

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
June 9, 2022**

SUMMARY

A request by Anderson Engineering (applicant), on behalf Sunshine Family Home Center LLC (owner), seeking approval of a major PD amendment. The intent is to allow the existing site to be used as a "Family day care center". The subject property is located northeast of the intersection of Holly Avenue and Andy Drive and is addressed 2207 Holly Avenue. **(Case #156-2022)**

(This report has been revised since the May 19th tabling)

DISCUSSION

This request was previously discussed and tabled at the Commission's May 19th meeting. The PD Plan and Statement of Intent (SOI) have been modified to revise setbacks and parking. Additionally, the applicant has withdrawn a design adjustment request which previously would have waived the requirement to construct sidewalk on Andy Drive. The applicant will now be required to construct sidewalk before a final certificate of occupancy is issued for the ongoing interior renovations unless a bond for improvements is pursued.

In 2009, the property was rezoned to O-P (Planned Office District) to allow minimal commercial activity in a residential context. Previously, the building was occupied by a church and was repurposed to be used as a funeral home. As of 2020, the building was again repurposed to facilitate a commercial day care which was not permitted per the 2009 rezoning. At this time, the owner desires to revise the SOI to legalize the current use of the property thereby resolving their zoning compliance issues with their required state licensure to operate as a child care facility.

The existing zoning was granted under a 'Simplified O-P' zoning that did not require a development plan. That option is not available within the UDC adopted in 2017. Revising allowed uses on PD zoned property constitutes a major amendment which requires concurrent approval of a Planned Development Plan (PD Plan). While a PD Plan is submitted with this application to comply with current requirements, the owner does not intend to develop or redevelop the site in any fashion. Any future development would require an additional major amendment to the planned district.

The existing zoning ordinance allows for all R-1 uses in addition to a mortuary, minus a crematory. R-1 zoning in 2009 allowed a daycare center with conditions that the subject site be the operator's private residence and the use being limited to no more than six children. Currently, the owner lives off-site and has a state license to care for a total of 39 children. This request would essentially allow a commercial daycare instead of a home-based daycare by removing these conditions. Aside from a planned district, this type of daycare would be allowed by-right in R-MF (Multi-family dwelling) or any mixed-use district. It should be noted that the 'Funeral Home' use would only be permitted by-right in M-C (Mixed-use Corridor) district.

Although daycare centers are more active throughout the week than a funeral home, their peak traffic is less impactful when comparing funeral processions to day-to-day operations of the daycare. The proposed daycare use is directly serving to the neighborhood in which it is located which is strongly supported by Columbia Imagined's policy to support Livable and Sustainable Communities. At its current scale, the daycare use is more cohesive with the surrounding residential area than other office or commercial uses. The proposed use change, at its existing neighborhood-scale, would have minimal impact compared to what is presently allowed.

The existing zoning ordinance and SOI specifically did not require design parameters for the planned district and allowed for several reduced setbacks. The proposed revised SOI carries over the 35' height restriction, minimum 25% open space requirement, and maximum building footprint. Sufficient parking is provided on site to meet the minimum UDC standards for a daycare center and is shown on the PD plan. While denoted with striping on the PD plan, no new parking areas are being proposed.

The dimensional standards and setbacks are equivalent to that of the surrounding R-1 zoning. The establishment of the 25' front yard and 6' interior side yard setbacks does create legal, non-conformities as the existing building and parking would encroach into those required yards. Any building or parking expansion would not be able to exacerbate the non-conformities pursuant to Section 29-6.5 (Nonconformities) of the UDC. Additionally, any expansion would require a major PD amendment to revise the PD plan and statement of intent.

The proposed development plan serves as the preliminary plat and meets the minimum requirements of the UDC. The existing building, parking lot, and landscaping are to remain. Sidewalks are required along both the Holly Avenue and Andy Drive frontages. The applicant is proposing to construct the sidewalk along both street frontages.

The existing facility currently has direct access to Holly Avenue. No additional right-of-way dedication for either street is required except for a corner truncation where these two streets intersect. The corner truncation and standard 10' utility easements are shown on the plan.

As no development or redevelopment is proposed, a landscape plan is not required. The 2009 ordinance established that the existing screening on the eastern property line was wooded and sufficient for a commercial property adjacent to residential which, aside from the parking setback addressed below, is still compliant with the UDC today. The northern property line requires a level 3 screening buffer containing an 8' tall fence and 10' landscape buffer. The applicant requested a partial design exception from this requirement.

As previously mentioned, the applicant is requesting a design exception to the underlying zoning requirements, which would otherwise require BOA approval if not for the PD plan request. This request is evaluated below.

Design Exception from 29-4.4(e) and Table 4-4.4: Property edge buffering

The applicant has requested an exception to the requirement that this commercial property provide a level 3 screening buffer adjacent to the residential property to the north. The level 3 buffer requires an 8' screening device and landscape buffer along the northern property boundary. The boundary currently contains a chain-link fence and 6' wooden privacy fence. The level 3 buffering requirement would require both fences to be removed and replaced with an 8' tall fence in addition to a 10' wide vegetative buffer.

As an alternative, the applicant proposes a level 2 buffer containing a 6' tall fence and 4' wide vegetative buffer. The existing privacy fence would remain but the chain-link fence would be replaced with fencing similar to what exists today. The applicant would install a 4' vegetative buffer containing planting materials consistent with Section 29-4.4(e) of the UDC.

While there is a screening benefit to the residential property in replacing the chain-link fence with a 6' screening device, there is not a significant benefit to replacing the existing 6' fence with a slightly taller fence. Vegetative buffers are required to be installed on the applicant's side of the screening device. There currently isn't enough room to provide a 10' wide vegetative buffer between the existing parking

lot and fence as the narrowest portion of this area is approximately 5' wide. There is; however, room to provide a 4' wide landscape strip which is consistent with a level 2 buffer. If a 10' buffer was required, significant site work would be required to reconfigure the existing parking lot. The proposed level 2 screening buffer brings the site further into compliance with the code and can be allowed via the design exception and PD process. Staff supports the requested design exception given the existing conditions and additional work required to accommodate the level 3 screening and buffering requirement.

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

RECOMMENDATION

Approve the requested statement of intent, PD Plan to be known as *Sunshine Early Care and Education Center*, and the associated design exception to Section 29-4.4(e) and Table 4-4.4.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- PD Plan
- Statement of Intent
- O-P Ordinance (2009)

SITE CHARACTERISTICS

Area (acres)	1.49
Topography	Generally flat
Vegetation/Landscaping	Trees lining eastern property line
Watershed/Drainage	Bear Creek Watershed
Existing structures	Church building, adapted for funeral home

HISTORY

Annexation date	1962
Zoning District	O-P (Planned Office District)
Land Use Plan designation	Employment
Previous Subdivision/Legal Lot Status	Unplatted

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia.

ACCESS

Holly Avenue	
Location	South
Major Roadway Plan	None
CIP projects	None
Sidewalk	None; Sidewalk located directly to the East

Andy Drive	
Location	West
Major Roadway Plan	None
CIP projects	None
Sidewalk	None

PARKS & RECREATION

Neighborhood Parks	Albert-Oakland Park, 1/3-mile NW; Kyd Park, ¼-mile W
Trails Plan	Existing Bear Creek Trail, 1/3-mile NW; Proposed COLT RR Trail, 900' SE
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 April 22, 2022. 32 postcards were distributed.

Report prepared by Brad Kelley

Approved by Patrick Zenner