

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

Case Number 225-2021

A request by Crockett Engineering (agent), on behalf of White Oak Investment Properties, LLC (owner), to rezone two tracts from M-N (Mixed-Use Neighborhood) to IG (Industrial) including 0.09-acres of split-zoned property from IG/M-N to IG. The subject site includes a total of 1.08 acres of land located at the northeast corner of Fay Street and Hinkson Avenue. This rezoning is desired to facilitate future expansion of the Logboat Brewery facility. A concurrent request, Case Number 223-2021, seeking final plat approval of the rezoned acreage, is to be considered on the August 19 agenda.

AND

Case 223-2021

A request by Crockett Engineering (agent), on behalf of White Oak Investment Properties, LLC (owner), for one-lot final plat to be known as "Central Addition Plat No. 2-A". The subject site includes 1.08 acres of land located on the northeast corner of Fay Street and Hinkson Avenue. This plat is desired to facilitate future expansion of the Logboat Brewery facility. This request was originally advertised with a design adjustment to Section 29-5.1(c)(4)(ii) of the UDC relating to dedication of right-of-way on Hinkson Avenue and Fay Street, which has been withdrawn.

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 approval of the requested rezoning to IG and approval of the requested final minor plat of Central Addition Plat No. 2-A.

MS. LOE: Thank you, Planner Kelley. Before we move on to questions for staff, I'd like to ask any Commissioner who has had ex parte prior to this meeting to please share that with the Commission now so all Commissioners have benefit of the same information on behalf of the case in front of us. You guys are pointing at each other. No? Commissioner MacMann?

MR. MACMANN: I do not have any ex parte on this, but I do have a personal relationship, so I need to recuse on this.

MS. LOE: Ah. Recuses. Any other recusals? Do we still have a quorum? One, two, three, four,

five -- yes. Okay. Any ex parte? No. Questions for staff. Planner Kelley, since Mr. MacMann is not here to fill the void, we just heard a case where staff recommended not leapfrogging zoning, and now we're being presented with a case where we're proposed to insert a different zoning in between less intense uses. Do you want to just comment on that since we're hearing these cases back-to-back?

MR. KELLEY: Sure. Broadly speaking, in the study area largely IG and M-N are the specific -- one of the specific tracts in question is split zoned, IG and M-N, so that was also important to consider. In referencing, you know, the buffering or what's to the east, I believe what was what you're discussing, it's a major arterial, so there will be a -- as a part of the right-of-way dedications when the part of Benton-Stephens should that develop and be platted, College Avenue would ultimately have 106 foot right-of-way corridor, so it would be a minimum of 106 feet between that in addition to the setbacks. So we're looking at a pretty extensive buffer when you account for the right-of-way and all of that. And again, we're largely looking at this district and area kind of defined as bounded by College Avenue, Rogers, and the COLT Railroad.

MS. LOE: Okay. That sort of addresses what was going to be my follow-up question, which was placing M-C across from the R-MF, which was something we were also discussing in the last case. I was sort of looking in this first part of the question as inserting M-C in between M-N and M-N, which was part of the argument of something not to do in the last case. So right -- we're switching M-N along College Avenue so that there will be M-N, M-C, M-N.

MR. KELLEY: There wouldn't be any M-C on -- on this.

MS. LOE: On College? Then I am completely misunderstanding. So we're not rezoning the lots along College?

MR. KELLEY: Yes. To IG.

MS. LOE: Or to -- I'm sorry -- IG?

MR. KELLEY: Yes.

MS. LOE: More intense than M-C.

MR. KELLEY: In the sense of this -- yes. That this permits industrial uses, yes.

MS. LOE: Yes. So we're going from M-N to IG to M-N.

MR. KELLEY: Along College. I would also like to point out that these -- this parcel fronts Fay and this building, its frontage is towards Fay, as well as to the rear of this is to College, if that -- to the point that these do not front College in that same way.

MS. LOE: All right. That might help with my third question, which is M-N does have a height limit, 35 feet. IG has no height limit. There was no comment on that in the staff report, but that bothered me a little bit. Was this discussed at all with the applicant? Do we know what the height -- I mean, this is not a speculative project.

MR. KELLEY: Right. Briefly, not to a large extent. What we've seen from the proposals, the height is largely consistent with what's already there, so there's that that we are aware of, but, yeah, you're correct in that the IG zoning doesn't have a height limit. The Logboat Brewery facility now, the

portion that it's on is in IG, and so it's built to that right now. And what we've shown is as -- at that same height.

MS. LOE: Right. This goes back to my first concern, and you're -- I was thinking of the last case with the M-C. It was the M-N to IG -- to M-N, and just having that parcel in between with -- that's going to be -- I mean, I know it's Logboat for now, but zoning stays with the property. Is there any way to qualify? I mean, I know we don't want to do PD, but --

MR. KELLEY: Another thing I would add, it was definitely considered that this is only going to be a roughly one-acre lot, so you're rather limited on what you can do there. Large industry isn't going to be able to come in and do much on one acre, so it's kind of naturally constrained by its size.

MR. ZENNER: I think, Ms. Loe, we have to -- we've looked at this more from a holistic perspective of what the original environment was, not what it has now become as a part of the application of zoning over time.

MS. LOE: Uh-huh.

MR. ZENNER: The Hanger building is immediately to the north of this property along College Avenue. That building may or may not in the near future exist. We are currently experiencing a renaissance of redevelopment along the Fay Street corridor. This had already been -- I think, has a moniker associated with it for this particular area of the downtown that I would believe is going to be further facilitated with this catalytic project, if it is approved for this area. We have seen development north of the COLT Railroad that has introduced mixed-use development utilizing the pedestrian zoning classification. We have been approached in regards to the elimination of Eugenia Street as a public right-of-way and a consolidation of that property in order to allow for it to then be expanded as more of an industrial type of use, really reclaiming the original zoning of this particular area that relied upon the COLT Railroad. I think while we would look at maybe Rogers as the very southern boundary of this property, I would suggest to you, given the development that is along Rogers and accessible, basically, principally from Rogers, but has the backdoor entrances on the Hinkson, Hinkson defines really the boundary of this district. It doesn't go all the way down to Rogers. Rogers is currently -- the development off of Hinkson, it's Walt's on the corner. We have recently seen the redevelopment of the old Necropolis Building into a mixed-use structure, and then we have the drum shop and an existing smaller building there at the corner of Nichols. That area is isolating, obviously, and transitioning to the residential that is further to the south in the same streets. And therefore, I don't think you would ever see us probably coming in and supporting any type of IG zoning further south than Hinkson. The corner parcel is something that was discussed initially as potentially trying to acquire. It's at this point not an available property. However, had it been included in this request, you probably would have had a far more meaningful pocket of IG created here, allowing some other opportunities, but that just hasn't materialized. Residential development or commercial development in this particular location may or may not be successful. And so the residential development is gone. It was removed. It was improperly zoned. It was M-N, originally C-1. Those houses then were eliminated. So we're seeing a transition, and I believe that the request that's before

you this evening is consistent with the transition that we believe is appropriate for this particular area and its revitalization. I believe Mr. Kelley discussed the issue associated with it that it's currently classified as an artist and industry, however, the expansion moves it beyond artist and industry standard, and by taking it so far beyond what the artist and industry standard permits square footagewise, while a conditional use would have existed as an opportunity for them to ask for the zoning to remain, it, in our opinion, was inappropriate given the scale of the expansion. It was a 10,000 square foot conditional use expansion. That is actually far greater than what we thought we were -- we would be comfortable with, and we thought that IG better classifies this property. The IG zoning classification in its heavy industrial uses really are inappropriate in this particular location, and given the size of the site, would never materialize. Light industrial uses, however, require an 80 percent interior usage. So if this were to convert to some other building potentially with a taller elevation, this particular corridor with the development further to the west of Columbia College, the height there may not be that out of character given that it's north of Rogers. So I think when you think about what is here, what is being proposed to be expanded here as the catalytic project for this area long term, we believe that this is appropriate. We believe it's a reestablishment of what history previously had in this location, maybe aside from what our current zoning is.

MS. LOE: The only other use that caught my eye under IG was adult retail.

MR. ZENNER: And given certain other -- I mean, that may be something that the applicants would be willing to address privately, while the proximity, I believe, to residential would not come into play here due to the fact that it is isolated. I take that back. I believe over in the Mule Barn, those are actual residential lofts, and that could potentially pose a problem. So we would have to look into that from a regulatory perspective. Obviously, the applicant is here tonight. They can give you their perspective of what they want to do and what their long-term intention is, and I would take it you will render a decision from that.

MS. LOE: Thank you, Mr. Zenner. Any other questions for staff? Ms. Kimbell?

MS. KIMBELL: Could I -- could we get the slide back up that shows the zoning.

MR. KELLEY: Yes.

MS. KIMBELL: That would be helpful. Thank you.

MS. LOE: Any additional questions? If not, 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. If you're speaking for yourself, you get three minutes. If you're speaking for a group, we give you six.

MR. STEPHENS: Hi, there. I'm Jesse Stephens with Crockett Engineering. I represent the applicant, which is White Oak Investment, but the Logboat Brewery. And I think Mr. Kelley did a really good job of explaining what we're trying to do. We had a long discussion about what was most appropriate zoning here for this expansion. We originally talked in concept review about potentially doing M-N with a conditional use, but after a long, lengthy discussion, everybody felt this was the most

appropriate way to -- to move forward. Essentially, what Logboat is trying to do is expand their facility on the neighborhood of doubling the size of the production facility. So if you look up on the screen, the three lots that are currently M-N, that's -- that's the bulk of where the new production facility will go. So Logboat, I don't believe the existing building is 35 foot tall. I mean, the new production facility is going to be essentially that height. If you've been out there and you've seen it, expect something similar to what - - to what's out there now. And subsequent to this, we do have a conditional use coming. We're working out some issues related to parking. Logboat also owns a triangular lot that is zoned IG that is closer to the COLT Railroad, which will accommodate more parking, and we'll talk about that when -- in our conditional use. But I'm here to answer any questions or -- and the applicants are here, if you have any questions also for them.

MS. LOE: Thank you. Any questions for this speaker? Commissioner Geuea Jones?

MS. GEUEA JONES: So White Oak doesn't own the entire space that is fenced in that's green space?

MR. STEPHENS: That is correct. The two M-N lots that are not part of this request are owned by a different property owner that Logboat leases lots from.

MS. GEUEA JONES: Ah.

MR. STEPHENS: So they would very much like to purchase those lots, but it is -- maybe someday, but right now, it's --

MS. GEUEA JONES: And you couldn't get --

MR. STEPHENS: Right. Right now, it's not possible.

MS. GEUEA JONES: And you couldn't get permission from the person who does own it to rezone those?

MR. STEPHENS: Right. At this time, no. Yeah.

MS. GEUEA JONES: Yeah. Other than just I would love it if that triangular lot was not -- in better condition. That's all the questions I have.

MR. STEPHENS: That -- you'll be in luck because that's -- it's going to be improved. That's our goal.

MS. LOE: Any additional questions? I see none. Thank you.

MR. STEPHENS: Okay.

MS. LOE: Any additional speakers on this case?

MR. HUNT: Tyson Hunt; I'm co-founder, CEO of Logboat Brewing Company. Jesse nailed it; Brad nailed it. We need to make more beer. We love being in downtown Columbia, and hope that the future of our business keeps us in downtown Columbia. I don't really have much more to add, but I'm here to answer any specific questions that you might have about this request.

MS. LOE: Any questions for Mr. Hunt? I see none. Thank you.

MR. HUNT: Thank you very much.

MR. NORGARD: Good evening. My name is Peter Norgard; I live at 1602 Hinkson Avenue, and

I am here as a member of the Benton-Stephens Neighborhood Association, the President, in fact. I'd like to thank Ms. Loe for making all my points for me already. I'll just point out that the zoning change from M-N to IG is an expansion of industrial zoning, which I think we all understand. The M-N buffer that exists between the industrial to the west of this particular location, which is the brewery, is going to go away, which means that R-MF is going to be essentially adjacent to an industrial usage, which I think I have a lot of problems with. Let's see. I think there will be perceived and real negative impacts for the neighborhood, Benton-Stephens to the east. IG expansion will erase or all but erase the green space to the east. I did have a question about, you know, we don't have a plan in front of us to look at and evaluate, so I'm not really sure how they're going to handle stormwater. That's probably something that will come up during their -- their planning, but we do lose the aesthetic buffer that will -- that existed. Let's see. As you point out, there is no height limitation, so although -- in the IG zoning district, so although they may tell us they're going to stick to a 35-foot building height, future developers might not be bound to that if they decide to move on. There are no architectural embellishments required, so we could have a large monolith. And because it is apparently going to be the rear of the building, I'm not sure what implications that has for shipping and receiving, loading dock, truck activity, and things of that nature. So that all could be facing College Street, for all we know. And along those same lines, it looks like from the staff report that because of this light industry use specific standard, up to 20 percent of their operations could take place outside of their building envelope. Given that the City has no measurable standards for noise pollution, I do have concerns for a facility that's going to be dealing with glass bottles and rotating machinery, and potentially having shipping doors neighborhood facing. Will that create a -- a noise pollution issue for the neighborhood immediately adjacent? Also, I recognize that it's not your responsibility to evaluate traffic patterns and worthiness of the surrounding roads, but with increased heavy vehicle traffic on State and City roads that aren't very well maintained or receive infrequent care, I have concerns that the infrastructure may not be able to support this change in zoning. I was also surprised to hear that this will be coming before the -- before you for a conditional use permit for an expansion of the bar. I think the neighborhood, Benton-Stephens, already has significant parking issues, and we have -- we would have significant concerns about the impact of that kind of expansion. So I feel like these things need to be -- we're dealing with issues piecemeal, and sometimes it makes sense to have all of these issues brought all at once so that we have a clear idea of what their entire and full intent is. So as you point out, zoning changes run with the land, not the owner. If they decide to -- that this is not big enough for them in the future, they may decide to move on, and who's to say that the future industrialist is going to abide by their promises. I would hope that some of you or all of you would oppose the expansion of this industrial zoning district.

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

MS. BURNS: Mr. Norgard, I appreciate your comments. I just didn't know if you were here on behalf of yourself or representing your neighborhood association?

MR. NORGARD: I am representing several people that spoke to me about this, who could not be

in attendance. I'm not speaking on behalf of the entire neighborhood because getting consensus from an entire neighborhood, particularly one that likes Logboat Brewery and lives close to it, it would be challenging, so -- I'm not opposed to Logboat Brewing at all, but I am opposed to this expansion personally.

MS. BURNS: Okay. So this is more personally for you with content from others being -- but not from the Benton-Stephens Neighborhood Association?

MR. NORGARD: That would be correct.

MS. BURNS: Thank you.

MS. LOE: Any additional questions for Mr. Norgard? I see none. Thank you. Any additional speakers on this case? Seeing none. We'll close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission comment? Commissioner Geuea Jones?

MS. GEUEA JONES: Something real quick, and then I'll -- I'll take Commissioner MacMann's spot of making the motion, if that's acceptable. I think this is the opposite of the case we saw before where the bulk of the zoning, if you look at the larger map, it's IG all the way until we get to M-DT. You know, I know that there's Benton-Stephens neighborhood on the other side of the corridor, but really those M-N lots, we've got IG up to Wilkes, we've got IG down to downtown. I don't know. It seems -- it seems like the outlier is the M-N as opposed to the IG in this -- in this case, and that's -- that's where my head is at.

MS. LOE: I had -- oh. Commissioner Burns?

MS. BURNS: Oh, just -- in hearing the public comments, I'm always supportive of the businesses and the impacted neighbors getting together, and I'd just like to make that suggestion. Mr. Norgard is here and representatives from Logboat, and maybe some assurances can be given or more specifics as far as your site plan or intentions or reduction of buffer. I -- good communication always makes a better project.

MS. LOE: Yes. And picking up on that buffer, I mean, it -- we don't have a site plan. So, I mean, some of the concerns are speculative in that we don't know what the plan is. But picking up on Planner Kelley's comment that the College Avenue side would be the backside of the street, and looking at the dimensional standards for IG, the rear yard adjacent to R district is 20 feet versus the general is ten feet. Would we consider it to be next to an R district if it's across the street from the R-MF?

MR. KELLEY: No. I believe that would be if it was sharing a lot line, that would be in a sense of adjacent to the property. In this, it's adjacent to a road right-of-way is how we've taken that.

MR. ZENNER: It would actually be considered, ma'am, a front yard, since it's a double-fronted lot. So we would apply the front yard setback to the rear yard, what would be --

MS. LOE: Ooh. So that's 25 feet?

MR. ZENNER: Correct.

MS. LOE: All right. That's a little bit more of a buffer. Okay.

MR. ZENNER: And I -- I would like to add, and I have to look specifically to it if it's not accepted out of the Benton-Stephens overlay requirements, but development plans are, unless it's only specifically applied to residential development plans, development plans within the Benton-Stephens overlay aren't required to be reviewed by the -- by the neighborhood association. So there -- there may be an opportunity here -- I can't speak to that directly -- if industrial is accepted. But if it is not, the development plans that Logboat has would still have to be reviewed and so there's opportunities, I think, to discuss some solutions to address screening and maybe some architectural treatment on the rear of the building, so to speak, as it faces College.

MS. LOE: All right.

MR. ZENNER: College is a State road, and I think Mr. Kelley went over this. It's a State road. It's required to comply with all the MoDOT standards for access, so that is an issue that is out of our hands, but we do not know the final design of the building for shipping and receiving.

MS. LOE: Thank you. Commissioner Placier?

MS. PLACIER: Yeah. That was my question. By calling that frontage along College the rear of the building, it does give a sort of implication that that's where rear functions will be taking place, like shipping and receiving, and we don't know if that's actually going to happen, if that is actually how that area would be used. We don't -- we have no idea unless -- well, I guess that's on down the road.

MS. LOE: As Mr. Zenner points out, it sounds like there will be opportunity for discussion with the neighborhood association which would be welcomed. We have received several communications from neighbors and adjacent property owners supporting the project, so it sounds like Logboat has been a good neighbor, and people are in support of the expansion. Commissioner Geuea Jones?

MS. GEUEA JONES: If we're done, 225 first?

MR. KELLEY: I'll -- I'll bring them back up.

MS. GEUEA JONES: Thank you.

MR. KELLEY: Oh, sorry. I have them in the wrong order. Please --

MS. GEUEA JONES: Five first?

MR. KELLEY: -- do rezoning first. Yes, ma'am.

MS. GEUEA JONES: Okay. In the matter of 225-2021, 504 Fay Street Logboat rezoning -- is that right -- rezoning, I move to approve the rezoning of the property to IG.

MS. RUSHING: Second.

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

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval. Voting Yes: Ms. Rushing, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Loe, Mr. Stanton, Ms. Burns. Abstention: Mr. MacMann. Motion carries 7-0, one abstention.

MS. BURNS: We have seven in the affirmative, and one abstention.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I have another motion. In the matter of Case Number 223-2021, 504 Fay Street, Logboat Final Plat, I move to approve the final plat to be known as Central Addition Plat No. 2-A.

MS. RUSHING: Second.

MS. LOE: Second by Commissioner Rushing. We have a second motion on the floor. Any discussion on this motion? Seeing none. Commissioner Burns?

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Loe, Mr. Stanton, Ms. Burns. Abstention: Mr. MacMann. Motion carries 7-0, one abstention.

MS. BURNS: We have seven in the affirmative, and one abstention.

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

MR. ZENNER: And if I may, before we move on to the next item, just for the purposes of closing the comments that I had just made in regards to compliance with the Benton-Stephens overlay, specifically, within the overlay, it states exempted activities. The IG zoning district is an exempted zone, however, except when new construction is being proposed, which this would include, and it further states it was required to comply with the screening requirements of Section 29-4.4. So we will be able to acquire landscaping treatment along the College Avenue frontage.

MS. LOE: Thank you, Mr. Zenner. Thank you.