our neighborhood was turned into a shortcut freeway. While I can't say that I am thrilled by a restaurant being built at the entrance to our cozy neighborhood, I can say that I respect the reputation that these owners have built for themselves in the city of Columbia, and I am completely confident that they're running of this new establishment will be nothing less. What I can also say with confidence is that I now fear for the peace and safety of my children if the current plans move forward that requires the only entrance and exits of this commercial establishment to come directly off of Frontgate Drive. This plan opens our community to being a thoroughfare from which any patron of this liquor-by-the-drink establishment will make use of. I understand that our roads are publicly owned, but this neighborhood was not engineered for this type of -- of main-use traffic. To make use of these meandering pedestrian ways, you have to cross the road constantly, and this is not an amenity that only our families take advantage of, but families from many neighboring communities utilize on a daily basis. And nestled in rolling hills means just that. There are lots of hills and curves in our neighborhood that require slower driving and cautiousness to see what is front of you, especially youthful, playful children. Adding in heavier traffic and/or drivers unfamiliar with the roads makes for an unsafe environment especially after drinks during happy hour or dinner, which are busy times for a restaurant and busy times for children to be playing outside. At the sake of being vulnerable, I will tell you about an event from last summer with my youngest child. While concentrating on household chores one day, I heard crying, but I could not find my son. It turns out that he had made use of his newly learned talent of opening the door to which our dog ran outside and my son ran after him by himself onto Frontgate Drive. But I cannot express enough my relief that this happened in our peaceful and safe community, and not one where hundreds of patrons who just finished their dinner, and potentially had a few drinks while at it, were zooming by. Creating a separate main entrance to Addison's South coming directly off of Vawter School Road will, without a doubt, significantly lessen the traffic and risk involved for everyone. I strongly urge you to work harder together, both the developers and the City, to find an engineering and financial solution now to this concern of safety for my community. Thank you.

MR. STRODTMAN: Commissioners, any questions for this speaker? I see none. Thank you, Ms. Baldwin.

MR. SCHWARTZ: Good evening. My name is Robert Schwartz; I live at 4306 Silver Valley Drive, which is a little further south in the development, but we're at the corner of Blue Hollow and Silver Valley. My neighbors have spoken much more eloquently tonight and passionately tonight than I think I could, and I really appreciate their comments to you. I fully endorse those comments and stand by them. There are children playing in the neighborhood all the time. We don't have kids, but I see kids out there all the time and we love seeing them out there having a great time. One of my neighbors also mentioned the walking paths, and they do interconnect across the streets. It's a quiet neighborhood where there are always people present, either walking with a stroller, with their pets, or even with a neighbor, so I'm very concerned and would also like to advocate for some solution to find the entrance off of Vawter School, as well as the exit off of Vawter School. The one data point I'll add tonight that you haven't heard about is we do live on a corner lot. And even with just the traffic flow that we get, there's still some cut-through traffic in our neighborhood, and I have at least one car every year in my front yard. And I really don't want two or three cars every year in my front yard, as we have increased traffic flow in the neighborhood. So I would urge you to -- to listen to us and really appreciate the chance for all of us to speak to you tonight, so thank you very much. And I would be happy to answer any questions that you have, as well.

MR. STRODTMAN: Commissioners, do we have any questions for this speaker? I see none. Thank you, Mr. Swartz.

MR. SWARTZ: Thank you very much.

MR. STRODTMAN: Thank you.

MS. DOWNES: Good evening. I am Cindy Downes, and I would like to thank the members of Columbia's Planning and Zoning for giving me the opportunity to speak as a resident of Copperstone Subdivision. I'm sharing with you all tonight concern over the proposed drive access to the new Addison's restaurant to be located at the entrance of Vawter School Road and Frontgate Drive. I sound kind of redundant. My husband, Tom, and I live at 406 Frontgate Drive -- for the last two years. We purchased our home in Copperstone because of its quiet nature, looking at this as our retirement place. Unfortunately, finding after our purchase that the two lots at the entrance of Copperstone were zoned commercial. That being said we feel our home will be directly impacted by the entrance of the restaurant. We are the first to the left off of Vawter School. To arrive at our home, you enter south off of Vawter School, travel around the two berms going back to the north of the entrance. The drive is more like a cul-de-sac rather than a drive or a roadway facilitating ourselves, Dow's and a vacant lot next to Vawter School Road. We have all looked at this as our own private drive so to speak; therefore, feeling very threatened by the thought of patrons of Addison's potentially parking along this area. This roadway most certainly would not accommodate vehicles parked on either side, nor would it make it easy for us to get home if people are parked there. Of recent, during construction of Scott Boulevard, many use the subdivision as a cut-through jeopardizing the peace and special appeal of our subdivision as we know it. I personally have visions of Frontgate Drive looking like the road in front of D. Rowes, Murry's, Sophia's, and the Village of Cherry Hill, vehicles parked on both sides of the street hindering the residents of

Copperstone as we come and go. Safety is a -- is of utmost concern. Having more visibility to our neighborhood translates to more traffic, unable to leisurely walk with our pets, and children at play that potentially could be injured by negligent drivers. Road maintenance by the City is, let's just say, neglectful. During the most recent snowstorm -- or ice storm, excuse me, no one was able to make it up Frontgate Drive off of Vawter School. I'm sure this is considered a secondary road to you. However, when my husband and other neighbors are out there with a blow torch and sand helping homeowners just to enter the subdivision, it's ridiculous. What's your course of action once the restaurant is open? It has been mentioned that there will be a right-in and a right-out. There are plans to open up the small berm with access back to Vawter School so that traffic isn't furthering our subdivision. Who is going to maintain the berm area in the future? I ask this because we have found that these areas have been maintained through our homeowner's association although City owned, which is totally unfair to the residents of Copperstone. Unfortunately, we all know that this is zoned commercial property which will be invading a residential area. Yes, zoning in Columbia doesn't always benefit the homeowner's best interest. We know that too. That being said, I have mentioned to my husband if it were up to me, there would be a For Sale sign in the yard. You may think that this is a reaction to the unknown. Correct. We don't know. However, I feel that the City is doing a great injustice to the residents of Copperstone. Please consider our concerns and our requests. It is important as a resident. Thank you.

MR. STRODTMAN: Commissioners, do we have any questions for this speaker? Mr. MacMann?

MR. MACMANN: Thank you, Ms. Downes.

MS. DOWNES: Yes.

MR. MACMANN: Thank you, Mr. Chairman. You say the berm is City owned, but maintained by the HOA?

MS. DOWNES: Yes.

MR. MACMANN: Okay. Yours is the last structure on the turnaround cul-de-sac, cut-through, whatever that is called?

MS. DOWNES: Yeah. If you look at Vawter School, there's that vacant lot.

MR. MACMANN: Uh-huh.

MS. DOWNES: We are the very first house past that.

MR. MACMANN: And is that currently for sale? What's the --

MS. DOWNES: No.

MR. MACMANN: All right.

MS. DOWNES: What I said was if it were up to me, there would be a For Sale sign in the yard.

MR. MACMANN: Not your home. You may be misunderstanding --

MS. DOWNES: Oh, the lot. I'm sorry.

MR. MACMANN: The lot next to you. Do you know --

MS. DOWNES: No. The lot is owned. There is a lady that owns it. Uh-huh.

MR. MACMANN: Okay. I just was just trying to get some information --

MS. DOWNES: Yes.

MR. MACMANN: -- from on the ground.

MS. DOWNES: Sure.

MR. MACMANN: Thank you very much.

MS. DOWNES: Uh-huh.

MR. STRODTMAN: Additional -- Mr. Stanton?

MR. STANTON: If you were in their shoes, what would be the solution?

MS. DOWNES: In whose shoes?

MR. STANTON: The owners of this property that we're discussing?

MS. DOWNES: An entrance off of Vawter School.

MR. STRODTMAN: Any additional questions, Commissioners? Thank you, Ms. Downes.

MS. DOWNES: Thank you.

MR. BALDWIN: Hi. My name is Darren Baldwin. I live at 4109 Frontgate. You heard my glowing wife speak earlier. So you've heard a lot of different opinions here, a lot of concerns about safety of our children, and about the traffic flow. And I really hope you take the opportunity to listen to these concerns and take them as seriously as we have as we're not taking lightly what we are asking. As many of us have stated, we're not necessarily against Addison's at all. The owners of Addison's have -- have really -- are really what make Columbia great. They have gone out of their way so far to get feedback from us and address almost every concern. They tried to get the entrance off Vawter. We get that. But we really do appreciate everything you guys have done to work with us during this. I guess these are the types of people that we want building, you know, around our City and enhancing our City. They've already put great establishments in and around our City. I guess a request for an entrance off Vawter not only ensures the safety of our neighborhood, but would help local businesses like them that are so vital to Columbia to help them thrive. It has already been established to my understanding, as people have said, that the water line has got to be necessary anyway to address either the widening of the road or a development on that corner lot. So I guess knowing -- knowing the pros are helping to ensure the safety of the neighborhood and the kids, while also helping to support a local business with the con only seeming to be doing work now that is going to have to be doing -- be done later anyway, I really hope you guys consider an entrance off of Vawter. So thank you.

MR. STRODTMAN: Commissioners, any questions for this speaker? I see none. Thank you, sir.

MR. BALDWIN: Thank you.

MR. STRODTMAN: Thank you.

MS. JONES: I've got a new knee. You will have to excuse me.

MR. STRODTMAN: We get paid by the hour, so we're in no hurry.

MS. JONES: Just ice it a while and it goes down. My name is Debra Jones. I live it at 4009 Blue Hollow, and I'm up on the hill and look down. I also don't have an objection to Addison's. I think we're all in a tight space here. It's a problem. I wish we could go back to 1998 and rezone this sucker, but you

can't do that. I lived in Rothwell Heights for 41 years and moved out here in 2012 and built a house. I'm 72 years old. I expect to be pulled out of this house in a body bag, so, you know, I'm trying to kind of protect myself a little bit here too. Although, if I die, it will be my son's problem if the values have gone down, it's not mine. But I don't want that to happen. I really don't want that to happen. The reason I moved out there was because it was quiet. They've got all these trails. It's wonderful. And as with the Scott Boulevard construction, we saw all the vehicles come through there. Sapp & Sons, you know, every one of their trucks, all the earth moving things, the dump trucks, they were fast. We had to get the police to stop things -- to slow things up. And this isn't going to help. There's three entrances into our subdivision, and they should only be used by the people that live there. I don't know, you know, what else to -- I know it's a -- you know, in between a rock and a hard place, but this is our home and this is where we wanted to live for a long time. My mother is 99; I am 72. I'm hoping to have another 29 years there, but I don't want it to be in a zip, zip fast lane. And I do like Addison's. Although downtown, your ceilings are too high. Those of us -- those of us that can't hear, that's a problem. Drop your ceilings.

MR. STRODTMAN: Commissioners, any questions for this speaker?

MS. JONES: I had a bit of levity here at the end.

MR. STRODTMAN: I wish you 29 more years. Thank you.

MS. TETER: Hi. My name is Kammie Teter, and I live at 4007 Copperstone Creek Drive. We just moved there a few months ago. And I just -- I appreciate, you know, the eloquence of my neighbors also. And the points I would like to add or to enforce would include when they talk about the walking trails, in Copperstone there is sidewalk only on one side of the street, and they purposefully made it kind of windy and interesting. And it is used all the time, and you do have to cross the street to stay on the sidewalk because some parts of it just don't have sidewalks. So you just purposefully, you know, meander through the neighborhood. So that's one point. And the other point, as a small business owner I appreciate Addison's and the way they've developed fine restaurants. I happen to own a business that's near Sophia's, and they are busy all the time. It kind of shocked me to see how busy the little corridor is where my business is. And so I know they'll be busy, and I'm -- I'm, you know, glad to have a successful business going into that spot. I share the concerns -- you've heard the concerns from a business standpoint. I also would ask you to consider the precedent that you're setting if you allow the entrance to come in an existing neighborhood like it is. It is an entrance that will absolutely change the traffic flow of our neighborhood. There is no doubt about it. There is no good way to solve it except with the entrance off of Vawter School Road. I would also suggest that -- I would anticipate now that I see all the traffic that far down on Vawter -- Nifong/ Vawter, that it will be expanded in the -- I wouldn't think it would be 10 years. I would think sooner with the new Beulah Ralph Elementary School, and they're going to put a new middle school somewhere in that area. So it's not a cost that is absorbed now by the City that -- that's -- you know, it's a cost that's going to have to happen at some point. I would really encourage Addison's and the City to possibly work together while you have a motivated build -- construction project and maybe help offset the cost to make, you know, an entrance that would -- that would solve a lot of

problems. I would even like it not to just be right-in/right-out, and maybe if it could be, you know, just a regular entrance with that turn lane there on Vawter School Road. So I appreciate the opportunity to express our concerns and just ask that you would really consider the precedent that you're setting if it's approved the way it is and what the future holds for it. I'll take any questions.

MR. STRODTMAN: Commissioners, do we have any questions for this speaker? I see none. Thank you, Ms. Teter.

MR. HICKCOX: Thank you. Seth Hickcox, 4106 Frontgate. I look forward to walking my family to Addison's to have dinner. For that to happen, it has to be a safe neighborhood. This is clearly a safety issue. It feels that the City has put the homeowners of Copperstone against the development of this Addison's project, and I just request that the City utilities department, whom I am assuming aren't here today, but somehow that message get relieved [sic] that the homeowners of Copperstone support Addison's coming in there, but they need to be able to build off of Vawter for safety of the neighborhood. We have seen this happen before. It has been mentioned. And it would be terrible to see that long term. Thank you.

MR. STRODTMAN: Commissioners, any questions for this speaker? I see none. Thank you, sir.

MR. CLARK: Gary Clark. We do not live in Copperstone.. We live across in Spring Creek Three. And I'm here to -- as much as what they said is we enjoy Addison's and Sophia's. You're talking about a top-notch establishment coming in, and I think that is something when you go to develop something, it is very important. This has been a commercial lot for quite a while, so whether you put a bank on it or whether you put a restaurant on it, you have the same issue. And I think that is probably the issue that has been thrown the developer and to the -- Copperstone, I really think this is probably an issue that belong -- the City needs to address. If it is a bank, you still need to come in off there. There will still be traffic whether it is daytime or nighttime. Most little kids play in the daytime, so I would say in my mind from when I first came tonight, I've kind of changed my -- not what I feel, but what the issue is. The issue is the entrance piece, and to me that should be off of Vawter School Road. But that's not -- when they -- if you're going to sell that lot as commercial, I don't know how you are ever -- you'll have it no matter where or what you develop on that property or the one behind it. So I think that's what needs to be addressed. Thank you.

MR. STRODTMAN: Thank you. Commissioners, any questions for this speaker. I see none. Thank you, sir. Any additional speakers like to come forward? I see none. So we'll go ahead and close this portion of the public hearing.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, questions, comments? Yes, Mr. MacMann?

MR. MACMANN: I have a question for staff. Mr. MacIntyre, Mr. Zenner, maybe you can answer this question to orient this conversation for just a moment. Going from Frontgate Lane as it runs east-west and intersects with Frontgate Drive -- are you with me? How wide is Frontgate Drive at that point?

The question is -- is as follows -- I didn't mean to be rhetorical. Thank you, Ms. Burns. Is there room for three lanes of traffic in there?

MR. MACINTYRE: No, I don't believe so.

MR. MACMANN: Okay. I didn't think so. I have a question, but that's -- another question, but that's for later. Thank you.

MR. STRODTMAN: We'll let you save it. Additional -- Commissioners, additional questions or comments? I have a couple. Mr. MacIntyre, can you show us -- you showed a map earlier that we don't have in our packet. Yes, that one right there. So that's the plan from 2007? Is that the Copperstone Commercial C-P Plan? Is that the yellow -- represents that plan; is that correct?

MR. MACINTYRE: The yellow actually represents the -- the dashed yellow represents potential future connections. So the thick yellow dashed line represents an extension to what would future -- be a future access from Frontgate Lane as it extends westward through that 14 and a half acres.

MR. STRODTMAN: So is that -- is that from the 2007 then? Is that the approved roadway or is that just the assumed --

MR. MACINTYRE: That's the assumed or an anticipated connection based on negotiations between the owner of that 14 and a half undeveloped acres to the west and the City. Those owners of that 14 and a half acre site have secured two accesses onto Scott Boulevard, one of which, if not both, would connect to and be an extension of Frontgate Lane and provide that relief valve that I think the neighbors are very apprehensive about as far as a southern access or a convenient access to Scott Boulevard, and the other of which would be that northern -- that right turn right at -- right-in/right-out entrance onto Vawter School Road.

MR. STRODTMAN: And that's the entrance -- that green arrow is the entrance you referenced earlier regarding that -- the Addison's, if they do an entrance off of Vawter, then that one might go away if the green arrow entrance came into play later. Correct?

MR. MACINTYRE: Correct. Yes.

MR. STRODTMAN: Okay. So one of my thoughts was there is going to be a ton of traffic in that corner coming in and out of this development, and if we did -- if we did say, for example, that we only will approve this if it has an entrance off of Vawter School Road, that accomplishes that piece of the scenario, but then we still have Lot 102 and then we have the 14 acres to the west that looks to be tied into Westgate Drive. Right? I mean, is that the correct assumption?

MR. ZENNER: Frontgate -- Frontgate Lane would tie in -- yeah, Frontgate Lane would tie into Frontgate --

MR. STRODTMAN: Drive.

MR. ZENNER: -- Drive --

MR. STRODTMAN: Regardless of what --

MR. ZENNER: -- regardless --

MR. STRODTMAN: -- we might do --

MR. ZENNER: -- regardless of --

MR. STRODTMAN: -- with 101.

MR. ZENNER: -- building the secondary right-in/right-out only on the Addison's parcel.

MR. STRODTMAN: So if that would be a Walgreen's or, you know, we could list a lot of different businesses that could go there, then they would have access to Whitegate [sic] Drive if that yellow-dashed line comes to fruition?

MR. ZENNER: They would have access to Frontgate, yes. I think what will likely end up happening because the 14 and a half acres that is undeveloped will be subject to site plan review, just like the Addison's site is here this evening. The contingency as it relates to the applicant and the neighbor to the south granting easements to the owner of the land if they are unable to secure construction easements to extend Frontgate basically is a precursor of a condition of a development plan approval for the 14 and a half acres. The intention is as that project develops out, the extension of Frontgate to one of the secured access points on Scott Boulevard would be a requirement. Does that mean that it may be a requirement out of the gate with the first phase of construction of that 14 acres? Potentially not. It may take years before that 14 and a half acres is developed significantly enough to be able to bring development over to Scott Boulevard, thereby necessitating that connection. A good example of that is what we have at Bethel and Nifong today where Gentry Estates is located, and the commercial development that is in the front of Gentry Estates. That is all -- we have additional capacity for roadway connections in that particular area, but they are not built yet because none of the development is there. So a similar scenario could unfold here. That has a development agreement associated with it. The commercial property that is undeveloped could have a development agreement that may have trigger points, but that is an unknown. So a right-in/right-out only out of the Addison site at this point really does not probably resolve the principle issue of traffic coming from the south. Westbound traffic on Vawter School is still going to turn onto Frontgate Drive. They will turn into the access that is there on Frontgate. They may be able to circulate back out onto Vawter with that connection point and head back east, but if you are heading south, you're still going to have to go back through the neighborhood, which is the concern, or you're going to have to come around the end of the island that exists today to come back to the unsignalized intersection there at Spring Creek and make the left-hand turn to go back through the roundabout to head south. It's all a driver's preference as to how -- the disincentive exists to head south through the neighborhood, and the cut in the median is to try to encourage, I guess, folks to make that left-hand turning movement to get to Vawter sooner than later while acknowledging the fact that there is an extreme cost associated with the water line adjustment, which is not a City cost. It would not be a City cost until such time as we either precipitate a development or expansion of the roadway.

MR. STRODTMAN: And you mentioned that's 10-plus years out today based on --

MR. ZENNER: Most likely.

MR. STRODTMAN: -- the C-P Plan? Okay.

MR. ZENNER: And in -- Mr. Gebhardt may have costs associated with what it may be to relocate that water line either to the developer or to the City, but at this point development-driven expenditures of this nature would be passed to the developer. Not that's not to say that we may, if there is agreement, look to try to figure out how can we help in that instance, but that could be a - you know, that's an issue that's a policy decision at that point. But generally, the relocation of that water line if the access to Frontgate Drive is not approved or the site plan is approved without it, that still doesn't negate the fact that you're still going to have traffic coming up Frontgate Drive to Frontgate Lane into a commercial site as their principle point of access. And you will still have traffic coming from the south.

MR. STRODTMAN: Right. Right.

MR. ZENNER: It's -- it's -- this graphic that we have here on the screen is probably the ideal that would allow for the connection point to get back out to Vawter. The intersection, of course, where that aligns with is where the Break Time is, and that is a four-lot commercial development, if I recall correctly, that Break Time is part of. While that shows as a right-in/right-out only, unless we've got -- our traffic engineers, which aren't here this evening either, that very easily could be changed possibly to a three-quarter access, which would allow a different turning movement or given the distance it sits back from the roundabout may be able to be full access. Some of that has to be determined based upon other improvements that the 14 and a half acres would be making.

MR. STRODTMAN: And it doesn't make sense to stick and go with just a green arrow and say -- then say, Addison's, you have to -- you know, then everybody comes, you know, off the green and comes down the yellow and then comes in off of Frontgate Lane because it is still connected to Frontgate Drive. And so you're always --

MR. ZENNER: You're always going to --

MR. STRODTMAN: You're not going to --

MR. ZENNER: -- circulate back out --

MR. STRODTMAN: Right. You're not going to eliminate the problem by forcing it back over to that other entrance, if there is an entrance there sometime, but -- shown on this map.

MR. ZENNER: And I think we do have -- and again, it depends on the development on the 14 and a half acres. There is opportunity when that plan comes in, if it is more comprehensive in nature, to be able to deal with a roadway connection back that extends Frontgate Lane all the way back to South Scott. But until we know what the development pattern may be, that line may not be straight. It may dip down to a different location to avoid or create a better buildable lot.

MR. STRODTMAN: Right. I think the -- my reason for asking for it again was just to show that with this commercial development on this corner, there is really no way unless we were to take that Frontgate Lane and take it out and -- so it's not connected. It's always going to be connected to Frontgate Drive based on today. And Frontgate Lane I assume is not a City street yet, since it's not complete? I mean, it's not --

MR. MACINTYRE: It's a private street.

MR. STRODTMAN: It's still a private street. It's not been given over to the City yet?

MR. ZENNER: It will remain private. It is a private street and will remain private, as will the extension of Frontgate as it goes -- the Frontgate Lane as it goes through the commercial development most likely. It would not become a public street. It would function more as a commercial driveway like we see in many of our larger commercial developments.

MR. STRODTMAN: Frontgate Drive though is a City --

MR. ZENNER: Frontgate Drive is a City street.

MR. STRODTMAN: -- owned --

MR. ZENNER: And for the purposes of the record, just to ensure that we are all aware, medians and islands that are placed within the public road right-of-way are done so from a traffic-calming perspective. We do not own the island. They are allowed there, and they are maintained in most instances as homeowner's association or as adopt-a-spot locations. They are not City-maintained islands unless it's an adopt-a-spot. And that normally is on roadways that we are more in control of -- roundabouts that we put in, not a design feature that was put in as part of a subdivision.

MR. STRODTMAN: Thanks for -- a lot of us knew that, but thanks for bringing that up because some in the audience may not understand that part of it. Mr. MacIntyre, do you have a map of the 2007 Copperstone Commercial C-P Plan? Do you have a map of that?

MR. MACINTYRE: I don't have it in slides.

MR. STRODTMAN: In our packet, I do. And it looks like that there was never, ever any intent to come off of Vawter School Road; is that correct or am I --

MR. MACINTYRE: Correct. In fact, it was restricted.

MR. STRODTMAN: Right.

MR. MACINTYRE: And the --

MR. STRODTMAN: So that was never -- the City and the development community -- whoever has had this project, that was never the intent to come off of Vawter School? That was just an option that came through based on conversations with the -- with the residents?

MR. MACINTYRE: Correct. It was specifically restricted, and it's only been shown on the -- on the plan --

MR. STRODTMAN: Okay. Here we go.

MR. MACINTYRE: -- because of the applicant's prior --

MR. STRODTMAN: And when this was done in 2007, were there any homes in Copperstone?

MR. MACINTYRE: No, there weren't. And to reiterate some of the history on this was that the 1998 rezoning of this property included two tracts. One was the commercial; the other was what is now Copperstone, which was zoned under the same ordinance, R-1, with this C-P property. So it was always concurrent, I guess. The zoning came concurrently, and then the development followed obviously with --

MR. STRODTMAN: So it was always a planned development with the commercial component and the residential, and then the residential followed in the sense of what was built --

MR. MACINTYRE: Correct.

MR. STRODTMAN: Before the commercial broke ground?

MR. MACINTYRE: And I believe Mr. Gebhardt actually did the layout for the preliminary plat. I imagine that the placement of that frontage road across from Frontgate Lane with the substantially landscaped evergreen covered median was intentionally designed to provide screening from the commercial properties.

MR. STRODTMAN: Right. It looked like in the pictures you took it definitely was -- it was meant to be that way. What was the discussion about restricting the Frontgate Lane and/or the access out of Addison's to a no right turn? Was that ever considered?

MR. MACINTYRE: Restricting Frontgate Lane to a right turn was never --

MR. STRODTMAN: No right turn and also the access out of Addison's to be no right turn, did that ever come up with the City planning -- or City traffic?

MR. MACINTYRE: Not in my review of this. It may have come with discussions between the developer and neighbors preceding application submittal.

MR. STRODTMAN: That was never an option that traffic -- City traffic wanted to entertain?

MR. MACINTYRE: No, to my knowledge it wasn't discussed.

MR. STRODTMAN: And it would be -- it would be very difficult because you would almost restrict part of the lane of Frontgate Drive if you did that based on, you know, eliminating that right turn. I was just trying to think of some traffic controls that we could maybe tie to this that would maybe help the concern. You know, I think the Scott Lane detour, is it a little different in the sense of the magnitude of traffic that the neighborhood probably saw. I wouldn't think that this restaurant alone would do that, but this development could do that over time. Just a second, Mr. MacMann.

MR. MACMANN: I'm sorry.

MR. STRODTMAN: And then -- I've got a couple more, but I'll wait. Mr. MacMann?

MR. MACINTYRE: To follow up on your point, that's why I asked the question about the median and the width of the road. If the median was out of there, could that be three lanes and resolve Mr. Strodtman's --

UNIDENTIFIED SPEAKER: Are you crazy?

MR. MACMANN: We're --

MR. MACINTYRE: I don't know to be honest.

MR. MACMANN: I'm sorry?

MR. STRODTMAN: What was it, Mr. MacIntyre? What did you say? We didn't hear you.

MR. MACINTYRE: I don't know the answer to that question.

MR. STRODTMAN: Don't know. And I don't know if that what's I'm asking for, Mr. MacMann.

MR. MACMANN: Well, that's -- I was --

MR. STRODTMAN: Yeah.

MR. MACMANN: That's where I was going later was --

MR. STRODTMAN: I think cutting that berm is a great idea because if not, I would probably do the U-turn, but a lot of people wouldn't and/or they would go up into that little roundabout cul-de-sac and that would be the turnaround that most people would take to not break the rules. So I do like cutting the island. I wouldn't eliminate it either. I think it's where it needs to be. So, Commissioners, additional questions? Comments? Thoughts? A motion? Additional needs from the staff?

MR. TOOHEY: I'll say something. It's a difficult situation, but, I mean, I can already just off the top of my head come up with five other subdivisions that have some type of commercial use at the entrance. So this isn't as unique a situation as some of these homeowners might think.

MR. DOW: Can I respond to that?

MR. STRODTMAN: Mr. Stanton? I'm sorry, but the public portion has been closed. Sorry. Mr. Stanton?

MR. STANTON: I have to agree. It looked like just the way it was zoned, it was intended to have commercial use on Vawter School. What comes to mind -- even though it's a different design, what comes to mind is the Chapel Hill township -- you know, the basic new urbanism where they are mixing residential and commercial where you have those services close to where you live. So I would envision restaurants, small grocery stores. I mean, I'm -- that's what's coming to mind when I look at how this is laid out. So Commercial is coming sooner or later. I don't know to keep the rolling hills rolling for very much longer.

MR. STRODTMAN: Additional discussion, Commissioners? Staff, I assume that this Watergate Drive is probably too close to the roundabout for a signalized intersection at some point or do we know that? I don't know the distance. Maybe it is not. Maybe I'm --

MR. MACINTYRE: I apologize for not knowing this --

MR. STRODTMAN: And it's probably not enough traffic to warrant a signalized, I wouldn't think, based on just the homes that I see in this.

MR. ZENNER: Well --

MR. STRODTMAN: I was just curious.

MR. ZENNER: Yeah. You're looking at the intersection of Frontgate and probably where Spring --

MR. STRODTMAN: Spring Hill, I think 3 or --

MR. MACINTYRE: Okay.

MR. ZENNER: Yeah. The distance is probably sufficient, but the traffic count --

MR. STRODTMAN: Isn't --

MR. ZENNER: -- would not meet --

MR. STRODTMAN: Yeah. I didn't think so.

MR. ZENNER: Especially, I mean, the traffic count coming out of the Copperstone development, which would really be what would activate the signal, it is, again, possible that some type of traffic management or traffic control may be necessary with the 14 and a half acres --

MR. STRODTMAN: Uh-huh.

MR. ZENNER: -- that is developed. But the purpose for the roundabout is to avoid the installation of a traffic signal. So traffic management would probably dictate that you would be doing something with restricted turning movements as it relates to dealing with the impact that the traffic will create at a later date. So, yeah, there is probably not any future of a traffic signal at this particular location.

MR. STRODTMAN: I understand. Any percent -- any idea of the percentage of homes that is in this development would -- say were 70 percent homes built and 30 percent left to go or do we know - do you have an idea of that?

MR. ZENNER: I do not off the top of my head, sir.

MR. STRODTMAN: No. I was looking on Goggle maps just to see further down where your maps didn't show and I was just curious. Commissioners, additional discussion? Ms. Burns?

MS. BURNS: I am uncomfortable forcing traffic through the neighborhood. I just -- I think about the future of the second lot development where the only entrance is off of Frontgate Drive. I wonder about the entrance that is open onto Frontgate Lane. I guess that's necessary, but to me that just adds to the problem because if you're coming out there, you're going to make a left and cut through, possibly, depending on where you are heading. But I do struggle with the forcing of the traffic through the neighborhood.

MR. STRODTMAN: Thank you, Ms. Burns. Commissioners? Quick question to staff. Is Copperstone a homeowner's association -- a formal City recognized homeowner's association?

MR. MACINTYRE: I believe it is.

MR. STRODTMAN: Okay. Just curious. Commissioners? Mr. Stanton?

MR. STANTON: This is a very tough one because I think we almost break the development's back if we make them come off of Vawter Street, and then -- so then we get into the point of, okay, we've got money on the table. What if that was your property and this very -- this very decision broke your financial back with this piece of property? So I'm going to use my famous saying, and I've been trying to figure it out all night. What is a win-win? There's a business -- there's a business opportunity. Somebody's got money on the table. We've got homeowners, and I think they're equally -- you know, I think both arguments are equal. I try to put myself in the other person's shoes. What if you had this property and a group of people told you that you couldn't make a driveway here and you've got thousands upon thousands of dollars on the table to make this happen? What can be a win-win? What can the neighborhood be happy with? And do you understand the point that if they have to come off Vawter Street, it breaks their back because that -- moving that water line is crazy expensive. Excuse my Ebonics, but it's -- it's crazy expensive. I mean, I -- there's no other way I can say it. So how can we -- somebody help me out. I want -- I want both sides to be equally disappointed. So how can we equally be disappointed?

MS. DOW: What can we say?

MR. DOW: We're not allowed to talk.

MR. STRODTMAN: I just think it is something, Mr. Stanton, because as I was discussing with staff, if we do require an entrance only off of Vawter, then we still have to deal with Lot 102, that's a commercially -- legally-zoned to be a commercial entity. And legally, you cannot restrict their -- I mean, they have to have access to their lot. So if we came in off of Vawter School, like I think would be the win for the residents and not off of Whitegate -- but, you know, I would assume the City is going to want more than one entrance. So then we're going to be coming off of Whitegate Lane, which connects to Whitegate Drive. So we're still back to the same problem and/or we have 14 more acres or more with Lot 102 also that is going to be coming to us, and we have to get them out of this development too. And the Whitegate Lane is there on the plan to be developed as a cut-through street. And then that maybe -- and then the win-win for the development community is what they have proposed. So I agree with Ms. Burns. This is a tough one, but I see that, you know, they legally can develop this to be a restaurant based on this C-P plan from 2007 that was developed with Whitegate Lane, and it's been developed as that. And, in my opinion, it meets all of our checkmarks to be approved. But I also agree with the residents. You know, this is a nice neighborhood, but so was -- so was Addison's. It could be a Taco Bell. Nothing against the Dunivent family who developed this. It could be Taco Bell. It could be a lot of uses and a Taco Bell -- nothing against Taco Bell. It could be -- it could be in this development in the future, and I don't know if some would classify that as nice as Copperstone. So I think Addison's -- I would love to have Addison's in my neighborhood because I have a Taco Bell, and a MacDonald's, and a Sonic, you know. And someday I'll have an Addison's in my neighborhood, but I don't. So -- but I do agree, it's a great neighborhood, but that's -- it is not about who has money and who doesn't have money, it is about what is legally able to -- within our City codes, and this is legal. So that is what I'm struggling with. And I would love to say that we could do a right -- restrict a right turn so you can't turn right, but I don't see how we could accomplish that with traffic measures. And then if we did, then it would really -- it would really kind of screw up the Frontgate Drive side of it because you're going to have these barriers coming out to keep people from turning right, but it's also going to, you know, force traffic over. Yes, sir? Mr. Stanton, sir?

MR. STANTON: I want to put this to bed, but I've got to get this out. I'm -- I'm not in marketing, but I'm thinking that this restaurant would basically serve this region. I mean, I'm kind of thinking -- I keep -- I keep thinking Chapel Hill. I mean, I have to make a conscious effort to go to Chapel Hill and use something that is located over there. It is not some place I'm automatically thinking. So the Addison's here would be used by people around here, and I just don't see this -- I don't see that -- I don't see the type of traffic like downtown's location. I don't even see the type of crowd that downtown would have. I think this would be basically your neighborhood restaurant to some degree. I don't know, guys. It's just there's money on the table. That's all I -- golly.

MR. STRODTMAN: I'll ask the question, staff, but I kind of think I know the answer. I assume that when the discussion was about the relocating the water line that the homeowner's association probably didn't express much of any interest in contributing to that financial contribution?

MR. MACINTYRE: I don't know about the financial willingness of the homeowner's association.

MR. STRODTMAN: Not that you're aware of? Okay. I assumed that that was probably not the case because if -- yes, sir? Commissioner MacMann?

MR. MACMANN: Question for staff. And Planner MacIntyre, I don't mean to put you in a situation, but I'm going to do it anyway. For Water and Light -- and maybe Mr. Gebhardt can answer this too. Water and Light's concern is access for maintenance if you bury the thing?

MR. MACINTYRE: Yes.

MR. ZENNER: That's what we understand.

MR. MACINTYRE: The issue is that the water line runs too deep and in order to extend an access from this site they would need fill substantially where the ditch drops steeply, and that would create an issue for safety, where if they had to --

MR. MACMANN: If they had to dig it up --

MR. MACINTYRE: -- to make a trench --

MR. MACMANN: -- it's another 10 feet.

MR. MACINTYRE: -- it would be unsafe for workers.

MR. MACMANN: I am kicking things out here because as Chairman Strodtman and Mr. Stanton and Commissioner Burns have all said, I'm troubled with this. I'm thinking a maintenance accessible culvert, but that puts Mr. Gebhardt and his people in the business of building a bridge. Commissioner Stanton, I'm not seeing a win-win for everybody on this one, and I was racking my head, and I didn't mean to offend you when I -- I'm just trying to -- when I'm looking at the different ways in and out of here, and Chairman Strodtman's point is correct, and I'm glad Commissioner Burns brought it up. The access isn't going to be as much of a problem as the lot to the subject -- the lot south of the subject lot. That's going to be a serious issue because those folks are landlocked. Now if they all develop at the same time and it was a big C-P or P-D it would be in the future, that may be something else that can be worked out. Unfortunately, I'm thinking no matter what we do here with Mr. Gebhardt, A Civil Group and Addison's in the neighborhood, we're going to be back here in a year to -- looking at either a more complex situation south of here or whatever that time frame is. So I don't have any -- there are no wonder wands to wave, as I can see it, Commissioner Stanton. And Chairman Strodtman is correct, these folks need to get in and out.

MR. TOOHEY: I guess I'll end the argument. I'll go ahead and make a motion. In regards to Case No. 17-48, a request by Frontgate of Columbia for approval of a C-P development to be known as "Addison's South C-P Plan".

MR. STANTON: Second.

MR. STRODTMAN: Thank you. We have -- a motion has been made and put on the floor from Mr. Toohey and been seconded by Mr. Stanton. Commissioners, do we need any discussion on this motion? I see none. Ms. Burns, when you are ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Mr. Stanton, Mr. Strodman, Mr. Toohey. Voting no: Mr. Harder, Mr. MacMann, Ms. Rushing, Ms. Burns. Motion denied 4-3.

MS. BURNS: Four to two -- or, I'm sorry, four to three, motion is denied.

MR. STRODTMAN: Thank you, Ms. Burns.