

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 24, 2023**

SUMMARY

A request by Crockett Engineering Company (agent), on behalf of Keene Court, LLC (owner), seeking approval to rezone property from M-N (Mixed Use - Neighborhood) to PD (Planned Development) with an associated Statement of Intent (SOI), and development plan known as the "Keene Court Hotel". Approval would authorize the redevelopment of the vacant site, following a concurrent right of way vacation and replat of the property, with a 5-story hotel having a maximum height of 55-feet. The associated SOI would permit additional M-N uses upon the property compliant with the M-N dimensional standards (35-foot maximum height) subject to a revised development plan. The approximately 2.82-acre subject site is located at the western end of Keene Court and includes the address 3100-3109 Keene Court.

DISCUSSION

The applicant is seeking to rezone approximately 2.82-acres of land that is comprised of 7 platted lots formerly improved with residential dwellings which is bisected by Keene Court. The request seeks to rezone the acreage (inclusive of right of way) from M-N (Mixed-use Neighborhood) to PD (Planned Development) in advance of redevelopment with a 55-foot tall, 5-story hotel. A hotel is not a permitted use within the M-N district. Following a concept review with the staff, the applicant was advised that a rezoning of the property to M-C was not believed appropriate given the other available uses within the district and the surrounding land use context. There was discussion of the role of the Board of Adjustment in granting possible relief such that a rezoning would not be required; however, the Board is not permitted to grant a "use-variance" (i.e. allow a use not otherwise permitted). Given the intended use of the site and the limited options to permit it, the applicant chose to submit the current request for PD rezoning and Plan approval.

The subject acreage is located within a mixed land use environment between US Highway 63 and Keene Street. Uses to north include a 5-story medical/general office building within the M-N district, a dental clinic is located to east in the M-N district, to the south is a four-story assisted living/retirement community in the M-OF district, and across US Highway 63 is M-C zoned property that is part of the Broadway Marketplace Shopping Center. East of Keene Street is a mixture of multi-family residential and additional medical/general office building uses. The area's development pattern on the west side of Keene Street transitions to more M-C uses as it approaches the interchange of I-70 and US 63.

The subject site is located within a "Commercial" district as shown within the City's comprehensive plan. While future land use designations are not directly correlated to zoning classifications, those typically associated with the "Commercial" designation would include R-MF, M-OF, M-N, M-C, and depending on the mixture of land uses contained within a required Statement of Intent (SOI) PD. While PD zoning is often avoided as a zoning classification of choice given its administrative burden and often unpredictable outcomes, it is at times, the appropriate fit for sites in which land use challenges or other attributes of the site cannot be accommodated by a straight zoning district. The PD designation allows for flexibility to integrate land uses as well as modify dimensional and other regulatory standards such that development of a parcel may be permitted in locations conducive for such improvements, but not otherwise allowed by a straight zoning district.

As with all PD zoning requests a Statement of Intent (SOI) and development plan were submitted with

the application and are attached to this report. The SOI contains most uses permitted within the M-N district (several uses were excluded) and adds 'hotel' as the only M-C use. The SOI further proposes that the height of **only** the hotel be permitted to be a maximum of 55-feet and that other uses shown within the SOI are subject to the standard M-N dimensional standards (i.e. 35-foot height maximum). The increase in the height of the hotel **only** is considered a "design exception" given the maximum height permitted in the M-C district generally is only 45-feet. The SOI also indicates parking shall conform with provisions of the UDC for the use developed and that the site will maintain 15% open space (the minimum required).

The PD plan shows a proposed 5-story, 111-room hotel that would have a maximum height of 55-feet. The height for the hotel use is a "design exception" and all other uses possible on the site would be subject to the general dimensional standards of the M-N district. The site would be accessed from a newly constructed fire code compliant cul-de-sac that will be integrated into the reconstructed of Keene Court which is classified as a local, non-residential street. The pavement width of Keene Court will be a minimum of 32-feet and would have sidewalks constructed along its entire frontage extending from Keene Street.

The PD plan shows a total of 116 parking spaces which is 150% of the minimum required. An additional 12 bicycle parking spaces have been provided which is compliant with established code minimums. The developed site is proposing to utilize underground stormwater detention to address required stormwater management. Final evaluation of the site's compliance with the parking requirements (vehicle and bike) as well as stormwater management will be undertaken as part of the site development permitting process.

The building's footprint, based on the conceptual layout, appears to meet all architectural design provisions found in section 29-4.6 of the UDC. Those provisions require building articulation at prescribed intervals to ensure that long spans of unbroken facades are not present in the building design. A final evaluation of full code compliance with these standards will be undertaken at the time of building permit submission.

The submitted landscape plan for the site provides the required treatments for both the perimeter of the property as well as interior parking areas. An 8-foot tall screen device will be installed along the southern boundary of the property to provide sufficient buffering between the residential use to the south. The site does not contain climax forest; therefore, does not trigger the need to identify a tree preservation area. Final evaluation of full code compliance of the landscaping features for the site will be undertaken at the time of building permit submission.

The PD plan serves as the site's preliminary plat and shows the existing right of way for Keene Court as being "vacated" and the original lot lines of the existing 7 lots of record as well as several utility easements. The vacation of that portion of the Keene Court right of way and the utility easements over which the hotel is to be built will need to occur to fully effectuate the proposed redevelopment of this site. City Council must vacate Keene Court prior to the rezoning of the subject acreage and approval the accompanying PD Plan. The vacation of the utility easements will be processed concurrent with the replatting of the property in the future, prior to building permit issuance, at which time the new right of way and standard utilities shown on the plan would be dedicated. The future replat of the property and utility vacation requests will be sent directly to City Council for consideration pursuant to standard UDC procedures.

Conclusion

While the rezoning of the subject acreage to PD is not viewed as the most efficient manner in which to

have the site redeveloped, given the limited available options to accommodate the proposed use for the site such classification and procedure was seen as most appropriate. Such an action allows a single use (i.e. a hotel) to be included in what is otherwise viewed as an M-N zoning district. Such action also permits that an “exception” to the permissible height for **only** the hotel be considered and incorporated into the future regulations governing development on the site.

Alternatives to utilizing the PD designation would be to consider rezoning the property to M-C, which is believed too intense and a “spot” zone given the surrounding land use context east of US Highway 63 or seeking a change to the text of the M-N district to allow hotels as a “by-right” or “conditional” use. While staff sees the potential value in pursuing a text change, such activity requires more thoughtful consideration of the possible impacts that such a revision may create and under what conditions such an allowance would be appropriate. Given the vacant nature of the property and the identified end-user for it, the use of the PD process appeared to be the best classification given the circumstances and other options.

The surrounding infrastructure coupled with the proposed Keene Court improvements have been identified as being sufficient to support the proposed use shown on the PD plan. Should the intensity of the hotel increase or if the site is to be utilized for a different land use permitted within the SOI that generates over 100 trips in the peak hour a traffic study would be required. At this time, as the 111-room hotel does not trigger the necessity for a traffic impact analysis.

Finally, given the land uses proposed within the SOI are generally more restrictive than what the current M-N zoning allows with the exception of the hotel, it is staff belief that this request is more protective and responsive to the adjacent land uses. The intensity of the site’s future development will naturally be limited given the size of the parcel and its off-prime access; however, the SOI and the PD plan assures that the development can be better integrated into the surrounding context than if rezoned to a more intense use that allows the hotel as a “by-right” use or the site is left to be developed with other permitted uses in the M-N district.

RECOMMENDATION

Approve the requested rezoning to PD with the associated SOI and development plan to be known as the “Keene Street Hotel” subject to minor technical corrections.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Statement of Intent
- Development Plan

SITE CHARACTERISTICS

Area (acres)	2.82 acres
Topography	Sloping downward to the north
Vegetation/Landscaping	Turf and sparse tree cover on the perimeter
Watershed/Drainage	Hinkson Creek
Existing structures	Vacant

HISTORY

Annexation date	1964
Zoning District	M-N (Mixed-use Neighborhood)
Land Use Plan designation	Commercial
Previous Subdivision/Legal Lot Status	Platted, Keene Estates Plat 1

UTILITIES & SERVICES

Site served by all City services.

ACCESS

Keene Court	
Location	Along east end of property
Major Roadway Plan	Local, non-residential
CIP projects	None
Sidewalk	Sidewalks required

PARKS & RECREATION

Neighborhood Parks	Approximately 1600-feet to Woodridge Park
Trails Plan	Hominy Creek Trail (off-site to SE)
Bicycle/Pedestrian Plan	Hominy Creek Trail, Keene Street on-street bike lanes

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 this pending request on August 4, 2023. 7 letters were distributed. Public hearing ad published within the Columbia Tribune on August 8, 2023. No correspondence has been received.

Report Approved by Patrick Zenner