

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
March 10, 2022**

SUMMARY

A request by McClure Engineering Co. (agent), on behalf of Legacy Investors Group, LLC. (owner), for a conditional use permit (CUP) to allow 'Mechanical and Construction Contractors' on a 4.41-acre site currently zoned M-C (Mixed-use Corridor). The property was previously improved with a landscaping service. The subject site is located approximately 250' northwest of Bearfield Road on the north frontage of S. Old 63 and is commonly addressed as 3100 S. Old 63. **(Case # 96-2022)**

DISCUSSION

McClure Engineering Co. (agent), on behalf of Legacy Investors Group, LLC. (owner), is requesting a conditional use permit (CUP) to allow 'Mechanical and Construction Contractors' on a 4.41-acre site currently zoned M-C (Mixed-use Corridor). The applicant has indicated that an interested parties meeting was held with the neighborhood and adjoining HOA on March 2, 2022 (minutes attached) to discuss the proposal.

Property to the west is zoned R-MF (Multi-family Residential) and improved with the Campus Lodge student housing complex. Property to the north is zoned R-1 (One-family Dwelling) and improved with multiple single-family structures. Properties to the east are zoned M-C improved with an office building and Olympic Pool facility. Property to the southeast is zoned R-MF and contains a Centurytel radio tower.

The property was previously improved with a landscaping facility as recently as 2007 based on aerial photography. 'Landscaping services' and their related storage and contracting facilities are permitted in M-C subject to use-specific standards. However, 'Mechanical and construction contractors' are a CUP in M-C given their potential to create adverse impacts upon neighboring properties. Staff notes that landscaping facilities and construction contractors are similar land uses. CUPs are evaluated based upon six criteria found within Section 29-6.4(m) of the UDC. CUPs may be conditioned to ensure that uses are cohesively integrated into their specific environment.

This site is zoned M-C (Mixed-use Corridor) and is in the process of being improved with a facility to contain Lanier Landscaping. The proposed facility would contain ~14,100 square feet of floor area with 6,000 sq. ft. reserved for Lanier Landscaping and the remaining 8,100 sq. ft. being set aside for prospective 'mechanical and construction contractor' tenants. It is the owner's intent to lease the additional space and share parking and outdoor storage space. It should be noted that business licenses for the non-landscaping tenants will not be approved without first securing a CUP.

Conditional Use Permit Criteria

(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

The lot complies with all dimensional standards for M-C as required by the UDC. The M-C district is intended to allow for a broad range of commercial activities which may include semi-industrial uses in locations and scenarios where potential adverse impacts are minimized. The proposed facility will be required to comply with all landscaping, screening, and neighborhood protection standards provided by the Unified Development Code (UDC)

Landscaping services are subject to use-specific standards in the M-C zoning district. Staff finds these standards to be similarly applicable to other contractors and recommends applying these standards as

conditions. They relate to reprocessing of material on the site, screening vehicles and equipment, and restricting repair of vehicles and equipment to be conducted within a fully enclosed structure.

(B) The proposed conditional use is consistent with the city's adopted comprehensive plan

The Comprehensive Plan's Future Land Use Map identifies the site as a 'Commercial' District which is intended for citywide or regional retail uses in addition to offices, businesses, services, and high-density residential. The Plan acknowledges that regional uses within the District depend on the site's access to and from major roadways. While the Old Highway 63 Corridor contains other 'Commercial' designations, it is primarily residential. Additionally, 'Mechanical and construction contractors' may be found within both 'Commercial' and 'Employment' designations with large-scale operations being more intrusive and therefore more appropriate for 'Employment' designations.

The Comprehensive Plan also discusses supporting mixed-use and encouraging infill development for smaller-scale commercial and service businesses adjacent to neighborhoods. Specifically, the 'Support mixed-use' strategy addresses identifying service gaps for local business by integrating land uses. In this case, oversight of a site plan and specific conditions is deemed necessary to appropriately integrate the proposed use.

(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

While the site is adjacent to commercial zoning and uses, the area and Old Hwy 63 corridor is predominately residential. The rear of the site is backs into a R-1 residential neighborhood. While the proposed use is considered to be out of character, several conditions and features of the site plan are proposed to integrate the use into the area and satisfy this criterion.

The attached landscaping plan shows significantly improved landscaping including the installation of level 3 landscaping buffers adjacent to the residential property to the north and west. In addition to the buffer, portions of the northern property line contain trees and other vegetation that are viewed as more beneficial than what a typical level 3 buffer would provide by the City Arborist. Street trees and additional internal landscaping are proposed as well.

The previous, now demolished, landscaping business was set back into the lot nearer the R-1 neighborhood. The proposed structure is being located closer to Old 63 and would be set back approximately 400' from the residential structures to the north. A 1-acre outdoor storage area is located at the rear of the property and would be approximately 75' away from the nearest residential structure. Outdoor storage areas are required to be screened per Section 29-4.4(c)(9) of the UDC. It should be noted that there is an earthen berm that buffers the site from residences to the north providing additional buffering and screening benefits.

With respect to ensuring consistency with the character of the area, staff recommends placing a restriction on the maximum size of all structures containing contractors such that the use is kept to a neighborhood scale. Neighborhood protection standards apply to the site which affects building height, screening and buffering, and lighting height. These standards are intended to preserve the residential neighborhood character of established homes adjacent to mixed use districts.

(D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion

The site has access to Old Highway 63 which is a minor arterial on the CATSO Major Roadway Plan (MRP). This type of roadway is designed for mid-to-high volume traffic and provides access to retail shopping centers, neighborhoods, and employment centers which is seen as appropriate for this use. The existing driveways are to be consolidated and brought into compliance with the UDC thereby improving access.

A traffic study is not necessary given the small-scale of the development. Traffic to and from the site would likely use the roundabout located to the southeast. Public Works is currently evaluating potential improvements to the roundabout and associated truck apron.

(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

See Criteria D above regarding transportation infrastructure. All other necessary infrastructure and utilities are served by the City of Columbia. Infrastructure is sufficient to support the use.

(F) The proposed conditional use will not cause significant adverse impacts to surrounding properties.

While the proposed use of 'Mechanical and Construction Contractors' is very similar to a landscaping facility in terms of land use and potential impacts, it does have potential to create adverse impacts to surrounding properties. However, the small-scale of the site, the applicable neighborhood protections as well as other previously noted UDC standards, and recommended conditions are believed and intended to sufficiently mitigate the potential impacts that authorizing the requested CUP may create.

Conclusion

When reviewing this request, staff analyzed the list of permitted uses in the M-C zoning district and found that the proposed use is not dissimilar from uses permitted "by right" in the district; such as heavy commercial services, major vehicle repair, or tree or landscaping services when developed at a small-scale. The proposed use is sought to share a site with a landscaping facility which shares land use characteristics.

The area and corridor are predominantly residential and the proposed CUP use may be viewed as out-of-character; however, the Comprehensive Plan encourages mixed-uses and infill development for smaller-scale commercial and service business adjacent to neighborhoods. The CUP process allows for specific conditions that may be necessary to appropriately integrate those uses within their environment. Additionally, the UDC has provisions regarding landscaping, screening, use-specific standards, and neighborhood protection standards that will apply to this site.

Staff finds the request to be consistent with the Comprehensive Plan and the evaluation criteria for a CUP. When reviewing requests for CUPs, the Commission may recommend and the Council may approve additional conditions deemed necessary to carry out the provisions and intent of the UDC. It should be further noted that CUPs run with the land unless otherwise conditioned. While improvements to the site will be regulated by the UDC, staff finds that the additional conditions recommended above are necessary to mitigate potential adverse impacts.

RECOMMENDATION

Approve the requested conditional use permit (CUP) for a 'Mechanical or Construction Contractor' subject to the following conditions:

1. Development of the site shall significantly conform to the proposed site plan;
2. No grinding or reprocessing of materials or debris shall be permitted on the site;
3. Vehicles and equipment used as part of such business operations may be located on the site provided they are screened from adjoining residential property in accordance with the provisions of the UDC and are not located forward of the principal building on the site; and
4. Repair of vehicles or equipment used as part of such business shall be conducted within a fully enclosed structure.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Surrounding Zoning Graphic
- Applicant's Interested Parties Meeting Minutes
- Site and Landscaping Plan
- Public Correspondence

SITE CHARACTERISTICS

Area (acres)	4.41
Topography	Generally flat, site is raised above the properties to the east and north
Vegetation/Landscaping	Trees located throughout site and line the northern and eastern property lines. Some landscaping remains from previous business
Watershed/Drainage	placeholder
Existing structures	Concrete surface used for parking and storage of materials

HISTORY

Annexation date	1969
Zoning District	M-C
Land Use Plan designation	Commercial
Previous Subdivision/Legal Lot Status	Legal lot

UTILITIES & SERVICES

All utilities and services to be fully provided by the City of Columbia

ACCESS

Old 63	
Location	South
Major Roadway Plan	Minor Arterial
CIP projects	None
Sidewalk	Partial, required upon development

PARKS & RECREATION

Neighborhood Parks	Grindstone Nature Area – 1/3 mile NW; Rock Quarry Park – 1/3 mile SW; Nifong Park – 2/3 mile SE
Trails Plan	Grindstone Creek Trail – ¼ mile North
Bicycle/Pedestrian Plan	Key roadway to bike/ped connectivity

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 via an advanced notification postcard which was mailed on February 11, 2022. 19 postcards were sent.

Public Notification Responses	Inquiries about use and ongoing work. Concerns with noise and hours of operation.
Notified neighborhood association(s)	Bluff Creek Estates HOA, Southfield HOA, Southridge HOA
Correspondence received	One letter (attached)

Report prepared by Brad Kelley

Approved by Patrick Zenner