

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**August 24, 2023**

**Case Number 222-2023**

**A request by A Civil Group (agent), on behalf of Southside Development, LLC (owners), for approval of a PD Plan for Lots 14B and 14C of Woodrail Subdivision Plat Number 3, to be known as "Lot 14B & 14C Woodrail Terrace Plat 1, PD Plan." The 0.55-acre subject site is located near the south end of Woodrail Terrace, a loop street, with each lot having frontage on the east and west sides of the street and sharing a common rear lot line.**

MS. GEUEA JONES: May we please have a staff report?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the proposed, "Lot 14B & 14C Woodrail Terrace, Plat 1 PD Plan," and the associated statement of intent. Alternatively, the Planning Commission could approve the proposed development plan conditionally, pursuant to a revised setback on the southern boundary of Lots 14B and 14C.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had any contact with parties to this case, please disclose so now. Seeing none. Any questions for staff? Commissioner Carroll?

MS. CARROLL: Thanks. I think I missed that last part that you were saying. So their SOI has a minimum of 40 percent open space. You think based on their building envelope, it will be greater or less than the previous 44?

MR. PALMER: No. So they are -- they're proposing a minimum of 40 percent on their statement of intent.

MS. CARROLL: Uh-huh.

MR. PALMER: The setbacks, when measured out, equal 44 percent, and then also this is a building envelope, it's not necessarily indicative of how large the homes would be. They don't necessarily fill the entire envelope, so it's anticipated that it would be 44 plus as the final count on the open space.

MS. CARROLL: Forty-four plus open space. Okay.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: I have a comment and I'm going to repeat this probably twice. I want to have this on the record for Council, and I hope they do listen to it. Had this density been put forward in my neighborhoods, it would have been shot down and not by this Commission. Thanks.

MS. GEUEA JONES: Any other questions for staff? Seeing none.

**PUBLIC HEARING OPENED**

MR. GEBHARDT: I'm going to need your help. I've been presenting to you guys for 30 years, but I've never used this. Good evening, my name is Jay Gebhardt; I'm a civil engineer and a land surveyor with A Civil Group here in Columbia. And I have the unique privilege that I actually did the 2000 plan for the three owners that were going to build the three single-family homes, so I'm pretty familiar with the site. So that was the original site plan. As Rusty did, and he did a great job in his report going through all the details here. But essentially, this slide just shows you that the original setbacks or separation between the buildings on the west was ten feet, and the separation from the building to the screening wall was four or six and a half feet. Of course, this is our PD plan, which Rusty showed you, and the owners of these lots have been working with an architect to come up with the plans for villas. And this is the current footprint of the plan, and no one has seen this until now, so that's -- I apologize. We did have a meeting with the neighborhood association. I wasn't able to attend, but one of my engineers was there, and this -- this was not presented at that time because it -- they didn't exist. But from this, you can see that it's basically going to be 14 feet between the buildings. I have the ability to change that five-foot setback. I would probably agree to change it to six foot just to give me a little bit of wiggle room on the lot and not make it exactly seven, if -- if that's important for you. And I know tonight we have people here in the neighborhood to speak for and against this. And I just want to be respectful to them that we -- we realize this is an infill development and it does impact an existing neighborhood. As far as the density is concerned, or go I'll go ahead and do this. This is the current -- current renderings for the two units. This is the one on the west side, and this is the one on the east side. And, you know, to sum up what we're doing is we're taking a lot that originally had four units on it, and we are putting five. And that may or may not be acceptable, but we think it is, and we believe the villa concept that we're proposing actually is -- fits in with the neighborhood more than the single family did because there's only two single families in this loop. The rest of them are attached single families. So, you know, that, I think, is it in a nutshell is -- is that density appropriate? The setbacks that we're providing are probably greater than what the existing plan provides, so we feel like, you know, it's going to be your typical infill development where it's going to be difficult to get, but once we're done, I think it will fit in and fit the neighborhood well. So I'll be glad to answer any questions that you might have. Yes?

MS. GEUEA JONES: Thank you. Commissioner Carroll?

MS. CARROLL: Yeah. I'm interested in this building footprint because this is the first time anyone has seen it. Yeah. I don't see a lot of dimensions marked of the footprint itself. Did you do any lot coverage calculations on this?

MR. GEBHARDT: I did not.

MS. CARROLL: Okay.

MR. GEBHARDT: I do not know that.

MS. CARROLL: Yeah. I've been trained to extrapolate that from the -- from the setbacks and the

dimensions of the lots.

MR. GEBHARDT: Right.

MS. CARROLL: It's a bit on an -- not -- yeah. On the oddly shaped lot, it's a bit hard to extrapolate.

MR. GEBHARDT: Right. I would -- I would assume that we have at least 50 percent open space when we're -- when you take these footprints, because we had 44 percent with just the setbacks, the five foot, the 25 and the 20.

MS. CARROLL: Right.

MR. GEBHARDT: So I believe, you know, the footprint, as Rusty pointed out in his staff report, doesn't fill the entire envelope on that.

MS. CARROLL: Yeah. I'm trying to compare to the lot coverage as opposed to the open space.

MR. GEBHARDT: Well, you know, and it's a good question, Valerie. The -- the massing of these buildings, the single-family homes were huge. I mean, they're big homes that were planned here. So the massing of the structures is pretty similar as far as what would be built on the lots. The single-families that are proposed had large patio areas and pool areas and a lot of that type of amenities built into it, so I do -- you know, again, being as respectful as I can to the existing neighbors, I just want to -- I do believe this is -- will fit in. It's in character with the original plan and although there was a plan that I did that showed single families, those single families were approximately the same size footprint as these. And so, from that, you would get down to we have five units instead of four from the original plan, or three from the 2000 plan, however you prefer to look at that.

MS. GEUEA JONES: Thank you. Commissioner MacMann?

MR. MACMANN: Just a clarification for Mr. Gebhardt. Mr. Gebhardt, I am not opposed to this density. I'm just saying that the efforts by this body to apply it in other areas have been unsuccessful, so thanks for trying to fit stuff in.

MS. GEUEA JONES: Any other questions? Seeing none. Thank you very much.

MR. GEBHARDT: Thank you.

MS. GEUEA JONES: Next speaker on this case? Just a reminder. Your name and address for the record, and three minutes for individuals, six minutes for groups.

MR. ROPER: Thank you. Bob Roper, representing myself and my wife, Ellen Roper. We live at 3404 Woodrail Terrace, which is right across from the subject lots on the east side. It goes without saying that a property this valuable is clearly going to be developed into residential space sooner or later. I haven't been speaking in favor of this because I happen to think that this will be congruent with the rest of the development. It'll be a nice addition. I know the developers. I know the quality of their work because I've seen a lot of it over the years, and so I'm speaking in favor of it because I personally think it will be very good for our neighborhood. It will increase property values, and I have no problem whatsoever with that going up across the street. As you see the renderings and everything, I think it's perfectly congruent with where we live, and I hope that it is -- it is passed overwhelmingly. I don't speak for anybody else, just

my wife and I. If you have any questions, I'll be happy to answer them.

MS. GEUEA JONES: Thank you. Any questions for this speaker? Seeing none. Thank you very much.

MR. ROPER: Thank you.

MS. GEUEA JONES: Next member of the public to come forward? Don't be shy.

MS. TOWNSEND: My name is Martha Townsend; I live 3403 Woodrail Terrace in the two-unit building that is right next to the lots that we're talking about. My husband --

MS. GEUEA JONES: Oh, I'm sorry. Could you pull the microphone down towards you.

MS. TOWNSEND: My husband, Clark Swisher, and I, are not in favor of the plan as presented tonight. We'd like to see more green space and more green area around the new structures that are going in. We think they're going to be too tight and detract from the open green spacious feeling that we have now. We have lived there for over 30 years. We bought our house in 1992, and we're used to having a lot of green space. These units are going to eat up a lot of the land they're on. I'd like to see a more thorough study done of how much footprint they're taking up on the land that they're sitting on relative to the other houses in the neighborhood, and that -- those number should be pretty easy to calculate. I would think that would be easy to come up with. Happy to take any questions you might have of me. Thank you.

MS. GEUEA JONES: Commissioner Stanton? Go ahead, Commissioner.

MR. STANTON: What would make you happy? I want a win-win. If you were -- if you were in their shoes and this was your land, and you were talking to yourself, how do we make that -- what -- what things does the architect, the engineer, everybody need to do?

MS. TOWNSEND: That's a wonderful question. I'd love to have a win-win for the neighborhood, too. I would -- I would like to see a survey done of the percentage of house footprint on each -- each plot compared to what's being proposed. I -- I would just like to have those percentages and proportions lined up so that they are even, if you will.

MR. STANTON: So if they were to give you a little more green space --

MS. TOWNSEND: Yes.

MR. STANTON: -- and it was economically feasible, put yourself in their shoes --

MS. TOWNSEND: Uh-huh.

MR. STANTON: -- you would be okay with this?

MS. TOWNSEND: Yes, sir. We look forward to having houses on these lots, even though they've been empty for so long, and that emptiness contributes to the neighborhood, as well. We look forward to having neighbors and lots there. Just build the structures in the same percentage of green space around them that all of the other houses have. That would be the win-win situation. Other than that, I agree with all of the points that Bob Roper brought up. He's a former president of our neighborhood association. I previously served on our architectural control committee. We love the neighborhood. We just want to see the open feeling maintained. The renderings that were overhead

tonight, again, it's the first time we saw them, despite the fact that we had a meeting with the developer several months ago. Those -- those were not shown to us. So it's a wonderful question.

MS. GEUEA JONES: Thank you. Any other -- go ahead, Commissioner Stanton.

MR. STANTON: Do you live in a multi-family?

MS. TOWNSEND: Two unit. We have a two unit with a zero-lot line. Uh-huh.

MR. STANTON: You're not opposed to the active building?

MS. TOWNSEND: Oh, not at all. Oh, no.

MR. STANTON: You just want --

MS. TOWNSEND: Not -- not opposed to the zero-lot line concept at all. That's what most of the dwellings in the neighborhood are.

MR. STANTON: Okay. Thank you, ma'am.

MS. TOWNSEND: I know that the owner of the house is going to speak to you, as well, and I would like to -- I read what her notes are, and I strongly support what I know she is going to tell you. And I would like to urge you to vote against this proposal as it is presently lined out. Thank you for hearing --

MS. GEUEA JONES: Thank you. Any other questions? Seeing none. Thank you very much.

MS. TOWNSEND: Thank you for hearing me.

MS. GEUEA JONES: Next member of the public who wants to come and speak? Come up. Staff can assist you.

MS. ATWOOD: All right. Thank you. All right. Good evening, I'm Tracey Atwood, 3411 Woodrail Terrace, which is Lot 14A, part of the original or the replat of 14, so if I may come around.

Ms. GEUEA JONES: No. You need to stay at the microphone. I'm sorry.

MS. ATWOOD: All right. Well, then I don't know which one of the --

MS. GEUEA JONES: This is current, and this is proposed.

MS. ATWOOD: All right. Current, if you can note in the middle where the three conjoin would answer some of the questions you had -- excuse me, Ms. Carroll -- regarding lot coverage calculations. You might be able to note the green space is proposed to what the original plan took into account, which would be the three homes were on each lot located -- yes, the massing is similar, but the setbacks were drastically different. The original plan took into account the slope of the land and the water drainage. There is a significant water system underneath B and C that drains water out and around from my house down to the street. It has worked very well for 20 years. There have been no problems. And also the removal of the retaining wall and to allow to redraw the lot lines and put four in there. The -- the footprint that you see on the proposed is because we didn't have anything else to work with, so we took the square footage, if you built out at 4,000 -- I mean, at the maximum rate to cover the lot, and then -- and go upward. And the other big concern I have is this setback is, I think, what he's asked for in the proposal, a 35-foot wall, which would be at five feet out my back door off my property line, so I could -- if you would turn around, it would be three times the height of that wall, five feet off your property line. So the setbacks are of great concern. I would like to see something resubmitted that more closely resembles the

original plan and keeping that center area open and not so congested and boxed in. I think that defeats some of the aggravation of some of the neighbors that we're losing this green space and having two big chunks of the building. I realize this is going to be developed one day. I think Travis is a good builder, but this proposal, as submitted, was vague enough to raise concerns because there are no architectural plans submitted. We have not seen, you know, a footprint, per se, where the driveways would be, how many driveways, because if you've got four cars added to each unit and garages, space for that, it's going to a massive consumption of the lot. So that's a huge concern, that the setback. I'm just looking for a good outcome, but maybe something resubmitted that would accommodate the neighbors' wishes and more closely approach the original PD plan and in terms of concept and thought that would blend in better with the neighborhood.

MS. GEUEA JONES: Thank you very much.

MS. ATWOOD: Thank you.

MS. GEUEA JONES: Any questions for this speaker? Commissioner MacMann?

MR. MACMANN: Thank you for all of the effort you've put into this.

MS. ATWOOD: Well, it was -- I thought it more helpful to illustrate it.

MR. MACMANN: I have concerns. What's -- your house is the bottom one at the end of the peninsula.

MS. ATWOOD: Fourteen-A; correct.

MR. MACMANN: Okay. Where is your driveway on that?

MS. ATWOOD: It's on the side. The gray areas are cement.

MR. MACMANN: That's -- okay.

MS. ATWOOD: Yeah.

MR. MACMANN: It appears from the map and from the photographs that -- and from what you just said -- that the lot behind you is up and immediately -- an immediate hill next to your property?

MS. ATWOOD: It is.

MR. MACMANN: It is. I have grave concerns about storm water, despite anyone's assurances to the contrary.

MS. ATWOOD: There is a collection drain there, but there is a collection basin on 14, and the piping traverses C down to this drain. So it was a great concern to the builder of the home. He went to a lot of effort to install a system by Bio-Gard.

MR. MACMANN: Uh-huh.

MS. ATWOOD: It's underground. And that wall comes out -- that retaining wall that runs north-south, there will be a lot of excavation to do that, so I am really concerned about the rerouting of the water.

MR. MACMANN: I'm concerned about the impervious area and the short amount of space to do any sort of effective bio-retention unless it's a giant gutter. Does the water currently run off that property into your yard in any quantity?

MS. ATWOOD: It -- I've never had, other than towards that drainage collection basin, I've never had water in the basement or my yard, any pooling.

MR. MACMANN: You've never had water in the basement. You are the rarest Columbia resident ever.

MS. ATWOOD: There was a lot of effort to keep it away from the house, yes.

MR. MACMANN: Tell me more about this retention wall if you would. It was initially installed to help with storm water, or why is it there?

MS. ATWOOD: No. Again, which -- is this the original?

MS. GEUEA JONES: That's the original.

MS. ATWOOD: Original. In the original, there was going to be patio, pool space against at least two of the walls, at one point, maybe even one big pool. Mr. Gebhardt did it with this.

MR. MACMANN: Just to the best of your knowledge, that's fine. I'm not --

MS. ATWOOD: Yeah. So that -- that kept the space open in the middle and I think it was just to hold structurally whatever they were going to put against it, and to hold back earth. I mean, there's -- it's a great -- there's a slope and a grade to that lot.

MR. MACMANN: Yeah. There is a fair amount -- I have one in my front yard, that's why I was wondering. I appreciate your time and the energy you put into this. Thank you very much.

MS. GEUEA JONES: Any other questions? Commissioner Stanton?

MR. STANTON: Well, the same question. Well, I guess you would have got the answer.

MS. GEUEA JONES: Mr. Stanton, will you speak into the microphone?

MR. STANTON: I don't have a particular question just yet. I've got to chew on your information here first.

MR. FORD: Do you have a basement or is that slab?

MS. GEUEA JONES: Oh. Commissioner -- sorry. Commissioner Ford, go ahead.

MR. FORD: Are you a slab home or a basement home?

MS. ATWOOD: No. I'm -- it's a basement, and I'm trying to keep it dry.

MS. GEUEA JONES: Any other questions? Seeing none. Thank you very much.

MS. ATWOOD: All right. Thank you.

MS. GEUEA JONES: Any other member of the public to speak on this case? Last call.

MR. MCGEE: Hello. I'm Travis McGee at 308 South Ninth Street. I'm one of the developers of South Side Development. And what I was hearing here tonight, I appreciate your consideration for a project. I'm open to questions. I just wanted to let you know that -- and this is an area that I'm, you know, particularly familiar with. I was born and raised just down the street. I'm actually constructing -- I'm building a house just down the street right now, as well, with the intention of doing these condos as well on the site. So we think it's going to be a fantastic development. We like the site. We think it's going to fit in with the neighborhood association. We've had our meetings with the neighborhood association and the homeowners association. We sent out letters and, you know -- you know, I'm -- just like all of you all

have said, I'm trying to get along with the neighbors on this because I've got to live here, too, as well. Right? And it's my intention of keeping one of these -- those for my family, as well, so I want them to be nice and I want everybody to be happy. Just want to open up question.

MS. GEUEA JONES: Thank you. Commissioner Stanton?

MR. STANTON: Travis, how are you doing?

MR. MCGEE: Hey. Good.

MR. STANTON: Convince me that these fears of the storm drainage have been addressed and how? Do you see what they're --

MR. MCGEE: Well, yeah. I see -- I see what you're saying. And I -- I think actually the villas that we're building, Anthony, are going to be advantageous and better for the storm water. One is because we're going to actually be able to capture the water. Her storm drain that she has behind her house, Ms. Atwood, Jay designed it. He's the same civil engineer I'm using -- using for this project. Part of the reason why I'm using Jay for this project is because I knew he designed that storm-water system, and I wanted to be able to capture this water and make it right. When we build the villas, and we do create more impervious surfaces, it enables me and Jay to actually capture the water -- to actually capture the water, make sure it goes where it needs to go. And -- and I believe, in my opinion, that Jay and his engineers will actually be of benefit in protecting her home from any water runoff in the future. And I wasn't -- I was under the understanding that she had a slab house, but I didn't realize that -- that the -- where her garage level was, there was another subterranean basement underneath that. I'm not sure if that's accurate or not, but I didn't know that.

MS. GEUEA JONES: Mr. Stanton?

MR. STANTON: Don't dismiss Travis yet. Mr. Travis, her concerns about green space --

MR. MCGEE: Right.

MR. STANTON: -- do you have any wiggle room? I don't want to see this go down. I like the design.

MR. MCGEE: Right. Right.

MR. STANTON: I think we're almost at a win-win. What can you do to make your opposition happy? Is there a thing out -- anything else you can do, anywhere you can fudge on some green space?

MR. MCGEE: There's a little room, like Jay had said in his opening comments -- Jay Gebhardt -- on the setbacks. Unfortunately, you know, the setback from Ms. Atwood's house and this lot, her setback is actually a rear lot line, which, you know, is -- I believe she has six and a half feet, and ours is going to be a five and a half or six-foot setback. So it actually ends up being a total of 14 feet. Typically, a rear setback, as Rusty's comments were shown, it would be 25 feet. We're asking for a 20 behind ours. So behind hers is only a, you know, six and a half foot. So that's part of what we're running up against with the storm water, too, because there's not as much room to -- to capture and make sure that goes in the right locations, but I think -- I think that, you know, having Jay being the engineer of record for that storm sewer system, and us being able to capture and create, you know, collection drains and -- and roof

drains, and whatever Jay designs to make sure that we capture this water, I think it's going to be a benefit. I really do. Right now, it's just an open green space lot, like it would be a field, and you've got to see how, you know, water, you know, it rains on the fields, and some of it soaks in, but a lot -- all of it has to go somewhere to allow all this to run off. If we can capture it and get it into the storm drain system, I think she's going to have less runoff on her property and the neighbor properties for that matter than she has now. Does that answer your question?

MR. STANTON: Thank you. Yes, sir.

MS. GEUEA JONES: Commissioner Carroll, go ahead.

MS. CARROLL: I may have some questions for Jay Gebhardt. Are we allowed to --

MS. GEUEA JONES: Why don't you ask and see, and if we need --

MS. CARROLL: All right.

MR. MCGEE: Yeah. You can ask me, yeah. I mean, as far as the green space, like Anthony was talking about, whether, you know, you're going to 44 percent and 50 percent, I mean the only --

MS. CARROLL: So, yeah. I think we've got the percentage, at least approximate.

MR. MCGEE: Yeah.

MS. CARROLL: What I thought I understood from Mr. Gebhardt is that he was potentially able to go up to a six-foot side yard setback. Is that accurate? Is that something that you would be amenable to, as well?

MR. MCGEE: Yeah.

MS. GEUEA JONES: Jay, you're going to have to state your name and stuff for the record again.

MR. GEBHARDT: Yes. Jay Gebhardt, civil engineer, A Civil Group, 3401 Broadway Business Park Court. Our footprint that the architect has provided us, we have the ability to have that building seven feet from the property line. I said that we could go to six foot, and the reason I picked six foot is because if this was R-2 --

MS. CARROLL: Uh-huh.

MR. GEBHARDT: -- it would be six feet. So that's -- that's doable. And the reason the plan shows a five-foot is I didn't know what was doable when we were doing the plan because they were still working on the architectural and trying to minimize the size of these buildings.

MS. CARROLL: Yeah. I've been sitting here comparing your setbacks to the dimensional standards for our straight zoning, and the only one that I see as less than a straight zoned standard would be the side yard.

MR. GEBHARDT: Well, the ones that separate --

MS. CARROLL: So if -- if you're willing to adjust the SOI to a six-foot side yard setback, I -- I would see that as a classic win-win.

MR. GEBHARDT: Well, just to be completely above-board on this, the -- the rear lines are 20 that we're proposing, and if it was R-2, it would be 25. And you can see from the footprint, the building on the west side has a bay that sticks out, and that was the only reason why we had to go with the 20 on

that. But most of the building itself, most of the massing is more than adequate.

MS. CARROLL: Yeah. So it would be 25 in R-2 or R-1. Under cottage standards, it would be 20. And the front yard is considerably greater than what would be required under cottage, as well.

MR. GEBHARDT: And it -- if I would, I mean, Travis is correct. I did design this system -- the drainage system on this. There's another pipe that runs around her west side. There's an inlet in the middle here that we're going to have to replace. But I can assure you that we're going to pick up every drop of water before it gets there because the last thing I want to do is have her upset with me for, you know, not getting the drainage taken care of.

MS. CARROLL: You'll have an added storm drain on the new --

MR. GEBHARDT: There is an existing one there. It'll have to be relocated, but it was planned to -- because that original 2000 plan had all these patio areas back there and pools, all this hard surface, and we needed a way to get the water out. So there was a planned inlet there and that inlet got built and it's actually out there and connects to the one that's on Ms. Atwood's property. And so we will utilize that piping in a new configuration, but be able to do it. So it was planned. The storm water for this Lot 14 was planned, and it will still be planned.

MS. GEUEA JONES: Any other questions? Commissioner Ford?

MR. FORD: Yes. Yes. Tracey, can you come up here for a second, please? And, Jay, actually, we need you, too. Is it -- I just need you to look at this picture, if you could.

MS. ATWOOD: Do you want me to walk over there?

MR. FORD: Yeah.

MS. GEUEA JONES: Would you describe what you're doing?

MR. FORD: Oh, I can bring it to her. Is this wall coming down, Jay?

MS. ATWOOD: No. That's a -- (inaudible).

MS. GEUEA JONES: For the record, into the microphone.

MS. ATWOOD: Tracey Atwood, 14A. Yes. That section of party wall would be remaining, is my understanding.

MR. GEBHARDT: Yeah.

MS. ATWOOD: Because as a party wall owner, I have -- can't take that one down.

MR. GEBHARDT: Absolutely.

MS. ATWOOD: It's the north-south jig-jag portion in order to redraw the lot line that would come out.

MR. GEBHARDT: Yes.

MS. ATWOOD: Yeah.

MR. FORD: And this is as you're looking north?

MS. ATWOOD: That's -- that's east-west, more -- more so, the one that you're looking at with those trees.

MR. GEBHARDT: It follows her backyard. The one that we would remove would be the one that

goes north for her and back -- (inaudible).

MR. FORD: The one that's two feet, approximately, two feet tall, where this one is, like, five, approximately?

MR. GEBHARDT: It -- it varies on which site of the lot you're on. The way the original single-family -- (inaudible).

MS. GEUEA JONES: Okay. We can't -- Jay. Take the stand.

MR. GEBHARDT: Okay.

MS. GEUEA JONES: Ms. Atwood, step aside. Sorry. We can't have everybody up here at once.

MR. GEBHARDT: I get it.

MR. STANTON: We've got to record.

MR. GEBHARDT: I appreciate your patience. So the wall won't be needed anymore that runs north-south, so that's why we're removing it. The wall that's on -- goes east-west, it separates Ms. Atwood's lot from ours, is needed and will remain. And it's -- it's -- like she says, it's a party wall where it's right on the property line. We wouldn't want to remove that if we could, so --

MS. GEUEA JONES: Thank you. Any other questions? The only question I have is, it appears to me that in addition to building permits, et cetera, you all still have to go through the HOA board to make sure that you're in compliance with the covenants. Right?

MR. GEBHARDT: Right.

MS. GEUEA JONES: Okay. Just wanted to get on the record that you are going to be doing that process, but you do not have -- you don't have to have done it yet?

MR. GEBHARDT: Correct.

MS. GEUEA JONES: Thank you. Any other questions? Seeing none. Thank you very much, Mr. Gebhardt. Anyone else who has any further comment? Last call. I can't see anyone, so you're going to have to move to the middle if you want me to recognize that you're coming forward. Thank you, Jay. Okay. In that case, I will close public comment.

#### **PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Any comment? Commissioner Stanton?

MR. STANTON: It's a well-designed project. I know it doesn't make everybody happy. I feel like there's still some wiggle room. I don't know if everybody is going to get all the green space they wanted, but from a planning -- from a P and Z perspective, this addresses density in a sharp and a smart manner. It utilizes the space in its fullest capacity. I mean, it looks like it has a pretty small footprint for the house itself. Everything we keep asking people to do, this kind of does it. And I've done work out in this area, and the houses are pretty much like that. So it's hard for me not to say yes, but I would love if they could squeeze a little more green and make some people a little more happier, but I love what you're doing here. So I'm going to trust, which I usually don't, that that could be worked out, and if it's got to go through the HMO, maybe that's the leverage, or maybe Mr. Gebhardt will be a great guy and work it out anyway. I don't have any faith in human nature, but Mr. Gebhardt is a good guy, so maybe that will work

out, but I plan to support it.

MS. GEUEA JONES: Any other comments? Commissioner Carroll?

MS. CARROLL: Yeah. Our resident expert on lot coverage is out this week, but by the calculations that I've done, I got 38.8. Ms. Atkins got 40 -- Atwood, sorry -- got 40. I think those in line with what we were considering for lot coverage. The front side rear dimensions seem to be in good agreement to me. I would, however, propose making a motion since Mr. Gebhardt suggested the potential for six-foot side yard setback, I would consider a motion to change -- make the amendment to six-foot side yard setback. And if that's something that the rest of the Commission feels good about, I'm prepared to make that motion now if we're ready for motions.

MS. GEUEA JONES: Any other comments? Commissioner MacMann?

MR. MACMANN: Just real quick. I like the density. I like many things about this. I think it's a little short of ready for prime time, and I think he's going to have the votes, but I'm going to vote no. I want people to keep looking at this, HOA, Council, that type of thing. Just want to put that out there beforehand.

MS. GEUEA JONES: Any other comments?

MR. FORD: I'm on the fence.

MS. GEUEA JONES: Commissioner Ford, go ahead.

MR. FORD: I would like a little bit more of a setback for Ms. Atwood, and I could -- (inaudible) -- more green space, but I like the -- it fits the neighborhood.

MS. GEUEA JONES: If no one else has a comment, I have a quick one. I am inclined to agree with Commissioner MacMann. I think this is close to ready, but not quite there yet. The six foot, I -- makes me feel a little bit better. I think part of the problem here is the built environment is substandard. There would not be a problem if the existing home were not so close, and I have a feeling, looking at the original plan for those three single-family homes, that that was going to be considered a shared space perhaps, and that is why it is so close to that back property line. But, I mean, it's -- it feels to me like more discussion needs to be had, and the fact that the designs are just now done and haven't really been presented, I'm -- I'm going back and forth on whether this is ready to come before us yet. I think it certainly has a long way to go before ground is broken, and I am contemplating whether or not it is ready for this step, much less the next ones that it has to take. Commissioner Stanton?

MR. STANTON: Madam Chair, I disagree. I think -- I think we're almost going to throw the baby with the bath water. And I think we're causing unnecessary burden, and I think -- I'm -- I think we're this close. And there's other leverage in place that can be enforced. If you've got an HMO, or, you know, whatever, homeowners' association, you've still got City Council. Mr. Gebhardt has got some wiggle room. He's got the people in the building right now that I'm sure they can meet right after the meeting. Travis seems to be okay with it. I think there's some wiggle room, and I beg them to make me regret my decision if I vote yes and none of these things happen. I beg you to do it, because you'll be back. But I think it's ready. I think there's enough room to be done without throwing this whole thing out with the bath

water.

MS. GEUEA JONES: To that point, I -- something you said made me have a thought that makes me think you may be swaying me, which is if we say no tonight, that's a delay, and it's -- they're so far from the finish line already that that may be an unnecessary delay, because they've got so many hurdles to go through. And so if we slow them down, that's not necessarily going to make it a better project because there are so many steps between here and ground break. Commissioner Stanton?

MR. STANTON: Gebhardt comes up here all the time and he pushes our envelope all the time. We ask for certain things, he listens, he does it. We cry about density, we cry about smaller footprints, we cry about all of this. He's done it. And I think, like I -- like you just said, there's other obstacles he's going to have to go through. I think we -- I sure hate to say this, but we need to reward those who are listening to us on the things that we talk about in work sessions, the things we talk about in policy, and then development codes. If we don't and we put these obstacles in the way every time they get a little closer and we throw it all the way out, people are going to stop doing what we say, and then we're going to have more and more of a fight every time someone comes in front of us. So we need to reward those who are doing what we're asking.

MS. GEUEA JONES: Good point.

MR. STANTON: But he can still hang himself. Don't -- don't get me wrong. If he doesn't do what he says, we -- I still -- we could still get him. He's still got some other places he could -- he has to satisfy. So I think --

MS. GEUEA JONES: I would be willing to vote yes if we meet the cottage standard, which is the six foot that he has said he would agree to.

MR. STANTON: He's already thinking ahead. Okay. I see where you're at.

MS. GEUEA JONES: Anyone, other comment? Commissioner MacMann?

MR. MACMANN: I would be open to making a conditional motion to move that setback on 14A to six.

MS. GEUEA JONES: Oh, we haven't made it yet.

MS. CARROLL: I haven't made the motion. I've suggested a motion.

MS. GEUEA JONES: All right. Any other comments? Commissioner Carroll?

MS. CARROLL: I would like to make a motion to amend the SOI to reflect a six-foot side yard setback.

MR. MACMANN: I'll second the motion to the amendment -- or the amendment to the motion.

MS. GEUEA JONES: Is that enough?

MS. THOMPSON: That's acceptable. Then when you -- when you move to approve the PD plan, move to approve it with the condition that the statement of intent be amended as -- as so moved.

MS. CARROLL: So I will call roll.

MS. GEUEA JONES: Yeah. We're -- do we need two votes, or do you want her to restate the motion as you just did?

MR. STANTON: PD plan and --

MS. THOMPSON: I think you could do it either way, but I think the important thing is when you do make the motion about the PD plan, that it's subject to the condition.

MS. CARROLL: We have a seconded motion on the table, so I would propose calling roll and just making a next motion.

MS. GEUEA JONES: But you -- we don't have a second yet.

MS. CARROLL: I thought we did.

MR. FORD: Madam Chair.

MS. GEUEA JONES: Yes, Mr. Ford.

MR. FORD: Can I ask Mr. Gebhardt. The setback on the Atwood, the northwest corner from that line, did you say that was seven and a half.

MS. GEUEA JONES: We are going to -- we've already closed public hearing. You could state it and then see if you get a reaction from the crowd. Okay. We can't do that. I believe in the staff report it does say that it's 7.2 feet from the back property line. Yes. Okay. We have a motion pending a second. I am asking legal, do we need to restate the motion differently?

MS. THOMPSON: I think the better motion would be to move to approve the proposed PD plan and associated statement of intent, subject to the condition that the statement of intent be amended to authorize a six-foot side yard setback as opposed to a five-foot side yard setback.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: Yes. Do you want me to repeat? Okay. So moved.

MS. GEUEA JONES: Commissioner MacMann, are you still seconding that motion?

MR. MACMANN: If we think -- are we withdrawing Commissioner Carroll's first motion, and making a combined motion as per legal's advice?

MS. GEUEA JONES: Yes.

MS. CARROLL: Yes.

MS. GEUEA JONES: That's what has happened.

MR. MACMANN: I -- I am not upset if Commissioner Carroll wants to withdraw her previous motion and go forward with the combined motion.

MS. GEUEA JONES: Are you seconding the current motion as stated by legal?

MR. MACMANN: Yes.

MS. GEUEA JONES: Thank you. Second by Commissioner MacMann. Moved by Commissioner Carroll. We now have a properly made and a seconded motion on the table. Is there any discussion? Seeing none. Commissioner Carroll, whenever you are ready.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Mr. Ford, Ms. Wilson, Mr. Stanton, Ms. Carroll. Voting No: Mr. MacMann. Motion carries 5-1.**

MS. CARROLL: We have five votes to approve and one no. The motion carries.

MS. GEUEA JONES: Are there any other motions to be made on this case? Commissioner

MacMann?

MR. MACMANN: I don't believe this motion got the 75 percent, so I move that this be taken off the consent agenda.

MS. GEUEA JONES: Commissioner MacMann has moved to remove this case from the consent agenda at City Council, which would mean it would have to be considered separately. Is there a second of that motion.

MS. CARROLL: Second that.

MS. GEUEA JONES: Seconded by Commissioner Carroll. Any discussion on the motion. Seeing none. And I believe this we can just do with a thumbs up.

MS. THOMPSON: Correct.

MS. GEUEA JONES: Thumbs up approval of removing it from -- all right. Close enough. Oh, sorry. Five with one abstention, being Commissioner Wilson. That recommendation will be forwarded to City Council and removed from the consent agenda for separate consideration and hearing. If -- I'm looking at legal. If we're all clean -- excellent. In that case, that concludes our public hearings for the night.