

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
July 18, 2019**

SUMMARY

A request by Crockett Engineering (agent), on behalf of Boone Development, INC (owner), for a Planned Development (PD) Plan Major Amendment for property addressed as 411 N. College Avenue. The Schapira Clinic Final O-P Development plan for 411 N. College Avenue was approved in 1987 with dental office as the approved use. In addition to office uses, the applicant proposes to include "Medical Marijuana Dispensary" as a permitted use in an updated statement of intent (SOI). The approximately .3-acre, PD (Planned Development) zoned property is located at the southwest corner of College Avenue and Rogers Street. **(Case # 153-2019)**

DISCUSSION

The applicant is seeking a major amendment to the existing Schapira Clinic Final O-P Development Plan to revise the Statement of Intent (SOI) governing uses on the property. The property was rezoned from R-3 (Medium Density Multiple-Family Dwelling District) to O-P (Planned Office District) in 1987. The zoning included all uses permitted in District O-P without additions or exemptions. The existing dental office building and 18 parking spots were approved thereafter via the Schapira Clinic Final O-P Development Plan (1988) and the Schapira O-P Plan Phase II Development Plan (2000). With the adoption of the new UDC, all O-P districts retain their approved zoning entitlements, but now fall more broadly under the general PD (Planned District) classification.

The requested PD plan revision would allow a medical marijuana dispensary as a permitted use in addition to the permitted office uses. If approved, the medical marijuana dispensary use would be subject to the use-specific standards for the use under 29-3.3(qq) of the UDC, including (but not limited to) the requirement that facilities be state-licensed and at least 500 feet from a church, school or daycare as defined and measured by state regulations. The Schapira Clinic Final O-P Development Plan regulates the site's design and development features and is not requested to be amended at this time.

This area was annexed into the City in 1849 and includes parts of Lots 17, 18 and 19 of Kelly's Addition to Columbia. Kelly's Addition included 34 generally 50'x140' lots between Ash Street and Paris Road to the south and north, bounded by St. James Street at the west, College Avenue on the east, and inclusive of both sides of St. Joseph Street. The area in the immediate vicinity of this site to the south, west, and to the east across College Avenue remains residential and is zoned R-MF (Multiple-family Dwelling District). Property to the east across College Avenue is also included in the Benton-Stephens Overlay District. Across Rogers Street and Park Avenue to the west and north is M-N (Mixed use- Neighborhood) zoned property.

Given the additional use proposed within the revised SOI, staff evaluated the surrounding land uses, the uses permitted under the existing SOI, the use-specific standards applicable to a medical marijuana dispensary, and the *Columbia Imagined* Comprehensive Plan Land Use Designation. When looking at the larger land use mix of the neighborhood it was noted that in addition to large swaths of residential adjacent to and nearby the site there are commercial and industrial uses to the north and northeast. Further west is the North Arts Village District with a variety of artisan industries and mixed uses.

Columbia Imagined calls for nodal intersections, such as the intersection of Rogers Street/Paris Road (a major collector) and College Avenue (a major arterial) as places for neighborhood-level mixed uses providing walkable services to neighborhoods and buffers from more intensive land uses. However, such nodal locations are typically achieved by the M-OF (Mixed-use Office) or M-N (Mixed-use Neighborhood) zones that allow for neighborhood-level commercial and employment as well as softer land use transitions adjacent to residential areas. As the existing PD (Planned Development) zoning would be analogous to M-OF zoning. The M-OF zone does not permit medical marijuana dispensaries and as such this request could be viewed as an up-zoning. The aspects of an up-zoning would be especially noticeable given the M-N zoning across Park Avenue and Rogers Street would not allow medical marijuana dispensaries.

The medical marijuana dispensary use is only permitted in the M-DT (Mixed use- Downtown), M-C (Mixed-use Corridor) and IG (Industrial) districts. The intensity of these uses may not be appropriate for this area given the potential impact on the existing residential lots. Additionally, the Park/Rogers/Paris/College roadway intersection convergence has notable traffic congestion issues which would be further stressed by large-scale or destination retail such as a medical marijuana dispensary. As it is unlikely staff would support a rezoning of this property to a zone which would permit the use by right, the addition of this use to the planned district SOI is also not supportable.

The *Columbia Imagined* land use designation for this area is "Employment", which envisions "basic employment uses, including offices, corporate headquarters, manufacturing, warehouses and research parks" and "supporting uses such as multi-family residential, convenience retail, day care facilities and restaurants." A medical marijuana dispensary may be considered a supporting use, e.g. convenience retail such as a drug store, if near employment centers.

As the neighborhood has some employers, this use is not inconsistent with the *Columbia Imagined* land use designation, but may not be the employment-supporting accessory use truly envisioned by the plan. Also neutral is the location in terms of access for medical marijuana patients. While the site has existing traffic congestion issues it is not far from Boone Hospital (less than a mile) and University Hospital (less than 1.5 miles) and is on the GoCOMO Blue bus route.

A preliminary evaluation of the site suggests it may be able to comply with the use-specific standards relating to distance and separation from churches, day cares, and schools. A formal review of the site's ability to meet the use-specific standards would be part of the business licensure process should the SOI revision be successful and should a state-licensed operator seek to locate on the site.

Overall, in consideration of the above-mentioned factors, the medical marijuana use is more intensive than the land use mix of the area would support, and is far more intensive than the permitted uses allowed under the existing PD Plan. As such, staff does not recommend the SOI revision as proposed by the applicant.

RECOMMENDATION

Disapproval of the revised statement of intent.

ATTACHMENTS

- Locator maps
- Revised Statement of Intent
- Schapira Clinic Final O-P Development Plan approved January 4, 1988
- PD Zoning Ordinance (Ord. 11528) approved June 15, 1987

HISTORY

Annexation date	1849
Zoning District	PD (Planned District)
Land Use Plan designation	Employment District
Previous Subdivision/Legal Lot Status	Part of Lots 17, 18 and 19 of Kelly's Addition to Columbia

SITE CHARACTERISTICS

Area (acres)	.3 acres
Topography	Graded for development
Vegetation/Landscaping	Developed
Watershed/Drainage	Hinkson Creek
Existing structures	Existing building and parking lot

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Park Avenue	
Location	Northeastern edge of property
Major Roadway Plan	Local street
CIP projects	N/A
Sidewalk	Existing

College Avenue	
Location	Eastern edge of property
Major Roadway Plan	Major Arterial
CIP projects	N/A
Sidewalk	Existing

PARKS & RECREATION

Neighborhood Parks	South of Field Park east of Lions Stephens Park
Trails Plan	South of the Colt RR Trail
Bicycle/Pedestrian Plan	N/A

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 a public information meeting, which was held on June 11, 2019.

Public information meeting recap	Number of attendees: 5 (including applicant) Comments/concerns: Questions about process, concern about negative impact on neighborhood
Notified neighborhood association(s)	North Central, Benton Stephens & NCCNA/Shoe Factory District Associations
Correspondence received	None.

Report prepared by Rachel Bacon

Approved by Patrick Zenner