



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: August 16, 2021

Re: 705 Port Way - Conditional Use Permit (Case # 217-2021)

## Executive Summary

Approval of this request would grant a conditional use permit (CUP) allowing an assembly or lodge hall to be constructed on a 4.73-acre property at 705 Port Way.

## Discussion

The applicant is seeking approval of a conditional use permit to allow an assembly or lodge hall on property addressed as 705 Port Way. The subject property was zoned C-P (Planned Commercial) upon annexation in 2001. A concurrent case (Case # 194-2021) is scheduled for second reading on the August 16 agenda and seeks approval to rezone the subject property to M-N (Mixed-Use Neighborhood) to remove the site from its current PD designation and site plan requirement.

The applicant's initial request sought to rezone the subject property to M-C (Mixed-Use Corridor) which would have allowed the proposed assembly or lodge hall use "by-right". The use is permitted per the existing PD use list. However, as part staff's evaluation of the proposed rezoning it was noted that the M-C district was not believed appropriate for the property given its proximity to the adjoining residential development and the intensity of uses allowed within that district. As such, the applicant submitted the pending M-N request and acknowledged that a CUP application would be necessary to accommodate the proposed assembly or lodge hall use.

The conditional use process functions similar to the planned development plan approval process in that enhanced public notice and a public hearing is required. Additionally, the CUP process affords the opportunity for the Planning Commission and Council to attach site specific conditions that would mitigate potential development related matters similar to PD plan restriction.

In its evaluation of the proposed CUP, staff reviewed the six-part criteria (shown in the attached staff report) and concluded that the use was not inconsistent with the surrounding land use pattern or the objectives of the Comprehensive Plan. It is worth noting that an existing 10-foot tall berm within a 50-foot wide platted landscape easement runs the length of the southern boundary of the subject site. Staff believes that this improvement is sufficient to mitigate any viewshed or noise impacts generated by the proposed use.

The Planning & Zoning Commission considered this case at their July 22, 2021, meeting. Staff provided its report and recommended to ensure that public safety was addressed that a condition regarding construction of an ADA-compliant sidewalk be provided between the



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

subject site and adjoining parking areas to the north that would provide over-flow parking options for patrons of the assembly or lodge hall use. The applicant's agent provided an overview of the proposed CUP and was available to answer Commissioner questions.

Commissioners sought clarification on the permanence of the berm and landscape buffer across the lot's southern boundary. Staff indicated that these elements were not a requirement of the original C-P plan or plat, and could be removed without any public input process. However, the applicant indicated that his clients have no intentions to remove either of these elements.

Commissioners further inquired about the likelihood and legality of event guests parking on Port Way with spillover into the neighboring residential neighborhood. Staff noted there are no known parking restrictions on Port Way and it was possible on-street parking associated with the use may be sporadic at that location. Restriction of such parking would potentially come from complaints lodged by residents of the neighborhood. The proposed condition of constructing an ADA-compliant connection between the subject site's parking and adjoining parking to north was intended to alleviate this concern. Commissioners further discussed limiting the building height to 25-feet to match the PD plan and then 30-feet, but ultimately did not include an such CUP restriction.

After limited additional discussion, the Commission made a motion to approve the CUP for an assembly or lodge hall use, subject to construction of an ADA-compliant sidewalk connection to the parking lots to the north, which passed unanimously (8-0).

A copy of the Planning and Zoning Commission staff report, locator maps, conceptual site plan, and meeting excerpts are attached for review.

## Fiscal Impact

Short-Term Impact: None. No expansion of infrastructure is required with this request.

Long-Term Impact: None. The site's use under the CUP will be no more intense upon public services than the current use.

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

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

### Comprehensive Plan Impacts:

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



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

## Legislative History

Date	Action
12/6/2011	Approved C-P Plan of Eastport Plat 1-A-3. (Ord. 021164)
8/9/2001	Approved annexation and permanent C-P zoning. (Ord. 016976)

## Suggested Council Action

Approve the requested conditional use permit, to authorize an "assembly or lodge hall" on the property at 705 Port Way, as recommended by the Planning and Zoning Commission.