

## EXCERPTS

### PLANNING AND ZONING COMMISSION MEETING

SEPTEMBER 19, 2019

#### Case Number 200-2019

**A request by A Civil Group (agent) on behalf of Kanko, LLC (owner), for a rezoning of parts of Lot 1005 and 1006 of Oak Forest Plat 10 (except for that part of Lot 1006 deeded to the City of Columbia) from PD (Planned Development) to M-C (Mixed Use-Corridor). The approximate 4.08-acre property is located generally north of the intersection of East Green Meadows Road and Gray Oak Drive and is addressed 955 East Green Meadows Road.**

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

Staff report was given by Ms. Rachel Bacon of the Planning and Development Department. Staff recommends denial of the M-C zoning map amendment.

MS. LOE: Thank you for that report. Before we go to Commissioner questions, I would like to ask Commissioners if they have had any 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. I see none. Are there any questions for Ms. Bacon? I see none. I have one question, Ms. Bacon. I thought we hadn't moved some climax forest buffer off of Grindstone Parkway back to this area. Is that -- can you just point out where that is?

MS. BACON: Yeah. So on this site right here, there's three acres of tree preservation. There is also a City drainage facility right here that kind of follows this stream. So I think I did point out in maybe the report that the development potential of this site is very limited because there is three acres of tree preservation in this area and then also some environmental topography issues. There's a lot of utility easement, as well.

MS. LOE: Thank you. Ms. Burns has a question.

MS. BURNS: Ms. Bacon, in regard to Ms. Loe's question, was that the trade that we did for other -- okay. It was about five years ago, we did a trade for property up on -- off of Grindstone for this three acres. I'm just trying to remember what the -- the discussion that we had about that.

MS. LOE: Yes.

MR. ZENNER: I believe that's correct, and that may be with the Red Oak --

MS. BURNS: It was with the Red Oak Development. Uh-huh.

MR. ZENNER: With the Red Oak development to the south of this -- to the Walmart development.

MS. BURNS: Okay. Thank you.

MR. ZENNER: You'd have -- and again, there was some in the lower corner here of the Walmart site. This actually if I'm not incorrect, as well as another portion over on the Walmart property itself was its tree preservation area specific to the Walmart property when it was developed. But I believe you are

correct, the exchange here behind Walmart was due to the development across the street.

MS. BURNS: Thank you.

MS. LOE: Just didn't it -- and it connects to more than just the lots adjacent to Walmart. I mean, I thought that was one of the reasons the City considered it.

MR. ZENNER: I believe it ties back into the drainage easement.

MS. LOE: For the drainage easement.

MR. ZENNER: And required the trail -- some other elements that are within this area that are not as -- not -- as shown on this graphic, not developed, and likely aren't developable because of the environmental constraints.

MS. LOE: Okay. I mean, that's what -- I think we were talking wildlife corridor and -- yeah. All right. Thank you. Okay. Mr. MacMann?

MR. MACMANN: Just real quick. Ms. Bacon, I drive by this with some frequency, and I'll ask Mr. Gebhardt when he gets up, but it -- if memory serves and from your map, we're only looking at the -- the southern portion of this that really is easily developable in any way, shape, or form -- and I'll -- I'll address that to Mr. Gebhardt when he comes up. Thank you.

MS. LOE: Any additional questions for staff? Seeing none, we will open up the public comments.

#### **PUBLIC HEARING OPENED**

MS. LOE: Please give your name and address for the record, and we're still sticking with the three minute,-six-minute rule. Thank you.

MR. GEBHARDT: Thank you. My name is Jay Gebhardt, I'm a civil engineer with A Civil Group, and I'm pleased to be here tonight representing Mike Kelly, who owns the property. He also owns the multi-family Deer Valley Apartments and the vacant office lot on the south side of Green Meadows Road. Mike has owned this property since 2004 and has had numerous offers to sell the property over the years. He is not interested in selling it. He would like to develop the property and keep it in his family. The buildable area of this tract is just under two acres, which goes to what Mr. MacMann was asking. It's a four-acre tract, but the rest of it is hillsides and tree-preservation areas that can't be developed. As staff suggested in the report, the size of the buildable area of this tract limits the uses on the tract, so a lot of these uses that have been talked about, like a hotel and things, just wouldn't fit on this tract. Mike's properties are literally sandwiched between two C-P areas with old C-3 uses on either end, one being the 37-acres of shopping center, and the other being the businesses at the corner of Providence and Green Meadows Road. If you stand on the property and you're -- you're just basically 100 feet from the C-P uses that consist of a tire and mechanic shop and just beyond that, the loading docks of 150,000 square foot Walmart. We are asking for zoning that will allow us to compete with these existing conditions. Basically, the zoning map doesn't do this justice. It shows it all as PD, but it's really PD with C-3 uses on either side of this. And while I'm talking about uses, I'll jump out of my narrative here, but a lot of the C-1 uses that we had did not translate into M-N. M-N is not an exact copy of the uses in C-1, so we lost -- we would lose some of the uses that we had with our C-1. My point here is the concern staff raises about the

proximity of the multi-family and the vacant office lot are all Mike's property. If there is any harm caused by the M-C versus the M-N zoning, he is only harming himself. Mike would like to see the property developed in uses that would benefit people living in the apartments he owns. Some of these uses are allowed and the staff's recommended M-N zoning, but many are already allowed in the existing C-P zoned property. The M-N staff recommends does not allow the uses currently allowed in the existing C-P zoning. We are requesting this zoning to take down barriers to developing this property and bring the zoning up to date with the latest codes and all of the requirements contained within those codes -- codes that provide neighborhood protections, use-specific standards, parking, landscaping, including street trees, and whole host of other regulations that are not currently required. This is a tradeoff we are willing to make if we do not give up the existing uses of the property. If the M-C we are requesting is granted, Mike would build something that compliments his existing properties, and enhances the quality of life for the tenants of his apartments. With that, I'd ask if you have any questions, I'd be glad to answer them. I don't know if that's three minutes or more, but --

MS. LOE: Thank you, Mr. Gebhardt. Are there any questions for this speaker? Mr. Toohey?

MR. TOOHEY: So do you already know what's going to be built there? I mean, do you --

MR. GEBHARDT: We do not, but we envision something -- a commercial building that may have a drive-through on it that would serve a dry cleaner. They may have a sports bar, because the bars aren't allowed in M-N zoning. Something of that nature, you know, bakery. There's quite a host of things, and people always go to the gas stations and really, you know, obnoxious things, but this is not a site for a gas station. And Mike wouldn't -- wouldn't want that in his -- in his properties.

MR. TOOHEY: That's all I have.

MS. CARROLL: (Inaudible).

MS. LOE: Ms. Carroll. And if you have -- please speak into the microphone so that the recorder can hear you.

MS. CARROLL: All right. There is a gas station just down the street from there already, isn't there?

MR. GEBHARDT: Yes. There's a Break Time just pretty close.

MS. LOE: Any additional questions for this speaker? Mr. Gebhardt, are you saying that a bakery is now allowed in M-N?

MR. GEBHARDT: That is my understanding.

MS. LOE: Thank you. Any additional speakers on this case? Seeing none -- oops. Sorry.

MS. SHEFFIELD: My name is Marsha Sheffield.

MS. LOE: Move the microphone down. There you go.

MS. SHEFFIELD: I'm new at this. I've never done this before. My name is Marsha Sheffield, and I live at 809 East Green Meadows Road, Apt. 305, and we're new -- my husband and I, Dana, we're new to the area. And we drove by and saw this sign, and so I called -- I didn't know -- I didn't know they were going to be building anything there, and we're really concerned because the traffic along East Green

Meadows Road has gotten really bad since the students came back, and if you're coming off that one road -- do you know, is that Gray Oaks?

MR. SHEFFIELD: Gray Oaks.

MS. SHEFFIELD: Yeah. That's really hard to get off on to get onto East Green Meadows because people come around that corner and they are going really fast. I don't think they abide by the speed limit in that area, so we're really concerned what they build, how much traffic is it going to produce. When I saw that online, when I saw the parking spaces, the number of parking spaces, that is very concerning for us because we're worried about the traffic flow. We've already seen a deer killed along there. Someone ran off the road along there. They drive like maniacs. And then we walk every night, and there are so many deer out there all around that entire unit, and I hate to lose any more green space because I don't want the deer to be affected. So we're just really concerned about the traffic and the deer. And I would really appreciate my landlord asking tenants what would we like, you know. Instead of him imagining what we would like, maybe it would be nice to ask the people that live there what we would like, if anything.

MS. LOE: If something was built, what would you like?

MS. SHEFFIELD: I really don't want anything, to tell the truth.

MS. LOE: You don't want anything.

MS. SHEFFIELD: I think we've got plenty with Walmart and all the traffic. It's really kind of dangerous to walk along that sidewalk. If he thinks we can walk along that -- I mean, I do see people walk along it, but we've tried it and people drive so fast and it's so noisy, it's not relaxing. So I -- I mean, maybe people will do that, I don't know. I'd just rather there be nothing, to tell you the truth. But I know they've already got something in plan, but I just wished it wouldn't require -- and have a lot of traffic and stuff.

MS. LOE: Thank you. Are there any questions for this speaker? I don't see any additional questions. Thank you.

MS. SHEFFIELD: Thanks.

MS. LOE: Are there any additional speakers?

MR. MURPHY: Madam Chair and Commission, my name is Kevin Murphy. I'm with A Civil Group, offices at 3401 Broadway Business Park Court. One thing I do want to note here if it hasn't been made obvious is there's probably an 800-foot stretch in the middle of this road that is not commercial development. That would be Mike's office on the south side of East Green Meadows and his multi-family on the north side. Ms. Bacon, I don't know if this -- but it may have been misleading. But the old ordinance, we were allowed C-1 -- all C-1 uses and C-P uses. Well, all C-P uses of the ordinance at that time was included one or more of all of the permitted uses in C-3, so C-3 is relevant to the M-C zoning that we're asking now. The only exception to that was that they excluded amusement parks, commercial stables, movie theaters, bowling alleys, farm machinery sales and service, gun clubs, halfway houses, machine shops, and mechanical contractors, basically. Of that, movie theaters and bowling alleys would

be allowed in M-N, and I don't believe any of these others would be allowed besides again those two uses in M-C. So what I -- what I want to point out is we basically have M-C zoning. The problem is is that we would have to come with a plan, say, if Mike gets a client that he wants to build a building for him, and we have to come in with a plan. If that falls through, somebody else comes to Mike and says I want you to do this, we have to come in and change the plan again. Again, it's that -- that hard situation in dealing with planned developments where you're continually having to change them for any minor change or -- or major change. But again I just want to point out that we have -- we have the, basically, all the M-C uses permitted and allowable already. Thank you.

MS. LOE: Thank you. Are there any questions for Mr. Murphy? I see none. Thank you.

MR. MURPHY: Thank you. Any additional speakers on this case? Seeing none, I will close public comment.

### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion? Mr. MacMann?

MR. MACMANN: My concern is as follows. The climax forest areas across the street and the sensitive areas to the north of this property, I get Mr. Kelly's deal. I don't -- I think an amendment is better than a zoning change, personally. A specific issue, I would be more comfortable with than a broad issue, given where this is. And he is right. There is a Walmart, you know, just down the way that backs up to the property. But the sensitive areas to the north and to the east are what concern me more than anything.

MS. LOE: Ms. Russell?

MS. RUSSELL: I'll just go ahead and make a motion. In Case 200-2019, I move to approve the M-Z zoning map amendment.

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodman. We have a motion on the floor. Any discussion on that motion? Seeing 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. Strodman, Ms. Russell. Voting No: Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Ms. Rushing, Mr. Toohey. Motion fails 6-2.**

MS. BURNS: Five to three [sic], motion carries.

MS. RUSHING: No fails.

MS. BURNS: Fails. I mean -- sorry. Fails. I got the numbers right this time, didn't I?

MS. LOE: So motion to approve was not passed. Recommendation for approval will not be forwarded. That concludes our public hearings for tonight.