

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
August 19, 2021

Case Number 221-2021

A request by Caleb Colbert (agent), on behalf of LJ Land Company, LLC (owner), to rezone property located at 5301 St. Charles Road from R-1 (One-Family Dwelling) to M-C (Mixed Use-Corridor), which is currently in use as a manufactured home park. The approximately 2.4-acre property is located on the north side of St. Charles Road, approximately 500 feet west of Grace Lane.

MS. LOE: Mr. Zenner, may we have a staff report, please.

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends denial of the rezoning to M-C.

MS. LOE: Thank you, Mr. Zenner. Before we move on to Commission questions, I would like to ask any Commissioners who have had any ex parte related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of the case in front of us. Seeing none. Are there any questions for staff? Commissioner Rushing?

MS. RUSHING: I'm just curious what that little strip is up through the middle of this property.

MR. ZENNER: That is actually the original road that was platted with this subdivision. And what is obviously eventually developed over time is not what was originally identified as the lot arrangement. The units actually in the trailer park go over the road and the road goes around the outer edges of the park. This is an extremely old park itself, as the individual that contacted me today indicated, that has probably exceeded its -- its life expectancy.

MS. RUSHING: So does that indicate as -- a different ownership or just in use?

MR. ZENNER: No. That's the original -- that's that -- that's the survey or the platting layout that existed when the new owner took ownership of the property.

MS. RUSHING: And staff recommended M-N; is that correct?

MR. ZENNER: No. We did not recommend any alternative zoning on this particular property. The applicant pursued forward with an M-C zoning request. I would imagine Mr. Colbert may be able to respond to that more directly, as he may have been in contact with Mr. Smith, as the report was being -- or the project was being reviewed. We typically will not offer or supplant a zoning classification without the applicant consenting to such. And my understanding, there is no record of that that we had an agreement to reduce the zoning.

MS. RUSHING: So --

MR. ZENNER: M-N is what is immediately to the east of this property along the St. Charles Road frontage. The parcel is in --

MS. RUSHING: But it's really an outlier, that little piece of M-N?

MR. ZENNER: It is. The M-C that I showed you on the zoning map, the surrounding zoning map, so this M-N exists here. This parcel was zoned -- was rezoned and annexed, if I recall correctly, into the City in 2019. That was directly across from County planned zoning, which is the majority of what this -- the other properties that are here consist of. And then the property, the larger parcel where my cursor is is actually -- that's general commercial -- County general commercial, so there's no plan on it. It allows a variety of commercial uses. The CGP to the south, which is a planned commercial zoning district in the county is for a manufacturing business, if I am not incorrect. The red that's immediately adjacent to that is recognition of our City M-C. So at the time that these three parcels came in to be rezoned, these two -- there's two parcels here. These were rezoned M-N, and then this one, because of the existing land use, was -- the only way we could accommodate the existing land use and given what the County planned zoning was adjacent to it, we consented to the M-C zoning here. But at some point in -- and I imagine Mr. Colbert will cover this in his presentation. At some point, this line, as it exists here that runs north-south, really is defining where that transition is. And given our analysis, on the south side of St. Charles Road, you already had this commercial transition from more intense commercial uses in the County to an intense commercial use in the City, to a less intense commercial use in the City, to residential. Presently, we've got the mobile home park zoned R-1, which acts as an appropriate buffer to the adjoining Ag and then residential PD. We would, in essence, be basically eliminating that buffer, upzoning it greater than what the adjoining parcel is to the east, and basically providing an adequate buffer. And what we are concerned about is that this parcel needs to buffer the remaining residential similarly to what the M-N transition south of St. Charles Road does.

MS. RUSHING: But there would be a road between this property and the residential?

MR. ZENNER: Talon Drive would continue to exist in its location and is subject to -- it provides access to just the PD zoned area. So, yes, you are correct.

MS. RUSHING: Yeah. And it seems a little ironic to refer to this mobile home court as transitional between -- between the commercial and the single-family residential. I don't know that that's a plus.

MS. LOE: Any additional questions for staff? Seeing none. We'll open up the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: If you can give your name and address for the record.

MR. COLBERT: Good evening, Madam Chair. Caleb Colbert; I'm an attorney at 827 East Broadway, and I'm here tonight on behalf of the property owner, LJ Land Company, to ask for approval of the M-C zoning. Again, this is the property that we're talking about, and it shows -- it really highlights the existing zoning in the area. Essentially, this property is located in an existing commercial corridor.

Everything to the east between our property line and the St. Charles Road and the I-70 intersection is zoned commercial of some capacity. There is the County zoning. You have general commercial directly to the east, you have planned commercial to the south, which was described in the staff report as a heavy commercial use, so we believe our request is very consistent with what is out there today. Again, property immediately to the north has the exact same identical zoning that we're asking for in this request, the Mixed-Use Corridor zoning. The property immediately to the south, directly across the road, is also zoned M-C Mixed-Use Corridor. We have similar commercial uses to the east. And I also want to highlight that the property to the west is multi-family. That is a multi-family residential use, which is a -- requires a different type of buffer than R-1 zoning. Not all residential uses are created the same. Now Mr. Zenner noted in his staff report that we had to create a boundary. I would respectfully suggest that the line that we've drawn is the appropriate boundary for commercial zoning or commercial property in this area. Essentially, it is a straight north-south line that ties all of the existing M-C zoning together. That treats all of the properties the same. Ms. Rushing, as you indicated, if -- if we do not have commercial zoning in this location, then essentially, we're the outlier. We're the property that fronts on St. Charles Road without some sort of commercial zoning. And again, if the property immediately south of us that fronts on St. Charles Road was good enough to be a corridor zoning, we would suggest that our property should be treated the same. The staff report also noted that we need a transition to residential uses. I would respectfully suggest to the Council, to the Commission, that we use multi-family zoning next to M-C zoning throughout the city. This -- what is shown on the screen is Westbury Village. You have M-C that was approved and is surrounded by R-MF zoning, again separated by a road, which is exactly what we will have on our site. This is the Hy-Vee on West Broadway, again directly adjacent to R-MF zoning. This shows the shopping center at the corner of Broadway and Stadium. Again M-C zoning next to R-MF zoning. The Business Loop, M-C zoning directly adjacent to R-MF zoning. Throughout the City, and we can go through example after example of property in the City that's zoned Mixed-Use Corridor that is adjacent to R-MF zoning. If it is appropriate in all these other locations for Multi-Family zoning to be adjacent to be adjacent to Mixed-Use Corridor, and to act as a buffer as you step down to less intense residential uses, we would suggest that Mixed-Use Corridor zoning is appropriate here as a buffer to the less intense residential uses further to the west. As to the buffer to the Ag property, you could see this tract is heavily wooded. To the west of the site, there is a substantial natural buffer to the Ag zone to the northwest. And, again, Talon Road is going to be extended to the north. Again, another natural buffer for the property owners to the west. In addition, we do have the support of the property owner to the west. Now, we received this today. This is the property owner of the multi-family residential, and they are in support of this request. But just to kind of summarize everything again, M-C zoning is identical to what we have to the north of us, to the south of us, and is consistent with what we have to the east, and it provides a comparable buffer to other locations in the City to residential uses. I would be happy to answer any questions. I do want to comment on, just, I guess, as we wrap up on a couple of comments that were made. We did receive several calls and several contacts as a result of the City letters that went

out, and so it might be helpful for City staff to summarize the time line going forward on this, just so folks know when City Council meetings will be, that sort of thing. And I also want to express for the folks in the audience that those letters were not an official notice from the property owner. We are not within that 120- or 180-day window at this point. The notices that went out from the City were just as to this hearing this evening. And with that, I would be happy to answer any questions.

MS. LOE: Thank you, Mr. Colbert. Commissioner MacMann?

MR. MACMANN: Thank you. Mr. Colbert --

MR. COLBERT: Yes, sir.

MR. MACMANN: -- I'd like to address your -- the final portion of your presentation first. With the exception of Westbury Village, which I'm going to set aside for the moment, all of those developments that you listed in your presentation precede the UDC. So our more current view to step down was not expressed in those. Westbury Village, number one, that was a dogfight that this Commission turned down, and the M-C was stuck in the middle of that. I'm not sure it's the best exemplar. Regardless of that, I do agree with staff that M-N would be more appropriate, but I'm not even there. I'll tell you where I am. I'm about six years ago east of 63. There was a proposed hospital that never developed. The location was a trailer park. Two hundred people ended up who knows where. Now we probably have 50, maybe a little bit more, in a housing market where you can't buy anything, and they're out. This concerns me greatly, and I can see some other people have that concern, also.

MR. COLBERT: If you don't mind, I would be happy to respond to that. In this particular case, there are 19 total manufactured homes.

MR. MACMANN: Uh-huh.

MR. COLBERT: Ten of them are vacant right now. And in our view, it would not be possible to make them in a livable condition. I mean, it is --

MR. MACMANN: Mr. Colbert, I heard this exact argument when I went back and read about the Sharp End. We had to move them out because those houses weren't habitable. I'm not buying it so much. We're still talking about 25 people. That's the last I have right now. Thank you, Madam Chair.

MS. LOE: Any additional questions for this speaker? I see none at this time.

MR. COLBERT: Thank you.

MS. LOE: Thank you, Mr. Colbert. Any additional speakers on this case? Seeing none. I'll close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission comment? Commissioner MacMann?

MR. MACMANN: I could maybe put a little point on what I just said to Mr. Colbert, and I respect them. This is seemingly speculative. We've got no other -- we've got no plan for anything going in there, and that's what happened to these folks on east of 63. They were given their four to six months, and they were out. This market, as you guys may know, houses are tremendously expensive. Rent is tremendously expensive. And to move even 25 people out who, if I may be so bold, may be among the

most vulnerable in our community, at this time on a potential speculation, I view as deeply problematic. Thank you.

MS. LOE: Regarding the zoning, the comment about buffering, it wasn't clear to me, frankly, what the M-C would be buffering against because I guess I consider the M-C to be a more intense use. And it's C-G or R-S to the east of the property. So the PD, which I would consider more R-2 than multi-family, Mr. Colbert, I would consider it to actually be of a more intense use than the properties to the east. I was not in favor of zoning the properties north of it M-C. I agreed with staff on that. So the fact that those have -- were approved, even though this body didn't approve that, but we still have the agriculture which is being used as single-family, and the PD which is being zoned ostensibly as R-2 use to the west. To Commissioner's Rushing's point, yes, Talon Road is to the east of the PD, but we also have the M-N across St. Charles. And I would posit that Talon Road is a lesser road than St. Charles and therefore, I'm not comfortable with putting M-C next to an existing residential property regardless, frankly, of the density of that residential. That's been my position whenever we've had M-C come forward. When we have existing residential, we need to be cognizant of that use. So I would not support the M-C use. Any additional comments? Commissioner Burns?

MS. BURNS: And I just have to go back to the staff report, which identifies both Columbia Imagined and the East Area Plan designated this site as residential. I do have concerns about the M-C, particularly since we don't know what's going there, and what could go there if it would be rezoned M-C.

MS. LOE: Any additional comments? Commissioner Placier?

MS. PLACIER: Yes. I think that just to echo what Commissioner MacMann said, I would rather see a use of this or a rezoning of this -- I guess it wouldn't need a rezoning at this point -- to be affordable housing if there's anything going to come before us in the future, whether it's multi-family or whatever it might be.

MS. LOE: Commissioner MacMann?

MR. MACMANN: If there are no other questions or concerns, I'd like to make a motion. Seeing none. In the matter of Case 221-2021, 5301 St. Charles Road rezoning, I move to approve -- note that I'm moving in the positive. I will not vote that way.

MS. GEUEA JONES: Second.

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

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Mr. Stanton. Voting No: Mr. MacMann, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Loe, Ms. Burns. Motion defeated 6-2.

MS. BURNS: Six to two, motion is denied.

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