

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
January 9, 2020**

SUMMARY

A request by Brush and Associates (agent) on behalf of Thomas and Pam Kardon (owners) for a rezoning of approximately .44 acres of property from PD (Planned Development) to M-N (Mixed Use-Neighborhood). The property is addressed 1001 N. Providence Road and is located at the northwest corner of Providence Road and Third Avenue. **(Case 28-2020)**

DISCUSSION

The applicant is seeking to rezone approximately .44 acres of property from PD (Planned Development) to M-N (Mixed use- Neighborhood). The site has been subject of numerous rezoning requests over the past twenty years. In 2004, the subject property was rezoned to C-P and restricted to a single use – an auto parts store. The C-P development plan for this use was approved in 2005; however, site improvements were not completed until mid-2009. In November 2009, the subject property was successfully rezoned (Ord. 20460) to permit an expansion of allowed uses and to revise the design parameters.

The 2009 expanded use list permits the property to be used for general offices and the related sale or rental of goods for such uses as artists, lawyers, physicians, teachers, barber and beauty shops including the retail sale of beauty supplies, and counseling centers excluding halfway houses in addition to the previously approved auto parts store. The complete list of permitted uses can be seen the attached 2009 ordinance for the property. Additionally, the 2009 ordinance also imposed restricted hours of operation (7:00 a.m-7:00 p.m), a high-level landscaping plan, and less stringent parking (21 spaces verses 23) upon businesses operating on the site.

Most recently the site has housed the AQ Beauty Supply store. The property owner has indicated challenges in leasing the space given the limitations of the permitted uses and has indicated going through the PD revision process for new uses for new tenants is time consuming, uncertain and costly. As such, they are seeking to rezone the property to the M-N district as they feel the zoning would allow the uses they believe are likely to want to occupy the property. Furthermore, the straight zoning would eliminate the need for additional rezoning actions or plan revisions in the future.

Staff acknowledges the applicant's concerns and frustrations with revisions to a PD and their desire to seek straight zoning; however, rezoning requests to remove property from such a designation come with additional concerns. Property is often zoned planned district because of a need for careful consideration of the impacts that permitted uses may generate on adjacent property and to allow site-specific conditions to be applied. The requested rezoning would eliminate the ability to impose use restrictions, mandate enhanced landscaping requirements, and limit hours of operation. Furthermore, such an action would eliminate the requirement of a public approval process for site plan changes.

Should the subject property be successfully rezoned to M-N, all of the permitted retail uses within the M-N zone would be allowed. It is staff's belief that many of the retail uses are not appropriate given the property is not at a nodal location and it is directly adjacent to a residential neighborhood already experiencing cut through traffic and commercial creep.

The following evaluation has been provided as to the appropriateness of the requested rezoning given the issues/concerns expressed above.

Evaluation:

The property is adjacent on the west, northwest and southwest by single family homes zoned R-2. Directly to the north is the recently opened Aroma Coffee House, which was approved under a PD zoning and plan in 2017. Further to the north, north of E. Forest Avenue, is M-N zoned property and there is M-C (Mixed-use Corridor) property at the Business Loop 70 and Providence Road intersection node. Directly to the east across Providence Road is Hickman High School, zoned R-2, and to the southeast but west of Providence Road is a strip of M-OF (Mixed-use Office) property facing Providence Road. The property is located in the Ridgeway Neighborhood Association area.

Given the immediately surrounding zoning mix, taking this property out of PD and zoning it M-N would be a spot rezoning, and may contribute to unplanned commercial creep further into the neighborhood. While some office and planned commercial uses are along the Providence Road corridor, the existing list of permitted uses per the site's approved SOI do not seem out of line with the existing land use mix. As noted above, staff has discussed with the applicant the potential to revise the existing permitted uses to accommodate uses not presently allowed, but potentially appropriate on the site. As stated above, the applicant does not favor incrementally revising the site's entitlement due to time and cost.

In addition to evaluating the surrounding zoning and land use mix, changes in zoning are also evaluated with how the zoning correlates with the city's Comprehensive Plan (Columbia Imagined) and its future land use designation. The Comprehensive Plan identified the subject site as being located within the "Commercial District" future land use category. This designation is reflective of the site's currently entitled land uses. Per the Comprehensive Plan, Commercial Districts can contain "a variety of citywide and regional retail uses," as well as office and high-density residential uses to support said commercial uses. To this end, the proposed zoning designation sought with this request could reasonably fit within the context of the Comprehensive Plan land use designations for the site.

However, when giving further consideration to how this property and the proposed zoning changes correlate with the Comprehensive Plan it should be noted that the Plan promotes context-sensitive development and neighborhood planning. The subject property is not part of an existing neighborhood plan which would typically provide finer-grain details as to its desired future land use. However, it should be noted that the original rezoning of the property in 2004, approval of the 2005 development plan, and its zoning revision in 2009 did involve significant participation by the neighbors and the Ridgeway Neighborhood Association. In preparing this report, staff has received no information from adjoining property owners or the neighborhood association (for or against) this proposal.

The applicant has indicated the neighbors are in support of this proposal now that there has been time to see the building and operations thereof, though no correspondence has been provided. The owner of the Aroma Coffee House to the north attended the public information meeting in support of the request, and described the challenges they perceived as recent applicants going through the PD zoning process.

Conclusion:

Given all of the information and the facts inherent to this site, it is staff's finding that the requested rezoning is not appropriate at this time. This conclusion has been arrived at after considering the benefits that planned development zoning offers (i.e. ability to have greater site plan controls and a means to minimize impacts between land uses) against the challenges of amending such zoning in terms of time, expense, and uncertainty. Staff does not believe there is a net benefit to the neighborhood or larger community by permitting all M-N commercial uses without site controls at this location. The remedy to the property owner is to work with the city and the community to revise the

existing permitted uses with related and appropriate control mechanisms. This is especially true in an area where the land use mix is challenged by commercial creep in a historically residential area.

RECOMMENDATION

Denial of the M-N zoning map amendment.

SUPPORTING DOCUMENTS (ATTACHED)

- 1) Locator maps
- 2) 2009 SOI & Design Parameters (Ord. 20460)
- 3) Providence and 3rd Avenue C-P Plan

SITE CHARACTERISTICS

Area (acres)	.44 acres
Topography	Generally flat
Vegetation/Landscaping	Urban, improved
Watershed/Drainage	Flat Branch
Existing structures	Existing commercial structure and parking lot

HISTORY

Annexation date	1905
Zoning District	PD
Land Use Plan designation	Commercial District
Previous Subdivision/Legal Lot Status	Lot 67 and 68 of Odon Guitar’s Subdivision and Park Addition to the City of Columbia

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia.

Providence Road	
Location	East side of site
Major Roadway Plan	Major Arterial (MoDOT jurisdiction)
CIP projects	Recent sidewalk reconstruction
Sidewalk	Existing

PARKS & RECREATION

Neighborhood Parks	Located on same block as Downtown Optimist Park (approximately 400 feet to the west); next closest park is Douglass Park (approximately .5 miles away)
Trails Plan	N/A
Bicycle/Pedestrian Plan	Sidewalk in place

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 December 17, 2019.

Public information meeting recap	Number of attendees: 2 (including applicant) Comments/concerns: Concerns PD zoning is burdensome.
Notified neighborhood association(s)	Ridgeway Neighborhood Association & North Central Columbia Neighborhood Association
Correspondence received	None.

Report prepared by Rachel Bacon

Approved by Patrick Zenner