

THE LAW FIRM OF  
**HADEN & COLBERT**

September 20, 2021

**VIA E-MAIL**

Rachel Smith  
Senior Planner  
Community Development Department – City of Columbia  
701 E. Broadway  
Columbia, MO 65201

***Re: Broadway Office Park Rezoning – 287-2021  
Response to Staff Comments***

Dear Mrs. Smith –

Thank you for providing feedback on the Broadway Office Park rezoning request. Please consider this letter to serve as the applicant's response. With respect to the City Surveyor's comments, those comments will be addressed in a revised legal description submitted through the Community Development's online portal. I will also provide a second property owner authorization form as requested by the Law Department.

As to the concerns expressed by Mr. Burnam, the owner of the Broadway Village apartment complex, we respectfully respond as follows:

**1) Traffic**

We do not believe traffic will be an issue with the proposed M-OF zoning. Generally speaking, fewer trips are generated by an office use than are generated by commercial uses. The same is true if the site were to be developed for multifamily use. In fact, it's my understanding that the proposed development would not generate enough traffic to justify a transportation impact analysis. The fact that the development doesn't trigger the traffic impact analysis strongly suggests that the proposed development will not create traffic issues.

Additionally, the adjacent multifamily apartment complex has nearly 1,000 parking spaces whereas we propose approximately 80 spaces. Simply put, our site will not have a greater impact on traffic patterns than the existing apartment complex. In any event, any eastbound traffic on Broadway would be able to enter our site without ever using or reaching the signalized intersection at the entrance to the adjacent apartment complex. Finally, any traffic generated by an office use will be limited to typical business hours and would not interfere with ingress or egress to the adjacent apartment complex.

## **2) Proximity to Creek and Trail**

At the outset, any proposed development will have to comply with all of the environmental protections in the UDC. Further, any proposed development would be required to construct sidewalks along Green Valley Drive. Those sidewalks would actually **benefit** the trail by making the trail more accessible to residents in the area.

With respect to the proximity of the development to the creek, we would again note that the apartment complex is built out over more than 40 acres and has nearly 1,000 parking spaces – i.e. 920 more parking spaces than the proposed development - and is just as close in proximity to the creek as the proposed project.

## **3) Noise**

We don't anticipate that there would be any noise issues with respect to the proposed office. Generally speaking, office uses have standard "8 to 5" business hours and do not have the potential to create noise issues. It just seems unlikely that an office user would ever generate such raucous noise that it would interfere with the apartment complex tenants. I suspect if we reviewed noise complaints in the City of Columbia, most noise complaints generate from residential or commercial uses, not office uses.

We can think of several examples of apartment complexes located next to office uses (e.g. Parkway Apartments located next to Doctors Park) and apartment complexes located next to commercial uses (e.g. Broadway Apartments located next to Crossroads Shopping Center). Noise from those office uses or commercial uses does not appear to negatively impact those apartment complexes.

## **4) Appropriateness of Office Zoning**

We believe office zoning is appropriate at this location. The M-OF district is considered a low-intensity district which is appropriate to locate next to residential uses. In fact, the purpose statement of the office district describes it as an appropriate "buffer between residential and more intense nonresidential uses."

In our opinion, both residential and commercial uses would be less desirable than office at this location. The property abuts Broadway which is the primary East/West thoroughfare to downtown Columbia. The volume of traffic on Broadway, traffic noise on Broadway and streetlights on Broadway make it inappropriate for residential development. Although an argument could be made for commercial zoning at this location, we believe professional offices would be more attractive for this entrance to Columbia than a commercial development.

## **5) Background and Summary**

Over the last 38 years, the property owner has been approached many times about selling or developing this site with commercial uses. Specifically, a local shopping center developer and

a local mini-storage developer have expressed interest in buying the property. All inquiries and offers to purchase have been declined for a simple reason – the property owner believes that an additional shopping strip center, mini storage or similar use would not be attractive or appropriate at such an important entrance to Columbia. The property owner's vision for this entrance to Columbia is a well-built, attractive, professional office building. We respectfully believe that office uses represent the best use of the property and are appropriate at this location.

If I can provide any other information, please just let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Caleb Colbert", with a stylized, flowing script.

R. Caleb Colbert