

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 9, 2018**

SUMMARY

A request by Smith Lewis, LLP (agent), on behalf of NGT, Inc. (owners), to annex 10.36 acres of land into the City of Columbia and have it designated as M-N (Mixed-Use Neighborhood District) as its permanent City zoning. The subject 10.36-acre tract is located at the northwest corner of Brushwood Lake Road and Scott Boulevard. The subject property is currently zoned Boone County A-R (Agriculture Residential). **(Case # 18-146)**

DISCUSSION

The applicants are seeking permanent M-N (Mixed-use Neighborhood) zoning upon their property subject to its annexation into the City of Columbia. The purpose for the request is to permit the subject 10.36 acres to connect to City sewer and utility services. Per the City's annexation policy, connection of property to the City's sewer system requires annexation.

In December 2017, the Planning Commission considered this request where it received a 4-4 vote (per Commission Rules of Procedure a tie vote is neither a recommendation for approval or denial). During the hearing concerns were voiced regarding the potential development intensity and its impact upon existing floodplain and floodway designations. Concurrently with the hearing, the applicant was in the final stages of receiving a FEMA Letter of Map Revision (LOMR) regarding the floodplain designation impacting the property. Due to a delay in receiving the LOMR and based on the concerns expressed during the Commission hearing the applicant withdrawn their request before Council could take action upon it to allow time for the LOMR process to be completed.

The LOMR process is now complete and FEMA has issued its map amendment letter (see attached). The LOMR in part reads: "We [FEMA] have determined that the **described portion(s)** of the property(ies) is/are not located in the NFIP regulatory floodway or the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood)."

The **described portion** in the LOMR contains approximately 2.5 acres of the subject property (generally located in the southeast corner) that was previously filled closest to the intersection of Scott Boulevard and relocated Brushwood Lake Road. FEMA's findings remove development limitations for this area that were previously in place; however, do not remove limitations that apply to the other portions of the overall site which is the subject of this request.

Since the subject property is currently not within the City it is not subject to the City's FP-O requirements which place additional standards and safeguards upon property located within the floodplain and floodway. If annexed, the subject property less the area exempted by FEMA would be required to comply with the FP-O requirements. Since the FP-O is an overlay district the underlying zoning of the property, if approved, would be M-N; however, any development within the areas subject to the FP-O would control future development uses and intensity as well as impacts upon the floodplain or floodway.

The applicants intend to develop the property with a neighborhood commercial center. Such proposal is consistent with the zoning of adjoining parcels to the east and the southeast which are zoned PD for commercial purposes. Surrounding development consists of a Boone County Fire Protection District fire station and a Breaktime gas/convenience store (to the east) and an undeveloped PD commercial out-parcel of the Cooperstone development (southeast corner of Vawter and Scott).

The parcel is designated as being located within the “Open space/Greenbelt” district of the Comprehensive Plan. This designation exists due to the parcel’s location adjacent to Mill Creek and its associated floodplain and floodway. The site, prior to the relocation of Brushwood Lake Road, has been previously filled under Boone County jurisdiction. Such activities have resulted in portions of the site being elevated to potentially accommodate more intense development than that envisioned by the current future land use designation. Greater discussion of the impacts of placement of fill upon the property and its relationship to the floodplain and floodway location on the site are provided below.

The parcel is located within the Urban Service Area as illustrated in the City’s Comprehensive Plan and a sewer line crosses the parcel; therefore, the property is considered to be served. City water and electric are available and will be provided from the east side of Scott Boulevard. Depending upon the layout of future development, public main extensions for infrastructure may be required along Brushwood Lake Road.

The parcel is located at the corner of Scott Boulevard and Brushwood Lake Road – access to Scott Boulevard is restricted. The CATSO Major Roadway Plan designates Scott Boulevard as a major arterial and Brushwood Lake Road as a neighborhood collector. The proposed M-N designation at such an intersection is generally supported by the Comprehensive Plan as “nodal” development. The choice of M-N verses M-C zoning is an acknowledgement of the principal access being from the less intense street frontage as well as the potential for greater land use conflicts to the south where the predominate land use pattern is residential development.

Should the subject site be annexed into the City and permanently zoned as requested, it will be required to be platted to obtain “legal lot” status per the UDC. As part of this platting action, additional right-of-way for Scott Boulevard as well as Brushwood Lake will be required. At present, additional right-of-way for the roundabout located at the southeast corner of the site and 10-feet of right-of-way along Brushwood Lake Road is needed. There is no dedication required as a prerequisite to annexation or permanent City zoning.

Additionally, as part of the platting action the identification of all stream buffers and floodplain/floodway designations will be required. Prior to issuance of any building permits, should a Floodplain Development Permit be necessary its approval would need to be given as well.

The proposal has been reviewed by staff, and meets all applicable City zoning standards. The existing utilities to which the lot would connect have available capacity. The requested permanent M-N zoning is supported by staff and believed consistent adjacent zoning and development patterns.

RECOMMENDATION

Approve the request to permanently zone the property M-N (Mixed-use Neighborhood).

ATTACHMENTS

- Locator maps
- FEMA LOMA (Letter of Map Amendment) Cover Letter
- FEMA LOMR (Letter of Map Revision)

HISTORY

Annexation date	NA
Zoning District	A-R (Agriculture Residential)
Land Use Plan designation	Open Space/Greenbelt District
Previous Subdivision/Legal Lot Status	Surveyed tract; not a legal lot

SITE CHARACTERISTICS

Area (acres)	10.36 acres
Topography	Steady slopes to northwest
Vegetation/Landscaping	Native, trees along creek corridor
Watershed/Drainage	Perche Creek
Existing structures	None

UTILITIES & SERVICES

Sanitary Sewer	None; to become City of Columbia
Water	None; to become City of Columbia
Fire Protection	City upon annexation – would remain in BCFPD service territory
Electric	None; to become City of Columbia

ACCESS

Scott Boulevard	
Location	Eastern edge of property
Major Roadway Plan	Major Arterial
CIP projects	N/A
Sidewalk	Installed

Brushwood Lake Road	
Location	Southern edge of property (road easement to be dedicated upon platting)
Major Roadway Plan	Neighborhood Collector
CIP projects	N/A
Sidewalk	5-feet required on both sides upon site development

PARKS & RECREATION

Neighborhood Parks	South of MKT Trail Scott Boulevard Access and Jay Dix Station
Trails Plan	N/A
Bicycle/Pedestrian Plan	N/A