



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: June 7, 2021

Re: Timberbrook – Permanent Zoning (Case #132-2021)

Executive Summary

Approval of this request will assign R-1 (One-Family Dwelling) zoning as permanent City zoning, upon annexation, to a vacant 21.21-acre tract of land located on the west side of Scott Boulevard across from Copperstone Creek Drive. The annexation public hearing (Case # 163-2021) that is associated with this permanent zoning is scheduled to be held on the June 7, 2021, Council agenda.

Discussion

The applicant is seeking approval of permanent City R-1 zoning, upon annexation, of a 21.21-acre parcel located on the west side of Scott Boulevard across from Copperstone Creek Drive. Annexation and permanent zoning of the subject site is sought to permit connection of the property to the City's sewer system in advance of proposed residential development. These actions are consistent with and required by Policy Resolution #115-97A given the property's adjacency to the City's municipal boundary along its eastern and southern boundaries. A concurrent 35-lot preliminary plat (Case #131-2021) has been considered by the Planning Commission and recommended for approval. This platting action will be presented to the Council for consideration on June 21.

The subject property is currently located within unincorporated Boone County and is zoned County R-S (Residential Single-Family) which is considered consistent with the requested City R-1 zoning. The site is compact and contiguous to the City's existing municipal boundary having adjacency along its east and south southern boundaries. Properties to the east and south are zoned R-1. Property to west, the remainder of applicant's land, is zoned Boone County A-2 (Urban Agriculture) and to the north property is zoned County R-S.

The site is served by City utilities and is within the City's water and electric service territory. The site maintains a "dual" designation on the Comprehensive Plan's Future Land Use Map. The majority of the property is designated "Residential District" and that portion which follows the stream corridor, along the western boundary, is designated as Open Space/Greenbelt. The proposed R-1 permanent zoning is not inconsistent with the Future Land Use Map designations. The property along the western boundary of the site is shown as generally being located within stream buffer and preservation areas per the associated preliminary plat.

Upon annexation, the FP-O (Floodplain Overlay) district designation will apply to the portion of this property that is located within numbered and unnumbered A and AE zones, on the Flood Insurance Rate Maps (FIRMS) for Boone County and any portions of X-zone shaded,



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other flood areas, which are within the upper square mile of a flood drainage area. No development shall be permitted in the overlay area except upon the issuance of a floodplain development permit granted by the Director of Community Development.

The Planning and Zoning Commission considered this request at their May 6, 2021 meeting. Staff presented a combined staff report detailing both the permanent zoning (Case #132-2021) and preliminary plat (Case #131-2021). Commissioners questioned if R-2 zoning (Two-family Dwelling) district zoning, which allows 5,000 sq.ft single-family lots, would have been appropriate on the subject property as well as asked staff to verify utility availability/capacity limitations. Staff noted that the applicant sought R-1 zoning and that following its review and finding of consistency with the Comprehensive Plan and adjoining zoning it did not evaluate other zoning options. Additionally, staff noted that there were no expressed utility limitations by City Utility staff relating the rezoning or proposed 35-lot subdivision.

The applicant provided a presentation for the Commission relating to the requests and was available to answer questions. One member of the public spoke on the combined requests seeking greater protections for the stream buffer outer zone and the floodplain, and indicating support for consideration of R-2 zoning for properties seeking annexation. Following limited additional discussion, the Commission voted (8-0) in favor of recommending R-1 zoning as the site's permanent zoning upon annexation.

The Planning Commission staff report, locator maps, and meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the City.

Long-Term Impact: Public infrastructure maintenance associated with sanitary sewer as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Infrastructure, Tertiary Impact: Environmental Management



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Legislative History

Date	Action
5/17/2021	Set annexation public hearing. (R76-21)

Suggested Council Action

Approve the requested R-1 (One-family Dwelling) district zoning as permanent City zoning upon annexation as recommended by the Planning and Zoning Commission.