

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** B 178-15

**Department Source:** Community Development - Planning

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** 7/6/2015

**Re:** Amended Statement of Intent for 2311 E. Walnut Street (Case 15-157)

## Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance

**Supporting documentation includes:** Revised SOI (stamped "Revised" and dated 6-10-15), Ordinance #20282 (2009 rezone and SOI), Planning Commission Case #15-107(including locator maps and correspondence), and Excerpts from Commission Minutes

## Executive Summary

Approval of this ordinance would reestablish the correct restrictive language, adopted in June 2009, which applied to several uses referenced within the revised Statement of Intent, dated April 15, 2015, for 2311 E. Walnut that were approved by Council on June 1, 2015 (Ord. 22448).

## Discussion

In June 2009 the subject property was rezoned from R-1 (single-family dwelling) to O-P (planned office) and a Statement of Intent (SOI) was approved by Council. Several of the uses within the submitted SOI were amended during the Council hearing to make them more restrictive. These amendments were only captured in the ordinance rezoning the property (Ordinance 20282) - not in a revised SOI.

The need to amend the 2009 SOI (Case #15-107) was prompted by the property owner's desire to accommodate a new tenant for the existing site improvements. As is standard departmental practice, a fully revised SOI must be submitted when amendments to an approved SOI are sought. The property owner complied with this procedure.

Upon receipt of the revised SOI, staff identified that the use necessary to accommodate the property owner's new tenant was included, no additional uses had been added, and that the uses shown were worded exactly as they appear in the zoning ordinance. Staff, however, did not compare the revised SOI to the 2009 approved rezoning ordinance (Ord. 20282) and was unaware that the language stricken by Council had been added back into what was to be presented for consideration.

At the June 1, 2015 Council meeting, Council asked the Community Development Director to verify that the protections provided for in the 2009 SOI would remain if the revised SOI were approved. In response, the Director explained the revision was to add only the one use for the new tenant - unaware that the previously stricken language contained in Ordinance 20282 had been added back. Council moved to approve the revised SOI.

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



Following approval of the revised SOI the Director became aware that the SOI did not contain the same use restrictions that were adopted in Ordinance 20282. To correct this oversight, staff has obtained an amended SOI from the property owner that reestablishes the use restrictions shown in Ordinance 20282 and includes the one additional use needed to accommodate the new tenant.

In consultation with the Law Department, staff has been informed that introduction and approval of the attached ordinance would be sufficient to correct the scrivener's error that has occurred. All application and public hearing materials pertaining to the amendment of the SOI (Case #15-107) reference only the addition of the new use for the new tenant - not the removal of the 2009 restrictions.

A copy of the amended SOI (stamped "Revised" and dated 6-10-15), Ordinance #20282 (2009 rezone and SOI), Planning Commission Case #15-107, and Commission meeting excerpts are attached.

## Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

## Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Land Use & Growth Management

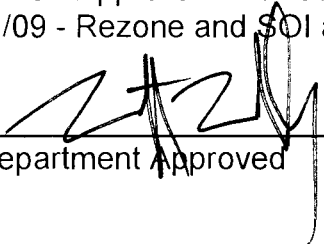
## Suggested Council Action

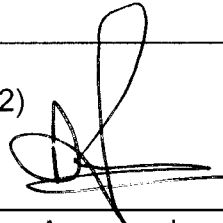
Approval of the amended and corrected Statement of Intent

## Legislative History

6/1/15 - Approval of revised Statement of Intent (Ord. 22448)

6/1/09 - Rezone and SOI approval - 2311 E. Walnut (Ord. 20282)

  
Department Approved

  
City Manager Approved

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 178-15

### **AN ORDINANCE**

changing the uses allowed on O-P zoned property located on the north side of Walnut Street and east of Calvin Drive (2311 E. Walnut Street); approving a revised statement of intent; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

WHEREAS, on June 1, 2009, the City Council passed Ordinance No. 020282 to rezone the property located at 2311 E. Walnut Street from District R-1 (One-family Dwelling District) to District O-P (Planned Office District), and the Council also amended the statement of intent submitted by the property owner, RACA Properties, LLC, to make the list of permitted uses for the property more restrictive; and

WHEREAS, the amendments to the statement of intent approved by Ordinance No. 020282 were reflected in the body of Ordinance No. 020282 as opposed to the statement of intent submitted by the property owner; and

WHEREAS, on June 1, 2015, the City Council passed Ordinance No. 022448 to approve a change in allowed uses for the property located at 2311 E. Walnut Street to add the “family day care homes, day care centers, preschool centers, nursery schools, child play centers, child education centers, child experiment stations or child development institutions” permitted use and approve a revised statement of intent to replace the statement of intent document attached as “Exhibit A” to Ordinance No. 020282; and

WHEREAS, after the City Council approved Ordinance No. 022448, it was discovered that the amended list of permitted uses for the property that had been approved by Ordinance No. 020282 on June 1, 2009 were not captured in the amended statement of intent set forth in Ordinance No. 022448 on June 1, 2015; and

WHEREAS, it was the intent of the applicant and City Council to only modify previously allowed uses of the property to include the addition of “family day care homes, day care centers, preschool centers, nursery schools, child play centers, child education centers, child experiment stations or child development institutions”; and

WHEREAS, a revised statement of intent dated June 10, 2015 has been submitted by the property owner, RACA Properties, LLC, to identify the allowed uses previously approved by the City Council and contained in Ordinance No. 020282 as well as including the “family day care homes, day care centers, preschool centers, nursery schools, child

play centers, child education centers, child experiment stations or child development institutions” permitted use that was approved by the City Council per Ordinance No. 022448.

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

SECTION 1. The permitted uses on property in District O-P located on the north side of Walnut Street and east of Calvin Drive (2311 E. Walnut Street), and further described as follows:

The West 305 feet of the South 310 feet of the East Five (5) acres of the South Half (S-1/2) of the Northeast Quarter (NE-1/4) of the Southeast Quarter (SE-1/4) EXCEPT the South Fifty (50) feet thereof, of Section Seven (7) Township Forty-Eight (48) Range Twelve (12) in Boone County, Missouri, subject to easements and restrictions of record.

AND

The East Five (5) acres of the South one-half (S 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Seven (7), Township Forty-eight (48) North, Range Twelve (12) West in Boone County, Missouri, EXCEPT the South Fifty feet thereof, subject to easements and restrictions of record.

are amended to include the permitted uses set forth in the statement of intent.

SECTION 2. The City Council hereby approves the terms and conditions contained in the revised statement of intent dated June 10, 2015, marked “Exhibit A,” which is attached to and made a part of this ordinance, which replaces the statement of intent attached to Ordinance No. 022448 passed on June 1, 2015, and it shall be binding on the owners until such time as the Council shall release such limitations and conditions on the use of the property.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

**REVISED**  
6/10/15

STATEMENT OF INTENT  
FOR  
SIMPLIFIED O-P REZONING REQUEST  
BY  
RACA PROPERTIES, LLC  
April 15, 2015

**Location of Tract:** 2311 East Walnut Street

**a. The uses proposed.**

Churches, mosques and synagogues.  
Family day care homes, day care centers, preschool centers, nursery schools, child play centers, child education centers, child experiment stations or child development institutions.  
Public administrative buildings.  
Public libraries.  
Public museums.  
Public parks and playground, including public recreation or service buildings within such parks.  
Public schools, elementary, private schools with curriculum equivalent to that of a public elementary school.  
Publicly owned and operated community buildings.  
Temporary real estate sales office, located on property being sold and limited to a period of sale, but not exceeding two (2) years without special permit from the board.  
Travel agencies.  
Buildings and premises for public utility services or public service corporations.  
Counseling centers operated by charitable or not-for-profit organizations; excluding halfway houses or any use connected with penal or correctional institutions.  
Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.  
Hospitals for small animals, if within an enclosed building.  
Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.  
Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including, but not limited to:  
    Artists, sculptors, photographers.  
    Authors, writers, composers.  
    Lawyers, engineers, planners, architects, real estate agents, accountants, insurance agents, brokers, and consultants in similar professions.  
    Ministers, rabbis, priests, or other clergy members.  
    Physicians, dentists, chiropractors, or other licensed medical practitioners.  
    Seamstresses, tailors.  
    Teachers of private lessons in art, music, or dance.  
Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.  
Residential care facilities.  
Schools operated as a business within an enclosed building, except trade schools and schools which offer retail goods or services to the public.  
Customary accessory uses subject to the provisions of section 29-27, accessory uses.

Note: None of the proposed uses shall have Drive-Thru facilities.

REVISED  
6/10/15

**b. The maximum gross square feet of the building floor area proposed.**

The maximum gross square feet of building floor area proposed is 7,000.

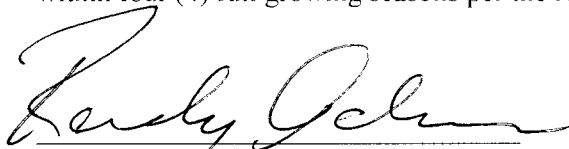
**c. The maximum building height proposed.**

The maximum building height proposed is 25 feet.

**d. The minimum percentage of the site to be maintained in open space.**

The minimum percentage of the site to be maintained in open space and landscaping is 25 percent.

Evergreens shall be planted in the existing grass areas along the northern edge of this property to screen the existing parking/storage area from the abutting residentially zoned property to the north. New evergreens shall be planted to fill in gaps between existing trees and evergreens to achieve the year around eighty (80) percent minimum opacity and eight (8) foot minimum height within four (4) full growing seasons per the requirement in Section 29-13.1, Subsection d.6.



Randy Adams, Manager  
RACA Properties, LLC



## SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Revised SOI (stamped "Revised" and dated 6-10-15), Ordinance #20282 (2009 rezone and SOI), Planning Commission Case #15-107 (including locator maps and correspondence), and Excerpts from Commission Minutes



**REVISED**  
**6/10/15**

STATEMENT OF INTENT  
FOR  
SIMPLIFIED O-P REZONING REQUEST  
BY  
RACA PROPERTIES, LLC  
April 15, 2015

**Location of Tract:** 2311 East Walnut Street

**a. The uses proposed.**

Churches, mosques and synagogues.  
Family day care homes, day care centers, preschool centers, nursery schools, child play centers, child education centers, child experiment stations or child development institutions.  
Public administrative buildings.  
Public libraries.  
Public museums.  
Public parks and playground, including public recreation or service buildings within such parks.  
Public schools, elementary, private schools with curriculum equivalent to that of a public elementary school.  
Publicly owned and operated community buildings.  
Temporary real estate sales office, located on property being sold and limited to a period of sale, but not exceeding two (2) years without special permit from the board.  
Travel agencies.  
Buildings and premises for public utility services or public service corporations.  
Counseling centers operated by charitable or not-for-profit organizations; excluding halfway houses or any use connected with penal or correctional institutions.  
Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.  
Hospitals for small animals, if within an enclosed building.  
Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.  
Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including, but not limited to:  
    Artists, sculptors, photographers.  
    Authors, writers, composers.  
    Lawyers, engineers, planners, architects, real estate agents, accountants, insurance agents, brokers, and consultants in similar professions.  
    Ministers, rabbis, priests, or other clergy members.  
    Physicians, dentists, chiropractors, or other licensed medical practitioners.  
    Seamstresses, tailors.  
    Teachers of private lessons in art, music, or dance.  
Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.  
Residential care facilities.  
Schools operated as a business within an enclosed building, except trade schools and schools which offer retail goods or services to the public.  
Customary accessory uses subject to the provisions of section 29-27, accessory uses.

Note: None of the proposed uses shall have Drive-Thru facilities.

**REVISED**  
6/10/15

**b. The maximum gross square feet of the building floor area proposed.**

The maximum gross square feet of building floor area proposed is 7,000.

**c. The maximum building height proposed.**

The maximum building height proposed is 25 feet.

**d. The minimum percentage of the site to be maintained in open space.**

The minimum percentage of the site to be maintained in open space and landscaping is 25 percent.

Evergreens shall be planted in the existing grass areas along the northern edge of this property to screen the existing parking/storage area from the abutting residentially zoned property to the north. New evergreens shall be planted to fill in gaps between existing trees and evergreens to achieve the year around eighty (80) percent minimum opacity and eight (8) foot minimum height within four (4) full growing seasons per the requirement in Section 29-13.1, Subsection d.6.



Randy Adams, Manager  
RACA Properties, LLC

020282

Introduced by Hindman  
First Reading 5-18-09 Second Reading 6-1-09  
Ordinance No. 020282 Council Bill No. B 125-09 A

### AN ORDINANCE

rezoning property located on the northwest corner of Walnut Street and Divot Drive (2311 East Walnut Street) from District R-1 to District O-P; repealing all conflicting ordinances or parts of ordinances; allowing less stringent landscaping and screening requirements; 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:

The West 305 feet of the South 310 feet of the East Five (5) acres of the South Half (S-1/2) of the Northeast Quarter (NE-1/4) of the Southeast Quarter (SE-1/4) EXCEPT the South Fifty (50) feet thereof, of Section Seven (7) Township Forty-Eight (48) Range Twelve (12) in Boone County, Missouri.

AND

The East Five (5) acres of the South one-half (S-1/2) of the Northeast Quarter (NE-1/4) of the Southeast Quarter (SE-1/4) of Section Seven (7), Township Forty-eight (48), Range Twelve (12), in Boone County, Missouri, EXCEPT the South Fifty feet thereof.

will be rezoned and become a part of District O-P (Planned Office District) and taken away from District R-1 (One-Family Dwelling District). Hereafter the property may be used for the following permitted uses:

Churches, mosques and synagogues.  
Public administrative buildings.  
Public libraries.  
Public museums.  
Public parks and playgrounds, including public recreation or service buildings within such parks.

Public schools, elementary, private schools with curriculum equivalent to that of a public elementary school.

Publicly owned and operated community buildings.

Temporary real estate sales office, located on property being sold and limited to a period of sale, but not exceeding two (2) years without special permit from the board.

Travel agencies.

Buildings and premises for public utility services or public service corporations.

Counseling centers operated by charitable or not-for-profit organizations; excluding halfway houses or any use connected with penal or correctional institutions.

Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.

Hospitals for small animals, if within an enclosed building.

Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.

Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including, but not limited to:

- (1) Artists, sculptors, photographers.
- (2) Authors, writers, composers.
- (3) Lawyers, engineers, planners, architects, real estate agents, accountants, insurance agents, brokers, and consultants in similar professions.
- (4) Ministers, rabbis, priests, or other clergy members.
- (5) Physicians, dentists, chiropractors, or other licensed medical practitioners.
- (6) Seamstresses, tailors.
- (7) Teachers of private lessons in art, music, or dance.

Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.

Residential care facilities.

Schools operated as a business within an enclosed building, except trade schools and schools which offer retail goods or services to the public.

Customary accessory uses subject to the provisions of section 29-27, accessory uses.

NOTE: None of the proposed uses shall have drive-thru facilities.

The statement of intent, marked "Exhibit A," is attached to and made a part of this ordinance. This is a simplified O-P under Section 29-13.1(g). A development plan and design parameters shall not be required.

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


SECTION 3. The City Council approves less stringent landscaping requirements than those set forth in Section 29-25(e)(3) of the Zoning Regulations so that a 6-foot landscaping strip shall not be required to separate the parking area from the street right-of-way.

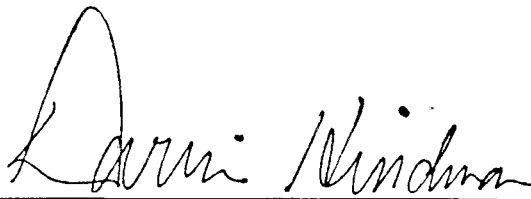
SECTION 4. The City Council approves less stringent screening requirements than those set forth in Section 29-25(e)(5) of the Zoning Regulations so that a landscape screen shall not be required along the west property line.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

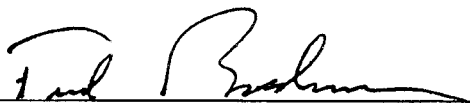
PASSED this 1st day of June, 2009.

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Counselor

**STATEMENT OF INTENT  
FOR  
SIMPLIFIED O-P REZONING REQUEST  
BY  
RACA PROPERTIES, LLC  
March 30, 2009  
Revised April 16, 2009  
Revised May 11, 2009**

**RECEIVED  
MAY 11 2009  
PLANNING DEPT.**

**Location of Tract** – 2311 East Walnut Street

**a. The uses proposed.**

- Churches, mosques and synagogues.
- Public police and fire stations.
- Public administrative buildings.
- Public libraries.
- Public museums.
- Public parks and playgrounds, including public recreation or service buildings within such parks.
- Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning including gymnasiums, stadiums, and dormitories if located on campus. (See Zoning Regulations for additional requirements)
- Publicly owned and operated community buildings.
- Temporary real estate sales office, located on property being sold and limited to a period of sale, but not exceeding two (2) years without special permit from the board.
- Banks, other financial institutions, and travel agencies (Excluding Payday Loan Uses).
- Buildings and premises for public utility services or public service corporations.
- Counseling centers operated by charitable or not-for-profit organizations; excluding halfway houses or any use connected with penal or correctional institutions.
- Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.
- Hospitals for small animals, if within an enclosed building.
- Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.
- Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including, but not limited to:
  - Artists, sculptors, photographers.
  - Authors, writers, composers.
  - Lawyers, engineers, planners, architects, real estate agents, accountants, insurance agents, brokers, and consultants in similar professions.
  - Ministers, rabbis, priests, or other clergy members.
  - Physicians, dentists, chiropractors, or other licensed medical practitioners.
  - Seamstresses, tailors.
  - Teachers of private lessons in art, music, or dance.
- Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.
- Residential care facilities.

Schools operated as a business within an enclosed building, except trade schools and schools which offer retail goods or services to the public.  
Customary accessory uses subject to the provisions of section 29-27, accessory uses.

***Note: None of the proposed uses shall have Drive-Thru facilities***

**b. The maximum gross square feet of building floor area proposed.**

The maximum gross square feet of building floor area proposed is 7,000.

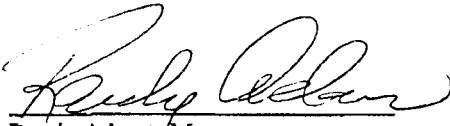
**c. The maximum building height proposed.**

The maximum building height proposed is 25 feet.

**d. The minimum percentage of the site to be maintained in open space.**

The minimum percentage of the site to be maintained in open space and landscaping is 25 percent.

Evergreens shall be planted in the existing grass area along the northern edge of this property to screen the existing parking/storage area from the abutting residentially zoned property to the north. New evergreens shall be planted to fill in gaps between the existing trees and evergreens to achieve the year around eighty (80) percent minimum opacity and eight (8) foot minimum height within four (4) full growing seasons per the requirement in Section 29-13.1, Subsection d.6.



Randy Adams, Manager  
RACA Properties, LLC

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
May 7, 2015**

**SUMMARY**

A request by The Language Tree (applicant) to amend the Statement of Intent on 1.6 acres of property zoned O-P (Planned Office District). The subject site is located at the northwest corner of Walnut Street and Divot Drive, and is addressed as 2311 East Walnut Street. (**Case #15-107**)

**DISCUSSION**

The subject property was rezoned from R-1 (One-family Dwelling District) to O-P in 2009 and was processed as a simplified rezoning, meaning that no development plan was required at that time if no new structures or paving were constructed. The Statement of Intent (SOI) approved with the rezoning included a number of uses permitted in the R-1 and O-P zoning districts, but did not include all uses from each district, as some were excluded. The property has been previously utilized by the Vitafresh orange juice plant and the City's Parks and Recreation Department prior to its rezoning to O-P.

The Language Tree is an establishment that provides an early childhood language immersion program for students ages 2-6 years. They are requesting to amend the SOI to include one additional use (listed as *Family day care homes...* on the revised SOI) that would allow them to operate a language immersion school and include children that are below normal school age (i.e., not old enough to attend kindergarten). The property could currently be utilized as a public school, or as a private school with a curriculum similar to a public school. The applicant intends to accept children below school age, which is not currently allowed. The additional use corresponds with a definition currently found within the City's zoning ordinance. The definition includes a wide variety of language; however, it generally refers to the care of children outside of a school setting.

Per the applicant, The Language Tree is licensed by the State of Missouri for a maximum of 50 students at any time. The expected number of students at full enrollment within the site is 36 students. Staff includes 2 instructors per class for a total of 8 staff members. The first class begins at 9:00 a.m., and parents dropping off children would enter the site through the west entrance and enter a gate into the back portion of the property, where children would then exit the vehicle. Cars would then continue around the building, leaving the site through the east entrance.

When reviewing the requested use in relation to the currently permitted uses, a preschool use shares similarities with several of the existing uses included in the SOI. A public school, which is allowed, would exhibit many of the same traffic volumes and patterns, including the dropping off and picking up of children. The amount of traffic to the site is also not likely to greatly exceed the amount generated by the other uses allowed on the site, such as a bank, a public park or a hospital, as well as other public uses such as libraries and museums. In addition, the proposed school would not often operate outside normal business hours, and should have a low impact on the immediately adjacent homes in terms of noise and light outside of those times.

The site is located on Walnut Street east of Old 63, which is an unimproved roadway; however, Stephens Lake Park is located along the south side of Walnut, and a paved walkway is located within the park. This path would provide the ability to walk to the site and reduce the possibility of additional pedestrian traffic within the roadway of Walnut.

The site itself is not ideal for a commercial/office setting. Typically, these types of uses are best situated near arterial and major collector roadways; however, the street is identified in the City's Major Roadway Plan as a neighborhood collector, which is designated to serve local, non-residential uses such as schools. The property currently exists with a commercial/industrial type building, and through



the O-P zoning has been limited to low impact uses and other uses allowed in residential areas such as offices, schools, and public sector facilities. Staff finds that the addition of a preschool would not impact the surrounding property or neighborhood substantially more than many of the currently permitted uses, and is in fact similar to many of those uses. Given this, staff believes the proposed revision to the SOI is not an unreasonable expansion of the allowed uses for the site.

## **RECOMMENDATION**

Approval of the amended Statement of Intent (SOI) for 2311 East Walnut Street.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator aerial & topographic maps
- Amended Statement of Intent
- Public Correspondence

## **SITE CHARACTERISTICS**

<b>Area (acres)</b>	1.6
<b>Topography</b>	Generally flat
<b>Vegetation/Landscaping</b>	Evergreen screening along north property line, turf around perimeter
<b>Watershed/Drainage</b>	Hinkson Creek
<b>Existing structures</b>	Principal building, accessory structure, fence, pavement

## **HISTORY**

<b>Annexation date</b>	1955
<b>Zoning District</b>	O-P
<b>Land Use Plan designation</b>	Employment District
<b>Previous Subdivision/Legal Lot Status</b>	Previously improved parcel

## **UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	City Water & Light
<b>Fire Protection</b>	Columbia Fire Department
<b>Electric</b>	Boone Electric

## **ACCESS**

<b>Walnut Street</b>	
<b>Location</b>	Along south side of site.
<b>Major Roadway Plan</b>	Neighborhood Collector (unimproved & City-maintained)
<b>CIP projects</b>	None.
<b>Sidewalk</b>	None on north side of Walnut; pathway within Stephens Lake Park to south

## **PARKS & RECREATION**

<b>Neighborhood Parks</b>	Adjacent to Stephens Lake Park
<b>Trails Plan</b>	Trails located within Stephens Lake Park
<b>Bicycle/Pedestrian Plan</b>	Existing network within Stephens Lake Park

**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 April 14, 2015.

<b>Public information meeting recap</b>	Number of attendees: 5 (includes 3 applicant representatives) Comments/concerns: Types of uses being requested
<b>Notified neighborhood association(s)</b>	East Walnut Neighborhood Association; Country Club Estates Neighborhood Association
<b>Correspondence received</b>	1 letter from resident

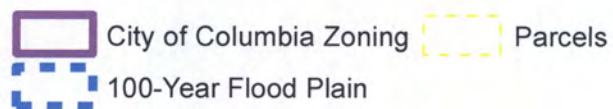
Report prepared by Clint Smith

Approved by Patrick Zenner

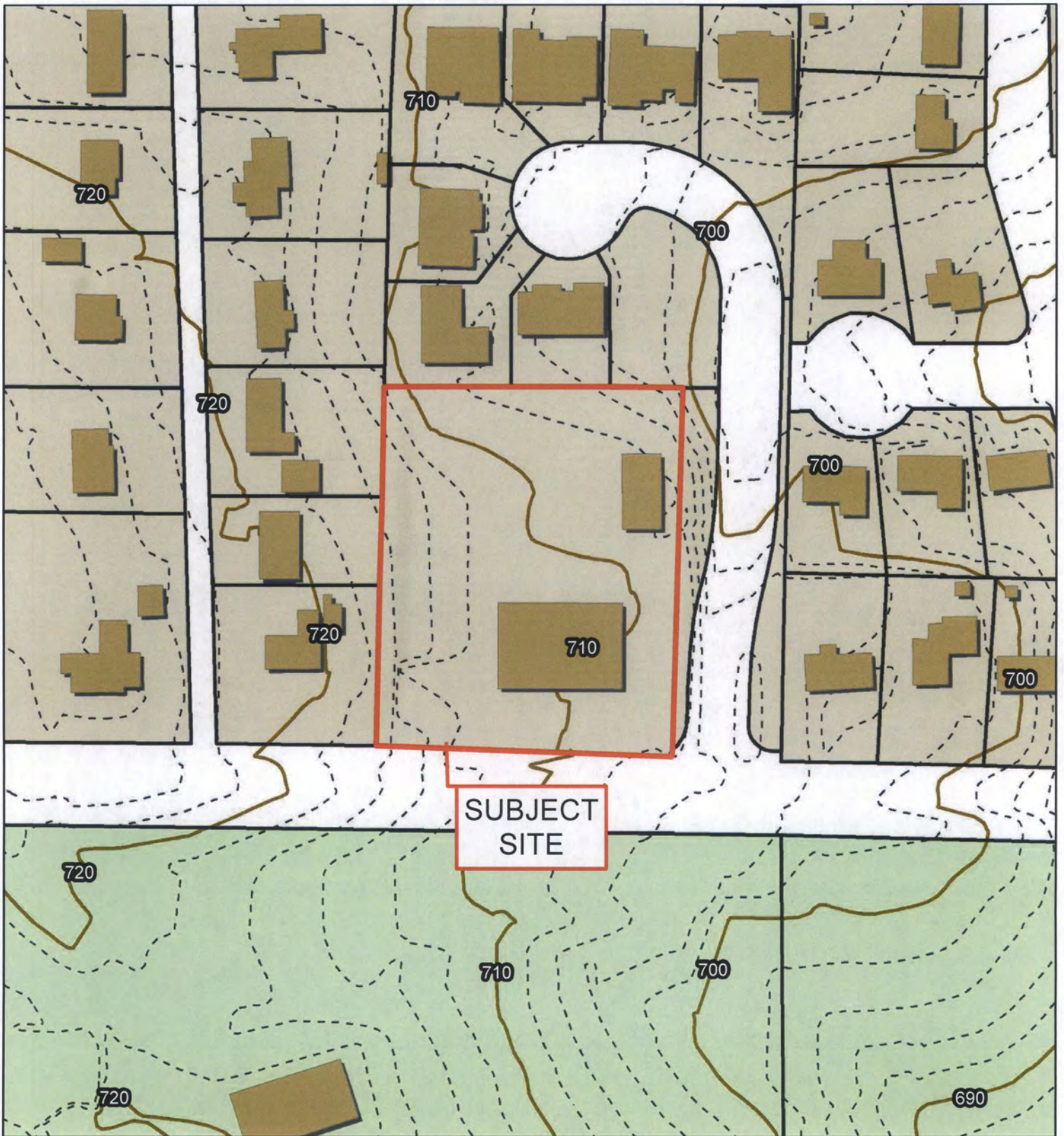




## 15-107: 2311 E Walnut St SOI Rezoning







# 15-107: 2311 E Walnut St SOI Rezoning



- 10 Foot Contour Lines
- - - 2 Foot Contour Lines
- Parcels
- Building Footprint







## 15-107: 2311 E Walnut St SOI Rezoning



● City Sanitary Structure  
● Private Sanitary Structure

— City Sanitary Line  
— Private Sanitary Line

■ Building Footprint  
■ Parcels



STATEMENT OF INTENT  
FOR  
SIMPLIFIED O-P REZONING REQUEST  
BY  
RACA PROPERTIES, LLC  
April 15, 2015

**Location of Tract:** 2311 East Walnut Street

**a. The uses proposed.**

Proposed revision

~~Churches, mosques and synagogues.~~

Family day care homes, day care centers, preschool centers, nursery schools, child play centers, child education centers, child experiment stations or child development institutions.

~~Public police and fire stations.~~

Public administrative buildings.

Public libraries.

Public museums.

Public parks and playground, including public recreation or service buildings within such parks.

Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning including gymnasiums, stadiums, and dormitories if located on campus (See Zoning Regulations for additional requirements)

Publicly owned and operated community buildings.

Temporary real estate sales office, located on property being sold and limited to a period of sale, but not exceeding two (2) years without special permit from the board.

Banks, other financial institutions, and travel agencies (Excluding Payday Loan Uses).

Buildings and premises for public utility services or public service corporations.

Counseling centers operated by charitable or not-for-profit organizations; excluding halfway houses or any use connected with penal or correctional institutions.

Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.

Hospitals for small animals, if within an enclosed building.

Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.

Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including, but not limited to:

Artists, sculptors, photographers.

Authors, writers, composers.

Lawyers, engineers, planners, architects, real estate agents, accountants, insurance agents, brokers, and consultants in similar professions.

Ministers, rabbis, priests, or other clergy members.

Physicians, dentists, chiropractors, or other licensed medical practitioners.

Seamstresses, tailors.

Teachers of private lessons in art, music, or dance.

Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.

Residential care facilities.

Schools operated as a business within an enclosed building, except trade schools and schools which offer retail goods or services to the public.

Customary accessory uses subject to the provisions of section 29-27, accessory uses.

Note: None of the proposed uses shall have Drive-Thru facilities

**b. The maximum gross square feet of the building floor area proposed.**

The maximum gross square feet of building floor area proposed is 7,000

**c. The maximum building height proposed.**

The maximum building height proposed is 25 feet.

**d. The minimum percentage of the site to be maintained in open space.**

The minimum percentage of the site to be maintained in open space and landscaping is 25 percent.

Evergreens shall be planted in the existing grass areas along the northern edge of this property to screen the existing parking/storage area from the abutting residentially zoned property to the north. New evergreens shall be planted to fill in gaps between existing trees and evergreens to achieve the year around eighty (80) percent minimum opacity and eight (8) foot minimum height within four (4) full growing seasons per the requirement in Section 29-13.1, Subsection d.6.

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Randy Adams, Manager  
RACA Properties, LLC

4/14/2015

Fwd: [Planning] Case # 15- 107- Rezoning 2311 East Walnut - cesmith@gocolumbiamo.com - City of Columbia, MO Mail

**From:** "'SEM' via Planning" <Planning@gocolumbiamo.com>  
**Date:** April 12, 2015 at 11:44:04 PM CDT  
**To:** [planning@gocolumbiamo.com](mailto:planning@gocolumbiamo.com), [ward3@GoColumbiaMo.com](mailto:ward3@GoColumbiaMo.com), [stacerkaya@aol.c](mailto:stacerkaya@aol.c)  
**Subject:** [Planning] Case # 15- 107- Rezoning 2311 East Walnut  
**Reply-To:** SEM <[stacerkaya@aol.com](mailto:stacerkaya@aol.com)>

Dear Councilman Skala and Mr. Smith,

I own the property at 204 Calvin Drive which is next to the subject site, 2311 East walnut Street that is applying for re-zoning; Case # 15- 107. The applicant is Language Tree, a language immersion daycare for 75 students.

I have concerns about 75 students, plus teachers, support staff, parents, volunteers, and deliveries that will increase the car and pedestrian traffic along East Walnut where there is not a sidewalk near the road; instead pedestrians are to use the sidewalk in the park.

The stop sign at East Walnut and Old 63 is already backed up during morning and evening rush hour.

Will a stop light or a round-about be installed to deal with the increased traffic of nearly 100 cars in this intersection throughout the day?

Will this new school require a second exit out of the neighborhood in case of emergency? There are events that are planned in the evenings in addition to during working hours.

Please ensure that the landscaping maintains the privacy to block the building and lights from the surrounding residential areas. Randy Adams Company has done a great job maintaining the property and updating the building. My concerns are of traffic, pedestrian safety, and maintaining a residential feel to East Walnut Neighborhood.

Thank you for your time.

<http://gocolumbiamo.com/Maps/Cases/Applications/15-107.pdf>

Stacy Morse  
204 Calvin Drive  
Columbia, MO 65201  
[573.673.6654](tel:573.673.6654)  
[stacerkaya@aol.com](mailto:stacerkaya@aol.com)



5/6/2015

City of Columbia, MO Mail - include input from neighbors



Clinton Smith <cesmith@gocolumbiamo.com>

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## include input from neighbors

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SEM <stacerkaya@aol.com>

Wed, May 6, 2015 at 11:02 AM

To: cesmith@gocolumbiamo.com

I am also concerned that the parents of these children are made aware of the number of wheel chair commuters there are using E. Walnut to get to Walmart from their homes. and the current number who travel the road with their kids in shopping carts from the stores. We who have lived here for years know to be aware and go slower, but some folks will race by and some one is going to be killed. There are numerous blind spots, and these folks tend to veer to the center of the street. I plan on attending the hearing.

Thanks for the update.  
Mary Harrison, 2400 Florida Ct.

5/6/2015

City of Columbia, MO Mail - comments on Language tree Rezoning



Clinton Smith <cesmith@gocolumbiamo.com>

## comments on Language tree Rezoning

SEM <stacerkaya@aol.com>  
To: cesmith@gocolumbiamo.com

Wed, May 6, 2015 at 10:58 AM

Our neighborhood has asked for a traffic study multiple times so please be sure the council members are aware we have made that request.

Limit number of students (parents will all be dropping off which means 75+ cars in our subdivision during rush hour),

- add landscaping (to make a barrier between homes and the school),
- assure that zoning remains restrictive to prevent gas station etc.,
- add a crosswalk on East Walnut for students to cross the street at the park,
- add a round-about or a stop light at Old 63 and East Walnut intersection.
- paint and maintain the fence in the back lot.

thank you,

Stacy Morse  
204 Calvin Drive

5/6/2015

City of Columbia, MO Mail - trees



Clinton Smith <cesmith@gocolumbiamo.com>

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**trees**

1 message

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**SEM** <stacerkaya@aol.com>  
To: cesmith@gocolumbiamo.com

Wed, May 6, 2015 at 3:03 PM

Clint,

Can you please consider this request for additional landscaping on the west side of the Randy Adams building?

Also, can the fence on that side be painted so the wood does not deteriorate further?

thank you,

Stacy Morse  
204 Calvin Drive

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**MAY 7, 2015**

**Case No. 15-107**

**A request by The Language Tree (applicant) to amend the Statement of Intent on 1.6 acres of property zoned O-P (Planned Office District). The subject site is located at the northwest corner of Walnut Street and Divot Drive, and is addressed as 2311 East Walnut Street.**

MR. REICHLIN: May we have a staff report, please?

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the amended Statement of Intent (SOI) for 2311 East Walnut Street.

MR. REICHLIN: Are there any questions of Staff? Mr. Strodtman?

MR. STRODTMAN: In our packet, it's the -- the only item, the statement of intent, that is being added or increased is -- you had it circled in red. That is the only intent -- or the only extra use that's being added, no other -- that family -- that one, two lines?

MR. SMITH: Correct. There's no other changes being proposed except for the --

MR. STRODTMAN: Nothing else is being added except for what you circled in red on our packet? Okay. And then is there any consideration on the streets for a turn lane -- a left-turn lane for that west entrance, or does Staff feel comfortable that that left turn can be done in that lane?

MR. SMITH: That topic didn't come up under discussions. Looking at the roadway, I don't know if there would be adequate space within the roadway to accommodate that. It -- again, it's not -- it's not an improved street. There is no curb and gutter. We could ask traffic to take a look at that, if -- if -- see if that would be warranted, but that's not something that was raised during the initial review, so I wouldn't expect that to come out of any subsequent reviews, but we could certainly raise that issue.

MR. STRODTMAN: Thank you.

MR. REICHLIN: Any other questions of Staff? Ms. Loe?

MS. LOE: Are -- just considering safe routes to schools, what are the -- what's the sidewalk or pedestrian multimodal condition along Walnut?

MR. SMITH: I don't know if this would qualify for safe routes to school, so I could talk with our

safe-routes-to-school coordinator. I think she probably would have a little bit better idea if this would qualify for that. It is -- it would be kind of in relation to a school, even though it is a private-type school. Right now, we did look at the Stephens Lake Park to the south. As you can see, they have a -- quite a significant trail system. This is the site here. There's actually a direct entrance into the park here. There's a drive, but basically this would be the access to a trail that does basically parallel along Walnut. It could serve as basically pedestrian access from -- from -- from Old 63 and also from the south, as well. The trail basically circumvents the -- the entire park. So there is the potential for individuals to be walking down Walnut. There is no sidewalks directly adjacent to it, but our hope is that the sidewalks or the trails in place right now would hopefully serve that purpose.

MR. ZENNER: The history behind Stephens Lake Park and the park -- the Department of Parks and Recreation requesting an alternative sidewalk location, that was approved at the time that the park was acquired prior to its development as a City facility. The issue you raise, Ms. Loe, is one that has been raised a number of times as it relates to development occurring off of East Walnut and the lack of sidewalks within the existing travel way. The unfortunate nature of it is sidewalks typically get replaced through redevelopment of new structures, not when we, in this instance, had an existing structure that was not being renovated or redeveloped and, therefore, we were not platting and, therefore, we did not have a mechanism by which to require the sidewalk through our code. I think Mr. Smith points out a very valid point, that the existing trail system that is within Stephens Lake does provide a route to get to this facility. However, it is a private educational institution and most likely would not be supported by public bus service to begin with because it is pre-public schooling, and it would not have that same typical public school bus service provided to it. This is likely going to be children coming from families that have the means by which to have their children in a language immersion program prior to getting into our public school system. And, therefore, the sidewalk here (A) can't be provided because we don't have a platting issue that we're going to have it with, and (B) probably is going to be patroned by many people that drive.

MS. LOE: That -- well, that brings up another point then. I understood that this may include children earlier than -- below normal school age, but it may also include school-age children.

MR. SMITH: I can let them answer that.

MS. LOE: Yeah. All right.

MR. SMITH: I think their limitations was kindergarten age. At a maximum, I think they were looking at doing partial kindergarten at the regular public school and then additional kindergarten classes -- aged classes at this facility, as well. So -- but we can check on the safe routes to school, and if it would qualify, then we can make them aware that this site is here now.

MS. LOE: I was less concerned about it qualifying specifically for that program. I simply referred to that as -- as an example that we should be providing safe routes to all our schools regardless of private or public. Thank you.

MR. REICHLIN: Any other questions of Staff? Seeing none, I will open the public hearing.

#### **PUBLIC HEARING OPENED**

MR. REICHLIN: If proponents who want to talk in favor of this matter, feel free to approach this podium, and we're requesting a three-minute limit.

MS. CHRISTENSEN: Hi. My name is Elizabeth Christensen, and I'm the director of The Language Tree. And so, we are a language immersion preschool serving children ages two through six, and we teach everything in French and Spanish. We teach the regular pre-K and K curriculum in French and Spanish that they would otherwise get at the public school system. And so our programs run Monday through Friday, however, our Early Years program, which is for two-year-olds runs Monday, Wednesday, Friday or Tuesday, Thursday. Then we have a preschool program which runs Monday through Friday, 9:00 a.m. to noon, then we break for lunch. And then in the afternoon, we have a combined pre-K and K class that runs from 1:00 to 4:00 p.m. so that the pre-K -- the pre-K and kindergartens go to public school in the morning, then they carpool from their respective elementary schools to our facility. And then after school, from 4:15 to 5:15 two days a week, we have children in grades one through five who come to us for our graduate program for an hour where they read, write, do extra activities. So our current license states that we have a maximum on property at any given time of 50 students. Our current enrollment, we actually only have 30 out of the 36 that were projected, so -- and then the -- I know traffic was a concern, and so I have broken down the numbers. At 9:00 a.m. when our school day starts, we have a maximum of 20 students. That does not include siblings or carpool. The average number of cars actually arriving is somewhere between five and seven. And then pickup time, there's five students who will be picked up at noon. And then 1:00 p.m. drop-off is eleven, and that does

not include siblings and/or carpool from the public schools. And then pickup at 4:00 is there is a total of 16 students, and that again does not include carpool or siblings, which is usually ten cars. We're finishing up our third year of operation and we are currently located in the basement of the Compass Church at 600 Silvey Street. And so, this property is similar to our current property with the way we do the circular pickup back there. So you'll enter through the wooden gates on the west side and then we'll have a secure entrance on the back side where the parents will then drop off their students and then continue around the east side, which is what we currently have. Does anyone have any questions?

MS. BURNS: I have a question. I was -- I did question the drop-off policy for a two-year-old as far as getting out the car. Is he escorted -- he or she escorted to the school, because it sounds like the car is moving, continuously stopping. Is the car parking at any time?

MS. CHRISTENSEN: Yes. The car will be parking.

MS. BURNS: Okay.

MS. CHRISTENSEN: And then the parents will then unbuckle the child from the car seat.

MS. BURNS: Okay.

MS. CHRISTENSEN: And then bring them in.

MS. BURNS: And I'm also thinking about pickup. I know when I was picking up kids from preschool, people come at different times and even -- I'm thinking about the car, any stacking. It looks like there's enough room, but I didn't know if there were plans for a playground or anything like that that might impact your car traffic?

MS. CHRISTENSEN: The playground will not impact our car traffic because the property line includes that green space behind it, and that's where our playground will be. So we'll have ample parking, because the most number of cars that we ever have a given time, picking up or dropping off, is ten. And then staff-wise, we have eight staff, and only six of them drive, and the other -- one of them carpools and the other one gets dropped off.

MS. BURNS: Thank you.

MR. REICHLIN: Are there any other questions of this speaker? Seeing none, thank you very much.

MS. CHRISTENSEN: Thank you.

MR. REICHLIN: Is there anybody else who would care to comment on this matter, either for or against? Seeing no one, I'll close the public hearing.

**PUBLIC HEARING CLOSED**

MR. REICHLIN: Comments of Commissioners?

MR. STANTON: Yes.

MR. REICHLIN: Yes, Mr. Stanton.

MR. STANTON: Well, I was reading about the -- from Ms. Burns, and it seems like the owner addressed them -- I mean, to me. And I don't see any opposition. I don't see anybody here to discuss the opposition, so I'm satisfied with the answers that I received concerning the concerns we got in our letters.

MR. REICHLIN: Anybody else?

MS. BURNS: Are there any plans -- and I apologize for not asking the speaker this when she was at the podium -- for additional landscaping because that was -- request was made by two of the -- two letters that were sent in?

MR. ADAMS: There's no plans at this time.

MS. BURNS: Thank you.

MR. STANTON: Mr. Chair?

MR. REICHLIN: Yes, Mr. Stanton?

MR. STANTON: Would it be appropriate for me to let the owner look at the letters that we received? Can we do that, and maybe she can see what -- does she have access to these -- to the e-mails that we received.

MR. REICHLIN: Has she -- has ownership seen --

MR. SMITH: Yes. The applicant and I believe the owners were e-mailed the comments, as well, just this morning, I believe.

MR. REICHLIN: Okay.

MR. STANTON: That's fine.

MR. REICHLIN: That's fine. Mr. Tillotson?

MR. TILLOTSON: What was here prior, what business?



MR. ZENNER: It was the Parks and Recreations's -- it was previously used as Parks and Recreations' facilities. It was an office building which had other programs that were being run out of this as it related to, I think, Tae-kwan-do and a variety of other exercise classes.

MR. SMITH: Cycling, I believe or --

MR. ZENNER: And I believe Mr. Adams, who is the property owner, who is in the back, the building that is the rear of this was Mr. Randy Adams' office at one point, and may still be being used for some storage of his business operations.

MR. TILLOTSON: Well, when I read this, it looks like there's more complaints addressed to the property owner for not keeping the property up maybe. There's two letters here talking about the fence not being maintained or painted or -- is there a plan to do anything with that. Are we going to make it presentable?

MR. REICHLIN: If it's not too much trouble, if you would approach the podium, please?

MR. ADAMS: The fence --

MR. REICHLIN: May we have your name and address, please?

MR. ADAMS: Sure. Randy Adams, 6691 South Hill Creek. The fence that they talk about is a CCA treated-lumber fence. Paint doesn't adhere to CCA very well. The rest of it's a drivet-stucco-type fence.

MS. BURNS: And then you were aware -- pardon me. If I may?

MR. REICHLIN: Go right ahead, Ms. Burns.

MS. BURNS: -- about the request for additional landscaping, but you said there are no plans. The -- the business owner isn't going to add landscaping and you, as a property owner, don't intend to add any landscaping to this?

MR. ADAMS: We're putting some additional landscaping in the back of the property, but we're not putting any to the west of the property.

MS. BURNS: Thank you.

MR. REICHLIN: Mr. Strodman?

MR. STRODTMAN: And the rear landscaping is for the playground?

MR. ADAMS: Yes.

MR. STRODTMAN: To screen it some?

MR. ADAMS: (Nodded head.)\_\_

MR. STRODTMAN: Thank you.

MR. REICHLIN: Thank you. Mr. Stanton?

MR. STANTON: I guess, in my mind, the feel I'm trying to get is if you had access to these e-mails, have you looked at these and are you, like, okay, I can try to make some accommodations? We're -- I'm trying to -- we line win-win situations. So I'm in support of it, but if you're, like, if the fence and all of this --

MR. ADAMS: Well, if you look at the -- at the picture, the west side is a pretty solid tree line. I don't know what kind of, you know, landscaping you could put in higher than those trees, and it's a pretty solid line.

MR. STANTON: So you feel like you don't -- you feel like you've -- you're going to make adequate accommodations to some of the opposition that we're seeing. I mean, good neighbor, friendly neighbor kind of thing? I'm -- is this going to be a win-win situation, both the neighbor and the new --

MR. ADAMS: I certainly feel like it's a lot -- yes, it is. And I think that the fact that nobody showed up pretty well tells you that we've been good neighbors there and for a long time.

MR. ZENNER: Mr. Chairman?

MR. REICHLIN: Yes.

MR. ZENNER: If we may help to address somewhat of Mr. Stanton's concerns. Mr. Smith as some additional information as it relates to the existing O-P zoning designation and the approval as a simplified O-P plan.

MR. SMITH: Yeah. I just want to provide some context just so everyone is aware that when this was approved in 2009, it actually was granted some variances which we didn't really get into because it wasn't necessarily a part of the request. But they were granted a variance from any landscaping requirement along the west property line, which is where it's been requested. And so I did have a conversation with the individual who wrote that and I think they're aware of that, but they did want to go ahead and ask that that be presented tonight. But there is no landscaping requirement and, in fact, it was granted a variance for none in 2009, so just a little context there.

MR. ZENNER: And further context, with any simplified planned district plan that we approve, and they are only eligible in our O-P and C-P zoning districts, if variances or requests for waivers are not requested as part of the simplified process because we require all existing deficiencies to be identified on a site plan that we use for the simplified purposes, they are required to comply with landscaping. So along the north side of this property, which is why the landscaping will be required, and Mr. Adams, as the property owner would put it in, that is R-1 residential to the north against an O-P project to the south, and that is the only location in which the landscaping would have been required by code that was not waived. I would suggest that the letters you have received are in receipt because the homeowners did not feel satisfied at the time that the original rezoning request was approved and believe that this is the venue by which to have it corrected.

MR. REICHLIN: Ms. Russell.

MS. RUSSELL: I made three trips over there at three different times today just to see what the traffic was like, being concerned about little kids in there, and I didn't see any big traffic concerns. It's too narrow to do a turn lane, but I went there at 5:00 today, and I was the only car on the road, so –

MR. REICHLIN: Get us back on track. Is there anybody else who cares to comment on this matter? No one. I didn't close the public hearing already, did I?

MR. STRODTMAN: I thought you did.

MR. REICHLIN: No, I didn't. Thank you.

#### **PUBLIC HEARING CLOSED**

MR. REICHLIN: Comments of commissioners?

MR. TILLOTSON: I'm going to tend to support it, so I'll go ahead and make a motion to approve.

MR. REICHLIN: It looks like we have -- okay. Go right ahead.

MR. TILLOTSON: Did I jump ahead of you?

MS. LOE: No. I was going to say this looks like a reasonable extension of the use that's already permitted, and a nice location for this type of facility across from Stephens Park in a residential community.

MR. REICHLIN: Anybody else, any comments?

MR. STANTON: I agree.

MR. TILLOTSON: I'll make a motion then to approve Case No. 15-107, requested by Language Tree to amend the statement of intent of 1.6 acres of property zoned O-P (Planned Office District).

MS. RUSSELL: I'll second that.

MR. REICHLIN: Ms. Russell seconds. May we have a roll call, please?

MR. STRODTMAN: Yes, sir.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodman, Mr. Tillotson, Ms. Russell, Ms. Burns, Ms. Loe, Mr. Reichlin. Motion carries 7-0.**

MR. TILLOTSON: Our recommendation for approval will be forwarded to City Council.

MR. REICHLIN: Okay. That concludes the public hearing portion of our meeting.