

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
September 9, 2021**

SUMMARY

A request by A Civil Group (agent), on behalf of Garry Lewis (owner), for approval of the rezoning of approximately 17.9 acres in the development common known as “Corporate Lake” generally bounded by Brandon Woods Street on the west, Providence Road on the east, North Cedar Lake Drive on the north and Southampton Drive on the south. The existing properties are zoned a mix of M-OF (Mixed-use Office), M-N (Mixed-use Neighborhood), M-C (Mixed-use Corridor), and PD (Planned Development). The applicant is requesting the properties to be rezoning to R-MF (Multiple-family Dwelling) district, M-C, and M-N. **(Case #256-2021)**

DISCUSSION

The applicant is seeking to rezone 11 tracts of land totaling 17.9 acres surrounding Corporate Lake. The intent of the rezoning actions is to correct a number of instances of split-zoning and to simplify the zoning on the applicant’s property. A bulk of the property is proposed to be consolidated into M-N zoning and removed from PD (Planned District) zoning.

Attached to this report is a “rezoning exhibit” which identifies each of the tracts to be rezoned as discussed below. The exhibit provides the tract’s current zoning and the color code along the right margin of the exhibit indicates the proposed zoning classification sought. Hatched areas on the map are included in the rezoning tracts, but will not be included in the rezoned areas.

Tracts 1 & 2

Tracts 1 and 2 are located near the southwest corner of the acreage and comprise the entire width of the block northwest of intersection of John Garry Drive and North Cedar Lake Drive. Both tracts are fully developed with apartment buildings. Tract 1 is currently split-zoned with R-MF (Multiple-family Dwelling) on its western half and M-OF (Mixed-use Office) on its east. The R-MF portion is not proposed to be rezoned; however, the M-OF portion of Tract 1, and all of Tract 2 are proposed to be rezoned to R-MF.

Rezoning the tracts from M-OF to R-MF is considered a downzoning and serves to offset some of the potential impacts that may be created on overall development intensity and increased traffic from proposed “up-zoning” of tracts elsewhere within the request acreage. The rezoning of Tract 1 will also serve to mitigate the split-zoning conflict that exists on the property. The location of the proposed R-MF zoning, internal to the development and adjacent to existing residential uses serves to replace the existing office zoning with zoning more consistent with the use ultimately built on the property.

Staff finds the proposed downzoning on Tracts 1 and 2 to be appropriate and supports both for approval. R-MF zoning is consistent with the existing uses on the properties and will be consistent with much of the contextual zoning and uses as well.

Tracts 3 & 4

The only two tracts included in the proposed rezoning located south of North Cedar Lake Drive, Tracts 3 and 4 are both split-zoned M-N (Mixed-use Neighborhood) and M-C (Mixed-use Corridor). The proposed rezoning of these two tracts would resolve the split-zoning condition by extending the M-C zoning across the entirety of both tracts.

Expansion of M-C zoning on Tract 3 to the western edge would better address, from a zoning district standpoint, an existing legal nonconformity on the northern portion of the lot. The existing construction

contractor shop (now defined as “mechanical and construction contractors”) predates the 1990 annexation of the tract and its zoning to C-1 (now M-N) when the use was allowed to remain as a nonconformity. The proposed expansion of M-C zoning will not change the use’s legal nonconforming status; however, should the applicant or subsequent owner want to expand the business it would require approval of a conditional use permit. The southern portion of Tract 3 is presently developed with a multi-family apartment building and associated parking which are permitted in the M-C district. Tract 4 is zoned M-C to the south, and M-N along the northern frontage, to a depth of roughly 75 feet and is entirely undeveloped at this time.

While split-zoning is not prohibited by the UDC, it is not considered good practice because of the conflicts it can create in allowed uses and other dimensional standards. Corrective measures to address these situations are typically supported. In staff’s opinion, the requested expansion of the M-C zoning on Tracts 3 and 4 is believed appropriate. While it does expand the more-intensive zoning designation, the expansion is sought to address an existing zoning conflict. Staff supports rezoning the M-N portions of Tracts 3 and 4 to M-C.

Tracts 5 through 10

The majority of these tracts are currently zoned PD (Planned District), with the exception of Tract 8 which is zoned M-OF. The applicant wishes to rezone these tracts to a single, consistent M-N zoning. The open zoning would remove the requirement that a development plan be approved following a public hearing before both the Planning Commission and City Council which increases development costs to developer. Tracts 6 and 7 are fully developed and Tract 8 lies over the center of the existing lake which is a regional stormwater facility; therefore, it will not be developed for the foreseeable future.

Another exception to the zoning consistency on this block is the lot at the northeast corner of the intersection of John Garry Drive and East North Cedar Lake Drive. This lot was repurposed not long ago for use as a club house for the nearby residential developments, and was rezoned R-MF for the purposes of having consistent zoning with the residences it serves. The applicant is not proposing to rezone this lot again at this time.

The proposed M-N zoning is consistent with the permitted uses allowed by the PD zoning. Additionally, given that Tracts 6 and 7 are fully developed retaining PD zoning at this time is not viewed as necessary. While Tracts 5, 9, and 10 are currently undeveloped they would not be exempt from compliance with all UDC standards such as neighborhood protections, landscaping/screening, and parking if they were to be rezoned. It is unclear from staff research as to why the current PD zoning was applied to these tracts; however, given the generally built-out environment surrounding them it is believed that the current limitations imposed on them by the UDC would ensure the existing neighborhood character would be retained without the additional step of a development plan. Finally, given Tract 8’s current usage as a stormwater facility and its unlikely development in the foreseeable future its proposed “up-zoning” will have little perceivable impact on the remainder of the development.

Staff generally supports rezoning planned districts to open zones given that such action reduces the increased administrative burden often associated with planned districts versus their overall benefits. Staff has been unable to identify any specific benefits accrued to city for retaining PD zoning on the tracts. For these reasons staff supports approval of the requested M-N zoning for Tracts 5 through 10.

Tract 11

Tract 11 is currently split-zoned M-OF and M-N. The requested rezoning on this tract would rezone both the M-N and M-OF portions to M-C. The applicants indicated at the time of the concept meeting that a convenience store had shown some interest on the site for a new location given its location across from the south entrance of Rock Bridge High School.

While the correction of split-zoning and the focus of higher-intensity uses closer to the major roadway corridor is generally supported by staff, there is concern given the tract's location (130 feet west of the high school south entrance) and the potential impacts upon the surrounding neighborhood that the M-C zone may create. When comparing the permitted uses of M-N zoning and M-C zoning there are a number of obnoxious uses that become available to a user "by-right". These uses vary in intensity from self-service storage facilities and major vehicle service and repair to adult retail and heavy commercial services. Each use has a unique impact as well, including noise pollution, traffic, or general detriment to the neighborhood.

Since the applicant has a prospective user interested in the property, there is some precedent for how this situation was handled in the recent past. Rezoning to M-C would facilitate the desired use which is considered 'light vehicle service or repair' because they intend to sell fuel. A convenience store with gas sales is permitted in the existing M-N zoned portion of the tract; however, only after a conditional use permit (CUP) has been granted. The construction and operation of such a use cannot likely occur on the split zoned tract; hence the request to rezone the entire tract to M-C and eliminate the extra step of obtaining a CUP.

Should there be no support to rezone the entirety of the tract to M-C but a desire to eliminate its split-zoning, an alternative would be to only rezone that portion presently zoned M-OF to M-N. Such action would resolve the split-zoning situation and allow the proposed convenience store pursuant to the approval of a conditional use permit (CUP) on the larger commonly zoned acreage. The CUP process adds a layer of review and approval, similar to a PD plan, and permits additional uses given they meet particular performance and design criteria as laid out in the UDC. Additionally, the Planning & Zoning Commission and/or Council can add conditions to a CUP if they are deemed necessary to mitigate a perceived negative impact of the use.

Given the potential for excessive adverse impacts on the surrounding land use pattern and the "off-corridor" location, staff is not supportive of rezoning Tract 11 to the requested M-C district. Staff would support rezoning the existing M-OF to M-N given its more restrictive nature and the opportunity to address more intense uses via the CUP process.

Conclusion

The proposed rezoning actions appear to be appropriate and thoughtfully considered on the majority of the 11 tracts. The applicant is proposing to correct instances of split-zoning on many of the tracts and rezoning actions intended to align with existing tract uses. The proposed rezoning of Tract 11 which is currently vacant; however, raises a number of concerns and is not believed appropriate. Rezoning only that portion which is presently M-OF to M-N is believed more appropriate given its contextual surroundings and the district's ability to more appropriately address higher intensity uses via the CUP process.

RECOMMENDATION

Approval of:

1. R-MF zoning on Tracts 1 and 2
2. M-C zoning on Tracts 3 and 4
3. M-N zoning on Tracts 5 through 10

Denial of

1. M-C zoning on Tract 11

Alternatively, if the Commission desires to eliminate the “split-zoning” on Tract 11 staff recommends:

1. Only rezoning that portion presently zoned M-OF to the M-N district.
2. Require that a revised legal description be provided for Tract 11 consistent with the modified area to be rezoned.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Zoning Exhibit

SITE CHARACTERISTICS

Area (acres)	17.9
Topography	Generally flat, except minor grading for landscaping and stormwater management
Vegetation/Landscaping	Varies, large lake near the center of development, bulk of site is developed, rest is cleared and maintained in turf surface
Watershed/Drainage	Little Bonne Femme
Existing structures	Extensive commercial, office, and multi-family development

HISTORY

Annexation date	1985
Zoning District	Varies, R-MF, M-OF, M-N, M-C, and P-D
Land Use Plan designation	Commercial/Employment
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

East Southampton Drive	
Location	Northern Frontage
Major Roadway Plan	Neighborhood Collector
CIP projects	None
Sidewalk	Sidewalks generally in place where developed, gaps to be filled with development of vacant lots

Providence S. Outer Road	
Location	Eastern Frontage
Major Roadway Plan	Major Collector

CIP projects	None
Sidewalk	Sidewalks in place, except between Corporate Plaza Drive and North Cedar Lake Drive (both developed, served by South Providence Trail)

North Cedar Lake Drive/Corporate Lake Drive	
Location	Southern Frontage
Major Roadway Plan	N/A
CIP projects	None
Sidewalk	Sidewalks generally in place where developed, gaps to be filled with development of vacant lots

John Garry Drive	
Location	Western Frontage
Major Roadway Plan	N/A
CIP projects	None
Sidewalk	Sidewalks installed, both sides

PARKS & RECREATION

Neighborhood Parks	Cosmo-Bethel Park across Southampton to the North
Trails Plan	South Providence Trail immediately east of 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 August 20, 2021. Seventy postcards were distributed, and an ad was placed in the Tribune.

Report prepared by Rusty Palmer

Approved by Patrick Zenner