Chair John called the meeting to order at approximately 7:00 p.m. Those members attending included Martha John, Phil Clithero, Fred Carroz, Matt Reichert and Elizabeth Peters. Also attending were the City Clerk, Sheela Amin, Deputy City Clerk, Megan Eldridge, Development Services Manager, Pat Zenner, and Assistant City Counselor, Rose Wibbenmeyer.

The minutes from the regular meeting of May 13, 2014 were approved as submitted on a motion by Mr. Clithero and a second by Mr. Carroz.

The following cases, properly advertised, were considered. All persons testifying were duly sworn by the Deputy City Clerk.

Case Number 1882 was a request by Phebe La Mar, attorney for SS Chapel Properties LLC (owner) and Child Abuse & Neglect Emergency Shelter, Inc. dba Rainbow House, a not-for-profit organization (tenant), for a conditional use permit for the purpose of operating a temporary shelter and associated counseling center on property located at 4617, 4619, 4621 and 4623 Brandon Woods.

Chair John explained the attorney for the applicant had requested this item be tabled to the August 12, 2014 Board of Adjustment Meeting.

Mr. Clithero made a motion to table Case No. 1882 to the August 12, 2014 Board of Adjustment Meeting. The motion was seconded by Mr. Carroz and approved unanimously by voice vote.

Case Number 1883 was a request by Phebe La Mar, attorney for Marjorie McGrath Revocable Intervivos Trust and JQB Construction, Inc., for a conditional use permit for a private outdoor swim club, which would include swimming pool(s), restroom facilities, pool decks, and associated off-street parking, on property located at 4450 Sawgrass Drive.

Chair John opened the public hearing.

Phebe La Mar, 111 S. Ninth Street, explained she was representing the applicant and noted Tim Crockett would discuss the proposal.

Tim Crockett, 2608 N. Stadium Boulevard, explained the Creeks Edge Subdivision was a single-family residential development, and the developer, JQB Construction, had requested a conditional use permit to construct a neighborhood pool with neighborhood amenities such as restroom facilities, a swimming pool, pool deck, etc. It was very similar to what was included in the Thornbrook, Cascades, Bellwood, and other residential developments in Columbia.

There being no further comment, Chair John closed the public hearing.

Mr. Zenner explained this was a regular neighborhood swimming pool with a clubhouse and associated facilities on a 3.8 acre tract of land. The parcel would be formally addressed as 4450 Sawgrass Drive upon approval of the final plat. It was surrounded by a common area and a 100-
year floodplain so there would not be development to the north or the east of the project site, but there would be adjacent residential development to the west. Some screening and landscaping would be provided along the western portion of the parking area and the entrance. Based on information provided the parking was slightly substandard and would need to meet the requirements of Section 29-30 of the Columbia Code of Ordinances, and the landscaping would need to be verified for sufficiency during the final construction permitting and landscape submittal process. He noted staff did not object to this request as it was isolated in many respects to the remainder of the subdivision. He reiterated staff did not have any issues with the project other than the fact the parking needed to be increased to meet parking standards and the landscaping needed to be verified. Staff recommended approval as the request was compliant with City standards, other than the two noted exceptions, which would need to be included in the decision of the Board.

Ms. Wibbenmeyer stated Section 29-23 of the Columbia Code of Ordinances set forth the standard for granting a conditional use permit, and indicated the Board could grant a conditional use permit stipulating any conditions deemed necessary to carry out the provisions and intent of the zoning code after giving due consideration to the standards that the proposed conditional use was in compliance with all regulations of the applicable zoning district; in conformance with the character of the adjacent area within the same zoning district it was located, and in making such a determination, consideration could be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site; the off-street parking and loading areas were provided in accordance with standards set forth in Section 29-30; adequate utilities, drainage, and other facilities were provided; and adequate access was provided and designed to prevent traffic hazards and minimize traffic congestion.

Mr. Clithero asked if adding the necessary parking spaces would create a problem. Ms. John replied there appeared to be plenty of room per the plan. Ms. Peters asked if there was any problem with regard to landscaping. Mr. Crockett replied they intended to comply with all regulations of the City of Columbia. The document provided was a schematic showing the rough intention of the site. He noted they would be in full conformance with all design standards for an amenity such as this, which would include parking, landscaping, screening, etc.

Mr. Clithero made a motion to approve the conditional use permit provided that the parking spaces shall be increased to meet the requirements of Section 29-30 and that a final landscaping plan meeting the requirements of Section 29-25 shall be submitted. The motion was seconded by Mr. Reichert.

CASE NO. 1883 VOTE RECORDED AS FOLLOWS: VOTING YES: JOHN, CLITHERO, CARROZ, REICHERT, PETERS. VOTING NO: NO ONE. The conditional use permit was approved subject to the condition that the parking spaces shall be increased to meet the requirements of Section 29-30 and that a final landscaping plan meeting the requirements of Section 29-25 shall be submitted.

Mr. Clithero asked for clarification regarding cases, such as this, coming before the Board of Adjustment. Mr. Zenner replied one reason private recreation facilities and amenity centers came before the Board was to ensure compatibility between developed property or property to be developed in the future and compliance with code requirements such as parking, landscaping, lighting, etc. If it was early in the process, the Board would probably receive little negative input because nobody resided in the area, but if the area was developed, there was possible opposition
by neighbors. He noted it was probably more critical that these types of projects came before the Board in instances where there might be a parcel on the perimeter of a project where the initial intent was not to build an amenity center or for a commercial application as a conditional use of this nature was tied to the fact that this was meant to be a residential use, and not a commercial operation. He noted the West Broadway Swim Club, Macher Swim School, etc. were in commercial zones and had been processed without any public engagement or notice. This was a little different because there were residents and a possible impact to the residential environment and enjoyment of that particular location.

Mr. Clithero understood staff was not considering not having these types of requests come to the Board of Adjustment. Mr. Zenner stated at this point they were not, and explained staff was working on updates to the City Code as it related to development and zoning ordinances, but had not reached the point where they had additional information on how the consultant was planning to deal with these particular types of issues.

Mr. Clithero commented that in this instance staff had recommended two conditions, and asked how that would be handled if it had not come before the Board. Mr. Zenner replied it would be handled through the regular permitting process. He explained it would not be any different than if the request was a commercial operation as staff would require full compliance with the exact same items as part of the building and construction permitting process. Those conditions were recommended to be incorporated in the decision because staff had the ability with the Board to require it.

Mr. Clithero commented that he recalled the pool in the Vanderveen Subdivision had been added later and there had been concern in terms of lighting and hours of operation so restrictions were included in the decision. Mr. Zenner explained the Code of Ordinances had evolved since the early versions of these types of facilities. Hours of operation were not covered in the Code, and would need to be considered as the City moved through the Code review process.

Mr. Clithero understood most of these could be covered by homeowner associations. Mr. Zenner stated that was correct, but noted there could be concerns by some since homeowner associations could come and go, and those properties could be sold unless there were restrictions and covenants recorded on the lot. He reiterated a determination had not been made with regard to whether this type of use would be removed as a conditional use and placed a principal permitted use within residential zoning districts, and noted there would likely be a recommendation by the consultant as to how to deal with these types of situations.

There being no further business, the meeting adjourned at 7:18 p.m.

Respectfully Submitted,

Sheela Amin
City Clerk