

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
October 19, 2023

Case Number 260-2023

A request by Engineering Surveys and Services (agent), on behalf of Columbia South Real Estate, LLC (owner), for approval of a PD Plan amendment revising the type of uses and structure size presently permitted on Lot 3B of the Cherry Hill PD Plan. The proposed revisions include converting the use of the building from retail/residential to all residential and increasing the number of approved multi-family residential units from 4 to 24. The 0.41-acre subject site is located northeast of the intersection of Flagstone Drive and Corona Road.

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 major amendment to Lot 3B at The Village of Cherry Hill PD Plan, pursuant to minor technical corrections.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had any outside contact -- if anyone has had any outside contact with parties to this case, please disclose so now. Commissioner Stanton?

MR. STANTON: I know the owner of this property. He just briefly told me that he had a case coming up. We didn't discuss his case in particular, and I have no qualms giving him thumbs down if I don't like what he -- what he says.

MS. GEUEA JONES: Thank you very much for being forthcoming.

MR. STANTON: Okay.

MS. GEUEA JONES: I appreciate that. Any other disclosures? Seeing none. Are there any questions for staff? Seeing none. We will open the floor for public hearing.

PUBLIC HEARING OPENED

MS. GEUEA JONES: You can fight it out or I can flip a coin or --

MR. BARNETT: I've Kevin Barnett, 1908 Potomac Drive. I get six minutes because I'm here to represent the HOA board for Cherry Hill.

MS. GEUEA JONES: Very good.

MR. BARNETT: We're going to really disagree with parking is not an issue. There were 23 spots that were designed in the original plan for this building, and you're eliminating all of them. And so at 5:45 or so when I left come down here and figure out where all this is happening, I counted all the spots, and there were the six in front of this building that you could put parallel with the building, and there were six

on the east lot that you have there, and there was nothing else that wouldn't impact the current tenants that are in the commercial space or in the residential space. So the board voted and a majority of the board decided that this was not in favor of the Cherry Hill -- Village of Cherry Hill Homeowners Association. It looks to me like from your design, you're actually going to take out another six spots, and I don't know if that's just because you drew the red line on one side of those six spots or not. It looks like you're actually taking six more spots. Let's see. The other thing you're not considering is, there is the -- I don't know if everybody can see that, but there is the Town Center, which has a green space in it. And to the north of that, there's another potential spot for retail at the first floor and residential at the second floor. So any available spots that you take up by these potential 47 cars are going to impact the amount of retail visitors we get, the amount of retail businesses that we could possibly get in that -- in that spot, and any other people that want to stay there. So this is changing the type of the business. It's not really in the benefit of any of the residences in Cherry Hill to change this to single- and double-bedroom apartments. We're going to run into issues with voting. We're going to run into issues with the pool. It doesn't do anything for any of the residents that I can think of that are positive. Let's see here. Right now, we have the ability to go to the dentist, a financial advisor, an optometrist. You are taking that away from the residents of Cherry Hill by putting in a three-story, which, by the way, is like a whole story taller than all the other buildings, as far as I know, and making it a monstrous 24-unit building instead of a four-unit residential spot that's really nice, like what we have currently on the town square. Let's see. There's a thought that this will degrade the properties versus having a nice town square, which was the original thought pattern when we bought into the Village of Cherry Hill, that we would have nice first-floor retail, nice apartments above, and, basically, this is becoming a monstrous 24-unit with no parking and no accountability for anything. We don't know whether they're going to fit within the business part of our management, or whether they're going to fit in the residential part. So we haven't figured out what the voting rights are for that. We haven't figured out what the dues would be for something like that. So -- and we don't -- and there's a certain amount of people that are, like, upset about even pool usage, because if this is potentially 24 units, and then we allow that to happen in the other spot up there, it could easily be done the same way, then we've got 48 families that are also trying to reach in that little bitty pool which is right there, that little bitty small pool. So I think that was kind of hitting the highlights of it. I've been a resident for 20 years, so we just thought this was going to be a nice place -- a nice place where you would have retail at the first floor. And we've gone through a couple of retail businesses, we've gone through restaurants, we've gone through bakeries, and those things come and go. But what you said in terms of lack of retail ownerships, we walked through there today, and I didn't see any lack of retail business. As a matter of fact, the only thing I saw was a for rent sign for two apartments in one of the units, and one of the units is right across the street from here. So I think that was it. I think one of the board members wanted to point out that your report was kind of contradictory in the fact that you said that commercial space was not doing well, and you could use that parking space. I didn't understand that. But that was it in general, is that we've been sold a bill of goods that it was going to be this nice thing, and

what you're presenting is this monstrous building that's going to cause problems with parking. It's going to cause problems when they try to sell the other lot. And so it's just not in the best interest of the board or the actual owners.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Commissioner Stanton?

MR. STANTON: Is there a win-win? Is there any way you could split the baby with the owner?

MR. BARNETT: Yeah. Absolutely. So when we bought our property and when whoever owns that property bought that property, they agreed to retail on the first floor and four residences above. That's the win-win. That's what everybody agreed to. This is a change to the agreed to.

MR. STANTON: So there's no wiggle room negotiating what it is right now?

MR. BARNETT: Well, just -- you're asking if I can move off of what I agreed to and what they agreed to before?

MR. STANTON: Well, not really digging into this case, there must be a market need for this change, and maybe I'm wrong. I could be wrong. I didn't really dig into why this change is being proposed. I love Cherry Hill. It's my favorite development in the City.

MR. BARNETT: Do you want more stores, or do you want some young people with fast cars that don't care of them?

MR. STANTON: I'm a businessman, too. I'm a businessman, too. If it's just for the look of the building and they keep it looking the same because I think one thing --

MR. BARNETT: That was the bill of goods sold.

MR. STANTON: -- is it a viable business move and, yeah. And what I'm asking you is, if you owned in this business and had to make a business change, how could I keep you as a neighbor happy, but not lose my shirt as a businessman that owns the building? What is a win-win that you could meet in the middle?

MR. BARNETT: Right.

MR. STANTON: How could you both be happy or both be equally upset to be a perfect compromise?

MR. BARNETT: When we bought our houses, we were sold a bill of goods. This proposal changes the bill of goods. When the owner of this lot bought this lot, he knew the bill of goods, and now he's changing the bill of goods with this proposal. He has changed his position. He gets a bigger building with this, which we never agreed to. He gets a different use of the building, which we never agreed to. It impacts the voting rights of the HOA. It impacts things beyond that. It impacts parking. It impacts the current commercial residents and the current retailers. Where are they going -- where are their guests going to park, because now you've got 40 other -- according to him, 47 cars that have to find a place because we're taking out, I'm thinking, six right there. So there's no win in this scenario. There was an agreed upon use of the premises, and this is double and a much lower value to the community.

MR. STANTON: Okay. I live on Lasalle, and all my life I had a perfect view of Jesse Hall from

my venue. Now I have a big-assed garage right in front of my property. My grandparents who bought the land did not intend to have a sheet of metal and concrete covering that view of the University. I mean, I -- perfect view of the University from my house. Now I have a garage. And I'm saying this to say things change. I call the Town of Cherry Hill was designed in a new urbanism style to replicate how cities were built when our forefathers or your forefathers got here and built this country. Right? Things change, they evolve. So what I'm hearing, there is no way that could make you happy to evolve? What if the needs of the Town of Cherry Hill have changed? And I don't know if they have or not, nor if this is pure capitalism at play here. Would the number of apartments help you? Would the --

MR. BARNETT: You mean, is there a middle ground between four and twenty-four?

MR. STANTON: Yeah. Between what he wants to do and what -- and what the community would tolerate or your HMO.

MR. BARNETT: I think -- I think I could speak for the board --

MR. STANTON: Okay.

MR. BARNETT: -- that right now, we've got a 10,000 square foot building that they're allowed to build, and he wants to build a 20,000 square foot building, and he wants to make it three stories tall versus what it was supposed to be. I think making it a little bit bigger would probably be digestible, but not making it three stories tall, and not eliminating all the parking. I mean, that's reasonable. And to your point, your parents probably bought that and they can't control it. They didn't -- they didn't have a plan put in front of them that said no one is going to change that. We had a plan put in front of us when we bought our property. It said this is going to be this, and this is going to be that. That's -- that's the plan we bought into, and now we have someone changing that. Right? I mean, it was on paper. It wasn't, like, hey, somebody is just -- it was actually on paper. So you and I probably don't see the same, but I understand your point, too.

MR. STANTON: Thank you, sir.

MS. GEUEA JONES: Okay. Commissioner Dunn and then Commissioner MacMann.

MR. DUNN: A few questions for you. You know, in your statement, you mentioned that it would impact voting. Could you kind of elaborate on that?

MR. BARNETT: Yeah. So we have the HOA. I don't know if this is going to be a residence. I don't know if this is going to be part of the commercial district. So when we have residents, they get to vote as part of the homeowners' association, but there's no current methodology for those people to take part in the HOA, and now we've got 24, and if you allow the other lot that's not developed to also be 24, because it's even a bigger lot, then we have 48 households voting in the HOA that have a different agenda that someone who has a single-family home.

MR. DUNN: Would a renter be considered a homeowner?

MR. BARNETT: Maybe it's not a renter. Maybe they actually buy it. Maybe it's a condo owner. But that mentality is different than a single-family homeowner that may have three kids.

MR. DUNN: I will say, you know, one of my drives today, I found myself down in Cherry Hill,

wanted to take a look at the, you know, site that we're kind of considering today. We did get some correspondence on it, so, you know, I try and poke my head around. And, you know, I was -- I was there from about 5:00 today till about 5:10, you know, and I just sat there in one of the parking spots right next site. And I -- one of the observations that I made during that time is much to your point, actually, that the parking in that area is very limited, you know. And, you know, one of the other concerns that I kind of figured what had happened about the rush hour at 5:00, 5:10 would have been kind of traffic and congestion. I actually didn't see that, but I did see a lot of parking issues. And so, you know --

MR. BARNETT: Not a lot, but --

MR. DUNN: But to your point, yeah. Absolutely.

MR. BARNETT: But not enough for 47 cars.

MR. DUNN: Right. Right. And so, you know, knowing that this is a mixed use currently as it's zoned, if they were to add a third floor and add more units to that, would that be acceptable?

MR. BARNETT: We would consider that. We would consider that. I'm speaking for the board; I'm one of five, but I think that would be a better proposal.

MR. DUNN: Yeah. Just something that's not 24 units or whatever?

MR. BARNETT: Yeah. Something that's not twice as big as intended, and not 24.

MR. DUNN: Okay. Thank you.

MR. BARNETT: I think the board really likes the idea of a retail space, and we do miss certain retail things that used to be there. The restaurant was really good.

MR. DUNN: Yeah. Yeah.

MS. GEUEA JONES: Commissioner MacMann. Oh, I'm sorry. Commissioner Dunn, are you finished?

MR. DUNN: I am. Thank you.

MS. GEUEA JONES: Thank you. Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. I have a couple of questions for you, and I'm going to go, like, old timer on you, because I helped build this way back in the day. Before there were any houses there, it was a field. Help me understand. Between the subject property and the green space, there's a building. That building used to have businesses on the downstairs and apartments upstairs. Does it still --

MR. BARNETT: It does.

MR. MACMANN: Okay. Are those apartment livers members of your HOA?

MR. BARNETT: I don't know off the top of my head, but I --

MR. MACMANN: Okay. Next question. That's fine.

MR. BARNETT: I don't think they are.

MR. MACMANN: Looking at your -- if the map of the overhead presented here, just to the right of the word "Cherry" in Cherry Hill Drive, that was an apartment building and was all apartments. Is that still apartments?

MR. BARNETT: As to where the Cherry is --

MR. MACMANN: If you look at the -- the --

MR. BARNETT: -- to the right of that, yes. That's apartments.

MR. MACMANN: Okay. That's all apartments. Are those people --

MR. BARNETT: They're apartments or condos. I don't know what they are.

MR. MACMANN: Okay. But they were apartments.

MR. BARNETT: Yes.

MR. MACMANN: Like I said, I'm going old school on you. Are those people in your HOA?

MR. BARNETT: No.

MR. MACMANN: Okay. Knowing the developers -- I did know the developers back in the day, but this -- none of those people are -- two sets of them are retired.

MR. BARNETT: But just to the other side of them, those people are part of the HOA.

MR. MACMANN: Is that an apartment complex?

MR. BARNETT: That are -- those are town homes.

MR. MACMANN: Those are town homes. The concept was, as Commissioner Stanton said, this was going to be a town square, two story, two story only, in another node, if you will. I liked -- I really did like that concept to -- whereby it would allow the local residents or the residents in the immediate area to get many of the services locally rather than having to drive, you know, two, three, four miles downtown. I don't think you need to solve your HOA problem. We're in charge of reviewing this -- this major amendment. I'm -- Commissioner Stanton, I'm a little maybe on the other side of you on this. I don't know really where you're at here. I viewed the original concept to stay as was, and I do know that things change. This will change it, so I just wanted to bring up, number one, that walk down memory lane there, and number two, I don't -- I agree with you also there are not 47 extra parking places.

MR. BARNETT: Actually, if you count the other thing, you're looking at 90, because once you set the precedent for this, then what are you going to do with the unit that's to the north of the square?

MR. MACMANN: Yeah. And that's -- that's -- yeah. I -- I do agree with you there. I just wanted to get some of your input on that, and that's all I have for the moment. Thank you, Madam Chair.

MS. GEUEA JONES: Thank you, Commissioner MacMann. Commissioner Loe?

MS. LOE: Mr. -- I actually have a question based on your comments for Mr. Palmer on the parking. And if -- I'm seeing that the parking was shown for this property, for the proposed building in the new PD Plan, but was there a calculation done for the whole property?

MR. PALMER: Absolutely, yeah. The V calculation is for the entire property. There's a table that's included on the PD Plan that is not on the PD plan that you see there. It's actually why this would be requiring technical corrections. They didn't bring it forward to this modified PD Plan. On all other versions of the broad Cherry Hill PD Plan, there is a parking table that allocates certain parking -- and not specifically. It just says this use typically would require X number. Yeah, it's in -- it's in a -- it's in text form. It's written in there on the PD Plan that they presented, but previous versions have a table that lays

it out. It basically just says, you know, the -- the City code would require X number. We are providing Y, and this is intended to be a walkable community, and is not intended to be vehicularly oriented. And so those parking standards were reduced from the City standard open zoning parking requirements. That 47 spaces that would be required by the City code is based on that standard. So the PD already had reduced parking, and this would just be a further extension of that. That 47 is like a worst-case scenario, and that's what's required of, you know, a standard, like, R-1 development, or, in this case, actually, it would be an R-MF development. But I think, you know, there is a -- a pretty strong argument that that is in excess of what's actually needed, but that's, you know, another debate to have.

MS. LOE: Thank you.

MR. PALMER: Uh-huh.

MR. BARNETT: Am I allowed to ask a question?

MS. GEUEA JONES: Give us just a moment, but, yes. Anyone else? Okay. Go ahead and ask your question, and then I have a question for you.

MR. BARNETT: So it was unclear to the board in this plan, in this red outline, there are about six or seven parking spots on the north side of that that's included in that.

MR. PALMER: They're still there.

MS. GEUEA JONES: Those will not be.

MR. BARNETT: Those are still there, but there will be a dumpster there, so that removes one or two of them.

MR. PALMER: One. Yeah.

MR. BARNETT: Okay. And so we're going from a 10,000 square foot building with approximately 22 parking spaces to a 20,000 square foot building with none -- no additional parking spaces?

MR. PALMER: That's what's being proposed, yes.

MR. BARNETT: Okay.

MS. GEUEA JONES: Thank you very much, Planner Palmer. So my question for you is this. If this three-story, 24-unit building was actually a three-story, 16-unit building with the first floor being retail. Would you still feel the same?

MR. BARNETT: No. I would not personally, but I -- the board is five people.

MS. GEUEA JONES: And I understand your board would have to vote.

MR. BARNETT: But I think the flavor of what's being offered versus the 24 apartments or whatever they are, is different, and I think that that could be a good -- to your point, Commissioner Stanton, a good middle ground.

MS. GEUEA JONES: And I actually go to Cherry Hill once a week at least because my chiropractor is there.

MR. BARNETT: As long as they put a bar in.

MS. GEUEA JONES: I was thinking grocery store, but bar works, too.

MR. MACMANN: That's a dentist.

MS. GEUEA JONES: I guess my question is, like, I think the vision that they -- all of the parking would be across the street. Again, assuming -- and this is -- I have no power to do this, but assuming that the first floor was retail, and we still had all of the parking across the street, does that bother you?

MR. BARNETT: If the first floor was retail and you had two floors of residences above, and they were built similarly to the other ones that are just to the north of this, I think everyone would be happy.

MS. GEUEA JONES: Thank you. One last question, and then we'll do one more call, and then you can go. Did the developer come and talk to the board of the HOA at all?

MR. BARNETT: No. As a matter of fact, we just last minuted it today.

MS. GEUEA JONES: Okay. Thank you very much. Any other questions for this speaker? Thank you very much for your time. Next person?

MR. KREIDE: Thank you. My name is Matthew Kreide; I'm with Engineering Surveys and Services, offices at 1113 Fay Street, and the civil engineer on the project. So I don't think I'll spend a lot of time going through the details of it. I get my chance to rebut here that I normally wouldn't get. So again, to kind of give you a better picture, kind of maybe the overall area, the blue being the building there, and how that sits on the lot. Yes. To the right is an existing residential building. There is no retail on that. To the left is a mixed-use building and, of course, as you go to the north is mixed used. As you continue to the -- to the east -- I think I said west -- to the east is, of course, all residential. So from the -- from the plan standpoint again, here's a little more detail about it. Again, mentioned the utility relocations. Yeah. We've talked to Water and Light and addressed -- we'll get those issues addressed. You do see the pedestrian crossing. And as a whole, again, we're talking about the vision of this being a walkable community. I think the idea of arguing about where the parking is located, particularly on a lot, is -- is completely different than what the original plan at Cherry Hill was. The point was is to be able to walk and to be able to navigate the area. We're adding a pedestrian crossing. That's actually getting access to where there's parking available for these residents. And if you go through, I'll just -- and highlight kind of the last thing. There's available parking right over there. Right now, we've got six parking stalls on the street. We have the additional stalls up to the north. Over there highlighted is more than 47 stalls total. Those stalls are not being used on a regular basis down there. I mean, right here, right available, easy walking distance. Parking is not an issue here. Second, I address the HOA issue. No, these residents are not part of the HOA. In fact, this building is part of the -- is Town Center Association. It's -- they're different associations. That association has been approached by my client. And at this point, there has been no negative feedback on it, and so far supportive of the project. So, yeah. So certainly we have the association next door who has their opinion, as well. I don't expect this is going to create some traffic snarl. I don't believe this is going to cause a lot of parking issues. It's available there. The fact or reality of -- of use. It's been 25 years almost since this plan was originally proposed, so things have changed. If this were going to be a retail building with residential on the upper stories, it would have happened by now. The reality is the market doesn't support it. So, yes, there has to be a change. Things have to

adapt. So here we are. I mean, it's all residential. This is a great transition to the town homes, to the -- to the residential to the south. We already have apartments to the -- to the east of here, and then you're working back more into the mixed use and retail area to the -- to the north area of that. You know, this isn't the heart of the town square portion of it, as well. I think, you know, as a whole, this is an appropriate use and a change to -- to the original plan. Otherwise, you know, we continue with a plan that in today's market is not viable. Well, with that, I think I've addressed the association and the parking issues, those seem to be the biggest questions. Otherwise, I would be happy to answer any questions that you all may have. Oh, and I did one. I'm sorry. I jumped ahead. I changed it. I think we did have some elevations for you that show you what you're looking at from, like, a building standpoint. Thought it would be helpful again to kind of get a visual aspect of what the building is proposed to be, so, again -- okay. Now, if you have any questions, I'll be happy to answer them.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Commissioner Stanton?

MR. STANTON: I'll yield my time for questions for now.

MS. GEUEA JONES: Okay. Any questions? Just briefly, I know that Town Center has its own association, but I have always thought the vision of Cherry Hill is that it is a community that includes the single-family homes and town homes that were part of the original envisioning of the project. It strikes me as odd. Is there a reason you didn't approach that HOA?

MR. KREIDE: I think we approached the association that we were a part of. I think that was where we believed that was the important association to address.

MS. GEUEA JONES: I guess my question is, was it an oversight or was it intentional?

MR. KREIDE: Oh, certainly not intentional, no. No.

MS. GEUEA JONES: Okay. Okay. And I guess market forces would be the reason that you didn't include retail on the first floor?

MR. KREIDE: Yes.

MS. GEUEA JONES: Okay. All right. Thank you very much for your time. Or sorry. Questions? Commissioner Dunn?

MR. DUNN: Sorry. Is anybody from the association here to testify in support of this today?

MR. KREIDE: No.

MR. DUNN: Do you have a letter of support from the association?

MR. KREIDE: No. We don't have the official support, no.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: If we can go back to the elevations. I'm curious as to why this isn't shown in the context.

MR. KREIDE: I didn't create them, but no.

MS. LOE: It's shown as if it's in a vacant site, and we're not seeing -- it's hard to determine the scale of it compared to the surrounding existing context, which has been one of the comments.

MR. KREIDE: Well, fair enough. And I can address that a bit, as well.

MS. LOE: Do you have other elevations that depict --

MR. KREIDE: No. I don't have anything that shows the context of it.

MS. LOE: Okay.

MR. KREIDE: But -- but bear in mind again, we're talking about residential structures here, so the finished floor heights on these are shorter than your retail structures. So when you look at a two-story structure sitting next door similar to what you have across the street and to the north, this building is going to be, you know, roughly ten to twelve foot taller than that. It's not, by any means going to be towering over it by any means. It's not even really a full story. And then primarily the main reason it's taller is because of the pitch of the roof.

MS. LOE: Thank you.

MS. GEUEA JONES: Last call for questions. Commissioner Dunn?

MR. DUNN: Sorry. One more. On the sidewalk that runs kind of through that area there, is that going to be removed for the development, or is that sidewalk to the south of the parcel still going to remain?

MR. KREIDE: That's -- that's still going to remain, and I believe that's part of -- I think the homeowners' association, if I'm not mistaken. But, yes, that remains.

MR. DUNN: Thank you.

MR. KREIDE: Uh-huh.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: Mr. Kreide, how are you this evening? Just for clarification, the association stops at the end of this property and the HOA picks up after it, so this does not actually physically sit in the HOA; is that a correct statement?

MR. KREIDE: That is correct.

MR. MACMANN: Thank you.

MS. GEUEA JONES: Anyone else? Seeing none. Thank you for your time. Oh, sorry. Commissioner Stanton?

MR. STANTON: I just had a comment.

MS. GEUEA JONES: You've all got to stop hesitating.

MR. STANTON: Well, I just -- right. The only thing I have a problem with this is that, you know, and I'm a romantic. I love Cherry Hill. I don't think that that fits everything around it. I think it could blend in better. I think -- you know, and I understand why you deal with the association that you need to get the support from. I -- I didn't know there was two, so that clarified a lot for me. Architecturally, it doesn't seem like it blends into the Cherry Hill thing. Most of -- most of the structures around are brick. You guys went with siding. It's sure its Hardi Board. I hope it's Hardi Board, at least.

MR. KREIDE: Absolutely.

MR. STANTON: It -- I would love to see it fit a little better, and I think that's a -- that's a choice of

materials. It just to me sticks out, like, man, this is something new versus the Cherry Hill that I know and love, everything kind of just blends together. This sticks out. That's the only problem I have.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. I'll redirect. I'm going to help you, and I'm going to help you. The apartment to the east of it, it was the first time I ever used Hardi Plank. That building is all residential, and it's Hardi Plank, and it is Hardi Plank, so you can use that as a retort, but you know what, it's butt ugly and it doesn't fit. So I agree with you, it doesn't fit the ethic of the entire place. And when they -- when they added that building, I was truly concerned.

MS. GEUEA JONES: Commissioner MacMann, did you have a question for our speaker?

MR. MACMANN: I was just -- a point of order for me just to let you know --

MR. STANTON: Clarifying to me.

MR. MACMANN: --there's already Hardi Plank there.

MS. GEUEA JONES: Well, I would just like to let him sit down and we can do that during discussion.

MR. MACMANN: All right. Okay.

MR. KREIDE: And I think, and as a whole, that building is probably a lot of what drove the styling this as well, trying to blend in between the two of those.

MS. GEUEA JONES: Seeing no one else, thank you very much for your time. Next?

MR. MCGEE: Hi. I'm Travis McGee with Columbia South, 308 South Ninth Street. I am the developer and I was here to answer some questions tonight, but I'm going to tell you a little bit about the history of this property, why we came up with this design, and how we moved forward with the association, because I know you guy had some questions on that. So the building across the street at 2101 Corona, I own. I became a member of Cherry Hill about ten years ago when I bought -- when I purchased that building. I purchased that building from a financial institution when Cherry Hill was having some -- some struggles. And when we bought that building, I took all the office space off the second floor out of that building and -- and put in single apartments, 12 single apartments upstairs. And so my vision of Cherry Hill, and when I did that, you know, Cherry Hill was struggling on the retail side. And so, I -- you know, I've always told our association, the Town Center, which is the association the subject lot is in, what we have to do to -- to help Cherry Hill survive is to add more residential housing, get more people in there, create walkability, just like we've done in some other developments down the street. I mean, that's -- that's really important for Cherry Hill. So, yes. It's grown from 7,200 square feet to 10,000, to 20,000. I will say the 20,000 is a little deceiving because in this building, there's about 5,000 square feet of breezeways. Each level goes up, you know, there's breezeways you walk through to get in the apartment, so living space in this building is only about 12,500 square feet of living space. I've necked these apartments down. I've made them smaller, because we wanted to build more market-rate housing, make it as affordable as we can, So that's what we've done. As far as the architectural questions I've heard tonight, that's not set in stone. I'm a member of the Town Center. I reached out to them. I've

submitted my architectural plans for review to them. They have an architectural review process and have actually a licensed architect that are going to look at the set of plans, so I'm sure she'll take this into account tonight. So that's something that we can address. I think tonight really what we're here to try to get approval with Planning and Zoning is the footprint and the number of units, not specifically the type of architecture. The only reason, you know, I -- you know, back to the association. So we submit a formal application to the association. The Cherry Hill Neighborhood Association, of which this lot is not part of, Town Center, as of this morning, I had spoken to them. They had not heard from Cherry Hill Neighborhood Association. My plan has been in a formal review process with the -- with Town Center for over two months now, and I've been working through that process with my association, and so I was really working through them. They -- they deal directly with Cherry Hill Homeowners Association. I had reached out to them this morning. They actually had a board meeting this morning, and I -- just to see if there was any comments or any feedback from that association, and as of this morning, there was none. I'm happy to talk to them about it. Something that, you know, one -- you could call it maybe an oversight, it was an oversight. I was really working through my association in order to move forward with this project. The buffer zone on the south, which actually is part of the neighborhood association, we're not touching any of the green space, obviously, on the property to the south. There is -- I don't know, Matt, if you know the dimensions of that, you know, to the next house, but that sidewalk kind of snakes through there like that, and it -- that's how it is, and there is some mature timber. There's a few mature trees in there. So our groom space, and I don't know if it's a 50 or 75 foot buffer, but it is -- it is substantial through there. Parking, I think we've talked about that. You know, this building is part of a PUD which had a total square footage -- Rusty can probably tell us the total square footage for this building, which was, you know, 100,000.

MR. PALMER: I don't know.

MR. MCGEE: I think it was 100 and something, 162,000 square feet in -- in Cherry Hill. So we have fallen in the parameters of that 162,000 square feet. The total parking that as allotted for Cherry Hill, the way the parking works at Cherry Hill Town Center is all shared parking. It was originally, like we've all talked to -- I've talked about tonight, to be -- you know, to promote walkability. I think this building does that. You know, me as a developer, making the apartments smaller so that I can build them cost efficient so people can afford to live in Cherry Hill, which is a beautiful place, as we all know. I think that's a positive thing, moving forward to, you know, create that diversity and create that livability for -- you know, for other people in the community. Walkability-wise, we wanted, you know, we wanted to put in the -- the crosswalk, and that way it would be safety, you know, for people, you know, walking from across the street, and the fact that we don't have to build a parking lot for this building only helps my cost for the construction; right -- so that we can, you know, try to provide more market ready affordable housing. I'll answer any questions.

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

MR. STANTON: I do have a comment. Even though you're not in front of us to discuss

architecture --

MR. MCGEE: Sure.

MR. STANTON: -- the question, because I'm getting in your head as developer, as far as what is your true intent. It is our intent as the Board to make sure that we have structures that fit neighborhoods correctly.

MR. MCGEE: Right.

MR. STANTON: And we don't have box structures that are terrible for the community's esthetics, history, all of that. So that is -- this is important as what you're building, but it also tells me where your heart and intent is. Are you truly in support of the neighborhood or are you just trying to make money and throw up a box structure.

MR. MCGEE: Right.

MR. STANTON: So that's why the architecture is important, and it shows me if you're flexible and willing to work with the neighbors. If you were -- stand fast and say no, it's going to look like this when I get done, and that tells me that you're not really communicating with the neighbors.

MR. MCGEE: I think my recommendation to those neighbors specifically would be to comment out to our association and provide comment and feedback to our architectural committee who has the final say on what the buildings look like in that association, so that would be a comment on that, Anthony. Thank you.

MS. GEUEA JONES: Commissioner Loe? Or not Commissioner Loe -- I'm sorry. Commissioner Carroll?

MS. CARROLL: What -- you threw out the terms market rate and affordable housing. What's that mean to you?

MR. MCGEE: Market rate affordable housing is just what it is. It's -- you know, in that market, you know, housing is -- you know, for these bedrooms are going to be somewhere in the \$1,000 a month range in this area. Uh-huh.

MS. CARROLL: Okay. Thanks.

MS. GEUEA JONES: Anyone else?

MR. MCGEE: I mean, there is a true definition of market rate housing. I mean, I'm sure you know what that is.

MS. GEUEA JONES: Thank you very much for your time.

MR. MCGEE: Okay. Thank you. Appreciate it.

MS. GEUEA JONES: Any other member of the public to speak, please come forward.

MS. BARNETT: Hi. I'm Julie Barnett; I live at 1908 Potomac Drive. So I just have a few comments. So I do want to say I also think it's odd that even though that's a separate HOA with the Town Center, that there wouldn't have been a consideration to contact the HOA for the residences for this reason. The plan of Cherry Hill was for all of us to live together in this lovely, almost utopia there, you know, and have retail and residences and it's walkable, and it's a different lifestyle. And that's what

people bought into when we bought our properties there. So whether or not that was intentional, I don't think it was necessarily the job of the residential HOA to figure out what's always going on with Town Center. But if you're looking at building this kind of property, then I think that should have been at the forefront, that the HOA of the residential homeowners, they should have been contacted right away. Secondly, walkability already exists in Cherry Hill. It's a beautiful thing. If you're ever driven through there in the mornings, in the evenings, we walk every evening. We walk our dog. It's very walkable. Everybody is out walking. It's already surviving. Our homes don't stay on the market very long. We have a great area for people to buy property. Our businesses do very well. Since I drive through Town Center every night on my way home, and the chiropractor is always busy, the Therapy Unlimited is always busy, and there are children out all the time. So then I'm thinking about this. We have a new building with shared parking as part of the plan, yes. But what happens when all of these tenants maybe start having guests. Where are they going to park, because we've only allotted for perhaps those tenants, and the spaces that across the street, those are pretty full because I come in that way every single day, make a left turn, head to my house. Those are pretty full, they're not empty, like they're just available. But if, let's just say, some of the people in that apartment building had guests, and they decide to park, they end up parking in front of the homes that are further down the way, which causes congestion and an issue. I think that might be it. I would also like to say I don't know what the market research says about the survival of Cherry Hill because I'm pretty sure it is surviving. We're doing really well. It's a great place, and has been for 21 years, so I'm not really sure what that means. I would love to see that research, but I don't really know what that means as a homeowner there. Anyway, that's it.

MS. GEUEA JONES: Thank you. Any questions? Commissioner Stanton?

MR. STANTON: I'm going to ask you the same question. What's a win-win? What is your vision? Keep your mind on the owner who has a right to his property, he's got money on the table. If you were him, listening to you or talking to you --

MS. BARNETT: Yeah.

MR. STANTON: -- what would be a good win-win?

MS. BARNETT: So, I'm going to also say, I'm going to assume positive intent, because I'm an educator -- life-long educator and I'm an administrator at the Career Center, so -- and I love our construction program. So I'm all for building new properties. That's great. However, I want to assume positive intent and say this is not just a money-making opportunity for someone, but they're really considering how this affects the entirety of Cherry Hill, not just the Town Center, because we are not just a town center, we are entire residential living, a joint combination. So not as many apartments there, yes. I think if it were fewer apartments, if it wasn't going to be -- I don't know if the levels would make the big difference for our HOA, but I think not as many, just because of congestion and parking and how that overall effect would be in Cherry Hill.

MS. GEUEA JONES: Any other questions for this speaker? Okay. Thank you so much for your time.

MS. BARNETT: Thanks.

MS. GEUEA JONES: Anyone else from the public to speak on this case? Seeing none. We'll close public comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner comment? Who wants to start? Mr. Stanton?

MR. STANTON: Oh. I pulled the old book out on new urbanism. A new urbanism community is basically a microcosm of a city, so the town center is more dense, and as you go out from the center, you get less density. So I'm looking at what's here and I'm seeing those apartments kind of over to the side there. So I -- I do support more density right there. I would almost agree more people moving around means more traffic for the retail. The size and the number, I think could be debated, and I definitely have a problem with the architecture, but I think it's a good move. It might not be this move, a move to more dense -- density in the center of town, that's the -- if you want to talk about what it is, that's what the original town design is, more dense in the center, and as you go to the perimeters of the community, you're spreading out. So want to pull the rule books out, that's really what new urbanism is.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: My problem with this one is the loss of the parking spaces, and I very, very rarely argue in favor of parking. I hate making people build parking spaces. I say that a lot. Cherry Hill is very walkable. Internally, it's very walkable. It doesn't always have that great of communication to enter from -- for pedestrians from the City at large. It's a bit removed. It also has a lot of doctors' offices. It has -- the retail space is used in ways that seem to draw people from outside of the community, also driving cars. I go to the same chiropractor that Commissioner Geuea Jones does, and I usually struggle to find a parking spot. And -- and I think that has an impact on the residents. I do support putting -- putting housing, putting apartments in that location. The issue for me here is that it's a PD Plan, and, you know, our first speaker spoke to a bill of goods, and I very rarely side with bill of goods, as well. But for PD plans, they are what they're -- what's on the plan. And if we're going to change the PD plan, I guess I want to see a compelling reason as to why it's needed and how it helps the surroundings, especially in an environment that's kind of high concept like Cherry Hill.

MS. GEUEA JONES: Thank you. Other Commissioner comments? I'm going to come back to you after -- Commissioner Dunn?

MR. DUNN: Yeah. You know, just in my experience, I've spent a lot of time in Cherry Hill, knocking doors for elections. You know, I spent some time down there today, you know, just to check out the parking situation, check out traffic during rush hour, et cetera. You know, the other thing, too, is I -- I'm a big fan of mixed use, and so to see that kind be taken away and, you know, seeing something before me that just didn't really fit the neighborhood, and the time that I've spent there. You know, I'd like to see this maybe come back and maintain a mixed use, maybe additional units, a third floor, you know, different conversation, but, you know, as it is today, I don't think I can support it.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: The only problem with that, and I'll use -- I'll use Discovery Ridge as an example. How many times did Discovery Ridge morph? It is nothing like what it was intended to look like. And the -- and the owners and the developers had to adjust to the market. They had to. And if they had stuck to their guns and stuck to their original PD plan of Discovery Ridge, I think there would have been a lot of vacant buildings out there. And I'm almost the same here, and I love this neighborhood. I'm, like, do we live and die by this without adjusting to the market or the change in the world. I mean, it's just like this plan might not be exactly it, but to stay and ride or die, we want the ride or die with having vacant residential or vacant commercial for the sake of this is what we want, and then you have vacant, for sale, or for rent for an extended period of time. I don't think that helps the neighborhood. I think adjusting the plan to help perpetuate the concept of Cherry Hill is a good move.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Mr. Zenner, remind me, for residential use downtown, parking is not required to be located on site. What's the distance allowed?

MR. ZENNER: Quarter of a mile, if I recall correctly -- 1,320 feet.

MS. LOE: All right. And, ostensibly, what we're doing is densifying, as we just said. This is an urban area. And we're not building a multi-family property that -- and they were saying, we're not going to have parking adjacent to it. And we do allow currently in some of our more dense areas parking to be located remotely. So I'm not adverse to going by a guideline we've established for a more commercial mixed-use area. While I agree I would be a proponent of mixed-use, I also agree with Mr. Stanton that I don't think it's our place to necessarily dictate the market forces and, you know, office space isn't necessarily a high turnover right now. So this -- the height of this building albeit is three stories is only one foot higher than what was originally approved in 2013. It's 41 feet max, versus 40 feet. So -- and they're doing that, going back to the residential has a lower floor-to-floor height than retail, plus residential. So I understand this is a change. I understand the vision -- original vision was different, but I think some of the moves being made are actually in keeping and are potentially taking that next step, so I think I will actually support this. Thank you.

MS. GEUEA JONES: Thank you. Anyone else? I have a brief comment. I understand the concern that Commissioner Stanton expressed that retail space on the first floor of this building may sit vacant for an extended period of time. I think we are actually starting to see people want things closer to their homes. And I do think that Cherry Hill is a visionary space within our City that people look to for that exact setup of retail on the first floor and apartment building -- or apartments on the second floor. So I don't think I can be party to, if I can use that term, moving away from that, especially when the homeowners in that community were not part of the decision-making. If both associations had come together and said we want our area to be vibrant and the way we do that, given the current market forces, is this, then I would say cool. If they had said we want first-floor retail and two floors of apartments instead of one, I would say fine. But the fact that this is a massive change, and the fact that the elevations they brought to us, they didn't even have the forethought to make it look like the apartment

building it's backing up to, makes me think that this is not being done as a thoughtful neighbor. And the combination of moving away from the original vision of the area, and not showing me anything that says they're being a good neighbor, makes me not inclined to support it at this time. That doesn't mean if it comes back around again, or, you know, between now and Council, they can't fix some of that, and it may be that when they get together with the other homeowners' association, they can come to something that everyone agrees to. But the way it sits now, it's either not ready, or it's a bad idea, but I -- I don't feel good about voting yes tonight on it. Commissioner Stanton? Or I'm sorry -- can I -- Commissioner Placier, go ahead.

MS. PLACIER: Oh, yeah. Well, I think that if at least part of the first floor could be devoted to -- to retail, or something, because these one- and two-bedroom apartments are going to attract younger people. And younger people want a happening environment. They want something, you know, going on that they walk to, and I think maybe it could provide a market for whatever retail could be located on part of the first floor to keep with the concept. But that's just my idea of a win-win. It might not be feasible.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: Okay. The question we should be asking is, why are there two associations, and that is where we need to figure that out, because I think we're beating the owner and the developer over the head with something that is, number one, out of their control, and, number two, there must be a reason why there's two. And I'm not going to go -- I'm going to stay in my hood, and I'm going to be talking to people that it's relevant. If I'm in a certain association, I'm in the Douglass Park Association. I'm not going to go talk to Benton-Stephens. I don't care what they think. They have nothing to do with my neighborhood; you know what I'm saying? I know this is physically connected, but why are there two associations, and that needs to be addressed as we make our judgments.

MR. MACMANN: Madam Chair?

MS. GEUEA JONES: I believe Commissioner MacMann would now like to give us a history lesson.

MR. MACMANN: Just -- just --

MS. GEUEA JONES: Please.

MR. MACMANN: I talked to these guys. They were different from each other.

MS. GEUEA JONES: Would you do the microphone thing.

MR. MACMANN: I'm sorry.

MS. GEUEA JONES: Thank you.

MR. MACMANN: I have a wire in my way here. The three guys originally were different people, and the guy who did most of the houses is very different from the guy who did most of the commercial buildings, and they are kind of night and day different. And the guy who did most of the houses, I'm assuming the HOA flowed from the developer there, which is quite common. And the guy who did most, but not all of those commercial buildings downtown -- downtown, flowed from him, very different human being. And one being commercial, and one being residential, that would make some sense, also. But

very different value sets, very different visions. So that would -- that's why there are two. Same big deep plan because there's lots of money on the table, and they made lots of money and it didn't always work out, and that happens. I mean, you talk about Discovery Ridge, that changed because it changed hands, you know, because it wasn't happening where it was supposed to be. Thank you.

MS. GEUEA JONES: Anyone else? I'm sorry. No.

MR. KREIDE: I just wanted to add a statement to that --

MS. GEUEA JONES: I can't. I'm sorry. It's okay.

MR. STANTON: We've closed public hearing.

MS. GEUEA JONES: We've closed public comment and -- yeah. Anyone else? If not, Commissioner MacMann?

MR. MACMANN: If no one else has any questions or comments, I have a motion. In the matter of Village of Cherry Hill PD Plan major revision, Case Number 260-2023, I move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann; seconded by Commissioner Stanton. Is there any discussion on the motion? Seeing none. Commissioner Carroll, when you are ready.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Ford, Ms. Loe, Mr. Stanton. Voting No: Mr. Dunn, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier. Motion fails 5-3.

MS. CARROLL: We have three yes, and five no. The motion is defeated.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council.

MR. ZENNER: And as a result of a defeated motion, this automatically goes on old business.

MS. GEUEA JONES: That was our last case for the night.