

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**June 10, 2021**

**Case Nos. 147-2021 and 148-2021**

**A request by Crockett Engineering (agent), on behalf of Boone Development, Inc. and Old Hawthorne Golf Club, LLC (owners), to rezone a 6.19-acre property commonly known as Old Hawthorne Wellness Center from PD (Planned Development) to O (Open Space) to facilitate future expansion and improvements to the Wellness Center. Additionally, the applicants are requesting a Conditional Use Permit (CUP) to allow "Outdoor Recreation or Entertainment" uses on the site. The site is located on the northern frontage of Old Hawthorne Drive West approximately 650 feet north of Route WW and is commonly addressed 1900 W. Old Hawthorne Drive.**

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends:

1. Approval of the requested rezoning from PD to O.
2. Approval of the Conditional Use Permit for "Outdoor Recreation or Entertainment" subject to two conditions:
  - a. Uses are contained to those listed on Exhibit A and shall not include the following: amusement parks, commercial baseball fields, fairgrounds, race tracks, commercial stables, gun clubs, skeet, trap, or target ranges, outdoor stage and concert facilities, or other activities of similar type or scale.
  - b. The total square footage of the clubhouse facility shall not exceed the aggregate square footage of all facilities devoted to "Outdoor Recreation or Entertainment" uses on the lot.
  - c. Prior to commencing with additional site improvements, regardless if a building permit is or is not required, a comprehensive land disturbance and stormwater management plan shall be provided for the City's approval demonstrating compliance with the adopted regulations. It is recognized that the final design of the site, as shown in the attached plan, may be modified prior to full build-out of the site and as such this condition may be satisfied by submitting plans showing compliance with each successive site improvement included and up to the final site feature's construction.

MS. LOE: Thank you, Mr. Kelley. Are there any questions for staff? You know what, I haven't read ex parte, so prior to asking questions for staff, I'd like to ask any Commissioners who have had any ex parte related to this case to please share that with the Commission so all Commissioners have the

benefit of the same information in front of us. Seeing none. Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Kelley, two -- a definition and a procedural question. What is a general sports court?

MR. KELLEY: I think that's just to kind of cover their base, that way they don't have to list every sport, such as, basketball court.

MR. MACMANN: Well, the next one down says other related and like activities. So I was, like -- I have a vision of what it is in my head, that thing in grade school that has lines for everything and a basketball hoop, that's what I had in my mind. I don't -- I don't -- maybe I can ask them again in a minute. A second question is -- maybe that was informative. This -- this is more to the point of what we do. You had with your conditions on the Conditional Use Permit had foreseen the stormwater issue. Say we do this in multi-phases, are they going to have to submit a stormwater plan each and every time? Like they build two of four courts or, you know, three of nine courts, or whatever, and are they going to have to go through each and every one, are they going to have a master plan? What are you anticipating here with that restriction?

MR. KELLEY: I was kind of anticipating that the first site improvement would, A, account for that site improvement and then the existing nonconformities, as well, so we're really -- it really carries the bulk of that. So making up for what's not done and then what's also done with that first improvement, that's the way it's worded now, as I have in my staff report, but --

MR. MACMANN: Let me go forward. We change what we would like to do over time, and currently, pickleball is hot and has been hot for like five or ten years. I can see a time ten or twenty years in the future where they go, well, what we have here now is either breaking down or we have new games or something like that we want to do. Will another stormwater review be triggered at that time?

MR. KELLEY: Pat, you may have to answer this for me. I'm not --

MR. MACMANN: I was looking to the sky when I asked that question.

MR. KELLEY: I think something that Pat will probably want to elaborate on is that what does trigger certain permits and what does trigger -- without this condition, certain things are -- would trigger that review by our staff internally already, but --

MR. ZENNER: So land disturbance permitting and stormwater regulation are two components of generally building permit issuance at a particular threshold.

MR. MACMANN: Tennis court?

MR. ZENNER: Yeah. Tennis courts. So if your tennis courts to serving X number of square feet of land area, you're going to be required to provide a land disturbance plan that's going to have to address the issue of stormwater management. I believe the applicant may be able to express a little bit more about how stormwater management was being addressed on this site at the time that Old Hawthorne itself was being developed, and that there may not be an issue associated with the stormwater facilities that appear to be nonexistent on this amenity parcel at this point. However, the types of improvements that would be proposed to be placed here, they are generally surface

improvements to which we do not have any permitting requirements for, so we are relying on the fact that, well, you don't build a tennis court at grade, you level your site and move dirt around in order to have a flat surface to hit a ball equally across --

MR. MACMANN: Well, the reason I bring these up is because we're -- we're gone to O now.

MR. ZENNER: Yeah.

MR. MACMANN: And O has some holes, as we can see it.

MR. ZENNER: So with each subsequent -- with the condition, as it is written right now, is to address the potential omission of necessary stormwater improvements to take care of the land disturbance that has currently occurred. And that would be triggered by whatever the next improvement is that they would like to place on the property regardless if a permit is required or not. Subsequent improvements then would be subject to the land disturbance permitting standards, so if you're disturbing less than a particular amount of square footage, you may not have to have a plan. But as soon as you get to a point where you are, and this goes to your point of incremental improvement, so let's say you want to do four 1,500 square foot improvements which collectively is 6,000 square feet, well, 6,000 square feet all at once automatically triggers a land disturbance --

MR. MACMANN: But 1,500, no.

MR. ZENNER: -- but 1,500, no. The site, as it's designed, as I understand it more globally, was part of more of a regional stormwater master design.

MR. MACMANN: In the original concept, yeah.

MR. ZENNER: And I think what Mr. Crockett may be able to express to the satisfaction of the Commission is we don't have a problem with this condition because we don't believe that we're ever going to have a problem. We put it in here only because we want to monitor and we want to have factual-based to-date built environment data by which we can be satisfied that it has been addressed, but that is, hence, the reason for condition number 3. It will automatically trigger if the development that's proposed exceeds the threshold square footage. So regardless if there is a permit or not, only if this condition is included, because if you build a 3,000 square foot tennis court, we don't permit that surface improvement. So there's no permit with paving a tennis court. It's the land disturbance which is what triggers the permit, and we want to make sure that there is a condition that requires the permit, and that's why this exists.

MR. MACMANN: And I appreciate that, and I will get to Mr. Crockett here in a minute. Now just because we're going to O now and we're going to start using it, it probably needs to work.

MR. ZENNER: That is exactly what our engineering staff was concerned about as well.

MR. MACMANN: Awesome. You guys are great. Thank you.

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

#### **PUBLIC HEARING OPENED**

MS. LOE: Name and address for the record.

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong. I believe that Mr.

Kelley did a good comprehensive report on this piece of property. Again, this is the Wellness Center and the amenity lot for the Old Hawthorne development. Really what we're looking at doing is we're -- we're looking for a more streamlined method of moving forward. We see this piece of property developing in small increments over time, and instead of updating a plan and updating a plan and updating a plan each and every time, we believe that the O district was created in the new UDC for a reason, and this is one of those reasons it was created for. If you look at the purpose and the reason, it fits this proposal to a T, and that's why we're asking for it at this location. We have excluded a lot of our more obnoxious uses that don't fit in -- stables, gun clubs, skeet, trap, and target ranges, outdoor stage and concert facilities, like a gentleman spoke on that earlier. Those are items that will be eliminated. They won't be allowed at this location. What we're looking for, we're looking for swimming facilities, we're looking for tennis courts, pickleball courts. We're looking for indoor workout areas, yoga studios, and the like. And so we really believe that this site fits that -- fits that well. It served the purpose of the residents out there well, but as the community continues to grow out there, more and more facilities are going to be needed. And so that's going to be needed over time, and so the idea there is let's streamline that process so that we can do it in the more efficient manner, and that's the reason why we're asking for the O zoning, because I think the UDC allows for that and does a very good job and it's accounted for that. With regard to the stormwater, absolutely. I think Mr. Zenner did a -- said it right. We don't have a problem with it because it's not going to be a problem, and we will present that information to the City staff as needed to illustrate that. I mean, there's been a clear understanding with the stormwater for the golf course, the clubhouse, and this Wellness Center to do the development of that entire area. So we feel very comfortable with that, we don't have a problem with that. And so we -- we concur with the approved conditions or the proposed conditions as set forth. And so with that, I'm happy to answer any questions.

MS. LOE: Thank you, Mr. Crockett. Any questions for this speaker? Mr. MacMann?

MR. MACMANN: Just one. All my other issues were addressed, and I would like to thank you and your clients for using O, and that kind of breaks the ice because people tend not to want to do things that are new.

MR. CROCKETT: Right. And I appreciate that. Thank you.

MS. LOE: Thank you, Mr. Crockett. Any additional speakers on this case?

MR. GALLOWAY: Ben Galloway, 1304 Stablestone Lane, which is located in Old Hawthorne. We've lived there since 2008, so the last 13 years. It's a great development and -- (inaudible) -- has done a fantastic job of --

MS. LOE: Mr. Galloway, can you speak into the microphone? You can bend it toward you, if that helps.

MR. GALLOWAY: Yeah. We love the area and -- and we're the owner of -- my wife and I are the owner of On the Ninth, which is the property directly north-northwest that borders this property on the northwest. I'm sure these are things that can be worked out with Mr. Crockett and Mr. Sapp, but two concerns I have just for our property is lighting. We have, you know, property that actually backs up or

adjoins it, you know, would impact tenants of those property or owners of those properties, and the stormwater issue. I have confidence that they'll address those, too, but just the natural landscape slopes to the -- to the western corner where our properties adjoin, and that will need to be addressed, and I'm sure they'll do that in their future planning of that, but those are the only two concerns I have and, again, I love the neighborhood, I respect Mr. Sapp and Mr. Crockett, worked with them over the years, so I just wanted to express those things and I know we'll do the right thing, so --

MS. LOE: Thank you, Mr. Galloway. Mr. Kelley, will the City's lighting ordinance apply to the O zoning?

MR. KELLEY: I'm not sure for the City's lighting ordinance. I know just what I was relaying earlier about the neighborhood protection standards that would apply to the property adjacent to the northwest, the On the Ninth development, as he is talking about. Any lighting within 50 feet would have to be reduced to -- reduced to 20 feet tall, anything within 50 feet of that property line.

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

#### **PUBLIC HEARING CLOSED**

MS. LOE: And Commissioner comments? Mr. MacMann?

MR. MACMANN: If there are no comments or questions, in the matter of Case -- I'm going to do both of these, if that's okay with my fellow Commissioners. In the matter of Case 147-2021, I move to approve the requested rezoning of PD to O.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any discussion on this motion? Seeing none. Ms. Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Rushing, Ms. Kimball, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. Stanton, Mr. MacMann. Motion carries 9-0.**

MS. CARROLL: Nine votes to approve; the motion carries.

MS. LOE: Thank you.

MR. MACMANN: Thank you. I've been told by staff that I'm coming off kind of loud on my microphone, and I apologize. This microphone is new to me, so if I'm breaking some eardrums, I do -- I do apologize. In the matter -- before I say this completely, I'm going to list the conditions as Planner Kelley has listed them, so that was my intent, if I stumble across -- over the words. In the matter of Case 148-2021, approval of the Conditional Use Permit, subject to the following conditions:

1. Uses are contained to those proposed by the applicant and shall exclude amusement parks, concert venues, et cetera.
2. Clubhouse facility square footage shall not exceed size of other outdoor recreation uses.
3. Prior to additional site improvements, a comprehensive land disturbance and stormwater management plan shall be submitted for the City's approval.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any discussion on this motion?

MR. ZENNER: Ms. Loe?

MS. LOE: Mr. Zenner?

MR. ZENNER: If I may, just to amend Mr. MacMann's motion, or to offer added clarification, condition number 1 should reference the attachment, which was Exhibit A, if I am not incorrect.

MR. MACMANN: So amended.

MR. ZENNER: And then item number 3 -- condition number 3 should also reference prior to any additional site improvements requiring or not requiring a building permit shall be accompanied by a comprehensive land disturbance and stormwater management plan.

MR. MACMANN: So accepted if that's fine with Ms. Rushing.

MS. RUSHING: I'm good.

MR. ZENNER: Thank you.

MR. MACMANN: Thank you.

MS. RUSHING: If that was in the report.

MR. MACMANN: I neglected to drop back. Thank you.

MS. LOE: Any comments on the amended motion on the floor? Seeing none. Ms. Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. Stanton, Mr. MacMann. Motion carries 9-0.**

MS. CARROLL: We have nine votes to approve; the motion carries.

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