

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
December 22, 2022**

SUMMARY

A request by Crockett Engineering Consultants (agent), on behalf of Bowling Street, LLC (owner), for a Conditional Use Permit (CUP) to allow a 'Temporary Shelter' as a conditional use in the M-C (Mixed-use Corridor) zoning district. The proposed use is subject to review criteria set forth in Section 29-6.4(m)(2) and the use-specific standards of Section 29-3.3(i) of the Unified Development Code. The 5.51-acre subject site is identified as Lot 1 of *E.C. More's Subdivision, Plat 1A* and is located at the northeast corner of E. Business Loop 70 and Bowling Street. **(This case was tabled at the December 8, 2022 Planning Commission meeting).**

DISCUSSION

The applicant, on behalf of the property owner, is seeking approval of a conditional use permit (CUP) to allow for the establishment of an approximate 26,300 square foot temporary shelter that would be operated by the Voluntary Action Center (VAC). The shelter is proposed to accommodate a maximum of 120 persons (a.k.a. clients) in general and specialized sleeping spaces. The shelter would also include "wrap-around" support services that would include a commercial kitchen capable of serving 100-200 evening meals daily, a computer lab, pet kennels and exam space, storage spaces, meeting rooms, laundry processing, restrooms and showers, and other support functions/storage spaces. A full description of the services to be offer is provided within the attached application letter which is a required component of the CUP request.

In addition to the proposed temporary shelter, the 5.51-acre site would be improved with a general administrative office building containing approximately 23,600 square feet. This space is proposed to be divided between VAC and potentially 2 other users. VAC would occupy approximately 13,600 square feet of the building its new administration/operations offices. The remaining 10,000 square feet would be divided into two 5,000 square foot rentable "white-box" suites that would be made available to other business. The types of businesses are unknown at this time and would be up-fit by those businesses prior to occupancy.

The aforementioned uses are both permissible within the M-C (Mixed-use Corridor) zoning district. The proposed administrative office is an allowed use "by-right"; however, the temporary shelter is only permitted via approval of a CUP. The M-C district permits multiple uses on a single parcel provided dimensional and other regulatory requirements have been addressed. Approval of the requested CUP would allow for the establishment of the temporary shelter as described within the applicant's correspondence and depicted upon the attached site plan.

While the attached site plan also includes the administrative office building it should be noted that its features (i.e. use, size, and location) are not part of the requested CUP and are not required to be part of that application. Since the use is allowed within the M-C district it could co-exist on the site with or without the temporary shelter. As such, the following analysis focuses on the proposed 26,300 square foot temporary shelter's compliance with the general CUP review criteria of Section 29-6.4(m) and the use-specific criteria of Section 29-3.3(i) of the UDC.

General Conditional Use Permit Criteria Analysis

Any uses identified within the Permitted Use Table of the UDC as “conditional” are required to be evaluated against six (6) general review criteria. These criteria are intended to illustrate that the issuance of a CUP is not contrary to the underlying zoning provisions, is consistent with the adopted Comprehensive Plan, will result in a use conforming to the general character of its surroundings and designed to minimize/mitigate traffic hazards and congestion, has sufficient access to public infrastructure, and will not cause significant adverse impacts upon surrounding properties. Following review of these criteria, the Planning Commission may recommend and the Council may approve additional conditions deemed necessary to ensure that objectives these criteria are met.

The 6 review criteria from Section 29-6.4(m) are listed below with staff’s analysis in **BOLD** text. The applicant’s attached correspondence also provides an analysis of these criteria from their perspective.

- (A) 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. **A temporary shelter is a permissible use within the M-C zoning district subject to approval of a conditional use permit. The location of the proposed approximate 26,300 square foot facility, as shown on the attached site plan, meets all applicable dimension standards for the M-C zoning district. The proposed temporary shelter is located approximately 98-feet south of the site’s northern property lines which is shared with the adjoining R-1-zoned property. Parking shown on the site plan, inclusive of the shelter and office building, is compliant with the required parking standards for a 120 (max) bed facility and approximately 28,300 square feet of office uses.**

The site plan contains a “self-imposed” developer restriction on building height (35-foot max) and an increased rear yard setback (30-feet). These restrictions reduce allowed building height by 10-feet (M-C permits 45-feet) and increases the rear yard setback by 10-feet (M-C requires 20-feet) when adjoining an R-1 district. A Level 3 buffer is proposed between the subject site and the R-1 property to the north. The buffer will incorporate both vegetative materials and an 8-foot tall screening device.

All other regulatory requirements of the zoning district (i.e. lighting, site landscaping, etc) will be formally evaluated upon submission of a building permit application. Based on the site plan submitted it would appear compliance with such standards will be achieved.

- (B) The proposed conditional use is consistent with the city’s adopted comprehensive plan. **While the Comprehensive Plan does not speak to individual uses on parcels of property it does identify the subject site as being located within a “Commercial District”. As described on page 151 of the Comprehensive Plan, “the commercial district contains a variety of citywide and regional retail uses as well as offices, businesses, personal services, and high-density multi-family dwellings....”. The proposed temporary shelter is viewed as being similar to high-density multi-family dwellings, albeit for shorter tenure. And when combined with the permissible office building for VAC and others, the proposed development on this site matches the identified land use mix envisioned by the Comprehensive Plan.**

The Comprehensive Plan also contain goals of creating inclusivity in housing options and seeks to prioritize infill development. While a temporary shelter may not be viewed by some as a permanent residence it is for the user at that moment in time and as such should be located in proximity to services necessary to meet those user's basic needs. The subject site is located on a major transportation corridor providing access to basic needs and when combined the with support services of its operator, VAC, the use meets many of the Comprehensive Plan's "livable and sustainable" objectives. Furthermore, the subject site is served by adequate infrastructure (i.e. electric, sewer, and water) to support its desired improvements without unnecessary and costly extension or expansion of such services thereby reducing development sprawl and focusing on infill as a means of meeting temporary housing needs.

- (C) 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 surrounding land use context is an eclectic mixture of land uses. Two single-family dwellings and Interstate 70 are located to the north, the City's municipal power plant and Public Works and Water & Light service facilities are located to the west and southwest, a concrete batch plant and major arterial on-ramp from Paris Road is located to the east, and several commercial uses are immediately south of the subject site. Only the properties directly south of the subject site are zoned M-C and capable of supporting the proposed conditional use. The property to the north is R-1 and the properties to west, southwest, and east are zoned IG (Industrial). These districts do not permit a temporary shelter.**

Per the attached site plan, the proposed temporary shelter will contain approximately 26,300 square feet and will be limited to 35-feet in height. When compared to the other developed M-C properties, the proposed temporary shelter's area and height are not believed to be out of character. The built M-C environment consists of more utilitarian structures that are less than 35-feet tall and have similar total square footage collectively. The existing structures are being used for a warehouse and retail business selling outdoor lawn and power equipment. The proposed temporary shelter footprint appears to illustrates a building that will have architectural features more consistent with a typical office building (i.e. glass, insets and recesses, and entrance focal points).

The proposed temporary shelter will be located approximately 98-feet from the subject site's northern property line which is shared by the R-1-zoned property. The closest existing single-family structure on the R-1 property is 400-feet from the northern property line. To further aid in buffering/screening the temporary shelter from the R-1 property the attached site plan shows installation of a Level 3 buffer along the entirety of the northern property line. This buffer must be a minimum of 10-feet in width and contain a minimum 8-foot tall screening device. It would appear from the site plan that the buffer is 20-feet wide and a plan note indicates that installation of an 8-foot tall screening device is planned.

- (D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion. **The attached site plan shows access to the overall site (temporary shelter and office building) will be provided via Bowling Street just north of its intersection with Business Loop 70. Final placement of this access will be determined as part of the site**

development permitting process and shall meet established intersection and access point off-set standards administered by Building and Site Development in consultation with the City's Traffic Engineer.

The site is not permitted access along its Business Loop 70 frontage due to that frontage being shared with the on-ramp from Paris Road to Business Loop 70. Locating the access off the "lower-order" street frontage ensures that traffic safety is maintained. The proposed access location ties directly into the overall site's parking lot which will permit adequate stacking space for vehicles exiting the site and ensure that traffic congestion at the intersection is minimized. The site's Business Loop 70 frontage has a stripped center lane allowing eastbound vehicles an area of "refuge" to make the left-hand turn onto Bowling Street further reducing traffic congestion on the Business Loop.

Finally, the site plan shows the construction of pedestrian sidewalks along both roadway frontages abutting the site. This installation provides an opportunity to separate pedestrian from vehicular traffic along each roadway further improving safety. Efforts are currently being evaluated to extend the sidewalk along the Business Loop frontage westward to connect with other existing sidewalk networks.

- (E) **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 subject site is served by adequate public infrastructure to support the proposed development of both the temporary shelter and office building. No known capacity limitations have been expressed to staff regarding the serviceability of the proposed improvements.**

The site has approximately 10-feet of fall from north to south. This grade change appears to run generally through the middle of the property. As depicted on the attached site plan, a stormwater detention area is proposed to be located between the temporary shelter and the office building. This location is generally at the lowest elevations on the site. Given its placement, it appears site drainage will be capable of being accommodated on the property. Verification and approval of this approach to site drainage will be addressed as part of the site development plan process administered by Building and Site Development in accordance with the requirements of Chapter 12A of the City Code.

The subject site is located along the City's GoCOMO Orange Route which provides service to the former VFW Post on Ashley Street, to the north, that is presently being operated by 'Room at the Inn' as an overnight warming center. This transit line provides access opportunities for clients of the temporary shelter from other points within the city as well as access to other city-wide services via transit transfers at Wabash Station in downtown.

- (F) **The proposed conditional use will not cause significant adverse impacts to surrounding properties. Available locations to site a temporary shelter are limited to five (5) of the 13 zoning districts identified on the City's zoning map and regulated by the Unified Development Code. The location upon which this request's approval is sought has a combination of characteristics that are not generally present within other permissible**

locations. The site is adjoining the central city, is accessible by public transit, and is located off a major arterial roadway south of an Interstate within an eclectic environment of generally non-residential land uses. While the proposed temporary shelter is not a commercial or industrial use, similar to its surroundings, the location of any use has the potential to create adverse impacts upon its neighbors.

Given the placement of the proposed shelter on the site, its capacity limitations, proposed screening to be installed, and the described operational characteristics of the facility (integrated with VAC's operations/mission), it is believed that approval of the requested conditional use will not adversely impact the surrounding properties. The adjoining property potentially most impacted would be the existing residential dwellings to the north. However, as noted elsewhere in this report these structures are no closer than 500-feet to the proposed shelter. Furthermore, given the site sloped away from the residential homes it is possible that the finished elevation of the development may be substantially lower than that of the homes further reducing a visual impact.

With respect to the safety of adjoining neighbors, be they residents or businesses, being adversely impacted by this proposed use, it must be acknowledged that provision of such housing within the City is necessary to meet the humanitarian needs of the City's unhoused and persons experiencing homelessness. The submitted site plan illustrates a proposed integrated development that contains limited access points to the site's improvements, has viewsheds into the site from public roadways that enhance opportunities for site surveillance, and establishes a substantial screening buffer of both vegetation and fencing along its northern property line demarcating where the temporary shelter ends and other land uses begin. These features, coupled with on-site management of the operations of the temporary shelter are believed sufficient to reduce, not fully mitigate, any potential impacts that the approval of this use may create.

Use-specific Standard Criteria Analysis

In addition to the above six (6) CUP criteria, a request to establish a temporary shelter must meet three (3) use-specific standards found within Section 29-3.3(i) of the UDC. The use-specific standards are intended to quantify the services to be offered, the population to be served and for what duration of time, promote dispersion of such facilities throughout the community, and establish a minimum lot area believed necessary to adequately accommodate such a land use. Staff's response to these criteria are shown in **BOLD** text below. The applicant's attached correspondence provides an analysis of how these standards have been addressed from their perspective.

(1) An application for a conditional use permit for a temporary shelter shall include information about the size and design of the structure, population groups served, length of stay permitted, maximum design capacity and support services provided. These items shall be used to determine if the facility is in conformance with the character of the adjacent area. **The applicant's application correspondence (attached) fully articulates what population will be served within the facility, the duration of stay, and the additional services that will be offered in connection with the temporary shelter.**

In reviewing the correspondence, the proposed facility will have a maximum capacity of 120 beds, clients will be both single men and women, duration of stay is intended to be a maximum of 90 days, and the facility will include support services ranging from substance

abuse/mental health services to providing a location for a physical mailing address and transportation services.

A facility including similar operational characteristics is not located within the immediate vicinity; therefore, this use may be viewed as being inconsistent with the surrounding environment. However, given the limited locations available for such a use within the City and the unique characteristics of the site, generally being surrounded by industrial and other commercial uses, the features proposed within the temporary shelter to do not rise to the level of concern with staff. The use is consistent with the site's designation within the Comprehensive Plan, is permissible within the underlying zoning subject to the issuance of a CUP, and supports several goals and objectives of the Comprehensive Plan relative to "livable and sustainable communities" as well as other general city-wide policies and plans.

(2) A temporary shelter shall not be located within one thousand (1,000) feet of another temporary shelter. There are no other permanently permitted temporary shelters within 1000 feet of the subject property. The seasonal warming center operated by the 'Room at the Inn' at the former VFW Post on Ashley Street is operating under a 180-day temporary use permit. The VFW property is within approximately 850-feet of the subject site. The VFW building is approximately 1500-feet door to door from the proposed permanent shelter.

(3) The minimum lot area for a temporary shelter shall be seven thousand five hundred (7,500) square feet. If a proposed temporary shelter structure is larger than two thousand five hundred (2,500) square feet of gross floor area there shall be provided an additional one thousand five hundred (1,500) square feet of lot area for each additional five hundred (500) square feet of gross floor area within the structure. Given the proposed size of the temporary shelter (approximate 26,300 square feet), a minimum lot area of approximately 78,900 square feet is required. The overall site upon which the shelter is to be located contains 240,016 square feet which is approximately three times greater than that necessary.

CONCLUSION

Based upon review of the general CUP criteria and the applicable use-specific standards relating to this request, staff finds that a grant of approval to permit such a facility to be constructed on the subject site as depicted on the attached site plan and in accordance with the facility parameters contained with the applicant's application correspondence is not contrary to the intent or purposes of the Unified Development Code or the Comprehensive Plan. In fact, staff finds that the location chosen for this facility given its unique characteristics is a superior site for such a use when compared to others that may have been made available. The location, surrounding land use pattern, and available infrastructure and other public services support the proposed use with the least amount of possible impact that such a facility may generate.

The proposed use coupled with the administrative/operations offices of VAC, the facility operator, are viewed as a positive investment in the City's efforts to address persons experiencing homelessness and needing a centralized location to receive services. Furthermore, this combination of these uses on a single site are believed to be more likely to reduce the potential of adverse impacts on adjoining properties than if such uses were independently developed in other locations.

RECOMMENDATION

Approval of the requested conditional use permit to allow a 'Temporary Shelter' on Lot 1 of E.C. More's Subdivision Plat 1A, subject to the following:

1. Such shelter being constructed in substantial compliance with the site plan prepared by PW Architects, Inc and dated 12/14/2022, and
2. The operational characteristics and services to be offer within such facility shall be restricted to those occupancy limits, duration of stay limits, and support services outlined with Crockett Engineering Consultants correspondence dated December 13, 2022.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Applicant Application Correspondence
- Site Plan
- Supportive Public Correspondence
- Un-supportive Public Correspondence

SITE CHARACTERISTICS

Area (acres)	5.51
Topography	Gentle declining slope to southward
Vegetation/Landscaping	Turf
Watershed/Drainage	Perche Creek
Existing structures	Vacant

HISTORY

Annexation date	1906
Zoning District	M-C
Land Use Plan designation	Commercial
Previous Subdivision/Legal Lot Status	Lot 1, E.C. More's Subdivision Plat 1A

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia.

ACCESS

E Business Loop 70	
Location	South
Major Roadway Plan	Major Collector
CIP projects	None
Sidewalk	None. Will be required upon development

Bowling Street	
Location	West
Major Roadway Plan	Local, non-residential
CIP projects	None
Sidewalk	None. Will be required upon development

PARKS & RECREATION

Neighborhood Parks	None
Trails Plan	Proposed Primary Trail – Colt Railroad Trail 260' East
Bicycle/Pedestrian Plan	Business Loop 70 is a key roadway to bike/ped connectivity

PUBLIC NOTIFICATION

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified via an advanced notification postcard which was mailed on November 21, 2022. 11 postcards were sent.

Public Notification Responses	No property owner notification responses received
Notified neighborhood association(s)	Benton-Stephens NA and Strawberry Hill NA
Correspondence received	Letters supportive and not supportive of the request are attached. On December 16, 2022 staff received a substantial letter in opposition to this request from the legal counsel of an adjoining property owner. Responses to the stated concerns were not prepared prior to this report's publication; however, may be offer, as needed, at the public hearing.

Report prepared and approved by Patrick Zenner