

## **EXCERPTS**

### **PLANNING AND ZONING COMMISSION MEETING**

#### **COLUMBIA CITY HALL COUNCIL CHAMBER**

**701 EAST BROADWAY, COLUMBIA, MO**

**JUNE 20, 2019**

#### **Case No. 143-2019**

**A request by A Civil Group (agent) on behalf of The Callaway Bank (owner) for a rezoning of 32.38 acres of property including Lots 1502, C1502, 1503, C1503, 1504 and C1504 of Auburn Hills Plat 15 and Lots 1202 and 1203 of Auburn Hills Plat 12. The request would rezone the property from Planned Development (PD) to a mix of Mixed-Use Corridor (M-C), Mixed-Use-Neighborhood (M-N), and Mixed-Use Office (M-OF). The property is generally located east of North Highway 763, north of Brown School Road, south of International Drive and west of Edenton Drive.**

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

Staff report given by Ms. Rachel Bacon of the Planning and Development Department. Staff recommends approval of the requested rezoning as presented by the applicant.

MS. LOE: Thank you, Ms. Bacon. Are there any questions for staff? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Bacon, this area is a CID. Yes?

MS. BACON: Yes, it is.

MR. MACMANN: The whole -- the entire thing?

MS. BACON: Yes. So there are some private covenants, as well, that the site is subject to with that.

MR. MACMANN: Just for historical sake, Callaway took over from the previous owner for these particular lots; is that correct?

MS. BACON: Yes. Take over or --

MR. MACMANN: I'm not going to go further down that line. Thank you.

MS. BACON: Then we'll go with that.

MR. MACMANN: All right. But the CID is still in effect completely. Right?

MS. BACON: Correct.

MR. MACMANN: All right.

MS. LOE: Any additional questions for staff? Ms. Bacon, I'm going to go back to my earlier question.

MS. BACON: Uh-huh.

MS. LOE: On the 2007 plan, the buildings across from the R-2 are indicated to be retail-sized, generally under 10,000 square feet. Though I understand that the new plan is showing the M-N across

from the R-1, but I am curious about that M-C across from the R-2 and what might be allowed in that area.

MS. BACON: It would absolutely be what is allowed under the M-C zoning, so the highest and best use would be the potential in that straight-zoned area.

MS. LOE: Including also gas stations, drive-throughs, the other similar list of things that we've run into in these situations?

MS. BACON: Correct. All permitted uses would be allowed if -- if the rezoning is approved.

MS. LOE: And how -- how stringently would they have been held to this 2007 plan? I mean, would they have been able to change this -- the building sizes from this?

MS. BACON: So it would fall --

MS. LOE: I'm trying to figure out how much the neighborhood's built with the understanding that this might be what was going in.

MS. BACON: Sure. And I can certainly put the plan under the light, too, if we want to reference it. So it would be subject to the rules as they were for PD plans in 2007, what would constitute a major versus a minor amendment. So similar as at the last meeting, we reviewed a major amendment, the same rules as they would -- would have been applied in 2007 would be applied to this site.

MR. ZENNER: The major amendment, Ms. Loe, under the UDC requires going through the designation process -- the PD designation process. So if the applicant were to want to make changes that constituted a major revision under the 2007 zoning code, Chapter 29, that would necessitate under today's UDC going through the UDC procedure. So it is far more significant -- the ramifications are more significant to change the plan from the 2007 plan, it would be impacted by having to then become fully compliant with all of our current UDC standards. This request is being precipitated by the desire to sell the M-OF parcel of property to a nonprofit that is up off of Edenton. In the process of facilitating that sale, the applicant desires to increase the general marketability of the property versus a planned district. So it's a half dozen one or the other. There was a conversation about amending the current 2007 plan, which would be right where we're at right now, or seek to eliminate the planned district designation on the property in its entirety, given that that seems to have been what is often considered the stumbling block for most commercial tracts of land in order to get them started in the development tract. Creating greater levels of certainty is something that The Callaway Bank is looking for to a future buyer versus the uncertainty that a planned district may have, as well as efficiency. So without a planned district, the ability to condition the uses permitted on the property doesn't exist because we can't contract zone in a straight zoning district. M-N would allow a gas station, as well, directly across from the R-2. That is something as a conditional use.

MS. LOE: As conditional.

MR. ZENNER: So, I mean, that is potentially an option if you're uncomfortable as a Commission with the M-C. However, I think from our analysis, looking at what was previously permitted on that parcel,

the M-C in its more condensed fashion with the buffering between the R-1 neighborhood appear to be appropriate to us.

MS. LOE: I understand the motivation and I have no problem with that. To me, it appears that the southern boundary of the previous site was more in keeping with the M-N, what we would consider M-N, and what I'm seeing proposed changes almost all of that to M-C. I'm not as concerned about it in the southwest corner of the site where we're closer to the major intersection, but I do still have some questions about it where it's across from residential.

MR. ZENNER: What was depicted on the 2007 plan could have been intense commercial use, as well. The C-3 zoning district would allow a retail strip center to be constructed there, no different than what we would allow today in M-C. So square footage manipulations would be considered something as a minor modification under the 2007 criteria and shifting the building around in order to accommodate a more intense use than what may appear to be offices or low-level retail is something that we probably would have handled differently. Part of this, again, goes with the idea that breaking the larger tract 1502 up in order to create the parcels that are being proposed are -- are what really the general motivation is here. The frontage along Brown School, M-C frontage today, now that it doesn't have a picture on it, doesn't change the intensity of uses that could have been built there under the old version on the lots that were shown. We could eliminate lot lines and consolidate the square footage that were shown on the plan as a minor amendment as long as the square footage didn't get exceeded.

MS. LOE: So they could have consolidated footage, but not doubled the square footage total?

MR. ZENNER: Correct.

MS. LOE: All right.

MR. ZENNER: So you have two lots that may have two 10,000-square-foot buildings on them. You could eliminate the two lots, have 20,000 square feet of building area and build a strip center. And that was permitted under the -- under the C-3 uses. So that's, I guess, why I'm saying what I'm saying is the intensity, just because we're eliminating lot lines and going to a straight zone, doesn't really change the intensity that was potential under -- as a minor amendment.

MS. LOE: Thank you. Any additional questions for staff? If not, we'll move into public comment period. If anyone has any public information they would like to share, please give us your name and address for the record.

#### **PUBLIC HEARING OPENED**

MR. GEBHARDT: Yes. My name is Jay Gebhardt; I own A Civil Group here in Columbia at 3401 Broadway Business Park Court. Here tonight representing The Callaway Bank and main purpose here is to answer questions that may have. The obvious one that Ms. Loe has brought up, I'll go ahead and address as best I can. When we looked at this for the M-C, one of the contributing factors was is that if you come up Brown School Road, that first entrance is a right-in and right-out only. The only way, if you go on Brown School Road to turn left into the site is this second entrance. And because that's more car intensive, we felt having that corner stay with the M-C uses was more appropriate. We also wouldn't --

considering the R-2 across the street, Brown School Road is a 110-foot right-of-way. It's built -- the developer built it both lanes, and there is a center median there. So there's a quite a bit of distance for those. Also when I designed the R-2 on the other side, they're more inward directed. They -- they have their outside facing out, or their backs facing out and they're more central. So we feel like this is a good request. As staff has indicated, it's being precipitated by a big barrier to selling this in that planned districts and all the uncertainty and the cost to prepare them and the time it takes to get them approved all affects the ability of buyers to make decisions on whether they want to buy this or not. Lastly, on M-C, there is discussion of a dry cleaner, and they're looking at that corner specifically because of the left turn in. So I don't foresee that developing in a large C-store type of lot. Also staff did not address this, but this kind of zig-zag lot in there is actually the road that's a road system and there's a private road system. And it's been indicated to us by staff that that private road system would have to continue to the east out to Edenton. It may not go exactly like what's on the previous plan, but it would carve that lot up into separate lots in the future. And the reason we're not doing that now is because the bank is not a developer. The bank took this back in foreclosure. They've been trying to sell it for many years and they -- they want a developer to come in and then make those type of decisions on those plans. I hope that addresses your issues. Does anyone else have -- yes, Mr. Stanton?

MS. LOE: Any questions for Mr. Gebhardt? Mr. Stanton?

MR. STANTON: Is the police station still proposed to go there?

MR. GEBHARDT: It is still -- and I don't know the status of when it will start, but there is an improved plan for that.

MR. STANTON: That they're keeping the land and it's -- that's not part of this whole deal?

MR. GEBHARDT: That's correct.

MR. STANTON: Okay.

MR. GEBHARDT: Yeah. The two parcels on Rangeline are part of the request that front -- or in between the police station and Rangeline, yeah. Thank you.

MR. STANTON: Yeah. Thank you.

MS. LOE: Any additional questions? Mr. Gebhardt, just to follow up on my question.

MR. GEBHARDT: Yes.

MS. LOE: Do I understand that you were involved with the R-2 across the street?

MR. GEBHARDT: Yes. It's actually a PUD, but, yeah.

MS. LOE: They look like they were built as town -- townhouses?

MR. GEBHARDT: They are, and I do believe Mr. Pelick owns all of them all still, but he did condo them as individual units to be sold individually.

MS. LOE: And you implied that the design of them anticipated more commercial or heavier use on that north side because just -- just --

MR. GEBHARDT: Well, I've been --

MS. LOE: My main interest is especially in deferred developments like this when developments come in around it, being sensitive to whatever they understood might have been there. So --

MR. GEBHARDT: Yeah. So the C-P -- I was involved in this from the very beginning, and the C-P was picked and the uses that we picked were to give the developer the most flexibility for that. But having known -- knowing that we could have C-3 uses across the street, and we'd have to sell this PD, that buyer, when he bought that, he knew that the -- those C-3 uses were across the street. So we tried to do what we could with -- for design to minimize that impact, if that answers your question.

MS. LOE: That does help. Thank you.

MR. GEBHARDT: Okay.

MS. LOE: Any additional questions for Mr. Gebhardt? Mr. Stanton?

MR. STANTON: Now, those -- those apartments on Brown School Road that were -- that happen to be condos, those are just -- those are rentals now; right? Are they --

MR. GEBHARDT: Right. One person owns them and rents them --

MR. STANTON: And rents them all. Okay. So they're not condos now, they're just rental properties. Okay.

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

MR. GEBHARDT: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, we'll close the public hearing.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion? Mr. MacMann?

MR. MACMANN: If no one has anything to say, I have a motion. In the matter of Auburn Hills commercial rezoning from PD to -- I don't have that in front of me -- request by A Civil Group on behalf of The Callaway Bank for rezoning of 32.38 acres, the property including lots 1502, C1502, 1503, C1503, 1504 and C1504 of Auburn Hills Plat 15 and Lots 1202 and 1203 of Auburn Hills Plat 12, the request would rezone the property from PD to Mixed-Use-Corridor, Mixed-Use Neighborhood, and Mixed-Use-Office, I move that we accept it.

MR. TOOHEY: Second.

MS. RUSHING: Second.

MR. MACMANN: Thank you.

MS. LOE: I'm going to give it to Mr. Toohey. Sorry, Ms. Rushing. We have a second by Mr. Toohey. Any discussion on this motion. Mr. Toohey?

MR. TOOHEY: So I will say this part of town is very underserved with commercial, and so I plan -- I'm going to support this. Moving this to straight zoning was one of the intentions of the UDO, so that we would have less planned zoning, so I'm more than happy to add straight zoning to this piece of property.

MS. LOE: Mr. MacMann?

MR. MACMANN: I will say that for a period of time, I spent a lot of time near this intersection, and the neighbors have wanted it to develop for ten years, just FYI. I know that was a general sentiment at the time when I spent time up there.

MS. LOE: And my additional comment is going to be if anyone has any ex parte on this case --

MR. MACMANN: I had a conversation with a neighbor about a quarter mile away.

MS. LOE: -- that they would like to disclose at this time, please do so, so all Commissioners have the same information on behalf of this case in front of them. Seeing none. Ms. Burns, may we have a roll call, please?

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.**

MS. BURNS: Seven to zero, motion carries.

MS. LOE: Thank you, Ms. Burns. Recommendation for approval will be forwarded to City Council.