

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

SEPTEMBER 5, 2019

COMMISSIONERS PRESENT

COMMISSIONERS ABSENT

Ms. Sara Loe
Ms. Tootie Burns
Mr. Rusty Strodman
Ms. Joy Rushing
Ms. Lee Russell
Mr. Anthony Stanton
Mr. Brian Toohey
Mr. Michael MacMann
Ms. Valerie Carroll

I. CALL TO ORDER

MS. LOE: I would like to call the September 5th, 2019, Planning and Zoning meeting to order.

II. INTRODUCTIONS

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

MS. BURNS: Yes. We have seven. I will reevaluate as others join us. Ms. Russell?

MS. RUSSELL: Present.

MS. BURNS: Ms. Carroll?

MS. CARROLL: Present.

MS. BURNS: We have nine; we have a quorum.

MS. LOE: Thank you, Ms. Burns.

III. APPROVAL OF AGENDA

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

MR. ZENNER: Yes. Earlier this afternoon, we received a request from the applicant, or at least notification from the applicant, for Case Number 180-2019, which is the State Farm Block Number 2 Plat, that they would like to table that item for a period of two weeks to our September 19th meeting. The applicant is here, or the applicant's representative and legal counsel, to speak to that item. However, we will have just brief overview of the area in question when we get to that point, but that is an item that was shown under Preliminary Plats and now would be moved to Tabled Requests -- Tabling Requests.

MS. LOE: Thank you. Any comments on the agenda? If not, I'll take a motion. Ms. Russell?

MS. RUSSELL: I move to table Case Number 180-2019 to the September 19th Planning and Zoning Commission meeting.

MS. LOE: At this moment, we're just moving to approve the agenda.

MS. RUSSELL: Oh. I'll move that one, too.

MR. MACMANN: I'll second whatever Commissioner -- whatever Lee said, I'll second that.

MS. LOE: Mr. MacMann moves to second the agenda. I'll take a thumbs up.

(Unanimous vote for approval.)

MS. LOE: Unanimous.

IV. APPROVAL OF MINUTES

MS. LOE: Everyone should have gotten a copy of the July 18th, 2019 meeting minutes. Are there any edits, changes to those minutes? Mr. Stanton?

MR. STANTON: I move to approve the minutes for July 18th meeting.

MS. LOE: Thank you.

MR. STRODTMAN: I'll second.

MS. LOE: Mr. Strodtman, thank you for that second. Thumbs up on approval of minutes.

(Unanimous vote for approval.)

MS. LOE: Unanimous. Thank you.

V. TABLING REQUEST

Case No. 180-2019

A request by Engineering Surveys & Services (agent) on behalf of JDM II SF National LLC (owner) for a three-lot preliminary plat of 102.85 acres of property located southeast of the intersection of Southampton Drive and Providence Road (State Route 163). The property is zoned M-OF (Mixed Use- Office) and is addressed 4700 S. Providence Road.

MS. LOE: So moving on to our first section of the evening which is tabling. Mr. Zenner, you said we would get a brief overview of the case?

MR. ZENNER: Just a brief overview.

MS. LOE: Okay.

MR. ZENNER: So our property here is the State Farm Subdivision Block 2. This was a -- it is a preliminary plat located at 4700 South Providence Road. As you can see here on the graphic presented, this is 102, almost 103-acre tract of land in the southeast corner of Providence Road and the extension of Southampton, State Farm Parkway. They are requesting a three-lot preliminary plat. We have published the staff report for this; however, as I indicated, we did receive a request to table the item for two weeks. There are a number of moving parts with this. And the applicant is here this evening to discuss that, if necessary, but to save us all time, we've got three property owners or two property owners involved in this and three parties. One of the parties is desiring to just get a little bit of additional clarification on something shown on the preliminary plat before they take final action. And in order to allow them an opportunity to do some additional internal review, the request has been precipitated. Staff is not objectionable to the request to table for two weeks. The applicant can respond to the standard question of Mr. MacMann, will it be enough. Based on what we have discussed today, we believe it would be enough and, if so, the staff report will not need to be changed, it will just be updated with a revised Planning

Commission hearing date on it, but the content in the report will probably stay the same. So at this point, we are suggesting that the Planning and Zoning Commission support the request to table to September 19 to allow the applicant and their parties to further review the document that's being presented before the Commission for a recommendation of approval or denial.

MS. LOE: Thank you, Mr. Zenner. Are there any questions for staff at this time?

MR. MACMANN: I'd like to thank staff for preaddressing my question that I'm going to ask of these owners. Thank you.

MS. LOE: Any additional questions or comments? If there are any public comments that might give us more information? If you can give us your name and address for the record, that would be appreciated.

MR. CARROZ: Fred Carroz, Engineering Surveys and Services, 1113 Fay Street, Columbia, Missouri. Just here to answer any questions if anyone has any.

MS. LOE: Mr. MacMann?

MR. MACMANN: Is it enough time?

MR. CARROZ: We hope it is.

MR. MACMANN: Okay.

MR. CARROZ: I'm doing everything in my power to make sure it moves forward then, but it is slightly --

MR. MACMANN: Okay. The reason I ask this repetitively is just to help our citizens and the Council, because most of the time, we're right back where we're supposed to be date certain and that's great. But sometimes we keep getting moved and moved and moved, and we're setting aside time. That's why I bring it up.

MR. CARROZ: Right. And we -- and if -- how fast I work today hopefully will precipitate that moving on to the 19th.

MR. MACMANN: I wish you great luck there. Thank you.

MR. CARROZ: Thank you.

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

MR. CARROZ: You're welcome.

MS. LOE: Any additional public comment? Seeing none, we'll close public comment.

Commissioner discussion? Mr. Stanton?

MR. STANTON: If there is no additional discussion necessary, I would like to entertain a motion. As it relates to Case 180-2019, I move to table this until the September 19th meeting.

MS. RUSHING: Second.

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

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Mr. Strodman, Ms. Rushing,

Ms. Russell. Motion carries 9-0.

MS. BURNS: Nine to zero; motion carries.

MS. LOE: Thank you. Recommendation for tabling will be forwarded to City -- do we forward that to City Council? No. We just register it and move --

MR. ZENNER: Been received. Been received.

MS. LOE: Has been received.

VI. PUBLIC HEARINGS

Case No. 176-2019

A request by Cochran Engineering (agent) on behalf of Columbia Mall, LLC; Dillard's Inc.; J.C. Penney Properties, Inc.; and Dayton-Hudson Corporation (owners) for approval of a PD plan major amendment to the Columbia Mall C-P Plan to split an existing 39.75-acre lot into two lots, and for approval of a design adjustment to Section 29-5.1(f)(3) to allow a lot line through an existing structure. The approximately 66.92-acre property is located at the southwest corner of Stadium Boulevard and Bernadette Drive.

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 the requested major amendment for the Columbia Mall PD Plan with the associated design adjustment and the statement of intent.

MS. LOE: Thank you. Thank you. Are there any -- well, before we move to questions of staff, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

MR. STRODTMAN: Madam Chair?

MS. LOE: Mr. Strodtman?

MR. STRODTMAN: I would like to ask to be recused from Case 176-2019.

MS. LOE: I understand.

MR. STRODTMAN: Thank you.

MS. LOE: Thank you. Any additional comments? Seeing none. Are there any questions of staff? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Smith, I'm looking at the landscaping data, and I keep looking at minimum green space required and minimum green space on the site.

MR. SMITH: Uh-huh.

MR. MACMANN: I notice that we're under by about an acre. Could you help me understand that? Am I reading that wrong?

MR. SMITH: I'd have to take a look at it.

MR. MACMANN: Under landscape data, it has total acreage minimum green space required, total current green space.

MR. SMITH: Yeah. Excuse me. So the current Code minimum is -- is 15 percent. As part of the 2007 adoption, there actually was a variance to reduce that to the 9.02 acres, the 13.5 percent. That may not be as clear on there as we could have made it. That is kind of the current existing condition for the site.

MR. MACMANN: All right. And this request for major amendment does not trigger anything else in the UDC that would require that to be upgraded to the current standard; is that correct?

MR. SMITH: Correct. So in the case of landscaping, they do not have to go in and install additional landscaping unless they are constructing a new structure, and then that would be addressed for the amount of development that is commiserate with the landscaping. So if they built, you know, a new wing on one side, we'd apply the landscaping code to the section that's -- that's affected, and they would update the landscape plan for that area, so --

MR. MACMANN: But not the entire site, just the affected area?

MR. SMITH: Right.

MR. MACMANN: All right. I just wanted to clarify that because we're -- we're going to go there in not too long. All right. Thanks.

MS. LOE: Any additional questions for staff? I see none. In which case, we will open up the floor to public comment on this case.

OPEN PUBLIC HEARING

MS. LOE: If anyone does have public comments they would like to make, please come forward to the podium. Please give us your name and address for the record.

MR. REED: Elliott Reed with Cochran Engineering, 530-A East Independence Drive, Union, Missouri. Clint did an excellent job laying out all the facts of the case and I'm just here to answer any questions you may have.

MS. LOE: Are there any questions for this speaker? Mr. Smith must have done an excellent job. I see no questions. Any additional comments that you would like to add?

MR. REED: No, ma'am.

MS. LOE: All right. Thank you very much.

MR. REED: Thank you.

MS. LOE: Any other speakers? Seeing none, we will close public comments.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Mr. MacMann?

MR. MACMANN: I have a question for Planner Smith, and perhaps for Manager Zenner, also. We're allowing the design adjustment or we're potentially allowing a design adjustment that will divide this building, which goes against our -- what we set up in the UDC. I don't necessarily oppose that, I'm just wondering if we're setting up a situation whereby we're going to be giving these out with regularity?

MR. ZENNER: I don't know if I can answer that question as to if it will be with regularity.

MR. MACMANN: I see the need for this in this situation, but is there a test or a criterion that we're going to use to provide this relief in the future?

MR. ZENNER: Not that we have contemplated. This is a planned district, which is a unique animal in and of itself. Due to the fact that the regulations have changed, it further complicates probably matters because administrative platting, which may have created the existing lots for Target, Dillard's, Penney's, were done under a different set of code standards that allowed us to create administratively to carve out commercial or industrial or office lots without going back through a process. And because that particular provision has now been removed, a commercial development, any of our non-PD commercial developments, Lowe's, Walmart, Sam's out there at Conley, that is not a planned district. And if this action were proposed there, as well, it potentially would result in a similar action. A lot of our major commercial development, however, is actually in planned district, so -- but it's not nearly as tidily --

MR. MACMANN: It's not cut up as much.

MR. ZENNER: It's not cut up as much. I mean, so you look at our other Walmart sites, for example, our in-line shops aren't individually owned, though we do have pad sites that were all part of those original Walmart developments, but they're commonly owned and then they're individually leased. So I haven't given great contemplation to this being a regular occurrence. I think, as Mr. Smith pointed out, if this was coming in from scratch, and we wanted individual lots to be created as part of a more master commercial development, we'd have a different set of standards that we would be applying as it relates to the ring road and a variety of other access requirements that we would want met in order to ensure that each of the individual internal parcels had their actual own access or defined access. The only development that I can suggest that's anywhere near that is our Blue Ridge Town Center, which is not built with the exception of the Dunkin' Donuts, but it is also a planned district. But as a part of that planned district, there were particular provisions in that district's approval that stated that we wanted the ring road system and that had to be provided before the first building permit was issued, and we do have that in house now. So --

MR. MACMANN: Well, I just -- I wanted to bring this up because as we move forward and ownership patterns change, we may want to have a consistent set of criterion to reference because, otherwise, we're going willy-nilly and you know we always get accused of -- we could face a situation whereby we may be exercising favoritism or not, you know, that type of thing. I just wanted to put that out there that we need to have some basic broad parameters for these things.

MR. ZENNER: The design criteria -- if I can. The design criteria for a design adjustment, which is what this is being processed under, would be applied no differently in any nonplanned district case. So from the consistency of how we would evaluate it, which is part of the design adjustment has got to take into consideration context in which the proposal is occurring, we would likely be here, but not necessarily handling it as part of an overall plan amendment process. And this is -- because the lot was never shown on the original development plan, it constitutes a major amendment, which is why we're making the plan amendment. And really the plan amendment is not, in this instance, I think from our perspective as staff, not an unwarranted entity.

MR. MACMANN: And -- and I don't think this is, either.

MR. ZENNER: So --

MR. MACMANN: I'm just pointing to the future. That's all.

MR. ZENNER: Yeah. We would evaluate them under our design criteria and I think that would then put it forward to the Commission for you to consider is the context appropriate to create the lot -- the additional lot over a property line, for example, or a structure. What I will tell you is in order to address the issue of the parking lot scenario, we are currently in internal discussion as it relates to how we define structure. So structure is not just defined to include parking lot, it's included to be patio, deck, other type of things that are attached or physically a part -- attached to the ground. That has created, as a result of the adoption of the UDC, a series of other issues, which we would be looking at. I don't believe in this instance, however, even if we didn't have parking lot is considered a structure, we would have potentially been unable to have avoided this particular design adjustment. The other thing that we haven't been able to get fully our mind wrapped around either is the idea of creating a taxation parcel, which is not a platting action, per se, especially if it occurs after a plat or a building permit has been issued. So that's --

MR. MACMANN: That's where, not only for the private ownership, that's where I was heading for the City's purposes. When we have legal lots drawn and then we have a taxing lot drawn, this can create -- and Mr. Caldera can help us with this -- this could create a nightmare going forward. That's all. Thank you.

MS. LOE: Any additional questions or comments? I would like to underscore Mr. MacMann's comment that if this is an ownership pattern that does appear more -- I mean, I'm thinking condos, townhouses in a commercial setting and we're finding it's rubbing up against the UDC somehow --

MR. MACMANN: Well, and also, we've really pushed hard with the UDC, and this is a national trend to go with mixed use. And we're inviting these type of things, and that's not bad, but we just need to be cognizant of what we're going to do moving forward. That's what I'm --

MS. LOE: And -- right. Creating a set of rules that accommodates it.

MR. MACMANN: Correct.

MS. LOE: Rather than trying to continually rub against it. All right. Seeing no other comments, is anyone ready to make a motion? Mr. Stanton?

MR. STANTON: As it relates to Case 176-2019, I move to approve the required major amendment for Columbia Mall PD plan with associated design adjustment and statement -- and the statement of intent.

MS. RUSSELL: Second.

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

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Toohy, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Rushing, Ms. Russell. Motion carries 8-0, with one abstention.

MS. BURNS: We have eight and one abstention or excused, so motion carries.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council. That concludes our public hearing portion of the evening.

VII. COMMENTS OF THE PUBLIC

MS. LOE: Seeing none, we will move on.

VIII. COMMENTS OF STAFF

MR. ZENNER: The comments of the staff are that you have another meeting on September 19th. One item has been shifted to that agenda as we discussed this evening, 180-2019. And we have several other items on the agenda here, as you see, five more. We have a gaggle that are a combination of public hearing and subdivision. These are all dealing with a combination of permanent zoning and rezoning off of Clark Lane at the Clark/Lake of the Woods roundabout. This is the parcel that's directly to the west of the gas station, bank, and Sonic, and it has a corresponding preliminary plat to go along with it that will obviously be contingent upon the permanent zoning issue being dealt with, which has the annexation, of course, that Council will be dealing with. And then we have two additional public hearings. It seems to be the time of the season for planned district amendments. Sidra Subdivision, which is up off of Route E or Stadium North has proposed to come in and make a couple of plan changes for some new structures, one of which is carports, and then the second being solar panels for this particular residential development. And then we have a rezoning request that is off of Green Meadows right at Gray Oak Drive, so this is in the -- that would be south -- or the northeast corner. If you're familiar with where the Walmart is out there, this is the parcel immediately behind Walmart south of or to the west of Gray Oak. So those are your six cases that are on the agenda. Just so we can get ourselves situated again graphically, our State Farm Parkway project, the Armstrong Unitrust, this is the rezoning. This is a City parcel of property currently that's zoned Ag that is part of the overall proposed preliminary plat for this property. That is a rezoning from Ag to M-C. And then the permanent zoning parcel here that is on the left. This is, again, under the same Unitrust ownership. This is a permanent zoning request again, County Ag, if I'm not -- or C-G to a City M-C, so county commercial, their general commercial, which is comparable to our mixed-use commercial, and that would be subject, of course, to an annexation being considered and approved by Council. The plat then, as you can see, includes all of the parcels that are split between the zoning, the permanent zoning, and then the rezoning of our current City property, and that would create a three- or four-lot development or proposed development. And then, of course, our Sidra parcel here that's up off of Route E, north across from our Lake of the -- or not Lake of the Woods, our golf course. And then the Gray Oak Drive request here for our last item that will be on the agenda on the 19th. As we discussed tonight in our work session, we have completed discussion on two major projects that we had been -- had before the Planning and Zoning Commission, a couple of tweaks left to at least our short-term rental proposed regulations that will be brought forth on our -- our October 10th meeting. We will have a public facing version of that ordinance language available and out on our website probably within the next week to week and a half, after we've had an opportunity to make final tweaks as discussed this evening. And then public meeting will be held -- a public hearing will be held, at which time the public will be able to speak before the Commission and their comments, as well as the Commission's recommendation on the

components of the short-term rental regulations, will be forwarded to Council. And then at the end of October, we will be bringing forward the second item that we have been working on quite extensively, and that is the Rock Quarry Stakeholder Group report as it relates to the Scenic Rock Quarry Road Overlay and its general plan recommendations, and that will be, again, on the second meeting in October. Just to ensure that we are all on the same page as it relates to Commission elections for officers, that also is coming up here, and I will go back to our bylaws to determine if that is our next meeting during work session or if it will be our first meeting in October. I can't remember right now, off the top of my head, so that is coming up. Get your ballot writing hand ready and get ready to elect your favorite Commissioner to the next post of leadership. Other than that, we have no further questions. Be thankful we are not on the East Coast because they're still getting rain, but -- I appreciate your time this evening and your attention in work session. It has been enjoyable to finally bring together two of our major projects and be able to start to focus on some of the other issues that we have to bring before you. Thank you.

MS. LOE: Thank you, Mr. Zenner.

IX. COMMENTS OF COMMISSION

MS. LOE: Mr. MacMann?

MR. MACMANN: If there are no comments, I have a motion.

X. ADJOURNMENT

MR. MACMANN: I move that we adjourn.

MS. RUSSELL: Second.

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

(Off the record.)

(The meeting adjourned at 7:39 p.m.)