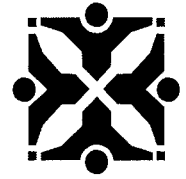


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: REP 101-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: 10/19/2015

Re: Amendment to Section 29-30 (Parking) of the Zoning Ordinance as it pertains to fraternity and sorority houses (Case 16-1)

Documents Included With This Agenda Item

Council memo

Supporting documentation includes: Applicant Letter

Executive Summary

If so directed, the Planning and Zoning Commission will work with staff to review, research, and proposed amendments to the standards of Section 29-30 (Parking) of the Zoning Ordinance including revisions to the parking requirements in R-3 Medium-density Multiple-family District to allow, under certain conditions, required parking to be located off-site from fraternity and sorority houses.

Discussion

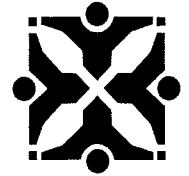
Section 29-30 of the City Code regulates the location of parking for all uses of land. Specifically, Section 29-30(g) limits the ability of all residential uses to have parking located off-site from the principal generator. This restriction; however, does not apply to other non-residential uses of land. When non-residential uses are proposed parking may be located either 1) on the parcel of the generator or 2) within 1000 feet of the generator, provided the parcel where off-site parking is to be located is zoned to allow for the generating use.

Over the past several years there has been significant redevelopment within the "Greek Town" portion of the City. With each redevelopment fraternity and sorority houses have been required to comply with parking requirements of the current code. In most instances compliance has been obtained by building parking structures into the new construction at a significant increase in construction costs. In other instances compliance has only been achieved through parking variances approved by the Board of Adjustment or through the rezoning of property along the fringe of Greek Town to C-P (Planned Commercial) since the off-site parking is considered a commercial use.

The Association of Delta Gamma (the Association) is seeking to reconstruct their sorority house on its property at 900 Providence Road. As a consequence of this reconstruction the existing parking variances on the site will be voided and the sorority will need to meet the current parking standards of Section 29-30. Given the scope of the reconstruction and the limited site area available for it, the Association has concluded that they cannot accommodate the required parking. In light of this conclusion, the Association is requesting that the City Council consider amending Section 29-30 of the City Code.

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Specifically, the Association is requesting that Section 29-30 be amended to allow off-site, off-street parking for any fraternity or sorority that owns both the parking generator and a non-contiguous parking facility within 500 feet of the parking generator within the R-3 district. The Association has prepared correspondence (attached) outlining its reasons for the requested change.

This request, while specific to Delta Gamma, is not uncommon as it relates to new fraternity or sorority construction in Greek Town. The general idea of the amendment proposed by Delta Gamma is not unreasonable and may better accommodate parking needs within Greek Town without the necessity of rezoning property to a commercial designation.

Staff believes the request to consider amendment of Section 29-30 warrants additional review. As such, staff seeks Council's authorization to engage the Planning and Zoning Commission to conduct research and prepared a proposed text change on this matter for its consideration.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Land Use & Growth Management, Livable & Sustainable Communities

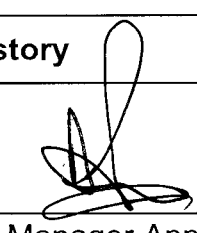
Suggested Council Action

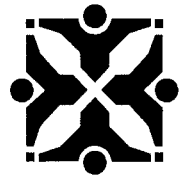
Authorize the Planning and Zoning Commission to prepare a text change to Section 29-30 (Parking) of the City Code and hold the required public hearing to address the issue of permitting off-site parking within the R-3 District, under certain conditions, for fraternity and sorority houses.

Legislative History

None


Department Approved


City Manager Approved



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Applicant Letter

VAN MATRE, HARRISON, HOLLIS, TAYLOR, AND ELLIOTT, P.C.

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

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September 25, 2015

Tim Teddy, Director
Department of Community Development
City of Columbia
701 East Broadway, 3rd Floor
Columbia, MO 65201
Via Hand Delivery and E-Mail ttteddy@gocolumbiamo.com

Patrick Zenner
Development Services Manager
City of Columbia
701 East Broadway
Columbia, MO 65201
Via Hand Delivery and E-Mail przenner@gocolumbiamo.com

RE: Delta Gamma House and Annex Property Located at 900 South Providence
Road and 411 Burnam Avenue, Columbia, Missouri

Dear Mr. Teddy and Mr. Zenner:

We represent the MU Association of Delta Gamma (the "Association"). The Association is the owner of the real property at 900 South Providence Road in Columbia which is the site of the Delta Gamma sorority at the University of Missouri (900 South Providence being referred to herein as the "House Tract"). The Association also is the owner of the real property located at 411 Burnam Avenue in Columbia, Missouri, which the Delta Gamma sorority presently uses as a housing annex to its sorority house and for parking (the property located at 411 Burnam Avenue being referred to in this letter as the "Ancillary Tract" or the "Annex Tract").

Background

With the expansion of the enrollment on the University of Missouri campus, and for other reasons, including the age of the structure located on the House Tract, the Association has deemed it necessary to undertake a project to expand its facilities, and specifically to expand the size of the living structure on the House Tract. The sorority house located on the House Tract presently can accommodate a maximum of 50 occupants, and the Association desires to demolish the present structure and rebuild a structure which can house up to 90 occupants. Presently there are 12 parking spaces located on the House Tract. In addition, presently there is housing annex located

on the Annex Tract which can presently accommodate 30 occupants, and there are 19 parking spaces presently located on the Annex Tract. The Association's plan is to commence construction on the House Tract and the Annex Tract in May of 2016 so that construction is complete and the new facilities can be used beginning with the fall semester at the University of Missouri in 2017.

The House Tract and the Annex Tract are located approximately 100 feet from each other at the point where they are nearest to each other. As is noted above, the House Tract and the Annex Tract are under common ownership and will remain so. Both the House Tract and the Annex Tract are zoned under the district R-3 category under Chapter 29 of the City of Columbia Code of Ordinances (Chapter 29 being referred to herein as the "Zoning Ordinance").

As you know, the Delta Gamma house is located in an area where numerous other sorority and fraternity houses exist just off the University of Missouri-Columbia campus. As you and others in city government know, the University of Missouri-Columbia has experienced significant increases in student populations over the past decade or so, including increases in students who live in the "Greektown" area. The Delta Gamma house which is located on the House Tract is approximately 100 years old. The plans for the new facilities are for a larger house to be constructed on the House Tract and for no living facilities to be located on the Annex Tract; there will be approximately five parking spaces on the House Tract once the project is completed, and the Association wants to provide approximately 36 parking spaces on the Annex Tract to be used solely as parking for residents who live in the new house on the House Tract.

Applicable Zoning Ordinances

As stated above, both of the tracts that the Association owns are zoned R-3 under the Zoning Ordinance. A sorority house is a permitted use in R-3 zoning, but a parking facility is not a permitted use. See §29-8 of the Zoning Ordinance. According to §29-8 of the Zoning Ordinance, parking in the R-3 district is governed by §29-30 of the Zoning Ordinance.

Section 29-30(a)(1) provides generally that with certain exceptions, buildings are to be provided with off-street parking spaces as specified in §29-30 of the Zoning Ordinance. The table set forth in §29-30(b) of the Zoning Ordinance states that with respect to fraternity and sorority houses, there shall be one (1) parking space for every two (2) occupants. Furthermore, §29-30(g) states as follows:

"Except as otherwise provided in this section, off-street automobile parking facilities required by this section for all uses except residential may be located either on the premises of the parking generator or within one thousand (1,000) feet therefrom. Land uses for parking shall be zoned to accommodate the generating use. All off-premises parking facilities available to the public shall install sidewalks along abutting streets and be accessible to abutting street rights of way for physically handicapped persons."

It is our understanding that the above-quoted provision of §29-30(g) of the Zoning Ordinance is interpreted by city staff as meaning that off-site parking is permitted within one thousand (1,000) feet of the premises of the "parking generator" except in any residential zoned area. In other words, it is our understanding that city staff's position with respect to the Association's situation would be that the Zoning Ordinance prohibits off-site parking in the R-3 zoning district.

In view of the foregoing, the Association is proposing the actions set forth in this letter to permit the Association to commence and complete this project.

Proposed Action

After considering the various alternatives to address the situation described above, the Association is respectfully requesting a text change to the relevant portions of the Zoning Ordinance to permit off-site, off-street parking for any fraternity or sorority that owns both the parking generator and the parking facility under the same ownership entity as long as the parking generator and parking facility are located within 500 feet of each other, and this text change would only apply to areas located in the R-3 zoning district. The Association also recognizes that it will need to comply with applicable screening and storm water requirements with respect to both the House Tract and the Annex Tract. The Association further recognizes that it may be required to obtain a variance from the Zoning Ordinance to allow a parking facility to be located on the Annex Tract because the Annex Tract is zoned in the R-3 zoning district.

Under the circumstances, the Association believes that the proposal set forth in this letter represents the solution which is most efficient and which is likely to result in a solution that advances both the interests of both the City and the Association. It will advance one of the goals of the City, namely to address the issue of parking in the Greektown area of Columbia. The House Tract and the Annex Tract are located just across Burnam Avenue from each other and in close proximity to each other, which means that residents of the Delta Gamma house will not be walking long distances to and from their cars under this proposed solution.

Please note that we have not proposed specific language for the relevant ordinances because it is our understanding that you will want us to work with City staff in this regard, which of course we welcome the opportunity to do.

VAN MATRE, HARRISON, HOLLIS, TAYLOR, AND ELLIOTT, P.C.

September 25, 2015

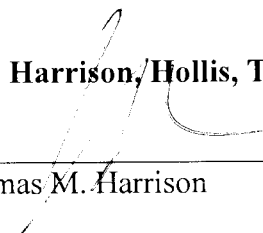
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We look forward to your response to this and working with you on this matter. Please contact the undersigned with any questions.

Sincerely,

Van Matre, Harrison, Hollis, Taylor, and Elliott, P.C.

By:



Thomas M. Harrison

TMH/acg