

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
July 20, 2023**

SUMMARY

A request by A Civil Group (agent), on behalf of Columbia II, LLC (owner), for approval to rezone 8.21 acres of property from the PD (Planned Development) district to the R-MF (Multi-family Dwelling) district. The subject site is located southeast of the intersection of Sinclair Road and Southampton Drive and is address as 1990 Southampton Drive. **(Case # 193-2023)**

DISCUSSION

The applicant is seeking to rezone 8.21 acres of developed property, located southeast of the intersection of Southampton Drive and Sinclair Road, from PD to R-MF. The subject property was zoned PUD-8 upon annexation in 1999, by Ordinance # 015939. The property then underwent a number of zoning modifications, including a 2012 rezoning to PUD 10.5, a 2014 development plan approval and rezoning to O-P (Planned Office), a major plan revision in 2016, as well as a number of minor plan amendments. The current statement of intent allows all permitted uses in the R-3 district, which is comparable to the current R-MF district, with the additional residential care facility use.

The current PD plan contains a continuing care retirement center (CCRC), which contains a total of 12 buildings which are fully constructed on the site. All public improvements are completed and all infrastructure is in place. The facility has been in operation for approximately 8-9 years. At this point the applicants wish to rezone the property to an open R-MF zone in order to remove the development plan approval requirement for modifications to their property.

Since the original development plan was approved in 2014, relatively minor modifications to the site have resulted in four plan amendments, requiring review and approval by staff and/or City Council. The applicants have not indicated that they plan on making any significant modifications in the future and their ability to do so would be hampered by the extent the property is already developed. Therefore, impacts to the nearby properties anticipated from future development potential on the subject property are limited.

When evaluating a request to rezone out of the PD classification, staff reviews the zoning history to determine what additional requirements, above and beyond what is typically required, were included; and then compares those with the protections that are included in the current UDC to determine if there is value in maintaining the planned district. Additional restrictions can include a tailored list of uses, additional setbacks, height restrictions, and landscaping enhancements. No additional restrictions were considered with the approved zoning, except for the permitted uses outlined in the statement of intent (SOI).

The uses permitted by the active SOI include all R-3 uses and residential care facilities, which were only permitted in the O-1 zoning district in 2014. Since adoption of the UDC in 2017, residential care facilities have been more-narrowly defined and are not consistent with the operating characteristics of the Americare facility on the subject site. The facility located on the subject site is considered a 'Continuing Care Retirement Community (CCRC)' which was not a defined use in the zoning code in 2014. This use; however, is now allowed "by-right" in the R-MF district subject to conformance with the use-specific standards found in Section 29-3.3(f) of the UDC. These standards require CCRCs to be planned and constructed as a unified development, under one ownership, compliant with the height and

area requirements of the R-MF district, and buffered from adjacent properties with a 25-foot perimeter setback on all property boundaries.

The uses permitted within the current SOI are rather restrictive considering the site's original Planned Office (O-P) designation given that residential care facilities were the lone non-residential use permitted and no other O-1 (generally professional office) uses were allowed. Typically, a request to rezone from PD to R-MF zoning would be considered a downzoning; however, given the limited non-residential uses permitted by the current SOI that is not the case. This request could be viewed as being almost equivalent to the current PD less the need for a development plan. In fact, the R-MF district now only permits uses found in the 'Residential Uses' and 'Public & Institutional Uses' land use categories of Section 29-3.2 of the UDC; with many further requiring a conditional use permit (such as residential care facilities).

The Comprehensive Plan identifies the subject site as being located within the land use category of 'Neighborhood District,' which is intended to provide for a mix of housing types and some low-intensity supporting commercial functions. The addition of a CCRC into the R-3 (now R-MF) district was viewed as a compatible residential use within a district that otherwise permitted multi-family development.

The Americare facility is believed consistent with the comprehensive plan's existing land use designation and staff does not anticipate any significant risk to neighboring properties with the loss of development plan oversight given the site is essentially fully built out. The requested R-MF zoning is largely consistent with the approved statement of intent as well as the existing site context. While rezoning to R-MF would allow for the potential redevelopment of the site with uses captured within the land use category of 'Public and Institutional Uses', an expansion of what is currently permitted, it is staff's belief that these uses are not incompatible with the surrounding land use pattern and would, if developed, compliment what is presently developed.

RECOMMENDATION

Approval of the requested rezoning to R-MF.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Rezoning Exhibit

SITE CHARACTERISTICS

Area (acres)	8.21 acres
Topography	Slopes generally from east to west
Vegetation/Landscaping	Developed, with landscaping and turf
Watershed/Drainage	Hinkson Creek
Existing structures	Americare CCRC

HISTORY

Annexation date	1999
Zoning District	PD (Planned Development)
Land Use Plan designation	Neighborhood District
Previous Subdivision/Legal Lot Status	Legal lot

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	City of Columbia
Fire Protection	City of Columbia
Electric	Boone Electric

ACCESS

Southampton Drive	
Location	Along the north side of property
Major Roadway Plan	Neighborhood Collector
CIP projects	None
Sidewalk	Constructed

Sinclair Road	
Location	Along the west side of property
Major Roadway Plan	Major Collector; no ROW required
CIP projects	None
Sidewalk	Constructed

PARKS & RECREATION

Neighborhood Parks	None within ½ mile
Trails Plan	None adjacent to 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 June 30, 2023. Property-owner letters were distributed to twenty-two neighboring property owners, and an advertisement was placed in the Tribune on July 5, 2023.

Report prepared by Rusty Palmer

Approved by Patrick Zenner