

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
June 10, 2021**

SUMMARY

A request by Crockett Engineering (agent), on behalf of Boone Development, Inc. and Old Hawthorne Golf Club, LLC. (owners), to rezone a 6.19-acre property commonly known as the Old Hawthorne Wellness Center from PD (Planned Development) to O (Open Space) to facilitate future expansion and improvements to the Wellness Center. Additionally, the applicants are requesting a Conditional Use Permit (CUP) allow 'Outdoor Recreation or Entertainment' uses on the site. The site is located on the northern frontage of Old Hawthorne Drive West approximately 650' north of Route WW and is commonly addressed 1900 W Old Hawthorne Drive. **(Case # 147-2021 & 148-2021)**

DISCUSSION

The applicants are seeking to rezone approximately 6.19 acres of property, commonly known as the Old Hawthorne Wellness Center, from PD to O. Additionally, the applicant is requesting a CUP to permit 'Outdoor Recreation or Entertainment' as an allowed use. The rezoning and CUP would allow the applicants to expand the Wellness Center without the need for recurring PD amendments. The subject site is located within the master planned Old Hawthorne development and is commonly addressed 1900 W Old Hawthorne Drive

The Wellness Center is currently improved with a clubhouse and two parking lots serving several outdoor facilities including four pickleball courts, four tennis courts, and a swimming pool. The western portion of the site is graded, yet unimproved, and sits approximately 10' above the abutting property to the northwest. The remainder of the site contains landscaping, open lawn, and planted trees. Sidewalks are constructed along the Old Hawthorne Drive frontage to the south but not along the private drive frontage to the east.

This site was annexed in 2005 as part of two separate tracts. The western tract was included in a PUD (Planned Unit Development) as part of what is now the 'On the 9th' development and the eastern tract was developed under a C-P (Planned Commercial) development plan containing the Wellness Center. The Wellness Center C-P plan was approved in 2008 and amended in 2017 to accommodate a 700 square foot expansion of the clubhouse facility. The site was replatted in 2013 into one lot, its current configuration, although the site remained split zoned and contains two tax parcels held in separate ownership.

The C-P zoning assigned in 2005 permitted all uses allowed in C-3 (General Business District) with an exhibit detailing excluded uses (attached as Exhibit B). Several of these excluded uses are those which would now be considered under the umbrella of Outdoor Recreation or Entertainment such as amusement parks, amphitheaters and large outdoor concert facilities, and race tracks. However it does not exclude small-scale facilities such as those requested by the applicant.

Zoning

Requests for zoning map amendments are evaluated from several perspectives, including the surrounding zoning and land use mix, how the requested zoning correlates with the Comprehensive Plan, and the site's future land use designation. In this case, additional consideration was given to this site's location and role within the greater master planned development.

In terms of the surrounding land use and zoning adjacent to the site, surrounding properties are described as follows: The property to the northwest is zoned PUD and contains the 'On the 9th'

Development, property to the north and east are zoned R-1 (One-Family Dwelling) and contain the Mizzou Golf Center and parts of the Old Hawthorne golf course, property to the southwest is zoned PUD and contains the Arbor Falls development, and the tract directly to the south, fronting Old Hawthorne Drive and Highway WW, is zoned C-P and is unimproved.

As described above, the surrounding area contains several single-family and condo developments, golf-course facilities, and other neighborhood amenities. The overall land-use pattern is reflective of a large master planned development linking together residential areas with the amenities those residents desire.

On the Future Land Use Map (FLUM), this site is designated as Commercial and Neighborhood districts which is respective of the split zoning of C-P and PUD. These designations accommodate a broad mix of residential and non-residential uses that provide services to neighborhood residents. The Commercial District supports a variety of regional commercial uses which would be considered inconsistent with the site's current use; however, were also limited by the approved 2005 SOI. The requested CUP and O zoning are reflective of the applicant's intent to utilize this site as an outdoor recreation and amenity center with the broader scale of the development.

The O zoning district is subject to 25' front, side, and rear yard setbacks which is more restrictive than any other special purpose or mixed-use district adjacent to a residential district. Similarly restrictive, the district is limited to 35' in building height. Neighborhood protection standards will apply to the northwestern and northern property lines primarily affecting lighting height, screening, and landscape buffering.

The intent of the O district is to ensure and regulate the use of publicly owned parks, open space, and nature reserves, as well as designated private open spaces within master planned developments or subdivisions with the consent of the property owner. However, O zoning does not permit 'Outdoor Recreation or Entertainment' and related accessory facilities without the issuance of a CUP. The existing facilities would become non-conforming if a CUP is not approved.

Conditional Use Permit

The request for O zoning is supplemented by a request for a CUP to allow 'Outdoor Recreation or Entertainment' uses. The use includes facilities for outdoor sporting or recreational, activities or performances, and for which an admission fee or membership fee is required to participate in the activity or observe the performance. Examples of activities include amusement parks, commercial baseball fields, fairgrounds, race tracks, tennis courts, commercial golf courses, and commercial swimming pools. Given the potential impact of these large-scale facilities, this use is only permitted by-right in the M-C (Mixed-use Corridor) and IG (Industrial) zoning districts.

As seen above, this broad spectrum of uses ranges from regional entertainment venues to local recreational venues that one may find in a master planned residential environment. The applicant has requested a list of facilities be permitted on the acreage (see 'Exhibit A') that are commensurate with the types of facilities that would have minimal impact on the surrounding neighborhood. Requested facilities include tennis courts, swimming pools, community clubhouse, community snack bar, and other similar and like uses. The scale and type activities requested by the applicant are not an accurate representation of the type of outdoor recreation facilities, e.g. amusement park or concert venue, which would impose major land-use impacts potentially failing the six evaluation criteria for a CUP. As such, staff is recommending a condition that would exclude such uses.

Additionally, this use is a conditional use in the O district and is subject to a use-specific standard [29.3-(y)(2)] which states "*Accessory uses and structures may provide those types of services generally associated with such clubs and facilities to their members.*" Staff finds this standard to be inclusive of a

clubhouse containing a changing room, meeting area, tennis shop, and fitness center as well as a community snack bar or concession stand.

To ensure that the clubhouse remains an accessory structure, staff recommends that a condition be imposed as follows:

The total square footage of the clubhouse facility shall not exceed the aggregate square footage of all facilities devoted to 'Outdoor Recreation or Entertainment' uses on the lot.

Staff finds the request to be generally consistent with the six evaluation criteria for a CUP as found in Section 29-6.4(m) of the Code. The proposed conditional use will be in conformance with the character of the adjacent area by providing recreational amenities to members of the community. The proposed conditional use is limited to activities that will not cause significant adverse impacts to surrounding properties. Additionally, staff finds the setbacks, neighborhood protection standards, and buffering provisions of the existing UDC adequately address how improvements to this site will be appropriately integrated into the built environment.

The existing tennis courts and pickleball courts are non-conforming in relation to the current C-P Minor Revision approved in 2017. Regarding specific site conditions, on-site parking exceeds the required minimum for the existing facilities, but is not conforming to the C-P site plan. Approval of this request will make these features legally conforming given no specific site plan standard would be required to be met. Given the PD plan process allows for more detailed evaluation of future site improvements and their potential impacts staff believes, if the rezoning and CUP are approved, there should be a procedure established to ensure future site development complies with the City's adopted land disturbance and stormwater management processes.

As such, staff recommends that prior to commencing with additional site improvements, regardless if a building permit is or is not required, a comprehensive land disturbance and stormwater management plan shall be provided for the City's approval demonstrating compliance with the adopted regulations. It is recognized that the final design of the site, as shown in the attached plan, may be modified prior to full build-out of the site and as such this condition may be satisfied by submitting plans showing compliance with each successive site improvement included and up to the final site feature's construction.

Additional Discussion

The applicant's request is to transition from the current procedure requiring PD amendments for any change to the overall site plan to a streamlined permit process associated with open zoning. Currently, any change to a project amenity such as landscaping, open space, or recreational facilities requires a PD major amendment before a building permit may be submitted. Such amendments are subject to the same procedures as a zoning map amendment or new planned development.

Staff has indicated to the applicant that an important trade-off involved in this request is that a rezoning to an open district would remove the requirement that a City-organized public hearing be held per the requirements of a PD major amendment. If open zoning is approved, there is no guarantee that public testimony will be heard and incorporated into the site's future improvements. However, staff recognizes that it is in the best interest of the property owner(s) to provide amenities and improvements that the community desires. This request puts the responsibility of public input, regarding the Wellness Center's improvements, back on the developer.

The applicant has stated that: *"Open zoning would allow the community to make changes to the proposed improvements in a more community friendly fashion. This would also allow the phasing of these improvements to be more predictable and not subject to approval by the City... It would also*

allow the details of the future improvements to be more driven by the demand from the residents and not directly tied to what is shown on a PD Plan... We intend to have this request supported by the community because it will ultimately make the future improvements to the Wellness Center more cost effective, predictable, and more friendly to community involvement and input on their recreational facilities.”

“Improvements to the Wellness Center, and many other facilities on the Old Hawthorne property, are driven by demand and population of residents within the club. As demand and population increases, the amenities are scaled up accordingly as needed. Old Hawthorne residents pay dues to use these facilities and when a particular facility needs improvements, it is relayed on to the developer. The developer makes additions and improvements to the common areas based on information provided by residents and members... To my knowledge, and the knowledge of the President, there are no comments or concerns from the residents with this rezoning request because it does benefit them directly.”

Any potential site improvement that would exceed the dimensional standard or use restrictions imposed by this request would require that the applicants come back to request a rezoning to another zoning district and/or an additional CUP. Currently, 'Indoor Recreation or Entrainment' is not a permitted or conditional use in the O district. If the applicants wish to construct an indoor gymnasium or other similar facility then a rezoning would be required.

Conclusion

As this site is located entirely within a master planned community, the request for O zoning with a supplemental use provided by the CUP request matches the intent of the requested zoning district and is consistent with the character of the neighborhood. This rezoning would not alter the current range of uses existing on site. Rather, it would allow improvements and expansion of those facilities to be made in a more streamlined fashion given that the uses allowed per this request are significantly more restrictive than those permitted by the existing C-P zoning.

Additionally, the site's current split zoning districts of C-P and PUD were approved before the adoption of the Unified Development Code (UDC). The UDC was designed with mechanisms intended to reduce the need for otherwise administratively burdensome PDs. Neighborhood protection standards, environmental protections, buffering provisions, and context-sensitive setbacks were created for open zoning districts to provide an alternative to PDs such as in this case. Staff finds these additional regulations to be appropriate in mitigating potential land use impacts.

The requested list of potential facilities associated with the CUP are minimally intensive and appropriate for the existing development. Such facilities are limited to those commonly associated with services provided by clubs to their members. The requested CUP has been reviewed for the six evaluation criteria and has found to be substantially compliant with said criteria.

Staff reiterates that an important tradeoff to consider in this request is the consideration of public input for future site improvements. If this request is approved, changes to the site plan will no longer require a public hearing before the Planning and Zoning Commission and City Council. Responsibility for collecting public input for site improvements will be put on the developer. Staff finds this to be an acceptable trade off given all proposed amenities would be contained within a master planned residential development associated with a golf club.

Staff feels the setbacks, neighborhood protection standards, screening provisions, limited allowed uses, and conditions associated with the CUP are sufficient to ensure that this site is regulated appropriately as a private open space within the Old Hawthorne Development.

RECOMMENDATION

1. Approve the requested rezoning from PD to O.
2. Approve the Conditional Use Permit for 'Outdoor Recreation or Entertainment' subject to two conditions:
 - a. Uses are contained to those listed on Exhibit A and shall not include the following: amusement parks, commercial baseball fields, fairgrounds, race tracks, commercial stables, gun clubs, skeet, trap, or target ranges, outdoor stage and concert facilities, or other activities of similar type or scale.
 - b. The total square footage of the clubhouse facility shall not exceed the aggregate square footage of all facilities devoted to 'Outdoor Recreation or Entertainment' uses on the lot.
 - c. Prior to commencing with additional site improvements, regardless if a building permit is or is not required, a comprehensive land disturbance and stormwater management plan shall be provided for the City's approval demonstrating compliance with the adopted regulations. It is recognized that the final design of the site, as shown in the attached plan, may be modified prior to full build-out of the site and as such this condition may be satisfied by submitting plans showing compliance with each successive site improvement included and up to the final site feature's construction.

ATTACHMENTS

- Locator maps
- Zoning graphic
- Exhibit A – Requested CUP Uses
- Exhibit B – C-P Excluded Uses (2005)
- Wellness Center C-P Plan (2008)
- Wellness Center C-P Plan Minor Amendment (2017)

HISTORY

Annexation date	2005
Zoning District	Western tract – PUD; Eastern Tract – C-P
Land Use Plan designation	Neighborhood & Commercial
Previous Subdivision/Legal Lot Status	Legal lot

SITE CHARACTERISTICS

Area (acres)	6.19
Topography	Minimal grade except for approximately 20% decline on northwestern property line
Vegetation/Landscaping	Turf/grass and landscaping.
Watershed/Drainage	Grindstone Creek
Existing structures	Four tennis courts, four pickleball courts, a swimming pool, a clubhouse, and two parking lots.

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	PWSD #9
Fire Protection	City of Columbia
Electric	Boone Electric

ACCESS

Old Hawthorne Drive West	
Location	Southern frontage
Major Roadway Plan	N/A
CIP projects	N/A
Sidewalk	Existing

Private Drive	
Location	Eastern frontage
Major Roadway Plan	N/A
CIP projects	N/A
Sidewalk	None existing; 5' shown on C-P Plan

PARKS & RECREATION

Neighborhood Parks	N/A
Trails Plan	N/A
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 via an advanced notification postcard which was mailed on May 13, 2021. **18** postcards and property owner letters were sent.

Public Notification Responses	None.
Notified neighborhood association(s)	N/A
Correspondence received	N/A

Report prepared by Brad Kelley

Approved by Patrick Zenner