

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
July 18, 2024**

SUMMARY

A request by A Civil Group (agent), on behalf of Dan and Audrey Barraco (owners), seeking approval to rezone 4.82 acres from the R-1 (One-family Dwelling) district to the M-OF (Mixed Use - Office) district. The subject property is addressed as 4414 Smith Drive and is directly south of the intersection of Dayspring Drive and Smith Drive.

DISCUSSION

The applicants are requesting approval to rezoning their 4.82-acre site located at 4414 Smith Drive from R-1 to M-OF. The subject site is surrounded by M-C (Mixed-use Corridor) and M-N (Mixed-use Neighborhood) zoning to the east, R-1 zoning to the south and west, and M-C/R-MF zoning districts north of Smith Drive.

Requests for zoning map amendments are evaluated from several perspectives, including the history of zoning on the parcel, the surrounding zoning and land use mix, and how the requested zoning correlates with the Comprehensive Plan and its future land use designation. The Comprehensive Plan identifies the subject parcel as being within the “Neighborhood District” land use category, which is reflective of the current R-1 zoning.

The requested zoning district is considered consistent with the “Neighborhood District” designation for the property as shown on the Future Land Use Map within Columbia Imagined. The neighborhood district is intended to accommodate a broad mix of residential uses, and supporting, small-scale commercial uses. The M-OF district permits all residential uses and limited commercial uses such as personal services and financial institutions, which would be consistent with the neighborhood district designation. The defined intent of the M-OF district is to provide for professional, administrative, corporate, and other offices and similar low-impact non-residential uses which may potentially serve as a buffer area between residential and more intense nonresidential uses.

As mentioned above, there is a mix of zoning surrounding this site, particularly to the east and north of the site. These parcels were previously part of Planned Development Districts, both called Westbury Village, and contained a mix of designations between PUD, O-P, and C-P. The PUD plan was approved in December of 2000, and the O-P and C-P plans were approved in April of 2001; however, were never developed. In early 2019, these lots were rezoned to open zoning districts of R-MF, M-N and M-C, voiding the governing planned district ordinances as a means of increase flexibility of development on the site. A preliminary plat was approved concurrent the rezoning request in early 2019 and a final plat was approved in May of 2019.

There are three parcels abutting the eastern edge of the subject site, of which two are zoned M-N and one is zoned M-C. The M-C zoned parcel abuts the southwest corner of the intersection of Smith Drive and Scott Boulevard and the M-N zoned parcels are stacked south of that. These lots are heavily encumbered by a type II stream buffer & conservation easement providing a transitional buffer to the residential lots on the western edge of these three parcels. The preliminary plat for these lots also included a development agreement which contained relevant off-site street network improvements on Smith Drive as well as turn lanes on Scott Boulevard from Faurot Drive and Smith Drive. It is important to note, the commercial lots within Westbury Village are bounded by streets on all sides.

The requested rezoning to M-OF would also be mostly consistent with desirable nodal development patterns. It would lie entirely within a marketplace service area, with the “marketplace” node being the M-C zoned properties northwest of the intersection of Smith Drive and Scott Boulevard. The designation of this node as “marketplace” was contemplated during a rezoning of multiple parcels to the north and east of the site to M-C, M-N and R-MF in 2019.

The nodal designation appears to remain appropriate today, as the “marketplace” has controlled access onto arterial streets, an internal street network which creates a boundary between the residential uses and the marketplace uses, and the amount of leasable area for commercial purposes (~75,000 SFT presently) which is within the recommended range of 30,000 to 100,000 SFT. A marketplace service areas encompass a ½-mile radius. The M-OF district, which permits all residential zoning types, may be consistent for the service area of this node and may act as a stepping stone down in terms of intensity of use from the marketplace node leading into the R-1 zoned subdivisions further to the west and south.

While the rezoning of this site to M-OF would be consistent with the Comprehensive Plan’s designation of this area and its nodal designation, it is viewed as consistent with the surrounding residential subdivisions south of Smith Drive. While it may be argued that rezoning of the subject site could serve as a transitional buffer between the more intense M-C and M-N uses to the east, which all abut Scott Boulevard, the natural buffer provided by Goodin Branch presently accomplishes this for commercial uses.

Furthermore, south of Smith Drive, lots are overwhelmingly zoned for exclusively residential purposes. Of lots which are south of Smith Drive, only lots which have frontage on Scott Boulevard (and one landlocked lot owned by the City that is zoned M-BP) are zoned in non-residential districts that permit non-residential development. However, as the bulk of the lots surrounding this site are already developed (or have a more intense zoning classification), concerns of zoning creep are minimal.

Staff’s apprehension with rezoning to M-OF is based on the potential increased intensity of uses the open zoning classification could permit and the inconsistency this would create with the surrounding land use mix south of Smith Drive. There is no limit to the number of uses/structures that may be on the site, but it is inherently limited by building code/parking and setbacks. Some M-OF uses that are permissible by-right have no use-specific standards and may be inconsistent with the abutting parcels to the south and west. Given the restrictive nature of the R-1 district, many new uses would be available to the site if it were rezoned to M-OF.

On the following page is a table including a list of uses permissible in M-OF by-right that are **not** permissible by right in R-1. If a use specific standard exists, it is bolded in parenthesis in the second column. Trip generation projections on weekdays as derived from the 9th Edition of the ITE Trip Generation Manual are shown in the third column for relevant uses. For reference, Single family, detached dwelling units, create 9.52 trips per weekday per dwelling unit.

New Uses	Use Specific Standard	Trips Generated (per dwelling unit or employee)
Urban Agriculture	(p)	
Residential Care Facility		
Research and Development Laboratory	(u)	
Public Utility Services, Minor		
Office		3.32/employee
Museum or Library		
Hospital		
Higher Education Institution	(l)	
Group Home, Large	(g)	
Family Day Care Center	(j)	
Dwelling, Two-family		
Dwelling, One-family Attached	(b)	5.81/unit
Dwelling, Multi-family	(d)	6.65/unit
Dwelling, Live-work	(c)	
Dormitory/Fraternity/Sorority		
Continuing Care Retirement Community	(f)	2.40/unit
Consumer Lending Institution		
Commercial or Trade School	(t)	
Boarding House		
Bank and Financial Institution		
Adult Day Care Center		

Ultimately, as the nature of development south of Smith Drive is nearly entirely single family residential, a rezoning of nearly 5 acres of land to M-OF may result in incompatible uses. This site lies more in the marketplace service area than the marketplace node. The Westbury marketplace node is already nearing the recommended maximum amount of leasable square footage for a marketplace of its nature (100,000 SFT, at the intersection of an arterial and collector), with a sizeable amount of the land on a couple of the lots still being vacant. Adding more office/commercial uses to this area is already possible, and Westbury is more suitable for this type of development/use as it is entirely bordered by a street network, than anything south of Smith Drive not abutting Scott Boulevard would be.

To address the fact that this area is certainly in proximity to a neighborhood marketplace which encourages increased density, and to satisfy the infill density goals of Columbia Imagined, R-MF would be considered an acceptable rezoning alternative if the applicant were willing to consider a revising their application. To contrast with the table above, on the following page is a table illustrating the uses available in R-MF by right that would not be available in R-1 by right.

New Uses	Use Specific Standard
Higher Education Institution	(l)
Group Home, Large	(g)
Family Day Care Center	(j)
Dwelling, Two-family	
Dwelling, One-family Attached	(b)
Dwelling, Multi-family	(d)
Dormitory/Fraternity/Sorority	
Continuing Care Retirement Community	(f)
Boarding House	
Adult Day Care Center	

The maximum unit density on the site, if it contained the multifamily use, would be 84 dwelling units (~209,960 SFT on site, 2,500 SFT required per dwelling unit in multifamily). This does not consider buffering, setbacks, or parking requirements which would likely limit this. Westbury Flats, for example, which is the multifamily development north of Faurot Drive abutting the Kings Grant Subdivision and Scott Boulevard, is of similar size (~185,000 SFT) and could contain a maximum of 74 units, but only developed 60 units. This results in a unit density of 14 units per acre, where single family residential maximum density targets in neighborhood districts, per the Appendix of Columbia Imagined, are 5.5 units/acre, for contrast.

While the site would still be subject to screening and buffering requirements, as well as neighborhood protection standards, as it borders R-1 zoned land, the crux of rezoning the site to M-OF would permit development 10 feet higher than R-MF “by-right” and could result in increased dwelling unit density although such density would be constrained by setbacks, and parking/buffering requirements. R-MF lots that have an enhanced 15-foot side yard setback (normally only 10-feet) when a height of 45-feet is sought and are also subject to neighborhood protection standards. The side yard setback for M-OF is only 10-feet, so the additional side yard setback in the R-MF if 45-foot structures were constructed, provides greater protection for residents to the south and west while still being subject to the same neighborhood protection standards and screening and buffering.

Provided this, staff believes R-MF, which still accomplished the goals of the Comprehensive Plan, notably promoting density and subsequently walkability nearby marketplace nodes in the neighborhood district designation, would be an appropriate zoning district for this site. There is presently a striped ADA crosswalk with a pedestrian refuge island by Dayspring Drive which may facilitate pedestrian movement to the marketplace node from this site adequately, as well as speed tables west of the crosswalk.

Any development that results in trip generations greater than 100 trips in and out of the development site at peak hour are required to submit a transportation impact study (TIS), which will be used to inform requisite transportation improvement projects and mitigate impacts of the new development. Although the subject site has not been final platted, as it is an R-1 lot described by metes and bounds with recorded instrument prior to annexation, the lot presently has legal lot status. If it is rezoned to M-OF and the site is to be developed, it must first be preliminary and final platted, as the lot would lose its legal status. However, if rezoned to R-MF, no platting would be required if a building permit is requested.

Attached to this report are the locator maps, zoning graphic, and correspondence from the public regarding this case.

CONCLUSION

At the time of this report, the applicant had not indicated a specific use or prospective tenant for the property that could be used to justify the necessity for rezoning the acreage to the requested M-OF. While M-OF uses may be supported by the comprehensive plan in some aspects, R-MF is deemed more appropriate if more intense zoning is requested based on the intensity of the surrounding land uses and the history of rezoning actions surrounding the site.

The proposed rezoning to M-OF has been reviewed by staff and external agencies and has been found to be incompatible with the adjacent zoning and land uses, and is believed to not be appropriate for the property.

RECOMMENDATION

Denial of the M-OF zoning map amendment.

Alternatively, if believed appropriate and supported by the applicant, the Planning and Zoning Commission could recommend approval to rezone the parcel to R-MF, which is consistent with the adjacent zoning, land use patterns, and comprehensive plan.

ATTACHMENTS

- Locator Maps
- Zoning Graphic
- Public Correspondence

SITE CHARACTERISTICS

Area (acres)	4.82 acres
Topography	Sloping down to south/southeast
Vegetation/Landscaping	Mostly cleared yard
Watershed/Drainage	Merideth Branch
Existing structures	1 Home, 1 Shed

HISTORY

Annexation date	1991, 1994
Zoning District	R-1
Land Use Plan designation	Neighborhood District
Previous Subdivision/Legal Lot Status	Legal lot

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia (extension required)
Water	City of Columbia
Fire Protection	City of Columbia
Electric	City of Columbia

ACCESS

Smith Drive	
Location	Northern edge of site
Major Roadway Plan	Neighborhood Collector
CIP projects	N/A
Sidewalk	Existing on edge of site

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 property owner letter on July 2 of the pending action. An ad was placed in the Columbia Daily Tribune on July 2, advertising the public hearing relating to the zoning of the property.

Notified neighborhood association(s)	Stoneridge, Rothwell Heights, Quail Creek, Quail HOA
Correspondence received	Attached: Multiple emails from concept review and after formal application for rezoning submitted

Report prepared by David Kunz

Approved by Patrick Zenner