City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, January 23, 2020 7:00 PM	Regular Meeting	Council Chambers Columbia City Hall 701 E. Broadway

I. CALL TO ORDER

MS. LOE: I'm going to call the January 23rd, 2020 Planning and Zoning meeting to order.

MR. ZENNER: Ms. Chair.

MS. LOE: Yes.

MR. ZENNER: You may want to call roll call.

MS. LOE: Oh, thank you. Thank you. Call to order, introductions, approval of agenda. Roll call. Mr. Strodtman, will you do roll call please.

MR. STRODTMAN: Yes, Madam Chair, be glad to. Mrs. Russell.

MS. RUSSELL: Present.

MR. STRODTMAN: Mr. Toohey? Ms. Burns? Ms. Carroll?

MS. CARROLL: Here.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Here.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Present.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Also present.

MR. STRODTMAN: And I'm present. Ms. Rushing?

MS. RUSHING: Here.

MR. STRODTMAN: We have a quorum.

Present: 7 - Sara Loe, Joy Rushing, Lee Russell, Anthony Stanton, Rusty Strodtman, Michael MacMann and Valerie Carroll

Excused: 2 - Tootie Burns and Brian Toohey

II. INTRODUCTIONS

III. APPROVAL OF AGENDA

Ms. Loe: Mr. Zenner, are there any changes to the agenda?

MR. ZENNER: No, there are not, ma'am.

MS. LOE: Thank you.

MS. RUSSELL: I move to approve the agenda.

MR. STANTON: second.

MS. LOE: Thank you, Ms. Russell. Second by Mr. Stanton. I'll take a thumbs up approval on that motion. Unanimous. Thank you.

(Unanimous vote for approval.)

Move to approve the agenda

IV. APPROVAL OF MINUTES

January 9, 2020 Regular Meeting

MS. LOE: Thank you. Now that we have a quorum we'll continue moving on. We've approved the agenda.

MS. LOE: Approval of the minutes. Everyone should have received a copy of the January 9th meeting minutes. Were there any changes or additions to those minutes?

MR. STANTON: Move to approve.

MS. RUSSELL: Second.

MS. LOE: Moved by Mr. Stanton, seconded by Ms. Russell. Any discussion? Seeing none, I'll take thumbs up approval of motion to approve the minutes. I see unanimous.

(Unanimous vote for approval.)

Move to approve

V. SUBDIVISION AND PUBLIC HEARINGS

Case # 45-2020

A request by Crockett Engineering (agent), on behalf of Cherry Street Hotel, LLC (owner), for a replat of Lot 158 and the west sixty-five feet of Lot 159 of the Original Town of Columbia. The resulting approximately 0.41-acre subdivision will be known as "Cherry Street Hotel" and is located at the northwest corner of Cherry Street and Hitt Street. The request also includes a design adjustment from Chapter 29-5.1 (Public Improvements), requesting a waiver from the dedication of utility easements adjacent to public roadways.

MS. LOE: That brings us to Subdivision and Public Hearings. May we have a staff report please.

Staff report was given by Ms. Rachel Bacon of the Planning and Zoning Department. Staff recommends approval of the requested design adjustment to Section 29-5.1(g)(4) pertaining to the dedication of utility easements. Staff recommends approval of the final plat.

MR. ZENNER: If we may, when we vote, if you will vote please two separate motions, one for the plat and one for the design adjustment.

MS. LOE: Thank you, Ms. Bacon. Before we move to commissioner questions, I would like to ask any commissioner who has had any ex parte on this case to relate that to the Commission now so we'll have the same information before us. Seeing none, are there any questions for staff? Mr. MacMann.

MR. MACMANN: This is a point of order, not necessarily a -- Ms. Bacon knows where I'm going.

MS. BACON: Uh-huh.

MR. MACMANN: I would request that we request of Council for us to address this. I'm not sure the council is sufficiently aware of this conflict that we see. We have seen before with the tendency between the RBL and the utility easement. It's a situation where one of our presenters this evening has run into before. You know, we're going to keep running into it until it's -- to me what we're doing right now is going back to the good old days where we just kind of wing it. We need to ask Council to ask us because they don't understand -- I don't believe they understand the magnitude of this issue. So we can address that conflict in the MDT. Thank you.

MS. LOE: Any additional questions for staff? I see none. So we will open up the floor for public comment. If anyone has comments that they would like to offer on this case, please come forward, give your name and address for the record. You have three minutes if you're speaking for yourself; six minutes if you're speaking for a group.

MR. CROCKETT: Madam Chair, members of the commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. Mr. MacMann, first of all I'd like to, you know, I'd like to thank you for the comment regarding asking Council to ask us to address this. As you're aware, we've been here before. We've asked this very same design adjustment on other properties in the downtown area. I came down prepared to talk about the conflict, but I think Ms. Bacon did an excellent job of wrapping it up, talking what those conflicts. I've been down here before; I've expressed the concern. And it really kind of puts us in a predicament because if we're going to require us to be within 18 inches of the property line for the building, we have a 10-foot utility easement, obviously the conflict exists. So until that does get resolved, like Mr. MacMann indicated, we're going to continue to ask for design adjustments for downtown properties. Again, this is a final plat. We have not submitted any construction drawings to the City at this time. It just for the platting action before you tonight. There is significant right-of-way being granted for this plat, both along Hitt and the alley street itself. Roughly about 13 percent of our total property is being granted in right-of-way. So downtown area, it's a significant amount

when we take in truncations for the alley as well as Tenth and Hitt. Or excuse me, Hitt and Cherry. It is a significant impact on this piece of property. My client has been in contact with the manager's office is my understanding to talk about the parking situation, so they do want to address that. Certainly a hotel downtown, we want to address that. You're bringing clientele, you want to make sure they have a place to park. So they are working on that situation. They do have a surface lot about two blocks from here, so that is possibly one option as well as other possibilities of city garage space that's available as well. So they are in the process of discussing that with the city manager to get that worked out. Again, it's a platting action. I'll be happy to answer any questions that the Commission may have.

MS. LOE: Thank you, Mr. Crockett. Are there any questions for this speaker? I see none. Thank you.

MR. CROCKETT: Thank you.

MS. LOE: Are there any additional speakers on this case? I see none. We'll close public hearing. Commission discussion. Ms. Russell.

MS. RUSSELL: I like the idea of a hotel there, especially when you think of True/False Festival and all the people down here for that, so I do like the idea for that. Is there any other comments? If not, I'll go ahead and make some motions.

MR. MACMANN: I -- Madam.

MS. LOE: Mr. MacMann, do you --

MR. MACMANN: Thank you.

MS. LOE: -- have a comment?

MR. MACMANN: I do have a comment. While I agree with conceptually the True/False, it might be a wonderful thing, I worry a little bit about crowding out. Hitt Street's already pretty hopping as far as foot and automobile traffic, and I think we should be cognizant. I do like the extra widths that they're granting; that's fantastic. FYI, the water and the sewer in that area is a serious problem. It's -- we've had issues with before. Just some things to think about. Ms. Russell. Or Mr. Stanton, I'm sorry.

MS. LOE: Mr. Stanton.

MR. STANTON: This is all speculative and possibly could be a hotel, so if it possibly would, it would be great that they would be very creative and innovative with the parking issue. I envision maybe on-site parking underneath or something, but the parking will be an issue. And infrastructure always is an issue, so maybe someday we'll address it downtown.

MS. LOE: Any additional comments?

MR. ZENNER: In the motions that you'll make, if you will please make the

design adjustment motion first. Given the platting action is contingent upon that design so if you do recommend disapproval of the design adjustment, you would then, in accordance, need to recommend disapproval of the preliminary plat.

MS. LOE: Thank you, Mr. Zenner. We have two motions, just remember. Ms. Russell.

MS. RUSSELL: In Case 45-2020, the Cherry Street Hotel, I move to approve the requested design adjustment to Section 29-5.1(g)(4) pertaining to the dedication of the utility easements.

MR. STANTON: Second.

MS. LOE: We have a motion and a second. Any discussion on that motion? I see none. Mr. Strodtman, may we have roll call please.

MR. STRODTMAN: Yes, Madam Chair.

Mrs. Russell.

MS. RUSSELL: Yes.

MR. STRODTMAN: Ms. Carroll?

MS. CARROLL: Yes.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Yes.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: No.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Yes.

MR. STRODTMAN: My vote is yes. Ms. Rushing?

MS. RUSHING: Yes.

MR. STRODTMAN: Motion passes 6 to 1.

MS. LOE: Thank you. Ms. Russell.

MS. RUSSELL: The second motion in the case 45-2020, Cherry Street Hotel, I move to approve the final plat.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. We have a motion on the floor. Any discussion on that motion? I see none. Mr. Strodtman, may we have roll call please.

MR. STRODTMAN: Yes, Madam Chair.

Mrs. Russell.

MS. RUSSELL: Yes.

MR. STRODTMAN: Mrs. Carroll?

MS. CARROLL: Yes.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Yes.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: No.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Yes.

MR. STRODTMAN: My vote is yes. Ms. Rushing?

MS. RUSHING: Yes.

MR. STRODTMAN: Motion approved 6 to 1.

MS. LOE: Thank you. Recommendation for approval will be forwarded to the City Council. That closes our Subdivisions and Public Hearings.

MOTION # 1 - move to approve the requested design adjustment to Section 29-5.1(g)(4) pertaining to the dedication of the utility easements. (Voting Yes: Russell, Carroll, Loe, Stantion, Strodtman, Rushing. Voting No: MacMann)

MOTION #2 - move to approve the final plat. (Voting Yes: Russell, Carroll, Loe, Stantion, Strodtman, Rushing. Voting No: MacMann)

Yes: 6 - Loe, Rushing, Russell, Stanton, Strodtman and Carroll

No: 1 - MacMann

Excused: 2 - Burns and Toohey

VI. PUBLIC HEARINGS

Case # 28-2020

A request by Brush and Associates (agent) on behalf of Thomas and Pam Kardon (owners) for a rezoning of approximately .44 acres of property from PD (Planned Development) to M-N (Mixed Use- Neighborhood). The property is addressed 1001 N. Providence Road and is located at the northwest corner of Providence Road and Third Avenue. **(This item was tabled at the January 9, 2020 Commission meeting)**

MS. LOE: Moving on to Public Hearings, Case 28-2020. May we have a staff report please.

Staff report was given by Ms. Rachel Bacon of the Planning and Development Department. Staff recommends denial of the M-N zoning map amendment.

MS. LOE: Thank you, Ms. Bacon. Before we move on to staff questions, I would like to ask any commissions if they have any ex parte on this case, to please share that in front. So all --

MS. RUSHING: I have not, but I am recusing myself from this discussion.

MS. LOE: Thank you, Ms. Rushing. Mr. MacMann.

MR. MACMANN: I'm waiting for the next --

MS. LOE: All right. Seeing none, are there any questions for staff? Mr. MacMann.

MR. MACMANN: Ms. Bacon, I know for a fact that the North Central Neighborhood did not receive your email through the presence of my roommate. We've had this discussion. And I'm a little surprised, I saw Pat Kelly just two days ago, that Ridgeway has not weighed in yay or nay. We might want to check that stuff out.

MS. BACON: Sure.

MR. MACMANN: Just because North Central would certainly have discussed it. I'm not going to speak -- I know them well, you know. Some of them would say yay, some of them would say nay, some of them would questions. They'd probably be here. Just FYI.

MS. LOE: Any additional questions for staff? Mr. Strodtman.

MR. STRODTMAN: Ms. Bacon, you mentioned in your presentation, and maybe I misheard you, is there some limitation of hours in M-N or there is not any limitation?

MS. BACON: There is not. There's some neighborhood protection things that talk about noise, so there's some things there, but it's not a direct hour type of thing.

MR. STRODTMAN: Gotcha. And then just help refresh me because I was not here that evening, but when we did the -- when the P&Z did the coffee shop just north, how much neighborhood input was had regarding that case, if you remember? Was that a very active neighborhood?

MR. ZENNER: Yes, it was if I recall correctly. The site plan and the aspects of where the accesses are to that site were significantly discussed along with, I believe, screening and buffering. So that was the extent of that discussion. If you recall also, the staff was not supportive of the planned direct on that property. Planned district allowed for the drive-through use to be incorporated into its approval whereas if it was zoned M-N, which I believe is what would have accommodated and what we were recommending, the drive-through would have been a conditional use application on that site. So the purposes behind the PD were to partially address the issues of the drive-through and the inconvenience of a conditional use process and then to address I think the broader concerns of the neighbors in order to ensure that there was actually a document that would require the improvements that have been made to the screening and buffering that were beyond generally what would have been required due to neighborhood protections.

MR. STRODTMAN: And my last question, Ms. Bacon, would there be any discussion to try to restrict access to Third Avenue so that maybe you would try to reduce amount -- how much traffic may be going -- because that -- I see Third Avenue

potentially being the road that people would potentially choose if they're going to cut through, you know. And I, personally I think Providence is going to be the priority, and that's what the area most of these drivers would choose would be Providence. But let's just assume they do want to cut through. Would there be a way to prevent somebody from coming -- I mean, obviously there's a way to prevent it, but would that be a consideration so that you couldn't turn right out of -- on to Third Avenue? I mean, would that not -- I don't know how that would work.

MR. ZENNER: I would suggest and we'd have to look back at the public record as it relates to the drive-through outlet on Forest, it is actually, if I am not incorrect, that is a right-out only.

MR. MACMANN: You are correct.

MR. ZENNER: Part of that I believe also had to deal with the Bike Boulevard associated with that, and that was one of those neighborhood objections. They didn't want traffic flowing back into the neighborhood. This particular structure and its access, given where it's located, without having a -- with restrictive right movement going out, potentially that would create other issues. I mean, the building has been there since 2006 or 2009 if I recall correctly. It was built shortly after the actual last amendment to the SOI, and the site plat's not being proposed to be amended. It wouldn't be proposed to be amended actually as a part of any statement in the temp revision. So while it is possible, I guess to get to the short answer, it's possible to, if you were to entertain an amendment to the statement of intent in exchange for amending the statement of intent to incorporate additional uses, the retail use, you could offer for Council's consideration a traffic circulation requirement that it's tied to. My concern would be again the outbound movement of that. I mean, you're still going to end up -- if you can't make a right-hand turn out of the site from its internal parking lot, you're going to end up coming back out on Providence and the make right-hand turn back on to Third. So I don't know if we'd really gain anything by reducing cut-through traffic.

MR. STRODTMAN: Thank you, Mr. Zenner.

MR. MACMANN: If I may, sorry to interrupt to answer your question specifically, Third Avenue has become the neighborhood ingress now that Fourth is closed. So there's a lot of left in there. Just that's the road to use now.

MS. BACON: I think one of the points that we were making in not recommending approval of the M-N is that we can't condition M-N approval at all. I mean, we lose any conditions that we have inherent to the PD process.

MR. ZENNER: And I will further add, as Ms. Bacon was going through her report, the applicant's not asking to amend the structural footprint of the building. So the

expansion that was discussed in the statement of intent, if that revision were acceptable by the applicant, really probably would have accommodated all future uses for the building footprint. It's been built to its maximum; that's per the 2006 approved plan. So I would suggest that the uses that would have been incorporated in a revised statement of intent, given the capacity of the site parking-wise and with all things held constant, really gave probably the greatest opportunity to utilize the site. The hours of restriction were a concern to their prospective tenant and I believe that may be one of the reasons for not desiring to move through a planned district statement of intent amendment, but we'll let the applicant speak directly to that. That would be my impression. No request came forward that we wanted to build the building bigger to accommodate something else, and even if they did, they're not parked to it. That then -- all of that works together. So it still becomes a concern of losing those inherent controls that the planned district provides, and then the uncertainty of the potential uses from a retail perspective that could be there.

MS. LOE: Mr. Stanton.

MR. STANTON: Two comments. The comment number one, Mr. MacMann's point, I think the community association has spoke. They were vigorous on the coffee shop, and they were vigorous with this existing building. The PD plan gave those protections that the neighborhood expected. So they have made their -- they're made their peace; they've made their discussions already. That's why this is a PD plan, and that's why they were very active in the coffee shop. So they've made their discussion. Second point is, let me get this clear, Staff, from our previous meeting on this subject, am I clearly hearing that the applicant or its advisors has denied expanding the -- or modifying the statement of intent? That's what I'm hearing.

MS. BACON: That is our understanding, yes. But the applicant is here, so I would encourage you to ask that question again of them.

MR. STANTON: So as I read it, it's basically the same thing that we argued the last time they were here. It's the same position they're standing on.

MR. CALDERA: Ultimately the applicant gets to decide what we have a vote on. You all just make the choice.

MS. LOE: Any additional questions for staff? Seeing none, we'll open up the floor for public comment. Please give your name and address for the record.

MR. KARDON: My name is Thomas Kardon, 1206 Coats Street. Thank you. May I show pictures.

MR. CALDERA: Yeah. We will need copies if you show those.

MR. MACMANN: I can pass that for you.

MR. CALDERA: How about this, let's put it on the --

MR. MACMANN: Oh, that will work. Yes. Thank you.

MR. KARDON: Okay. This time I'm not going to spend too much time like last time, so I'm going to be quick and fast. With other building that's there, we can't move the building. It's got to be there. And when I looking last time, we -- you guys kind of talked about this. You have to look at the zoning. And I'm looking at the zoning. You can show this one. The coffee shop, it's right there. My building next to it. Those two new buildings, the best looking buildings in this area. That picture shows right there when I bought it. That's when I bought it, and that's what I built there for that. I don't think any of the neighbors still like to see that building, the old house hanging like this. Somehow -- can I get that picture. So the -- you have -- look at this map, and I'm looking here next to the coffee shop. It's the -- it's on Forest Street. And if you look it up next to the coffee shop, the Forest Street all the way back to Grand Street, we talking about 20 houses that zoning M-N. People live in the houses; there's nothing wrong with that. Those houses, you're looking up the street, between my building and the Taco Bell and the Grand Avenue there, we have 20 houses zoning M-N, and my building, a beautiful looking building, and I can't get M-N. I can't choose anybody to rent the place. If I have M-N, they're not going to choose me, I'm going to tell them, that's the way you want it. Last time I was talking about they come in and watch the movie. No way to accept that. They want me to pay six months rent-free. They want me to clear the snow in the morning here. They want me to change the building inside, make like a grocery store. The only thing the building did, they leaving. And they delivery. They want the option 24 hours, and I say no way. They want to spend another hundred thousand dollars to make some kind of supermarket there. They want to put the three phase, all this stuff. And no way for me to accept something like this. But if I have M-N, I choose who's going to be in my building. He make me the lease. Look like he's the owner. Only thing he didn't put on the list to tell me, Tom, every Monday, every day go clean the parking lot. Everything else is there. They want me to remove the snow. They want me to clear the green area. They want me give them free rent. That's the choice I got. I have no other choice to go M-N. Now I choose who's going to be in the building and I want to protect the neighbors. Because those neighbors back there, I have no problems with this. I like the neighbors there, but the problems come from somebody who don't even live in that area. That's a long story. The day comes, I can talk about that sometime. But right now I like to have the M-N. That's the only zoning. Because years ago we tried to get the parts store. The parts company was Auto Tech auto parts store. We didn't think this for a long time, the zoning for parts store. But it was too late. The parts store moved to St. Louis. We buy

parts from them. My store buy between five and seven thousand dollars every month for parts. They sell parts the whole area. They was looking specific location. And they say, Okay, this is what it. And after we take ten years to get the zoning for the parts, they move to St. Louis. We lost a big company there. Only thing they deliver to the stores. Nothing inside to sell. They deliver to repair shops, Auto Zone buy from them, O'Reilly's buy from them, we buy from them. It's a big company, 24 people working there at that store. That's where my address is, supposed to be at that store. And he was the one zoning. He was 16 years old at Hickman High School. The zoning, he was here. I'm sure you remember. Right?

MR. ZENNER: I do not. Before my time, Tom.

MR. KARDON: No. I remember you was here. My son was here 16 years old from Hickman High School; he was here. And my daughter is here; she was fifth grade when we start zoning. So I think it's not fair to me not to have M-N. That's the only choice I have. Yes.

MR. MACMANN: I'm sorry, Mr. Kardon. I didn't want to interrupt you. I did want to ask you a question --

MR. KARDON: Yes.

MR. MACMANN: -- if you're finished with your presentation.

MR. KARDON: Go ahead.

MR. MACMANN: I just want to clarify, it is your hope by zoning to M-N, that you will have more freedom to rent this in a manner that's profitable to you?

MR. KARDON: Yeah. Yeah. I rent to somebody I want. This company we was talking about last time here, they make the lease the way they want, not the way I want. No way to accept this guy. They want us sell beer, they want to sell alcohol, they want to sell tobacco, they want to stay 24 hours open. Not me.

MR. MACMANN: Could you explain to me your thoughts on why you don't want to do a PD versus M-N.

MR. KARDON: Well, I been here 18 times. How many times you have to be here back and forth. If I get the M-N, I can find a place to rent. The guy's leaving that rent the place right now. They got lease for five years. These guys, they want three years and then this and then that and all kind of stuff. Those guys that been there, they've been good for five years. This was five years. And after five years, they got six months, said, Tom, can you rent me the building five more years. I say, yeah, I rent it to you for five more years because you help me to pay the bills and the bank, the loan. And he said, How much it going to be, the rent. I said, Whatever you pay today, the same thing you pay. I want him to make money, not to go out. But I don't think they going out

of business because of the location. No. I think internet hurt him. With the building, it's good. The building looks good. The only thing that's missing out that building is zoning. If I have the zoning, I won't have to be here every time. I been here too many times. I can't be back and forth. I'm getting old; I'm not getting young. So if I'm young, I say, Oh, I got plenty of time, so this building is going to -- my kids want to take it over. And someday they're going to say, you know, My father, or my grandkids say, My grandfather left us a mess. This is a mess like the way it is. If I have M-N, I don't have to come back here for anything. I choose who's going to be in the building. Thank you.

MR. MACMANN: I have no more questions for Mr. Kardon at this time.

MS. LOE: Any additional questions for this speaker? Mr. Stanton.

MR. STANTON: Your son made a very good case last time he was here. Why isn't changing the statement of intent enough to satisfy what you need?

MR. KARDON: Last time when my son was here, we didn't have any information from them. My real estate supposed to be come over here. He told me, Tom, I'm going to represent you, you be next. He didn't give any information. Now we got the information. Any of that information you need, my daughter got the papers to give us.

MR. CALDERA: Just hold tight one second.

MR. KARDON: She got the information, what they want. No way for me to accept that. They want -- I rent the building; I don't rent the supermarket. If they want to make it supermarket, they can do whatever they want. But I'm not going to -- I'm not going to spend a hundred thousand dollars on the building for three years lease and then say, I'm gone. And the only reasons I don't want them there because the alcohol and tobacco. When I build this building, I was so happy. Nobody can sell alcohol or tobacco. Why. Because I'm tired of that stuff. I've been 35 years next to the bars. Three bars. Not of them. Three of them.

MR. STANTON: See, that's --

MR. KARDON: And now they change the rules. They say a hundred feet. What do you mean a hundred feet. Make a mile away from the school. Not 600 feet, whatever it was before, five, six. Make it a mile. Because if you never work on the bars or the place I am, we're next to Auto Zone, there's bars right on the corner. Daytime, it's a paradise. Nighttime it's a war area. Shooting, killing, and dealing. But six o'clock we going home. After that, you can't go back there. And Club Vogue is worst one. I been there next to them, next to Club Vogue, the bar. I was the old building there; I was there for 20 years. And then I moved to the front and still I got them next door. Every morning I have to clean up the mess, all the garbage, all the bottles, all the -- you name it what is there. Everything. So I don't see anything -- I don't think this building, those past ten

years, I don't think the neighbors have any problems. That's the kind of people I want. Because I don't have any problems. Nobody, none of the neighbors complain. The guy mow the yard for him, he lives three houses behind. The guy that do the snow removal, he lives across the street on the other side, on Third Avenue. People working in there, they live around that area back there. So what's wrong to have somebody good there. Get some more work. Get some more people working more.

MS. LOE: Any additional questions for Mr. Kardon? Thank you, Mr. Kardon.

MR. KARDON: Thank you.

MS. KARDON: Good evening. My name is Kalatia (ph) Kardon. I live at 4103 Hartfield Drive. As my dad said, I've been watching this since I was a little kid. The reason why we want M-N is that whoever the next tenant comes in, we want to find a suitable tenant for the neighborhood, just like the one we have now which is unfortunately leaving. Otherwise every new opportunity that comes up, we'll have to come back in here and then that new company or tenant will not want to wait for the City to approve a new ordinance. But just a few roads down there is a neighborhood where there are six homes right now that have M-N, and they're homes. We are an asset to this neighborhood, and we've been part of this town for forever. So, I mean, we're not going anywhere. And when that house, when my dad purchased it, we worked with the neighborhood association. I remember all those meetings, so.

MS. LOE: Any questions for Mr. Kardon? Mr. Stanton.

MR. STANTON: Like I spoke to your father, we had a vigorous discussion last time.

Ms. Kardon: Yes. But --

MR. STANTON: And we offered the alternative to change the SOQ. Or SOI. Our concern, and I don't want to speak for staff, but I think our concern is that if we give you M-N, we open the floodgates. You say that you will -- you can control this, you can control that, but if we give you that, it's like going off of trust.

MS. KARDON: Right.

MR. STANTON: This isn't really a trust business; this is regulation. I want to believe you. I don't think you would lie, but --

MS. KARDON: Right.

MR. STANTON: -- I have to think 50 years down -- I have to think of my neighbors. What if you do lie. What do if you do have --

MS. KARDON: Well --

MR. STANTON: If I give you M-N --

MS. KARDON: Uh-huh.

MR. STANTON: -- nothing stops you from putting liquor there. Nothing.

MS. KARDON: But we just --

MR. STANTON: Say you --

MS. KARDON: We just declined.

MR. STANTON: You say you won't --

MS. KARDON: But we just declined.

MR. STANTON: I know. But you say you won't, but say you -- but that doesn't stop you from doing it.

MS. KARDON: Right.

MR. STANTON: If I give you M-N, I'm giving you --

MS. KARDON: Right. You're opening -- you're opening the doors. But what about the homes that have M-N that a year from now, two years from now, they can be torn down and something else can be built there.

MR. STANTON: But we're not there.

MS. KARDON: Right.

MR. STANTON: We're here.

MS. KARDON: Right.

MR. STANTON: And you have a PD, and we offered the SOI. So I'm -- so we can't work within the S--

MS. KARDON: It's just very limiting to find a tenant to move in with -- that would be under that.

MR. STANTON: But the same restrictions the SO-- that the PD has are the same things that you're standing behind. You don't want liquor. You don't -- you --

MS. KARDON: Right.

MR. STANTON: -- want restrictions. So all those restrictions that you want are already in place in --

MS. KARDON: But any other company, like the parts store, any other company that wants to come in, we would have to come back to the City every single time. And that could be something we could do like two years from now, three years from now again, so.

MR. STANTON: I'm just --

MS. KARDON: The building is not built there for, like, liquor and tobacco. It's not suited for there. I'm a school teacher. I would not want my kid across from Hickman to go there, so I don't know what tell you.

MR. STANTON: But you understand our position?

MS. KARDON: Yes, I understand your position. I've understood it since I was

12, and I'm a grown up, so. But we need to move forward. You need to understand that, you know, someone that's been coming here for decades and needs this to be extended. Because it's a business. You need to extend it for -- to get the perfect suitor for that businesses, for that building. And with all those limitations, it limits us. And you see how the economy is, so.

MR. STANTON: Were you involved in the PD when it was made a PD from the beginning since you've been involved since you were --

MS. KARDON: Well, yeah. I mean, I watched my dad come here over and over and over and over. I mean, I have VCR tapes of some of these people, like, so. I have still have them.

MS. LOE: Ms. Carroll.

MS. CARROLL: So I don't know, I just wanted to comment on this line of discussion. What Mr. Stanton mentioned was the trust issue and opening up the floodgates. To me, I don't necessarily see it as a trust issue. If it were up to me, I like Mr. Kardon, I like you, I believe that you probably have been an asset to the community and you would choose wisely. But we don't really make that decision. We don't give licenses for business. We grant the zoning status to a piece of land.

MS. KARDON: Right.

MS. CARROLL: And it -- there could be a another owner in the future besides you. We don't know any of this. Once we grant that status, that status --

MS. KARDON: You're looking for something that could happen even though there are other homes there that could be sold that are M-N and something else --

MR. STANTON: But that's the way --

MS. CARROLL: That's the way this works for everyone. And I understand that there's an M-N -- there are M-N properties up there, but that wasn't a decision that was --

MS. KARDON: Made by you.

MS. CARROLL: -- before me.

MS. KARDON: Right.

MS. CARROLL: And I would likely have decided differently in that case. I can only be responsible for the things that come before me, and that's where my consideration is. We -- I hear you say that you don't think your building is suitable for alcohol and tobacco.

MS. KARDON: Right.

MS. CARROLL: And I think that's true. I agree with you which is why staff's interest in -- staff's recommendation was to keep it as PD because the M-N zoning, by right, includes alcohol and tobacco. So when they say it needs to stay at PD, it's for the

exact same reason because --

MS. KARDON: But it's also limiting us from other tenants that do not have that business that want to come in there.

MS. CARROLL: I know.

MS. KARDON: And it's limiting us and time is passing. It's 2020; it's not 2006 anymore. I mean, we need to have some faith. I mean, we've been here for so many times. We wouldn't want to do anything to the neighborhood. I don't understand how that's not understandable. Like, you know, we've put all that money in front of that -- on Providence for --

MS. CARROLL: I understand.

MS. LOE: Any additional questions? Mr. Stanton, additional questions?

MR. STANTON: We understand all of that. The neighborhood has already spoken. You know how they spoke? By supporting -- if you know how the coffee shop thing went, they had a vigorous, vigorous debate about that land.

MS. KARDON: I think that's great.

MR. STANTON: The reason why the PD plan was accepted and the PD plan for your land was accepted is because the neighborhood association was vigorously, vigorously involved. North-- what is that?

MR. MACMANN: North Central.

MR. STANTON: North Central, that's the biggest muscle in town there. If this were -- so what I'm saying is you can modify the SOI to have everything -- listen to what I'm saying -- everything you think and then you can exclude the same thing you're saying, I don't want liquor, I don't want adult entertainment. I mean, you can say that in an SOQ and make a list of things that you want to do. And that's what we offered your brother. Because I'm a win-win guy.

MS. KARDON: Uh-huh.

MR. STANTON: I love your -- I love your father's business. Little does he know, when I moved from Europe, because I'm an Army brat, we brought our Audi 5000 down to your dad and he fixed it so we could keep rolling. I mean, so I'm connected to your family too. But this is the thing. There's ways to do this and still make this a win-win and we're offering it now. You can list a billion things that you want -- that you can permit there and exclude the things you don't in the SOI. I'm not personally comfortable giving you M-N. Your whole family could be wiped out today. Where are we left as the City that made that decision. That's where we're at. Your whole family could be wiped out out that door.

MS. LOE: Mr. Stanton.

MR. STANTON: Now what.

MS. LOE: I believe we had this discussion the last meeting, and they considered this offer and they've made a decision.

MR. STANTON: It's a win-win.

MR. STANTON: It's a win-win.

MS. LOE: I understand. Are there any additional questions for Ms. Kardon? I see none at this time. Thank you, Ms. Kardon. Any additional speakers on this case? Seeing none, we'll close the public hearing. Commission discussion. Ms. Russell?

MS. RUSSELL: I don't have a motion yet.

MS. LOE: Okay.

MS. RUSSELL: My heart wants to say yes. However, M-N opens it up to 24/7, opens it up to everything down the line. If you were to sell that because all of a sudden for some reason your family needed to sell that property and it was M-N, there's no control over hours, what's sold there, what happens there. It is so close to a school and a neighborhood association of people living there who don't want a 24/7 business. So as much as my heart wants to say yes, my head is going to not support this.

MS. LOE: Ms. Bacon, can we put up the zoning scheme map again. Any additional discussion? I just want to say at the last meeting, I was entertaining denying the request, but in rereading the application and reconsidering the fact that the neighborhood associations have not offered any comment, albeit Mr. MacMann has offered some additional comments, still, this has been advertised twice and one of our commissioners is a roommate with one of the chairs and is fully aware of the case and has still offered no comment, I think that's significant. The fact that the original PD went through 13 years ago and neighborhoods change. My thinking is the neighborhood has become comfortable with the business that's there and is not as concerned. The fact that this is actually an island of PD between office and M-N, and actually that we were proposing M-N for the coffee shop adjacent to it and that we do approve M-N next to residential and that's the intended use for M-N, I understand that it's across from the school, but it is meeting the minimum requirements for what can go across the school. And if we don't feel those are adequate, we should be changing those minimum requirements. I don't feel like we should be penalizing individual property owners by applying additional burdens on them. So I've actually changed my mind on this one and I'm going to support the request for M-N. Any additional comments? Mr. Stanton.

MR. STANTON: The neighborhood already spoke. They spoke 13 years ago and they spoke when we talked about the coffee shop. The PD gave them the provisions and protections that they fought for when we discussed it the first time. So they've

already made their argument. That's why PD is there. Those two PD plans were there, and they're like, Okay, we got what we needed. We got the protections. We got the hours. All of that didn't just come out of somebody's behind. Those were negotiated terms on both of those pieces. So the neighborhood has already spoken. I think they're like, Our point's already been made. That's why this is PD. So that it does come back and forth in front of us. And if you modify it from anything that we've already fought for, you've got to come in front of us and discuss it. PD, they've already made that argument. Those arguments have been made on both those properties.

MS. LOE: Mr. MacMann.

MR. MACMANN: I our love our discussions sometimes; I truly do. I will -- actually I want to echo Ms. Russell's viewpoints. I mean, I feel for you all, I do. But Mr. Stanton's point is well-taken. I will -- I have not -- since it's my position to push for Ridgeway and North Central, but I know they're not getting it. I don't know what's going on there. That said, I'm going to be with Ms. Russell and Mr. Stanton on this and I'm going to vote to deny.

MS. LOE: Any additional discussion? Ms. Carroll.

MS. CARROLL: Didn't the gentleman who owned houses in that neighborhood come to the last meeting? Granted, he rents those houses, but I'd like to reiterate that the rights of renters are not less than the rights of homeowners. In this case they deserve as much protection.

MS. LOE: And I don't believe he was overly objective. He was worried about car lights potentially in the windows. So I'm not -- did you remember a specific comment? I could not.

MS. CARROLL: I don't remember a specific comment, but I believe that he did attend the meeting to speak on this topic.

MS. LOE: Ms. Russell.

MS. RUSSELL: I do remember the comments he made and he was in favor of M-N because he didn't think that it adversely affected his properties.

MR. ZENNER: If I may, Ms. Chairman. We had two speakers. We had the owner of the Aroma Coffeehouse which was supportive of the request. And you had the individual that Ms. Carroll is referring to that had bought up the homes immediately to the south that he was renovating that did express concerns as it related to traffic movement. I don't recall as either Ms. Russell or Ms. Carroll do if he was in support or not and I don't have the minute transcript here either to be able to provide you that information. I'd like to clarify a point that Mr. MacMann has now stated twice, that the Ridgeway as well as North Central was not notified. According to our mailing lists, both neighborhood

associations were notified and have not provided any commentary related to it. And the North Central address was 902 North Seventh Street.

MR. MACMANN: That's incorrect address.

MR. ZENNER: That is probably why you don't have comments from them. And unfortunately if we haven't been notified by the former neighborhood association president or the current president of an address change, we have no way of being able to send that correspond to the right people.

MR. MACMANN: I will fix both of those things for you, Pat.

MR. ZENNER: Thank you very much.

MS. LOE: Thank you. We're making headway. Any additional discussion?

MS. CARROLL: Do they not have email contact?

MS. LOE: Ms. Carroll.

MS. CARROLL: I'm sorry. I'm sorry.

MS. LOE: Any discussion on this case? Ms. Russell.

MS. RUSSELL: I'm going to make a motion in the case of 28-2020 to approve the M-N zoning map amendment.

MR. MACMANN: I'll second that.

MS. LOE: Second by Mr. MacMann. We have a motion on the floor. Any discussion on this motion? I see none. Mr. Strodtman, may we have roll call please.

MR. STRODTMAN: Yes, Madam Chair.

Mrs. Russell?

MS. RUSSELL: No.

MR. STRODTMAN: Mrs. Carroll?

MS. CARROLL: No.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Yes.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: No.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: No.

MR. STRODTMAN: My vote is yes. And Ms. Rushing is abstention, so motion fails to -- does not pass.

MS. LOE: The vote is 4 to 2.

MR. ZENNER: 4-2-1.

MS. LOE: 4-2-1. Thank you.

MR. ZENNER: Thank you very much.

MS. LOE: That closes our cases tonight.

MR. ZENNER: And just for the education of the public as well as information for the applicant, due to the fact that this is a denial request, it will appear under Old Business on the city council agenda as it is processed through the council procedure. So there is -- there will be additional public comment received by the Council when it is second reading.

Approve the M-N zoning map amendment.

Yes: 2 - Loe and Strodtman

No: 4 - Russell, Stanton, MacMann and Carroll

Excused: 2 - Burns and Toohey

Recused: 1 - Rushing

VII. PUBLIC COMMENTS

MS. LOE: Thank you, Mr. Zenner. Public comments. Anyone that has any additional public comments they would like to make?

VIII. STAFF COMMENTS

VIII. STAFF COMMENTS

MS. LOE: Staff comments.

MR. ZENNER: Your next meeting will be on February 6th. As we discussed we will be having a joint city/county Planning and Zoning Commission work session at our regular work session meeting which will start at 5:30 and will be in conference room 1A here at City Hall. Meal service will be provided. And the purpose for this joint session is to discuss the process that we will be following for the West Columbia Area plan. We will be providing an overview of the study area and process of engagement and then of the contents typically we would be seeking to have within the document as well as receiving any additional inputs as to topics or characteristics of the plan that the commissions would like to consider given the nature of the study area itself. And so that will be the entire hour and a half work session at 5:30 p.m. again, here in conference room 1A. Show up and we'll have good conversation. And it is my understanding that we do have an expected absence of Ms. Loe at that meeting and that Mr. Toohey will be chairing both the work session as well as the regular meeting that evening. If there are any other absences, please let Ms. Loe and I know as soon as possible. And then you do have a meeting that immediately follows that at 7:00 p.m. here in the council -- in council chambers. And these maps may look familiar to you, but as I was saving last month to tell you what the projects were, I put on the meetings for the February 6th meeting instead of those that we discussed this evening. So again we will have the Rock Bridge Elementary School final plat. This was originally having a design adjustment with it; the

applicant has removed, withdrawn the design adjustment requirements so this will be a standard subdivision planning action. And then you will have a permanent zoning request for Summers Greer which is down on Cherry Bark Court which is off of Vawter School Road just outside of the Country Woods subdivision, which is a county subdivision. Request is RS to R1. Given the fact that this is adjoining City property -- property adjoining the city boundary and their design into City sanitary sewer service. So we will be discussing these two cases on the next agenda. Giving yourself a graphic familiarization, there is the Rock Bridge Elementary School. This is the site of the elementary school. It will include the stem that goes down into Rock Bridge State Park that comes out of the back of the school. Recently this particular project received -- has not received full board, BOA, approval at this point. They were seeking a variance as it relates to parking requirements on the actual parking cap. It was tabled and will come before the Board of Adjustment at its February 11th meeting which is upcoming of course. Doesn't have an impact as it relates to the platting action. We still need to plat given the proposed improvements that would occur on the site and the lot to do so. And of course the Summers Greer project that is here on your right-hand slide. And that is at the very end of Cherry Bark Court, about a two and a half acre parcel of land. Those are your items for your upcoming agenda and appreciate your attention this evening. And the questions we had during current our work session as we were talking about the sanitary sewer service area and our sanitary limitations that we have as we move forward in continuing to pull together information for the comprehensive plan update. So we will get back on that topic on the second meeting of January. Or second meeting in February, I apologize, and add probably some additional discussion topics at that meeting. Thank you again. Have a good evening.

IX. COMMISSIONER COMMENTS

MS. LOE: Thank you, Mr. Zenner. Commissioner comments? As a commissioner, planning zoning commissioner, I just wanted to offer a comment on the difference in support between planning and zoning and city council on a recent case. Planning and zoning commission is charged with making recommendations in connection with the execution and detailed interpretation of the comprehensive plan. So planning and zoning's recommendations are very much directed by the adopted guiding documents of the city. City council has a different directive. It takes additional matters under consideration. That said, when City Council makes a decision that does not appear to fully take into account the same guidance considered by Planning and Zoning, it can create confusion within the planning process. Instead of implying that the City's adopted guidance that the Planning and Zoning bases their recommendations on may be outdated, erroneous, or not applicable, it may help to maintain some clarity in the planning process if City Council identify why they're supporting a specific project in spite of any adopted City guidance. Thank you. Any additional comments? Ms. Russell.

MS. Russell: I echo your comments

X. NEXT MEETING DATE - February 6, 2020 @ 7 pm (tentative)

XI. ADJOURNMENT

MS. RUSSELL: Move to adjourn.

MR. MACMANN: Second.

MS. LOE: Second by Mr. MacMann. We are adjourned.

(Off the record at 8:17 p.m.)

Move to adjourn