

**EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
October 6, 2022**

Case Number 246-2022

A request by Crockett Engineering Consultants (agent), on behalf of Fred Overton, Inc. (contract purchaser), seeking assignment of R-1 (Single-family Dwelling) permanent zoning, upon annexation, of 53.80 acres of land currently zoned Boone County A-1. The subject site is generally located west of Phillips Park and north of the existing terminus of Bristol Lake Parkway. A concurrent request (Case Number 245-2022) seeking approval of a 106-lot preliminary plat has been submitted and appears on the October 6, 2022 Planning Commission Agenda for consideration.

AND

Case Number3 245-2022

A request by Crockett Engineering (agent), on behalf of Fred Overton Development, Inc. (contract purchaser), for approval of a proposed 106-lot preliminary plat containing 103 single-family lots and three common lots on a tract of land containing 53.80 acres. The subject site is located to the west of Phillips Park and northwest of the terminus of Bristol Lake Parkway. A concurrent request (Case Number 246-2022) seeking R-1 (One-family Dwelling) permanent zoning, upon annexation, is to be considered by the Planning and Zoning Commission at its October 6, 2022 meeting.

MS. GEUEA JONES: Moving on to public hearings and subdivisions. We have two cases with the same address. Are we hearing them as one tonight, Mr. Zenner?

MR. ZENNER: Yes.

MS. GEUEA JONES: Thank you. I will read them both then.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of R-1 zoning as permanent City zoning, upon annexation. In addition, staff recommends approval of the preliminary plat subject to applicant acceptance of all development agreement provisions and the limitation on land disturbance permitting prior to execution of the

development agreement.

MS. GEUEA JONES: Before we direct questions to staff, have any of my fellow Commissioners had outside conversations that they would like to disclose so that we can all have the same information when considering this case? Seeing none. Any questions for staff? Commissioner Loe?

MS. LOE: Thank you for the report, Mr. Palmer. We've discussed street trees quite a bit in our work sessions. You've identified these as neighborhood collectors -- Bristol Lake Parkway as a neighborhood collector in your report. I see in the requirements that it includes buffer strips. There's two options. One is a seven-foot buffer strip with trees permitted, and one is a nine-foot buffer strip with trees allowed. Do we require street trees?

MR. PALMER: Yeah. Generally, we require street trees at 40-foot intervals along all street frontages. So there being -- in this instance, they're basically being treated like the sidewalk as I kind of described that. So the Bristol Lake Parkway extension, the developer will install them on the east -- or, I'm sorry -- the west side, and then the Parks Department will generally place them on the -- on their property on the east side. And in terms of the Phillips Farm Road, I believe the discussion on that was that Parks would provide those. So the developer is building the road, and Parks is providing the sidewalk and the -- and the street trees.

MS. LOE: That answers probably my second question, which was the sidewalk currently appears to be on the east of Bristol Lake Parkway. Will the park be extending it on the east side as the road -- I don't see it on the east side in the plat.

MR. PALMER: Yeah. The discussion there was that it would either be an extension of the sidewalk in a -- in a standard location, or it would be tied back into the trail system on their property.

MS. LOE: Thank you.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Palmer, again, thank you. I notice we had lots of horse trading on this one.

MR. PALMER: Oh, yeah.

MR. MACMANN: There were many City departments that had to make -- that were involved.

MR. PALMER: Right.

MR. MACMANN: I'm just -- you know, we have roads, we had fire, we had parks. When we get a little complicated like this, because we're switching back and forth, the property -- the functional property line between the parks and the development, and I hadn't really thought about this before because we haven't done a whole lot of this, is that we didn't lose something in the -- you know, throwing the baby out with the bath water, to try to make it work. I'm just going to be paying a little closer attention. I didn't quite catch all that when I read through it the first time. Were there any -- did any of those agencies, be they roads, be they the park, be they fire, have any -- what gave them the greatest pause, I guess, is the question I'm asking. Or were there any things that gave Mr. Zenner -- I mean, the question goes to you, too.

MR. ZENNER: And I'll -- I'll -- most of the negotiation after we initially laid out the concept was facilitated through me and Rusty, along the with departments engaged. So the initial submission of the project -- back up. We started with a concept review on this development proposal, and during the concept review, there were certain comments offered to the applicant and his design professional that didn't get necessarily incorporated into the submitted original preliminary plat. One of those was the road alignment for Bristol Lake. The other was the connection of Phillips Farm Road to the extension of Bristol Lake to afford the fire service a secondary access. The greatest pause probably occurred with -- well, what is the scale of the construction that needs to be completed in order to ensure that all affected parties, i.e., the City, the applicant, the fire service, were going to have their concerns addressed. Fire service's is they need to get to the property, they needed a secondary way in from the east, and they were insistent that, at a minimum, there be a fire rated access to the northeast corner of the subject site. When that was discussed with our Public Works staff and our Park staff, it was apparent that a minimum 20-foot-wide paved surface was insufficient, hence, we started to discuss the necessity of extending the entire current cross-section, and how that would be allocated monetarily. The road alignment for Phillips -- or for Bristol Lake then came into question as to we need some deflection, the curvilinear nature of the roadway in order to address particular problems that are reoccurring with speeding through residential neighborhoods on long straight segments of roadway which, when that occurs, we're normally installing speed humps, bumps, or tables --

MR. MACMANN: Yeah. We want to stop that up front.

MR. ZENNER: -- yeah. And our engineering staff has been somewhat given a little bit of direction as to you need to address these issues at the design phase, not later after the road is built and we have neighbors complaining. So there was a misunderstanding amongst the applicant's design professional and our Parks and Recreation Department in regards to the relocation of Bristol Lake Parkway onto our property. And once that was resolved that, yes, Parks was open to that, then became the issue do we want to pedway constructed or along the entire eastern boundary, and that would answer Ms. Loe's question, or was Parks and Recreation willing to accept that. And we had to balance a lot of different factors here. The roadway connections are essential to make not only this development function, but this portion of the City's asset, its southern recreation park function properly. So we had to start to prioritize how that was going to happen, and the road construction became the priority over some of the peripheral activities, such as street tree placement and the sidewalk construction; and therefore, that's where some of the horse trading came in. The applicant is -- the applicant has benefitted in the respect that we are -- we have been able to satisfy the fire department's concerns with the development agreement that is currently structured to contain a very specific trigger for the secondary access to be fully completed. They have gained a little bit of additional flexibility in some of their lot layouts on the initial two -- the two intersections that will be created with Bristol Lake, though you will note on the preliminary plat, there is not any individual residential lot that straddles the -- what is the section line. So they did not gain any lots on the City's property, and I think that may answer really the critical question,

did we sell the farm in the process.

MR. MACMANN: I'm not quite going there, but, please, this is fascinating.

MR. ZENNER: So we did not -- we haven't -- they did not get that, and so what it did allow them to do, though, is to modify a little bit of their lot layout internally on the longer street segments, and those longer street segments still do comply with the UDC, so that's not a problem that we've run into previously, either. When we did the numbers, which we require in a development agreement to the costs associated with the improvements that we were requiring to be installed, or that would be required to be installed to make the property against the dedications and construction of offsite improvements, so a round-about is -- a round-about right-of-way was required, that was what would consider a credit because we are trying to plan in advance. The existing unbuilt portion of Bristol Lake Parkway south of the property to an existent terminus was also a credit because they are building that instead of the City. And then the other credit that is being given is for the construction of Phillips -- or of Bristol -- Phillips Farm Road 250 feet west of its current terminus all the way to the project site well in advance of what the City would do. When you look at what those construction costs were against the dedication costs of the round-about right-of-way and design, a third of that cost, the applicant is actually paying more money to us through the investments that he's making in order to make his development whole than the right of way. So when we looked at this, this is a pretty good deal for the City. We're gaining significant increased accessibility to a major asset in the southern portion of the City. The improvements that will be made will allow for the traversing of the Phillips property vehicularly, as well as pedestrian, to service the upcoming NCAA track, a lot of cross-country tournaments, across the street at the Gans Recreation Complex, and all of this apparently is going to help address some issues that we often run into as a City that we need capital investments and infrastructure improvements made before we are capable of getting there ourself. So that is how we arrived at where we are with this development agreement, and I would tell you that we put the applicant over the barrel, spanked a little bit, we got something out of it, and I think we all ended the day very happy with what we are getting in the way of the investments and the proposal that's being presented not being inconsistent.

MR. MACMANN: Thank you, Mr. Zenner. I have one little follow-up on this, and I think our Chair might have something, too. The reason I went down this -- and I'm really glad you went where you went, and thank you for your forbearance there, our audience. The public asset across the street, and the sensitive nature thereof, parts of it, and the investment in City infrastructure will engender a higher level of focus than some other developments may get. I'm not saying that's fair or not, but a lot of people are going to be paying attention, and to make sure that we haven't given away the farm, so to speak, to make a development happen. And I wanted to get some of that on the record. I could kind of see kind of some of what you did -- you all did, and I appreciate the work that everyone has done there. But just making sure that we're kind of focusing on there is some equity here going throughout the whole thing. I don't have any more questions at this juncture. Madam Chair?

MS. GEUEA JONES: Anyone else, questions for staff? Oh, sorry. Commissioner Placier, go

ahead.

MS. PLACIER: Yeah. Just briefly. About the -- the stream buffer, it -- it makes sense that a buffer -- I mean, it ends at a certain place. And on one inch on the other side of it, you can develop. But two of the lots seem fairly close or very close to that. Was there any concern -- yeah. Those two, 22 and 23. Was there any concern about that, or is that just the way it works, that you can go right up to the buffer?

MR. ZENNER: That is the way that the regulations are structured. I think from a practical perspective, depending on how the sites are graded, given the topography going back towards the creek channel, that likely is going to be a -- the structure won't be that far back to be impacted. And Mr. Crockett can better respond to that, possibly. But when we produced the mapping that you all received on Wednesday that we sent out, some of you should have received that e-mail, it was based on an observation that Ms. Carroll had asked that we look into, so Rusty's inclusion of some of the stormwater and the FEMA-related information was to hopefully address that, and that was an observation I made, as well. I hadn't anticipated belief that that was going to be a concern. As Rusty pointed out, any development that would occur within or beyond that line is going to require -- I don't care if it was a foot inside it -- it would still require a floodplain development permit. So, you know, ultimately, this is a preliminary plat. And if, with greater field verification, it is essential possibly because they don't want to go through the floodplain development permitting process, they may pull that lot line back at final platting. But as it looks at this point, based on the topos that have been provided to us, they're not in that restricted area; and therefore, the way our regulations are structured, they're capable of platting. They could have platted it into the lot if they wanted. They chose not to to make clear to avoid the -- the automatic triggering of a floodplain development permit. So again, the developer is going into this understanding that he's got that condition existing along those lots and would have to take effective action to avoid additional regulatory process being applied to it.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Mr. Zenner, just to follow up on Commissioner Placier's question, I did some rough calculations on the drawing and was interpreting the Type 2 outer buffer zone as being the additional buffer required by the steeper slopes in that it's not occurring everywhere but appears to be being tripped by the locations where the steep slopes occurs. And maybe Mr. Palmer --

MR. PALMER: Yeah. There's an example of that here. You can see the boundary juts out, then it comes back in here, and then juts out again. Those are your areas of steep slopes, and it's denoted as such on the plan.

MS. LOE: So I don't know if that helps allay or address your question at all, Commissioner Placier, but there's the stream buffer and then that's added to when it's within a certain distance of steep slopes, and that's what we're seeing at those lots.

MR. ZENNER: We also have, just to follow up on that. There are other processes as it relates to our stream buffers. Stream buffer averaging is something that our site engineers apply at -- normally

working with the design professional. So in some instances where you have greater required stream buffering, it may impact a development in a different manner. The Code does allow for stream buffer averaging. I'm not fully aware that that was utilized in this project specifically, but it has been, and it is an allowed practice to where when you can't obtain possible the increased the setback due to other factors, you can average the buffer and you may end up getting a greater buffer in particular areas thereby preserving maybe equally sensitive land areas that would otherwise have been not required to be preserved, and there's a couple of different alternatives that exist to get to the regulatory intent. Most often, you see this type of environment, though, where the stream buffer gets extended because of the tripping of anything, and I think it's greater 15 percent slope, and that's where we end up getting then the added buffer setback.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: Yeah. Mr. Zenner, for the benefit of the Commission, I was wondering if you could tell us a little bit about the stream buffer to the south, and the position of the dam in relation to the road that is to be extended?

MR. ZENNER: Unfortunately, we didn't drop the topo -- we have a topo map that actually has the floodplains on it, as well, which we didn't drop. And so you'll -- on this graphic, it may be easier to see. You'll see the blue line stream that's in the southern portion of the site, that's what's currently sitting in that southern stream buffer that has the -- the jut out for the extra buffer area due to the slope. And it, in essence, terminates about where the roadway extended north, and that roadway is Bristol Lake Parkway, extended north. Well, immediately to the east of where the roadway will come across the southeast corner of the subject site, you're going to end up with the dam for Phillips Lake is right where Rusty is running his cursor. That actually -- the stream, as we understand it, is, in essence, an overflow feature. It allows if the dam were to be breached, the water would run through the stream channel within the buffer area itself. Again, Mr. Crockett probably has better credentials to explain stormwater and water movement than I, but that is, in essence, as we understand how that stream would function. It is an intermittent blue line steam, meaning that it does not always have water in it. As Rusty informed me to today, as he found out, intermittent streams don't support aquatic life because they're not always wet. In the 14 years that I have been here, I have never heard of Phillips Lake ever breaching its banks, so the road construction, in and of itself, of Bristol Lake Parkway, whenever -- we won't allow you to build a roadway in a -- in a position in which will flood. So as part of the road construction process, particular design techniques are going to have to be used to ensure that that road is elevated enough to address particular issues that may occur with water. Therefore, passage along that road right-of-way as it's constructed north should not be impeded in general weather conditions. And again, Mr. Crockett most likely can speak to how there may need to be a culvert and what size that culvert may need to be that connects from the east side of the roadway to the west side of the road into the stream -- that intermittent stream. We don't have those plans at this point, but that is, as we would understand, the road construction would be having to address those as part of the design side submitted at the time of -- before

or concurrent with the platting of the first phase. And the road construction plans then for the piece beyond what may be platted in the first would need to be submitted and approved prior to that 69th lot.

MR. PALMER: Just a little additional information on the -- the topo and the drainage here. There is an overflow just off of the page here for the larger lake. This small little body of water, that's actually like a kind of a check dam almost in the drainage channel. There's really not a channel in this location. It's more sheet drainage. But what it does is the overflow would actually run down along the edge here to this point where -- where the creek begins. And then, again, this whole area here is all dam, and so, basically, that sheet drains through here is then directed back out to here and then to the creek eventually. So hopefully that helps clarify.

MS. GEUEA JONES: Commissioner Kimbell?

MS. KIMBELL: Would you show again where the -- on the plat where that 69th plot would be -- or plat would be?

MR. PALMER: Yeah. So if you look -- the lots number -- or the lot numbering starts here at one, and it goes around the outside until it gets to 32, and then 33, 34, up to, I guess, 39 here. And then everything internal is -- is what fills it out to the 68th lot.

MS. KIMBELL: Okay.

MR. PALMER: So basically, it would everything from -- from the entrance up to this lot right here. And then so everything north of that up here, so this -- this demarcation line here, this lot would be included, and then everything north of that would be the second phase.

MS. KIMBELL: So the -- the road construction has to be completed up to the 69th lot. Correct?

MR. PALMER: Once -- once the 68th lot is completed and they are ready to plat the 69th, the roadway will have to be installed and functional before that 69th lot can be approved.

MS. KIMBELL: All road construction has to be completed, and then from that point on, they can move forward?

MR. PALMER: Right.

MR. ZENNER: Correct.

MS. KIMBELL: Thank you,

MS. GEUEA JONES: Any other questions? Seeing none, we will move on to public testimony.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Please state your name and address for the record. Six minutes if you are representing a group, and three if you are here as an individual.

MR. CROCKETT: Thank you, Madam Chair, Members of the Commission. Tim Crockett, Crockett Engineering, 1000 West Nifong. And I apologize tonight, my graphics tech was not able to work for me this week. She's on other project, so my graphics aren't near as good as Mr. Palmer's are. With me tonight is Fred Overton, the applicant for the project. And again, a quick overview, it's about 54 acres. I'm proposing single-family residential from the A-1 county zoning. You've seen this depiction before. You can see the development to the south, of course, to the north, and all of the multi-family across

Bristol Lake. Again, the preliminary plat is pretty common. We talked about the City departments that we went through for this project. And one thing that wasn't really talked about a lot was CATSO. Bristol Lake Parkway north and south is a -- a CATSO regulated neighborhood collector, as is Phillips Farm Road that goes east and west. And so we met with CATSO on a couple of occasions because this area, not specifically here, but further to the west, is very complicated. And so CATSO wanted to make sure that what's being proposed is at the right location. And so we went through that process, went to them a couple of times to discuss this project, and the alignment of Phillips Farm Road and the alignment of Bristol Ridge Parkway is what everybody decided that's the best alignment for this area and that part of Columbia, so we wanted to make sure that we understand that. With regard to connectivity, this project obviously extends two CATSO roadways, it connects two ends, the north and south of Bristol -- excuse me -- of Phillips Park. Right now, it's basically the deficient portion on the south and then, of course, you've got the park that they're developing to the north. These two connections would -- would give them a direct connection. Not only does it provide connectivity for our development, as well as the existing Bristol development, but it also provides connectivity for the park. I believe that Mr. -- Mr. Palmer talked about the 68th lot and with how fire is okay with us going up to 68 lots without that connection being made. Likewise, as the park comes in, as the park develops, they're going to encounter the similar situation where they can only develop a certain portion of square footage off a single point of access coming the other direction. So the City really needs this connection, as well, and that was one thing that we really worked together on quite well. When I say we, I mean Parks and Rec, Public Works traffic, the Planning Department and the fire department was to create a situation that we can build both of these roads and make it work for all parties, because we're not the only ones that need that connectivity. As the parks developed, they're bumping into their limitations on how much they can develop of that park without having a second point of access, and so they need that, as well. When I talk about that, and this is where my lack of skills come in here, so -- you can see on the lower portion that dash green line. That's about 400 feet of Bristol Lake Parkway that's being extended by this project. Right now, that -- there's already right-of-way granted. It was granted back in, I believe, 2005 and 2008, two different plats. The developer granted half of it, the City granted half of it back in those -- the early 2000s. That portion was graded and the sidewalk on the west side was constructed by the developer, and I think that -- the sidewalk came at a later date, but the grade came early on in the project. I believe the original development agreement, and I wasn't involved, so I may misspeak on this -- I apologize. But it's my understanding that the City's portion, the City's responsibility was to build that 400 feet in an original development agreement. However, due to unfulfilled obligations, I believe, by one of the original developers made that development agreement is null and void, hence, the road never got built. Nonetheless, that 400 feet is being proposed to be constructed by my client, as well as the 750 feet shown there, as well as the other roughly 900 feet, I believe, of Phillips Farm Road as shown there. This is how it looks today. If you take the major roads around Phillips Park, this is what you're looking at today. And this is the connection that we want to make, and so you can see how it not just benefits my -- my client, it doesn't -- it doesn't just

benefit the applicant, but it also benefits the area as a whole. Fire looked at it and, of course, I think one thing they talked about was reduced response times in some instances, and so it responds -- it helps everybody out. Again, utilities, pretty straightforward. It is inside the urban service area. It's got City sewer running across the property. It's got City water running across the property and, of course, it's got City electric out there, as well. Stormwater, pretty standard stormwater standards. We're going to meet the letter of the law with regards to stormwater quality and detention. Of course, we've already talked about the little piece of floodplain on the side there. We don't have any lots in the floodplain, and we don't have any lots in the stream buffer. You know, to answer your question, Ms. Placier, I know we can extend our lots down. There's an inner and an outer zone in that stream buffer, and that inner is more restrictive than the outer. The outer, we can, you know, mow it like a yard, clean out the underbrush, all that kind of stuff. However, we can't do that if we keep our lots off of the stream buffer, and so that's what we directly did here was we intentionally pulled the lots back so that we don't have stream buffer on residential lots. We don't want the homeowners to be able to go in there, while the City would allow it, we don't want them in there cleaning the underbrush in the outer zone. And so that's the reason why we're pulled out. So we don't have any lots that go across into any -- into any floodplain or stream buffer. One other item, I believe, that the Planning Department talked about was we can't plat our 69th lot until such time as we make the connection of Phillips Farm Road to Bristol Lake Parkway. One item that's also in there, there's also a second trigger in there, as well, is it has to be done within three years of the -- of the approval of the first final plat. So if my client develops the first portion, gets the first portion of Bristol Lake Parkway built and sits on it for three years, there's a trigger in the development agreement that's going to force him to go ahead and make that connection. That was something that the City really wanted is, hey, listen, if we're going to make this connection, we want it sooner rather than later, and we don't want to wait for you to make it long term, we want to make it on the short term. So there's a secondary trigger in there that's going to force my client to build that within three years and not just on the 69th lot. If it happens before 60 -- before three years, then that 69 -- 69th lot is the one that triggers. So with that, I'm happy to answer any questions that the Commission may have.

MS. GEUEA JONES: Questions from the Commissioners? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Crockett, a couple of questions. To begin with, do you anticipate any problem with what Planner Palmer referred to as sheet draining from the east-northeast onto any of your client's properties?

MR. CROCKETT: No. No. We don't have any issue with that. We've looked at it. We're going to handle stormwater like we do in any similar-type development. Coming from the east, we've talked about the road crossing, crossing the waterway.

MR. MACMANN: Well, it will serve as a dike, if you will.

MR. CROCKETT: It will, and we have to elevate it. We have to pass, and Public Works requires us to do this. We have to pass a certain level storm under the road before it could ever come up and top the road. So, in this case, we designed on a 25-year event. And so any storm that is 25 years or less will

go through a closed conduit underneath the road. Given the elevation that we're going to come across with the new road, I would anticipate we're -- just by default, we're going to exceed a 25 year by -- by a substantial amount.

MR. MACMANN: Because of the nature -- the nature of the topography?

MR. CROCKETT: Yes.

MR. MACMANN: I'm going to hold my questions for the moment, because I think we're going to go further. Thank you, Mr. Crockett.

MR. CROCKETT: Okay. Thank you.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Mr. Crockett, you heard my comment earlier to Commissioner Placier about the additional offset on stream buffer --

MR. CROCKETT: Yes, ma'am.

MS. LOE: -- next to slopes over 14 percent.

MR. CROCKETT: Yes.

MS. LOE: Based on your comments just now, I'm wondering if what I was reading as that is not actually, and I was just wondering if you could clarify.

MR. CROCKETT: I -- yes. Yes, ma'am. I do not believe we have any steep slopes that are within or adjacent to the stream buffers here. And so the stream buffers are the Type 2 stream buffers that are required, but I don't believe there's any steep slopes defined by the stream-buffer ordinance that would apply in this case.

MS. LOE: Even at, say, lot 21?

MR. CROCKETT: Well, 21, if you look at the stream buffer, the stream buffer doesn't -- doesn't touch Lot 21. So it's --

MS. LOE: Right. But you're looking within 200 feet of the stream.

MR. CROCKETT: No. A Type 2 is within 50 feet.

MS. LOE: For the stream buffer, but in looking for -- the steep slope doesn't need to be within the stream buffer.

MR. CROCKETT: It needs to be in -- in the stream buffer or adjacent to it, meaning the steep slope -- the stream buffer goes up to a steep slope, and then you have to extend it from there. So if the steep slope is leading to the stream buffer, but it's not inclusive of the stream buffer, then steep slopes does not apply.

MS. LOE: Thank you.

MS. GEUEA JONES: Any further questions? Seeing none. Thank you very much, Mr. Crockett.

MR. CROCKETT: Thank you.

MS. GEUEA JONES: Anyone else from the public to speak on this case. Please come forward, state your name and address for the record, speak closely into the mic, and we'll give you six minutes if

you're speaking for a group and three if you're speaking for yourself.

MR. WEBB: I'm speaking for the Bristol Lake Homeowners Association, and that's the one that backs up on the -- on the south side there, so with the --

MR. MACMANN: Madam Chair?

MS. GEUEA JONES: Yes, Commissioner MacMann. Oh, yes. Could you pull it closer. Just grab it and pull it down a little bit, I think.

MR. WEBB: Oh. Okay. I'm not that tall.

MS. GEUEA JONES: Good.

MR. WEBB: I'm Weldon Webb; I live at 4814 Carlyle Court, and I'm representing the homeowners association there, so -- and I'm not going to go through all the things. You have all the documentation and -- and our comments in your literature that was provided by staff, so I'm not -- if you read, basically, Ross Peterson's e-mail to Betsy Phillips, I think -- Peters, I mean, you will see most of those comments and other supporting documentation. So I would just raise a few issues. I'd raise the issue of the street lights that's going to be on that street, which I would -- I think the homeowners would much prefer that they be what's in residential areas rather than what you see up the hill on Bristol Lake Parkway, which are the large street lights. So again, the houses that back up are very close to that street. I think Ms. Kimbell can support that. She was out there today looking at it, so -- so I would ask you to consider that. And the other thing I thought about when the second entrance was added, and I'm glad it is added, but even though if you don't think about it, it will be a cut through for some group of people. I don't know who those people would be, but people -- and especially when Gans Road gets completed to the west, that will really drive a lot of traffic through there, so I would -- I'm glad to see it's got a curve, but it may require more than that, so I would consider it -- ask you to over that -- to look at that. The other thing is the lake overflow, and that -- there is an overflow, so I think you answered that actually flows into that creek; is that right, Rusty?

MR. PALMER: Yeah.

MR. WEBB: Okay. So I -- I've seen that happen, and it's quite a bit of water that comes through that overflow, so just take that into consideration. And you mentioned, also, Rusty, that the Park and Rec is planning something down at the bottom of the hill, but I don't know what something is.

MR. PALMER: I think the only thing I have mentioned was the fact that they intend to have a trail system, or I believe most of it's in place, but along the roadway here would be additional trail connections.

MR. WEBB: But there would not be a sidewalk on the east side up -- up where I'm at on -- on --

MR. PALMER: That has not been determined. Like I said, the trail system would be -- it would either be a trail system, or a sidewalk is what was discussed.

MR. WEBB: Uh-huh.

MR. PALMER: But I don't know what the plan is for that. I don't think that Parks has one yet, either. It's just a matter of they will be responsible for it once it is in place.

MR. WEBB: And the other thing we had asked for consideration was the development of some

type of screen for that first part, that extension of Bristol Lake Parkway, and again, it's very close to those houses that sit right there, so it visually and noisewise, it will be an intrusion. There's no doubt about that. And the last comment -- question I have is if Mr. Overton decides to, once this is all approved, sell this piece of property to some other developer, will all of these requirements still be in place?

MS. GEUEA JONES: I'm going to let the staff answer that.

MR. ZENNER: Yes. The development agreement is -- the way our ordinances are written, they are -- they transfer to owners, heirs, and assigns, so within the development agreement, within the approval -- approving resolution for the preliminary plat will be a condition that no land disturbance permit shall be issued without the execution of the development agreement. So if Mr. Overton were to sell the property, that condition is still going to apply to any subsequent buyer. They may have a zoning entitlement. They may have a preliminary plat entitlement, but that preliminary plat entitlement will be subjected to the development agreement and its content as it currently exists unless renegotiated and approved by Council to be fulfilled.

MR. WEBB: Okay. Thank you. And that concludes my remarks and thank you for the opportunity.

MS. GEUEA JONES: Thank you very much. If you would wait just a moment. Are there any questions? Commissioner Kimbell?

MS. KIMBELL: Thank you for coming. I appreciate that. Would you mind describing to the Commissioners a little bit more about how close your property is to the street and how it would affect the properties.

MR. WEBB: I'm not sure I'll get the numbers right. I should have measured it, but --

MS. KIMBELL: That's okay.

MR. WEBB: -- there's a fire hydrant down -- right there, so I know exactly where the street is going to be on the west side. And what would you say that footage is, Rusty? You've probably got that.

MR. PALMER: I really don't. I know there is a common lot strip in there, which you can begin to make out here. There's -- there's a bit of a common lot in this triangle here, but these lots here are -- are 10,15 feet away from the sidewalk, which would be in the right-of-way. Right.

MR. WEBB: I would say it's about this distance.

MS. GEUEA JONES: For the record, the witness said it's about the distance he is currently standing from the dais, which I would say is --

MR. WEBB: No. From you. From you.

MS. GEUEA JONES: Oh, from me? Maybe 30 feet.

MR. ZENNER: I would suggest 25 to 30 feet.

MS. GEUEA JONES: Twenty-five to thirty feet. Thank you, Mr. Webb. Any further questions? Commissioner MacMann? I'm sorry. Commissioner Kimbell, were you done?

MS. KIMBELL: Well, I just wanted to make sure that it's noted in the correspondence that was sent out to us, there's a -- there is a -- I don't know what page it's on there. There's an aerial view of

where that sidewalk is. So I'm just concerned. I think what -- and it did concern me when I went out there, is what type of screening is going to take place there for those --

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: If I may, while this witness is here. Planner Palmer, and this may be a -- for Manager Zenner. The street lights that will go on this, how tall are they going to be? Thirty?

MR. ZENNER: Standard -- I believe our standard street pole probably is anywhere from 28 to 30 feet tall.

MR. MACMANN: Given the nature of that particular road.

MR. ZENNER: That is correct.

MR. MACMANN: All right. I was -- I wanted you to be here because I think there will be some amenability on this Commissioner, and I'm going to speak for everyone, to some kind of buffering, but I'm wondering what kind of buffering might mitigate that amount of light or that source of light being 28, 30 feet in the air.

MR. ZENNER: I would tell you that there is probably two things that come into play here. One, adequate lighting and public safety is a paramount concern of our traffic staff, as well as law enforcement. I have personal experience of having a new LED light sitting in a parking lot more than 150 feet from my house at Fairview Elementary School that can light up the entire parking lot fairly well. And I also have additional experience of having the former residents that backed up to an LED light on Southampton. There is not a -- there's nothing that's going to mitigate -- the newer lighting does have directionability. Therefore, it can be downward and away from the structures, focusing its beam to the actual right-of-way itself. Furthermore, the unique nature of this particular area and where the applicant's -- where the homeowners association is asking buffering to be placed is outside of the public right-of-way. It is in a private common lot. We have -- we, the City, nor the developer has control of that common lot.

MR. MACMANN: That's -- that's where I was going, Mr. Zenner. Did you follow that, sir? I'm not sure -- I know I looked at the topo -- I didn't drive -- I'm sorry. I was building something today or this week. We do have the directional lights, and they have made some difference in some of those situations, but that's an application issue. That's a roads and street issue when those -- regardless of who pays for them.

MR. ZENNER: My suggestion in order to -- to have this better addressed, the correspondence submitted is going to be included with the Council report. The annexation component of this project requires a public hearing at City Council. As a part of that public hearing, it is probably appropriate to indicate that should the Council consider this property necessary -- reasonably necessary to be annexed into the City for compact and contiguous growth, and all of the other factors associated with it, that the discussion during that public hearing can include the issues of the neighborhood association, which, at that point, it establishes the record by which then, when we go to receive plans and make the improvements to the public right-of-way, and do street lighting, care could be taken as Council has directed our utilities department to do so, either to coordinate with the homeowners association or to take

caution as it exists, because not only do the residences in Bristol Lake get affected by that street lighting, so, too, will the residences in Mr. Overton's development should it be approved. I would almost think that it would be appropriate that Mr. Crockett or Mr. Overton also have a conversation with our utilities staff to ensure that the lighting isn't overpowering future residents, and that would be the easiest way to address the lighting concern. As far as for screening, again, the area in which the screening is desired is private common property, not in control of the City nor that of the developer.

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

MR. MACMANN: I wanted to get that out there on record a little bit before we went any further.

MS. GEUEA JONES: Sure. Thank you very much. Commissioner Carroll?

MR. WEBB: Can I add one thing about the lighting?

MS. GEUEA JONES: Please.

MR. WEBB: Just -- and I'm not a tree hugger. Okay? But we do have four resident eagles that live just across the street there in those dead trees, and I would hate to lose them, so -- and so would a lot of other people that come out to see them, so --

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: I wonder, across the street, where, actually, your eagles?

MR. WEBB: There's a wooded spot between just where the street will be and the dam.

MR. ZENNER: Oh. It's here on the aerial, I think.

MS. CARROLL: I see. I see it on the aerial. Yeah. So I'm wondering if you would feel any more comfortable, because I see the wooded area also to the south of the property --

MR. WEBB: Uh-huh.

MS. CARROLL: -- just to the west of that more north-south wooded area. That appears to be along the stream, which also appears to be where there's the stream buffer and a steep slope buffer, and no plats. I would suggest that there may be quite a bit of screening present along that stream to where this should help screen you.

MR. WEBB: Yeah. But see, my -- my house -- our houses are right here. If you look at where the parking lot is -- yeah. Right just on up the street there, we're sitting right there. That's where we're at. There's no buffer between me and the street.

MS. CARROLL: Okay.

MR. PALMER: Yeah. I actually brought the aerial up because it's the only thing I've got that shows the proximity of, like, this house on the corner. There's very little space here between the back corner of the house and the sidewalk. And you have to also remember there is a common lot strip that runs the full length there, as well. So at least some amount of that space is not private property, but there's also probably not a significant amount of room to place a buffer -- a vegetative buffer of any real significance, unfortunately.

MR. WEBB: And I think, you know, a lot of the City utilities are running right through that common space, too, so you do have some presence there.

MS. GEUEA JONES: Anything else from Commissioner Carroll? Commissioner MacMann, did you have something else?

MR. MACMANN: If I may redirect here. Thank you, Madam Chair. Sir, I think you've followed this. The best we may be able to offer is some directional lighting as time goes by. I don't know who owns that common strip. Is that part of your HOA, or something?

MR. WEBB: Yeah. It's the HOA, and currently the developer and the HOA own it, so --

MR. MACMANN: That may be, and I will -- I don't want to do this. That may be between you and your HOA or your developer of your development because it would be maybe sound at most. The best thing we could probably do is some directional lighting, and we have done that in other places in town, and it has made a difference. It will not be a panacea. I would imagine that your backyard will be brighter than you wish it to be. I'm not sure exactly what else we can do, other than --

MR. WEBB: So you're not allowed to put residential lights out there?

MR. MACMANN: There are minimum safety requirements given the nature of that road. That's why I asked how tall the lights would be because the road is -- that's a common -- that will be a common collector. It will be --

MR. PALMER: Right. A collector, yeah.

MR. MACMANN: Yeah. And that -- it's a step up than the road that you live on, per se. And the larger the road, the heavier the traffic, the more the lights, and that's -- that's the tradeoff, the safety tradeoff. But you're certainly welcome to go to Council about things, but some of those things, not even they have control over. I got a chuckle there. Thank you, Madam Chair. That's all I have for the moment.

MS. GEUEA JONES: Any other questions for this witness?

MR. WEBB: And I -- I invite any of you to come out and take a look.

MS. GEUEA JONES: Commissioner Placier?

MS. PLACIER: Yeah. I just wondered if the -- that lighting and buffering would have to be part of the development agreement, or could be --

MS. GEUEA JONES: I think it's in the UDC and street standards. I don't even think the development agreement could address this level of buffering because it's not property that's in the development. Where you're wanting to put the buffer isn't owned by Mr. Overton.

MR. WEBB: Right.

MS. GEUEA JONES: Yeah. Commissioner Placier?

MS. PLACIER: And one other issue. In terms of traffic, you talked about people using -- now there will be a complete, you know --

MR. WEBB: Interlude.

MS. PLACIER: -- a little kind of wavy circle around this whole area, whereas currently you are on sort of -- not a dead end, but you are -- you know, that road ends there. So you've been protected from through traffic. This will extend through traffic, you know, all the way around. I guess that's why the traffic

engineers were suggesting that they have a little bit of a curve, but was that part of your neighborhood's concerns about this plan?

MR. WEBB: Sure. It just -- the amount of traffic it'll eventually handle down through there, so -- so anything we can do to mitigate people driving 50 miles an hour down through there would be --

MS. PLACIER: Well, if you have ideas about mitigation, I guess I would come down the road, yeah.

MR. WEBB: That's -- yeah. That's not my expertise, but I know it is possible, so --

MS. GEUEA JONES: Anyone else? Thank you very much, Mr. Webb.

MR. WEBB: Thank you.

MS. GEUEA JONES: Anyone else to speak on this case? As usual, name and address, three minutes if you're an individual, six minutes for a group, and speak clearly. Thank you.

MS. DOKKEN: Dee Dokken; I live at 804 Again Street, and I'm just representing myself tonight. When -- I just want to piggyback on the -- the lighting question, just as the first thing. The International Dark Sky Association says you want -- of course, you don't want the light going up, you want it to go where you need it. You also don't want too much light because glare lowers visibility. You want a small amount on -- just the amount of light that you need. But another thing that the City isn't -- I don't think is in our regulations yet is the color of the light. More blue light is harmful to humans and to wildlife. And they make LEDs that have a warmer or more red color. It's supposed to be 3,000 kelvins or less. So I just thought I would throw that in because I recently learned that. But, in general, about this development, what is missing is that this is in a sensitive area, and there are no regulations for sensitive areas. There are a few regulations for sensitive features, like sink holes, steep slope at a stream, stream buffer, but not for the whole area. And this is a sensitive area. Of course, it's already been developed quite a bit. And what we need are regulations for sensitive areas, you know, wherever they occur, which might include some impervious surface limits, some clustering, and smaller lot size, some bigger buffers -- stream buffers, and floodplain buffers, and maybe native vegetation, things like that. So that is missing. I hope that some groups can work on this, and I hope that eventually you all can maybe add some of that to the UDC in the future. Thank you.

MS. GEUEA JONES: Thank you, Ms. Dokken. Commissioner MacMann?

MR. MACMANN: Thank you. Dee, many of us on the commission agree with -- we have this with the property down at the creek a little -- just a little farther away from here, or not too far away from here. If you or the Sierra Club could send us some of your ideas, you know, that would be awesome, because we have this issue. It's -- we're somewhat hand tied on some of these things. So if you guys want to send any suggestions, please do, and it may serve as an impetus. And also speaking -- Pat is your council person; right -- and/or Betsy or whomever -- Barbara. I think that would be great to get this ball rolling, because this -- as this area and other areas develop, but we're going to have it. This is going to be a continuation.

MS. DOKKEN: Right. And the Climate and Energy Commission is also hopefully working on this,

so hopefully something will be coming to you. Thanks.

MS. GEUEA JONES: Anyone else? Thank you very much. Next speaker, please?

MR. SHANKER: Hello. I'm Rick Shanker; I live at 1829 Cliff Drive.

MS. GEUEA JONES: I'm sorry. For our transcript, can you repeat that into the microphone?

MR. SHANKER: Richard Shanker.

MS. GEUEA JONES: Thank you.

MR. SHANKER: 1829 Cliff Drive.

MS. GEUEA JONES: I appreciate it.

MR. SHANKER: I've been associated with this area for 20, 30 years. That stream bed that you're looking at does have river water in it. If it would ever rain again, you would see it. I have concerns how the north-south road benefits the community as a whole. I'm glad it doesn't -- this development doesn't go back out to Bearfield, but I hope you have a vigorous discussion about this because as Dee implied, this area a little bit south of there is of great concern to us, and we don't want one development being a precedent for developing another area, or another area, or another area without considerations of setting aside some areas for just relaxation and use. I think this is kind of a -- from what the staffing department didn't say if it was annexed, it was when it was annexed. So it seems like it's already a done deal, but I hope you have a vigorous discussion tonight. Thank you.

MS. GEUEA JONES: Thank you. Any questions for this witness? Thank you very much. Anyone else to speak on this case? Please come forward.

MS. PETERSON: Crystal Peterson, 4808 Carlyle Court, and I live in the Bristol Lake. I just wanted to make a couple of comments. As far as the screening or the tree clustering or placing a berm, if it's to be on HOA, I think that our HOA would work great with the people that are in charge, like, the City or the developer. And so they're -- so that can be done, because I don't think this should be something that's overlooked. I think it really needs to be done because people don't need to have people running in their backyard because it's convenient or having, you know, just the lights and that shining in their place when there should be something that could be helpful. And I think that's -- should be really taken in consideration. And also, as far as the traffic, there's already a problem with traffic going down that street because you can be sleeping and then you can hear people out there drag racing. They just have to stop because all of a sudden, the road stops. So if they aren't going to put the road in, they probably need to put either, like, speed bumps or else have, like, maybe roundabouts like they have on the other -- like, down in the old, old development. Something to slow the people down so they're not just always deciding to race because somebody decided to race down there and ran into a big bag of sand, so we don't want somebody hurt. They just happened to be lucky and were able to drive off.

MS. GEUEA JONES: Any -- I'm sorry. Are you --

MS. PETERSON: Yeah. I'm done. I don't really want to be up here, but I just wanted to make these points.

MS. GEUEA JONES: We appreciate you participating. Anyone have questions for this witness?

No? Thank you for coming tonight. Anyone else to speak on this case? Seeing none.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Moving on to Commissioner discussion. Who wants to start? No one wants to start. Any Commissioner discussion at all? Commissioner MacMann:

MR. MACMANN: I thought Chairman Loe would have something to say. I think we have a balancing act here to do, and we're giving more and more -- I don't want to use the developer's name and to bad mouth him -- the developer in the park, in the State park. Mr. Overton and Mr. Crockett have been good local developers. They've done a good job. We all know them to a certain degree. My instinct is to -- well, 15 years ago when this whole thing -- 20 years ago when this whole thing started, I said, well, that's all gone, and most of it's been developed. I think they have the i's and the t's. I want to get your all's input on -- on this, you know, more than anything, and I was hoping to give another Commissioner some time to gather their thoughts because I thought there would be a question from across the table.

MS. GEUEA JONES: Commissioner Burns?

MS. BURNS: I'm not particularly conflicted about this. I do hear the neighbors and I understand their concerns. I think they probably have a strong HOA and good communication, and hopefully could work with as the development occurs and as the road is put in, the placement of berms or speed bumps or directional lighting, and so I'm confident of that. I'm confident of what we've seen here today as far as the staff report and as far as what Mr. Crockett has presented. So I -- I don't have additional discussion or questions or comments about this.

MS. GEUEA JONES: Thank you. Anyone else? Commissioner Loe?

MS. LOE: As Mr. Crockett pointed out, the extension of the road is something that has been planned long before this development went in, so it's not a surprise. We knew it was coming. And the standards for neighborhood collector are standards that are -- have been designed for a neighborhood, while maybe a collector, so maybe a step up, they are designed for this type of purpose. So I have to admit that -- I mean, that's what was leading to my questions about what street trees would be going in. So there will be some buffer provided on -- in the parkway, and that is the standard for our neighborhood collectors. So I'm not too conflicted about this street going in. I do think there's the opportunity for the HOA to do additional buffer on their property should they want to, and we definitely do see that on private properties, more intermediate height fences. That would be up to the HOA. I also feel as if this has been planned rather carefully. It's not very high density at all. I think we're coming out at about two units an acre. Yeah. So it's actually quite low. I -- I just want to put on record that I don't fully agree with Mr. Crockett about the steep slopes and the stream buffer, just so perhaps we can put that on the list of things to look at. And I'm just going to point out the two sections I'm looking at, again, just for the record. So I'm looking 12A-235(b)(5) asking -- this is asking the stream buffer plan requirements, and it's requiring that steep slopes greater than 15 percent for areas adjacent to and within 200 feet of streams, wetlands, or other water bodies be included in that stream buffer plan, so that was the 200 feet I was referring to. However, when we get to Table 2, modification to stream buffers, that's at item 12A-236(b),

it's requiring that the buffer width shall be increased where there are steep slopes in close proximity to the stream that drain into the stream system as set forth in Table 2. The language there makes me think that perhaps it's not clear, and I wouldn't -- like I said, mind putting this on the list to look at further. And I don't like the word "proximity" -- close proximity, a bit too subjective for my taste. All right. Just wanted to do that. That said, I -- I will fully acknowledge that it is subjective, and I think it's been carefully planned.

MS. GEUEA JONES: Thank you. Commissioner Carroll?

MS. CARROLL: Yeah. I tend to agree with my fellow Commissioners. I do think this was well planned. I see this bit of land surrounded by other residential developments. It's a little bit different than some of the neighboring areas, which I do think that we should be careful to protect. I do have a procedural direction. We tend to, for annexation, combined with zoning cases, I would like to request to remove this from the consent agenda so that it's not coupled with the request for permanent zoning. I will make a motion to not get --

MS. GEUEA JONES: No, not yet.

MS. CARROLL: -- oh. We've got to vote on the permanent zoning first.

MS. GEUEA JONES: We're going to go to Commissioner Placier before we go back to Commissioner MacMann. Go ahead.

MS. PLACIER: Well, since Commissioner MacMann invited comment, I'll make one. It -- we've been here before that the residents of a prior development, and I'm not sure where that development -- when that development to the south was built -- get used to and appreciate the open space provided by the undeveloped area that borders. And so it feels like -- it feels wrenching to have that next area developed and on and on and on we go. That's the -- that's the pattern in Columbia. I do think at some point, you know, if I were -- you know, and if I were dreaming about this, why wasn't this annexed into the park, for instance? Are we in desperate of 103 more houses? That's a philosophical question, especially when there is a stream and a nearby park that could be enhanced this way, that's not happened. The City has not chosen to go that way, and it's in private hands. So the best we can do is to do a good job with what is on offer to us, and whether it complies with all of the regulations. But I do fear that next time, it'll be another place that everybody would like to save, and nobody wants to live next to, and I'm not sure in the long term what's going to be our approach here on P & Z.

MS. GEUEA JONES: Thank you. Anyone else? Sorry. I promise I wrote your name down. I will come back to you, Commissioner MacMann. Commissioner Kimbell?

MS. KIMBELL: I just want to ask the staff, in regards to the -- what was mentioned earlier about the private common area, just for those that came tonight, if they got together with the developer, there could possibly be some type of agreement they could come to as far as doing a buffer.

MR. ZENNER: They can -- they can negotiate a private solution to the problem that's been expressed. The developer is under no obvious obligation, no regulatory obligation to provide improvements on private property. Now, mind you, the Council can do whatever they would like with the development agreement that is being presented to them. If Council so chooses to amend that

development agreement, that the only way that they would authorize annexation is if particular things were accomplished off the developer's site, that's their prerogative. I would not recommend that that be the Commission's action. I think it goes well beyond the regulations to which we are entrusted to enforce and apply. But, yes, conversation between a neighborhood association and an adjoining development, I think, addresses some of what Ms. Placier's concerns were that, you know, development is always going to occur next to something that is likely developed, and you're going to run into this repeatedly. It is unfortunate that when the individuals that have purchased these homes that back up to this segment of the unconstructed portion of Bristol Lake Parkway were not maybe better informed that there would be a neighborhood collector behind them. It's unfortunate that the developer knowing that didn't provide a buffer that would have probably helped his residents. I can't -- our Code doesn't stipulate that. Now, we do have other buffering requirements that apply along corridors if you have through lots. And in this instance, because the common lot is platted, it wasn't considered a through lot; therefore, the screening provisions that existed in our landscaping section of our Code did not kick in. You live and you learn. And as we, I think, experience more from a staff perspective, when we see developments of this nature, we do take note, and we are asking other questions now. In some of the projects that Mr. Smith has reviewed most currently, we -- you know, those are issues that are coming up and we are discussing them internally, often working with design professionals like Mr. Crockett to try to mitigate the concerns that you all have heard this evening moving forward. So, you know, there is some things that can be done through the regulatory process, but we don't want to take the ten-pound sledge hammer when you only need a framing hammer, and that's part of what we have to balance.

MS. KIMBELL: I think it's a great development. I'm excited to see some more housing come into our community. Thank you.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Two things. One thing we might be able to do in the short term, and this is out to Mr. Simon at Building and Site. Lots 21 and 22, in that general area, do concern me, and I know there are regulations and I know that Mr. Crockett is great about that, is -- is taking care that that dirt and that runoff from the construction doesn't get in places. Not all -- not all builders -- there's one just down the street from me -- take that level of care. And if we could have Building and Site just making sure that everyone is happy and good, we can avoid polluting or fouling or in otherwise degrading a fine natural area. Something else for our guests this evening. This is on directional lights. I do a variety of construction-oriented things, and one thing I had to do just not too long ago, a month or two ago, was put in a sensor-activated light system for someone who had neighbors. Four sensors, one on each corner of the house, four lights. I had to make sure that the sensors were activated -- and these are motion sensors -- to protect the home and to turn the lights on. Something else I had to do, because it's -- this is downtown. It's narrow, it's maybe 15 feet between houses -- is to make sure when those beautiful safe -- safety-guaranteeing flood lights came on, they didn't, like an opossum set them off and we didn't wake the neighbors up in the middle of night. And I took great care with that

last thing. The reason I bring this up is by moving the sensors and the lights to where I did, I'm not sure I achieved the safety element that was required or desired from the homeowner. I mean, if I put it in a pan out where I'm 30, 40 feet from the house, anyone moving around is going to turn it on, so I pretty much have them straight down. Like I said, they have lights -- they have security lights and a motion system, and we have this with the nature of this road, the CATSO, that's a neighborhood collector is what they have. It can be directional. I hope that people push that, but we certainly have to keep the road safe. Thank you, Madam Chair.

MS. GEUEA JONES: Any other discussion? Seeing none. I would take a motion on Case 245-2022. Commissioner Burns?

MS. BURNS: Do we -- is it -- does it matter which order we go in? Do you want the preliminary plat first?

MR. ZENNER: No. You need to do the permit zoning --

MS. BURNS: Okay.

MR. ZENNER: -- because you can't make a recommendation on platting without having first suggested that the property be zoned something upon annexation.

MS. BURNS: Makes sense to me. In the case of 245-2022 [SIC], I recommend approval of the requested R-1 permanent zoning pursuant to annexation.

MR. MACMANN: Second.

MS. GEUEA JONES: Moved by Commissioner Burns, seconded by Commissioner MacMann. Commissioner Carroll, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Burns, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Wilson, Ms. Loe. Motion carries 9-0.

MS. CARROLL: We have nine votes to approve, the motion carries.

MS. GEUEA JONES: The motion relating purely to the zoning will be forwarded to Council. Commissioner Carroll, now would be an appropriate time to make your motion.

MS. CARROLL: Yes. I would like to make a motion to remove the annexation from the consent agenda.

MS. GEUEA JONES: Is that correctly stated, Legal?

MS. THOMPSON: That was sufficient, yes.

MS. GEUEA JONES: Thank you very much. Does everyone understand the motion? Is there any discussion? Is there a second on Commissioner Carroll's motion?

MS. BURNS: I have some discussion. Could I have an explanation about why we would be removing that to consent?

MS. GEUEA JONES: Sure. Do you want to --

MS. CARROLL: Yeah. I feel that, in general, annexation of properties requires more attention than the consent agenda typically allows. I think that our vote on the zoning is usually fairly

straightforward; however, the annexation, it goes on the annexation because it's coupled to the zoning, but we don't consider the annexation. And so I think that if they are voted on as separate items, then the vote on the zoning shouldn't place the annexation onto consent. That said, in this case, my rationale for removing it from the consent agenda is because that's consistently what we've done for annexations with permanent zoning when we vote on permanent zoning for the past year or so, and I think it's fair to do that in all cases as opposed to just some.

MS. GEUEA JONES: And I would add that I have had Council members and members of the public express confusion to me about why there was no public hearing on annexation because it is confusing when we combine the permanent zoning and the annexation issue into a single topic on the consent agenda which doesn't even get voted on separately from the rest of the consent agenda. So it's -- it's something that I was seeing as a common question that was coming up that was causing confusion, that was causing people to think we were, in fact, voting on annexation, which is not the case. The best solution that I could come up with after talking with staff and the different City Council members was for Planning and Zoning to either not have a unanimous vote on zoning, which seems to be unfair to the applicants, or for us to request it to be made not a consent agenda item, which then allows City Council to have a public hearing on the issue. Does that make sense?

MS. BURNS: I guess it's just a mechanism that I didn't recall that we had done on a regular basis over the past year.

MS. GEUEA JONES: It's happened a few times. Commissioner Loe?

MS. LOE: So this -- I just -- I believe Chairperson clarified what I was going to say, and that it has come to our attention that Council has thought we are, in fact, recommending -- making a recommendation on the annexation and conducting a public hearing on the annexation, and we are not. And so in order to underscore that and to provide a public hearing on annexation, we have to move it off the consent agenda.

MS. BURNS: I was not --

MS. LOE: And no -- yeah. It's -- it's come to our attention more recently, and we've taken steps.

MS. BURNS: I was unaware that Council was under that impression.

MS. LOE: Not everyone, but some.

MR. ZENNER: If I may, Ms. Chairman.

MS. GEUEA JONES: Go ahead.

MR. ZENNER: And I want to make very clear for the public that is listening, as well as I want to clarify for the Planning Commission, your request is to have the permanent zoning as old business. We are required to set a public hearing for the annexation. There is a public hearing held at the same time that the zoning -- the permanent zoning request is submitted to City Council. So they are discussing in a permanent -- in a public hearing -- a called public hearing the appropriateness of annexing a piece of property. Now that is generally encapsulated into the idea of is this a reasonable expansion of the City. Is it something that we are interested in bringing in? The discussion often has not in the past drifted into

zoning; however, at times, it may drift into zoning, but that is not the purpose of that public hearing. So the action taken by Ms. Carroll is to ensure that there is deeper consideration of the zoning impacts in addition to their deeper consideration as a policy decision of the annexation that's in -- at the prior meeting. So as Ms. Carroll and Ms. Geuea Jones and Ms. Loe have expressed, once the public hearing is held at Council for the annexation, that annexation request and the zoning request are coupled together in one final action, and it is that one final action that has been the concern because the emphasis on annexation has not nearly been as significant often as the discussion relating to zoning. So now what this does is it allows the discussion to basically be equally had, but possibly over two meetings and from two different vantage points. So furthermore, pursuant to your -- the options available to you as it relates to recommendations made by the Commission, the Commission has generally multiple options normally in a land-use decision such as the rezoning action, it's approval, denial, or -- approval or denial, and then you do have the right to request an item to be pulled off of the consent agenda if it has been voted by 75 percent or more in the affirmative. So what has been processed here tonight is consistent with your -- with your -- with the way that the UDC is structured, and does probably exemplify an opportunity for public engagement as it relates to these sometimes sticky issues of annexing property and of applying that zoning, and it's often the annexation is sometimes more equally a concern as it is related to the zoning as we heard in some public testimony this evening, because the zoning is really what gives them the option to do the development.

MS. GEUEA JONES: And the specific concern that was being expressed to me is that when a vote is taken on consent agenda items, there is one vote on the entire consent agenda, so there's no separate vote that shows how Council felt about annexation of new properties.

MR. ZENNER: Correct. Because they do not actually vote during the public hearing on the annexation, which always precedes the permanent zoning -- the combined permanent zoning annexation. So there is no vote, it's just a public hearing. They receive public comment and testimony.

MS. GEUEA JONES: And then they vote as a group on the consent. So that -- that, Commissioner Burns, is why we are trying to help our fellow citizens understand where the annexation is happening and where City Council's vote is.

MS. BURNS: I want to be helpful.

MS. GEUEA JONES: Yes. With that said, I still need a second on Commissioner Carroll's motion.

MR. MACMANN: Second.

MS. GEUEA JONES: Seconded by Commissioner MacMann. Commissioner Carroll, let's go ahead and get -- get a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Burns, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Wilson, Ms. Loe. Motion carries 9-0.

MS. CARROLL: We have nine to approve; the motion carries.

MS. GEUEA JONES: Thank you. With that, we will let our desire be known to City Council, and I will take a motion on Case 246-2022. Anyone? Commissioner MacMann?

MR. MACMANN: In the matter of Case 246-2022 [SIC], approval of proposed Bristol Ridge Plat No. 2 preliminary plat, I move to approve.

MS. KIMBELL: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann, seconded by Commission Kimbell. Any discussion on this motion? Seeing none. Secretary Carroll, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Burns, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Wilson, Ms. Loe. Motion carries 9-0.

MS. CARROLL: We have nine votes to approve; the motion carries.

MS. GEUEA JONES: Such recommendation will be forwarded to City Council. Thank you very much. With that, we move on to public hearings, and case number 265-2022.

MS. PLACIER: Excuse me, Madam Chair.

MS. GEUEA JONES: Oh, I'm sorry. Yes?

MS. PLACIER: Just a point of clarification. On the agenda for tonight and in my notes, I notice that oddly enough the zoning -- the annexation and zoning were 246 and the plat -- preliminary plat was 245. So we had it backwards in our -- we put in our vote --

MS. GEUEA JONES: I'm misreading this?

MS. PLACIER: In our vote --

MR. MACMANN: Commissioner Placier is correct. Which is the correct -- staff, can you tell us which is the correct -- which is correct.

MS. CARROLL: We're correct in our vote.

MS. GEUEA JONES: Wait -- 245 --

MR. ZENNER: The -- 245 -- 245 was the subdivision, and 246 is the zoning. I'm looking at this the same way. I'm wondering why did we approve the subdivision first?

MR. MACMANN: Madam Chair, may I recommend that we remove and revote.

MS. GEUEA JONES: No. Let's -- we don't need to revote. If I can get a thumbs up approval to correct the record and our transcript, please? I see a thumbs up approval to reverse the case numbers on the votes we just took. Am I getting a nod from -- great. Thank you. I want to make sure everything is clear. I apologize. I read the last sentence and got all mixed up.