MINUTES
BOARD OF ADJUSTMENT
JUNE 12, 2012

Vice-Chair Clithero called the meeting to order at 7:00 p.m. Those members attending included John, Clithero, Carroz, Campbell and Reichert. Also attending were the City Clerk, Sheela Amin, Director of Community Development, Tim Teddy, Planner, Steve MacIntyre, and Assistant City Counselor, Rose Wibbenmeyer.

The minutes from the regular meeting of April 10, 2012 were approved as submitted on a motion by Mr. Campbell and a second by Ms. John.

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

Case Number 1839 was a request by Craig Van Matre, attorney for Walnut II, LLC, for a conditional use permit for the purpose of constructing and maintaining a temporary uncovered, surface off-street parking lot on property located at 1206, 1208 and 1201 E. Walnut, the lot identified as E. Walnut on the west side of 1206 E. Walnut, and the west 20 feet (approximate) of 1214 E. Walnut.

Vice-Chair Clithero opened the public hearing.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, provided a handout of his presentation and exhibits for the record. He explained a conditional use permit for a surface parking lot was authorized by the ordinances of the City for property zoned C-2. He noted his clients, Walnut II, LLC and College and Walnut, LLC, owned property on the north and south sides of Walnut Street, adjacent to College Avenue. The property on the north side was owned by College and Walnut, LLC and the property on south side was owned by Walnut II, LLC, and both were Odle family entities. He showed the Board aerial and other views of the site, and noted the structures on 1208 and 1210 Walnut, which were currently zoned R-3, would be razed. Mr. Van Matre provided a chronology of events and explained the owners realized the 170 parking spaces planned for the north side would now not be sufficient for tenants in the apartments on both the north and the south side of Walnut. They did not want to build parking on the south side and decided to build a private 400 space parking garage on the north side behind the project on the north side instead of surface parking. He referred to the City’s parking study review, which concluded the City could not provide parking for his client’s tenants, and allowed the City to become comfortable with the private parking garage being built. His client’s would also lease 50 spaces at the Short Street garage and lease space at the Fifth and Walnut garage to ensure adequate parking. Since they now planned to build a garage in the location they had previously planned to provide surface parking to the tenants of the project on the north side, they needed a temporary surface parking lot, which was the reason for the conditional use permit request. A portion of the property on which the temporary surface parking lot would be located was zoned R-3 and City ordinances did not permit surface parking lots on R-3 property. He noted they were pursuing the rezoning of the R-3 lots to C-2, and had assumed the rezoning would have been completed before this case was heard by the Board. This rezoning decision had been delay and would now not be heard by the Council until June 18. He asked the Board to grant the conditional use permit contingent upon his clients obtaining this rezoning. Mr. Van Matre explained the City
planned to provide transportation service for the downtown and University of Missouri campus areas, and his clients would pay for each one of their tenants to have a free pass on the FastCAT route. They felt this route would be popular amongst students living in the dormitories, which would result in it being a profitable operation and being able to subsidize other routes. He reiterated the surface parking lot was needed while they completed the project on the north side and began the project on the south side. The surface parking lot would close when the private parking garage was open. Rezoning negotiations had resulted in a development agreement and transportation agreement, and those agreements were contingent upon the Board granting a conditional use permit and the City rezoning the two R-3 lots to C-2. The conditional use permit for the surface parking lot was needed until the earlier of August 31, 2014 or the date the applicant’s garage was completed. He described the details of the development agreement and the transportation agreement. If the Board did not grant the permit, they would still build the apartments on the site, but would design them differently. In addition, the FastCAT subsidy would not be provided by his clients, and parking in the area would be problematic since there would not be a place for the tenants to park. He did not feel there was any benefit to denying the rezoning or the conditional use permit.

Mr. Campbell asked how many people would reside in the north and south side apartments. Mr. Van Matre replied there would be 273 on the north side and 450 on the south side for a total of 723 tenants.

Mr. Campbell felt this would create problems with traffic in terms of people and cars, and asked Mr. Van Matre if his client would be willing to install marked crosswalks to provide some protection to pedestrians crossing Walnut. Mr. Van Matre replied his client would be agreeable to a marked crosswalk, but did not want a raised speed table constructed. He pointed out there would not be any parking on either side of Walnut Street there.

Mr. Campbell noted the University had created wider spaces for the buses to pull in and out of traffic while loading and unloading, and asked if this could be incorporated at the apartment developments. Mr. Van Matre replied he did not know, but thought it would impact the sidewalk planned for the location. He noted the street would be wide enough for the bus and two cars to pass by. He asked the City’s Public Works Director, John Glascock, to address the question. Mr. Glascock explained the City was not in favor of bus pull out areas because it was hard to get back into traffic once the bus was out. He agreed it worked well on campus because it was easier to get back into traffic on a pedestrian street.

Mr. Campbell felt this development would encourage people to run through traffic from one side of the street to the other. Mr. Van Matre agreed a designated crosswalk between the two complexes close to the bus stop made good sense.

Adam Saunders, 214 St. Joseph Street, explained he volunteered for the neighborhood association, but was speaking as an individual. He commented that the applicant had been making a good faith effort to address the problems this level of density would create. He felt the process needed to be more formalized so this and other boards were able to address all of the day-to-day logistic issues of a new development. If the process was more formalized, it would be fairer to those involved. Details could be discussed and associated costs would then be more predictable. He thought the logistics of loading and unloading in terms of tenants moving in and out needed to be addressed. He wondered if there would be public right-of-way between the Odle’s new building and the Short Street garage or in other areas for dumpsters, deliveries,
pedestrian and bicycle traffic, etc. He asked if the mature trees on the lots to be used for surface parking could be retained in the short term.

Dan Cullimore, 715 Lyons, stated he was a member of the North Central Columbia Neighborhood Association, and although the Association had not taken a position for or against the development, they had discussed and suggested a couple conditions be added to the granting of the contingent conditional use permit. He recommended the granting of a public easement for pedestrian right-of-way and a bicycle path through or beside the proposed parking lot. He hoped this would result in the granting of a permanent easement for pedestrian and bicycle access through the two block long structure. He also recommended the five mature trees on the south side of Walnut be preserved.

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

Ms. Wibbenmeyer listed the items the Board was required to consider per Section 29-23 of the City Code.

Mr. MacIntyre stated staff was in favor of this temporary conditional use permit request contingent upon the approval of the rezoning of the R-3 lots to C-2. He noted variances might need to be requested in the future in terms of dimensional requirements, design of driveway entrances, isles, parking spaces, etc. as those would likely not be supported by staff. In terms of landscaping, staff realized it might not be practical to install permanent landscaping given the request was temporary and would be replaced by a development, so there might be some support there. He pointed out these items needed to be addressed as a separate proposal in the future. He explained he had received an e-mail from the North Central Columbia Neighborhood Association President, which reflected the comments made by Mr. Cullimore, and provided a copy of the e-mail to the Board.

Ms. Wibbenmeyer asked for clarification regarding the length of the conditional use permit. The letter dated May 31 indicated August 1, 2014 and the presentation tonight indicated August 31, 2014. Mr. Van Matre replied August 1, 2014 was the correct date.

Mr. Campbell asked if a decision had been made regarding the mature trees on the site. Mr. Van Matre replied he would meet with City staff later in the week to discuss the design of the parking lot. He did not believe those trees could be saved permanently. They would look into whether they could be saved temporarily. Old trees were difficult to preserve when foundation work was done only a few feet away. He noted new trees would be planted when the development was complete. With regard to the passageways, he understood a ten foot gap would exist on the east side of the City’s garage and the property line, so access could be accommodated by it. He stated his clients would have a walkway, but were not interested in granting a public easement due to safety purposes and because they might want to build on top of it.

Mr. Campbell asked when pedestrian crosswalks, etc. were introduced in the planning process. Mr. Glascock replied he could not address the planning process, but noted they would look at it once the development was complete to determine where people actually walked as it was hard to anticipate where people would cross.

Mr. Campbell commented that this was a hard decision for him as he was in favor of the bus arrangement and the additional density, but was concerned about the lack of east-west traffic ways. The City only had three, which were the Business Loop, Walnut and Broadway, and this
would add obstacles to the free flow of traffic on Walnut.

Mr. Campbell made a motion to approve the conditional use permit for a temporary, uncovered, surface off-street parking lot until August 1, 2014 or the date the private parking garage was completed, whichever was sooner, contingent upon the Council rezoning the R-3 lots to C-2. The motion was seconded by Ms. John.

CASE NO. 1839 VOTE RECORDED AS FOLLOWS: VOTING YES: JOHN, CLITHERO, CARROZ, CAMPBELL, REICHERT. VOTING NO: NO ONE. The conditional use permit was granted subject to conditions.

There being no further business, the meeting adjourned at 7:54 p.m.

Respectfully Submitted,

Sheela Amin
City Clerk