



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 2, 2022

Re: 818 E Broadway – Conditional Use Permit (Case #105-2022)

Executive Summary

Approval of this request would result in the granting of a conditional use permit for the operation of a 'Self-service Storage Facility', subject to conditions, in the ground level of property addressed 818 E Broadway. The subject use would be accessible to the public via the east-west alley south of the building's Broadway frontage between S. Eight and S. Ninth Streets.

Discussion

The Van Matre Law Firm (applicant), on behalf of Greg and Kelly DeLine (owners), are seeking approval of a conditional use permit (CUP) to allow a 'Self-Service Storage Facility' as a conditional use on an approximately 0.08-acre site. The conditional use would be located on the ground floor of an existing three-story building and accessible from the alley located to the south of the building. The subject site is zoned M-DT (Mixed Use-Downtown) and is located on the south side of Broadway, approximately 65 feet west of Ninth Street, and is addressed 818 E Broadway.

The applicant is seeking to convert the lower level of the three-story building for use as a Self-service Storage Facility. Per the UDC, this specific use is considered conditional in the M-DT District and must receive CUP permit approval prior to its establishment and operation. The UDC provides six criteria that should be considered when evaluating a CUP request (see attached staff report for evaluation details). The applicant has stated that the intended market for the storage units would be downtown businesses.

Given the grade of the property, the ground floor of the building does not have street frontage along Broadway, but instead has direct access on the south side of the building, which opens to the alley that runs east and west between S. Eight and S. Ninth Streets. The first floor of the building is at street grade along Broadway and provides access to a commercial/office first floor and two of three apartments on the top story of the building. The third apartment is accessed from the alley. The ground floor of the building includes 3,239 sq.ft. of area and would be divided into 19 separate storage units. The access to the storage facility would be from the south entrance that is along the alley on the south side of the building.

The Planning and Zoning Commission considered this request at their March 24, 2022 meeting. Staff presented its report and recommended approval subject to 8 conditions and the applicant gave an overview of the request. The Executive Director of the Downtown CID spoke during the public hearing indicating they did not object to the use and supported the



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redevelopment of the site, but cited concerns with storage of certain materials (food) and wanted to ensure that trash collection would not be negatively impacted.

The Commission questioned how the conditions recommended by staff restricting the times when vehicles could be loaded/unloaded from the alley would be monitored, whether the alley is one-way, and whether there were other storage units downtown. Staff responded that monitoring parking in the alley would be done by Solid Waste employees, with enforcement likely in cooperation with Police, that the alley is not signed as one-way and that the City code restricts the alley to one-way during certain hours, and that staff was unaware of any other storage activities similar to that proposed.

In additional discussion, Commissioners shared concerns with increased usage of the alley, the possibility that the entrances to businesses from the alley (which are accessible entrances) could be blocked, concerns with disruptions to solid waste collection, and negative impacts on the alley's usage by pedestrians.

Commissioners further questioned the applicant about how the disposal of large amounts of solid waste would be handled and whether neighboring business owners were consulted. The applicant responded that they would call for a special pickup or haul to a different location and that they do not expect the site to generate large amounts of waste. They also stated that they intend to have video devices installed that would be able to monitor the alley and the use of the dumpsters to help prevent their overuse. With respect to contacting neighboring businesses, the applicant stated they did speak with owners and received interest for leasing space from businesses such as law firms.

Following the public hearing Commissioners engaged in additional discussion in which those supportive of the request stated that they did not think that the use would have significant additional negative impacts on the alley, that trash collection impacts could be mitigated, the use was needed downtown, and that redevelopment of the space would enhance the alley and perhaps make it more pedestrian friendly. Commissioners opposed to the request were concerned that the alley was already overburdened in terms of vehicle traffic and solid waste collection and that there would be negative impacts on the pedestrian use of the alley.

Following this discussion, a motion to recommend approval of the conditional use permit **failed (3-5)**. As noted, the staff's recommendation to approve the CUP was subject to eight conditions, shown in the attached PZC staff report, to which the applicant was agreeable.

The Planning Commission staff report, locator maps, site plan, conditional use criteria responses, M-DT Regulating Plan, and meeting minute excerpts are attached.



Fiscal Impact

Short-Term Impact: Possible impacts may be increased solid waste service in the alley.

Long-Term Impact: Possible impacts may be increased solid waste service in the alley.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

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

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
NA	NA

Suggested Council Action

Denial of the conditional use permit for 'Self-service Storage Facilities' at 818 E Broadway, as recommended by the Planning and Zoning Commission.