

AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
October 8, 2020

SUMMARY

A request by Civil Group (agent), on behalf of Commerce Bank & Broadfield Properties, LLC (owners), seeking to rezone approximately 5.97 acres of property from PD (Planned Development) to M-C (Mixed Use- Corridor) and 5.38 acres from PD to M-N (Mixed Use- Neighborhood). The property is generally located northeast of the traffic circle at E. Highway WW and Rolling Hills Road with frontage on both sides of Pergola Drive. **(Case 128-20)**

DISCUSSION

The applicant is seeking to rezone approximately 11.35 acres located northeast of the traffic circle at E. Highway WW and Rolling Hills Road from PD to M-N (5.38 acres) and M-C (5.38) acres). The request includes 5 lots. As shown on the zoning graphic, the M-C request includes Old Hawthorne Plaza Plat 1-B, Lot 1B1; Old Hawthorne Plaza Plat 1-C, Lot 1C; and Old Hawthorne Plaza Plat 1-A. Old Hawthorne Plaza, Lot 2 is requested to be M-C on its western half and M-N on its eastern half, and Old Hawthorne Plaza Plat 1-C, Lot 2C is requested to be M-N. The M-C requested zoning is generally along the S. Rolling Hills Road facing property, and the M-N requested zoning to the interior of the property adjacent to the residential properties off Bower Lane, Old Hawthorne Drive West, and Talco Drive.

These properties were included as Tract 3-C of the larger annexation and zoning of approximately 1,600 acres of property northeast and southwest of State Route WW (on both side of Rolling Hills Road) approved in July of 2005 by Ordinance #18558. All C-3 uses were permitted in the three C-P (Planned Commercial) tracts except those explicitly excluded or assigned as conditional uses per Exhibit F to Ordinance #18558 (attached). The resulting permitted uses for this tract, per the C-P (now PD) zoning generally include all intermediate level commercial/retail uses associated with the present day M-N zoning, and some more intensive commercial uses now permitted in the M-C zone (such as veterinary hospitals/kennels, bars, gas stations, and larger retail stores though the PD zoning limits these to 50,000 square feet).

The applicant stated in their application “The tract is also subject to covenants and restrictions that prohibit the exact same uses excluded in the existing PD and original C-P zoning.” The Old Hawthorne Plaza Covenants provided by the applicant regulate architectural features, landscaping and signage, and provisions on access and common features. The covenants prohibit uses including golf cart storage facilities, human/animal cemeteries, plant nurseries, the sale of pornographic materials, head shops, video game rooms/arcades, pawn shops, flea markets, recycling facilities, motor vehicle or boat storage facilities, and motor vehicle repair shops.

The applicant also provided an agreement between the original developers (Billy Sapp and Property Development, Inc.) and a group known as H.A.R.G. (Harg Area for Responsible Growth) which mirrors the permitted and excluded uses as presented in the CP zoning. As the City is not a party to private agreements, it should be noted that staff’s review of the applicability of the rezoning request, as

presented below, is independent of these documents. Staff has reviewed the request based upon all uses which would be permitted should the requested rezoning be approved.

A CP Plan for the property (attached), which includes the same property as the present rezoning request, was approved in February 2015, and governs the development of the tract so long as the property is zoned PD. The applicant has indicated the PD zoning and PD site plan requirements presently encumbering the site are burdensome and induce regulatory uncertainty for development of the tract and less flexibility compared to straight zoning. Presently, there is only one partially occupied building on the acreage, which houses an insurance agency.

When looking at the appropriateness of the rezoning request, staff considered the tradeoffs inherent to the planned development zoning process, the land use mix of the area, the neighborhood protections now in the UDC, the comprehensive plan and area plan for this area, and the uses and entitlements on the property compared to the requested straight zoning request.

The Columbia Imagined and East Area Plan land use designation for the property is commercial. This area is experiencing growth in terms of rooftops, yet the commercial tracts here to support this growth remain largely undeveloped. Staff does not disagree with the applicant that straight zoning often has less cumbersome processes and greater flexibility in terms of uses and site design than PD zoning. In this location, the M-N zoning as shown would permit less intensive commercial uses adjacent to the residential tracts which may provide walkable, neighborhood-level services, and the neighborhood protections now inherent to the UDC (e.g. landscape buffering and others) were designed to mitigate the negative effects of land use transitions in such situations.

The transition to straight zoning will also have some restrictions in the M-N requested areas versus the higher uses presently permitted per the PD zoning in these areas, and the M-N zone has a 35 foot height restriction whereas the 2015 PD Plan permitted two office buildings as high as six stories in the far northeast corner of Lot 2, overlooking the golf course. It should be noted however, that the other buildings shown on the PD plan were one story, and this straight zoning request, if approved, would allow up to 35 foot tall buildings on the M-N areas and 45 foot tall buildings on the M-C tracts.

As this area continues to grow, it may be appropriate to see more regional level/intensive commercial uses such as a gas station or a veterinary clinic at the Route WW and Rolling Hills Road intersection which would be consistent with the M-C request for the lots with visual frontage on Rolling Hills Road (access shall be provided via Pergola Drive). Here again staff believes the UDC has more provisions in terms of use-specific standards, landscaping and other land use controls to better integrate commercial uses into a broader land use mix such as in this location.

While approval of the rezoning would result in some loss of control specifically relating to site planning oversight, the property was zoned for commercial uses at the same time the abutting residential areas were also zoned. There is an established expectation that this will be a commercial area and the code now has more advanced site planning protections than were available when the property was annexed in 2005. Additionally, the Arbor Falls Homeowner's Association has provide a letter of support for the rezoning (attached).

RECOMMENDATION

Approve the requested rezoning from PD to M-N and M-C as requested.

ATTACHMENTS

- Locator Maps
- Zoning Graphic
- Annexation and Zoning Ordinance (#18558), map, & excluded C-3 uses in C-P tracts (Exhibit F)
- Old Hawthorne Plaza C-P Plan (2007)
- Old Hawthorne Plaza Covenants and HARG- Sapp Agreement provided by Applicant
- Public Correspondence

HISTORY

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| Annexation date | 2005 |
| Zoning District | Currently PD (Planned District) |
| Land Use Plan designation | Commercial |
| Previous Subdivision/Legal Lot Status | Legal lots: Old Hawthorne Plaza Plat 1-C Lot 2C; Old Hawthorne Plaza Plat 1-B, Lot 1B1; Old Hawthorne Plaza Plat 1-C, Lot 1C; Old Hawthorne Plaza Plat 1-A, Lot 1A; and Old Hawthorne Plaza, Lot 2 |

SITE CHARACTERISTICS

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| Area (acres) | 11.35 |
| Topography | Gently flat |
| Vegetation/Landscaping | Turf |
| Watershed/Drainage | Perche Creek |
| Existing structures | Vacant and one building (5510 Pergola Drive; Missouri Farm Bureau Insurance and available leasing space) |

UTILITIES & SERVICES

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|------------------------|----------------------------------|
| Sanitary Sewer | City of Columbia |
| Water | Public Water Service District #9 |
| Fire Protection | City of Columbia |
| Electric | Boone Electric |

ACCESS

| Pergola Drive | |
|---------------------------|--|
| Location | Bisects the property requested to be rezoned, runs generally east-west |
| Major Roadway Plan | Local street |
| CIP projects | NA |
| Sidewalk | Required |

PARKS & RECREATION

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| Neighborhood Parks | Adjacent to Old Hawthorne Golf Course |
| Trails Plan | South Fork of the Grindstone Trail, secondary, proposed to extend to the Rolling Hills/WW node |
| Bicycle/Pedestrian Plan | 10' Pedway alongside WW planned |

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 via two advanced notification postcards which was mailed on June 5, September 2 2020. **18** postcards and property owner letters were sent.

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| Public Notification Responses | 3 general inquiry calls. Comments/concerns: None. |
| Notified neighborhood association(s) | Vineyards Homeowner Association |
| Correspondence received | Letter from Arbor Falls Homeowner Association |

Report prepared by Rachel Bacon

Approved by Patrick Zenner