



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: February 17, 2020

Re: 1001 N. Providence Road Rezoning (Case #28-2020)

Executive Summary

Approval of this request would rezone 0.44 acres of property addressed 1001 N. Providence Road from PD (Planned Development) to M-N (Mixed-Use Neighborhood).

Discussion

Thomas and Pam Kardon (owners) seek to rezone approximately 0.44 acres of property located at the northwest corner of Providence Road and Third Avenue addressed as 1001 N. Providence Road from PD (Planned Development) to M-N (Mixed-Use Neighborhood). The owners have expressed challenges in leasing the space given the use limitations imposed by the current PD Statement of Intent and further noted that pursuing changes to the site's permitted uses through the PD revision process is time consuming, uncertain, and costly. They believe the M-N zone would allow uses desired by prospective tenants and that straight zoning would eliminate the need for additional plan revisions in the future.

The property has been the subject of numerous rezoning requests over the past twenty years, as described in the attached Planning and Zoning Commission staff report. The most recent PD revision, approved in November 2009, modified the Statement of Intent (SOI) by expanding the permitted uses allowed on the site to include office and personal service uses (including the related sale or rental of goods) in addition to the previously permitted auto parts store. Additionally, the SOI included revisions to the site's design parameters, imposed restricted hours of operation (7:00 a.m.-7:00 p.m), required a higher-level of site landscaping, and authorized less stringent parking standards. The approved 2009 SOI revision (Ord. 20460) is attached for review. The existing building, presently occupied by AQ Beauty Supply, has been built and operated in accordance with the approved PD development plan and SOI.

The requested rezoning would eliminate the ability to impose use restrictions, require enhanced landscaping, restrict hours of operations, and require a public approval process for site plan changes which are believed appropriate given the surrounding land use context which is generally R-2 single-family residential with limited M-OF zoned lands to south of the subject site. Furthermore, straight zoning would allow all of the permitted retail uses within the M-N zone which includes alcohol and tobacco sales to occur on the site which are believed incompatible with the surrounding land use context given that the site is not at a nodal location of two major streets. The sale of alcohol and tobacco would be permitted by State Law given the site is more than 100 feet away from the Hickman High School building.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

While the rezoning request is not out of keeping with the Comprehensive Plan's future land use designation of "Commercial District", it should also be noted that the Plan promotes context-sensitive development and neighborhood planning. Given the subject property is not part of a neighborhood plan which could provide greater detail on what land uses are desirable for this property, staff has reviewed the prior public engagement surrounding this property's current use to gain such an understanding.

The original 2004 rezoning and 2005 development plan approval as well as the 2009 SOI revision involved significant participation by direct neighbors and the Ridgeway Neighborhood Association. While notice was provided to the neighbors and association for this request, neither support or concerns have been cited by the neighborhood association. Of near neighbors, one has expressed support and one some concerns during the first public hearing held by the Planning and Zoning Commission on January 9, 2020.

The Planning and Zoning Commission heard this request at a continued public hearing at their January 23 meeting, after tabling the request January 9 to allow the applicant time to consider revisions to the approved Statement of Intent and Design Parameters for the site under the existing PD zoning. Staff worked with the applicant to prepare these materials to accommodate general retail uses on the site but prohibiting alcoholic beverage sales not associated with a restaurant use, and to maintain the existing hours of operation restrictions and landscaping requirements. Ultimately, the applicant decided against revising the PD zoning and continued their pursuit for M-N zoning at the January 23, 2020 public hearing.

Following discussion and questions of the applicant, a motion to approve the rezoning request was **denied** with a recorded vote of four no, two yes, and one abstention (4-2-1).

The Planning Commission staff report dated January 9, 2020 and Supplemental Memo dated January 16, 2020, locator maps, 2009 SOI & Design Parameters (Ord. 20460), Providence and 3rd Avenue C-P Plan, and meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: None. Public infrastructure is constructed to the site.

Long-Term Impact: None.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

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

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Legislative History

Date	Action
11/02/2009	Changing the uses allowed on C-P zoned property located on the northwest corner of Providence Road and Third Avenue (1001 N. Providence Road (Ord. 20460)
11/07/2005	Approving the Providence and 3 rd Avenue C-P Plan.

Suggested Council Action

Deny the requested rezoning from PD to M-N as recommended by the Planning and Zoning Commission.