



City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, June 10, 2021
7:00 PM

Regular Meeting

Council Chambers
Columbia City Hall
701 E. Broadway

I. CALL TO ORDER

MS. LOE: I'm going to call the June 10th Planning and Zoning Commission meeting to order.

Present: 9 - Tootie Burns, Sara Loe, Joy Rushing, Anthony Stanton, Michael MacMann, Valerie Carroll, Sharon Geuea Jones, Robbin Kimbell and Peggy Placier

II. INTRODUCTIONS

MS. LOE: Ms. Carroll, may we have roll call, please.

MS. CARROLL: We have nine; we have a quorum.

MR. MACMANN: Commissioner MacMann is present also.

MS. CARROLL: Commissioner MacMann --

MS. LOE: You're not on the list, Mr. MacMann. I'm sorry.

MS. CARROLL: -- is not on the list. Our list has changed. I apologize in advance.

When our paperwork changes, I struggle. Right here, MacMann.

MR. ZENNER: Mr. Stanton.

MR. STANTON: And Mr. Stanton is here.

MR. MACMANN: Madam Chair, I would like you to enjoy your next three hours. Mr. Stanton and I will be across the street.

MS. LOE: We have nine.

MS CARROLL: We do have a quorum.

MS. LOE: All right.

III. APPROVAL OF AGENDA

MS. LOE: Mr. Zenner, on that auspicious start, are there any adjustments or additions to the agenda?

MR. ZENNER: Well, no, there are not, ma'am.

MS. LOE: We don't have an additional tabling request?

MR. ZENNER: We do not at this point.

MS. LOE: Okay.

MS. SMITH: We might later.

MS. LOE: All right. Thank you. With that, I need a motion.

MS. BURNS: I move to approve the agenda.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. Can I get a thumbs up approval on the agenda?

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you.

Move to approve the agenda.

IV. APPROVAL OF MINUTES

May 20, 2021 Regular Meeting

MS. LOE: Everyone should have received a copy of the May 20, 2021 meeting minutes. Were there any addition, changes to those minutes?

MR. STANTON: I move to approve the minutes.

MR. MACMANN: Second.

MS. LOE: Moved by Mr. Stanton, seconded by Mr. MacMann. I'll take a thumbs up approval on the minutes.

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. All right.

Move to approve minutes

V. TABLING REQUESTS

Case # 152-2021

A request by AnnElise Hatjakes (owner) for a Conditional Use Permit to construct an Accessory Dwelling Unit (ADU). This subject site is located approximately 0.3-miles west of the intersection of N Garth Avenue and Parkade Boulevard. The property is zoned R-1 (Residential single-family) and addressed 504 Parkade Boulevard. **(A request to table this item to the August 19, 2021 Planning Commission meeting has been received).**

MS. LOE: Has this been advertised?

MR. ZENNER: Yes. This was an advertised request, ma'am. So if there are any individuals in the audience that would like to speak as it relates to the tabling, they would be welcome to come forward. Staff is just here to answer any questions as it relates to the Commission. This item has been requested to be tabled by the applicant. The applicant was unable to be here for this meeting this evening and has also indicated that the tabling will allow her the opportunity to discuss with her neighbors the proposed conditional use permit before proceeding forward. She is not available to be able to be present until August 19. This will exceed the two-month period between the initial public

hearing and the proposed future hearing. Therefore, it will require readvertising in the newspaper and will require renotification of the adjoining property owners.

MS. LOE: Thank you. So based on that, we're going to open up the floor to public comment. If anyone has any public comment on this case, please come forward.

PUBLIC HEARING OPENED

MS. LOE: Seeing none, we'll close public comment on Case 152-2021.

PUBLIC HEARING CLOSED

MS. LOE: Any Commissioner comment on this case? Mr. MacMann?

MR. MACMANN: Seeing none. And because -- I'm making this motion because this is an ADU. Normally, I wouldn't be for moving a table out so far. With that in mind, in the matter of tabling Case 152-2021, I move to table to date certain 19 August 2021.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. We have a motion on the floor to table. Any comments on that motion? Seeing none. Ms. Carroll, may we have roll call, please.

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

MS. CARROLL: Nine votes. The motion carries.

MS. LOE: Thank you.

Move to table to date certain 19 August 2021.

Yes: 9 - Burns, Loe, Rushing, Stanton, MacMann, Carroll, Geuea Jones, Kimbell and Placier

VI. SUBDIVISIONS & PUBLIC HEARINGS

Case # 157-2021

A request by Crockett Engineering (agent), on behalf of Cherry Street Hotel, LLC (owner), for a replat of Lot 158 and the west sixty-five feet of Lot 159 of the Original Town of Columbia. The 0.47-acre subdivision to be known as "Cherry Street Hotel" is located at the northwest corner of Cherry Street and Hitt Street. The request also includes a design adjustment from Chapter 29-5.1 (Public Improvements), requesting a waiver from the dedication of utility easements adjacent to public roadways.

MS. LOE: May we have a staff report, please?

Staff report was given by Ms. Rachel Smith of the Planning and Development Department. Staff recommends:

1. Approval of the requested design adjustment to Section 29-5.1(g)(4) pertaining to the dedication of utility easements; and

2. Approval of the final plat approval of the requested rezoning from PD and M-C to M-BP.

MS. LOE: Thank you, Ms. Smith. Are there any questions for staff? Ms. Burns?

MS. BURNS: Thank you. I had two questions. I understand that this is a platting action, but will this come back to us when there is a site plan attached to the project?

MS. SMITH: No. So the site plan will be subject to all design requirements of the M-DT. Should there be a request for a waiver from those, it would actually be a Board of Adjustment action, not Planning Commission because it would be variances from zoning.

MS. BURNS: And then if I may follow up, Ms. Loe? Thank you. Is there a trash plan associated with this for onsite trash containment versus alley usage?

MS. SMITH: So there is a requirement. You're picking up on that, I believe. There is a requirement for all M-DT development proposals that they have an approved trash management -- waste management plan. That's a part of the Code -- UDC, absolutely required. I haven't seen one yet, but we do work with Solid Waste when building plans come in to look at that.

MS. BURNS: Thank you, Ms. Smith.

MS. LOE: Any additional questions for staff? Ms. Carroll?

MS. CARROLL: You didn't hear anything from Northcentral Neighborhood Association?

MS. SMITH: I did not. I will say that we have recently been getting kickback on some mailing lists for them, so we have reached out to try and get an updated person and/or address.

MS. LOE: Any additional questions for staff?

MR. MACMANN: I'll fix that for you. Okay?

MS. LOE: Seeing none. We will open up the floor for public comment.

PUBLIC HEARING OPENED

MS. LOE: Please give your name and address for the record. We will limit you to three minutes. If you're speaking for a group, we'll give you six minutes.

MR. CROCKETT: Madam Chair, Members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. It's nice to have everybody in front of me as opposed to Mr. MacMann staring at me from behind, but --

MR. MACMANN: That's deliberate, Mr. Crockett. You know that.

MR. CROCKETT: As Ms. Smith has indicated, this plat does conform to the UDC, and we went with the single design adjustment that's before each of you tonight. That design adjustment is not inconsistent with other plats in the area -- three or four or five plats have been represented down here in recent times with similar situations, so I don't

think that's anything new for this Commission with regards to that. And so we do appreciate her staff report and concur with that. I would like to ask, you know, Ms. Burns -- to reiterate on the Solid -- on the Solid Waste, there will be a solid waste plan that will be approved by Solid Waste on this project that will conform. We can't put just dumpsters in the alley. It has to be on our property with easy access. And so all of that will go through with the design plans. With that, I'm happy to answer any questions that the Commission may have.

MS. LOE: Any questions for Mr. Crockett? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Crockett, I just want you to know off the top of the bat -- off the top of your -- you know my feeling on these easements. Right?

MR. CROCKETT: Absolutely.

MR. MACMANN: Yeah. So I don't have any problem with that. I'm going to go somewhere staff doesn't want to go, and you know where I'm going. Right?

MR. CROCKETT: I know exactly where you are going.

MR. MACMANN: Okay. I don't have a problem with the hotel. I spend a lot of time at that intersection. Is there a time frame when your guys are going to reach this agreement with the City?

MR. CROCKETT: Well, as -- as Ms. Smith has indicated, I believe that that -- that -- you're talking about the parking agreement?

MR. MACMANN: Uh-huh.

MR. CROCKETT: She's indicated that it is going to go concurrently with the plat as it goes to Council. I am not aware. That's an agreement that legal is handling. It's not through our engineering firm, so --

MR. MACMANN: Okay.

MR. CROCKETT: -- I believe that the applicant is handling it through their legal team, through the City departments, and so I think they have more information on that than I do.

MR. MACMANN: All right. Just to -- just to take a second away from your time, I know that when we approve the commercial buildings downtown that are nonresidential, they don't need parking, but I don't think we correctly anticipated 100, 150 more rooms and space on the -- on the intersection like this. I don't have any more questions at this exact moment, Mr. Crockett. Thank you.

MR. CROCKETT: Thank you.

MS. LOE: Any additional questions for Mr. Crockett? Ms. Burns?

MS. BURNS: Mr. Crockett, I don't know if you're aware of how many -- what the guest occupancy might be for this hotel and how many employees they are planning to

hire? And again, this is related to parking.

MR. CROCKETT: Sure. The parking requirement is going to be -- obviously, it is not a City requirement, but it's an internal requirement of ourselves -- of the applicant. I think they are still working through -- fleshing through the exact number of rooms that they are looking at on the hotel. It has gone through several renditions, and so I don't think we have an exact occupancy for the hotel nor the number of employees. But it is certainly something that they take -- that they're adamant about. I mean, they need to work out a parking arrangement and a parking agreement. They understand that they need that for a viable business, and so they want to work with the City to make sure they acquire those spaces at the appropriate locations. So it's nothing that we're just going to just jump all on-street parking for the entire development. We want to do what we can to acquire dedicated spaces.

MS. BURNS: Thank you. If I may follow up? So there is no plan for on-site parking or underground parking or any parking within the hotel structure?

MR. CROCKETT: Not at -- not that I'm aware of on this piece. Not on the last rendition that I have seen. Now, there may be some valet parking and items like that, but not long-term parking.

MS. BURNS: Thank you.

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

MR. CROCKETT: Thank you.

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

PUBLIC HEARING CLOSED

MS. LOE: Commissioner comment? Mr. MacMann?

MR. MACMANN: Under the auspices of health, safety and welfare, I'm going to go back to parking. It is an oversight in the M-DT for this situation. At a minimum, we have a -- at a minimum, because they have -- if you guys recall, they say they're going six. This area can be ten. If you all recall, we moved that ten-story line to encompass this lot. But say it's six, that's five levels of occupancy. I would say 75 rooms is a very conservative estimate. Probably 80 to 100 might be apropos with five stories, and we're probably looking at, I don't know, 15, 20 staff, something like that. There currently isn't any space in the Cherry Street Parking Garage. I'd hate to see people get booted out. The other hotel/motel facilities that are downtown are directly associated with a parking garage. I -- I think we're a little cart before the horse approving this. I have concerns about it because it is -- I don't see how that's resolved -- that issue is resolved. And I

think it's an issue that affects the entire community and how the community integrates together. And that will influence my view on this. Thank you.

MS. LOE: Any additional comments? Mr. Stanton?

MR. STANTON: So, Mr. MacMann, you don't think that -- that parking garage cannot accommodate any additional traffic?

MR. MACMANN: Commissioner Stanton, unless that parking garage has changed in the last five days, you can't -- you can't hardly find a place in that parking garage. And that's -- and it's been that way for some time. It's a very convenient garage. It's not -- it's a little narrow, but it's not bad. It's easier to move around than the one down the street. I can see them finding enough for a floor maybe, but if we're looking at 60, 70 parking places, that's an entire floor in there. Don't you think that's right, Ms. Burns? Don't you think that's about -- that would be a --

MS. BURNS: I don't know.

MR. MACMANN: That would be -- that would take up a significant portion of that garage which is already full all of the time. And I -- I just await to see what this parking is going to look like.

MS. LOE: Any additional comments? Ms. Placier?

MS. PLACIER: Yeah. Just a point of clarification. If parking is not part of this particular item, are you proposing that we still consider it in our voting?

MR. MACMANN: I believe Ms. Placier is asking me a question.

MS. PLACIER: Yeah.

MS. LOE: Yes, Mr. MacMann.

MR. MACMANN: Thank -- thank you, Madam Chair. Staff rightly pointed out that according to -- I may get this wording wrong, Mr. Zenner, but I'm sure you'll help me. According to the base terms of our decision, does this meet the requirement for a plat -- this plat? Should we give the design adjustment? Those things in general don't fall under our -- things beyond that don't fall under our purview. That is what we're supposed to analyze. Our analysis also has to take in the welfare of the community and the health and safety of our neighborhoods and how these things fit in. I'm not opposed to this hotel in any way, shape or form, but I am stating that until I am satisfied that that is resolved -- and I want the hotel to go up. I do. I think it's a great use of space and location. I'm concerned. That's what I'm saying.

MR. STANTON: If there's any -- if there's -- excuse me. If there's no other comments from our Commission, I would like to entertain a motion. As it relates to Case 157-2021, Cherry Street Hotel final plat and a design adjustment -- do I need two, Mr. Zenner, or can I do it in one?

MR. ZENNER: We would like to have two. One for the design adjustment and one for the plat itself.

MR. STANTON: Design adjustment first?

MR. ZENNER: Please.

MR. STANTON: Okay. Cherry Street Hotel design adjustment, I move to approve design adjustments as requested.

MR. MACMANN: Second.

MS. LOE: Seconded by Mr. MacMann. Do we need to call out what the other adjustment is?

MR. ZENNER: It was just one adjustment.

MS. LOE: Okay.

MS. SMITH: It's 29-5.1.

MS. LOE: I --

MR. STANTON: (g)?

MS. SMITH: It's just one. Yeah.

MS. LOE: All right. We have a motion on the floor. Any discussion on that motion? Ms. Carroll?

MS. CARROLL: I like the idea of a hotel in this space. I think it is an important amenity. I think that it's convenient to our downtown and to other local amenities. I'm not personally comfortable with this at this juncture without a -- a building plan without a parking plan. I'm not sure that we can demonstrate that it is in the public's best interest at this juncture.

MS. LOE: Do you want to save that comment for approval of the final plat?

MS. CARROLL: It would probably fit better there. That is true.

MS. LOE: Okay. Any additional --

MR. MACMANN: I have no --

MS. LOE: -- comments --

MR. MACMANN: -- comment --

MS. LOE: -- on the design adjustment?

MR. MACMANN: -- on it. I'm waiting to vote.

MS. CARROLL: The design adjustment I'm okay with.

MS. LOE: All right. Can we have roll call on this motion.

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

MS. LOE: All right. Mr. Stanton?

MR. STANTON: If there's no other questions by the Commission, I would like to entertain a motion. As it relates to Case 157-2021, Cherry Street Hotel final plat, I move to approve the final plat.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any comments on this motion?

MS. CARROLL: I would like my original comment here.

MS. LOE: Duly noted. Any additional comments?

MR. ZENNER: Ms. Geuea Jones?

MS. GEUEA JONES: It's unimportant.

MS. LOE: So, Mr. Zenner, just to clarify, we're not seeing any proposed plan coming back. So is this the reason staff did raise the question of parking in this report?

MR. ZENNER: No. The -- the question of parking was raised -- so backing up, and this will be for the information of our newest Commissioners as well. Development proposals that introduce new platting actions are required to go through what the City defines as a concept review, which means an applicant comes forward, offers a proposed concept of a development proposal on a tract of land. It can be either in this type of built environment or within a greenfield, where they are proposing a brand-new subdivision. The purpose behind that concept review is to afford the applicant observations of our review staff and associated partner agencies, internal and external, so they have an understanding of what issues they may need to address in order to obtain recommendation of approval from this body as well as ultimately City Council. During the concept review held in 2020 --

MS. SMITH: No. '19.

MR. ZENNER: -- '19 as well as the concept review that was held for this particular platting action, which ostensibly is the same, the comments of not having a parking arrangement were raised. In 2019 those comments were made before this body with the original -- or 2020 with the original plat, and same conversation occurred, if many of you recall. Coming forward with the revision with this platting action, while we made the same comments, the applicant went one step further and that was to begin the negotiation process. I think this has been discussed. The Code does not require parking for a hotel; therefore, we cannot forcibly mandate that that parking arrangement be provided prior to the approval of a platting action, which is a typically ministerial technical requirement that meets the criteria of the Code. The unique nature of this is that this has a design adjustment. And if you chose not to approve the design adjustment, which you just did not, the plat is otherwise fully compliant with all of our technical requirements of the

Code. So it will be Council's discretion if they share the similar concerns of the Commission that no parking plan means no plat. They hold that in their -- in their bucket of authority, and hence the reason why the parking agreement will be required and is advantageous to the applicant to have submitted concurrently. You can't really get a plat approval for a hotel that demands parking without a parking plan. But we can approve a platting action at the Planning Commission level to replat this property to allow for it to accommodate a hotel. The next step in the regulatory process is really the Council's authority, and that's where I think that they will extract more -- more results than we can at this level.

MS. LOE: All right. So we may -- the Commission may have agreed with the design exception; however, I'm getting the feeling we're going to have a split vote on the plat. And so this body may have a recommendation of approval or denial on the plat moving forward.

MR. ZENNER: You have nine members present this evening.

MS. LOE: Uh-huh.

MR. ZENNER: Unless one of you abstains, that is not a split vote. We will have five to four or four to five.

MS. LOE: I mean split in that we're going to have --

MR. ZENNER: Yeah.

MS. LOE: -- votes against. Yeah. All right.

MR. ZENNER: No tie. Let me put it that way.

MS. LOE: No tie. Which will make the Council very happy.

MR. ZENNER: Oh, yes.

MS. LOE: All right. Any additional comments? Ms. Geuea Jones?

MS. GEUEA JONES: I am going to say what I was going to say. So I agree that the parking is a problem. I also think that either we trust our UDC and our building code and planning process or we don't. And I am uncomfortable with punishing a developer who is following our Code just because our Code is inadequate. And so I'm finding myself in the position where I agree with everything that my fellow Commissioners have said. At the same time there is -- it seems to me that it would be punishing a person for something that is not their fault if we say parking is such a huge part of public health and safety that we're going to deny this plat. So I just -- I wanted to make -- especially since I'm voting first tonight, I wanted to make my position clear for the benefit of the body and my fellow Commissioners.

MS. LOE: Any additional comments? Mr. MacMann?

MR. MACMANN: I may have a second bite. We are after the motion. I appreciate

Ms. Geuea Jones' perspective and I am for this hotel, but I might remind Ms. Geuea Jones in the matter of Canton Estates, which met the requirements of R-1, we felt -- and I'm not saying this rises to that level. I'm not. We felt that the inadequacies were such that we could not proceed. So I'm just -- we've gone this way very recently.

MS. LOE: Any additional comments? Seeing none. Ms. Carroll, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Burns, Mr. Stanton. Voting No: Ms. Placier, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion carries 5-4.

MS. LOE: Five to four?

MS. CARROLL: Hold on. Hold on. Five to four. The motion carries.

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

Motion One - Cherry Street Hotel design adjustment, move to approve design adjustments as requested. VOTING YES: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. Stanton, Mr. MacMann. VOTING NO: None. Motion carries 9-0.

Motion Two - Cherry Street Hotel final plat, move to approve the final plat. YES: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Burns, Mr. Stanton. VOTING NO: Ms. Placier, Ms. Carroll, Ms. Loe, , Mr. MacMann. None. Motion carries 5-4.

Case # 107-2021

A request by Crockett Engineering Consultants (agent), on behalf of Old Hawthorne Development, LLC and Vistas at Old Hawthorne Homes Association (owners), to rezone Lot C1 of Old Hawthorne Plat No. 9 and Lot C2 of Vistas at Old Hawthorne Plat 1 from PD (Planned Development) to R-1 (One-family Dwelling); both lots are located within existing PD plans, are identified as common lots, and are expected to be combined with additional property to the north as part of a new subdivision. The approximately 1.15-acre site is located along the north side of Ivory Lane within the Old Hawthorne development.

MS. LOE: May we have a staff report, please.

MR. ZENNER: If you will read -- we are going to do this as a merged three-part staff report. Case Numbers 106-2021 and 105-2021.

MS. LOE: Gladly.

MS. LOE: Also Case Number #105-2021.

MS. LOE: You have a full plate ahead of you, Mr. Smith.

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends:

Case 107-2021: Approval of the requested R-1 rezoning.

Case 106-2021: Approval of the requested R-1 permanent zoning pending annexation

of the property.

Case 105-2021:

1. Denial of the Design Adjustment from Section 29-5.1(f)(2)(iii) to allow streets to intersect at intervals greater than 600 feet.
2. Denial of the Design Adjustment from Section 29-5.1(c)(3)(i)(F) to allow a cul-de-sac length of greater than 300 feet.
3. Denial of the Design Adjustment from Section 29-5.1(f)(2)(iii) to allow residential driveways on a collector street.
4. Denial of the preliminary plat, due to the denial of the design adjustments and its inconsistency with the MRP.

MS. LOE: Thank you, Mr. Smith. Any questions for staff?

MS. RUSHING: We have got lots of hands.

MS. LOE: Just line up. You know, I'm going to start at this end, and we'll move down.

Ms. Rushing?

MS. RUSHING: I am confused about the southern end of this property that borders on Ivory Lane. Is -- are the common lots north of Ivory Lane or south?

MR. SMITH: They are north of Ivory Lane.

MS. RUSHING: So --

MR. SMITH: So if I can --

MS. RUSHING: -- are the trees along that area going to be removed?

MR. SMITH: Yes. I believe they would be -- the majority of them. The preliminary plat generally showed homes along that far south side. Let me pull up this one. So, yes, the brown area and then the blue, those are the common lots that are north of Ivory Lane, and they for the most part all will have single-family lots fronting Ivory Lane and Crooked Switch Court.

MS. RUSHING: And they'll all have driveways onto Ivory Lane?

MR. SMITH: Correct.

MS. RUSHING: Then I guess I'm missing the goal of leaving those as common lots.

MR. SMITH: So, correct. That is why we are supporting the rezoning to R-1 and the reconfiguration to single-family lots because they -- they don't necessarily serve a purpose for -- for preserving trees. And there really isn't any trees on them currently. Most of the trees are --

MS. RUSHING: So they will become parts of these other lots?

MR. SMITH: Correct. I should say the preliminary plat also has its own tree preservation areas on it as well.

MS. RUSHING: And that was going to be my next question. What trees are they planning to preserve on this rather large --

MR. SMITH: I'm certain the applicant could probably answer that better. I do know they have a portion in the west side, if I can get back to the -- so they have a portion here in the northwest corner I know is tree preservation and I believe in the north side as well. He could probably give you a more detailed account exactly where their climax forest that they are going to be required to save is. I think I did -- I think I said it in the staff report, but there is some technical corrections that need to be made. One of those is they need to increase their tree preservation area in one corner. So they may need to decrease a little bit of a lot size and increase a tree preservation area. But we have talked about that this week and that shouldn't be a difficult adjustment to make. But I did want to note that.

MS. LOE: Ms. Carroll, do you have questions?

MS. CARROLL: I do.

MS. LOE: We can come back.

MS. CARROLL: We're asking questions on all three of these at once?

MS. LOE: Yes.

MS. CARROLL: Complicated.

MR. SMITH: We could do --

MS. CARROLL: Okay.

MR. SMITH: -- one at a time. I mean, I'm happy to do any type of way you would like.

MS. CARROLL: I wanted to thank you for your discussion of the Columbia Imagined goal for providing a variety of housing options. In your staff report, you referenced higher density housing that could exist along Richland and Rolling Hills. I was wondering if that is referencing the Arbor Falls Case 140?

MR. SMITH: I don't believe so. What I was --

MS. CARROLL: So that's --

MR. SMITH: Maybe it's -- here, let me see if I could show you.

MS. CARROLL: -- something else?

MR. SMITH: It is -- okay. So here's the zoning. You see on the far west side here, kind of the blue triangular area? That's the intersection of Richland and Rolling Hills. And so the blue there is all zoned PD. It's Planned Development. So I went through the statement of intent there. There is a small square at the intersection, and that is generally commercial. And to the rear of that, all of that is generally residential -- like higher density residential. Single family is permitted there, but so is multi-family. So I

identified that as a potential target for higher density residential. And to the far east side, you see Olivette. The green line designating it as a -- as a minor arterial -- yeah, minor arterial. And so that intersection as well would be a good target, I think, for looking at higher density zoning.

MS. CARROLL: Are there current plans for higher density housing in those areas or is that just --

MR. SMITH: That is -- that would be, I think, our direction moving forward when we have concept meetings with developers who are seeking to annex. We did have one at the northwest corner there of Olivette and Richland, and that was part of the conversation that this is going to be an arterial intersection. And so something beyond just single-family housing is probably going to be appropriate near that intersection, so we would like to see something that provides a variety of different things, whether it is multi-family, whether it is some commercial. So those are the opportunities we think are good locations for that type of thing. So -- and that's what we will continue to recommend.

MS. CARROLL: Okay. Thanks.

MS. LOE: Ms. Burns, do you have questions?

MS. BURNS: I do not.

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Smith, a couple of process questions and a thank you. Thank you for the M-RP piece because we ran -- you guys might remember like three years ago, we ran into an old M-RP -- an old -- it was cut in half, and we had to move. Do you remember what I'm talking about, Pat? There was -- it had disappeared over time because we had not addressed this particular issue -- process. Given what you said and given your -- the structure of your recommendations, this looks like six motions? One, one, and four? Well, with the three --

MR. ZENNER: Four. Yeah. Four. I'm sorry.

MR. MACMANN: Three design adjustments and a preliminary plat.

MR. SMITH: Correct.

MR. MACMANN: For Council value and customer and developer value state, we could turn the plat down, but probably should then anyway go ahead and vote on the design adjustments or we could do those first and then get the preliminary plat. Do we have a preference? Do we have a direction that we think we should go?

MR. ZENNER: Procedurally, I would suggest that the design adjustments --

MR. MACMANN: Go first?

MR. ZENNER: -- would dictate the action on the plat. If you -- if you deny any one of

the design adjustments, the plat by default must be denied. But we need to have a motion on each of the design adjustments for the benefit of the applicant, as well as for a complete record for the Council.

MR. MACMANN: All right. I just want to make sure that we were -- and thank you for persevering through there. It was difficult for me to listen, but you got through it a quick fashion.

MR. SMITH: Thank you.

MS. LOE: Mr. Smith, there's a note on the 2007 PUD plan. This is about the common lots -- saying that the common lots will be dedicated to the homeowner's association. I -- I do have some concern that the recorded intention was that those common lots be given over to the homeowner's association. You clarified that dedication is typically only done with public properties. I would suggest in the future we not accept verbiage that can't be actually followed up on, but I would like some clarification of what the intent is and if Council had any comments on how we can move forward with this. I'm still a little uncomfortable on this being a recorded intention and not having anything in the file from the homeowner's association.

MR. SMITH: Yes. And she's referencing a note that's fairly common on our current plats that common lots will be -- I'm not exactly sure if they are still using the dedicated word, but it probably is not the accurate word --

MS. LOE: I looked up some others and didn't see dedicated. Yeah.

MR. SMITH: Yes. Because it most likely -- and I don't want to dive into the realm of real estate transfer, but it is probably better to say it's conveyed. Generally, it's done by warranty or quit claim deed, but there does have to be transfer of property ownership. That did not happen. The City and staff is not in the role of necessarily monitoring whether those common lots are transferred. Typically, in my experience, some of that is captured within a homeowner's association bylaws of when the transfer happens, but we also don't review those. So it's not a satisfying answer, but that is probably the situation here. It just didn't occur.

MS. LOE: I'm --

MR. SMITH: And the applicant is here, and he may be able to shed a little bit more light on why that did -- because, as you said, two of the three common lots we are looking at tonight -- well, one -- I should say one wasn't a common lot. It was Lot 516. So there wouldn't be an expectation necessarily that that be transferred to a homeowner's association. It would be unexpected either because it was limited to not for development, but the other two common lots, one of those was transferred and one was not.

MS. LOE: Thank you. Mr. Stanton, did you still have any questions for staff?

MR. STANTON: No.

MS. LOE: No. Any additional questions for staff?

MR. STANTON: Oh, I'm sorry. I'm sorry.

MS. LOE: We can come back or --

MR. STANTON: Maybe I heard or maybe you guys -- how did you want them broke up in the --

MS. LOE: Mr. MacMann covered that, so I think we are good. Ms. Burns?

MS. BURNS: I do have a question. Mr. Smith, in looking at the design adjustments for the cul-de-sac length and the street length from Section 29-5.1, et cetera, I recall in a previous case the fire department weighed in on a cul-de-sac length or a street length, and there was discussion that I think it was -- we allowed. I don't remember the case, but there was discussion. Did that impact your analysis of this or is that a consideration for the applicant if they wanted to consider pursuing these -- these adjustments?

MR. SMITH: The fire department did not make a specific recommendation on this one.

MS. BURNS: Okay.

MR. SMITH: And it may have just been because it still is less than our kind of hard max.

MS. BURNS: Okay.

MR. SMITH: Less than the 750. That might be it. Because we can administratively go from 300 to 750 based on, you know, topo reasons.

MS. BURNS: Okay. I guess that is what I'm thinking. I remember at one point in time they did have to weigh on because it was in excess of what I guess you -- your assessment would allow us to do.

MR. SMITH: Yeah. And I -- forgive me. I can't remember that off the top of my head. I know they have a lot restriction, you know. They cannot have more than 30 lots when there is only one point of access.

MS. BURNS: Yes.

MR. SMITH: So if you had smaller lots on this cul-de-sac and it exceeded 750 feet, you may exceed those 30 lots.

MS. BURNS: Okay. Thank you.

MS. LOE: Ms. Placier?

MS. PLACIER: Thank you. Yes, in terms of -- I'd like to echo Commissioner Carroll's comment about Columbia Imagined, but also make a comment about how the applicant rebuffed any suggestion under Columbia Imagined of there being any mixed

residential types in 106, and that those could -- more dense development could easily be located around intersections or on major collectors. That is a concern of mine in terms of economic segregation because those are less desirable places to locate family housing or affordable housing around busy intersections, busy streets. I don't know that I'm suggesting that this be denied because of that, I'm just making a comment that that is a concern and I'm going to be watching for it coming up over and over again.

MS. LOE: Any additional questions for staff? Mr. Smith, just one point of clarification. What's the maximum length in a cul-de-sac?

MR. SMITH: Seven hundred and fifty feet.

MS. LOE: So Crooked Switch Court appears to be longer than 750 feet. And I understand it's an existing cul-de-sac, but as part of this proposal we would be rezoning it to R-1 and adding seven R-1 lots. So shouldn't we be considering the length of that cul-de-sac as well if it's longer than what is currently allowed? Similarly --

MR. SMITH: That's -- that's a good question.

MS. LOE: -- Ivory Lane is longer than 600 feet between Cutters Corner and Lorenzo, similar to Portrush Drive. And we're adding -- we're basically doubling --

MR. SMITH: Sure. And I think --

MS. LOE: -- the housing along that street.

MR. SMITH: I think my --

MS. LOE: So we're making that long block situation.

MR. SMITH: Right. I -- is it a good observation. It really is. It's not something I think I looked at initially. I would -- I think my initial reaction would be that Crooked Switch Court, the street -- the physical street itself exists now and that isn't changing, we are just adding more residential lots on it.

MS. LOE: We are exacerbating a situation that currently doesn't meet --

MR. SMITH: I --

MS. LOE: Yeah. I think I have some --

MR. SMITH: Yeah. I see where you're going --

MS. LOE: -- issues with that. Yeah.

MR. SMITH: -- and I don't -- I don't disagree with that.

MS. LOE: No. And I understand that it exists.

MR. SMITH: Yeah.

MS. LOE: But we're changing zoning to create an added use.

MR. SMITH: That is correct. And that could also be rectified potentially by extending a street to the north --

MS. LOE: Exactly. Yeah.

MR. SMITH: So I may reserve judgment on exactly if that is how we would interpret that, but I would definitely take that into account, and we'll have to take another look at that. I don't want to commit yet. I'm sorry.

MS. LOE: You're on the spot. Any additional questions for staff? If not, we will open up the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: Please give your name and address for the record. And the same time limitations apply.

MR. CROCKETT: Madam Chair, Members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. Before I get started, I would like to answer a couple of questions that were presented by the Commission. First of all, Ms. Rushing, with regards to the climax forest and the tree preservation, we do have a tree preservation plan that we've submitted to the City's arborist that's going through the process. So there's several areas within this property in that we are going to preserve a significant number of trees both through the regulation as well as voluntarily. And there is also some stream buffer on the property that would preserve some additional trees as well. So it's -- there are substantial locations throughout the property in which trees will be preserved on this piece of property. Secondly, I would like to also address a comment by Ms. Carroll and Ms. Placier with regards to the different zoning designations. And I think the best way to answer that question in this specific instance is that we look at it more globally. When this is part or an extension of Old Hawthorne or we look at Old Hawthorne, it is a mix of varying zoning classification and different styles of homes and different densities. And so I think when we look at that as a global issue here and a, you know, zoomed out situation, we see that. We also have a project that will be coming down in the future that Mr. Smith briefly kind of indicated north of here potentially that would bring in a different price point altogether -- price points altogether. So we are looking at that and we do take that, you know, into consideration when we look at layout properties like this. So it's not that we just simply look at this piece in its own right. So with that, I would like to start off a presentation for the -- what I will do is I'll kind of group it altogether just a little bit. And with me tonight is Billy Sapp and Tina Bartels, the developers of the Old Hawthorne North development. Again, I believe Mr. Smith did a good job on an overview containing 126 acres. I'm going to go pretty quick through here because I'm on limited time I understand. We talked about what we are annexing, the varying different acreages. The rezoning of remnant track from PD to R-1 and why that takes place. Yes, I mean, that it was the original designation on some of those was common, but the reason for that was is we had to designate them something other than residential. Years ago, we had -- if it wasn't a residential -- if it wasn't for a single-family house, we had to call it something. Whether we were going to redevelop in the future or not, we had to call it a common lot. We had to say it wasn't for residential development so that no one could go in and get a building permit on that specific lot. And so that was the designation that was given to some of those years ago. I think it's 158 single-family lots. Of course, making the connection, we are seeking our adjustments. Talked about that. Here's the preliminary plat. We've talked about that. The design adjustments, as you can see, this is a snippet from Mr. Smith's presentation. The blue lines and then the red indicates the cul-de-sac length. Location one for the design adjustment. I want to talk about this one to start with. If we were to make adjustments to this preliminary plat, what we're indicating is that we need a street -- add a street at this location here. There's location one. We need to add a street between these locations here. We need to add a street at those locations there, and, of course, we have to add one at this location. We don't believe that that's really necessary. And this is a lot of street that we

are adding to this development. We believe that we have proper connectivity and adequate connectivity provided within the development as it stands today. The streets show intersected at 600 feet, and we believe several of them do. Let's take into account a section -- location one. By putting the connection across here, we would bisect that island in the middle, and right now, that island is about -- on average about 800 feet. Instead of 600 feet, it is 800 feet. But we're going to add another street in there so we can be under the 600 feet. I believe that the layout itself has a stance today that provides proper connectivity both with vehicles as well as pedestrians. I believe that -- you know, it's conducive to proper development. Here's the situation. On the left-hand side, you have Bristol Ridge development, and on the right-hand side you have what is before you tonight, the Old Hawthorne North development. Both of these are very similar in nature. Both of them are very similar in size. Both of them are very similar in the design adjustments that was requested. Bristol Ridge was granted a design adjustment for this very reason back in, I believe, was 2018. Old Hawthorne North is asking for that same design adjustment tonight. Both of them have about the same distance. The one -- the one biggest difference is Bristol had more lots on it than Old Hawthorne North does. We don't believe that -- you know, being consistent, we believe it's not needed at that location. Location one, we don't believe that we need to have that design adjustment or we don't need to have that additional street stub. Location two shown here between the stub -- between the piece to the north and piece a little bit to the south, we reconfigured our -- our subdivision alignment to account for our block length. We put a through street, a connecting street that goes back out to the main street to the north, and then we looped it back to the south. Having an interconnection between these two I don't believe is conducive to proper traffic flow. When we have long straight streets or longer straighter streets with four-way intersections, that's not conducive to pedestrian traffic. By having a disconnect there, I believe that this is proper. I believe this is the way to go. Those homes can get -- get in an out no problem. It has two points. It has no issue. Having that extra street there, I don't believe is proper in this location. The same goes for number three. Number three to the south, that is a collector street. It has been mentioned to you before, and that will go on potentially. It will have additional connections. Again, every -- all the lots in there have adequate access in and out of the development. Having another one through here just adds street with I don't believe would have a whole lot more benefit with regard to vehicular traffic and pedestrian access as well. Location four is identified at this location. Again, we're going through large lot -- the large lot portion of the development. Mr. Smith indicated that really on large lots, the 600-foot block length isn't really conducive to good

development. And I believe that's a good instance right here. If we add that, every three lots or two lots, we're going to have a street. That's quite a bit. What it adds to is that's 2,100 feet. If we go back right here -- right here, that's 2100 feet of additional street that we need to add to this development. Twenty-one hundred feet equates to 1.4 acres of additional impervious surface. And at a time that when we're talking about stormwater management and impervious surface, we talk about all these issues, the environmental controls and everything else, we're being asked to add 1.4 acres of additional impervious surface to the project that in my mind doesn't add any additional traffic or pedestrian benefit to the development itself. It can certainly be served as this is laid out and as it is designed. We would have a reduction of lots. So we have reduction of lots, increase in costs, and all that obviously gets passed on to the end consumer. Furthermore, that 2,100 linear feet of street is only additional costs that the City is going to have to

maintain in the long term. And again, it doesn't provide that much benefit that I see. Fire reviewed the preliminary plat and Police reviewed the preliminary plat, and they didn't have any issues with it. If it was a public safety issue, I understand that. But I don't believe this was a public safety issue at all, and I think that it -- it shows. With regards to the cul-de-sac length, yes, we -- it is over the 300 feet, but it is less than the 750 feet. Does it qualify or does it pertain or can we achieve the -- well it avoids sensitive areas? Well, as you can see by the topography here, it does avoid a draw that runs through there, and Ms. Rushing, it does avoid a substantial number of trees through there. If we were to stub that back to the south, that would tear out those trees. Now, can we cross that draw? Absolutely. I'm not going to sit here and say we can't cross it. There will be times I will come here and tell you we can't. Tonight I can't tell you that. We can cross that. But is that good practice? I would tell you no. I would say that hitting that ridge is probably the best -- the best route to go. So I believe that the cul-de-sac is not out of character with the area. Others -- there's a lot -- can I just have a few more minutes, if you don't mind? I'll be -- I'll be quick. I mean, it is three proposals. And so, you know, it's not out of character with the area. The Old Hawthorne development itself has three or four that exceed the 750-foot length, and they achieved that by going through the variance process on the original preliminary plat. And so we are under the 750 feet. It is riding a ridge top. We are trying to avoid some other -- some trees and some draws. Are they sensitive areas? Not necessarily. But -- and they are certainly areas that we would like to preserve. Lastly, this is -- what is outlined in red is a collector street. We are asking for driveways on some estate lots outlined in yellow. Now we did a full traffic study. Now Mr. Smith didn't indicate the traffic study. It was included in the staff report. But the traffic study brings into question, and they questioned the long-term viability and functionability [sic] of that road being a collector street given various other streets in the area. Being that -- is that road really going to function as a major collector? Further to the west those areas, while they are 20 acres, there is a few limited areas in which that road can go, and there are some large homes already built on those -- on those properties. The likelihood of that road going over there is very slim. And even if it does, the traffic engineer looked at it and said even if that road goes through there, will it function as a collector street? And she said that she doesn't believe that it does. She believes that the traffic is going to migrate north or migrate south, but it is not going to necessarily go east or west. If it does go east or west, Hoylake Drive that it ties into has driveways on it as well. So we don't believe it's going to function as a full major collector. It's not going to carry a bunch of offsite traffic; it's just going to collect the traffic that's in this vicinity and distribute it to the arterial roadways. The situation when you have a lot of

traffic on collector roadways is when you don't have a good arterial system. And here we do have an arterial system in place -- or will be in place. So we believe that driveways on that collector is appropriate. Again, the traffic engineer doesn't believe that it is going to function appropriately, and again, that collector street in question is approximately 3,000 linear feet. For a project for a piece of property this size, I mean, that's a substantial undertaking. If we have to put a 3,000-foot street in with no driveways on it, no lots, and every lot backing up to it, that's a large -- large pill to swallow for a development, even though it's 100 acres. It is a relatively small development in those eyes. Deviation from the major roadway plan. The collector along the west side is not needed, and I believe members of the City staff as well as the County staff have both told me that. They have looked at that and they have reviewed it, and they don't believe that that -- that the north/south collector street on the far west side is needed. The applicant was told by the City that the Council can approve a preliminary plat without needing a CATSO amendment. And that is why we haven't gone to CATSO, and that's why we are asking for approval of the preliminary plat. The other collector streets in the area, we are -- we are happy to abide by the best we can. We believe that a limited access on the -- on the driveways -- only asking for 16 driveways. Not every lot. We are asking for just the 16 and I think that is appropriate. So the proposal -- excuse me. The conclusion, the zoning is appropriate for the area, the development matches the surrounding developments. It will be with the existing -- all the existing infrastructure is there to handle the development. The zoning complies with the objections of Columbia Imagined and East Area Plan. Granting the design modifications will not reduce, you know, public safety. It will reduce unneeded pavement. So we believe that is appropriate as well. And of course then, we believe that the preliminary plat can be processed and proceeded to Council without a CATSO action. I will note that there is a development agreement that is -- that will be given to us soon. This developer is being asked to contribute close to \$100,000 worth of offsite improvements, which is not necessarily a requirement. But we haven't seen that development agreement yet, but we're in agreement that, you know, if we need to pay some additional money, then, you know, that's something that we'll look into. And we're certainly in agreement that those numbers are fine with us. We haven't seen the final terms of that yet, but for the information we have been provided, I believe that we will be in agreement to those conditions. So there are some substantial payments for offsite improvements that aren't needed at this time, but we will be contributing to. So with that, I understand that I have flashed -- you know, I got my light flashed at me, so I will wrap things up and happy to answer any questions that the Commission may have.

MS. LOE: Thank you, Mr. Crockett. Are there any questions for this speaker? Ms. Geuea Jones?

MS. GEUEA JONES: So talking about the -- I think you called them the estate properties --

MR. CROCKETT: Yes, ma'am.

MS. GEUEA JONES: -- that are the larger lots on the collector street. Are you saying then that the ones that backed to Ivory won't have driveways on Ivory, they'll have driveways on -- I'm sorry, whatever the collector street name is?

MR. CROCKETT: No, ma'am. No ma'am. And the --

MS. GEUEA JONES: Oh, I see.

MR. CROCKETT: -- pointer doesn't work on the screen. The ones in yellow will front on to the collector street. The ones that front on to Ivory are the smaller ones, and they are comparable to what is across Ivory.

MS. GEUEA JONES: There is a bunch of text over that property line. But, yeah. No, that makes sense. Yeah. I see now. That's all I have.

MS. LOE: Any additional questions for this speaker? I see none. Thank you, Mr. Crockett. Oh, Mr. MacMann?

MR. MACMANN: I'm sorry. I was uncertain. I'm trying to avoid having to call you back. Can I ask you a hypothetical, which we may get a test here in just a minute?

MR. CROCKETT: Sure.

MR. MACMANN: You get approved on some of your design adjustments, your plat gets turned down or something some such, would you and/or your client be willing to revisit some of these design adjustments?

MR. CROCKETT: We would have to -- we would just have to see what we can do. I -
-

MR. MACMANN: All right.

MR. CROCKETT: It may --

MR. MACMANN: That's a big hypothetical. I appreciate it.

MR. CROCKETT: Hypothetically, we don't know which ones and how it reconfigures. You know, which ones get approved and which ones don't. It's -- it's -- yes, it's --

MR. MACMANN: All right. Thanks. I just wanted to avoid calling you back. Thank you, Madam Chair.

MS. LOE: Any additional questions? Ms. Kimball?

MS. KIMBELL: Just to clarify question. The AR stands for a half an acre residential development?

MR. CROCKETT: The AR is a county designation -- a county zoning designation, so

it is a -- a minimum of half acre in the county.

MS. KIMBELL: It's going to be bigger?

MR. CROCKETT: These will be -- yes, these will --

MS. KIMBELL: The lots on this --

MR. CROCKETT: Yes. These will be slightly bigger. All in all, we will -- the ones to the north are smaller than that, so as Mr. Smith indicated, they are on 10,000 square feet. The ones to the south are around an acre to an acre and a half, maybe 1.9 acres is the biggest one. And so those would be in excess of the County designation. But we are asking since the City -- the City does have an agricultural zoning designation, but it's really not for residential purposes. So really the proper zoning designation for annexation in this case would be the R-1 designation that we are asking for.

MS. LOE: Ms. Carroll?

MS. CARROLL: A real general question, and you may have asked -- covered this already. Why are you seeking City R-1 as opposed to County AR, which you currently have?

MR. CROCKETT: Because we have to -- in order for us to access the City sewer, which is just literally feet away from this property, the requirement is that we have to annex into the City.

MS. CARROLL: Yeah. Thanks.

MS. LOE: Mr. Crockett, what is Old Hawthorne Drive considered -- classified as?

MR. CROCKETT: I believe it is - it's not classified -- it's not officially classified as a collector, but it was built as such. It was a -- I believe it was a wider street cross section. I can't recall what the pavement -- what the right-of-way was off the top of my head, but it functions as a collector street running through the -- through the development.

MS. LOE: And how --

MR. CROCKETT: And it has --

MS. LOE: -- long is it approximately?

MR. CROCKETT: Oh, going off of memory, you know, Old Hawthorne is roughly a mile by mile, and so it runs it up and around --

MS. LOE: That's three miles?

MR. CROCKETT: Probably less than that, but it has a significant number of driveways off of it and functions just fine as a --

MS. LOE: Approximately 25 driveways I'm seeing?

MR. CROCKETT: I don't know. I'd have to look at it. It's a --

MS. LOE: All right.

MR. CROCKETT: I mean, it's --

MS. LOE: So pretty restricted? I mean, it's looking like most driveways are not off of Old Hawthorne, which is why I was asking.

MR. CROCKETT: I'm trying to go off of memory here. I mean, I would say that there are -- you know, on the -- on the east side, there's substantially more. On the north side, there's substantially more. On the west side --

MS. LOE: There's none.

MR. CROCKETT: Yeah. On the west side, there's probably not as many. But on the east and north, I believe there is quite a few.

MS. LOE: I'm counting about 25.

MR. CROCKETT: Okay.

MS. LOE: All right. Thank you.

MR. CROCKETT: Thank you.

MS. LOE: Any other speakers on this case? Mr. Smith?

MR. SMITH: Yeah. I apologize. I wanted to address the letter that we submitted with your packet.

MS. LOE: Yes.

MR. SMITH: And I forgot to do that. And I wanted to take a moment to do that if that would be all right. It will just take one minute. So the gentleman had kind of expressed concerns with sidewalks in the vicinity. Let me see if I can get back to where -- so just for clarification, generally referring to Lightpost Drive was part of that request, and that's this street if you can see my pointer here. It runs kind of on the west portion of this. There was a plat approved for this site out there, and it was initially approved with variances for sidewalks. So they were only required to build sidewalks on one side, and that's why for a portion of Lighthouse -- Lightpost Drive, you will only see sidewalks on one side. However, about halfway through, they actually replatted the site, and no variances were requested with the replat. So from about where my cursor is now here going east, there's about five lots that will not have sidewalks on the north side of Lightpost Drive, but going west of this house, they will have sidewalks on both sides. So there will not be sidewalks constructed on a portion of Lightpost Drive, and that was by design. A variance was granted for that. So just in case anyone from the public is interested.

MS. LOE: Thank you, Mr. Smith. Any additional public comments?

MR. MEYER: Thank you, Madam Chair. My name is Tom Meyer. I'm at 6200 East Richland Road. I'm speaking on my -- behalf of myself and the owner of 6120 Richland Road and the individuals who are under contract for 6250 Richland Road. I have some comments in general about the plans as well as some comments for the owners. I

believe we have representatives here. So my first one is that the traffic study states that a west bound turn lane is not recommended, but also states that a site distance survey was not done on site. Driving out there as I do regularly, there are some hills that make visibility difficult. And so we would recommend that a westbound left-turn lane would be put in into I believe it is called the Capalana (ph.) Drive that they are referencing. In addition, with this additional population out there, the Richland Road has very, very narrow shoulders and no bike lanes. And I think the additional population out there could possibly use that. It would make it much safer to drive through there. We are also concerned about the water collection -- the detention ponds and making sure that the runoff is controlled as well as mosquito control is taken care of in those ponds. We live directly north of this -- north and west of this, and so any additional pest control -- it's already bad enough out there, as if you have been sitting outside these days, you understand that. The mosquitos can get quite difficult. Addressing things to the owners of Old Hawthorne, first we want to make sure that there's some communication from the HOA to the residents that these adjacent lots are private property. We homeowners out there, we do hunting on these lands. I have six acres. The other gentleman to my east has 10 acres. Hunting is allowed on there and we are concerned about the liability of people coming onto the land, especially children. And that is very concerning to me. So there would have to be some clear communication that -- you know, that is a potential. Also, just a general statement, we really want Old Hawthorne to be good neighbors, and there have been times in the past that that has not happened. For example, on Monday of this week, my wife and I were sitting out on our deck, and we could clearly hear music from a live performance happening at the Old Hawthorne Clubhouse. We filed a noise complaint with -- joint communication had an officer come out, and there was some discussion with the manager of the clubhouse. Apparently, there was not an ordinance variance, a noise variance. They said it was a private event, even though they were charging people to show up to join it. It was sponsored by MFA Oil. So this has happened a number of occasions where our peace has been disturbed and we have not been notified. So as we move forward, especially with this increased density, and if there are -- I do not know if there are plans for an additional clubhouse on this north area. If so, we need some -- we would really like some assurances that they would be good neighbors and would be able to perform, you know, noise mitigation. Those are my comments.

MS. LOE: Thank you, Mr. Meyer. Are there any questions for this speaker? I see none at this time. Thank you.

MR. MEYER: Thank you, Madam Chair.

MS. LOE: Any additional speakers on this case?

MR. SPEAR: Good evening, James Spear, 6250 East Richland Road, so the property right next door, 10 acres -- close to 10 -- 9.6, 8 something. The creek, I believe, starts on the property in question. It goes right through mine, so I hope there's not a lot of mud because it -- it's a wooded area. It's forest. There's a beautiful creek, which gets me to part two -- and also the detention pond looks like it sits right in that area potentially, and so what does that mean? I don't know enough about detention ponds, but I assume it's detained on that side. That would be my concern. In the mid-1970s, our lots -- about four of us were bought from the Zumwalts, and created a large property -- five, six and then the ten acres with homes. And I would disagree with staff. It is not -- the street going into my property is not looking onto underdeveloped property. It is -- it's County. It's country. I lived on -- off West Boulevard for eight years, and then have now lived in -- on Richland Road for six because of the country and because it is close to Columbia. I love Columbia and I love living in Columbia, but it is not underdeveloped. It's a beautiful property of trees and forest. And that's exactly why I live there. And -- and myself and my other neighbors that have been mentioned are a neighborhood of four. We are all there for the long term because of these properties the way they are. Because of a job change out of state, as he mentioned, there was -- my property is under contract. I purposely did not list it because watching subdivisions encroach all -- for a number of years has -- I sold this to people that want to live on -- in the woods. And that was an important thing to me and to the new owners and to the people that I bought the house from in a very similar way. And so it's not underdeveloped. It's developed just right for us that live -- and I would say all the people to the west are feeling the same way -- small house, medium size house, very large home. So thank you for hearing those comments.

MS. LOE: Thank you, Mr. Spear. Any questions for this speaker? I see none. Thank you. Any additional speakers on this case? Seeing none. We will close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission comment? Mr. MacMann?

MR. MACMANN: Let's get this ball rolling here. I'm kind of -- as I may have indicated before, I'm kind of feeling for lack of a better phrase, Solomonesque here. Some of the design adjustment -- the cul-de-sac doesn't bother me. I do agree with Mr. Crockett, that's not going to -- this collector is going to be a low-use collector. This is an expensive development. There's not going to be much traffic in here. Those two design adjustments don't concern me. The length of roads concerns me. And because we have had this problem in the past, not dedicating that -- not adhering to the M-RP on the west

side of the property is problematic. A couple of you folks have been here longer. We've had a couple situations where we end up with a piece of property that is landlocked because it is not thoroughly -- it's been a couple of years since it has happened, but then you run into some nightmare where you are trying to, you know, wiggle a road back in somewhere. That's where I'm at right now. The rezoning on the lower end doesn't bother me, the permanent zoning doesn't bother me. A couple of design adjustments still bother me, but I'm -- I'm having trouble with the plat. So I just -- thought I would just kick that off. And I would like to ask staff if you could keep this up while we are doing the -- this is very good reference. So we could -- thank you.

MS. CARROLL: Since we're discussing --

MS. LOE: Ms. Carroll?

MS. CARROLL: Since we're discussing all three at once and I asked the previous question on the rezoning I do see a variety within this development at large. I see a variety of lot sizes. I see other adjacent developments that have different sizes. I -- I -- my comment to staff is meant to further this discussion, and I view this as a positive change.

MS. LOE: Seeing that discussion is slow, I'll jump in. Unlike Mr. MacMann, I see the lack of acknowledging the collector an issue. I live on a previously suburban collector in the older southwest section that probably -- that looked like this back in the 50s, but now, it's become an overused cut-through, and it does have a few driveways on it. And I wish we had done a better job of regulating those driveways back in the day because they are dangerous, and it does impede --

MR. MACMANN: You're talking about the north/south right by you? Is that what you're talking about?

MS. LOE: Yes. I'm talking about College Park. Yeah. And so when I look at this, I'm thinking this is our opportunity to do it right because while I understand it is a pocket of woods now, it is going to continue to grow. Columbia is continuing to grow. So I'm looking at where -- you know, how we have to lay infrastructure and anticipate the next 20, 40, 60 years. And I'm seeing where that wasn't done to the best -- with the best results just 40 years ago. So that's one design adjustment I would not allow to be waived. Cul-de-sac length, as I mentioned, I don't -- I don't see how we can build on something that is already exceeding what we allow nor -- and I also believe while I understand that there's different viewpoints on design, I believe the requirements in the UDC have been vetted and that there was compromise. And that in general we should do the best to abide by them unless there is reason to do otherwise. And as of yet, I have not been given a good reason to do otherwise. The argument that there need be 2,100

additional feet of street to accommodate the requirement is merely based on the existing layout being proposed. But as we know in design, there is always alternatives, and I'm sure there's an alternative that would require much less street and could achieve some of the goals or requirements in the UDC. So I'm afraid that's not an argument that persuades me. The rezoning, I'm -- I am uncomfortable with the language. I understand we don't have overview on private arrangements, but I don't -- I believe it needs to be clear how land is intended to be used. And if we are approving those plats and signing off on them that -- I mean, even if -- it needs to be clear. And I don't want to be reassigning uses for something we've been told has been assigned for a use already. And I am uncomfortable with that. Additional comments? Mr. MacMann?

MR. MACMANN: If there are no further comments. If my fellow Commissioners are comfortable with this, I'm going to go top to bottom addressing these one at a time. Are we good with that? In the matter of Case 107-2021, rezoning for those C1 and C2 lots, I move to approve.

MS. GEUEA JONES: Second.

MS. LOE: Second by Ms. Geuea Jones. We have a motion on the floor. Any discussion on that motion? Seeing none. May we have roll call, Ms. Carroll.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms.

Rushing,

Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Mr. Stanton, Mr. MacMann.

Voting No:

Ms. Geuea Jones, Ms. Loe. Motion carries 7-2.

MS. CARROLL: We have seven votes to two. The motion carries.

MR. MACMANN: Madam Chair?

MS. LOE: Yes?

MR. MACMANN: Before I make my next motion, I have a little point of order. For our new Commissioners, I will be making all of these motions in the affirmative. If I'm going to vote no, I'm going to give you the courtesy of saying I will be voting no, but it is just part of our parliamentary procedure that move to approve -- move to approve. All right? Are we with -- I just want to make sure. All right. Moving on, in the matter of Case 106-2021, permanent zoning, I move to approve.

MR. STANTON: Second.

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

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms.

Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms.

Loe, Mr. Stanton, Mr. MacMann. Voting Motion carries 9-0.

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

MR. MACMANN: In the matter of Case 105-2021, design adjustment based upon Section 29-5.1 (f)(2)(iii), I move to approve. I will be voting no.

MS. GEUEA JONES: Second.

MS. LOE: Second by Ms. Geuea Jones. Motion on the floor. Any discussion on this motion? Seeing none. Ms. Carroll, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton. Voting No: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll,

Ms. Loe, Mr. MacMann. Motion is defeated 8-1.

MS. CARROLL: Eight votes to one. The motion is defeated.

MR. MACMANN: In the matter of Case 105-2021, design adjustment Section 29-5.1(c)(3)(i)(F), I move to approve. I will be voting no.

MS. GEUEA JONES: Second.

MS. LOE: Second by Ms. Geuea Jones. Motion on the floor. Any discussion on this motion? Seeing none. Ms. Carroll, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Mr. Stanton. Voting No: Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion is defeated 7-2.

MS. CARROLL: We have seven votes to two. The motion is defeated.

MR. MACMANN: In the matter of Case 105-2021, preliminary plat design adjustment Section 29-5.1(f)(2)(iii)[sic], three i's, I move to approve.

MS. GEUEA JONES: Second.

MS. RUSHING: I want to make clear based on -- that you're not -- on these you're moving to approve the design adjustment. Correct?

MR. MACMANN: Correct. All in the affirmative.

MS. RUSHING: Not to approve the denial of the adjustment?

MS. LOE: No. Just --

MR. MACMANN: Correct. I'm -- I asked Planner -- a little point of order. I asked Planner Smith to do that because I thought it was definitely going to be easier for me to read --

MS. RUSHING: Right.

MR. MACMANN: -- and perhaps the audience to follow and us to follow.

MS. RUSHING: What I was hearing was moved to approve the denial. That's not --

MR. MACMANN: If I did speak that --

MS. RUSHING: That was not correct.

MR. MACMANN: -- I'm sorry.

MS. RUSHING: Yeah.

MR. MACMANN: Should I restate that one?

MS. RUSHING: You moved to approve.

MR. MACMANN: Okay. Okay. All right. Fine. So we're voting?

MS. RUSHING: The design adjustment.

MR. MACMANN: Correct.

MS. RUSHING: Okay.

MS. LOE: Ms. Geuea Jones, did you second?

MS. GEUEA JONES: Second.

MS. LOE: Thank you. We have a motion on the floor. Any discussion on this motion? Seeing none. Ms. Carroll, may we have roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr.

Stanton,

Mr. MacMann. Voting No: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms.

Placier, Ms. Burns,

Ms. Carroll, Ms. Loe. Motion is defeated 7-2.

MS. CARROLL: We have seven votes to two. The motion is denied.

MR. MACMANN: In the matter of Case 105-2021, preliminary plat -- this is the preliminary plat itself, no design adjustment, I move to approve, period. I will be voting no.

MS. GEUEA JONES: Second.

MS. LOE: Second by Ms. Geuea Jones. Any discussion on this motion? Seeing none. Ms. Carroll?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr.

Stanton. Voting No: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms.

Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion is defeated 8-1.

MS. CARROLL: We have eight votes to one. The motion is defeated.

MS. LOE: Thank you, Ms. Carroll. That completes the voting on these three cases. We're going to take an eight-minute break to 9:20, so we're going to recess.

In the matter of Case 107-2021, rezoning for those C1 and C2 lots, move to approve.

Yes: 7 - Burns, Rushing, Stanton, MacMann, Carroll, Kimbell and Placier

No: 2 - Loe and Geuea Jones

Case # 106-2021

A request by Crockett Engineering Consultants (agent) on behalf of Boone

Development, Inc. (owner) for approval to permanently zone 123.84 acres from County A-R (Agriculture Residential) to City R-1 (One-Family Dwelling) upon annexation. The subject site includes two parcels, one located on the south side of the Richland Road, approximately 4,000 feet east of Rolling Hills Road, and the other located to the south of that, and directly north of the Old Hawthorne development, and includes the address of 6450 E Richland Road.

See minutes in Case #107-2021

In the matter of Case 106-2021, permanent zoning, move to approve.

Yes: 9 - Burns, Loe, Rushing, Stanton, MacMann, Carroll, Geuea Jones, Kimbell and Placier

Case # 105-2021

A request by Crockett Engineering Consultants (agent), on behalf of Boone Development, Inc., Old Hawthorne Development, LLC and Vistas at Old Hawthorne Homes Association (owners), for approval of a 168-lot preliminary plat and design adjustments from Sections 29-5.1(c)(3)(ii) regarding block length, 29-5.1(c)(3)(i)(F) regarding cul-de-sac length, and 29-5.1(f)(2)(iii) regarding driveways on collector streets. The 125.57-acre site includes two parcels located on the south side of Richland Road, approximately 4,000 feet east of Rolling Hills Road that are pending annexation and permanent zoning to R-1 (Case # 106-2021) and three existing City lots located along the north side of Ivory Ln and Crooked Switch Court proposed to be rezoned to R-1 (Case # 107-2021).

See minutes in case # 107-2021

Motion One - Design adjustment based upon Section 29-5.1 (c)(3)(ii), move to approve. VOTING YES: Mr. Stanton. VOTING NO: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion is defeated 8-1.

Motion Two - Design adjustment Section 29-5.1(c)(3)(i)(F), move to approve. VOTING YES: Ms. Geuea Jones, Mr. Stanton. VOTING NO: Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion is defeated 7-2.

Motion Three - Design adjustment Section 29-5.1(f)(2)(iii), move to approve. VOTING YES: Mr. Stanton, Mr. MacMann. VOTING NO: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe. Motion is defeated 7-2.

Motion Four - In the matter of Case 105-2021, preliminary plat itself, no design adjustment, move to approve. VOTING YES: Mr. Stanton. VOTING NO: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion is defeated 8-1.

VII. PUBLIC HEARINGS**Cases #147-2021 & 148-2021**

A request by Crockett Engineering (agent), on behalf of Boone Development, Inc. and Old Hawthorne Golf Club, LLC. (owners), to rezone a 6.19-acre property commonly known as the Old Hawthorne Wellness Center from PD (Planned Development) to O (Open Space) to facilitate future expansion and improvements to the Wellness Center. Additionally, the applicants are requesting a Conditional Use Permit (CUP) allow 'Outdoor Recreation or Entertainment' uses on the site. The site is located on the northern frontage of Old Hawthorne Drive West approximately 650' north of Route WW and is commonly addressed 1900 W Old Hawthorne Drive.

MS. LOE: May we have a staff report, please.

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends:

1. Approval of the requested rezoning from PD to O.
2. Approval of the Conditional Use Permit for "Outdoor Recreation or Entertainment" subject to two conditions:
 - a. Uses are contained to those listed on Exhibit A and shall not include the following: amusement parks, commercial baseball fields, fairgrounds, race tracks, commercial stables, gun clubs, skeet, trap, or target ranges, outdoor stage and concert facilities, or other activities of similar type or scale.
 - b. The total square footage of the clubhouse facility shall not exceed the aggregate square footage of all facilities devoted to "Outdoor Recreation or Entertainment" uses on the lot.
 - c. Prior to commencing with additional site improvements, regardless if a building permit is or is not required, a comprehensive land disturbance and stormwater management plan shall be provided for the City's approval demonstrating compliance with the adopted regulations. It is recognized that the final design of the site, as shown in the attached plan, may be modified prior to full build-out of the site and as such this condition may be satisfied by submitting plans showing compliance with each successive site improvement included and up to the final site feature's construction.

MS. LOE: Thank you, Mr. Kelley. Are there any questions for staff? You know what, I haven't read ex parte, so prior to asking questions for staff, I'd like to ask any

Commissioners who have had any ex parte related to this case to please share that with the Commission so all Commissioners have the benefit of the same information in front of us. Seeing none. Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Kelley, two -- a definition and a procedural question. What is a general sports court?

MR. KELLEY: I think that's just to kind of cover their base, that way they don't have to list every sport, such as, basketball court.

MR. MACMANN: Well, the next one down says other related and like activities. So I was, like -- I have a vision of what it is in my head, that thing in grade school that has lines for everything and a basketball hoop, that's what I had in my mind. I don't -- I don't -- maybe I can ask them again in a minute. A second question is -- maybe that was informative. This -- this is more to the point of what we do. You had with your conditions on the Conditional Use Permit had foreseen the stormwater issue. Say we do this in multi-phases, are they going to have to submit a stormwater plan each and every time? Like they build two of four courts or, you know, three of nine courts, or whatever, and are they going to have to go through each and every one, are they going to have a master plan? What are you anticipating here with that restriction?

MR. KELLEY: I was kind of anticipating that the first site improvement would, A, account for that site improvement and then the existing nonconformities, as well, so we're really -- it really carries the bulk of that. So making up for what's not done and then what's also done with that first improvement, that's the way it's worded now, as I have in my staff report, but --

MR. MACMANN: Let me go forward. We change what we would like to do over time, and currently, pickleball is hot and has been hot for like five or ten years. I can see a time ten or twenty years in the future where they go, well, what we have here now is either breaking down or we have new games or something like that we want to do. Will another stormwater review be triggered at that time?

MR. KELLEY: Pat, you may have to answer this for me. I'm not --

MR. MACMANN: I was looking to the sky when I asked that question.

MR. KELLEY: I think something that Pat will probably want to elaborate on is that what does trigger certain permits and what does trigger -- without this condition, certain things are -- would trigger that review by our staff internally already, but --

MR. ZENNER: So land disturbance permitting and stormwater regulation are two components of generally building permit issuance at a particular threshold.

MR. MACMANN: Tennis court?

MR. ZENNER: Yeah. Tennis courts. So if your tennis courts to serving X number of

square feet of land area, you're going to be required to provide a land disturbance plan that's going to have to address the issue of stormwater management. I believe the applicant may be able to express a little bit more about how stormwater management was being addressed on this site at the time that Old Hawthorne itself was being developed, and that there may not be an issue associated with the stormwater facilities that appear to be nonexistent on this amenity parcel at this point. However, the types of improvements that would be proposed to be placed here, they are generally surface improvements to which we do not have any permitting requirements for, so we are relying on the fact that, well, you don't build a tennis court at grade, you level your site and move dirt around in order to have a flat surface to hit a ball equally across --

MR. MACMANN: Well, the reason I bring these up is because we're -- we're gone to O now.

MR. ZENNER: Yeah.

MR. MACMANN: And O has some holes, as we can see it.

MR. ZENNER: So with each subsequent -- with the condition, as it is written right now, is to address the potential omission of necessary stormwater improvements to take care of the land disturbance that has currently occurred. And that would be triggered by whatever the next improvement is that they would like to place on the property regardless if a permit is required or not. Subsequent improvements then would be subject to the land disturbance permitting standards, so if you're disturbing less than a particular amount of square footage, you may not have to have a plan. But as soon as you get to a point where you are, and this goes to your point of incremental improvement, so let's say you want to do four 1,500 square foot improvements which collectively is 6,000 square feet, well, 6,000 square feet all at once automatically triggers a land disturbance --

MR. MACMANN: But 1,500, no.

MR. ZENNER: -- but 1,500, no. The site, as it's designed, as I understand it more globally, was part of more of a regional stormwater master design.

MR. MACMANN: In the original concept, yeah.

MR. ZENNER: And I think what Mr. Crockett may be able to express to the satisfaction of the Commission is we don't have a problem with this condition because we don't believe that we're ever going to have a problem. We put it in here only because we want to monitor and we want to have factual-based to-date built environment data by which we can be satisfied that it has been addressed, but that is, hence, the reason for condition number 3. It will automatically trigger if the development that's proposed exceeds the threshold square footage. So regardless if there is a permit or not, only if this condition is included, because if you build a 3,000 square foot tennis court, we don't

permit that surface improvement. So there's no permit with paving a tennis court. It's the land disturbance which is what triggers the permit, and we want to make sure that there is a condition that requires the permit, and that's why this exists.

MR. MACMANN: And I appreciate that, and I will get to Mr. Crockett here in a minute. Now just because we're going to O now and we're going to start using it, it probably needs to work.

MR. ZENNER: That is exactly what our engineering staff was concerned about as well.

MR. MACMANN: Awesome. You guys are great. Thank you.

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

PUBLIC HEARING OPENED

MS. LOE: Name and address for the record.

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong. I believe that Mr. Kelley did a good comprehensive report on this piece of property. Again, this is the Wellness Center and the amenity lot for the Old Hawthorne development. Really what we're looking at doing is we're -- we're looking for a more streamlined method of moving forward. We see this piece of property developing in small increments over time, and instead of updating a plan and updating a plan and updating a plan each and every time, we believe that the O district was created in the new UDC for a reason, and this is one of those reasons it was created for. If you look at the purpose and the reason, it fits this proposal to a T, and that's why we're asking for it at this location. We have excluded a lot of our more obnoxious uses that don't fit in -- stables, gun clubs, skeet, trap, and target ranges, outdoor stage and concert facilities, like a gentleman spoke on that earlier. Those are items that will be eliminated. They won't be allowed at this location. What we're looking for, we're looking for swimming facilities, we're looking for tennis courts, pickleball courts. We're looking for indoor workout areas, yoga studios, and the like. And so we really believe that this site fits that -- fits that well. It served the purpose of the residents out there well, but as the community continues to grow out there, more and more facilities are going to be needed. And so that's going to be needed over time, and so the idea there is let's streamline that process so that we can do it in the more efficient manner, and that's the reason why we're asking for the O zoning, because I think the UDC allows for that and does a very good job and it's accounted for that. With regard to the stormwater, absolutely. I think Mr. Zenner did a -- said it right. We don't have a problem with it because it's not going to be a problem, and we will present that information to the City staff as needed to illustrate that. I mean, there's been a clear

understanding with the stormwater for the golf course, the clubhouse, and this Wellness Center to do the development of that entire area. So we feel very comfortable with that, we don't have a problem with that. And so we -- we concur with the approved conditions or the proposed conditions as set forth. And so with that, I'm happy to answer any questions.

MS. LOE: Thank you, Mr. Crockett. Any questions for this speaker? Mr. MacMann?

MR. MACMANN: Just one. All my other issues were addressed, and I would like to thank you and your clients for using O, and that kind of breaks the ice because people tend not to want to do things that are new.

MR. CROCKETT: Right. And I appreciate that. Thank you.

MS. LOE: Thank you, Mr. Crockett. Any additional speakers on this case?

MR. GALLOWAY: Ben Galloway, 1304 Stablestone Lane, which is located in Old Hawthorne. We've lived there since 2008, so the last 13 years. It's a great development and -- (inaudible) -- has done a fantastic job of --

MS. LOE: Mr. Galloway, can you speak into the microphone? You can bend it toward you, if that helps.

MR. GALLOWAY: Yeah. We love the area and -- and we're the owner of -- my wife and I are the owner of On the Ninth, which is the property directly north-northwest that borders this property on the northwest. I'm sure these are things that can be worked out with Mr. Crockett and Mr. Sapp, but two concerns I have just for our property is lighting. We have, you know, property that actually backs up or adjoins it, you know, would impact tenants of those property or owners of those properties, and the stormwater issue. I have confidence that they'll address those, too, but just the natural landscape slopes to the -- to the western corner where our properties adjoin, and that will need to be addressed, and I'm sure they'll do that in their future planning of that, but those are the only two concerns I have and, again, I love the neighborhood, I respect Mr. Sapp and Mr. Crockett, worked with them over the years, so I just wanted to express those things and I know we'll do the right thing, so --

MS. LOE: Thank you, Mr. Galloway. Mr. Kelley, will the City's lighting ordinance apply to the O zoning?

MR. KELLEY: I'm not sure for the City's lighting ordinance. I know just what I was relaying earlier about the neighborhood protection standards that would apply to the property adjacent to the northwest, the On the Ninth development, as he is talking about. Any lighting within 50 feet would have to be reduced to -- reduced to 20 feet tall, anything within 50 feet of that property line.

MS. LOE: Thank you. Any additional public comments? Seeing none, we'll close public comments on this case.

PUBLIC HEARING CLOSED

MS. LOE: And Commissioner comments? Mr. MacMann?

MR. MACMANN: If there are no comments or questions, in the matter of Case -- I'm going to do both of these, if that's okay with my fellow Commissioners. In the matter of Case 147-2021, I move to approve the requested rezoning of PD to O.

MS. RUSHING: Second.

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

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

MS. CARROLL: Nine votes to approve; the motion carries.

MS. LOE: Thank you.

MR. MACMANN: Thank you. I've been told by staff that I'm coming off kind of loud on my microphone, and I apologize. This microphone is new to me, so if I'm breaking some eardrums, I do -- I do apologize. In the matter -- before I say this completely, I'm going to list the conditions as Planner Kelley has listed them, so that was my intent, if I stumble across -- over the words. In the matter of Case 148-2021, approval of the Conditional Use Permit, subject to the following conditions:

1. Uses are contained to those proposed by the applicant and shall exclude amusement parks, concert venues, et cetera.
2. Clubhouse facility square footage shall not exceed size of other outdoor recreation uses.
3. Prior to additional site improvements, a comprehensive land disturbance and stormwater management plan shall be submitted for the City's approval.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any discussion on this motion?

MR. ZENNER: Ms. Loe?

MS. LOE: Mr. Zenner?

MR. ZENNER: If I may, just to amend Mr. MacMann's motion, or to offer added clarification, condition number 1 should reference the attachment, which was Exhibit A, if I am not incorrect.

MR. MACMANN: So amended.

MR. ZENNER: And then item number 3 -- condition number 3 should also reference prior to any additional site improvements requiring or not requiring a building permit shall be accompanied by a comprehensive land disturbance and stormwater management plan.

MR. MACMANN: So accepted if that's fine with Ms. Rushing.

MS. RUSHING: I'm good.

MR. ZENNER: Thank you.

MR. MACMANN: Thank you.

MS. RUSHING: If that was in the report.

MR. MACMANN: I neglected to drop back. Thank you.

MS. LOE: Any comments on the amended motion on the floor? Seeing none. Ms. Carroll, may we have roll call, please.

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

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

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

Motion Case #147-2021 - Move to approve the requested rezoning of PD to O. VOTING YES: Ms. Geuea Jones, Ms. Rushing, Ms. Kimball, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. Stanton, Mr. MacMann. VOTING NO: None. Motion carries 9-0.

Motion Case #148-2021 - approval of the Conditional Use Permit, subject to the following conditions:

- 1. Uses are contained to those shown within Exhibit A proposed by the applicant**
- 2. Clubhouse facility square footage shall not exceed size of other outdoor recreation uses.**
- 3. Prior to additional site improvements, requiring or not requiring a building permit, shall be accompanied by a comprehensive land disturbance and stormwater management plan for the City's approval.**

VOTING YES: Ms. Geuea Jones, Ms. Rushing, Ms. Kimball, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. Stanton, Mr. MacMann. VOTING NO: None. Motion carries 9-0.

Case # 140-2021

A request by A Civil Group (agent), on behalf of Boone Development, Inc. (owner), for a major revision to the Arbor Falls PD (Planned Development) to be known as "Arbor Falls PD No. 4". The new PD Plan includes a revised site layout, and a revised statement of intent (SOI) reflecting a change in use from multi-family units to one-family detached dwelling units, as well as revised design parameters. The proposed PD also revises the on-site amenities previously approved under the Arbor Falls PD including, but not limited to, removing the previously shown clubhouse and pool, and providing detached garage units for residents of the proposed development. The property is zoned PD (Planned Development) and is generally located north of Highway WW and south of Pergola Drive addressed as 5730 Pergola Drive.

MS. LOE: May we have a staff report, please.

Staff report was given by Ms. Rachel Smith of the Planning and Development Department. Staff recommends approval of the requested major PD amendment to be known as "Arbor Falls PD No. 4".

MS. LOE: Thank you, Ms. Smith. Before we move to questions, I will ask if any Commissioners have had any ex parte related to this case to please disclose that now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for Ms. Smith? I see none. As Ms. Smith indicated, this was publicly advertised, so we will open up the floor to public comment.

PUBLIC HEARING OPENED

MR. GEBHARDT: Good evening. My name is Jay Gebhardt; I'm a civil engineer at A Civil Group, 3401 Broadway Business Park Court. I'm here tonight representing Boone Development as the owner of this property. I just want to say up front that we don't necessarily have a problem with the request to table. We wanted to give the public a chance to speak tonight, but we also or at least I personally want to talk about it, because in my mind, my 30 years' experience of working in Columbia, private streets have never had a standard. They've always been on a case-by-case basis. And so, you know, asking for a design adjustment for the block length raises a lot of questions on the use of a private street. And in my mind, does the purpose of PD so that you guys can evaluate the layout and make that decision on the -- on the layout based on its merits. We don't believe a cross street connecting this, so we would have a 600-foot maximum length, would actually accomplish much, if anything, on this. And so if we come forward with a design adjustment, it will more than likely be a design adjustment not to have it and it'll be the exact same plan that you see before you. So having said that, I'd like to answer any questions you have. You may have questions about other elements of the

plan, and I'd like to be able to answer those questions and then we can request a table.

MS. LOE: Thank you, Mr. Gebhardt. Are there any questions for this speaker? Ms. Geuea Jones?

MS. GEUEA JONES: Just a curiosity. The original PD was passed in 2006. When was the latest construction on the -- on the original PD plan? It looks like maybe you did it in three phases. I'm just wondering when the most recent construction was.

MR. GEBHARDT: The villas that Rachel talked about were not part of the original plan, and they were the latest of things that were built. The stuff north of Pergola is still being built on today. There are still vacant lots in there that are being built on. So it's kind of a work in progress.

MS. GEUEA JONES: I see. So it's -- you've had the PD plan in place since 2006, and no portion of it is completed and fully occupied?

MR. GEBHARDT: No. All -- all but this portion is fully completed and occupied.

MS. GEUEA JONES: Right. But you said that the upper portion is still under construction and has empty lots?

MR. GEBHARDT: There's still vacant -- I think there's two vacant lots left up there that need to be built on. That's what I meant by that. The homes haven't been built yet, but the streets, infrastructure, everything is in place.

MS. GEUEA JONES: And the villas were built how long ago?

MR. GEBHARDT: Do you remember when that was?

MS. SMITH: They're pretty new, yeah.

MS. GEUEA JONES: Okay.

MS. SMITH: And all by --

MR. GEBHARDT: I would say 2012 or 2014. Tim -- Tim may remember.

MS. GEUEA JONES: I'm just asking because I'm starting to see a lot of PD plans that have been sitting around for more than decade with little to nothing being done on them. It sounds like this is not that case. It sounds like it's been coming in stages, so I just wanted to clarify that.

MR. GEBHARDT: Yes.

MS. GEUEA JONES: Thank you.

MR. GEBHARDT: That's exactly right.

MS. LOE: Mr. MacMann?

MR. MACMANN: I'm good for the moment. Thank you.

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

MR. GEBHARDT: Do I need to make a formal request to table or --

MR. ZENNER: If we can -- if we can, I think what would be beneficial would be to allow for additional comments of the public, if there are any, and then additional comments of the Commission as it relates to this plan, and the issues that have been described by Ms. Smith at this point as it relates to the design adjustment so we can capture those for the record. And before we close the public hearing based on that commentary, I think we need to invite Mr. Gebhardt back up to request the tabling.

MR. GEBHARDT: Thank you.

MS. LOE: You're going to have to sit down and come back up, it sounds like. All right. Any additional public comment? Seeing none. We'll close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission comment. Just one -- one second. Let's see if there's any discussion on this. Mr. MacMann?

MR. MACMANN: I'd like to reopen the hearing to have Mr. Gebhardt come back up so I can ask him if he wants to table.

MS. LOE: Let's see if there's any other comments. Seeing none. Okay.

MR. MACMANN: Madam Chair, could we have Mr. Gebhardt come back up -- oh. Can we reopen the public hearing to have Mr. Gebhardt come back up?

MS. LOE: Oh. So we're going to reopen public comment.

MR. MACMANN: We're going to have to have him come back up.

MS. LOE: Okay. Reopening public comment. Sorry.

PUBLIC HEARING REOPENED

MR. GEBHARDT: Do I need to state my name and --

MS. LOE: Yes, you do.

MR. GEBHARDT: Yes. It's Jay Gebhardt, a civil engineer for A Civil Group, 3401 Broadway Business Park Court. Before I request to table this, I would like to get some feedback from you all on what your feelings are of this requirement of the 600-foot block and how it applies to this property, and then that will help me craft a design adjustment that makes sense instead of coming back in a month and then find out that -- what the problems are. So that would be beneficial, but having said that, I'll request that this matter be tabled to the July 8th meeting. Any input you guys could have would be welcome. Thank you.

MS. LOE: All right. Well, why don't you see if you get any input. Ms. Burns?

MS. BURNS: I appreciate your willingness to table this and I think I'd like to have staff review it and you review it as you come up with options, and that the public can also review that. I'd feel more confident in making a recommendation with more information and things done the way they should be.

MR. GEBHARDT: We want to do the right thing, too.

MS. BURNS: Right.

MR. GEBHARDT: And it's just -- it's just never been applied in this way to private streets before.

MS. LOE: Mr. MacMann?

MR. MACMANN: Mr. Gebhardt, I do have a thought. As time goes by, we've -- some of us have been in this town for a long time -- these private streets have a way of either disappearing or becoming the responsibility of the City. So I think that reflects some of -- that addresses some of your concern a bit. That's all. I have no other -- I'm with Commissioner Burns on this, also. I'd like to ponder that. Our Chair caught this. Do you -- your thoughts on this?

MS. LOE: Well, it was in part because we were looking at it on the other case, and I guess consistency is something I feel strongly about, so I did raise the question. That said, I caught it because it did look like when -- because we were looking at it, it does look like a longer street for a residential development. And when we start considering issues of walkability, whether it be for families or for seniors, and I imagine walking this loop, having some options does seem attractive. And then when I went back to look at the original plan, it was so much more porous. I mean, what -- with the walks that -- and roads that led everywhere, and it struck me as almost diametrically opposed. So I have to admit, I wouldn't mind seeing an option for how this couldn't achieve a bit more opportunity for that.

MR. GEBHARDT: So your main concern is pedestrian circulation, not vehicular?

MS. LOE: In part, yeah. Neighborhood.

MR. GEBHARDT: That's helpful.

MS. LOE: Okay. Any additional comments? Ms. Geuea Jones?

MS. GEUEA JONES: You know, I -- I think you made a good point that this is a PD plan, unlike the previous conversation we had tonight where it was R-1 straight zoning. And because of that, you can be more creative. And I would echo the chairperson's comments that this is about pedestrians, and especially since Old Hawthorne and Arbor Falls tend to be sort of not retired, but older, more established populations, perhaps something where you've got a trail system rather than streets might be an interesting way to try to solve some of that. I also wonder -- I mean, I'm not good at figuring out the scale on here, but it seems like if it were not a loop, you're getting close to 600. Right? So there might be a better way to lay out that street or something. But I -- I think creative solutions are probably what's called for if you want to keep the patio home design and perhaps a trail system or something.

MR. GEBHARDT: Yeah. I -- I hear what you're saying. Putting two cul-de-sacs in seems counterproductive --

MS. GEUEA JONES: Well, I'm not talking about cul-de-sacs. I'm saying, like, that -
- you know.

MR. GEBHARDT: I mean, I could meet the requirement doing that.

MS. GEUEA JONES: Yeah. Yeah. Yeah.

MR. GEBHARDT: But this seems like a better plan than that, and so --

MS. LOE: Mr. MacMann?

MR. MACMANN: I have noticed something. Mr. Gebhardt, have you been to The Villages in Florida?

MR. GEBHARDT: Florida? No.

MR. MACMANN: Oh, okay.

MR. GEBHARDT: I've heard about it, but I've never --

MR. MACMANN: It's -- it's about the same size as Columbia, except the demographic -- I think the average age is, like, 72. It's chocked full of these and all kinds of little -- and one thing I noticed tonight when you all brought this up, it's -- while it's certainly amenable to golf carts, it's not very amenable to walking. They have these, you know, 60 to 80 to 100 of these tucked in, like, everywhere, and they have -- it's interesting. But they -- they don't have -- they have too many sidewalks, how about that? They don't overdo it with sidewalks and it's not very walkable, and people looked at me like I was an alien when I was there visiting my biological father before he passed away, and my sister and I walked around the neighborhood and people were like, number one, we were way too young, and, number two, we were walking. Maybe that's -- that's -- but we ramble. We're taking up your time. I hope you've got some -- some kind of input from us.

MR. GEBHARDT: I did. And does anyone else have anything they would like to add?

MS. LOE: Ms. Placier? I'm sorry.

MS. PLACIER: That's okay.

MS. LOE: I'm horrible with names. Placier.

MS. PLACIER: Yeah. Just for clarification, there -- there is nothing in the Code about private streets and street block lengths?

MS. SMITH: There's no exception or differentiation.

MS. PLACIER: Oh, okay.

MS. SMITH: There are street standards for various street classifications, but there is not a defined classification for a private street. I would also like to note, though, that

there are sidewalks being proposed in this PD plan on both sides of the private street, which would not be -- necessarily be required, but is a pedestrian amenity, and so it has been amenitized in that way.

MS. LOE: Any additional comments or questions for this speaker? I see none.

Thank you, Mr. Gebhardt.

MR. GEBHARDT: All right. See you on July 8th.

MS. LOE: Oh, actually, so we need to make a motion. Mr. MacMann?

MR. MACMANN: If Mr. Gebhardt is done, if -- Madam Chair, could you close the public hearing, please?

MS. LOE: I will close public --

PUBLIC HEARING CLOSED.

MR. MACMANN: Point of order.

MS. LOE: Oh. This -- this feels like Groundhog Day.

MR. MACMANN: Madam Chair, I'd like to make a motion.

MS. LOE: Yes, please.

MR. MACMANN: Thank you. In the matter of Case 140-2021, I move to table to date certain 8 July, 2021. Yeah. Yeah.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. We have a motion on the floor. Any discussion on this motion? I see none. Ms. Carroll, may we have roll call, please.

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

MS. LOE: Motion for tabling is approved.

Move to table to date certain 8 July, 2021

Yes: 9 - Burns, Loe, Rushing, Stanton, MacMann, Carroll, Geuea Jones, Kimbell and Placier

Case # 162-2021

A request by Crockett Engineering Consultants (agent), on behalf of P1316 LLC (owners), for approval of a rezoning of 1.64 acres of M-C (Mixed Use-Corridor) zoned property to PD (Planned Development), a 4-lot, 10.66-acre PD development plan for hotel, office and retail development on PD (Planned Development) zoned property to be known as *Discovery Center*, an accompanying statement of intent, and a design exception for parking lot landscaping. The request also includes the abrogation of an existing PD plan known as *Aria Boulevard Phase 2*, which currently conflicts with the location of the proposed PD plan. The property is located on the northeast corner of Nocona Parkway and Endeavor Avenue.

MS. LOE: 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 rezoning of property from M-C to PD, the Discovery Center PD plan, the associated Statement of Intent, and the PD plan abrogation.

MS. LOE: Thank you, Mr. Smith.

MR. ZENNER: And think what we -- Clint didn't touch on the fact -- he did in his comments -- that the recommendation would also need to include what we are referring to as the abrogation of Aria 2. It will be covered more eloquently probably in the Council ordinance that they will be rescinding the ordinance number that approved Aria 2, not abrogating. Abrogating is a term generally used with the recording of a subdivision plat taking it out of the public record. That's typically how I understand abrogation. Since the project has not been constructed and it did not require to be recorded, we are -- we are capable of having Council rescind the ordinance that granted it approval, and that is really more of an internal issue for the City to ensure that a portion of the previously approved development plan isn't left hanging out there being able to be built without all of that development plan being built because it's all interrelated with open space and -- and the other design features. As a procedural note for you, this is an odd -- the course of events on this is slightly disjointed, given that you had a revised plan submitted, and I would like to point out to you that the issue of the parking deficiency in meeting the landscaping standards was something that applicant and staff have been working on from the very beginning of this development review. And as we got to the final production deadlines associates with the -- the publication of the staffing report, there were still negotiations going back and forth between our City staff and the applicant and the applicant's client or the applicant and the design professional in trying to resolve this matter. So the plan that was submitted to you on Tuesday of this week represents that negotiated solution.

Typically, we would not pursue presenting something to you, but we were asked to keep this on a particular schedule in order to accommodate the applicant and contractual issues that they have associated with the development of this site. Hence, the need to provide you the updated staff report and provide you the clarifications associated with that this evening. Mr. Crockett is here representing the applicant, can provide probably some more details associated with the creative use of this common area that is within the parking field, which, as Mr. Smith pointed out, we do believe offsets the increase of the roughly 90 or so parking spaces that are being provided. So with that, it's just the added additional context. This is not a -- we are not attempting to do any type of bait and switch here. This was a very complicated project, given all of the moving parts associated with it, and it just happened to come together a day and a half after we sent the packet out.

MR. SMITH: And just a final point of clarification. So the original design exception was to 29-4.4(f)(1), so this new plan would technically be an exception to 29-4.3(e)(3) -- (e)(2), excuse me. So just so it's on the record, and there would be some additional technical corrections that need to be made. I don't think that specific exception was on the plan, so we'll need to get that added before it goes to Council.

MR. ZENNER: And I'm sorry. I mean, this is just like an Abbot and Costello skit here tonight. The other aspect associated with this, and this may be a question that Ms. Loe will pick up on because she is the legal eagle of our Code to where staff can't or forgets to evaluate things. In the parking -- in the parking maximum section, exceeding 200 percent required parking generally would be considered a Board of Adjustment variance. That is what is clearly stated within the UDC as it relates to this. This is a planned development, and in light of the fact that it is a planned development, I was asked the question and consulted with Director Teddy, could this be handled as part of an exception procedure within the PD context. The conclusion was that the public vetting of the waiver or the exception, if it was considered that, is equivalent because it comes through both the Planning Commission at a public hearing and through the City Council at a public hearing as it would be if it were only to be submitted to the Board of Adjustment in their -- as described within the UDC. So we are confident that the intent of the review is being handled -- probably being handled in a more transparent way through our process as part of the PD, and do not see it as an issue that this item is not presented to the Board of Adjustment to exceed the 200 percent. Ultimately, the site plan's approval is left to City Council, so if City Council doesn't like the exception to go over 200 percent, the City Council has the purview at that point to deny it, and it is denied then in the context of the whole development plan, not just one element of it, which would

be all that the Board would be able to be addressing, and that would only be to the parking -- to the overage of the parking. So we believe that this process and having the -- having the parking overage of 200 percent dealt with within this actual venue is appropriate, and we would approach this in any similar situation moving forward as well where we were over 200 percent in a PD, and it would only apply to PD development. This will be another one of those text amendments that we add to the Code to provide the additional clarity that we have identified as being permissible. With that, now I am done.

MS. LOE: Thank you Mr. Smith and Mr. Zenner. Before we move on to staff comments, are there any Commissioners that would like to recuse themselves? Mr. Stanton?

MR. STANTON: Yeah. I'm involved with the Discovery Ridge, a lot of projects out there, so I'll just -- (inaudible).

MS. LOE: Thank you, Mr. Stanton. Anybody else? I see none. I'd like to ask any Commissioner who has had any ex parte related to this case to please share that with the Commission so we all have the benefit of the same information on the case in front of us. Seeing none. Any questions for staff? Ms. Geuea Jones?

MS. GEUEA JONES: I just want to be very clear that what I think is happening here is happening and make sure that I'm understanding the math correctly. They were over 150, you said you have to do landscaping. They said we don't think we want to do that, and then Tuesday of this week, deleted the four-story hotel, but added, actually, a few more parking spaces. And instead of a four-story hotel in the exact same spot, we now have green space, but we -- so I guess my question is, if the 690 parking spaces are what is on the plan that we got Tuesday, is -- what percentage is that given that we're now at three buildings instead of having a four-story hotel, because it seems to me that if you get rid of the four-story hotel, we're way over 200 percent for the three office buildings or the two retail and an office.

MR. SMITH: Yes. I think we're -- I think we calculated they're at 233 percent, because 600 -- 600 is 200 percent, so 690 is -- yes. It's 233 percent of the maximum.

MR. ZENNER: So let me back up for a minute. I think what Ms. Geuea's concern is is you're looking globally at all three lots and all three uses. The site is -- the site as a whole, the parking is calculated on each individual lot based on each individual use, so 90,000 square feet maxes out at 200 percent at 600. They're at 690. Each of the other two sites is over parked, but they are over parked under 150 percent, and they are allowed to do that by Code by the way that our parking requirements are structured. The only area that is required to have the additional landscaping is that lot that includes over 150 percent, and that originally was Lot 3, which Lot 3 now has been expanded. It's not

based upon the lot area; it's based upon the parking that's provide. And while, yes, they have added parking, so you are correct, they have added more what would be perceived at least on the eastern side of this property is a more efficient parking aisle layout because they now have parking on both sides of the aisle, and they have -- in essence, where the building footprint of the hotel was, that has been converted now entirely to usable green space that can be used by all users of the collective three lots, which, in our mind, is a benefit and resulted in 4 percent more landscaping being provided on Lot 3 than was required by having over 200.

MS. GEUEA JONES: Correct, but -- but they haven't decreased the amount of concrete, other than the fact that the hotel is not -- like, they haven't decreased the parking sea.

MR. SMITH: No. No, they have not.

MR. ZENNER: They have not. They have actually done nothing to reduce that.

MS. GEUEA JONES: Okay.

MR. ZENNER: They've -- they've actually minimally increased it due to adding the parking on what would be the former east side of the hotel, adding that parking. Other than that, we've actually, because of the footprint of the hotel being eliminated and the parking associated with the hotel that would have otherwise been associated with it, which is to somewhat have been maybe absorbed by the expansion of Lot 3 and its additional 90 spaces, we do gain the necessary required open space for being over 150 percent. I think the one observation we will also make is that the Code does not make a differentiation between open space based upon the number -- the spaces that are being exceeding, the percentage of exceeding parking. If you were at 150 parking spaces right at -- or 150 percent, you would have no additional landscaping standard. As soon as you hit the 151st parking space, you automatically jump 10 percent. So -- and then once you reach 200 percent, there is no additional added open space within the Code. That's something that we may need to come back and think about, so you don't potentially result in what has appearance of a sea of asphalt. And I -- I would suggest also, because there are a variety of other landscaping requirements internal to this parking lot, this plan doesn't adequately depict how green it actually will be, and I think Mr. Crockett may have plans or architectural -- or a rendering that may show that. We do not have the trees plan at this point associated with the interior landscaping, because we do have a significant amount of trees internal to the parking field that are required.

MS. GEUEA JONES: I assume it will look like everything else out at Discovery Ridge.

MR. ZENNER: I would suggest it may have far more landscaping given the perimeter

plus the interior.

MS. GEUEA JONES: And I'm sorry. Just to -- because we're late, I don't mean to be rude. And this is undoing something that we just passed in January?

MR. ZENNER: No.

MS. GEUEA JONES: It's replacing the thing we passed in January?

MR. ZENNER: It's not undoing anything. It is following the rules as they are currently adopted. But we would be --

MS. GEUEA JONES: Correct. But we passed a PD plan in January.

MR. SMITH: Yes. Yes. That one would go away.

MR. ZENNER: Oh. Oh. Okay.

MS. GEUEA JONES: Yes.

MR. ZENNER: But was highly objectionable because it was too blocky looking.

MS. GEUEA JONES: Yeah. Well, it -- it was sort of the same thing. We've got tons and tons of development and not a lot of anything else, but thank you very much. I just wanted to make sure I understood the chain of events and I -- I -- it's not usual that we would have a completely -- like, we would have this kind of a major revision?

MR. ZENNER: No, it is not. And I would suggest to you that it was not just done Tuesday. The -- the path that this followed, again, the discussion occurred on -- the discussion internally occurred on Friday. The actual communication to the applicant, based on the concerns and how we were willing to potentially approach this, occurred all on Monday. If we had been backing that up a day or two, it very well may have been that we would have had this with our packet release on Friday and you would have had it. It just -- it was a matter of just getting all of the -- all of the checks and the balances internally through the process, so it is not common that we do do this, and what I would tell you is is we actually don't like doing this because it is -- it creates a series of confusion for everyone.

MS. LOE: Mr. MacMann, then Ms. Burns.

MR. MACMANN: Sorry. I'm blowing people up here. I'm just going to get Mr. Crockett now. The rescinded -- the rescinded PD plan, we're rescinding an entire PD plan or part of another PD plan?

MR. SMITH: The -- the way we're moving forward with it is we're rescinding the entire PD plan.

MR. ZENNER: The ordinance will be rescinded.

MR. SMITH: Yeah. They -- they could seek to amend the PD plan, but that's not been discussed at this point, so it is complete.

MR. MACMANN: Going forward, you mentioned when we went over 150 on the

parking, we made, and I believe it was four, and you guys can back me up. Mr. Linder (ph.) had great concerns because he wanted a lot of parking and that higher end was written specifically for him and his particular needs -- and not that his needs aren't valid. Might I suggest that in the future, sometimes when we accommodate individuals, we maybe don't have the best global perspective. Just -- I'm -- I'm just going to set that right there. I'm just going to set that right there. Thank you, Mr. Zenner.

MS. LOE: Ms. Burns.

MS. BURNS: This kind of looks like a satellite parking lot to me. I wondered if there were any discussions about that. I know with the airport improvements and with the entertainment venue that's proposed somewhere between Ashland and the airport, were those -- was there any mention of a possible satellite parking lot. I just can't figure out why you need so many parking spaces.

MR. SMITH: No. That -- that particular option wasn't discussed. The question of why so much parking was -- was needed was -- was asked, and their response was that, you know, the -- the particular user there was seeking a higher number of parking spaces.

MS. BURNS: They're getting it.

MS. LOE: Any additional questions for staff?

MS. KIMBELL: Why the additional parking? Can you help me understand that, just for knowledge purposes?

MR. SMITH: I think I would probably direct that towards the applicant. He would probably be the best one to answer the why.

MS. LOE: Mr. Smith, I'm seeing in the UDC where it says the maximum amount of parking allowed for all other permitted uses is 200 percent of the minimum amount required by Table 4-3.1. Again, can you walk me through what the steps are to exceed that?

MR. SMITH: To exceed 150 percent?

MS. LOE: Two hundred percent.

MR. SMITH: Two hundred percent. Well, normally, it would be a variance. It is not permitted to exceed 200 percent, so that is why it is being considered a design exception with the PD plan. There is no particular parameters or guidelines on how to exceed 200 percent. It's like any other restriction within the Code.

MS. LOE: That's why it would go to the Board of Adjustment?

MR. SMITH: Typically, yes.

MS. LOE: All right.

MS. THOMPSON: And, Pat, if I could just jump in and point out a couple of things in

the Code that talk to this. First is 29-2.2(4), Roman at 4, that talks about PD application that include variations in any development or form standard in Chapter 29, Article 4, that would otherwise be applicable in a PD district. And then the Code actually also speaks to deviations from the parking in a PD plan specifically, and states that the off-street parking requirements of the section shall serve as a standard from which to request different parking requirements for a proposed use in a PD plan. So there's two different sections there that I think allow this -- this Commission to deviate from those standards.

MS. LOE: Because of the PD -- if we approve going to PD --

MS. THOMPSON: Correct.

MS. LOE: Got it. Part of it's PD.

MR. ZENNER: Commercial parking is allowed in the M-C zoning district; and therefore, there would not be any primary use required. It is better to -- it is better to include the proposed M-C area into the PD in order to be able to condition its improvement in a collective sense than it would be to just allow it to be freestanding as an M-C. And since we eliminated the restriction of being able to -- and we don't have a property line here, you have a zoning line, I -- I -- you know, I think the upside to the PD is is you can extract out other objectives than you would be if you had it in straight M-C zoning, which you cannot condition.

MS. LOE: Do we have any idea what this green space, how it is landscaped?

MR. ZENNER: I believe Mr. Crockett has that information.

MS. LOE: All right. Mr. MacMann?

MR. MACMANN: I have quite questions and that's good with so many changes later. I'm sorry. I would submit that -- because I think Mr. Crockett is the only one here. We have -- let Mr. Crockett do his presentation, and then we'll have a chance to discuss this again amongst ourselves so we might be better informed?

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

PUBLIC HEARING OPENED

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering Consultants, 1000 West Nifong. Okay. Thank you. Maybe I can shed some light on some of the -- some of the questions that have been answered -- have been asked here tonight. Again, we're looking at 10.66-acre piece of property that's currently zoned PD and M-C. We're requesting that M-C portion to go from M-C to PD to match the existing PD designation. We're not doing that to get around the parking regulations by any means because a commercial parking lot is by right in that M-C district. And, actually, if we left it M-C, it would probably be better for the applicant

because we could leave it M-C, call it a commercial parking lot, and then get what we needed, and then have a lesser percentage and not have to go through this situation on Lot 3. However, given the fact that it's customary that we don't have a split zoned piece of property, that's why we're asking for the rezoning of the piece of property. Let me back up just one moment, just real quick. I appreciate Pat's comments with regards to how this came about and why we're making the change, and certainly no disrespect for this Commission on these late changes, and I apologize for that. Certainly, we don't like making those changes. I know the Planning Department doesn't like that, either, but Pat and I have had some discussions on what the best route moving forward is on this, and this was the route that we -- that we chose. And so, again, no disrespect, and I appreciate Mr. -- Mr. Zenner's comments with that regard. We are proposing three -- three buildings, commercial office buildings. Total square footage are 90,000 square foot office, a 15,000 square foot retail, and a 10,000 square foot retail restaurant use, and then the large office -- the large green space. I want to talk about some points of interest. The rezoning, the PD plan, the abrogation of the existing PD plan, the parking, and the green space. I think those are the top items of interest that you guys are concerned about. Again, we're going to be requesting about 1.64. There is the blue shaded section is the section that we would like to rezone from M-C to PD; that is original M-C when the Phillips tract, Phillips Lake Farm or whatever it was originally called was rezoned many years ago, I believe that is the original zoning from -- from that original request. And so we're asking for that blue section to come into the PD section with the exact same statement of intent that's previously been approved. You've seen that layout. You've seen this before. That is our PD plan, and we are asking for abrogation. We're asking for the elimination, the abrogation, the -- however you want to call it. They were going to eliminate Aria Boulevard Phase 2. That removes four four-story residential buildings from the development. That's what we're asking to remove is roughly 192 residential units or 240 bedrooms from the Aria -- from the development out there and replace it with what we're -- before each night. There's this schematic that shows that. The parking is basically for a three-story office building. It is a large local office employer. That's -- that is what I am being -- that's what I am being told. We're not -- not at liberty to say who the tenant is. It is purpose built for a local tenant, and it is a high-capacity situation. And so they have certain criterion that they must meet. My -- my client, the applicant, has certain criteria that he has to meet in order to meet the needs and demands of that tenant. And so we do anticipate a full building of active employees. And so they are ones who are dictating how many parking spaces that they need, and we anticipate that that's certainly something that they will certainly use. And, of course, what we've done,

we've added the additional green space as the parking demand has increased. Here's a quick architectural rendering of the 90,000 square foot building, the three-story structure. I can go into that in detail if you would like. The City minimum requirement for landscaping is 15 percent, so that's the base over the entire piece of property. Our total in the PD is about 22.6 percent, so we exceed the City minimum over the entire parcel. The internal landscaping on Lot 3 is approximately 24 percent, and it is -- it is required that the internal landscaping to be 20 percent. Now that -- when I say internal, that means internal to the parking lot itself. The street trees and the screening, all of that is extra. All of that is on top of that 20 percent. That 20 percent, in this case, the 24 percent is all internal to the parking lot. There is additional landscaping and additional green space that's included in there as well, but that's not part of that 24 percent. The internal is very clear that that internal has to be interior to the parking itself. Here is just a real quick rendering of kind of what we show. Now I don't -- when you look at the large green space to the far right, you look at that and say that's nice, and then you look at all these other islands out there and they look pretty substandard, they don't look like much. But if you look at the parking regulations and the parking requirements, when we have an area of 100 spaces, they must be separated by adequate green space. So ever section of 100 spaces must be separated by a minimum of a ten-foot landscaped strip with trees planted every 40 feet. They must have the stormwater go into those locations, and so there's a lot of landscaping that goes into effect. Now when we talk about tree count out here, we have to have a tree every 40 feet in all of those landscaped locations. We have to have a tree for every 4,000-square foot of pavement. We have to have a tree for any pavement that's within 25 foot of the property line and we have to screen. Those -- that landscaping has to include trees, and then we have to have street trees on top of that. And, of course, we have -- we have streets on three sides. And so there's a tremendous amount of trees on this piece of property. So when you look at this, I think you can -- it's real easy to look at it, and say, well, those little islands, they don't account for much. Well, those -- those islands are substantial not only in size, but in area as well, as well as landscape material. The landscape buffer itself -- excuse me. The large landscape area is -- is being designed to be a usable area. The tenant wants their outdoor space. They utilize outdoor spaces, and so we envision this being a place that gets developed with seating areas, lunch areas, benches, that type of stuff. We fully anticipate that that area will certainly be utilized for the tenant. And so here's the interior landscape area that we're calculating is 24 percent, so you can see the wide areas that came out. So in conclusion, you know, the rezoning is consistent with the existing zonings, the SOIs in the original development agreement for this area. The PD plan, the proposal meets the

requirements of the UDC. The plan provides for commercial and office uses in this area. I know that's been a concern of this Commission before in the past of all residential uses and not many office or commercial uses. Well, we're kind of changing that a little bit. And then we're also using adequate additional landscaping where needed. And I'm sure you have questions, and I'm happy to answer any questions that I can.

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

MS. PLACIER: Yes. I wondered about the -- the strip over to the right on the plan. What was the thinking about locating that substantial green space all the way over there if the client in the big building -- that they will use it.

MR. CROCKETT: Well, that -- that -- yeah. Absolutely. That's a great question. Mr. Zenner and I had that very same conversation. Where do we locate that and, more so, do we -- do we leave one large space, or do we distribute it out amongst the various islands? Do we leave at the far location? Two items that we came together, kind of talked about, and determined that that may be the best location. First of all, if we place it there, it's more suited to be used for other developers as the development goes further to the north or to the right of the page. And, secondly, it -- if we need this much parking spaces for the 90,000 square foot building, then what that also allows for, that minimizes the amount of people that may cross over there in the evening hours, in the wintertime when -- when they don't have sunlight necessarily, you may not have to cross through there. So it's somewhat of a safety issue. And so the idea there was is, you know, maybe we put it here, because we talked about moving it in a couple -- several different locations, and what is the best location, and we kind of thought, you know, collectively, that we thought that might be the best location. It could be utilized by more than just the 90,000 square foot, it could be used by other tenants on other portions of the development, as well.

MS. LOE: Ms. Placier, did you have any additional questions?

MS. PLACIER: No. That was my primary question. It wasn't making sense to me, but I thought maybe it was just because it's so late.

MS. LOE: That's probably part of it. Mr. MacMann, did you have any -- no. Ms. Geuea Jones?

MS. GEUEA JONES: So I understand you have a very specific client that you can't disclose to us.

MR. CROCKETT: Yes, ma'am.

MS. GEUEA JONES: This is a ton of parking and not just a ton of parking, but the

original plan was already a lot of parking.

MR. CROCKETT: Correct.

MS. GEUEA JONES: And then you got rid of the four-story hotel.

MR. CROCKETT: You are correct. I understand where you're coming from.

MS. GEUEA JONES: You see what I'm saying?

MR. CROCKETT: Absolutely.

MS. GEUEA JONES: So, like, what I'm trying to figure out is, especially since this is not on island somewhere where there aren't other parking lots, I am concerned -- I mean, this lot is still 80 percent impervious surface. It's a giant sea of parking is what it looks like to me, and I -- I respect that you're trying to mitigate that. I just don't think you can when the numbers are this high. So what I'm trying to figure out is, you've got what sounds like a good tenant. You've got other tenants throughout the Discovery Ridge whatever area -- whatever fancy name we've given it. I guess my question is, is there not a way to have partnerships with those other lots to take care of some this as opposed to shoving it all in one area, because, I mean, this is right across from the retaining pond. Right? Or am I misremembering the locator map? I thought it was close to where the pond is. Can you -- somebody show me?

MR. CROCKETT: I don't --

MR. ZENNER: We have the overall aerial here.

MS. GEUEA JONES: But, I mean, the site as a whole has always had water issues, which is why that big pond is there.

MR. CROCKETT: Sure. Right.

MS. GEUEA JONES: It's already got so many parking spaces throughout the whole seven square miles of whatever is out there. I guess I'm just looking for something more than trust us, we have a tenant who says they want it as a rationale.

MR. CROCKETT: I understand. Right. I understand that. The other spaces, I'm not sure, you know. Varying uses, conflicting time of day, I mean, you know, that type of situation. And so, you know, need them -- the spaces need to be relatively close. I mean, they don't have to be -- don't have to be right on the property necessarily, but they need to be relatively nearby. The other office spaces are at the other end of the development, which is a substantial distance away. And so, you know, I don't think those are a viable option. And that brings me to a question, not to ignore your question there, but with regards to Ms. Burns a remote parking, a satellite parking, I mean, commercial parking in this PD is restricted, so we can't have commercial -- a commercial parking lot, so it's not a remote parking situation. But Ms. Geuea Jones, your -- I believe if you have that, maybe --

MR. ZENNER: If you -- Dalton, can you please go back to the staff computer?

MR. CROCKETT: Do I have it -- have one somewhere maybe there.

MS. GEUEA JONES: Yeah. Yeah. That's -- yeah.

MR. CROCKETT: Yeah. Yeah.

MS. GEUEA JONES: So we're -- oh, we're not. I was thinking --

MR. CROCKETT: And so -- so when you start looking -- yeah. So when you -- when you look at the other office complexes, it's -- it's much further to the north and around quite -- it's quite the distance away.

MS. GEUEA JONES: Are the ones across the street there the ones that are mixed use, first-floor retail?

MR. CROCKETT: Yes. Yeah. Those are -- yeah.

MS. GEUEA JONES: Yeah. So you do have retail spots directly across the street.

MR. CROCKETT: Right. But I think they're somewhat limited on the amount -- total amount of parking spaces, and then they're -- those spaces are -- have a tendency are behind those buildings and not in front. And so access to them is very limited, as well as being used for both residential and mixed use on the first floor, and the numbers aren't there, so -- yeah. But your -- your comments with regard to the parking are very much understood.

MS. GEUEA JONES: I get that, but can you tell us anything more that will make me feel like I can justify, because I want --

MR. CROCKETT: Okay. Well, let's go to the parking regulations. Let's talk about how -- you know, where is the base number. The base number is one space for 300 square feet. Okay? So that means in an office setting, one space for every 10 by 30. And I don't know what our office environments are in your office, but my office is nowhere near that large, you know. It's very small, and we have a lot of cubicles, we have a lot of, you know, smaller spaces for our employees. And so, really, that number isn't even adequate for an engineer's office. For a tenant that has a high capacity, there's a lot -- there's a need for a lot more spaces than that. When you think about that, one space for 30 square feet -- or 300 -- one space for 300. I mean, that's -- that's a large area when we're talking about a high-capacity office. There's just a -- that's a lot of area per person. And so that's the reason why. When you start looking at putting individuals in smaller spaces, then we end up with the need for that. And so it all goes down to that base number. That base number of one per 300, and then work off a multiplier off of that, that's what gets us as opposed to looking at it as a need-based situation. How many parking spaces do you need? And then back into them that way. And so I think that's -- that's part of the discrepancy is that I think that maybe for office, one for 300, that might be a

good start, but I also am working on a -- you know, a medical complex, it's one for 250. And for a medical complex, you know, in the one that I'm looking for, they're -- that's way off, as well. And so depending upon the end user and how they utilize their space, I think that the parking calcs are -- they do the best that they can, but there's a lot of room for movement there, and especially when you start working that multipliers off of that as required -- as maximums, I think that's what gets us in this situation.

MS. GEUEA JONES: So the extra that you created for that tenant by removing the hotel, that was just bonus?

MR. CROCKETT: No. They -- they actually want -- they -- they are -- they are demanding additional spaces.

MS. GEUEA JONES: So do they need more than what they have under this plan?

MR. CROCKETT: I believe that they're adequate with what they have here, I believe, is my understanding.

MS. GEUEA JONES: Okay. I'm going to hold you to it the next time you come here and you're likely redoing in this. I'm going to hold you to it. I'm going to be, like, you told me they were fine.

MR. CROCKETT: Yes. Yes. I do not anticipate -- I can't say I won't. Please don't hold me to that. But what I'm being -- what's indicated to me, I'm just the lowly engineer. Correct? And what I'm being indicated is that this will -- this will suffice.

MS. GEUEA JONES: And can you tell me what the measurements are of the old hotel's location? It's got to be, what, 70 by --

MR. CROCKETT: Yeah. Seventy is pretty close. It might be actually a little wider than that. It may have been the old hotel was 70 by 350 or something, something along those lines. I can't recall off the top of my head there. I could scale it for you if you really -- if you want that.

MS. GEUEA JONES: It's not that important.

MR. CROCKETT: Okay.

MS. GEUEA JONES: Thank you.

MR. CROCKETT: Thank you.

MS. LOE: Ms. Carroll?

MS. CARROLL: I lost my question in all of that.

MS. LOE: Well, I'd like to comment on the square footage.

MR. CROCKETT: Yes, ma'am.

MS. LOE: Because it's one per 300 gross square footage. So that gross square footage includes walls, corridors, elevators, bathrooms.

MR. CROCKETT: It does -- spaces. Yeah.

MS. LOE: So by the time you've added all that additional square footage and your office probably is about ten by ten, which is more average than what you might --

MR. CROCKETT: It is, but when you're looking -- but we're looking at cubicle space. But then also as you grow with, you know -- and, again, my office is not a large building. And when we add in the rest room facilities and the reception areas and the hallways and the elevator and, you know, all of those, you know the mechanical closet.

MS. LOE: Conference rooms.

MR. CROCKETT: You add all that in, you know, it works pretty well for my office, not exactly, but some.

MS. LOE: No. But that was our starting point, and then we doubled that.

MR. CROCKETT: Right. Right. But then --

MS. LOE: So now we're down to --

MR. CROCKETT: But then -- but then as we -- as we --

MS. LOE: So I'm just saying it's not as -- I just wanted to make sure that the picture being painted wasn't -- we weren't looking at 30 -- 300 square foot offices. That 300 square foot actually includes gross square feet of everything.

MR. CROCKETT: Gross square -- it is. But that gross square footage goes down drastically as we --

MS. LOE: I just felt that was maybe not included in the full pictures.

MR. CROCKETT: -- sense of scale as we go larger. Yeah. But you are correct.

MS. LOE: So, Mr. Crockett, I'm afraid -- I mean, I have, frankly, less of an issue with the parking if there is justification and a need by the tenant, but I'm -- I'm really struggling with just lack of information, and that we don't have a developed plan, and we're being told -- and we've had this conversation before with staff that it's very hard for this Commission to review things that have not been submitted to us for review prior to the meeting, and we don't even have a real landscape plan at the meeting to review supporting what you're telling us about this green space. I don't see anything for us to comment on at this meeting, so I don't know how we can approve this.

MR. ZENNER: You did receive two sheets, did you not?

MS. LOE: I received a PD plan that apparently doesn't represent what's being proposed anymore. Oh, and then the updates --

MR. ZENNER: Did you not receive your email on Tuesday, ma'am?

MS. LOE: Yes.

MR. ZENNER: That was the revised plan that was being submitted in advance of this meeting.

MS. LOE: Okay. But that's -- did it include the landscape plan?

MR. ZENNER: My recollection is it should have been a two-page plan, which the second page of that plan would have been the landscape plan that was --

MS. LOE: Can you show that on the screen?

MR. SMITH: A hard copy of it.

MR. ZENNER: We can show it on the document viewer.

MS. LOE: But that just shows an empty --

MR. ZENNER: That's the --

MS. LOE: Well, show it so I can remind myself.

MR. ZENNER: Are you -- are you wanting to know what happens with the former hotel site?

MS. LOE: That's part of it.

MR. ZENNER: Okay. Well, there's nothing on the plan that was submitted to you the actual physical amenities of the hotel sight, the green space created by the elimination of the hotel site.

MS. LOE: Exactly. Yes. I still have questions about how that's going to be developed.

MS. CARROLL: Aside from the fact that we don't have the information that we were looking for, even given information in our email, these aren't attached to the public agenda that the public can look at. They have this video for record, but these attachments to the public agenda, that's what most people go to when they're looking at a proposal, and that's not available for the public to see. That's a big problem.

MS. LOE: And to piggyback on this, the fact if we're considering this a request for variance, was the fact that we're going -- exceeding 200 percent publicly advertised to be discussed at this meeting?

MR. ZENNER: There was a variance included within the advertised -- I should say there was an exception. It is not a variance, and it does not require advertising. I would - - I would suggest that while Ms. Carroll's point is accurate, that the packet did not include the actual request of the amended site plan, the final decisions associated with this are Council's decisions that at that point that will have all of the appropriate documentation. There is also, to the Commission's discretion -- to the Commission's discretion, if there were more people in our audience, which there are only two that are notified associated to this, one being the Council member representing this ward, and the applicant, who owns all of the adjoining property, there is no public that is otherwise notified. The public process of disclosure will be achieved through the process of Council's consideration of this. As I had indicated at the beginning of this presentation, we were asked to retain this on this agenda at the request of Mr. Crockett's client, and we have done that. I have

also advised Mr. Crockett it is in your full discretion if you should not want to approve this project because you want to have additional time to review it, that is in your purview, and that is potentially what may have ended up happening here this evening. If that's where you would like to go, we probably do not need to have further conversation, and you need to request of Mr. Crockett if he will allow you to table this project and we can move on.

MS. LOE: So, no. I respect that you kept it on the agenda at a request, but say --

MR. ZENNER: And I would further suggest that as staff, we have reviewed the plan. We believe that it is compliant. We also have to assure that before Council receives it, it is compliant. I mean, I -- and before it's billed. Again, the changes that are requested here were a judgment call based on my part and Mr. Teddy's, along with Mr. Crockett and Mr. Crockett's client. These changes, in our mind, were viewed as being very minimal. We removed a four-story hotel. We expanded a lot line. We increased the open space requirement to be met on Lot 3. We added parking. We switched an exception. Those, we believed, were appropriate, and could be handled in this venue. Apparently, we were mistaken. So with that, we won't make the same mistake twice.

MS. LOE: Any additional Commissioner comment? Ms. Geuea Jones?

MS. GEUEA JONES: I would like to point out that there are more members of the public than just the adjoining property owners, and that this is a very key part of the public process. And I am not upset that it is still on the agenda, but I do think that the discussion tonight has shown we have a lot of concerns and perhaps tabling is the appropriate thing to do, especially since this seems to be a very fluid piece. I mean, it sounds like you have one tenant secured, but, obviously, you didn't have a hotel tenant secured, so I don't think this is ready yet. I think there are too many moving pieces. I'm willing to vote on approval tonight, but I don't think anyone will be happy with that outcome, and, you know, I don't know if we need -- how we need to do tabling, but I -- I would support that, as well. Whatever -- whatever the will of the Commission is.

MS. LOE: Additional comments? Motions?

MR. MACMANN: (Inaudible). I'm sorry. I've been trying to stay away from this since I started hurting people with the sound. Mr. Crockett is giving us testimony right now; is that where we're at?

MR. CROCKETT: I've given testimony. I'm answering questions of the Commission with you.

MS. LOE: You're right. You're right. We are still in public comment. So any additional questions for Mr. Crockett? I see none. Thank you, Mr. Crockett. We will close public comment.

PUBLIC HEARING CLOSED.

MS. LOE: Commission discussion? I think we're going to lose another Commissioner just due to health issues.

MS. RUSHING: Yeah. I was -- I'm going to have to leave. My foot is really killing me. So if someone wants to make a motion, I will stay and vote on it. Otherwise, I'm going to leave.

MS. LOE: Ms. Geuea Jones?

MS. GEUEA JONES: Question for legal. Can the Commission sua sponte make a motion to table it?

MS. THOMPSON: Yeah. And that's in -- that kind of goes to your adopted policies and procedures, but you do have the ability to -- to table. Pat may be able to speak more properly to what the actual procedures say. I can look through them right now and see if I can find the exact wording for you, though.

MS. GEUEA JONES: And if we do that, that doesn't count towards any of the applicant's tabling or other procedural tools that they have? It's ours.

MR. ZENNER: What I would suggest, Ms. Geuea Jones, is that typically the applicant is asked if they are willing to allow the project to be tabled. If the applicant wants a recommendation, the applicant is entitled to that. This was a publicly advertised hearing. So I believe, if I understand correctly, and we'll have to open the public hearing again. Ask Mr. Crockett if he would allow the project to be tabled, which was an understood potential outcome, and we can provide you the documentation with an updated staff report for your consideration at the next meeting, which will be June 24th.

MS. LOE: Okay. Reopening public comment.

PUBLIC HEARING REOPENED

MR. CROCKETT: Tim Crockett, Crockett Engineer, 1000 West Nifong. If it is the desire of the Commission, we would be agreed to table it for two weeks.

MS. LOE: You would prefer that to our taking a vote on the recommendation?

MR. CROCKETT: I would like an affirmative recommendation, but, at the same time, we also understand the situation that the Planning Department was in and that we were in, that you were put in. We understand that, as well. And so, you know, we understand that, and it's two weeks. And if we could do two weeks, we could come back and have some additional information presented that may be more complete, to your liking, then I think we would be -- be okay with that.

MS. LOE: Mr. MacMann?

MR. MACMANN: Just a clarification. Are you asking Mr. Crockett to table? He said he's amenable to that. Right?

MR. CROCKETT: Yeah. We're agreeable to that.

MR. MACMANN: I just -- I just wanted to follow that.

MR. CROCKETT: Right.

MS. LOE: No. No. No. And -- and we were still following up on whether, if we table it, it doesn't count against them.

MR. ZENNER: I think you have -- you can make the administrative -- you can request the applicant's position on being tabled. You can take the administrative action to table, not counting against Mr. Crockett.

MR. CROCKETT: Yeah. I would ask that be the case, that you take the administrative approach that way, and we would be fine with that for two -- for two weeks.

MS. LOE: All right. Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MS. LOE: I'm going to close public comment, again. I think this is the most publicly commented meeting we've had in a while.

PUBLIC HEARING CLOSED

MS. LOE: All right. Any volunteers?

MS. GEUEA JONES: I'll do it.

MS. LOE: Ms. Geuea Jones?

MS. GEUEA JONES: I'm going to speak slowly. I move that in the matter of Case Number 162-2021, Discovery Center Rezoned PD Plan, et cetera, that we table said motion to date certain June 24, 2021, on the motion of the Commission.

MR. MACMANN: Second. I'm sorry. Second.

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

Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. Stanton --

MS. LOE: He's -- he's recused.

MS. CARROLL: Oh, yes. Sorry. -- **Mr. MacMann. Motion carries 8-0.**

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

MS. LOE: Recommendation for tabling moved forward.

Move that we table to date certain June 24, 2021

Yes: 8 - Burns, Loe, Rushing, MacMann, Carroll, Geuea Jones, Kimbell and Placier

Recused: 1 - Stanton

VIII. PUBLIC COMMENT

MS. LOE: All right. Public comment? I see none.

IX. STAFF COMMENT

MR. ZENNER: The next meeting is June 24th. We do have several cases that will be on that agenda. We will now have one subdivision still, four total cases, but we'll have one subdivision off of -- the first one being off of Southland Drive. This is a final plat. Then we will have three public hearings. Eighty -- 221, which is off of Briarmont. This is directly across the street from the project that we have just dealt with and tabled. We will have the previously tabled project for Arbor Falls. And then we will also have the just aforementioned tabling request for Discovery Center on the agenda. Reports for those projects will be provided to you a week from this coming Friday, the 18th, if my recollection serves me correctly, and at that point, we hopefully won't be giving you any supplemental comments. Just in order so we know where all our projects are located. The Crossing Church is off of Southland Drive. This is a platting action in order to bring in a parcel along the southern boundary of the property off of Southland. It's the little appendage to the very lower right-hand corner of the map that's in red that is currently an unplatted parcel lying outside the actual Crossing Church property that was replatted several years ago into a single common lot. The Briarmont Discovery Park revision. This is to deal with some impervious improvements that will be within a currently green space common area; i.e. pickleball courts, in order to meet the recreational needs of those residents. And then our two other projects that we discussed this evening. We will have some additional information to provide to you at the work session, and I have a feeling what we will be starting to travel the path on is a little bit more with our discussion that we began this evening on our short-term rental and potentially some data that we are able to provide you or at least an outline of content that may go into a future ordinance, and we can debate and discuss that, as well as we may bring forward to you some additional discussion as to preliminary information on text amendments that we are making within round three, part A, as we discussed also this evening. And as discussed, we will also forward the Commission correspondence in regards to the extent -- the request to receive direction on the extended density and lot coverage study for Council. With that, that is all we have this evening. Thank you very much.

MS. LOE: Thank you, Mr. Zenner.

X. COMMISSIONER COMMENT

(There were no comments from Commissioners.)

XI. NEXT MEETING DATE - June 24, 2021 7 pm (tentative)

XII. ADJOURNMENT

MS. BURNS: I move to adjourn.

MR. MACMANN: Second.

MS. LOE: Seconded by Mr. MacMann, moved by Ms. Burns. We're adjourned.

(The meeting adjourned at 11:32 p.m.)

(Off the record.)

Move to adjourn