

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
February 22, 2024

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 to the Cherry Hill PD Plan, pertaining to Lot 3B. The proposed revisions include increasing the footprint of the building by 8,000 square feet, reducing onsite parking spaces by 21 spaces, and increasing the number of approved multi-family residential units from 10 to 24. The 0.41-acre subject site is located northeast of the intersection of Flagstone Drive and Corona Road. The case was remanded for reconsideration to the Planning Commission by City Council at the request of the applicant, due to staff's oversight in regards to a 2014 development plan amendment and misrepresentation of the existing zoning conditions on the subject lot.

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 of 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 contact with parties to this case outside of a public hearing, please disclose so now. Seeing none. Are there any questions for staff? Seeing none. We will open the floor to public comment.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Once again a reminder, name and address for the record, six minutes for groups, three minutes for individuals.

MR. KRIETE: My name is Matthew Kriete; I'm with Engineering Surveys and Services, offices at 1113 Fay Street here in Columbia, and I am the civil engineer on the project. So again, thank you for letting us present this again. I know we've been back to -- to look at this again, and quite a few changes have occurred since then. So, first off, just again, some of the same summary here, but, you know, I want to go through what's changed, some of the history on Cherry Hill. I want to look at Cherry Hill more as a whole than just -- even just Lot 3B. Again, look more at the plan, the parking, and the new building elevation, and we actually have a new one than what you've seen in your report, as well. Just some more feedback we got from the association, some additional changes to that that we'll show you tonight, as well. So first off, you know, like we mentioned, I think we had a little bit of inaccurate history. That 2014

revision, I think, was a pretty critical piece. I had a client who purchased a property that was zoned fully for residential. And so I think that was an important piece that was not properly presented last time. So, you know, we were talking not about a change of use, but really just a change in building area and residential density. But since then, again, we've changed the building elevations and there has been meetings with the HOA and association. Again, you've seen this letter, as well. I believe it was in your packet -- the approval letter. Again, same thing. Several revisions have occurred along the way, and I -- you know, we talked about the original approval in '99 and the other revisions that have impacted lots 3B. So looking at the overall development characteristics from those original plans, you can see from '99 the retail size, the parking required, the parking provided, and there you'll see that 33 percent reduction that was approved with the original plan as -- as was mentioned earlier. And as you can see as this time has progressed, you've seen the density and intensity of the development actually reduced, but, overall, the parking really hasn't changed, so the actual amount of parking on Cherry Hill has been increasing. You know, so for -- for us, you know, what are we asking for? Ultimately again, it's a change in the residential density on Lot 3B. It's a change in the building area, and it's a larger footprint, and it's a reduction in the parking on there to allow, again, the use of the shared parking on the site. It's those -- those items only. This is nothing about use. So specifically, you know, what's the density change? Well, there's ten units approved; we're looking for 24. The building, though, again is -- is not -- not that much of an increase, but again, it's just another 8,000 square feet. It does cover a larger footprint, and again, the parking is available in the area, so again, that piece is being removed from the site, you know, as a whole. So, again, this is important, I think, to look at it as more than just being Lot 3B. I think Cherry Hill -- the Village of Cherry Hill is a bigger plan. There has always been shared parking as part of this development, and we're asking just to continue on with that and the walkability and the intent of this development. And with that, I mean, the -- the proposed revisions, you know, fit with what was proposed with Cherry Hill originally. Again, same table, now we've added our proposed amendment here, and you can see again that reduction in retail across there, the change in the parking. And what's interesting to note here is when you look at '99 and you look at now, the different in the, you know, the required parking and the provided parking is exactly the same. And, in fact, I'll admit I forgot to update the number. We actually are providing 630 stalls; we're providing more parking as a ratio than we -- than it was in 1999 overall in Cherry Hill. So again the density is down, but that overall parking is very consistent. Likewise, when you look at Cherry Hill, I've highlighted lots out there that had buildings that don't have the required parking on their actual lot. This was always part of the Cherry Hill plan to have that. You know, again, we're not asking for anything new that wasn't already present in this development. Lost a page there. All right. So with that, I think we had seen an overlay, I had another paper to overlay, and that didn't transfer over when I uploaded this. But overall, our plan again is -- I lost my page -- the changes we've talked about, we've added the additional three stalls where the ATM was over to the left. We've -- working with the HOA, there's, you know, been the addition of removing the locust trees on the association's property and adding additional buffer there. This is on top of the buffer we're already required to install, and we will

install, so it's, you know, more or less doubling the buffer up. And that will enhance the landscaping in that association area, as well. We've added the drop-off area. It's hard to see on the -- on the screen, but it's actually over by the accessible stalls behind the building. I think that the original request was, hey, put it out in the street, but that's going to take people upstairs and more grade change. I mean, this is really, if you want to unload groceries, this is right next to the building, right next to the door. This is a much more practical space for it. That's not included in the parking count, by the way. It's -- you know, we didn't include that. Again, one stall, not making a big difference, but it's not included. So again, looking at the required parking, again, as a whole, was 509 required by the Cherry Hill plan. If we were to apply it based on the current UDC standards, 610, again, there's 600 -- actually 630 stalls provided out there on the plan, so we're exceeding it, you know, whichever way you look at it in Cherry Hill. Just to further look at it, we've started monitoring the parking in the area, so we've highlighted -- what we've highlighted in the yellow, we've monitored that parking for just about two weeks, and found that about 17 of those 55 stalls were used on average. Peak rates were in the afternoon, and even at the peak time, there was enough parking to accommodate what we need. The rates make sense looking at what's in Cherry Hill, the businesses that are there. They're pretty much all 8:00 to 5:00 businesses with a few exceptions. So again, the use of shared parking makes a lot of sense out here. You know, when the residents are home, businesses are closed. The parking study, we show highlights the same thing. Again, here's your updated rendering, and you can see that gables have been added to it, so again just a request of the association, add a little more character to the building. So it's a little different than you see, but, again, what else is updated. It's all brick and stone exterior now. It is four-side architecture. It does tie into Cherry Hill and the architectural style of Cherry Hill now. And now you can also see in the context of it. And one nice thing that you can't see now, it's not on there, but behind that building is the -- you know, the sited building that's behind it now, you know. So it does cover that building, and it kind of does stick out a little bit from the Cherry Hill standpoint. With that, I would be happy to answer any questions you all might have.

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

MR. MACMANN: Thank you, Madam Chair. First off, A bit of a kudos there, Matt. I thank you for the four-sided architecture. I participated in building the downtown area many years ago, and not all of them have four-sided architecture. My question is as follows. And again, there was a lot of misinformation previously, and I'm glad we've had a chance, as painful as this may be and as expensive to this client this has been, to review this. You've obviously talked to the residential HOA and the more commercial oriented thing in the City. My -- my question is kind of a Commissioner Stanton question. Is -- what do you think are the strong points and weak points of this? Have you addressed the issues that you feel the people have had problems with this before?

MR. KRIETE: Oh, absolutely. I think we did. Architecture is obviously one of the big ones.

MR. MACMANN: Uh-huh.

MR. KRIETE: You know, I think we -- you have a building now that has been well vetted, you know. The association has an architect that reviews it, so that's where a lot of these comments came from. So it's -- I think there was a lot of back and forth from what I saw getting to this conclusion. But yes, I think that was a big part of it. Really looking at the parking is -- is there a concern to really get out there and study the number of the stalls and they look at Cherry Hill as a whole, not look at this so much in a vacuum itself, I think is also very important. And then working with the association of where is their concern, you know, that it all -- concern that residents are -- what are they going to do. Will they -- well, they want to be a little closer, so I'm going to park out in front of the house down the street a little bit. Well, no. You're not going to do that. No. You're going to -- you're leasing here, you're going to be parked over here, or you can park out in this area, but that's off limits over there, which is, you know, again, one of the big concerns. And I think resolving those issues with the HOA, I think was a -- was a big part.

MR. MACMANN: All right. I just wanted to check because that was an issue. We were here a long-time last time.

MR. KRIETE: Yes.

MR. MACMANN: I have no more questions, Madam Chair.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Thank you, Mr. Kriete, for the context in the elevations. It definitely helps to see how the building would be sited in the surroundings. I had a question just about the shared parking. Am I incorrect that last time we looked at this, for some reason, I thought we were looking at parking perhaps more remote to the north of the site? Where were -- was it contemplated that other parking lots might be used?

MR. KRIETE: I think we're -- we're looking more at the Cherry Hill as a whole, because it was always a shared parking.

MS. LOE: Okay.

MR. KRIETE: We've honed in tighter into an area. And it really, again, in response to the comments we had last time and association, and really, really, where are people going to park? We're going to park as close as we can. That's what we do. It's what -- why we complained that we had to walk in Cherry Hill and know we're in a walkable development or coming downhill. It was great. I get to park back here today. I didn't want to park in the garage and walk down the stairs.

MS. LOE: If it is shared parking, and I understand some of the parking will be shared, is that dedicated parking, or if there's future development that also wants to use that parking, I mean, how do we know that parking --

MR. KRIETE: Consequently, one nice thing, a concern is we had some vacant retail space the last time we met. When we went out to do our study, it was full. So in fact, we had new businesses that just opened, you know. We got a little way from the New Year's and Christmas, let people get back in the scheme of things, had some pretty nice weather, and got out there and did some parking counts. So I

think you got to see realistic of what was there. In fact, I think with new businesses, you probably had a little higher demand because those businesses were right in that area than what will probably persist as we go on. And you can see a little -- a little spiking in there, but, again, it's afternoon. This will be offset from when the residents need it.

MS. LOE: Thank you.

MS. GEUEA JONES: Sorry. Before we got to Commissioner Carroll's question, so was that a no, it's not designated? It's just shared?

MR. KRIETE: It's just shared. I think all -- everything in Cherry Hill is shared. That's the -- that's the intent of Cherry Hill.

MS. GEUEA JONES: So, it's no, it's not designated?

MR. KRIETE: Correct.

MS. GEUEA JONES: Thank you. Just wanted to make sure we answered the Commissioner's question.

MR. KRIETE: Yeah. Uh-huh.

MS. GEUEA JONES: Thank you. Commissioner Carroll?

MS. CARROLL: You said that you had -- that the association had an architect to look over the plans.

MR. KRIETE: Yes.

MS. CARROLL: Is that the Commercial District Association?

MR. KRIETE: Yes. Yes.

MS. CARROLL: Okay.

MR. KRIETE: Yeah. It's part of the requirements in the association that it would be approved by their architect.

MS. CARROLL: And the approval that we have, the letter of support that we have comes from the commercial district?

MR. KRIETE: Yes. Yes.

MS. CARROLL: Thanks.

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

MR. KRIETE: Thank you.

MS. GEUEA JONES: Oh, wait. I'm sorry. I did have one more. I didn't look down at my own notes. Which association will you be joining then, or with the -- no you, but the owners be joining then or will the -- not you, but the owners be joining?

MR. KRIETE: I think I'll leave that question to another presenter here.

MS. GEUEA JONES: Okay.

MR. KRIETE: He can explain that better than I can.

MS. GEUEA JONES: Fair enough. Thank you very much.

MR. KRIETE: Thank you.

MS. GEUEA JONES: The next person who would like to speak on this case, please come forward. Don't be shy. Okay. There we go. Name and address for the record, and six minutes for a group, three minutes for an individual.

MS. O'KEEFE: Individual. Beth O'Keefe, address 2203 Cherry Hill Drive. My lot backs up and overlooks directly the empty lot that will be developed, as well as the lot where the parking would be supposedly taking place. I say supposedly because I think that's a little ridiculous to assume that will take place there. Our big concern as residents is that I have a private driveway or an alleyway in the back that is right next to the sidewalk that will be encroached upon with this building. If you go back to the pictures there that the -- excuse me. I am suffering from a cold. The -- so some of that shared space is also going to encroach on our end of our alleyway, end of our common shared space that we have to maintain, as well. So we're worried as residents about, first of all, the value of our home being impacted by this ginormous building being put on that very small lot without any sufficient parking for it. The parking across the street is shared parking. I can look out my back deck and see there are cars constantly in that lot all day. That means you can't say that there's enough lots or enough parking spaces there 24/7 for 20-odd units here. They -- people aren't just going to park there at nighttime, they're going to park there all day long for residents. They're going to park and encroach upon our residential area, which is going to encroach upon our HOA covenants and provinces. So we're worried about that, as well. It's a further concern, it's always been a concern. We have kids who play there, and we've seen an increase in residential thefts, we've seen an increase in attractive nuisances with cars being unattended. This is going to increase that. So, in short, I mean, this is just going to increase the problems we're seeing in our neighborhood by increasing these attractive nuisances in our neighborhood with these multitude of cars just sitting out there. We have a lot of concerns in the homeowners' association and in the residence -- residential area part of Cherry Hill. So thank you.

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

MR. STANTON: Well, have you -- has the, I guess, the residential HOA has expressed their concerns to the owner of this property and the other commercial HOA, I'm assuming?

MS. O'KEEFE: The residential HOA, I've expressed my concerns to them because my husband is the new president, but there was a change in the HOA Board on January 1st of this year. Some of the prior HOA Board members had heard those concerns, but I believe there were some other deals made by the prior HOA Board that -- I don't know -- I wasn't privy to.

MR. STANTON: Okay.

MS. O'KEEFE: So I'll let them speak for themselves.

MR. STANTON: Do you have a solution? If the -- put yourself in the owner's footsteps.

MS. O'KEEFE: Right.

MR. STANTON: How would you fix it if you were hearing yourself?

MS. O'KEEFE: In the original 2014 plans were sufficient with the spaces that they had allotted

that were next to the building. There doesn't need to be an expansion upon that. That would be solution is to leave it as it was when it was previously approved.

MS. GEUEA JONES: I'm sorry, ma'am. Could you talk directly into the microphone.

MS. O'KEEFE: Oh, I'm sorry.

MS. GEUEA JONES: Thank you. It's for the transcript.

MS. O'KEEFE: Here's -- yeah. That's fine. I'm saying the original -- the plans that were approved back in 2014 were sufficient with parking spaces next to the building themselves. They allowed for correct parking and not trying to push parking across the street or onto the street and into residential areas.

MR. STANTON: Thank you, ma'am.

MS. O'KEEFE: Yes.

MS. GEUEA JONES: Thank you very much. Anyone else to speak on this from the public? Oh, I'm sorry. Ma'am, would you mind coming back for Commissioner Wilson? I'm sorry, Commissioner Wilson. Thank you very much. Go ahead.

MS. WILSON: I apologize. I was looking at the 2014 plan trying to remember if that still had retail space in it.

MS. O'KEEFE: It did not.

MS. WILSON: Okay. So is your concern the number of units and that's because we have more units, therefore, we have more requirement for parking? I guess I'm trying to --

MS. O'KEEFE: That's also a concern because that also impacts our shared commodities, which is our shared pool that we have for our subdivision, but I only had three minutes, so I was trying to stay brief, but yes.

MS. GEUEA JONES: Commissioner Wilson, you can continue your question?

MS. WILSON: That's -- she answered my question. Thank you.

MS. GEUEA JONES: Okay. Anyone else? Commissioner Stanton?

MR. STANTON: So the shared pool issue has not been addressed? Are they part of your HMO [sic] or are they part of the commercial? That needs to be addressed. Correct?

MS. O'KEEFE: The homeowner -- residential HOA is responsible for the pool. So yeah, in my opinion, it hasn't been resolved. That's my opinion.

MR. STANTON: You don't know if these people will be part of that or part of the commercial side?

MS. O'KEEFE: And I am not on the board, so I can't answer fully. All I can say is from what I understand. It's not been resolved since we will have people with access, and we don't have the space. And this would be doubling that, which was already approved.

MR. STANTON: Thank you.

MS. GEUEA JONES: Last call for Commissioner questions. Thank you very much.

MS. O'KEEFE: Thank you.

MS. GEUEA JONES: All right. Next member of the public? You may need to pull the microphone down a bit. There we go. Thank you.

MS. JOHNSON: I'm used to that, being things shorter for me. My name is Roberta Darlene Johnson. I've owned residential property in the Village of Cherry Hill since April of 2003. My husband and I moved from The Hamlet, which is about a mile north on Scott Boulevard into our dream home in October of 2003. Since we moved into the Village of Cherry Hill, we've -- we've kind of noticed that there seems to be a tendency for the land use on some of the original lots changing. And one of the reasons that we moved to Village of Cherry Hill is we like the idea of mixed use. We like having retail, having apartments, and/or, I guess, larger apartments in our neighborhood. Along with single-family homes, we have town homes, we have condos. There seems to be -- originally, there was actually -- we currently have three buildings in the Village of Cherry Hill that are exclusively all apartments. Only one of those was originally platted as being all apartments. One of the buildings that's currently two floors of two-bedroom, two-bath, that was the original -- that was The Verandas. That was originally that way. The Gables was originally supposed to be a basement that had parking in it and two floors of apartments. It is now three floors of all apartments. The Woodstock building, which is currently two floors, they're all two-bedroom, two-bath apartments, originally was supposed to have a basement for parking and storage, and two floors of child care. So it looks like there has been a precedence set of changing land use from retail with apartments and some of those larger apartments to now pretty much exclusively apartments. One of the issues that comes to me, especially from the presentation from the gentleman earlier that it looks like a lot of changes have been made where we've been -- one of the things about Cherry Hill is trying to not have so many impervious surfaces. Parking lots is why they have all this retail parking, but now it seems that the apartment complex now that's being proposed wants to yet again decrease parking size and replace that impervious area with a building. I don't see how that can really work with the need to have an impervious surface. The second thing is -- and I'm glad that a couple of the Commissioners have brought this up -- is about the 26 parking spots in the lot that's to the west of this. From the Town Center declarations, it clearly states that owners are not assured an individual assigned parking space, or that there will be sufficient spaces to guarantee parking at all times. One of the issues I had with reducing the number of required parking spaces with this lot is that it's my understanding that currently there's a same owner of Lot 3B that owns the commercial lot across the street. And that's fine, but it looks to me like if what they're saying is -- okay, if you approve this as it is, we want -- we'll have 26 dedicated parking spots. Well, first of all, it looks to me, from what the Town Center Declarations are, the only way that can be done is to have a permanent easement attached to that commercial lot that says we will have six -- 26 dedicated spaces. It would be nice that if the same person owns both of those, but all it would take is the sale of one and things could go downhill pretty quickly from that.

MS. GEUEA JONES: Thank you very much, ma'am. That's your time. Any questions for this speaker?

MS. JOHNSON: Thank you. Appreciate it.

MS. GEUEA JONES: Seeing none. Thank you very much.

MS. JOHNSON: Thank you, again.

MS. GEUEA JONES: Next speaker on this case?

MR. HANCOCK: John Hancock, 2101 Corona. I don't have a problem with this apartment building on this property. It seems to be in keeping with multi-family and commercial on three sides of it. I've witnessed the parking on the south end of a lot across the street for a number of years. After 5:00, there's easily 26 spaces that are empty there, if not more. That should more than handle the spillover. This is a good use of what I consider an infill lot now, now that we have subdivisions out by the river in Columbia. So it's in keeping with -- with the original plans for Cherry Hill, I believe, and it would be a good use of the property. And parking -- parking should be adequately handled with -- with what's available. I don't see the owner doing something to damage his existing property across the street in a commercial building, so that's all I have.

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

MR. HANCOCK: Thank you.

MS. GEUEA JONES: Next speaker on this case?

MR. BARNETT: My name is Kevin Barnett; I live at 1908 Potomac. I spoke in December, represented -- I was one of the Board members for Cherry Hill -- the Village of Cherry Hill. So a little clarification to answer Commissioner Stanton. Residences of apartments do have access to the pool. They do pay certain amounts of fees to use that as part of an ownership of those apartments, so that our dues go to the HOA to pay for those pool things. This increases the amount of people who are going to use the pool. Additionally, it does change some things that we didn't talk about last time. It does change the voting rights within the HOA for the residents because each apartment owner gets a vote for every two bedrooms and a half a vote for every one bedroom. It's getting to the point where there's almost more voting majority of apartment owners than there is for residences. However, we did meet with the owner as a board in December, I think it was, and he's made some changes. We have an exterior change, which is probably \$100,000 worth of change. He's made an allowance for parking on some other areas of the area he's got. He's already made an allowance for his residents to not impact the homeowner to the south, and additionally, he's also changed the landscaping quite a bit from the previous drawing, and he's also volunteered to contribute about \$6,000 to the HOA for a Wi-Fi card reader so that we can limit access to the pool to tenants that don't pay or homeowners that don't pay. The HOA Board has to approve that, and I think that was about most of the issues. But I -- I think from the presentation last time to this time, it's not desirable in that it's not the original from 2013, but there are a lot of good things about this. It looks very nice. It's twice as big as what people thought it was going to be, but there are some accommodations and that being the first thing you see when you pull off of Scott Boulevard, in my opinion, looks pretty nice.

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

MR. STANTON: Why didn't you consider not allowing the people in this apartment to have access to your residential pool?

MR. BARNETT: It's in the bylaws that they have access, so apartment owners have access. They pay a fee for that, as well.

MR. STANTON: So do you have enough --

MR. BARNETT: Do you have enough space in the pool?

MR. STANTON: -- I'm just having -- I'm thinking of a kiddie pool, and then you have a whole -- whole bunch of people there. I mean, can you even accommodate it. Is that something you need to address that?

MR. BARNETT: I'm not -- (inaudible) -- about the pool, because I don't go to the pool myself. But --

MR. STANTON: Yeah. I'm just thinking of a strain on the infrastructure, which has been an issue before, and you're --

MR. BARNETT: My opinion is apartments tend to have people in their 20s and 30s, and those people tend to go out to the pool and hang out and have a beer. And usually those are the ones that are breaking the rules with the smoking and the bottles in the pool area, so to a certain level, it causes more problems, but that's my opinion.

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

MR. FORD: Are you supporting this design?

MR. BARTLETT: As a residence, I am -- a resident. The HOA Board decided that their position would not be to endorse or speak negatively about it because they didn't feel like they had the power to. It's a different board than was in December, so we changed over two board members.

MR. FORD: But you personally are supporting this?

MR. BARNETT: Yeah. Yes.

MR. FORD: Okay. Thank you.

MS. GEUEA JONES: Any other questions? So I have a question. Does that mean that the Board that was in existence in December is the one that made the agreements that are shown on the PD Plan.

MR. BARNETT: A little clarification. It was presented, and we were going to get back to him, and we never got back to him.

MS. GEUEA JONES: So an official vote has not been taken.

MR. BARNETT: We had a discussion, and we never actually formally agreed that this is everything that we always wanted.

MS. GEUEA JONES: Got it. And do you know whether -- it sounds like what you are saying is they will be quasi-members, associate members, something like that, or will they be full members of the HOA?

MR. BARNETT: The owners of the apartment buildings will have voting rights. I think it's one

voting right for every two-bedroom and a half a voting right for every one-bedroom, and so it changes it from, I think it was ten voting rights to now it's whatever that number is. I'd have to do the math, but I think it's 18.

MS. GEUEA JONES: And that's despite the fact that I think that lot was originally going to be a commercial lot in the Town Center Association, not the residents association?

MR. BARNETT: I don't understand your question.

MS. GEUEA JONES: So I guess my question is, my understanding, and I haven't read both associations' full bylaws. My understanding is originally and maybe even in the 2014 amendments, that lot would have been part of the Town Center Association.

MR. BARNETT: Right. But the apartments of that would have been --

MS. GEUEA JONES: Okay.

MR. BARNETT: -- getting voting rights to be, because they're residents, they're just apartment owners.

MS. GEUEA JONES: Got it. So it doesn't matter -- so there is a scenario in which there are some rights of the owner of that lot in both associations?

MR. BARNETT: Correct.

MS. GEUEA JONES: Got it.

MR. BARNETT: And he's here, so he may be able to speak to that.

MS. GEUEA JONES: I may have to ask him that. Thank you very much for your help. Any other questions for this speaker? Thank you very much, sir. Next speaker on this case?

MR. MCGUIRE: I'm Jim McGuire; I live at 304 Russell Boulevard. I was one of the original building condo owners at 2011 Condo -- or 2011 Corona Road. I currently am representing them. We fully support this plan, and I've been on the Board of the Town Center Association for a number of years, probably 15 years. We have very vigorously debated this project for probably three years. And in answer to Commissioner Loe's question about parking, we're very concerned about parking because all of the Town Center Association shares all those lots. And as we mix the use, the dynamics of when people park change quite a bit. The southwestern corner of the Town Center Association that is basically across to the west gets very little use. And there's been an ATM that was actually removed probably a decade ago, and that's going to be reconfigured so it'll free up parking. That was our primary concern, and we think there's adequate parking as an association. The board finally issued its full support for this project because that was our concern. We represent a lot of important businesses in the community, and that was -- that was our big concern. And by the way, we spend tens of thousands of dollars a year in concrete work maintaining those parking lots, and that comes out of the Town Center Association, and it's never ending. Until we find a solution for better concrete surfaces, that -- and we continue to do that. That's just -- that's part of the deal. So anybody have any questions for me?

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

MR. MCGUIRE: Thank you.

MS. GEUEA JONES: Next speaker on this case?

MS. RUBINSTEIN: I'm Paula Rubinstein, resident at 2208 Potomac Drive. And a couple of things that I've heard -- our association, as you are understanding are -- there's two different ones. They don't always talk very fluently back and forth, and so there's a lag time between getting information. So I know that sometimes some -- one doesn't know what the other one is always doing. But I can say, having been on the Board before, we have been concerned about the pool issues. I used to help be in charge of keeping the pool maintained in the summers, and I asked the same question that -- that Commissioner Stanton asked about can we just not let the residents of the apartments be at the pool, because it usually causes a lot more trouble with maintaining and lots of repairs, and all the things. But I was told and it's in a bunch of the bylaws that when all this community was initially established, that's not how it goes. It was established so that any new apartments and owners or rent tenants would be allowed to come and, yes, they have some fee that they pay. But there's concern of parking. So we're assuming that the tenants of the apartments are not going to be there during the day a lot of the time so that when anyone at Town Center and as it's becoming more populated, there's Therapy Unlimited, Focus on Health, several -- there's eye doctors, there's salons, there's people coming and going. So I know that some of those are still adding, they're growing. Therapy Unlimited is growing. So there's got to be parking for their employees, all the different therapists, and the clients that are coming. And so right now I know the square gets really busy during the day when all that's happening. So I'm imagining if the tenants of the apartments happen to park on the square because they can, it's shared use, and then we're going to have patients and employees and clients coming that use the square, and I can anticipate difficulties with parking spaces. So it would be -- my solution would be it would be better if there were more designated parking spaces. And I don't see how it's going to be monitored if they do go ahead and branch out into the neighborhood. It's going to be very crowded. Right now we have trouble with our buses getting through in our neighborhood because we have a couple of roundabouts that they kind of have to drive around or over. And then when people are parked on both sides of the road, it's not very easily a two-way pass, and that would also be a concern. So parking, in my opinion, is of concern. It just needs to be a little more designated parking. So I can't imagine that big of a building allowing enough. That's all.

MS. GEUEA JONES: Thank you. I'm sorry, ma'am. Just one moment. Are there any questions? Seeing none. Thank you very much for your time. Next member of the public?

MR. SMITH: My name is Kirby Smith.

MS. GEUEA JONES: Could you pull the microphone up? I'm sorry. Thank you.

MR. SMITH: My name is Kirby Smith, and I live at 403 Stallworth Court. It's about mile from Cherry Hill. I manage the Town Center Association, the commercial part, as you described it, sir. So there's a neighborhood association and there's a commercial part. I've been managing that property for 17 years, and we've been fortunate to have one of the founders, which there were three when this was

originally built in, oh, around 2000, I believe. We've always had a founder on the Board, and so there's maintained consistency for the vision that those people have had. One of the founders, I met with him and Travis McGee, who submitted this application, and we found Travis to be very congenial, very easy to work with. He went through quite a process with our design review board, our town architect, in order to get all the revisions that were required from our design review board approved. And once those were approved, they went through the full board, and the full board passed it and approved it, and we're very delighted with what the finished product was. I, myself, as manager do not have the opportunity to vote, so I'm here to say that I strongly support this project. And as far as the pool issue goes, I can see what they're saying as far as the pool, and I don't have anything to do with that, but they are getting a substantial amount of money coming from these apartments to be able to support the pool, maybe expand it, maybe build another one, I don't know. As far as parking goes, again, there's plenty of parking on this development. This will get developed someday. There's going to be parking in it whether it's retail, office, or apartments. The southwest corner, I've been involved with this for 17 years. That southwest corner, which is directly across the street to the west, is probably the least dense, least used space in the entire development. So I do believe that a point of additional parking there to take care of this. If anybody has any questions, I'll answer them.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Seeing none. Thank you very much for your time. Next speaker?

MR. O'KEEFE: Madam Chair, good evening. My name is Chris O'Keefe; I'm a member of the Cherry Hill Neighborhood Board, the homeowners side of things, not the commercial. I just wanted to come up and express my opinion. I didn't expect to speak tonight. The most vocal member of our Board wasn't actually here. What I'm hearing from people I speak to from other homeowners, from everybody I interact with, my neighbors and people on the other streets, is that they are largely concerned about the fact that in our neighborhood we have a very significant pride of ownership, and we're -- and the concern largely boils down to with more -- with more tenants as opposed to homeowners in the neighborhood, will that pride of ownership continue? Is it going to affect the neighborhood, the walkability, the common areas? Is it going to affect our property values? Those are the things largely that I think that are concerning our homeowners. And, yes, it does have to do with parking, which I don't really want to get into. I haven't counted the spaces myself. And it does have to do with the behavior at the pool, it has to do with the common areas, it has to do with the magic tree, and whether or not you can get through the neighborhood on your drive home from work, and whether or not the school bus can get through in the morning, it all plays together about is this the neighborhood we moved into. Thank you.

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

MR. O'KEEFE: Thank you very much.

MS. GEUEA JONES: Next speaker on this case.

MS. PETRIE: Hi. I'm Deana Petrie; I live at 2206 Potomac Drive, and I actually was the board

president when we met with the owner of this property, and we did discuss a lot of compromises. But we didn't feel like that would be fair for just five of us to represent our entire neighborhood, so we went back for discussion. In the meantime, we went through a board election. We had a turnover which started in January. And we just did -- well, the prior board did not feel it was fair to represent our entire neighborhood, so we did not have a neighborhood-wide association meeting to discuss this. So we really didn't come to an agreement with the owner, even though we did talk about the ways that this project could improve from the prior plan. And another thing we're worried about is there is another plat that will be developed on -- probably in the future. I don't know the exact details of that, but what I do know is parking was removed from that one, as well. So that's just going to impact parking more in the future, this one and the next one.

MS. GEUEA JONES: Thank you. Commissioner Loe, go ahead.

MS. LOE: Ms. Petrie, you mentioned that you discussed some opportunities for improvement. Have any of those been incorporated into what we're seeing today?

MS. PETRIE: Yes. Yes. The visual look of the building, yes. There was -- we just talked about, like, improving, you know, the security of our pool through a key-card system, improving some landscaping. But the improvement with the -- the gate at the pool, that's a capital improvement which the whole entire neighborhood will have to vote on anyway, even if we do get the funding from the owner. So, yeah.

MS. LOE: Thank you.

MS. PETRIE: You're welcome.

MS. GEUEA JONES: Any other questions for this speaker? Commissioner Carroll, go ahead.

MS. CARROLL: As an individual, do you support or oppose this?

MS. PETRIE: Well, the only reason -- I mean, the parking, I understand, but the only reason I would oppose it right now is, well, two reasons. Our pool -- our pool is tiny, and it's old. It needs a lot of work and it's busy, it's so busy now. And with this and the new possible apartment, I am -- and the lot that's not even being developed yet, that's just -- it's just going to make it that much busier. And as Kevin said, the kids in these apartments, you know, they're younger, and they don't follow the rules. And we actually have an interest in this pool because we are homeowners, so -- and also the voting rights. I mean, it's almost going to come, like, half apartments, half residential, and that's just not what we envisioned when we moved in the neighborhood.

MS. GEUEA JONES: Commissioner Placier?

MS. PLACIER: Yeah. Just let me get it straight. The representation and the powers of different groups. You referred to homeowners, the owner of the building, and then the tenants in the building. What are the relative hours of each? That is, does the owner of the building have the power within the HOA?

MS. PETRIE: Yes.

MS. PLACIER: Whereas the tenants --

MS. PETRIE: No.

MS. PLACIER: Their only deal is they have to pay a fee and that's --

MS. PETRIE: Yes. That's -- yes.

MS. PLACIER: That's their only -- they aren't even organized or represented in any way?

MS. PETRIE: No.

MS. PLACIER: Okay. I just wanted to be clear.

MS. GEUEA JONES: Any further questions? Thank you very much. Next speaker?

MS. O'KEEFE: Hello. My name is Eleanor O'Keefe. I live on 2203 Cherry Hill Drive. And I would just like to point out the fact that as one of the kids here, I've noticed that a lot of the time, especially with the elementary school buses, they go around the magic tree area, and especially whenever they do go through, it is -- I have noticed that the buses have difficulty getting around the cars. And I would like to address the parking because there is a lot of kids in this area, and this area is, like, I've noticed that it's very difficult for large families to move in or families with a lot of kids. And a lot of these kids don't know any better to look whenever they cross the road, and a lot of these backyards and front yards border the areas that if the parking does overflow, it would overflow into those areas. And my concern is that maybe some people might not notice the cars coming and there might be accidents happening. And also with the pool thing, I have noticed that especially whenever I'm there with, like, my friends, or I'm just there with, like, my family, there is some people there that I don't feel safe around, especially because of the way they're acting. And it is like other people have mentioned, a very small pool, so everyone is kind of close to each other whenever there's a lot of people there. And it just doesn't feel very safe whenever there's people there that aren't maybe following all the rules or anything like that. And I have seen people also break into the pool.

MS. GEUEA JONES: Thank you very much. Are there any questions? Commissioner Placier?

MS. PLACIER: Yeah. In terms of the rules, is there anybody there at the pool when it's open to say, hey, these are rules?

MS. O'KEEFE: Honestly, whenever there's kids there and even when there isn't, there is no one there. There is a sign on the gate of the pool that says there is no life guards here, swim at your own risk. And the only people that ever address that is the parents of these children or just, like, adults.

MS. PLACIER: So if the parents are around, they might say something, but if they aren't --

MS. O'KEEFE: Yes. But otherwise -- other than that, there is no person in charge of the pool that's there, like, hey, you can't be doing this.

MS. GEUEA JONES: Commissioner Loe, did you have anything else? Okay.

MR. ZENNER: Commissioner Wilson.

MS. GEUEA JONES: Oh, Commissioner Wilson, go ahead.

MS. WILSON: Thank you for coming up. When you're observing the parked cars and the school bus having difficulty, is it just in the circle, in the roundabout?

MS. O'KEEFE: It's not just in the circle. I'm in sixth grade right now, but whenever I was in

elementary school, that's when a lot of the people would be coming back from their jobs and parking at their apartments. And I have noticed that not just with that, but our bus also passes by the neighborhood adjacent to Cherry Hill, and there is also parking there that I've noticed. And I don't know if that has anything to do with the apartments, but I have noticed that it does overflow quite a bit already.

MS. WILSON: And would that be in the morning and in the afternoon?

MS. O'KEEFE: Mostly in the afternoon, but it is slightly a problem in the morning, yes.

MS. WILSON: Awesome. Thank you so much.

MS. GEUEA JONES: Any other questions? Seeing none. Thank you for coming forward and giving your perspective.

MS. O'KEEFE: You're welcome.

MS. GEUEA JONES: Everyone else here is a full-grown adult who does this all the time, and we appreciate you.

MS. O'KEEFE: Thank you.

MS. GEUEA JONES: Thank you.

MR. FORD: Good job.

MS. GEUEA JONES: Next speaker on this case?

MR. MCGEE: Good evening. I'm Travis McGee, 308 Ninth Street. First off, I appreciate you hearing this case again, and giving -- affording us this opportunity tonight. Since our last meeting in October, you know, we've been through quite the process with both associations, mainly with the Town Center because, formerly, that's where the approval needed to come from in order to build the structure through that association, so we did that. We've been through multiple drafts with our town architect, and a lot of that is what you see on the screen here. So the new building that we've -- that we've designed, you know, it incorporates the aspects of Cherry Hill. I know we talked last time, you know, the other rendering that I had come up with before, after our meeting, we went back and looked at it, and, you know, I started looking at it myself and started thinking we can do better. And I feel like we -- we presented that tonight. I was able to hire an artistic rendering gentleman out of St. Louis to show the other buildings behind it. I know there was a comment from the Commission last time, so I wanted to -- to do that. But the brick and stone is consistent with the colors of Cherry Hill, and we went through that process. I think there was four or maybe five revisions with the Town architect in order to get ultimate approval, and so we did that. And then, of course, you know, you've heard tonight, I met on December the 2nd with the neighborhood association, and a lot of those -- all of those comments from that meeting, we sat a round table at one of my other projects, and I wrote down a list of every concern that they had, and every single one of those concerns is incorporated into the plan. I did reach out multiple times to -- to reach out to meet with the new board. I wanted to ultimately get their, you know, formal support, even though I didn't need it to actually build the building, but I wanted to have that, and I didn't obtain that, but I feel like I did everything I could to try to do that with the previous board. It just happened that there was an election between, you know, when I met with them the first time and tonight. So that's where we're at

tonight, and I'm happy to answer any questions.

MS. GEUEA JONES: Thank you. Questions for this speaker? Sorry. You probably said it, and I was -- just missed it. Are you in both associations? Are you a formal member of Town Center, and voting rights member of the residents? How does that work?

MR. MCGEE: Well, again, Mr. MacMann knows a lot about this, but, you know, so, yes. I mean, the Village of Cherry Hill is one big association. The Town Center is the commercial portion with the mixed use. In commercial -- you know everyone said, you know, commercial, but it's really commercial and mixed use, you know. So that is one portion, and then there are voting rights in the neighborhood association for the apartments. And then the apartments in the Town Center do have access -- you heard tonight about the pool that's been, you know -- you know, something that, you know, I've had some questions about. But, you know, formally, I'm in the -- you know, we're in the Village of Cherry Hill, all of us, but, formally, I'm in the Town Center Association and then that's where I needed to get my formal approvals to build this structure. However, I do pay dues as a residential owner to the neighborhood association for the pool every year, and I think it's \$150 per unit per year for not -- not just this building, but, you know, the other apartments that I have next door. So we're going to be contributing \$5,400 a year forever to the pool. We offered to do some things to help improve the pool, too, with the previous Board, but I didn't get this -- you know, solidify those agreements with the new board.

MS. GEUEA JONES: But to answer the questions of when it comes to the shared parking that is a privilege of being part of the Town Center Association, you are formally a member of Town Center Association?

MR. MCGEE: Yes, that's correct. That's correct.

MS. GEUEA JONES: That's what I needed to know. Thank you. Any other -- Commissioner Ford, go ahead.

MR. FORD: Your other apartments, are they two-bedroom, one-bedroom?

MR. MCGEE: They're all one-bedroom apartments.

MR. FORD: Can you, if possible, describe average tenant over the last five years?

MR. MCGEE: You know, Mr. Ford, it's a mixed bag, you know. We have -- mainly, I would say young professional would be -- would be most of our tenant base, but, you know, we have individuals that are in there, you know, 50s and 60s, you know, and we have, you know, single mothers and fathers that units. And so the market rate apartments, you know, we -- we lease apartments to everyone, but, you know, mainly 25-plus. But, you know, I heard some, you know, comments tonight about younger people. We don't lease many to any college students at all, specifically undergrad. I mean, we do have some college students that are in -- maybe in grad school or nursing school, or maybe in their -- you know, their senior year or something like that, but very rarely do we -- you know, even out this side of town do we have, you know, undergrad students as tenants.

MR. FORD: Could you, if possible, describe the number of cars per bedroom average over the last five years, just a guess?

MR. MCGEE: Well, for the 12 units I have? I mean, they're single, they're one-bedroom apartments, so, you know, we do have some people that it would just -- most of the tenants are one car, but there are some that have two. So I would say your average is always going to be -- 12 is going to be your minimum, and then I would -- I'm going to say it's going to be, you know, 15 to 18, Mr. Ford. I don't have the data on that. I don't get them. My office staff probably does. Actually, I know they do, but -- you know.

MR. FORD: Okay.

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

MR. MCGEE: Appreciate it.

MS. GEUEA JONES: Any other members of the public to speak on this case? Going once, going twice. I'm not seeing any movement. Okay. We will close public hearing.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner comments? Are there any Commissioner comments on the case? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. I want to give a little perspective. We've gone down a rabbit hole of owners and business associations. As the gentleman said before, I knew the founders, I know the founders. And part of the issue that we're dealing with here is a PD. They made it a PD to make it what it is. And part of the problem that we have right now is it's a PD and they can do, well, I don't like the parking. It's communal parking. You kind of know that going in. The best I could say with some of you folks to have the new apartment coming in, Mr. Petty -- Petty, was it -- whatever the name. I'm sorry; I've forgotten your name. You guys have to look at that hard and see what you want to do, and the same thing with your pool. I know that -- I'm addressing all of you all, too -- that HOA regulations are very difficult to change. I appreciate that. But there's not a whole lot of playing Solomon that we could do up here. I mean, there certainly are some things that we can address, but many of the issues that you presented or perhaps the intensity of issues they presented are related to internal issues that are kind of beyond our scope. That said, I do appreciate that Mr. McGee and his fellows did address the look of the building, which was my terrible problem. I remain skeptical about the parking, but I -- we're kind -- our hands are tied there pretty much. As long as they meet a minimum, they're okay. And that would be for you all folks out there -- that would be the lever that we would have, but we don't have a lever here because it's communal parking. That said, I think I'm planning on -- I'm going to support this unless you all can convince me otherwise.

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

MR. FORD: I really like the look of the building now. That was my biggest concern before. I've -- I drive all the time in Columbia, and every time that I've been going by Cherry Hill since the last meeting, I've just scanned over and looked at the parking. There seems to be adequate parking, especially on the Scott Boulevard corridor, so I'm planning to support this.

MS. GEUEA JONES: Commissioner Stanton, did I see your hand?

MR. STANTON: You did. Yeah. I think the -- the applicant jumped all the hoops he could and that we demanded of, and took into the account the feedback from the previous visit to us. I don't know what's more he can do. I think Commissioner MacMann is right. I think some of these things, I really would have liked to see the HMO's address, especially with the pool. Me, I wouldn't allow them to be in -- have access, but it's in your bylaws that any resident does. We can't do anything about the intensity use of the pool. Parking is addressed. All the -- all the boxes are checked as far as our side of the coin. And my big thing with this anyway is I've watched Cherry Hill, like this inspired me to get into urban planning and all this anyway. I watched them when the first building went up out here, and watched it grow. This is the -- this is how they used to build cities, like, original cities. This is new urbanism, basically, is what this is called. And so you have the commercial and then you have more dense right on the outside, and then you get less dense the further away you get from the town center. So, you know, some of this -- some of this stuff is just how towns and cities are naturally designed to grow, and those that are on the periphery, you know, they kind of catch both worlds. But the change of use in this building, I think, is beneficial for Cherry Hill. I kind of seen it kind of the shops kind of dying out, and then they'd pop back up, but it never had the vibrancy that I thought it would. I think that more people means more customers, especially for the shops that exist now. So I think it's a good -- a good use of the land, a good adaptation because we don't want Cherry Hill to die. We don't want it to just stay stagnant, you have empty residential or empty commercial space because you're trying to hold onto a dream. I think you'd rather have it be a functioning community, and function means adapting to the market and what people need and don't need. And I think this will help Cherry Hill in the long run.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: I also agree that the applicant has made changes that have addressed some of the concerns that were brought up previously, including the appearance and materials that we discussed. The crosswalk with the bump-out should help some of the safety -- or those bump-outs work. I've got them in my neighborhood. I'm actually thinking this building might attract older residents in that, if I'm not mistaken, some of the apartments that Mr. McGee has were more adaptive reuse of retail space, whereas this has a more -- has a more residential appearance. And just as Ms. Johnson attracted to Cherry Hill because of the walkability and closeness, I mean, a lot of my friends who are getting to a point where they don't want to take care of houses, are looking for this type of community to move into. So I agree Cherry Hill is a true urban planning project. I don't think it's reached its full potential yet. I do think there are some growing pains that are going to happen. I really wish it were on a bus route. I don't think we're going to get it on a bus route till we get a bit more density, and I think this is a step in that direction, so I do plan on supporting it.

MS. GEUEA JONES: Any other? Commissioner Placier?

MS. PLACIER: Yeah. I'm agreeing. I don't think at the rate that these are going for, they're going to attract a lot of, if any, undergraduate students. I have a former colleague who lived there, and she wouldn't put up with it. So the -- but the issues that we were getting into that are none of our

business, like the pool, can be dealt with through wise apartment management and contracts and that kind of thing. So make some agreements with the tenants, and I think you'll enjoy living here.

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

MR. MACMANN; If there are no other comments or concerns, I have a motion. Seeing none. In the matter of Case 260-2023, Village of Cherry Hill PD Plan major revision, no technical corrections? No technical corrections, I move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Approval has been moved by Commissioner MacMann and seconded by Commissioner Stanton. Is there any further discussion on the motion? Seeing none. Commissioner Carroll, may we have a roll call?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Mr. Ford, Ms. Wilson, Ms. Loe. Motion carries 8-0.

MS. CARROLL: We have eight votes to approve; the motion carries.

MS. GEUEA JONES: Thank you. Are there any other motions to be made on this case? Just double-checking; seeing none. That recommendation will be forwarded to City Council. Thank you.