

021164
Permanent Record
Filed in Clerk's Office

Introduced by McDavid

First Reading 11-21-11

Second Reading 12-5-11

Ordinance No. 021164

Council Bill No. B 324-11

AN ORDINANCE

approving the C-P Development Plan of Eastport Plat 1-A-3; approving less stringent landscaping requirements; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby approves the C-P Development Plan of Eastport Plat 1-A-3, dated October 27, 2011, located on the south side of Bull Run Drive, west of Port Way. The Director of Community Development shall use the design parameters set forth in "Exhibit A" which is attached to and made a part of this ordinance as guidance when considering any future revisions to the C-P Development Plan.

SECTION 2. The City Council approves less stringent landscaping requirements than those set forth in Section 29-25(e)(1) of the Zoning Regulations so that a portion of the fifteen percent of the landscaping for Lot 102D and Lot 102E may be provided on the adjacent Lot 102C.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this 5th day of December, 2011.

ATTEST:

[Signature]
City Clerk

[Signature]
Mayor and Presiding Officer

APPROVED AS TO FORM:

[Signature]
City Counselor



City of Columbia
Planning Department
 701 E. Broadway, Columbia, MO
 (573) 874-7239 planning@gocolumbiamo.com

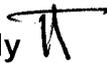
Design Parameters Worksheet

For office use:

| | | |
|-------------------------|------------------------------------|---------------------------------------|
| Case #: <i>11-93</i> | Submission Date: <i>10-3-11</i> | Planner Assigned: <i>MacIntyre</i> |
|-------------------------|------------------------------------|---------------------------------------|

Please provide the following information:

1. The minimum distance between any building and any adjacent property line or street right-of-way.
 25' to street R/W & 10' to property line.
2. The minimum distance between the edge of any driveway, parking area, loading area, trash storage area and any adjacent property line or street right-of-way.
 6' to street R/W (excluding entrances) & 0' to property lines.
3. The maximum number of freestanding signs on the site, the maximum square footage of sign surface area and maximum height of each.
 1 freestanding sign per lot. Each sign shall have a 64 s.f. maximum area and maximum height of 12 ft.
4. The minimum percentage of the site to be maintained in open space shown by the percent in landscaping and the percent left in existing vegetation. (not applicable to **M-R** districts)
 15% minimum open space & landscaped area for the entire Eastport Plat 1-A-3, individual lots shall have a minimum of 10% landscaped area.
5. The maximum height and number of light poles and type of fixtures.
 All exterior lighting shall conform to section 29-30.1 of the City of Columbia Code of Ordinances.

Source: Tim Teddy 

FISCAL and VISION NOTES:

TO: City Council
FROM: City Manager and Staff
DATE: November 11, 2011
RE: Eastport Plat 1-A-3 C-P Plan 

| | |
|--|--|
| City Fiscal Impact Enter all that apply: | |
| \$0 | City's current net FY cost. |
| \$0 | Amount of Funds Already appropriated |
| \$0 | Amount of budget amendment needed |
| \$0 | Estimated 2 yr net costs: |
| \$0 | One-time |
| \$0 | Operating / On-going |
| Program Impact: | |
| N | New program/ agency (Y/N) |
| N | Duplicates/expands an existing program (Y/N) |
| N | Fiscal impact on any local political subdivision (Y/N) |
| Resources Required: | |
| N | Requires add'l FTE personnel? (Y/N) |
| N | Requires additional facilities? (Y/N) |
| N | Requires additional capital equipment? (Y/N) |
| Mandates: | |
| N | Federal or state mandated? (Y/N) |
| Vision Implementation Impact Enter Below All That Applies: | |
| N | Vision Impact? (Y/N or if N, go no further) |
| N/A | Primary Vision, Strategy and/or Goal Item# |
| N/A | Secondary Vision, Strategy and/or Goal Item# |
| N/A | FY10/FY11 Implementation Task# |

EXECUTIVE SUMMARY:

This is a request by Lake of the Woods South, LLC (owner) for approval of a C-P (Planned Business District) development plan to be known as "Eastport Plat 1-A-3 C-P Plan". The 8.08-acre subject site is located on the south side of Bull Run Drive, west of Port Way. **(Case # 11-93)**

DISCUSSION:

The proposed C-P plan includes a 1,760 sq. ft. restaurant on Lot 102D, and a 25,800 sq. ft. shopping center on Lot 102E. The applicant is also requesting variance from Section 29-25(e)(1), to allow a portion of the 15% open space requirement for Lots 102D and 102E to be provided on the adjacent lot (102C), which is designated as a shared storm water bio-retention area.

The plan has been reviewed by pertinent agencies and departments, and found to meet all applicable development regulations, with the exception of the requested variance.

At its November 10, 2011 meeting, the Planning and Zoning Commission voted 8-0 to recommend approval of the plan and variance request. No one from the public spoke on this request.

A staff report, locator maps, meeting excerpts, and a copy of the development plan are attached for your review.

FISCAL IMPACT:

N/A

VISION IMPACT:

N/A

SUGGESTED COUNCIL ACTIONS:

The Planning and Zoning Commission recommends approval of the development plan, associated design parameters, and variance from Section 29-25(e)(1).

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
November 10, 2011**

SUMMARY

This is a request by Lake of the Woods South, LLC (owner) for approval of Eastport Plat 1-A-3 C-P Plan. The 8.08-acre subject site is located on the south side of Bull Run Drive, west of Port Way. (Case No. 11-93)

DISCUSSION

The proposed development plan shows a 25,800 square foot retail shopping center (Lot 102E) and a 1,760 square foot restaurant (Lot 102D). The western half of Lot 102C is reserved for bio-retention features to meet City storm water regulations for the entire development. The eastern half of Lot 102C is reserved for future development by a separate C-P plan.

The applicant requests variance from Section 29-25(e)(1), which requires each parcel to independently meet the 15% minimum open space requirement. This restriction would prevent the open space on Lot 102C designated for common storm water retention serving the entire planned development area, from being counted toward the open space requirements on Lots 102D and 102E. The applicant is requesting flexibility to allow a portion of the open space on Lot 102C to be counted toward Lots 102D and 102E to meet open space requirements.

With the exception of the requested landscaping variance, the plan conforms to all City Zoning and Subdivision Regulations.

RECOMMENDATION

Approval of the C-P development plan, design parameters, and variance from Section 29-25(e)(1) regarding open space distribution requirements.

ATTACHMENTS

Locator maps
C-P development plan
Design Parameters
Letter requesting variance

HISTORY

| | |
|-------------------------------------|--|
| Annexation date | 2001 |
| Zoning District | C-P (Planned Business District) |
| Land Use Plan designation | Neighborhood District |
| Subdivision/Legal Lot Status | Lots 102C, D, & E of Eastport Plat 1-A-3 |

SITE CHARACTERISTICS

| | |
|-------------------------------|---|
| Area (acres) | 8.08 acres |
| Topography | Flat – graded for development |
| Vegetation/Landscaping | Grass-covered; 10-foot high screening berm with evergreen trees along south property line |
| Watershed/Drainage | Grindstone Creek |
| Existing structures | None |

UTILITIES & SERVICES

| | |
|------------------------|--|
| Sanitary Sewer | 8-inch City sewer along Bull Run Drive |
| Water | Public Water Supply District No. 9 |
| Fire Protection | Columbia Fire Department |
| Electric | Boone Electric Cooperative |

ACCESS

| Bull Run Drive | |
|---------------------------|---|
| Location | North side of site |
| Major Roadway Plan | Major collector (improved; City-maintained), requiring 66-76 ft of ROW. Approximately 90 feet ROW width exists along site's frontage. No additional ROW required. |
| CIP projects | None |
| Port Way | |
| Location | East side of site |
| Major Roadway Plan | Local non-residential (improved; City-maintained), requiring 66 ft of ROW. Approximately 66 feet of ROW width exists along site's frontage. No additional ROW required. |
| CIP projects | None |

PARKS & RECREATION

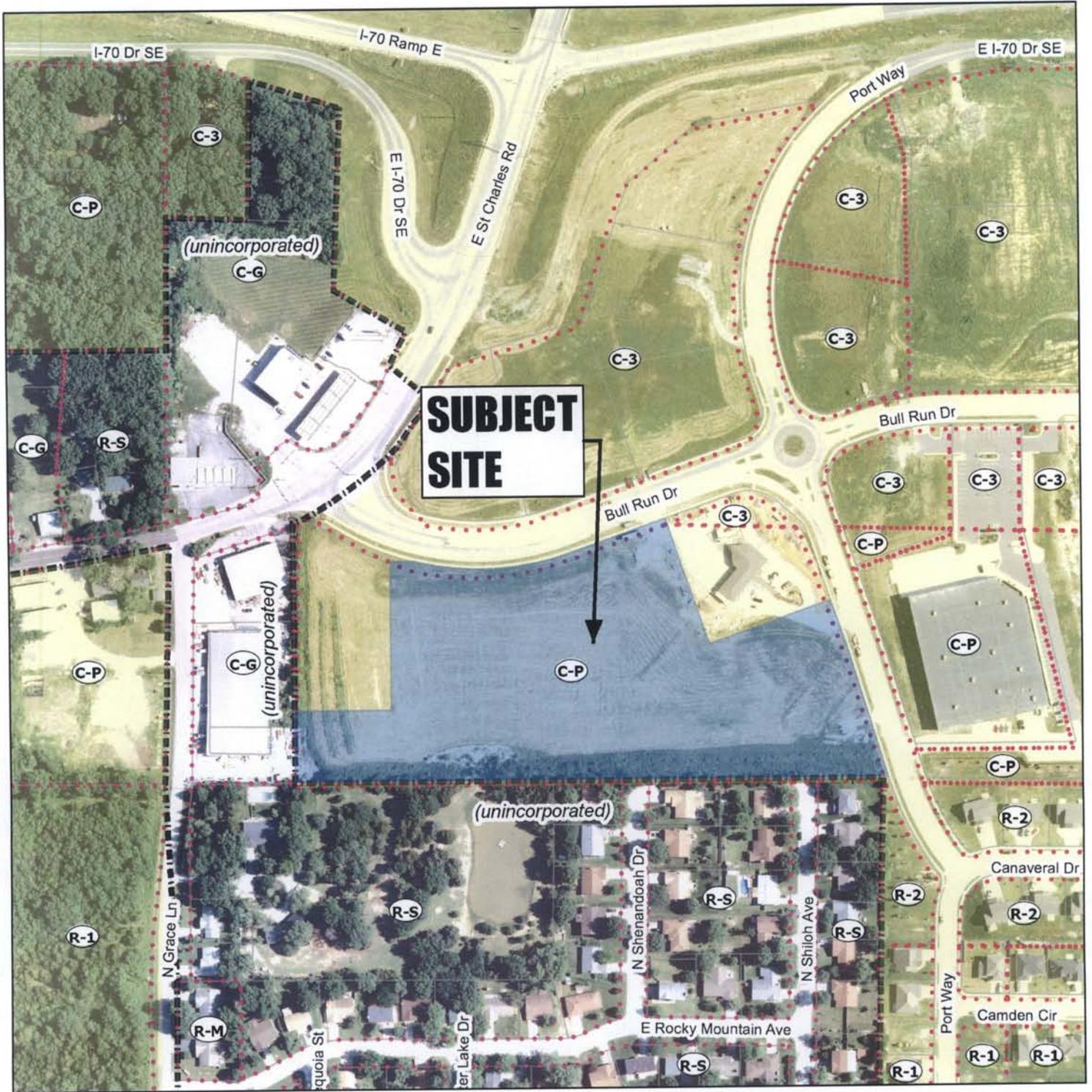
| | |
|--------------------------------|--|
| Neighborhood Parks | N/A |
| Trails Plan | No trails planned adjacent to site |
| Bicycle/Pedestrian Plan | No pedways proposed along adjacent streets |

PUBLIC NOTIFICATION

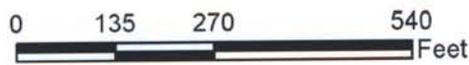
All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified by postcard of a public information meeting, which was held on October 18, 2011.

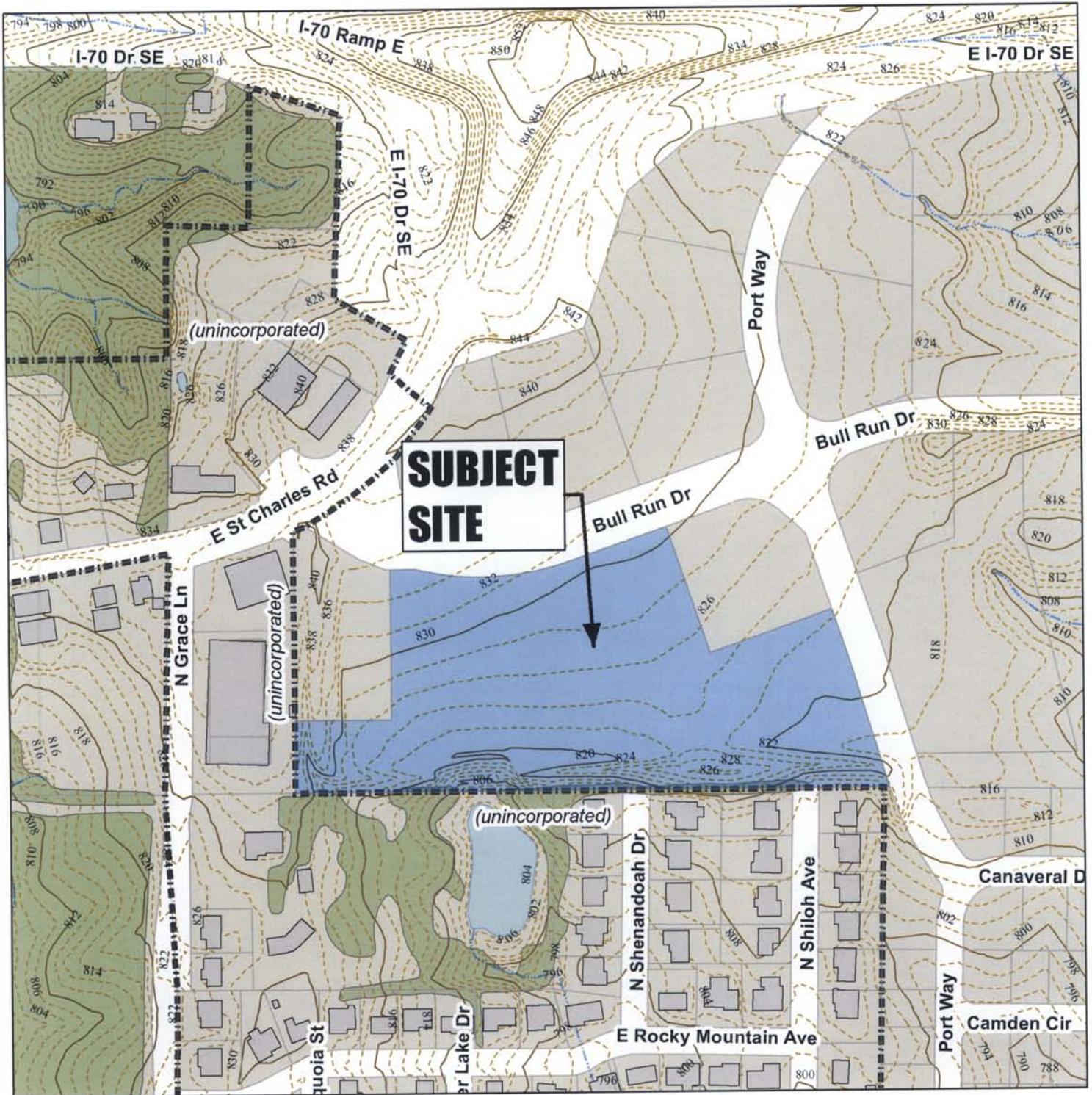
| | |
|---|---|
| Public information meeting recap | Number of attendees: 0 Comments/concerns: None |
| Neighborhood Association(s) notified | None |
| Correspondence received | None |

Report prepared by SM Approved by PKJ



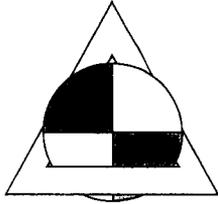
**Case No. 11-93: C-P Plan
Eastport Plat 1-A-3**





**Case No. 11-93: C-P Plan
Eastport Plat 1-A-3**





allstate consultants llc
Engineering • Planning • Surveying • Investigative • Geotechnical

November 1, 2011

Mr. Tim Teddy, Director
Department of Community Development
City of Columbia
701 E. Broadway,
Columbia, MO 65201

RECEIVED
NOV 01 2011
PLANNING DEPT.

Re: Eastport Plat 1-A-3 C-P Plan
Variance to Section 29-25(e) (1)

Dear Mr. Teddy,

Please consider this request for a variance to Section 29-25(e)(1) of Columbia's Code of Ordinances to allow the entire C-P Tract be considered as a single tract for purposes of calculating the 15% Landscaping requirement for the Eastport Plat 1-A-3 C-P Plan.

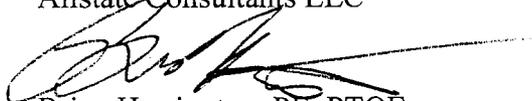
This C-P plan creates a large storm water management tract adjacent to Lot 102 E. As proposed, Lot 102 E contains 11.4% landscaping (3.6% short of the required 15%). However, the storm water management tract contains well over the 4400 sf. of landscaped area needed for the required 15% landscaped area on Lot 102 E. All of the remaining landscape ordinance requirements for screening and parking lot shading will be met with the proposed plan. In addition, the proposed storm water management approach to this project provides a larger buffer between the commercial uses and residential uses (to the south).

We believe that the proposed plan meets the intent of the ordinance and provides an improved situation over a traditional plan that would meet the 15% landscaping requirement. We respectfully request that you grant the aforementioned variance as requested.

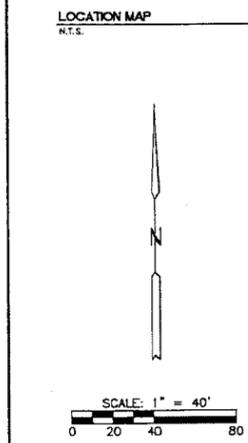
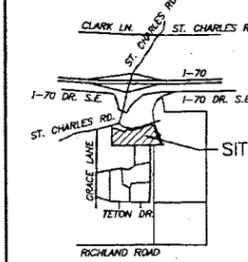
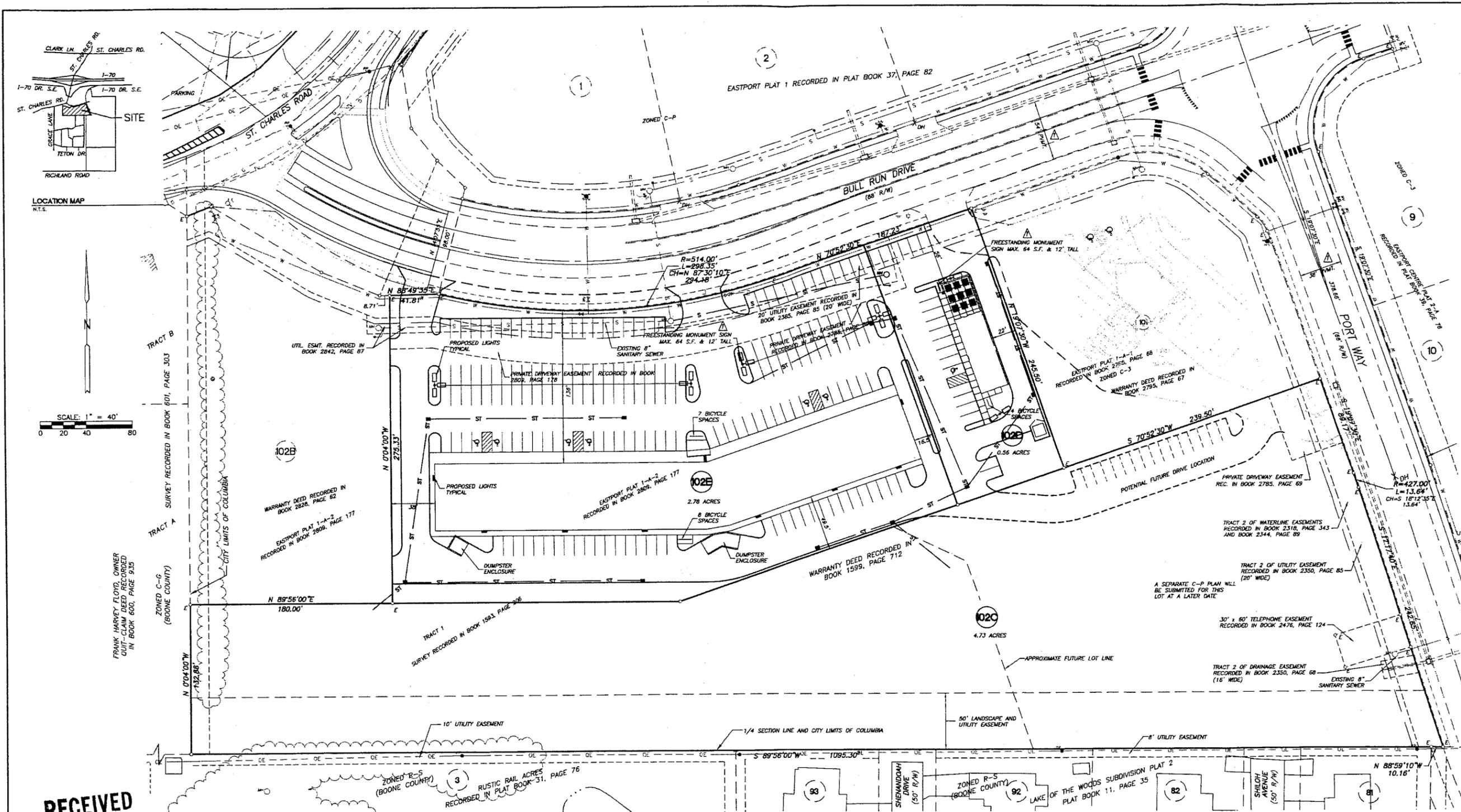
Thank you for your consideration of this matter.

Sincerely,

Allstate Consultants LLC



Brian Harrington, PE, PTOE



**C-P PLAN
EASTPORT PLAT 1-A-3**
COLUMBIA, MISSOURI

REVISED:
10-27-11



**ALLSTATE
CONSULTANTS**
3111 LENOIRE INDUSTRIAL BLVD.
COLUMBIA, MO. 65201
(573) 875-8799
ENGINEERING - PLANNING - SURVEYING - GEOTECHNICAL - INVESTIGATIVE

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STREAM BUFFER STATEMENT
THIS TRACT IS NOT REGULATED BY THE CITY OF COLUMBIA STREAM BUFFER REQUIREMENTS OF ARTICLE X ACCORDING TO CHAPTER 12A-232 OF THE CITY OF COLUMBIA'S CODE OF ORDINANCES.

GENERAL NOTES

- CONTRACTOR SHALL VERIFY EXISTING CONDITION AND LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTACT ENGINEER WITH ANY DISCREPANCIES.
- TRACT IS ZONED C-P.
- MAX. HEIGHT OF EACH BUILDING IS 25'

OWNER:
LAKE OF THE WOODS SOUTH, LLC
302 CAMPUS VIEW DR. SUITE 203
COLUMBIA, MO 65201

FLOOD PLAIN STATEMENT
THIS TRACT IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) AS SHOWN BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 29019C02850.

PARKING INFORMATION

LOT 102D
REQUIRED PARKING:
1,760 S.F. RESTAURANT @ 1 SPACE/100 S.F. = 18 SPACES
PROVIDED PARKING: 21 SPACES INCLUDING 1 H.C. SPACE + 4 BICYCLE SPACES

LOT 102E
REQUIRED PARKING:
25,800 S.F. SHOPPING CENTER @ 1 SPACE/250 S.F. = 104 SPACES
PROVIDED PARKING: 181 SPACES INCLUDING 6 H.C. SPACES + 15 BICYCLE SPACES

LEGAL DESCRIPTION
LOTS 102C, 102D AND 102E, EASTPORT PLAT 1-A-3, LOCATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND CONTAINING 8.08 ACRES.

BENCHMARK
CHISELED "A" ON TOP OF EAST BOLT OF NORTH POLE TO SHELL SIGN
ELEV. = 837.76

LIGHTING NOTE
ALL EXTERIOR LIGHTING SHALL COMPLY WITH SECTION 28-30.1 OF THE CITY OF COLUMBIA CODE OF ORDINANCES.

SIGNAGE NOTE
THERE WILL BE A FREESTANDING SIGN ON EACH LOT AT THE LOCATIONS AND SIZES SHOWN ON THIS PAGE. THE SIGN LOCATION FOR LOT 102C WILL BE DETERMINED WITH A FUTURE C-P PLAN.
IN ADDITION THERE WILL BE BUILDING MOUNTED SIGNAGE CONFORMING TO C-3 STANDARDS.

LEGEND

| | | | |
|---|------------------------------------|---|--------------------|
| ○ | IRON PIPE (UNLESS NOTED OTHERWISE) | ○ | SANITARY MANHOLE |
| ○ | STORM SEWER | ○ | SANITARY CLEAN OUT |
| — | TELEPHONE | ○ | WATER METER |
| — | SANITARY SEWER | ○ | WATER VALVE |
| — | WATERLINE | ○ | FIRE HYDRANT |
| — | GAS LINE | ○ | POWER POLE |
| — | OVERHEAD ELECTRIC | ○ | GUY WIRE ANCHOR |
| — | UNDERGROUND ELECTRIC | ○ | LIGHT POLE |
| — | CABLE TV | ○ | GAS VALVE |
| — | FENCE | ○ | GAS METER |
| — | FLOWLINE | ○ | ELECTRIC MANHOLE |
| — | PROP. SANITARY SEWER | ○ | SIGN |
| — | PROP. WATERLINE | ○ | BENCHMARK |
| — | PROP. LAND. ELECTRIC | ○ | CONIFEROUS TREE |
| — | PROP. GAS LINE | ○ | DECIDUOUS TREE |
| — | PROP. STORM | ○ | TELEPHONE PEDESTAL |
| — | PROP. WATER VALVE | | |
| — | PROP. FIRE HYDRANT | | |

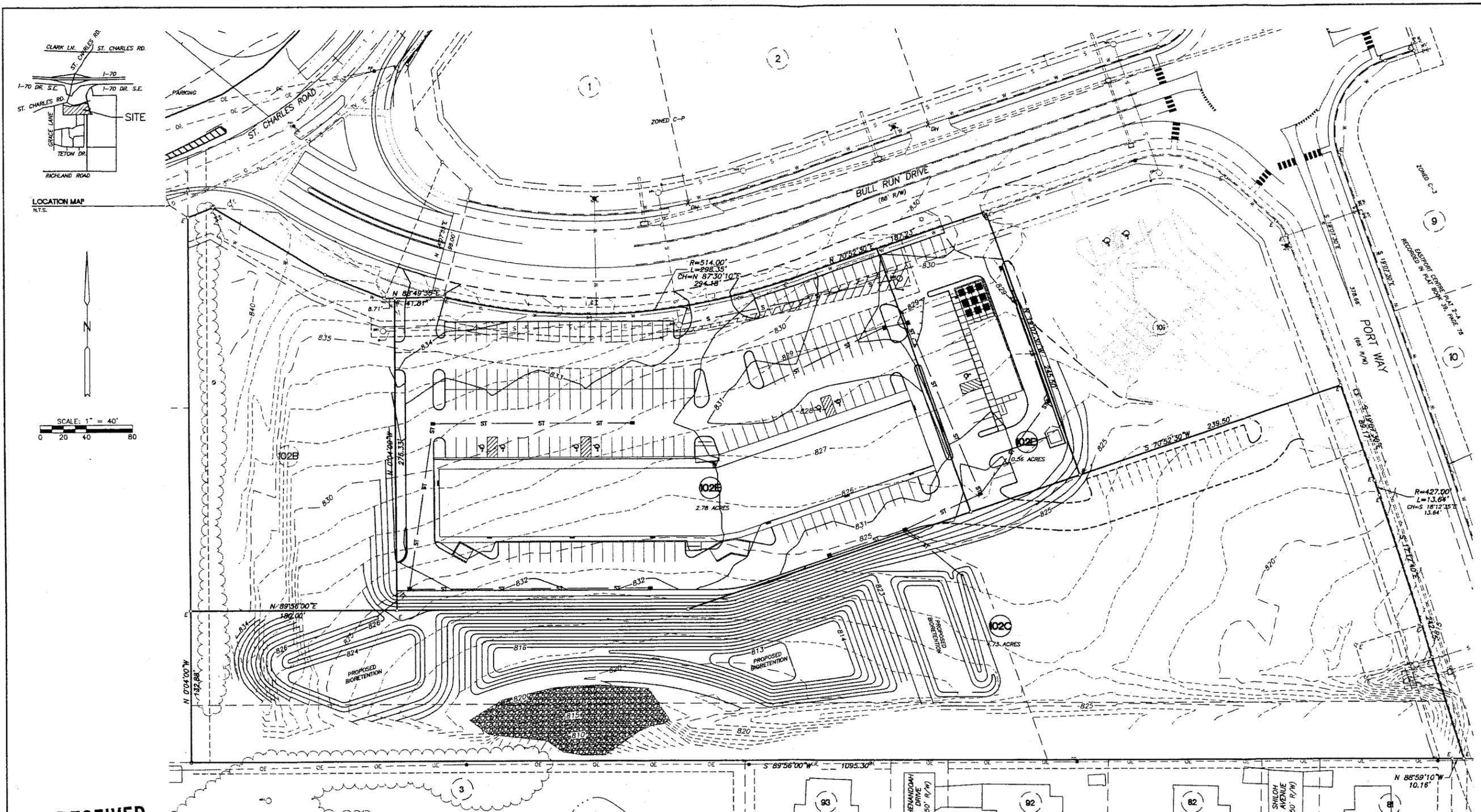
APPROVED BY THE COLUMBIA PLANNING AND ZONING COMMISSION THIS _____ DAY OF _____ 2011
DOUG WHEELER CHAIRMAN
APPROVED BY THE COLUMBIA CITY COUNCIL THIS _____ DAY OF _____ 2011.
ROBERT McDAVID MAYOR SHEELA AMIN CITY CLERK

DATE
10-3-11

JOB NUMBER
11191.01

SCALE
1"=40'

SHEET
1



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 PLANNING DEPT

APPROVED BY THE COLUMBIA PLANNING AND ZONING COMMISSION THIS _____ DAY OF _____, 2011
 DAVID BRODSKY CHAIRMAN
 APPROVED BY THE COLUMBIA CITY COUNCIL THIS _____ DAY OF _____, 2011.
 BOB MCDONALD MAYOR SHEELA AMIN CITY CLERK

CONCEPTUAL STORM WATER PLAN NARRATIVE
 THIS C-P PLAN IS INTENDED TO PROVIDE THE STORM WATER DETENTION FOR LOTS 102B (EASTPORT PLAT 1-A-2), 102C, 102D, AND 102E. THIS PLAN IS INTENDED TO PROVIDE THE WATER QUALITY TREATMENT FOR LOT 102B (EASTPORT PLAT 1-A-2), 102D, 102E, AND THE WEST PORTION OF 102C. THE EAST PORTION OF LOT 102C SHOWN AS VACANT AT THIS TIME WILL BE DEVELOPED IN THE FUTURE AND WILL REQUIRE ITS OWN STORM WATER QUALITY PROVISIONS BUT NO FURTHER DETENTION.
 THE CONCEPTUAL STORM WATER PLAN UTILIZES A NETWORK OF STORM WATER PIPES TO COLLECT THE STORM WATER AND CONVEY MOST OF IT TO THE WEST HALF OF LOT 102C. THE STORM WATER WILL BE TREATED WITH TWO BIO-RETENTION BASINS WHICH DRAIN INTO A DRY CELL DETENTION POND. THIS TREATMENT SYSTEM IS INTENDED TO BRING THE SITE UP TO A REQUIRED LEVEL OF SERVICE OF 7.

LEGEND

| | | | |
|---|------------------------------------|---|--------------------|
| ○ | IRON PIPE (UNLESS NOTED OTHERWISE) | ○ | SANITARY MANHOLE |
| ○ | STORM SEWER | ○ | SANITARY CLEAN OUT |
| ○ | TELEPHONE | ○ | WATER METER |
| ○ | SANITARY SEWER | ○ | WATER VALVE |
| ○ | WATERLINE | ○ | FIRE HYDRANT |
| ○ | GAS LINE | ○ | POWER POLE |
| ○ | OVERHEAD ELECTRIC | ○ | GUY WIRE ANCHOR |
| ○ | UNDERGROUND ELECTRIC | ○ | LIGHT POLE |
| ○ | CABLE TV | ○ | GAS VALVE |
| ○ | FENCE | ○ | GAS METER |
| ○ | FLOWLINE | ○ | ELECTRIC MANHOLE |
| ○ | PROP. SANITARY SEWER | ○ | SIGN |
| ○ | PROP. WATERLINE | ○ | BENCHMARK |
| ○ | PROP. UNDERGROUND ELECTRIC | ○ | CONIFEROUS TREE |
| ○ | PROP. GAS LINE | ○ | DECIDUOUS TREE |
| ○ | PROP. STORM | ○ | TELEPHONE PEDESTAL |
| ○ | PROP. WATER VALVE | | |
| ○ | PROP. FIRE HYDRANT | | |

**C-P CONCEPTUAL STORM WATER PLAN
 EASTPORT PLAT 1-A-3**
 COLUMBIA, MISSOURI

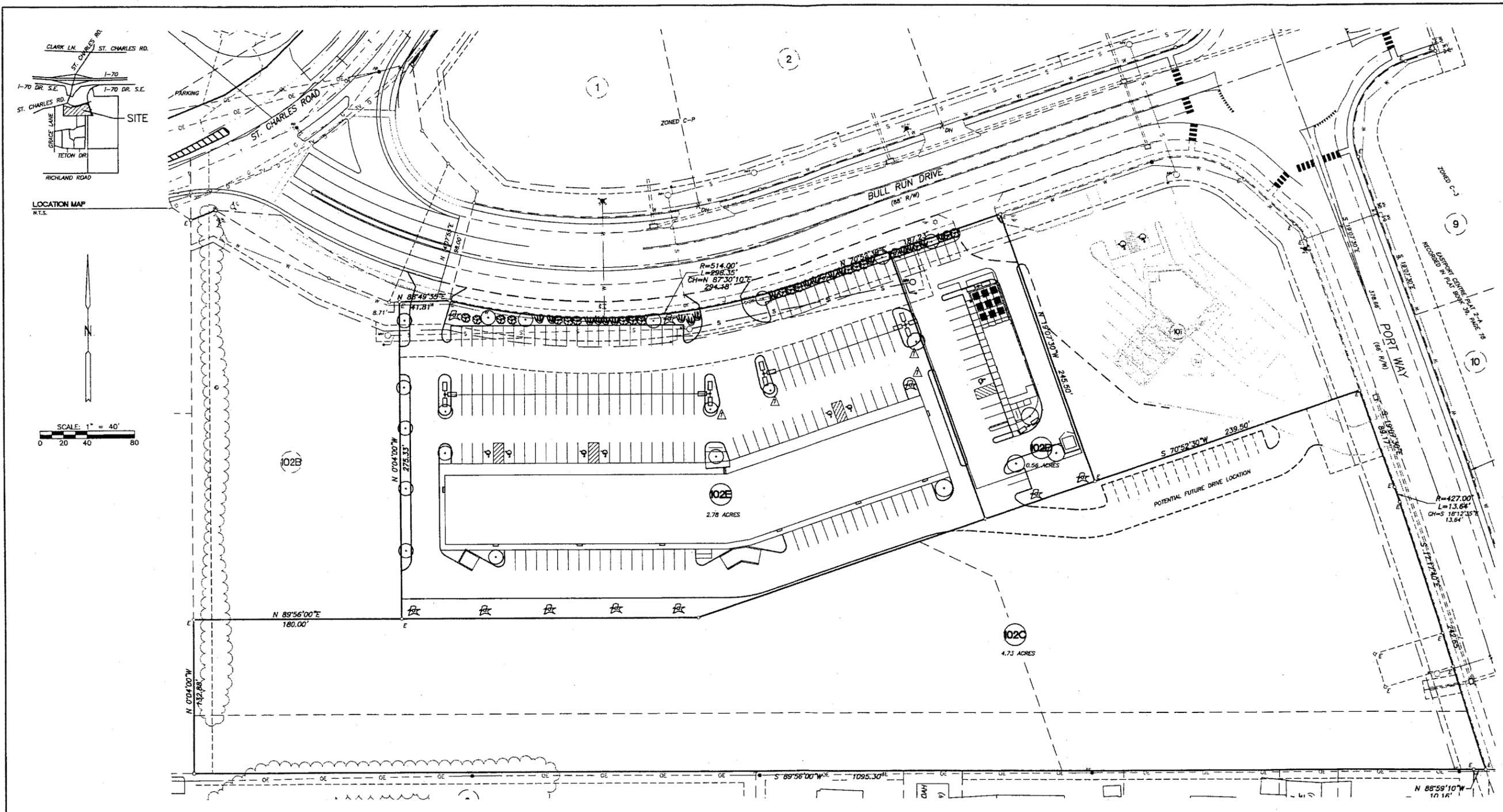
REVISED:



ALLSTATE A CONSULTANTS
 311 LEBLANCHE INDUSTRIAL BLVD.
 COLUMBIA, MO 65201
 (573) 875-8799
 ENGINEERING - PLANNING - SURVEYING - GEOTECHNICAL - INVESTIGATIVE

REUSE OF THIS DRAWING IN ANY MANNER IS STRICTLY PROHIBITED WITHOUT THE WRITTEN APPROVAL OF ALLSTATE CONSULTANTS, LLC.

| | |
|------------|----------|
| DATE | 10-3-11 |
| JOB NUMBER | 11191.01 |
| SCALE | 1"=40' |
| SHEET | 2 |



**C-P CONCEPTUAL LANDSCAPING PLAN
EASTPORT PLAT 1-A-3
COLUMBIA, MISSOURI**

REVISED:
10-27-11



**ALLSTATE
CONSULTANTS**
311 LEXINGTON INDUSTRIAL BLVD.
COLUMBIA, MO. 65201
(573) 875-8799

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| | |
|------------|----------|
| DATE | 10-3-11 |
| JOB NUMBER | 11191.01 |
| SCALE | 1"=40' |
| SHEET | 3 |

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PLANNING DEPT.

APPROVED BY THE COLUMBIA PLANNING AND ZONING COMMISSION THIS _____ DAY OF _____, 2011
DOUG WHEELER CHAIRMAN

APPROVED BY THE COLUMBIA CITY COUNCIL THIS _____ DAY OF _____, 2011.
ROBERT MCDONALD MAYOR SHEELA ALVIN CITY CLERK

**LOT 102D
LANDSCAPING INFORMATION**

- IMPERVIOUS AREA: 20,408 S.F.
PARKING: 18,648 S.F.
LANDSCAPE AREA: 4,141 S.F.
- MIN. NUMBER OF TREES REQUIRED AS PER SECTION 29-254(1) LANDSCAPED AREA= 17x15x
 (1) N/A
 (2) 100 L.F. WITHIN 20' OF R/W
 (3) 18,648 S.F./4500= 5 TREES
 (4) N/A
 (5) 3 OF 7 TREES (MEDIUM TO LARGE)
- ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED AFTER CONSTRUCTION.
- THERE IS NO CLIMAX FOREST ON THIS SITE.

PLANT LEGEND

| SYMBOL | QTY | DESCRIPTION | SIZE |
|--------|-----|----------------------------------|---------|
| ★ | 3 | MEDIUM/LARGE TREE | 2" CAL. |
| ○ | 4 | ORNAMENTAL TREES | 15 GAL. |
| ⊕ | 3 | DECIDUOUS SHRUB | 2 GAL. |
| ☞ | 4 | EVERGREEN SHRUB/ORNAMENTAL GRASS | 2 GAL. |

**LOT 102E
LANDSCAPING INFORMATION**

- IMPERVIOUS AREA: 107,322 S.F.
PARKING: 81,534 S.F.
LANDSCAPE AREA: 13,868 S.F.
- MIN. NUMBER OF TREES REQUIRED AS PER SECTION 29-254(1) LANDSCAPED AREA= 11.4x<15x (SEE NOTE 5)
 (1) N/A
 (2) 389 L.F. WITHIN 20' OF R/W
 (3) 81,534 S.F./4500= 18 TREES
 (4) N/A
 (5) 9 OF 27 TREES (MEDIUM TO LARGE)
- ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED AFTER CONSTRUCTION.
- THERE IS NO CLIMAX FOREST ON THIS SITE.
- APPROXIMATELY 4400 S.F. OF LOT 102C ADJACENT TO LOT 102E WILL BE LANDSCAPED TO MEET THE 15% REQUIREMENT FOR THE ENTIRE TRACT.

PLANT LEGEND

| SYMBOL | QTY | DESCRIPTION | SIZE |
|--------|-----|----------------------------------|---------|
| ★ | 9 | MEDIUM/LARGE TREE | 2" CAL. |
| ○ | 18 | ORNAMENTAL TREES | 15 GAL. |
| ⊕ | 16 | DECIDUOUS SHRUB | 2 GAL. |
| ☞ | 15 | EVERGREEN SHRUB/ORNAMENTAL GRASS | 2 GAL. |

**EXCERPTS
PLANNING AND ZONING COMMISSION
NOVEMBER 10, 2011**

V) PUBLIC HEARINGS

11-93 A request by Lake of the Woods South, LLC (owner) for approval of Eastport Plat 1-A-3 C-P Plan, located on the south side of Bull Run Drive, west of Port Way, containing approximately 8.08 acres.

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the C-P development plan, design parameters, and variance from Section 29-25(e)(1) regarding open space distribution requirements.

MR. WHEELER: Are there any questions of Staff? Mr. Lee?

MR. LEE: Yeah. Staff is not concerned at all about the stormwater runoff onto those residences south of --

MR. MACINTYRE: No. We're not concerned about that. The new stormwater regulations -- I shouldn't say new anymore. They've been around for a few years now. But the stormwater regulations that we have in place at this time are supposedly -- require that there is no greater runoff from the site than -- post development from predevelopment. And so the -- you know, the intent of regulations and if things work as they are supposed to, there would not be any additional runoff onto those residents to the south.

MR. LEE: Thank you.

MR. WHEELER: Mr. Barrow?

MR. BARROW: Would this -- if this is approved and developed, would the roads, North Shenandoah Drive and North Shiloh Avenue on the subdivision south of this, would they effectively become cul-de-sacs?

MR. MACINTYRE: They would remain dead-end streets, as they are. And this was addressed during the platting stage, and at that point it was decided that they would remain as they are. I believe there's a hammerhead turnaround on each of those. Those will stay as they are currently.

MR. BARROW: Thank you.

MR. WHEELER: Ms. Peters?

MS. PETERS: Two questions: Are they in the county? Are those roads still part of the county?

MR. MACINTYRE: They are in the county at this point.

MS. PETERS: Was there any consideration given to using the stormwater area as some sort of recreational thing, you know, a track around it or anything? Do they have any plans to incorporate that into aesthetics?

MR. MACINTYRE: I think there was some discussion with the applicant, between Staff and applicant about the potential -- or at least there was some internal discussion amongst Staff about the potential for these amenities -- or for these stormwater areas to potentially be used as an amenity. It's not something that our codes require at this point, but it is something that Staff is talking about maybe providing as an option in the future. But we haven't looked into it in any depth at this time. I think it's a good idea, but it's still to be fleshed out.

MS. PETERS: The follow-up to that would be would they need to come back for any sort of approval, or is that something they could do on their own?

MR. MACINTYRE: I believe there may be some requirement for an approval, possibly to provide easements. And I'm not sure of liability issues that might be associated with that as well, so there may be some need to bounce it off of legal.

MS. PETERS: Thank you.

MR. WHEELER: Are there any additional questions of Staff? Mr. Vander Tuig?

MR. VANDER TUIG: The buyer retention, does that meet the stormwater requirements for both, the other two lots?

MR. MACINTYRE: According to Public Works, yes, at this point, at least conceptually. And I have not seen any calculations, but I wouldn't be qualified to interpret them anyway, so we have had the plan bounced -- or reviewed by Public Works and they have signed off on it at this point.

MR. VANDER TUIG: Based on the concept of the second lot, the future lot?

MR. MACINTYRE: Oh, yes. And I -- perhaps Brian Harrington could address that, but when we were discussing this at the concept-review phase, the intent that was expressed was that it would be adequate to support the future development of that eastern portion. So I think their intent was to make sure that it was adequate to address all of the development that would remain on this block.

MR. VANDER TUIG: Okay. Thanks.

MR. WHEELER: Are there any additional questions of Staff?

PUBLIC HEARING OPENED

MR. WHEELER: Before we begin, let me remind everybody of our rules of engagement. We're using our routing rules tonight, so the first speaker will get six minutes; any subsequent speakers will get three minutes. Any opposition will get six minutes for the first speaker, and then three minutes for subsequent speakers will get three minutes. With that --

MR. HARRINGTON: Hello. My name's Brian Harrington with Allstate Consultants at 3312 Lemone Industrial Boulevard. Mr. MacIntyre covered a lot of this, but I'll try to answer some of the questions you guys have asked. To start out with, the 50-foot landscape easement is something that -- when we started this project roughly ten years ago, it was

actually in the county and transitioned into the city in that time period -- but that was something that was discussed with the neighbors. We had quite a bit of conversation with that neighborhood. They didn't want the streets extended and they did want some buffer in there. So as part of that original masquerading, we built a berm through there and that's become a pretty -- fairly well vegetated berm now. It's very dense and you can stand in the middle of the lot on the right there and not see the houses on the other side of the berm at all. So part of our plan was to protect the integrity of that landscaping area as much as possible. Back then this entire tract was planned for development. We -- under those ordinances, we would've developed all the way back down to that easement. With the advent of the new stormwater ordinance, we relooked at how we planned to do that and took -- I'll call it a regional stormwater approach on this, in the fact that the stormwater detention is sized for both of the development lots that you see there, as well as that future lot to the east. And actually, we have some capability to detain water from the existing vacant lot that's on the left side of the screen there, just off to the west of our development lot. The water quality aspects, there's buyer retention designed into that. That would -- there's enough size and capacity built into those for all of that with the exception of the very far east end of that lot -- of the eastern most lot because it drains to a different direction. So we -- and part of the reason we didn't go ahead and plat that line between the water-quality area and that future lot is, depending on what plan comes in and what user comes in, that would affect how much of that we can drain to the water-quality area. So that lot line may adjust to compensate for that. There was another thing that you had asked, I was going to address and I've completely forgotten what it was. The streets, the neighbors did not want extended at the time, and now there's a pretty significant elevation change there that would be hard to make any of those changes now. Do you have any questions for me?

MR. WHEELER: Any questions of this speaker? Thank you.

MR. HARRINGTON: Thank you.

MR. WHEELER: Any additional speakers?

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners? Mr. Reichlin?

MR. REICHLIN: I'd just like to say that I'm glad to see that these parcels are getting put to some use and I'm hoping that they're successful in their endeavor and I intend to support this.

MR. WHEELER: Mr. Barrow?

MR. BARROW: I intend to support this too, but I would like to say something just for the record and that is, this might be related to the city/county -- you know, they're right on the border here, and this was started ten years ago, but when I start to see a grid system of streets laid out -- and I think there's a lot of public benefit to having streets that connect that

comes with, you know, routing school buses and solid waste and ambulances and delivery trucks and post offices and all that sort of thing, and so this is kind of a backdoor way of making these lots on Shiloh Avenue -- I mean, that back most lot is a half -- less than a half block from a street and yet, if there was some sort of a disaster and the entrance road of Grace Lane was blocked, all those houses back there, it's going to be -- it would become a big safety issue. If there was a fire or if someone was having a heart attack and none of the emergency vehicles could get there due to the -- basically, we're making a very long one -- you know, dead-end street. And it's kind of -- you know, this street system was laid out ten years ago, and I'm going to support this C-P plan and the variance, but I just want to say for the record that this is the type of situation that I do not like voting for because, you know, someone could lose their life at some point if the conditions came into place that that was not accessible. And it's also inefficient for -- on the other reasons, for school buses and solid waste and the other public transportation.

MR. WHEELER: Any additional comments? Mr. Vander Tuig?

MR. VANDER TUIG: I think this is an interesting use of more of a regional approach to stormwater. I like it. I do have some concern that there may be some agreements that have to be worked out, as far as maintenance is concerned, if these are separate owners, and I'm sure that can be done. But I like the approach to it and I think it's a good buffer to the -- you know, the adjacent residential use, so I intend to support it.

MR. WHEELER: Ms. Peters?

MS. PETERS: I would like to do a follow-up on that as well. I think that a stormwater bioretention, open spaces, good regional concept, and I think it could be a very nice asset to the development if it was used for some sort of enjoyment. And if there aren't any other commissioners that want to say anything, I'll move for approval.

MR. WHEELER: Motion has been made. Is there a second? Dr. Puri?

DR. PURI: I'll second.

MR. WHEELER: Motion has been made and seconded. Whenever you're ready, Mr. Secretary.

MR. VANDER TUIG: A motion has been made and seconded for approval of a C-P plan called Eastport Plat 1-A-3, located on the south side of Bull Run Drive, west of Port Way, containing approximately 8.08 acres.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Barrow, Mr. Lee, Ms. Peters, Dr. Puri, Mr. Reichlin, Mr. Strodman, Mr. Vander Tuig, Mr. Wheeler. Motion carries 8-0.

MR. WHEELER: Recommendation for approval will be forwarded to City Council.