

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

**JUNE 20, 2019**

**COMMISSIONERS PRESENT**

**Ms. Sara Loe  
Ms. Tootie Burns  
Mr. Anthony Stanton  
Ms. Joy Rushing  
Mr. Brian Toohey  
Ms. Valerie Carroll  
Mr. Michael MacMann**

**COMMISSIONERS ABSENT**

**Mr. Rusty Strotzman  
Ms. Lee Russell**

**I. CALL TO ORDER**

MS. LOE: I'd like to call the June 20, 2019 Planning and Zoning Commission meeting to order.

**II. INTRODUCTIONS**

MS. LOE: Ms. Burns, may we have roll call, please?

MS. BURNS: We have seven, we have a quorum.

MS. LOE: Thank you.

**III. APPROVAL OF AGENDA**

MS. LOE: Mr. Zenner, are there any changes to the agenda?

MR. ZENNER: Yes, there is this evening, ma'am. Case Number 131-2019, which was the subject of the revised agenda, was tabled for a public hearing. It has actually been moved up under withdrawn requests, so this is an item now that will be withdrawn, not heard this evening under public hearings. That is the only change to the agenda, and we will cover that withdrawal after we've had the agenda and minutes approved.

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

MR. STANTON: I move to approve the agenda.

MR. MACMANN: Second.

MS. LOE: Moved by Mr. Stanton, seconded by Mr. MacMann. A vote -- thumbs-up vote on approval of agenda?

(Unanimous vote for approval.)

MS. LOE: Unanimous. Thank you.

**IV. APPROVAL OF MINUTES**

MS. LOE: Everyone should have gotten the June 6, 2019 regular meeting minutes. Are there any changes or additions to the minutes?

MR. STANTON: I move to approve the minutes from the June 6, 2019 regular meeting.

MS. LOE: Thank you, Mr. Stanton. Is there a second.

MR. TOOHEY: Second.

MS. LOE: Second by Mr. Toohey. Can I get thumbs-up approval on the minutes?

(Unanimous vote for approval.)

MS. LOE: Unanimous. Moving into subdivisions. Our first case of the evening is 147-

MR. ZENNER: Withdraw request.

MS. LOE: Withdraw request first. Thank you.

#### **V. WITHDRAW REQUEST**

MS. LOE: The first business will be withdrawing the public hearing case 131-2019.

#### **Case No. 131-2019**

**A request by Crockett Engineering (agent) on behalf of Fifth Street Properties, LLC, and the Broadway Office Park Condominium Association (owners) for a major amendment to the Lake Broadway Lot 4A PD Plan. Modifications to the plan include a newly-designed building on Lot 4A, redesigned parking areas and drive aisles, and an additional vehicular access point from the Gary Street to the north. The subject site is located southeast of the intersection of Pershing Road and Gary Street, and contains 2.27 acres. (This item was tabled at the June 6, 2019, Planning Commission meeting.)**

MS. LOE: As we've just heard has been withdrawn from this -- a request to withdraw has been made for this evening.

MR. ZENNER: And as a request, it does not require a vote. The applicant is choosing to withdraw it on their own. It is a matter of information that we are providing this evening. The applicant is having issues with the condominium ownership issues, and I believe this was a point that maybe Mr. MacMann had raised at our last meeting on June 6. Apparently, they have not been able to resolve that matter and have chosen to withdraw the case and potentially resubmit it at a later date once the ownership issues have been addressed. We do have the -- an applicant's agent here this evening if there are any questions of the Commission from Crockett Engineering. So if there are none, it is, again, a matter of information that we are providing to you that this item is being withdrawn from our agenda for consideration at this point.

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

MR. MACMANN: Just real quick comment. I would like to thank -- or I'm very appreciative that we do have an agent here even though withdrawn.

MS. LOE: All right. Do we do public hearing or no if there's no questions?

MR. ZENNER: The application has been withdrawn. There is no need for a public hearing.

MS. LOE: Okay.

MR. ZENNER: We've noticed it -- or we've informed the public that the item has been withdrawn and that's all that's necessary. No vote needed to accept that withdrawal either.

MS. LOE: All right. Withdrawal is duly noted.

## VI. SUBDIVISIONS

### Case No. 147-2019

**A request by A Civil Group (agent) on behalf of 763 Real Estate, LLC, (owner) for a two-lot final plat of IG (Industrial General) zoned property, constituting the replat of Lot 2 Gas Light Industrial Park Plat 3 and the final plat of previously unplatted property, to be known as Gas Light Industrial Park Plat 4. The approximately 3.25-acre site is located on the east side of Highway 763, approximately 550 feet north of International Drive, and is commonly addressed as 5210 and 5250 N. Highway 763.**

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of Gas Light Industrial Park Plat 4.

MS. LOE: Are there any questions for staff? Seeing none, we'll open up the floor for any comments -- public comments. Seeing none, we'll close public hearing -- public comment period. Commission, discussion?

MS. RUSHING: I move for approval of the final plat of Gas Light Industrial Park Plat 3.

MR. TOOHEY: Second.

MS. LOE: There is a motion to approve, and a second by Mr. Toohey. Discussion on the motion? I had one question, if no one else has any comments, about the proposed M-C across from the R-2 housing, because it did strike me that the previous use there was smaller retail, all under 10,000 square feet.

MR. SMITH: Is that in the context of a different case? This is all zoned IG currently. I don't think -- is that a -- was that one of the rezoned cases?

MR. ZENNER: I believe that's -- that's a case that's going to come up.

MS. LOE: Oh.

MR. SMITH: The next case.

MS. LOE: Okay. Sorry. Sorry. You're right.

MR. SMITH: Yeah. Well, we rearranged the agenda, so I understand.

MS. LOE: I withdraw my comment.

MR. ZENNER: And if I may clarify for the records, this is actually Gas Light Industrial Park Plat 4 that you are approving, not Plat 3. We apologize for that.

MR. SMITH: Plat 3 was the existing lot plat, but the Plat 4 would be the new plat.

MR. ZENNER: And Ms. Rushing, will you accept that amendment?

MS. RUSHING: I -- yeah. I move for approval of final plat of Gas Light Industrial Park Plat 4.

MR. ZENNER: Thank you.

MS. LOE: Seeing no additional -- Mr. Stanton, do you have a comment?

MR. STANTON: I just wanted to say on the record very -- it's very odd we don't have anybody to --

MS. RUSHING: Present.

MR. STANTON: -- to present this case. I'm just saying that. If we had any questions, we wouldn't have anybody to answer them, so I'm --

MR. SMITH: I think they are in the audience. I think given that this is a very straightforward issue, I don't think they are choosing to come forward.

MR. STANTON: Oh, okay.

MR. SMITH: I don't want to speak for them, but that's my assumption.

MR. STANTON: Okay. Okay.

MS. LOE: Any additional comments? Seeing none. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

**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. Recommendation for approval will be forwarded to City Council.

## **VII. PUBLIC HEARINGS**

### **Case No. 142-2019**

**A request by Crockett Engineering (agent), on behalf of SBSR Properties, LLC (owners), to rezone 0.85 acres from R-2 (Two Family Dwelling) to R-MF (Multiple Family Dwelling). The subject site is located at the northwest corner of Clark Lane and McKee Street.**

MS. LOE: 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 rezoning from R-2 to R-MF.

MS. LOE: Thank you, Mr. Palmer. Are there any questions for staff? I see -- Mr. MacMann?

MS. RUSHING: The --

MS. LOE: Ms. Rushing?

MS. RUSHING: The entrance to -- oh, I'm sorry.

MR. MACMANN: Go ahead. Please. Please go ahead. I apologize.

MS. RUSHING: The eyes in the back of my head weren't working.

MR. MACMANN: I apologize. I have in the hospital and they just --

MS. LOE: They're going to arm wrestle.

MR. MACMANN: -- just texted me. Please, go ahead.

MS. RUSHING: Well, I was just -- is this going to have a traffic exit onto Clark Lane?

MR. PALMER: No. It would actually be onto McKee Street.

MS. RUSHING: Okay.

MS. LOE: Any additional questions, Ms. Rushing?

MS. RUSHING: No, I do not.

MS. LOE: Mr. MacMann?

MR. MACMANN: For Mr. Zenner and Mr. Palmer, refresh me on the UDC. These eight single-bedroom units will require eight parking places behind them; is that correct?

MR. ZENNER: One and a half per unit.

MR. MACMANN: So it would be 12 behind them?

MR. PALMER: Right.

MR. MACMANN: Okay. And they do have parking on the street currently. The parking is allowed on McKee; is that -- that's the question I'm asking.

MR. PALMER: I believe on the east side only.

MR. MACMANN: Okay.

MR. ZENNER: It's actually -- there would be some additional parking because it's one for every five, as well, so it would be 14 total parking spaces. One and a half for each unit, plus five, plus two extra since there's --

MR. MACMANN: One for each portion there of five.

MR. PALMER: Right.

MR. MACMANN: No more questions for staff at this time.

MS. LOE: Mr. Palmer, screening and buffering. This would be a -- it's R-2 existing adjacent and across the street?

MR. PALMER: Across the street, I believe, is R-MF or help me on that.

MR. ZENNER: It's R-2.

MS. LOE: R-2.

MR. PALMER: Yeah. There is a strip of R-2 directly across the street, and then the rest is PD. I see that now.

MS. LOE: But it's -- but adjacent, it's R-2?

MR. PALMER: Yes. Everything adjacent to the property at this time is R-2.

MS. LOE: This would be a level one landscape buffer?

MR. PALMER: I believe so, yes. From R-MF to R-2.

MS. LOE: And that's six feet wide. Is there any screening included in that or no?

MR. PALMER: Just the landscape buffer at that point.

MS. LOE: Just the landscape buffer.

MR. PALMER: Yeah.

MR. MACMANN: I thought there was a parking barrier --

MR. PALMER: That would be independent of the -- of the property of --

MR. MACMANN: The property probably. That would be a parking lot issue.

MR. ZENNER: The property of the neighborhood -- (inaudible). Yeah.

MR. MACMANN: Okay.

MR. PALMER: And also dependent on the location of the parking lot, I believe, would have to be determined.

MS. LOE: Thank you. Any additional questions for staff? Mr. MacMann?

MR. MACMANN: If this stayed R-2, eight times four, you said, we could have thirty-two bedrooms-ish?

MR. PALMER: Correct.

MR. MACMANN: And we're -- they want to do single units here. Right?

MR. PALMER: Uh-huh.

MR. MACMANN: Okay. So eight bedrooms versus thirty-two bedrooms?

MR. PALMER: That is right.

MR. MACMANN: Okay.

MS. LOE: Any additional questions for staff? Seeing none. We'll close staff questions and move on to public comment. If there's anyone that would like to make any public comment on this project, please come forward and give us your name and address for the record.

#### **PUBLIC HEARING OPENED**

MR. GREENE: Andy Greene with Crockett Engineering Consultants, 1000 West Nifong Boulevard, Building Number 1. Rusty, thank you for switching me over, and good job on the staff report. I'll kind of go over some bullet points and kind of retouch on some of the items that Rusty talked about. So what we've got here is a McKee Street rezoning. I'm Andy Greene with Crockett Engineering Consultants once again. Just a quick overview. The lot is a little bit less than one acre, about 0.85, currently zoned R-2, which would allow for duplexes. We'll get into the densities, basically what the lot size could handle duplexwise, as Rusty has already mentioned. We're requesting a rezoning to R-MF which would allow for the one building, eight single-bed units for a total of eight beds. This R-MF zoning does provide a transition between Clark Lane and the R-2 developments. Basically, as you go north, this is a nice multi-family zoning before you get right into the R-2. There are two PD zoned properties to the south and then The Links is obviously to the east a little bit on down the road, like I said, adjacent to Clark Lane, which is a minor arterial. And then within 300 feet, Rusty mentioned the nodal locations, the heavier -- your bulk density zoning. We are very close to Clark Lane and Ballenger Place. Just a little overview map, location map here. What you've got is the property north of Clark and east of Ballenger Lane -- excuse me -- west. Current zoning is R-2, which would allow for duplexes. Based on the current lot size and granting additional right-of-way, realistically, you could get four duplex lots on that, and so four bedrooms a pop, would be thirty-two total beds. So what we're wanting to do is go to R-MF and, once again, one building with eight one-bedroom units for a total of eight beds, so it's less dense than what the R-2 would allow for now. Other multi-family zoning are -- are in the area to the north, as Rusty mentioned. McKee Street PUD and the other one -- I forget the name, but it's up there. So the reasons for this rezoning, the client came to us and they see a need for single-bedroom units in Columbia. They

build homes, that's what they do. It's -- people ask for the one-bedrooms all the time and he sees the -- the hole in the market here and wants to fill that. One-bedroom duplexes are not cost efficient to build, and so the rezoning to R-MF would help him do that more efficiently. Multi-family does -- the multi-family zoning does act as a good transition between the major streets, Clark and Ballenger, as you transition into those less dense R-2 zonings to the north. And once again, nodal locations placed in a higher densities developments is -- is consistent with Columbia's comprehensive plan. So in conclusion, the rezoning would not increase traffic more than what it would be allowed under current R-2 zoning, just based on the density. Looking at eight beds versus thirty-two. There are a couple of concerns with increased crime as there are with -- that normally come with increased density. It's usually not -- not the case and going to happen with the straight rezoning. The rezoning to R-MF would be in conformance with the comprehensive plan, once again, the nodal locations at those big intersections. We bring this request to you with staff's support and requested R-MF zoning is appropriate for this location according to staff, and that's basically it. So I would be happy to answer any questions anybody has got.

MS. LOE: Thank you. Are there any questions for this speaker? Ms. Burns?

MS. BURNS: I had one question. I don't think you're required to -- with this -- the development that you're talking about -- submit a plan for trash, but is that something that's been discussed with your applicant, with your builder and maybe with the neighbors?

MR. GREENE: It would likely be an on-site trash service to come pick up dumpster with screening requirements or whatever is required per UDC, but it would be all on-site. No street-side trash pickup, but there have not been discussions with neighbors as far as trash.

MS. BURNS: Thank you.

MS. LOE: Any additional questions. I see none at this time. Thank you.

MR. GREENE: Thank you.

MS. JOHNSON: Rusty, could you put the slide up there that shows those three properties that you were talking about? Thank you. My name is Judy Johnson; I live at 1516 McKee Street in Columbia. Also I represent the Zaring Neighborhood Association, so I have spoken with several of the neighbors in the area about their concerns about this area. A little history. The 12 lots, 12-apartment house there that -- it's right across from where I live. And that is a low-income group of people that live in there, and there is a live-in person there for security, and it's all one -- one floor. It's all flat. And the other property, from what I understand, ran out of money or something and they weren't able to come with a plan. And one reason it was approved was because the City wanted more green space. But that area north of it about where the trees are there -- you'll see the trees and then that little green spot, there's kind of like a little creek running through there, so it's kind of water going through there. Also if you can bring up the other slide there, Rusty, where it shows closer to that lot where -- thank you. The green one, yeah.

MR. PALMER: You want -- back this way?

MS. JOHNSON: Yeah, that one.

MR. PALMER: Okay.

MS. JOHNSON: North of this area is a real nice single-family home. Then there's a green space and there's -- you can see that little white spot there. That's their second single-family home. There's kind of a light area going down the middle there. That is a creek -- not a creek, but the storm water flows through that area, so, you know, it gets real heavy storm water. One of our concerns is about having such a large parking space there. We'll have a lot of runoff there flooding that -- into that area. The neighbor to the north has kind of a sloping yard that goes down into that, so we'll have quite a bit of runoff from all that parking space, the concrete they'll be putting in there. You had asked about the trash. I know the people that have the 12-plex across from us, they have their trash bin in what's called the covered area, but it's close to the street, so it's not covered because they don't always get it back in there, so it's been -- and I've had to call them and say please get it back in there, but still, from the street, you see the trash bin. So they'd almost have to put it back in the parking lot if they wanted to have it, you know, complete away from there. The neighbor to the north, she was very concerned about the cars going in and out of there because they're talking about having the driveway next to her property, the north side of that lot, and the cars, when going in and out, the lights would be shining into her bedroom window there, unless there was a fence or something put up there to kind of block that. Also from -- I -- in my imagination, once you get this zoned R-multi-family, we're not guaranteed they're going to put one bedrooms, are we, until they present a plan? So if they don't follow through with their plan they got now, you okay this, we could end up with multi-bedrooms in a large building there and we don't have anything of that nature there, and that's what's coming into our neighborhood is this large building of an apartment complex. Now down the road on the other side, you know, we have a whole -- we have a whole area that's just multi-family homes or -- no. It's an apartment complex area and it's real nice and everything, but here we're going to just stick one right in the middle of the neighborhood and that's going to be greeting people coming into our neighborhood. So there are some concerns about that. I understand they're saying, oh, you're going to have multi-four-plexes, four-bedroom. Most of the duplexes we have around there now are, like, three bedrooms each, you know, that we have there -- in there. It would be interesting to see how a person could get all that into that little area there, especially with the groundwork and the flooding and all that stuff in there. So we just have some real questions about it and concerns, especially the runoff and stuff. I don't know what the lighting situation would be for the -- for the parking lot, you know, if they would have light pollution in, too, because right east of that is two duplexes next door to that. And I know the gentleman there, I spoke to him and he was real concerned about the traffic on Clark Lane because the traffic is real hard. And you talked about street parking, really, there's no street parking because that's right there on that corner and, you know, with the stop sign there and stuff. So by the time you get the driveway, there's not going to be any room for street parking there. So are there any questions?

MS. LOE: Are there any questions for this speaker? Mr. MacMann?

MR. MACMANN: I just wanted to clarify a couple of points just -- and staff can help here a little bit. Am I correct in assuming that this development will have to control its runoff?

MR. ZENNER: That would be correct.

MR. MACMANN: As in -- and the reason I ask that question, you had expressed a concern additional storm water flowing into the neighboring properties. That is a grave concern of mine at all times. One of -- people are chuckling. One of the things that we did when we put in the new Code was to hopefully ensure that when these sites are developed, no more water will come off that property than what comes off of it right now. You do have a concern -- I thought about this. I just figured they did -- they're not required to -- that plan is not written in stone. They could go bigger if they wished. And I would suggest that anyone who is concerned -- and now we have a plug for Crockett Engineering, they've been very good to us. They haven't done the bait and switch thing. They've been very responsible. That is a concern that you should express. It's valid. To your other point about cramping duplexes. If you go up and down William or on Ash, they can get four duplexes in there, but they're almost butt to butt in those situations. But I think your -- all your issues are -- are quite valid, they need to express. And having worked with Crockett in the past and we see them, your issues of parking and lighting and stuff, they generally tend to be good people to work with and I'm sure they won't make me feel bad now. Those are all super valid concerns.

MS. JOHNSON: I think, you know -- yeah. Well, you know, the way it is now, the -- the ground is permeable and, you know, and it absorbs the water. But, you know, when you add all that concrete, you're going to have more runoff than you would normally --

MR. MACMANN: And that's -- that's -- that's what Crockett does.

MS. JOHNSON: And -- and, you know, there is kind of a ditch that runs down along Clark Lane there, but there's trees -- a tree growing right there in the ditch where it's supposed to go through, you know, and it's not maintained.

MR. MACMANN: And that's where you as neighbors need to hold whoever owns and develops that property to a responsible standard. If you're getting more water off, there's a problem, so you need to present it because whatever comes off of it right now, that's supposed to be the cap, even if -- if the engineers can fix these issues, then they need to put them in.

MS. JOHNSON: After it's done, though, what do you do? I mean, if the concrete is put down there, are you going to come and tear and out?

MR. MACMANN: Exactly. In the future, you could talk to Mr. Zenner over there on exactly how to report that problem, but it's certainly something you need to pay attention to.

MS. LOE: And as staff had pointed out, the proposed development is smaller than what the current zoning would allow, so that footprint -- I mean, the footprint you're discussing would need to address that regardless of what zoning goes -- or what zoning is.

MS. JOHNSON: Uh-huh. Thank you for --

MS. LOE: Are there any additional questions for this speaker? I see none at this time. Thank you. Are there any additional speakers on this case? Seeing none, I'm going to close the public hearing portion of this.

## **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion?

MS. CARROLL: I have a quick question.

MS. LOE: Ms. Carroll?

MS. CARROLL: Question of staff. So given that Crockett Engineering usually -- given that Crockett Engineering usually does build what they say they're building, is there any risk once they get the rezoning that the owners take time on their project and eventually sell before it's built and now they have an R-MF zoned that another owner with another company could build something much larger on?

MR. PALMER: Actually, yeah. With the open zoning, that's always going to be a concern. As I said, though, in the staff report, what they're proposing and what could potentially be built on this property in an R-MF zone is not all that far apart. I don't know exactly what they could build there, but given the site constraints, being a small site, and all the other aspects that have to be addressed, specifically, parking, for one, if they have, you know, ten units on the property, they're probably already butting up against the property lines with their parking lot. So I think there are limitations sizewise as far as what they can do there that are not all that out of line with what they're asking to do now.

MS. RUSHING: So are you saying that -- okay. They're proposing eight duplexes; is that correct -- with two bedrooms in each?

MS. PALMER: Four -- four -- I'm sorry. There would be four -- now I'm all mixed up. It's eight one-bedroom units in a single multi-family building.

MS. RUSHING: No. I thought he said they were going to be two-bedroom units?

MR. PALMER: No. One-bedroom.

MS. RUSHING: One bedroom. Okay.

MR. MACMANN: You're right. That can happen.

MR. ZENNER: For purposes of clarification, and just so we understand what we're discussing here. We're not discussing a future development plan. The development numbers are provided here for contextual purposes. We are talking about the appropriateness of a land use classification at this intersection. All of the details associated with the development of this property; i.e., the storm water, the required parking, all of that will be determined at the time that an actual development site plan is submitted. And we have a very, very stringent set of standards that has to be met. And as Mr. MacMann pointed out, postdevelopment flow can be no greater than predevelopment flow, and that means that an engineer will have to design a detention system by which to retain that water on site. Parking is a pretty standard calculation. And the building footprint, which we don't know anything about at this point, is going to constrain the site when all other things are considered -- all of your other improvements. The question here is, is an R-MF zoning classification appropriate given its context in this location of the intersection of McKee and Clark, 500 feet to the west of Ballenger along a major roadway. Is this a transitional use? That's the question that needs to be posed here. Yes, the applicant has provided us what their intention is, but there is always the possibility, as we pointed out here, the development density could increase in

an R-MF perspective from the eight one-bedroom units to a combination of different unit types. However, all things being considered equal, parking will probably dictate how many units could ever be built in a non-one-bedroom format because parking is what is going to absorb the most amount of site area. The R-2 with the eight duplex units is still going to have a parking requirement with it, so is it -- that may be the -- that may be a realistic maximum that could be achieved. It could only be three units when you tie in all of the other improvements that need to be made. As is R-2 appropriate? Is R-MF appropriate? I believe our staff report is pointing out that given the context of the intersection and the other areas around it, we believe R-MF is an appropriate zoning classification, and we're not really considering what the applicant is proposing to build as much as we are evaluating what the land use spectrum may be.

MS. RUSHING: But my understanding is R-MF, they could have up to 56 units; is that correct?

MR. ZENNER: That is a -- that's theoretically. Practically speaking, you would never be able to do 56 units and meet your parking requirements.

MS. RUSHING: So how many approximately?

MR. ZENNER: I don't know. I'm not a designer, and our staff doesn't design sites for our applicants. We're looking at a land-use context question.

MS. CARROLL: But with that land use --

MS. LOE: Ms. Carroll.

MS. CARROLL: Sorry. With that land-use context, though, granted that they wouldn't be able to achieve the whole 56 units likely with parking, including that parking as part of the consideration of the impacts of that land use because you would then have a much larger parking lot that you wouldn't have within R-2, even if in R-2 were to have more duplexes on it.

MR. PALMER: And I believe the -- I believe the number 56 would potentially refer to -- to bedrooms and not units, just so --

MS. RUSHING: Okay. Seventeen point four.

MR. PALMER: Yeah. It's -- it's .85 acres, so with that number, you would be looking at --

MS. LOE: Fourteen units, I believe you told us.

MR. PALMER: Yeah. Sounds right. It would be right around that, yeah.

MS. RUSHING: Right. Yeah. You're correct. I apologize. So 14 units on that piece of property.

MR. PALMER: Uh-huh.

MS. LOE: Any additional discussion? Anyone have a motion? We still have a quorum.

MR. MACMANN: Okay. I just didn't see him leave.

MS. LOE: Mr. Stanton?

MR. STANTON: As it relates to Case 142-2019, McKee Street Apartments rezoning, I move to rezone from R-2 to R-MF.

MS. LOE: Is there a second?

MS. BURNS: I'll second for voting purposes.

MS. LOE: Thank you. Second by Ms. Burns. We have a motion on the floor. Any discussion on this motion? Mr. Toohey, just to recap, Mr. Stanton has made a motion to approve rezoning from R-2 to R-MF. It was seconded by Ms. Burns. Any discussion on the motion? Seeing none. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

**Roll Call Vote: (Voting "yes" is to recommend approval.) Voting Yes: Mr. Toohey, Ms. Loe, Mr. MacMann, Mr. Stanton. Voting No: Ms. Rushing, Ms. Burns, Ms. Carroll. Motion carries 4-3.**

MS. BURNS: Four to three, motion carries.

MR. ZENNER: And given that that wasn't 75 percent, this item will show up under old business on the Council agenda when it is presented.

MS. LOE: Showing up as old business means that it's still open for public comment when it comes forward to City Council.

MR. ZENNER: At second read -- it would be second reading.

MS. JOHNSON: When would that be?

MS. LOE: When would it be scheduled?

MR. ZENNER: One moment here and I can tell you that.

MS. LOE: One moment while we check the City Council schedule.

MR. ZENNER: It would be August 5th is when the public hearing -- when the required second reading would occur, so --

MS. JOHNSON: Thank you very much. Thank you for your consideration.

#### **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.

#### **Case No. 146-2019**

**A request by Columbia College (owner) for an update to their existing campus master plan. The Columbia College Campus Master Plan was last updated in 2017. This update would be to address significant land use changes on Columbia College properties since the last update, which include changes in use at 904 North 8th Street, and at 1100 Wilkes Boulevard.**

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval to the changes of the Columbia College Campus Master Plan.

MS. LOE: Thank you, Mr. Palmer. Before I read the ex parte, are there any Commissioner comments? Mr. Stanton? Oh, I was going -- I can read it first. Ex parte -- never too late. So any Commissioner who has had any ex parte prior to this meeting related to Case 146-2019, please disclose

that now so all Commissioners may have the same information to consider on behalf of this case in front of us. Seeing none.

MR. STANTON: Madam Chair, I do have something.

MS. LOE: Mr. Stanton?

MR. STANTON: I am an executive officer for the Land Trust, and we are working on some stuff on the north -- the upper part of Eighth Street, and we work really closely with Columbia College and may do so in the future, so I may recuse myself just to be safe.

MS. LOE: Understood. We appreciate your gesture. Anyone else? Seeing none. Any questions for staff? Seeing none. I'm going to open up the floor to -- for public comments. If anyone would like to come forward and make public comments on this case, we would appreciate that. Please give us your name and address for the record.

#### **PUBLIC HEARING OPENED**

MR. JARVIS: Good evening. My name is Cliff Jarvis; I represent Columbia College, 1001 Rogers Street. And, yes, indeed, we were here just not very long ago, a couple of years ago to talk about the development plan that needed to be updated for us to build the new residence hall, and that thing is under construction and should be finished by the time students are ready to come back in about 60 days. As Mr. Palmer indicated that we've got a couple of buildings that we have owned for a while that we have decided that would best serve the college if we repurposed them and in order to do that, we've got to do some renovation to both and, of course, that requires a building permit, and that's the process. This is part of the process is to update our development plan, reflect the new use to get the permit and let everybody know what we're doing. So you have the information. Rusty's description is accurate, so I'll answer any questions.

MS. LOE: Any questions for Mr. Jarvis?

MS. CARROLL: I just wanted to clarify.

MS. LOE: Ms. Carroll?

MS. CARROLL: The existing structures remain?

MR. JARVIS: Yes.

MS. LOE: Any -- sorry.

MR. JARVIS: It'll all be interior -- internal.

MS. LOE: Any additional questions for Mr. Jarvis? I see none. Thank you. Commissioner discussion? Oh. Any other speakers for -- on this case? Seeing none, we'll close public hearing.

#### **PUBLIC HEARING CLOSED.**

MS. LOE: Commissioner discussion? Mr. MacMann?

MR. MACMANN: If we have no comments or questions, I have a motion. In the matter of Case 146-2019, request by Columbia College to update their master plan, I move that we approve.

MS. RUSHING: Second.

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

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion carries 6-0.**

MS. BURNS: Six to zero, motion carries.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council. That wraps up our cases for the evening.

#### **VIII. PUBLIC COMMENTS**

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

#### **IX: STAFF COMMENTS**

MS. LOE: Are there any staff comments?

MR. ZENNER: Yes, there are, as always.

MS. LOE: How was the trip, Mr. Zenner?

MR. ZENNER: It was exhausting. It was ten-and-a-half, eleven-hour drive today from Nashville.

MR. CALDERA: Doesn't the beard show?

MR. ZENNER: Yes. I won't look like this when you see me again, so those in TV land, this is a once in a lifetime opportunity, unless I do a no-shave November. Your next meeting will be on July 18th. You have the 4th of July off. That is the next Thursday, and I will be again away working on my property, so I get to look like this. But we do have some upcoming cases for the July 18th meeting. If I am not incorrect, there are just these two. The Schapira PD Plan. This is a major amendment, and this is a rezoning request to incorporate medical marijuana as a use into the statement of intent, corner of Rogers and College Avenue, if I am not incorrect. We'll see that here on the map in a moment. And then the West Ash PD Plan and rezoning at 906 West Ash. This is a proposal to do some infill development in an alternative housing layout that is not common, and in order to be able to accomplish that, it is a planned district request. And as a PD, it is a requirement that the plan come with the rezoning, so they have submitted both. A public information meeting was recently held on this to which there were a number of concerns expressed as it relates to storm water. Again, our PD planning process is conceptual, so there is likely going to have maybe tweaked slightly, but we should have an understanding generally of how storm water will be handled and we will be able to address that probably through the staff report after consultation with our building and site development staff, Those are the two items on the agenda for the 18. Just so we can familiarize ourselves with where they are located, as I said the Schapira request is there on the corner of Rogers and College, and then our 906 West Ash Street is this paddle -- what I would refer to as a paddle lot. It has frontage that comes back out to Ash and then it widens out in the rear. The proposal is to have a street come in off of Ash to gain access to some individual structures that are being proposed on the property, if I'm not incorrect, an uncommon housing approach. So it's something different that we haven't seen in the past, and the planned district designation actually

encourages, if not looks at these types of alternative design formats is something that we are interested in having. Those are the only two items that you have on your agenda for the 18th. The 18th's work session, as we discussed this evening, will be a continuation of our discussion on short-term rental, so we can get a little bit of additional feedback back from the Commission. I thank you for having that robust discussion this evening. Staff will start to distill comments made tonight to try to work on some text, but we really will not prepare a full revision to the March 1st draft that we're currently working with until we have gone through the last question or two that we have that was posed in tonight's staff memo, and then when we have that information completed, we'll be reproducing a draft and have a discussion with the Commission if you want another public listening session or if we want to just take that revised draft directly to a public hearing, but we will get to that on the 18th of July then. Enjoy your 4th's holiday, and we will look forward to seeing you at the end of the month.

MS. LOE: Thank you, Mr. Zenner.

**X. COMMISSION COMMENTS**

MS. LOE: Mr. MacMann?

MR. MACMANN: I actually have a comment and a question. I want to make a comment and I'm going to run it by our attorney when I do make it, in regards to the development which Mr. Gebhardt presented. I had a significant amount of information about the previous owner. However, once that transferred to the new owner, I don't know anything about The Callaway Bank. So I didn't feel it was necessary to bring that information forward, nor did it have bearing on the land use. Mr. Caldera, is that an appropriate approach there, do you think?

MR. CALDERA: If you ever are in doubt, it's always good to disclose. However, given that -- I mean, looking at the conflict of interest statutes, I don't think that knowledge about a previous owner of a property would necessarily cause you to be incapable of rendering a fair decision in this case, so I don't think it was a problem with that.

MR. MACMANN: All right. Thank you.

MS. LOE: Any additional Commissioner comments? Seeing none.

**XI. ADJOURNMENT**

MS. LOE: I'll take a motion to adjourn.

MS. BURNS: I move to adjourn.

MS. LOE: Thank you, Ms. Burns.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We are adjourned.

(The meeting was adjourned at 8:27 p.m.)

(Off the record.)