

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
September 21, 2023**

SUMMARY

A request by A Civil Group (agent), on behalf of UPT5611COMO, LLC (owner), seeking approval of a “design adjustment” that would permit a proposed lot with less than 300-feet of frontage to have individual driveway access which is not permitted by section 29-5.1(f)(1)(iv)(D) of the Unified Development Code. The subject site is located southwest of the Waco Road and Brown Station intersection and is shown as Lot 104 of the proposed final plat for Uptown Business Park, Plat 1. **(Case #109-2023)**

DISCUSSION

Background

The applicant is seeking approval of a design adjustment to permit an individual driveway to serve a proposed new parcel (Lot 104 of Uptown Business Park, Plat 1) that contains less than 300-feet of frontage along Brown Station Road, a major collector. The proposed driveway location does not meet the requirements of section 29-5.1(f)(1)(iv)(D) of the UDC which reads:

“Newly platted or re-subdivided non-residential lots that propose direct driveway connection to an arterial or collector street shall have a minimum of three hundred (300) feet of frontage along the street right-of-way. Shared access for parking and driveways may be required to promote internal development connectivity”.

The proposed new plat containing Lot 104 is considered a replat of Dell Jones Plat 2; therefore, is not required to be presented to the Planning Commission for approval. As such, the focus of this request is on the design adjustment relating to the proposed access to Lot 104. A copy of the proposed Uptown Business Park Plat 1 is attached for reference purposes only. The land contained within the subdivision is zoned IG (Industrial).

If the design adjustment is recommended for approval, the attached plat, would be forwarded to Council for its consideration along with a concurrent report seeking Council approval of the design adjustment. If the design adjustment is denied, the applicant reserves the right to seek Council consideration of the design adjustment concurrent with the plat; however, staff’s recommendation on the plat would be required to be “denial” given the plat does not meet the requirements of the UDC. Alternatively, the applicant could revise the plat to meet the conditions of section 29-5.1(f)(1)(iv)(D) and the denied design adjustment would not be required.

The staff has reviewed the proposed replat and found that it is compliant with the UDC’s standards with the exception of the requested design adjustment. It should be further noted that a concurrent request to vacate a previously platted portion of the former Waco Road alignment traversing the property will accompany this request and the replat. The attached replat shows the land area associated with the right of way to be vacated as having already being incorporated into proposed Lots 101, 106, and 107.

Design Adjustment Analysis

In making a recommendation on a requested design adjustment the Planning Commission shall consider the following five (5) criteria as stated in section 29-5.2(b)(9) of the UDC. Staff analysis related to each criterion are provided in “**bold**” text. A copy of the applicant’s submitted correspondence and responses to the criterion are attached for review.

- (i) The design adjustment is consistent with the city's adopted comprehensive plan and with any policy guidance issued to the department by council.

The comprehensive plan does not directly address the issue of driveway placement along arterial or collector roadways; however, policy guidance approved by Council would be considered the provisions contained within the UDC. The UDC permits relief to be granted after consideration of the remaining criteria below.

- (ii) The design adjustment will not create significant adverse impacts on any lands abutting the proposed plat, or to the owners or occupants of those lands.

The proposed subdivision development and subject lot are located on land that is presently zoned IG and partially improved with a conforming land use. The site is bounded on the west and south by the Smith Park (zoned A), to north by Waco Road, and to the east by vacant IG zoned lands. The requested design adjustment is not seen as impacting the development or use of these properties and would afford the opportunity to retain greater control of access to proposed Lot 103 (the improved lot of the development) than if a “shared access” were required.

- (iii) The design adjustment will not make it significantly more difficult or dangerous for automobiles, bicycles, or pedestrians to circulate in and through the development than if the subdivision standards of section 29-5.1 were met.

While the specific location of the future driveway serving Lot 104 has not been determined or sought, if such access were required to be centered on the lot’s approximately 220-feet of roadway frontage it would not make it more difficult or dangerous for automobiles, bicycles, or pedestrians to utilize Brown Station Road. The placement of a driveway within the approximate center of the Lot 104 would result in the closest drives being within 356-feet and 500-feet to the north and south, respectively. The approval of the replat will trigger the construction of sidewalks along the entire development’s Brown Station Road as well as Waco Road frontages.

- (iv) The design adjustment is being requested to address a unique feature of the site or to achieve a unique design character, and will not have the effect of decreasing or eliminating installation of improvements or site features required of other similarly situated developments.

The design adjustment is sought to ensure that access to Lot 104 is independent of an existing improved area of the overall development which will become Lot 103 north of the subject lot. Additionally, a shared driveway access between the City’s park to the south and the subject lot is not possible due to a large drainage structure at that location.

It should also be noted that an existing driveway serves proposed Lot 103 that is approximately 246-feet from the common lot line of proposed Lot 104.

If the requested design adjustment were granted and conditioned upon the drive to serve Lot 104 being located within the approximate center of Lot 104 there would be greater than 300-feet of separation between drive approaches. Such a separation is seen as a benefit to ensure more efficient and safe traffic movements in and out of the industrial properties.

Approval of the requested design adjustment would not eliminate required public improvements along the frontage of Lot 104 or its interior. Rather, approval would grant the right to have an individual driveway access serving a lot not meeting the minimum 300-foot standard.

- (v) The design adjustment will not create adverse impacts on public health and safety.

Approval of the design adjustment is not believed to be detrimental to the public health or safety. Placement of a driveway within the approximate center of proposed Lot 104 would afford sufficient separation from adjoining driveways to the north and south as well as from the intersection of Brown Station Road and Waco Road which is to be improved in the future. Furthermore, the replat of the overall tract will trigger the installation of sidewalk which will further provide refuge to pedestrians crossing the frontage of the lot.

Conclusion

Based on the above analysis and following consultation with the City's Traffic Engineer, approval of the requested design adjustment is believed appropriate. Such adjustment will not impact the use or enjoyment of adjoining lands, does not negatively impact public safety or traffic circulation, and does provide opportunity to address an existing conditions presently in place upon the property.

RECOMMENDATION

Approval of the requested design adjustment.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Applicant Correspondence & Design Adjustment Worksheet
- Uptown Business Park Plat 1 (proposed)

SITE CHARACTERISTICS

Area (acres)	18.53 ac
Topography	Sloping east & west toward intermittent creek in development center
Vegetation/Landscaping	Turf, limited trees
Watershed/Drainage	Bear Creek
Existing structures	Single industrial building (5611 Brown Station Road)

HISTORY

Annexation date	1969
Zoning District	IG (Industrial)
Land Use Plan designation	Employment
Previous Subdivision/Legal Lot Status	Legal Lots (Dell Jones Plat 2)

UTILITIES & SERVICES

Site served by all city services.

ACCESS

Waco Road	
Location	Along the north side of property
Major Roadway Plan	Minor Arterial (Improved and City maintained)
CIP projects	None
Sidewalk	Sidewalks existing

Brown Station Road	
Location	Along the east side of property
Major Roadway Plan	Major Collector (Unimproved and City maintained)
CIP projects	None
Sidewalk	Sidewalks required upon platting

PARKS & RECREATION

Neighborhood Parks	Smith Park (adjacent)
Trails Plan	Proposed tertiary trail along southern boundary of Smith Park
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

Public notice of the request was published in the Columbia Tribune on September 5, 2023.

Report prepared and approved by Patrick Zenner