

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
July 7, 2022

Case Number 194-2022

A request by Crockett Engineering (applicant), on behalf of HTG Development, LLC, (owner), seeking approval of a development plan containing a 6,000 square foot building and accessory drive-through facility. The 0.92-acre site is currently zoned PD (Planned Development) allowing various commercial uses. The subject site is located approximately 600 feet east of the intersection of Scott Boulevard and Vawter School Road.

MS. GEUEA JONES: May we have a staff report.

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the Statement of Intent and PD Plan to be known as "Lot 404 of Spring Creek Plat 4", subject to minor technical corrections.

MS. GEUEA JONES: Before we ask questions of staff, I would like to ask any of the Commissioners who have had ex parte contact regarding this case to disclose what they learned to the rest of the Commission so we all have the benefit of the same information. Seeing none. Does anyone have questions of staff? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Kelley, I don't recall, so maybe you'll have to refresh my memory. I remember a case -- Pat will probably remember. This was maybe before you were here. We had a 50-foot vegetive buffer on the north side. I think it's a Burnam owned property that was -- it's been more than a minute ago. What I'm getting at is this, is what is the requirement -- I agree with the arborist and you guys that it's a sufficient buffer. What is the applicant's responsibility to maintain that buffer? The Burnam property, it was never moved, but the reason I remember that is they had a 50-foot buffer to the north.

MR. ZENNER: Which property are we referring to?

MR. MACMANN: It was owned by Tim Burnam, I think.

MR. ZENNER: The one I'm thinking of is the one that's out at Lake of the Woods where we had the buffer to the -- on the south side.

MR. MACMANN: South side.

MR. ZENNER: On the south side that was retained and it was platted. It was a 50-foot platted easement, if I recall correctly.

MR. MACMANN: What's the obligation of the applicant to --

MR. ZENNER: Of the applicant to maintain it. So I think, in general, the --

MR. MACMANN: Like, what if it gets a disease and they all die, you know, that type of thing?

MR. ZENNER: There is not, unless it's a required screening buffer pursuant to our regulations, that it has to be retained at an 80 percent opacity level. There wouldn't be, and in this particular instance, if what we are -- if what the arborist is acknowledging is that the existing vegetation serves that level three buffer. If that level three buffer went away, then it is --

MR. MACMANN: Then the --

MR. ZENNER: It's an enforcement issue at that point that the project is no longer in compliance; and therefore, would have to be replanted by the property owner.

MR. MACMANN: Got you. I just --

MR. ZENNER: They're getting the benefit. They're getting the benefit from today. They'll have to maintain that, and it will be driven by --

MR. MACMANN: I just wanted to make sure what that was, because I don't remember us on either of the cases that you mentioned or I mentioned, I don't remember getting to that point, well, what happens when the trees die.

MR. ZENNER: Again, I think what we have to -- we have to address, and this may be in a different manner for clarity moving forward is specifically calling out when existing vegetation is being used to count towards meeting the regulatory requirement, said vegetation shall remain living throughout the duration of the parcel's improvement.

MR. MACMANN: Well, that sounds like we've got something else to deal with. Thank you, gentlemen. Thank you, Madam Chair?

MS. GEUEA JONES: Any -- Commissioner Placier, go ahead.

MS. PLACIER: Yeah. I would like you to go back to the -- well, that's a good one. Could you explain the traffic flow for the restaurant exactly?

MR. KELLEY: Yeah. So it comes in on the southernmost access to the lot off the shared drive aisle here, circul-- or goes in, I'd say, a counterclockwise motion to the east. That's where the bypass lane and stacking starts. Then on the north side is where you see the menu board and service window. So they're required to have four -- space for four stacking spaces. That's one for at the window, then three beyond the window, and those are shown on the north side of the building here.

MS. PLACIER: Okay. And one kind of follow-up to that. Was there some limitation to having -- the restaurant is the most intense use to me, and the one that will have the most impact on the residential neighbors. Was there any consideration of having that on the west side, or does that mess everything up, and maybe is -- that is a question for the applicant?

MR. KELLEY: What part of it on the west side, just for a point of clarity?

MS. PLACIER: The restaurant, rather than neighboring the residential neighborhood, could it neighbor the commercial area to the --

MR. KELLEY: Yeah. The -- so the restaurant, as I see this, is -- would be the westernmost

tenant on here.

MS. PLACIER: Oh, okay. Okay.

MR. KELLEY: Its service window is the westernmost quarter of the building.

MS. PLACIER: Got you. Okay. I had it -- I had it reversed with the restaurant on the right, so -- on the east, that makes sense.

MS. GEUEA JONES: Any other questions? Okay. In that case, if there are no other questions, we will open public comment.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Is there anyone in the audience who is here to speak on this case? You will have six minutes if you're for a group and three if you're an individual. Please state your name and address for the record before you start.

MR. GREENE: Andy Greene with Crockett Engineering, address at 1000 West Nifong Boulevard, Columbia, Missouri 65203. Just want to discuss a little bit about the project that we bring forward for tonight, and I've got a quick presentation, and I won't try to take up too much of your time. But I'm just going to be pretty brief. Again, Andy, with Crockett. The lot is a little bit less than an acre. It's currently zoned PD with an existing CP plan that was approved back in 2005, so we're basically taking that plan and shifting it around to basically fit our building a little bit better and, as well as, change the use from the previous plan was actually a bank, which you'll see here in a little bit, and we're switching that over to be a mixture of uses including the restaurant with the drive-through, retail office, and personal services. There is the existing Break Time to the west, and to the north is the shopping center with Jose Jalapeno's. I think there is a nail salon and a physical fitness center. So the location map, we've gone over that just east of Scott and Vawter School Road. So the existing CP plan from 2005, like I mentioned, showed a bank and it had a drive-through in a similar configuration to what we have. Their building was basically rotated 90 degrees, but the drive-through was always on the north side, so we felt that that was important to honor that, keep it away from the residential portion. So the old plan had zoning approved with the old C-1 uses. A few of those include restaurant, barber, beauty shop, pet stores, animal grooming, physical fitness centers, and various retail. So this is what the old PD -- excuse me -- CP plan looked like, and it showed approximately, I think it's 3,200 square feet of building rotated 90 degrees, like I mentioned, with three lanes of bank drive-through on the north side. So our proposed plan includes the restaurant with the drive-through and patio seating, like I mentioned, an office space, retail personal services, and we followed those same uses that are allowed in the current zoning of that property. And we're also honoring the existing 50-foot platted landscape buffer, so on the plat of that property, there is actually the 50-foot landscape buffer indicated on that plat. So here's what our PD plan looks like. As we mentioned, we kind of already gone over the layout a little bit. Storm water was brought up. I think Brad answered a couple of questions, fielded a couple of questions from the neighbors to the east in the residential property, so the original plan didn't have any storm-water requirements, as they weren't required back in 2005, so this plan is actually increasing the square footage from that old plan

approximately 3,300 square feet. So for mitigation of that increase in impervious surface, we're proposing -- we've got a couple of options for either underground storm-water mitigation, or above-ground shown there in those two blue options. In conclusion, a major amendment to an existing plan, the uses are allowed by right in the previous zoning of following kind of the C-1 zoning that's located along a major arterial, already existing commercial developments to the north and the west. It's pretty well screened and buffered from the properties to the east, and we are providing storm-water mitigation as required by City Code. And I'm happy to answer any questions.

MS. GEUEA JONES: Are there any questions? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Greene -- Planner Kelley, can we go back to the aerial, please?

MR. KELLEY: This is the most recent one. This one doesn't show the rest of the development on site.

MR. MACMANN: The one that was closer up.

MR. KELLEY: Of the PD plan?

MR. MACMANN: This is fine. I will make this work.

MR. KELLEY: Okay. Sorry.

MR. MACMANN: Mr. Green, maybe you can help me here. I know that to the west of here, there are some notable flooding issues. And I honestly don't get on Vawter School enough to know that, because I -- you know me. I look at the water because that's what excites me. Right? Do we have standing water on there now, that we know?

MR. GREENE: This property is actually padded up pretty good, so there's a creek on the east side.

MR. MACMANN: I'm just wondering about that northeast section. Is it, you know --

MR. GREENE: Northeast section?

MR. MACMANN: It kind of dives down there.

MR. GREENE: It does dive down, so, basically, the 50-foot buffer follows the slope of the property, so once you get up to that 50-foot line, it's basically flat at that point. So, luckily, since we're staying out of that, our building will be totally elevated, basically be at where the Break Time is up at that upper elevation.

MR. MACMANN: That makes -- I was a little concerned about -- we've had some other issues, and to the west of here, we had a notable issue, which I won't relitigate here, but it was problematic. And I don't remember this flooding. I do remember -- maybe Planner Zenner would remember. To the west of here, we have -- it floods, like, all the time, but it doesn't flood over here, does it?

MR. ZENNER: Not that I'm aware of, this particular site. The one you're referring to is on the west side of the round-about, that's in -- it was in a hole that was filled.

MR. MACMANN: Yeah. I'm sorry. Wait.

MR. ZENNER: Yeah. So the parcel that is here --

MR. MACMANN: It just -- I'm not recalling this area flooding.

MR. ZENNER: This one, no. But everything is draining, if I'm not incorrect, and Mr. Greene can probably clarify for me. It all drains to the north.

MR. GREENE: That is correct.

MR. ZENNER: To the -- to Mill Creek, actually, and --

MR. MACMANN: I thought it did, I just -- because this area has an inundation issue, and even further north on Scott, it has an inundation area.

MR. ZENNER: And that would be correct. So in heavy rainfall events, the soccer fields that are shown to the north of the -- the green buffer area to the north of the northernmost developed lot in this particular overall development will flood, and it does flood both the park on the west side and our playing fields on the east. This particular property that was elevated, as a result it sits on a higher elevation, everything falls to the northwest.

MR. MACMANN: I was just -- I'm just making sure because of the lake-like behavior in heavy rains.

MR. GREENE: That's correct.

MR. MACMANN: Thank you, Mr. Zenner. Thank you, Mr. Greene.

MR. GREENE: Just to clarify on that point, there is, if you go and zoom way up there in that northeast east, there is a portion of the site that has the 500-year floodplain on it, but the 100 years just off the -- off of this lot actually you can see it. It gives you a little bit of visualization of where that consistent flooding is going to exist.

MR. MACMANN: Well, I'm -- I'm just making sure because of the water. Thank you very much.

MR. GREENE: Thank you.

MS. GEUEA JONES: Any other questions? All right. Seeing none, thank you very much. Is there anyone else to speak on this case? Seeing none, we will close public comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner discussion or motions? Really? And anyone, just -- Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. If there are no more questions or concerns from my fellow Commissioners, I would like to make a motion. In the matter of Case 194-2002, Spring Creek Lot 404 PD major amendment, I move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann, seconded by Commissioner Stanton. Any discussion on the motion? Commissioner Stanton?

MR. STANTON: I would like to add any minor technical occasions.

MS. GEUEA JONES: Ooh. An amendment to the motion. Do we need to say --

MR. STANTON: -- subject to --

MS. GEUEA JONES: -- subject to minor technical corrections?

MR. KELLEY: Yes. Thank you for that, Mr. Stanton. Yes. The applicant has submitted with those corrections. I just need the arborist just to review one thing and say yes. But, yeah, that would be appropriate.

MS. GEUEA JONES: Is that a friendly amendment, Commissioner MacMann?

MR. MACMANN: That is a friendly amendment that I will accept. Mr. Stanton, will you second that amendment?

MR. STANTON: Second.

MS. GEUEA JONES: Very good. The motion shall be so amended. Any further discussion on the motion? Seeing none. Commissioner Carroll, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Placier, Ms. Wilson, Mr. Stanton, Ms. Burns, Mr. MacMann, Ms. Carroll. Motion carries 7-0.

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

MS. GEUEA JONES: The motion will be forwarded to Council.