

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 361-13

AN ORDINANCE

rezoning property located 500 feet west of the Chapel Hill Road and Forum Boulevard intersection from District O-P to District C-P (Planned Business District); approving the statement of intent; approving the Chapel Hill Parking Expansion C-P Development Plan; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

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

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

LOT 14 WINCHESTER SUBDIVISION – PLAT 1, RECORDED IN PLAT BOOK 41, PAGE 26, BEING LOCATED IN THE WEST HALF OF SECTION 22, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND CONTAINING 1.11 ACRES.

will be rezoned and become a part of District C-P (Planned Business District) and taken away from District O-P (Planned Office District). Hereafter the property may be used for the permitted uses set forth in the statement of intent.

SECTION 2. The City Council hereby approves the terms and conditions contained in the statement of intent dated November 5, 2013, attached hereto in substantially the same form as Exhibit A and made a part of this ordinance. The statement of intent shall be binding on the owners until such time as the Council shall release such limitations and conditions on the use of the property.

SECTION 3. The City Council hereby approves the Chapel Hill Parking Expansion C-P Development Plan, as certified and sealed by the surveyor on November 5, 2013, for the property referenced in Section 1 above. The Director of Community Development shall use the design parameters set forth substantially in the same form as Exhibit B, which is attached to and made a part of this ordinance, as guidance when considering any future revisions to the C-P Development Plan.

SECTION 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



City of Columbia
Planning Department
 701 E. Broadway, Columbia, MO
 (573) 874-7239 planning@gocolumbiamo.com

Statement of Intent Worksheet

For office use:

Case #: 13-213	Submission Date: 11/5/13	Planner Assigned: SM
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Please provide the following information, which shall serve as the statement of Intent for the proposed planned district zoning:

1. The uses proposed.

Professional and Business office and customary accessory uses including storage of vehicles and equipment

2. The maximum gross square feet of building floor area proposed. If PUD zoning is requested, indicate type(s) of dwelling units & accessory buildings, and maximum number of dwelling units & development density.

3,200 SF

3. The maximum building height proposed.

35'

4. The minimum percentage of the site to be maintained in open space, shown by the percent in landscaping and the percent left in existing vegetation.

25%

The following items only apply to PUD zoning requests:

5. The total number of parking spaces proposed and the parking ratio per dwelling unit.

—

6. Any amenities proposed, such as swimming pools, golf courses, tennis courts, hiking trails or club houses.

—

7. A general description of the plan including minimum lot sizes, if applicable, minimum building setbacks from perimeter and interior streets, other property lines and minimum setbacks between buildings.

—

Note: At the discretion of the applicant, the statement of Intent may include other aspects of the proposed development.


 Signature of Applicant or Agent

11-5-13
 Date

See attached Traffic Improvement Supplement

Statement of Intent Traffic Improvement Supplement
Chapel Hill Parking Expansion C-P Plan
Allstate Consultants LLC
November 5, 2013

Per discussions with the City of Columbia's Traffic Department, the owner agrees to the following traffic improvements:

- 1) Grant additional street Right-of-Way along Chapel Hill Road and Forum Boulevard on the southeast corner of the site to the south of this tract to accommodate a future right turn land from southbound Forum Boulevard onto Westbound Chapel Hill Road. This Right-of-Way will be granted as a part of this rezoning request.
- 2) Grant additional street right of way along the north side of Chapel Hill Road along the property to the south of this tract to provide a 42' half-width for future roadway expansion. This Right-of-Way will be granted as a part of this rezoning request.
- 3) Construct a "pork chop" island in the center driveway (onto Chapel Hill Road) of the site to the south of this tract and restrict its use to Right-In/Right-Out operation. This construction will take place prior to the granting of the certificate of occupancy for the proposed building.

Right-of-Way documents and a site plan or these improvements will be submitted under separate cover. We anticipate providing preliminary right-of-way documents for review prior to the Planning and Zoning Commission meeting.



**City of Columbia
Planning Department**

701 E. Broadway, Columbia, MO
(573) 874-7239 planning@gocolumbiamo.com

Design Parameters Worksheet

For office use:

Case #: <i>13-213</i>	Submission Date: <i>10-14-13</i>	Planner Assigned:
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Please provide the following information:

1. The minimum distance between any building and any adjacent property line or street right-of-way.

20'

2. The minimum distance between the edge of any driveway, parking area, loading area, trash storage area and any adjacent property line or street right-of-way.

0' (Direct driveway connection to property to the south)

3. The maximum number of freestanding signs on the site, the maximum square footage of sign surface area and maximum height of each.

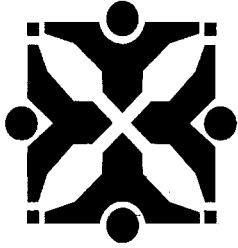
No freestanding signs are proposed

4. The minimum percentage of the site to be maintained in open space shown by the percent in landscaping and the percent left in existing vegetation. (not applicable to **M-R** districts)

25%

5. The maximum height and number of light poles and type of fixtures.

Four 15' high pole mounted full cutoff fixtures



Source: Community Development - Planning

Agenda Item No:

To: **City Council**

From: **City Manager and Staff**

Council Meeting Date: Dec 2, 2013

Re: Chapel Hill Parking Expansion C-P development plan & rezoning request (Case #13-213)

EXECUTIVE SUMMARY:

A request by the George A. Gibb Trust (owner) to rezone approximately 1.11 acres from O-P (Planned Office) to C-P (Planned Commercial), and for approval of a C-P development plan to be known as "Chapel Hill Parking Expansion". The subject site is located 500-feet west of the Chapel Hill and Forum Boulevard intersection, behind the Colonial Car Wash. (Case #13-213)

DISCUSSION:

The request is to allow a 48-space parking lot and 2,275 square foot office building to the north of the Chapel Hill Market Square commercial center. The forty surplus parking spaces associated with the proposed development would be made available to existing tenants of the office/commercial center to address a current parking shortage.

C-P zoning is being requested to provide zoning consistency between the subject site and the existing C-1 (Intermediate Business District) zoning of the Chapel Hill Market Square development. This is necessary to ensure compliance with Section 29-30(g) of the Zoning Regulations, which requires that land used for parking be zoned to accommodate the generating use. Maintaining a planned district zoning designation on the subject site is desired as a means of providing additional oversight for adjacent residential property owners to the north.

The proposed rezoning statement of intent limits the site to professional and business office uses, restricts parking lot light pole heights to a maximum of 15 feet, and includes a series of off-site traffic improvements designed to improve circulation at the intersection of Forum Boulevard and Chapel Hill Road. The Chapel Center Condominium Association has agreed to grant access and utility easements necessary to support the proposed C-P development plan. While concerns have been raised by one of the businesses within the Chapel Hill Market Square development about a zoning condition that would impose a right-in/right-out turn restriction on one of the shopping center's driveways upon construction of the proposed office building, this portion of the project is not anticipated to be constructed in the foreseeable future. The concerned party is working toward securing a private agreement with the applicant to ensure their concerns are addressed prior to Council taking final action on this request.

At its meeting on November 21, 2013, the Planning and Zoning Commission voted unanimously (6-0) to recommend approval of the proposed development plan. Both Commissioners and an adjacent property owner agreed that the proposed tree preservation area, screening, and lighting standards would provide adequate protection from adjacent residential properties.

A copy of the Planning and Zoning Commission meeting minutes, and staff report, including locator maps, a statement of intent, development plan and design parameters are attached.

FISCAL IMPACT:

None

VISION IMPACT:

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

None

SUGGESTED COUNCIL ACTIONS:

Approval of the proposed rezoning and C-P development plan

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

AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
November 21, 2013

SUMMARY

A request by the George A. Gibb Trust (owner) to rezone approximately 1.11 acres from O-P (Planned Office) to C-P (Planned Commercial), and for approval of a C-P development plan to be known as "Chapel Hill Parking Expansion". The subject site is located 500 feet west of the Chapel Hill and Forum Boulevard intersection, behind the Colonial Car Wash. (Case 13-213)

DISCUSSION

The request is to construct a 2,275 square foot office building and 48-space parking lot to the north of the Chapel Hill Market Square commercial center. The office building would include room for storage equipment used to maintain the grounds of the existing commercial and office development to the south. Forty surplus parking spaces associated with the proposed development would be available to existing tenants of shopping center to address a current shortage.

C-P zoning is being requested to provide zoning consistency between the subject site and the existing C-1 (Intermediate Business District) zoning of the Chapel Hill Market Square development. This is necessary to ensure compliance with Section 29-30(g) of the Zoning Regulations, which requires land used for parking to be zoned to accommodate the generating use. Maintaining a planned district zoning designation on the subject site is also desired as a means of providing additional oversight for adjacent residential property owners to the north.

The proposed rezoning statement of intent limits the site to professional and business office uses, and includes a series of off-site traffic improvements designed to improve circulation at the intersection of Forum Boulevard and Chapel Hill Road. The Chapel Center Condominium Association has agreed to grant access and utility easements necessary to support the proposed C-P development plan, and have indicated their support for the right-in/right-out driveway access restriction on Chapel Hill Road. Additionally, as the sole owner of the property on the corner of Chapel Hill and Forum Boulevard (addressed 1601 Chapel Hill Road), the applicant is in a position to provide the rights-of-way guaranteed within the Statement of Intent to accommodate future off-site street improvements.

Despite support given to the proposed C-P development by the Chapel Center Condominium Association, one of its members has expressed concern that the right-in/right-out access restriction associated with the request would result in a hardship to the functioning of their retail store by inhibiting the ability of large delivery trucks from accessing their loading dock. This access restriction was agreed to in preliminary project discussions between the applicant and the City Traffic Engineer, in which the concerned party was not represented. While assurance

has been provided by the applicant's engineer that the design of the right-in/right-out "porkchop" will not interfere with the ability of large trucks to back into the store's loading dock from Chapel Hill Road, this has yet to be verified. The concerned party has submitted a letter requesting that the Planning and Zoning Commission table this request to allow additional time for remaining questions and concerns surrounding this issue to be resolved.

The proposed C-P statement of intent, development plan, and design parameters conform to applicable City Zoning Regulations standards.

RECOMMENDATION

Approval of the proposed rezoning and C-P development plan, subject to the following condition:

1. Prior to issuance of construction permits, the applicant shall submit executed street easements to the City in conformance with the Statement of Intent Traffic Improvement Supplement.

ATTACHMENTS

- Locator aerial and topographic maps
- Statement of Intent
- Development Plan & Design Parameters
- Letter from Chapel Center Association
- Letter from Kim & Steve Stonecipher-Fisher

SITE HISTORY

Annexation Date	1964
Existing Zoning District(s)	O-P (Planned Office District)
Land Use Plan Designation	Employment District
Subdivision/Legal Lot Status	Legally platted as Lot 14, Winchester Subdivision Plat 1

SITE CHARACTERISTICS

Area (acres)	1.11 acres
Topography	Downward sloping from east to west
Vegetation/Landscaping	Mix of trees and grass
Watershed/Drainage	Hinkson Creek
Existing structures	None

SURROUNDING LAND USES

Orientation from site	Zoning	Land Use
North	R-1 (One-Family Dwelling)	Undeveloped
South	C-1 (Intermediate Business)	Office/Retail
East	A-1 (Agriculture)	Undeveloped
West	R-1/O-P	Undeveloped

UTILITIES & SERVICES

Sanitary Sewer	City Public Works Dept.
Water	City Water & Light Dept.
Fire Protection	Columbia Fire Dept.
Electric	City Water & Light Dept.

ACCESS

Chapel Hill Road	South side of site
Major Roadway Plan	Minor Arterial (Improved & City-maintained)
CIP Projects	None
Sidewalk	5-ft wide sidewalk in place

PARKS & RECREATION

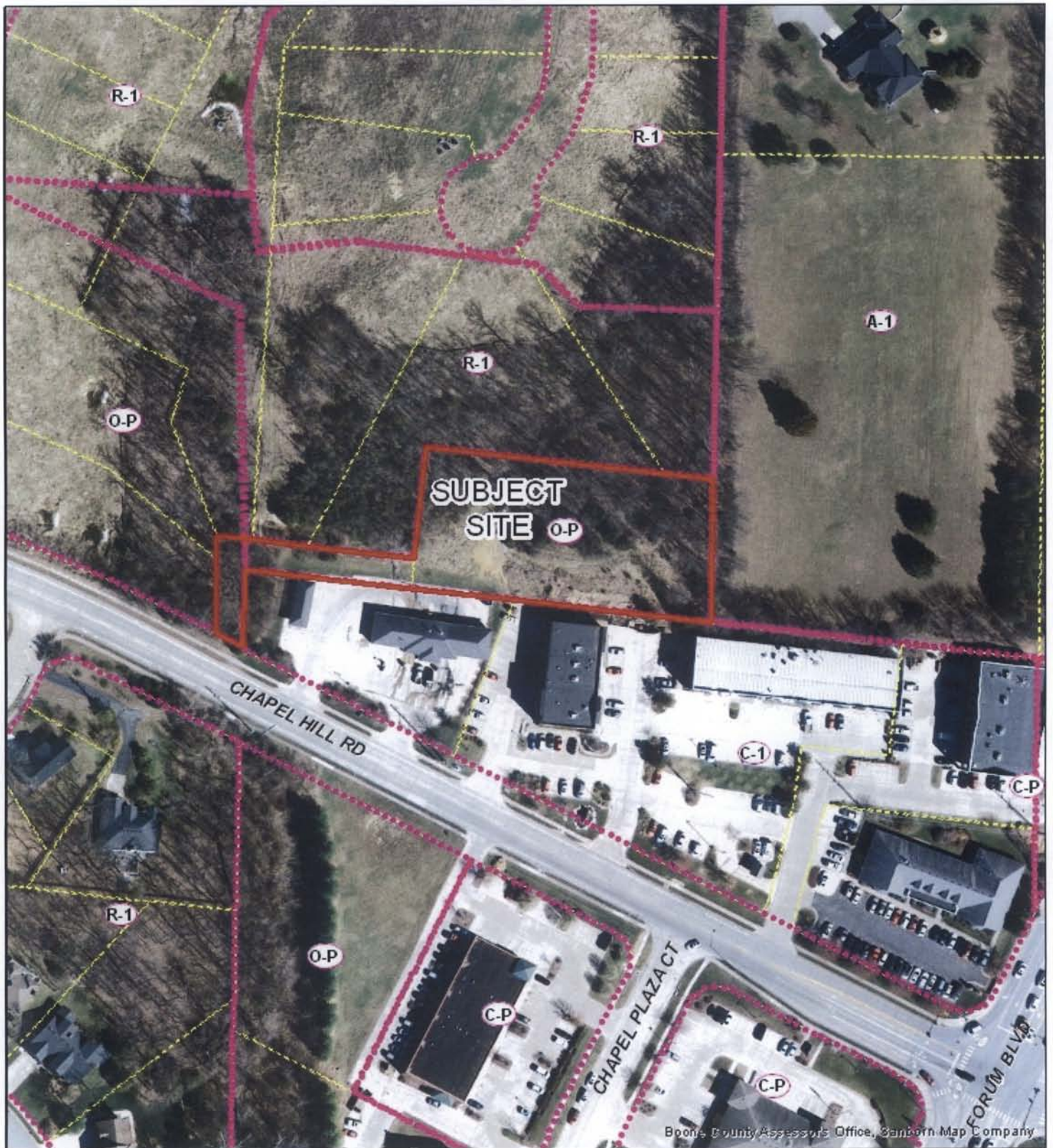
Neighborhood Parks	N/A
Trails Plan	No trails planned adjacent to site
Bicycle/Pedestrian Plan	N/A

PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on October 29, 2013.

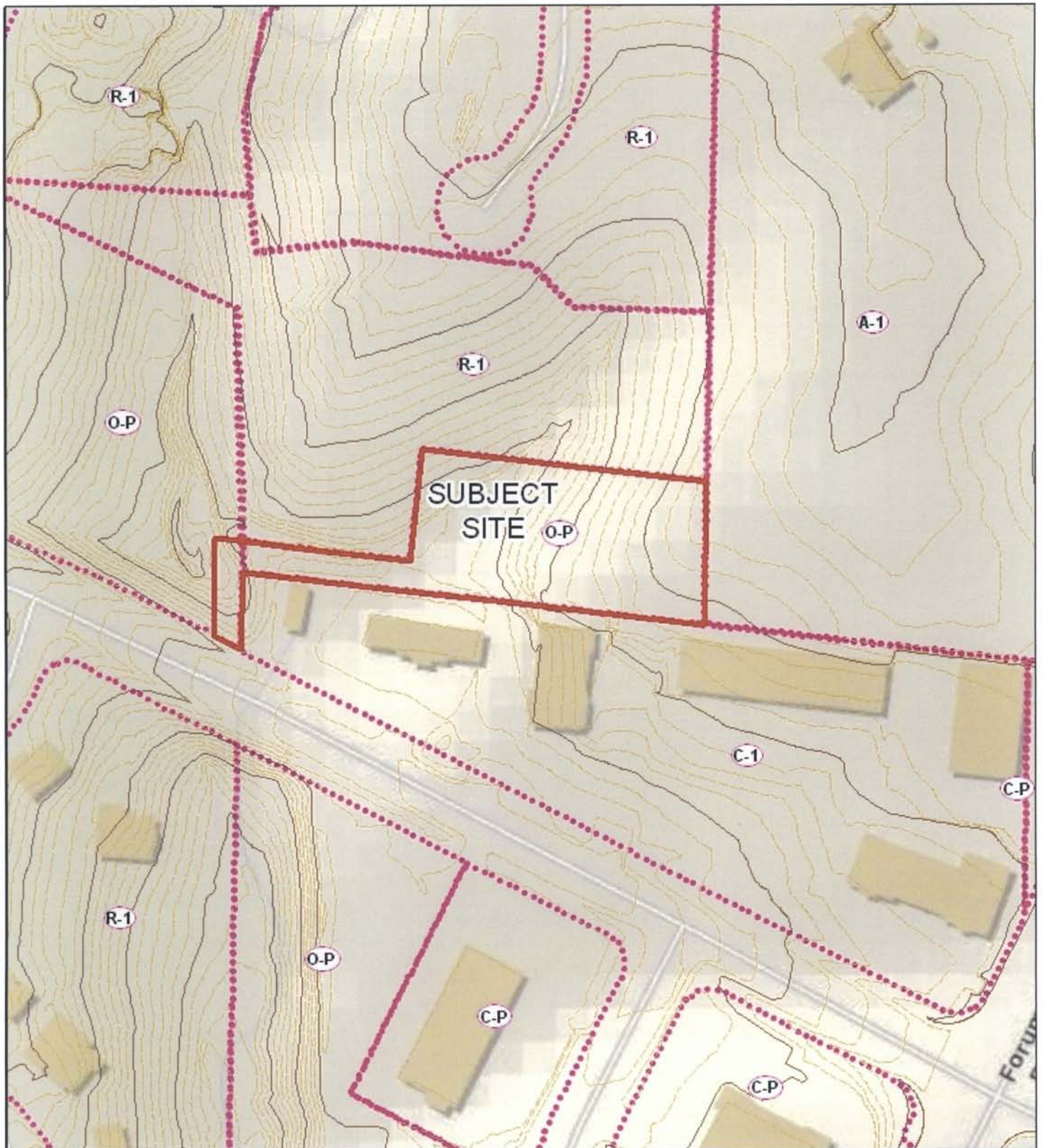
Public Information Meeting Recap	Number of attendees: 2 Comments/concerns: access restrictions to existing retail business
Neighborhood Association(s) Notified	None
Correspondence Received	See attached letter

Report prepared by Steve MacIntyre; approved by Tim Teddy



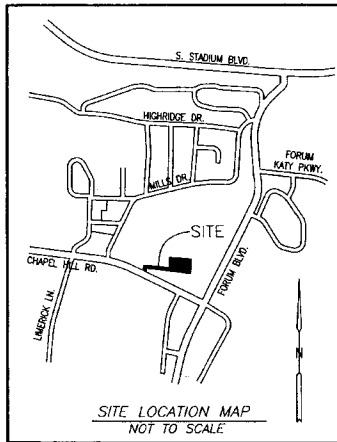
13-213: Gibb Trust Rezoning and C-P Development Plan





13-213: Gibb Trust Rezoning and C-P Development Plan





OWNER: CHAPEL MILLS PARTNERS LLC
ZONING: O-P

CHAPEL MILLS ESTATES PLAT 1
RECORDED IN PLAT BOOK 42, PAGE 27
OWNER: CHAPEL MILLS DEVELOPMENT
ZONING: R-1

OWNER: WYNFIELD DEVELOPMENT CORP
ZONING: C-1

LIMERICK HEIGHTS COMMERCIAL SUBD.
RECORDED IN PLAT BOOK 26, PAGE 56

CHAPEL MILLS ESTATES PLAT 1
RECORDED IN PLAT BOOK 42, PAGE 27
OWNER: CHAPEL MILLS DEVELOPMENT
ZONING: R-1

WARRANTY DEED RECORDED IN BOOK 1561, PAGE 967
TRACT 38
SURVEY RECORDED IN BOOK 1540, PAGE 716

OWNER: THOMAS L. MILLS JR.
ZONING: A-1

OWNER: LARKIN REAL ESTATE LLC
ZONING: C-1

LANDSCAPE DATA

- TOTAL AREA = 1.11 ACRES (48,456 S.F.)
IMPERVIOUS AREA = 18,245 S.F. (37.6%)
PERVIOUS AREA = 30,211 S.F. (62.4%)
- MIN. NUMBER OF TREES REQUIRED AS PER SECTION 29-25a(1) LANDSCAPE AREA = 62.4% x 15%
e(2) N/A
e(3) N/A
e(4) 15,970 S.F. PAVED AREA / 4500 = 4 TREES REQUIRED
4 TREES PROVIDED
e(5) APPROXIMATELY 75 L.F. OF 8' PRIVACY FENCE IS PROPOSED ALONG THE WEST EDGE OF THE PARKING LOT.
e(6) N/A
e(7) N/A
- ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED AFTER CONSTRUCTION.

PLANT LEGEND

SYMBOL	QTY	DESCRIPTION
	2	PROPOSED LARGE DECIDUOUS TREES
	2	PROPOSED ORNAMENTAL TREES

TRAFFIC NOTE

PER DISCUSSIONS WITH THE CITY OF COLUMBIA'S TRAFFIC DEPARTMENT, THE OWNER AGREES TO THE FOLLOWING:

- GRANT ADDITIONAL STREET RIGHT OF WAY ALONG CHAPEL HILL ROAD AND FORUM BOULEVARD ON THE SOUTHEAST CORNER OF THE SITE TO THE SOUTH OF THIS TRACT TO ACCOMMODATE A FUTURE RIGHT TURN LANE FROM SOUTHBOUND FORUM BOULEVARD ONTO WESTBOUND CHAPEL HILL ROAD. THIS RIGHT-OF-WAY WILL BE GRANTED AS A PART OF THIS REZONING REQUEST.
- GRANT ADDITIONAL STREET RIGHT OF WAY ALONG THE NORTH SIDE OF CHAPEL HILL ROAD ALONG THE PROPERTY TO THE SOUTH OF THIS TRACT TO PROVIDE A 42' HALF WIDTH FOR FUTURE ROADWAY EXPANSION. THIS RIGHT-OF-WAY WILL BE GRANTED AS A PART OF THIS REZONING REQUEST.
- CONSTRUCT A "PORK CHOP" ISLAND IN THE CENTER DRIVEWAY (ONTO CHAPEL HILL ROAD) OF THE SITE TO THE SOUTH OF THIS TRACT TO RESTRICT ITS USE TO RIGHT-IN/RIGHT-OUT OPERATION. THIS CONSTRUCTION WILL TAKE PLACE PRIOR TO THE GRANTING OF THE CERTIFICATE OF OCCUPANCY FOR THE PROPOSED BUILDING.

RIGHT OF WAY DOCUMENTS AND A SITE PLAN FOR THESE IMPROVEMENTS WILL BE SUBMITTED UNDER SEPARATE COVER.

SIGNAGE AND LIGHTING

SIGNAGE: NO FREE STANDING SIGNS ARE PROPOSED.

LIGHTING: PARKING LOT LIGHTING TO BE POLE MOUNTED, 15' MAXIMUM HEIGHT CUT-OFF FIXTURES IN CONFORMANCE WITH THE CITY OF COLUMBIA'S LIGHTING ORDINANCE.

STREAM BUFFER STATEMENT

STREAM BUFFER LIMITS ARE SHOWN ON THIS PLAN FOR AN OFFSITE TYPE II STREAM PER THE USGS "COLUMBIA" QUAD MAP. THIS BUFFER IS INTENDED TO COMPLY WITH THE REQUIREMENTS OF SECTION 12A-230A ARTICLE X OF THE CITY OF COLUMBIA'S CODE OF ORDINANCES.

DESIGN STORM SUMMARY

STORM SEWER AND INLET DESIGN - 4" AEP WITH OVERFLOW PATHS FOR 1% AEP.
DETENTION - EITHER CHANNEL PROTECTION DETENTION OR FLOOD DETENTION PER CHAPTER 6 OF THE STORMWATER MANAGEMENT AND WATER QUALITY MANUAL.
WATER QUALITY DESIGN - WATER QUALITY STORM

CONCEPTUAL WATER QUALITY TREATMENT

TREATMENT	VR	AREA	% OF TOTAL	VR x %
PRESERVED NATIVE VEGETATION	9.25	0.32	28.80	2.67
ADS WOU + STORMTECH ISOLATOR ROW	8.50	0.46	41.40	3.52
UNTREATED	0	0.33	29.80	0
TOTAL		1.11	100	6.19

REQUIRED LOS = 6

APPROVED BY THE COLUMBIA PLANNING AND ZONING COMMISSION THIS _____ DAY OF _____, 2013.

DR. RAMAN PURI CHAIRMAN

APPROVED BY THE COLUMBIA CITY COUNCIL THIS _____ DAY OF _____, 2013.

ROBERT McDAVID MAYOR

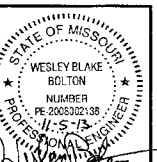
SHEELA AMIN CITY CLERK

C-P PLAN CHAPEL HILL PARKING EXPANSION LOT 14 WINCHESTER SUBDIVISION, PLAT 1

COLUMBIA, MO

REVISED:

11-05-13



REUSE OF THIS DRAWING IN ANY MANNER IS STRICTLY PROHIBITED WITHOUT THE WRITTEN APPROVAL OF ALLSTATE CONSULTANTS, LLC.

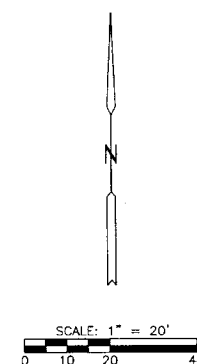
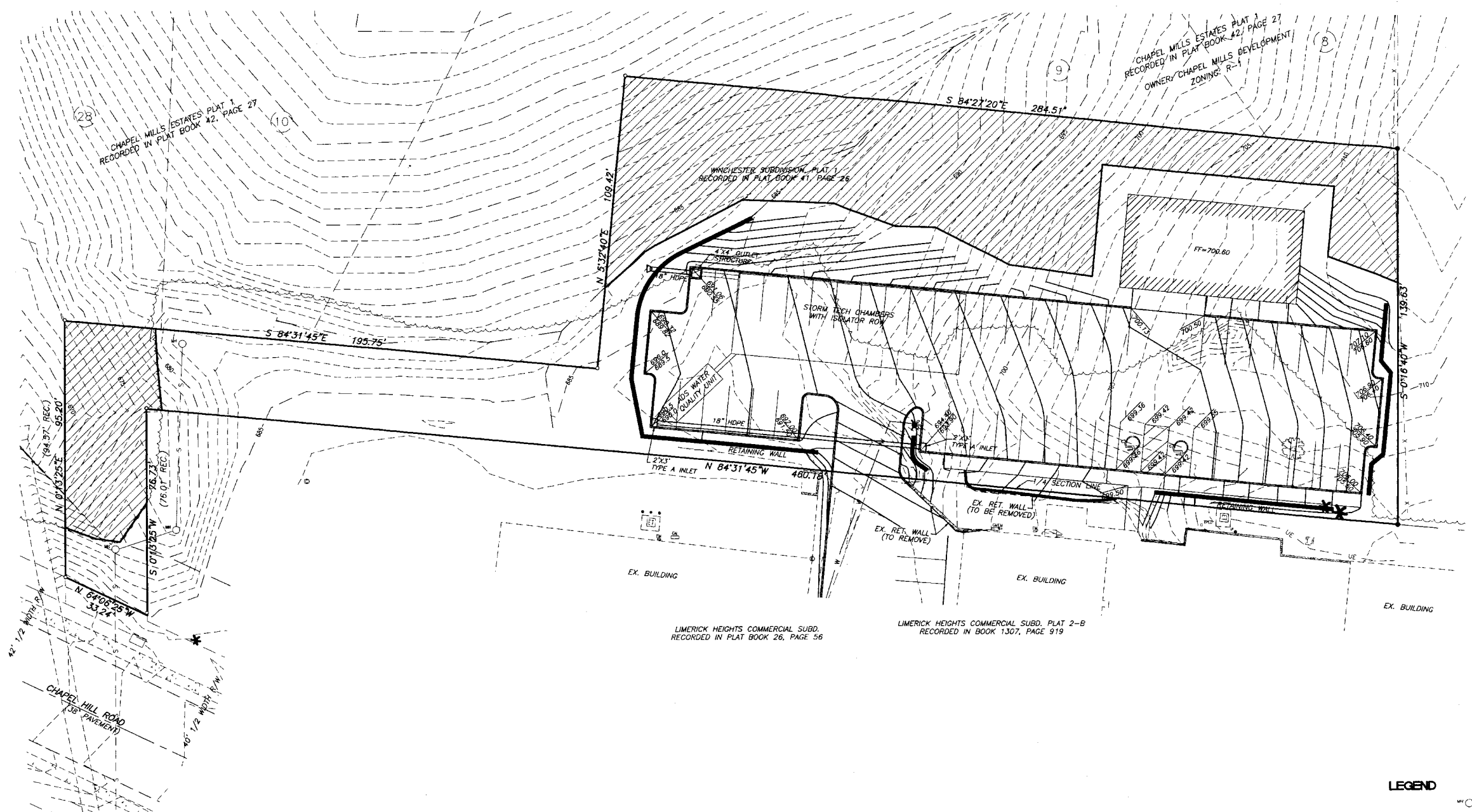
DATE
10-14-13

JOB NUMBER
12091.01

SCALE
1" = 20'

SHEET

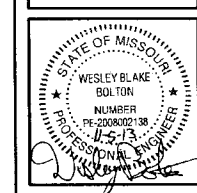
1



- LEGEND**
- | | | | |
|-----------|----------------------------|---|--------------------|
| —700— | PROPOSED CONTOUR | ○ | SANITARY MANHOLE |
| - - -700- | EXISTING CONTOUR | □ | SANITARY CLEAN OUT |
| - - -S- | EXISTING SANITARY SEWER | ○ | WATER METER |
| - - -OE- | EXISTING OVERHEAD ELECTRIC | ○ | WATER VALVE |
| - x - | FENCE | ⌵ | FIRE HYDRANT |
| ○ PP | UTILITY POLE | ⌵ | POWER POLE |
| ☁ | TREES | + | GUY WIRE ANCHOR |
| | | ○ | LIGHT POLE |
| | | ⌵ | GAS VALVE |
- 736.11 TOP OF CURB ELEV.
- 736.31 TOP OF PAVEMENT ELEV.

C-P GRADING PLAN
CHAPEL HILL PARKING EXPANSION
LOT 14 WINCHESTER SUBDIVISION, PLAT 1
COLUMBIA, MO

REVISED:
11-05-13



ALLSTATE CONSULTANTS
3111 LAMAR BLVD.
COLUMBIA, MO 65203
(573) 875-8799

ENGINEERING • PLANNING • SURVEYING • GEOTECHNICAL • INVESTIGATIVE

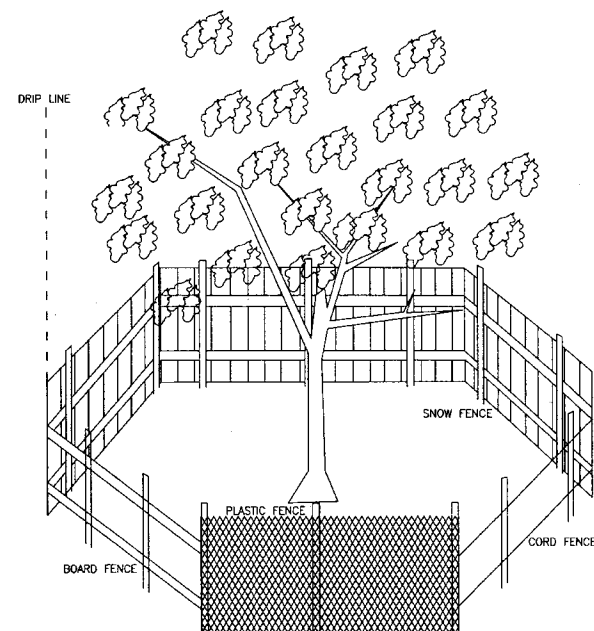
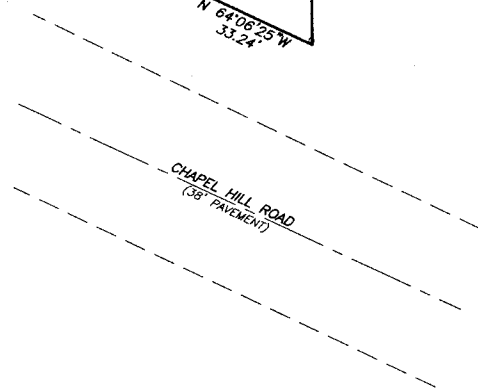
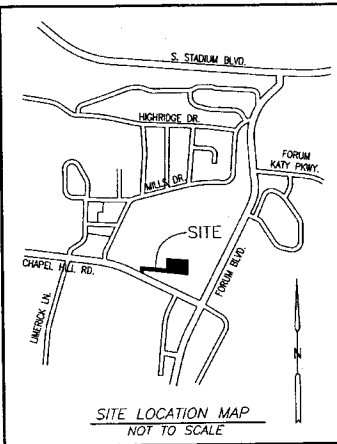
REUSE OF THIS DRAWING IN ANY MANNER IS
STRICTLY PROHIBITED WITHOUT THE WRITTEN
APPROVAL OF
ALLSTATE CONSULTANTS, LLC

DATE
10-14-13

JOB NUMBER
12091.01

SCALE
1" = 20'

SHEET
2



MINIMIZE TRENCHING NEAR DRIP LINE TO AVOID HARM TO TREE.
CHECK FOR SENSITIVITY OF SPECIES BEFORE CONSTRUCTING FENCE.

MINIMIZE TRAFFIC WITHIN THE DRIP LINE.
CHECK FOR SENSITIVITY OF TREE BEFORE CONSTRUCTION.

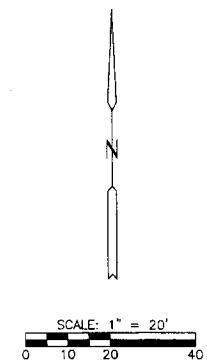
TYPICAL TREE PROTECTION
N.T.S.

OWNER:

GEORGE A. GIBB TRUST
10417 N.W. RIVER HILLS DR.
KANSAS CITY, MISSOURI 64652

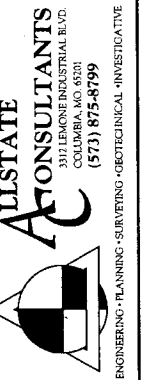
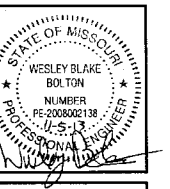
TREE PRESERVATION NOTES

TOTAL EXISTING TREES= 26,371 S.F.
TREE PRESERVATION AREA= 6,966 S.F. (26.4%)
ADDITIONAL PRESERVED NATIVE VEGETATION= 6,942 S.F. (26.3%)



**TREE PRESERVATION PLAN
LOT 14 WINCHESTER SUBDIVISION, PLAT 1**
COLUMBIA, MO

REVISED:



REUSE OF THIS DRAWING IN ANY MANNER IS
STRICTLY PROHIBITED WITHOUT THE WRITTEN
APPROVAL OF
ALLSTATE CONSULTANTS, LLC

DATE

10-14-13

JOB NUMBER

12091.01

SCALE

1" = 20'

SHEET

1



LARKIN CONSTRUCTION, INC.
1609 Chapel Hill Suite G Columbia, MO 65203
PH. 573-875-4081 * FAX 573-875-4083
www.larkinconstruction.com

November 11, 2013

Steve MacIntyre
Planning Zoning
Columbia MO 65201

Dear Steve,

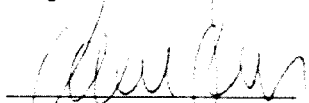
November 11, 2013 Chapel Center Association approved easements, unanimously. The proposed for the Gibb lot improvements designed by Allstate Consultants. The summary:

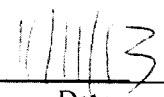
Access Easement: This easement would be granted by the Chapel Hill Board to provide access across the Chapel Hill Property from the proposed parking lot to Chapel Hill Road.

Electric Easement: Electric service will be provided from a pole on the Chapel Hill Property and connect between transformers on the Chapel Hill Property and car wash property. Electric easements would be granted by the Chapel Hill Board and the owners of the car wash.

Water Easement: Water service will be provided from the Chapel Hill Property. An easement would be granted from the Chapel Hill Board. In addition, you will need to provide an easement to the City around the proposed fire hydrant.

Right-In/Right-Out Agreement: A letter signed by the Chapel Hill Board stating that they agree to the right-in/right-out access restriction as proposed on the C-P Plan.



President of Chapel Center Association 
Date

Dr. David Reis



13-213: Chapel Hill Parking Expansion C-P

Kim Stonecipher-Fisher <kims-f@centurytel.net>
To: Steve MacIntyre <sjmacint@gocolumbiamo.com>
Cc: steve@tryathletics.com

Wed, Nov 13, 2013 at 3:36 PM

Mr. MacIntyre,

Please forward this appeal to table the above agenda item to allow for more discussion to Commission Chair Dr. Puri and the Members of the City of Columbia Planning & Zoning Commission.

Thanks

Kim & Steve Stonecipher-Fisher

To the Chair and Members of the City of Columbia Planning and Zoning Commission;

On October 22 we received a notice from the Chapel Hill Center Condominium Association Property Management firm that there would be a public informational hearing on October 29, 2013 with Mr. MacIntyre in regard to a rezoning request from the George Gibb Trust in regard to the land directly behind our business, Tryathletics. Steve and I personally own the building Tryathletics is in at 1605 Chapel Hill Road, Unit A. We never received individual notice of the meeting from the City or were made aware of any plans to develop this land.

When we attended this meeting Gary Larkin (who gave the City Planners the impression that he owned all of the land along Chapel Hill and was the sole decision maker) was there in lieu of Mr. Gibbs with Mr. Larkin's engineer from All State Consultants. We were told that not only was there a request for rezoning, but there were plans for an additional parking lot and a building behind us that would require an easement through one of our (the Condo Association) driveways. We were also told at this time that Gary Larkin had approved, per the City Street Planner's request, to make Tryathletics' primary driveway a "right in/right out" only driveway. This is not an acceptable option for us! We are a small retail business that relies on large trucks (18 wheelers) to deliver freight to our loading dock. If trucks are only allowed to make a right out they would be routed through the narrow neighborhood street (Mills Drive), or even worse, down Fairview past the elementary school. Since the easement for the Gibbs property is the next driveway over we think that drive is the logical drive for "right in/right out" since it is being developed to primarily accommodate additional automobile parking needs. We personally have not been able to explore this, but others (Gary Larkin) supposedly tried this solution.

We met with our Condo Association to vote on the easement and the "right in/right out" shortly after the City informational meeting. During the time in between meetings, Dr. Reis (of Robinson-Reis Orthodontics – owner of 1609 Chapel Hill) met with Scott Bitterman from the City. From Dr. Reis's meeting with Mr. Bitterman Steve and I were assured at the Condo Association vote of two things; 1. That the "right in/right out" would only be put in effect when a building went on the Gibbs property and 2. That it would be a low, drive-over "pork chop" that would allow trucks coming in for our deliveries to turn left and drive over.

After the Association meeting and the vote, we have been told by others in the City that trucks would not be allowed to make a left. This would do great harm to our business. We have been told by some of the shipping companies that they would not continue to deliver to our location if this happens. We also really don't believe the City Street Department's intention is to take 18-wheeler traffic through neighborhoods; so there is much to be discussed.

Because of this additional need for discussion toward an amicable solution, we respectfully request a delay in the final approval of this decision by the Planning and Zoning Commission until these points of contention can be researched and settled.

We are sending this via email because Steve and I are not able to attend the November 21 meeting to plea our request personally. We are however available prior to the 20th to meet with others in the City and we will be more than happy to appear before the commission at the next scheduled meeting on December 5.

Just so you are aware, we were told in the Association meeting that Gary and Nancy Larkin, Scott Robinson, Mr. Gibbs, and Dave Reis plan to form an LLC to own and develop the parking lot once the rezoning is approved.

Respectfully submitted,

Kim & Steve Stonecipher-Fisher

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EXCERPTS
PLANNING AND ZONING COMMISSION
NOVEMBER 21, 2013

Case #13-213

A request by George A. Gibb Trust (owner) to rezone approximately 1.11 acres of O-P (Planned Office) to C-P (Planned Commercial) and for approval of a C-P development plan to be known as “Chapel Hill Parking Expansion.” The subject site is located 500 feet west of the intersection of Chapel Hill Road and Forum Boulevard behind the Colonial Car Wash.

MR. REICHLIN: Staff report, please.

Staff report was given by Mr. Steven MacIntyre of the Planning and Development Department. Staff Recommends approval of the proposed rezoning and C-P development plan, subject to the following condition:

1. Prior to issuance of construction permits, the applicant shall submit executed street easements to the City in conformance with the Statement of Intent Traffic Improvement Supplement.

MR. REICHLIN: Are there any questions of Staff? Mr. Strodtman?

MR. STRODTMAN: I've got a couple. Just for clarification, the applicant would not be required to do the right-in/right-out with -- for just a parking lot? They could -- they could install the parking lot as shown without the right-in/right-out? It would be dictative of the permit for that building that would require that; correct?

MR. MACINTYRE: That's correct. And the rationale behind that is without adding any new tenant space, you're not really adding any intensity to the site, so it was agreed by the traffic engineers, the City's engineers that this actually -- the parking lot itself, without adding tenant space, would actually help to alleviate some potential issues --

MR. STRODTMAN: With that building.

MR. MACINTYRE: -- but at least add any.

MR. STRODTMAN: In the -- in our packet that was given to us, the recommendation was mentioned prior to the issuance of construction permits, the applicant shall submit executed street easements to the City in conformation [sic] with the statement of intent. That is the easement around the office building on Chapel Hill and Forum, nothing to do with the cut-through through the development; correct?

MR. MACINTYRE: That's correct. We did want them to have at least some kind of tacit agreement with the condo association, which they have received in the form of a letter reflecting the vote of the condo association to grant the necessary easements to make this development possible. The reason we didn't put that in was because it would be self-regulating. If the plan were approved and there wasn't agreement on those, well, it could never happen reasonably or practically. With

regard to those additional easements along the -- at the corner of Chapel Hill and Forum, however, we do -- there's kind of a tricky timing situation where you -- you want to have those in hand, but the applicant wouldn't want to give that up prior to having the plan approved. So we're going to get the descriptions prior to going to Council and have those executed easement documents kind of exchange hands at the same time as the plan is approved or as near as we can to that timing.

MR. STRODTMAN: Thank you.

MR. REICHLIN: Are there any other questions of staff? Open the public hearing.

PUBLIC HEARING OPENED

MR. HARRINGTON: Good even. My name is Brian Harrington with Allstate Consultants at 3312 Lemone Industrial Boulevard. I'm here on behalf of the applicant. I don't have a lot to add to that staff report, but I -- I did want to reiterate. Our primarily -- primary objective is -- is for the parking, to alleviate the existing issues out there. The -- it's -- the existing zoning's office and the City's policy -- existing policy has been you can't have a parking lot in a lower zone -- tract of land for a higher zoned tract. Even though almost all the uses in the tract to the south are office uses currently, they're -- it is C-1 zoned, so the -- the change to C-P zoning is effectively an effort to be transparent in that and make sure that we -- we cover that the right way. And I guess with that, it's late, I'll just leave it with -- if you guys have any questions for me, I would be happy to answer them. I would also have several members of the -- the association to the south here, as well as the applicant, so --

MR. REICHLIN: Questions of this speaker?

MR. HARRINGTON: Thank you.

MR. REICHLIN: Thank you. Anybody else who wishes to speak on this matter in favor and/or opposed?

MR. JONES: John Jones, Pate-Jones Construction, business at 2606 Calvert. I own the property to the north of the residential, the R-1, Chapel Hill Estates. I -- I'll support this. I told him I just did want to make sure that there's no bright lights from the parking lot or for the businesses to protect my houses to the north, and to make sure that we had some good tree preservation along that north edge there so that, you know, the people aren't looking right into the parking lot and stuff. So, as long as that stuff is done, I will support this.

MR. REICHLIN: So, do you feel like that -- that's in place?

MR. JONES: I -- I've been given assurances by the developer that that would be in place, that he would do that. So as long as he does that, I will support it.

MR. REICHLIN: Any other questions of this speaker?

MS. LOE: Do we have a landscape plan --

MR. MACINTYRE: Yes.

MS. LOE: -- or is lighting described?

MR. MACINTYRE: Lighting is described as 15-foot maximum height full cut-off fixtures, so that's quite good.

MS. LOE: Okay.

MR. REICHLIN: Are there any other people -- anybody else interested in making any comments? Seeing none, I'll close the public hearing.

PUBLIC HEARING CLOSED

MR. REICHLIN: Comments of Commissioners?

MR. STANTON: Straightforward plan. Both sides are in agreement.

MR. REICHLIN: Do you care to frame a motion, Mr. Stanton?

MR. STANTON: Oh. Let me give it a shot. I move we approve the request by George A. Gibb Trust, the owner, to rezone approximately 1.11 acres from planned office to planned commercial and for approval of a C-P development plan to be known as Chapel Hill Parking Expansion, subject site located 500 feet west of the intersection of Chapel Hill Road and Forum Boulevard behind Colonial Car Wash.

MR. TILLOTSON: And do you -- are you planning on adding the recommendation to that?

MR. STANTON: I move we accept the City's recommendations.

MR. REICHLIN: Do we have a second?

MR. TILLOTSON: I'll second.

MR. REICHLIN: Well, then we have a motion by Mr. Stanton and a second by Mr. Tillotson. Roll call, please.

MR. STRODTMAN: Yes, Mr. Vice-Chair. A motion has been made and approved for Item No. 13-213, a request by George A. Gibb Trust for the approval of the proposed rezoning and C-P development plan subject to the following condition: Prior to the issuance of construction permits, the applicant shall submit executed street easements to the City in conformation [sic] with the Statement of Intent Traffic Improvement Supplement.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Loe, Mr. Reichlin, Mr. Tillotson, Mr. Wheeler. Motion carries 6-0.

MR. STRODTMAN: Mr. Vice-Chair, a motion -- the motion has passed.