

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
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Case 28-2022

A request by Crockett Engineering Consultants on behalf of JQB Construction, Inc. for approval of a major amendment to the Woods Edge PUD Plan to expand the size of Lots 14, 20, 24 through 29, decrease the size of Lot C7 and C9, and create Lot C10 along Hoylake Drive. The affected lots are located north of Hoylake Drive, east of Sahalee Court and west of Brandon Dunes Court, approximately 1,500 feet west of Rolling Hills Road.

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

MR. SMITH: Yes, thank you, Ms. Chair. Excuse me. Again, so this is another PD plan major amendment, the existing Woods Edge PUD technically. So it was approved prior to the UDC. Now it would be referred to as PD plan. It does require a public hearing. Public information sent out late October and advertised in early November, 77 postcards. So a fair amount of notice was given out, generally most of the residents -- actually I think all of the residents of the entire subdivision, including many neighboring property owners. So this is kind of the current aerial. You'll see the site is actually fairly built out from when it was approved. It's Rolling Hills going up and down the east side of the site, with the major road, Hoylake, going through this and then turning south at the southwest corner of the site. So what you're seeing here is the proposed amendment plan. And I'll focus a little bit more on the exact change here. The majority of the site is staying the same. The heavy black dashed line in the kind of southwest corner there is reflective of the portion that is going through significant changes. So in other words, some lots are getting noticeably bigger and the common lot is being reduced. There's also a street realignment, which I'll briefly discuss as well. So the image on the left is focused in on the southwest corner of the site. On the left is the existing PUD plan. And on the right is the -- is proposed PUD plan. And I'm going to take a second just to kind of also restate a couple things. One, they're referring to this is the Woods Edge PUD. And just so there's not confusion out there for the general public, the PUD plan in this case served as a preliminary plat, which is kind of the first step for any new subdivisions. The developer, when they came in to final plat the lot, which

actually creates the lots and record the final plat, changed the name to The Brooks, Plat 1, which, you know, they're allowed to do. It's usually -- you see a consistent name from the preliminary -- in this case PUD plan because it was serving as a preliminary. You usually see a consistent name between that and the final, but they chose to rename it. So the individuals who own lots out here know their lots to be within The Brooks, Plat 1 subdivision even though the PUD out here is referred to as Woods Edge. It all is referring to the same property, in essence. So again, the blue shows the common lots. And that's really the significant change here. The blue on the left there, you see that facing Hoylake Drive on the south there. And, you know, having a large area behind Lots 24 through 29, along Bandon Dunes -- I apologize. I think that was a typo in my report. It's actually Bandon Dunes instead of Brandon Dunes. And then also the rear of Lots 20 through 23. So the owner of the common lot, which is the original developer, JQB, along with several property owners out there that own single lots, are proposing to expand the size of residential Lots 20, 24 through 29, which face on the Bandon Dunes, and then Lot 14 which is kind of the bottom there on the right. So the remaining common lot is going to be the big common lot piece, which is between Bandon Dunes and Sahalee. It will be basically cut-offs. So it will be created -- it will turned into two common lots. C10 will remain on Hoylake Drive and have frontage there. And that will actually include the small amount of existing trees and timber that are there. The remaining portion will be divided into basically expanded backyards for Lots 24 through 29 and Lot 20. That portion right now doesn't have any substantial vegetation on it. No trees, no climax forest on that area. For the most part, it is just vegetation. Lot 14 is a little different. It is encroaching into some area that was previously identified as timber. So it results in about an 8,000 square foot reduction in timber that was preserved accordingly or previously on the plans, so -- but it will also split the common lots, so it's not touching anymore as well. If you notice also the alignment of Hoylake Drive, on the left plan it goes straight west. On the right plan, it curves to the southwest. And that was something that was anticipated when we did the PUD, that that alignment might take place. I think the developer at the time was also looking at probably the southwest. The city staff was looking at the possibility of having a major roadway go through both those sites. And so that was actually done without a revision because it wasn't noted on the PUD plan. And that is Hoylake Drive does go through the property and connects to The Brooks -- the second phase of The Brooks to the southwest of this property. So just to recap, we have I think approximately nine lots that are enlarging, two common lots that are decreasing in size. The climax forest is still well within the required minimum amounts per city code, plus the requirement in their specific statement of intent to preserve 25 percent of existing vegetation.

So they still require -- they're still preserving in excess of the 25 percent. Especially with reductions in common lots, we do look for public input especially. It's preferable to have a real formal statement by the homeowners association, if there is one, that there isn't objections to the community to reduce the common lots, because it is a benefit that is, once transferred, would be for the entire community. In this case, there is no established homeowners association. I have received plenty of calls from residents in the area, but all have generally been of inquiry nature, wanting to know what the request was and how it's going to affect them. No -- no calls or complaints or objections to that with the exception of the e-mail I think that was just received that seems to suggest that they are not in favor of it. But again, it just came in so I'm not going to necessarily address it directly. So those are basically the joint changes we're looking at, the reduction of the common lots, the road realignment, which gen-- at this point matches what was constructed. And this is kind of a quick overlay of the aerial as well. The blue being what will be remaining of the common lots after the reconfiguration. The red boundary being, again, what the affected areas were. So again, you can see the rear of the lots on the top portion there. Note standing timber in that area of the common lot that's going to be removed. So finding then that there is no community objection to this minimal reduction in climax forest and general vegetation of the site, staff doesn't have really any objections to it. So we're recommending approval of the major amendment to the Woods Edge PD plan. And I'd be happy to answer any questions.

MS. LOE: Thank you, Planner Smith. Before we move on to questions for staff, 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 all commissioners have the benefit of the same information on the case in front of us. Seeing none, are there any questions for staff? Commissioner Geuea Jones.

MS. GEUEA JONES: So the common lot is maintained by the applicant, not an HOA --

MR. SMITH: Not --

MS. GEUEA JONES: -- and --

MR. SMITH: I'm sorry. Go ahead.

MS. GEUEA JONES: Sorry. And -- and -- and this would -- I mean I assume that they worked everything out with the private owners. Or does the applicant also own all of the lots that are being expanded?

MR. SMITH: No. So the -- again, something else I should clarify, and just for kind of ease of explanation I didn't include it. But technically the applicants for this are the JQB, which owns the common lot, they own it, and every single property owner that is affected by that lot change. So they have basically also given the authority for that

change.

MS. GEUEA JONES: And I guess that was my actual question. Like are all these other lots owned by other people or --

MR. SMITH: They are. And many of them have homes constructed on them now.

MS. GEUEA JONES: Thank you.

MS. LOE: Any additional questions?

MR. ZENNER: Ms. Loe, if I may if there's no other questions. To Mr. Clint's [sic] point, we did receive a correspondence through our general planning@COMO.gov e-mail this evening from John R. Duke, which summarized -- it included a series of questions which I believe Mr. Smith has answered in his presentation and we can respond to. But the last line of this particular exchange is: I object to the proposed plan. So Mr. Duke's comment has been received, is that he does not like this for a number of reasons, which we can respond to to provide the technical components to answer his question. But he is -- he is one resident of this particular area that is not happy.

MS. LOE: Thank you, Mr. Zenner.

MR. SMITH: Given that, we'll include that correspondence when it goes to Council. But given the late nature of that e-mail, we couldn't include it here.

MS. LOE: Any additional questions for staff? Commissioner Placier.

MS. PLACIER: Could you point out where C7 and C9 are exactly, the two that decrease?

MR. SMITH: Okay. So on this graph here, C10 is kind of the newly created common lot. It's really just a remnant. C7 would be the original larger piece.

MS. PLACIER: Oh, okay.

MR. SMITH: So this piece here was C7 and it will continue to be C7 -- referred to as C7. And C9 is the one south of Hoylake Drive on the bottom of the screen.

MR. ZENNER: Being reduced by the expansion of Lot 14.

MS. LOE: Any additional questions for staff? If there are none, we will open up the floor to public comment.

MR. CROCKETT: Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. As Mr. Smith indicated, we were aware of no opposition to this plat until this evening an e-mail came in. I've also spoken with -- with -- with a concerned resident as well as with regards to drainage issues which she is experiencing that is adjacent to this development as well. Working with her, I explained to her that the drainage -- the reconfiguration of this doesn't really affect the drainage. The drainage is going to take place. And there may be some other outlying concerns with regards to what's causing her drainage concerns and we'll certainly work with her and continue to do so with that

regard. As -- as Mr. Smith indicated, Hoylake Drive was relocated -- run through this. When the original PD Plan was approved, it went straight across because that's how CATSO delineated the major roadway in this location. However, working with CATSO, going through that process, it got relocated, hooked it further to the south. And I believe if you look at Lot 14, the lot adjacent to it, I believe the original intent was to have another platted lot there once the client -- once the applicant acquired the property to the south, then it could be a larger lot. Not being able -- to get another driveway access onto that collector street kind of took that option away. And therefore, that is the reason for that portion adjacent to Lot 14 was that resident wanted additional property and we just weren't -- when we determined that we weren't able to plat it as a residential lot, that -- you know, that decision was discussed. With regards to the lot C10, the reduction in -- excuse me, reduction of Lot C7, the area in question again is not the climax forest. There are trees that are shown on C10. Those trees are going to remain in place. The area in question was a topsoil storage area. When you do development, you have a large portion of topsoil. You strip the entire site of topsoil. You place it in certain locations and then the builders come in and they remove that topsoil for the yards. That material is not suited for under buildings, under foundations, under streets. And so we want to make sure that you remove that and put that in a certain location. That was put in this location here. There are no trees in that location. So that's why they were placed there. There's a good depiction of that -- that area right there. And so want to make sure that we understand that we're not removing trees, we're not giving away trees or anything along those lines in the realignment here. Again, this is something that we've done in the past. Again, the residents along Bandon Dunes have looked at this. They're -- they are co-applicants in this process seeking to acquire that. So many of them are here tonight and can answer any questions. I'm happy to answer any questions that this Commission may have.

MS. LOE: Thank you, Mr. Crockett. Any questions for Mr. Crockett?
Commissioner Geuea Jones.

MS. GEUEA JONES: Just curious. There seem to be quite a few people here. You seem surprised by that. I guess I'm wondering -- usually this sort of -- I guess this isn't a big development, so that probably is why you didn't do a lot of neighborhood outreach?

MR. CROCKETT: I think given -- this is a unique situation when the ap-- the residents themselves are pretty much the co-applicants and the developer is the underlying landowner who is working with them. So I worked with my client, the underlying landowner, working with him. And so he reached out to the neighbors and got their -- got their -- them to sign the applications. And so really the neighborhood

outreach, I can't speak to that because that didn't lay back on me on that. So I'm not sure what did or didn't take place. I can't speak to that.

MS. GEUEA JONES: I understand that. I just -- normally people know if they're going to have this kind of turnout.

MR. CROCKETT: Right, right. And so I mean, you know, we do have some turnout. I think a lot of the residents that are here are residents that are co-applicants or the folks that, you know -- I believe most of them are co-applicants here.

MS. GEUEA JONES: Okay. Thank you.

MR. CROCKETT: Thank you.

MS. LOE: I do have a question, Mr. Crockett.

MR. CROCKETT: Yes, ma'am.

MS. LOE: Mr. Smith, can you go back to the original PD plan? There we go. That's good. So in the original C7 area, there's two bioretention areas.

MR. CROCKETT: Yes.

MS. LOE: And I -- where -- in C10 there's no bioretention.

MR. CROCKETT: Those -- when we do a preliminary plat, we do the best -- what's called a best guess, if you will, on where those go. And so when we get into final design, we start looking at grading and stormwater and how we're going to address it and how we handle it, where does it need to go. Those can get moved around. And so in this case, those got moved down. You see them -- on the revised plan you kind of see those further over to the -- to the west. So we didn't need as much as we originally anticipated. What he like to do on preliminary plats is, you know, shoot for -- show more and then design accordingly. What we don't want to do is not have enough. And so we try to over-anticipate what we need. And in this case, we had a few extra bioretention cells that we did not need. It still fully conforms with all the stormwater standards. So detention, water quality, all of those items are fully addressed on the master stormwater plan for this development that's been reviewed and approved by City Stormwater.

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

MR. CROCKETT: Thank you.

MS. LOE: Mr. Smith?

MR. SMITH: Yeah. If you'll allow me, I'll just confirm what Mr. Crockett had said is -- is generally the preliminary plat, we require conceptual locations for utilities, stormwater. So it's not unusual to see them move a little bit. Same with sanitary water lines and that sort of thing. They haven't done the engineering yet, but we do look at them to get a conceptual location that our staff can review and say that seems to make sense where you're indicating they will be. That's all I wanted to say.

MS. LOE: Just wanted to confirm we didn't need any in that area. Any additional speakers on this case?

MS. DELLA VECCHIA: My name is Tracy Della Vecchia. I'm the homeowner on Lot 19. My home has been there for two years.

MS. LOE: Ms. Della Vecchia, do you have an address for that?

MS. DELLA VECCHIA: 600 Sahalee.

MS. LOE: Thank you.

MS. DELLA VECCHIA: We have a lot of water in our backyard. We have some significant problems. We've had several people come out. I've got another engineer coming out on the 15th of this month to take a look at it. I'm not sure that I understand why this is going to be given to other people. And my biggest fear is that I've got all these water problems, we're going to give this land to these other people who will be able to do anything they want to it, including breaking down some of those berms that I think keep some of that water from my backyard. I'm in Lot 19 and up there in that common area behind my house is a creek that runs. And that creek comes all the way up to the very lowest part of my backyard when all of that water runs through there. When this changes significantly -- and I see on the left side there were two more reservoirs. I see on the right those two reservoirs are gone. When those people start changing that property line there and the soil there, my fear is I've got more water in my backyard. And I've already got 35,000 dollars worth of damage in my backyard. Trying to mitigate, trying to get the right company out there to fix it. I finally hired an engineer for it. I'm really worried about it. And I'm right next door to where rivers run through his backyard. I'm afraid.

MS. LOE: So just to clarify, you're in Lot 19?

MS. DELLA VECCHIA: Yes.

MS. LOE: And right now you have water run-off through the bottom edge of your yard?

MS. DELLA VECCHIA: It's in the common part that water -- I mean when we have huge rains, that water comes up -- into my yard. The amount of water that goes -- flows through this part seems to all congregate at the end of the cul de sac where my home is. And the run-off that I have built on the foundation line water remover thingy that goes around -- wraps around your house, those gush water. And I just paid somebody to come in and put in new irrigation lines to get that away from the house because you can't step -- if you go outside when it's gushing water like that and for a week later, you step in the soil and I'm buried up to my ankles in mud.

MS. LOE: Is it run-off coming from Sahalee Court or water that's coming from the common area below?

MS. DELLA VECCHIA: I'm unsure and I'm not an engineer. That's why we hired an engineering firm to come in and figure it out for us.

MS. LOE: All right.

MS. DELLA VECCHIA: When I saw that this was happening, I thought this sounds like a great idea. But now that I've just experienced all of these other problems with a lot of water stuff going on in my backyard, when those berms are gone, which is the soil piles that he talks about, I'm really afraid of what's going to happen back there. And part of it is my ignorance and not understanding any of this.

MS. LOE: Thank you. Are there any other questions for this speaker? Mr. Smith?

MR. SMITH: If you don't mind, have you contacted or spoke to anyone at the City about this?

MS. DELLA VECCHIA: The City of Columbia?

MR. SMITH: Yeah.

MS. DELLA VECCHIA: For one of the issues, yes, but -- yes.

MR. SMITH: Okay. If you don't mind, I can give you my contact information. And I can put you in touch with our site development team and see if there's something they can take a look at and maybe work with the applicant's engineer also.

MR. CROCKETT: Absolutely.

MS. DELLA VECCHIA: And I know that I'm the unhappy homeowner there because I have this opinion of it. But my experience in two years in that home has been expense after expense after expense for water.

MR. SMITH: Yeah. I think that's something we can have our team look at. And if there's --

MS. DELLA VECCHIA: And we do have an HOA. We all pay HOA dues. So I don't know why you all have it on the record that there's not an active HOA.

MR. SMITH: That might be my fault. It's just something maybe not in our system. So I might -- if you know the contact information of that, I can get that from you too.

MS. DELLA VECCHIA: Okay.

MR. ZENNER: And ma'am, there's a difference between having an active HOA and the common lots being transferred to the HOA.

MS. DELLA VECCHIA: I understand.

MR. ZENNER: So -- and that's -- for some of your common areas that you have and your islands and your street features for your signage, that's most likely what the HOA at this point is responsible for. But at some point the developer will transfer likely these common lots out to the HOA as well. That just hasn't happened yet. And I

think that that was the perspective that Mr. Smith was looking at when he prepared this report, that this land is not HOA -- it hasn't been conveyed to the HOA yet.

MS. DELLA VECCHIA: Understood. And again, a lot of this is my ignorance. I've lived in the county for the last 25 years of my life and moved to the city to our retirement home two years ago. So this is new for me. Any irrigation problems I had before, we took care of them our self. So you know, I understand that part of this is my lack of knowledge, but I appreciate any help that you can provide for that then. So -- and for you as well. Because I'm scared.

MR. CROCKETT: Sure. I understand.

MS. LOE: Well, we appreciate you coming to the meeting and participating because it's this type of information that we need to make decisions. Thank you.

MR. CROCKETT: And if I may, Madam Chair.

MS. LOE: If you can just give your name.

MR. CROCKETT: I'm sorry. Tim Crockett, Crockett Engineering, 1000 West Nifong. With regards to Ms. Della Vecchia -- I'm sorry --

MS. DELLA VECCHIA: Yes.

MR. CROCKETT: -- if I mispronounce that. With regards to her concerns, we're happy to meet with her and discuss her stormwater issues to see what's taking place there. When -- stormwater from this area many times will cross private property. It does cross private lots. And so that's not uncommon. When we submit plans to the city, we have to illustrate and we have to design every swale that goes through there to make sure we don't get water in homes. She's shown me some pictures of her home and the neighbors, residents. I think there may be some constructability issues that may be taking place. But we're certainly willing to work with them and try to identify some of the questions that she had with regards to her foundation drains. Obviously that's her roof drains and so it has nothing to do with the common lots upstream. The water that's there is -- and that's the natural drainage course of the water. It's been going there since ground was -- ground was created. And so that's the natural drainage course of that water. And all of that is taken into account for stormwater planning that we performed and we submitted to the city and was approved by the city. You know, we're happy to work with Ms. Della Vecchia and see what kind of concerns she has or we can do -- help mitigate the concerns that she has, but I don't think they're going to be related to this. We do understand she's scared and she has some concerns. We're willing to help her with that and see what we can do to help mitigate those concerns. So just wanted to say that to help.

MS. LOE: Thank you, Mr. Crockett. I appreciate that. However, I do see that there are two storm drains from the street. One going into the common area.

MR. CROCKETT: Yes, ma'am.

MS. LOE: And one going down along the property line of Ms. Della Vecchia. So I appreciate your observation that these aren't related, but I am curious -- or it does appear that we are -- this plan does direct run-off to the areas in discussion and it does sound as if there's some issues with run-off.

MR. CROCKETT: Well, the water is directed there. The water's always gone that direction. And you are correct. There are storm pipes that direct it through that -- through that area. But those have all been accounted for. So if -- if -- those pipes would certainly be there today, the same water force would be there today if there were not -- you know let's say, for example, there were no common lot whatsoever and all the backyards abutted each other. We would have the same exact stormwater improvements that were being designed for today as -- you know, as would under that scenario.

MS. LOE: Right. But maybe if those detention areas were there, that may -- or the one -- maybe the one at the bottom is being overloaded, which is why --

MR. CROCKETT: Well, we're happy -- again, we're happy to look at that, but the design calculations that we have completed and were reviewed by the City Stormwater staff -- and we don't just do the detention at the bottom of the hill. We don't say all the water is going to be at the bottom of the hill, let's do a calculation down here. We have to -- on our design plans, we have to illustrate cross sections of all of our swales that go through the property. And so we have to make sure that the -- the stormwater culvert off of Hoylake Drive, the drainage swale that goes from that point all the way down to the detention basin is designed adequately and can handle the water and not flood residences. And so all of those are designed and reviewed by -- you know, we complete them and they're reviewed and approved by city staff. And so you have stormwater engineers who specifically look at those calculations to -- to make sure that we achieve those.

MS. LOE: I understand that they were designed to a standard, but it sounds as if the situation in this case --

MR. CROCKETT: Right.

MS. LOE: -- may have some additional issues.

MR. CROCKETT: Right. And I don't disagree with that. I'm just saying I think those issues are arising from something other than this common space, whether it's common space or not. It's arising from something other than that. And so in looking at the pictures I think -- again, there may be some constructability issues from the builder. I don't want to say that for sure, but just looking at elevations and how that was done, I don't think necessarily it may be an issue from upstream water detention.

MS. LOE: So if additional grading or bioretention is required in the area that

is now part of C7, either lower to the west or in the area that's now being proposed to be made part of the private lots, if that were part of private lots, what right would the common area -- or how would that be done once they --

MR. CROCKETT: Well, I think that could --

THE COURT REPORTER: I'm sorry. I'm sorry. I didn't hear the end of what you said.

MS. LOE: I was asking how could that work be done once the property was part of the private lots?

MR. CROCKETT: Those improvements can be installed on Lot C10, if need be. And so bear with me, ma'am, if you don't mind. Actually I'm looking -- I'm going back and looking at the revised plan because I was talking about the stormwater culvert that discharges across the common lot, C7, which is on the left side. If you look at it on the right side, I don't believe that culvert is actually there. I think that culvert was actually moved down. I think there's a low point in the street and then there's a piping network that moves that around. So I don't even think that there's a pipe that discharges there, if I'm looking at that correctly. So the actual street water and actually -- actually that -- that area that drains back behind Lot 19 is actually taking less water today than it did pre-development.

MS. LOE: I'm not sure --

MR. CROCKETT: If you -- if you look at what's on the -- on your left side, you'll see that -- Clint, if you don't know -- on the Hoylake Drive, that -- that -- those inlets right there in that storm pipe. If you look at that, I do not believe -- that's not being shown on the other side. I don't know that there is a storm water inlet at that location. I believe that inlets were there, but they were -- the water was piped down. There's an inlet right in front of Lot 14, Clint, if you'd go there. There's an inlet there and that water is going to the west adjacent to Hoylake Drive and being piped around to a small detention basin that's down there at the bottom of the hill. So there is no additional water going back behind the common lot, Ms. Loe.

MS. LOE: Maybe that accounts for why that water is accum-- or maybe. Okay.

MR. CROCKETT: And the channel behind Lots 17 and 18, 16 is certainly large enough to handle that additional water. Again, there's a -- it's not a mass amount and that's a large amount of area that can handle those slopes.

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

MR. CROCKETT: Thank you.

MS. LOE: Any additional speakers on this case?

MR. HANNER: Hello. My name is Bruce Hanner (phonetic). I think it's Lot 26, yes -- 28, 28 that we own.

MS. LOE: Does it have an address or what is your home address?

MR. HANNER: Pardon?

MS. LOE: What is your home address?

MR. HANNER: 477 Bandon Dunes.

MS. LOE: Thank you.

MR. HANNER: And I think when we're building behind our house where it goes through, it will help Tracy's situation. Because right now all that common ground back there is nothing but clay. And everything runs off the clay. So once it's topsoiled and sodded or seeded, I think that will soak up a lot of the water that's going towards Tracy's house too. If -- I'm not sure if that water is getting over there or someplace else, but I think that will improve it a lot.

MS. LOE: Thank you.

MS. FLESHMAN: And my name's Cara Fleshman (phonetic) and I live at 473 Bandon Dune -- Bandon Dunes Court and I live right next to him at 477. And we do have a drainage -- drain in our backyard that helps with the drainage. But it does receive a lot of that downhill water. But like he said, right now there is a lot of clay. So I'm not sure if that would help soak up once it's like re-landscaped because there's like a lot of hills and stuff. So I feel like it all just kind of gushes down. And if it's leveled out, that might help. But I do feel like maybe whenever they do resod it and stuff, if they could get it to just have a little bit of a better drainage, that could help with the situation down the hill.

MS. LOE: Thank you. Any qu-- there's one question, if you don't mind. Sorry. Commissioner Geuea Jones?

MS. GEUEA JONES: You said when they sod it and seed it, that sort of thing. Who's going to be doing that landscaping work? Because it will be your property at that point.

MS. FLESHMAN: Yeah. I mean, I'm not sure. I think -- he would probably know that question a little bit more. But I just know that we're all going to work together to get it to be landscaped and look better than what it does now.

MS. GEUEA JONES: But you have at least been approached about a plan to do that?

MS. FLESHMAN: Yeah.

MS. GEUEA JONES: Okay. Thank you.

MR. GRIGGS: Good evening. Brett Griggs (phonetic). I'm at 501 Bandon Dunes Court, which would be Lot 27. Getting back to the original discussion and the

original plot. Behind Lot 19 and going on around where 31 and 32 are, that is, as Tim originally said, that's an old creek bed going way back way before anybody thought of developing the land. So that's a natural water flow. In the original green space design, that's a catch basin that originally funneled all that water down and always has been. Now after the original Plat 1 grading, has taken it all down to clay and then they -- as he said, they took all the topsoil and put it in a huge mound behind there. So basically what that has become is a catch basin of clay that just is a raceway for the water to go down behind Tracy's property. So what we've proposed with expanding the land is excavating it and creating a means of flattening it out a little bit, bringing that topsoil that's still in a pile there, spreading it out, seeding it. Which, again, as Bruce said earlier, will also help with absorption of rain going down. And plus, that might aid in the drainage off of the back of her lot as well. But basically that's what we're looking to do in the end is just seed it, get some trees back there, get some soil holding. Because right now all it is is weeds and clay, as we said. And it's just a raceway for the water right now. We've got a lot of erosion going on back there. And thank you.

MS. LOE: Thank you. Any questions for this speaker?

MR. GRIGGS: Yes, ma'am.

MS. LOE: Commissioner Geuea Jones.

MS. GEUEA JONES: Again, who is "they"?

MR. GRIGGS: They?

MS. GEUEA JONES: Who is the one who is actually organizing this project? I think it's a good idea to do it. I'm just trying to figure out if the HOA doesn't own that land and instead, it's all these individual property owners --

MR. GRIGGS: Right. Homeowners.

MS. GEUEA JONES: -- somebody needs to say this is what we're doing.

MR. GRIGGS: I'm kind of the one that spearheaded the action. As I talked to JQB about what they were going to do with that land back there, he said, well, it's either going to go to the HOA or to the city. And I said what about possibly deeding to us and then that way we can take care of the land, upkeep it. And then we don't have to have the HOA take care of it, you don't have to have it done by the city. If we have the landowners taking care of it, we'll clean it up, do a good job of it. And because it's ours and it's owned, it gives us more incentive to take care of the land because the benefit in the long run of a little bit of increase in our property values as well.

MS. GEUEA JONES: So you're able to do that now instead of waiting until everything is developed, which is what normally happens. When everything is done, then they do the common lots.

MR. GRIGGS: Right, right. Because it's most -- they're just about done with

Plat 1 with all the houses being done in that area. So we're at the point where we just thought we're tired of the erosion and the mess. And I approached them about deeding the land out and getting it straightened out.

MS. GEUEA JONES: Okay. Thank you. That's very helpful context.

MR. GRIGGS: Sure.

MS. LOE: Any additional questions? I see none. Thank you.

MR. GRIGGS: Thank you.

MS. LOE: Any additional speakers on this case? I see none. So I'm going to close public comment. Commission comment. Commissioner Rushing?

MS. RUSHING: I have a couple of concerns about this proposal. The first one is the concern with the reduction of the drainage basins. Another concern is, of course, the ownership of those common areas and who's going to be responsible for cleaning up the mess that apparently is there right now. And the third is that there appear to be lots whose configuration is being changed, but the owners of which are not part of this request. And you know, that could be that the actual lots don't conform to the plat on the left and so they're making those changes on the right, but that has not been something that has been mentioned. Nineteen is one that appears to be changed, 15 appears to be changed and 16. And none of those property owners are part of this request. So I can't see voting in favor of this request.

MS. LOE: Mr. Smith.

MR. SMITH: Yeah. If I could just address the last part of that. And that's a very keen eye. And there are some lots if you look between the two, that aren't exactly the same. And the -- the reason why is that generally between a preliminary and final, those lots are not going to match up exactly, you know. Every single corner of the lot may not be in the exact same position. What we look for is substantially conforming to it. So we don't hold them to exact measurements. And so you're going to see some minor differences between the preliminary and the final. What they're showing though on the right side is all the lots as they've been platted. So everything on the right is showing what's -- what had gotten done. The only things that -- all the lots that will need to be replated are part of this amendment and are reflected on there. But that was a good point. I didn't dive into that kind of detail, but that is the reason why you do see some differences in other lots other than ones we identify.

MS. LOE: What's considered a minor change?

MR. SMITH: For -- between a preliminary and final?

MS. LOE: Yes.

MR. SMITH: It's subjective. There is no definition. So I could go into minutia about what we would look at and consider to be significant or not or substantial. This,

looking at it tonight, is clearly a substantial change. Right? This is different from the preliminary. Generally when we see the elimination of common lots, we immediately flag that as a substantial change that needs to come back for review. But we look to have the same number of lots, generally with the roads generally in the same position. So not a lot of changes from the original layout.

MS. LOE: What about lot size?

MR. SMITH: Generally if you have a street and there's the same number of lots along that street as was on the preliminary, we don't go into the detail of saying this lot was 85 feet wide versus the final plat says 83 feet wide. So we don't get into quite that detail, even if it is a little bit more than that. So usually it's the number of lots, the street layout, the location of cul de sacs, that sort of thing.

MS. LOE: What about going from 130 to 150 feet long, so losing 20 feet in length?

MR. SMITH: I can't tell you exactly every measurement on here that we did consider to be significant or not. I could say the one on the right was platted and so it is currently in place. We do have a little bit of administrative leeway there to determine what's substantial and what isn't. Some cases, 20 feet difference may not rise to the level of requiring them to come back to Planning and Zoning and reconstitute approval of the preliminary revision at Council.

MS. LOE: Sorry. So the one on the right, those lots are what was platted on site?

MR. SMITH: Yeah.

MS. LOE: They're not all changed. The only ones that are seeing change are the ones indicated as changed?

MR. SMITH: Yes. That's correct.

MS. LOE: Okay. Thank you. Commissioner Geuea Jones.

MS. GEUEA JONES: The phrase that keeps coming to mind with this issue -- and -- and I -- I recognize that we're bleeding a little bit away from what the actual request before us is, but I think it's relevant. But the phrase that keeps coming to my mind is "tragedy of the commons." And the fact that here we have this common lot that is supposed to be there for the good of the residents and instead, it is creating problems for everyone. And I think the residents here have decided to take matters into their own hands and say, well, if no one's going to take care of the common lot, we'll all take a portion of it and take care of our portion. It -- it seems to me that that is a solution that will solve a lot of the problems. And frankly, by doing this, it means that C10 -- I guess it could still technically be an R-1 house, but not with a driveway on Hoylake. So you know, it may actually mean that they don't have future problems because there's not a lot sitting

there that's ripe for rezoning and development and whatever else. So I mean, I understand that we usually see common lots as a benefit to the neighborhood, as a benefit to the ecology, that sort of thing. I think in this case it is creating more problems than it's solving. And by giving that control to the people who live there and are experiencing the problems, they may get solved faster, for whatever it's worth. And frankly, we -- the neighbors who don't like this plan don't like it because the common lot is causing the problems. And -- and I agree. The common lot is causing problems and it needs to be fixed. I am just wondering -- it sounds like the people who are trying to divide up the common lot want to fix the same problems.

MS. LOE: It's interesting because I thought you were going to say this is a common lot -- this is an issue being created by a common lot and should be resolved by the owner of the common lot. And that it's above and beyond the responsibility at this time of the individual homeowners to do so. So I agree that is one solution. I have concerns about that solution in that once it's out of the hands of the common group, be it the current owner -- and I do believe they have obligations. I'm not sure exactly what those are legally per the agreement. All I can see on the original PUD is that the common areas shall be used for landscape and stormwater control. Sorry. I lost it here. Stormwater management purposes. Yeah. So it sounds like they're not really being put to that use yet and there may not be a prescribed date to which they are being put to that use, which is the shortfall. And that just may be something we need to look for sooner. Because if these developments are being occupied, the development in them should be protected. And the common areas should be maintained for that use. So that's sort of the direction I'm thinking at this time. My concern being that once this land is in private use, there's no obligation of those landowners to protect their neighbor or do landscaping or control such. Commissioner Burns?

MS. BURNS: I agree with you. I guess it would be -- it sounds like the neighbors all know each other and there have been discussions. And I guess I would ask the property owner on Lot 19 -- I don't know if you have to open up public hearing again. But do you feel confident that your neighbors who are acquiring this for their own private use now will work with you to mitigate the problems you've been experiencing?

MS. DELLA VECCHIA: I would like to speak to that if I'm allowed.

MS. LOE: We will have to open up the floor to public hearing comment. So I would like to just do a circle on the Commission first, so. Commissioner Burns, any follow-up on that or --

MS. BURNS: No. That's I guess a question that I have that I'd like to have an answer to.

MS. LOE: Commissioner Rushing.

MS. RUSHING: And my comment is along those same lines. Right now there's one owner that's responsible. And I don't see how making one, two, three, four, five, six, seven owners responsible helps people who are having problems with the situation. Instead of dealing with one property owner, now they've got seven that they have to -- they would have to deal with. I don't see that as an improvement.

MS. LOE: It -- it may be that the problems being experienced aren't a result --

MR. CROCKETT: That's correct.

MS. LOE: -- of or being created by this. However, given what we have heard tonight, it does sound as if drainage goes through that area and that there is erosion on that area and that the original plans did show for both drainage and detention, and that the lot experiencing issues that's here tonight is adjacent to this area, is enough to give me pause, Mr. Crockett.

MR. CROCKETT: May I speak?

MS. LOE: We will open up the floor in one second. Commissioner Placier.

MS. PLACIER: Yeah. This common area was the responsibility of JQB and has been allowed to become a big muddy mess that -- probably to look at and may be contributing to drainage problems. I can see the impulse to say let's all pitch in and fix this. But JQB either needed to fix it or deed it over to the HOA. And then the HOA would be the collective solution, let's all get together and figure out what to do about this. I'm not sure that -- I do understand the impulse to kind of -- let's carve it up and let's fix it up. You know, I would probably have that impulse myself. But I'm not sure it's -- they're shouldering responsibility when it belonged to either JQB or to everybody.

MS. LOE: Commissioner Kimbell?

MS. KIMBELL: My understanding is that they're willing to take that on. They want to do that.

MS. PLACIER: Oh, yeah.

MS. KIMBELL: And homeowners tend to be more self-responsible. So if they want to do that, I think that's -- they should have the option to do that. Should the current applicant or should the current JCB [sic] be taking care of it? Probably. But the other folks have come up and said we'll do this instead. I don't think there's an issue with that for me.

MS. RUSHING: How about enforcing it?

MS. KIMBELL: Well, I would think somehow or another it's going to be written up within their property that they're going to take care of that. Whoever -- when that house is resold, then those folks will know ahead of time that they are responsible for that as well. Unless the HOA takes it on, and that may take place afterwards. But if I owned it and I'm willing to take care of it, it's also going to be put in my property or in

some type of restriction or somehow that as I go to resell it, that has to be disclosed. So anybody who buys that property has to know that that is part of it.

MS. LOE: Commissioner Carroll.

MS. CARROLL: I see what you're saying and I applaud these homeowners for their willingness to take on responsibilities and their desire to improve their neighborhood. The more common way to collectively improve that kind of property is to do it through the HOA so that all of the neighbors have input on how it's improved, including the ones who are affected by the decisions here but not part of this area.

MS. LOE: Okay. If there's not any more Commission comment, I'm going to open the floor back up to public comment.

MS. DELLA VECCHIA: I love my neighborhood.

MS. LOE: Tracy, if we can get your name and address again just for the record.

MS. DELLA VECCHIA: Tracy Della Vecchia, 600 Sahalee Court. I love my neighborhood. I gave up a lot when I sold my acreage and moved into a neighborhood and I crossed my fingers and hoped that I loved my neighbors too, and I do. And do I trust that every person sitting in this room is going to do that? I do. From the bottom of my heart, I know what amazing homeowners all of us are. And we want all of our yards to be impeccable and beautiful. And it's an eyesore and it's horrible. I don't know if this is where all of my problems are coming from, but I'm not going to take any chances either. And I'm bringing an engineer in to figure it out. And if that engineer says to me -- who's not related to any of this -- if there was grass up there, you'd be golden, I'd love to hear that. Is that what I'm going to hear? I don't know. But I tell you what. This neighborhood is strong enough and we're a hell of a lot stronger than what an HOA would be. We're strong enough to make that happen and we're strong enough for me to be able to stand up when I'm walking past their houses in the morning on my walks and say hey, my backyard is worse now than it was before. So do I trust that they'll do this? I can't believe that I'm standing in front of you saying this, but I know that I love this neighborhood and I know that I love my neighbors and I do believe that they would. Which is the right way to go? I can't answer that question. But I believe them.

MS. LOE: Thank you.

MS. DELLA VECCHIA: Questions?

MS. LOE: Are there any questions? I don't see any right now. Thank you.

MS. DELLA VECCHIA: Thank you.

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong. I'd like to just make a couple comments on some comments that were made by Commission. Ms. Placier, you indicated that this is a big muddy mess. And I think that that's not

necessarily the case here. This is being painted as the entire drainage issue, the entire flooding issue that's out here is taking place because of this topsoil pile that's stocked on an existing common lot in this area. And that's certainly not the case. Okay? Ms. Della Vecchia indicated herself that she doesn't -- she may not think -- she doesn't know that her drainage problems are affected by this, completely caused by this common lot upstream. Spread a little topsoil -- the client, JQB, putting a little topsoil back on top is not going to solve her drainage problem. Some of the issues that she's talked about tonight are not caused by this common lot, not caused by not having topsoil, not caused by these issues. There are other items at play on her particular lot. There are no -- that are not affected by what we're trying to do upstream. You know, working with her neighbor -- she indicated she can even walk down the street, she loves her neighbors. That was a powerful statement. You know, she can walk down the street and ask her neighbors, hey, I still have an issue. When you work with an HOA, now you're working -- you know, we talked about, well, your neighbors are, you know, eight neighbors over here. When you're talking about an HOA, the HOA is going to have 400, 500 lots in it. You have 4-, 500 neighbors you're trying to work with to solve one little issue that may not have a direct impact on them. If she does have a drainage issue, I think it's going to be much more easily worked out if she has direct contact with those neighbors directly upstream from her. And again, I don't think this is a big muddy mess. I don't think this is the problem that's causing the drainage concerns out here. Ms. Loe, to your -- your comment about we're reducing the stormwater basins on here. To be quite honest with you, the stormwater basins were put in here simply as an illustration to show conceptual stormwater plan. When we do our final set of plans -- and this is one sheet with some preliminary calculations that we performed to illustrate that we can perform -- we can do stormwater calculations on this entire piece of property as a whole. Our stormwater management plan is pages and pages and a huge booklet of calculations to show how every little square inch of this entire site is going to be addressed. Does that mean by moving the stormwater basins from the common lot that's being removed a little bit further down? Yes. Absolutely. That happens all the time. With regards to lot layout changes, that happens quite often. It's the intent. You know, if you look at -- I'm not sure what lot you're talking about having a reduction in width -- or excuse me, in depth, but also if you look at C8, that common lot out front is much larger. They put a larger turn around out in the middle and, consequently, that had to push the front yards back and may have reduced that overall depth potentially. Those things happen between preliminary plat and final plat. And so I just want to make sure that we -- we're very clear on the fact that this common lot is not the creator or the cause of major drainage problems out here. Certainly not. Can they be slightly improved? Yes, I think they can be with some

removal of some topsoil, spreading, seeding, all of that. But long term it is certainly not creating any issues that I'm aware of. And we'll work with Ms. Della Vecchia to see if there's -- have any concerns. But the concerns that she's talking about simply aren't caused by that common lot. There are much bigger issues at play causing her concerns. And so with that, I'm happy to answer any questions that you have with this. But I just want to make sure that we're not painting the picture of this common lot as being a creator off all things evil in this area.

MS. LOE: Any questions for this speaker?

MR. CROCKETT: Thank you.

MS. LOE: Thank you, Mr. Crockett. Any additional public comments? If not, I will close the public comments. Commissioner comment?

MS. CARROLL: If I may.

MS. LOE: Commissioner Carroll.

MS. CARROLL: Granted this is not the typical way of handling this, if that's the way this neighborhood wishes to handle this, I -- I think that I'm okay with giving them what they want. I do believe that individual homeowners will be responsible for their property because they don't want the muddy mess in their backyard. And I'm not saying that's what it is.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I would just say if this were a jury or a courtroom or something like that where we could force JQB to take responsibility, I'd be 100 percent for that. We don't have that power. And -- and I do think they're responsible and I do think that there are some issues there that perhaps this neighborhood would like to explore. But this is the solution they have come up with. And it probably gets them out of -- out of a muddy mess faster. I -- I'm just saying we don't have the power to fix it the way I think we would all like to fix it. This is the solution that we have that we could use.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: If you would --

MS. LOE: Mr. Smith?

MR. SMITH: I just wanted to clarify too for the audience that if this is approved tonight -- and even when it goes to Council, it doesn't create the lots yet. We'll submit a final plat in the future. So it will be several more months probably until the lots are created and then -- then the transfer of property would need to occur. So just to clarify.

MS. GEUEA JONES: Can you give me my script back? Thank you. In the matter of Case Number 28-2022, Woods Edge PD Plan amendment, I recommend approval of the major amendment to the Woods Edge PD Plan. Or I vote -- move to

recommend approval.

MS. KIMBELL: Second.

MS. LOE: Seconded by Commissioner Kimbell. We have a motion on the floor. Any discussion on this motion? I'm not going to support this because I feel this is a failing of the PD plan and the developer and I don't think we should be in this position. So I think this is -- will have support of the Commission, but I'm -- I have a hard time picking -- I don't think you should be going through this to resolve -- this should be handled. And if we need to include additional language in our -- in any remaining PD plans that might come down the pipeline to ensure storm drainage and landscaping are done at a proper pace to keep up with the development of the neighborhood -- I fully believe the engineered storm drainage works, but my next question is when. Because apparently it's not working yet.

MR. CROCKETT: They're installed today. They're installed today.

MS. LOE: I understand they're installed, but we should not be hearing from residents that there's issues -- or I'm not happy to hear that based on meeting our city's minimum requirements, that there's issues on residential lots. So Commissioner Rushing?

MS. RUSHING: And as I've already stated, I agree. And I would be much more willing to approve this if the storm drainage issues had been resolved by the property owner whose responsibility it is right now to address them. And I do not like the precedent of saying to someone who's trying to mitigate their responsibility by passing it on to somebody else. And I just don't -- I don't like that approach to this problem.

MS. LOE: Any additional comments? If not, Commissioner Carroll, may we have roll call, please?

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: No.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: No.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: No.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: We have five yes and three no.

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

MR. ZENNER: And due to the fact that this was not recommended at 75 percent of the Planning Commission, it will be under old business.