

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
February 22, 2024**

SUMMARY

A request by hdesigngroup (agent), on behalf of Grindstone Acres, LLC, etal (owners) and Capital Land Investments and Diventures of Columbia (contract purchasers), for approval of a PD Plan and design exceptions for Lot 101 of the “*Copperstone Corner Plat 1*”, to be known as “*PD Plan - Diventures of Columbia*”. The 1.57-acre site is located approximately 530-feet southeast of the Scott Boulevard and W. Vawter School Road intersection. A concurrent final plat will confer "legal lot" status to the 1.57-acre site. **(Case # 78-2024)**

DISCUSSION

The applicants are seeking approval of the first lot-specific development plan for the Copperstone Corner PD Plan which is located southeast of Scott Boulevard and W. Vawter School Road. The Copperstone Corner PD Plan was approved in June 2023 and showed the future development of a 10-lot commercial subdivision on approximately 16-acres of land. The approved PD Plan did not illustrate lot specific development, but rather established guidelines for each lot's future improvement and specified that individual site plans would be required to be approved as lots were sought to be developed with site-specific users. Additionally, a development agreement was approved with the Copperstone Corner PD Plan which established specific on and off-site improvements/milestones for transportation infrastructure to off-set the development impacts upon the surrounding roadway network. The development agreement will be required to be executed and recorded prior to the proposed PD Plan and corresponding final plat being presented to Council for consideration.

This request is focused on what will be known as Lot 101 of Copperstone Corner Plat 1. This lot contains approximately 1.57-acres and is located southwest of the future intersection of Capital Drive and W. Vawter School Road. The subject parcel is located immediately west of the existing Addison's Restaurant addressed as 4005 Frontgate Drive. Additionally, the applicant is seeking approval of two design exceptions from the UDC pertaining to an increase in the maximum allowed parking on the site and the requirement that an entry door be facing W. Vawter School Road. These exceptions will be discussed in greater depth below. Finally, a concurrent application (Case # 81-2024) for a 4-lot final plat to be known as “*Copperstone Corner Plat 1*” will be required to be approved prior to Council's consideration of the requested PD Plan.

The attached PD Plan depicts an 8,356 sq. ft. commercial building that will accommodate “Diventures of Columbia”. Diventures is a swim and scuba aquatics training center that also will contain an accessory retail space as well as travel agency that would be used to coordinate world-wide scuba diving trips. The facility, as shown in the attached renderings, will contain a 60-ft long x12-ft deep pool, classrooms, retail floor, and changing rooms for its patrons. The design of the proposed building focuses its entry and access internally on the site with all access being provided from Capital Drive. The property is presently elevated above the W. Vawter School Road surface by approximately 18-feet. The rear of the building, facing the W. Vawter School Road frontage, will be approximately 30 to 50% transparent and provide identity to the new business. Per the applicant's correspondence, no monument signage is proposed for the development and per the overall development SOI no freestanding signage is allowed on the lot. Wall signage is proposed along the northern façade of the building which incorporates a mural depicting the types of activities occurring within the structure.

Review of the development plan finds that aside from the two requested design exceptions, the site is otherwise fully compliant with the parameters set forth within the SOI for the overall Copperstone Conner PD Plan approved in June 2023. The building footprint accounts for 12% of the total site which is 23% less than the maximum permitted. Total site impervious area (building and parking) is 66% with the remaining 34% (more than double the minimum required) being retained in greenspace. The greenspaces are improved with UDC compliant plantings which include a significant parking lot landscape screen along the site's eastern and southern boundaries with Capital Drive as well as required internal parking lot landscape features. Additionally, the site incorporates required street trees along all street frontages in accordance with the UDC.

The proposed development will be accessed by a private street network that is located within common lot C101 (as shown on the final plat) and will be subject to an irrevocable ingress/egress easement established for the benefit of all future lot owners within the Copperstone Corner subdivision. The access is compliant with the approved overall PD Plan and will also provide connection to Frongate Lane (private) to the east which connects to Frontgate Drive (public) within the Copperstone Subdivision. The private streets will be improved with a 38-foot curb and gutter roadway and 6-foot sidewalks 4-feet off the back of curb. These improvements are consistent with a "local, non-residential" street as defined in Appendix A of the UDC, except for its location within a 56-foot wide common lot versus a 66-foot platted public right of way.

As noted, the applicant is seeking two design exceptions from the UDC. The first exception seeks relief from the maximum off-street parking allowed on the site. Section 29-4.3(e) of the UDC limits parking to 200% of the minimum required. In this instance, a maximum of 42 parking spaces is permitted. The PD Plan proposes 67 parking spaces which is approximately 300% of the minimum required. The applicant's correspondence (attached) provides rational for the requested exception.

Given the points raised in the applicant's correspondence and the fact that Capital Drive is not proposed to have on-street parking, an inaccurate statement in the applicant's correspondence, the staff believes the request is reasonable. This conclusion is based on the following considerations:

1. This is the first site-specific development plan for the overall Copperstone Corner subdivision. Had an adjoining site been developed within the subdivision upon which there was excess parking, staff would have requested that a "shared" parking agreement be established.
2. The applicant's first PD Plan submission proposed larger parking spaces thereby creating greater impervious surface on the site. The current plan proposes parking spaces consistent with UDC minimums resulting in less impervious area and greater greenspace. Furthermore, even with the site's excessive parking it still contains more than double the amount of greenspace required by the SOI for the overall PD development.
3. The increased parking will ensure that the anticipated demands of the new business will be fully captured on the site removing possible congestion/safety issues from traffic parking along Capital Drive or potentially the extension of Frontgate Lane.

The second exception sought has to deal with the location and visibility of an entry door from the W. Vawter School Road frontage. Section 29-4.6(c)(1) states that one or more operating entry doors shall face and be visible from an adjacent **public** street. The construction of this UDC provision does not appear to have considered the fact that some developments may have double frontages and that potentially one frontage may be a private street or access from which the structure is accessed or addressed from. Given this ambiguity, the applicant was advised to seek the design exception to

ensure full transparency as to their compliance with the underlying intent of this provision.

As noted, the subject site sits approximately 18-feet above the pavement of W. Vawter School Road and is to be fully accessed and addressed from Capital Drive. The design of the building (see attached renderings) has its primary entry from the site's parking lot along its eastern façade which faces Capital Drive. Additional secondary/emergency access doors are located on the east façade north of the main entry, on the northern façade (facing W. Vawter School Road), and along the western façade. Access doors to the proposed building's maintenance room are also located along the western façade of the building. There are no entry doors along the southern façade of the building (facing Capital Drive); however, the renderings depict a floor-to-ceiling glass curtain wall that frames the main entry and reception area. This architectural feature creates a focal point along the façade which provides a visual cue to site users that the entry into the structure is at this location.

The attached applicant correspondence describes the rationale for why a design exception is being sought. Given the points raised in the correspondence and based on the following considerations, staff believes the design exception from sec. 29-4.6(c)(1) is reasonable and will not result in a development of less architectural interest or create greater impacts to the public health, safety, or welfare. In addition to the points raised in the applicant's correspondence, staff believes the design exception is reasonable given that:

1. A functional door is being provided along the W. Vawter School Road frontage. While this door is not the "primary" entry into the proposed structure, the provisions of sec. 29-4.6(c)(1) indicate "**one or more** entry doors must be facing and visible from an adjacent public street". Given the primary entry of the subject site is restricted to Capital Drive, a private roadway being constructed to standards equivalent to that of a public street, staff finds the underlying intent of this section to have been met.
2. The current language of this requirement is ambiguous with respect to the location of an entry door when the subject site is a corner lot, a double frontage lot, or a lot located along both a public and private street/access. The intent of the provision was to encourage enhanced pedestrian access to new development and create visual interest in building facades that have frontage along a public street. Based on the submitted architectural renderings, visual interest is believed to have been achieved and access to the structure via "at least" one entry door facing and visible from a public (or in this instance a private) street has been provided.
3. While direct pedestrian access along the public street frontage is not provided, this is believed appropriate given vehicular access is restricted along the frontage and given the site's grade conditions. While a sidewalk connection with stairs may be possible in this location, such improvement would likely be constrained by existing public utilities occupying the same location. Any improvement requiring a foundation or footings is not permitted within a public utility easement.

The proposed PD Plan has been reviewed by both internal and external staff and found to comply with the approved SOI for the Copperstone Corner PD Plan as well as the requirements of the UDC. As noted, the concurrent final plat establishing the subject site and associated development agreement will need to be approved and recorded prior to the proposed PD Plan being approved by City Council.

RECOMMENDATION

Approve the proposed PD Plan for Diventures of Columbia, inclusive of the design exceptions, subject to minor technical corrections.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Development Plan
- Statement of Intent
- Applicant Correspondence
- Architectural Renderings

SITE CHARACTERISTICS

Area (acres)	1.57 acres
Topography	Sloping to the northwest and southwest
Vegetation/Landscaping	Turf and scrub vegetation
Watershed/Drainage	Mill Creek
Existing structures	None

HISTORY

Annexation date	1998
Zoning District	PD (Planned Development)
Land Use Plan designation	Commercial
Previous Subdivision/Legal Lot Status	Not a “legal lot”. Pending final plat to confer “legal” status

UTILITIES & SERVICES

Site served by all City services.

ACCESS

W. Vawter School Road	
Location	Along north side of property
Major Roadway Plan	Major Arterial. Final plat to dedicate additional right of way.
CIP projects	None
Sidewalk	Required to be installed with development

PARKS & RECREATION

Neighborhood Parks	Less than ¼ mile from MKT Nature & Fitness Trail and Jay Dix Station
Trails Plan	None
Bicycle/Pedestrian Plan	W. Vawter School Road - “complete street” with future improvements

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 February 5, 2024. 34 letters were distributed. Public hearing ad published within the Columbia Tribune on February 6, 2024. No correspondence has been received.

Report Prepared/Approved by Patrick Zenner