

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
January 19, 2023**

SUMMARY

A request by A Civil Group (agent), on behalf of RB34LLC (owner), seeking approval of a rezoning from R-MF (Multi-family Dwelling) to PD (Planned Development), a PD Plan, and various statements of intent containing multi-family and office uses. The approximately 2.76-acre property is located at the southeast corner of Balboa Lane and Sieville Avenue, approximately 500 feet south of El Cortez Drive, and includes the addresses 3416 & 3418 Balboa Lane and 202 Sieville Avenue. **(This request was previously tabled at the December 22, 2022 public hearing)**

DISCUSSION

This request was previously discussed and tabled at the Commission's December 22nd meeting to allow time for the applicant to address staff comments. The applicant is requesting to rezone a single tax parcel (16-911-00-03-051.00 01) from R-MF (Multi-family Dwelling) to PD (Planned Development). The applicant's intent is to resubdivide the property into four lots. Lots 101 and 104 would be created to facilitate property transfer of existing non-conforming structures. Lot 102 would be created as a residential-infill lot for future development. Lot 103 would be created to allow an existing structure to be legally repurposed for offices and accessory storage.

Background

The site is located on the southern frontage of Sieville Avenue and Balboa Lane. Several multi-family structures, including those existing on proposed Lots 101 and 104, were constructed between 1968 and 1977 as indicated by aerial photography. All of these structures share the same architectural features and are 3-story structures containing 24 dwelling units each with the exception of one 2-story structure located immediately to the west of the subject site.

The two existing multi-family structures located on proposed Lots 101 and 104 which take direct access from Sieville and Balboa Lane. These structures contain several legal non-conforming site features given the structures were constructed approximately 50 years ago. Improved lots with legal non-conforming structures and/or site features may continue in use or be transferred to others provided no non-conformities are expanded/exacerbated pursuant to Section 29-6.5 of the UDC (Nonconformities). These non-conforming structures have been included in the PD rezoning request and must be evaluated against the existing UDC regulations and any additional PD restrictions that are imposed.

The remaining existing structure on the site is located on proposed Lot 103 which presently takes access from Balboa Lane via a shared drive with Lot 104. This lot was improved with tennis courts at the time the aforementioned multi-family structures were developed. After 1980, the courts were replaced with a single-story, maintenance building that served the adjacent properties. A two-story, attached addition was constructed sometime between 1994 and 2002. This structure remains today and is currently used for storage no longer accessory to the multi-family uses on the same parcel. The current uses within this structure are not permitted uses within the R-MF zoning. As such, the applicant is proposing to rezone this lot to provide a legal path for adaptive reuse of the existing structure. This structure has non-conforming site features.

The applicant has elected to request eight, whole or partial, design exceptions relating to the existing nonconformities. Design exceptions are a type of variance permitted by the UDC to grant relief to the

standards required by Article 4 (Form and Development Controls) of the UDC. Typically, variances require Board of Adjustment approval; however, design exceptions may be requested as part of a PD review and approval process. The design exceptions sought by the applicant are individually discussed further in the report below.

Rezoning and Statement of Intent

The subject site currently contains the exact maximum amount of dwelling units permitted under the R-MF zoning. Staff notes that individually replatting Lot 102 would create non-conforming uses regarding dwelling unit density for the structures on Lots 101 and 104. The intent to reuse the existing structure on Lot 103 for commercial purposes can only be accomplished via a planned development. This could allow limited commercial uses and address specific site features on a constrained site through the required site plan that would not otherwise be required with open zoning.

The site is zoned R-MF and sits adjacent to intense commercial development located within M-C (Mixed-use Corridor) and M-N (Mixed-use Neighborhood) zoning districts that adjoins an important commercial node at the intersection of Nifong Boulevard and Providence Road. The site also is bounded on the east by the Providence Outer Road and South Providence Trail; the Nifong Shopping Center to the south, zoned M-C and M-N, and the aforementioned similar multi-family structures to the west and north as well as duplexes under R-2 zoning across Sieville Avenue to the northwest. Properties to the northwest, beyond this commercial node, are interior to the surrounding single-family detached residential neighborhood and are zoned R-1. The neighborhood is also supported by recently renovated (CIP #1657) neighborhood park, Rock Bridge Park, located ¼ mile west. See attached surrounding zoning graphic for more zoning details

Staff finds the applicant's intent, existing site constraints, and adjacent zoning to be factors that sufficiently fulfill the intent and purpose of the PD zoning district. Staff generally supports PD rezoning for these reasons.

The Statements of Intent (SOIs) for Lots 101, 102, and 104 would entitle the site to more dwelling units than allowed by the standard restrictions of the current R-MF zoning district. Currently, the 2.76-acre R-MF tract permits one (1) dwelling unit per 2,500 square feet of lot area. Based on this standard, a maximum of 48 dwelling units would be allowed which is what exists on the site today. The applicant seeks approval to construct 6 additional dwelling units on the overall site which would be located within a new structure on the proposed Lot 102. No new development is proposed on Lots 101 or 104. A note on the PD plan indicates that development of Lot 102 is subject to a future PD plan approval. Such plan approval would require staff review and additional public hearing processes.

The 0.39-acre area proposed as Lot 102 is undeveloped and contains green space, significant trees, and a gazebo which are proposed to be removed. Given the context surrounding this parcel, the proposed area is believed to qualify as "infill" development. This lot contains sufficient area to permit a 6-unit residential structure under the R-MF dimensional standards; however, such improvement must be facilitated through a PD designation as the entire site is already capped out for maximum dwelling units permitted upon the single 2.76-acre tract.

The parcel in whole has a density of 17 dwelling units per acre (du/ac). Adjacent R-MF parcels containing similar multi-family structures range from 18 to 29 du/ac. As noted on the PD Plan, the addition of the 6 units on Lot 102 would raise the site's net density to 22 du/ac. Subdividing the parcel such that each structure is on its own lot, for future conveyance purposes, would result in the newly created residential lots containing between 15 to 31 du/ac. Proposed Lot 102 would have 15 du/ac and Lots 101 and 104 would have between 27-31 du/ac, respectively.

Staff finds that the addition a 6-unit structure would not be out of character or create any negative impacts given existing regulations within the UDC. The tract is located in an area within walking distance of several public amenities including a City trail, park, transit stops (GoCOMO Black Route), and various commercial amenities which offer walkable options for grocery shopping or employment opportunities. The goals of the City's comprehensive plan, strongly supports residential infill development where infrastructure is existing.

Uses proposed on the residential Lots 101, 102, and 104 are limited to multi-family dwellings and customary accessory uses. Dimension standards including setbacks and height are provided in accordance with R-MF zoning. Parking ratios are also provided according to the UDC's typical requirements. All lots meet or exceed the minimum requirements to maintain 15% of each lot in open space.

The SOI for the proposed commercial Lot 103 notes that no new structures are proposed and the structure will be repurposed for an office (not to exceed 4,500 square feet due to parking constraints) and accessory storage. Parking ratios and dimensional standards are provided in accordance with M-OF zoning. One design exception is requested for the front yard setback as the existing structure currently encroaches 5' into the setback. The height is proposed to be restricted to the existing building's height of 26'.

Staff finds that the proposed office use on Lot 103 is a compatible use adjacent to the existing multi-family residential property. The form of the existing structure is believed to be compatible with its surroundings and was originally constructed as an accessory structure to the adjacent residential dwellings. It's important to note that the applicant is seeking adaptive reuse of an existing building whose existing interior does not support the only permitted uses on site which are residential.

PD Plan and Design Exceptions

Lot 101 and 104 – Existing Multi-family Structures

The existing conditions of Lot 101 contain non-conformities regarding parking within required side yard (29-4.3(f)(3)(i)), parking perpendicular to the drive aisle in the side yard (29-4.3(f)(3)(iii)), excessive parking area in the rear yard (29-4.3(f)(1)(v)), and lack of a required landscape buffering on the southern property line (29-4.4(E)). The existing conditions of Lot 104 contain two of the same conditions for non-conformities regarding parking within the required side yard (29-4.3(f)(3)(i)) and parking perpendicular to the drive aisle in the side yard (29-4.3(f)(3)(iii)) on the southern property line.

Lot 101 has no proposed changes to the existing site and the only modification proposed to Lot 104 is the removal of 6' of asphalt so that a design exception for an existing condition doesn't have to be requested. Site work will result in less parking and installation of parallel parking stalls that will be restriped in place of existing stalls. Staff notes that both Lot 101 and 104 have parking exceeding the minimum requirements. Staff recommended that reducing excessive parking be applied to both lots where parking areas were creating non-conformities in the side-yards so that excessive impervious surfaces could be removed and the sites be brought further into compliance with the UDC.

Parking surface within the required rear yard is permitted up to 30% of the rear yard area or 500 square feet whichever is greater. Currently, Lot 101 contains 4,650 sq. ft. of parking surface which is significantly more than what is presently allowed. Additionally, this parking area covers an area that would otherwise require a landscaped, vegetative buffer. Rather than request two design exceptions, staff recommended reducing parking to the minimum required and replacing conflicting parking with open space or other vegetative features which would satisfy the landscaping requirements.

In response to staff's recommendations, the applicant has indicated that no new development is proposed on these sites and they do not wish to conduct expensive site work in addition to removing parking that existing residents rely upon. The applicant proposes that the design exceptions be permitted for the existing conditions and have offered a "voluntary" condition that should the buildings be removed, all design exceptions would expire and new development would be required to conform to the standard requirements of the UDC.

Staff maintains that excess parking may not be necessary in such an environment when considering infill development and that there would be other benefits provided to the residents and the community by increased landscaping and reduced impervious surface. However, staff respects the assertion that no new development is proposed on these lots and accepts the condition that all design exceptions will expire with redevelopment thus bringing the site into compliance with the UDC at that time.

Lot 102 – Future PD Plan

Lot 102 is not proposed to be developed at this time. A future PD plan undergoing a major PD amendment will be required in the future. The site currently contains a gazebo which will be removed along with three existing significant trees.

Lot 103 – Repurposed Commercial Structure

Lot 103 contains an existing structure whose footprint will not be expanded. The existing structure presently takes access from Balboa Lane through a residential neighborhood. With opening this lot up to a commercial use, the applicant will remove this access and create a new primary access on the Providence Outer Road which staff strongly supports. Parking stalls will be added for ADA accessible spaces.

A level 3 landscaping buffer is required on both the northern and western property lines of Lot 103. This is being provided on the western edge adjacent to Lot 102, but a partial design exception is requested for the boundary adjacent to Lot 104. There is currently not enough space to provide for a full level 3 buffer which includes a 10' wide vegetative buffer and 8' tall screening device. The applicant is requesting a partial design exception to allow a 7' buffer. The applicant is providing additional clustered evergreen trees to meet or exceed the screening requirement which is supported by staff. There are existing trees lining this property edge which will serve as screening. However, some of these trees are invasive (they out-compete native plants for space and resources) and will be removed which was specifically recommended and supported by the City Arborist.

The applicant has requested two design exceptions for the existing structure encroaching into the typical 25' front yard setback (29-4.1(2)) and a partial waiver for a reduced 7' landscaping buffer discussed above (29-4.4(E)).

Staff supports the partial waiver for landscaping as the applicant has worked with the Arborist to maximize screening and buffering within narrow constraints of existing site features. Staff does not believe this partial waiver for reduced screening will cause adverse impacts on adjoining properties. The structure encroaching into the front yard setback is another existing site feature. Staff supports this design exception given the existing structure, if removed, would be subject to the "voluntary" condition that all design exceptions will expire with redevelopment.

In this case, the proposed offices will be located inside an existing ~9,000 sq. ft. structure and limited to no more than half of existing structure due to parking constraints. The structure has been used for storage and was originally constructed as an accessory use for the adjoining properties. The applicant proposes signage to what would be allowed in the M-OF zoning district and proposed a height

restriction that is commensurate with M-OF zoning. Access is being redirected from occurring internally within the neighborhood to an outer road that serves other commercial properties. Additionally, the applicant proposes the “voluntary” condition that all design exceptions will expire with site redevelopment.

Other Considerations

The proposed development plan serves as the preliminary plat and meets the minimum requirements of the UDC regarding subdivision standards. No additional right-of-way dedications are needed for any of the street frontages. The standard 10’ utility easements are shown on the plan and existing utility infrastructure is in place to serve the site.

Sidewalks are required along the Balboa Lane, Sieville Avenue, and Outer Road frontages. The applicant is proposing to construct the sidewalk along all street frontages. Sidewalk along Balboa Lane and Sieville Avenue will be constructed with development of Lot 102 and sidewalk along the outer road will be constructed with the development of Lot 103.

Relevant internal staff and external agencies have reviewed the proposed PD plan and find that, with the exception of the requested design exceptions, it meets the technical requirements of the PD district and the UDC.

RECOMMENDATION

Approve the requested rezoning, statements of intent, PD Plan to be known as *Rockbridge Condominiums*, and the associated design exceptions with the following condition:

- *Should any building on an individual lot be removed, all design exceptions shall expire with new development on that lot.*

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- Surrounding Zoning Graphic
- PD Plan
- Statements of Intent, Lots 101-104

SITE CHARACTERISTICS

Area (acres)	2.76
Topography	Flat
Vegetation/Landscaping	Wooded species on property boundaries and on Lot 102
Watershed/Drainage	Mill Creek
Existing structures	Three: two 24-unit multi-family structures and an office/storage building

HISTORY

Annexation date	1966
Zoning District	R-MF
Land Use Plan designation	Neighborhood
Previous Subdivision/Legal Lot Status	Parts of Lots 1-6 of Rockbridge Subdivision Block IV

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia.

ACCESS

Balboa Lane / Sieville Avenue	
Location	Northwest
Major Roadway Plan	Local Residential
CIP projects	None
Sidewalk	None, required with development

Providence Outer Road	
Location	East
Major Roadway Plan	Local, non-residential
CIP projects	None
Sidewalk	None required with development. Existing sidewalk directly south.

PARKS & RECREATION

Neighborhood Parks	Rock Bridge Park, 1,100' west; Highpointe Park, ½ mile
Trails Plan	Existing South Providence Trail directly east
Bicycle/Pedestrian Plan	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 December 5, 2022. 16 postcards were distributed.

Report prepared by Brad Kelley

Approved by Patrick Zenner