



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 2, 2020

Re: Old Hawthorne Commercial (5520 Pergola Drive) - Rezoning (Case #128-2020)

Executive Summary

Approval of this request would rezone approximately 5.97 acres of property from PD (Planned Development) to M-C (Mixed-use Corridor) and 5.38 acres from PD to M-N (Mixed-use Neighborhood). The property is generally located northeast of the traffic circle at E. Highway WW and Rolling Hills Road with frontage on both sides of Pergola Drive.

Discussion

A Civil Group (agent), on behalf of Commerce Bank & Broadfield Properties, LLC (owners), seeks to rezone five lots containing approximately 11.35 acres located northeast of the traffic circle at E. Highway WW and Rolling Hills Road from PD to M-C (5.38 acres) and M-N (5.38 acres). As shown within the attached rezoning graphic, M-C zoning is generally requested along the S. Rolling Hills Road facing property and M-N zoning is sought for the interior property adjacent to the residential development off Bower Lane, Old Hawthorne Drive West, and Talco Drive. Support for the requested rezoning has been submitted by the Arbor Falls Homeowner's Association which represents some of the abutting residential properties.

This subject property is part of larger-scale annexation and permanent zoning that occurred in 2005 involving properties northeast and southwest of Highway WW on both sides of Rolling Hills Road. The subject site was zoned for generally all C-3 uses except those prohibited or assigned as conditional uses as shown in Exhibit F of Ordinance #18558 which is attached. The resulting permitted uses generally include all intermediate level commercial/retail uses listed in the current M-N district and many of the more intensive commercial uses now listed in the M-C district such as veterinary hospitals/kennels, bars, gas stations, and larger retail stores. The CP Plan governing the site-related development controls for the property was approved in 2007.

In evaluating this request, staff considered several factors including the benefits and challenges inherent with planned zoning, surrounding land uses, UDC required neighborhood protection standards, land use recommendations of the Comprehensive and East Area Plan, and the differences between allowed PD uses and uses allowed in the M-C and M-N districts. It is worth noting that the applicant states in their application that "the tract is also subject to covenants and restrictions that prohibit the exact same uses excluded in the existing PD and original C-P zoning."

While staff does not disagree with the applicant's statement following review of the documents (see the Planning Commission staff report for additional information), staff's



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analysis of this request has focused on the aforementioned factors given the City is not a party to or capable of enforcing private covenants and agreements.

Staff's analysis of Columbia Imagined and East Area Plan find the land use designation for the property is commercial. This area is experiencing growth in rooftops, yet the commercial tracts to support this growth remain largely undeveloped. Presently, there is only one partially occupied building on the acreage, and the applicant has indicated the PD zoning and site plan requirements are presenting challenges to the development of the site and thus are behind the request for straight zoning.

Staff does not disagree with the applicant that straight zoning often has less cumbersome processes and greater flexibility in terms of uses and site design than PD zoning. The M-N zoning as requested would permit less intensive commercial uses adjacent to the residential tracts which may provide walkable, neighborhood-level services, and the neighborhood protections now in the UDC (e.g. landscape buffering and others) were designed to mitigate the negative effects of land use transitions in such situations. The M-C requested area may provide more regional level commercial uses and services to serve the eastern side of the City.

The Planning and Zoning Commission considered this request at their October 8, 2020 meeting. Staff presented its report and the applicant was available for questions. No members of the public spoke during the public hearing. After brief discussion, the Commission voted (8-0) to recommend approval of the rezoning from PD to M-N and M-C as requested.

The Planning Commission staff report, locator maps zoning graphic, annexation and zoning ordinance (#18558), map, & excluded C-3 uses in C-P tracts (Exhibit F), Old Hawthorne Plaza C-P Plan (2007), Old Hawthorne Plaza Covenants and HARG- Sapp Agreement provided by applicant, public correspondence, and meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Public infrastructure maintenance such as roads and sewers, as well as public safety and solid waste service provision. 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: Infrastructure, 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
8/20/2007	Approved C-P Development Plan of Old Hawthorne Plaza (inclusive of increase in maximum building height; reduction in screening requirements, and reduction in required parking) (Ord. 19605).
7/05/2005	Approved annexation of subject property and assignment of R-1, PUD and C-P zoning as permanent zoning (Ord. 18558)

Suggested Council Action

Approve the requested rezoning from PD to M-N and M-C as recommended by the Planning and Zoning Commission.