



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: August 5, 2019

Re: Spring Creek Phase II PD Plan – Major Amendment (Case 158-2019)

## Executive Summary

Approval of this request would result in the revision of the “Spring Creek Phase II PD Plan,” and the associated statement of intent to allow a bar/nightclub as a permitted use and permit an outdoor deck and storage area at the northwest corner of the building.

## Discussion

The applicant is seeking a major amendment to the existing Spring Creek Phase II PD Plan to add a 2000 square foot (maximum) deck to the west end of the existing building, and to permit a bar or nightclub to be included in the Statement of Intent (SOI) governing uses on the property. These changes are being sought to accommodate a prospective tenant, Broadway Brewery.

The property was annexed into the City as part of a larger tract in 1998, zoned C-P, and permitted to be improved with all uses within the C-1 district with the addition of service stations. At the time of approval, bars/nightclubs were not a permitted use within the C-1 district and as such were not permitted on the subject site. Given the nature of the requested changes in use and site design a major amendment to the planned district is required.

While bars and nightclubs were excluded uses in the C-1 district, restaurants and alcohol sales were permitted at the time the PD plan and SOI were approved. The latest amendment to the SOI (January 2019) changed the permitted uses allowed within the development to include all uses allowed in the M-N district. The proposed brewery, as a standalone function, would be considered “Artisan Industry” which is a permitted use within the M-N district and current SOI. However, bars/nightclubs are still a conditional use, and are not permitted.

The applicant's business model includes a restaurant which could sell alcohol, but the space dedicated to the restaurant function is subordinate to the bar/brewery functions. Approval of the SOI amendment to include bars/nightclubs would address the applicant's concerns about an unpredictable level of business activity between the restaurant and bar/brewery function. The overall business model would operate as a typical restaurant, bar, and brewery. The owner is unsure if the restaurant will generate enough revenue to maintain primary use status as defined by state law.

The proposed brewery would be located in the west end of the building, adjacent to the open space and park to the northwest. The elevated deck is located on the northwest



corner of the building overlooking this open space and an existing tree preservation area noted on the PD plan. This preserve will act as a vegetative buffer between the proposed use and other nearby functions. Any noise generated by the outdoor functions of the business will be effectively mitigated by distance and by the buffer.

Given the nature of the prospective use, its location away from potentially conflicting uses as well as the existence of the buffer and tree preservation areas, staff supports the proposed revision to the PD plan and SOI.

The Planning and Zoning Commission heard this request at their July 18, 2019 meeting. After the staff report, one neighboring property owner spoke on concerns about noise and light pollution coming from the portion of the deck north of the building. The applicant's agent clarified that seating was intended on the west end of the building only, and that a small storage area would be included on the deck on the north side of the building. Commissioners suggested that the plan be amended to better depict these proposed conditions and the applicant's engineer agreed to make the necessary changes to the PD plan, including a delineation of the deck and storage area as well as inclusion of an 8' screening wall to be installed on the east end of the deck.

Following these concessions by the developer's agent, the Commission voted in favor of approving the revised plan, pursuant to the changes, and the revised statement of intent by a vote of 8-0.

The Planning and Zoning Commission staff report, locator maps, original PD plan dated 7-8-19, revised PD Plan dated 7-24-19, Statement of Intent, public correspondence and meeting excerpts are attached for review.

## Fiscal Impact

Short-Term Impact: None anticipated within the next two years.

Long-Term Impact: None anticipated.

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

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

### Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Infrastructure



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

## Legislative History

Date	Action
1/22/2019	Approved: revised SOI "Spring Creek Phase II Development C-P Plan" (Ord. 23754)
8/22/2007	Approved: "Spring Creek Phase II Development C-P Plan" (Ord. 19606)

## Suggested Council Action

Approve the revised "Spring Creek Phase II PD Plan" and statement of intent as recommended by the Planning and Zoning Commission.