

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**September 23, 2021**

**CASE 271-2021**

**A request by Haden and Colbert on behalf of Nan Erickson for the assignment of M-C (Mixed Use-Commercial) upon annexation for approximately .9 acres identified as tax parcel 17-204-10-00-037.00 01. The site is unimproved and currently zoned County C-G (General Commercial). The property is located on the southern frontage of I-70 Drive SE directly southwest of the I-70 and St. Charles Road interchange.**

MS. LOE: That brings us to case 271-2021. May we have a staff report, please?

MR. ZENNER: Yes, but I won't read the tax parcel over. This is a parcel of property that is .9 acres located at the southwest corner of the I-70 and St. Charles Road interchange immediately to the north of the Phillips 66 gas station at the intersection of Bull Run and St. Charles Road. The applicant is requesting that assignment of M-C zoning be applied to property upon annexation. We have publicly noticed this property on -- with public information cards on the 25th of August. There were four postcards sent out to property owners within 185 feet of the property, and that we advertised publicly within the Tribune on the 7th of September. Same four letters were distributed with that public notification of this hearing. And we have had one general inquiry as it relates to the request before us this evening. Here is the oblique aerial that shows you an area of relatively rural development at this point. However, this aerial is a little bit aged. If any of you have been out recently to the Lake of the Woods/St. Charles intersection, that is a new Schnucks' shopping center, so that lake doesn't exist. And we do have commercial development occurring in that particular location. Immediately to the southeast is the Holiday Inn and to the west of the Holiday Inn is a building under construction right now, which is a gym. And then immediately to the southeast of it, you'll notice the large black roof. That is the Equipment Share headquarters and its campus that goes to the east of this graphic. And then, of course, to the southwest, as we move southwest, we've had some recent activity as it relates to a request for an annexation of the mobile home park -- or I should say annexation or rezoning of the mobile home park, which was not successful; as well as to the west of the subject site here in red, we have had a series of rezoning requests for conversion of an existing planned development to M-C and the property to the further west of that being annexed, permanently zoned M-C from an agricultural classification. The property to the south of St. Charles Road has also been recently brought into the city within the last two years and zoned accordingly. This particular area is also part of the East Columbia Area Plan. It is one of the few areas

that have been identified within the East Columbia Area Plan as actually suitable for M-C or corridor node commercial. This particular area, while significantly zoned with commercial uses, as this aerial shows, is highly undeveloped at this point. But I'd point out the fact that the East Area Plan identified this particular location generally as appropriate for highway commercial or auto-oriented type of development. The site is unimproved today. It is currently zoned county C-G, which is our equivalent to M-C. It does have that adjacent C2, the interchange is visible from 70; however, it will have access issues according to MoDOT to I-70 Drive Southeast. And MoDOT is stated within the staff report as indicating that access to this particular parcel will need to be achieved through an adjoining property. It may not have the ability to gain access directly to I-70 Drive Southeast. I would imagine the ultimate determination of that will be at the time a site plan is actually submitted for development of the property and a defined access point is identified or proposed. Access may need to be shared between the adjoining parcel to the west, which was previously a planned district property and has now been rezoned to M-C. Sanitary sewer is capable to be able to be obtained, as well as other public utility infrastructure to serve this site or this development within the area. Surrounding area are generally county C-G. A lot of the development that's further down off of St. Charles Road corridor is in the county, is currently county C-G or we have M-C zoning. So M-C is basically almost everything now to the east of this particular location. We have some M-N that is further to the southwest of the property as we come down St. Charles Road that has recently been requested to be rezoned. And we are holding firm to the node being really the central point of M-C, as well as the outer road, I-70 Drive Southeast. The area in context with I-70 frontage is consistent with generally what we would consider M-C appropriate. And as I pointed out, the East Area Plan identified this particular property or this particular area as acceptable for M-C type zoning as well for more regional commercial draw commercial than we would expect. Given the findings that we have been able to identify within not only this area plan, but consistency with providing -- with the comprehensive plan, we are recommending approval of the project. And I am happy to answer any questions that you may have.

MS. LOE: Thank you, Mr. Zenner. Before we move onto questions for staff, I'd like to ask any Commissioner who has had any ex parte related to this case to please disclose that now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none, are there any questions for staff? Commissioner MacMann?

MR. MACMANN: Just real quick. Mr. Zenner, while you brought it up, do you feel that the East Area Plan is functioning as you all had hoped it would?

MR. ZENNER: I would say that the majority of the actions that have come before this Commission, yes, it is. I can't speak to how the County's Commission, both Planning and Zoning and the County Commissioners, have utilized the plan in applying zoning changes. You know, we focused through that plan on trying to be generally environmentally responsible as we proceeded with development. The development of this area plan when it was conducted, the east area is the most rich environment within the corporate limits or the greater city limits for infrastructure and road infrastructure and ordered support development. And we identified a series of triggers or evaluation metrics by

watershed as we drafted the plan. So when I speak to the fact that this interchange and this particular location within this watershed was identified for this use, that is a quite unique finding. It is not -- that is not universal across the balance of the area plan. So when we get requests like this at this particular location, yes, very consistent. I have not seen yet a proposal where we've looked at something that's maybe more residential in nature like we had recently with Old Hawthorne North and that we may have further to the northeast of Old Hawthorne to be inconsistent with the plan either. I think the plan's functioning and the infrastructure that exists supports what's being proposed.

MR. MACMANN: Thank you, Mr. Zenner. Sorry to take that rabbit hole there. I just felt I needed to bring that up.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: Is the lack of I-70 Drive Southeast access, is that the same as basically not having any street frontage? Are we creating an island parcel here?

MR. ZENNER: Not necessarily the way that I understood the comments of MoDOT to have been provided to our staff. Mr. Kelly was the planner assigned to this. Unfortunately, he's out sick. It's not uncommon that you may have access restriction apply to particular properties on certain roadway types. The ability to negotiate between the commercial development that is to the south and gain access, I think some roadway planning issues as it relates to the I-70 -- or I should say the Stadium Boulevard extension and its intersection with St. Charles Road and potentially the extension of Bull Run further to the northwest -- so roadway plans that we have seen that have not fully materialized have -- this intersection has been designed in order to actually be brought up to I-70 Drive to remove the jug handle. And I think that that's part of where MoDOT's comments are coming from. They would much rather prefer to ensure that if we were going to be providing access -- and there is some topographic relief in this site where this small house is right in this particular area, which is actually I believe the stream channel, being able to get back into to facilitate this connection. Now, how much that impacts the existing gas station, and if I'm not incorrect the carwash that's here, both of which are in the county, I'm not quite sure. But that's an overall -- you know, that's a -- as the Stadium extension plan, if it were to proceed forward or portions thereof, some of those other roadway planning issues will come into play and may make the property more readily accessible in a location that is better overall. As an aside -- not that I need to go on, but as an aside, this was actually a parcel that was originally permitted, licensed -- identified as a licensed location in the first round of medical marijuana permitting parcels with no access, with no utilities. That location and that license has since been transferred from this site, but it would have presented a problem at that point. And I think while this is maybe a preemptive zoning action that may be combined with what's to be west in a development plan that's more realistic, it is appropriate, nonetheless, even though the access is somewhat still an unknown. This is currently a -- it's county -- county commercial property. Might as well bring it into the city and if we can make use of it with the rest of the property to the west, vacate when we can.

MS. GEUEA JONES: But to sum up, that's a problem for a different day?

MR. ZENNER: Exactly. We'll deal with that through a site planning site. Not -- I mean MoDOT is going to tell us where they're going to allow the access. And it could be temporary, it could be conditioned. I don't know.

MS. LOE: Additional questions for staff? Seeing none, we'll open up the floor for public comment. If you could please say your name and address for the public record.

MR. COLBERT: Good evening, Madam Chair and members of the Commission. My name is Caleb Colbert. I'm an attorney at 827 East Broadway and I'm here tonight on behalf of the applicant. So just to touch on a couple of quick items. I won't reiterate everything that Mr. Zenner gave in his staff report. But again, the property is in the county, zoned commercial -- zoned general-commercial in the county. If we annex the comparable commercial zoning district in the city, it is the M-C corridor zoning. So we're really not asking for a rezoning so much as we're asking for an M-C zoning to be assigned upon annexation. Essentially those are parallel zoning districts. As far as the access, it is an issue that we resolve when we actually build out the site. At that point we'll have to go to MoDOT. But the background on it is there's a deed restriction. And that deed restriction says that if that intersection that is to the south of our property that Mr. Zenner identified, if that has been built out, then we don't have direct access on an outer road. However, in the interim, we can have direct driveway access onto that outer road. It has to be permitted through MoDOT, but it's just a question of timing. Their preference, as Mr. Zenner indicated, would be to come from the south, but it's just a question of which comes first. But they're not going to landlock us at this point. With that, I would be happy to answer any other questions that you have about our request.

MS. LOE: Any questions for Mr. Colbert? Commissioner MacMann?

MR. MACMANN: I just wanted to thank Mr. Colbert and his client. This area has been developing and I'm glad to see -- after sitting for a long time and I'm glad to see some motion out here. And I understand the Equipment Share forms a nice anchor to people who are reinvesting in the St. Charles corridor. I think that's a positive thing. And I note this may be speculative but getting it ready to go, so to speak, is a good idea. Thank you very much.

MR. COLBERT: Thank you.

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

MR. COLBERT: Thank for your time.

MS. LOE: Any additional comments on this case? Seeing none, we will close public comment. Commission comment? Commissioner MacMann?

MR. MACMANN: My fellow Commissioners have no other questions or concerns? They do not. I'd like to make a motion. In the matter of Case 271-2021 to assign permit zoning upon annexation from county C-G to M-C, I move to approve.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Stanton. We have a motion on the floor. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please?

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: We have seven votes to approve.

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