



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: December 2, 2024

Re: 4414 Smith Drive – Rezoning (Case # 260-2024)

## Executive Summary

Approval of this request would rezone a 4.82-acre parcel of R-1 (One-family Dwelling) district land to the R-MF (Multifamily Dwelling) district. The site is located directly south of the intersection of Smith Drive and Dayspring Drive and is addressed 4414 Smith Drive.

## Discussion

A Civil Group (agent), on behalf of Dan and Audrey Barraco (owners), seek approval to rezone 4.82-acres located at 4414 Smith Drive. The subject site lies directly south of the intersection of Smith Drive and Dayspring Drive. The site is improved with a legally conforming single-family home and a garage. The applicants wish to rezone the property to R-MF in advance of its future sale, at an unknown time, such that its value is increased and options for redevelopment are enhanced.

There is a mix of zoning surrounding this site, particularly to the east and north. These parcels were previously zoned (under the old zoning code) a mix of PUD (Residential Planned Development), O-P (Planned Office), and C-P (Planned Business) and governed by approved development plans; however, were never commenced. In early 2019, these parcels were rezoned to R-MF (Multiple-family Dwelling), M-N (Mixed Use – Neighborhood) and M-C (Mixed Use – Corridor) and are now improved with “Westbury Village.” A preliminary plat for this acreage was approved concurrently with the rezoning action and a final plat was approved in May of 2019.

There are three parcels abutting the eastern edge of the subject site southwest of the intersection of Scott Boulevard and Smith Drive. The southern two parcels are zoned M-N and the northern lot, located at the southwest corner of Scott Boulevard and Smith Drive, is zoned M-C. These lots are encumbered by a Type II stream buffer & conservation easement in the rear of the lots, providing a transitional buffer to the residential lots on the western edge of these three parcels.

The requested R-MF zoning is considered consistent with the “Neighborhood District” designation for the property as shown on the Future Land Use Map of the city’s comprehensive plan. The neighborhood district is intended to accommodate a broad mix of residential uses, and supporting, small-scale commercial uses. R-MF zoning permits single-, two-, and multi-family use and institutional uses. The intent of the R-MF district is to provide a mix of one-family, two-family, and medium density multi-family residential development. It may include a range of residential uses from one-family to medium and high density multi-family apartments and condominiums and fraternity and sorority houses. The scale of



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701 East Broadway, Columbia, Missouri 65201

development is regulated to ensure that new development is not out-of-scale with the character and density of currently existing adjacent uses or zoning.

Additionally, the requested rezoning would be generally consistent with the Columbia Imagined, the City's comprehensive plan and its stated desire for "nodal" development, referring to the arrangement of commercial and mixed-use in a relatively compact area. The subject site is located entirely within a marketplace service area, with the "marketplace" node being the M-C zoned properties northwest at the intersection of Smith Drive and Scott Boulevard in Westbury Village. The designation of this node as a "marketplace" was contemplated during the rezoning of this acreage in 2019.

The node designation appears to remain appropriate today, as the "marketplace" has controlled access onto arterial streets, an internal street network which creates a boundary between the surrounding residential uses and the marketplace uses, and the amount of leasable area for commercial purposes (~75,000 SFT presently, ~30,000 additional SFT planned) is within the recommended range of 30,000 to 100,000 SFT. A marketplace service area encompasses a ½-mile radius, and this site would lie within this ½ mile radius of the marketplace node. It should be noted that there is a striped ADA crosswalk with a pedestrian refuge island at the Dayspring Drive/Smith Drive intersection which provides opportunity for safe pedestrian movement to the Westbury Village development from the subject site. Additionally, there are a series of speed tables to the west of the crosswalk to assist in managing traffic speeds along Smith Drive.

While rezoning the subject site to R-MF would be considered consistent with the comprehensive plan's future land use and its nodal designation, such action may be inconsistent with the surrounding residential land use patterns south and west of Smith Drive. A rezoning to R-MF could serve as a transitional buffer between the more intense M-C and M-N uses that exist along the Scott Boulevard frontage; however, the existing natural and stream buffers provided by Goodin Branch presently serve that purpose. Uses on this site, if rezoned, would be unlikely to burden residential subdivisions to the south as tenants would be unlikely to use the residential road network as they have direct access to Smith Drive only.

A transportation impact study would likely be required for any development occurring on the site to mitigate any drop in the level of service of Smith Drive. Such a study would also provide assurance that existing residents and development around the area would not be inundated by a new development. Neighborhood protection standards would be applicable if the site were to be developed with a multifamily building. If such a building were greater than 30 feet in height impacts of such structure would be required to be mitigated by either "stepping down" the structure within 25-feet of the adjacent R-1 land or increasing the side and rear yard setbacks by 10 feet.

The lot, as it is today, meets the definition of 'legal lot' within the Unified Development Code (UDC), as it was accurately described by a metes and bounds description prior to its annexation into the city in 1991 and 1994. If rezoned the legal lot status would remain and the property would not be required to be platted prior to being eligible for redevelopment.



Sidewalks already exist on the frontage of the subject property and there is access to a public crosswalk.

On November 7, 2024, the Planning & Zoning Commission held a public hearing on this matter. Staff presented its report and the Commission asked a question about setbacks and the maximum permissible height of the structure. The applicant's agent was there to answer questions. There was no public comment otherwise. A single public comment (see attached) was provided via email following agenda preparation which was distributed to the Commission for consideration.

Following the public hearing, Commissioner Williams expressed concerns about the rezoning citing the lack of a development plan/identified future use for the site and incompatibility with single-family residential subdivisions to the south. Commissioner Brodsky expressed concerns about the permissible maximum height of the structure and the adequacy of neighborhood protection standards as it relates to structure height. Following discussion, a motion was made to approve the request that was approved by a vote of (7-2).

A copy of the Planning and Zoning Commission staff report, locator maps, zoning exhibit, public correspondence, and meeting minute excerpts are attached.

### Fiscal Impact

Short-Term Impact: None. The subject site is presently improved with a single-family structure and is to be used for this purpose in the near term. Any possible redevelopment of the site that would require extension of public infrastructure would be borne by the owner or future developer of the acreage.

Long-Term Impact: None as a result of rezoning the acreage given there are no immediate plans for redevelopment of the property. Should rezoning be granted and redevelopment occur, impacts could include increased demand for public safety and trash collection as well as maintenance of public infrastructure (i.e. roads, sewer, and water).

### Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

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

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Not Applicable

### Legislative History

Date	Action
9/16/2024	Denial of rezoning from R-1 to M-OF. (B 214-24)

### Suggested Council Action

Approve the request to rezone from R-1 One-family Dwelling to R-MF Multiple-family Dwelling as recommended by the Planning & Zoning Commission.