

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
May 19, 2022**

SUMMARY

A request by A Civil Group (agent), on behalf of Cherry Hill Dental Associates, LLC, (owners), seeking approval of a major amendment to the, "Gadbois Professional Offices PD Plan," and its associated statement of intent. The proposed PD plan amendment would add an enclosure on the north side of the building to house HVAC components. The applicant also seeks the addition of, "assembly or lodge halls," as a permitted use within the statement of intent. **(Case # 158-2022)**

DISCUSSION

The original Gadbois Professional Offices PD Plan was approved by Council on 11/27/2017, and amended on 6/3/2019. The 2019 a Statement of Intent (SOI) amendment was sought and approved to allow a restaurant, not previously an allowed use, for a prospective tenant on the ground level of the building. The prospective tenant did not materialize and now the applicants desire to revise the SOI to permit an 'assembly or lodge hall' use within the ground level of the building as well. Additionally, to support the proposed occupancy of the ground level, new HVAC components will be necessary and must be installed adjacent to the exterior of the building. Given this additional site improvement, the PD plan would be modified to accommodate a 600 sq. ft. fenced area at the northeast corner of the building to house these functions. This is the only proposed revision to the PD plan at this time.

The requested SOI revision has resulted from the City's (Business License Office and Community Development) denial of a liquor license requested by the applicant for the premises. The denial was based upon the fact that the sale and consumption of alcohol on premises was considered a 'bar or nightclub' use which has been expressly prohibited by the current PD zoning. Upon additional discussion, staff came to understand that the applicant sought the liquor license so that they would be capable of serving alcoholic beverages at "no-cost" to their dental patients while receiving dental services, but also desired to have the option to operate a cash bar in conjunction with the proposed first floor event space.

The approved SOI includes all permitted uses of the M-N (Mixed-Use Neighborhood District) in accordance with Section 29-3.2 of the UDC. The M-N district is intended to allow light commercial uses that serve their contextual residential neighborhoods. The newly proposed 'assembly or lodge hall' use is not planned to serve substantial quantities of food; therefore, it does not meet the UDC definition of a restaurant – an already permitted SOI use. The 'assembly or lodge hall' use; however, is permitted in the M-N district via a conditional use permit (CUP). The conditional use process functions similar to the planned development plan approval process in that enhanced public notice and a public hearing are required. Additionally, the CUP process affords the opportunity for the Planning Commission and Council to attach site specific conditions that would mitigate potential development related impacts similar to those afforded by PD plan restrictions.

Pursuant to provisions of the UDC, conditional uses must be evaluated by the Planning and Zoning Commission subject to the six criteria identified in Section 29-6.4(m)(2). Following a recommendation by the Commission, the City Council may approve a CUP with any conditions deemed necessary to carry out the provisions and intent of the UDC. Given that the 'assembly or lodge hall' use would require a CUP in the underlying M-N zoning, staff believes it is appropriate to apply the same evaluation criteria in this instance to determine if it is a good candidate for inclusion in a revised SOI. Below is staff's summary of the application's compliance with the six CUP criteria:

1. The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located.

Both the approved site plan and the currently proposed revised site plan illustrate a building footprint that complies with the dimensional standards of the M-N district. No significant modifications are necessary to accommodate the proposed assembly or lodge hall use.

2. The proposed conditional use is consistent with the city's adopted comprehensive plan.

The subject site is identified as being located within a Commercial District per the Columbia Imagined Future Land Use Plan. The Commercial District is intended for a variety of local and regional retail and personal services uses, as well as offices, businesses, and high-density residential. Neighboring properties to the north and east are identified as lying within the Residential District and the undeveloped property to the south within a Commercial District. Given the subject property's location along a recently improved commercial corridor and being adjacent to a commercial node (Bethel and Nifong) the proposed additional use of 'assembly lodge hall' to the current SOI is believed to be consistent with the land use designation.

3. The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site.

The proposed 'assembly or lodge hall' use is consistent with the already developed character of the adjacent area which includes the existing dental office, a bank, a daycare center and higher-density residential development north of Diego Drive. The commercial property to the south of Nifong has the potential to develop with unrestricted M-N uses in structures of similar scale as that of the current Cherry Hill Dental building. Furthermore, the recent improvements to the Nifong corridor were designed to address the potential higher traffic volumes that were anticipated as the area transitions from undeveloped to commercially developed property. Staff anticipates that when the 'assembly or lodge hall' space is in use for events there would be little overlap with the peak hours of adjacent uses (i.e. bank and daycare) which will help to alleviate any impacts generated from use being added to the SOI.

4. Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion.

Access is provided from the Diego Drive frontage in two locations. The assembly hall is anticipated to generate relatively little traffic except during occasional large events.

5. Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided.

The site is served by all City utilities and was reviewed by various utility staff. There were no concerns expressed with the proposed use or approval of the revised SOI. The proposed use will have similar demand for utilities compared to nearby commercial properties that are developed or to be developed.

6. The proposed conditional use will not cause significant adverse impacts to surrounding properties.

Traffic flow, noise, and other anticipated impacts will be sporadic and concentrated during scheduled events. Further expansion of the Bethel Ridge Estates development to the north (R-MF) could potentially see increased impacts due to its likely proximity to the proposed event space. However, given over 100' of separation between the Cherry Hill Dental building and any potential development across Diego Drive, those impacts would be limited. Moreover, thoughtful future development of the Bethel Ridge property could temper those impacts.

The proposed SOI revision to add the 'assembly or lodge hall' use would permit alcohol sales for any entity with a liquor license for private events and permit the issuance of the applicant's liquor license, achieving their stated goals. The revision would also allow third party caterers and bartenders with event licenses to serve private functions within the space, such as weddings or other gatherings. The proposed revision does not permit the open sales of drinks to the public.

Given the intermittent nature of impacts typically associated with assembly or lodge halls, and the clarification of the applicant's business plan, Staff supports the SOI and PD plan revisions.

RECOMMENDATION

Approve the PD Plan and SOI revisions to the "Gadbois Professional Offices PD Plan".

ATTACHMENTS

- Locator maps
- Revised PD Plan
- Revised Statement of Intent

HISTORY

Annexation date	1966
Zoning District	PD (Planned District)
Land Use Plan designation	Commercial District
Previous Subdivision/Legal Lot Status	Lot 3A, "Premier Bank Bethel Banking Center CP Plan" and Lot 3A, Replat of Lot 3, Rockbridge Subdivision Block V

SITE CHARACTERISTICS

Area (acres)	1.36 acres
Topography	Generally flat, graded
Vegetation/Landscaping	Developed
Watershed/Drainage	Perche Creek
Existing structures	Two-story professional office building, w/ tenant space

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

East Nifong Boulevard	
Location	Along southern edge of property
Major Roadway Plan	Major Arterial
CIP projects	N/A
Sidewalk	Improved

Diego Drive	
Location	Along northern edge of property
Major Roadway Plan	N/A
CIP projects	N/A
Sidewalk	Improved

Santiago Drive	
Location	Along eastern edge of property
Major Roadway Plan	N/A
CIP projects	N/A
Sidewalk	Improved

PARKS & RECREATION

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

Report prepared by Rusty Palmer

Approved by Patrick Zenner