Chair Townsend called the meeting to order at approximately 7:00 p.m. Those members attending included Martha John, Rex Campbell, Sean Flanagan, Dennis Hazelrigg and David Townsend. Also attending were the Deputy City Clerk, Megan Eldridge, Planner, Clint Smith, Development Services Manager, Pat Zenner, Building and Site Development Manager, Shane Creech, Environmental Services Engineering Specialist, Tom Wellman, and Assistant City Counselor, Ryan Moehlman.

The minutes from the regular meeting of June 9, 2015 were approved as submitted on a motion by Mr. Campbell and a second by Mr. Hazelrigg.

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

Case Number 1900 was a request by Gates Real Estate, LLC, for a conditional use permit for the purpose of a private outdoor swim club on property located at 7200 Abbotsbury Lane (Parcel No. 20-200-00-11-060.00 01).

Chair Townsend opened the public hearing.

Phebe La Mar, an attorney with offices at 111 S. Ninth Street, appeared on behalf of Gates Real Estate, LLC.

Tim Crockett, an engineer with Crockett Engineering, 2608 N. Stadium, appeared on behalf of Gates Real Estate, LLC and explained the applicant was seeking a conditional use permit for a residential neighborhood swimming pool and associated amenities such as a deck, pool house, and restroom facilities. He noted this request was similar to requests the Board had previously granted for residential developments. The swimming pool would serve a residential development with 160-165 residential lots. He commented that they were agreeable to the staff report and the conditions recommended by City staff.

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

Mr. Smith commented that City staff was supportive of the applicant’s request.

Mr. Moehlman reminded the Board that a hardship standard did not apply since the applicant was requesting a conditional use permit.

Ms. John made a motion to approve the conditional use permit as requested subject to the conditions listed in the staff report. The motion was seconded by Mr. Campbell.

CASE NO. 1900 VOTE RECORDED AS FOLLOWS: VOTING YES: JOHN, CAMPBELL, FLANAGAN, HAZELRIGG, TOWNSEND. VOTING NO: NO ONE. The conditional use permit was approved as requested subject to the conditions that building and site plans shall comply with all applicable regulations and the final site plan shall be in substantial compliance with the proposed
Case Number 1901 was a request by Stephens College for a conditional use permit for the purpose of an uncovered, surface off-street parking lot on property located at 1211 East Broadway (Sampson Hall on the Stephens College Campus) (Parcel Nos. 17-117-00-17-012.00 01, 17-117-00-17-015.00 01, and 17-117-00-17-013.00 01).

Chair Townsend opened the public hearing.

Phebe La Mar, an attorney with offices at 111 S. Ninth Street, appeared on behalf of Stephens College. She stated that Stephens College was requesting a conditional use permit for a parking lot for Sampson Hall, which was located on campus on the north side of Broadway, next to the Stephens College Visitor’s Center. Ms. La Mar showed a Power Point presentation. She mentioned that the proposed parking lot would provide needed handicapped-accessible parking for the Visitor’s Center as well. The subject property was close to the Short Street parking garage, however there were no available parking spaces in the garage, which also had the longest waiting list of all downtown parking garages. She felt the staff report, which opposed the parking lot as proposed, failed to account for some things. One reason the City required a conditional use permit for parking in the C-2 zoning district was to prevent buildings being razed for surface parking. Stephens College was not razing the building, and instead desired to replace an addition to the building with something that would be well-constructed, attractive, and make Sampson Hall more accessible. There were currently no accessible parking spots on the existing parking lot, however Stephens College would be required to include those. The applicant could have chosen to get rid of the greenspace by building to the street, but they instead chose to renovate the existing building and maintain the campus’s historic qualities. She felt the suggested changes to the proposed parking lot by City staff would penalize Stephens College for its desire to maintain the property’s historic nature and greenspace. She pointed out that under Section 29-23 of the City Code, five standards must be met when determining whether parking should be permitted. The proposed use was in compliance with regulations of the applicable zoning district. The applicant did not agree with City staff’s comments in regard to the standard that the conditional use must be in conformance with the character of the adjacent area within the same zoning district in which it was located. She pointed out that the adjacent area at issue was the Papa John’s parking lot. The proposed parking lot as revised was no further toward the street than the Papa John’s parking lot, and the location of the Papa John’s lot was irrelevant to whether this proposed use was in conformance. She mentioned that substantial landscaping had been added to the plan and would hide the parking spots at issue. The City Code provided for looking at the location, type, and height of buildings or structures, and the type and extent of landscaping and screening on the site, and did not suggest looking at uses beyond adjacent sites. She mentioned that City staff had stated that the proposed parking lot was consistent with the mixture of multi-family, academic, and commercial buildings surrounding the subject property. Parking in this area was at a premium, as colleges and universities struggled to provide enough parking for students, and area neighborhoods were considering permits for residential parking. A request to add five additional parking spaces to what currently existed was more than reasonable and fit the character of the adjacent area. She noted there was no off-street parking requirement although there was a need for it in this location, and there was adequate access to this location. Stephens College would meet the necessary requirements regarding runoff, etc., which would need to be included in the submitted plan. It was not beneficial to move the parking spots to the rear of the building because they would back out into an alley, nor was it beneficial to move the handicapped spots to a different location on the lot as it would be very steep. She mentioned the advisory that accompanied Section 405.2 of the Americans with Disabilities Act.
(ADA) stated that ramps with the least possible running slope should be provided to accommodate the widest range of users, and noted that had been included in the proposal being considered by the Board. That advisory also required minimizing the travel distance by including steps for people who had a greater issue with distance, such as people with heart disease or limited stamina. She commented that City staff suggested moving the parking spaces back 18 feet. She noted doing that would result in a loss of two parking spaces and an increase in the slope of the ramp and travel distance, which was not in compliance with the spirit or the written word of the ADA. She showed the plan that had been originally submitted by the applicant and noted that it included a parallel parking spot on the west side of the parking lot but did not include landscaping. After receiving comments from City staff, the applicant submitted a different plan, which the Board was reviewing. The revised plan included a substantial amount of landscaping between the parking area and the street, attempted to cover up the parking, and moved the parking back a bit. The plan made sense and ought to be approved.

Dianne Lynch, President of Stephens College, 1209 Locust Street, stated that Stephens College was beginning a physician assistant program that would be one of the first in the country at a liberal arts college and possibly at a women’s college. Stephens College was investing $6 to $7 million dollars on Sampson Hall’s renovations, and the building would be extraordinary, striking, and beautifully built and designed. She considered Stephens College to be one of the strongest and most adamant safeguards of downtown Columbia’s aesthetics. She noted that Stephens College was located at the gateway into the city, and the college had made enormous investments to ensure people coming into downtown Columbia were greeted with greenspace. Stephens College had received many offers for the property at the corner of Broadway and College Avenue, but had denied them because the college wanted to maintain it as greenspace. She told how she looked out her window and saw the Brookside apartments and the raised parking garage at Papa John’s, and was surprised that the college was being questioned about greenspace and aesthetics just because they would like to put a couple handicapped parking spaces towards the front of the building. Stephens College would do whatever landscaping needed to be done. She commented that people would not see the two handicapped parking spaces and would instead see the raised parking garage at Papa John’s.

Mr. Campbell asked for the maximum number of people that would be using this facility during the day. Ms. Lynch stated there would be between 15-18 students and 10-15 administrative staff and faculty. The program was designed for students to spend the first year on campus and the second year in clinicals. Mr. Campbell asked if a considerable number of students would be coming and going during the daytime. Ms. Lynch replied the program would be intensive as students would take five courses the first semester, four courses the second semester, and four courses during the summer. She expected students would arrive in the morning and stay until late hours.

Matthew Kriete, an engineer with Engineering Surveys and Services, 1113 Fay Street, showed a Power Point presentation. He commented that the subject area was currently a parking lot. A wing on the west side of the building had an old wooden frame structure and was in poor condition. The building’s wing would be removed and a new structure of roughly the same square footage would be put in its place. The existing building was non-accessible and not at an accessible standard for today, however creating a new entryway would make the building more accessible. City staff was concerned about the proximity of parking to Broadway and keeping as much of the existing greenspace as possible. He commented that the applicant understood staff’s intent and had revised their plan by adding landscaping. He was concerned about moving the handicapped parking spaces further down. He stated that the law said to provide the most accessible entrance for as
many people as possible, and providing a shorter distance and a flatter path was important for that. He mentioned that the applicant could put in a ramp and flatten the lot out by moving the parking stalls to the north and lining it up with the front of the building per City staff recommendation, but he did not believe it would provide what the law had intended for accessibility. The college wanted to provide as much parking as they could, and the suggestion by staff would result in a loss of parking. The subject lot was reasonably sized for the number of students, faculty, and staff. He noted it was not very aesthetic to have railings in front of a building, and the landscaping would hide the parking fairly well.

Bob Hutton, 2252 Country Lane, felt the college was not asking for anything onerous. He stated that the two handicapped parking spots in front of the building line were at issue. If those spots were moved north they would be downhill and it would be very steep going uphill. Moving the parking spots would also change the building’s entry and cause the entry to have handrails due to the lot’s steepness. He commented that the issue was making the parking as accessible to the entrance as possible. He mentioned that the existing lot extended south of the building line, and Stephens College was not asking for anything other than what was already in place. Papa John’s was located south of the building line and did not meet the current ordinance either, therefore Stephens College would not be setting a precedent. He pointed out that the college needed to maximize its parking and he did not believe there was a college that did not need to maximize its parking. The stormwater mitigation for this site was huge as the college would have to collect all the water from this site and the Visitor’s Center. He noted the college would be constructing a detention basin on the east side of the Visitor’s Center to clean and detain the stormwater. He stated that the landscaping would make this site look better.

Mr. Campbell asked where the primary handicapped accessible doors would be located on the renovated building. Mr. Hutton replied that they would be at the front of the building on the south side. He noted a sidewalk between the two handicapped parking spots would lead to the building’s front door.

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

Mr. Zenner noted Ms. La Mar had pointed out a number of things in the staff report that the college was disputing. City staff had discussed issues with Engineering Surveys and Services as part of the site plan review. He understood that what was being proposed was an attempt to satisfy staff, however staff was not supportive of the request. He pointed out that the Papa John’s property existed prior to the ordinance enacted in 1999, and stated the context of that ordinance seemed appropriate in this case since demolition and reconstruction would occur. In this instance, an entire building was not being razed to build a parking lot, but one-quarter of the building was being razed to double the existing parking lot in size. While City staff was not opposed to doubling the size of the existing parking lot, they did not believe maximizing parking was essential. He understood there was parking problems on the college campuses in Columbia. He mentioned if the Board granted this conditional use permit, City staff believed the conditions listed in the staff report would assure that requirements would be met that were not in the City Code. He noted landscaping was not a requirement, as there was less than 50 feet of parking lot frontage within 20 feet of Broadway. He pointed out that currently there was parking located behind the Visitor’s Center which accessed the existing alley. A portion of the parking that would be displaced by the parking lot’s expansion currently accessed the alley without issue, and although it was not optimal it provided access and supported parking and those who would park for a long time while utilizing this facility. The City was redoing the City Code considering adopting a form-based standard for downtown. He noted this site
would be subject to those standards which would not permit parking forward of a building and would require parking to be behind, underneath, or above. He commented that it was not proper to lay the foundation for future collegiate expansions without considering the consequences of non-academic entities that may come after the applicant. He mentioned that expanding the parking as far eastward as proposed would cause an existing mature tree to be removed. While other trees that were more mature and fuller would be maintained, staff was concerned about the roadway frontage along Broadway being disrupted. He felt the applicant could push the parking back and not lose a significant amount of parking. He understood there would be a possible accessibility issue with that and used City Hall as an example. He noted City Hall had a ramp that came off the main frontage and provided a graceful entrance into the building, and he did not see why that could not be accommodated in this case with the new construction.

Mr. Moehlman reminded the Board that no hardship standard needed to be applied since this request was for a conditional use permit.

Mr. Campbell noted this area was congested and parking was at a premium. He thought this was a worthwhile proposal in terms of Stephens College providing a needed training program. He felt the applicant was probably underestimating the amount of traffic that would be generated. He commented that the City should move towards maximizing parking wherever they could.

Ms. John thought not having parking spaces behind the chiller was reasonable because people would not have to back out into the alley. She noted it was safer to back into the parking lot aisle than the alley. The location of the handicapped parking spaces was the best location as it was the shortest distance to the entrance. She stated that a graceful, sweeping ramp would be nice, but did not think it would work in this case. She commented that moving the handicapped parking spaces behind the front of the building would lengthen the travel path and make the slope more dangerous. She was in favor of granting the conditional use permit as requested.

Ms. John made a motion to approve the conditional use permit as requested. The motion was seconded by Mr. Campbell.

Mr. Hazelrigg asked Ms. John if she was requiring landscaping in her motion. Ms. John replied that her motion was to grant the conditional use permit per the site plan marked Exhibit 1 that was presented by the applicant.

Chair Townsend asked if staff was agreeable to the motion. Mr. Zenner thought that would be sufficient as long as the Board was granting approval per the site plan.

CASE NO. 1901 VOTE RECORDED AS FOLLOWS: VOTING YES: JOHN, CAMPBELL, FLANAGAN, HAZELRIGG, TOWNSEND. VOTING NO: NO ONE. The conditional use permit was approved as requested per the submitted site plan marked Exhibit 1.

Case Number 1902 was an appeal by Brook Harlan and Lyria Bartlett for the Board to determine that the proposed project is in compliance with Section 29-22 of the Code of Ordinances of the City of Columbia and to direct staff to issue a floodplain development permit on property located at 217 Bittersweet Court (Parcel No. 16-605-00-02-016.00 01).

Chair Townsend opened the public hearing.
Lyria Bartlett, 1120 W. Broadway, stated she and her husband purchased the subject property to build a home. They understood the house would have to be designed in a way that fit and accommodated the lot’s conditions. Ms. Bartlett presented a Power Point presentation. They felt they had gone above and beyond what was typically done for a residential project. They had submitted a building permit application in November 2014, which was denied because the lowest occupiable level of the proposed house was less than two feet above the base flood elevation level. They were encouraged to put in six feet of dirt and raise the entire structure, which would put the lowest occupiable level of the house four feet above the house north of the subject property. They decided to reevaluate their design after considering the cost and the effect to neighbors of being six feet close to the property line. The revised design was more vertical and limited the footprint. She mentioned that their building permit application was resubmitted in April and denied because of floodplain and floodway concerns. They worked with City staff to ensure compliance with Section 29-22 of the City Code and Federal Emergency Management Agency (FEMA) regulations. She pointed out that they hired John Holmes, an engineering specialist, to do a hydraulic and hydrostatic modeling analysis and to certify that the project would not increase the water surface elevation of the 1% annual chance flood by more than one foot across the property. They resubmitted a building permit application in June with required paperwork from Mr. Holmes, however it was denied. They felt the proposed design met the requirements of all City ordinances and regulations and that it was designed in the spirit of the ordinance and good neighborly behavior. She asked for the Board to grant their appeal for a floodplain development permit. While Mr. Holmes did not recommend the project, he certified that less than one foot of rise in the 100-year floodplain met the requirements of the City ordinance. The denial letter from City staff mentioned concerns about future unregulated uses, such as garage doors. She commented that the lower level of the proposed house was modeled as a solid obstruction that would not permit water to flow underneath. She mentioned that Mr. Holmes had recommended that any walls parallel to the creek bed be solid. Adding garage doors would not impact Mr. Holmes’s study, even with solid concrete around the base. The applicants had no intention of installing garage doors or anything that was against FEMA regulations, and intended to comply with Section 29-22 of the City Code. Exhibits marked 1-3 were submitted for the record, which included a packet of information, a certified copy of Section 29-22, and the Power Point presentation.

David Wallace, 213 Bittersweet Court, stated that he resided next to the subject property and was in support of the application. He commented that the information he had read made sense and he thought the applicants were in compliance. He hoped the Board granted the applicants’ request.

Steve Smith, 4601 W. Akeman Bridge Road, stated he owned property at 206 Spring Valley Road, which was on the other side of the creek. It seemed the applicants had gone through considerable effort and cost to meet the requirements and reach an accommodation. He did not object to the application and hoped the Board granted the applicant’s request.

Kendall Noe, 212 Spring Valley, stated he would be unaffected by the applicants’ request. He thought the applicants had done due diligence and was supportive of their request.

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

Mr. Creech mentioned that he included a memo in the Board’s packet to clarify what Mr. Holmes had said to him after the denial letter was sent to the applicants. He pointed out that the study showed a rise which would mainly affect property at 213 Bittersweet Court. Although the owner of
that property spoke in favor of the applicants' request, he may not always own that property, which was City staff’s main concern.

Mr. Campbell asked if the floodplain was a 10-year or 100-year floodplain. Mr. Wellman replied it was a 100-year floodplain. He noted Mr. Holmes had mentioned that the 10-year flood would irregularly get out of the stream bank, however the 100-year floodplain was at issue.

Mr. Moehlman stated that the applicant was asking the Board to determine whether or not City staff had incorrectly interpreted or applied the City Code, and therefore a hardship would not be considered.

Mr. Campbell recalled being on the City Council in 1993 and 1995 when two 500-year floods had occurred within two years. He noted this subject area was part of that flood prone area that had received some damage. He stated he was unsure that the use of a property, which had some questionable attributes, needed to be maximized. He noted additional hard surface would be added, which would cause more water to flow downstream. He was not supportive of the applicants’ request due to flood prone issues.

Mr. Hazelrigg noted he had seen the effects of floods. He commended the applicants for designing a beautiful structure, but was concerned about the structure having a solid side and not having vents on all sides to allow water to flow. He pointed out that over the past couple of months, flooding in Texas had shown what water could do and that it did not take much.

Mr. Campbell stated climatologists predicted more erratic storms in the future. He commented that two to three weeks ago places in Texas through Missouri experienced three to five inches of rainfall per hour, and noted that amount of water had to move somewhere.

Ms. Bartlett noted recent flooding and rainfall had had zero effect on the subject property. There was no water on the property other than a mud puddle.

Mr. Campbell understood a carport was being proposed in an area subject to frequent flooding. Ms. Bartlett commented that the structure was designed for water to flow underneath and not float, as well as to embrace something such as a branch, and the property of concern was upstream from this subject property.

Ms. John made a motion to approve the appeal of the applicant. The motion was seconded by Mr. Campbell.

Mr. Flanagan asked Mr. Moehlman to reiterate the legal perspective of this application. Mr. Moehlman replied that the question was whether or not City staff had correctly interpreted or applied the City ordinance. If the Board thought City staff had correctly applied the floodway ordinance in denying the applicants’ floodplain development permit, the appropriate vote would be to deny the appeal. If the Board thought City staff had incorrectly interpreted or applied the ordinance, the appropriate vote would be to approve the appeal.

Mr. Flanagan asked if City staff’s concern was the anticipated use of a garage door and other factors. Mr. Creech replied it was not. Per ordinance, less than a foot of rise could be caused, and the applicant had provided information that showed that would be met. Mr. Wellman noted the Director of Public Works had the ability to restrict use if it was dangerous to health, safety, and
property and also had to ensure sites were reasonably safe from flooding.

Mr. Moehlman thought the floodway development ordinance had a quantitative and a qualitative part to it. The decision by the Director of Public Works to deny the permit was based primarily on the qualitative considerations of the application.

CASE NO. 1902 VOTE RECORDED AS FOLLOWS: VOTING YES: JOHN, TOWNSEND. VOTING NO: CAMPBELL, FLANAGAN, HAZELRIGG. The appeal was denied.

There being no further business, the meeting adjourned at 8:01 p.m.

Respectfully Submitted,

Megan Eldridge
Deputy City Clerk