

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
NOVEMBER 7, 2019

Case Number 225-2019

A request by Cochran Engineering (agent) on behalf of Columbia Mall, LLC, Dillard's, Inc., J.C. Penney Properties, Inc., and Dayton-Hudson Corporation (owners) for approval of a PD plan major amendment to the Columbia Mall PD Development Plan, to split an existing lot into two separate lots to create a new 1.58-acre lot that will include a new hotel building, and for approval of a design modification to Section 29-5.1(f)(3) to allow a lot line through an existing structure. The approximately 66.92-acre property is located at the southwest corner of Stadium Boulevard and Bernadette Drive, and includes addresses 2200, 2300, and 2400 Bernadette Drive, and 2201 and 2301 West Worley Street.

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the design adjustment for the new lot line.

MS. LOE: Thank you, Mr. Smith. Are there any Commissioners -- before we move to Commissioner questions, are there any Commissioners who have any comments they would like to make? Mr. Strodtman?

MR. STRODTMAN: Yes, ma'am. I would like to -- due to my conflict of employment, I will be recusing -- excusing myself for the rest of the discussion on this case.

MS. LOE: Thank you. Any other Commissioners?

MS. RUSHING: I have a question.

MS. LOE: We're not quite there yet, Ms. Rushing. Before we ask Staff for -- any questions, I would like to ask any Commissioner who has had an ex parte prior to this meeting related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Seeing none. Questions, Ms. Rushing?

MS. RUSHING: I just wanted to verify, there is going to be a sidewalk around all -- the three sides of this development?

MR. SMITH: No. So there's two existing sidewalks. One, as you can see in the picture here, along the north that's existing on Bernadette, and there's an internal sidewalk on the east side, again that would be left side, and that will stay. No additional sidewalks are being proposed to be added or removed, I think, with the site plan.

MS. RUSHING: What about -- there are hotels on the other side of Bernadette. Is -- is there going to be some way for pedestrians to safely cross, it looks like, from this hotel to the other hotels?

MR. SMITH: I didn't get a very good close-up shot there, but I believe that is a lighted intersection here, so you could see a crosswalk right there at the intersection, yeah.

MS. RUSHING: Oh, right there on the -- yeah. Okay.

MS. LOE: Any additional questions for Commissioners? Mr. Smith, I had a question. Who completes the design adjustment worksheet?

MR. SMITH: The applicant does.

MS. LOE: Okay. Thank you. Also, I had found an earlier version of the City of Columbia landscaping and tree preservation standards from 2005 that required a ten-foot landscape strip on parking lots containing more than 150 spaces. So was the six-foot strip required because this was a PUD plan? It just -- there seemed to be a ten-foot standard. You mentioned that this did have ten feet.

MR. SMITH: Correct.

MS. LOE: And it did look like that there was a standard that the City had for ten feet on some parking lots when there were more than 150 parking spaces. And I was wondering if they had six feet because it was a PUD plan?

MR. SMITH: You -- would you be able to share that? I'm not sure where that came from.

MR. ZENNER: Okay. You're dealing with an internal document that our arborist and our building and site development department operated under prior to the adoption of our current Unified Development Code.

MS. LOE: Correct.

MR. ZENNER: The parking standards that did previously exist, we have typically had, at least in the 11 years I've been here, we have typically had a minimum six-foot buffer strip between parking lots and adjacent rights-of-way. So I've been here since 2008. And then we've had enhanced landscaping

between parking bays that have been ten feet in width. And so given that the vintage of this PUD plan was one that may have straddled the regulatory structure, there were landscape waivers that were granted with the mall originally, as well, so there may be some unique attributes of what exists out here. But what is currently required per the UDC is a six-foot landscape strip along all -- for pavement within 25 feet of all rights-of-way, and then it must be improved with a particular plant material mixture. And that has existed in its state as it currently -- at least as it is today, since 2017, when we adopted the UDC.

MR. SMITH: Yeah. So, yeah. The ten-foot is actually from a previous code. It may be in the current code. It refers to when you have 150 parking spaces within a parking lot, there must be a separation between those down the middle. If you're familiar with, like, Walmart on Fairview, they have a landscape strip that separates bays of parking, so it's more of an internal landscape strip.

MS. LOE: There's a diagram later in there, and I believe it also covers the buffer between the parking lot and the street.

MR. ZENNER: Yeah. And that's actually -- it's a diagram that's slightly modified in our current code, as well. So we have one that allocates the internal landscape requirement as well as then the general parameters within the landscape code dictate the perimeter landscaping. And then, of course, you have to also deal with general site landscaping for a commercial development. It can be no less than 15 percent, and that's existed, as well, for the entire time I've been here.

MR. SMITH: And if you refer to this graphic here, if you look, it's -- the public road is on the bottom and the left, and that's six feet. It's the internal landscape part. It's -- that's the ten-foot-wide one. That one, too. They're a little hard to read, but that's -- I think that's actually our current code. So this plan actually originally was approved probably way prior to this. It was 1986. And I don't know if they had landscape requirements at that point. They didn't have a landscape plan, so part of this was actually them submitting a landscape plan to cover the whole site so that we do have one now. Major amendments usually --

MS. LOE: So that, that was my question which was --

MR. SMITH: Yeah. So major amendments are generally required to meet the current standards for the site where they're affecting change. So since this site is changing, they are required to be compliant with this portion of it anyway. So the six foot is the minimum along the street.

MS. LOE: Thank you. How wide is the street there?

MR. SMITH: Oh, that's a good question. It is -- it is a wide street. It's probably four lanes.

MS. RUSHING: Exactly what I was thinking.

MR. SMITH: Yeah. It's -- it's on the -- I think it may be on the plan. I think they did call that out.

Do you remember, by chance?

MR. ZENNER: Dealing with at least 48 to 50 feet probably of pavement.

MR. SMITH: It varies between 70 feet and 66 feet of right-of-way, so the -- so the street pavement width is going to be less than that, maybe ten or fifteen feet less than that.

MS. LOE: Thank you. Mr. MacMann?

MR. MACMANN: If I may, just to clarify. You all may recall on our last Columbia Mall change, I noted on the plan that there was actually about 10 percent less landscaping, though it was authorized at the time, and that was all because of waivers that had been given when that plan was submitted. And that all used to be ten feet, and when the street was widened, they took some of that out. Just FYI.

MS. LOE: Any additional comments or questions for staff? Seeing none, we will move on to public comments.

PUBLIC HEARING OPENED

MS. LOE: If there anyone who would like to make public comments on this case, to speak on this matter, we would welcome that. Please give us your name and address for the record. You will be limited to three minutes. If you are speaking for a group, you may speak for six minutes.

MR. REED: I'll speak fast. Elliott Reed with Cochran Engineering, 530A East Independence Drive, Union, Missouri. Thank you for hearing our case tonight. Just to highlight a couple of points that Clint had on his presentation, this is an infill project. We will utilize existing infrastructure at the mall. There will be an increase of density, but there will be no new curb cuts. The access from the site will be from the internal ring road. It's a new four-story hotel with associated parking lot. It'll have a new parking lot surface, but there will be no net parking added to the development. It's going to add a residential component to the right now exclusive retail environment. It will also satisfy our mixed use in today's completely retail climate, so it will add a mixed-use component to the -- to the site. Like Clint said, there will 106 parking spaces lost for this development. That still, per the UDC, leaves us about 900 spaces

heavy on the -- on the total mall since the UDC has been updated for parking code. I guess -- and the real question at hand is, the issue with staff is the shortness of the landscaping buffer there. This is a very unique site. It's very long along Bernadette and shallow, which leads us to the -- the shorter landscape buffer. Basically, in order to make up for having the one-foot landscape buffer instead of the six feet, we're doubling the number of trees on the site. Per code, we would be required to have, I believe it was, 21 trees. We are proposing 41, so we're almost doubling it. So that would be our compromise. The -- and the simple question is, why don't we just add five feet to the site and move the ring road. The -- prior to 2013, that ring road did not exist on the site. When Bernadette was updated, there was four access points on Bernadette that did not line up across the street. It was combined to the three that line up very well right now. As part of that development, or that redevelopment, the traffic consultant recommended a ring road along the mall there, and that ring road goes directly adjacent to our site. If we had to interrupt that ring road, that would be a major interruption on the traffic around the mall. And then, also, we would have to redo about 17 islands there, including on both sides of the -- those entrances. And the adjustment that we're requesting down to a foot is not unheard of in this area. The -- we highlighted, I believe, five different locations along Bernadette that right now currently exist smaller or shorter than six feet. The first one is Target, labeled number one; number two is Bernadette Square across the street, the Smoke Shop across the street, Drury Inn right at the corner is number four; and then Wendy's is number five, and then down on the corner there is Texas Roadhouse. Target has 42 inches along Bernadette. Bernadette Square has eight, the Smoke Shop has 16, the Drury Inn has 20, Wendy's has basically zero at the intersection, as does the Texas Roadhouse. So we feel that our requesting of 12 is in line with what currently exists along Bernadette. And as he explained, Bernadette has been widened and has pinched some of the areas there along -- along the street. And highlighted in red are some of the islands that we would have to remove or modify in order to swing that ring road around the -- around the hotel site. And I'd be happy to answer any questions you have.

MS. LOE: Thank you, Mr. Reed. Are there any questions for this speaker? Ms. Rushing?

MS. RUSHING: They're requesting a five-foot retaining wall. What is the reason for that?

MR. REED: The site right now is about five feet above the street, so the -- you climb into the site from Bernadette through those -- maybe those little 100-foot extension drives. And then we need to

match up with the ring road. Basically, that's going to be where our parking lot sits. So it's going to be very near the elevation of the parking lot as it sits today, which is about five feet above the street. If we didn't have the retaining wall and lowered it five feet, we wouldn't be able to access the ring road.

MS. LOE: Ms. Burns?

MS. BURNS: As far as the -- I don't know if your presentation, Mr. Reed, is still available, but if you could show your slide of the ring road and how you are going to have to reconfigure those islands.

MR. REED: Right there.

MS. BURNS: So is it a loss of parking spaces for your development, or why would you have to reconfigure that?

MR. REED: If we -- we're basically out of room on the site. So if we were to move that, let's say, south is down on the page, that -- the hotel and that associated drive and the sidewalks and everything else now encroach into the ring road, so the ring road would have to be shifted south and the parking spaces south and the island south.

MS. BURNS: But they're 900 heavy in the parking spaces, so there are parking spaces to give?

MR. REED: Yes, and I -- yes, there are. And I'm -- and I'm not saying that the actual space removal is an issue, it's more a disruption to the -- the site in general, and all of the tenants have access rights to that ring road, as well.

MS. BURNS: Thank you.

MR. REED: That's a dedicated access for the -- for the mall, and that became in 2013, like I said.

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

MR. REED: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, we'll close public comments.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Ms. Russell?

MS. RUSSELL: I actually went out there and sat in the parking lot looking at this trying to envision this hotel, and I think it would actually make the corridor look nicer because they're going to put 41 trees and bushes around there. I'm going to support this, mainly because -- and I -- I know it's just my

opinion, but it's -- I think it'll make it look nicer there. There's -- there's no trees on the other side and, actually, I think this is going to make that corridor look much better than just a big open parking place.

MS. LOE: Additional comments? Ms. Burns?

MS. BURNS: I would -- I spend way too much time at the mall, unfortunately, and I -- to me, it's five feet of green space that we're losing, and it's important out there is that corridor down Bernadette. The rest of the mall landscaping is significant when you head down -- what's the connector -- that's there green space on the side and then Target on the other. It's larger than a six-foot buffer, and it's significantly landscaped. And I think driving along Bernadette, I appreciate the extra trees. I'd like to see 41 trees on six feet of green space.

MS. LOE: Ms. Carroll?

MS. CARROLL: It's my recollection just being in Columbia that the other six locations with less green space, those are all pre-UDC, right? Is that yes from staff?

MR. SMITH: I'd say that's accurate.

MS. CARROLL: Okay.

MS. LOE: Any additional comments? This is coming up at an interesting time because we just were talking about street trees in a -- the last week's work session, and we do have a requirement for street trees now. And we were discussing whether or not to keep them on residential streets, but we did not discuss whether or not they should be kept on nonresidential streets. We were unanimous that they should be maintained on nonresidential streets. I agree with Ms. Burns that I appreciate having the trees on Bernadette when I drive down, and it doesn't bother me that they're not on the north side because I appreciate having them on the south side. The idea of raising a building off the street reminds me of the -- what they did to the LA Music Center on Grand Street, and they just spent \$41 million trying to reconnect that plaza back to the street because pulling it up off the street disconnected it from the traffic and the pedestrian activity. So it took them a couple decades and several million dollars, and it was obviously a completely different street. But I don't see any reason to create an urban problem from scratch when we can learn that lesson from another community doing it already. So I don't support the waiver request. I think we've already made a determination that we do believe in street trees. I agree with Ms. Carroll pointing out that the examples that were brought forward were pre the requirement for

street trees and, therefore, I'm not sure they're really relevant in this instance. And I don't think -- I don't really want to promote what I would consider poor urban planning. Mr. MacMann?

MR. MACMANN: Just one more thing to reinforce what the both of you, the three of you just said. Since the UDC, we have a lot of requests to -- from folks to not apply it to them. Just FYI, I think we need to -- we wrote it, we need to stick to it at some juncture.

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

MS. RUSSELL: Well, I'm going to make a motion.

MS. LOE: Please.

MS. RUSSELL: In the case of 225-2019, the Columbia Mall PD plan, I move to approve the requested major amendment for the Columbia Mall PD Plan.

MR. MACMANN: I'll second for the purposes of bringing up the vote.

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

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Rushing, Ms. Russell. Voting No: Mr. MacMann, Ms. Burns, Ms. Carroll, Ms. Loe. Motion fails 4-3.

MS. BURNS: Four to three, motion is denied.

MR. ZENNER: And if I may, I just want to make very clear for the purposes of the record, that motion was to approve with the lot line design modification and with the design exception or design adjustment, as Mr. Smith pointed out, for the landscaping.

MS. LOE: Correct.

MS. ZENNER: So if you now would like to entertain a different motion separating either the design -- the design exception or design adjustment for the landscaping out, and address the issue of the plan modification and the design modification for the lot line, that would probably be appropriate.

MS. RUSSELL: So to clarify, Mr. Zenner, we are only voting on now the lot line issue?

MR. ZENNER: No. You're voting on -- you have three components here with this request. You have a major plan amendment which includes a design modification to allow a lot line to go through a

structure; i.e., the parking lot, and you have a request for a design exception from the landscaping requirements of 29-4.4.

MS. RUSSELL: So if I'm clear, we are restating a motion and someone might state a motion in favor of both of the staff recommendations, either/or, two separate --

MR. ZENNER: Yeah. Either/or. You could do however you'd like to. You currently have just failed to pass a motion to approve the --

MS. LOE: Everything.

MR. ZENNER: -- everything with no regard to the staff recommendation for the 29-4.4.

MS. LOE: Could you put the staff recommendation slide back up perhaps?

MR. ZENNER: Yes. One moment here.

MS. RUSHING: So I can make an amendment. Okay. I will make a motion to approve the request by Cochran Engineering on behalf of Columbia Mall, et cetera, Dillard's, J.C. Penney Properties, and Dayton Hudson Corporation, for approval of a PD plan major amendment to the Columbia Mall PD Development Plan to split an existing lot into two separate lots to create a new lot and for approval of a design modification to allow a lot line through an existing structure, but denying the request -- I'm not seeing that here for this waiver of the six-foot landscaping strip. Is that going to be close?

MS. RUSSELL: It could be separate.

MR. ZENNER: That will be close and --

MS. RUSSELL: The landscaping should be a separate motion.

MR. ZENNER: It is -- actually, it isn't. The way that the motion has been stated is correct. However, it should have added to it, subject to the submission of a new PD plan in conformance with the landscaping standards as defined within the UDC.

MS. RUSHING: And I will accept that addition to the motion.

MR. ZENNER: Well, if you would like, I'll restate that for Ms. Rushing and everyone?

MR. MACMANN: I would like -- yes. But I'm going to second that. But just to be clear, the amendment and the adjustment are not included in your motion; is that correct?

MS. RUSHING: No, they were.

MR. ZENNER: They were. That's why I'm going to restate it for you all.

MS. RUSHING: So the -- it would allow the split of the lot across the parking area, but it would not allow the waiver of the six-foot landscaping.

MR. MACMANN: And the wall?

MS. RUSHING: Huh?

MR. MACMANN: Okay. That's where I'm --

MS. RUSHING: The retaining wall?

MR. MACMANN: The retaining wall?

MR. ZENNER: They could -- they could accommodate the retaining wall. I think the design would have to -- if they need a retaining wall, they could accommodate the retaining wall, but what Ms. Rushing's motion is recommending is that they have to do both. They have to -- if they need a retaining wall, they can have it, but they also have to have the landscaping.

MR. SMITH: Just for clarity, the retaining wall is permitted in a front yard. Waiving the six-foot landscape allows them then to move it from six feet to one foot.

MR. MACMANN: My second stands. Thank you.

MR. SMITH: And so this motion then would be the P & Z with that condition would be comfortable as long as it conforms to the UDC, that it would then move on to City Council regardless of how the site plan may change? Because to conform, they may have to revise the site plan.

MS. RUSHING: Correct. And that's what Patrick added to the motion.

MR. ZENNER: So, if I can --

MR. SMITH: Go.

MR. ZENNER: If you would like me to restate the motion, unless there's another question. So the motion on the floor at this point, as offered by Ms. Rushing and seconded by Mr. MacMann, is to approve the request by Columbia Mall to amend the Columbia Mall PD Plan, to create an additional lot to accommodate a new hotel, approve a design modification to allow a lot line to go through the existing parking lot which is defined as a structure, and to deny the requested design adjustment to the landscaping requirements of Section 29-4.4 of the Unified Development Code and subject the plan to being revised to conform to the Unified Development Code standards prior to submission to the City Council.

MS. LOE: We have a motion on the floor. Any discussion on that motion. I see none. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann, Mr. Stanton, Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Carroll, Ms. Loe. Motion carries 7-0.

MS. BURNS: Seven to zero, motion carries.

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

MR. ZENNER: Upon submission of a revised development plan.

MS. LOE: Moving on to our next item of the evening.