

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

COLUMBIA CITY HALL COUNCIL CHAMBER

701 EAST BROADWAY, COLUMBIA, MO

MAY 6, 2021

Case Number 127-2021

A request by AMERCO Real Estate Company (Contract Purchaser), for a Conditional Use Permit (CUP) for a self-service storage facility over 14 feet in height, located at 900 I-70 Drive Southwest. The existing U-Haul retail and storage facility uses, to the east, are intended to be expanded onto the subject site, which is currently improved with the America's Rest Inn.

MR. ZENNER: And if you will read Case Number -- I apologize. That will be the next one. We've got a two-fer -- we've got a two-for on the annexation and zoning.

MS. LOE: All right.

MR. ZENNER: I'm sorry. I'm one ahead of us.

MS. RUSSELL: If only.

MS. LOE: This is a one-fer. We're still on the one-fer. 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 request seeking authorization for the construction of a self-service storage facility greater than 14 feet in height on property addressed as 900 I-70 Drive Southwest subject to the following:

1. The self-service storage facility shall be constructed in the general location shown on the submitted site plan, dated March 22, 2021, attached hereto.
2. The self-service storage facility shall not exceed 45 feet in total height and shall be constructed in substantial compliance with the architectural renderings, dated April 9, 2021, attached hereto.
3. The self-service storage facility shall not be issued a building permit until a complete architectural plan evaluation has occurred showing compliance with the provision of Section 29-3.3(w) and Section 29-6.4(c), as applicable or otherwise modified by the Board of Adjustment.
4. Site development plans shall not be approved until the subject property upon which construction is proposed has been replatted into a single lot of record.

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

MR. MACMANN: Thank you, Madam Chair. Planner Palmer, question? What's the height currently of the hotel-motel?

MR. PALMER: It's two story. I would -- I would probably call it two and a half, given the roof, so --

MR. MACMANN: Thirty?

MR. PALMER: -- less than 30 probably.

MR. MACMANN: Thirty. Okay. I was just wondering where we were going from and to. Do we know anything about signage or lighting?

MR. PALMER: They indicated some signage on the site that would be comparable to the Days Inn signage that's currently there.

MR. MACMANN: Oh. So that would be road front facing. Yes?

MR. PALMER: Yeah. It was a -- it was a street sign, you know, elevated on a pole, probably 60 square feet, 64 square feet.

MR. MACMANN: Thank you. Next question, this C-P has lots and lots of caveats.

MR. PALMER: That's true.

MR. MACMANN: I don't recall one of this -- with this many caveats; am I incorrect?

MR. PALMER: It's -- yeah. It's --

MR. MACMANN: It's certainly uncommon; how about that?

MR. PALMER: Yeah. The staff recommendation was geared a little more towards just guaranteeing that -- like I said, we kind of touch all those bases and make sure that, you know, as we move forward, none of this gets lost in the mix kind of thing.

MR. MACMANN: And to that very point, the CUP travels with the deed. Yes?

MR. PALMER: I believe so, yeah.

MR. MACMANN: Okay. Well, I just -- I just want to make sure, because we've got several more ministerial steps to go, and I wouldn't want that to get lost in the shuffle.

MR. PALMER: Right. Yeah. And -- and just to clarify, the CUP is only for the central building --

MR. MACMANN: Right.

MR. PALMER: -- and only for the height. It doesn't really apply to anything else, but your guys' authority allows you to place conditions on that or whatever, but, like I said, the UDC has a lot of those things kind of already covered in terms of screening and the setback and so on and so forth.

MR. MACMANN: Does --

MR. ZENNER: I think --

MR. MACMANN: Go ahead, Mr. Zenner.

MR. ZENNER: Mr. MacMann, to answer your question why it appears as though there are so many conditions, the -- the nature of this request is, in essence, to authorize the use, not so much as to evaluate the compliance with the use-specific standards. So I think, as you've pointed out aptly, and as Mr. Palmer has, we don't want to -- we do not, if the -- if the Commission is favorable in approving this, we do not want to lose sight that all of those use-specific standards --

MR. MACMANN: Apply.

MR. ZENNER: -- apply. And so they do become part of the conditional-use ordinance that would be applied, therefore, allowing us an opportunity to have one additional regulatory tool to utilize to ensure compliance. Otherwise, the conditional use would be deemed void without being reapproved. So the Board of Adjustment does have purview here in certain instances. As Mr. Palmer pointed out, the standards that are outside of the use-specific requirements, which would be the general design standards are the Board's purview. That was a conversation I had with our law department as we prepared the report because I wanted to clarify that for the purposes of the Planning Commission. It's very clear that these use-specific standards are within your purview, but when we get to the general Code requirements, they apply generally. And as a result of them applying generally to any construction, they are not waivable by this body. The only body that can waive a generally applicable zoning standard is the Board of Adjustment -- or grant relief to it. You can add anything you want to the use-specific standards that are in 29-3.3(w), and you're further authorized to do that by the approval of the CUP, as well, provided you're not trying to do something with the buildings that are less than 14 feet in height.

MR. MACMANN: Yeah. That's -- I guess the only point I'm getting to, and we may have neighbors here, and my only concern on this project overall, I know when there's a lot of stuff going forward, I want to make sure that it's carried forward -- and lights, and we'll get -- we'll get the lights because it's a tall building and we're going to have the safety and security lighting. That's my concern, so I'm done for right now. I've taken up enough time.

MS. LOE: Ms. Rushing?

MS. RUSHING: We are specifically being asked to approve the 45-foot height. Correct?

MR. ZENNER: Forty-five feet is the maximum height that would be allowed pursuant to the -- to the use-specific standard. I think the applicant is hopefully here this evening to address the actual height of this building. It is a three-story structure, and I don't believe that there was a height on the elevations provided to us, at least in the architectural renderings that were provided.

MS. RUSHING: But we're being asked to approve up to 45 feet?

MR. PALMER: The condition-use standard would provide for that.

MR. ZENNER: Yes.

MR. PALMER: In the use-specific standard, it states 45 being the ultimate maximum of any building once the CUP is approved, so --

MR. ZENNER: So if you wanted something less than 45 feet in height, but still a three-story structure, which is what's depicted within the architectural elevations, I think you need to ask the applicant what their floor to ceiling heights are with -- typically, in order to establish what the maximum height would be based on those renderings, not the maximum height permitted by the conditional use. So, for example, if they're only dealing with 12-foot floor to ceiling heights, at that point, you're looking at a three-

story building which would be 36 total feet and maybe a six-foot-tall parapet that goes around the top of it for a total of 42 feet.

MS. RUSHING: Okay.

MR. ZENNER: And that would be the maximum height.

MR. PALMER: And also to keep in —

MS. RUSHING: I must be confused because I thought that what they were allowed is 14 feet, and part of this approval would be our giving them a maximum of 45 feet; is that not correct?

MR. ZENNER: The 14-foot height that's specified within the self-storage warehouses is what is the maximum allowed without having to come for a conditional use. You can approve a conditional use for anything between 15 feet and 45. And if the -- the information that has been provided to us does not specify the height of the proposed structure represented in the architectural elevations. If that height is less than 45 feet, that's the -- or greater than that, they're going to be told when they submit their building plans, you can't have anything over 45. If it is 35 feet, however, and this body would like to condition the conditional use on a building no greater than 35 feet, that is within your purview.

MS. RUSHING: But if we don't approve the conditional-use permit, they cannot build a 45-foot-tall building?

MR. ZENNER: Yes. That is correct. They can't build anything over 14 feet.

MS. RUSHING: So -- well, I have --

MS. LOE: I was going to ask you if you had any additional questions.

MS. RUSHING: I do. On number 3 on your evaluation, it says the proposed conditional use will be in conformance with the character of the adjacent area. Are there any other 45-foot buildings anywhere near this location?

MR. PALMER: No.

MS. RUSHING: And really the tallest building is the two-story building that's right next door. Correct?

MR. PALMER: Correct.

MS. RUSHING: And the building, as it's shown on the plat, occupies a very large portion of that whole plot. Correct? I mean, it's not small, it's large.

MR. PALMER: It is --

MR. ZENNER: Go back to the --

MS. RUSHING: Yeah. I would like --

MR. PALMER: And this doesn't quite show the whole property, but, I mean, it -- I mean --

MS. RUSHING: Yeah. And could you bring up the -- the slide that shows the neighborhood as it currently is? That one -- the one that shows -- that one, I think, is also instructive because it shows how -- how much -- how large that building is going to be. But the one that shows it from the street.

MR. PALMER: Okay. The photograph from the street.

MS. RUSHING: There. So this building is going to be significantly larger than the hotel and the existing U-Haul building to the left. Correct?

MR. PALMER: In terms of area, I think it's slightly larger than the existing hotel, but arranged a little differently. The hotel is kind of a L-shape in there. In terms of height, you're looking at an additional floor with a flat roof. This is a pitched roof, so three-quarters of a floor to half a floor might be a good way to characterize it in terms of height. But, yeah, their elevation here kind of depicts that, yeah, there is -- there is a height difference there. There's a mass difference for sure.

MS. RUSHING: And will they be storing their own equipment on this location, or is that something I need to ask them?

MR. PALMER: I believe they would have a better source, but from conversations I've had with them, their existing facility will maintain a lot of that stuff and some of the retail stuff will move into this building. And so it's -- they're going to spread all of their existing functions out into this new site, so it'll be a little -- a mix of both probably, but yeah.

MS. LOE: Ms. Carroll?

MS. CARROLL: I was going to ask if the Business Loop CID had been contacted, and if they weighed in on this.

MR. PALMER: That -- I believe they were contacted as part of the public notification process, and --

MR. ZENNER: However, this is outside the Business Loop CID's boundaries.

MS. RUSHING: Not on their -- not on their map, it's not. It's shown on -- this property is shown on their order conceptual plan. It includes this property.

MR. MACMANN: If I may, just a point of order. The current U-Haul is not, the motel is.

MR. ZENNER: Okay. For some odd reason, I was thinking that the corridor ended at the roundabout, which would be to --

MR. MACMANN: It's an oddball tweak.

MS. RUSHING: This is right -- kind of right on --

MR. ZENNER: Right on the roundabout.

MS. RUSHING: -- the roundabout. Right.

MR. ZENNER: So --

MS. LOE: Can we clarify if the Loop did comment?

MR. PALMER: I did not receive a comment from them, no.

MS. LOE: You did not receive comment. Thank you.

MR. ZENNER: Go back to the other slide. I just want to give some context here, I think, in order to help some of us understand. The Days Inn sign that you see within this photograph, I would not be surprised if that is about a 35- to 40-foot-tall sign all the way to the top. And if you go to the next slide then, what you're seeing -- or the next -- the one --

MR. PALMER: Previous?

MR. ZENNER: -- previous slide, you will notice that the building itself comes roughly to the middle -- and it's on a prospective view, of course, but appears to come to about the middle of the sign face itself, which I would reckon is probably about 35 total feet. The site is depressed, as well -- not emotionally, but topographically, so the perceived elevation maybe of the buildings as compared when you look at them across the two sites, the additional elevation or the additional floor height also is going to have the effect of basically balancing in within that landscape. The only larger structure that exists within this general area is actually across the interstate and is the hotel that is on the other side at the roundabout at Creasy Springs. So that is the only other adjoining building that is of similar height, if not taller, but it is also separated by an interstate overpass and on a different roadway segment.

MS. LOE: Ms. Burns?

MS. BURNS: I would just offer, I think Mizzou North is probably taller than what we're talking about, but is on a much larger swath of property and set back much further. My other question is, will sidewalk reconfiguration be part of this redevelopment with the hotel? I'm looking at the sidewalks here. They don't look like they're the five-foot standard, and I know the Loop is trying to create a more walkable environment.

MR. ZENNER: Typically, with site development, depending on -- and there's been varying assessments or determinations. If the sidewalk is damaged, destroyed, or removed, it will be replaced with compliant sidewalk. If it is otherwise retained, which may or may not be possible given the demolition, it -- it could be, given that it's an existing sidewalk, either added onto or allowed to stay in place. The platting action associated with the property, if it requires some other type of roadway dedication, that may also factor into it. But without those plans being presented to us at this point, it's unclear if I can conclusively provide an answer for that.

MS. BURNS: Thank you.

MS. LOE: Any more questions for staff? Those who were around for the UDC development may remember that we discussed self-storage at some length, in part because a request came in for a property at West Texas, so this was something we spent some special time on. And I was looking at my notes because the site plan for this shows the unimproved right-of-way at the south of the property separating it from the R-2 property. However, Mr. Palmer, as you pointed out in your report and in your presentation this evening, that has been vacated, and the property is adjacent to residential and will have to be screened. According to item 29-3.3(w)(1)(4)(a), if the building is going to be over 14 feet, property shall not be adjacent to and no structure shall be within 100 feet of a lot that is residentially zoned or used. I'm stuck on this point; I have to admit. I just can't get past this.

MR. PALMER: So it's referring to the structure and not the site. And that's --

MS. LOE: No. Property shall not be adjacent to --

MR. PALMER: There was --

MS. LOE: -- lot that is residentially zoned or used.

MR. PALMER: I know that when that was discussed, that wasn't the intent of that, but Mr. Zenner --

MS. LOE: Well, that's why I'm glad that we have some Commissioners around that were here for it, because this is something that we discussed that repealing that 14-foot setback or height limit, and we looked at this corridor specifically and at the residentially properties adjacent to, and I know that was some discussion. We talked about the treatment of the storage on the backside and on the sides —

MS. BURNS: On all sides.

MS. LOE: I mean, that's part of the reason we came up with -- because we had some real concerns about it going next to residential. So I wanted to bring that question up. Sorry guys. I know we spent a lot of time on this way back when. You can't leave, Mr. MacMann.

MR. ZENNER: I think, Ms. Loe, in our interpretation of the way that this written, while it is maybe poorly constructed in item A, building heights shall be limited to 14 feet unless the building complies with the following standards, which are intended to ensure that buildings in excess of 14 feet in height are visually compatible with the surrounding developments. So if you read the entry to these criteria, it is clearly referencing the building.

MS. LOE: I agree.

MR. ZENNER: And so the interpretation that has -- that was made with this application was is the building, as Mr. Palmer just pointed out, that is in excess of 14 feet in height is actually further away. So what we're saying here is -- I think when we wrote this standard, we didn't contemplate a combination of structure sizes within a self-storage facility. This was probably more done with the intention that when somebody was going to redevelop a site just unitarily with one massive building. This project offers the opportunity to provide the required buffer of the building from the adjoining properties, which, as we pointed out in the staff report, and in our interpretation, provides added benefit to a building directly at the property line. I would not disagree with you, but I -- again, potentially, a confusing and maybe misworded provision. But, again, this is a conditional-use application.

MS. LOE: Uh-huh.

MR. ZENNER: So how the Commission decides you would like to mitigate this or within its purview, if it is inappropriate based upon your interpretation, we can proceed forward. I would suggest there may be alternatives here and I believe one of them is if you're concerned as it relates to the impact of the building at scale, while the conditional use is not pertaining, per se, to the 14-foot smaller buildings that are on the southerly end of the property, the property is considered a whole from the aspect maybe of treatment as it relates to landscape features or things of that nature on the perimeter as mitigating factors to where you could go beyond what the standard landscaping treatment requirements would be of just the eight-foot screening device and a ten-foot landscape buffer. If you want to enhance that through additional tree planting that may be vertical elements that provide more screening, that would be probably a permissible option. However, if you're not inclined to approve the request, given the fact that you believe -- want to interpret the text as it is written, that the property shall not include a building greater than 14 feet in height, that's also within your purview. We, as a staff, however, don't believe that that is necessarily appropriate given the fact that the lower units do provide a buffer and, because of that, and where the building is placed on the site, it does meet the separation requirement, which was what our bigger concern was possibly as we developed these standards and not thinking about multiply developed storage facilities.

MS. LOE: Mr. MacMann?

MR. MACMANN: I apologize to our guests. We're in the arcana; we are in the weeds here, folks. I think we have a problem, Mr. Zenner. Ms. Thompson, do you have a thought on this?

MS. THOMPSON: So I, obviously, was not here during the implementation of the UDC. You know, the one thing I will tell you as you do interpret it is that if you look down paragraph 2, if you interpret it the way that Ms. Loe has suggested, subsection 2 here does say that the standards included in one, one through five, which includes that may be waived if the applicant shows that due to special circumstances unique to the property, they're not required to ensure the visual compatibility of the proposed building with surrounding properties, so that as you develop conditions to this conditional-use permit, you do have the authority to waive those if you were to interpret in that manner.

MR. MACMANN: Ms. Thompson, may I ask a question of you?

MS. THOMPSON: Yes.

MR. MACMANN: I think what you just said is, yes, the text is conflicting in nature, but we can fix it by waiving elements of it. Are we or the property owner going to get sued rightfully? I mean, anybody can bring a suit at any time. I appreciate that. But are we opening up a can of worms here -- a legal can of worms?

MS. THOMPSON: I mean, I think the important thing to keep in mind is you all have broad discretion with a conditional-use permit, to attach conditions if you don't feel like what this subsection is designed to protect against is being protected with -- with this permit as it's currently being requested, you can add additional conditions to that.

MS. RUSHING: But we wouldn't need to if we agree that the property shall not be adjacent to a lot that is residentially zoned or used. We would have -- it's the opposite that we would have to do. In order to approve the conditional-use permit, we would have to waive that condition.

MS. THOMPSON: If -- if that's the manner that you -- that you are interpreting it, then yes, that you have the authority to waive that condition in approving this conditional-use permit. Does that answer your question, Mr. MacMann?

MR. MACMANN: All right. That -- that -- I do see that as a way out, certainly not clean, certainly not neat. Madam Chair, I suggest we try to move on and see what we can accomplish, unless you want to go in another direction.

MS. LOE: No. No. I raised my critical point --

MR. MACMANN: All right. So --

MS. LOE: -- other minor ones, but, like I said, that's the one that I kept getting stuck on. Thank you.

MS. THOMPSON: You are welcome.

MS. LOE: Any additional comments? Mr. Toohey?

MR. TOOHEY: So we rarely ever do this, but is this something we need to table for more research?

MS. LOE: Well, this has been publicly advertised. I think we need to get public comment at the very least.

MR. ZENNER: The applicant is assembled. The applicant, as well as adjoining property owners, are here to speak to the matter. I think that the decision of the Board or the Commission needs to be based upon that input. If you feel that additional information is necessary in order to render a decision, can request a -- you can table the item. I would suggest that you would want to request if the applicant is willing for that. If they are not, you need to move the project forward as they have requested.

MR. TOOHEY: I think we should go ahead and continue with -- with the public comments and hearing, but maybe that's a potential outcome at the end of this.

MS. LOE: Mr. MacMann?

MR. MACMANN: Pardon me for speaking three times, but we are kind of in an extended point of order here. I agree with Mr. Toohey and with Mr. Zenner. We should certainly hear from everyone here. Given the fact that we have no building plans, and this needs a replat, we're not terribly slowing things down by making sure that we have it correct. So I would propose, as Mr. Toohey and Mr. Zenner said, that we go forward and get input from our guests here and that we render table, forward, no or amended.

MS. LOE: I believe that's the plan, Mr. MacMann.

MR. MACMANN: All right. Let's rock.

MS. LOE: All right. Any additional comments? Seeing none, we're going to open up the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: Same rules. Please give your name and address for the record. You have three minutes. If you're speaking for a group, you have six minutes.

MS. DIXON: I'm Kathy Dixon; I own a property at 1005 Clayton, and then right next to that, I own 1009 Clayton, and that's the house that's right next to the U-Haul. I was pretty excited about all this, but now I'm getting a little bit nervous as far as, like, the residential close to the U-Haul because I have tenants there and I literally lost my last tenants because of the hotel and all the activity. There's a lot of suspicious cars that come and they park at the end of Clayton and then they walk over to the hotel, you know, suspicious walking traffic. So I do want to make sure, first of all, that we have a fence. And I don't know if you said -- the two are not going to be together. Right? The two U-Hauls?

MR. PALMER: They'll be on separate lots, yeah.

MS. DIXON: Okay. Will there be a fence that will connect, like, that U-Haul all the way to the other end?

MR. PALMER: So they're going to have the building facing the whole south side, which will, in effect, cut it off from your neighborhood, but then they're also required a screening fence, a privacy fence, and a ten-foot landscape buffer. So there's both a visual and a physical barrier there.

MS. DIXON: Okay. So -- okay. So the privacy fence would, like, go all the way over, because we just want to make sure no one can come through. We want to stop all the walking traffic.

MR. PALMER: Yeah. It will be required along the entire property line.

MS. DIXON: Okay. All right. And then where it's going to be placed, you spoke of the vacated roadway, which I know it's split, half -- half is on my property, half is what was -- will be the U-Haul. So will they put --

MR. PALMER: I think -- I think the whole right-of-way actually was given to the property owner, if the records I read were --

MS. LOE: It depends on whether you're on the west side or the east side of Clayton. On the east side, you got half of it.

MS. DIXON: I'm -- I'm on the west side.

MS. LOE: On the west side, you got the whole thing.

MR. PALMER: Right.

MS. DIXON: Okay. Well, then, I'm really curious where the fence would be, because I know there's some trees there right along --

MR. PALMER: It'll be on their property.

MS. DIXON: I know, but, I mean, would it be up on the berm type, or is it going to down on -- you know, you talked about that slope.

MR. PALMER: Yeah. Let me see.

MS. DIXON: Which, of course, the fence won't do much good if it's down there, obviously, because, you know, we could see right over it.

MR. PALMER: So if you can understand what we're looking at here, it would -- sorry about the legibility here. So they're showing really what would be street trees here because they, upon submitting this site plan, thought that they would be required street trees because it was a street. So along the property line would be the ten-foot landscape buffer on the outside, and then the -- or the other way around. The fence would be on the property line, and then the landscape buffer would be on the inside.

MS. DIXON: Is the -- are the trees on the U-Haul side of the property line, so the fence would be on the south side of the trees?

MR. PALMER: Well those -- these trees that are depicted will actually come out of there.

MS. DIXON: That's good because they're dying. I was going to say that, too.

MR. PALMER: But -- well, I mean, these are -- I believe these are proposed trees --

MS. DIXON: Okay.

MR. PALMER: And like this one, I believe, is an existing. But anyway, the fence will be right on this property line, and then the landscaping will be north of that.

MS. DIXON: And the fence does go on over all the way -- okay. That's good. All right. My other question is, all of the smaller mini-buildings, I feel like that's going to be a lot of traffic back there kind of condensed in that little area because they're double sided, smaller, a lot of activity. Is that not going to be the case or --

MR. PALMER: Well, in -- in -- in kind of comparison to the rest of the site, I mean the bulk of the traffic will be for this larger primary structure.

MS. DIXON: But it's -- people are inside of that building. Right? Whereas the mini buildings, they're going to be outside.

MR. PALMER: That's true. Yes.

MS. DIXON: That's where all the activity is and all the noise.

MR. PALMER: Well, there will be definitely vehicular accidents to these --

MS. DIXON: Oh, those on the back, I didn't even see those. Oh, my gosh. That's a lot.

MR. PALMER: And again, the wall plan articulation and the roofline and stuff is all applicable. Again, that will be addressed later, but that will help to break up the monotony of that longer wall there. What might be visible would be -- you know, it wouldn't be one long continuous --

MS. DIXON: I think I'm thinking mostly of the noise.

MR. PALMER: Uh-huh.

MS. DIXON: Especially of that last whole line of mini buildings right there. There's going to be a lot of noise, and what are the hours? Are they 24 hours, people can scan their card in and come in any time?

MR. PALMER: That would be a question for the -- for the applicant, I think. I don't know the answer to that.

MS. DIXON: That's -- that's a problem. I mean, as far as the noise. It really is. My other question is about lighting. Right now, they have along the tree line, basically, they have city poles, I guess, that have the lights, which is great because, unfortunately, on the -- and I hope -- hopefully, U-Haul won't do this, but on the hotel, they had three huge lights which made it daylight in the middle of the night. I mean, they were just too bright. There was just too much light. So I don't know if they're going to put them on the big building, will they make sure, you know, that they have them going down into their property and not just put them on the building, so they go all over the universe, you know, or just have the poles with the lights. Those were very effective.

MR. PALMER: We require cutoffs on the type of lighting. But, again, that's the sort of stuff that is addressed with the building plans when they come in. And, again, that could be a condition that the Commission can add to their recommendation. If they want to limit the type of lighting on the site, they can do that.

MS. DIXON: So when will we know, like, what they've decided exactly and if we can have any input at that time, since we're having all these discussions now?

MR. ZENNER: I think what the Commission's action, should they decide to take it, the site plan that has been presented here this evening can actually -- it can be a part of the conditions associated with a final development plan that is submitted. The details associated with the engineering, the lighting, are all prescribed otherwise through our Code. We do have a lighting ordinance, which specifically prohibits wall-pack lighting. We have a light intensity plan that will need to be submitted, which requires all lights to be full cut off with specific provisions associated with lighting bleed-over onto adjacent property, so it will all be directed inward and down. We have Code provisions that deal with those particular aspects. And as I had mentioned earlier, really what we are trying to determine here today is the appropriateness of the land use for a building over 14 feet in height. Currently, this site could be developed without any oversight of this body with traditional mini warehouses that are 14 feet or less. You have no -- there's no public involvement for that, and that is simply just meeting a standard engineering plan approval process -- building and engineering plan approval process. So what is shown on this site plan could be conditioned as being what the final plan will look like, subject to it meeting architectural standards and all other Code requirements. The applicant is not obligated to provide that at this time. It's not a requirement of our Code that we have full design plans submitted. Again, they're seeking authorization for the use. If they don't get the authorization and then spend all of that money, that's money that was spent frivolously, in their opinion.

MS. DIXON: Well, I know I've lived in one of these two houses since 1989, so I just want to maintain, you know, the property value since I've put that much time into it. I would love if they could get rid of that last line of mini buildings, but I know that's probably not the question. But a tall wood fence to absorb a lot of the noise, block the lights, the traffic, and a lot of trees and what else you can do would be great and I would appreciate that for sure.

MS. LOE: Any questions for this speaker? Mr. Stanton?

MR. STANTON: So you support the project or not? And if not, and if it was your money, how would you fix it?

MS. DIXON: If it was my money; is that what you said?

MR. STANTON: Yeah. If this was your land, your money, how would you --

MS. DIXON: I don't -- I would have to think about that. That's not a question I can answer just right now. When I heard that you guys -- that U-Haul was coming in, yeah, I was excited, because the hotel is a nightmare, and it was just getting worse and worse. And it wasn't like that when I first bought those houses, but now it's just gotten out of control. And I'm sure it's because other hotels have closed down, so, you know, they all just come over. But I don't know how I'd fix it. But I do support it. I just want them to think of the residential people that have invested their money into property and want to keep their value, as well, like U-Haul wants to keep their value. So that's all I have.

MS. LOE: Ms. Rushing?

MS. RUSHING: I don't have any questions, so if anyone has more questions for her, I do have a request after.

MS. DIXON: Okay. Thank you.

MS. LOE: Ms. Dixon, so we're considering a conditional use permit tonight, as Mr. Zenner said, and we may be determining whether or not we waive the requirement for the 14 feet. How do you feel about the height of the building, if it was up to 45 feet?

MS. DIXON: Well, I just feel like there is going to be a lot of light pollution and, you know, I mean, I'm not opposed to the height necessarily, as long as it was quiet, and we don't have all these lights coming off into the residential area. Thanks.

MS. LOE: Thank you.

MS. RUSHING: And my request was, could the applicant make their presentation. It would be helpful to me if they applicant made their presentation before -- so we know what we're talking about. Right now, we're not sure exactly what they're proposing, other than the 45 feet.

MS. LOE: You have questions for the applicant, Ms. Rushing?

MS. RUSHING: Well, I just think that normally we would have the applicant make their presentation, and then we would have people --

MS. LOE: All right. I think they're up next, so --

MS. RUSHING: Okay.

MS. NAIKOI: Hello. My name is Josie Naikoi; I live at 1002 Clayton Street. There are four homeowners here tonight from the neighborhood, but we are all friends. We all know each other. The kids play in the neighborhood area. And we were excited about U-Haul coming in, but hearing what we've heard tonight, and not having enough concrete answers, I feel like, about things, does cause me to worry. I do worry about it being an industrial eyesore and affecting our property values, as well as everything that Katie said. You know, I don't care about interpretations and double speak. I'm a human being who lives there in the neighborhood. My dogs play in the yard, and I also work from home. So I would just ask that the Council really consider the residents who live in that neighborhood. That's all I have to say.

MS. LOE: Thank you. Are there any questions for this speaker? I see none. Thank you.

MS. NAIKOI: Thank you.

MR. SCOTT: Good evening, members of the Committee. I won't belabor the moment. My name is Travion [ph.] Scott; I am currently the manager of Columbia U-Haul. There was a few questions. I want to address everything that came across on -- on the table. First being that our main focus for most of the residents and any other community members and the community of Columbia, our main focus has always been to serve the community of Columbia and the University and its students, and its people and residents. So with that said, our main focus with the new building, the height of it is -- is only three stories. It won't be over 35 feet, so I think that was one of the questions asked. The sidewalks will be redone, but that will be in the phase of the plan. And our main focus with the new building is only to have secure self-sustaining storage. So for most of the residents, I know it's been apparent problem in that neighborhood for us with vandalism, mainly through our store location and the traffic that comes behind there. I know that the main focus was to go ahead and make this move and this new phase in order to limit that traffic and limit some of the vandalism and to cut off that and actually lay up a fence around that perimeter, so that's what our main focus. Another thing, I think someone had mentioned something about the lighting. The lighting won't be an issue. So if you can see on this back wall here where the property line is at, most of the main traffic for most of the customers will be in that main building. It has over -- well over 800 units. We won't even fill up the back units back on this back wall here towards the back of the lot of the back property. And then everyone that comes through there will have limited access. There is no 24-hour access, so they won't be in there after hours, and our store hours will usually go to about 9:00 at night for them to have access to that facility. Even then, the lights are always pointing downward and not out toward the residents. We currently -- we're adjacent to east of the building there, and the two-story building, the lights face downward even in the back for the storage, so there's never been a problem about lighting at all with the current residents that we're at right now. Is there any other questions for me while I'm here?

MS. LOE: Any questions for this speaker?

MS. RUSHING: Are you also going to be using that area to store your vehicles?

MR. SCOTT: Currently, right now, that is not in the plans and works, but we will be phasing and moving some vehicles over there if we have the lot available for it, yes.

MS. RUSHING: Because I noticed there were quite a number of your vehicles over there on that property.

MR. SCOTT: Right. Right. Yeah. Currently, in our busy season, we do have an overflow of vehicles due to the college move-outs, but that wouldn't be year around.

MS. LOE: Mr. MacMann?

MR. MACMANN: Yes, sir. Do you have a time frame on this?

MR. SCOTT: Currently, right now, the only main focus for tonight with the Committee, if you approve this, is only to just approve the height and this permit -- permit. Right now, we don't have a time frame on it.

MR. MACMANN: All right. Thank you.

MS. LOE: So just a point of clarification. You're saying the maximum height would be 35 feet?

MR. SCOTT: Thirty-five feet. I did clarify that, yes.

MS. LOE: So if we approved it to 35 feet, that would be acceptable?

MR. SCOTT: Yes.

MS. LOE: Okay.

MR. SCOTT: It's only three stories.

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

MR. SCOTT: Thank you.

MR. NUNEZ- REGUEIRO: Hello. My name is Dan Nunez-Regueiro. I live at 1002 Clayton Street. And I just wanted to say that I -- I am behind this project as long as -- you know, 35 feet is -- is fine, but I do want to make sure that we do have that -- the property line covered by a fence and that -- the lighting is taken into consideration, because those are two things that are very, very much on our radar, you know. As -- as they have mentioned, the -- we have had issues with transients, and that is one thing that, you know, that is very much, like I said, on our radar, so -- and one -- one thing I was wondering is at the end of the property, if those buildings aren't going to be used, then why are those going up? Does that make sense or is that a crazy question? I don't know.

MS. LOE: I'm not sure this Commission can answer that question.

MR. NUNEZ- REGUEIRO: Fair enough. Fair enough.

MS. LOE: Any questions for this speaker?

MS. BURNS: I have a question.

MS. LOE: Ms. Burns?

MS. BURNS: It looks like there are 24 of those mini buildings that seem to be a concern for many of the neighbors. If the buildings were moved further to the north, would that alleviate some of your concerns?

MR. NUNEZ- REGUEIRO: Possibly. I guess I would have to see exactly where that lies in relation to the fence line, and I guess the beginning of the houses.

MS. BURNS: I guess I'm just thinking it could create more of a buffer and possibly more landscaping and fencing options.

MR. NUNEZ- REGUEIRO: Oh, that's true. That's actually a very good point.

MR. PALMER: Yeah. So it's currently sitting at the 20-foot building line, and so the property line and those buildings are 20 feet apart. And then the road right-of-way that's now vacated, I believe, is another 20 feet -- 25 feet south of that, so then you're existing homes are beyond the edge of the screen there.

MS. BURNS: You're talking about a 45-foot buffer?

MR. PALMER: In existence on this plan, yes.

MS. BURNS: Okay. Okay. Thank you.

MR. PALMER: Plus, actually, in some locations.

MS. LOE: And those mini-buildings will be 14-foot-high maximum, and they're set six feet below because of the grade, so -- and you'll have the eight-foot privacy fence on the top. So, visually, you're not going to see those buildings.

MR. STANTON: You're not going to see them.

MR. NUNEZ- REGUEIRO: Okay.

MR. STANTON: They're on the hill.

MR. NUNEZ- REGUEIRO: Excellent. Well, thank you.

MS. BURNS: Yes.

MS. LOE: Any additional comments?

MS. BENWELL: Hi. I'm Kate Benwell; I'm at 905 Clayton. And I talked to four of the other homeowners tonight, other than the ones that are here, and they all are in agreement that getting rid of

the hotel is positive and the fence is good. All of them are also concerned about the light and the sound, just like everybody else. I think the mini buildings just along the back there, the main question I have. Those are not going to have entrances from the residential side. Right?

MR. PALMER: Correct.

MS. BENWELL: They're only going to have it from the north side?

MR. PALMER: Yeah. They actually depict doorways here, but I don't know that that's what's intended.

MS. BENWELL: Okay. That's what I thought.

MR. PALMER: It might just be a dash line, but they'll be internally accessed. There's no vehicular access to the backside.

MS. BENWELL: Okay. Yeah. So if there's more landscaping back there, I think that would be -- you know, there's no access to cars going back there and stuff like that. I think that was one of the main concerns, but as long as that buffer is there, I think everybody would be pretty decently happy. And the lights, everybody is concerned about the lights. So I think that's it.

MS. LOE: Thank you. Any questions for this speaker? I see none. Thank you. Any additional speakers on this case? Seeing none, we're going to close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission comment? Mr. MacMann?

MR. MACMANN: Just I'm willing to go forward. I do think we're going to need a motion to fix the first paragraph, (w)(1)(4)(a) or -- I'm sorry. Otherwise, it will be problematic. Having spent a fair amount of time around this property, just to reiterate what they've said, they -- they have a notable transient issue with the motel. And if this is like any of these other storage facilities, that fence will be secure from climbing. I'm not sure how we need to -- my concern since the beginning of this has been the lights shining in the neighborhood. And as long as they're inward lights and meet the Code, that's fine. Can we reinforce that in some way, Mr. Zenner?

MR. ZENNER: Can we bring the --

MR. MACMANN: Have the lights -- the building is 35 feet tall.

MR. ZENNER: Correct.

MR. MACMANN: And we don't know -- and everyone thinks, okay, it's cool. We don't want the lights shining. Can we reinforce the fact that we don't want the lights shining into the neighborhood in some fashion?

MR. ZENNER: I think we can if -- if you would want to add a condition that any building lighting on the -- on the 35-foot-tall structure, any exterior building lighting shall be downward and shielded so as to wash the building facade. That may be sufficient. I -- I have been looking in the Code as we've been discussing this. Neighborhood protection standards will also come into play here, which indicates that any lighting pole within 50 feet of a rear lot line -- and at this point, where the building is placed, it's more than double that, but it does have a 20-foot maximum height. The lighting standards will still apply, downward and inward. You could, should they desire to have a light pole within 50 feet of that property line, it'll affect the smaller buildings where they're only going to be maxed out at 20 feet. And, again, the standard lighting code requires downward, inward lighting. Now we will have to have a lighting plan submitted, and that's got to illustrate that the bleed over is being contained entirely on the site. I think the -- I think the condition can be simply stated that the lighting plan shall illustrate and ensure that any onsite lighting is inwardly and downwardly toward the property and not to the adjoining residential neighborhood.

MR. MACMANN: There we go. Okay. I would be fine with that. Mr. Stanton, did you have a motion?

MR. STANTON: I didn't, but I can.

MR. MACMANN: I'm sorry. I almost cut you off there.

MR. STANTON: Well, I was just going to -- what I was going to reinforce is that a lot of this looking at the elevations is -- is -- a lot of this is down in a hill. Like, you know, the elevation, we're at 776, and then at -- we're at the front of those properties, we're at 771. We've even got a -- yeah -- 770, 766. So it's probably not even going to see the top of the -- of the low-lying buildings. I mean, it's kind of -- so nature has taken care of a lot of that wash. And like the gentleman stated from U-Haul, that their lights are going to be downward and towards the buildings anyway. I think a lot of this that we had concerns with, especially with the height, were addressed. I think that the lighting plan will take care of any lighting issues based on the Code. I heard from the U-Haul personnel and -- and -- that everything

that may concern the neighborhood has been addressed pretty much, and he's got everything ready to go.

MS. LOE: Ms. Burns, then Ms. Rushing.

MS. BURNS: I agree. I think that particularly the neighbors' concerns have been addressed. I do still have concerns about -- in keeping with the rest of the buildings on the -- in this area. Even at 35 feet, if this is going to match the characteristics or stick out like a sore thumb.

MS. LOE: Ms. Rushing?

MS. RUSHING: And I think I'm agreeing with both Commission Stanton and Commissioner Burns. I was initially quite concerned about the possibility of a 45-foot building. And I must admit that I have -- I live in this neighborhood, not right by it, but in the general neighborhood, and I have not been impressed with the architecture of the U-Haul building that's already there, the box with the painted windows. And so I am very concerned about how this building is going to look in that neighborhood. I do believe that they -- it's going to be a significant improvement in the security of the residential neighborhood because I know that they've had people living down there out of cars and it sounds like they've had commercial traffic that is unwanted. So I do believe this will improve the security of the neighborhood. I just hope that the building is not an eyesore, which it looks like it might be. I am also concerned about the provisions of the Code because I agree with Commissioner Loe that it -- it looks like it's missing a comma. The property shall not be adjacent to and there's a comma, and no structure shall be within 100 feet of, comma, a lot that is residentially zoned or used. That second comma is not there. But perhaps we need to do something about whether or not we were -- waive that condition or whether we just go ahead and vote it up or down and see what happens.

MS. LOE: Ms. Carroll?

MS. CARROLL: Yeah. My point towards that, and I'm thankful that you brought this up, Commissioner Loe. It sounds like the neighborhood wants this. It sounds like it would benefit the neighborhood in a lot of ways. I tend to interpret the Code as written. And so I worry about providing a waiver and the message that that sends when there is uncertainty as to how to interpret it. I would view this circumstance as the exception to the rule, and not the rule. And, you know, perhaps this is something we need to revisit in detail, which is why maybe Toohey has suggested -- Brian Toohey's suggestion to table it is reasonable. Yeah. I'm conflicted on this.

MS. LOE: Ms. Russell?

MS. RUSSELL: I'm not conflicted. I think we can waiver -- vote for a waiver before we vote for the CUP. And the waiver is for this property only. And then it really sounds like the neighborhood would love to see this. I think if we table it, we'll just delay it, and they'll still have to put up with what they're putting up with. So I think we should move forward, but the first thing we should do is vote on the waiver.

MS. LOE: Counsel has pointed out that the Code does provide us the right to waive conditions listed, so we can do that provided it shown that there's special circumstances and -- or they're not required to ensure visual compatibility. So, I mean, that is part of what our discussion is right now. I had two more minor points that I just wanted to bring up to make sure the caveats covered. One was on the elevations. I know we're not approving these, but the caveats are trying to capture that these aren't exactly correct. The elevations identify metal panels; however, our requirements state prefabricated metal panels and smooth-faced concrete blocks shall be prohibited. So I just wanted to confirm that the applicant is aware the metal panels would not be allowed, and that our comments capture that the elevations, despite the comment that shall be constructed in substantial compliance with the architectural renderings, would not approve the metal panels.

MR. PALMER: The applicant was provided with this section of the Code as part of our review. The conversation was not had with them about that, though, because, again, that's a building plan issue that will be addressed later. But -- but they should be aware of it and know. Again, the elevations are a first attempt at meeting those standards, and so they probably don't quite get there, but, again, we'll -- we'll address that as we move forward.

MS. LOE: Well, the photograph included in their drawings showed a picture of another facility that did have split-face concrete block and other materials listed as what we would allow in Columbia, so we know it's in the vocabulary of the U-Haul exterior skin. The other thing I had just noted was on the site plan does not show the street trees along the I-70 Drive. They're shown in the elevation, three -- the rendering, but they're not showing up on the site plan. So, again, I just want to make sure our caveats aren't preapproving or --

MR. PALMER: I think that's the same situation.

MS. LOE: Okay.

MR. PALMER: Yeah.

MS. LOE: All right. Ms. Burns?

MS. BURNS: I just want to make one last comment. The Business Loop is working very hard to - to improve itself and become a destination, and I would just hope that this applicant would take that into consideration with their building materials and how they present the building and be a part of that process in revitalizing the Business Loop.

MS. LOE: Building on Ms. Rushing's and Ms. Russell's comments that the next step would be to waive the requirement for no properties with a building over 14 feet to be located next to residential, since the applicant has indicated that they're willing to set a height limit of 35 feet, I suggest we set a limit of 35 feet in this situation. Mr. MacMann?

MR. MACMANN: Is that sufficient to overcome the obstacles in (w)(1)?

MS. LOE: The obstacles of --

MR. MACMANN: The first paragraph. Isn't that what Ms. Rushing was referring to?

MS. RUSSELL: Yes. We need to waive that.

MS. LOE: We're -- we're simply waiving it.

MR. STANTON: They're going to waive it.

MR. MACMANN: Okay. I just -- I just want to make sure that we correctly capture that in the motion.

MR. RUSHING: Oh, the motion, yeah, would have to include that, and the 35-foot limit, is what I understand.

MR. ZENNER: And the way I would -- the way I would probably structure your motion when you make it is what conditions you want being listed first. So if it's the four staff conditions that have been provided in this report, plus a maximum building height of 35 feet, and acknowledgment that you are waiving the setback requirement as established by 29-3.3(w), item number (v)(i)(a), and you're making a recommendation of approval based upon the finding that with a limited height of 35 feet and the additional requirements, the requested condition use is considered appropriate.

MS. LOE: We're waiving the requirement for the property not to be adjacent to residential.

MR. ZENNER: Yeah. Within --

MS. RUSSELL: Would that be a separate motion?

MR. ZENNER: No. I would suggest that you do that all as one single motion, given the fact that this is one action. And within your authority, you have the ability to waive that provision as part of the principal conditional-use approval request. So you're providing what your conditions are, you're -- in that recommendation, you are waiving the separation between residential -- or the property separation from residentially zoned land based upon the conditions aforementioned -- the aforementioned conditions.

MS. LOE: I -- I believe that's correct in looking at the language allowing us to waive it. It's saying in consideration of the conditional use, we're making the waiving of the condition and identifying any additional conditions.

MR. ZENNER: Right.

MS. LOE: So who is brave enough to put this all together?

MS. THOMPSON: I had one comment. The only comment would be just to clarify this, and I think we are clear when you are clarify this that you're just waiving the portion of subsection (a), the property shall not be adjacent to a residential --

MS. LOE: Correct.

MS. THOMPSON: -- there are other aspects of that provision that are not being waived.

MS. LOE: We need to get you on a microphone if you're going to make any additional comments, but the comment being made was that we're just waiving parts of the item (a) that the property not be adjacent to. We're not waiving the requirement for it to be more than 100 feet from.

MS. THOMPSON: Correct.

MS. LOE: Ms. Rushing?

MS. RUSHING: Here we go. I move to approve Case Number 127-2021, a request by AMERCO Real Estate Company (Contract Purchaser), for a Conditional Use Permit for a self-service storage facility over 14 feet in height, located at 900 I-70 Drive Southwest, subject to the following conditions:

1. The self-storage facility shall be constructed in the general location shown on the submitted site plan, dated March 22, 2021.

2. The self-service storage facility shall not exceed 35 feet in total height and shall be constructed in substantial compliance with the architectural renderings, dated April 9, 2021.
3. The self-service storage facility shall not be issued a building permit until a complete architectural plan evaluation has occurred showing compliance with the provision of Section 29-3.3(w) and Section 29-6.4(c), as applicable or otherwise modified by the Board of Adjustment.
4. Site development plan shall not be approved until the subject property upon which construction is proposed has been replatted into a single lot of record.

And it is further stated that -- I've lost track. I had it here. There we go -- that Section 29-3.3(w)(6)(a), the portion that requires the property shall not be adjacent to a lot that is residentially zoned or used is waived.

MR. MACMANN: Second.

MS. LOE: Second by Mr. MacMann.

MR. MACMANN: Well done.

MS. LOE: Very well done.

MS. CARROLL: It was very thorough.

MS. LOE: We have a motion on the floor. Any discussion on this motion? Ms. Carroll, may we have roll call, please.

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

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

MS. RUSSELL: Eight.

MS. LOE: Eight.

MS. CARROLL: Eight. I can't count tonight.

MS. LOE: You know, it comes with the job. Recommendation for approval will be forwarded to City Council.

VII. PUBLIC HEARINGS AND SUBDIVISION

MR. ZENNER: Ms. Loe, if you will read both 132 and 131, we will offer this as a continuous staff report given that they are related items, and then take public comment in one public comment session similar to what we did at our last annexation and subdivision hearing.

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

MS. RUSSELL: And do you need one motion or two?

MR. ZENNER: We need to have two motions, one for the permanent zoning and one for the subdivision.