

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

SEPTEMBER 5, 2019

Case No. 176-2019

A request by Cochran Engineering (agent) on behalf of Columbia Mall, LLC; Dillard's Inc.; J.C. Penney Properties, Inc.; and Dayton-Hudson Corporation (owners) for approval of a PD plan major amendment to the Columbia Mall C-P Plan to split an existing 39.75-acre lot into two lots, and for approval of a design adjustment to Section 29-5.1(f)(3) to allow a lot line through an existing structure. The approximately 66.92-acre property is located at the southwest corner of Stadium Boulevard and Bernadette Drive.

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the requested major amendment for the Columbia Mall PD Plan with the associated design adjustment and the statement of intent.

MS. LOE: Thank you. Thank you. Are there any -- well, before we move to questions of staff, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

MR. STRODTMAN: Madam Chair?

MS. LOE: Mr. Strodman?

MR. STRODTMAN: I would like to ask to be recused from Case 176-2019.

MS. LOE: I understand.

MR. STRODTMAN: Thank you.

MS. LOE: Thank you. Any additional comments? Seeing none. Are there any questions of staff? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Smith, I'm looking at the landscaping data, and I keep looking at minimum green space required and minimum green space on the site.

MR. SMITH: Uh-huh.

MR. MACMANN: I notice that we're under by about an acre. Could you help me understand that? Am I reading that wrong?

MR. SMITH: I'd have to take a look at it.

MR. MACMANN: Under landscape data, it has total acreage minimum green space required, total current green space.

MR. SMITH: Yeah. Excuse me. So the current Code minimum is -- is 15 percent. As part of the

2007 adoption, there actually was a variance to reduce that to the 9.02 acres, the 13.5 percent. That may not be as clear on there as we could have made it. That is kind of the current existing condition for the site.

MR. MACMANN: All right. And this request for major amendment does not trigger anything else in the UDC that would require that to be upgraded to the current standard; is that correct?

MR. SMITH: Correct. So in the case of landscaping, they do not have to go in and install additional landscaping unless they are constructing a new structure, and then that would be addressed for the amount of development that is commiserate with the landscaping. So if they built, you know, a new wing on one side, we'd apply the landscaping code to the section that's -- that's affected, and they would update the landscape plan for that area, so --

MR. MACMANN: But not the entire site, just the affected area?

MR. SMITH: Right.

MR. MACMANN: All right. I just wanted to clarify that because we're -- we're going to go there in not too long. All right. Thanks.

MS. LOE: Any additional questions for staff? I see none. In which case, we will open up the floor to public comment on this case.

OPEN PUBLIC HEARING

MS. LOE: If anyone does have public comments they would like to make, please come forward to the podium. Please give us your name and address for the record.

MR. REED: Elliott Reed with Cochran Engineering, 530-A East Independence Drive, Union, Missouri. Clint did an excellent job laying out all the facts of the case and I'm just here to answer any questions you may have.

MS. LOE: Are there any questions for this speaker? Mr. Smith must have done an excellent job. I see no questions. Any additional comments that you would like to add?

MR. REED: No, ma'am.

MS. LOE: All right. Thank you very much.

MR. REED: Thank you.

MS. LOE: Any other speakers? Seeing none, we will close public comments.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Mr. MacMann?

MR. MACMANN: I have a question for Planner Smith, and perhaps for Manager Zenner, also. We're allowing the design adjustment or we're potentially allowing a design adjustment that will divide this building, which goes against our -- what we set up in the UDC. I don't necessarily oppose that, I'm just wondering if we're setting up a situation whereby we're going to be giving these out with regularity?

MR. ZENNER: I don't know if I can answer that question as to if it will be with regularity.

MR. MACMANN: I see the need for this in this situation, but is there a test or a criterion that we're going to use to provide this relief in the future?

MR. ZENNER: Not that we have contemplated. This is a planned district, which is a unique animal in and of itself. Due to the fact that the regulations have changed, it further complicates probably matters because administrative platting, which may have created the existing lots for Target, Dillard's, Penney's, were done under a different set of code standards that allowed us to create administratively to carve out commercial or industrial or office lots without going back through a process. And because that particular provision has now been removed, a commercial development, any of our non-PD commercial developments, Lowe's, Walmart, Sam's out there at Conley, that is not a planned district. And if this action were proposed there, as well, it potentially would result in a similar action. A lot of our major commercial development, however, is actually in planned district, so -- but it's not nearly as tidily --

MR. MACMANN: It's not cut up as much.

MR. ZENNER: It's not cut up as much. I mean, so you look at our other Walmart sites, for example, our in-line shops aren't individually owned, though we do have pad sites that were all part of those original Walmart developments, but they're commonly owned and then they're individually leased. So I haven't given great contemplation to this being a regular occurrence. I think, as Mr. Smith pointed out, if this was coming in from scratch, and we wanted individual lots to be created as part of a more master commercial development, we'd have a different set of standards that we would be applying as it relates to the ring road and a variety of other access requirements that we would want met in order to ensure that each of the individual internal parcels had their actual own access or defined access. The only development that I can suggest that's anywhere near that is our Blue Ridge Town Center, which is not built with the exception of the Dunkin' Donuts, but it is also a planned district. But as a part of that planned district, there were particular provisions in that district's approval that stated that we wanted the ring road system and that had to be provided before the first building permit was issued, and we do have that in house now. So --

MR. MACMANN: Well, I just -- I wanted to bring this up because as we move forward and ownership patterns change, we may want to have a consistent set of criterion to reference because, otherwise, we're going willy-nilly and you know we always get accused of -- we could face a situation whereby we may be exercising favoritism or not, you know, that type of thing. I just wanted to put that out there that we need to have some basic broad parameters for these things.

MR. ZENNER: The design criteria -- if I can. The design criteria for a design adjustment, which is what this is being processed under, would be applied no differently in any nonplanned district case. So from the consistency of how we would evaluate it, which is part of the design adjustment has got to take into consideration context in which the proposal is occurring, we would likely be here, but not necessarily handling it as part of an overall plan amendment process. And this is -- because the lot was never shown on the original development plan, it constitutes a major amendment, which is why we're making the plan amendment. And really the plan amendment is not, in this instance, I think from our perspective as staff, not an unwarranted entity.

MR. MACMANN: And -- and I don't think this is, either.

MR. ZENNER: So --

MR. MACMANN: I'm just pointing to the future. That's all.

MR. ZENNER: Yeah. We would evaluate them under our design criteria and I think that would then put it forward to the Commission for you to consider is the context appropriate to create the lot -- the additional lot over a property line, for example, or a structure. What I will tell you is in order to address the issue of the parking lot scenario, we are currently in internal discussion as it relates to how we define structure. So structure is not just defined to include parking lot, it's included to be patio, deck, other type of things that are attached or physically a part -- attached to the ground. That has created, as a result of the adoption of the UDC, a series of other issues, which we would be looking at. I don't believe in this instance, however, even if we didn't have parking lot is considered a structure, we would have potentially been unable to have avoided this particular design adjustment. The other thing that we haven't been able to get fully our mind wrapped around either is the idea of creating a taxation parcel, which is not a platting action, per se, especially if it occurs after a plat or a building permit has been issued. So that's --

MR. MACMANN: That's where, not only for the private ownership, that's where I was heading for the City's purposes. When we have legal lots drawn and then we have a taxing lot drawn, this can create -- and Mr. Caldera can help us with this -- this could create a nightmare going forward. That's all. Thank you.

MS. LOE: Any additional questions or comments? I would like to underscore Mr. MacMann's comment that if this is an ownership pattern that does appear more -- I mean, I'm thinking condos, townhouses in a commercial setting and we're finding it's rubbing up against the UDC somehow --

MR. MACMANN: Well, and also, we've really pushed hard with the UDC, and this is a national trend to go with mixed use. And we're inviting these type of things, and that's not bad, but we just need to be cognizant of what we're going to do moving forward. That's what I'm --

MS. LOE: And -- right. Creating a set of rules that accommodates it.

MR. MACMANN: Correct.

MS. LOE: Rather than trying to continually rub against it. All right. Seeing no other comments, is anyone ready to make a motion? Mr. Stanton?

MR. STANTON: As it relates to Case 176-2019, I move to approve the required major amendment for Columbia Mall PD plan with associated design adjustment and statement -- and the statement of intent.

MS. RUSSELL: Second.

MS. LOE: Second by Ms. Russell. We have a motion on the floor. Any discussion on that motion? I see none. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Rushing, Ms. Russell. Motion carries 8-0, with one abstention.

MS. BURNS: We have eight and one abstention or excused, so motion carries.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council. That concludes our public hearing portion of the evening.