

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 103-14

AN ORDINANCE

rezoning property located on the southeast corner of Coats Street and North Boulevard (1200 and 1206 Coats Street, 808 North Boulevard) from District C-P to District C-3; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

A TRACT LOCATED IN SECTION 12, TOWNSHIP 48 NORTH RANGE 13 WEST CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING LOTS 10 AND 11 OF J. C. CONLEY'S ADDITION TO THE CITY OF COLUMBIA AS SHOWN BY THE SURVEY IN BOOK 89 PAGE 6 OF THE BOONE COUNTY RECORDS, ALSO BEING THE TRACT DESCRIBED BY THE DEEDS IN BOOK 454 PAGE 314, BOOK 549 PAGE 828, BOOK 3444 PAGE 126 ALL OF THE BOONE COUNTY RECORDS.

will be rezoned and become a part of District C-3 (General Business District) and taken away from District C-P (Planned Business District).

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2014.

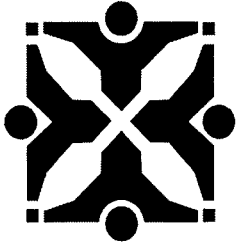
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Apr 21, 2014

Re: Kardon - rezoning request (Case 14-31)

EXECUTIVE SUMMARY:

A request by Thomas and Pamela Kardon (owners) to rezone property from C-P (Planned Business District) to C-3 (General Business District). The 1.1-acre site is located on the southeast corner of Coats Street and North Boulevard, and includes 1200 & 1206 Coats Street, and 808 North Boulevard. (Case #14-31)

DISCUSSION:

The applicant is requesting to rezone 1.1 acres of land from C-P (Planned Business District) to C-3 (General Business District). The applicant's reason for requesting C-3 zoning is to match nearby commercial zoning to the north and west, and to increase the value of the property. The site is situated between general commercial uses to the north and residential uses to the south.

The City's Comprehensive Plan identifies the subject site as lying within the Commercial District, which supports the potential for a wide variety of commercial uses, including C-3. However, since the property abuts residentially zoned land in the Neighborhood District, staff is not supportive of increasing the available uses to include more intensive commercial activities that might be disruptive to adjacent residents.

The applicant has filed several previous applications to rezone the subject site. The site was initially designated as "Apartment District" in 1935, and reclassified as R-3 (Medium Density Multiple-Family Dwelling) on the City's 1957 Zoning District Map. The portions of the site including 808 North Boulevard and 1206 Coats Street were rezoned to C-1 (Intermediate Business District) sometime between 1957-1969 and 1987, respectively. Two separate requests to rezone the northern part of the site to C-3 were denied by Council in 1987. The applicant was subsequently granted C-P zoning on the northern part of the site in 1992, and added the 1200 Coats Street to the C-P district in 2011 after a failed third request for C-3 zoning earlier that year.

Staff continues to assert that C-3 zoning is inappropriate at this location given the site's close proximity to residential zoning and uses. The existing C-P zoning and development plan limit the uses, hours of operation, and layout of the site in an effort to protect adjacent residential properties from obnoxious fumes, dust, odor, and noise.

At its meeting on April 10, 2014, the Planning and Zoning Commission voted 7-1 to recommend denial of the proposed rezoning. The applicant suggested that C-3 zoning was needed to increase the value of the land so that he could acquire a larger loan to complete construction of one of the buildings on the site. Two members of the North Central Neighborhood Association expressed opposition to the C-3 zoning based on the potential for more intensive uses to occur on the property, which might disrupt adjacent residents. Commissioners' comments reflected staff's assessment of the request. No explanation was given by the sole Commissioner who indicated support for the rezoning request.

A copy of the staff report, including locator maps, and meeting excerpts are attached for your review.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Denial of the request for C-3 zoning

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	NA
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	NA
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	NA

AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
April 10, 2014

SUMMARY

A request by Thomas and Pamela Kardon (owners) to rezone property from C-P (Planned Business District) to C-3 (General Business District). The 1.1-acre site is located on the southeast corner of Coats Street and North Boulevard, and includes 1200 & 1206 Coats Street, and 808 North Boulevard. (Case #14-31)

DISCUSSION

The applicant is requesting to rezone 1.1 acres of land from C-P (Planned Business District) to C-3 (General Business District). The applicant's reason for requesting C-3 zoning is to match nearby commercial zoning to the north and west, and to increase the value of the property. The site is situated between general commercial uses to the north and residential uses to the south.

The City's Comprehensive Plan identifies the subject site as lying within the Commercial District, which supports the potential for a wide variety of commercial uses, including C-3. However, since the property abuts residentially zoned land in the Neighborhood District, staff is not supportive of increasing the available uses to include more intensive commercial activities that might be disruptive to adjacent residents.

The applicant has filed several previous applications to rezone the subject site. The site was initially designated as "Apartment District" in 1935, and reclassified as R-3 (Medium Density Multiple-Family Dwelling) on the City's 1957 Zoning District Map. The portions of the site including 808 North Boulevard and 1206 Coats Street were rezoned to C-1 (Intermediate Business District) sometime between 1957-1969 and 1987, respectively. Two separate requests to rezone the northern part of the site to C-3 were denied by Council in 1987. The applicant was subsequently granted C-P zoning on the northern part of the site in 1992, and added the 1200 Coats Street to the C-P district in 2011 after a failed third request for C-3 zoning earlier that year.

Staff continues to assert that C-3 zoning is inappropriate at this location given the site's close proximity to residential zoning and uses. The existing C-P zoning and development plan limit the uses, hours of operation, and layout of the site in an effort to protect adjacent residential properties from obnoxious fumes, dust, odor, and noise.

RECOMMENDATION

Denial of requested C-3 zoning

ATTACHMENTS

- Locator aerial and topographic maps
- Existing C-P zoning ordinance and development plan

SITE HISTORY

Annexation Date	1906
Existing Zoning District(s)	C-P (Planned Business District)
Land Use Plan Designation	Commercial District
Subdivision/Legal Lot Status	Lots within J.C. Conley Addition

SITE CHARACTERISTICS

Area (acres)	1.1 acres
Topography	Flat
Vegetation/Landscaping	Landscaping
Watershed/Drainage	Flat Branch Creek
Existing structures	3 automotive body shops

SURROUNDING LAND USES

Orientation from site	Zoning	Land Use
North	C-3 (General Business)	Mixed use commercial buildings
South	R-3 (Medium Density Multiple-Family)	Single-family homes
East	C-1 (Intermediate Business)	Surface parking lot
West	C-3	Automotive parts store (retail)

UTILITIES & SERVICES

All City services are available to the site.

ACCESS

North Boulevard	North of site
Major Roadway Plan	City-maintained Local Non-residential street (improved)
CIP Projects	None

Coats Street	West of site
Major Roadway Plan	City-maintained Local Residential Street (improved)
CIP Projects	None

PARKS & RECREATION

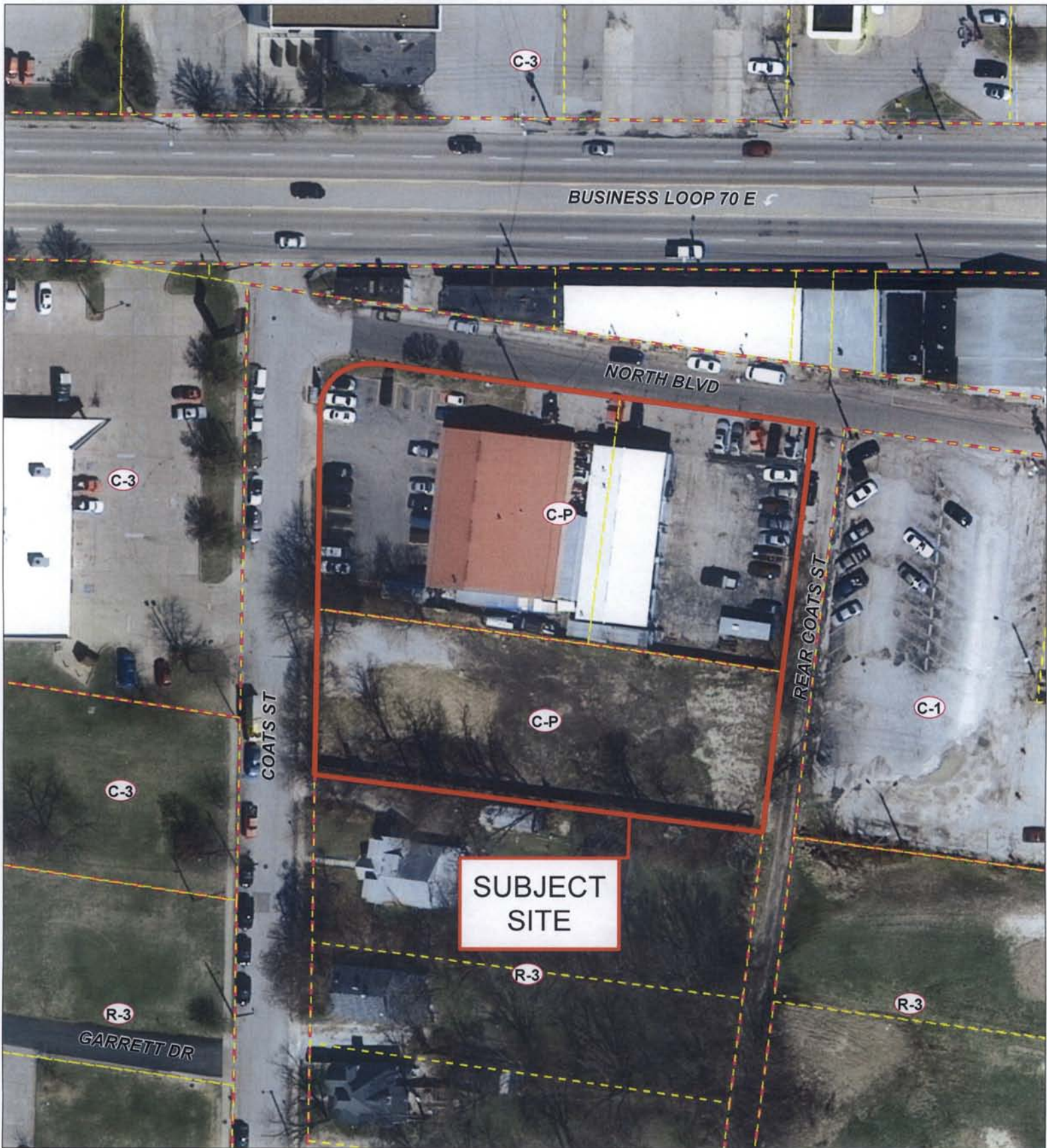
Neighborhood Parks	Site is served by Hickman High School Park, 600 ft to southwest
Trails Plan	No trails planned adjacent to site
Bicycle/Pedestrian Plan	No pedways proposed adjacent to site

PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on March 18, 2014.

Public Information Meeting Recap	Number of attendees: 4 Comments/concerns: Incompatible zoning
Neighborhood Association(s) Notified	North Central
Correspondence Received	None as of this writing

Report prepared by Steve MacIntyre; approved by Patrick Zenner



14-31: Kardon Rezoning



Hillshade Data: Boone County GIS Office
 Parcel Data Source: Boone County Assessor
 Imagery: Boone County Assessor's Office, Sanborn Map Company
 Created by The City of Columbia - Community Development Department

0 35 70 140
 Feet



14-31: Kardon Rezoning



021021

City of Columbia
Planning & Zoning Office

Introduced by McDavid
First Reading 7-5-11 Second Reading 7-18-11
Ordinance No. 021021 Council Bill No. B 177-11

AN ORDINANCE

rezoning property located on the southeast corner of Coats Street and North Boulevard (1200 Coats Street) from District R-3 to District C-P (Planned Business District); repealing all conflicting ordinances or parts of ordinances; approving a revision to the Kardon C-P Plan; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

A TRACT LOCATED IN SECTION 12, TOWNSHIP 48 NORTH RANGE 13 WEST CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING LOT 11 OF J. C. CONLEY'S ADDITION TO THE CITY OF COLUMBIA AS SHOWN BY THE SURVEY IN BOOK 89 PAGE 6 OF THE BOONE COUNTY RECORDS, ALSO BEING THE TRACT DESCRIBED BY THE DEEDS IN BOOK 454 PAGE 314, BOOK 549 PAGE 828, BOOK 3444 PAGE 126 ALL OF THE BOONE COUNTY RECORDS.

will be rezoned and become a part of District C-P (Planned Business District) and taken away from District R-3 (Medium Density Multiple-Family Dwelling District). Hereafter the property may be used for the following uses:

Automobile repair shops
All permitted uses in district R-3 (subject to the height and area regulations of district R-3)
Barber and beauty shops
Buildings and premises for public utility services or public service corporations
Dwelling units and home occupations subject to the restrictions set forth in Sec. 29-6(b) of the City Code
Family day care homes, day care centers, pre-school centers, nursery school, child play care centers, child education centers, child experiment stations or child development institutions
Laundries, coin-operated

Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies

Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to:

- (1) Artists, sculptors, photographers
- (2) Authors, writers, composers
- (3) Lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions
- (4) Ministers, rabbis, priests, or other clergy members
- (5) Physicians, dentists, chiropractors, or other licensed medical practitioners
- (6) Seamstresses, tailors
- (7) Teachers of private lessons in art, music, or dance

Pet stores and grooming shops, for small animals

Photographic service shops and studios

Physical fitness centers, private gymnasiums and reducing salons

Printing shops, provided the total mechanical power used in the operation of such printing plant shall not exceed five (5) horsepower

Public administrative buildings

Public libraries

Public museums

Public parks and playgrounds, including public recreation or service buildings within such parks

Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning including gymnasiums, stadiums, and dormitories if located on the campus

Publicly owned and operated community buildings

Radio and television sales and service

Repair of household appliances

Schools operated as a business within an enclosed building, except trade schools and schools which offer retail goods or services to the public

Schools operated as a business, except trade schools

Shoe repair shops

Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district

Temporary real estate sales office, located on property being sold and limited to a period of sale, but not exceeding two (2) years without special permit pursuant to the provisions of Sec. 29-23 of the City Code

The statement of intent, marked "Exhibit A," is attached to and made a part of this ordinance. The statement of intent shall also apply to the adjacent property previously

rezoned to C-P located at 1206 Coats Street and 808 North Boulevard (Lot 10 of J.C. Conley's Addition).

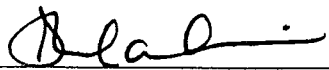
SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. The City Council hereby approves the revision to the Kardon C-P Plan, dated June 8, 2011, for the property referenced in Section 1 above and for property previously zoned C-P located at 1206 Coats Street and 808 North Boulevard. The Director of Planning and Development shall use the design parameters set forth in Exhibit B, which is attached to and made a part of this ordinance, as guidance when considering any future revisions to the C-P Development Plan, and replaces the design parameters attached to Ordinance No. 016103 passed on August 2, 1999.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this 18th day of July, 2011.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor

Bock Engineering Associates

5500 Mexico Gravel Road
Columbia, MO 65202-7999

573-814-3606
Cell 573-489-4985

June 14, 2011

RECEIVED

JUN 16 2011

PLANNING DEPT

Mr. Steve MacIntyre
Planner
Planning and Development
City of Columbia, MO
701 E. Broadway
P.O. Box 6015
Columbia, MO 65205-6015

RE: Rezoning of Kardon Property, 808 North Blvd, 1200 – 1206 Coats Street,
Lots 10 and 11 J.C. Conley's Addition Columbia, MO Project No. 11-51

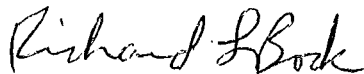
Dear Mr. MacIntyre,

Please accept this letter as the Statement of Intent for the C-P zoning district proposed on Lots 10 and 11 of J.C. Conley's Addition. Attachment "A" is a map showing the location of the properties we are proposing to rezone.

1. The proposed use of Lot 11 is for C-1 uses listed on Attachment "B", and an Auto Repair Shop. The C-P plan use shall be changed from Automotive Repair Shop, and C-1 uses on Attachment "B".
2. We are proposing a building addition of 4350 square feet. The maximum square footage of all buildings on both lots is 12,950.
3. Maximum height of the building shall be 24 feet.
4. The minimum percentage of the site to be maintained in open space is 15%. Of that open space, 6.34% is left in existing vegetation, and 8.66% is to be landscaped as part of this project.
5. The hours of operation shall be 7:00 AM to 6:00 PM. These hours allow customers to drop off and pick up cars before and after work.

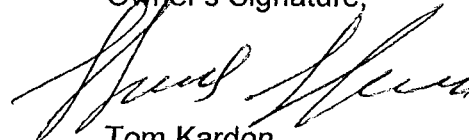
I would appreciate your favorable consideration of this request.

Sincerely,



Richard L. Bock, P.E.

Owner's Signature,



Tom Kardon

ATTACHMENT " B " P 1 of 2

C-1 Permitted Uses
*Accessory uses, including drive-up facilities, customarily incidental to any of the above uses.
*All Permitted Uses in District R-3, subject to the height and area regulations of District R-3.
*Customary accessory uses, including drive-up facilities, subject to the provisions of Section 29-27 of this chapter.
A hobby may be pursued as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold in the ordinary course of business either on or off the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.
Adult day care home.
Agriculture, nurseries and truck gardens, each of which shall be limited to the propagation and cultivation of plants, provided no retail or wholesale business shall be conducted upon the premises, and no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer renovation is conducted thereon.
Alcoholic beverage sales by the package or as an accessory use to a restaurant.
Alcoholic beverage sales in the original package or by the drink on licensed premises shall be permitted in restaurants or similar places where substantial quantities of food are served, all in compliance with the alcoholic beverage regulations of Chapter 4 of this Code.
Apartment houses.
Bank, other financial institutions, and travel agencies.
Barber and beauty shops.
Boarding houses or lodging houses.
Buildings and premises for public utility services or public service corporations.
Churches, mosques and synagogues.
Cleaning, pressing and dyeing establishments, provided that no explosive cleaning fluids shall be used.
Counseling centers operated by charitable or not for profit organizations; excluding any use connected with penal or correctional institutions.
Customary accessory uses subject to the provisions of Section 29.27, Accessory Uses.
Dwellings, One-Family.
Dwellings, Two-Family.
Family day care homes, day care centers, pre-school centers, nursery school, child play care centers, child education centers, child experiment stations or child development institutions under the following regulations: (see Zoning Regulations for restrictions)
Family day care homes, day care centers, pre-school centers, nursery school, child play care centers, child education centers, child experiment stations or child development institutions.
Fraternity or sorority houses and dormitories.
Garage sales, under the following restrictions: (see Zoning Regulations for restrictions)
Golf courses and golf clubhouses appurtenant thereto, (except miniature golf courses, driving ranges, and other activities operated as a business).
Group care homes for mentally retarded children.
Group Homes for Foster Care.
Group Homes for mentally or physically handicapped, under the following restrictions: see Zoning Regulations for restrictions.
Home occupations which are compatible with the residential character of the neighborhood will be permitted, however, in order to promote peace, quiet and freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas, all home occupations must meet the following restrictions: (see Zoning Regulations for restrictions)
Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.
Laundries, coin operated.
Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.
Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including, but not limited to:
(1) Artists, sculptors, photographers.
(2) Authors, writers, composers.
(3) Lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions.
(4) Ministers, rabbis, priests, or other clergy members.
(5) Physicians, dentists, chiropractors, or other licensed medical practitioners.
(6) Seamstresses, tailors.
(7) Teachers or private lessons in art, music, or dance.
Pet stores and grooming shops, for small animals.
Photographic service shops and studios.

ATTACHMENT "B" P 2 OF 2

Physical fitness centers, private gymnasiums and reducing salons.
Printing shops, provided the total mechanical power used in the operation of such printing plant shall not exceed five (5) horsepower.
Public administrative buildings.
Public libraries.
Public museums.
Public parks and playgrounds, including public recreation or service buildings within such parks.
Public police and fire stations.
Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning including gymnasiums, stadiums, and dormitories if located on campus. (see Zoning Regulations for additional requirements)
Publicly owned and operated community buildings.
Radio and television sales and services.
Repair of household appliances.
Residential care facilities:
Restaurants, cafes or cafeterias which provide live or recorded music, provided that such music is played indoors only and further provided that the music from any such restaurant, cafe or cafeteria shall not be plainly audible at the property line of the property on which the building housing such restaurant, cafe or cafeteria is located.
Restaurants, cafes or cafeterias, which provide no form of entertainment.
Schools operated as a business within an enclosed building, except trade schools and schools which offer retail goods or services to the public.
Schools operated as a business, except trade schools.
Shoe repair shops.
Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district.
Temporary real estate sales office, located on property being sold and limited to a period of sale, but not exceeding two (2) years without special permit from the Board.

Bock Engineering Associates

5500 Mexico Gravel Road
Columbia, MO 65202-7999

573-814-3606
Cell 573-489-4985

RECEIVED
JUN 16 2011
PLANNING DEPT.

June 14, 2011

Mr. Steve MacIntyre
Planner
Planning and Development
City of Columbia, MO
701 E. Broadway
P.O. Box 6015
Columbia, MO 65205-6015

RE: Rezoning of Kardon Property, 808 North Blvd, 1200 – 1206 Coats Street,
Lots 10 and 11 J.C. Conley's Addition Columbia, MO

Dear Mr. MacIntyre,

Please accept this letter as the Design Parameters to make a major modification to the C-P plan of Lot 10 for Tom and Pam Kardon covering addresses of 808 North Blvd, and 1206 Coats Street, and rezone 1200 Coats Street, Lot 11, from R-3 to C-P. Attached is a copy of the proposed site plan for your use.

1. The minimum distance between any building and any adjacent property line or street ROW:
North Blvd: 22 feet Rear Coats Street (Alley): 55 feet
Coats Street: 55 feet South Property Line Lot 11: 30 feet
2. The minimum distances to paved areas (parking, driveway, loading, trash storage, etc.)
North Blvd: 0 feet Rear Coats Street (Alley): 6 feet
Coats Street 6 feet South Property Line Lot 11: 15 feet
3. There is one existing free standing sign on Northwest of Lot 10. It is 81 square feet in area, 16 feet high and is 18 feet from North Blvd and 5 feet from Coats St. This sign was in place before Coats St. was improved. The city put a radius on the street at the corner making the sign closer to the street. One new sign is proposed at the Southwest corner of lot 10. It and any future new signs shall meet O-1 zoning district standards in Sec. 23-25 for free standing signs and O-1 sign standards of Sec. 23-51.1 for wall, canopy, and awning signs.
4. The minimum percentage of the site to be maintained in open space is 15%. Of that open space, 6.34% is left in existing vegetation, and 8.66% is to be landscaped as part of this project.
5. There will be one light pole 20 ft. tall with 2 fixtures near the east boundary. It will be a dusk to dawn light installed by city water and light dept. There will be three (3) building mounted outdoor lights to light the parking lot. Two in front and one in back of the building addition. All outside lighting shall comply with Sect 29-30.1 Outdoor Lighting Regulations.

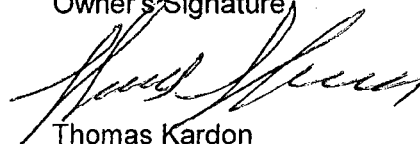
I would appreciate your favorable consideration of this request.

Sincerely,



Richard L. Bock, P.E.

Owner's Signature


Thomas Kardon

**PLANNING AND ZONING COMMISSION MEETING
EXCERPTS**

APRIL 10, 2014

Case No. 14-31

A request by Thomas and Pamela Kardon (owners) to rezone property from C-P (Planned Business District) to C-3 (General Business District). The 1.1 acre site is located on the southeast corner of Coats Street and North Boulevard, and includes 1200 & 1206 Coats Street, and 808 North Boulevard.

DR. PURI: May we have a staff report, please?

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department.

Staff recommendation: Denial of the requested C-3 zoning.

DR. PURI: Any questions of the Staff? Seeing none.

PUBLIC HEARING OPENED

MR. KARDON: My name is Thomas Kardon. I live at 4103 Heartfield Drive. I am the owner of this two buildings rezoning today. I've been in this area for 38 years. I have a building exactly front of the Brammer's Auto, which one is zoning C-3. If we look at the entire -- I looked through the City -- the entire Business Loop from the Highway 70 to Stadium Boulevard, I'm the only one having a C-P. I'm the only one. I'd like to change this thing. Next to me, it's Auto Zone. Auto Zone has got C-3. Behind Auto Zone, which is way far into a -- it's a C-3. If we look across the street, it's O'Reilly's. Across the street from me is a big store which sells carpets, and that's C-3. The problem with this area, it's not -- Tom's Imports, which is my building, and Auto Zone, the other building -- it's -- both of those buildings is mine, and I take care of those buildings for years. The one building is 36 years old. My original building is 24 years old. I keep maintenance and I take care of the thing. I don't have any problems with the neighbors. The mechanics does drive across along the neighbor -- they know how to do it. They go slow and they take care. We are careful. We have no problems with the neighbors at all. The problems in this area -- it's not Tom's Imports or Auto Zone or O'Reilly's across the street. The problem is with the bars. We have three bars. We work between 6:00 and 6:00 -- those buildings -- all those buildings are open. After 6:00 in that area, it is a zoo. It looks like downtown Tijuana after hours -- after 7:00 -- the shooting, the killing, and any and all kinds of stuff. Last summer -- the building I have -- the old building -- the old -- across the street, it is just front of Brammer's building -- they put 26 bullets in it. They destroyed four windows, they hit the gutters, they hit the air compressor outside, and one car was at the bar and was on the other side. I never seen anything about the neighborhood association to talk about those bars. Thirty-six years ago the City was ready to take all the buildings, including mine. I was -- say, yes, take it. Please take it out of there and do something, like make a little flower pot, something. Get rid of all these junky buildings. So the buildings we are zoning today, I pay taxes. This year for those building was -- the City needs the money. This year I paid \$8,997.44 for those two buildings. And I knew they were just for a year and a half ago -- we pay tax -- half of them as an open lot, which I pay \$71,000 [sic], and then I pay another \$3,000 for the building. So those two buildings, I pay to the City. I pay my tax. Over \$10,000 next year,

and I've got the papers here if anybody wants to see it, they can see it. I called the City and said, Why I have two different taxes on the existing building and different for the one I just built? Because half of year was -- (inaudible) -- \$71. The rest was building and I paid for a half of year. So I pay my taxes there. And I'd like to help like anybody else -- I don't want to feel minority. I've been in business for 44 years, so I've been in this area for a long time. So it's not something new to me. I know what the problem -- but I know what it is. It's not the problem. The new building, I don't if somebody -- if you guys see the building, it looks nice. I make one mistake. I spent more money than supposed to be. I have the plans. I went to the bank and I got the loan -- \$250,000 to build the building. I build the building the way I wanted, not the way the City says so. I put up more insulation; I put in heavy floors; more -- the building is stronger. So we got all kind of stuff in the building. And when I was short the money -- and when I didn't have enough money to finish the building, I went back to the bank. I said I need \$50,000 more. He said, No, you can't get more money. I said, Why? Because, he said, The building, it's not zoning on the C-3 area. I said that's -- the building is built for repair shop. It's not going to change anything to me. The building is going to be a repair shop, and when I go -- my son already is working with me -- one of my sons. He is going to be the new owner. He's been with me for five years. He's got a good trainer. So some of the neighbors say, I believe you'll change it or you'll sell it or -- I can't open a bar. Across the street from me is the church parking lot. From my parking lot to the church parking lot is really a close area. I can't open a bar. Even if I want -- if somebody said do the bar, I'm going to be against the bar because every Sunday and every Saturday if you look at my exits, both of them, I've got a chain. And I lock the parking lots so those drunks not come inside. They hit the cars, they threw bottles everywhere. They break -- hit the cars and do all kinds of stuff. So that's why I'm here tonight. And everybody -- I called the association three different times to call me on the meeting. They never call me back. They said, Well, we're not going to -- (inaudible) -- and this or that because they don't want to hear the truth. The truth is I'm supposed to have the C-3. The C-3 belongs to me. Why everybody else got them? If somebody can explain to me and say, Well, you're not supposed to have C-3 -- I'm right in the Business Loop. My property line from the Business Loop is 14 feet. That's what I am. And what I've got in front of me there? Old junky buildings which needs to come down and get rid of it. The other thing is we'll expand this building -- I've got support from the City and some neighbors that did support me to expand the building. I need that building. I need that room. It's not easy for me now. I can't push the carts like I used to push. I was young. I used to push carts by myself and I can't anymore. Thank you.

DR. PURI: Commissioners, any questions of this speaker? I have one question. What is C-3 zoning going to gain you? A break on your taxes? Or what are you looking for?

MR. KARDON: When I get the C-3, the value of the building is worth more. If I get this C-3, I'm going to go the next day across the street. That's where the bank is. I'm going to go to the bank and I'm going to get \$50,000 more to finish the building. The building is not done. The side of it is not done; the inside is not done. The outside pole lights are not done. The gate in the back is not done. Inside the building, I don't have the smoke -- exhaust system to get all the smoke out of it. A lot of things needs to

be fixed. I'm here for money.

DR. PURI: So you are doing it to -- because your bank says that you need to --

MR. KARDON: Yeah. If the bank say -- if the zoning was C-3, the building is worth more money and we can loan you more money. But the thing is when I call the City for the tax -- the property tax, I say, How do you guys charge me for tax? By square feet, not by zoning. Zoning does not exist to the City. I'll pay \$10,000. I'll pay my tax. And all the small business collect money for the big City. My shop last year collect for the City tax \$26,000 -- City tax. And I pay my property tax.

DR. PURI: Thank you.

MR. CULLIMORE: Good evening. My name is Dan Cullimore; I live at 715 Lion Street. I'm the secretary for the North Central Columbia Neighborhood Association. I'm speaking tonight to oppose this rezoning. Mr. Kardon is a good neighbor. He's obviously a good businessman, otherwise he wouldn't still be in business. But I think he also makes some very poor choices, and one of those is expressed by his failure to get more money from his bank. What you heard him say tonight was that he didn't build the building as it was originally planned. The new building that we supported, by the way, when he originally agreed in 2011 to rezone as C-P what was an R-3 lot. We supported the building of that building because we support his business. But he didn't build that as it was intended, he increased the insulation, which is probably a good thing to do, but he also increased the concrete. So he increased the cost of that building, which means that he couldn't finish the rest of it. And now he -- his bank is refusing to loan him more money, and so he approaches you to fix this problem for him. I would submit that the Staff is right. This rezoning to an open commercial classification is detrimental to the residential zoning to the south because even though Mr. Kardon is a good businessman and a good neighbor, the person who comes after him may be neither of those and the zoning goes with the land. And so while Mr. Kardon will say that he won't put a bar there and he won't put a liquor store there and he won't put a strip joint there, that is what exists to the north of North Street. And somebody else who buys that property in the future may very well do just those things because the zoning goes with the land. And right now at C-P, that won't happen. Thank you.

DR. PURI: Commissioners, any questions? Seeing none. Thank you. Anybody else?

MS. FOWLER: Good evening. My name is Pat Fowler; I live at 606 North Sixth Street. I'm a member of the North Central Neighborhood Association, and you will recall that I used to be the president of the neighborhood association. I was the president or just about becoming the president the last time we were here with the C-P rezoning, and that was a negotiated agreement between Mr. Kardon and the neighborhood and the City about how to best enhance his ability to manage his business, to add to his business space to solve some problems that we've had for years along that street, which is the parking of cars that are there for his business. And so while we agreed to that and we want to encourage his business to do well, we also are a residential neighborhood. We also are a mixed-use neighborhood, and we need to find ways for all of those uses to co-exist well together. So I appreciate that you are taking careful consideration of this. I know you know that his property does not front on Business Loop, and so I

think that there's a mis -- disconnect there between commercial property that is on Business Loop and commercial property that is touching the residential portions of our neighborhood. Thank you.

DR. PURI: Commissioners, any questions?

MR. LEE: Ms. Fowler?

DR. PURI: Mr. Lee?

MS. FOWLER: Sure.

MR. LEE: It just so happens that this -- Mr. Kardon's last request before this Commission was my first meeting, and you --

MS. FOWLER: Oh, yes. Was I here?

MR. LEE: Yes.

MS. FOWLER: Yeah. I think I was. Yes.

MR. LEE: In fact, my point is that you spoke in favor --

MS. FOWLER: Yes.

MR. LEE: -- last time that he wanted a change in zoning.

MS. FOWLER: Well, we agreed to the C-P because it had protections for the neighborhood, and we also understood his desire to expand his property. We spent a lot of time looking at the plans and in consultation with the City on stormwater issues and other issues that might have negative impacts to our neighborhood, and we came to an agreement. And C-P was that agreement.

MR. LEE: Thank you.

MS. FOWLER: Thank you.

DR. PURI: Anybody else wishing to speak on this matter? Seeing none. Close public hearing.

PUBLIC HEARING CLOSED

DR. PURI: Discussions, Commissioners? Mr. Wheeler?

MR. WHEELER: Well, I was around here in 2011 when this came through and as I remember -- and of course I won't remember this exactly, but as I remember, we did C-P with most C-3 uses, some restrictions within that. And I believe that is correct, is it not? You don't remember either, do you? Okay. That's fine.

MR. MacINTYRE: I believe it was restricted more tightly than that. And their hours of operation restrictions --

MR. WHEELER: All the things to protect the neighborhood, which is where I'm going with this anyway. C-P was used for some protection for the neighborhood. It also had a buffer requirement with -- so that there was a buffer between the C-P and the adjoining single-family or residential-use. And so the thought process at the time -- or at least mine -- was that this was the most appropriate zoning classification that would allow Mr. Kardon to expand what he was wanting to do and give those protections. And so with that in mind, I don't -- I don't see any way that I can support giving an open zoning classification here that would not have the restrictions that were negotiated or what -- that seemed reasonable. It may be that there are some restricted uses that would be appropriate, but I've -- I

personally think that it would have to stay under the C-P zoning.

DR. PURI: Mr. Lee?

MR. LEE: I agree with what Mr. Wheeler just said.

DR. PURI: I, too, was here during this time. This actually came twice before the Commission. The first time I think it came as C-3 and then we did not go for that, and then it came back as C-P, if I'm not mistaken. Under the circumstances, I think I agree with Mr. Wheeler. We agreed on C-P based on the discussion back then and all of the support that it carried. I also don't agree with the fact that any property C-P -- I think you should re-talk with your bank. I've been doing business for over 30 years and have never heard of C-P property being less valuable than C-3 properties. It was just what your business cash flow is and what the property can be used for and reconfigured. So I think you have a discussion you need to have with your banker on that matter. This zoning should not affect your ability to gain financing. I am no banker, but I've been doing this for about 30 years. Under these circumstances, I think we are comfortable with C-P, and I don't plan to support this either. Anybody else? A motion then?

MR. LEE: I would make a motion to deny.

DR. PURI: Mr. Lee is making a motion to deny.

MR. REICHLIN: I'll second.

DR. PURI: Mr. Reichlin seconds. May we have roll call, please.

MR. STRODTMAN: Yes, Mr. Chair.

Roll Call Vote (Voting "yes" is to recommend denial.) Voting Yes: Mr. Stanton, Mr. Strodtman, Mr. Wheeler, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin. Voting No: Mr. Tillotson. Motion carries 7-1.

MR. STRODTMAN: The motion has passed for City Council.

DR. PURI: Deny.

MR. STRODTMAN: The motion to deny has been passed. Yeah.