



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: October 18, 2021

Re: **Tract 11 – John Garry Drive – Rezoning (Case 256-2021)**

Executive Summary

Approval of this request would rezone one tract (Tract 11) of an eleven (11) tract rezoning request within the Corporate Lake development, south of Rock Bridge High School, from M-OF (Mixed-Use Office) and M-N (Mixed-Use Neighborhood) to M-N (Mixed-Use Neighborhood). The purpose of the rezoning is to eliminate the split-zoning of the tract. This is an amended application. The original application was for M-C District zoning.

Discussion

Overall Rezoning Request Background

The applicant is seeking to rezone 11 tracts of land totaling 17.9 acres within the Corporate Lake development. The intent of the rezoning actions is to correct instances of split-zoning and to simplify the zoning on the applicant's property. The majority of the tracts are proposed to be consolidated into M-N zoning and removed from PD (Planned District) zoning. Of the 11 total tracts, 7 are proposed to be rezoned to M-N, 2 to M-C, and 2 to R-MF. It should be noted that Tract 11 was originally proposed to be rezoned to M-C; however, has been amended to be considered as M-N following the Commission's public hearing.

This case was presented to the Planning Commission as a single request with four (4) separate zoning recommendations. However, in preparing for Council action the Law Department requested that individual ordinances be prepared for each group of tracts seeking similar zoning. Given that Tract 11 was proposed to be zoned M-C, but has since been amended a separate report for Council's consideration has been prepared. As such, there will be four individual Council reports associated with this single case number.

To assist in providing clarity as to the tracts which are the focus of each Council report, the attached "Rezoning Locator Maps" have been included to highlight the tracts. Also attached to this report is a "Rezoning Exhibit" which identifies each of the tracts to be rezoned with the tract's current and proposed zoning. Areas shown as "Hatched" on the map are included within the boundary of the subject tracts, but are not included within the area that would be rezoned.

Tract Specific Rezoning Considerations

The rezoning of Tract 11 to M-C (Mixed-Use Corridor) was submitted to eliminate the split-zoned nature of the tract in advance of its development with a convenience store with fuel sales which is classified as a "Light Vehicle Service or Repair" use per the UDC. This use is permitted within the M-N district, subject to a conditional use permit, and is not allowed in the M-OF district.



The Planning & Zoning Commission considered this case at their September 9, 2021 meeting. Staff presented its report and Commissioners asked several questions and provided multiple comments on the request. Two members of the public spoke in opposition to the request, citing concerns about traffic impacts and the safety concerns that arising from those impacts as well as environmental impacts from more intense uses. A representative of the Cedar Lake Neighborhood Association added that traffic backups are not unique to just Southampton Drive at Rock Bridge High School, but extend to Bethel Street where Gentry Middle School also produces drop-off and pick-up traffic congestion. He commented that there are a large number of convenience stores along the Providence Road corridor from Green Meadows to the south and stated the area was over-served with such uses.

Following public comment, Commissioners asked if the applicant had considered placing the fuel pumps on another parcel contained within the overall Case #256-2021 package, specifically Tract 4, and whether the M-N mixed-use neighborhood zoning was acceptable. M-N would allow a convenience store and require a conditional use for fuel sales. The applicant responded by noting the concern about the M-C zoning was related to the gas pumps not the convenience store since which is a permitted retail use in the M-N district. He also stated if the gas pumps and electric vehicle (EV) charging stations were allowed they would generate sufficient traffic counts to warrant a traffic study that could require mitigation. He further stated that the PD zoned property to the east permitted all C-3 (now M-C) uses. In response the location of gas pumps on Tract 4, the applicant noted that was unrealistic since the offering of fuel is a driver for other purchases at the convenience store. Placing them offsite would negate the benefit of selling fuel. Finally, in response to the question of the alternative M-N proposal, the applicant asked that the Commission vote on the proposal as submitted.

Motion on M-C and alternative motion on M-N District; amended application

Following additional discussion, the Commission made a motion to approve the requested M-C zoning that failed unanimously (0-8). An alternative motion was then made to approve M-N zoning on the portion of Tract 11 currently zoned M-OF, pursuant to a revised legal description, which received a tie vote (4-4) of the Commissioners. Pursuant to the Planning Commission's Rules of Procedure a tie vote is a vote "with no recommendation".

Following the public hearing, staff received correspondence (attached) from the applicant requesting that the proposed rezoning of Tract 11 be changed to M-N as voted on by the Planning Commission. This request would be more restrictive and has historically been permitted to be considered without new public notice being provided. Given this historical practice, staff has requested that the legislation prepared for this request reflect the applicant's amended zoning application. Given the Planning Commission's vote on the request, as amended, was a tie this item appears on the Council agenda under the "Old Business" section allowing for a public hearing to be conducted when the request is considered at for passage at second reading.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

A copy of the Planning and Zoning Commission staff report, locator maps, rezoning locator maps, rezoning exhibit, public correspondence, request to amend the application, and meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: None anticipated.

Long-Term Impact: None anticipated.

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

Legislative History

Date	Action
02/19/1990	Ord. 012517 – Approved O-1 zoning on Tract 11

Suggested Council Action

Approve the rezoning of Tract 11 from M-OF and M-N to M-N, as amended by the applicant. The Planning and Zoning Commission consideration of the same requested was tied (4-4); therefore, “no recommendation” has been forwarded.