

MINUTES

PLANNING AND ZONING COMMISSION MEETING

SEPTEMBER 4, 2014

COMMISSIONERS PRESENT

**Dr. Ray Puri
Mr. Steve Reichlin
Mr. Bill Tillotson
Mr. Andy Lee
Ms. Sara Loe
Mr. Anthony Stanton
Ms. Tootie Burns
Ms. Lee Russell**

COMMISSIONERS ABSENT

**Mr. Rusty Strodtman
Mr. Bill Tillotson**

I) CALL TO ORDER

DR. PURI: September 4, 2014 Planning and Zoning Commission Meeting will come to order, please.

II) APPROVAL OF AGENDA

DR. PURI: All right. Approval of agenda. Commssioners, any changes? Staff, any changes?

MR. MacINTYRE: No.

DR. PURI: Seeing none.

(Unanimous vote for approval)

III) APPROVAL OF REGULAR MEETING MINUTES

• August 21, 2014

DR. PURI: Commissioners? Mr. Stanton?

MR. STANTON: Aye.

MS. LOE: Second.

DR. PURI: Okay. Ms. Loe, second. All thumbs up for approval?

(Unanimous vote for approval)

IV) PUBLIC HEARING & SUBDIVISION

Case No. 14-158 and 14-154

A request by Chi Mu Alumni Association (owner) to rezone 0.28 acres of land from R-3 (Medium Density Multiple Family District) to C-P (Planned Business District), approve a C-P development plan to be known as “Alpha Chi Omega C-P Plan”, and approve a one-lot replat of R-3 (Medium Density Multiple-Family Dwelling District) zoned land, to be known as “Alpha Chi Omega Subdivision Plat 1”. The subject site is located on the west side of Tiger Avenue, approximately 220 feet south of Rollins Street, and is addressed 809 & 811 Tiger Ave.

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

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

Staff recommends approval of rezoning subject to:

1. SOI being amended to further restrict the “commercial parking for automobiles and light trucks” so it shall only be used by tenants of residential uses, including apartment houses, fraternity and sorority houses, and dormitories.
2. Approval of the C-P development plan subject to:
 - a. Approval of a variance to Section 29-17(d)(6)
 - b. Denial of the proposed variances from Section 29-25(5) and 29-30(h)(1)

Staff recommends approval of plat subject to the property being first zoned to C-P.

DR. PURI: Commissioners? Mr. Stanton?

MR. STANTON: What would be the preferred method, Staff, to address these? Would you like three motions or --

MR. MacINTYRE: You could address them -- well, I'm trying to think how you did it last time. I think, typically, we would have a separate motion on the C-P rezoning and development plan and then another one on the approval of the plat -- the platting action. I think we may have done it a little differently last time, but certainly we have found that there are multiple ways -- more than one way to skin a cat so to speak.

DR. PURI: Any other questions, Commissioners, of the staff? Okay. Seeing none. We will open the hearing to public input.

PUBLIC HEARING OPENED

DR. PURI: Please approach the podium, state your name and address, and --

MR. SNIDER: Thank you. My name is Thomas Snider. I live at 5671 South Shortline Drive, Columbia, Missouri. And if it pleases the Commission and Staff, I do have a few comments. I am the president of the Chi Mu Alumni Association Nonprofit Corporation. It came into existence in the 1940s. There are 6,000 members nationwide; 185 city residents live here in Columbia. The sole purpose of our organization is to provide residential housing to the members of the Phi Gamma Delta Fraternity. That is approximately 140 active members on campus. It is one of the largest fraternities on campus; third in grade point average, if it means anything, last semester. They currently reside at 600 Rollins. And as the staff has indicated, the Planning and Zoning Commission -- you all -- unanimously approved this exact request back in May. It was denied by the City Council in July. The City Council's predominant concerns were that the proposal allowed to increase open parking downtown. It also contributed to the concept of a commuter campus at the University of Missouri and it also had associated concerns with traffic congestion and moving away from biking and walking and busing. And certainly the City Council had concerns about that. Those are valid concerns. We don't dispute that. We failed to anticipate those. We failed to adequately address those both in the record, which is again why we are here and why I am talking to you today. And we also failed to address those adequately in our public comments to the Council. But the information that was not aware to the Planning and Zoning Commission -- was not made aware to the Planning and Zoning Commission and was not made aware to the City Council has now become very relevant. And that is why we are back here. Luckily, they have allowed us to come back within that one-

year buffer period, and here we are. And I'd like to make a short record before the Commission today, and I'll try to keep it brief. Our proposal, if you look at the broader picture, does not increase open parking spaces in the Greek Town area. There are three properties involved in the big picture overall project that Chi Mu Alumni Association is pursuing. Tiger Avenue and the rezoning proposal that is before you today is a linchpin in that project coming to fruition. If the rezoning is approved, we will exchange Tiger Avenue properties for the 503 Rollins, which is a parking lot that is owned by Alpha Chi Omega Sorority. Concurrently with that, if the rezoning is approved, we will purchase -- and we have contracts in place for both of these transactions. The only contingency that is left open is this rezoning process. We have contracts in place to purchase 505 Rollins, which is right next to 503 Rollins, the Alpha Chi Omega parking lot. That will allow us to acquire -- my organization to acquire a large adjacent footprint on which to build a brand new fraternity house. That fraternity house, by the way, is estimated to cost between \$4.5 and \$5.5 million. It is going to be an elite -- an elite cornerstone column ornate fraternity house on a corner that needs improved, quite frankly, from a pure curb appeal perspective. The City of Columbia is going to realize the benefit of that investment, not only in the cost of construction -- again, \$4.5 to \$5.5 million, but also in the cost of the land acquisition, which is an additional \$2.5 million, if you can believe that. There will be workers; there will be contractors; there will be engineers; there will be suppliers that will benefit from that investment. The third ward -- or, excuse me, the first ward will realize the benefit of that investment. There will be sales taxes on those supplies. The City will benefit from this investment. In addition to that you are going to add, again, to the mystic of the Greek Town area. Some of you may or may not know, but there are tens of thousands of people who come back to the City of Columbia throughout the year to visit Greek Town. It happens. And this is going to contribute to that. It's going to make a cornerstone -- beautiful facility at that corner, which by the way is very visible from Providence Road. Our proposal will not increase open parking spots; it will decrease them. When you subtract the open parking spots that currently exist at 503 and 505 Rollins, that -- when you take those away and put a fraternity house there with underground parking and then you put in a 33-spot parking lot at Tiger Avenue, which replaces 10 spots on that lot that currently exists, the net effect is a reduction of 13 open parking spots. In addition, commuter campus, that concern, in all fairness to the Council, it is a legitimate concern, but it is not applicable to this proposal. Each and every single parking spot that is currently out there right now and each and every parking spot that will be there in the future, if this proposal is approved, is going to be utilized by members of the Alpha Chi Sorority and the Phi Gamma Delta Fraternity that I represent, and they are on-campus residents. They live on campus, and they will not be driving back and forth to class. The cars are stored there and they are barely used because Greek Town, quite frankly, is the most walked and biked community in the entire city. In addition, no person or family is going to be displaced by this project. These are boarding houses; they are rental units. No lease has been terminated in advance of the expiration of the lease. The Tiger Avenue property is not leased currently, and quite frankly, my organization has 98 percent of the tenants in the 505, and we're not going to -- at 505 Rollins, and we're not going to displace our own members. So with respect, finally, to the variances, again, you all have reviewed that. You've seen that. You've voted on that. Nothing has

changed on that. And all of the information that we provided to you initially on that is still valid. I would appreciate it if you can again unanimously approve our proposal. If you have any questions, I'd be happy to answer them.

DR. PURI: Commissioners, any questions of this speaker? Seeing none. Thank you.

MR. SNIDER: Thank you.

DR. PURI: Anybody else wishing to speak on this matter? I see no one.

PUBLIC HEARING CLOSED

DR. PURI: Commissioners, discussion? Any motions?

MS. BURNS: Well, I made the motion last time, so I'll do it again. I don't think anything has changed from what we approved. I think we did it backwards last time, so is there a preferred order from the staff as far as Case 14-154 or Case 14-158?

MR. MacINTYRE: The order doesn't -- the order is not so important as the grouping. I would suggest that since 14-158 encompasses the rezoning and the C-P plan, that should be done as one motion, and the plat as a separate motion.

MS. BURNS: Okay. Thank you. Then I would like to repress -- request approval with the variances. And I think the two that we are talking about -- variance from requirement of the paved areas over 1,500 square feet within 50 feet of residential uses and the variance from the requirement that no parking shall be provided within six feet of adjoining residentially zoned lots, what the applicant is asking for. I would recommend approval of the request by Chi Mu Alumni Association to rezone 0.27 [sic] acres of land from R-3 to C-P, and approve a C-P plan development to be known as the "Alpha Chi Omega C-P Plan".

MR. STANTON: Second.

DR. PURI: Mr. Stanton, second. Ms. Burns made the motion. May we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin, Mr. Stanton, Ms. Russell. Motion carries 7-0.

DR. PURI: The motion carries.

MR. LEE: The motion carries and will be sent to Council.

DR. PURI: All right. The next item is the 14-154.

MS. BURNS: Okay. I would like to request approval of the Case 14-154, a request by Chi Mu Alumni Association for approval of a one-lot replat of R-3 zoned land to be known as "Alpha Chi Omega Subdivision Plat 1". It is a 0.28-acre subject site and located on the west side of Tiger Avenue.

MR. STANTON: Second.

DR. PURI: Mr. Stanton, second. May we have roll call, please.

MR. LEE: Sure.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin, Mr. Stanton, Ms. Russell. Motion carries 7-0.

MR. LEE: The motion carries.

DR. PURI: All right. We have approval on both of those case items. Staff, is that okay the way it was done? Are you satisfied?

MR. MacINTYRE: Absolutely.

DR. PURI: All right.

Case No. #14-134

A request by Shelter Enterprises, LLC (owner) on behalf of The Kroger Co. (applicant) for approval of a major amendment to the “Gerbes Super Store C-P Plan” to include a fuel station. The 1.6-acre redevelopment area is located on the south side of West Ash Street, approximately 130 feet west of Clinkscales Road. (A request to table this item to the September 18, 2014 meeting has been submitted. This is the second request to table.)

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

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the request to table.

DR. PURI: Commissioners, any questions of the staff? Okay. We'll open the public hearing.

PUBLIC HEARING OPENED

DR. PURI: Anybody want to speak on this as far as tabling? Seeing no one.

PUBLIC HEARING CLOSED

DR. PURI: Commissioners?

MR. LEE: Make a motion to approve the tabling.

MR. REICHLIN: I'll second it.

DR. PURI: Mr. Reichlin, second; Mr. Lee made the motion. May we have roll call, please.

Roll Call Vote (Voting “yes” is to recommend approval.) Voting Yes: Ms. Burns, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin, Mr. Stanton, Ms. Russell. Motion carries 7-0.

DR. PURI: All right.

Case No. 14-145

A request by Crockett Engineering (applicant) on behalf of Plaza Tire (contract purchaser) for approval of a C-P development plan to be known as “Red Oak South, Plat No. 1-A Lot 5A” and a revision to the Statement of Intent (SOI) for the Red Oak Development. The subject site is located approximately 415 feet west of the Grindstone Parkway and Grindstone Plaza Drive intersection on the south side of Grindstone Parkway.

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends:

1. Approval of the revised Statement of Intent for “Red Oak Development” to allow automobile repair facilities.
2. Approval of the proposed “Lot 5A of Red Oak South, Plat No. 1-A” C-P Development Plan and Design Parameters.

DR. PURI: Commissioners, any questions of the staff?

MR. REICHLIN: I have one.

DR. PURI: Mr. Reichlin?

MR. REICHLIN: It's sort of an aside, but when The Den came before us, was it -- did it -- did they have to do a statement of intent revision?

MR. CLINT: I don't believe the statement of intent covered that property. I think this statement of intent covered the commercial aspect of that --

MR. MacINTYRE: It covered --

MR. SMITH: I'm just going to -- yeah, go ahead.

MR. MacINTYRE: Yeah. Since I processed that myself, I'll step in and answer this question. The initial zoning for the C-P on this site included -- I believe it was a 25-area. And now we've got the road coming through The Den and these two developments. The entire area is on C-P. It always did include the option for residential, so they never excluded that. And the answer, I guess, is, yes.

DR. PURI: Any other questions of the staff? Seeing none, we'll open the public hearing.

PUBLIC HEARING OPENED

MR. CROCKETT: Dr. Puri, members of the Commission, my name is Tim Crockett, with Crockett Engineering at 2608 North Stadium. With me tonight is Phebe LaMar with Smith Lewis. She is the attorney representing the developer, and, of course, Mr. Scott Rhodes with Rhodes Development representing Plaza Tire Service. I'm going to briefly talk about the project. I will be very brief in my comments. I think Mr. Smith did a great job explaining the project, and Ms. LaMar is going to talk about the revision of the statement of intent. Of course, I think we all know where the site is at. This project has come forth several times with regard to revising the statement of intent, other C-P plans in the area, and tree mitigation plans, as well. Again, it is 1.3 acres. The site is currently open; there are no trees on the site and all public utilities are there. It is currently zoned appropriately as C-P. Again, Mr. Smith indicated that we are asking for a change in the SOI simply to add a few things, but the added use is for automotive repair simply because we think that automotive repair is such a large wide use that we think this is a light intense use under that category that we think is appropriate for this location. Some of the concerns that we had too that we wanted to address when we asked for this use were the uses itself. And as Mr. Smith indicated, we're asking for -- our uses are under car and not under the hood. Under the car meaning installation of tires, alignments, very small, minor things -- items that you drop your car off and you wait for those repairs to be done. We are not looking for automotive -- auto body repair, transmission work anything that is going to have immobile vehicles stored outside of this facility. We are not looking for items like that. They are all operable vehicles that come to the site for some minor repair work. Of course, noise was an issue that the staff had originally and we want to mitigate that by several means. First of all, all of the compressors for this site that run the tools for this development are all located interior to the building. We think that that is very important. You cannot necessarily hear them from outside. Plaza Tire currently has a project -- or excuse me -- an existing site in the north part of Columbia in which their facility is located about 200 feet away from residential houses. Not a residential development, not

residential lots, but houses 200 feet away. They've gotten no complaints with regards to how close they are and the noise that they have. So we believe that the model that they put into their facilities is very good with regards to controlling noise. Again, all the work will be interior. We're not going to go outside and we're not going to do exterior repair work. We're not going to take our noise or unsightly vehicles or anything like that exterior to the building. And then, of course, as Ms. LaMar will talk about, we're going to have limited hours of operation. We believe that is going to work with regards to the residents that live adjacent to the site and accommodate them. Staff also asked us to add additional screening to the site. Given that the City requirements are somewhat vague or somewhat lacking in this area with regards to that we figure that we can accommodate that and add additional landscaping for this site to help mitigate the building itself. Of course, there is a very restrictive lighting plan -- and then our traffic. Traffic is always a concern; however, when this project was rezoned in 2010, a comprehensive traffic impact study was performed for this entire development. We have since gone back and revised that traffic study with an amendment that looks at this specific use and has come back and said that this use will have less intense commercial use than what was originally proposed. And, of course, obviously it is very important -- we'll have no direct connection to Grindstone. Of course, as Mr. Smith indicated, we have submitted our elevation plan that was required by the statement of intent. Here is a color rendering of the site. This is not a -- this is not a cookie-cutter. This is not just a rendering that they pulled out. This is an actual rendering of this -- of the site of this building for this site. You can see that the overhead doors are on the side and it only covers a small portion of it, but we do have a concrete building with a lot of brick and a lot of glass and a lot of storefront. It is a very attractive building. Again, our C-P plan for the site provides the interconnectivity -- the access onto Grindstone Plaza Drive to the south. Again, we could talk about the landscape plan, but then again there is a color rendering of the site. So with that I'd be happy to answer any questions and Ms. LaMar can talk about the revisions to the statement of intent.

DR. PURI: Commissioners, any questions of Mr. Crockett?

MR. CROCKETT: Thank you.

DR. PURI: Thank you.

MS. LAMAR: My name is Phebe LaMar, and I have offices at 111 South Ninth Street. As Mr. Crockett mentioned, I am here this evening on behalf of Rhodes Development Group and also on behalf of Red Oak Development. As you are aware the statement of intent for this site was originally negotiated with the neighboring property owners, as well as others, in the -- with the goal and the end result of ensuring a high quality development in this area. While the proposed use that is at issue here this evening was initially excluded, what we are actually proposing is a retail tire store with some light auto maintenance. As Mr. Crockett mentioned, it is under car rather than under hood. And so it is not the heavy duty auto repair type stuff that could have been an issue in a development like this. As a result and given the nature of what we are actually proposing, the change requested will still result in the quality development that was sought at this location and the restrictions agreed to on the use will continue to ensure that. The discussions we had with City Staff and with others in the area around the proposed location resulted in the inclusion of several things in the statement of intent with regard to restrictions

governing the type of this use. Specifically, there would be no storage of vehicles outside overnight or any storage of equipment inventory, et cetera. There is not going to be a bunch of tires laying around. The reality is one of the things that this business does that is really interesting and very environmentally friendly is they actually store their oil that has been used and they actually use it for heat over the winter. So the interesting thing is that they are in the process of while they are servicing cars, they are actually being environmentally friendly in the way that they are doing it. In addition, we agreed to limit the hours of operation such that the location would not be open outside the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, that they will be open at least no more than 8:00 a.m. to 4:30 p.m. on Saturdays, and while they are not open at all on Sundays at this time, they have agreed that if they were to ever open on Sundays, that they would not exceed the hours of noon to 5:00. And that will help to ensure that hopefully they won't get, you know, anybody upset because they are open during times that the college students want to be sleeping, although, obviously, they are probably going to sleep past 8:00. The good news is though, as Mr. Crockett mentioned, all of the compressors are inside. In addition, the air conditioning units that serve this building are actually going to be on the ground rather than being on the roof. So there is going to be minimization of the noise that would come from the air conditioning units by virtue of doing that as well. We invited people who are located somewhat close to this site and who have been involved in the discussions previously with regard to Red Oak Development to come and meet with us. At that meeting we had one person who showed up. He left the meeting completely okay with the proposal. We got -- we were contacted by one or two other people as a result of the invitation, and the results of the discussions and/or communication with those people was that they were -- they had no objections to the use that was proposed on this site or to the plan that was proposed as well. In conclusion, the changes that we are requesting to the zoning at this location is minimal. As you have seen, we are complying with all of the requirements regarding the construction, regarding the exterior of the building, and all of the requirements that are imposed in the original statement of intent with the exception of a minor change in use. We are not going to change anything with regard to the connectivity, and we're not asking to change anything in the statement of intent except to allow this particular use with the restrictions that are proposed. In addition, it is only on this particular lot, which still gives the same measure of control in the future if somebody else were to come in with a similar -- with a similar proposal or some kind of different proposal with regard to auto repair. I'm happy to answer any questions that you have about this project. In addition, Mr. Rhodes, who is with Rhodes Development and manages Plaza Tire stores is also happy to answer any questions that you may have.

DR. PURI: Commissioners, any questions of the speaker? Mr. Lee?

MR. LEE: Ms. LaMar, just to be clear, does that mean that if it must stay overnight for whatever reason, it will be stored inside?

MS. LAMAR: That is correct.

MR. LEE: Thank you.

DR. PURI: Ms. Burns?

MS. BURNS: Will tow trucks be kept on the premises?

MS. LAMAR: No.

DR. PURI: Thank you. Anybody else wishing to speak on this matter? No one?

PUBLIC HEARING CLOSED

DR. PURI: Discussion, Commissioners? Ms. Burns?

MS. BURNS: No.

DR. PURI: No discussion? Mr. Lee?

MR. LEE: It seems pretty straightforward and a good use of the land. Staff recommends approval, so I would make a motion to approve Case No. 14-145.

MR. REICHLIN: Second.

DR. PURI: Mr. Lee, first; Mr. Reichlin, seconds. The motion is to approve the SOI plus approval of the C-P zoning and development plan. Correct?

MR. LEE: Correct.

DR. PURI: All right. May we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin, Mr. Stanton, Ms. Russell. Motion carries 7-0.

MR. LEE: The motion carries unanimously.

DR. PURI: All right. Comments of the public?

V) COMMENTS OF PUBLIC

DR. PURI: Seeing none. Comments of the staff?

VI) COMMENTS OF STAFF

MR. ZENNER: Your next meeting will be on September 18th, here, same place, same time. We do have items for the agenda, one of which is tentatively scheduled at this point. We will have our regular work session, and the topics to be determined on that are -- will be forthcoming, but we do have some additional information that we have been working on as it relates to our other projects and we may be giving you an update as it relates to that. The one project that we have tentatively scheduled at this point is No. 1455. It is Gaslight Industrial Park Plat 3. This is a final plat of two lots that have access not only on Highway 763, but also on Harvester Road. We have recently received an annexation request for three parcels immediately north of the subject tracts, and we will be evaluating the final plat, along with that additional information to determine if we will be able to keep this on this agenda. They are two totally separate -- or they are separate items, but we may, due to some other issues, take this project off and bring back not only the plat, but then the three annexation requests concurrently to fill in the rest of that surrounding area. If that does come off of the agenda, the only other item you will have on your agenda is what we deferred or tabled this evening, and that is the Gerbes Super Store C-P Plan -- the major revision for the fuel station, and again, that will be also subject potentially to having a full and complete set. We will be working on getting that wrapped up here tomorrow as well as the early portion of next week. Those are your two items on the agenda at this point for the September 18th meeting. As it relates to additional items that we are working on as a City Staff, as many are aware, we are working on our comprehensive

update to the zoning and our subdivision regulations. And just to remind our Planning Commissioners as well as those that may be watching from the public, Module 1 of our three module process is available on our City's Website for review and comment. We would like to receive comments no later than Friday, September 12th, in order to provide them to our consultants, Clarion and Associates, to incorporate them in the future modules, as well as one comprehensive document. And we will be receiving Module 2 for internal staff review shortly, and a public copy of that will be available towards the end of this month or early October for the public's review prior to an additional public information meeting, which will be advertised and announced at a later Planning Commission Meeting. We are also working, as you know, in work session on several key items, Neighborhood Planning being one of them, and an upcoming item that we have on that in order to launch that effort is our Neighborhood Congress. It will be held at the Health Department on Worley Street on September 10th. It starts with Council office hours at 5:30, if I recall correctly, and the main presentation starts at, I believe, 6:45 for the Neighborhood Planning, and then we will have the Health Department also making a presentation on some of the work that they have been working on as well. It will be a wonderful opportunity for the public to come and get a little bit of an understanding on the Neighborhood Planning process, a major tenant of our Comprehensive Plan, and something that we will be bringing back to the Planning and Zoning Commission for consideration and forwarding to Council as part of the implementation process. We also are working on some steep slope amendments, as we discussed today in work session, temporary abeyance, as well as infrastructure score card and Comp Plan implementation as our key items for the Planning and Zoning Commission's consideration. Those items we are continuing to work on internally within the staff, and we will be bringing updates to you as we have information available. Other than that, there is not anything else going on, and some may say that is a lot, so it is probably good that we don't have more. But if we have any questions of the public, they can call us, or if you have questions of us, we will be more than happy to answer them. Thank you.

VII) COMMENTS OF COMMISSIONERS

DR. PURI: Comments of Commissioners?

VIII) ADJOURNMENT

DR. PURI: We are adjourned.

(The meeting was adjourned at 7:50 p.m.)