

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
February 19, 2025

Case Number 68-2026

A request by Crockett Engineering (agent), on behalf of Lake Broadway Townhomes, LLC, and 2101 Burlington Street, LLC (owners), for approval of a site specific PD Plan and new Statement of Intent (SOI) to be known as "Lake Broadway PD Plan." The 2.27-acre subject site is located directly southeast of the intersection of Gary Street and Pershing Road, and is currently zoned PD (Planned District). The proposed SOI and PD Plan establishes a development plan for the parcel, inclusive of 13 dwelling units developed in townhouse style and an additional office building.

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

Staff report was given by Mr. David Kunz of the Planning and Development Department. Staff recommends approval of the proposed PD Plan, known as Lake Broadway PD Plan, serving as a preliminary plat, and the revised site-specific statement of intent, inclusive of design exceptions, subject to technical corrections, specifically revising the SOI to note a maximum building height of 30 feet and the addition of an SOI requirement and PD Plan note that installation of individual six-foot-tall screening devices for each patio shown on the PD plan facing the existing office parking lot are required as a condition of approval.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had contact with parties to this case outside of the public hearing, please disclose so now. Seeing none. Question for staff? Commissioner Darr?

MR. DARR: Have -- has the City had any applications or concept reviews that you're aware of in the past 20 years that would comply with existing Statement of Intent and PD Plan or similar in nature, like office uses or commercial uses?

MR. KUNZ: I mean, if what they're proposing to develop were -- well, maybe not that I've had a contact review for. Pat might be able to provide more insight.

MR. ZENNER: And I guess I'm not understanding your question, Commissioner Darr.

MR. DARR: I just -- if you had seen any other potential developments that were office or commercial related like the existing Statement of Intent is. I'm just going to the point that if we're changing from an office use to a residential use, I just want to know what the interest in the community was to build offices in this area over the last 20 years since it sat vacant.

MR. ZENNER: We have -- we have seen integrations of residential into former office. I would suggest to the southeast of the Macadoodle's site --

MR. DARR: This -- no. Just this site in particular.

MR. ZENNER: This site in particular?

MR. DARR: Yes.

MR. ZENNER: No, we have not. Other than the 2003 request that was processed to change from the multi-family from 1985 to office. Obviously, the office development and what it exists for today, it has been this way for quite some time in 2000-- shortly after the 2003 plan, the building that's on the eastern lot was built. Development stopped at that point, and it has not been pursued since. And so this parcel has laid vacant for probably -- since, I'd say, 2005 to 2006, while all of the rest of the development around it has continued to just exist somewhat insulated by having this as a green space. But there has been no active -- active pursuit of developing this property as an office within that period of time.

MR. DARR: Thank you.

MS. GEUEA JONES: Other questions? Just a brief comment. Thank you. Very well done. And thank you for including the reasoning and this is the reason we have PD Plans, so we can do these mixed-use without having to do split zoning. So thank you very much. I know I'm usually not a big fan of them, but thank you.

MR. KUNZ: Thank you.

MS. GEUEA JONES: Any final questions before I open public hearing? Seeing none. We will go to public comment.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Any members of the public wishing to speak on this case, please come forward. If you would state and address for the record. Six minutes for the applicant and a group, three minutes for an individual.

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. As -- as staff has indicated, this is about a 2.27-acre piece of property currently zoned PD, with the allowed uses. It's a request for the PD Plan only. We already have our zoning, and we are asking for the single-family attached or the multi-family for this property. And of course you've seen the location, you know where it sits north of West Broadway at the Lake Broadway Development. I have 1986 on mine, so I don't know if it was '85 or '86, but this was -- this is a snippet of the original Lake Broadway plan. And you can see in that plan, this is the area being questioned tonight. And so the original intent for this property was indeed pretty much very similar to what we're proposing tonight. Obviously, everything to the -- to the east was developed in this fashion, and the corner to the -- to the south of us was -- was developed in an office fashion, and that was done back in the years. In 2003, this was the plan that was proposed and approved at that time. And you can see the two buildings on the site. The one to the -- on your left in the upper left-hand corner, that's actually a two-story building, so there's about 25,000 square foot of total office space on that plan right there, only of which about 8,000 has been built. This is the plan that we're proposing tonight. So you can see that we're kind of going back to the original intent of what was originally, you know, for this piece of property. We're also adding the 2,000 square foot office on the -- (inaudible). I believe that staff talked about the housing study and

the needs for additional units in this community, especially in this area, and what we're looking at is this piece of property, this development provides only eight percent of what's needed for this entire year. And with what's coming up, this Commission has seen what come forth so far. Eight percent isn't very much in, you know, hitting that demand that we need. I always cover utilities. They're all covered. This is an infill development. All utilities are provided by the City of Columbia. There has been some neighbors' concerns, and I want to kind of address those a little bit. So the surrounding area is not residential in character. This is 1,000 foot radius of the site, with the site -- and our site, the residential site is the yellow piece, the blue area is the area that's been developed as office, and everything else within that 1,000 foot is residential in neighbor -- in character. So I believe that this is indeed a residential character in the neighborhood. Stormwater concerns remain inadequately addressed. Well, in 1985 and '86, Lake Broadway didn't exist. And so that plan at that time was to create Lake Broadway, and they built detention in that -- in that lake, and it handled this development specifically, as well as other additional areas within the watershed. So things can be argued that, well, the intensities have changed, and additional development has taken place. The fact is is when Lake Broadway was built, this piece of property was intended to have detention for this -- for this specific site in that lake, so it has been addressed. Traffic and parking impacts are understated. We do -- we do meet the City requirement for parking. And I would argue that in a typical apartment project, the parking might be a little higher, but in attached single-family or multi-family as being called here in this configuration, what we're seeing is we're seeing that that parking demand is less than the City requirement. And so we think that by hitting the City requirement, we're going to address parking concerns without much problem. The amendment represents a fundamental change to the original PD intent. I would argue that. This is the original PD intent from 1985 or '86. We're not -- we're going back to that original intent. And so we believe that this project is needed. We believe it's a good location. As indicated by staff and Mr. Darr, this piece of property has sat vacant for -- since 2003. There may have been some interest here and there with the property, but nothing has come forth as far as development goes. And so we believe that this project that's being proposed is adequate, is needed, it's sufficient, it's going to be a good area -- a good -- a good development for the area. And just this afternoon we did receive -- I did receive a letter from the neighbor -- the office owner to the -- to the east with regards to the landscaping and screening, and they're fine. There is, like, we don't -- we don't want the additional screening and landscaping. That's fine. We would like to have the buildings, we like the openness. And so they're fine as the plan has been presented. So they're the ones that are going to be impacted more than anybody, and they -- they're in favor of the plan as presented. So with that, the project, it's an infill development, as we talked about. It adds residential stock to the housing market, in accordance with the housing study. Adjacent roads and utilities are there, and the project is supported by City staff. There may be some concerns and questions about traffic, but let's keep in mind that Pershing, Pinewood, and Redwood, as well as Gary, are all through streets, so it's not all one way in. There's multiple ways in and out of this area to get to Ash, to get to Broadway, so those streets are not inundated with a lot of traffic. And so with that, I'm happy to

answer any questions that the Commission may have.

MS. GEUEA JONES: Thank you. Any questions for Mr. Crockett? Commissioner Darr?

MR. DARR: I'm curious on what your thoughts on why it hasn't been developed as office in the past 20 years?

MR. CROCKETT: Mr. Darr, I mean, I think office is one of those -- it's one of those tough zoning classifications. We don't have very many office rezoning requests that come before this Commission. And I think a lot of that has to do with if you -- if you're in the market for office, it -- it overlaps so much with commercial. And, you know, maybe a second tier commercial lot is a first tier office lot. And then also, since the pandemic, I mean, I have a lot of clients that are actually -- working on one today that is actually downsizing their large corporate operation because of hybrid work environments, remote work environments, and that type of situation. So there's a lot more office space on the market for lease. When I have a client that has, you know, 60,000 square foot office now, and they're increasing their employees, but they're looking to downsize somewhere between 35,000 to 40,000 square foot, but they're increasing their employees because they doing that hybrid or remote work environment. I think that that opens up -- you know, they're going -- they're going to leave a 60,000 square foot office facility that's going to be -- that's going to be vacant, and I think there's a lot of office space out there, so new office builds, I think, are difficult.

MR. DARR: Thank you.

MR. CROCKETT: Thank you.

MS. GEUEA JONES: Any other questions? Commissioner Brodsky?

MR. BRODSKY: We -- this piece of land has started as residential, into office, now we're back to residential. And I'm going to ask you this, because I asked this at our last meeting when we had a plan come before us. The developer or the owner has three years to begin construction on this. Do they intend to do so?

MR. CROCKETT: Yes. Yes. He's given us authorization as soon as -- should we get approval through P & Z and Council to authorize us to proceed with the construction documents so he can proceed.

MR. BRODSKY: Great. Thank you.

MS. GEUEA JONES: Any further questions? Seeing none. Thank you, Mr. Crockett. Anyone else to speak on this case, please come forward.

MR. GIBSON: Hi. Brent Gibson, 1201 West Broadway in the Broadway Office Complex Condominium Association, whatever we want to call that thing. I could save a lot of time. Did you all get the letter -- everybody got it? Great. So the only thing I want to point out, and Tim has done a great job on explaining all this. I can answer your question almost directly in terms of why that property was never developed. In the condo association we have, there's three buildings. In the condo association, for some reason that 4-A lot and 4-A-1, or whatever, got split up, there became two owners or two possible owners, and the association would only have two people, two votes. And I even looked at that property to put the

one that was on there, that 8,000 square foot building, but by the time you do that, you're fighting with the other owner because they don't want to contribute to the association's fees to -- to redo all the parking lots and other things. So that's why that lot has been vacant for so long, at least that's my understanding with dealing with the original guys, Bill Powell, Dave Knight, and so forth that developed that area back in the late '90s, I believe, or early '90s. So that being said, they did want to make it into an office area. It was just a nice little spot in the middle of Columbia that you could have. You know, the retention pond, we want to talk about that real quick, though, because that's really being mislabeled. If you look at the -- that printout or the picture aerial, you'll see all that residential that they're talking about is on the other side of the retention pond. There is no residential in this area. Now I'm not against the residential, but right now, you've got an office condominium association there with three buildings and there is a five-foot, I believe, looking at the survey lines or whatever, there's five-foot line from the corner of the one building to this property we're talking about. So I think you need to look at maybe something that can differentiate between that commercial and this residential that's coming in, and putting that what I just overheard earlier about the garbage dumpster bins and stuff or whatever, right there on that corner spot, you're getting it real close to the influx of people going into that doctors' building that's there. So I think you're -- there's a little more that needs to be done in this plan before it gets approved to make sure things, you know, actually work, not only functionally, but cosmetically. And I do want to touch on our retention pond. There's been some concern. You know, we're -- we're talking about something that was done at least 20 years ago, and you've got a lot more runoff running through that from the -- where old moles, the Boone County Health Department or whatever that is now, running through the creeks through Again into this retention pond. And right now you've got a lot of ground that's absorbing that that you're going to be putting construction on. Yes, it meets the 40-year-old plan that you had, but will it really meet and hold up to what you've got now if they put that much impervious surface. So I think that needs to be looked at carefully before you make this decision because that retention pond, again, has had at least 20 years of sediment and stuff running through it -- grocery carts and everything else. But -- so I think you need to -- you need to double-check that before you make a decision, and look in terms of, like, we're a CPA firm. We have late nights, especially this time of year. The additional traffic around there in terms of foot traffic, people -- I love the fact that this is a little -- I won't say it's a gated community, but that wrought-iron fence around the whole place, this whole area, is great. It kind of sets it off as a separate little section. It would be great to see that put into place, how they're going to implement something to -- to keep things segregated from residential and commercial. But just having a second floor balcony or something looking down into the commercial building, that doesn't sound fun either. So appreciate your time, and hope you give some consideration. Thank you.

MS. GEUEA JONES: Thank you, sir. Oh, wait. Just one moment please. Any questions for this speaker? Seeing none. Thank you very much. Next speaker, please come forward.

MS. DODGE: Pam Dodge, a representative for 1205. So I'm in the same condo association that Brent was just describing. We are the doctors' office that the lot line is literally five feet from the corner of

our building, which that wasn't very clearly disclosed when we bought the building 12 years ago. But to kind of follow up on what Brent was discussing, I don't know if there's a whole lot of clear expectations of who is managing the detention pond. We've been there 12 years, and the City has never been out. I mean, there's overgrown trees. It's always been at the condo associations' expense. So if we now are going to have all this other dumping into it, I feel like that the City should be paying a little bit more attention to the detention pond. I don't think the condo association should be responsible for the upkeep and the clean-up about it. And to kind of go back a little bit on Tim's comment, he said that the neighbor to the east fully supports it. That's a little misleading, because there's two neighbors to the east. There's the building on the lot, which is 1207, and then we are also 1205, which we both face this lot, and we are not in support of what is being proposed for numerous reasons discussed here tonight. Kind of like Brent said, the proximity of the lot lines, the current proposed development, the townhouses which sit up right next to literally where our employee parking is. We are a doctors' office. We're a specialty office, so we're really kind of lower use. We're not a primary care office seeing, you know, 50 to 75 patients a day. It has been a very nice space for the last 12 years, quiet, and, you know, we have some concerns about what that's going to look like for us and for our patients. So -- and we also have some concerns about the traffic. I mean, I -- my office faces Gary Street every day. There's a lot of cut-through traffic, a lot of speeding up and down the road. There is traffic accident after traffic accident at Ash and Gary because people run the stop signs on Ash. There's traffic accidents on West Broadway because of the hill, so I do think the other neighbor's concerns about the increased traffic is valid. So I would just -- like I said, I just wanted to kind of come up and support what Brent said, and make sure you know that there's two neighbors to the east, and one is not in support as what was said.

MS. GEUEA JONES: Thank you. Next -- or any questions for this speaker? I -- I do have a question. Can you explain to me a little bit how you think that having a residential development in front of your office might create more disturbance for your patients?

MS. DODGE: Well, in part, we have -- I have some concerns about the parking. I know that there's going to be separate entrances for this. But I can tell you right now, I mean, if I come in on a Saturday to catch up on work, we already have -- and, I mean, we don't have a problem with it because it's weekend, we're not having people come in. But, you know, there may be somebody visiting somebody that is on -- in the houses across the street, and they're parked in our parking lot. Oftentimes, our parking lot, and because we're right there front and center, is a turnaround for people that, you know, are literally turning around, and they're coming in there. Our clientele is elderly, and I can tell you how many times I've seen them almost run into our building, much less worrying about people driving through. So the parking is a concern, especially because as the lot line sits, the corner of the lot line actually cuts off parking in front of our building, which we have an easement for that we've used for the last 12 years. And so, you know, I'm looking at that, and I know that there's going to be proposed fence on the patio, but if I'm living in that townhouse that is on the -- I guess it would be southeast side, why not park in that spot right behind my house and just walk up to my patio. And that's three employee parking spaces for us, so

-- and, again, it's -- there is some concern there. Now, if there was a buffer more than just on the patio, would we have necessarily a problem?

MS. GEUEA JONES: I mean, there's going to be a six-foot fence along the entire length of the parking lot.

MS. DODGE: Well, they were saying just on the patio. So they were saying -- the proposed section, it just says green fence at the rear of the porches. I take that as the patio, not the whole -- not all the way across.

MS. GEUEA JONES: No. Because see how it says has to provide a level-three screening and buffering at property edge?

MS. DODGE: But see, it says in lieu of the --

MS. GEUEA JONES: Yeah. But that's -- that's going to be there.

MS. DODGE: I guess maybe it needs to be a little bit more clear of what's actually expected, because what I read it to say the rear of the porches, if I was a developer, I would think I only had to put spaces literally at those pads.

MS. GEUEA JONES: One on each. Okay.

MS. DODGE: So if it's all the way across, that's a little bit -- a little bit better than just at the porches, so --

MS. GEUEA JONES: I see.

MS. DODGE: That's a good question, though. That's probably why you have it is to clear this up, so --

MS. GEUEA JONES: Yeah. Yeah. Yeah. Yeah. Thank you. Any other questions?

MS. DODGE: Thank you.

MS. GEUEA JONES: Thank you very much. Next speaker on this case, please come forward.

MS. PIONTEK: Hi. My name is Emily Piontek, and I live at 1305 Gary Street. So I want to thank you all for this opportunity to come here tonight and speak about this proposal. I also want to thank you for the notice. Since receiving the postcard in the mail, I've been waiting for this meeting because there were two things I wanted to say. I did call staff today, and I learned that this might not be within your purview, but I also am concerned about traffic on Pershing. Specifically, I live on Gary, and I frequently walk from my house to Again Street Park. And there is no sidewalk along the length of Pershing to -- all the way to Again Street Park, so you have to walk in the road for a portion of that time. And then there's no sidewalk on Gary if you're heading west towards Gerbes. And so people do cut through and drive really quickly, and it's a concern for me walking to the park, but then I can imagine for others, as well, who may be moving into this residential unit. My neighbors and I have signed a petition and have submitted it to the City asking for traffic calming on Pershing. And so I just -- I'm putting this before you as this is something I would like to see on Pershing with the development or without, and I'm hoping that when City Council reviews this proposal, they will again consider the request that my neighbors have made for a traffic calming on Pershing. And then the other thing that I wanted to say, and this is maybe for Crockett

Engineering, and I don't know when this aspect of the plan will come before the Commission, but I'm worried also about light pollution, for the development that's, I think, just east of this proposed development, they've put up some very bright lights that make it seem more like a shopping center than a place where people live in a residential area. And so when it's time to get into the engineering and the design of the building and everything, I would like to see lighting that takes into account maybe some recommendations from I think it's called DarkSky.org, making sure that lights are only where needed, low and minimal just to kind of maintain the residential character of the neighborhood. So that's all I have to say.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Seeing -- oh, sorry. Commissioner Ortiz?

MS. ORTIZ: Hi. When did you turn in your petition, because I'm not seeing it online yet?

MS. PIONTEK: I didn't personally turn it in.

MS. ORTIZ: Oh.

MS. PIONTEK: So it might not be under my name if you're looking under my name.

MS. ORTIZ: I'm looking on Pershing.

MS. PIONTEK: Oh, it would have been -- it would have come from someone on Gary Street.

MS. ORTIZ: Okay. I don't see Gary on here, either. I'm just curious, and they might not have updated it online, but -- because they have a score sheet for traffic calling projects.

MS. PIONTEK: Okay.

MS. ORTIZ: And so I wanted to look it up to see where you were, and, like, the score, but it's not on here yet. So if I were you, I would check in with Public Works to see if your petition actually made it in --

MS. PIONTEK: Okay.

MS. ORTIZ: -- so that way they can review it and get it on this list, but I think that would be a good first step.

MS. PIONTEK: Okay. Yeah. Thank you. We will do that.

MS. GEUEA JONES: Thank you. Any other questions? Seeing none. Thank you. Next person to speak on this case, please come forward.

MS. DOKKEN: Hi. Dee Dokken, 804 Again Street. This was brought up previously by someone, but I -- I am curious whether the impervious surface, how the proposed impervious surface relates to what would be required currently in our Code. Is it the same, less? I mean, how much have they changed since 2003? I know they're proposing a little bit less, but I think that would be a good question to clarify. Thank you.

MS. GEUEA JONES: Thank you. Any questions for Ms. Dokken? Seeing none. Thank you. Next speaker?

MS. REIN: Good evening. My name is -- (inaudible).

MS. GEUEA JONES: Can you get a lot closer to that? I'm sorry.

MS. REIN: Sure. Good evening. My name is Crystal Rein. Thank you so much for the opportunity to speak with you. Thank you for your detailed explanation of what it is that we are discussing tonight. I -- you filled in a lot of questions that we had, so I greatly appreciate that. I live at 104 Pershing Road. I'm just coming here this evening before having dinner in downtown Columbia. We were almost rear-ended on Pershing. That is a daily occurrence. We walk our dog down to Again Street Park multiple times a day, if we're being good pet owners. But the traffic is terrible on Pershing, so I was delighted to hear that a petition is potentially going to be somehow make its way to Public Works, but I have a recommendation which is simply a stop sign on Gary and Pershing. I think that would dramatically assist. There's usually individuals who are driving 40 miles per hours in between Ash and Broadway, and that is not safe for kids. We have West Boulevard where parents are walking the students to West Boulevard. I'm not necessarily saying that this is going to increase that traffic, but something has to be done to minimize traffic, and I don't think this is potentially going to help that. So those are my comments. Thank you.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Seeing none. Thank you. Next person to speak on this case, please come forward. And -- come on.

MS. PHERIGO: Good evening. I'm Emily Pherigo, and I live at 103 Pinewood Drive. And my only comment is that I would like to not see there be an exit right by Pinewood. I know that there are multiple ways to access this area, but I would like to see the existing driveways used.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Seeing none. Thank you. Anyone else to speak on this case? Going once, going twice. Okay. We will close public comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner comments. Any Commissioner comments on this case? Anyone at all? Commissioner Ortiz?

MS. ORTIZ: I can go. I -- I just really appreciated the presentation, especially bringing in the proximity to Marketplace Node, and transit. That's definitely something that there's an appetite for everywhere, but here in Columbia, especially trying to get better transit in our community, having housing that's close to transit is a great first step. So I plan to support this.

MS. GEUEA JONES: Commissioner Darr?

MR. DARR: Do we have clarification on what was meant when it said six foot along the porches?

MR. KUNZ: Yes. What was intended is what the community member from the office -- medical office has mentioned. So it would just be at the end of the patio, not a porch. It was a typo.

MR. DARR: (Inaudible).

MR. KUNZ: Not -- not the entire length of the northeast/southwest traversing lot line.

MR. ZENNER: Part of the rationale behind that has to deal with the space that you have left between the back end of the patio and the existing parking lot that is serving the building, the office building immediately to the east. It is a maintenance-related manner. So putting an obstacle there and

being able to maintain behind the multi-family dwelling units by putting up a physical barrier or any type of landscaping, it impedes the ability to be able to do that. And so the fence location that is being suggested at the back of the patio provides at least a minimal amount of privacy for those residents at that grade level from the parking itself. So that -- that's the rationale about how we came to that. It's a combination of elements. It isn't that we just felt that giving up entirely on the screening buffer between the two properties was in the -- was best, but you have to look at it from some of the other practical limitations.

MR. DARR: Thank you.

MS. GEUEA JONES: Other Commissioner comments? Commissioner Brodsky?

MR. BRODSKY: Mr. Zenner, could you talk a little bit more about the barriers to just having a full length fence there and just doing -- I'm assuming you're talking about doing, like, a fencing segment where the patio --

MR. ZENNER: Yeah. So it would basically be either incorporated in the pouring of the patio with fenceposts on either corner of the patio itself, the patio porch area, coming down -- there's a slope. I mean, there's an elevation change in this property, as well. And so being able to maintain behind these buildings is something that is going to become more challenging if you completely reduce that space. The patios today, the patios, porches today are probably no more than five feet from the existing property line that divides the two parcels, the eastern and western parcel. Therefore, when you drop the fence in there on a sloping surface, (a) the fence at that property line is not going to effectively serve the purpose that it is typically intended for, and that would be to screen views because the residential dwelling units are going to be above possibly the midpoint of the fence. So if you put the fence at the patio porch, it actually provides more effective screening into those residents. Furthermore, it creates basically an additional outdoor living space that they may choose to use.

MR. BRODSKY: Thank you.

MS. GEUEA JONES: Further comments from Commissioners? Commissioner Gray?

DR. GRAY: I have another staff question. In the staff report, it says that the proposed development does not exceed the previous -- we approved impervious coverage, and I think that's a reference to the 2003 plan. I feel like impervious surfaces and concerns about stormwater come up quite a bit, and I just want a little bit of clarification about what that approval was anticipating.

MR. KUNZ: Yeah. So the -- I actually don't know specifics about what the approved stormwater plan in 2003 were, but we do know that it considered 1.4 acres of impervious surface comprehensively on both of what are these two lots today. And what is being proposed to development has been reduced to 1.29 acres of impervious surface. So there's about a roughly 10,000 square foot reduction in total paving and/or coverage that would be from what was originally proposed. Like, specific engineering, environmental engineering related metrics, I'm not sure I'm the best person to give you those, but if you have a previously approved stormwater plan, so long as you are not increasing the amount of impervious surface, my understanding is that we honor the previously approved stormwater plan, but, yeah. Mr. Zenner, am I missing anything?

MR. ZENNER: I don't believe you are. I think you've adequately explained it. I think, also, in 2003, a significant amount of the development in this particular area was already pre-existing. And so as we look at -- at that time, and the engineering staff was looking at, well, what is it that the pond has capacity to carry, that pond is not a City drainage feature. That is a privately -- that's a private piece of property. And therefore, our getting involved in clearing or dredging out that pond, that would not be the City's responsibility. That is -- that would be left to a property owner. Now if it is potentially impacting other public issues, we may be. But at this point, I don't think that it is our -- it would not be our obligation to get out there. If the pond has not been maintained, if it hasn't had trees that are falling into the pond removed, or things that nature, that is actually the property owner's responsibility. So we do have stormwater BMPs and covenants that may have been filed on this. We don't have any record or reference to that that we can refer to this evening. So as a part of the overall development approval process, the standard statement we generally make, post-development flow rate cannot exceed pre, and what has to be accommodated here, it can't exceed what the pond originally had, and as Mr. Kunz has indicated, it actually is proposing a reduction. So our staff will evaluate that. If the public does have concerns, further concerns by recommendation is is that they do contact our Building and Site Development Division, ask questions specifically of them. They will be the department that reviews these plans, and potentially to follow up with Mr. Crockett as to providing additional detail to what their engineering expertise and their design plans will be doing to try to mitigate any additional impacts that may exacerbate what is currently possibly a problem.

DR. GRAY: Thank you.

MS. GEUEA JONES: Other questions? So I don't want to knit-pick the plan, but I'm going to. There -- in my mind, there are two reasons for buffering specifically between different use types. The first is the one that you all are thinking through, which is privacy. The second is foot traffic. And I -- I do think that there is a legitimate concern not just that someone is going to use the commercial parking spaces as residential parking spaces for their guests or whatever on off hours, and then walk up to their patios. But also that there is now no visual or physical barrier between someone's back door in a commercial area. And -- and I do think that a fence or a significant buffer of some sort would help with that part of it, specifically, like up to the property line. And I'm just wondering, are we saying that you're going to put five-foot fence segments at each patio and no additional buffering requirement at the property line, because it sounds like that's what we're saying.

MR. KUNZ: Yes. That is what we are suggesting at this time is it just be for the paved patios and the rear of the structures, and not along the property line.

MS. GEUEA JONES: I'm concerned about that. I don't know if any of my fellow Commissioners are also concerned about a complete lack of barrier between the two properties other than that, but I -- I find that concerning -- yeah. I'm going to have to think about that for five seconds. Any other comments? Commissioner Brodsky?

MR. BRODSKY: I'm generally supportive of this, but I -- I do share your concern about the lack of

a -- a fence line back there. And, you know, I think you rightly point out that, yes, there's -- there's privacy considerations, but foot traffic for sure, and I do think that that has the potential to increase the impact on the existing property owners to the south. But I don't know if I'm going to -- I don't know if that means I'll vote no for this, but --

MS. GEUEA JONES: Yeah. Any further comment or are we ready for a motion? Commissioner Gray?

DR. GRAY: Can you, like, make more clear for me what your concern is about the -- the lack of separation, because I feel like I don't fully understand, and I do want to.

MS. GEUEA JONES: Sure. So I'm concerned that both -- it's going to result in people utilizing the commercial lot for their residential parking, because I -- I am the kind of lazy person who would carry my groceries the shorter distance across a bit of grass, as opposed to parking in the front, potentially. So I'm worried about that on the existing landowner/no commercial residents. But I'm also concerned that if I lived there and there was an empty commercial lot ten feet from my glass patio door, there is a potential for someone to just walk up and, like, literally this -- I used to live in a condo complex very similar to this, and this happened to me all the time. People would walk up to my back door and knock on it, and it was the wrong door. Or it was -- because there's not -- there aren't numbers on the back, or they were just looking to see if it was an empty unit, or whatever. I just think that when we're talking about between commercial and residential, not having any barrier there creates a potential for friction. I don't know that it's a big enough concern to get me all the way to a no. But I definitely would like to see something there.

DR. GRAY: So, thank you. To clarify, if there were the Level Three screening, would that concern be mitigated?

MS. GEUEA JONES: Yeah. Yeah.

DR. GRAY: So is that a condition that we can impose, given that it's a PD plan, or no?

MS. GEUEA JONES: We can. Staff's recommendation was to do either/or. And I guess the question is, and maybe I can have the applicant come back up here in a minute, if that's what we -- if we want to have that discussion. I -- I think it is an extra expense to try to do both, and I don't know if it's worth it to do both. But the Level Three buffer would be fine to me, or even fence segments at each patio, and a fence along the thing that maybe doesn't even have to be a full six-foot fence, just something so that it's not, like, oh, I can just walk right up is really what I'm thinking. Like, I don't like the -- I can just literally walk right up, and there's no barrier, especially since if it's what I've seen other people do, we're not talking about, like, a fully enclosed patio, we're talking about a small segment to create a visual thing. Commissioner Darr?

MR. DARR: Could we just make a motion and vote on that particular adjustment or recommendation, and then if it passes or fails, then we make a motion on --

MS. GEUEA JONES: We absolutely can. I think, traditionally, if we're going to make a change like that, we allow the applicant to come back up and say whether or not they're okay with it. So if my fellow Commissioners are okay with it, I'll do that at this time.

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

MS. GEUEA JONES: Yes.

MR. ZENNER: So the applicant has asked for a full waiver.

MS. GEUEA JONES: Uh-huh.

MR. ZENNER: The staff is suggesting as an alternative to that that the screening at the patio porch be installed. So the application at hand is that the applicant wants a full waiver. So that's, I think, to the point of you either vote -- if you're going to change what the applicant is asking for, what Chairman Geuea Jones is asking for, is the standard practice. If you are interested in not dealing with what staff's recommendation is in lieu of going to a full Level Three buffer, that's what you probably want to talk with the owner about. Right now, you could -- you could, basically, make a recommendation, depending on what the applicant wants to say, ignoring staff's recommendation. That is our recommendation, it is not what the applicant has asked for. The applicant has asked for something to be fully waived. And so if you choose to not take our recommendation as the in-between, or add to the in-between, that's entirely between you and the applicant and what they agree to.

MS. GEUEA JONES: So they asked for no buffer at all?

MR. ZENNER: Correct. Correct. They've asked for no buffer at all. We basically, have come back after discussing why the screening buffer at the patio porch area was essential. It was more of a quality of life issue. They did not incorporate that into the plan, but I think that they would probably be willing to do so if that is what the Planning Commission's desire would be. I think the applicant will probably tell you vote the project as it is when you ask him if he wants a full Level Three buffer, or does he want the staff's recommendation.

MS. GEUEA JONES: And as it is is no buffer?

MR. ZENNER: Yeah. Voted up or down.

MS. GEUEA JONES: Well, we have three options, and that's fantastic.

MR. ZENNER: You do. I mean, what a cornucopia of opportunities.

MS. GEUEA JONES: We could do so many things. All right. With that, unless one of my -- Commissioner Ortiz?

MS. ORTIZ: I fully support staff's recommendation, like, fully and strongly. As someone who walks everywhere, it is so annoying to go to a fence and have to walk all the way around just to get to where you're trying to go. I think about children that might live in this town home walking home from school, and having to go all the way around. I doubt that the doctor who is a resident there is going to have pathology patients go up to the windows of these residents. I support staff.

MS. GEUEA JONES: Okay. Commissioner Brodsky?

MR. BRODSKY: I was just going to make a clarifying point. I'm not in favor of a Level Two buffer or a Level Three buffer even, but I think a simple six-foot fence along the back would be where -- where my preferences would lie, but I want to hear it from Mr. Crockett.

MS. GEUEA JONES: Okay. Any further comment before we bring Mr. Crockett back up? In that

case, I will reopen public comment, and ask the applicant to approach.

PUBLIC HEARING REOPENED

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong. So, yes. So let me clarify a couple things. So we -- that -- the proposal before you tonight by the applicant is no buffer. Staff, in their recommendation, put in the buffer of the porches and patios. We're not opposed to that, necessarily. That came at a later date. We didn't revise the plan. We would be okay with that, if need be. Very similar to what Mr. Brodsky is saying, you know, we would prefer not to do a Level Two or Level Three. When you do Level Two/Level Three, you get landscaping on both sides. It's easy to maintain it on one side; it's hard to maintain landscaping on the opposite side. So then it's a detriment to the commercial development at that point. So we don't want to do Level Two or Level Three. As Mr. Darr has stated, you know, the applicant -- we would be -- if -- if the Commission would like to have a six-foot fence across there, we could -- we could do that, too. However, we would like the Commission to vote on what they would like, and then -- then incorporate that into the recommendation, so there's some consensus there. What we would like is no buffer or what staff has proposed. Now to your comment, Commissioner Geuea Jones, those porches are going to be -- as Mr. Zenner has indicated, they're going to be elevated. So it's not going to be able to -- some folks can't get back there, can't go up to the window, can't go to the door. The only issue is going to be is, again, the cross -- you know, walking through there. Is that an issue or is that not an issue, walking back, you know, but if you think units -- people are going to walk between the units and walk through the commercial parking lot, that's an issue, then, you know, the way to solve that would be the fence and not the landscaping. But that's how we would -- we would propose to do it. So we're okay with the plan as presented, staff's recommendation, or, as Mr. Brodsky indicated, the fence.

MS. GEUEA JONES: Thank you. Any questions for Mr. Crockett about the applicant's wishes? Commissioner Stanton?

MR. STANTON: So directly, these porches -- these porches are not at ground level, they're up?

MR. CROCKETT: We haven't graded this site out entirely, but some of them, you know, they may be elevated a little bit, yeah. Given the -- the topography, given the terrain sloping down, they may be elevated above that a little bit.

MR. STANTON: And staff's recommendations would satisfy Madam Chair's concerns about people walking straight --

MR. CROCKETT: I think -- I think the existing topography would satisfy Ms. Geuea Jones concerns with folks coming up to the back.

MR. STANTON: Okay. And you are in support of -- outside of what you're asking for straight up, right now, you are in support of staff's recommendations concerning buffering?

MR. CROCKETT: We would be okay with staff's recommendations for a buffer. We would prefer what we have -- what we have presented, but if -- you know, if decided by the Commission, we're okay with staff's recommendation.

MR. STANTON: So if we made an amendment to accept staff's recommendation, you're okay with that, or would you rather have it straight up and down do or die vote?

MR. CROCKETT: We would -- we could support staff's recommendation. I would -- we would -- we would like none, but -- you know, and I think that way to do is how Mr. Darr presented it that way, we have -- what the final vote is the consensus of what the Commissioner wants.

MR. STANTON: Okay.

MR. CROCKETT: What we don't want is someone voting no over a simple fence issue. I would like to have a consensus of what the screening is, and then have everyone vote on that consensus.

MR. STANTON: That's what I'm trying to get at. Do you want -- do you want a ride or die vote or are you open for --

MR. CROCKETT: No. No. I don't want to run a die vote based on either, because some Commissioners may be very supportive, if we did just the fence or just what staff's recommendation is.

MR. STANTON: Okay.

MR. CROCKETT: Yet, if that's not being presented, I don't want the no vote just because of that. I want to have it vote on the screening, and then vote on the plan.

MR. STANTON: Okay. Got you. Thank you, sir.

MR. CROCKETT: Thank you.

MS. GEUEA JONES: Thank you, Mr. Crockett. Any further questions? No. Thank you very much. We will -- just for -- so no one yells at me, anyone else want to come while we have public comments still open? Anyone who hasn't spoke before? Okay. Seeing none. I will close public comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Go back to Commissioner comment. What do we want to do? Commissioner Darr?

MR. DARR: I was going to say, let's make a motion on staff's recommendation and see if there's a consensus just on the way staff presented it with the six-foot fence just along the rear of the patios.

MS. GEUEA JONES: Very good. Can you state that as a motion?

MR. DARR: Sure. Regarding Case Number 68-2025 [sic], regarding the condition for a six-foot screening fence at the rear of the porches or dwelling units facing commercial parking lot to the east, do --

MS. GEUEA JONES: That's good enough.

MR. DARR: Is that it? Okay.

MS. GEUEA JONES: Yeah. Is there a second?

MS. ORTIZ: Second.

MS. GEUEA JONES: Thank you. Motion made by Commissioner Darr on the fencing, seconded by Commissioner Ortiz. Is there any discussion on the motion?

MR. STANTON: Just clarity on the vote.

MS. GEUEA JONES: Yes.

MR. STANTON: You like staff's recommendation?

MR. DARR: I'm in favor of staff's recommendation.

MR. STANTON: Okay. Got it.

MS. GEUEA JONES: Yeah. So this is the recommendation by staff as shown on the current slide. If there's no discussion, Commissioner Brodsky, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Darr, Dr. Gray, Ms. Ortiz, Mr. Stanton, Ms. Wilson. Voting No: Ms. Geuea Jones, Ms. Stockton, Mr. Brodsky. Motion carries 5-3.

MR. BRODSKY: The motion carries five to three.

MS. GEUEA JONES: Very good. Now we are ready for a motion on the plan as a whole.

MR. DARR: I would make a motion.

MS. GEUEA JONES: Please, Commissioner Darr, go ahead.

MR. DARR: Regarding Case Number 68-2025, I would make a recommend to approve the planned development plan, revised statement of intent, and preliminary plat to be known as Lake Broadway PD Plan, subject to technical corrections and subject to note on plan stating installation of six-foot screening fence and rear of porches for dwelling units facing the commercial parking lot to the east in lieu of providing a Level 3 screening and buffering at property edge.

MS. ORTIZ: Second.

DR. GRAY: Second.

MS. GEUEA JONES: You're going to fight it out. Motion made by Commissioner Darr, seconded by Commissioner Ortiz. Is there any discussion on the motion? Seeing none. Commissioner Brodsky, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Darr, Ms. Geuea Jones, Dr. Gray, Ms. Ortiz, Mr. Stanton, Ms. Stockton, Ms. Wilson, Mr. Brodsky. Motion carries 8-0.

MR. BRODSKY: The motion carries.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council.