

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 6, 2020**

SUMMARY

A request by Crockett Engineering Consultants (agent), on behalf of Kenneth and Becky Mohr (owners), for approval of a rezoning of 4 lots along East Texas Avenue from R-1 (One-family Dwelling) and R-2 (Two-family Dwelling) to M-OF (Mixed Use-Office). The 2.56-acre property is located on the north side of Texas Avenue, approximately 650 feet west of Providence Road, and includes addresses 13, 103, 105, and 107 E Texas Ave. (**Case #142-2020**)

DISCUSSION

The applicant is seeking to rezone four parcels of property to M-OF, which would allow office and other permitted uses. The subject site is currently zoned R-1 and R-2, with several parcels falling into both zoning districts. The site includes what appear to be three existing single-family dwellings. The owner has stated that their intent through this request is to provide opportunities for office development on the site.

Abutting the property to the north is both R-2 zoned property that fronts onto George Court, and PD zoned property. This same PD property abuts the site along its eastern side, and includes the following permitted uses: Office for counselors and therapists and facilities for the counseling and rendering of psychological assistance to persons suffering from various mental and emotional illnesses; Group facilities for education and therapy; Group education facilities; Residential facilities for the treatment of up to 35 persons who temporarily reside therein; Recreational facilities for in-patients, out-patients and clients; Kitchen facilities adequate to prepare three meals per day for the residents, staff and family members of residents; Meeting facilities for community and therapy groups such as Alcoholics Anonymous and the like; Facilities for meeting of family groups and extended family participants in the therapy and treatment of individuals; and Administrative offices for persons engaged in the foregoing activities.

The property abuts additional PD zoned property to the south (across Texas Ave.), at the southeast corner of Garth and Texas, which permits the following uses: All permitted uses in District R-1; Funeral home, funeral chapel and mortuary, but not including a crematory; and Business and professional administrative offices. Additionally, an M-N lot is also south of Texas Ave, and it is improved with an office furniture business. West of the site, properties are zoned both R-1 and R-2.

Zoning

Changes in zoning are evaluated for consistency with any relevant goals of the City's Comprehensive Plan (Columbia Imagined) and its future land use designation. Additionally, the appendix of the Comprehensive Plan (excerpt attached) includes direction and criteria when evaluating proposed changes in the boundary between land use districts as shown on the Future Land Use Map.

The Comprehensive Plan identifies the three west parcels as being located within the Neighborhood District and the east parcel as being located within the Commercial District. While the future land use categories do not directly correlate to the zoning districts found within the UDC, for the purposes of the following analysis it has been determined that the M-OF zoning district is most directly correlated to both the Employment and Commercial District designations as described by the Comprehensive Plan. As such, when reference is made to expansion of a Commercial District it is intended to include rezoning to M-OF.

The following two-part analysis provides an itemized list of circumstances that staff believes would support approval of the requested rezoning as well as identifies additional factors believed important to

note due to the potential impacts the rezoning may create on surrounding properties. The requested M-OF zoning would allow office and other uses that are shown in the Table 29-3.1 (attached) of the UDC.

ANALYSIS PART ONE - CIRCUMSTANCES SUPPORTING APPROVAL

- **M-OF provides an appropriate buffer between the commercial district and residential uses.** The site currently sits at the boundary between the established commercial district to the east, and the residential district where the property is located. Ideally, there would be a clear, distinct boundary between the commercial districts and residential districts, such as natural features or materials (see attached Appendix for additional information on boundary transition). The subject site is considered a transitional area, but lacks a clear boundary between land use districts as identified in the attached Appendix excerpt. Presently, the transitional property within the surrounding land use pattern is the PD zoned property to the east. M-OF zoning can be an adequate transition between commercial districts and residential districts. Rezoning of the subject site to M-OF zoning would meet the guidance for a transitional zone; however, the lack of a clear physical boundary between the land use districts that currently exists would not be resolved by approval of the rezoning.

It should be further noted, that the existing PD zoned property to the east (the transition as of today) is generally restricted to permit uses similar to those allowed in the M-OF district. M-OF zoning would permit most residential uses (including multi-family), office uses, community service uses (police station, library, etc.), and daycares, along with other uses. These additional uses are not inappropriate in an area that is located between single- and two-family dwelling zoning and commercial zoning.

The rezoning of the subject site to permit inclusion of mixed uses may also meet the Comprehensive Plan goal of Livable and Sustainable Communities, Policy 2: Support Mixed Use.

- **Additional landscape buffering and neighborhood protections would be required along boundaries with R-1 and R-2.** When any of the subject parcels change use to an office or other M-OF permitted use such change would trigger the installation of a Level 3 transitional landscape and screening buffer. A level 3 buffer consists of a 10-foot wide landscape area and an eight-foot tall screening device. These improvements would be required along the abutting property lines of any lot zoned R-1 and R-2 and is intended to mitigate the impacts of the new non-residential use on the residentially zoned property. In addition neighborhood protection requirements would apply ([Section 29-4.7](#)), with one of the protections addressing height as follows:

“Buildings constructed after the effective date of this Code with a height greater than thirty (30) feet shall reduce the perceived height of the building when viewed from abutting lots by using at least one of the following techniques:(1) “Stepping down” building height of any portion of the building within twenty-five (25) feet of the contiguous side and rear lot lines to a maximum of twenty-four (24) feet; (2) Increasing the contiguous side yard and rear yard setbacks a minimum of ten (10) feet beyond that otherwise required in the District where the property is located.”

- **Future Land Use Plan.** The future land use map (FLUM) appears to identify the east parcel within the Commercial District, and the three west parcels within the Neighborhood District. However, the FLUM in Columbia Imagined is not well suited to parcel-by-parcel evaluation of the preferred zoning on a site. A Neighborhood Plan would provide more detailed guidance on future redevelopment within the neighborhood; however, no neighborhood plan has been completed for the area.
- **Nearly half the site is not currently used for residential purposes, and is vacant.** The largest parcel on the east side of the site is currently vacant, and therefore would not affect current housing levels if redeveloped.

ANALYSIS PART TWO – ADDITIONAL FACTORS FOR CONSIDERATION

- **No clearly defined land use transitional boundary, as described in Columbia Imagined Appendix, between the commercial and residential districts.** As discussed above, the transition between the residential and commercial districts is currently defined by the existing PD zoning along the east property line of this site. It is not a clearly defined physical boundary (i.e., creek, arterial), and without a clearly defined boundary, pressure to expand the commercial district may continue westward. Rezoning of the property does not settle the question - if the existing PD zoning was not the boundary, then there is no certainty that the proposed M-OF property will be considered the new boundary.
- **Extension of dissimilar zoning into an established residential neighborhood.** The enlargement of the FLUM commercial district will have an impact on the existing residential neighborhood. There will always be a point where residential uses meet office/commercial uses, but some transitions are better than others. An ideal transition would include a physical separation, with lots sharing a rear lot line. In this situation, the northwest corner of the subject site protrudes into the existing residential area along George Court farther than would be preferred. Additionally, the adjacent property to the west, along Texas Ave, would share a side lot line instead of a rear lot line.
- **Rezoning may result in loss of housing.** Approval of the rezoning may be considered inconsistent with the goal of Livable and Sustainable Communities, Policy 1: Support Diverse and Inclusive Housing Opportunities. While M-OF does allow for a full range of housing options to be constructed such designation may prove to be a hindrance given the potential for higher development costs given the non-residentially zoned acreage is generally are more costly.
- **Natural development pattern.** With the lack of a clear physical boundary between the residential and commercial districts, a case could be made that a better suited option would be to extend the west property line of the PD zoning, north and east of the subject site, southward to Texas Avenue thereby creating a straight line of demarcation between the districts. This would then allow the eastern parcel to be zoned M-OF, and the western 3 parcels to remain as they are presently zoned. The downside of this approach is that it is somewhat arbitrary and still would not create the physical boundary expressed in the Comprehensive Plan Appendix.

Conclusion

Allowing the expansion of a commercial district into a residential district should be done with appropriate care. Columbia Imagined provides some guidance on where the boundary should be between the two, but when evaluating a site the process can be somewhat subjective. While some redevelopment of properties along residential and commercial boundaries is typical, the encroachment of commercial uses into an established neighborhood is not always appropriate.

However, staff finds that there is more objective evidence to support the proposed rezoning than to object to it, notwithstanding the concerns listed in Part Two of the staff's analysis which suggest that a rezoning may not be appropriate. After weighing all relevant factors and possible impacts, staff does not object to the requested rezoning.

RECOMMENDATION

Approve the requested rezoning of the subject property from R-1 and R-2 to M-OF.

SUPPORTING DOCUMENTS (ATTACHED)

- 1) Locator maps
- 2) Zoning graphic
- 3) Permitted Use Table (M-OF highlighted)
- 4) Comprehensive Plan Appendix Excerpt

SITE CHARACTERISTICS

Area (acres)	2.55
Topography	Sloping west
Vegetation/Landscaping	Turf, some landscaping
Watershed/Drainage	Bear Creek
Existing structures	Three single-family dwellings, accessory structures

HISTORY

Annexation date	1905 (approximately south half), 1955 (north half)
Zoning District	R-1, R-2
Land Use Plan designation	Neighborhood District (west), Commercial District (east)
Previous Subdivision/Legal Lot Status	West parcels: Lots 1-3 of Mohr Subdivision East parcel: Unplatted

UTILITIES & SERVICES

All services provided by the City of Columbia

ACCESS

Texas Avenue	
Location	Along the south side of property
Major Roadway Plan	Collector; City maintained (66-76-foot ROW required; 33-foot half-width currently dedicated).
CIP projects	None
Sidewalk	Sidewalks present

PARKS & RECREATION

Neighborhood Parks	Located within the following service areas: Boxer Park, Bear Creek Trail, Parkade Park-School, Downtown Optimist Park, Proctor Park
Trails Plan	Located within the following service areas: Bear Creek Trail
Bicycle/Pedestrian Plan	None adjacent to site.

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 pending request on July 1, 2020. Fourteen postcards were distributed.

Report prepared by Clint Smith

Approved by Patrick Zenner