

MINUTES
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
MAY 18, 2017

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

Mr. Brian Toohey

I) CALL TO ORDER

MR. STRODTMAN: Good evening, everyone. We'll go ahead and get started. Welcome to the Thursday, May 18, Planning and Zoning Commission meeting, I'll go ahead and call this meeting to order. May we have a roll call, please?

MS. BURNS: Yes. We have eight; we have a quorum.

MR. STRODTMAN: Thank you, Ms. Burns.

II) APPROVAL OF AGENDA

MR. STRODTMAN: Mr. Zenner, are there any changes to our agenda?

MR. ZENNER: No, there are not. Just keep in mind that we did produce a revised agenda to correct a typographical error with Case No. 17-61. We had just -- I'm sorry -- 17-111. We had a misidentified address within the original agenda and the notice that was actually captured within the Tribune. This is not a public hearing item and, as such, it is a subdivision action. Therefore, that scrivener's error is not significant as it relates to the matter at hand.

MR. STRODTMAN: Thank you, Mr. Zenner. I also have one other small correction that was brought to my attention for Case 17-61. There's 43 lots instead of 47 preliminary lots, so 43 is the correct lot for Case 17-61. With that, moving on.

III) APPROVAL OF MINUTES

MR. STRODTMAN: You were forwarded the May 4 notes from our previous regular meeting. Were there any corrections or modifications needed to those notes or minutes -- I'm sorry? I see none. Do we want to do a thumbs up? Thumbs up on that. I see thumbs up for everyone.

(Unanimous vote for approval.)

MR. STRODTMAN: Thank you. That's unanimous.

IV) SUBDIVISIONS

MR. STRODTMAN: Moving on to our first cases. It would be a subdivision. At this time, I would like to ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 17-61, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

Case No. 17-61

A request by Brush & Associates (agent) on behalf of SBSR II Properties, LLC (owner) for approval of a 43-lot preliminary plat of R-1 (One-Family Residential District) zoned property to be known as "The Coliseum Subdivision." The 13.49-acre subject site is located at 4515 St. Charles Road.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the preliminary plat for "The Coliseum Subdivision."

MR. STRODTMAN: Thank you, Mr. Palmer. Any questions for staff? I see none. As is -- this is a subdivision case, but as in past practices, if there is anyone in the audience that would like to come forward, we would take that at this moment. We just ask that you give us your name and address.

MR. BRUSH: My name is Dan Brush; I'm with Brush & Associates at 506 Nichols Street. I'm the engineer on the project. As you said, it was 43 lots. We've gone ahead and on Gladiator Drive, we're planning on constructing that such that at the time the St. Charles is improved that the pavement won't have to be reconstructed. We're setting that further back. Other than that, it's -- it's a fairly straightforward development, and I would be happy to answer any questions.

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

MS. LOE: Mr. Brush, I just had one question. I didn't see the common lot labeled, but I was assuming it was the lot with the bio-retention basin; is that correct?

MR. BRUSH: That's correct.

MS. LOE: Thank you.

MR. BRUSH: That's correct. That label must have fallen off during the last plat printing.

MS. LOE: I understand how that happens. Thanks.

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

MR. BRUSH: Thank you.

MR. STRODTMAN: Come on up, ma'am.

MS. BARNES: Hi, Judy Barnes. I live -- we live at 209 Norwich.

MR. STRODTMAN: Can you just say your name again so that the court reporter can hear you?

MS. BARNES: Judy Barnes.

MR. STRODTMAN: Thank you.

MS. BARNES: We live at 209 Norwich Drive, which is the road that's just directly across from the opening to the subdivision. My concern is and my question is Norwich, right now, is a dead-end street, so

we have our own private street which we like. Well, anyway -- and my concern is with St. Charles, the size that it is, what are the plans for enlarging St. Charles or what -- you know, widening it, or what -- can St. Charles support this, is the question.

MR. STRODTMAN: Mr. Palmer, Mr. Zenner, anyone speak on the road improvement plan?

MR. PALMER: Well, as I stated, they're dedicating the additional right-of-way for such an improvement to widen St. Charles. There, I don't believe, are any other -- as you can kind of make out on the map, there's a lot or two down that have made similar dedications, but it would require a number of those dedications down the length of St. Charles there before that -- that widening could take place.

MR. STRODTMAN: So there's no future that you have a definite date as to when any improvements are going to be made to St. Charles?

MR. PALMER: Not that I'm aware of, a definite date, no.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just a follow up. Do we know where on the CIP that is? I mean, are we past the six years out point? I don't remember seeing it in the one to fives, but it certainly could be.

MR. PALMER: Yeah. I don't think it's the one to fives.

MR. MACMANN: This may answer your question. Roads are planned and then we find the money for them. I'm trying to see when the -- if and when the money is allocated, and that may be better. That's the question you're asking, isn't it?

MS. BARNES: Right. Right. Right. Right.

MR. STRODTMAN: The Capital Improvement Plan, the CIP that Mr. MacMann --

MR. MACMANN: I'm sorry. Thank you.

MR. STRODTMAN: -- is a long-term plan of spending resource -- allocation of resources, and so that's what Mr. Palmer is looking at, because that typically is broken into future years and kind of gives you a range to maybe what to expect.

MS. BARNES: Well, the other thing is, how is this going to affect our property, you know? It's -- it's going to probably take a big section of our yard to enlarge St. Charles.

MR. ZENNER: The right-of-way widening, ma'am, is occurring on the north side of St. Charles. And as has been the practice of the adjacent development that is further to the east of this particular property, which can be depicted upon the jog here that you in the road right-of-way, we have been acquiring apparently as property has either been developed or subdivided to be coming off of the centerline toward the north. Your development appears to have already given its half-width because there is a slight notch right here to accommodate the wider road right-of-way that was necessary in order to improve St. Charles Road more comprehensively at a point later in time. The only improvement that we have right now at our disposal is a three- to five-year improvement for the intersection of St. Charles and Keene and the outer road, and that is where the new hotel, the Drury Inn, is being constructed, and that is for the, I believe, portion of the roundabout construction. This particular project, based on our ITE manual, will generate roughly 430 or so trips. Part of the analysis of a subdivision request by our traffic

engineering division, as it relates to improvements along substandard roadways occurs as part of our technical review. It was not the opinion of our traffic engineers that this 43-lot development would generate an excess amount of traffic in the peak hour that would necessitate some type of more immediate turn-lane improvements or immediate widening of this portion of St. Charles in this location.

MS. BARNES: Another question I have. Is there any thought to what price houses these are going to be? Does anybody know?

MR. ZENNER: That would be something that Mr. Brush potentially could respond to. That is not necessarily something that is taken into consideration when we review subdivision developments.

MS. BARNES: Okay. Okay. Thank you.

MR. STRODTMAN: Thank you, Ms. Barnes. Any additional speakers? I see none. We'll go ahead and -- Commissioners, any additional information needed or discussion? Ms. Loe?

MS. LOE: This appears to be a project within the scope of the East Area Plan, fulfilling the residential projected use of this area and is an infill project in that growth has been happening outside of it. So I would propose in the case of 17-61, Coliseum Subdivision preliminary plat, move to approve the proposed preliminary plat for The Coliseum Subdivision.

MS. RUSHING: Second.

MR. STRODTMAN: Thank you, Ms. Loe, for that motion, and thank you, Ms. Rushing, for that second. Commissioners, we have a motion on the table. Is there any discussion needed? If not, Ms. Secretary, when you're ready for a roll call.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing. Motion carries 8-0.

MS. BURNS: Eight to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our recommendation for approval will be forwarded to City Council for their consideration. Moving on, at this time, I would ask any Commissioner who has any ex parte communications prior to this meeting related to Case 17-11 [sic], please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

Case No. 17-111

A request by Crockett Engineering (agent) on behalf of Walter A. Beasley (owner) for approval of a three-lot final minor plat to be known as "Woodrail Meadows, Plat 3-A". The subject parcel includes 1.01 acres, and the parcel consists of three lots, addressed as 1004, 1100, and 1102 Willowcreek Lane. The purpose for the plat is to plat the subject lots in accordance with a number of small area transfers which have affected the lot layout since the original subdivision was platted.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff

recommends approval of "Woodrail Meadows, Plat 3-A," dated May 11, 2017.

MR. STRODTMAN: Thank you, Mr. Palmer. Commissioners, any questions of staff? As is in our past practices, this is a subdivision, but if there is anyone in the audience who would like to come forward and give us information on this case, we would take that at this moment. If not, Commissioners, questions? Ms. Loe?

MS. LOE: This appears to be housekeeping.

MR. STRODTMAN: Very much.

MS. LOE: So if there's no discussion, in the case of 17-111, "Woodrail Meadows, Plat 3-A" final plat, move to approve the "Woodrail Meadows, Plat 3-A".

MR. MACMANN: Second.

MR. STRODTMAN: Thank you, Ms. Loe, for that motion, and Mr. MacMann for the second. Commissioners, there has been a motion put on the floor and seconded. Is there any discussion needed? I see none. Ms. Secretary, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing. Motion carries 8-0.

MS. BURNS: Motion carries 8-0.

MR. STRODTMAN: Thank you. Planning and Zoning's recommendation for approval will be forwarded to City Council for their consideration.

V) PUBLIC HEARINGS

MR. STRODTMAN: Moving on to our first public hearing of the evening. At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 17-113, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Ms. Loe?

MS. LOE: Yes. I would just like to share that I know people that live in Old Hawthorne, so I happened to ask a friend just about where people park, and he said that they had gotten a memo recently from the community -- the general manager of the community, and he offered to share that with me, which he did. So I just wanted to put that on the table. And it did cover -- it had a point on parking in the street, and it was just reminding the community that automobiles should be parked in the driveway or garage. Guests can park in the street for short-term, but long-term street parking may lead to vehicle being towed, and that recreational vehicles have to be parked in the garages. And then on sidewalks, if you own a lot that is kept for green space and will not be built on, it's your responsibility to have a sidewalk installed, so just wanted to share those points.

MR. STRODTMAN: And that was the general manager of the Old Hawthorne?

MS. LOE: Of the Club at Old Hawthorne. Correct.

MR. STRODTMAN: Thank you, Ms. Loe. Mr. MacMann?

MR. MACMANN: This is kind of new ground for us, but can I ask a follow-up question on that?

MR. STRODTMAN: New ground for me, too, so, yes.

MR. MACMANN: Okay. Commissioner Loe, this is an HOA? Is that what this is coming from? This general manager is the manager of an HOA; is that -- what's the authority that this person has? This is not a City regulation. I'm assuming this is a --

MS. LOE: It's addressed to "Dear Resident: The community of Old Hawthorne first want to welcome new residents," so, yes. I'm assuming it's the resident --

MR. MACMANN: So this is a compact that they've entered into, that's -- that's where I'm going. Okay.

MR. STRODTMAN: Your assumption.

MR. MACMANN: I wanted to make sure I was on that page.

MS. LOE: There was a link within this to the walk -- walking policy on golf -- the golf court pads.

MR. STRODTMAN: For the actual golf course?

MS. LOE: Yes. Yes. Which I was interested since this is surrounded by those golf court pads, and that was going to be some of my questions, if the residents could use them.

MR. STRODTMAN: Thank you, Ms. Loe.

MS. LOE: That's public knowledge. Anyone could get to those links.

MR. STRODTMAN: Thank you. If there's no other additional disclosure.

Case #17-113

A request by Columbia Civil Engineering Group (agent) on behalf of The Residences of Old Hawthorne, LLC (owner) for approval of a major amendment to the Residences of Old Hawthorne PD development plan to waive sidewalk construction. The 8.2-acres subject site is located along Residence Drive (private), east of Old Hawthorne Drive West.

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the major amendment to plat for "Residences of Old Hawthorne" PD Plan.

MR. STRODTMAN: Thank you, Mr. Smith. Commissioners, questions of staff? Mr. MacMann?

MR. MACMANN: Thank you. Planner Smith, I appreciate all these issues that you've raised because, as you were speaking, I was like how did we get here?

MR. SMITH: That's a fair question.

MR. MACMANN: I think -- I guess I would personally advise and, I hope, collectively, we would advise that all the issues that have manifested themselves here, and you've said we've addressed it -- we have addressed or are attempting to address move of them -- that we don't find ourselves in these situations anymore. I know that we'll see these coming forward, but I was, like, man -- (inaudible). I'm not -- I don't mean to be chewing on anything here. I was thinking with the fee in lieu of, there are no on that whole -- that's the northeast corner of that intersection, the Old Hawthorne?

MR. SMITH: Yes. Uh-huh.

MR. MACMANN: Anything across the road? Isn't the school down south of there -- the new school will go inside --

MR. SMITH: I think it is, yeah. The school is in The Vineyards project. I -- from my recollection, no improvements down there would necessarily be City funded, so they all will be fully funded --

MR. MACMANN: By the school district.

MR. SMITH: -- by the private development, by the school development, by the residential development, so there's no --

MR. MACMANN: In the -- and remind me again. I don't want to get too far off --

MR. SMITH: Uh-huh.

MR. MACMANN: -- off pace here. The school is everything past the creek, past the bridge; is that right? I'm sorry. It's just been a minute since I've been out --

MR. SMITH: That's detailed. I'm not sure if I can tell you off the top of my head if they do have requirements in place.

MR. MACMANN: I'm looking for a place for that money. That's what I'm -- for a sidewalk or something.

MR. SMITH: Okay. No. I appreciate that, yeah.

MR. MACMANN: Okay. That's -- thank you very much. Enough of my aside.

MR. STRODTMAN: Ms. Rushing, do you have a question?

MS. RUSHING: I think my question is along the same lines as to how we got here. Was the developer aware at the time this plan was made that sidewalks would be required or was that something that occurred to them later?

MR. SMITH: No, absolutely. The sidewalks are shown in the plan. There was specific discussion at the initial approval stage of this on the design of -- of the terminus of the sidewalk. As you can see, it's a little bit out of the ordinary, so it was very clear the sidewalks would be required.

MR. STRODTMAN: Ms. Loe?

MS. LOE: I guess that's my question. The plan shows -- includes sidewalks. And I just wanted to clarify that the location of the street and the houses are where the plan shows. Correct? Okay. So it's not we've gotten backed into any situation, it's simply that the builder has now decided they don't want to follow the plan and build the sidewalks as shown.

MR. SMITH: I would say that's accurate.

MS. LOE: Thank you.

MR. HARDER: I would like to say something, too.

MR. STRODTMAN: Mr. Harder?

MR. HARDER: I noticed from the photos -- well, too, it looks like that they'll be blocked from vehicles. And so that's -- that -- I mean, that blocks the ability to use the sidewalks well, too. I kind of think that probably could have been established before things were built as well, too.

MR. STRODTMAN: Additional questions? Ms. Loe?

MS. LOE: This may be a question for the builder. I noticed on Trellis that the houses seem to be about the same distance back from the street -- Trellis Drive or Trellis Lane. And they have sidewalks against the curb. Trellis Lane.

MR. STRODTMAN: That's in the development?

MS. LOE: Yes.

MR. SMITH: You see that on the screen right now?

MS. LOE: Yes. To the left. No. Next one, right on the left edge. That -- yeah. Right there. So I was wondering, are those sidewalks not working out well or are they --

MR. SMITH: You know, I apologize. I think I did it -- I'm sorry. Not to cut you off. But I did address that. I touched on that briefly in the staff report, but I didn't in the -- in the verbal report here. We -- we did discuss having back-of-curb sidewalks instead of that setback with the green space. We did discuss that. Our site development team did have concerns that the installation of sidewalks, given that the driveways are already installed, could run into ADA compliance issues because the slopes were not necessarily planned for sidewalks. So there's two options, and that is an option is to require the sidewalks at the back of curb. One of two things would have to occur. The one would be the driveways would have to be removed and reconstructed to allow for ADA. However, we've been given guidance that since this is a private street, the sidewalks wouldn't necessarily have to meet ADA requirements in this location. So they could install sidewalks at the back of curb --

MS. LOE: Okay.

MR. SMITH: -- without it necessarily complying with the ADA.

MS. LOE: The Fair Housing Act doesn't apply because they're single-family homes?

MR. SMITH: I couldn't answer that.

MS. LOE: All right.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Let me follow up on something. If I understand, the original developer of this whole area has pretty much pieced this thing all out. Right? And there's -- we have multiple developers through different sections?

MR. SMITH: I think it's -- it's a piecemeal now of -- of developers, maybe different developer ownership groups --

MR. MACMANN: -- Was this --

MR. SMITH: -- but also builders, too.

MR. MACMANN: Okay. Let me ask this question. Does this owner/developer own any other property within the development?

MR. SMITH: I don't know if I can answer that. I know he doesn't own the immediate adjacent pieces here, but I couldn't tell you if he did own anything else. I think the ownership group here is specific maybe to this lot, and it's -- I'd probably defer to the applicant. He might be able to answer that better than I can.

MR. MACMANN: Okay.

MR. STRODTMAN: Mr. Smith, I've got a couple of questions. When -- when I was out there, I saw that there were no other -- I was just thinking if I was living out there and I wanted to play golf, how do I get to play golf? And so none of the homes have access to the golf course from the home side, you know, like from a John Deere garage kind of standpoint. So if I was to take my golf cart, I would the City -- the private street. Are those streets -- is that private street, is it the width -- I was not able to determine the width and I didn't measure it when I was out there. Is that a width of -- would that meet our public street width or do you know the width of that street -- that private road?

MR. SMITH: The internal -- internal to this subject site or --

MR. STRODTMAN: I guess my question -- my question is, Mr. Smith, is could that road be used as the access of -- you know, they could walk on the road to go to play golf or go for a walk or walk their dog or -- I mean, the road is -- it felt like it was adequate enough. It felt right when I was out there. It didn't feel like I was missing a sidewalk. I mean, there weren't huge curbs and it seemed to be pretty friendly. So I guess I don't have a question as much as the road seemed like it was wide enough to maybe at some day be a public street, but it -- it won't be. It was built to a -- a good scale. I mean, it wasn't narrow or, you know, tight.

MR. SMITH: Yeah. I'm -- I'm assuming you're referring to the street that crosses in front of the clubhouse and loops and passes to the internal --

MR. STRODTMAN: Yeah. The -- the street that services this entire development --

MR. SMITH: Yeah.

MR. STRODTMAN: -- seems to be a decently built street that was wide and it has, you know, kind of slopes on the sides. It's not dramatic curbs. And almost like the street could be a place to walk where I typically wouldn't say that in most cases, but -- I mean, obviously, there's not going to be any more development around this for residential because it's a golf course, or at least not immediately. So the only place these people would be going would be going to the clubhouse or going for a walk because they're not going to be able to probably walk on the course unless they just hop on the trail and walk the walking path -- the cart path.

MS. LOE: No, you can't.

MR. STRODTMAN: So in the rules, you can't, so --

MS. LOE: No. Only before golf starts.

MR. STRODTMAN: So I guess I really don't have a question.

MR. SMITH: We asked the same question about the cart paths, but we were told that they do not have specific authority to access the cart paths for -- for walking access. I'm sure that might change if you're a member, per se, but that's -- that's the information that we have.

MR. STRODTMAN: Thank you. Commissioners, is there any additional questions for staff before we open the public hearing. I see none. We'll go ahead and open this public hearing.

PUBLIC HEARING OPENED

MR. STRODTMAN: If anyone is out there, come forward. Please give us your name and address.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt. I'm the owner of A Civil Group here in Columbia. I'm here representing the Odles, basically, that did the original plan on this. You guys gave us a lot of good questions. I got involved in this about two weeks ago. Okay? I can't answer the question of why the sidewalks and driveways weren't built with the development, other than I think there was a lack of communication. And my experience is is that most people don't look at the plans we draw, so I don't know if that was the case here. Also, with a private street -- you know, a public street, the -- the City driveway approach, there's a standard for that and it creates a flat spot for the sidewalk and there's inspectors that come out and ensure all that's built according to oil, all that. And on a private street like this, there were no inspections of the driveway approaches, per se, so for that standard because there was no standard for that. So once the sidewalks were kind of forgotten or not communicated well, they just built the driveways straight from the garage out to the road. And -- and although Clint said we could build these at this back curb and their opinion was they wouldn't have to follow ADA, I believe what they're talking about is when you follow a street with the American Disabilities Act, you don't have to meet their slope standards, but your cross-slope standards still have to apply. So about two-thirds of these driveways are too steep, so you've got a little bit of sidewalk and then you've got a driveway to cross, and about two-thirds of them are just too steep. So that portion of it would mean ripping out the driveway and rebuilding it to create an ADA cross slope for that sidewalk. Also from these pictures, it doesn't show any utilities -- well, yeah, it does. In the very far background, there's -- there's transformers, there's mailboxes, there's all kinds of stuff that's in the way. They actually -- this Columbia Civil Engineering Group in catalyst actually, you know, tried to make this work and tried to figure out how they could zigzag a sidewalk through here and miss everything and that. And what it ended up doing was, you know, kind of obliterating the green space in the front of these because they're putting a five-foot sidewalk. That's 25 percent of the area of the front yard. And so that's why they pursued this variance, you know. The idea that -- you know, my idea when I first looked at this was like, well, the road it connects to doesn't have any sidewalks and there's never going to be any sidewalks there. So they're kind of sidewalks to nowhere. And I said, well, if I lived here, what would I do? I'd hop on the cart path and go up to the clubhouse where I'd go -- there's a swimming pool, use the cart path. I know you're not supposed to, because that's -- they'd have to kick me off. And I think as a practical means -- I think as practical means, I think there's quite a bit of interconnectivity. If you could back to that first shot -- view, Clint. When you look at those cart paths, there's quite a bit of interconnectivity provided by them that, you know, luckily, out of sheer luck, we have that, at least. So I don't know if I can answer your questions, but I would be happy to answer any specific questions that I haven't touched on.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: And this -- if you don't know, that's fine. I was wondering about the Fair Housing Act and ADA.

MR. GEBHARDT: Yes.

MR. MACMANN: Are they exempt?

MR. GEBHARDT: Single-family homes are exempt from --

MR. MACMANN: But is the road exempt? That's -- the road is not --

MR. GEBHARDT: The road is -- the road is not, but when you build parallel to a road -- so, like, in the City of Columbia, you can build a road that's 10 percent up and down.

MR. MACMANN: Uh-huh.

MR. GEBHARDT: And as long as you follow parallel to the road and it's in the right-of-way of the road, you can be at 10 percent even though that violates the 5 percent.

MR. MACMANN: Because you're following the road?

MR. GEBHARDT: Because you're following the road. So longitudinally you're good. It's the cross slope that goes -- that becomes a problem. And the way they built these eight -- or four-plexes is that two -- two units are here and there's step down, two units here, and the road goes like this.

MR. MACMANN: Uh-huh.

MR. GEBHARDT: So the first driveway is dead flat and the next one is too steep. And then they drop down two feet and that one is still flat and --

MR. MACMANN: Repeat the same process over and over.

MR. GEBHARDT: Yeah. Over and over and over. And then when you get down toward the cul-de-sac, all of them are too steep. You know, all four of them are too steep, and that's why I said it was about two-thirds. I went out with a level and walked around and tried to figure out which ones could work and which ones could --

MR. MACMANN: There's no engineering -- I take it from your presentation and Planner Smith's presentation, there's no real good solution here?

MR. GEBHARDT: No. And, you know, my client is at fault. There was -- there -- all these occupancy permits, except for the last eight, were issued and this wasn't found out. If it had been found out at the first, you know --

MR. MACMANN: But all these units have their COs? Everything that's up has a CO?

MR. GEBHARDT: All but eight. I think all but eight of them. So right now there is a bond that's been put up for the sidewalk and --

MR. MACMANN: Okay. And that's -- your client's --

MR. GEBHARDT: And they're going to get their last eight COs because of that bond. But it's a -- you know, it's kind of like -- excuse my language -- but it's kind of an oh, shit moment and what do you --

MR. MACMANN: It sounds like it, yes --

MR. GEBHARDT: And it's so far down the road that it's kind of hard to back up this far.

MR. MACMANN: I would -- if I understand Planner Smith correctly, and I don't mean to put words in your mouth, your clients are still willing to pay a fee in lieu of, but we haven't figured out how that'll work. Is that my understanding?

MR. GEBHARDT: I think they would prefer not to.

MR. MACMANN: I -- yeah. I would understand that, yeah.

MR. GEBHARDT: And I think -- your question about the east elementary school, it is in The Vineyards, and The Vineyards is down Rollingwood, but it's across the creek --

MR. MACMANN: Uh-huh.

MR. GEBHARDT: -- and there's plats -- Plats 1 and Plats 2. And then for whatever reason, Columbia Public Schools put the east elementary school off of Rollingwood, and there's Plat 5 or 6 in front of it, so it's quite a ways --

MR. MACMANN: It is, and I was working out there and I was just wondering exactly where that school -- I was trying to build a sidewalk somewhere --

MR. GEBHARDT: It's really in the middle of the property and not near Rollingwood.

MR. MACMANN: I -- I still have -- I'm done for right now, but I still have concerns. Thank you.

MR. STRODTMAN: Yes. Ms. Burns?

MS. BURNS: So was it the occupancy permits that triggered this request?

MR. GEBHARDT: I think that's -- Clint, can you help me with that?

MR. SMITH: Yeah, I'd be happy to. And I'll -- I'll be upfront. I mean, the -- I think there is fair enough fault to go around here. Typically, the way it would have worked is that a CO wouldn't have been issued until the buildings were inspected and found to be complete and accurate with the approved plans, but somehow sidewalks were not caught when the first amount of COs were issued. So it was caught when we go close to the end, and that's the point when this was brought to our attention. We had them halt construction or at least halt issuing of any COs until this was established, although we did reach an agreement with a letter of credit to accommodate them to finish out their COs. So that's -- that's the kind of down and dirty details on -- on everything that occurred. So that's where it is -- that's where it stands right now, but, yeah.

MS. BURNS: Okay. Thank you. I -- yeah. This, to me, is -- you know, we're granting a variance for a sidewalk that was never constructed in the beginning that was on the plan and was expected to be constructed. Yet it wasn't caught by anybody through inspections or whatever. I just -- it -- I'm uncomfortable voting for this because it makes me others will think, well, gee, maybe I won't build a sidewalk.

MR. SMITH: Like I say, this issue was discussed with our site development team, and they were surprised that that also was overlooked. So they -- I think they are well aware that this is an issue that they need to pay more attention to and I'm quite certain that they will do so in the future. So these types of developments with these private streets are not that common, but development plans are common and sidewalks are on the development plan, so we -- we're working with them a little closer now to make sure that that's something that they're well aware of and -- and will take extra care of in the future.

MS. BURNS: Thank you.

MR. STRODTMAN: Mr. Harder?

MR. HARDER: Yes. Do residents that own these homes, do they get an automatic membership to Old Hawthorne and, if so, can they -- they don't. Okay.

MR. GEBHARDT: No, they don't. Rusty, to answer your questions, they're 28-foot streets, which is what a City residential street would be, so the same width.

MR. STRODTMAN: Thank you.

MR. GEBHARDT: I grew up in Rothwell Heights, and there are no sidewalks, and everybody walks in the streets, and it's -- it seems fine to me, I mean, because I grew up that way. It's -- it slows traffic down and people are a lot more friendlier.

MR. STRODTMAN: You're a big man.

MR. GEBHARDT: I wasn't then. I was a little kid.

MS. BURNS: Maybe the developer can issue orange vests to all the residents.

MR. GEBHARDT: That would be good.

MR. STRODTMAN: Yes, Ms. Loe?

MS. LOE: I'd like to say I work -- live in -- in closer in town community that was built without sidewalks and just got a sidewalk built on one of the streets after many, many years of petitioning and waiting, and it's a long struggle. And I -- I know families that moved off of the street because it didn't have a sidewalk and they had kids having to get to school. So this seems so counterintuitive to be building a new residential street without a sidewalk in this day and age.

MR. GEBHARDT: I understand. And it is a strange and unfortunate deal that I'm even here asking for it.

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

MR. GEBHARDT: Thank you.

MR. STRODTMAN: Any additional speakers in the group?

MR. GALLOWAY: I'm Ben Galloway; 1304 Stablestone Lane at the -- in Old Hawthorne, and lived in Old Hawthorne since 2008. My wife, Nancy, and I have the develop-- On the Ninth, directly to the east of this development. We can probably pinpoint that on the -- on the map. I'm glad I'm not in your chairs because this is a very difficult situation to look at, but I'm here. I'll answer questions if I can help. I play golf at Old Hawthorne, so I'm very familiar with the neighborhood and what goes on out there. But the On the Ninth development, it was constructed according to the original plan and -- and I guess I know the Odles and I'm sorry they're in this situation, but it was something I think, you know, should have been addressed, you know, during the construction phase and -- and caught during the -- before the COs were -- were authorized or whatever. Somebody brought up the point of Bower Lane and Trellis, which is to the east of our property on the other side of Old Hawthorne West, and -- I'm sorry -- to the west of our property. Our property is to the west of -- I think I might have confused you on that. I got my directions mixed up, but -- but the development there on Trellis and Bower, the sidewalk that connects to the curb and, of course, the curb to the street, you know, seems like a logical solution for, you know, higher density

the areas like this. The residences is pretty high density. I mean, they're three bedroom -- four-unit buildings, three bedrooms. Our property is much more relaxed. That was just the design that we wanted and -- and they're two-bedroom units and have sidewalks and, you know, it's -- of course, they're connected into other sidewalks at the -- at the -- through the community. But anyway I'm just here. Be happy to provide any other information or answer questions. I'm -- like I said, I've lived there almost ten years and -- and play golf. There was one point about the cart paths being an alternative to sidewalks. I'll go on record and say that's not the case, that you cannot walk on the cart paths during golf play because you can imagine the liability issues with golf balls flying in the air. So just wanted to clarify that, that that's not permitted to walk on the cart paths.

MR. STRODTMAN: I've got a question, Mr. Galloway. Have you seen anybody walk out of this residence or walk around it or in it, or have you experienced how they walk in --

MR. GALLOWAY: Well, the only way they could get out of the part would be to walk up the street because the cart paths come around each side of the residences, so that would be their only way to get to the clubhouse or fitness center or swimming pool would be --

MR. STRODTMAN: Have you noticed any problems with that or heard concerns from other citizens in your neighborhood or --

MR. GALLOWAY: The only -- there are other issues. There are other questions about sidewalks. There's some have mentioned that other people that live to the north of the residences will cut up through the golf course and cut up through the residences to get just a shortcut, you know, but that's the only thing I've heard mentioned. I don't really know the -- any of the people that live at the residences or what their -- their patterns are.

MR. STRODTMAN: Just curious if you had seen anything. Commissioners, any additional questions for this speaker? Thank you, Mr. Galloway. Appreciate you coming tonight. Any additional speakers this evening? I see none. We'll go ahead and close the public hearing.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, discussion? Questions? Mr. Stanton?

MR. STANTON: Shame on the builder. They -- this is not good. I was looking at Google Maps and I'm looking at the infrastructure in place already before the buildings were built and I felt there was ample opportunity to make a curb -- back of a curb sidewalk. Staff made it very clear that this probably won't happen again. I think we're kind of -- I mean, everything in my gut is telling them to go ahead and bust those driveways up and make proper sidewalks and do all of that. Being in construction, I know that really wouldn't be practical and all of that. They got one off on this one. I think that this -- the shame on the builder right here for this one. I'm confident that -- that the future codes and the things we have in place now will prevent this from happening. Unless we just do some major stuff, I don't know if that would be practical for this. I would be willing to let them get away with this one.

MR. STRODTMAN: Ms. Loe?

MS. LOE: I'm not convinced ADA does apply to this in that it's a private street. It's not a place of

public accommodation or public business. So -- and that's when ADA applies, Title II. And it's not a public -- it's not a state or municipal government, which would be Title III. Uh-huh. Sure.

MR. STRODTMAN: Just give us your name and address again.

MR. GEBHARDT: My name is Jay Gebhardt; 3401 Broadway Business Park. I would love to have you on my team because we -- we even fight this in parking lots all the time, but we have to provide not only ADA from the parking -- handicapped parking space, but we have to provide ADA from a path from the road to the public street.

MS. LOE: It's usually tied to the money or the use, and there's no public use here or commercial. Do we agree on that?

MR. GEBHARDT: Yeah. I guess you define -- it is how you define --

MS. LOE: It's private homes and a private street. So then it would be funding. Is there federal, state, public funding involved? Right. So I think we may be outside of ADA requirements.

MR. GEBHARDT: That's good. One thing I wanted to say, too. Just a consideration. When you build at the back of curb, these are roll-back curbs.

MS. LOE: Uh-huh.

MR. GEBHARDT: They're not barrier curbs.

MS. LOE: Uh-huh.

MR. GEBHARDT: And people tend to park up on the sidewalk when you do that.

MS. LOE: Uh-huh.

MR. STRODTMAN: No barrier.

MR. GEBHARDT: Yeah. So that's just something else to think about.

MS. LOE: Could we -- right. I mean, could we come to some compromise? I realize we have some utilities and some mailboxes and maybe we can't get a full five-foot-wide in there, but could we do a four-foot back of curb or is there something -- and if we can confirm that ADA doesn't apply so we're crossing the driveways as is?

MR. GEBHARDT: Right. It would probably be easier to build these between the -- you know, between what, in this picture, the landscape bed and the -- and the mailbox.

MS. LOE: You pull them back.

MR. GEBHARDT: We can't put the mailbox anywhere different because the mailman has got to reach it.

MS. LOE: Oh.

MR. GEBHARDT: And so, if we put in the back of curb, then the mailbox is right in the middle of the --

MS. LOE: What -- what do they do on Trellis? I notice they had little bump-outs.

MR. GEBHARDT: Have them pull around that.

MS. LOE: They just have little bump-outs for the mailboxes or something.

MR. GEBHARDT: Yeah. So you -- but there's so little space here. I did Trellis, so --

MS. LOE: Okay. Is there more space on Trellis?

MR. GEBHARDT: Yeah. Those are 60-foot lots and these are --

MS. LOE: Are those houses put back --

MR. GEBHARDT: -- these buildings are about 25, 30 feet wide.

MS. LOE: Okay.

MR. GEBHARDT: You've got a 16-foot-wide driveway and about a 30-foot-wide unit. Thirty, I think, is the width -- maximum width of the unit. So quite a bit smaller space to work with. I'm sorry. But I may give you a call on this ADA stuff, because if we're not required to do it --

MR. STRODTMAN: We were just researching -- what is the street name -- Trellis?

MR. STANTON: Trellis.

MR. STRODTMAN: It doesn't look like there's any mailboxes. There's -- the pop-outs look to be addressing light poles, but on Google, we don't -- it doesn't seem -- we don't see any mailboxes, so they may not -- they may have a central bank or something to address that -- that concern.

MS. LOE: Okay. All right.

MR. STRODTMAN: The pop-outs look to be addressing light poles -- street poles. Ms. Russell?

MS. RUSSELL: I want to echo Mr. Stanton's frustration. I mean, it is shame on the builder, shame on not getting it caught sooner. I'm -- I'm wondering when we're really going to enforce the sidewalk variance. It just seems like we're always granting them, but this seems like a bridge too far. And -- and if it got approved, I'd like to approve it with a caveat that people need to pay attention because we're not going to approve them again. Just -- I won't vote for it again.

MS. LOE: We have a complete street ordinance in the City, and this is not a complete street. So --

MS. RUSSELL: True.

MR. ZENNER: Well, that is -- that, Ms. Loe, applies to a public street. It does not apply to a private street.

MR. GEBHARDT: Private street.

MS. LOE: All right.

MR. ZENNER: And we do not have private street standards. So what I would suggest to you in order to make resolution of this issue, I think to Ms. Russell's point, so sidewalk variances or what we would refer to them now as modifications are, I would suggest you propose a private street standard that requires a sidewalk and that requires a specific dimensional standard so we can include it within that platted common lot which is what a requirement is for a private street. That would be the way to address this holistically for the future. If this particular project, hindsight being 20-20, had been more thoroughly possibly designed with the future elevations of finished floors with these structures understood at the time that this development plan was presented, the applicant likely would have made at that time a request to have had a waiver from the sidewalk realizing that the situation we are at right now was inevitable. Unfortunately, they did not in the haste of trying to get this project approved, if I recall correctly, they

decided to put the sidewalk in and determine through elevations afterward, after construction had been commenced, in fact the sidewalks couldn't be installed. Unbeknownst to us, we issued occupancy permits further compounding the problem of not addressing it at the very beginning by coming back and saying we completed our engineering, we determined we couldn't build the sidewalks. We want relief now. At that point, we would have been in a better position to say no. Redesign your layout to accommodate the sidewalk. We did not, unfortunately. That is part of the problem we have had with planned developments to where you can get entitled. You do not have to submit full engineering drawings at the time of that entitlement, not even with a planned development plan did you have to have full design drawings. Some of those issues obviously have been addressed through out Unified Development Code. Others have been addressed through changes within our internal process. I can fairly confidently speak to you that this particular situation will likely not be reproduced in the future. It may not be able to be caught from an engineering perspective because design still is not required to be a 100 percent complete at the time of a planned district approval, but it definitely will be addressed as part of our plan review. It's a 44-lot development. It is sandwiched back in between two fairways. It does have a 28-foot-wide compliant public street standard width which would allow parking on one side, if I recall correctly. However, given the nature of how this development is with the limited number of residences in it, they're probably parking in their drives or in their garages. I realize this is an awkward position for all of us to be in. Yes, it's fault to be thrown around to a variety of bodies -- developer, City. Unfortunately, putting a sidewalk in or requiring it to be put in here, I believe, is not optimal. I think it creates a lesser development as a result, and I think we have means by which the Planning Commission, understanding this problem, can potentially hopefully alleviate that in the future by recommending a standard. And I think we, as planners, have always identified the fact that it's an anomaly and an oddity that we do not have a private street standard. Even though it is not used that frequently, we don't have one, and we have expressed a concern at least with our -- our associates that we deal with within in our building and site development and our engineering division that we probably need one. We just have never had the impetus to get one designed. This is the impetus for that design of a private street standard, and I think that that would resolve the matter. While I think begrudgingly giving maybe the applicant the -- the benefit of the doubt, that they should have known better, but I think we do have ability to be able to deal with it comprehensively in the future.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, any additional questions for this speaker? Thank you, Mr. Gebhardt.

MR. GEBHARDT: Thank you.

MR. STRODTMAN: Commissioners? Mr. MacMann, did you have your hand up?

MR. MACMANN: I -- just a -- a brief comment. I'm with Commissioner Stanton here. We're not going to rip those driveways out. It's just -- it's -- there's not enough space. I would suggest to staff and I hope my fellow Commissioners feel similarly. Although we seem to have run into this issue, we're going to be very cognizant of street standards and sidewalks, we're going to run into other things in the future, and we might want to flesh out a fee in lieu of policy when we run into this stuff, particularly as we expand to

the west or the east. We're going to run into -- there's no community amenities anywhere, what do we do with this money? And maybe if we had a policy or procedure what to do with that, how to address this type of thing. That's all. Thanks.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Well, if I've heard Mr. Zenner correctly, can we -- is this another -- is this another discussion as far as the private road standards? We don't have to put this in this -- or in this case right now?

MR. STRODTMAN: Future.

MR. STANTON: That needs to be a work session issue or something like that that we need to discuss and get that on the road?

MR. ZENNER: That would be correct. If that's the prerogative of the Commission, if you would like to go there --

MR. STANTON: All right.

MR. ZENNER: -- we'll be more than happy to get our traffic engineering folks at a work session to discuss that in greater detail.

MR. STANTON: Okay.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: I'm like other members of the Commission. My frustration that sidewalks weren't built here and that somehow someone is not going to suffer any penalty for not doing what they should have done. On the other hand, looking at all the photographs we've been shown, I don't see how it would be possible to put in sidewalks at this point in time. And I really wish there were a penalty that could be imposed other than requiring something that can't be done, but it just doesn't look like -- like they could do that -- put in sidewalks.

MR. STRODTMAN: I think also, Commissioners, the important thing to remember that this is a private street that's connected to a private street, surrounded by a golf course, private property. Probably more than likely will always maintain this configuration or look. I think even if it was surrounded by other homes, it would be a different discussion. And if it was, you know, a City street connected to it or even -- even a private street connected to a City street with sidewalks, we could have a different discussion. Or, you know, if there was residential on both sides, maybe there are some creative ways we could bring in some sidewalks from the back of these homes and connect it into the neighborhoods next to it, but we're next to a golf course, and we're not going to be able to put sidewalks on the golf course. So I think this is a pretty unique situation that hopefully we won't run into in the future. I think we do -- we do need to discuss the private road standards, and that would be something I would recommend for a future work study sessions is to discuss that so that we can keep this from happening in the future. And I also would like to reach out to the building and inspection department and I think that that's really where the -- you know, 50 percent of the blame belongs on the City for not catching this and 50 percent belongs on the builder for not catching it. So I think there's 100 percent blame between the two and I think we need to --

under the circumstances, I don't think a sidewalk makes any sense there, and it wouldn't look right, it wouldn't be functional, and I don't believe taking money from here and taking it miles down the road for a school is appropriate at this point either. So I'm willing to support it, the waiver, and we move on.

Mr. Stanton?

MR. STANTON: In Case 17-113, I move to -- I move to approve the measure amendment to the plat for residence at Old Hawthorne PD plan.

MS. RUSSELL: Second.

MR. STRODTMAN: Thank you, Mr. Stanton, for that motion. Ms. Russell, thank you for the second. Commissioners, we have a motion on the floor that has been -- has the proper second. Is there any discussion on this motion? I see none. Ms. Secretary, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. Stanton, Mr. Strodtman, Ms. Rushing. Voting No: Mr. MacMann. Motion carries 7-0.

MS. BURNS: Seven to one, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our motion for -- or Planning and Zoning's recommendation for approval of this will be forwarded to City Council for their review. Moving on to our next case. At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 17-114, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

Case 17-114

A request by A Civil Group (agent) on behalf of Charles and Misty Keene (owners), seeking annexation of their property at 3500 Wellington Drive and permanent City zoning of R-1 (One-Family Dwelling) upon annexation. The property consists of 3.37 acres and is currently zoned Boone County R-S (Residential Single-Family).

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the annexation of Lot 17 of Wellington Estates Plat 4.

MR. STRODTMAN: Thank you, Mr. Palmer. Commissioners, questions for staff?

Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. Planner Palmer, the homeowners are aware that that right-of-way is on their east?

MR. PALMER: I believe so, yeah. It was part of our -- our review process.

MR. MACMANN: All right. And who is paying for the hookup, them or us?

MR. PALMER: They would be.

MR. MACMANN: And that's conditioned -- this is -- do we have that in writing?

MR. PALMER: In order to connect, they would have to be annexed. And so --

MR. MACMANN: But they're paying?

MR. PALMER: They're paying for the connection, yeah.

MR. MACMANN: All right. Thank you.

MR. STRODTMAN: Commissioners, additional questions for staff? I see none. We'll go ahead and open this public hearing, Case 17-114.

PUBLIC HEARING OPENED

MR. STRODTMAN: If there is anyone in the audience that would like to come forward at this time, we would welcome that. I see there's none. We'll go ahead and close the public hearing portion of this case.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: As it relates to Case 17-114, Lot 17, Wellington Estates Plat 4, annexation, I move to approve the annexation of Lot 17, Wellington Estates Plat 3A and the approval of permanent zoning of R-1 single-family residential district.

MS. RUSHING: Second.

MR. STRODTMAN: Thank you, Mr. Stanton, for that motion. Ms. Rushing, thank you for the second. Commissioners, we have a motion on the floor that has a proper second. Is there any discussion on this motion? I see none. Ms. Secretary, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing. Motion carries 8-0.

MS. BURNS: Eight to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Planning and Zoning's recommendation for approval will be forwarded to City Council for their consideration. Moving on to our last case of the evening, at this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 17-115, please disclose that now so that all Commissioners have the same information in front of us on behalf of this case.

Case No. 17-115

A request by Crockett Engineering (agent) on behalf of Aegis Investment Group (owners) for approval of a PD development plan to be known as "Dunkin Donuts on Blue Ridge Town Centre Development Plan." The PD (Planned District) zoned site contains 1.29 acres and is located southwest of the intersection of Rangeline Street and Blue Ridge Road.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the submitted PD development plan.

MR. STRODTMAN: Thank you, Mr. Palmer. Commissioners, questions of staff? I've got a

couple. I've got maybe one or two. The proposed private road, I assume that would be built to a standard that would be acceptable to be turned over to a public street. Correct?

MR. PALMER: In this instance, it's intended to be -- remain a private street.

MR. ZENNER: From a 28 -- a permanent 28-foot-wide private driveway.

MR. STRODTMAN: Okay. And then, is -- is the landscaping significant? I mean, it seems light.

MR. PALMER: I don't believe it's shown on this.

MR. ZENNER: That's why it seems light.

MR. PALMER: Yeah. That was --

MR. STRODTMAN: In our packet, there's some landscaping shown.

MR. PALMER: Yeah. I think it's on a separate plan actually.

MR. STRODTMAN: So it just seems awfully light and it doesn't seem like there's any on the back and maybe it's because it's part of the PD plan, but --

MR. ZENNER: Street standards are new UDC street requirements would have street -- street-side landscaping along 763. The screening -- any other screening or landscaping associated to the west side of the property north or south off of the road right-of-way actually is not required based on the fact that it is adjacent to similar zoned property. And then whatever minimal required tree placement internal to the parking lot, which probably is not more than maybe four total trees -- it's one tree for roughly 4,500 square feet, if I recall correctly, of paved surface, that's why it may seem skimpy. I would imagine as the rest of the development comes in, however, you're probably going to see maybe a greater enhancement at the primary corners of the parcel.

MR. PALMER: I did want to point out sidewalks are provided.

MR. STRODTMAN: First thing we looked for. I see no other questions, so we'll open this to the public hearing.

PUBLIC HEARING OPENED

MR. STRODTMAN: If you are in the audience, please come forward.

MR. CROCKETT: Members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. As Mr. -- Mr. Palmer indicated, this is the first parcel in the Blue Ridge Town Centre development. This was rezoned back in 2005, I believe, as a larger development and it got kind of -- one of those developments that got up in the recession and now it's starting to come out again. The right-in/right-out that was -- is shown, it was shown on the original preliminary plat for the development. He is -- Mr. Palmer is correct in stating that we're allowed to have one additional private drive access to 763. That was granted by MoDOT, as well as the City, and this was the location that they gave us. There is, of course, Blue Ridge Road to the north, Carson Ridge Parkway to the south, which will be a three-quarter access out onto 763. That access point was actually constructed when 763 was reconstructed here several years ago by MoDOT. There has been a traffic study performed on the site. It took the overall development, all of the commercial uses for this site, and basically did a master traffic study for this entire piece of property. That was an original traffic study. What we've done before in the past on similar instances is we've gone

back and modified that traffic study according to specific site plans. So when this plan comes forward, we actually -- I received it today, actually -- the revised amendment, if you will, to that site plan -- to that traffic study that basically says we've reviewed this, compared it against the original traffic study that was completed, and we're still in conformance with the improvements that are needed. I will note that the original traffic report -- traffic study did identify several offsite improvements. However, due to improvements the developer has previously made, the extension of Providence Road that was done prior to -- to this development taking place, as well as the improvements on 763, the vast majority of all those improvements have already been completed. So as you see additional PD plans come through this Commission, I think that you'll -- you'll see that the improvements are in place and there may be a few that are left to be done at a later date. But again, this is being accessed by a private drive. It does have a sidewalk. We have accounted for that. We've planned for that and there won't be a problem in this case. I will not be asking for a variance to that. Someone else might, but I -- I won't -- I won't represent that. But -- and again -- and again, I think it's fairly straightforward and I'm happy to answer any questions that the Commission may have.

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

MR. CROCKETT: Thank you.

MR. STRODTMAN: Any additional speakers? I'll close this case.

PUBLIC HEARING CLOSED

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

MR. STANTON: As it relates to Case 17-115, Dunkin Donuts on Blue Ridge Town Centre Development Plan, I move to approve PD plan entitled "Dunkin Donuts on Blue Ridge Town Centre."

MS. RUSSELL: Second.

MR. STRODTMAN: Thank you, Mr. Stanton, for that motion, and Ms. Russell for the second. Commissioners, we have a motion on the floor with the proper second. Is there any additional discussion needed of this motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing. Motion carries 8-0.

MS. BURNS: Eight to zero, motion carries.

MR. STRODTMAN: Thank you. Our recommendation for approval will be forwarded to City Council for their consideration.

VI) COMMENTS OF THE PUBLIC

There were no comments from the public.

VII) COMMENTS OF STAFF

MR. ZENNER: Your next meeting will be on June 8th. We do have a regular work session that

we'll be having, and as we discussed in work session, we'll be beginning circling back on some of the UDC issues that we have previously not completed, and the first installment of discussion with our conditional uses within the Code will be the topic for your June 8th work session, and then we will continue to proceed forward as we had discussed this evening. You do have a regular meeting, of course, and on that regular agenda, you will have these five items: Mill Creek Meadows, this is a preliminary plat down at the bend in Old Mill Creek Road to where it comes into Route KK. It is possible that this may not be on your agenda. We have yet to have received, if I am correct, the amendments necessary to address our original review comments. However, as this is not a public hearing item, it does not require advertising like our public hearing items, so if it doesn't show up, don't be surprised. If it does, we will give you a staff report accordingly. We do have the Centerstate apartments project. This is up off of Vandiver just to the northwest of the Menard's and the Hilton Garden Inn. This is an apartment project that actually has a almost ten-and-a-half-acre park donation purchase arrangement associated with it for some parkland within this particular area. We have the Bristol Lake HOA annexation and permanent zoning. This was the project that was tabled at our last meeting and, at this point, we are yet to understand if this one will stay on the agenda, or if there will be an additional request for a tabling. We have not gotten our questions answered yet as to that, and I believe the applicant may be discussing options as to how to resolve one of our principal issues about this pond being disconnected from the development, if you recall correctly, and adjacent to common lots. And then as I had mentioned in work session this evening, we do have an amendment to the Discovery Park Plat 2-C, and this is as it was in relationship to the values associated with our permitting as we discussed during our April permit review. Lots 4 and 5 are what are currently developed with the multifamily that is just south of the office park and Phillips Farm Road. Tract 5A is proposed to be created out of this Discovery Park Plat 2-C, and that potentially would incorporate on a separate parcel the common amenity feature for that multi-family. Doing so requires a major plan amendment. We're creating a new lot, as well as we're having to divide up statement of intent related specific conditions. There is also a final plat associated with this which, if the preliminary, and the -- which is also the PUD plan is approved, would be forwarded to Council, but at a later date. And then we have one final rezoning request, and it is off of 4206 Savoy Drive. This is just to the northeast of the intersection of Strawn, Route ZZ and Worley. This is a rezoning request from R-1 and Ag to City R-MF, roughly three and a half to four acres of land. This is the old school site that is up on the hill that is now owned as a private individual residence. So those are your items that are on our agenda for June 8th. This is the Mill Creek Meadows Subdivision plat location there right at the bend to Route KK and Old Mill Creek, and then our Centerstate project just there behind to the northwest of Menard's, our Bristol Lake project down there off of Gans Road at the backside of the Bristol Lake Subdivision development, and then the Discovery Park project, as well as your Savoy Drive rezoning request. That -- that is all we have for this evening. We thank you very much.

MR. STRODTMAN: Thank you, Mr. Zenner.

VIII) COMMENTS OF THE COMMISSION

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

MR. STANTON: I wanted to commend Mr. Zenner and the staff on how they addressed in particular in Case 17-61 concerning the future expansion of the roads and the questions that the public had. I really appreciated you guys being right on top of that and being able to find the answer as quickly as possible, so good work.

MR. STRODTMAN: Thank you, Mr. Stanton. Additional, Commissioners? I would like to have -- I've got two -- two things. One is I would like to make the official request to staff that we look at the private street standards at a future work session, if that needed to be officially asked. And then also I would like to congratulate and thank our two newest members to our Commission, Commissioner Loe and Commissioner Toohey. Both were reappointed to our Commission, so we appreciate the next four years of your life and we're glad to have you back.

IX) ADJOURNMENT

MR. STRODTMAN: So, with that, if we have nothing else, I would take a motion for an adjournment? Mr. Stanton?

MR. STANTON: I move to adjourn.

MR. STRODTMAN: Mr. Stanton. Do we have a second?

MR. MACMANN: Second.

MR. STRODTMAN: Mr. MacMann. Adjourned.

(The meeting adjourned at 8:30 p.m.)