

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 19, 2021**

SUMMARY

A request by Crockett Engineering (agent), on behalf of MFL Golf, LLC (owner), for assignment of approximately 6 acres of M-N (Mixed-Use Neighborhood) and 115 acres of O (Open Space) zoning as permanent zoning upon annexation. A concurrent request (Case # 253-2021) seeking approval of a conditional use permit (CUP) to allow "outdoor recreation or entertainment" on the approximately 115 acres seeking permanent O district zoning has also been submitted. The site is presently improved with Midway Golf and Games, which has existing outdoor entertainment uses. The property is located approximately 1800' to the east of the intersection of Highway UU and Van Horn Tavern Road and is addressed as 5500 W. Van Horn Tavern Road. **(Case #227-2021)**

DISCUSSION

The applicant seeks to permanently zone approximately 6 acres of the subject site to M-N (Mixed-Use Neighborhood) and 115 acres of the subject site to O (Open Space) zoning upon annexation. The 121-acre property, addressed 5500 W. Van Horn Tavern Road, is presently improved with Midway Golf and Games. A concurrent request (Case # 253-2021) for a conditional use permit (CUP) to allow "outdoor recreation or entertainment" uses on the O-zoned property will be discussed on the Commission's August 19 agenda. The focus of this report will be on the evaluation of the requested permanent zoning to the O and M-N districts, respectively.

The subject site is currently improved with Midway Golf and Games which is presently developed with outdoor recreation uses including mini golf, a driving range, batting cages, go carts and customary accessory indoor uses including concessions, ticketing, and administrative activities. The applicant is requesting annexation to permit access to City sewer in advance of possible expansion of the existing operations as well as the construction of a restaurant on the acreage.

The site is currently zoned Boone County REC (Recreation) which is consistent with the requested O district zoning. It should be noted that the REC district allows restaurants as a conditional use; however, construction of such a structure would require connection to public sewer. The applicant's request for approximately 6 acres, or 5% of the property, to be zoned M-N is narrowly tailored to permit the desired future restaurant which would be attached to or built near the existing clubhouse area. The attached zoning graphic illustrates where the M-N and O districts are proposed to be located on the overall acreage.

Policy Resolution 115-97A requires parcels seeking to be served by City sewer to either annex or enter into an annexation agreement prior to connection to the public sewer. The subject property is contiguous the city's municipal limits on its eastern boundary where it abuts the City's 150-acre Strawn Park. According to the Utilities Department, there is a 60" City sewer trunkline east of Perche Creek that the applicant can "tap" and extend sewer into the subject property for future service. This line is not "capacity-restricted" and would be capable of accepting new sewage flow from the subject site. Extension of sewer would be at the expense of the applicant and subject to applicable connection charges assessed to similar city development.

The site is located within the City's Urban Services Area (USA) and designated on the Future Land Use Map (FLUM) as Open Space which is consistent with the 115 acres proposed to be permanently zoned O. The requested 6 acres of M-N zoning is more intense than what is typically considered consistent with the Open Space designation; however, as discussed below is believed appropriate given the unique characteristics associated with this request. As noted above, the site can be served by city sanitary sewer

service and is further supported by Boone Electric and Consolidated Water District #1 for electric and water services, respectively.

The adjoining property to the east is zoned a mixture of City A (Agriculture) and R-1 (One-Family Dwelling) with large swaths of FP-O (Flood Plain-Overlay). The A-zoned property is generally improved with Strawn Park and the R-1 zoned property is presently undeveloped with no immediate plans for improvement by the City. A visioning and master planning process for the R-1 acreage is anticipated prior to its future use. Property to the north, south, and west is located within Boone County. To the north of the property is I-70, which serves as a hard boundary separating this property from property across the interstate, to the south is property zoned A-1 (Agriculture) and property to the west is zoned A-R (Agriculture Residential) and M-LP (Planned Industrial). The existing development pattern in the area is generally rural or agriculture, with industrial uses on the M-LP zoned property.

It should be noted that the FP-O overlay, where applicable per Chapter 29-2.3(d) of the UDC, would be automatically applied to subject site upon annexation. Such designation applies to "... all lands within the jurisdiction of the City of Columbia Identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Maps (FIRMs) for Boone County...". Development within the FP-O overlay is limited by the UDC as well as other City and governmental agency regulations and requires issuance of a Floodplain Development Permit. Upon annexation, the property will also be subject to all City environmental protection and development regulations, including stream buffer, stormwater, neighborhood protections, and climax forest and significant tree preservation standards.

The City zones in which outdoor recreation or entertainment uses are permitted by-right include the M-C (Mixed-Use Commercial) and IG (Industrial) districts neither of which would be supported by staff as appropriate zones for this property given the surrounding land use patterns, existing infrastructure, environmental features, and increased intensity of uses that would be generally permitted relative to the existing uses and County zoning on the property. The applicant worked with City staff to tailor the designation of the two zoning categories for the acreage to what they and staff believed would be a good fit for the existing and long-term use of the property given existing conditions.

The applicant has indicated the desired O zoning on the preponderance of the property (115 acres) with the concurrent CUP for outdoor recreation or entertainment uses is sought to allow the existing uses to continue legally upon annexation. The current uses are only permitted in the O zone with a CUP and are enumerated in the attached "Conditional Use Exhibit". The O district is designed to permit public parks, open spaces, nature reserves and master-planned private open spaces. The height and setback requirements of the O district are considered restrictive, relative to other districts, with setbacks from all property lines being 25' and the maximum height of a primary building being 35'.

The ability to have outdoor recreation or entertainment uses via a CUP-process makes the O district an option in circumstances such as this property where large portions are anticipated to remain in open space due to environmental or other features, but outdoor recreation uses either existing or are desired on portions of the property where more intensive zoning that would permit such uses "by-right" are not considered appropriate for the area. While not likely contemplated at the time the UDC was developed, the Commission has recently encountered a similar request where the O/CUP combination was requested as a regulatory tool. This combination provides opportunities to have oversight similar to a PD whereby the CUP process requires public notification and a hearing along with the ability to apply conditions on the future use of the land. This oversight coupled with the generally restrictive nature of the O district creates opportunities to tailor the use of the land to limit future impacts.

With respect to the applicant's requested 6 acres of M-N zoning, staff supports this designation given it is restricted in area, non-speculative, and centered around the existing development pattern of similar uses and use intensities. While additional M-N uses (beyond a restaurant) may be available staff believes the location and limited nature of this zoning/zoned area will not yield overly-intensive uses or impacts. Staff

further believes the combination O/CUP zoning on the remaining acreage (surrounding the M-N) would mitigate the potential negative externalities the M-N zoning could create on neighboring properties by providing a buffer.

In performing the analysis associated request and in light of the applicant’s desire/need to have a small area within its boundaries zoned M-N, staff has discussed internally that restaurants may be a use to be considered as a potential new conditional use in the City’s O district. Restaurants are often seen as a customary accessory/supportive use to public parks in other places, especially regional recreation facilities where tournaments are not uncommon and are also common accessory uses to outdoor recreation and entertainment venues.

The staff report for the concurrent CUP request (Case # 253-21) provides additional analysis on outdoor recreation and entertainment uses relative to the unique characteristics of this property and proposes conditions to mitigate potential negative externalities associated with that use within this specific land-use context. Additionally, the use-specific standards for outdoor recreation or entertainment uses (Section 29-3.3(y)) will be discussed in more detail.

Access to the property is provided by Van Horn Tavern Road, which is generally unimproved, and is a private road as it runs through the subject property. The unimproved nature of Van Horn Tavern Road was discussed at the concept review for the proposal and is one of many reasons (as discussed above) why staff would not be supportive of M-C or IG zoning for this property, though either of those zoning categories would remove the necessity to obtain a CUP. As the property is unplatted, it should be noted that should the Council approve the annexation of this property, a subdivision plat will be required to be submitted and approved to bestow legal lot status before any building permits will granted. All typical subdivision related requirements will accompany any such platting action.

The proposed permanent zoning has been reviewed by staff and external agencies and has been found to be consistent with the goals and objectives of Columbia Imagined, is compatible with the adjacent zoning and land uses, and is believed appropriate for the subject property.

RECOMMENDATION

Approval of requested O and M-N zoning as permanent City zoning, upon annexation.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- City-County Zoning Graphic
- Zoning Graphic (requested)
- Conditional Use Exhibit

SITE CHARACTERISTICS

Area (acres)	121 acres
Topography	Rolling, sloping around streams
Vegetation/Landscaping	Cleared in developed areas, golf course ponds and landscaping, trees around streams
Watershed/Drainage	Perche Creek
Existing structures	Improved with parking, a 3-hole golf course, an 18-hole mini golf course, a driving range, batting cage areas, go carts race track, and related supporting buildings

HISTORY

Annexation date	NA
Zoning District	Boone County REC
Land Use Plan designation	Open Space
Previous Subdivision/Legal Lot Status	Not a Legal Lot

UTILITIES & SERVICES

Sewer utilities provided by the City of Columbia. Fire service will be provided jointly between the City and County fire services. Electric service is provided via Boone Electric Cooperative. Water service is Public Water District #1.

ACCESS

Van Horn Tavern Road	
Location	Through the property
Major Roadway Plan	Major Collector
CIP projects	None
Sidewalk	None

PARKS & RECREATION

Neighborhood Parks	The City's Strawn Road is directly to the east across the Perche Creek
Trails Plan	The Perche Creek Trail is a future primary trail following the Perche Creek
Bicycle/Pedestrian Plan	N/A

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 July 14, 2021. 7 postcards were distributed. Note: the initial postcards indicated a request for M-C zoning on the entirety of the acreage. The applicant modified the request to that which is presently presented. Property owner letters clarified the revised request and were sent on July 20, 2021.

Public Notification Responses	Staff has spoken in person and over the phone with representatives of the property owner to the immediate south. There is a civil dispute regarding the means by which access through the subject property to the property to the south is granted via deed records.
Notified Neighborhood association(s)	N/A
Correspondence received	No written correspondence at this time.

Report prepared by Rachel Smith

Approved by Patrick Zenner