

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
April 21, 2022**

SUMMARY

A request by Allstate Consultants (agent), on behalf of Missouri Alpha Chapter of Pi Beta Phi Corp. (owner), for approval to rezone property from R-MF (Multi-family Dwelling) to PD (Planned Development) with an accompanying Statement of Intent to allow "Dormitory/Fraternity/Sorority" as a permitted use, and a PD development plan that includes multiple design exceptions, to be known as the *Pi Beta Phi Sorority PD Plan*, that would enable the partial demolition and construction of a new building addition on the site. The 0.67-acre property is located on the north side of Rollins Street, approximately 400 feet east of Providence Road, and is addressed as 511 Rollins Street. (Case #113-2022)

DISCUSSION

The subject site is located on the north side of Rollins Street, roughly mid-block between the intersections of Richmond Avenue and Rollins Street and Providence Road and Rollins Street. It is located within the area adjacent to the University of Missouri Campus commonly known as "Greek Town". The property is zoned R-MF (Multiple-family dwelling district) and is approximately 0.67-acres. The property is presently improved with the Pi Beta Phi Sorority House; fraternity and sorority houses are a permitted use in the R-MF zoning district.

The applicant notes in their application that the original Pi Beta Phi building was constructed in 1930, with additions being added in 1957 and again in 1971. The property is home to the Pi Beta Phi sorority and is currently improved with a three-story residential building with a basement, and it includes off-street parking facilities as well.

The Pi Beta Phi House Corporation desires to renovate the existing building by removing the prior additions and reconstructing a three-story addition in their place. The proposed new construction would preserve the original 1930's structure. The applicant states the proposed PD plan represents the best layout for the property if the 1930 structure is to be preserved and that they believe the design exceptions that they have requested are appropriate due to the unique layout of the property and nature of Greek Town.

A one-lot consolidation plat known as "PI BETA PHI Plat 1" was approved by the City Council in October of 2021 to grant legal-lot status on the property. The purpose of the plat was to remove the lot line bisecting the existing building, which is not permitted by the UDC, in advance of the desired house renovation. The platting action triggered all standard platting requirements, including the dedication of 13 feet of additional Rollins Street right-of-way and 5 feet of alley right-of-way, as well as standard utility easement dedications. These dedications have reduced the area of the overall property and has contributed to the request to seek relief from certain zoning requirements in order to construct the desired renovation and site work.

At the time of platting, the applicant did not request any relief from the standard subdivision regulations, known as "design adjustments". In light of the right-of-way dedications and a desire to maintain a certain amount of parking on the site, the applicant sought and was granted Council approval of a right of use permit (ROU) on December 20, 2021 via Ordinance # 024868 (attached). The ROU permit allows the construction, installation, maintenance, and operation of portions of 2 parking

spaces and landscaping in the Rollins Street right-of-way and portions of 10 parking spaces and landscaping in the alley right-of-way. The attached PD plan reflects these parking spaces. It should be noted that in the ROU Council memo, Public Works was generally supportive of the ROU requests as there are no immediate plans to improve the Rollins Street or alley corridors and there is existing parking of a similar nature on the site in these locations.

Per the applicant, all the design exceptions are requested to address non-compliant conditions which already exist on the site to some degree. For example, there is currently parking in the required front and the side yard setbacks and the parking in the required rear yard does not have any screening between it and the alley. Additionally, the paving in the required rear yard exceeds the maximum 30% allowed to be within the rear yard. Finally, the site is presently under-parked with only thirty-three off-street parking spaces being provided on-site.

The applicant has provided the following statement regarding the nature of the request: "The original subdivision was platted in 1910 and pre-dates the City's current zoning and subdivision regulations by more than a century. Greek Town consists primarily of fraternity and sorority houses which are a unique subset within the "multifamily residential" use. Greek housing is simply different than a traditional multifamily structure. Greek housing typically includes cafeterias, community dining rooms, community libraries, community meeting rooms, in addition to the actual dwelling areas. Greek Town is a densely developed area within easy walking distance of the University of Missouri campus."

Design Exceptions

Design exceptions are requests for relief from the "Form and Development Controls" of Section 29-4 of the UDC. If not for the PD zoning, these requests would require approval from the Board of Adjustment. Exceptions to the UDC may be considered for PDs in order to provide for creativity within a site. As a best practice, granting exceptions should "generally require that planned developments provide to the city amenities or benefits that help achieve the goals of the Columbia Imagined comprehensive plan (as amended) and that are not otherwise required by the base zoning districts in return for the added flexibility in uses and design offered by the PD district".

In summary, the requested design exceptions are for relief from the standards found within Sections 29-4.1 (Dimensional Standards) including setback encroachments, 29-4.3 (Parking Standards) including the location and amount of required off-street parking, and 29-4.4 (Landscaping/Screening) related to reductions in landscaping and screening required, of the UDC:

1. **Sections 29-4.3(f)(3)(i) and (ii) to permit parking in the required front and east side yard.**
Specifically, Sections 29-4.3(f)(3)(i) and (ii) state that "no vehicle shall be parked in a **required** front or side yard except on a permitted driveway..." and "parking spaces for all other uses (beyond one and two family) shall not be located in the **required** front or side yard side". The PD Plan shows a total of twelve (12) parking spaces in the front 50 feet of the lot, which is the required front yard per the median front yard requirement. Ten (10) spaces are located within the **required** front yard and two (2) are within the additional Rollins Street right of way (permitted via the Council ROU). There are ten (10) additional parking spaces shown in the **required** east side yard.

The PD landscape plan shows screening of the front yard parking from the adjacent properties to the east and west that will mitigate the negative impact of headlights facing into adjoining properties and generally screens the view of the parked cars. Parking along the east side of the site will be installed directly across from parking on the adjoining lot serving the Phi Kappa Theta house - they too have parking in the required front and side yard adjacent to the subject site which is considered legal non-conforming. While the proposed screening on the western side of the site, which will be

evergreen trees, it will help screen the parking, cars will face directly into the Sigma House when parked in some of these spaces.

A common theme among the applicant's design exception requests is the desire to preserve the architectural integrity of the original building that was constructed in 1930, which is a notably different approach than taken by many other properties in the area that have been redeveloped. Most other sites have completely demolished the existing building which, in many cases, were as old as the one on this site.

This specific design exception is directly related to the goal of preserving the architectural integrity of the 1930 building on the site and presents a site-specific challenge. In short, the building is located 52 feet from the front lot line, which is in contrast to many of the other reconstructed Greek houses in the area which have requested variances in order to build closer than permitted to the front lot line. Had demolition of the existing 1930's structure been pursued; the applicant likely would have been able to accommodate a larger parking lot in the rear of the property which in turn may have eliminated the need for parking within the front yard and potentially the side yard as well as the associated increases in paving needed to accommodate the parking. But given the decision to preserve the current 1930's building, the area available for parking on the site is to the front and side of the building.

While typically desirable to hide parking behind a building (which they are still doing to an extent), the only way to preserve the existing building and still provide adequate parking is to utilize the front yard (technically, the site is subject to a median front yard setback of 50 feet, which is the average of the two adjacent buildings, while the typical front yard is 25 feet).

The applicant could have asked for a greater reduction in the required parking (see exception #4), thereby reducing the amount of parking spaces needed in the front, but they have also indicated that they strongly desire to maintain as much parking on-site as possible. This desire is to allow easier accessibility to such spaces for house residents and their vehicles as well as to avoid long walks to access their vehicles at remote locations off-site which could pose a safety issue.

2. **Section 29-4.3(f)(3)(iv) to permit parking in the rear yard without installation of proper screening.** The landscape plan shows that screening is not provided to screen the twelve (12) parking spaces in the rear yard, which is required. It should be pointed out that this mirrors the existing parking situation, as there are numerous parking spaces located in the rear yard between the building and the alley currently. While the spaces will be rearranged somewhat, the request would generally allow for the continuation of the existing condition.

When looking at surrounding properties, the use of the alley for angled parking spaces that are accessed directly off the alley is common along the length of the alley. Each house on either side of the subject site is currently using the alley in a similar fashion, with no screening, or even a setback, between the parking spaces and the alley. Essentially, the current use of the alley is as a direct drive aisle used to access parking spaces.

The applicant has suggested that to be able to preserve the existing portion of the original building, and construct the needed additions to the building, the parking must continue to be located in its current location, which does not allow for space between the parking and alley to install a fence. In fact, with the additional dedication of right-of-way in the alley, the amount of space for parking has decreased significantly, so much so that the applicant requested (and was granted) the ability to

use the newly granted right-of-way to accommodate their parking spaces (see ordinance #024868). The use that would be most affected by the lack of screening would be the property immediately north of the site, which is currently a parking lot directly across from the subject site.

As a note, the approved Right of Use (ROU) permit was granted prior to the processing of a denied Board of Adjustment request (discussed below) that included variances consistent with what are now being requested to be approval as design adjustments. The rights conferred to the applicant via the ROU to use the public right of way for parking to support the development of the site were subject to the BOA granting approval of the requested variances. In similar fashion, the use of the public right of way as shown on the submitted PD Plan requires is subject to the outcomes of the requested design exceptions and final approval of the City Council.

- 3. Sections 29-4.3(f)(1)(v) and 29-4.1(b)(1)(i) to permit paving to exceed 30% of the required front and rear yards.** This issue is directly related to Exception #1, as the additional pavement is essentially being used for additional parking spaces. Paved surfaces within the **required** front and rear yards exceed the maximum amount of permissible pavement, which is 30% of the yard, or 500 square feet, whichever is greater. The PD plan indicates a total of 4,581 sq.ft. of paving (51%) within the 9,000 square foot front yard (based on a 50-foot median setback) which is 2,700 sq.ft greater than that allowed. The PD plan also shows 2,130 sq. ft of paving (59%) within the 25-foot rear yard, which is 1,088 sq ft greater than allowed.

The applicant notes in their correspondence the challenge of asking for one variance over another. With respect to the amount of paving in the front or rear yards, the applicant believes they could either seek relief for more paving or ask for a greater number of off-street parking spaces to be waived. In terms of safety, it is more desirable to have more parking on the site for residents, but in terms of environmental features and site aesthetics, the additional pavement has a negative tradeoff.

In addition, another important aspect of the proposed design of the driveway is that it must be at least 20 feet wide so it meets the fire apparatus access standards of the International Fire Code given the depth of the building and its distance from the street. In contrast, the previous driveway is approximately 9 feet wide, which provides space for parallel parking spaces along its length. The accommodation of the fire code requirements eliminates the ability to accommodate the same number of parking spaces parked parallel to the driveway. With the perpendicular design of the parking spaces, the applicant was able to maintain the 10 parking spaces in the front yard area (not counting the two spaces located in the ROW).

Again, the excess pavement in the front and rear yard is another condition that is currently existing, although the request does increase the pavement in the front yard. As stated previously, the building could have been constructed closer to the front lot line, allowing more parking to be located to the rear of the building, likely reducing the front yard pavement at least. It may have also eliminated the need to provide IFC compliant drives. The applicant also could have built a smaller building with fewer units and amenities, but they are suggesting that in order to meet the needs of their residents and provide the amenities necessary to be competitive with other similar organizations the proposed expansion as designed is necessary.

4. **Section 29-4.3 and Table 4.3-1 to reduce the off-street parking requirement such that a minimum of twenty-two (22) parking spaces shall be provided on site as shown on the PD plan; provided, however, the property owner shall also install twelve (12) additional parking spaces located partially in public right-of-way pursuant to the separate right of use license permit approved by Ordinance 24868, so long as such right of use license permit is in effect.** The site layout provides for 34 total spaces, which is less than the 36 required spaces (this is inclusive of the 12 spaces within public right of way) after the permissible bicycle parking reduction (4 spaces) has been applied.

Parking is an important amenity to the applicant, and they are attempting to utilize the site as efficiently as possible. Even so, they are unable to provide the required parking, being two spaces short. In this setting, given the close proximity of the site to the University of Missouri campus and downtown the reduction of required parking spaces is supportable. In fact, additional reductions in the required on-site parking could provide a more aesthetically pleasing streetscape along the public right of way given the pedestrian nature of the area and may be considered entirely appropriate. Many of the day-to-day activities (attending class) do not necessitate easy access to a vehicle, which could allow more vehicles to be stored at a remote location.

The purpose of this design exception is to avoid the potential creation of a legal non-conforming situation with respect to on-site parking requirements in the future. As noted, the applicant is authorized and is proposing to construct 12 parking spaces within the public right of way per the approved ROU. These 12 spaces are being used to show the site is only 2 spaces short of full compliance with the UDC's on-site parking standards. However, should the City revoke the ROU these spaces would be eliminated and the parking on-site would no longer be compliant with the UDC resulting in any construction on the site becoming "legally" non-compliant.

To avoid this potential situation and recognizing the uncertain duration of the ROU, the applicant is requesting that a minimum of 22 spaces be **required** to exist on the site at any point in the future. These 22 spaces are shown on the PD plan as being located outside the public right of way. If this exception were approved, it would assure that the site be required to have on-site spaces, albeit less than required by the UDC for the size of the building to be constructed.

It should be further noted that the applicant's condition associated with this exception request is that they are committed to constructing and maintaining the additional 12 spaces within the public right of way, as shown on the PD Plan, for as long as the ROU is in effect. When considering this commitment/PD Plan requirement coupled with the minimum 22 spaces requested there would be a total of 34 spaces provided on-site which is only 2 less than full UDC compliance.

The proposed reduction from 36 to 22 on-site parking spaces is viewed as the worst-case scenario for this property and would only become realized if the City were to revoke the ROU. Per the submitted PD Plan the applicant would not be capable of removing the 12 spaces within the public right of way without seeking a plan amendment. Additionally, there are no existing plans for either expansion of Rollins or the alley at this time and none contemplated in the immediate future. Furthermore, when considering the grant of relief (14 total spaces) in comparison to recently reconstructed Greek homes, the reduction is not believed excessive.

5. **Section 29-4.3(f)(3)(iii) to ---permit parking perpendicular to the driveway.** Parking spaces forward of the sorority house are not permitted to be perpendicular to the driveway per Section 29-4.3(f)(3)(iii) of the UDC. The existing parking along the semi-circular driveway is parallel to the travel surface and would have been considered legal in respect to this UDC provision. However, the location of these spaces (in the **required** front yard) and amount of paving in the **required** front yard would have been considered a legal “non-conformity”. Given the significant change in the configuration of the parking spaces and the fact that such change is considered redevelopment, full compliance with this UDC provision is necessary.

Here again, staff notes there are safety benefits to providing as much on-site parking for residents as is possible and without the proposed exception it is likely that only a few parking spaces would be possible if all parking components of the code were met given the proposed design of the building. The prohibition on perpendicular parking in the front and side yard is generally to prevent headlights from directly shining into the windows of adjacent properties. As described above, the applicant is providing screening on the eastern and western sides of the front yard to help mitigate the impact of the parking in the front yard and its perpendicular orientation

Conclusion

Essentially, this request and the requested design exceptions could be summarized as a desire to increase the size of an existing, outdated residential building to meet the current needs of the residents, while preserving the historical portion of the original building, and providing as much onsite parking as possible to ensure the safety of the residents.

The Greek Town area is a unique area of development. While it is zoned R-MF (Multi-family residential), the development in this area includes fraternity houses and sorority houses, which have distinctly different characteristics from traditional multi-family development. The location is highly walkable, and the residential densities in the area make this essentially a very dense, urban neighborhood. Not very far away is the M-DT district, which requires minimal parking for residential uses (and none for commercial) and requires that buildings be built at the front lot line, with no front yards.

It should be noted that the request was first submitted to the Board of Adjustment as a request for several variances that generally match those presented. In order for a variance to be approved by the BOA, at least four of the five members must vote to support the request. In this case, each request received a vote of 3 to 2 in favor of the request, so the request for the variances was denied. While this request was not successful, many other requests for similar variances in Greek Town have been approved. The dissenting BOA votes indicated that the requests did not meet the criteria for granting a variance and that pursuing approval of a PD zoning designation may be the more appropriate path.

While this request did not receive support from the BOA, similar requests had been approved; therefore, the applicants chose to proceed forward with their application to the Board based on those past outcomes. However, given the BOA outcome a different approach to achieve the necessary relief from the UDC’s regulations to accommodate the proposed construction was warranted. Given the PD process is the only other available means by which the applicant can obtain relief from the design and dimensional standards of the UDC needed to accommodate the unique development found within the Greek Town area, not due to a particular hardship per se, they chose to submit this application. The PD process can allow redevelopment of sites such that can continue serving their existing purpose, while also allowing relief to the UDC’s general building form standards that have been permitted in this area since the buildings were first constructed. Pursuing the request as PD zoning versus a variance means

that the relief sought does not have to constitute a hardship, but can be shown to further goals of the City in general.

The Planned Development (PD) zoning is meant to allow for flexibility in zoning regulations, such as setbacks, building height, and landscaping in certain situations where the desired development does not fit neatly within the standard zoning provisions. It is expected to allow a mix of uses, or unique designs, while allowing additional protections to be applied. The general expectation of a PD is that there will be some type of amenities or benefit to the community in exchange for providing the added flexibility.

While the requested rezoning of the subject site may not be ideal for achieving these general expectations, it may be the best option in this case given the redevelopment of Greek Town is generally not occurring pursuant to the underlying zoning regulations of the R-MF district, but by BOA approved variances.

Given this situation, a better long-term option may be to explore an overlay district or perhaps a totally new zoning district designed to better address the realities and challenges of this specific area. Short of such an action, the PD zoning process may be the best option to handle the unique nature of the ongoing redevelopment of this area.

RECOMMENDATION

Approval of the rezoning of property from R-MF to PD, the *Pi Beta Phi Sorority PD Plan*, the associated Statement of Intent, and the following design exceptions:

1. **Sections 29-4.3(f)(3)(i) and (ii) to permit parking in the required front and east side yard.**
2. **Section 29-4.3(f)(3)(iv) to permit parking in the rear yard without installation of proper screening.**
3. **Sections 29-4.3(f)(1)(v) and 29-4.1(b)(1)(i) to permit paving to exceed 30% of the required front and rear yards.**
4. **Section 29-4.3 and Table 4.3-1 to reduce the off-street parking requirement such that a minimum of twenty-two (22) parking spaces shall be provided on site as shown on the PD plan; provided, however, the property owner shall also install twelve (12) additional parking spaces located partially in public right-of-way pursuant to the separate right of use license permit approved by Ordinance 24868, so long as such right of use license permit is in effect.**
5. **Section 29-4.3(f)(3)(iii) to permit parking perpendicular to the driveway.**

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- Statement of Intent
- PD Plan
- Final Plat (10/04/2021)
- Ordinance 24868 (ROU)
- Architectural Renderings

SITE CHARACTERISTICS

Area (acres)	0.67
Topography	Slopes slightly south to north
Vegetation/Landscaping	Landscaping including turf and trees
Watershed/Drainage	Flat Branch
Existing structures	Three-story building.

HISTORY

Annexation date	1826
Zoning District	R-MF, Multi-family Residential
Land Use Plan designation	Neighborhood
Previous Subdivision/Legal Lot Status	Lot 1 of Pi Beta Phi Plat 1

UTILITIES & SERVICES

All services provided by City of Columbia.

ACCESS

Rollins Street	
Location	Along the south side of property
Major Roadway Plan	Major Collector (Improved and City maintained); 66-foot ROW, 33-foot half width ROW required; no additional ROW required.
CIP projects	None
Sidewalk	Existing

East/West Alley	
Location	Along the north side of property
Major Roadway Plan	NA
CIP projects	None
Sidewalk	NA

PARKS & RECREATION

Neighborhood Parks	Within half-mile of Grasslands Park, Flat Branch Park
Trails Plan	Within half-mile of MKT Nature and Fitness Trail
Bicycle/Pedestrian Plan	No pedways adjacent to site

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 of this pending request on March 10. Ten postcards were distributed.

Report prepared by Clint Smith

Approved by Patrick Zenner