Chair John called the meeting to order at approximately 7:00 p.m. Those members attending included Dennis Hazelrigg, Sean Flanagan, Martha John, Phil Clithero, and Fred Carroz. Also attending were the Deputy City Clerk, Megan Eldridge, Development Services Manager, Pat Zenner, Planner, Clint Smith, and Deputy City Counselor, Cavanaugh Noce.

The minutes from the regular meeting of August 12, 2014 were approved as submitted on a motion by Mr. Clithero and a second by Mr. Flanagan.

The following cases, properly advertised, were considered. All persons testifying were duly sworn by the Deputy City Clerk.

Case Number 1886 was a request by Kara Linnemeyer, attorney for Beacon Street Properties LLC, for a conditional use permit for the purpose of constructing and operating a private swimming pool and clubhouse facility on property located at 3504 Wisteria Lane (Parcel No. 16-803-00-04-085.00 01) and 3411 Crape Myrtle Drive (Parcel No. 16-803-00-04-086.00 01).

Chair John opened the public hearing.

Kara Linnemeyer stated she was an owner and attorney for Beacon Street Properties and explained they agreed with the staff report but wanted to clarify two items. She noted the six-foot fence surrounding the pool would not be opaque as they had anticipated a black aluminum wrought iron picket fence. In addition, she believed the calculation for the parking requirement was incorrect, and pointed out a 1,500 square foot pool required 10 parking spots instead of 15 since one spot was required for every 150 square feet. She stated they would like the report to indicate the correct number and suggested eight or 10 spaces even though more spaces had been shown on the plan.

Mr. Noce asked Ms. Linnemeyer if she was stating they were going to build per the plan or not build per the plan. Ms. Linnemeyer replied they would build per the plan. She explained there was a change in grade from the east to the west side of the lot where the parking would be located. If the grade were to change, the number of spots could be potentially reduced by one or two spaces. She noted they had anticipated the plan, as shown, would work given the measurements and grading already done.

Mr. Noce suggested the Board add language that said “in substantial compliance with the site plan as presented” due to the parking issue and other issues. He thought it was important for the Board to consider the different pieces and weigh them appropriately.

Ms. Linnemeyer commented that as they started to move dirt, put in the pool, etc., there was a possibility the parking spaces would need to be reduced by two, but it was unlikely.

Chair John understood from the plans that if someone entered the subdivision on Apricot Falls and turned right, they would be on Crape Myrtle Drive, and if they turned left they would be on
Wisteria Lane, which meant one lot was on Crape Myrtle Drive and the other was on Wisteria Lane. She noted the staff report indicated the property had a single driveway on Wisteria Lane, but understood the driveway was on the Crape Myrtle Drive lot. Ms. Linnemeyer explained an administrative replat would be done to turn the two lots into one lot, so the entire lot would be replatted and have the Wisteria Lane address.

There being no further comment, Chair John closed the public hearing.

Mr. Zenner commented that staff had been made aware of the calculation error for the required number of parking spaces, and agreed a minimum of eight parking spaces was required for the size of the proposed pool and clubhouse facilities and the number planned was well in excess of that requirement. He noted if the Board was going to consider this plan, he would recommend the development be in substantial compliance with the site plan and for the project to meet all standard building and zoning requirements for landscaping, lighting, grading, and other land disturbance related requirements. He thought the Board might want to specify a range of the number of parking spaces as well. He explained landscaping provisions would be required around the parking lot and pool deck and would be evaluated at the time of plan submission. He reiterated the staff recommendation was for approval subject to it meeting standard permitting conditions and being in substantial compliance with the currently submitted site plan.

Mr. Noce understood the applicant might build fewer parking spaces than shown on the plan, so the Board might want to include wording in a motion indicating the building would be in substantial compliance with the site plan and provide a minimum number of parking spaces. Mr. Hazelrigg understood that would provide the applicant leeway in case they ran into a grading situation without requiring them to come back to the Board.

Mr. Clithero asked how many parking spaces were required. Mr. Zenner replied eight. Mr. Clithero understood the site plan showed 15 parking spaces and the site plan would be brought to Building and Site Development for issuance of the permit. Mr. Zenner stated that was correct for all grading and building construction permits. Mr. Clithero understood the plan would show a certain number of parking spaces. Mr. Zenner stated the plan could show no less than eight spaces, and if the Board approved this request in substantial compliance to the site plan, it could show no more than 15 spaces. Mr. Clithero asked why the Board would want 13 or 15 parking spaces when only eight were required. Mr. Zenner replied the belief within a residential subdivision was that a majority of residents would walk to this facility, however more people would drive if they had young children or guests or a lot to carry. Mr. Clithero asked why the City would give a 20% reduction if they expected more cars than what was required. Mr. Zenner replied the 20% reduction was based on the fact this facility was intended for the residents. If it was a commercial swimming pool, they would not have been eligible for the reduction. He noted the applicant chose to provide more spaces to accommodate residents. Mr. Hazelrigg pointed out this would have a clubhouse so there could potentially be gatherings as well.

Mr. Flanagan asked if the concern was that this would transition to something outside of residential and stated he would be comfortable not providing the reduction. Mr. Zenner replied 10 spaces would be the minimum required without the 20% reduction. In addition, there were some minor caveats in the parking ordinance that allowed reductions if it was used for therapy or other things of that nature. Parking for a commercial swimming pool was calculated based upon one parking space per 150 square feet of pool area.
Mr. Clithero asked if the Board needed to include a number of parking spaces in their decision. Mr. Hazelrigg replied he thought the Board should include a minimum, and his recommendation would be 10 spaces in case it transitioned from residential in the future.

Mr. Carroz asked if the applicant would agree to the Board requiring no fewer than 10 parking spaces. Ms. Linnemeyer replied yes, and stated they wanted to provide enough parking spots for everyone. She clarified the proposed plan was actually for a poolside pavilion, and not a clubhouse.

Mr. Flanagan made a motion to approve the conditional use permit subject to the future submitted plan meeting all applicable zoning regulations and for a minimum of ten parking spaces to be provided. The motion was seconded by Mr. Hazelrigg.

CASE NO. 1886 VOTE RECORDED AS FOLLOWS: VOTING YES: HAZELRIGG, FLANAGAN, JOHN, CLITHERO, CARROZ. VOTING NO: NO ONE. The conditional use permit was approved subject to the future submitted plan meeting all applicable zoning regulations and for a minimum of ten parking spaces to be provided.

Case Number 1887 was a request by Kara Linnemeyer, attorney for Columbia Development Group, LLC, for a conditional use permit for the purpose of constructing and operating a private swimming pool and clubhouse facility on property located at 5621 Spicewood Drive (Parcel No. 20-100-00-02-107.00 01).

Chair John opened the public hearing.

Kara Linnemeyer stated this property was owned by the Columbia Development Group and one of its owners was Beacon Street Properties, so she represented both entities. She commented that she had reviewed the staff report and did not have any issue with it. She mentioned she had spoken with staff and understood the screening and landscaping would likely be required by ordinance, but it had been included in the staff report for additional protection.

There being no further comment, Chair John closed the public hearing.

Mr. Smith explained the standards had been met with the exception of landscaping. Staff felt it was important to stipulate the need for landscaping along the north and south property lines to provide a buffer for the residential properties to the north and south, screen cars, and provide a future barrier between the two uses. He noted that had been suggested as a condition of approval along with the condition that all applicable zoning regulations be met and the submitted site plan be in substantial conformance with the plan that had been provided to the Board.

Mr. Noce reiterated his belief was that plans submitted to the City should always be in substantial compliance with the plans presented to the Board because that was what they were reviewing.

Mr. Clithero asked if there would be any reason to not require 10 parking spaces in this instance also. Mr. Hazelrigg replied that would be his recommendation. Mr. Smith stated staff was comfortable with it.

Mr. Clithero made a motion to approve the conditional use permit subject to the building plans demonstrating compliance with all applicable zoning regulations, a minimum of 10 parking spaces,
the installation of bushes to screen the north and south side of the parking lot, and the planting of
trees along the north and south property line at a distance of 50 feet on center. The motion was
seconded by Mr. Flanagan.

CASE NO. 1887 VOTE RECORDED AS FOLLOWS: VOTING YES: HAZELRIGG, FLANAGAN,
JOHN, CLITHERO, CARROZ. VOTING NO: NO ONE. The conditional use permit was approved
subject to the building plans demonstrating compliance with all applicable zoning regulations, a
minimum of 10 parking spaces, the installation of bushes to screen the north and south side of the
parking lot, and the planting of trees along the north and south property line at a distance of 50
feet on center.

Case Number 1888 was a request by Marjorie M. Lewis, attorney for Kelly Highlands
Partnership, LP, for a conditional use permit for the purpose of constructing and operating
a private swimming pool and clubhouse facility on property located at 3710 W. Broadway,
and the proposed private swimming pool and clubhouse facility will be known as 3690 W.
Broadway.

Chair John opened the public hearing.

Marjorie Lewis stated she was an attorney representing the owners, Kelly Highlands Partnership,
LP, with offices at 601 E. Broadway. She explained the proposed pool would serve the residents
of the Kelly Highlands subdivision, which was planned to be an upper-end apartment complex, and
its clubhouse and pool facility would be similar to the facilities at Kelly’s Ridge across the street.
She stated two tracts zoned R-3 were involved. The pool and clubhouse facility would almost be
fully located on Lot 101, which contained 1.62 acres, but a small portion of the clubhouse would
also be located across the property line onto Tract 2. She pointed out this would have the effect of
joining the two lots together. She noted the site plan for the pool and clubhouse facility had been
reviewed, and they were only waiting on approval of the conditional use permit. She offered
exhibits 1-8 for the record and described those exhibits. She commented that they felt the
requirements of Section 29-23 of the Columbia Code of Ordinances for a conditional use permit
had been satisfied. This was a permitted conditional use in district R-3, it was in compliance with
all regulations of the zoning district, and was in conformance with the character and adjacent area
as there were single-family homes in the adjacent zoning district and an apartment complex
across the road. In addition, the off-street parking and loading areas were compliant with Section
29-30 of the Columbia Code of Ordinances, adequate utilities, drainage, and other facilities were
provided, and adequate access was provided and designed to prevent traffic hazards and
minimize traffic congestion. She noted the staff report supported their conditional use permit
request and the applicant was agreeable to the three conditions requested.
Chair John understood the building would be over the property line and asked if that mattered.
Ms. Lewis replied it mattered because it would join the two properties so they did not have to
satisfy rear yard and front yard setback requirements on the two lots.

Jay Gebhardt, an engineer with offices at 3401 Broadway Business Park Court, understood the
second condition in the staff report indicated a fence and landscaping would be installed along the
south side of the pool deck to provide 80% opacity to a height of eight feet upon installation, and
the Code of Ordinances for screening allowed four growing seasons to achieve the 80% opacity,
and asked if the intent was for the 80% opacity to be met immediately upon installation or if they
would be allowed four growing seasons. Mr. Zenner replied the intent of staff was for it to be 80%
opaque and eight feet upon planting.
Bill Moyes, 107 Coventry Court, stated he was President of the Coventry Court Neighborhood Association and their property adjoined Kelly Highlands immediately to the east. He commented that their property would not directly adjoin the clubhouse and pool facility, but they were affected by the construction occurring now in terms of the apartment buildings. He explained he had polled everyone in the neighborhood association, and there was no objection to this proposal as it had been set forth to the best of his knowledge.

There being no further comment, Chair John closed the public hearing.

Mr. Zenner noted there was a unique situation whereby a building overlapped a property line in order to combine two lots, and this impacted the overall parking requirements. He understood this particular clubhouse was also an office facility for the apartment complex, and that created a mixed parking requirement with regard to the total number of parking spaces. As a result, the combination of these parcels was critical in addressing the parking compliance requirements. Nine parking spaces were shown on the site where the pool was located, and the other eight were in the residential development. He explained staff had evaluated this project very similarly to the Kelly’s Ridge project, where a pool sat in the middle of a multi-family development, and pointed out staff had never required independent parking for a pool and clubhouse within a multi-family project as it was considered an internal amenity. In addition, the development was within 1,000 feet of the pool and clubhouse facilities, which was reasonable in terms of walking, and as a result, staff did not object to all of the parking not being provided immediately adjacent to the pool. This site was constrained by a tree preservation requirement, some utility easements, and a stream buffer, so the ability to look creatively at parking and the placement of the clubhouse helped significantly. A condition to ensure the parking requirement would be met in perpetuity was to require the parcels to remain under single ownership and function as the common amenity area for Kelly Highlands. He reiterated 80% opaque and eight foot tall landscaping be provided at the time of building permit or occupancy issuance and noted it would fill in over the next four years to provide a dense screening to Coventry Court and the duplexes east of this site. Staff had also recommended the construction plans submitted for plan review be in substantial compliance to the site plan provided to the Board. If in the future the applicant decided to combine the two parcels, it would not affect any of the setback requirements that were not being applied and would likely legitimize the development of this site as one unit.

Mr. Clithero asked if there was a difference between a screening fence and a landscaping strip. Mr. Zenner replied yes. Mr. Clithero read from the staff report, which indicated staff was suggesting the addition of an eight-foot high screening fence and landscaping strip to reach 80% opacity within four growing seasons. Mr. Zenner stated that was an error and explained the recommended conditions of approval were what staff intended. Ms. John understood the fence did not have to be a screen. Mr. Hazelrigg stated that was correct and understood the fence was required for safety. Mr. Zenner noted there were options with regard to meeting the landscaping requirements for a fence and explained if someone put up a fence, they were required to landscape on the outside of the fence in order to further soften it to the adjacent property owner. A fence for pool security would most likely be aluminum or wrought iron, so the landscaping would provide the screening and was one reason staff wanted 80% opacity and eight feet at the time of planting.

Mr. Flanagan asked for clarification regarding the recommendation of substantial compliance. Mr. Noce replied he would suggest the Board be clear in its motions with regard to the recommended
conditions and the addition of a condition indicating substantial compliance with the site plan since that was what they were actually considering.

Mr. Hazelrigg made a motion to approve the conditional use permit subject to building plans that demonstrate compliance with all applicable zoning regulations being approved prior to the issuance of building permits, a fence and landscaping screen being installed along the south side of the pool deck to provide 80% opacity to a height of eight feet upon installation, the pool, clubhouse and residential portion of the subject site to remain under common ownership, and the site plans presented being in substantial compliance with the final site plans. The motion was seconded by Mr. Flanagan.

CASE NO. 1888 VOTE RECORDED AS FOLLOWS: VOTING YES: HAZELRIGG, FLANAGAN, JOHN, CLITHERO, CARROZ. VOTING NO: NO ONE. The conditional use permit was approved subject to building plans that demonstrate compliance with all applicable zoning regulations being approved prior to the issuance of building permits, a fence and landscaping screen being installed along the south side of the pool deck to provide 80% opacity to a height of eight feet upon installation, the pool, clubhouse and residential portion of the subject site to remain under common ownership, and the site plans presented being in substantial compliance with the final site plans.

There being no further business, the meeting adjourned at 7:48 p.m.

Respectfully Submitted,

Megan Eldridge
Deputy City Clerk