

EXCERPTS
PLANNING AND ZONING COMMISSION MINUTES
JULY 9, 2020

Case Number 127-20

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 Godfrey PD Plan." The applicant is proposing a 4, 4-unit apartment buildings (16 units) with vehicular access onto Green Meadows Road. Their 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 the staff report, please?

MR. PALMER: Yes. Thank you, Madam Chair. This is a 1.45-acre property. It is located on the northeast corner of Green Meadows Road and Green Meadows Circle. The request would be to rezone R-1 to DD, and also the subsequent approval of a PD plan. Public notice was sent. Due to COVID, we did advanced public info postcards, as opposed to public info meetings. There were 13 of those postcards sent. There was also advertising in the Tribune on the 23rd of June, and property letters were sent to those same 13 recipients. Here is an aerial. You probably know the area. The Rock Bridge Christian Church over time has kind of parceled out their property, fire station on the west end, assisted living facility, kind of a group-home scenario immediately next to the church, and then this last piece is what is left, and is being proposed to be developed. The plan includes four multifamily structures each with 16 total units. they are two-bedroom units. They each have a one-car garage plus 18 additional spaces, and I should clarify up front about the parking. There was an error in my staff report. Basically, I counted spaces that we don't normally count in a multifamily arrangement. They are the spaces in the driveway. We call them tandem spaces. So there are a couple of mentions to the plan being over-parked by 15 spaces. That is actually inaccurate. That is over-parked right now by one space. So I apologize for that error, but in effect, they do still have the same amount of paving as if they weren't over parked, so. I will go on from there. So just some background information that we find kind of important here. In November, 2019, we held a concept meeting on this property where we discussed 14 single-family

attached units. At that time, staff believed that yes, a Planned District was appropriate on this property because of its unique location. It has a visually-prominent location on Great Meadows corridor. Of course, there is limited access. The previous -- I forget the arrangement now, but it was limited to access off of Green Meadows Circle unless it was multifamily, so that it plays into this a little bit. The shape of the lot kind of constrains development in a lot of ways, and also the proximity to residential neighborhoods and heavily trafficked intersections provides kind of a hurdle to jump when it comes to the access issues and also the density. So, we are hoping for some creative solutions from those in the PD, if they would permit that. We discussed project density at that time, and staff believes that 12 units was probably the cap that should be allowed on the property, which comes out to between eight and nine units per acre, which is fairly similar to neighboring properties, but it is also kind of a transitional density between some more multifamily-type arrangements on the east -- to the east of this and also single-family to the north and west. So there is was kind of that exchange from commercial on Providence corridor to multifamily to something between multifamily and single-family and then onto the existing single-family to the north and west. So back to this current development plan. It depicts setbacks which are shown on the Rock Bridge Christian Church Plat II, so they wanted to honor those setbacks, but as it turns out, because they have switched this to multifamily, they sought access onto Green Meadows Road, and therefore, the setbacks are in effect backwards. They have a 25 foot setback on Green Meadows Circle, 15 on Green Meadows Road, and 20 on the western property which is being offered as a buffer between this multifamily development and Rock Bridge Christian Church. Staff believes the setbacks are inconsistent with the proposed development. They are based on our R-1 zoning, the 15 foot setback on Green Meadows Road is particularly important here because it creates an issue with spacing and also visual prominence. Obviously, the multifamily structures can be imposing in size, and especially when they are roughly 18 feet off the edge of the pavement for Green Meadows. They would create a bit of a visual impact, I guess I should say. The other aspect that we considered here, too, was that the other multifamily or, kind of, condos to the southeast are all screened from the roadway, the vegetative buffers and berming, and this project does not propose any of that. So it is a little out of character with what exists out there today. So the setbacks are a modifiable element of Planned Districts, so therefore, the plan can be arranged the way they have it with the setbacks honoring the Rock Bridge Christian Church

Plat II. It would just be a consideration that you will basically vote on with the approval of the plan. So if you approve the plan, you approve the setbacks. Again, access here is proposed from Green Meadows Road. It is permitted because it is multifamily, so the previous arrangement is null. Staff does support the arrangement facing Green Meadows Road because it limits traffic impacts on Green Meadows Circle, which is effectively the entrance to at least two kind of secluded single-family neighborhoods, and also further back, it accesses a number of other homes beyond that. Another aspect is a design exception for the building's front entrance away from the street. Section 29-4.7F states that all buildings should have an operational entrance facing the street from which they are addressed. The building to the east, if you can see on the plan there, it actually faces to the west, which is away from both major roadways, and they don't currently have a doorway facing either of those streets. So staff believes that approval of the design exception would diminish the aesthetic quality that could be reached by having a front entrance facing that street, and also it diminishes a sense of arrival, and it is counter to the provisions of the comprehensive plan. So staff views the requested exception as evidence that the proposed development exceeds the capacity of the property. Basically, it is hard to tell from this, but given the setbacks and the size of the building, it is actually pretty difficult to fit a building in there facing to the south, or oriented to the south. So the other option would be to orient it to the west, and the applicant has indicated that they would prefer not to do that because of additional sidewalk construction and ADA accessibility and other aspects. So it would be difficult to reach ADA accessibility if they have to traverse around the building, so. So staff does a degree, in conclusion, that Planned District zoning is appropriate, and they said there are a number of issues here that straight zoning just does not permit an easy answer for. The Planned District should allow for those creative responses to those issues. Proposed development is maximizing density without design innovation, open space, or amenities, which are all core purposes of the Planned District. Setbacks, again, should be re-established to fit the building arrangement. I believe that a larger setback on Green Meadows Road would be greatly beneficial. So, also, the 2019 concept plan that I showed you is actually much more appropriate in this location. It better supports the goals and objectives of the comprehensive plan, and that is exactly what we talk about when we say we want creative answers for those site issues, so. So our recommendation would actually be for denial of the Godfrey PD Plan and also the associated design exception, which is kind of implied. I would be happy to answer any questions.

MS. LOE: Thank you, Mr. Palmer. Before we move on to staff questions, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all commissioners have the same information to consider behalf on this case in front of us. I see none. Are there any questions for staff?

STAFF COMMENTS

MS. LOE: Mr. MacMann.

MR. MACMANN: Thank you, Madam Chair. Clarification, Mr. Palmer, I think I follow what you wrote better than what you said. How many bedrooms, 16 times two?

MR. PALMER: Correct.

MR. MACMANN: Okay. You said four units, 16 each, which is way more. So, there are 32 bedrooms.

MR. PALMER: There are four buildings, four units each, and two bedrooms.

MR. MACMANN: The second question is as follows: There have been things proposed here in the past, which received a fair amount of pushback. I am a little surprised there is no traffic study here because this is a long-expressed concern that we have no traffic studies ever.

MR. PALMER: That is correct. I am not a traffic engineer, but they did review it, and I am assuming it did not reach the 100 per daily trips at peak hour that is required for a traffic study.

MR. MACMANN: We will debate that another time. Thank you, Mr. Palmer. Thank you, Madam Chair.

MS. LOE: Any additional questions for staff? Mr. Palmer, I have a question. You mentioned that the applicant was not interested in west-facing entrances because it would be more difficult to construct accessible entrances?

MR. PALMER: That is from the conversation I had with them, yes, but I would allow them to expand on it when they are to comment.

MS. LOE: All right because one of my observations was that I don't see an internal sidewalk system, and I don't see an internal accessible route connecting the accessible parking to the entrances, or to the dumpster area, or to the public sidewalks. So I am a little bit concerned this doesn't meet Fair Housing Act requirements.

MR. PALMER: Okay. I'll let them expand on that.

MS. LOE: Any additional questions? Seeing none -- Sorry. Ms. Geuea Jones?

MS. GEUEA JONES: I'm sorry. I didn't want to pull out my laptop. Would you remind me what is currently zoned for?

MR. PALMER: Yes, it is R-1, single-family.

MS. GEUEA JONES: Okay, and it is a 1.45-acre lot?

MR. PALMER: Yes.

MS. GEUEA JONES: Okay. Thank you.

MS. LOE: Thank you. Any additional questions? Seeing none, we will open up the floor to public comment. If you have any public comments to share in this case, please come forward and give your name and address for the record. We do keep comments to three minutes, six minutes if you are speaking for a group or a neighborhood association.

PUBLIC HEARING OPENED

MR. TACKETT: Thank you. It is Bill Tackett, 1311 Westview Terrace, Columbia, Missouri, here on own. I've got to tell you, I was a prosecutor for 20 years. I've never been in a more pleasant, noncontroversial place in my life. This is unreal. I hate to be the one that kind of breaks the egg on this. So what you've got in two minutes and 45 seconds is a piece of property that if you come up onto it on Green Meadows, it splits into Green Meadows and Green Meadows Circle, as you can see. The traffic here slits, go around because it is so heavy. So, where you have them driving out really doesn't matter. It has to do with the mere volume, and what you all know because you live in Columbia is that when you go south of Stadium, what artery do you have going east and west before this? You don't. This is it. All right, unless you want to go on down and get into the morass that is Nifong Road. So, for property development that is fine, but this particular piece is a bad idea, and I don't know why there wasn't a traffic study. If you go out there, you don't need a study. Just pull up there at 5 o'clock, and you will see the problem. In the aesthetic portion of -- it is kind of like this particular piece of property is the last one available, and it is just hitting at the wrong time. It is just the aesthetics of it would be just a disaster. The traffic is terrible, and if you have other arteries -- I wouldn't have shown up tonight. I was in my suit, I should have kept in on being in court. I feel like I am underdressed. You know, I wouldn't be here if this

weren't something that really needs to be studied really hard because of what you're going to put people through driving through there. Have I exhausted my time? You can tell I do closing arguments. I have. Okay. So it is the aesthetic portion of it. It is the part where no matter where you put the driveways pulling on and off, and you make the argument there's only 32 bedrooms. All right, but go out there at 5 o'clock, and throw this on top of that, and that general area has been so heavily developed on that particular artery that, you know, I'm in Lake River Elm, and none of them are here, but if they were, they would tell you the same thing. It is just difficult people to come to a hearing like this. So, are there any questions from anybody?

MS. LOE: Any questions for the speaker? I see none at this time. Thank you, Mr. Tackett.

MR. TACKETT: Thank you.

MS. LOE: Any other speakers, comments on this case? I see none. We did receive several e-mail comments on this, so people have been writing in. If no one else is here to speak, that closes public comments.

PUBLIC HEARING CLOSED

MR. ZENNER: If I may, Madam Chair, those comments that you just referenced, as well as the corrections and staff reports that Mr. Palmer noted, will be incorporated into the continued case, if that is your choice. Again, the applicant has requested a tabling to August 8th, or 6th. I apologize. August 6th, and the hearing would pick up. We would, again, give this same staff report in order to allow the applicant an opportunity to respond to particular questions and to refute findings and the staff report.

MS. LOE: So our options at this point are to move to table?

MR. ZENNER: It would probably be advised that it would be moved to table, which would continue the public hearing, and given the fact that that is the customary action generally the Commission affords to an applicant seeking to have items tabled. We want to play fair across the board with all our applicants, given the fact we have public attendance on an advertised item, we advise to open hearing.

MS. LOE: Thank you. Mr. MacMann?

MR. MACMANN: Before we get to a motion, I have a question for staff, and this might be a question for legal, also. These are extraordinary times, and Mr. Gebhardt's firm, what he did on this

particular development. Mr. Gebhardt's firm has been hit by COVID. I would like to move that this tabling does not count as one of the tabling's against him. Is that problematic?

MR. MCMANUS: I hate to say this. I don't know what ordinances there are on this.

MR. MACMANN: I was kind of glancing around trying to find them. I figured legal might be able to answer this question, and I don't know if you can answer that question, either. It certainly is something that we have not experienced before, but we need to keep in mind because there may be things due to the pandemic that are out of everyone's control. He gets -- it is two with the Commission having the option to extend it, as long as they are not over -- and let's keep this in mind that Mr. Gebhardt's firm, or anyone else in that situation, it would probably behoove fair play and due process that we don't count COVID against anyone. I just want to get that out before we moved on. Thank you.

MS. LOE: As a point of clarification, is A Civil Group the only agent that can represent the case at this hearing?

MR. ZENNER: If you are asking if the applicant, who is Bedrock, would be capable of representing themselves, yes. It does not require A Civil to represent. There is no requirement, such as an attorney or a licensed professional engineer, to represent the request. So, if by the requested tabling date A Civil is unavailable to attend, I would imagine that would be making arrangements to have somebody here.

MS. LOE: Thank you.

MR. MCMANUS: If I can have one thing. I think we would want to have some indication that a substitute has actually been authorized by the owner.

MR. ZENNER: Okay. I was referring generally to our -- to the actual owner representing himself, not having to have the applicant, but if he is -- if the owner would choose to not have A Civil, then, yes, we would require a property owner authorization form to be submitted designating another agent which the property owner has submitted and that designation was for A Civil to represent them. So if that they do need to get a different agent to represent them, aside from themselves, we would need to have a new form.

MS. LOE: Mr. MacMann.

MR. MACMANN: Just another point. That sounds fine and fantastic. I wouldn't want anyone to accrue an additional financial burden because they have one strike against them. We just want to keep that in mind if the owner is unable or unwilling to represent themselves and A Civil is not in play, we, you know, we are asking them to spend more money, and I'm not saying this is good or bad. I am just saying we need to keep this stuff in mind as we go forward because we could very well have this situation again. So, I don't need an action on that. I just wanted to bring that out. Thanks.

MS. LOE: Any additional comments? Ms. Russell?

MS. RUSSELL: I have a motion. I move to table Case 127-20, the Godfrey PD Plan, to the August 6th Planning and Zoning Commission Meeting.

MR. MACMANN: Second.

MS. LOE: Second by Mr. MacMann. We have a motion on the floor. Any discussion on that motion? Seeing none, Ms. Burns, may we have roll call, please?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing. Motion carries 8-0.

MS. BURNS: 8-0. Motion carries.

MS. LOE: Thank you. Recommendation for tabling shall be forwarded to City Council. That brings us to public comments?