

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
August 4, 2022**

**SUMMARY**

A request by Haden & Colbert (agent), on behalf of Omkara, LLC (Owner), seeking the rezoning of property located at 1414 Ballenger Lane, from PD (Planned District) to M-N (Mixed-Use Neighborhood). The subject property currently consists of 2 lots totaling 10.8 acres, and is located northeast of the intersection of Ballenger and Clark Lanes. **(Case # 212-2022)**

**DISCUSSION**

**Background**

The applicant is seeking to rezone 10.8 acres of property to M-N zoning. Much of the site is currently vacant; however, a single-family dwelling and detached garage exist near the northwest corner of the parcel on the property addressed as 1414 Ballenger Lane. The subject parcel has undergone a number of zoning changes since the mid-1990s. A 12-acre tract of land at the northeast corner of Ballenger and Clark Lanes, which was inclusive of much of the current rezoning request, was rezoned in 1996 (Ord. 014799) from R-1 (One-Family Residential) to C-P (Planned Commercial). The 1996 rezoning ordinance (attached) specified that the district would permit all C-3 uses with the exception of halfway houses, service stations, trade schools, armories, bus stations, commercial swimming pools, farm machinery sales & service, and mortuaries.

Portions of the subject parcel were again rezoned in 1999 (Ord. 015954) resulting in the expansion of C-P zoning to the north of the 1996 rezoning tract. Tracts A and B from the 1999 rezoning map (attached) were rezoned to C-P from A-1 (Agriculture) and R-1, respectively. Tract C included a small portion of the C-P tract from the 1996 rezoning and was rezoned to PUD-8. And finally, Tract D was rezoned from R-1 to PUD-8. The approved C-P zoning mirrored the previous rezoning to the south by permitting all C-3 uses. The 1999 rezoning expanded the previous list of excepted uses, however, to include a number of additional detrimental uses, as detailed in 'Exhibit A' to the approved rezoning ordinance (attached).

Since the 1999 rezoning, the property boundaries were modified through a handful of real estate transactions, and the current owners are interested in simplifying the zoning on their property and seek relief from the development plan requirements of planned districts. Development plans were not required at the time of the previous rezoning actions. The zoning entitlements were granted pursuant to plan approval. Therefore, under the current zoning, the applicants are required to gain development plan approval prior to the issuance of building permits for the property. The requested M-N zoning is considered an 'open zoning' district, and no such plan approval requirement applies. Additionally, the inconsistencies in the two previous zoning ordinances could create hurdles to the comprehensive development of the parcel in the future.

**Zoning Considerations**

The subject parcel is surrounded on all sides by residential zoning, with R-1 to the north, R-2 to the west, and residential planned districts to the south and east. These planned districts house both two-family and multi-family developments. Given the property was rezoned to C-P by way of the two previous rezoning actions, Columbia Imagined designates these properties as lying within the

commercial district, which is defined by the comprehensive plan with the following description.

*“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 as supporting uses within the district. Most of the retail uses in this district depend on auto or transit access to and from major roadways to support and sustain their business activity.”*

The subject parcel lies at a significant transportation node created by the intersection of Ballenger and Clark Lanes. Both streets are classified as arterial roadways and lie on the Columbia Public Transit ‘Blue Route’, providing access from the site to stops along Clark Lane, Paris Road, and to the main bus terminal located downtown. Commercial development on the subject site would serve the surrounding residential areas, with potential pedestrian or transit oriented uses, in a location that is currently underserved. Staff believes that the commercial designation by the comprehensive plan, as well as the current planned commercial zoning is appropriate given these considerations.

Considering the existing commercial zoning entitlement permitting many C-3 uses, the current request to rezone to M-N appears at a glance to be a downzoning in terms of permitted uses. However, there are a number of presently excluded uses that would be permitted in the M-N, whether as a product of shifting use definitions or by the open zoning. Additionally, some uses excluded in the original ordinances could be permitted pursuant to the issuance of a conditional use permit (CUP). For instance, billiard halls and bowling alleys are prohibited by the current zoning, but are categorized in broader use definitions in the UDC. These uses would be considered ‘indoor recreation or entertainment’, which is a permitted M-N use in the UDC. Similar M-N uses that are currently prohibited on the property include armories (public service facilities), process laboratories, trade schools, and laundromats (personal services). Uses that could be permitted by CUP include car washes and auto repair facilities (light vehicle service or repair), assembly or lodge halls, bars and nightclubs, halfway houses, and mortuaries.

CUPs are processed in a similar manner as rezoning actions, with public notice and a hearing before the Planning Commission. Council then has the final authority to grant the CUP, just as they do with a rezoning and development plan approvals. Therefore, these types of uses which were previously deemed inappropriate would still require additional approvals under the proposed M-N zoning before being permitted. Staff does not believe the M-N uses excluded by the existing planned district (indoor recreation, public service facilities, personal services, etc...) would create any significant impacts to adjacent properties if they are permitted by the rezoning to M-N.

## **Conclusion**

Given the surrounding residential land uses, a relative lack of neighborhood-scale service providers, and consistency with the comprehensive plan’s goals and objectives for nodal development, staff believes that M-N zoning in this location is appropriate. Staff also believes that the additional permitted uses under the M-N do not pose any detriment to the contextual uses and would likely serve to provide services that are potentially lacking in the immediate area. Furthermore, staff believes that the oversight lost by allowing the site to become governed by open zoning does not present significant concerns given the most intrusive uses would still require approval of a CUP.

Finally, the subject site has remained undeveloped since its second rezoning in 1999 and this may be signal that the application of planned zoning is an impediment. Staff further believes, given the development code changes in 2017 to enhance neighborhood protections and buffering, that development of the site as an “open” zone will not overwhelm or result in significant incompatibilities with the existing developed environment. The change in zoning is seen as a way to make more

productive use of the land without any inherent increase in its previously approved development intensity.

### **RECOMMENDATION**

Approval of the requested rezoning to M-N.

### **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator Maps
- 1996 Rezoning Map & Ordinance
- 1999 Rezoning Map
- Exhibit A to 1999 Rezoning Map

### **SITE CHARACTERISTICS**

<b>Area (acres)</b>	10.8 acres
<b>Topography</b>	Generally sloping to South, drainage channel south-central to site
<b>Vegetation/Landscaping</b>	Generally wooded
<b>Watershed/Drainage</b>	Perche Creek
<b>Existing structures</b>	Home & garage at 1414 Ballenger Lane

### **HISTORY**

<b>Annexation date</b>	1969
<b>Zoning District</b>	PD (was C-P w/ C-3 uses, exceptions)
<b>Land Use Plan designation</b>	Commercial
<b>Previous Subdivision/Legal Lot Status</b>	Land in limits, not a legal lot

### **UTILITIES & SERVICES**

Site provided with all City services.

### **ACCESS**

<b>Ballenger Lane</b>	
<b>Location</b>	Along the west side of property
<b>Major Roadway Plan</b>	Major Arterial (Unimproved and City maintained); 53' half-width required
<b>CIP projects</b>	None
<b>Sidewalk</b>	Required

<b>Clark Lane</b>	
<b>Location</b>	Along the south side of property
<b>Major Roadway Plan</b>	Minor Arterial (Improved and City maintained); 50' half-width required
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks existing

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	McKee Street Park
<b>Trails Plan</b>	Hominy Trail
<b>Bicycle/Pedestrian Plan</b>	None

**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 19, 2022. Eighteen postcards were distributed.

Report prepared by Rusty Palmer

Approved by Patrick Zenner