

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
June 20, 2024**

SUMMARY

A request by Crockett Engineering (agent), on behalf of Walter T Sorrels & Dorothy M Sorrels Family Trust (owners), seeking approval to zone 18.62 acres to M-C (Mixed Use - Corridor) district zoning as permanent zoning, subject to annexation. The property is currently zoned Boone County R-S (residential, single family) and is located at 1003 East Brown School Road. A concurrent request (Case # 159-2024) seeks to preliminarily plat the property in a single lot in preparation of future development. **(This item was tabled at the Planning Commission's June 6, 2024 meeting) (Case # 158-2024)**

DISCUSSION

The applicants are requesting approval to assign M-C zoning to their 18.62-acre site located at 1003 East Brown School Road subject to its annexation into the City's corporate limits. The subject property is presently zoned County R-S and is adjacent R-S zoning to the north and west. Highway 763 serves as a buffer to the east, and Brown School Road serves as a buffer to the south. The properties to the east and south of this site, buffered by the aforementioned roads, are within city limits and are zoned M-C with one lot abutting highway 763 that is zoned PD.

The requested zoning district is considered inconsistent with the "Neighborhood District" designation for the property as shown on the Future Land Use Map within Columbia Imagined. The neighborhood district is intended to accommodate a broad mix of residential uses, and supporting, small-scale commercial uses. The applicant has indicated this rezoning is to allow the use of a Veterinary Hospital on the site. While this would be permissible by right in M-C, it is staff's opinion, given the uses of abutting parcels and scale of the property requesting permanent zoning, that zoning the entirety of the site to M-C would permit commercial uses too intense for the abutting properties, which again, are all zoned County R-S zoned and presently improved with single-family structures.

Due the surrounding land use context and inconsistency with Columbia Imagined, M-N (Mixed Use – Neighborhood) zoning was suggested as being more appropriate for the site in comments provided as part of the markup summary from this request's concept review. M-N permits a Veterinary Hospital conditionally, and does not permit vehicle & equipment uses or industrial uses which would be inconsistent with and potentially disruptive to abutting land uses. During review of the rezoning application to M-C, city staff reiterated an M-C district rezoning would not be supported. The applicant was contacted by city staff, advised to revise the application to M-N and submit for a concurrent veterinary hospital CUP instead. After consideration of this option, the purpose of tabling this request at the June 6 Commission meeting, the applicant's elected to maintain the requested M-C zoning.

The increased control of development afforded by the issuance of a conditional use permit for the proposed veterinary hospital in the M-N district would help address potential nuisances associated with the intended use in a more meaningful way than solely relying on the use-specific standards (29-3.3 (q)). This is because a site-specific development plan must be submitted with a conditional use permit application. Such development plan would allow for the Commission to identify if additional controls were needed to address possible negative impact with the future use of the site in terms of design and screening on site per sec. 29-6.4(m)(2)(i)(C) of the UDC.

The use specific standards outline the following regulations for veterinary hospital uses:

1. Any outside animal run structure, pen or enclosure shall be fully fenced (including overhead).
2. A secondary or perimeter fence or wall shall be constructed around all outside animal run structures, pens, enclosures and outside exercise yards in a manner that protects animals from injury and contain animals securely.
3. Veterinary hospitals that provide outside facilities (including but not limited to a run, pen, enclosure or exercise yard) which abut residential uses or residential zoning district, shall be subject to the following setbacks:
 - I. Two hundred (200) feet from the residential use or residential zoning district to any outside animal run structure, pen, enclosures or outdoor exercise yard with openings; and
 - II. One hundred (100) feet from the residential use or residential zoning district to any principle structure or secondary or perimeter fence or wall, which encloses an outdoor exercise yard, without openings.
4. All other applicable state regulations shall be met.

As this site abuts only residential zoning districts, all of the above use-specific standards would be applicable to the site. However, given the scale of the requested rezoning on the site (18.62 acres), **there is no guarantee a veterinary hospital will be the only use on the site** if zoned M-C. There is no limit to the number of uses/structures that could be on the site, but it is inherently limited by the building code and setbacks on the lot. Some M-C uses that are permissible by-right have no use-specific standards and would be inconsistent with the abutting parcels. Below is a table including a list of uses permissible in M-C by-right that are **not** permissible by right in M-N. If a use specific standard is associated with the 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 this district 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, M-N is more apt given the abutting residential uses. The intent of the M-N district is to provide retail and services in or near a residential neighborhood, and this area is near a residential neighborhood, opposed to the intent for M-C, which is to allow a broad range of commercial activities “that may often be oriented toward automobile access and visibility”.

Lastly, while all of the other quadrants of the intersection have M-C zoning, **none of them adjoin a legal residential zoned lot at the lot line**, as they have roads which provide a buffer between their commercial/industrial developments and the homes. The quadrant to the northeast, which contains underutilized/undeveloped M-C parcels abutting the intersection of Highway 763 and Brown School

Road is across the street from City R-1 zoning, but has an M-OF and an M-N lot to provide as a transitional buffer between zoning districts that is more in tune with the uses on the opposite side of the street. The quadrant to the southeast abuts only light industrially zoned parcels in county jurisdiction. The quadrant to the southwest of the intersection has a mixture of zoning, but a limited number of final platted lots eligible for building permits. Many lots on the west side of 763 between Brown School Road and the Prathersville Road roundabout are zoned C-G (general commercial) in the county, however none are zoned as deep as this lot would be for commercial purposes, and the parcel directly to the north of the northernmost lot line on the site is zoned County R-S. Additionally, **none** of the property north of Brown School Road and west of 763 in both the County and the City is zoned anything but residential.

Because the proposed zoning enables intense commercial development inconsistent with abutting parcels, which are all single-family residential, city staff is unsupportive of this permanent zoning request. The comprehensive plan does not identify this area as a commercial district on the Future Land Use Map. While this site does lie at the intersection of two identified major arterials, staff does not believe it is appropriate to zone 18.62 acres entirely as a single lot to M-C without having some sort of transitional buffer of M-N or M-OF zoning accommodating for the decreasing intensity of uses as one crosses lot lines into the County.

The proposed permanent zoning has been reviewed by staff and external agencies and has been found to be inconsistent with the goals and objectives of Columbia Imagined, is incompatible with the adjacent zoning and land uses, and is believed to not be appropriate for the property.

RECOMMENDATION

Denial of the request to permanently zone the subject 18.62-acre site to M-C (Mixed Use – Corridor)

ATTACHMENTS

- Locator Maps
- Zoning Graphic
- Preliminary Plat (proposed)

SITE CHARACTERISTICS

Area (acres)	18.62 acres
Topography	Sloping down to southeast
Vegetation/Landscaping	Wooded by floodplain, mostly clear otherwise
Watershed/Drainage	Cow Branch
Existing structures	3 structures presently exist on the site and are addressed 1003 E Brown School Road and 1017 E Brown School Road

HISTORY

Annexation date	Pending annexation
Zoning District	Boone County R-S (residential single family)
Land Use Plan designation	Neighborhood District
Previous Subdivision/Legal Lot Status	Not a legal lot.

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	City of Columbia
Fire Protection	City of Columbia
Electric	Boone

ACCESS

Brown School Road	
Location	Southern edge of site
Major Roadway Plan	Major Arterial
CIP projects	N/A
Sidewalk	Existing on edge of site

Highway 763	
Location	Eastern edge of site
Major Roadway Plan	Major Arterial
CIP projects	N/A
Sidewalk	Existing on edge of site

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 via property owner letter on May 22nd of the pending action. An ad was placed in the Columbia Daily Tribune on May 20th, advertising the public hearing relating to the permanent zoning of the property.

Notified neighborhood association(s)	None
Correspondence received	None

Report prepared by David Kunz

Approved by Patrick Zenner