

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
November 18, 2021

Case #24-2022

A request by the City of Columbia to amend Chapter 29, sections 29-1.11, Definitions; 29-3.2, Permitted Use Table; 29-3.3, Use-Specific Standard; and 29-4.3, Parking and Loading.

MS LOE: May we have a staff report please.

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of all three amendments as presented, pursuant to conversations had previously and research compiled.

MS. LOE: Thank you, Mr. Zenner. Do we need to do ex parte for this one?

MR. ZENNER: You're more than welcome too if you'd like. May as well.

MS. LOE: Before we have questions for staff, I'd like to ask any commissioner that has any ex parte related to this case to please share that with the Commission so we all have the benefit of the same information on the case in front of us. No ex parte. No one wanted to talk about light vehicle parking. All right. Questions for staff. Commissioner Carroll.

MS. CARROLL: Yes. So when you separate out gas station and light vehicle repair, I'm wondering how would you consider a gas station that also has light vehicle repair and how do you determine what the primary use is?

MR. ZENNER: Typically when we get into a mixed-use structure, one that has multiple uses within it, you normally would look at what the allocation of space is. So if the preponderance of the activity at the facility is for vehicle repair, you're going to class it by vehicle repair. So if the pumps are real minimal, if you had a one or two-pump gas station, I think what we can use is the Sinclair gas station on the corner of Rollins and Providence as maybe the quintessential example, you could -- there's two ways you could go about. You can either take what the predominant land use is, what is the activity, the predominant land use activity, or you can take them by their individual parts. Again, it typically is one that we would normally take from the preponderance of the activity. So if major automobile repair or repairs, the principle activity of what their income is generated off of, we would use that as the parking requirement. Obviously the pump islands still have parking associated with them. You're normally not storing a vehicle at a gas station. You may be storing a vehicle at a repair facility. And that would be possibly how we would have to draw that differentiation. It's a unique question. It's a unique situation. We don't run into it very frequently, so I think that would be one that would be more of a case by case.

We definitely need to draw the distinction because the 1 to 300 parking ratio on a standard gas station actually is going to overpark a gas station that has convenience. And that's what we're trying to avoid here. We're trying to avoid creating unnecessary paved surface.

MS. CARROLL: So a gas station couldn't name themselves light repair in order to acquire more parking?

MR. ZENNER: I don't think so. I mean, if you had ten pumps and you have 500 square foot service facility, we'd call you a gas station with convenience.

MS. CARROLL: Did you mean Rollins and Stadium or Rollins and South Providence?

MR. ZENNER: I'm sorry. Rollins and Stadium.

MS. CARROLL: Okay. I was going to say, I don't think there's a Sinclair there.

MR. ZENNER: Where Dino's located.

MS. CARROLL: I know which one.

MS. LOE: Commissioner MacMann.

MR. MACMANN: Thank you, Madam Chair. Manager Zenner, when we did the carve out for the gas station across for Snookie's, Lucky's, whatever you want to call it, that was a specific carve out for that specific gas station so that it could continue to exist?

MR. ZENNER: It was the carve out -- if my recollection serves me correctly, they are the only two gas stations for downtown, they were at the time. And the carve out was specifically to allow them to continue to operate aside from having to bring their building forward because of circulation-related issues.

MR. MACMANN: And I made that motion.

MR. ZENNER: Okay.

MR. MACMANN: And that's why I'm -- and one of the reasons we had a different -- this is arcana for those of you who were not here, I'm sorry. We would love to add another gas station in the MDT and I just want to make sure that in order to make the UDC more orderly, we didn't just allow regular gas stations back downtown.

MR. ZENNER: I would have to go back and specifically check, but if my recollection serves me correctly, the general provisions of the MDT, they have a specific provision that talks about fueling center with convenience as a completely identified section --

MR. MACMANN: And it has to -- and it has to be brought up.

MR. ZENNER: Yeah. And --

MR. MACMANN: So their exception only applies in what we talked about as MDT West?

MR. ZENNER: Correct.

MR. MACMANN: Which is that still in the map?

MR. ZENNER: Yes, it is.

MR. MACMANN: Okay. I just want to make sure. Because it's in your amendment, but you didn't mention it.

MR. ZENNER: Yeah.

MR. MACMANN: So the non-RDL application is only on MDT West?

MR. ZENNER: That is correct.

MR. MACMANN: I just, I just want to make sure we're not screwing something up by fixing something.

MR. ZENNER: And if you will give me a moment and I can get to that particular section, because I know which provision you're referring to. And if I'm not incorrect, I think it's in the General Provision section of MDT.

MR. MACMANN: So you make the motion, Mr. Smith found it because there was no functional definition outside the MDT, although there was a functional within the MDT. Is that what you said?

MR. ZENNER: That is correct. The definition for fueling center with convenience --
(Multiple simultaneous speakers.)

MR. MACMANN: -- but wasn't anywhere else.

MR. ZENNER: Nowhere else. So what we're trying to pull forward is that functional definition. And the reason that we use specific standard and had it deleted out of vehicle service repair was because of the use-specific standard under vehicle service repair only existed as a use-specific standard where we had gas station incorporated in the definition. And that -- and why we did that, I do not know. And I think we did it because we didn't want to put fueling center in the permitted-use table at the time given the concern that we did not want any more gas stations within the downtown, within the MDT.

MR. MACMANN: A standard gas station.

MR. ZENNER: A standard gas station. So again, let me see if I can --

MR. MACMANN: I just want to make sure --

MR. ZENNER: Okay.

MR. MACMANN: -- when we bring this forward, we're not repermitting a giant Argos on a whole square block or something.

MR. ZENNER: So in Section 29-4.2(d) if I'm not incorrect, I believe it is in D. Yes, in D. So 29-4.2(d) which are the general building form standards for the MDT, specifically paragraph 12.

MR. MACMANN: Okay.

MR. ZENNER: This is 29-4.2(d)12, it specifically reads, Gas station or fueling center with a convenience store. A gas station or fueling center with a convenience store shall be permitted use within the urban general west frontage type as shown on the regulating plan and shall not be subject to the required building line setback as defined for other uses within said frontage type.

MR. MACMANN: We're not touching that.

MR. ZENNER: We're not touching that at all. So what we've done in essence by creating use-specific standard SS, is we have duplicated a very specific use-specific standard only addressed in the MDT and we have identified it now in the general application to fueling centers throughout the city, but again, with the specific exception that that use-specific standard only applies to urban general west in the MDT. So it's a duplication of the same standard in the MDT but now made easier for the public to find

when they're looking to find out what can I do, where do I put gas station and what do I have to comply with.

MR. MACMANN: Just, I want to make sure the protections are in place. That's all I'm doing.

MR. ZENNER: And it's not going away.

MR. MACMANN: Thank you, Manager Zenner.

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

MR. TRABUE: I'm Tom Trabue, Trabue Engineering, 3530 South Old Bridge Road, Columbia, Missouri. I want to speak in favor of these amendments. You've all seen me at a couple of the work sessions. I want to applaud -- and Mr. Zenner did an awesome job describing it all, but I really want to -- I stuck it out tonight to applaud not only the staff but also the Planning and Zoning commission. I was very involved when the UDC was adopted in 2017. And at the time we wanted to make sure that it was a living document and that it could address these types of issues as they came up. And so I was really delighted to see that it worked the way we planned for it to work, and I just wanted to say thank you for that.

MS. LOE: Thank you. Any questions for this speaker? One minute.

MR. MACMANN: Just a comment, Mr. Trabue. The next time either one of us see Mark Fargon, we need to remind him of that.

MR. NORGARD: Peter Norgard, 1602 Hinkson Avenue. I'm partially responsible for why we're here talking about this tonight and I'm a little surprised not to see some of the principles that were involved. I have a complaint, a question, a recommendation, and a few general observations. First, the complaint. The Unified Development Code is initially designed with national standards in mind, which may not be properly calibrated, as Mr. Zenner stated in the course of the public hearing, the Board of Adjustment Case 273-2021. However, we have had several parking cases come before us, two involving this particular applicant and two involving the public schools. And despite that I only see that we're making changes for the way parking is interpreted for light vehicle service or repair. So I'm a little disappointed by that. My question would be in staff report Table 1 is presented as evidence that Columbia's currently the most restrictive of the sampling of towns. I'm curious if Staff's research turned up towns that were as restrictive or more restrictive than Columbia, and if they did, I'm just curious why -- why they might have been left off. Not saying that they were or weren't. And I would also argue that the scale of the towns that were selected as the basis for this number are not really consistent with our population size. Iowa City's about 180,000. Wichita's about, almost 400,000 people. So I think that that's just something to consider. I have a small recommendation. Section 29-4.3(b)1 states, The minimum and maximum off-street parking requirements for all uses allowed in this code are listed in the Table 4.3-1. Since you're striking the maximum from the title of the table, I would suggest you also strike maximum from the line of code where it actually refers to the table. Otherwise it's a little confusing. My general observations. I understand the necessity for calibrating parking standards and I can plainly see

that it's being targeted to very specific use. What has me concerned here is not you, not this body in particular, but in general I see an alarming trend in this town where a business shows up, complains that the rules are too restrictive, makes the promise of investment and taxable revenue and then asks the City to change the rules on their behalf. And that's kind of what I see happening here. The reason I say that is because, you know, this Board of Adjustment case was two months ago. You're here tonight talking about changing the parking restrictions two months after a very controversial meeting and there is nobody here. So I really feel like this is going really fast. It took us over two years to get five lousy speed humps in a speed table in our neighborhood to provide some protection for a far larger number of people. So I just, I -- I would like to see this process slow down a little bit so that there can actually be a little bit more of a robust public hearing process. And that's all I have to say.

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

MR. MACMANN: I do have a comment for Mr. Norgard. Mr. Norgard, I generally agree with you. And Staff's protestations or demonstration that their new calculation goes from 70, which I thought was way excessive, to 67, is not giving them everything they want. It's more than anyone else gets. The cap in my head was 50 or 35. And I mean, just to let you know, I'm going to be making a separate motion for this one, and I'll be voting against it, because I think it's too permissive. And I was -- and I agree with you that one person complained and the entire system jumped, and they're not even local. It wasn't -- so I find it problematic also. Thank you for bringing it up. Thank you for being here.

MS. LOE: Any additional questions for this speaker? I agree too with some of the observations that were raised by Mr. Norgard. Thank you. Any additional comments? Seeing none, we'll close public comment. Commission comment. Commission Carroll.

MS. CARROLL: Thanks. Yeah. I agree with some of the concerns that were raised. I have a hard time separating this from the case that brought it up. I'm not sure that I'm comfortable with having a case that's denied at Board of Adjustment coming to us to change the definition, at least so quickly. I would like more public input if possible. One of the things that bothered me and I think Planner Smith did a great job making his case that there is need for more parking in light vehicle repair. But when I look at the table provided, Table 1, when you eliminate the line for current UVC, because we know that's too small already, and you eliminate the two lines for prior UVC because those are no longer relevant and out of range, that gives us seven comparable cities. And Iowa City at 67, although we've seen them do good research on other parts of their code, that's the second highest of the comparable cities. Only Austin, Texas is higher, and I know they're a lot more populous than we are. I have a hard time believing that we would need more parking for a similar development than Kansas City, Fayetteville, or Fort Collins, Colorado. It just -- it just feels like too much to me.

MS. LOE: Commissioner MacMann.

MR. MACMANN: To answer Manager Zenner's question, I would like to vote on these separately so that there are different votes. Council can clearly see that and separate out any commentary that the commissioners might have.

MS. LOE: Additional comments? Commissioner MacMann.

MR. MACMANN: With that in mind, I'm going to make a motion. Mr. Zenner, could you make return to the screen, the -- I just want to make sure that we've got --

MR. ZENNER: Which screen?

MR. MACMANN: You know, I've got it in front of me. I'm going to make three, for your legal consumption here, I'm going to make three separate motions for each of the amendments. In the matter of Case 24-2022, Amendment to the UDC, number A1, I move to approve.

MS. RUSHING: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Rushing. Just for everyone's clarification, A1, mine included, is changing the definition -- or adding -- moving the definition of gas station or fueling station.

MR. ZENNER: It's actually both, Ms. Loe.

MS. LOE: And modifying the definition for light vehicle service and repair.

MR. ZENNER: If you would like me to further clarify what's being asked, I'm just reading the title of Amendment A1 which is Revision of Section 29-1.11, Definitions for light vehicle service or repair and gas station or fueling center.

MS. LOE: Thank you, Mr. Zenner.

MR. MACMANN: I move. Ms. Rushing, do you want to second that again?

MS. RUSHING: Second.

MS. LOE: Any motion on the floor? Any further discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call please.

MS. CARROLL: Commissioner Stanton.

MR. STANTON: Yes.

MS. CARROLL: Commissioner Burns.

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing.

MS. RUSHING: Yes.

MS. CARROLL: Commissioner MacMann.

MR. MACMANN: Yes.

MS. CARROLL: Commissioner Geuea Jones.

MS. 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 nine votes to approve. The motion carries.

MR. MACMANN: If I may.

MS. LOE: Commissioner MacMann.

MR. MACMANN: I will make the motion. Just to let my fellow commissioners know, I'm making all of these in the affirmative. Madam Chair, if you could explicate when we're done, that would be great. In the matter of Case 24-2022 and that is the UDC amendment number A2 which states --

MS. LOE: Revision of Section 29-3.2, Permitted-Use Table and Section 29-3.3, Use-Specific Standards.

MS. RUSHING: Second.

MS. LOE: Moved by Mr. MacMann, seconded by Ms. Rushing. We have a motion on the floor. Any discussion on this motion? I see none. Ms. -- Commissioner Carroll, may we have roll call.

MS. CARROLL: Commissioner Stanton.

MR. STANTON: Yes.

MS. CARROLL: Commissioner Burns.

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing.

MS. RUSHING: Yes.

MS. CARROLL: Commissioner MacMann.

MR. MACMANN: Yes, ma'am.

MS. CARROLL: Commissioner Geuea Jones.

MS. 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 nine votes to approve. The motion carries.

MS. LOE: Commissioner MacMann.

MR. MACMANN: In the matter of Case 24-2022, amendment to the UDC number A3, I move to approve.

MS. RUSHING: Second.

MS. LOE: Just for clarification, this is a revision of Section 29-4.3, Parking and Loading requiring parking for light vehicle service and repair and gas station or fueling center.

MR. ZENNER: If I may ask, Ms. Loe, would you be adding in the revision to 29-4.3(a) -- (b)1 to strike the, And maximum, within the first sentence to match the revision to the table?

MS. LOE: Yes. I think that was a good recommendation.

MR. ZENNER: Thank you.

MS. LOE: If Commissioner MacMann --

MR. MACMANN: Ms. Rushing, is that amenable to you?

MS. RUSHING: Yes.

MS. LOE: All right. The amended motion's on the floor. Any discussion on this motion?

Commissioner MacMann.

MR. MACMANN: I'll be voting no.

MS. LOE: And I'll be voting yes because we are keeping the parking for the gas station or fueling center at 500 square feet, which I believe reflects the use of that. And per our discussions in work session, we are revising the parking requirement for the light vehicle service or repair to 300 square feet, 1 per 300 square feet which matches the current requirement for general retail which is a permitted use in the zoning and seems reasonable. Mr. MacMann.

MR. MACMANN: I understand, but they need to double that. That's what I have a problem with.

MS. LOE: They all do.

MR. MACMANN: And I appreciate that. That's why I'm voting no.

MS. LOE: Commissioner Carroll.

MS. CARROLL: If you'll forgive me, I had -- one of the things that bothers me is that we're changing the minimum that applies to everyone. I understand the need to potentially increase the maximum, but if somebody can do their business with less than that, less than 33 per 10,000 square feet, I think we should encourage them to do that. I hate to use minimums as a mechanism to do this, even though that's the framework that exists in the UDC. It's something that has bothered me all along.

MS. LOE: All right. So this is how our table is set up for all uses, and we did discuss, as an alternative, modifying the percentage. And no, we didn't. We decided that we did not want to modify the general percentage and it was better to be specific and just target this one use. Yes. No, that was a different way of doing it.

MS. CARROLL: Agreed.

MS. LOE: All right. Commissioner MacMann.

MR. MACMANN: This will be my third bite at the apple. I don't want anyone --

MS. LOE: Does anyone else have a comment before Mr. MacMann takes over?

MS. RUSHING: I thought we had a motion on the floor.

MR. MACMANN: We did. We're discussing that motion still.

MS. RUSHING: And you are just going to continue discussing? Is that it?

MR. MACMANN: I'm going to rejoin Ms. Commissioner Loe's statement. That's what I'm doing.

MS. RUSHING: Okay.

MR. MACMANN: A reminder, our 2017 parking requirements which at the very end of the UDC period were significantly expanded and were expanding them again. And they were expanded in 2017 at the desire of one member of the community. I'm done, Ms. Rushing. Thank you.

MS. RUSHING: Okay. My response is that we discussed this in work session and, you know, to tell basically Staff, yes, that's fine and bring it up here and then change our minds does not seem to be fair to Staff. I mean, I -- I support the resident who came forward with his concerns, but if we had those concerns in work session, I think they should have been voiced at that point.

MS. CARROLL: I thought that I did voice it during work session. And I'm sorry if I'm miscommunicated to Staff, I do appreciate the two work sessions. I was not in favor all along, and I know that I'm the minority vote. I'm okay with that. I respect the Commission. I respect each of your votes whether you agree with me or not. It's a no for me.

(Multiple simultaneous speakers.)

MS. LOE: Any additional discussion on this motion. Seeing none, Commissioner Carroll, would you do roll call please.

MS. CARROLL: Commissioner Stanton.

MR. STANTON: Yes.

MS. CARROLL: Commissioner Burns.

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing.

MS. RUSHING: Yes.

MS. CARROLL: Commissioner MacMann.

MR. MACMANN: No.

MS. CARROLL: Commissioner Geuea Jones.

MS. JONES: Yes.

MS. CARROLL: Commissioner Placier.

MS. PLACIER: No.

MS. CARROLL: Commissioner Kimbell.

MS. KIMBELL: Yes.

MS. CARROLL: My vote is no. We have --

MS. LOE: My vote is yes.

MS. CARROLL: Oh, my goodness. Chairperson Loe, your vote is yes. I'm so sorry, it's getting late. We have six votes to approve and three to deny. The motion carries.

MS. LOE: Thank you.

MR. ZENNER: Amendment A3 does not have a 75 percent vote approval by the Planning Commission. As such it will be placed individually under Old Business of the City Council. Is it the prerogative of the Planning Commission to request that staff place all three text amendments under Old Business if so directed. Is that the desire of the Commission or do you want them as A1 and A2 moving forward individually and broader discussion at Council level on only A3?

MS. BURNS: That would be my vote, A3 only placed on Old Business.

MR. ZENNER: Thumbs up?

(Unanimous thumbs up.)

MR. ZENNER: Clear indication. A3 will be placed under old business on the Council agenda. All other amendments have been approved unanimously and, therefore, will be on the consent agenda.