

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
March 10, 2022

Case 96-2022

A request by McClure Engineering Company on behalf of Legacy Investors Group, LLC, for a conditional use permit to allow Mechanical and Construction Contractors on a 4.41-acre site currently zoned MC (mixed-use corridor). The property was previously improved with a landscaping service. The subject site is located approximately 250 feet northwest of Bearfield Road on the north frontage of old -- of South Old 63 and is commonly addressed as 3100 South Old 63.

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

MR. KELLEY: Yes. Thank you, Madam Chair. A public notice for this request was given via postcards on February 11th and advertised in the paper for -- on February 22nd. Again, as I note in the staff report, the applicant held an interested parties meeting last week and submitted minutes with those as well.

To familiarize ourselves with the site, this is on Old Highway 63 on the northern frontage surrounded by residential subdivision to the north and some multi-family properties to the west. To the east are some MC properties. Office use, pool, and to the south tower. Then the -- as you mentioned, the site is zoned MC. Property zoned R1, RMF, and MC, previously used as a landscaping business. Again, that's what's being proposed here as the principal use, which they have a land permit that's used currently. In addition to that, they are proposing some tenant spaces that may house construction contractors that are similar to their use but that use is a conditional use in MC and the basis for this request.

Mechanical and Construction Contractors may have similar impacts to the proposed landscaping business in terms of noise, operation, sound, traffic, et cetera. The proposed site plan has outdoor storage area located at the rear of the property closer to the R1 subdivision to the north. The building is 14,000 square feet located near the Old 63 frontage and near the western property line, so on the southwest part of this site plan.

They're proposing level three landscape buffers adjacent to residential property to the north and west. And some -- and again, kind of as we're discussing earlier, some parts of the existing

landscaping, particularly to the north are greater than level three buffer and the arborist has considered those to be, you know, greater than what's required, so they're to be maintained. Staff also notes that 43 percent of the site is being proposed to be landscaped or maintained in pervious surface but that does include the outdoor storage area.

As we evaluate conditional use permits, we look at six criteria found within the UDC, and before I move onto that, I will show their landscaping plans just so you can see in detail, if you would like, their proposed landscaping, specifically noting the level three buffer to the west and to the north on this site adjacent to the residential properties. In addition you can see some topo lines to the north, showing an earth and berm that kind of separates this property from the R1 properties to the north, that may help in buffering and mitigating some of the proposed impacts of the use.

Getting to the evaluation criteria, the structure and lot both comply with the MC district, and I would note that landscaping businesses are subject to use specific standards in MC, and I would recommend that as a condition of this conditional use permit that those same use specific standards would apply to the contractor as well.

The proposal is considered to be consistent with the comprehensive plan. It is designated as a commercial district on future land use map which permits regional uses which in this district may depend on access to major roadways such as the Arterial of Old 63. The proposed use may be found within commercial and employment designations, and I would again point that -- point out that scale is important to consider here. We're smaller scale. Smaller scales of this use may be more appropriate in commercial; whereas, larger scales such as Emery Sapp & Sons that I pointed out in the previous case, I -- would be more appropriate in an industrial or employment area where that's 150-acre site that has greater impacts at that scale.

The comprehensive plan does talk about supporting in field and development mix uses where land uses can be integrated in considering specific considerations such as what you may do with the conditional use permit. Conditions may be applied to further integrate those sites and mitigate impacts.

The request conforms to the contextual character and within the same zoning that's around it. This specific criteria points out the consideration can be given to landscaping, building form, and other site conditions. I think that's essential to consider in this request.

The site is largely located within a predominantly residential area and residential corridor as well, so significant conditions are to be expected and provisions include as part of their site plan to make it consistent within its contextual character. They provided significant landscaping for the residential buffering. The outdoor storage area -- has requirements to be screened per the UDC, and on the site plan specifically, the building is limited in scale and setback from the R1 neighborhood to the north and buffered -- be a level three buffer from the residential properties to the west.

Staff recommends requiring development to the site to conform to the site and landscaping plan to ensure that the specific criteria is met. Requiring this to conform to the site also limits the scale of the building as well, so any expansion to building footprint or additional buildings, et cetera, would require a revision to this conditional use permit.

Adequate access is provided. Old Highway 63 is a minor arterial street which may provide access for retail neighborhoods and employment centers. The driveways which are remnant of the old drive-in theater are being consolidated and brought into compliance with current standards.

Discussing with public works, a traffic study is not required due to the small scale of the development, and public works noted that they are evaluating potential improvements to the roundabout to the southeast and its associated truck apron.

The infrastructure is in place to support the use that's served by all city utilities. No issue with capacity. And the final criteria regards significant adverse impacts to surrounding properties. I would note that this use in general does present the potential to have adverse impacts to property owners, and in this case, scale is important to consider due to the small scale nature of the site and the features on the site plan, limited scale of the footprint, and the increased landscaping. These buffers and conditions will mitigate visual and most audible impacts from the use.

The proposed use of this scale will have similar impacts to the landscaping business which is permitted by right and other uses permitted by right and MC. The use -- staff's (inaudible) use is consistent with the residential area but not dissimilar from the landscaping use permitted or other uses permitted in MC. The site and its development is subject to all UDC requirements including landscaping and neighborhood protection standards, and again, as we noted, conditions may be imposed.

Staff believes conformance to the site plan and standards for a landscaping business are essential. Our recommendation is to approve the CUP for Mechanical and Construction Contractors on the property subject to the following conditions. The first requiring conformance to the site plan. The other three conditions relate to what is required for a landscaping business and MC relating to grinding or reprocessing of materials on the site, requiring the -- where vehicles and equipment are stored and repaired.

So again, to maintain that the Mechanical and Construction Contractors use operates in a similar manner and is held to the same standards as the landscaping business on the site. With that, I'm happy to answer any questions you may have.

MS. LOE: Thank you, Mr. Kelley. Before we move onto questions for staff, I'd like to ask any commissioners who has had any ex parte prior to this case related to this case to please share that with the commission so all commissioners have the benefit of the same information on the case in front of us. If there is none, are there any questions for staff? No. All right. We will move straight to public

hearing.

PUBLIC HEARING

MS. LOE: If there's anyone in the public who would like to come forward and share comments with us, we would welcome that.

RYAN FULLER: Hi. Good evening again. Ryan Fuller, McClure Engineering, 1901 Pennsylvania Drive, here in Columbia. We submitted the request on behalf of the applicant, Lance Lanier (phonetic), with Legacy Investments is also here in the audience. He's also the owner of Lanier Landscaping that is intending to move onto this site and is leasing or taking a portion of this building that we're asking to be covered by the conditional use permit.

As Brad indicated, we held an interested parties meeting. It was attended by three members of the -- the board of the neighboring subdivision, BluffCreek. We had a lot of good discussion. Their concerns were mostly based in noise that was generated, light coming from the site, because of some issues they've had with some of the other commercial properties in the area. We were able to talk through what we're proposing, and I felt like it addressed a lot of their concerns. Hopefully, no opposition here tonight would support that as well.

The way we see this conditional -- the use under the conditional use permit working would be no different than the landscaping service on the site. The -- the outdoor storage area is a fenced in and screened area, so not to be an eyesore to the surrounding properties. It's fenced to provide security. We've had multiple businesses that have had issues with catalytic converters being stolen or equipment being vandalized, which we're hoping to deter that with this area being fenced and also not to be an eyesore for the neighbors.

Similar to the landscaping company, we want to be able to market the -- the tenant space in this building to other uses similar residential construction companies similar to -- Solar Sam is one company that does residential and commercial solar panels that we've had discussion with. Unfortunately, have not been able to come to an agreement on terms yet, but companies that will work similar to Lanier in terms of employees arriving at the site in the morning, getting their work orders, and assignments for the day, collecting any materials that they need from the outdoor storage area, and leaving. This is not something where there will be construction or loud equipment running throughout the day. That was one of the biggest concerns of the neighbors. The idea of us being there in the morning to collect materials and go out to the job site, and then return at the end of the day really addressed any concerns that they had with noise.

And as Brad indicated, I met with the city arborist when we developed the landscaping plan and designed all of the buffer here around the property. It's predominantly level three screening which requires an eight-foot tall screening device. In this case, we elected for a vegetative buffer -- buffer, if

you picture large tall shrub-like looking trees, eightfeet tall in addition to other flowering and budding trees and bushes to help beautify and screen the property from the surrounding uses.

So I believe that addresses the concernsthat were voiced to us, and I'm happy to answer any questions you guys --

MS. LOE: Thank you, Mr. Fuller.Any questions for this speaker? Commissioner MacMann.

MR. MACMANN: Thank you, Madam Chair. Sir, if we were to move forward in a situation, whereby, the recommendations that Planner Kelley has added here on the screen that's in front ofyou, do you all have any objections or concerns with that?

RYAN FULLER: No, we do not. MR. MACMANN: Thank you, sir.

MS. LOE: Any additional questions? Commissioner Placier?

MS. PLACIER: Would you consider the addition of these other contractors to the same siteto result in a more intense of the site as more traffic going in and out, more people?

RYAN FULLER: So yes, as -- as the tenant space are filled, there would be additional employees and additional traffic on the site, additional materials being stored in the outdoor storage area.

The site, as currently designed, provides the requiredparking and other features as if the whole building was occupied, so I don't see the -- any of the site improvements or infrastructure is being lacking when those tenant spaces are filled.

MS. LOE: Commissioner Geuea Jones.

MS. JONES: How many tenant spaces are we talking about?

RYAN FULLER: So.

MS. JONES: It looks like maybe three.

RYAN FULLER: Yes, three. And one of thoseis -- is Lanier, that intends to move in as soon as the building is ready.

MS. JONES: Okay. Thank you.

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

LANCE LANIER: Hi there. My name is Lance Lanier. I'm the owner of the property at 3100 Old 63 South. I am a prior firefighter of the city, five years until I was injured on duty which led me to start Lanier. We primarily do landscaping, outdoor living, pool installation, and excavation. We're just looking for being able to get other tenants into our property and set our feet in the ground, so. Any questions?

MS. LOE: Any questions for Mr. Lanier? I see none. Thank you.

LANCE LANIER: Thank you.

MS. LOE: Any additional speakers on this case? If none, we will close public comment.

CLOSE PUBLIC HEARING

MS. LOE: Commissioner comment. Commissioner MacMann.

MR. MACMANN: If my fellow commissioners have no other concerns, I would like to make a motion. In the matter of case 96-2022, a request by McClure Engineering on behalf of Legacy Investors for CUP, conditional use permit, to allow Mechanical and Construction Contractors on the property that Legacy already owns, I'm going to move to approve, and I'm going to add the additional conditional uses as delineated by staff. I will read them aloud so they are in the record, as we do not have anything but an audio recording, and they are as follows. Approval of the CUP, the conditional use permit, for Mechanical and Construction Contractors shall be subject to the following conditions. Development of the site shall significantly conform to the proposed site plan. No grinding or reprocessing of materials or debris shall be permitted on the site. Vehicles and equipment used as a part of such business operations may be located at the site provided they are screened from adjoining property in accordance with provisions of the UDC and are not located forward of the principal building on the site. And repair of vehicles or equipment used as a part of such business shall be conducted within a fully enclosed structure. With this condition, I move to approve.

MR. STANTON: Second.

MS. LOE: Seconded by commissioner Stanton. We have a motion on the floor.

Any discussion on this motion? Seeing none, Commissioner Geuea Jones, may we have roll call, please?

MS. JONES: Chairperson Loe?

MS. LOE: Yes.

MS. JONES: Commissioner Stanton?

MR. STANTON: Yes.

MS. JONES: Commissioner Burns?

MS. BURNS: Yes.

MS. JONES: Commissioner Rushing?

MS. RUSHING: Yes.

MS. JONES: Commissioner MacMann?

MR. MACMANN: Aye.

MS. JONES: My vote is yes. Commissioner Placier?

MS. PLACIER: Yes.

MS. JONES: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. JONES: And commissioner Carroll is absent. By our vote of eight with one absent, the motion carries.

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