City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, July 18, 2019 7:00 PM	Regular Meeting	Council Chambers Columbia City Hall 701 E. Broadway

I. CALL TO ORDER

MS. LOE: I would like to call the July 18, 2019, Planning and Zoning Commission meeting to order.

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

MS. BURNS: Yes. We have eight; we have a quorum.

MS. LOE: Thank you, Ms. Burns.

Present: 8 - Tootie Burns, Sara Loe, Joy Rushing, Lee Russell, Anthony Stanton, Rusty Strodtman, Michael MacMann and Valerie Carroll

Excused: 1 - Brian Toohey

II. INTRODUCTIONS

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. Can I get a motion for the approval of agenda?

MR. STANTON: I move to approve the agenda.

MR. MACMANN: Second.

MS. LOE: Thank you. Second was by Mr. MacMann. Can I get a thumbs up vote for approval of the agenda?

(Unanimous vote for approval.)

MS. LOE: Unanimous. Thank you.

Approved Minutes.

IV. APPROVAL OF MINUTES

June 20, 2019 Regular Meeting

MS. LOE: Everyone should have gotten a copy of the June 20th meeting minutes in advance. Were there any changes or additions to the minutes?

MR. STANTON: I move to approve the minutes.

MS. LOE: Thank you, Mr. Stanton.

MS. BURNS: I'll second.

MS. LOE: Thank you, Ms. Burns. Can I get a thumbs up approval on the minutes? Thank you.

(Seven votes for approval; one abstention)

MS. LOE: Unanimous. And one abstention, Mr. Strodtman. Thank you.

Approved Minutes.

V. PUBLIC HEARINGS

Case # 153-2019

A request by Crockett Engineering (agent), on behalf of Boone Development, INC (owner), for a Planned Development (PD) Plan Major Amendment for property addressed as 411 N. College Avenue. The Schapira Clinic Final O-P Development plan for 411 N. College Avenue was approved in 1987 with dental office as the approved use. In addition to office uses, the applicant proposes to include “Medical Marijuana Dispensary” as a permitted use in an updated statement of intent (SOI). The approximately .3-acre, PD (Planned Development) zoned property is located at the southwest corner of College Avenue and Rogers Street.

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends disapproval of the revised statement of intent.

MS. LOE: Thank you, Mr. Zenner. Before we move on to Commissioner questions, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Seeing none, are there any questions for staff? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Zenner, could you be more specific with the neighbors' concerns for me?

MR. ZENNER: I'd love to be; however, I was not at that PI meeting. I think, as -- as Ms. Bacon has pointed out to me, the -- obviously, the second point, I think, is somewhat explanatory. We do have an impact due to the traffic volumes that may be experienced due to the people coming and going to the site. We have a very awkward intersection here at Rogers and College which does create the increased activity level that a more auto demanded and driven use may create may have an impact on the neighborhood itself.

MR. MACMANN: This -- this I can definitely see -- long-time resident of this neighborhood. I'm trying, for the life of me, to think of which one of these homes is owner occupied. I think one of them is. Notes to the rest, for the rest of the Commissioners, almost every home within a block and a half of here is a rental property and those folks

really do have rights, too. I'm just a little surprised if they said anything.

MR. ZENNER: So -- and I think the appreciation on the location, again that goes to the point that while proximity to some of our medical facilities that are in the surrounding area and the ability for -- the walkability to be able to get to this location from those facilities is something that the appreciation of location, because it's not a visible corridor. It does have access. It's appreciated, but that's got to be tempered against the ability to be able to ingress and egress the site without creating an over -- a potential for an overwhelming of the capacity of the existing road network that's here.

MR. MACMANN: All right. I'll try to make these two quick follow-ups. You all are aware that Boone County Family Resources has a residential facility about 150 feet away from this -- disabled individuals who certainly may require the services of a dispensary?

MR. ZENNER: I'm aware of their location.

MR. MACMANN: Okay. The last question, and this is a question, a broader question. I wanted to say I'm pleased the hear the staff's concern for the neighborhoods of St. Joseph and St. James, and I hope that this may be a signal that they would move to protect those in the future. Thanks.

MS. LOE: Thank you, Mr. MacMann. Mr. Strodtman?

MR. STRODTMAN: Yes. Mr. Zenner, are there current offices in this building besides the dental?

MR. ZENNER: To my knowledge, no. This is -- it is fully a dental office. The applicant's agent is here this evening and can address that in greater detail, if necessary.

MR. STRODTMAN: Thank you.

MS. LOE: Any additional Commissioner questions? Seeing none. I would like to welcome any public who would like to make comments or speak on this matter. Please come forward to the podium and state your name and address for the record. We will limit you to three minutes, unless you're speaking for a group, and then we'll give you six minutes.

PUBLIC HEARING OPENED

MR. COLBERT: Thank you. Commissioners, Caleb Colbert; I'm an attorney, at 827 East Broadway, and I'm here tonight on behalf of the applicant to ask for your support for this request. Again, just to summarize, what we're asking for this evening, we are not asking for an amendment to the development plan. We're not asking for approval of a larger structure or more parking. We're just asking for the addition of one use to the existing plan development. So we do -- we appreciate the staff report. We appreciate the staff's concerns, but we respectfully kind of disagree with the conclusion that the proposed use is more intensive than what is currently allowed on the property. As Mr.

Zenner mentioned, the property zoned planned district, it was originally zoned O-P. If you go all the way back to the O-P zoning classification, these were the uses that were permitted at the time. I think when you scroll through this list, you see that many of these uses could be considered an intensity level that is equal to a dispensary. Again, you have hospitals, you have banks, you have counseling centers, you have fraternities, you have boarding houses. All of these uses would be allowed on this property today as is, and we could use the existing structure without going through any kind of amendment. So, respectfully, we don't think that we are requesting, you know, an upzoning or a more intense use than what would be allowed on this property. Mr. Zenner is right that the M-C and I-G and MD-T uses or zoning classifications are the ones that allow the dispensary, but we're not looking at those classifications. We're looking at a planned district. We're comparing apples and oranges. The -- if there is any additional intensity from a dispensary, it's offset by the fact that we're in a planned zoning district. Again, the planned zoning district gives this organization, this group and the City Council the most oversight. In order to expand the building, in order to add parking, we would have to go back through this process. So, again, it's a very restrictive zoning classification. And by definition, if you look at the definition of a planned district, all uses are allowed. Basically, we have the opportunity to come before this Commission and ask for uses to be added and, in fact, that's what we're doing with the medical marijuana dispensary. So, respectfully, we think when you look at this property, it's located at the intersection of major arterial, a major collector. You're catty-corner from a gas station. You have a major retail destination of Walt's Bike Shop across the road. And the applicant owns the lot directly to the south and directly to the southwest, so you have an isolated property. And, respectfully, we make -- we think it makes sense to add a medical marijuana dispensary at this location. I do have Tyler Singleton and Andy Greene with the applicant here and they would be happy any questions, and I'd be happy to answer any questions.

MS. LOE: Are there any questions? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Colbert, generally I don't have a problem with this as a concept. Probably respectfully disagree with staff. The one thing as -- I would ask you as a long-term resident, parking is going to be a nightmare.

MR. COLBERT: Sir, we have -- we meet the parking regulations and we're not proposing to add any more at this time.

MR. MACMANN: I just -- just so everyone knows this. This is a very difficult in and a very difficult out. It does have two.

MR. COLBERT: That's right. Yes.

MR. MACMANN: It's -- it's going to be a thing.

MR. COLBERT: Yes, ma'am?

MS. LOE: More questions?

MS. CARROLL: Yes.

MS. LOE: Ms. Carroll?

MS. CARROLL: Do you or the owner, the applicant, do you have a concept of how many cars come and go during a given day as patients for the dental office currently?

MR. COLBERT: I would invite Tyler to the podium to respond to that one.

MR. SINGLETON: Yeah. From the dental office --

MS. LOE: Mr. -- I'm sorry. We need your name and address for the record.

MR. SINGLETON: I'm Tyler Singleton, representing Boone Development, and I'm with Alpha Real Estate. As far as the dental office, I'm not sure exactly how many patients he has. I mean, I don't have --

MS. CARROLL: Okay.

MR. SINGLETON: Maybe a dozen per day, and he's not open on Fridays, so -- and the weekends. There's -- what is there, 24 parking spaces?

MR. COLBERT: Eighteen.

MR. SINGLETON: Eighteen. Okay. Eighteen parking spaces there and it is a pretty tight in and out. I think if -- if needed later, since he owns the lot there to the south, too, we could make that a parking lot and kind of expand that right-in and right-out there.

MS. LOE: Mr. Singleton, can we get your address, please, for the record?

MR. SINGLETON: Yes. My address is 460 Bandon Dunes Court.

MS. LOE: Thank you.

MR. SINGLETON: Yeah.

MS. LOE: Any additional questions? Mr. Strodtman?

MR. STRODTMAN: Can either one of you answer my question about the existing -- there is no -- there is no existing offices being rented to anyone else besides the dentist; is that --

MR. SINGLETON: And the dentist is also on month-to-month right now. And then on the top floor, it's two spaces. Both are 1,200 square feet. One is vacant and one is a dental lab, which has also been there since the late '90s, and he's month-to-month, as well, so --

MR. STRODTMAN: So there is no guarantee that it will continue to be a dental building?

MR. SINGLETON: Correct.

MR. STRODTMAN: And then where would the -- where would the customers enter

the building? Is it on the west side only, or is there more than one entrance into the building? Or do you know where the actually medical dispensary would be located on the lower level or --

MR. SINGLETON: Yeah. It would just be on the main level, and they'd enter that on the west side. We've already had plans drawn up for the tenant that would apply to be in here, and it just encompasses the main level, which is about 2,400 square feet.

MR. STRODTMAN: The entire main level is 2,400?

MR. SINGLETON: Yes.

MR. STRODTMAN: Thank you.

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

MR. COLBERT: Thank you.

MR. SINGLETON: Thank you.

MS. LOE: Are there any other speakers on this case? Seeing none, we'll close the public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Ms. Russell?

MS. RUSSELL: Seeing that I'm supportive of this, I don't -- I don't think that the traffic is going to be an issue. This is not a -- this is a medical marijuana, this isn't a candy store that's like out in Colorado, so I don't think this is going to be that busy. So I'd like to propose a motion.

MS. CARROLL: Can I make a comment on traffic? I will say that even as a single car --

MS. LOE: Ms. Carroll.

MS. CARROLL: -- when I drove this property, because it was difficult to turn in, it did take me a few passes just to find the inlet to the parking lot. And that that -- the people behind me were upset about this.

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

MS. RUSSELL: In the case of the Schapira Clinic O-P Plan major PD plan amendment, Case 153-2019, I move to approve the SOI revision.

MR. MACMANN: Second.

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

MS. BURNS: Yes.

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

Ms. Carroll, Mr. MacMann, Ms. Rushing. Voting No: Ms. Burns, Ms. Loe, Mr. Stanton,

Mr. Strodtman. We have a tie. No. I take that back. This motion did not pass.

MR. ZENNER: No recommendation.

MS. BURNS: Yeah, I did. It's a tie. I can go back. I vote -- may I clarify?

MS. LOE: Oh. If Ms. Burns can vote.

MS. BURNS: I did vote.

MS. LOE: Oh, you did vote.

MS. BURNS: I voted no.

MS. LOE: You voted no. Okay.

MR. MACMANN: The vote was four-all.

MS. BURNS: Yeah. Four to four.

MR. MACMANN: The motion was turned down. It has to be an affirmative vote.

MR. CALDERA: So it's no recommendation.

MR. MACMANN: No recommendation, yes.

MS. BURNS: Okay.

MS. LOE: All right. So no recommendation will be forwarded to City Council.

MR. ZENNER: The item will be under old business on the Council's agenda.

MS. LOE: Thank you.

In the case of the Schapira Clinic O-P Plan major PD plan amendment, Case 153-2019, move to approve the SOI revision.

Yes: 4 - Rushing, Russell, MacMann and Carroll

No: 4 - Burns, Loe, Stanton and Strodtman

Excused: 1 - Toohey

Case # 154-2019

A request by Crockett Engineering (agent), on behalf of Kay & Jack Wax (contract purchasers), to rezone 1.6 acres from R-2 (Residential Two-Family) to PD (Planned District). The purpose of the request is to permit a development containing a mix of single-family attached and detached homes, a community garden, and to repurpose the existing home on the property for use as a community center. The subject site is addressed as 906 West Ash Street.

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 "Ash Street Community PD Plan," dated July 10, 2019.

MS. LOE: Thank you, Mr. Palmer. Before we move to staff questions, I would like to ask Commissioners if they have any comments or if they've had any ex parte prior to this meeting related to Case 154-2019 to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Mr. Stanton?

MR. STANTON: I've met with the developers in my previous capacity -- in my other capacity with the Land Trust, so I think I'm going to recuse myself from this vote just to be safe.

MS. LOE: Thank you, Mr. Stanton. Ms. Carroll?

MS. CARROLL: I did attend the public information session in my capacity previous to beginning on this board. And a few neighbors in the neighborhood have approached me with comments both for and against this. I suggested to everyone that they attend this meeting. I feel that I can still be impartial.

MS. LOE: Thank you. Anyone else? Okay. Questions for Mr. Palmer? Ms. Burns?

MS. BURNS: Can we go back to the plan map, please, Mr. Palmer? I wondered about parking.

MR. PALMER: They -- they're actually providing more parking than -- than required, so there's a garage which counts as one space -- a single-car garage on each unit. Then there's a tandem spot in the -- in the driveway, which counts as a second, so that covers all of their required parking for single-family. The gray area on the plan, if you will, that's all the paved surfaces, and you'll notice that some properties, there's one here, that's a parking space between the driveways there, and there's one there and another one here, and then there's additional parking up by the community center. So they are -- they're not overparked, but that was the concern we had was that we needed to provide enough parking so that they wouldn't be parking in the -- in the access street for fire, for circulation, for all that. So they've provided extra parking.

MS. BURNS: And that was my other question. There is no parking on the access street?

MR. PALMER: Correct.

MS. BURNS: Okay.

MR. PALMER: Yeah. It is -- essentially, it will be a fire lane and it's 20-feet wide to meet that fire code requirement.

MS. BURNS: Thank you.

MS. LOE: Ms. Rushing?

MS. RUSHING: And that was my question, was fire suppression. So they can get a truck in there. What about water? Are they not concerned about --

MR. PALMER: Fire didn't indicate any concern on water. They did require the turn-around there, which is being doubled as a spot for the trash enclosure, but they -- they approved both the entryway and the turn-around there, so --

MS. LOE: Mr. MacMann?

MR. MACMANN: Can you help me understand how the enforcement here will work? This would be a private street maintained by the HOA. Correct?

MR. PALMER: Yes.

MR. MACMANN: If someone's "illegally" parked there, they can't call the police, can they?

MR. PALMER: Enforcement will fall on the HOA, yes.

MR. MACMANN: Oh. So no was the answer to that question?

MR. PALMER: I believe that's true, yes.

MR. MACMANN: All right. That's -- that's what I thought. Thank you.

MS. CARROLL: I had a question.

MS. LOE: Ms. Carroll?

MS. CARROLL: I see in the legend for this plan, there's a notation for existing storm drain, but I was unable to locate the existing storm drain on the plan. Is there an existing storm drain?

MR. PALMER: I don't know the answer to that off the top of my head. I know that the storm -- so the storm-water detention basin is at the southwest corner of that, and I know that they are connecting from an inlet at that location to a storm drain off the property. I don't know if it's maybe on the expanded version of the plan. I -- I cropped this down so you could see more detail, but --

MS. CARROLL: Yeah. I have the expanded one open on the tablet here. So it looks like they're adding a storm drain from the detention water outlet, and they're also adding another outlet pipe to tie into the West Walnut Court system?

MR. PALMER: Yes.

MS. CARROLL: So my question was, was there already -- I mean, is this -- was there a storm drain already existing --

MR. PALMER: I think --

MS. CARROLL: -- or is this the first time that storm water will be addressed in this case because --

MR. PALMER: I think the applicant is probably a better source of that information, honestly.

MS. CARROLL: Okay. I will pass my questions on.

MS. LOE: Any additional questions? Mr. Strodtman?

MR. STRODTMAN: Yes. Mr. Palmer, I think I heard that these are owner occupied, they're not rentals; is that correct?

MR. PALMER: That's correct.

MR. STRODTMAN: Who uses the community center and the community garden? Is it just the residents of this HOA or is it truly a community --

MR. PALMER: I believe -- yeah. I believe it's intended just for the residents of this -- this community.

MR. STRODTMAN: I assume that there's no screening required because the uses are similar to what's already there?

MR. PALMER: That is correct. The owner or the applicant has indicated an intention to provide a privacy fence around the entire property at six feet, which is -- again, it's above and beyond what's required. It is in place already. It's an existing fence, and much of the -- on much of the boundary, but they intend to fill in the gaps and enclose the whole property with a fence.

MR. STRODTMAN: And that would be on the plan so that we could make sure that that happens?

MR. PALMER: Yes.

MR. STRODTMAN: And my last question is, why a trash enclosure? We typically don't see a trash enclosure in a residential setting that are single family. I can understand the fire department wanting the turn-around, but I don't understand the trash. Is that because the City will only go to one location on a private street or --

MR. PALMER: Basically. It's a concentration of -- of service there. I don't know if it's specifically because it's on a private street, but in a -- in a common scheme of development type of arrangement like this, I think trash indicated that they'd like to have one -- one receptacle they can --

MR. STRODTMAN: So the residents would take their trash there and not outside the door or their curb?

MR. PALMER: Correct.

MR. STRODTMAN: Okay. Thank you.

MS. LOE: Any additional questions? Mr. Palmer, I had a few questions. You shared with us how many postcards were sent out and that there was a public information meeting. Was there any feedback?

MR. PALMER: Yes. Actually, most of the questions were concerning storm water and how that would be mitigated. Again, it's -- they're going to have to meet the standard storm-water requirements of water quality and quantity. Their proposal here shows a basin at the southwest corner, which is the low spot on the property, so everything will

drain to it anyway. They're going to place an inlet in there and then it has to tie to the nearest storm-water system that's, of course, downhill, which is the -- sorry, I'm drawing a blank. It's the -- there's a court to the south. Yeah. So there's an existing storm pipe down there that they'll tie into, and that's their -- they have to, you know, get offsite easements for such things, but that's beyond us at this point. That's -- that's down the road.

MS. LOE: Regarding sidewalks, just to be clear, this is being developed with one sidewalk on the east side of drive?

MR. PALMER: Correct. Yeah.

MS. LOE: And finally, your report tonight pointed out that cottages in R-2 would require Board of Adjustment approval. Did this require -- or because it's PD --

MR. PALMER: They are actually technically not seeking a cottage Board of Adjustment approval.

MS. LOE: Uh-huh.

MR. PALMER: Because this is a PD, they're just basing their planned district design parameters on what's allowed in the cottage standards.

MS. LOE: So --

MR. ZENNER: But the option -- the option associated with doing a planned -- doing -- doing either a planned district or seeking Board of Adjustment approval for a cottage designed or cottage approved subdivision, when you look at the dimensional challenges that this property has, the long narrow portion, a standard cottage development would have required the platting of a public street and a public right-of-way which would have first had to have been -- we would have had to identify the fact that you could have created an R-2 development that met all of our public street requirements in a standard subdivision, then you would typically go seek Board of Adjustment approval. You could do it the reverse, as well. The applicant, given some of the more unique characteristics of this property and what they were trying to create in the way of an element, chose instead of using the Board of Adjustment as the venue for the lots sizes, to come to the Planning and Zoning Commission to create a plan that gave greater certainty to the adjacent property owners as to what would end up happening, as well as avail themselves the opportunity to do the private access, which was narrower than the public street that would have been required for a standard cottage development approved through the board. So that's why it's here versus at the Board of Adjustment. It was to utilize some of the other creative development standards that we have available through the planned district process.

MS. LOE: Thank you. Any additional questions? Mr. Strodtman?

MR. STRODTMAN: Just to follow up. So with that said, Mr. Zenner, the City, more than likely, would never take this street over as a public street since it does not meet its requirement. Correct?

MR. ZENNER: That would be correct.

MR. STRODTMAN: Thank you.

MS. LOE: Any additional questions or comments? Ms. Burns.

MS. BURNS: Quickly. Sorry. Going back to the screening requirement, can you elaborate on that, please, Mr. Palmer, as far as what is -- what is or what doesn't look like it's required?

MR. PALMER: So what they are actually required is -- is nothing because they are single-family uses adjacent to single-family uses. So the applicant understood that the -- the increase in density was going to cause some concern and so they preemptively -- I mean, they know that they already have a bulk of the -- the privacy fence in place, so they -- they agreed, basically, to put it on the plan and to go ahead to finish it out, so --

MS. BURNS: Thank you.

MS. LOE: Additional questions? We're done. Okay. Since we're done, we're going to move on to public comment. If you have any comments that you would like to share with us on this matter, we would welcome that. Please come to the podium, give us your name and address for the record. You will be limited to three minutes. If you're speaking for a group, we'll allow you to speak for six minutes.

PUBLIC HEARING OPENED

MS. WAX: Good evening. My name is Kay Wax; I live at 1001 Johnmeyer Lane. I've been involved in -- in Columbia activities for over 40 years. I've been a subdivision developer, a property owner, a social worker, a builder and remodel of lots and lots of houses. I became interested in developing pocket neighborhoods and co-housing after learning about the popularity across the United States. So instead of just building a house, I wanted to build a neighborhood which shared resources and support that provides security and a sense of belonging to residents. We'd like to develop this pocket neighborhood on 906 West Ash Street consisting of a cluster of ten privately-owned homes and a community house facing a common area that would encourage neighbors interacting, a culture of sharing, a sense of community, and an environmental commitment. The footprint of the homes are 24 feet by 36 feet, one and a half story, with single-car garages. They are designed to build other -- to -- designed to be like the cottages and bungalows that currently exist in the West Ash neighborhood. The homes are going to be handicap accessible on the first floor. They'll be energy-efficient models with solar panels, electric mini-split heating systems, metal roofs, and concrete siding.

The location of Ash Street is within walking distance of the grocery, the ARC, the Farmer's Market that fits within the Climate Action Plan that the City of Columbia recently adopted. The energy-efficient homes have front -- all have front porches that will be facing that private street with a community space for gathering that will -- that the density is importance because it encourages and nurtures people involvement and living in community. The homeowners will be people that want to live in the environment of cooperation and neighborliness. And a legal former neighborhood association consisting of these ten homes will detail the home -- the one-tenth home ownership of the community house and the community grounds. The community house will be used for neighborhood dinners, exercise class, book groups, or whatever the -- extended family gatherings or whatever the community would like to use their space for. The landscape plan is being developed by Urban Agriculture. We're including fruit trees, edible berry bushes, native plants all around the detention pond, as well as the other community spaces, and we'll have dedicated spaces for vegetable and flowers, as well. We're going to do the street and infrastructure first and, once it's completed, our construction plan is to begin from the south to the north, so the removal of that current blue house will be the last thing we do in order to decrease the impact on the West Ash corridor. We're also using local vendors and -- local and regional vendors as much as possible and suppliers of material so we can reduce the amount of fossil fuel that we use for getting our materials on site. In working with this -- on this pocket neighborhood development, I've had the wonderful fortune of consulting with Ross Chapin of Ross Chapin Architects, who has developed -- won numerous award-winning pocket neighborhoods around the U.S. and is a nationally known author of his book, "Pocket Neighborhoods, Creating Small-Scale Community in a Large-Scale World." I also received input on this project from Jim Leech, President in Wonderland Development, from Boulder, Colorado, a national award-winning design firm specializing in sustainable co-housing communities. Randy Cole from the Housing Program supervisor for the City of Columbia provided invaluable information concerning the City's housing development plan as well as providing direction on the Claremore and Lynn Street cottages. Our private development shows the same intention of providing quality homes for residents who want to live in a community within the community of Columbia.

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

MS. RUSHING: I have some questions.

MS. LOE: Okay. Mr. MacMann first, then Ms. Rushing.

MR. MACMANN: Thank you. Can you give me an idea what type of price range we're looking at here?

MS. WAX: They'll probably be around $185,000. They're going to be -- they're going to be designed -- I've already got three architects that have submitted designs. They'll be a story and a half, so they wouldn't have to finish the top story if they shouldn't choose.

MR. MACMANN: You're going to build to suit then; is that what you're going to do?

MS. WAX: Yeah. They will be able to choose among the options that we have available for people for the exterior, but the interior, they'll be able to customize within the guidelines of having the first floor all handicapped accessible.

MR. MACMANN: All right. I might have some questions in a moment. Please?

MS. RUSHING: How large are that -- you have a garden and a park. How large are those areas?

MS. WAX: I don't know the square footage of them. I don't know. I mean, if you're looking --

MS. RUSHING: I mean, they're looking like they might be 10 by 20?

MS. WAX: It's the whole area behind the community house will be used for that.

MS. RUSHING: Yeah. I see that, and -- and I was out looking at the property. And, you know, you're showing a garden and a park, and they don't look to be very large. Okay. And also what about the fact that that whole -- that whole east side is very heavily forested. Are you going to be able -- are you planning to remove those trees?

MS. WAX: Not if we don't have to. We'll have to -- in consideration with the fence that we're going to be building, as well as the drainage for -- into the detention pond will all be taken into consideration. We hope we don't have to move many trees.

MS. RUSHING: And the purpose of the garden is flowers or vegetables?

MS. WAX: It's up -- whatever community chooses. Whatever the ten families that participate in there would like to use it for, it would be their discretion.

MS. RUSHING: And are any -- is there any renovation planned for that building that is going to be the community center?

MS. WAX: We haven't had a whole lot of access to that building, so I haven't been able to get any plans drawn up for it yet.

MS. RUSHING: Okay. I noticed it's currently occupied.

MS. WAX: Yeah. Uh-huh.

MS. LOE: Ms. Carroll?

MS. CARROLL: How large are the houses again?

MS. WAX: Twenty-four by thirty-six, which would be 850 square foot on the first floor, and the potential of two bedrooms or another bath or whatever upstairs.

MS. CARROLL: Can you answer the question about the storm drain? Was there an existing one the property?

MS. WAX: No, but I bet you Andy can. I'll bet the engineer can.

MS. LOW: Mr. MacMann, did you have another question?

MR. MACMANN: Not -- not at this time. Thank you, though.

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

MS. CARROLL: Not at this time.

MS. LOE: Mr. Strodtman?

MR. STRODTMAN: Ms. Wax, could you -- you did a great job describing the front porches and the garages and I love the front porches. Can you -- can you give me a little insight as to what the rear of the houses will be like? Will there be porches, a deck, any kind of a patio or a door?

MS. WAX: There'll be a small patio for the ones that -- it will be about a ten-foot patio that will be located behind the garages. You can see where they're kind of --

MR. STRODTMAN: That little hatch mark. I see that now.

MS. WAX: Uh-huh.

MR. STRODTMAN: That's a patio?

MS. WAX: Un-huh. Uh-huh. That's a patio.

MR. STRODTMAN: Okay.

MS. WAX: When -- this kind of development doesn't encourage you using your backyards a lot, so we'll definitely have a back exit. If people have pets or whatever, I'm sure they'll utilize that space.

MR. STRODTMAN: Your intention is more the front door of the -- being the community portion of it?

MS. WAX: Exactly. Uh-huh.

MR. STRODTMAN: Thank you.

MS. LOE: Any additional questions for this speaker? Ms. Burns?

MS. BURNS: Will any internal fences be allowed?

MS. WAX: It would be up again to the -- the community association, how they would choose to do that. I know some people that have expressed interest in residing in this community do have pets, so I don't -- they would have to work those issues out.

MS. BURNS: Thank you.

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

MS. WAX: Thank you.

MR. GREENE: Good evening. Andy Greene with Crockett Engineering at 1000 West Nifong Boulevard, Building Number 1. To answer your question about the storm water, currently everything now just kind of sheet drains and so there is no storm drain there now, so our goal is to capture all the runoff. There's also a good portion coming

from offsite, capture that, release it at a slower rate, so we are going to be installing a detention structure and it basically will choke the water down and then that will be piped across the -- a private yard via easement and offsite easements and everything to a public storm sewer system on the street there.

MS. LOE: Ms. Carroll? Yes.

MS. CARROLL: Yeah. Okay. Yeah. So the -- you're adding a storm drain. The tie-in on the second one, the outlet pipe, that's going through a private yard to the public storm drain?

MR. GREENE: It's -- it'll all be underground, so it's all underground piping that'll basically split the lot lines of the two, of the preferred route, which is right down that lot line. There's a tree to work around, but, basically, it'll -- from the detention basin, it'll all be underground and no exposed pipes, so there won't be any discharging of water onto -- directly onto the neighbor or anything like that.

MS. CARROLL: But you'll have to dig through the neighbors' yards to do your development?

MR. GREENE: Right. Correct. Just to install the pipe.

MS. CARROLL: Have any neighbor input on that?

MR. GREENE: I believe Ms. Kay Wax has begun -- we've got an alignment certainly, but I think that further discussions need to be had with those two neighbors as far as the exact location, but, yes. They are all onboard and we're not going to, you know, shove a pipe down their yard without their agreement.

MS. LOE: Mr. Greene, do you have any comments you wanted to make before we jump into questions or --

MR. GREENE: No.

MS. LOE: Oh, okay. Any questions? Mr. Strodtman?

MR. STRODTMAN: Mr. Greene, can you elaborate on -- you mentioned there was a lot of other water that's being captured. Can you -- I assume that's offsite? Can you --

MR. GREENE: Right. There's offsite drainage water, so currently right now, everything kind of comes to that low point. It's my understanding it's been like that for a long time and so the homes to the east, that would be basically the rear yards of those generally sheets low onto our property, so that's just the offsite water I was talking about.

MR. STRODTMAN: Thank you.

MR. GREENE: Yeah.

MS. LOE: Mr. MacMann?

MR. MACMANN: I'd like to ask a question and you probably -- might not have it. Is that too far for you to bore -- do you plan to the bore it or dig a trench?

MR. GREENE: It's certainly possible and, you know, if there were certain site constraints like the proximity of homes --

MR. MACMANN: Well, sometimes you've got to back up a certain distance, too. I understand that. I just --

MR. GREENE: There are certain site constraints, but generally, just cost-savingswise, it's usually -- obviously, easier to open trench and certainly backfill and, you know, whatever disturbance we would do, we would resod it, reseed it, you know, make sure it's established. And like I said, we're -- there's a tree there that it's actually near the road, near the tie-in point that we're doing a design to snake around the trees, so it would be pretty minimally invasive.

MR. MACMANN: I wish you luck. I've dug in that neighborhood. Good luck finding something -- or on what you find.

MR. GREENE: Yeah.

MR. MACMANN: No other questions at this time.

MS. LOE: Additional questions for Mr. Greene? I see none. Thank you, Mr. Greene.

MR. GREENE: Thank you.

MS. LOE: Any additional speakers on this case?

MS. FANGMANN: My name is Jennifer Fangmann and my address is 19 West Boulevard North. As a nearby homeowner, I was just wanting to know if they could elaborate a little more on the sewer infrastructure. We have an aging system and I just want to make sure that we're not going to be impacted by the higher density development.

MS. LOE: So the project will be reviewed by the Public Works Department before being approved. And one thing they do review is capacity.

MS. FANGMANN: Uh-huh.

MS. LOE: So it wouldn't be approved if they didn't believe the system in that area could handle anything being added. Mr. Palmer, anything to add to that or any comments?

MR. PALMER: Yeah. They do a preliminary review upon the planned district plan to which they had no comment -- our sewer department did. And then when they come in with their building plans, they will do an extensive engineering review at that time. But --

MS. FANGMANN: To guarantee that we won't have any --

MR. PALMER: Yeah. But their no comment at this stage indicates to me that they checked the capacity and I'm assuming that's it. But again, they'll do extensive review of their designs when they come in with their building plans.

MS. FANGMANN: Okay. Thank you.

MS. LOE: Thank you.

MS. CARROLL: If they have any --

MS. LOE: Ms. Carroll?

MS. CARROLL: If they do their review, what -- what happens if they find that there's going to be an impact? Do they --

MR. PALMER: It depends on what the issue is, but they could be required to replace line until the impact is mitigated, so it could be down -- down the stream until they've fixed whatever issue of capacity they're causing. That's -- that's basically it.

MS. LOE: Mr. MacMann?

MR. MACMANN: This may be a question for Andy. Where does the sewer line here run?

MS. LOE: Mr. Greene, if can give your name and address again?

MR. GREENE: Andy Greene, Crockett Engineering, 1000 West Nifong Boulevard, Building Number 1, here in Columbia. There is a sewer main that dissects this property. Right in the middle, there's a manhole between units 1H and 1I, that is. And so, our plan is to tie on with public sewer both north and south. So there is public sewer on the site. We're just going to extend it to give sewer access to all of the lots.

MR. MACMANN: Now let me ask you this question. Does that manhole blow; do you guys know?

MR. GREENE: I don't know.

MR. MACMANN: Okay. That would be -- that would be the critical issue. It probably doesn't, but I -- I don't -- I honestly don't know.

MR. GREENE: I'm unfamiliar with that specific item. I do know in similar subdivision cases I've been involved with, if that has happened, I think that there was made knowledge of that to -- at least up to this point, you know, sewer, would have made a comment.

MR. MACMANN: The neighbors probably would have commented. It's a very notable --

MR. GREENE: Right. Angry, calls and says --

MR. MACMANN: -- notable event when that happens. Okay. And that bisects like north-south or east-west?

MR. GREENE: That runs east and west.

MR. MACMANN: Okay. And that ties into County Branch; is that where that goes?

MR. GREENE: It's all City sewer. I would assume it makes its way down to the treatment plan eventually.

MR. MACMANN: Well, I know, but did --

MR. GREENE: Which branch, I don't know. Sorry.

MR. MACMANN: It's -- I think it's County Branch. Never mind. It's too arcane. Thank you for your time.

MR. GREENE: You're welcome.

MS. LOE: Any additional speakers?

MS. HINES: Good evening. My name is Laurie Hines; I live at 20 West Boulevard North. I'm here with my life partner, Ted Glasgow, and we intend to move to this pocket neighborhood as soon as a house is ready. We love our neighborhood. We're very engaged neighbors. We owned a house in East Campus, and we lived there for 19 years, and we were very engaged in the East Campus Neighborhood Association. We have happily lived at West Boulevard for five years. We are at the stage where we do not want to own and maintain our own yard, but yet we want to be surrounded by trees and green space. We do not want a house with more rooms that we use. We want a smaller footprint, but we want one that's well designed and well crafted, and we want to sit on a porch. We want to visit with neighbors, and we want to share space and a lifestyle of community within the central city, which is where we've always lived. These all seemed like an impossible dream before I met Kay. We believe in density. We believe in multi-generational neighbors and mixed-race neighborhoods and a shared economy. The pocket neighborhood as envisioned by Kay offers us a lifestyle in a built neighborhood that is small, green, well-designed and a way to age in place. It is walkable to the gym, the ARC where Ted and I have been active members since it opened and now to the amazing agricultural park. I am so positive about this as good housing policy that I invited about 40 people adjacent to this property to my house on June 2nd and we spent two hours with Kay answering every question that was asked. Without this opportunity being proposed by Kay Wax, we would be looking to move out of Columbia to find a place where we could live more simply with less within an existing neighborhood. This is simply good housing policy. And I would also add that for many, many years, the City has developed good housing for students in the downtown area. It's time to develop good housing for people who want to age in place in a well-built neighborhood that's walkable and that's friendly and that allows people to interact with each other. So I would ask that you please approve this. Thank you.

MS. LOE: Thank you. Are there any questions for this speaker? I see none. Thank you. Any additional speakers on this?

MR. COX: Good evening. Thank you for your service. Michael Cox, 912 West Ash, two driveways away from this property that way on your map. I'm here to speak in favor of this. It's going to be quite an improvement over the current usage. The sewer has not

blown in the 11 years I've lived there, and a friend of mine lived there since his grandparents built the house and it -- he would have bitched for sure. The fire service comments, probably because there's two 2,000 gallon per minute plus hydrants within 130 feet of the driveway going into this structure or this development, and again, I think it's an improvement over what we have now and what we've had for the last 15 years, and I suggest you approve it.

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

MR. ROESCH: My name is Joe Roesch; I'm a resident at 908 West Ash, right next to the property. And the sewer you were talking about, we've been there 23 years and it was replaced about midway through. I remember they dug up our whole backyard to replace it, but we got a good stand of grass from it, so no complaints. We really are enthusiastic about this development, and we do like the neighborhood we're in. And we're both getting older, and it would be wonderful to know that we can just move right next door, so very enthusiastic. So I recommend you approve.

MS. LOE: Quite the vote of confidence. Thank you. Any questions for this speaker? I see none. Any additional speakers on this?

MS. CURBY: My name is Vicki Curby; I live at 1201 South Rustic Road, and I'm a former Commissioner of Planning and Zoning. And back in the day when we were thinking about the revising the ordinance and everything and we looked at some other cities and communities about what they were doing, something similar to this just really caught our eye. And so I was just thrilled to hear about a pocket neighborhood in Columbia, Missouri, and I really encourage your support of it. I think it's a great idea.

MS. LOE: Thank you. Good to see you. Any questions. I see none. Thank you.

MS. TURNER: I've been out of town some, and so I haven't been keeping up with events, but --

MS. LOE: Can we have your name and address for the record.

MS. TURNER: Oh, thank you. Alyce Turner, 1204 Fieldcrest. So I wasn't aware of this development, but now I'm ready to move in, and I wanted you to laugh, but I'm serious. I would hope this will have unanimous support of this group because it's what we worked -- and what you worked so hard for, moderately priced houses, people staying in their neighborhoods aging in place. I'm serious, but I don't know if there's a space there, but maybe we need more of these. So thank you.

MS. LOE: Thank you. Any questions? Any additional speakers?

MS. BURLING: My name is Amy Burling; I'm at 3701 Churchill Drive. And I want to speak as a very strongly interested perspective resident. I own my home currently. I

have children, and I've lived in a pocket neighborhood in another state. And ever since moving here, I've always been interested in finding another opportunity to join that kind of living arrangement, even if it meant moving to another state to do so. And so it's really exciting to see the potential to be able to remain in this community and be part of a really exciting model that is being replicated around the country, and to be able to see that happening here in our community is really exciting. So I strongly urge approval. Thank you.

MS. LOE: Thank you. Good to know innovation can make its way to central Missouri. Any questions for this speaker? I see none. Thank you. Any other speakers?

MS. GARDENER: Christine Gardener; I live at 112 Anderson Avenue, which is around the corner. And this is a lovely plan, and it would be very suitable for another area. The problem with this area that it's being put in is the problems we already have with infrastructure. Now, I brought the West Ash Neighborhood Action Plan. I've been studying it carefully, and it's -- well, it looks well worn. This plan, and I went through the whole process, was really not the neighbors' plan. This was the Planning Department's plan. What I heard my neighbors saying was that we wanted infrastructure, we wanted fixes to our storm and sewer problems. We're having problems with traffic and the road -- condition of the roads. We have no sidewalks. We're already the most dense part of Columbia. First Ward is the densest ward in Columbia. So since this plan, and it's only been four years, suddenly like mushrooms popping up in the middle of the night, we have four-bedroom student housing blocks that completely cover the whole yard -- the whole property. And now I see development going all through the neighborhood, Hunt Street suddenly is raised and being redeveloped. And that would be fine if you would fix some of these problems first. So I feel I am obligated to speak for my neighbors who have human feces coming up in their basements, and this property would drain into the Aldeah area, and that's where we're having a problem. I don't understand why we can't get some fixes for this infrastructure. All we're told in this plan is that we're supposed to become more dense, and we're supposed to take this inflow, and we're going to lose our affordable homes because, honestly, $180,000 for a small home is not what I would consider affordable in my neighborhood, for the people that live around me that need these homes. We are way, way, way below affordable housing. And so I'm speaking for those people who have given up complaining. So I -- I am very concerned about this, and I will be concerned about every piece of redevelopment and densification that happens in the neighborhood until we get some of these things fixed like it's happening in other areas of town. Suddenly over $1 million was found to fix a lot of problems, but not in this area. So thank you very much for your time.

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

MR. MACMANN: If I -- I would like to quickly respond to some of the things Ms. Gardener said. In regards to the student duplexes that cover the entire lot, this body -- you can't do that anymore, and those were the exemplar of what should not happen.

MS. GARDENER: Well, how -- they were allowed to happen if they --

MR. MACMANN: I -- that was before my time and before the new UDC Code. Were you talking about essentially the ones on, like, Garth and Ash, are those the ones you're talking about?

MS. GARDENER: They're sprinkled all through, you know. They're not just there.

MR. MACMANN: But that -- there are about 30 of them. Also, I -- this drains to Flatbranch. I was thinking this drained to County Branch, but I don't know that specifically.

MS. GARDENER: Well, it's only four blocks away on Aldeah and it runs down towards that direction. I can't imagine --

MR. MACMANN: I -- I -- and I'm not sure because generally they run to the southwest, that's why I asked that question and no one seemed to have -- I can look it up in a minute.

MS. GARDENER: Will those -- will those storm drains be able to handle the extra capacity?

MR. MACMANN: The County Branch are better than the Flatbranch. That doesn't mean they're great. I'm -- I'm totally with you there. And to your affordability issues, these homes pop up around $1,250 a month for a note, which is about $400 more than what affordable is for many of the people in the neighborhood. While I agree with you this has many problems, it's certainly a whole lot better than almost everything else that comes before this Commission.

MS. GARDENER: Well, personally, what I would like is a pocket park there with a community building that everyone in the neighborhood would be allowed to use. So, I mean, that's my dream, but, you know, everyone has their dreams.

MR. MACMANN: All right. Thanks.

MS. LOE: Any additional questions for this speaker? Ms. Carroll?

MS. CARROLL: I would like to find out where this drains.

MS. LOE: Did you have a question?

MS. CARROLL: I don't have one.

MS. LOE: Not at this time. Thank you very much. Were there any other speakers?

MS. CARROLL: Isn't -- actually, I do have a question.

MS. LOE: Ms. Carroll?

MS. CARROLL: Isn't a repair to the Aldeah storm drain in the CIP for the next one to two years? Do we know -- does staff know this?

MR. ZENNER: We can get you an answer to that here momentarily.

MS. CARROLL: Okay. Thanks.

MS. KULAGE: My name is Lisa Kulage, and I live at 21 North Greenwood. Unless I'm not understanding this correctly, first of all, I am in favor of cottage homes. I think it's great. I agree that I -- this is not the right place. And what I'm seeing as the most glaring and obvious problem is that there is not proper access. This density is too high. That narrow little strip for all these cars coming in and out, it's not safe. I think there should be -- there's a separate egress. Additionally, since it's not a public street and there's not a public right-of-way, there is zero certainty for the homeowners that are adjacent. The street may not be maintained correctly. It could all go to pot. I know they have good intentions, but in ten or twenty years, what do we have for a guarantee? Nothing. Some big high fences, not good for the neighborhood. Also the types of home they're proposing are not in line. What I really love about the area is everything is individual and unique. It's just not cookie-cutter homes. Like, you can pick this plan, A, B, or C, and they all look alike. That's not interesting. So I don't feel like this is the proper place and I can tell you that the storm drainage problem is bad. They did significant work on Walnut Court. It's still bad. So I hope they can find a better place to put this development.

MS. LOE: Thank you. Are there any questions for this speaker? I see none. Any additional speakers? If there are additional speakers, if you could move up to the front so we can promptly go through speakers?

MS. HART: My name is Susan Hart; I live at 6251 South West Way Drive, Columbia, Missouri. And I'm here tonight to show my support of the Ash Street community PD plan. This project represents an opportunity for our community to support an infill development that is near and around existing City services. Instead of a project that we would be proposed on the fringes of existing boundaries where we have to talk about extending fire, extending police, this project utilizes a 1.6-acre property in our central City. It is a creative use of a deep property where a central private street will create a sense of neighborhood. I feel like this project is a catalytic project that will show our citizens what can be accomplished to create higher density without sacrificing other amenities and neighborhood culture. I've known Kay Wax for over 20 years and her construction methods and materials will represent quality. The development will represent use of sustainable materials and be energy efficient. I had the opportunity to volunteer with Kay and co-lead a Habitat for Humanity house on Spencer Avenue 20

years -- in 2002 where we utilized all female construction workers to build that home. I'm proud to say that house was the highest appraised home up to that point for the Show-Me Central Habitat for Humanity community. I tell you this because it speaks to the dedication that Kay has to the community and those citizens in Columbia. She will do what she promises to do. Specifically, this project is over an acre and it is required, because it is over an acre, that it has to address storm-water issues effectively with City staff. Lastly, to those of us in this room, in the community, and members of the Planning and Zoning Commission, I say to you this is the -- this project represents the reason for all the hours we spent discussing and reviewing the UDC. The purpose of planned districts as stated in the Unified Development Code is "to allow for innovation and flexibility and to encourage creative mixes of complimentary uses and to promote environmentally sound and efficient use of land." I feel strongly the Ash Street Community PD Plan represents this directive in the Code, so please vote to support this PD plan. Thank you.

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

MS. CARROLL: Can I add something for the record, not a specific question to the discussion, I suppose?

MS. LOE: We'll have comments later.

MS. CARROLL: Okay.

MS. LOE: Any additional speakers on this?

MR. MURPHY: Good evening, Commissioners. Kevin Murphy; I live at 105 North Greenwood Avenue. I -- my property abuts this development. I think there were several good questions asked tonight. I don't know. I think there's -- some thought needs to be put into it -- access being one. If you think of a 20-foot drive -- if you could think of a downtown alley is 15 foot wide typically. You add five foot more to that, do you think you can get two cars to comfortably pass through there if need be? The storm water is definitely an issue. I don't -- I didn't hear a clear answer whether they've actually communicated, and this can be done. I guess that would kind of put a -- a kibosh on the project if they couldn't tie into the storm water, but again there -- even though there is offsite drainage, it sheet flows, it goes in different directions. It generally goes to the southwest corner of this project, but it will now be concentrated at that southwest corner. The density is another issue. If I could ask staff, what did you say the surrounding density was for the neighborhood?

MR. PALMER: Just two and a half -- around two and a half dwelling units per acre. I have it in here.

MR. MURPHY: Two and a half units per acre.

MR. PALMER: Or three. It's 2.98.

MR. MURPHY: So three units per acre versus --

MR. PALMER: Six point two-five is what is proposed.

MR. MURPHY: So it's more than -- it's more than double, but I know -- I know what the existing zoning is R-2, so it's one and a half. I would -- again, I -- I like this idea. I think it's a little bit too dense. If it was maybe two units less. The other thing is screening. A ten-foot yard setback, in the past, planned developments of a residential nature were called PUDs, planned unit developments, and they had a 25-foot perimeter setback. R-1, R-2 has a 25-foot perimeter setback. I think if you get to encroach on that, there needs to be some screening to take care of that. But the applicant has said that they plan on doing it. Staff has said they plan on -- I've heard indications of them planning on doing it, but I don't see it on the plan. So, again, I do understand the -- this is a piece of property that can be used as infill development in the downtown area where it should be more dense. It's just the surrounding aspects of what it is and where it is is a lot less dense. So I think there's a -- could be a happy medium there to turn the density down a little bit and -- and make it a little more safe for access and -- and just fit into the neighborhood just a little bit better. So that's all I have. If you have any questions for me, I'd be happy to answer any.

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

MR. MURPHY: Thank you.

MS. LOE: Any additional speakers? Seeing none, we will close the public comment period.

PUBLIC HEARING CLOSED

MR. ZENNER: Ms. Chairman?

MS. LOE: Mr. Zenner?

MR. ZENNER: In order to answer, I believe the question that Ms. Carroll was asking in regards to her recollection of a project within the Capital -- the proposed Capital Improvement Project for -- Plan for 2020, currently, in the storm-water improvements -- this is identified in the CIP -- Aldeah and Ash, storm-water pipe rehab. It is project ID number 1868. It is in a proposed status, begin construction in 2019 and total project cost was roughly $150,000. So that is -- Aldeah and Ash is the project, and that is the only project in -- identified within the CIP which I believe would be anywhere in the surrounding area. The other projects in the one to two, three to five, and six to ten and then ten plus do not appear to represent anything within this particular area. So we have some other improvements, but not near here. Worley and Again would be the next closest, that's a three- to five-year project that has availability. But we do have an Aldeah-Ash Street

project that is to begin construction this year.

MS. CARROLL: I did want to add --

MS. LOE: Ms. Carroll?

MS. CARROLL: We did look this up in City View and apparently it does drain to the County House Branch watershed, so it may not involve this project.

MR. ZENNER: And I think the statements that have been made this evening as it relates to the -- our engineering department's review, our storm-water staff, as well as our own building and site development staff at the time that these plans are submitted for actual formal development, the statements that have been made have been accurate. As part of a planned district process, we do not require detailed design plans. We do generally look, however, at is a particular project within a critical downstream area, and those normally will raise red flags as it relates to design. Given what Mr. Palmer has indicated as a part of the staff's responses to our request for comments, none of those flags have been raised at this point, which would lead me to believe as the Development Services Manager that there are not obvious concerns that exist with the development of this property at this point. However, submission of detailed design plans that do address all of our regulatory requirements for onsite detention and water quality need to be submitted. We do not require that as a portion of the zoning entitlement process because of generally the expense associated with that. As we have stated previously in our other meetings, when we get into the issues of storm water, postdevelopment flow rate cannot be any greater than predevelopment flow rate, meaning the water that is shedding off of this site today, the volume and the velocity of that water can be no greater after it is developed with increased impervious surfaces. So the design element associated with this, which would be the responsibility of the design engineer, is going to have to take into account all of those factors. Our engineering staff as a part of the plan approval process will not approve a set of plans for construction purposes until it is proven that such design meets, if not exceeds our design requirements. So there is a check and a balance. This is a zoning entitlement process. At this point, is the land use appropriate? Development review and approval is a separate activity that is not in the purview of the Planning and Zoning Commission. We will regulatorily ensure that that occurs.

MS. LOE: Any additional Commissioner comments? Ms. Carroll?

MS. CARROLL: Yes. I do have an additional comment. So when that evaluation occurs, is that also a matter of public record? Are they able to see the evaluation that took place?

MR. ZENNER: Typically -- typically, our technical review is not -- is not a public -- it

is a public record, but it is not publicly advertised as, well, a set of plans have come in on this Ash Street community, so come one, call all and look. If you are an interested citizen and desire to inquire through our building and site development staff if the plans have been received, you are more than welcome to come in and review the plans, talk with a site engineer -- one of our development site engineers, and ask relevant questions. We have an extensive storm-water manual that multiple departments are responsible for ensuring is complied with. So we do -- we will avail our information that's received and our criteria for our review, and if the public would like to see that, they are more than welcome to call us. We just do not -- it is not information that we advertise as being received. We do have methods through our website that allow an applicant to look through our development tab, which is part of the community dashboard and determine if a permit has been submitted and if that permit has been issued, and that is the way that the public normally, if they are interested in checking back, they can check back and utilize that vehicle, that tool that we have as a means of being able to identify that a permit has actually been submitted and it's either under review or the permit has been approved. If the permit has been approved and there are problems after the site is constructed, it's at that point that that becomes an obvious enforcement-related matter that our storm-water staff then would have to be contacted and a complaint filed. We investigate to determine, in fact, that the installation of the improvements were put in properly. We do go through an extensive inspection process, as well, throughout construction with construction inspections before we sign off on the project. So, I mean, there are -- again, there are serious checks and balances in place that we will ensure that the regulatory standards in our Code are met. There are alternatives often available for meeting what would be more black and white standards. You do have BMP options -- best management practice options if there are certain things that occur on the site that may make it more challenging to maybe meet the rudimentary requirement, and that then is left at the discretion generally of our site engineers to determine, well, what's the comparable BMP that may be able to be utilized in order to facilitate the same level of filtration or retention of water or things of that nature. So there are some nuances that go with that type of review, but any individual in the City is more than welcome to come and question a permit and how we have evaluated it. That's our building and site development staff, though, following the regulatory manuals that we have adopted.

MS. CARROLL: Okay.

MS. LOE: Any additional questions, Ms. Carroll?

MS. CARROLL: Not at this time.

MS. LOE: Thank you. Any additional discussion from Commissioners? Ms.

Russell?

MS. RUSSELL: How about a motion?

MS. LOE: Sounds good.

MS. RUSSELL: I move the Ash Street Community PD Plan and rezoning, Case 154-2019, I move to approve.

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodtman. We have a motion on the floor. Any discussion on that motion? Seeing none. I would just like to comment that in this area we've seen a lot of downzoning from R-2 to R-1, and there appears to be only one lot on this block that has joined that effort, so most of the lots on this block remain R-2, so most of them would still be able to add a second unit, which would be a higher density. I'd also like to comment that the West Walnut Court appears to have ten houses off of it, which appears to be the same number of houses we're looking at adding. And I'm not sure of the width, but it does allow parking. So, to me, that doesn't appear to be any different than what's currently allowed in the neighborhood right now. Any additional comments? Mr. MacMann?

MR. MACMANN: I'll just explain this because I'm going to catch flak for it. I'm going to vote yes. I have long-term concerns about the CIP or County Branch which is where this drains. This may not be the venue, but I'm kind of nose-holding. That said, I do like the development.

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

MS. BURNS: Yes.

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

Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Strodtman, Ms. Rushing.

Motion carries 7-0 with one abstention.

MS. BURNS: Seven to zero, motion carries.

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

Move to approve, the Ash Street Community PD Plan and rezoning, Case 154-2019.

Yes: 7 - Burns, Loe, Rushing, Russell, Strodtman, MacMann and Carroll

Excused: 1 - Toohey

Abstain: 1 - Stanton

Case # 158-2019

A request by A Civil Group (agent) on behalf of Bedrock Enterprises, LLC (applicant) to revise the Spring Creek Phase II PD Plan. The proposed revision would add a deck to the west end of the building that extends 8 feet out, and runs entire length of the west wall. The applicant intends to use both levels of the building to house a bar and restaurant with a brewery.

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 revised "Spring Creek Phase II PD Plan," dated April 2019 and the revised statement of intent.

MS. LOE: Before we move to Commissioner questions, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of them. Seeing none, are there any questions for staff? Ms. Burns?

MS. BURNS: I had a question about the buffering. It's currently not in place. Correct? It will be added later?

MR. PALMER: No. It's existing and it's native --

MS. BURNS: Okay. Can you go back --

MR. PALMER: -- as far as I know.

MS. BURNS: So it's significant? Okay. That -- I was -- since it was oriented differently, I wasn't sure which way we were looking.

MR. PALMER: Yeah. There is existing vegetation there. It is not necessarily significant in place, but there is definitely the space that will be maintained. So whatever new vegetation grows there may fill it in, but I wouldn't say that it's, you know, densely wooded, but I think you can look on the aerial and see --

MR. ZENNER: The aerial is another --

MS. BURNS: I see the aerial now. I wondered about the standard for -- if the applicant places anything in there, is the buffering standard? Do they have to put in eight foot -- six foot?

MR. PALMER: No. I believe it's -- I believe it's acting like a tree preservation easement or a green space preservation easement. It's just that they're not going to remove vegetation from that area.

MS. BURNS: Thank you.

MS. LOE: Ms. Carroll?

MS. CARROLL: On their plan, on the edge closest to Deerfoot, is that the west edge

or --

MR. PALMER: It's the -- it's the bottom here.

MS. CARROLL: Yeah. The bottom here. It looks -- it looked like there were intended to be trees added to the existing vegetation. Is that not the case?

MR. PALMER: Outside of the buffer, there's -- there's kind of screening vegetation --

MS. CARROLL: Yeah.

MR. PALMER: -- for the parking, but that's -- that's beside the -- the buffer area.

MS. CARROLL: When I drove this, I could see through the existing vegetation to the houses even with the trees in full growth now.

MS. LOE: Any additional questions, Ms. Carroll?

MS. CARROLL: That's all.

MS. LOE: Ms. Rushing?

MS. RUSHING: I'm having a little trouble placing this on the property. Does the building go past -- I mean, does it go further than halfway up that piece of --

MR. PALMER: So if you look at this map here, the lighter --

MS. RUSHING: Uh-huh.

MR. PALMER: -- greenish-tan area is the elevated pad site for the building.

MS. RUSHING: Okay.

MR. PALMER: And you can actually make out portions of that retaining wall in that aerial photograph.

MS. RUSHING: Okay.

MR. PALMER: So that's where the building will be. The greener area to the north and to the east and west of that, that's, you know, grassy area that will be outside of the building area.

MS. RUSHING: And where does that little strip mall appear on this?

MR. ZENNER: On the aerial? It -- the strip mall is approximately here.

MR. PALMER: Yeah. It would go -- yeah.

MR. ZENNER: It basically goes to the -- the lighter green that you see in the aerial photograph, then it comes down. It's about half of this lighter green area, because the front half of it is the parking.

MR. PALMER: Right.

MS. RUSHING: Now I'm more confused than before.

MR. ZENNER: Okay. Go back to the -- go here.

MS. RUSHING: The strip mall that's right behind -- this building is not in front of the strip mall; right? It's behind it?

MR. PALMER: No. This is the strip mall. It's currently being built, if you've been out

there.

MS. RUSHING: Right. But -- but this building is going to be someplace in relation to that strip mall?

MR. PALMER: No. This is the strip mall.

MR. STRODTMAN: No. That is -- the same building.

MS. RUSHING: Oh. It's the same thing?

MR. PALMER: Yes.

MS. RUSHING: Okay. That helps.

MR. PALMER: The restaurant will occupy the west end of that strip-mall building.

MS. RUSHING: Okay.

MS. CARROLL: And the deck to be added is the highlighted portion only, it's not the length of the strip mall?

MR. ZENNER: Correct. Just this yellow area.

MS. LOE: Any additional questions? Mr. Strodtman?

MR. STRODTMAN: Just a couple for Mr. Palmer. I guess I didn't realize, is the entire building two stories?

MR. PALMER: No. I believe it's only two stories, at least exposed, in this location.

MR. STRODTMAN: On the -- on this -- on that end, on the west end?

MR. PALMER: Yeah.

MR. STRODTMAN: Okay. You probably don't know this answer yet, but what -- will there be any lighting on the back of the building?

MR. PALMER: I'm assuming there will have to be some -- some lighting, yeah.

MR. STRODTMAN: Just your typical building wall packs or sconces or something? Obviously, no parking lot poles of any height?

MR. PALMER: Right. Yeah. We don't -- we don't actually allow wall packs that don't have cutoffs, so --

MR. STRODTMAN: So the light bleed off would be very minimal?

MR. PALMER: I'm anticipate more like a restaurant lighting and not glaring, you know.

MR. STRODTMAN: Right. Especially since somebody should not be back there because there's no deliveries, there's no truck docks, trash.

MR. PALMER: Right. Yeah. There's no access vehicularwise behind the building at all.

MR. STRODTMAN: And this is maybe outside of the City's purview, and maybe it's more of a State thing. From a liquor license standpoint, will that -- will a patron be able to get off of that deck onto the ground, or will it be all fenced in from a liquor -- you know,

they sometimes have to have a fence all the way around their area. I was just curious if people could get off that deck and wander, you know, around and behind the building doing something maybe they shouldn't be doing.

MR. PALMER: They -- they at least haven't indicated a stairway or anything like that, and so I don't believe so.

MR. STRODTMAN: Because that deck will be up high, or since that building is two-story there, it'll be --

MR. PALMER: Right. Yeah. Actually, the -- so that retaining wall -- maybe Mr. Gephardt can explain a little better. But I believe the retaining wall is -- it comes up to the level of the -- the first floor of the building. Yeah. And so the basement is kind of enclosed by that retaining wall, and then the deck will be over the top of that, so it'll be kind of hovering above the ground but not -- not significantly outside of the retaining wall there. That -- that ground level is higher than at the base of the building.

MR. STRODTMAN: When will the City know if there's going to be a staircase or will they know?

MR. PALMER: Well, it's not on the plan, so if they add one and it -- they'll have to come back to you guys.

MR. STRODTMAN: So, in theory, nobody should be able to get off that deck and wander around the back of the building without jumping -- in theory?

MR. PALMER: Right.

MR. STRODTMAN: I just wanted to make sure it wasn't easy for someone to go back there and do things that they shouldn't be doing when it's not properly lit, it's not -- you know. But obviously people can go anywhere they want, so I get that. But from a -- from the neighborhood standpoint, I was just trying to be protective as much as we could that, you know, there's not going to be a lot of spillover or issues that we can foresee and/or, more importantly, that we can control.

MR. ZENNER: I think to the extent, Mr. Strodtman, that you're -- you're concerned as it relates to the issue of ingress and egress off of the deck, the building code is going to have most likely some set of standards associated to that as it relates to the -- to the path of exit and the route of exit. And until we have something more formally submitted, I think, for our staff's review, it's going to be a little bit difficult to tell you if, in fact, there will be mandated some type of exit off of the deck for the purposes of emergency -- emergency purposes. I would imagine it would be the operator's intent probably to ensure that their patrons are secure and safely contained within the confines of the deck, because obviously it creates a liability issue for them, most likely.

MR. PALMER: Right.

MR. STRODTMAN: Well, and I think with the smoking ordinance, I see a lot of bars that have patios and they're fenced in so that patrons can go out and smoke a cigarette, but not leave the bar tab -- not that they would do that, but -- so -- and I think there's some liquor license, you know, that they have certain requirements that you just can't go anywhere with your -- with your alcohol. So, like I said -- you know, I'm not overly concerned about the neighbors that are impacted. I mean, I am, but I don't think it's as great, but I just want to make sure that we're trying to address as much as we can so that the neighbors to the east will be not as impacted as much as we can. So thank you.

MS. LOE: Mr. MacMann?

MR. MACMANN: Just real quick. I know it's not always possible, but can we try to orient everything north in the future. It just makes everything easier.

MR. PALMER: Since they gave us a -- a template for these slides, it became much more difficult, but --

MR. MACMANN: Well, send it to me and I'll -- I'll write them up. Okay? You guys have got my e-mail address.

MS. LOE: Ms. Carroll.

MS. CARROLL: Or maybe if it's -- sorry. If it's not oriented north, can we have an arrow?

MR. PALMER: Yeah. Typically, you would, but I just had to -- I cropped it out here, so it's my fault.

MS. LOE: There is an arrow on the plan that came with our -- for -- with our document, and this was taken out of that.

MS. CARROLL: Right.

MS. LOE: So if you refer back to the plan that came with our material, you'll find the north arrow.

MS. CARROLL: I have it right here.

MS. LOE: Any additional questions? Mr. Palmer, when we're talking about noise, is it just -- just vocally noise or do we know if there's going to be any equipment -- audible --

MR. PALMER: So the -- the vocal noise will be the -- the hardest one to police, if you will. There's going to be, you know, loud patrons probably.

MS. LOE: Will there be music?

MR. PALMER: I'm assuming there will be music, but that would fall under our standard noise ordinance decibel level requirements.

MS. LOE: Yes. I'm fully aware of those. I live across the street from a park with an open pavilion, and I'm more than 260 feet away from -- 236 feet away from that pavilion,

and I hear any music that occurs because, believe it or not, trees are not a buffer to sound. Leaves, for some reason, don't absorb much when it comes to sound. So distance maybe, yes. Trees, bushes, no. So is there any other buffering that's going to be in place for sound if there is music?

MR. ZENNER: We have a use --

MS. LOE: I've called the police because I'm very aware of the decibel level, and it's subjective. It's when it bothers you, you can call the police. I get tired of calling the police.

MR. ZENNER: We have within the Code as part of the use specific standards, I believe, for a restaurant or a nightclub, we do have a provision that does deal with the issue of music cannot be audible, if I recall correctly, outside of the structure. I have to look up the standard specifically. I think it's at the property line, so you can -- if you have a restaurant that's got an outdoor seating area, your music is not supposed to be perceptible beyond the property line. That is a standard that exists, unless I am incorrect, I don't believe when this was amended, when the PD plan was amended to include all M-N uses, which would include, as Mr. Palmer pointed out, the restaurant as a permissible use, there were any exclusions of any use specific standards. So as is stated within our planned district process, if you do not request a use specific standard to be removed that's tied to a land use that is allowed, you are required to comply with all of those use specific standards, which means, from an enforcement perspective, if audible or recorded music is played or live music is played, for that matter, it would need to be contained within the content of the boundaries of the property line. Now the property line here, this is a multi-tenanted building, is through the 50-foot buffer that is to the east. Again, as a planned district, there are potentially ways of addressing sound transmission through some type of baffling that may be recommended and, again, Mr. Gephardt may be able to respond to that as it relates to the project and his representation of the client, on the eastern end of this deck to where there can be some type of sound baffling or some type of solid structural wall extended out to basically baffle that noise to be being projected further east. Based on the graphic here, it does not look as though the deck area itself is really, truly large enough to accommodate an outdoor band or some type of music venue to occur out there. They may have just regular music playing through a speaker for patrons that are sitting out there. But the boisterous patrons that may be there enjoying libation and food, they may be just as obnoxious as, you know, the Motley Crew playing the background to you as a residential property owner.

MS. LOE: Thank you. Any additional questions? Ms. Carroll?

MS. CARROLL: So the addition of bar as a usage, does that change the operating

hours that would be allowable?

MR. ZENNER: We do not have operating hour limitations within the zoning code. We have found that implementing operating hour limitations is a significant administrative enforcement nightmare. We generally do not suggest that they be added. There are standards that relate to the licensing standards for alcohol sales, for example, that you can only have a bar open until, if I recall correctly, 2:00 a.m., and that may be Friday, Saturday, and there may be other hours of operation limitations during other days of the week.

MR. PALMER: Their advertised hours are till -- until 1:30 a.m. so -- on the weekends.

MS. CARROLL: For this --

MR. PALMER: Yeah. This potential use here.

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

MR. PALMER: I just wanted to point out --

MS. LOE: Mr. Palmer?

MR. PALMER: Yeah. I forgot to mention that you do have a public comment that I placed in front of you on the dais that was received yesterday, I believe. So that is there for your consideration, and that's all I have.

MS. LOE: Thank you.

MR. PALMER: Yeah.

MS. LOE: We will now open up the public comment period. As with the other cases, if you can give your name and address for the record.

PUBLIC HEARING OPENED

MR. GEBHARDT: Yes. My name is Jay Gebhardt; I'm a civil engineer with A Civil Group. I'm here representing Terry Wilson and Greg Crites who own the building and also Walker with Broadway Brewery, who could not be here tonight. But to kind of go through this to answer questions that you guys have raised. First, the restaurant use, this is a restaurant, but Walker is afraid that there's a certain percentage of alcohol sales that have to occur to be considered a restaurant and not a bar. And right now, Broadway Brewery is about 60 percent food and 40 percent alcohol sales, and that's what he kind of expects here, but it could drop, you know, and alcohol sales -- he just doesn't want any issues if he's going to sign a lease and build here. So that's the reason we're asking for the bar use. The restaurant use and the brewery is allowed. We don't -- we wouldn't be here if it was just that. We're here because we want to add a deck and mainly the deck is on the west side of this 50-foot long building. We are -- Rusty's drawing shows it wrapping all the way around our space. That's not Walker's intent. He intends for it to

turn around the corner and that to be used as a storage area for outdoor chairs, heaters, patio equipment, you know, all those kinds of things that stay on the patio, but that may not be used all the time. The seating area would be on the -- completely on the west side, so the wall of the building will be -- which is 16, 18 feet tall will be -- act as a -- the buffer of sound. There will be no bands on the deck. There are no stairways from the deck down. There's a door into the building from the deck and -- but that is it. There's no exit for that. There is a staircase on the -- that will go underneath the deck for access from the basement in an emergency so people in the basement have a way in or firemen have a way in to the basement area, but it's not accessible to the deck area. So mainly we're here to ask for a 2,000-square-foot deck, which is -- ends up being about a 16 foot wide deck on the -- on the end of the building, and that's really the purpose of it is to just provide the patrons able to go out and have a seating area that looks out over the Hinkson Creek area, and it is a pretty, pretty view from there. As far as noise, it is -- it is an issue, but, for example, Addison's across the street has a patio area that faces Nifong without any obstructions, and they're open till 1:30 at night. I don't anticipate this being a -- a bar scene, as you say, like you would see downtown. This is going to be a restaurant. It's going to be a nice restaurant by a reputable owner and they will be brewing beer mainly in the basement. They will have some display things at the top, but, yes. That's -- that's why we're here and the -- you know, the whole bar thing is just because I think it's 50 percent; is that correct -- to food sales? So we're at 60 percent now downtown. We're thinking that it might -- might be a little bit less and we just want to try to put a belt and suspenders on this and not have that problem later. So does that, I think, answer all the questions that were raised?

MS. LOE: Any questions for Mr. Gephardt? Mr. Strodtman?

MR. STRODTMAN: Mr. Gephardt can you -- you described where this -- the -- the yellow line or yellow is not correct. The majority of your patio is going to be on the western end of the building, or just wraps around the west and then dies off?

MR. GEPHARDT: It's completely on the west end and it just wraps a little bit on the north side.

MR. STRODTMAN: Right where his -- where Mr. Palmer's marker is is approximately about where it ends.

MR. GEPHARDT: Yeah. It would be --

MR. STRODTMAN: So that would help -- that would help with our concern with noise going to the residents to the east because the majority of the deck is going to be on the west end of the building with the building being the buffer; is that --

MR. GEPHARDT: Exactly. Walker doesn't want neighbors complaining and so he

wants to contain to people talking and -- and being outside buffered by the building. That's why he chose this end and that's why we're proposing this the way we are.

MR. STRODTMAN: Mr. Palmer, was your -- was your rendering just not to scale or --

MR. PALMER: No. That -- that area is based on their plan. They may have gone overboard on their plan to make sure they had enough space.

MR. ZENNER: There's a leader line. The leader line that Mr. Palmer utilized is actually ends here. If you look, this is the -- the end of the leader and that, I think -- we may have misinterpreted that that was the deck, but it definitely starts with the radiuses here and comes all the way to this point down here. If what Mr. Gephardt is suggesting that the applicant would like is just something that is more up here, I would suggest that as a part of this motion that the Commission makes is that a revised PD plan be submitted to accurately reflect what was communicated during the public hearing to the scale of the deck so we have a document that is moving forward to Council that's consistent with what you've been presented here tonight.

MS. LOE: Mr. Zenner, is it within our purview -- I mean, based on Mr. Gephardt, on what you've said, the seating will be contained on the west side of the building. I agree that would address my acoustic issues. Can -- can we include that, that seating is restricting to the west end of the deck?

MR. ZENNER: From a practical perspective -- from a practical perspective, yes. You're more than -- you're more than welcome to do that. Being able to ensure that that happens once the deck is built, it's not identified -- I mean, I think that the -- what Mr. Gephardt has indicated is that this portion on the northern side of the building would be used for storage. What I would probably recommend as a more meaningful way of depicting the area allocation of seating versus storage is the plan, if we have to have a revised plan anyway to reduce the area of the deck, is to potentially just identify the northern portion of the deck where it wraps around the building to be for outdoor furniture and equipment storage and have that denoted, and then have seating area denoted on the western side of the deck. That would be probably a more appropriate method of ensuring then that if we're going out getting a complaint, we could take the plan set with us and say you're plan clearly showed that you weren't having seating over here. You've got seating here. Please comply with the plan.

MS. LOE: Correct. That would be my intent, that should it become an issue, there is some means to correct that.

MR. ZENNER: We have documentation -- we have documentation that shows the difference. And if I may ask a question of Mr. Gephardt, would it be the intention of the --

of the operator to have the outdoor storage area as an enclosed area or is he looking at just leaving it as an unenclosed space?

MR. GEPHARDT: It would be unenclosed. It would be identical to the rest of the deck.

MR. ZENNER: Okay.

MR. GEPHARDT: But it would -- his plan is to use -- to stick that stuff around the corner, you know, the heaters and the chairs and all that kind of stuff, out of -- out of the way.

MR. ZENNER: Is there -- would there be any reason that he would be unwilling to potentially do an eight-foot wall section on the end of the deck to block the view from the residential neighborhood?

MR. GEPHARDT: I don't think that would be a problem.

MR. ZENNER: Because that then further would reduce the acoustical extent of the noise.

MR. GEPHARDT: Yeah. That wouldn't be a problem. And I -- I don't have a problem with the revisions that Pat mentioned to the plan.

MS. LOE: Great. Any -- Ms. Rushing?

MS. RUSHING: Well, you're saying it's a 2,000-square-foot deck and what I'm seeing is it's 16 feet wide; is that correct?

MR. GEPHARDT: That's the current plan, yes.

MS. RUSHING: Then it would appear to me that the west portion is only 992 square feet, approximately. So you've got an equal amount that's going to come down around on the north side?

MR. GEPHARDT: Right. When this was originally done, they envisioned a larger deck than that they envision now, so the plan has not been revised. We left the 2,000 square feet in the statement of intent and in the plan, but, right now, they're planning on 16, no more than 18 feet, of width. It has something to do with the way tables sit and things like that on the -- how they place tables.

MS. RUSHING: Well, and I'm not talking about the width. I mean, the width times length gives you the square feet. I'm just saying that the width times the length that's shown up there is only half of 2,000 square feet, so you've got to build around an equal distance.

MR. GEPHARDT: Right. And what I'm trying to explain is that the 2,000 square feet is larger now than what we need or plan to execute.

MS. RUSHING: So it's going to be less than 2,000 square feet?

MR. GEPHARDT: Yes. Yes.

MS. RUSHING: The actual outdoor seating?

MR. GEPHARDT: Yes. Yes.

MS. RUSHING: Okay.

MR. ZENNER: Given -- I think, furthermore, given the revision to the plan, which will depict actually the deck area that would be approved as a part of the plan amendment, any expansion of that deck -- while the statement of intent will include a 2,000 square foot allotment if we don't change the statement of intent, the plan will drive what our staff will review for the purposes of approval. So if we only have 1,000 square feet of deck area shown on the approved PD plan, that's all we're going to allow to be built, Ms. Rushing. We won't allow them to build an additional 1,000 square feet that we had no idea where it was.

MS. RUSHING: But they could put 2,000.

MR. ZENNER: If they -- if they enlarge the deck to have it wider, for example, on the western end to accommodate for that lost 1,000 square feet, given what we've talked about tonight, that they don't want to wrap around the north side of the building, yes. But at -- what I'm hearing Mr. Gephardt say on behalf of the client is that that's not their intention at this juncture. They just want the 16 by whatever the length is, the 900 or so square feet of deck space, plus this little appendage on the north side for outside storage.

MS. RUSHING: But that would be more than the overhang that they're requesting, wouldn't it?

MR. ZENNER: It would be less.

MR. PALMER: So what they're showing on the plan essentially is -- let me back up. The statement of intent states the 2,000 square feet as a maximum and they are depicting that 2,000 square feet on the plan. And basically what I understand you guys would like to see possibly is that they show a more definitive location for that outdoor space, and since they've indicated that it is smaller, that may work in their favor. But is that -- is that right? Does that make --

MS. RUSHING: Well, I think what -- what I'm hearing is not consistent with what I'm seeing in the report,

MS. LOE: Correct.

MR. ZENNER: We reviewed the -- we wrote the report based upon what was provided to us on the plan and in the statement of intent. Those intentions have changed.

MS. RUSHING: Well -- okay. So we would need to reflect that in any motion that we make?

MR. ZENNER: If Mr. Gephardt, on behalf of his client, is willing to reduce the

maximum square footage that they are seeking, that would be appropriate. If Mr. Gephardt would like to leave the 2,000 square feet, but amend the plan as recommended by the Commission to more accurately depict the actual deck to be constructed before forwarding to City Council, that actually will get us at what we want. You'll have a plan that depicts 1,000 square feet of deck area, but you will have a statement of intent that does allow for some added flexibility should an expansion of the deck arise at a point in the future, but that expansion of the deck may not be on the north side of the building.

MS. RUSHING: Okay. So if we were to make a motion consistent with what's in the staff report, the proposed revision would add a deck to the west end of the building that extends eight feet out?

MR. ZENNER: Yes. An additional eight feet further in order to compensate.

MS. RUSHING: And runs the entire length of the west wall. That's not going to be consistent with what they're actually requesting.

MR. PALMER: The west -- the west portion of that is consistent with what they're proposing in the -- in the report.

MR. ZENNER: Am I to understand, however, Ms. Rushing, you're trying to absorb the entire 2,000 square feet?

MS. RUSHING: Right. I'm --

MR. ZENNER: Yeah. So what I would suggest, I think the way to handle this is is request -- make an amendment to have the plan revised to reflect the deck desired for 16 feet by the length of the building, the western facade of the building, with a small wrapped portion on the north that would be baffled with at least eight-foot-tall wall for outside storage, denote on the plan seating area and outside storage, and indicate any remaining square footage allocated to the deck area to only be added to the western facade of the building. Because right now, I think what -- what I see this as, this is an opportunity for us as a staff and the Commission to basically approve a deck -- approve a deck area greater than what is needed by the applicant at this time. If they do have a demand, they can always add on to the deck. They don't have to come back to us, the Commission, to do so. It would be what we would consider at that point a minor amendment because you're adding onto the deck, but I think we need to be very clear that the only area that you want added on to that deck is westward, nothing to the north because that then comes back and interferes with what the adjacent eastern neighborhood has. Now, I think that gets you to the -- that gets you to the end point of where you may be at is --

MS. RUSHING: It doesn't look like there would be any setback issues.

MR. ZENNER: No. The dark black line that you see here to the very far west where the water retention facility is, this is actually the -- if I'm not incorrect, this is the property line right here, and this is the property -- the property line here as well.

MR. PALMER: Buffer, yeah.

MR. ZENNER: Or the buffer line. This is a somewhat -- this is a somewhat unique -- this is a somewhat unique parcel that when it was replatted, we had to have it replatted at one point here over the course of the last couple of years in order to deal with the retaining wall because the retaining wall at one point -- and I think this was just after we adopted the UDC. The retaining wall is considered a structure and in order to be able to get the corner of the property far enough away from the structure to comply with our structural setbacks, the property line at this corner needed to be moved, but it comes and flares back out down here is where that property line is. And so --

MS. RUSHING: And they do have some slope issues.

MR. ZENNER: Yeah. They have slope issues. The deck is a -- the deck is an excellent option here given the fact that the topography, as it falls off towards Hinkson Creek, and an expansion of a deck toward Hinkson does nothing to impact any residential development. It would only impact the Break Time and then the -- the open space that's to the north.

MR. PALMER: And the fire station to the west.

MR. ZENNER: Yeah.

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

MR. GEPHARDT: Thank you. Are there any additional speakers on this case? Please come forward and give your name and address for the record.

MR. FENNELL: My name is John Fennell, F-e-n-n-e-l-l, and I live at 3806 Deerfoot Way, which is one of the properties.

MS. FENNELL: Excuse me. 3807.

MR. FENNELL: I'm sorry. 3807.

MS. LOE: We did get your letter, Mr. Fennell.

MR. FENNELL: You did get my letter? Okay.

MS. LOE: Yes.

MR. FENNELL: Actually, there's some more concerns that I would even have that I didn't include in that letter. This is -- this neighborhood -- if you show -- if would show the -- the houses right there. Now, if you look at this neighborhood, it's a one -- basically, one round -- you know, one circle, one circle street. It is a neighborhood of families, of children. In fact, the school buses on this thing, they start in the morning and then they -- then they continue, you know, all afternoon dropping -- dropping off the kids. It -- they're on the street all the time. Now it has nothing really to do with this, but my point is that this is a neighborhood of children. And the concern that I think that I have and many

of my neighbors have is that this -- if you're having an outside deck that's going to be open till 1:30 in the morning with lights on, with potential music on this thing, it really does interfere with -- with living, you know. As you say, you live in an area of this 200 -- you know, further than 200 square feet either way. If you can hear this noise, you know, you're really impacting, I think families and the way they live. We have some concern, too, about -- about, you know, this area, in the wintertime, of course, there are no trees as you -- I mean, no leaves, as you say. So there's a clear view from all of these houses that back up here of that -- of that area. Lights would, of course, be brighter in the wintertime because of what -- what you see there, also impacting what is now a very kind of quiet lighting area. There's not that much light. There is a big light on the -- behind this veterinarian building that's going to be there. They're going to -- that is move in. Another concern is that we don't know how many people fit on this deck. It's not clear what would be the capacity. And I don't know if any of you have thought about that capacity.

MS. LOE: That's regulated by building code.

MR. FENNELL: And so -- so you wouldn't -- we really don't know that, what kind of capacity it would --

MS. LOE: It depends, as you heard earlier, we are discussing what the area would be and it would based on whatever that area is.

MR. FENNELL: Right. The -- this area, too, there's a long a slope there and there's a lot of trees that the leaves fall in the fall. If smoking is allowed there and people flick their cigarette butts off there, there is a potential, I think, for -- for smoldering, for fire, or whatever if smoking is allowed on that deck. So I think that should really be a consideration because, you know, it is densely -- you know, it's not a heavily wooded area, but you can see the trees. It's been -- it's been -- some of the trees have been removed in order for that building to -- that building to exist right now, so it's lighter, but still, there's a lot of -- there's a lot of leaves that fall there. The other thing I think is, if this is open until 1:30, the traffic that you would have. You have Addison's across the street. The comparison with Addison's and this -- and this deck -- Addison's has a -- does have a deck right -- you know, this is the one on -- right on Vawter School Road. It faces the street. Okay? This deck is in the back there, so it's -- you know, it's a very kind of quiet area. You know, right now, it's a very quiet area, where that is a very public area. So the comparison between that deck and this deck is -- is very, very different. I think can't even consider the -- I'm sure that if Addison's had tried to put their deck in the back, you know, instead of on the front facing the street, they would have gotten a lot of complaints from some -- from some of the people who live in that -- in that area right

behind there.

MS. LOE: Mr. Fennell, are you willing to take some questions from Commissioners?

MR. FENNELL: Sure.

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

Mr. Fennell, for your comments. Are there any other speakers that would like to make comments on this case? I see none. We're going to close the public comment period.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion?

MR. STRODTMAN: I just want to make a comment that, you know, I support Mr. Fennell, and I think that was what we were trying to do tonight was try to make sure that the majority, if not -- the majority of the deck would be on the west side of the building and not on the north side, because I wouldn't support this project if that deck was shown -- is -- is -- if the actual deck comes back to be as shown on that rendering, I'm not in support of it because it's too much on the north side of the building, which would impact your residents. But if you work with Mr. Gephardt and get the deck on the west side of the building, with the building being a buffer, that's going to take care of a lot of your lights and noise issues, plus that little storage area that would be for your outside seating is going to have a wall on it, too. So that would help buffer your side of the building, too. You're going to be able to see it, you know, in the wintertime. There's -- unfortunately, that's, you know, when the trees falls -- the leaves fall, you will see that building, but I think our effort was to try to keep it all on the west side of the building so that it doesn't impact you as much and hopefully that that is the case. So if we could a motion that would do something like that, then I'm in favor of it. If it wraps around the building like it shows in the picture, then I'm not going to support it due to the noise and potentially -- that it might cause your neighborhood. Though as staff did mention, there are going to be wall -- you know, wall packs in the back of those buildings, but they're -- they're not parking lot lights. They're made to, you know, basically just light up the back of the building and not project out into the trees or into your neighborhood. So you're going to see some lights, but I think it's going to be very minimal compared to the parking lot lights or other things like that. So I plan on supporting it as long as we can keep that deck on the west side.

MS. LOE: Ms. Burns?

MS. BURNS: I agree with Mr. Strodtman. I also would like to see -- I think it is a concern of music or talking going on until 1:30 in the morning. I think Mr. Fennell made a point in his letter about asking the restaurant to turn off lights and possibly close the

deck at an earlier time, and I would encourage that the homeowners' association talk with the developers and make those wishes known earlier rather than later and get some sort of agreement with that. I know that Addison's and the neighborhood entered into extreme discussions and really, I think came to the best possible products for both parties, so that would be a suggestion.

MS. LOE: Any additional comments? I understand your concern and agree that while leaves may have limited capacity to buffer noise, they do buffer vision and, in the winter, obviously, do so even less. But I have a feeling that the deck won't be quite as popular during mid-winter season, so I think it will be hopefully less of an issue at that time. Ms. Russell?

MS. RUSSELL: I'm going to try a motion. In the Case of 158-2019, the Spring Creek Phase II PD Plan, I move to approve the revised Spring Creek Phase II PD Plan dated April 2019, and the revised statement of intent amended to read that it limits the seating area on the deck to the west side of the building and the remainder of the deck utilized as a small outdoor storage area.

MS. LOE: With the wall?

MS. RUSSELL: With a wall.

MR. STRODTMAN: Second.

MS. RUSHING: Second.

MS. LOE: Mr. Strodtman. I'm going to give it to Mr. Strodtman. Sorry, Ms. Rushing. We have a motion on the floor. Any discussion on this motion?

MR. ZENNER: You'll need to include within that motion that a revised site plan be submitted prior to forwarding to City Council.

MR. PALMER: And a statement of intent, also. Right? Because it states the 2,000 square feet.

MS. RUSSELL: That too.

MR. PALMER: Yeah.

MS. LOE: Ms. Russell accepts the amendment. Mr. Strodtman?

MR. STRODTMAN: I also do.

MS. LOE: We have an amended motion on the floor. Any comments, discussion? Mr. MacMann?

MR. MACMANN: Knowing the folks at the brewery, they're really good neighbors. If the HOA wants to communicate with them, I think you'll have success.

MS. LOE: Any additional discussion? Seeing none. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

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

Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing. Motion carries 8-0.

MS. BURNS: Eight to zero; motion carries.

In the Case of 158-2019, the Spring Creek Phase II PD Plan, move to approve the revised Spring Creek Phase II PD Plan dated April 2019, and the revised statement of intent amended to read that it limits the seating area on the deck to the west side of the building and the remainder of the deck utilized as a small outdoor storage area with a wall.

Yes: 8 - Burns, Loe, Rushing, Russell, Stanton, Strodtman, MacMann and Carroll

Excused: 1 - Toohey

VI. PUBLIC COMMENTS

MS. LOE: Two unanimous votes tonight. I think that's a record. With that, we're going to quit. We're going to move on to public comments.

MS. LOE: If there's any additional public comments? I see none.

VII. STAFF COMMENTS

MR. ZENNER: Staff comments, we have them, as usual. We have our -- we have a work session and only a work session at the August 8th meeting. And as we discussed in the work session this evening, we will only have a work session on August 22nd, which is your second meeting in the month of August. Neither meeting dates have formal public hearing regular meeting items, though we do have information that we do need to continue to work on in work session, so we will have our regular meal service at 5:30 and potentially get you out of there by 7:00, if not just a little bit past 7:00, depending on how much progress we're making. We do have a number of items that we are trying, obviously, to wrap up, so these two work sessions with nothing behind them hopefully will allow us that opportunity to close out some matters that we are currently working on. Short-term rental will be the discussion topic for August 8th and depending on where we are on that at the end of that meeting, we will either move on to a different topic that we have out there already. It could be our Rock Quarry Area Plan, some of our staff work that we've done on that maybe to pull stuff together, or we may be talking about the proposed text amendment dealing with street replacement within our subdivisions. So just as a precursor, those may be coming up at the August 22nd meeting. Since we don't have any regular work items, I can't give you my regular commentary for any of our upcoming projects. I have no colorful additional comments to make, other than I am back in town. I have been informed my home has been sold, after many weeks of work, six hours on the market.

MR. CALDERA: How many pounds did you lose?

MR. ZENNER: I lost 23 pounds. So I haven't fit into this suit in almost a year and a half, but -- and I feel much, much better and much relieved. It is a welcome sight to have Ms. Rushing back -- Russell back with us, and to hopefully be moving forward to having a full Commission as we move forward into the fall season. We do have a variety of topics, as we've discussed previously, that we will be working on. Comp plan is coming up. We will have that back in the agenda rotation, as well as we will be attempting to get through our public hearing necessary for short-term rental, and then we will have a couple of other text changes that we will be working on, as well, as we move through the fall. We did note tonight, just so the public understands, we were requested as a staff to potentially engage in the preparation of a West Columbia Area Plan jointly with the County Planning Commission. Mr. Teddy will be providing correspondence to City Council on the August 5th agenda as it relates to our preliminary meetings, we've had with the County staff and their willingness to participate in that. Those of you that have been around long enough and have had an opportunity to work jointly with the County's Planning Commission, it is always an interesting opportunity to see how the two different bodies operate, though our success with the East Area Plan, which was a joint planning action, is quite notable. The plan is utilized in both jurisdictions and the West Area, this is west of the Perche, obviously, is an area that we do see future development and growth in, and it is now time to start laying out a land use plan for that. That will be an 18-month process, and we look to start that probably in September of this year, and we will then roll in the Commission probably at the beginning of 2020 after we've done our analysis -- data analysis and everything else. So we'll keep you all abreast as we move forward with that, but that's -- it's a snapshot of where we hope to move forward to here through the rest of this -- this year. And again, we appreciate having you all here, your interest in what we're doing, and your patience in moving through these items. With that, thank you.

MS. LOE: Thank you, Mr. Zenner.

VIII. COMMISSIONER COMMENTS

MS. LOE: Any motion -- any Commissioner comments?

MR. MACMANN: I have a motion.

MS. LOE: Mr. MacMann.

MR. MACMANN: My comment is a motion, so the motion will comment.

IX. NEXT MEETING DATE - August 8, 2019 @ 7 pm (tentative)

X. ADJOURNMENT

MR. MACMANN: And I notably move that we adjourn.

MS. LOE: Second?

MR. STRODTMAN: Second.

MS. LOE: Mr. Strodtman. We're adjourned. Thanks, everyone.

(The meeting was adjourned at 9:38 p.m.)

(Off the record.)

Motion to Adjourn.