



Columbia Planning & Zoning Commission Meeting Recap

Council Chambers, Columbia City Hall
7:00 PM Thursday, July 5, 2018

CALL TO ORDER (Members present: Burns, Strodman, Harder, MacMann, Loe, Toohey, Stanton, Rushing, Russell.)
(Members absent: None.)

APPROVAL OF AGENDA (Agenda approved as submitted.)

APPROVAL OF MINUTES ([Minutes from June 21, 2018](#) meeting approved as submitted.)

TABLING REQUESTS

Case # 18-115

A request by Cypress Creek Renewables, LLC (agent), on behalf of Dunlop Development, LLC (owner), seeking rezoning of an 88-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 July 19, 2018 meeting has been received. This is the applicant's second tabling request.)**

(Action: This request will enable the applicant more time to address some outstanding issues brought up during staff review. The floor was opened for comment from the public. The Chair indicated that any comments should be directed toward the tabling request.)

One speaker asked for additional information and believed that there was not much information available at this time. The speaker owns a significant amount of property near this property and wants more information. He asked for more information on how this will impact county land access. Can we get more detailed information? Staff indicated that they do have significant information on the application that is about 36 pages long. It appears on the Community Dashboard. Staff indicated they will assist the speaker in accessing the data.

The next speaker indicated that she lives immediately east of this property. She noted that the applicants actually own more property than is being rezoned, and she wants information regarding future plans for that remaining land. The Chair indicated that staff would assist in that regard.

No further questions.

Motion to table passed unanimously, 9 – 0.)

PUBLIC HEARINGS

Case # 18-131

A request by J. Patrick and Barbara Fitzgerald (owners) to annex 3 acres of Boone County R-S (Single Family Residential) zoned land into the City and apply R-1 (One-Family Dwelling District) as permanent zoning to allow for connection to City sewer. The subject site is addressed 5705 E. Mexico Gravel Road. (Action: J. Patrick and Barbara Fitzgerald (owners) seek to annex three (3) acres of property into the City limits to allow for connection to City sewer and apply R-1 (One-Family Dwelling) zoning upon annexation. The property is currently located within unincorporated Boone County and is zoned R-S (Single-Family Residential). The property is improved with a single home, consistent with the proposed R-1 zoning district.

While the on-site septic system is operational, the Fitzgeralds have stated a desire to connect to City sewer to facilitate sale of the property. The property was platted in 1975 as Lot 3 of the Lewis and Smarr Subdivision. The site has contiguity with the City's existing municipal boundary along its northern property line, where it abuts the Garden City Subdivision, zoned R-1. To the east, south and immediate west are County R-S zoned properties. Lot 1 of the Lewis and Smarr Subdivision (5701 E. Mexico Gravel Road), which is two parcels to the west, was annexed and zoned A (Agriculture) in 2003.

Columbia Imagined's goals and objectives include promotion of a compact and contiguous municipal boundary with the efficient use of utilities. The subject site falls just outside of the Urban Service Area (USA) as depicted within Columbia Imagined; however, due to the fact that the property is capable of being served by City services upon annexation and has access to existing sewer lines with available capacity, the objectives of a compact and contiguous municipal boundary as well as the USA are believed to have been met. This area may be reviewed during the next Columbia Imagined update during review of the (FLUM) and USA.

While ideal for the neighboring properties in the subdivision to also incorporate, it is not uncommon for some fragmentation in annexation patterns due to the desire to hook up to City sewer. There are two different hook-up options available. The proposed permanent zoning has been reviewed by staff and external agencies and has been found to meet the UDC requirements. Furthermore, the request is considered generally consistent with the goals and objectives of the Comprehensive Plan and is compatible with adjacent zoning and land uses.

Staff recommends approval of the annexation/zoning request.

MacMann asked how the comment period went. The staff indicated that there were some questions about process because there is one property owner in the area who does not want to be annexed and wanted to make sure he would not be forced to come into the city. Staff indicated that this was voluntary, so no other properties would be forced into the city limits.

No one from the public appeared to comment on this proposal.

A motion to approve was made and seconded. The motion to approve passed unanimously, 9 -0.)

PUBLIC HEARING AND SUBDIVISIONS

(These two items are related, although separate votes are required for each item, including votes on two individual design adjustments.)

Case #18-132

A request by Engineering Surveys and Services (agent) on behalf of OTA Properties (owner) for a rezoning of .52 acres of property addressed 709 Fay Street from I-G (Industrial) to M-N (Mixed Use-Neighborhood). The property includes Lot 25 and the south sixty (60) feet of Lot 24 of Harbison's Second Addition to the City of Columbia.

(Action: The applicant seeks to rezone the subject property from I-G (Industrial) to M-N (Mixed Use-Neighborhood) to allow for redevelopment of a three-story mixed-use building. Presently, the site is improved with a one-story building formerly used as an automobile service facility. The proposed mixed-use building would include retail space on the ground floor, 12 residential units, and a rooftop patio. Residential uses are not permitted in the I-G zone, which is why the rezoning is sought.

The subject site is located on the west side of Fay Street, midblock, south of Wilkes Blvd. and north of the Colt Rail Line and Hinkson Avenue. It is south of the Brown Shoe Factory (northwest side of Wilkes and Fay) and north of the Wright Brother's Mule Barn (northwest corner of Hinkson and Fay); both properties are on the National Register of Historic Places and have been restored and converted, respectively, from a factory to office space, and from a mule barn to a mixed-use building. The Brown Shoe Factory is zoned I-G and the Mule Barn is also zoned HP-O (Historic Preservation- Overlay). The overall area has been transitioning in recent years from former industrially used lands, reliant on the COLT Railroad, to the location of an expanded footprint of Columbia College as well as investments in new business such as Logboat Brewery to the southeast, and infrastructure investment by the City along Range Line Street to the west. The site is directly adjacent to I-G zoning on all four sides. However, the greater context of the overall block's zoning and land use pattern is much more diverse (Range Line Street to the west, Wilkes Blvd. to the north, Fay Street to the east, and Rogers Street/Hinkson Avenue to the south). The block contains a mixture of M-C (Mixed Use- Corridor), HP-O (with mixed uses), R-MF (Multi-Family Dwelling), C-2 (Central Business District) and M-N zoned property. Additionally, much of the mid-block property which is zoned I-G, including the property immediately to the west of the site, is owned by Columbia College and is used for a mixture of building types and uses common to a college and subject to the College's Master Plan (last updated in 2017).

Higher education uses (residence halls, classrooms and offices, athletic facilities, etc.) are permitted in residential zones, and are typically zoned as such. The preponderance of Columbia College-owned I-G property in this area is due to many years of land acquisition by the College, rather than actual industrial uses on the parcels fronting Range Line Street and to the immediate west of this site. The remaining properties in this block with industrial uses are in one-story, non-descript buildings and are on the lower spectrum of intensity in terms of what I-G allows (they are mostly auto repair and service businesses). Staff, in its evaluating this request considered the risks of bringing residential uses into an industrial area in terms of noise, air quality, heavy truck traffic and other potential health, safety and incompatibility concerns and concluded that the uses in the area are not of a heavy industrial type, and the area may be attractive for students and young professionals wanting to walk to campus and the Downtown District.

There are residential lofts approximately 500 feet to the south on Fay in the Mule Barn mixed use building, in the residence halls on the Columbia College Campus, and within the larger neighborhood. Furthermore, staff believes this area is likely to continue to transition toward a mixed use, pedestrian environment due to its location, historical landmarks, and adjacency to the North Arts Village and Downtown Districts. Mixed use zoning at the neighborhood scale, as allowed by the M-N zoning classification, may ultimately provide a higher and better use for this area than the existing I-G zoning over time. Urban infill redevelopment, mixed use, and multi-modal transportation options are promoted by the Columbia Imagined. This project has the potential to continue the investment and change in the

neighborhood from lower-intensity industrial properties to mixed use, with an emphasis on pedestrian-oriented development near the City Center. The Columbia Imagined Future Land Use Map (FLUM) classifies this area as City Center, which supports a mix of uses at a pedestrian scale.

The proposed permanent zoning has been reviewed by staff and external agencies and has been found to meet the UDC requirements, with the acknowledgement that further study regarding sewer capacity is underway and redevelopment will be allowed only if capacity is deemed available. Furthermore, the request is considered generally consistent with the goals and objectives of the Comprehensive Plan and is compatible with the overall area's transitioning, diverse zoning, and mixed land uses.

Staff recommends approval of M-N zoning.

MacMann indicated that he had been asked by two people if this was a good thing. He responded that he would see how it goes, but wanted to share that interaction.

Public comment was opened and an engineer appeared on behalf of the applicant. He indicated that it was a good thing and that he was available to answer questions.

MacMann indicated that this is his neighborhood and that the sewer is a major issue in this area. You can smell it when it floods. The engineer indicated that they are very aware of that issue and that this is an older area. He knows that there is some failing infrastructure, particularly downstream, but that some things have already been addressed. He submitted that there will be less impervious space under this new plan, that they are looking at models to address this, and they will follow the results of the engineering studies. MacMann appreciated the comments.

The next speaker indicated that he is a big believer in this area and he built the building next to Logboat. He wants this area to be a place to live and play. He supports this and believes it will be a positive development. We want it to fit in, and we think this will be a positive for the whole area.

The next speaker indicated that he is part of the Benton Stephens neighborhood and he does not necessarily speak on behalf of any group. Certain parts of North Central are downstream from this and it could impact this. He then expressed an opinion and believes it is irresponsible to add to sewer capacity until the city has a better plan to address this. He thinks this is irresponsible at this time.

MacMann indicated that some new policies minimize stormwater runoff, but we do not have a policy regarding sewage. Loe indicated that there is something in this proposal and says that no building permit will be issued until it can be demonstrated that adequate sewer capacity has been determined. She asked staff if her interpretation was accurate. Staff indicated that her interpretation was exactly correct.

No further comment was forthcoming.

A motion to approve was made and seconded.

MacMann indicated that he will vote no, but that he hopes it passes.

The motion to approve passed 8 to 1 with MacMann voting no.)

Case # 18-133

A request by Engineering Surveys and Services (agent), on behalf of OTA Properties (owner), for approval of a one-lot replat to be known as "OTA Subdivision Plat 1" and approval of design adjustments from Sections 29-5.1(c)(4) and 29-5.1(g)(4) of the UDC pertaining to dedication of additional right-of-way and the provision of public utility easements, respectively. The subject site contains .52 acres and was formally platted as Lot 25 and the south sixty (60) feet of Lot 24 of Harbison's Second Addition.

(Action: MacMann repeated his earlier disclaimer that he had been approached by officers of the local neighborhood association and that he gave them no specific indication of support or opposition.

The applicant is seeking approval to replat Lot 25 and the south sixty (60) feet of Lot 24 of Harbison's Second Addition into a single lot. The plat is required to eliminate construction across building lines, and is in advance of future site redevelopment. The plat is being considered concurrently with Case #18-132, which would rezone the property from I-G (Industrial) to M-N (Mixed Use- Neighborhood) to allow a three-story mixed-use building. The applicant is also seeking two design adjustments. The first adjustment seeks partial waiver of the required dedication of right of way (ROW) on Fay Street. The second adjustment is to waive the requirement to dedicate a ten (10) foot utility easement along Fay Street.

Design Adjustment #1: Required ROW Dedication The applicant is requesting a partial design adjustment from Section 29-5.1(c)(4)(ii) and Appendix A of the UDC, which requires the dedication of additional right-of-way to ensure that substandard streets contain the required half-width to meet the City's street standards. Fay Street is a local non-residential street with 40 feet of ROW (20-foot half-width) adjacent to the subject property. Designs for local nonresidential roadways require between 60 and 66 feet of ROW width and between 30 to 36 feet of pavement width. With the plat, the applicant proposes to dedicate an additional five (5) feet of ROW to bring the street up to a 25-foot half-width of ROW along the property's frontage, five feet short of the minimum required dedication. The existing street pavement width is 32 feet wide.

The City's Public Works staff has evaluated the ROW design adjustment and supports the request. Such support is given based on the fact that the proposed dedication will match the ROW on the adjacent property to the south. Additionally, the additional ROW should be sufficient to allow the required sidewalk for Fay Street to be constructed within the public ROW.

Design Adjustment #2: Required 10 Foot Utility Easement The applicant is also requesting a design adjustment from Section 29-5.1(g)(4) and the design standards in Appendix A of the UDC, which require the dedication of a ten (10) foot utility easement adjacent to all public streets. The applicant is requesting relief from this standard along Fay Street. The UDC describes that, to the extent possible, utilities shall be located in designed easements and not in the street right-of-way. However, in this case as well as many other developed areas of the City, and especially commonplace in the urban core, utilities are located in the street right of way. This request is a partial waiver from the strict rule.

This requested waiver is further sought to support the applicant's request for redevelopment of the subject site to occur utilizing the M-N "Pedestrian Standard". Authorization to utilize the "Pedestrian Standard" is subject to Board of Adjustment review and approval which is predicated on successfully obtaining Council approval to rezone the subject property to M-N (Case #18- 132). The "Pedestrian Standard" would allow a zero-foot front yard setback and is intended to accommodate pedestrian-oriented retail with walkable connections to surrounding neighborhoods. Should the requested design adjustment not be granted, new building(s) would be required to locate behind the ten-foot utility

easement. This would negate the benefit of pulling a future structure up to the property line provided the "Pedestrian Standard" is approved. Should the "Pedestrian Standard" not be approved the 10-foot utility easement would be located within the standard 25-foot front yard setback of the M-N district. Regardless if the "Pedestrian Standard" is approved or not approved, the applicant is required to build adequate sidewalk along the Fay Street frontage.

After considering Public Works and Utilities staff's review of the requested design adjustments, the existing site conditions and the built environment, and the information submitted by the applicant staff supports the approval of the full waiver of the utility easement dedication and the partial waiver of the dedication of ROW.

Overall, there are no plans at present to improve Fay Street beyond its existing footprint, and the plat brings the area into closer compliance through the partial dedication of ROW and the requirement to build adequate sidewalk. The requests are not inconsistent with the Comprehensive Plan, are not detrimental to public safety or injurious to other properties, and do not negatively affect the circulation of the site. However, it should be noted that sewer capacity within this sewer basin has been identified as a concern. As of writing this staff report the City Utilities Department is working with the applicant to monitor sewer capacity and flow for the area with the understanding that building permits for any redevelopment activity shall not be issued unless it is determined or mitigation actions produce an adequate sewer capacity to support the proposed redevelopment.

The proposed replat has been found to comply with the provisions of the UDC with the exception of the requested design adjustments. Staff recommends approval of the proposed replat subject to approval of the design adjustments as follows:

- 1. Approval of the design adjustment to Sections 29-5.1(c)(4) waiving full half-width dedication in lieu of provision of an additional 5-feet of half-width as depicted on the attached plat (the partial waiver); and**
- 2. Approval of the design adjustment to Section 29-5.1(g)(4)**

Staff indicated that all could be passed in one fell swoop or each item could be voted on individually.

Rushing asked about the placement of the utility easement. Staff explained that there would be a de facto set back regardless of the Board of Adjustment ruling so this would help address the issue.

The public hearing was opened and an engineer appeared on behalf of the applicant. He noted that Logboat recently passed a design adjustment that was even lesser in width. It is difficult to apply everything in built out areas. He admitted that there is a disconnect, because of the new zoning rules preferring pedestrian interactivity. They worked with staff and believe this is a reasonable approach.

MacMann indicated that it was true that Logboat had a narrower easement allowance. The speaker indicated that the staff is more proactive under the provisions of the new code so he believes that any shortcomings can be addressed.

The next speaker indicated that he has followed this discussion and he also would like to find a solution to infrastructure problems. He wants this to be good for the neighborhood. He thinks this is positive, and he is willing to meet with anyone about all of this.

MacMann indicated that the previous speaker's remarks were well received and he appreciated the comments.

Burns asked who was conducting the impact studies. Staff indicated that it is the responsibility of the applicant and that it will be area wide, not just property specific.

A motion to approve was made to approve the original motion along with the two design adjustments.

The motion was approved 8 to 1, with MacMann voting No.)

PUBLIC COMMENTS

(None.)

STAFF COMMENTS

(Staff provided a description of the cases expected to be heard at the July 19 meeting, including the item tabled earlier in the evening.

Three cases are expected:

Cypress Creek Renewables (The case tabled earlier in the evening.)

Centre West Office and Storage rezoning

NGT, Inc rezoning and annexation (Located at Vawter School Road and Scott Boulevard.)

No further comments were forthcoming.

COMMISSION COMMENTS

(None.)

NEXT MEETING DATE - July 19, 2018 @ 7 pm

ADJOURNMENT

(Time: 7:52 PM.)

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