



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: July 1, 2024

Re: Diventures of Columbia PD Plan (Case # 78-2024)

Executive Summary

Approval of this request would approval a PD Plan on Lot 101 of Copperstone Corner Plat 1 to be known as "Diventures of Columbia". The PD plan proposes an 8,356 sq. ft swim and scuba aquatics training center. The subject property contains 1.57-acres located southwest of the future intersection of Vawter School Road and Capital Drive (a future private street) as shown on the final plat of Copperstone Corner Plat 1 (Case #81-2024). Case # 81-2024 appears on the Council's July 1 agenda as a separate business item.

Discussion

Hdesigngroup (agent), on behalf of Capital Land Investment LLC (owners) and Diventures of Columbia (contract purchasers), are seeking approval of a PD Plan to be known as "*Diventures of Columbia*". The subject site contains 1.57-acres and is shown on Copperstone Corner Plat 1 as Lot 101. A concurrent application for approval of Copperstone Corner Plat 1 and a development agreement (Case # 81-2024) appear on the Council's July 1 agenda. Approval of the proposed development plan is subject to Case # 81-2024 being approved.

The subject site is the first lot to be proposed for development in the 10-lot commercial subdivision known as "*Copperstone Corner*", a PD-zoned development, approved in June of 2023. The site is located approximately 530-feet west of the Scott Boulevard/Vawter School Road roundabout on the south side of Vawter School Road at the future intersection of Vawter School Road and Capital Drive (a private street).

The proposed PD plan illustrates the construction of an 8,356 sq. ft. swim and scuba instruction facility that will contain ancillary retail and classroom instruction space. Orientation of the building is internal to the site (i.e. to the south) with vehicular and pedestrian access being obtained from Capital Drive. Given this orientation, the applicant is seeking approval of a design exception to not have not have an entry door facing Vawter School Road directly as required by the UDC. Additionally, the site plan illustrates a total of 67 parking spaces which exceeds the permitted maximum of 42 spaces. Proposed parking is at 300% of the minimum required. The UDC limits parking to 200% of the minimum. As such, the applicant has also requested a design exception to the maximum parking.

Per the provisions of the UDC, design exceptions are permissible in the context of PD zoned property and are considered equivalent to a variance with respect to modifying the UDC's zoning provisions. Given a site-specific development plan is required to be reviewed and recommended by the Planning Commission and granted final approval by Council, the UDC authorizes the Planning Commission through its PD plan authority to consider recommending



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relief in lieu of the Board of Adjustment which is the typical venue for variances. A synopsis of the Commission's consideration of the design exceptions is provided below. The complete staff analysis of the design exceptions is presented in the attached Planning Commission staff report. Additionally, applicant correspondence and the verbatim transcript of the February 22, 2024 Planning Commission hearing on this matter are attached. Design exceptions, per established PD plan approval procedures, are incorporated into the development plan and do not required separate action by the Commission or the Council. Approval of the development plan grants approval of the requested design exceptions.

The applicant provided architectural elevations for the proposed future site improvements. In rendering its recommendation on the requested entry door placement design exception, the Planning Commission utilized these illustrations as a basis for their support of the relief. The Commission's recommendation of approval to the entry door design exception was based, in part, on the condition that the design of the future building to be constructed substantially to conform with the fenestration shown on the elevations provided.

The site plan illustrates a building that is 23% smaller than that allowed by the PD zoning Statement of Intent and authorized for construction per the PD development plan. The proposed 8,356 sq. ft. building covers only 12% of the project site. Total impervious site coverage (building and parking combined) is equal to 66% of the 1.57-acres. The remaining 34% of the site is shown in landscaped areas or open space which is more than double what is typical of commercial development. The PD plans shows fully compliant parking lot landscaping as well as property edge buffering where the parking lots come within 6-feet of the site's adjacent street frontages. A final compliance check for conform to the requirement of the UDC as well as the attached PD plan will be performed at the time a formal building permit application is submitted.

As part of the site's overall improvements, sidewalks along the Capital Drive frontage will be installed as well as all necessary on-site infrastructure to support the future use. As noted in Case #81-2024, the site is sufficiently supported by public infrastructure to accommodate the proposed development. Furthermore, as noted, the site will be accessed from a private ingress/egress easement that is shown within Lot C101. This private access will be installed by others; however, its future construction is fully compliant with the approved infrastructure construction plans associated with the final plat. The issuance of a certificate of occupancy for the construction of the Diventures facility will be subject to construction completion of the private roadway access.

The Planning and Zoning Commission considered this matter at their February 22, 2024 meeting. Staff provided its report and the applicant gave a presentation that provided detailed explanation with respect to the requested design exceptions pertaining to parking and entry door location. There was significant staff, applicant and Commissioner discussion relating to the requested design exceptions. There were no public comments offered with respect to the proposed PD Plan; however, several members of the applicant's development team did address the Planning Commission.



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The applicant noted that the increase in maximum parking was based on their historical business operations in other locations and noted that the 200% maximum space limit would potentially impact safety for the business's users during swim lesson change-over and that on-street parking was not desired given concerns expressed by adjoining residents within the Copperstone subdivision about potential spill over into their neighborhood. Staff explained that the parking spaces shown on the plan calculated individually based on the building's intended use areas. Additionally, the spaces shown were reduced in size and the saved square footage had been converted back into additional greenspace. Finally, staff noted given the PD Plan was the first in a series of PD Plans to be approved within the overall development acreage, opportunities would exist to have "shared parking" arrangements with future developments which could provide a means to off-set paving impacts proposed by this development.

With respect to the location of the entry door not facing a public street, it was noted that the topography and utility placement along Vawter School Road made it challenging, if not impossible, to gain access to the site for pedestrians and vehicular access was fully restricted given the roadway's classification. Given these conditions, the applicant noted that natatorium portion of the structure was parallel to Vawter School Road with the principal entry to the building being on its opposite side (i.e. south) from the parking lot. Staff noted that given the private ingress/egress (i.e. Capital Drive) was equivalent to a public street the lot had corner frontage. Staff noted the UDC was silent on how to treat corner lots that have frontage on two streets, but made clear "**at least one entry door**" had to face a public street. Based on the submitted site plan and architectural elevations an entry door was visible from the corner of future Capital Drive and Vawter School Road.

After considerable Commissioner discussion, consideration of alternative parking calculations that reduced the parking exception, acknowledgement of pedestrian access provision to the site, and establishment of the hardships imposed upon the site given its topography and utility locations, the Commission made a motion to approve the proposed PD Plan and its associated design exceptions with a condition that the future building construction include fenestration substantially compliant with that presented to the Planning Commission in the architectural renderings. The motion, with condition, was approved by a vote of (8-0).

Planning and Zoning Commission staff report, locator maps, PD Plan, statement of intent, applicant correspondence, architectural elevations, and meeting minute excerpts are attached for review.



Fiscal Impact

Short-Term Impact: None anticipated. Any costs associated with the extension or relocation of public utility infrastructure will be borne by the applicant.

Long-Term Impact: Minimal. Given proposed Capital Drive and all drainage features within the development will be private maintenance costs associated with these development features will be borne by the applicant. Potential long-term costs may include increased public safety and trash collection services. These increased costs may or may not be off-set by user fees or increased tax collection.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Resilient Economy, Secondary Impact: Reliable and Sustainable Infrastructure, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Economic Development, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Infrastructure

Legislative History

Date	Action
6/5/23	Approved PD rezoning, development plan, and "to form" development agreement (Ord. 025347)

Suggested Council Action

Approve the proposed "Diventures of Columbia" PD Plan and associated design exceptions, subject to building fenestration (the design and arrangement of windows/doors) being substantially compliant with that shown on the submitted architectural plans as recommended by the Planning and Zoning Commission.