

CITY OF COLUMBIA, MISSOURI

COMMUNITY DEVELOPMENT

DEPARTMENT OF PLANNING AND DEVELOPMENT

(573) 874-7239

BUILDING AND SITE DEVELOPMENT

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OFFICE OF NEIGHBORHOOD SERVICES

(573) 817-5050

MEMO

DATE: December 2, 2011

TO: Planning Commission Members

FROM: Matthew Lepke, AICP *ML*
Community Development Department

RE: 10th and Locust, LLC rezoning request (Case 11-124)

Please see the attached correspondence from Craig Van Matre requesting tabling of the 10th and Locust, LLC rezoning application to the February 9, 2012 Planning Commission hearing. The request is being made to allow the applicant to revamp the application as a C-P plan. This is the applicant's first tabling request.

If you have any questions, please feel free to call me at (573) 874-7239.

VAN MATRE, HARRISON, HOLLIS, AND TAYLOR, P.C.

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BRYAN C. BACON*
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CASEY E. ELLIOTT

PLANNING AND ZONING COMMISSION
EVERETT S. VAN MATRE
(1922-1998)
*ADMITTED IN MISSOURI AND ILLINOIS

December 2, 2011

Mr. Tim Teddy
Director of Planning and Development
City of Columbia
701 E. Broadway
Columbia, MO 65201

Chair & Members of Planning & Zoning
Commission
City of Columbia
701 E. Broadway
Columbia, MO 65201

Mr. Patrick R. Zenner
Development Services Manager
Community Development Department
City of Columbia
701 E. Broadway
Columbia, MO 65201

Re: Amendment to Rezoning Application and request for postponement until February 9, 2012, of hearing before Planning and Zoning Commission with respect to rezoning of property located at 1110, 1112, and 1114 Locust Street, Columbia, Missouri (10th and Locust, LLC, Application filed October 20, 2011)

Dear Tim, Patrick, and Members of the Planning and Zoning Commission of the City of Columbia:

On October 20, 2011, on behalf of my client, 10th and Locust, LLC, I filed an Application for the rezoning of property located at 1110, 1112, and 1114 Locust Street. Circumstances have changed in connection with this property, and pursuant to the meeting we had with the City's Planning Department on November 30, 2011, please consider this letter as both an amendment to the rezoning application and a request for a continuance in the hearing before the Planning and Zoning Commission (which is now scheduled for December 8, 2011) until 7:00 p.m. on February 9, 2012. In connection with this request and amended application, please consider and note the following:

1. **Request for Continuance:** Because of what follows in this letter, request is hereby made that the hearing before the Planning and Zoning Commission concerning the above-referenced property now scheduled for December 8, 2011, at 7:00 p.m. be continued until February 9, 2012, at

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7:00 p.m. I will assume that the City's staff has no objection to this continuance, and that it will be routinely granted unless you advise me to the contrary. Naturally the Commission will give anyone who appears the Commission on the evening of December 8, 2011, the chance to be heard if it is inconvenient for them to return on February 9, 2012. However, we do not anticipate that, and we have not been notified of any opposition to either the planned development of this property or the rezoning thereof.

2. **Modifications to Rezoning Application:** Because of certain developments (hereafter described), the rezoning application itself needs to be modified. Please consider what follows in this letter as an amendment to said Application, to-wit:

a. It is possible that this application will have to be modified once again after today. My clients are in negotiations with the Catholic Dioceses for the acquisition of property immediately east of 1114 Locust Street. If my clients are successful in negotiating an acceptable purchase and sale arrangement, then the property now owned by the Catholic Dioceses (1116 Locust Street), will have to be legally described and added to the rezoning application so that it can be incorporated in my client's planned development. We hope to know whether this will be possible by the end of this month. The ongoing nature of these negotiations necessitates the continuance requested above.

b. Although the diagram submitted with the application of October 20, 2011, depicted the property located at 1114 Locust Street, the legal description and street address were inadvertently omitted from the Application itself. Accordingly, the rezoning application needs to include a request to rezone 1114 Locust Street (Lot Number 3 in Samuel's Third Addition to the Town, now the City of Columbia, Boone County, Missouri) as a part of this proceeding. I have attached a copy of the March 1, 2011, Warranty Deed whereby my client (10th and Locust, LLC) acquired title to 1114 Locust Street. Please consider the application for rezoning as including not only 1110 and 1112 Locust Street, but 1114 Locust Street as well. If any re-publication of this rezoning request is required as a result of the addition of the legal description of 1114 Locust Street, please let us know and we will advance additional costs to cover it. Naturally we will have to advance any costs attributable to the Catholic Dioceses property as well, and therefore it might be prudent to wait until the end of the month to determine which additional properties need to be advertised (if that is the case).

c. The original application requested that the properties involved be zoned C-2. The City staff has persuaded my clients that a C-P rezoning for all of the subject properties instead would be in the best interests of the City given the peculiar characteristics of the

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block in which the above-referenced properties are located. Accordingly, instead of requesting zoning category C-2 for the above-referenced properties, request is hereby made that all said properties (including any additional real estate which will be added hereafter) be zoned C-P (Planned Zoning) under Section 29-17 of the City's Zoning Ordinance. Because of this request, a new statement of intent needs to be included in the zoning application, and said statement of intent is hereafter described in this letter.

3. **Modifications to and Incorporation of Statement of Intent by Reference:** A portion of the property to be rezoned is already covered by a somewhat cursory statement of intent filed by the previous owner (see Ordinance No. 19886; Section 109-207, adopted by the City Council on May 5, 2008). This Ordinance relates to the properties located at 1110 and 1112 Locust Street and placed said properties in District C-P. Accordingly, no rezoning of those properties per se is required, but the Ordinance is not sufficient as a statement of intent for my client's purposes. Accordingly, request is hereby made that in lieu of the "statement of intent" implicit in the above-referenced Ordinance, the following be substituted, to-wit:

a. Uses: The Applicant requests that the subject property to be rezoned (or already zoned C-P) have the following permitted uses: all uses allowable in Zoning District C-2 under Section 29-15 of the Ordinances of the City of Columbia, except that the following uses will be prohibited in the subject C-P district, to-wit:

(1) any sales of packaged alcoholic beverages for off-premises consumption;

(2) any sales of adult materials (videotapes, compact discs, or electronic or print media of any type or description depicting adult sexual experiences and materials commonly described as pornographic);

(3) adult entertainment businesses such as strip clubs, burlesque houses, nude or semi-nude dancing, and the like; and

(4) any other business or activity which is not permitted under Section 29-15 of the City's Zoning Ordinances, as amended from time to time thereafter.

The Applicant requests that the subject property be considered as a "mixed use" development which allows a mixture of residential and retail/commercial uses with the retail component being primarily located on the first or ground floor of any structures, consistent with the foregoing.

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b. Parking Variance (Waiver): The Applicant requests that the subject C-P district not have any requirement for on-site parking of any type, and accordingly requests that the provisions of Section 29-30 be deemed inapplicable to this C-P district.

c. Waiver of "Standards and Criteria": The Applicant requests that those provisions set forth in Section 29-17(d) relating to setbacks, building heights, vision clearances, screening and landscaping, drainage, access and circulation, signage be inapplicable and instead the pertinent requirements for Zoning District C-2 as set forth in Section 29-15 of the City's Ordinances apply in lieu thereof.

d. Residential Density: The Applicant requests that the residential density standards of Zoning District C-2 under Section 29-15 of the City's Ordinances apply to this C-P district, not to exceed a maximum density of 75 units within the subject C-P district, be applicable.

The Applicant requests that the foregoing be considered as the Applicant's "Statement of Intent" as required by Section 29-17(e)(2) and Section 29-34 of the City's Zoning Ordinance.

4. No Development Plan: The Applicant does not choose to submit a development plan at this time and recognizes that same will have to be submitted at a later date when final plans for the development of this site have been prepared.

5. Conclusion: The undersigned believes that the foregoing is sufficient to amend the Application previously submitted concerning the above property, but would appreciate being advised if any aspect of it is in adequate or requires supplementary information.

Thank you for your attention to this.

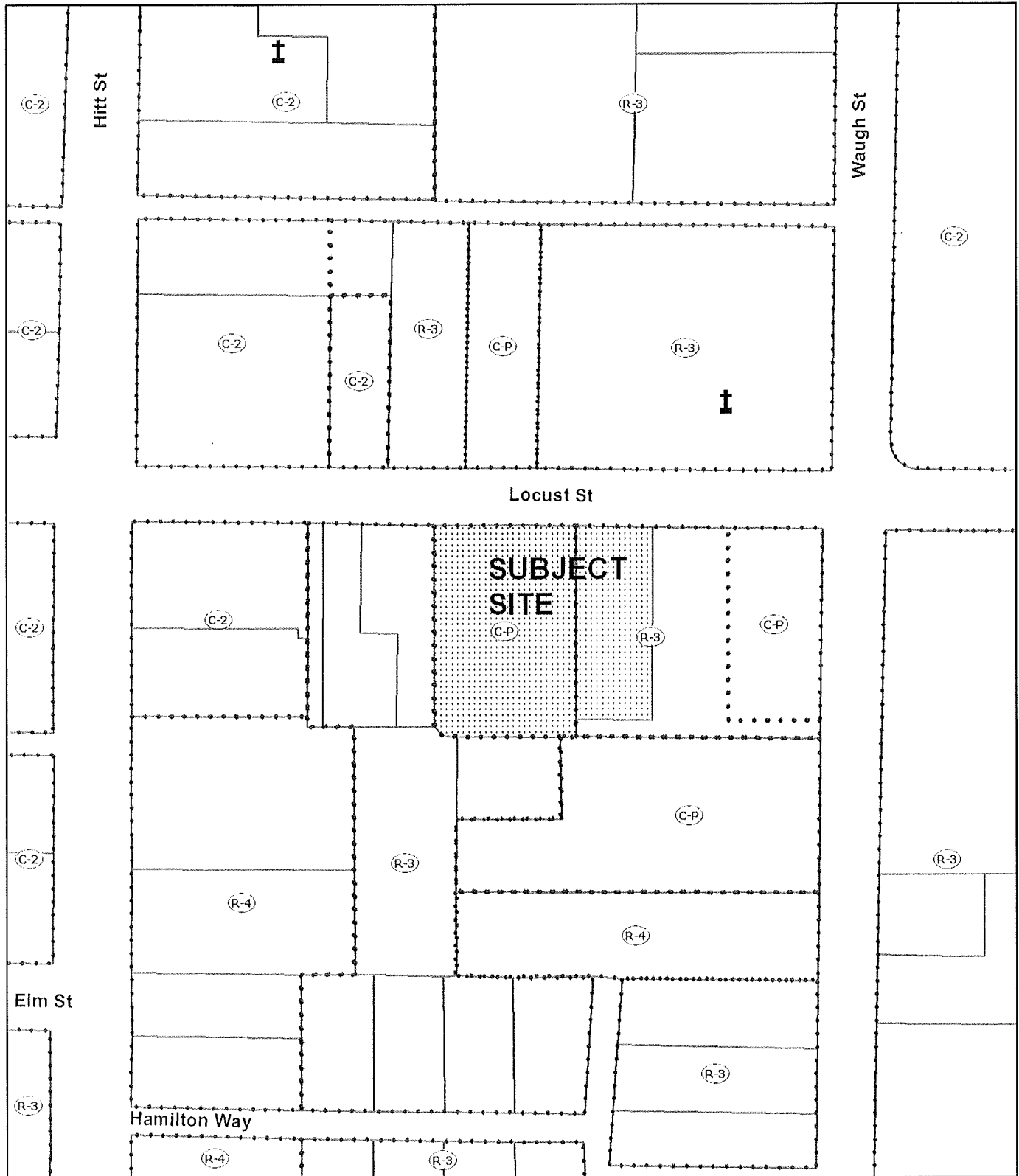
Sincerely,

VAN MATRE, HARRISON, HOLLIS, AND TAYLOR, P.C.

By:



CAVM/teb
Enclosures



**10th & Locust, LLC
Case 11-124 Rezoning**

