

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B117-14

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 5, 2014

Re: 14-47 Avanti Properties - Rezoning

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance

Supporting documentation includes: Summary of Board/Commission Reports, Maps, Excerpts from Minutes, Other: Ord. 018031

Executive Summary

A request by Avanti Properties, LLC (owner) to approve a Statement of Intent for The Colonies North/The Colonies Phase 2 which is zoned C-P (Planned Business District). The site is located on the east side of Colony Drive (private), approximately 200 feet south of Chapel Hill Road. (Case #14-47)

Discussion

The applicant is proposing to revise the list of uses that were approved for the subject property at the time it was rezoned to C-P in 2004 to include the uses that are attached as part of the Statement of Intent (SOI). The request would permit office uses and other selected uses within the O-1 district on the subject property, as agreed upon by the applicant.

A copy of the Planning and Zoning Commission (PZC) staff report, minutes from the PZC meeting, the Statement of Intent with associated revised use list, and locator maps are attached.

Fiscal Impact

Short-Term Impact: No new facilities are required.

Long-Term Impact: No new facilities are required.

Vision, Strategic & Comprehensive Plan Impact

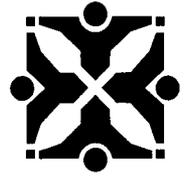
Vision Impact: Not Applicable

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Not Applicable

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Suggested Council Action

Approval of a Statement of Intent and associated use list.

Legislative History

3/6/1990: Approval of The Colonies North/The Colonies-Phase Two O-P Development Plan

4/5/2004: Approval of request to rezone property to C-P

A handwritten signature in black ink, appearing to be 'C. H. 2M', written over a horizontal line.

Department Approved

A handwritten signature in black ink, appearing to be 'M. G. M. A.', written over a horizontal line.

City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 117-14

AN ORDINANCE

changing the uses allowed on C-P zoned property located on the east side of Colony Drive and south of Chapel Hill Road; approving a revised statement of intent; 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 permitted uses on property in District C-P located on the east side of Colony Drive and south of Chapel Hill Road, and further described as follows:

Lot 14A, THE COLONIES PLAT 5 as recorded in Plat Book 26, Page 3 and Lots 503 and 504, Administrative Plat, THE COLONIES PLAT 5-B as recorded in Book 1621, Page 444, all located in the SW ¼ of Section 23, Township 48 North, Range 13 West, Columbia, Boone County, Missouri and containing 5.20 acres.

are amended to include the permitted uses set forth in the statement of intent.

SECTION 2. The City Council hereby approves the terms and conditions contained in the revised statement of intent dated April 28, 2014, marked "Exhibit A," which is attached to and made a part of this ordinance, which replaces the statement of intent attached to Ordinance No. 018031 passed on April 5, 2004, and it shall be binding on the owners until such time as the Council shall release such limitations and conditions on the use of the property.

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

PASSED this _____ day of _____, 2014.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



**City of Columbia
Planning Department**

701 E. Broadway, Columbia, MO
(573) 874-7239 planning@gocolumbiamo.com

Statement of Intent Worksheet

For office use:

Case #:	Submission Date:	Planner Assigned:
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Please provide the following information, which shall serve as the statement of intent for the proposed planned district zoning:

1. The uses proposed. *See attached list of O-I uses, as well as a list of C-Puses that have already been approved for this property. (shown as Exhibit B)*
2. The maximum gross square feet of building floor area proposed. If **PUD** zoning is requested, indicate type(s) of dwelling units & accessory buildings, and maximum number of dwelling units & development density. *No greater than 26,000 Square Feet*
3. The maximum building height proposed. *No greater than 45' (from the street level)*
4. The minimum percentage of the site to be maintained in open space, shown by the percent in landscaping and the percent left in existing vegetation. *No less than 15%*

The following items only apply to PUD zoning requests: *N/A*

5. The total number of parking spaces proposed and the parking ratio per dwelling unit.
6. Any amenities proposed, such as swimming pools, golf courses, tennis courts, hiking trails or club houses.
7. A general description of the plan including minimum lot sizes, if applicable, minimum building setbacks from perimeter and interior streets, other property lines and minimum setbacks between buildings.

Note: At the discretion of the applicant, the statement of intent may include other aspects of the proposed development.


Signature of Applicant or Agent

4/28/14
Date

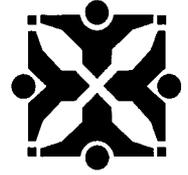
Hospitals, medical or dental clinics and medical laboratories
 Bakeries
 Bicycle repair shops
 Restaurants, cafes and cafeterias
 Barber and beauty shops
 Photographic service shops and studios
 Physical fitness centers
 Private gymnasiums and reducing salons
 Schools operated as a business except trade schools
 Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district
 All permitted uses in district R-3 (subject to the height and area regulations of district R-3)
 Adult day care home
 Apartment houses
 Banks, other financial institutions, and travel agencies.
 Boardinghouses or lodging houses
 Churches, mosques and synagogues
 Counseling centers operated by charitable or not-for-profit organizations; excluding halfway houses or any use connected with penal or correctional institutions
 Customary accessory uses subject to the provisions of section 29-27, accessory uses
 Family day care homes, day care centers, preschool centers, nursery schools, child play care centers, child education centers, child experiment stations, or child development institutions
 Golf courses and golf clubhouses appurtenant thereto (except miniature golf courses, driving ranges, and other activities operated as a business)
 Group care homes for mentally retarded children
 Group homes for foster care
 Group homes for mentally or physically handicapped (see restrictions set forth in zoning regulations)
 Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.
 Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.
 Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to:

- (1) Artists, sculptors, photographers
- (2) Authors, writers, composers
- (3) Lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions
- (4) Ministers, rabbis, priests, or other clergy members
- (5) Physicians, dentists, chiropractors, or other licensed medical practitioners
- (6) Seamstresses, tailors
- (7) Teachers of private lessons in art, music, or dance

 Public administrative buildings
 Public libraries
 Public museums
 Public parks and playgrounds, including public recreation or service buildings within such parks
 Public police and fire stations
 Publicly owned and operated community buildings
 Residential care facilities
 Schools operated as a business within an enclosed building, except trade schools and schools which offer retail goods or services to the public
 Temporary real estate sales office, located on property being sold and limited to a period of sale, but not exceeding two (2) years without special permit from the board of adjustment

City of Columbia

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SUPPORTING DOCUMENTS INCLUDED WITH
THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports, Maps, Excerpts from Minutes, Other: Ord.
018031

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
April 24, 2014**

SUMMARY

A request by Avanti Properties, LLC (owner) to approve a Statement of Intent for The Colonies North/The Colonies Phase 2 which is zoned C-P (Planned Business District). The site is located on the east side of Colony Drive (private), approximately 200 feet south of Chapel Hill Road. (Case #14-47)

DISCUSSION

The applicant is proposing to revise the list of uses that were approved for the subject property at the time it was rezoned to C-P in 2004 to include all uses currently permitted in O-1 (Office District). The rezoning request includes a Statement of Intent with proposed uses for the property.

The subject property was first zoned O-P in 1990 in conjunction with the adoption of The Colonies North/The Colonies Phase 2 O-P development plan. In 2004, the subject property was rezoned from O-P to C-P (see attached Ordinance 018031) with the intent to allow additional commercial uses within the development that would serve as amenities (e.g., coffee shops) to the existing development. The applicant has stated the intent was to retain the ability to develop the property with the previously approved office uses as well. However, the rezoning of the property resulted in an approved use list that did not include the previously approved office uses, but rather only those proposed commercial uses.

To correct this omission, the applicant has submitted a proposed use list that adds all uses within the O-1 district to the existing commercial uses. The currently approved uses include: hospitals, medical or dental clinics and medical laboratories; bakeries; bicycle repair shops; restaurants, cafes and cafeterias; barber and beauty shops; photographic service shops and studios; physical fitness centers; private gymnasiums and reducing salon; schools operated as a business except trade schools; and stores, shops and market for retail trades, with no outside display of merchandise in any front yard.

Staff finds that the proposed rezoning to approve a Statement of Intent and permit additional O-1 uses is consistent with adjacent development within The Colonies. However, to ensure compatibility of the uses in this location, staff recommends the removal of several proposed uses included in the use list. Staff's revisions are shown as ~~strike through~~ in the attached use list. The uses shown in this modified use list were previously approved for the overall site and staff does not believe adding them back will have a detrimental impact on traffic or circulation within the development.

RECOMMENDATION

Approval of a Statement of Intent and associated use list as recommended by staff.

SUPPORTING DOCUMENTS

- Locator aerial and topographic maps.
- 2014 Statement of Intent
- 2014 Proposed Use List
- 2004: Ordinance 018031 Approving C-P Zoning

HISTORY

Annexation date	1964
Zoning District	C-P (Planned Business District)
Land Use Plan designation	Commercial District
Previous Subdivision/Legal Lot Status	Legally platted as Lots 14A-1 and 14A-2 of The Colonies Plat 5-C, and Lot 5-B of Plat 5-D

SITE CHARACTERISTICS

Area (acres)	2.24 acres
Topography	Steep slope from northwest to southeast
Vegetation/Landscaping	None
Watershed/Drainage	Hinkson Creek
Existing structures	None

UTILITIES & SERVICES

Sanitary Sewer	All City services are available to the site.
Water	
Fire Protection	
Electric	

ACCESS

Colony Drive (Private)	
Location	West side of site
Major Roadway Plan	Local Non-Residential (improved & privately maintained). No additional ROW required.
CIP projects	None

PARKS & RECREATION

Neighborhood Parks	Adjacent to MKT Trail on the east side of property
Trails Plan	Adjacent to MKT Trail on the east side of property
Bicycle/Pedestrian Plan	MKT Trail is classified as a PedNet Backbone

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 a public information meeting, which was held on April 1, 2014.

Public information meeting recap	Number of attendees: None Comments/concerns: N/A
Neighborhood Association(s) notified	Chapel Hill Lake
Correspondence received	None as of this writing

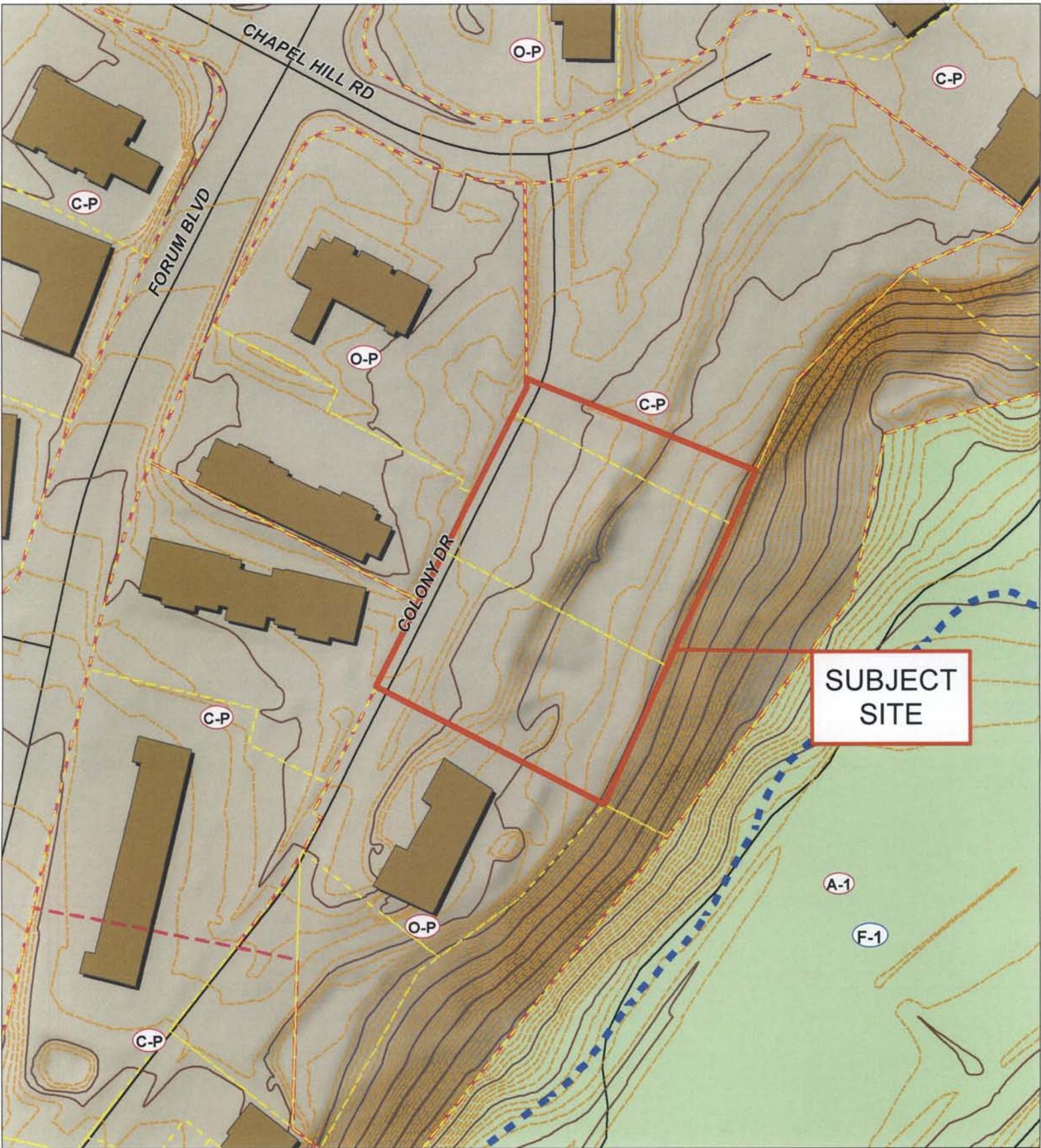


14-47: Avanti Properties C-P Rezoning



Hillshade Data: Boone County GIS Office
Parcel Data Source: Boone County Assessor
Imagery: Boone County Assessor's Office, Sanborn Map Company
Created by The City of Columbia - Community Development Department





14-47: Avanti Properties C-P Rezoning



Hillshade Data: Boone County GIS Office
 Parcel Data Source: Boone County Assessor
 Imagery: Boone County Assessor's Office, Sanborn Map Company
 Created by The City of Columbia - Community Development Department



EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
APRIL 24, 2014

V) PUBLIC HEARINGS

Case No. 14-47

A request by Avanti Properties, LLC (owner) to amend the Statement of Intent for The Colonies North/The Colonies Phase 2, which is zoned C-P (Planned Business District). The site is located on the east side of Colony Drive (private), approximately 200 feet south of Chapel Hill Road.

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 revised Statement of Intent and associated use list as recommended by staff.

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

OPEN PUBLIC HEARING

MR. REICHLIN: If we have somebody from the audience who would like to address us on this matter, now would be your opportunity. Open and close public hearing in one fell swoop.

CLOSE PUBLIC HEARING

MR. REICHLIN: Comments of Commissioners?

MR. WHEELER: Since everybody is jumping at the opportunity, it seems like a very reasonable request. I agree with Staff, and I would recommend approval or make a motion to recommend approval for the request of -- or Case No. 14-47, the approval of the Statement of Intent and associated use list as recommended by Staff.

MR. TILLOTSON: I'll second.

MR. REICHLIN: So we have a motion by Mr. Wheeler and a second by Mr. Tillotson; is that correct? Thank you. Roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval. Voting Yes: Mr. Strodman, Mr. Tillotson, Mr. Wheeler, Ms. Burns, Ms. Loe, Mr. Reichlin, Mr. Stanton. Motion carries 7-0.

MR. STRODTMAN: The motion for recommendation to City Council has been approved.

MR. REICHLIN: Thank you.

Exhibit A

Introduced by Hindman

First Reading 3-15-04 Second Reading 4-5-04

Ordinance No. 018031 Council Bill No. B 79-04

018031

Permanent Record
Filed in Clerk's Office

AN ORDINANCE

rezoning property located on the south side of the eastern terminus of Chapel Hill Road from District O-P to District C-P; 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:

Lot 14A, THE COLONIES PLAT 5 as recorded in Plat Book 26, Page 3 and Lots 503 and 504, Administrative Plat, THE COLONIES PLAT 5-B as recorded in Book 1621, Page 444, all located in the SW ¼ of Section 23, Township 48 North, Range 13 West, Columbia, Boone County, Missouri and containing 5.20 acres.

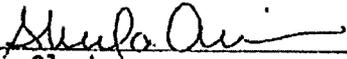
will be rezoned and become a part of District C-P (Planned Business District) and taken away from District O-P (Planned Office District). Hereafter the property may be used for the following uses: hospitals, medical or dental clinics and medical laboratories; bakeries; bicycle repair shops; restaurants, cafes and cafeterias; barber and beauty shops; photographic service shops and studios; physical fitness centers; private gymnasiums and reducing salons; schools operated as a business except trade schools; and, stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district.

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

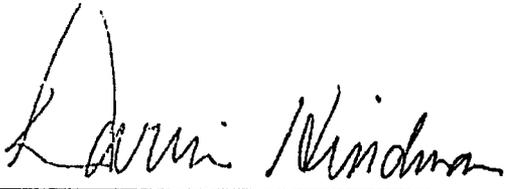
SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this 5th day of April, 2004.

ATTEST:

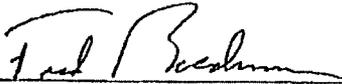


City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor