MINUTES

PLANNING AND ZONING COMMISSION MEETING

June 20, 2013

COMMISSIONERS PRESENT

COMMISSIONERS ABSENT

Mr. Bill Tillotson

Mr. Rusty Strodtman

Mr. Doug Wheeler

Mr. Matthew Vander Tuig

Ms. Ann Peters

Mr. Steve Reichlin

Mr. Andy Lee

Dr. Ray Puri

Mr. Anthony Stanton

II.) APPROVAL OF AGENDA

MR. WHEELER: Any changes to the agenda needed this evening? Ms. Peters may -- motion to approve the agenda?

MS. PETERS: Yes. Move to approve the agenda.

MR. WHEELER: Is there a second?

MR. VANDER TUIG: Second.

MR. WHEELER: Mr. Vander Tuig. Everybody in favor, say aye. Opposed, same sign.

(Unanimous voice vote for approval.)

MR. WHEELER: Thank you.

III.) APPROVAL OF MINUTES

MR. WHEELER: Are there any corrections needed in the June 6th, 2013 meeting minutes?

Ms. Peters?

MS. PETERS: Move for approval.

MR. WHEELER: A motion has been made for approval.

MR. REICHLIN: Second.

MR. WHEELER: Mr. Reichlin. A motion has been made and seconded. Everybody in favor, say aye. Opposed, same sign.

(Unanimous voice vote for approval.)

MR. WHEELER: All right.

IV.) SUBDIVISIONS

Case No. 13-83

A request by Allstate Consultants on behalf of the Delta Xi House Corporation of Delta Delta Delta (owner), for a one-lot final plat to be known as "Delta Delta Delta Subdivision Plat 1" and rights-of-way variance request. The 0.90-acre site is located south of Burnam Avenue between Richmond Avenue and Curtis Avenue.

MR. WHEELER: May we have a staff report, please?

Staff report was given by Mr. Matthew Lepke of the Planning and Development Department. Staff recommends approval of the final plat and variance request.

MR. WHEELER: Are there any questions of Staff? Seeing none. This is not a public hearing, but it has been our practice that if someone can give us pertinent information, we would allow that.

MR. WALTHERS: My name is Skip Walthers, 700 Cherry Street; I'm representing the applicant. And it's a straightforward replat. I think all of the parcels that my client owned were legally obtained way before the subdivision ordinance even existed. Consequently, they're nonconforming -- legally nonconforming parcels. When we were going through the variance requests with the Board of Adjustment, many of the variance requests we realized had to do with interior lot lines within our parcels -- setbacks within -- between one of our buildings and another one of our buildings. And we thought, well, it would be easier to just replat the property because it eliminates those interior lot lines, and it basically eliminates three of the five variance requests that we asked for, and then the other two just had to do with minor parking issues or setback issues. And so this is basically going to simplify our plat, make it a legal lot, and hopefully satisfies everybody. So I would be happy to answer any questions.

MR. WHEELER: Are there any questions? Thank you.

MR. WALTHER: Thank you.

MR. WHEELER: All right. Commissioner? I'm assuming no one else wanted to give us any tidbits of wisdom. Commissioners, discussion? Dr. Puri?

DR. PURI: I think it's very straightforward. I think I'll just move to approve this.

MR. WHEELER: Motion for approval.

MR. REICHLIN: Second.

MR. WHEELER: Mr. Reichlin has seconded. Any discussion on the motion? All right. When you're ready, sir.

MR. VANDER TUIG: We have a motion and a second for Case No. 13-83 for a request by Allstate Consultants on behalf of the Delta Xi House Corporation of Delta Delta Delta for a one-lot final plat to be known as "Delta Delta Delta Subdivision Plat 1," and this does not include the variance request for the right-of-way. Correct?

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

MR. WHEELER: A recommendation for approval will be forwarded to City Council.

V.) PUBLIC HEARING AND SUBDIVISION

Case No. 13-74

A request by RDM Development Ltd., Robyn Armer, the Jo Ann Allen Revocable Trust, and Brian J. Painter (owners) to annex 7.62 acres of land into the City of Columbia, and assign C-P (Planned Business District) as permanent City zoning. The subject site includes four parcels of land located on the north side of St. Charles Road, approximately 300 feet east of

Lakewood Drive. All parcels are currently zoned Boone County R-S (Single-Family Residential).

MR. WHEELER: 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 C-P zoning, and the associated statement of intent.

- MR. WHEELER: All right. Any questions of Staff? Ms. Peters?
- MS. PETERS: Is the gas station on the corner City or County?
- MR. MacINTYRE: It is in the County. In fact, everything on the north side of St. Charles Road is in the County, and then to the south, the lighter shade on this map that's displaying of the beige is in the City.
- MS. PETERS: So I can't remember if we've changed the way we notify County people because the property owners behind it are in the County as well; is that correct?
 - MR. MacINTYRE: Yes, that's correct. And --
- MS. PETERS: So people within 100-and-what -- 80 feet or 200 have -- they weren't notified because they are in the County?
- MR. MacINTYRE: They were notified. The issue that typically comes up is a lack of knowledge of neighborhood associations or homeowners associations in the County. I think we've been trying to resolve that and certainly the applicant's engineer made an effort in advance of submitting the application to contact those folks. So I believe there has been at least a couple of conversations and meetings held.
- MS. PETERS: I just couldn't remember if we had changed the way we contacted the County, seeing there was an issue a year or so back -- a couple of years back probably. Do you know if those are town homes or duplexes that are on the west side?
- MR. MacINTYRE: West side are, I suppose, town homes or apartments. I believe they are four-plexes, each of those structures.
 - MS. PETERS: Thank you.
- MR. WHEELER: Are there any other questions of Staff? Seeing none, we'll open the public hearing.

PUBLIC HEARING OPENED

- MR. WHEELER: Before we begin, we'll start with our rules of engagement, which have not changed. The applicant will get six minutes, and subsequent speakers will get three. And the -- any organized opposition will get six minutes, and subsequent speakers will get three minutes. With that, Mr. Crockett?
- MR. CROCKETT: Mr. Chairman, members of the Commission, my name is Tim Crockett with Crockett Engineering Consultants, 2608 North Stadium. First, I'd like to start off by saying that this -- the applicants have basically come together as four property owners wanting to combine their properties -- not necessarily under one ownership, but basically under one zoning, one control so it

could have a little better development as opposed to piecemeal development as four smaller tracts in this area. We think it's better for the overall area and it's a little easier for a developer to come in and have a little larger piece of property there. This project has been going on for quite some time. It started off many months ago. The first thing that we did, we contacted the residents of the area and had a neighborhood meeting to discuss with them what our proposal is. This is well before any application or any concept review with the City. We wanted to get with the neighbors, tell them what we're doing, ask what their thoughts were, and we got a lot of good input back from that. It allowed us to go through our process and go through our allowed uses and really start crossing off a lot of the uses that they did not want. We also followed up with another meeting -- and, Ms. Peters, that answers your questions a little bit -- is a misunderstanding on some communication with regard to the neighbors to the west. Those are actually -- I believe there's two different condominium associations, and we contacted one, but not the other, so we had a subsequent meeting to meet with the other condo association. I believe some of those units are rental, but a lot of those are owner-occupied -especially units that are abutting our property, several are owner-occupied, and we had a great conversation with those folks. We have eliminated the typical uses: the bars, the nightclubs, the outdoor music. We have also eliminated banks. You know, well, why did we eliminate banks on this? We worked with Staff on this. One of the concerns of the neighbors was no payday loans. You know, we don't want that in our neighborhood; we don't want that use here. And really what we decided with Staff is we really can't eliminate that use. We can't pinpoint it out as an allowed use or a not-allowed use, so we eliminate all financial institutions with the idea that if a really -- a true bank wants to go on this corner, we fully feel it's allow-- if it's a justified use, we'll come back and modify the allowed uses at a later time, should that be the case. Again, it's taken quite some time. The allowed uses that you'll see that we're proposing are more along the neighborhood commercial the County has. It is C-P; the City doesn't make that much delineation, but we have a few uses from the C-3, to the C-2, C-1, and so forth, but we're really trying to focus on that neighborhood commercial use. Given that, we think that those uses are not going to be traffic generators, and they're not going to generate a lot of traffic coming to the site, it's going to be traffic in the neighborhood that's already there. So we don't believe it's going to generate a ton of traffic. We have agreed to limit access to the site. And, with that, I'll be happy to answer any questions that the Commission may have.

MR. WHEELER: Are there any questions of this speaker? Ms. Peters?

MS. PETERS: One, thank you for contacting the people to the west. I drove by there, and there's some pretty nice looking town homes or whatever they are. I noticed in here that the intention is to clear-cut it and leave no vegetation. Is -- would that be at the time of sale? I guess what I'm getting at is I don't know that the neighbors know that it could be clear-cut and sit empty for three years.

MR. CROCKETT: No. It's not our intent whatsoever to clear-cut the property at this time and let it sit vacant as a pad-ready piece of property. What we want to do is leave it as it is as much as

possible, and in the meantime, wait for a buyer to come in. We don't want to clear-cut. Obviously, there's some good mature trees on the south -- excuse me -- on the north side, as well as the west side. We've worked with the neighbors, especially -- the town house especially. They had a lot of concerns with screening.

MS. PETERS: Uh-huh.

MR. CROCKETT: And we talked about the process of screening and what types of screening. And we agreed that the best time to take care of that would be at the time of the actual C-P plan that comes forward. Let's work on it and make sure we are all agreeable to that at that time. But it's not our intent at all to clear the site at this time and have it ready. We want to leave it as is as long as we can.

MS. PETERS: Okay. And I take it that ATMs wouldn't be excluded if, say, a grocery store went in there? That wouldn't -- I guess that's probably a Staff question.

MR. CROCKETT: That would be a Staff question. But at that point, it would be my -- probably my belief that it would probably be either an accessory use to -- well, we won't have a grocery store. That's not an allowed use. But I think that would be on the C-P plan, and we would have to address it at that time.

MS. PETERS: Thank you very much.

MR. WHEELER: Are there other questions of this speaker? I had one. And I should have picked up on this, but what's your height limitation?

MR. CROCKETT: I believe it's 35 feet, Mr. Wheeler, I believe.

MR. WHEELER: Okay.

MR. CROCKETT: Maybe it's 30 feet. Bear with me, I want to make sure I get it correct. Thirty-five feet.

MR. WHEELER: Okay. Any other questions of this speaker?

MR. CROCKETT: Thank you.

MR. WHEELER: Thank you, Mr. Crockett. Additional speakers? Name and address?

MR. KELLER: Sorry.

MR. WHEELER: I'm sorry.

MR. KELLER: My name is Kirk Keller; I live at 1473 North Lake of the Woods, which is just to the north of where this is proposed. I have to apologize; I didn't realize that there was a three-minute time limit. I have a PowerPoint. I will just skip a lot of slides, but I believe that there are some that important. The information that I have is such that I would like to be able to share it with you, even if I'm not able to present in this time frame. The star indicates where I live relative to the subject site.

MR. WHEELER: Mr. Keller, could you turn that mic toward you?

MR. KELLER: I'm sorry.

MR. WHEELER: Okay. No problem.

MR. KELLER: I oppose this rezoning. I think it violates the spirit of recent activities that the City of Columbia has had with Boone County in terms of trying to do commercial development and yet retain that rural aspect of the surrounding county. It's not needed to promote commercial development in the area. We have more than enough zoning to cover that. It will negatively impact neighborhood quality of life and it will erode neighborhood residential home values because it basically jumps the street to begin commercial development. Commercial zone already exists. This is when you're staying across the street looking to the south. Notice that this -- that the watershed goes downhill. This is a part that is not being considered for zoning. This is what is already zoned for commercial. It goes downstream to I70. It's a wide-open area. It's as much area for commercial development as what is under consideration. I think it is probably more. If commercial development happened here, they could do it all day long and I would be happy. Why? Because no trees are lost, no sound blocks are lost, and there's a hill between me and this. Where's the hill? There's the hill -the thing that's being proposed for commercial development. A nice set of homes -- by the way, they used to have power lines in front of them and they were taken out as part of the street improvement. Now they look a lot better. Old growth trees that are in the middle of the lot, not the north side of the lot. What needs to be protected? This is my backyard. This is at night looking out there. I know bad picture quality, but you know how it is at nighttime. But then what I want to point out is that it is totally dark. There are no halogens; there are no security lights; there is no signage. That will be impossible to protect if you do this. If you look in the middle of the screen, those trees -- those trees are not on the edge of the lot, those are in the middle of the lot. In fact, right over -- right above that garage, I can actually see the roof of the center house in that area. If you step behind those duplexes that you were just looking at you, see the power lines running there? So the trees are very short. There are no large trees on the property line; they are all inside the property line. So if those trees go away for development, I'm going to see anything that gets built in that area. Those are the trees that are going to go away if any development takes place in that area. So what am I going to see? Well, I can see, like I said, that roofline right there, which is on the top of the hill. There's a pretty steep decline on that hill, by the way, which also causes me concern on watershed. Anything on the side of the house that I'm seeing is going to flow to the north, and it's a pretty steep hill right where those duplexes are that that backs up against, so you're going to have to put up something really high to block signage and to block buildings. In fact, those blue lines kind of represent probably what a building that would only be a two-story residential would do. So I'm going to see that. There's going to be signage. It's going to bleed into not only my area, but the entire neighborhood. I took shots, which I can't show because of the time frame here, from those three arrow spots, and basically when you look at two of those arrow spots looking at that area, it's completely black -- just as black as night. A nice rural area. You go to that one arrow that is pointing up where the BP is, and it's a completely different story, just because of one security light and a BP sign. So I would ask that you not approve

this tonight, that you study the impact on this, and consider whether it really is going to bring any benefit to Boone County residents and the neighborhood in general.

MR. WHEELER: Thank you. Are there any questions of this speaker? Thank you, Mr. Keller. All right. Additional speakers?

MR. NORMAN: James Norman.

MR. WHEELER: At the mic, please.

MR. NORMAN: I'm sorry. James Norman, 5909 East St. Charles Road. I was just thinking that if they was able to sell then I should be able to --

MR. WHEELER: Turn around.

MR. NORMAN: -- sell mine or whatever, because it's going to impact me. They don't have that much trouble getting out of the driveway like I do. The roundabout is going to be, like, right at the end of my driveway. So I was just saying -- I don't know. I mean, it's just me in all this stuff. But I was just thinking that if they get the right to do that then I should, too, pretty much.

MR. WHEELER: Move the mic around, please.

MR. NORMAN: But, yeah, I'm not for sure. I mean, it's going to be kind of weird to have a grocery store living right next door to me, because I'm right next door to them. So I was just letting you guys know that and stuff. Appreciate you taking the time.

MR. WHEELER: All right. Thank you. Further questions of this speaker? None. Any other speakers on this item?

MS. HARRISON: I can't believe I'm doing this. My name is Regena Harrison. I live at 3067 North Lake of the Woods Road, and I have a question. Why would this be approved for a 35-foot structure, and especially with the property across the road, you know, that is vacant, and -- I don't know, it was for sale. Maybe it still is. But, anyway, that's my question.

MR. WHEELER: You were -- actually, the applicant has asked for the 35 feet is the reason that that's in there, ma'am, so --

MS. HARRISON: Okay. Are -- is there any indication what type of a structure that they're going to build?

MR. WHEELER: A commercial structure.

MS. HARRISON: Or is this is just for sale right now?

MR. WHEELER: Yes, ma'am. This is the zoning. There would be a plan come forward at some future point if this is approved -- a plan for public discussion.

MS. HARRISON: Okay.

MR. WHEELER: Are there any questions of this speaker? Thank you, ma'am. Are there any other speakers this evening?

MR. HARRISON: I'm the other half. Dick Harrison, 3067 North Lake of the Woods Drive. This application that I picked up out there says, Pending annexation in the city limits in the city of Columbia. How many of you were at the 2009 meeting at Two Mile Prairie School? Were any of you

on the zoning committee at that time -- this Planning and Zoning Committee? If you remember that, it was said by one of the persons that had the -- was chairing that meeting that the school that was going to be built, it had to be in the city limits to be in the Columbia school district. That was over four years ago and nothing on annexation has come about yet. And I -- since the school had got the money, built the school, furnished the school, having classes, there's no need for an annexation because we don't need to be in the city. The City has got enough problems. They just throwed mud in the taxpayers' faces by having -- not even letting us vote on an annexation. They built the school regardless. That tells me something about them people out there. This site over here, we live out there. There's two roundabouts there and it's going to be close to the roundabout here on the west, and that's going to throw more traffic on there in the morning. Right now they're building Route Z -they're fixing Route Z up out there at the bridge. And this plan called for another bridge across I-70 back west of there and that hasn't been done -- anything done to that. The roads out in this area are very thin. They have -- they've got a signal out there by the school, but the roads are still narrow, and that's going to cause a lot of traffic. It's going to cause a lot of traffic right by here all the time. I've lived there for 44 years. This is going to be a -- it's a big mess out right now because there will be only two roundabouts out there. And it's -- the land across the street is already a C-P. I don't have any problem with that; it's the annexation that I have a problem with. I don't see any need to be annexed into the city now because the school is already built. Thank you.

MR. WHEELER: Are there any questions of this speaker? Thank you. Are there any other speakers? Seeing none, we'll close the public hearing.

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners, discussion?

MR. STANTON: This is -- it's not for sale yet. They're just kind of prepping the ground, I guess you would say.

MR. WHEELER: This is a zoning request, so I'm assuming --

MR. STANTON: Yeah. So it's not -- there's no perspective buyer. They are just kind of strategically placing themselves in position for the future. This is for planning is what I'm looking at. All those things that are concerns for the public can be addressed when a potential buyer or a potential builder comes up again and asks for permits or anything. Those things can be addressed at that time. The landowners have -- you know, have the right to kind of control their destiny with the land that they own. I think they consider their neighbors and everybody's points are very important and definitely should be considered in any future development there.

MR. WHEELER: Dr. Puri?

DR. PURI: Always this confusion on procedure, you know, as far as -- I just want to point out that the City didn't go out there and want to annex this property. This application was made by people that own that land. So nobody went from the City and said, We're annexing this. They made an application to change zoning, it happens to be in County. Across St. Charles Road there is a

commercial node there. I don't see in this subject's property there's going to be anything but commercial in the future because there's commercial across the street, it's a heavily traveled road, and it carries a lot of traffic. So at some point when the -- if this is approved, there's going to be a plan that's going to come forward which can help you sort of control the destiny of what you want next to you. But as far as -- I wish everybody could have a buffer zone between them and St. Charles Road, but then there's somebody that's suffering that owns this land that wants to change it to something else. I think this is appropriate zoning. I intend to support this.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: I just want to say I intend to support it. I think the thing that you have to keep in perspective is that of all the things that could possibly happen with this parcel, it's not going to remain the way it is today for the -- you know, 20, 25 years from now. So if you have a planned district, whether it be commercial, in this case, it gives the opportunity for further input and their restriction on what occurs. And it could very well if left as such without any annexation of defined zoning, you could have somebody in the future come and say they want R-3 and get that through the County or try and bring it to the City, and that's going to open up another can of worms. So I think the intent is to create a parcel that's on a trafficked roadway, and it -- you have, also, the best buffers you can have in terms of transition. You're going from potential commercial to multifamily to single family, and that's a transition that we strive for in other recommendations, whether they be in the City or not. So I -- once again, I want to state that I plan to support it.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: I'll just echo that. I think that this is an appropriate -- there's a lot of self-imposed restrictions with this proposal and that the uses are open enough to allow for successful commercial. Nothing worse than vacant commercial, probably. But, also, you know, the uses are appropriate for what would be considered neighborhood commercial. I will -- if I'm still on the commission when this goes forward with the C-P plan, I probably will be scrutinizing the lighting -- and that is something that we can look at when the plan comes forward. The lighting and the screening is going to be very important here, and since it's a planned district, we have the opportunity to do that. So like Mr. Reichlin said, there could be worse things that occur on this piece of property. So I plan to support it.

MR. WHEELER: Ms. Peters?

MS. PETERS: I'd like to see if I can address some of the issues that were brought up about the Two Mile Prairie meeting -- the Northeast Area Plan that we participated with in the county. To do that, I think I do need to explain a bit about the separation between the school district and the City of Columbia and the planning process, which frustrates us as a commission and as a City planning board pretty heavily. There's not -- there's more communication than there was with the school district on where schools have an intent to go. There's a little bit of, for lack of a better word, I will call shenanigans on the school district being able to purchase land and build a building that truly is in the

county. And now there's finagling going on to be annexed into the city, the high school has to touch city-zoned property already. And to do that, the roundabout -- the land was purchased at Demaret Drive, so that there's a continuous touch. The high school property will be brought into the city of Columbia I would guess within the next few months. That's the process that we have no control over. I do appreciate your participation in the Northeast Area Plan, and it's my sincerest hope that what we worked with and what we were trying to achieve, we'll actually -- we will achieve great amounts of that. I am going to support this because it's not going to stay in its residential form for the next 20 years. I think we have a lot more control over what will be developed there and how it's developed once it's annexed into the city. Before anything could be cleared there, they will have to have a land disturbance permit, and that triggers public notice and that kind of thing. I think when it does come through for a plan, that's when a lot of the details that will be more compatible for the neighborhood so that it doesn't spoil the ambiance of the night there. There are a number of design parameters that can happen that can work very well with the neighborhood. This is -- and I think it's to the applicant's advantage to do this well, because there will be more properties that come in. And if this is done poorly, there will be a great turnout from citizens of how unhappy they are with what's taken place here. And I think people are very conscious of that, and this will be developed correctly.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: I just wanted to make one small comment in the spirit of full disclosure. I own the properties on the north boundary, and I will be watching this. I don't want anybody to find out that I own them and I didn't make mention of it.

MR. WHEELER: Mr. Reichlin owns the duplexes to the north. I guess, Mr. Lee, you're going to remain silent this evening. My comments are on this -- in the interest of full disclosure, Mr. Keller and I are friends, and I've set on his deck. And so I understand where he's coming from on his line of site. I'm somewhat torn on this because St. Charles Road is a very busy road. However, at what point -- it seems to me that there's quite a parcel of C to whatever -- C many things -- C-3, C-P -- ground to the south of that is there for development. But then the question becomes is this parcel going to remain single family, and I seriously doubt it. But what is the appropriate transition? Would it be better as R-3 with, you know, 35-foot roofs or would it be better as O-P and -- or as the existing what they're asking for currently. I won't support it based on the 35 feet. I think it should be lower. I think I could wrap my head around a C-P with use restrictions, but also a height limitation and some pretty serious light considerations as well. But I'm not going to support it this evening. So, with that, discussion, Commissioners? Does someone want to frame a motion?

MS. PETERS: Do you want to frame a motion with --

MR. WHEELER: Well, I don't know as if everyone agrees with me. No one discussed my conditions. Mr. Vander Tuig?

MR. VANDER TUIG: I've got a question for Staff. Do we know on the C-P south of St. Charles what the height restrictions are? Just out of curiosity.

MR. MACINTYRE: I don't. Typically, they're the same as residential though. Thirty-five foot is the standard for R-1 as well, and that's why it's typically carried through on other things developed.

MR. VANDER TUIG: I see.

DR. PURI: I'll take a stab.

MR. WHEELER: Dr. Puri?

DR. PURI: I'll make a motion to approve a request by RDM Development, Robyn Armer, the Jo Ann Allen Revocable Trust, and Brian J. Painter (owners) to annex 7.62 acres of land into the City of Columbia, and assign C-P (Planned District) as permanent City zoning. Is that enough,

Mr. Secretary?

MR. VANDER TUIG: That's good.

MR. WHEELER: A motion --

MR. LEE: I'll second it.

MR. WHEELER: Mr. Lee has seconded. Motion has been made and seconded. Discussion on the motion? When you're ready.

MR. VANDER TUIG: We have a motion and a second for approval of Case 13-74, a request for permanent C-P City zoning, pending City annexation. The subject site includes four parcels of land located on the north side of St. Charles Road, approximately 300 feet east of Lakewood Drive. Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin, Mr. Vander Tuig, Mr. Stanton, Mr. Lee, Ms. Peters, Dr. Puri. Voting No: Mr. Wheeler. Motion carries 6-1.

MR. WHEELER: A motion -- a recommendation for approval will be forwarded to the City Council.

Case No. 13-86

A request by Kristin Kaiser (contract purchaser), on behalf of Darren Wittenberger and Waterwood Building, LLC (owner), for rezoning from O-P (planned office) to C-P (planned business). The 1.8 acre-site is located at 2301 Chapel Plaza Court.

MR. WHEELER: May we have a staff report, please?

Staff report was given by Mr. Matthew Lepke of the Planning and Development Department. Staff recommends approval of the rezoning from O-P to C-P.

MR. WHEELER: Are there any questions of Staff? Seeing none, open public hearing.

PUBLIC HEARING OPENED

MR. WHEELER: Anyone want to discuss this with us this evening?

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners? Ms. Peters?

MS. PETERS: Now I have a question for Staff since there's nobody here from the applicant. Do you know where the loading dock is positioned? I'm assuming there will be a loading dock since they're going to be a furniture --

MR. LEPKE: And I think honestly, Ms. Peters, the home furnishing side of it, I don't actually anticipate that it's going to be couches and beds and things. I think the home-furnishing aspect of it came more from the parking calculation end of it. The applicant represent an art gallery. So, essentially, I think art gallery will be the main use. Home furnishing sort of bled in there because when staff was reviewing, okay, to what do we compare this for parking purposes, a home-furnishing store was the closest thing, and I think that's how that term got in there. But from every correspondence I have had -- and it certainly would be a permitted use to do so -- from what I can tell, you see sort of -- you see the drive come around here to the lower end, and then I think there's -- similarly, there's one on this side. So I don't know in terms of receiving semis and things exactly how that would work, mostly because I don't think the building right now, as best I understand, is constructed to do that. You make a good point. The proposed use would allow that kind of thing, but my understanding is they're doing an art gallery. It would be part of their office for, you know, the agency and then gallery space where they could shows works as well as perhaps have gatherings and things.

MS. PETERS: Thank you.

MR. LEPKE: Uh-huh.

MR. WHEELER: Commissioners? Ms. Peters?

MS. PETERS: This seems like a compatible use and an appropriate change, and I would be happy to support it and move for approval if there's no other discussion.

MR. STANTON: Second.

MR. WHEELER: Motion has been made and seconded. Is there any discussion on the motion? When you're ready, sir.

MR. VANDER TUIG: We have a motion and a second for approval of Case 13-86 for rezoning from O-P to C-P. The 1.8 acre site is located at 2301 Chapel Plaza Court.

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

MR. WHEELER: A recommendation for approval will be forwarded to the City Council.

Case No. 13-50

A request by the City of Columbia to approve revisions to Chapter 23 (Signs) and Chapter 29 (Zoning) of the City Code as it relates to signage definitions and permitted types of signage within the Scenic Roadway Overlay District (SR). This amendment has been prepared in response to the signage moratorium established by Ordinance 21482.

MR. WHEELER: May we have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the proposed ordinance amendment.

MR. WHEELER: Are there any questions of Staff?

MR. LEE: Yeah.

MR. WHEELER: Yes, Mr. Lee?

MR. LEE: Mr. Zenner, there's a sign at the corner of College and the Business Loop that is quite animated, and that will be grandfathered --

MR. ZENNER: As in the auto parts store. Correct?

MR. LEE: Yes.

MR. ZENNER: That, unfortunately, would be one of those that would be considered grandfathered. And the only way to eliminate that sign would be through either revisions to our amortization provisions or through the deterioration of that sign to such a point that it would not be able to be repaired and would fall under the existing provisions within the code that would require it to be removed.

MR. LEE: But if we have the entire code redone, then it probably would be addressed in that? MR. ZENNER: It is very possible. The issue of amortization or the buying out of somebody's

rights to a sign that they have invested in will become a very challenging and potentially controversial issue. It may not be something that we will not shy away from making recommendations on, but I would gather that it will become a very political issue as to how far do we want to go as a city in order to eliminate those. There could be compensation requirements needing to be paid, and a variety of other ramifications. That is one reason why we have not proposed any changes to that as part of this ordinance. We wanted to address the principal focus of it, and that was really to take care of new signage. We can come back and always look at that that exists and then try to figure out a way to deal with it.

MR. LEE: I think it will be an issue.

MR. ZENNER: Oh, yes. I believe it will be.

MR. LEE: Thank you.

MR. WHEELER: Are there any other questions of Staff? Seeing none, we'll open the public hearing.

PUBLIC HEARING OPENED

MR. WHEELER: I'm sure we have a few folks that want to speak on this issue. Since you'll be our primary speaker this evening, we'll give you a little room --

MR. KRUSE: Thank you.

MR. WHEELER: -- although, the playoffs are on.

MR. KRUSE: Thank you. Well, Karl Kruse, 2405 Lynnwood Drive. First of all, thank God we'll still have Budweiser signs. That's really important to me. I wasn't aware of that until tonight. I came loaded for bear, but, you know, I think I'm the only person that is going to speak tonight, so I'll keep it very brief. I'm interested mostly about the signs in my windows that are animated or digital. And it seems to me that's a reasonable proposal to limit those given that we do the same for similar signs that are outside the window. It's in keeping with the purposes stated in the ordinance, which in part are to, you know, promote traffic safety, promote a high quality community appearance and project --

and mitigate against adverse impacts with nearby businesses. So it seems like a reasonable thing. I'm not sure why we missed that in 1992 when we did the major revisions to the ordinance. Probably because we just didn't have the technology then. You know, we would see a few of these little signs that flash "open," but you just didn't see digital -- big digital signs or animated signs or LED signs behind windows, and we just didn't think about it. But I can tell you -- and I think I've mentioned this in one of your work sessions -- that having worked on the sign issue for about 30 years now locally, at the state level, and nationally, I can guarantee you that if we don't do something, it's just a matter of time before we see really large LED outdoor -- basically indoor advertising directed at the outdoor public all over the place in Columbia -- big ones -- 600 square feet -- similar and much bigger to the images that you've seen tonight. There's just no way to stop it. But this ordinance would stop it and I think it's a great idea, and I support it. So I'll just leave it at that unless you have any questions.

MR. WHEELER: Are there any questions of this speaker? Thank you, sir. Are there any other speakers this evening? Seeing none, we'll close the public hearing.

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners, discussion? Just as a point, you can't take everything. We don't either. But we have tried to put a provision within this that would maybe limit holographic and other things that might come in the future. So I'm sure we didn't think of everything either, but we'll --hopefully we've done what we can at this point. Ms. Peters?

MS. PETERS: I am very grateful to Staff and to the legal department for clawing their way through this so that we have an appropriate ordinance for Columbia, and I am very happy to support this. And I will move for approval, unless there's more discussion.

MR. WHEELER: A motion has been made.

MR. STANTON: Second.

MR. WHEELER: And seconded by Dr. Puri, who had his hand up first. Is there any discussion on the motion?

MR. VANDER TUIG: We have a motion and a second for approval of Case 13-50 to approve revisions to Chapter 23 and Chapter 29 of the City code as it relates to signage definitions and permitted sign -- types of signs within the Scenic Roadway Overlay District.

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

MR. WHEELER: Recommendation for approval will be forwarded to City Council and it will go on the consent agenda unless, of course, City Council would like to discuss this in a public hearing. All right.

VI.) COMMENTS OF PUBLIC

There were no comments of the public.

VII.) COMMENTS OF STAFF

MR. ZENNER: Your next meeting will be on July 18th. At our last public meeting on June 6th, we canceled our July 4th meeting due to the holiday. So with that said, you have a regular work session on July 18th. We will have some items for you that are carryovers from tonight's work session. We also will have your regular commission meeting at 7:00pm. And that regular commission meeting is going to be a doozy. You have got, at this point, no subdivision items on the agenda; however, you do have the six enumerated public hearings. The residences at Old Hawthorne, PUD plan, Boone County. This is the Demaret annexation permanent zoning that Ms. Peters referred to today off of St. Charles. We have the Columbia College master plan update. We also have the Columbia Housing Authority. They have the PUD revision and a plan. And we have another Boone County annexation and permanent zoning, and this is the MKT Park off of Scott Boulevard on the western side of Scott across from where our park is. And then you have the Gordon Family Trust annexation and rezoning. Just to give you some context for these, residences of Old Hawthorne on your left. On your right, you have the Demaret Drive annexation request by the County, and that will become a future traffic circle location which will then create the land bridge to the Lake of the Woods golf course, ultimately then allowing for the annexation of Somerset Village immediately to the east, the high school, the new elementary school site, and the city park off of Battle Avenue. Left is the land area that is controlled by Columbia College that we'll be doing the master plan update on, and then on your right is the Kinney Point PUD. This is, basically, the Housing Authority's project, and it is a revision of a PUD 30 to allow for some additional development, along with the PUD plan. The annexation request -- the second annexation request by Boone County for the Jay Dix Station, this is a -- will become part of the City developed as a City park, but retained in the ownership of Boone County. And then on your right, we have the Gordon Family Trust annexation request. For the life of me, I can't make out what small street that is off of. But it's just a regular annexation request in order to get public sanitary sewer services to that property. That is all we have for this evening. We hope you have a wonderful July 4th, and we will look forward to having you back on July 18th.

MR. WHEELER: All right.

VIII.) COMMENTS OF COMMISSIONERS

MR. WHEELER: Comments, Commissioners? Very briefly, Mr. Zenner, I have to give you some flack. I saw you found fuel for \$2.93. I'd like to know where that is in your report. I also noticed that you used an example that said Manhattan on it. I'm not sure that's great for the city of Columbia, but--

MR. ZENNER: I am glad --

MR. WHEELER: -- just my opinion.

MR. ZENNER: I am glad some Commissioners are observant of the graphic art that we do pull in from competitive states. However, apparently, they do signage better than we do in Columbia.

MR. WHEELER: All right. With that, we'll adjourn.

IX.) ADJOURNMENT	
The meeting adjourned 8:11 p.m.	
(Off the record)	
Matthew Vander Tuig – Secretary	Doug Wheeler - Chair