

AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 20, 2020

SUMMARY

A request by Crockett Engineering (agent), on behalf of Boone Development, Inc. (owner), for a major amendment to the Schapira Clinic Final O-P Development Plan's Statement of Intent to include "Medical Marijuana Testing Facility" and "Personal Services-General" as a permissible on-site uses. The Schapira Clinic Final O-P Development Plan was approved in 1987, permitting office uses and revised August 2019 to permit "Medical Marijuana Dispensary," as permitted uses on the site. The 0.37-acre property is zoned PD (Planned Development), located at the southwest corner of College Avenue and Rogers Street, and addressed 411 N. College Avenue. **(Case # 148-2020)**

DISCUSSION

The applicant is seeking a major amendment to the August 2019 approved Statement of Intent (SOI) governing uses permitted within the Schapira Clinic Final O-P Development Plan. The existing SOI permits office uses and medical marijuana dispensaries. The requested revision would expand permitted uses to include "Medical Marijuana Testing Facility" and "Personal Services – General" to the permitted use list.

The property was rezoned from R-3 (Medium Density Multiple-Family Dwelling) to O-P (Planned Office) in 1987 and permitted to be used for all uses allowed in District O-P without additions or exceptions. 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). In March 2017, following adoption of the UDC, all O-P districts retained their approved zoning entitlements, but were recoded to the PD (Planned District) classification. As noted above, in August 2019, the SOI was revised to allow a medical marijuana dispensary in addition to the 1987 permitted office uses.

Given the additional uses proposed as part of this application, staff has evaluated the surrounding land uses, the uses permitted under the existing SOI, the use-specific standards applicable to a medical marijuana testing facility, and the *Columbia Imagined* Comprehensive Plan Land Use Designation. The properties in the immediate vicinity of the site are largely residential in nature and zoned R-MF (Multiple-family Dwelling) to the south, west, and east across College Avenue. 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.

When looking at the larger land use mix of the neighborhood it should be 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. Finally, further to west is the North Arts Village District with a variety of artisan industries and mixed uses.

Columbia Imagined calls for the creation of nodal locations at intersections like 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 creating buffers from more intensive land uses. The existing PD zoning would be considered similar to M-OF zoning, with the exception of

the medical marijuana dispensary use, which would typically require at least M-C zoning, due to the commercial aspects of the use.

When considering the proposed use of a medical marijuana testing facility, staff finds that it is more consistent with an office use as defined in the UDC and as such is more consistent with the original PD Plan's intended development. The impact of the use, if approved, would be limited given the existing PD Plan limitations on development size. The current PD Plan limitations are not proposed to be modified. Furthermore, the proposed use is governed by the additional use-specific standards of Section 29-3.3(qq) of the UDC which include, but are not limited to, the requirement that such facilities be state-licensed and at least 500 feet from a church, school or daycare.

When considering the proposed general personal services use, staff finds it is more consistent, in terms of operation, with the approved medical marijuana dispensary use given that services are being rendered to customers on-site and they can be commercial in nature. However, staff's principal concern with the addition of medical marijuana dispensaries, as previously expressed in 2019, had to do more with allowing a higher intensity commercial use, only allowed in the M-C district, within a development envisioned for office uses more consistent with the M-OF district.

General personal services are allowed in the M-OF district as a conditional use and staff has noted that the existing PD generally functions as an M-OF zoned parcel given its current restrictions. Since the property is zoned PD and rezoning the site away from this classification is likely not supportable, the applicant is seeking to incorporate the general personal service uses into the current SOI. If allowed, uses such as barbershops and salons, laundry establishments, repair shops, etc. would be permitted. While these uses are "commercial" by the nature of their operation, staff believes such uses offer opportunities to satisfy the Comprehensive Plan's goal of permitting walkable neighborhood services to the surrounding area while not generally permitting a use that is more intense than what was previously contemplated for the site.

Staff further finds that 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." As the neighborhood has some employers, the proposed uses sought to be added are not considered inconsistent with the land use designation.

The site 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. General personal services offer both potential employment and easily accessible services to the surrounding residential neighborhoods and employment centers. A medical marijuana testing facility would offer employment without the additional come-and-go traffic of the approved dispensary use.

A preliminary evaluation of the site relating to the use-specific standards for the proposed medical marijuana testing facility suggests it may be able to comply with the standards relating to distance and separation from churches, day cares, and schools. A formal review of the site's ability to meet all 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.

RECOMMENDATION

Approval of the revised statement of intent to add "Medical Marijuana Testing Facility" and "Personal Services – General" to the permitted list of uses allowed on the site.

ATTACHMENTS

- Locator maps
- Statement of Intent Worksheet

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 by advanced public notice postcards distributed on July 17, 2020. A total of 12 postcards were mailed.

Public information meeting recap	Meeting not held due to Covid-19 restrictions.
Notified neighborhood association(s)	North Central, Benton Stephens & NCCNA/Shoe Factory District Associations
Correspondence received	None.

Report prepared by Rusty Palmer

Approved by Patrick Zenner