

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBERS
701 EAST BROADWAY, COLUMBIA, MISSOURI
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Case 142-2020

MS. LOE: We're going to call the Planning and Zoning August 6th session back into session -- meeting back into session. Sorry. All right. Our next public hearing case for the evening is 142-2020. It's a request by Crockett Engineering Consultants on behalf of Kenneth and Becky Mohr for approval of a rezoning of four lots along East Texas Avenue from R-1, one-family dwelling, and R-2, two-family dwelling, to M-OF, mixed use office. The 2.56-acre property located on the north side of Texas Avenue approximately 650 feet west of Providence Road includes addresses 13, 103, 105, and 107 East Texas Avenue. May we have staff report please.

MR. SMITH: Yes, thank you, Miss Chairman. As you stated this is a rezoning request for a property that currently includes four parcels. The request is to go from a currently zoned R-1 and R-2 to M-OF which is a mixed-use district for office and other uses. We did an advanced public info postcard and also advertised for a public hearing. Fourteen recipients of those notifications went out. This is an oblique aerial shot of the site. As you can see, there's four parcels on the site, three existing dwellings more on the west side of the site and a vacant lot on the east side of the site which not entirely vacant, excuse me, has an existing structure on it, type of storage shed. To the east you can see is kind of the start of the commercial district area. A Red Roof Inn. Site directly east of this though is actually the PD zoned property for the Phoenix House which extends from the main building there to the north kind of along a skinny stretch along the east part of this property which I can see you a little more detail here in a second. Excuse me. See the south; it is developed somewhat more into a commercial fashion, an office. We'll look a little more in depth at the surrounding zoning. To the west though you can see clearly a transition into an established residential district. Little tighter shot just for reference. Again, you can see the structures on the site. The residential there to the west, commercial to the east. And just some street level shots so you can kind of get a little idea of context for what we're talking about. Upper left corner would be the eastern parcel, mostly vacant parcel. You can see the transitions there. You can see the Red Roof Inn in the background on the lower right side. Existing homes are on the site, far west side of that site. This is on the far west piece of the parcel so it would be -- the fence line there would be the future transition from M-OF district which is what they're requesting to the R-1 district which is seen there on the left side of that picture. On the bottom there is, across the street, a furniture, office furniture store located in M-N district. The surrounding zoning as you can see, which I'm going to kind of briefly touch on real quick, the site is mixed R-1, R-2, a little unconventionally zoned between the four parcels there with an R-2 kind of a U-shaped piece within their encompassing a couple of houses. The PD to the

east, I listed all the uses that were allowed on that piece within the staff report. Basically, it's a very specialized type of housing for the site, many ancillary uses which are akin to residential uses, office uses, and those, something akin to that as well. The PD there on the south side of the site to the southwest of this location is zoned again PD and allows a very much more limited scope of uses for funeral home businesses. That site actually also has an existing residential dwelling on it as well. And to the northwest of this site into the residential area you do see the Georgia Court which has R-2 zoning along it and is generally approved duplexes as well. Transitioning west though it's generally mostly all single-family housing. When reviewing the request, we did look at the existing guidance we have for making decisions on rezonings. I think the important thing to note here, really the conversation here is it's fairly well-established here that what we're looking at is a location that is right in the middle of a transition between a firmly established commercial district, and I use commercial district there in terms of how the Comprehensive Plan uses it, so it's a pretty large commercial area very contiguous located along major roadways and major intersections. And it is bound on the west by what is clearly a residential district which is an area which is generally almost all residential. So, we're looking here is right now the transition between those two districts. And right now, it's established with the PD zoning to the east of this site. So, this would essentially be expanding that transition further west. Excuse me. And when looking through the guidance I did supply some information from the appendix from the Comprehensive Plan, several page of theirs. It goes through a lot of evaluation and guidance that you would be use when looking at where an appropriate transition between the two districts would be located. Ideally there would be a very distinct physical boundary that when, in a perfect world, you would have something along the lines of an arterial that separates the residential from the commercial districts creating that very clear boundary with commercial on one side and residential on the other. Other physical boundaries such as creeks, heavily wooded areas, things like that can give you that separation of that clear district boundary that helps, you know, create that separation and that distinction between the two districts. In this sort of area, it's pretty, it's fairly well-established or previously established area so you don't have that clear physical boundary. So, then the question is where is the appropriate boundary. Right now, the boundary is the PD. It's clear within the appendix that if you're looking going from an M-C type zoning to a residential, you really need to have that physical boundary. In the absence of that, M-OF might be an appropriate transition. So, in that context the M-OF that's being proposed could be considered an appropriate transition between the commercial district and the residential district. In addition to that with the UDC guidance or not, excuse me, not guidance, the UDC revisions and incorporated additional landscaping and buffering along with neighborhood protections for height set down, enhanced setbacks when you have office uses directly adjacent to residential, provides that additional level of protection for neighborhoods that can allow an M-OF to exist in close proximity to an R-1 or an R-2 and still maintain that good separation and that context-sensitive separation between a residential on this case and an office development. In addition, the Future Land Use Plan, and I do -- I did caveat this in the staff report, Future Land Use Plan does kind of have a parcel by parcel designation where the districts are. And if you look closely enough, basically the east

parcel would be in the commercial district. However, I would caution that that is not necessarily a great parcel-by-parcel tool. I don't know if we went through with a fine-toothed comb and say this is the exact boundary. So, a neighborhood plan for this area would give us a little bit more targeted information about where, if further development was going to occur in this neighborhood, might be best appropriate. We don't have that, so, but we do have the Future Land Use Plan so I wanted to point out that the eastern part would fall within the commercial district according to that. And also, that east parcel, it's not currently developed. In terms of looking at how it impacts and removing housing that is existing, it is vacant so developing that site at least would have a limited impact on the existing residential structures within that neighborhood. However, having said all that, I do have to point out there's several other things that I think are worth considering when looking at this request that I think maybe would make a compelling argument why it shouldn't be rezoned to M-OF. Those are things we can't ignore, so I wanted to bring them up and discuss them. Really coming from our conversation about that boundary transition, while M-OF can be that transition between a commercial district and a residential district, without that clear physical boundary, you can't just perpetually move a commercial district, the M-OF, into a residential district. There does have to be at some point where there's a line in the sand that says this is as far as this district can go, regardless of how much M-OF zoning you want to rezone there. So, while this could be a M-OF zoned property in relation to how the appendix describes that transition, we have a clear boundary now with the PD zoning on the east. It doesn't seem to be a clear boundary to say that's where it should stop, so if we rezone M-OF here, there still is not that clear boundary to say this is where the M-OF should terminate at this point. So, we really lack that I think clear boundary that would make the decision really easy. Also it's hard not to discuss the M-OF without looking at really the visual impact here, if you can see pretty well in the aerial of how much this would intrude into that residential district on the west, especially the R-2 lots that are along Georgia Court. Ideally you would have a boundary between the two districts. It doesn't have to be exactly that way, but usually rear yard to rear yard is your better transition. This is really, especially on the northwest corner, intruding right up and to the house. And south along Texas, it's right up next the side yard. Also, in the context of housing, we do have some R-2 zoning here. This housing being close to the transition district would typically be considered probably less expensive than ones that are further away from the transitional district. That's not a rule, but it's probably something you could assume at this point. So, eliminating the housing, eliminating the R-2 zoning that could allow some more density for redevelopment in the future, that you would have a bit of that loss. I would point out that M-OF does allow basically all types of residential structures to be built there, but to be honest, once it goes M-OF, I think there are some challenges there at that point to redevelop the site as a residential and not as office. And something else I wanted to point out too was kind of this idea of the natural development pattern. Essentially it's more of if you were just going to look at this to say where was the natural boundary of the commercial district here, you would probably draw a line at that PD district, the blue areas, just straight south, so basically cutting away that east parcel and making that part of the commercial district. Again, that's not an exact science, but it's something that would, at least you

could look at that and say that makes a little bit of sense there if you're trying to determine where that boundary is appropriate in this context. And it is undeveloped at this time. It's a little arbitrary as well, but I think going through everything we just went through, I think it's clear that a little bit of this is subjective. And the clear part I think is what I listed in the very beginning about the appendix and the criteria they list in there as far as looking at what's the suitable zoning and then transition. And they do say M-OF is suitable. So, at this point the conversation is more about looking at some of those more of those subjective things and saying is this appropriate I think in this context and this location. For my evaluation I kind of ended it more on the objective side. The appendix kind of gives some indication that M-OF can be that transition. And so, at this point we're recommending approval, but I -- I also point out there are a lot of other factors to consider that might lead people to different conclusions. So, with all that being said, I'd be happy to answer any questions. And again, the recommendation at this point is approval of the M-OF zoning.

MS. LOE: Thank you, Mr. Smith. Before we move 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. Smith, can you refresh my memory please. M-OF, what's our -- how tall can we get on there?

MR. SMITH: Oh, that's a good question.

MR. MACMANN: Is that the 36 --

MR. SMITH: Total's 35 feet I believe in the M-OF is the max height. And then in the staff report I list some of those additional neighborhood protections that would limit the height below 35.

MR. MACMANN: The step on the --

MR. SMITH: Right.

MR. MACMANN: -- from the -- okay. And again refresh me because I don't have it in front of me and it's been a while since I've read the whole thing -- I'm sure Mr. Zenner read it all last night -- what are our barriers and screenings between the two districts or three that's actually there?

MR. SMITH: I've got it right here actually. So, this would be a level three buffer. And so, the level three actually is kind of two parts. There's the screen and buffer. So, it's a ten-foot distance that is landscape, that's the buffer, and then it's a six -- no, it's an eight foot, eight foot --

MR. MACMANN: Eight-foot fence?

MR. SMITH: -- tall screen which is probably a fence.

MR. MACMANN: Probably a fence. Eighty-five percent opacity, is that where we landed on that? Mr. Zenner, do you recall that?

MR. SMITH: Eighty.

MR. MACMANN: Eighty percent opacity.

MR. ZENNER: At installation, not in poor growing seasons.

MR. MACMANN: Okay. One last question, the photograph you showed us with the fence, how tall is that fence approximately? Is that a six-foot fence?

MR. SMITH: I believe so.

MR. MACMANN: Okay. So, another couple of feet. All right. That's -- I just want to make sure that I was -- like to remember them usefully enough to make a decision. Thank you very much.

MS. LOE: Any additional questions for staff? Seeing none, we will open the floor to public comment. Anyone has public comment they would like to share on this case, state your name and address for the record.

MR. GREEN: Good evening, ladies and gentlemen. Andy Green with Crockett Engineering, offices located at 1000 West Nifong Boulevard, Building One, Columbia, Missouri. Coming before you as a rezoning request for address 13, 103, 105, 107 East Texas Avenue. I'm once again, Andy Green with Crockett. Kenneth and Becky are back here in the office to answer any potential questions we might have. They are the owners of the current property. So just a quick overview. Four separate lots totally 2.56 acres currently zoned R-1 and R-2. They've got two existing single-family homes on it right now and then the third, my understanding, is an older single-family home closer to Texas Avenue. It's actually a day care, operating under a conditional use permit I believe in that zoning district. Requested rezoning to M-OF to mixed use office and it, as provided in the staff report, provides a transitional zoning between the commercial zonings to the east and residentials as we move further west along Texas Avenue. It's important to note that there is PD-zoned property with commercial uses directly adjacent to the east and to the south of this property. So, couple other things to keep in mind when we're asking for this office zoning is the proximity to larger roadways. So, Texas Avenue which has frontage on it is actually a neighborhood collector. To the east the intersection of Providence and East Texas is a minor arterial and the neighborhood collector. Then just to the further southeast is I-70 which is a freeway. So really close proximity to the large nodal intersections of those roadways. So, here's a quick location map. You can see the four parcels there. Pretty straightforward. Blue's the PD zoning and then the commercial off to the east in the red. Everything generally yellow and orange is R-1 and R-2 respectfully on the east -- excuse me -- west side. So, if you think about trying to develop the current property as the current R-1 and R-2 zoning, it's really kind of limited to what you can do with it. So if you look at it from a redevelopment standpoint, if you're going back in with single family or duplex units, your driveways cannot take direct access on to East Texas Avenue which puts a limitation in the fact that you simply couldn't line up the homes along East Texas and provide driveways directly on to it; you'd have to install some sort of a street with cul-de-sac to give those lots access to public streets. The redevelopment with the current zoning of residential would be economically difficult once again just based on the requirement of installing the street, various public utilities, storm sewer, et cetera. So again, based on the total site area and overall density, the existing homes would not necessarily qualify as affordable as they sit. I hate to bring that up after our first round of discussions, but it's in my slide so I can't ignore it. So, thinking about just the tract size and there was some mention that it might remove some of the affordable housing

stock, this rezoning does allow the construction of other residential uses, so it doesn't necessarily eliminate that option. Again, just not something that -- the goal is the office, not the residential. So our requested rezoning to M-OF as stated in the staff report basically coming to you with staff's recommendation for approval and in that approval they evaluate the city planning, or excuse me, they evaluate planning goals for consistency with any relevant goals of the City's Comprehensive Plan and the Future Land Use designation. So again, this property provides a good transition between commercial and residential districts. So as mentioned by Clint, there are a wide range of uses allowed in M-OF. You can do multi-family, office uses, community services, day cares along with many others. As quoted from the staff report, these additional uses are not inappropriate in an area that is located between single- and two-family zoning and commercial zoning. So, rezoning to include these mixed uses may meet the Comprehensive Plan, create a livable and sustainable community. So rezoning, and you bring up development, you know, what safeguards are provided to the neighbors. As Clint mentioned, the buffer between, excuse me, the north and the west would require a level three buffer which is ten-foot wide, eight-foot tall fence with reduced building heights in that proximity. Stormwater, retention water, quality BMPs will be designed at the time of final design as required by city code and additional landscaping will also be installed in any parking lots and street trees along Texas Avenue.

MS. LOE: We're -- conclusion. Perfect.

MR. GREEN: Yep. I'll make it quick. So establishes a good transitional zoning between commercial and residential. It's an infill development so we're not reaching on the outskirts of town. Installing more public infrastructure. And as quoted in the staff report, after weighing all the relevant factors and possible impacts, staff does not object to the requested rezoning. And I'm here to answer any questions.

MS. LOE: Thank you. Are there any questions for this speaker? Ms. Carroll, then Mr. MacMann.

MS. CARROLL: Yeah. When you determined that the existing three houses as they sit would not be affordable housing in consideration, how did you determine that?

MR. GREEN: Just relatively and based on the lot size. So again, it brings up the whole density thing. So when it's two and a half acres and only three -- I don't know if the other unit could be converted back into a house after the day care, I'm sure it could be, but based, just say based on the lot size and --

MS. CARROLL: Or even the two --

MR. GREEN: -- the relative low density.

MS. CARROLL: -- that are not -- not considering the day care.

MR. GREEN: Correct.

MS. CARROLL: Okay.

MS. LOE: Mr. MacMann.

MR. MACMANN: Thank you, Madam Chair. I'll be easier on this one, Andy. Just a question. Do the Mohrs have a plan here or are we just speculative or what's --

MR. GREEN: Not at this time.

MR. MACMANN: Okay. You may not know. I'm assuming these houses and day care are currently occupied?

MR. GREEN: Yes. They actually live at the northernmost one and then I believe Becky operates the day care on the along Texas.

MR. MACMANN: Okay. That answers pretty much all of my exact question, but I didn't anticipate that answer. My apologies. Thank you very much.

MS. LOE: Any additional questions? Ms. Geuea Jones.

MS. JONES: The roadway that runs in front of those three houses, is that privately maintained?

MR. GREEN: Yes. So, I believe all of the lots have frontage along East Texas, but it is a shared driveway amongst the three structures currently on the lots.

MS. JONES: Okay. The way I was looking at it I did not -- it seemed to me that they're on, I think that's Indiana that extends on or Illinois or something that starts with an I and it's like a state.

MR. SMITH: Yeah. It -- I'm sorry, not --

MS. JONES: Go ahead, yeah.

MR. SMITH: -- to jump in.

MS. JONES: Maybe that was a staff question.

MR. SMITH: As far as I could tell, Google named that. I couldn't find that in the city's maps anywhere, so I think it was assigned a private street-type name. It's not an official name.

MR. GREEN: I don't believe there's right-of-way there either.

MR. SMITH: No. Those are three platted lots, two of those being stem-type lots.

MS. LOE: Any additional questions for this speaker? I see none. Thank you. Any additional speakers on this case? Seeing none we will close public comment. Commissioner discussion. Ms. Burns.

MS. BURNS: I have one more question for Mr. Smith. You sent out, was it 14 postcards? Did you get any response from mailing those postcards to the property owners?

MR. SMITH: No.

MS. BURNS: Okay. Thank you.

MS. LOE: Ms. Carroll.

MS. CARROLL: I wish there was a plan. That is all. I understand the lot size of these. Nonetheless, I think our previous discussion illustrated perfectly how our older houses do contribute to our affordable housing stock and they are occupied right now. I understand that as well. It also wasn't lost on me that there is a state-licensed day care currently operating and it wasn't lost on me that state-licensed day care is under the permissible M-OF uses. We also have a shortage of day care in this state as a whole. And that's their own business for their own use and I understand that as well. I just, I wish that we had more knowledge of the plan at the time of the rezoning request.

MS. LOE: Ms. Geuea Jones.

MS. JONES: I agree. It doesn't sound like the immediate thought is to displace two families and a day care, but it does make me nervous that we're giving them carte blanche to do that at any time in the future that they want to. With that said, it doesn't seem that that's the plan today for sure.

MS. CARROLL: I mean --

MS. LOE: Mr. Zenner.

MS. CARROLL: Oh, I thought he was pointing at me.

MS. LOE: Ms. Carroll.

MS. CARROLL: It is their business to operate and they could just choose to close their day care as a service and that would have nothing to do with us. As I understand it, they're occupying their property. It's --

MS. LOE: Yes. The requesters own all of these properties at this moment, so. And we're not -- we're not deliberating on the question of the current use per se. They're asking us --

MS. CARROLL: They're asking us to rezone.

MS. LOE: -- about rezoning the property.

MS. CARROLL: I agree they are asking us to rezone, although typically it's advisable to rezone with a plan and not --

MS. LOE: We don't --

MS. CARROLL: -- speculation.

MS. LOE: -- require a plan.

MS. CARROLL: We do not require a plan.

MS. LOE: It's not a requirement.

MS. CARROLL: But we also tend to look differently on speculative case and that has been in staff reports before. It is a consideration as is loss of housing. I mean, it still -- it still opens up the potential for loss of housing and that is a significant consideration to me.

MS. LOE: Any additional comments? Ms. Russell. No? Mr. Stanton.

MR. STANTON: I tend to agree with my colleague, but --

MS. LOE: Microphone.

MR. STANTON: -- technically the staff report is correct. It is -- it butts up against existing commercial. It would have different -- it would have buffering and all that stuff, the transition between the commercial and the existing residential. Yes, it is a loss of some affordable housing, give or take, so. I plan to support it.

MS. LOE: Ms. Russell.

MS. RUSSELL: If there are no more comments, I'm going to pose a motion. In the case of 142-2020 I move to approve the requested rezoning to M-OF.

MR. STANTON: Second.

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

MS. BURNS: Yes. Mr. Toohey.

MR. TOOHEY: Yes.

MS. BURNS: My vote is yes. Ms. Carroll.

MS. CARROLL: No.

MS. BURNS: Ms. Loe.

MS. LOE: Yes.

MS. BURNS: Mr. MacMann.

MR. MACMANN: Yes.

MS. BURNS: Mr. Stanton.

MR. STANTON: Yes.

MS. BURNS: Ms. Geuea Jones.

MS. JONES: Yes.

MS. BURNS: Ms. Russell.

MS. RUSSELL: Yes.

MS. BURNS: Eight to one. Motion carries.

MS. LOE: Seven.

MS. BURNS: Sorry, seven to one.

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