



# City of Columbia, Missouri

## Meeting Minutes

### Planning and Zoning Commission

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Thursday, June 22, 2023

7:00 PM

Regular Meeting

Council Chambers

Columbia City Hall

701 E. Broadway

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#### I. CALL TO ORDER

MS. LOE: I will call the June 22nd, 2023 Planning and Zoning meeting to order.

#### II. INTRODUCTIONS

MS. LOE: Ms. Carroll, may we have roll call, please.

MS. CARROLL: Commissioner Loe?

MS. LOE: Here.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Here.

MS. CARROLL: Commissioner Dunn?

MR. DUNN: Here.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Aye. Present.

MS. CARROLL: I am here. Ms. Geuea Jones? Commissioner Placier?

MS. PLACIER: Here.

MS. CARROLL: Commissioner Ford?

MR. FORD: Here.

MS. CARROLL: Commissioner Wilson?

MS. WILSON: Here.

MS. CARROLL: We have eight; we have a quorum.

MS. LOE: Thank you.

**Present:** 8 - Sara Loe, Anthony Stanton, Michael MacMann, Valerie Carroll, Peggy Placier, Shannon Wilson, Zack Dunn and Matt Ford

**Excused:** 1 - Sharon Geuea Jones

#### III. APPROVAL OF AGENDA

MS. LOE: Mr. Zenner, are there any adjustments to the agenda?

MR. ZENNER: No, there are not, ma'am.

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Stanton.

I'll take a thumbs-up approval on the agenda. It looks unanimous.

(Unanimous vote for approval.)

MS. LOE: Thank you.

**Move to approve**

**IV. APPROVAL OF MINUTES**

**June 8, 2023 Regular Meeting**

MS. LOE: Everyone should have received a copy of the June 28 [sic] regular meeting minutes. Were there any edits or adjustment to those minutes?

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Stanton.

I'll take a thumbs-up approval of the minutes? We have eight to approve the minutes.

(Unanimous vote for approval.)

MS. LOE: Thank you, everybody.

**Move to approve**

**V. PUBLIC HEARINGS**

**Case # 165-2023**

A request by Haden & Colbert (agent), on behalf of PL Real Estate, LLC (owner), seeking approval to rezone 13.93 acres of property from the PD (Planned Development) district to the M-C (Mixed-use Corridor) district. The subject site is located southeast of the intersection of Grindstone Parkway and State Farm Parkway, and includes the address 1110 Nifong Boulevard.

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

Staff report given by Mr. Rusty Palmer of the Planning and Development Department.

Staff recommends approval of the requested rezoning to M-C.

MR. ZENNER: While Mr. Palmer has pointed out that Grindstone Plaza Drive will extend southeast of this property to Nifong, the immediately adjacent eastern parcel moving to the east of the subject site has been submitted for a requested rezoning, and it is proposed at this point that that property be considered for M-N. So you're isolating the most intense M-C at the corner, which is where it would be appropriate, and we're starting to taper out moving eastward with less intense zoning. So while that request has not yet been considered, it is in-house. It would basically follow the property line where you see the A on the graphic. There is a property line right there. It is just to the west of the extension of Grindstone Plaza Drive. So as Grindstone Plaza Drive is extended to

provide possible access to the immediately adjacent parcel to the east that's owned by Chester Edwards, it is possible then that that extension of Grindstone Plaza Drive does provide a back door into the larger M-C parcel also providing access to the M-N that is proposed and providing additional connectivity to East Nifong there at the intersection. So when you take that collectively, and you look at the potential development that would occur on that, the traffic study, as Mr. Palmer points out is more than likely going to be a requirement as we look at the development, but we're also getting proper transitioning off the more intense corner back moving into the residential development and agricultural development moving eastward from State Farm Parkway-Nifong. So that is -- right now, this corner is a hot spot, and the extension of the roadway of Grindstone Parkway or Plaza Drive is possibly going to be accelerated as a result of that to gain proper access to make these two parcels, should they both rezoned, effectively utilized, and utilizing the transportation system. Traffic access directly onto State Farm Parkway from the current subject tract could be very limited given the types of uses and its location with respect to the major intersection of Nifong, Grindstone, and Green Meadows. So again, to say the least, all of that will be addressed as a part of the site plan review process once an actual development plan is submitted, which we do not have. The applicant may be able to provide more information as to what the intended uses are on the property and how it may be subdivided. But just thought I'd point that out before we got to the recommendation here for the subject site. We do have a little bit more in context in the wings.

MS. LOE: Thank you, Mr. Zenner. Thank you, Mr. Palmer. Before -- was it -- did that conclude the report?

MR. PALMER: I just -- my recommendation is for approval, so --

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

MS. CARROLL: Did the PD plan -- did the SOI with the original PD plan there include or allow for any form of residential housing?

MR. PALMER: Yeah. It was anything in R-3, which was single to multi-family, everything.

MS. CARROLL: Thanks.

MS. LOE: Additional questions for staff?

MS. CARROLL: May I ask another one?

MS. LOE: Commissioner Carroll, please?

MS. CARROLL: There appears to be -- there's a PD to the west of this property, just past State Farm Parkway on the other side of the parcel. That's for Case 166. This PD just passed that. It looks like there's residential housing under that PD; is that correct?

MR. PALMER: Yeah. It's a multi-family development.

MS. CARROLL: It's a multi-family? Yeah. Okay. Thanks.

MS. LOE: Any additional questions for staff? If there are none, we will open up the floor to public comment.

**PUBLIC HEARING OPENED**

MS. LOE: We give six minutes to a group, three minutes to an individual. Please provide your name and address for the record.

MR. COLBERT: Sure. Madam Chair, members of the Commission, Caleb Colbert, attorney, at 827 East Broadway. And I thank you for your time this evening. I actually just wanted to jump in. Mr. Palmer indicated that we hadn't received any public comments, but Mr. Edwards had submitted a letter of support. Was that included in the packet?

MS. LOE: Uh-huh.

MR. COLBERT: Okay. All right. Thank you. To give you a little background on the property, this site was originally zoned planned to facilitate the headquarters of a bank. That project did not materialize, so the property owner is now in a position where they would like to move forward with either selling the property or developing it. And in order to do that, they would like to move it out of the planned district. And as we have discussed on many occasions, we're trying to move away from those planned districts. So once we decided we were going to move to some sort of open district, we -- we looked at what districts would be appropriate for the site. And again, we looked at the surrounding land uses, the surrounding zoning, the road network, all those sorts of things. And as Mr. Palmer indicated as far as the roads were located at a major, signalized intersection, you have a major arterial in Grindstone to the north, State Farm Parkway is a major collector, Nifong Boulevard is a collector, and the extension of Grindstone Plaza is proposed to be a collector. So essentially, again, you have a very sufficient, very high-traffic area to locate this property or to support the M-C zoning. So aside from the existing road network, we look at the surrounding land uses. If you stand at this property and look at the northwest corner of the intersection, you have a major retail development. If you look at the northeast corner of the intersection, there's a major retail development. To the east, you have the Red Oak development, the PD there that allows for most C-3 uses. So under the old zoning code, C-3 was sort of comparable to M-C, what we have today.

In that development, you have automotive oriented type businesses. You have Auto Zone, Plaza Tire, banks with a drive-through, restaurants, that sort of thing. All uses that would be sort of consistent with M-C zoning. And again, as Mr. Palmer indicated, the property owner to the east -- directly to the east, Mr. Edwards, submitted his letter of support and is looking to rezone his property to M-N. So ultimately, we feel like M-C is supported when you look at the surrounding uses, the surrounding road network, all those sorts of things. We did speak to the owner of the town homes on the west side of that intersection, and he indicated that he supported this. He did not have any objections to the requested rezoning for either property that we're going to talk about. And, of course, on the south side of Nifong Boulevard, that property is owned by the same family that owns the property that we're discussing this evening. With that, I would be happy to answer any questions.

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

MS. WILSON: There was a point earlier made to ask what would be going -- what are the potential things that could be going here?

MR. COLBERT: So we have not approached or been approached by any final end user, so we don't the answer to that question. It could be any of those uses that are allowed in the M-C zoning district.

MS. WILSON: Follow up. So the reason that I'm asking is because, probably not that important, but once a year, that space is going to have horrible traffic, which is when we have VU allowing us to go through to do the Christmas viewing of, you know, all of that, so just something to think about.

MR. COLBERT: Sure. Yeah. Absolutely.

MS. LOE: Any additional questions for this speaker? I see none. Thank you, Mr. Colbert.

MR. COLBERT: Thank you.

MS. LOE: Any additional speakers on this case? If there are none, we will close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner comment? Commissioner MacMann?

MR. MACMANN: I don't see an issue with this, and I think it's very appropriate, and with the M-N next to it is fine, and with the family fine with it, I don't see if there's any issue whatsoever. With that in mind, if my fellow Commissioners don't have any more questions or concerns, I have a motion. Seeing none. In the matter of Case 165-2023, 1110 East Nifong, rezoning from PD to M-C, I move to approve.

MR. DUNN: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Dunn.

We have any discussion -- we have a motion on the floor. Any discussion on this motion? Seeing none. Commissioner Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Mr. Dunn, Mr. MacMann, Ms. Carroll, Ms. Placier, Mr. Ford, Ms. Wilson. Motion carries 8-0.**

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

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council. That brings us to our second case of the evening.

**In the matter of Case 165-2023, 1110 East Nifong, rezoning from PD to M-C, move to approve.**

**Yes:** 8 - Loe, Stanton, MacMann, Carroll, Placier, Wilson, Dunn and Ford

**Excused:** 1 - Geuea Jones

**Case # 166-2023**

A request by Haden & Colbert (agent), on behalf of PL Real Estate, LLC (owner), for approval to rezone 1.03 acres of property from R-MF (Multi-Family Residential) and A (Agriculture) to M-C (Mixed-use Corridor). The subject site is located southwest of the intersection of Grindstone Parkway and State Farm Parkway.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the requested rezoning to M-C.

MS. LOE: Thank you, Mr. Palmer. Before we move on to questions for staff, I'd like to ask Commissioners if anyone has had any ex parte related to this case, and, if so, to share that with the Commissioners so all -- the full Commissioner has the benefit of all the information related to this case. Seeing none. Are there any questions for staff? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Palmer, the -- just to clarify, the remnant right-of-way is a MoDOT property?

MR. PALMER: Yes.

MR. MACMANN: Okay. Second thing is would there be a curb cut allowed on Nifong? That's a pretty narrow aspect there.

MR. PALMER: On the north end, that is -- no. That's unlikely.

MR. MACMANN: Unlikely. So it would be well down State -- what's called State Farm Parkway on this?

MR. PALMER: Basically, I'm speculating a little bit, but they would be limited, basically, to one entrance on State Farm Parkway probably at the southern end given enough spacing for the western --

MR. MACMANN: That's what I --

MR. PALMER: --the eastern side of Nifong.

MR. MACMANN: That's what I'm seeing also.

MR. PALMER: Yeah. It's -- it's going to be very, very limited in access.

MR. MACMANN: Well, I guess we'll see what comes to us in the future. Thank you, Planner.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Going to ask if you could give us some discussion on the goals of nodal development and why you tend to recommend this?

MR. PALMER: Yeah. So nodal development is a concept that strives to concentrate higher intensity uses near higher intensity transportation intersections. And the reason for that being kind of multi-layered. It works for access primarily, but also in terms of placing the high traffic-oriented type uses, so the ones with the higher traffic levels, at those more accessible intersections. And it can have its own limiting factors. You know, this instance is an extreme example, where this is a very busy intersection, and this actually is probably detrimental to the access to these properties, especially the one to the west. But the goal of nodal development is to have our highest intensity uses at major intersections to kind of concentrate those and then disperse out. As Mr. Zenner mentioned on the previous case, you would feather out into lower and lower intensity uses as you get into the smaller and less traffic streets and road network.

MS. CARROLL: Thanks.

MS. LOE: Commissioner Placier

MS. PLACIER: Yeah. I have a couple of questions. One is you mentioned that the comp plan recommended that this be neighborhood, and yet we're going to the more intense commercial use with this zoning -- rezoning. And I'm not sure why, given the problems with ingress and egress with this little sliver. I guess this is kind of leave no sliver left undeveloped kind of thing. But the other issue is you said that notifications were sent out to the owner of the town homes. Now, so that was just one owner, but not the residents of the town homes. Correct?

MR. PALMER: Yeah. That's correct.

MS. PLACIER: So the people impacted did not receive any communication?

MR. PALMER: We do advertise in the paper. You know, the hope is that they would get it that way, the general public receives that notice in that manner. That's what we are

required to do by State statute. The letters are actually above and beyond that. We send postcards at the beginning of the process to those property owners, again, because that's kind of the data base that -- that we use, but, yeah. Generally, the State statute required form of communication is via the newspaper ad, so --

MS. PLACIER: Okay. I guess we skipped over my first question. I shouldn't have jumped to the second question --.

MR. PALMER: No, you're fine.

MS. PLACIER: -- was about why M-C?

MR. PALMER: Yeah.

MS. PLACIER: Why adjacent to a neighborhood to go and with such a small space with such limitations --

MR. PALMER: Sure.

MS. PLACIER: -- go with the more intense zoning?

MR. PALMER: Yeah. I mean, if the applicant were to request an M-N use here, I would have also supported that. Basically, it's, you know, kind of a -- an evaluation of location and, you know, the anticipated impacts that that site may have with that neighboring property, and just the general use of the Code standards and what would apply, and knowing that, you know, this is going to be limited in terms of what can be developed. The Code works to mitigate the impacts that it might have, and then just kind of evaluating what that balance is. And again, you know, this all starts with the request is for M-C, so that's what was evaluated. And so, you know, my evaluation was is M-C appropriate here, you know, given the scale really is probably the biggest thing. I know that, you know, nothing super intensive is going to be put on that property. And so M-C doesn't really give me a lot of heartburn. If you had -- I mean, well, I'll just leave it at that. I think of, you know, I'm kind of rambling at this point, but does that answer your question, though?

MS. PLACIER: I think so. I still may -- might have a difference of opinion about it, but that's okay.

MR. PALMER: Uh-huh.

MR. ZENNER: Ms. Placier, if I may, to support where Mr. Palmer is. The evaluation is based upon what the applicant has asked. And what our comprehensive plan identifies as what the land use designation is, is based upon what the zoning of the property was in 2013. So the property across the street in 2013 was O-P. O-P is considered employment, and if it had been zoned C-1, it would have been identified as a commercial property and in the commercial class. These two properties were identified as R-MF and A, and as a result of that, the designation of neighborhood, which is what that would fit



into, is what was applied to it based on the comprehensive plan's land use district classing. That does not necessarily mean that the comprehensive plan was properly calibrated, based upon the road infrastructure that was here, and the anticipated volumes of traffic to be located at this particular node. And so it -- the land use district classifications, again, are based upon the zoning designation of the property at the time the plan was prepared. We often, through our evaluation, have to evaluate was that zoning classification or that designation -- the land use designation correct based on the characteristics of the surrounding area now that the request is coming in. And by default, what will end up happening is is the -- I should say what should happen by default is when and if this rezoning to M-C is approved, the comprehensive plan land classification should be changed to commercial. However, our procedure is that that -- the plans designation does not do that at this point. If we re-adopt the land-use plan, when we rewrite the comprehensive plan, it is likely that where we have changed zoning to be in the -- in a different district than what was originally in 2013 the new land-use map for the City and the designations that are shown in the comprehensive plan will be appropriately assigned. Some communities do an -- do an amendment to their comprehensive plan, land-use plan, at the same time that they do a rezoning. That is not a process that we utilize here. But the rezoning is basically what is helping -- it's used, as Mr. Palmer pointed out, we use the rezoning process as an evaluation tool, and we have to look at all of the other surrounding land use factors that are influencing the site. And the nodal component in our plan is probably more what we fall on when we look at an intersection like this to create that nodal development, to concentrate your most intense uses to this intersection, because it has the most capacity. As Mr. Palmer pointed out, the capacity that this intersection can handle may be actually a detriment to the parcel in itself because it's going to have other limitations placed on it.

MS. PLACIER: At the time of the comp plan, did that residential area exist?

MR. ZENNER: Yes.

MS. PLACIER: Adjacent to it? Well then, my comment still stands. It is adjacent to a residential area. The residents were not consulted because only the owner of their residences is consulted in this case. So I still think it fits a different zoning category.

MS. LOE: Additional questions? Commissioner Dunn?

MR. DUNN: So can you kind of walk me through -- kind of going back on Commissioner Placier's comments, you know. Would a mixed use make sense in this area? I mean, given it's kind of a busy roadway, you know. Would residential property there be -- if we had mixed use, would that be a better use of the property?

MR. PALMER: Just a quick reminder, talk into your microphone when you're

speaking.

MR. DUNN: Oh, sorry.

MR. PALMER: You're fine. So if I were to evaluate a residential development there, I would point to the same issues and say, you know, if we can fit ten apartments in a building on this site, which I kind of doubt, maybe you can. Now you have at least ten, maybe twenty vehicles worth of traffic that you're going to expect to come out of there a couple of times a day. That's not that much, but, you know, long and short of it is, sure, that's probably -- it's probably appropriate there, as well, but then it's not really the highest and best use of that property, and I believe that a commercial use would be. And, you know, my evaluation of M-C is that M-N uses are more likely to happen here, given the size and the access. But M-C uses are appropriate given its location, so --

MR. ZENNER: And as an M district, our M districts are, by nature, mixed, so this have the ability at the applicant's discretion when it is sold to be used for a plethora of different uses. And so how the property is actually functionally redeveloped under the -- under the M-C designation, it was going to be a whole lot of different factors going into that, you know. Can you get a multi-family building on this property that would -- that anybody would want to live in? I think the issue of the old Nifong right-of-way being a buffer between this parcel as M-C, if that is the direction that this were to head in, and that residential development provides that -- that protection. It is in some respects, when you look at multi-family, we normally, for a feathering perspective or a buffering perspective, it would go M-C, M-N, M-OF, which is office, and then R-MF is how we would see this. So while the parcel is very narrow, as Mr. Palmer has indicated, and its development intensity is limited because of that, the uses, the M-C, the most intense M-C use is a gas station, a car lot, something else, even a drive-through, a functional drive-through on this site may not even work because it just has limitations. And therefore, you're probably going to get something that I think we would view this as M-N office use that wants the exposure, an insurance office or something else, that would -- that would benefit from the exposure. I think what one would think if this parcel were a little bit bigger, gas station, or possibly a drive-through. Gas station, we have multiple gas stations within this area. We had a gas station that was proposed to the east, never materialized. There's saturation already in the area, and that is part of the problem, as well. You have to come up with unique uses to make the property marketable. But as it currently sits, if it were M-N, which is a choice that the Commission can make and the applicant can object to that and you can vote how you see fit, is probably going to be what's there. M-C allows somebody that's creative the opportunity to maximize that, but it's going to be maximized only to the extent that our Code is going to allow them to do

the development that meets all of our other requirements -- parking, setbacks, buffering, anything else that would apply.

MR. DUNN: Thank you.

MS. LOE: Of course. Commissioner MacMann?

MR. MACMANN: Just a thought on this property for everyone's benefit. This property is about 44,000 square feet. If a developer, maybe Mr. Crockett can -- can get half of that as usable property, I think he'd be doing great. It's most -- most of it's not even 100 feet wide. By the time setbacks, buffering, parking, this building is 40-feet wide, maybe 150 feet long, no, not even -- it's -- it's really small. And I -- it would be a very creative gas station if that's what that was going to be. But I could see -- I was wondering who would want that, but some would want exposure. One of our friends in the legal field or an insurance company will want that kind of exposure. If it went -- if it went office, you can't -- it's going to be really hard -- the point being it's really hard to put up something M-C in here, because the parcel is smaller than the biggest M-N building, as it is -- we can go 50,000 in M-N or something?

MR. ZENNER: Correct.

MR. MACMANN: Yeah. So it's -- it's not even that big as the biggest building. This building may serve also with the Nifong cut-through there, may serve as an additional buffer. And that's the reason I asked the questions about a curb cut along Nifong on the north. I don't think there's room for that. You would have to be well south of it, so it's office. And also, this was done, for those of you who were, like Mr. Crockett and I, who have been here forever, you see the R-MF to the left and the A to the right. CATSO -- this was all, like, pasture. Okay? We're going to do commercial over here and the road network developed differently. I do agree with your point. I do think renters should receive notification. I really do. I think that's problematic. But I don't have a problem with this as M-C. I think they're going to have a hard time developing this in M-N, but I'm going to put that on them. Thank you, Madam Chair.

MS. LOE: Thank you. We've been talking about a buffer, and there is the buffer in the right-of-way. But I just wanted to clarify if there's any screening requirement or not?

MR. PALMER: If it -- go ahead. I'll let -- defer to you.

MR. ZENNER: Because the right-of-way exists, the property lines do not touch. And, typically, the way that our screening and buffering standards exist, if this is where you're going, is normally where you have adjoining property. So while the right-of-way is the de facto buffer right now between the subject site and the adjoining residential, the actual regulatory buffer would not be required because the road right-of-way does not hold a zoning designation. Now we have -- and I'd have to go back and I'd have to look at this.

Specifically, if the road right-of-way were vacated, the designation of the property -- the designation of the road right-of-way would be split between the zoning, which means that the R-MF would be brought to potentially a future M-C line. If that were to occur at a point after development had happened, at which point, there would be no -- prior to that vacation, there would be no buffer, I believe, required because the two property lines are not joining. However, we -- we're dealing with roughly a 44,000 square foot parcel, as Mr. MacMann pointed out. If they were to seek to vacate the road right-of-way and the road right-of-way gets split between the adjoining properties, that 44,000 square feet may be improved, or may be enlarged because of the receipt of the old Nifong Boulevard frontage and, again, the applicant can address if that's maybe the intent. It may be, as Mr. Palmer pointed out. MoDOT doesn't seem to have an issue, if they were approached, to potentially consider that. But at that point, if you were to vacate and then develop, then you would have a buffer. You would have an M-C against the R-MF.

MS. LOE: It's PD.

MR. ZENNER: Or -- or PD, PD, and we would apply -- we would apply the residential standard.

MS. LOE: Thank you.

MR. ZENNER: That's how our arborist generally, when we look at PDs, we look at what the zoning, the land use in that PD is, and we apply the appropriate buffering requirement.

MR. PALMER: And I think the point I was trying to make in the written staff report, and probably didn't do a great job of verbally, was that you either end up with the spatial buffer of the right-of-way, or you end up with an installed physical buffer. Yeah.

MS. LOE: Thank you. That's exactly what we were trying to clarify. I appreciate that. Any more questions for staff? Seeing none. We will open the floor for public comment.

#### **PUBLIC HEARING OPENED**

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I believe staff had a pretty good staff report, and you're certainly aware of the site and the request that's before you tonight. I would like to just briefly talk about some of the questions that were -- that were asked previously. With regard to access to this site, we are correct. There is no access to Nifong Boulevard from this piece of property. MoDOT, when they acquired right-of-way for -- for Nifong, they acquired the access rights, as well. So they dictated and determined where access points would be allowed along Grindstone, and this piece of property doesn't have any such access, nor would it be allowed simply because of the operational

distance from the intersection itself. So access to Nifong is going to be -- would be eliminated, would be restricted. We're not going to be able to get that from MoDOT, so access would obviously come off the State Farm Parkway. We're going to have to illustrate to the City traffic engineer that we can use the site. Our traffic can come and go from the site, and not interrupt that existing intersection, and so that's going to have to be illustrated by form of a traffic impact study that illustrates and shows that. So they're going to push that access further to the south out of the operational distance from that intersection. And so access will be handled in that way. You are correct. The size of this piece of property is a very limiting factor, what we can do with this site. Now, Pat and Rusty, correct me if I'm wrong, but in M-N zoning district, the required parking in an M-N cannot be in front of the building line; is that correct, or if I'm -- or am I just dreaming that?

MR. ZENNER: It can be. I think it can't be any closer than six feet to the property line.

MR. CROCKETT: Okay. So in M-N, it can be six feet, same as M-C. Okay. I was thinking that it was the other way, but, again, the limited size. Mr. MacMann is correct. You know, we have one acre. This is certainly not the typical configuration that you have for one acre. We're going to be limited to -- to the size on what we can and can't put here, so that's going to be a huge factor in what we -- what we can do and how we can develop it. So again, we're not going to see a high-intense car wash, you're not going to see high intense convenience store, or anything along those lines. And so, those major uses will be eliminated. So with that, I'm happy to answer any questions that the Commission may have.

MS. LOE: Thank you, Mr. Crockett. Questions for this speaker? Commissioner Carroll?

MS. CARROLL: Is there a reason why you couldn't fit an R-MF or an R-MF development would be unattractive on this property?

MR. CROCKETT: Well, in R-MF, and I do believe in R-MF, the setback, the -- in the commercial district, I can put the parking lot within six feet of the right-of-way line. I have to screen it, but in an R-MF, in a residential district, I have to -- the required parking has to sit outside the building line. So when you look at the configuration of the piece of property, I have right-of-way on three sides. On all three sides, I would have a setback, and then that parking has to be outside of that setback, so it's going to greatly limit the development of this piece of property even further. So we would have to look and see how we could even configure a parking lot that would conform to the R-MF standards with a building, as well. So I think it would be -- R-MF would be extremely difficult to work on

this piece of property.

MS. LOE: Additional questions for this speaker? I see none. Thank you.

MR. CROCKETT: Okay. Thank you.

MS. LOE: Any additional speakers on this case? Seeing -- oh.

MS. WILSON: Actually, I do have a question.

MS. LOE: Mr. Crockett, can you come back up?

MS. WILSON: Thank you. I have to contemplate what I wanted to say. Thank you.

So we heard that there's a possibility of obtaining part of the right-of-way from MoDOT. Is that something that is being considered here, and would that be considered because you can use that for an egress?

MR. CROCKETT: I think there were some conversations with MoDOT years ago with that respect, about obtaining that right-of-way back, and it didn't go anywhere at that time. I'm not sure what has taken place. We have not approached MoDOT here recently, and even approached and discussed that. I think that's partially due to the temperament that MoDOT had years ago and maybe not really too interested in giving that right-of-way back. And so, no, we have not contacted MoDOT to discuss that here recently.

MS. LOE: Thank you, Mr. Crockett. If there's no additional speakers, we'll close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion? Commissioner Stanton?

MR. STANTON: I tend to agree with staff. M-C is the highest, best use we can give, and Crockett and company is going to have a lot of obstacles to fight anyway, and I support giving them their best shot at success because they're going to have a lot of obstacles to deal with.

MS. LOE: Would you care to frame that -- oh. Additional comment?

MR. STANTON: I would.

MS. LOE: Wait. Wait.

MS. CARROLL: Okay. Here's my additional comment.

MS. LOE: Commissioner Carroll?

MS. CARROLL: I do struggle with an upzoning to M-C directly adjacent to R-MF, given that it's currently zoned R-MF and Ag. I acknowledge that it's hard to build an R-MF there, and I want to see this property developed. I don't like to see underutilized property at nodes like this. That said, half of this discussion has been why we don't expect to see the highest uses of M-C, why we don't think they will be able to build a drive-through, why we don't think they will be able to build a gas station. To which point, I

have to wonder what's -- why do we need M-C then, what's the use of M-C at that property, because most of the uses that we are envisioning are allowable in the M-N.

MS. WILSON: It sounded like it --

MS. LOE: Sorry. Commissioner Wilson?

MS. WILSON: Sorry. It sounded like that was chosen because they thought there would be an issue with the parking. So even though M-N was an option, it sounded like, from an answer that we got earlier from Mr. Crockett, that he thought that there was going to be an issue with having to park in the back -- or back of the building instead of the front of the building, but I don't know. Maybe I missed it.

MS. CARROLL: For M-N or for R-MF?

MS. LOE: Sorry let's not have a discussion.

MS. CARROLL: Sorry.

MS. LOE: If you would your comments as comments.

MS. WILSON: Who's going to answer the question?

MS. LOE: Commissioner Wilson, did you have any additional comment?

MS. WILSON: No.

MS. LOE: Thank you. Commissioner MacMann?

MR. MACMANN: I think staff could answer that question if someone would direct it at them. m.

MR. PALMER: Can you repeat it, and I'll be happy to.

MR. MACMANN: It's not my question. I just want --

MS. PLACIER: Was there --

MR. MACMANN: -- where does the parking go if this was -- I will. If this is M-N, where does the parking go? If this is M-C, where does the parking go?

MR. PALMER: In any commercial or mixed-use district, they are allowed to place parking in the front yard setback, the 25-foot, typically, which was Mr. Crockett's comment, asking whether M-N was the same standard as M-C, and it is. R-MF, however, would require that parking be placed outside of those setbacks and that -- that includes all of the setbacks. I believe side and rear yards also, which further limits where that can be placed. And that, therefore, limits the buildable area of the lot, so --

MS. CARROLL: Can I ask Mr. Crockett a question? Can we reopen?

MS. LOE: We have to open the floor again.

MS. CARROLL: Yeah.

MS. LOE: It's -- I just want to make sure there's no additional discussion. And we're going to close Commissioner discussion, reopen public discussion.

**PUBLIC HEARING REOPENED**

MS. LOE: Mr. Crockett?

MS. CARROLL: In the spirit of --

MS. LOE: He needs to give his name and address.

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong.

MS. LOE: Thank you.

MS. CARROLL: In the spirit of Commissioner Stanton's win-win, given that an M-N would allow you to place a parking lot just as you would for an M-C, will an M-N zoning allow you to do what you want to do with this property?

MR. CROCKETT: Well, we don't have an end user at this time, and so I can't say that it will allow us to do what we want to do, because we don't have an end user.

MS. CARROLL: I see.

MR. CROCKETT: So I can't -- I can't speak to that.

MS. CARROLL: That was my question. Thanks.

MR. CROCKETT: Yeah. Perfect. Thank you.

MS. LOE: Thank you. We'll close public comment.

#### **PUBLIC HEARING RECLOSED**

MS. LOE: Reopen Commission discussion. In pursuing the -- I'll just throw in a comment. In pursuing the uses that are allowed under M-C versus M-N, it does appear it will be more difficult to employ some of the larger M-C uses on this site. The ones mentioned, also a hotel, I don't envision going on here. A travel trailer park, again, I don't see going on. Self-service storage facility, probably not. So I think -- drive-in theater. Well, that's a conditional use. The -- the limitations of the site are going to be self-limiting to a large degree, even with the M-C zoning. Further comments? Commissioner Dunn?

MR. DUNN: I feel inclined to agree with Commissioner Carroll on this. I think mixed use, M-N, makes more sense.

MS. LOE: Commissioner Stanton?

MR. STANTON: I would like to entertain a motion and just put it on the table. We either vote for the applicants wants -- if you agree with what the applicant wants, you vote yes. If you don't, vote no. That's all I'm going to say about it.

MS. LOE: We've asked the applicant if they would entertain an M-N, and they denied that, so, yes. It's M-C, or up or down. Thank you, Mr. Stanton.

MR. STANTON: As it relates to Case 166-2023, Southwest Nifong Boulevard and State Farm Parkway, I recommend approval of the requested rezoning from A and R-MF to M-C.

MR. MACMANN: Second.



MS. LOE: Moved by Commissioner Stanton, seconded by Commissioner MacMann. We have a motion on the floor. Any discussion on this motion? Commissioner MacMann?

MR. MACMANN: Just a second thought -- a couple of second thoughts. As soon as you lose a 25-foot setback on this, you've lost a quarter of the property, and those ends, you've probably lost another quarter. The biggest thing going here is probably going to be about 15,000, 20,000 feet. While there are M-C uses that might fit in that footprint, they're not very big and they're not very -- and they don't impinge upon the neighborhood too much. I mean, bare bones, this probably is worth more in M-C than it is in M-N, and they don't know what they're going to do, so I get why they want M-C. That said, this is going to be really hard to develop. There's already a 100-foot barrier from the Nifong remnant right-of-way, approximately. What's the width of that barrier?

MR. PALMER: I -- I honestly don't know --

MR. MACMANN: It's a minimum of about 100, I think.

MR. PALMER: I mean, it would be -- yeah. It would be anywhere from 50 to 100 would be my guess.

MR. MACMANN: Up -- (inaudible). Because of these uses and because this got chopped up by the road, I'm going to support Commissioner Stanton's motion.

MS. LOE: Additional comments?

MS. CARROLL: I'll give my last comment.

MS. LOE: Commissioner Carroll?

MS. CARROLL: In unused property here is pointless. The existing zoning with Ag and R-MF I think will, as it's split there, will almost guarantee that it's unused. I think M-N is better. I -- I don't get the point of M-C here, especially if we're going to convince ourselves that it's okay because all of the things that are -- most of the things that are M-C that we would disagree with can't fit, but most of the things that are M-C that would fit are M-N. I don't see the point, but I don't see the point in leaving it as is, either. I think, regretfully, I will support this because I don't want a useless piece of property sitting there, either.

MS. LOE: Additional comments? Commissioners know I'm very reticent to upzone property next to residential. And sometimes I'm on the other side of the fence when we take a vote on this. However, in this case, this property is not directly adjacent to the residential. If the right-of-way was developed, it would be across the street, and I think we wouldn't be having any of this discussion. And we still maintain that distance regardless of whether it's built out or not. This would commercial or mixed use corridor across the street from a multi-family, which is, I believe, a very different situation. Given

that the right-of-way is not developed, there's the potential for this to come together, but that's -- we don't know if that will ever happen, and we do have some protection in place should that ever come to pass. While -- I actually do think this is an appropriate location for M-C, especially if that right-of-way was developed, given the intersection. So I don't think those uses are inappropriate. Given that -- there again, there's the potential for the adjacency to occur, I feel more reassured given the natural constraints of the site that the uses on that location won't be ones that are very incongruous with what's next to it. So I intend to support it. Any additional comments? Seeing none. Commissioner Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Mr. Dunn, Mr. MacMann, Ms. Carroll, Mr. Ford, Ms. Wilson. Voting No: Ms. Placier. Motion carries 7-1.**

MS. CARROLL: We have seven yes votes, and one no. The motion carries.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council. That is it for our cases for this evening.

**As it relates to Case 166-2023, Southwest Nifong Boulevard and State Farm Parkway, recommend approval of the requested rezoning from A and R-MF to M-C.**

**Yes:** 7 - Loe, Stanton, MacMann, Carroll, Wilson, Dunn and Ford

**No:** 1 - Placier

**Excused:** 1 - Geuea Jones

## VI. PUBLIC COMMENTS

MS. LOE: If there are none, we will move on to staff comments.

## VII. STAFF COMMENTS

MR. ZENNER: So I'm back in the driver's seat, and not being called Commissioner Zenner. I did watch the last meeting. I appreciate the accolades, but I'll keep manager. You do have a meeting coming up in July. It will be July 6th, so enjoy watching the fireworks and the hamburger or hot dog on the grill and come ready to have a robust discussion of our residential cottage standards and that discussion continued from this evening's meeting and work session, and the proposal of a solution to address Council's concerns as it relates to utilizing substandard lots within our community in an alternative manner to how we allow them today. And then we will pivot into our regular scheduled meeting, which has got three cases on it; one two-fer and then one standard public hearing at 7:00 p.m. And the two-fer are, it is a rezoning and a proposed preliminary plat. And this is ironically right up the alley for why we are discussing an R-C district. The

applicant is seeking to rezone from R-MF to R-2, with the intent for cottage development standards. The preliminary plat is being brought to you, so there is a concrete evidence that that is the applicant's intent. However, that plat will not be presented to City Council for consideration until the Board of Adjustment has had an opportunity to confer the ability to use the dimensional standards that are currently under their purview in the R-2 district. And we cannot receive the Board of Adjustment's application until the R-2 zoning is approved. This is our process that we are trying to correct and, hopefully, we will have that done here within the next several months to create the R-C district, making it a little bit more easy for green field development to occur with alternative housing. And then the regular public hearing is at the -- that would be the northwest corner of I-70 Drive Northwest. This is a rezoning of an R-1 and M-OF property to R-2. I cannot recall if we're looking at doing this in cottage, or if we're looking at doing it as a standard R-2 residential subdivision at a point in the future. This is a very bizarre tract, to say the least. The corner of Garden Drive and I-70 Drive Northwest is not part of the request, so it is a parcel removed from the actual corner lot, one to the north on Garden Drive and then one to the east on I-70 Drive Northwest. Those are the parcels, and they are interconnected. And the R-2 zoning allows for more -- zoning that's more accommodating or at least akin to what is further to the north up on Garden Drive. All three of these requests ironically also were Mr. Kelley's, so the deadline for these reports are before he leaves, and he has assured me that he will have the staff reports written for my red-line editing before they get presented to you by myself, so Mr. Palmer may not be here at our next meeting. So I will deliver the reports on all of these for the Commission, and we will then move on to our next meeting July, and we do have items for the second meeting in July, as well, as well as we will be continuing a conversation in work session either as it relates to our R-C district standards, or the request that Council has asked us to try to address the substandard lot issue, or we will be talking about our favorite topic, and that is short-term rental. So if you have not dove into the short-term rental survey -- I shouldn't survey -- public engagement comments that were provided to us, please do so. Please gather your thoughts around what the topics are that GDP didn't create for us -- our intelligence software that we utilized. Identify your own thoughts and be prepared, because what we have to look at, as I've said previously, is we need to figure out how, if there is a way of addressing some of those concerns that have been expressed in the Code that we currently have. As I also pointed out this evening during work session, we will have an opportunity to meet with Council coming up here soon. It'll either be at the end of July or potentially and more likely at the beginning of August. So if you do want to take a summer vacation while school is out and if you have children, and they're out as well,

please do so maybe before the beginning of August if you can. If not, we will miss you, but we are also trying to ensure that we keep the short term rental project moving forward so we can, prior to the end of, hopefully, this calendar year, have an ordinance before City Council that is able to be implemented next year. With that, that is all we have to offer. I am glad to be back. Not glad to be losing staff as we were also discussing this evening in work session. Mr. Kelley will be moving on and we wish him the best. It has been an enjoyable opportunity to work with him for the last two and a half, almost three years. So -- and I have been gone. I don't think we -- as all of you know, Mr. Palmer was promoted to our senior planner. He filled Clint's position. We're still looking to fill Rachel's former position. And in -- since being promoted, Mr. Palmer has also passed his American Institute of Certified Planners test and he is AICP certified now. So while I lost Mr. Smith, and I'm losing Mr. Kelley, I at least have gained another AICP planner, which means he's got a much higher level of ethics that he has to hold to than me. I'll broker deals anyway every day of the week. Mr. Palmer can't. So -- or he'll lose his certification. So I'm the nonscrupulous one, this is the scrupulous one. If you actually want good answers and honest ones, go to him only. With that, that is all we have to offer. Thank you for your attention this evening in both work session and here.

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

#### **VIII. COMMISSIONER COMMENTS**

There were no comments from Commissioners.

#### **IX. NEXT MEETING DATE - July 6, 2023 @ 7 pm (tentative)**

#### **X. ADJOURNMENT**

MS. LOE: Commissioner MacMann?

MR. MACMANN: Move to adjourn.

MS. LOE: Oh, wait, wait, wait. I just wanted to say -- I didn't realize Mr. Kelley wouldn't be with us when we got to the meeting, so please convey our utmost gratitude in his working with us. It was -- he was a good partner in all these sessions, and we shall miss him, so -- and, again, Mr. Palmer, congratulations. And welcome back, Mr. Zenner. You were missed. All right. We have a move to adjourn -- or any other comments? If not, we have a move to adjourn.

MR. STANTON: Second.

MS. LOE: And a second by Mr. Stanton. We are adjourned. Thank you, everyone.

(The meeting was adjourned at 8:16 p.m.)

(Off the record.)

**Move to adjourn**