

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
August 22, 2013

13-135 A request by NWL Real Estate, LLC (owner) to rezone 0.94 acres of land from C-1 (Intermediate Business District) to C-3 (General Business District). The subject site is located on the south side of North Cedar Lake Drive, east of Commercial Drive, and is addressed 100 N. Cedar Lake Drive.

MR. WHEELER: May we have a Staff report, please.

Staff report was given by Mr. Patrick Zenner of the Planning and Development Department. Staff recommends approval of the request to rezone to C-3.

MR. WHEELER: Are there any questions of Staff? Seeing none, we'll open public hearing.

PUBLIC HEARING OPENED

MS. LEWIS: I'm Marjorie Lewis; I'm an attorney representing the applicants here tonight, offices at 601 East Broadway, Suite 203, Columbia, Missouri. And we don't have any comments. I just wanted to let you know that we're here if you have any questions.

MR. WHEELER: Are there any questions of this speaker? Thank you. Are there any additional speakers this evening?

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners? Mr. Lee?

MR. LEE: Seems pretty straightforward to me.

MR. WHEELER: Is that a motion?

MR. LEE: I would make a motion.

MR. TILLOTSON: I'll second.

MR. WHEELER: A motion -- shall we hear his motion?

MR. TILLOTSON: Yes. Hear his motion.

MR. LEE: In the case of 13-135, for NWL Real Estate, LLC, rezoning from C-1 to C-3, I make a motion to approve.

MR. TILLOTSON: We just --

MR. STANTON: I second.

MR. TILLOTSON: -- need to clarify that the Laurie Foundation in his motion, he asked for.

MR. WHEELER: Probably.

MR. ZENNER: It accommodated both. It would be NWL Real Estate, LLC and the Laurie Foundation for the Performing Arts.

MR. WHEELER: Like he said.

MR. LEE: Yeah. What he said.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: I'll second.

MR. WHEELER: Motion has been made and seconded. Is there any discussion on the motion? Seeing none --

MR. VANDER TUIG: We have a motion and a second for Case No. 13-135 to rezone 0.94 acres of land from C-1 to C-3, located on the south side of North Cedar Lake Drive, east of Commercial Drive, at 100 N. Cedar Lake Drive.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Mr. Reichlin, Mr. Stanton, Mr. Strodman, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler. Motion carries 7-0.

MR. WHEELER: Recommendation for approval will be forwarded to City Council.

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 247-13

AN ORDINANCE

rezoning property located on the south side of Cedar Lake Drive and east of Commercial Drive (100 N. Cedar Lake Drive) from District C-1 to District C-3; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

A tract of land located in the SW1\4 of Section 36, T48N, R13W in Columbia, Boone County, Missouri being a part of Lot 15, Lot 17, and Lot 18 of Corporate Lake Plat Number 7 of the Boone County records, being more particularly described as follows:

Starting at the NE corner of said Lot 15, thence with the lines of said Lots 15, 17, and 18 N81°38'55"W, 227.41 feet; thence along a curve to the left having a radius of 739.48 feet for an arc distance of 256.97 feet, the long chord bears S88°23'45"W, 255.68 feet; thence along a curve to the left having a radius of 30.00 feet for an arc distance of 49.42 feet, the long chord bears S31°14'35"W, 44.02 feet; thence along a curve to the right having a radius of 532.56 feet for an arc distance of 18.37 feet, the long chord bears S14°57'55"E, 18.37 feet to the north line of Lot G of Boone County Survey #7211; thence with said north line S84°01'30"E, 492.91 feet to the east line of said Lot 15; thence N05°57'40"E, 81.26 feet to the point of beginning and containing 0.94 acres.

will be rezoned and become a part of District C-3 (General Business District) and taken away from District C-1 (Intermediate Business District).

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

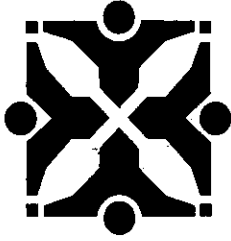
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



Source: Community Development - Planning *TT*

Agenda Item No:

To: City Council

From: City Manager and Staff *JMM*

Council Meeting Date: Sep 3, 2013

Re: NWL Real Estate, LLC - rezoning request (Case 13-135)

EXECUTIVE SUMMARY:

A request by NWL Real Estate, LLC (owner) to rezone 0.94 acres of land from C-1 (Intermediate Business District) to C-3 (General Business District). The subject site is located on the south side of North Cedar Lake Drive, east of Commercial Drive, and is addressed 100 N. Cedar Lake Drive. (Case 13-135)

DISCUSSION:

The applicant is requesting to rezone a strip of land along the south side of Cedar Lake Drive, immediately east of Commercial Drive, from C-1 (Intermediate Business District) to C-3 (General Business District). The subject property is part of a C-3/C-1 split-zoned lot which contains the Columbia Performing Arts Center. The majority (approximately three acres) of the four-acre lot is zoned C-3, and the remaining 0.94 acre is zoned C-1.

The rezoning is being requested to establish C-3 zoning on the entire parcel in order to bring the existing Performing Arts Center building, and planned additions to it, into compliance with maximum building height limits. The existing building exceeds the maximum 35-foot height allowed within the C-1 district, but would comply with the C-3 district's 45-foot height allowance. City Staff have reviewed the request and found it to be consistent with surrounding commercial zoning and land uses.

Since advertising this request the ownership of the subject property has changed. The new owner, the Laurie Foundation for the Performing Arts, Inc, desires to proceed forward with this request and has authorized NWL Real Estate, LLC to represent them. A copy for a letter from the attorney representing NWL and the Laurie Foundation indicating such authorization is attached to this report and was provided to the Commission at its hearing.

At its meeting on August 22, 2013, the Planning and Zoning Commission voted unanimously (7-0) to recommend approval of the proposed rezoning. No one from the public spoke in opposition to the request. The applicant's representative was present to answer Commission questions regarding the request and the changes in ownership. The Commission, in rendering its recommendation, noted that the request was consistent with its surroundings and would simplify future zoning matters.

A copy of the staff report, including locator maps, the authorization for representation, and the meeting excerpts are attached for your review.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Approval of the request to rezone from C-1 to C-3 as recommended by the Planning and Zoning Commission.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	NA
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	NA
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	NA

AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 22, 2013

SUMMARY

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The rezoning is being requested to establish C-3 zoning on the entire parcel in order to bring the existing Performing Arts Center building, and planned additions to it, into compliance with maximum building height limits. The existing building exceeds the maximum 35-foot height allowed within the C-1 district, but would comply with the C-3 district's 45-foot height allowance.

City Staff have reviewed the request and found it to be consistent with surrounding commercial zoning and land uses.

RECOMMENDATION

Approval of the request to rezone to C-3

ATTACHMENTS

- Locator aerial and topographic maps

SITE HISTORY

Annexation Date	1990
Existing Zoning District(s)	C-1 (Intermediate Business District)
Land Use Plan Designation	Employment District
Subdivision/Legal Lot Status	Part of Lot 1, Corporate Lake Plat 6A

SITE CHARACTERISTICS

Area (acres)	0.94 acre
Topography	Flat
Vegetation/Landscaping	Grass and trees
Watershed/Drainage	Little Bonne Femme Creek
Existing structures	Columbia Performing Arts Center

SURROUNDING LAND USES

Orientation from site	Zoning	Land Use
North	C-P	Undeveloped
South	C-3	Office building
East	C-1 & C-3	Undeveloped
West	C-3 & C-1	Apartments

UTILITIES & SERVICES

All essential utilities and services, including electricity, water, fire protection, and sanitary sewer, are available to the site, and provided by the City of Columbia.

ACCESS

Cedar Lake Drive	
Location	North side of site
Major Roadway Plan	Local non-residential street (Improved & City-maintained)
CIP Projects	None
Sidewalk	5-ft wide sidewalk in place

PARKS & RECREATION

Neighborhood Parks	Cosmo-Bethel Park is 1,200 feet northwest
Trails Plan	No trails planned
Bicycle/Pedestrian Plan	No bike/ped infrastructure planned

PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on July 30, 2013.

Public Information Meeting Recap	Number of attendees: Applicant only Comments/concerns: None
Neighborhood Association(s) Notified	N/A
Correspondence Received	None as of this writing

Report prepared by Steve MacIntyre; approved by Patrick Zenner



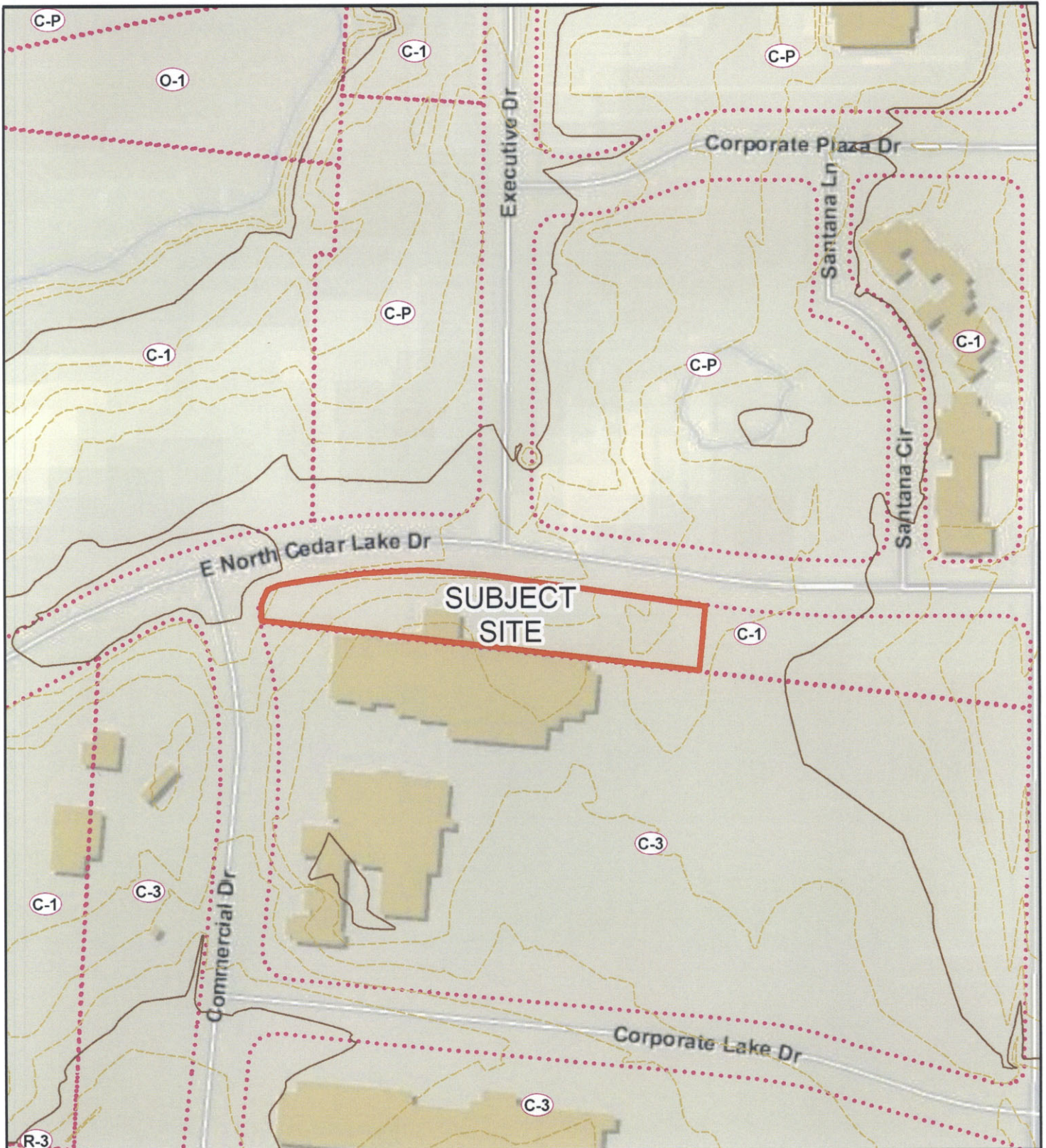
Parcel Data and Aerial Photo
Source: Boone County Assessor

Case 13-135: Rezoning Request NWL Real Estate, LLC

0 75 150 300
Feet

1 inch = 150 feet





Parcel Data
Source: Boone County Assessor

Case 13-135: Rezoning Request NWL Real Estate, LLC

0 75 150 300
Feet

1 inch = 150 feet



BROWN, WILLBRAND, SIMON, POWELL & LEWIS, P.C.

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SENDER'S E-MAIL: mlewis@bwsplaw.com

August 22, 2013

Timothy Teddy (via email)
Community Development Director
City of Columbia, Missouri
PO Box 6015
Columbia, MO 65205-6015

Pat Zenner (via email)
Community Development
Development Services Manager
City of Columbia, Missouri
PO Box 6015
Columbia, MO 65205-6015

Re: Application of NWL Real Estate, LLC for Rezoning 100 N. East Cedar Lake Drive
("Property") from District C-1 and C-3 to District C-3

Dear Mr. Teddy and Mr. Zenner:

I just wanted to provide an update to you for the file regarding the change in ownership of the Property from NWL Real Estate, LLC ("NWL") to the Laurie Foundation for the Performing Arts, Inc. ("Foundation"). First, the deed transferring the property is dated July 16, 2013, and was recorded July 25, 2013 at Book 4193, Page 154, of the records of Boone County, Missouri. Second, NWL, although it is no longer the owner, is not abandoning the rezoning application but rather both parties now will proceed on the rezoning application as the applicants. I will be representing both NWL and the Foundation at tonight's Planning and Zoning meeting and in further related matters. Additionally, a joint representative of NWL and the Foundation will appear on behalf of such entities tonight.

Please contact me if you have any questions, comments or concerns.

Sincerely,

/Marjorie M. Lewis/

Marjorie M. Lewis

cc: Brent Karasiuk (via email)