

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
July 8, 2021**

SUMMARY

A request by Crockett Engineering (agent), on behalf of JAJ, LLC (owners), seeking rezoning of 4.73-acres from PD (Planned Development) to MN (Mixed-Use Neighborhood) to facilitate development of the property with a multi-use event space defined as a “Assembly or Lodge Hall”. The subject property is located at 705 Port Way. **Case # 194-2021)**

DISCUSSION

The applicant is seeking approval to rezone 4.73-acres from PD to M-N. A concurrent request (Case #193-2021) seeks to rezone the adjacent lot to the north to M-C, as a part of a comprehensive development scheme. The attached conceptual site plan illustrates how the site may be developed if the rezoning is approved, however only a building envelope is depicted on the subject lot. The lot will be accessed both from Port Way and internally through the lot to the north (Case # 193-2021) that has frontage on Bull Run Drive. The applicant has indicated that the anticipated use of the site would be for an assembly or lodge hall event space.

While the attached site plan is conceptual in nature and is non-binding, submission of such a document is often valuable in that it gives indication the property owner is not seeking a change for a speculative purpose given they have expended resources in developing the layout. Furthermore, per the applicant, it is staff’s understanding that the plan has been shared with adjoining neighbors as part of private non-city hosted public out-reach meetings.

Background

The C-P (now referred to as PD) zoning for this site was approved in 2001, by Ordinance # 016976, as part of a comprehensive annexation of 300+ acres of land both north and south of Interstate 70 at St. Charles Road. The subject parcel was a portion of Tract F-3, which allowed all permitted uses in the then C-3 district, except farm machinery sales and services. No statement of intent was required at the time, and no other limitations or restrictions on the C-P zoning were included in the ordinance. The subject parcel was part of a larger tract located at the southwest corner of Bull Run Drive and Port Way and has been subdivided via the administrative platting process a number of times. The subject parcel has a C-P plan associated with it known as the “*C-P Development Plan of Eastport Plat 1-A-3*” that was approved in 2011 (Ordinance #021164). Design parameters were included with approval of plan that detailed setbacks and other restrictions.

Analysis

When evaluating a request to rezone out of PD zoning, staff reviews the details surrounding the existing zoning to determine what additional requirements, above and beyond what is typically required, were included; and then compares those with the protections that are included in the current UDC to determine if there is value in maintaining the planned district. Additional restrictions can include a tailored list of uses, additional setbacks, height restrictions, and landscaping enhancements. Potential additional restrictions may be included in the approving PD ordinance (i.e. a statement of intent), or development plans (i.e. design parameters), or potentially within the actual municipal code relating to the C-P zoning itself.

The design parameters approved with the C-P zoning required 25 foot setbacks from all road rights-of-

way and 6 foot setbacks from any property lines. They also established restrictions, limiting signage to one 64 square foot freestanding sign per lot no more than 12 foot in height. The minimum open space requirement for Eastport Plat 1-A-3 of 15% per lot was relaxed to 10% given that the standard 15% open space requirement was met across the entirety of the tract southwest of the intersection of Bull Run and Port Way. Furthermore, the C-P plan established a maximum height of 25' for any structure on Lots 102E and 102C (subject lot and lot to south).

The subject lot was created by the Administrative Plat of Eastport Plat 1-A which was approved on July 6, 2004. At the time the lot was approved a 50-foot landscape and utility easement was shown along its south property line. This feature, while not specifically mentioned within the 2001 C-P zoning has been depicted on the C-P plan and has carried through each new platting action on the property. As it is a recorded easement pursuant to recorded plat, the easement will not be impacted by the requested rezoning.

It should also be noted, that at the time the C-P zoning was approved the municipal code also required a screened buffer with fence along property lines adjacent to residential properties. A 10-foot landscaped berm was subsequently constructed along the southern property line, which staff believes far exceeds any current landscaping or buffering requirements.

Changes in zoning are also evaluated for consistency with any relevant goals of the City's Comprehensive Plan (Columbia Imagined) and its future land use designation. The Comprehensive Plan identifies the entire site as within the land use category of "Commercial District". The requested rezoning would be consistent with that designation.

The minutes from the PZC public hearing in 2001, regarding the annexation and C-P zoning were also reviewed to determine if there were specific concerns about the zoning at that time. Concerns voiced by neighboring residents included traffic and stormwater impacts. Stormwater mitigation measures are now required per the City's Chapter 12A stormwater regulations, which did not exist at the time of annexation or original C-P plan approval.

Below is a table that lists the differences between the existing zoning and the proposed zoning. The key difference will be the permitted uses. Not all uses have been listed, only those that staff felt were significant.

Form & Development Controls		
	Current C-P Zoning & Plan	M-N
Landscaping - Property edge buffering (south)	50' landscape/utility easement	Level 3 – 10' landscape buffer, 8' screening device
Landscaping/open space - Minimum of site	15% overall, 10% each lot	15%
Height	25' maximum established by the approved C-P plan	35'
Side yard (south)	6'	10' when adjacent to residential (50' buffer/easement to remain)
Pedestrian infrastructure	Sidewalks along ROW required, no interconnectivity depicted on C-P plan	Sidewalks along ROW required. System of pedestrian walkways and/or sidewalks planned

USES		
Public/Institutional Uses		
Funeral Home or Mortuary	P	CUP
*Assembly or Lodge Hall	P	CUP
Commercial Uses		
Greenhouse or plant nursery	P	NP
Urban agriculture	--	P
Veterinary hospital	P	CUP
Bar or nightclub	P	CUP
Hotel	P	NP
Self-Service Storage Facility	P	NP
Tree/landscaping service	--	NP
Outdoor recreation/entertainment	--	NP
Car washes	P	CUP
Light vehicle service/repair	P	CUP
Heavy vehicle sales/service (farm)	NP (specific exclusion)	NP
Industrial Uses		
Artisan industry	--	P
Bakery	P	CUP
Bus stations	P	NP

As can be seen in the table, there are few site requirements included in the original C-P zoning that offer a significantly higher level of protection from adverse effects, or that provide explicit benefits. The primary shift in the form and development controls on the property precipitated by the proposed rezoning would be an increase in the permitted building height, from 25' to 35'. However, given that the proposed "assembly or lodge hall" use will require approval of a conditional use permit, the building height can be considered as a condition of the CUP approval if the Commission chooses. Furthermore, the required setbacks from the adjacent residential property would be 10 feet in the M-N zone, which represents a 4-foot increase from the approved C-P plan. And finally, the established landscape buffer and utility easement along the southern edge of the property far exceeds any buffering standard of the UDC. Again, it is worth noting that this buffer is not impacted by the proposed rezoning as it was established as part of a platting action.

The uses permitted under the current C-P zoning include all uses in the previous C-3, except farm machinery sales/service. This includes uses that fall into the current heavy commercial service use definition. The M-N includes many of the same C-P uses, but with some notable exceptions. The table

above lists the significant differences between the two, and when compared with the entire list of uses that would be permitted within the approved C-P, the M-N district would clearly have less impact on adjacent residential properties. The heavy commercial uses typically draw higher traffic volumes, have longer working hours, and require more property lighting. Many of those uses would be excluded from the site if the rezoning is approved. However, uses such as the proposed assembly or lodge hall would now require a CUP due to their increased neighborhood impacts. The CUP approval process includes a public hearing, and would still provide the opportunity for oversight by the Commission and City Council, as well as the public.

In reviewing of the minutes from the C-P zoning of Lots 102-C & 102-E as well as others, it appears the general objective of the zoning was to ensure that the site was required to submit a development plan so an enhanced review would be conducted likely due to its proximity to residential property. And while there were concerns mentioned relating to traffic, stormwater, and landscaping there were no recommendations for supplemental requirements relating to these issues in the minutes nor in the adopted ordinance governing the property. Finally, aside from the approved rezoning ordinance only eliminating one permitted C-3 use, farm machinery sales/service, there did not seem to be specific concern with other uses being allowed on the lots. The excluded use is now defined as part of "heavy vehicle and equipment sales and service" which is only permitted in the IG (Industrial) district.

Conclusion

Given the lack of specific objectives and protections in the PD zoning, the generally permissive list of allowed use on the property (nearly all C-3 zoning uses), and the lack of specific concerns raised during the public hearing that a PD plan could have mitigated, staff finds that the request to rezone out of PD in this situation is acceptable. While PD zoning is a valuable tool, if it does not provide specific benefits to the City or surrounding property owners not otherwise provided or required, it may be more expedient to rezone the site to a non-PD designation. Such action effectively removes some of the regulatory process required to develop the site which in turn frees up City resources. However, the sheer fact that PD zoning is burdensome to a site is not a compelling justification to rezone by itself.

The rezoning of the site to M-N is not expected to have a greater adverse impact on neighboring properties than the existing C-P zoning. When rezoning out of a PD, the loss of the authority to approve a site plan does eliminate some of the certainty regarding how a site develops, but staff finds it most likely that the existing form & development controls within the UDC will provide similar protections to surrounding property owners. In fact, M-N should prove to be a lesser impact given that many of the obnoxious uses currently permitted by the C-P zoning, are no longer permitted, or would require a conditional use permit under M-N zoning. The CUP approval process is identical to that of a development plan approval, therefore little oversight is lost in regards to the uses which will have the greatest detrimental impacts.

RECOMMENDATION

Approval of the requested rezoning from PD to M-N.

SUPPORTING DOCUMENTS (ATTACHED)

Locator maps
C-P Ordinance # 021164 and supporting documents (12/5/2011)
C-P Plan (12/5/2011)
PZC Minutes (7/5/2001)
Conceptual site plan

SITE CHARACTERISTICS

Area (acres)	4.73
Topography	Generally flat, except stormwater basins and berming along southern property boundary
Vegetation/Landscaping	Turf, trees along southern property boundary
Watershed/Drainage	Perche Creek, Hinkson Creek
Existing structures	None, electric facilities at southeast corner of property (cabinet)

HISTORY

Annexation date	2001
Zoning District	PD (Planned Development); M-C (Mixed Use-Corridor)
Land Use Plan designation	Commercial
Previous Subdivision/Legal Lot Status	<i>Lot 102-C, Eastport Plat 1-A-3</i>

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	PWSD #9
Fire Protection	City of Columbia
Electric	Boone Electric

ACCESS

Port Way	
Location	Eastern frontage of property
Major Roadway Plan	NA (improved and City maintained); 66-76-foot ROW required; 33-38-foot half-width required; No additional right-of-way required.
CIP projects	None
Sidewalk	Sidewalks existing

PARKS & RECREATION

Neighborhood Parks	Eastport Park, Lake of the Woods Recreation Area
Trails Plan	None adjacent to site
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 June 22, 2021. Twenty-five postcards were distributed.

Report prepared by Rusty Palmer

Approved by Patrick Zenner