

MINUTES

PLANNING AND ZONING COMMISSION MEETING

AUGUST 7, 2014

COMMISSIONERS PRESENT

**Dr. Ray Puri
Mr. Rusty Strodtman
Mr. Bill Tillotson
Mr. Andy Lee
Ms. Sara Loe
Mr. Anthony Stanton
Ms. Tootie Burns**

COMMISSIONERS ABSENT

**Mr. Steve Reichlin
Ms. Lee Russell**

I) CALL TO ORDER

DR. PURI: Planning and Zoning Commission meeting for August 7, 2014, will come to order.

May I have a roll call, please.

II) APPROVAL OF AGENDA

DR. PURI: Staff, any changes in agenda?

MR. SMITH: None.

DR. PURI: All right. Commission, approval of agenda? Thumbs up. All right.

III) APPROVAL OF REGULAR MEETING MINUTES

DR. PURI: Approval of regular meeting minutes for July 24, 2014? Commissioners?

MS. BURNS: I move for approval of the minutes of July 14th [sic].

DR. PURI: Ms. Burns moves for approval.

MR. STANTON: Second.

DR. PURI: Mr. Stanton, second. Thumbs up? Okay.

IV) PUBLIC HEARINGS

Case No. #14-124

A request by Robert Hollis, Van Matre, Harrison, Hollis and Taylor, P.C. (Applicant) on behalf of L & M Office, LLC (owner) to amend the Statement of Intent for property associated with the "Johnson Medical Clinic O-P Development Plan." The subject site is located at the southwest corner of Pratt Street and Ripley Street and addressed as 103 Ripley Street.

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval.

DR. PURI: Any questions of the staff, Commissioners? Mr. Strodtman?

MR. STRODTMAN: Can you -- can you explain the parking permit plan a little bit more. I guess I wasn't very clear on what that meant.

MR. SMITH: I know our Engineering Department is involved with a study right now, I think a pilot

parking program out there, and the results of that currently are not known. They're in the middle in that, so possibly some of the recommendations of that study could be to limit on-street parking to permit parking only. So that's about all the information I have on that. We could get some more information, but that's generally where the status of that is right now.

MR. STRODTMAN: And that plan is citywide, and not just in this particular area?

MR. SMITH: No. I think it's just for this specific neighborhood. I think there are different plans -- or different programs going on right now. I think north of downtown is also involved in one. I don't know if that's a separate one or if it's the same one. It's separate, so --

MR. STRODTMAN: Thank you.

DR. PURI: Commissioners, any other questions of the staff? I see none. It's a public hearing item.

OPEN PUBLIC HEARING

DR. PURI: Please approach the podium and address the Commission.

MR. HOLLIS: Good evening. Robert Hollis, with offices at 1103 East Broadway here on behalf of True Properties, which is a contract purchaser for this property. Jack Miller -- you may have heard of True Media. That's the applicant. He intends to purchase the property and utilize the place as internet marketing office space. You might note in the application that there's a reference to potential residential uses on the second floor. That was an idea for a temporary residence for staff -- for his staff, which he no longer intends to do. Technically, it's a rezoning. It's only a rezoning because we're attempting to change the uses via the Statement of Intent and the O-P ordinances actually state that that shall be treated as a rezoning. Here to -- happy to answer any questions if you have any.

DR. PURI: Commissioners, any questions for Mr. Hollis? Mr. Strodtman?

MR. STRODTMAN: What's the intent of the second floor now?

MR. HOLLIS: Potentially, office space.

MR. STRODTMAN: Thank you.

DR. PURI: Any other questions? Seeing none. Thank you, Mr. Hollis.

MR. HOLLIS: Thank you.

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

MR. RENAUD: Brandon Renaud, President, Benton-Stephens Neighborhood Association. I'm here to speak on behalf of the neighborhood association. We looked over this --

DR. PURI: Can you state your address, please, for the transcript?

MR. RENAUD: 1425 Hickory Street.

DR. PURI: Thank you.

MR. RENAUD: We feel it's a fair -- fair and reasonable proposal. Don't see any problems with it. Don't see -- we have no push back from the neighborhood and think they'd be a -- a good neighbor, so that's it.

DR. PURI: Commissioners, any questions of this speaker? Thank you. Anybody else?

PUBLIC HEARING CLOSED

DR. PURI: Commissioners, discussion?

MR. TILLOTSON: I don't really have much discussion. It seems like it's pretty cut and dried. The neighborhood association is in favor of it. I like it, and I think it's a good proposal. So without any further ado, unless there's any other comments, I'm going to recommend approval of Case 14-124 with the staff's recommendations for the approval of the request to rezoning to amend the Statement of Intent.

DR. PURI: Mr. Tillotson has introduced a motion to the floor. Mr. Lee?

MR. LEE: Second.

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

MR. STRODTMAN: Yes, sir.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Burns, Mr. Lee, Ms. Loe, Dr. Puri. Motion carries 7-0.

MR. STRODTMAN: The motion will be forwarded to City Council for approval.

Case No. 14-127

A request by Lyon Crest Properties, LLC (owner) to rezone 8.67 acres of land from O-1 (Office District) to PUD-5.1 (a Planned Unit Development allowing up to 5.1 dwelling units per acre), and to approve a PUD development plan to be known as "Cotswold Villas at Bluff Creek Estates." The subject site is located east of the intersection of Bluff Creek Drive and Pebble Creek Court.

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

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department.

Staff recommends:

1. Approval of the proposed rezoning from O-1 to PUD-5.1, including the associated Statement of Intent.
2. Approval of the PUD development plan, subject to the condition that building permits shall not be issued for more than 39 dwelling units until Bluff Creek Drive is extended to provide a second public street connection.

DR. PURI: Commissioners, any questions of the staff? Okay. I have a question. Any problem with the fire department or anything for these 100 units or any of our City, you know, services that are affected by that? Any problem there?

MR. MACINTYRE: Yeah. We actually had a comment from the fire department. They were requesting a second access point be provided either to connect the southern part of the development into the office -- the developed office site to the south or to provide a second outlet onto Bluff Creek Drive directly. And that wouldn't actually solve the problem of having a second access. It may create circulation within this particular proposed development area, make that a little bit easier for fire apparatus to, you know, pull through as opposed to having to turn around on a cul-de-sac. However, certainly the way the street configuration is presented here, the cul-de-sacs are standard and -- and the fire department is equipped to deal with cul-de-sacs. So, you know, in lieu of forwarding that recommendation from the fire

department, I think the best solution again would be to just limit the number to 100 because the -- the recommendation on -- from the fire department was really intended, I think, to sort of serve as a compromise in lieu of 0 remaining under that 100-unit cap.

DR. PURI: Thank you. Commissioners, any other questions of the staff? Seeing none, we'll open the public hearing.

PUBLIC HEARING OPENED.

DR. PURI: If you'll approach the podium, state your name, address, speak about the matter.

MR. FARNEN: My name is Mark Farnen, 103 East Brandon, Columbia, Missouri. I am here on behalf of Lyon Crest Properties, LLC, in this regard. I have a short presentation that I would like to show and -- and talk about some of the variances that we have requested and that the staff has done a good job explaining.

DR. PURI: Please limit to six minutes. That's my only request to you.

MR. FARNEN: We will do that.

DR. PURI: Thank you.

MR. FARNEN: As they said, we want to rezone 8.67 acres from O-1 to PUD, actually down zoning, and that would allow for the construction of 44 single-family units as they have indicated. We are requested the variance from the point of access, the -- the maximum number of 100 units that could be allowed in that area. We would exceed that with the plan that we have submitted by five. I also want to address the layout that we have proposed. This is the general layout of the -- of the property that we have identified. And if you'll look at the number of lots, there are 44, but the intent was to build zero lot line buildings, so a single attached building on each of the two. I put that small box up there just as an indicator. It's not exactly to scale, but it would give you the indicator of how that would spread across the two properties. The inset is the same basic diagram. There would be then 44 individual dwelling units on this property in -- housed in 22 -- what would appear to the public to be 22 buildings. A previous iteration of this property had a similar number of properties that was proposed under O-1 and which would be allowed, the same number 44, which were on different lots and would have been either condos or two-family dwellings on a single lot. The same number of units would be 44, but -- and it would also appear that it would just be 22 buildings. What we did is we configured that cul-de-sac so that you had a shorter distance to travel to get to each end of the cul-de-sac rather than enter at one point and go the long route, so we feel like we tried to address that in some regards. The zero lot line is not allowed. To build those buildings with a zero lot line is not allowed under the O-1 zoning, and that's why we have even come back to ask for a rezoning and that was to get it in a planned unit where that variance could be granted and that we could also make the properties more saleable for individual purchase rather than for rental. If we had the condominiums and if we had the attached what is defined in the City statute as a duplex, we would have a different -- a different access rate for a purchaser versus a renter. The banks treat it differently than they would if we do the zero lot line attached family units and someone owns a whole piece and can purchase it that way. So one of the major pieces of intent for this was to be able to encourage home ownership rather than rental in what is already a -- an almost completely home-owned subdivision. When

we say attached unit, sometimes I think people have a -- a perception that it's a flat, one-story, it looks like a ranch, and there's a line down the middle and a door here and door here. The way that we envision doing this is multiple floor plans, some one, one-and-a-halves, or two-story buildings. The pictures that you see attached here are from a subdivision in Dallas though that mirrors what we intend to put here. If you took each side of it individually, each side or each dwelling unit would be approximately 2,000 to 2,500 square feet. That building then in scale would be somewhere between 4,000 and 4,500 square feet or so, or -- or in -- slightly in excess of that. That matches most of the homes that are in the current subdivision, so the appearance from the street is that the size and the scale is the same. The density is 5.1, and that comes off the lot size. So you do have a smaller lot size, but you have similar sized buildings and are promoting home ownership more than rental or lease in this same place with a variety of styles so it matches the rest of the neighborhood, which is not built cookie-cutter. They're great homes out there. The rationale was that for us to come in is that we couldn't do the -- the zero lot lines in the O-1, so ask for the PUD. We believe that that is likely to result in more home ownership than in rental. There was a previous proposal that I referenced earlier and this is what that one looked like under O-1 and which would be allowed. You'll notice that the -- there's the longer cul-de-sac with the one point of entrance, and each of those is an individual dwelling unit that you see there and there's 44 of them. So what we are asking for today is no more than what would have been permitted under the zoning we currently have. This proposal was shown -- the previous proposal, the one that I showed as previous, that previous proposal was shown to the neighborhood in meetings, and when it was looked at, at least one of the people who was there said I think we could do this a better way and promote more home ownership. And so Ms. Ravipudi bought that land and proposed this alternate that you see below. It's a new plan with identical number of units and same density. We think this promotes home ownership, as I've mentioned several times. The building size is consistent with the typical existing homes throughout that area and throughout the subdivision. It asks for no more density than would have been allowed under its existing zoning. It asks for no higher number of units. It does not substantially exceed the 100-unit rule. There's -- it's five over. It complies with all the other requirements, doesn't impinge on other property owner rights that we know of, and it seems like it fits the goals of the neighborhood better. This neighborhood has looked at our plan as well and has substantially been in support of it. We don't -- what the proposal that -- that the staff has made is, yes, this is a good plan. Let's let them do it, but let's limit it to 39 right now until we can poke the road through. The problem with that is, is that would take the time span out. If we look at what it also says in the staff report is that that is on the ten-year plan or more to be funded. We don't believe that that project could be afforded and do this project responsibly. We think we're just a handful over. We think it actually reduces the potential increase in traffic that could be there through current O-1 uses, and we think the variance allows flexibility to meet a good need in a good area and has pretty widespread support. Thank you. Questions?

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

MR. FARNEN: Kevin Murphy, our engineer, is here if you have questions about the engineering and that sort of thing, and thank you for your time.

DR. PURI: Anybody else wishing to speak on this matter? Please approach the podium.

MR. BLACKMORE: My name is Charlie Blackmore; I live at 2312 Deer Creek Court in the Bluff Creek Estates Subdivision. I've been a resident there for 14 years, and am the past -- just recently gave up my seven-year presidency of the board and neighborhood association. And I just want to speak on behalf of the neighborhood as the past president, having dealt with this being the third attempt to do something with this -- this eight acres. About a little over seven years ago, it was proposed to put an assisted-living facility there, which was strongly opposed by the neighborhood association. At that time, Bruce Odle owned the property and still did until he just -- was sold to the Ravipudis, our neighbors. And it was also a strong opposition when -- when Mr. Odle wanted to put apartments on it not long ago. So I'm just saying that, right now, there's no opposition that I know of from anyone in our subdivision. They're all in favor of this type of development and we welcome -- would welcome your approval and welcome them getting started on it so we can be a completely developed subdivision and be through with construction -- until they put the bridge in. Thank you. Any questions?

DR. PURI: Thank you. Any questions? Mr. Strodtman?

MR. STRODTMAN: What are your thoughts about that bridge? I mean, we kind of have a difference between the applicant and the City in the sense of about, what, five or -- five or so homes. What are your thoughts on that?

MR. BLACKMORE: How soon can you start?

MR. STRODTMAN: The bridge?

MR. BLACKMORE: Yeah. I'm all for it. I mean, the neighborhood association wasn't, but, personally, I live at the -- at the end of the subdivision as close to this road where the bridge would be, as close as maybe there's five or six people that live closer. And I've always wanted the bridge there and didn't think it would increase any -- any traffic issues in our subdivision.

MR. STRODTMAN: Well -- well, on the flip side, would you be concerned if the bridge -- if all 44 lots were developed, would you be concerned if the bridge wasn't there at that point, because it might -- these 44 may come sooner than the bridge?

MR. BLACKMORE: I understand what you're saying, but, on the other side of that, we had little or -- we had no say whatsoever other than coming here and expressing our disapproval of there being 44 apartment units there. And apartment units in this town in that type of neighborhood that would be constructed at that level, regardless of what the owner intent -- intent was, they would probably wind up with anywhere from three to five people living in them and being students and having more cars there than they could park. But with them being privately owned houses, so to speak, and like duplex condos, I think the most you're going to have is two cars per unit, if that. A lot of people, we hope, will be people that are -- we have a lot of retired people, which -- which I'm one, and -- and we're people that are retired there living in homes, futuristically might be looking for a condo to move to, but want to stay in that neighborhood, so it's a good thing as far as I'm concerned, and I have no one in the subdivision that has come to me that isn't -- isn't in favor of it, so -- anything else?

MR. STRODTMAN: Thank you.

DR. PURI: Thank you.

MR. BLACKMORE: Okay.

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

MR. REID: My name is Chris Reid, and I currently reside at 2309 Bluff Creek Drive, which is also right across the street from this property. Currently, at this time, I am the Bluff Creek Neighborhood Association -- homeowners' association president. The neighborhood association fully supports this plan. We understand, you know, what -- the possibilities of what could go in this property, and this is definitely the best thing we've saw so far. But we have no -- I've offered nothing -- no opposition whatsoever at any point.

DR. PURI: Questions of this speaker? Mr. Strodtman?

MR. STRODTMAN: I'll -- I'll pose the same question, Mr. Reid. Are you concerned if that bridge doesn't come before the 44 units are developed?

MR. REID: Absolutely not.

MR. STRODTMAN: Thank you.

DR. PURI: Thank you, sir.

MR. MURPHY: Good evening, Commissioners. Kevin Murphy, A Civil Group, offices at 3401 Broadway Business Park Court. I want to touch on a few things here, so I might jump around. One thing I'd like to mention about the -- the one point of access and -- and a health safety matter. These structures, these are not -- they will basically be an individual structure. So again as there's 44 units, and the way the -- the ordinance is written, it's based on residences. And as you think of a residence, you think about a single house, you know, something of that nature. But, in essence, this is one -- one structure, so in essence we have 22 structures out here. The -- again, the -- the way is currently zoned is O-1. We've had several plans on this over the years. One, as was mentioned, was the nursing-type facility. We had a layout in 2010 that had, like, 92 apartments on it that would be allowed, and it would be allowed because this is a single platted lot. And I want -- we had an office building there that would generate twice as much traffic or more than -- than the uses -- than what we're proposing. And then again most recently, we had basically this plan, but all on one single lot and being rental units. The -- the point of access, this Bluff Creek Estates was conceived and preliminary plat -- it started being preliminary platted in the early '90s. The City has final platted the majority of it. It has been zoned that -- that -- to the point that -- that allows for well more than 100 lots to be accessed at this one point or on this one drive. It's the City's obligation to build that bridge and if it's another ten-plus years out, that's 30 -- over 30 years that folks have invested in these properties out here and they're -- they're being landlocked. They may not be able to develop it if that's -- if that's the outcome of -- of what's being said here. So -- and I just -- we probably have, like, a three- to five-year build out on this is what we're looking at. Again, it's based on marketability and everything else, but that is -- that's the hope. So if we get to five years, it's another five years to that point. But one point I did want to bring up, Mr. Farnen had mentioned to me privately was that -- to think about is in Bluff Creek Estates and all of the subdivision, currently there's four homes for sale. One of those happen to be on Deer Creek Court, which is part of this one access, so the homes

aren't -- the whole subdivision isn't always going to be occupied is the point I wanted to bring out, that homes are for sale, and so that number is going to vary. And so even with the sale that we have now, we'd be one over the limit, but, you know, it could be more, it could be less, but anyway. Any more questions?

DR. PURI: This fire department comment about incorporating two entries into your PUD plan, did you look at that or did you guys discuss that?

MR. MURPHY: Yes, we did. And -- and, first of all, there's really no justification for that. They -- they have that -- you know, they're -- they're going on that same rule, and that's also in the -- we looked at tying into the office part, but -- or that's just not -- not feasible. It's not good for our development to have traffic running through there and whatnot. It's not -- we would have to -- they weren't particularly interested in doing it. There's several feet there between the end of our cul-de-sac. I -- I can't -- you know, 50 feet or more to get to their parking lot, and I don't think it's something that they were willing to entertain. And again we thought this was a better layout just having a single street in there instead of two streets.

DR. PURI: All right. Commissioners, any other questions? Mr. Lee?

MR. LEE: Yeah. Mr. Murphy, before you go, let me ask staff, is the fire department going to insist on a second entrance?

MR. MACINTYRE: I don't believe so. In fact, I -- I think the fire department's comment was really not necessarily in -- in keeping with the interest or purpose of the code -- my interpretation. The idea would be to have a greater access, not just an additional access onto a current street. The proposal to -- to add a second access directly in -- into this proposed development, I mean, it's only serving those 44 units. It's not really serving the greater good, which I believe the intent of -- of the ordinance was.

DR. PURI: But this fire department comment that, you know, we got, we talked about, that -- is it off of Bluff Creek -- that drive, do they want two entrances to this PUD so they can have easier in and out of that to protect those 44 units? I think the two --

MR. MACINTYRE: That -- that was their final --

DR. PURI: Because what you said in your report and what I read in your report was the fact that they wanted access as a compromise into this PUD, two entrances instead of just one bottleneck entrance, and as a compromise, and they would allow more units if that's what the case was. I mean, they would -- they would be comfortable.

MR. MACINTYRE: That's what I believe their intention was.

MR. MURPHY: We had addressed that comment in -- in our review comment responses and -- and they did not respond to it again.

DR. PURI: Uh-huh. So having a second entrance into your PUD, if you had to from Bluff Creek Drive, that would have a big impact on your unit count?

MR. MURPHY: Yes. It would probably take --

DR. PURI: How many units do you lose?

MR. MURPHY: Upwards of six, I do believe. We would have to dedicate right-of-way, so it's not just the width of the street. You've got the 50-foot right-of-way and -- and such as well.

DR. PURI: You lose six units by adding one more drive?

MR. MURPHY: Yes. I think I gave that number to Steve at one point, so -- this is just off the top of my head, but I think it was upwards of six units.

DR. PURI: Okay. Any other questions? Ms. Loe?

MS. LOE: Will the houses be sprinklered?

MR. MURPHY: I -- no. But that is not a requirement of --

MS. LOE: Would the R-3 homes have been sprinklered?

MR. MURPHY: No.

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

MR. MURPHY: Thank you, folks.

DR. PURI: Anybody else wishing to speak on this item, please approach the podium. I see no one.

'PUBLIC HEARING CLOSED

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

MR. LEE: Yeah. I -- I think this is a good use of this land and the plan is good, but I am troubled by the bottleneck and one access point in and out for 44 units. If there -- it seems to me if there is a fire, it could spread pretty quickly especially if people are trying to get out to avoid the fire, the fire department could have a very difficult time getting in, so I'm troubled by that aspect.

DR. PURI: Mr. Stanton?

MR. STANTON: I concur. I mean, the -- I like the plan, but the fire issue, public disaster issue, all of that is in play, and it seems like there has been a reasonable compromise. I think that the staff and fire department did a good deal at least trying to make a compromise, you know, build such an amount until you get a second access and you can continue as planned. So --

DR. PURI: Then let me clarify. You're -- the second access has nothing to do with what Mr. Lee is talking about. He's talking about the bottleneck.

MR. STANTON: Well, yeah. I'm --

DR. PURI: Because you're talking about, by law, you know, 100 units, he's only got 105 in total with this.

MR. STANTON: Right.

DR. PURI: So by adding a second access, you're talking about a bridge.

MR. STANTON: Right.

DR. PURI: Now, that bridge is not going to be there, it doesn't affect the fire department if we had, you know, 100 units there. So what Mr. Lee is saying --

MR. STANTON: But he only has one access here now.

DR. PURI: Yeah. But one access into the PUD.

MR. STANTON: Right.

DR. PURI: So Mr. Lee's point is that there should be two accesses into the PUD.

MR. STANTON: And that's what I'm saying.

DR. PURI: Okay. So those are two distinct things.

MR. STANTON: Okay.

DR. PURI: Okay. All right. Anybody else? Any -- Mr. Strodtman?

MR. STRODTMAN: You know, I like the project. You know, I think it's a creative blend. I like the twist with combining the buildings into one unit. It looks -- you know, from Highway 63 now, that view of those homes in those subdivisions is nice. It's appealing. They are very nice homes, so it's a -- it's a nice spot to think that when we drive on 63, that those buildings will look like single homes even though they are -- they're not. And so I think it's a much better design element than we could have been given, and so I compliment the applicant on that. You know, I guess I -- the bridge, you know, and ten years, I think that we should go ahead and approve the 44. I don't think that the -- the four or five over is that critical to make a difference. The homes for sale, you know, I kind of understand that, though they may be owner occupied while they're for sale, so that may not be always the case, but I don't think we're that far over. Second road, it didn't seem to me that the fire department was the concerned about that second entry. I think if they were, we would have heard more of a concern about that. So I'm in favor of the project as is without the capping it to 39 units.

DR. PURI: Okay. Ms. Loe?

MS. LOE: I guess I think there's a bit of a fallacy in saying -- because we could do a project like this with a completely different type of zoning, we should be able to do something with this other type of zoning. I do understand there's a lot of similarities, but I don't -- I don't think everything simply translates across. And I do think there were opportunities to make this work eventually, but I'm -- I'm going to reiterate that I think that standards are established and there need to be very good reasons for exceeding those standards or maximums. And I believe the proposition that you hadn't been able to fit 44 R-3 units on the property and therefore should be able to fit 44 R-1 is not -- does not convince me. So I would approve this with the 39 permits with the 44 lots, but the 39 permits as proposed by staff.

DR. PURI: Ms. Burns?

MS. BURNS: Yeah. I spoke with a couple of residents of Bluff Creek Estates and what struck me is that they again reiterated that there was support for this completely and that they in fact were looking for downsizing opportunities in the near future and would look to these residences as something to live in, which I thought spoke well of the neighborhood and spoke well of what their feeling was going in in the neighborhood. I'm kind of on the fence about the 39 versus 44. If we've got the three- to five-year build out and this is on the capital plan, although not a priority project, I don't know how much time would lapse in between having access -- well, having the additional access -- the bridge versus the second access over Bluff Creek. So I'm still considering the 39 versus the 44.

DR. PURI: Mr. Tillotson?

MR. TILLOTSON: I'm kind of following Mr. Strodtman's footsteps. I -- I don't see any reason not to have the 44 units. What I see is a need in Columbia that's finally getting addressed more. If you go all about Columbia, you don't see this kind of housing. Old Hawthorne did it and they couldn't sell them fast enough. And if you looked at the people moving into them, they were people coming from 5,000, 6,000,

7,000 square foot homes, retired people, wanted to get rid of their yard work, wanted to get rid of the maintenance. There is a big need for this and I like this particular project because I've seen one similar down in Springfield and they're built out to look pretty much like single -- single-dwelling homes. And so, I think, getting in a toss over 39 units versus 44 at this point, when you have -- I like to see them -- when there's neighborhood support of a project, I -- I find it hard to stand in the way of that. The developers have gotten together, the neighborhood has gotten together, so I don't really know that there is a need to sit here and quibble over this. The fire department really doesn't seem to have a concern about -- they brought it up, it was addressed, they left it alone. So I would like to support it with the 44 units.

DR. PURI: A question for the staff, the fire department wanting that second access, was that addressed? Were they happy with just one access with a bottleneck with the two cul-de-sacs? I mean, there are 44 units in there.

MR. MACINTYRE: You know, their -- their codes I think were adopted without a standard reference that would normally show up and -- and my understanding of the fire codes is that there is a clause that would have capped the number of units to 30 for their purposes, so fire codes would have been much more stringent than our subdivision regulations cap of 100 units. And I believe that that's kind of their rationale here for trying to negotiate further. It wasn't something that was adopted in -- in the fire code in their standards; however, it's something that they're always interested in. And when they see an opportunity certainly where in this instance they are exceeding something that is codified for the whole area, I think they -- they took the opportunity to make the comment and try to see if they could get a little more connectivity and circulation.

DR. PURI: And when they didn't, their reaction was it's okay?

MR. MACINTYRE: Their reaction was really just the initial comment that we received from them and no follow up when pressed for additional response.

DR. PURI: Mr. Murphy, can you come back to the podium, please?

MR. MURPHY: Yes, sir.

DR. PURI: We talked about adding -- if you have a second drive, if we approve as 44 units, and you had a second drive, you can get more than 39, are you willing to do that to satisfy some of the Commissioners' concerns? Some of them don't want to approve more than 39.

MR. MURPHY: I'm sorry. What was the question?

DR. PURI: Some of the Commissioners do not want to approve more than 39 units --

MR. MURPHY: Correct. Right.

DR. PURI: -- because of the variance. Right?

MR. MURPHY: Yes. Yes.

DR. PURI: You want 44 units. Right?

MR. MURPHY: Yes. Yes.

DR. PURI: So if the second drive is added to your PUD and you can get more than 39 units by adding that second, would that be a compromise for you?

MR. MURPHY: We could not get more. We would -- we would have less. We'd have, you know, 38 units or something of that nature.

DR. PURI: Uh-huh.

MR. MURPHY: And it's just not economically feasible. You see the scale and -- and the size and the quality of these homes compared to what was economically feasible on this property, you know, was to build your standard duplex on it and 44 of those out there, what -- what Lyons Crest and the Ravipudis are -- are asking to do are build spectacular houses and they're putting much more money into -- you know, into the project.

DR. PURI: I understand that. But are you saying that five units is going to break your project?

MR. MURPHY: I couldn't honestly say at this time. It would certainly -- it would certainly hurt it, yes.

DR. PURI: Okay. So you just want it with one drive; that's all?

MR. MURPHY: I -- yes. I think that's what we're -- we're asking for exactly as what's proposed.

DR. PURI: Okay.

MR. MURPHY: All right. Thank you.

DR. PURI: All right. All right. Commissioners, I think my point is that there's a great project. I think that the houses are great. I think that the square footage on those homes is excellent. It matches the neighborhood. I think that 39 versus 40 -- you know -- 44 units, the five units doesn't make much difference. I think the problem is access to the PUD itself with one drive is what -- what the basic access is because if you have 44 units, in case of a fire, we have seen what has happened in downtown, you know, the apartments and everything and it's always a concern to get trucks in and out and ample, you know, coverage. But those five units are not going to alter, you know, this -- the ability to fight -- you know, fight the fire. I think the bottleneck is more problematic than anything. But I think it's a good development. I think the -- they're well selected, their square footages. I think there's going to be ownership. The homeowners' association is behind this. So if anybody would like to frame some sort of a motion?

MR. TILLOTSON: I'll take a stab at approving Case 14-127 with the recommendation of approval of rezoning from O-1 to PUD and with allowing the 44 units.

DR. PURI: With the variance. Right? The variance of 44 units?

MR. TILLOTSON: Yes. Yes.

DR. PURI: Yes. Mr. Strodtman, second?

MR. STRODTMAN: Just clarification. Just clarification. There -- he's allow -- his -- there would be no variance in his recommendation because you're saying that you would allow the 44, so there would really be no need for a variance?

MR. TILLOTSON: Well, yeah.

MR. ZENNER: If I may advise the Commission. The application is requesting a subdivision approval for 44 units and a variance request from our multiple points of ingress and egress within the subdivision, so you do have to take action to approve both the subdivision as well as action to approve the variance.

DR. PURI: The variance is the two -- instead of having two access points to the whole subdivision, you only have one. That's the variance. Correct, Mr. Zenner?

MR. ZENNER: That is correct. And what we are looking at here is a -- to this specific parcel, which will trigger Bluff Creek as a whole to be over the total number of units. This is not just specific to this parcel. What the fire department has apparently requested for the purposes of its convenience is two points of ingress and egress into this particular site. The 100 units or lots specific to Bluff Creek Estates as a whole, and that is how our regulations are written. You have to have two points of ingress and egress to any development over 100 lots. And once you get to the 44 additional lots, we are five over for the entire subdivision. So you have to approve the variance waiving the multiple points of ingress and egress to Bluff Creek as a whole and then, in essence, move forward to approve the subdivision plat for the 44 lots. They're -- they're tied together. And the reason that the -- the reason the recommendation of staff is structured the way that it is is to ensure that the time of pushing Bluff Creek over the maximum of 100 units with a single point of access to the same general road is, in essence, to ensure that we meet our regulatory requirement. And I will put into context for you a project that we took care of several months ago off of East Walnut Street. We had the last developable parcel and it was zoned R-3, and East Walnut ends with a single point of ingress and egress, and the whole street has more than 100 units routing to it, and we ended up going through a relatively lengthy process with City Council after we did not bring forward to you the request for a variance from access. So we are trying to avoid going down that road. Now, the Commission has the -- has the prerogative to do whatever they would like here, but we do need to make sure that we have both recommendations included in the motion.

MS. LOE: Do we have to approve the rezoning first?

MR. MACINTYRE: That should be framed as part of the motion or as a separate motion, if you like.

MR. ZENNER: That is correct. You -- we're dealing with multiple -- multiple parts to the puzzle. Now, the zoning does allow -- again the zoning has the -- has the component associated with the subdivision regulations since we have a site plan to go with this. So we are dealing with a land-use change; i.e., zoning from O-1 to PUD-5.1, and then you have the development plan approval which constitutes your preliminary plat which then also has to include the requested variance from access which is a component of our subdivision regulations.

DR. PURI: Ms. Burns?

MS. BURNS: Oh, Mr. Zenner -- I'm -- pardon me. So we are assured that all 59 lots currently are developed as far as in the R-1, the single-family homes?

MR. ZENNER: I'd let Mr. MacIntyre answer that question for you.

MS. BURNS: Thank you. Mr. MacIntyre?

MR. MACINTYRE: No. In fact, there are parcels of undeveloped R-1 within the subdivision. And in my tally of existing platted R-1 lots, I found 61 total, and that -- that includes those that have not been developed. I believe there were a handful -- actually, five of them that existed in platted form within the R-1 district off of this single access point. I think it was Lacewood Drive to the south that we considered

that pinch point as far as a single access goes. So everything to the north along Bluff Creek, including streets off -- that branch off of it were counted in that tally. There are two or three R-1 zoned parcels, however, that have not been platted that would certainly be subject to the same condition of at some point in the future, if they did go through a platting process, they would need to request a variance from the same standard regarding a single access.

MS. BURNS: I was -- in looking in the staff report, it talks about the 100-unit limit is reached, so we don't currently have -- we -- even with this development, would not reach 100 units.

MR. MACINTYRE: This development would reach 100. And in my analysis, in attempting to try to find, I guess, a fair way to administer the requirement, I really couldn't come up with anything other than first come first served since it's black and white in the code, so I stuck with that to try to simplify and make this something that we can -- we can grasp and deal with at least at this point. It's certainly not going to become any easier as future development tracts develop or plat out in the future.

MS. BURNS: Thank you.

MR. MACINTYRE: You're welcome.

DR. PURI: We have a motion on the floor which needed clarification and then clarification. So Mr. Tillotson's motion is still on the floor for approval of this as is with the variance, Mr. Tillotson?

MR. TILLOTSON: Yes.

DR. PURI: So that is the motion on the floor. Do we have anybody that wants to second that?

MS. BURNS: I'll second that.

DR. PURI: Ms. Burns, second. May we have roll call on them motion on the floor.

MR. STRODTMAN: Yes, sir.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Mr. Tillotson, Ms. Burns, Dr. Puri. Voting No: Mr. Stanton, Mr. Lee, Ms. Loe. Motion carries 4-3.

MR. STRODTMAN: Approval for this motion will be forwarded to City Council -- recommendation for approval will be forwarded to City Council.

MR. MACINTYRE: Now, sorry to interrupt. The second motion or there should be another motion to address the zoning at this point, if I'm not mistaken.

DR. PURI: Mr. Tillotson?

MR. TILLOTSON: I make a motion to approve the zoning from O-1 to PUD on Case 14-127.

DR. PURI: I'll second it. Roll call, please.

MR. STRODTMAN: For the second motion.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Burns, Mr. Lee, Ms. Loe, Dr. Puri. Motion carries 7-0

MR. STRODTMAN: The recommendation for approval of the rezoning from O-1 to PUD will be forwarded to City Council.

V) COMMENTS OF PUBLIC

DR. PURI: Comments of the public? Seeing none.

VI) COMMENTS OF STAFF

MR. ZENNER: Well, your next meeting will be August 21st, and we currently have just two items on that agenda. You have the Gerbes Super Store C-P plan, and this is a major amendment, and this is off of West Ash directly across from the City's ARC. This is the property that basically is bordered on the south by Broadway, and then on the north by West Ash Street. And this particular amendment has to deal with the installation of a gas facility for the Gerbes Store, so this is in the northeast corner of the property, and -- and it is in that particular area. And it is a possibility that this particular project may be tabled or a request for tabling may be brought forth to the Planning Commission as a result of this item already having been advertised for a public hearing for the 21st meeting. We are currently in the process of working through several complex plan-related issues with the project site, and have not fully received our information that we need in order to be able to adequately review and produce a staff report at this point. We are currently coordinating with the applicant and his legal counsel as it relates to that. The other item that we have on the agenda is a pretty standard and routine one. This is a request for annexation and permanent City zoning on the Mangold property. And, as usual, here are your maps that represent the two parcels that are in question. The Gerbes Super Store immediately to the west of this particular site. If you're not familiar with where this is, that is Shelter Insurance, and then we have Clinkscates Road on the east side of the property. And then what we are looking at for the annexation for the Mangold, that is E.P. Moore Drive up off of Thompson Road, which is in the northeast corner of the City, and this is, in essence, I imagine, for the extension of City sanitary service in order to be able to connect and legally be able to develop the property with additional improvements. Would like to also mention within our segment of the meeting for the general public, as well as for the Planning and Zoning Commission, a neighborhood congress had a meeting which basically allows the opportunity for Council to have Council office hours out in the community, as well as allow the opportunity for the City to bring forward additional or new initiatives that we may be working on, has been scheduled for September 10th, and will start roughly at 5:00, 5:30 at the Health Department. It is a joint -- it will include a joint session with the Health Department as well as the City's Community Development Department. There will be more details that will be forthcoming on not only the City's website, but we will also be briefing the Planning Commission as it relates to the topics that will be covered on that since we are engaged in a headliner, in essence, on that particular neighborhood congress. So with that we do have items we are working on as we discussed today in work session and we will bring you some additional information. Also wanted to let the public know that we have a Module 1 draft of the development code update is available for the public to review. It is on the City's website on our community development page. We have a comment period through September 15th for the public to comment and they can respond to Tim Teddy, our Community Development Director, at his e-mail with any comments, observations, or questions that they may have with Module 1 of our development code update, and it is a three-part process. So what you see today will be expanded and we will incorporate additional information into it. I thank you very much for your time and your attention this evening, and if you have questions, we would be more than happy to answer them.

VII) COMMENTS OF COMMISSIONERS

MS. BURNS: Oh, Dr. Puri?

DR. PURI: Ms. Burns?

MS. BURNS: I'd just like -- like to recognize the loss of Jerry Wade, who apparently served on this Commission for over a decade and was quite a character. I didn't know Dr. Wade, but he passed away and was quite a participant in City activities and, from what I've read, brought a lot of life -- and the thumbs up and thumbs down to this Commission, he's the one who instigated that. So I just wanted to recognize the loss of Jerry Wade.

VIII) ADJOURNMENT

(The meeting was adjourned at 8:00 p.m.)