

MINUTES

PLANNING AND ZONING COMMISSION MEETING

DECEMBER 8, 2016

COMMISSIONERS PRESENT

COMMISSIONERS ABSENT

**Mr. Rusty Strodtman
Ms. Tootie Burns
Ms. Sara Loe
Ms. Lee Russell
Ms. Joy Rushing
Mr. Dan Harder
Mr. Brian Toohey
Mr. Michael MacMann
Mr. Anthony Stanton**

I) CALL TO ORDER

MR. STRODTMAN: Good evening, everyone. I would like to go ahead and call to order the Thursday, December 8th, 2016 Planning and Zoning Commission regular meeting. May we have a roll call, please.

MS. BURNS: Yes. We have nine. We have a quorum.

MR. STRODTMAN: Thank you, Ms. Burns.

II) APPROVAL OF AGENDA

MR. STRODTMAN: Mr. Zenner, any changes to the agenda?

MR. ZENNER: No, there are not this evening, sir.

MR. STRODTMAN: Thank you, sir.

III) APPROVAL OF MINUTES

MR. STRODTMAN: Commissioners, we have three -- you were previously sent three dates from previous regular meeting minutes. The first one is November 2nd, November 10th and November 16th. Do we have any discussion on the November 2nd, 2016 regular meeting minutes? I see none. Do we need a motion? Okay. We'll just do a thumbs up on the November 2nd, 2016 minutes that they are all good as posted.

(Unanimous vote for approval.)

MR. STRODTMAN: The November 10th, 2016 regular meeting minutes. Any comments or corrections needed on November 10th? I see none. Why don't we do thumbs up on that so that we are --

(Unanimous vote for approval.)

MR. STRODTMAN: Okay. Thank you. November 16th -- last one -- 2016 regular meeting minutes. Any corrections needed? I see none. Same sign for approval.

(Unanimous vote for approval.)

MR. STRODTMAN: Thank you. Okay. The first item -- before we get to the first item, I would

like to go -- I have a couple comments. First thing for the Commissioners, if there is any information that has been shared with any of the Commissioners that is outside of our regular meeting, any information that you might be aware of that the rest of the Commission is not aware of that would be -- that is relevant to a case that we might be discussing this evening, we would like any of that information to be brought forward at this time so that all Commissioners can have the same information to review and to consider when we're considering one of the projects this evening. So if any of the Commissioners tonight have anything that would be relevant to share, I would please ask at this time that you would do that so that all Commissioners are on the same page. I see none. Okay. Thank you, Commissioners. Also for the -- everybody in attendance this evening, if you have noticed -- if you noticed on the agenda, we have a very long night tonight, and we typically have a midnight rule that we get out of here. Sometimes we go past that, but we're going to -- we've got a long agenda tonight. So -- so there's a couple -- there's probably two or three items this evening that are going to -- that the majority of you are probably here for. What I would ask -- especially during the subdivision section -- the subdivision is not a public hearing. We ask for public input, but not a public hearing. So the rules of engagement are a little bit different for subdivisions than they are a public hearing. So if we're doing a subdivision, if you have some information that is relevant for this project or for that particular case that we are not already aware of, that you have not already sent in, or somebody that within your neighborhood or within your company or within your organization or however it might work, if that information has already been forwarded to our attention, I would really, really appreciate it if you didn't come back up and go through that information again. We understand there is some very -- particulars specifically to traffic, the impact a project might have on a neighborhood's traffic current and future -- the impacts that that traffic would do to your neighborhoods for a future project development. We are very sensitive to that and I know that we have our City traffic engineer in the audience this evening and -- there he is. I see him back there waving. And he'll be here for -- to be here for his knowledge and expertise in that area. So, you know, we fully understand your concerns, but again, if it's during the Subdivision section, you know, the maximum that I'm going to give you is six minutes. That is going to be the maximum for a subdivision because, again, it is not a public hearing, it's a public input. And if it's something -- keep it relevant. If a speaker has already come up ahead of you and has spoken on an item, we would really appreciate not hearing it over and over. We understand it is very important to a lot of you for you to be heard, and I understand that, but we have a very long agenda. We have a large stack of correspondence that has been received to date, and we've all had a chance to review that information. And so we appreciate you being sensitive to that. Lastly -- I had another note, and I just lost it in my head. Oh. Just for future, if you are sending any correspondence on any case, if you have some information that you want to forward after this evening's meeting, what I -- what we want you to do is to send it to Pat Zenner within the City of Columbia. He is our staff liaison, and all correspondence needs to go to him. That way, we can -- Pat can disseminate it to all of us at the same time so there's not certain people that get information and certain people not. And that way he can be the controller of all of it. And Pat always sends the information to us that you send to

him, so trust that we do receive that information.

IV) SUBDIVISIONS

MR. STRODTMAN: So with that we will go ahead and dive into Case 17-8

Case No. 17-8

A request by Crockett Engineering (applicant) on behalf of Ridgemont Development LLC (owner) for approval of a 28-lot preliminary plat to be known as "Ridgemont Park". The subject 12.73-acre property is located on the south side of Ridgemont Drive west of College Park Drive.

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

MR. ZENNER: If I may, Mr. Chairman, have one moment. I would just like to also make some opening remarks as it relates to this particular case for both the Commissioner's understanding, which I believe you are aware, as well as those that are in the public here this evening. This is a subdivision action. This is not a rezoning request. It is not a discussion of land use. This land use has been determined on this property previously. It is R-1 zoned property. There was a former planned district proposal presented on this tract of land, but that is not the topic of discussion this evening. We are discussing a preliminary plat, which is the -- a first stage in the ability to subdivide the property as it is legally zoned. The review has been undertaken in accordance to the subdivision regulations and Mr. -- Mr. Palmer will be able to give you a report as it relates to the content of that review. We do have representatives from City's traffic engineering department that have been apprised of the traffic related matters associated with this project. They are here to comment on their comments that were incorporated into the plan, and we have also received additional information from the City's assistant director of utilities as it relates to utility information, which has been another expressed concern with this project, and Mr. Palmer will be able to respond to that as well on their behalf. I believe we have a letter which should have been distributed to the Commissioners as it relates to the utility issues associated with this property. With those opening comments, I'm going to turn the meeting over now to Mr. Palmer for him to be able to give the report. He is the staff member that has worked on this project, both the PUD that is not being discussed and then this subdivision case, itself. Thank you very much.

Staff report by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the preliminary plat for "Ridgemont Park", with the added condition of traffic-calming measures to be constructed by the applicant as prescribed by the City Traffic Division.

MR. STRODTMAN: Commissioners, questions for staff? Ms. Loe?

MS. LOE: Both the earlier plans -- well, the first plan, the Madison, I believe, plat showed -- okay. So it's the west -- so Madison Park --

MR. PALMER: Yeah. This is Madison Park Plat 2.

MS. LOE: And the Westwood was the first one?

MR. PALMER: Yeah. Westwood Hills.

MS. LOE: All right. So this one indicates that there was a connection at Chapel Hill?

MR. PALMER: Yes. There is a north-south connection to Chapel Hill and -- between Chapel Hill

and Ridgemont, which is an extension of College Park.

MS. LOE: Correct.

MR. ZENNER: Which has subsequently, Ms. Loe, been vacated --

MS. LOE: I under--

MR. ZENNER: -- by both Madison Park Plat 1 and Plat 2, so --

MS. LOE: I understand that, but the staff report identifies that that vacation was supported because of the single-use nature of the proposed purpose of the Madison Plat. The Ridgefield Park proposal does not appear to be that same single-use purpose, so I'm wondering what has happened to the right-of-way and the connection to Chapel Hill.

MR. ZENNER: And that was where I was going.

MS. LOE: Okay.

MR. ZENNER: The right-of-way -- the right-of-way for College Park from Ridgemont to Chapel Hill has subsequently been vacated. The eastern half of the southerly portion of what is the Madison Park property, which includes Madison Park proper to the subdivision development to the south that is accessible off of Chapel Hill was Plat 1. Plat 2 is what is the subject site. At the time that the subject site was proposed for platting as a single lot for conveyance to then the Lutheran Church, concurrently with that platting request was a request to vacate the eastern half of the College Park right-of-way as it existed from Chapel Hill, all the way down basically to Ridgemont. So the entire eastern portion of the right-of-way was vacated. We have subsequently platted or replatted property on -- on Chapel Hill Drive -- I have to get all my streets right here -- Chapel Hill, that is where Provision Living is located today -- the assisted living just above Twin Lakes Park, and vacated the western half of the southerly portion of this street. The -- the northern portion of College Park and its western half has never been vacated. It still exists as a platted unbuilt unopened public street. Concurrently, at the time that Madison Park Plat 2 was platted --

MS. LOE: Can I just ask Mr. Palmer to maybe go back to the larger scale map showing -- thank you. So maybe we can just look at --

MR. PALMER: Do you want the other one or --

MR. ZENNER: So --

MS. LOE: -- some of these?

MR. ZENNER: No. That -- no.

MS. LOE: Been better -- or you choose.

MR. ZENNER: I think this is the better one --

MR. PALMER: Okay.

MR. ZENNER: -- because this shows the addition I'm just explaining. I've got two mics here. It's difficult to point. So you'll note that this is Madison Park Plat 1. This is Madison Park Plat 2, which is highlighted -- the subject site. The eastern half of the original College Park right-of-way that ran north-south has been vacated in whole. The western portion of this right-of-way, which is here, and this is the Provision Living site -- totally different Rock Valley Plat 4, if I recall correctly, vacated everything to its

northern property line. So all of College Park now is gone on the north -- south end of this -- of its former right-of-way platted back in the early to mid-60's. The western half of College Park is not gone today. At the time that Madison Park Plat 2 was platted, realizing that there was a single use proposed that a public street would not have run through, it was the conclusion at that time of the staff back in 2005 and in coordination with Public Works at that point that a permanent terminus be provided via separate right-of-way documents. So this cul-de-sac that you see here is actually not per a recorded plat for Madison Park Plat 2, it is per separate -- per separate dedication, not an uncommon practice back in the mid-2000s. We would typically -- if today that were to occur, we would require the cul-de-sac to have been platted; however, they took it as a right-of-way. Ostensibly at that point in 2005, the City, had the church developed, would have accepted a single dead-end street. However, as Mr. Palmer pointed out in the entrance to his report, the subdivision regulations are clear that they support the continuation of streets when you have adjacent developments that are similar in nature; hence, we have two single-family subdivisions abutting each other, which would consistent -- would be considered consistent, and therefore the extension of a public street is appropriate in accordance with the development regulations as they exist today. Had we not vacated the eastern half of College Park, and I would -- on this particular tract of land, it is very likely that we would not have been looking at a cul-de-sac street or a connection at this point. We may have wanted the connection, but we would have also potentially been looking at a north-south connection back out to Ridgefield in-between these two tracts of land based on the fact that there was a public right-of-way there that was never opened or built. And that would have been triggered by the development proposal at this point. So because we have vacated half of a right-of-way, we're not going to require them to dedicate that. That ship, we believe, has sailed. And the connection basically of Ridgefield's dead end to Ridgmont is a more appropriate platting activity at this point for the continuity of the existing street system, not to basically require the yellow line and then potentially a connection here if we had not vacated the other half of the right-of-way to create basically a T intersection instead of what would now be a through movement and eliminating the cul-de-sac. A cul-de-sac, in reality, because it is not on a plat doesn't need to be vacated; we just basically do not utilize the right-of-way dedication that we received. We have no reason for it.

MS. LOE: So just to clarify, there is no connections between Ridgmont and Chapel Hill planned for -- provided for at this time?

MR. ZENNER: No. Based on the determination back in the 2005 staff report in the minutes of the Planning Commission, the topography associated with being able to make that connection which was part of the justification for eliminating that right-of-way is such that it would never have been able to have been made economically.

MS. LOE: Thank you.

MR. STRODTMAN: Commissioners? Mr. MacMann?

MR. MACMANN: Yes. Thank you. When Madison Park 2 was platted back in the 60s, the city population was about 36,000. I just -- I just looked that up because I'm pondering growth over time. If

you could -- you had talked about two traffic calming elements, one at Ridgemont and Woodhill and one at Ridgefield and Woodhill; is that correct?

MR. PALMER: Yeah.

MR. MACMANN: All right. Are either -- am I correct in assuming that there is no traffic calming to the east of the Woodhill and Ridgefield intersection in the current plan?

MR. PALMER: No, there is not.

MR. MACMANN: Am I correct in assuming that there is no traffic calming currently planned within Madison Park 2 as we developed as R-1?

MR. PALMER: No, there is not.

MR. MACMANN: All right. Let me -- and I -- this may be for the traffic engineers. I'm travelling eastbound on Ridgemont, why on earth do I go north? Why don't I just drive through this new subdivision?

MR. PALMER: Do you mean Ridgefield?

MR. MACMANN: I'm travelling -- correct. I'm travelling east on Ridgefield, and what is my motive to turn north?

MR. PALMER: You have to turn north to get out of there, so you either drive north on Woodhill or you --

MR. MACMANN: Well, once the --

MR. PALMER: -- drive north on --

MR. MACMANN: -- has gone in and I have this connector?

MR. PALMER: They're the same -- they're essentially two of the same options, you --

MR. MACMANN: I --

MR. PALMER: And that's why this plan was done --

MR. MACMANN: I appreciate that.

MR. PALMER: -- to --

MR. MACMANN: I'm just saying that --

MR. PALMER: -- illustrate --

MR. MACMANN: I would submit that with all due deference to our traffic engineer, most of that traffic is going to go into that subdivision.

MR. ZENNER: And I would believe from a logical perspective, Mr. MacMann, you are correct. Outbound traffic from the development will likely not have an incentive to make a left-hand turning movement to head north. Inbound traffic, however, that is coming from Stadium to Chapel Hill may not see making the additional turn appropriate or convenient, and therefore would proceed north, or in this instance, west on Ridgemont to Woodhill, Woodhill to Ridgefield. I think to your point, you're asking if there are internal traffic-calming requirements within the development that may be a greater dissuader for through traffic.

MR. MACMANN: Yes.

MR. ZENNER: That is as pointed out in the staff report, and our traffic engineers can address that, there is an option that was offered should the Commission and Council not deem the speed tables as a reasonable exercise of a condition that traffic calming internal to the development may be appropriate. Again, that becomes an issue that we'll let our traffic engineer speak to if you want to further explore why potentially both options may not be appropriate. And I believe the applicant will have probably comment to that effect as to why both may not be a reasonable expectation of their 25-lot development as well.

MR. PALMER: Another thing I would like to point out too, and really the reason I made this plan is that the bulk of traffic at the moment is along the segment of Ridgemont between those two stop signs there and basically the Woodhill and College Park, so if you were to drive through heading eastward on Ridgefield, you stop at the stop sign at Ridgemont and you wait for all that traffic. That's what would potentially dissuade people from driving through that neighborhood and down the current dead-end street.

MR. MACMANN: I will submit my experience driving in that neighborhood is different, but --

MR. PALMER: I mean, if you stop and wait for traffic for 20 minutes, you're less likely to -- to go through the neighborhood. I'm just --

MR. MACMANN: All right. We've -- we've certainly provided more illumination on that issue. I have no questions -- more questions at this juncture.

MR. STRODTMAN: Commissioners, additional? I assume the reason for the Ridgefield Road extension -- proposed extension not connecting to College directly was due to the creek proximity?

MR. PALMER: Partially because of the creek. There is an existing trail there also. And then the initial public comment didn't want it directly connected to College Park because of the connection issues, so it was moved. Really, that's about the only place it can be outside of -- well, outside of tearing up the creek and the trail to get to College Park.

MR. STRODTMAN: Thank you. Anything additional, Commissioners? With that, we'll go ahead and if there is anybody in the audience that has some relevant information that we have not already heard, we would appreciate that. And also, just please give us your name and address at the beginning, and we'll go from there.

PUBLIC INPUT OPENED

MR. STRODTMAN: So we will open for any public input. Again, not a public hearing.

MR. CROCKETT: Mr. Chairman, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. With me tonight is Caleb Colbert, and he is at Brown Willbrand representing the applicant, which is John Jones of Pate Jones Construction. I believe staff did a very good job of the overview and the staff report for this project, so I'll try to -- with my comments be brief, knowing that the meeting is going to run long tonight. A lot of the information I have is repetition of what they have already presented. Again, it's roughly -- it's 25 residential lots on 20 -- on 12.24 acres, with a density of roughly two units per acre. It's not uncommon for residential developments to be at that

density level. It is relatively low for single-family residential. Again, all utilities are either on or adjacent to the property and the development is in full conformance, it does not stretch or expand on the public infrastructure on the outlying limits, which is such a common issue anymore. There's some plan highlights I want to go over, open space, storm water management, trail network and site configuration. Again, I want to talk about open space a little bit. Again, 12.34 acres, and again, I think there was a couple references to 12.24. It is actually 12.34. Total area of this acreage being left in common space or green space is 7.1 or 58 percent of the entire development is going to be in common space, either donated to the City or in green space for the development itself. Again, approximately 5.8 acres of the site will be deeded to the Parks and Recreation for the expansion of -- or for the trail area. Storm water management, this is always a concern. It has always popped up. Again, full compliance with City regulations, both on water quality as well as detention. I know this area has had some concerns with storm water in the past, but we can address those concerns within the regulations of the City of Columbia without much of a problem. Trail network, the City staff touched briefly on that. The City's County House Trail runs directly through the property. A substantial portion of that trail runs through this property. The development will connect to that existing trail at least at one location, and most of the area surrounding the trail will be deeded to the City. We think that is an important factor. What is highlighted in green is the piece of property that we want to dedicate to the City. Now, we've talked with the Parks and Recreation Department about that, and they're -- they are very excited about the opportunity to be able to obtain this piece of property given the fact that they have such a large portion of their trail that runs through this property. It's not coming to the City with any cost. It is simply a donation because of the constraints on that piece of property, we feel that is necessary. What is illustrated in yellow is the internal green space within the development. That will be owned by the HOA that will have our storm water facilities located on those areas to comply with the regulation. So those will be owned and maintained by the -- by the HOA, but will certainly be green space for the development. Site configuration, and Ms. Loe, you kind of talked on this a little bit. Site configuration, you've seen this layout and you've seen the street network that is out in the location right now. This slide, while not as fancy as the City's, kind of illustrates the former north-south connection from Ridgmont down to Chapel Hill to the south. And as indicated by staff, over time portions of that right-of-way have been vacated. The main purpose or the main reason for the vacation was basically for the southern portion, as Mr. Zenner had indicated, became not economically feasible to construct that portion of the roadway. So when the church had the property to the subject tract, the church had it coming through the City -- or coming to the City with a single use, meaning they wanted to put a church facility or a school facility, a single use on a single piece of property. The City knew about that, so what they asked for -- they knew at that time that Ridgefield was not going to be extended as originally contemplated. When I say "originally contemplated", originally contemplated by the 1966 plat that created that portion of Ridgefield. So the City knew that the -- a single use of that piece of property would not extend Ridgefield, so what they did is they asked the developer for an easement. It has been referred to as a right-of-way, but I believe it is a street easement so that at some

point in the future if it was developed as a single use, the City would have the right and the ability to come in here and construct a cul-de-sac to permanently end Ridgefield because it never was permanently ended. It was basically, you know, not conforming to City regulations. And so here is the original plat. Again, Mr. Palmer showed that, and you can kind of see the original intent was to come out of Ridgefield and extend north and south, but have a connection back out to Ridgmont. This is what our proposal is doing. We are providing another location back out to Ridgmont. So we're -- while the original intended use was to have that extend to -- that extension to Ridgmont, when the property was sold to the school, they decided, hey, we're not going to do that. So the thought was, well, if you're not going to do that, then we'll have to terminate Ridgefield. Well, now we're coming back full circle. We're back to the situation where we're asking to develop the property in conformance with the R-1 standards for a single-family development, and with that being said, we've been asked to extend that street to go back to the full conformance of the 1966 plat. And so while it is not in the same location, it's still -- still conforms to that original intent of having Ridgefield have a connection, have a tie-in. Here's a few comments that the City staff has made. It says that this connection is consistent with Section 25-42 (2)c of the Subdivision Regulations, which suggest that interconnection of adjacent subdivisions with compatible land uses shall be encouraged. That's exactly what we are doing with this plat. They have also stated that the extension of the roadway appears to be consistent with the original platting actions that created the neighborhood adjacent to the subject site. And again, that is what we're doing. And lastly, this connection will provide opportunities for better neighborhood circulation and delivery of public services. Again, that is what the proposal is doing. So while we have had previous submittals to the City with regards to PUD developments with private streets, this is a public street. We are trying to perform and complete a preliminary plat that is in full conformance with the Subdivision Regulations. And I believe that is what is before you here tonight. Again, in conclusion, they've already gone through those items -- the park, the density, the area of green space, and of course, the staff recommendation for approval with conditions. So with that, I'd be happy to answer any questions that the Commission may have.

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

MS. LOE: Mr. Crockett?

MR. CROCKETT: Yes?

MS. LOE: In the staff presentation, the traffic calming measures --

MR. CROCKETT: Uh-huh.

MS. LOE: -- shown are outside of the development.

MR. CROCKETT: That is correct.

MS. LOE: Did you consider any traffic calming measures within the proposed development?

MR. CROCKETT: The staff has also proposed -- instead of outside of the development, they've also proposed that instead of putting them outside, we may put them inside. So, you know, if -- if the Commission desires to put them in -- not to put them outside the development --

MS. LOE: But the same --

MR. CROCKETT: -- the Commission can make the recommendation.

MS. LOE: -- the -- still speed tables?

MR. CROCKETT: There are different --

MS. LOE: Did you consider anything else?

MR. CROCKETT: They're -- well, they're different in nature. They perform the same function, but they're not at an intersection necessarily. But they are within the street. We've done those before at other locations. The City has standard details for that that could be implemented here.

MS. LOE: But you didn't consider bump-outs or bulb-outs or design measures?

MR. CROCKETT: We've -- we've considered those. You know, we're not proposing them, let's put it that way.

MS. LOE: All right.

MR. CROCKETT: But we'll be -- you know, we'd be open to discussion with regard to that.

MS. LOE: Thank you.

MR. STRODTMAN: Commissioners, additional questions for this speaker? I see none. Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MR. KRAUS: Good evening, I'm Earl Kraus, 2304 Ridgefield Road. And I would like to cede my time to Kim here, if that is okay. All right. Thank you.

MS. KRAUS: Thank you. And thank you, Commission, for allowing me to speak. My name is Kim Kraus. I live at 2304 Ridgefield Road. I'm here on behalf of many neighbors, as well as members of the Ridgefield Park Association for which I serve as President. I will make references to the agenda report already discussed by Rusty Palmer -- written by Rusty Palmer and dated December 8th. We oppose the extension of Ridgefield Road. Traffic and safety concerns already discussed are paramount to our opposition to this development as proposed. The proposed connection of Ridgefield Road at Ridgemont is less than 1,000 feet from Stadium Boulevard with driveways even closer. Ridgefield Road, in conjunction with Ridgemont Road serve as cut-through for drivers already because the streets provide access between Stadium, Fairview, Forum, Chapel Hill and Rollins further west via Hulen. There are two hard turns and two stop signs. The connection of Ridgefield Road, however, would be a new straight shot no-stop route. We have almost no sidewalks in our area and no bike lanes. We are less than one mile from Fairview and Russell Boulevard Elementary Schools, Fairview Park, Kiwanis Park, and the County House Branch Trail runs through our -- winds through our area. For over 10 years, we have documented traffic and safety problems. Ridgefield and Ridgemont are on the traffic calming list, but are still at just number 11 and number 12. In March of this year, using data from Public Works, the Columbia Missourian did a full page story on our plight, and I say "plight" because although it was a City-wide review, 29 percent of the top listed problem streets are the one I'm talking about -- 29 percent -- Ridgefield, Ridgemont, High Ridge, College Park and Rollins. Making Ridgefield Road a direct connection from Stadium to Fairview would draw traffic, not divide the existing traffic. It would draw

additional traffic off Stadium. Stadium Boulevard is classified by CATSO, Columbia's long-range transportation plan, as an expressway. Fairview is classified as a major collector. The report states that our traffic problems would exist regardless of whether the road is connected. This comment is dismissive and ignores the future implications of a straight-shot no-stop connection between Stadium and Fairview. Even the 2040 -- the year 2040 CATSO Plan does not show a connection through our residential area. The connection of Ridgefield-College Park to Stadium has never been studied, so neither have the repercussions. There are 18 intersections on Stadium Boulevard between Interstate 70 and Highway 63. All but one of the intersecting streets are also expressways, major arterials or major collectors or they serve limited areas of commercial use or high density housing or the roads don't go anywhere, meaning they serve a closed-off area. The only intersecting street that does go somewhere is Rollins Road, which is such a hilly and twisty road; there is no driver that would choose that as their go to. The report says the proposed development will result in additional roadway impacts, recognizing the future implications, and recommends the developer pay for two off-site speed tables, one each on Ridgemont and Ridgefield, with both streets being over a mile long making one speed table on each road far inadequate. Although the Vision Zero policy created by the mayor's task force on pedestrian safety has not been adopted, it bears mentioning here tonight because it may be soon and as a strong advocate on our behalf, as are the guiding principles from the Columbia Imagined Plan. Given the dangerous situation long identified and still unaddressed in our area, an unplanned for and unstudied extension of Ridgefield Road is unfathomable and would be negligent. Other reasons paramount to oppose connecting Ridgefield Road, City ordinances restrict it, and there is nothing that requires it. The Madison Park 2 Final Plat dated October 18th, 2005 notes record a vacation of the College Park right-of-way. Ordinance 25-20.1 states that restrictions set forth in notes on a plat may be eliminated only by ordinance or a resubdivision and shall not be eliminated unless Council determines such elimination may not be detrimental to any land in a subdivision or to any neighboring property. The report states a connection of Ridgefield to Ridgemont was originally intended, and this is absolutely false, and plats back to 1966 confirm this. College Park Drive to Chapel Hill was the planned route, as we have discussed tonight. The report states that since a connection of Ridgemont to Chapel Hill has been eliminated, it is now appropriate to connect Ridgefield Road instead. The City itself approved the request over the years to vacate portions of Chapel Hill -- or, excuse me -- of the College Park right-of-way. So my question is by whom and under what authority is the decision now to substitute Ridgefield Road instead for a connection granted? The report states a permanent dead end at Ridgefield was never installed. The report states this is somehow the fault of the neighborhood and therefore can be used against us in this matter is baseless. And as previously stated, the Ridgefield Road dead end was platted as a permanent turnaround in 2005 -- in the 2005 final plat. It has never been platted as a temporary turnaround. The 1966 plat has a temporary turn-around, which perhaps the report's authors saw, but it was at the west end of Ridgefield, not even adjoining this parcel. The report says another reason to extend Ridgefield Road is Ordinance 25-42, which requires interconnection. This isn't correct. It was right on page 1, however, when it said the ordinance suggests

it. The ordinance actually says only that it is encouraged. Encourage does not mean require. The report then says that the developer hasn't asked for a variance on this ordinance so staff isn't considering alternatives, but if the extension of the road isn't required then there is no variance to ask for. While the traffic division desires connectivity where possible, City ordinances do not require it, and, in fact, our neighborhood's connectivity ratio is even lower, meaning better than the CATSO stated goal. Ordinance 25-30 supports disapproval of the connection. It states a resubdivision shall be required to change and approve a recorded final plat if such change affects any street layout thereon. It goes on to say a resubdivision of land shall not be approved by Council if the Council determines that the replat would eliminate restrictions on an existing plat upon which neighboring property owners or the City have relied or the replat would be detrimental to the property and the detriment outweighs the benefits.

MR. STRODTMAN: Ms. Kraus?

MS. KRAUS: Both of these are true.

MR. STRODTMAN: Your time is up.

MS. KRAUS: Okay. One more minute.

MR. STRODTMAN: I'm sorry. Your time is up.

MR. KRAUS: I ceded my time.

MS. KRAUS: He ceded my time, so don't I have 10 minutes?

MR. STRODTMAN: No. You have -- it's not a public hearing.

MR. KRAUS: Well, I asked if that was okay. Did I cede my time to her? Well, then I would like to have used my time.

MS. KRAUS: All right.

MR. KRAUS: Where did you leave off?

MR. STRODTMAN: Are there any questions for Ms. Kraus?

MR. KRAUS: She has her conclusion statement is all.

MR. STRODTMAN: Thank you.

MR. KRAUS: In conclusion --

MR. STRODTMAN: Please state your name and address, please.

MR. KRAUS: Again, my name is Earl Kraus, 2304 Ridgefield Road.

MR. STRODTMAN: Thank you, sir.

MR. KRAUS: In conclusion, please leave Ridgefield Road a dead end. That's what it has been platted as. The property owners have relied on that. They've purchased their houses based on this. The ordinance itself says -- it is not referred to in the report that if doing this is to the detriment of those property owners then the City is restricted in taking this action. That's not talked about. We're talking about roadside calming -- or road calming that is proposed outside of the plan. The developers themselves have said in writing to the City that they will not pay for that, so I don't know how that's going to fix the problem. I'll stop there. Thank you for your time.

MR. STRODTMAN: Any questions for this speaker? I see none. Thank you, Mr. Kraus.

MR. KRAUS: All right.

MR NIES: Good evening. I'll be very brief. My name is John Nies; I live at 1414 Overhill Road. And you can see where it is on the map here. And I'm just here to speak up for my road -- my little section there of Overhill because we -- whatever happens to Ridgefield absolutely affects our road. In fact, it already does. The gentleman over here was speaking about most of the traffic going through Ridgefield and then turning north on Woodhill, so I'm going to introduce you to my road. Between Ridgefield and Ridgemont there is a section of Overhill, and if you include the intersection of Ridgemont and Overhill, there is 10 homes there, all but three have children. Most of them have two children and most of them are younger than five. And we experience the same traffic issues that Ridgefield and Woodhill do. For instance, right now there is a stop sign at -- excuse me -- Woodhill and Ridgefield, and drivers have figured out that they can go left to go north on Overhill and continue all the way through to College Park without having to stop because there is no stop sign at Overhill and Ridgemont. We also have the same kind of street structure as Ridgefield does where there is no sidewalks. There is lots of foot traffic, lots of bike traffic. And so I'm not here to speak on the extension; I'm only here to speak to our street because the gentlemen over here were saying that most of the traffic goes this one direction, and if there are traffic calming projects put in place, we believe that Overhill should also have some consideration with that because if you do put traffic calming on these other routes that have been proposed, then drivers will figure out they can go along Overhill, which continues to be a dangerous section of road for our families. So I wanted to come here just to speak up for our section of road, knowing -- making sure you all knew because there's other studies have been done, yet nobody has mentioned our street. I've talked to our Council person about it; I've talked to our community representatives, yet somehow it is not coming up in this conversation, so I felt like someone needed to come and stand up for our street, Overhill Road. And that's really all I have to say.

MR. STRODTMAN: Commissioners, is there any questions for this speaker? Mr. Nies, I have a question. Did you have any solutions for traffic control currently, regardless of the proposed --

MR. NIES: Well, I have been thinking about it. It seems so -- when you come down Ridgefield from Middlebush, it's all downhill. You know, it's a very hilly neighborhood. And when you come down to Ridgefield and Overhill drivers are just flipping around the corner there and then speeding up because they have to go up Overhill --

MR. STRODTMAN: Uh-huh.

MR. NIES: -- and so, you know, I'm not an expert in traffic calming by any means, but I thought a stop sign would make sense. And a stop sign even at Overhill and Ridgemont at first -- you know, the people on our street talked about speed bumps. I'm not even aware what speed tables are. I'm showing my ignorance here. But it -- the sensible solution to me would be to put some stop signs in, causing the drivers to stop, therefore having to accelerate from zero to go around those corners and get up the hill or possibly speed bumps at the top of the hill. You know, again, I'm not sure where the best place is to put a speed bump.

MR. STRODTMAN: I understand.

MR. NIES: Yeah.

MR. STRODTMAN: Thank you.

MR. NIES: Uh-huh.

MR. STRODTMAN: Thank you, Mr. Nies.

MR. NIES: All right.

MR. CLAPPER: Hi. I'm Adam Clapper of 1916 Ridgemont. Our driveway comes out right at the fork of Highridge and Ridgemont. I don't know if you all can see where I'm pointing there. I won't restate everything that has already been said, but I'm also against the connection -- we are also against the connection of Ridgefield to Ridgemont for all the reasons that have already been mentioned. One thing that I find kind of interesting and perplexing is we have already established that Ridgemont is used for access to Forum Boulevard, and it is actually pretty heavily trafficked on both to and from. The City Planners have identified that this new development is going to increase the traffic burden on the area both due to the 50-plus cars that are going to be intrinsic to the owners of the property and also just because of the pre-existing travel patterns. But for some reason the traffic calming that they propose are only on the western side of this development, completely ignoring the fact that cars can go the other way. I don't know how many of you are familiar -- it sounds like Mr. MacMann might be familiar with our neighborhood, but Highridge going into Ridgemont, very steep hill. Ridgemont traveling east towards College Park, pretty steep hill. That bridge that's right to the east of the creek is not a full two-lane. Cars go, I'm not kidding you, 40 to 50 miles an hour both east and west right in front of my home. We have children. We don't allow them to get their bikes anywhere near the bottom of our drive without us. When we want to use the County House Trail, which is a very rare occurrence, even though our property borders it, it's like a military maneuver. We have to get on our grass -- have a little grassy area there on the north side of our property, and we have to run across the bridge because people are coming 40, 50 miles an hour both -- both ways. To give you an example, just yesterday I was traveling west down Highridge to turn left into my driveway, which I have to slow down pretty substantially because it's a very acute angle. I had my left blinker on and was traveling at no more than 10 miles an hour. A car coming behind me down Highridge came at such a high rate of speed, this person tried to pass me on my left as I was driving into my driveway. I had to slam on my brakes, turn to the right because I was looking in my side view mirror. I turned to my right. The guy slowed down just a little bit and just passed me by bumping off into Ridgemont there and didn't even really try and stop for me and then glared at me as if it was my problem. The gentlemen that -- the couple that lives in the home just across the street from us have also -- I don't know if they are here this evening, but they have also conveyed -- let me know that sometimes when they are backing out of their driveway, people are coming down Highridge at such a high rate of speed that they pass them on the left instead -- instead of slowing down or stopping. So this development and already the pre-existing traffic issues far exceed what those two calming measures that the City is planning -- the problems are to the east of it, not just the west. Thank you.

MR. STRODTMAN: Mr. Clapper -- Commissioners, was there any questions for Mr. Clapper? None. Thank you, sir.

MR. KATZ: I'm Marty Katz; I live at 1304 Fieldcrest, a couple blocks away from the proposed development. And I have a few suggestions that may solve some of these problems, at least partially, and a couple of other issues that I would like to address. First of all, I do advocate as in the plat that the connection be made from Ridgemont to Ridgefield; however, with some modification. And I'll get to that in a minute. But by approving this connection, this will enable sharing of the burden of the added traffic by the whole neighborhood rather than keeping it all on Ridgemont. It also allows the residents of the new neighborhood an extra point of egress in case there is an accident or something that they can't get out onto Ridgemont. I would propose moving the development -- the entrance to the development off Ridgemont westward to -- actually, the best location I think is at the Parkridge intersection, and I'll show you that on a map in a section -- in a second. But by doing this, this will address the issue that the group on Ridgefield is concerned about with cut-through traffic and it will add traffic calming devices by adding curvature of the road through the new development. And again, I'll show you that on a map. I would also like to address something related to the storm water that hasn't been addressed here, and that is the developer's proposal is to deal with the storm water by putting it into a pipe. The storm water exists -- runs through an intermittent stream through the property, and as I read it, this intermittent stream is subject to the Clean Water Act, and any modification of this stream by putting it in a pipe would require EPA approval. I'm not an expert; I'm not a lawyer, but I advocate that the City and the developer look into this and consult with the EPA and see if this meets the requirements of the Clean Water Act. And then, finally, I would like to address another issue that hasn't been brought up, and that is the sanitary sewer problem. The sanitary sewers in this neighborhood are already overloaded. They overflow every time there is a big rainstorm. You're adding 25 new homes to an existing overloaded storm water -- or waste water collector system, and I would request that the developer contribute to improving that collector so that it can handle this extra load. Okay. So what I propose to modify the connection is to move the entrance, as you can see here shown in orange, I propose that would be the alternate entrance off of Ridgemont into this development. That would create more curvature in there and less incentive for using that road as a cut-through. It would not eliminate -- reduce the number of lots that could be built by the developer. It would increase their cost for street construction, but that's about it. They could use some of that green space in the center for new lots. And then, finally, this is -- shows you the intermittent stream that I talked about, and this would be put into sewer pipes and then run into a retention pond. And again, I think the EPA needs to be consulted on this as to whether disturbance of that intermittent stream is allowed under federal regulation. Thank you

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

MR. FALK: Good evening, everyone. I'll be brief. My name is Dillon Falk, 2200 Ridgefield Road. I would just like to put -- I don't think even the traffic has actually gone to Ridgefield Road because I just

went to put in the picture -- paint a picture in everyone's head what Ridgefield Road looks like. It's not wider than this countertop right here, and there are no sidewalks. And it goes up and down and up and down creating natural speed -- I mean, people naturally want to save gas and they don't want to brake every time they get to the bottom, so naturally, they're going to go 50, 60 miles an hour on it. So like the gentlemen before me was saying, there are so many problems already existing in this neighborhood, I mean, largely due to the commuter traffic which -- it's just because if you open Google Maps on your phone, that's it's going to tell you if you want to get from Stadium Boulevard over to Fairview or something over in this area, it will tell you to cut through the neighborhood. So that will only get worse if Ridgefield Road is connected. You're going to see, I think quadruple -- who knows, 10 times the amount of traffic that is going to hit this neighborhood, and I don't think the City is ready to put in the type of traffic multiple stop signs and speed humps that are -- that would be needed if that were to happen. Furthermore, I think that there is a liability issue because this is now well publicized, and the residents have told you what can happen. Already, a child has been hit in this neighborhood and killed. Okay? Now, the details of that, some people in our neighborhood -- that happened before I moved in. I moved in two years ago. A child was hit and killed. That ruined the life of that family -- the child's family. Another member -- more recently, another -- another neighbor of mine was hit and horribly mangled. And it's just -- there's cyclists, pedestrians, children flood the streets on the weekends. It would be a disaster if the street goes through. You just have to understand it. And if City -- if traffic would actually go to Ridgefield Road and look at it, they would understand and they would say no way can this street go through, at least without some serious thought to design. So that is all I wish to tell you, and if you have any questions, I can answer that.

MR. STRODTMAN: Commissioners, any questions? I see none. Thank you, Mr. Falk.

MR. FALK: Thank you.

MS. HUNTER: Good evening, I'm Brianne Hunter, 2206 Ridgefield Road. I would like to tell you that I'm standing here for my children. Mr. Jones and Mr. Crockett are well aware. I've met with them on several occasions and -- I'm trying not to cry, sorry -- and have voiced my concerns about Ridgefield Road being connected. I am one house away from the dead end and newly moved to Columbia. And we chose this location because of its neighborhood -- wonderful neighborhood. And putting a road through the middle of this neighborhood would be disastrous. This is not something that should be taken lightly. Please, please, please listen to the wonderful folks that are telling you that this is -- that this could be potentially dangerous and deadly. And I would also like to offer a rebuttal to Martin. His own words were there would be no sharing. Ridgefield Road will carry 100 percent of the traffic. They are not going to stop. They are going to drive straight through from Stadium to Fairview. Thank you.

MR. STRODTMAN: Commissioners, any questions for this speaker? Ms. Hunter, thank you.

MS. TURNER: Alyce Turner, 1204 Fieldcrest. I do not live on Ridgefield, as many people here do. I have lived in this neighborhood for 15 years. It is my home, my only home, and none of us are happy about this development, but it is coming. And what I ask of you is to support the City's plan that we

have fairness in how this traffic is distributed in our neighborhood. I walk at night. I don't get home from Jefferson City until dark most nights. My neighbor sitting next to me walks her dogs three times a day. We have no sidewalks on Fieldcrest, on Parkridge, on Woodhill, none of the neighborhoods. So more cars -- if there's only one exit out of this development, it will crush getting onto College and Stadium, which is already a problem. We have talked to the State through our Councilperson and they don't want to re-examine that we have a dedicated right-turn lane. We will have just a huge amount of traffic. Ridgemont will be even a more difficult neighborhood than it is -- street than it is now, and it is a very difficult street -- Ridgemont. I did talk with Rusty, and it's really up to the City to do some traffic calming. And we've been on the list for, was it 10, 12 years, and we're 12th. I don't know how this would hurry it up. But what I ask for is fairness for the entire neighborhood. Not a lot of my neighbors -- I just came from surgery two weeks ago and I haven't talked to all of my neighbors. I will bring them to the Council meeting and let the Council make changes, I would ask of you, if there's going to be changes. I just ask for fairness because there will be added traffic. One exit from this subdivision will be chaos in my neighborhood, and all of us have to get to College Park -- or most of us, and get onto Stadium. And -- and just having one exit really close to the juncture of those two huge hills. I've almost been killed in this neighborhood, and it's coming down Highridge, once on my bicycle and once in my car when it was slick. It's a bad place for an outlet to the subdivision, but that's where they have it. But if there isn't one further from Ridgefield on Woodhill, it will be really dangerous in my neighborhood. Thank you.

MR. STRODTMAN: Commissioners, questions? Ms. Turner, thank you.

MR. MALLOY: Good evening. David Malloy, 2311 Ridgemont. I just wanted to make a couple comments that weren't addressed. Traffic on Ridgemont has increased over the 13 years that I have lived there, substantially. Once people found out that it's quicker for them to go through the neighborhood to get to the other side of Fairview than to go either Chapel Hill or go down to Broadway. A lot of cars do not turn onto Woodhill to access Ridgefield. They go right down in front of my house and go to Overhill and then turn left and then take a right onto Ridgefield to get to Middlebush. A lot of them do turn down Woodhill. I mean, I've done anecdotal traffic studies because I see a lot of the same cars come through and sometimes I will follow them to see where they're going. Most of the time they are jumping across Fairview to the other subdivision. So some of this has to do with the lack of proper traffic control at Fairview and Chapel Hill and Rollins and Fairview. During rush hour, Chapel Hill stacks up for people going further out to Scott Boulevard, and so those people that just want to turn onto Fairview to get to that other neighborhood on the other side, they choose to cut through our neighborhood on Ridgemont. And I wouldn't have such a big problem with it except that they don't drive the speed limit or less than the speed limit. They drive at least five miles over. And it's real -- the topography of the area is very hilly, and so it is easy to -- if you're going, you know five miles an hour at the top of a hill, you can be going 30 at the bottom of the hill without -- you know, just coasting. So I like the idea of speed tables. I don't think it is a good idea to put a speed table at Woodhill and Ridgemont because during winter, you have to maintain a good momentum to get up that hill, even after it is cleared and even after they treat it, and having a speed

table right at the top of it is going to cause more trouble. I don't have a problem with the speed tables if we can get them in the right places, and taking account the topography and the fact that during winter it is difficult to traverse the road, but I did want to mention that I don't think the connection of Ridgefield to Ridgemont is going to substantially increase the number of cars that travel down Ridgefield as opposed to Ridgemont. However, I do believe that this development is going to impact the area such that some traffic calming needs to be done on both roads. Thank you.

MR. STRODTMAN: Commissioners? Ms. Burns?

MS. BURNS: What is the speed limit on Ridgefield and Ridgemont?

MR. MALLOY: Twenty-five.

MS. BURNS: So you see people going 35, 40 and above --

MR. MALLOY: Often.

MS. BURNS: -- on a regular basis?

MR. MALLOY: On a regular basis. Now, if I'm out there, I can sometimes, you know, wave at them and let them know that, you know, they don't just coast down there, and, you know, they need to hit the brakes because if you don't tap your brakes, you will be going 35 to 40 miles an hour by the time you get to the bottom of the hill. That's how steep it is. It's the same thing with Highridge. Highridge is a little steeper, and, yeah, the gentleman that mentioned having the trouble with vehicles speeding down that hill when they are trying to access, yeah, I believe it. It's -- because that hill you could be going more than 40 miles an hour, just starting at 25 at the top. And by the time you get down to the bottom, yeah, you'll be going very fast.

MS. BURNS: Thank you.

MR. STRODTMAN: Commissioners, additional questions? Thank you, sir.

MR. MCLEOD: My name is John Mcleod; I live at 2307 Ridgefield Road. And I agree with just about everything I've heard from the public on both sides in terms of Ridgemont and problems there and Ridgefield. In talking about equalizing, I think there is a misunderstanding. The pointing out of Overhill Road was very important because that's what is used in the mornings very frequently. My house is the second block of Ridgefield, which is where you come down Woodhill and make -- make a right turn. And there's a stop sign there which nobody stops at. And they go past my house, which is on a blind curve and they are already at 40 miles an hour at that point. My wife is terrified if she is out doing the gardening. So, anyway, the two things that they were talking about putting up speed tables, of all the places to put them, they would do the least. Now, I'm sorry, I'm not a traffic commissioner, but that intersection at Ridgemont and Woodhill is the most dangerous intersection in Columbia. I have lived here for 37 years. I know this city. That is a very dangerous place. To put a speed bump there is not good. And then to put it right at -- at Woodhill and Ridgemont, well, I'd love it because there is a stop sign there and they don't stop. This will make them stop. But that doesn't solve our problem. Ridgefield Road, if it is connected, is a long road with lots of hills, and these people will be traveling very fast. And people have said again and again, there are no sidewalks, and it would be very expensive to put in sidewalks.

When this neighborhood was designed, it was designed to be something that you didn't have this kind of traffic. When I first came here, we had -- we had a roundabout through downtown Columbia, which was to avoid rush hour -- rush hour then, 37 years ago, was seven to eight minutes long. Now, we have a real rush hour, and it goes right past my house. Thank you.

MR. STRODTMAN: Commissioners, questions of this speaker? Mr. Mcleod, what was your address again?

MR. MCLEOD: 2307 Ridgefield Road.

MR. STRODTMAN: Ridgefield. Okay. Thank you. Thank you, sir.

MR. LUBAHN: Hi. I'm Dennis Lubahn; I live at 2216 Ridgefield Road. I think you've all gotten the letter from me. A couple of new things, and just a variation to clarify things. And I actually have a question. But just to validate certain things, I agree with Marty about the poop fountain. The sewers are overloaded and the poop squirts in the air, and then we call, and they come and spread lime. And it's -- that -- it doesn't happen quite as much as it used to, but it does still happen. And that's the sanitary sewer problem, so I can't imagine that more development is going to help with that. So I really do wish somebody would look into that and see what is going on and quit ignoring it. It keeps getting mentioned and it has repeatedly been ignored. The -- the main punchline here is that it really isn't Ridgemont versus Ridgefield, which is how it has been talked about as what is happening here, it is that -- I mean, there's traffic on both of the roads. The problem that we are, again, repeatedly pointing out and that our president of our homeowner's association -- and we've talked about this and we've worked with the developers when they were making the first plan about how to do this and the various things is that if there is a straight-line shot, the traffic will increase. The traffic will increase. It won't stay the same. It won't be shared. It will all shift from one to the other. Okay? Not completely, but a lot more. I could make a bet with somebody if they would like to, but it is what's going to happen. All right? If they don't believe so, then they don't deserve to be called traffic engineers. There is just something with their understanding of human nature and how people drive. There are no -- it's one fewer turn, one fewer stop sign, and it's really relatively straight once you get going on it. All right. I've got to do the emotional argument. All right? This is a 50-year old quiet cul-de-sac. The plan said it ended there. There is bulges on them. All right? All right. We, through our home owner's association president, very quiet, very calm -- the woman who was cut off because she was talking for many people in the audience to save you guys time -- all right -- had worked with the original developers of this plan. All right? And she had come up with a plan that had instead of one nice quiet neighborhood cul-de-sac, there would be a second quiet nice neighborhood cul-de-sac back-to-back, and life was going to be sweet and nice as far as the super duper traffic on the road. For some reason or other -- not the developers because they were happy with us and we had agreed with them -- the Planning Department changed that. All right? We don't know why. For our purposes they were nasty and they sabotaged us. We don't understand that. We wondered what the heck our president was doing negotiating and talking with the developers if these folks were going to undo something. Finally, where does it say that two neighborhoods must adjoin so traffic

can flow between them fast? Where does it say that in the book? Who made that rule and when? I mean, is that in some planner's handbook that says neighborhoods must connect? Why not two nice quiet cul-de-sacs -- all right -- back-to-back rather than a nice fast raceway in-between? I think that's everything. Thank you so much.

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

MS. STORVICK: My name is Arlyn Storvick; I live at 2210 Ridgefield Road. And I'm one of those who has lived there for nearly 50 years. So I'm right -- my kids are here with me, and so I'm just going to make this statement. By proposing traffic calming, they or this proposal is identifying an issue that would be compounded by the connection which is not required within the subdivision regulations. Yeah. So that's all I wanted to say.

MR. STRODTMAN: Commissioners, any questions for this speaker? Thank you, ma'am.

MR. MCCABE: Good evening, everyone. My name is Fred McCabe; I'm at 2410 Ridgefield. And my daughter was married on a Friday night, and on Saturday, we had a number of people from Omaha and Kansas City coming to my house for brunch. And about 15 minutes before they were supposed to arrive, a car wound up in my front yard and hit -- hit a tree because -- coming down Ridgefield and couldn't quite make the turn and ran right into my front yard and hit that Redbud tree in my front yard. I think anything to encourage additional traffic coming down Ridgefield and going all the way through is a mistake and dangerous. I do appreciate the hard work of Mr. Crockett and of the City in trying to do this, and you listening to our arguments. And I'm not here to disparage you, but I do think we need to be very careful about extending that road and encouraging more traffic in the neighborhood. Thank you.

MR. STRODTMAN: Commissioners, any questions for this speaker? Mr. McCabe, do you have a suggestion for traffic control?

MR. MCCABE: I think we need to do something to slow it. There was a discussion approximately 10 years ago. I don't remember the exact date of putting a stop sign on Ridgefield and Overhill, and that didn't pass. I think that would be a very valid place to put one. I'm about three houses down from that intersection, and that's where the car ran into my house -- into a tree in my front yard.

MR. STRODTMAN: Thank you, sir. We have another question. Ms. Loe?

MS. LOE: Just a follow up on the stop sign. Was it the community that chose -- vote against it or was it a City decision not to put it in?

MR. MCCABE: Honestly, I don't know. I was at the meeting where we talked about it --

MS. LOE: Uh-huh.

MR. MCCABE: And I can't at this point remember exactly why it was voted down. I apologize for that.

MS. LOE: No. That's -- just curious. Thank you.

MR. STRODTMAN: Any additional questions, Commissioners? Thank you, Mr. McCabe.

MR. MCCABE: Thank you for your time.

MR. STRODTMAN: Thank you.

MR. ANDERSON: Good evening. Bradd Anderson, 2306 Ridgefield. Out of respect for your time, I'm going to shortcut my comments. I'll apologize if they're not as polished as they could be. Long story short, I'm strongly opposed to this extension as well onto Ridgefield. I'm -- I've seen this framed as a fairness issue or sharing the burden, and that appeals to me as a fairness person, but if you actually hang out around Woodhill and Ridgemont and look at the traffic patterns, there is no sharing the burden here. It's a no-brainer. You're going to go down Woodhill, hit Ridgemont and take the straightest shot in town all the way up to Fairview. There is no sharing the burden. If you connect Ridgefield, you have a speedway going on, which as you know is already happening, but you are going to add to that speedway. And we've talked about our children and we've talked about the elderly walkers and our bicyclists, but I don't think anybody has mentioned the children in that new division -- the new subdivision, the Pate Jones children. They're going to -- if they're going to speed down our Ridgefield, you know they are going to speed through that subdivision as well, and we've all probably expressed our opinions -- excuse me -- on the adequacy of those traffic calming measures discussed. But, you know, if you get young families in those -- that subdivision with little kids playing in the streets who don't know any better, they are in danger too. I would so much rather have a nice quiet cul-de-sac where my child gets to ride her bike and those kids are safe and let those kids in that new development ride their bikes and maybe have a little connector between the two so they can ride their bikes together, but let's keep them safe. Let's also maybe make an emergency entrance for emergency only vehicles. If a fire truck needs to get through, we certainly support that, but let's -- let's think about our children and what is logical and safe. Unfortunately, Ordinance 25-42 requires that we have this connection, but, no, it actually doesn't. It encourages it, but not if the vehicular access is unnecessary and inappropriate. My question to you is -- well, what I would like to suggest is making a bad problem worse when the City has done nothing to help us for 10 years is really not necessary. The report you received from the staff even said these issues will exist with or without the construction -- this connection to Ridgefield. I would also suggest that making Ridgefield more unsafe to accomplish nothing is really not appropriate. There is just better things to do. It's not a blind ordinance. You have the power to make changes and we really need your help. So, thank you.

MR. STRODTMAN: Commissioners, any questions of this speaker? Mr. Anderson, thank you.

MR. CARSON: Hi. My name is Christian Carson; I live at 1301 Parkridge Drive. If I stand on my porch, I can see all of this property down the street. A lot of people walk on my street, and all of these other streets walking their dogs, et cetera, and with their kids on bikes headed down to Ridgemont, and I have to ask you why? It is so dangerous to get on Ridgemont, but they have -- it's a great place to go. I have two things to point out. First of all, there is a history with this property and its development. First of all, the developer wanted to build apartment townhouses there and only went to the people with Ridgemont twisting their arm thinking that they wouldn't want to have their road punched through

naturally, because punching that road through is a disaster for these neighborhoods. It's plain and simple. Now we're going to have a development with the correct level of housing, but it's clear that there's going to be crowdedness and all of that. So please be fair and please consider that ultimately this development itself is a bad idea, let alone cutting through Ridge-- cutting Ridgefield through is an extremely bad idea. Thank you.

MR. STRODTMAN: Commissioners, any questions of this speaker? Thank you, Mr. Carson.

MR. MILLER: Good evening. My name is Ron Miller; I live at 2208 Ridgemont, which is the very top of the hill on Ridgemont. I'm lucky enough to tell when traffic is coming because they're revving their engine to go up the hill. Either way, you can hear them coming. I'm here for my grandkids. We need to do something about the traffic. A calming device for me is extending Ridgefield. It would reduce the traffic on Ridgemont. It has gotten worse in the last 20 years I've been there. Let's do something, please. That's all I got.

MR. STRODTMAN: Commissioners, any questions? Thank you, Mr. Miller.

MR. COLBERT: Good evening. Caleb Colbert, attorney at 601 East Broadway. I am the attorney for the applicant. Again, thank you for your time this evening. I know it is sort of unusual to have an attorney speak at a subdivision plat action, but given the public comment and some of the correspondence received, I felt like we should chime in on this. Obviously given the public comment, the public has concerns with the City policy regarding connectivity, but that is not what we're here tonight to decide. At the core what we are here to decide tonight is does this plat meet the subdivision requirements. And I direct your attention to the staff report which reads, "The proposed preliminary plat has been reviewed by staff and is found to be compliant with all subdivision regulations subject to the installation of the recommended traffic calming devices. The public has discussed a lot of alternatives and they've thrown out a lot of ideas, but that's not what we're here tonight to decide. We're here to look at this plat. And the City staff has concluded that it meets the subdivision regulations. Mr. Crockett testified that it met the subdivision regulations. And I would direct your attention to some case law that says that when a subdivision ordinance specifies minimum standards to which a preliminary plat must conform, it is arbitrary as a matter of law to deny approval of a plat that meets those standards. Accordingly, if the plat is within the use permitted by the zoning classification and meets the development regulation set forth in the subdivision ordinance, then the plat by definition is in harmony with the existing subdivisions it would also by definition be in character with the existing subdivisions. Again, I understand why people want to live on a dead end road. I get that. But that is not what the City policy is, and we have an -- as an applicant, we have an obligation to submit a plat that complies with the subdivision regulations, and that is what we have done here. So, respectfully, I would ask for your support and your recommendation of approval this evening. Thank you.

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

MR. MACMANN: Mr. Colbert, that was the 435 you were reading -- RSMO?

MR. COLBERT: Pardon?

MR. MACMANN: Which -- what was the number on that?

MR. COLBERT: On the case?

MR. MACMANN: Uh-huh.

MR. COLBERT: It is 847 S.W. 2nd 867, Schaefer versus Cleveland.

MR. MACMANN: Okay. And you were referencing one of the State codes. Which one was that?

MR. COLBERT: I was representing -- it's --

MS. RUSHING: State statute.

MR. MACMANN: It's a State statute. Okay. You're hinging your argument on if the staff determines that all subdivision compatibility issues are addressed then it must be approved; is that what you're saying?

MR. COLBERT: That is correct. That is --

MR. MACMANN: If the premise that I just set forth is not the case, then your argument holds no water. Correct?

MR. COLBERT: I'm not sure what you're asking.

MR. MACMANN: I'll be much more direct. Let's say that the staff's assessment of the road network and the road impact is incorrect, than it does not meet all planning requirements.

MR. COLBERT: And I'm not sure that we have had competent expert testimony tonight from people that are qualified to offer the expert testimony that is required to satisfy the technical and engineering requirements of subdivision regulations.

MR. MACMANN: I appreciate that. As you can tell from the comments behind you and I can tell you from having driven this a few hundred times, I believe the staff's -- with all due respect, gentlemen, your view is optimistic at best. I just -- I'm sorry -- it's very optimistic. That's all the questions I have. Thank you very much.

MR. COLBERT: Thank you. Any other questions?

MR. STRODTMAN: Any questions for this speaker? None.

MR. COLBERT: Thank you very much.

MR. STRODTMAN: Thank you, Mr. Colbert. Any additional speakers that would like to have a moment? I see none. We'll go ahead and close the public input portion.

PUBLIC INPUT CLOSED

MR. STRODTMAN: Commissioners?

MS. RUSHING: Well, I'd --

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: -- like to ask a question of staff.

MR. STRODTMAN: Yes, ma'am. Go ahead.

MS. RUSHING: What is the length of this road as proposed? Do you know approximately?

MR. PALMER: It's -- I honestly don't. It's --

MS. RUSHING: Around 700 feet, maybe?

MR. PALMER: It's 750, I think, to 800.

MS. RUSHING: Okay.

MR. STRODTMAN: Additional questions? I've got one. What other options were considered? I assume the original plan that one of the speakers referred to about two cul-de-sacs back-to-back was obviously eliminated due to the fire department's desire to no longer continue to do cul-de-sacs where possible and that's the last resort. Were there other options considered besides that scenario?

MR. ZENNER: That particular option was considered as part of a planned district with a private street system, and we have a standing policy that private streets do not connect to public.

MR. STRODTMAN: Correct.

MR. ZENNER: I would tell you that our fire service was not satisfied with that general solution. So it would have been a compromise given the nature of the original development on this property. It would not have been, as we have pointed out this evening, consistent with the general regulations that we are applying in this instance.

MR. STRODTMAN: And I understand why we only have -- we don't want one exit only. That is not suitable either, so I understand why we need two points. Was -- one of the speakers mentioned the Parkridge Drive scenario. I understand that -- you know, I drove this a couple times out there in the last week or so just to look at it and I was there in the morning once and I was there this evening before I came in here just to see kind of how it looks before five. How does that look -- that Parkridge Drive scenario? Was that --

MR. ZENNER: It was not --

MR. STRODTMAN: It seems to be kind of difficult with that hill and --

MR. ZENNER: It was not evaluated as an option at this point, and in conferencing with our traffic engineer, that would require additional evaluation to determine and rule that out. However, given the topography in this particular area, it would probably not necessarily meet our site distance requirements. Mr. Crockett may have done a more detailed investigation of that as this development was being laid out, but it has not been something that we have reviewed specifically.

MR. STRODTMAN: Can we - can we discuss why the traffic engineers wanted the traffic control measures where they placed them and not some or something to the east?

MR. ZENNER: I will let Mr. Jake Ray speak to that. He is with our traffic engineering division.

MR. RAY: Yeah. With that in particular we were trying to get something that was close to the planned development as possible. I mean, we fully understand that as a staff we will be looking at this whether this development is allowed or not for traffic calming. As has been mentioned this is -- on our neighborhood traffic management program, it is number 11 and number 12 currently in this current year. We've done -- gathered more information this current year on that, and we will be coming out with our report after the first of the year once we gather all the data. So I'm not sure where it will fall in this upcoming year, but I would anticipate somewhere in that neighborhood.

MR. STRODTMAN: That it would stay in the number 11 and 12?

MR. RAY: Somewhere in that general neighborhood. You know, somewhere eight to twelve, probably.

MR. STRODTMAN: And obviously you probably need time to do your analysis and your -- you know, you look at accounts, et cetera, but why wasn't something more considered to the east? I mean, it does seem to me that that Highridge -- coming off that Highridge going west is -- you know, it's a huge drop, and if you're not turning on College there, you know, you're going to pick up some speed and, you know, there's a crossing there with the sign in the road. Was there anything considered on the east side -- traffic control measures? I mean, you know, obviously that is something that is probably going to be addressed as number 11 or 12, and we're specifically talking about this project, but I'm just curious if that's been a discussion or not.

MR. RAY: Not at this time it wasn't. I mean, we've -- we were just trying to try to focus, you know, some traffic control devices to try to address some of the concerns that are -- currently exist and try to anticipate some of the issues that will be -- could come with this development.

MR. STRODTMAN: Was the City the only party that did a traffic study? Was there a third party?

MR. RAY: No.

MR. STRODTMAN: No. Thank you. Commissioners? Ms. Loe?

MS. LOE: What's not shown on this map is that College Park is a neighborhood collector and Bray is also a neighborhood collector. Correct?

MR. RAY: Correct.

MS. LOE: That's correct. Okay. And Bray is going to, on the CATSO plan, connect through to Scott Boulevard via Dublin. Correct?

MR. RAY: Yes.

MS. LOE: Yeah. So I think one of my concerns is that we have two neighborhood collectors that are dumping into this neighborhood. I see them as dumping. I happen to live on College Park, so I'm adjacent to this, and am aware of some of the issues, and I'm aware of how well speed tables work or don't work. They have helped. I will tell you all that. So we are doing better. But I think we were number one on the list when we got those, and just so the Commission knows, we have a 25 per hour speed limit on College Park with a 20 per hour during the day because we have a school at the top and bottom of the hill. And we have some hills, and I'm not sure if you've done your speed tests yet, but I know on College Park cars were tested at going 44 miles an hour.

MR. RAY: That's correct.

MS. LOE: So it's a bit excessive when you have that hilly terrain without stop signs. In light of the -- my observations about where the neighborhood collectors are, can you tell me what the City's view or overview is of where they are doing this traffic calming study? Especially -- and this is in conjunction with my concern -- or my previous comments about no longer having the ability to connect through to Scott. It does appear that this neighborhood is coming under some pressure, given that there is the only north-south connection is at Fairview and Forum, and no possibility moving forward with another north-

south connection. So you have two neighborhood collectors -- one coming in from the west, one coming down from the north. How -- how does it -- they're going to get connected whether or not the City draws that line. So what's the City's viewpoint or response to that?

MR. RAY: The -- from the traffic calming side, we will definitely look at how to treat the existing traffic. There hasn't been a widespread study to try to determine where the most appropriate spot is to try to find relief for this area.

MS. LOE: So you haven't yet identified where in that neighborhood -- you haven't tested traffic speeds yet?

MR. RAY: We've done the speed data.

MS. LOE: And where have you done those?

MR. RAY: There were several locations between Fairview and the subject proposed development that we did. And, you know, it was generally the 85th percentile, which is what we use to set the speed limits, is generally around 41 miles an hour.

MS. LOE: Okay. But you didn't go east of the subject property to Forum?

MR. RAY: I believe we have --

MS. LOE: Okay.

MR. RAY: -- some data from there. I don't -- it wasn't done this year, but we have previous years. What we did -- have updated this year was west of the subject data -- or the development we are talking about today.

MS. LOE: I guess I feel as if -- I mean, most of the comments that were brought up tonight were not about the development per se, but about the traffic in the neighborhood. And I feel as if this development has been dropped into a traffic issue. So it's more a question, and I understand Mr. Colbert's comments that we're -- we are looking at the proposed development, but that development is proposing connections that do impact the traffic. So there is some interrelation there. I'm just going to leave my comments at that for now.

MR. STRODTMAN: Commissioners? Ms. Russell?

MS. RUSSELL: Could you tell me how -- what the cost is of a four-way stop sign on --

MR. RAY: You know, you're looking at somewhere \$80 to \$100 per sign.

MR. STRODTMAN: Ms. Russell, I don't think that -- Ms. Russell, if your question is more -- that probably doesn't address curbs and, you know, streets.

MS. RUSSELL: No, it doesn't. But I'm thinking that a number of four-way stops might help that traffic. I mean, I know we've said -- they've said that, you know, you could hit your brakes and go sliding right through. And I've lived in four-way stop places where people tap, tap, and go.

MS. LOE: We've been -- we were told on College Park that stop signs -- they just accelerate between stop signs and that the speed tables were -- no, they were the preferred --

MS. RUSSELL: I believe it. I believe it.

MS. LOE: -- method of going forward.

MS. RUSSELL: I'm good. I just was curious about the cost.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I just had a clarification. You had said that your tests -- your speed tests were between Fairview and the subject site; is that correct --

MR. RAY: Yes.

MR. MACMANN: -- in the past 12 months? And you said your traffic point was about 41 mph; is that correct?

MR. RAY: Yes.

MR. MACMANN: And the speed limits in there are 20 and 25. Right?

MR. RAY: Primarily 25.

MR. MACMANN: Twenty-five. So 16 over?

MR. RAY: Yes.

MR. MACMANN: Okay. And that's -- I'll verify that that's at least how fast people go. Thank you very much.

MR. RAY: Yeah.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Yes. What I've learned tonight is there are some obvious serious pre-existing conditions that need to be addressed. And it seems like, with respect to Mr. Colbert, this new subdivision could exacerbate those tremendously. So that is my thought.

MR. STRODTMAN: Commissioners? Mr. Harder?

MR. HARDER: Yes. I definitely feel that this has some pre-existing issues. You know, 20 years ago, I grew up on this side of town, and I don't use this cut-through, but Columbia does have its cut-throughs and people take advantage of this. So I think it has been a problem that has been going on for a while and will continue on as well too. I think if they can try to tie something together with the development that actually, you know, helps the whole overall situation, I think it would be better than -- I mean, if -- like it has been said, this is a problem that was, you know, definitely here before the development was even proposed. So I think if there is any way to figure out an idea that would, you know, slow down traffic or redirect traffic, I would support that.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: My famous words are going to have to come out.

MS. RUSHING: Win.

MR. STANTON: You need a win-win here. Now, counsel kind of got me. I was kind of leaning, and then he told me what I'd better do because I better do it. It kind of opened the gates up. We're here to talk about this because there is room for negotiation. If we follow the -- if we follow what counsel said that if it fits and everything looks good we should approve, well, that means that we shouldn't approve any variances or anything else if it fits. So, no, I don't agree with that. We need to talk about this. Traffic is an issue here. The development looks great, it's just the traffic. What can we do? Where can we work

it? I'm looking at it initially -- I don't know how the neighborhood would think about it, but extending the Ridgefield Road into a cul-de-sac and making it longer without connecting it and just extending it. I don't know. We -- there has got to be a compromise. These people have money on the table. It's got to be a compromise. No one side can win it all. How can we fix it? What can we do? Is a cul-de-sac right though and not a connection would be cool? In my eyes, just looking at it, the Parkridge connection I -- I can see where you are going with that, but it's still going to create additional traffic there. So how can we get a win-win here? I like the development, I just don't like the traffic. What can we do?

MR. STRODTMAN: Commissioners, any additional discussion? Would somebody like to frame a motion for consideration? Prefer not all at once. We have a hard time keeping track of the notes.

MS. LOE: I -- I just -- let's go back to the traffic calming measures because I think -- I feel as if the speed tables are a bit of an aftermarket product, so to speak, in that you bring them to a -- we have them on College Park because it is an existing street, we have limited ability to do other measures and the expense of it. In this case -- and this is one of the reasons I asked Mr. Crockett if he had explored additional alternatives within the development. If -- and, Mr. Crockett, why don't you come forward, and if you had some additional -- I'm thinking if we can get something more included --

MR. CROCKETT: Absolutely.

MS. LOE: -- that makes it less of a by-pass situation.

MR. CROCKETT: Absolutely.

MR. STRODTMAN: Mr. Crockett, sorry --

MR. CROCKETT: I'm sorry.

MR. STRODTMAN: Technicalities.

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong.

MR. STRODTMAN: Thank you.

MR. CROCKETT: Ms. Loe, after you had that comment and -- with us tonight is Shawn White, a traffic engineer with Crawford Bunte and Brammeier. While she is not here representing this project necessarily -- it's another proposal on the agenda tonight -- she did have a conversation with me about the idea of traffic calming in specified locations, you're better to try to defer the traffic away. Don't allow traffic to utilize the new street extension.

MS. LOE: Right.

MR. CROCKETT: Try to do exactly what you mentioned. Do bump outs, do -- she's not in big favor of speed bumps, speed tables within the street, but do bump outs. Let's neck that in. And I believe that staff has had that in their staff report that if speed tables at the two specified locations are not adequate or not desired, then by all means, putting two of them at the entrance and the exit or the two sides of this development would be most appropriate. I think we are very well, you know -- very in favor of doing that. We can come in here, we can neck that street down at the line of sight, so when someone comes on Ridgmont and they look over and they see a narrow street to start with, that's not very lucrative for them to get on and go through that area if it's going to slow them down. It doesn't really help

the residents on Ridgemoor, but it -- what it does is it doesn't exacerbate that problem. It just doesn't really alleviate much of the problem. But if we do that at both locations and try to defer the traffic from not utilizing our street -- our new street, then I think that can be a win-win, Mr. Stanton, by keeping that traffic from utilizing our street. Again, it doesn't really solve the overall issue that most residents had tonight, but that's an existing issue. You're exactly right. Anything that we propose is going to be a band aid on the issue. It's a problem that exists today, and there is nothing we can do about that as a developer. There is nothing we can do to solve that, but what we can do is try to keep it -- impacts on the dead end portion of Ridgemoor to a very minimum. So that's what we can certainly try to do.

MS. LOE: Who was installing the speed tables?

MR. CROCKETT: That would have been -- the two that were proposed --

MS. LOE: That were shown earlier.

MR. CROCKETT: The City is asking the developer to pay for those two locations.

MS. LOE: So could we as part of the win-win negotiations leave two speed tables at locations outside the development at locations agreed to by City and neighborhood plus measures within the development to reduce calming -- or increase calming.

MR. CROCKETT: We -- what I would --

MS. LOE: Bump-outs or --

MR. CROCKETT: -- recommend doing is, yes, let's do the on-site traffic calming, the bump-outs on the -- within the development itself.

MS. LOE: Uh-huh.

MR. CROCKETT: And then allow us to work with City staff to acquire appropriate proposals on what it would cost to do those two off-site locations.

MS. LOE: Okay.

MR. CROCKETT: And then the developer will supply to the City that -- those funds in order for them to be built so that we're not negotiating a location. I think the locations are still up in the air. I mean, no one -- here or here, I think that is a serious discussion between the residents and the City.

MS. LOE: Uh-huh.

MR. CROCKETT: And if we supply the funds to build those, I think that would be a much better option than introducing us into the mix in trying to figure out where they need to go.

MS. LOE: Because I think that would address in part the larger issue, which we have all discussed. This is much larger than this concentrated area. We're going to Overhill and we're going up to Highridge. So where -- where would that do the most benefit? And then if we can make this extension as least attractive as possible, I think that could make it more appealing.

MR. CROCKETT: You want us to build an ugly development?

MS. LOE: Just the extension. Just the road.

MR. CROCKETT: I understand. I understand. Yes. I think we could do that. We would want some sort of a cap. I believe those traffic calming devices that we had originally priced them out, they are

about \$7,500 -- \$7,000 to \$7,500. We probably want to cap those. But we would work with the City to acquire what we believe is a fair price for those and then supply that to the City. And then we would do the bump-outs within our development to discourage the traffic to utilize our new street, if that would be sufficient.

MR. STRODTMAN: Mr. Zenner, what would be the mechanism that would -- to -- I mean, how would we -- how would the City handle that in knowing that the locations might take a while to be determined? How would we be guaranteed that that -- those funds would be there and ready?

MR. ZENNER: You could --

MR. STRODTMAN: Mostly for the people in the room to hear.

MR. ZENNER: You could -- the most appropriate way would be to apply a condition that would be conditioned upon the approval of a final plat, which is a Council action. And it would basically be a prerequisite of us forwarding the plat to Council. We would have to have receipt of those funds as to whatever that cap may be. And then, of course, the appropriate design of whatever additional traffic calming internal to the development would be required, such as the bump-outs, as you have been discussing to dissuade traffic from moving through the development at its connection point as it is proposed. And you can -- you can offer that as an alternative to the staff recommendation, if that is what you're contemplating to do. If I may, I would like to ask Mr. Crockett a question, just as it relates to the exploration of other design options as we sit here and we listen to what the public's concern is. We've heard what the Commission generally is maybe contemplating that regardless of what happens at this point, if this project were to be approved, we have background traffic that is going to potentially be exacerbated, so we have a much broader issue. Was there any exploration of potentially doing something with the existing College Park right-of-way that exists? And potentially looking at pulling in where it was originally contemplated in 1966 that that roadway come back out to Ridgmont?

MR. CROCKETT: Yes. No, we didn't really -- we didn't explore that too much for the simple fact, Mr. Zenner, that existing right-of-way -- two things. It is hard to build a new City street completely within the existing right-of-way or a right-of-way without going over. We also in discussion with the residents that lived along that area, we agreed to try to preserve those -- that vegetative cover that runs through there as best as possible for the previous PUD development. And so we knew that was a concern and something that they really had -- that they had high -- you know, high thoughts of. And so we wanted to try to preserve that. With that being the case that they didn't -- they wanted to preserve their vegetation through there, we certainly didn't think that they wanted a road beside their house. And so that was a pretty good reason why --

MR. ZENNER: Let me go beyond that then because I would have anticipated that potentially to be what the response was. If you were to do an orientation of lots that ran east-west backing into that former road right-of-way or backing up to the former road right-of-way, which is currently the vegetative cover --

MR. CROCKETT: Uh-huh,

MR. ZENNER: -- and bringing the road back around to, as one speaker this evening suggested, provided we have adequate site distances to where you then have the ability to backfeed what comes down toward the trail as a cul-de-sac.

MR. CROCKETT: No. No. Now, actually, we did look at that option.

MR. ZENNER: Okay.

MR. CROCKETT: That was an option that we did look at is bringing another road out -- and I believe it was Parkridge Drive coming out through there. I think Mr. -- Mr. Ray will speak to this. We try to avoid four-way intersections where at all possible. That created another four-way intersection at a -- what I call a least desirable location. So a four-way location -- a four-way intersection, which is not necessarily all that desirable for traffic issues at a least desirable location is not a good idea. Furthermore, when we started looking at it in the development, it added a substantial amount of public street. And we -- not gain anything by it. Now, we're not talking about just simply we added more concrete with no more lots, we added more concrete with less lots. It also what that did is it also puts a lot more burden on the City with less tax space on it. So we didn't think that was an economical situation, and the solution that it tried to solve, it just didn't solve it because, again, a four-way intersection at a bad location is not a -- wasn't a good idea in our eyes.

MR. ZENNER: Okay. Thank you. That -- I just wanted to make sure the Commission knew at least where we are looking at this point as this is a R-1 zoned property. You deny this development if that is the desire of the Commission, this property is entitled to be developed at some return. And as R-1, we will have a street at some point. We may have a different iteration of this plan, and depending on how you are desiring for the connection to or not to exist that promotes through traffic from the west heading eastbound or possibly heading westbound down this extension of Ridgefield, while this project has the connection, a future project will likely also propose that or they may request a variance, which at that point, as Mr. Crockett pointed out earlier, we as a staff based upon how we interpret the regulations -- and ultimately Council can look at the more vague and nebulous criteria about its impact to adjacent neighborhoods, that is not something that has any concrete evaluable standards associated with, and therefore that is a judgment call that is left beyond our staff's level. But we will be likely back at a similar situation potentially with a different packaged development. No variance was requested on this. If it had been, which is as was proposed here or stated earlier this evening, staff was the responsible party for the denial or the withdrawal of the PUD plan. But no, our position in that PUD plan review did not change from its concept review to its submittal to its withdrawal by the applicant. We did not support the cul-de-sac'ing of the streets from day one. We felt that the connection was essential in order to -- as it has been stated in this staff report, to ensure that the connectivity of two contiguous similar developments was actually provided as a means of providing public safety and public service provisions. So there have been options explored with this, which I think is something that I asked -- why I asked my questions. There are possibly other options that the Commission may want to consider as it relates to the condition, which while we respectfully understand Mr. Colbert's position and his firm's position, we disagree with.

The Planning Commission under its provision within the Code does have its defined responsibilities as making a recommendation of approval, denial, approval with conditions or you can request tabling for additional information. And that Section 25-10 of the Code does allow you to apply reasonable conditions. And when we evaluate the Code as a whole, we evaluate it not only under the technical requirements -- and sometimes those technical requirements, in order to be met in our opinion, do need to have reasonable conditions associated to them. Hence, the reason for our traffic engineering's department recommendation of the speed tables. We felt it reasonable to meet the intent of the regulations, and that is why it was offered. So with that, any other questions for staff, we'll be more than happy to answer.

MR. STRODTMAN: Mr. Stanton, did you have a question?

MR. STANTON: Well, I'm still conflicted. I understand where the City is going with the connectivity. I was looking at a cul-de-sac solution with maybe an emergency access at the termination of Ridgefield Road as it is now. I -- so that would still give you the connectivity for the purposes of what you wanted, but it would kind of calm the traffic issue that the citizens are looking at. I'm just throwing it out there, if that was considered and why that --

MR. ZENNER: And if I may respond to that because we anticipated that potentially to be a recommendation. In consultation with our legal department as it relates to the closure of a public street, it does not -- it is not generally supported at the staff level for the closure of a public street to be made right out of the gate because there are public streets on either side. And to close a public street does not allow the public -- tax-paying public to travel on those roadways that they are ultimately paying for. Therefore, the safety-related aspects associated with that, should they turn out to be real, the Council does hold within its power to potentially close streets at that point. We would not as a general practice however promote closing public streets right out of the gate without substantiated evidence that in fact the problems that are perceived to be occurring have not yet occurred. So that is always an option in the background that the Council could come back by petition of the neighbors or even by recommendation of our traffic engineering department that the safety matters are such that they do require some other technique in which to manage; hence the reason for speed tables, speed humps, possibly stop signs or other traffic control in particular locations. It is all based upon the criteria of evaluation. It is entirely left up to this Planning Commission, and then ultimately the City Council if this roadway is closed for the purposes of emergency access only either as a through street or as a cul-de-sac. But that is not an issue that we as a staff believe is our role to make that final decision. Ours is to ensure that connectivity is met in this particular instance, as we have pointed out.

MR. STANTON: Okay.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: I'm going to make a couple of statements and then proceed. There has been a lot of comment tonight about the effect of this extension on the existing neighborhood, but I also see a detrimental effect of the extension on the proposed development because the traffic in this area, it's

bizarre. And you're just going to send that same problem through the new neighborhood as is in the existing neighborhood. I understand from the length of the street that there would be a problem with a cul-de-sac, and I'm hoping that the engineers will come up with a creative solution to this. And with that in mind, I will make a motion because I think we need to vote on this and move on. I move for approval of Case No. 17-8, A request by Crockett Engineering (applicant) on behalf of Ridgemont Development LLC for approval of a 28-lot preliminary plat to be known as "Ridgemont Park".

MR. STRODTMAN: Do we have a second?

MS. LOE: Were there any conditions?

MS. RUSHING: No.

MR. STRODTMAN: Any questions, Commissioners?

MR. MACMANN: Is there a second?

MS. LOE: No.

MR. STRODTMAN: I see no second.

MR. TOOHEY: I'll go ahead and second just so we can --

MS. RUSHING: So we can vote.

MR. TOOHEY: -- move on.

MR. STRODTMAN: A motion has been placed on the table and has been seconded by Mr. Toohey. Is there any questions or discussions on this motion, Commissioners? Mr. MacMann?

MR. MACMANN: Just a very brief comment. It would seem from our discussions with staff and our folks here and Mr. Crockett that to take a phrase away from Mr. Stanton this one is not quite ready for prime time here. Whatever we move forward, it is currently not on the plat. I'm just saying this thing needs work if it's going to move forward, and we've all -- Ms. Loe, several others have mentioned we could do X, we could do Y, we could do Z, but that stuff has not been done and we have an existing -- whether the traffic increases on Ridgefield or not, we have -- or Ridgemont, we have 41 to the west, I would submit higher on Highridge. I've travelled it. That is crazy. Fifty more cars, if nothing else, if no one changes their traffic pattern, it will make it worse. I plan to vote no on this -- on the approval. Thank you

MR. STRODTMAN: Commissioners, any further discussion, comments, questions, clarification about this motion? Yes, ma'am?

MS. RUSSELL: I have one.

MR. STRODTMAN: Yes, Ms. Russell.

MS. RUSSELL: After we vote on this, if it is voted down, can we revote on -- with a different motion on it?

MR. STRODTMAN: Yes, ma'am.

MS. RUSSELL: Okay.

MR. STRODTMAN: As always.

MS. RUSSELL: Thank you.

MR. STRODTMAN: Yes. Any additional discussion on the motion that has been made and seconded? If not, may we have a roll call, please, Ms. Secretary.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting No: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman. Motion denied 9-0.

MS. BURNS: That is nine in denial.

MR. STRODTMAN: Thank you, Ms. Burns. Additional discussion, motions, Commissioners? Yes, Ms. Burns -- oh, Ms. Russell. Sorry.

MS. RUSSELL: I'm going to try and frame a different motion --

MR. STRODTMAN: Yes, ma'am.

MS. RUSSELL: -- regarding Case No. 17-8. Approval for the preliminary plat for Ridgemont Park with the added condition of traffic calming measures be negotiated and funded by the developer in addition to traffic calming measures at the entrance of both -- through the tract.

MR. STRODTMAN: Do we have a second on this motion?

MR. STANTON: I'll second that.

MR. STRODTMAN: Mr. Stanton, thank you for that second. Ms. Russell has made a motion and it has been seconded by Mr. Stanton. Commissioners, is there any discussion on this motion? Mr. Harder?

MR. HARDER: Yes. If I could get clarification of -- so that would be traffic calming patterns from both entrances to the subdivision? Okay.

MR. STANTON: Can we --

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Can we make it more specific? Bump-outs or bump-ins? I mean -- or are we just leaving it up to --

MR. STRODTMAN: Ms. Russell? Your motion.

MR. STANTON: Because traffic calming can be a speed bump, which doesn't work --

MS. RUSHING: No, I mean the traffic department --

MR. STANTON: -- or a sign that says slow down.

MS. RUSHING: Wouldn't that be --

MS. RUSSELL: I'll add that the entrance and exit through the tract include pretty good bump-outs.

MR. STANTON: I just wanted to get the technical -- whatever technique we want to use.

MS. RUSSELL: That's technical. Pretty good. Yeah.

MR. STANTON: Yeah. That will work.

MR. ZENNER: Do we --

MR. STRODTMAN: Mr. Zenner, would you give us a little --

MR. ZENNER: Yeah. I just want to make sure that we are all singing out of the same hymnal here before we are done. So we've got traffic calming to include some pretty significant improvements at the entrance and the exit of the subject site. And you had also requested that off-site improvements be funded by the developer.

MS. RUSSELL: Negotiated and funded.

MR. ZENNER: Negotiated. Is there any limitation as to the extent of those traffic improvements off-site from the project or any monetary cap associated with that?

MR. STANTON: I guess you could -- as recommended by staff.

MR. ZENNER: And the way that you could approach this is the staff's recommendation is, as currently within the staff report has requested, that two off-site speed tables be installed. If the negotiation is intended to have traffic calming devices as negotiated in an equivalent value to those two speed tables, that may be appropriate to add to your motion so we have clarified the extent financially that the developer is being obligated.

MR. STRODTMAN: Ms. Russell, would you like to add anything to your motion?

MS. RUSSELL: I will probably reframe the whole thing.

MR. STRODTMAN: If that is accept-- if you would like to withdraw your motion.

MS. RUSSELL: Oh, let me withdraw that one.

MR. STRODTMAN: Okay. Would you like --

MS. RUSSELL: And try a new one.

MR. STRODTMAN: Okay.

MS. RUSSELL: All right. In Case #17-8, approval of the preliminary plat for Ridgemont Park with added condition of traffic calming measures outside the subject plat to be negot-- two traffic calming measures to be negotiated --

MS. LOE: So maybe two traffic calming measures outside of the subject plat to -- equivalent of two speed tables to be negotiated with the City and neighborhood?

MR. ZENNER: I'm good at framing motions for you, so would you like me to frame a motion for you?

MS. LOE: Yes, Mr. Zenner.

MS. RUSSELL: That would be great.

MR. ZENNER: Okay. And this will be Ms. Russell's motion when we are all done.

MS. RUSSELL: It will be my motion.

MR. ZENNER: Okay. If I can see the staff report so I will start this properly. Front page. All right. All right. We are -- we are making a motion to approve an application submitted by Crockett Engineering on behalf of Ridgemont Development LLC for approval of a 28-lot preliminary plat to be known as "Ridgemont Park", subject to the applicant negotiating with the City's traffic engineering department to install two off-site traffic calming devices in an equivalent value to two speed tables, and to install traffic calming devices at the entrance to the development from Ridgemont Road and at Fieldcrest

Road.

MS. RUSSELL: Ridgefield.

MR. ZENNER: Ridgefield. I'm sorry. Ridgefield. Ridgefield Road that may consist of very large bump-outs.

MS. RUSSELL: That works. Thank you.

MR. STRODTMAN: Do we have a second on that motion.

MR. STANTON: Second.

MR. STRODTMAN: Mr. Stanton seconds the motion that was made by Ms. Russell via Mr. Zenner. Any discussion on this motion, Commissioners? Questions, comments? Mr. MacMann?

MR. MACMANN: I don't see how this guarantees that it fixes the problem. We have existing -- I just -- you know, just to be pragmatic, we have an existing problem which will have more traffic on it east and west. This may be helpful within the subdivision itself. But what I'm leery about is we don't have good studies to the east for sure and those sites to the west seem to be incomplete, and they aren't necessarily -- I plan to vote no on this because I don't believe it addresses all the issues. And I believe also there are -- we didn't get into, because the traffic has been so salient, the storm water issues, which is a concern of mine and the sewage issue, which is a concern of mine also. So I still plan to vote no because I don't think we -- I think we are trying to be -- we tried to address this and we're not sure what we are doing, and that concerns me. Thank you.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I beg to differ. I'm a little versed in things like this, but we've got to create a -- I'm trying to create a win-win of both sides are equally dissatisfied. I think I won. We've got the connectivity that the City wants. Yes, we still got through traffic, but we've created barriers to slow it down significantly. We have the option, as Mr. Zenner has recommended, that if these problems do come to reality, as the citizens have expressed, there is an option to close it down or to -- we have other measures still on the table to use. Like I said, we -- you know, people have got money on the table and we've got existing neighborhoods. Unless you have a better solution, this is what we worked out.

MR. STRODTMAN: Ms. Loe, did you have something?

MS. LOE: Yes, I believe the development at two units per acre, which is very low, and that they are giving 58 percent of the developed area back as open space to the community is actually quite a generous proposal for the community. And this is R-1, and you could get something much denser coming in. So I believe this is a great development for the area. I mean, again, I live adjacent to it. I use that County House Trail, and I'm really pleased to see that continuing to be buffered. I'm also in support of promoting infield development closer into the City core. So I can't really push against -- I understand we have infrastructure issues and that we are working on those, but I have to support bringing more housing closer into the city than pushing it out to the perimeter of the city. I do not think this solves all the problems. I think the community's neighborhood has a ways to go on that, but I don't think it's this developer's burden to solve all the problems. I think what we are trying to do is acknowledge that this

development is bringing some added traffic into the neighborhood and that hopefully with the two added street calming measures, that you will get a start in getting some street calming measures because it sounds like you are still down the list a little bit on the City's plan and that the City can augment that when they do get to you and do complete your study and can provide some funds to the neighborhood.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just two points real quickly. To Mr. Stanton's point about money on the table, Mr. Crockett and associates do have money on the table and they do hope to make money, and that's awesome. There are some folks on Ridgefield who may see their property values go down, so there is money on their side of the table. To Ms. Loe's point, rather -- just rather quickly about the five-plus acres they are -- and that's awesome that they do that, but at the same time, the cost developing that property -- I go by this property probably all the time. This floods with great regularity. The cost of developing that is high. Just in -- and yes, that's a generous offer, and I'm glad they do it, but there is not much else you can do with it economically, particularly at an R-1 level. Thank you.

MR. STRODTMAN: Any additional discussion? Mr. Zenner?

MR. ZENNER: I would just like to point out in response to Mr. MacMann's question, you do have a letter from our sanitary sewer utility as it relates to the sewer issue, and it is a rather detailed letter. However, it does make reference in the second paragraph of that letter that there has been evaluation. There has been activity as it relates to the sanitary sewer issues, and as the letter states, a majority based on their review over the past five fiscal years, October of '11 through September of 2016, there has been significant I & I issues associated with that, which we are currently in and I & I Reduction Program, which many of those improvements, as this letter reads, have been made. In 2014, the letter speaks specifically to the fact that staff identified equipment and operational procedures that could be modified at the wastewater treatment plant which would significantly reduce the frequency and the duration of wet weather overflows in several locations throughout the city. These modifications were completed in July of 2015 with the expansion of our sewer treatment plant. And since that time, there has only been one overflow reported in this particular area. The -- and that was after almost a six-inch rainfall event. In addition to the modifications, as I pointed out, the I & I activities in the County House Branch Watershed are ongoing and basically significant portions of the sewer collection system within that watershed are being -- have been rehabilitated. There currently is one ongoing project in the basin, and the sewer system evaluation survey was recently completed for the portion of the collection system in the County House Branch Watershed, which has not been. The final rehabilitation project for the basin will be completed in 2017, and the letter concludes that the completion of these projects greatly reduce the amount of I & I entering the system, which is a cause of the overflows as evaluated by our system specialists and engineers, and that their final conclusion is that the proposed Ridgemont Park Project will have negligible impact to the operation of the sanitary sewer collection system under existing operating scenarios. The beginning portion of this letter reads to the flows that this particular development will generate as well as to what the capacity is within this watershed, which are roughly one to -- the flow is

about 1.3 million gallons per day with a sewer main capacity of 5.3 million. As far as it relates to the environmental conditions, that question has been -- was raised to our staff earlier today. The intermittent stream that is identified was a result of the grading activities that occurred on this site as part of the preparation for the Lutheran Church's operation. It does not require an individual permit from EPA; however, it will require a DNR permit, and it will need to meet all of our city's regulatory standards as it relates to storm water. Those are items that generally will be handled as a part of the final platting stage and the submission of construction plans. So we are looking at an initial layout of this development at this point with this project, and as the motion stands at this point and your discussion has commenced around that motion, we would be comfortable to tell you that you are making the step in the right direction to address the existing background issues that are here, and we have additional regulatory requirements that lie in front of this development that will ensure that the other environmental related matters that have yet to have been addressed will be taken care of prior to final platting and permitting.

MR. STRODTMAN: Commissioners, any additional discussion on this motion? As I see none. May we have a roll call, please, Ms. Secretary?

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey, Ms. Loe, Mr. Harder, Mr. Stanton, Mr. Strodtman. Voting No: Ms. Rushing, Ms. Burns, Mr. MacMann. Motion carries 6-3.

MS. BURNS: We have six to three, motion carries.

MR. STRODTMAN: Thank you. The motion -- our recommendation for approval will be forwarded to City Council. At this time -- Mr. Zenner? At this time we are going to take a quick break and let the room clear out. And we'll come back in seven minutes.

(Off the record.)

MR. STRODTMAN: I'd like to go ahead and we'll call back the December 8th -- Thursday -- 2016 Planning and Zoning Commission regular meeting back to order. And we will pick up where we left off. Still in the Subdivisions, Case 17-13.

Case # 17-13

A request by Como Urban Housing, LLC (owner) for a variance from the requirement of Section 25-48 (Subdivision Regulations) to install a sidewalk along the frontage of an R-2 (Two-Family Dwelling District) zoned lot along an improved street. The subject site is located on the east side of Sanford Avenue, approximately 600 feet north of Ash Street, and is addressed 310 Sanford Avenue.

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

Staff report by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of a sidewalk variance from Section 25-48.

MR. STRODTMAN: Thank you, Mr. MacIntyre. Commissioners, is there any questions for Mr. MacIntyre? I see none. We'll go ahead -- this is a subdivision matter, but if there is anyone in the

audience that would like to give us some information that would help us in our decision, we would welcome that at this time. We would just ask that you give us your name and address, and then your information.

PUBLIC INPUT OPENED

MR. MCNULTY: I'll be brief. My name is Emmett McNulty; I live at 108 Rothwell Drive. I'm part of Columbia Urban Housing. This is -- we do a lot of properties in the downtown area. We love them. We try to -- as the pictures kind of show, they -- we try and make them representative of what is already on the street. So we spend a lot of time from an architecture's standpoint. And just -- I mean, putting a sidewalk in here would just -- it would just look odd. So that's kind of where we are. And I don't see that in the big picture how that would influence the street or help the community. But we tried to make a really pretty house and I think -- I think that we have, and it will show through and maybe we can start, you know, revitalizing some of these -- these little areas. So thank you.

MR. STRODTMAN: Commissioners, any questions for this speaker? Thank you, sir. Anyone else would like to speak on this matter? I see none. We'll go ahead and close the public input portion.

PUBLIC INPUT CLOSED

MR. STRODTMAN: Commissioners, any discussion? Mr. MacMann?

MR. MACMANN: I was going to make a comment and then make a motion. Did Ms. Loe want to make a comment beforehand?

MS. LOE: I was going to make a motion, but if you want to make a comment, please.

MR. MACMANN: I think -- you know what, I think we're going to make the same motion, so why don't you just go right ahead.

MS. LOE: I was going to say that staff presented a thorough report and I move to approve the sidewalk variance, Section 25-48, in the Case of 17-13.

MR. STANTON: Second.

MR. STRODTMAN: We have a motion made by Ms. Loe and seconded by Mr. Stanton. Commissioners, is there any discussion needed on that motion? I see none. Ms. Secretary, may we have a roll call, please?

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodman. Motion carries 9-0.

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns.

Case # 17-14

A request by Crockett Engineering Consultants (agent) on behalf of ESS Properties, LLC (owner) for approval of a two-lot preliminary plat of M-1 (General Industrial District) and M-C (Controlled Industrial District) zoned land, to be known as "763 Industrial Park Preliminary Plat".

The 130.89-acre subject site is generally located on the east side of Highway 763, approximately 700 feet south of Prathersville Road, and also located at the east terminus of Harvester Road.

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

Staff report by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the preliminary plat for "763 Industrial Park Preliminary Plat".

MR. STRODTMAN: Commissioners, any questions for staff? I see none. As is in past practice, this is a subdivision matter, but if there is anybody in the public that would like to give us some input that would be beneficial, we'd appreciate that. We'd just ask for your name and address.

PUBLIC INPUT OPENED

MR. CROCKETT: Mr. Strodtman, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I believe Mr. Zenner did a good job wrapping the staff report up. I believe it is a fairly straightforward request. It does have five roadways crossing this piece of property, and I will challenge you to find another piece of property singly -- single tract of land in Columbia that has five roads going across it that's shown on the MRP. It wouldn't surprise me at all tonight if Mr. Zenner told me that I-70 was going through it. So anyway, I think it is fairly straightforward. We have addressed those concerns of staff and would be happy to answer any questions.

MR. STRODTMAN: Commissioners, any questions for Mr. Crockett? I see none. Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Anyone else that would like to speak to this matter? I see none. We'll go ahead and close the public input.

PUBLIC INPUT CLOSED

MR. STRODTMAN: Commissioners? Quiet group tonight. Ms. Russell?

MS. RUSSELL: I'm just going to go ahead and make a motion.

MR. STRODTMAN: Yes, ma'am.

MS. RUSSELL: In the Case of 17-14, I move to approve the preliminary plat for 763 Industrial Park Preliminary Plat.

MR. TOOHEY: I'll second.

MR. STRODTMAN: Ms. Russell made a motion and Mr. Toohey seconded that motion. Commissioners, any discussion needed on this motion? I see none. May we have a roll call, please, Ms. Burns.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman. Motion carries 9-0.

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. That recommendation will be forwarded to City

Council.

Case # 17-16

A request by Peggy Hendren (owner) for a variance from the requirement of Section 25-48.1 (Subdivision Regulations) to install a sidewalk along the frontage of an R-1 (One-Family Dwelling District) zoned lot along an unimproved street. The subject site is located on the north side of Proctor Drive, approximately 550 feet east of Creasy Springs Road, and is addressed 811 Proctor Drive

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

Staff report by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends denial of a sidewalk variance from Section 25-48.1

MR. STRODTMAN: Thank you, Mr. MacIntyre. Commissioners, any questions for Mr. MacIntyre? Ms. Rushing?

MS. RUSHING: On the photographs you showed, the one looking east, I think comes closest to showing the reason why there aren't any sidewalks on the south side. There is a significant incline there. So for sidewalks this particular side of the road would be the most appropriate it appears. And I also was concerned about traffic to and from that park, people walking to that.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. MacIntyre, in the subject site looking west that shows the telephone pole, the applicant's engineer's letter identified that pole may need to be relocated to install the sidewalk. Is that something staff has been able to evaluate?

MR. MACINTYRE: Common practice in such situations is to merely build the sidewalk around the pole.

MS. LOE: I've noticed that. So, okay.

MR. MACINTYRE: Not necessarily with the pole in the middle of the sidewalk, but working around it -- although we have seen that as well in the past.

MS. LOE: So it would not need to be relocated necessarily or --

MR. MACINTYRE: That's correct.

MS. LOE: Thank you.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Again, Mr. MacIntyre, thank you very much. The picture that Commissioner Loe just referred to, lower left, we're standing in the yard or at the edge of the yard of a house that was subdivided off. Correct?

MR. MACINTYRE: Correct.

MR. MACMANN: If a sidewalk was replaced it would be from approximately where the telephone pole is to where the driveway is?

MR. MACINTYRE: I'm not sure if there would be any requirement to upgrade or replace a portion of that concrete slab.

MR. MACMANN: Well, at a -- how about we restate that. At a minimum from the driveway-- that first driveway is the one looking west to near the telephone pole, that is the variance where -- that they were requesting?

MR. MACINTYRE: Yes.

MR. MACMANN: At a minimum?

MR. MACINTYRE: Yes.

MR. MACMANN: Whether or -- and I don't know if this, Pat, would meet the City's requirements. Okay. Thank you very much.

MR. STRODTMAN: Additional questions for staff, Commissioners? I see none. As in past practices, we'll open this up to public input. It is not a public hearing, but if there is information that would help us with our decision, we would appreciate it. We would just ask for your name and address.

PUBLIC INPUT OPENED

MR. STRODTMAN: And I will open the public input portion.

MS. LUEBBERT: My name is Christina Luebbert. I am the applicant's engineer with Luebbert Engineering. My home office is at 304 Travis Court, Jefferson City, Missouri 65101. First, I wanted to address this -- that lower left picture and the question that you had about that. The -- the engineering department actually required for the approval of the plat that we remove all of that pavement because it is not permitted. It was constructed probably by somebody who thought, hey, I'm already parking here on some, you know, dirt, gravel, whatever, and slapped some pavement down and probably with no permission whatsoever. But I have no recollection of any information about that. But they asked that we remove it as part of the plat approval and put in a new driveway approach there and at the -- at the other driveway to the larger tract. And they said that we had to put in the sidewalk. And the City standard is that the sidewalk sits one foot off of the right-of-way line, which we had to dedicate additional right of way with that plat. So we designed a sidewalk with, you know, looking at that option, and I don't know if you got a copy of the sidewalk plan that was submitted with the plat, but anyway, it -- it shows basically that the sidewalk -- if one foot off the right-of-way, it would be basically centered on that telephone pole. And we showed that the telephone pole would have to be relocated. There is also a water meter that sits a little bit down from that that would also have to be relocated. And there is also kind of a -- it's hard to see in that picture, but the house sits a little bit below the street, so there is also kind of a grade change. Well, when we were trying to lay out grades, we called the City engineers and said, hey, you know, what should we do with the grades on this based on any future improvement to Proctor Drive? And so we did it based on the -- we set grades based on the center line of the -- center line of Proctor Drive as it exists today with the idea that if you ever had to put curb and gutter on it and build up a sidewalk, you would have it higher. Well, that traps water. So then we said, well, what if we put -- it's not very much water, so maybe we can just put a little pipe under it and call it good. We thought we had that solved. But doing that caused different problems because now I have this sidewalk that is sitting a lot higher, but further back than the house. And the other problem is, is I have now also encroached under the weep line of the very nice 24-

inch maple that you can see in that picture. You know, so we started -- as we were going through the platting process and all these things are starting to come up and they -- you know, and the cost involved with them, you know, City staff mentioned, well, you could move the sidewalk out of the standard location and maybe put it back on to the property a little further in a pedestrian easement. Well, I hadn't really considered that as an option, but, you know, we started looking at that, yeah, maybe that would work. But to move it behind that telephone pole -- and which would also then have to look at revising the grade and making the grade -- making the sidewalk significantly lower than the street, which would mean if you ever improve the street, it would be at the wrong elevation, and it would also damage that tree. So I -- and in the meantime, I'm also preparing a tree preservation plan that says I have to leave all of the trees. So, you know, it was where I had conflicting needs and we started really looking at this thing, kept getting more expensive and more expensive, when really the whole point of this was to try to get her out from under this nightmare of being a landlord by having this one little house that she has been renting out. You know, we kept looking for better solutions, and at the end of the day, we were like it's not going to connect to anything. The property owners to the east don't have any desire to develop that property. Yes, it could change hands in the future, but the -- the foreseeable future is it will not be a development. And the same to the west, even though it is only one tract, it is 178 feet away to the next sidewalk. And they don't have any desire to develop. It's already got a house on it. They're not having any desire to change that. And while this is in the vicinity of the school, the school is almost three-quarters of a mile away. You're almost on the edge of where they start requiring bus routes anyway. And the park land is a third of a mile away. It's not like it's a developed park at this time. It's got, you know, a few trails, but I'm trying to come up with enough justification for the immense amount of effort that it is going to take to put in a sidewalk, and, you know, the Planning staff said, well, you could just connect it to this end of maybe this existing pavement, but the engineering department said I had to take that pavement out. So I keep going back and forth trying to find what is the solution that makes the most sense. And this isn't like we are trying to do a big subdivision project that we are going to sell lots and make money. This is just trying to get out from under this, and it has been a very expensive, you know, essentially, tract split. So we are trying to come up with, you know, what -- what makes sense for this project. So I -- while I see some of the side of what the Planning staff was trying to accomplish and trying to be helpful and give us some alternatives, I was, like, if I go here, then I have this problem and if I go here -- and I can't go closer to the road or I start being too close to traffic. So to get away from the tree and away from the telephone pole, I start, you know, encroaching into what we try to keep as a clear zone from a traffic engineering standpoint. I just didn't see that this little stub of sidewalk -- you know, an island of sidewalk made a whole lot of sense, and I would hope that you would consider that when you go to make your decision.

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

MS. BURNS: Yes. So the engineering department would not allow you to extend from the concrete pad to the west to connect the sidewalk extending to the street then?

MS. LUEBBERT: When we submitted the plat, they specifically requested that that pavement be

removed.

MS. BURNS: Okay.

MS. LOE: But you haven't asked them if you can -- for an exemption or waiver from that to leave it?

MS. LUEBBERT: Not yet.

MS. LOE: Okay.

MS. LUEBBERT: Because we were looking at, you know -- that didn't come up when we were at that stage.

MR. STRODTMAN: Yes, ma'am? Ms. Burns?

MS. BURNS: I also wanted to ask if -- if you were allowed to extend from the concrete pad, would the telephone pole still present a problem or would where you are off the street be acceptable?

MS. LUEBBERT: That would be up to the traffic engineers and whether they consider that a wide enough clear zone. I -- that's not very far. I'm looking at my scale of my drawing, and it looks from the telephone pole to the street is only about seven or eight feet, and we do a five-foot sidewalk. I'm thinking -- my gut reaction is that it would be too close to the street, but I would have to see if the, you know, traffic engineers were comfortable with that.

MS. BURNS: Thank you.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Have you been told the sidewalk can't -- or the pole can't be in the sidewalk?

MS. LUEBBERT: I don't --

MS. LOE: We've just heard that it can be.

MS. LUEBBERT: I don't think I have specifically asked that, but I've always considered that from an ADA standpoint, I want to have a clear sidewalk.

MS. LOE: Right. The ADA requires a 36-inch wide path. So five feet gives you two feet of leeway. You don't have to have the full sidewalk clear of the pole.

MS. LUEBBERT: I guess I haven't asked if I can leave the side-- the pole in place and put the sidewalk through it. No, I haven't --

MS. LOE: Thank you.

MS. LUEBBERT: -- specifically asked that question.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just very briefly as a follow up to Ms. Loe's point and the City traffic engineer can address this. We have lights and other things within six, seven feet of the road all over town -- correct -- which we go around in the general sidewalk scheme? So it is possible theoretically to go around these things? I mean, I'm not asking for approval, I'm just -- we do this -- okay. That's all the point I wanted to make.

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

MS. LUEBBERT: My only point to that is that usually that is on a curb and gutter road that has

less likelihood that the car is going to leave the travelled way onto that sidewalk.

MR. MACMANN: True enough. I was also thinking on -- I live off West Ash, and we have things within four feet. We have a sidewalk too, but, yeah.

MS. LUEBBERT: Right. And I --

MR. MACMANN: But you're correct. It's more of a curb and gutter situation.

MS. LUEBBERT: It's balancing what is engineering standard and, you know, with what sometimes is the practicality of construction. So it would be -- you know, if the City engineers would buy off on it, I'm definitely open to creative design, but it's -- there's -- the other aspect is that this is such a large expense for what is not really an income generating project, you know. This is -- this is a huge amount of -- besides the engineering and surveying costs, this is the primary cost for this project. It is very burdensome. But I will let Ms. Hendren address that. Any other questions?

MR. ZENNER: Mr. Strodman, before Ms. Luebbert sits down, Christina, can you tell me based on the lower picture in this left -- in this image, is the distance between the existing edge of pavement -- what is the distance between the existing edge of pavement and the sidewalk that you see in the distance there? Do you know? And is the distance that we see here in the foreground of the picture here in the lower left-hand corner an equivalent distance? So is the sidewalk actually going to be behind that pole or is it going to be in front of it.

MS. LUEBBERT: If I extend the sidewalk in the distance, I'm pretty sure the sidewalk in the distance is very close to the City standard of one foot off of the right-of-way.

MR. ZENNER: Okay.

MS. LUEBBERT: And the right-of-way is the same because we dedicated additional right-of-way. It is now a straight line through there --

MR. ZENNER: Okay.

MS. LUEBBERT: -- from that sidewalk to past this property. So the sidewalk should extend if you follow the standard, the one foot off.

MR. ZENNER: Uh-huh.

MS. LUEBBERT: That puts it almost centered on that pole, maybe two and a half feet behind the pole and three and a half feet in -- you're -- it's pretty close. Looking at my drawing, it's ever so slightly off center.

MR. ZENNER: Okay. And in asking the question as you all were discussing and Ms. Luebbert was discussing issues about potentially having our engineering staff authorize a sidewalk to be moved closer to the edge of pavement that you see in this foreground, no, that would not be an acceptable solution given the fact that there is no curb and gutter. While we do permit sidewalks to be built at the back of a curb with an enlarged width of six feet versus the standard ADA five, in this particular instance without curb and gutter being installed in this particular section, moving it closer to the pavement is probably going to exacerbate a safety-related matter. The other issue, Ms. Luebbert, I would like to ask is has our -- the asphalt that is there or the concrete that is there is not gone at this point?

MS. LUEBBERT: It hasn't been removed at this time.

MR. ZENNER: And what is the condition of the removal of that given that the plat has already been approved, and can you explain to the Planning Commission your storm water variance that you had asked for, and if I understand correctly, was not approved.

MS. LUEBBERT: It was granted.

MR. ZENNER: It was granted. So the storm water was not --

MS. LUEBBERT: The storm -- we got a variance from the storm water requirements, and we actually at the time that we applied for that, we discussed whether we should go for the sidewalk variance at the same time. And we felt like that was a bigger onerous problem, and so then when we -- we got some feedback from staff at that -- at that meeting that said maybe we should look at this as a potential option, you know, just to some extent, you have to ask and figure out is there a way to do this in a way that makes sense and is -- I mean, and I -- and they said, well, you could go behind the pole. And then I -- when I went to lay that out, I saw the tree was the problem, you know, and the grade was the problem. So I -- I kind of went back and forth on this.

MR. ZENNER: How far is the -- how far is the tree from the pole? The picture doesn't represent that very well, so --

MS. LUEBBERT: The shot the surveyor took on the tree looks like it is about -- not five, but probably six or seven feet behind the pole.

MR. ZENNER: So --

MS. LUEBBERT: So we would be very close to the trunk of that tree --

MR. ZENNER: If you pushed the --

MS. LUEBBERT: -- with the edge -- if we push the entire five feet behind the pole without moving --

MR. ZENNER: You're heading where I'm heading then, I guess is --

MS. LUEBBERT: And the water meter actually sits behind the pole another foot and a half, two feet, so -- now, water meters are a little bit easier to adjust. We could actually leave the water meter --

MR. ZENNER: In the sidewalk.

MS. LUEBBERT: -- where it is located --

MR. ZENNER: Yeah.

MS. LUEBBERT: -- and just adjust it.

MR. ZENNER: So in light of Mr. Stanton's favorite phrase of a win-win solution here, is it possible to be able to extend that sidewalk so you are coming more toward the center of that pole and then deviating the sidewalk as you have to in order to work around the pole with a 36-inch section which would be required, and then come back to be able to make the sidewalk centered again on the pole once you have passed it?

MS. LUEBBERT: From a planned view alignment, I think that could work. You would only be -- only in that one brief section would you be closer to the road.

MR. ZENNER: Well, potentially, or you would go behind the pole.

MS. LUEBBERT: Well, behind the pole run -- I think by the -- that tree and that pole are only about 10 feet apart east-west --

MR. ZENNER: Uh-huh.

MS. LUEBBERT: So to make that transition to go behind the pole I think would damage the tree. I don't think I could save the tree if that -- you know, again, this is where I kind of got stuck was trying to look at all of these alternatives. And that is when I finally said I think we should ask for the variance.

MR. ZENNER: So tapering the sidewalk down in order to be able to get to a point to where you have a three-foot section so you're --

MS. LUEBBERT: I would put the three-foot section in front of the pole.

MR. ZENNER: In front of -- okay. And that --

MS. LUEBBERT: Because I don't think I would have to sway the sidewalk very much to get the three feet.

MR. ZENNER: The three feet.

MS. LUEBBERT: Because I think I have close to that now.

MR. ZENNER: Now, my next question would be the engineering department or at least our plan review staff has not indicated to you that you would be able to place the sidewalk on existing grade given the fact that we do not have an improvement plan that is available for Proctor?

MS. LUEBBERT: We didn't -- I didn't get a lot of feedback when I asked for what to do with the grades on this. They said we don't have -- it's not in the 20-year plan, you know, propose something and -- and I -- and I came up with what I thought made the most sense, which was to try to be respectful of if they wanted to add curb and gutter only, then the sidewalk wouldn't have to be rebuilt.

MR. ZENNER: I would appreciate -- I appreciate that. And if I will -- I will advise then the Planning Commission that it is standard practice when we do not have an alignment for a future roadway project that sidewalk that is required is required to be placed at existing grade to meet ADA standard, and then it is an anticipated cost of reconstruction of a future roadway improvement to remove that existing sidewalk after its original use has been dealt with and incorporate relocation to an elevation that then would match with curb and gutter at a future date. Given that the concrete has not yet been removed and given the fact that if it is acceptable to utilize that concrete at this point for the sidewalk, what a limited amount of removal may be necessary to satisfy the building and site development department's concerns, which I am not sure what the executable trigger is for that because the plat has already been recorded.

MS. LUEBBERT: I think it is the three-year contract of --

MR. ZENNER: Okay.

MS. LUEBBERT: -- improvements.

MR. ZENNER: And if that is -- at that point, I think if you were to suggest that if as part of your recommendation if you were inclined to require the sidewalk, I would suggest probably commissioning that approval upon the usage of the existing concrete, if acceptable, and meeting ADA standards, and the

remaining removal being required as per the building and site development requirements at the time of preliminary plat approval, and allowing it to neck down to the three feet. That would be an acceptable solution to be able to get out of, I think, neutral at this point and allow the project to move forward.

MS. LUEBBERT: I don't know if that existing pavement is suitable for sidewalk or not. I would -- I would have to evaluate that with the -- I mean, I've looked at it like one time, but I had already been told it needed to be taken out when I looked at it, so I didn't really evaluate it for that. So I would have to talk with the other City engineers and see if they would even -- if that's even something they would consider.

MR. ZENNER: I think ultimately though the improvement -- the impervious improvement is there. If it needs to be cut and replaced, it needs to be put back in the same location. We have the potential for usability, albeit, it's a disconnected system, but it may serve a useful purpose for the period before Proctor is either redesigned and rebuilt with curb and gutter or the adjacent properties to the east and west may be built out with a different use. As Mr. MacIntyre has pointed out, this is consistent generally with the idea that we don't have any practical hardships. We do have sidewalk network in the area. And given if we didn't, I think the recommendation potentially would have been slightly different given the fact that the majority of this particular area is really relatively rural in nature and low traffic, but you have generators such as the park and the school, and we have to take that into account with the recommendation. Ultimately, I don't think anybody wins here. It does seem a little bit impractical, but we do, as I have said previously, sidewalks to nowhere do generally need to start somewhere, and this may be a gap that we fill and then the adjacent property that is zoned or developed with that residential structure redevelops. It is very similar in size to the subject tract that was just subdivided. So there is nothing to say that they could not potentially yield an extra home out of the tract that is to the west, which would then necessitate some type of sidewalk installation.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: Does it matter whether that portion that is shown in that lower left-hand side picture is asphalt or concrete?

MR. ZENNER: Sidewalk construction by our standards is concrete, generally five feet.

MS. RUSHING: So --

MR. ZENNER: We've looked at alternatives, Ms. Rushing, when we know we are building a temporary sidewalk.

MS. RUSHING: That's -- but my question is, is if the existing is asphalt, then would they still be able to count that as part of their sidewalk?

MR. ZENNER: Ms. Luebbert, is the existing portion there, is that a concrete pad or is it asphalt?

MS. LUEBBERT: The surveyor has listed it as concrete. And, honestly, I don't recall. Peggy says it is concrete, so I don't think it is asphalt.

MS. RUSHING: I know the driveway is concrete, but I don't remember about that area there.

MS. LUEBBERT: I believe it is concrete. All my field notes indicate that it is.

MR. ZENNER: Mr. MacIntyre's site visit also, Ms. Rushing, defines that it is concrete as well.

MS. RUSHING: Okay.

MR. STRODTMAN: Commissioners --

MS. LUEBBERT: It does kind of look dark in that picture.

MS. RUSHING: Uh-huh.

MS. LUEBBERT: I think it is just the daylight was waning.

MR. STRODTMAN: Commissioner's additional questions for this speaker? I see none. Thank you, Ms. Luebbert.

MS. HENDREN: I'm Peggy Hendren, 407 West Phyllis. I'm sorry. I don't do this well. Okay? So this piece of property, I wanted to keep the property that I enjoy -- the lot. And I wanted -- I was widowed almost seven years ago. And being a landlord as a female widowed isn't good. And I've lost so much money. And I'm -- so it's an effort to sell it, which hasn't been happening very well -- but sell it to get rid of the burden that it is. I've actually broke more even this year not having someone in it and just having it sit to be sold. You know, when we first platted it, you know, I was agreeing -- I am agreeing with everything, you know, just so I can get this platting and get going. And then as we get going with this, the costs have just been amazing -- astronomical. Christina, I -- her bill is up to almost \$5,000 from going back between tree preservation plans and fireman turn around, which I understand the fireman needs to be able to turn around on the other property. You know, they've done it before without extra concrete, and all the sidewalk was looking at being up close to \$10,000. The thing -- the last thing the storm water, they wanted me to tear out the trees to do a storm water for some property I was adjoining nothing to -- I am just trying to give you an idea of what, you know, all this has been just from a layman's point of view, you know. The surveyor, you know, all makes sense. You know, I'm cutting off a piece of property, but I'm not changing anything. In fact, the whole idea is for me to plant trees and have bees and have a place for my grandkids and me to go over and do it. So I'm still -- as we go back and forth more now, more -- she's \$100 an hour, you know -- with engineering now back and forth again to try to come up with a way to make this sidewalk. I talked to Billy and Carolyn. They own the property that will be in the gaps place. They are having a great time with renters, but she's not widowed either, but they also own the property on the other side of the junkyard. They used to own the junkyard. They don't plan on doing anything with that. They're happy with things as they are now. I know Jackie next to me, he has no plans. That's going to go on to Sierra after him. I don't see any -- any development happening along the street. And so I just wanted you to keep in mind, you know, the burden financially and what it has taken, and, you know, I've still got it up for sale trying to sell it, and maybe it will sell in the spring I think. But that -- this continued process is massive. It's -- what it is, you know, I just wanted to sell off the house.

MR. STRODTMAN: Commissioners, any questions for this speaker? I see none. Ms. Hendren, good luck with selling your house and thank you.

MS. HENDREN: Thank you.

MR. STRODTMAN: Any additional speakers? As I see none, we'll go ahead and close the public input portion.

PUBLIC INPUT CLOSED

MR. STRODTMAN: Commissioners? Any comments, discussions, questions for staff, clarification, motion? Ms. Loe?

MS. LOE: It sound like Ms. Luebbert made some assumptions that have guided this project in a direction it doesn't necessarily need to take and that there may be some options available that should reduce the overall cost of the project. Do we have any assurance that the options that we have discussed tonight would actually be acceptable to the appropriate department?

MR. ZENNER: We do not have our BSD staff here, but what I can tell you is, is that in prior instances in where we have had no profile on a large street or a street and we have required sidewalk to be constructed, it has been an accepted practice that it is built at grade. So, I mean, the direction that the Council takes -- or the Commission recommends and the Council authorizes is that. Now, I mean, if you deny the request as it is proposed, it goes back basically into staff. Quite honestly, I am not -- I am a little bit perplexed myself as to why the options that I had just rattled off to you as it relates to things that can be done have not been discussed and explored.

MS. LOE: Uh-huh.

MR. ZENNER: In my capacity, I will be more than happy to talk with my comparable down in our building and site development, the manager of that division, and basically see if we cannot resolve the issue, if you choose to deny this in a manner that we have discussed this evening, which does not seem to be far from consistent with what we have done in other similar situations. There is an engineering component associated with it, there is no question. There will have to be some type of design plan submitted that is then attached to the contract, so there will be details. However, those details I think to the extent that Ms. Luebbert has referred to them as an elevation and other challenges probably can be overcome or at least reduced. You will still have engineering, but you won't have maybe the same amount. And I -- again, not knowing where our staff has been and what the pattern of drainage is out here, it may be that there is a concern, even if you would not expect that given the concrete exists here immediately adjacent to what appears to be an overlaid asphalt street. So the asphalt layer appears to be above the concrete, and as long as your concrete and your asphalt match and it is graded so it is draining away or down to wherever the swale is, there should be no design issue here that can't be overcome by the appropriate slope. It's again the distance and the capture that is between where the existing pavement edge is and potentially any type of elevation to the sidewalk. You don't want to capture water between those two spaces, especially if you're not building it right to the edge of pavement. And that may be part of what the issue is here that not looking at it from building and at grade or building it at grade may have been creating.

MS. LOE: Right.

MR. ZENNER: Without having them here, I can't answer that question for you, and that's not something that I believe Mr. MacIntyre got as we proceeded forward with this request either. So if you're inclined to support the denial, I believe we can, as staff that would be responsible for trying to facilitate

this, make every effort to do so. Moving a recommendation for approval of the variance would obviously not result in a sidewalk being built here at any point in the future, so it's almost a Catch-22 situation. I would not suggest to you to just make a motion that it's either-or. It's either voted up, voted down. Let Ms. Hendren move on so she has the ability to do what she would like with her property, if that is your inclination.

MS. LOE: No. I believe staff's presentation on the need for a sidewalk in this area was supported and -- but I do believe there is some misinformation or miscommunication afoot here. And I think supporting the denial of the variance with the condition that clear direction be given to the applicant on what is acceptable and what concessions may be made, i.e., a 36-inch wide around the pole at grade, et cetera, needs to be conveyed in a concise manner to get the project along the right route. So if that sounds --

MR. ZENNER: Good motion.

MS. LOE: Okay. So I -- in the case of 17-16, move to deny the sidewalk variance from Section 25-41 -- 48.1 -- excuse me -- with the recommendation that communication be clarified on what is acceptable to the applicant.

MR. MACMANN: Second.

MR. STRODTMAN: A motion has been made by Ms. Loe and seconded by Mr. MacMann. Any -- Commissioners, any discussion on this motion? I see none. May we have a roll call, please, Ms. Secretary.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend denial.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman. Motion carries 9-0.

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. That motion for denial will be forwarded to City Council. Moving on to our last subdivision case hearing.

Case # 17-22

A request by WoodCliff Investments, LLC., 1507 Windsor, LLC., 1509 Windsor, LLC., and 1511 Windsor, LLC (owners) for a two-lot replat of R-3 and U-C zoned land, to be known as "Windsor Place, Plat No. 1". The 0.75-acre subject site is located on the north side of Windsor Street, approximately halfway between Ripley and William Streets.

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

Staff report by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the proposed final plat.

MR. STRODTMAN: Thank you, Mr. MacIntyre. Commissioners, questions for staff? Ms. Rushing?

MS. RUSHING: The development that is currently taking place on those three lots goes over the

lot lines. Right? I mean, it takes advantage of the whole property?

MR. MACINTYRE: That's correct. And that's the -- that's taking advantage of an existing ability that you have to --

MS. RUSHING: To go across?

MR. MACINTYRE: -- effectively consolidate lots by building over them.

MR. STRODTMAN: Any additional questions, Commissioners, for staff? I see none. As in past practice this is a subdivision matter, but we will honor anyone that would like to give us any information that would help us with our decision on this. So I will open it up to public input.

PUBLIC INPUT OPENED

MS. LAMAR: Good evening. My name is Phebe LaMar, and I have offices at 111 South Ninth Street. I'm here this evening on behalf of 1507 Windsor, LLC and 1511 Windsor Townhomes, LLC, which now own those proposed -- those four lots that are proposed to be combined into two. My clients have requested to replat Lots 21 through 24 of Stephens Addition located within the Benton Stephens neighborhood. I would like to point out initially that the plat actually technically falls within the scope of what could be done as an administrative plat, but for whatever reason, it was not approved as that and instead it is here this evening. Given that and following the analysis that is included in the staff report that you just heard and what was -- and what was published by staff, I would like to point out also that it is clear that the plat meets the specific requirements included within the City's subdivision ordinance. At the present time my clients are under construction pursuant to an already issued building permit on the proposed Lot 2. The building will look almost identical to what is shown in the picture that I'm passing out to you right now, and it is also permitted under the current ordinances included -- including the overlay. The only reason for replatting the lots is to pre-emptively address the issue that once the UDC is adopted, crossing lot lines will no longer be permitted. As a result my clients are requesting that the property be replatted to permit the building to be conforming with the requirements both now and going into the future rather than putting themselves in a position where they might not be able to reconstruct the building that is currently located on the lots if something were to happen in the future after the passage of the UDC. The way to accomplish this is by combining Lots 22 through 24. It is also important to note that the replat that is proposed with the removal of the 10-foot strip from Lot 22 would not cause any problems with conformance of this -- of this development that is currently going on on this lot with the -- both the overlay and with the -- and with the other zoning ordinances that are in place in the subdivision -- the ordinances that are in place on that lot. Rather, that building will still be compliant with the requirements of the City's ordinances including the overlay upon approval of the plat. Lot 1 currently consists of a tri-plex, like Mr. MacIntyre included in his report, and which my clients did not construct, by the way, that is nonconforming under both the current and the proposed and revised code. In order to address to some degree the lack of conformance of the current Lot 21, they are requesting to move that lot line and would thereby remove the encroachment in the east side yard setback and permit possibly -- possible redevelopment in conformance with the revised overlay and whatever other ordinances are in place when the UDC is

adopted. As a result they are requesting to add that 10-foot strip to Lot 21 to create Lot 1 of the proposed plat. I would like to address one of the contingents that was just brought up by staff with regard to what could be constructed on Lot 1 if this replat is approved. If the overlay were not in place, it is possible that the contingent that four units could be constructed on the reconfigured lot is probably accurate. However, in this case there is an overlay that is in place on that lot that would preclude being able to construct four units on that property at -- even with the inclusion of that 10-foot strip. The reality is the overlay at the point that it is redone, which is going to be after the current -- after the current preclusion of any developments in that area has already expired. But as soon as that overlay is redone, it's going to -- there's going to be a requirement of 50 percent green space on that property with a requirement of 50 percent green space and the additional parking spaces that are going to be required under the revised overlay. The reality is there is no way to construct four units on that property. Rather, it's going to be possible maybe to construct two units on that property, but certainly not four. As a result the proposal that is in front of you this evening actually decreases at the point that there might be redevelopment on that property, the density on Lot 1, as well as causing the Lot 2 development to be in compliance with the ordinances as they are proposed. Given all of that, I would ask you to keep that in mind as you are making a decision about this plat. Approval of a conforming plat is a ministerial function. It is otherwise known as an administrative function. It is set out in Missouri statute and has been affirmed by the Missouri courts. As a result this Commission and the City Council have the right to examine a plat in order to ensure that it meets the requirement of the ordinances providing according to Missouri courts that subdivision regulations must not be too general and must contain known and fixed standards that apply to all similar cases. I would ask you to keep that in mind as you are making a decision about this plat. The ordinance -- the ordinance needs to be applied in a way that everyone can look at the ordinances and figure out what is going to be a conforming plat, and we would ask you to interpret it that way. Regardless, I would respectfully suggest that even under the provisions of Section 25-30, the plat should be approved. There are no restrictions on the existing plat that will similarly -- that will not similarly apply to the replatted lots. There is nothing about this replat that will be detrimental to the neighborhood. The overlay in Benton Stephens will preclude development of anything more dense than what is currently located on lot -- the proposed Lot 1, and, in fact, it is likely that any redevelopment project that might be constructed will be less dense than what is currently there. Moreover, the existing ways in which Lot 1 does not comply with the overlay will be remedied partially by the proposed plan and fully if and when redevelopment takes place. And with regard to Lot 2, the project that is currently under construction is fully compliant with the requirements of the overlay and meets the requirements with the replat. There is no detriment to the neighborhood which consists of -- in excess of 80 percent population in rental units. All that this replat does is to make this project compliant with the requirements that are coming down the pike as far as not crossing lot lines. As such I would respectfully ask that you approve this plat and allow my clients to do what they have been waiting to do, literally years, to improve the property that they own. I am happy to answer any questions that you might have, and Tim Crockett, who is with Crockett

Engineering that prepared the plat is also available to ask [sic] questions if you have them.

MR. STRODTMAN: Commissioners, any questions of this speaker? Mr. MacMann?

MR. MACMANN: In reference to -- hi, Ms. LaMar. In reference to you your waiting for years, if you can refresh my memory a little bit with the history of this partnership. It is my understanding that the partner that owned Lot 20 had actually received a permit to go ahead and demolish and develop that property when later it was found the lot was not wide enough, it was too narrow, and that led to the future business partnership that has led to this development; is that correct?

MS. LAMAR: But the other partner has owned the lots that he owned for literally years.

MR. MACMANN: So -- and I do appreciate that. That's wonderful. I'm just -- but this business partnership didn't exist until April or May and this plan didn't exist until then?

MS. LAMAR: it doesn't -- that is a true statement.

MR. MACMANN: Okay.

MS. LAMAR: The reality is one of those partners has owned the lots on which part of this is being constructed for literally years -- I believe like 40.

MR. MACMANN: I -- I believe you're correct. I just wanted to clarify the development history of what is happening here and what -- these four lots together allow this plan to happen. Correct?

MS. LAMAR: These four lots together allow part of this -- well, actually, these four lots -- what is happening right now can happen regardless of whether these lots are combined at this point. So I guess I don't understand your question.

MR. MACMANN: Well, I just -- it was my understanding that these lots in this business partnership were put together in April, May to achieve the needs of both individuals. And I -- I'm just -- and they hadn't been developed previously. That's where I'm going. I mean, they have sat in this condition for a long time, other than a demolition on --

MR. STRODTMAN: Is there a question, Mr. MacMann?

MR. MACMANN: I was just trying to clarify the history just to make sure that that was the case.

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

MS. LOE: I have a question for Mr. Crockett.

MR. STRODTMAN: Thank you, Ms. LaMar.

MS. LOE: Mr. Crockett, did your firm do the measuring to determine the front yard setback?

MR. CROCKETT: Yes, I believe they did.

MS. LOE: You tell me the three homes on the west side of the block all have front porches, can you tell me if those measurements are taken to the front edge of the front porch or to the front face of the building?

MR. CROCKETT: Ms. Loe, I cannot speak to that. I'm not familiar with what they measure with the front of that.

MS. LOE: With how they measure?

MR. CROCKETT: Right. And I -- I would assume that they did given that that's -- you know, if that is what they called the front of the house, that is where the City has determined where the front of the house is, then we -- you know, we were in conformance with whatever the City classifies as that. So if the City --

MS. LOE: I'm not sure the City classifies --

MR. CROCKETT: Well, the City calls that a front porch. And so if it is a covered front porch, it is different from a non-covered front porch. And so it's in conformance with what the City surveyor would have us shoot and measure for the front yard setback. And I apologize that's not a better answer than that. I'm -- you know, I'm here representing because it --

MS. LOE: It's --

MR. CROCKETT: -- was something we had done in our survey site. And I apologize for that. I'm not trying to --

MS. LOE: No. And it's something --

MR. CROCKETT: -- sidestep the answer.

MS. LOE: -- that we --

MR. CROCKETT: I'm just trying to --

MS. LOE: -- have been discussing. I just thought you might be able to provide or shed some light on it for us, but thank you.

MR. CROCKETT: In a few minutes, I'll be able to get a better answer for you. I apologize for that. Again, it's not that I'm sidestepping, I just -- I'm not familiar.

MS. LOE: No. I put you on the spot.

MR. CROCKETT: That's okay.

MS. LOE: It's my fault.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Commissioners, any additional speakers -- questions for this speaker? Thank you, Mr. Crockett. Additional speakers?

MR. NORGARD: My name is Peter Norgard; I live at 1602 Hinkson. And I am here speaking on behalf of a couple of neighbors that live in the vicinity of this particular replat. I would just say that first of all the City Code of Ordinance Section 25-30, paragraph (d) specifically gives the right to resubdivide to City Council. And until City Council makes a decision, it's not really a ministerial decision, so I would disagree with Ms. LaMar's characterization. If there is a disagreement, then it can always go to the courts, but until City Council makes a decision, it's not really ministerial. Pursuant to Section 25-30, paragraph (d), subparagraph 2 -- and I'll just quote from the Code, "A resubdivision of land shall not be approved by City Council if the Council determines a replat would be detrimental to other property and otherwise weighs the benefits to the subdivider against the detriment to the neighborhood." I can't speak on behalf of the subdivider as to the benefits to him. I can speak with some authority on the detriments to the neighborhood or at least the perceived detriments for those that live in the neighborhood, particularly

with respect with out-of-scale redevelopment, which has been an ongoing issue in the Benton Stephens neighborhood. So let's talk about some pre-existing problems to quote Mr. Toohy from earlier with the first case you heard tonight. Increased vehicular density, so Windsor Street is -- has designated parking on one side of the street only, and it is also a segment of the bike boulevard, which was fought for -- by people that actually live on that street and by many others. I would make the point that increased vehicular traffic density as a result of any additional redevelopment will impact road safety, particularly for bicyclists on the road and pedestrians in crosswalks. Currently, Windsor Street and nearby Ripley Street persistently experience parking density greater than City standards permit, which act to limit the visibility of oncoming traffic to vehicles and pedestrians, particularly at intersections like Ripley and Windsor, and it's -- if you have ever walked it, it's very unsafe. People drive pretty quickly through there because one side is open. So I would argue that additional vehicular traffic will increase danger to both life and property. Increased on-street parking burden, this plays into the last one. As I mentioned previously, the parking burden on Windsor is -- Windsor Street and major sections of Ripley Street exceeds existing capacity. By giving 10 feet additional to the lot -- proposed Lot 1, 1507 Windsor, would give that particular parcel enough area to build a four-unit multi-family under current code. And let's be honest, there is no guarantee that the UDC is going to be passed. It is likely, but there is no guarantee. So based on that contingency, giving -- granting that extra 10 feet automatically gives this lot -- proposed Lot 1 sufficient area and frontage to build something that is out of character with the neighboring house for instance, and will put additional parking strain on an already overburdened street. And then the final detriment that I would point out is that this has a potential to decrease interest in single-family owner occupancy. One of the often cited reasons for people moving to Benton Stephens or trying to move to Benton Stephens or redevelopment in Benton Stephens is that people really want to be there because it is so close and convenient to downtown, it's vibrant, it's close to parks. I would argue it's also desirable to be there because of the heterogeneous population of, you know, retirees, students, families, professionals. I would say the three replat, particularly the Lot 1 -- the proposed Lot 1 paves the way for additional redevelopment that is going to skew our population to a more homogeneous, and I would argue, affluent student housing condition. And then I would also say, finally, in the event that there is no plan for redevelopment, then I would argue particularly for proposed Lot 1, and what I'm specifically speaking about, the developer doesn't really stand to lose anything, and so there is really no reason to proceed with a replat of that particular lot. I personally don't have a problem with the consolidation of the lot -- the proposed Lot 2. I do have a problem with the additional 10 feet that would be granted to the proposed Lot 1. The idea that you would chop off 10 feet to make it compliant or to add 10 feet to make it compliant doesn't really hold water. You know, there are provisions in the Code current and proposed that would permit a structure substantially damaged by acts of God or terrorism to rebuild it substantially the same, so that place could be rebuilt as it is even though it is nonconforming. And I would argue that greater than 70 percent of the houses, lots, in Benton Stephens are legally non-conformant because they were carved out at a time when lot sizes were smaller. So with that I would argue that you should deny --

I would say maybe as an alternative, a win-win, reconsolidate the three eastern most lots as one, leave the one on the west alone.

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

MS. LOE: Mr. Norgard, these lots are zoned R-3.

MR. NORGARD: Uh-huh.

MS. LOE: The smallest legal R-3 lot is 60 feet --

MR. NORGARD: Uh-huh.

MS. LOE: -- wide.

MR. NORGARD: Correct.

MS. LOE: So you are --

MR. NORGARD: Every one --

MS. LOE: You disagree with rezoning an R-3 lot to the smallest possible footprint width-wise?

MR. NORGARD: Well, I say that because virtually all of the lots in Benton Stephens were rezoned R-3 in the 50s or before.

MS. LOE: I --

MR. NORGARD: And they are legally non-conforming, and yet with the exception of redevelopment at a larger scale, if the property were to be damaged, I think up to 75 percent, they can rebuild without any additional questions, period. But there are provisions in the Code for legal non-conformities to be rebuilt if an act of God or terror or something.

MS. LOE: I believe it is 75 percent, but, yes, you are correct. But it does seem to me -- and I understand this community neighborhood is struggling with the change in zoning that was ruled over it back in the 50s, I believe. But the fact remains that these lots have not been rezoned to R-1, and that on the Lot 2 --

MR. NORGARD: Uh-huh.

MS. LOE: They are choosing to build single-family homes attached.

MR. NORGARD: Connect-- attached.

MS. LOE: That's -- they are single-family homes.

MR. NORGARD: By any other standard, that would be multi-family.

MS. LOE: They can be owned --

MR. NORGARD: The fact that there is a firewall --

MS. LOE: -- and only sold --

MR. NORGARD: -- that separates them.

MS. LOE: -- as single-family. So you're -- it's promoting single-family ownership.

MR. NORGARD: It is promoting single-family ownership with -- I think there were four bedrooms per unit. It's -- I don't believe it is being sold as single-family residences. I don't believe a single-family could afford to move in there necessarily because it is being rented from my understanding on a -- either on a group basis or a per bedroom basis. But I can't speak to that because I don't know.

MS. LOE: No. And we haven't been given those plans.

MR. NORGARD: Right.

MS. LOE: We've just been told that it is a six-plex single family attached dwelling.

MR. NORGARD: Right.

MS. LOE: I understand your conflict. I have to admit I have -- I'm struggling a little bit with not permitting the smallest possible R-3 lot to be allowed. Thank you.

MR. NORGARD: Uh-huh.

MR. STRODTMAN: Commissioners, any additional questions? Thank you, sir.

MR. UGARTE: Hello. My name is Michael Ugarte. And, first of all, thank you all for your work and your judiciousness.

MS. LOE: Can we --

MR. UGARTE: Can you hear me?

MS. LOE: -- get your name and your address, please?

MR. UGARTE: I'm sorry. Michael Ugarte, U-g-a-r-t-e; I'm at 1505 Windsor Street. So, of course, my property is -- is important in this discussion, and I agree very wholeheartedly with our neighborhood association president and what he just said. So I want to address myself to two issues. And I'm not just speaking for myself, I think I'm speaking for the many people that live on Windsor Street aka Bike Boulevard as we have asked City Council to rename that and certain improvements that were made to our street with the idea of cycling being close to the center of town. And the two issues I want to address myself to are on the detriment to the community and to parking. So I'm -- I'm not a lawyer. I'm not sure what the legal definition of detriment to the community is, but as a person that lives in the area right adjacent to this, I think that our -- the entire future of this neighborhood is uncertain and it scares me. And considering the direction that Columbia is going as a whole, I'm fearful of what the possible future is of our neighborhood. We're -- as our president said, we're single-family houses, also with rentals. We interact and -- but with an increase in the density of this area, I'm -- I'm, -- again, I'm scared about what the future of the entire neighborhood is going to be. My house is red brick. It has a real front porch. I've seen part of the plans for what is developed, and I can tell you that it doesn't really conform to -- to the historical feel of what this neighborhood used to be. And secondly about parking, I go through this Liberty Street quite often. I know that the City considers it a street and then at other times it considers it an alley. But I go through there a lot and really it is an alley. And I -- I don't know what they have planned for parking. I know part of it is going to be on this alley street. Traffic is going to be increased. I am certain of that. We have a traffic problem as it is, and on -- it -- it makes for very difficult traffic circulation in the whole area, an area that has lots of daycare centers and it may -- it may increase the possibility of accidents. So I'm asking you to -- to consider neighborhoods -- people who are living there, that notion of detriment is -- is open to definition, and many of my neighbors think that if given this plat, our neighborhood is going to be detrimental to our -- our living there. Thank you very much.

MR. STRODTMAN: Commissioners, questions for this speaker? Ms. Loe?

MS. LOE: So you live adjacent to the proposed plats. So is your site also zoned R-3?

MR. UGARTE: it is zoned R-3, but we have applied to downzone for R-1.

MS. LOE: All right. It's going to be --

MR. UGARTE: We're a part of that -- that movement as it is to downzone.

MS. LOE: Okay. Just the map we were given --

MR. UGARTE: Okay.

MS. LOE: -- shows it all R-3.

MR. UGARTE: Yeah.

MS. LOE: So that -- that's exactly what I would recommend if -- I mean, based on your comments tonight that you -- starting to define what you feel the neighborhood is. You also used the term "historic". So another avenue would be creating a historic neighborhood that identified some parameters. But you understand it is very tricky without those parameters and working within what is permitted that -- I mean, even if this were -- if left at the 50-foot widths, they could still provide -- or create a single dwelling unit with an accessory dwelling unit. So we are still talking six or eight dwelling units. So density-wise --

MR. UGARTE: We're not sure.

MS. LOE: Yeah.

MR. UGARTE: We're not sure what the consequences are going to be --

MS. LOE: No. I'm just --

MR. UGARTE: -- and we're -- and those of us who are living there are protecting the historical nature of the area, and --

MS. LOE: Right. But without that being defin-- more defined, as you said, it's -- it's not definitive at this time.

MR. UGARTE: I understand.

MS. LOE: It's hard for us to make an assessment with regard to the density. I have to admit, this project doesn't seem to be proposing a density beyond what could be done on R-1 or R-2 even -- R-1 with waivers. So I appreciate that you are doing the downzoning. Thank you.

MR. UGARTE: Okay.

MR. STRODTMAN: Commissioners, any additional questions? Thank you, Mr. Ugarte.

MR. STEVENSON: Good evening. Thanks for your service. My name is Mark Stevenson; I live at 3212 Shoreside Drive. I bought 1509 Windsor, my first home that I purchased in Columbia, in 1971. I was 21-years old. I was an MU student. It was leased at that time as a duplex. One unit, the west, was a one-bedroom apartment occupied by one person. The east side was a two-bedroom occupied by four people. The house was already very old and dated. The efficiencies included leaky roof, three layers of shingles, shared utilities, lack of air conditioning, poor insulation, poor windows, et cetera. Later, I purchased 1511 Windsor and occupied it as well as renting it out. This was my home. I enjoyed it. I enjoyed its proximity to MU, Stephens College, Columbia College, and the downtown and the Parks. I planned to someday remove the aging houses and build new apartments and let other people enjoy the

great location. Buildings do not get any younger no matter how many repairs we did. The asbestos siding, the lead paint, et cetera, did not become more desirable. Eventually, we tore them down and offered the use of the land to the neighborhood for a community garden for free. This was very much appreciated and used by many neighbors. In fact, it was so successful that eventually I let neighbors in other parts of town to use five vacant lots. Sometimes I worry that my generosity is not appreciated. I want to speak for a moment about traffic and parking. This development and this replat meet all the current parking requirements. One of the problems with parking in that neighborhood is that there are two generators that we have not planned or made provisions for, one. Other apartment buildings that are three or four stories tall and have very little, certainly, insufficient parking, and so cars are brought into this neighborhood from those developments and stored there. Another one is the commuter parking where you have forced development to the outskirts of Columbia. They are predominantly people who live or work downtown and they drive and they commute. And that is where your traffic comes from. This neighborhood is walkable. These people will not be able to park any closer than just leaving their car there on the lot where we provide sufficient parking. I don't want to hear anything else about how great the bicycle boulevard is. I served for 10 years on the Bicycle Commission. Monday, I rode 28 and a half miles. I'm getting ready for a bike trip this summer. I love bicycling and this is bicycling proximate to all three schools. The 10 feet to add to 1507 Windsor makes it a compliant lot. If there were significant damage now, no, we could not rebuild for the three units that are there. Non-conforming uses cannot be rebuilt. This project meets all the requirements of the land on this for many, many years. Please vote for it. Thank you.

MR. STRODTMAN: Commissioners, questions for this speaker? Thank you, Mr. Stevenson.

MS. HAMMEN: Hi. I'm Janet Hammen; I live at 1844 Cliff Drive. And there is just a couple of points that I'd like to just kind of dwell on. First, there are no accessory dwelling units allowed in Benton Stephens, and that is part of the ordinance that they -- that that neighborhood was excluded. Second, I do believe -- I'm not an attorney, but I have heard differences of opinion of -- from attorneys about the ministerial action and the State law. So I don't think that that is a settled situation, and indeed, we have recently seen where the City Council has acted not to approve what was considered a ministerial action. This is pre-emptive replatting. There is no plans in development for this Lot 1, and so the owner will suffer no loss by not allowing this replatting at this time. If these lots are replatted, then there is no approval in the future or public scrutiny that would need to take place for development that might occur no matter what the UDC -- whatever is done with the Code in the overlay. So then, lastly, I would suggest that it really at this time doesn't make a difference if this is a non-compliant lot or if it becomes a small R-3 lot, it really does not matter because it is in a neighborhood of non-conforming lots. It has been there for 50, 80 years, and there are provisions in the current Code and the new Code for non-conforming lots. So I would ask that you would not approve this replat. Thank you.

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

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong. Ms. Loe, I want to get an answer to your question regarding what was shot for to determine the building line. Porches were included if they included a roof structure. So unenclosed porches or porches that don't have roof structure were not included, but if they did have a roof structure, then they were included as part of the building, just for clarification purposes.

MS. LOE: Thank you very much, Mr. Crockett.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Any additional speakers would like to come up?

MS. STEVENSON: Carol Stevenson, 3212 Shoreside Drive. It is clear homeownership is a very emotional issue. This whole meeting, this whole evening shows that. You see that all the time. I do however want to address a mythology about the Benton Stephens area. The mythology is that it is a historically single-family neighborhood -- owner-occupied single-family. In fact, that was included in the report that the City made -- context of historically single-family neighborhoods, especially Benton Stephens and East Campus. The problem is that it is simply not true. In 1957, the City Council at that point decided to zone Benton Stephens as R-3 and possibly R-4 and designated it as high-density housing. Sixty years have gone by since then and people who bought property in this area bought R-3 housing with the benefits it had. Now we are trying to turn the tables very abruptly. Today, Benton Stephens is a very complex neighborhood. There is not just residential there, there is a lot of commercial, childcare, Tiger Tots, offices, radio stations, Stephens College, Salvation Army, an art studio, other businesses. There is a lot of business commercial plots in that area -- plots in that area. Today in the residential areas, 60 percent of the property and parcels are rental. I'm sorry to say, single-family owner-occupied houses are only 40 percent. Nine hundred and forty-seven certified rental units, and today, 80 percent to 85 percent of the people who live in the Benton Stephens area are renters. What Benton Stephens offers is affordable housing. Who is speaking for those renters, for the people who chose there and rent? Not everyone wants to buy a home. Not everyone plans to live in Columbia forever. I urge you to keep Benton Stephens what -- as it was designated in 1957, 60 years ago, and make it affordable housing for all. Thank you.

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

MS. FLEISCHMAN: Good evening. My name is Rita Fleischman; I live at 1602 Hinkson. I moved in in 1987 and '90 -- between those -- into Benton Stephens neighborhood, and I used to go around and put notes in people's mailboxes, please, if you sell your house, I want to buy your house. I love that neighborhood so much. I raised my child there. We went to the park there. The park was filled with children. Kids playing, swinging from the jungle gyms. My son was raised there; he had friends there from all over the community. You go to the Benton -- the Lions-Stephens Park now, there is hardly any children there, and it is mainly the impact of the development communities that has changed the livelihood of our community. There are no more children swinging on the jungle gyms. There's, you

know -- only when the daycares bring them down, and it is heartbreaking. It is just heartbreaking. I own property there. I also am a landlord there. And we have like gone door-to-door and have renters who have signed petitions who live in these new developments saying that they don't want any more development. I just beg you to like really think long and hard. I know it is an emotional appeal. I know you have the ordinances. I know you have everything else, but Benton Stephens is special, and we are trying to keep it special. And when you bring in groups of like four people who have their boyfriends and girlfriends or whatever that have visitors, that is just going to impact our neighborhood and there's not going to be any more children there or maybe there will be a whole lot more children. I don't know. But I'm willing to guess there are not, and I just ask you to like keep the heart of Benton Stephens there. I'm ready for questions. I didn't cry.

MR. STRODTMAN: You did a good job. Commissioners, any questions for this speaker? I see none. Thank you, Ms. Fleischman.

MS. FLEISCHMAN: Thank you.

MR. STRODTMAN: Yes. Thank you. Any additional speakers? I see none. We'll go ahead and close the public input portion of this.

PUBLIC INPUT CLOSED

MR. STRODTMAN: Commissioners, questions, comments, discussion? Mr. Stanton?

MR. STANTON: We've had this discussion over and over again. Mr. Stevenson is an aggressive landowner. He has a right to do whatever he wants to do with his property. He has exercised that right and he has made it public that that is what he wants to do. It's a chess game. Game on. The residents of this neighborhood need to make the next move. You guys have organized and have chosen your next move, and I suggest you continue to do so. Exercise your right, like Mr. Stevenson has done his. And that's -- that's where we are. It's your move. I plan to support this because it's generally just a technical exercise. He has the right to do it. He has maneuvered himself to make his position. And I don't see any reason why not, so I plan to support this, but I also support the neighborhood. Make your move. It's a chess game. Make your next move.

MR. STRODTMAN: Mr. Harder?

MR. HARDER: I just also wanted to agree that sometimes these houses do kind of get pretty old. I've had friends that lived in Benton Stephens. They probably shouldn't have been living in the structure because it was pretty close to being ready to be, you know, torn down or replaced. And so sometimes that has to be done. If he owns -- if they own all four lots and they want to move their lot line 10 feet, I definitely think they should be able to.

MR. STRODTMAN: Would anybody like to form a motion for consideration? Mr. Stanton?

MR. STANTON: As it relates to Case 17-22, Windsor Place Plat No. 1 replat, I move to approve the final plat.

MS. RUSSELL: I'll second that.

MR. STRODTMAN: We have a motion that has been placed on the table by Mr. Stanton and

Ms. Russell has seconded that motion. Commissioners, any discussion on this motion, please? As I see none, may we have a roll call, please, Ms. Secretary.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Loe, Mr. Harder, Mr. Stanton, Mr. Strodtman. Voting No: Ms. Burns, Mr. MacMann. Motion carries 7-2.

MS. BURNS: Seven to two, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. A recommendation for approval will be forwarded to City Council.

V) PUBLIC HEARINGS

Case # 16-204

A request by Highland Properties Company (owner) for a major amendment to The Highlands - Phase 8 Final PUD Plan, including proposed variances from subdivision standards requiring sidewalk installation and limiting cul-de-sac length (Sections 25-48.1(a) and 25-47(a), respectively). The 5.3-acre subject site is located at the terminus of Stonehaven Road, approximately one quarter mile southwest of the intersection of Forum Boulevard and Old Plank Road. (This item was tabled at the November 10, 2016 meeting)

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

Staff report by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends denial of the requested major amendment to The Highlands - Phase 8 Final PUD Plan, including denial of the associated request for variance from the terminal street length maximum (Section 25-47(a)) and denial of the requested variance from Section 25-48.1(a) to allow no sidewalks to be constructed along Stonehaven Road and Old Plank Road rights-of-way adjacent to the subject property. Should the Commission choose to recommend approval of the requested major PUD plan amendment, staff would support a variance from the requirement to construct sidewalk along the cul-de-sac bulb on Stonehaven Road. If the Commission supports the variance from sidewalk construction along the site's Old Plank Road frontage, staff recommends that the following conditions apply:

1. The property owner shall pay the City \$20.00 per lineal foot of frontage on Old Plank Road for future construction of a 5-foot wide sidewalk along Old Plank Road prior to final plat approval.
2. The proposed emergency vehicle access shall be maintained by the Homeowners' Association to standards which allow the access to be used by emergency vehicles.
3. The proposed emergency vehicle access easement shall include provisions to accommodate public bicycle and pedestrian access.

MR. STRODTMAN: Thank you, Mr. MacIntyre. Commissioners, questions? Ms. Rushing?

MS. RUSHING: We -- you talk in your recommendation like it is kind of an either-or, but we could deny one or both of the variances and still approve the application. Correct? So we have three separate

items that we are looking at?

MR. MACINTYRE: That is correct. You could recommend, independently of course, if -- if you choose to approve or deny the variance from the -- it depends on how you phrase your request -- or your recommendation rather. Some of these elements, the variance would not necessarily --

MS. RUSHING: But we could vote on the sidewalk variance and approve or deny it?

MR. MACINTYRE: Yes.

MS. RUSHING: And the vote on the extension, approve or deny it? And then regardless of what happened on those two votes, we could still approve the PUD?

MR. MACINTYRE: That is correct.

MR. STRODTMAN: Mr. Harder?

MR. HARDER: I have a question. I know that the length of a cul-de-sac, there is a limit. I mean, this street is like 30 years old. I mean, what triggers to say, okay, it can't be a cul-de-sac anymore because it has been a cul-de-sac for 30 years.

MR. MACINTYRE: Well, that gets to the initial intent of this street, which was to connect it. And that's how it was initially platted and always has been shown. It's hard to give up the opportunity that exists and, frankly, has simply not been fulfilled by -- by the original developer or the owner. When that right-of-way has been dedicated, it's there, it just needs to be -- the obligations need to be followed through on to make it happen.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. MacIntyre, just to follow up on Ms. Rushing's question, does -- it appears to me that the major amendment to the PUD plan includes eliminating a connection. So can we approve that and vote separately on whether or not we approve the -- I mean, by approving or denying that, aren't we approving or denying the extension?

MR. MACINTYRE: Right. The sidewalks could be considered separate. The extension, I would say the reduced width street and the cul-de-sac all kind of go together naturally. So I'd rather wait and see how you would like to frame it, but I think that there are natural -- you know, certainly you could support the PUD plan without the sidewalks, but not necessarily without the cul-de-sac bulb, for example.

MS. LOE: Thank you. I just wanted to clarify.

MR. STRODTMAN: Any additional questions for staff, Commissioners? If not, I will open this up to our public hearing.

PUBLIC HEARING OPENED

MR. STRODTMAN: And if you would like to come forward and give us your name and address, and we would welcome that.

MR. HOLLIS: Good evening. Robert Hollis with the VanMatre Law Firm, 1103 East Broadway. May I approach and pass these out? Thank you. Well, not that you are unaware, but City staff's work on this has just been excellent, as usual. And this is not a simple topic on this very small development, but it has taken a lot of their time and effort and we certainly appreciate that. So I said Jamie Jeffries is here;

he is not. I was wrong. Sorry. You know where the site is. That is your first slide. We're here because of a plan virtually identical to this was approved in 2009, and it just expired. There was no development. There wasn't interest in the lots as far as buyers, so there was no need to move forward. That is not the case anymore. There are ready and willing buyers, and so that's why we are here. The issues addressed in 2009, I'm happy to go over all -- any and all of them with you, but I'd like to skip through them as quickly as possible, unless you have questions. It's cul-de-sac street length, connectivity, safety concerns, sidewalks. I'll -- I've got a bunch of slides on these and we can -- I'll never get through it in my time that is allotted, but please come back and ask questions if you have some. The cul-de-sac street length, it's called an emergency access, but the emergency department, which is the fire department doesn't require it. So now we are talking about connectivity. And when you are talking about connectivity, I think the evidence weighs heavily in favor of there not being a connection now based on what has changed since 1987 when the plan was originally approved. There is also something that I hadn't pointed out before in this, the agreement with the City, which I have a copy of and you're -- happy to give you a copy of it if you want it, is the cul-de-sac length was to be waived, and that was, again, a late-80s agreement. And there is a quote there for you. Also, the neighborhood support -- is in support of opposition of there being a full-blown connection to Old Plank. So as far as the purpose of the 750-foot limitation -- so that's -- you're not supposed to have a street that is longer than 750 feet. Well, why? Because you're going to have too many lots that you can't get to with emergency services. On a 750-foot street, you could have 26 lots. There are 22 on this. Yes, the street is much longer than 750 feet, but has long been developed, and there are 22 lots, and that is all there will ever be. From a practical standpoint, it is -- it is flat topography, so I provided this topographical map. The pavement is in fact 32-foot wide. It is on a 50-foot right-of-way, and there are 50 feet on either side of that of setback. So getting through -- and I've included a few pictures on the slide that shows views on Stonehaven, a few pictures that show that it is hard to imagine circumstances where emergency vehicles could not get through. To me, it mattered -- why in the world was this -- the decision in the first place? Why was Stonehaven shown as a through street? And it is because Highland Ridge was not owned at the time, so there was no way to plan for the connection, which is Glasgow, at that point in time. Also at that point in time, the Forum connection, which now exists, it wasn't even on the CIP for the next 20 years. And so it was -- it made sense at that point in time for this connection -- Stonehaven to be a connection from Old Plank to the north. Subsequently, it doesn't. Also, there are many, many other points of connectivity for The Highlands, and if you compare that to other developments, it is often triple as many. Another thing to keep in mind about an access point, if it would exist from Stonehaven to Old Plank is it would be dangerous. And it would also create cut-through traffic. Dangerous because that's a picture from standing at the point where the access point would be and how far you can see. It is only 220 feet. Not very far. Also, there is no doubt that that would create cut-through traffic. People would go left on Stonehaven attempting to go north when all they need to do is go a little bit farther and go north on Forum, which is a street that is built for those purposes. If you've been on Stonehaven, you would know,

it is not a street, it is not a neighborhood, it's not a development that is meant for cut-through traffic. There are no sidewalks. So naturally all foot traffic, bike traffic, activities that would otherwise be on sidewalks are on the street. As far as sidewalks on the cul-de-sac, this slide shows a picture that is showing an obvious fact. There are no sidewalks on Stonehaven. So if you built sidewalks on this cul-de-sac, it would literally drop off into grass because there aren't any other sidewalks. As far as sidewalks go -- the sidewalks go with respect to Old Plank, well, let me back up. The original PUD plan explicitly states sidewalks are not required. There is the agreement that waives sidewalk requirements, but that is only -- if and only if you make the recommendation and make the finding that there would be a minimal use and not reasonably required, which I think that seems fairly obvious because there would be sidewalks leading to grass. Old Plank sidewalk, the \$20 per lineal foot, my client agrees to pay it, agreed to pay it in 2009. Didn't want to, obviously, but did and is doing the same thing again. So those are the old issues. The new issue, which is also related to the sidewalks, and frankly is a suggestion from the homeowner's association, completely separate from my client, but an interested party nonetheless, they suggested a better use of the funds, so \$32,000 is the -- is the bid that we got from Emery Sapp & Sons for the construction of the unnecessary and unwanted access road. So let's spend it somewhere else. That's -- and we agree. We just need to figure out where that is. The homeowner's association says they've got some projects -- some storm water projects, some street projects within The Highlands. We are fine with that. The City says we've got sidewalks that we would like to build on Old Plank. We are fine with that. In talking to the homeowner's association, I said this is really not our issue, you guys figure it out. We'll provide the money, you figure it out. That can be the basis on which this can move forward. I can't speak for the homeowner's association, but I believe that they agree with that. That was just an illustration of what Mr. MacIntyre was describing earlier, and I don't know if this helps a whole lot, but you can see the red part is basically the -- what we are paying for with the payment in lieu of, and then the green parts are what we would be helping fund with the \$32,000 donation, should the homeowner's association and the City staff agree. Oh, sorry, and the park is immediately -- am I out of time? Yeah. Well, yes, so I'm finished. If I could just state the preferred recommendation, it's that approve what we requested with variances from the cul-de-sac and the sidewalks, to the extent that those are necessary, without the access lane, and with the applicant paying \$32,000 for improvements as determined by the homeowner's association and the City. Alternatively, although not preferred, approve the plan as submitted with the same variances.

MR. STRODTMAN: Thank you, Mr. Hollis. Questions for this speaker, Commissioners? Ms. Loe?

MS. LOE: Who maintains Stonehaven?

MR. HOLLIS: The City.

MS. LOE: Thank you.

MR. STRODTMAN: Any additional questions? Ms. Burns?

MS. BURNS: Is there parking on Stonehaven on either side?

MR. HOLLIS: Is it prohibited? I don't know.

MS. BURNS: I'm just thinking about with the proposed park land, I can see that a lot of people would want to park there and walk to the park.

MR. HOLLIS: Well, I don't think there would be access from Stonehaven to the park.

MS. BURNS: Well, if we are talking about a possibility of that, if you had emergency access or a pedway --

MR. HOLLIS: Oh, I guess if -- yeah, if you were going to create access, I think -- it is sort of far-fetched to think that very many people would travel that far walking to get to a park, but --

MS. BURNS: It looked close. I guess it is further away than what I thought.

MR. HOLLIS: Well, it is 2,800 feet of street with only 22 homes on it. So I think -- I think people accessing the park, which is why staff's suggestion makes sense to me, is that they would be coming along Old Plank.

MS. BURNS: I just didn't know if perhaps residents were concerned with the pending park that that might create additional -- not only the cut-through, but people parking there. Because if they parked at the end of Stonehaven, they would be very close to accessing the park.

MR. HOLLIS: Assuming we built the emergency access, plus public access, right. Right. Yeah. That could be a possibility. Again, the neighbors and the association are completely against any sort of access.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Ms. Burns, you're --

MS. BURNS: Absolutely.

MS. LOE: I don't believe we received any letters in our packet. But you have referred to a few. Am I mistaken?

MR. HOLLIS: I don't know.

MS. LOE: So were there letters?

MR. MACINTYRE: Not received --

MS. LOE: Were they submitted to the Planning and Zoning staff? No. All right. Thank you. I just wanted to clarify that.

MR. HOLLIS: I don't know what was in your packet, but I did send you the letter.

MR. MACINTYRE: The HOA letter?

MR. HOLLIS: Right.

MR. MACINTYRE: Yeah. I didn't take that as something to be included in the packet.

MR. HOLLIS: Oh, sorry. Yeah. There is a representative from the homeowner's association that I'm sure will --

MS. LOE: Thank you.

MR. STRODTMAN: Any additional questions? I see none. Thank you.

MR. HOLLIS: Thank you.

MR. SZEWCYK: I'm Michael Szewczyk; I'm at 1404 Highlands Court. I am the president of The Highlands Homeowners Association. And the letter -- I have three copies, and I'm happy to give them to you. My understanding was that it went to Steve, and then it was going to come to you all. So the letter was written November 7. So it's a really interesting thing, this whole Stonehaven, because it has sat there for 25 to 30 years as a cul-de-sac, a dead-end street, and there has never been a problem on it. Never. And we know that from The Highlands. So we had a meeting -- a homeowner's meeting on October 28th -- 26th. It was our annual meeting, and this subject came up and we had literally hundreds of homeowners, and we talked about this. And we looked at all the alternatives -- one, Stonehaven connecting through to Old Plank, the second thing, the emergency access road, or third, just having a cul-de-sac there with a pedestrian easement down to Old Plank, so that if Old Plank is ever done -- redone, that there could be access down there for people that want to walk and get down to a sidewalk down there. At that time we had no idea or had not heard about the park that was potentially planned across -- right across the street. You are 100 percent correct. Right across the street from where that would be. So we had thought about all that, and the homeowners without a single person dissenting said why do we need this connection? When that -- when The Highlands was platted, The Highlands Parkway dead ended and there was no other way out of there. Subsequently, we ended up with Highlands Court, which then branched off when Highlands Ridge was developed, which isn't part of The Highlands actually. You could go to Glasgow -- well, you could take Bent Path, go to Glasgow, and get down to Old Plank. And then Forum was put through. So we have two really good ways to get down to Old Plank right now, either through Forum or through Glasgow. And we see this as a completely unnecessary road. And we've just -- we're just sort of befuddled why just because it was on a plat 25 or 30 years ago, do we think we need it now because there really is no reason for it. It would just be a waste of money. So we talked about it and then we thought about this emergency access, and I'm actually an emergency physician. I worked at Boone for 20 years in the emergency department, and I now actually do the physicals for the fire fighters for the City. So I know a lot of them, and I have talked with them. And I talked to Chief White, and I've also talked with the other firefighters and I said has there ever been an emergency on a cul-de-sac where you guys couldn't get through? And not a one of them could tell me of when it happened. So on paper it sounds good, but it really doesn't make any sense because it just doesn't happen. And the fact of the matter is is we know that on Stonehaven it hadn't. And we also know now that if there is 30 houses or less than 30 residences, the fire department doesn't even see it as a problem, and there is only 22 there right now. So we -- we really don't even feel that is necessary. So we talked about it and I said, you know, Highlands Properties -- the developer, and they did a great job in The Highlands, is going to spend money on this emergency access road. Why don't we go talk to them and say the money you're going to spend, can we take and spend that somewhere else for a capital improvement somewhere else? We have sidewalk issues within The Highlands. We have sidewalks that dead end. We have streets that the street department had marked a year and a half, two years ago with spray paint that it needed to be done -- haven't been done yet. We have storm water issues that we've talked to the City about, and they

say, well, there's not enough homes involved, you're low priority, it's not our issue that we could get taken care of with this money. So I went and talked to Highlands Properties and I was sort of shocked because they said sure. If you can convince Planning & Zoning, if you can convince the Council, we'll give that money, rather than build a road that is not necessary, we'll give that money so that you guys can make improvements in the neighborhood. And I thought, great, I mean, that's something you just don't see very often, and I thought here we really have a win-win. And I know we talked about win-wins earlier. That has sort of been the theme tonight, but this is a win-win because the homeowners would win, the City would win, and the developer wins because the developer would look good and is going to spend the money anyways. So that is how we came up with that suggestion. And I think Robert showed some of the slides of why we don't really need it, and we don't. And I think if -- it's -- I know it's really hard for the City to say we don't need a road because it is always roads, roads, roads, but this is one that we truly don't need. And if we do put a pedestrian easement between those two lots so that you can get down to Old Plank, we've got everything we need. The one other thing to consider is, is Stonehaven -- and I know it looks like there is not much going on there -- it connects to The Highlands. Highlands has 500 homes. Most of our homes are under \$200,000. We have a lot of homes that are \$150,000 over by the park. If we let traffic come up Stonehaven, it's going to turn right on Highlands Parkway, it's going to go right by the park where we have hundreds of kids walking across the street there playing ball, that kind of thing. So this is something that I think is more than just Stonehaven. And I think that is why the homeowners were so against it because they saw it as letting these cars come up there where we don't have sidewalks, and yet we have people walking all the time. So I would ask that you do something different and say the cul-de-sac is okay, but let's have a private City partnership. The homeowner's association and the City get together, look at this \$32,000 and figure out where we can spend it so it would benefit the community. And I think it would be a great way to save some money and also get some projects done that really would benefit the neighborhood. So I would ask that you approve the variance to just build a cul-de-sac. Sidewalk issues, it sounds like they are willing to pay for it, and I don't really care about that. So -- but I think the main thing is don't build a 7,500-square-foot road that nobody is going to use. I'll take any questions.

MR. STRODTMAN: Commissioners, is there any questions? I see none. Oh, Mr. Harder?

MR. HARDER: So I'm not sure if I'm asking the right -- so the bicycle and pedestrian access could also be used as an emergency access or for vehicles --

MR. SZEWCYK: No. I -- you know, if you build the emergency access, it has to be 25-feet wide and it is concrete. What I would put in there is I would put a pedestrian pedway or pathway there that would maybe be an easement that was for something, you know, that's a 25-foot easement for a 10-foot, you know, pedestrian pathway that we could put in once Old Plank is redone. Because there is really no reason to go down there at this time. And then people could walk from the neighborhood straight into the park, people from the park could walk up into the neighborhood, but we wouldn't have the car traffic.

MR. STRODTMAN: Ms. Loe?

MR. SZEWCYK: Yeah.

MS. LOE: Quick question. I was just wondering why the neighborhood or association didn't take any action on the waiver after it was approved in 2009.

MR. SZEWCYK: So it would -- it was up to the developers when this lot sold, and my understanding is the lots never sold. So in terms of -- oh, you mean why we didn't come or talk about it or think of this then?

MS. LOE: Well, you had the cul-de-sac approved with emergency egress, I believe, in 2009.

MR. SZEWCYK: Right.

MS. LOE: Why was that not constructed at that time?

MR. SZEWCYK: I think it wasn't constructed because they never sold the lots. I think it was one of those things that -- and you can ask -- you're going to have to ask them that question. But I will also tell you that I wasn't on the board then and the board didn't know what -- you know, I mean, I don't know. But we're -- we know now, so --

MS. LOE: Thank you.

MR. SZEWCYK: But maybe they can tell you.

MR. STRODTMAN: Any additional questions, Commissioners? I see none. Thank you, sir.

MR. SZEWCYK: Thank you. I can make more copies of the letter, but I bet you can do that too.

MS. LOE: We've been sharing it, so I think we're good.

MR. SZEWCYK: Thanks.

MR. STRODTMAN: Anyone else would like to speak on this matter? I see none, so we'll close the public hearing on this case.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners? Ms. Burns?

MS. BURNS: I have a question for staff. Is there a way to maintain or retain an easement for future if there was a need for connectivity? Because I'm thinking where Glasgow is further to the south and where Old Plank and Forum connect, I don't know how much space is in between. So with a development out there, this seems to be the theme of the night. How do we move traffic efficiently? But if we give up everything by denying or not allowing the opportunity for future development, if we would need to connect through. Is it -- is it, you know -- if -- either-or or is there a way to kick it down the road a little bit?

MR. MACINTYRE: If we're looking -- talking -- since we are talking about changes from what's been submitted and, you know, deem to be in approvable form and has previously been approved, I think that the real issue here is that we're -- we're talking about making a change to something that everyone had previously agreed to do. And it would be certainly expedient and efficient to just stick with that. But given the new ideas that have come up with the prior discussions between staff and the applicant and the homeowner's association presented alternatives and the apparent -- given the apparent reluctance of everyone but perhaps our traffic department and -- or, pardon me -- everyone at the City to give up full

access here, except the applicant, I think it's important to note that there is a full 50-foot right-of-way in place right now. That is worth something to us in the way of public improvements also, you know, so if we're going to -- if we want to make a deal, we can certainly discuss other alternatives. I think the crux of my concern or the City's concern would be to not sell ourselves short, so to speak, in the way of giving up all of the value that this has to us -- this right-of-way and this connection. I think also that it is important to point out that some of the projects that were referred to by the homeowner's association representative, I believe are quite a distance from this site. We did have a meeting with the applicant, and -- to discuss one of those projects -- the storm water related project, and as was expressed, the City doesn't really believe that that is an eligible or a warranted project for public money to be spent on and it is certainly not directly related to this site. What I think we've been discussing now is a project -- potential sidewalk project that we could -- where we could leverage some additional money via payment in lieu toward a future parks project that will actually be used. And that is immediately connected to this site, so I think -- I've lost track of your specific question at this point, but I think that is the direction we need to kind of go on.

MR. ZENNER: To preserve -- Ms. Burns, to preserve the corridor, yes, we -- you could plat an easement, but I think as Mr. MacIntyre has just pointed out, there is already a 50-foot-wide road right-of-way that would have to be vacated in order to basically compress the easement into a smaller location that then would be dedicated through the final platting action that would need to come forward with this. This is the PUD plan, which would constitute, as you are probably aware, the preliminary plat, but accompanying the final plat to create the two lots that you see here on the permanent closure of the cul-de-sac would be a final platting action. And accompanying that would likely be a right-of-way vacation request in order to eliminate the right-of-way. The connectivity that currently proposes -- that the right-of-way proposes is something that we definitely do not want to lose, and we also have the value associated with that right-of-way, which is, as Mr. MacIntyre pointed out, something very valuable to us at this point. Build a road or seek to have that road waived somehow is what really you're at at this point. And what we have agreed on from 2009 is that this access shown here is the substitution to a full 50-foot-wide right-of-way being approved with sidewalks on both sides of it. I will tell you that we have an opportunity at this point in order to have an improvement built, not delayed, and it is not necessarily our general position to take money and then go ahead and build it ourselves. The applicant is asking to basically get a waiver, and then pawn potentially or burden the City at some point in the future to build the improvement that they would have otherwise been required to build. And that should be a cost in our mind that is associated to the developer as a result of their application. The fee in lieu of, which is for the frontage on Old Plank or the lack thereof granting the variance along the Old Plank frontage would connect along the parcel's frontages on either side of maybe a pedestrian access across from our City park. And at that point then as the park project may move forward, which if I understand correctly is not going to be potentially a fully-improved active park like most that we see. This is a very rough tract of land over in the Creekridge development. It may be more of a nature area that will be more of walking trails, not actually formal park-

type activity, the pedestrian connection is definitely something that should probably be built upfront, not as something that is delayed to some future date. So you could preserve the corridor by simply indicating that the corridor that is shown here as the right-of-way or the travel way for emergency access, which apparently may or may not be necessary according to our other service providers, reduce that down from what I believe is at about a 20-foot-wide right-of-way at this point. So if you were to reduce that down and maintain a -- what would be a standard pedway width, which would be an eight-foot wide easement, four feet on either side, require the sidewalk to be built according to ADA requirements so people that are handicap can move up and down the grade within this particular area, bing, bang, boom, you've got a sidewalk all the way down from the end of the cul-de-sac completed. You have it connecting to sidewalk along Old Plank Road is what our recommendation is. At that point the remaining pieces that are on either side of the east and west to get you to Glasgow and that will get you back up to Old Plank Road become more of a capital project issue that we would have to potentially move forward as it relates to maybe additional park development on the south side of Old Plank Road. But that would be how you achieve going about doing it. We are leery, I think as a staff, to just say go ahead and waive it and just have them give us some fee in lieu of. No. Build it now because you're going to have to put infrastructure and you're going to have crews out there to do such improvements. It should be built contemporaneously with the actual final platting and the permanent cul-de-sac'ing of the actual Stonehaven Drive.

MS. BURNS: Thank you.

MR. STRODTMAN: Ms. Burns? Ms. Loe? Sorry. It's getting late. Sorry.

MS. LOE: Mr. Zenner, this does feel as if it has gotten kicked down the road a couple of times to borrow an analogy from Ms. Burns. But just to clarify, so this was -- the extension wasn't built in '98 when the request to eliminate it was denied because the -- those two parcels weren't being constructed at that time. And now this is coming up again because they do have offers on those parcels and improvements are impending.

MR. MACINTYRE: I think the original plat probably predated our performance contracts which obligated developers to construct such improvements within three years of final platting way of the streets at least. I --

MS. LOE: Yeah. It's just been lingering --

MR. MACINTYRE: -- haven't look --

MS. LOE: -- out there.

MR. MACINTYRE: It's been lingering.

MS. LOE: So what -- I mean, if this gets -- what happens after tonight if it's -- if the plat -- if the extension is required to go through? Can they just wait another 11 years and come back and say --

MR. ZENNER: Well, the property -- if I am correct, the property has been platted at this point.

MS. LOE: Uh-huh.

MR. ZENNER: And the -- it has not been replatted to this configuration. So the current plat of

record has an incomplete Stonehaven that comes to Old Plank Road. In order to be able to obtain a building permit for the two lots that are currently platted on either side of that 50-foot-wide right-of way, you're going to be building a street extemporaneously with trying to obtain a permit because they currently do not have legal access to an improved road. So in 2009 when the proposal was originally submitted to amend the PUD plan which is very similar to this plan, the curvature of the extension is slightly different in order to deal with some modifications we've made as it relates to topography, that plan ceased. It expired after its five years because there was no activity, no formal final platting to replat the property into this configuration. There was no buyer. And as we understand it, there was no buyer to the property; therefore, it wasn't acted upon. Now you have a buyer willing to move forward with possibly one or both of the lots, and therefore, to allow for the replatting of the property in compliance with this layout, you must reapprove the PUD plan amendment that was originally approved in 2009, and then go through the final platting process to replat the lots, which would then eliminate through a vacation request the rest of the 50-foot right-of-way that was with the original plat -- to replace it with what is shown here.

MS. LOE: It is slightly clearer.

MR. ZENNER: Clearer. It is still -- and we have -- you know, it is almost like this has been kicked over a cliff and it has just existed in limbo.

MS. LOE: Uh-huh.

MR. ZENNER: But right now there is no way to obtain a building permit for these two lots without a roadway or a permanent cul-de-sac, as shown on this plan being built. You're going to do one or the other, and the only way you can do what you are seeing here in front of you is you have to go through a PUD plan amendment reapproval process and then address the issue of the extension of what should have gone to Old Plank Road, as is shown.

MS. LOE: Would they be required to build the full road to Old Plank?

MR. ZENNER: Yes.

MS. LOE: Okay.

MR. ZENNER: Because it will be -- the way that the original lots without replatting the original lots, these last two lots go all the way to Old Plank Road.

MS. LOE: Okay. I guess we started off our evening with a case that the neighborhood was sort of backed into a corner because the City back in the 90s vacated some right-of-ways for a street connection that should have gone through. So I have to admit, I'm a bit leery about vacating any right-of-ways at this time based on that model without -- I mean, we've been seeing developments happening down in this area, so I anticipate this area will continue to grow. That said, we've gotten arguments from the applicant both that no one will use this road and that it will become a cut-through. I tend to side a little bit more with the it won't be used as often. If you look at the CATSO map, Glasgow is identified as the neighborhood connector, and it's shown to connect through to Scott at K through to Old Plank. So I think that's going to be the primary cut-through for this neighborhood. But, I still don't -- I'm not in favor of eliminating other connections. So I'm -- I'm not in favor -- or I'm in favor of denying the request to

eliminate the right of way. I'm not -- I'm not as sold on the sidewalks along Stonehaven. So on that one, I'm open on. I'm -- I'm for the sidewalks on Old Plank.

MR. STRODTMAN: Mr. MacMann, did you have a question earlier?

MR. MACMANN: I just -- just a point. If we do nothing and this PUD is not approved and they want to build those houses, they build a road?

MR. ZENNER: That would be correct.

MR. MACMANN: All right. That's -- that's where I was going. We do nothing, the road gets built.

MR. MACINTYRE: Unless they continue to do what has happened for the last 30 years.

MR. MACMANN: Well, if they want to -- if they want to build those houses --

MR. MACINTYRE: Yes. Absolutely.

MR. MACMANN: -- because they currently have no access. That's right. Thank you.

MR. MACINTYRE: The alternative though is that they do nothing.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: I mean, I understand what you are talking about with what we talked about earlier tonight, but the density is so different with this compared to our earlier agenda item. And so I just don't see any point in building that road if it is hardly going to ever be used and the homeowners are saying they don't want it. So why force it upon them if they don't want it and they don't think they are ever going to use it?

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: This home, I believed Mr. Hollis -- Bobby said 22 lots occupied? Twenty-two. And not to open too big of an old wound, Ridgefield is 25 -- the earlier contentious development where we did exactly the opposite thing.

MS. RUSHING: But the density is much greater.

MR. MACMANN: It certainly is. These lots are twice --

MS. RUSHING: (Inaudible.)

MR. MACMANN: -- at least three acres. I just -- it's is difficult for me to manage voting differently -- do you understand what I'm saying? It is okay there, it's not okay here? Connectivity matters, connectivity doesn't matter?

MR. TOOHEY: And I understand that, but there -- the density is so different. I mean, that issue had traffic issues. There is no traffic issues here.

MR. MACMANN: That's true. And I think we need to maybe think carefully about what is going on because as Ms. Loe -- and we've seen these things. There is more and more and more and more things going down there. Mr. Crockett has brought things to us. Other people have brought things to us. And there are a lot of things that are happening on Old Plank.

MR. TOOHEY: But what does that road going to do for those things?

MS. LOE: It's a public street.

MR. STRODTMAN: It would allow a cut-through over to Highland Parkway.

MS. LOE: It's allowing options for traffic and it's of a length that exceeds the existing cul-de-sac length. And despite the low density, I believe it starts setting a poor precedent.

MR. MACMANN: Mr. Toohey, I would love to live on a cul-de-sac. Just FYI. I -- most of us would. I'm just-- I'm trying to make it -- in my mind there has got to be some kind of equivalency, you know, where we treat things fairly. The difference is the density issue, you know.

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: Well, I think what Mr. MacIntyre and I have been talking while you all have been bantering back and forth is how do we create what Mr. Stanton would like here, is a win-win, so everybody gets your access and we all can move on. As Mr. MacIntyre pointed out in his staff report, density -- obviously, this is 22 lots. The proposed UDC through the fire code section, a single point of ingress/egress is only required or is permitted under the Code up to 30. So the necessity for a secondary access other than that was what was planned initially when The Highlands was developing could be supported as not being needed. Now granted, we have an excessively long cul-de-sac, but the excessively long cul-de-sac has existed for an umpteen number of years, and apparently not presented any impact to our emergency services, while not convenient to other public services, such as trash collection and everything else, it has not been problematic. So closing the terminus of Stonehaven with an appropriate bulbed closure, given its current length and its uncomplete state, not having sidewalks, as Ms. Loe had pointed out on that bulb because there are none on the rest of Stonehaven does seem reasonable to us as a staff based on the condition that is there. However, we are in agreement that it would be inappropriate to just say, okay, let's go ahead and let this project proceed forward with no opportunity to be able to obtain that connection down to Old Plank for pedestrian usage. What we would probably suggest would be that this is currently shown as a 20-foot emergency ingress/egress. As I pointed out, our standard pedway width is a 10-foot -- or is 8-foot wide. We would propose if the Commission is interested as a compromise to the situation that we have here is that the Commission approve the cul-de-sac length ultimately because that's -- why not a variance, it is something that probably does need to be acknowledged, allow the cul-de-sac bulb to be placed with outside walks on the cul-de-sac bulb because it is consistent with what is on Stonehaven, allow the emergency -- allow the emergency access as is shown on this to be reduced to 8 feet, constructed as a pedway by the applicant with the difference of 12 feet of cost being provided as a payment for fee in lieu, and then the sidewalks along Old Plank Road as we have proposed previously be installed so the pedestrian pedway from the end of Stonehaven connects to sidewalk that is along the Old Plank frontage built at grade because obviously we don't have an elevation at this point for future roadway improvements, and they pay the difference between the 20 feet of pavement, an improvement that would have been required with this emergency access, and the 8-foot pedway that they are going to be required to construct under a motion, which means we get 10, 12 feet of payment of lieu of that could be applied to other sidewalk construction to the east or west of their parcel or maybe used to be able to create an access across Old Plank to get to the park. And would still assure that we have a connection that exists for pedestrian usage. The right-of-

way would then obviously have to be vacated as a part of a final platting action along with the final plat that the Council would receive as a direct approval action under their authority. Given what I'm hearing and what we believe may be, from our perspective, would be the best solution, that would be where we see this potentially going. We assure our access, we assure at least a pedestrian connection. We take care of the issue that exists, and we allow this particular dead end street to just be capped as it has existed since its original platting or at least 2009. So we've -- we've -- you know, when it was originally amended to this configuration. I don't -- there's no downside to this 22 homes. It hasn't proven to be a major problem for us as a City in providing service. That would be our suggestion, just to offer it to you all so we can move on if you're inclined to do so. And, of course, that the applicant is willing to potentially agree to those terms.

MR. STRODTMAN: Commissioners? Ms. Rushing?

MS. RUSHING: I'm willing to try and make a motion.

MR. ZENNER: Out of that?

MS. RUSHING: Based on that.

MR. STRODTMAN: Please.

MS. RUSHING: Okay. I move for approval of a request by Highland Properties Company for a major amendment to The Highlands - Phase 8 Final PUD Plan, with granting of a variance for the length of the cul-de-sac, a variance not requiring sidewalks along the cul-de-sac, a variance deleting the requirement of a roadway and including in lieu thereof construction of a pedestrian bicycle pathway, and eight-foot wide, and the differing -- is it 12 feet?

MR. ZENNER: That would be correct.

MS. RUSHING: -- to be paid in lieu to the City for --

MR. ZENNER: Future sidewalk construction.

MS. RUSHING: -- future sidewalk construction and denying the request for variance for the sidewalks along Old Plank Road.

MR. MACMANN: I'll second that motion because you got through all that. And I'm going to vote against it, but that was awesome, Joy. Thank you very much.

MR. STRODTMAN: A motion has been made and put on the table by Ms. Rushing. A second was received by Mr. MacMann. Commissioners, discussion on the motion?

MR. TOOHEY: I still don't think anyone is going to use that pedway. I mean, there is 22 houses there. The density is so sparse. With the density -- where there is more density, there is actually a road that already connects to Old Plank. So I just don't see the need of that pedway when there is only maybe not even 90 people who live --

MR. STRODTMAN: Mr. Stanton?

MR. TOOHEY: -- on that street.

MR. STRODTMAN: I'm sorry. Go ahead. Mr. Toohey, are you finished?

MR. TOOHEY: Yeah.

MR. STRODTMAN: Sorry. Mr. Stanton?

MR. STANTON: This is a compromise to keep the overall master plan of connectivity still in motion. That's the overall plan. We can't keep compromising the master plan, which is to connect all communities. This is in lieu of that. You're right. It probably won't be used right now, but setting up the future connectivity is what we're doing and I think this is a great compromise. I'm ready to vote.

MR. STRODTMAN: Any additional discussion? Ms. Loe?

MS. LOE: Clarification. This proposal is vacating the right-of-way for a road?

MS. RUSHING: Correct.

MS. LOE: Thank you.

MR. ZENNER: That would come as a separate action, Ms. Loe. You're not at this point approving any request to vacate. That would have to be applied for at the time of final platting.

MR. STRODTMAN: Not something that we could craft in our motion?

MR. ZENNER: No.

MR. MACINTYRE: Right. It's just approving --

MR. ZENNER: A vacation of the public right-of-way will actually be a Council action direct to Council. It will not come through the Commission.

MR. STRODTMAN: But the way the motion was made, it -- it does what we're trying to accomplish.

MR. ZENNER: It will -- it implies that the vacation of --

MR. STANTON: The access--

MR. ZENNER: -- the right-of-way will be presented as part of a final plat.

MR. STRODTMAN: But not up to us to make that decision?

MR. ZENNER: That is correct.

MR. STRODTMAN: Okay. Or need to be made in our motion. Any additional discussion, Commissioners? I see none. Ms. Burns, when you are ready for a vote.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Harder, Mr. Stanton, Mr. Strodman. Voting No: Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann. Motion carries 5-4.

MS. BURNS: Eight to three, motion carries.

MS. LOE: Five to four.

MS. RUSSELL: Five to four.

MS. BURNS: I'm sorry. Five to four. I couldn't count my checkmarks.

MR. STRODTMAN: So our motion --

MR. ZENNER: Five to four?

MS. RUSSELL: Yes.

MS. LOE: Five to four carries.

MR. ZENNER: Thank you.

MR. STRODTMAN: The motion for approval will be forwarded to City Council. It's been three hours since our last break, and I'm in need of a break. So let's take -- we'll do eight minutes this time. We did seven minutes last time. We'll do eight minutes this time. And we'll get back. I apologize for the people that are waiting, but we're trying. So eight minutes.

(Off the record.)

MR. STRODTMAN: Before we get started on our -- we have two public hearings left. For the folks that are here for the UDC discussion, I'm sorry to let you know that we are going to -- we don't think we are going to get done for a little bit longer time, and we don't think it is fair for the rest -- all of us to have to be here, you know, 2:00 or 3:00 a.m., so we are going to have a special session on Monday of next week, the 12th, starting at -- we'll have a work session that starts at 5:00. The actual public part of it -- it won't be a public input, but it will be open to the public will start at 6:00. And then we'll review the amendments to Sections -- Segments Five and Six. So on -- that is 6:00 p.m. on Monday, we will start our amendments to the motion for approval of Segments Five and Six, basically where we left off. And then once that review is done, then we will go into -- back into work session Monday night to continue to discuss items of the UDC, but there will be no formal amendments made in our work session as those will be made on the 15th. So if you are here for the UDC, I apologize that you waited until midnight to get to go home and that we are not going to be able to cover that, but we don't think it is fair to be here until -- start the UDC discussion at 2:00 a.m. either, so hopefully you can make it on the Monday. And it's -- again, there is no public input in that section, so you can always review the minutes to hear what we had to say. And then on the 15th, we will stick with our schedule for the 15th, other than there might be a few amendments made to the overall, as we were going to anyway. Am I all clear, Mr. Zenner?

MR. ZENNER: That I believe is crystal clear. And just so the public understands, those that are watching as well as those that are here, any amendments that are made on Monday the 12th will ultimately be captured into the final errata sheet that will be prepared for the January 5th public hearing if you are unable to review the discussion on the 12th and its minutes. So all of those amendments will be captured. They will be as they were presented this evening on this agenda in a comprehensive errata sheet that will allow us the opportunity at least to be able to get those in time for preparation and then not compound the length -- or extend the length of the December 15th meeting, which has already been scheduled. Tell your friends, tell your neighbors if you are interested in coming that the meeting has changed to the 12th. It will show up on the City calendar as a meeting. However, it will not be advertised within the Tribune due to the limited length of time that we have between now and then. With that, we can move on if you would like.

MR. STRODTMAN: But you are also welcome to stay, Mr. Farnen, so stick around. You made it this long. Right? And before I get started -- just as a reminder -- we mentioned it earlier at the beginning of our meeting, and since it has been several hours ago, just as a reminder, we are all tired and have been here a long time. As we go forward, if a comment has already been made, we would ask not to

reiterate those comments over and over. So let's try to be respectful of everyone's time and let's -- but at the same time be thorough.

Case # 17-1

A request by Crockett Engineering Consultants (agent) on behalf of Charles and Rebecca Lamb (owner) to rezone 42.98 acres of property from A-1 (Agricultural District) to PUD-11 (Planned Unit Development-11 units/acre) with an associated Statement of Intent, and to approve a PUD (Planned Unit Development) development plan to be known as "Kelly Farms". The subject property is located on the east side of Cinnamon Hill Lane, approximately 1,200 feet north of Stadium Boulevard, and addressed as 1202 Cinnamon Hill Lane. (This item was tabled at the November, 10 2016 meeting)

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

Staff report by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval as follows:

- Approval of the rezoning to PUD-11 and the associated Statement of Intent.
- Approval of the PUD development plan known as "Kelly Farms", with the requested sidewalk exception, subject to technical corrections to incorporate a note addressing construction for the driveway to serve the City's water tower site and the C-1 zoned property to the west.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, any questions for staff? Ms. Loe?

MS. LOE: Mr. Zenner, the traffic study that is mentioned in the staff report mentions the Stadium Boulevard traffic, but not Broadway. Was Broadway included in the traffic study?

MR. ZENNER: No. Based upon the fact that this project does not -- it is directional flow would be all to Stadium. It was not looking at driving through the Timberhill neighborhood to get to Broadway as an option. Mr. Crocker does have the folks from CBB here tonight to address that, and Mr. Crocker could probably address that as well. From a practical perspective, Ms. Loe, and we didn't cover this within the staff report, the generators to draw traffic from this particular development in staff's opinion are all to the south, they are not to the north of the intersection of Timberhill with East Broadway is unsignalized ; it does have an associated disincentive to be making a left hand turn in order to head back to the services that are there at Broadway Marketplace; whereas, proceeding south through two signalized intersections to get on the Interstate and then to proceed north to the Broadway intersection where there is signalization to staff is something that we have contended from the initial review of this project of the concern that has been expressed or will be expressed this evening to the usage of Timberhill running north for the high volume of traffic is really not practical to us. It just doesn't -- it doesn't make sense. So the traffic study to my knowledge was not encompassing looking at the Broadway intersection based on the fact that it is not really considered a viable -- a significantly viable flow of traffic out of the development.

MS. LOE: Thank you.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: To follow up on Commissioner Loe's question, how long is Timberhill from WW to the north boundary of the PUD?

MR. ZENNER: Well, Mr. Crocker may have that information --

MR. MACMANN: About a half mile? Something like that?

MR. ZENNER: -- written. Maybe longer than that. Ms. Cain's here as well, so some of our residents may have that. I don't have that specifically.

UNIDENTIFIED SPEAKER: (Inaudible).

MR. MACMANN: I didn't hear her answer. I'm sorry.

MR. ZENNER: About a mile. Nine tenths of a mile.

MR. MACMANN: The next question would be how many lots are in Timberhill?

MR. ZENNER: A total of 12 -- 14 lots, there are 12 homes if I recall correctly, folks.

MR. MACMANN: So it's a low density, low traffic area currently?

MR. ZENNER: Yes. And it is a very -- as you are probably aware of, a very narrow street.

MR. MACMANN: It is a very narrow street. I would guess -- I'm doing -- I'm not a traffic engineer and I will be corrected soon, I'm sure.

MR. ZENNER: (Inaudible.)

MR. MACMANN: But my guess is even at average occupancy you are going to have four to five hundred cars in this development. Is there an idea of how many of those cars might choose to exit through WW or maybe come back into the northern portion of this PUD?

MR. ZENNER: I will --

MR. MACMANN: Do you have any idea how --

MR. ZENNER: I do not. And I am not sure if Ms. White had discussed that as part of their assessment. I will be quite honest with you, folks, I did not review that traffic study personally. I am filling in. I believe our traffic folks may have identified that with Mr. Jake, and discussed that if necessary --

MR. MACMANN: Well, I just --

MR. ZENNER: -- if he has got information to add.

MR. MACMANN: I'm just -- the reason I asked is to make some quick calculations. At average home occupancy, we probably have 32, 34, maybe 36 people who live in Timberhill. And if they all have automobiles, which they may, this is America, you are talking about 30, 35 cars, maybe twice that many trips per day, and we are having four or five hundred cars just south of them. And my guess is their traffic is going to double or triple even with just a leakage of 5 or 10 percent from the northern portion of this PUD because it's -- while it is difficult to get to left, it is maybe not impossible, but it is certainly is much easier to come home that way, particularly if you are downtown -- the University. These are the concerns that I have had looking at this because you are right it is hard to get that left out of there. But if I am coming home from downtown, why on earth would I get on the highway? These are concerns that I have, and I will finish in just a minute, Ms. Loe. There's been -- we had a problem with some conservation

easements up north to the property that the Burnam's owned. And you said the Kelly's are going to retain possession of this conservation easement?

MR. ZENNER: That is correct. And the issues associated with the conservation easement of that -- Kitty Hawk are --

MR. MACMANN: Thank you.

MR. ZENNER: -- are entirely different done as a private covenant, not as part of a platting action governed through a planned development.

MR. MACMANN: All right. I just -- I just wanted to get that out on the record. I thought that was the case, but I --

MR. ZENNER: That is -- I would assure you that the requirement of who owns or how this is platted will be handled far better than what we have previously encountered with some recent development.

MR. MACMANN: All right. It is my hope so. Thank you. That's all my questions for this moment. Thank you.

MR. STRODTMAN: Thank you, sir. Ms. Loe?

MS. LOE: I just wanted to add or augment Mr. MacMann's observations about traffic onto Broadway. Would this development be part of the school district for the new school we looked at previously that would be going in across from Old Hawthorne?

MR. ZENNER: The school district has now responded -- what you do not see here maybe clearly is Shepard Boulevard Elementary is actually at the -- get the right mouse -- Shepard Boulevard Elementary is right here. I am not sure where the attendance boundary line is, and again, I believe the Kelly's can respond to the potential tenant mix that they have within their particular type of project. It is my understanding that there are going to be attendance boundary realignments as a result of the Vineyards school being built, but where those are today, and where they may be being changed to in the future, I am unaware of. And again, I guess -- utilizing that potential option as then a cut-through to get to WW to go over to the Vineyards -- the design of the roadway of Timberhill as it is is a very narrow windy road that in winter conditions, as the residents will probably tell you, is sometimes treacherous, though it is on the high priority list for plowing is not necessarily something that we as a staff when we evaluated this project as a related to flow northern -- northern flow out of this project as holding a high level of desirability. And, Jake, I am not sure if you've got anything from the review of the traffic study, or if we want to let Shawn address that.

MR. RAY: We'll let their traffic engineer.

MR. ZENNER: Okay. And so, again, this becomes one of these issues with the connection of two subdivisions -- existing public street that dead ends. And this has been an ongoing issue with the proposal on this 43-acre tract of land with existing Timberhill, the City staff is staying firm in its position that the connection of this existing public street to the extension of a public street that basically will provide additional connectivity through a residential development now, which is significantly different from

previous, is appropriate. And again, as I stated previously in our last case, should the traffic impacts become so significant that the closure of this roadway is necessary in order to protect the Timberhill Neighborhood Association that is a Council action that could be taken upon request. Until we have the actual impact exhibited, not being perceived, we do not recommend moving forward in potentially closing this roadway at this point.

MR. STRODTMAN: Commissioners, additional questions or staff clarification? I see none. Well, this is a public hearing. We will go ahead and open up our public hearing.

PUBLIC HEARING OPENED

MR. STRODTMAN: Please give us your name and address, and we will begin.

MR. COLBERT: Good evening. Caleb Colbert, 601 East Broadway. Given the late hour we are going to make an abbreviated presentation and we will try and rush through this. But we want to make sure we answer all of your questions. So tonight I have with me Ben Kelly, Pat Kelly, Mark Farnen, Tim Crockett, Randy Porter and Shawn White. And between that team we can -- I think we can answer anything you throw at us. The things I want to cover, my portion of the presentation, are to give you a little background on the property owners, and then to compare this proposal to some of the previous proposals for this site. First a little background on Pat and Ben. There -- it is a father-son team that owns several local projects. They are high quality developments. They have owned them for more than 20 years. They are well managed. They are well run. You can see the Katy Place, Kelly's Ridge, all have A-plus ratings by the Better Business Bureau. They have low vacancy rates right now. They are full. They don't -- they wouldn't be making this investment on Kelly Farms if they didn't believe they could fully occupy those buildings. One of the last proposals involved student housing. I think everyone will be happy to know the Kelly's don't do student housing. They do not own a single three- or four-bedroom unit. Similar to their existing developments these units that are proposed for Kelly Farms will be all one- or two-bedroom units. They serve an existing -- or a diverse market. Anyone in this room can rent an apartment at Kelly Farms if the project is approved. They don't do marketing that is targeted at undergraduate students, and as Mr. Zenner pointed out in his presentation, all of the buildings will have direct access garages. We think that is something that is common in other cities, but it is relatively new to Columbia. But I think the Kelly's have discovered that over time, you know, guys want to have their man cave somewhere, folks want a direct acc-- a direct garage for safety reasons, for convenience reasons. Again, that is something that students are not after when they are looking to cram four people into an apartment. So we did -- obviously had a proposal on this site before. It was recommended for approval by this Commission, but we did have some comments and concerns about the previous proposal. We took those comments seriously and we tried to bring back a proposal that addressed all of those. One of the comments was on the size of the development. Clearly, we have eliminated many buildings, we have reduced the maximum building height -- the number of stories, I mean. We have reduced the number of bedrooms; we have reduced the number of parking. There was a comment about the exclusive nature of student housing, that we were excluding other housing types. Here we have a mixture of single-family

lots with multi-family residential on the south portion of the site. And with that I am going to turn it over to Mr. Crocker to talk about some of the design aspects, but I am happy to answer any questions if you have any.

MR. STRODTMAN: Commissioners, any questions?

MR. COLBERT: Actually, can -- I want to add one more thing. We're aware that the Timberhill residents may propose a gate at the connection of Timberhill, and we want to be very clear that if the Commission and the Council require that a gate be constructed there, we're happy to construct one. We, of course, brought forward a plan that meets the connectivity requirements of the City, but if a gate is proposed or required, we will construct that.

MR. STRODTMAN: Thank you.

MR. COLBERT: Thank you.

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong. Before you here is a color rendering of the site itself. I think several of the Commissioners were on this Commission when the previous request came forward. If you recall we had a lot of buildings, we had a lot of parking, had a lot of pavement on that piece of property, and had our green space isolated in certain locations. What the Kelly's have done here, what they want to provide is not only the green spaces that we have before but also internal green spaces. I think what you will see here is you will see a rather exclusive or an intensive sidewalk plan, if you will. They want the units to open up in a green space wherever possible, not to back up just solely to parking lots or solely to other buildings, but have a lot of green space integrated into the development itself. They think that is very important and this site justifies that. Something else to note on this project that Mr. Zenner indicated is that we want to have a transitional zoning. We are having the PUD on the southern portion of it, but then it transitions into an R-1-type development to the north into an A-1 development a little bit to the northeast, and then, of course, into the Timberhill residence as well. The A-1 portion is what kind of showing up in the orange color, the R-1 is the yellow portion. We would like to note that while we are calling those R-1 and calling those A-1, it is all part of the PUD. We have been asked why -- why are you including that in the PUD as opposed to just calling it R-1 or A-1. Simple reason is it adds additional protections for the City and the neighborhood. When we say we are going to do something, we can simply put it on the PUD plan and we are held accountable. And so the idea there is to put that on the PUD plan as R-1 lots and A-1 lots, develop those to those standards, and hold us to -- to those standards. One item I would like to talk about is -- Mr. Zenner again talked about the access coming into Timberhill. Again, that is a public street that is stemmed to our property. The City requires us to tie into that. What we are proposing here is to do everything we can to -- to mitigate or to restrict that traffic moving north. We don't want those residents or anybody to feel like it is an easy shot going straight north. So what we have done is we have come in here, we have added a couple of 90 degree turns, we have narrowed down some areas, we have added and divided parkways, we have divided islands, all in an effect, all into attempts to try to discourage traffic from moving north. Shawn White is here, the traffic engineer, and she will talk about the fact that they believe -- the traffic engineers believe that very few

traffic -- trips will go north anyway, but we want to really discourage that. So we have done that in this configuration while providing the R-1 and the A-1 zoned areas. Again, the conservation easement is across the north. Mr. MacMann, that conservation easement will be included on the final plat which will be completely enforceable by the City of Columbia. It is not a personal agreement that has been an issue of other -- other cases. This will be in effect and will be enforceable by the City of Columbia. This is just a little rendering kind of with the existing aerial photo underneath it showing the tree cover in the area. We think that is somewhat important because that is going to provide screening and shielding of the residents for our development to theirs, and likewise. We have done some line of sight studies. This is a little bit hard to read, but the big issue that we want to illustrate here is what you see on the far left of the diagram are the residences of Timberhill. And you see the large -- the tree cover areas and then what you have is the units there on the right side. We have several of these at different locations for various homes depending on the different line of sight that we are looking at. But really what we want to illustrate here is the elevation of the existing homes in Timberhill, there's two of them that are on top of the hill, and you can kind of see how trees block the view, but more importantly we can build multi-story buildings within our development and still be at a lower elevation than those homes. The fact that -- the thought that, well, you are going to build a three-story structure several hundred feet away from mine and I can simply see it towering over the trees simply isn't the case because those structures are going to be at a lower elevation at, you know, much below the homes themselves, which are also going to be screened by trees. So we believe that there is going to be a substantial amount of screening between us and the existing neighbors. Again, Mr. Zenner, I am just going to flip through just a few pictures; Mr. Zenner kind of alluded to that. One thing I would like to correct, again, this is the step-down units. Those are two buildings that we are going to do the step-down buildings on, the rest will have a full three -story across them. But you can kind of see the large wrap-around porches, you don't see that in student housing. You see a lot of green space out in front and you see the brick and stone across the front as well as 70 percent of all the facades will be that. Again, here is the corner units, again very nice. Now we will show you -- what Mr. Zenner showed you was an artist's rendering of that, an architectural rendering of that. These are actual photos of the exact same building. So if you look at what Mr. Pat -- what Mr. Zenner showed, and look at the photos of what got built, it is exactly the same thing. And so it's not a bait and switch, it's not the situation we are trying to present to you something that looks fancy and looks pretty and we are going to change it all around. This is exactly what they built. If you compare that to -- with what they have, it is spot on. Again, here is a few more pictures. Again, the multi-family layout and that is what I have. And so with that, I am happy to answer any questions.

MR. STRODTMAN: Commissioners, any questions for Mr. Crockett?

MR. CROCKETT: Thank you.

MR. STRODTMAN: Thank you, sir.

MS. WHITE: I will say good morning, huh?

MR. STRODTMAN: It is.

MS. WHITE: Shawn White with CBB. The address is 12400 Olive Boulevard, St. Louis, Missouri. I just want to shed light on a couple of issues that have been raised. I mean, the first of those being a desire by residents to have a protected eastbound left turn on Stadium at Audubon. That has been raised a few times. The proposed development will have minimal impact on that movement. This proposed -- the proposed site generates less trips than the prior avenue that was considered, as well as these trips are dispersed differently since that development was oriented pretty much all to and from the University. They were all going down Stadium, and this is more distributed to 63, so there is not as much traffic going that way. Regardless, we did reach out to MoDOT and talked to them about, you know, their opinion as to whether they would allow and protect the left turn movement for that, and they had just indicated to us that they were not in favor of it, that they've looked at it in the past based on several requests that I guess had come in over the past, and it is just not something they are wanting to do. They feel like it would take time away from westbound Stadium which has, you know, thousand, you know, probably upwards of 1,500 cars on it to accommodate 30. They feel like they can be accommodated on Old 63 or other places, or -- or wait. So I just wanted to share that. The other is the one we have already talked about tonight which is the potential of Timberhill to be a cut-through route. You know, based on -- and the study goes into a little more detail, and I can share that if you want, but, you know, looking at a review of travel times, we just aren't thinking that, you know, with the distance that they have to travel, the speeds, the condition of the road that is there, it just doesn't make sense for people from the apartment complex to travel up through Timberhill to get to Broadway. It would actually, I mean, it is almost 70 percent longer to go that way than it is to come out time-wise because of how much faster you can go on Highway 63 versus traveling through -- through and winding through their subdivision. Conversely, we feel like it is a benefit to the residents in Timberhill because it's a drastic reduction in their time to get to Stadium to come through this connection versus having to go all the way back up to Broadway, you know, over to 63 and then head back south. And we understand that they may not want that, I guess. You know, putting on my traffic engineer hat, which is the one that I wear most of the time, we understand the staff's -- and support the idea of connectivity and think, you know, what -- anytime it's feasible and possible I think that's always encouraged. In this case we just don't see that there would be any strong -- it is not a desirable connection, you know. It's not a nice straight route up to Broadway where you have a signalized control or anything to be able to get onto Broadway, so we just don't see it being a cut-through route. But as mentioned here before too, if it is something that you guys so decide that you want a gate there, I think the applicant's happy to do that. That's very brief, and I am happy to answer additional questions about this study if you guys have those.

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

MR. MACMANN: Hi, Shawn. How many trips per day in and out of this PUD?

MS. WHITE: On page 15 of the traffic study, if you have that, there's -- throughout the entire day there's an estimated 2,545, and that's in and out.

MR. MACMANN: Rough number, how many of those go north?

MS. WHITE: I mean, we did not -- we did not assign any trips --

MR. MACMANN: Zero?

MS. WHITE: I mean --

MR. MACMANN: I mean, yes, I understand that. I'm -- I'm having trouble with such a low number.

MS. WHITE: Right. I mean, we assigned approximately 30 percent to the north on Highway 63.

MR. MACMANN: How many of those would actually go through Timberhill at any time or would return to Timberhill at any time?

MS. WHITE: I mean, we didn't assign any that way. When we are looking at a traffic study, you know, if I said okay, you know, 5 percent goes through there, then that would be eight trips, you know, or in the morning it would be ten trips and in the evening it would be twelve if I said, you know, 5 percent of our traffic is going to come through Timberhill. But all that does is lessen the volume at my other intersections that I am analyzing to determine my impact, so I am actually analyzing more of a worst case scenario along Stadium to just assign it all that way which is more realistic. I mean if ten or fifteen trips go up through Timberhill it does not change the --

MR. MACMANN: I'm then going to ask you -- and I'm sorry to be incredulous, do you think there is going to be ten or fifteen trips per day out of 2,000-plus?

MS. WHITE: I'm looking at the peak hour. I'm looking at the --

MR. MACMANN: At the peak hour.

MS. WHITE: -- peak hour.

MR. MACMANN: Okay. I mean per day, how many trips through Timberhill?

MS. WHITE: I mean, I don't -- I don't think there will be hardly any. I mean, maybe -- even if you said it was five percent, you know --

MR. MACMANN: You are thinking of a total of 2,545, five percent is 1 --

MS. WHITE: Twenty-five.

MR. MACMANN: Yeah. 127 or whatever.

MS. WHITE: If you spread that out over 18 hours --

MR. MACMANN: All right. That's what I wanted to know. But that's -- thank you.

MR. STRODTMAN: Commissioners, additional questions? Mr. Harder?

MR. HARDER: I have a question about the traffic as well too. Other developments that the owners have come out on four-way roads, two lanes one direction, two lanes the other. In your traffic study it did not back up coming from Cinnamon Hill onto Stadium at peak hours as far as -- because once it starts to back up I could see someone saying I will shoot north and avoid this traffic. Even if it takes longer, they could say, you know, I will just go that way. And then you had also mentioned Stadium and Audubon. There's a lot of wrecks there. Did the traffic study show that it would -- there would be a substantial increase at the corner -- at the intersection of Stadium Boulevard and Audubon? I just want to see if that -- during peak times sometimes that is kind of a hairy intersection.

MS. WHITE: I guess referring to the Table 7 on page 20 of the report and speaking to the intersection of Stadium and Cinnamon Hill, I mean, it operates at very favorable levels of service. I mean, that southbound approach is a level of service B, with only 10 seconds of delay on average during the peak hours, so it's not -- it's not going to back up.

MR. HARDER: Okay.

MS. WHITE: I mean, all that traffic is turning right, you know, which is pretty much a free-flow movement coming out of there, so there won't -- there won't be any back up from people not being able to get out onto Stadium. And speaking to the intersection of Stadium and Audubon, again, it's looking at -- look at the table. The difference in the A.M. peak hour at that intersection, it goes from an A and 9.3 seconds to an A and 9.9 seconds. And the P.M., it's like a B and 15.3 to a B and 15.8. There's really no -- I mean, you're not even going to notice it. I mean, you could go out there after the development is built and you won't notice the traffic is any different.

MR. HARDER: I have one more question about the traffic study. I apologize for asking, but I go through this intersection quite a bit. I live on that side of town. There is an island in the middle of the road there, and I don't know if this is even in the traffic study or anything like that, but it is -- it definitely affects your vision kind of looks -- excuse me -- looking east on Stadium as you are kind of coming through underneath the overpass. Will the increased traffic there -- because sometimes you -- you see a car 50 feet away from you and it's blocked because of the center thing. Now that's not really anything that is even affected here, but I just -- as the traffic increases on Stadium, I just get nervous there is going to be more wrecks, but that's completely different than the traffic associated with the development, so you don't have to answer that question.

MR. STRODMAN: Any additional questions, Commissioners? Thank you, ma'am. Have any additional speakers?

MS. KIRBY: I've already been introduced. My name is Vicki Kirby, and I live at 1201 South Rustic Road. My property is directly behind the current house to the east past this little plot of land, and I live on A-1 property. I have already sent you -- and I hope it didn't just come because I sent it before 8:00 this morning, a note regarding some of my concerns. I was on Planning and Zoning Commission and I really commend you all for what you have done this year and what you've been through and what you're going through with all the revisions. But my main concerns are the trees. What I sent you was information about the east area plans -- thank you, I miss you. The east area plan in the Columbia Envision, my views are different than the staffs about what we're designed to do. We're right on the edge of town. This is one of the few urban forests. I just think this development is way too dense. I mean they've moved it from 11 to a 10, but I think it should be a lot less, probably at least four fewer buildings on it to retain the urban forest that we have there to absorb a lot of the toxins from 63. I live down on Rhinestone Creek, so when they start blasting and getting all this in I just know it is going to impact the Creek, which is already impaired. And I won't go on and on because of that, but those are the main things that I can -- I'm concerned about. And the neighbors, my dear neighbors to the west will talk about

their concerns, but my concern as a former commissioner is about the density and the removal of the urban forest as it relates to the Columbia Imagined and our east plan. So I will leave it there, and answer any questions if you have questions.

MR. STRODTMAN: Commissioners, are there any questions for this speaker? Ms. Loe?

MS. LOE: Ms. Kirby, who owns the property due east of the subject site?

MS. KIRBY: Well, that's a family-owned property. It's used now by Equine Medical Services because one of the owners is the wife of the person who owns that. And it is used for grazing horses --

MS. LOE: Thank you.

MS. KIRBY: -- that are donor mares.

MS. LOE: Thanks.

MR. STRODTMAN: Any additional speakers -- questions? I see none. Thank you, Ms. Kirby.

MS. KIRBY: Thanks.

MS. LITTRELL: Hello. My name is Doris Littrell; I live at 920 Timberhill Road. And if you look at Timberhill Road where it hits the subject site, right there is my house. Our kids -- the kids go to Cedar Ridge School, but I expect it is going to be redone and no telling where they will be by the time all this is built. I would like to give you a picture of our neighborhood. It is 14 houses, mid-century modern, all built in the 50s and 60s. It is two- to three-acre lots. It is a winding road with steep hills, and down at the bottom of the hill is a -- I don't know what percent a turn is when it goes back that way. And there's a field at the bottom of the hill and across that field is where the trail is. So you can walk down the hill and across the field into the trail. I like change. A lot of people don't. But I think it should be rational and it should be planned. And I think that we've worked very well with the developers on this particular project, and they have accommodated many of our issues. We have I think two major issues with the neighborhood -- from the neighborhood. One is the trees and landscaping, and the other one is the road. I really appreciate Mr. MacMann's comments because I -- we think that the experts who don't think anybody is going to drive north are not right. The thing that we know that connectivities is preferred in -- for like neighborhoods, the 10 single-family houses might be a like neighborhood to ours, but the 300 or 400 people apartments are not a like neighborhood to our 14 houses. And we think even -- we would ask for this road to be emergency access only. And we know that people can do that because it has been done, and I am thinking if you do something like bollards or whatever, the fire trucks can get in there. If you have the sidewalk along the road that comes up to Timberhill, people can walk or bike if they want to go all the way up there. But the idea of several hundred people driving down Timberhill, it's basically wide enough for two cars to barely be right next to each other. We would encourage approval for this -- I would encourage approval for this project with the stipulation that an emergency access road is what will happen at the top of it.

MR. STRODTMAN: Any questions for this speaker, Commissioners? Ms. Loe?

MS. LOE: Were you present at the first case hearing tonight?

MS. LITTRELL: Yes, I was.

MS. LOE: Did you hear the staff discussion, the Commission discussion about not closing public roads?

MS. LITTRELL: Right.

MS. LOE: So what are your thoughts about that, in that as proposed it would go through as an open road, and should there be evidence of problems, the neighborhood could petition to have it closed or be for emergency access only?

MS. LITTRELL: I -- first of all, I think we are not going to have to wait to see that people are going to drive that way.

MS. LOE: But you understand --

MS. LITTRELL: I understand the issues.

MS. LOE: -- we can't --

MS. LITTRELL: I understand the issues.

MS. LOE: Yes.

MS. LITTRELL: But the difference is between our house with this kind of a road that goes around like that with 14 houses and then several hundred people down the hill is not too like -- it's not like Ridgemont and Ridgefield. It's two -- two totally different kinds of neighborhoods.

MS. LOE: I agree the neighborhoods are different, but it's still about making a connection. If -- if the traffic were a problem, it wouldn't be long before you'd have your evidence to make a petition.

MS. LITTRELL: How long would it take for us to make that?

MS. LOE: Should the neighborhood have problems, how long does it take to petition to close -- or ask for emergency access only?

MR. ZENNER: I mean, obviously they'd have to make the request, we'd have to do an analysis. And then after the analysis is completed, which would be by our traffic staff, probably upon direction of the Council, I wouldn't imagine it would take more than a month to be able to get your counts and come back. Council has to make that decision at that point obviously based on that evidence. The other difference that we have here and it is not to downplay, I think the concern is you are also building a major collector that separates these uses and downplaying what the road network is to the north, so the traveling public as Ms. -- as Shawn with CBB laid out, is that your path of travel is going to follow the larger roadway, not the more narrow one. That's the logic behind why we do not believe it will head north. Your folks are separated and that's where the consistency of neighborhoods -- we're building on an opposite side -- the consistency argument would be that that is adjacent to Timberhill north of the roadway is what we believe to be consistent. We will not dispute the fact that's what south of the extension of Cinnamon Hill is not, but it is also using the major roadway that is being built as part of the project as its principle point of ingress and egress, which leads south.

MS. LOE: I understand that, but I just wanted to confirm this option would be open to the neighborhood --

MR. ZENNER: It exists in any instance where there is a defined and identified problem, Council at its discretion can direct the roadway to be closed. We have not experienced that as a result -- not to my knowledge, and I don't believe Jake's been around long enough to have it experienced as part of the City staff to where Council has been petitioned to close a roadway after it has been opened. Again, it becomes an issue, as I had discussed when we were discussing Ridgemont, our City's legal staff does not believe that it is appropriate to close public roadways from public access. There are a variety of other issues associated with the closure of a roadway that -- that deal with service delivery, how you plow a road, how you do a variety of other things, and the impact to the environmental buffer that is being proposed. So those issues are not addressed within the plan at this point and that would -- closure of this roadway and creating turnarounds on either side of the road closure in order to ensure that we had adequate snow storage and we have the ability to bring a vehicle around in a cul-de-sac, it is going to have an impact within the 100 foot of buffer. And I am not sure that that is -- that the outcome is what everybody would be supportive of given that. I mean there is a variety of ways to deal with that, but as soon as you bollard an access, you either have to have a cul-de-sac or you are going to have to have some type of T turnaround that is going to allow enough space for a trash truck or for something else to be able to deliver that. And if I am correct, Ms. Littrell, you folks have private trash collection within Timberhill?

MS. LITTRELL: No, we have City.

MR. ZENNER: City --

MS. LITTRELL: We have a --

MR. ZENNER: And how --

MS. LITTRELL: We have a T intersection, and it's my driveway and Ann Minor's driveway.

MR. ZENNER: So that is how our City vehicles are currently turning around --

MS. LITTRELL: Uh-huh.

MR. ZENNER: -- to get to the end of -- at the end of your street?

MS. LITTRELL: Right.

MR. ZENNER: And if that -- if that condition has existed, I mean, obviously that does resolve to some extent what happens on the north side of where the closure would be. What happens on the south side of the closure again though becomes a different issue and I think it -- we would -- the impact to the buffer at that point would be something potentially more significant and less desirable than the connection.

MS. LITTRELL: I think one of the other -- one of the things that concerns me and I think probably some of the neighbors is, is the issue of people that don't know what that road is like driving up there and flying down Timberhill. They are going to be having wrecks right away, and if -- well, I don't think we will be having it in the middle of the winter yet, but in the winter time if you don't know how to navigate that road, you are in bad trouble. And by the way I wanted to say the whole thing with Audubon does not

apply, I don't believe, to this -- and the traffic lady mentioned Audubon Street that went with the Park 7 proposal, so that doesn't apply on this I don't think.

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

MR. LITTRELL: Thank you all very much.

MR. STRODTMAN: Thank you, ma'am.

MR. SUHLER: Ladies and gentlemen of the Commission, my name is Greg Suhler, 902 Timberhill Road, and the house just back north of Doris Littrell's, wife and I, Diane. I want to bring up another criteria that's a legitimate consideration for the City, and perhaps not usually addressed in planning and zoning, and that is the matter of crime -- crime prevention. One of the highest correlations, indeed, it caused the very high positive correlation to low crime is dead end streets, dead end streets or they're terminated by cul-de-sacs or simply unfinished as currently Timberhill Road is at the south edge. If -- if one were to think of crime prevention being a legitimate consideration of -- in the City, then maybe some from the police department would be involved in some of the planning steps. It seems now much of our time is being spent on housing, building, transportation considerations. In the name of connectivity, I submit that one person's connectivity is another person's get away alternate route. And I would -- I haven't heard -- I have heard of get away cars; I haven't heard of many get away bicycles. So I think not just for Timberhill Road Neighborhood Association, but also for the 10 houses in the transition zone, which I do applaud, as part of this development. I mean, in general, there is a lot to recommend this development proposal. If one were to take the implied zero transportation or traffic through -- on -- going north on Timberhill Road, one might suggest going forth from the Commission a suggestion that -- that have an emergency gate. That would conform a hundred percent with the traffic proposal -- traffic study that you have heard. Make it happen. Make it gated with access. Our issues haven't been with the developers. You heard that from Caleb Colbert in his introduction, it's rather been with the City's perspective, and I think that there -- there are other considerations should be brought to bear. I hope that the crime prevention is one that you take into consideration. Thank you.

MR. STRODTMAN: Commissioners, any questions for this speaker? Thank you, Mr. Suhler.

MR. SUHLER: Thank you.

MS. MINOR: Hi, my name is Ann Minor, and I live at 919 Timberhill Road, and I'm directly adjacent to the Lamb property. I am very concerned about the impact of this huge project on Timberhill. The PUD request is a huge jump in density, despite a hundred-foot buffer and 10 proposed small lots that act as transitions to our neighborhood, it is still too dense. In the 2015 Park 7 proposal, which included a 10-acre buffer, Council rejected the project in part due to a lack of sufficient transition from a high density PUD and the existing Timberhill Road neighborhood. Council recognized at that time that Timberhill Road was inadequate to serve as a secondary point of access, given its terrain with narrow curves and steep drop offs along the road. Now with this rezoning request, our narrow dead end road has been thrust yet again into the center of another high density proposal because there exists no current adequate solution to access to the Lamb property for such dense development and its attendant transportation

needs. The City's long range CATSO plan extends the future -- Cinnamon Hill Road to the current WW intersection. However, such a road is in the distant future and there is no funding for that road for as many as 35 years. In past generations of this proposal, we were called a temporary road until Cinnamon Hill Road was extended to the north, and that seems to no longer be a part of the process as far as I can tell. There is nothing temporary about our entrance. I ask that P and Z help imagine a more realistic secondary access in a different location. Imagine that the internal southernmost road along the manmade cliff above Cross Creek that they develop a road that goes to Maguire Boulevard. The intense development to our south would then have two adequate exits onto two major improved roads. It also allows traffic to also just proceed north to Grindstone and south to Jeff City without getting on 63 at that one access. And it is worth repeating that rezoning is a privilege not a right and these things should not be to the detriment of existing long-term neighborhoods. One other -- just a short note I want to mention is the cul-de-sac, the Cassai Road cul-de-sac on that plan. We have talked with the developers and we have talked to the City about not having that cul-de-sac directly abut the 100 acre -- the 100-foot buffer, because it will take out additional tree protection in the buffer. And it could be moved a little further south and maybe one or two houses removed from that plan. Thank you very much for the opportunity to talk to you so late in the evening.

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

MS. KANE: Hi. I am Katie Kane; I live at 909 Timberhill Road with my husband, Mike. And our home is very close to the proposed development. By the way I want to say good morning to everybody.

MR. STRODTMAN: Good morning.

MS. KANE: Okay.

MR. STRODTMAN: Ms. Kane, can you maybe speak -- pull that, maybe, just a little closer? We are having a hard time hearing over there.

MS. KANE: This one?

MR. STRODTMAN: It's perfect.

MS. KANE: Okay.

MR. STRODTMAN: Thank you.

MS. KANE: Our home was built by my husband's parents in 1961. Some original owners or their children still occupy these 13 homes -- 14 homes. I am told I'm wrong. In the beginning young families felt safe and comfortable here. Mr. Shepard who developed the whole 42-acre subdivision had plan -- or 43 acres, had planned it well allowing a large buffer of native trees to the west. His intent was that the adjoining southern acreage be developed in kind as he owned it. To our delight, young families are moving in again and they've selected Shepard Hills for a reason. They want to raise their children in a tranquil, quiet, established neighborhood. We have 13 school age or younger children here now. We can let them play from yard to yard, just as the kids did in the 1950s, 60s and 70s. We can ride our bikes and walk our dogs. It's truly a small hidden gem of a neighborhood that has changed little since it was built

but it's well maintained. And everyone else has talked about the traffic on this street, so I don't have to do that. I think that it is too bad that we really receive no benefit from a new development like this, but we are asked to assume the risks, safety issues, especially for children, lowered property values, and damage to a street that was never intended for a large -- oops - can I stop it? How do I stop it? All done. We're finished. Thank you very much.

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

MR. JOHNSON: My name is Harold Johnson; I am president of the Shepard Hills subdivision. We are highly in support of the Kelly development; however, we would like to have it -- what do you call that -- emergency exit road between our subdivision and the Kelly development. I may make a comment on our history of our subdivision. Some 65 years ago, Clyde Shepard built this subdivision, and 25 years ago or more we were included -- annexed into the City. And we've enjoyed the -- more or less a -- the grandfathered clause. We just kept living as we did when we were in the country. And we had a dead end road, all of us raised -- many of us raised our children there, and even today we have four families with young children, so they can play in the streets, they can play in the woods, we have a park there too, and enjoy themselves. There has been some discussion, though, of having a road through the area, which is a problem. We have no sidewalk, so roads through there would hamper the -- the families certainly with children and other reasons that have been described by the -- them. Again, we would like to keep continuing our -- our livelihood with our families and not be worried about the traffic bothering the people. We do have no sidewalks, so if the road is through there, it does create problems. So we -- as I said before, we're in strong support of the Kelly development; however, we would insist on a -- an emergency exit and not a road through the subdivision. So, thank you very much.

MR. STRODTMAN: Commissioners, any questions for this speaker? Thank you, Mr. Johnson.

MR. JOHNSON: Yeah. Thank you.

MR. STRODTMAN: Thank you.

MS. EISENHARDT: My name is Ann Eisenhardt; I am at 700 Timberhill Road. And I'd just like to make a point of information that Timberhill Road Neighborhood Association has not yet ruled -- sorry -- on the development, and discussion is continuing. So we haven't really completely agreed to everything that has been proposed, but we are all in agreement about the road. Thank you.

MR. STRODTMAN: Any questions for this speaker? Ms. Loe?

MS. LOE: What is the association not in agreement on?

MS. EISENHARDT: Well, the density for one, even though it is much better than the proposed -- proposal from the last -- previous two years. It is still a big change from what we are used to. We used to be a mile out of town and, you know, even just having 63 come in has changed our lives. But that is a lot of people. It is better than student -- students coming up and down the road for sure, whether they're walking, biking or driving. But still, it is more people than we are used to having in our neighborhood.

MS. LOE: Thank you.

MR. STRODTMAN: Any additional? Thank you, ma'am.

MR. FARNEN: Hello, my name is Mark Farnen, 103 East Brandon, Columbia, Missouri. I would like to address the question of density and the Columbia Imagined Plan and the East Columbia Area Plan that has been mentioned because that all goes back to density and services and that sort of thing. In terms of the density, we -- and I want to refer to -- specifically to the Columbia Imagined plan in this regard. In terms of density as we saw the propos-- the prepared remarks from Mr. Zenner earlier, our density is going to be calculated at PUD-10. We had it at PUD-11 and really we had figured it at 10.2, but we went to 11. Now it looks like we will go to 10. Here is what the Columbia Imagined Plan says about density. It says that it should -- if you look in Appendix A of Columbia Imagined, which refers to prior planning documents and takes all those into account, it describes that the ideal density for garden apartments, multi-family dwelling, would be 16, a PUD-16. We come in significantly -- significantly under that. And that is in Appendix A of Columbia Imagined. It also talks about the natural environmental concerns and as it says in there, we are not prime farm land, shows no signs of Karst topography, is not identified as a sensitive area, is not characterized by steep slopes, and those places where we have slope it is no build. It will retain a substantial amount of the existing tree cover as was pointed out earlier, more than the prior projects or any other previous proposals. It does provide a 100-foot buffer that is not fence, it is natural, between a like kind of development and another like kind at its next single family to single family with a 100-foot buffer, all of those things which are called for and talked about as being enhancements in the Columbia Imagined plan. One of the biggest things that determine site location in that plan and in the East Columbia Area Plan is the fact that we want to build these things and we want to do infill and we want to use our land responsibly, when -- and one of the prime criteria is sufficiency of services. And you have spent time looking at checklists and scorecards and that sort of thing so that we can get better at it. That's what we have done here because this is one of the main areas in the Columbia Imagined Plan that has been identified that is most appropriate to build. It is very well served in terms of existing capacity for water, electricity, sewer and access to communication services as well as an improved road network, and a nexus or node commercial business, which is exactly what Columbia Imagined calls for. It is not student housing, that's the thing -- student housing, the term is not mentioned in the community Imagined Plan, and it is not mentioned in East Columbia Area Plan as student housing. But that's been the big problem in all previous proposals and this is not that. So all our marketing strategies, rental policies, configuration, amenities all reflect that concept, and that goes to use and neighbors. The density compatibility and desirability is one section of the plan that everyone looks at. And what it says specifically is some recommended land use policy, strategies and implementation tasks are intended to support the long range goal of creating livable neighborhoods by increasing development density and improving access to services. This intent is reflected in strategies such as revising zoning, which we were going to do later tonight, and subdivision regulations to allow smaller residential lot sizes, accessory dwelling units, but in also encouraging the integration of small scale commercial medium density multi-family housing options with other -- otherwise uniform single-family neighborhoods. We did

that. That is exactly what the plan says. The East Columbia Area Plan is -- drafts off of the Columbia Imagined Plan in many ways, and it talks about infrastructure, density. It talks about the water sheds and we can go down each checkpoint in the water shed portion of the East Columbia Area Plan, and show that it follows the plan. But one of the things that it does that the -- Columbia Imagined Plan doesn't do is it talks extensively about evaluation criteria. Evaluation of requests for higher density development on undeveloped tracts should be considered from several perspectives, it says. And here is its key: The concept of evaluating rezoning and development requests based on a sufficiency of services matrix or a capital improvement programs projects may provide the most defensible argument for approval or denial of a request. And this does that. It has sufficiency of services better than almost any other site in town, better than downtown, better than any place that is not next to a water tower. The second and potentially equally important perspective is to evaluate any rezoning or development request in how well it is integrated into its site and surroundings. We have made every effort to make like family, single-family housing opportunities next to like single-family housing opportunities, with transitional uses in between a multi-family that goes then to the nodal commercial. With commercial on the other side, farm on the other side, we think this is exactly what Columbia Imagined and the East Area -- East Columbia Area Plan asks for. Thank you for your consideration, and we hope that you will vote to approve this tonight. Thanks. And I would be happy to answer questions.

MR. STRODTMAN: Commissioners, any questions for this speaker? I see none, Mr. Farnen. Have a nice evening.

MR. FARNEN: Thank you.

MR. STRODTMAN: Or morning.

MR. FARNEN: Oh and thanks for kind of calling off Part II of this tonight.

MR. STRODTMAN: Very appreciative now, huh? Only four more hours and we will be up for work anyway.

MS. MILLER: Good morning, Commissioners. My name is Kathy Miller, I am a co-owner of the northwest 4.65 acre zoned and platted C-1 commercial tract. We have owned this property for many years and our property is currently in limbo based on the proposed plan. The way we see it, suddenly there's a road being abandoned and we are not really sure at this point where our new access may go other than it would be somewhere in Lot 12. The -- everyone has done a really great job thinking of all of the options, the developer has been very easy to work with, easy to talk to, we have met with the neighbors. We've lived in the neighborhood for 18 years, so we know the neighbors well. But basically we are here because we cannot -- we would like to have some assurance if this is approved -- there are lots of positives to this, but we would like some assurance that our access be located as close as possible to our existing access on the southwest corner of our property. I heard a new access point this evening on the 45 and as long as it's, you know, targeting that direction, that seems like it makes sense. It seems -- I have heard several different options that -- that lend themselves to that area. We have spent time and engineering fees on this corner of that property. The City had come through and they put

easements on that corner so it makes the most sense on -- on this particular piece of property to try to maintain that access point as close as possible to that southwest location. It could be in the -- you know, obviously in the Lot 12 if the existing road is to be vacated, which is what the City is recommending. But -- but we need to have hopefully some closure and not be left out wondering, you know, what is happening with our property just because it's just a -- it's important to know what you have. Secondly, the previously propos-- proposal that was accepted was -- was accepted without access changes to our property, so please keep that in mind. And then the -- we heard some question about additional access, but we weren't -- no one mentioned that this evening regarding the collector. The collector is noted as a neighborhood collector, it is not -- I've heard a couple of people say that it was a major collector, but it is noted as a neighborhood collector which says to me -- Shawn White actually had mentioned -- she was thinking that would be 25 to 35 miles an hour, somewhere in there, and it is a wide curve being a neighborhood collector, so having an access somewhere in there shouldn't be a problem there with -- someone had mentioned that at the City and so I just wanted to clarify that it is a neighborhood collector. We did -- I did speak with the Missouri - with MoDOT regarding that right-of-way, and I have a copy of this -- of the southern part of Cinnamon Hill that was deeded over, and he said that the northern part was also deeded to the City, and when I asked the City they said that there were -- I think it just hasn't been platted perhaps, but that was my understanding. And I can talk -- I talk -- I spoke with Carl Davenport at MoDOT. And that is pretty much our major concern, just regarding that southwest corner and that access.

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

MS. MILLER: Thank you.

MR. STRODTMAN: Any additional speakers? Wanting -- plenty of time. We'll go ahead and close the public hearing.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, discussion, comments? Additional questions of staff? Mr. MacMann?

MR. MACMANN: Comment, and then I have a question of staff. I just -- just thinking, if we go home in the next hour, which may happen, and I am going to any of the northern or eastern portion of this, I'm going to take Timberhill. That just diverts the traffic like that. And I also want to make the point, we just allowed Stonehaven to not connect, and they've got a development, two property lots, you know, sold down there. And I'm having trouble with consistency. Ridgefield, Ridgemont has to, Stonehaven doesn't have to, this has to. I think we need to make up our collective minds, that's done with the commentary. Mr. Zenner, what does it take to get a gate? Mr. Crockett mentioned he was amenable to a gate.

MR. ZENNER: That is the choice of the Planning Commission and then ultimately the City Council to approve the gating of the roadway. What I will advise the Commission is that should a gate be

installed, you would also need to give consideration to how an emergency turnaround at the end of the extension of Timberhill from Cassai Court would be accommodated within the green space conservation easement. I would suggest --

MR. MACMANN: So are you saying -- I am sorry to interrupt you. You're saying there would have to be a larger area to turn around in the green space --

MR. ZENNER: No. That was where I was just about --

MR. MACMANN: -- is that what you're saying?

MR. ZENNER: -- to go.

MR. MACMANN: Okay. I'm sorry.

MR. ZENNER: Turnarounds come in two flavors within the City's fire code regulations. They come as a standard 94-foot radius cul-de-sac or they are permitted as a T turnaround, which in this particular instance given the desire to maintain as much natural buffer between the existing residential development to the north, the T would be most appropriately either located on the southern edge of the 100-foot conservation easement. So if you look at the revised site plan from December 6th, you will notice as you come up and are about to connect you will see that there is that bump out where there is the middle island within the road right-of-way. I would propose that if the Commission is desirous to address the concerns of the adjacent property owners that a gate be installed, that gate basically -- that gate be permitted that would be your recommendation which would be contrary to our staff recommendation, subject to basically a T turnaround being compliant with the City's requirements being installed along the southern boundary; however, within the green space conservation easement north of Lot 11. The wings on that would extend out a specified distance, and I apologize I don't have that memorized. The minimum width, however would be anywhere between, if I am correct, 12- to 20-feet wide, so it would be basically an alley width of a roadway almost. And it would extend out from the center line allowing for emergency vehicle or some type of trash truck delivery as well as for snow storage, to pull into one side back out to the other and then come back out, basically making a 3-point turn without having to absorb as much of that common area as a standard bulb cul-de-sac. The gate at that point could be placed either at the property line of the adjoining -- or the adjacent property line between the Timberhill neighborhood on the northern side. In essence it would be beyond where the turnaround would be. And that would then still afford as -- our current public services utilize Timberhill on the driveways from Ms. Minor and Ms. Littrell as their turnaround, but not allowing traffic to proceed any further to the south. So traffic would come from the north -- or from the south heading northbound, then would run into the gate just beyond where the turnaround is allowing the people to turnaround in the T and then come back down the extension of Timberhill, but not allowing vehicular traffic north. Emergency access would be able to have access to that gate. We would not compromise potential snow removal at that point and we would be able to address the issue of not having continuous through traffic. It could be a bollards, it could be a gate, I -- that's entirely left up to the Commission as to what you would want to do. Again, staff's position is it needs to remain open. It is a public street. Connectivity between the adjacent uses is appropriate.

MR. STRODTMAN: Are you finished, Mr. MacMann?

MR. MACMANN: At this moment. Thank you.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. Zenner, I have to admit I'm a little confused as well. I thought earlier this evening we were told that a public street could not be closed unless there was evidence of a problem. Now we're being told we have the option of closing it?

MR. ZENNER: You can make a recommendation for whatever you would like. That is -- that is the advice, maybe not as directly stated as it is right now that we would have given to you. As I said, our law department in consultation about Timber -- or about Ridgefield does not believe that it is appropriate to close public streets for the purposes of emergency access. That position still will not change. But our law department will respond to whatever Council basically will -- will acknowledge what Council wants. If Council determines that they want the road closed, regardless if their advice to them is -- it should not be, and it is inappropriate to do so, our law department is going to let the elected authority determine how they want to handle their approval. What I am advising you at this point is, is if you all want to make a recommendation for Council to consider to address the public comment that has been made this evening, it is within your prerogative should you so desire to do so, not seeing the value of this connection in this particular instance, and I understand that there is some confusion. Some of it has to deal with impact, and some of it has to deal with the belief that there is, or is not, going to be an imminent problem. That is your choice. The staff is not changing its position. It needs to be remained, it -- the staff's position is the roadway needs to remain open.

MS. LOE: I misunderstood the earlier instruction.

MR. ZENNER: Yes. The law department will advise our Council most likely that to close a public street without justified cause is not appropriate. Public tax dollars are paid to maintain both sides of that public street. It does not facilitate public service delivery and it may potentially result in a loss of public service delivery in the event of an emergency or the convenience thereof for the public to use that public street.

MS. LOE: Is this connection required for the new development to go in or because it would allow emergency access that's a moot point?

MR. ZENNER: Any development that exceeds -- well, it'd be the 30 lots at this point or in this particular instance as the subdivision -- this would be a -- multi-family would be at 200 lots -- 200-unit threshold, so the development is well over the threshold that the fire code has within it. And -- again, it has been our contention from the first generation of this particular development on this site -- not by these applicants, that that connection has then anticipated since the original platting of the Timberhill subdivision. It was stubbed to the property line between these two existing development tracts. To the north it developed sooner, to the south it was retained and now we are seeing development south, therefore we continue the street. That is our position.

MS. LOE: But it's not required for -- to be completely open, if it provides emergency access?

MR. ZENNER: The Code is not -- the Code is not definitively clear in that respect. It says the two points of ingress and egress must be provided. And again, we would interpret that to be an open access, which I think is where our law department is coming from as it relates to you can't close what would otherwise be required generally, as well as you should not be closing a public street that's on either side of the gate from public access. There is two issues there. One is the more philosophical of closing a public street from the public being able to use it; the other has to deal with the fact that if we -- if we narrowly interpret the way that -- to the access requirement as for two points of ingress and egress, to have two valid points of ingress and egress they need to be free flowing. And that is in essence what the issue is with the Ridgefield issue, and Ridgefield was not generally -- because of the development that was being proposed a necessity in that respect that it had to have that secondary access because it didn't meet the threshold to have a secondary access. This exceeds the threshold for a secondary access and that secondary access should be available at all times. Again, it does not -- it does not distinguish within the Code, it doesn't always have to be accessible, and if it doesn't it could be the conclusion of the Council, as well as the Commission, that emergency access would be more than sufficient. Let's just throw another wrinkle into this, not to confuse you all. a secondary access is not deemed valid unless it connects to something else. So if you have a development that is over a hundred lots, and let's just say it is R-1, you are -- you have 110 lots in a project. You can only build up to a hundred off of the first single point of ingress. If you have a stub street that goes to something that's an undeveloped tract of land, that stub street will not count until it connects to another through street. So that's -- that is in -- the idea there is is the through street or the connection has to tie to something that is open that takes you somewhere.

MS. LOE: No, I get that. It needs to be connected through -- the development needs that connection. Ridgefield did not need the connection because if there had been a cul-de-sac on each side it would have been less than 30 lots or units on each -- each cul-de-sac would have --

MR. ZENNER: On each stub, yes. Correct. On each stub that would have existed, it would --

MS. LOE: So similar to Stonehaven?

MR. ZENNER: Yes. And that is where -- so when -- if you are trying to justify how you arrived at why we cul-de-sac'ed Stonehaven --

MS. LOE: Yes, I am.

MR. ZENNER: That would be -- that would be the -- that would be the extension of the logic that 22 lots did not exceed the 30 --

MS. LOE: Uh-huh.

MR. ZENNER: -- which is what the fire code has. You did approve an extension of the cul-de-sac length as part of that recommendation from what would be a 750-foot cul-de-sac to an almost 3,000 foot cul-de-sac. That cul-de-sac however also -- it for all intents and purposes has existed probably for the last 15 to 20 years. Now the same could be said again with Ridgemont if you had so chosen to make the recommendation in the Ridgemont project to have cul-de-sac'ed Ridgefield on the west and required the extension of Ridgefield to be cul-de-sac'ed on the east of the common property line. Again, our

evaluation is case-by-case per development by development and as always sometimes not an equal application of the regulation, based upon -- there are other issues that may be being solved in particular situations. We have said previously I think in a work session, consistency is the hob-bob -- hobgoblin of small minds and therefore we always throw a wrinkle in any recommendation we make for you to make you think. But nonetheless, the issue here is really you could have done one or you could have done the other, and from a staff perspective we are going based on what we believe to be the most appropriate -- the appropriate solution to the conditions that exist, as well as trying to achieve the greatest public benefit and consistency with our regulations. The Commission has the ability to disagree and we do not dissuade you from doing that in the instances where you feel compelled to do so. Council ultimately then has final authority. And this project, as well as Ridgefield, may ultimately end up with a gate, and I think what Mr. Crockett has offered, as well as the rest of their development team, is if that is what you want right now they are not adverse to having it down. Our preference is to obviously connectivity, but I also see and acknowledge the concerns that have been expressed, and we do have ways by which to assure that our concern as it relates to emergency access and turnaround can be addressed. And that -- that is why I am not going to -- I am not going to impale myself on the sword at this point, other than to tell you that we still will follow through with our recommendation of connectivity as the best route to stay consistent with the most appropriate planning solution in this instance, as well as what the regulatory standard and our interpretation says should be done.

MS. LOE: Thank you.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Thank you. Getting back to this particular situation, we have a -- Mr. Crockett has indicated that they can create some type of barrier whether it is a gate, a bollard, or whatever. The main concern of the neighbors seems to be that they do not want through traffic through their street. So I think as a Commission if we could discuss that, depending on what your feelings are, I don't know how to create that particular devise to block the traffic, but I have complete faith in Mr. Crockett to be able to come up with something, working with the neighborhood, of course. So those are my thoughts on it. I'm prepared to make a motion concerning that.

MS. RUSSELL: Please do.

MR. STRODTMAN: Commissioners?

MS. BURNS: Okay, in the case of 17-1, a request by Crockett Engineering Consultants on behalf of Charles and Rebecca Lamb to rezone 42.98 acres of property from A-1 to PUD-11 with an associated statement of intent and to approve the PUD development plan to be known as Kelly Farms. The subject property is located on the east side of Cinnamon Hill Lane approximately 1200 feet north of Stadium Boulevard.

MR. ZENNER: Ms. Burns, if I may?

MS. BURNS: Please.

MR. ZENNER: PUD-10 --

MS. RUSSELL: PUD-10.

MS. BURNS: PUD-10. I'm sorry.

MR. ZENNER: And the amended statement of intent dated November -- or December 6, and the amended site plan dated December 6, along with the associated design modifications.

MS. BURNS: Thank you. And I would like to move approval of this with the requirement that there be a gated or some type of measure that will prevent traffic from traveling north down -- what's the name of the street?

MS. LOE: Timberhill.

MR. ZENNER: Timberhill Drive. North of the common property line. Correct?

MR. MACMANN: Commissioner Burns? Manager Zenner had a clarification.

MR. ZENNER: North of the common property line. Correct?

MS. BURNS: Yes. Thank you.

MR. ZENNER: And do you want to also include that an emergency access must be installed on the southern -- on the subject site at that termination point?

MS. BURNS: That's what you indicated would be the most appropriate place for that; is that correct?

MR. ZENNER: That would be correct.

MS. BURNS: Yes, that's what I would like to move.

MR. MACMANN: Second.

MR. STRODTMAN: A motion has been placed on the table and -- by Ms. Burns and seconded by Mr. MacMann. Commissioners, will you have some discussion? Ms. Loe?

MS. LOE: Ms. Miller raised the issue of the access -- or just ensuring access to her lot at the southwest corner. Is that something we can address in our comments or just make a recommendation or --

MR. ZENNER: The formal submission of the actual assess -- Mr. Crockett has feverously writing something done since they will be firm producing the engineering plans and I am hoping he is writing that down. The minutes have captured that, I don't believe that is a necessity to put into your recommendation unless you would like to. Again, the design of where that access may transverse Lot 12 is something that we will have to look at final design plans for. I'm -- I'm aware and I will likely still be here at that time when we get design plans for this, so we will ensure that it is addressed. If not, again, as I have pointed out in our presentation, if feasibility of going across Lot 12 does not exist, the location of the shown access tie in that is here to the south would be potentially -- would be allowed to be permitted subject to final design review as it relates to the curvature of the roadway. It may be a little bit to the north. It will probably not go any further south. But that tie-in connection -- where you see the gray would be what would be required to be built by the applicant to tie-in existing or the remnant of Timberhill back into the reloc-- I'm sorry, Cinnamon Hill, back into the relocated Cinnamon Hill, so that would all be part of the construction plans. And we will reach back out to the Miller's when we have that information in order

to ensure that they are aware. The issues here again, as I had pointed out in our staff report, are our utilities and our traffic division wants to make sure that what is designed meets their requirements as well. So incorporating the third party of the Miller's into that discussion I don't believe is an issue. We will endeavor to make sure that that is taken care of at the appropriate time.

MS. LOE: We will trust you, Mr. Zenner, to see --

MR. ZENNER: Thank you.

MS. LOE: -- to that. Thank you.

MR. STRODTMAN: Any additional discussion, Commissioners?

MR. TOOHEY: Maybe it's just the 2:00 in the morning causing me to --

MR. STRODTMAN: So you are thinking breakfast?

MR. TOOHEY: -- ask this. Yeah. So was there any -- and maybe this is a question for Mr. Crockett, was there any thought of instead of having those 11 or 10 lots, whatever it is right there as residential, of using a commercial use there, and keep -- and keeping that buffer between --

MR. STRODTMAN: With -- with a road?

MR. TOOHEY: No, just not have a road there. Just zone that some type of commercial use and deal with it later on. And then -- then you don't have those problems.

MR. CROCKETT: Mr. Toohey, no we did not consider commercial up there. We -- we do need to have the access. It can be gated, which is fine for the secondary part of access, but we do need to maintain that to develop the site. But we -- we didn't feel that it would be appropriate to ask for commercial of that northern area north of Timberhill -- excuse me, north of Cinnamon Hill. So we did not -- did not contemplate that.

MR. STRODTMAN: Any additional discussion on this motion? If not, may we have a roll call, Ms. Burns?

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton. Voting No: Ms. Rushing, Mr. Strodtman. Motion carries 7-2

MS. BURNS: Seven to two, motion carries.

MR. STRODTMAN: A recommendation for approval will be forwarded to City Council.

Case # 17-11

A request by Discovery Hotels LLC & P1316, LLC (owners) for approval of a major amendment to the C-P Plan for Discovery Park Subdivision Lots 301, 302 & 303. The 3.86-acre subject site is located on the southeast corner of Nocona Parkway and Ponderosa Street.

MR. STRODTMAN: May we have a staff report with our breakfast.

Staff report by Mr. Pat Zenner of the Planning and Development Department. Staff recommends Approval of the amended C-P development plan and Design Parameters.

MR. STRODTMAN: Commissioners, questions of the staff?

MS. RUSHING: I have one question. So if we approve the major amendment, we're approving everything?

MR. ZENNER: That would be correct. So the major amendment which revises the statement of intent of the design parameters, it is all inclusive. And then basically we just basically process a revised final plat to consolidate the original out parcel -- parcel of properties.

MS. RUSHING: I move for approval of the major amendment to the C-P Plan of Discovery Park Subdivision Lots 301, 302, and 303.

MR. TOOHEY: Second.

MR. STRODTMAN: A motion has been made and put on the table by Ms. Rushing and seconded by Mr. Toohey. Commissioners, do we have some discussion on this motion? We have no discussion. May we have a roll call, please, Ms. Burns.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman. Motion carries 9-0.

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: A recommendation for approval will be forwarded to City Council.

VI) COMMENTS OF THE PUBLIC

MR. STRODTMAN: Comments of the public.

VII) COMMENTS OF THE STAFF

MR. STRODTMAN: Okay. Comments of the staff. None? Okay. Comments of the staff. Mr. Zenner, we know you've got something for us.

MS. RUSSELL: Make it brief.

MR. ZENNER: Given that you have tabled Item 16-110 to Monday, December 12th at 6:00 p.m., we will be covering that item then. And your next meeting -- regularly scheduled meeting will be on January 5th, but your next meeting for the UDC purposes will be on December 15th, again at 6:00 p.m. for the regular session and 5:00 p.m. for your work session. On the January 5th agenda, you have these six business items: Alpha Phil Subdivision, final plat and a variance; The Gates, which has a final plat and potentially a variance associated with it; the Benton Stephens downzoning action, these are R-3 to R-1 and R-2 parcels; Heritage Village, this is an O-P plan amendment to deal with signage that was previously not defined on the plan; Centerpointe Hospital, which is the project that I had referenced earlier this evening for the proposed mental hospital off of 763 -- it is a C-P development plan; and then, of course, you have your final public hearing as it relates to the Unified Development Code, which would be dealing with the actual final recommendation to City Council, provided the 15th's meeting goes okay. Just to give you a representation of where these projects are: Alpha Phi is there on Providence Road in between Kentucky and Burnam; the project for The Gates is off of Old Plank Road; your property for Benton Stephens are those highlighted red tracts; and then our Centerpointe project there up off of

International Drive and 763; and then our O-P plan amendment for Americare, this is off of South Hampton at Sinclair; and then, of course, the Code. Thank you very much for your evening's attention, and we will look forward to seeing you on Monday at 5:00 p.m. for your work session. As we have discussed, there will be an additional work session -- we will handle items for the Segments Five and Six at 6:00. Upon completion of those amendments, we will then adjourn to a work session to continue discussion as it relates to any outstanding amendments that you would like to discuss prior to the 15th's meeting.

MR. STRODTMAN: Thank you, Mr. Zenner.

VIII) COMMENTS OF THE COMMISSION

MR. STRODTMAN: Comments of Commissioners? Ms. Loe?

MS. LOE: Yes. Fortunately, we had three cases along the same lines tonight, so I was able to clear up a misunderstanding I apparently had in one of the earlier cases, and I would like the record to show that I am changing my vote from yes to no on Case 17-8. This does not change the outcome of that vote. Thank you.

MR. STRODTMAN: Thank you, Ms. Loe. Commissioners, anybody else comments?

MS. RUSSELL: Move to adjourn.

MR. STRODTMAN: Move to adjourn. Do we have a second?

MR. TOOHEY: Second.

MR. STRODTMAN: We're all good? Let's adjourn. Have a nice evening -- morning.

(Off the record.)

(The meeting adjourned at 2:15 a.m.)