

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_ Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_ Council Bill No. B 134-05

AN ORDINANCE

changing the uses allowed on C-P zoned property located on the southeast corner of I-70 Drive Southeast and Woodridge Drive; 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 uses allowed on the following C-P (Planned Business District) zoned property:

A tract located in the northwest quarter of Section 9, Township 48 North, Range 12 West, City of Columbia, Boone County, Missouri being the tract described by the deed in Book 1765 Page 116 of the Boone County Records, also being Lot 1A of Woodridge Subdivision No. 1A as shown in Plat Book 38, Page 29 of the Boone County Records and contains 4.59 acres.

is amended to add the following to the allowed uses: "motorcycle sales and repairs facility."

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

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City Counselor

Source

William Watkins



**TO:** City Council

**FROM:** City Manager and Staff 

**DATE:** April 22, 2005

**RE:** A request by Sells Development Group, LLC to change an allowed use for a C-P zoned parcel of land located on the southeast corner of Woodridge Drive and I-70 Drive Southeast, containing approximately 4.59 acres. The proposal is to allow for a motorcycle sales and service facility on the site. (Case 17-Z-05)

EXECUTIVE SUMMARY

At its meeting of April 21, 2005, the Planning and Zoning Commission voted 8-1 to recommend denial of the proposed change in C-P uses. Seven individuals from the public spoke in opposition to the request.

A staff report, locator map and excerpts from the minutes of the Planning and Zoning Commission meeting are attached.

SUGGESTED COUNCIL ACTION

The Planning and Zoning Commission recommends denial of the proposed C-P use change.

Fiscal Impact

YES

NO

Other Info.



**SUBJECT TRACT**

INTERSTATE 70

I-70 DR SOUTHEAST

WEST SUGAR TREE LN

EVERGREEN LN

EVERGREEN LN

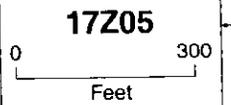
BERRYWOOD DR

WOODRIDGE DR

WOODRIDGE DR

GLENSTONE DR

HILSDALE RD



CP

A-1

CP

A-1

RMH

C-1

R-2

R-2

R-1

R-1

R-1

R-1

R-1

R-1

R-1

A-1

A-1

M-C

M-1

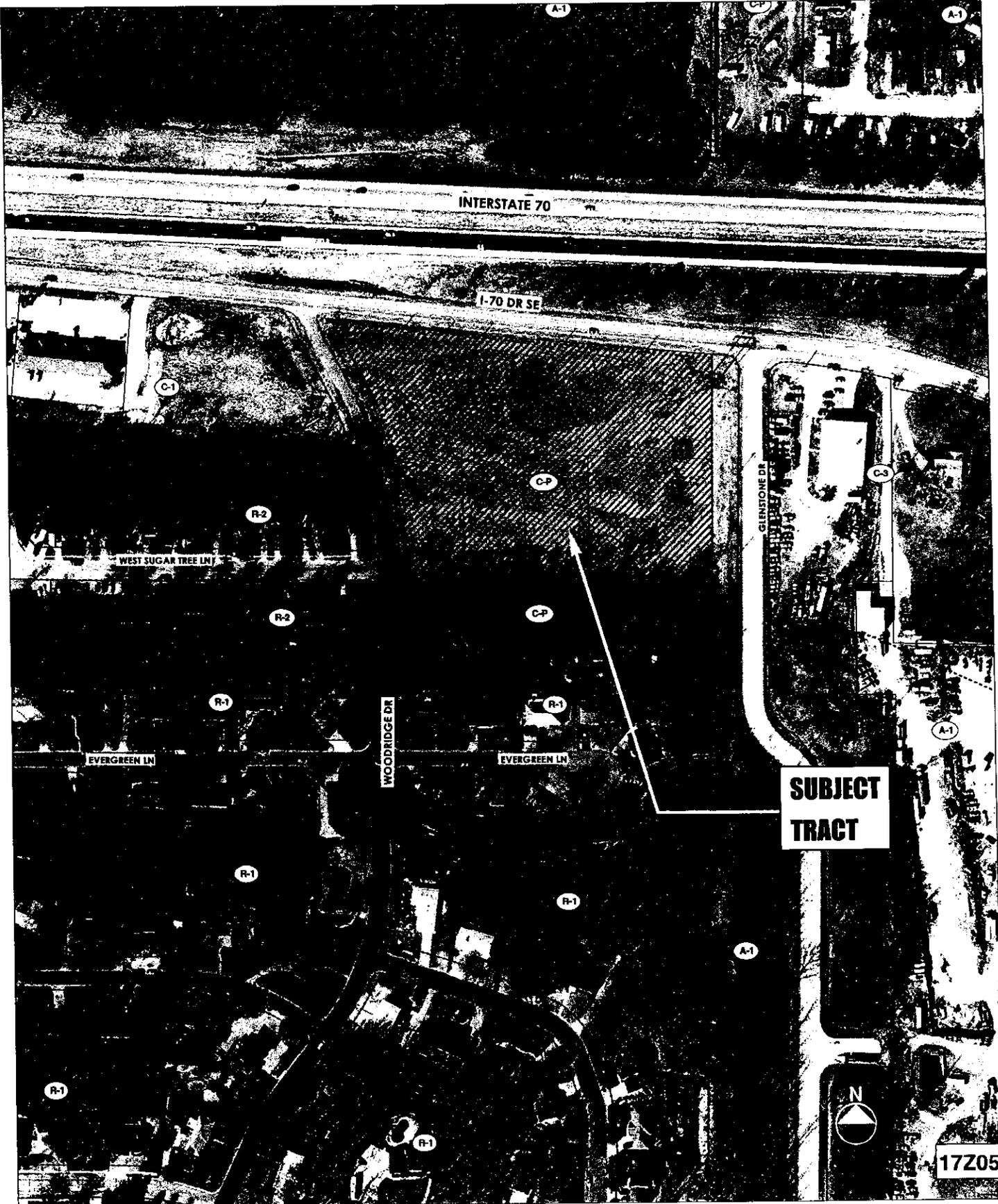
C-S

CP

CP

R-1

RMH



INTERSTATE 70

I-70 DR SE

WEST SUGAR TREE LN

EVERGREEN LN

WOODRIDGE DR

EVERGREEN LN

GLENSTONE DR

HERBERT STUBBS LN

**SUBJECT TRACT**



17Z05

**APPLICATION  
FOR  
REZONING OF PROPERTY  
(September 22, 1997)**

**General location of property (use street intersections if possible):** I-70 Drive S.E. and Woodridge Drive.

**Street address of property (note N/A if site is vacant):** N/A

**Size of tract (expressed in acres):** 4.59 acres

**Deed to property recorded in:** Book 1765, Page 116

**Present zone(s):** See attached ordinance

**Requested zone(s):** Same, but add uses below

**Present use(s) of property:** Property is Vacant

**Columbia Land Use Plan designation:** Medium density residential and commercial (Lot 20)

**Reason for requesting zoning change:** To build motorcycle sales and repairs facility

RECEIVED  
MAR 17 2005  
PLANNING DEPT

\*\*\*\*\*

See attached for description of all items  
Which must be included with this application

**OWNERS  
of record:**

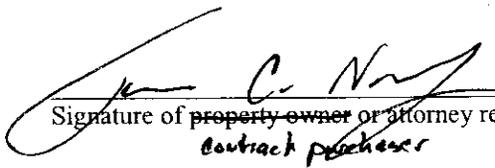
Sells Development Group, L.L.C.  
3512 I-70 Drive S.E.  
Columbia, MO 65201  
875-1115

**CONTRACT  
PURCHASERS (if  
applicable)**

Six One Six, L.L.C.  
2600 Rangeline Street  
Columbia, MO 65202  
443-6623

**AGENT  
(if other than owner)**

Sonnenschein Nath & Rosenthal LLP  
James C. Neeld  
Suite 1100  
4520 Main Street  
Kansas City, MO 64111

  
Signature of ~~property owner~~ or attorney representing owner  
*contract purchaser*

3-15-2005

Date

**From:** "Homer Jr, Raymond - Columbia, MO" <raymond.homer@mo.usda.gov>  
**To:** <planning@gocolumbiamo.com>  
**Date:** 4/19/2005 3:04:56 PM  
**Subject:** Case 17-Z-05

Please provide this message to the Planning and Zoning Commission prior to its meeting on Thursday, April 21, 2005. I will not be able to attend the Commission meeting that evening, but do want to go on record as opposing the request by Sells Development Group, LLC, to change the allowed CP district use of the property located on the southeast corner of Woodridge Drive and I-70 Drive Southeast.

I understand that the proposed change in use is to allow for the construction/operation of a motorcycle sales and repair business. That type of business does NOT conform to the uses being made of other properties in the immediate area of the site. To the immediate south are single family residences. To the immediate west are office-type buildings. To the east is a towing/automobile salvage storage facility, but that facility does not engage in repairs/sales of automobiles (at least not to my knowledge).

Siting a motor vehicle sales and repair facility at a main entrance (Woodridge Drive) to a residential neighborhood is not a compatible property use. How many other locations in the City of Columbia are motor vehicle sales and repair facilities located adjacent to residential neighborhoods?

It should be noted that the proposed use of the site is NOT an allowed C-P use. During the previous Commission hearing on this same proposal, I recall seeing/hearing (on the public television re-run of the meeting) that one or two of the Commissioners made statements along the lines of 'well, other residential neighborhoods have commercial businesses adjacent to them'. Those statements were, to be quite blunt, irrelevant and reflect those particular Commissioners apparent lack of knowledge of exactly what the C-P designation allows insofar as uses of property are concerned. This proposal is NOT an affirmation of the C-P use of the property; it is a CHANGE in the allowed use. Whether or not one or two of the Commissioners 'enjoy riding motorcycles' is also irrelevant. The point is: a motorcycle sales and repair business is not an allowed C-P use and a variance to allow that type of use of the property, given its proximity to a residential neighborhood, should not be allowed.

As I recall, the owners of that parcel asked, a few years ago, that a portion of the property be rezoned from R-2 to C-P. During meetings with the owners, assurances were given that the property would be developed for 'office buildings' such as those located to the west of the site. Apparently the owners are not men of their words.

An issue which was mentioned quite frequently during the previous hearing on this variance request was the potential motorcycle traffic which would be entering the Woodridge neighborhood. I would point out another concern. To the immediate east of the site is Glenstone Drive. THAT street should be the street of concern as far as motorcycle test-driving is concerned; it is straight, wide, in excellent repair. If any consideration whatsoever is given to allowing the variance, one condition should be that the owners will not allow motorcycle

test-drivers to use either Woodridge Drive or Glenstone Drive for that purpose.

I would appreciate your taking my comments into consideration when you deliberate on the request for variance.

Thank you.

Raymond Homer, Jr.  
3821 Cedar Lane  
573-474-2787 (night)  
573-876-0976 (daytime)

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**April 21, 2005**

**17-Z-05 A request by Sells Development Group, LLC to change an allowed use for a C-P zoned parcel of land located on the southeast corner of Woodridge Drive and I-70 Drive Southeast, containing approximately 4.59 acres. The proposal is to allow for a motorcycle-sales and -service facility on the site.**

CHAIRMAN WADE: May we have the staff report, please.

Staff report was given by Mr. Bondra of the Planning and Development Department. Staff recommends denial of the request to amend the C-P uses for the site.

CHAIRMAN WADE: Are there any questions of staff? Thank you.

**PUBLIC HEARING OPENED**

CHAIRMAN WADE: Anyone wishing to speak in support of this proposal? Please come forward.

MR. NEELD: Good evening. James Neeld, 4520 Main Street, Kansas City, Missouri. I represent Jo Shernaman. Jo Shernaman is the business owner here. Jo, would you stand up? Jo has been in the community 20 years. She owns Pro Cycle, a company that brought \$20 million in sales to Columbia, Missouri, last year. Chuck really hit the main issue, and that's how we can prevent people from exiting our facility and going into the neighborhood. I've given you a handout, and I'd like to orient you briefly to that. At Exhibit 2, you'll find the channelization device that we proposed to the public works. That is still pending right now. It has not been approved by the City engineering department presently, but it is pending. Tab 3 is a test-ride route, which we proposed to the City to restrict our test-ride routes. And Exhibit 4 are various letters from our existing neighbors stating that we're safe and we're not noisy. Right now, it would be two open issues: Our access to Woodridge Drive and access to Glenstone Drive. Those are the City concerns. We've addressed this in two methods: Number one, we propose to improve Woodridge Drive at our expense. We propose to build the channelization device you see at Tab 2 at our expense, and this will prevent anyone from exiting our facility and turning left on Woodridge Drive and accessing the neighborhood behind there. The second means by which we've addressed the City's concerns, and our opinion is we are agreeing as a restriction on our rezoning, that any development plan contain the location of our test-ride/drive facility, which we presented to the City for approval, which, in essence, says you have to test-ride along the access road of I-70. Now, Chuck Bondra has raised an excellent point with that, and the City says, "Well, we can't enforce that." Well, we have a very good reason to enforce it ourselves. Our insurance company recommends and requires that we follow test-riders. So, if someone leaves our facility, we have to have an employee behind them and follow them. Now, that covers the concern with Glenstone Drive, which goes along the other side of the facility. We also met -- there were ten neighbors who came in in opposition last time we were here. I have personally

communicated with all ten of those, either talking to them on the phone or I have delivered information in a letter asking them to contact me with their concerns. The neighbors' concerns are, number one, they don't want people test-driving into their facility. My conversations with the neighbors, they're fairly comfortable with the channelization device, and at least pleased that we're willing to address that concern. They're also concerned with noise. We've addressed that concern by two methods: Number one, there's a 100-foot buffer behind this facility; number two, our construction materials, which you'll have a chance to approve when the plan comes before you for approval, is sound resistant. If you turn to Tab 1 in your handout, you see a small fact sheet that we prepared. And like you said many other times, this is not about development approval; it's about zoning approval. But you would have the ability to look at our planning to show and to review what material we use to build our facility. Finally, the best barometer of whether we're noisy or not and will disturb neighbors are our current neighbors. At Tab 4 you'll see 14 letters from current neighbors all stating that they have never had a complaint against us for noise; in fact, Jo Shernaman has never had a complaint against her existing facility for noise. And we just wanted to get some letters to verify that for you. Ultimately, we're requesting that you approve with two conditions: Number one, that you approve our rezoning with the condition that the City approve a restricted access from our facility onto Woodridge Drive. So not only are we willing to build the restriction, we're willing to stake our development and this zoning on that condition. Number two, if you find it necessary, we're willing to have a restriction that we show our test-ride facility on our plans. And that, of course, will be subject to your approval and to the City's approval. Finally, and maybe most importantly, you're not doing anything new here. Every dealership in town, whether motorcycle or car dealership, abuts and adjoins residential districts. Perry Chevrolet, to the north has R-1, to the south has C-3, to the east has M-1, and to the west R-3; Kehoe Mercury is bounded to the south by residential; Albert Buick is bounded to the west by residential; Keystone Automotive has, to the north and to the south, residential. To put that in perspective, this rezoning would result in only residential to our south. We're bounded to the east by C-3; we're bounded to the west by C-1; and, of course, we have Highway 70 to our north. With that in mind, Gentlemen, do you have any questions?

CHAIRMAN WADE: Are there any questions of this speaker? Mr. Holden?

MR. HOLDEN: You said there's a 100-foot buffer. Are you referring to the land that has already been conveyed to the property owners to the south, or are you referring to that there will be an additional 100 foot on property owned by the applicant as use of the buffer strip?

MR. NEELD: I'm referring to the existing buffering.

CHAIRMAN WADE: Further questions of this speaker? Mr. Skala?

MR. SKALA: Just one. I assumed this dealership would provide access to both two-cycle and four-cycle engines. I say that because two-cycle engines typically have a much higher noise ratio than the four-cycles do.

MR. NEELD: Honda requires that we have emission and noise standards, all within certain

ratios. We can certainly provide that. But we do provide -- do we provide a two-cylinder portion? Yes, we do.

CHAIRMAN WADE: Further questions of this speaker? Thank you. Anyone else wishing to speak in support of this proposal, please come forward.

MR. OUSLEY: My name is George Ousley; I'm the owner of the J. Ousley Plaza, which is directly to the west of this development. I'm here to support it. I've been involved with this -- I'm not an owner of it now, but was an owner of the land in question for 12 years or longer. I spent a year getting it rezoned from what it was to C-P, and had met with the homeowners extensively on that. And I think the last time I was here, we had talked, and I had met with the Council. We had originally started to offering, I think, a 25-foot buffer or 50. And we went through several meetings with the homeowners, and their objection at that time -- we were looking at a hotel that was considering that area. And they were, like, well, you know, we're concerned with the lighting and we're concerned with noise and we're concerned with people coming in at this hour. And we went through all of that with them. And one of the Council members that I had met with finally convinced me. She said, "Look, why don't you give the people the 100-foot buffer, and that will address their concerns about lighting; that will address their concerns about noise." She said, "I can't imagine what else that they're going to want from you." We met with the homeowners; we agreed to the 100-foot buffer, and they were, like, "Hey, that's it. Man, we really appreciate that. That is great. Thank you and we're on board." The hotel deal fell through. But we addressed the same issues with them -- not the motorcycles, obviously, going through the neighborhood, but noise and lighting was, in my opinion, covered quite extensively with them in the past, and that's what prompted the 100-foot buffer. So, I'm in support of it; I'd like to see this. I've seen the building; I've seen the plans. And in my opinion, it's a great looking building, so I'm in support of it. I'll answer any questions.

CHAIRMAN WADE: Are there any questions of this speaker? Thank you. Anyone else wishing to speak in support of this proposal? Anyone wishing to speak in opposition to this proposal?

MS. DELBERT: Mr. Ousley is right.

CHAIRMAN WADE: Please give your name and address.

MS. DELBERT: Shirley Delbert, Evergreen Lane. He is right. We met with him. We decided all right, we'll take the 100-foot buffer and you can build the hotel. That took a lot of wrangling. And I'd like to ask the Planning and Zoning, is that when it went from R-2? Was that the time it went from R-2?

MR. BONDRA: Yes.

MS. DELBERT: That was a huge mistake. We went from R-2, which would have been a wonderful buffer of backyards, house, house, and another backyard. We gave that up to do C-P so that we could have the hotel that he said we were going to have. So, we gave up R-2, and then -- that was a huge mistake. There is no comparison between the buffer of R-2 with backyard, front yard, backyard, front yard, two houses, and 100 feet of trees. Well, then the hotel deal fell through, so we're stuck with C-

P. So, now they're not satisfied with C-P; they want to change allowed use. I think that if you pay people like those men, who are professionals, to make a recommendation and to say this is not an appropriate building facility for a residential area, then you should take the recommendation. To put a motorcycle facility down there is not a proper use, and besides that, it's a change of an allowed use. So, I am totally against it, and I wish we had never gone from R-2, and for everybody to say, oh, you have 100 feet of trees now, that's not good. A hotel, we decided okay, we'll go with the hotel; give us 100 feet of trees. Okay. Then that fell through. Now they want to put a motorcycle facility there. So, I'm totally against it, and I hope you will see that that is not an appropriate use for that land down there. Thank you.

CHAIRMAN WADE: Anyone else wishing to speak in opposition to this proposal? It's okay to come on down and cue up so that we don't have as much time between speakers. We have a long agenda.

MR. HAHN: I'm Allen Hahn, and live at 3711 Woodridge Court. It seems like only yesterday we were here. And at that time, you voted to deny. I would hope you would vote to deny again. We are still concerned about noise. I think Ms. Delbert pointed out the feeling of most of the neighbors, that we did give up R-2, and, probably, that was wrong. And now we're being asked to do the same thing that you denied earlier, and I would hope that you would take the recommendation of staff and deny this again. Thank you very much.

CHAIRMAN WADE: Thank you.

MS. GOLDFARB: Alice Goldfarb, 3641 Evergreen Lane. I was encouraged tonight when you were discussing the Waigandt property and the rezoning, because you commented that the surrounding area was already commercial, and so, that change would fit in well with where the Waigandt property was. I was also encouraged, Mr. Wade, when you made a comment about Hy-Vee and the high level of noise that now is probably higher than it should have been for the residents that live near Hy-Vee. And so, we're real concerned about that. I counted, and I don't know all my neighbors that well, but I think there are at least 12 of us here tonight. I can't say that they're all opposed, but I think they are. So, I don't know if it's appropriate to ask them to stand up or not, but --

CHAIRMAN WADE: It's appropriate if you wish to.

MS. GOLDFARB: It's appropriate? Would all of you who are opposed to this, please, stand? So, it's more than 12. I think that's pretty indicative. And some of these people live on the far side of the neighborhood. They do not live directly by the property. Many of these do not live there. I do not; I live down Evergreen. The noise would not bother me that much. I probably wouldn't hear too much of it. The existing Pro Cycle shop, it was said tonight that they have 14 letters. May I ask them if any of those are from residents? I think they are all commercial property. Could I ask that?

MR. NEELD: They're all residents. They're all individuals.

MS. GOLDFARB: Those are all residents that live in homes? Huh. We went by the front of it. I didn't go the back of it, but I saw no homes near it. Okay. I'm wrong on that one. The fact about the car

dealers who already have residential areas near them, I don't recall too many of them having homes right behind, the way ours would be. They might be there. But, regardless, I just really encourage you to vote no again. We don't need the noise. They have done a nice job on trying to meet some of the requests. That is good that they've tried, and they passed these little papers out to many of us, but it still doesn't convince us that this is proper use. Thank you.

CHAIRMAN WADE: Any questions of this speaker? Anyone else wishing to speak, please come forward.

MR. HIRES: I'm Joe Hires; I live at 3709 Evergreen Lane. My property is almost directly affected by this. I didn't receive anything from anybody. I wasn't able to make it to the last meeting. I have been in the automotive-repair business for 25 years, ten of them in my own business, and now I'm currently as an instructor for the automotive technology in Jeff City. Five of my students race motorcycles, and we work on motorcycles. And we've had dirt bikes in our shop, fixing them. I understand the nature of this business. I've been in it all my life. And I understand loudness and I understand -- I really don't want to sit in my backyard and listen to more noise. I've had enough noise from I-70, and adding more to it isn't something I'm really looking forward to. I get a break every once in a while because 63 and I-70, they have an accident, and two lanes are shut down for a little while. I get a little bit of break; I get to sit out on the deck for an hour and listen to nothing, but -- I have nothing against Pro Cycle, and I have nothing against the people who are trying to build this, and I'm all for -- I've been in business, and I know all about the nature of business, and I know that some months they're going to probably be selling motorcycles like crazy, and some months they're not going to sell anything. But I also know that when you fix something, you've got to drive it. You can't be taking it back and letting the customer have it without driving it. And if you're going to have dirt bikes and four-wheelers, you're not going to be taking them out on the outer road driving them, because they're not street legal. I don't see that, anyway. And I also know that the students in my class, the first thing they do to their motorcycles is disable the exhaust system on it so it's really loud, because they really like loud bikes. And I just don't want to sit and think that I'm going to have to listen to this in my backyard. But that's all I have to say. Thanks.

CHAIRMAN WADE: Thank you. Anyone else wishing to speak in opposition to this?

MR. FINLEY: I'm Del Finley. I live at 3804 Cedar Lane, which is probably 500 feet behind the proposed rezoning. I look forward to the day when we do get something on that piece of property so this will be settled. But this is not the right use. As staff has said, it just doesn't go with the area. If you've been out and driven along the outer road there and seen the buildings that are there, I just don't see how a motorcycle shop in any way blends or is a part of that. So, again, noise will be a factor in whatever goes there. But I think it would be in excess with this development, so I would encourage you to vote against the rezoning -- or the changing of use. Thank you.

CHAIRMAN WADE: Thank you. Anyone else wishing to speak in opposition to this?

MR. CHAPMAN: My name is Richard Chapman. I live at 3805, the property right behind the

proposed site. I've got a wife and daughter that sleep during the day, and all that noise will wake them up. And in the wintertime, them trees don't have leaves, so it's going to be noisy then. That's all I've got.

CHAIRMAN WADE: Thank you. Anyone else, please come forward.

MR. TURNER: Hello. Dale Turner, 3801 Evergreen Lane. I am directly behind the proposed property. I really don't have a problem with a business establishing themselves behind my yard. The only problem I have is there are times when I'm at home during the day, I have to sleep. And it's hard for me to imagine a motor-vehicle shop not having any kind of noise whatsoever, especially if they're going to be doing repairs and sales and test-drives and things like that. So, I'm opposed, and I encourage you to oppose it, also. Thank you.

CHAIRMAN WADE: Thank you. Anyone else wishing to speak in opposition to this proposal?

**PUBLIC HEARING CLOSED**

CHAIRMAN WADE: Commissioners? Mr. Daugherty?

MR. DAUGHERTY: I'm very well acquainted with this neighborhood. I appreciate the fact that the applicants would like to improve Woodridge Drive, which that part of it is in terrible shape, I know. But this neighborhood is populated quite heavily with people who work at Regional Hospital, and as these last people have said, a lot of them have to sleep, and they work at night and sleep in the daytime. And I think this is a totally inappropriate use for this site, and I propose to vote against it.

CHAIRMAN WADE: Mr. Meier?

MR. MEIER: A couple things. By the applicant's own flyer here, 73 percent is ATV and off-road, and like one of the gentlemen stated, I can't imagine them going out on I-70 Drive East and test-driving those. I see those going into the residential areas. As far as the hotel versus the -- I mean, I can see this being commercial; I don't see a problem with that. The hotel, I think, was separate because it is going to be isolated to the lot, and I still have seen nothing that's changed since the last time we considered this request that would convince me that the test-drives aren't going to go straight into these people's neighborhood. So, since there's nothing compelling that has made me change my mind, it's still going to be no.

CHAIRMAN WADE: Mr. Skala?

MR. SKALA: I guess in order for me to change my mind from what I had the last time, there would have to be some compelling reason to exempt this particular use, since it's unique to -- I mean, that was part of the agreement that was made when this was zoned C-P with a list of uses, and this is not one of them. I'm a motorcycle enthusiast, and there is a place to make noise with motorcycles, but I don't think this is the place. And I think there is plenty of opportunity to develop this property in a commercial fashion that would not necessarily necessitate the kind of noises that accompany a motorcycle-repair shop. So, I see no reason to change my particular position from last time.

CHAIRMAN WADE: I concur with the staff's observation that that location, next to a residential area, is simply not appropriate for motor vehicle. And in spite of the speaker's comment about, for

instance, Perry Chevrolet, there is an interstate between Perry Chevrolet and the residential. The car dealerships that were mentioned are not backed up against the residential; there's something transitioned between them. And that is just not an appropriate commercial use without some kind of buffering in transition. And so, I cannot support the change in the uses in that C-P. Mr. Cady?

MR. CADY: Well, I'm not going to change my vote, either, from December, because I supported it. But I made the statement then, and I'll say it now, I think the noise issues are going to be drowned out by I-70, literally. I mean, if I lived in Woodridge, I'd be more worried about my neighbor buying a Harley-Davidson and riding it to work every day, if you want to talk about noise. But I don't think noise is going to be an issue here; I-70 is going to drown it out. I supported it back in December, and I plan on supporting the additional use for motorcycles.

CHAIRMAN WADE: Further discussion, Commissioners? Mr. Daugherty?

MR. DAUGHERTY: I move we recommend denial to the City Council.

MR. MEIER: Second.

CHAIRMAN WADE: It's been moved and seconded that we recommend denial of the request to add a motorcycle-sale and -repair facility to the list of allowed uses for the C-P site. Discussion on the motion. Mr. Holden?

MR. HOLDEN: I agree with Mr. Skala's comments about whether or not there's something -- a meaningful change to make me change my mind. And I think there has been meaningful change on the way that they're handling motorcycle sales. I think the restricted access on Woodridge Drive and having restrictions of the test-ride route as part of their C-P development plan is a huge concession in that respect. I do feel very strongly that there is going to be noise pollution from the repair of motorcycles on this site. And I'd almost -- with having another facility in Columbia, I'm almost -- I mean, I would certainly support this if it was just a sales facility, but because it is also a repair facility, that's where I'm having the trouble. And I don't know if that's an area for compromise, but I would certainly want to encourage the applicant to -- that if it is an area of compromise, to meet with the neighbors and see if there's something. And then I also wanted to follow that up with a question of staff. Isn't there a distinction between indoor repair facilities for motor vehicles and outdoor repair facilities? Is there some sort of distinction in the planning and zoning ordinances for that?

MR. BONDRA: In one of the districts, it states that motor-vehicle repair is allowed as long as all repair takes place within an enclosed building. I think maybe that's in the C-3 district. And I assume this will be indoors just like it is in the existing Pro Cycle.

MR. HOLDEN: Yeah. And I guess that's -- maybe having some other restriction in that respect might be enough to sway me. But as it stands right now, I can't support the rezoning. But I just wanted to encourage -- you know, I'm a small-business owner. I understand the need to have highway visibility. I think this is an appropriate place for a motorcycle-sales shop. I just think that there just needs to be a little bit more concession for the neighbors for this to happen.

CHAIRMAN WADE: Further discussion on the motion? Roll call, please.

MR. LAMB: The motion has been made and seconded to recommend denial of item 17-Z-05 for request by Sells Development Group, LLC, to change an allowed use for a C-P zoned parcel of land located on the southeast corner of Woodridge Drive and I-70 Drive Southeast, containing approximately 4.59 acres. The proposal is to allow for a motorcycle-sales and -service facility on the site. And I would remind the Commission that this is a motion to deny, and so, yes is to support denial of the request.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Barrow, Mr. Daugherty, Mr. Holden, Mr. Lamb, Mr. Meier, Mr. Skala, Mr. Wade, Mr. Wheeler. Voting no: Mr. Cady. Motion carries 8-1.**