

MINUTES
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBERS
701 EAST BROADWAY, COLUMBIA, MISSOURI
December 9, 2021

COMMISSIONERS PRESENT

Ms. Sara Loe
Ms. Sharon Geuea Jones
Ms. Tootie Burns
Ms. Joy Rushing
Ms. Valerie Carroll
Ms. Robbin Kimbell
Ms. Peggy Placier
Mr. Anthony Stanton

STAFF PRESENT

Mr. Patrick Zenner
Mr. Rusty Palmer
Mr. Bradley Kelley
Ms. Rachel Smith
Mr. Clint Smith
Ms. Becky Thompson

I.) CALL TO ORDER

MS. LOE: I'm going to call the December 9th, 2021 Planning and Zoning meeting to order.

II.) INTRODUCTIONS

MS. LOE: Ms. Carroll, may we have roll call, please? MS. CARROLL: Commissioner Burns?

MS. BURNS: Here.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Here.

MS. CARROLL: Commissioner MacMann?

(No response.)

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Here.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Here.

MS. CARROLL: I'm here. Commissioner Loe?

MS. LOE: Here.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Here.

MS. CARROLL: We have eight. We have a quorum.

MS. LOE: Thank you.

III.) APPROVAL OF AGENDA

MS. CARROLL: Mr. Zenner, are there any adjustments or additions to the agenda?

MR. ZENNER: Yes. There will be one adjustment to the agenda this evening. We had provided to you earlier this week a request to table an item due to a unforeseen illness. It is Case Number 25-2022. And that will need to be moved up in front of Item Number 5, which is subdivisions.

MS. LOE: Thank you.

MS. GEUEA JONES: Move to approve.

MR. STANTON: Second.

MS. LOE: Thank you. We have a move to approve by Commissioner Geuea Jones, seconded by Commissioner Stanton. I'll take a thumb's up approval on the adjusted agenda. Looks unanimous. Thanks everyone.

IV.) APPROVAL OF MINUTES

MS. LOE: Everyone should have received a copy of the November 18th, 2021 meeting minutes. Were there any edits to those minutes?

MR. STANTON: I move to approve the minutes.

MS. GEUEA JONES: Second.

MS. LOE: Moved by Commissioner Stanton, seconded by Commissioner Geuea Jones. I'll take a thumb's up approval on the minutes. Looks unanimous. Thanks everyone.

TABLING REQUEST

MS. LOE: All right. That brings us to our tabling for the evening, Case 25-2022, a request by SSE on behalf of TS Storage, LLC for approval of the new PD, (Planned Development) Plan to be known as the TS Storage PD Plan, a revised statement of intent to add a new permitted use of self-service storage facilities, and design exceptions to Section 29-4.1 for reduced side and rear yard setbacks. The 1.79-acre property is located at the northeast corner of Grace Lane and Richland Road. You did provide us with the -- there we go. This has been requested to be tabled to the January 6th, 2022 meeting. Are there any additional staff comments?

MR. ZENNER: No. This request, as indicated, was due to an unforeseen illness of the project engineer. And we will be bringing it back to you on January 6th. The report has been produced. The project was advertised for a public hearing. And so if there are any individuals within the audience that are here this evening, they can approach as it would relate to the tabling of the item. Otherwise, we have no other comments.

MS. LOE: Thank you, Mr. Zenner. For Mr. Zenner's comments, we will open up the floor for public comment, if anyone has any comments on the tabling of this case. Seeing none, we're going to close public comment. Commission comment on tabling. Commissioner Stanton?

MR. STANTON: Chairman, if nobody has any other questions, I'd like to make a motion. As it relates to Case 25-2022, I move to table until the January 6th meeting.

MS. RUSHING: Second.

MS. LOE: Moved by Commissioner Stanton, table -- or seconded by Commissioner Rushing. Motion on the floor. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please? Or can we do thumb's up?

MR. ZENNER: You can do thumb's up. That's fine.

MS. LOE: We can do thumb's up on tabling. Looks unanimous. Thank you. Recommendation for tabling is -- is approved.

V.) SUBDIVISIONS

Case 23-2022

MS. LOE: All right. That brings us to our Subdivisions for the evening. Case 23-2022, a request by A Civil Group on behalf of Chapel Hill Cottages, LLC for approval of a 1-lot final plat to be known as Chapel Hill Cottages, Plat 1. The .68-acre parcel is located on the south side of Chapel Hill Road at Martinshire Drive. The plat will grant legal lot status for the R-MF (Multi-family Residential) zoned property, which has been improved with an existing apartment building. May we have a staff report, please?

MR. PALMER: Yes, you may. Thank you, Madam Chair. Let's see. I think we've touched base on most of these items here, but just a quick note about public notice. The public info postcards were sent on the 9th of November to the property owners within 200 feet, of which there were 17, so that was the extent of public notice for this case. Here's a little broader aerial. You can see this is located just to the east of the entrance to Twin Lakes recreation area and across from the Cedarhurst Apartments that are pretty prominent as you go down Chapel Hill Road. You can see Stadium in the far upper right-hand corner, for a little context there. This is the proposed plat. You can see the dashed lines in the middle of the plat there, the two lines, indicate what is currently the state of the property and it is three survey tracts. They are being combined into the single lot. And the purpose, again, is to grant legal lot status. When asking the applicant, they said they didn't have any other reason, they just wanted a legal lot there for future purposes. So you can see a pretty substantial amount of additional right-of-way being dedicated for Chapel Hill, which is a minor arterial. That is to reach a minimum half -- half width of 40 feet. Currently Chapel Hill sits in the street easement there, which is not taken from the property basically. And in this instance, the right-of-way is dedicated on the north end there, so in addition to corner truncation, which is typical at intersections. Also, there is a new 10-foot utility easement dedicated on both street frontages. Technically along Martinshire, one currently exists there is being replaced with this new one. And then also the northern edge along Chapel Hill is getting a new one because that property line has been moved back. So that is the extent of what you see there on the plat. And our recommendation would be for approval as it meets the qualifications in the UDC. I'd be happy to answer any questions.

MS. LOE: Thank you, Mr. Palmer. Before we move onto questions for staff, I'd like to ask any commissioner who -- if they have any ex parte related to this case, to please share that with the Commission now so all commissioners have the benefit of the same information on the case in front of us. Seeing none, are there any questions for staff? I see none. Good job, Mr. Palmer.

MR. PALMER: I would like to add -- I skipped over the minor technical corrections aspect there.

MS. LOE: Okay.

MR. PALMER: They've already been corrected, but the plat that you guys saw did not have them corrected. So I think we still need to approve it pursuant to those corrections and then we have it on in, so.

MS. LOE: Thank you for that. All right. If there's no questions for staff, we're going to open up the floor to public comment. If anyone has public comment, please give your name and address for the public record.

MR. GEBHARDT: My name is Jay Gebhardt. I'm a civil engineer and have offices at 3401 Broadway Business Park Court. I'm here just to answer questions.

MS. LOE: Any questions for Mr. Gebhardt?

MS. CARROLL: Can I ask a question?

MS. LOE: Commissioner Carroll.

MS. CARROLL: You have an existing building with no building plans at this time. It wasn't clear to me what the purpose of the plating action is. Do you have any insight?

MR. GEBHARDT: The owners weren't comfortable with the idea that their building is a nonconforming use because it travels property lines. They have lot lines, which is now not -- so --

MS. CARROLL: Yeah.

MR. GEBHARDT: -- that was the main driving thing is, oh, we don't want something that's nonconforming, so let's make it conforming.

MS. CARROLL: I like that reason. Thank you.

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

MR. GEBHARDT: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, we'll close public comment. Commission comment? Commissioner Stanton.

MR. STANTON: If my fellow commissioners don't have any other questions, I'd like to make a motion. As it relates to Case 23-2022, approval of the final plat, Chapel Hill Cottages, Plat 1 pursuant to minor technical connections.

MS. GEUEA JONES: Second.

MS. LOE: Moved by Commissioner Stanton, seconded by Commissioner Geuea Jones. We have a motion on the floor. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please.

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: We have eight votes to approve.

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

Case 27-2022.

MS. LOE: That brings us to our next case, Case 27-2022, a request by Crockett Engineering on behalf of West Rock II, LLC for a 1.45-acre preliminary plat containing six single-family residential lots and two common lots. The subject site is zoned R-1 (One-family dwelling) and is located on the north side of Green Meadows Road at Green Meadows Circle. May we have a staff report, please?

MR. PALMER: Yes, you may. Thank you, Madam Chair. So this will be -- the proposed preliminary plat is an eight-lot plat. As you said, the property is 1.45 acres. The public info notice was sent again on November 9th. In this instance, there were 26 postcards. Again, here's a little broader aerial view. As you can see, Providence Road prominently there on the right and Green Meadows kind of snaking through the area to the west of that. We're pretty familiar with this property, I think. Next to the Rock Bridge Christian Church there right at the corner of Green Meadows Road and Green Meadows Circle. So moving on, so as you can see here from the plat, there are six single-family lots, two common lots being the prominent corner there at the intersection and then also the corner of this lot closest to Rock Bridge Christian Church. The property is zoned R-1 and, therefore, it requires no zoning action because these are proposed single-family homes -- or single-family lots. In this instance, access is shared via an irrevocable

access easement. It takes access from Green Meadows Circle on the north end there. You can kind of make out hopefully the "T" arrangement here. It kind of touches each lot. That would provide a private driveway that would access the rear of each of those properties. Let's see. It's -- the easement arrangement is something that the code does permit with the approval of the Community Development director, which this has gained. As a matter that has been brought up many times when this property has come before us in the past, neighbors are more favorable of an entrance off of Green Meadows Circle and I believe -- so there's another aspect too that Green Meadows Road is -- is not accessible, but that is actually not the case now because it was accepted for single-family homes. So they could take access, but again, that was a major point of contention for the neighboring property owners, was access to the Green Meadows Road was a big negative for them. So yeah, that's the first item on here. So one thing about the shared access, a lot of times people will want their driveways on the front of their homes or -- just the arrangement. There's no aspect in the code that requires that the properties face outward to the streets. However, that, again, was something that was a major point of concern for neighboring property owners in terms of aesthetics and also just general function of the property. One thing that could be done to fix that issue, I guess, would be to ask the property owner to add a restriction to the plat that would say the properties would face outward to the street frontage on both Green Meadows Road and Green Meadows Circle. Another aspect that the access easement would impact is the rear lot setbacks on each of the lots. As there would be a 20-foot access drive within that, the remaining rear lot, if it were 25 feet, would not be deep enough for a 20-foot parking area in the driveway, which is typically required. And so another restriction that could be added would be the requirement of a minimum rear yard setback of 30 feet, which would offer the extra space needed for a 20-foot parking spot in their driveway outside of the easement. I believe that is it. So our recommendation would be for approval of the preliminary plat as it is because it is code compliant. However, alternatively, you could seek the addition of those restrictions on the plat. With that, I'd be happy to answer any questions.

MS. LOE: Thank you, Mr. Palmer. Before I ask for staff questions or questions of staff, I'd like to ask any commissioner who has had any ex parte related to this case to please share that with the Commission so all commissioners have the benefit of the same knowledge, information on the case in front of us. Seeing none, Commissioner Geuea Jones, did you have a question for staff?

MS. GEUEA JONES: I do. With these two conditions, I'm worried they're not necessarily -- we have to either do both or neither. Because if we say -- if we just do the 30-foot rear yard setback, that could theoretically be the Green Meadows and Green

Meadows Circle side of the properties if they decide to face them all inward; is that right?

MR. PALMER: Yeah.

MS. GEUEA JONES: And so if we do both of them, that 30-foot rear yard setback solves your easement problem, but if we don't do both of them, it doesn't. Am I understanding that right?

MR. PALMER: Yes. It kind of all hems on the second one technically where it -- we want the homes to face outward.

MS. GEUEA JONES: Right. We want them to face the sidewalk.

MR. PALMER: The -- yeah. The parking space is a technicality kind of that we would also like met, but it is not technically required as it's presented as -- as the design is presented, if that makes any sense.

MS. GEUEA JONES: I'm just making sure I understand your recommendation correctly, which is either do both of these or if we're worried about the setback, we need to reword that.

MR. PALMER: Yes. I think you're right.

MS. GEUEA JONES: Thank you.

MS. LOE: Commissioner Rushing?

MS. RUSHING: Do you know whether that private drive is going to connect with the church's driveway?

MR. PALMER: It is not intended to. There's a gap in the easement to kind of restrict that actually.

MS. RUSHING: Okay.

MS. LOE: Any additional questions for staff? Seeing none, I'm going to open up the floor for public comment. If you can give your name and address for the record. While we're waiting, just generally we do limit you for three minutes for comments, six minutes if you're speaking for a group.

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I think Mr. Palmer did a thorough job explaining the -- the plat that's before you tonight. I'll go over a few -- a few items though. Again, it is about 1.45 acres in size. It is currently zoned R-1. We intend to develop it under that R-1 zoning. It has been -- this piece of property has been before you numerous times in the past for rezoning for various types, from commercial to multi-family, and we do want and intend to develop the property as the R-1 zoning that's on it. We are going to -- or asking -- seeking to develop the property with a shared common driveway. This is a copy of the plat that's before you. You've seen that before. The common driveway would be a configuration such as this. Access to the lots would be something similar to that. Potentially lots two and three could come off of the north/south section as well, but this

kind of gives you just an idea of where the access for the lots would come from. So we'd only have one point of access that goes out to Green Meadows Circle, none which go out to Green Meadows Drive. And Ms. Rushing, no, we are not going to tie into the church. Actually the City asked us to pull the parking lot -- or driveway back as much as we can. We want to do that. The church is a separate stand-alone piece of property. We don't have access to that property. We don't have an easement across their property, so that's nothing that we can -- you know, we can -- we can just simply do.

We do have a couple common lots as designated here. One or -- one or two of them will be used. The purpose of this is for stormwater management. That's the reason for this. If we don't need the second lot, it will go into the lot that's adjacent to it. With regards to the rear yard setback -- and -- and Rusty and Pat can correct me if I'm wrong. The front yard is going to be determined by the section of the lot that is adjacent to the right-of-way. And then by definition, the rear yard is opposite the front yard. So Ms. Geuea Jones, to answer your question, with regards to are they both -- can we do both of them, we have to do both or none. And I don't think that's the case. I think we can do one or the other or both. We are willing to increase the rear yard setback because we think in order to get that to achieve the driveway, if they do have -- you know, the garage in the rear, we want to make sure we have 20 foot for that driveway before you get to the house. So we're -- we're fine with that. The other one certainly as -- as noted in staff report, we've gone on record as saying it's our intent to face these outward. That's certainly the developer's intent, that's what he wants to do. By putting the note on there is we don't like to have another restriction on the plat. So we'd rather not have that restriction on there. We are fine with the additional setback along the rear yard because that would allow us to have the driveway. And again, Mr. Zenner, correct me if I'm wrong, but I believe the front yard would be adjacent to the right-of-way, the rear yard is opposite the front yard. So by putting that condition on there, that would say that the rear yard of all of those, regardless of how the house is oriented, would be 30 feet. Again, the proposed development matches the surrounding development and land uses. I think that that's a point that has been argued several times before in the past. It is -- complies with the UDC. So it's before you tonight as a fully performing plat and R-1 district and then, of course, it comes to you with staff support. So with that, I'm happy to answer any questions that the Commission may have.

MS. LOE: Thank you, Mr. Crockett. Are there any questions for the speaker? Commissioner Placier?

MS. PLACIER: Yeah. Thank you for the graphic with the arrows, because that helped. I couldn't figure out how -- where the access to lot six would be.

MR. CROCKETT: Uh-huh.

MS. PLACIER: So as I'm imagining it, there's going to be a longer driveway going back to six?

MR. CROCKETT: Yes. It will have a longer driveway that goes to that portion of the lot, yes.

MS. PLACIER: Okay. So the lot is just sort of curving?

MR. CROCKETT: Yeah. It's kind of a --

MS. PLACIER: Yeah, okay.

MR. CROCKETT: -- modified lot, if you will. Not completely rectangular. It will have a little dog leg to it there.

MS. PLACIER: Okay. That helps.

MS. LOE: Any additional questions for Mr. Crockett? Commissioner Carroll?

MS. CARROLL: So your intention is to have the front doors oriented to the street?

MR. CROCKETT: My client's have -- he's stated that's his intention.

MS. CARROLL: Can you tell me how you plan to treat the front doors? Will there be a sidewalk to the street, a pathway?

MR. CROCKETT: Yeah. I believe there will be a -- if the front doors face out, there will be a sidewalk that go from the front doors to the adjacent sidewalk adjacent to the street.

MS. CARROLL: Thanks.

MR. CROCKETT: You know, Solid Waste has come online saying that they want to have curbside pickup and no Dumpster on this location so obviously we'll have curbside pickup adjacent to the street, like you do in a normal residential subdivision. That's how Solid Waste would like to handle that so obviously we will have a pathway for that as well.

MS. CARROLL: I ask that question in particular because there is a development that I can think of, quite likely pre-UDC, that has driveways and access to the duplexes, in this case in the back, and it has front doors facing the street and yet there's no sidewalk and it has somewhat of an enclosed porch, which makes it useless to the residents.

MR. CROCKETT: I understand.

MS. CARROLL: And it's been an issue for that neighborhood.

MR. CROCKETT: I understand.

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

MR. CROCKETT: Thank you.

MS. LOE: Any additional speakers on this case? If there are none, we'll close public comment. Commission comment? Commissioner Geuea Jones?

MS. GEUEA JONES: I would like to check with staff on the definition of rear yard, because I don't see where it's defined the way you describe, which I -- I don't think you're necessarily wrong. I just want to have clarity on that before we vote.

MR. ZENNER: Rear yard is as Mr. Crockett has described it. It -- it now -- what I will tell you is, is if the applicant is consenting and assuring those that it's their intention to build to the -- to face outward, the addition of the additional condition should not be any concern. It further legitimizes what they have said is their intention and ensures community compatibility. That is why the recommendation of that note is there. From an addressing perspective, a front door is often what determines where you're being addressed from. So these properties are going to have addresses off of Green Meadows Circle, as well as Green Meadows. From a 911 perspective, most likely in the system -- in the CAD system for dispatch, there will be a specific note that the driveway access is from Green Meadows Circle. However, based on what the fire service tells us often, they won't pull down a private driveway in this instance. They'll just deploy outside on Green Meadows to fight a fire. They're not going to get themselves hemmed in. But it is -- as I said, front is opposite of -- or rear is opposite of front. Front is normally driven by where the parcel is addressed from. So to Mr. Crockett's point the front, if addressed from Green Meadows Circle -- or Green Meadows, is going to then result on the rear being on the shared driveway. It's our take that if the applicant's saying what he's going to do is face them out, we just need to ensure that that's happening for the benefit of the neighborhood and for clarity for us as we apply all of our other dimensional requirements.

MS. GEUEA JONES: Yeah. My -- my only concern would be that if we don't do the conditions, we end up with a row of privacy fences down Green Meadows, because people generally want to fence in their backyard if they fence in something. Whereas, if their front door is on Green Meadows, the likelihood of that is lessened. It's not necessarily eliminated, but I -- I think that will allow this to still have a residential neighborhood feel, which I know it's sort of mixed, but I -- I think that the conditions are definitely something that's necessary given the sensitivity of the neighborhood to this particular parcel.

MS. LOE: I'm not as concerned about the homes facing Green Meadows Road as I am the address on Green Meadows Circle. To me, the streets are very different. And as long as there is a front door for the group, I'm -- I'm not as concerned about maintaining those -- and if two -- I believe it's two lots facing Green Meadows Road. In fact, I think by turning them toward Green Meadows Road, in some way you're sort of isolating those two because they would be the only homes facing Green Meadows Road. The homes along Crescent Green Drive to the south of Green Meadows Road at that location all face the internal drives-- internal road. And a little to the west just off

the screen here, all the homes just north of Green Meadows Road along Belinda Alley have their backyards with a fence along Green Meadows Road. So -- and then just east of Bethel, you have the church. So there's not a strong neighbor -- single family neighborhood presence for those two homes. I feel like they're a little bit out of the water really.

MS. RUSHING: But then they would be facing the back of the other houses.

MS. LOE: But yeah, if I can finish. And
then --

MS. RUSHING: Yeah.

MS. LOE: I see the -- what we're calling the drive as really a internal street to some extent in that it's serving six houses. And to some extent, that -- they could -- that is where that -- those six houses are going to congregate or communicate. And I would encourage the developer to develop good entrances on to that drive to encourage the neighborhood feel of that grouping. I don't think those front doors facing Green Meadows Road -- you can't park on Green Meadows Road, they're going to receive no visitors from that direction. I'm less concerned about those doors. Commissioner Rushing, you had a question?

MS. RUSHING: No.

MS. LOE: No?

MS. RUSHING: I butted in to state -- I thought you were through. I'm sorry.

MS. LOE: Any other comments?

MS. CARROLL: Yes. They may walk from Green Meadows Road and desire that connectivity to the community at large. Part of the reason why I would have supported the conditions, if I recall, that was a feature that on previous applications the neighborhood asked for. And I would like to honor that, given the history of the property.

MS. LOE: And I am supportive of the homes facing Green Meadows Circle, which I do feel has a more residential feel.

MS. CARROLL: I see.

MS. LOE: Again, I'm just saying I'm not in favor of these conditions if they require the homes face Green Meadow Road because I feel that's a different condition. So I will not support the conditions if it requires all six houses face the road. That's not because I don't believe the homes should face it, but I believe this site is not equal on all sides and that it can have a presence on the street without each home facing the street. Commissioner Kimbell?

MS. KIMBELL: So you're saying that you're comfortable if the lots five and six face inside?

MS. LOE: I am.

MS. KIMBELL: Versus facing outside?

MS. LOE: Yep.

MS. KIMBELL: And your reason is again?

MS. LOE: That Green Meadows Road is not a residential street. And there's no other homes within a -- at least a one- or two-block area facing the street. So I don't think those were the residents asking that the -- I think the residents asking for homes to face the street were the ones north of Green Meadows Road.

MS. KIMBELL: Can we get some clarity on that?

MR. PALMER: I believe what she just stated is correct, that the neighbors -- the -- the more engaged neighborhoods were north of Green Meadows Circle on our previous designs, so.

MS. CARROLL: And yet the applicant has suggested a desire to make them face outward.

MS. LOE: He's expressed -- he's stated his intent, but he's -- they've also asked that it not be included and I'm supporting that. Commissioner Geuea Jones?

MS. GEUEA JONES: I would suggest then that we do this in three steps. One, with a requirement that lots one, two, three and four face -- or I guess we could say -- well, yeah, lots one, two, three and four face Green Meadows Circle; a second condition that lots five and six face Green Meadows Road; and a third condition with the 30-year -- 30-foot rear yard setback so that we can vote as a Commission on those ideas separately. Because it sounds like there's a division of opinion, but we may be in accord on the Green Meadows Circle question. So if -- if we divide it up like that instead of just the two, we may have more clarity to send to Council.

MS. LOE: Commissioner Burns?

MS. BURNS: I guess I'm just a bit concerned about -- we have the applicant here. They have a plan -- a development plan. We have no opposition from the neighborhood or correspondence from the neighborhood. I just -- I'm concerned about going in and changing what the applicant has come to us with and what seems reasonable and apparently is reasonable to the neighborhoods who, in the past, have been very vocal and concerned about the development of this. So I don't have a strong feeling about the conditions, but I -- I -- I'm concerned about us coming in and trying to change the plan that's been presented to us.

MS. LOE: Commissioner Rushing?

MS. RUSHING: And I'll just reiterate what I said before. If you're requiring the four on Green Meadows Circle to face Green Meadows Circle and you -- and what I heard you say, Commissioner Geuea Jones, is then we could require the other two to face inside. I don't think that's what you meant.

MS. GEUEA JONES: No, I meant outside.

MS. RUSHING: I think you meant allow them.

MS. GEUEA JONES: Yeah. Allow them, yes.

MS. RUSHING: But I think it's -- you know, I wouldn't want my house facing the rear of four other houses. And then you have the setback issues to deal with. I think it's just cleaner to stay with what's been presented to us.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Here's the direction that I propose, that I think is along the lines with what I'm hearing from both Ms. Geuea Jones and Ms. Rushing and Commissioner Loe. There's the four. We can make the recommendation that those face the Green Meadows Circle. The two that we are open to not facing Green Meadows Circle, instead of making the condition that they face inwards, I would rather just say condition that the four face outward -- or face Green Meadows Circle and then not place a condition onto the two that we're open to placing either way.

MS. LOE: Commissioner Stanton?

MR. STANTON: This project has come before us three times. It looks like it's changed engineering firms, it's -- look -- and each time the engineers and architects have bent over backwards to help us figure out this piece of land. Let's roll with how it is. The -- the community -- the community involvement through all the other process was very strong. I see no opposition, we didn't get any correspondence, which means they must be happy because if they weren't, this whole place would be full and it would be on again like it was the last two or three times this property was in front of us. I move to -- I -- I plan to support it as-is.

MS. GEUEA JONES: I think I might have been unclear. What I'm saying is that we take a separate vote on the facing the right-of-way for the ones on Green Meadows Circle versus the ones on Green Meadows Road. Not that I want to say they have to face one way or the other, but I want us to be able to vote on those two questions separately. Because the way it's written now, we vote on them all at once and they're all either facing out or have no requirement. And I want to be able to -- I want to give us the flexibility to follow the recommendation of staff to put that requirement on Green Meadows Circle without having to also put it on Green Meadows Road. So I'm just suggesting divide the question in parliamentary terms, but.

MS. LOE: I -- I understand. I -- I think we make a motion for as-is. Because I do think we have a split decision on this. And let's see if there's support for as-is. And then if there isn't, we'll start pulling it apart. Mr. Stanton?

MR. STANTON: If there's not any more questions, I'd like to make a motion.

MR. ZENNER: If I may.

MS. LOE: Yes.

MR. ZENNER: If you're going to make a motion, technically, the plat is compliant as it is presented. However, practically speaking as defined within our parking requirements of the code, without the first condition, which the applicant has indicated -- which the engineer has indicated the applicant is willing to adhere to, you jeopardize fire access requirements as it relates to the shared private driveway by having vehicles parking in that shared access. At a minimum, in staff's opinion to ensure that the project is fully compliant from a fire protection perspective, not an aesthetic one, the first condition is critical. The second condition, I think -- which is what you all are wrestling with -- is how do we want to dictate how these structures are actually placed on the lot. That is something that you don't have to take up. It -- again, it is something that is offered as an option. I will strongly suggest that you take each of the conditions, if you choose to do either, or as Ms. Geuea Jones has suggested, to separate the second condition, those be voted on individually so it is very clear, very transparent to the Council with the recommendation for the approval of the plat, which I believe you all are ready to move so Council can see that. The plat again is compliant with the technical requirements of the code; therefore, it can be moved forward just by a simple majority vote. The Commission, again, has four possible options with the approval of a subdivision plat; approve, deny, approve with conditions -- and those would be recommended conditions because the applicant would have to consent to the conditions - - or table. Obviously we've spent enough time with this project, the fourth condition is out. Hopefully the denial is not there either. So wrestle with approve as-is or approve with recommended conditions for Council to consider.

MS. LOE: Mr. Zenner, a point of clarification, the required minimum 30-foot setback, it's -- right now it's described as being a rear yard setback, but given that there's some discussion about front and rear yard, what we really intend is that it's a 30-foot setback off the private drive

MR. ZENNER: That would be correct. And that would probably be a better way of stating it in your motion then it is irrespective of how these homes get placed. So hopefully that would maybe eliminate then the second condition entirely. Because that opens up -- we have a 30-foot setback, we maintain an adequate depth for the driveway.

MS. CARROLL: I prefer to vote on conditions first and if they fail, do a straight --

MS. GEUEA JONES: Yeah, we have to do that anyway. Yeah. Conditions have to come first before we vote on the approval.

MR. ZENNER: From a procedural perspective, Ms. Geuea Jones is correct. You'd have to do motions. And really again, you're only offering -- it's the Commission's

call. And Mr. Palmer just pointed out to me that probably the motion, as it relates to the setback, needs -- it does need to be clarified that it is from the common property line sub- - that is split -- that the shared driveway is actually split by. So it is the -- it's the centerline of the easement.

MR. PALMER: Right. It would be 30 feet from the centerline of the easement, not the edge of the easement. Because the -- the setback is actually from the property line. So 30 feet allows a 10-foot drive lane for the driveway, plus a 20-foot driveway for parking.

MR. STANTON: Twenty feet from the setback?

MR. ZENNER: From the property line.

MS. CARROLL: From the shared property line.

MR. ZENNER: From the shared property line.

MS. LOE: So 60 feet total?

MR. ZENNER: Total, 30 feet on either side of the shared property line. Staff report probably does a better job of explaining. Ten feet of each individual lot that abuts the shared private driveway is occupied by the shared driveway, which only leaves 15 feet outside of the easement -- or 15 feet of the 25-foot setback to be for a driveway unless you set the house further back. And what we're trying to ensure is that they can build to their maximum building envelope.

MS. LOE: All right. So let's do each condition separately, including the drive setback.

MR. STANTON: Okay. Can I make a motion with the plat first and we go from there?

MS. LOE: No. No. We're going to start with the conditions. So let's start with the 30-foot setback from the centerline of the shared property line. Common --

MR. ZENNER: Shared easement. Shared access easement.

MS. LOE: Shared access easement.

MR. ZENNER: And it's --

MR. STANTON: I'm confused now.

MR. ZENNER: From the property line. Property line -- centerline of --

MS. LOE: Ms. Carroll.

MS. CARROLL: I'd like to make a motion --

MR. ZENNER: Just make one.

MS. LOE: We're going to start with that.

MS. CARROLL: I'd like to make a motion to require a 30-foot minimum setback from the shared property line at the private drive.

MR. STANTON: Second.

MS. LOE: Seconded by Commissioner Stanton. We have a motion on the floor. Any discussion on this motion? This is the internal 30-foot shared property line setback. Seeing none, Commissioner Carroll, may we have roll call, please.

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: We have eight votes to approve. The motion carries.

MS. GEUEA JONES: I'd like to make a motion.

MS. LOE: Commissioner Geuea Jones.

MS. GEUEA JONES: I move that in the matter of Case Number 27-2022, we approve a condition that the homes on -- are we --

MS. LOE: One.

MS. GEUEA JONES: Okay. That the homes on lots one, two, three and four as described on the plat have front functioning entry doors facing the Green Meadows Circle.

MS. RUSHING: Second.

MS. LOE: Seconded by Commissioner Rushing. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please?

MS. CARROLL: Okay. Commissioner Burns?

MS. BURNS: No.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: No.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: No.

MS. CARROLL: We have five votes to approve and three to reject the condition.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I'd like to make a motion. I move that the homes on lots five and six have front functioning entry doors facing Green Meadows Road.

MS. RUSHING: Second.

MS. LOE: Seconded by Commissioner Rushing. We have a motion on the floor. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please?

MS. CARROLL: Commissioner Burns?

MS. BURNS: No.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is no. Commissioner Loe?

MS. LOE: No.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: No.

MS. CARROLL: We have four yes and four no. One, two, three, four. Yep.

MS. LOE: All right. Commissioner Geuea Jones?

MS. GEUEA JONES: I would like to make a final motion. In the matter of Case Number 27-20, Greenville [sic] Subdivision, Plat 1 preliminary plat, I move that we approve the preliminary plat with the recommendations of conditions as having been voted.

MS. RUSHING: Second.

MS. LOE: We have a motion on the floor. Any discussion on this motion? I

have a question. Since the second -- third condition was a tie, so it wasn't recommended, is it included? Mr. Zenner is scratching his head.

MS. GEUEA JONES: Included in the report.

MR. ZENNER: It's a no recommendation. Again, it's a recommendation. The applicant is only consenting at this point to the condition that has a unanimous vote of 8-0. It's -- it's official, it's a tie. You took action and Council needs to now listen to the applicant and review your recommendation or lack thereof because you couldn't arrive at a consensus, but yeah. So it's -- it is valid as a recommendation, as a condition. How it plays out at Council, we'll see.

MS. LOE: Okay. So the answer is it's left up to Council to --

MR. ZENNER: It's -- well, all of these conditions with the -- with the exception of the 30-foot setback from the shared property line within the shared driveway, which was an 8-0 vote.

MS. LOE: Oh, right.

MR. ZENNER: That's the only thing out of -- we -- we've -- we've got a less than 75 percent on the second motion and you have a tie vote on the third. At this point you've created -- it's created a little bit more confusion for us in how we'll write the staff report at this point. I'll have to sort that out. Again, I think the way the staff will handle this is the plat, depending on what your vote is, is fully compliant. The Commission is recommending the following conditions for Council's consideration. And we will reference the fact that the 30-foot setback was agreed to by the applicant.

MS. LOE: Okay.

MR. ZENNER: So you have -- I don't believe -- do you have a motion on the floor for approval of the second?

MS. LOE: We do. We do.

MR. ZENNER: So let's finish with --

MS. LOE: Any further discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please?

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: Yes. We have eight votes to approve. The motion carries.

MS. LOE: All right. That will all be sent to Council for them to deal with as they see fit. Commissioner Stanton.

MR. STANTON: Fellow Commissioners, I had the floor on making that motion. I do not want to be -- the mic taken away from me again. I was asking for a point of clarification, I was trying to make the motion. It seemed like you guys just took the mic. I was asking for clarification on how to formulate the motion. Don't do that again.

MS. LOE: I apologize, Mr. Stanton.

MS. CARROLL: I'm sorry.

Case 30-2022

MS. LOE: Our next case is Case 30-2022, a request by A Civil Group on behalf of New Haven Custom Homes, LLC for a one-lot final minor plat to be known as Lakeview Plat 1. The subject site is zoned R-MF (Multi-family dwelling) and is located on the north side of Lakeview Avenue, approximately 700 feet east of Rangeline Street. May we have a staff report, please?

MR. KELLEY: Yes. Thank you, Madam Chair. This request is for a one-lot final minor plat. If we go to public notice, postcards were given out for this on the 11th of November; 17 postcards in total. Haven't received any inquiries or formal correspondence as of today. To give some context to the site, it's located on Lakeview Avenue. So it's just one street north of the Business Loop and east of Rangeline Street, which you can see over here to the west. I think in this aerial photography you may be able to see a house, I think -- it burnt down in the last year or two. You can't quite tell with the shadow. But generally that's sort of the purpose for this request or related to the purpose of this request. Annexed in 1906, zoned R-MF (Multi-family dwelling), as you mentioned. Basically the structure was lost to a house fire and they're wanting to build again, but it's not a legal lot so the plat is desired to request legal lot status. It is dedicating the 10-foot utility easement that's necessary. And right-of-way is not necessary as Lakeview Avenue is a local street that already has the sufficient 50-foot right-of-way. There is no sidewalk onsite and a sidewalk will be required with development. With that, staff finds the plat to be fully compliant with the UDC. I would note that with the staff report, there were a few outstanding comments from the surveyor regarding some legend notations and some other items. As of today, there's only one

item that's left to be resolved and that's just clarifying a note indicating the bearing system that was used. So it's a minor technical correction. So I would recommend approval of the final plat pursuant to a minor technical correction. With that, I'm happy to any -- answer any questions you may have.

MS. LOE: Thank you. Before we move on to questions for staff, I would like to ask any commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all commissioners have the benefit of the same information on the case in front of us. Seeing none, are there any questions for staff? Seeing none, I will open the floor to public comment.

MR. GEBHARDT: Sorry. My name's Jay Gebhardt, civil engineer, 3401 Broadway Business Park. Just here to answer questions.

MS. LOE: Any questions for Mr. Gebhardt? I see none, Mr. Gebhardt. Thank you.

MR. GEBHARDT: Thank you.

MS. LOE: Any additional comments? If there are none, we will close public comment. Commission comment. Commissioner Burns?

MS. BURNS: Yes. If there's no additional discussion, I'd like to make a motion in Case Number 30-2022, Lakeview Plat 1, final plat, recommendation approval of the plat be approved.

MS. KIMBELL: Second.

MS. LOE: Second by Commissioner Kimball. We have a motion on the floor. Any discussion on this motion? Seeing none, may we have roll call please, Mis-- Commissioner Carroll?

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. LOE: We have eight votes to approve. The motion carries. The recommendation for approval will be forwarded to City Council.

Case 32-2022

MS. LOE: That brings us to Case 32-2022, a request by A Civil Group on behalf of Finley and Rebecca Gibbs for a one-lot final minor plat to be known as Quarry Heights Plat 7. The subject site is zoned R-1 (One-family dwelling) and is located on the south side of Rollins Road, approximately 950 feet east of South Greenwood Avenue. May we have a staff report, please?

MR. KELLEY: Yes. Thank you, Madam Chair. I find that this request is similar in nature. It is for a one-lot final minor plat. Advance public notice postcards were given out on -- the date I have on here is wrong, but the 11th of November. Seventeen property owners were notified for this. Moving on to give context to this site. This is facing generally south/southwest. See Rollins Road here and then Greenwood Avenue farther to this direction. The parts of the property annexed at different times. It is fully zoned R-1 as an unapproved site. Consists partially of a survey tract and then partly another lot that is bisected by Rollins Road. You can see here on the plat with this dashed circle of this one, that is the lot one from a 1950 plat that Rollins Road has bisected through. This final plat will grant legal lot status. From what I'm aware of, the purchaser intends to build a home here and to do so, they need to a building permit that requires this to be a legal lot. This plat dedicates the standard 10-foot utility easement and 16-foot sewer utility easement that will be necessary for a future sewer project. That is located to the southern portion of this property here. You can see where I'm moving my mouse. An interesting thing to note here is right-of-way dedication on the previous 1950 plat didn't contain sufficient information to determine the right-of-way location so as to resolve that, this plat is actually dedicating the appropriate 25-foot half width for Rollins Road. Last thing to note is a sidewalk doesn't exist on this -- along Rollins Road here so a sidewalk would be required to be built with development of the site. With that, the plat is fully compliant with the UDC and staff recommends approval of the final plat. I'm happy to answer any questions you may have.

MS. LOE: Thank you. Before we move on to staff questions, I'd like to ask any Commissioner who has had any ex parte related to this case to please disclose that now so all commissioners have the benefit of the same information on behalf of the case in front of us. Seeing none, are there any questions on -- for staff on this case? Commissioner Carroll?

MS. CARROLL: At the point of building permits, would they be required to do tree preservation?

MR. KELLEY: I don't believe so, given that the site is under an acre and it

would be a single-family development. Just for reference for some of the trees, I did kind of note some of the flora in the staff report. It's largely saplings and smaller trees just from looking at some of the photography that I've seen, for the most part.

MS. CARROLL: Hmm.

MS. LOE: Any additional questions for staff? Seeing none, I'll open up the floor to public comment.

MR. GEBHARDT: My name's Jay Gebhardt, civil engineer, 3401 Broadway Business Park Court. Again, I'm here to answer questions.

MS. LOE: Any questions for Mr. Gebhardt? Commissioner Placier?

MS. PLACIER: Similarly to Commissioner Carroll, at the time of the building permit we will -- or somebody will hear more about this very steep slope and the creek at the bottom?

MR. GEBHARDT: Uh-huh. Yeah. I mean Mr. Gibbs is an attorney in town and he fully intends to honor the neighborhood. And he'll probably build on the western side of this and he's just including all the land that's hillside and creek as part of his lot. I don't think he has any intention of disturbing it.

MS. PLACIER: Okay.

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

MR. GEBHARDT: Thank you.

MS. GREEVER-RICE: Good evening. My name is Tracy Greever-Rice. I live at 602 Redbud Lane, which is immediately up the hill from this re-plat. Generally I am in support of it. I do -- and wasn't planning on speaking until the staff report was mentioned. I'm wondering if there's any possibility of reconsidering the requirement for a sidewalk? There's not a sidewalk within a half a mile in any direction from that one lot. And it is a very oddly-shaped lot. And to give them enough room to put that house in a position that they won't be up in the -- up in the business of the house either to the immediate west or immediate south, it -- it would be much more consistent with the look and feel of the neighborhood with preservation of green space and with giving them the best shot of building a spot that is -- fits in best with the rest of the community, that would be great to not require. Thank you.

MS. LOE: Thank you.

MS. BURNS: Could I ask a question?

MS. LOE: There's going to be a question, Ms. Greever-Rice.

MS. BURNS: I had a question for you. Do you know if this particular piece of property falls within the neighborhood association?

MS. GREEVER-RICE: That's going to be an interesting -- I don't actually

know how that's going to work. I know that the re-plating will name it part of the Quarry Heights subdivision. Quarry Heights subdivision, it -- the Quarry Heights Homeowners Association is not a typical HOA. It is a Missouri benevolent corporation that has its own bylaws, constitution, organization. So I do support personally bringing that replat into our Quarry Heights Owners Association, but how that works with the association is probably really a separate issue.

MS. BURNS: The reason I ask is I believe in our development code, neighborhoods that are 75 percent developed do not require sidewalks. And I guess I'd ask staff for clarification on that. So I'm wondering if this neighborhood isn't fully developed, which I believe it pretty much is --

MS. GREEVER-RICE: It is.

MS. BURNS: -- that there -- I was surprised that there was a sidewalk requirement, given what the code states.

MS. GREEVER-RICE: It would be -- it would be weird and not really -- we don't need any more non-porous concrete in that neighborhood and that location, the way it sits in the watershed.

MS. BURNS: Thank you.

MS. GREEVER-RICE: Thank you.

MS. LOE: Any additional speakers on this case?

MR. RICE: Good evening. My name is Glenn Rice. I live at 602 Redbud and that's my spouse who just spoke. We are actually both former Planning and Zoning commissioners. And I also come up to support this, echoing exactly what Tracy just said. And I also wanted to let you know about -- you mentioned in the staff report that there is not enough evidence from 1950 to indicate where the right-of-way should be. I'm here to just tell you a little brief anecdote. Our neighborhood lore has it that the developer of the neighborhood was not -- was outside of city limits at the time, because it's an old quarry that was developed. And refused to follow City of Columbia building codes that were annexed in at that time. So the City wouldn't connect the road from Rollins to South Glennwood there. And the story goes that one night he got in his bulldozer and basically made his own road, which eventually got paved over and became the road that it is now. So I don't know if this is true or not, but it could explain why your staff report is lacking some information there. And I thought that might amuse you a little bit. Thank you very much.

MS. LOE: Thank you. Any questions for this speaker? Commissioner Rushing? Sir, I think there's a question for you.

MR. RICE: Oh, for me?

MS. RUSHING: Yes.

MS. LOE: Mr. Rice.

MR. RICE: Yes.

MS. RUSHING: Just because I'm looking at the aerial --

MR. RICE: Uh-huh.

MS. RUSHING: -- on Google maps, it looks like there is a sidewalk. Is that not a sidewalk along the south side of Rollins?

MR. RICE: No. There is no sidewalk on Rollins.

MS. RUSHING: Okay.

MR. RICE: On the south or the north. In fact, there is no sidewalk anywhere in the Quarry Heights neighborhood or on Rollins -- actually all the way to West Boulevard at least and beyond. There are no sidewalks on Greenwood. There are no sidewalks on Edgewood until you get to Lathrop I guess is the cross street there where the sidewalk begins. So there is literally no sidewalks within a half mile -- well, a quarter mile of this location.

MS. RUSHING: So somebody who wants to walk is walking in the roadway is what you're --

MR. RICE: Oh, yes. Oh, yes. It happens all the time. I mean people -- we -- from where we -- from where our house is we can look down at this -- at the curb right there and yeah, there's -- and it's also -- it connects to the trail down at the end right by the gate to the quarry so lots of foot traffic. I mean it's not ideal obviously, but just putting a piece of sidewalk on this single section right here isn't going to be helping anyone and it will be a detriment to the property and the neighborhood.

MS. LOE: Any additional --

MS. RUSHING: That's all I had. Thank you.

MR. RICE: Okay.

MS. LOE: Any additional questions for this speaker? I see none. Thank you, Mr. Rice. Any additional speakers on this case? Seeing none, we'll close public comment. Commission comment. Regarding sidewalks in this area, we did have a case several years ago requesting an exception to this sidewalk for new construction on a lot on Greenwood. And we did provide a waiver for the very reason that there are not sidewalks in this neighborhood and this neighborhood is built up and we did not see any sidewalks going in.

MR. ZENNER: Was that a formal request made by the applicant at the time of replating?

MS. LOE: It was. And that was going to be my follow-up question to you, which was -- I -- I also know that this -- note for the requirement for sidewalks, but was thinking this is not the time or -- is this when the request would be made?

MR. ZENNER: Yes. I mean there are two options by which one can seek to waive a sidewalk. It is typically at fi-- it is typically at preliminary plating, but because this is a final minor -- it's classified as a final minor. It's a one-lot replat of un-- previously un-- well, previously platted property. If I am -- and you'll have to fill in the history here. So the standards read within the UDC that for the sidewalk standards, 29-5.1(d), the applicability section, the first provision is: The following standards apply to any subdivision that receives final plat approval after the effective date of this chapter, being Chapter 29 of the UDC, and any subdivision platted before 2001 that is less than 25 percent complete. This property is being platted after the effective date of the UDC and as such, sidewalks are required to be installed pursuant to the regulations. If an applicant wants to seek relief to that, the applicant needs to take action on their own. It is not an action that the Planning Commission nor staff can initiate. The applicant needs to be asking for that and that was not asked. Sidewalk variances or sidewalk design adjustments can be asked for separately aside from plating just as a stand-alone design adjustment. It would probably be at this point advantageous, if it was the applicant's desire to not build a sidewalk -- which they could have been informed of that by their app-- by their surveyor and applicant's representative. They could have asked for it at this point. They did not. So if they want to pursue that, they have an option to do it independently of the plating action and it would apply to the specific address or parcel ID at that point since there's no address on this property. And it would probably be more effective to do the plating action first so we can specify a legal lot and then apply a design adjustment to the legal lot at this juncture.

MS. LOE: Thank you, Mr. Zenner. Commissioner Geuea Jones?

MS. GEUEA JONES: I'm not going to remember the specifics, but I know there have been times where an amendment to the case has been made between here and Council. Is this something that would be right for that? Or are they just going to have to go to BOA?

MR. ZENNER: It's not a BOA issue.

MS. GEUEA JONES: It's not a BOA issue?

MR. ZENNER: So design -- design adjustments to subdivision-related actions pursuant to the provisions of the code have to first be processed by the Planning and Zoning Commission. They have to move forward to Council with a Commission recommendation.

MS. GEUEA JONES: So is this their only chance?

MR. ZENNER: No. No, no, no. They can do a fully free-standing design adjustment. We don't see it very frequently, but if somebody initially comes in on a frontage that's -- may not be appear to be challenging at the onset of a construction

project, however, becomes challenging as they get into it due to other unforeseen factors, the applicant always has an opportunity to come in at a later date and just ask for the free-standing design adjustment. And that would be what would apply in this instance right now.

MS. GEUEA JONES: Can we ask Mr. Gebhardt why they didn't request one?

MS. LOE: Sure. I need to close --

MS. GEUEA JONES: Sorry.

MS. LOE: -- Commission discussion/comment and reopen public comment.

MR. GEBHARDT: Jay Gebhardt, 3401 Broadway Business Park Court. This is an interesting discussion. Usually I'm on the other side of this, trying to argue that it's not needed. And that is, we did not want to pollute the system with a design adjustment that was -- would probably not be supported by staff and I wasn't aware that the neighbors would. Mister -- Finley and Mr. [sic] Gibbs would like to work with the neighbors on this. And if it's the desire, which it sounds like it is, of the neighborhood not to have the sidewalks, then he -- we can file a design adjustment at a later date to do that. It's quite expensive to build, but you guys have just kind of trained me not to ask for them, so. Any other questions?

MS. LOE: Any other questions for Mr. Gebhardt at this time?

MS. GEUEA JONES: Just quickly. I don't blame your skepticism, but -- so thank you for not making things more complicated. We're sorry that we're now doing that for you.

MR. GEBHARDT: That's okay. That's all right. Thank you.

MS. LOE: Thank you. Any additional public comment? Seeing none, we'll close public comment. Back to Commission comment. Commissioner Rushing?

MS. RUSHING: Seeing no Commissioner comments, I move for approval of the fin-- well, in Case Number 32-2022, I move for approval of the final plat entitled Quarry Heights, Plat 7.

MR. STANTON: Second.

MS. LOE: Seconded by Commissioner Stanton. We have a motion on the floor. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please?

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: We have eight votes to approve.

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

We're about halfway through our agenda and I'm thinking that we take --

MR. ZENNER: Two more and then we'll take a break.

MS. LOE: You want to do two more before we take a break?

MR. ZENNER: We'll take a break at the next section break in the agenda, if that's okay with you.

MS. LOE: All right. All right. I'm being persuaded not to break.

MR. ZENNER: This is a twofer so if you would read the --

MS. LOE: Okay. This is a twofer.

MR. ZENNER: This is a twofer.

MS. SMITH: I did separate slides. Do you want me to do them together?

MR. ZENNER: No. We'll do them back to back.

MS. LOE: All right. All right. We'll keep Rachel here -- all right.

VI.) PUBLIC HEARINGS AND SUBDIVISIONS

Case 33-2022 and Case 31-2022

MS. LOE: We're going to do two -- two. Got it. Case 33-2022, a request by Crockett Engineering Consultants on behalf of JQB Construction, Inc. for the assignment of permanent zoning of three parcels to R-1 (One-family Dwelling District) upon annexation. The approximately 2.35-acre property is located on the west side of Scott Boulevard, approximately 900 feet south of Sawgrass Drive, including the address 5025 Scott Boulevard.

Also Case 31-2022, a request by Crockett Engineering Consultants on behalf of JQB Construction, Inc. for approval of a preliminary plat of four residential lots and one common lot to be known as Sawgrass Estates, Plat 1 and an associated design adjustment from 29-5.1 of the UDC related to access. The approximately 2.35-acre property is located on the west side of Scott Boulevard, approximately 900 feet south of Sawgrass Drive and includes the address 5025 Scott Boulevard. May we have a staff report, please?

MS. SMITH: Yes, Madam Chair. So we'll start first with the assignment of permanent zoning upon annexation public hearing. So procedurally the City Council will take up the question of annexation of the property. Your role this evening is to consider the assignment of the requested R-1 zoning upon annexation. And then we also have a twofer this evening with the preliminary plat that then would further subdivide the property into five lots for single family under the R-1 zoning into one common lot. The three existing lots are presently in the county, as shown on your screen here. They include the address 5025 Scott Boulevard, but all three properties are currently vacant. In terms of public notice for both the preliminary plat and the assignment of permanent zoning, we provided postcards and property owner letters to eight adjacent property owners, as well as two neighborhood associations, and placed a advertisement in The Columbia Tribune. I got lots of calls once the sign went out, but folks did not generally have concerns with the request; they just wanted to know what was going on. To orient yourselves to the site, we've got the Thornbrook neighborhood right here, Beulah Ralph Elementary School is here, and then John Wayne, our middle school, is kind of off your screen here to the far east. As I mentioned in the staff report, the predominant development pattern of the area for property within Boone County and then within the city limits is generally residential. Most of it is single-family, typically smaller lots in the county under our R-1 zoning and then a little bit larger lots in the county areas. It's presently County A-2, which is agriculture, but at this size .75 or so acre lots, it's pretty consistent with the City's R-1 zoning of single-family. The property is within the urban services area. That means that it is serviceable generally by city utilities. The future land use designation is neighborhood, which is generally consistent with residential zoning. So the R-1 request this evening is considered consistent with the comprehensive plan. And as we've discussed in the overview and then briefly but we'll dive in a little bit more, we do have a concurrent preliminary plat and design adjustment request to permit these three existing county lots, once annexed into the city and zoned R-1, to be split into four single-family lots for single-family homes and then one common lot on the northern portion of the property. All five lots will meet the dimensional requirements of the R-1 zone and all UDC development requirements will apply. Because the R-1 zoning is believed to be consistent with the surrounding character of the area, as well as the comprehensive plan and because those lots are believed to be compliant with the dimensional requirements of the R-1 zone, we are recommending approval of R-1 zoning as permanent city zoning upon annexation. At this point I'd like to continue with my presentation and then we'll come back and do votes if that's okay. Okay. And we will ask for three separate votes; one each on the assignment of zoning, the preliminary plat, and the design adjustment. Okay. So we've generally talked about this. The same

public notice went out for the preliminary plat because it had that design adjustment request. Eight property owner postcards and letters, a Tribune ad. Lots of calls, but no real concerns. Same area. So this property is contiguous to the city boundary. They would like to have connection to city sewer. And so the city's policies require that any contiguous property be directly annexed into the city should it be contiguous. Specifically this property is contiguous on its far western side. That's the Creek's Edge subdivision, which is zoned R-1. As I mentioned, it is serviceable by all city utilities and is within the urban services area. We do believe that this preliminary plat is compliant with all subdivision requirements except for one design adjustment request, which I'll go into detail here in a moment. I do want to note though that in the staff report, I don't have a note in the recommendation to make the preliminary plat approval subject to technical correction. Yesterday we discovered that there was a very small amount of type two stream buffer that was missing on the preliminary plat. Generally, it's just this very far corner of the common lot. And so that does need to be shown on the preliminary plat and the applicant has been made aware of that and has made the correction. So we are asking for the motion to recommend approval of the preliminary plat this evening, have subject to technical correction so that what was advertised on your agenda can be corrected before going to Council. And so that revises line work, the legend and Note 11 very slightly. It's not a major change. In terms of the design adjustment -- and I will take a step back and note that I am taking a very strict constructivist interpretation that this needs a design adjustment. Given the language of the code, I'm not 100 percent sure that is really necessary, but I do like a good clean record. So the design adjustment process allows a clear record that the applicant -- and I'll go into this in a moment -- is going to request two driveways rather than four, which would otherwise be required by the code. So 29-5.1(f)(2)(i) of the UDC says that each lot shall have access. And then it goes on to talk about there is an alternative, which the applicant is pursuing in this case, that there would be an irrevocable access easement, as -- in the addition, as an alternate option. So that's generally what they're pursuing this evening. So instead of having four direct driveways for the residential lots on to Scott Boulevard, which is an arterial -- and that's important and I'm going to talk about that here in a moment -- they've worked with city staff, so Planning and Public Works Traffic Engineering to reduce to two driveways so each of these two lots would share a driveway with a privately dedicated shared access agreement between the two properties. And I'll talk about why here in a moment. So in general, private residential driveways on collectors and arterials is just not a good practice for a variety of safety reasons. You've got higher speeds, you've got visibility issues, et cetera. So we really don't want to see a lot of residential driveways on these types of roadways. And in fact, the code actually prohibits them unless the director

approves them, because there is no feasible or practicable options available. As you look at this site, it is relatively small in constraint. The existing three lots all have direct access presently on to Scott Boulevard. So if they were developed in the county, conceivably they could ask for driveway permits from the county and have three driveways presently. Under the scenario of the preliminary plat, we go to four residential lots, but we actually reduce the driveways from three to four. We did meet with the applicant, as mentioned, and Public Works. We spent a lot of time pouring pen over paper to look at different design alternatives, including a shared access roadway as well. Given the constraints of the site both in terms of size and the topography issues and visibility, ultimately it was determined that the safest and most practicable option was as presented here. So these two driveway locations have been reviewed and approved by Public Works Traffic Engineering for safety, sighting, those kinds of considerations and are supported. Therefore, under the authority of 29-5.1(2)(iii), the director has approved these two, and only two driveways, in this location as shown are permitted on Scott Boulevard as an arterial. Definitely wanted to get that into the record. And as I mentioned, the shared access easements will be dedicated between the lots. That will happen more along the lines at the final plating stage. And because they're private access agreements, so the city counselor will review them, but they're actually done by separate document and then recorded with the county. They can't be dedicated via the plat because they are between two private properties. They're not being dedicated to the city. And so typically plats dedicate right-of-ways, utilities, things to the public good. And so those are not actually going to be dedicated to the city. For educational purposes. I kind of nerd out on these things. So we do believe the design adjustment criteria in 29-5.2(b)(9) are met here, specifically this is believed to be the best option in terms of safety. That's one of the five criteria for design adjustment. Additionally, we don't believe that it is in -- that it has any other issues with those criteria. As with regard to the zoning action, all UDC development and environmental requirements will apply to this property should it be annexed into the city by the City Council, including that stream buffer that I -- that we noted that will be right here. The preliminary plat shows -- and the final plat, which will be the next step -- will dedicate all required right-of-way and easements. So the final plat, consistent with the preliminary plat, will have to be filed with the City Council prior to the issuance of building permits. That is the third and final step of the process. This evening we're asking for you to consider and have a public hearing on the assignment of permanent zoning and then the design adjustment and preliminary plat. In terms of motions, I would request that you do the request for zoning first and then do the design adjustment and then do the preliminary plat. I and the applicant are here to answer any questions that you might have.

MS. LOE: Thank you, Planner Smith. First, we have to do the zoning.

Correct?

MS. SMITH: Yes, please.

MS. LOE: All right. The -- I like those recommendations. It's just the first recommendation needs to be the zoning.

MS. SMITH: Yes. I can stay there.

MS. LOE: Before we move on to other questions for staff, I'd like to ask any commissioner who has had any ex parte related to this case to please share that with the Commission now so all commissioners have the benefit of the same information on the case in front of us. Seeing none, are there any questions for Planner Smith?
Commissioner Placier.

MS. PLACIER: Yes. This double case has concerned me because of the precedent that it sets of having these strips along a major arterial and then claiming that there is no way to gain access other than the driveway on to the arterial. Doesn't the approval of this set a precedent that, yeah, other strips along Scott Boulevard or other arterials could be purchased and then we would feel obliged to approve driveway access on to that arterial? I'm just worried about precedent.

MS. SMITH: Sure. So a request would have to be made in every instance.

MS. PLACIER: True.

MS. SMITH: Certainly every case has its own context and its own merits and its own thorough evaluation process. And also the director does have the authority to permit driveways on collectors and arterials. That authority is taken very seriously. And that is also why the staff spent a lot with the applicant and with Traffic Engineering. We do note that it's not best practice and we don't generally approve this sort of situation but for situations that are "but for." So I think your point is well taken. We don't want to see this. We did spitball a whole bunch of options, including, like I said, a drive access, but that would also still have two points of access. So I think your point is well taken. I don't necessarily think it sets precedence, but if -- as things are granted, folks do pay attention. That is certainly true.

MS. PLACIER: Yes, they do.

MR. ZENNER: I think to the point, Ms. Placier, that you're making, these are existing survey tracts. That has a significant bearing here. These parcels exist. So when we've seen development along our major corridors, the Sawgrass development specifically which is to the west of this, was a bulk subdivision. It was a brand-new subdivision sought to be developed as a unified whole. We would not have allowed individual lots in Sawgrass development, for example, to front to the arterial. We -- that would have been denied outrightly. They would have had to have put in a public street

and created a frontage road scenario in where we had public street accesses coming back to that arterial. The code's very specific. Private residential driveways are prohibited in most instances. So that in and of itself, whether you have previously platted lots or new development that's looking at making a subdivision out of it, normally takes care of that problem. But when you have situations like this where we have existing lots that don't meet our legal lot definition and require plating in order to be able to obtain a building permit, relief has to be created somehow to allow the land use in title of having that tract that was purchased under a process that existed illegally before our current regulations were adopted, to be developed. And that's why we see these very, very odd scenarios where you have these remnant tracks that maybe can't be brought back into the rest of the development that's adjoining it or obtain access. I think Mr. Crockett can speak to some of the environmental issues that are associated with coming from the rear as to why this is the only solution to this particular unique problem. And that's part of what Ms. Smith was referring to that we really -- our Traffic Engineering Department is as concerned as you are as a commissioner that we're clogging up our arterials which are meant to move traffic at a high rate of speed and we open up the opportunity to create more conflict points. We are not at all for that generally, but sometimes we've got to deal with the cards we've been dealt.

MS. PLACIER: Well, with all due respect, this is created first through annexation, which has not happened. And then once annexation occurs, we are obligated to assign a zoning code and then we are obligated to look at the plat. So we've been -- I guess we've been driven down this railroad and now we're here and being told this is what you have to do. I just want to make sure that this is what we have to do.

MR. ZENNER: It is. I mean I think the position that you would be suggesting is that we deny the ability for the property to be appropriately developed as it's entitled to in the county at this point. And that all drives -- so you're, in essence -- the position that you're taking -- and with all due respect as well -- is to strip these property -- this property owner or these three property owners, if they were individual, of their development rights by denying them the ability to connect to public sanitary sewer, which is what's required, which requires annexation for the city's policies. We won't allow you to put an onsite system on these lots. So you have to comply with the city's requirements, which is to annex; otherwise, we basically are taking these people's lands from them with giving them no option possibly. That -- and that is why it's a unique site-by-site evaluation. If there was a way to have connected this into the subdivision, we probably would have looked at that. But that wasn't the case. And it's very possible that this property was not even available to JQB Development at the time that Sawgrass was developed; otherwise, they may have acquired it at that point and considered developing

more lots if they could. But environmentally, they're -- all this area that's behind these lots is actually the tree preservation -- the majority of the tree preservation for Sawgrass. So I mean a lot of different factors come into play and all of it normally happens -- a lot of our situations that we walk ourselves into like this weren't created by our making. Everything here was in the county and the county -- you know, no disrespect to the county's regulations, which can be a little bit lawless in the county and they -- you know, development wasn't here at the time when all of these lots were created off of what was probably a two-lane dirt road. And now we've created a five-lane cross section. We've really seen a lot of development occur.

MS. PLACIER: Yeah.

MR. ZENNER: But I -- to Ms. Smith's point -- and I don't want to belabor it -- the Planning Commission does not -- like all of our boards and commissions -- set precedent. Everything that is presented to you is presented and reviewed on its own merits individually. Yes, people will take notice of it. But that does not mean that you are required to follow the same decision that you made on a different project that may have had certain similar characteristics when the next one comes forward. Each is reviewed independently. And we try to make sure that we also are consistent when we present recommendations to you. This is not best practice, but it's the cards we've been dealt.

MS. PLACIER: Okey-doke.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Yes. I feel like I have to ask. Would a unanimous vote on the zoning serve as criteria to place the concurrent annexation request on the consent agenda?

MR. ZENNER: So there's a public hearing that's required for the annexation, which will be advertised separately by the city clerk, which is a requirement of the state statutes. The process that exists within the -- within the city's procedural standards as it relates to permanent zoning and annexation -- so permanent zoning is a recommendation made by the Commission that is completed by Council, but only after a public hearing on the annexation is held. And the annexation component, after the public hearing is held, the two -- the annexation request and the permanent zoning, are merged together from an ordinance perspective. So if it -- if this item is placed on consent, which if it was voted more than 75 percent, it would be -- the permanent zoning would be. Historically the annexation, because it gets attached, is then brought together. The code specifically allows the Planning Commission to recommend that an item be placed under old business. Being placed under old business results in the item being open for public discussion as part of a public hearing. And that is in the full prerogative of the Planning

Commission as we wrap up these cases. If you would like all three cases -- or all three components, permanent zoning, the subdivision and the design adjustment under old business, you just need to tell us that's where you want it and have that captured in the public record and we will make sure that that happens.

MS. CARROLL: So once they're merged after the public hearing, the merge case --

MR. ZENNER: Uh-huh.

MS. CARROLL: -- if it's voted on more than 75 percent here, goes to consent agenda together?

MR. ZENNER: Yes. Council will merge the two items, the annexation petition and the zoning action, together into a single ordinance for consideration. So our annexation -- our permanent zoning and annexation ordinance actually has multiple sections in it. One section deals with the application of the zoning and then the other section deals with the expansion of the city's corporate limits and to whose ward the property actually is placed in. That's how that ordinance is prepared by our legal department.

MS. CARROLL: Thanks for explaining that, Pat. Now, I'm concerned about the clarity that Council has on what we've voted on and viewed and what we have not voted on and reviewed. I would like it to be made clear in the report that annexation was not reviewed by Planning and Zoning.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I similarly am a little bit concerned about our vote on this being taken as a statement other than what it is. So I'd like to take just a couple of minutes and build a little bit of a record, Planner Smith, if that's okay with you. If you were to try to do a private road on the rear of this, you would be in tree preservation floodplain territory. Is that your analysis?

MS. SMITH: There are topographical challenges. I'll just say that. There's also required rear yard and front yard concerns that arise. So when we look at the front - the option of putting a roadway in the front and basically having a driveway on the front of the lots. Well, then that also brought up issues of too much pavement in the front yard, which is also prohibited under the code. So it seemed like every door we went to try and open, then there was another issue; either environmental or other code issues.

MS. GEUEA JONES: And same if you tried to approach from the rear? You'd have to build a road across county from Thornbrook to the south, which I'm sure creates a whole bunch of ownership, annexation, easement issues.

MS. SMITH: It would be some issues. We were specifically looking at -- Pat called this Sawgrass. It's actually Creek's Edge. So the property owner owned and

developed this development as well. And as Pat mentioned, these properties became available later. Otherwise, it would have been great to do a package deal. So this is all common lot right here and tree preservation area. There's a level two stream that kind of goes right through here. That's where we're picking up that little bit of stream buffer right on this part of it. So there's a lot going on from an environmental perspective. And we did talk to Mr. Crockett about that with engineering. We looked at that as an option. It didn't seem to be a very good option.

MS. GEUEA JONES: Thank you. Yeah. I -- I just wanted to make it clear the only reason these driveways are even remotely acceptable to staff is because you examined every other possible driveway option.

MS. SMITH: Correct.

MS. GEUEA JONES: And those would not work because of the uniqueness of this property.

MS. SMITH: Correct. And also just this constraint size. Also too, I do want to mention, so these are legally described and surveyed. And so that gets a little bit interesting. So if they could solve the sewer issue without city sewer, which I don't think they can, they could -- if they could solve the sewer issue -- develop in the county as three legal lots and have three driveways. Well, okay. Two driveways is better than three. So let's say they came in just as R-1, didn't do the preliminary plat, just tried to develop with these three lots. Those are legal lots under R-1 in the city. And so then that puts us in a pickle too because they're not supposed to have driveway access, but they've got three lots with frontage. So then well, that's not so great either. So it just puts us in an interesting conundrum. I do think it's better to have two over three. I do like the common lot because it's going to provide stormwater, P and P, it's going to have some preservation opportunities on that -- that lot. And we do see then the ability to go from three driveways down to two.

MS. GEUEA JONES: Thank you. I just wanted to make it very, very clear on the record that this is an extremely unique circumstance and we're not going start doing this all the time. And then, Mr. Zenner, did I understand you correctly that we do not have to vote to put it on old business? We can just request it? Or do we have to request it and vote?

MR. ZENNER: The procedure I believe is you just have to request. It does not require a vote. I probably -- just for best practice -- thumb's up would be acceptable to me in the minutes. I just want to make sure that when Council reads it, if they question why it's on old business with possibly eight-zero vote, they know -- we can point to the minutes that they unanimously passed that it be there. And I believe that's how the regulation is specifically written, the provision's written. I was reviewing it earlier today

for something entirely different than tonight's meeting and I believe it does not require a vote. It is just a request.

MS. GEUEA JONES: Thank you.

MS. LOE: Commissioner Rushing?

MS. RUSHING: Well, I'm pretty much just going to add to the discussion. I also had the same concerns about the driveways off of Scott Boulevard until I looked at the property. And there is a significant drainage issue across the rear of these lots that, you know, I was thinking well, couldn't you bring a private drive in along the back of the lots? And that did not seem to be possible. So I do believe that staff and the developer have -- the engineer have looked at the particular issues that are attached to these properties and this seems to be about as good as you could do without just telling the property owner sorry, you can't do anything with that property. And I don't think any of us want that result. So it's unfortunate that Scott Boulevard went right through where it went right through and -- but that's what we're dealing with.

MS. LOE: Any additional questions for staff? Seeing none, we will open up the floor to public comment.

MR. CROCKETT: Chair members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I have a presentation tonight, but I believe that Ms. Smith did a good job -- thorough presentation with her staff report that covers most of the points I would cover. So I just want to cover some of the comments that you have had, kind of give some clarification. Ms. Placier, Commissioner Placier, with regards to not want to set precedent here. First of all, let me say that these three parcels -- and they were one acre at one time -- were created decades ago. Many, many -- 50, 60 years ago. They were a part of the overall 160 acres and they were subdivided legally in the county for whatever reason. I think that she wanted to transfer -- had an idea of transferring some to her kids, maybe it happened to get transferred through the way, I think there may have possibly been a divorce involved. For some reason, those three parcels were created in the county many, many years ago. So when my client purchased the development for Creek's Edge, the neighboring development, these weren't available to be part of the overall development. They were under different ownership. So that's where they came about. So with regards to we don't like -- we don't want to set ourselves up for this in the future, I wholeheartedly agree with you. I think Planning wholeheartedly agrees with you. Traffic Engineers wholeheartedly agree with you. And I think how we can prevent this from happening -- we can't necessarily prevent situations like this from happening, but we wouldn't be -- the development community wouldn't be allowed to create a situation here. Planning Department wouldn't allow us to create a situation in the city that would -- that would allow for this. County regulations wouldn't

allow for that either now. So we've come a long way in 40, 50, 60 years that would prevent this from taking place. That's the biggest obstacle that we have to overcome is making sure this situation doesn't happen again. And I think that's happened. And so to hopefully address some of your concerns is by not allowing these to be created legally is going to prevent that from happening in most cases. So that's -- that's kind of where that comes from. Again, Ms. Carroll, yes, you know, we looked at all options. We looked at a lot of options. You know, we had an original submittal that had a different routing through the development. We met with -- with the Planning Department to discuss some issues and pros and cons and then we formulated the two driveway access after talking to Public Works and the Traffic Engineers. And so -- I'm sorry. I thought you had a question. And so there's been quite a bit of conversation with the city with regards to the routing through -- for this piece of property. And as was stated, the three tracts of land technically, I believe, would have three access points. And so we are wanting to reduce that down to two and we want to share a driveway arrangement. And Commissioner Rushing, I appreciate you looking at the site. Thank you very much for looking. I'm sure most Commissions, if not all do, but stating that you did is -- is -- makes us very happy, knowing that you're looking at the properties in person and getting a better feel for that knowing what we're up against. So again, I'll forego my presentation. I'm happy to answer any questions that the Commission may have.

MS. LOE: Thank you. Are there any questions for Mr. Crockett? Not at this time. Thank you.

MR. CROCKETT: Thank you.

MS. LOE: Any additional speakers on this case?

MS. DOKKEN: Dee Dokken, 804 Again Street. I'm just -- Mr. Zenner made a statement that I have to annex these properties and give them city sewer or it's a taking. And I -- I think maybe that's -- it's a fine solution for these, but that statement, I wonder if -- if it has a legal backing. I'd be interested to know.

MS. LOE: Thank you, Ms. Dokken. Any additional comments? Seeing none, we will close public comment. Commission comment?

MS. CARROLL: I wonder if --

MS. LOE: Commissioner Carroll?

MS. CARROLL: I wonder if our legal has a -- would like to weigh in on Ms. Dokken's question. I'm curious about the same thing.

MS. THOMPSON: Sure. I'm not going to state an opinion at this point from a legal perspective, what would constitute a taking of an individual's property. That's a fairly complicated and factually based weighing and it wouldn't be appropriate for me at

this time to make a comment as to what would constitute taking in that circumstance.

MS. LOE: Thank you. Commissioner Geuea Jones?

MS. GEUEA JONES: If nobody else has any comment or questions or discussion, I'd like to make a motion. In the -- 33 is -- which one is zoning?

MR. ZENNER: 33 is the zoning.

MS. GEUEA JONES: 33 is zoning. Okay.

MS. SMITH: No.

MS. GEUEA JONES: 31 is zoning?

MR. ZENNER: 33 is the zoning.

MS. GEUEA JONES: 31 is zoning.

MS. SMITH: Maybe I messed up my setting.

MR. ZENNER: No, 33 is the zoning.

MS. SMITH: Okay. 33 is zoning, 31 is the prelim.

MS. GEUEA JONES: Okay. I just wanted to make sure I was saying the right case number.

MS. SMITH: I put the wrong case number on the screen. I apologize.

MR. ZENNER: So 33 is your zoning.

MS. GEUEA JONES: Okay. In the matter of Case Number 31-- 33-2022 relating to Sawgrass Estates, Plat 1, I approve the R-1 zoning.

MS. KIMBELL: Second that. I second that.

MS. LOE: Seconded by Ms. Kimball. Question. Do we have to say upon annexation?

MS. GEUEA JONES: R-1 zoning upon annexation. That's an acceptable amendment?

MS. SMITH: Yes.

MS. LOE: All right. As amended. All right. We have a motion on the floor for R-1 zoning upon annexation. Any discussion on this motion?

MR. ZENNER: Ms. Loe?

MS. LOE: Yes.

MR. ZENNER: And I think this may be an opportunity for the Commission to further clarify its discussion as it relates to the annexation of this property at this point as part of the discussion. So you are making a recommendation to approve R-1 as permanent zoning upon annexation. The following statement may be something you may be interested in making in relationship to future requests of this nature: The Commission has not considered the annexation component. That is a Council policy decision and will need to be rendered following the required public hearing, as stated by state statute.

MS. GEUEA JONES: That's what I was going to say.

MR. ZENNER: I'm glad I can read minds.

MS. KIMBELL: I'll second it.

MS. LOE: All right. We have an amended-amended motion on the floor. Any discussion on -- Commissioner Carroll?

MS. CARROLL: Because it was brought up and I'm curious how this would -- I don't know -- play out if the Commission desires to request that this is moved to old business, can we still do that after this vote? Is -- is there still interest in that?

MS. LOE: I agree with the thumb's up vote after we -- after a motion is --

MS. CARROLL: Okay.

MS. LOE: -- voted on.

MS. CARROLL: Let's proceed with the motion on the table then.

MS. LOE: All right. Any further discussion on this motion then? Seeing none, Commissioner Carroll may we have roll call, please?

MS. CARROLL: Did we have a second? I will second if we did not.

MS. LOE: Yes. Commissioner Kimbell was our second.

MS. CARROLL: Sorry, I got sidetracked. Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: We have eight votes to approve. The motion carries.

MS. GEUEA JONES: Madam Chair.

MS. LOE: Commissioner Geuea Jones.

MS. GEUEA JONES: With the consensus of my fellow commissioners, I would like to place this on old business under City Council since it is an annexation mo-- an annexation issue as well and is a sensitive piece of property. All right

MS. LOE: All right. I vote we take a -- or let's have a thumb's up approval for

the request for old business.

MS. THOMPSON: And I would -- I would just chime in and ask that it be treated like any other motion. That that was a motion and that there be a second and then a thumb's up.

MS. LOE: Good point. All right.

MS. KIMBELL: I'll second that.

MS. LOE: Seconded by Kim-- Mis-- Commissioner Kimbell. Are we okay with a thumb's up?

MS. THOMPSON: Yeah. I think that's fine in this situation.

MS. LOE: All right. So thumb's up on this or thumb's down. So we have seven for and one no. All right. Two more votes to go. Commissioner Geuea Jones.

MS. GEUEA JONES: Unless we need to do more discussion on the next case number, I'd like to make a motion. In the matter of Case Number 31-2022, I move to approve the design adjustment from Section 29-5.1(f)(2)(i) related to lot access.

MS. KIMBELL: I'll second that.

MS. LOE: Seconded by Commissioner Kimbell. We have a motion on the floor. Any discussion on this motion? Seeing none, Ms. Carroll, may we have roll call, please.

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: No.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: We have eight yes and one no. The motion carries.

MS. LOE: Should be seven yes.

MS. CARROLL: Seven yes because we have one absent.

MS. LOE: Commissioner Geuea Jones.

MS. GEUEA JONES: I'd like to make a motion in the matter of Case Number

33-2022, Sawgrass Estates, Plat 1. I move to approve the preliminary plat subject to minor technical corrections.

MR. STANTON: Second.

MS. LOE: Seconded by Stanton. We have a motion on the floor. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please?

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: We have eight votes to approve. The motion carries.

MS. LOE: Thank you. Those recommendations will be forwarded to City Council. All right. That completes our Public Hearings and Subdivisions for the evening. And we have two public hearings left. Do we want a ten-minute break? No. Yes. There's more yeses than nos. We're going to take a ten-minute break.

(A recess was taken.)

VII.) PUBLIC HEARINGS

Case 26-2022

MS. LOE: Call the Planning and Zoning Commission back into session. Our next case on the agenda is Case 26-2022, a request by Crockett Engineering Consultants on behalf of P1316, LLC for approval of an amendment to the Discovery Park-Endeavor Center West PD Plan to revise two mixed-use buildings shown on the plan by changing the use to residential, increasing the height, and decreasing the footprints of each building. This request also includes a design exception to waive the requirement to provide entry doors that face the public street. The approximately 4.12-acre property is located at the southwest corner of the intersection of Nocona Parkway and Endeavor Avenue. May we have a staff report, please?

MR. SMITH: Yes. Thank you, Ms. Chairman. As you had stated, this is a request for a major amendment to an existing PD plan, one that was actually just approved earlier this year, January of 2021. It is a public hearing, being a major amendment. Public information sent out to surrounding residents early November. It was advertised later November. Discovery Park -- we kind of do usually a quick overview of the entire development just to give a little context of where we're at with things. On the left is essentially north/south of the Discovery Park area, with the north currently developed. Some of the middle areas have approved plans and some of that has also started construction as well. Notably, the Aria Apartments on the right side you can see right in the middle, with some of the additional apartments kind of off Dakota Boulevard being constructed now. So the part we're looking at is the blue highlighted area, so southwest corner there of Nocona and Endeavor, so right in that area where's there's a lot of construction going on now. A little aerial -- an oblique aerial to give you a little bit better context. There you see Tolton High School on the lower left corner as well. So the existing site, again, approved in January 2021, was three lots. Two of those lots are under -- for amendment tonight. The existing lot to the north, which would be the L-shaped building here. That's not changing. That's going to remain a three-story mixed-use building with residential on the top two floors and commercial on the first floor. The two buildings in blue are the ones they're looking to amend. It was originally approved for approximately 10,000 square feet each of generally commercial mixed-use. In this context you know, commercial, office retail, that sort of use. So -- and they were going to be one-story buildings. The statement of intent in this area for tract five, not to get too much detail, that includes a large swath of this area, basically allows most commercial uses and residential uses. So the change of use is permitted per their statement of intent that's already been approved. So this is just a little tighter here. This is the existing plan. You can see one-story buildings facing Nocona there to the -- to the east. The bottom of the screen here is east. So we flipped it -- flipped it just for ease of viewing with parking to the rear of the buildings. This was the plan that's actually on the agenda that was included with the packet. It initially included design exception. So just to clarify, design exception is basically something in the zoning section of the UDC, 29-4, that would normally be like a Board of Adjustment item. So it's a zoning amendment. There's a design guideline section that says entrances must face street from all buildings, multi-family included. So they initially did not have a public entrance to the building facing the street. They requested an exception to that to be granted relief from building that. And staff's recommendation was denial at that time. Through some further discussions with them and work with their architect, they were actually able to revise that. That plan was sent out to Planning and Zoning on Tuesday, I believe. Excuse me. This

just restates what I said. The new plan does provide a public access -- and by "public" I mean residents of the building -- so access that meets that requirement, facing the street. So no design exception is required anymore. And that was the main contention the staff had with it and was -- was generally the reason for the denial. So not to cut to the end, but our recommendation has changed now to recommend approval based on that revision to the plan. So you see the green here. That is the entrance into the building. Not to an apartment, but into the general interior of the building so that residents have access to the street, as well as to the parking lot both sides. And just to kind of also recap, so this would be a approximately 30-unit residential building each. They're building three stories. The parking on the site actually is going to be pretty comparable to what it would have been for the commercial uses on that site as well. So very little change in the overall site plan and the footprint of the parking areas. One change that did occur though is because it is becoming residential, there's a requirement though that you must screen at least half your parking from the street. To accomplish that, we did work with them to include some evergreen trees in heavier amounts along Artemis Drive, which is the primary street where it wasn't screened already by the -- by the buildings. So with that in place, we felt confident that they would meet the 50 percent screening requirement for parking. They're probably in excess of that, but that way we're quite certain they meet it. And generally all the other landscaping is compliant with the UDC. The change of use is permitted with the statement of intent. There are no traffic or access management issues with the amendment. And with the revision to make it compliant with the design guidelines section requiring entrances facing streets, staff's recommendation at this point will be approval of the major amendment to the Discovery Park-Endeavor Center West PD Plan. And I'd be happy to answer any questions.

MS. LOE: Thank you, Planner Smith. Before we move on to questions for staff, I'd like to ask if there's any commissioners who would like to recuse? Commissioner Stanton.

MR. STANTON: I do some extensive work out at Discovery Ridge, so I'm going to recuse myself.

MS. LOE: Thank you. And before we ask any questions, I'd like to ask any commissioner who has had any ex parte related to this case to please share that with the Commission so all commissioners have the benefit of the same information on behalf of the case in front of us. Seeing none, are there any questions for staff? Seeing none, I will open up the floor to public comment. Please give your name and address for the record.

MR. CROCKETT: Members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I've only done it a few times. It's not going for me here.

Sorry about that. There we go. Thank you. I always do the -- again, as Mr. Smith indicated, this is 2.73 acres of property comprised of lots two and three of Discovery Park, Plat 6. Those two lots are two of three lots that were contained in a previous approved PD plan by this Commission. We're seeking to revise the plan as indicated. This is a schematic of the original plan that was approved and this is a schematic of what is being requested for tonight. You can see that the layout is basically virtually the same. Really the differences are the buildings themselves. This schematic shows the lighter parking lot area is what is designed and under construction. The other portion is not. That's the only difference there. So the parking layout and the building layout is virtually the same. This is -- this is an elevation of the building that we asked -- are seeking to build on those two locations. As Mr. Smith indicated, we originally asked for a design adjustment to this project based on the fact that it was the architect's belief that the -- because they had direct access to those units on the street side, that that was going to be sufficient. That was not. When the staff report came out and said that that isn't applicable in this case, we filed a design adjustment, if you will. She decided to work last weekend to come up with an alternative plan that made that work. So she moved some internal units around. That's the reason why we submitted the design application or design adjustment was because we got -- it was late last week when we did it, I believe, or middle of last week when we did it. And then she wasn't satisfied with the recommendation for denial. She thought she could make that work. So ultimately she did. It did not affect the footprint of the building, it just changed some internal portions. But it does have doorway access points both to the external street to the -- I guess it would be the south, it's kind of at an angle -- as well as to the parking lot but also off the ends of the building as well. So they have direct access all around the building and not just there. Again, the changes that we're requesting to make would be changes to make those -- those commercial buildings into residential uses and then maintain going from one to three stories. The first building that was on the approved PD plan is a three-story building and it is a mixed-use, it has lower level commercial and then it has two levels of residential. All the units that we're proposing are all one- and two-bedroom units. There's kind of shortage of the one- and two-bedrooms in the community right now. Again, we are taking out the design adjustments. The buildings fit in with the development. And the residents will be served from this development by the adjacent commercial, office and recreational uses. As you're starting to see, there's a big -- there's a shift going on in the -- in this development to add more resid-- or excuse me, add more commercial and more recreational opportunities as things take place. So they're starting to get to that point. They would love to develop more commercial in the area. They're trying to, they're doing the best that they can. What they're getting a lot of feedback is that we need some more

rooftops, we want it in different locations. And so this is kind of what they're leaning toward based on the feedback that they're getting from commercial users. And so that's the purpose for it. And again, just to kind of give you a point of reference, directly across the street was The Kitchen, which was a multi-use PD plan that you approved at your last Commission meeting that has a substantial portion of office uses as well as recreational opportunities. And again, with that, I'm happy to answer any questions that the Commission may have.

MS. LOE: Thank you, Mr. Crockett. Any questions for this speaker?
Commissioner Geuea Jones.

MS. GEUEA JONES: So originally these were mixed-use one-story.

MR. CROCKETT: Basically they were commercial one-story -- or mixed-use, but basically --

MR. SMITH: The context of commercial is probably the best.

MS. GEUEA JONES: Yeah. Now we're going to residential three-story. Are they also going to be studio and one-bedroom apartments, or do you know that?

MR. CROCKETT: They're all -- they're all going to be one-bedroom units and then two-bedroom units.

MS. GEUEA JONES: So not -- not family housing then?

MR. CROCKETT: No. Not -- not family. They're seeing a need for one- and two-bedroom units.

MS. GEUEA JONES: Are they currently at capacity?

MR. CROCKETT: They have other product coming online, so I'm not sure. Some products come online quickly and they may not fill up immediately, so -- I believe they're very close to being at capacity. I think for the most part, most of their units fill up before the construction is complete. But if not -- I don't want to say they're at capacity when the building just opened up last week and they may have a few units --

MS. GEUEA JONES: I understand. But generally they don't have empty units sitting around?

MR. CROCKETT: Correct. Correct. Generally they don't have any empty units sitting vacant.

MS. GEUEA JONES: Is there a reason they don't want to do what they're doing on lot one with the first floor commercial and then two stories of residential?

MR. CROCKETT: If you look at the plan that you approved last time, it has a similar three-story building and has lower level commercial. On three of those corners, it's that same similar type building; three-story lower level commercial. There's only a certain -- we got to make sure that we put certain amount of commercial at the right locations and only get a certain amount of it. We don't want the commercial sitting

vacant. And that's the concern that they have is if we get too much lower level commercial, the commercial will sit vacant and so --

MS. GEUEA JONES: So you're at saturation?

MR. CROCKETT: I'm sorry?

MS. GEUEA JONES: You think you're at saturation?

MR. CROCKETT: Not at saturation long term, but right now as we build, yes.

And so the idea there is to put the commercial at the -- at the intersection at the right locations that would serve the residential development.

MS. GEUEA JONES: Thank you.

MS. LOE: Any additional questions for this speaker? I see none. Thank you, Mr. Crockett. Any additional speakers on this case? If there aren't, we will close public comment. Commissioner comment. Commissioner Geuea Jones?

MS. GEUEA JONES: I would just mention again my frustration that every time something out there comes to us, it's getting denser and denser and it's always designed for single individuals, couples with no kids, that sort of thing. I -- I would be much happier if this were housing that was more flexible, especially given the challenges that we're having. And I'm -- I'm again noting a pattern because of the way this site is being developed. And I -- I know I'm in the minority on this, but I'm stating it again for the record. I am very frustrated by the pattern of giving up commercial and outdoor space in favor of parking and residential. Even given what they're doing with The Kitchen, this is still going to be a highly dense, not necessarily with family friendly housing development. That is all.

MS. LOE: Commissioner Carroll?

MS. CARROLL: There's another pattern that's been bothering me here. And that is the pattern of asking for a PD plan and getting PD plan approvals and then coming back with an amendment for more density, in this case more stories. We're coming back frequently, revisiting the same PD plans frequently, which makes me wonder if a PD plan really does suit you. And I -- I feel that straight zoning would be beneficial to avoid multiple revisits to the same PD plan. I also don't like revisiting with each thing, asking for incrementally more density where each revisit seems like a small ask, but has a tendency to chip away.

MS. LOE: Additional comments? These sort of are legacy PD plans, so yeah.

MS. GEUEA JONES: This one we approved -- in or December.

MS. LOE: Yes. But they were around -- these have been around.

MS. CARROLL: But a request for straight zoning could have been made in December.

MS. LOE: We have seen some PD plans go to straight zoning, haven't we,

Mr. Zenner?

MR. ZENNER: We have. There have been some. And I think staff shares Ms. Carroll's perspective. We have suggested and recommended at different times in the development of Discovery that it may be more val-- may be more productive to go to a straight zoning. This property is entitled, however, in a unique fashion and there is some reservation, at least as it's been expressed to us by the applicant and developer of the property, to open up the project to a public process to re-zone out of what is somewhat of a relatively flexible planned zone district with a significant number of opportunities within it. And that potentially would not be able to be approved today if it was not a planned district, given the spectrum of uses that's on this site. So while I can see Ms. Carroll's point and we, I think generally as a staff, would agree that it would be far more useful of our time, probably the applicant's as well, to have straight zoning, they've chosen to retain what they have here I think out of a little bit of comfort knowing, well, here's what we've got, here's a process that we need to go through when we amend it. Mr. Crockett may be able to speak to the process that he is currently working with the applicant on as it relates to the relatively limited amount of remaining planned district zoned land. We have also encouraged the applicant over time, given that we've gone through so many revisions, that it may be beneficial to receive a master site plan that we can look at, and possibly as a part of that, may be able to provide some flexibility with a statement of intent that's revised more comprehensively that would reduce the need for major amendments. It's a path that's not yet been explored. But you have the point at the end basically at Endeavor that is left, you have the property that's zoned planned district on the -- what would be the east side of Nocona that's planned and then some property that's south of The Kitchen, at least north of Gans that remains. We still have a very large chunk of property that's south of Gans that is bounded on the northeast by Ponderosa that's planned district as well and has not yet come forward. So you know, we're nearing the end here. If we can be patient, we hopefully will get through this and get the development plans in place and get the development built. This has been a very, very challenging project I think as the market dynamics have changed in this particular area, and the vision of how Discovery was originally intended to be developed and is now being developed.

MS. LOE: Thank you, Mr. Zenner. Any additional comments or motion?
Commissioner Burns?

MS. BURNS: I will make a motion if we're finished with the discussion. In the Case 26-2022, Discovery Park-Endeavor Central West PD Plan amendment, I recommend approval.

MS. RUSHING: Second.

MS. LOE: Second by Commissioner Rushing. We have a motion on the floor. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please.

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: No.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is no. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: There are five votes to approve, two no votes and one abstention. The motion carries.

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

MR. ZENNER: And given that this was a recommendation of less than 75 percent in support, it will be under old business.

MS. LOE: Thank you, Mr. Zenner.

Case 28-2022

MS. LOE: This brings us to our final case for the evening, 28-2022. Let's pause a minute to give Mr. Stanton a chance to come in. A request by Crockett Engineering Consultants on behalf of JQB Construction, Inc. for approval of a major amendment to the Woods Edge PUD Plan to expand the size of Lots 14, 20, 24 through 29, decrease the size of Lot C7 and C9, and create Lot C10 along Hoylake Drive. The affected lots are located north of Hoylake Drive, east of Sahalee Court and west of Brandon Dunes Court, approximately 1,500 feet west of Rolling Hills Road. May we have a staff report, please?

MR. SMITH: Yes, thank you, Ms. Chair. Excuse me. Again, so this is another PD plan major amendment, the existing Woods Edge PUD technically. So it was approved prior to the UDC. Now it would be referred to as PD plan. It does require a public hearing. Public information sent out late October and advertised in early November, 77 postcards. So a fair amount of notice was given out, generally most of the residents -- actually I think all of the residents of the entire subdivision, including many

neighboring property owners. So this is kind of the current aerial. You'll see the site is actually fairly built out from when it was approved. It's Rolling Hills going up and down the east side of the site, with the major road, Hoylake, going through this and then turning south at the southwest corner of the site. So what you're seeing here is the proposed amendment plan. And I'll focus a little bit more on the exact change here. The majority of the site is staying the same. The heavy black dashed line in the kind of southwest corner there is reflective of the portion that is going through significant changes. So in other words, some lots are getting noticeably bigger and the common lot is being reduced. There's also a street realignment, which I'll briefly discuss as well. So the image on the left is focused in on the southwest corner of the site. On the left is the existing PUD plan. And on the right is the -- is proposed PUD plan. And I'm going to take a second just to kind of also restate a couple things. One, they're referring to this is the Woods Edge PUD. And just so there's not confusion out there for the general public, the PUD plan in this case served as a preliminary plat, which is kind of the first step for any new subdivisions. The developer, when they came in to final plat the lot, which actually creates the lots and record the final plat, changed the name to The Brooks, Plat 1, which, you know, they're allowed to do. It's usually -- you see a consistent name from the preliminary -- in this case PUD plan because it was serving as a preliminary. You usually see a consistent name between that and the final, but they chose to rename it. So the individuals who own lots out here know their lots to be within The Brooks, Plat 1 subdivision even though the PUD out here is referred to as Woods Edge. It all is referring to the same property, in essence. So again, the blue shows the common lots. And that's really the significant change here. The blue on the left there, you see that facing Hoylake Drive on the south there. And, you know, having a large area behind Lots 24 through 29, along Bandon Dunes -- I apologize. I think that was a typo in my report. It's actually Bandon Dunes instead of Brandon Dunes. And then also the rear of Lots 20 through 23. So the owner of the common lot, which is the original developer, JQB, along with several property owners out there that own single lots, are proposing to expand the size of residential Lots 20, 24 through 29, which face on the Bandon Dunes, and then Lot 14 which is kind of the bottom there on the right. So the remaining common lot is going to be the big common lot piece, which is between Bandon Dunes and Sahalee. It will be basically cut-offs. So it will be created -- it will be turned into two common lots. C10 will remain on Hoylake Drive and have frontage there. And that will actually include the small amount of existing trees and timber that are there. The remaining portion will be divided into basically expanded backyards for Lots 24 through 29 and Lot 20. That portion right now doesn't have any substantial vegetation on it. No trees, no climax forest on that area. For the most part, it is just vegetation. Lot 14 is a little different. It is encroaching

into some area that was previously identified as timber. So it results in about an 8,000 square foot reduction in timber that was preserved accordingly or previously on the plans, so -- but it will also split the common lots, so it's not touching anymore as well. If you notice also the alignment of Hoylake Drive, on the left plan it goes straight west. On the right plan, it curves to the southwest. And that was something that was anticipated when we did the PUD, that that alignment might take place. I think the developer at the time was also looking at probably the southwest. The city staff was looking at the possibility of having a major roadway go through both those sites. And so that was actually done without a revision because it wasn't noted on the PUD plan. And that is Hoylake Drive does go through the property and connects to The Brooks -- the second phase of The Brooks to the southwest of this property. So just to recap, we have I think approximately nine lots that are enlarging, two common lots that are decreasing in size. The climax forest is still well within the required minimum amounts per city code, plus the requirement in their specific statement of intent to preserve 25 percent of existing vegetation.

So they still require -- they're still preserving in excess of the 25 percent. Especially with reductions in common lots, we do look for public input especially. It's preferable to have a real formal statement by the homeowners association, if there is one, that there isn't objections to the community to reduce the common lots, because it is a benefit that is, once transferred, would be for the entire community. In this case, there is no established homeowners association. I have received plenty of calls from residents in the area, but all have generally been of inquiry nature, wanting to know what the request was and how it's going to affect them. No -- no calls or complaints or objections to that with the exception of the e-mail I think that was just received that seems to suggest that they are not in favor of it. But again, it just came in so I'm not going to necessarily address it directly. So those are basically the joint changes we're looking at, the reduction of the common lots, the road realignment, which gen-- at this point matches what was constructed. And this is kind of a quick overlay of the aerial as well. The blue being what will be remaining of the common lots after the reconfiguration. The red boundary being, again, what the affected areas were. So again, you can see the rear of the lots on the top portion there. Note standing timber in that area of the common lot that's going to be removed. So finding then that there is no community objection to this minimal reduction in climax forest and general vegetation of the site, staff doesn't have really any objections to it. So we're recommending approval of the major amendment to the Woods Edge PD plan. And I'd be happy to answer any questions.

MS. LOE: Thank you, Planner Smith. Before we move on to questions for staff, I'd like to ask any commissioner who has had any ex parte related to this case to

please share that with the Commission so all commissioners have the benefit of the same information on the case in front of us. Seeing none, are there any questions for staff?
Commissioner Geuea Jones.

MS. GEUEA JONES: So the common lot is maintained by the applicant, not an HOA --

MR. SMITH: Not --

MS. GEUEA JONES: -- and --

MR. SMITH: I'm sorry. Go ahead.

MS. GEUEA JONES: Sorry. And -- and -- and this would -- I mean I assume that they worked everything out with the private owners. Or does the applicant also own all of the lots that are being expanded?

MR. SMITH: No. So the -- again, something else I should clarify, and just for kind of ease of explanation I didn't include it. But technically the applicants for this are the JQB, which owns the common lot, they own it, and every single property owner that is affected by that lot change. So they have basically also given the authority for that change.

MS. GEUEA JONES: And I guess that was my actual question. Like are all these other lots owned by other people or --

MR. SMITH: They are. And many of them have homes constructed on them now.

MS. GEUEA JONES: Thank you.

MS. LOE: Any additional questions?

MR. ZENNER: Ms. Loe, if I may if there's no other questions. To Mr. Clint's [sic] point, we did receive a correspondence through our general planning@COMO.gov e-mail this evening from John R. Duke, which summarized -- it included a series of questions which I believe Mr. Smith has answered in his presentation and we can respond to. But the last line of this particular exchange is: I object to the proposed plan. So Mr. Duke's comment has been received, is that he does not like this for a number of reasons, which we can respond to to provide the technical components to answer his question. But he is -- he is one resident of this particular area that is not happy.

MS. LOE: Thank you, Mr. Zenner.

MR. SMITH: Given that, we'll include that correspondence when it goes to Council. But given the late nature of that e-mail, we couldn't include it here.

MS. LOE: Any additional questions for staff? Commissioner Placier.

MS. PLACIER: Could you point out where C7 and C9 are exactly, the two that decrease?

MR. SMITH: Okay. So on this graph here, C10 is kind of the newly created

common lot. It's really just a remnant. C7 would be the original larger piece.

MS. PLACIER: Oh, okay.

MR. SMITH: So this piece here was C7 and it will continue to be C7 -- referred to as C7. And C9 is the one south of Hoylake Drive on the bottom of the screen.

MR. ZENNER: Being reduced by the expansion of Lot 14.

MS. LOE: Any additional questions for staff? If there are none, we will open up the floor to public comment.

MR. CROCKETT: Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. As Mr. Smith indicated, we were aware of no opposition to this plat until this evening an e-mail came in. I've also spoken with -- with -- with a concerned resident as well as with regards to drainage issues which she is experiencing that is adjacent to this development as well. Working with her, I explained to her that the drainage -- the reconfiguration of this doesn't really affect the drainage. The drainage is going to take place. And there may be some other outlying concerns with regards to what's causing her drainage concerns and we'll certainly work with her and continue to do so with that regard. As -- as Mr. Smith indicated, Hoylake Drive was relocated -- run through this. When the original PD Plan was approved, it went straight across because that's how CATSO delineated the major roadway in this location. However, working with CATSO, going through that process, it got relocated, hooked it further to the south. And I believe if you look at Lot 14, the lot adjacent to it, I believe the original intent was to have another platted lot there once the client -- once the applicant acquired the property to the south, then it could be a larger lot. Not being able -- to get another driveway access onto that collector street kind of took that option away. And therefore, that is the reason for that portion adjacent to Lot 14 was that resident wanted additional property and we just weren't -- when we determined that we weren't able to plat it as a residential lot, that -- you know, that decision was discussed. With regards to the lot C10, the reduction in -- excuse me, reduction of Lot C7, the area in question again is not the climax forest. There are trees that are shown on C10. Those trees are going to remain in place. The area in question was a topsoil storage area. When you do development, you have a large portion of topsoil. You strip the entire site of topsoil. You place it in certain locations and then the builders come in and they remove that topsoil for the yards. That material is not suited for under buildings, under foundations, under streets. And so we want to make sure that you remove that and put that in a certain location. That was put in this location here. There are no trees in that location. So that's why they were placed there. There's a good depiction of that -- that area right there. And so want to make sure that we understand that we're not removing trees, we're not giving away trees or anything along those lines in the realignment here. Again, this is something that we've done in the past.

Again, the residents along Bandon Dunes have looked at this. They're -- they are co-applicants in this process seeking to acquire that. So many of them are here tonight and can answer any questions. I'm happy to answer any questions that this Commission may have.

MS. LOE: Thank you, Mr. Crockett. Any questions for Mr. Crockett?
Commissioner Geuea Jones.

MS. GEUEA JONES: Just curious. There seem to be quite a few people here. You seem surprised by that. I guess I'm wondering -- usually this sort of -- I guess this isn't a big development, so that probably is why you didn't do a lot of neighborhood outreach?

MR. CROCKETT: I think given -- this is a unique situation when the ap-- the residents themselves are pretty much the co-applicants and the developer is the underlying landowner who is working with them. So I worked with my client, the underlying landowner, working with him. And so he reached out to the neighbors and got their -- got their -- them to sign the applications. And so really the neighborhood outreach, I can't speak to that because that didn't lay back on me on that. So I'm not sure what did or didn't take place. I can't speak to that.

MS. GEUEA JONES: I understand that. I just -- normally people know if they're going to have this kind of turnout.

MR. CROCKETT: Right, right. And so I mean, you know, we do have some turnout. I think a lot of the residents that are here are residents that are co-applicants or the folks that, you know -- I believe most of them are co-applicants here.

MS. GEUEA JONES: Okay. Thank you.

MR. CROCKETT: Thank you.

MS. LOE: I do have a question, Mr. Crockett.

MR. CROCKETT: Yes, ma'am.

MS. LOE: Mr. Smith, can you go back to the original PD plan? There we go. That's good. So in the original C7 area, there's two bioretention areas.

MR. CROCKETT: Yes.

MS. LOE: And I -- where -- in C10 there's no bioretention.

MR. CROCKETT: Those -- when we do a preliminary plat, we do the best -- what's called a best guess, if you will, on where those go. And so when we get into final design, we start looking at grading and stormwater and how we're going to address it and how we handle it, where does it need to go. Those can get moved around. And so in this case, those got moved down. You see them -- on the revised plan you kind of see those further over to the -- to the west. So we didn't need as much as we originally anticipated. What he like to do on preliminary plats is, you know, shoot for -- show more and then

design accordingly. What we don't want to do is not have enough. And so we try to over-anticipate what we need. And in this case, we had a few extra bioretention cells that we did not need. It still fully conforms with all the stormwater standards. So detention, water quality, all of those items are fully addressed on the master stormwater plan for this development that's been reviewed and approved by City Stormwater.

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

MR. CROCKETT: Thank you.

MS. LOE: Mr. Smith?

MR. SMITH: Yeah. If you'll allow me, I'll just confirm what Mr. Crockett had said is -- is generally the preliminary plat, we require conceptual locations for utilities, stormwater. So it's not unusual to see them move a little bit. Same with sanitary water lines and that sort of thing. They haven't done the engineering yet, but we do look at them to get a conceptual location that our staff can review and say that seems to make sense where you're indicating they will be. That's all I wanted to say.

MS. LOE: Just wanted to confirm we didn't need any in that area. Any additional speakers on this case?

MS. DELLA VECCHIA: My name is Tracy Della Vecchia. I'm the homeowner on Lot 19. My home has been there for two years.

MS. LOE: Ms. Della Vecchia, do you have an address for that?

MS. DELLA VECCHIA: 600 Sahalee.

MS. LOE: Thank you.

MS. DELLA VECCHIA: We have a lot of water in our backyard. We have some significant problems. We've had several people come out. I've got another engineer coming out on the 15th of this month to take a look at it. I'm not sure that I understand why this is going to be given to other people. And my biggest fear is that I've got all these water problems, we're going to give this land to these other people who will be able to do anything they want to it, including breaking down some of those berms that I think keep some of that water from my backyard. I'm in Lot 19 and up there in that common area behind my house is a creek that runs. And that creek comes all the way up to the very lowest part of my backyard when all of that water runs through there. When this changes significantly -- and I see on the left side there were two more reservoirs. I see on the right those two reservoirs are gone. When those people start changing that property line there and the soil there, my fear is I've got more water in my backyard. And I've already got 35,000 dollars worth of damage in my backyard. Trying to mitigate, trying to get the right company out there to fix it. I finally hired an engineer for it. I'm really worried about it. And I'm right next door to where rivers run through his backyard.

I'm afraid.

MS. LOE: So just to clarify, you're in Lot 19?

MS. DELLA VECCHIA: Yes.

MS. LOE: And right now you have water run-off through the bottom edge of your yard?

MS. DELLA VECCHIA: It's in the common part that water -- I mean when we have huge rains, that water comes up -- into my yard. The amount of water that goes -- flows through this part seems to all congregate at the end of the cul de sac where my home is. And the run-off that I have built on the foundation line water remover thingy that goes around -- wraps around your house, those gush water. And I just paid somebody to come in and put in new irrigation lines to get that away from the house because you can't step -- if you go outside when it's gushing water like that and for a week later, you step in the soil and I'm buried up to my ankles in mud.

MS. LOE: Is it run-off coming from Sahalee Court or water that's coming from the common area below?

MS. DELLA VECCHIA: I'm unsure and I'm not an engineer. That's why we hired an engineering firm to come in and figure it out for us.

MS. LOE: All right.

MS. DELLA VECCHIA: When I saw that this was happening, I thought this sounds like a great idea. But now that I've just experienced all of these other problems with a lot of water stuff going on in my backyard, when those berms are gone, which is the soil piles that he talks about, I'm really afraid of what's going to happen back there. And part of it is my ignorance and not understanding any of this.

MS. LOE: Thank you. Are there any other questions for this speaker? Mr. Smith?

MR. SMITH: If you don't mind, have you contacted or spoke to anyone at the City about this?

MS. DELLA VECCHIA: The City of Columbia?

MR. SMITH: Yeah.

MS. DELLA VECCHIA: For one of the issues, yes, but -- yes.

MR. SMITH: Okay. If you don't mind, I can give you my contact information. And I can put you in touch with our site development team and see if there's something they can take a look at and maybe work with the applicant's engineer also.

MR. CROCKETT: Absolutely.

MS. DELLA VECCHIA: And I know that I'm the unhappy homeowner there because I have this opinion of it. But my experience in two years in that home has been expense after expense after expense for water.

MR. SMITH: Yeah. I think that's something we can have our team look at. And if there's --

MS. DELLA VECCHIA: And we do have an HOA. We all pay HOA dues. So I don't know why you all have it on the record that there's not an active HOA.

MR. SMITH: That might be my fault. It's just something maybe not in our system. So I might -- if you know the contact information of that, I can get that from you too.

MS. DELLA VECCHIA: Okay.

MR. ZENNER: And ma'am, there's a difference between having an active HOA and the common lots being transferred to the HOA.

MS. DELLA VECCHIA: I understand.

MR. ZENNER: So -- and that's -- for some of your common areas that you have and your islands and your street features for your signage, that's most likely what the HOA at this point is responsible for. But at some point the developer will transfer likely these common lots out to the HOA as well. That just hasn't happened yet. And I think that that was the perspective that Mr. Smith was looking at when he prepared this report, that this land is not HOA -- it hasn't been conveyed to the HOA yet.

MS. DELLA VECCHIA: Understood. And again, a lot of this is my ignorance. I've lived in the county for the last 25 years of my life and moved to the city to our retirement home two years ago. So this is new for me. Any irrigation problems I had before, we took care of them our self. So you know, I understand that part of this is my lack of knowledge, but I appreciate any help that you can provide for that then. So -- and for you as well. Because I'm scared.

MR. CROCKETT: Sure. I understand.

MS. LOE: Well, we appreciate you coming to the meeting and participating because it's this type of information that we need to make decisions. Thank you.

MR. CROCKETT: And if I may, Madam Chair.

MS. LOE: If you can just give your name.

MR. CROCKETT: I'm sorry. Tim Crockett, Crockett Engineering, 1000 West Nifong. With regards to Ms. Della Vecchia -- I'm sorry --

MS. DELLA VECCHIA: Yes.

MR. CROCKETT: -- if I mispronounce that. With regards to her concerns, we're happy to meet with her and discuss her stormwater issues to see what's taking place there. When -- stormwater from this area many times will cross private property. It does cross private lots. And so that's not uncommon. When we submit plans to the city, we have to illustrate and we have to design every swale that goes through there to make sure we don't get water in homes. She's shown me some pictures of her home and the

neighbors, residents. I think there may be some constructability issues that may be taking place. But we're certainly willing to work with them and try to identify some of the questions that she had with regards to her foundation drains. Obviously that's her roof drains and so it has nothing to do with the common lots upstream. The water that's there is -- and that's the natural drainage course of the water. It's been going there since ground was -- ground was created. And so that's the natural drainage course of that water. And all of that is taken into account for stormwater planning that we performed and we submitted to the city and was approved by the city. You know, we're happy to work with Ms. Della Vecchia and see what kind of concerns she has or we can do -- help mitigate the concerns that she has, but I don't think they're going to be related to this. We do understand she's scared and she has some concerns. We're willing to help her with that and see what we can do to help mitigate those concerns. So just wanted to say that to help.

MS. LOE: Thank you, Mr. Crockett. I appreciate that. However, I do see that there are two storm drains from the street. One going into the common area.

MR. CROCKETT: Yes, ma'am.

MS. LOE: And one going down along the property line of Ms. Della Vecchia. So I appreciate your observation that these aren't related, but I am curious -- or it does appear that we are -- this plan does direct run-off to the areas in discussion and it does sound as if there's some issues with run-off.

MR. CROCKETT: Well, the water is directed there. The water's always gone that direction. And you are correct. There are storm pipes that direct it through that -- through that area. But those have all been accounted for. So if -- if -- those pipes would certainly be there today, the same water force would be there today if there were not -- you know let's say, for example, there were no common lot whatsoever and all the backyards abutted each other. We would have the same exact stormwater improvements that were being designed for today as -- you know, as would under that scenario.

MS. LOE: Right. But maybe if those detention areas were there, that may -- or the one -- maybe the one at the bottom is being overloaded, which is why --

MR. CROCKETT: Well, we're happy -- again, we're happy to look at that, but the design calculations that we have completed and were reviewed by the City Stormwater staff -- and we don't just do the detention at the bottom of the hill. We don't say all the water is going to be at the bottom of the hill, let's do a calculation down here. We have to -- on our design plans, we have to illustrate cross sections of all of our swales that go through the property. And so we have to make sure that the -- the stormwater culvert off of Hoylake Drive, the drainage swale that goes from that point all the way down to the detention basin is designed adequately and can handle the water

and not flood residences. And so all of those are designed and reviewed by -- you know, we complete them and they're reviewed and approved by city staff. And so you have stormwater engineers who specifically look at those calculations to -- to make sure that we achieve those.

MS. LOE: I understand that they were designed to a standard, but it sounds as if the situation in this case --

MR. CROCKETT: Right.

MS. LOE: -- may have some additional issues.

MR. CROCKETT: Right. And I don't disagree with that. I'm just saying I think those issues are arising from something other than this common space, whether it's common space or not. It's arising from something other than that. And so in looking at the pictures I think -- again, there may be some constructability issues from the builder. I don't want to say that for sure, but just looking at elevations and how that was done, I don't think necessarily it may be an issue from upstream water detention.

MS. LOE: So if additional grading or bioretention is required in the area that is now part of C7, either lower to the west or in the area that's now being proposed to be made part of the private lots, if that were part of private lots, what right would the common area -- or how would that be done once they --

MR. CROCKETT: Well, I think that could --

THE COURT REPORTER: I'm sorry. I'm sorry. I didn't hear the end of what you said.

MS. LOE: I was asking how could that work be done once the property was part of the private lots?

MR. CROCKETT: Those improvements can be installed on Lot C10, if need be. And so bear with me, ma'am, if you don't mind. Actually I'm looking -- I'm going back and looking at the revised plan because I was talking about the stormwater culvert that discharges across the common lot, C7, which is on the left side. If you look at it on the right side, I don't believe that culvert is actually there. I think that culvert was actually moved down. I think there's a low point in the street and then there's a piping network that moves that around. So I don't even think that there's a pipe that discharges there, if I'm looking at that correctly. So the actual street water and actually -- actually that -- that area that drains back behind Lot 19 is actually taking less water today than it did pre-development.

MS. LOE: I'm not sure --

MR. CROCKETT: If you -- if you look at what's on the -- on your left side, you'll see that -- Clint, if you don't know -- on the Hoylake Drive, that -- that -- those inlets right there in that storm pipe. If you look at that, I do not believe -- that's not being

shown on the other side. I don't know that there is a storm water inlet at that location. I believe that inlets were there, but they were -- the water was piped down. There's an inlet right in front of Lot 14, Clint, if you'd go there. There's an inlet there and that water is going to the west adjacent to Hoylake Drive and being piped around to a small detention basin that's down there at the bottom of the hill. So there is no additional water going back behind the common lot, Ms. Loe.

MS. LOE: Maybe that accounts for why that water is accum-- or maybe.

Okay.

MR. CROCKETT: And the channel behind Lots 17 and 18, 16 is certainly large enough to handle that additional water. Again, there's a -- it's not a mass amount and that's a large amount of area that can handle those slopes.

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

MR. CROCKETT: Thank you.

MS. LOE: Any additional speakers on this case?

MR. HANNER: Hello. My name is Bruce Hanner (phonetic). I think it's Lot 26, yes -- 28, 28 that we own.

MS. LOE: Does it have an address or what is your home address?

MR. HANNER: Pardon?

MS. LOE: What is your home address?

MR. HANNER: 477 Bandon Dunes.

MS. LOE: Thank you.

MR. HANNER: And I think when we're building behind our house where it goes through, it will help Tracy's situation. Because right now all that common ground back there is nothing but clay. And everything runs off the clay. So once it's topsoiled and sodded or seeded, I think that will soak up a lot of the water that's going towards Tracy's house too. If -- I'm not sure if that water is getting over there or someplace else, but I think that will improve it a lot.

MS. LOE: Thank you.

MS. FLESHMAN: And my name's Cara Fleshman (phonetic) and I live at 473 Bandons Dune -- Bandon Dunes Court and I live right next to him at 477. And we do have a drainage -- drain in our backyard that helps with the drainage. But it does receive a lot of that downhill water. But like he said, right now there is a lot of clay. So I'm not sure if that would help soak up once it's like re-landscaped because there's like a lot of hills and stuff. So I feel like it all just kind of gushes down. And if it's leveled out, that might help. But I do feel like maybe whenever they do resod it and stuff, if they could get it to just have a little bit of a better drainage, that could help with the situation down the

hill.

MS. LOE: Thank you. Any qu-- there's one question, if you don't mind. Sorry. Commissioner Geuea Jones?

MS. GEUEA JONES: You said when they sod it and seed it, that sort of thing. Who's going to be doing that landscaping work? Because it will be your property at that point.

MS. FLESHMAN: Yeah. I mean, I'm not sure. I think -- he would probably know that question a little bit more. But I just know that we're all going to work together to get it to be landscaped and look better than what it does now.

MS. GEUEA JONES: But you have at least been approached about a plan to do that?

MS. FLESHMAN: Yeah.

MS. GEUEA JONES: Okay. Thank you.

MR. GRIGGS: Good evening. Brett Griggs (phonetic). I'm at 501 Bandon Dunes Court, which would be Lot 27. Getting back to the original discussion and the original plot. Behind Lot 19 and going on around where 31 and 32 are, that is, as Tim originally said, that's an old creek bed going way back way before anybody thought of developing the land. So that's a natural water flow. In the original green space design, that's a catch basin that originally funneled all that water down and always has been. Now after the original Plat 1 grading, has taken it all down to clay and then they -- as he said, they took all the topsoil and put it in a huge mound behind there. So basically what that has become is a catch basin of clay that just is a raceway for the water to go down behind Tracy's property. So what we've proposed with expanding the land is excavating it and creating a means of flattening it out a little bit, bringing that topsoil that's still in a pile there, spreading it out, seeding it. Which, again, as Bruce said earlier, will also help with absorption of rain going down. And plus, that might aid in the drainage off of the back of her lot as well. But basically that's what we're looking to do in the end is just seed it, get some trees back there, get some soil holding. Because right now all it is weeds and clay, as we said. And it's just a raceway for the water right now. We've got a lot of erosion going on back there. And thank you.

MS. LOE: Thank you. Any questions for this speaker?

MR. GRIGGS: Yes, ma'am.

MS. LOE: Commissioner Geuea Jones.

MS. GEUEA JONES: Again, who is "they"?

MR. GRIGGS: They?

MS. GEUEA JONES: Who is the one who is actually organizing this project? I think it's a good idea to do it. I'm just trying to figure out if the HOA doesn't own that

land and instead, it's all these individual property owners --

MR. GRIGGS: Right. Homeowners.

MS. GEUEA JONES: -- somebody needs to say this is what we're doing.

MR. GRIGGS: I'm kind of the one that spearheaded the action. As I talked to JQB about what they were going to do with that land back there, he said, well, it's either going to go to the HOA or to the city. And I said what about possibly deeding to us and then that way we can take care of the land, upkeep it. And then we don't have to have the HOA take care of it, you don't have to have it done by the city. If we have the landowners taking care of it, we'll clean it up, do a good job of it. And because it's ours and it's owned, it gives us more incentive to take care of the land because the benefit in the long run of a little bit of increase in our property values as well.

MS. GEUEA JONES: So you're able to do that now instead of waiting until everything is developed, which is what normally happens. When everything is done, then they do the common lots.

MR. GRIGGS: Right, right. Because it's most -- they're just about done with Plat 1 with all the houses being done in that area. So we're at the point where we just thought we're tired of the erosion and the mess. And I approached them about deeding the land out and getting it straightened out.

MS. GEUEA JONES: Okay. Thank you. That's very helpful context.

MR. GRIGGS: Sure.

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

MR. GRIGGS: Thank you.

MS. LOE: Any additional speakers on this case? I see none. So I'm going to close public comment. Commission comment. Commissioner Rushing?

MS. RUSHING: I have a couple of concerns about this proposal. The first one is the concern with the reduction of the drainage basins. Another concern is, of course, the ownership of those common areas and who's going to be responsible for cleaning up the mess that apparently is there right now. And the third is that there appear to be lots whose configuration is being changed, but the owners of which are not part of this request. And you know, that could be that the actual lots don't conform to the plat on the left and so they're making those changes on the right, but that has not been something that has been mentioned. Nineteen is one that appears to be changed, 15 appears to be changed and 16. And none of those property owners are part of this request. So I can't see voting in favor of this request.

MS. LOE: Mr. Smith.

MR. SMITH: Yeah. If I could just address the last part of that. And that's a very keen eye. And there are some lots if you look between the two, that aren't exactly

the same. And the -- the reason why is that generally between a preliminary and final, those lots are not going to match up exactly, you know. Every single corner of the lot may not be in the exact same position. What we look for is substantially conforming to it. So we don't hold them to exact measurements. And so you're going to see some minor differences between the preliminary and the final. What they're showing though on the right side is all the lots as they've been platted. So everything on the right is showing what's -- what had gotten done. The only things that -- all the lots that will need to be replatted are part of this amendment and are reflected on there. But that was a good point. I didn't dive into that kind of detail, but that is the reason why you do see some differences in other lots other than ones we identify.

MS. LOE: What's considered a minor change?

MR. SMITH: For -- between a preliminary and final?

MS. LOE: Yes.

MR. SMITH: It's subjective. There is no definition. So I could go into minutia about what we would look at and consider to be significant or not or substantial. This, looking at it tonight, is clearly a substantial change. Right? This is different from the preliminary. Generally when we see the elimination of common lots, we immediately flag that as a substantial change that needs to come back for review. But we look to have the same number of lots, generally with the roads generally in the same position. So not a lot of changes from the original layout.

MS. LOE: What about lot size?

MR. SMITH: Generally if you have a street and there's the same number of lots along that street as was on the preliminary, we don't go into the detail of saying this lot was 85 feet wide versus the final plat says 83 feet wide. So we don't get into quite that detail, even if it is a little bit more than that. So usually it's the number of lots, the street layout, the location of cul de sacs, that sort of thing.

MS. LOE: What about going from 130 to 150 feet long, so losing 20 feet in length?

MR. SMITH: I can't tell you exactly every measurement on here that we did consider to be significant or not. I could say the one on the right was platted and so it is currently in place. We do have a little bit of administrative leeway there to determine what's substantial and what isn't. Some cases, 20 feet difference may not rise to the level of requiring them to come back to Planning and Zoning and reconstitute approval of the preliminary revision at Council.

MS. LOE: Sorry. So the one on the right, those lots are what was platted on site?

MR. SMITH: Yeah.

MS. LOE: They're not all changed. The only ones that are seeing change are the ones indicated as changed?

MR. SMITH: Yes. That's correct.

MS. LOE: Okay. Thank you. Commissioner Geuea Jones.

MS. GEUEA JONES: The phrase that keeps coming to mind with this issue -- and -- and I -- I recognize that we're bleeding a little bit away from what the actual request before us is, but I think it's relevant. But the phrase that keeps coming to my mind is "tragedy of the commons." And the fact that here we have this common lot that is supposed to be there for the good of the residents and instead, it is creating problems for everyone. And I think the residents here have decided to take matters into their own hands and say, well, if no one's going to take care of the common lot, we'll all take a portion of it and take care of our portion. It -- it seems to me that that is a solution that will solve a lot of the problems. And frankly, by doing this, it means that C10 -- I guess it could still technically be an R-1 house, but not with a driveway on Hoylake. So you know, it may actually mean that they don't have future problems because there's not a lot sitting there that's ripe for rezoning and development and whatever else. So I mean, I understand that we usually see common lots as a benefit to the neighborhood, as a benefit to the ecology, that sort of thing. I think in this case it is creating more problems than it's solving. And by giving that control to the people who live there and are experiencing the problems, they may get solved faster, for whatever it's worth. And frankly, we -- the neighbors who don't like this plan don't like it because the common lot is causing the problems. And -- and I agree. The common lot is causing problems and it needs to be fixed. I am just wondering -- it sounds like the people who are trying to divide up the common lot want to fix the same problems.

MS. LOE: It's interesting because I thought you were going to say this is a common lot -- this is an issue being created by a common lot and should be resolved by the owner of the common lot. And that it's above and beyond the responsibility at this time of the individual homeowners to do so. So I agree that is one solution. I have concerns about that solution in that once it's out of the hands of the common group, be it the current owner -- and I do believe they have obligations. I'm not sure exactly what those are legally per the agreement. All I can see on the original PUD is that the common areas shall be used for landscape and stormwater control. Sorry. I lost it here. Stormwater management purposes. Yeah. So it sounds like they're not really being put to that use yet and there may not be a prescribed date to which they are being put to that use, which is the shortfall. And that just may be something we need to look for sooner. Because if these developments are being occupied, the development in them should be protected. And the common areas should be maintained for that use. So that's sort of

the direction I'm thinking at this time. My concern being that once this land is in private use, there's no obligation of those landowners to protect their neighbor or do landscaping or control such. Commissioner Burns?

MS. BURNS: I agree with you. I guess it would be -- it sounds like the neighbors all know each other and there have been discussions. And I guess I would ask the property owner on Lot 19 -- I don't know if you have to open up public hearing again. But do you feel confident that your neighbors who are acquiring this for their own private use now will work with you to mitigate the problems you've been experiencing?

MS. DELLA VECCHIA: I would like to speak to that if I'm allowed.

MS. LOE: We will have to open up the floor to public hearing comment. So I would like to just do a circle on the Commission first, so. Commissioner Burns, any follow-up on that or --

MS. BURNS: No. That's I guess a question that I have that I'd like to have an answer to.

MS. LOE: Commissioner Rushing.

MS. RUSHING: And my comment is along those same lines. Right now there's one owner that's responsible. And I don't see how making one, two, three, four, five, six, seven owners responsible helps people who are having problems with the situation. Instead of dealing with one property owner, now they've got seven that they have to -- they would have to deal with. I don't see that as an improvement.

MS. LOE: It -- it may be that the problems being experienced aren't a result --

MR. CROCKETT: That's correct.

MS. LOE: -- of or being created by this. However, given what we have heard tonight, it does sound as if drainage goes through that area and that there is erosion on that area and that the original plans did show for both drainage and detention, and that the lot experiencing issues that's here tonight is adjacent to this area, is enough to give me pause, Mr. Crockett.

MR. CROCKETT: May I speak?

MS. LOE: We will open up the floor in one second. Commissioner Placier.

MS. PLACIER: Yeah. This common area was the responsibility of JQB and has been allowed to become a big muddy mess that -- probably to look at and may be contributing to drainage problems. I can see the impulse to say let's all pitch in and fix this. But JQB either needed to fix it or deed it over to the HOA. And then the HOA would be the collective solution, let's all get together and figure out what to do about this. I'm not sure that -- I do understand the impulse to kind of -- let's carve it up and let's fix it up. You know, I would probably have that impulse myself. But I'm not sure it's -- they're shouldering responsibility when it belonged to either JQB or to everybody.

MS. LOE: Commissioner Kimbell?

MS. KIMBELL: My understanding is that they're willing to take that on. They want to do that.

MS. PLACIER: Oh, yeah.

MS. KIMBELL: And homeowners tend to be more self-responsible. So if they want to do that, I think that's -- they should have the option to do that. Should the current applicant or should the current JCB [sic] be taking care of it? Probably. But the other folks have come up and said we'll do this instead. I don't think there's an issue with that for me.

MS. RUSHING: How about enforcing it?

MS. KIMBELL: Well, I would think somehow or another it's going to be written up within their property that they're going to take care of that. Whoever -- when that house is resold, then those folks will know ahead of time that they are responsible for that as well. Unless the HOA takes it on, and that may take place afterwards. But if I owned it and I'm willing to take care of it, it's also going to be put in my property or in some type of restriction or somehow that as I go to resell it, that has to be disclosed. So anybody who buys that property has to know that that is part of it.

MS. LOE: Commissioner Carroll.

MS. CARROLL: I see what you're saying and I applaud these homeowners for their willingness to take on responsibilities and their desire to improve their neighborhood. The more common way to collectively improve that kind of property is to do it through the HOA so that all of the neighbors have input on how it's improved, including the ones who are affected by the decisions here but not part of this area.

MS. LOE: Okay. If there's not any more Commission comment, I'm going to open the floor back up to public comment.

MS. DELLA VECCHIA: I love my neighborhood.

MS. LOE: Tracy, if we can get your name and address again just for the record.

MS. DELLA VECCHIA: Tracy Della Vecchia, 600 Sahalee Court. I love my neighborhood. I gave up a lot when I sold my acreage and moved into a neighborhood and I crossed my fingers and hoped that I loved my neighbors too, and I do. And do I trust that every person sitting in this room is going to do that? I do. From the bottom of my heart, I know what amazing homeowners all of us are. And we want all of our yards to be impeccable and beautiful. And it's an eyesore and it's horrible. I don't know if this is where all of my problems are coming from, but I'm not going to take any chances either. And I'm bringing an engineer in to figure it out. And if that engineer says to me -- who's not related to any of this -- if there was grass up there, you'd be golden, I'd love to hear

that. Is that what I'm going to hear? I don't know. But I tell you what. This neighborhood is strong enough and we're a hell of a lot stronger than what an HOA would be. We're strong enough to make that happen and we're strong enough for me to be able to stand up when I'm walking past their houses in the morning on my walks and say hey, my backyard is worse now than it was before. So do I trust that they'll do this? I can't believe that I'm standing in front of you saying this, but I know that I love this neighborhood and I know that I love my neighbors and I do believe that they would. Which is the right way to go? I can't answer that question. But I believe them.

MS. LOE: Thank you.

MS. DELLA VECCHIA: Questions?

MS. LOE: Are there any questions? I don't see any right now. Thank you.

MS. DELLA VECCHIA: Thank you.

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong. I'd like to just make a couple comments on some comments that were made by Commission. Ms. Placier, you indicated that this is a big muddy mess. And I think that that's not necessarily the case here. This is being painted as the entire drainage issue, the entire flooding issue that's out here is taking place because of this topsoil pile that's stocked on an existing common lot in this area. And that's certainly not the case. Okay? Ms. Della Vecchia indicated herself that she doesn't -- she may not think -- she doesn't know that her drainage problems are affected by this, completely caused by this common lot upstream. Spread a little topsoil -- the client, JQB, putting a little topsoil back on top is not going to solve her drainage problem. Some of the issues that she's talked about tonight are not caused by this common lot, not caused by not having topsoil, not caused by these issues. There are other items at play on her particular lot. There are no -- that are not affected by what we're trying to do upstream. You know, working with her neighbor -- she indicated she can even walk down the street, she loves her neighbors. That was a powerful statement. You know, she can walk down the street and ask her neighbors, hey, I still have an issue. When you work with an HOA, now you're working -- you know, we talked about, well, your neighbors are, you know, eight neighbors over here. When you're talking about an HOA, the HOA is going to have 400, 500 lots in it. You have 4-, 500 neighbors you're trying to work with to solve one little issue that may not have a direct impact on them. If she does have a drainage issue, I think it's going to be much more easily worked out if she has direct contact with those neighbors directly upstream from her. And again, I don't think this is a big muddy mess. I don't think this is the problem that's causing the drainage concerns out here. Ms. Loe, to your -- your comment about we're reducing the stormwater basins on here. To be quite honest with you, the stormwater basins were put in here simply as an illustration to show conceptual

stormwater plan. When we do our final set of plans -- and this is one sheet with some preliminary calculations that we performed to illustrate that we can perform -- we can do stormwater calculations on this entire piece of property as a whole. Our stormwater management plan is pages and pages and a huge booklet of calculations to show how every little square inch of this entire site is going to be addressed. Does that mean by moving the stormwater basins from the common lot that's being removed a little bit further down? Yes. Absolutely. That happens all the time. With regards to lot layout changes, that happens quite often. It's the intent. You know, if you look at -- I'm not sure what lot you're talking about having a reduction in width -- or excuse me, in depth, but also if you look at C8, that common lot out front is much larger. They put a larger turn around out in the middle and, consequently, that had to push the front yards back and may have reduced that overall depth potentially. Those things happen between preliminary plat and final plat. And so I just want to make sure that we -- we're very clear on the fact that this common lot is not the creator or the cause of major drainage problems out here. Certainly not. Can they be slightly improved? Yes, I think they can be with some removal of some topsoil, spreading, seeding, all of that. But long term it is certainly not creating any issues that I'm aware of. And we'll work with Ms. Della Vecchia to see if there's -- have any concerns. But the concerns that she's talking about simply aren't caused by that common lot. There are much bigger issues at play causing her concerns. And so with that, I'm happy to answer any questions that you have with this. But I just want to make sure that we're not painting the picture of this common lot as being a creator off all things evil in this area.

MS. LOE: Any questions for this speaker?

MR. CROCKETT: Thank you.

MS. LOE: Thank you, Mr. Crockett. Any additional public comments? If not, I will close the public comments. Commissioner comment?

MS. CARROLL: If I may.

MS. LOE: Commissioner Carroll.

MS. CARROLL: Granted this is not the typical way of handling this, if that's the way this neighborhood wishes to handle this, I -- I think that I'm okay with giving them what they want. I do believe that individual homeowners will be responsible for their property because they don't want the muddy mess in their backyard. And I'm not saying that's what it is.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I would just say if this were a jury or a courtroom or something like that where we could force JQB to take responsibility, I'd be 100 percent for that. We don't have that power. And -- and I do think they're responsible and I do

think that there are some issues there that perhaps this neighborhood would like to explore. But this is the solution they have come up with. And it probably gets them out of -- out of a muddy mess faster. I -- I'm just saying we don't have the power to fix it the way I think we would all like to fix it. This is the solution that we have that we could use.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: If you would --

MS. LOE: Mr. Smith?

MR. SMITH: I just wanted to clarify too for the audience that if this is approved tonight -- and even when it goes to Council, it doesn't create the lots yet. We'll submit a final plat in the future. So it will be several more months probably until the lots are created and then -- then the transfer of property would need to occur. So just to clarify.

MS. GEUEA JONES: Can you give me my script back? Thank you. In the matter of Case Number 28-2022, Woods Edge PD Plan amendment, I recommend approval of the major amendment to the Woods Edge PD Plan. Or I vote -- move to recommend approval.

MS. KIMBELL: Second.

MS. LOE: Seconded by Commissioner Kimbell. We have a motion on the floor. Any discussion on this motion? I'm not going to support this because I feel this is a failing of the PD plan and the developer and I don't think we should be in this position. So I think this is -- will have support of the Commission, but I'm -- I have a hard time picking -- I don't think you should be going through this to resolve -- this should be handled. And if we need to include additional language in our -- in any remaining PD plans that might come down the pipeline to ensure storm drainage and landscaping are done at a proper pace to keep up with the development of the neighborhood -- I fully believe the engineered storm drainage works, but my next question is when. Because apparently it's not working yet.

MR. CROCKETT: They're installed today. They're installed today.

MS. LOE: I understand they're installed, but we should not be hearing from residents that there's issues -- or I'm not happy to hear that based on meeting our city's minimum requirements, that there's issues on residential lots. So Commissioner Rushing?

MS. RUSHING: And as I've already stated, I agree. And I would be much more willing to approve this if the storm drainage issues had been resolved by the property owner whose responsibility it is right now to address them. And I do not like the precedent of saying to someone who's trying to mitigate their responsibility by passing it on to somebody else. And I just don't -- I don't like that approach to this problem.

MS. LOE: Any additional comments? If not, Commissioner Carroll, may we have roll call, please?

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: No.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: No.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: No.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: We have five yes and three no.

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

MR. ZENNER: And due to the fact that this was not recommended at 75 percent of the Planning Commission, it will be under old business.

MS. LOE: That concludes our cases for the evening. Thank you Planning Staff for an exciting agenda to see us out of our 2021 year. We can count on you.

VIII.) PUBLIC COMMENTS

MS. LOE: Oh, public comments?

IX.) STAFF COMMENTS

MS. LOE: Seeing none, staff comments?

MR. ZENNER: So you do have a meeting -- it will be probably less exciting than this one -- on January 6th. And it will -- it will probably be a sparse meeting since we spent a lot of money tonight for you, but we enjoyed it. It was very good. We do have several cases on the agenda that are coming up. We have our tabled case from this evening, TS Storage there on Richland Road. We have a post-PD rezoning and PD plan at 808 Vandiver. This is the undeveloped property to the west of the Starbucks on Rangeline as the parcel that had the variance request before the Board of Adjustment for the Dobbs Tire and Auto Facility and then a vacant parcel in front of it. The text change is being introduced to the City Council on the 20th of December and will receive second reading potentially on January 3rd. This is a January 6th meeting. It is possible, depending on the outcome of that text change, that the PD plan request may be

withdrawn given that the PD -- or the text change would potentially accommodate the needs of the applicant. So we'll have to wait and see, but we will have a staff report produced because of the cycling and our need to advertise. And then the final request that we have for this January 6th agenda is a rezoning of the Woodcrest Chapel Church site on West Nifong 221-- 2201 from ag to M-N. And this is the parcel that's immediately to the north of Millcreek Elementary. Here are your locator maps for the upcoming January 9 meeting. Our TS Storage there at the corner of Richland and Grace. Your Dobbs request for the PD plan, which is inclusive of the parcel to the north that's undeveloped on Vandiver. And then we have the Woodcrest Chapel site rezoning request. Those will be your three items. We will have -- we will be returning to a discussion of short-term rental at the January 6th work session so we'll continue to work through that. And hopefully by that point we will have been able to compile some definitions that you've asked us to start to review and a little bit of outline structure of a two-tier STR process. But we do need to continue to move forward with that process. It has been an eventful year for us all. We are thankful that it is coming to an end. And it does appear at least at this point, based on our application queue, we are going to have a little bit of we believe a reprieve, at least for the early months of 2022. So we will continue to work on issues in work session, but we may be able to cancel a Planning Commission meeting some time in January or February if our volumes are where I believe they'll be at. Again, we wish you happy holidays. Enjoy, be safe. We will see you on January 6th. You all have earned a welcome rest after this evening.

MS. LOE: Thank you, Mr. Zenner.

X.) COMMISSION COMMENTS

MS. LOE: Commission comments?

MS. KIMBELL: Want to Wish everybody a Merry Christmas, Happy New Year. It's been a great six months already.

MS. LOE: Has it really been six months?

MS. KIMBELL: Yes, six months. It's been a pleasure.

MS. LOE: Time flies when you're having fun.

MS. KIMBELL: It does. It does.

MS. LOE: Well, happy and safe holidays to everyone. And we'll see you in the new year.

XII.) ADJOURNMENT

MS. LOE: With that -- oh, Commissioner Geuea Jones?

MS. GEUEA JONES: Would you like me to move to adjourn?

MS. LOE: That would be a good move.

MS. GEUEA JONES: I move to adjourn.

MS. KIMBELL: I'll second that.

MS. LOE: Seconded by Commissioner Kimbell. We are adjourned.

CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the foregoing proceeding was duly taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Tracy Thorpe Taylor, CCR