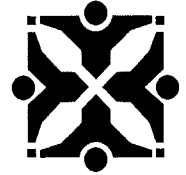


# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** B 317-15

**Department Source:** Community Development - Planning

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** 11/2/2015

**Re:** Millennium Center - Rezoning (Case #15-208)

## Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

**Supporting documentation includes:** Summary of Board/Commission Reports (includes maps), Excerpts from Minutes

## Executive Summary

Approval of the ordinance will result in the subject property being rezoned from the O-1 and C-1 districts to the R-3 district to permit the construction of a private swimming club, a conditional use in the R-3 district, that was previously approved by the Board of Adjustment.

## Discussion

The applicant seeks to rezone the existing split-zoned (C-1 and O-1) property to R-3 to allow for its development as a private swim club. Private swim clubs are not permitted in either C-1 or O-1, but are allowed as a conditional use in R-3. A conditional use to allow the desired private swim club was approved on September 9, 2015, by the Board of Adjustment with a condition that the property must be rezoned prior to a building permit being issued. The applicant has indicated that the club would be used by multi-family apartment development located to the west and south of the subject property which he owns.

The desired swim club represents a use that would likely be compatible on a site that is adjacent to O-1 (to the south and west) and C-1 (to the north and east) zoned property. While the surrounding zoning to the west would be a higher zoning designation than the requested R-3, the current land use of the property (multi-family dwellings) is more reflective of requested zoning than its current O-1 zoning. Viewed from this perspective, the rezoning provides a logical transition of land uses and zoning. Furthermore, while the C-1 properties to the north and east are currently vacant, staff is confident that the uses permitted in the C-1 would not be detrimental if located next to the swim club. The site, as a private swim club or any other R-3 use, is unlikely to have a detrimental impact on surrounding properties as well.

At its meeting on October 22, 2015, the Planning and Zoning Commission voted unanimously (8-0) to recommend approval of the rezoning request. Tim Crockett, Crockett Engineering Consultants, represented the applicant and gave an overview of the request. The Commission briefly discussed the request, but had no additional questions. No one from the public spoke during the meeting.

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## Fiscal Impact

Short-Term Impact: None. Costs associated with utility extensions necessary to serve the site will be borne by the applicant.

Long-Term Impact: Minimal. Public infrastructure surrounds the site and is currently in use. Increased costs associated with maintenance of the existing facilities may or may not be off-set by user fees and tax collections.

## Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Not Applicable

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Not Applicable


## Suggested Council Action

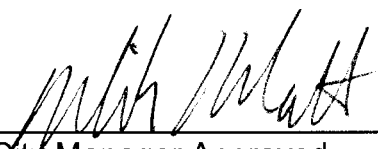
Approval of the request to rezone the subject property to R-3 as recommended by the Planning Commission.

## Legislative History

Ord #12663 (7/2/90): Rezoned to O-1 and C-1 (south portion)

Ord #12517 (2/19/90): Rezoned to O-1 and C-1 (north portion)

  
Department Approved

  
City Manager Approved

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 317-15

**AN ORDINANCE**

rezoning property located on the northeast corner of John Garry Drive and North Cedar Lake Drive (4804 John Garry Drive) from Districts O-1 and C-1 to District R-3; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING ALL OF LOT 46 OF CORPORATE LAKE PLAT NO. 6, RECORDED IN PLAT BOOK 25, PAGE 14 AND CONTAINING 1.65 ACRES.

will be rezoned and become a part of District R-3 (Medium Density Multiple-family Dwelling District) and taken away from District O-1 (Office District) and District C-1 (Intermediate Business District).

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



## SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports (includes maps), Excerpts from Minutes

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
October 22, 2015**

**SUMMARY**

A request by Crockett Engineering Consultants (agent) on behalf of Garry & Brenda Lewis (owners) for approval to rezone 4804 John Garry Drive from O-1 (Office District) and C-1 (Intermediate Business District) to R-3 (Medium Density Multiple-family Dwelling District). The subject site is located at the northeast corner of John Garry Drive and North Cedar Lake Drive, and is also known as Lot 46 of Corporate Lake Plat No. 6. **(Case #15-208)**

**DISCUSSION**

The proposed rezoning would place the existing property, which is a split-zoned as C-1 and O-1, into the R-3 zoning district to allow for its development as a private swim club. Private swim clubs are , not permitted in either C-1 or O-1, but are allowed as a conditional use in R-3. A conditional use to allow a private swim club on the property was approved on September 9, 2015, by the Board of Adjustment with a condition that the property must be rezoned prior to a building permit being issued. The property applicant has indicated that the club would be used by multi-family apartment development located to the west and south of the subject property which he owns.

From a general zoning standpoint, adjacent properties should be zoned in a compatible manner, and zoning changes between properties would ideally represent a logical and gradual transition from more intense uses to less intense ones (or vice versa). The current request is to downzone a commercially zoned property surrounded by other commercially zoned property to a medium density residential district. On the surface, this raises concerns that a residential property will be surrounded by commercially zoned property, which is typically not recommended and could also be considered spot zoning - a practice generally avoided.

However, in this situation, the existing and proposed land uses for this and the surrounding properties are also important to consider. The applicant has suggested that the purpose of the rezoning is to allow the development of the site for private swim club, a use only allowed as a conditional use in the R-3 district, since it supports other residential uses in the R-3. In this situation, the use that is supporting the swim club (the apartments to the west and south) are located in O-1, which does not allow swim clubs. The allowance for residential uses in O-1, but not swim clubs, creates an inability to put a swim club on the subject property to serve the adjacent residential units. The rezoning to R-3 will allow the swim club, but would create an unusual zoning arrangement.

The swim club represents a use that would likely be compatible on a site that is adjacent to O-1 (to the south and west) and C-1 (to the north and east) zoned property. In addition, the swim club is meant to be an amenity for the residential development to the west and south, both of which occupy the adjacent O-1 zoning (which allows all R-3 uses). So while the surrounding zoning to the west would be a higher zoning designation than R-3, the current land use (multi-family dwellings) is more reflective of residentially zoned property than it is of an office zoning district. From this perspective, the rezoning provides a logical transition of land uses and zoning. And while the C-1 properties to the north and east are currently vacant, staff is confident that the uses permitted in the C-1 would not be detrimental if located next to the swim club.

Overall, rezoning the existing lot to a residential district would not be ideal in a newly developed or annexed property. However, the majority of the area surrounding the site has been developed (with the property to the west and south developed as residential) and is unlikely to redevelop into a use that would cause compatibility concerns. The site, as a private swim club or any other R-3 use, is unlikely to have a detrimental impact on surrounding properties as well.

### **RECOMMENDATION**

Approval of the request to rezone the property to R-3.

### **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator Maps

### **SITE CHARACTERISTICS**

<b>Area (acres)</b>	1.65
<b>Topography</b>	Mild slope down to the northwest
<b>Vegetation/Landscaping</b>	None, site has been graded
<b>Watershed/Drainage</b>	Little Bonne Femme Creek
<b>Existing structures</b>	None

### **HISTORY**

<b>Annexation date</b>	<b>South portion:</b> 1990 <b>North portion:</b> 1985
<b>Zoning District</b>	O-1 (Office District) and C-1 (Intermediate Business District)
<b>Land Use Plan designation</b>	<b>South portion:</b> Employment District <b>North portion:</b> Commercial District
<b>Previous Subdivision/Legal Lot Status</b>	Lot 46 of Corporate Lake Plat 6

### **UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	City Water & Light
<b>Fire Protection</b>	Columbia Fire Department
<b>Electric</b>	City Water & Light

## **ACCESS**

<b>E North Cedar Lake Dr</b>	
<b>Location</b>	Along south side of site.
<b>Major Roadway Plan</b>	Not included in MRP - Local Non-Residential (Improved & City-maintained)
<b>CIP projects</b>	None.
<b>Sidewalk</b>	Required.

<b>John Garry Dr</b>	
<b>Location</b>	Along west side of site.
<b>Major Roadway Plan</b>	Not included in MRP - Local Non-Residential (Improved & City-maintained)
<b>CIP projects</b>	None.
<b>Sidewalk</b>	Required.

## **PARKS & RECREATION**

<b>Neighborhood Parks</b>	Within Cosmo-Bethel Park service area
<b>Trails Plan</b>	None adjacent to site
<b>Bicycle/Pedestrian Plan</b>	Recommended to be constructed as complete street during any reconstruction

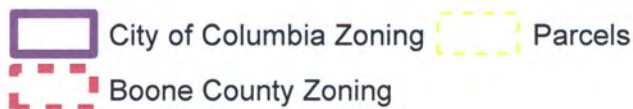
Report prepared by Clint Smith

Approved by Patrick Zenner

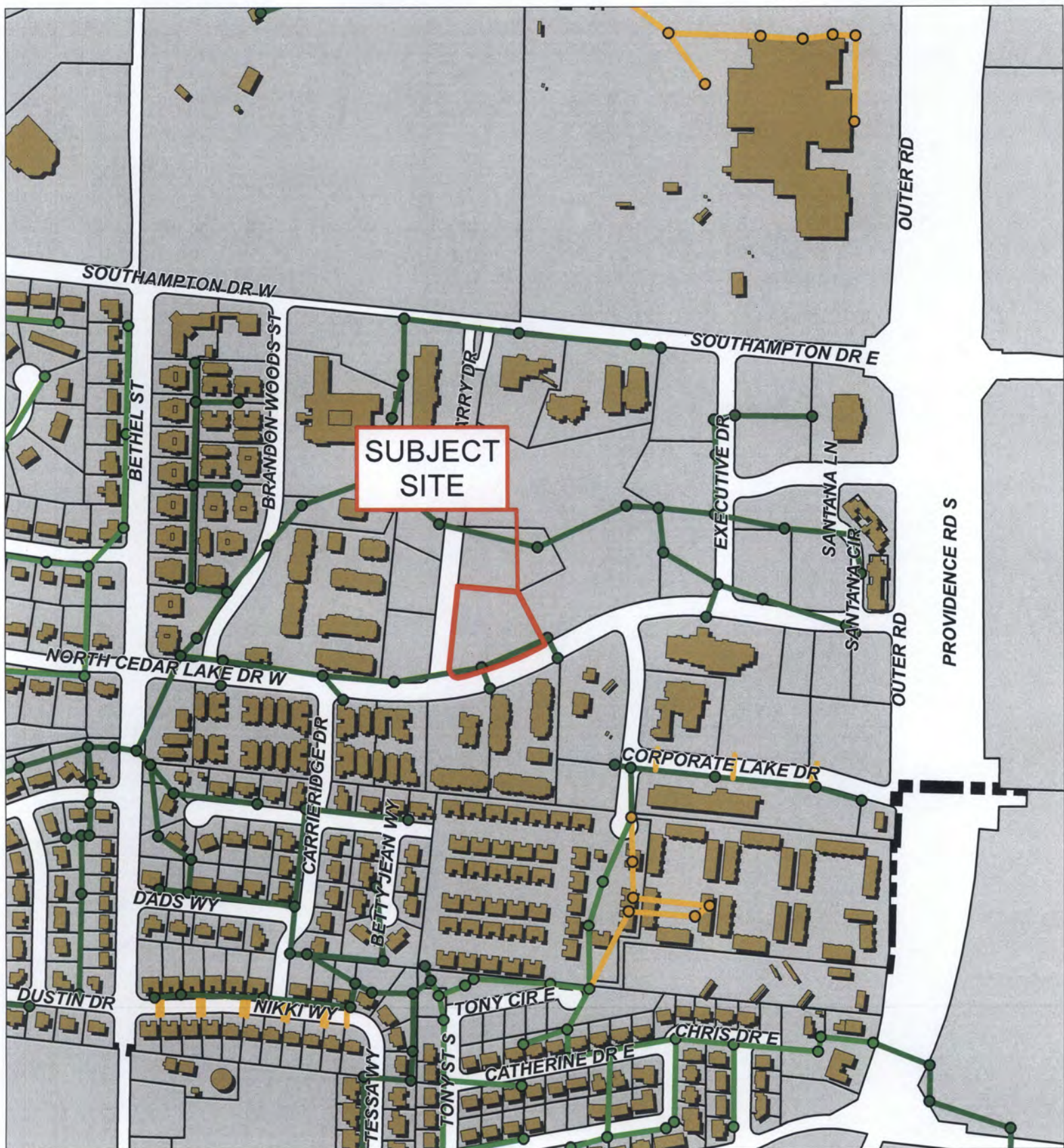




## 15-208: Millennium Center Rezoning







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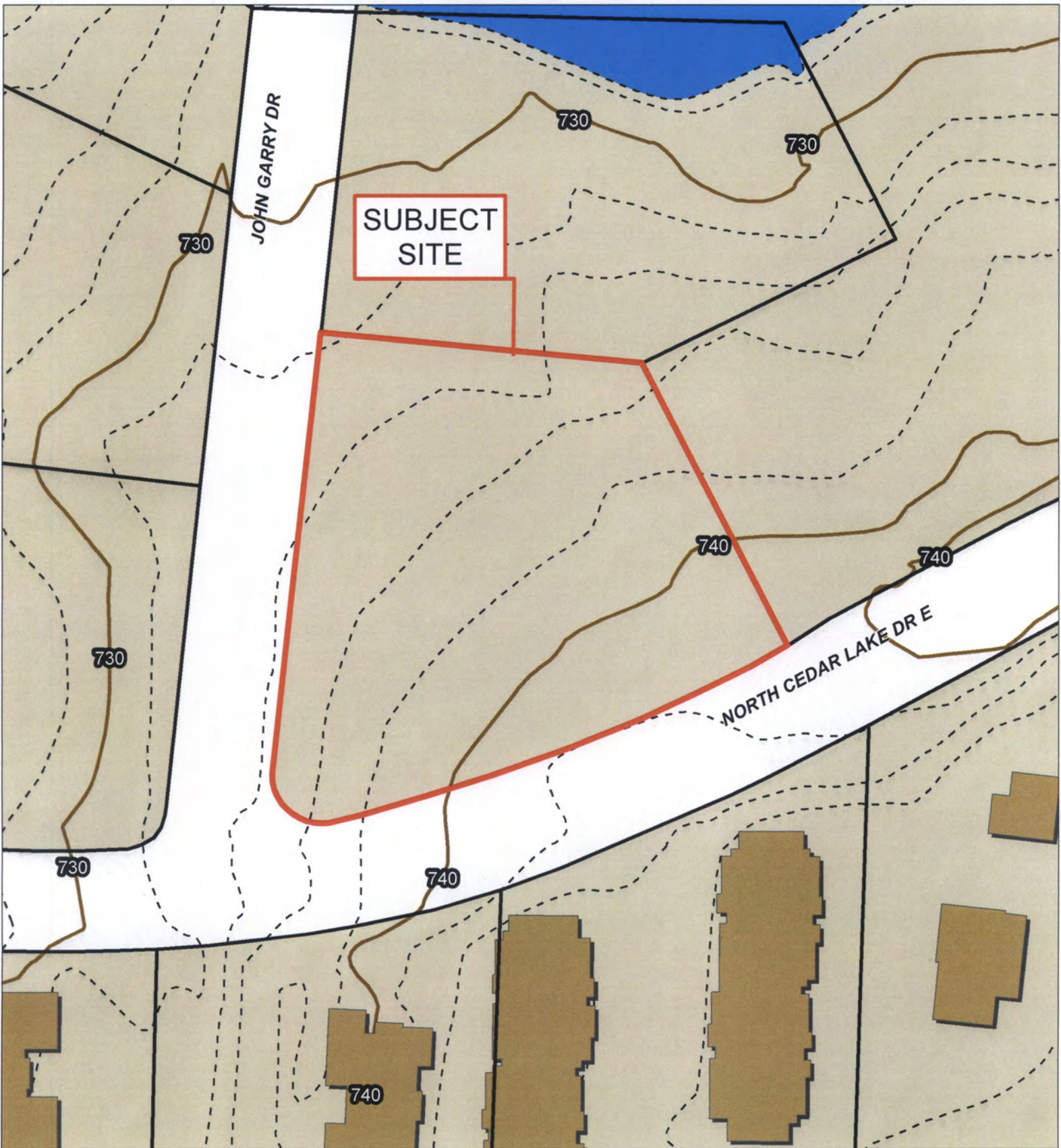


- BCRSD
- City Sanitary Structure
- Private Sanitary Structure
- BCRSD
- City Sanitary Line
- Private Sanitary Line

- Building Footprint
- Parcels







## 15-208: Millennium Center Rezoning



— 10 Foot Contour Lines  
- - - 2 Foot Contour Lines



Parcels



Building Footprint



Bodies of Water



**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**OCTOBER 22, 2015**

**V) PUBLIC HEARINGS**

MR. REICHLIN: We will not enter into the public hearing portion of our meeting tonight.

**CASE NO. 15-208**

**A request by Crockett Engineering Consultants (agent) on behalf of Garry and Brenda Lewis (owners) to rezone 1.65 acres from O-1 (Office) and C-1 (intermediate Business) to R-3 (Medium Density Multiple-Family Dwellings). The subject site is located at the northeast corner of John Garry Drive and North Cedar Lake Drive, and addressed as 4804 John Garry Drive.**

MR. REICHLIN: May we have a staff report, please?

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the request to rezone the property to R-3.

MR. REICHLIN: Are there any questions of staff? Seeing none.

**PUBLIC HEARING OPENED**

MR. REICHLIN: Anybody wishing to speak in favor or opposed to this matter, feel free to approach the podium.

MR. CROCKETT: Members of the Commission, Tim Crockett, Crockett Engineering, 2608 North Stadium. Give you a little background on the piece of property. My client currently owns all the property in all the directions. It's basically he owns all the -- all the multi-family residential units in that general vicinity. Pretty much everything that you see immediately adjacent to this site that's in blue and even the yellow to the west, he owns. What he wants to do is he wants to construct a private swim club for the residents of those multi-family developments. Typically, we wouldn't have this issue. It would be an accessory use to an apartment development and he could put that on his property. However, in this case, we're a separate stand-alone lot given the fact that we're separated by right-of-ways. And so with that being said, we have to apply for a -- a conditional use under private swim club allocation, and to do that, we have to be in a R-3 use. It's a conditional use under R-3. Therefore, we cannot -- the conditional uses under R-3 are not pyramid uses like they normally would be for the regular allowed uses. Therefore, we have to go from C-1 and O-1 and actually rezone it -- down-zone it to the R-3 to make it compatible. If we were going to develop the property as a residential use under R-3, we wouldn't need to rezone it. We're pyramided for those uses, so we could simply do it. It's just the fact that we're asking for the conditional use for that. You know, with that said, I think it's fairly straightforward. It is tied to his existing developments. He wants to put this private swim club in because he feels that he wants to keep up with the other developments in the -- in the City, and he wants to provide -- you know, it's a clubhouse, it's, you know, all the associated

amenities that go with it. So it's more than just that. There was some concern about could this be turned into a public swim club and certainly not. At this case, we were not zoned for that. If -- that would have to be a commercial development. We talked about up-zoning to a planned commercial and going that route. We felt it more appropriate because we do want to keep it private -- it is for those residents and those residents only -- to down-zone it to R-3 and go the condition use route through the Board of Adjustment, which we did back in September. So with that, I would be happy to answer any questions.

MR. REICHLIN: Are there any questions of this speaker? Seeing none.

MR. CROCKETT: Thank you.

MR. REICHLIN: Thank you. No one else to speak on this matter, I'll close the public hearing --

**PUBLIC HEARING CLOSED**

MR. REICHLIN: -- and accept comments from Commissioners. Would anybody care to jump in? Mr. Stanton?

MR. STANTON: Pretty straightforward. Kind of housekeeping. Getting full use of his property. I plan to support it.

MR. REICHLIN: Mr. Strodtman?

MR. STRODTMAN: I would go ahead and make a motion for Case 15-208 for approval to rezone 4804 John Garry Drive from O-1 and C-1 to R-3 zoning.

MR. STANTON: Second.

MR. REICHLIN: May I have a roll call, please?

MS. LOE: Yes, Mr. Chairman.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. Reichlin, Mr. Stanton, Mr. Strodtman. Motion carries 8-0.**

MS. LOE: The motion carries. Recommendation for approval will be forwarded to City Council for their review.

MR. REICHLIN: Thank you, Ms. Loe.