

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
JULY 7, 2016**

**COMMISSIONERS PRESENT**

**Ms. Sara Loe  
Ms. Tootie Burns  
Mr. Dan Harder  
Mr. Anthony Stanton  
Ms. Joy Rushing  
Mr. Brian Toohey  
Mr. Michael MacMann**

**COMMISSIONERS ABSENT**

**Mr. Rusty Strodman  
Ms. Lee Russell**

**I) CALL TO ORDER**

MS. LOE: I'd like to call the July 7, 2016, Planning and Zoning meeting to order. Ms. Burns, may we have the roll call, please.

MS. RUSSELL: Yes. We have a quorum.

MS. LOE: Thank you.

**II) APPROVAL OF AGENDA**

MS. LOE: Mr. Zenner, at this time, I'd like to ask if there's any adjustments or additions to the agenda?

MR. ZENNER: There are not, Ms. Chairman.

MS. LOE: Thank you.

**III) APPROVAL OF REGULAR MEETING MINUTES**

MS. LOE: I'd like to request approval of the regular meeting minutes from the June 23rd meeting. Is there anyone that has corrections or changes? Seeing none, I'll take a thumbs-up vote on the minutes.

**(Unanimous vote for approval.)**

MS. LOE: Thank you.

**IV) TABLING REQUESTS**

MS. LOE: Moving on to Case 16-118. It's my understanding that this matter has been requested to be tabled?

MR. ZENNER: That is correct. If you would like to read the title.

MS. LOE: Yes.

**Case 16-118**

**A request by Caleb Colbert (agent) on behalf of Quonset on Tenth, LLC (owner) to rezone land from M-1 (General Industrial District) to C-2 (Central Business District). The 0.42-acre subject site is located on the northeast corner of Tenth Street and Park Avenue, and is addressed 300 N. Tenth Street. (The applicant is requesting that this item be tabled to the August 18 meeting. This**

**is the applicant's second request to table.)**

MR. ZENNER: The applicant is requesting a tabling until the August 18th meeting. This is their second tabling request. And as is covered in the memorandum that precedes the applicant's letter, it is noted that this is a request that will actually exceed the two months from the original date of the advertising that is a customary practice and part of our rules of procedure. The requested tabling is, in essence, to allow the applicant to continue to explore options other than rezoning the subject site to the requested C-2 in order to accommodate his future use and working through those technical issues is taking a little bit longer than we would like. Also there is some additional discussion that may influence how this property is processed as it relates to our Unified Development Code discussion and the MDT zoning district boundaries. This property is immediately on the northern fringe and, as has been considered previously or at least discussed previously, an MDT boundary change may be an appropriate solution to part of the problem that we have in the short term, so we're needing this additional extra time as a staff, as well as the applicant, to try to continue to work through those issues. We do not believe that the additional time beyond the two months of the initial advertising presents any significant issue. We would have readvertised for the project and renoticed anyways. It's -- again, it's a procedural issue within your rules and the request to table is at the Commission's discretion.

MS. LOE: So we need a motion to table.

MS. BURNS: I move to table Case 16-101 [sic] -- oops -- the -- I think that, yes. On the northeast of Tenth Street and Park Avenue, Quonset on Tenth project.

MR. STANTON: Second.

MS. LOE: So Ms. Burns has made a motion, Mr. Stanton has seconded. Can we have a vote on this matter?

MS. BURNS: Yes. Thank you.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton. Motion carries 7-0.**

MS. BURNS: All right. Motion carries.

MS. LOE: Thank you, Ms. Secretary. All right. Moving on to Public Information and Comment.

## **V) PUBLIC INFORMATION AND COMMENT**

### **Case 16-110**

**A request by the City of Columbia to adopt a Unified Development Ordinance (UDO) governing subdivision and land use regulations throughout the City of Columbia's corporate limits as requested by the City Council and supported by the City's 2013 comprehensive plan entitled "Columbia Imagined - The Plan for How We Live and Grow." The UDO will replace Chapter 25 (Subdivisions) and Chapter 29 (Zoning) of the City Code as well as incorporate provisions from Chapter 12A (Land Disturbance), Chapter 20 (Planning), Chapter 23 (Signs), and 24 (Streets, Sidewalks, and Public Places) into its contents.**

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

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

MS. LOE: Thank you, Mr. Zenner, for that enlightening presentation. I am going to ask Commissioners if they have any questions for staff at this time. Ms. Burns?

MS. BURNS: Mr. Zenner, I had a question just to clarify. As far as Greek housing, the one-to-one parking, is that one parking space to bed; one bed, one parking space?

MR. ZENNER: Yes.

MS. BURNS: Okay.

MR. ZENNER: That's how -- that's how it's written right now --

MS. BURNS: Okay.

MR. ZENNER: -- which is significant.

MS. BURNS: Yes. I just wanted to make absolutely sure that was accurate. Thank you.

MS. LOE: Any additional questions at this time? Seeing none, we would like to open the floor to public comments at this time. If anyone does have comments they would like to make on this matter, you can come forward to the podium. Please state your name and give your address for the record.

MR. LINDNER: Hello. Thanks for the time tonight. My name is Jay Lindner, address at 1400 Forum Boulevard. I have a variety of notes that I'll be turning over to Mr. Teddy and staff tonight to hopefully forward to you all, but I'll address some of the issues that we've seen in specifically the sections we're talking about tonight. So I do appreciate flexibility being added into the zoning code and I understand the parking changes in terms of reducing the minimum requirements, adding flexibility, although that is counterintuitive to today's demands and requirements for commercial development. We do see great problem with the maximum cap put on this parking. A hundred and twenty-five percent certainly isn't enough. For an example, one of our properties, our Broadway Shops at Highway 63 and Broadway, that property, under the proposed zoning ordinance, would require a minimum of 290 parking spaces and cap us at 362. We currently provide 417 spaces on that property and we're literally out of parking. There is not a day that goes by we don't get complaints at that center and other centers from tenants because of lack of parking around this community. And so our request would be to -- you know, to look at the businesses that are expanding today being, you know, heavily restaurants, obviously, grocery stores and a variety of uses that are -- that are high-intensity demands and either remove the parking maximum completely or, if nothing else, increase it to a 200 percent maximum or something that's going to allow development to occur. If -- if this would go into place, that Broadway Shops would never be built. There's no way you could ever sustain a development with that few parking spaces. A couple of other comments. Again, you know, going to flexibility, there's a section 29-4.4, Section H. In regards to Section H, subsection I, to drive-through vehicle stacking stating that no drive-through window on a property shall be oriented towards the corner of the property. I think there needs to be flexibility in this ordinance. There's going to be certain situations where a building can't be oriented with the drive-through window on the rear of the building, and so there needs to be flexibility to allow for specific site situations that may not accommodate that. Off-street loading, I notice there was a requirement in subsection J for

off-street loading requirements that would -- that would provide for dedicated nonparking spaces for loading and unloading for delivery vehicles -- UPS, FedEx, what have you. Certainly, we have no control over those deliveries and where they occur. And to -- to dedicate space that's probably not going to be used doesn't make a lot of sense in our book. We're -- we're trying to fix a problem that doesn't exist today. And so I'd look -- look at that for clarification. Another one that I notice is in our current ordinance today, but bicycle parking. There is a requirement that once your parking lot exceeds 300 vehicle spaces, there are required bicycle facilities or 5 percent of the provided vehicle parking. As an example, at our Forum Shopping Center at Forum and Stadium Boulevards, we would have to provide 66 bicycle spaces given the parking that we have there. And I can tell you from working and living in that area, we haven't had 66 bicycles in that parking lot in the last month. So I think putting a cap on that certainly would be a helpful thing for development going forward. And like I said, I'll turn over a variety of other questions to City staff, but, you know, the biggest thing here tonight, the parking maximum is -- is definitely bad for commercial development and counterintuitive to -- to what our demands are today. So if there's any questions?

MS. LOE: Any questions for this speaker?

MR. MACMANN: I have a question. Mr. Lindner, how are you this evening?

MR. LINDNER: Very good.

MR. MACMANN: Let's talk about that loading requirement for just a moment.

MR. LINDNER: Okay.

MR. MACMANN: Over there at Forum, you guys have access in and out, in and out, in and out.

MR. LINDNER: Right.

MR. MACMANN: Some of the older developments and smaller developments, it's a street parking issue.

MR. LINDNER: Sure.

MR. MACMANN: Is there a middle ground here somewhere?

MR. LINDNER: Yeah. I think there definitely is and I think that comes back to that flexibility. And, you know, the Forum is a good example. We have restaurants where the delivery truck will -- will load on the -- load or unload on the corner on a curb. Under the proposed ordinance, that wouldn't be allowed because that's technically a fire lane. But we don't -- you know, that hasn't been an issue for us. We haven't had a problem. Certainly, you know, downtown and some of those you've referenced, yeah. I can see where that would be --

MR. MACMANN: At Forum, you've got a lot of space, lots of --

MR. LINDNER: Right. Exactly.

MR. MACMANN: - space which is a --

MR. LINDNER: And so for us to dedicate --

MR. MACMANN: premium thing that --

MR. LINDNER: -- space that would -- that would go unused in a situation like that seems kind of

unnecessary. So certainly I think there is a middle ground that would help everybody in this ordinance.

MR. MACMANN: If you could shoot staff or us what you think that middle ground --

MR. LINDNER: Okay.

MR. MACMANN: -- might look like, that would be great.

MR. LINDNER: Okay. Yeah, definitely. I appreciate that.

MR. MACMANN: All right. Thanks.

MS. LOE: Any other questions? I had one. On the maximum cap on parking, you mentioned grocery stores and restaurants. So was it for specific types of retail that you feel the parking is -- the cap on parking is more of an issue? And, if so, are those the ones?

MR. LINDNER: Well, so what we see is that cap is applied to any single use or multiple users exceeding 50,000 square feet in space, so that's a shopping center. So the shopping centers, you know, we don't -- we're not classified as each specific use in there. It's a general, you know, one per 300 is what's proposed in any ordinance. Now, certainly the majority of the -- the leasing that we're doing today are restaurants, you know, your specialty grocery stores, you know, cell phone stores is a good example. Most people wouldn't think, oh, you put a cell phone store in a property, you don't need much parking. But we have a U.S. Cellular with 3,000 square feet in one of our properties. At any given time during the day, they have 12 employees in that store, so they need 12 parking spaces plus spots for their customers in just 3,000 square feet. And so I think -- I think there's a misconception that parking demands are going down and certainly there's probably locations that that's true. In a city like Columbia where we're always going to be heavily reliant on automobiles and -- and the dream of having public transportation take over isn't going to happen here. We do need to be more accommodating to -- to allow shopping centers and restaurants to thrive, you know. D. Rowe's is -- is another example of what we don't want to see where, you know, a great restaurant, not enough parking. People overflow into the streets and it -- it creates just a cluster over in that area.

MS. LOE: Thank you.

MS. BURNS: I've got one question.

MR. LINDNER: Thanks.

MS. LOE: Oh. One additional question.

MS. BURNS: And I just -- I wonder what additional information you have, Mr. Lindner, as far as the -- when people -- you say you get complaints daily about not being able to find a parking spot. Is that an actual parking spot or is it one not to their satisfaction as far as how close it is to the business?

MR. LINDNER: It's an actual parking spot. And, you know, the Broadway Shops is not a good example. It's a development to where, you know, what the City kind of wants, and that it's not buildings set back at the back of the property with a field of parking in front of it. It's parking around, you know, 360 degrees around the buildings. But that creates its own set of challenges because you may have one section busier than others at certain times, but, you know, we get complaints of -- of, you know, tenants telling us their customers have -- have left because they haven't been able to find a parking spot on that

side of the building.

MS. BURNS: So there might be a parking spot, they would have to walk a significant distance.

MR. LINDNER: Correct.

MS. BURNS: But -- but there is a parking spot available.

MR. LINDNER: To grab a sandwich, yeah. It's -- it's hurting business like that, so --

MS. BURNS: Okay. Thank you.

MR. LINDNER: Sure.

MR. MACMANN: Can I follow up on something that he said?

MS. LOE: Mr. MacMann.

MR. MACMANN: Thank you. Broadway Shops.

MR. LINDNER: Yes, sir.

MR. MACMANN: Do you know off the top of your head, and one of you guys might know, what's the length of those two buildings or three buildings?

MR. LINDNER: I don't --

MR. MACMANN: How long is it -- well, like, they're east-west oriented. Right?

MR. LINDNER: Yeah. That's a good question. I don't know necessarily off the top of my head. I mean, I would guess each building has got to be 250 to 300 feet wide or long, so five, six hundred here.

MR. TEDDY: All right. And there is -- there's a pedestrian way that -- you're talking about the building between -- oh, I can't remember the name of that street.

MR. MACMANN: I'm not sure that that's --

MR. LINDNER: Between Brickton and Trimble.

MR. TEDDY: Brickton and Trimble.

MR. MACMANN: Trimble. Thank you.

MR. TEDDY: Yeah. And so there is an interruption. There's a couple of buildings that --

MR. MACMANN: And I'm trying to get to Mr. Lindner's point.

MR. TEDDY: -- will read as one building from the street.

MR. MACMANN: I mean, I get that somebody who has a store or a restaurant, those people want to park in front or relatively closely. I'm just wondering how those buildings -- would those buildings comply now? I mean, are they too long?

MR. TEDDY: We'd have to measure them. I mean, there's -- there's two separate buildings because there -- there is an opening between them and there's a stairway. There is an elevator shaft for what they call a limited use -- a limited application elevator because there's a grade separation between the front and back. And, yeah, we'd have to look at that. I mean, that center has got a lot going for it in terms of design, a lot of --

MR. MACMANN: And it does.

MR. TEDDY: -- (inaudible) -- and that kind of thing.

MR. MACMANN: Yeah.

MR. TEDDY: But, yeah. The -- if you just look at the length, we'd probably want to --

MR. LINDNER: And one of the other challenges that -- that the parking has right now, which hopefully will continue and again why we think that we need to adjust that maximum, is, you know, we're somewhat used to the old days where, you know, your 90 percent occupied, 10 percent vacant, or whatever that number is. Well, today, that's not the case. I mean, you're -- you're looking at, you know, near 100 percent vacancy, so further strains that parking demand. That's what we should want as a community for our space to be occupied and active, and if that is the case long-term, then I -- I foresee this situation continuing to be a problem.

MR. MACMANN: Thank you, Mr. Lindner.

MR. LINDNER: Sure.

MS. LOE: Any additional questions for Mr. Lindner? Thank you.

MR. LINDNER: Thanks.

MR. WADE: Good evening. My name is Tim Wade; I reside at 2104 Bluff Pointe Drive. I'm here tonight to speak about the East Campus Neighborhood Association overlay -- the current overlay. I'm a nonresident homeowner of 1513 Bouchelle, which lies within the boundaries declared by the East Campus Neighborhood Association (ECNA). I speak to you tonight as a representative of over 200 nonresident homeowners of the East Campus Neighborhood Association. I remind you that the East Campus Neighborhood Association has approximately 400 homes within those boundaries. The East Campus Neighborhood Association, by the way, does not allow nonresident homeowners to hold offices - well, the office of president, and it's the office of president that controls the agenda and leads the meetings. Nevertheless, a small number of nonresident homeowners do include themselves in ECN matters and became aware of a May 26 special meeting that was held with the topic of East Campus Urban Conservation Plan and City update of zoning and subdivision codes. So a small number of nonresident homeowners did attend this meeting and first became aware that the ECN was recrafting an overlay which has been place in 2003. Without going into too much history, that overlay that was created in 2003, was a two-year work between nonresident homeowners and occupant owners. Amendment VI of a City ordinance in which that overlay was created says, The City Council shall amend this ordinance only upon the receipt of a petition to amend the ordinance signed by the owners of 50 percent or more of parcels of land within the East Campus Urban Conservation District or upon request of a committee the Council considers representative of the property owners of the district. The Council shall not consider a committee representative of the property owners or the district unless the committee is composed of at least seven -- seven owner-occupants' property in the district and at least seven nonresident landlords of property in the district. Nevertheless, after a number of attempts of the nonresident homeowners to be included in this recrafting of the overlay, a growing number of -- which these attempts were unsuccessful. A growing number of the nonresident homeowners have gathered their concerns through dialogue. So I'm here tonight to read into public comment a statement that ten of us presented to Council Representative Betsy Peters this afternoon. That statement reads, The nonresident homeowners within

the boundaries declared by the East Campus Neighborhood Association (ECNA) have no faith in the ECNA and its leadership regarding the secretive development of an overlay for our homes and our neighborhood using a task force that lacks representative of our views and one that lacks transparency. The ECNA has created a task force without notifying us and has appointed members who are either not identified or who do not represent the views shared by a majority of the nonresident homeowners within the boundaries declared by the ECNA. Mind you, nonresident homeowners comprise over 70 percent of the homes within the boundaries declared by the ECNA. Furthermore, nonresident homeowners comprise over 90 percent of the homes on and along streets west of Ann Street and east of College Avenue. Nonresident homeowners within the boundaries declared by the ECNA do not have a voice in the proposed overlay development and are intentionally being excluded from that process. These efforts by the ECNA on behalf of the City of Columbia represent a breach of the fundamental rules of governance and democratic principles and reflect poor on the ethics and leadership of the ECNA. The nonresident homeowners hereby inform the ECNA and Sixth Ward Council Representative Betty [sic] Peters that these civic activities are in violation of City Ordinances 017722 and 017627 and therefore illegal. The nonresidential homeowners urge the ECNA leadership and the City Council -- Columbia Council Representative Betty [sic] Peters to reevaluate the current task force membership and its engagement with nonresident homeowners. The nonresident homeowners demand that the City of Columbia keep the current overlay in effect as defined in City Ordinance 017722 and 017627, and that any proposed revisions to the current overlay being entertained by the City of Columbia only upon receipt of a petition requesting changes to the current overlay that is signed by more than 50 percent of parcel owners within the boundaries declared by the ECNA. Upon the receipt of such a petition, the nonresident homeowners demand that nonresident homeowners select and publicly identify task force members as required by law and as stated in City Ordinances 017722 and 017627. Submitted July 7, 2016 to Betty [sic] Peters. Signed by ten nonresident homeowners. So out of this, I would ask that the Planning and Zoning Commission seriously vet any overlay proposal that is presented by the ECNA and look for representation that I'm talking about here. I would furthermore ask that the Planning and Zoning Commission consider this outcome. The overlay will not be presented to you, but will be slipped into the UDO as it's submitted to Council without your blessing or approval. You might consider any amendments to your UDO be sent back to P & Z for vetting and sidebar through maybe dialogue and negotiation because we certainly fear that our property rights and our avocation for student residents in that neighborhood are being seriously jeopardized. Thank you.

MS. LOE: Are there any questions for this speaker? Mr. Stanton?

MR. STANTON: Is there a win-win situation here? Have you -- have you -- have both parties tried to make a compromise? Are you sure they know where your -- where your position is, so --

MR. WADE: We have been -- made extensions in good faith and have been rebuffed. And so we feel a win-win would be stop the train running down the tracks the wrong way and bring it back and let's get onboard with you and let's create an overlay that is acceptable to everyone. As it stands, the

overlay that's going to be presented to you will not be representative of over 50 percent of the people who reside or own property or have a voice in that neighborhood. So the win-win would be stop now and create a task force that's representative. We would like to be included. We would like to have our voices -- we have no idea what's wrong with the current overlay. Never heard any -- any commentary from anyone. Have no idea.

MS. LOE: Any other questions for Mr. Wade? I have a question.

MR. WADE: Yeah.

MS. LOE: So are there changes in the current modifications in the UDO that you have any comment on, or is it the proposal is coming forward under this -- changes proposed by the task force?

MR. WADE: Have no comment on the UDO.

MS. LOE: Okay.

MR. WADE: Specifically, on the overlay as it's being included in this effort, there is -- spoke with Mr. Zenner today and there is certainly a misconception that the overlay needs to be recrafted as part of this UDO. And as I -- I come to understand it now, that language or that perception came from the consultant's advice or mentioned to the Planning and Zoning Commission that if an overlay need -- needed to be recrafted, now would be a good time because of the UDO overhaul. However, it doesn't have to be.

MS. LOE: Okay. Thank you.

MR. WADE: Thank you.

MR. HICKEY: Hello. Good evening. I'm David Hickey with the International Sign Association. I'm representing the Tristate Sign Association and Impact Sign & Awnings here in Columbia at 1602 Old U.S. Highway. Thank you for this opportunity to discuss the UDO, especially Section 29-4.10, sign standards. As Mr. Zenner alluded to earlier, where we are legally with the sign code -- with your sign code in particular, let me provide a little bit more background. On that, you might have heard that last year in 2015, the U.S. Supreme Court made a decision in *Reed v. Town of Gilbert* regarding sign codes. It's a landmark sign-code decision, and basically what I found was that if a sign code is content based, it is most likely unconstitutional. That means that the court cannot -- sign codes cannot regulate based on content, the speech, based on the message or on the speaker. And what happened after the Supreme Court made this decision was that communities across the country went back to their sign code to make sure that it's constitutionally compliant. Now, apparently the -- your consultant Clarion did not include a full revision of the sign regulations including whether they're compliant with the sign code with the Supreme Court case from last year. They did do a decent review of whatever content-based regulations are under the old regime of the law, but they were made in time to comply with the *Reed v. Town of Gilbert* decision. That's why there are still serious shortcomings in the draft ordinance, and I'll just briefly touch on those. Understand that you don't want to talk about those in the UDO. That's why I hope that we can discuss this at a future date. But as it stands, the -- the existing code and the UDO integration contains many content-based provisions including classifications for hotel signs, light vehicle service and

repair signs, theater signs. It also contains unequal treatment for users of electronic message centers or digital signs in several instances. We consider these to be illegal content-based regulations. Now, I also notice in the -- in the staff summary that was evidently posted online today and that Mr. Zenner alluded to a complete review and submission of potential revisions to the signage standards will be -- will be performed by City staff following the UDO adoption subject to specific Council direction. We support a -- as public commitment to a full review and that's that the sign industry and business representatives be included in any discussions and be included on any committees. I would also -- but I would also suggest that it's imperative -- it was -- it was -- it's been said that the full revision will only be taken if the City Council specifically recommends it, which I understand. However, it's already been over a year since the *Reed* case, and apparently there has not been a more thorough review of the Columbia sign code to make sure that it's constitutionally in line, which it is not, according to our view. We've helped dozens of communities across the country become recompliant. We appeared at the quad-state APA Conference last October, which includes planners from Missouri, Oklahoma, Arkansas, and another state -- Missouri, Kansas, Oklahoma, and Arkansas about becoming recompliant. Over 150 planners were there to learn about how to become recompliant. Tomorrow in St. Louis, we're having a day-long sign code workshop which, hopefully, some staff will be attending. One of the -- one of the modules will be an hour and a half presentation on *Reed* and how to become -- how to make your sign code legally enforceable. So these -- these are all ways that we try to help local officials and communities learn about these sign-code issues, and Columbia needs that assistance. So I hope that the City Council does make the recommendation to further review the sign code. And certainly ISA and Tristate are available to lend whatever resources and expertise that we have to your case at your -- at your disposal. And so in addition to the legal situations that need to be remedied, there are also policy and economic-development issues we believe in your sign code, especially involving electronic signs. So we hope that when this public commitment to a full review, that we are able to address not only the writ issues, but those issues as well. Any questions?

MS. LOE: Any questions for this speaker? Mr. Stanton?

MR. STANTON: Have you submitted any of your recommendations in writing through this process and comments as this code has been developed?

MR. HICKEY: We submitted comments in, I believe, October 2015 and Clarion responded to us saying that especially our *Reed* concerns were not within their scope of services, and that is apparent considering the existing language that is involved.

MS. LOE: Any other questions?

MR. HICKEY: Thank you.

MS. LOE: Thank you, Mr. Hickey. Is anyone else interested in speaking on this matter at this time?

MR. FARNEN: Good evening. My name is Mark Farnen, 103 East Brandon, Columbia, Missouri. I have -- there was a lot of talk about clarification of some of these things tonight, and I thought I knew what I was going to talk about and I typed it, but then what I've written is what I'm going to ask because

I'm a little bit -- I'm not clear. Here is the one thing I want to say first. Wonderful -- 100-percent wonderful job on the spreadsheet. It captures the questions and the issues that have been brought forward. That is a monumental piece of work and I promised that I would say that in public because it is a really good piece of work and it's helping us all wade through an incredibly difficult document. The second part, I want to ask a lot of questions about trees, if I may. I thought that at a previous meeting that Commission Rushing asked about landscaping in the downtown MDT area, and that the general answer was that that was not really included because it was a downtown area and to -- or something to that effect, that there was not a lot of landscaping and maybe it was with the street laws. Maybe that was the discussion about did you do planning or are there street trees that are required. But tonight was the first time that I really saw this thing about you had to have one tree per 800 square feet. And I don't -- didn't ever recall seeing that, and I'm not clear if that's one tree per 800 square feet of the building site, or if it is of the 15 percent public or private open space that might be required by a new MDT because that would be the difference. If you had a 17,000 square foot building, which is about a quarter of a block, that would mean you would have to plant 21 trees downtown if it's based on the 800 per -- per your footprint. Is it per the open space?

MR. ZENNER: Per the required open space. It is not per the footprint of the building, so --

MR. FARNEN: So for a 7,000 square foot lot in the MDT, you only have to plant one -- well, one and a half, let's say. Where do you put that?

MR. ZENNER: It would be probably in how you articulate out the building. It may be within the street space. It could be out on the sidewalk. It could be great tree.

MR. FARNEN: It could be. Personally, I would take out sidewalk to put in a tree.

MR. ZENNER: Or put in a tree grade if it is not there as part of what the street-scape plan may be. I mean, that -- that is an option.

MR. FARNEN: Okay.

MR. ZENNER: But it is not -- it's not based upon the footprint of the building, it's based upon the required open space.

MR. FARNEN: That 15 percent required.

MR. ZENNER: Yes.

MR. FARNEN: And that's the public or private open space if --

MR. ZENNER: If -- and that's if that remains in the code.

MR. FARNEN: And that's if that -- and that can't count the setback space, the 24 feet setback as it exists now between the parking line and the street?

MR. ZENNER: That would be in that instance, if you were doing parking on the first floor and you had to set back your parking --

MR. FARNEN: Yes.

MR. ZENNER: -- that would be the -- that area of separation would basically allow you to place it there.

MR. FARNEN: But I thought that that area of separation can't be counted as public or private open space, according to the rule.

MR. ZENNER: You can't use your public or -- you cannot have it used as your public or private open space. That does not mean that you could not use it to comply with other landscape provisions that are referenced within 29-4.

MR. FARNEN: Can we do it a different way? Can we make it that you can count that as public-private open space so that this all becomes clearer?

MR. ZENNER: The idea of the public-private open space was intended to be left out of the setback required area. It was not to be able to be contained within, but any landscaping that you would have to provide to comply with your landscaping provisions, which are subject to the building form standard specifically could be within those setbacks. Now, we -- I think what you're asking for, Mark, and I would not disagree with you that there's -- there should be clarity as it relates to where or how that landscaping that is required --

MR. FARNEN: Right.

MR. ZENNER: -- can be planted in order to meet those standards.

MR. FARNEN: But you'll think this is facetious, and it is not. If we do our open space, part of it, in balconies, can we do potted plants on each balcony? No kidding.

MR. TEDDY: May I respond?

MR. FARNEN: Yeah. Sure.

MR. TEDDY: It just -- it says in the pertinent section -- this is just for the portion that's at ground level.

MR. FARNEN: Okay.

MR. TEDDY: So there's no expectation that you have a rooftop garden, for example --

MR. FARNEN: There you go. Okay.

MR. TEDDY: -- or balcony gardens or anything like that. And then there is an exemption for an existing building, so as existing buildings are being converted, it says urban general lots that are reusing existing structures with no ground-level private or public open area are exempt from this requirement.

MR. FARNEN: Okay.

MR. ZENNER: So it would really just be if there's a small, notched-out area or a --

MR. ZENNER: Courtyard space.

MR. FARNEN: Or unless I build out more than 25 percent, then I have to comply?

MR. TEDDY: If what?

MR. FARNEN: If I make an addition of more than 25 percent to an existing building, then I would have to come into compliance?

MR. TEDDY: If you're meeting the private open area requirement at grade.

MR. FARNEN: Okay.

MR. TEDDY: Yeah.

MR. FARNEN: Okay. All right. That's the kind of -- okay. That's the kind of thing I was hearing and I wasn't sure. On the street trees, on the street facades and that, it looked like the trees were being required to be planted in the public right-of-way. But I thought that those easements -- in many cases when I have come to the City, they have indicated they would prefer not to have trees in those areas because of the competition between roots and utilities. Is this a change in that policy?

MR. ZENNER: I would suggest probably yes, it is. I mean, obviously, we have street trees that line most newly reconstructed sidewalks throughout the downtown.

MR. FARNEN: Right.

MR. ZENNER: The choice of the street -- the choice of the tree species and how its rooting pattern exists is something that we are dealing with. And I am not the arborist by any means, but if I understand correctly, the actual tree wells that these trees are going in are different from what we have used historically --

MR. FARNEN: Okay.

MR. ZENNER: -- allowing for more of a surface root growth rate instead of something that is going straight down. The longevity of a tree within a urban environment is far less than what we see anywhere else --

MR. FARNEN: Right.

MR. ZENNER: -- because of the heat plume that's created, so the actual possibility of that type of damage, I think, is being reduced. So I would suggest to you that this is a change in general policy, that street trees are being more desirous within our -- our neighborhoods as we are building out the community.

MR. FARNEN: Okay. On the -- on -- on the climax -- if I could get a clarification on this. It seems to me that the general intent on any -- on the building of a new building or subdivision is to maximize the amount of tree cover that you can -- that you can. And so is -- is the rule that you have to save 25 percent of the existing trees on a -- on an undeveloped lot, or is it 25 percent of existing climax forest on a parcel?

MR. ZENNER: There are two provisions that exist in the code as we have presented them now. You have one that talks about climax forest --

MR. FARNEN: Right.

MR. ZENNER: -- which is our existing standard, which is not changing. It's 25 percent of climax forest on a parcel must be preserved and must be generally located in a separate parcel. The provisions that we have presented this evening as part of the landscaping standards talk about significant or mature trees that may exist on a parcel greater than an acre or a new subdivision. Twenty-five percent of the significant trees that are identified on a development tract are to be retained. So if you have four total trees that are 20 inches DBH or greater, at least one of those trees after development must be retained per the code.

MR. FARNEN: Okay. Okay.

MR. ZENNER: That is in addition to climax forest and that is why climax forest cannot count as part of the credits towards your significant or mature tree preservation.

MR. FARNEN: Well, that's part -- okay. That's what I thought, and I don't understand that because if you look at the picture that was put up on your slides earlier that has the significant tree, it looks just like one that is between my yard and my next-door neighbor's. Looks just like it. If you look at the tree cover that that provides over that land area, it's more than 20 little trees in a stand that might qualify by climax forest. Why doesn't this count? If we -- if -- let's do it this way. Let's do it like hair on your head, and don't look at me, look at everybody behind me, and look at the way their hair is. And sometimes most of it is up here, but sometimes that's clear cut. And sometimes it's down here and all around, and some of us have longer than other. And for the most part, the people behind me -- and I won't look back again -- look pretty good, and they have the flexibility to do that. And what they have done is retained it, and some of them even put it here on the steep slopes, and we don't count that in this stream buffer here. We don't count that, but we should because it's still -- I mean, if Dan Cullimore were here -- were here, he could be 25 percent just on his chin, but -- and that's what I'm talking about is -- is that we need that flexibility so that we can meet the goal of retaining the best trees in the best stands, but they could be here or they could be here. And I don't think that's built into this code at all. I think that it -- I think it carved out too many requirements without looking at the bigger picture, and I wish that that could be reevaluated, I guess. The -- the driveway -- let me ask, and I'm going to go back to my neighborhood just like that big tree that's in my yard. The driveway requirement where it had to be 30 -- no more than 30 percent of your legal front yard or was it 50 feet long -- 500 square feet.

MR. ZENNER: Five hundred square feet or 30 percent of the required yard.

MR. FARNEN: The three houses -- there are three houses in a row on my street next to me. The first one has a long -- it's -- his house is set back fairly -- fairly far from the road, and he drives up it and then he parks -- the entrance to his garage is on the side. So he doesn't need to just go the 70 feet that this is probably or 75 feet, he has to go up here and then here and he needs that additional space built in there, but his legal front yard is probably -- his real front yard is probably much more than what he would legally be required. The next house has a circle drive in the front and also has a driveway that leads to his garage, but it sounded like that circle drive would be illegal in this instance and he may only retain or, if it were a new building, it would be able to retain the driveway to his home. The next one is well buffered, but it leads to a garage and then it has a parking lot kind of, but it's gravel. I don't think any of that stuff would be allowed, but we have a wonderful neighborhood. And I think that most of it would look more uniform rather than interesting if we did it. And we go to the other side of the street, we have a guy that his house is probably 150 feet from the road and separated by a creek, and they have to build a bridge across the creek just to get up to his house. He can't make it. His -- his yard is probably two acres, and he's right in the middle of town. I don't understand how this is going to fit for new subdivisions that are interested in having architectural diversity and interestingness rather than it's all out of a box, and I wish that this could somehow be maneuvered to be less restrictive and more permissive, and so I want

to get that in the record. And I agreed with Jay Lindner, if there could be some modification to the maximum. There is a question about seasonal parking and that seasonal parking doesn't just affect, like, the Mall or – or retail stores, but also potentially sports facilities, orthopedic doctors' offices that have huge practices, and those sorts of buildings, too. And so I would second his request to -- to take a look at that. And that's most of what I have tonight, but really, really good work on that -- on that whole thing you put together that is the spreadsheet. That's really well done. And I would entertain any questions or you can just tell me to sit down.

MS. LOE: Why would we do that? Are there any questions for Mr. Farnen?

MR. FARNEN: Thank you very much.

MS. LOE: Thank you, Mr. Farnen. You have been a stalwart companion in this review process.

MR. CLARK: Good evening. Good evening. Good evening. Let's see here. My name is John Clark; I live at 403 North Ninth Street. And so I -- I listed a whole series of questions. Let's see where they go here. Earlier on, there was something about having a parking and traffic consultant would be allowed -- actually, I've heard a lot of stuff at the infrastructure task force about the issue who would hire, what would be the scope of the work? Increasingly, I like the idea of what Boone County did with their northeast tract -- this idea of a larger area kind of things, but this sounded like you would only want to do and allow this within the context of a long transportation study, and so that's the reference to that. I heard again and again and I know it's one of the processes that clearing is recommended and it's a way to remove complexity, actually add flexibility, and keep -- not have to have the Council involved -- basically, it's the administrative decisions. So what I want to ask you to do for our ease is to generate a list of all the places where it says -- (inaudible) -- and the director will decide just so we can systematically look and say -- because I -- because I think adequately defined about the discretion of the director, that makes real sense, but it's really hard to keep track of that getting out of hand. So if you could do that by analyzing the document and so forth and my -- if you can't do it, I'm certain Clarion has the software to do it because they generated all of this. If I understood some of the things about landscape buffering in residential areas, it meant that a particular residential lot that has four sides could actually have four different buffering rules applied to each side. I thought that's where that went. I don't know whether that's good, bad, or indifferent, but at least I understood it. By the way, I want to thank you for showing us the PowerPoints and so forth, and I know this part of it is just about over. But actually from my taking notes, it would have really been interested to have the PowerPoints so I could download it and take the notes right then. The amount of writing and ink that I used trying to write stuff down. So not so much for this process, but in the future, unless there's a really good reason not to post PowerPoints in all of your various presentations in advance, just to ease my note-taking burden, but it might really help lots of other people, I appreciate your posting them after the fact, but they'd be a real benefit for people taking notes, and also that means for generating decent questions. I noticed and I'm not sure exactly which one of these things applied to, but there were certain kind of things -- oh. It's related to the list of the director's decisions. I would like to see a very strong provision in there, first of all, that nobody has to go and hunt

at the end of the year about all these decisions, that actually they're regularly noted, we keep track of them, and actually some group is -- is assigned responsibility for kind of reviewing them at least every year, how -- you know, how many, what were the kind of things, did they comply with the written -- the written, all this kind of stuff, just to make sure that this doesn't drift out of hand down the road and that we're not looking five years out. So we'll not only have to go back and look to see how many of them. I would like to believe that this aspect of it would really make sense, but I think it really is -- it requires much more intense oversight and I'm not sure whether that should be in the department or from the outside. Of course, I noted in the pre-session and so forth, the tentative date for the Council introduction, that's a two-hour work session, in the two hours before the September 19th City Council meeting at which the budget will be finally approved and so forth, I -- I hope that you will encourage the Council to change that, whatever it is. I'm certainly going to ask the mayor to make sure it gets changed. That just seems just very bad. I'm not sure why anybody would ever suggest it, but, in particular, for this group, I want to say it really does a disservice to the work of the staff that's worked all this stuff up and to the Commission which is doing this, as well, to just bundle all this stuff into one kind of evening like that. People -- you know, the Council should be mainly thinking about budget matters for the week before that. I only have two pages of these, so we're on the second one. I listened to the discussion about maximum parking, and Mr. Lindner's comments made a great deal of sense. His proposed solution for that did not make any sense to me. It's sort of like -- it used to be somebody would call Donnie Stamper years ago and complain about something, and the Boone County Commission would all of a sudden pass something that was this wild, overreaching thing in response to one particular complaint. So the idea of getting rid of it or turning out to be 200 percent, that doesn't make any sense. I actually think that that would be a great place for -- with sufficient standards for administrative decision for relief from that. At the same time, later on, I'm not sure whether in the scope, there is such a thing as a use notice. The multi-use, multi-store shopping center, you might be able to define in those standards that would grant the director the opportunity to give relief and so forth, that kind of thing, because it does seem that that kind of makes sense. But this idea of getting rid of the idea of maximum parking, that's a really good idea. You don't change that by getting rid of or just making it so high, it's meaningless. You either kind of tailor it within this while adopting categories that are kind of meaningful and say, well, maybe that should have a higher percentage than 120, or you adopt the standards, I think that would be for the director. But it's that idea about how you do it that I -- I think would be inappropriate. Now, let's see. On page 15, somebody said something about the street trees. Well, I must admit that the street trees, I can remember it was called the Karl Kruse Amendment from years and years ago, and I actually argued at something in the Board of Adjustment around this. But from the presentation that I saw up there was, you know, we're talking about maybe allowing the trees to be placed in the right-of-way or the public if it couldn't possibly be placed on -- on the private property owner's stuff. I didn't pick it up and maybe I misheard it, but I didn't pick it up this -- that this was shifting a change in policy to basically wanting those trees under these new set of rules to be largely placed in the public right-of-way. I could be wrong about that, but I heard it differently than Mr.

Farnen, but I think it -- it deserved much more clarification. We're getting there. This -- the -- my last ones kind of all go -- go together, and I'm going to give you, I think, my overall example. Very few of you are familiar with Metro 2020, but at one time, I was intimately familiar with Metro 2020, and I really liked John Hancock's proposal about a community structure plan which just got butchered. But in the original proposals, one of the things that came out was addressing the issue of limiting access off of roads within - - you know, near intersections of arterials, or intersections of arterials with connectors. That's a really good policy goal, I think. But the Beck administration -- in fact, Mr. Beck was always extremely concrete and specific -- they put in there and said, well, that -- that I can't do anything within 800 feet. And, actually, I worked with, you know, Mr. Crockett and other people, and they came forward and said we really support the general principle and goal, but why would you put such a specific number in there, the 800 feet? And so my way of introducing this is to say that I like the idea and I've heard you quite often, and you said it's in the footnotes, stating the rationale for some of these things, the idea about more green, about impervious surface. I would ask you to look carefully at all these things, one is to move those rationales up into the document more so that the overall goal, the overall aim, and sometimes it's the multiple overall things and how they mesh, are kind of -- that you adequately explained the rationale and the goal that you're aiming at, and then after that you list the various kind of provisions that you're implementing. One you may find some of them, as we did in the development community, and the development community got very interested in the Metro 2020 at the last and the Council shut us down and it turned out to be a waste of time. But the fact is emphasizing those goals, I think, is much -- it's almost far more important than the particular rules. And I don't know where -- don't know where the real dividing line on that is, but I think if you raise that -- that kind of goal intent statement of some of these a bit higher, it will be easier for all of us to see and also easier for you to see in doing your review of the comments and the suggestions and kinds -- to see where things are aligned. I -- I see the same kind of thing in what I heard was the climax forest. If I understand the goal of these kind of rules were, it's about preserving climax forests. And I must submit, you may not be able. There just may not be enough land or enough trees or something. But if the goal was kind of that, but thinking in terms of climax trees in a forest, well, I must admit, if the goal is to preserve where possible and, to some extent, with interesting offsets because, in fact, that is somewhat limiting use of property -- somewhat limiting. But say -- elaborate, it's the idea of maintaining the climax forests. Well, dividing these things up all over the place probably doesn't work. It may be there are fewer places where you would apply the rules. But talking about a climax forest for me would be an example of stating the -- the real overall kind of goal, and then we can evaluate underneath that. I want to make sure. I also -- but I also like Mr. Farnen's comment about architectural diversity. That seems to me to be also a reasonable possible goal and that, to some extent, some of the details of the rules about the access. I wouldn't just go and say, well, we couldn't build the grasslands today under this new thing. I didn't like the KOMU story and so forth that went all over around town. I thought that was fun, but was really inappropriate. Intellectually, it was inappropriate because we're not talking about whether we could build these things again. But I think he has a very

good point, and I think allowing -- well, you call it flexibility. Stating that kind of thing as a goal to help you evaluate this, because I think some of the rules about access aim very well at meaningful and valuable goals need to also be evaluated kind of in that context and mix. And so I would ask you to kind of think in those terms. I think that was the last. If there any questions, I would be glad to entertain them and, if not, thank you.

MS. LOE: Are there any questions for Mr. Clark?

MR. CLARK: Thank you.

MS. LOE: Thank you, Mr. Clark. And thank you everyone for your continuing thoughts and comments on the review process. We do appreciate everyone's input. It's only with everyone's input that we're going to get a working product out of this, that when we sit down to attack the accumulative list, we may have second thoughts about everyone's accumulative. More comments, please? More input?

MR. LAND: Thank you. I'm Paul Land; I have offices at 2501 Bernadette. I want to thank the staff for putting that regulating plan out there big enough that I can read it. That's wonderful. Even more impressive was they made the change I requested, so thank you. I think some of the testimony or presentation tonight, and I really feel for your folks. I've been sitting in the audience and you've got to make decisions on this, and I'm numbed after -- after some of these presentations. But you can imagine I have 20 minutes to explain this to a new business coming into town. We've been through 12 hours of testimony, and I just can't do that. At some point in time, when you get down to the final product of this, I want you to consider whether we really have to have this or not, because I heard a statement made tonight about a code -- or something or somebody said something was antiquated, but it's functional. I think what we have right now is we've got a code that's antiquated maybe, but it's functional. I'm not sure this one we're going to is. So that -- I'll wait till the final product comes out and make -- make that judgment. Maybe some of the corners will get beat off this thing and I'll be able to dribble this ball. But one of the things I -- and I find myself in a weird position to be arbitrating between John Clark and Jay Lindner. But no developer really wants to put in more parking than he needs. That's a cost and it doesn't have an income stream attached to it. So I'm not sure we really need a maximum. I don't think it needs to be defined. I think it can be developed. I think practical -- practicality of the design will take that over. If you find someplace in there, don't make it 125 percent, make it 150 percent. But -- but the centers and multiple-tenanted buildings shift over periods of time. Sometimes they -- different users go in and have different parking requirements and there has to be some sort of flexibility for that. If it goes 150 percent, maybe there's a different storm-water regulation that kicks in because you're building for things that happen during between Thanksgiving and the Christmas holiday, but it does rain the other 11 months of the year. So maybe there's a -- maybe there's a different way to address that other than in this -- this particular element of the code. Many of these codes that I'm seeing here or many of the comments that are -- are put in here I think are really geared toward Greenfield Development and I think it's very important that you consider the exemptions that the Business Loop has asked for and the -- and the Business Loop CID and the downtown CID. Those were -- those were formulated for a reason, to exempt

those size lots that they've asked for in their respective CIDs. I think that concludes my comments.

MS. LOE: Are there any questions for this speaker? Thank you, Mr. Land. Any additional speakers? Well, we really do want to thank everyone for their input. This really does help us in our process. Do we need to do anything to close this section?

MR. ZENNER: Other than move on to the next item. We're ready to move.

MS. LOE: I -- I personally would like a five-minute break. All my Commissioners have been getting up and taking a break, so I'm going to move that we take a five-minute break and then we'll come back and do subdivisions.

(Off the record.)

MS. LOE: Okay. Are we ready? We're going to call July 7, 2016, Planning and Zoning meeting back to session.

## **VI) SUBDIVISIONS**

### **Case 16-149**

**A request by Habitat for Humanity (owner) for a variance from Section 25-48 of the Subdivision Regulations pertaining to the requirement to install sidewalks on property platted prior to 2001. The subject site is located on the south side of Jamesdale Road, approximately 500 feet east of Brown Station Road, and is addressed 3406 Jamesdale Road.**

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

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of a sidewalk variance from Section 25-48.

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

MR. MACMANN: Planner MacIntyre, these buildings to the west, those are duplexes?

MR. MACINTYRE: I believe those are four-plexes.

MR. MACMANN: Those are four-plexes. And those are about how old?

MR. MACINTYRE: I would judge them to be or estimate them to be about from the '60s.

MR. MACMANN: '60s.

MR. MACINTYRE: Based on just appearances.

MR. MACMANN: But I'm just wondering. Obviously, there is opportunity for development here north of the site, but I'm trying to get a sense of if this is going to change in five or ten years, that type of thing.

MR. MACINTYRE: Right.

MR. MACMANN: And I know you don't know that. I'm just -- that's something that's entering my calculus. Do we know if -- what is the feeling of the people at the eastern terminus of Jamesdale Road think about this?

MR. MACINTYRE: They have not --

MR. MACMANN: Not weighed in on this in any way, shape, or form?

MR. MACINTYRE: That's correct.

MR. MACMANN: Well, they have -- they have to have sidewalks and --

MR. MACINTYRE: Right. They would have been required to --

MR. MACMANN: But at that juncture --

MR. MACINTYRE: -- or the developer of those properties, yes.

MR. MACMANN: Right. Okay. All right. That's the only questions I have. Thank you very much.

MS. LOE: Any other questions?

MR. HARDER: Yeah. I'll ask a question. Do you know what -- what the speed limit or posted speed limit is on this street?

MR. MACINTYRE: I don't recall seeing a sign, but it should be 25 miles per hour.

MR. HARDER: Thanks.

MS. LOE: Any other questions for staff? Mr. MacIntyre, I have a question. You note here in the discussion that the opportunity for connection is better along the north side. Does that include topography, as well? Is it a better topography for a sidewalk connection along the north side?

MR. MACINTYRE: Yeah. That's, I'd say, the primary difference with the exception of those large parking fields that -- on the south side that present a bit of an issue, the fact that the -- the north side is much more level and doesn't seem to contain, at least to the same extent, those deep swales that the south side has.

MS. LOE: Well, there's also more unbuilt sites on the north side, so --

MR. MACINTYRE: Also part of that rationale.

MS. LOE: Correct. All right. While not necessarily required, we do allow principals to make any statements that they feel might provide us with additional information we might need to make a decision. If anyone would like to come forward at this time.

MR. SHANNON: I feel like I should leave well enough alone. I'm Bob Shannon, and I am from Habitat, the construction manager.

MS. LOE: Can you give us your address, Mr. Shannon, for the record?

MR. SHANNON: My home address or --

MS. LOE: Yes, please.

MR. SHANNON: My home, 8400 Barry Road, it's a Pierpont location.

MS. LOE: Thank you.

MR. SHANNON: It has -- I thought that gentleman over there did a terrific job of explaining it. It's a unique piece of property. It actually was part of the -- what you might call the eastern. If you look at -- I'm going this way on the property, north is that way. It was part of it. It was a garden site of the other home. And I guess what I want to say is that we had to build high. And when we did that, if we make -- if we flatten off for a sidewalk, we're at about a one-inch per foot -- okay -- rise if what -- as a builder, I'd like to see is come off the street and go up to the floor of the garage at a straight angle without doing this because at that -- at those kind of rises, what happens if you flatten out and a small car gets on it, it'll

have a tendency to drag its tail. And so I would like to be -- that's another consideration. Okay. And the only other thing I can think of is that it would be in harmony with -- on each neighbor on each side, so it wouldn't stick out. And I have a real question how functional a sidewalk would be on there anyway, to be honest with you. The drainage is quite a problem. Thank you.

MS. LOE: Are there any questions for this speaker? I had one question.

MR. SHANNON: Yes, ma'am.

MS. LOE: Can -- I'm not asking the cost of this specific house, but can you tell me just ballpark how much does Habitat typically spend? Is this -- are you building a single-family house here?

MR. SHANNON: It's a single-family residence. Yes, ma'am.

MS. LOE: And how much is it -- does a typical single-family house run for Habitat?

MR. SHANNON: It --

MS. LOE: Well, just in this area with the number of bedrooms you're going to be building.

MR. SHANNON: In general, yeah. Yeah. It's three bedrooms, two baths. It's about 1,100 square feet and it has a single-car garage on it. That house will probably -- in the \$65,000.

MS. LOE: Okay.

MR. SHANNON: That's an average cost.

MS. LOE: Because you do sweat equity as part of -- do you do sweat equity as part of the labor?

MR. SHANNON: Yes. Sweat -- at 250 hours of sweat equity. Now, sometimes we deviate for that depending on the buyer. If it's a disabled buyer, you know, we'll reduce that if we can't find a suitable way to earn that money. The first 50 hours are done just by the homeowners or the direct family members, like, their kids. After that, they can ask church members, school mem-- you know, businesses, whatever, and -- to help them construct it. But the first 50 hours is theirs and they can --

MS. LOE: I was interested simply because Mr. MacIntyre had raised the issue that this could be a significant portion of the cost -- of the improvement costs for this project.

MR. SHANNON: Yeah. It will -- in this case, it will be, ma'am. It will be. It will change that.

MS. LOE: Thank you.

MR. SHANNON: You bet you.

MS. LOE: Any discussion?

MS. RUSHING: I'll start. If -- the sidewalks to the east are really lovely and I would like to see sidewalks in this area. But I agree that this particular location, although the drainage ditch doesn't particularly bother me because it didn't seem particularly deep and if you see the other properties, they're not made any provision for drainage ditch there. But the change in the elevation and the location of the tree, I think, I think are highly problematic. So if we can get sidewalks on the other side sometime, that would be wonderful. But I agree that it's probably not going to achieve much on this particular lot.

MS. LOE: Any other comments? Mr. Stanton?

MR. STANTON: I would like to make a motion.

MS. LOE: Go for it.

MR. STANTON: As it relates to Case 16-149, I move to approve for the variance of sidewalks for 3406 Jamesdale Road.

MS. RUSHING: Second.

MS. LOE: Mr. Stanton moved, Ms. Rushing seconded. Can we have a vote?

MS. BURNS: Certainly.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton. Motion carries 7-0**

MS. BURNS: Seven in favor. Motion carries for approval, number seven.

MS. LOE: Thank you, Ms. Secretary.

## **VII) PUBLIC HEARINGS AND SUBDIVISIONS**

### **Case # 16-142**

**A request by G&E HC REIT II Columbia C/O American Healthcare, and Schaumburg Properties, LLC (property owners) to rezone land from R-3 (Medium Density Multiple-Family Dwelling District) and C-3 (General Business District) to O-P (Planned Office District); and to approve a major amendment to the Landmark Hospital O-P development plan. The 5.19-acre subject site includes the existing 4.7-acre Landmark Hospital site on the northeast corner of Old 63 and Alfred Street, and a proposed 0.49-acre off-site parking area located on the west side of Old 63, north of McAlester Street, approximately 320 feet north of the hospital site.**

### **Case # 16-144**

**A request by Schaumburg Properties, LLC (property owner) for a two-lot replat of R-3 (Medium Density Multiple-Family Dwelling District) and C-3 (General Business District) zoned land. The 0.96-acre subject site is located on the west side of Old 63, north of McAlester Street, and is addressed 805 Old 63.**

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

Staff report by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends:

Case #16-142: Approval of the O-P rezoning request, including the associated statement of intent. Approval of the amended O-P development plan to allow the 10,000 square foot building addition and incorporation of the 33-space off-site parking lot.

Case #16-144: Approval of the proposed replat.

MS. LOE: Are there any questions of staff?

MS. RUSHING: I have a question. So my understanding is that they are going to be constructing additional parking towards the northwest, but they won't be improving the existing parking area?

MR. MACINTYRE: The existing parking area, at least at its borders, will remain unchanged, so there will be some modifications at the edge of the new building addition where it bumps out. And aside from that, there is no expansion of the impervious area.

MS. RUSHING: No. I'm talking about the site to the north.

MR. MACINTYRE: Oh, I'm sorry.

MS. RUSHING: Where on the west it -- they would be adding -- it appears from what I'm looking at, they would be adding parking spaces and constructing those spaces. On the east -- the southeast portion, there is already parking, but they're not going to be required to improve that area; is that correct?

MR. MACINTYRE: That's correct. As far as the impervious area and the existing parking spaces, they might Overlay it or do some minor improvements to the surface. But with the exception of the landscaping along the western side of that existing parking area to meet our screening requirements, they would not be making any substantial changes to that existing striped parking area.

MS. LOE: Any additional questions of staff? Mr. MacMann?

MR. MACMANN: I have a few questions -- any you may not -- you may not know this, Mr. MacIntyre. The procedure room's expansion, that will significantly increase their ability to be -- do procedures on site?

MR. MACINTYRE: I'll have to let the applicant speak to it specifically. It has been explained to me though that, for example, somebody who needs to be -- who might need to be intubated for a procedure that would otherwise have had to take an ambulance trip -- no sirens --

MR. MACMANN: To the University --

MR. MACINTYRE: -- to the University or some other facility can now have that done on site. I should note though that the number of beds within the existing hospital is 32, I believe. That will remain unchanged. So it is merely adding a convenience or level of service increase to the --

MR. MACMANN: All right. I'll address that further to the applicant when -- when those guys speak about procedure expansions. In following up on Joy's point, are we going to have a stormwater issue up here in the very northwest when that new parking lot goes in?

MR. MACINTYRE: I believe the new parking lot would need to meet our stormwater -- well, it would meet -- it is subject to our stormwater requirements. I'm not sure to what extent those requirements would apply in this particular case, but they will be subject to them. A detailed evaluation of that would be -- would occur upon --

MR. MACMANN: It would apply for that building permit?

MR. MACINTYRE: Yes.

MR. MACMANN: Okay. One last question for right now. This is -- if I'm getting -- this is going to be employee parking. Is that what --

MR. MACINTYRE: Yes. So it's not going to be parking that is open to visitors or other --

MR. MACMANN: And this crosswalk there, pay to build it and we're going to maintain it? Did I follow that correctly or how is that going to go?

MR. MACINTYRE: That's actually a good question. I'm not sure --

MR. MACMANN: I mean, we typically --

MR. MACINTYRE: -- we would maintain it. I believe --

MR. MACMANN: We do if --

MR. MACINTYRE: -- we would --

MR. MACMANN: -- someone else pays for like a development agreement --

MR. MACINTYRE: Uh-huh.

MR. MACMANN: They might pay for it at the moment, but we maintain it over time.

MR. MACINTYRE: It would be within our right-of-ways, so my expectation would be that once it is installed, we would maintain it.

MR. MACMANN: Do we have a commitment from these gentlemen and ladies to pay for this? It was proposed in your work up. It was listed, you know, as proposed.

MR. MACINTYRE: Oh, it's --

MR. MACMANN: Is that part and parcel? I'm not --

MR. MACINTYRE: Yes.

MR. MACMANN: That's fixed?

MR. MACINTYRE: Yes, it is. Yeah. It's -- I believe the Statement of Intent is where --

MR. MACMANN: Okay.

MR. MACINTYRE: -- is where it is mentioned.

MR. MACMANN: I just -- that's what -- when I saw that --

MR. MACINTYRE: Yeah.

MR. MACMANN: I wanted to clarify --

MR. MACINTYRE: It's secured.

MR. MACMANN: I'm good for right now. Thanks.

MS. LOE: Thank you, Mr. MacMann. Thank you, Mr. MacIntyre. Any additional questions? At this time, we will open the floor to the public. If anyone has comments they would like to make, please approach the podium and please give your name and address for the record.

#### **PUBLIC HEARING OPENED**

MR. BURCHFIELD: Yes, ma'am. Hi. Good evening. Jay Burchfield, 302 Campusview Drive. I'm -- it's been a long night, and it was a very detailed, good staff report. And we do kind of have three different applications appearing simultaneously that are all part of the same outcome. To answer a couple of questions, on the -- with Ms. Rushing, the existing parking lot to the southeast of the northern site -- the offsite, has recently been paved and striped, and so it is in very good condition. So there would be very little, if any, work other than the landscaping buffer to be established. The western portion of it is a gravel parking lot currently today -- kind of overgrown and graveled parking lot, so the scope of that work is almost more maintenance and Overlay in that -- in that scope of work for that parking lot. Yes, sir, it is employee parking. There are approximately 50 employees during the daytime hours; 20 at nighttime, so it is predominantly and probably exclusively going to be used during the daytime hours. And the hospital will most likely issue tags to their employees to kind of govern that. There -- it's been an open unrestricted parking lot for many years that have some spillover from the neighborhood --

MR. MACMANN: I work in that area occasionally.

MR. BURCHFIELD: Yeah.

MR. MACMANN: You're going to have a hard time keeping it empty --

MR. BURCHFIELD: Yeah. Yeah.

MR. MACMANN: -- but that's okay.

MR. BURCHFIELD: Yeah. Yeah. There's plenty of need for parking.

MR. MACMANN: Yes, sir.

MR. BURCHFIELD: To answer your question about --

MR. MACMANN: Procedure -- you're adding about 10,000 square feet of procedure space right now.

MR. BURCHFIELD: Well --

MR. MACMANN: That's the concept here.

MR. BURCHFIELD: Right. So the 10,000, feet, I would say, a little less than half of it is procedure space. The other half are men's and -- employee locker rooms and employee lounge, some restroom facilities. After seven -- this is the first and only long-term acute care center in Columbia -- and it's 42 beds, Steve, instead of 32. But it is licensed for 42 -- originally 42, and doesn't change. As the operation has evolved and this industry has matured, they found needs for ancillary spaces in the facility in addition to the procedure room areas. They are taking care of a higher acuity patient that is requiring more procedures, and it's hard on the patients --

MR. MACMANN: Transportation --

MR. BURCHFIELD: -- for transportation to do something that takes literally three minutes or ten minutes to provide medical transport, go to the hospital, do the procedure, and transport back.

MR. MACMANN: Now, can you -- let me follow up on that just a little bit. Right now you are an acute long-term facility. Right?

MR. BURCHFIELD: Yes, sir.

MR. MACMANN: Okay. You are -- I'm not sure how medical licenses work, so I -- bear with me a little bit. You are licensed to do all the procedures or you plan to be licensed to do all the procedures that you hope to do in the future onsite?

MR. BURCHFIELD: Already are.

MR. MACMANN: Already are.

MR. BURCHFIELD: it's licensed, Certificate of Need, none of that changes.

MR. MACMANN: Okay.

MR. BURCHFIELD: No other additional regulations are needed.

MR. MACMANN: All right. So you don't need to go to the hospital board or --

MR. BURCHFIELD: No.

MR. MACMANN: -- any of that stuff?

MR. BURCHFIELD: Correct.

MR. MACMANN: All right.

MR. BURCHFIELD: It's all being performed by physicians and physician's assistants and nurses and everybody already. It just gets to happen here. And the healthcare delivery costs goes way down.

MR. MACMANN: It does. I just -- I worked in the hospital industry for a while and I know that everything is very closely regulated.

MR. BURCHFIELD: Yeah.

MR. MACMANN: And I'm just trying to make sure that we are not making it worse. I don't -- of you, sir, I don't have any more questions right at this time. Please go on. I interrupted your presentation -

MR. BURCHFIELD: No, sir. I'm -- that is it. I'm -- we're welcome to answer any questions, obviously. We have -- our civil engineers are here; Dr. Kapp, the principal lead physician and the owner of the company is available, and so we can find an answer to whatever you have for sure.

MS. LOE: Ms. Rushing?

MS. RUSHING: The patients that you have here, are they long-term or short-term residents of the facility?

MR. BURCHFIELD: It's a long-term acute care facility. Differentiated from a short-term acute care -- Boone Hospital and University are short-term acute care. I'm very close with these days, but average length of stay, three days at a short-term care facility.

MS. RUSHING: Uh-huh.

MR. BURCHFIELD: Long-term acute care facility, they go from the short term -- from Boone Hospital or the University to this facility to wean off of a ventilator. So average stay, 35, 45 days.

MS. RUSHING: So are your patients ambulatory --

MR. BURCHFIELD: Well --

MS. RUSHING: -- generally?

MR. BURCHFIELD: No. They are not driving there and they do not live there. They are patients in a hospital room, but for a longer period of time as they are weaning off of a ventilator, for example. Once they are weaned off the ventilator, then they go home, wherever home is.

MS. RUSHING: Okay.

MS. LOE: Any additional questions? Seeing none. Thank you.

MR. BURCHFIELD: Thank you.

MS. LOE: Discussion? Additional speakers, please come up.

MS. LEONATTI: I'm Jean Leonatti, 3406 Wakefield Drive, Columbia, Missouri. I am currently serving as president of Columbia Country Club, and I'm here representing their interests. And I actually have a letter for the Commissioners, if that is appropriate. You have had a long night, so I'm not going to read the letter to you. I just want to highlight a few things that are there. We have some concerns about this development. We are located directly downstream from this facility. If you look at the map, Alfred just ends right in our property. And the runoff from the facility is conveyed through an unnamed tributary that goes through our property, and it ends up in Hinkson Creek. And that stream is located on the south

side of our property and it is also located on the south side of a dam that we have on our irrigation pond. That stream and that pond have been there for over 50 years, so they are long standing. A few years after the construction of the Landmark Hospital, that stream has become unstable, causing bank erosion and stream bed breaking down; it has exposed some of our irrigation lines; some trees have died; clogging of the cart path bridges and pathways into storm sewer area; and of greatest concern right now, it has -- the erosion has actually taken away a couple feet of the dam. So this part is not in the letter, but we are right now facing a \$50,000 project to have our dam shored back up again so it doesn't fall in. We believe this increased runoff has come from the Landmark Hospital. Some of their parking lot is damaged and not operating the way it is supposed to be; and it looks like the basin is full of sediment, so it is not catching stormwater like it is supposed to. We only found out about this project when I happened to be driving down the street last Thursday or Friday, so we haven't had a lot of time to look into all of it. We do have engineers working with us on our erosion problem. They have looked at the plan. We don't really see where the stormwater issue is being addressed or improved at all in this plan. It rather concerns us that it kind of looks like they think nothing has to happen stormwater-wise, and we would disagree with that. We believe that there is a provision that does require stormwater to be addressed through this proposal, and that is in the letter. I don't want to read that whole big citation to you. It is on the second page. The project was approved for stormwater management in 2008, and work has commenced on it. And so therefore, it looks to us like the stormwater management plan that was proposed in 2008 is still enforced, and it should be enforced with this particular plan revision. So based on the history of the pond and the stream being there for 50 years, and about the only thing that has changed in the last 20 years is the Landmark Hospital, our concerns about the erosion that is happening and the stormwater runoff and eminent failure of our dam, we would request that you not recommend this proposal as it is presented, and instead, we would recommend that that approval be conditioned on the following four items that are in the letter: One, is that the existing stormwater management facilities be repaired and they be maintained as required by the stormwater management covenant; that all new impervious surfaces be treated to a level of service of at least eight, per the stormwater management and water quality manual; all impervious surfaces be detained to predevelopment discharge rates; and that channel protection detention be provided for the entire facility. We have nothing against the hospital doing its expansion, but we certainly want to see the stormwater situation handled before they are able to go forward. Thank you

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

MR. TOOHEY: I've got a question.

MS. LOE: Mr. Toohey?

MR. TOOHEY: So the club also went through an extensive renovation. Is there any possibility that the issues with the dam could be from that renovation?

MS. LEONATTI: Actually, our renovation helped it because there was a new stream that was cut further up from this location, and so some of the rainwater from the neighborhood does come down through that new stream.

MR. TOOHEY: Okay.

MS. LOE: Any other questions? Mr. MacMann?

MR. MACMANN: I do have a question. I have several. Mr. MacIntyre, could -- you had that back up a little bit to the Google shot where we could see the waterways that she is referring to? Wasn't that one of your -- there were go.

MS. LEONATTI: Yeah.

MR. MACMANN: Can you see that, ma'am.

MS. LEONATTI: You can probably -- yeah. And you can probably only see one of them, but you see the road that is going out --

MR. MACMANN: North and south --

MS. LEONATTI: -- Alfred Street?

MR. MACMANN: Yeah.

MS. LEONATTI: Come up a little -- right there. So Alfred Street runs down -- and then just keep going with your arrow. And see the cut?

MR. MACMANN: Uh-huh.

MS. LEONATTI: And see the cut. Keep going, and then there is our irrigation pond right down there in the corner of that drawing.

MR. MACMANN: Your -- I have been through this area, but it has been a couple of years since I paid close attention to it. Your contention is that the construction of Landmark in 2008 has exacerbated, as there in there is more stormwater coming off causing erosion and damaging --

MS. LEONATTI: At least our property.

MR. MACMANN: Impinging upon --

MS. LEONATTI: Right.

MR. MACMANN: -- a dam. And you're still under an engineering survey to find out exactly what is going on? Am I following you correctly?

MS. LEONATTI: Yes. They're designing. We are getting ready to bid out this dam shoring up.

MR. MACMANN: Well, I do know that with additional construction -- and Mr. Teddy will back this up and so will Mr. Zenner, they'll have to contain and maintain any construction-oriented runoff that they have. You -- I'm trying to get this out. You're saying a couple of things, if I'm -- correct me if I'm wrong. You're having more runoff because Landmark is there, and you also mentioned that Landmark has maybe a maintenance issue with some of the parking lot --

MS. LEONATTI: Yes.

MR. MACMANN: -- which may be causing more water to flow also?

MS. LEONATTI: There is a problem with the existing parking lot as well as the stormwater retention pond area that they have. So we would like to see those taken care of, and then make sure we are not increasing the problem with the new building.

MR. MACMANN: Oh, I -- I live in the central city. I'm all with you on the stormwater thing. I'm

just -- I'm trying to get this out and perhaps Mr. Teddy or Mr. Zenner can answer this question. Some of this may be an enforcement issue?

MR. ZENNER: Some of it may be, and --

MR. MACMANN: I mean, I can't --

MR. ZENNER: -- a maintenance --

MR. MACMANN: -- tell, I can't --

MR. ZENNER: -- related matter. And I will let Mr. Shy on behalf of the applicant respond to what their proposed solution is and their evaluation of the stormwater necessities at this point. This is one of the few project sites that actually, prior to the development of this property, has an offsite drainage facility that was approved in coordination with its development, which is to the northeast of the actual hospital itself, which is what may at this point have issues -- maintenance-related issue associated with it. So the fact that the hospital has been there for the last -- since 2009, probably, Mr. Burchfield, and now that this issue is arising would lead me as just a citizen to say it may be a maintenance issue more so than an exacerbation as a result of development. The maintenance of that drainage feature -- and Mr. Shy can respond to this from a technical capacity, may be what is causing that. I don't know how this site drains. However, I can tell you that it -- it would lead me to believe at least that possibly having a number of years past, close to seven or eight, that the problem now is arising would be more maintenance, not necessarily because of the construction. We have had a lot of rain and other conditions in that period of time that I would have expected it to have shown itself sooner. So any construction on this site -- any construction on the site or expansion of the site is going to have to comply with our stormwater requirements, which would indicate that post-development flow is not supposed to be greater than your pre-development, which means it is going to have to be managed. There are certain exemptions that do apply to particular property based on the scale or the size of its improvement, and those are matters that are worked within the code. So the parcel to the north may, through its review and because of its size of improvement, not have a significant stormwater improvement associated with it; whereas, I would suggest that based upon the original approval and the stormwater covenants existing with the hospital site, there will be a higher level of scrutiny associated with that. With that said, I will let Mr. Shy possibly, from an engineer's perspective, respond to the maintenance possibilities that need to be looked at, and then the drainage capacities associated with what is there today and what is being added.

MR. MACMANN: Mr. Shy, before you speak -- and Sara, pardon me for usurping here a little bit, but, ma'am were you done?

MS. LEONATTI: I've made my statement.

MR. MACMANN: Okay. I'm sorry. Because we kind of co-opted your time. .

MS. LEONATTI: (Inaudible) -- I'd be happy to answer other questions.

MR. BURCHFIELD: And I will cut to the chase and just say we will look at that and address that. One of the points she mentioned was the damage -- was the deteriorated parking lot. That is one of the first iterations of impervious parking lots, which looks like a gravel parking lot in patches of it. It's not

pretty. It's what it is in its design. It is a BMP that is in place since the original construction in 2008. The northern portion of the site, you can see there where the arrow is pointing to the main facility, all of that open space, the reason we can't expand onsite is because that is the drainage area. That is -- those are BMPs in place that are mature and functioning in place. And then we even went over to the right of that -- you can see -- the regional detention pond, when we first entertained this development in 2008, it was immediately pointed out by Mr. Morrow [ph], the immediate neighbor to the east, that his house floods every time it rains -- you can see where everything comes down -- long before it gets to the Country Club property. And his residence, it comes in his garage and in his kitchen. So we fixed that with the construction in 2008. We slowed the water down. It is metering out of it. We have had our engineers review the BMPs within the last 30 days. They are functioning as designed and as planned. They are mature and established. But we will review it again as we do -- I guess the City now has ordinances and regulations that BMPs are reviewed annually and submitted to the City.

MR. MACMANN: That is correct.

MR. BURCHFIELD: That was not the case with this project. That is post -- we did this --

MR. MACMANN: Correct. I'm with you.

MR. BURCHFIELD: We are now doing it, and we will do it again. And we will certainly visit with the Country Club and help with that, but I would like to take this opportunity to point out, because there has been substantial new construction in this watershed upstream -- directly upstream of the detention pond and this drainage path that goes here since the construction of our facility and the implementation of our BMPs -- commercial, residential, lots of grading and dirt work. There has been grading out there just recently in fact. The Forever Green Nursery used to be a big nursery, and now it's a retail center with -- so I'm not pointing the fingers; I'm just pointing out that there has been a substantial amount of development since we established what is there. But we will do whatever we need to do to meet the ordinance and rules concerning the water discharge from our site.

MR. ZENNER: Mr. Burchfield, if I may ask, are you relocating or installing with the construction of the addition any additional impervious or pervious pavement onsite in order to address any increases in your actual runoff --

MR. BURCHFIELD: No.

MR. ZENNER: -- that you would be creating?

MR. BURCHFIELD: It is a wash. It is designed as a wash. We are putting new building on existing impervious --

MR. MACINTYRE: Pervious.

MR. BURCHFIELD: -- or pervious pavement, and we're replacing that pervious pavement with what is currently impervious pavement.

MR. MACMANN: Okay. Net wash in the end. You're picking up a pavement -- I don't want to delve into engineering arcana. Discharging your gutters and downspouts and stuff like that --

MR. BURCHFIELD: Right.

MR. MACMANN: -- that goes underneath that parking lot --

MR. BURCHFIELD: Yes.

MR. MACMANN: -- currently?

MR. BURCHFIELD: Yes.

MR. MACMANN: And you do discharge to your northeast generally?

MR. BURCHFIELD: It discharges to the north directly through the BMPs to the east to the detention pond, and then metered out of the pond to the southeast down to where Ms. Leonatti has raised the concerns.

MR. MACMANN: I -- well, more question to -- actually, this is probably Mr. Zenner. We have a 2008 baseline on them?

MR. ZENNER: That would be what -- I would imagine that is how the BMPs were done.

MR. MACMANN: Okay.

MR. ZENNER: And that is compliant -- that would have been compliant with the 2007 --

MR. MACMANN: So their new --

MR. ZENNER: -- Stormwater Ordinance.

MR. BURCHFIELD: When we're all done --

MR. MACMANN: When they are all done -- say they're approved and they do -- they're going to be compared to their 2008 discharge, not their 2016 or their 2017 discharge. How does that work?

MR. ZENNER: I'm not --

MR. MACMANN: What's the standard --

MR. ZENNER: I'm not our stormwater review staff, but what I could tell you -- I mean, you're covering currently what is impervious -- or pervious surface, which functions as drainage. You're replacing the pervious surface in a different location, so in -- by -- you're no net increasing. The baseline is not going to be as relevant as ensuring that the square footage that exists -- be it pervious or impervious on the site has changed nothing, you've just reallocated where it is.

MR. MACMANN: Well, which could be critical on this.

MR. ZENNER: Well, if the addition is coming off of the center of the building to the northeast and you're directly discharging to the north to the BMP features that were originally sized to accommodate the impervious areas on the property which currently are inclusive of a parking lot that will become pervious pavement to replace the pervious that will be covered by an impervious surface, you're really -- you may not be increasing significantly any offsite flow because there is no net gain.

MR. MACMANN: And I'm with you there, Director Zenner. I really am.

MR. ZENNER: I think what we will have to --

MR. MACMANN: I'm just -- I'm trying to pay some close attention to this because as most of us in this room know, we have a serious stormwater problem in the many, many tens of millions of dollars. And I just want to make sure that we all dot i's and t's when we all go forward.

MR. BURCHFIELD: Yes. And this -- this was the -- in meetings with the Country Club, I

personally met with in 2008, this was -- this exact location was the hot topic in 2008.

MR. MACMANN: Oh, I'm sure.

MR. BURCHFIELD: And it -- the result of that was the establishment of what was every one, we thought, was way overdesigned at that time, but we were the next one up, and there was a pretty big watershed that was unmanaged that needed to be taken care of. And so we did that in 2008.

MR. MACMANN: But was it -- I think most of this is a maintenance regulatory issue --

MR. BURCHFIELD: Uh-huh.

MR. MACMANN: -- and inspection issue. I mean, I don't really see how much of it impinges upon the zoning. I mean, maybe I could be corrected.

MS. LOE: Do you have any --

MR. MACMANN: No, I don't.

MS. LOE: -- additional questions, Mr. MacMann?

MR. MACMANN: I was just trying to get some of this stuff down.

MS. LOE: Thank you. Ms. Burns?

MS. BURNS: The Country Club has suggested four conditions. Would you all be willing to accept those conditions?

MR. BURCHFIELD: Well, you know, I was making notes fast and I ran out of paper at the bottom of my existing notes, so I don't know that I got all of them. That is what I wanted to say. We will certainly make sure that the BMPs are maintained and in service. We will make sure the parking lot is functioning properly.

MS. BURNS: I guess I would feel more confident if these are reasonable -- and again, I'm not an engineer. But if these are considered reasonable requests, if you would agree to them, then it would make, I think, our job more --

MR. BURCHFIELD: What I don't know is -- there is a condition of level of service of eight. I don't know what that means. That is something that the engineers --

MS. BURNS: I don't either.

MR. BURCHFIELD: -- would need to look at. In general, yes. I mean, we have to do it whether they are here or not -- whether they are complaining or not, we have to maintain this as part of this new permit process. Otherwise, staff is not going to permit it. So to say yes to these -- as it is written, we can't do that at this -- but we will certainly take a look at it. I mean, we have to look at it.

MS. BURNS: Thank you.

MR. BURCHFIELD: Uh-huh.

MS. LOE: Mr. Stanton?

MR. STANTON: Thinking back over Ms. Burns' statement, you have time to look at those four points. I don't want you to be responsible for things you can't control that are not your issue. But I think you could definitely improve on your existing properties and make sure that they are up to speed, I mean, so --

MR. BURCHFIELD: Absolutely. Yeah. That's why I say I'll cut to the chase and say what we have in the ground and on the ground today, we'll --

MR. STANTON: Well, look at --

MR. BURCHFIELD: -- make sure it is spot on.

MR. STANTON: Well, look at number one. Is that reasonable?

MR. BURCHFIELD: Yes.

MR. STANTON: Okay. So we can agree on number one, at least. So that's on your property, fixing anything that is messed up now.

MR. BURCHFIELD: Right. That's laymen's terms. Yes.

MR. STANTON: All right. Yeah, I don't know what the two is. Number three?

MR. BURCHFIELD: Again, I don't know. I don't know when we start excluding sections and we -  
- yeah, Ms. Leonatti mentioned that she had some engineers do a study. I mean, we would love to see that study and let the engineers do it.

MR. SHY: Yeah. I'm Ron Shy. I'm with Allstate Consultants at 3312 Lemone Industrial Boulevard. This -- these particular items on two and three relate to new impervious area exclusive of areas that are removed and replaced. And we don't really have any new -- we don't have any new impervious area on this project. So what we have done is built a building over pervious or impervious area. We built a new parking lot because it is very poor maintained -- poorly maintained, and it's impervious then -- now, and it will be then. So there really is no -- and this has been -- this has been checked by the stormwater department of the Public Works.

MR. STANTON: This is my favorite saying. I want to walk away with this with a win-win. That is why I am asking what can you get --

MR. SHY: I totally understand.

MR. STANTON: What can we get on the table and make you guys -- make both parties agree because I --

MR. SHY: I would tell you --

MR. STANTON: -- don't want to walk away with --

MR. SHY: Right.

MR. STANTON: -- any problems. Do you see what I'm saying? I think we are very close to being in agreement, so make it a win-win with both parties, you two. We'll walk away and vote on this tonight.

MR. SHY: As far as the maintenance is concerned --

MR. STANTON: -- or -- yeah.

MR. SHY: -- if they want us to go --

MR. STANTON: Convince us.

MR. SHY: -- through the maintenance with their engineers, we can do that, and -- to make sure. Now, you've got to understand, they have to file, every two years, a certification from an engineer that

these things are still working to the City.

MR. STANTON: Right.

MR. SHY: And they have been working. I do know that when the original zoning -- this facility was originally constructed, the golf course did have a problem then. That was a big issue at that time. And then Mr. Morrow that lived next door, that has been -- all of his problems pretty much have been eliminated by that we understand. So I think there has been a problem there and I don't think we have exacerbated --

MR. STANTON: Yes.

MR. SHY: -- so I would be glad to try to talk with their engineers or what -- and go through the maintenance program with them if they would like.

MS. LOE: So if I can interject, I think what we are hearing is you're willing to meet with the --

MR. SHY: Sure.

MS. LOE: -- Country Club --

MR. SHY: Uh-huh.

MS. LOE: -- and/or their engineers to discuss the questions they are having about the project?

MR. SHY: The pervious pavement area that we are having -- that we have now will be taken out. We're putting new in and it will be a different type. They have improved those -- the impervious construction procedures a whole lot better than it was when this was built too. So that will help as well.

MS. LOE: And I think a meeting would allow both parties to reach some better understanding of what is happening --

MR. SHY: I totally agree.

MS. LOE: -- and what will occur.

MR. SHY: Uh-huh.

MS. LOE: Plus, we've also heard from the City that they are going to be overseeing this, and we will be meeting -- the project will be meeting their standards for this. Ms. Leonatti, just if you can come back up?

MS. LEONATTI: And I'm just a social worker, so don't ask me any questions.

MS. LOE: No, but you got -- you got pushed aside earlier. So you've heard the discussions since --

MS. LEONATTI: Yes.

MS. LOE: -- you were up here. Does this sound like a workable solution to move forward for you --

MS. LEONATTI: Yes. We would be --

MS. LOE: -- if we make a --

MS. LEONATTI: -- happy to make -- set --

MS. LOE: --decision on the project tonight --

MS. LEONATTI: -- up the meeting and talk --

MS. LOE: -- with these -- okay. So, I'm sorry, I think we were talking over each other. So if you just wanted to reiterate?

MS. LEONATTI: No. We would be happy to have a meeting to talk about what our concerns are and what their concerns are and where can we meet to resolve some of this.

MS. LOE: That sounds good. All right. Thank you.

MS. RUSHING: I have one more question for staff, if I could. I hate to beat a dead horse here, but the area proposed for replat, which is also going to be rezoned -- and I'm looking at an aerial map dated 2014, which does not show the gravel area and shows approximately ten parking spaces on the lower portion of that area. Now we're going to have 33 parking spaces and this area has been graveled, evidently, since 2014. So in spite of all of that, they're not going to have to improve that parking area?

MR. MACINTYRE: No. There are no requirements to change the existing surface that would be triggered that I am aware of.

MS. RUSHING: Even though they are changing the zoning, they're replatting, and they're increasing the use?

MR. MACINTYRE: Parking lot standards that would come into play here are the screening along the edges of the parking lot from adjoining residential properties and --

MS. RUSHING: But it doesn't have to be --

MR. MACINTYRE: And that includes imperv--

MS. RUSHING: But gravel is okay?

MR. MACINTYRE: -- or

MR. ZENNER: No. Gravel is not acceptable, Ms. Rushing. That -- and I believe --

MS. RUSHING: He said it's gravel and they had --

MR. ZENNER: Well, and they are going to be -- if I recall what Mr. Burchfield indicated, they are going to pave the gravel portion --

MS. RUSHING: Okay. I understood him --

MR. ZENNER: -- and upgrade --

MS. RUSHING: -- to say they weren't --

MR. ZENNER: -- yeah, upgrade that.

MS. RUSHING: going to -- okay.

MR. ZENNER: No. I'm sorry that that was a misunderstanding. The entire parking lot, when it is done for all 33 spaces, would be required to be paved by the City standard as a dust-free surface.

MS. RUSHING: Okay.

MR. ZENNER: And in addition, they will have to provide the screening and landscaping, which is what the O-P plan is actually making sure of in very specific form by the identification of the materials and the buffer areas.

MS. RUSHING: Yeah. When I asked him if they were planning any improvements and he said, no, and said it was gravel, and then Mr. MacIntyre said there are no surface changes that need to be

made, I'm, like, it can stay gravel?

MR. MACINTYRE: Excuse me. I'm sorry.

MS. RUSHING: Yeah.

MR. MACINTYRE: I misunderstood what you were --

MS. RUSHING: Yeah. Okay. Thank you.

MS. LOE: But to piggyback, just for my clarification, paving that existing gravel with asphalt is not adding any impervious paving to the project total, both -- all plats?

MR. MACINTYRE: No. It is on the north lot here. This portion here, and this is where the gravel is. It's in this area that is going to be paved unless there is more down here that I'm not aware of --

MS. LOE: Okay. So it's a --

MR. MACINTYRE: -- or didn't see.

MS. LOE: -- total zero when we are looking at the main --

MR. MACINTYRE: It's not.

MS. LOE: -- plot --

MR. MACINTYRE: It's not. It's not a --

MS. LOE: -- only?

MR. MACINTYRE: -- total zero. It's actually on -- on the offsite parking area, there is an additional amount of impervious area. However, that --

MS. LOE: And that is upstream from the lower site -- the main site. So we are looking at some storm drain issues or retainage for that site potentially.

MR. ZENNER: Again, part of -- part of the way that the current code is structured is the area that is being improved on the replatted portion is less than what our stormwater requirements require. It is not subject to the stormwater requirements that are on the main hospital site, irrespective if they are being joined together by the O-P development plan and they will be zoned identically. They are not subject to the same stormwater requirements because the stormwater requirements with the hospital go with the hospital. The stormwater requirements that will be with the parking area improvements are subject to our current stormwater regulations, which have a specific exemption for improvements under a specific square footage. What will have to be evaluated, and I imagine that will be part of what Mr. Shy's evaluation will be, based on the conversation here this evening, is does the existing BMP features that are to the northeast of the hospital site that are currently retaining the drainage from the hospital site sufficient. If they are not, we will have to probably deal with something at that point. They have a choice. They don't have to because they are exempt under our code. However, I would imagine being the citizen and the corporate citizen that they would like to be, and that they have proven through the hospital's operation since it was built, it is in the best interest of the general harmony of the community that they will look at that. But they are not obligated to do it under our current code. And again, we go back to the fact that the area that is covered on the property today that is the hospital site, there is no net increase in the impervious surface that is being created. It is being exchanged. And therefore, the maintenance and the

evaluation of the functionality of the existing stormwater improvements that were subject to the site in 2008 are what will be evaluated, and they will be required to comply with the no net increase in the impervious or the outflow off of the developed site. The pre- versus the post-development flows cannot increase. There are probably other technical engineering ways in which to manage increases that I am not aware of, but our stormwater staff will make sure that that is not going to increase flow leaving the site that is being metered, as Mr. Burchfield has indicated, back down across the golf course's property through the channel apparently that maybe has additional erosion. That is part of our stormwater staff's requirements as we review building plans where stormwater standards are applicable. That's the City's process. So the integrity of that process is not going to be undermined because of the nature of what this improvement is. It will be followed. We just don't have those answers because we haven't had formal development plans submitted at this point. And it also generally has not risen to the level that we've had to explain the specific stormwater related solutions at this hearing as it relates to land use because it is a -- it's a ladder issue that comes after our development plan approval. Compliance is required or you don't get a permit.

MS. LOE: If that parking were included on the main site, would that trip the requirement?

MR. ZENNER: I -- I do not know.

MS. LOE: Okay.

MR. ZENNER: And that would be part of the more detailed evaluation that we would have at the time of the building plan submission.

MS. LOE: Because, frankly, I have a conflict. Because in some respects, it represents to me sort of -- the property owner can get around -- and I'm not saying this was at all your intention, but if it's -- it's a technicality that is being avoided because of a technicality in some respects, and I don't like those.

MS. LAMAR: On the other hand, you don't want us to get rid --

MS. LOE: You need to come up to the podium if you want to speak, please.

MS. LAMAR: Phebe LaMar here on behalf of the applicant. I have an address of 111 South Ninth Street. The flip side of what you are saying is that we don't want to get rid of the BMPs that are on the side and which are addressing the drainage from that site. And that would be what would be necessary in order to develop on that site, which means that we can't because we have to keep those BMPs in place. So it's not trying to exploit a technicality, it is trying to work with the site and make sure that all of the drainage and all of the stormwater ordinances are being followed that ends us up in the situation that we are in.

MS. LOE: And I didn't mean to insinuate you were trying to exploit it. I'm just saying if this is a paved surface that would under other circumstances require some measures be taken, I'm conflicted about them not being taken --

MS. LAMAR: And the fact is I don't know the answer to that.

MS. LOE: Right.

MS. LAMAR: That is a calculation that hasn't been done.

MS. LOE: Mr. Stanton?

MR. STANTON: Ms. Chair, this is why I'm looking at this win-win. Okay? We can't -- he has no obligation to follow any storm drain rules for the new parking lot, but he has agreed to, number one, fix his existing pavement issues and drainage issues in the first stormwater -- the first request that the Country Club made. Right? We can get pervious surfaces maintained, fixed, and improved which will increase the efficiency of the BMP that is already in existence. He has already agreed to fix all of those things, so we can kind of make a win-win, I guess is what I'm getting at. I mean, yeah, we can't do anything about the smaller parking lot, but we can make him fix the stuff that is -- needs improvement now. You can -- he has agreed to the number one right now in the four demands that the Country Club has made. He has no obligation at all to do any of that. See? And he has agreed to work with the Country Club in fixing any -- you know, they can make -- work out a deal.

MR. BURCHFIELD: Just like we did in 2008.

MS. LAMAR: So that -- to the extent --

MR. STANTON: Right now.

MS. LAMAR: -- that there is a problem with anything that is going on, we are going to get it fixed. And we're going to work with the engineers that have been working with the Country Club --

MR. STANTON: Yeah.

MS. LAMAR: -- to figure out what, if any, problems there are with those BMPs --

MR. STANTON: And I think that is going --

MS. LAMAR: -- to see they are addressed.

MR. STANTON: far and beyond. Just fix what is on your site is really where I'm at. You know, make your -- make sure everything is working at 100 percent efficiency, and --

MS. LOE: So will the retention pond be assessed for picking up any runoff from the northwest site parking lot?

MS. LAMAR: I don't know. I don't know the answer -- I don't know what is required; and therefore, I can't answer that question --

MR. STANTON: I think it would have to be.

MS. LAMAR: -- because that is something that came up just this evening.

MS. LOE: I think what we are discussing is not required. I'm asking if it will be done.

MR. BURCHFIELD: That watershed for --

MS. LOE: You need to come up to the podium, sir. Thank you.

MR. BURCHFIELD: The watershed for that area -- we can go back to one of those other maps -- is huge. Everything ends up on the spot that the Country Club is concerned about from the north, south, east, west, southeast, northeast, northwest. It's a bowl.

MS. LOE: Right.

MR. BURCHFIELD: Okay. So --

MS. LOE: It appears your parking lot is upstream of your retention basin.

MR. BURCHFIELD: Yes.

MS. LOE: Correct.

MR. BURCHFIELD: And it is a deep underground system that gets it upstream and over and then downstream.

MS. LOE: So does that mean --

MR. BURCHFIELD: Those are the BMPs.

MS. LOE: -- the retention basin will need to be sized for any runoff from the northwest parking?

MR. BURCHFIELD: I'm saying that retention basin -- the -- that's offsite --

MS. LOE: Uh-huh.

MR. BURCHFIELD: -- is sized for an area that is huge --

MS. LOE: Okay.

MR. BURCHFIELD: -- today -- existing, has been. So we're adding 16 spaces of pavement that is currently gravel. That is all we are adding.

MS. LOE: So that is being reassessed with this addition --

MR. BURCHFIELD: Right.

MS. LOE: -- and -- all right.

MR. BURCHFIELD: Yes. The 33 spaces in the new lot, there are 18 that are currently paved and striped today. We're adding 16 on that upper side that is currently a gravel parking lot. And the gravel is hard as concrete right now anyway. It has been there a while.

MS. LOE: So not very impervious?

MR. BURCHFIELD: So it's not very pervious. Right. Existing.

MR. HARDER: If I could ask a question. So the watershed that you are describing -- and I haven't seen it, but sounds like it heads more towards the northwest, is my guess, and kind of slightly fans out, and it all runs down this little small creek, I guess. It seems like your retention area is a retention area for also other parts of the watershed possibly and --

MR. BURCHFIELD: Everything. Everything.

MR. HARDER: Everything. And so there's -- I mean there's developments. I mean, there's -- right up here on -- I don't know if it would include Paris Road. I don't -- since I don't know exactly where the watershed is, you know, I'm not sure exactly. But there seems like there is probably some other places that have gone up that maybe have more than 16 spaces.

MR. BURCHFIELD: That's where I say I do not -- I'm not pointing fingers, but the magnitude of it is --

MR. HARDER: I'm just kind of glad that you're -- I mean, it kind of seems like you're kind of the --

MR. BURCHFIELD: Yeah.

MR. HARDER: As long as you can do number one on here and make sure it is working correctly --

MR. BURCHFIELD: May I come up?

MR. HARDER: Absolutely. I would love to see it. (Inaudible.)

MS. LOE: We need to capture this on the --

MR. HARDER: Oh, that is something -- I can definitely pass this down through there. I was kind of curious as well too. I don't know if I should hand this to staff. (Inaudible.)

MS. LOE: Any additional questions for Mr. Burchfield? Thank you.

MR. BURCHFIELD: You're welcome.

### **PUBLIC HEARING CLOSED**

MS. LOE: Any additional discussion?

MR. TOOHEY: I've got a question for staff. So I'm a member of the Club. So would I have to then recuse myself now that the Club has brought this issue up tonight?

MR. ZENNER: You're not in any way standing to benefit from this financially?

MR. TOOHEY: Not that I know of.

MR. ZENNER: So I would suggest, no, you do not need to recuse yourself.

MR. TOOHEY: All right. Just so it is on the record.

MR. ZENNER: Thank you very much, Mr. Toohey.

MS. LOE: Thank you, Mr. Toohey. Would anyone care to frame a motion? Let's go back to how many motions we need.

MR. ZENNER: You'll need two, please. One for the rezoning and the development plan; and then you will need a separate motion for the plat.

MS. LOE: Okay. So we are starting with the rezoning request.

MR. ZENNER: Rezoning and development plan, which will --

MS. LOE: And development plan.

MR. ZENNER: -- be a merged motion.

MR. STANTON: I'll touch that one. I'm not touching the other one. As it relates to Case 16-142, I move to approve the O-P rezoning request, including associated Statement of Intent, as well as the O-P development plan.

MS. LOE: Is there a second?

MR. TOOHEY: I'll second.

MS. LOE: We have a motion by Mr. Stanton, and a second by Mr. Toohey. Can I get a vote on that, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton. Motion carries 7-0**

MS. BURNS: Seven in favor of approval; zero to deny.

MS. LOE: Thank you, Ms. Burns. Now we need a second motion for approval of the subdivision. Would anyone care to frame that? I'll take a stab at it. In the case of -- are these still combined for the subdivision?

MR. ZENNER: No.

MS. LOE: It's just the 16-144?

MR. ZENNER: Yeah.

MS. LOE: So in Case 16-144, move to approve the Schaumburg Subdivision Plat 1.

MS. RUSHING: Second.

MS. LOE: So a motion by Ms. Loe, and a second by Ms. Rushing. Can I get a vote on that?

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton. Motion carries 7-0**

MS. BURNS: That's seven to approve; zero to deny.

MS. LOE: Thank you, Ms. Burns. All right. We're moving on to Public Hearings.

### **VIII) PUBLIC HEARINGS**

#### **Case # 16-134**

**A request by Columbia Civil Engineering Group (applicant) on behalf of P1316, LLC (owner) for approval of a major amendment to the "Discovery Office Park North" C-P development plan to accommodate a building expansion. The 5.02-acre subject property is located at the northwest corner of Ponderosa Street and Philips Farm Road, and is also known as Lot 1 of Discovery Park Subdivision Plat 2-B.**

Staff report by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the proposed replat.

MS. LOE: Any questions for staff?

MS. RUSHING: I do.

MS. LOE: Ms. Rushing?

MS. RUSHING: The northeast property line, there is a significant drop in elevation there. What is going to be done to keep all the water in the world from dropping into that residential area?

MR. SMITH: We actually did discuss a little bit of the grades on the site, and I'll let Mr. Hall discuss that specifically. I believe they have considered stormwater drainage, and there is -- again, to go back to my earlier statement, there is a very specific way stormwater is handled on this site. So I'll let him address that because I know that is something that they pay close attention to with this development.

MS. RUSHING: Okay.

MS. LOE: Any other questions? Mr. MacMann?

MR. MACMANN: During your presentation of pervious and impervious, you lost me too.

MR. SMITH: Okay.

MR. MACMANN: Could we go over that again?

MR. SMITH: Sure.

MR. MACMANN: We started at two acres.

MR. SMITH: Correct. Two acres of pervious. So two acres of generally open space.

MR. MACMANN: All right. All right. And now we are down to 1.2?

MR. SMITH: Correct.

MR. MACMANN: That's 30,000 feet.

MR. SMITH: Square feet. Yeah. It's about a 40 percent reduction now -- 35,000 square feet.  
Yes.

MR. MACMANN: This concerns me. And it dovetails Ms. Rushing's concern also. And from what I understand from the earlier development -- and forgive me, I wasn't here -- there has been some, like, credit trading of what can be done in areas so the whole area balances out? Was that the objective of what -- that was going on there?

MR. SMITH: Yes. Yes.

MR. MACMANN: All right.

MR. SMITH: And I'll point again to the worksheet. You can kind of see generally the top box within the Exhibit A of the worksheet. It specifies basically the allotted amount of impervious, which is 15 acres for the entire portion of Tract 9. And, I apologize, I don't have the total area of Tract 9. And so they -- they basically -- each time they do a development, they calculate how much impervious is in that and they plug it into the worksheet. So we keep a running total of how much impervious is within Tract 9. And so the stormwater facility, which you don't see here, which is to the south of this property, which is the -- this whole lot here is dedicated to stormwater management. And so I think -- I think the vast majority of everything on this lot will be draining through. And again, I'll let Mr. Hall talk some more of specifics on how it is being handled, but this is my kind of platting view of how it is supposed to work. I do believe they are capturing a small amount of stormwater, but I think the vast majority will run basically through this site as well and be managed in this stormwater -- the quantity plus quality issues will be managed here. And then I think -- I believe it drains into the lake as well as kind of the terminus of the stormwater system there. So it's -- it was a system that I think was a design prior to the stormwater ordinance being approved, and so I think this was something that had actually quite a bit of detail associated with it because we didn't have a stormwater ordinance at this time, but it was meant to more or less mirror what a stormwater ordinance would require. So we -- every time we go through this, it's not -- it's not as easy as saying they just need to meet the stormwater ordinance. They have a specific almost self-contained stormwater ordinance that we have to make sure that they following every time they do a development in--

MR. MACMANN: Is the nature of the --

MR. SMITH: Discovery Park, so --

MR. MACMANN: -- laws at the time in the initial agreement?

MR. SMITH: I'm sorry?

MR. MACMANN: Did you follow me?

MR. ZENNER: Yes.

MR. MACMANN: Okay.

MR. ZENNER: I did. And that is correct, Mr. MacMann. And at the time that this was approved in 2004 when the annexation request was being done, this is all part of the Bonne Femme Watershed. Part of this site, part of the overall Discovery property for Philips Farm Tract, as it is known is north of what is now Gans Road and the interchange -- and we have Bonne Femme. We had a Bonne Femme Watershed Plan, so there was a high level of design detail associated with stormwater management on this site with its own stormwater management mitigation plan. Mr. Hall and I began working on this when the Odles acquired this property, and it is very complex. The spreadsheet that Mr. Smith included was actually developed out of the original revisions to this tract in order to be able to satisfy our current stormwater staff that the provisions of the ordinance that annexed this property and established that stormwater plan were not only meeting the ordinance requirements, but were also meeting our current stormwater management regulations. This is the -- it is almost a duality of review process that you have to meet the water quality and the stormwater plan specific for Philips Farm, and then you have to also satisfy that those provisions are meeting our current stormwater standards adopted in 2007.

MR. MACMANN: I appreciate that, Director Zenner. I just -- it's a really big area.

MR. ZENNER: Oh, it's an enormous area.

MR. MACMANN: And I want to pay attention to it.

MR. ZENNER: And the other thing that we have to acknowledge as well -- and it's not the -- the Coverage requirements per tract because of the way that this overall agreement is set up, while you have 15 acres of maximum impervious surface on Tract 9, embedded within the overall annexation agreement are provisions that allow for impervious surface areas that are not being used in other tracts above, in essence, Gans were not draining to the pond -- the Philips Lake are allowed to be transferred between --

MR. MACMANN: Traded off.

MR. ZENNER: tracts.

MR. MACMANN: Traded off.

MR. ZENNER: So if we were to have made this particular location 100 percent impervious, that is permitted under the way that the original annexation agreement is --

MR. MACMANN: As long as the swap takes place.

MR. ZENNER: As long as the swap takes place. So what we have had to do as we have developed this parcel out in its pieces is we have had to manage through the calculation side of this how much total impervious surface is left.

MR. MACMANN: It's a running total that includes something beyond --

MR. ZENNER: Yes. I'm constantly --

MR. MACMANN: (Inaudible).

MR. ZENNER: -- updating. So Mr. Hall can explain it probably more gracefully than we can, but it is extremely complex, and we are managing it.

MR. MACMANN: That was my question for the moment. Thank you, Ms. Loe.

MS. LOE: Any additional questions for staff? Seeing none. Let's open the floor to the public and

let -- let the man say what he can.

### **PUBLIC HEARING OPENED**

MR. HALL: Michael Hall, 4224 Philips Farm Road, Columbia Civil Engineering Group. Thank you for letting me have this opportunity to speak tonight. As we discussed and Mr. Zenner alluded to, this is a very complicated situation. In fact, the calculations took a long time for he and I to come up with something that we both felt comfortable with, and this took over a series of a couple months actually just to get that stormwater down to something that we could manage that we felt comfortable with so that you all would also feel comfortable that we are meeting the intent of the stormwater ordinance. Mr. Smith, would you go back to the proposed development plan? I want to address a couple of things. One was mentioned that -- Ms. Rushing, you mentioned the grades. You are correct. One of the things that is good about this plan is that the previous plan had a three-to-one slope coming off the back of the buildings that we had proposed to the property line. This actually works better with the existing grades. We are -- actually, we have -- we are going to come down, and because we have a loading dock, the building will be elevated and the road will be suppressed in more of a flat run to the property line. So we have actually got a deeper section that is going to be at a more gentle grade than what we had originally proposed. The other thing that we are going to do is we are looking at the stormwater that was discharging to the north, the area prior to any of our mass grading. We have got that data, and we -- to do the calculations, we're going to make sure that we do not discharge any more to the north than was done prior to any development, which again, that's how we are kind of having to blend the current ordinance and what we have in the development agreement ordinance as well. So we have a lot of things we are looking at and we're going to keep those things put together. One of the other things I am looking at through final design is tweaking the north so that we actually have a wider buffer than six feet. I think we've actually -- Mr. Smith actually has it potentially going to ten foot. So when the final development plans come in, it's hopefully going to be better, which I think is going to be -- for a multitude of things, it's going to help from a -- the buffer be more sustainable long term, and it will also give a little bit more comfort that what we are doing is in the spirit of what we are proposing. The other thing is to note that this particular -- the long building, we are intending on having the shingled roofs like we do on the south, and we're going to run all the stormwater off all the roof to the front of the buildings -- route them around so they're not discharging to the back. So that is another intent. Other than that, we're going to do the typical low-impact development methods that we have had on the rest of the projects that we have done out here -- disconnected downspout drains, making it go through grass swales, and so forth. We're going to incorporate curb cuts in the parking lots versus just putting in inlets. All those things are going to be incorporated into this. It does a couple things -- it's actually one of the cases where low impact development is a win for both the developer and the environment because you put in less pipe and it's less cost, but it also helps the environment because you are filtering the water before it gets into the pipe system. So that is the beauty of being able to incorporate these two things together. Beyond that, we've got it parked out as per office -- the loading docks are for ancillary use only. It's not going to

be a Fed Ex type development. It's total ancillary per the C-P zoning guidelines that are established. So beyond that, that's pretty much the highlights, and I think hopefully answers the questions. And, Ms. Rushing, one thing to note, you can't really see it very well, but there actually is a stormwater pipe coming off of Ponderosa Road right up there that goes underneath the pavement. That's a fire hydrant right there. If you go up a little bit next to that tree, yeah, right there. There is a stormwater pipe that goes off of Ponderosa that will be collecting that and rerouting that as we need to as well. So beyond that, I am happy to answer any questions.

MS. LOE: Any questions for Mr. Hall? Mr. MacMann?

MR. MACMANN: I'm sorry. I had to stand there for a while. My back. If I understand you correctly, Mr. Hall, you are going to attempt to direct almost -- or as much of the stormwater as possible to southeast?

MR. HALL: That is correct. Now -- so basically, if you look at this plan -- and that is one of the reasons why I wanted this brought up. Anything basically from the building forward, for sure, that entire area will be draining to the southeast. In addition to that, I believe our grades are going to allow on the west side where we are at right now, halfway down that 12,000 square-foot building, to also be draining to the south. So the vast majority of it will hit south.

MR. MACMANN: And the roof on this potential structure, do we know?

MR. HALL: It will be a hip roof.

MR. MACMANN: All right.

MR. HALL: But we are --

MR. MACMANN: That's fine.

MR. HALL: -- going to --

MR. MACMANN: Try to carry it.

MR. HALL: Yes, we will carry it through gutters and downspouts because we've got a significant grade difference that we can be able to do that.

MR. MACMANN: I think I speak for several of us up here for sure when I would say that we would be way more comfortable with a ten-foot barrier than a six-foot barrier.

MR. HALL: Yeah. And that's --

MR. MACMANN: Because it's really not --

MR. HALL: -- one of the things -- we're going to be able to do that. I mean, I've seen the plan that's been revised thus far, so --

MS. RUSHING: So will there be curb along that -- what looks like north, but is really --

MR. HALL: Yes. That's right.

MS. RUSHING: -- looks like the -- okay.

MR. HALL: Everything will be curbed so that, you know, you will not have direct runoff off of a -- and it will be able to be collected and retained so to slow the runoff.

MS. LOE: Any additional questions? Seeing none. Thank you, Mr. Hall.

MR. HALL: Thank you very much. I appreciate the opportunity to speak tonight.

MS. LOE: We appreciate your sticking it out.

MR. HALL: Thank my wife.

**PUBLIC HEARING CLOSED**

MS. LOE: Any discussion? You're all talked out. I still need someone to frame a motion.

MR. STANTON: You've got to frame a motion right now. As it relates to Case 16-134, Discovery Office Park North C-P major amendment, I recommend to approve -- approval of the major amendment to the C-P plan and design parameters.

MS. RUSHING: Second.

MS. LOE: Motion by Mr. Stanton; second by Ms. Rushing. May we have a roll call -- or a vote.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton. Motion carries 7-0**

MS. BURNS: That is seven votes to approve; zero to deny.

MS. LOE: Thank you, Ms. Burns. That concludes the business portion of our agenda.

**IX) COMMENTS BY THE PUBLIC**

MS. LOE: Are there any comments? There is no remaining public to make comments.

**X) COMMENTS OF STAFF**

MS. LOE: Any comments from staff?

MR. ZENNER: We have driven them off?

MS. LOE: We did. We did. Comments of staff.

MR. ZENNER: Next meeting will be July 7th --

MS. LOE: No.

MR. ZENNER: -- or that was today. Well --

MS. LOE: We're done. We're done.

MR. ZENNER: -- we're just going to -- it's Groundhog Day. We're going to repeat this all over again. On July 21st at 5:30 p.m., we'll start with our work session again, and then we will actually be moving into our regular meeting session at 6:00 p.m. So we will basically be dealing with that. At our next meeting, we do have a number of items on our agenda for the July 21st meeting, in addition to our last segment of the UDO presentation. So that will start at 6:00 p.m., and then you will note that we have three subdivision actions: Kitty Hawk, which is a preliminary plat; Creek Ridge, which was to be on tonight's agenda; however, the applicant asked for additional time; and then Hendren Hills Subdivision, which I was informed earlier today by Mr. Palmer, may or may not make the agenda again. We are having some issues associated with getting the material that we need. So it is possible that we may end up having just two subdivision items, so it will be a slightly shorter agenda than this evening. The project sites, here in graphic form for you: Kitty Hawk up here off of -- off of Parker Street, just north of Parker and Gypsy Moth. We have seen this previously. The subdivision to the south was recently replatted, and

then the property to the north -- I'm using the wrong mouse. The property to the north is what is being incorporated into the existing subdivision plat at this point. Creek Ridge, which this is off of Walt's Lane south of Old Plank, south of the existing Creek Ridge Subdivision, just to the west of Bethel. And this is a proposed 24-lot addition to the subdivision that would come off of the existing cul-de-sac street. There are some issues associated with the project, and we will get into that when and if it comes to the Commission. And then this is the Hendren Hills Subdivision plat up off Proctor. This is basically the subdivision of a particular acreage tract in order to allow the residence and an accessory building to be separated and the accessory building to be on a parcel greater than two and a half acres in size to function as an agricultural plot. So that is -- we're working on trying to get this particular item resolved as well. I would like to respond to concerns that were raised this evening by our speaker, Mr. Wade, from the East Campus Neighborhood Association, partially to at least address for the public's benefit as well as the Planning Commission's benefit as to why we are where we are at this point with Benton Stephens and the East Campus Overlay and their proposed and pending proposed revisions. Prior to the April elections, we were asked to provide an informational session to the Benton Stephens Neighborhood Association as it related to the impact of the Unified Development Ordinance upon their Overlay. In that meeting we basically did an analysis of the code impacts to the existing Overlay standards, and as part of the closing remarks to that meeting, it was suggested that if revisions were desired -- and it was suggested by staff, not by a Council member and not by the Consultant. It was suggested by staff, and I want to make that very clear. No one other than staff has recommended that if revisions were being proposed for either Overlay, East Campus or Benton Stephens, because we are in the middle of a comprehensive code amendment process, now would be the appropriate time to have those potential revisions submitted. We, however, have also made it very clear to representatives from both neighborhood associations that coordinated efforts with the affected parties within those neighborhoods needed to occur. Benton Stephens, as you are aware, submitted their revisions, and has made a presentation as it relates to those revisions at an earlier session that we had discussed the UDO. Those revisions had been publically advertised or publically included in all of our UDO documents. They have been available since roughly May 19th. I have not received any information as it relates to the East Campus Neighborhood Overlay. I have had a conversation and provided the same direction to the East Campus Neighborhood Overlay's president that I did to Benton Stephen's. You need to work with the affected parties. Until such time that I receive revisions, I don't know what is being proposed. And obviously the uncertainty associated with what is being proposed and only having conjecture being provided to me as what will be included in the document, I can't give any answers and nor can our staff. What I would like to at least express to the Commission as well as to the public is we will not proceed forward with amendments until there has been adequate public involvement. And that public involvement first has to begin with the submission of a document, and then if they have failed to publicly involve the 50 or 70 percent of the residents that are not being included, that is what you are going to hear about through public comment. The idea that Mr. Wade presented that this will be slipped in at the end of your

work for Council to consider is not appropriate and it does not follow the City's ordinance provisions, as Mr. Wade pointed out. The way that we approaching the amendment process violates what is in the spirit of the East Campus Overlay, and as a matter of opinion -- and our law department can advise the Commission, as well as staff, if that in fact is something that we need to be concerned about. But the ordinance amendment's process that is established within our City code specifically states that any amendment to the zoning code has to first proceed through the Commission. That means if you are not satisfied with the amount of public involvement that has been engaged in the East Campus Neighborhood Overlay revisions, you do not have to produce a recommendation. And if you are asked to produce a recommendation by Council, that recommendation can be within your purview of denial or approval. You could table it for additional study to a date certain, and at that point, direct the East Campus Neighborhood Association leaders that they engage the citizens that should be part of that committee. But until again we have a document that we are able to review, we are not able to acknowledge or express what our concerns are with that document as it relates to the impacts within the East Campus area and how it relates to the development code process. It's difficult for us as a staff to be able to address the concerns that are mounting. Mr. Wade's desire tonight was to let you become aware that there is a disconnect, and it is a very unfortunate disconnect that is occurring, given our understanding at a staff level, of the diversity and often the contentious nature of development and owner-occupied residences within East Campus. We would like to see it, as Mr. Stanton always says, as a win-win situation that the parties come together and work. The only thing I can tell you is is that in my role, that is what I will continue to strive for, before we bring a document to you that will end up with endless public opposition and comment where it may not necessarily be needed. We may be able to arrive at compromises that can avoid that type of contention, and that is our role, that is to try to mitigate and try to help manage these types of expectations. The code is enormous. The code has a lot of things within it that may address many of the outstanding concerns that East Campus has, but we need to know what those concerns are, and that is also what one of Mr. Wade's concerns was. He doesn't know why there is a select group of people that want to amend that overlay. Though I can tell you, I have been here eight years, and I have heard that there are problems with the overlay since I have been here. And there is a contingency of people within that neighborhood that believe that it is not functioning to the full effect of why it was adopted, and that is why they have taken it upon themselves, based upon the direction of staff, that if you would like to propose amendments, now is the appropriate time because we are going through a comprehensive process to amend our development code. Again, it is unfortunate that the individuals that feel that is ineffective are not involving those that feel that it is. I can't control that type of game play between the parties. What I can do though is ensure that we are well aware of who has been engaged when the item does become before the Commission. And as we discussed this evening in work session, if I do not have a document before we have to produce it for the July 21st meeting, it is possible, and it may be in the best interest of all parties involved that an additional separate public meeting, as part of our regular meeting process, be held to discuss that one particular element if we have finished all of the other

code pieces. Otherwise, it is very possible that when we do reach the end of our review as a Commission and as a staff, we will have a series of unresolved matters. And I would like to be able to further explore that as the material is presented to me. It is possible that the text change doesn't come forward and it doesn't get handled as part of the major code amendment process, and it may be handled as something separate. That is what Mr. Wade alluded to as a possibility, and that is -- that is always a possibility. But you can't just slip it in after we have finished our review. That is not in consistent form, nor legally allowed under the provisions of the statute. It has to come through us and through the Commission. So again, to express for the public's concern that this has been something that has been misrepresented, staff is the one responsible for requesting the amendments, if they were deemed appropriate, to be handled as part of this process. We have not received anything, but as soon as we receive something, the Commission as well as the public that is affected by it will be notified. That is what I have to say for this evening. I thank you for your attention and for your willingness to stay as late as we have tonight. If you have any questions of me, I would be more than happy to answer them.

MS. LOE: Are there any questions for Mr. Zenner? Oh, come on. All right then.

**XI) COMMENTS OF COMMISSIONERS**

(There were no comments of Commissioners).

**XII) NEXT MEETING DATE - July 21, 2016 at 6 pm**

**XIII) ADJOURNMENT**

MS. LOE: I would entertain a --

MS. BURNS: I move to adjournment.

MR. STANTON: Second.

MS. LOE: And with that I think we are done for the evening.

(Off the record.)

(The meeting adjourned at 10:47 p.m.)