



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: July 15, 2024

Re: 1003 E. Brown School Road – Permanent Zoning (Case # 158-2024)

Executive Summary

Approval of this request would establish M-C (Mixed Use - Corridor) district zoning, subject to annexation, as the permanent City zoning on an 18.62-acre parcel of land located northwest of the intersection of Highway 763 and East Brown School Road. The subject site includes the address 1003 East Brown School Road. This request is being considered concurrently with requests to annexation (Case # 190-2024) and preliminary plat (Case # 159-2024) the subject acreage.

Discussion

Crockett Engineering (agent), on behalf of Walter T Sorrels & Dorothy M Sorrels Family Trust (owners), is seeking approval of M-C zoning on an 18.62-acre parcel of land located northwest of the intersection of Highway 763 and East Brown School Road, pursuant to annexation of the property into city's corporate limits. The subject site is currently zoned Boone County R-S (Single-family Residential). In addition to the permanent zoning and annexation, the applicant has submitted a preliminary plat (Case # 159-2024) that illustrates the 5 tracts of the subject acreage being consolidated into one lot.

The subject site is contiguous to the City's existing municipal boundary along its eastern and southern edges (Highway 763 and East Brown School Road, respectively). It borders two Boone County parcels to the north and west that zoned R-S and improved with existing single-family residences.

The subject property is located within a "Neighborhood District" as shown on the Future Land Use Map of Columbia Imagined. This designation was assigned at the time of Plan adoption in 2013 given the existing residential uses on the acreage. The neighborhood district is intended to accommodate a broad mix of residential uses, and supporting, small-scale commercial uses intended to serve the needs of the immediate neighborhood. The applicant has indicated that the rezoning is sought to accommodate the future location of the Central Missouri Humane Society's animal shelter. This use is defined within the Unified Development Code as a "veterinary hospital" which also includes boarding facilities for animals and is subject to use-specific standards found within sec. 29-3.3(q) of the Code. The use-specific standards address safety as well as potential negative impacts that arise from the overnight boarding of animals (increased security measure and setbacks).

A veterinary hospital is a permitted use "by right" in M-C district and a conditional use in the M-N (Mixed-use Neighborhood) district. Given the residential uses abutting the subject property, the scale of the request (18.62-acres), and the intensity of other "by-right" uses



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within the M-C district, staff had concluded that the requested permanent zoning would permit uses too intense to be considered compatible with the adjoining properties.

While the proposed end use of the site (i.e. the Central Missouri Humane Society shelter) would be governed by the use-specific standards of sec. 29-3.3(q), there is no guarantee a veterinary hospital will be the only use on the site if zoned M-C. Multiple freestanding businesses would be permitted with the only limitations being the building code, land disturbance requirements, zoning setbacks, and parking. As noted, some “by-right” M-C uses have no use-specific standards and would be inconsistent with the abutting parcels in not only use, but also by scale as the M-C district allows building heights of up to 45-feet. Below is a table including a list of uses permitted in the M-C district that are not permitted in M-N district. If a use-specific standard is associated a listed use, it is bolded in parenthesis next to the listed use (i.e. **(k)** for funeral home or mortuary). Uses without use-specific standards are *italicized*:

Use (Specific Standards)	Use (Specific Standards)	Use (Specific Standards)
<i>Assembly or Lodge Hall</i>	Tree or Landscaping Services (oo)	Major vehicle repair or service (cc)
Funeral Home or Mortuary (k)	Outdoor Recreation or Entertainment (y)	<i>Parking Lot, Commercial</i>
Greenhouse or Plant Nursery	Medical Marijuana Dispensary Facility (qq)	<i>Parking Structure, Commercial</i>
Veterinary Hospital (q)	Comprehensive Marijuana Dispensary Facility (qq)	<i>Heavy Commercial Services</i>
<i>Bar/Nightclub</i>	Retail, Adult (x)	Light vehicle service or rental (bb)
<i>Hotel</i>	<i>Car Wash</i>	Light vehicle service or repair (cc)
Marijuana Testing Facility (qq)	Gas Station/Fueling Center (uu)	<i>Bakery</i>
<i>Wholesale Sales Office or Sample Room</i>	Light vehicle service or rental (bb)	<i>Bus Barn or Lot</i>
Self-service Storage Facilities (w)	Light vehicle service or repair (cc)	<i>Bus Station</i>

Notably, heavy commercial services, a bar/nightclub, hotel, car washes, and wholesales office or sample room would be a “by-right” use in M-C without use-specific standards. While this site is on the corner of an intersection of two arterials, which would typically fit the defined purpose for the M-C zoning district, staff believed M-N is more appropriate given the abutting residential uses.

The intent of the M-N district is to provide retail and services in or near a residential neighborhood. Building sizes and heights are limited to a scale more compatible with residential areas. The subject site is near abutting a residential neighborhood. Whereas, the intent for M-C district is to allow for a broad range of commercial activities “that may often be oriented toward automobile access and visibility”. Typically, M-C zoning is located within the “Commercial” district as designated within Columbia Imagined and is intended to accommodate regional commercial uses.

The Planning & Zoning Commission considered this request at their June 20, 2024 meeting. The request was tabled at the June 6, 2024 Planning Commission meeting to allow the applicant to consider M-N as an alternative zoning classification. Following the June 6 tabling, the applicant’s agent informed staff that they desired to pursue the requested M-C zoning as the site’s permanent zoning, upon annexation.



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Staff presented its report and the applicant's agent gave an overview supplemented by members of the Central Missouri Humane Society. The applicant provided letters from neighboring property owners expressing support for the requested M-C zoning. The commission expressed concern as to the end-user's actual intent and whether or not M-C zoning is requisite to achieve the end-use. The agent and other representatives noted that M-N zoning, which conditionally allows a veterinary hospital use (i.e. the shelter), would be a financial impediment as they would be required to submit a site plan for the proposed development of the acreage. Humane Society representatives stated that they desired to create a campus that included "mission partners" in addition to the animal shelter.

After significant deliberation and based upon the applicant's agent and other speaker's testimony, understanding that the preliminary plat (Case # 159-2024) contained a future 66-foot wide local nonresidential right-of-way that would buffer the adjoining property, and the presence of use-specific standards for a veterinary hospital (i.e. animal shelter) were elements that would appropriately mitigate possible impacts generated on the site. Having arrived at these conclusions, the Commission made a motion to approve the requested M-C zoning as the site's permanent zoning, subject to annexation. The motion passed by a vote of 6-0.

The Planning and Zoning Commission staff report, locator maps, zoning graphic, proposed preliminary plat, meeting minute excerpts, and public correspondence are attached.

Fiscal Impact

Short-Term Impact: Limited. All costs associated with the extension of public infrastructure systems will be borne by the applicant. Depending on construction completion, additional costs may be incurred for maintenance of newly installed infrastructure and increased public safety and service provision (i.e. trash collection). Incurred costs are dependent on subdivision development.

Long-Term Impact: On-going maintenance of public infrastructure and provision of public safety and solid waste services. 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: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable



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Legislative History

Date	Action
07/15/2024	Held required public hearing on annexation
07/01/2024	Set public hearing on annexation. (R119-24)

Suggested Council Action

Approve the requested M-C zoning as the subject site's permanent City zoning, subject to annexation, as recommended by the Planning and Zoning Commission.