Vice Chair Clithero called the meeting to order at 7:00 p.m. Those members attending included Clithero, Gorman, Campbell, Carroz and John. Also attending were the City Clerk, Sheela Amin, Community Development Director, Tim Teddy, Development Services Manager, Pat Zenner, Building Regulations Supervisor, Phil Teeple, and Assistant City Counselor, Susan Crigler.

The minutes from the regular meeting of February 14, 2012 were approved as submitted on a motion by Mr. Campbell and a second by Ms. John.

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

**Case Number 1835** was a request by Marjorie Lewis, attorney for the Housing Authority of the City of Columbia, Missouri, for a conditional use permit for the purpose of constructing and installing a shelter and related equipment to be used for fiber optic high speed data transmission on property located at 1035 Elleta Boulevard.

Vice Chair Clithero opened the public hearing.

Trevor Wood of SSC with offices at 9225 Indian Creek Parkway, Suite 400, Overland Park, Kansas, stated he was representing Bluebird Network, LLC of 213 N. Stadium Boulevard, Suite 202, Columbia, Missouri, and explained this project involved a fiber optic regenerator station. Neither a tower nor antenna was proposed. It would be a single shelter on the Columbia Housing Authority property in an area that was already fairly heavily wooded. They were proposing additional screening, so no more of the shelter than was necessary was seen. The property being leased was part of a larger, multi-use property with some residences and operational facilities. In addition, the closest off-site properties were mostly commercial in nature. He explained Bluebird was in the process of developing a linked fiber optic system throughout North-Central Missouri and this was one of many projects to bring high speed fiber optic wireless data service into this and other communities.

Marjorie Lewis, an attorney with offices at 601 E. Broadway, explained she was representing the owner of the property, the Housing Authority of the City of Columbia, Missouri, and noted she submitted the application to the Board. She stated the Housing Authority was requesting a conditional use permit as was allowed for this zoning district.

Mr. Gorman noted the staff report recommended approval with certain conditions and asked Ms. Lewis if she was familiar with and in agreement with the conditions. Ms. Lewis replied both the Housing Authority and Bluebird were in agreement with the conditions.

Vice Chair Clithero asked if the Housing Authority would continue to own the property. Ms. Lewis replied yes and explained the property would be leased to Bluebird.

There being no further comment, Vice Chair Clithero closed the public hearing.
Mr. Zenner explained a public utility, such as fiber optic telecommunications, was an allowed use subject to a conditional use permit per Section 29-8. He noted there was no cellular tower associated with it, so the only item that would be above grade was the 12 foot by 28 foot equipment shelter, which would be located in an enclosed fenced compound. He described the project and stated staff supported the project and the issuance of the conditional use permit subject to the four conditions listed in the staff report.

Vice Chair Clithero asked if the conditions needed to be included in the motion or if those would be required later through further reviews. Mr. Zenner replied additional review was required as it needed to go through the building and permitting process, but the conditions noted in the staff report needed to be included in the motion so staff was aware of the additional conditions placed on the project.

Vice Chair Clithero asked if the applicant could install landscaping to meet the requirements and then allow the plantings to die. He explained he regularly drove by a cell tower whereby the landscaping around it was dead. Mr. Zenner replied the plantings needed to be kept in a live state and was part of the City’s landscaping enforcement. He asked if it was the tower off of Ballenger. Vice Chair Clithero replied yes. Mr. Zenner stated the City’s arborist would follow up on that issue as plants were required to be maintained in a live condition with adequate water.

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

CASE NO. 1835 VOTE RECORDED AS FOLLOWS: VOTING YES: CLITHERO, GORMAN, CAMPBELL, CARROZ, JOHN. VOTING NO: NO ONE. The conditional use permit was approved subject to the four conditions included in the staff report.

Case Number 1836 was a request by Daniel Beckett, attorney for Columbia College, for a variance to the front yard setback requirement by allowing a proposed addition, a proposed canopy and the existing structure to encroach into the required front yard on property located at 709 N. Eighth Street.

Mr. Carroz explained he had a conflict of interest with regard to this case and needed to recuse himself.

Mr. Teddy stated he had been contacted by the owner of property on Alton and the President of the North Central Neighborhood Association, and both had asked if this variance would have an impact on sight distance at the stop sign at Alton and Eighth Street. He explained he had informed them of the proposed addition and the existing building setback and had provided his opinion, which was that the granting of the proposed variance would negatively impact sight distance at that intersection. He thought they had been satisfied with the response.

Vice Chair Clithero opened the public hearing.

Daniel Beckett, an attorney with offices at 111 S. Ninth Street, stated he represented Columbia College, the owner of 709 N. Eighth Street, which was also known as Practice Hall, and explained they were requesting the Board vary the application of Section 29-8(d)(3) so they could build an addition to the south side of the building and a canopy facing Eighth Street. He offered Exhibits 1-8 for the record and described those exhibits. He showed the location of the subject property
using an aerial map and described the surrounding area. Section 29-8(d)(3) required a front yard setback of 25 feet for R-3 zoned property. The property, as it currently existed, did not conform with Section 29-8(d)(3) because the south corner of the building was 11.5 feet from the east boundary line and the front entrance was 14 feet from the east boundary line. If the proposed canopy was constructed, the setback would be 10.9 feet at the canopy’s closest point to Eighth Street. If the proposed addition on the south side of the building was permitted, the setback would be 12.6 feet at the addition’s closest point to Eighth Street. As a result, they were essentially asking the Board to allow an additional six-tenths of a foot of encroachment. He showed photos of the subject property and explained the intended locations for the proposed canopy and addition were the only feasible option for both. Constructing the addition in the back of the building was not architecturally viable and would violate the rear yard setback requirement and be closer to neighboring property owners. He stated Columbia College could not make full use of the property without the addition and the canopy was needed to cover the entrance to the building for the convenience and safety of faculty and students. He pointed out Columbia College owned the lots immediately south and adjacent to the subject property, and across Eighth Street. The construction of the addition and canopy would not have any affect on the use of surrounding properties owned by those other than Columbia College and would not jeopardize the public safety or general welfare of the citizens. He displayed photos of properties within close proximity of the subject property with little or no front yard setbacks. He stated he believed there would be substantial compliance with the zoning ordinance if the Board granted the variance.

Ms. John asked what Practice Hall was used for and why the addition was necessary.

Bob Hutton stated he was the Executive Director of Administrative Services at Columbia College and explained Practice Hall was a new name for the building. Due to the acquisition of property elsewhere, they had been able to move departments around. The music and theatre department would be moved to Practice Hall and the building was being remodeled to provide eight practice rooms and two classrooms. The addition was necessary to provide a classroom, practice rooms and restrooms.

Ms. John stated the canopy appeared to be three feet deep and asked how much protection it would allow. Mr. Hutton replied he believed some protection was better than none. He described the history of the building and explained the plan was to change the look of the outside. Ms. John asked if the peaked front porch would be removed or if they would add to it. Mr. Hutton replied they were bidding the exterior work as an alternate to the bid for the addition and the remodeling of the inside because they did not know whether they would have the funds available to do the entire project at this time.

Mr. Campbell asked Mr. Hutton to address the concern regarding sight distance. Mr. Hutton replied he was not sure how the addition would affect sight distance since it was on the south side of the building and the intersection was on the north side. Mr. Campbell asked if the canopy would affect the sight line. Mr. Hutton replied he did not believe it would as it would not stick out much more than the existing porch roof did and the columns would likely be small.

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

Mr. Campbell made a motion to approve the variance as requested. He stated Columbia College had been a good citizen and had upgraded most of the area in which they were located. The motion was seconded by Mr. Gorman.
Case Number 1836 was a request by Tom and Nicole Hackett for a variance to the front yard setback requirement by allowing a proposed addition to encroach into the required front yard on property located at 2405 Katy Lane.

Vice Chair Clithero opened the public hearing.

Tom Hackett, 2405 Katy Lane, explained he and his wife were requesting a variance in order to add a third car addition to their house. The layout of the lot was unusual due to the large percentage of yard associated with the street. He noted the setback changed from 12.5 feet to 25 feet. He stated they wanted to add a third car garage to the right side of the house when looking at the house, and the corner of the garage addition would encroach into the required front yard. As a result, they were asking for a reduction of five feet or a 20 foot setback. He explained the addition without the variance would not be very useful and they would not construct the addition without the variance. He believed the building would be more aesthetically pleasing with the addition because it would pull the garage closer to the front of the house. He pointed out the diameter of curve at the bottom of Katy Lane was tight, so there was an encroachment, but it was visually in the side yard versus the front yard.

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

Mr. Clithero asked for clarification on the request. Mr. Hackett replied the original plan was for the setback to be at 22.5 feet, but he was asking for a 20 foot setback to allow for flexibility.

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

Case Number 1837 was a request by Tom and Nicole Hackett for a variance to the front yard setback requirement by allowing a proposed addition to encroach into the required front yard on property located at 2405 Katy Lane.

Vice Chair Clithero opened the public hearing.

Tom Hackett, 2405 Katy Lane, explained he and his wife were requesting a variance in order to add a third car addition to their house. The layout of the lot was unusual due to the large percentage of yard associated with the street. He noted the setback changed from 12.5 feet to 25 feet. He stated they wanted to add a third car garage to the right side of the house when looking at the house, and the corner of the garage addition would encroach into the required front yard. As a result, they were asking for a reduction of five feet or a 20 foot setback. He explained the addition without the variance would not be very useful and they would not construct the addition without the variance. He believed the building would be more aesthetically pleasing with the addition because it would pull the garage closer to the front of the house. He pointed out the diameter of curve at the bottom of Katy Lane was tight, so there was an encroachment, but it was visually in the side yard versus the front yard.

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

Mr. Clithero asked for clarification on the request. Mr. Hackett replied the original plan was for the setback to be at 22.5 feet, but he was asking for a 20 foot setback to allow for flexibility.

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

There being no further business, the meeting adjourned at 7:37 p.m.

Respectfully Submitted,

Sheela Amin
City Clerk