

MINUTES
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
JANUARY 10, 2019

COMMISSIONERS PRESENT

Mr. Rusty Strodman

Ms. Sara Loe

Ms. Lee Russell

Ms. Joy Rushing

Mr. Dan Harder

Mr. Brian Toohey

Mr. Anthony Stanton

Mr. Michael MacMann

Ms. Tootie Burns

I) CALL TO ORDER

MS. LOE: Call the January 10, 2019 meeting to order. May we have a roll call, please.

MS. BURNS: Yes. Mr. Strodman?

MR. STRODTMAN: Yes, ma'am.

MS. BURNS: Ms. Rushing?

MS. RUSHING: Here.

MS. BURNS: Ms. Russell?

MS. RUSSELL: Here.

MS. BURNS: Mr. Toohey?

MR. MacMANN: Mr. Toohey is currently indisposed.

MS. BURNS: Thank you. I am here. Ms. Loe?

MS. LOE: Here.

MS. BURNS: Mr. Harder?

MR. HARDER: Here.

MS. BURNS: Mr. MacMann?

MR. MacMANN: Present.

MS. BURNS: Mr. Stanton?

MR. STANTON: Also present.

MS. BURNS: We have eight and a half. We have a quorum.

MS. LOE: Thank you, Ms. Burns.

II) APPROVAL OF AGENDA

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

MR. ZENNER: No, there are not.

MS. LOE: Thank you. Can I get a motion to approve the agenda?

MR. MacMANN: I move to approve the agenda.

MS. RUSSELL: Second.

MS. LOE: Thank you. Moved by Mr. MacMann, seconded by Ms. Russell. Any discussion on that? Seeing none, can I get a thumbs up approval on the agenda? Thank you.

(Unanimous vote for approval.)

III) APPROVAL OF MINUTES

MS. LOE: Approval of minutes. Everyone should have received a copy of the December 20 meeting minutes in advance. Does anyone have any corrections or changes? Mr. Stanton?

MR. STANTON: I move to approve the minutes.

MS. LOE: Thank you.

MS. RUSSELL: Second.

MS. LOE: Second by Ms. Russell. Any discussion? I'm just following Mr. Caldera's role here. Thumbs up approval of the minutes. Thank you.

(Unanimous vote for approval.)

IV) PUBLIC HEARINGS

MS. LOE: Moving on to public hearing portion of the meeting.

CASE NO. 36-2019

A request by the Columbia Public Schools (owner) seeking permanent R-1 (One-family Dwelling) zoning upon annexation of approximately 16.95 acres into the city. The school property consists of 2 separate tracts; the primary elementary school property and a 40' x 2025' stem connecting to the Rock Bridge Memorial State Park to the south. Both tracts are currently zoned A-1 (Agriculture).

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

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

MR. PALMER: As I said, it's consistent with the comprehensive plan and compatible with adjacent zoning and with the existing zoning on the property, and so Staff's recommendation is to approve the requested R-1 zoning upon annexation of the property. I'd be happy to answer any questions if you have any.

MS. LOE: Before we ask any staff questions, I'd like to ask if there was any ex parte prior to this meeting related to Case 36-2019, have the Commissioner 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. Strodtman?

MR. STRODTMAN: Thank you. Mr. Palmer, can you explain the stem? Is there any reason for

the stem or rationale for the stem?

MR. PALMER: So the stem is actually, I believe, purchased by the school as a means of accessing the state park. I believe there's a trail that runs from the school property down through there.

MS. RUSHING: There is. I don't know if you can see it on the map, but there is a trail that goes into Rock Bridge, connects with Rock Bridge and they use the park for teaching purposes.

MR. STRODTMAN: Thank you.

MS. LOE: Mr. MacMann?

MR. MacMANN: Thank you, Madam Chair. Mr. Palmer, I can think of two other CPS properties that are currently outside of the city, Rocheport and Midway. Do we have any others that are lingering on the edges that might, because I don't know all the schools, I know a lot of them, are there any others that are in this kind of situation or close to being in this type situation? Is the New Haven school? That's the one that comes to mind.

MR. ZENNER: New Haven is inside the -- it's in the city, if I am correct. Two Mile Prairie would be the other one that I'm aware of, but Two Mile Prairie is nowhere similar to this where it's contiguous -- would be potentially contiguous with the city property. Midway is not either.

MR. MacMANN: Those are both away.

MR. ZENNER: Removed from the city's corporate limits. So I think this may be the only one at this point that is in the city --

MR. MacMANN: I was just trying to see if we're going to start seeing a cascade of this type of thing. I'm trying to explore that option now.

MR. ZENNER: I don't believe so. Mr. Crockett may be able to respond to that as the district's on call engineer at this point.

MR. MacMANN: That's my question. Thank you.

MS. LOE: Thank you, Mr. MacMann. Any additional questions for staff? Seeing none, we will open up public comments.

PUBLIC HEARING OPENED

MR. CROCKETT: Madam Chair, Members of the Commission. Tim Crockett, 1000 West Nifong. Just to answer a couple questions. Mr. MacMann, the only other two schools I'm aware that are outside the city limits are indeed Two Mile Prairie and Midway and they're miles from the city limits. I don't imagine that to be an issue there at all. And Mr. Strodtman, with regard to the stem lot, it was purchased by the Columbia Public School District, or obtained, I don't know if they purchased it or if someone granted it to them, but it was decades ago, many, many years ago, for the purpose to have access to the state park. It wasn't something that the district has recently purchased to find a stem to find a route to the city limits. That's certainly not the case. We're certainly aware of the state statute that calls for annexation. Again, this is the zoning before you but to explain contiguous, compact and contiguous. If you stood back a little bit, we don't have a good example, a good exhibit showing it, but if you step back just a little bit and you looked at where the city limits is

currently, we're kind of annexing back into a pocket of county. So we have city limits kind of coming around on two sides of this property. While we are not necessarily contiguous on the bulk of the property, it is what I would say compact with the existing city limits because we're kind of going back into a pocket of counties. Again, the exhibit shows here some other areas that are under a pre-annexation agreement with the city. I believe several of those properties are already contiguous to the city already. So if the City Council so desired, I think several of these properties could already be annexed even without the Columbia Public Schools. With that, again, we're asking for R-1, which is comparable, typically would ask for on a standard annexation. So I'd be happy to answer any additional questions.

MS. LOE: Any questions? Mr. MacMann?

MR. MacMANN: Thank you, Madam Chair. Mr. Crockett, you may be familiar with the kerfuffle Mr. Gebhardt ran into when annexation agreements were triggered? We don't have anyone here. Mr. Palmer didn't say anything. In your interactions with the community or did you have any people expressing concern for that triggering?

MR. CROCKETT: I was not at the public information meeting. I had another individual from my office that was there. I think there was more questions about it, but I don't think necessarily that I've heard any concerns or major grumblings about that issue with this annexation.

MR. MacMANN: I was just trying to see what the land lay is like before we open that door again.

MR. CROCKETT: Sure, absolutely. Right. I believe the neighbors out there obviously were -- they know about the request and I think I had not heard anything. I don't think the staff has had any further correspondence with them. I don't foresee that being a major issue that I know of at this time.

MR. MacMANN: All right. Thank you.

MS. LOE: Any additional questions for Mr. Crockett? Seeing none. Thank you, sir.

MR. CROCKETT: Thank you.

MS. LOE: We will close public discussion if there's no additional comments.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion?

MS. RUSSELL: I'm going to make a motion. In the case of 36-2019, I move to approve the permanent R-1 zoning upon annexation.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. We have a motion on the floor. Any discussion on this motion? Mr. MacMann?

MR. MacMANN: During the discussion period it works out just fine. I have a quick question for staff, if I may, Mr. Palmer or Mr. Zenner. With Sinclair we were committed to the school down there, the school to be the middle school. We're committed to a significant infrastructure investment over time. Most of this is built out and maybe, Mr. Crockett, are we incurring another infrastructure commitment by doing this? I think we're already -- we've got the road, we've got the sewer, we've got the power, sidewalks come to mind.

MR. PALMER: It was explained to them at the concept meeting if they were to replat then we would ask for items like that, namely right-of-way along 163 on the north edge. That's the location of the future Gans Creek extension. So it's a fairly major roadway that would be coming through there.

MR. MacMANN: That was one of the reasons I asked that question.

MR. PALMER: That actually causes some issues with spacing on the property, but that would be --

MR. MacMANN: They've got a lot of property.

MR. PALMER: That would be in the future at some undetermined point at this time and also --

MR. MacMANN: There's nothing right up on that.

MR. PALMER: Yeah. At this time none of that would be triggered.

MR. MacMANN: Thank you. Thank you for that concession.

MS. LOE: Any additional comments? Discussion on the motion? Seeing none, may we have roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton. 9-0 Motion carries.

MS. LOE: Thank you, Ms. Burns. Recommendation for approval will be forwarded to City Council. That closes our business for this meeting.

V) PUBLIC COMMENTS

MS. LOE: Are there any comments of the public? Seeing none.

VI) STAFF COMMENTS

MS. LOE: Any comments of the staff?

MR. ZENNER: Yes, there are. Your next meeting is January 24. We will add one item. We're going to slowly get back to more work for you. It will be a regular work session at 5:30. We do have scheduled discussion for our Rock Quarry Stakeholder Group Report. This is the improvements the report required to be prepared for the Rock Quarry Road scenic overlay. At 5:30 we'll have that. And then we will proceed to a 7:00 p.m. meeting for just two cases, one subdivision case, Woodsong Subdivision. This is a revised preliminary plat of a project that you actually had previously approved that had a final plat submitted to us but the final plat was a major deviation from the approved preliminary. Therefore, they're starting at square one again with a revised preliminary. And then we will have a public hearing on River Region Credit Union. This is a vacant tract of land that is at the southwest corner of Broadway and Fairview on the west side of town near the Hy-Vee. This is a plan amendment to readjust the building placement on a property that has already been rezoned into a single consolidated planned district. If I recall correctly, it was zoned C-P with a set of use restrictions on it. So nothing major on this particular project but because it is a major adjustment to the actual layout of the building it did trigger the overall requirements of a major amendment meaning it needs to come back and be reapproved by both the Commission and Council under our new

procedures. It will also update the project to be compliant with the new PD standards of the UDC that we adopted in March of '17. Additionally, we did not get to two items that were on your work session agenda this evening that were just report items that I wanted to report out to you. You were selected as the beneficiaries or recipients of some work from City Council at its meeting two meetings ago now and they have to deal with a review of the zoning code as it relates to the Greek Town area, that area that is predominantly identified as being bounded by Providence on the west, Burnam on the north, Tiger on the east and then Kentucky on the south. That block of property that is Greek Town haven where we have seen multiple variances over the course of time and our Board of Adjustment had requested that the Planning Commission take up concerns that they identified as having unnecessary variances due to the history in the area being presented to them resulting generally in the same actions by the board. And they requested Council give consideration to that and asked that the Planning Commission be assigned the task of looking at how would we, the Commission, propose to alter the zoning regulations specifically for that bounded area. The Board of Adjustment would also like to have an opportunity to meet with you in work session to discuss their observations and then to hear some input from you all. That will be scheduled sometime in the near future. I would expect not before the end of March due to our other work that we have. That is one project that was assigned to you two weeks ago by Council to ask you to come back with a recommendation for amendments to the zoning code. The second item that was provided to you came to us from the Rock Bridge Christian Church board in relationship to an item that is unique maybe to churches that have commercial kitchens within them, and the ability for a church utilizing their commercial kitchen as an outreach opportunity for job training or even for small business startups. This is currently not allowed in the zoning code. You can have a commercial kitchen in a church. You may have a daycare as an accessory use that utilizes that kitchen, but you cannot lease out that kitchen space, that commercial kitchen space to a commercial business. That's just unallowed use in the residential zoning districts where we have churches located. So Council at the request of Rock Bridge Christian Church and then supported by CMCA has asked that the Council assign to the Commission the task of reviewing the zoning code as it relates to potentially creating standards that would allow commercial kitchens in churches to be utilized for commercial purposes. Again, this will be an item that will probably not come back to the Commission until sometime in March or later. We do have a couple of ideas at the staff side at this point as it relates to how that may actually be able to be integrated and not create a burden in a residential environment that we will provide you at that point. I believe Mr. Caldera has something he'd like to add.

MR. CALDERA: So as it pertains to the Rock Bridge Christian Church request, I am a member of Rock Bridge Christian Church and have actually spoken with them on the initial front of this. Pat and I have discussed and I am going to recuse myself from any legal guidance on that or drafting. That will be assigned to another attorney. So I will be at the meeting when you guys discuss this. If you have any inquiries, know that's going to go to someone else and come back from someone else.

MR. ZENNER: No need to ask if there was ex parte communication, Ms. Chairman. We have taken care of that internally. With that, that is all that we have to offer this evening in the way of work and

upcoming assignments as well just to tie off what we were discussing this evening as it related to our low medium medium income housing incentive discussion. We will bring that back as well. I would expect that to come back before the end of February. We will get that on probably the last Planning and Zoning Commission agenda for work session in February due to our other items that we have coming up on January 24 and then our March 7 discussion which will be entirely short-term rental. I would also advise at this point, and we will reiterate it on the 24th, we do not have any formal business items for the February 7 meeting. That does not, however, excuse you all from being in attendance for the work session given that that is when we will be discussing short-term rental. So we do ask you to be here for the work session. We will have our standard meal and then hopefully be able to get out by about 7:00 p.m. that night with no formal public hearing meeting since we do not have any items for that agenda. With that, that is all that we have to offer. Thank you very much, Ms. Chairman.

MS. LOE: Thank you.

VII COMMISSION COMMENTS

MS. LOE: With that, are there any comments of Commissioners? Mr. MacMann?

MR. MacMANN: My fellow commissioners have no comments or questions. Ms. Russell would like me to make a motion and I will. I move that we adjourn.

MR. STANTON: Second.

MS. LOE: Seconded by Mr. Stanton. I think we're done.

(Off the record.)