

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
July 22, 2021

Case 217-2021

A request by Crockett Engineering on behalf of JAJ, LLC, seeking approval of a conditional use permit to allow an assembly or lodge hall on 4.73 acres addressed as 705 Port Way.

MS. LOE: May we have staff report please.

MR. PALMER: Yes, you may. So this being a public hearing, we sent the postcards and an ad in the Tribune and also sent property owner letters. Those postcards were sent on the 1st of July to 25 property owners and then the ad and letters were then sent on the 6th. This project was kind of fast tracked, probably a meeting cycle because, as you know, we saw this property at our last meeting and the intent was to kind of get these on the same schedule as best we could, or close to it anyway. Another aerial view. Again, you saw this at the last meeting so it shouldn't be a surprise. Equipment Share there is to the east. The Jimmy John's and the bank is to the north. And then, of course, the residential which is actually in the county, that lies to the south there. And then, of course, at the top of the page you see the St. Charles Road and I-70 interchange. The original zoning, for a little kind of background refresher, CP was approved in 2001 when the property was annexed, part of a 300-acre parcel on either side of the highway at that intersection, at the St. Charles Road intersection. At the time it permitted C-3 uses except for farm machinery sales and services. At the concept meeting for kind of this entire project which involves the property to the north, we indicated a lack of support for M-C on this property in particular and supported M-N because of the loss of the P-D plan approval processes and the public input aspect. And having M-N, M-N basically permitted the bulk of the same uses as M-C minus the more intensive ones and many of them were still allowed by a conditional use permit which is exactly where we're at now. So there are actually six evaluation criteria for approval of conditional use. The first one is that it must comply with the base and overlay zoning district. The building envelope complies dimensionally with the setbacks that are required for the M-N zoning. Other matters such as screening and stormwater and tree preservation, those sorts of things, they will be ironed out as the building plans are reviewed for their building permits, so that will be addressed later in the process. The second criteria is is the use consistent with the comprehensive plan. This area was designated commercial district and the use being assembly lodge, really an assembly hall, those two uses are combined in our code. But fits within the commercial-use category so that is consistent. Third, the use must conform to contextual character within the same zoning. This is -- this will be the only M-N zoning in the neighborhood, but generally it is kind of transitional space and would be a transitional use between the kind of more intensive commercial in the

Bull Run corridor and the residential to the south. Fourth, we have adequate access. The property to the north is actually going to provide some access and then the Port Way frontage obviously is another point of access, so I would consider that to be sufficient for traffic generated. One reason they provide the kind of cut-through access from the property to the north is because they envision this as a cohesive property despite the fact that it's two lots, and they intend to use parking as overflow on the property to the north because some of the events held in the assembly hall will be outside of peak hours for the businesses on the north lot. And also, as we discussed at the last meeting, there was some questions about the parking provided. That will be another way that that requirement's met, so. The fifth criteria is that there's sufficient infrastructure to support the use. The assembly lodge will really create little demand, relatively speaking of course, compared to, you know, the Equipment Share property or the bank even. You know, definitely those intensive uses are going to require more and they're being served and there's capacity in the area. My thought is that the peak uses that require the demand for those services will be sporadic, and it'll be, you know, during events that are a few hours long, like two, three, maybe four days a week depending on how they book it out. But it would be in small spurts and not a consistent usage, so. The last criteria is that the use will not cause any significant adverse impacts to the surrounding properties. Again, the use is going to be pretty sporadic, so traffic is only really going to be during events. Any noise or visual impacts, like we discussed at the last meeting, again, are really mitigated by the 50-foot landscape buffer on the south property edge as well as the berm that was built. Obviously noise can travel and people will still hear things, I'm sure, but a lot of that will be deflected. And again, the use of it is going to be, you know, the events will be few and far between I think and it'll offer them a little bit of respite from that. I think that covered all of that. So our conclusion would be that the assembly lodge -- well, so the assembly lodge is permitted by the current P-D. The building height was relaxed 30 -- 10 feet to be 35 total by the rezoning which is going to Council at the next meeting. So upon that rezoning, they are able to build something ten-foot taller than they previously would have been. However, if that's a concern for you as a commission, I would suggest that, as we did with the U-Haul property on I-70 Drive or Business Loop, a condition could be added to your approval to hold the applicant to the 25 feet. The applicant has indicated that they don't intend to be build taller than that 25 feet anyway, so that's just for your information. Another thing that we've noticed is that internal sidewalks are not provided on the plan that we saw last week, and it is a preliminary plan, but we do want to ensure that proper pedestrian access is provided for those people who end up using the overflow parking. And so we've asked to add the condition that an ADA-accessible sidewalk be added in those locations. That's generally not in the recommendation there. So my recommendation would be for approval of the CUP pursuant to the construction of the ADA-compliant sidewalk, properly marked and signed, that connect the site to the adjoining overflow parking, which again, is on that property on the Bull Run frontage just north of that. That is all I have and happy to answer any questions.

MS. LOE: Thank you, Planner Palmer. Before we move on to commissioner questions, I would like to ask any commissioner who has had any ex parte related to this case prior to this meeting to please

share that with the commission now so all commissioners have the benefit of the same information related to this case in front of us. Seeing none, any questions for staff. Commissioner Burns.

MS. BURNS: Thank you, Planner Palmer. I am looking at the fifth criteria, the proposed variance will not cause significant adverse impact to surrounding properties. And you sent 25 letters you said to property owners within 200 feet?

MR. PALMER: Yes. I believe that's correct.

MS. BURNS: Did you have any contact or response from those?

MR. PALMER: I had no phone calls, no letters. The developer actually met with the neighborhood multiple times prior to the rezoning coming to you guys, so.

MS. BURNS: And then in your assessment about the adverse impacts, did you have discussions about what activities were going to take place at this assembly hall?

MR. PALMER: No. But I did kind of just assume the worst, but I feel like the berming and especially the landscaping -- well, probably the other way. The berming will do a lot to kind of deflect that noise. And then it's also heavily landscaped, so any visual impacts are --

MS. BURNS: And --

MR. PALMER: -- well-beyond the typical screening.

MS. BURNS: I remember from our previous meeting, I think there was like a 50-foot buffer?

MR. PALMER: Correct.

MS. BURNS: Okay. Thank you.

MS. LOE: We're going to go down the line. Commissioner MacMann.

MR. MACMANN: Thank you, Madam Chair. Refresh my memory. I think I may know the answer, but the 50-foot buffer will be in the plat?

MR. PALMER: It's already on the plat.

MR. MACMANN: Okay. So --

MR. PALMER: As a recorded easement.

MR. MACMANN: Because it really would only need a, say a ten-foot buffer or whatever it is. They couldn't decide to remove that buffer, that berm, could they?

MR. PALMER: So I don't believe the berm or the landscaping are a condition of it, but the buffer is. And I'd have to pull that easement to know for sure how that's laid out.

MR. MACMANN: The reason I'm bringing this up is -- Mr. Zenner may remember this. The Drawing (ph) property over off the Loop where they just decided to remove their buffer. And their neighbors were --

MR. PALMER: I think we're --

MR. MACMANN: -- displeased. I'm just concerned that down the road, you know. I think the berm and the landscaping over here is fine. My concern is we have a concert at 11 o'clock on a Friday night type thing and --

MR. ZENNER: And that was actually what was running through my mind. The code was coming up slowly. Outdoor recreation and entertainment uses are not permitted in M-N zoning district. So the types of activities that would occur in this would have to be within a fully-enclosed structure. And if I am not incorrect, indoor entertainment and recreation is either a separate conditional use or it is also not permitted in the M-N zoning district. So we are really looking at an event center, similar to something that is down at Peachtree where everything internal is going to occur. Now, that does not mean that a door to vent the space may not be left open and you may have noise emanating out of the building as a result. To Mr. Palmer's point, the berm and its landscaping will help to mitigate that. I think as a means of addressing the potential, not the likelihood of the berm and the landscaping being removed, I would agree, unless otherwise informed by our law department that we can't, you could conditionally approve the CUP on the berm being retained, the berm and the landscaping being retained --

MR. MACMANN: I personally wasn't going that far. I was kind of going, leaning towards the 25 foot for that reason, because the berm -- because the berm could be removed is my understanding.

MR. ZENNER: It could be, but I think -- and the applicant may be able to better speak to that, the --

MR. MACMANN: Well, I guess -- the reason I brought up the Drewing property, whatever happened 30 years ago, and we don't know regardless of what was said, people change their minds with what they're going to do with their property. And while you and I and neighbors can see no use to tear that ten-foot section down, they obviously did. So, I mean, things do change in 30 years, so that's not -- I'm looking at the 25-foot thing. That's what I'm looking at.

MR. PALMER: I will add that the -- just an eyeball kind of appraisal of it I guess, even a 30 foot -- 35-foot tall structure there I don't think would be visible. But I do think that that adds to the potential impact of --

MR. MACMANN: Sound and light would be my concern. Light, like with the U-Haul thing. And sound with the -- University Subaru would be a good example of that property where immediately you have lights pouring into the neighborhood. All right. Thank you very much. Madam Chair.

MS. LOE: Commissioner Geuea Jones.

MS. GEUEA JONES: Thank you. The old Ashley building, Tractor Supply, how tall is that building, do you know?

MR. PALMER: I don't, but it's -- I would say it is probably close to 30.

MS. GEUEA JONES: Okay.

MR. PALMER: Just from personal experience seeing the building, but I can't really give you a straight answer on that.

MR. ZENNER: I believe the P-D plan for Ashley had it at 30. It was a planned condition so the building, I don't believe, was built over its maximum height per the former C-P plan for Ashley Furniture.

MS. GEUEA JONES: I'm trying to get in my head -- because that's one story which is very tall, so I'm trying to figure out -- it's not the building height that I worry so much about as second-story people

being able to look down into residential yards, which would be the only reason I could think of to restrict the height in this scenario. So that's kind of what I'm trying to think of.

MR. PALMER: Yeah. If you're visualizing that building, it's also slightly at a crest at the site so the street elevation's higher than the base floor of the building. So that 30-foot-tall building really appears to be more like 25 feet probably.

MS. GEUEA JONES: And that wouldn't necessarily be the case over on the other side.

MR. PALMER: Yeah. It's -- I think the residential neighborhood is probably lower in elevation than the site, if I remember correctly. Yeah. So everything, all the stormwater drains south away from Bull Run, and so their stormwater stuff is on that west end of this property catching all the runoff from the property to the north. So that should be correct.

MS. GEUEA JONES: Thank you. That's all I had.

MS. LOE: Commissioner Placier.

MS. PLACIER: Yes. Just kind of following up on this, you mentioned in the staff report the word "large," like large events. What is your understanding of what the capacity of this building would be and how large "large" would be?

MR. PALMER: Right. So the conceptual plan they showed us at the last meeting just had a building footprint and that was also the source of your question about the parking. We don't know how big that building will be, and essentially the size of those gatherings will be dictated by that on their allowable occupancy. So at this time I don't have an answer for that, but that's something, as we discussed last time, they have a pretty restricted area that they intend to use and I don't think it's going to be, you know, thousands of people; it's more like maybe a couple hundred people at best, but.

MS. PLACIER: Well, I think my major concern is just with avoiding overflow parking going into that neighborhood to the east. They can't -- it takes some effort to get into the directly-adjointing neighborhood, but I could see that somebody could think, Let's park over there, you know, on Camden or someplace and we'll get out more easily.

MR. PALMER: Yeah. And I don't think parking is restricted on Port Way either, not that you would want to, but, you know, people trying to get front row seats with their car I think might be inclined to try to park there.

MS. PLACIER: So is that a concern at all?

MR. PALMER: It is, but I think it's probably fairly easily addressable by making it no parking. I mean, you still have to kind of patrol that and enforce it.

MS. PLACIER: And that's not really within our, I mean, in terms of what we're doing here.

MR. PALMER: Yeah. I think it would be more of a completely different thing honestly.

MR. ZENNER: I would suggest, Ms. Placier, given the fact that notification has been sent out, there is an active homeowner's association in the development to the south and there has been no commentary given to us in respect to the use of the property, that that's not perceived at this point as an

issue. But Mr. Palmer is correct. If it became one, that is something then that could be presented to the Public Works Department as it relates to signing for no parking, either on both or one side.

MS. LOE: Any additional questions for staff? Seeing none, we will open up the floor to public comment. If you can give your name and address for the record.

MR. MACMANN: Madam Chair, I have a -- I'm sorry to interrupt. I have a point of order request of Mr. Crockett. Mr. Crockett, I do this too and I say this with all due care. You and I tend to speak very quickly and sometimes the recorder has difficulty keeping up.

MR. CROCKETT: Okay. I will slow it down.

MR. MACMANN: Thank you, Madam Chair.

MS. LOE: Thank you, Commissioner MacMann.

MR. CROCKETT: Madam Chair, members of the commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I believe Mr. Palmer did a good job on the staff report describing the intent of this piece of property, what our use wants to be, but I would like to just go through some of the questions that the commissioners have asked. Just so we have clarification, I'll answer those a little bit. So with regard to the uses, we intend to use this piece of prop-- my client intends to use this property, wedding receptions, graduations, corporate events. They're working with Equipment Share, they're working with the hotel that's out there, working with those owners and those properties as well to have various types of events over the lunch hour, in the afternoon, evening setting, those type of things. So it's a wide use, but again, it's nothing that's going to be used just consistently, constantly the entire day. With regard to the buffer, it's our full intent not only to leave the buffer and maintain the buffer, but to add to that buffer. Again, as Mr. Palmer indicated, my clients have met with the neighbors on two different meetings. They overall were well-attended. They explained the uses, what they're going to do, their desires. They didn't have any concern as noted by their absence tonight. So yes, we believe that that buffer, we do want to keep that buffer, we intend to keep that buffer, the berm, landscaping, everything there. The building height, it is stated at 35 feet. We would like to keep 35 feet if we can. We have no intention of doing a two-story structure; we have no intention of going with a tall structure, but there may be an architectural element to that building and that may go up a little bit. So if 35 is an issue, we'd ask for 30. You know, I think that the neighborhood protections in the UDC are present for a reason and that that would help mitigate any concern that we have up against the residential neighbors to the south as well as that landscape berm and landscaping, so that's what we respectfully ask for. The building size, Ms. Placier, you asked how many people. I think really maximum usage out there is going to be 250, 300. That's the maximum. We fully don't -- we don't intend to have every event that large. There's a lot of places that, I mean, we can get a room in a lot of restaurants in town that can seat 20 or 30 people, but there's not many places in town that can seat, you know, 75, 85, a hundred people. And so with the caterer that's going to be, you know, assigned to this or attached to this development, they do want to cater within, that -- we intend to have a lot of smaller events as well. So what's our large, 250, 300, but that's not going to be every event by any means. We do believe that there's going to be adequate

parking throughout this entire facility, not just on the property but to the commercial developments to the north as well as some shared parking arrangements out there as well. Given that we're not going to have 300 people at every event, we don't want to build a parking lot for the ultimate build out that's only going to be used once a month, you know. If it's going to be typically that hundred number, 120 number, we want to make sure we have adequate parking for that number, but certainly we don't want to have a large parking lot that's going to be served but once a month or so. So with that, if there's any additional questions, I'm happy to answer any questions that the commission may have.

MS. LOE: Thank you, Mr. Crockett. Are there any questions for this speaker? Commissioner MacMann.

MR. MACMANN: Thank you, Madam Chair. Mr. Crockett, would your clients be amenable to some lighting conditions? I don't mine the building at 35 feet. I just would be concerned, you know, five years from now the lights poured over to the neighborhood.

MR. CROCKETT: Sure. And I think -- I think that our lighting standards --

MR. MACMANN: Generally they are.

MR. CROCKETT: Yeah.

MR. MACMANN: Generally they are.

MR. CROCKETT: I mean, if there was something specific that we could do. I mean, we don't have any issue -- we don't want to have any spillage of light. We don't want to, you know, disturb the neighbors by any means, but I don't know what kind --

MR. MACMANN: I -- honestly it just occurred to me and unless I made it broad enough and specific enough, I couldn't -- my concern is -- I'm concerned about the light coming over because that's something -- that's one of the first things whether you're --

MR. CROCKETT: Right.

MR. MACMANN: -- loud or not.

MR. CROCKETT: Well, I don't think -- I don't think we would have lights on the tallest part of our structures. I mean, we'd probably have some under eave lighting which would be relatively low. So we don't really envision having a lot of lighting that's tall enough --

MR. MACMANN: I think I have -- I think -- may I have leave to ask Staff a question?

MS. LOE: Yes, Commissioner MacMann.

MR. MACMANN: Mr. Zenner, the signage on this building, would it be towards Port Way? Is where it should go?

MR. ZENNER: Is where it would go. I would suggest that probably -- the way that the sign ordinance is written, it has to face a public right-of-way. The signage could be on the northern side of the building, that may be --

MR. MACMANN: But that's the business side.

MR. ZENNER: Yes. So I would suggest that if you want to restrict signage, you could restrict signage as well to not be on the southern side of the building.

MR. MACMANN: So the southern -- the reason I ask this question, it couldn't go on the southern side?

MR. ZENNER: No. It could -- technically it could not --

MR. MACMANN: Not without --

MR. ZENNER: -- not --

MR. MACMANN: -- conditional --

(Simultaneous speakers.)

COURT REPORTER (to Ms. Thompson): Would you let them know I can only take one person talking at a time.

MR. ZENNER: And it very likely could not go on the northern side of the building either, given the fact that it's not facing a public right-of-way.

MS. LOE: Just one speaker at a time please.

MR. MACMANN: I apologize. Thank you, MR. Crockett.

MS. LOE: Any additional questions for this speaker? I see none. Thank you, Mr. Crockett. Any additional speakers on this case? Seeing none, we will close public comment. Commission comment. Commissioner Burns.

MS. BURNS: I guess, you know, I don't have a problem supporting this. I guess I just wish I had more information about some of the things we've talked about. I wish I could see a site plan. I wish I knew what the lighting looked like or what the building might look like. If Mr. Crockett indicated that they could work with 30 feet, I guess I'd be supportive of that versus the 35 if it really doesn't make a difference. Those are my thoughts.

MS. LOE: Commissioner MacMann.

MR. MACMANN: I am in complete agreement with Commissioner Burns. I do have the concerns that I said going forward. Mr. Crockett is a man of his word and brings stuff forward, but I'm thinking -- the reason I brought those other developers up is because stuff changes over time. I think in the near term what's before us is fine. The question is do we want to do anything for the future. That's the question. And I am open; I just need us to be cognizant of this as we decide.

MS. LOE: Commission Geuea Jones.

MS. GEUEA JONES: I think the things that we're talking about are the sorts of things that are usually addressed through a P-D plan. And as we continue to move away from that, which I am supportive of moving away from that, we need to trust that our UDC protections are sufficient for things like lighting, like landscaping buffers. The landscape buffer on here is recorded on the plat at 50 feet. Even if they take the berm down, that still has to be 50 feet of landscaping. And I think that they've been really careful and judicious of what they're asking us for and with the inclusion of sidewalks connecting to the overflow parking as a condition on the CUP, I'm fine even leaving the building height at 35 feet. I really, I think this is an example of we've done a good job with the UDC and we need to trust it now, if we

start granting things like CUPs instead of requiring them to come in with a full P-D plan. That would be my thought.

MS. LOE: Commissioner Carroll.

MS. CARROLL: I'm in agreement with Commission Geuea Jones. And I think this is a bit uncommon for me because I'm typically in favor of neighborhood protections. However, we did approve the zoning in this case away from a P-D plan and I do feel like the protections are in place -- that are in place are sufficient. I've also heard and seen that they did the work of having neighborhood meetings with their adjoining neighborhoods and that apparently no one spoke up, no one called, made any comments on this. It sounds like they have done the work to find agreement with the neighbors. And so I guess my question would be, you know, if this is not the type of project that we could support with straight zoning, then what is. I consider this to be a good example.

MS. LOE: Additional comments? Commissioner MacMann.

MR. MACMANN: I'll do it. Just to let you guys know. Okay. I'd like to make a motion. In the matter of Case 217-2021, 705 Port Way, conditional use permit, I move to approve as requested by the applicant with the addition of an ADA-compliant, properly marked sidewalk connected to the adjoining overflow parking areas. Ms. Thompson Mr. Palmer, is that sufficient to cover your all's needs?

MS. RUSHING: I think Commissioner Burns wanted the 30-foot height. No?

MS. BURNS: I don't feel that strongly about it. Again, just circling back to Mr. Crockett's comments.

MR. MACMANN: No further modification?

MS. RUSHING: I second.

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

MS. CARROLL: Commissioner Burns.

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing.

MS. RUSHING: Yes.

MS. CARROLL: Commissioner MacMann.

MR. MACMANN: Aye.

MS. CARROLL: Commissioner Geuea Jones.

MS. GEUEA JONES: Yes.

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: We have eight to approve. The motion carries.

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