

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
January 9, 2020**

**SUMMARY**

A request by Haden & Colbert (agent), on behalf of Elizabeth Cully (owner), to assign M-C (Mixed-use Corridor) zoning, upon annexation, to a tract of land containing 1.46 acres and located approximately 750 feet east of the intersection of I-70 Drive SE and Upland Creek Road. The subject property is addressed 5300 I-70 Drive SE. (**Case #34-2020**)

**DISCUSSION**

The applicant is seeking permanent M-C (Mixed-use Corridor) zoning on approximately 1.46 acres of property, pending City Council approval of its annexation into the city. The site is currently located within unincorporated Boone County and is zoned R-S (Single Family Residential) which is considered similar to City R-1 (One-Family Dwelling District) zoning district. The requested M-C zoning is the City's most intensive commercial district. A concurrent M-C rezoning request (Case #37-2020) of the commonly-owned 1.06-acre (Agriculture) zoned property immediately to the north has also been submitted for consideration. The two properties together are addressed 5300 I-70 Drive SE.

The subject property is heavily wooded. A dirt driveway runs through the northern tract to connect the home on the site to I-70 Drive SE. The home appears to have been vacant for some time. The property is unplatted and any future development proposals would necessitate a platting action prior to the issuance of a building permit.

If this request is approved and the property is subsequently annexed into the City, it should be noted that the existing home would become a non-conforming use in the M-C zoning district. Staff has discussed the limitations on the continuation and expansion of a non-conforming use with the applicant. Additionally, the existing driveway does not meet the Fire Department's access requirements and would need to be addressed should the home be desired to be occupied for residential purposes.

This property is presently contained in the Urban Service Area (USA) as presented in the Columbia Imagined Comprehensive Plan. The site would be served by the City, but requires the extension of services upon development. Costs for utility extensions would typically be the responsibility of the developer.

**Zoning**

The assignment of permanent zoning upon annexation is evaluated from several perspectives, including the surrounding zoning and land use mix, and how the requested zoning correlates with the City Comprehensive Plan and its future land use designation.

This area falls under both the Columbia Imagined Comprehensive Plan and the East Area Plan. The Columbia Imagined Comprehensive Plan identifies this area as being within the land use category of "Neighborhood", which is reflective of the current residential use and County residential zoning. The East Area Plan also identifies the area as "Residential" in its future land use map. The requested M-C zoning does not align well with these categories. However, in both plans, the 5.28-acre commercial PD (Planned Development) zoned property immediately to the east is identified as "Commercial" for its future land use. The transition between adjacent land use and zoning categories is a part of staff's evaluation when such requests arise. Staff notes the adopted zoning for the PD-zoned property contains uses permitted in both the M-C and M-N zoning districts subject to the approved site plan and

design parameters, and that some more intensive M-C uses, such as car washes, commercial parking lots and auto sales lots, as well as adult entertainment businesses were expressly prohibited.

In terms of the surrounding land use and zoning adjacent to the site, the property to the west is zoned A and is improved with one home each on a 4.4 and 7.4 acres tract, respectively, with driveways on I-70 Drive SE. The property to the immediate north is also zoned A, and is the site under common ownership requested to be rezoned M-C. To the south is property zoned R-1 (One-Family Dwelling District) improved with a small mobile home park. To the southeast, with frontage on St. Charles Road, is unincorporated Boone County property zoned C-G (General Commercial) and R-S (Single Family).

The surroundings area is a mix of zoning of both incorporated and unincorporated parcels, but overall the land use pattern along the I-70 Drive SE corridor in this area is generally undeveloped or residential. While the St. Charles Road and I-70 Drive SE intersection is identified as a commercial node in both the Columbia Imagined and East Area Plans, this site is more than 750 feet away from the intersection, and given there is no actual commercial development on the corridor in this immediate location, staff is unable to support M-C zoning.

As was discussed in the 2008 zoning and annexation hearings for the two properties to the east of this subject site (the commercial PD and the M-C property to the east of that site), staff stated that “as property moves away from nodes and is adjacent to residential areas, the zoning needs to step down in intensity and provide buffering and neighborhood protections”. It is staff’s belief that M-N zoning would provide a better land use transition from the surrounding residential areas to the commercial PD and then M-C zoned property further to the east.

The M-N district limits uses typically seen as incompatible with residential (or allows them only as conditional uses) and would permit a variety of residential types and densities while better fitting the type of “Commercial Areas” identified in the East Area Plan. The East Area Plan identifies commercial uses in this area are generally not expected to meet regional commercial needs, but rather the everyday convenience and service needs to the surrounding residents (p. 104).

Finally, there are no direct plans to develop this property at this time. As such, the M-C zoning request may be viewed as premature or purely speculative, especially given the area’s present development pattern and market conditions.

## **RECOMMENDATION**

Denial of the requested assignment of M-C zoning upon annexation.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- 1) Locator maps
- 2) East Area Plan

## **SITE CHARACTERISTICS**

<b>Area (acres)</b>	1.46 acres
<b>Topography</b>	Slopes upwards south from I-70 Drive SE
<b>Vegetation/Landscaping</b>	Wooded
<b>Watershed/Drainage</b>	Perche Creek
<b>Existing structures</b>	Home and detached garage

**HISTORY**

<b>Annexation date</b>	N/A
<b>Zoning District</b>	County R-S
<b>Land Use Plan designation</b>	Neighborhood District
<b>Previous Subdivision/Legal Lot Status</b>	Unplatted

**UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia (upon annexation)
<b>Water</b>	Public Water Supply District #9
<b>Fire Protection</b>	City of Columbia (upon annexation)
<b>Electric</b>	Boone Electric

**ACCESS**

<b>I-70 Drive SE</b>	
<b>Location</b>	North side of site
<b>Major Roadway Plan</b>	Major Collector
<b>CIP projects</b>	None
<b>Sidewalk</b>	Required upon redevelopment

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	N/A
<b>Trails Plan</b>	N/A
<b>Bicycle/Pedestrian Plan</b>	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 a public information meeting, which was held on December 17, 2019.

<b>Public information meeting recap</b>	Number of attendees: 1 (including applicant) Comments/concerns: N/A
<b>Notified neighborhood association(s)</b>	Eastland Hills Neighborhood Association/HOA
<b>Correspondence received</b>	Request for information by Eastland Hills Neighborhood Association/HOA. No concerns cited.

Report prepared by Rachel Bacon

Approved by Patrick Zenner