

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**

**FEBRUARY 4, 2021**

**Case No. 61-2021**

**A request by A Civil Group (agent), on behalf of West Rock II, LLC (owners), for approval of a rezoning and development plan to be known as the "Midland PD Plan." The applicant is proposing 12, single-family attached units with vehicular access onto Green Meadows Road. The 1.45-acre property is located at the northeast corner of the intersection of Green Meadows Drive and Green Meadows Circle.**

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the requested rezoning from R-1 to PD, the associated PD plan, and design exceptions.

MS. LOE: Thank you, Mr. Palmer. Before we move on to any questions, I would like to ask any Commissioner who has had any ex parte related to this case to please disclose that now so all Commissioners have benefit from the same information related to this case. Mr. MacMann?

MR. MACMANN: Just FYI. Many of -- several of the e-mails that you have before you, and the staff has forwarded to us, I have received in a BCC format. I don't quite understand that. It's nothing different from what you guys got, but I did get them, and I forwarded those on to Commissioner Loe and Manager Zenner.

MS. LOE: Thank you, Mr. MacMann. Any additional ex parte to share? If not, any questions for staff? Ms. Rushing?

MS. RUSHING: I have two basic questions. The staff report talked about tandem parking. Could you show me the layout of the plat and explain to me what the tandem parking is?

MR. PALMER: Yeah. That is any parking that's in tandem with the garage space. So the garage space counts as one, the space in the driveway immediately behind that counts as another.

MS. RUSHING: Okay. The lots are 3,000 square feet. What is the square footage of the footprint of the buildings?

MR. PALMER: I believe they were around 1,500 square feet. The developer might have better information on that.

MS. RUSHING: Because I'm -- you know, I'm just not seeing a lot of green space here. And the five-foot side setback, is that a total of ten?

MR. PALMER: Yes.

MS. RUSHING: Okay.

MS. LOE: Ms. Russell?

MS. RUSSELL: Given the traffic on Green Meadows Road, is that driveway into the parking area going to be a right-in, right-out?

MR. PALMER: It's not planned to be at this time. That is an option, though.

MS. RUSSELL: Okay. That's a big obstacle. Okay. Thank you.

MS. LOE: Any additional questions for staff? Mr. Palmer, following up on Ms. Rushing's question about the lot size. In your presentation, you commented that the -- if you can back up a slide, another slide -- there. There. So the residential lot size is based on the cottage dimensional standards permitted in R-2. However, these aren't cottages, these are attached one-family dwelling units, and the dimensional residential lot size for one-family residential units is 3,500 square feet. Can you explain why staff believes the cottage standard is applicable to the one-family attached unit in this case?

MR. PALMER: We -- yeah. We basically review it based on, you know, what -- we have to review what the applicant is -- is presenting to us. They presented this as the option and justified that what they were using was based on the cottage standards that would be typically used in an R-2 district. So given the site constraints, as I said, we've previously agreed that the density they're requesting is appropriate and, as such, fitting that density on this site with all the required parking and et cetera, we agreed that this was an appropriate use of those standards.

MR. ZENNER: And, Ms. Loe, if I may, we do not adhere specifically to the use types that are defined by our zoning classifications when we deal with a planned district. So while the R-2 zoning district does define an attached single-family home on a 3,500 square foot lot, the PD zone does not mean that we have to follow that standard. It is a variable zoning district that allows for usage of alternative dimensional standards, and I think as Rusty has pointed out, we look at the zoning codes minimums as the basis for which is considered acceptable or not. The mere fact that the R-2 zoning district lists 3,500 square feet for an attached structure, but also lists within the zoning code 3,000 square feet for a cottage, which may be on a separate lot, but it does allow for those to be combined. We don't look at them any differently really. And that -- that may be a difference in interpretation of how the code is viewed by some of the Commissioners, but we don't draw that finite of distinction. We are looking at the code and we are looking at the dimensional standards proposed as it relates to the code as a whole. The choice to do these as separated units, given the constraints on the site, really was not what the developer felt was the right option, and we didn't feel that a 3,000 square foot lot joined was significantly different than a 3,500 square foot lot that was going to be joined. In essence, really the calculation is you lose two dwelling units. And in order to -- it's 6,000 square feet. There's a 500 square foot difference between the lots of what's proposed, and if you went to a 3,500 square foot lot, that 6,000 square feet is not going to, in our mind, yield anything substantially beneficial to this project, and we believe that the applicant has made a valiant effort to deal with all of the issues that have previously been raised. This is a tough site, and we have to balance in our mind the benefit of development that utilizes the code, as well as acknowledges the site constraints. And at this juncture, there is a cost associated with complying with all

of our regulatory standards and the yield on this at the 3,000 square foot lot size is what is believed to be by the developer necessary and isn't believed to be inconsistent. It is transitional. And, again, we're not purists when it comes to R-2 and attached single-family and the definition of attached single-family. This is a planned zone.

MS. LOE: I understand that, Mr. Zenner, but neither do I view planned zone as the opportunity not to meet minimum standards that we have identified for specific types that we have defined in our code. So if we're not meeting the minimum requirements that we have, at great pains, evaluated and defined, I would like to understand why 3,500 square feet, which we have identified as the minimum for this housing type, now isn't required. If that's the case moving forward, I would say why are we requiring it for any property. So in my mind if we waive it on this --

MR. ZENNER: Requiring a minimum lot size, ma'am, for any property?

MS. LOE: Or for shared -- for attached one-family. Correct. R-2 also allows one family on 5,000 square feet. So if we're saying we can pick and choose, mix and match, I believe your statement was, Mr. Palmer, can I build a duplex on a 5,000 square foot lot, because maybe that suits the lot size and it works, and I have the right setbacks and for the building I'm -- yeah.

MR. ZENNER: In a planned zone --

MS. LOE: I personally would have hardship approving that without some justification of why we shouldn't meet the minimum standards we're requiring in a non-PD setting.

MR. ZENNER: One, I believe a PD allows for the applicant to seek the relief that they are asking for and --

MS. LOE: I agree. But if they're going to ask for relief, then I want to know the reason why that relief is being asked for.

MR. ZENNER: Secondarily -- secondarily, ma'am, I think we have provided the rational explanation of the site's constraints.

MS. LOE: I don't -- I guess I haven't heard a good explanation -- this is for the applicant -- of why this needs to have 12 units then. Okay. My other question was the report noted the 20-foot rear setback from the interior street, and that's shown in the plan. However, that's not noted in the Statement of Intent. Do we need those setbacks noted or are they known to be applicable if they're shown in the plan?

MR. PALMER: They are applicable if shown on the plan. It doesn't change anything if you want to -- wanted to add it to the Statement of Intent, but -- but, yes. They are -- they are -- sorry. I can't think --

MR. ZENNER: They're on the Statement of Intent. They're not on the plan.

MS. LOE: No. It's on the plan, it's not on the Statement of Intent.

MR. PALMER: That's on the plan. Yeah. The plan does regulate the property in that sense, so -

MS. LOE: Okay. I guess because it's not defined as a setback from the interior drive or street, in my mind, it would add some clarification if that is what it is. The report describes it as that, but in the plan,

it's just shown as 20 feet back.

MR. ZENNER: The lot line, so the common lot -- let me make sure I understand this. The common lot is a lot in and of itself platted as common lot C1. Each individual lot that is proposed to be 3,000 square feet has a set of dimensional standards that specify 20 feet on the rear, 25 on the front, and five on the sides. That's in the Statement of Intent.

MS. LOE: No. The 20-foot from the rear is not in the Statement of Intent.

MR. ZENNER: If that -- that can be easily corrected, if that is part of what the Commission's desire is. We can get that added, because the internal --

MS. LOE: I believe it would help.

MR. ZENNER: Yeah. The internal setback from that property line between the common lot and the proposed lot 1 through 12, that does need to be specified at some juncture.

MR. PALMER: Yeah. They've specified specifically each setback as it's related to the street or the neighboring property and not the internal rear yard setbacks, so --

MS. LOE: Correct.

MR. ZENNER: I apologize. I was looking at it from the lot rear, and we typically look at rear as being wherever it adjoins an abutting lot.

MS. LOE: I agree.

MR. PALMER: Yeah. And typically they would say front yard, rear yard, side yard.

MS. LOE: They did what we asked for in the question, but if we are including a 20-foot setback from the rear lot line internal to the property, that's not described in the Statement of Intent.

MR. PALMER: And I -- yeah. Like you said, I think that's a very easy fix.

MS. LOE: I think that would be -- make it all more clear in the future, especially if someone were only checking the SOI for setbacks. Ms. Carroll and then Ms. Geuea Jones.

MS. CARROLL: I believe you summarized the feelings well about the missing -- mixing and matching of the cottage dimensions. I just wanted to point out that as this is a request to rezone from R-1 to PD, those differences -- the comparison between those dimensions bears note regardless of what you would and wouldn't apply to PD. It's a request from R-1 to PD, and that is a consideration.

MR. ZENNER: I would not disagree. Staff would not. And, I mean, we only use cottage in the -- in the presentation purposes for context as to what the code offers as a standard. It's -- we are not trying to promote the fact that this is considered cottage. They've used that dimensional standard as their bottom line, as their base. So, again, as we've talked previously, if the Commission is uncomfortable with that, the Commission can offer an alternative recommendation. That has an implication, of course, but that's, quite honestly part of what the concern is, and if the applicant's explanation isn't satisfactory, that is your option. And we will try to make -- we will try to avoid -- apparently, I will try to avoid making those types of comparisons for contextual purposes moving forward, if that's what is creating the -- the concern here, but we're not trying to put attached single-family housing in a box of cottage. It's -- we're only saying they're doing attached single-family on 3,000 square foot lots in a PD.

MR. PALMER: I think -- I think a better way to frame it may be that the applicant is seeking a 3,000 square foot lot and their justification is that we allow that in a cottage development. That --

MR. ZENNER: That's the point.

MS. LOE: Because you are -- as Ms. Carroll is pointing out, you are creating that reference which is part of the issue.

MR. ZENNER: I think the issue is is cottage housing is not an attached product, it is meant to be freestanding.

MS. LOE: And cottage has a different set of standards. Correct.

MS. CARROLL: With other dimensions and that's part of why the different lot sizes are applicable.

MR. ZENNER: I appreciate that. That observation helps greatly.

MS. LOE: Ms. Geuea Jones?

MS. GEUEA JONES: Sorry. I got distracted by that. So I'll ask my second question, and then I'll remember my first one. Are there other -- aside from the attachment, are there other of the cottage standards that this meets, but wouldn't meet? Like, are there other conflicts between cottage and single-family attached where this is meeting cottage, but not single-family attached? Am I being clear? I feel like I'm not.

MR. PALMER: I understand your question. I think mostly they are exceeding cottage standards. For instance, I know a cottage is a ten-foot required front yard, I believe a ten-foot rear, also. So generally, they're exceeding cottage standards except for the lot size.

MR. ZENNER: The caveat with the front or rear setback would be if there were a garage attached, which, at that point, you would go to a 20.

MS. LOE: And side-yard setback.

MR. ZENNER: Side yard is six.

MS. LOE: Six foot and --

MR. ZENNER: It's six foot, so we're a foot off of what the standard. They would be lot area is consistent, side yard is slightly narrower.

MR. PALMER: Right. But the six-foot side yard is not unique to cottage either. It's the general standard side yard for residential districts.

MR. ZENNER: I think the other thing, as it relates to that reduction in building separation, the building code will come into effect at that point because we are not -- there will be building code requirements to ensure that there is rating on the opposing walls between the units since they are less than what the standard six-foot side yard setback is.

MS. GEUEA JONES: So are they essentially eating up the extra 500 square feet of lot space by being attached? I mean, that's where it would go. Right? If -- if these were actually cottage and not single-family attached, it would be in between where the zero-lot line is?

MR. PALMER: Right. It would be another ten-foot setback basically then.

MS. GEUEA JONES: Yeah.

MR. PALMER: At five foot per lot in width. Yeah.

MS. GEUEA JONES: Yeah. Yeah.

MR. ZENNER: Which, at that point, you probably, given what we're looking at here, in order to address the competing issues of the neighborhood's concern, as it relates to parking -- extra parking that's provided -- you'd end up eating up some of that extra parking and probably reducing the amount of open space that's at the corner in order to spread the units out.

MS. GEUEA JONES: Yeah. I'm not suggesting that they should be detached.

MR. ZENNER: No. But --

MS. GEUEA JONES: I'm just trying to figure out --

MR. ZENNER: But that -- that would be the -- yes. So that -- that part of that is there, but the difference between the square footage is --

MS. GEUEA JONES: Yeah. These are larger than cottages.

MR. ZENNER: These would be larger than a -- what we would, I think, perceive as a cottage-style home on its own lot that's 30-foot wide, but that does not necessarily mean that you still couldn't potentially build a cottage lot out to its building dimensions and have an equivalent sized unit. If you built a standard cottage lot or a plat of the cottage lot with a 30-foot-wide lot, six-foot side yard setbacks, you know, and then have ten feet on the front and the rear, you may still be able to get the same footprint, it's just going to be narrower.

MS. GEUEA JONES: So my other questions was -- I'm trying to remember from the previous times we've seen this property. Is seven the number of single-family homes or was it five?

MR. PALMER: I believe that was just an estimate by the developer.

MS. GEUEA JONES: Okay.

MR. PALMER: But I do believe it was seven.

MS. GEUEA JONES: Seven.

MR. PALMER: And as I said, in previous discussions, we -- we had agreed that -- that twelve or eight units an acre was appropriate based on the contextual densities.

MS. GEUEA JONES: And sorry, one more, and I'll stop picking your brain. Green Meadows, I think it's getting busy enough that we're looking at turning it into four lanes at some point. I assume this plan would allow for that or else you would have let us know?

MR. PALMER: Yeah. They have -- that additional setback is -- is in response to that. Three feet doesn't sound like a lot, but in terms of building out the roadway, I think that's all that traffic had required, so that should be sufficient for whatever they have planned.

MS. GEUEA JONES: Thank you.

MR. ZENNER: And to circle back around as we're talking on traffic in the Green Meadows frontage, the driveway placement that is proposed was evaluated by our engineering division. The project doesn't generate enough trips in the peak hour to generate the necessity for a traffic study. So

while it would appear as though that entry is extremely close to the intersection of Green Meadows Circle, it has been evaluated as it relates to sight distances, the curvature of the roadway. And, yes, while there may be a delay for people being able to exit the site or to make a left-hand in, that was not perceived as an issue from our traffic engineers who evaluate these projects as part of the review process. So again, in addressing or attempting to address the issues of the community to not have access out onto Green Meadows Circle, that driveway placement was placed there. Ultimately, if it were shifted to the north end of the property, that may have other issues associated with it and that is obviously, I think, what some of you look at the plan where the parking is, can you do something with the parking and the extra parking and be able to shift that driveway further from the intersection. I believe all of those issues were evaluated as a part of the preparation of this plan in consultation with our engineering staff to ensure that that driveway was going to be adequate. Yes, there are probably -- there's probably a better location for that driveway, but given all the other constraints that we were looking at, this was what was identified as being acceptable.

MS. LOE: Mr. MacMann?

MR. MACMANN: Four things, hopefully two of them relatively quick. Quick -- go quickly. I will follow up on what Ms. Geuea Jones and what Ms. Russell said. As I've said, the first -- or the third and fourth time this property came, I spend a fair amount of time across the street from this. I'm definitely concerned about that traffic. I'll just leave that -- set that right there. Planner Palmer, solid waste and fire have probably had all kinds of opportunity to look at this.

MR. PALMER: Absolutely.

MR. MACMANN: And are they still total copacetic with it?

MR. PALMER: Yeah. They're going to provide us curbside trash pickup and the structures are all served within 150 feet of a -- of a street, so --

MR. MACMANN: Okay. And the last question is just a point of clarity. I was going to say this when Mr. Gebhardt got up, but I believe the sensitivity to the verbiage and definitions and terms used for this project are reflected in an earlier attempt to pitch this earlier development as affordable or workforce housing when it very clearly was not, and that, I think, has made a lot of people sensitive, and I see that in the notes here. I see it from the Commissioners, too. So when another perhaps term that's more palatable to the Commission is used in a definitional manner, I think it makes some ears or hairs stand up. I'm just going to say -- put that out there. That's all the questions I have for the moment. Thank you, Madam Chair.

MS. LOE: Ms. Rushing?

MS. RUSHING: One of the problems I'm trying to get through with this development is what appears to me to be similar development over off of Ash and Garth. And when you say curbside pickup, does that mean that all of those residences leave their trash in front of their unit or do they all leave it at the driveway?

MR. PALMER: From what I understand, it'll be on the street side. They won't enter the -- the

driveway, the parking area because of access issues, so the fire truck or the --

MS. RUSHING: But you have -- you have street side on two sides, Correct?

MR. PALMER: Correct.

MR. ZENNER: It'll be the respective frontage, Ms. Rushing.

MR. PALMER: Right.

MS. RUSHING: In front of each --

MR. ZENNER: Yes.

MS. RUSHING: Okay.

MR. ZENNER: Along Green Meadows Circle and Green Meadows Road. And based on solid waste, because that is currently how collection is managed within those particular street frontages, there was not an issue with the curbside collection.

MS. LOE: Any additional questions for staff? Seeing none. I'm going to open the floor to public comment.

### **PUBLIC HEARING OPENED**

MS. LOE: If anyone has public comment, please come up and give us your name and address for the record. You have three minutes to speak. If you're representing a group, you have six minutes.

MR. GEBHARDT: I guess I'm a group. Good evening. My name is Jay Gebhardt; I'm a civil engineer with offices at 3401 Broadway Business Park Court, Suite 105, here in Columbia. And I want to get to your all's questions, but first, I would like to thank the staff for their report. I think they've been a -- gone above and beyond their review and trying to make this a better plan for the community, and I appreciate that and so does the developer. The first thing about your lot size, the 3,000 square feet. One, the setback shown on the drawing is actually 12 feet between the buildings, or six feet. We put five feet as a minimum so that if the building gets built and it's six inches off or something like that, it isn't in a violation of a setback. But we can easily change that to six feet if that's a do or die thing. As far as the 3,000 square feet, if you can visualize the plan, and if this is -- this is a lot with a two -- two lots on it, the rear of the lot is the back of the driveway or edge of the driveway, and we could easily add 15 feet to those depths of those lots, and the lot line would be down the middle of the driveway. That would result in an easement back to -- for the common area so people could drive on people's property, but that -- if 3,500 is a standard that you wish to impose, we can do that. Some of the other issues that came up in the neighbors' comments, and I'll let them speak them for themselves. But they -- there was some confusion about the name change. We didn't change the name to try to complicate this matter, it was more that it's a completely different plan and we didn't want it to be confused with the old plan. Density is still an issue with some neighbors, and although this is the same density as the eight units per acre at Crescent Green across the street, there is still a belief that this is too dense. I would offer the following comparison. If we develop under the existing R-1, we can do eight lots. If we do eight lots, they could be three bedrooms. Eight times three is twenty-four people. Right now, we are limiting or locking ourselves into 12 two-bedroom units or 24 people. So the density seems high, but if you look at the number of



people actually on the property, it's the same as what you could achieve in an R-1. Now, you guys have questions about the traffic. Loss of green space. This isn't a public property. However, there is public property just on the opposite corner next to the fire station. So if there's an opportunity for green space, I would think that existing public property would be it. The 12 additional spaces are above the minimum requirements, but in our Zoom neighborhood meeting, parking was -- and providing the extra parking was a -- a big issue with the neighbors. So we've gone to lengths to provide three spaces per unit. A two-bedroom unit has three parking spaces; one in the garage, one in the driveway, and one in the parking area. And remember this is -- you know, these are set up to be sold individually, but in the beginning, they're going to be owned by one person. And there was a lot concern that the garages will end being used for storage and not a car space, so we -- we can manage that as part of the management of the property, but we've also got enough parking, we believe, with the 24 spaces outside of the buildings. Traffic is a concern, but it's -- doesn't seem to be a concern of the City traffic engineers, and it's mainly because of the size of this project. And I do understand the concept of a death of a thousand cuts, a bunch of little projects end up making a problem, but they really don't see this as an issue. Now, you -- you guys, some of you live out there, and you drive this, and I'm not trying to superimpose anything on top of that. There is traffic out here, but in speaking with the traffic engineer this morning about this, he mentioned something that I hadn't thought of and that was with the new Nifong widening to four lanes, there -- he's hopeful that there will be some traffic that moves off of Green Meadows and onto Nifong because it's a quicker, faster, more convenient way, not for the people that live out here on -- off this access, but for people that use Green Meadows as a cut through. Other concerns were brought up by the neighbors, but one or two of the neighbors actually acknowledged that we've, you know, tried to -- we have addressed a lot of their goals for this property, being single family, facing the street, making it look like the units in the rest of their neighborhood and not having the rear of the structures face them. So that, in itself, created some challenges, but we feel like that this plan is a -- a good plan. We think it would be a good asset to the neighbors and the community. And I hope I can answer any questions you guys have.

MS. LOE: Thank you, Mr. Gebhardt. Are there any questions for Mr. Gebhardt? Ms. Burns?

MS. BURNS: Mr. Gebhardt, do you have any idea who these will be marketed to or is the developer here to speak to that?

MR. GEBHARDT: No. I'll speak to that. It's being marketed to young professionals, not students. Okay? He would like to get an older generation in this, similar to what's over off of Bethel and Nifong in those three-plexes in the back, people that are wanting to downsize and now own anymore, and -- but want two bedrooms, one-level living, and that's -- that's been his drive in this the whole time is to try to create a two-bedroom unit with two suites -- bathroom suites all on one level so that you don't have to go upstairs to do that.

MS. BURNS: Just to follow up. That was -- one concern I have is I don't think you can guarantee, just because they're two bedrooms, there will only be two occupants or two cars. I could see

a couple and a teenage child possibly, three cars, possibly two teenage children. I don't know what size the bedrooms are. You say suites. That sounds like it's a pretty good size. Then visitors. So I do have concerns about the parking and accommodations for actual occupancy.

MR. GEBHARDT: I -- I'm not going to argue with you on that. It's -- but in your own neighborhood or my neighborhood, there may be two or three of those homes that have teenage kids and yadda, yadda, yadda. But there's people like me who live by themselves, me and my wife, you know. And so it's -- it's usually balanced out. And as being a managed property, that's something that if parking becomes an issue, then that tenant will probably need to find another location because we are not going to go -- I mean, the church has mentioned -- not the church. People that belong to the church have mentioned the parking lot in the church. And we would go to them first and see if we could lease spaces from them if it became a problem, but we really don't even want to do that. What we would like to do is just control the property to two-bedroom, two people in each unit.

MS. BURNS: Thank you.

MS. LOE: Ms. Geuea Jones, then Ms. Carroll.

MS. GEUEA JONES: Commissioner Russell mentioned right-in, right-out for that driveway, which would help with people backing up on Green Meadows trying to turn left to get in. Is that something that you considered? Is there a reason that you didn't do it?

MR. GEBHARDT: Well, I'm no traffic engineer, but if it was a right-in and right-out, and I want to go to Providence, I'm going to flip around on Green Meadows Circle and exasperate the problem with the neighbors, so I think there's an unintended consequence of that. But if that, again, is an issue that needs to be addressed, we can make it right-in, right-out to accommodate these concerns, but -- or we can set up the plan so that it has to become a right-in and right-out should the City ever think it is an issue here and have to do that -- put a median in.

MS. LOE: Mr. Gebhardt, can you speak into the microphone?

MR. GEBHARDT: Yes. I'm sorry. I'm sorry.

MS. LOE: Thank you.

MS. GEUEA JONES: Thank you. Unless you need him to repeat something for the transcript.

Okay. Thank you.

MS. LOE: Ms. Carroll?

MS. CARROLL: I'm wondering if you could clear this up for me. I was a little confused. I thought you said earlier that these were going to be sold to individual owners in your discussion, but for some reason, I had the thought that these would be rentals.

MR. GEBHARDT: They are rentals.

MS. CARROLL: They are rentals.

MR. GEBHARDT: And -- but they're being set up so that they can be sold individually.

MS. CARROLL: Okay.

MR. GEBHARDT: And that's -- that's for -- a lot of reasons for that, financing, a lot of issues with

that, but that's why it's being set up that way. But it -- you know, Matt intends to own these. He's a young man. He -- he wants his kids to own these, so it's -- and that's similar to what his father had done for him, and he's willing do that for his child, so --

MS. CARROLL: Thanks.

MS. LOE: Additional questions? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Gebhardt, do you know if these will be leased by bedroom or by unit?

MR. GEBHARDT: By the unit. And you're going to ask me about the affordable housing.

MR. MACMANN: I worked out the numbers. I know where -- I know where you're at monetarily on these.

MR. GEBHARDT: Well, I'm just going to say, this is housing. I'm not going to try to -- I don't know enough about affordable housing and definitions. I'm out of my depth with that. This is housing. I think Mr. Toohey said something last time about it being obtainable, and maybe that's a word if we want to use a word to describe it, but I'm not trying to sell this as meets affordable housing standards.

MS. LOE: Additional questions? I see -- Ms. -- Ms. Russell?

MS. RUSSELL: I just want to let you know that I really think that the right-in, right-out is an issue for me. I live out there and drive that street, and whether Nifong is four lane or not, that's the street I choose to use, so it's -- it is an issue for me.

MR. GEBHARDT: Okay. Would you prefer we do it from the start, or would you like the City to be able to control that when they see it's fit to do so?

MS. RUSSELL: I'd like to see it done from the start because apparently the City is not leaning that way.

MR. GEBHARDT: Okay.

MS. LOE: Additional questions? I see none. Thank you.

MR. GEBHARDT: Thank you.

MS. LOE: Any additional speakers on this case?

MS. SHAW: Good evening. Rebecca Shaw, 2615 Vale Drive. I am here -- I do want to say that I -- I appreciate very much the property owner taking in the community's discussion, and they have made a lot of changes. I have a question on the -- the discussion about the extra three feet that were added in case Green Meadows were ever to be expanded. So is that three feet sufficient for a lane and sidewalk? I mean, this is a heavily walked area on that portion.

MR. PALMER: Yeah. It would just be an expansion of the existing, so they're not -- they're not picking up the road and moving it, per se. They're just widening it. And, basically, it doesn't fill the current right-of-way, so there's already room probably to do what they intend to do there, but not for, you know, the sidewalk to fit, so that three feet is kind of where that sidewalk will get pushed if the street is widened. So traffic division has specifically asked for that three feet, I believe, and they -- they might know a little more about that -- that conversation, but --

MS. SHAW: Second question. On the north end of the development, so these are the -- the front of these houses are facing Green Meadows Circle, if I understand the design correctly. And we're discussing front yardage. Right? So currently sitting is a very large ditch for drains -- I mean water. The street has basically no space between when there's a steep drop-off down to a ditch, it comes straight back up to the sidewalk on the other side. So what is the plan for water runoff in this whole process? If we're putting someone's front walk out to the sidewalk where there's a ditch in front of it, I'm -- I'm concerned for safety. I'm also concerned for aesthetics. If they're placing their garbage out on that sidewalk, are we asking our -- our refuse workers to climb down a ditch to get to trash, are we filling this ravine and reworking water? I just want to make sure that this is thought of and there's a plan in place because it is quite a large drop-off there. My other question actually has to do with water, as well. So these two green areas that are the end of each, are these going to be -- I don't know a whole lot about this -- how this works; I'm not an engineer. But in front of the fire station in the same area is kind of like a hole that sinks, and this is our -- this is water. Right? This is how we're collecting our runoff there. Is this similar? Are we going to have a large dip at the end of this? It's not really usable land. Right? It's just going to have some flimsy -- some shrubs and things planted around it?

MR. PALMER: Don't limit your mental image to -- to the one in front of the fire station. It'll be -- it'll be slightly different, but the intent is the same. It'll collect water.

MS. SHAW: Okay.

MR. PALMER: So I don't anticipate it being, you know, four or five foot deep like the one is there. That's intentionally designed to be a basin that's as aesthetic, has, you know, a little waterfall attached to it. Yeah. It's -- that's not what's proposed here.

MS. SHAW: Okay.

MR. PALMER: It's more of just a shallow lawn area basin.

MS. SHAW: But is it usable green space for people?

MR. PALMER: It is, yes.

MS. SHAW: My other question, and I think it was kind of addressed and answered, because I heard the same thing. I heard for sale and I also heard tenants. So are these -- are these going to be, like, rent-to-own kind of units or -- no. He will keep -- he will keep --

MS. LOE: Ms. Shaw, you need to speak into the microphone. I'm sorry.

MS. SHAW: Pardon me. Yes. So the owner plans to keep the property and continue renting for his own?

MR. GEBHARDT: That's the intent, yes.

MS. SHAW: So that is kind of all the comments I have for this particular design. I just overall want to say that we had brought up before the question of affordable housing when it was addressed previously. And in talks with Randy Cole with the City, we -- we were kind of just asking as a -- as a neighborhood, you know, what really is needed, you know. We want -- we want to be able to say that we can have equity across the City, and we want to be able to bring in mixed-income neighborhoods and is

this the kind of thing that's right for this kind of land use. And he pointed out to us that -- I mean, the number of rental units for families that are making under \$40,000 a year is -- is quite a bit lower. I mean, we're -- we're looking at -- so in 2017, the ACS five-year estimate showed that there were only 2,037 rental units in the City of Columbia with -- with monthly gross costs at \$500 and below. Well, there's over 11,000 households earning less than the amount needed to afford this. So there's a huge gap in the rental market for lower income families. And we have a lot of costs burdened families in the -- in the City.

MS. LOE: We do.

MS. SHAW: So how does the request to change from an R-1 to a PD, which is supposed to, in theory, benefit the neighborhood in many different ways, I ask whether or not this helps meet the need of our City overall, and --

MS. LOE: There -- there is need for housing in general, and I don't think we can mandate that a private developer develop it in a certain way.

MS. SHAW: I understand it's his land and he can do what he wants. I'm just -- the neighborhood has not been receptive to past plans. I think that we've come a little bit halfway together on things. I still think that there are issues with some -- some neighbors that maybe -- I don't know if it would ever be resolved.

MS. LOE: It doesn't sound like it from the letters. Some neighbors want to maintain it as a green open space, and that's not something we can mandate either, I'm afraid.

MS. SHAW: Yeah.

MS. LOE: Are there any questions for Ms. Shaw?

MR. ZENNER: If we -- and let me respond, because we did not answer one question as it related to her concern about the ditch along Green Meadows Circle.

MS. LOE: Yes.

MR. ZENNER: Most likely, and more than likely, as the site is graded, the open ditch that exists there today will be piped, and that piped ditch will have to discharge into -- since the water runs across their property, they will discharge into whatever detention is created on the site. So, no. Our sanitary trash collection folks aren't going to be going into a ditch to go fish out trash. The sidewalks are going to be at grade. This is -- that's all part of the site grading side and part of the final site development. So -- and we haven't gotten to that point yet. So it's really difficult for us to tell you what it will look like when it's done, but, typically, when you have open swale or open ditch on property, it's going to be piped and closed. The developer is required to contain the drainage that currently runs across this property and not increase its discharge from his property, meaning he's got to design his storm water in order to address everything that's currently coming to it and everything that's going to be additionally discharged from it being developed. So all of that comes as a part of the engineering design. Right now, we are just looking at the conceptual design of how they'll -- the development will fit into the property. Technically, there's a lot of other things that still yet have to happen.

MS. SHAW: I just hope that when this is considered that -- we already have neighbors in the

neighborhood who have really big problems because the development that's happening off of Green Briar, and we're filling backyards full of water and mud. And we -- obviously, not something that's going to give you a good -- good name with the neighbors. Right?

MR. ZENNER: Unfortunately, what we find in a lot of our older developed areas within the City, they do not -- they did not have to comply with the same design requirements that new development does today. What I can tell you is this site will have a far superior storm-water management plan associated with it than the Green Briar neighborhood or anything else that was developed around it given its age.

MS. LOE: Any additional questions for this speaker? Ms. Carroll?

MS. CARROLL: I'm going to ask an Anthony Stanton question because I liked this question when you asked it before. If you were the property owner, if you were in his shoes, given the challenges of this piece of property, what would you do with it?

MS. SHAW: I remember you asked me the same question when I was here before, so -- you know, I've thought about that, because I understand that it's not fair when someone has invested their money into a piece of property, I do think had they done maybe their due diligence and looked back and seen how far the neighborhood fought this previously, that they may have second guessed purchasing this piece of property. But, you know, at this point, I -- I do feel that there is a lot of development along Green Meadows. And as he said, you know, a thousand cuts, we've -- we've taken -- we have backup traffic from Lakota that fills up -- they pull -- try to pull into Lakota to get their coffee around 8:00 or 9:00 in the morning, and that -- everybody trying to make their left to make the right backs up all the traffic all the way back to the stop sign sometimes. You have this traffic light at Providence and Green Meadows that's also backing things up whenever it's bad. You have people in the evening that are trying to pull into the bars next to there. You've got -- I mean, we -- we are constantly fighting this -- I mean, you really do have to put on the gas when you're trying to get out between cars sometimes. And I've noticed that whenever the -- the circle went in at Forum and Green Meadows, this got exponentially worse because we are -- our timing seems to be -- there's cars constant, I mean, as they're flowing through that circle faster. So it has been a challenge for a people in this neighborhood to get out of their residential areas. So I would say that, you know, adding another 12 cars in the morning traffic, that while it may seem small, it could actually cause a lot of headache for a lot of people.

MS. LOE: Mr. MacMann?

MR. MACMANN: Ms. Shaw, how are you? I'm going to say something that's unpopular to your neighborhood. I really think this property should discharge onto Green Meadows Circle. I think everyone would benefit from that. And to respond to a couple of your other issues, some of your folks in the correspondence and everything, which Tracy was kind enough to forward to me, spoke about affordability and spoke about environmental impact. And I would strongly encourage you, all of you, to get involved in those issues because other cities have other solutions that we do not have. And the policies aren't written in stone yet, so you might spread that word. Thanks.

MS. LOE: Any additional questions? I see none. Thank you. Any additional speakers on this

case? Seeing none, we will close public comment.

### **PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion? Mr. Stanton?

MR. STANTON: There's been a lot of work on this project. I think it's been designed as best as it can be. The current situation, I'm glad he took the affordability out of the marketing ploy. Keep it real, it's probably not going to be within that realm. That's okay. Affordable housing can't fit everywhere, but, yeah, I'm glad we kept it real. I plan to support it because I think a lot of work has been done to make this work. I think everything that we've asked for -- yeah. I know there's a lot of the citizens that are not happy with it and they want it to be green space and that really, from a land ownership, land use policy, that's just not real. I mean, that's why I ask the questions I ask all the time. If this was your property, and somebody was telling you to leave it in grassland, and you've got taxes and thousands of dollars on the land, would that be a realistic, you know, request. I don't think anybody would agree that it would be. So I think the owner and the engineers have done their best to use all their tools that they had at their disposal to make a good project. This is far better than the one they had brought to us before. I know green space is an issue. I -- I think he's done the best win-win he could make out of the land that he's got at his disposal, so I plan to support it.

MS. LOE: Ms. Burns, before -- before I call on you, I just want to throw out a comment to Mr. Gebhardt so he can puzzle over this. I'm not going to open up public comment yet, but I want to just throw out some numbers. Just because Mr. Stanton raised the comment about green space, and I've raised that issue with lot size. And part -- part of my raising that question is I feel like this is the third project that's come to us recently as a PD that is sort of wrestling with our standards and trying to find a fit. I think it's also a offshoot of the UDC not having a working density bonus clause and, as a result, developers are -- and staff are trying to force something to work, but I do feel like we're getting a bit of sausage in the -- as a result. And you -- my -- my -- I'm black and white, and this is a little bit too arbitrary for me, which is why I am taking you guys through the wringer -- sorry, Mr. Palmer -- and calling you out on the floor when decisions seem to be subjective and arbitrary. And I -- I don't feel like we should be making up the rules on each project. I think we need -- we need to have a working density bonus that developers can go to, and we are not reinventing the wheel with every PD project that comes through. So one thing I want to throw -- I've been looking at the density bonus, Mr. Zenner knows, and one thing I'm puzzling through at the moment with it is coverage -- lot coverage, which is a factor our UDC does not include, and I have been looking at other codes and think it could be something that may help us. And I've run the numbers on this project, Mr. Gebhardt. And since I didn't have the lot width and depth, I had to make it up. I scaled it off your drawings, but I was coming up with approximately 3,100 square feet average lot size.

MR. GEBHARDT: You're actually -- do you want me to come up --

MS. LOE: No. No. No. No. I'm just -- you can double check -- I mean, you know the numbers better than I do, so I was coming up with approximately 3,100 square feet, and then about 1,150 square

feet on the footprint of the house including -- and I know -- I'm doing a really rough scaling. So roughly, I was coming up with about 37 percent coverage for the footprint. So I'm interested in a percentage of footprint of house size on the lot, and then I was also looking at pavement. And between the driveway and the sidewalk and porch, I was coming up with about another 417 square feet, which gave me a total between the footprint of the house and the paving about 1,560 square feet. On my lot of 3,100, I was coming up with roughly 50 percent. So if you could confirm whether or not we're about 50 percent total coverage on those lots? Oh. Oh, sorry. You can't comment until I open up public comment. If you can comment the percentages, I think -- because Ms. Geuea Jones was actually hitting on this, which was even though we're using the cottage standard for lot size, we're using, not to open that barrel again, you're using the setbacks for the attached -- or for the standard houses. So the green area is actually bigger, and you would get a more dense development with a cottage -- on a cottage if you were using straight cottage standards. So this is where I get to coverage. If we're hitting a coverage of 50 percent or less, I think we're doing fine. We're doing okay. And that's actually what I was seeing in a lot of other standards. So I would like to just put that on the record as part of this case study. All right. So if you could just check those numbers and I'll call you up later. Sorry, Ms. Burns.

MS. BURNS: Oh, no.

MS. LOE: Back to you.

MS. BURNS: I'm just going to circle back to the -- this project and what we've heard tonight, and correspondence that we have received. And, you know, I keep hearing this is a difficult site, and this is a tough site, and I guess I'm having trouble supporting it because I don't want to do just almost good enough. I don't think that's our responsibility to the neighbors when the significant opposition that we've heard and the correspondence that we've received. I do have concerns about traffic flow, parking, and -- and safety in the setbacks and the lack of green space. I appreciate the work that's gone in on this project and the changes that have been made, but I -- I still don't think -- myself, I feel like we have to do what's absolutely best. And given that it's a rezoning, I don't -- in good faith, I can't support this.

MS. LOE: Mr. MacMann, and then Ms. Geuea Jones.

MR. MACMANN: To your point of coverage, some of you may have been to my home. I know some of you have. My street are 3,850 to 4,000 square foot lots. Footprint of the homes are a little smaller than what Mr. Gebhardt has, 850 to 950. What I did, I was doing the math in my head. If I went zero lot line with my neighbor and we just took that space out, that's kind of what I have -- would have here. I love my neighborhood; I love my street. We all face each other; I really like that. My yard is already tiny, like tiny, and that's fine for maintainability. It's hard for me to imagine, although we do have one neighbor like this who is about the size of what he's doing, a larger home footprint or losing 15 percent of my yard, even though it was technically my side yard. I love my neighbors, but I don't want him, like, here. It's a little piquito for me. I'm actually going back and forth of supporting this. I will say this to you guys. You guys have come light years from where what this was before. That was, like, a no-no no go. This is very close, and I'm -- honest, I'm at a toss-up right now, and you guys will know when I



know. I appreciate all the work that was done. I think it still has some issues. I think Ms. Burns' issues of addressing the neighborhoods' concerns are very relevant. So because I haven't decided, I'm just going to shut up.

MS. LOE: Ms. Geuea Jones, then Ms. Rushing.

MS. GEUEA JONES: So I keep comparing it to what the owner could do today without us doing anything. And acknowledging that it's an oddly shaped thing and that may affect it, I think eight -- I think once you get into the setbacks -- if you wanted to do something without having to come and see us, I think you're probably closer to five on the lot, which is halfish of what they're bring to us today. And, I mean, I -- I would feel a lot more comfortable if we did have a right-in, right-out on that driveway and from the beginning, because all due respect to our City's traffic department and everything, if we want it, we have to ask for it now. We can't just hope that it happens some other time. But, yeah, I mean, I -- it's not as if this is a lot that can't be developed now in a way that would also provide housing and would also address traffic concerns and, you know, would take care of all these things. So I guess it's not really a question so much as a comment, but as to Commissioner Loe's first comment, why 12? If -- if -- if all -- if the answer to all of the why do you need these adjustments, why is this a difficult site is because we're putting 12 units on it or we're putting 16 units on it or we're putting 24 units on it. The question I have is, why are you spending the time and effort to come up with different PD plans and keep circling back here when today you could build somewhere between five and eight houses and either rent them or sell them. So that -- that's kind of -- you know, as we're discussing it, that's kind of where I keep coming back to all the concerns that we have could possibly be addressed by just using it in the way it is currently designated.

MS. LOE: Ms. Rushing?

MS. RUSHING: I'm where Mr. MacMann is, honestly. And my comment about green space wasn't that I feel that whole lot should be left as green space. It was with regard to the provision of green space within that development. And I look at if I lived there and I wanted to go outside and sit, where am I going to sit and what am I going to be looking at. And when you have porches that eat up part of your yard, that's good. You've got a porch. But it appears to me like that porch ends really close to the sidewalk. So visually, and I could not -- you know, it's possible I'm not visioning this correctly, I'm not seeing 50 percent of green space on that project. I'm not -- I'm not seeing -- if I'm -- if you're wanting older people, and I'm an older person, and you want me to feel like this is my home, I'm not seeing it on this development.

MS. LOE: Ms. Russell?

MS. RUSSELL: I agree with Ms. Burns. I don't think we can approve something that's almost. This -- this is much better than the last one, but it's not quite there. And the right-in, right-out is a big deal for me. Sitting on a porch and looking at Green Meadows or looking at a parking lot or looking at -- I just -- it doesn't feel right to me. And I want to support it because I know that they've worked so hard on it, but I just don't think it's -- it's quite there yet, so I don't think I can support it.

MS. LOE: Ms. Carroll?

MS. CARROLL: A lot of what I'm going to say has already been said tonight, but I'm going to put it out there on the record anyway, because I know you all have done the work. I can see that this plan is a lot better than the last plan. I can see that you worked with the neighbors. Unfortunately, I'm still just not there yet. And the reasoning, like Ms. Burns and Ms. Russell have said, is that the impacts are still there. The impacts to the neighbors are still real. It's a rezoning request from R-1, and it's associated with an increase of dead city in terms of unit per acre. No matter how you do the math on people, you can't be certain of that. The impacts are real and they have to be considered, and that's part of what we consider here. The challenges are real, as well, but both have to be weighed and I -- I'm just not there. I know that you've done the work and I know that it's a tough piece of land.

MS. LOE: Mr. Stanton?

MR. STANTON: I empathize with all my colleagues up here. I empathize with the owner and the engineers. I'm just going to say this. Ask our developers to sharpen their pencils and to give us their best product now. Ms. Loe, you brought up something very intriguing -- very, very intriguing. It sounds like a win-win, but is it too far away from us to get what you were talking about to increase green space using that equation? Could he adjust it at this time and still make it happen? I'm just asking.

MS. LOE: I think he's actually at that.

MR. STANTON: Got there. Okay. If that's the case, then that's probably a deal that can be made. Now, like I said, this is -- I remember the last proposal. It seems like these guys -- I understand that I'm -- if anybody that knows me, know I'm a citizen advocate. You know I listen to the neighbors. You know I think that's very impactful. It's just hard for me to -- this man has money on the table. We can't just -- you just can't just not consider that. And if we can make this -- it's just those little tweaks on green space or something like that that can make this happen, a right -- a right-in, right-out, whatever, and those little things can make this go, I think that can work. But we asked these people to sharpen their pencils and do the best they can to come up with a good product. And I'm going to be honest, this is one of those projects that it seems like the engineers have done splits, cartwheels, walk through fire, swallow swords and everything. I mean, I don't know -- and, you know, that was probably the main reason why we didn't want to do PDs anyway, but he has a PD and that was so that we could have wiggle room. Right? Because the whole reason why we defined -- why we revamped the development code was because we were trying to get out of this. Right? So you're right, maybe we do need to look at the codes a little more and -- but this is that gray. Our PD is a gray. And I know, Ms. Loe, you're saying you're black and white. This wasn't a black and white issue, and that's why it's a PD. So they're kind of rock and a hard place, but they done the work. I don't know. If just -- just a little tweaking, I think we need to try to make that happen.

MS. LOE: Ms. Carroll.

MS. CARROLL: He has an R-1. He's asking for a PD.

MR. STANTON: Okay.

MS. CARROLL: The thing that I can't get past is the money on the table, and it's a hard balance because he has money on the table and every single adjacent property has money on the table, too. And granted that it's a sizable piece of money for a sizable piece of land, but that's sizable times every neighbor. Their money on the table matters, too.

MS. LOE: He has R-1. We're asking people to build middle or missing middle housing. We're asking people to build more attainable housing. This is a proposal that's doing middle missing, and you're asking him to go back to R-1.

MS. CARROLL: I get that, but I don't think this is filling that gap.

MS. LOE: Mr. Toohey?

MR. TOOHEY: So in my opinion of studying the real estate market, adding these units isn't going to bring down the property value in that part of town at all.

MS. CARROLL: I -- that's true. But is --

MS. LOE: This is not a conversation.

MS. CARROLL: Sorry.

MS. LOE: Mr. Toohey?

MR. TOOHEY: That's all my comment is.

MS. LOE: Thank you. Any additional questions? Mr. MacMann?

MR. MACMANN: Just a comment. Council is going to enjoy this one. Ready when you are.

MS. GEUEA JONES: Excuse me.

MR. ZENNER: Ms. Loe?

MS. LOE: Ms. Geuea Jones?

MS. GEUEA JONES: I -- I don't know if this is a question for you as Chair, or for staff and legal, but I like the idea -- we've done it before on some things -- of saying we will approve subject to a right-in, right out. I think that handles a lot of the problems and so -- and I can wait until we get to after the motion if that's better. But I would suggest we consider as a Commission adding that caveat as we make this motion.

MR. STANTON: Madam Chair?

MS. LOE: Mr. Stanton?

MR. STANTON: Since we're going to talk about that, we might as well put it all on the table. Can we -- can we ask the engineer to come back up here and we make a deal, what can be -- you know, let's talk about green space. Let's talk about right-in, right-out, what he's willing to do as their owner, blah, blah, blah. Let's get it all on the table and see what we can come up with.

MS. LOE: We can open up public discussion again.

### **REOPENING PUBLIC HEARING**

MS. LOE: Mr. Gebhardt, if you can give us your name and address for the record.

MR. GEBHARDT: Yes. Jay Gebhardt, 3401 Broadway Business Park Court, Suite 105. The total green space on the site is on the landscaping plan at 51 percent. Each individual lot may have

actually more than that. And, you know, I just want to point out that that's a balance between addressing the neighbors' concerns for additional parking and providing the green space, because if we were to do the minimum parking required by -- by the code, I would have a lot more green space or something in between. So we felt it was more important to provide the 12 or three spaces per unit than to be concerned about the green space percentages. And right-in, right-out, yes. If you want to add that as a condition and vote on it, we'll respect that. What are the other questions you would like me to --

MS. LOE: Mr. Stanton?

MR. STANTON: What were your reservations with that? You sound kind of hesitant. What are your reservations about the right-in, right out?

MR. GEBHARDT: It's, like I said, unintended consequences of it. I haven't seen a right-in and right-out in this town that works really, really well. I think Ms. Loe's office has a new one, and I don't know if that one works very well, but they have issues of their own. And like I said, if I'm going back to town and I want to take Providence, I'm going to flip around Green Meadows Circle which just adds more traffic to where the neighbors didn't want me to put traffic. But it's -- I'm not going to let the tail wag the dog here. If -- if we feel like it's what it takes to get your vote, I will agree to it.

MS. LOE: I agree with Mr. MacMann that access off Green Meadows Circle seems to make more sense. Can you just --

MR. GEBHARDT: It does to us, too, but it is not what the neighbors want, and it was a non-starter with the neighbors because --

MS. LOE: All right. So putting the traffic on the Green Meadows Road is at the request of neighbors, so at this point, we can't --

MR. MACMANN: That would require a replat. We would have to rework that.

MS. LOE: I understand, but also we can't get into complaints about traffic on -- or concerns about Green Meadows Road because this step was taken in order to accommodate that. Mr. MacMann?

MR. MACMANN: I'd like to respond specifically to Mr. Gebhardt's comment, and I think he's correct. I've seen very few right-in, right-outs that work. Every right-in, right-out that's in this town in one of the directions, it is awesome. It's the best thing since sliced bread. In the other direction, I work in the neighbor's barn sometimes, I'm driving in a circle to go the other way all the time. It's, like, oh, I can't do that. But if I'm going where I'm like, someone coming home, this is fantastic. Someone going to work, it's a little problematic. But I'm with Commission Russell here, it's -- it's -- I am right across the street all the time. Traffic is a thing out here, and Ms. Shaw's issue which she raised about the bars and the coffee shop, it's a real thing. With due respect to Mr. Stone and his people, I think they -- I don't agree with their assessment. How about that?

MS. LOE: Ms. Russell?

MS. RUSSELL: The right-in, right-out, if they want to go to Providence, then they can go right to Bethel, turn left, and then hit that wonderful four-lane Nifong Road and head on out there, so --

MR. GEBHARDT: There you go. There you go.

MS. RUSSELL: I think right-in, right out is a necessary thing for this.

MR. GEBHARDT: Yeah. And we're okay with that.

MS. LOE: All right. Any other questions, comments for Mr. Gebhardt? I see none. Thank you.

MR. GEBHARDT: Thank you.

MS. LOE: Any other additional public comments? Seeing none, we'll close public comment.

### **PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion? Mr. MacMann?

MR. MACMANN: I have a motion. I don't want to step on anybody, but we've been here a long time. I just want to make sure that everybody has got the chance to voice their concerns. In the matter of Case 61-2021, Midland PD Plan, I move to approve with the following design adjustment whereby the -- I don't know what you call it -- driveway ingress-egress is right-in and right-out.

MS. LOE: Well, there were several design --

MR. MACMANN: And they have -- they have some other ones. Could you walk me through that, Mr. Palmer?

MS. LOE: Why don't we move to the slide that lists -- there we go.

MR. PALMER: I've got to find the first one. Okay. So the first one is the entrance onto Green Meadows, which is the restricted access. The second being parking in the front yard, and then the third being the rear setback reduction of 19 feet.

MR. MACMANN: I would submit these all need to be voted on separately.

MS. CARROLL: Yeah.

MR. MACMANN: Yeah.

MR. ZENNER: Well, the design exceptions -- typically, our design exceptions are actually included in as part of the actual PD plan approval. The condition associated with design exception number one, which is the authorization or the exception to allow the driveway on Green Meadows would be subject to that driveway being right-in, right out only. PD plan approval, Statement of Intent, and the Statement of Intent will need to be revised, as well, based upon your conversation to ensure that the rear setback is defined within the Statement of Intent from the common lot, so there is no question associated with that.

MR. MACMANN: That being said, Mr. Palmer, are you going to walk me through this? Are you ready?

MR. PALMER: I'll try.

MR. ZENNER: I can if you would like.

MR. MACMANN: Okay. In the matter of Case 61-2021, I move to approve with the following design adjustments and what's the proper verbiage here, Mr. Zenner?

MR. ZENNER: It would be you're moving to approve Case Number 61-2021 with the following design exceptions. An exception from Appendix A, Section 9 -- A.9 addressing the issue of an access onto Green Meadows Road subject to such access being right-in, right-out only.

MR. MACMANN: Yes.

MR. ZENNER: Design exception number two from Section 29-4.3(f)(3) related to parking and the required front yard setback, and design exception number 3, a reduction in the rear yard setback on the common lot, C1, of 19 feet.

MR. MACMANN: Yes and yes. I so move.

MR. ZENNER: And then you are also recommending approval of the PD Plan as amended.

MR. MACMANN: Yes, sir.

MR. ZENNER: Statement of Intent to be revised to include --

MR. MACMANN: To reflect the changes, yeah.

MR. ZENNER: -- a rear yard setback from Lot C1 for each of the individual 12 lots, and that will be it.

MS. LOE: It's a mouthful. The right-in, right-out was included on the driveway?

MR. ZENNER: On the first -- on the first design exception.

MS. RUSSELL: Second.

MS. LOE: Second by Ms. Russell. We have a motion on the floor. Any further discussion on this proposal? Mr. Stanton?

MR. STANTON: We have accommodated as many of the neighbors' concerns as we can. We brought the engineers up, made a win-win situation. We've got a good proposal on the floor. I'm just saying. Thank you.

MS. LOE: Ms. Burns.

MS. BURNS: I'm going to have to disagree with Mr. Stanton. I -- I don't think we've addressed the neighbors' concerns. I don't think we've addressed what came forward in the correspondence. I don't think that because we've made a few tweaks that we are -- have improved this plan to the point where it is a win-win. So I guess we'll just have to vote how we feel then.

MS. LOE: Any additional comments? Seeing none. Ms. Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohy. Voting No: Ms. Burns, Ms. Carroll, Mr. MacMann. Motion carries 6-3.**

MS. CARROLL: We have six votes to approve and three to deny. The motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council.

MR. ZENNER: And as a matter of -- as a matter of public hearing, due to the fact that this does not carry a 75 percent majority vote of approval, it will be under old business on the City Council agenda. All public comments that have been received since the publishing of the agenda will be included with the verbatim minutes associated with this meeting for Council's consideration.