



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: August 5, 2019

Re: Schapira Clinic O-P Development Plan - Major PD Amendment (Case #153-2019)

Executive Summary

Approval will amend the permitted uses allowed under the Schapira Clinic O-P planned development (PD) statement of intent (SOI) to add "medical marijuana dispensary" as a permitted use.

Discussion

Crockett Engineering Consultants (agent) on behalf of Boone Development, Inc. (owner) is seeking a major amendment to the existing planned development (PD) known as the Schapira Clinic Final O-P Development Plan, which is located southwest of the intersection of College Avenue and Rogers Street and addressed 411 N. College Avenue. The amendment proposes to revise the Statement of Intent (SOI) governing uses on the .3-acre property to include the addition of "medical marijuana dispensary" as a permitted use.

Presently, the site allows all office uses per the 1987 Planned Office (O-P) zoning classification. The existing dental office building and 18 parking spots were approved via the Schapira Clinic Final O-P Development Plan in 1988. This proposed amendment will not alter any site design or development features on the property – the amendment only addresses permitted uses. If the amendment is approved, the use-specific standards of Section 29-3.3(qq) (Medical Marijuana Facilities) of the UDC would apply.

When evaluating the applicability of the proposed additional use for this site, staff evaluated the surrounding land uses and zoning, the uses permitted under the existing SOI, and the *Columbia Imagined* Comprehensive Plan Land Use Designation.

The subject site serves as a transitional buffer from more intensive uses north of Rogers Street to less intense residential zoning south of the site. Since its annexation in 1849 as part of the Kelly's Addition to Columbia, a residential subdivision, the surrounding property has been replatted into several configurations; however, remains residential with the exception of all but the far western portion of the subdivision. All the property immediately adjacent to the subject site to the south and west is zoned R-MF (Multiple-family Dwelling District). Property to the east across College Avenue is also zoned R-MF and is included in the Benton-Stephens Overlay District.

Across Rogers Street and Park Avenue to the north and west is M-N (Mixed use-Neighborhood) zoned property. Further to the north, northwest and west are commercial and industrial uses and zones, including the North Arts Village District to the far west.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

While *Columbia Imagined* identifies nodal intersections such as the intersection of Rogers and College as locations to provide neighborhood-level mixed uses, such nodal locations are typically achieved by the M-OF (Mixed-use Office) or M-N (Mixed-use Neighborhood) districts. Each district allows for neighborhood-level commercial and employment as well as softer land use transitions when adjacent to residential areas.

A medical marijuana dispensary use is only permitted in the M-DT (Mixed use- Downtown), M-C (Mixed-use Corridor) and IG (Industrial) districts. These districts support uses that are of a higher intensity and on typically larger lots with additional land use buffers and transitions from residential neighborhoods. Staff acknowledges that the existing planned zoning for the subject site inherently controls the size and scale of all permitted uses allowed upon it; however, would be unlikely to support rezoning of this property to a zone which would permit the medical marijuana use “by right, regardless of possible size limitations. As such, the addition of this use to the planned district SOI is also not supportable. This conclusion is arrived at based on the belief that addition of the proposed use would actually be an “up-zoning” of the property.

The Planning and Zoning Commission considered this request at their July 18, 2019 meeting. Staff presented its report and the applicant gave an overview of the request. Staff was asked to summarize the public feedback, which included some support for the location for patients living in the area and concern by one resident of negative impacts to the neighborhood. No members of the public spoke during the public meeting. After discussion, a motion to approve the PD plan amendment resulted in a tie vote (4-4). Pursuant to the Planning Commission’s Rules of Procedure a tie vote is equal to “no recommendation”.

The Planning Commission staff report, locator maps, Revised Statement of Intent, previously approved *Schapira Clinic Final OP Development Plan* dated January 4, 1988, the PD Zoning Ordinance Approved June 15, 1987, 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, sewers, and water, 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: Infrastructure, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Not Applicable

Legislative History

Date	Action
06/15/1987	Approved rezoning to O-P (Ord. 11528).
01/04/1988	Approving the Schapira Clinic Final O-P Development Plan (Ord. 11746)

Suggested Council Action

The Planning and Zoning Commission did not provide a recommended action on this request. Following public testimony, the Council may choose to:

1. Approve the proposed amendment
2. Deny the proposed amendment