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

The minutes from the regular meeting of July 8, 2014 were approved as submitted on a motion by Mr. Townsend and a second by Mr. Clithero.

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Chair John explained Case No. 1882 had been withdrawn.

Case Number 1884 was a request by George Smith, attorney for Loop 70 Properties, LLC, for a conditional use permit to allow plumbing, heating, air conditioning, and electrical businesses, which may include related customary activities such as contracting, retail and wholesale sales and distribution on property located at 1604 W. Business Loop 70.

Chair John opened the public hearing.

George Smith, an attorney with Johnson & Smith LLC, stated he was appearing on behalf of Loop 70 Properties, LLC, who was seeking a conditional use permit for Air and Water Solutions, which was located behind Accounting Plus. He presented a copy of Sections 29-23 and 29-16 of the Code of Ordinances of the City of Columbia to be entered into the record.

Chris Cobb, who was a representative of Air and Water Solutions, stated they were seeking a conditional use permit for a site structure that was approximately 13,225 square feet, and noted adequate gravel parking and a loading dock was on the site. He commented that this business was relocating to this site from its existing site at 1400 Heriford Road in Columbia, which was also zoned C-3. He pointed out Air and Water Solutions was currently operating under a temporary business license and needed a conditional use permit to continue to operate at the subject premises. He explained the business was a plumbing, heating, air, and general retail services business that primarily served residential customers. Mr. Cobb stated there was no intention for this facility to be a distribution facility for supplies or materials for their other locations, and about three times a week the facility would experience small truck traffic delivering shipments to the site with the trucks usually about 20 feet in length. There were no outbound deliveries. He commented that they did not intend to do any outside storage and if they were to store materials outside it would be for a very short duration and covered or screened. He noted they were not
proposing any renovations to the facility so he did not believe this use would impose undue hardships on neighbors, surrounding property, infrastructure, the roadways, or the plumbing or electricity uses of the facility.

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

Mr. Zenner noted this particular location was zoned C-3 and therefore the conditional use permit was a requirement. For some reason staff had not identified the business on Heriford Road, which was also in a C-3 district, needed a conditional use permit and the relocation of the business triggered the need for this application to come forward. The building was a roughly 13,000 square foot building that incorporated Air and Water Solutions and Accounting Plus. There was a rear-loading dock on the south side of the building that could be seen from Interstate 70, and a turnaround location for truck traffic to maneuver on the site. Mr. Zenner stated there was a conditionally issued business license on this property that was valid for 180 days, and as a condition of that temporary business license, the owner was required to come before the Board to seek the appropriate conditional use. Staff did not believe this development would create a big issue. The building had previously been used as a retail establishment and probably had more parking than necessary for the intended use. The building was consistent in character of buildings in the surrounding area and the signage was commensurate with the surrounding area. Mr. Zenner noted this site was surrounded on the east, south, and west by commercial uses, so there was no issue of it being incompatible, and immediately north of this site was Cosmo Park, the city’s largest community recreation facility. This building had been in this location for quite some time and had not created any impact. He pointed out the surrounding area to the south was Interstate 70 and while the building could be seen from there, the loading and storage areas could not easily be seen. He stated screening was not something staff typically required as a result of that, however screening of outside storage would be commensurate with other commercial uses in this location, and therefore staff requested that it be a requirement of the conditional use. There was no screening required between the adjacent uses because they were all similarly zoned. Mr. Zenner reiterated off-street parking was more than enough and stated there was adequate access to the loading and unloading areas off of Clinkscales Road with the appropriate curve radii on the rear, as well as adequate utilities. Staff recommended two conditions of approval. He explained one condition was that no outside storage of supplies or material be permitted on-site and the other condition was that no future business be allowed to commercially distribute products on that site. He pointed out this was a non-industrial area and while the loading and unloading areas were sufficient to support the traffic articulated by the applicant, it would be insufficient to support a heavier volume of truck traffic that would pick up and redistribute product to other locations. He noted that particular condition would not preclude the applicant from being able to retail to the general public and it would be no different than what was retailed out of Home Depot, Lowe's, Menards, Riback, or Ferguson’s. Staff realized the general retail aspect of this was basically selling furnace filters, water purification systems or things of that nature to contractors or a resident that would install those items. Mr. Zenner commented that staff did not want this to be a warehouse that was shipping back and forth as it would need to be industrial zoned. He reiterated staff’s recommendation was approval of the conditional use permit with the two conditions.

Ms. Wibbenmeyer stated the legal standard set forth in Section 29-23 was that the Board may grant a conditional use permit stipulating any conditions deemed necessary to carry out provisions and intents of the zoning code after giving due consideration to the following standards: that the proposed conditional use was in compliance with regulations of the zoning district and in conformance with the character of the adjacent area within the same zoning district factoring in the
type and height of structures and the type and extent of landscaping and screening on the site, that the off-street parking and loading areas, adequate utilities, drainage, and other such facilities were provided, and that adequate access was provided and designed to prevent traffic hazards and minimize traffic congestion. If the Board wished to impose any conditions, the motion should specify those conditions.

Mr. Townsend asked if the applicant had any problems with the conditions recommend by staff. Mr. Cobb replied they did not have any problems with those conditions.

Mr. Townsend made a motion to approve the conditional use permit subject to the conditions that no outside storage of supplies or materials should be permitted on-site and no commercial distribution of plumbing, heating, air conditioning, electrical equipment, or supplies should be permitted as part of the business operation. The motion was seconded by Mr. Hazelrigg.

CASE NO. 1884 VOTE RECORDED AS FOLLOWS: VOTING YES: CARROZ, HAZELRIGG, TOWNSEND, JOHN, CLITHERO. VOTING NO: NO ONE. The conditional use permit was approved subject to the conditions that no outside storage of supplies or materials should be permitted on-site and no commercial distribution of plumbing, heating, air conditioning, electrical equipment, or supplies should be permitted as part of the business operation.

There being no further business, the meeting adjourned at 7:19 p.m.

Respectfully Submitted,

Megan Eldridge
Deputy City Clerk