



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 4, 2024

Re: 611 N. Garth Avenue – Rezoning (Case #70-2024)

Executive Summary

Approval of the request would result in the rezoning of 0.77 acres of land from PD (Planned Development) to M-OF (Mixed-use Office).

Discussion

McClure Engineering Co. (agent), on behalf of Jesus House Columbia (owner), is requesting to rezone 0.77 acres of property from PD (Planned Development) to M-OF (Mixed Use Office) to allow for a planned expansion of their existing religious institution building. The subject site is located southwest of the corner at W. Sexton Road & N. Garth Avenue and includes the address 611 N. Garth Avenue.

The subject site is comprised of Lots 1, 2, 3, 4, and 5 of Crane's Subdivision which were part of the May 2006 "Covenant CDC Garth & Sexton Project C-P [Planned Business] Development Plan." An additional two lots known as Lots 2 and 3 of John A. Stewart's subdivision of Lots 29 and 32 of Garth's were also part of the 2006 C-P Plan; however, have been acquired by the City and developed with a regional stormwater facility. At the time of C-P plan approval, the site was improved with a single structure and parking lot at its southern end which is presently being used by the applicant as a place of worship. The remaining improvements depicted on the C-P Plan were never developed and the C-P plan has since expired.

Associated with this rezoning is a concurrent request (Case # 69-2024) seeking approval of a 5-lot consolidation plat of the subject site. This request will be presented on the Council's March 4 agenda as a separate business item. The consolidation plat will be known as "Jesus House Subdivision, Plat 1".

The subject request is based on the outcome and recommendations offered by staff following an October 2023 concept review (Case # 08-2024). During this review, the applicant was seeking guidance on resubmission of a new PD Plan for the property or the potential for a possible rezoning. After evaluating possible benefits of retaining the PD designation (i.e. reduced parking and setback requirements), staff suggested retaining the site's PD designation may be of value. Alternatively, staff noted that rezoning to the M-OF district could be considered; however, would trigger full Unified Development Code and City code compliance. Based on these potential options, the applicant chose to proceed with this request in efforts to streamline the development approval process.

A segment of the subject site's western boundary (its rear yard) adjoins a lot located within the R-2 zoning district which will require a minimum 10-foot setback and installation of a



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'Level 3' buffer (10-foot wide landscape strip with 8-foot screening device) between these lots is required. It should be noted the existing building at 611 N. Garth is considered legally "non-conforming" with respect to the UDC's required screening and setback standards. Given this status, the building may remain "as-is"; however, any alterations to the building would trigger screening/buffering and setback compliance with the UDC. With respect to new construction on the site, such activities will be required to comply with all UDC requirements at the time of construction.

The proposed expansion of the current use on the site would be allowed within any zoning district except IG (Industrial) within the City. Given the intended use of the site and its allowance in almost all zoning classifications, staff finds that the proposed rezoning would have limited negative impacts upon the surrounding land use pattern of multi-family (east and northwest) and single-family (northwest, west and southwest) uses. The proposed M-OF zoning would further eliminate commercial uses presently permitted by the existing C-P designation. While the proposed M-OF zoning would permit broader land uses than the surrounding residential districts should the proposed expanded religious use not remain, the additional M-OF uses (office and personal services) are not seen as detrimental to the existing land use pattern. In fact, integration of the proposed M-OF zoning at this location with its broader land uses may create opportunities to establish supportive services for surrounding development.

Furthermore, the PD plan review requirements on the subject site are not necessary given the future development of the site will be required to comply with the standards of the UDC, including requirements related to setbacks, screening and buffering, floodplain overlays, neighborhood protection standards, stormwater, and additional code regulations of which many were not in place in 2006. These regulatory advancements and requirements permit staff the ability to ensure that proposed future development allowed by the M-OF district can be effectively integrated into its surroundings without detrimentally impacting the adjoining neighborhoods.

The Planning & Zoning Commission heard this request at their February 8, 2024 meeting. Staff presented and the applicant gave a presentation confirming the rezoning was in response to staff comments made during the concept review. Commissioners inquired about future plans for the intersection at W. Sexton Road and N. Garth Avenue. Staff clarified that the Kinney Point Project includes a planned roundabout at this intersection and the concurrent plat request depicts the necessary dedicated right-of-way to accommodate the planned roundabout. A representative from the Ridgeway NA addressed the Commission, expressing support for the project and highlighting positive communication between neighbors and the church. After limited additional discussion, Commissioners moved to approve the requested rezoning to M-OF. The motion passed unanimously (7-0).

A copy of the Planning and Zoning Commission staff report, performance contract, locator maps, and meeting minute excerpts are attached.



Fiscal Impact

Short-Term Impact: None anticipated. Any future expansion or relocation of utilities to serve the development would be borne by the applicant.

Long-Term Impact: Limited. Possible impacts could include increased public infrastructure maintenance expenses for roads, sewers, and water, as well as enhanced public safety and solid waste service provision. The site's future improvements are supported by existing infrastructure services. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
10/16/2006	Approved Rezoning and Covenant CDC Garth & Sexton Project C-P Development Plan (Ord. 19253)
09/05/1928	Approved Crane's Subdivision

Suggested Council Action

Approve the request to rezone the 0.77-acre subject site from PD to M-OF as recommended by the Planning and Zoning Commission.