

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 70-13

### **AN ORDINANCE**

amending the permitted uses on property in District O-P located on the northwest corner of Rainbow Trout Drive and Scott Boulevard; approving a statement of intent; approving the Quail Creek Professional Park O-P Plan; approving less stringent screening and landscaping requirements; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The permitted uses on the following property in District O-P:

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 17, T48N, R13W, BEING LOT 142 OF QUAIL CREEK, PLAT NO. 1 AS SHOWN BY A SUBDIVISION PLAT RECORDED IN PLAT BOOK 33 PAGE 64 OF THE BOONE COUNTY, MISSOURI RECORDS.

are amended to include the following uses:

All permitted uses in District R-3

Counseling centers operated by charitable or not-for-profit organizations; excluding halfway houses or any use connected with penal or correctional institutions

Financial institutions (not including a traditional bank) and travel agencies

Medical or dental clinics and medical laboratories

Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies

Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to:

- (1) Artists, sculptors, photographers
- (2) Authors, writers, composers
- (3) Lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions
- (4) Ministers, rabbis, priests, or other clergy members
- (5) Physicians, dentists, chiropractors, or other licensed medical practitioners

(6) Seamstresses, tailors  
(7) Teachers of private lessons in art, music, or dance  
Schools operated as a business within an enclosed building, except trade schools  
and schools which offer retail goods or services to the public  
Buildings and premises for public utility services or public service corporations  
Hospitals for small animals, if within an enclosed building  
Research and development laboratories, provided there is minimal/insignificant use  
of hazardous materials based on a risk assessment  
Customary accessory uses subject to the conditions set forth in Sec. 29-27 of the  
City Code

SECTION 2. The statement of intent submitted by applicant, dated March 8, 2013, marked "Exhibit A" which is attached to and made a part of this ordinance, replaces the uses as shown in Ordinance No. 016118 passed on August 16, 1999.

SECTION 3. The City Council hereby approves the Quail Creek Professional Park O-P Plan, dated January 25, 2013. The Director of Community Development shall use the design parameters set forth in "Exhibit B" which is attached to and made a part of this ordinance as guidance when considering any future revisions to the O-P Development Plan.

SECTION 4. The City Council approves less stringent screening and landscaping requirements than those set forth in Section 29-13.1(d)(6) and Section 29-25(e)(5) of the Zoning Regulations so that a landscape screen shall not be required along the north property line.

SECTION 5. The City Council approves less stringent landscaping requirements than those set forth in Section 29-25(e)(3) of the Zoning Regulations so that a 6-foot landscaping strip shall not be required to separate the parking area from the street right-of-way along the east property line to allow for the installation of stormwater management facilities.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

---

City Counselor



**City of Columbia  
Planning Department**

701 E. Broadway, Columbia, MO  
(573) 874-7239 [planning@gocolumbiamo.com](mailto:planning@gocolumbiamo.com)

## Statement of Intent Worksheet

For office use:

Case #:	Submission Date:	Planner Assigned:
12-229	12-31-12	

**Please provide the following information, which shall serve as the statement of intent for the proposed planned district zoning:**

1. The uses proposed.

SEE ATTACHED

2. The maximum gross square feet of building floor area proposed. If **PUD** zoning is requested, indicate type(s) of dwelling units & accessory buildings, and maximum number of dwelling units & development density.

31,000 ft<sup>2</sup>

3. The maximum building height proposed.

35 ft.

4. The minimum percentage of the site to be maintained in open space, shown by the percent in landscaping and the percent left in existing vegetation.

30% / 0%

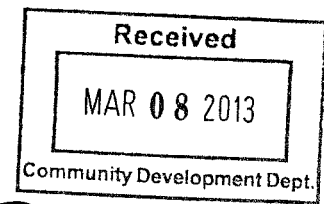
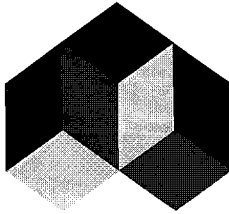
**The following items only apply to PUD zoning requests:**

5. The total number of parking spaces proposed and the parking ratio per dwelling unit.
6. Any amenities proposed, such as swimming pools, golf courses, tennis courts, hiking trails or club houses.
7. A general description of the plan including minimum lot sizes, if applicable, minimum building setbacks from perimeter and interior streets, other property lines and minimum setbacks between buildings.

**Note: At the discretion of the applicant, the statement of intent may include other aspects of the proposed development.**

[Signature]  
Signature of Applicant or Agent

12/31/12  
Date



# A CIVIL GROUP

CIVIL ENGINEERING • PLANNING • SURVEYING

## Statement of Intent – Proposed Uses

### Quail Creek Professional Park O-P Plan (Rev. 03/08/13)

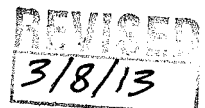
The uses proposed:

- All permitted uses in district R-3.
- Counseling centers operated by charitable or not-for-profit organizations; excluding halfway houses or any use connected with penal or correctional institutions.
- Financial institutions (not including a traditional bank), and travel agencies.
- Medical or dental clinics, and medical laboratories.
- Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.
- Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to:
  - (1) Artists, sculptors, photographers.
  - (2) Authors, writers, composers.
  - (3) Lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions.
  - (4) Ministers, rabbis, priests, or other clergy members.
  - (5) Physicians, dentists, chiropractors, or other licensed medical practitioners.
  - (6) Seamstresses, tailors.
  - (7) Teachers of private lessons in art, music, or dance.
- Schools operated as a business within an enclosed building, except trade schools and schools which offer retail goods or services to the public.
- Buildings and premises for public utility services or public service corporations.
- Hospitals for small animals, if within an enclosed building.
- Research and Development Laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.
- Accessory uses customarily incidental to any of the above uses.

Respectfully submitted,

  
Kevin P. Murphy

3401 BROADWAY BUSINESS PARK COURT, SUITE 105  
COLUMBIA, MISSOURI 65203  
PHONE: (573) 817-5750 FAX: (573) 817-1677  
E-MAIL: Office@AcivilGroup.com





**City of Columbia  
Planning Department**

701 E. Broadway, Columbia, MO  
(573) 874-7239 [planning@gocolumbiamo.com](mailto:planning@gocolumbiamo.com)

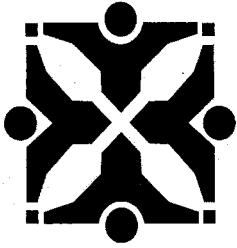
## Design Parameters Worksheet

For office use:

Case #:	12-229	Submission Date:	12-31-12	Planner Assigned:
---------	--------	------------------	----------	-------------------

**Please provide the following information:**

1. The minimum distance between any building and any adjacent property line or street right-of-way. 10'
2. The minimum distance between the edge of any driveway, parking area, loading area, trash storage area and any adjacent property line or street right-of-way. 6'
3. The maximum number of freestanding signs on the site, the maximum square footage of sign surface area and maximum height of each.  
2 SIGNS - 1 @ 32 ft<sup>2</sup> / 6 ft. - 1 @ 48 ft<sup>2</sup> / 10 ft.
4. The minimum percentage of the site to be maintained in open space shown by the percent in landscaping and the percent left in existing vegetation. (not applicable to **M-R** districts)  
30% / 0%
5. The maximum height and number of light poles and type of fixtures.  
9 @ 28 ft. INWARD & DOWNWARD DIRECTED.



Source: Community Development - Planning <sup>T</sup>

Agenda Item No:

To: City Council  
From: City Manager and Staff *MM*

Council Meeting Date: Mar 18, 2013

Re: Quail Creek Business Park O-P plan and variance requests (Case #12-229)

**EXECUTIVE SUMMARY:**

A request by A Civil Group, on behalf of Last Enterprises, LLC, and Ridgemont Properties, LLC, for an O-P development plan to be known as Quail Creek Professional Park, a statement of intent revision, and screening variances. The 1.34-acre property is located at the northwest corner of Rainbow Trout Drive and Scott Boulevard. (Case #12-229)

**DISCUSSION:**

The applicants request approval of an O-P development plan, statement of intent revision, and variances to screening and landscaping. The site is part of an area zoned O-P in 1999; at that time, only a daycare or office were approved as permitted uses. The statement of intent revision would expand the uses permitted on the site, as outlined in the attached SOI.

The O-P plan proposes two, two-story buildings for office and residential use. Three residential units are proposed for the upper floor of each building. The main level and basement would be used for offices. The maximum GFA of the structures, per the O-P plan, is limited to 31,000 square feet.

Multiple variances related to screening and landscaping are requested. Two relate to the interface between the subject site and the adjacent common area lot to the north; the other relates to on-site parking and the Scott Boulevard. frontage to the east.

At its March 7, 2013, meeting, the Planning and Zoning Commission voted unanimously (9-0) to approve the SOI revision with staff's recommended changes to the list of permitted uses, the O-P development plan and variance requests. In arriving at its decision, the Commission noted that the variances were justified due to the existing drainage conditions surrounding the site and the need to comply with the current stormwater regulations. The Commission also discussed requiring the proposed dumpster location be moved and hours of operation to be limited; however, the final recommendation did not include these proposed changes.

Several property owners addressed the Commission with concerns regarding traffic, drainage, and lighting. A representative from the Quail Creek Neighborhood Association spoke in opposition to the project.

A staff report, locator maps, a reduced size copy of the plan, statement of intent, design parameters, variance worksheet, written public comments, and meeting excerpts are attached.

**FISCAL IMPACT:**

None.

**VISION IMPACT:**

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None.

**SUGGESTED COUNCIL ACTIONS:**

Approval of the SOI revision, development, and variance requests as recommended by the Planning and Zoning Commission.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Epands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A



**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
MARCH 7, 2013**

**SUMMARY**

A request by A Civil Group, on behalf of Last Enterprises, LLC, and Ridgemont Properties, LLC, for an O-P development plan to be known as Quail Creek Professional Park, a statement of intent revision, and screening variances. The 1.34-acre property is located at the northwest corner of Rainbow Trout Drive and Scott Boulevard. (Case #12-229)

**REQUESTED ZONING**

O-P (Planned Office District), with the following development restrictions identified in the applicant's Statement of Intent:

<b>a. Proposed uses</b>	See attached
<b>b. Maximum gross building floor area</b>	31,000 sq. ft.
<b>c. Maximum building height</b>	35 feet
<b>d. Minimum maintained open space (% of total site)</b>	30 percent

**DISCUSSION**

The applicants request approval of an O-P development plan, statement of intent revision, and variances to screening and landscaping. The site is part of an area zoned O-P in 1999; at that time, only a daycare or office were approved as permitted uses. The statement of intent revision would expand the uses permitted on the site, as outlined in the attached SOI.

The O-P plan proposes offices (including basements) and apartments on the second floor. Two buildings are proposed for the site, and each would feature three residential units in the upper level. These spaces could also be used for offices, as could the basement areas.

A mixed-use concept, as intended for the site, is something staff encourages. The applicants have also noted that the parking area could be used as an overflow area when the adjacent daycare hosts events after normal working hours such as children's programs. This would be permitted, as both sites share the same zoning and the subject site is within appropriate proximity to the daycare.

Traffic concerns were outlined in the public information meeting held on January 15, 2013, and the applicants have been directed to contact the City's Public Works traffic division to discuss potential improvements to allow for better ingress and egress on Rainbow Trout Drive. A potential no parking area along Rainbow

Quail Creek Professional Park  
O-P plan and variance

Trout in front of and to the west of the subject site has been discussed, and would be the purview of the City traffic engineers to make a final decision.

The applicants also request multiple variances for screening and landscaping. Below are those areas and the applicants' rationale for each request:

- North side of the subject site, as it abuts a common area for The Hamlet and the applicants' engineers believe the omission of landscaping would help improve stormwater flow from properties to the north as this water goes around the subject site on the east side toward the box culvert on the south side
- East side of the site between the proposed parking lot and the Scott Boulevard frontage, to improve stormwater runoff and because the lot would be five to seven feet below the Scott roadway
- North side of the proposed parking lot between it and the adjacent common lot to the north in The Hamlet

While staff recognizes the rationale behind these requests, it is not City reviewers' practice to waive the requirements of the zoning ordinance. The screening standards have been implemented to protect differing land uses or zones (in this case, an office district including an 81-space parking lot from residentially-zoned land) from affecting an adjacent property's enjoyment and value. Staff cannot recommend the variances because a practical hardship does not exist with the installation of the prescribed landscaping/screening per Zoning Ordinance standards on this currently undeveloped site.

Staff received a letter from a nearby property owner expressing concerns about drainage in the area as well as landscaping. This resident was encouraged to speak with a City drainage inspector, and did so, though no formal recommendations on alleviating future drainage issues were made.

**STAFF RECOMMENDATION**

Staff recommends approval of the O-P development plan and statement of intent revision, with the following conditions:

- 1) That the counseling centers definition in the statement of intent be changed to read as written in Section 29-13.1 (including the exclusion of halfway houses)
- 2) The following uses be excluded, as they are not options for O-P uses:
  - Wholesale sales offices and sample rooms
  - Testing laboratories
  - Barber and beauty shops

Staff recommends denial of the variance requests for screening and landscaping.

---

### SITE CHARACTERISTICS

<b>Area (acres)</b>	1.34
<b>Topography</b>	Sloping downward toward the southeast, also to the far northeast corner
<b>Vegetation</b>	Some trees and brush at north end
<b>Watershed</b>	Meredith Branch
<b>Existing structures</b>	None
<b>Existing zoning</b>	O-P (Ord. #16118, approved 8/16/99, allows only daycare and office)

### SURROUNDING LAND USES

<b>Orientation from site</b>	<b>Zoning District</b>	<b>Land use</b>
North	R-1	Open space, residential
South	O-P, R-1	Day care, residential
East	R-1	Residential
West	R-1	Residential

### SITE HISTORY

<b>Annexation date/ward</b>	1999, Ward 4 (portion annexed 1969)
<b>Initial zoning</b>	O-P (portion A-1)
<b>Previous rezoning(s)</b>	A-1 to O-P, 1999
<b>Metro 2020 Plan</b>	Neighborhoods, Open space/greenbelt

### UTILITIES & SERVICES

<b>Sanitary Sewer</b>	All City of Columbia services
<b>Water</b>	
<b>Electric</b>	
<b>Fire Protection</b>	

### ACCESS

<b>Rainbow Trout Drive</b>	South of site
<b>Major Roadway Plan classification</b>	Local
<b>Capital Improvement Program projects</b>	Description: None Cost: N/A Timeline:
<b>Right-of-way needed</b>	ROW in place

Quail Creek Professional Park  
O-P plan and variance**PARKS & RECREATION**

<b>Neighborhood Parks Plan</b>	None adjacent
<b>Trails Plan</b>	None
<b>Bicycle/Pedestrian Plan</b>	Urban trail/pedway along Scott Blvd.

**PUBLIC NOTIFICATION**

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified by postcard of a public information meeting, which was held on January 15, 2013.

<b>Public information meeting recap</b>	Number of attendees: 13, including the applicants and their representatives Comments/concerns: traffic/circulation issues on Rainbow Trout, lighting, screening
<b>Neighborhood Association(s) notified</b>	Quail Creek
<b>Correspondence received</b>	Letter of concern about drainage (please see attached to report)

Report prepared by MLApproved by PRZ



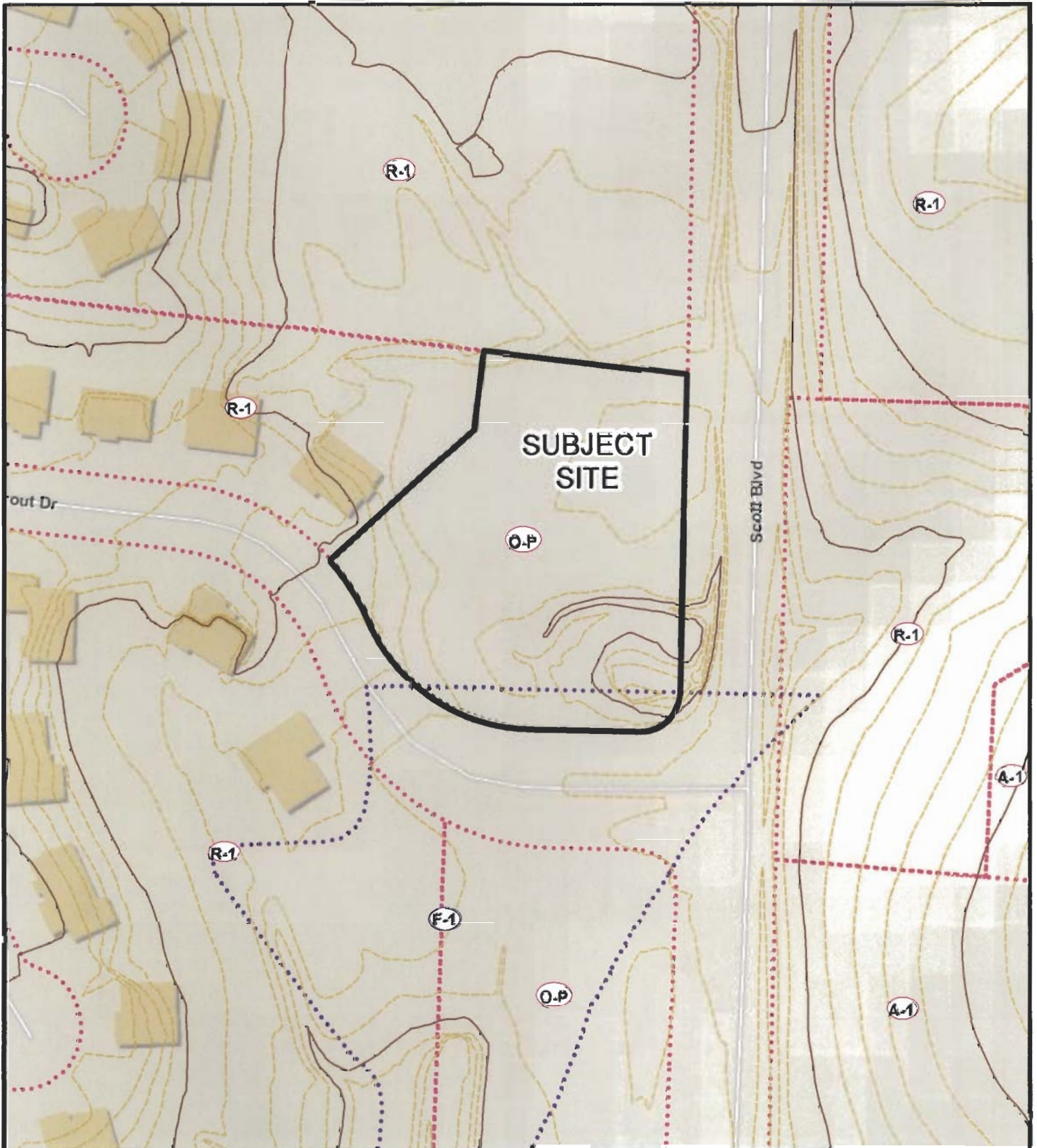
**Case 12-229**  
**Quail Creek Professional Park**

0 50 100 200  
Feet

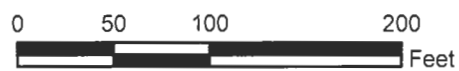
1 inch = 100 feet







**Case 12-229**  
**Quail Creek Professional Park**



1 inch = 100 feet



## QUAIL CREEK PROFESSIONAL PARK O-P PLAN

JANUARY 25, 2013

## PLANT SCHEDULE

QUANTITY	SIZE	CATEGORY
18	5"	LARGE EVERGREEN
7	2"	SHADE TREE (MED. - LARGE)
1	2"	ORNAMENTAL TREE
7	5 GAL	DECIDUOUS/EVERGREEN SHRUB VARIETY 1
8	5 GAL	DECIDUOUS/EVERGREEN SHRUB VARIETY 2
N/A	N/A	TURF GRASS

## PARKING NOTES

**REQUIRED**

1 PARKING SPACE PER 200 SQ. FT. OFFICE  
5,060 SQ. FT. / 200 = 25.3 SPACES.

1 PARKING SPACE PER 300 SQ. FT. MEDICAL OFFICE  
5,060 SQ. FT. / 300 = 16.9 SPACES.

2 PARKING SPACES PER 2 BEDROOM DWELLING UNIT  
6 UNITS X 2 = 12 SPACES.

1 PARKING SPACE PER 5 DWELLING UNITS FOR VISITOR  
6 UNITS / 5 = 1.2 SPACES.

1 PARKING SPACE PER 2,000 SQ. FT. STORAGE  
10,120 SQ. FT. / 2,000 = 5.1 SPACES.

**TOTAL REQUIRED SPACES = 60.5 = 61 SPACES**

**REQUIRED HANDICAP SPACES = 3 - 1 OF WHICH IS TO BE VAN ACCESSIBLE**

**REQUIRED BICYCLE SPACES = 8**

**PROVIDED**

73 REGULAR SPACES  
3 HANDICAP SPACES (ALL 3 VAN ACCESSIBLE)  
8 BICYCLE SPACES

**TOTAL PROVIDED PARKING SPACES = 84**

## LANDSCAPING NOTES

- TOTAL AREA OF LOT = 1.34 AC. = 58,376 SQ. FT.  
TOTAL PAVED AREA = 26,411 SQ. FT. (44%)  
TOTAL FUTURE BUILDING AREA = 10,120 SQ. FT. (17%)  
TOTAL IMPERVIOUS AREA = 36,531 SQ. FT. (63%)  
TOTAL AREA OF LANDSCAPING/OPEN SPACE = 21,847 SQ. FT. (37%)
  - 26,411 SQ. FT. / 4,500 = 5.87 OR 6 TREES REQUIRED/PROVIDED.  
26 TOTAL NEW TREES SHOWN ON SITE.
  - ALL DISTURBED AREAS SHALL BE SEEDED & MULCHED AFTER CONSTRUCTION.
  - LANDSCAPING MAY BE ENHANCED BY THE DEVELOPER AS TIME AND BUDGET ALLOWS.
  - THE LANDSCAPING BUFFERS SHALL CONTAIN NO LESS THAN 4 TYPES OF THE CATEGORIES OF PLANTING MATERIAL LISTED IN PARAGRAPH (7) OF SECTION 29-25 IN THE CODE OF ORDINANCES ONE OF WHICH MAY BE SOO OR SEEDING.
  - A BUFFER WILL BE PROVIDED BY 5" EVERGREEN TREES ON TEN FOOT CENTERS ALONG BOUNDARY ADJACENT TO RESIDENTIALLY ZONED PROPERTY AS SHOWN ON THE PLAN (VARIANCE REQUESTED FOR NORTH SIDE OF LOT), SUCH SCREENING TO PROVIDE 80% OPACITY WITHIN FOUR GROWING SEASONS.
  - THERE IS NO CLIMAX FOREST ON THIS SITE.
- STREET BUFFER CALCS:**
- SCOTT BOULEVARD BUFFER (VARIANCE REQUESTED)
- RAINBOW TROUT BUFFER (73 LF)
- REQUIRED: 2 TREES AND 15 SHRUBS/BUSHES FOR 50% OPACITY.  
PROVIDED: 2 TREES AND 15 BUSHES PROVIDED.  
(TURF GRASS WILL COMPLETE THE 4 PLANTING REQUIREMENT)

## SIGNAGE NOTE

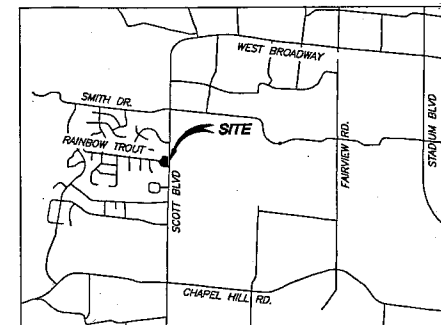
THERE WILL BE TWO MONUMENT STYLE SIGNS LOCATED AS SHOWN ON THE PLAN. SCOTT BOULEVARD SIGN SHALL HAVE A MAXIMUM HEIGHT OF 10' AND A MAXIMUM OF 48 SQUARE FEET. RAINBOW TROUT DRIVE SIGN SHALL HAVE A MAXIMUM HEIGHT OF 6' AND A MAXIMUM OF 32 SQUARE FEET.

## LIGHTING NOTE

LIGHTING IS PROPOSED AS SHOWN ON THE PLAN WITH POLES AT A MAXIMUM HEIGHT OF 28' WITH ALL LIGHT BEING INWARD AND DOWNWARD DIRECTED. ALL LIGHTING SHALL COMPLY WITH CHAPTER 29-30.1 OF THE CITY OF COLUMBIA CODE OF ORDINANCES.

## LEGEND

MH	EXISTING SANITARY MANHOLE
CO	EXISTING SANITARY CLEANOUT
EH	EXISTING FIRE HYDRANT
PH	PROPOSED FIRE HYDRANT
LP	EXISTING LIGHT POLE
EM	EXISTING ELECTRIC METER
GM	EXISTING GAS METER
WM	EXISTING WATER METER
ECB	EXISTING CABLE BOX
ET	EXISTING ELECTRIC TRANSFORMER
ETM	PROPOSED ELECTRIC TRANSFORMER
ETB	EXISTING TELEPHONE BOX
PLP	PROPOSED LIGHT POLE
UPL	EXISTING UTILITY POLE
WV	EXISTING WATER VALVE
REC	RECORD
BM	BENCH MARK
MON	MONUMENT
SSS	EXISTING STREET SIGN
MB	EXISTING MAILBOX
FP	EXISTING FLAGPOLE
CL	CENTERLINE
0.000	SQUARE FEET
00.00 AC	ACRES
X	EXISTING FENCE
UE	PROPOSED FENCE
UE	EXISTING UNDERGROUND ELECTRIC
UE	PROPOSED UNDERGROUND ELECTRIC
OE	EXISTING OVER-HEAD ELECTRIC
OE	PROPOSED OVER-HEAD ELECTRIC
UT	EXISTING UNDERGROUND TELEPHONE
OT	EXISTING OVER-HEAD TELEPHONE
OT	PROPOSED OVER-HEAD TELEPHONE
FO	EXISTING FIBER OPTIC CABLE
G	EXISTING GAS
S	EXISTING SANITARY
S	PROPOSED SANITARY
W	EXISTING WATER
W	PROPOSED WATER
SS	EXISTING STORM SEWER
SS	PROPOSED STORM SEWER
CTV	EXISTING CABLE TELEVISION
FF	EXISTING FLOWLINE (E)
FF	EXISTING TIE LINE
FF	PROPOSED TIE LINE
FF	PROPOSED CONTOUR
FF	EXISTING CONTOUR
FF	100-YR FLOODPLAIN
FF	FLOODWAY



## LOCATION MAP

NOT TO SCALE

## OWNER

LAST ENTERPRISES, LLC  
2005 ROBIN TERRACE  
COLUMBIA, MO 65203

## CONTRACT PURCHASER

RODMONT PROPERTIES, LLC  
204 FOXWOOD COURT  
COLUMBIA, MO 65203

## SITE DATA

CURRENT ZONING: O-P, PLANNED OFFICE  
CURRENT ACREAGE: 1.34 ACRES  
PROPOSED ZONING: O-P  
PROPOSED USE:  
TWO MEDICAL OFFICE BUILDINGS WITH ASSOCIATED PARKING.  
LOCATION: 4301 RAINBOW TROUT DR.  
COLUMBIA, MO 65203  
LEGAL DESCRIPTION:  
LOT ONE HUNDRED FORTY-TWO (142) OF QUAIL CREEK PLAT NUMBER ONE (1) AS SHOWN BY THE PLAT THEREOF RECORDED IN PLAT BOOK 33, PAGE 64, RECORDS OF BOONE COUNTY, MISSOURI.  
CURRENT OWNERSHIP DEED:  
WARRANTY DEED RECORDED IN BOOK 2285, PAGE 701.

## GENERAL NOTES

- BUILDING SIZE AND DIMENSIONS ARE APPROXIMATE. SEE ARCHITECTS PLANS FOR ACCURATE DIMENSIONS.
- ALL PROPOSED UTILITIES ARE SHOWN FOR GENERAL LOCATION PURPOSES ONLY. SEE APPROPRIATE UTILITY CONSTRUCTION PLANS FOR FURTHER DETAIL.
- ALL DIMENSIONS ARE FROM BACK OF CURB UNLESS SHOWN OTHERWISE.
- DRIVEWAY APPROACH AND H.C. RAMPS ARE TO BE CONSTRUCTED AS PER CITY OF COLUMBIA STANDARDS.

## CONSTRUCTION PHASING NOTES

THE FIRST PHASE CONSISTS OF CONSTRUCTION OF THE NORTHERN BUILDING, ALL THE PARKING, UTILITY SERVICES, LANDSCAPING AND STORM WATER MANAGEMENT FACILITIES.

THE SECOND PHASE WILL BE CONSTRUCTION OF THE SOUTHERN BUILDING.

## STORM WATER STATEMENT

IT IS THE INTENT OF THIS O-P PLAN TO MEET THE CITY OF COLUMBIA SECTION 12A ARTICLE V. STORM WATER MANAGEMENT REQUIREMENTS.

CONCEPTUALLY THIS WILL BE ACCOMPLISHED BY THE FOLLOWING MEASURES. WATER QUALITY TREATMENT WILL BE BY BIOTRETENTION AND/OR BIOSWALES. PEAK RUNOFF STORM WATER WILL BE DETAINED TO PRE-DEVELOPMENT LEVELS FOR THE 1, 2, 10, AND 100 YEAR STORMS.

ALL STORMWATER MANAGEMENT FACILITIES SHALL BE DESIGNED IN ACCORDANCE WITH ARTICLE V OF CHAPTER 12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES AND THE STORMWATER MANAGEMENT AND WATER QUALITY MANUAL OF THE CITY OF COLUMBIA. FINAL DESIGN SHALL BE PROVIDED BY THE ENGINEER UPON SUBMITTAL OF THE FINAL SITE CONSTRUCTION PLANS.

## STREAM BUFFER STATEMENT

THIS TRACT IS NOT REGULATED BY THE CITY OF COLUMBIA STREAM BUFFER ORDINANCE DUE TO THIS LOT BEING SHOWN ON A FINAL PLAT ACCEPTED OCTOBER 4, 1999.

## FLOOD PLAIN STATEMENT

THIS TRACT IS LOCATED WITHIN THE 100-YEAR FLOOD PLAIN AS SHOWN BY THE CITY OF COLUMBIA FIRM, FLOOD INSURANCE RATE MAP, #28019C02600, EFFECTIVE DATE: MARCH 17, 2011.

## PREPARED BY



A CIVIL GROUP

CIVIL ENGINEERING, PLANNING, SURVEYING  
1401 BROADWAY BUSINESS PARK COURT  
SUITE 105  
COLUMBIA, MO 65208  
PHONE: (573) 871-7750, FAX: (573) 871-1071  
MISSOURI CERTIFICATE OF AUTHORITY #220100016

SHEET 1 OF 1

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_ 2013.

DOUG WHEELER CHAIRPERSON

SHEELA AMIN, CITY CLERK

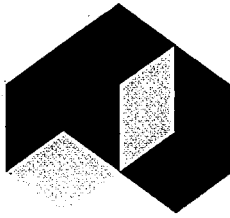
ROBERT McDAVID, MAYOR

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA  
THIS \_\_\_\_ DAY OF \_\_\_\_ 2013.

SCALE: 1" = 20'

0 10 20 40

BEARINGS ARE REFERENCED TO GRID NORTH OF THE NAD83 MISSOURI STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE).



# A CIVIL GROUP

CIVIL ENGINEERING • PLANNING • SURVEYING

December 31, 2012

Tim Teddy  
Director of Community Development  
City of Columbia  
701 E. Broadway  
Columbia, MO 65201

RE: Quail Creek Professional Park O-P Plan

Dear Mr. Teddy:

On behalf of Last, LLC (owner) and Ridgemont Properties, LLC (contract purchaser), we herewith submit a proposed O-P plan to be known as the Quail Creek Professional Park O-P Plan. The subject property is located at the northwest corner of Scott Boulevard and Rainbow Trout Drive, and also being Lot 142, Quail Creek Plat No. 1.

The property is currently zoned O-P and abuts R-1 zoned property on the north and west sides. The current allowed uses are daycare and office. We are proposing to refine the uses on this property to more specific office uses and residential per the accompanying Statement of Intent.

The proposed buildings (2) are 5,060 square feet in area and will be a story and-a-half construction with basements. The main floor will be for office uses with the upper level containing 3 residential lofts (that could be used as offices) per building. The basements will house storage for the offices and possibly tenants.

City water, sewer and electric and private telephone and gas are available within the adjoining rights-of-way.

A portion of the existing lot has floodplain on it and we intend to submit a Flood Plain Development with construction document submittal.

Drainage from the west will be conveyed by a reconstructed swale and drainage from the northwest will be conveyed in the existing channel.

With this submittal, we are requesting the following variances:

Variance to Section 29-13.1(d)(6) regarding screening along the north boundary between the subject property and the common area Lot 186, The Hamlet Plat 2 which is located immediately to the north and is zoned as R-1 but is used as a subdivision common area. This is necessary to allow unimpeded flow of the two drainage ways located between the properties.

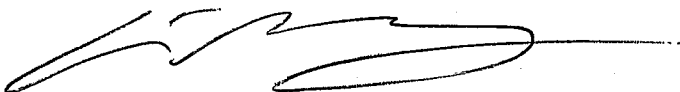


Variance to the screening in this same ordinance section as it relates to Section 29-25(e)(3) regarding screening of the parking lot against the Scott Boulevard right-of-way on the east side of the subject property. This is to allow for storm water BMPs in this area and due to the reality that the proposed adjacent parking lot will be 5-7 feet lower than the elevation of Scott Boulevard. Please note that this area is now classified as a Conservation Easement and not right-of-way.

Variance to Section 29-25(e)(5) regarding screening of the parking lot against the aforementioned common area lot in The Hamlet. Again, this is due to the location of the drainage ways between the properties.

Please feel free to contact me at the number below if you have any questions.

Thank you,  
A Civil Group

A handwritten signature in black ink, appearing to read 'Kevin P. Murphy', with a long horizontal flourish extending to the right.

Kevin P. Murphy



Matthew Lepke <mjlepke@gocolumbiamo.com>

---

## Quail Creek office plan

---

Garry Raboin <garryraboin@yahoo.com>

Sun, Feb 10, 2013 at 10:16 PM

To: Matthew Lepke <mjlepke@gocolumbiamo.com>

To Whom It May Concern:

My name is Garry Raboin, 4400 Shoram Court, and my property adjoins the common ground of Hamlet Subdivision. This parcel of land adjoins the property of the proposed Quail Creek Professional Park. The following are some issues to bring to your attention.

**Flooding:** Subject property has been under water dozens of times since 2000 and is being built in a 100 year flood plain.

If subject property is built up it will impeded water run-off from Hamlet, Stone Ridge, Quail Creek and Christian Fellowship properties. The Hamlet commons and the back half of 4400 Shoram Court property have been under water a average of three times per year since I moved here in 2000, including one time during last year's drought.

**Lighting:** New lighting on Scott Boulevard already have made lighting above adequate for property owners in the Hamlet near Schott Boulevard. Additional property lighting must be reduced from the proposed amount or it will damage property values in a residential area.

**Buffers:** Property needs to be buffered or the north side with trees also; much in the same manner as the office part on Forum Boulevard next to the MKT trail and Wilsons total Fitness.

The plan calls for Evergreen trees. Last year's drought killed over 60 % of Evergreens in Columbia, Mo. Additional Evergreen death this year from 2012 heat stress could cause 100 % kill on Evergreens in Columbia. Both the north and west side should be buffered with either Norwegian or Serbian Spruce and another layer of Cypress trees or trees capable of tolerating extreme conditions.

**Environment Pollution:** Eighty one parking spaces on a 1.34 acres property next t to a stream with no stream buffer will cause run-off pollution from auto fluid leaks. These leaks will run into a stream that starts in Hamlet that enters the north east corner of the subject property and continues along the subject property and Scott Boulevard. Eighty one parking places seems excessive for 1.34 acres with no stream buffer.

Please feel free to contact me for any questions. I have pictures and video of a previous flood that flooded my property, the Hamlet common ground, and the Quail Creek property. I have shown these items to a Columbia Storm Water Engineer that works for the City of Columbia. Feel free to forward this information as needed. My cell number is 573-289-3277.

— On Tue, 2/5/13, Matthew Lepke <mjlepke@gocolumbiamo.com> wrote:

From: Matthew Lepke <mjlepke@gocolumbiamo.com>

Subject: Quail Creek office plan

To: garryraboin@yahoo.com

Date: Tuesday, February 5, 2013, 10:14 AM

[Quoted text hidden]

My name is Todd Houts and I live at 4403 Rainbow Trout Dr, located in the Quail Creek Subdivision. I am also the President of the Quail Creek Neighborhood Homeowner's Association. Per a majority of the governing board, I am speaking in my capacity as the President of our HOA.

At the meeting held with neighbors and other interested parties in January, those Quail Creek board members in attendance clearly heard that "OP", when the lots were platted in 1999, was defined city-wide to very limited uses - namely day care and offices. We did not hear that "OP" in 1999 allowed a broad range of uses and the original developer chose to limit the uses to only daycare and offices. But in my research, I have found and reported to our board that at least as far back as 1998, "OP" allowed for many of the uses the developer is now seeking.

If "OP" had been broadly redefined city wide and multiple uses were only now allowed, then our Homeowners Association believe it would be reasonable to allow an expansion of uses. But that is not the case. The uses were intentionally restricted in 1999 by the initial developer and the 139 lots in our subdivision platted at the same time were purchased with the understanding development would be limited to the currently listed uses. Therefore, as President of the HOA, we do not find it acceptable to expand the allowed uses as requested by the developer and recommended by city staff.

With our new understanding of the history of the city's Code of Ordinances, we want to note the current proposal expands uses from development that would likely be daytime only to a 24/7 operation with the addition of the apartments allowed by expanding use to allow district R-3. However, we do not want to appear unreasonable. The city has noted that several of the requested uses are not allowed by O-P and we concur those should be removed. These same uses had been identified by me personally to the developer at the January meeting in addition to several other disallowed uses that were successfully removed prior to the final submission to this commission.

We would certainly be open to the developer withdrawing the current proposal and working with the surrounding neighbors to craft an expansion-of-use plan that is reasonable in light of the information I have presented here.

We would also like to call attention to the flooding, lighting and buffer issues raised by the resident at 4400 Shoram Court, as listed in the Staff Report. The Quail Creek board would like to add that should the nearby stormwater conveyance be blocked, by a fallen tree for example, the area will no doubt flood again. We question the wisdom of including a basement in this development considering the low-laying location of this location.

Regarding the use of the parking lots for "evening" events at the existing day care, we would like to note no such EVENING events have ever been held; the need for overflow parking occurs before 5 pm, overlapping with the proposed business hours, and thus no such benefit would be realized.

Finally, we regret we may appear as taking a last minute about-face on this project. But due to our enlightened understanding of the history of OP zoning and the history of the decision in 1999 to limit development - a limit that was no doubt a selling point to those that purchased the adjoining lots, the Quail Creek Neighborhood Homeowner's Association is compelled to take this position.

Thank you for your time and I would gladly provide an electronic copy of this statement to the Commission per a written or verbal request.

Note part of my official statement:

A Civil Group claims that the "creek" in quail creek drains about 30 acres. I would strongly suggest P&Z request documentation of this as the majority of the north side of Quail Creek drains to my back yard where it enters a closed pipe and does not reenter the property in question.

**EXCERPTS  
PLANNING AND ZONING COMMISSION  
MARCH 7, 2013**

**12-229 A request by A Civil Group, on behalf of Last Enterprises, LLC, and Ridgemont Properties, LLC, for an O-P development plan to be known as Quail Creek Professional Park, a statement of intent revision, and screening variances. The 1.34-acre property is located at the northwest corner of Rainbow Trout Drive and Scott Boulevard. *(Item was carried forward from February 21, 2013 meeting due to weather-related cancellation.)***

MR. WHEELER: 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 O-P development plan and statement of intent revision, with the following conditions:

1.) That the counseling centers definition in the statement of intent be changed to read as written in Section 29-13.1 (including the exclusion of halfway houses)

2.) The following uses be excluded, as they are not options for O-P uses:

Wholesale sales offices and sample rooms

Testing laboratories

Barber and beauty shops

Staff recommends denial of the variance requests for screening and landscaping.

MR. WHEELER: Are there any questions of Staff? Ms. Peters?

MS. PETERS: I have one that's a curiosity question. I notice in Staff recommendation that you're including the exclusion of halfway houses?

MR. ZENNER: That is correct and I apologize. We summarize our recommendation here on the slides. Halfway houses are actually not defined -- they are not included in the definition of a counseling center. If you will note, under our Staff recommendation we're asking that the O-P statement of intent to be modified by changing the counseling center definition to match with what is specifically defined within the zoning code. That specific definition for counseling center does not include a halfway house, and as it is currently written, it does, and that is not consistent with the current code. And then the uses that are below in item No. 2 are not found anywhere within the O-P zone or the underlying zones that would be otherwise permitted within an O-P. So wholesale sales' offices and sample rooms is not a permissible [sic] use in either O-P or O-1, and it will not be found in any R zoning district. Testing laboratories are not allowed in O-P, nor are they allowed in O-1, and they will not be found in any R zoning district, and nor is a barber or beauty shop. And that may be surprising when you think about service-based uses in an O-P. The idea here is, is that an O-P zoning district is for professional office uses, not retailing of goods and services. And the goods side of what you have in a typical beauty shop or even sometimes a barber shop -- and we don't have

many barber shops anymore, but a Supercuts or something else, they're selling product. They're retailing product out. And the idea here is the office use is really what the prominence of the O-P zone is meant for; hence the reason that that should be removed as well, coupled with the fact that it is not allowed within either the O-P or the O-1 will not find them in any R zoning district.

MR. WHEELER: Man, those guys down on Ninth Street called Tiger Barber Shop's going to be upset to hear you say that.

MR. ZENNER: But they do a good job on your hair, sir, so, you know.

MR. WHEELER: Any other questions? If there are no additional questions of Staff, we'll open the public hearing.

#### **PUBLIC HEARING OPENED**

MR. WHEELER: Do I need to restate the rules? You won't exceed your six-minute allotment?

MR. GEBHARDT: No.

MR. WHEELER: Thank you, sir.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt; I'm a civil engineer with A Civil Group here in Columbia. And I'm happy to be representing Brad Miller tonight, who is the contract purchaser of this lot. Brad's a dentist in town. He's going to talk after I'm done. He can tell you why he's doing what he's doing and what he's doing. I'm going to try to be quick because you guys got a long agenda and I'm afraid Doug will cut me off pretty quickly. So as far as the Staff's recommendation on uses, we have no issue with that, so that's not a problem. The zoning is O-P already. We're modifying it to add the ability to put the apartments above, and it's six apartments, three in each building, and that's the purchase of the rezoning modification. We don't oppose the removal of the parking along Rainbow Trout. We don't have an opinion one way or the other. That's mainly generated by the use across the street, the daycare is the issue. And Brad has graciously offered up his parking lot for them, to help alleviate that problem during his off hours. The lighting -- we met with the neighbors and lighting was a very -- rose to the top as being a big issue here, so we committed to 15-foot tall poles with LED full cutoff fixtures. We don't want that to be an issue at all with the neighbors. And Kevin has copies of those. We can meet with the neighbors and show them what we have. They have the specs from those on what we're doing. So I want to basically concentrate on these variances, and I've handed out an 11-by-17 of this, and the screen that Pat has up is good. And I want to graciously object to what Staff is saying about a hardship. I think the reason that's being stated that way is because we did not do a good job of communicating that hardship to them. What we have on the north side is Hamlet Park. It's a common area lot. There's no homes on it, and the screen we have up there kind of shows the closest home is up on Shoram Court that butt the park. We have two creeks that come together here. There's a pretty large creek that comes through the Hamlet and then one through Quail Creek that join right on our north boundary there. And we physically don't have any room there to -- you know, we're not going to pipe that creek. We're not going to create an issue there where we're causing flooding, so we don't want

to put the screening there. Now, if there were homes there instead of a park, I wouldn't be asking for this variance. We'd be figuring out a way to do it. But we're screening our trees from their trees, and it just didn't seem like that. In addition, to go kind of with what Karl said earlier about the lighting, with the lighting that we're proposing, the 15 foot tall and the LED full cut-offs, we feel like we're negating the need for that. On the other variance, the one on Scott Boulevard, my drawing does a pretty good job showing that our parking lot is 90 feet from the curb of new Scott Boulevard. And what you have there is the old Scott Boulevard right-of-way that has been set aside as a conservation easement for a mitigation to the U.S. Army Corps of Engineers for working that creek. It's not even really right-of-way anymore. I mean, it is, but you can't build a road in it anymore. It can only be native vegetation, and you can't mow it, you want do anything to it. So that's its own controversy in itself because I think a lot of people would like to see it mowed and taken care of better. But to buffer -- okay. And then our side sits seven feet lower than Scott Boulevard and it's 90 feet away. And we're asking for a variance not to plant three-foot tall shrubs. And we just don't see that they're going to do anything. Now, can we do it? Yeah, we can. But we're planning for a drainage swale along there to be part of our stormwater management plan as a bioretention swale, and we would rather not have those plants in that. So trying to be quick. I'll answer any questions you have, but --

MR. WHEELER: You're well within your time.

MR. GEBHARDT: I'm well within my time. Okay. Does anyone have any questions about the use or the changes or the variances themselves, because I can keep talking, but I don't want to talk at you and waste your time?

MR. WHEELER: Okay. Mr. Vander Tuig?

MR. VANDER TUIG: Yeah. I'm curious because I've been in your shoes trying to meet the stormwater requirements. Is the bioswale required in order to get your level of service?

MR. GEBHARDT: Yeah. Yeah. We're scrambling trying to get our level of service in any means we can, so that bioswale is part of our concept.

MR. VANDER TUIG: It looks pretty tight. And I guess my question to follow that up is it looks like the ditch -- and I don't see any proposed contours here, but the ditch is likely going to be below the bioswale. Is that correct, the ditch that's in the conservation easement?

MR. GEBHARDT: Yeah. There's a -- okay. The way it works, Matt, is there's a creek that comes through the Hamlet Park, and about one-third of the distance on our north line it is joined by a creek from the Quail Creek subdivision. And they come together there and they run about 50 feet to the east and join another creek called Scott's Branch. And Scott's Branch runs in that old right-of-way and comes down to that box culvert at our corner. So the two sides of us are surrounded by pretty much creeks. The one to the -- Quail Creek is probably draining about 30 acres and the one in the Hamlet's probably draining close to 40 acres. So we have a pretty large confluence there and there has been some concerns from the neighbors about flooding of the park in that. And so we're trying not to do anything but enhance it in getting the water through us --

MR. VANDER TUIG: Right.

MR. GEBHARDT: -- and not trying to back it up in any manner.

MR. VANDER TUIG: Makes sense. Just so I'm clear, the parking lot's up here, bioswale's here, and creek's way down here. Right?

MR. GEBHARDT: Yeah.

MR. VANDER TUIG: Okay. Thanks a lot.

MR. WHEELER: Are there any other questions of this speaker?

MR. GEBHARDT: And I just want to apologize to Staff for not communicating those things clearly before tonight.

MR. WHEELER: Thank you. Oh, sorry.

MR. SKALA: Just one question: That is we've, obviously, exhausted some issues about thickets and different kinds of opacity and -- and you're asking for the variance here. And I can understand your objection to three-foot shrubs which may get in the way. Is there some other perhaps compromise planting that might soften the buffer and at least provide some screening?

MR. GEBHARDT: Karl, are we talking about the north property line or the east?

MR. SKALA: Yeah. The north property line is what I was talking about.

MR. GEBHARDT: Well, there's quite a bit of trees there now and what I call scrub. The Hamlet people are actually cleaning it up by cutting it out and opening it up. So, you know, right now it's pretty -- I can't walk through it hardly it's so thick. Now, it's not year-round green. It's not an evergreen type thing.

MR. SKALA: Right.

MR. GEBHARDT: And we really just -- we would have to cut trees down to plant evergreens to be able to provide --

MR. SKALA: Well, I wasn't thinking so much along -- I'm not a -- I'm not an expert on a lot of these plants. I wasn't thinking of that so much in terms of evergreens or whatnot, but something like pampas or something just to soften that -- the transition between this property --

MR. GEBHARDT: Well, we've got a creek that runs through this and we're trying not to get into it --

MR. SKALA: Into it, yeah. I understand.

MR. GEBHARDT: And so everything that's there around that we're going to try to leave so that it's -- it stays and not disturb it in order to create a screen.

MR. SKALA: All right.

MR. WHEELER: Okay. Additional questions of this speaker? Thank you.

MR. GEBHARDT: Thank you.

MR. WHEELER: Next speaker, please.

DR. MILLER: Brad Miller, 204 Foxwood Court. This is my project. I'm very happy to be here tonight. This is the realization of a dream that I've had in 20 years of practice and living in Columbia



my entire life, to be a business property owner. And I believe that this property concept that we have, the mixed use, blends very well with Quail Creek property. If you've seen any of the drawings, the renderings of the property, you'll see that it's designed to be low impact. It's designed to be residential looking in nature. And I just -- I hope that you guys see the potential that we see in this, and I thank you for your time. And I'm glad to see the Quail Creek folks here as well tonight. I think that this is a good blend for our properties.

MR. WHEELER: Are there questions of this speaker? Thank you. Next speaker, please.

MR. HOUTS: All right. Let's see if I can hit a mike and read. My name is Todd Houts and I live at 4403 Rainbow Trout Drive, located in the Quail Creek subdivision. I'm also the president of the Quail Creek Homeowners Association. Per a majority of the governing board, I'm speaking in my capacity as the president of our homeowners association. At the meeting held with neighbors and other interested parties in January those Quail Creek board members in attendance clearly heard that O-P, when the lots were platted in 1999, was defined city wide to very limited uses, namely daycare and offices. We did not hear that O-P in 1999 allowed a broad range of uses, and the original developer chose to limit the uses to only daycare and offices. But in my research I found reported to our board that at least as far back as 1998 O-P allowed for many of the uses the developer is now seeking. If O-P had been broadly redefined city wide and multiple uses were only now allowed, then our homeowners association believe it would be reasonable to expansion of uses, but that's not the case. The uses were intentionally restricted in 1999 by the initial developer and the 139 lots in our subdivision platted at the same time were purchased with the understanding development would be limited to the currently limited uses. Therefore, as president of the homeowners association, we do not find it acceptable to expand the allowed uses as requested by the developer and recommended by City Staff. With our new understanding of the history of the city's code of ordinances, we want to note the current proposal expands uses from development that would likely be daytime only to a 24/7 operation with the addition of the apartments allowed by expanding use to allow district R-3. However we do not want to appear unreasonable. The City has noted that several of the requested uses are not allowed by O-P and we concur those should be removed. Those same uses had been identified by me personally to the developer at the January meeting in addition to several other disallowed uses that were successively removed prior to the final submission to this Commission. We would certainly be open to the developer withdrawing the current proposal and working with the surrounding neighbors to craft an expansion of use plan that is reasonable in light of the information I presented here. We'd also like to call attention to the flooding, lighting, and buffer issues raised by the resident at 4400 Shoram Court as listed in the Staff report. The Quail Creek board would like to add that should the nearby stormwater conveyance be blocked, by a fallen tree for example, the area will no doubt flood again. We question the wisdom of including a basement in this development, considering the low lying location. Regarding the use of the parking lots for evening events at the daycare, we'd like to note that no such evening events have ever been held. The need for overflow

parking occurs before 5:00 p.m., overlapping with the proposed business hours and thus no such benefit would be realized. Finally, we regret that we may appear as taking a last-minute about-face on this project, but due to our enlightened understanding of the history of O-P zoning and the history of the decision in 1999 to limit development, a limit that was no doubt a selling point to those that purchased the adjoining lots, the Quail Creek Neighbor Homeowners Association is compelled to take this position. Thank you for your time. And I'd gladly provide an electronic copy of this statement to the Commission per written or verbal request. I do want to make one additional note that's not part of my statement, but listening earlier, the Civil Group claimed that the creek in Quail Creek drains about 30 acres. I'd strongly suggest that Planning and Zoning request documentation of this, as a majority of the north side of Quail Creek drains to my backyard, and then there's closed pipe where it never reenters the property in question. Thank you.

MR. WHEELER: Are there questions of this speaker? Thank you, sir. Additional speakers?

MS. FORD: Good evening. I'm Dawn Ford; I live at 1010 Coho Court. I wanted to bring up a couple of issues specifically in light of the first public hearing that you had, some things that were brought up there. My concern with this property -- and I've talked to them and Civil Group about this -- was some of the screening on the west side. There's a -- I believe an 18-foot -- is that correct -- between the back yard of the home that is right there and the building that is being -- that they are proposing. And the screening -- I didn't realize it until after I got ahold of this, and I don't know if you guys have something similar to this or if I should pass it around so you can see -- but it's very limited and there is not much there. And literally, if you're standing on the back patio of that home, you're looking straight into the windows of the apartment that are going to be there. I think I'd ask them to do something to help the screening, to help block more. In light of all the issues we've been talking about with flooding and with the variances they're requesting, maybe they just need to move the building farther away from both the north side and from the west side, and that may take a little bit of working on your part, but maybe that's -- perhaps that's the best option to take as far as that is concerned. Another issue I wanted to bring up was the garbage. I'd heard mentioning about the garbage being picked up. I live -- you can't really tell. There's the daycare across Rainbow Trout. I live directly behind the daycare. There is a green space for Quail Creek between us. There is a few trees on there that we've just recently planted that are very small. I have a direct sightline to the back of the daycare, and I wake up at night when the trash comes to pick up the trash because I hear it. And on this proposed property, they're putting the trash bin behind the building, right next to the home. I can't even imagine how noisy it is going to be with the traffic coming -- with the garbage trucks coming in there and getting the garbage in the middle of the night. I've got probably -- I'm guesstimating -- a 150, 200 feet between me and the garbage for the daycare. They are right next to, literally, the building and we have neighbors right across from that. And it's going -- there's no screening that's going to stop that noise in the middle of the night. I think that's something that they should take into consideration when they're looking at where they're putting the parking and the

garbage for this home -- for this business. The other part I wanted to talk about was the parking. We have brought up our deep concerns about that because the daycare has events, and parking is literally both sides of Rainbow Trout, all the way up to the first street, which is Coho Court, and sometimes down my street, Coho Court. We had taken pictures recently, at Valentine's Day, and Debbie Day, one of the neighbors, had sent them to Daryl Dudley (ph.) who -- John Glasco [sic] is, I believe, who she had said he showed them to, and they are going to be putting no parking. It gets so bad that we have school buses that have to enter on the wrong side of the road, because the parking inhibits so much, so that they can get in. And that's been a big concern for us. I think that the no parking on one side will help, but my concern is the amount of traffic that is coming in and out. And, unfortunately, I don't have anything and I don't see anything that really shows the exits, the egress, from the daycare, but you have on the western side -- there is a berm that goes down the center of Rainbow Trout. On the western side is the in, on the eastern side is the out. That's not what happens. People will easily go out the in to get around the berm, and that happens all the time. We've got buses that come in the entry and they literally stop right there where the berm is, so traffic backed up behind them and can't do anything. Well, you've got the kids from the daycare, they get off the bus and they stand there until someone from the daycare comes out and then they'll walk across the street. In the morning it's the same thing. The bus will stop, honk its horn, the kids then come out of the daycare, walk across the street. And that whole time traffic is at a standstill, and I think that that's something that needs to be taken into consideration when we're looking at where the egress from the -- or the entrance to the new property is, because it literally stacks right above it, and I think that's going to be a huge problem. Any questions?

MR. WHEELER: Are there questions of this speaker? Thank you, ma'am. Next speaker, please.

MR. RABOIN: Yes, good evening. Garry Raboin. I live at 4400 Shoram Court, so I would've been the one that sent that information in the packet. I also -- my two main concerns -- a huge one that has to really be addressed is flooding. There's a joke in our neighborhood that the subject property, the reason it hasn't been developed since 1989 is we call it Little New Orleans. The engineer mentioned that of the water drainage that comes into that property. He omitted Christian Fellowship, Stoneridge. You add those acreages in there -- I've lived there since 1999, so roughly 13 years. There's been 25 times -- and if you see our lot, it's a lot that comes out a little bit further. It's at the back of Shoram Court. We had approximately 80 yards at the back of our lot. And there's flood overflow into the Hamlet Park and to our lot. Our lot, for about 60 feet, and the whole south side of that creek that runs halfway through the Hamlet Park, those 25 times that I've seen it flood, that flood depth is halfway to my knee. I've seen a Christmas tree. I've seen somebody's kid's swimming pool, an eight-foot one. I've seen folding chairs, reclining chairs. You name it, I've seen it. Kids come down there with a canoe. My concern is -- and the stormwater engineer had a picture. I sent it to Daryl Dudley. I sent him a video. It was about 75, 80 percent over what I sent both those people.

At the time I wasn't that concerned because I didn't think anybody would ever take the risk of developing this property. But to give you an example how bad the flooding is, last year was one of our driest years in the last 50 years. During that time, from Hurricane Sandy, that whole area was under water, and that's just one time. The other thing I would like to address is the lighting issue. Right now the enhanced lighting on Scott Boulevard is really superior lighting, and almost makes the back of our yard like a Walmart lot. I'm concerned if you don't have a bunch of trees to block some of that lighting that, you know, we could have MU Tigers come there and play a night football game. The lighting with other lighting added in, I'm afraid is going to be too much. I thank you for your time.

MR. WHEELER: Hang on. Are there questions of this speaker? I would like to ask you, so the lighting, the street lighting now is worse than it used to be?

MR. RABOIN: Oh, it's really good lighting. I mean, it's really enhanced.

MR. WHEELER: No. It's really good lighting, but it's bad for you.

MR. RABOIN: Yeah. Yeah. Yeah. I mean, it's like -- it's like a Walmart parking lot. I mean, you can go out there and play catch. And if you add additional lighting, I'm concerned about what the increase lighting might do. Appreciate it.

MR. WHEELER: Thank you. Any other questions of this speaker? Thank you, sir. Next speaker, please. No more speakers? All right.

#### **CLOSE PUBLIC HEARING**

MR. WHEELER: Commissioners, who wants to lead off?

MS. PETERS: I have a question to Staff. Has Staff changed its opinion on the variance after hearing further input?

MR. ZENNER: As indicated, I mean, there are practical reasons associated with why the applicant has asked for the variances. However, again, this is a raw tract of land. When asked what does the Staff want, the Staff wants compliance with the code. It is the Planning Commission and City Council's prerogative to address the concerns that have been raised by Staff -- or not -- by the applicant themselves. Ours is to enforce what's written. We don't have the luxury of just being able to waive standards, and that's why the recommendation of denial is the recommendation of denial. And, again, we do acknowledge the rationale that the applicant has asked for the variances with, but this is a raw tract of land. You can accommodate meeting those standards if you change your development program.

MR. WHEELER: That was a no.

MS. PETERS: I got that. And my next question would be what's the distance between the property line and the building? I assume it's within compliance, which is approximately, what, 15 feet?

MR. WHEELER: Can we ask that question of the applicant? Would you mind coming up, Mr. Gebhardt?

MR. GEBHARDT: Jay Gebhardt, civil engineer, with A Civil Group. The building is 18 feet away. The minimum is 10 feet, so we're almost twice the distance.

MS. PETERS: Okay. Thank you.

MR. VANDER TUIG: While you're up here, now that they've mentioned the flooding, I did notice the floodway and the limits of the 100-year floodplain are on the plan, but they end at the -- I guess that's the property line.

MR. GEBHARDT: The regulated floodplain lands about a third of the way north of Rainbow Trout, and it's the end of the re-- that's mapped -- into the mapped --

MR. VANDER TUIG: And into the study.

MR. GEBHARDT: And into the study.

MR. ZENNER: But the floodplain at that elevation is 627 and our basements are two feet above that, meeting the code of -- the City's code for being two feet above minimum elevations. So people are looking at the ground now and saying, It floods. But that's not what it's going to look like when we're done. They're not visualizing what we're going to do.

MR. VANDER TUIG: Okay. I appreciate it.

MR. WHEELER: And as long as you're up here, is there any way to move that can to the front side of this parking lot? I haven't really -- actually, I didn't notice that, but it got brought up so now I'm --

MR. GEBHARDT: We'd prefer it in the back, but if it's a big issue, we can move it to the front. The reason it's in the back is because Public Works is very persnickety about how they get to these and can access them. And that's the shortest distance and they liked that location the best. They're also the ones that we can't control when they go and empty them. So the only way we control that is if we put in a compactor, and then they'll guarantee when they'll empty it. Other than that, we don't have any control over that. But if we -- if it's a deal killer, we can move that to the front.

MR. WHEELER: Yeah. Unfortunately, we don't have any control of when they come out either. And they seem to like residential neighborhoods during the night and commercial neighborhoods, you know, during the day, so -- for whatever reason.

MR. GEBHARDT: I think they only work between 3:00 and 5:00 because that's when they only time that I ever hear that they do anything.

MR. WHEELER: All right. Let's see. Hours of use: While you're up here, or if the applicant wants to come up, that was one of the things that came up and so I just wanted to ask, is there some restriction on the hours of --

MR. GEBHARDT: We're not proposing any. It's professional offices. I can say Kevin's at work sometimes until midnight, but not very often. It's not -- it's not a business-business in the sense that it's a bar or a restaurant with a lot of people coming and going. His is a dentist office. He's going to take one-half of the north building and, you know, at five o'clock, it's done. So that's the kind of businesses that he's trying to attract, so we expect this to be the normal 9:00 to 5:00 type of office.

MR. WHEELER: So you have no problem with 8:00 to 8:00.

MR. GEBHARDT: I'll let Brad answer that.

MR. WHEELER: Okay. We'll let him answer that. Any other questions of this speaker?

Mr. Miller, would you mind coming up here. There's some concerns about hours.

DR. MILLER: Yeah. Brad Miller --

MR. WHEELER: -- and I understand that normal office hours are -- what we're really concerned about, I think, were hours of operation. Obviously, you work late at night, as all business owners do --

DR. MILLER: Yes.

MR. WHEELER: -- so I think we're really worried about hours of operation, not when you're there.

DR. MILLER: Yes. Well, when you're talking about hours of operation, you're talking about when a business says that they're open? I mean, if we're talking, like, a piano teacher or something, they may be teaching until nine o'clock at night. I know that we have piano lessons going on at our house sometimes in the evening. So I don't know how to answer about a restricted time. It's also -- since we're talking mixed-use residential, it really is a 24/7 operation, as it was mentioned, and that's part of the purpose of a residential area. So I'm not trying to avoid your question. I want to answer your question, but I think if a commercial business is going to say from 8:00 a.m. to 11:00 p.m., then maybe I might want to say that that's a potential as well, because although this is not a commercial application, offices can be open late at night if they need to see clients.

MR. WHEELER: Yeah. I wasn't trying to insinuate that the people that live there shouldn't be able to live there between --

DR. MILLER: Yeah.

MR. WHEELER: -- you know. Yeah. But reasonable hours of ten o'clock or 11:00 p.m.

DR. MILLER: Yeah. I would say, I mean --

MR. WHEELER: Okay. We'll discuss that and maybe it won't be an issue for anyone.

DR. MILLER: Okay.

MR. WHEELER: Thank you. Are there any other questions of this speaker? Thank you, sir. Okay. Commissioners? Oh, come on, guys, it's 9:00. Ms. Peters?

MS. PETERS: The issues that I seem to have heard from the neighborhood was garbage pickup, which sounds like they're willing to move the dumpster to the front. The concerns were also limited hours and it looks like limited use -- but I don't have any notes on what the use would be -- and parking in the neighborhood. So really the issues I think that we're dealing with are hours of operation and garbage pickup.

MR. WHEELER: Variances.

MS. PETERS: And the variance that Staff has insisted -- I'm just clarifying what the issues seem to be. I'm fine with the garbage pickup in front. I think that would satisfy the neighbors. It's the

limited hours of operation that I think needs to be put in place. And, you know, actually, tattoo parlors don't gear up until usually after the bars close, so I think that's a concern that that might ever be attracted out there. Limited hours of operation, I would think that 10:00 p.m. for public office would be sufficient.

MR. WHEELER: Okay. Is that all?

MS. PETERS: Yeah.

MR. WHEELER: Mr. Skala?

MR. SKALA: Since we're in that identification mode of some of these issues, I think -- I think the way I see it -- I'm a little conflicted here because I like the idea of the mixed-use concept. I think that's a great concept and I think we're headed in that direction in this city and I think it's a good direction. I'm also a bit concerned because of the explanation in terms of some of the ramifications for this potential for flooding, some of the -- that has already existed. And I know they have been some reassurances that it's going to be very different than what the empty lot looks like, but we're talking about putting impervious surfaces on -- on lots of these areas, and I'm concerned about that. I'm also concerned about the proximity of the residential area to this piece of -- it's awfully close. And I understand there is the issue of the trash, which is -- I think is an issue -- legitimate issue and I think that may be resolvable. But there are other issues even with regard to buffers in general between even a mixed-use situation that has some commercial uses, more or less, that's part of the mixed use, and the lighting and the -- and the hours of operation, all of that, in terms of how close the proximity to the residential areas are. So I'm not sure I know what some of the solutions are, but I wanted to throw some of those issues that I'm concerned with out to help me resolve my decision in terms of how I want to vote for this issue.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: I guess I have another question for Mr. Gebhardt. I'm sorry.

MR. GEBHARDT: No problem. Jay Gebhardt, A Civil Group.

MR. VANDER TUIG: It seems -- looking at this, is the intent with the number of parking spaces to accommodate the issues on the other side of the road or are these the number of spaces that either required by code or desired by the applicant?

MR. GEBHARDT: Thank you for mentioning that. The parking in the back is being done for the -- and meets the requirements for the apartments, so the intent is for the apartments to use the west parking area behind. The parking in the front was calculated as all medical uses, which is 1 to 200, which is what Brad is as a dentist. And we felt that was -- because there's this perceived parking issue and congestion at that -- on Rainbow Trout because of the use across the street, we thought we had better provide belts and suspenders type of parking on our side so that we don't contribute to that problem. And that's what we've done is we've used 1 to 200 instead of 1 to 300 ratio to calculate the parking, and that's the parking that's required. The end of that parking lot is

actually a turnaround for the fire department, so it looks like it looks longer, but those big spaces at the end are actually there so the fire department has a place to turn around.

MR. VANDER TUIG: Thanks a lot.

MR. WHEELER: Mr. Strodtman?

MR. STRODTMAN: I've got a question for you, Jay.

MR. GEBHARDT: Yes?

MR. STRODTMAN: If we weren't to agree to the variances on the landscaping, how would you accommodate that?

MR. GEBHARDT: Well, if you don't agree to the Scott Boulevard one, I'll plant the bushes. But on the north one, I probably would have to put some kind of fence up, and now I'm fencing a creek and it just doesn't make any sense, but, I mean, if you don't grant it, that's what we'll have to do.

MR. STRODTMAN: Thank you.

MR. WHEELER: Thank you. Okay. Commissioners? Dr. Puri? Thank you.

DR. PURI: I think that it's a good development. Mixed use, I think that's the direction we're going. I think this 90-foot, you know, distance from Scott Boulevard, I think, the bioswale is there, it's futile to put those bushes there, and I agree with the engineer on that. On the other side, it's also a waste to block that natural creek and even just fence the creek off. So I intend to support this with the variances. As for the uses or alteration of uses, I leave that to the rest of the commissioners to see -- to make sure that we are all on the same page on that.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: I want to concur with Dr. Puri. I'm comfortable with the plan as presented and also in support of the variances.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: I'm just going to go along with Mr. Puri and Mr. Reichlin. I think I'm going to support it as presented.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: Yeah. I think this is a good mixed-use development. The site is a little constrained and I'm a little concerned about the flooding, although, you know, there's ways to accommodate that and engineer around that. The requirement of the bioswale on the front kind of limits any landscaping and it doesn't make much sense to me from the standpoint of Scott Boulevard being there. And it looks like it's pretty tight to the north too, so I think I'd be inclined to support both variances for that regard. Yeah. And as far as the uses, I'd like to hear what others think too. I'm not sure what uses we've got at this point. Maybe somebody needs to -- if Staff wants to go back over that, I -- what uses are being proposed here?

MR. WHEELER: While Mr. Zenner is looking that up, do we have any other comments? I'll go very quickly here. On the east side, I agree. The bioswale, it seems to me we can put some vegetative and I'm sure you'll be very creative there. You'll have to be. With the 90-foot, you know,



it's all going to be vegetation of some sort anyway and so I really don't -- I don't see that there's any need there. On the north side, certainly if that was against a lot or a single-family home or any residence, for that matter, I would think it would be appropriate, but given the confluence of streams there, you know, it seems a little bit of overkill. I kind of agree with the trash can thing. Although I don't know as I'm going to make it a requirement, but I think it would be a good idea to move that just simply because I've been close to them too and they're very irritating, although I also know the City likes them so they can drive straight in and back straight out, make it real easy for them in the middle of the night. So I think Staff's recommendation for the -- you know, for those certain restrictions within the uses we were asking for are appropriate. I am concerned about hours of operation. Although I understand we need to have some flexibility here, I do think that some appropriate hours, given how close this is to residential use, is appropriate and I would think that, you know, ten or eleven o'clock at night is certainly not overly restrictive. But with that, I'm going to support this with these recommended uses, provided Mr. Zenner doesn't tell me something that really flips me out here. So are you ready, Mr. Zenner?

MR. ZENNER: Yes, I am, sir. The proposed uses within the Quail Creek Professional Park O-P Plan include all permitted uses in District R-3, which are inclusive of single-family detached, attached, and multi-family. And based on the fact that you have a site plan being approved here which specifies two buildings with a maximum square footage of 31,000 square feet and six total residential units, you don't have either single-family or duplex development being proposed. You have counseling centers, financial institutions -- excluding a traditional bank -- and travel agencies; medical office and dental clinics and medical laboratories; office buildings used for administrative functions of business, professions, companies, corporations, social, philanthropic, eleemosynary, or government organizations or societies; offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to artists, sculptors, photographers, authors, writers, composers, lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions; ministers, rabbis, priests, and other clergy members; physicians, dentists, chiropractors, and other licensed practitioners; seamstresses and tailors; teachers of private lessons in art, music, or dance; schools operated as a business within an enclosed building except trade schools and schools which offer retails goods or services to the public; buildings and premises for utility services or public service corporations; wholesale offices and sample rooms -- which is one of the uses we've asked to be removed; hospitals for small animals, if within an enclosed building; research and development laboratories, provided there is minimal or insignificant use of hazardous materials based on a risk assessment; testing laboratories; beauty and barber shops -- which we've asked to be removed, as well as testing laboratories, which were asked to be removed -- is a slightly abbreviated list of all the uses allowed in O-1 as well as there are accessory customary uses, incidental to anything that is a principle permitted use that I read off. And those typical accessory uses would be a storage building

or something else. And those are the uses excluding the desire to have the counseling center definition changed to match what is within the zoning code and then to have the three uses that are in item No. 2 of the recommendation stricken from the statement of intent.

MR. WHEELER: And I'm just going to ask -- I'm asking you guys as well if you don't mind, Mr. Gebhardt, that restriction that we're talking about, counseling centers as well as those restricted uses that Staff's recommending, is it going to be adequate for us to say as recommended by Staff?

MR. GEBHARDT: Yes.

MR. WHEELER: Are you all -- you're in agreement with that?

MR. GEBHARDT: Yes.

MR. WHEELER: Okay. Just in case that's the motion. All right. Thank you, sir. Mr. Skala?

MR. SKALA: Well, just before I comment as to where I am on this, I guess I would like to have some either clarification or a reassurance about the buffer that I am now most concerned about, and that is the one that is the closest in proximity to that home, not only in terms -- I mean, perhaps they can move the trash issue. But were there specifics that I maybe have missed in terms of how substantial that buffer is? Please.

MR. GEBHARDT: Mr. Skala -- this is Jay Gebhardt again. That buffer meets the City's requirements for screening with 80 percent opacity between one foot and eight foot in four growing seasons. And the reason we used trees there -- the green giant arborvitaes is what we're proposing -- is there's a split-rail fence there on the property now. And so putting another fence by an existing fence didn't -- wouldn't look right. That house sits 25 feet from Rainbow Trout, and we're in the very back part. And when we're closest to them, we go from a staggered row to a single row, but we increase the density of those to get that 80 percent opacity. So the city arborist has reviewed that and feels that it's in compliance with the screening requirements.

MR. SKALA: Okay. Thank you. I appreciate that. Well, I guess I'm going to enthusiastically support the part of this that has to deal with the mixed use. I think that that's long past due, and I appreciate you stepping out there and trying to accomplish that. I'm going to reluctantly support this, primarily because of my concerns about flooding issues. With the reassurance of Mr. Gebhardt that this won't exacerbate an already bad problem apparently and that the idea of having a basement is not going to create additional problems. And with the reassurances for the screening to make sure that that opacity is 80 percent and meets the City's codes, I intend to support this proposal.

MR. WHEELER: Okay. Who's going to frame a motion for me? Mr. Skala?

MR. SKALA: I can do that. I can make the motion to approve the request by A Civil Group, on behalf of Last Enterprises, LLC, and Ridgemont Properties, LLC, for an O-P development plan to be known as Quail Creek Professional Park, a statement of intent revision, and screening variances. The 1.34-acre property is located at the northwest corner of Rainbow Trout Drive and Scott Boulevard. I think there were the additional --

MR. WHEELER: Staff recommended --

MR. SKALA: -- Staff recommendations as listed in the report. The first one was that the counseling centers definition in the statement of intent be changed to read as written in Section 29-13.1, including the exclusion of halfway houses and, two, the following uses be excluded, as they are not options for O-P uses: Wholesale sales offices and sample rooms, testing laboratories, barber and beauty shops. And the variance with the -- with no denial of the variances that were requested. I think that covers it; is that right?

MS. PETERS: Clarification: Staff is recommending denial of the variance and you're motion is to grant the variance?

MR. SKALA: That's right.

MR. WHEELER: And did I hear any hours of operation in that motion? That's completely up to you.

MR. SKALA: No. I think that's -- I mean --

MR. WHEELER: Okay. Mr. Reichlin?

MR. REICHLIN: I'll second that.

MR. WHEELER: Motion's been made and seconded. Is there discussion on the motion?

MR. VANDER TUIG: So for clarification, what are those hours?

MR. WHEELER: I don't think you made a recommendation.

MR. SKALA: Hours were not in there. I didn't think that that was a --

MR. VANDER TUIG: Oh, okay. You said no to that. I see. Okay.

MR. STRODTMAN: And you're also supporting the variances?

MR. SKALA: I am --

MR. TILLOTSON: Without the variances.

MR. SKALA: I am not supporting the variances.

MR. STRODTMAN: Okay.

MR. WHEELER: And you seconded that?

MR. REICHLIN: I'll withdraw.

MR. SKALA: Pardon me?

MR. WHEELER: Your motion is not to grant the variances; is that correct?

MR. SKALA: I'm sorry. I'm mistaken. My motion is to disagree with the Staff, to grant the variance. I'm sorry. My apologies.

MR. REICHLIN: My second's good.

MR. WHEELER: Okay. Man, I'm confused.

MR. VANDER TUIG: All right. Let me try this. A motion's been made and we have a second for Case No. 12-229 --

MR. WHEELER: I want to discuss the motion just for a second.

MR. VANDER TUIG: Oh, we better --

MR. WHEELER: Just for a moment. I just want to throw out there, there's two things that I'm concerned with that I'd like to see fixed before this gets to City Council, and I'm not going to -- we've been here long enough probably on this, but I'd like to see that trash can moved, just me, and I'd like to see some reasonable hours of operation agreed to, but I'm not going to amend the motion. We're going to move forward here.

MR. VANDER TUIG: Okay. So we a motion and a second for Case No. 12-229 for approval of an O-P development plan to be known as Quail Creek Professional Park and a statement of intent revision with Staff's recommendations in the Staff report, except for the denial of the screening variances -- in other words, to support the variances.

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

MR. WHEELER: Recommendation for approval will be forwarded to City Council.