

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
September 9, 2021**

SUMMARY

A request by A Civil Group (agent), on behalf of Merle Jr. and Charlotte Smarr (owners), to rezone Lot 1 of Centerstate Plat 6 from PD (Planned Development) to M-C (Mixed-use Corridor). The 1.5-acre property is addressed 3310 Vandiver Drive. **(Case #255-2021)**

DISCUSSION

The applicant is seeking to rezone approximately 1.5 acres at 3310 Vandiver Drive from PD to M-C. The subject site was zoned C-P (Planned Commercial, now classified PD) as part of the larger rezoning of the Centerstate Crossing development in 2004. A PD Plan was initially approved in 2004 for the now vacant Ruby Tuesday restaurant (closed in 2018) and underwent a minor plan amendment in 2005. The site improvements are presently built in conformance with the amended PD Plan.

Pursuant to the 2004 rezoning and SOI, the subject site was permitted to be improved with all uses within the former C-3 district (now M-C) with the exception of halfway houses, farm machinery sales and services, drive-in theaters, and machine shops. A PD Statement of Intent (SOI) revision was approved in 2019 (attached) to permit the addition of “All uses of the M-C district, and specifically including, without limitation, the use of Medical Marijuana Dispensary” for the site. Despite the approved SOI for the use, a medical marijuana dispensary was not opened on the site.

The applicant is pursuing M-C zoning to alleviate the necessity to process PD Plan amendments for site and building additions. A building addition for a new tenant, the “Fringe Boutique”, a retail use permitted per the existing SOI, is desired. If the site is rezoned, all uses within the M-C district including the proposed new retail would be allowed subject to compliance with applicable UDC standards. The rezoning would eliminate the public hearing process that is associated with “major” PD plan revisions; however, would still require that alterations to the site meet all building code and UDC requirements. At this time, no building plans are presently under review and the desired building addition is conceptual.

When looking at the appropriateness of the rezoning request, staff has considered the tradeoffs inherent to the planned development zoning process, the land use mix of the area, the neighborhood protections now in the UDC, and the comprehensive plan and area plan for this area as well as the uses and entitlements on the property compared to the requested straight zoning.

The Columbia Imagined future land use designation for the property is commercial, which is not out of keeping with the request given the designation supports a variety of commercial development patterns (i.e. neighborhood or regional) and each pattern’s associated zoning category of M-N (Mixed-use Neighborhood) or M-C, respectively. The existing development pattern is generally already consistent with the M-C zoning and was built under an SOI which permits nearly all M-C uses.

Staff does not disagree with the applicant that straight zoning often has a less cumbersome processes and greater flexibility in terms of uses and site design than PD zoning. On this site specifically, the M-C zoning as requested would permit commercial uses which match the 2019 SOI. The exchange of uses is generally seen as apples to apples. However, staff notes the straight rezoning request would remove the design parameters/controls applicable to the site via the PD zoning, including site-specific height and setback requirements of 20'6" and 6' from property lines and streets, respectively. The M-C zone permits a maximum building height of 45' and general setbacks of 25' (front), 0' (side and rear). It should be noted that the M-C district has additional setbacks relative to adjacency with residential districts and direct frontage on arterial and collector streets which are not applicable to this site given its location and context.

In considering potential development and redevelopment scenarios for the site should the M-C zoning request be approved, staff notes the addition of use-specific standards to the UDC, the relatively small (1.5 acre) area of the site, and the generally built-out nature of the site temper concerns which may potentially arise with the addition of land use possibilities not subject to the PD process. For example, the M-C zone would permit redevelopment of a building of roughly twice the height that is presently permitted per the SOI, but the necessity to provide additional parking to support such an increase in GFA may prove to be a limiting factor. Additionally, the surrounding commercial development pattern and visual frontage to the Highway 63 corridor is not inconsistent with where M-C zoning is typically considered appropriate.

The proposal has been reviewed by outside agencies and internal staff, and is believed to meet all applicable requirements of the UDC.

RECOMMENDATION

Approve the requested rezoning from PD to M-C as requested.

ATTACHMENTS

- Locator Maps
- Zoning Graphic
- Statement of Intent (2019)
- Amended C-P Development Plan (2005)

HISTORY

Annexation date	1966
Zoning District	PD (Planned District)
Land Use Plan designation	Commercial District
Previous Subdivision/Legal Lot Status	Lot 1, Centerstate Plat 6

SITE CHARACTERISTICS

Area (acres)	1.5 acres
Topography	Generally flat
Vegetation/Landscaping	Developed, installed landscaping
Watershed/Drainage	Perche Creek, Hinkson Secondary
Existing structures	Ruby Tuesday building, now vacant

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	
Fire Protection	
Electric	

ACCESS

Vandiver Road	
Location	Approximately 600' northwest of the property, via private streets
Major Roadway Plan	Major Arterial (Improved & City-maintained) 53 ft ½ width ROW
CIP projects	N/A
Sidewalk	Installed

PARKS & RECREATION

Neighborhood Parks	N/A
Trails Plan	N/A
Bicycle/Pedestrian Plan	N/A

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 via advanced notification postcards which was mailed on August 9, and property owner letters were sent on August 20, 2021. 8 postcards and property owner letters were sent.

Public Notification Responses	1 general inquiry calls. Comments/concerns: None.
Notified neighborhood association(s)	Mexico Gravel Neighborhood Association
Correspondence received	N/A