

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
July 22, 2021**

SUMMARY

A request by Crockett Engineering (agent), on behalf of JAJ, LLC (owners), seeking approval of a conditional use permit to allow an “assembly or lodge hall” on 4.73 acres addressed as 705 Port Way. **(Case # 217-2021)**

DISCUSSION

The applicant is seeking approval of a conditional use permit to allow an assembly or lodge hall to be construction on the eastern portion of the subject 4.73-acre property addressed as 705 Port Way. A previous request on the property (Case #194-2021) seeking to rezone the lot from PD to M-N was heard at the Planning Commission meeting on July 8th and was recommended for approval. City Council will consider the rezoning request at their August 16th meeting.

Background

The C-P (now referred to as PD) zoning for this site was approved in 2001 (Ord. # 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 of the annexation and was granted authorization to be used for all permitted uses in the then C-3 (now M-C) 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 lot was created by the Administrative Plat of Eastport Plat 1-A which was approved on July 6, 2004. The subject parcel was part of a larger tract located at the southwest corner of Bull Run Drive and Port Way. At the time the lot was approved a 50-foot landscape and utility easement was shown along its south property line. The subject lot was subsequently included, with the lot to the north, in the “*C-P Development Plan of Eastport Plat 1-A-3*,” which was approved in 2011 (Ord. #021164). Design parameters included with the C-P plan detailed setbacks and other restrictions.

Zoning Considerations

During the initial concept review, the applicants sought M-C zoning on the property, and provided a preliminary site plan for the subject lot and the adjacent lot to the north (attached). At that time, staff indicated they would be supportive of M-C on the lot fronting to Bull Run, but not on the subject lot since the planned district afforded additional oversight for any proposed development (i.e. a public hearing and review of any proposed development plans). As an alternative to the desired M-C, staff suggested M-N zoning since it allowed the majority of permitted uses in the C-P, but excluded the more intense uses now permitted within the M-C district. Staff further noted that several of the more intense uses of the M-C were allowed in the M-N; however, by way of a conditional use permit (CUP).

Given staff’s recommendation and in recognition that the CUP process afforded a public engagement opportunity similar to the PD process, the applicant agreed to seek M-N zoning for the subject lot with the understanding that a separate CUP for the proposed “assembly or lodge hall” use would be required. Through submission of their application they acknowledged that high-traffic and less-desirable uses, such as hotels, tree/landscaping services, outdoor recreation/entertainment, and adult retail, would be completely eliminated from consideration on the subject site if rezoned to the M-N district.

Site Considerations

At the time the subject lot was created a 50-foot landscape and utility easement was shown along its south property line. This easement is shown as a recorded element of the final plat that created the subject lot and will not be impacted by the proposed rezoning (Case # 194-2021) or the current request for a CUP. At the time the C-P zoning was approved the municipal code required a screening buffer with a fence along property lines adjacent to residential properties. A 10-foot landscaped berm was constructed along the southern property line instead which staff finds far exceeds any current landscaping or buffering requirements when paired with the 50' landscape easement.

Analysis

Pursuant to provisions of the UDC, conditional uses must be evaluated by the Planning and Zoning Commission subject to the following six criteria identified in Section 29-6.4(m)(2). Following a recommendation by the Commission, the City Council may approve the CUP with any conditions deemed necessary to carry out the provisions and intent of the UDC. 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.

The submitted site plan illustrates a building envelope that complies with the dimensional requirements for the district as it relates to structure placement. Other design compliance matters can be achieved prior to the issuance of a building permit for site improvements subject to approval of the CUP.

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 south are identified as lying within the Residential District, but the UDC provides neighborhood protections that act as a secondary measure if the landscaped buffer were ever removed or altered. Such site manipulation would require Council action to vacate the easement.

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 rezoning would permit a structure up to 35' in height. This is significantly taller than neighboring residences; however, given the landscaped buffer and berm at the southern property line, and the standard screening and buffering required by the UDC, Staff believes that any impacts created by the increased height will be mitigated.

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

Access is provided from the Port Way frontage as well as through the adjacent lot to the north. No access is to be taken through the residential neighborhood to the south. Furthermore, 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 conditional use permit. The proposed use will have little demand for utilities when compared to nearby commercial properties.

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

Staff believes that the use will be generally very low-impact. Traffic flows will be sporadic and concentrated during scheduled events. Noise and visual impacts will be adequately mitigated by the existing berm and additional setback from residential uses provided by the 50' landscaped buffer and easement.

Conclusion

The proposed assembly hall use is relatively low-impact, and would be permitted by the current C-P zoning pursuant to the approval of a development plan. Also, those impacts are generally addressed by the provision of the landscaped berm within the established easement on the southern property boundary. 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'. Building height, however, can be considered as a condition of the CUP approval if the Commission chooses.

It should be noted that parking shown to the east of the building envelope has been scaled to reflect the amount of parking based upon potential maximum square footage of constructed space for the proposed assembly or lodge hall. While believed to be code compliant, the ability to safely interconnect future parking facilities shown on the attached site plan with the subject site as a means of accommodating possible over-flow parking demands is worthy of consideration. Given the internal driveway connection between the northern and southern parcels will be private driveways construction of sidewalks is not mandated.

To ensure that public safety of all site users (north and south) is maintain, it is recommended that the CUP be approved with a condition that ADA-compliant sidewalk be constructed on, at a minimum, along the southern driveway frontage with properly marked and signed cross-walks connecting adjoining parking areas to the subject site. Plans for construction of such sidewalk shall be submitted concurrently with building and site development plans for the subject site.

RECOMMENDATION

Approval of the requested CUP, permitting an, "assembly or lodge hall," on the subject property pursuant to the following condition and any additional conditions applied by the Planning & Zoning Commission.

1. ADA-compliant sidewalk be constructed on, at a minimum, along the southern driveway frontage with properly marked and signed cross-walks connecting adjoining parking areas to the subject site.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- Proposed 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	Pending M-N; currently PD (Planned Development)
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 July 1, 2021. Twenty-five letters were distributed.

Report prepared by Rusty Palmer

Approved by Patrick Zenner