

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
October 20, 2022**

SUMMARY

A request by Crockett Engineering Consultants (agent), on behalf of Columbia's Woodcrest Chapel (owner), to approve the rezoning of property from A (Agriculture) to PD (Planned Development) and to approve a statement of intent and PD development plan known as the *Woodcrest Chapel PD Plan*, to allow limited additional uses of office, personal services, indoor recreation, and other uses, but with no new construction on the site, and a design exception for buffering and screening. The approximately 9.62-acre property is located at the northwest corner of Nifong Boulevard and Sinclair Street, and includes the address 2201 W Nifong Boulevard. (**Case #272-2022**)

DISCUSSION

The applicant is seeking to rezone 9.62 acres of property to PD zoning, which requires approval of a Statement of Intent (SOI) along with a PD development plan. The site is currently improved with an approximately 66,000 sq.ft. building used as a religious institution, with another 14,000 sq.ft. building located in the southwest corner of the property that was identified on the existing site plans as being used by the same organization but for indoor recreation purposes. The site also includes associated off-street parking required for these uses. A religious institution is a permitted use in the A district, as well as in all other zoning districts.

The zoning of the immediately adjacent property to the west is R-1 (One-family Dwelling), and includes the Mill Creek Crossing subdivision. To the north, an approximately 5-acre parcel is mostly vacant and zoned A. On the south side of the Nifong Boulevard, across from the subject site, the property is in the A zoning district and improved with the Mill Creek Elementary school. East of the site is additional A-zoned property, currently improved with a single-family house on a large acreage parcel. As a note, much of the property in the vicinity of the subject site is zoned A. This is due to the fact that much of it was included in a large-scale annexation of property initiated by the City that occurred in 1969, which placed large swaths of land into the A zoning district.

The site sits at the intersection of two major roadways that abut the property on the east and south sides. To the south is Nifong Boulevard, a major arterial, and to the east is Sinclair Street, identified as a neighborhood collector. The site is served with two vehicular access points, one along each adjacent roadway. The driveway along Nifong is currently a right-in/right-out access point. The access along Sinclair Street is full access, and to the north of the subject property the street is currently a terminal street, and generally residential in nature.

Rezoning

Rezoning requests are generally reviewed to ensure that the proposed zoning and its permitted uses are compatible with the surrounding land uses, that there would not be any significant adverse effect on surrounding properties, and it is not inconsistent with the comprehensive plan. In addition for PD zoning requests, the UDC states that the major objectives for a PD rezoning are:

- A. To allow for a mixture of housing types and densities located in proximity to each other.

- B. To allow for mixtures of residential and non-residential uses located in proximity to each other when any potential adverse impacts have been minimized, mitigated, screened or buffered.
- C. To provide for more usable and suitably-located common open space and amenities, including but not limited to clustered patterns of development and open space than would otherwise be provided under the city's base zone districts.
- D. To require that planned developments provide to the city amenities or benefits that help achieve the goals of the Columbia Imagined comprehensive plan (as amended) and that are not otherwise required by the base zoning districts in return for the added flexibility in uses and design offered by the PD district.
- E. To ensure that approved planned developments are efficient to administer over time.

The request to rezone the property to PD includes an SOI that outlines the uses that would be permitted on the site (item #1). The applicant is requesting a limited number of additional uses, including the continuation of the currently permitted uses. Religious Institutions, Farmer's Market, and Elementary/Secondary School uses are all permitted currently in the A district. But the SOI would expand the permitted uses to allow several that are considered commercial service in nature, such as Indoor Recreation, Office, Personal Services, and Commercial Kitchens. The SOI further restricts the allowed size of the more intensive uses in order to limit the impact on the site, the surrounding area, and the surrounding transportation infrastructure. Regarding the Commercial Kitchen use, while it is not a permitted use in the A district, it is permitted in the R-1 district as an accessory use. Many other religious institutions are located on R-1 zoned property, and in those scenarios, commercial kitchens as an accessory use would be permitted as of right.

The Columbia Imagined comprehensive plan identifies the subject site as being within the land use category of "Neighborhood", which can include the use of religious institutions. Per the comprehensive plan, Neighborhood Districts could permit a range of residential uses, as well as "a limited number of nonresidential uses that provide services to neighborhood residents".

All four of the newly requested uses are permitted within the M-N (Mixed use-Neighborhood) district, and that zoning district is generally considered as being appropriate for locations that are designated by the comprehensive plan as being within the "Neighborhood" land use designation and for sites in close proximity to residential uses. In this case, both of these scenarios are present.

In addition to the land use designations within Columbia Imagined, the Plan also includes many land use goals. The current use of the site as a religious institution can be considered as already consistent with the strategy of "Establish neighborhood scale commercial and service nodes" found within the Livable and Sustainable Communities goal. The site is providing a community service to nearby residents that is within a walkable distance.

While that goal may be achieved already, rezoning to PD may allow a broader range of services to be offered to residents, including more commercial services. There is a clear benefit to surrounding residents in providing a variety of services, especially within the same building footprint of the current structure, and as such the additional uses being proposed could be considered as enhancing the Livable and Sustainable Communities goal. The additional uses proposed will expand the potential utility of the site, and provide residents with new opportunities to access the walkable commercial node.

It is important to note that the SOI does include limits on the amount of square feet of commercial uses that will be allowed. The site includes the main building for religious services, but also a building in the

southwest corner of the property. It was constructed for church-related recreational uses and already includes a climbing wall. The conversion of this space to a commercial indoor recreational facility (which would be akin to a gym) would be permitted by the SOI, but that specific use would be relegated to the 14,000 sq.ft. building shown as Building #2 on the PD plan.

In addition, approximately 5,000 sq.ft. of interior space of Building #1 would be allowed to be utilized as 'Office' uses or as 'Personal Services', which can include uses such as barber and beauty shops. A 'Commercial Kitchen', which is often used by food trucks or and other food preparation businesses, would also be permitted up to 1,000 square feet. This will essentially allow these food preparation businesses to utilize the existing kitchen facilities within the church.

Item #4 on the SOI states the setbacks that will be required on the site. While the uses proposed are more similar to M-N zoning, which would require a 10-foot setback for side and rear yards next to residentially zoned property, the proposed setback would be 20 feet, which matches the setback for M-C zoning next to residential properties, providing an enhanced setback and is reflective of the current building setbacks.

Parking is addressed in item #5 of the SOI. The site currently has 500 existing parking spaces and no additional spaces are being added. The current parking exceeds the maximum permitted by the UDC; however, given they are existing the number in excess are considered a "legal non-conforming" site feature. In other words, the rezoning action will not require the removal of any parking spaces on site. The proposed addition of commercial uses on the site would actually bring the number of spaces slightly into greater compliance with parking requirements as the amount of parking required increases to a relatively small degree.

The open space provided on-site will exceed the standard minimum, which is 15 percent. The SOI requires a minimum of 20% of the site to be preserved in open space (item #6). The site provides slightly more than that currently. This additional requirement of open space can be considered as contributory to the PD objective (C.) mentioned previously.

PD Plan

As mentioned above, the PD plan submitted only reflects the current structures on the site. No new construction is being requested along with this request. The site currently includes two existing buildings, off-street parking and landscaping. The 66,000 sq.ft. Building #1 would continue in its current use as a religious institution, but will be allowed to incorporate potential 'Office' or 'Personal Service' uses that are listed on the SOI, to a maximum of 5,000 sq.ft. Building #2 is shown in the southwest corner of the property, and the 'Indoor Recreation' use is limited to this space only. Sufficient existing parking is provided for all potential uses.

One current site improvement that is not compliant with current regulations is the property edge buffering required to provide screening between differing land uses. Since the use of the site will now include commercial uses, the change of use to commercial would typically trigger the requirement to install property edge buffering along shared property lines depending on the zoning of the abutting property. In this case, a Level 3 buffer would be required along both the north and west property lines because the abutting property is residentially zoned.

A Level 3 buffer includes a 10-foot wide landscape strip and an 8-foot tall screening device (generally a fence). At this time, neither property line complies fully with the requirement. The applicant has requested a design exception to allow the existing landscaping that is in place to remain "as is" and to

waive the requirement to install additional materials to achieve a complaint buffer.

While the site does not completely comply with the current standards for buffering, the west property line does include some existing vegetation. A significant number of trees and undergrowth are currently present along the west side of the property, located both on the subject site and the neighboring residential properties. There is also some existing fence located on the individual residential lots. The existing buffering and screening provides a certain level of protection for the existing residents. In order to fully comply with the current property edge buffering, it is likely that some of the existing vegetation on the subject property would need to be removed to install the fence. In addition, the existing fence is not 8 feet in height, so the applicant would be required to install additional fencing in these locations as well.

In discussions with the applicant, and after viewing the site, staff's opinion is that the existing buffering and screening along the west property line provides a reasonable amount of protection for the residents, and that the nearby residents may be better served by allowing the existing vegetation to remain in place. The removal of the existing vegetation may result in less screening along the property line for some of the properties, and allowing the existing vegetation to remain may be less disruptive to the neighborhood. It is important to note that staff has not received any correspondence from residents regarding this request, and staff is open to reconsideration at the public hearing if evidence is presented to the contrary.

The north property line is a slightly different situation than the west property line. There is currently a 5-acre parcel that abuts the site to the north. It is mostly vacant with the exception for what appears to be an accessory structure and the parcel includes a significant amount of vegetative growth, including trees. The property is currently unsubdivided and zoned A (Agricultural). In this situation, there appears to be little benefit to constructing an 8-foot tall screening device, or installing additional landscaping. If the 5-acre parcel were to develop as a residential subdivision in the future, then that developer would be required to provide the same Level 3 screening at that time.

Overall, staff supports the request for a design adjustment that will essentially allow the current landscaping for the PD plan to remain as is, with one caveat. A provision is included on the PD plan that will require a Level 3 buffer to be installed in the event that the existing vegetation is ever removed. Photographs of the existing vegetation will document the existing conditions and can be referenced in the future if needed.

The PD plan also reflects the dedication of additional right-of-way along Sinclair Street (as a note, the PD plan serves as a preliminary plat as well in this case). The additional dedication of ROW would typically occur when the property is platted. However, the probability that the property will need to plat in the near future is very low, since this would typically be required prior to the development of the site with new buildings. While additional buildings could be constructed in the future, it is unlikely. In order to address this issue, staff recommended that a street easement be granted to the City, to be approved by City Council along with the PD plan. While a street easement is different from the dedication of right-of-way, it would still allow the City to construct any improvements along Sinclair Street in the future without needing to obtain a street easement at that time, which potentially would be at a cost to the City.

The dedication at this time recognizes the fact that the property was not required to plat at the time the existing building was built, given the A zoning of the site. But they are now converting it to commercial uses. Had the property been vacant, the property owner would have been required to plat and dedicate the ROW at no cost if the property was zoned for commercial uses and they intended to construct a

new commercial building.

Conclusion

This site currently provides a service to the surrounding community. It is located on nearly 10 acres of property and includes 80,000 square feet of gross floor area. Religious institutions are allowed in all zoning districts within the City, and this is due to the unique nature of these types of uses. While they

are typically located on larger parcels, they are intertwined within residential neighborhoods and are located in close proximity to them.

Introducing commercial into the building represents a significant change to that use. Prior to receiving a request to rezone this property to PD, the applicant had submitted a request to rezone all 9.62 acres of the site to M-N, but with the intent of using the property in a limited fashion, much as they are proposing with this project. However, if the entire site were M-N, then all 80,000 sq.ft. could theoretically be converted to commercial use, and additional buildings could be constructed. This raised some concerns with staff about the impacts of that much commercial use on the surrounding neighborhood, as well as to the nearby transportation infrastructure, if that scenario were to occur.

While staff did not support that request, the idea of offering some limited commercial services at this site was supported. It is viewed as being consistent with the “Livable & Sustainable Communities” goal (see below), which seeks to better integrate commercial services within walking distance of residents and neighborhoods. The limitations on the amount of commercial on the site helps provide “neighborhood scale” commercial uses.

Policy Two: Support mixed-use	Establish neighborhood scale commercial and service nodes	<ul style="list-style-type: none">• Use planning tools and decision making to locate smaller-scale commercial and service businesses adjacent to neighborhoods• Neighborhood plans should address desired locations and types of potential new businesses
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While rezoning the entire site was viewed as permitting too much commercial potential, the ability of the PD zoning to restrict uses on the site was well suited in this case. It allows “mixtures of residential and non-residential uses located in proximity to each other when any potential adverse impacts have been minimized, mitigated, screened or buffered”, which is objective (B.) of planned development zoning.

Part of what makes the site a good candidate for limited commercial uses is that it is already constructed, and was built to provide good separation (while still being accessible) from the surrounding neighborhood, versus attempting to rezone existing residential property located directly within the actual neighborhood. As there is no new construction proposed with the PD plan, impacts will be less than if a new building were to be constructed. There is existing established vegetation along the perimeter. And since the property is already used for a religious institution, the additional commercial uses will not produce dramatically more traffic, although there may be different peak times. Also important to note is that the City’s traffic engineer did not require a traffic study in this case as the additional uses were not expected to produce more than 100 trips in the peak hour.

Another factor in favor of the addition of commercial services is the lack of any commercial services in

close proximity to this site. The benefits of an infill commercial node are principally that it would provide nearby services to an area that does not have any within walking distance. In fact, the closest commercial area is nearly one mile to the east of the site, and there is no continuous sidewalk located

along the roadway. The distance between that commercial node and this site coincides with guidance in the comprehensive plan that commercial nodes should be at least one-half mile apart. While providing infill commercial uses can be very challenging to do without negatively impacting the surrounding area, and should be done in a very thoughtful and careful manner, the current proposed scenario appears to be well suited for the limited commercial uses being sought.

RECOMMENDATION

Approval of the rezoning of the site from A to PD, and approval of the *Woodcrest Chapel PD Plan*.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Surrounding Zoning Graphic
- Statement of Intent
- PD plan

SITE CHARACTERISTICS

Area (acres)	9.62
Topography	Slight slopes to west
Vegetation/Landscaping	Turf, trees along property edges
Watershed/Drainage	Mill Creek
Existing structures	Two buildings, in use for religious institution

HISTORY

Annexation date	1969
Zoning District	A (Agricultural)
Land Use Plan designation	Neighborhood
Previous Subdivision/Legal Lot Status	Surveyed tract

UTILITIES & SERVICES

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

ACCESS

Nifong Boulevard	
Location	Along the South side of property
Major Roadway Plan	Minor Arterial (Improved and City maintained); 84-100-foot full width/42-50-foot half-width required; No additional right-of-way dedication required in the future.
CIP projects	None
Sidewalk	Sidewalks partially constructed.

Sinclair Street	
Location	Along the east side of property
Major Roadway Plan	Neighborhood Collector (Partially improved and City maintained); 60-foot full width/30-foot half-width required; Additional right-of-way dedication required in the future. Street easement being granted for half-width.
CIP projects	None
Sidewalk	Sidewalks partially constructed.

PARKS & RECREATION

Neighborhood Parks	None within half-mile.
Trails Plan	Within half-mile of proposed Mill Creek trail.
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 September 2. Twenty-seven postcards were distributed.

Report prepared by Clint Smith

Approved by Patrick Zenner