

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
September 19, 2019**

**SUMMARY**

A request by A Civil Group (agent) on behalf of Kanko, LLC (owner), for a rezoning of parts of Lot 1005 and 1006 of Oak Forest Plat 10 (except for that part of Lot 1006 deeded to the City of Columbia) from PD (Planned Development) to M-C (Mixed use- Corridor). The approximate 4.08-acre property is located generally north of the intersection of E. Green Meadows Road and Gray Oak Drive and is addressed 955 E. Green Meadows Road (**Case 200-19**).

**DISCUSSION**

The applicant is seeking to rezone approximately 4 acres of property from PD (Planned Development) to M-C (Mixed use- Corridor). The site's existing PD zoning was originally approved on October 6, 2003 (Ord. #17858) and designated the property PUD (Planned Unit Development) and C-P (Planned Commercial District). Following adoption of the UDC in March 2017, these classifications were merged into a single planned district (PD) designation; however, the underlying zoning entitlements remained in place. For the purposes of this report, the previous zoning designations may be used to reference the distinct parts of the existing zoning ordinance and the existing plans; however, the site's current zoning is PD only.

The site is part of an approximately 30-acre site which was rezoned in two tracts from R-1 to C-P (Tract A; 4.1 acres) and from R-1 to PUD 11 (Tract B; 25.94 acres) in 2003. The PUD 11 zoning allows 11 dwelling units per acre on Tract B. This rezoning request includes all of Tract A and a small, vacant portion of Tract B, containing roughly .63 acres, immediately to the west of Tract A and east of the Deer Valley Apartments along Green Meadows.

Tract B was developed under the Oak Forest PUD Plan approved in 2004 and is presently improved with the Deer Valley Apartment complex (228 units) as shown on the Plan. The Oak Forest C-P Plan was approved for Tract A in 2007 and has not resulted in subsequent development activity; however, C-P plans do not expire without Council action and the plan remains actionable. If this request is approved, the rezoning action would remove the subject acreage from being governed by the approved development plans and all other PD zoning requirements.

It should be noted that the approved Oak Forest PUD Plan will be impacted by this request. The 2004 PUD Plan authorized the development of 246 dwelling units on the Tract's 25.94 acres resulting in a development density of 9.5 du/ac. The approved development and its resulting development density are less than the maximum allowed per the Tract's 2003 rezoning. Pursuant to the 2003 rezoning, a total of 285 dwelling units could have been proposed with at a development density of 11 du/ac.

While removal of the 0.63 acres of PUD zoned land from the approved PUD Plan area will have minimal impact upon the development density (9.5 du/ac to 9.7 du/ac) the change may impact other PUD Plan approved "Design Parameters". Prior to authorizing the remaining 18 dwelling units (nine two-family buildings west of Montclair Lane) to be constructed will be necessary to submit a "minor" PUD Plan revision to the City for review to verify all PUD Plan design parameters are still being met.

In terms of uses, the original 2003 rezoning allowed all R-3 (now analogous to R-MF) uses in Tract B and all C-1 (now analogous to the M-N) plus C-P uses in Tract A. The applicant did not choose to add any permitted C-3 uses (analogous to M-C); however, it should be noted that several of the permitted

C-P uses are presently permitted in the current M-C zoning district.

Of the C-P uses possible in 2003, amusement parks, commercial stables, movie theaters, bowling alleys, farm machinery sales and service, gun clubs, halfway houses, machine shops, and plumbing/heating/and air conditioning and electrical businesses were explicitly excluded. Following these exclusions commercial baseball/athletic fields, race tracks, fairgrounds, commercial picnic grounds and fishing lakes, drive-in theaters, and outdoor stage and concert facilities remained as permissible uses of Tract A.

The 2007 approved Oak Forest C-P Plan permitted a two-story (up to 45-feet tall) 32,800 square foot building on this site. The building was proposed to have retail on the first floor and office on the second floor with 140 parking spaces provided in a front and rear parking lot (137 spaces were required for the proposed use mix per the 2007 parking requirements. If this plan were to be built today there would be no more than 140 spaces built; however, the number would likely be less due to revised parking requirements of the UDC). The plan further indicated that 56% of the site was proposed to remain natural or in landscaping.

## **Zoning**

The subject site is surrounded by M-OF (Mixed use- Office) across Green Meadows Road to the southwest, M-N directly across Green Meadows Road to the south, and PD zoning to the east, north and west. There is a large swath of A (Agriculture) zoned property to the northeast of the site extending to Rock Quarry Road. The PD zoned property around the site is generally developed to the extent possible, with the aforementioned Oak Forest PUD, to the west and north, in accordance to the plan (minus the 18 duplex units shown on the plan). Additionally, the vacant property to the immediate north of the site in the Oak Forest PUD Plan is subject to a drainage easement owned by the City.

The property to the east of the subject site includes a three-acre tree preservation area for the Grindstone Plaza development, as well as sanitary sewer and utility easements limiting potential development. M-C zoning is located nearby, within the Red Oak Plaza roughly 500 feet away to the south along Green Meadows Road, and the Rock Bridge Shopping Center roughly 1/3 of a mile if traveling west and south along Gray Oak Drive to Buttonwood Drive.

As mentioned in brief above, the request under consideration is to rezone the entire property to the standard M-C zoning designation, not planned development zoning. If approved, the site would be permitted to develop with any of the permitted M-C uses subject to all of the UDC regulations, including use-specific standards. The M-C district, by definition, is a “corridor” commercial district generally improved with businesses that are auto-oriented or require more significant levels of public visibility.

Changes in zoning are evaluated from several perspectives, the first being how the zoning correlates with the city’s Comprehensive Plan (Columbia Imagined) and its future land use designation. The Comprehensive Plan identified the subject site as being located within the “Commercial District” future land use category. This designation is reflective of the site’s currently entitled land uses.

Per the Comprehensive Plan, Commercial Districts can contain “a variety of citywide and regional retail uses,” as well as office and high-density residential uses to support said commercial uses. The proposed zoning designation sought with this request could reasonably fit within the context of the Comprehensive Plan land use designations for the site.

However, when giving further consideration to how this property and the proposed zoning changes correlate with the Comprehensive Plan it should be noted that the Plan provides specific examples of

the types of commercial development that would be consistent with the commercial district designation. One example cites how the Columbia Mall would be consistent with the commercial district designation, but also references the site as a regional shopping destination. Given the characteristics of the subject property, applying such an intense use as being equivalent does not appear to be an accurate description of how this site would develop.

Therefore, after considering the location and scale of the subject site, its surrounding land use mix, and its immediate adjacency to an established multifamily complex, staff believes that a “marketplace” designation is a more accurate description of the type and scale of commercial development that should be permitted on the site. Staff further finds that to achieve such a development outcome a rezoning to M-N (Mixed-use Neighborhood) would be appropriate, not the requested M-C designation.

Per the UDC, the Mixed Use - Corridor (M-C) zone is appropriate for commercial activities that may be suited to areas of high visibility and may tend to be more auto-oriented, and generally located along major corridors such as Grindstone Parkway (a major arterial) where the Rock Bridge and Red Oak Plaza shopping centers are zoned M-C. It should also be noted that some of the permitted uses per the requested M-C zoning are uses currently prohibited by the existing PD zoning. Uses that would become permitted could include, but are not limited to, hotels, lumberyards, bars, adult retail, medical marijuana dispensaries, and gas stations. While potentially permitted it should also be noted that several of these uses would be governed by use-specific standards that may mitigate their impacts upon the adjacent development.

It should also be noted that use of PD zoning has historically been for the purpose exercising greater site plan controls over a development as a means of minimizing impacts between certain land use types. With that said, PD zoning can be an impediment to development due to increased regulatory uncertainty and are more time consuming for staff, the Planning Commission, and the Council with limited added benefits. With the adoption of the UDC and its inclusion of new provisions that address neighborhood protections, enhanced buffering and land use transitions, and general building design guidelines, staff has become supportive of transitioning PD zoned property to comparable straight zoning designations provided such zoning is compatible with the surrounding development context and potential impacts can be mitigated through the new UDC provisions. Straight zones offer benefits to property owners and city staff in terms of a common set of rules and flexibility for market-driven site and use changes as long as they meet the UDC.

When evaluating this rezoning request, staff believes M-N is more appropriate on this site than the requested M-C given the surrounding land uses and zoning mix. Furthermore, staff believes given the fact the subject property is set back from the nearby major arterial roadways where sufficient opportunities exist for M-C uses and given the potential loss of site plan controls that M-N zoning is an appropriate designation.

## **Conclusion**

Overall, staff finds that the proposed zoning is generally consistent with the goals and objectives of Columbia Imagined to provide commercial services in this area, though staff believes this location is intended for a neighborhood marketplace type of commercial development rather than regional or destination commercial development. Given the zoning and land use mix of the area and access along a major collector rather than an arterial roadway, staff recommends the M-N zoning classification. Staff has some concerns the M-C zoning request may include uses that do not integrate well with the surrounding residential and office areas in terms of intensity, though staff also notes these concerns are greatly mitigated by the limited size of the site and the use-specific standards and neighborhood protections now contained with the UDC. At the time of publishing the staff report, neither concerns nor support for the rezoning have been submitted by adjacent property owners or the public.

## **RECOMMENDATION**

Denial of the M-C zoning map amendment.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- 1) Locator maps
- 2) Existing zoning Ord. 17858 (2003)
- 3) Oak Forest PUD Plan (2004)
- 4) Oak Forest C-P Plan (2007)

## **SITE CHARACTERISTICS**

<b>Area (acres)</b>	4.08
<b>Topography</b>	A draw runs between Lot 1005 and 1006, creating a plateau effect around the property
<b>Vegetation/Landscaping</b>	Generally clear with some trees running along draw
<b>Watershed/Drainage</b>	Hinkson Creek, Perche Creek
<b>Existing structures</b>	Vacant

## **HISTORY**

<b>Annexation date</b>	1969
<b>Zoning District</b>	PD
<b>Land Use Plan designation</b>	Commercial District
<b>Previous Subdivision/Legal Lot Status</b>	Part of Lot 1005 and 1006 of Oak Forest Plat 10

## **UTILITIES & SERVICES**

All utilities and services provided by the City of Columbia.

<b>Green Meadows Road</b>	
<b>Location</b>	South side of site
<b>Major Roadway Plan</b>	Major Collector (Improved & City maintained)
<b>CIP projects</b>	Recent sidewalk construction on Carter Lane
<b>Sidewalk</b>	Existing

## **PARKS & RECREATION**

<b>Neighborhood Parks</b>	Approx. 1/3 mile southeast of Highpoint Park
<b>Trails Plan</b>	Not included in trails plan but there is an existing 16' trail and utility easement running along the eastern side of the property
<b>Bicycle/Pedestrian Plan</b>	Existing pedway along west side of Providence Road; recently built Carter Lane sidewalk project was in 2012 Sidewalk Master Plan

## **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 a public information meeting, which was held on August 27, 2019.

<b>Public information meeting recap</b>	Number of attendees: 1 (including applicant) Comments/concerns: None.
<b>Notified neighborhood association(s)</b>	Meadows Neighborhood Association, Grindstone/Rock Quarry Neighborhood Association
<b>Correspondence received</b>	None.

Report prepared by Rachel Bacon

Approved by Patrick Zenner