

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
July 20, 2023**

**SUMMARY**

A request by Crockett Engineering (agent), on behalf of D&D Investments, LLC (owner) and Letrishia Thomas (contract purchaser), seeking approval to rezone property from R-1 (One-Family Dwelling) to PD (Planned Development) with an associated Statement of Intent (SOI) and development plan to be known as "Thomas Dental". The subject 0.5-acre property is proposed to be improved with a building containing a dental office on the ground level and 2 lower level dwelling units. The 0.5-acre site is located at the southeast corner of W. Broadway Street and Manor Drive and is presently unimproved. **(Case # 194-2023)**

**DISCUSSION**

In July 2022 the subject site sought rezoning from R-1 (One-family Dwelling) to M-OF (Mixed-use Office). The request was to allow the same contract purchaser to construct a future dental clinic on the subject site. The request was recommended for denial by the Planning Commission and ultimately denied by a 3-3 Council vote on September 19, 2022.

Testimony provided at the Council meeting in opposition to the request cited concerns regarding non-residential uses south of Broadway, increased traffic, and the belief that the site could be residentially redeveloped. Additional testimony cited creating a walkable service in a neighborhood, the level of business activity (a single dentist) having limited impact, the requirement of appropriate buffers and design, and the limited impact on city services as reasons for supporting the request. Council members supportive of the proposal indicated that the use of a PD may be an appropriate option to address concerns and cited the location, at a signalized intersection and being surrounded by streets, as factors supporting their votes to approve. Council members in opposition cited concern with the encroachment of non-residential uses south of Broadway and a desire to remain consistent with the staff and the Commission recommendations as supporting their votes to deny.

Per section 29-6.4(n)(1)(D) of the UDC, the applicant is restricted from submitting the same or substantially the same request on the subject tract for a period of 12-months given the Council's denial of the initial M-OF zoning. As such, the applicant is now seeking approval of PD (Planned Development) zoning with an associated Statement of Intent (SOI) and site-specific development plan to be known as "Thomas Dental". This application is considered substantially different given the PD designation, the limitation of uses via the SOI, and the site-specific development plan.

While the surrounding land use characteristics have not changed within the preceding 12-months, the use of PD zoning, an SOI, and a site-specific development plan have the potential to address several of the critical concerns expressed during the Planning Commission and Council hearings of 2022. Historically, this designation and procedure provides the means by which to tailor land uses to sites that have the potential to negatively impact surrounding development while at the same time allowing development to occur that meets broader community goals and objectives. While such zoning is generally discouraged by staff due to its labor-intensive administration, in this instance given the prior public testimony such zoning may be considered appropriate to mitigate the concerns previously expressed.

The site is currently vacant; however, was previously improved with a single-family dwelling that was

demolished between 2011 and 2015. The requested PD zoning, pursuant to the accompanying SOI, proposes the construction of a 4400 sq. ft. building that would accommodate a dental clinic on the ground level and two (2) dwelling units on the lower level. The proposed building would meet all residential setbacks (25-ft front & rear, 15-ft sides) and height (max. 35-ft) standards. Additional potential site uses, as defined in the attached SOI, would include single and two-family dwellings, family day cares, community gardens, public parks and playgrounds, religious institutions, professional offices, and accessory uses such as home occupations. The SOI **does not** permit any commercial or retail businesses on the site.

It is important to note that the accompanying PD Plan is an integral component of the request and the site's future development must conform to what is shown. If, at the time of development permitting, the proposed site plan varies substantially from what receives final approval by the Council it would require reapproval through a public hearing process similar to that which is presently being conducted.

The property is bordered on three sides by public streets W. Broadway Street (north), Manor Drive (west), and Maplewood Drive (east). R-1 zoning surrounds the subject site on the east, west, and south. There are existing single-family structures on the lots to the east and south and a religious institution with a daycare facility to the west. To the north, across Broadway, is a property zoned R-2 (Two-family Dwelling) that is currently vacant. There have been no development plans presented on this property and there is no known timeframe associated with its development.

According to the CATSO major roadway plan, Broadway is classified as a major arterial, Manor is classified as a neighborhood collector, and Maplewood Drive is classified a local residential. Per the site-specific development plan, which also serves as the site's preliminary plat, dedication of additional right of way along the site's Broadway and Manor frontages is being shown to meet required half-width standards. Prior to development of the site a new final plat will be required at which time the additional right of way will be dedicated. Additionally, sidewalk will be required to be installed along the site's Manor and Maplewood frontages at the time of development. Furthermore, a note on the site-specific development plan indicates the applicant will reconstruct the sidewalk along the site's Broadway frontage at the time of development.

The accompanying site-specific development plan contains several "developer imposed" restrictions relating to the proposed improvement of the site inclusive of the proposed 4400 sq. ft. building as well as access, landscaping, lighting, and signage. Such provisions are hallmarks of PD-zoned properties and are intended to address potential impacts to surrounding development as well as establish specific performance measures to which the future site shall be held.

In this particular instance, the applicant is proposing minimum architectural design features generally consistent with residential construction such as a pitched roof with architectural singles and durable building material such as stone, brick, or fiber-board siding (no EFIS or vinyl siding would be permitted). Additionally, the building may be lit with wall sconces and "wall-pack" lighting has been prohibited. Street-frontage landscaping would be installed per Code and an enhanced vegetative buffer would be installed along the southern property line meeting UDC screening and buffering standards.

The site signage would be restricted to a single monument-style sign along Broadway and would be subject to area and height standards for office development. Access to the site is restricted to Manor Drive given its "collector" status and the applicant will work with the Public Works Department to sign Manor Drive north of the parking lot entrance as a "no parking" zone. Parking is provided in accordance with Code minimums utilizing the "transit-route" reduction and bike parking is also shown.

Parking lot lighting is restricted to a maximum of 20-feet in height given the proximity of the site to R-1 zoning and single-family dwellings. A stormwater BMP has been provided along the Maplewood frontage to address potential stormwater issues. A final compliance evaluation with the requirements of Chapter 12A of the City Code will be conducted to ensure post-development flow from the site meets pre-development release rates as well as all other applicable city regulations.

## **Zoning**

Changes in zoning are evaluated from several perspectives, the first being how the zoning correlates with the city's land use planning documents and their corresponding future land use designations. Secondly, a change in zoning is evaluated based on its ability to be properly integrated into the existing land use context along with other regulatory factors that will be available to reduce possible incompatibilities.

The subject site is identified in City's comprehensive plan as being within the land use category of "Neighborhood" which was associated with the zoning classification of the property at the time the plan was adopted in 2013, which was R-1. Per the comprehensive plan, such districts are intended to provide a range of residential uses, as well as "a limited number of nonresidential uses that provide services to neighborhood residents".

While land use designations are not directly correlated to zoning classifications, typical zoning districts associated with the "Neighborhood" district are the R-1, R-2, R-MF, M-OF, and M-N districts. Given PD zoning is a "customized" classification it can also be considered appropriate within "Neighborhood" districts depending on the type of use limitations and other restrictions established by the required SOI and development plan.

It should be further noted, that to the northwest there is an existing "Commercial" district. This district includes the Broadway Shopping Center anchored by the Gerbes supermarket, on the north side of Broadway. Such a district is defined within the comprehensive plan as accommodating a variety of citywide and regional retail uses as well as offices, businesses, personal services, and high-density multi-family dwellings supporting uses within the district. The retail uses within the district rely significantly upon automobile or transit service for their business activity. Typical zoning districts associated with the "Commercial" district are R-MF, M-OF, M-N, M-C, and M-DT. Like the "Neighborhood" district, PD zoning could be considered appropriate depending on the type of use limitations and other restrictions established by the required SOI and development plan.

The proposed site is technically considered an "infill" property given the removal of the prior residential structure. As with many infill parcels, care must be taken when considering what type of redevelopment is appropriate given the surrounding land uses. Evaluation of a proposed "infill" development's ability to conform to the broader goals and objectives of the comprehensive plan as well as being supported by existing or planned infrastructure upgrades and a redevelopment's ability to be integrated into the existing land use context often takes greater prominence than its consistency with the future land use designations identified in the comprehensive plan. To achieve these objectives, it is often necessary to introduce a different zoning classification into an existing zoned environment.

In this particular instance, the applicant's request to utilize the PD designation affords a means by which to accommodate infill development that is tailored to the surrounding environment. Prioritizing infill development versus sprawl is supported by Policy Three of the Land Use and Growth Management goals and objectives of the comprehensive plan. The current request is highly restrictive

in comparison to the prior M-OF zoning in that it limits redevelopment of the site to residential, community-serving, and professional office uses. Per the PD SOI there is no allocation for any retail or commercial uses on the property which was previously possible with the defeated M-OF request. Furthermore, pursuant to the site-specific development plan and the SOI there is an assurance of the construction of a “mixed-use” structure that would replace the previous single-family dwelling with a structure containing a maximum of two (2) dwelling units.

While the function of the future structure proposed for the site will be different given the introduction of the office use on the ground level, the scale of the structure is not believed out of character with the surrounding environment and is capable of being supported by existing public infrastructure. Furthermore, the redevelopment of the site will trigger sidewalk upgrades and installation surrounding the property which provides for safer pedestrian movements at the signalized intersection. These upgrades are supported by Policy One of the Mobility, Connectivity, and Accessibility goals and objectives of the comprehensive plan and are also seen as supportive of creating walkable neighborhoods.

The inclusion of the two (2) residential dwelling units into the proposed future structure increase the availability of on-site housing by one additional dwelling and offers not only the opportunity to have a “24/7” population on the site which may reduce undesired activities when the dental clinic is not open, but also provides enhanced housing options in an area that is in close proximity to other walkable services. The inclusion of these two (2) dwelling units support Policies One and Two of the Livable and Sustainable Communities goals and objectives of the comprehensive plan.

While approval of the requested PD zoning would introduce a non-residential classification and permit non-residential uses to be operated south of Broadway between Stadium and West Boulevards, such action is not a future guarantee that precedent has been established and future requests for rezoning will be approved. The subject site’s location at a signalized intersection and being surrounded by streets on three sides, is a unique feature when looking at all other properties that front onto Broadway. Additionally, the size of the subject parcel both in overall area and depth is a unique feature.

While several parcels to west of the subject site are larger and deeper, they are currently improved with well maintain and functional residential dwellings. They are not located at signalized or planned to be signalized intersections and are not impacted by a religious institution with a commercial daycare. Properties to the east of the subject site, with the exception of that at Maplewood and Broadway, are approximately 140-150 feet deep in comparison to the 175-feet of the subject site and would be further impacted by required half-width right of way dedication for W. Broadway upon redevelopment. The reduced lot depth would potentially make these properties unsuitable for a non-residential use given the regulatory requirements (i.e. setbacks, parking, and screening/buffering) required to ensure future compliance.

Given these factors, the lack of any evidence supporting commercial expansion east or west, and the limited support for such a conversion within the City’s adopted plans, the likelihood of “non-residential” creep on the south side of Broadway is not believed a threat to the integrity of the surrounding neighborhoods. The PD zoning and site-specific development plan, as noted, provide the tools to control the impacts that proposed infill redevelopment of this site may create.

While tangentially relevant, there is a vacant 5-acre tract of land to the northeast of subject site which has been identified in prior public comments as being a more suitable location for the proposed dental clinic. This acreage is part of the West Central Columbia Neighborhood Action Plan and the southeast corner of Clinckscales and Broadway was shown as part of a future mixed-use neighborhood corner.

Given this designation, one may question why the applicant has not chosen to rezone this corner versus the subject property.

While staff does not specifically know the applicant's motives nor can they dictate what type of application is submitted for review, when considering the value of the undivided tract and its potential future uses, it is possible that division of the property into smaller units of ownership would limit a more holistic approach to its future development. From a land use planning perspective, the retention of a larger development parcel can create "opportunities of scale" that are not present with smaller units of ownership. As such, the ability to create a more inclusive development is made possible that may fulfill the owner's objectives while also providing an opportunity to achieve multiple goals and objectives of the comprehensive plan. It is further worth noting, that any future development of this tract for a use consistent with that shown in the Neighborhood Action Plan will require a public hearing. This hearing will further refine what types of uses actually would be built upon this property. Speculating at this time that the future development of this land will overwhelm or negatively impact the neighborhood is premature.

Given the proceeding comments on why the applicant may not have chosen the vacant 5-acre tract to accommodate this request and instead chose the subject site, it can be concluded that such choice was based principally on the fact that the subject site is one-tenth (0.1) the size of the vacant tract and is an established lot. Furthermore, the choice of the subject site is likely driven by its greater level of affordability for the contract purchaser.

## **Conclusion**

The subject tract of land is located at a signalized intersection and surrounded by three streets. The parcel has laid vacant since at least 2015. The proposed rezoning of the land to a PD designation with use limitations defined within the accompanying SOI and compliance requirements with a site-specific development plan, in staff's opinion, afford the opportunity to integrate the proposed redevelopment of the infill parcel into its surrounding land use context. While the introduction of PD zoning south of Broadway and ability to construct a non-residential use can be viewed as an encroachment, it is not a guarantee that future requests to rezone other properties on the south side of Broadway will be approved. Every rezoning decision brought before the Planning Commission and Council are evaluated on their individual merits.

The comprehensive plan supports the efforts to incentive infill, create walkable communities, and address mobility and connectivity issues. The comprehensive plan also acknowledges that infill properties are challenging sites and supports the concepts of neighborhood planning to prepare residents in advance of possible changes that may impact their neighborhood's character and vitality. The existing West Central Columbia Neighborhood Action Plan chose to include properties to the north of Broadway within its boundaries. As such, this plan serves to inform land use decisions that do not include the subject parcel. While the case, that does not mean that the subject site should not be given appropriate consideration as a nodal location within the community. The subject site's omission was not intentional, it was based on a decision to define a neighborhood planning boundary.

The use of PD zoning has historically been accepted as an approach to address land use incompatibilities. The PD Statement of Intent (SOI) associated with the subject site excludes uses that are believed inappropriate for the surrounding context and the associated site-specific development plan sufficiently illustrates that the proposed improvements can be effectively integrated into the surrounding neighborhood. As noted, PD zoning may be considered a classification consistent with the "Neighborhood" district designation provided appropriate controls are in place via the required SOI and

development plan. Staff believes, following review of the applicant's request and associated documents, that rezoning to PD with the SOI and development plan are consistent with the intended uses within the "Neighborhood" district. If approved, the site will be permitted to be redeveloped with a structure that can accommodate neighborhood level services to nearby residents and also offers housing opportunities to a diverse socio-economic population in excess of what was previously occupying the site.

## **RECOMMENDATION**

Approval of the proposed PD Plan and associated Statement of Intent.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator Maps
- PD Plan
- Statement of Intent
- Public Correspondence

## **SITE CHARACTERISTICS**

<b>Area (acres)</b>	0.7 (0.5 following right of way dedications)
<b>Topography</b>	Slight slope to east
<b>Vegetation/Landscaping</b>	Turf, limited trees
<b>Watershed/Drainage</b>	County House Branch
<b>Existing structures</b>	None

## **HISTORY**

<b>Annexation date</b>	1946, 1955
<b>Zoning District</b>	R-1
<b>Land Use Plan designation</b>	Neighborhood
<b>Previous Subdivision/Legal Lot Status</b>	Surveyed tract, not a legal lot

## **UTILITIES & SERVICES**

Site served by all city services.

## **ACCESS**

<b>Broadway</b>	
<b>Location</b>	Along the north side of property
<b>Major Roadway Plan</b>	Minor Arterial (Improved and City maintained); 84-100-foot full width/42-50-foot half-width required; Additional right-of-way dedication required in the future.
<b>CIP projects</b>	Sidewalks on south side from Maplewood east to West Blvd (2024); and sidewalks west of Manor to Stadium (2026)
<b>Sidewalk</b>	Sidewalks existing

<b>Manor Drive</b>	
<b>Location</b>	Along the west side of property
<b>Major Roadway Plan</b>	Neighborhood Collector (Improved and City maintained); 60-foot full width/30-foot half-width required; Additional right-of-way dedication required in the future.
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks required upon platting

<b>Maplewood Drive</b>	
<b>Location</b>	Along the east side of property
<b>Major Roadway Plan</b>	NA
<b>CIP projects</b>	Traffic Calming (2022)
<b>Sidewalk</b>	Sidewalks required upon platting

### **PARKS & RECREATION**

<b>Neighborhood Parks</b>	Clary-Shy Community Park, Again Street Park located within half-mile.
<b>Trails Plan</b>	No trails within half-mile.
<b>Bicycle/Pedestrian Plan</b>	None

### **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 this request on July 5, 2023. Twelve letters were mailed. Public notice of the request was published in the Columbia Tribune on July 5, 2023.

Report prepared and approved by Patrick Zenner