

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
June 18, 2020**

SUMMARY

A request by Crockett Engineering (agent), on behalf of T-Vine Enterprises Inc. (owners), to rezone two parcels from R-1 (One-family Dwelling) to A (Agricultural). The property is addressed 6114 N. Oakland Gravel Rd. **(Case 116-2020)**

DISCUSSION

The agent is seeking to rezone two lots containing approximately 21.18 acres from R-1 to A that are part of the Tuscany Estates subdivision. The subject lots are located east of the intersection of N. Teresa Drive and N. Oakland Gravel Road. The subject lots are undeveloped acreages that include open field and wooded areas as well as are traversed by the namesake stream of the Bear Creek Watershed. Approximately 50% of the subject acreage is located in the floodplain of Bear Creek thus limiting potential development.

West of the subject property is a fully developed Boone County subdivision that is zoned R-S. Property to the north is Horse Fair Stables, located in Boone County, which is also zoned R-S. Southeast is an undeveloped and wooded R-1 zoned parcel of land that is the second tract of a previously approved City of Columbia tract split that contained the subject lots. The property to the south is city-owned and maintains Atkins Park which is zoned R-1.

While the County's R-S zoning and the City's R-1 zoning are fundamentally comparable, the County's R-S zoning allows for agriculture and the keeping of horses by right whereas the City does not permit these uses in the R-1 district. In 2007, when the subject lots were annexed into the City, the ability to have agriculture uses and horses was lost upon approval of the site's R-1 zoning. R-1 zoning was requested in anticipation of subdividing the subject acreage into approximately 50 single-family lots and providing potential to subdivide the remaining acreage of the "parent parcel", to the southeast, into an additional 100 single-family.

The current zoning of the subject property allows only one single-family home on each of the approximate 11 acre lots. The nature and size of subject lots are typical of "farmettes" which is not an atypical use found within the adjoining land use pattern. However, the agricultural use restriction in the R-1 district presents difficulty marketing these properties for that purpose without the right to farm or have livestock. The requested A (agriculture) zoning designation would allow the opportunity to establish agriculture uses as well as offer the ability to raise, care for, and keep livestock (a horse is considered livestock) upon the lots. A minimum of 2.5 acres is necessary to allow for such land uses. In addition to the agriculture and livestock uses, the A district permits a second primary dwelling unit upon each lot without the necessity of a subdivision action.

It should be noted that in addition to the UDC's standards relating to using a parcel for agricultural purposes and customary accessory uses, Chapter Five of the City's Code of Ordinances (Animals and Fowl) provides additional provisions dealing with the raising and care of livestock. The Chapter Five provisions establish permissible livestock densities per acre and contain provisions relating to the proximity that accessory uses related to the raising and care of livestock can be to adjoining properties. The provisions of Chapter Five are administered by the Health Department and are comparable to the UDC's "use-specific standards" that are often imposed upon certain land uses to ameliorate potential land use conflicts.

The Future Land Use Map of the Comprehensive Plan designates the subject parcels as being located within the “Open Space/Greenbelt” and “Neighborhood District”. There is a designated greenbelt that follows Bear Creek as it flows diagonally through the site. The 2013 Parks Master Plan recommends improvements to Atkins Park including an equestrian trail loop and connection to the Boone County Fairgrounds. The plan also classifies this section of the Bear Creek Trail as a proposed tertiary trail and cites right of way along this corridor, “Bear Creek Trail North”, as a “tertiary acquisition target”.

The pertinent factors of consideration with this rezoning are the differences in permitted uses and implications that those uses may create upon future subdivision of land adjoining the subject acreage. Agricultural use and less intense development of the subject parcels are believed appropriate given the site’s location within a generally agrarian to rural-residential environment that is located on the northern edge of city urbanization. Furthermore, less intense development is viewed as appropriate given its potential to protect sensitive environmental features located upon the property versus a standard R-1 subdivision development.

In respect to the impacts that such rezoning would have upon potential subdivision of the adjoining lands, this site was already the subject of a preliminary plat, as mentioned above, which did not materialize and ultimately expired. The existing final plat that divided the parcel into the two existing lots is more consistent with the characteristics of the A (agriculture) district than its present R-1 zoning. The subject lots are isolated from the remaining undeveloped portions of Tuscany Estates by Bear Creek and the extensive floodplain impacting the property. As a result, it is likely that future development impacts would be pushed toward Oakland Gravel Road closer to existing low-density, agrarian “farmettee-type” uses.

Facilitating “farmettes” or other agricultural-based development on the subject lots would coincide with the Comprehensive Plan’s Environmental Management policy to encourage environmentally friendly developments and preserve green space while supporting the Land Use and Growth management policy to ensure diverse and attractive housing within the Urban Services Area.

Given the characteristics of the site, market conditions, and consistency with comprehensive plan, staff finds that the requested rezoning from R-1 to A facilitates appropriate development entitlements that would create the ability to utilize the subject lots in a manner consistent with its surroundings. Such a rezoning, given the other protections contained within the City’s Code of Ordinances, is not viewed as being inconsistent with the surrounding land use pattern and any such inconsistency would be appropriately mitigated by the relevant regulations pertaining to the use of one’s property for the raising, care, and handling of livestock.

RECOMMENDATION

Approve the requested rezoning from R-1 to A.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps

SITE CHARACTERISTICS

Area (acres)	21.18
Topography	Flat to steeply sloping terrain
Vegetation/Landscaping	Mixture of open fields and wooded areas
Watershed/Drainage	Bear Creek
Existing Structures	None

HISTORY

Annexation date	2007
Zoning District	R-1
Land Use Plan designation	Greenbelt/Open Space and Neighborhood District
Previous Subdivision/Legal Lot Status	Tuscany Estates

UTILITIES & SERVICES

Columbia Water & Light (CW&L) does not have electric service facilities presently on site and available. The decision on whether or not CW&L should waive the electric service to Boone Electric Company would be made when development plans are submitted for the tract.

All other utilities and services provided by the City of Columbia

ACCESS

N. Oakland Gravel Road	
Location	North side of site
Major Roadway Plan	Neighborhood Collector
CIP projects	None
Sidewalk	Required upon development

PARKS & RECREATION

Neighborhood Parks	Atkins Park: Adjoining to the south FY20 CIP #317: Atkins Sports Complex Improvements (3-5 yrs) Smith Park: Approximately 0.5 miles to the southeast FY20 CIP #2132: Norma Sutherland Smith Park: Phase III (3-5 yrs)
Trails Plan	Yes; a trail easement is located along southeastern portion of the property and is designated as a proposed tertiary trail.
Bicycle/Pedestrian Plan	Nearest connection is south near Atkins Park.

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 via advanced notice on May 15, 2020 and a follow-up letter on May 29, 2020. 29 postcards were distributed.

Public information meeting recap	Number of attendees: N/A (No meeting held due to COVID-19) Comments/concerns: N/A
Notified neighborhood association(s)	N/A
Correspondence received	Two inquiries (1 email, 1 phone): Questions about potential commercial use and would property still be developed with two homes. No direct opposition expressed.

Report prepared by Brad Kelley

Approved by Patrick Zenner