



Columbia Planning & Zoning Commission Meeting Recap

Council Chambers, Columbia City Hall
7:00 PM Thursday, August 20, 2020

CALL TO ORDER (Members present: Toohey, Burns, Russell, Carroll, MacMann, Stanton, Jones)
(Members absent: Loe. Toohey served as chair in the absence of Loe.)

APPROVAL OF AGENDA (Agenda approved as submitted.)

APPROVAL OF MINUTES ([Minutes from August 6, 2020](#) approved as submitted.)

SUBDIVISIONS

Case # 08-2020

A request by Engineering Surveys and Services (ESS) (agent) on behalf of Randy Rogers Romines and Matthew Collins Rogers (owners) for a one-lot subdivision to be known as "Moon Valley Subdivision Plat 1". The approximate 3.1 acre subdivision is located southeast of the terminus of Moon Valley Road and is zoned R-1 (One-Family Dwelling) district.

(Action: Staff report was briefly presented. Intent is to bestow legal lot status on this property. This had been the subject of an earlier hearing, but time had elapsed. This case has now returned. It is just south of Broadway Village. There is an interesting conservatiuon easement on the property. It also dedicates a 50-foot wide trail connection easement and all utilities are shown. Water will be upgraded and a hydrant installed. It is close to the Shepard Boulevard Neighborhood, which is generally an active neighborhood, so there were some questions about the project, but not much objection.

The request meets the code. The staff supports this request. Three neighborhood residents asked questions about this, but several people asked general questions about what would happen. Carrol asked about the private access road. Is that the private gravel road? Staff said yes.

**A motion to approve this request was made and seconded.
The request was unanimously approved with minor technical corrections.)**

SUBDIVISIONS & PUBLIC HEARINGS

Case # 74-2020

A request by Crockett Engineering (agent), on behalf of Gary Pfau (owner), seeking approval of a 2-lot final plat containing approximately 0.35-acres of R-MF (Multiple-family Dwelling) zoned property located at the NE corner of N. Sixth Street and Wilkes Boulevard to be known as "Nowell's Addition, Plat

No. 2". In addition to plat approval a design adjustment from Chapter 29-5.1(Subdivision) relating to dedication of a 10-foot utility easement along N. Sixth Street is requested. The intent of plat is to split the existing lot so the homes (600 and 602 Wilkes Boulevard) will be on individual lots.

(Action: This has already been considered by the Board of Adjustment since there are substandard lot widths. A variance was granted with the condition that the lot widths granted will only apply to single family uses. Oddly, lot 2 A could support 3 homes and lot 2 b could support three homes. Having single family uses here is probably preferable to the proliferation of social service offices that have grown up in this area. Now, these lots are legal lots and grants additional right of way so a 25' half width now exists.

The plat also dedicates utility easements, but they would like to put a slightly substandard easement around one of the lots due to the narrow nature of that part of the lot. Typically, it would require 10 feet, but on one lot, the lot necks down to about 3 feet and it is not desirable to have an easement encroaching into the buildable area of the lot. There was some give and take and some additional right of way is dedicated in another part of one lot. Where possible, it is provided in full. A right of use permit could also be sought to fix this problem. Staff recommends this request for approval.

Was the applicant agreeable to maintaining the single family nature of the area? Yes, and redevelopment of the property will be encumbered by the promise until it is redone again. Stanton asked if this won't bite us later because we agreed to something that is not exactly in the zoning? Staff said that is correct, we should not be in trouble by approving this request. MacMann said the neighborhood has been very engaged in this area. He said that the narrow lot widths do not bother the neighbors. Could these properties qualify for an ADU? Staff said no unless it was 50'. There is an existing shared driveway on these properties and that would be allowed to continue to exist. These also have a private sanitary sewer, however, there is a second public line available. MacMann believes that one is active and wants to know if these lots are connected to the active one. Staff does not know. MacMann asked about the narrow utility easement and asked if is a problem for the utility? Staff said no. MacMann said there is a fence on this property and wants to eliminate confusion about what the property line actually is.

The public hearing was opened.

The public hearing was closed.

A motion to approve this request with the included design adjustment and was seconded. The motion was approved unanimously, 8 – 0.)

A second motion was made to approve the final plat of Nowell's addition with the approved design adjustment. The request was approved unanimously, 8 – 0.)

PUBLIC HEARINGS

Case # 148-2020

A request by Crockett Engineering (agent), on behalf of Boone Development, Inc. (owner), for a major amendment to the Schapira Clinic Final O-P Development Plan's Statement of Intent to include "Medical Marijuana Testing Facility" and "Personal Services-General" as a permissible on-site uses. The Schapira Clinic Final O-P Development Plan was approved in 1987, permitting office uses and revised August 2019 to permit "Medical Marijuana Dispensary," as permitted uses on the site. The 0.37-acre property is zoned PD (Planned Development), located at the southwest corner of College Avenue and Rogers Street, and addressed 411 N. College Avenue.

(Action: Staff report was briefly presented. This request was associated with public notice and surrounding property owners. This is across from Walt's Bike Shop. In 1983 the property was given all O-3 Office uses. Last year, marijuana sales were allowed for this site. This restatement of intent would allow testing. Most residential surrounding this is R-MF. Other properties are zoned M-N. Other area uses have even more intensive uses. On this new statement of intent the uses are consistent and match well with the old uses except medical marijuana since it was not existing use at the time. The impacts on the property are limited by its size and are subject to additional buffering and licensing. It is a little more than a service industry use, but it is not significantly expanded in terms of general volume or traffic. In effect, this grants a conditional use. The request meets the comprehensive plan and it will not increase the intensity of use.

Staff did a preliminary investigation and noted that it would match the general requirement. On the application for a license additional review will be required. Staff recommendation is for approval.

MacMann asked if they voted this down earlier? Staff said it was a tie vote at the time. Jones asked if they are replacing the dispensary use with a testing use? No, they are adding the testing use. They believe they have a prospective user. Do they already possess a license? Staff said that this request comes from a different license applicant for a different use. That's when it was mentioned that they could come back and expand this new use. If it is licensed in the future, it can be used for this, but right now the number of licenses to be granted has already been met. This simply looks at future uses. The expansion of the program is unknown at this time.

Carroll asked about a tie vote on the dispensary earlier. Is this two story? Yes. Do we know square footage? No. Maximum square footage limits do exist on the total property. The building is not being proposed to be expanded. Is it true that this would be similar to Walt's Bike Shop kinds of uses? Staff said that was true in terms of current uses, but none of these buildings involved the medical marijuana and that is the root of the request. MacMann said this site is quite small.

The public hearing was opened.

An attorney appeared on behalf of the project and agreed with the staff report. They have a prospective tenant who might want to use this space for testing. He thought this was already allowed, but it was not, therefore this request is being made. We also have representatives of the ownership group. MacMann said earlier he was concerned about traffic. Testing does not bother him at all. Jones asked about generally expanding the uses to aestheticians and testing and this request would allow that.

The public hearing was closed.

Carroll noted that she was amenable with both parts of the request. Stanton said he thinks the market will determine how this works out. He sees this as a property use question and it does not seem excessive. Jones said she feels compelled to say that she does not think they can put another testing facility in that location, but, that is not our role and other regulations will guide that use.

A motion to approve the motion as submitted was made and approved unanimously, 8 – 0.)

**PUBLIC COMMENTS
(None.)**

STAFF COMMENTS

Staff indicated that there will be two items at the next meeting

- MPC Station #94 across from Lucky's. This would allow for lot consolidation. There will be a design adjustment along with this.
- The second request is a request from the City for lot 58 in Deerfield Ridge for the future construction of a fire station.

The worksession topic is not yet determined for the next meeting.

COMMISSIONER COMMENTS

Stanton said his statement of the day is about voting and he would like people to know that some ex-felons may vote in this state. Please be sure of your rights.)

NEXT MEETING DATE - September 10, 2020 @ 7 pm

ADJOURNMENT

(Time: 7: 49 PM.)

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