

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 178-13

AN ORDINANCE

extending the corporate limits of the City of Columbia, Missouri, by annexing property located on the north side of St. Charles Road, approximately 300 feet east of Lakewood Drive; directing the City Clerk to give notice of the annexation; placing the property annexed in District C-P; 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 City Council hereby finds that verified petitions were filed with the City on April 26, 2013, requesting the annexation of land which is contiguous and compact to the existing corporate limits of the City and which is described in Section 4 of this ordinance. The petitions were signed by a representative from RDM Development, LTD., Robyn Armer, Jo Ann Allen, trustee of the Jo Ann Allen Revocable Trust and Brian J. Painter, the owners of the fee interest of record in the land proposed to be annexed. A public hearing was held concerning this matter on July 1, 2013. Notice of this hearing was published more than seven days prior to the hearing in a newspaper of general circulation qualified to publish legal matters. At the public hearing all interested persons, corporations and political subdivisions were permitted to present evidence regarding the proposed annexation.

SECTION 2. The Council determines that the annexation is reasonable and necessary to the proper development of the City and that the City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.

SECTION 3. The Council determines that no written objection to the proposed annexation has been filed within fourteen days after the public hearing.

SECTION 4. The City Council hereby extends the city limits by annexing the land described in Section 1-11. __ **[number to be assigned by the City Clerk]** of the Code of Ordinances of the City of Columbia, Missouri, which is hereby added to Chapter 1 of the City Code and which reads as follows:

Section 1-11. __ **[number to be assigned by the City Clerk]**. July, 2013 Extension of Corporate Limits.

The corporate limits of the City of Columbia shall include the following land:

RDM DEVELOPMENT, LTD TRACT

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI AND BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1241, PAGE 444 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF WOODS MILL PLAT 1 RECORDED IN PLAT BOOK 31, PAGE 60 AND WITH THE SOUTH LINE THEREOF, N89°49'00"E, 50.00 FEET TO THE NORTHWEST CORNER OF THE TRACT OF LAND DESCRIBED BY THE QUIT-CLAIM DEED RECORDED IN BOOK 963, PAGE 287; THENCE LEAVING SAID SOUTH LINE AND WITH SAID WEST LINE, S0°34'00"W, 454.47 FEET TO THE SOUTH LINE OF SAID SECTION 3; THENCE WITH SAID SOUTH LINE, N89°40'00"W, 50.00 FEET TO THE EAST LINE OF PLAT OF LAKEWOOD ESTATES RECORDED IN BOOK 12, PAGE 5; THENCE LEAVING THE SOUTH LINE OF SAID SECTION AND WITH SAID EAST LINE, N0°34'00"E, 454.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.52 ACRES.

ROBYN ARMER TRACT

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI AND BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 963, PAGE 287 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 3 AND WITH THE SOUTH LINE THEREOF, WEST, 670 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH THE SOUTH LINE OF SAID SECTION, 307 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH PARALLEL WITH THE EAST LINE OF SAID SECTION (3) THREE, 440 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION, 307 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SECTION, 440 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.1 ACRES MORE OR LESS.

THE INTENT OF THIS DESCRIPTION IS TO BE AN EXCERPT OF THE DEED DESCRIPTION. THIS DESCRIPTION IS NOT FROM AN ACTUAL PROPERTY BOUNDARY SURVEY.

JO ANN ALLEN TRUST TRACT

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI AND BEING DESCRIBED BY THE QUIT-CLAIM DEED RECORDED IN BOOK 3868, PAGE 55 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 3 AND WITH THE SOUTH LINE THEREOF, WEST, 470 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH THE SOUTH LINE OF SAID SECTION, 200 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH PARALLEL WITH THE EAST LINE OF SAID SECTION (3) THREE, 440 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION, 200 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SECTION, 440 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.0 ACRES MORE OR LESS.

THE INTENT OF THIS DESCRIPTION IS TO BE AN EXCERPT AND CLARIFICATION OF THE DEED DESCRIPTION. THIS DESCRIPTION IS NOT FROM AN ACTUAL PROPERTY BOUNDARY SURVEY.

BRIAN PAINTER TRACT

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI AND BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3303, PAGE 36 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST TWO HUNDRED (200) FEET OF THE 4.74 ACRE TRACT SHOWN AND DESCRIBED BY THE SURVEY RECORDED IN BOOK 289, PAGE 124, EXCEPT THAT PART USED FOR COUNTY ROAD PURPOSES ALONG THE SOUTH LINE THEREOF AND CONTAINING 2 ACRES MORE OR LESS.

THE INTENT OF THIS DESCRIPTION IS TO BE AN EXCERPT AND CLARIFICATION OF THE DEED DESCRIPTION. THIS DESCRIPTION IS NOT FROM AN ACTUAL PROPERTY BOUNDARY SURVEY.

SECTION 5. The City Clerk is hereby authorized and directed to cause three certified copies of this ordinance to be filed with the Clerk of Boone County, Missouri and three certified copies with the Assessor of Boone County, Missouri. The City Clerk is further authorized and directed to forward to the Missouri Department of Revenue, by registered or certified mail, a certified copy of this ordinance and a map of the City clearly showing the area annexed to the City.

SECTION 6. The property described in Section 4 is in the Third Ward.

SECTION 7. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the property described in Section 4 will be zoned and become a part of District C-P (Planned Business District). The statement of intent, marked "Exhibit A," attached hereto and made a part of this ordinance is hereby approved.

SECTION 8. 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

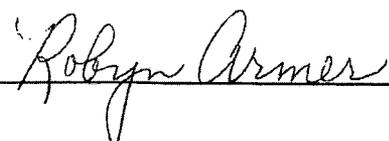
APPROVED AS TO FORM:

City Counselor

Statement of Intent

June 7, 2013

1. The proposed uses are per attached list.
2. The maximum building square footage for the proposed tracts is 50,000 square foot total.
3. The maximum proposed building height shall be 35 feet.
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 shall be as follows:
 - Existing Vegetation: 0%
 - Landscaping: 30%
5. There shall be a 25-foot landscape buffer maintained along the north property line once developed
6. Only two entrances from the subject tracts onto St. Charles Road shall be allowed.
7. Internal cross-access easements shall be executed prior to construction plan approval

X  _____

Robyn Armer

List of Allowed Uses

The Following uses from District C-3

- Commercial greenhouses and nurseries
- Hospitals, medical or dental clinics, sanitariums, and medical laboratories
- Rental services
- Self-service storage facilities, subject to the following conditions:
 1. All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
 2. Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of section 29-17(d)(6).
 3. Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited.
 4. The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.
 5. The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited.
 6. Building heights shall be limited to fourteen (14) feet.
 7. Loading docks shall be prohibited.
- Customary accessory uses, including drive-up facilities, subject to the provisions of section 29-23
- Any retail or wholesale business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise

The Following uses from District C-2

- Bakeries.
- Bicycle repair shops.
- Electrical repair shop.
- Garment storage facilities.
- Government buildings and facilities.
- Hospitals for small animals, if within an enclosed building.
- Printing shops.
- Restaurants, cafes and cafeterias.
- Shops for custom work, or the manufacture of articles to be sold at retail only on the premises, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one shop, and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) per cent of the total floor area of the entire building or the equivalent of the ground thereof, and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.
- Sign painting shops.
- Theatres, not including drive-in theatres.
- Trade schools.
- Wholesale sales offices and sample rooms.

- Customary accessory uses, including drive-up facilities, subject to the provisions of section 29-27.
- Any retail business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

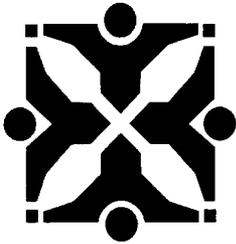
The Following uses from District C-1

- Alcoholic beverage sales by the package or as an accessory use to a restaurant.
- Alcoholic beverage sales in the original package or by the drink on licensed premises shall be permitted in restaurants or similar places where substantial quantities of food are served, all in compliance with the alcoholic beverage regulations of chapter 4 of this Code.
- Barber and beauty shops.
- Buildings and premises for public utility services or public service corporations.
- Cleaning, pressing and dyeing establishments, provided that no explosive cleaning fluids shall be used.
- Laundries, coin-operated.
- Pet stores and grooming shops, for small animals.
- Photographic service shops and studios.
- Physical fitness centers, private gymnasiums and reducing salons.
- Printing shops, provided the total mechanical power used in the operation of such printing plant shall not exceed five (5) horsepower.
- Radio and television sales and service.
- Repair of household appliances.
- Restaurants, cafes or cafeterias, which provide no form of entertainment.
- Restaurants, cafes or cafeterias which provide live or recorded music, provided that such music is played indoors only and further provided that the music from any such restaurant, cafe or cafeteria shall not be plainly audible at the property line of the property on which the building housing such restaurant, cafe or cafeteria is located.
- Schools operated as a business, except trade schools.
- Shoe repair shops.
- Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district.

The Following uses from District O-1

- All permitted uses in district R-3 (subject to the height and area regulations of district R-3)
- Counseling centers operated by charitable or not-for-profit organizations; excluding halfway houses or any use connected with penal or correctional institutions.
- Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.
- Office buildings used for the administrative functions of business, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.
- Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to:
 1. Artists, sculptors, photographers.
 2. Authors, writers, composers.
 3. Lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions.
 4. Ministers, rabbis, priests, or other clergy members.

5. Physicians, dentists, chiropractors, or other licensed medical practitioners.
 6. Seamstresses, tailors.
 7. Teachers of private lessons in art, music, or dance.
- Residential care facilities.
 - Schools operated as a business with an enclosed building, except trade schools and schools which offer retail goods or services to the public.



Source: Community Development - Planning 

Agenda Item No:

To: City Council
From: City Manager and Staff 

Council Meeting Date: Jul 1, 2013

Re: RDM Development, Ltd., et al. - permanent zoning (Case 13-74)

EXECUTIVE SUMMARY:

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 to 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). (Case 13-74)

DISCUSSION:

The applicant is requesting C-P (Planned Business District) as permanent City zoning on the subject site which is comprised of the four parcels described below:

- 0.52-acre RDM Development, Ltd. parcel: Undeveloped; no address
- 3.1-acre Robyn Armer parcel: Single-family home, addressed 5717 E. St. Charles Road
- 2.0-acre Jo Ann Allen Revocable Trust parcel: Single-family home, addressed 5813 E. St. Charles Road
- 2.0-acre Brian J. Painter parcel: Single-family home, addressed 5905 E. St. Charles Road

Proposed land uses include all those permitted in the C-1 (Intermediate Business District), as well as select commercial retail and medical uses from the C-2 (Central Business) and C-3 (General Business) districts. The site is currently zoned Boone County R-S (Single-family Residential), and is pending annexation into the City of Columbia on July 15, 2013.

The statement of intent includes voluntary conditions limiting the entire site to two points of access on St. Charles Road, and providing an enhanced 25-foot wide landscape buffer strip along the northern property line, and double the minimum open space requirement. Tree preservation is required, and will be determined prior to issuance of land disturbance permits.

At its meeting on June 20, 2013, the Planning and Zoning Commission voted 6-1 to recommend approval of the proposed permanent zoning. Commissioners agreed that the situation of the subject property is appropriate for planned commercial development, and they generally agreed that the above-mentioned conditions associated with the applicant's request would mitigate negative impacts of future commercial redevelopment on the site. The dissenting commissioner believed that building height and lighting should be further restricted.

Four members of the public spoke in opposition to the request, citing negative impacts associated with commercial development and uses, including loss of tree cover, tall buildings, and bright lights that might disrupt nearby residential property owners. One gentleman pointed out that several acres of vacant commercial land exist to the south of the subject site, while another expressed general opposition to annexation of land into the city.

Staff's report, including locator maps, the applicant's Statement of Intent, and excerpts from the Planning and Zoning Commission's public hearing are attached.

FISCAL IMPACT:

None.

VISION IMPACT:

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

None.

SUGGESTED COUNCIL ACTIONS:

The Planning and Zoning Commission recommends approval of C-P (Planned Business District) as permanent zoning, pending annexation of the property into the City of Columbia.

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 #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

**AGENDA REPORT
PLANNING AND ZONING COMMISSION
June 20, 2013**

SUMMARY

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). (Case 13-74)

REQUESTED ZONING

C-P (Planned Business District), with the following development restrictions identified in the applicant's Statement of Intent:

a. Proposed uses	See attached
b. Maximum gross building floor area	50,000 sq. ft. (i.e., 15% of total site area)
c. Maximum building height	35 feet
d. Minimum maintained open space	30% of total site area

DISCUSSION

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The statement of intent includes voluntary conditions limiting the entire site to two points of access on St. Charles Road, and providing an enhanced 25-foot wide landscape buffer strip along the northern property line, in addition to the standard visual screening requirement.

No C-P development plan has been submitted for approval at this time. Development plan approval will be required prior to any building permits being issued for future redevelopment of the site.

Staff has completed its review and believes that impacts associated with the proposed land uses will be sufficiently mitigated by the enhanced access and buffering conditions to both preserve the public interest in accessibility along the adjacent roadway, and protect the value and enjoyment of adjacent properties.

RECOMMENDATION

Staff recommends approval of C-P zoning, and the associated Statement of Intent

ATTACHMENTS

- Locator maps
- Statement of Intent

SITE HISTORY

Annexation date	Unincorporated land in Boone County, pending annexation on July 15, 2013
Zoning District	Boone County R-S (Single-family Residential)
Land Use Plan designation	Neighborhood District
Previous Subdivision/Legal Lot Status	Subject site is comprised of surveyed tracts of land which will need to be subdivided into legal lots prior to development

SITE CHARACTERISTICS

Area (acres)	7.62 acres
Topography	Rises gradually to high point near middle of site
Vegetation/Landscaping	Mixture of mature trees and maintained lawn areas
Watershed/Drainage	Grindstone Creek
Existing structures	Three single-family homes

SURROUNDING LAND USES

Orientation from site	Zoning	Land Use
North	County R-M (Multi-family Residential)	Duplexes
South	City C-3 (General Business District) and C-P (Planned Business District)	Car wash and undeveloped land
East	County R-S (Single-family Residential)	Single-family houses
West	County C-N (Neighborhood Commercial) and R-M (Multi-family Residential)	Service station and apartments

UTILITIES & SERVICES

Sanitary Sewer	Boone County Regional Sewer District
Water	City Water & Light
Fire Protection	Boone County Fire Protection District (Columbia Fire Department upon annexation)
Electric	Boone Electric Cooperative

ACCESS

St. Charles Road	
Location	South side of site
Major Roadway Plan	Minor Arterial (improved & County-maintained), requiring 50 ft of ROW. 84-100 ft ROW required. Variable ROW in place. Additional needed.
CIP projects	None

PARKS & RECREATION

Neighborhood Parks	Indian Hills Park, approximately one mile northwest of site
Trails Plan	N/A
Bicycle/Pedestrian Plan	8-ft sidewalk needed along north side of St. Charles Road

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 by postcard of a public information meeting, which was held on May 28, 2013.

Public information meeting recap	Number of attendees: 1 Comments/concerns: Screening & uses
Neighborhood Association(s) notified	None
Correspondence received	None as of this writing

Report prepared by Steve MacIntyre;

Approved by Pat Zenner



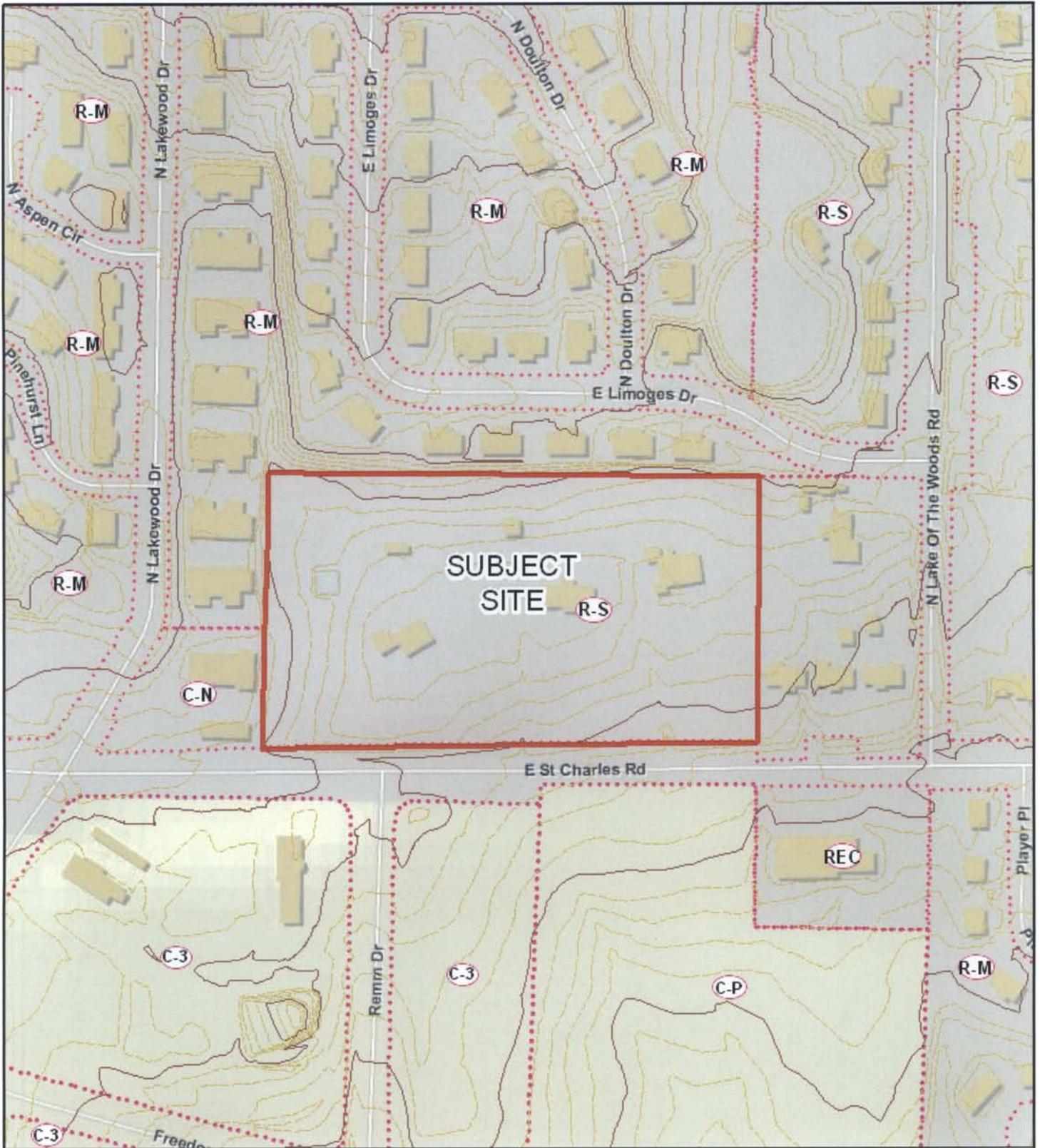
Boone County Assessor's Office, Sanborn Map Company

Case 13-74: Annexation & Zoning RDM Development, LTD



1 inch = 200 feet

Parcel Data and Aerial Photo
Source: Boone County Assessor



**Case 13-74: Annexation & Zoning
RDM Development, LTD**



Parcel Data
Source: Boone County Assessor



1 inch = 200 feet



**EXCERPTS
PLANNING AND ZONING COMMISSION
JUNE 20, 2013**

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 are 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 threw 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.