

**STAFF REPORT CONTACT INFORMATION**

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DOCKET/CASE/APPLICATION NUMBER  
**22-0012**

APPLICANT/PROPERTY OWNER  
**Ross Lucas, Fulmer Lucas Engineering / Bernie Rees**

PUBLIC HEARING DATE  
**N/A**

PROPERTY ADDRESS/LOCATION  
**194 Theta Pike, Tax Map 090B Parcel 46.00**

**SUMMARY OF REQUEST: Rezoning from GCS to RM-1**

This request is for rezoning of 11.58 +/- acres from General Commercial Service (GCS) to High Density Residential (RM-1). The subject site is the vacant portion of a larger parcel. Existing improvements and uses are to remain on a separate 3.4 +/- acre parcel which will retain GCS zoning. The proposed RM-1 zoning is consistent with the Urban Corridor future land use; however, the property is not located in an Area of Change. Access to the site is via Theta Pike.



MAP SOURCE: City GIS

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS PROPOSED	SIZE OF PROPERTY
General Commercial Service (GCS)	Vacant Land/ Commercial (Retail Sales and Service)	RM-1/ R-20/GCS (Single Family, Religious Facilities, Commercial)	Concept plan indicates 138 units of multifamily housing	11.58 +/- acres

**COMPATIBILITY with the COMPREHENSIVE PLAN:**

**Urban Corridor.** The future land use character area supports high density residential uses. The plan calls for a wide-range of land uses and emphasizes access control, connectivity, and context-responsive development. The general pattern is largely urban and the appropriateness of a specific development within the Corridor relies on the Area of Change designation.

The proposed RM-1 zoning is consistent with the future land use designation but is located outside of an Area of Change.

**PROPERTY HISTORY:**

The current owner of record, BKR ENTERPRISES LLC, acquired the property in March 2017. The subject property is part of a larger 15.2 +/- parcel. Existing improvements on the property consist of a 3,800 square foot commercial building constructed in 2019. The structure is located on the southern portion of the property and is currently utilized as a conforming retail sales and service use, specifically, as an "athletic, tennis, swim or health club." According to the Applicant's concept, the existing improvements are to remain on a separate 3.4 +/- acre parcel which will retain its current GCS zoning. The 11.58 +/- acre portion of the property that is the subject of this proposal is currently vacant; historic maps indicate that the property has been vacant since at least 1965.

**COMPATIBILITY** with the ZONING ORDINANCE/STAFF COMMENTS:

**Zoning Ordinance Referenced:** (*Proposed Rezoning from GCS to RM-1 Zoning District*)

In support of this annexation and zoning request, the applicant submitted a concept plan depicting 138 apartments built to physically resemble townhomes. The concept includes 27 residential structures with associated parking, landscaping, amenities, and a gated entrance..

**Article 8: Use Regulations**

Multifamily dwellings are permitted in an RM-1 zone (Section 8.1), subject to the minimum conventional development standards in Section 6.3.8 of the Ordinance. Multifamily dwellings are subject to additional limited use standards under 8.3.2.E.

**Article 6: Development Standards**

The applicant's concept plan, as revised following technical comments from staff, generally conforms to the standards of the Ordinance. If City Council approves this rezoning, specific plans for development will be reviewed by the planning commission as part of a multifamily site plan under 3.5.3.B.3.b.

*Article 6.3.8 District Development Standards for RM-1*

- Variety of housing types permitted.
- 35' minimum street setback (potential additional setback based on average of adjacent)
- Building separation between 20' and 50'.

**Article 10: Parking Standards**

Minimum parking requirements are listed under Article 10 of the Ordinance. The applicant's concept plan indicates that the required parking could be provided on the site if developed as multifamily dwellings at the density proposed.

**Article 11: Landscape Standards**

The applicant's concept plan depicts landscape buffers along boundaries and rights-of-way that appear to meet the standards prescribed in Sections 11.2.7 and 11.2.6. Staff will review any subsequent development proposal to ensure adherence with the standards referenced below (existing buffers will likely reduce the requirement).

- Collector Road (i.e. Theta Pike): Canopy trees within a landscaped buffer with an average width of 10' with no portion less than 5'.
- RM-1 adjacent to developed RM-1 (i.e. northern portion of concept plan): up to 15' wide buffer with a 0.40 opacity.
- RM-1 adjacent to developed GCS (i.e. southern portion of concept plan): up to 30' wide buffer with a 0.80 opacity
- RM-a adjacent to developed R-20 (i.e. southeastern and eastern portion of concept plan): up

to 25' wide buffer with a 0.60 opacity.

**Connectivity**

The concept plan shows connectivity of this site via a single gated access point on Theta Pike

ATTACHMENTS (CIRCLE)

SUBMITTED PLANS

CITY MAPS

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

3.18.7 ACTION BY THE PLANNING COMMISSION FOR REZONING'S

Staff's review of Section 3.18.7(B) in relation to this rezoning request finds the following:

1. The rezoning agrees with the general plan for the area;

*The Comprehensive Plan (Connect Columbia) designates the subject property as "Urban Corridor". The classification is characterized by "a more citified" mix of uses, including high density residential (Connect Columbia p. 28). The requested RM-1 High Density Residential zoning designation is consistent with the future land character area.*

*The subject parcel is not located within an Area of Change under the Comprehensive Plan (Connect Columbia Map 3). The Urban Corridor Character Area Matrix indicates that changes to the overall character of the area should rarely occur. New development that does occur should be emphasize access control, connectivity, and context-responsive development (Connect Columbia p. 29).*

2. The legal purposes for which zoning exists are not contravened;

*All future development will be required to conform to the zoning ordinance standards in effect at that time; therefore, legal purposes for which zoning exists will not be contravened.*

3. There will be no adverse effects upon adjoining property owners;

*The subject property is surrounded by a compatible mix of uses with no foreseeable adverse effects upon adjoining properties.*

4. No one property owner or small group of property owners will benefit materially from the change to the detriment of the general public;



CITY OF COLUMBIA TENNESSEE  
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STAFF REPORT

*Although the proposed rezoning will benefit a specific property owner, it is consistent with the duly adopted Comprehensive Plan (Connect Columbia) and is therefore not detrimental to the general public.*

5. Conditions affecting the area have changed to a sufficient extent to warrant an amendment to City's Zoning Map.

*The demand for housing within the city limits has increased to a sufficient extent to warrant the addition of high-density residential areas to the City's Zoning Map in order to fulfill that demand.*

6. There are adequate schools, roads, parks, wastewater treatment facilities, water supply, and storm water drainage facilities to support this zoning change.

*No reports from any facilities that the zoning request cannot be serviced (applicant provided a will serve letter from CPWS dated January 5, 2022).*

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