

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

**JULY 18, 2019**

**Case No. 153-2019**

**A request by Crockett Engineering (agent), on behalf of Boone Development, Inc. (owner), for a Planned Development (PD) Plan Major Amendment for property addressed as 411 North College Avenue. The Schapira Clinic Final O-P Development Plan for 411 North College Avenue was approved in 1987 with dental office as the approved use. In addition to office uses, the applicant proposes to include "Medical Marijuana Dispensary" as a permitted use in an updated statement of intent (SOI). The approximately .3-acre, PD (Planned Development) zoned property is located at the southwest corner of College Avenue and Rogers Street.**

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends disapproval of the revised statement of intent.

MS. LOE: Thank you, Mr. Zenner. Before we move on to Commissioner questions, 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. Seeing none, are there any questions for staff? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Zenner, could you be more specific with the neighbors' concerns for me?

MR. ZENNER: I'd love to be; however, I was not at that PI meeting. I think, as -- as Ms. Bacon has pointed out to me, the -- obviously, the second point, I think, is somewhat explanatory. We do have an impact due to the traffic volumes that may be experienced due to the people coming and going to the site. We have a very awkward intersection here at Rogers and College which does create the increased activity level that a more auto demanded and driven use may create may have an impact on the neighborhood itself.

MR. MACMANN: This -- this I can definitely see -- long-time resident of this neighborhood. I'm trying, for the life of me, to think of which one of these homes is owner occupied. I think one of them is. Notes to the rest, for the rest of the Commissioners, almost every home within a block and a half of here is a rental property and those folks really do have rights, too. I'm just a little surprised if they said anything.

MR. ZENNER: So -- and I think the appreciation on the location, again that goes to the point that while proximity to some of our medical facilities that are in the surrounding area and the ability for -- the walkability to be able to get to this location from those facilities is something that the appreciation of

location, because it's not a visible corridor. It does have access. It's appreciated, but that's got to be tempered against the ability to be able to ingress and egress the site without creating an over -- a potential for an overwhelming of the capacity of the existing road network that's here.

MR. MACMANN: All right. I'll try to make these two quick follow-ups. You all are aware that Boone County Family Resources has a residential facility about 150 feet away from this -- disabled individuals who certainly may require the services of a dispensary?

MR. ZENNER: I'm aware of their location.

MR. MACMANN: Okay. The last question, and this is a question, a broader question. I wanted to say I'm pleased to hear the staff's concern for the neighborhoods of St. Joseph and St. James, and I hope that this may be a signal that they would move to protect those in the future. Thanks.

MS. LOE: Thank you, Mr. MacMann. Mr. Strodtman?

MR. STRODTMAN: Yes. Mr. Zenner, are there current offices in this building besides the dental?

MR. ZENNER: To my knowledge, no. This is -- it is fully a dental office. The applicant's agent is here this evening and can address that in greater detail, if necessary.

MR. STRODTMAN: Thank you.

MS. LOE: Any additional Commissioner questions? Seeing none. I would like to welcome any public who would like to make comments or speak on this matter. Please come forward to the podium and state your name and address for the record. We will limit you to three minutes, unless you're speaking for a group, and then we'll give you six minutes.

#### **PUBLIC HEARING OPENED**

MR. COLBERT: Thank you. Commissioners, Caleb Colbert; I'm an attorney, at 827 East Broadway, and I'm here tonight on behalf of the applicant to ask for your support for this request. Again, just to summarize, what we're asking for this evening, we are not asking for an amendment to the development plan. We're not asking for approval of a larger structure or more parking. We're just asking for the addition of one use to the existing plan development. So we do -- we appreciate the staff report. We appreciate the staff's concerns, but we respectfully kind of disagree with the conclusion that the proposed use is more intensive than what is currently allowed on the property. As Mr. Zenner mentioned, the property zoned planned district, it was originally zoned O-P. If you go all the way back to the O-P zoning classification, these were the uses that were permitted at the time. I think when you scroll through this list, you see that many of these uses could be considered an intensity level that is equal to a dispensary. Again, you have hospitals, you have banks, you have counseling centers, you have fraternities, you have boarding houses. All of these uses would be allowed on this property today as is, and we could use the existing structure without going through any kind of amendment. So, respectfully, we don't think that we are requesting, you know, an upzoning or a more intense use than what would be allowed on this property. Mr. Zenner is right that the M-C and I-G and MD-T uses or zoning classifications are the ones that allow the dispensary, but we're not looking at those classifications. We're

looking at a planned district. We're comparing apples and oranges. The -- if there is any additional intensity from a dispensary, it's offset by the fact that we're in a planned zoning district. Again, the planned zoning district gives this organization, this group and the City Council the most oversight. In order to expand the building, in order to add parking, we would have to go back through this process. So, again, it's a very restrictive zoning classification. And by definition, if you look at the definition of a planned district, all uses are allowed. Basically, we have the opportunity to come before this Commission and ask for uses to be added and, in fact, that's what we're doing with the medical marijuana dispensary. So, respectfully, we think when you look at this property, it's located at the intersection of major arterial, a major collector. You're catty-corner from a gas station. You have a major retail destination of Walt's Bike Shop across the road. And the applicant owns the lot directly to the south and directly to the southwest, so you have an isolated property. And, respectfully, we make -- we think it makes sense to add a medical marijuana dispensary at this location. I do have Tyler Singleton and Andy Greene with the applicant here and they would be happy any questions, and I'd be happy to answer any questions.

MS. LOE: Are there any questions? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Colbert, generally I don't have a problem with this as a concept. Probably respectfully disagree with staff. The one thing as -- I would ask you as a long-term resident, parking is going to be a nightmare.

MR. COLBERT: Sir, we have -- we meet the parking regulations and we're not proposing to add any more at this time.

MR. MACMANN: I just -- just so everyone knows this. This is a very difficult in and a very difficult out. It does have two.

MR. COLBERT: That's right. Yes.

MR. MACMANN: It's -- it's going to be a thing.

MR. COLBERT: Yes, ma'am?

MS. LOE: More questions?

MS. CARROLL: Yes.

MS. LOE: Ms. Carroll?

MS. CARROLL: Do you or the owner, the applicant, do you have a concept of how many cars come and go during a given day as patients for the dental office currently?

MR. COLBERT: I would invite Tyler to the podium to respond to that one.

MR. SINGLETON: Yeah. From the dental office --

MS. LOE: Mr. -- I'm sorry. We need your name and address for the record.

MR. SINGLETON: I'm Tyler Singleton, representing Boone Development, and I'm with Alpha Real Estate. As far as the dental office, I'm not sure exactly how many patients he has. I mean, I don't have --

MS. CARROLL: Okay.

MR. SINGLETON: Maybe a dozen per day, and he's not open on Fridays, so -- and the weekends. There's -- what is there, 24 parking spaces?

MR. COLBERT: Eighteen.

MR. SINGLETON: Eighteen. Okay. Eighteen parking spaces there and it is a pretty tight in and out. I think if -- if needed later, since he owns the lot there to the south, too, we could make that a parking lot and kind of expand that right-in and right-out there.

MS. LOE: Mr. Singleton, can we get your address, please, for the record?

MR. SINGLETON: Yes. My address is 460 Bandon Dunes Court.

MS. LOE: Thank you.

MR. SINGLETON: Yeah.

MS. LOE: Any additional questions? Mr. Strodtman?

MR. STRODTMAN: Can either one of you answer my question about the existing -- there is no -- there is no existing offices being rented to anyone else besides the dentist; is that --

MR. SINGLETON: And the dentist is also on month-to-month right now. And then on the top floor, it's two spaces. Both are 1,200 square feet. One is vacant and one is a dental lab, which has also been there since the late '90s, and he's month-to-month, as well, so --

MR. STRODTMAN: So there is no guarantee that it will continue to be a dental building?

MR. SINGLETON: Correct.

MR. STRODTMAN: And then where would the -- where would the customers enter the building? Is it on the west side only, or is there more than one entrance into the building? Or do you know where the actually medical dispensary would be located on the lower level or --

MR. SINGLETON: Yeah. It would just be on the main level, and they'd enter that on the west side. We've already had plans drawn up for the tenant that would apply to be in here, and it just encompasses the main level, which is about 2,400 square feet.

MR. STRODTMAN: The entire main level is 2,400?

MR. SINGLETON: Yes.

MR. STRODTMAN: Thank you.

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

MR. COLBERT: Thank you.

MR. SINGLETON: Thank you.

MS. LOE: Are there any other speakers on this case? Seeing none, we'll close the public hearing.

**PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion? Ms. Russell?

MS. RUSSELL: Seeing that I'm supportive of this, I don't -- I don't think that the traffic is going to be an issue. This is not a -- this is a medical marijuana, this isn't a candy store that's like out in Colorado, so I don't think this is going to be that busy. So I'd like to propose a motion.

MS. CARROLL: Can I make a comment on traffic? I will say that even as a single car --

MS. LOE: Ms. Carroll.

MS. CARROLL: -- when I drove this property, because it was difficult to turn in, it did take me a few passes just to find the inlet to the parking lot. And that that -- the people behind me were upset about this.

MS. LOE: Any additional comments? Ms. Russell?

MS. RUSSELL: In the case of the Schapira Clinic O-P Plan major PD plan amendment, Case 153-2019, I move to approve the SOI revision.

MR. MACMANN: Second.

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

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Ms. Carroll, Mr. MacMann, Ms. Rushing. Voting No: Ms. Burns, Ms. Loe, Mr. Stanton, Mr. Strodtman.** We have a tie. No. I take that back. This motion did not pass.

MR. ZENNER: No recommendation.

MS. BURNS: Yeah, I did. It's a tie. I can go back. I vote -- may I clarify?

MS. LOE: Oh. If Ms. Burns can vote.

MS. BURNS: I did vote.

MS. LOE: Oh, you did vote.

MS. BURNS: I voted no.

MS. LOE: You voted no. Okay.

MR. MACMANN: The vote was four-all.

MS. BURNS: Yeah. Four to four.

MR. MACMANN: The motion was turned down. It has to be an affirmative vote.

MR. CALDERA: So it's no recommendation.

MR. MACMANN: No recommendation, yes.

MS. BURNS: Okay.

MS. LOE: All right. So no recommendation will be forwarded to City Council.

MR. ZENNER: The item will be under old business on the Council's agenda.

MS. LOE: Thank you.