



Columbia Planning & Zoning Commission Meeting Recap

Council Chambers, Columbia City Hall
7:00 PM Thursday, September 10, 2020

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

APPROVAL OF AGENDA (Agenda approved as submitted.)

APPROVAL OF MINUTES ([Minutes from August 20, 2020](#) approved as submitted.)

SUBDIVISION AND PUBLIC HEARING

Case # 151-2020

A request by Cochran Engineering (agent) on behalf of Midwest Petroleum Company (owner) for approval of a two-lot final plat on property zoned M-DT (Mixed Use-Downtown), constituting a replat to be known as MPC Station #94. This request also includes three associated design adjustments from the UDC which are: (1) Section 29-5.1(c)(4) and Appendix A.3 (Street Widths) to allow right of way dedication less than the required 53', (2) Section 29-5.1(f)(3) to allow a new lot line through a structure, and (3) Appendix A.6(b) (Intersections) to waive the required lot corner radius at the site's Cherry Street and Providence Road corner. The 0.77-acre property is currently improved with a ZX Gas Station and is located at the northeast corner of Providence Road and Locust Street, and includes the addresses 104 and 126 S. Providence Road.

(Action: The applicant is seeking approval of a final plat that will create 2 lots on approximately 0.77 acres of land that was originally platted as part of Market Square of the Original Town subdivision. The site is currently zoned M-DT, which allows a wide range of commercial uses, and the owner intends to redevelop the site with a new service station and convenience store on Lot 2. There are no immediate plans for building on Lot 1.

Access to the site will be from Providence Road along the west side of the site, and Locust Street to the south. The existing entrances from Providence will be reconfigured upon redevelopment to meet current driveway standards as well as MoDOT regulations. The entrance along Locust will also remain, but will be reduced in width; however, be wide enough to accommodate access for tractor-trailers. Sidewalks were recently constructed along Providence as part of a MoDOT project; sidewalks will be required along Locust at the time of redevelopment.

The applicant is proposing to subdivide the property in a manner that will result in Lot 1 not having direct access to a city street from an existing driveway. Therefore, an access easement will be dedicated to ensure that adequate access between an existing entrance on Lot 2 and Lot 1 will be provided. The

plat reflects the easement location at this time, but the easement will be required to be recorded, and the plat updated with the recording information, prior to Council taking action on the plat. Additional right of way for Providence Road, a major arterial, is being provided, although the dedication will only provide a half-width of 41 feet, which is 12 feet less than the required 53 feet. A design adjustment to waive the additional 12 feet has been requested.

The site is currently improved with a service station and convenience store and another vacant commercial building, along with accessory parking areas. The required dedication would result in some of the existing pavement becoming located within the ROW, as well as a portion of the existing canopy and a free-standing sign at the southwest corner of the site. There are no immediate plans for improvements to Providence Road (which is maintained by MoDOT) that staff is aware of at this time, so the existing improvements will likely remain in the ROW into the foreseeable future. The City recently completed a CIP project immediately north of the subject site to construct a new turn lane for northbound traffic turning eastbound on Broadway. The applicant has stated that given the shallow depth of the lot, dedicating the additional right of way will significantly impact their ability to redevelop the site. They also plan to construct a retaining wall along the east property line, and the canopy as proposed would not fit on the site with a full ROW dedication.

At this time, the City's Public Works Department does NOT support the waiver of the required right of way dedication for the following reasons. Basically, the opposition is based on the fact that in the future there MAY be some additional need for right-of-way and the automatic grant now could require the city to purchase right-of-way in the future, even though no road improvement projects are envisioned at this time and various design adjustments for right-of-way have been granted in this area.

This request also requests a design adjustment to allow a parking lot to be built over an existing lot line. **Staff supports this request and in fact is seeking a permanent change to the zoning code since this issue comes up frequently.**

The applicant also requests a design adjustment that would waive the requirement to create rounded corners on one edge of the newly platted lot.

Upon review of the design adjustment worksheet, staff concurs with the applicant's findings and supports the request. In this case, Cherry Street is not currently constructed, and there are no plans in the CIP to construct the street; therefore, there is no need to round the right of way in this location because there will be no street intersection created.

Basically, staff **supports** the overall request except for the grant of right-of-way request. P&Z can approve the request and design adjustments as presented, make amendments or deny any parts of the request. Some technical changes may need to be made regardless of which option is taken by the commission.

Burns indicated that she serves on the park committee that works with the new park at the corner of Broadway and Providence. A question was asked about voting procedure. Separate votes will be held on the various parts.

MacMann reminded people that when the new zoning code was adopted they made an exception that allowed service3 stations to sit back from the road. People concurred that that was correct. Stanton said that he understood that even if they adopt some of these options, they will still not be in compliance, so

the whole thing has to pass or none of it can stand. Staff agreed that that was basically the same. MacMann said he was bothered by everyone asking for exceptions to the truncations. Jones asked if a truncation could ever be needed if a street was never built there. Staff said that was generally true. Loe asked about earlier reductions in right of way along Providence. Staff said that the Housing Authority was granted some relief on right of way along Providence. Staff said there was also an earlier grant, but it was before the city started really pushing for the grant of extra right of way. There was also one along Providence where a fraternity house asked for a waiver, didn't get it from P&Z but then was granted relief by council. Staff further explained that this policy has developed over time and in some cases, there are practical limitations to expansion, but for now we are looking at this through the current lens and policy. P&Z simply has to make a recommendation.

MacMann said that council did waive a portion of extra right of way for the fraternity mentioned. TKG was an applicant earlier and asked the city to release claims on the MoDOT right of way. It is really not the city right of way. It is MoDOT. Staff said it might be MoDOT now, but that could change in the future so we have adopted the strategy of obtaining the maximum amount we can at the time. It is a challenge. They have no plans. We have no current plans. But, we have been asked to ask for the maximum. That's why we are going this way.

Public comment was opened.

An attorney appeared on behalf of the applicant. Kansas City kicked off to the Texans at 7:28 PM. The reason we are doing this tonight is because we lost access to one of its lots when the whole park plan was adopted. When we looked at this overall, we looked at the gas station, so we decided to make improvements there at the same time – and now we are caught in all of the new rules and policies. On the gas station part of the site it is very narrow which makes building placement difficult. We plan to construct an entirely new building. It will be nicer. Oddly, we will also be increasing the landscaping along the street since there is NONE there. If we can't get this right of way part correct, none of this can occur. We will be adding services and products at this site which are needed in this area and we will increase some small grocery service.

The only thing really at issue is the additional right of way. Please keep in mind that we are granting some additional right of way now. If this is turned down, NO additional right of way will be granted because we will cancel the project. We can't do this project and grant the full 18 feet. There have been other requests for this kind of relief before so it is not without precedent, both on Providence and in other parts of town. The analysis asks you to look at five different items. MoDOT recently made a substantial investment in sidewalks in this area so it could be expected that they have no plans now.

Jones asked why they are subdividing to do this. The attorney said they would lose an entire building and that does not work economically. Loe asked about the claim that they are providing some additional right of way. Would just one foot be enough. The attorney said they are not just providing one foot, it is 6 feet. Loe asked how much would be enough? The attorney said that if MoDOT had a real plan for this area and said what they needed, there would be substantial discussions. As of today, there have been no concerns expressed – EVER. Stanton asked what would happen if MoDOT planned to give this back to the city. The attorney suggested that we look to history. It is unlikely that the city will ever own this road, even though it is technically possible. The attorney noted that two other representatives of the project are present to answer questions. No questions were forthcoming from the commission.

MacMann said the issue that came to mind to him was connected to Raising Cain's restaurant. He stated that this was a dangerous intersection. He believes that this intersection is a prime place for an additional turn lane and that we should not let the right of way go, even though it is really MoDOT's and he has problems with that, too.

Jones said she is concerned about the narrowness of the lot. She can't imagine shrinking the lot. There are already near misses here. She uses this gas station. This building will be here for more than 5 years. We should do this right when we have the chance to do it right. Stanton said he is not an engineer, but asked why they can't work with the existing footprint? I know there is the other building there. The owner of the property came forward and Stanton asked why not work with the existing footprint. The owner said there is a creek behind it and we did try to work with this and tried various questions. This was the best option that allowed the second building to co-exist. We do not have any agreement on the second building. Stanton asked about ownership and said basically the entrepreneur in him was just trying to squeeze a little more money out of the back building. We even tried to split the canopy, but that didn't work. This is a logistical challenge, but a good location.

Comment was again closed.

Burns said that she uses this area and noted that it is a narrow lot and it is difficult. She feels like we are trying to squeeze a square peg into a round hole. Stanton said he was looking for a win-win and can't find it here. He supports the city policy of going for the most right of way possible. MacMann made a motion to vote on the right of way exception first. Stanton pointed out that if it fails, this whole thing will fail. MacMann agreed.

**MacMann made a motion to approve the right of way design adjustment request.
The motion FAILED 9 -0.**

A motion to approve design adjustment dealing with truncation of corners and building a parking lot over a lot line.

The motion was APPROVED by a vote of 7 -2 with Jones and Burns voting NO.

A motion to approve the final plat of the property was made.

The motion FAILED 9 – 0 since the lot was not compliant due to the denial of an earlier exception.)

PUBLIC HEARINGS

Case # 164-2020

A request by the City of Columbia (Contract Purchaser) to rezone the northern half (approximately 2.5 acres) of Lot 53 of the Deerfield Ridge Plat 2 from district PD (Planned Development) to district R-1 (One-Family Dwelling). The subject property is concurrently proposed to be replatted into two lots and will be known as Lot 53B of Deerfield Ridge Plat 2-A subject to Council approval on September 21, 2020. The requested rezoning is sought to facilitate the construction of a new fire station.
(Action: The City, as contract purchaser, is seeking to rezone the northern half (approximately 2.5 acres) of the parent 5.03-acre lot located at the northwest corner of Scott Boulevard and W. Rte. K from PD (Planned Development) to R-1 (One-Family Dwelling). The rezoning is sought to remove the requirement that a PD development plan be approved prior to the site's improvement with a new fire station intended to provide enhanced fire protection services in the southwestern portion of the City. A concurrent subdivision plat (to be known as Deerfield Ridge Plat 2-A) proposes to split the parent parcel

into two lots is being reviewed by the City Council and is tentatively scheduled to be approved on September 21, 2020. The plat, if approved, will be used to facilitate the sale of the northern lot to the City.

The residential property has developed over time, but the commercial zoned property (the subject site) has remained vacant and does not presently have an approved PD plan associated with it. The permitted commercial uses for the subject property are generally analogous to the M-N district's commercial uses and incorporates some now M-C uses as well. Uses such as bakeries, bicycle repair shops, restaurants, convenience stores and service stations (provided fuel tanks are underground), ATMs, car washes, barber/beauty shops, photo shops, physical fitness centers, daycares/preschools, banks, medical/dental clinics, and office uses, including governmental organizations or societies are allowed. If rezoned, the construction plan approval process on the approximate 2.5 acres, to be owned by the City, would become streamlined and the parcel would in effect be "down-zoned" from its currently permitted commercial uses to single-family residential uses only. The R-1 district allows the proposed fire station as a "by-right" use. It should be noted that the statement of intent restrictions under the existing PD zoning will no longer encumber the property following the rezoning. The remaining approximate 2.5 acres of the site not rezoned via this request will remain under the existing PD zoning, including the SOI and permitted use list. The city will probably close on the purchase of this small parcel of property next week since it was approved at the last council meeting.

Staff believes the requested R-1 zoning is appropriate as it is generally considered the most restrictive zoning category in the City and is considered a down-zoning from what is presently permitted on the site. Such rezoning will permit the proposed fire station use without the necessity of having to prepare a PD development plan and further allows flexibility in modifying the site improvements without additional public hearings.

The proposed use is considered compatible with the existing residential uses and the proposed use is generally seen as having fewer impacts than commercial uses presently allowed. Fire stations in particular have the added benefit of providing additional community services (meeting spaces, hosting education events, etc.) in addition to known safety improvements (in terms of emergency response times) and financial benefits (in reduced homeowners rates) to the surrounding area.

Staff recommends approval.

The public comment period was opened and no one appeared to speak. Carroll commented that she is not a fan of continued annexation to the southwest. She hopes that will be addressed by the West Area Plan. She wants to see improvements in the current urban Service Area and she will not get in the way of that request. Jones noted that she moved out of this area 4 years ago and that even then there was a delay in delivery of services, so she thinks the fire station is needed.

A motion to approve the request was made and seconded.

The motion was approved unanimously, 9 -0.)

**PUBLIC COMMENTS
(None.)**

STAFF COMMENTS

The next meeting is on September 24. We will have a worksession first dealing with text changes to the UDC. On the regular agenda will be three items.

ADU on Glenwood

Eastwood Drive Rezone R-2 to R-MF

Revision to a Planned District plan in The Colonies

Staff also noted that there are 5 surveys being circulated dealing with various parts of the Comprehensive Plan and that those are all open for comment at this time. You can fill these out online or in paper form. We are looking for comments by the first of October, although we can take some late. We are asking some commissions to give a little more oversight to this process this time. We will also be making comments about where we made achievements and where we failed under the old plan. Complete info is available on the website. Reach staff at: planning@como.com.

P&Z will see all of this before it goes to council, but that probably won't happen until after the beginning of the new year. We will also be doing virtual events throughout this period.

COMMISSIONER COMMENTS

Stanton encouraged all citizens to vote this year.

Jones noted that she will be proposing some language for revisions to the UDC that she has come up with and those will then become part of the official session in October. Loe reminded that we cannot have independent works sessions. Jones said all of this will run through the staff so it will all be moderated and put into format. Staff is the gatekeeper. When we produce a report that proposes changes, we want to come in with a place of agreement. If there are some changes that the commission wants instead of staff language, this may help and Jones has offered to do some of that initial work.

Toohy noted that this seemed like this is a slippery slope. Are we all just going to start submitting text changes for action? Staff said that this evening's discussion revealed that there may be some areas that help frame the discussion. Jones is simply consolidating what was discussed earlier tonight and resubmitting it. You still vote on it as a commission but you won't have to vote on it on the fly. Loe noted that we eliminated the middle housing group because we were violating the subgroup idea of action. Staff said there is no back and forth exchange, so it is not a working group and Jones agreed with that. Loe said that seems like it is more analogous to Rushing putting together thoughts about short term rentals and she could live with that. Staff also said we need to be cognizant of the open meetings law and establish working groups. Those do NOT exist right now and we do not want to start creating the small working groups on most commissions.

Carroll said she thinks the commission is allowed to make amendments and we do not use that power often enough because we have to make up the amendments on the fly. Let's see how this goes.

The meeting was adjourned.

NEXT MEETING DATE -September 24, 2020 @ 7 pm

**ADJOURNMENT
(Time: 8:21 PM.)**

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