

MINUTES
PLANNING AND ZONING COMMISSION
MAY 19, 2020

COMMISSIONERS PRESENT

**Ms. Sara Loe
Ms. Valerie Carroll
Ms. Tootie Burns
Mr. Michael MacMann
Ms. Sharon Geuea Jones
Ms. Joy Rushing
Ms. Robbin Kimbell
Ms. Peggy Placier**

COMMISSIONERS ABSENT

Mr. Anthony Stanton

STAFF PRESENT

**Mr. Pat Zenner
Mr. Rusty Palmer
Mr. Brad Kelley
Ms. Rachel Smith
Ms. Rebecca Thompson**

I. CALL TO ORDER

MS. LOE: I would like to call the May 19, 2022 Planning and Zoning meeting to order.

II. INTRODUCTIONS

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

MS. CARROLL: Commissioner Loe?

MS. LOE: Here.

MS. CARROLL: Commissioner Stanton?

(No audible response.)

MS. CARROLL: Commissioner Burns?

MS. BURNS: Here.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Here.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Present.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Here.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Here.

MS. CARROLL: I am here. We have eight; we have a quorum.

MS. LOE: Thank you.

III. APPROVAL OF AGENDA

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

MR. ZENNER: No, there are not, ma'am.

MS. LOE: Thank you. I'll take a motion on the agenda.

MR. MACMANN: Move to approve.

MS. GEUEA JONES: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Geuea Jones. I'll take a thumbs-up approval on the agenda.

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you, everybody.

IV. APPROVAL OF MINUTES

MS. LOE: Everyone should have received a copy of the May 5, 2022 regular meeting minutes. Were there any changes, edits to those minutes?

MR. MACMANN: Move to approve.

MS. BURNS: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Burns. I'll take a thumbs-up approval of those minutes.

(Seven votes for approval; one abstention)

MS. LOE: Seven approval, one abstention. Thanks, everybody.

V. SUBDIVISIONS

MS. LOE: All right. That brings us to our Subdivisions for the evening.

Case Number 124-2022

A request by A Civil Group (agent), on behalf of Green Meadows Property LLC (owner), seeking approval of a four-lot preliminary plat of approximately 18.4 acres of R-1 (One-family Dwelling) district zoned property. The subject property is located at the southwest corner of Smith Drive and Louisville Drive and is commonly addressed 825 Louisville Drive.

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the "Quail Creek West Plat B" preliminary plat subject to technical corrections.

MS. LOE: Thank you for the report. Before we move on to questions of staff, I would like to ask any Commissioner who has had any ex parte related to this case to please share that so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for Planner Kelley? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Kelley, do we know, and we may not, the stability of these sinkholes over time? Have we had -- do they fill up with water, have they collapsed, you know, those kind of issues?

MR. KELLEY: Sure. I -- I don't know the specifics. When they come back to get a permit -- get a building permit, they'll provide a detailed geotechnical report and address storm water at the time of building permitting.

MR. MACMANN: That's what I wanted to hear. Thank you, Planner Kelley.

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

MS. PLACIER: Yes. My question is related. Since we are approving these four lots, one of which is mostly sinkhole, it seems that we might want to have that geotechnical information now, but we don't. Is that just usual that that waits until the building permit stage?

MR. KELLEY: It sort of depends in this case given the size of the lots. They have quite a lot of room in which to move a building envelope around, and the -- they have access showing that the driveways can get around it. Our building and site staff, specifically our site engineers, felt it was comfortable in this scenario to look at the geotechnical report when the building permit comes in. Given there are four residential lots that -- it's not going to be a developer coming in and building all four at once. It will probably an individual home builder for each, so it just made sense to do it individually.

MS. LOE: Commissioner Rushing?

MS. RUSHING: This is not the first time we've seen this development, and when it was before us before, those sinkholes were a major subject of discussion. So I would assume that the property developer has that information and, you know, I would have appreciated had it been made available to us because without some information indicating to me that development of this project is safe, I'm not inclined to vote in favor of it. End of comment.

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

PUBLIC HEARING OPENED

MS. LOE: If you can please give your name address for the record.

MR. MURPHY: Madam Chair and Commissioners, Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park Court. Some questions about the sinkholes. We've -- I've identified, I think, above and beyond the area that would normally need to be recognized as this. I would say that the adjacent property, Breckenridge, I believe, that was recently and still being constructed, there are numerous sinkholes on that property where they -- they filled in the majority of those sinkholes, and which is probably an option on -- on this property, too, when they -- when they do that. There -- there are methods for filling these sinkholes and making them go away. I'll also state Louisville Drive, when it was built by the City a number of years ago, it was built over sinkholes and no remediation was done, and it's still standing as it is.

MS. RUSHING: Has there been any contact with the State regarding this karst area?

MR. MURPHY: The -- again, the previous development to the west that was just done a couple of years ago -- three, four years ago, there was a lot of discussion about that, and I don't believe the State was involved in it. They were contacted and I don't believe they were involved in it much at all.

MS. RUSHING: Have you had engineering studies done of those sinkholes to --

MR. MURPHY: This property owner has not. Again, the adjacent property owner where you can see from the diagram there, there's a hundred-something lots over there, and they had done a limited study that did touch upon and identify the areas on this property, as well. And, again, they just addressed the ones that were on their property and again, they filled in some of those sinkholes in an appropriate manner.

MS. LOE: Commissioner Kimbell?

MS. KIMBELL: What materials do they put in a sinkhole?

MR. MURPHY: Typically, rock and a cementous mix, or a liquid cementous mix to --

MS. KIMBELL: Okay. Just wanted to know.

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

MR. MURPHY: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none. We will close public comment.

CLOSE PUBLIC HEARING

MS. LOE: Commission comment? Commissioner MacMann?

MR. MACMANN: I'd like to follow up on Commissioner Rushing's comment after my comment at the beginning. I think in this case, the more information we have, the sooner we have it, it's easier to make a decision. I'm from St. Louis where the entire thing is built over sinkholes and it's occasionally a problem. We end up with broken buildings. And though I do appreciate we've done a survey here, this karst area is not always -- not stable over time. That's why I've asked if we had any movement or anything of that nature. So in the future, if a geotechnical report is possible, and I know that's an expense because you've got to pay for that, I would rather have that in the beginning than later.

MS. RUSHING: I made my comment.

MR. MACMANN: I was referring to Madam Chair. I'm done with my comment, so please, if you would.

MS. LOE: And I see no one else with initial comment. I do have an additional question for staff. Since our action tonight is approving the plat, the plat is identifying the sensitive areas, how do we know that those -- without the information, the additional information, how do we know those areas are adequately identified?

MR. KELLEY: When you say "we," do you refer to the Commission or the time of, like, building permitting, for example?

MS. LOE: We, the Commission. I'm assuming the areas designated as sensitive are being

locked in as shown on this plat.

MR. KELLEY: Yeah. So they're -- they're notated on the preliminary plat, and actually we can have a plat note the final plat noting the sensitive areas as far as showing it on the plat goes.

MS. LOE: So what is that shading based on?

MR. KELLEY: It's drawn around a contour I think was suggested on a -- the -- some geotechnical information that Kevin Murphy mentioned, the applicant. The site to the west had some geotechnical studies done that touched on this area as well. It just, I don't think, went into as much detail because they weren't developing this specific property.

MS. LOE: So you've heard the questions from the Commission. Is there any other comment to provide assurance that the area not shaded as sensitive is stable for development?

MR. KELLEY: I think the information I can relay is after speaking with our site engineers who would, you know, review the geotechnical information, they were comfortable with the contour this was drawn around and their familiarity with that previous geotechnical information and the size of these lots. They were comfortable reviewing the, you know, final geotechnical report stuff at the time of building permitting.

MS. LOE: So additional review with more detailed geotechnical would be done at time of building siting?

MR. ZENNER: I think what the plat reflects at this point is what is known and most reasonably to be allocated as the sensitive area based on the contours and the information gleaned from the adjoining properties report.

MS. LOE: Uh-huh.

MR. ZENNER: That is not to say that those sinkholes may not shift over time, which I think is the question that you're driving at. That is, hence, the reason why before permitting would be allowed, we are going to require geotechnical for each of the individual lots. So if, in fact, that sink has expanded, the more detailed geotechnical related to each individual lot and its future development is going to be known and, at that point, appropriate action would be taken in order to ensure that structures built on the property would not be, for lack of a better term, swallowed up by a sinkhole should the circumstances be so severe that that would be what may happen.

MS. LOE: It is known to happen. Thank you, Mr. Zenner. Commissioner MacMann?

MR. MACMANN: Just a further commentary on more information in the future. As many of you know, I do work in construction, and often when a builder doesn't want to pay for a very thorough geotechnical, you get a substrate report, it says substrate X. Our partners down the street do this all the time, which means you kind of assume responsibility for it. I would rather have -- do the construction and taking that financial responsibility that your building is going to stand, I'd rather have more thorough data in the future. I appreciate the process that we've taken now, and I appreciate the economic concerns that push that cost and/or risk onto a future developer. Where it makes a difference for us is we have --

or there have been drawn plat lines around safety margins around known surface features that reflect the sinkholes and any builders from Missouri knows that just because it looks like this up here doesn't mean it looks like that down there. It may require -- there may be utility and platting concerns, replatting concerns that come into the -- in the future, necessarily. This is -- we're trying to avoid the problems of the city I grew up in, the problems that everyone else is referring to because bad things can happen. I don't have any more comments at this time, Madam Chair. Thank you.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: Yeah. I would just echo what Commissioner MacMann just said, which is these plat lines are based on where we believe the sensitive areas to be. But if this topography is to be believed, I think they may be larger than indicated, and I think you're probably looking at three lots here, not four if -- if you're trying to be safe and not just trying to get as many in as you can. And so I'm very concerned about the idea of -- you know, it seems to me that everything else around here, this is a very sinkhole prone area, and everything else around it has been squeezing into this last area that's got the densest bunch. It's -- it's concerning. Thank you.

MS. LOE: Commissioner Burns?

MS. BURNS: If there is no additional comment, I'll go ahead and make a motion. In the case of Quail Creek West Plat 8 preliminary plat, Case 124-2022, I move to approve the preliminary plat of Quail Creek West Plat 8.

MR. MACMANN: Second.

MS. LOE: Moved by Commissioner Burns, seconded by Commissioner MacMann. We have a motion on the floor. Any discussion on this motion? Seeing none. Commissioner Carroll, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Ms. Burns. Voting No: Ms. Rushing, Mr. MacMann, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll. Motion fails 2-6.

MS. CARROLL: We have six no votes and two yes. The motion is defeated.

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

Case Number 148-2022

A request by Brush & Associates (agent), on behalf of Kim Schwartzkopf (owner), for approval of a one-lot final plat to be known as *Oakwood Hills Plat 8*. The 0.49-acre parcel is located at 900 Sycamore Lane. The proposed plat would combine two adjacent lots owned by the applicant.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the requested final minor plat.

MS. LOE: Thank you, Mr. Palmer. Before we move on to questions of staff, I would 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 MacMann?

MR. MACMANN: Just real quick. And I'm sorry, I was looking at some other data. Did you mention if you had had any responses from any communications that you had sent?

MR. PALMER: No. Actually, we have not received any.

MR. MACMANN: Any -- no neighbors or neighborhood associations?

MR. PALMER: No.

MR. MACMANN: All right. Thank you very much.

MS. LOE: Any additional questions for staff? Seeing none. We will open up the floor to public comment.

PUBLIC HEARING OPENED.

MS. LOE: If anyone has any comments they would like to share, please come up to the podium. Seeing none. We will close public comment.

PUBLIC HEARING CLOSED.

MS. LOE: Commission comment? Commissioner MacMann?

MR. MACMANN: If none of my fellow Commissioners have any more questions or concerns, I do not see any. In the matter of Case 148-2022, 900 Sycamore Lane replat, I move to approve.

MS. GEUEA JONES: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Geuea Jones. We have a motion on the floor. Any discussion on this motion? Seeing none. Commissioner Carroll, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Ms. Burns, Ms. Rushing, Mr. MacMann, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll. Motion carries 8-0.

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

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

Case Number 154-2022

A request by Simon & Struempff Engineering (applicant), on behalf of Hashtag Enterprises, LLC (owner), seeking approval of a one-lot final plat on property currently zoned M-C (Mixed-use Corridor). The request would bestow legal lot status on an unplatted tract identified as parcel 17-107-00-00-018.00.01. The subject site is located east of the intersection of Holly Avenue and Oakland Gravel Road.

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the "Hashtag-Oakland Subdivision" Final Plat subject to technical corrections.

MS. LOE: Thank you, Planner Kelley. Before we move on to questions for staff, I would like to ask any Commissioner who has had any ex parte related to this case to please share that with the Commission at this time so all Commissioners have the benefit in the case -- same -- benefit of the same information on the case in front of us. Seeing none. Any questions for staff? Seeing none. We will open up the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: If anyone does have any comments they would like to share with the Commission, please feel free to come up to the podium. If there aren't any, we will close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission comment? Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners have no other comments or concerns that they wish to express, I'd like to make a motion. In the matter of Case 154-2022, Hashtag-Oakland Subdivision Final Plat, I move to approve.

MS. GEUEA JONES: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Geuea Jones. We have a motion on the floor. Any discussion on this motion? Seeing none. Commissioner Carroll, may we have roll call, please.

Roll Call Vote (Voting "Yes" is to recommend approval.) Voting Yes: Ms. Loe, Ms. Burns, Ms. Rushing, Mr. MacMann, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll. Motion carries 8-0.

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

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

Case Number 157-2022

A request by SSE (agent), on behalf of Hinkson Avenue Properties, LLC (owner), for a one-lot plat of approximately 0.46-acres addressed 1706 Hinkson Avenue. The purpose of the platting action is to bestow legal lot upon the property. The property is zoned R-MF (Multiple-family Dwelling District) and is located within the Benton Stephens UC-O (Urban Conservation Overlay) district.

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

Staff report was given by Ms. Rachel Smith of the Planning and Development Department. Staff recommends approval of the final plat of "Hinkson Estates Plat 1" subject to minor technical corrections.

MS. LOE: Thank you, Planner Smith. Before we move on to questions of staff, I would like to ask any Commissioner who has had any ex parte related to this case to please share that with the Commission at this time so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Any questions for staff? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Smith -- having to say that twice and

mean two different people is always strange to me. When the notifications are sent to neighboring properties, are they sent to the address of the property owner, or to the physical address itself?

MS. SMITH: So we use the assessor's database, and it goes to the owner of record of the property.

MR. MACMANN: All right. That's fine. I don't have any more questions at this time. I do have a question of -- before we get any further, I have a question of legal. I made -- seen this staff recommendation I made, and it was approved the motion, the last one, and I did not include including minor technical corrections. Are we okay, or do we need to redo that?

MS. THOMPSON: With the last case?

MR. MACMANN: Correct. How about we move forward, and you can let us know if we need to do that before we leave this evening.

MS. THOMPSON: Yeah, I will. Once we get through the cases, I'll let you know, because we can go back to that one and --

MR. MACMANN: All right. Because I just -- I don't want to -- the Xs and Os and Is and Ts to not be correct.

MS. THOMPSON: I appreciate the concern.

MR. MACMANN: All right. Thank you, much. Thank you for the diversions from our mission there. Madam Chair, thank you.

MS. LOE: Any additional questions for staff? If there are none, we will open up the floor to public -- maybe one last minute. Commissioner Carroll?

MS. CARROLL: Sorry. I just -- was Benton Stephens Neighborhood Association contacted?

MS. SMITH: Yes. And I will note, too, that this is a public meeting, not a public hearing, but knowing the sensitivity of this neighborhood, we sent property owner letters in addition to postcards when only postcards was required.

MS. CARROLL: All right. Thanks.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Just a little point of order for Commissioner Carroll. The effectiveness of that neighborhood association has been diminished. Yeah. Okay. All right. I just wanted to let you know that.

MS. CARROLL: That's part of why I asked, and to get an idea if there was any response, because I know that he is not able to respond as he used to be.

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

PUBLIC HEARING OPENED

MS. LOE: If anyone has any comments that they would like to share on this case, please feel free to come up to the podium. If there are none, we will close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission comment? Commissioner MacMann?

MR. MACMANN: If my fellow Commissions have no comments or questions or concerns, I would like to make a motion. In the matter of 1706 Hinkson Avenue final plat, Case 157-2022, with minor technical corrections, I move to approve.

MS. GEUEA JONES: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Geuea Jones. We have a motion on the floor. Any discussion on this motion? Seeing none. Commissioner Carroll, may we have roll call, please.

Roll Call Vote (Voting "Yes" is to recommend approval.) Voting Yes: Ms. Loe, Ms. Burns, Ms. Rushing, Mr. MacMann, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll. Motion carries 8-0.

MS. CARROLL: We have eight votes to approve, the motion carries.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council. That concludes our subdivisions and brings us to our public hearings.

VI. PUBLIC HEARINGS

Case Number 156-2022

A request by Anderson Engineering (applicant), on behalf of Sunshine Family Home Center, LLC (owner), seeking approval of a major PD amendment and design adjustment related to sidewalk construction. The intent is to allow the existing site to be used as a "Family day care center." the subject property is located northeast of the intersection of Holly Avenue and Andy Drive, and is addressed 2207 Holly Avenue.

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends denial of the requested design adjustment, PD Plan to be known as Sunshine Early Care and Education Center, and the associated design exceptions to Section 29-4.3(g)(1), 29-4.4(e), and Table 4-4.4. Alternatively, if the Commission finds that the criteria for the design adjustment are met and the waiver is granted, then the SOI, PD Plan and design exception may be approved.

MS. LOE: Thank you, Planner Kelley. Before we move on to questions for staff, I would like to ask any Commissioner who has had any ex parte related to this case to please share that with the Commission at this time 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 I know that you communicate with the applicants, and they knew this was going to be a recommendation. And after that point, they had a chance to revise the PD plan to remove the sidewalk request. Correct?

MR. KELLEY: Yeah.

MS. GEUEA JONES: They could have said we'll -- we'll revise it and say we'll build the sidewalk?

MR. KELLEY: Yes.

MS. GEUEA JONES: Okay. And -- and they -- I'm just -- I'm always baffled, but that's okay. Thank you very much.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Question for legal or for Mr. Zenner. We want four motions here?

MR. ZENNER: Two motions will be fine. The -- well, three.

MR. MACMANN: Three.

MR. ZENNER: Statement of Intent, PD Plan, which is inclusive of the design exceptions, and then the design modification, and the order actually should be reversed.

MR. MACMANN: That's -- that was -- actually, that was where I was going. So, three, SOI, PD Plan, is that right? Thank you. Madam Chair?

MS. LOE: Any additional questions for staff? Mr. Kelley, I'm interested in the process of approving PDs that don't have a PD plan. So we have the O-P ordinance, and Section 4 identifies -- let me get this right -- yes -- this less stringent screening requirements, and Section 5 identifies the less stringent parking requirements so that a three-foot setback shall be allowed along the east property line. So even though those are identified pretty precisely in the ordinance, we're still required to approve those in the PD plan?

MR. ZENNER: So the original project when it was rezoned, was rezoned under a procedure called simplified O-P.

MS. LOE: Uh-huh.

MR. ZENNER: Simplified O-P at that time basically it allowed staff to utilize in essence aerial photography analysis to serve as the basis for the PD plan. And the conditions that are enumerated within the O-P ordinance were those that were essential to, in essence, codify what the existing conditions were from the simplified process. That's why there was no plan. And since we are approving a plan with this action, which the plan criteria within the UDC, as it is adopted today, is not specifically defined. So staff still has some latitude as to what constitutes a PD plan. And after consultation with the director, and reviewing what the content of today's UDC is, based on the 2017 adoption, we concluded that utilizing the same standard of plan preparation previously could function as the basis, but we did need to recapture all of what the previous modifications were through the prior process. Whenever you reapprove a project that is a planned district, the general legal process is that all previous relief that was granted goes away and, therefore, you have to basically obtain reapproval of that prior relief, so hence the reason why it's being specified in the Statement of Intent and identified as part of the exceptions to the plan. A little bit of it is some conversion of how we changed our processes between the original O-P approval to today, and then the other legal considerations that prior variances or what -- what would have

been considered variances at that point have to be reapproved to ensure that the new zoning is compliant. And we offer, as Mr. Kelley pointed out, two different processes. You can do a design exception, you can do a design adjustment as is in the case, and if it were straight zoned, you would be at the Board of Adjustment. But because it's planned and we're keeping it planned, which was the other option -- they could have requested to be zoned out of a planned district, it was simpler, as we evaluated the scenario or the situation as it existed, and given open R-3 in this location was considered or R-MF, which was -- would have been the option, was a little bit too extreme of an action due to the residential environment, so we kept in the planned zone, and worked with what we had in hand to get them compliant. Hopefully, that's -- it's a longer answer than you wanted, but that's the history behind why we're seemingly doing some things that seem more unconventional than usual.

MS. LOE: So to summarize specifically to my question, the O-P ordinance is no longer a regulating document, it's merely a guideline or a reference?

MR. ZENNER: It -- that is -- it would be if -- if this amendment is approved, the existing PD ordinance is overridden, the O-P ordinance is overridden and replaced with the Statement of Intent, and the plan that's being provided at this point.

MS. LOE: So it is still regulating until this action is taken?

MR. ZENNER: That is correct. And, hence, that is the reason why the current land use, as a commercial daycare, is deemed inconsistent with the authorized zoning. A day -- a commercial daycare was not the authorized use per the current O-P approval, because commercial daycares are not an allowed use in the R-1 zoning district. The only type of daycare that is allowed is a home-based daycare limited to a total of ten people and the operator has to live onsite. I could give you history as to why we went through the O-P process here, but it's really -- it was to allow for an adequate conversion of the church to the funeral home. We had two properties of the same nature here in the City at the same time, but that's really not relevant. The bottom line is the land uses that were authorized on the site do not permit the commercial use, and that's hence the reason why we're amending the Statement of Intent.

MS. LOE: When -- when a relief wasn't -- that was provided in the original ordinance wasn't employed, do we typically carry it forward?

MR. ZENNER: The relief was employed, so the -- the setback, the balance for parking --

MS. LOE: No. No. The one -- the one I'm zeroing in on is the two-and-a-half-foot setback -- side-yard setback.

MR. ZENNER: As an existing condition, and we're talking on the --

MS. LOE: It's being carried forward in the Statement of Intent.

MR. ZENNER: Yes. And that -- so keeping all things equal, that there's no expansion on the property of any of the existing physical features that were originally approved --

MS. LOE: Yes.

MR. ZENNER: -- that is why we are carrying that forward.

MS. LOE: That -- okay. So I -- I have having some heartache over that one because, currently, the smallest side-yard setback we have for any of our zoned districts is six feet.

MR. ZENNER: That is correct so far.

MS. LOE: In an R-1.

MR. ZENNER: That is correct.

MS. LOE: And part of the reason we've set it at six feet is because building code does not allow anything closer than three feet, or if it's built -- a wall is built closer than three feet, it has to be a rated construction wall, and it can't have any openings in it. So knowing this backs up to or it sides up to R-1 properties, I'm not comfortable with the concept of that being built along those properties. Before we go too far into that rabbit hole, though, how does neighborhood protection standards apply to this?

MR. ZENNER: Well, as a -- as -- as a building that is nonresidential, one or two family --

MS. LOE: As a PD -- yeah.

MR. ZENNER: And -- well, in general, the neighborhood protection standards would apply to anything that is not developed one or two family to either set back an additional, if I'm not incorrect, ten feet beyond --

MS. LOE: Exactly. Yeah.

MR. ZENNER: Let me finish.

MS. LOE: Okay.

MR. ZENNER: An additional ten feet beyond what the normal setbacks are or step down when within 25 feet of the property line to no greater than 24 feet in height. That's how the neighborhood protection standards would apply here. The philosophy, however, I think that we are applying to the existing site plan and the improvements is they are specifically not being modified, and this site plan specifically is being approved under the current PD processes by which no amendments to the physical improvements on this site today can occur without another major plan amendment. So the conditions are no more different with this rezoning request to have a compliant UDC version PD plan albeit it is a different -- the construction of the PD plan is different from what we would normally see in a greenfield development situation and the approval of a Statement of Intent that, in essence, codifies the currently legal land use, none of the other physical conditions of this property are any different than they have been for the last five to six years since the O-P plan -- the simplified O-P plan was approved. And hence the reason we viewed this in our evaluation as not being a significant impact. The building, as it's placed, and if we're referring to the eastern setback, which is being reduced to three feet, the building can't move within that area. The building can't move without a major amendment to expand that building. And at that point, it would come back before the Commission, and it would have to then -- because you would be doing square footage increase, you would be violating the Holly Street frontage setback, which is currently noncompliant to the R-1 zoning district. The building is built into it. It's a legal nonconformity. All of those would trigger a whole series of additional site plan amendments. I think to address the

concern of building construction, Ms. Loe, if that is what your concern is, is the -- the requested design exception for allowing a three-foot side-yard setback is specific to just the parking that's there. It doesn't apply to a building. It would still have to comply --

MS. LOE: No. The building --

MR. ZENNER: And it would still -- the building, if any future building expansion were to occur, it would have to comply with the underlying zoning setback, plus whatever neighborhood protection standards would apply.

MR. KELLEY: Yeah. So the Statement of Intent does carry over the -- the side-yard setback for the O-P, and the neighborhood protection standards are addressed building height.

MS. LOE: Right. And this building side-yard setback is two and a half feet.

MR. ZENNER: And what I would suggest is if you are desiring to ensure that that is compliant with the R-1 setback of the minimum of six feet, that could be offered as a condition to the approval of the project with the modification of the Statement of Intent. What the applicant is here to propose this evening though, is a non-expansion site plan approval and an authorization of the current illegal use. They can respond to that. They have no intention, as it's been conveyed to us, to expand the building any closer to the existing residential development or, for that matter, any site improvements any closer. And the design exception, of course, has to deal with the parking, which is noncompliant to a standard that didn't exist when this project was originally approved.

MS. LOE: My understanding that they may have to come back for a major amendment should anything change helps -- helps. However, part of my concern is this is -- we are approving an update, and my -- part of my understanding was we do look at bringing requirements more in line with current requirements, and this was approved prior to UDC, so I would look to UDC and current requirements and where it could be brought in line, that leapt out at me as one location where, again, they were not using -- there's no hardship in bringing that side-yard setback in. The drawing shows that the canopy of the roof overhang is four feet. Roofs can project into side-yard setbacks or into setbacks two feet, so we're at our six feet. And approving it without making the correction continues that entitlement. And the next time it comes on, the owner may feel they're entitled to that, and we start getting into hardships, which I feel uncomfortable with. Commissioner MacMann?

MR. MACMANN: I think I have a way forward. I think I should -- we should perhaps, and this is a little tweaky, because both exceptions are integrated in the plan, is maybe vote on the exceptions individually so if there is a rejection -- maybe there is a problem on one of these exceptions and not the other one, we've made that clear to the applicant and to Council. Mr. Zenner, you still have a pained look on your face.

MR. ZENNER: I'm not sure that the exception we're trying to -- I believe the point that Ms. Loe is making isn't a requested exception, it's just a --

MR. MACMANN: It's not in the first exception on the east side.

MR. ZENNER: Yeah. Because we have an exception for parking within six feet, but not --

MR. MACMANN: But she's referring to the buffer vis-à-vis --

MR. ZENNER: Well --

MR. KELLEY: Side-yard setback within the Statement of Intent specifically says two-and-a-half feet --

MR. ZENNER: Yeah. Which needs to be revised.

MR. KELLEY: And then a design exception says parking setback would allow three feet, so there are two parts.

MR. MACMANN: No. It wasn't addressed, and you're bringing up the UDC. I'm not saying you're wrong, I'm just --

MS. LOE: Parking is a separate one.

MR. ZENNER: Parking -- parking is separate, and I think there is an amendment that may need to be made within the motion, if it so the desire of the Commission to approve the request, that the Statement of Intent be -- the side-yard setback is stated in the Statement of Intent be revised to be compliant with the UDC's R-1 requirements, which would be no less than six feet for the building.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: So because this is a PD plan, a lot of this is moot, and we just have to -- we can't do what we would do if it were straight zoning with exceptions where we can tweak those things a little bit, adds more criteria, et cetera. That's correct. Right?

MR. ZENNER: The reverse. Since it's -- since it's PD, you have the authorization to manipulate.

MR. MACMANN: It's already built.

MS. GEUEA JONES: So we -- well, right. But what I'm saying is I think your concerns are valid, but they would be solved if it said any change to that building eliminates that two-foot setback exception and puts in the minimum allowable under the UDC. Right? Because the concern is that the building that exists that people have been living with, the concern is they want to make some kind of change to the building and expand beyond what looks like to be either a covered driveway or garage. Right?

MS. LOE: Carport, yeah.

MR. ZENNER: Porte-cochere. It's basically a porte-cochere that they pull under.

MS. GEUEA JONES: Like a drive-through, yeah.

MR. ZENNER: I think the -- the observation that's been made here is one, and I was here when this was originally approved. So I think what it dealt with at the time was it identified -- this was one of those existing site conditions that it identified and in the process of the simplified PD, which was what that process permitted or was established for, it called out all of the dimensional standards that existed at the time, and they got dropped into the ordinance as the minimum. And to Ms. Loe's point, this is a fresh deal. And, therefore, as a fresh deal, we need to probably come back and we need to reset where the

setback should be, notwithstanding the existing building's placement. It's no different than, I think, as Mr. Kelley pointed out in the staff report, that the front setback, the building is currently set at 15 feet from Holly. The plan identifies a 25-foot front setback. The building is legally noncompliant. It can never expand forward. Any additions would have to expand outside of the front setback. And I think what Ms. Loe is suggesting is the exact same thing would apply to the eastern side of the building.

MR. MACMANN: And if I may, if this building with a major renovation, 75 percent, everything that you want, all that would kick in.

MR. ZENNER: All of it would kick in; that is correct.

MR. MACMANN: The building would go back ten feet, the side yard would come in. I would submit that we can address these with motions as we move forward, because I get the sense that this may be coming back before us another time.

MS. LOE: All right. Any additional questions for staff? If not, we will open up the floor to public hearing.

PUBLIC HEARING OPENED.

MR. WOOTEN: Good evening. Tom Wooten with Anderson Engineering, 4240 Philips Farm Road, Columbia. You guys have pretty well covered everything in more detail related to the setbacks than I was expecting. I was expecting more discussion on the sidewalk design adjustment, so that's what I'll kind of focus on. And going back to the history on this, it was mentioned that it was rezoned from R-1 to C-P in January of '09. In June of '09, it was rezoned from C-P to O-P to -- for what I interpret to be to ease some tensions in the neighborhood with the C-P zoning. The conditions and exceptions that were in -- that are in the ordinance of June of '09 from C-P to O-P that you have in front of you are identical to the same exceptions, conditions that were in the January '09 R-1 to C-P. What I want to point out with that original rezoning is that in the staff memo from the P&Z meeting where that was approved, there was documented public opposition to the rezoning, and it was still approved. And I'm mainly pointing again at the Andy Street sidewalk that was not required at the time. Holly Street sidewalk was required at the time, in addition to the other items, screening, setback, and all of those things that are essentially we're carrying through. We've made some exceptions to the north property line with screening by completing the wood privacy fence and so forth on that part of the property. And again, I would like to point out the only reason we're doing what we're doing is to allow her to have her business as a compliant use in the zoning she's in, which is exactly what was done in 2009, why it was rezoned from R-1 to C-P, and eventually O-P, to allow the use to be compliant. Any questions?

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: So I do want to talk about the sidewalks, and I -- I think my first question is, were you involved in this property in 2009?

MR. WOOTEN: No, I wasn't.

MS. GEUEA JONES: Okay. And neither were the current owners?

MR. WOOTEN: No.

MS. GEUEA JONES: Are you aware that they were required to build the Holly sidewalk within six months and did not?

MR. WOOTEN: Yes, I am aware of that.

MS. GEUEA JONES: Okay. Second question, I assume staff talked to you about the sidewalk exception and the likelihood of you getting that waiver, and you still decided to move forward with it?

MR. WOOTEN: Correct. Our discussion was essentially that they would not be in a position to approve that. We are more than welcome to come before you and request the approval. And I -- with that again, I would go back to, to put it bluntly, we just are requesting basically the same rules today that they were allowed -- exceptions, conditions, et cetera, that they were allowed in 2009 for basically the same purpose, to allow a nonconforming use in the zoning.

MS. GEUEA JONES: Sure. But we have a whole new set of ordinances that require a sidewalk on Andy the same way that in 2009, it required it on Holly.

MR. WOOTEN: I could not answer to if, at the time, in 2009, they were not required on Andy. I believe they probably were, but I -- I cannot answer that specifically. Maybe that's a question for staff.

MS. GEUEA JONES: Can you -- regardless, can you provide us any justification other than cost for why you don't want to build the Andy sidewalk. It sounds like maybe there needs to be a small retaining wall?

MR. WOOTEN: We have not looked at specifically what the design would be. My guess is that the parking lot, the edge of the existing parking lot is three to four feet above the curb on Andy Drive in the area that we're talking about, which is north of the driveway into the site off of Andy.

MS. GEUEA JONES: You do recognize this is a residential area? It's got a lot of sidewalks especially to the east. You've got sidewalks to the north of you on Andy.

MR. WOOTEN: There are no sidewalks on Andy currently.

MS. GEUEA JONES: There are to our north.

MS. LOE: At the north.

MS. GEUEA JONES: All the way up to Rhonda, yeah. They come down from the north. They do. You aren't connecting, but you'll be the first step to connecting.

MR. MACMANN: Now I see it. I see it.

MS. GEUEA JONES: Yeah. So I guess I'm just trying to say, like, we generally don't approve those waivers unless there is a real reason that that particular property either can't or, you know, because of geography, you know, such a cliff, or there are literally no other sidewalks for miles around and it's a more rural area, and even then sometimes we don't. I'm not hearing anything about this property that would justify that kind of waiver.

MR. WOOTEN: You asked about cost, and again, we haven't looked at a hard design what this would really be, or we're not there yet if it were to be required. Preliminarily, I've looked at it, and it's -- it

will just about triple the cost of that sidewalk because of the wall, landscaping that would have to be taken out, a fence that would have to be relocated, et cetera. So that is a primary reason. And again, I'll -- just going back to the history on the site, and when it was rezoned in '09, and those exceptions and conditions that were approved -- that was approved under for the same reason of a use that's nonconforming to be brought into conformance.

MS. GEUEA JONES: I will just say that given the state of Columbia's daycare shortage, I am a little disappointed that you knew staff was going to recommend denial and chose to come before us anyway knowing that would probably mean extra delay, because I think this is an important service, and I would like for this to have gone much more smoothly. But thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Ms. Geuea Jones addressed most of my things, and I just want to say in addition to all the discussion you've heard, as soon as I saw this, I said to myself this is a daycare. We need more daycares. We need this daycare to stay open. But I will say this. This was a church, a funeral home, a daycare, all needed community services, but it's a shoehorn on top of shoehorn on top of shoehorn. That's why we're taking our time with this, just FYI. I have no further comments or questions. Thank you.

MS. LOE: Mr. Kelley, can you bring up the site plan of -- yes. Mr. Wooten, I was looking for the accessible parking. You have 21 cars, I believe?

MR. WOOTEN: Correct. I think that's correct.

MS. LOE: You should have at least one accessible stall.

MR. WOOTEN: Yeah. It's -- it's not indicated here, but there are numerous stalls on the site that would be compliant in the event they were to re-stripe the parking. I believe the existing stall that's striped is just behind the canopy or maybe under the canopy. I can't be certain.

MS. LOE: All right. So when it comes back with corrections, can we show the accessible parking so we can see that? Thank you. Any additional questions for this speaker? I see none. Thank you.

MR. WOOTEN: Thank you.

MS. LOE: Any additional speakers on this case?

MS. TADZHIBAYEV: Ruzana Tadzhibayev, 1908 Southeast Trails Drive, Columbia, Missouri. I am the owner of the daycare center, and I'm so sorry if I get really passionate or emotional because this is my baby. I -- I want to start off with apologizing that I didn't go off and get the correct paperwork in rezoning to begin with because I had no idea that's what I needed to do. I have been an in-home center for 12 years, and as soon as I graduated, I bought this building with really high hopes. Excuse me. I'm the only center in Columbia that offers Russian as a second language. I'm completely play based, and my classrooms are full with a waiting list for two years. People really want me, and I'm really proud of what I do. Excuse me.

MS. LOE: Take your time. Don't -- we're fine.

MS. TADZHIBAYEV: Sorry. So when my licensing representative got fired, I got a new one, and she came in to check on all my paperwork, and that's when I found out that I was not in the right zone. I immediately called Brian [sic] Kelley, and he started giving me all the advice, and I've been working nonstop since March to make sure that I am compliant with you guys, so I'm doing everything I can. The sidewalk is just financially a burden to me right now. Honestly, it would cost me thousands of dollars that I don't have, and I don't object to putting the sidewalk there. I would love to put one there, and, granted, if I have the funds. I don't mind putting it off a couple of years, and then putting it in if that's what you permit. The Holly sidewalk, I had already found people who were able to fit into my budget, and put that in, so that -- that can be done. So that was my main concern. I haven't even heard or understood the two feet, four feet parking. I have no idea what that is, so I will talk to Tom about that afterwards. But I wanted to say that I don't plan on making anymore growths or adjustments to the building. I have 39 kids right now, and I'm loving my small group sizes. I don't plan on expanding. If I do, I for sure will start everything from the very beginning correctly this time, and make sure I got -- dot -- all my Is and cross all my Ts before I expand. I'm 30 years old, so I expect myself to be here for a long time and hopefully, I will expand in 20, 30 years from now. Maybe I'll be sitting beside you guys; who knows? My goals are really high, and I'm hoping that you guys will help me reach that. Thank you.

MS. LOE: Thank you. One second. There's some questions.

MS. TADZHIBAYEV: I'm sorry.

MS. LOE: Okay. We often have questions.

MS. TADZHIBAYEV: Yes.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I just want to say none of this is your fault. We understand that. You have happened upon a property that, as Commissioner MacMann said, was shoehorned on top of shoehorned on top of shoehorned. That's why you hire professionals.

MS. TADZHIBAYEV: Yes.

MS. GEUEA JONES: You are doing this process as best you can. Are you currently in a suspended license state, or are they allowing you to stay open while you get compliant?

MS. TADZHIBAYEV: They're allowing me to stay open. I have a six-month window, and I was considered unsubstantiatedly [sic] in violation in March, so I have that many months.

MS. GEUEA JONES: April, May, June, July, August. So you have till September, basically?

MS. TADZHIBAYEV: Yes.

MS. GEUEA JONES: Okay.

MS. TADZHIBAYEV: So I am in operation right now. I have fixed all my violations from that March, because I had some minor stuff, and this is the only thing that's keeping me from being out of violation -- in compliance.

MS. GEUEA JONES: Thank you.

MS. TADZHIBAYEV: Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Just also to let you know, one of our missions is, and I love what you do, we need it, and I go through these things, and, like, oh, daycare, and that's probably a yes, and I set it down. We're going into the weeds here. Not every daycare director is as good as you.

MS. TADZHIBAYEV: I appreciate that.

MR. MACMANN: FYI, I got the staff just made a point of not making eye contact with me. And we have to think about what this property is going to be in the future. And when I said a shoehorn upon a shoehorn, somebody wants to put a church in your neighborhood. Okay. Fantastic. Someone wants to take that property and make a funeral home. Okay. Fantastic. Someone wants to, you know, make it a daycare. Okay. Fantastic. Things change over time and rules tighten up, and we listen to neighbors cry all the time, and they can cry, it's their neighborhood. But we have to look at their needs going forward, and even if you -- and I have not counted heads tonight -- even if you do receive some setbacks this evening, you're going to receive some things going forward, and I think it's doable if you just keep pushing.

MS. TADZHIBAYEV: I will. And I'm so glad you mentioned the neighbors, because in my emotions, I forgot to mention I do have letters of support. I sent out letters, I knocked on people's doors in the evenings, during the day on the weekends, I was there. I know all the neighbors by their names. They have my phone numbers. We are always in communication. We have a great relationship.

MR. MACMANN: That's good for us to see those, too.

MS. TADZHIBAYEV: Okay.

MR. MACMANN: FYI. Just in the future, when you do this --

MS. TADZHIBAYEV: Okay. I did have pdf forms.

MR. MACMANN: No. I appreciate that. I appreciate that.

MS. TADZHIBAYEV: Okay. Thank you.

MR. MACMANN: I don't have any more comments or questions of this witness at this time.

MS. LOE: One more question. Commissioner Carroll?

MS. CARROLL: May I ask what the next step would be? If you don't get the sidewalk waiver, what's next for your business? Do you have any idea what you would have to --

MS. TADZHIBAYEV: I will probably just have to dig in more debt. I just got out a loan for a classroom renovation that the City had already required that I do to make -- meet ADA standards because the building was not in compliance. So I'm not sure I would get approved in a loan right now, but that would be my next step.

MS. CARROLL: Can I ask staff a question? We sometimes consider fee in lieu for sidewalks.

I'm wondering how that would compare to the projected sidewalk cost, and if that would be appropriate and/or helpful in this case?

MR. KELLEY: Sure. I -- I could provide the most recent dollar figure we have per linear foot, but Andy Drive is an improved street with curb and gutter, so that policy resolution would not be applicable to Andy Drive, unfortunately. But I can still provide that dollar figure if you would like it.

MS. CARROLL: I'm not sure the dollar figures matters if we can't apply it. Thank you, though.

MR. ZENNER: When you're finished with public comment, there -- there may be another option available as part of, again, the unique nature of a planned district that may be able to be presented as a suggestion to City Council as a part of your motion. So we can get to that when you're ready to some more discussion amongst yourselves.

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

MS. TADZHIBAYEV: Thank you for your attention.

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

PUBLIC HEARING CLOSED

MS. LOE: Commissioner comment?

MR. MACMANN: I'd like to hear what Mr. Zenner has to say.

MS. LOE: Mr. Zenner?

MR. ZENNER: As Mr. Kelley and I were talking, as we were hearing some of the comments, understanding the situation that the operator is in, connectivity of the sidewalk network is of the utmost importance as it relates to your purviews, the comprehensive plan, connectivity. In Mr. Kelley's conversations with our building regulation supervisor, John Simon, often when we run into conditions related to development, single-family housing development when you can't plant required plant materials, when you can't install sidewalk, the option exists to bond for those improvements with a surety acceptable to the City which can take the form of a variety of different documents. That is an option that should the Commission feel appropriate, it's not the same as a payment in lieu of. It's basically delaying the installation of the required improvement for a specified period of time. As the applicant has pointed out, she has no problem putting a sidewalk in, she just can't do it tomorrow. That sidewalk -- that surety would have to be of sufficient amount by which to cover the installation costs should she fail to make the improvement at the specified time, so I think we would have to determine what that dollar is, but that's maybe not the relevant factor at this point. The relevant concept here is -- is granting relief through a mechanism that we utilize for other purposes already with the building department. She is required to get a building permit, as she pointed out, for her classroom renovation and other improvements, so it does not appear to be extraordinary to potentially, as a part of the PD plan approval process, to suggest that prior to her getting her occupancy permit for the ADA accessible room, she has to provide a surety by which the sidewalk then, which would be needed for compliance, to be posted and on hand, and the

sidewalk to be installed before that surety were to expire. That would be probably an option available, along with the other discussion that we've had this evening about correcting the Statement of Intent to ensure full compliance with the UDC's dimensional standards as they exist today. That would be your way of disposing of the design adjustment request for the waiver of the sidewalk

MS. LOE: Commissioner MacMann?

MR. MACMANN: I just have a comment. I actually have a comment for our applicant, and you don't need to get up. Your representative -- and I'm sorry, but you can't speak unless we reopen it, and we may get to that point. This is a doable thing. Perhaps your agent can check that out for you. There will be an amount that's down and a time restriction. Mr. Kelley, how long is that Andy Street sidewalk-ish? One sixty?

MR. KELLEY: I think it's about two -- hold on. I've got a report here. One second.

MR. MACMANN: Because we'd -- (inaudible) -- the sidewalk and the -- or the driveway and yadda, yadda.

MR. KELLEY: Yeah. It's 270 feet on Andy Drive.

MR. MACMANN: All right. I did it off the top of my head. I'm not going to give you a number because I'm not an engineer giving you an -- advice. That's a -- that's a doable -- thank you. That's a doable concept for me, Madam Chair. It would seem that if we are to move forward on this, this amendment -- this case is not going to be very clean, and we should probably take it one small step at a time.

MS. LOE: Sounds reasonable. Commissioner Geuea Jones?

MS. GEUEA JONES: I am perfectly amenable to the -- the bond surety option, and I think if we add something in the PD plan that the design exceptions for setbacks and -- and screening revert to the UDC if the building is ever remodeled, demolished, however we want to say that, that may also ease some of my heartburn because this building has got to be 40, 45 years old would be my guess, probably '80s.

MR. KELLEY: I'm not sure, to be honest.

MS. GEUEA JONES: Okay. I'm just looking at the architecture and making guesses. At any rate, I think even if it remains a daycare for the next 30 years, at some point, they're going to want to remodel it substantially and perhaps raze it. So doing something that says you can't change what's there makes me feel better, because the neighborhood has been living with what's there. That's my thought.

MS. LOE: I'm -- I'm thinking just establishing the current standard versus leaving it open ended, and I'm wondering if staff has an opinion --

MR. MACMANN: We can do an as-is amendment, which is what they've been doing.

MS. LOE: Well, we're talking about the setbacks and just --

MR. MACMANN: No, and I appreciate that. I really do.

MS. LOE: We have two. Commissioner Burns?

MS. BURNS: As opposed to an as-is, I'd like to create definitive language as we move forward with this, whether it's -- and I am concerned about not adhering to the Code that we require all other applicants to adhere to. I have complete sympathy and want you to succeed. I'm trying to figure out how we do that in fairness to other applicants about these issues like sidewalks and setbacks and parking that come before us every other week.

MS. LOE: Commissioner Rushing?

MS. RUSHING: And my question to staff is, can we require the sidewalk along Andy -- isn't it Andy? Yeah. And you all would negotiate the bond, as opposed to us saying require a bond?

MR. KELLEY: Right. If sidewalk is required, I think we could discuss with building and site what that bond could look like. I don't know years or anything. I'm not super familiar with that patent. They have more info on that portion.

MS. RUSHING: So do -- do we need to say in our motion we require a bond, or is that something staff can work out?

MR. ZENNER: I think it's a justification of -- as a justification of the design adjustment for the sidewalk --

MS. RUSHING: I mean, can't we just require the sidewalk and now --

MR. ZENNER: You can deny -- you can deny the sidewalk variance with -- and I think for the record, I don't -- I would -- my preference would be that you specify direction as to how you want the sidewalk issue to be addressed, deny your -- deny the design exception, then specify how the sidewalk needs -- what allocation or adjustment to the sidewalk standard installation would be, because typically it would be required to be installed prior to a CO being issued. Now, the building is occupied at this point. There's a whole variety of different challenges running through my mind because, normally, if this was platted property, if you were having to plat, you'd have a performance contract. A performance contract would require it to be installed within three years. So what I'm going to -- what I would suggest in order to address what's been applied for, SOI revision, plan approval with exceptions, and a design adjustment that you have to take action on all three of those. And based on the conversation, denial of the design adjustment seems likely subject to a condition being added to the development plan that says that the sidewalk must be installed within X period of time and have a surety posted for that installation. That is the cleanest way in my mind to deal with it. To get to Ms. Loe's point, if I understood what it was, starting from a position of the setbacks being consistent with what today's dimensional standards are, currently in the Statement of Intent that is proposed to be approved with this, the minimum building height is 35 feet. That is consistent with the R-1. The minimum front-yard setback, which would be Holly, is 25 feet. That is consistent with R-1. The side-yard setback, the west side yard, which is Andy, is also 25 feet, which is consistent with today's UDC. And then the side yard on the east is the one that we have a question which today is listed as two and a half, that would need to be amended to six feet. And as Mr. Kelley pointed out to me, if you eliminate the minimum residential parking setback along that eastern property

line, which is the one in question, by just striking it entirely, the six feet for the side yard then results in the parking that is existing becoming a legal nonconformity that can't be expanded any further east. If the site is redeveloped, it has to become compliant. That is how our nonconforming section works. So that would straighten out all of Section 4.

MR. KELLEY: And one thing to add to that. The -- the setback for the parking is in two places. It's addressed to be a design exception, so you're getting where I'm going with this, and it's also in the SOI as well. So we could strike that from the SOI and revise the PD to remove that specific design exception.

MR. ZENNER: So remove a design exception, deny a design adjustment and, basically add a condition that talks about the sidewalk along Andy to the plan stating that it must be installed within a specified period of time at your discretion and be secured -- its installation being secured via a surety acceptable to the City.

MS. LOE: Commissioner --

MR. MACMANN: Commissioner Kimbell.

MS. LOE: -- Kimbell?

MS. KIMBELL: How do we go about deciding the time frame for that bond improvement?

MR. ZENNER: My recommendation would be otherwise -- unless otherwise told differently, is we handle it the same way a standard performance contract would be handled with a maximum of three years. I'd have to confer with our building department if a three-year surety is acceptable. If I recall correctly, I think the maximum by Code maybe for sureties for yard finals and things of that nature I think is two years. I don't know -- Ms. Thompson, do you know specifically on that?

MS. THOMPSON: I'm -- I'm not certain, off the top of my head.

MR. MACMANN: Mr. Zenner, I've bought these for work, and they were scalable based upon time and based upon liability. That's what determined my cost. So we have the option, it's not exactly the same thing. We have the option, say, I'm working for a -- like, the University requires them. The University had a time, I had a time, I had a potential liability, and then we paid it. If that can be a negotiable -- we could set a minimum time and a maximum time. We could set a parameter.

MR. ZENNER: I'd say -- and that may be appropriate. A minimum of no less than one year, a maximum of three unless -- yeah. And we can deal with that within our internal process. I definitely could tell you we've had surety bonds that have been more than a year, so I think that window -- the three or maximum is based on what a standard performance contract would be. This property does not require final platting; however, the preliminary plat can also serve -- or the PD plan can serve as the preliminary plat. So, again, we have some subdivision relationship there to where a three-year maximum term ties in with what the final platting process is -- would afford an applicant if they had the final plat.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Just a real quick comment, and I'll get off the mic. A three-year period, I

would also -- I think would be good. That would allow anyone who might not have all the funds right away to get them together.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I just want to make sure we can get all of this done tonight, and -- and potentially get to an approval point; is that correct?

MR. ZENNER: If you are willing to make the amendments, we will make sure that we coordinate with the applicant, and the applicant's design professional to continue to move this forward.

MS. GEUEA JONES: Okay. Because what I -- what I am mostly worried about is the amount of time it would take to get through this, get a denial, get to Council, potentially get a denial, come back through the process, that's too much time. But if we can do the amendments in real time tonight and get to a good place, then we don't have to do that. Otherwise, is there still a potential to delay a vote on this for two weeks instead of six months?

MR. ZENNER: Let me -- let me take a look at the calendar here and let me -- let me check.

MS. GEUEA JONES: I think what you're telling me is we can vote on these amendments, and you can coordinate and get them done.

MR. ZENNER: Unless Ms. Thompson has -- I mean, she's coming to me.

MR. MACMANN: Ma'am, just to let you know, you don't want us to vote no now, because we'll put you outside your licensure window. You just hold fast. I'm just letting you know what's going on. We are trying. But we don't -- it's -- and I'm sorry, Madam Chair, if I am speaking out of turn, but we don't want to move ahead inappropriately as Ms. Burns said, and not be fair to other people, or get your case wrong.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Yeah. I'd like to ask the applicant a question, if we can reopen the podium.

MS. LOE: Any other discussion -- commission discussion? If not, we're going to reopen public comment -- or public hearing. Sorry.

PUBLIC HEARING REOPENED

MS. CARROLL: Before we get too carried away with this, because I've realized we've made a lot of planning without consulting the applicant here. Would three years help your situation?

MS. TADZHIBAYEV: We were hoping you would say three years.

MS. GEUEA JONES: And could you give your name and address again?

MS. TADZHIBAYEV: Ruzana Tadzhibayev, 1908 Southeast Trails Drive. We were hoping you would say three years. That fits into our projected time line.

MS. CARROLL: Okay. Okay.

MS. TADZHIBAYEV: Any other questions?

MS. CARROLL: That's my only question. I just didn't want us to start issuing something that doesn't change the picture.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA HONES: Is there anything you've heard us suggest as amendments to this that makes you go, oh, no, that's not doable?

MS. TADZHIBAYEV: I don't know what it means to have two feet between six feet parking space. I don't know if that means tearing up the parking or demolishing.

MS. GEUEA JONES: No. No. No. So, thank you. If I may, Madam Chair? So your eastern border, what your current paperwork says is you can build all the way up to two and a half feet to that property line, and you can build anything you want up to that two and a half feet. If we say, no, that has to be six feet, everything that's there is what we call illegal nonconformity, which means it gets to stay, but if you ever do anything, it has to come out.

MS. TADZHIBAYEV: Got you.

MS. GEUEA JONES: So you would have to tear down your carport if you wanted to do an addition to the back of the building, for example.

MS. TADZHIBAYEV: That makes sense.

MS. GEUEA JONES: Yeah. But you don't have to tear anything down today, it just makes it so that -- and not you, but a future property owner couldn't go, oh, I can build an entire apartment complex there if I can go all the way to two and a half feet.

MS. TADZHIBAYEV: Okay. That makes sense.

MS. GEUEA JONES: If that makes sense. That's why when we say we're thinking into the future and about other applicants. We are trying to help you, I promise.

MS. TADZHIBAYEV: Okay. If it means or helps in any way, I don't plan on selling or removing this from my property at any point in my future. My son is planning on turning it into a laboratory when I pass, if that makes sense, so --

MS. CARROLL: Laboratories take lots of square footage. I work at one myself.

MS. TADZHIBAYEV: But we definitely don't plan on selling it to another --

MR. MACMANN: He would need a conditional use permit for that property, so that's what I --

MR. ZENNER: You'll be back before us again, just wait.

MS. LOE: We do those, too. Yeah.

MR. ZENNER: Before -- before our applicant leaves, what I -- because this is a question that I think you all need to pose to them, and this is to address Ms. Geuea Jones', I think, observation. While, yes, after conferring with Ms. Thompson, we probably could move all of this forward, but we've discussed a lot of different things here this evening. And probably to communicate properly with the design professional and the applicant, it would be advantageous to table a vote on this this evening so we can get a clean plan forward. Our next available agenda date is the 9th of June. What I suggest, we had discussed this evening, given the framework of it's been all hashed out here, it should not take but a week in which to prepare a revised plan. This could be returned to the Commission on June 9th. Pursuant to

our processing schedule, action on June 9th would then go to our July 5th City Council meeting. It would be introduced, with a second reading on July 18th. If you were given your notice in March, if correct, that is April, May, June, July, August, September is six months. We would done with this at the beginning of August at the latest, which would still then allow the applicant additional time. Now a return trip back to us is out of the question. However, I believe with what we have discussed this evening, the changes, they address the issues that have been expressed by the Commission. They will also cleanly establish the parameters by which this site can continue to function in the future and guarantee us the sidewalk construction, but a delayed date. Now one must also understand that the recommendation is -- because we will not act on this if we table this evening. The recommendation of approval or denial of the design adjustment is just that. It is a recommendation. The City Council, as you all are well aware, has the authority to override what recommendation you may make, if it is in the negative, and that is, again, behoovent [sic] on the applicant at that point and their design professional to make a passionate plea with the Council if that's the direction we go in. And Council still may decide that they want to do that instead of going through all of this hoopla about having a design -- or surety and all of the other things and saddling the applicant with that expense. So I just point that out as that is the potential outcome of our efforts, but our efforts this evening are pure in respect to making sure that the concerns and the objectives of the Code are met. So, in summary, a tabling this evening, if that is acceptable to the applicant, will afford enough time for her to become compliant before her six months expires, and will allow us to come back with a more complete plan that addresses all of these on something you're looking at. Unfortunately, Ms. Rushing won't be here to partake, but we'll break our newest Commissioner in with a real wing dinger.

MS. GEUEA JONES: Question?

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I think I've seen this before where we have lengthy discussions like this, we deny a PD plan, and it magically gets fixed between here and Council. Was that my imagination?

MR. ZENNER: Oh, no. Not at all. It magically gets fixed and then obviously gets voted on by Council because the applicants acquiesce to what we wanted. In this particular instance, the hardship presented by the applicant here this evening is not a hardship that is going away, and the solution that is being offered at this point, I think, is the one that is most pragmatic in relationship to the objectives that we're trying to meet. Now, quite honestly, again, you could take the action of deny the design adjustment, deny the plan, the applicant comes before Commission -- or Council, and Council says the Commission got it wrong, we're going to do a two-thirds majority vote, override the denial, therefore, the plan can be approved as it was submitted. I think what we would prefer is a clean plan which gives Council a package then to act on with a recommendation of support.

MS. GEUEA JONES: All right. One more process question. So am I also remembering correctly that if our vote is unanimous approval, it goes on consent agenda?

MR. ZENNER: That is correct.

MS. GEUEA JONES: And does consent agenda take two meetings or is that one meeting?

MR. ZENNER: It's still, because this is an ordinance, it still would take two readings.

MS. GEUEA JONES: Still takes two. Okay. Thank you.

MS. LOE: Commission MacMann?

MR. MACMANN: I guess I'm ready for next steps.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Am I correct in understanding that if we voted to do a three-year bond to delay the sidewalks and Council wanted to approve the design -- the request for design adjustment, that they might still do that?

MR. ZENNER: That is correct.

MS. CARROLL: Okay.

MR. ZENNER: So you could -- I mean, instead of depending on how tactics would play out here, if you deny it, you add the condition for a surety to be placed as a note on the PD plan, Council still could turn around and basically approve the design adjustment.

MS. CARROLL: So I'm going to make some very generalized comments as part of commission discussion in that case.

MR. ZENNER: And I think when we --

MS. GEUEA JONES: We still need to -- yeah.

MS. CARROLL: Okay. It's not Commission discussion anymore. Sorry.

MS. LOE: No. We're still in public hearing.

MR. ZENNER: Let me -- let me make sure that Ms. Thompson understands what I'm saying. Due to the fact that the design adjustment will be handled as a separate element of the plan approval process because that's how our design exceptions are handled at Council, Council is going to have to -- they'll have context, because they're going to have all of it together. That action is a separate action because it's -- they're both required to be done by ordinance, so I would imagine in this instance, they may all be done together. I believe, though, because the Commission is taking two -- well, it'll be three motions, I think they have the ability act on the design adjustment independently if they so choose. Is it -- would that not be a correct process question for Council?

MS. THOMPSON: Yeah. They can act on the design adjustment independently, but I think the important thing to note here is the -- the applicant controls their application. And so if they want to move forward with showing the sidewalk on the PD plan, subject to this may be delayed construction of the sidewalk by three years, that's one option. Another option is to move forward requesting the design adjustment, because I think those are kind of two paths. With that first option, I think it's been established that probably the cleanest way to do that would be to -- to take two weeks and come back with PD plan that kind of reflects what's been talked about today that sounds like -- addresses some of

what the Commission has -- has expressed concern about. Alternatively, you could move forward with -- with your request as it is, understanding that you may not get the vote that -- that you want from this Commission. You know, we haven't voted. I can't say that for certain, but I those are kind of the two paths. Would you agree with that, Mr. Zenner?

MR. ZENNER: I would. And I think that that's an excellent observation, because if the plan is revised as discussed, a design adjustment could fall off, because they won't need it, and a design exception will be eliminated. So the plan is improved, which probably improves the chances of a more positive recommendation from this body.

MS. LOE: I'm -- this is public hearing, and I think we're at a point where, Ms. Tadzhibayev, do you understand your options and we're sort of --

MS. TADZHIBAYEV: Yes.

MS. LOE: Okay. Do you know what you want to do at this time?

MS. TADZHIBAYEV: I definitely want to take the route where I would be more successful.

MS. LOE: All right.

MS. TADZHIBAYEV: Yes. I -- I would accept the three-year bond, because, again, I don't have any opposition on creating a sidewalk, it's just creating and collecting the funds. So I think if I take the safe route and stick to my three-year plan, and add the sidewalk, it would make everyone more happier than if I just stood my ground in not wanting to put it in in the first place.

MS. LOE: So would you prefer to table the case tonight and come -- revise the plans and come back on the 9th where you will --

MS. TADZHIBAYEV: Yes.

MS. LOE: Okay.

MS. TADZHIBAYEV: Yes. Just want to make sure I'm making a good choice. I definitely just want to get this over with and be done with it.

MS. LOE: All right. So we have a request for tabling. We'll -- that's what we needed to hear. Thank you. We'll close public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commission discussion. Is this a motion, Mr. MacMann?

MR. MACMANN: It is a motion, Madam Chair.

MS. LOE: All right.

MR. MACMANN: In the matter -- unless my fellow Commissioners, staff, or attorney, or anyone within the sound of my voice has any objections or concerns, I'm going to make a motion to table Case 156-2022 to date certain 9 June 2022.

MR. ZENNER: That is correct, sir.

MR. MACMANN: I so move.

MS. GEUEA JONES: Second.

MS. KIMBELL: Second.

MS. LOE: I'm going to give it to Ms. Kimbell. Moved by Mr. MacMann. We have a motion on the floor. Any discussion on this motion? Any more discussion.

MS. CARROLL: All right. Here's my generalized --

MS. LOE: Commissioner Carroll?

MS. CARROLL: Here's my generalized comments. Given the discussion, it seems like we've reached an agreement and I'm thankful for your flexibility and also the opportunity to better understand what your needs are, and your willingness to potentially build this sidewalk. That's an important value for a community, and it's an area that matters. I am extremely reticent to place any additional burden on childcare providers given that we have such a shortage of childcare availability right now. It is quite dire, as Commissioner Geuea Jones pointed out. As Planning and Zoning, I don't think we're really in a position to comment on businesses, only on the planning and zoning elements, but that's something that perhaps Council may be able to consider. I am -- I do think we need to acknowledge we've had some discussion about shoehorning of the existing zoning. I do value repurposing our existing infrastructure, and I think we need to acknowledge that daycare businesses are very frequently shoehorned businesses, very frequently using existing buildings. That's very common for daycare providers, and I think that it's something that I suppose we need to keep in mind.

MS. LOE: Any more discussion on the tabling? Seeing none. Commissioner Carroll, may we have roll call, please.

Roll Call Vote (Voting "Yes" is to recommend approval.) Voting Yes: Ms. Loe, Ms. Burns, Ms. Rushing, Mr. MacMann, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll. Motion carries 8-0.

MS. CARROLL: We have eight votes to approve the tabling motion.

MS. LOE: Recommendation for tabling is supported. We'll see you back on the 9th.

MS. TADZHIBAYEV: Thank you.

MS. GEUEA JONES: Thank you.

MS. LOE: That brings us -- I know it's after 9:00, Commissioner Rushing, but I think we can get through this one.

Case Number 158-2022

A request by A Civil Group (agent), on behalf of Cherry Hill Dental Associates, LLC (Owners), seeking approval of a major amendment to the "Gadbois Professional Offices PD Plan," and its associated Statement of Intent. The proposed PD Plan amendment would add an enclosure on the north side of the building to house HVAC components. The applicant also seeks the addition of "assembly or lodge halls," as a permitted use within the Statement of Intent.

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

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

recommends approval of the PD plan and SOI revisions to the "Gadbois Professional Office PD Plan."

MS. LOE: Thank you, Mr. Palmer. Before we move on to questions for staff, I would like to ask any Commissioners who have had any ex parte related to this case to please share that with the Commission at this time so all Commissioners have the benefit of the same information on the case in front of us. I see none. Any questions for staff? Commissioner Burns?

MS. BURNS: You didn't mention parking. Is there sufficient parking? There needs to be no changes in that as far as what's operating for the dental office, and then will operate for the assembly space?

MR. PALMER: Yeah. When they did the PD plan, it was planned as their private event space to be used by the dental office. And then the restaurant use, when it came in, it was reevaluated, and it was sufficient for that. And I believe restaurants and assembly lodge halls are pretty congruent as far as parking requirements.

MS. BURNS: Thank you.

MS. LOE: Commissioner Placier?

MS. PLACIER: Do you know what the capacity of the assembly lodge hall will be?

MR. PALMER: I don't, off the top of my head, no.

MS. PLACIER: I notice that what is planned across Diego is R-MF. We don't know how soon that might be going -- going in, so our evaluation of impact on neighbors is going to depend on that, but I guess it's just an unknown.

MS. LOE: Any additional questions for staff? Seeing none. We will open up the public hearing.

PUBLIC HEARING OPENED

MR. MURPHY: Hello, again. Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park Court. I'd be happy to answer any questions you might have.

MS. LOE: Any questions for Mr. Murphy? Commissioner Burns?

MS. BURNS: Thank you. As far as an assembly hall, I'm just curious. It seems like we've heard that the applicant wanted to use it for their own private use, and then there was a possible restaurant. Are we back to private use or truly renting it to outside entities?

MR. MURPHY: It would -- private use, again. I mean, they own the space and do that, and then it's, like, you know, you're going to have a wedding reception, a bar mitzvah --

MS. BURNS: Okay. So it would be outside rental?

MR. MURPHY: -- you know, whatnot. Yes.

MS. BURNS: And do you know the capacity, Mr. --

MR. MURPHY: I -- I do not. This is not my project, but, again, it does -- the -- the parking meets out with the capacity that that can -- that that building can handle. That was looked at and that is approved by staff.

MS. BURNS: May I follow up one more?

MS. LOE: Uh-huh.

MS. BURNS: In the Code, isn't there a limitation on assembly halls and lodges as far as occupancy?

MR. ZENNER: That would be established by the fire official, and we're -- we're reviewing the site plan that's up here on your monitors at this point. The ground floor square footage of this building, if I'm not incorrect, about 9,600 square feet. You've got elevator shafts that are within the building that lead to the second floor, so that ground floor square footage is absorbed partially by those non-occupiable spaces, and then the actual event space itself, should there be a warming kitchen or any other type of upfitting of the ground floor area is going to be further reduced for occupancy. But once plans are submitted, the occupancy load maximum will be established. At that time, parking would generally be reevaluated to ensure that there is adequate parking upon the usable square footage. There are opportunities within this particular area, based on the non-competitive operational hours of the event center space with the adjoining parking lots of the parking spaces immediately to the west that could be utilized for overflow parking, as well as the public streets in the adjoining area, at least Diego is large enough for on-street parking to support any demands. I think the one thing, and most of you, if you have not been in this particular area, with the Nifong road improvements that were made, signalization is up at Aurora now. That is the back entrance to the high school. Directly across from Santiago, there is an entrance that is planned to go to the commercial development immediately to the south. That may be controlled as a three-point turn, but we do have multiple ways in and out, so dispersing traffic from this particular site is not a concern. One goes back to a signalized intersection, the other goes back to a -- to a right-in/right-out only at this point, if I am correct. Santiago is not a full intersection. So you're forcing everything, most likely, back to the traffic signal as people exit the facility. And the facility square footage is going to be controlled, but we just don't know to what extent at this point based upon the upfitting of the building.

MR. MURPHY: If I may, yes. As Pat pointed out, you would have warming rooms, set-up areas, bathrooms, multiple bathrooms that do take up that additional area. The way this was looked at was the 9,600 square feet as it meets code for the parking as it is.

MS. LOE: Additional questions for this speaker? I see none. Thank you, Mr. Murphy.

PUBLIC HEARING CLOSED

MS. LOE: I'm going to close public hearing since Mr. Murphy is the only public present. Commissioner comments? I'd just like to say that while this would have been a nice restaurant to walk to, I still think having an assembly hall lodge for functions could also be a good neighborhood asset. Commissioner MacMann?

MR. MACMANN: I wanted a shooting range, but I have a motion. If my fellow Commissioners have no comments. In the matter of Case 158-2020 [sic] a PD plan major amendment on 220 Diego

Drive, I move to approve.

MS. RUSHING: 2022?

MR. MACMANN: Did I misspeak?

MS. RUSHING: Yes, again.

MR. MACMANN: Thank you. 2022.

MS. RUSHING: You're just two years off.

MS. LOE: Seconded by Commissioner --

MS. RUSHING: Oh, I'll second it.

MS. LOE: -- Rushing.

MR. MACMANN: Commissioner Rushing wants a shooting range, too.

MS. LOE: We have a motion on the floor. Any discussion on this motion? Seeing none.

Commissioner Carroll, may we have a roll call, please.

ROLL CALL VOTE (Voting "Yea" is to recommend approval.) Voting Yes: Ms. Loe, Ms. Burns, Ms. Rushing, Mr. MacMann, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll. Motion carries 8-0.

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

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council. That concludes our evening.

VII. PUBLIC COMMENTS

MS. LOE: No further public comments.

VIII. STAFF COMMENTS

MS. LOE: Staff comments?

MR. ZENNER: Getting you out a little bit early and you're already punchy. It's not even 10:00. Your next meeting is June 9th. We added an item to that agenda to what is on the slides in front of you. We will have a work session. That work session will be pivoting to short-term rental again. We will actually have the update, the Snapshot review and update that was on this evening's agenda presented by Ms. Smith. And then depending on the discussion, we will start to reintroduce some proposed text changes and language for short-term rental as we have discussed up to this point, so some of the use-specific standards are going to be provided to you and then if we have any additional time, we'll hopefully make some progress. But your upcoming cases then for the regular scheduled meeting will now be a total of five. We have what appears to be now three planned district plans inclusive of the one that we had here this evening for the daycare. 10922, which is our development off of Bluff Creek Drive. This is the project by Cotswell Cottages revision that is coming in. It has a design adjustment to it. If you recall correctly, as we had talked about this originally, and that is a design adjustment. Again, given that this is a major revision, design adjustments or variances that were previously approved as it related to access or development over 100 lots at the time, which has now been revised to development or access to a

development over 30 lots, that is what the design adjustment is about. The actual project plan, however, has been improved, and the developed conditions within the Bluff Creek Subdivision have been unchanged since the original design -- variances were approved under the prior Code in 2016. The second project that you have, and my apologies, four planned developments. The second project we have is one of the -- the emerged larger lot out at Somerset Village. This is off of St. Charles Road and Battle Avenue. This is the property that is immediately on the east of Battle Avenue, adjoins the high school's parking lot, and it is a C-P -- a former C-P zoned parcel and a parcel that has multi-family densities associated with it and office zoning. The development plan identifies three lots, and this is a plan that's a little bit different from what we have seen. They chose to submit the preliminary plat separately from the PD plan, and as many of you are aware that have been around long enough, normally PD plans serve as the preliminary plat. The best that we have been able to ascertain as staff is the PD plan only involves the center of the three lots, and so they chose to show the PD plan with just the center lot being developed. There is some context and some utilities that cross the adjoining, but it's not part of the plan that's being sought for approval. The separate preliminary plat, however, has been reviewed for compliance with our preliminary platting standards and would still serve as a preliminary plat. The way that the recommendation will be asked to be made is to approve the PD plan in the first set of drawings and, at the same time, approve the preliminary plat by the second set of drawings. So we're accomplishing the same thing, but just in a little bit different process than usual. The third PD plan that we have on the agenda is One Sexton Road. This is a parcel that is owned by the Columbia Housing Authority that is proposed to be converted from a cottage-style development that was originally, if I recall correctly, three buildings, now is being proposed to be developed in three three-story structures that are more residentially designed, so it requires an entire rezoning of the property again. There is a design adjustment as it relates to the -- to aspects of parking, if I recall correctly, and then there is a plan which is the requirement for our PD zoning district now, that you cannot ask for a PD zone without having a plan in tow. We have an adjoining parcel on the west side of Bluff Creek, which is a final plat. So the oddity here is we -- we're not going to handle them, they're not the same project. One is a preliminary -- a preliminarily platted parcel of property, which is across the street from the Cotswell Cottages project. It has a design adjustment associated with it, as well, but it's a different set of design adjustments. It does not have anything to do with lot access because that plat was originally approved at a time when it was compliant with the access requirements, and it is not being proposed to be final platted. The other interesting caveat associated with this particular final plat, the original preliminary showed the parcel being developed with seven lots, it is now being proposed to be developed with a single lot, so there is a reduction in the intensity of the development. So to familiarize yourself with where we're located, our Cotswell Cottages project here on your left, the Somerset Village project on your right, and as you can see, further to the right of the image is the high school -- Battle High School. And then our project for Sexton, which is the CHA development. And the project that is across Bluff Creek Drive from Cotswell

Cottages is the final plat. Those are your items for the upcoming June 9th agenda, along with the case that we tabled this evening, Case Number 156-2022, which will be the planned development off of Holly at 2207 Holly Avenue. Thank you very much for your attention. It is with some mixed feelings that we will be losing Ms. Rushing at this point.

MS. RUSHING: I was going to say relief.

MR. ZENNER: I didn't figure out how I wanted to say that. It has been a pleasure for the years of having you here for your service. We have been assigned a new Planning Commissioner to fill the void that Ms. Rushing will leave us with, and that is by the individual Shannon Wilson. She will be joining us for our June 9th meeting. And our absent Commission member this evening did receive reappointment, so Mr. Stanton will be beginning his tenth year as a Planning Commissioner, one of our more seasoned members always missed when he's not here because we would have probably had a number of Stantonisms this evening. As I explained to him, those are what the highlights are of our Friday meetings as to what catch phrase can we utilize next in the annals of the Planning and Zoning division. With that, we appreciate it, Ms. Rushing. We do have a parting gift for you so you can always remember us when you have to stay up late at night because you can't sleep, and if you don't get CCTV, you'll never watch us again, but we want to remind you every time you sip your coffee of your years with us. It is our great appreciation for your service.

MS. RUSHING: And I just have a few words. No. As the Chair sinks into the --

MS. LOE: Commissioner Rushing, it's been a great honor and pleasure to serve with you. Thank you.

MS. RUSHING: I tell people all the time how impressed I am with the Commissioners that I've been able to work with while I've been on this Commission. It's been a pleasure, even when we don't agree.

MS. LOE: The best of luck with all your future endeavors and do come back and visit us. We will miss --

MS. RUSHING: I will. Sure.

MR. MACMANN: You can go make some money now and come back and lobby us.

MS. RUSHING: Since I know that you're going to be staying here until 1:00 in the morning --

IX. COMMISSIONER COMMENTS

MS. LOE: If there's no additional comments --

X. ADJOURNMENT

MR. MACMANN: If there are no additional comments or concerns, I have a motion. Thank you, Joy. I move to adjourn.

MS. GEUEA JONES: Second.

MS. LOE: Seconded by Commissioner Geuea Jones. We're adjourned.

(Off the record.)

(The meeting adjourned at 9:35 p.m.)