

## EXCERPTS

### PLANNING AND ZONING COMMISSION MEETING

AUGUST 18, 2016

#### V) PUBLIC HEARINGS AND SUBDIVISIONS

Case Nos. 16-140 and 16-141

A request by Simon Oswald Architecture (agent) on behalf of True Properties, LLC (owner) to rezone 0.37 acres from R-2 (Two-Family Residential District) to O-P (Planned Office District), approve an O-P Development Plan to be known as "True Properties O-P Plan" and to approve a final plat to be known as "Mikels Subdivision Plat 2". The subject site is located at the southwest corner of Madison Street and Orange Street and is currently improved as a surface parking lot to support the existing True Media building located to the north and fronting on Business Loop 70.

MR. STRODTMAN: May we have a staff report, please?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends in Case No. 16-140 approval of the final minor plat for Mikels Subdivision Plat 2".

In Case 16-141:

- 1) Approval of the rezoning from R-2 to O-P and associated Statement of Intent; and
- 2) Approval of the O-P development plan and associated design parameters.

MR. STRODTMAN: Thank you, Mr. Palmer. Do we have any questions for staff?

MR. PALMER: Do you want to go --

MR. ZENNER: Yeah. We'll go ahead, and I think we'll continue the presentation into the plat just so you have all of that and then comments to come in on both pieces of the puzzle.

Continued staff report was given by Mr. Rusty Palmer of the Planning and Development Department.

MR. STRODTMAN: Thank you, Mr. Palmer, for both of those. Any questions for staff? Ms. Loe?

MS. LOE: Mr. Palmer, was there any public notification for these?

MR. PALMER: Yes.

MS. LOE: I didn't see -- it's usually included in the report if there were any comments from the public.

MR. PALMER: I did not receive any -- any comments from the public.

MS. LOE: Thank you.

MR. STRODTMAN: Any additional questions? I see none. As this is a public hearing, I'll go ahead and open it to the public, and please come forward, give us name and address.

#### **PUBLIC HEARING OPENED**

MR. CROCKETT: Mr. Chairman, members of the Commission, my name is Tim Crockett, Crockett Engineering, 2608 North Stadium. With me tonight is Mr. Jack Miller with True Properties. He is the applicant for this project, along with Brad Stegeman with Simon Oswald Architecture. He's the project

architect for this -- for this proposal. As staff has indicated, I'll go through a quick overview, currently zoned R-2. We're proposing a zoning of O-P. Current tract size is 0.34 acres. Now, we are proposing one building and it's a little bit over 4,000 square feet in size. The existing parking lot -- excuse me. The existing property contains one single parking lot of substantial size covering the majority of the entire property. The redevelopment of this property will reduce the total impervious area significantly and furthermore reduce runoff. Again, you've seen the BOP plan. I won't go into detail about that plan. The purpose is to promote positive growth in this area, as well as to develop a site in conjunction with the neighboring property owner with regard to expansion of the parent parcel. I think it's also important to note that no residential structures are going to be removed for the development of this piece of property. I think that that's some concerns when you get into -- into existing neighborhoods, existing areas of town, that tearing down structures to redevelop for a different purpose, it changes things. But we have a -- a single-use parking lot that covers the majority of the property, and I think it's a little bit different. Again, the overview, you can see the parent property to the north. You can see the high-intense commercial uses to the north, the residential uses to the south. We believe that this is a nice transitional use, if you will, of a nice low-key office building kind of set into a neighborhood setting. Neighborhood support, the applicant met with neighbors. And, Ms. Loe, you asked if -- if there had been neighborhood comment. I think probably Mr. Palmer probably didn't get too much neighborhood comment because Mr. Miller went out and talked to most of the residents or talked to a lot of the property owners and residents. He met with businesses, property owners, residents, and -- and the neighborhood association. Now, this property is not located in the Ridgeway Neighborhood Association, but it's probably within a block or so. So while we're not located in it, Mr. Miller did go out and seek their comment and to see if they could get -- gain their support and their approval, and I believe we do have support from some local property owners, some local businesses, as well as that neighborhood association. We think that's very important. Mr. Miller is in the area already with an existing business. This is not something that he wants to come down here and just add something new. It's something he's already there. He likes the area and he wants to expand in that area with a very low-key office use. So with that, we come to you with support from the neighbors. We come to you with support from the City staff, and we respectfully request a favorable consideration. I'll be happy to answer any questions that you guys may have.

MR. STRODTMAN: Any questions for this speaker? Ms. Rushing?

MS. RUSHING: I was curious. I wasn't able to see what the dimensions of the building are. Could you tell me what those are?

MR. CROCKETT: Ms. Rushing -- Brad, do you remember what those were? I -- they changed so many times and I apologize. It's -- the right-of-way kind of caught us a little bit, but we will -- we will get that for you, though.

MR. STRODTMAN: We can --

MR. CROCKETT: Okay.

MR. STEGEMAN: Ninety by fifty.

MR. CROCKETT: Okay. Roughly, 90 by 50.

MS. RUSHING: Excuse me. Ninety by --

MR. CROCKETT: Ninety feet by fifty feet, minus a little bit. That little knockout is probably a little less than 50 feet wide.

MR. STRODTMAN: Any additional questions? I have a quick one. Is the intended use to be similar to the True Media to the north?

MR. CROCKETT: Correct. Right now, the intent is to have a -- an office use department from the True Media building to occupy at leastwise a portion of this building.

MR. STRODTMAN: Got you.

MR. CROCKETT: And that's the intent at this time.

MR. STRODTMAN: Thank you. Any additional? Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MR. STRODTMAN: If anybody else would like to come forward, we'll be glad to take you.

MS. KELLY: My name is Pat Kelly; I live at 1007 Grant Avenue, and I'm an officer in the Ridgeway Neighborhood Association. I'm here on behalf of the neighborhood -- neighborhood. And we -- Mr. Miller reached out to us in May and met with us and, you know, we said that we would be interested in supporting something that was planned and also had the exclusion for payday lenders which he agreed was something that he would support also. We met again several weeks ago for a tour of the site and then we -- our neighborhood association boundary is actually on Jefferson Avenue. This is on Madison Avenue. We have been working on expanding our neighborhood association in that direction, so we handed out flyers for that entire area and we had some new people from that area come to our meeting on August 9th. There was one neighbor who was concerned he wouldn't be living next to a parking lot anymore, but he was reassured that there would be -- still be parking. And, basically, it's going to have a -- we think it will have a positive impact on the neighborhood because the area that they -- they have has already been well taken care of, and so we voted unanimously to support this.

MR. STRODTMAN: Good. Thank you. Any questions? Mr. MacMann?

MR. MACMANN: Ms. Kelly, I was present in May when Mr. Miller was there. I was there. Just a couple quick questions and you guys worked with True Media to get these done. You are good with moving the parking places across to the north as needed?

MS. KELLY: Oh.

MR. MACMANN: He's got -- he's showing the parking, but it's his own property, but you're good?

MS. KELLY: Oh. Yeah. Yeah.

MR. MACMANN: And the lighting is fine with you all -- 20 feet? That's good?

MS. KELLY: Twenty feet? I --

MR. MACMANN: The poles. He's proposing three poles on his property.

MS. KELLY: Okay. I understand there's a lighting ordinance anyway that kind of means that you direct the light down.

MR. MACMANN: It does, yeah.

MS. KELLY: So I -- I -- yeah. Nobody seemed concerned about lighting who came to the meeting and I'm assuming that he would be -- not be broadcasting lighting all over the neighborhood. As a matter of fact, people have been asking for more light in that neighborhood, so I don't think --

MR. MACMANN: All right. That's -- I just wanted to clarify just a couple of points for your all's benefit. Thank you very much.

MR. STRODTMAN: Thank you, Ms. Kelly. Any additional speakers? Yes, sir. Come on up.

MR. WILLIAMS: My name is Eric Williams; I'm a property owner at 1001 Madison Street, and I also own subject property at 1105 Jefferson, which is within the 185 feet parameter of this new build. I was never informed of this until I got a letter from the City that my property was located within the 200 feet. Mr. Miller had never contacted me or made any contact with me from the Ridgeway Neighborhood Association, and I live on Madison Street. I object to this property being built and being redeveloped from the residential to the commercial due to the fact that the owner has significant property to the south of his building lot that is already zoned for commercial that he can take that parking lot and put the new structure on. There is no relevance to taking a residential lot and making it for commercial use when you already have the necessary space upon the property that you already own that's zoned for commercial. What is the difference from building the new building on the existing commercial property and people parking on the existing parking lot that's there? Now you want to build a new building on a residential lot, rezone it for commercial. Then you're going to start moving people from the commercial property onto the residential lot that you want to rezone. You can keep it the way it is right now as a lot and build the new building on the existing commercial lot that's there. There is no reason why it can't be moved and the property being disturbed. I see it as the owner trying to redo residential property and trying to increase the property value through Planning and Zoning at the cost to the local residents on that street. And currently there is a ten-foot right-of-way to the west on Madison Street. Madison Street has a 50-foot right-of-way. If you would look on their planning, they do have a sidewalk for their new building, but they've clearly done extensive work to the existing True Media building. When they done the existing work to True Media, they never incorporated the sidewalk in that development. Madison Street has no sidewalk on there and the City has been neglecting the infrastructure on that block. I don't want to walk in the road up and down the street. Better to put a sidewalk on this lot, but why didn't they put a sidewalk on the commercial lot that they've extensive work to? And the building department approved the permit. It should have been caught then. It's a failure on the City's part. I propose that this new building be built on the existing commercial lot and this lot stays the same as it is as a parking lot. And what parking spaces that was -- that will be taken for this new building shall be used on this existing lot.

MR. STRODTMAN: Thank you. Any questions for this speaker? I see none. Thank you for coming, sir.

MR. WILLIAMS: Thank you.

MR. STRODTMAN: Any additional speakers? I see none. We'll go ahead and close this public

hearing.

**PUBLIC HEARING CLOSED**

MR. STRODTMAN: Commissioners, questions? Any comments, thoughts? A very vocal group tonight. You know, I'll start off and say that, you know, I do -- you know, I wasn't privy to the True Media property to the north. It was not during my time, so I don't know all the details and the circumstances as to really why there wasn't a sidewalk built on that time or not to -- to address this -- the last speaker's comments. I'm not aware. I don't know the -- the circumstances to that, but we are dealing with it on this particular lot, the way it should be done with the sidewalks. You know, I think that, you know, to me, having a building there is a more beneficial use than a parking lot, and I think it will help the value of the area increase. A building is perceived to be a higher value most times than a parking lot, so I think that will continue to help this area. And as the homeowners association that doesn't include this area, but is close by, you know, alluded to, the -- the majority of the neighbors have no issues and the -- you know, even the comment about having increased lighting, not that the 20-foot poles will do that, but it is kind of going in the right direction of some of the neighbors. I do plan on supporting this if there was a motion made. Yes, ma'am. Ms. Burns?

MS. BURNS: I'm sympathetic to the last speaker. And, sir, I didn't know if there was anything that would make this acceptable to you with the True Media building. I know that the building that they maintain on the Business Loop is very well maintained, and I think this plan is very well thought out, but I understand your concerns. Is there a way that this would be acceptable to you or considerations that we could hear?

MR. STRODTMAN: Wait. Just -- we did go ahead and close the public hearing, so I apologize.

MS. BURNS: Well, I -- okay. Well, I should have asked. Sorry. Yeah. I understand your concerns.

MR. MACMANN: Mr. Chairman?

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: If I may. I am going to vote in favor of this also, and I -- I will say while I do appreciate the concern of a variety of property owners, the -- when I visited Ridgeway Neighborhood Association, they were very supportive, and they have people from outside of their neighborhood association as it says it. They're -- they terminate at Jefferson -- who attended and were positive toward this, also. I mean, the most negative thing was a couple of people were kind of neutral. In general, the neighborhood was overwhelmingly supportive. And I appreciate that not everyone has that view, but the locale -- Mr. Miller did a lot of outreach, so --

MR. WILLIAMS: The best outreach that I had was from the City of Columbia --

MR. STRODTMAN: Sorry, sir.

MR. WILLIAMS: -- so they did not outreach --

MR. STRODTMAN: Your comments are not being taken noted just because it's outside of the forum. Sorry.

MR. MACMANN: That's all I have to say.

MR. STRODTMAN: Thank you. Would any of the Commissioners like to form a motion in this matter or two motions in particular?

MS. RUSSELL: I will.

MR. ZENNER: Mr. Chairman, if I may.

MR. STRODTMAN: Yes, Mr. Zenner.

MR. ZENNER: When you do make that motion, it is with the Statement of Intent that is with today's date.

MR. STRODTMAN: The one that was given to us. So the Statement of Intent that was left on your -- in front of your work station is the correct -- it reflects the 5,000 square feet, so we'll make sure we reference that. Yes. Oh, do you have a question?

MS. LOE: Yes, I do. For Mr. Zenner, clarification. Are we doing the approval of the final minor plat first or the rezoning first?

MR. ZENNER: The rezoning and the development plan, please.

MS. LOE: All right. Thank you.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: I'm going to go ahead and frame a motion.

MR. STRODTMAN: We'd love that.

MS. RUSSELL: Okay. In the case of 16-141, Mikels Subdivision, Lots 64 and 65, I move for approval of the rezoning from R-2 to O-P and the associated Statement of Intent as presented today, August 18, 2016, and approval of the O-P development plan with the associated design parameters.

MR. STANTON: Second.

MR. STRODTMAN: Ms. Russell made a motion; Mr. Stanton has seconded that motion. Is there any questions or clarification on that motion? I see none. Ms. Secretary, may we have a roll call, please?

MS. LOE: Yes. So Case 16-141.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell. Motion carries 9-0.**

MS. LOE: We have nine votes for. Motion for approval will be forwarded to City Council.

MR. STRODTMAN: Okay. Thank you. Thank you for that. Now for the second portion of it, which would be the plat portion, do we have a Commissioner that would like to make a motion for that?

MS. RUSSELL: Yes, I will.

MR. STRODTMAN: Ms. Russell, please.

MS. RUSSELL: In the case of 16-140, Mikels Subdivision, Lots 64 and 65, a final plat minor, I move for approval of the final plat for Mikels Subdivision, Plat 2.

MR. STANTON: Second.

MR. STRODTMAN: Thank Ms. Russell. Ms. Russell made a motion and Mr. Stanton has

seconded that motion. Is there any questions or comments on that motion? Ms. Loe, may we have a roll call, please.

MS. LOE: Yes. In Case 16-141 [sic].

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell. Motion carries 9-0.**

MS. LOE: We have nine votes for. Motion for approval passes. It will be forwarded to City Council for their consideration.

MR. STRODTMAN: Thank you, Ms. Loe. That's the last official matter that we have for business.