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Tim Teddy, Director
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Via Hand Delivery and E-Mail ttteddy@gocolumbiamo.com

Patrick Zenner
Development Services Manager
City of Columbia
701 East Broadway
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Via Hand Delivery and E-Mail przenner@gocolumbiamo.com

RE: Text Amendment to Zoning Ordinances of the City of Columbia

Dear Mr. Teddy and Mr. Zenner:

We represent Christine Meyer (the "Applicant") who is a resident of the City of Columbia (the "City") and an avid tennis player seeking more opportunities to enjoy the sport. It has become clear that this is a common goal among many residents of the City. Virtually all of the available tennis facilities in City are outside and, therefore, subject to inclement weather for about half of each year. Constructing permanent structures is cost prohibitive and not ideal because players would not be able to enjoy the outdoors during the months when the weather is not inclement.

There is a practical solution that has been successfully applied in other communities. Structures are permitted that are substantial enough to provide protection during the months with the most inclement weather, but can also be removed during the rest of the year. Such structures are sometimes referred to as "air-supported dome structures" or "air-inflated structures" or "air dome structures" or "tennis bubbles". Such a structure is being utilized by the Indian Hills

Country Club in Kansas City; pictures can be seen at the country club's website. (<http://www.ihcckc.com/>).

In the mid-1990's, a tennis bubble was considered for the tennis courts located on property owned by The Country Club of Missouri ("CCMO"). Not unlike several of the tennis facilities in the City (e.g., Southwest Tennis Club, West Broadway Tennis Club, Broadway Village, Thornbrook), the CCMO courts were and are located on property in the district R-1 category of Chapter 29 of the City of Columbia Code of Ordinances (Chapter 29 being referred to herein as the "Zoning Ordinance"). The relevant portions of the Zoning Ordinance are substantially the same as they were in the 1990's.

Under the R-1 category of the Zoning Ordinance "Private Outdoor Swim and Tennis Clubs" is a conditional use, which requires the issuance of a conditional use permit from the Board of Adjustment. CCMO obtained such a conditional use permit and a building permit was issued for an "air supported dome system". Unfortunately, the building permit was issued prior to obtaining the conditional use permit and a court ordered it to be revoked. In doing so the court stated that there is "no showing that...[a tennis bubble]...would qualify within the conditional use... ." Although, the court did not say that tennis bubbles are prohibited, but only that there was nothing in the record showing that they are permitted. Arguably they are permitted, but the situation needs clarification.

Although, the relevant portions of the Zoning Ordinance have remained virtually the same, the City's comprehensive plan has been substantially modified since the tennis bubble was considered for CCMO. The Applicant's request that tennis bubbles be permitted in appropriate locations is consistent with the City's new comprehensive land use plan (Columbia Imagined – The Plan for How We Live & Grow). One of the guiding principles identified in Columbia Imagined is that "We value our health." Based on that principle, the plan established a goal that Columbia be a healthy community. One of the specific objectives for meeting that goal with respect to land use is that "Healthy lifestyles will be encouraged by providing recreational opportunities... ." Providing an additional six months of access to existing tennis courts is a direct and effective method for implementing that objective and for moving closer to the goal of having a healthy City.

The Applicant is respectfully requesting a text change to the relevant portions of the Zoning Ordinance to include tennis bubbles as a conditional use for property located in an R-1 zoning district (and any other zoning district you deem proper) for which a conditional use permit for "Private Outdoor Swim and Tennis Clubs" has been issued. The Applicant recognizes the need for conditions to the issuance of a conditional use permit for tennis bubbles and for applicable standards. In that regard, the Applicant proposes the following general conditions and standards for consideration:

1. The structure could not be erected for more than 180 days in any calendar year.

2. The size of the structure would be limited to the area necessary to cover two tennis courts.
3. The structure must comply with applicable fire codes.
4. Smoking shall be prohibited within the structure.
5. The structure shall be used only for the purposes of protecting physical recreation and related activities (e.g., tennis matches, practice, and instruction).

I look forward to your response and would be happy to discuss this with you should you have any questions or comments. Also, I would welcome the opportunity to work with you in crafting specific changes to the Zoning Ordinance required to effectuate the Applicant's request. Thank you for your time and consideration.

Sincerely,

Van Matre, Harrison, Hollis, Taylor, and Elliott, P.C.

By:


Robert N. Hollis