



Columbia Planning & Zoning Commission Meeting Recap

Council Chambers, Columbia City Hall
7:00 PM Thursday, July 19, 2018

CALL TO ORDER (Members present: Burns, Harder, MacMann, Loe, Toohey, Stanton, Rushing, Russell.)
(Members absent: Strodtman.)

APPROVAL OF AGENDA (Agenda approved as submitted.)

APPROVAL OF MINUTES ([Minutes from July 5, 2018](#) meeting approved.)

TABLING REQUESTS

Case # 18-115

A request by Cypress Creek Renewables, LLC (agent), on behalf of Dunlop Development, LLC (owner), seeking rezoning of a 93.85-acre parcel of land located on the south side of I-70 Drive SE, approximately 2000 feet east of St. Charles Road. The property is currently zoned A (Agriculture District) and the applicant is requesting approval of PD (Planned District) zoning to allow for the installation of a 10MW solar energy facility. **(A request to table this item to the August 23, 2018 meeting has been received. This is the applicant's third request to table. This item was tabled at the June 21 and July 5 Planning and Zoning Commission meetings).**

(Action: This third tabling request is to allow the applicant additional time to address staff expressed stormwater concerns conceptually on the PD plan and to provide a greater level of detail on the proposed PD plan such that it meets the requirements of the Unified Development Code. Staff indicated that this request was made at the request of the applicant. If this request is granted, staff believes another Public Information Meeting will be required to ensure that the public is aware of the project. Staff indicated that applicants usually get two tablings and that a third is at the discretion of the Commission. Staff is not prepared to make a recommendation at this time and has not prepared a formal report.

The applicant was invited to address the Commission.

Two representatives of the project approached the podium. The first representative indicated that this is a new jurisdiction and it is not unusual for this national developer to adjust to local rules. They have not had enough time to reformulate and adjust the plan based on local staff input. The applicant indicated that delays are not in their best interest, but they need time to revise the final proposal. This will be their last request for tabling.

MacMann asked if the new date for tabling is solid. The applicant indicated that barring any unforeseen circumstances, this would be the last request. MacMann said there were questions about financing, but that many people would like to see a solar source. He then asked if the applicant had addressed the concerns of neighbors. The speakers indicated that they are open to any questions from neighbors and they will start that tonight.

Stanton indicated that this town has an active citizenry. They need to address local concerns. The applicant indicated that they are just addressing this now. They said they will speak with people in the next 4 weeks. They are very used to doing this in places where this is the first project of this kind, so they expect questions. They want to be a resource. Stanton asked why they didn't do this before. This is the third tabling request. The applicant indicated that major questions had not come up yet. Most of their discussions had been with staff. The next phase would be engagement of neighbors.

Rushing indicated that when they asked for earlier tablings, they should have understood that they have the responsibility to do outreach. She repeated the question, "Is this your last tabling request?". They said yes. Toohey asked if this was a difference between staff and the applicant. Staff indicated that because these are elevated panels, there were questions about elevated panels and stormwater regulations. Staff also asked if the rules were being applied properly under the new code. Staff also said that unfamiliarity of the code by out of state developers may be another consideration. Staff indicated that a tabling would require some additional meetings including another Public Information Meeting. Staff indicated that this is a private power company, but there is a public purchase agreement and all of these things feed into the decision. Staff did not elaborate on the specific points of disagreement.

Russell asked if the applicant would appear at the next public information meeting. The applicant said yes. Staff indicated that there could be some things that the applicant could not agree to, or the neighbors may request, or that there will be different interpretations of the code as written. As a staff, we may not be able to provide a final plan, but we do think we can get a general plan coming forward. If we have a new Public Information Meeting, they have to be prepared to provide information by then. Staff indicated that sometimes they have to negotiate on the dais to get applicants to do what they want and that that is the typical process. You, as a commission, have the power to table this again if you want to. Staff indicated that this is 99% there, and you could also move this ahead as a conditional approval. Staff can adapt to the decision of the commission. Staff is the gatekeeper and thinks they do a pretty good job.

The applicant indicated that they prefer individual discussion rather than public meetings, but they do feel they can address public concerns and neighboring property owner concerns. Loe asked if they were aware of opposition from local residents? The applicant indicated that they have heard that there are questions but are not aware of specific objections. The applicant indicated that can provide more information and they will make their contact information available. Toohey asked if this information was available online. Staff said yes, but that working notes and review notes are NOT available. Staff suggested that local citizens may not be aware that this information exists. As we come to closure, we will prepare a staff report based on new information. Staff suggested that not all issues have been addressed, so it would be useful to get that information updated, then make a decision. A simple call to staff can result in any citizen getting information. Staff also indicated that citizens should direct questions about process to them, but questions about content of the proposal should go to the developer.

Stanton asked if all past discussion notes were available. Staff admitted that there is always a lag time, but that people could watch the past videos of hearings. That is one way to review what testimony had been provided before.

MacMann asked when notice would have to be delivered for another public information and hearing to occur in the timeframe indicated. Staff indicated that they would have to do this by tomorrow or Monday.

Loe asked about testimony from the public regarding a tabling request should be allowed tonight. Staff said they usually don't open it up for debate, but the commission is free to enable public testimony. Staff indicated that they have not produced a staff report. He recommended that this should be tabled, but he thought there may be some awkwardness for how the applicant may need to proceed. You may want to limit testimony to the idea of tabling instead of the merits of the case since that could create confusion.

Loe asked to allow public comment about the issue of tabling and limit comments to that.

The first speaker indicated that he appreciated the opportunity to talk. He wants to know what the sticking point of the negotiations is. He also has questions about the general proposal. Maybe he can wait to the next meeting to ask about those, but wanted to know why there was no agreement tonight. Loe suggested he could talk at the Public Information meeting. The speaker indicated that he did receive information, but he first got a 6-page report and later found out that there was a 38-page report. He stated that this applicant has not engaged the public. He felt like staff came first then the public came second. MacMann indicated that he did not think it was a good idea to comment on an incomplete plan. He indicated they will get there. Stanton indicated that he wants the speaker to have comments and give them teeth. The speaker thanked the commission and believed that there is a process of discovery that needs to be completed.

Staff indicated that if there are questions to the 38-page report, they need to contact the applicant. If there are other questions, those need to be submitted to the staff. We take into account public comment. Some issues may be able to be resolved by discussion with staff. Staff indicated that some of these issues may need to be worked out by staff, some between neighbors and the applicant. The speaker asked why we need to go to them since they are the applicants. Why don't they come to us? Why do we need to go to them? What questions can we send to the staff? Staff said send questions about process to us. They asked for those questions to be addressed earlier rather than later.

No additional public comments were made.

Russell made a motion to table this item to the August 23 meeting. The motion to table passed unanimously, 8 - 0.)

Case # 18-146

A request by Smith Lewis, LLP (agent), on behalf of NGT Inc. (owners), seeking annexation and assignment of M-N (Mixed-use Neighborhood) district zoning upon a 10.36-acre parcel located at the northwest corner of Scott Boulevard and S. Brushwood Lake Road. The property is currently zoned A-R (Agriculture Residential) in Boone County and is undeveloped. (A request to table this item to the August 23, 2018 meeting has been received)

(Action: The request to table has been made to allow the applicant time to submit documentation of the FEMA floodplain amendment requested on the subject site. The applicant has indicated that a FEMA

Map Amendment Letter will be forthcoming but has not yet arrived. This case was withdrawn earlier but did not have a copy of the map to provide at this time. The map has been generated. Staff will not approve this until they see the latter of approval.

No further public comments were forthcoming.

A motion to grant tabling was made by MacMann. Staff indicated that the agenda was mistaken and that this should be tabled to August 9, not August 23. Motion to table passed unanimously.)

SUBDIVISIONS

Case # 18-144

A request by C. Stephen Heying Surveying (agent) on behalf of Horizon Steel Buildings LLC (owner) for approval of a three-lot final plat of R-2 (Two-Family Dwelling) zoned property, constituting a replat of Lots 11 & 12 of Renaissance Meadows - Plat 1 as well as unplatted property, to be known as Renaissance Meadows - Plat 3. The 0.84-acre subject site is located near the northwest corner of Ria Street and McKee Street, and includes property currently addressed as 4421, 4431 and 4433 Ria Street. (Action: The applicant is seeking approval of a final plat that combines previously unplatted property along McKee Street with two existing lots from the final plat Renaissance Meadows - Plat 1 and reconfigures the property into four total lots. No additional right of way is required, and the site is currently served by utilities.

The plat will generally combine the east portion of Lot 12 with the west portion of the unplatted property to the north, which is at present an approximately 250-foot deep parcel, to create an additional lot that will front on Ria Street. The remaining unplatted property will front on McKee Street. Lot 11 will also have a slight adjustment to its west property line.

The new configuration of lots is consistent with the existing development pattern in the subdivision in terms of lot size and allows for infill development that is sensitive to the context of the neighborhood. The parcel will also not require additional infrastructure extension, but will require the construction of sidewalks along the McKee Street frontage. For the replat portion of the plat, staff finds that the requested replat will not eliminate any restrictions that have been relied upon by neighbors, is properly served by existing utilities, and will not be detrimental to the neighborhood.

The proposed plat has been reviewed by staff, and it meets all requirements of the Unified Development Code. The site will require the approval of stormwater maintenance site plans prior to forwarding to City Council. Staff recommends approval of the request.

Stanton asked about the inclusion of any specific additional requirements. Staff indicated that that was needed.

Public comment was invited.

A surveyor for the project came forward. He indicated that this included the demolition of a double wide and that this was a better use of the property involved. It is a neighborhood improvement and eliminates nonconforming uses. This has been heard before and the new application complies with new stormwater rules.

MacMann made a motion to approve. The motion was approved unanimously, 8 – 0.)

PUBLIC HEARINGS

Case # 18-138

A request by Simon Oswald Architecture (SOA) (agent) on behalf of Schauf/Baker Partnership, owner of 2504 W. Worley Street and contract purchaser of 2502 W. Worley Street, to rezone 2.08 acres from PD (Planned Development) to MC (Mixed Use- Corridor) zoning. The potential rezoning would remove Lots 4A (2502 W. Worley) and 4B (2504 W. Worley) of the Administrative plat of Centre West Office & Storage Park from the Centre W. Office & Storage Park C-P Plan.

(Action: The applicant is seeking approval of a rezoning from PD (Planned Development) to MC (Mixed Use- Corridor) zoning to facilitate redevelopment of 2502 W. Worley from a car wash to an approximate 3,500 square foot animal kennel/boarding facility. The parcel to the west, 2504 W. Worley Street, is the Pet Center, Ltd., a veterinary hospital.

The applicant has stated a desire to have the facilities co-located on the two adjacent parcels for business purposes. The intent of the M-C zone is to allow for a broad range of commercial activities that may often be oriented towards automobile traffic and regional shopping needs. West Worley is designated as a Major Collector on the CATSO Major Roadway Plan between Stadium Blvd. and Fairview. A small portion of the northern part of the site is zoned FP-O (Floodplain Overlay), which will not be affected by this rezoning request, and the FP-O area is not part of the applicant's redevelopment plans. The rezoning action will remove the subject properties, Lots 4A and 4B of the of the Administrative Plat of Centre West Office & Storage Park, from the planned development guidelines imposed by the Centre W. Office and Storage Park C-P Plan. The remaining property in the Centre W. Office and Storage Park C-P Plan (Lots 4C and 4E) which is occupied by a self-storage facility and located to the south of the subject lots will remain subject to the C-P plan as initially approved and then amended to allow the present car wash and veterinary clinic configuration, in 1987.

While the proposed use for 2502 W. Worley (Lot 4A) as an animal boarding facility is an allowed use under the present CP zoning, the area has been subject to numerous minor and major amendments over the past thirty years. Both the existing veterinary clinic and the proposed boarding facility are classified under "Veterinary Hospital" in the UDC, a permitted use in the M-C zone subject to use-specific standards found in Section 29-3.3(q). Rezoning to M-C classification will permit redevelopment without the necessity of seeking a PD Plan amendment process at this time, or as future redevelopment activity is desired.

The proposed M-C zoning is consistent with the adjacent zoning and land uses in this area. To the east of the site is M-C, and to the west is M-BP (Business/Industrial Park). The self-storage units to the south would remain PD, and the Columbia Mall property across Worley to the north is also zoned PD. The Columbia Imagined Future Land Use designation of the site is "Commercial", which supports the proposed rezoning to the M-C (Mixed Use-Corridor) designation. **Rezoning the property will allow for redevelopment of the site subject to the requirements of the UDC, which allows for greater development certainty for the property owner and reduces the burden of PD development plan amendments which are often minor business and redevelopment needs.**

Since its original zoning to PD, the surrounding area has developed as a commercial corridor with the adjacency of the Columbia Mall, the Shoppes at Stadium, and the Stadium commercial corridor. Furthermore, an animal boarding facility is likely to have reduced traffic and lower impacts than the present car wash use. The rezoning proposal meets all applicable zoning standards under the Unified Development Code, and staff believes it is consistent with the Comprehensive Plan.

Staff recommends approval.

The public hearing was opened.

One architect came forward and indicated that she represented the client, that no one attended the public information meeting, but the applicant contacted individual property owners and there was no objection to this proposal. No further comment was forthcoming.

The motion to approve passed unanimously, 8 – 0.)

PUBLIC COMMENTS

(None.)

STAFF COMMENTS

Two items regarding alley vacation for a local bank have been withdrawn. They will show on the agenda due to previous advertising, but not will be heard on August 9. The items will need to be resubmitted and reintroduced.

Brushwood Lakes application (Case #18-146) will be heard on August 9th. This is the item that was tabled to this date at tonight's meeting.)

COMMISSIONER COMMENTS

(None.)

NEXT MEETING DATE - August 9, 2018 @ 7 pm

ADJOURNMENT

(Time: 8:07 PM.)

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