MINUTES

PLANNING AND ZONING COMMISSION MEETING

September 19, 2013

COMMISSIONERS PRESENT

Mr. Andy Lee

Ms. Sara Loe

Dr. Ray Puri

Mr. Steve Reichlin

Mr. Anthony Stanton

Mr. Rusty Strodtman

Mr. Bill Tillotson

Mr. Matthew Vander Tuig

Mr. Doug Wheeler

II.) APPROVAL OF AGENDA

DR. PURI: Any changes in the agenda tonight? I see none. Mr. Wheeler?

MR. WHEELER: Move for approval. Motion for approval.

MR. REICHLIN: I'll second. DR. PURI: Thumbs up?

(Unanimous vote for approval.)

III.) APPROVAL OF REGULAR MEETING MINUTES

MR. WHEELER: Approval of regular minutes, September 5, 2013.

MR. REICHLIN: I have a change, although it's a minor one. On the comments regarding the Grove matter, I believe, And as these areas potentially get, there's an "it" that I don't think needs to be there. And so it should read, And as these areas potentially get incorporated into the urban -- there's something really telling about reading how you talk. It gives me great concern. But I think the "it" needs to be deleted.

DR. PURI: Okay. What page is that?

MR. REICHLIN: It's on Page 20, in paragraph regarding my comments.

DR. PURI: Need to remove "it" before incorporated, I guess.

MR. STRODTMAN: Okay.

DR. PURI: Motion?

MR. WHEELER: Yes. With that change I would move for approval of the minutes.

MR. TILLOTSON: I second.

DR. PURI: Voice vote?

(Unanimous voice vote for approval.)

IV.) SUBDIVISIONS

13-152 A request by Central Missouri Land, LLC and C-Hill, LLC (owners) for approval of a one-lot final plat to be known as "Rock Valley, Plat 4". The 12.04-acre site is located on the north side of Chapel Hill Road between Face Rock Court and Madison Park Drive.

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

Staff report was given by Mr. Patrick Zenner of the Planning and Development Department. Staff recommends approval of the proposed one-lot subdivision.

DR. PURI: Commissioners, any questions for the Staff? Mr. Wheeler?

MR. WHEELER: I'm just moving on. No questions? Usually this is a subdivision item, not a public hearing item, but we often -- always welcome input of the public if there is any. So I'll open the hearing for any public input on this item.

HEARING OPENED

DR. PURI: Anybody that would like to speak on this subdivision case? I see no one, so close hearing.

HEARING CLOSED

DR. PURI: Commissioners? Mr. Wheeler?

MR. VANDER TUIG: This seems like a very straightforward case, and unless there is discussion, I would make a motion that we recommend approval.

MR. LEE: (Indicating.)

MR. STANTON: Second.

DR. PURI: Mr. Lee second. Roll call, please.

MR. STRODTMAN: Motion has been made and seconded for Case No. 13-152, a request by Central Missouri Land, LLC and C-Hill, owners, for a one-lot final plat, Rock Valley, Plat 4, on Chapel Hill Road.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler. Motion carries 9-0.

DR. PURI: Motion carries.

V.) PUBLIC HEARINGS

13-127 A request by Mark Stevenson, Trustee of the Mary M. Hackett Trust No. 1 (owner), to rezone approximately 1.39 acres of land on the southeast corner of Providence Road and Broadway from C-2 (Central Business District) and M-1 (General Industrial District) to C-P (Planned Business District), and for the approval of a C-P development plan to be known as "CVS C-P Development Plan". (This project was tabled at the August 22 and September 5, 2013 meetings.)

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

Staff report was given by Mr. Steven MacIntyre of the Planning and Development Department. Staff recommends denial of both the rezoning and development plan requests.

DR. PURI: Commissioners, any questions for the Staff? Mr. Wheeler?

MR. WHEELER: Was there any calculation done on what the impervious surface is currently and what the proposal --

MR. MACINTYRE: Oh, yes. With the exception of the one request for a variance from the setback, actually the applicant has met all requirements including the 15 percent open space requirement of the C-P district.

MR. WHEELER: And I appreciate that, but my actual question is what's the calculation of existing impervious surface as opposed to --

MR. MACINTYRE: Oh, I'm sorry.

MR. WHEELER: -- what this proposal would be?

MR. MACINTYRE: No. We don't know the existing --

MR. WHEELER: Comparable.

MR. MACINTYRE: I'm not aware of that. I can tell you that there's a small lawn portion. I actually had difficulty finding enough green space to insert a sign. So there is a small green area off of Providence Road. I think this would very likely -- the proposed plan would probably increase the pervious area, the open space, from what exists currently.

MR. WHEELER: And one other thing. I've never heard this asked, but I'm just curious: Does traffic -- or does Public Works or traffic engineer upstairs look at the turning radius from the drive-through? It looks to me like it's crowding that entrance onto Fourth Street so that a right-hand turn movement is going to be a little tight. Does our traffic engineer look at that?

MR. MACINTYRE: Yes, he would've. I didn't receive a specific comment on that from him. I believe, and you may have noticed this on the plan, that there is a portion of that radius which I believe would be painted or at least a mountable curb to allow for some wider turn movements in tight spaces.

MR. WHEELER: Thank you.

DR. PURI: Any other questions, Commissioners, of the Staff? Mr. Reichlin?

MR. REICHLIN: I thought I heard in conversation that the proposal in front of us today was not necessarily a requirement for their being able to develop the property as is. Can you comment on that?

MR. MACINTYRE: Yeah. That was an early perception that we had, and I'll go back to the zoning map here to illustrate that that, in fact, was an erroneous assumption on my part, and I may have shared that with a few folks along the way. In seeing the zoning line here between the M-1 and the C-2 district, the C-2 district does not accommodated surface parking as of right. It could be accommodated through a conditional use permit, which would require Board of Adjustment action and approval. So once we overlaid the plan on top of the zoning, we can see that the northern row of surface parking, which I believe amounts to 12 or 13 parking spaces, possibly 14, would not be permitted under the existing district. So perhaps there would be an option for development of this site

with a structure as shown, generally, and the parking in the M-1 to exist, but not the surface parking in the C-2 district.

MR. REICHLIN: So then, that said, there is a venue for the applicant to go forward, a set of scenario, let's say.

MR. MACINTYRE: There's potentially an alternative venue here -- option.

DR. PURI: Mr. Vander Tuig?

MR. VANDER TUIG: I'm trying to remember, and I think the stormwater ordinance has changed since I was in the development game, but is C-2 exempt from meeting the stormwater ordinance with respect to water quality and quantity?

MR. ZENNER: There is a -- under the current stormwater ordinance, I think what you're referring to is the impervious -- the variation between the impervious covers between what exists today and what would exist under reconstruction. There is a threshold by which if you exceed the existing impervious -- and I cannot remember the number right now off the top of my head -- you would have to comply. There is not, if I recall correctly, also an exemption that applies anymore for the C-2 zoning district as it did previously, hence the reason for the variation in the impervious cover between pre and post. Based on the fact that this site would be completely cleaned and then started all over again, it likely would not qualify under the redevelopment, I believe. But then again, with the way the stormwater ordinance changes have occurred, it very possibly could be considered redevelopment if we're not increasing the impervious area from what was previously there, which then you wouldn't have any additional stormwater requirements. It's still going to be required -- water quality will still apply, just the quantity side of it likely is not going to have to deal with anything new, as we understand.

MR. VANDER TUIG: Okay. Thanks a lot.

DR. PURI: Commissioners, any other questions of the Staff?

MR. STRODTMAN: I have one. You might have mentioned this, but how many feet of the flat branch creek are they proposing to cover?

MR. MACINTYRE: I believe it's 157 feet.

MR. STRODTMAN: Thank you.

MR. WHEELER: If I can follow --

DR. PURI: Mr. Wheeler?

MR. WHEELER: And what portion of that is three-sided now, I mean, bottom, two sides?

MR. MACINTYRE: I believe the entire length of that is three-sided. In fact, the McAdams' building cantilevers over -- or is piered over a good portion of that. It's kind of a partial roof, and that may have -- I think when the Corp did their calculations for mitigating that -- because there's a fee as I understand it, and please don't ask me specifics about this because I've only seen a letter and I only have general information -- but they did not count the portion where the building currently hangs over because technically that isn't open, I think. So interesting situation there to say the least.

MR. WHEELER: Thank you.

DR. PURI: Mr. Lee?

MR. LEE: Wouldn't it be advantageous to have the creek covered over completely? Because I went down there and looked the other day and there's a lot of standing water, there's a ton of gang graffiti on the walls, and there's a whole lot of area that you can't see back up under there that is open that I don't think I'd go down there at night without a SWAT team because it looks like it could be a crime waiting place to happen.

MR. MACINTYRE: I think that's a subjective kind of question. Some folks have certainly -those who participated in the downtown charrette a few years ago suggested that they would like to
see it open all the way out to the intersection of Broadway and Providence. However, there may be
practical considerations that make that infeasible, such as maintaining or establishing a stable slope
on both sides of it, of the creek, if it were to be opened and, you know, somehow mitigated, brought
back to its former glory, if that's even possible. But I think the road, you know, Providence Road may
actually present a barrier in achieving the three-to-one slope I think was suggested was needed to
accommodate bringing back slopes on there. Not to mention the disturbance of what's currently
contained and for the most part stable. So I don't really have a good answer to your question, I'm
afraid.

MR. LEE: Well, I would suggest that the money to do that is not available given all the other things that we have to spend money on. Thank you.

DR. PURI: Mr. Reichlin?

MR. REICHLIN: Going forward with that line of thought, can you help us with how much of the Flat Branch Creek is already boxed?

MR. MACINTYRE: Oh, I believe it starts up around Lynn Street.

MR. REICHLIN: Okay.

MR. MACINTYRE: Somewhere actually near -- around the corner of Garth and Sexton maybe. I know it flows through there and a little bit west.

MR. TEDDY: Two tributary streams coming together.

MR. MACINTYRE: So in terms of the overall covered Flat Branch Creek, this is -- this additional is, safe to say, a small percentage of it?

MR. MACINTYRE: Oh, I think that's very safe to say, that this is a small percentage of the total creek.

MR. MACINTYRE: Thank you.

DR. PURI: Any other questions, Commissioners? I have one question. I have a question about this exit from this drive-through. I think Mr. Wheeler touched a little bit on the radius there, but did anybody look at how close it is to Broadway when people turn in from Fourth Street, for example, or turn out?

MR. MACINTYRE: Yes. And that was -- it was actually one of my early review comments and concerns. It was run by our traffic engineers and determined that it wouldn't be an issue at this location. However, our traffic department would like to see it as a right-out only, as opposed to being -- having the possibility for left turn exit directly toward Broadway there. And that is something that the applicant has not agreed to at this point, so they're still showing it as a right-out, left-out.

DR. PURI: All right. Any further questions, Commissioner?

MR. VANDER TUIG: Can you explain a little bit more about the limitations to the City parcel with respect to the statement of intent?

MR. MACINTYRE: Certainly. Really, the only restriction would be regarding visibility of the CVS property behind the parcel from the intersection. And the wording is fairly open-ended. It's -- it suggests that it be reasonable in terms of -- and I'll find that section specifically. If you don't mind, I'll just read this out: The downtown community improvement district shall be permitted to construct and maintain decorative elements such as landscaping, signage, public art, lighting, and -- I'm going to skip forward here to the next paragraph, actually. I think that's more relevant. Section F of the statement of intent states that the applicant shall maintain in good order, condition and repair in conformity with all applicable laws and consistent with the C-P plan landscaping improvements it installs within the pocket park. And then the following section gets to your question of restrictions to the City. In paragraph G, the final paragraph of the statement of intent it states that, The City shall not construct or permit obstructions within the pocket park that would interfere with the use of the pocket park as a public pocket park or with the maintenance of the pocket park by the applicant. Without limiting the foregoing, the pocket park shall not contain anything that, in the commercially responsible -- or pardon me -- in the commercially reasonable discretion of the application, inhibits in a detrimental manner the view or visibility of the property and the improvements constructed thereon. So nothing to obstruct the reasonable -- commercially reasonable -- you know, within the commercially reasonable discretion, the view of the property.

MR. VANDER TUIG: It's safe to say from Staff's perspective that a gateway project would likely not meet those requirements?

MR. MACINTYRE: I don't believe that a gateway project would necessarily need to be elevated to the point or create an obstruction to be successful. However, in lieu of a design, I think it's -- because that gateway project or improvement hasn't been designed yet, it's impossible to say definitely at this point.

MR. VANDER TUIG: Sure.

MR. ZENNER: I would also suggest to you that, unless the attorney representing CVS has knowledge to the difference, our City legal staff has not commented on this particular section, therefore the applicability of it at this point for inclusion into a final statement of intent that goes before City Council has not yet been determined. We do not have any knowledge that the City has accepted this particular condition. It has been presented as a part of the package in order to allow for the

maintenance of what currently is a surface parking lot, and to be incorporated into this site as part of its improvements and then for its ultimate future maintenance. I would suggest to you that the details have not yet been hammered out to our knowledge further up beyond your level at this point.

MR. VANDER TUIG: Okay. Thanks.

DR. PURI: Any other questions, Commissioners? Okay. This is a public hearing item, so some rules of engagement here: The proponents of the project will speak first and they will be given six minutes, and any organized opposition will also be given six minutes. Any other speaker will be given three minutes.

PUBLIC HEARING OPENED

MR. HOLLIS: Good evening. Robert Hollis, Van Matre Law Firm at 1103 East Broadway, here on behalf of the applicant. I've got a lot of information here for you and we'll sort of try to pick through what you've already asked about so as not to bore you. Also with me here this evening is David Barnett, who's the lead civil engineer for the project, as well as Brian Rensing, who's a traffic engineer who conducted the traffic impact study. It was already mentioned, there's 40,000 square feet there now, approximately. It is open -- open zoning so M-1 doesn't require any sort of plan, same with C-2. And there are 89 parking spaces. I've listed dangerous conditions because I was talking about what Mr. Lee mentioned. I did go look at the site and I would encourage all of you too. and hopefully some of you did in advance. But we've got a couple of pictures here that might be helpful. The unrestricted access points, as referenced to, really it's not really like a driveway. It's, like, open, so you can pick your spot in some places to turn in, and that all goes away. As far as Mr. Reichlin's question about whether or not the plan could be constructed, no. I don't think it could, but it wouldn't be the plan that would be constructed. It wouldn't have to be. The building wouldn't have to be located where it is shown. The parking spaces certainly wouldn't be on the C-2 portion, they'd be on the M-1 portion. So the idea of this slide is to show where the building could be located there on the blue portion and where the parking would most likely be located on the red. Also, should the plan not be approved with the rezoning and it is redeveloped and it's not a CVS, then I put a few of the list -- permitted uses under M-1. Fairly onerous, yet you'd still be looking at a building permit only. Really a non-discretionary decision on behalf of the City. If it's approved, this is what you get and this is a view from where the -- maybe it's Check Into Cash. It's the cash location sort of to the northwest of where the CVS would be located. And I won't spend too much time on this, but you can see the pocket park as proposed. There's a sign in the pocket park. I want to point that out because also in the statement of intent is a grant to the CID, should it want to include some sort of amenity in the pocket park. It doesn't have to be sign. Should it want to, it can place something there. We've put a sign there because they don't know. As to the gateway question, after speaking with Mr. Glasscock, he directed me to the downtown CID -- who we have a letter from them also -- to talk about the gateway project. And frankly, I don't think it's been determined necessarily where the gateway is and, in fact, the gateway may be at Fourth and Broadway. So it's really in the preliminary

stages as I understand it, yet what we're proposing is the pocket park as part of a gateway and then the improvements that you see along Broadway, along with the pocket park, would be considered red carpet to the great way -- or to the gateway in the event that Fourth and Broadway becomes the gateway. I want to back up because I've heard this from a few different people and it came from me first, and that was when I first talked to CVS, my response was, You guys didn't know there's a Walgreens across the street? There is. We don't need a CVS there. You're crazy. Why would you choose that spot. It's just ignorance on my part. Those are the spots that they look for. Those are the spots that CVS chooses. Those are the spots that Walgreens chooses. They want to be across from each other. It's very common. I didn't know that. If I knew it, I hadn't paid attention. So that is sort of a silly question, but it's what I asked. A couple of highlights: It's a down-zoning. We're going from M-1 and all C-2 uses to C-2 uses that Staff thinks is appropriate for this site. The parking is reduced. There's a connection to the park, which Mr. Barnett will point out to you on some of the other slides. The downtown sidewalk requirements are vastly exceeded, especially when you look at Broadway a little more closely. The dangerous conditions which exist will be removed, and you get a pocket park which didn't exist before. Here's a picture, and this is if you are looking in the direction --I believe if you're looking in the direction of the current structures. And the overhang that you can see, you know, it's three sides, but you can see that it's -- and we're at the far south end, I think. You can see that the overhang continues to increase over the stream. It certainly doesn't look like a stream, but this is what it looked like. I had no idea. I thought we were talking about a stream that was uncovered. And, you know, I heard talk of daylighting this. It also seems a little silly. Here's the roof you can see, just a close up with some of the graffiti. These are relatively recent, maybe within the last year and a half. On to what I think matters and that's Staff recommendation, and it's negative. And knowing that that was coming, or having a feeling that that was coming after working with Staff for a really long time, it's understandable. And I want to stress that it's understandable and expected from CVS because Staff doesn't have a choice, and they're constrained by the application of the plans. And I take issue with using the word "plans" because I don't think they are, at least with respect to the charrette and the policy guideline for Providence. They are guidelines. They are not laws. They are not mandates. When Council approved --

DR. PURI: Mr. Hollis, your six minutes are up, actually.

MR. HOLLIS: Can I have 45 seconds to finish?

DR. PURI: No. I've given you 15 more seconds than that. Can you wrap it up.

MR. HOLLIS: Here's a copy, just in case you're interested, of the Providence Road corridor policy, the charrette, which I think you've already seen. This -- if the stream were to be daylighted, the green area would show what would have to be uncovered, which would take all structures off the building -- off the site. Appreciate your time.

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

MR. HOLLIS: Thank you.

DR. PURI: Next speaker?

MR. BARNETT: Good evening. David Barnett with Carlson Consulting Engineers, 1109 Simmonsridge, Collierville, Tennessee. I'm the civil engineer for CVS on this project. Here you see a copy of the colored site plan. I think you've seen it before. I'll go into more detail on that in just a second. We included the C-P plans, the development plans that we submitted to city Staff in here. If there's any, you know, detail questions on the site itself, I'll be happy to answer them, but I'm going to skip over those just due to time constraints. There's the site plan, a little more detailed site plan, grading plan, and the landscape plan. I want to touch on a couple of key features on this. Going back to I think it was Mr. Wheeler's question, we are reducing the impervious surface from what exists now. It's close to a 10 percent reduction from what's out there today to what we're proposing. If you look at the total site, the total project area, including the pocket park, it's about a 25 percent green space coverage. The reduction in the impervious surfaces obviously reduces the stormwater runoff velocity into the creek. A couple of other features, the Broadway corridor, the pedestrian corridor, I just want to point out some features there. The streetscape basically from the building up to Broadway, it's lined with street trees, two rows of street trees. We also provide some pedestrian amenities including benches and also the street lights that were previously mentioned that match the ones in front of city hall. Also you'll see kind of a blow-up picture of the proposed pocket park. Now, that's completely impervious surface today, and as you can see it's going to be heavily landscaped green corner, provided some benches there, and also included the City of Columbia symbol there in the center, which is going to be stamped into the concrete. The 3D view, this was shown previously, from the intersection, just showing the corridor along Broadway, the streetscape, the pedestrian corridor, and also the pocket park at the corner. Some architectural highlights for the building elevations, I'll just touch on a couple of those real guick. As you can see, it is a brick building, all for sides. There's some -- a large number of windows on the building, especially along Broadway for pedestrian traffic, and also on Providence. There's some decorative accent arches, as you can see with the EIFS above the windows. There's some accents with the bricks to break up some of the facade, some decorative touches with the bricks and also some varying parapet heights to add to the architectural features. Also, the drive-through shown as a single drive-through lane is more modern urban style drive-through instead of a --

DR. PURI: Your three minutes is up also. Will you wrap it up?

MR. BARNETT: Yeah, sure. Going back to the 3D view, you can see the architectural highlights I just touched on. And as previously mentioned, we're asking for a variance for the 20-foot setback along Broadway to site the building up closer to the street, which is typical of the character in the downtown CVD district.

DR. PURI: Commissioners, any questions for this speaker? Mr. Wheeler?

MR. WHEELER: I have a couple actually. Could you back up to the drive-through? I'm going to restate my question because apparently I didn't say that very well. But my concern is that I'm

traveling northward alongside of the building. I get to the drive-up window and I'm trying to make a right-hand turn out of there. And it looks like to me we've accommodated those that decide they don't want to go to the drive-up -- or drive-through, but my concern, it's more those that went through the drive-up -- or drive-through window and now are making a right turn onto Fourth Street, and it looks like to me we start getting pretty tight at that point. And certainly at that point I kind of agree with Staff -- or the traffic engineer that making a left-hand movement onto Fourth Street when we've already crowded the north side of the site -- I hope you're following me or tracking me -- may interfere with traffic flow on Fourth Street. Is there any way -- because I'm sure you guys have built this building several times. Is there any way to move that to the south so that that right-hand movement -- and I'm under the assumption that something could be worked out with -- to approve this. Is there any way to move it to the south so that right-hand turn movement doesn't interfere with traffic flow on Fourth Street?

MR. BARNETT: We ran some car templates driving through the drive-through and exiting onto Fourth Street based on this configuration. And it is tight -- you're right -- but the cars can make that exit maneuver onto Fourth Street. We actually ran some trucks, like F250 trucks. They actually make that maneuver fine. It is close to Broadway -- you're right -- but we actually don't have much flexibility to move it away from the intersection unfortunately. So it does work as far as, you know, cars exiting the site.

MR. WHEELER: Okay. And then another question is I noticed on the height -- and I'm assuming that I got this correct, but the height of the building is 26 feet?

MR. BARNETT: Yes, sir. MR. WHEELER: Thank you.

DR. PURI: Commissioners?

MR. STRODTMAN: I have a quick --

DR. PURI: Mr. Strodtman.

MR. STRODTMAN: -- follow-up question to Mr. Wheeler. Why can you not move the drive-through? You said you were not able to do that. Is that because of the use is not allowing you to do that?

MR. BARNETT: The internal workings of the CVS, when you walk in the front door, what they have it's called the Life way Aisle, where it's a path that kind of meanders back to the pharmacy area. And on either side of this path will have shelving that backs up to this path, it'll have merchandise on the ends of the rows and, you know, sale items. And what they've found is the longer this path to get to the pharmacy, the more likely people are to take things off the shelves and put it in their cart and spend more money. So the longest path that they could provide is putting the pharmacy at the far corner from the building entry, so that's why it's shown in the northeast corner, you know, directly opposite from the front door. So that's the reason why it's sited in that location.

MR. STRODTMAN: So it's more that they don't want to as opposed to they can't.

MR. BARNETT: Correct. Yes.
MR. STRODTMAN: Thank you.
DR. PURI: Mr. Vander Tuiq?

MR. VANDER TUIG: I'll probably ask this of the traffic engineer as well, but with respect to the right turn lane off of Providence, is there any site constraints as to the reason why the applicant is against that recommendation by City Staff?

MR. BARNETT: No. We're providing an additional 15 feet of right-of-way. We're deeding that over to the City and the State to allow for the construction of that turn lane in the future. We don't feet that the impact of the site on roadway system warrants the construction of that turn lane at this time.

MR. VANDER TUIG: From the traffic generation of the development itself, you mean?

MR. BARNETT: Yes, sir.

MR. VANDER TUIG: Okay. Thanks.
DR. PURI: Commissioners? Ms. Loe?

MS. LOE: As far as pedestrian amenities along Broadway, was any -- I mean, you may not be the right person to ask this, but was any discussion or consideration given to putting the entrance at the northeast corner -- or northwest corner?

MR. BARNETT: Yes. We did look at that option. We looked at many options as far as building orientation and entrances. What we'll find a lot of times on CVSs, a lot of the customers are elderly and they need access to the front door from the parking lot. That's why we kind of have the building entrance closer to the parking lot to accommodate some of the elderly patrons that would typically visit the pharmacy. You know, you can move the building clo-- or the entrance closer to Providence, then that's pushing it away from the parking field and the primary customer.

DR. PURI: Any other questions of this speaker? I have one question. Are you willing to do that right-out of that exit from the drive-through, right only?

MR. BARNETT: We can talk to our client. We'd prefer to leave it full access. I think, you know, the amount of traffic exiting that drive-through -- and Brian will get into this a little bit more in detail. The traffic counts really aren't high. Maybe in the peak hours, five to six o'clock range you'll see an increase, but typically during the day it's not really high numbers leaving that drive-through. So we don't really want to restrict, you know, the drivers -- the customers leaving the site on normal hours, to force them to turn right when there's really no reason to restrict them. You know, maybe if there's one, two cars backed up sitting at Broadway, then, you know, they'll have to wait their turn to pull out or they can have the option to take a right. But we'd prefer not to restrict that left-hand turn with connectivity to Broadway, which is a -- you know, a main thoroughfare and a good arterial to connect to.

DR. PURI: Mr. Lee?

MR. LEE: I might suggest to you that you revisit that issue a little bit, simply because there are many, many places in the city of Columbia you can only go to the right coming out of place. So I

would suggest that that entrance -- or exit, it is very close to Broadway and you have a very busy bar/restaurant right across the street. And especially in those peak hours that you were talking about, not in the morning, of course, but afternoon, so it might be beneficial for your client to look at making that a right only out.

MR. BARNETT: Yes, sir.

DR. PURI: Any other questions of this speaker? Mr. Strodtman?

MR. STRODTMAN: What type of truck service is CVS?

MR. BARNETT: It's your full-size delivery truck and tractor-trailer truck.

MR. STRODTMAN: And typically, where would they unload from on this building?

MR. BARNETT: It's on the east side of the site. They park along Providence. You can see some -- the actual receiving door is this (inaudible).

MR. STRODTMAN: Would a tractor-trailer have room to go by the drive-through and exit out onto Fourth?

MR. BARNETT: They do. Yeah. It looks tight with this rendering, but they do. We've run truck templates as well and verified that it will work.

MR. STRODTMAN: And that's assuming -- which way would they go on Fourth?

MR. BARNETT: I'm sorry?

MR. STRODTMAN: Which way would they go on Fourth, both directions, left or right?

MR. BARNETT: Yeah.

MR. STRODTMAN: A tractor-trailer can go either direction?

MR. BARNETT: Yeah. Well, it depends on which way they enter the site. Say they come in off of Broadway (inaudible) -- right onto Fourth Street.

MR. STRODTMAN: And there's room to allow traffic to come in -- you'd have a car in the drive-through, and then there's room for two cars beside that, north and south, so you'd have three cars wide?

MR. BARNETT: Right at the drive-through?

MR. STRODTMAN: Well, you have two cars pictured now by the drive-through. Would you -- you mentioned that the truck could come in and turn right. Could you get a third car -- you know, you have one that doesn't want to go through the drive-through, one's in the drive-through, and one's coming into the property. You'd have room for three car wide?

MR. BARNETT: (Inaudible.)

MR. STRODTMAN: Correct.

MR. BARNETT: No, sir. That's what we call a bypass lane. We'll have the drive-through lane and 12-foot lane (inaudible) -- bypassing the drive-through to exit. (Inaudible).

MR. STRODTMAN: Unless somebody was trying to exit the site and --

MR. BARNETT: Correct.

MR. STRODTMAN: -- then you have a truck backed up on Broadway potentially waiting or --

MR. BARNETT: Yeah. Or --

MR. STRODTMAN: Or they'd have to go down further.

MR. BARNETT: -- circle -- yes. Use the other entrance, yes.

MR. STRODTMAN: Thank you.

DR. PURI: Commissioners? Thank you, sir.

MR. RENSING: Hi. My name's Brian Rensing; I'm a traffic engineer with Crawford, Bunte, Brammeier Traffic Engineers in St. Louis, 1830 Craig Park Court, St. Louis, Missouri. We did a traffic impact study for this site, and I'll run you through briefly what we did here. We evaluated the existing traffic conditions, estimated the trips for CVS, evaluated the traffic conditions after we layered on those CVS trips to the current conditions, and then provided recommendations to mitigate those impacts. Here's the existing conditions here. As we said here, there's two large curb cuts already onto Providence Road that cause turning conflicts there as well as the head-in parking spaces along Broadway and 14 head-in, back-out parking spaces on Fourth Street. There's also a traffic signal at Providence and Broadway. As far as existing traffic conditions, the signalized intersection of Providence and Broadway is heavily traveled so it's congested, primarily during the p.m. peak hour. There were lengthy westbound and northbound gueues along Providence and Broadway during the p.m. peak hour. And really the ability to improve the existing conditions is limited by the existing right-of-way constraints there. So basically we have to add capacity to make the intersection better and that means lanes. So there's a protected lefts only on all approaches to the intersection, which also limits the capability of the intersection serving all those vehicles. And the northbound and southbound Fourth Street approach at Broadway does operate poorly just due to the heavy traffic along Broadway. Here's the proposed CVS. It's about 13,000 square feet. You got a right-in, right-out on Providence opposite Cherry Street. We got a full access over to Fourth Street, a lot further south than Broadway, as well as a exit onto -- a drive-through exit just south of Broadway. As part of the development plan, we did recommend that they provide the right-of-way for a northbound right turn lane along Broadway across their frontage. And as you can see here for site-generated traffic, we don't expect anybody really to turn right from the site because they've got the ability to turn right at the right-in, right-out, so there's no point to go circuitous and go up to Broadway, make a right, and then a right out at Fourth and then a right down in at the other entrance. So really the patrons that go here aren't going to increase that northbound right turn volume, so really it doesn't do anything worthwhile. In addition to that, the queues are so long in the through lanes, even if you were to build that right turn lane all the way to the right-in, right-out entrance, you wouldn't be able to get there unless you were the first, oh, eight or ten vehicles in that queue. And typical queues are in the range of 25 to 30, so you'd have to basically get the green light and then shift over anyway into useless pavement that doesn't get used. Now, if you can see -- I don't know if you can see those numbers very well, but the drive-through exit's only expected to have about ten vehicles per hour running through the drive-through, so it's not a heavy high demand pharmacy drive-through there,

and these are based on nationwide studies. So really the impact and the conflicts coming out of that entrance if it's full access isn't very much because we got in total about 120 vehicles per hour, which is one vehicle every two minutes using Fourth today, so --

DR. PURI: You need to wrap that up. You're three minutes are up.

MR. RENSING: Okay. And so we recommended right-of-way dedication. And this plan really cleans up the access constraints right now, including the wide curb cuts and the head-in, back-out parking. We've really got minimal impact to the signalized intersection and we're dedicating right-of-way for future when it permits.

DR. PURI: Commissioners, any questions of this speaker? Mr. Stanton?

MR. STANTON: I'm a little confused. Civil engineer basically stated that the store basically is circulating around the pharmacy and the drive-through. You're saying that the drive-through is going to have minimum traffic. But it seems like you're not willing to move or make any accommodations to the drive-through situation. So how important is the drive -- is the drive-through to the business? Is it that important that you guys have no leeway in moving the drive-through at all or is it so important that you guys are not willing to make any adjustments?

MR. RENSING: That really wouldn't be one of my questions to answer, as far as on the behalf of CVS, but the drive-through is -- would be labeled as drive-through and then, like, an arrow to go to that space in between the building and Fourth Street there so that everybody's not circulating through the drive-through. So that's primarily just drive-through use right there.

MR. STANTON: Okay.

MR. RENSING: So it -- you know, all the traffic's not going to run through there, and why would you run through right beside the drive-through if you're trying to exit to go out? And you've got about one vehicle of stacking in between Fourth Street, and then obviously there's on-street parking to the east of Fourth Street, so you've really got to pull out far into the intersection to be able to see to turn. So, you know, you could realistically fit one to two vehicles on that northbound approach at Fourth Street before you would impact the drive-through exit.

MR. STANTON: One more question: When did you conduct your traffic study?

MR. RENSING: We conducted the traffic study in -- let's see. It was last year. And when we were given the notice, we got traffic counts from MoDOT for the intersection because it was when school was in session, so we got 2006 and 2010 traffic numbers, and the City required us to use the heavier traffic numbers at the intersection for those traffic volumes.

MR. STANTON: So I guess my question, what I'm trying to get to is did you -- was this traffic study conducted during what we would call our student -- our student time, when our students are here, basically when we have the most -- the highest population of people here in Columbia, especially using all those -- all those businesses opposite of this site? Did we -- did we take traffic studies at this time?

MR. RENSING: Yes. So the traffic numbers are based on 2006, which were significantly higher than the 2010, and so those traffic counts were taken during the summer months. Correct.

MR. STANTON: That's not our highest -- that's not our --

MR. RENSING: Excuse me. Not during the summer months. I apologize. During the school year.

MR. STANTON: Okay.

MR. RENSING: And Staff has looked it over and they basically said to use the highest number, so that's what we did.

MR. STANTON: Okay. Well, I'm sorry to piggyback off this question. Okay. So we took them during the school year, but actually did you do a physical traffic study or you just basically looked at MoDOT's numbers? Did you lay out the traffic counter and you actually had a -- you actually did your own traffic count or did you just go off of records?

MR. RENSING: So at the intersection of Fourth Street and Broadway, we did actual turning movement counts as well as the turning movements at Cherry Street. And then so we used basically the through volumes, the mainline traffic numbers based on the summer -- or during the non-summer months. Was I clear on that or was that confusing?

DR. PURI: Mr. Vander Tuig? Are you done, Mr. Stanton?

MR. STANTON: Yes.

MR. VANDER TUIG: I think I understand your argument with respect to the right turn lane, that it's going to be unused because of the stacking distance for the throughs. So what's your impression with city Staff's requirement of the right turn lane? I'm not a traffic engineer. Your explanation seems to make sense, but it's at odds with the city traffic engineer.

MR. RENSING: Right. So it's a congested intersection right now and providing right-turn storage right there really doesn't do any functional benefit. So they -- what we've done is recommended that we provide the right-of-way so that when, say, like the northeast corner develops in the future, you could accommodate, say, dual northbound left turn lanes which would help reduce that queue of the left turn and then hopefully ultimately help the whole intersection overall. So scabbing on a right turn lane that the pavement isn't used doesn't really do anything, plus we don't even add any traffic to it. It's all based on the existing traffic. And there's only 120 northbound right turns during the p.m. peak hour, which means one -- or two every minute. It's not the heavy movement. The heavy movement is the throughs northbound on Providence.

MR. VANDER TUIG: But it's city Staff's recommendation that the right turn lane is installed. Is that my understanding?

MR. MACINTYRE: That's correct.

MR. RENSING: They just want it constructed, which we've provided the right-of-way and that allows them to do whatever sort of improvements they need to do in the future.

MR. VANDER TUIG: Thanks.

DR. PURI: Mr. Wheeler?

MR. WHEELER: Is that a City requirement or is that MoDOT, because this is a MoDOT roadway so I'm just curious.

MR. RENSING: Yeah. MoDOT prefers that CVS build it --

MR. WHEELER: Of course they do.

MR. RENSING: -- is what their statement was.

MR. WHEELER: All right. Thank you.

DR. PURI: Any other questions, Commissioners? Ms. Loe?

MS. LOE: Who suggested or recommended that the street parking along Broadway be removed?

MR. RENSING: It's a general plan along the corridor. I think even one of the plans had removal of head-in, back-out parking. Generally, there's a heavy eastbound flow in the morning, so you don't want people puling in and then when they have to exit, pull back out into traffic. And that heavy volume is the big driving factor there. You don't want to be able to stop the throughs coming through the intersection, either turning left or turning right or going through.

MS. LOE: So it's coming from the community? It's a City -- it's in the city plan --

MR. RENSING: Yeah. That and it's just really an unsafe condition, having parking up there. Is that correct, it's in the --

MR. MACINTYRE: Well, I think actually -- I think the city plan -- and I don't know if it was the DLC's or one of the others, but I think it recommended removal of the head-in, back-out parking on Broadway and maybe actually installing or maintaining on Fourth Street. I know there were two concepts, I think, two locations where that idea was propagated. But not certainly what you'd expect maybe, but it's part of the entranceway to reach Flat Branch Park here. You know, we've got onstreet parking and some head-in, back-out already to the south. I think that was also suggested along the eastern frontage of the CVS site.

DR. PURI: Any other questions, Commissioners, of this speaker? Seeing none, thank you.

MR. RENSING: Thank you.

DR. PURI: Next speaker, please.

MS. FOWLER: My name is Pat Fowler; I live at 606 North Sixth Street, and I'm here to speak in opposition to the development plan and the --

DR. PURI: Are you organized opposition?

MS. FOWLER: I am not. I'm going to use my three minutes only. I have some pictures -- uh-oh -- (inaudible). So Flat Branch Park, and that's what I'm speaking in support of, is a refuge in an urban setting that has extraordinary tree canopy, extraordinary vegetation, and is well-designed to provide opportunities for children to play freely during the day and at night. And I took particular pictures of the vegetation because it protects us from traffic noise, from car exhaust, and from traffic so that it is such a safe place. This represents an investment by a variety of tax sources of

\$1.7 million by the City to have environmentally remediated this site and to build it out so that it is such a lovely place for our children to play. In a minute you're going to see it switch to nighttime because it has nighttime uses for children as Parks and Recreational programming. This is a family funfest that just happened yesterday, and it indicates the size of the children in particular that regularly are attracted to this park. I think this park is unique in our park system for being suitable for little kids and also for evening activity. When we get to the nighttime, you'll notice that the notice that we put the park to at night would be -- would not be possible with commercial lighting from a large commercial endeavor next door. This is what it looks like at night. They're showing a film. It has funny little characters. I'm sorry, I don't remember the name of the film, but you can see the crowds of people, you can see the families there. You can see that the film is visible from both sides and it's not subject to light pollution from other adjoining uses. It also, the lighting in the area, respects the historic nature of the buildings, including the Second Missionary Baptist Church that dates back to 1894. These two plans that are going to go by awfully quickly are plans that Parks and Rec had and is still awaiting funding and for consideration to protect the historic nature of this neighborhood to connect more things to Flat Branch Park. So here we have a CVS that looks a little different. The arches are there, they're etched in brick. This is out in Creve Coeur. I took this -- I'm sorry it skipped so quickly there. I took this on August 16th. I'm a native New Englander and CVS was started in 1963 in Lowell, Massachusetts, and I'm extremely proud of that company. And my CVS that I shopped in at 980 Great Plain Avenue in Needham, Massachusetts is still standing, and it looks like a traditional storefront, that looks like the storefronts across the street from us with a front entrance that works and a back entrance that works, and is still in operation. So I realize that CVS is a much bigger company, but when you look at their landscaping, it does what any commercial landscaping needs to do, long sit lines, lots of space for cars. It does not coexist well next to a park that we invested \$1.7 million in. The landscaping is lovely. Their rusticated stonework is lovely. But when you get down to it, remember that this is a park that's scaled for little bitty kids. These are my friend's children that are age three and five. These are the ages of the kids that use this park year-round. And that's the density of the foliage that currently exists, that protects the park users from noise, cars, and car exhaust. I'm sorry I don't have more time to talk about the site plans that Parks and Rec -- but if you ask me some questions about it, I would like to talk about the African American Heritage Trail and how it impacts this as well. Thank you.

DR. PURI: Commissioners, any questions for this speaker? Mr. Vander Tuig?

MR. VANDER TUIG: I'll ask you those questions.

MS. FOWLER: Thank you. I appreciate it.

MR. VANDER TUIG: I serve on Downtown Leadership and I've heard some talk of a proposed African Heritage Trail in downtown, and I'm curious to know about the proposed park plan there because this is the first time I'm seeing that actually.

MS. FOWLER: This plan -- I have a copy of it that goes back, it's dated October 31, 2001 -- and my interactions with the African American Heritage Trail -- and it would be a Parks and Rec project so these are Parks and Rec schematics, and I've got one up there. I think I can click on the slide.

MR. VANDER TUIG: This is of the African Heritage --

MS. FOWLER: The Heritage Trail loops around downtown, but it comes down Fourth Street, it goes past the Boone home, it goes past the Second Missionary Baptist, it crosses over. And if you look to see -- if you can see Broadway up there running east to west at the top of that diagram and you see a little red and green paint there, that's one way to get people safely across from Second Missionary Baptist, over across, south of Broadway so that they can then wander down into Flat Branch Park and continue out there and they would cross over at Stewart, which is the site of the James T. lynch -- the James T. Scott lynching. There's another one if I go to the second drawing that shows some more elaborate plans that Parks and Rec has on the books. And, again, the reason why this hasn't been implemented is funding. It's not community will because I've worked on this project as a service learning representative from the University with students over the years and there's been community meetings. But it's the lack of funding, as we talked about at DLC; it has no funding source right now. But if you'll look at this schematic, you can see that they even made a wider -- they contemplated even closing off Fourth Street there to provide some kind of green space, again, to allow people to cross over safely and continue down in that area. Now, I don't know ultimately what the African American Heritage Trail will look like. I very much hope it will be built because it's been in the planning stages for more than ten years. But one of the things that concerns me about this is not only that this planned development undermines the investment we have in Flat Branch Park, to the tune of \$1.7 million, but it also takes out of the running plans that have been under consideration for some time, awaiting funding, that would draw this very historic area together.

MR. VANDER TUIG: I know there's also talk of the gateway project, and I'm not sure where that stands now. It looks like if it is at Fourth Street, this would obviously play into the design of this -- this is Fourth Street. Right?

MS. FOWLER: It is Fourth Street. The gateway project is a project of the downtown CID. It's not a project of Parks and Rec, so I don't know how those two will mesh together. I think more shall be revealed as time goes on about that.

MR. VANDER TUIG: Okay. Thanks.

DR. PURI: Any other questions, Commissioners? Thank you.

MS. FOWLER: Thank you.

DR. PURI: Next speaker, please.

MS. GERDING: Hi. I'm Rosie Gerding; I live at 101 South Fifth Street, just right across the street from this proposed project. I have absolutely no problem with having a CVS pharmacy built in that particular location. I really appreciate all the great sidewalks that they're proposing and the

additional greenery, you know, beyond what's there right now, and what's there right now is not terrific. But I do object to having a single-story building there. That does not fly with any of the plans that other organizations have made. It is not in agreement with the kind of density that the public has made clear they would like to see downtown. I would be in favor of a multi-story building with CVS at the street level. But I also object to covering more of Flat Branch Creek, and I know that there is a big section of it right now that is not attractive, but rather than saying, okay, well, then let's just forget about it, why don't we try to hold out for something that is attractive. I think most city's would kill to have an uncovered water feature at the entrance to their downtown and I think it would be a real shame for us to give up that possibility. I also object to a large surface parking lot behind the building. I object to the inaccessibility by pedestrians that is displayed by this particular plan. The only way pedestrians can use this facility is by walking through their parking lot. I also object to a drive-through that dumps out onto Fourth Street. As we learned with the Walgreens on the other side of the large intersection, at some point we're going to end up with those horrible yellow delineators and I would be just horrified if we end up with another string of those on Broadway or even a string of those on Fourth Street so that -- I mean, I don't know how else we're going to keep traffic from making left turns, sitting at Fourth Street trying to make a left turn onto Broadway. I'm also a little concerned about CVS's apparent -- their concern for their older patrons who come in and need to use the pharmacy and their explanation that the entrance has to be where it is so that those older patrons can get into the building easily from the parking lot, but then they're forced to walk as far as they possibly can make them walk to get to the pharmacy. So I'm a little concerned about whether that's a very good explanation as to why the entrance has to be where it is. Thank you very much.

DR. PURI: Any questions of this speaker, Commissioners? Seeing none, next speaker?

MR. GRAY: Good evening. My name is Randy Gray; I reside at 301 Edgewood. As a member of the Downtown Leadership Council, I want to thank you for recognizing the five concerns that we shared in our letter. Unfortunately, the proposed project does not address any of these items. While the building design is incompatible, what is most troubling is that this project would create insurmountable transportation conflicts. Traffic on all sides of this building would be flawed. I really can't imagine this suburban design being improved at any location in Columbia and especially not at a gateway to downtown. Thank you for the opportunity to speak tonight, and I ask that you deny this application.

DR. PURI: Commissioners, any questions of this speaker? Seeing none, next speaker. I see none.

PUBLIC HEARING CLOSED

DR. PURI: Discussion, Commissioners? Mr. Stanton, please start.

MR. STANTON: I support the free market. I think it's a good source of jobs, but as we've heard from all speakers, it just doesn't fit where we're trying to go with Columbia. Now, that doesn't mean the CVS doesn't fit Columbia. This current plan doesn't fit where Columbia is trying to go in

this area. I understand its location. I understand its competitive strategy with Walgreens. I would like to see a more friendlier footprint, a smaller building with less parking, landscaping that does filter a lot of light from the park. There's so much technology and there's too many smart people out here in architecture and engineering that somebody can come up with a better solution that can help make this a win/win for everybody. I know it happens. New urbanism, there's -- they address these problems all the time in mixing commerce and green space. I know it can happen. It's just the will of the corporation. Do they want to spend the time in making it happen and is it worth their while. That's what it boils down to. I would love to see the competition, but I would definitely love to see us stay the course as best we can with our downtown plan.

DR. PURI: Thank you, Mr. Stanton. Who's going next?

MR. TILLOTSON: I wouldn't mind asking a question. I don't know who to ask of it. There has been no discussion on lighting in any of this. Can anybody address lighting, especially how it would be seen from the park?

MR. BARNETT: We've done a photometric study which --

DR. PURI: Please state your name again so she knows who she's transcribing.

MR. BARNETT: Okay. David Barnett with Carlson Consulting Engineers. We've run a photometric study on the site, which places the light poles in the parking light and around the building, to analyze the foot candles, the lighting levels around the site and specifically at the property lines. And no light will spill over the property lines to the south to the park or any property line around the site, based on our studies.

DR. PURI: Mr. Wheeler?

MR. WHEELER: Just a follow-up question. I saw you were using 28-foot light standards. Is that just typical or is there some reason for 28-foot light standards?

MR. BARNETT: That was the -- I think the max level height per the city Staff's recommendations.

MR. WHEELER: Oh. I helped write that ordinance, so I'm just wondering if it's just par for the course. I mean, is that just normal for a CVS, 28-foot light standards or -- I mean, was there any thought, I guess -- and let me rephrase the question. Was there any thought to putting a shorter light standard in?

MR. BARNETT: Typically they go taller than 28, so this is -- this is an exception to the rule. And so they are shorter than what we typically do. Actually, they're going with an LED light fixture on the parking lot lights on this one also. It's a newer technology.

MR. WHEELER: Full cutoff, box fixtures?

MR. BARNETT: Yes, sir.
MR. WHEELER: Thank you.
DR. PURI: Mr. Tillotson?

MR. TILLOTSON: Still up here for a second. I look at the photos in this pack here on Page 1, where it shows the park, and it shows what's there now. I try to get a handle on the vegetation that you're proposing to put in there versus what's there now. I don't know if Rosie had any pictures in her slides of that. I can't remember.

MR. BARNETT: (Inaudible) -- this is during the fall months. You can't really see the trees. There is some vegetation along the north line of the park, which would be our south property line. There's some trees and some low growing shrubs. We're not going to affect any of that vegetation at all with our development. We won't touch that.

MR. ZENNER: David, we're going to go ahead and we're going to go back to our aerial. I think it's going to be better to answer the question.

MR. BARNETT: Okay. Yeah. You can see a little bit better there. But, yeah. The landscaping, I guess to answer your question, in the park itself won't be affected by our development.

MR. TILLOTSON: Okay. So landscaping will exist --

MR. BARNETT: Yes, sir.

MR. TILLOTSON: And are you adding additional in that area? No? Yes?

MR. BARNETT: We're not proposing to add any landscaping to the park.

MR. TILLOTSON: No. Not to the park, but --

MR. BARNETT: Right. Along our south property line, we will be installing some trees. There's actually a retaining wall to account for grade differential there. But we will have some trees screening the parking lot somewhat to the park itself.

MR. WHEELER: If I may, I think he's actually talking about the pocket park.

MR. BARNETT: Oh, I'm sorry. Okay. The actual --

MR. TILLOTSON: No. I was talking about the park in the back, because I know it was brought up about lighting and noise and -- but if you're not removing any and you're adding additional -- that's what I was trying to see what was happening there.

MR. BARNETT: Right. Yes, sir. Right. We won't be removing any and we will be adding some more trees along that property line in addition to not allowing any light to bleed over the property line.

MR. TILLOTSON: And tagging back on Doug's question on that 28-foot, can it be shorter and still work? I mean, you helped write that ordinance. Did you say why you need to have 25 [sic]? Does that help with the lighting or setting or --

MR. WHEELER: Actually, they can do anything they want. They just probably have to put in more light standards.

MR. BARNETT: Yeah. If you go with a shorter lights, you'd have to more --

MR. TILLOTSON: Okay.

MR. BARNETT: -- light locations, yeah.

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

MR. STANTON: Please, forgive me if I offend, but you're used to building these at a certain spec, certain standard. This is like a cookie cutter -- you just go around the country and build them like this all the time, most of them. You don't really vary too much, do you?

MR. BARNETT: No. This is -- this is definitely an exception to what I've done in the past. It's not prototypical at all. And, you know, where we've come from, our first submittal and our first preapplication with the meeting, that was kind of our prototypical layout with the parking in front of the store up next to the intersection.

MR. STANTON: Okay.

MR. BARNETT: And, you know, there's been, I think, several -- you know, four revisions to the C-P plan since the submittal to get to this point and, you know, upgrades, amenities. So it's not your typical cookie cutter site that we're looking at.

MR. STANTON: Do you have any more room to move around, personally?

MR. BARNETT: What?

MR. STANTON: Do you have any more room to redesign? Is it in their company's best interest? Do they have any more will to fight, should I say, with the design of the building?

MR. BARNETT: With the building itself, in particular? Yeah. I mean, possibly. I mean, I will go back and say it's not a prototypical building at all with all the upgrades. This was tailored to this site and to try to address some of the -- you know, the charrette and some of the reports for this location and to fit into the downtown corridor. As far as modifications to the building, you know, I guess there's -- you can always talk to our client and see, you know, what they would be willing to do or not.

MR. STANTON: To do. Okay. If you heard our last speaker, a more traditional looking pharmacy -- I mean, I want to see CVS in Columbia. I like it there. I just -- all these considerations are dead on. I mean, we've invested a lot of money in that park behind there and we have a certain vision that we have for downtown. And a traditional looking old school pharmacy, I fee, would be a good market decision, would be a good strategic decision for your company, if you're willing to move there. It may need to be a little smaller. You may need to look at your market analysis a little more. Who -- what customers are we really going for in this market? But a traditional pharmacy would probably give your competitors a run for their money, if you're willing to take what you've heard this evening and take it to heart very seriously.

DR. PURI: Any other questions?

MR. VANDER TUIG: I just have some comments if we can move it along. I think we're done. I'll just try to touch on all these items. I think with respect to the right turn lane on Providence, I don't see the need for it. I think the right-of-way is a good idea. The Fourth Street entrance needs to be right-out. I've done plenty of site plans and this one is very, very tight. And I agree with Mr. Wheeler with respect to the drive-through traffic and not being able to negotiate that turn. That seems like a very high possibility of some major traffic issues there at Fourth Street. In fact, now that I've looked at

the plan that the Parks and Rec have in place for the African Heritage Trail with respect to Fourth Street, it makes a lot of sense, and it think even the traffic engineer would suggest that it makes sense to close off the access at Fourth Street with regards to the traffic numbers and the queuing that he saw on Broadway in his traffic study. So with that, I think I'm not going to support this. I think CVS -- again, to highlight some other comments or reiterate some other comments, CVS in this town would be a great idea. I think this is the wrong site. I think it's too small even if it was in a subdivision location or a suburb type setting. The plans -- numerous plans that we have in this area of downtown suggest that the type of development does not fit and is not what the public is asking for. In the plans. I take exception to the idea that these plans aren't good recommendations because if there is one public plan that I think was the most vetted in this community, it was the downtown H-3 charrette plan. And we had the most participation that I've seen in my five years on P and Z, and that's what people want in this town. With respect to the storm sewer, you know, I'm an engineer and even -you know, even aside from looking at this site development, the thought process on stormwater is completely turned upside down now with respect to design. And that -- regardless of the desires to have a pocket park here and open up and extend Flat Branch, it's just good practice to daylight storm sewer. The idea that we ever put a creek in a storm sewer is problemsome and there's drainage issues downtown to suggest that there's true upstream from this location. So there's a lot of things going against this site. Not CVS, but certainly against this site, so I cannot support this.

DR. PURI: Mr. Lee?

MR. LEE: I have to confess I like this project. I think it's far better than what's there now. We have less impervious surface and so better water -- stormwater treatment. I think it creates competition for Walgreens and I think with the plans they have for landscaping and lighting and stuff, it certainly makes that corner look a whole lot better than across the street when looking at Walgreens. A comment was made about making people walk to the back of the store. Well, if you think about all your local grocery stores, you have to walk to the back of the store to get milk and eggs and butter. You have to walk through the entire store, the same thing with Walgreens or other pharmacies. Maybe not the locally-owned pharmacies, but certainly the chains, you have to walk to the back of the store. I am not -- as I mentioned earlier, I'm not happy about being able to turn left as you come out of the drive-through, so I think that needs to be worked. But I think that having CVS -- which they always locate their stores next to their principle competition, and it think that creates a good benefit for the people who will use these two stores in that they'll get into competition with each other and perhaps we'll see lower prices for all of their goods, not just pharmacies. So I intend to support this project.

DR. PURI: Mr. Reichlin?

MR. REICHLIN: I'd like to echo some of Mr. Lee's comments, but principally, from where I sit, CVS can build on this tract one way or another if they choose to. So that leads me to feel that what's been developed up until now is probably better and more amenable to some of the things we hold

dear than what could potentially be developed on this tract without some kind of cooperation between the applicant and Staff. So if there is going to be a CVS on this corner, one way or another, I would support this alternative as opposed to what I perceive the other one to be, so I will support this plan.

DR. PURI: Ms. Loe?

MS. LOE: One of my chief concerns with this is that I really feel Broadway is the heart of the downtown corridor. And the fact that this basically kills off a block of the street front -- no matter how many pedestrian amenities you place along that sidewalk, the fact that you have no access points whatsoever, no one is going to come to a bench if they're going to find a shorter pass cutting through the parking lot. I cannot condone it as good urban design, and I feel like this is a suburban project trying to fit into an urban corridor and it's not a good fit. So I cannot support it going in here.

DR. PURI: Mr. Strodtman?

MR. STRODTMAN: I'll go next. I won't repeat a lot of what's already been said, but basically in a nutshell, I would -- I agree. I don't think that this is the right site for this use and I would prefer to try to work out something different for this location. And as a result I do not plan on supporting it.

DR. PURI: Mr. Wheeler?

MR. WHEELER: It's easier being chair, going last. So let me just touch on a few things that I've seen in this. We have made a huge investment in Flat Branch Park. We've all seen plans. They extend this park to Broadway, but the reality is that although there is certainly will, there is not the funding for that. This is a privately held piece of property that is pretty value. Our C-2 property downtown is some of the highest price property in our community. I'm torn on this. I think Ms. Loe actually hit this well. It does seem to be a suburban design that we're trying to pigeonhole into the corner of Broadway and Providence. And although I think you've done a remarkable job and it's so much better than what potentially could be there, I still haven't made up my mind how I'm going to vote on this. I can say I could never support this drive-through the way it is currently configured, coming out onto Fourth, and so that alone would be enough for me to vote no probably. Light standards are a concern of mine. I think there's a way to meet our lighting ordinance. And when we were writing that, I had great concerns of how we were going to comply with this utopia vision that we had on lighting. But I do feel like with the lighting standards, even with the full cutoff fixture, that 28 feet, given the park is lower than the parking lot -- it has to be -- that there is line-of-sight issues here, unless we have full screening of some kind -- and I certainly don't want to see a fence -- on the south boundary, then I don't see anyway to not have line-of-sight on those light fixtures or at least have some light spillage. Although I do understand that according to our ordinance it could not be measured. There is a difference between measured and line-of-sight, and I think that everyone in the community would have to acknowledge that. So then you move on to what could be, and I think Mr. Reichlin has summarized this well. You know, although I agree with the assertion that a multi-story building fits into our downtown area better, the fact of the matter is the C-2 zoning on the corner, which we've been told -- I didn't ask for measurements because we've been told it's

approximately 50/50, so let's say that's .8 acres -- or .7 acres, because it's 1.39. If it's half, we've got seven-tenths of an acre that's C-2, which has no setbacks at all, could go as high as they wanted to, could be one of our ugly apartment buildings that we've seen with no parking requirements, no setbacks, essentially no landscaping. You know, the what-could-be's are extremely concerning to me. And so as I've said, I won't belabor this, but I don't want to see the what-ifs, but I also think that this plan is -- unfortunately I have some concerns that would need to be addressed before I think I could support it.

DR. PURI: Mr. Tillotson?

MR. TILLOTSON: Wow. I spent a lot of time with my nose looking at this and I do know we have a property owner that's aggressively wanting to move some property. And when we talk about a multi-story building going in there, that just shocks me because you're going to have to have a lot more parking when you talk about multi-story buildings going in there. And if that's part of the charrette plan, that concerns me a lot because we're -- it creates parking issues. But with that said, I have a personal bonding to this particular area and some of the stores that are there and the people that run them, so I have personally torn issues. But I do know that the time has come for something to happen with this piece of property. I think this is a good design. I think a lot of thought and effort --I think CVS has fought very hard and worked very hard with the City. And I do have in the back of my head that the City's non-approval of this is not by their really -- or their Staff's, not really by their desire as by their hands are kind of tied behind their back with some other, quote, plans that are out there. I am in agreement with Mr. Wheeler on this -- I wasn't when I set down here earlier, but I am now -- on this drive-through with the right turn or left turn. I look at what's there now and it's an absolute disaster. It just scares me that there's not accidents or people ran over with the way it is now. And as far as giving up the parking on Broadway, I mean, the City gave up a whole block of parking on Broadway to build their nice building and there's been some other parking on Broadway given away. I'd rather see the parking on Broadway go away entirely and have more of a walk-about community and they'll be no vehicles on Broadway, if the truth be known. I want to support this, but I want to support it with a right turn only on the drive-through and I want to support it with the CVS building the right turn lane there at Providence and Broadway. Anytime you can scoot around a corner and not have to stop or sit in traffic is always a plus. I don't care if you're one car every hour. When you're that one car, it's nice to scoot on through. So I would have to feel comfortable that they could put that into an approval plan if it goes to that point. It seems to me that really isn't going to be the cause for alarm on that park as we see. I do see a lot of troubling and hear of a lot of troubles starting to happen down in that area at night. There's been some severe issues and I think something like this might help clean that up a little bit. And, I don't know, this is -- may get me fired, but I don't need the money -- you know, a nice donation to that park or to the trail from CVS might help bring a little bit more support with a project like this. I would like to support it, but I -- if it's put in

a motion before we vote that it's a right turn only and that turn at Providence and Broadway's put in. That would have to be before I could support it.

DR. PURI: Thank you, Mr. Tillotson. I guess it's my turn last. I find that the plan itself -- I mean, presently what we have there is unacceptable. I mean, it's a problem there already. Mr. Lee has described the fact that walking there at night is not possible in those area and creek itself is unsafe. I do understand that we have put a lot of money in the park and the park is a great feature that a lot of families enjoy. By the same token, there's also talk about, you know, hold out for a better thing to come along, you know. But sometimes it's better to have one bird in the hand than two in the bush. And my problem with this is just the drive-through area, the exit from that. I think that the park is untouched from the back. I feel that, you know, there's beautification, more vegetation is being added. Compared to what exists there right now, some of those problems are alleviated. I also agree with Mr. Wheeler, the light standards need to be cut down, especially if using LED light standards. You can cut those down and they also don't scatter as much light, and then you can also use plates and things to direct that light. So I think those things about light concerns for the park can be alleviated with that -- you know, bringing those light standards down. As far as pedestrian connection and things, we have to see what pedestrian connection you have right now. It's a mess right now. It's not even safe to be, you know, along that area. There's parking right off of Providence into those shops and then there's, you know, other problems as you come around the corner trying to get in and out right close to that intersection with the buildings on the corner. I do think that the park on the corner provides some little buffer, and some beautification on the corner as you look down site on Broadway with the trees on the front and the brick building. As far as -- you know, we're not here to tell people how to do their business or what size of building they need to have and what they need to do. I think that's their job to figure out what works for them, so I don't think that our responsibility is for that. I do find it disturbing that CVS wants old people to walk from one entrance all the way back to the pharmacy to collect their medications. I'm a physician; I write a lot of scripts, and that's not a good thing to know. I mean, I understand the milk and eggs are in the back, but I also understand how much it takes for the patient to walk from the front al the way to the back. I do think if there's a way for you, you should reorganize that drive-through. By just saying that you have a life way aisle from the front of the door to the back of the door so you can have people pay you more for merchandise, I think moving it down just a little bit toward the center of that back area is not going to hurt you a whole lot in your pocketbook. Because bottom line is people are there to pick up medications. While they're there waiting for the scripts to be filled -- which is usually 25 to 30 minutes -- they have plenty of time to wait around and buy stuff. I've never heard of a pharmacist yet that, you know, fills instantly. In view of that, as far as the dynamics of the site are concerned, I think that I would support this project based on the fact that we have a right lane on Providence, on the Fourth Street there should be a right turn out and the drive-through alleviated a little bit. I do agree with Mr. Wheeler. I do not think that the radius there -- you may have done some templating or

whatever you're doing. In reality somebody's going to run over those curbs or somebody's going to have problem trying to get out after they get out of that drive-through. Sometimes in theory it may seem like that, but in reality and practicality you have to take the -- how diligent the driver is that 's driving those vehicles as well. Some of them are going to older folks that are trying to pick up prescriptions and do various things. The light standards need to be cut down on the height, LED light fixtures to be used, and not to be 28 feet. They need to be quite less than that. And these are, you know, the basic ideas I think if are incorporated into the project I would support that. Any other discussion, Commissioners? Mr. Wheeler?

MR. WHEELER: If I may, I just want to chime in and -- on my drive-through concerns. I also don't want to see delineators coming southward on Fourth Street. It's my belief that if that -- if the drive-through window could be moved more to the center of the building as Dr. Puri is suggesting, then maybe that entrance on the Fourth could be moved further south as well. But if it cannot, then I think there needs to be a median on Fourth Street to restrict that left-hand movement. Otherwise we're going to mess up an intersection that's already, in my opinion, questionable. So, anyway.

DR. PURI: Mr. Stanton?

MR. STANTON: Okay. I think this is the right project, but it's the wrong plan. I think CVS needs to look back at its roots, like the community speaker spoke about. I think this can work if it's just thought about in those terms. If we had to vote on this as is right now, the things I would have to see would be definitely addressing that drive-through issue. I do agree with the doctor on that point of view. But I do disagree with him on this point: I think we do have a right to tell you what kind of building there is to put there because we want a certain look. We want a type of -- we want a type of business that supports the type of community that we want. This is that type of business, but it doesn't fit what we want physically. I think that is an erase and a -- you know, a couple lines being moved in some plans. I think this can really -- I think you're real close to getting a win/win here. It's a matter of how committed you are to this site and where you're ready to go. The community has spoken in various plans. We have various, for a lack of better term, overlays and ideas of where we want to go with this space and with this area and with our downtown. I think we're very close. I would definitely need to see more landscape. I would like to see the parking decreased, but -- along with the size of the building, but if not, definitely more landscaping to filter noise and light to the park. And I think -- and I agree with my fellow commissioner here, helping develop the park in some way, either the flow -- the water flow in the park, vegetation. Do something, whatever the shortcomings are in the park right now, I think this would be a great opportunity to kind of shore those up, to make this -- to close this deal. That's where I stand, so if those things can be worked out, I would support this. But as is right now, no. We definitely have a little work to do, a little tweaking.

DR. PURI: Thank you, Mr. Stanton. Mr. Vander Tuig?

MR. VANDER TUIG: I'll just add a few more comments with respect to the perspective that I think people are going to see from the park. We didn't get into this a whole lot, but my understanding

is that we're going to have a 14-foot wall, a 14-foot retaining wall view of CVS. So when you're talking about line-of-sight with respect to lights, I don't know that any height of light would make a different with respect to that configuration. And probably that would be the next wall that gets graffiti. And so -- and then in respect to the plans, you can have different opinions on which plans were supported and how they went about and how detailed they were or too detailed they were with respect to planning. But if we don't, at some point, support the plans that we put all this effort into as a Planning and Zoning Commission -- not just zoning -- we will be here stuck again making reactive decisions to these plans instead of making some planned decisions. And so, yes, we have work to do with regards to the efforts that are underway currently. The CID is in the process of selecting between two architects for the gateway project. There are things underway here that this project will interrupt. And so I just wanted to throw that out as a discussion point for those who are still on the fence.

DR. PURI: Anybody want to frame a motion? Mr. Vander Tuig?

MR. VANDER TUIG: I'll make a motion t deny -- I don't have it in front of me -- Case No. --

DR. PURI: 13-127.

MR. VANDER TUIG: -- 13-127.
MR. STRODTMAN: I'll second.

DR. PURI: Roll call, please.

MR. STRODTMAN: Motion has been made and approved [sic] to deny this zoning request of 1.39 acres on the southeast corner of Providence Road and Broadway from C-2 and M-1 to C-P and C-P development plan, CVS C-P Development Plan.

DR. PURI: We're denying the motion of approval, Mr. Stanton, so your yes vote would be a denial vote.

MR. STANTON: Yes means --

DR. PURI: Yes means that you don't' --

MR. STANTON: I don't support --

DR. PURI: Right.

MR. STANTON: I don't want that.

DR. PURI: Right.

Roll Call Vote (Voting "yes" is to recommend denial.) Voting Yes: Ms. Loe, Mr. Stanton, Mr. Strodtman, Mr. Vander Tuig. Voting No: Dr. Puri, Mr. Lee, Mr. Reichlin, Mr. Tillotson, Mr. Wheeler. Motion fails 4-5.

DR. PURI: Mr. Wheeler?

MR. WHEELER: I always have to default to Mr. Zenner here, but I believe that if a recommendation for denial is approved -- or is denied, then we go back to the drawing board and somebody tries to frame a motion that we can --

MR. ZENNER: You have another motion. Motion to deny has failed.

MR. STANTON: Mr. Chair?
DR. PURI: Yes, Mr. Stanton?

MR. STANTON: I'm sorry for being so naïve in this process. Let's make a deal. Can we -- can we have these guys -- can we have the -- have the party come up and we talk about what we can address and frame that in the motion?

DR. PURI: I think the --

MR. STANTON: What are they willing to discuss and put on the table for change or --

DR. PURI: Mr. Stanton, I don't think we can make a deal here because they're representing CVS, and as far as their powers, if I'm -- you have to get those to the principle before you can say yes or no to anything. So this can't be let's make a deal.

MR. STANTON: Okay.

MR. ZENNER: If I may, Mr. Chairman, if the Commission so desires, you can propose amendments to the plan as part of your motion. Those amendments would be incorporated into an amendment sheet that would be presented to City Council at which point the applicant can either consent or not consent to those, and Council has the authority to either vote on the application as submitted or as submitted with amendments. So if there are specific revisions that you would like to have made to this plan that the clients are unable to make on behalf of the owners and the developers, that is within your purview and can be part of your motion and will be captured in our Staff report forwarded to City Council. Or you can frame a motion different from what you have framed here that just failed and continue to go through that iterative process.

DR. PURI: Mr. Lee?

MR. LEE: Yeah. I would make a motion to approve Case No. 13-127 as submitted with the following amendments: That the developer create the right turn onto Broadway from Providence, that the drive-through be a right only out, and the lighting and landscaping on the south end of the project be improved to further shield the park from said lighting and noise.

MR. STANTON: Second.

MR. ZENNER: If I may ask for a point of clarification within that motion as it relates to the lighting. Is there a specific light height standard that the Commission is desiring to have incorporated into the motion? It's very difficult for Staff to say what will shield the park without having a specific standard.

DR. PURI: Sixteen feet.

MR. LEE: Huh?

DR. PURI: Sixteen feet.

MR. LEE: Then I would amend my amendment to have it at 16 feet instead of the proposed 25.

MR. ZENNER: Twenty-eight.

DR. PURI: Twenty-eight.

MR. LEE: Twenty-eight. Okay.

MR. ZENNER: Thank you.

DR. PURI: And can I make an amendment to that motion -- with that motion? One of the items he has on there about the drive-through, it was pretty close. I just want to give another option. Can it be amended further?

MR. ZENNER: It's been seconded already. I don't think you can make an amendment to an amendment without voting on it. I believe -- and pardon my ignorance as it relates to Robert's Rules of Order. I don't think we've ever gone through an amendment to an amendment to an amendment. If you would like to back up the amendment and just add on, I think that's -- because it's been seconded at this point, and I was asking for a point of clarification to it. If the -- if Mr. Lee as well as -- I believe it was Mr. Strodtman seconded that motion -- if you will allow, we can just go backward. I think that's the way you do it or you've got to vote on the motion first and then if it fails you can restate the amendment with whatever clarification. It's a lot easier to go back the other way.

DR. PURI: We can either vote on this amendment or I could call for discussion and clarification on the drive-through. That is the only subject.

MR. TILLOTSON: Can we have a discussion on the drive-through?

MR. ZENNER: You have an amendment, you have a second on it. If you are -- and you'd have to vote to approve the amendment --

MR. TILLOTSON: We can discuss before the vote.

(Multiple people are speaking simultaneously.)

MR. ZENNER: You can discuss before, and then if you need to have additional --

MR. TILLOTSON: Let's do that.

DR. PURI: Mr. Wheeler?

MR. WHEELER: Well, if I may, Robert's Rules of Order are roughly followed on this Commission, and for a good reason in my opinion. So what has happened in the past may not be appropriate but is the way it's happened in the past. If Mr. Stanton would kindly withdraw his second, we could further clarify the motion or discuss the motion that's on the floor and --

MR. STANTON: Refine --

MR. WHEELER: -- come up -- refine it. Yeah. That's a good --

MR. STANTON: I will retract my second then.

MR. WHEELER: Yeah. And so since we're roughly -- and Robert's like out here rolling because we're not doing this, but then I would suggest that that would be an appropriate time for us to refine.

DR. PURI: Thank you, wise man. Discussion on the drive-through, I think I just would like to see -- you know, we have the right-in, right-out. I think one option should be given is moving that drive-through, you know, up the street -- up Fourth Street a little bit so that in case -- you know, if it's moved up on the building, it brings that drive exit closer to the center of the building than, you know, closer to Broadway. If they do that, they may not need right-out only and may solve the purpose of

bringing that drive-through a little bit closer. So we could do an and/or type of situation if -- that was my interjection only. I don't know how you feel about that, Mr. Lee.

MR. LEE: I don't have a problem with that. The only thought that occurs to me is that CVS has a formula as to where the pharmacy is located and how it is situation within the building. So if they're willing to change that a little bit to accommodate what you're talking about and moving the drive-through back, then I've got no problem with that at all.

DR. PURI: That way we can have the right-out if it exists where it's out and then if they move it up, they have an incentive to have it right and left, you know.

MR. LEE: Yes.

DR. PURI: Are you okay with that?

MR. LEE: I am.

DR. PURI: Mr. Stanton, you okay with that?
MR. STANTON: Yeah. Can I second it now?

DR. PURI: You can second now.

MR. STANTON: I second the standing motion.

DR. PURI: We have a motion on Case No.13-127 with the following amendments.

Mr. Secretary, can you read them out and then take a roll call, please.

MR. STRODTMAN: I will do that. I'll do my best at least. A motion has been made and approved to approve Item 13-127 with the following three modifications or amendments: The first one is to relocate the drive-through further south on the building to allow a right-out and a left-out, both, second one is a right turn off of Providence onto Broadway, and then the third one is lighting and landscaping improvements to shield light and noise from the park with poles at maximum 16 feet. Did I clarify that?

MR. TILLOTSON: I don't think so, for me. It was either right-out only from the drive-through or if they move the drive-through, then they could have the option of right or left. Is that the way everybody's understanding it? Okay.

MR. ZENNER: Full access -- full access if moved south.

MR. STRODTMAN: So it would be four items. One would be a right only if they leave it at the existing location. If they're wiling to relocate it further south, then that would allow a right-out and a left --

DR. PURI: Full access.

MR. STRODTMAN: -- full access. And then the right lane off of Providence, turn lane onto Broadway, as well as the poles at 16 foot maximum for the lighting and landscaping improvement to shield the park.

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

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

Mr. Strodtman, Mr. Vander Tuig. Motion carries 6-3.

DR. PURI: This will be forwarded to the City Council with Planning and Zoning recommendation. Right, Mr. Zenner?

MR. ZENNER: That is correct. With the amended recommendation, it will not be on the consent agenda.

V.) COMMENTS OF PUBLIC

There were no comments from the public.

VI.) COMMENTS OF STAFF

MR. ZENNER: Next meeting will be October 10th and it will hopefully not be as long. You do have a number of items on the agenda as you see her. We have a preliminary plat for Magnolia Falls. This is a modification to the interior of this existing subdivision. We have a final minor plat to create an additional lot off of Southland Drive, just to the south of the Crossing Church to divide an existing residential lot into two. And then we have the preliminary subdivision plat for Discovery Park Subdivision, which is down next to the A. Perry Philips park to the east of it. And we have two public hearings on this agenda: K and J Properties, which is related to Item No. 177, and is a rezoning request from A-1 to R-1, and then you have a C-P development plan for Katy Place Heights, which is at the corner of Katy Place and Forum Boulevard at the entrance to the Forum Eight Theaters, directly across from the Dunn Brothers Coffee, so the vacant parcel immediately to the north of Katy Place Apartments. As you can see, here are your maps for the upcoming projects. What I can tell you -- and I did forecast at the last meeting that we had a much more significant proposal for Discovery Park. The development plan approval component of that plan has been withdrawn and is being revised at this point to be more explicit as to what those future development plans will be. So they need to probably to into greater depth on that project based on the existing Philips farm development agreement, will not be necessary. What we are having presented to us is a revision of an eight-lot final plat to a 23-lot preliminary plat, and there is a final plat that will follow for Phase One of the development. And your zoning actions for this coming agenda, the rezoning on Southland Drive to create two lots, R-1 -- or A-1 to R-1, which would be consistent with what's to the east, and then the Forum -- or the Katy Place Heights C-P plan there at the entrance back into the Forum Eight Theaters. I'd like to introduce this evening, as many have maybe noticed in television land, a new commissioner, Ms. Sara Loe. She is joining us tonight as her first official action as a new commissioner, appointed on Monday, after the service of Ms. Peters, who has resigned from our Commission. And we have obviously, for the public, new elected officers for the Commission as can be obviously seen with Mister Dr. Puri sitting in the middle as our new chairman, our secretary being Rusty Strodtman, and then our vice chairman being Mr. Steve Reichlin. Congratulations to all, and that is all we have for you this evening.

DR. PURI: Thank you.

VII.) COMMENTS OF COMMISSIONERS

VIII.) ADJOURN

The meeting adjourned at 9:18 p.m. (Off the record.)