



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: August 21, 2023

Re: SE Corner Manor Drive and W. Broadway – Rezoning (Case # 194-2023)

## Executive Summary

Approval of this request would rezone approximately 0.5 acres from R-1 (Single-family Dwelling) to PD (Planned Development), approved a Statement of Intent (SOI), and approve a site-specific development to be known as “Thomas Dental” for property located at the southeast corner of Manor Drive and West Broadway. The proposed future use of the site would permit the development of a 4400 square foot building consisting of a dental clinic and 2 dwelling units.

## Discussion

Crockett Engineering (agent), on behalf of D&D Investments, LLC (owner) and Letrisha Thomas (contract purchaser), are seeking approval to rezone property from R-1 (One-Family Dwelling) to PD (Planned Development) with an associated Statement of Intent (SOI) and development plan to be known as "Thomas Dental". The subject 0.5-acre property is proposed to be improved with a building containing a dental office on the ground level and 2 lower level dwelling units.

The subject property was previously presented before the Planning Commission and City Council for rezoning to M-OF (Mixed-use Office). The request was denied by Council on September 19, 2022 by a tie 3-3 vote. The current request is considered substantially different given its PD designation and site-specific development plan. As such, it is not subject to the provisions of section 29-6.4(n)(1)(D) of the UDC restricting an identical or similar request being submitted within 1-year of the denied action.

The proposed PD zoning and site-specific development plan has the potential to address several of the critical concerns expressed during the Planning Commission and Council hearings of 2022. The PD process provides a means by which to tailor land uses to a site in efforts to mitigate potential impacts while at the same time allowing development to occur that meets broader community goals and objectives.

The requested PD zoning, pursuant to its accompanying SOI, proposes construction of a 4400 sq. ft. building accommodating a dental clinic on its ground level and two (2) dwelling units on its lower level. The proposed construction replaces a former single-family dwelling that was removed from the site between 2011 and 2015. The proposed building would meet all residential setbacks (25-ft front & rear, 15-ft sides) and height (max. 35-ft) standards.

Per “developer imposed” design conditions the future construction would consist of “residential” building features such as a pitched roof with architectural singles and durable



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building material such as stone, brick, or fiber-board siding (no EFIS or vinyl siding would be permitted). Additionally, the building may be lit with wall sconces and “wall-pack” lighting has been prohibited. Parking lot lighting will be restricted to a maximum of 20-feet given the site’s proximity to R-1 zoned property to east, south, and west.

Street-frontage landscaping will be installed consistent with UDC requirements and an enhanced vegetative buffer along the southern property line of the site will also be installed. The PD Plan limits site signage to a single monument sign along W. Broadway and restricts access to Manor Drive, a collector street, with access to W. Broadway at the existing signalized intersection. Additional right of way dedications for all street frontages is shown on the PD Plan and would be dedicated upon final platting of the site at the time of building permitting. Sidewalk construction along Manor and Maplewood would enhance pedestrian access to adjacent commercial development to the northwest. The applicant has committed to reconstruction of the sidewalk along the Broadway frontage to ensure compliance with the City’s future plans for W. Broadway.

The principal concern expressed within the 2022 request was the potential for expansion of a non-residential use south of W. Broadway. The subject site located within a “Neighborhood” district per the City’s 2013 comprehensive plan. This designation was based on the zoning classification of the property at that time which was R-1. Such districts are intended to provide a range of residential uses, as well as “a limited number of nonresidential uses that provide services to neighborhood residents”. While future land use designations are not directly correlated to zoning districts, typical zoning classifications associated with the “Neighborhood” district would be R-1, R-2, R-MF, M-OF, and M-N. Given PD zoning is a “customized” classification it can also be considered appropriate based upon possible use restrictions and other criteria.

Also, discussed in 2022, was the fact that the subject site is south of an approximate 5-acre parcel of vacant land identified in the West Central Columbia Neighborhood Action Plan as a future commercial location. Much discussion was presented that this site was more appropriate for the proposed use. While such location is available, it would require a rezoning and subdivision as well. Furthermore, such actions would impact the site’s ability to be developed in a more holistic fashion. Finally, at the time the West Central Neighborhood Action Plan was prepared, the location to the north was chosen as that plan’s boundary based on the neighborhoods engaged in preparing the plan. The fact that the subject site is not contained within the Plan’s planning boundary should not be viewed as an intentional omission, but rather the fact that the plan boundary had to begin and end somewhere. The request being considered is viewed as an appropriate means by which to address the now vacant corner.

The accompanying SOI for the subject request includes the primary use of “professional offices” and “one and two-family residential” as well as family day cares, community gardens, public parks and playgrounds, religious institutions, and accessory uses such as home occupations. No other uses for the site are permitted and the SOI **does not** permit any commercial or retail businesses on the site. This is significantly different from the prior M-OF



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request which allowed “limited retail” uses and is viewed as a critical component of why the proposed uses on this site are believed consistent with the underlying intent of the comprehensive plan future land use designation.

While introduction of PD zoning south of W. Broadway is a different classification, such action does not guarantee that future requests would be considered favorably. Each request for rezoning is evaluated on its individual merits. The subject site is considered “infill” development at a signalized intersection and is highly restricted given the accompanying SOI and the site-specific development plan. Adjoining properties to the east and west of the subject site do not have similar characteristics and are likely to be less supported if sought to be rezoned for more intense uses. Issues such as right of way dedication, buffering, and environmental constraints would make such requests challenging.

The use of PD zoning affords a means by which to accommodate “infill” development that is tailored to the surrounding environment. Prioritizing infill development versus sprawl is supported by Policy Three of the Land Use and Growth Management goals and objectives of the comprehensive plan. Permitting redevelopment of the site through the PD zoning will trigger sidewalk upgrades and installation surrounding the property which provides for safer pedestrian movements at the signalized intersection. These upgrades are supported by Policy One of the Mobility, Connectivity, and Accessibility goals and objectives of the comprehensive plan and are also seen as supportive of creating walkable neighborhoods.

Finally, the inclusion of the two (2) residential dwelling units into the future structure increases the availability of on-site housing by one additional dwelling and offers not only the opportunity to have a “24/7” population on the site which may reduce undesired activities when the dental clinic is not open, but also provides enhanced housing options in an area that is in close proximity to other walkable services. The inclusion of these two (2) dwelling units support Policies One and Two of the Livable and Sustainable Communities goals and objectives of the comprehensive plan.

The Planning and Zoning Commission considered this request at its July 20, 2023 meeting. Staff gave its report and the applicant’s agent gave a presentation relating to the proposed rezoning and plan as well as public engagement efforts. The Commission sought clarification relating to several technical issues from both staff and the applicant.

Several members of the public spoke expressing concern that the rezoning would open the potential for future non-residential rezoning requests south of W. Broadway, lighting impacts, increased traffic on Manor Drive, and removal of the historic value of the neighborhood. Members of the public supporting the rezoning noted that the use would provided a buffer, the PD designation and plan provided greater certainty regarding future site uses, and that the applicant’s engineer had listened to public comments. There was also significant frustration expressed about the property owner’s tactics associated with preservation of the former residence on the subject site and those on the property to the north.



Upon closure of the public hearing, Commissioner's had limited additional discussion citing several advantages with the proposal, possible reductions in the parking provided on the site, access to the residential dwelling units, and expressed appreciation of the applicant's efforts to address prior concerns and their public engagement efforts. After limited additional discussion, the Commission made a motion to approve the request which passed by a vote of (6-1). Following approval of the request the Commission moved to have the matter removed from the Council's "consent" agenda by a vote of (6-1) given the significant public engagement offered during the hearing.

A copy of the Planning and Zoning Commission staff report, locator maps, PD Plan, Statement of Intent, public correspondence, and meeting minute excerpts are attached for review.

### Fiscal Impact

Short-Term Impact: None anticipated within the next 2 years.

Long-Term Impact: Future impacts may include increased costs associated with the provision of public safety, public infrastructure (sewer/water), and trash collection services as well as roadway infrastructure maintenance. Such increased costs may or may not be off-set by additional user fees or increased taxes.

### Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Economic Development

### Legislative History

Date	Action
9/19/22	Denial of rezoning from R-1 to M-OF (B247-22)

### Suggested Council Action

Approve the requested rezoning from R-1 to PD with the associated Statement of Intent and PD Plan known as "Thomas Dental" as recommended by the Planning and Zoning Commission.