



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: September 18, 2023

Re: 3100-3109 Keene Court – Rezoning & PD Plan (Case # 219-2023)

## Executive Summary

Approval of this request would rezone approximately 2.82 acres from M-N (Mixed-use Neighborhood) to PD (Planned Development), approved a Statement of Intent (SOI), and approve a site-specific development to be known as “Keene Court Hotel” for property located approximately 106-feet west of the intersection of Keene Court and Keene Street. Concurrently appearing on the September 18 Council agenda as separate business items both identified as Case # 223-2023, are requests seeking acceptance of a 50-foot utility easement and partial vacation of Keene Court within the boundaries of the subject acreage. Acceptance of the utility easement and approval of the partial vacation of Keene Court are necessary prior to approval of this request. The purpose of this and the associated requests are to facilitate the development of a new 4-story hotel on the subject 2.82 acres. The property in question is presently vacant and is addressed as 3100-3109 Keene Court.

## Discussion

Crockett Engineering (agent), on behalf of Keene Court, LLC (owner), is seeking approval to rezone property from M-N (Mixed-use Neighborhood) to PD (Planned Development) with an associated Statement of Intent (SOI) and development plan to be known as "Keene Court Hotel". The subject 2.82-acre property (inclusive of the Keene Court right of way) is proposed to be improved with a new 4-story hotel, not to exceed 55-feet in height, in accordance with the attached PD plan.

The proposed PD zoning was sought given that the current M-N zoning of the site does not permit a hotel to be constructed and after consultation with staff which indicated that the M-C (Mixed-use Corridor) district was believed too intense given the existing development patterns. Hotels are an allowed use in the M-C, M-DT (Mixed-use Downtown), M-BP (Mixed-use Business Park) and IG (Industrial) zoning districts. Furthermore, the choice to seek PD zoning with a site-specific development plan was seen as a more efficient way address a building height matter without additional regulatory approvals.

While use of the PD process is generally not the chosen alternative for rezoning properties, it is often the most appropriate given site specific or other constraints/considerations. Given the PD process provides the ability 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 its use on the subject site was considered appropriate.



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As with all PD zoning actions, a Statement of Intent (SOI) governing the future uses permitted on the property and defining the dimensional standards applicable to the site was submitted. The submitted SOI permits the site to be developed with most uses permitted within the M-N district (retail and several non-relevant uses were excluded) and adds 'hotel' to the list. As with any PD district, any uses shown within the Permitted Use Table can be proposed for inclusion within the SOI. In this case the only M-C use to be added was the 'hotel'.

The SOI further specifies the dimensional standards that would be applicable to all future development occurring upon the acreage. The SOI proposes that the height of **only** the 'hotel' use be permitted to be a maximum of 55-feet and that all other uses shown within the SOI are subject to the standard M-N dimensional standards (i.e. 35-foot height maximum). The increase in the height of the hotel **only** is considered a "design exception" given the maximum height permitted in the M-C district generally is 45-feet. The SOI further indicates parking shall conform with provisions of the UDC for the use developed and that the site will maintain 15% open space (the minimum required) upon development.

The accompanying site-specific development plan depicts a 4-story, 111-key hotel that will be centered on the 2.82-acre property. The maximum 55-foot height of the hotel is believed to be compatible with the adjacent development to its north (a 5-story medical office) and to its south (a 4-story assisted living facility) as well as to the general land use context. North of the 5-story medical office are additional medical office buildings as well as hotels located near the US 63/I-70 interchange as well as the former MU Women's and Children's Hospital. To the east is additional medical office and multi-family development. To the south, beyond the assisted living facility, is professional office and a large out-patient medical complex. West, across US 63, is M-C zoned property known as Broadway Marketplace which contains several regional retail uses.

The parking provided on the PD plan is compliant with the provisions of the Unified Development Code and is 150% of the minimum required. The site's interior and exterior landscaping/buffer treatments are also compliant with the requirements of the UDC. Finally, the design of the hotel is compliant with the provision of Section 29-4.6 (Design Standards and Guidelines) of the UDC with façade surfaces and parapet articulation being provided at the required intervals. A final compliance check that these standards are being met will be performed upon submission of site development plans prior to building permit issuance.

The subject acreage is presently bisected by a public street, Keene Court, which is proposed to be partially vacated (Case # 223-2023) in a concurrent action appearing on the Council's September 18 agenda. The partial vacation of Keene Court is necessary prior to approval of this request. The property upon which the proposed hotel would be constructed was previously improved with seven (7) residential dwellings which have been demolished. The former public infrastructure supporting these dwellings, however, is still in place. To ensure that access to these facilities remains until they are formally abandoned, a request to accept a 50-foot utility easement over this infrastructure has also been submitted for



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consideration on the Council's September 18 agenda. This easement's acceptance is required prior to the partial vacation of Keene Court and approval of this request.

Given Keene Court provides access to the subject lot as well as the two lots east of the subject site, the PD plan illustrates the full reconstruction of a shortened Keene Court with a fully compliant cul-de-sac. The current location of Keene Court is not centered in the platted right of way. Approval of the partial vacation request and the attached PD plan will permit the current non-compliant and substandard roadway to be reconstructed as a fully compliant public street. As a part of its reconstruction, curb and gutters as well as sidewalks along all lot frontages will be installed. The right of way of Keene Court that would be retained following its partial vacation is sufficient to accommodate its relocation and reconstruction to city specifications.

The Planning and Zoning Commission considered this request at its August 24, 2023 meeting. Staff gave its report and the applicant's agent gave a presentation relating to the proposed rezoning and plan. The Commission sought clarification relating to the height, in feet not stories, of the adjoining development. The applicant's agent indicated he did not have actual measurements, but estimated the 5-story medical office building at 50-60 feet and the two-story office building along the US 63 frontage more likely 35-feet tall. The applicant's agent also noted the assisted living to the south as having approximately 50-feet along the US 63 frontage and the center section of the building along Keene Street as have approximately the same.

Two members of the public spoke during the hearing. The first was the immediately adjacent property owner to the east who expressed support for the proposed development and was thankful for the future roadway upgrades that were to take place. The second member of the public sought clarification on the impacts that the development would have upon Keene Street and if Keene Street was being proposed to be modified. The speaker was directed to confer with the applicant's agent on roadway modification.

Upon closure of the public hearing, Commissioner's had limited additional discussion. Two Commissioner's expressed support of the development indicating that the use was needed and that it was a positive improvement given it would result in Keene Court being upgraded. A Commissioner expressed concern with using the PD process to gain access to something that could be achieved using a "straight" zoning district unless there was something unique about the property. There was also concern relating to the height being sought given the presence of residential on the parcel to the south and the grade changes in the area where the existing tall structures were located. There being no additional discussion, the Commission made a motion to approve the request which passed by a vote of (6-0).

A copy of the Planning and Zoning Commission staff report (revised to address a technical error in the stories of the hotel), locator maps, PD Plan, Statement of Intent, and meeting minute excerpts are attached for review.



## Fiscal Impact

Short-Term Impact: None anticipated within the next 2 years. Removal/relocation of existing infrastructure and full reconstruction of Keene Court from its intersection with Keene Street to be borne by the applicant.

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: Economic Development, Secondary Impact: Infrastructure, Tertiary Impact: Land Use & Growth Management

## Legislative History

Date	Action
N/A	N/A

## Suggested Council Action

Approve the requested rezoning from M-N to PD with the associated Statement of Intent and PD Plan known as "Keene Court Hotel" as recommended by the Planning and Zoning Commission.