

MINUTES
PLANNING AND ZONING COMMISSION MEETING
January 9, 2014

COMMISSIONERS PRESENT

Dr. Ray Puri
Mr. Andy Lee
Ms. Sara Loe
Mr. Steve Reichlin
Mr. Anthony Stanton
Mr. Rusty Strodtman
Mr. Bill Tillotson
Mr. Doug Wheeler

COMMISSIONERS ABSENT

I) CALL TO ORDER

DR. PURI: Planning and Zoning Commission Meeting for January 9th, 2014 will come to order.

II) APPROVAL OF AGENDA

DR. PURI: Okay. Approval of Agenda. Any changes to the agenda or -- Staff?

MR. ZENNER: No changes.

MR. WHEELER: Move for approval.

MR. TILLOTSON: Second.

DR. PURI: All right. Moved for approval and seconded by Mr. Tillotson. Thumbs up?

(Unanimous vote for approval.)

III) APPROVAL OF REGULAR MEETING MINUTES

DR. PURI: Approval of regular meeting minutes for December 19, 2013. Commissioners?

MR. REICHLIN: I move for approval.

DR. PURI: Mr. Reichlin moves for approval.

MR. WHEELER: Second.

DR. PURI: Mr. Wheeler second. All right. Thumbs up again if that's acceptable to everybody.

(Unanimous vote for approval.)

IV) SUBDIVISIONS

Case No. 13-214

A request by South Congregation of Jehovah's Witnesses (owner) for approval of a one-lot final minor subdivision to be known as "Paradise Park". This subject 1.73 acre tract is located on the south side of East Old Plank Road south of Tony Street and is addressed as 350 E. Old Plank Road.

DR. PURI: May we have a staff report, please.

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the subdivision plat.

DR. PURI: Commissioners, any questions of the staff? Seeing none. We'll open the hearing

for comments by the public.

PUBLIC HEARING OPENED

DR. PURI: Please come forward. State your name and address and address the Commission. Seeing nobody on this particular case. All right.

PUBLIC HEARING CLOSED

DR. PURI: Discussion, Commissioners? Mr. Wheeler?

MR. WHEELER: Unless there would be some objection, this looks like a pretty straightforward request to me and I would recommend approval or make a motion to recommend approval.

MR. TILLOTSON: Second.

DR. PURI: Mr. Wheeler made the motion; Mr. Tillotson, second. May we have a vote, please.

MR. STRODTMAN: Yes, Mr. Chair. Item 13-214, a request by South Congregation of Jehovah Witnesses for approval of a one-lot final minor subdivision to be known as "Paradise Park." Address is at 350 East Old Plank Road.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Tillotson, Mr. Wheeler, Mr. Stanton, Mr. Strodtman, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin. Motion carries 8-0.

MR. STRODTMAN: The motion has passed.

Dr. PURI: All right. The motion carries.

Case No. 13-238.

A request by Mark M. Stevenson, Trustee of Mary Hackett Trust No. 1 (owner) for a one-lot final minor plat of C-2 (Central Business District) and M-1 (General Industrial District) zoned land. The 1.39 acre site is located at the southeast corner of Broadway and Providence Road.

DR. PURI: May we have a staff report, please.

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the proposed plat.

DR. PURI: Commissioners, any questions of the staff? Ms. Loe?

MS. LOE: Just to clarify the easements identified as -- not identified as new would be abandoned and the ones identified as new are the ones that would be --

MR. ZENNER: Improved?

MS. LOE: -- enforced?

MR. ZENNER: Yeah.

MS. LOE: Okay. And those easements cannot be built upon?

MR. ZENNER: The easements that are being proposed per this plat will be the ones that the new improvements will be built in to replace those that are in the easements that are not to be vacated today. And once the new improvements are built and accepted by the City, the old easements and the improvements in them can be abandoned and vacated.

DR. PURI: Any other questions, Commissioners, of the staff? Okay. I see no one. We'll open

the -- open it to the public for any comments on this item.

PUBLIC HEARING OPENED

DR. PURI: Please approach the podium and make any --

MR. HOLLIS: Good evening. Robert Hollis, attorney with the VanMatre Law Firm with offices at 1103 East Broadway, here on behalf of CVS. Don't have anything additional to add. Mr. Barnett is here, who is the engineer for the project, and if you have any questions, we can answer them.

DR. PURI: Commissioners, any questions of -- all right. Thank you.

MR. HOLLIS: Thanks.

DR. PURI: Anybody else wishing to speak on this matter? I see no one.

PUBLIC HEARING CLOSED

DR. PURI: Commissioners, discussion? Mr. Tillotson?

MR. TILLOTSON: A bit of confusion, I guess. So we have a lot that is C-2 and M-1, so we're bringing it into one lot, but still is going to be a C-2 and M-1 lot. So one lot is going to have two zonings? Okay. That was my question.

DR. PURI: Staff, do you want to add anything to that or elaborate?

MR. ZENNER: No. I think Mr. Tillotson has it quite under control.

DR. PURI: Okay. All right. So then do we have a motion or any further discussion?

MS. LOE: I -- I had a question.

DR. PURI: Okay. Ms. Loe has a question.

MS. LOE: I noticed -- I hadn't realized before that this -- practically the whole site is in a floodplain and we do have the flood elevation, I believe 703. Do we know -- I didn't have a grading map. Do we know -- I'm just interested.

MR. ZENNER: In its floor elevation?

MS. LOE: Yeah. Where are we --

MR. ZENNER: We're required -- building code requires that the finished floor elevation has to be two feet above the BFE, which means that 703, it'll be at 707 or 705 at a minimum. We do not have final design plans at this point for the building construction itself, nor do we have final grading plans.

MS. LOE: Do you have existing elevations?

MR. ZENNER: Existing elevations are not required to be on this type of document at this point, so --

MS. LOE: This is just curiosity.

MR. ZENNER: I do not. Mr. Barnett may. But at this point what will be evaluated, because it is in the F1 overlay zone, is at part -- as part of the building permit review, we will ensure that finished floor elevations do comply with the building code requirements as well as any other flood-related permit processes to ensure that we're not creating downstream conditions.

DR. PURI: Okay. Thank you, Mr. Zenner. Mr. Stanton?

MR. STANTON: Excuse my -- my neophyte knowledge of -- of this subject matter. This is a

formal -- it's a technical step by CVS to get these -- get the zoning -- get this rezoned. And I'm assuming that the planned development is off the table and that we're just rezoning this. And it seems like they're going to build it anyway without a planned development, so it can look like or be whatever. I had a balance while he was saying this, but that's what it looks like.

DR. PURI: Mr. Wheeler?

MR. WHEELER: It's -- we're not rezoning it. What we're doing is platting it into one lot.

MR. STANTON: Okay.

MR. WHEELER: And so it's -- they're going to utilize the existing zoning to build the CVS anyway. So our discussion and the concessions that were given under the C-P plan are irrelevant.

MR. STANTON: Okay.

DR. PURI: Mr. Reichlin?

MR. REICHLIN: Just to follow up on Mr. Wheeler's comments, I think another thing worthy of note is that what we're doing here is more of an administrative nature. And with regard to that, we just -- I wouldn't classify it rubber stamping, but we're acknowledging that it is now going to be a different type of legal lot.

DR. PURI: Thank you, Mr. Reichlin. Anybody with a motion now?

MR. TILLOTSON: I'll make a motion to approve the request by Mark Stevenson, Trustee of Mary Hackett Trust, for a one-lot final minor plat of C-2 and M-1 zoned land to be known as Stevenson Addition. The 1.39 acre subject site is located at the southeast corner of Broadway and Providence Road, Case 13-238.

DR. PURI: Mr. Tillotson has made a motion.

MR. LEE: Second. Second.

DR. PURI: Mr. Lee seconds. May we have a roll call, please.

MR. STRODTMAN: Yes, Mr. Chair. Per Mr. Tillotson's description.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Tillotson, Mr. Wheeler, Mr. Strodtman, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin. Voting No: Mr. Stanton. Motion carries 7-1.

MR. STRODTMAN: Motion carries.

V) PUBLIC HEARINGS

Case No 13-247:

A request by Jeffrey E. Smith Investment Company, LC (contract purchaser) to rezone approximately 7.99 acres from R-1 (One-Family Dwelling District) to PUD-14 (Planned Unit Development maximum 14 du/ac), approval of a PUD development plan to be known as "Bedford Walk Plat 9", and a request for variance from Section 25-43 of the Subdivision Regulations pertaining to minimum required road right-of-way. The subject property is located at the southwest corner of Nifong Boulevard and Bethel Street.

DR. PURI: May we have a staff report, please.

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends:

- Approval of the proposed rezoning to PUD-14
- Approval of the proposed PUD development plan
- Approval of the proposed variance to Section 25-48 relating to required right-of-way half-width.

DR. PURI: Commissioners, any questions of Mr. Zenner? Ms. Loe?

MS. LOE: The height limit I noticed was 45 feet plus the walkout basement. That seems to be a slight amendment to how we might typically apply the height limit.

MR. ZENNER: The -- the 45 feet is the minimum. The 45 feet is the allowed height max within the PUD section, period. That's what it comes out as. It's part of what the PUD allows by right.

MS. LOE: Right.

MR. ZENNER: The lower level, which is below grade, would basically be a lower level. It would be no different than a walkout basement. So height is measured in general from the highest curb elevation adjacent to the property.

MS. LOE: Which curb?

MR. ZENNER: It is of their choice since this is a corner parcel, and that is how the height measurement is defined within our code.

MS. LOE: But that would be Bethel or Nifong curb?

MR. ZENNER: It could be or it could be the intersection curb -- the intersection curb at the corner of Bethel and Nifong, which is the lowest point of the property.

MS. LOE: Since that's going to be the taller elevation, if I'm reading the plans correctly, and that that's where the seven-foot -- seven -- sorry -- 710 foot -- I mean, we have the full story of the walkout basement on that corner.

MR. ZENNER: That is correct.

MS. LOE: I feel as if why should -- it feels like an amendment to the height limit in that why aren't we applying a straight height limit? I know the Jeff City height limit starts from the top of the foundation wall, but ours is from the stop of the curb, which should include any elevation above the curb level.

MR. ZENNER: If I am correct, and I would have to look back into our code, it is from the highest elevation -- highest curb elevation, which if you come up Bethel --

MS. LOE: Correct.

MR. ZENNER: -- to the southwest corner of the property, that's your highest curb elevation adjacent.

MS. LOE: Correct.

MR. ZENNER: And then that would take you 45 feet above that, which would incorporate the basement at that point.

MS. LOE: Part of the basement. Correct?

MR. ZENNER: It could, and I would -- I would defer that technical question to the design engineer that is here and he can explain to you the benefits or the disadvantages to the grading plan that they are proposing and why. But again, we typically do not look at basements as part of the height regardless if they're a walkout or not. Height is from the adjacent finished -- generally is taken on a single-family structure the adjacent finished grade of first floor, not of the basement is how it's applied.

MS. LOE: Can we strike plus walkout basement just to clarify?

MR. ZENNER: You -- you could, and I would suggest that that may be a question to ask the applicants as to what that lower level walkout may have within it as it relates to the functionality of their proposed use.

MS. LOE: We had a traffic plan included in the application. Does that plan include the improvements recommended after the traffic study?

MR. ZENNER: Yes, it does. This is the traffic -- this is the traffic diagram that is a result of the requested variance, but it also incorporates the improvements that have been asked for by our City's traffic engineer and recommended by the traffic study itself. Your right-in/right-out only location is here, which is a requirement of the -- was a requirement of our City traffic engineer. The turn lane pocket is a requirement of the overall traffic study. We have realignment and turn lanes associated with this particular intersection, again part of the traffic study. We have a diverter associated with a right-in/right out only at the northernmost entrance required as part of our engineering staff. We have a turn lane extension for a northbound turn required as part of our City engineering staff. So, I mean, there's a lot of stuff that went into the merging of the two reports and a lot of negotiation as it related to the ultimate improvements necessary. The traffic study, actually, I believe -- and I'll let Mr. Kriete, who represents ES&S Engineering, fill in if I'm mistaken. The traffic study, I think, had a lot less in the way of traffic improvements that are shown -- than are what are shown here, and those were negotiated through our traffic engineers to ensure that the functionality of this intersection and the redesign of Nifong Boulevard will be able to accommodate the future traffic flows that we believe will come through this intersection probably in 2020.

DR. PURI: Any other questions of Mr. Zenner, Commissioners? Okay. I see none. This is a public hearing item. We'll open this item for public hearing.

PUBLIC HEARING OPENED

DR. PURI: Let me explain the rules of engagement. Any organized proponents of this case could have -- would have six minutes to speak. Any following speakers will have three minutes. Same with the opposition. You would have organized opposition, six minutes. Any following speaker, three minutes. As you are getting close to being wrapped up -- any time you see this red light on the podium, this will be my sign for you to wrap it up.

MR. SIMON: Mr. Chairman, Commissioners, my name is Dan Simon; I'm a lawyer with offices at 203 Executive Building here in Columbia. I appear here tonight for the applicant, the Jeffrey Smith Investment Company. I have with me a large number of people, a big team, some of whom may

speak to you, some of whom may not. The purpose of that is so that we can answer your questions. And I would respectfully ask if after we present and the other people present, you have questions or concerns, that you address those to us and let us try to answer them because without rebuttal we really don't know what may be concerning to you, so we would beg for your questions. Jeff Smith is a long-time resident of Columbia. Both he and I grew up here. I'm a lot older than he is, but we are both Columbians and both concerned with this community. He has been very, very successful, he and his company, in developing senior housing throughout the United States. They have marvelous projects, two of whom Mr. Zenner has talked about, are in the immediate vicinity of this project. They're beautiful, they're well designed, they're well built, they're well maintained, and they're well managed. They're a credit to this community. The problem with them is that they are tax-credit projects, and I'll talk about that in a minute. But Mr. Smith and his companies are not some just showing up developer. They are a developer with a long track record and a track record of doing exactly what they say. The problem in Columbia is that we have a void in the housing that is available to our seniors. We're trying to attract seniors and retirees to this community and we've been successful at it. The problem, though, is that for the two projects Mr. Smith has, if your income exceeds a limit, you are not eligible to live there. These people who come here and then people here like myself, for example, that want to downsize, don't want to worry about mowing the yard, maintenance, roof, condominium assessments, and those sorts of things, and who want to live in a high-rate, a high-class rental -- market rental housing development have no place really to go. And so what Mr. Smith and his companies would like to do is to fill a part of that niche and to use this property to do it. They believe that this is a perfect place to put a development of this type. If you look at it, it's infill development, conforms with the newly adopted Columbia Imagine Plan, has available public transportation, all of the available public infrastructure. It has almost within walking distance all of the services that seniors need: A bank, grocery store, and other services that are going to come into this area. When the -- when Boone Hospital completes its clinic at Nifong and Forum, within walking distance, there will be medical services. These people will have the ability to socialize and use the same services that are now available at Gentry Estates and Bethel Ridge and to share transportation services with them. So from the point of view of the Smith Companies, this is a perfect site for this. And I would submit it's a perfect site from the point of view of the City of Columbia. And that this from the point of view of the City of Columbia, which is trying to attract these retirees and older people, that this is a perfect use of this property. Now, we recognize that we are going into a developed area and there are sensitivities of the neighborhood to our south or Bedford Walk. By this, we've tried with this plan to deal with those sensitivities, to provide architectural control, heavy landscaping, deal with traffic needs, and so forth. Now, I think the assumption is that -- can you show those other --

MR. FARNEN: Yeah.

MR. SIMON: I think the assumption is that an area zoned R-1 will be developed for single-family homes and that R-1 zoning will provide for a protection of Bethel -- or I mean of Bedford Walk superior to this particular development. Now, I've had Mr. Kriete prepare a site plan for a church, no

architectural controls, lighting, access onto Baurichter and so forth. Now, Mr. Smith is not going to build a church on this property. I don't want to threaten that this is going to be used for a church if this isn't approved. In fact, Mr. Smith isn't going to buy this property if this zoning isn't approved. Even as a single-family housing development, R-1, if you look at that -- same thing. No architectural controls, very likely in today's market in a heavily traveled intersection like this, smaller lots, smaller homes, and so forth. So we submit that the development that is proposed is at least as consistent with Bedford Walk as what could be there if it is not, in fact, superior. Now, there's been some concern that perhaps that Mr. Smith and these people don't mean what they say, that they may not use this for single-family senior housing, that at some point in time, this may become student housing. Now, the City doesn't have a role in this, but what we have done is to commit that if this rezoning is approved, that we are going to record a declaration of restrictive covenants. It is described briefly with what you have before you. It's been prepared; it has been presented to the neighbors. The guarantee is that it will be recorded, it's enforceable, it cannot be removed from the real estate records. It's enforceable by the Bedford Walk Homes Association.

DR. PURI: Sir, can we wrap up. Six minutes have expired.

MR. SIMON: So what it provides is that this will be used for senior housing. So we would submit again that this is an appropriate development for this area; that we've demonstrated we will do what we say we would do -- or will do; and we would respectfully ask that you approve it. Now, again, if there are questions after the presentations, we would beg that you direct them to us. Thank you.

DR. PURI: Commissioners, any questions of this speaker? Okay. I see none. Mr. Stanton?

MR. SIMON: Yes, sir?

MR. STANTON: Again, some of the opposition to your project, they are concerned with the architectural features of your development. Have you addressed those with the -- as an -- with the -- with the neighborhood association? How do you plan to address that?

MR. SIMON: We've addressed it by showing that -- what the buildings will look like and we've addressed it by including binding architectural standards within the statement of intent. And that describes the types of building materials that have to be used, the percentages, and so forth. So I -- we've done the very best we can do to address those concerns.

MR. STANTON: Thank you.

DR. PURI: Mr. Wheeler?

MR. WHEELER: Just -- I know you've given us a bullet form of this, but is -- in this restrictive covenant that you've offered --

MR. SIMON: Yes, sir.

MR. WHEELER: -- is there an agreement to maintain this landscaped area? Often, we see 80 percent opacity or 100 percent opacity, but there is no agreement to actually maintain that over a period of time.

MR. SIMON: Well, I haven't put that in there, Mr. Wheeler, but that's not to say it can't be included. What we specifically tried to deal with was a huge concern that we were going to end up

with student housing on this development, that all of a sudden these units would be occupied by students, and I guess that's a big concern in this community. It seems like the students get all the high-class apartments. Seniors don't get them.

MR. WHEELER: Thank you.

DR. PURI: Any other questions, Commissioners? Okay. Seeing none. Next?

MS. SWOBODA: Good evening. My name is Monica Swoboda, and I'm an executive vice president at Jeffery Smith Holdings at 206 Peach Way, Columbia, Missouri. And I thank you for the opportunity to speak with you this evening. I've worked for Jeffery Smith Companies for well over 15 years, but prior to that, I worked at a large hospital in St. Louis for over 18 years, and I'm a registered nurse. And the last several years of my work at this hospital I spent as a vice president, and one of my responsibilities was to develop and design our senior housing campus at the hospital. I'm very proud of our mission statement at Jeffery Smith Companies, which is to build, design, manage, and invest in housing that our families would be proud to live in. We've worked with the leaders of Columbia over the last several years to provide much-needed, affordable housing -- senior housing to the city. In Columbia, for instance, we have 371 units of senior housing that are 99-percent occupied. Across the United States, we have about 5,000 units of senior housing that are 97-percent occupied. We've had great success in filling the properties that are Bethel Ridge I, Bethel Ridge II, and Gentry Estates that are all right near the proposed development. And, in fact, those 126 units are 100-percent occupied. And, in fact, they filled -- we filled those properties before we were even 100-percent construction complete. One thing we learned as -- along the way is that one out of every three people, seniors or couples that would come into the property and would go for a tour, we realized that they were not qualified. They were over-income qualified. And imagine their disappointment after they had seen the -- driven up and seen the wonderful exterior, the beautiful landscaping, the interior of the apartments that were very well thought out for them, for seniors, and it was a great disappointment to all of them. That's when we started to think, gosh, we need to do something for the people that have an interest in living in senior housing -- independent housing. I know we all have read many of the statistics about the booming population for seniors, and in the United States, the population of age 65 and over was 3.9 million in 2009. That's 12 percent of the population or one out of every eight Americans in 2009. By 2030, there will be 72 million people over the age of 65 or 22 percent of the population. Missouri is even more staggering in that in 2030, about 60 percent or 60 -- age 60 and over will be 25 percent of the population. So we conduct a lot of focus groups and we found that the people -- and we did, like, three full days of focus groups, talking to seniors, finding out what they wanted, what they liked and --

DR. PURI: You need to wrap up because three minutes has already passed.

MS. SWOBODA: Okay. Needless to say, everything -- what we heard is exactly what we are proposing and what we've put our plans together for this property. So I thank you for your time and I look forward to your support of this development.

DR. PURI: Commissioners, any questions of this speaker? I see none. Thank you. Next?

MR. FARNEN: Thank you. My name is Mark Farnen, Strategist Communications, 103 East Brandon here in Columbia. I have worked with Jeff Smith's Companies on this particular project primarily from the point of view of outreach with neighbors and meeting with community leaders and trying to facilitate some of -- some of that process. We have had four meetings with neighbors, and this will go some to your question, Commissioner Stanton, about what we have done to address concerns that neighbors have expressed during the course of those four meetings. First was held just with the executive committee of the Bedford Walk Neighborhood Association. The next was with them -- with the entire group or the entire group was invited. The second was a public information hearing that was held here, at which time several questions were raised about lighting, about landscaping, about what -- what are we going to see from our house, and those sort of things. So we called yet another meeting, went back, had that on Tuesday night, hosted it at Gentry Estates, which is a building that looks very similar to what we would intend to build here so that people could see what it looked like at night for lighting, what it looked like inside, the quality of materials, and just how it would operate in those regards. Here's what we found, and these are the things -- we think that this has been not a take-it-or-leave-it deal. We think this is more give-and-take. And these are the things that we have been able to come to agreement on in many regards. The storm water was the first question that we got at the very first meeting we had, and it will be underground. It won't be visible. It will meet all the standards and -- and it will be very similar in nature to what was done across the street, which has proved to be effective. Lighting will be primarily residential in nature, shielded, short poles, 12 feet in most instances. If you go to the buildings that are across the street and currently constructed, at night it still looks -- it does not look like the Dairy Queen. It's -- it's soft light, it's down, it is dark, but it's adequate for our needs, and it does not seem to impinge unnecessarily on the surrounding neighborhoods. We were asked about screening and -- and Dan mentioned that they didn't -- nobody wanted an opaque fence, a big white fence like what divides Gentry School from Gentry Estates. So we said, What would you prefer? And they said, Well, put trees in there and put a lot of them. We said we'd like to put a little park here, and they said, No. Put trees there and put more. So we did. And they wanted a mix of deciduous and evergreen. We said we'll do that and we'll do them bigger than we're required by current rules that the City has in place -- three inches instead of two-inch caliper on the deciduous trees, six feet on the others. I am going to switch through here really quickly and answer Mr. Stanton's question about design. We have had a lot of those questions. This is what we have brought to them and showed. You can see that the different elevations on the outbuildings have evolved over time and we're still getting there. We think that we're just about there. Here's what the Bedford Walk Neighborhood Association has said about our efforts. We got this email at about 3:00 today. "Bedford Walk Homeowners' Association feels the proposed rezoning is appropriate for that location, although some owners prefer the area remain zoned R-1. The J.E. Smith Companies have met with neighbors a few times, have been very responsive to concerns voiced by homeowners in Bedford Walk that have more to do with final design than zoning issues. We sincerely appreciate the efforts of J.E. Smith Companies to seek out the homeowners,

hear their opinions, and respond to their input.” That's their words. And thank you very much. We're available for questions.

DR. PURI: Any questions, Commissioners, of this speaker? Ms. Loe?

MS. LOE: I have a -- I'm not sure who's the best team member to ask this, but this property is eight acres, approximately?

MR. FARNEN: Yes.

MS. LOE: And you're proposing 90 units?

MR. FARNEN: Yes.

MS. LOE: So this would actually work with a PUD-12.

MR. FARNEN: It could work with a lower PUD, but part of the request was, we didn't know how the layout was going to go. When we started on this, the outbuildings were six-plexes. Those were reduced in size at the request of neighbors and suggestion of City staff. Those became fours instead of sixes. And so each time that we amended the plan, we didn't want to go back and amend the old plan. So that's the maximum authority that we would have on here, but this is the plan that we have designed. There is also the way that we count units in the main building. The final mix of -- the final mix is -- we believe is going to be 52. But if we increase the number of one-bedroom apartments in there, which you would have space for one -- more one-bedroom apartments than two-bedroom apartments. If we increase that number -- if we -- if we made more one-bedroom apartments, we would have a higher number on the same footprint. And so we had to have the wiggle room to be able to put the correct number of one-bedroom and two-bedroom splits in there, go from six to four on the outbuildings, and come within what would be a reasonable PUD designation. So we're under -- we're under our number -- you're right. But PUD-14 is where we wanted to shoot to make sure that we could accommodate counting rather than space.

MS. LOE: So what's your mix of one- and two-bedrooms?

MR. FARNEN: I need to -- that -- about half and half right now.

MS. LOE: All right.

MR. FARNEN: Thank you.

DR. PURI: Mr. Wheeler has a question for you, sir.

MR. WHEELER: And maybe this is better for someone else. But, essentially, what I heard there was your footprint is going to remain the same regardless of the bedroom count in a three-story building. Correct?

MR. FARNEN: That's basically correct. That's right.

MR. WHEELER: And you have nine four-plexes. Correct?

MR. FARNEN: Yes. That's right.

MR. WHEELER: And this is the -- this is the PUD plan we're being shown, and so you couldn't deviate from that, although the bedroom count -- or the unit count could change with the --

MR. FARNEN: Unit count would be different if within that same footprint they would change the mix of one- and two-bedroom apartments, yes.

MR. WHEELER: I just wanted to make sure I heard that correctly. Thank you.

MR. FARNEN: You did. Thank you.

DR. PURI: Next?

MR. KRIETE: Good evening. I'm Matthew Kriete; I'm with Engineering Surveys and Services, offices at 1113 Fay Street. I am the civil engineer on this project. And I'm here to address some of the technical questions and a few items I want to hit, as well. As we go through this, I wanted to play a slide show, which I think will work through my three-minute period. I'm going to show some 3-D models of the -- of the development. I think this will help to address some of your questions, Ms. Loe. First off, storm water. First off, I'm here to address any questions you have. It is underground. It is kind of out of sight, but it will meet the regulations. So anything else, you know, feel free to ask me. In terms of traffic, we're talking about 90 units. It seems like a lot, but with seniors, they often do not travel at the same time that the rest of us do. So in reality, this is a very low traffic count, less than 32 single-family homes, less than a church would be, and if you added a day care to that church, it would be four times what this development would have. So even in terms of the intensity of this development by rezoning to PUD from an R-1, the traffic requirements come down. With the improvements, though, we did do a traffic study. We looked at long term, what's it going to be in, you know, 20 years. We looked at what kind of right-of-ways would be needed. And I've actually given more right-of-way at the intersection than was required by code. In the end we found we didn't need as much towards the west. And that includes both Nifong and Bethel. Bethel also was given more right-of-way than needed. Accommodate a second left-turn lane, more than the traffic study required. A dedicated right-turn lane, more than required. All of this will help with cycle timing -- really help all the residents in the area once the improvements are done. But with this development, what we have is three driveways: A right-in/right-out on Nifong, so only right turns in, only right turns out. There's no left turns. Same thing on Bethel on the northernmost driveway. We're concerned about conflicts with the other driveways in the area, so it's only right-in/right-out. The last driveway will be full access and with that, in addition again to the traffic-study requirements, we will provide a dedicated left-turn lane into that development. Traffic that is waiting can turn out into that pocket and allow the surrounding traffic just to flow, especially during school hours. But with those improvements, that's -- that's the improvements that are provided for this plan. The rest of it is future, but the right-of-way will be there and what we hope is access to what you'll need. In terms of architectural requirements, we have set some requirements on building materials. The intent is not to have a cookie-cutter building. I don't want that to all be interpreted that way. But that there -- while the buildings may all be kind of similar footprints, there will be a little different style to each one and working within those parameters that we can. The point is we're going to have some varying materials. It's not going to be -- and it's not going to be vinyl siding. We're talking about fiber cement siding, brick, and stone. These are high-quality materials, low-maintenance materials. I think they're going to look great long term on this property. And in terms of the height, if you've had a chance as -- cycle three, you may have seen a picture from the corner of Nifong and Bethel, and you'll see the four-story elevation through there. What this

picture that you're seeing doesn't represent is the -- is the landscaping. It is very loose just to provide a better picture of the building. It will be denser along Baurichter, and what's on Nifong and Bethel right now will remain in place, so that will help break up the -- the view of that from the intersection. The concern is future road improvements will probably take out some more of those trees, but we're going to save as many of them as we can throughout the development.

DR. PURI: Mr. Kriete, can you wrap up?

MR. KRIETE: And I think my time is wrapped up. I will be happy to answer any questions if you have them.

DR. PURI: Commissioners, any questions of the engineer? Ms. Loe?

MS. LOE: So back to my question to Mr. Zenner.

MR. KRIETE: Yes.

MS. LOE: Height elevation.

MR. KRIETE: Oh. Height elevation.

MS. LOE: It appears to me, just because of how it's phrased, that you're actually amending the City height amended for PUD which is 45 feet --

MR. KRIETE: And I --

MS. LOE: -- from the curb.

MR. KRIETE: And I can understand that confusion. The way that it is measured does allow us to kind of go to the highest point. So, in fact, we're probably starting at a point above that walkout anyways. And we -- if you measure it, we likely won't even get to 45 feet.

MS. LOE: So I can strike --

MR. KRIETE: What I didn't want was anything like we were -- we were slipping anything in, and that's, in fact, a four-story building at some elevations. I wanted that to be clear, despite the fact we probably, by ordinance, didn't have to say it to meet them. And I don't know if that helps.

MS. LOE: So can we strike the "and walkout basement" because I do find as if you're -- that reads as if you're taking the 45 feet from the top of the walkout basement, and that's not how City ordinance describes building height.

MR. KRIETE: Well, in fact, you're correct. While it will effectively -- I think that's exactly what's going to happen, but it is measured technically from another point.

MS. LOE: Correct.

MR. KRIETE: You know, I did it as a sake of not having confusion, not having, you know, in the future here, when everybody else has kind of forgotten about these conversations, they'll go, oh, yeah, that walkout, that was allowed.

MS. LOE: Well, I mean, it's --

MR. KRIETE: And so I'm hesitant to strike it. I --

MS. LOE: It's nothing limiting the number of stories.

MR. KRIETE: Yeah.

MS. LOE: That's building code.

MR. KRIETE: Correct.

MS. LOE: Based on your type of construction.

MR. KRIETE: Uh-huh. Well, one thing I want to highlight is with -- with the building, you know, there isn't -- is a desire to have a taller first story, to have something that has a higher ceiling, much like this building, so you don't have that confined feeling, and having more of a grand entry, which is going to push some of these floor-to-ceiling heights a little higher than they might otherwise be. I think you might even see a little bit on the basement having the same thing, just to keep that confined space from not looking so dark, you know. You might have a little -- little higher floor-to-ceiling height.

MS. LOE: Well, I think this is for your clarification, as well.

MR. KRIETE: Yeah.

MS. LOE: Because if I understood Mr. Zenner correctly, we are taking the building height from the curb to the roof -- wherever on the roofline depending on the type of roof you have.

MR. KRIETE: Uh-huh.

MR. ZENNER: From the highest curb.

MS. LOE: From the highest curb, 45 feet.

MR. KRIETE: Yeah. I'm afraid I'm getting into your question about -- about a legal question in the ordinance, honestly. From my understanding of the ordinance, we can measure it from Bethel, which is much higher than even the first floor of this building.

MS. LOE: I -- I understand. I'm just --

MR. KRIETE: And I don't mean -- I don't mean -- I'm not trying to slip anything by. In fact, I was trying not to slip something by by putting that in the -- in the statement of intent.

MS. LOE: I just don't -- like I said, I felt as if you were amending the language in the ordinance by constructing it -- by stating it that way, and I just want to clarify that we're not doing that.

MR. KRIETE: And I don't know if I can offer a question of Staff, but is -- is there any feeling from staff level that's -- that's what's happening or would we be in any way harmed by not having that language in the statement of intent while still showing what we've got here?

MR. ZENNER: Again, I'm having a little bit of difficulty. Are you concerned about the walkout being included in the height of the building or are you not wanting 45 feet as the maximum height from the highest curb elevation adjacent to the property, because --

MS. LOE: My concern is that based on how it's stated -- I need to find it again. But it reads as if the 45 feet is being taken above the walkout basement.

MR. ZENNER: And that would be correct, it would be. The way that this is read, it's Section 3 of the proposed statement of intent, maximum proposed building height, 3.1(a). The maximum building height of buildings with more than ten units shall be 45 feet plus an additional story for a walkout. Forty-five feet is what the building maximum building height is within a PUD, and that is exclusive of a basement. We do not include the height of a basement if it's walkout. That's why the way that the definition of height is written is you can take it from the highest adjacent curb. So if your basement is ten feet below the highest curb, it doesn't count. Your -- your basement elevation doesn't

count, it's the height above that elevation of the highest curb, and you have a maximum of, in standard zoning classification, 35 feet.

MS. LOE: And if the top of your basement is ten feet above the highest curb?

MR. ZENNER: If your -- I mean, if your -- yeah. At that point, your basement, at that point, would be counted as part of the 45 feet.

MR. KRIETE: Uh-huh.

MS. LOE: And that's where I'm -- that's where I'm reading the confusion.

MR. KRIETE: I think I see where you're coming from. You know, let's say the -- well, we've given you a grading plan within the PUD. I think that does fix this to a point. And I can't imagine all of a sudden we're going to be able to raise the site ten feet. We won't get driveways.

MR. ZENNER: You're dropping the site, though. Correct?

MR. KRIETE: On the corner there, it actually is coming up, but, mostly, it's being dropped. As you can see from the rendering, I mean, it's quite a transition from Baurichter. There's a lot of fall across this site. And we are working the best we can to try to step within the natural grades of the site and work into the natural environment as much as we can.

MS. LOE: My concern is I'm very sensitive to changing a zoning near an R-1 property. Those are people's biggest investments. They're there for their lives, and they've bought those properties knowing that there's an R-1 next to them. I consider this a significant change and I'm sensitive as to a change in height limit.

MR. KRIETE: Yeah.

MS. LOE: I do happen to think that the use is okay because it's being capped as senior.

MR. KRIETE: Uh-huh. Yeah.

MS. LOE: But I -- that's why I'm bringing up the height limit.

MR. KRIETE: Yeah. Yeah. And it's at the -- to discuss this technical matter here, I never even saw it as something that would ever be brought up, to be honest.

MR. SIMON: I don't see why you can't describe it, because you can't change the ordinance by this anyway.

MR. KRIETE: I think I --

MR. SIMON: The maximum building height is 45 feet.

MR. KRIETE: Legal advice. Thank you.

MS. LOE: Thank you. And I was just confirming you weren't asking for a waiver from the ordinance.

MR. KRIETE: No. No. It was definitely not a waiver. It was just clarity.

MR. SIMON: No. We can't change the ordinance.

DR. PURI: Mr. Simon, you'll have to speak in the mic if you want to address --

MR. SIMON: Yeah. There was no attempt here to amend any ordinance. It's however it has to legally be measured to determine building height, that's how it will be measured. The maximum building height legally measured, as Mr. Zenner has described, it will be 45 feet. Forget this stuff

about the basement.

MS. LOE: Thank you.

DR. PURI: So, Mr. Kriete, is it okay to strike that basement and just 45 feet according to the ordinance; right?

MR. KRIETE: Yes.

DR. PURI: Are you okay with that?

MR. KRIETE: Well, that's -- I'm much better with that with the legal opinion on the --

DR. PURI: Okay. All right. Mr. Reichlin, you had some questions. Does that --

MR. REICHLIN: I was just kind of curious. Is there a use plan for the basement area?

Obviously, it has to be there.

MR. KRIETE: It is going to be living units.

MR. REICHLIN: Oh, it's going to be --

MR. KRIETE: Yes. There will be common space in there, as well. The core -- the core of this building will have a pretty intense common space in there, as well, for all the residents to use.

DR. PURI: Mr. Wheeler, you had a question, too?

MR. WHEELER: No. I was just wondering if Ms. Loe's concern was that we were, somehow by allowing this, we would change our -- our ordinances, so --

DR. PURI: That was answered.

MR. WHEELER: -- I guess I was agreeing with Mr. Simon.

DR. PURI: Okay.

MR. WHEELER: His edification and idea on that.

DR. PURI: We're all in agreement. All right.

MR. KRIETE: Okay. And I apologize for any confusion I created with that.

DR. PURI: All right. Any other questions, Ms. Loe?

MS. LOE: I just wanted to confirm that the north driveway on Bethel was right-in/right-out only.

MR. KRIETE: The north driveway on Bethel is right-in/right-out only; that is correct. The south will be full access.

DR. PURI: Mr. Wheeler?

MR. WHEELER: Is there any reason that you can't get into this conservation area and augment that -- the trees that are there? And the only reason I ask that is some of these are -- in some places, this screening may be a little sparse.

MR. KRIETE: Well, let's start on the west end. It's actually -- it is a lot of deciduous trees, so right now, it's fairly sparse. Most of the months of the year, it's pretty thick and you're not going to see much through there. The residents have had that buffer there for years. We wanted to maintain that as much as we could. I don't think the conservation easement would prevent us from augmenting it with more trees by any means that I'm aware of. But speaking -- probably the one of concern is the one towards the southern -- southeast portion of the property is relatively thin. There's a --

MR. WHEELER: Actually, I was thinking southwest portion. It looks like you've done a pretty

good job along the southern boundary and what I would consider the southeast corner of your property, but it doesn't look like we've added much at all on the western boundary against the four adjacent homes that actually back to it, so --

MR. KRIETE: And that -- and that's mainly because of how thick and dense the current buffer is there today. It is a little light as you get towards the southern end of that, and I think that area will be augmented. As they come around the corner and that lot is kind of caddy-corner there, but kind of say from the north to the west side of that boundary of that lot, there will be additional landscaping. That really becomes a buffer that's also along Baurichter.

MR. WHEELER: Thank you.

DR. PURI: Any other questions of this speaker, Commissioners? I see none. Thank you, Mr. Kriete.

MR. KRIETE: Thank you.

DR. PURI: Anybody else wishing to speak on this matter? I see no one. Go ahead. Approach the podium. Please state your name and your address.

MR. KURUKULASURIYA: I am Damascene Kurukulasuriya. I am a resident of 501 Sudbury. And I have looked very clearly and closely into this proposed development. I think the intent of it seems to be appropriate use. And, again, I'm saying this as a geriatrician consultant in medicine for a city that is espousing the cause of seniors and, you know, growing the city as a senior-friendly city. So I think it very well fits with the needs and aspirations of the city and its people, and this development, I don't see that -- it causing any constraints for quiet enjoyment of what we do as Bedford Walk and also as -- I use the term in the sense that -- of mainly the people like me who at least -- (inaudible) -- that road that is -- runs in the south part of this development. I don't see any particularly compelling reason to oppose this purely, otherwise except from the ground of pure aesthetics. And I think that's not a good reason to deny about 200 seniors the opportunity to live and enjoy their twilight years in a very nice good neighborhood like this is. So I think -- and, in addition, the developers have gone well beyond the extra mile to do all -- take good consideration of the -- that list that I saw that was brought up to their attention. And I think the proposed -- their remedies for them are pretty acceptable within reasonable means, and I think they have gone far beyond to appease the people who have issues on this matter. So I request you will, in the interest of Columbia as an elder-friendly city and also a good opportunity for 200 seniors to approve this development. Thank you.

DR. PURI: Commissioners, any questions of this speaker? Seeing none. Anybody else wishing to speak on this matter?

MS. BURKS: Good evening. My name is Elizabeth Burks, and my address is 4204 Baurichter Drive. As a resident of the Bedford Walk neighborhood, I would, I guess, first state that everybody here has been very accommodating in a sense, meeting with us. I will say that I've heard often that we have met several times, and as a resident, not a member of the board, I've had the opportunity to have two meetings that they generously hosted. I know this is a meeting for planning and zoning. Ideally, is this what I would like to see three doors down from my home? Absolutely not. But I am

willing to work with them just as they state they are willing to work with us. And at our meeting last night, I think our biggest concern -- if you guys wouldn't mind putting the pictures back up. We're not as concerned at the architectural look of the front of the building as much as the back of the building because this is what we will see. There has been some variances from their initial proposal, but, as they state, they're going to be down some and their changes were more of architectural changes to the lower part. And so last night there were suggestions how can you make these four-plexes not look like, in a sense, barracks from the back, which would -- we would be seeing, more as a residential look so they will blend with our neighborhood. So there was discussion of putting different pitches in the rooflines to break up the long -- and, I guess, my -- my concern is, it was verbally discussed last night, but before I ever would put my stamp on this, I would want it either in a drawing or in written form or whatever. I don't -- I'm very unfamiliar with this process, so I don't know how what was discussed last night will be implemented, and if that's what they say, that's what they have to do. Thank you very much for your time.

MR. TILLOTSON: I just had a real quick question.

DR. PURI: There's a question up here, Ms. Burks.

MR. TILLOTSON: I just understood -- misunderstood at the beginning. Did you say the president of the association?

MS. BURKS: No. I am just a resident. I am not --

MR. TILLOTSON: Thank you.

MS. BURKS: -- a member of the board of the association, so --

MR. TILLOTSON: Thank you.

DR. PURI: Any other questions, Commissioners? Mr. Stanton?

MS. BURKS: Yes, sir.

MR. STANTON: How close are you to being happy with this? Is it how -- I mean --

MS. BURKS: As I say, you know, ideally, you know, I'd love to see homes there, but then I've been told the way the zoning is, cookie-cutter homes could be put in there. A church, we've got a church at the other intersection of Bethel, and I walk my dogs by there every day. They've got a very small parking lot. They've got a lot of green space. They don't have a day care. I understand there is a need for residential housing for senior citizens, but, honestly, my personal feeling is who they're referring to. I see having -- we're talking about 800 square feet to 1,000 square feet units. As a senior citizen who is downsizing, you're going to have no storage. You're going to have a one-car garage and no off-street parking. So if you have guests or family come, they're going to have to go park in the overflow parking lot of the apartment unit. So I see a lot of -- a lot of problems with the design of the community, but in a sense, that will be their problem. If -- I think if they took care of the -- what we will be seeing, I think it would make a lot of residents more comfortable, but think about it. As the gentleman who first spoke said, you know, families or seniors downsizing, 800 square feet isn't much or a one-car garage if you're -- still have a spouse. To me, senior citizens are 60 years old. That's all.

DR. PURI: Thank you.

MS. BURKS: Thank you very much.

DR. PURI: Anybody else wishing to speak on this matter?

MR. MAGSAMEN: Hi. My name is Ron Magsamen. I live at 4200 Baurichter or right next to the development. And I think our major concern is that the backsides, which is going to be our view. Granted they're going to be dropped ten foot in the ground, so all we'll probably see are the roofs. We hope that is somewhat attractive to the rest of the subdivision. And as far as the downsizing issue, I'm 72 years old. I live in -- right next door to the development. I have a 4,000-square-foot house. God, I'd hate to live in 1,000 square foot. Downsize is not bad, but I'd like a piece of furniture or something with me. But other than that -- I'm sorry. I just feel like Custer up here. They've got -- they're well organized, well defined. They do everything great. They've done a great job every place else, but that's not the issue. My issue is they're moving four-plexes into our subdivision, and I just -- make them look pretty. Like Liz Burk said, last night when we met, the architect said that they will make all the back of them look nice. I hope they do what they say. It might be pretty okay, but we don't know if that's what's going to happen.

DR. PURI: Commissioners, any questions of this speaker? Is there anybody else wishing to speak on the matter? Okay. I see no one. Mr. Simon, I have a question for you.

MR. SIMON: Yes, sir.

DR. PURI: They're talking about all these meetings last night with the, you know, discussion with the architect, and did you guys come up with anything that -- with roof pitches as were mentioned by different speakers that you can do to those four-plexes?

MR. SIMON: First of all, I wasn't -- I wasn't at the meeting. Okay.

DR. PURI: Okay. Whoever was there, if you could address.

MR. FARNEN: We have. Even since Tuesday -- and that's one of the reasons that I included this slide earlier was we have built three of the large buildings here in this town so far, and so we pretty much had a good sense of what that will look like as the finished product. So what you see in that top picture is what we brought to the very first meeting. And we said we -- we can -- we can give you a good sense of what you're going to see and we can specify the materials, and if we put all those materials together, that's about what it's going to look like. Then they said what would the -- what would those smaller outbuildings look like? And, at first, we were talking six -- six units in a building, but then they asked -- let's go down in scale a little bit, so we started drawing at that point. That's what the second picture is. The second picture, we didn't know what the finish would be, what the pitch would be exactly, how we were going to arrange the garages, but we brought that to the second meeting so we could say, What about this? And everybody said, You're on the right track. At the third meeting, we brought the third picture, and we had been able to develop a sense of using the parameters of stone, brick, board, and then throwing in a little bit of scale and maybe just a hint of landscaping, we could show what that might look like, and that's from the front. And they said, We're not going to be looking at the front, we're going to be looking at the back. Can you do that? So we

started again with that same kind of a pencil drawing and it looked pretty bleak. And if you looked at -- if you recall looking at the 3-D animation that was in here, those -- those houses that are in that 3-D animation have the right roof pitch, but they don't show a finish on the buildings and they do look a little bit bleak here and there, but it's -- for animation, we just needed put -- these are place holders, these are boxes, this is how much space it will do. By 3:00 this afternoon, we had that meeting -- our last meeting on Tuesday night. By 3:00 this afternoon, I received that lowest picture. That lowest picture is our latest effort at the back of the building that looks enhanced over what we were even able to be able to show on Tuesday night with the same kind of a mix of materials that we had already included in our statement of intent. We're just getting there. If this -- this is the part of the process that evolves the most, and it seems to be the part of the process that concerns the neighbors most -- what am I going to be seeing? And that's how this has gone.

DR. PURI: The subdivision has architectural covenant -- you know, where they live, Bedford Walk, it has architectural covenants. Did you guys explore that -- those architectural covenants would be the same that you would apply to these four-plexes there as far as roof pitch and material of construction?

MR. FARNEN: It exceeds -- it exceeds them in some regards and it -- and it does incorporate architectural -- it includes -- in this version, it includes architectural uses that -- that exceed the backside of many houses in that subdivision. Roof pitch --

DR. PURI: My concern is, did you satisfy the residents with that? That's -- that's my question.

MR. FARNEN: I think we can get there. I think we can get there, and we keep trying to keep -- we keep moving that way. In fact, that front -- that third picture looks a little bit -- it looks so much better when you see it that way rather than just the -- the line drawing that is the second picture in it. It's just that this -- this is a new concept. It started at six, it went to four, and we kept drawing. And I -- I think we're getting there. Liz, did -- oh. I can't do that. I think that -- I think that the people who are here tonight would tell you that that fourth picture looks better than what they saw on Tuesday night, and that that's already an improvement.

DR. PURI: Okay. And the other question is that Ms. Loe, you know, alluded to the fact of going with PUD-12. Are you willing to do that? Mr. Kriete, please feel free.

MR. KRIETE: One thing I do want to highlight is, as this project has evolved, the actual area of the property is changing itself. Right-of-way dedication is going to eat up, I believe, something in the range of about four-tenths of an acre. Certainly, the math is still exceeding it. But to go to a PUD-12 at this point, I think, we would now be short of 90 units if we were to do so. So I want to be cautious. You know, again, the intent is to allow some flexibility in changing from one- and two-bedroom units while staying within the general conformance, so maybe we have, in the end, 95 units with the general footprint. I hope that helps clarify things. I just want to be cautious with this.

DR. PURI: Then is that a no, or you need to have PUD-14? I mean, is this a deal breaker?

MR. STANTON: Tell us what you need.

DR. PURI: Can you go with PUD-12, because Ms. Loe --

MR. KRIETE: With PUD-12, no. That's -- that's the main thing I want to highlight. Going that low could be a problem. To go to -- well, you'll all see, I'm an engineer, I need my calculator.

DR. PURI: While you engineer that calculator, let me ask Ms. Burks. Ms. Burks, can you come back to the podium there?

MR. KRIETE: Yes.

DR. PURI: Did you get a chance to look at that picture they presented last night?

MS. BURKS: Presented last night. This is the first I've seen this, and it was kind of hard for me to see.

DR. PURI: How do you feel about that picture since --

MS. BURKS: It's an improvement. I think there was quite a bit more discussed last night that -- neighbors who aren't present tonight. They talked about more pitches, you know. I don't know. It's difficult to say. It is an improvement, yes.

DR. PURI: Okay. And they seem to think that these -- what they have proposed exceeds the Bedford Walk covenants?

MS. BURKS: I would say, in general, probably yes.

DR. PURI: Okay.

MS. BURKS: And I -- I don't think that -- I mean, we've all seen the apartment buildings or -- across the street from us and stuff like that, and they are done lovely. There's no doubt about it, So as I say, I think the biggest concern is barrack looking from the rear, from what we would be seeing.

DR. PURI: Okay. But you're sort of in the right approach here on this last picture? You're okay with it?

MS. BURKS: It is an improvement. They're -- you know, I would say -- I would assume some of my neighbors who are also architects would probably even like to see a little bit more. Anything to break up the roof because, evidently, that's what we're going to see more than anything.

DR. PURI: Okay.

MS. BURKS: As far as I understand with it, the buildings being so much lower than the street level, that -- so --

DR. PURI: Okay. Thank you.

MS. BURKS: Thank you very much.

DR. PURI: Sir, you had something to say? Mr. Stanton, you had a question of Ms. Burks?

MR. STANTON: Well, yeah. Ms. Burks, or anybody from the neighborhood association, what do you -- I mean, he's -- he's --

MR. MAGSAMEN: I was just going to tell you how it's changed --

MR. STANTON: -- and you know better than him. How close are we to being a happy win-win? I'm looking at --

MR. MAGSAMEN: They're a lot -- they're a lot closer than they were last night because I spent a lot of time with the architect last night, and at last night's picture, it was that much stone on the bottom and everything else was Hardie board. He talked to me about -- and I hadn't really seen this

picture till we just saw it now, because he said, Well, since it's going to be so low, he said, Possibly what we could do is put Hardie board on the bottom of it and then on the gables put stone and stuff like that. And he said on top of that, to break up the roofline even more than the gables, he said we could probably put one or two fake dormers up there, as well. And so that's where it was left last night. So no, it has improved over our conversation last night, but still where the stone goes up to there, we're not going to see that. So that's the reason he said last night, we probably ought to start the stone there and go up into the gables with the storm.

MR. STANTON: So some dormers, louvers?

MR. MAGSAMEN: Yeah. Yeah. That's --

MR. STANTON: We're -- we're -- we're close. I'm trying to -- I don't want a penny to stop a dollar, is where I'm coming --

MR. MAGSAMEN: And Mike said last night, that's what he was going to try to do.

MR. FARNEN: Right. And we did -- since --

MR. MAGSAMEN: You're -- you're getting there.

MR. FARNEN: I know.

MR. MAGSAMEN: They're getting there, and that's -- the reason we're so leery about saying, yeah, we're going to buy into this --

MR. STANTON: You don't have a guarantee.

MR. MAGSAMEN: -- that picture could change when they start building it.

MR. STANTON: As they get --

MR. MAGSAMEN: We don't know what it's going to look like.

MR. STANTON: Right.

MR. MAGSAMEN: So we need to get something really -- well, this is what it's going to look like because they said, Well, it probably looks better than the back of most of the houses out there. It probably does because most of our houses face the street. None of these face the street. That's probably the big difference. But, no, we -- the -- the main building is not our big concern. But if you'll notice, all the main buildings there on the Jeff Smith campus -- which probably will have a street name change one of these days -- they're finished on all four sides. So, I mean, they must like it when they go around to see what it all looks like. So we like it on all four sides, too, and that's what we see. So I think it's getting there. I really do. It's getting there.

DR. PURI: Thank you.

MR. MAGSAMEN: Okay.

DR. PURI: Mr. Kriete, do you want to -- PUD-12, going to work? Not work?

MR. ZENNER: If I may before, Matt, you speak. As it relates to the density -- and I will, as a point of clarification, so Mr. Kriete and his development team don't feel like they're being thrown under the bus. As a point of clarification, the City Staff does not support specifically pigeon-holing projects into a defined or very narrow one, use list, or, two, narrow definition of total units. There is always an opportunity, as we have found historically, that projects in the construction phase have a tendency to

change. As with any planned district, you have what is referred to as a major and a minor revision. The purposes behind allowing additional capacity within planned projects is to assure that the general concept of land use intensities are defined through the public process such as this, but minor changes, which generally account for changes in unit mixtures, are handled at the administrative level. Therefore, densities often do not match up with site plans and maximums as defined within a statement of intent as is in this instance. If, for example, based on road right-of-way dedications, which we do not know the full impact at this point of how much acreage they will remove from this property, but just for the sake of argument, we indicate that it will take nine-tenths of an acre, which takes a 7.99 acre tract down to, roughly, seven acres, if you do a PUD-13, a PUD-13 is 91 total units. If you do a PUD-13 and a half, it gives them roughly 95. What I would suggest we look at versus the total -- the PUD number is we need to determine what is the total number of units that may be needed. There was 106 as defined within this statement of intent. If 106 yields 14, if we chose a different number, let's just say 100, you have a different PUD density, and that PUD density gets it back down to the reasonable level potentially of what Ms. Loe is suggesting needs to be there. It also provides the applicant the opportunity to then have some flexibility based on the one- and the two-bedroom units. And I throw that out as an opportunity for a little bit of discussion. Instead of focusing on the number -- the PUD number, let's focus on the density, the total number of units in the project. You have 36 units in these nine four-plex buildings, so we're focusing now on the three-story multifamily building. How many units do you want in that ultimately because that's really what's going to happen. If they change their bedroom mix, the 54 units that's shown on this plan no longer is 54 units, it's a different number of units and those are the extra units that you're providing for within the statement of intent.

DR. PURI: Ms. Loe, go ahead.

MS. LOE: Follow-up question. Part of my original question came out of the fact that there did seem to be a 20 percent discrepancy between what we were being presented with, a 90-unit plan, and what you are being -- asked us to approve, which made me wonder how much flexibility was required and would we be seeing change-- how much could this change? So I guess that's my follow-up question. I mean, can we see -- can this mutate into two three-story buildings and still give us this many units?

MR. ZENNER: No, it could not. The site plan -- and that's part of the benefit of a planned district process with the plan being presented when you are considering entitling the property, which is what we're doing today. We're looking at entitling it with this other uses and restrictions or limitations, plus you're seeing the site plan. If both of these are approved by City Council, this site plan as defined with this building layout, the square footage associated with it, the footprint of everything that we see today does not change. If it changes, if you want to sever that building in half or go try to build a second three-story building on this property, it comes back before this full public process all over again because it is what is constituting a major change.

MS. LOE: Or go back to six-plexes or --

MR. ZENNER: Or -- yeah. Or go back to six-plexes or do something else. So anything that deviates from what we are seeing here, a three-story building with a walkout or the nine four-plex buildings would require a major revision most likely. If we change driveway locations, if we change the orientation of buildings on the site, all of that falls under the criteria of a major amendment, which then it starts the whole process all over. And that's one reason why I say focus on the total number of units, and I think that that's a question as it relates to how many units do we think may go from twos to ones, and is -- you have right now, if I heard correctly, half of this 54 units that are defined on this plan are two-bedroom and half of them are ones, that's 27 of each. So are we thinking that we may end up with 35 one-bedrooms and 27 two-bedrooms within that same footprint? That's the question, I guess, I would -- I would ask you to maybe focus the attention on, because if we get through the units, then I can define the density real easily.

DR. PURI: I think -- Mr. Zenner, thank you for the education, but the whole issue here was just to see what the flexibility was on that. And, originally, when the applicant came, they said they came with six-plexes, so then they decreased them to four-plexes based on the, you know, residents discussion, so I think that's what sparked this, not to go from 14 to 13 and a half or, you know, so on. But, Mr. Kriete, what do you have?

MR. KRIETE: The impact from six-plexes to four-plexes was, I believe four units. It wasn't drastic. And in that time, we lost a lot of -- potentially, have lost a lot of right-of-way. Between the loss of right-of-way and the flexibility our client desires -- a PUD-14 is what we need.

DR. PURI: Okay.

MR. KRIETE: We're going to be in the 100-unit -- could be in the 100-unitish range. That may be allowed depending on how much right-of-way is given. I mean, we may actually be a little short of that, may have a couple extra. It's -- it's just hard to see at this point. We'd really like to see that flexibility because of that unknown.

DR. PURI: Okay. All right. Thank you. Any other questions? Mr. Lee?

MR. LEE: Yeah. Either I missed it or it's not in there, but what is -- what is the actual size. I heard Ms. Burks say 800 square feet, I thought. What is the actual size of each unit in the four-plex?

MR. KRIETE: At this point we don't know. I mean, they're going -- they're going to vary, and that -- that's part of the flexibility we look for, as well. Final architectural plans are not complete. And, you know, I don't know if I can really even give a range, but they will vary.

MS. LOE: How big are the footprints you're showing?

MR. KRIETE: They're approximately 4,000 square foot without the garages included.

MS. LOE: Okay. So approximately 1,000 square feet.

DR. PURI: Thank you, Mr. Kriete.

MR. KRIETE: Thank you.

DR. PURI: Anybody else wishing to speak on the matter?

MS. JAMES: My name is Jennifer James, and I live at 605 Sudbury, and I am the president of the homeowners' association for Bedford Walk. And I have participated in all of the meetings with Jeff

Smith's folks from the very beginning of this. In fact, I participated in meetings with another company that tried to build something similar on this spot before Jeff Smith's group was even available. And I'd like to say -- I'm reiterating kind of what you got in our email, and that is that there are still some folks with some concerns, and I think that's natural. And the folks with the most concerns are the folks that live the closest to where this is being built. I think we have seen a lot of cooperation and a lot of give and take from Jeff Smith's team. I think we've come a long way toward making things better. I think what it boils down to and I think what would make everyone feel better is that our folks that live closer to this want a guarantee that what they're hearing as flexibility from the team architecturally is actually going to happen. And, you know, if you -- if you don't have the -- I feel comfortable that it will. I've sat in several meetings with them. I think they are doing the right thing. I think they want to do it for the right reasons. But if you haven't had that opportunity to have some of that exchange, and some of the folks have not had as many meetings or as many opportunities for conversations, then you may not be as comfortable that that's going to happen, and I think that's what it boils down to. And as long as we still have folks who don't know for sure that they're going to come through with what they say they're going to come through with -- you know, I think we've seen a lot of flexibility. I think some of the covenant adaptations that were given to us, I think they've tried to address every question and concern that has been brought forth, but it just boils down to trust. It boils down to these folks who live the closest to it knowing that what they're asking for is actually going to happen, and I think that that's the issue that we're dealing with at this point in time.

DR. PURI: Thank you. Any questions of the speaker, Commissioners? Thank you very much. Anybody else wishing to speak on this? Okay. I see no one.

PUBLIC HEARING CLOSED

DR. PURI: Discussion, Commissioners? Mr. Reichlin?

MR. REICHLIN: As a resident of Bedford Walk, I took the opportunity to attend the public information meeting that occurred on Tuesday night. And as a matter of my following of what the Jeff Smith Property Group has done in the general area and how -- how they have handled the projects that they've been a part of through the history of the time they've been a member of our community, I'm comfortable with -- well, I trust them. Let's put it that way. With regard to being the closest to, somebody is always the closest to something that they don't particularly like. At 4208 Fall River Drive, we look at the -- we still have a real clear view of the Walgreens sign, even if it is a little bit in the distance. In the next five years, we're going to have the office buildings, for whatever they're going to look like, and we accept those as part of the ongoing process of the growth of our community. And I find that the -- the skepticism and the concern is well founded and part and parcel to the going forward with any development project, and I -- I respect and honor all of the concerns that all the participants in this meeting have who have been here tonight. With that, I feel like we can go forward with this. I intend to support it and I appreciate everybody's collective efforts.

DR. PURI: Commissioners? Ms. Loe?

MS. LOE: I have a question for Mr. Reichlin, since you live in the neighborhood. I've heard a lot

of concerns from people whose children are at Gentry, that the traffic really backs up -- along the school, backs up to Gerbes on Bethel for the left-hand turn and backs up down Bethel. Do you feel that the traffic plan proposed is addressing added traffic?

MR. REICHLIN: I would -- I would not represent myself as a traffic expert. However, what -- to me -- and I mentioned this at the meeting the other night. For -- if you should happen to look at the Bethel Ridge properties and even at this picture that we see on -- on the screen in front of us right now, they have some of the more underused parking facilities in Columbia, Missouri. And I consider that part and parcel to the life patterns of our aging community. And that said, it's -- I have not seen a negative effect that you can point to the addition of Bethel Ridge and/or the Gentry property. The -- the items that are of concern are generated by rush-hour traffic, people going to work on inadequate infrastructure that is an ongoing issue in our community. And, two, the traffic patterns involved in the dropoff and pickup of children to school. Now, I'm not going to comment on what I think the parents should do with regard to getting their children to school at this juncture. However, I don't think that you can take those kind of items and try and -- you know, they're -- you're -- you're looking at apples and oranges when you're making those kind of substitutions.

MS. LOE: True, except we're -- we -- I'm assuming we're redesigning that north end of Bethel and we're adding the left-turn lane into the properties since an existing curb cut doesn't exist there. So we are making some modifications. And I'm just wondering, is this two-lane Bethel still appropriate coming through that neighborhood?

MR. REICHLIN: If you're going to ask me as a resident, I don't --

MS. LOE: No. I don't -- I don't want to.

MR. REICHLIN: There again, I am not a traffic -- a traffic-engineering expert, and so I leave those kind of items to the professionals who are more experienced in those matters than myself.

DR. PURI: Mr. Strodman?

MR. STRODTMAN: I'll go next. Thank you, Mr. Chair. My items are in no particular order. I just kind of made notes as I went along. You know, I see this project as a good transition to what I perceive as a very busy corner. I think it serves the purpose for this corner. It's a -- you know, it's a high-density, infill project that will maximize our current infrastructure, so I'm very happy to see that. I think, as several have mentioned, based on Mr. Smith's history in the City of Columbia and on the projects that are in this immediate area, I believe that he's proven -- his company has proven himself to the community that he stands behind what they say they are going to and they deliver a very nice product. You know, I'll echo Mr. Reichlin's comment about the parking. I've driven by this area on many occasions and I've yet to ever see the parking lots anywhere -- anywhere near being touched for maximization. So it may be the seniors aren't driving as much, don't need the vehicle as much, or for whatever reason. I don't understand -- I don't know that. That's not my profession to know that, but I think parking is -- I don't think that the resident that had the concern about the overflow, I don't think that that will occur. I mean, I'm -- I can't guarantee that, obviously, but from my perception of the other properties that are similar in nature, they're not anywhere near touching their parking and

maybe, if anything, we could probably get rid of some impervious surface. I think it's a good product for the seniors, you know. It's -- it's -- I would assume that the demographic of this renter is going to be a higher-income level than what we're seeing in the neighboring properties, so I would think that that would be a positive thing. That's obviously why they are not going after the tax credits, or that's my assumption as to why they're not going after the tax credits, because there is a level of seniors that have too much -- make too much income or have too much income to qualify for those tax-credit facilities. So I see that as very positive. You're -- you're up -- you're stepping yourself up from a -- in a demographic, and I think more neighborhoods would see that as a positive. You know, the -- the one resident mentioned the size, you know -- you know, 800 to 1,000 square feet versus his 4,000-square-foot home. You know, I have three children at home and I have a -- maybe a 3,000-square-foot home and I look forward to the day that I have 800 square feet, and I don't take care of my yard and -- you know. And I understand the furniture thing and the storage and all that, but I think that's just seniors. And, you know, hopefully my kids can take the big tables and all that stuff and they can put it in their 4,000-square-foot house and my wife and I can only clean two rooms instead of twenty or whatever. So you know, I think that that's just the -- the -- you know, as you're downsizing -- and some people may never live in an 800 square foot house, and that gentleman that mentioned that, he probably wants a big home and that's -- that's -- that's good. That's why we have choices and -- but, you know, obviously, this company knows the senior market and understands the senior market, or they would be building a bigger product. You know, in my experience, seniors are some of the best policing mechanisms in a -- in a development. You know, I -- I -- I manage some high-volume retail in the market and I have welcomed seniors to be in my facilities because, typically, people that are of an element that we may not desire are not going to be hanging around with a bunch of seniors. That's probably not -- you know. So I think that these are -- is a good -- this is a good tenant to be policing the neighborhood for you, so I think that that's also a positive. So I'll cut it short and say that I'm in support of the project and I'm happy to see this come through today.

DR. PURI: Mr. Lee?

MR. LEE: Before I retired, I worked at that bank on the northeast corner. And, on occasion, during construction, I would walk through to take a look at the quality -- of the quality of the building, and the quality is excellent. And then when we were contemplating bringing my mother-in-law here, I took an entire tour and thought it was just an excellent place for anyone, but especially for seniors. And so in order to keep this brief, I intend to support this project. I think it's a good fit for the property.

DR. PURI: Mr. Wheeler?

MR. WHEELER: Well, many of the things have been said, I would echo. I would -- I would like to see some additional --so I'll just move on to some other stuff. I would like to see some additional screening where -- where appropriate in between the homes to the immediate west. I think that would be appropriate. I think they've done a good job. You know, we -- we often, as P&Z commissioners, I think it's -- it behooves us to look at what could be, so thinking curb cuts, it's R-1, we could have several curb cuts down Bethel and have several cars trying to back out onto Bethel and, to me, that

would be much more detrimental. As far as parking goes, I agree. I've been by here many times. The other facilities aren't maximized. My sense is that this one is going to be utilized a little greater, just simply because we are -- we are -- what I think they're trying to do or at least from what they've explained to me is we're fitting this niche in between the lower income where we've got tax credits to help us build it, and the folks, you know, that can afford to -- to pay \$4,000 a month, you know, to get into a different facility. So -- so this is kind of in between. I think we'll see a few more vehicles here, but -- but I think it's an appropriate use. I -- I can't imagine this corner actually being used as single family unless it was extremely dense and -- and -- or as dense as R-1 would allow it to be, and -- and be significantly different homes than are in Bedford Walk. But, last, I would say I do agree that, you know, if there is some way to break up that roofline then it's probably an appropriate thing to do. Well, I guess, the last thing I'll say is a -- a few years ago, I was asked by the Smith Companies to evaluate several of the homes around the state of Missouri about their management practices and help them pick a manager. And I can tell you that when I started reading through that -- the documentation on that, that they are well managed facilities. I know a number of the people on the staff here and run one of these neighboring facilities, and these are well run properties. I think they will do what they said they'll do and I feel comfortable with the assurances that we've heard tonight and that -- that we're going to get what they've said we're going to get and that they'll do what they can to break up the back of these rooflines for the folks in Bedford Walk. So I will support.

DR. PURI: Mr. Tillotson:

MR. TILLOTSON: I'll ditto everything that's been said. I would take just a second on senior housing. I -- in my profession, I deal with seniors on a daily basis. Columbia is absolutely void of good senior housing. Low-income housing, we've got. Then we can go to The Bluffs or we can go to Tiger Place, and we can pay \$6,000, \$7,000 a month. And if you go to The Bluffs or Tiger Place and you talk to these seniors, Why are you here? Why are you spending this much money? You get in your car, you drive out to dinner, you go out on the town, you date the guys, and the ladies there are single, they date. They do. They have a blast. There's no place else. They -- there's -- they would like to have something for \$2,000 or \$3,000. They would -- and -- and I understand the -- the man with the 4,000 square foot home, because I've got a big house, and God bless America, the day that I can have a small place and -- and no sidewalks to take care of or anything like that. So it is a void in Columbia. It's a big void. And I -- I like this area because it fits our planning for Columbia. It's a project that would have the less amount of traffic impact as opposed to just another R-1 development of houses going in. I appreciate Mrs. James for coming up and talking from Bedford Walk because it lets us know that, as a whole, the association understands it and is kind of in agreement with it. And I understand the people that have the conflicts with it because when you're looking out your back window, you want to see something that you can appreciate and I understand that. But we've seen a lot of Jeff Smith investment properties built around and we've seen what he's done. I can go back -- back when Katy Place was built years ago and -- and my daughter lived there and she couldn't afford the rent, but she lived there anyway. But she always commented they did what they said they were

going to do. The place was top class. And so I -- being a local person, I find it hard pressed that he would not stand up and do everything he says and would continue to try to improve to satisfy the rest of the neighbors because he's got to come before us again someday with another project. And with that said, I intend to support it. Thank you.

DR. PURI: Mr. Stanton?

MR. STANTON: I'm going to echo my comrade beside me. Good point. I trust -- based on the resume that I've seen and the testimony of my fellow Commissioners, that I trust that you will take into consideration your future neighbors' concerns and close that gap a little more. I trust you will because I -- like my fellow Commissioner said, you will have to come back. So, to me, this is -- I've given you the benefit of the doubt. I'm giving you the trust this time, and I'll be watching to see if that was warranted, because you'll be back and I hope to be here, God willing. So I plan to support it for all the reasons that have been stated -- elderly housing, all of that, but I also appreciate the neighbors coming out and being organized and voicing their opinions, and that weighs heavily on me and hopefully that these developers will listen. I hope they will, for their sake, they listen. So I plan to support it.

DR. PURI: All right. I'll wrap up. I just want to -- I think everybody said most -- you have some more to add or --

MS. LOE: Well, I asked Mr. Reichlin a question, but I didn't actually state anything.

DR. PURI: Please, go ahead.

MS. LOE: I just wanted to say that I -- I very much appreciate the application. We've seen more in this application than we've gotten in some others; for example, the grading plan, which, for me personally, was very useful and very helpful to see. And I know I've been picking over some finer points maybe, but there's a lot about the plan that I do appreciate. I appreciate the massing. We have seen some developments come forward that don't -- don't take advantage or don't make any concessions with their massing, and I have a problem with that. Like I said, we are going into an existing neighborhood and, to me, it's important that the new coming in understands the old. And I appreciate hearing from the neighborhood very much and that I'm glad to hear they're working -- you're all working together, and I think we can see that in what you've presented. And I do -- I do think this use -- this use group is appropriate. I probably would not support this for another use. If this were a student project, I don't think I would support it going in next to an R-1. But I think you've done a sensitive job in preparing it. And I did want to add that you offered a restrictive covenant for the age group and I would like to say that we include that in the -- or just to make sure it is included. Thank you.

DR. PURI: Thank you, Ms. Loe. I would echo all the Commissioners' comments. I just would request that, in good faith, the meeting that you people had last night, you go through that and adjust those rooflines and things like the neighbors want. There are good houses in there. My parents live in this neighborhood; my brother lives in this neighborhood; and -- and they're good houses there. You would appreciate if they would be screened from the back like Mr. Wheeler was pointing out.

And, also I think the stone, if that was carried up like one of the residents was describing and the roof pitch, in good faith, if you would go through and accommodate them. I think it's a good development. I think, as a practicing physician, I know the need for elderly housing is deficient in this area. And I think that always we hear of these two developments that you have south of town are well run, and I commend you on that. And with that, if there's no further discussion, would somebody like to frame a motion. Mr. Wheeler?

MR. WHEELER: I would make a motion that we recommend the request of Jeffrey E. Smith Investment Group, LC, to rezone approximately 7.99 acres from R-1 to PUD-14, approval of the PUD development plan to be known as "Bedford Rock Plat 9," and a request for the variance to Section 25-43 of the Subdivision Regulations pertaining to the minimum requirement road right-of-way, and also with the additional provision of -- offered by the developer that there be a covenants or a restrictive covenants restriction recorded on the property pertaining to the items that we were shown tonight on the bullet form by the applicant.

DR. PURI: Ms. Loe, do you second?

MS. LOE: I will second.

DR. PURI: Okay. We have a motion, Ms. Loe seconded. Discussion, Mr. Tillotson?

MR. TILLOTSON: Real quick. Section 25-48, not dash 43.

MR. WHEELER: I don't have my glasses, so that could be true. This says 43.

MR. TILLOTSON: Because I have 48 on my --

MR. REICHLIN: Well, if you do, it says 43.

MR. WHEELER: Which is it, Mr. Zenner?

MR. TILLOTSON: Okay. The others have 43. For some reason, mine says 48.

MR. STRODTMAN: Mine has 43 -- 25-43.

MR. TILLOTSON: Perfect then. I'll second.

DR. PURI: Ms. Loe already seconded, so --

MR. TILLOTSON: You go ahead, Ms. Loe. I'm sorry.

MR. STRODTMAN: Just for clarification on notes, Mr. Wheeler, you would like to add the restrictive covenants be filed; is --

MR. WHEELER: What I added was that -- that that additional restriction offered by the developer be noticed or if there's a way to record it on the plat -- I don't know if there is, but -- no, I didn't think so. But anyway, we've made notation of it. That's the best we can do.

MR. ZENNER: I would suggest modifying the condition that restrictive covenants shall be recorded as offered by the developer prior to the issuance of a building permit.

MR. WHEELER: I like your language there, Mr. Zenner --

MR. STRODTMAN -- Can you --

MR. WHEELER: -- and that's what I meant to say.

MR. STRODTMAN: Can you state it again?

MR. ZENNER: That's all I wanted to make sure of, Mr. Wheeler.

MR. STRODTMAN: Mr. Zenner, can you say it again so I can write it down.

MR. ZENNER: Sure. Restrictive covenants as offered by the developer to be recorded prior to the issuance of a building permit.

MR. STRODTMAN: Got it.

DR. PURI: May we have a roll call, please.

MS. LOE: Do I have to resecond or --

DR. PURI: It's already seconded. You seconded it -- with this language.

MR. STRODTMAN: Okay. Sorry. Item 13-247, recommended -- a motion has been made for approval and seconded as the City -- City Staff has recommended with the addition of the restrictive covenant as offered by the developer shall be recorded prior to the building permit with everything else the same.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Tillotson, Mr. Wheeler, Mr. Stanton, Mr. Strodtman, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin. Motion carries 8-0.

MR. STRODTMAN: The motion carries, Mr. Chair.

DR. PURI: All right.

MR. SIMON: Thank you for your time

Case No. 13-250.

A request by Dell Jones, LLC (owner) to remove approximately 0.73 acres from R-1 (one-family dwelling) and C-P (planned commercial) to M-C (controlled industrial). The 0.73 acre property is located south of Waco Road southwest of the intersection of Waco Road and Brown Station Road and is commonly identified as Lot 441 of The Villages at Arbor Pointe Plat 3.

DR. PURI: May we have a staff report, please.

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the proposed rezoning.

DR. PURI: Commissioners, any questions of the staff? I see none.

PUBLIC HEARING OPENED

MR. MURPHY: Good evening, Chairman and Commissioners. Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park Court, and I would just be happy to answer any questions you have.

DR. PURI: Commissioners, any questions of the engineer?

MR. MURPHY: Thank you.

DR. PURI: Thank you, sir. Anybody else wishing to speak on this matter? Seeing no one.

PUBLIC HEARING CLOSED

DR. PURI: Discussion, Commissioners? Mr. Tillotson?

MR. TILLOTSON: I think this is pretty cut and dried. Staff has recommended approval. It

sounds like by the 20 minutes that Pat talked that he's covered all the bases.

DR. PURI: Is that a motion?

MR. TILLOTSON: So with that said, I make a motion to approve.

MR. STRODTMAN: Second.

DR. PURI: Mr. Strodtman seconds. Roll call, please.

MR. STRODTMAN: Give me a second.

DR. PURI: Take your time, Mr. Secretary.

MR. STRODTMAN: A motion has been made and seconded for Item 13-250, a request by Dell Jones, LLC, to rezone approximately .73 acres from R-1 and C-P to M-C. The property is located south of Waco Road southwest of the intersection of Waco Road and Brown Station Road.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Tillotson, Mr. Wheeler, Mr. Stanton, Mr. Strodtman, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin. Motion carries 8-0.

MR. STRODTMAN: Mr. Chair, the motion carries.

DR. PURI: All right.

VI) COMMENTS OF PUBLIC

Comments of the public? Seeing none.

VII) COMMENTS OF STAFF

MR. ZENNER: I'll try to keep them brief so we don't have 20 minutes. The next meeting is January 23rd. We do have a couple of items on the agenda. Discovery Park, we have two projects. One is a rezoning and development plan approval for a collection of lots. This is Lots 5 through 17 of the most current subdivision plat. And then we have a second piece of the Discovery Park project. This is a C-P development plan -- specific development plan for Lot 2 of the development, and this will also incorporate the construction of Phillips Farm Road, which is a requirement of the development agreement and it leads into the northern part of our A. Perry Phillips recreation tract. The final item that we have on the agenda is American Campus Communities OP Development, LLC. This is a PUD-60 request. It is on the corner of Fourth and Turner running basically the entire ridge line from Turner all the way down to Stewart on the west side of Fourth Street generally, and then it has an appendage that comes back across towards Fifth immediately to the south of the Collegiate Housing Partners project, which fronts Conley and Fifth. Now, we are creating, basically, a student enclave with the exception of one corner of almost an entire block of City property just south of campus -- or just north of campus. I take that back. So those are your three items, two of which will be relatively large. Both Discovery Park, 5 through 17, and then the ACC project, they are complex. I will suggest to you that these, as we don't often suggest, will follow complex hearing rules, which will necessitate those in favor and those in opposition to the project being granted an additional time maximum of about ten or so minutes to make presentation and then the opportunity for rebuttal, as well. And we will probably have a longer than usual staff report just due to the fact that both projects require a little

bit of greater explanation to help you see them. And if you do have questions when you do receive your packets, please feel free to call. And, unfortunately, you'll have to listen to my mug for the entire meeting because all three projects are mine. So they'll be longer than 20 minutes, Mr. Tillotson. And I'll -- we'll bake it for you, you know. Your maps that you have, just if you are not familiar with the properties -- and as I said, our ACC project here on the map on your right-hand side, you can see the full scope of this particular project. It is quite significant as it relates to student housing, and it will basically absorb the remaining portion of the block that is not already taken up by the Collegiate Housing Partners project. And then Discovery Ridge -- or Discovery Park on your left. Before I am done here this evening and just for TV-land viewers, there is a new individual sitting next to me in the copilot seat. This is our newest planner, Clinton Smith, who joins us from Naperville, Illinois, and started this week, so be gentle with him. I will be handing him projects on Monday of this coming week and you will then be able to hear from him in months to come. With that, we are done with what we had to present this evening. Thank you very much for your time.

VIII) COMMENTS OF COMMISSIONERS

MR. WHEELER: Yeah. I'll try to make this real short. Earlier this evening, we can -- looked at a consolidation on a plat, and the only reason I bring this up is -- is really I didn't feel it was appropriate to talk about the plan that we saw before at that time because it was a platting action. But -- but I said earlier this evening, I said that the -- the concessions made in that C-P plan were irrelevant, and I said that kind of sarcastically. And Mr. Reichlin followed up on it, and I feel like I need to give an explanation as to why I said that. I -- I said earlier that I think it behooves P&Z commissioners to look at what could be, and -- that this was an open zoning classification, and so part of my consideration and my support of the C-P plan was that I looked -- I was looking at what could be, and I -- I think now we're going to get what could be. We're still going to get a CVS, but we're not going to get the concessions that we were able to -- to get out of -- through the C-P plan. And so I guess I'm a little frustrated with that, that, you know, sometimes it's not the ideal. It obviously wasn't the ideal for anyone, including me, but -- but, you know, sometimes you do have to consider what could be and not what's ideal in our position, and I'm just frustrated with that, so --

DR. PURI: Any other comments, Commissioners? Mr. Stanton?

MR. STANTON: I concur. I was going to bring up the same thing, and I -- I leaned on my ignorance really, but what I learned was, yeah, we -- you know, we had a planned development and we should -- you know, yeah. We -- now, we're left with none of the -- none of the work that was brought out, none of the concessions that were worked on, and now they can build it however they want to and it could look like however they want it to, and the park will not be considered in this plan. I mean, they may, but probably not, so here we are.

DR. PURI: I agree with you, Mr. Stanton and Mr. Wheeler. I think that Planning and Zoning Commission has been given a task to look at zoning and look at best possible use. And as a body of nine people, you -- you come up with that recommendation. And when the recommendation is made to the governing body and overruled a lot of times, it is disheartening and it seems like a waste of our

time. And at end result is what you saw today, that it happens anyway, which could have been controlled had it happened the way that we had, you know, envisioned that. But, you know, you -- this is a system that is broken in that sense, in my opinion. I think if you're going to appoint a commissioner on a Planning and Zoning Commission, they're looking at zoning as well as planning, you know, they make some recommendations, those should be taken with, you know, some weight and not, you know, overturned very lightly, and because they have ramifications as -- as you have seen with this, you know, agenda item today. And, Mr. Reichlin, you would like to add something?

MR. REICHLIN: While we're waxing philosophic, I just thought I'd throw in that it appears to me that, in my view, the Planning and Zoning Commission is a volunteer appointed at the -- at the behest of Council, and our -- our mission is to approach things from the point of view of the zoning. However -- and -- and although we can agree that the items that we look at are appropriate given the zoning and the things that Staff is trying to work out, I think in -- and I wouldn't say Council's defense, but their mission is also to consider the other wants and needs of the community that I don't think particularly fall into our purview. So with that, although I can say I feel the same sense of frustration regarding how that whole episode transpired, maybe for those who took the positions that they took, it can be a lesson learned. And I hope going forward that that's something that we help -- help them with.

DR. PURI: Thank you, Mr. Reichlin. Anybody else? Mr. Lee?

MR. LEE: Yeah. I would just echo the comments of our -- our fellow commissioners here, in particular about the CVS project, and also that we extend that frustration further back to the MFA Break Time situation out on Grindstone. That was -- in my opinion, that was a perfect use of that land, especially with all those apartments around there and the ones that are going in. And it's extremely frustrating to spend the amount of time that we spend on these projects, considering all the angles, and then have it shot down by City Council. I mean, it's -- it's -- in a lot of ways, it's wasting our time.

DR. PURI: Anybody else? Ms. Loe?

MS. LOE: I would just like to say that I'm looking forward to the zoning exercise and reevaluating our zoning ordinance so that projects coming up may be more in line with the Columbia Imagine Plan.

DR. PURI: All right. And we welcome you, and we'll be definitely gentle on you, but I can't promise you about Mr. Zenner. But he has to be commended, he is very thorough, and a very tough master.

IX) ADJOURN

(The meeting was adjourned at 9:18 p.m.)