



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: September 6, 2022

Re: 1414 Ballenger Lane Rezoning (Case #212-2022)

## Executive Summary

Approval of this request would rezone the subject 10.8-acre site from PD (Planned District) to M-N (Mixed-Use Neighborhood) and would allow additional permitted uses on the site.

## Discussion

Haden & Colbert (agent), on behalf of Omkara, LLC (owners), is seeking approval to rezone the 10.8-acre subject site from PD (Planned District) to M-N (Mixed-Use Neighborhood) to facilitate its future development. The property is located at the northeast corner of Ballenger and Clark Lane intersection and is generally vacant with the exception of one single-family residence and garage at the northwest corner of the parcel.

The subject parcel has been involved in a number of zoning changes since the mid-1990s. In 1996, a 12-acre R-1 (One-Family Residential) tract of land at the northeast corner of Ballenger and Clark Lane was rezoned to C-P (Planned Commercial) via Ordinance 014799 (attached) that allowed the acreage to be improved with all permitted C-3 uses with the exception of halfway houses, service stations, trade schools, armories, bus stations, commercial swimming pools, farm machinery sales & service, and mortuaries.

A 1999 zoning action (Ord. 015954, attached) consolidated and expanded the 1996 C-P zoning and also creating residential PUD-8 zoning to the east of the subject parcel. The PUD zone is now developed with *'The Links'* apartment complex. The 1999 rezoning expanded the excepted uses to include assembly or lodge halls, commercial parking lots, lumber yards, newspaper publishing plants, print shops, process laboratories, sign painting shops, drive-in theaters, machine shops, mechanical contractors, billiards halls, bowling alleys, bars & lounges, adult-oriented uses, car washes, and laundromats.

Since the 1999 rezoning, ownership of the parcel has been consolidated over time and the current owners wish to simplify the zoning requirements on the remaining undeveloped property. The inconsistencies in the two previous zoning ordinances could create hurdles to the comprehensive development of the parcel in the future. Additionally, if the requested rezoning is approved the requirement of Planning Commission review/recommendation and Council approval of a development plan would be eliminated. However, it should be noted that site plan approval in accordance with the UDC, land disturbance, and building code requirements would remain in place.

An important consideration when evaluating the rezoning is that the current M-N district would permit a number of the excluded uses under the existing PD zoning. Additional



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excluded uses could also be permitted pursuant to approval of a conditional use permit (CUP). Excluded uses that would be allowed if the M-N zoning is approved include: billiard halls and bowling alleys (included in indoor recreation or entertainment), armories (now defined as public service facilities), process laboratories (now defined as research and development laboratories), trade schools, and laundromats (included in personal services).

Excluded uses that could be permitted by CUP would include: car washes and auto repair facilities (light vehicle service or repair), assembly or lodge halls, bars and nightclubs, halfway houses, and mortuaries. However, it is important to note that approval of a CUP would follow a process identical to that of a full rezoning or development plan approval. As such, no loss of oversight would occur with respect to the more intense uses gained by the M-N zoning.

The Planning and Zoning Commission considered this request at their August 4, 2022 meeting. The Commission requested clarification of the definitions of armories and process laboratories. Staff indicated that armories are understood to be facilities used for storage of military equipment and munitions, and clarified that laboratories fall into a classification of office uses that require additional approvals for hazardous materials kept onsite. The applicant's agent gave a brief overview of the request and responded to Commissioner questions. Following limited additional Commission discussion, a motion was made to approve the rezoning that passed unanimously (7-0).

The Planning Commission staff report, locator maps, historic zoning graphics & exhibits, and meeting minute excerpts are attached.

## Fiscal Impact

Short-Term Impact: None. The site is presently served with public infrastructure. Expansion or upgrade costs would be borne by the applicant.

Long-Term Impact: Limited. If redeveloped, impacts may include increased public safety provision and trash collection. The costs of services may or may not be off-set by increased user fees and/or property taxes.

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

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

### Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Economic Development, Tertiary Impact: Mobility, Connectivity, and Accessibility



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## Legislative History

Date	Action
1999	Approved C-P on the remainder of the subject site & PUD-8 zoning on the adjacent parcel to the east. (Ord. 015954)
3/18/96	Approved C-P zoning on a portion of the subject parcel. (Ord. 014799)

## Suggested Council Action

Approval of the requested rezoning from PD to M-N as recommended by the Planning and Zoning Commission.