

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
July 8, 2021**

**SUMMARY**

A request by Crockett Engineering (agent), on behalf of JAJ, LLC (owners), seeking rezoning of 2.78-acre property located at 5530 Bull Run Drive. The applicants are requesting to rezone the property from PD (Planned Development) to MC (Mixed-Use Corridor) to facilitate development of the property with mixed commercial and office uses. **(Case # 193-2021)**

**DISCUSSION**

The applicant is seeking approval to rezone 2.78-acres, from PD to M-C. The rezoning would allow the development of the site with a mix of retail, restaurant, and office uses. A concurrent request (Case # 194-2021) seeks to rezone the adjacent lot to the south to M-N, as a part of a comprehensive development scheme. The southern lot, which will be accessed both internally from the subject lot and Port Way, is intended to house an assembly/lodge hall event space.

**Background**

The C-P (now referred to as PD) zoning for this site was approved in 2001, by Ordinance # 016976, as part of a comprehensive annexation of 300+ acres of land both north and south of Interstate 70 at St. Charles Road. The subject parcel was a portion of Tract F-3, which allowed all permitted uses in the then C-3 district, except farm machinery sales and services. No statement of intent was required at the time, and no other limitations or restrictions on the C-P zoning were included in the ordinance. The subject parcel was part of a larger tract located at the southwest corner of Bull Run Drive and Port Way and has been subdivided via the administrative platting process a number of times. The subject parcel has a C-P plan associated with it known as the "*C-P Development Plan of Eastport Plat 1-A-3*" that was approved in 2011 (Ordinance #021164). Design parameters were included with approval of plan that detailed setbacks and other restrictions.

The current owners are seeking to develop the site for prospective tenants and desire to eliminate the need for PD approvals in the future. The proposed zoning is an appropriate base zoning district that will still provide the necessary protections to surrounding property owners through the added protections of the UDC. The attached conceptual site plan illustrates how the site may be developed if the rezoning is approved. While the attached site plan is conceptual in nature and is non-binding, submission of such a document is often valuable in that it gives indication the property owner is not seeking a change for a speculative purpose given they have expended resources in developing the layout. Furthermore, per the applicant, it is staff's understanding that the plan has been shared with adjoining neighbors as part of private non-city hosted public out-reach meetings.

**Analysis**

When evaluating a request to rezone out of PD zoning, staff reviews the details surrounding the existing zoning to determine what additional requirements, above and beyond what is typically required, were included; and then compares those with the protections that are included in the current UDC to determine if there is value in maintaining the planned district. Additional restrictions can include a tailored list of uses, additional setbacks, height restrictions, and landscaping enhancements. Potential additional restrictions may be included in the approving PD ordinance (i.e. a statement of intent), or development plans (i.e. design parameters), or potentially within the actual municipal code relating to the C-P zoning itself.

The design parameters approved with the C-P zoning required 25 foot setbacks from all road rights-of-way and 6 foot setbacks from any property lines. The design parameters also established restrictions limiting signage to one 64 square foot freestanding sign per lot that was no more than 12 foot in height. The minimum open space requirement for the Eastport Plat 1-A-3 of 15% per lot was relaxed to 10% given that the standard 15% open space requirement was met across the entirety of the tract southwest of the intersection of Bull Run and Port Way. Furthermore, the C-P plan established a maximum height of 25' for any structure on Lots 102E and 102C (subject lot and lot to south).

Changes in zoning are also evaluated for consistency with any relevant goals of the City's Comprehensive Plan (Columbia Imagined) and its future land use designation. The Comprehensive Plan identifies the entire site as being located within the land use category of "Commercial District". The requested rezoning would be consistent with this designation. Additionally, Lot 102-E is located on the Bull Run corridor and is not immediately adjacent to any of the nearby residential uses. Lot 102-C acts as a green space buffer between the subject lot and the residential area to the south. It is important to note that the bulk of the green space provided by Lot 102-C is intended to remain intact, and the applicant has indicated they intent to rehabilitate the landscaping and add amenity enhancements to the stormwater basins and open space.

The minutes from the PZC public hearing in 2001, regarding the annexation and C-P zoning were also reviewed to determine if there were specific concerns about the zoning at that time. Concerns voiced by neighboring residents included traffic and stormwater impacts. Stormwater mitigation measures are now required per the City's Chapter 12A stormwater regulations, which did not exist at the time of annexation or original C-P plan approval.

The uses permitted under the current C-P zoning include almost all commercial uses (all uses in the previous C-3 except farm machinery sales/service), including those that would fall within the current heavy commercial service use definition. The M-C district's uses were adapted directly from the C-3 zoning regulations of the previous code and permits a nearly identical list of uses with minor exceptions. Generally, the M-C now requires a CUP for certain uses that were openly permitted in C-3 zoning in the past. Machine shops and adult entertainment establishments fall into this category; these uses were permitted by the planned district, but would require a CUP in the M-C.

In reviewing of the minutes from the C-P zoning of Lots 102-C & 102-E as well as others, it appears the general objective of the zoning was to ensure that the site was required to submit a development plan so an enhanced review would be conducted likely due to its proximity to residential property. Given the approved rezoning ordinance only eliminated one permitted C-3 use, farm machinery sales/service, there did not seem to be specific concern with other uses being allowed on the lots. Furthermore, while there were concerns mentioned relating to traffic, stormwater, and landscaping there were no recommendations for supplemental requirements relating to these issues in the minutes nor in the adopted ordinance governing the property.

## **Conclusion**

Given the lack of specific objectives and protections in the PD zoning, the generally permissive list of allowed use on the property (nearly all C-3 zoning uses), and the lack of specific concerns raised during the public hearing that a PD plan could have mitigated, staff finds that the request to rezone out of PD in this situation is acceptable. While PD zoning is a valuable tool, if it does not provide specific benefits to the City or surrounding property owners not otherwise provided or required, it may be more expedient to rezone the site to a non-PD designation. Such action effectively removes some of the regulatory process required to develop the site which in turn frees up City resources. However, the sheer fact that PD zoning is burdensome to a site is not a compelling justification to rezone by itself.

The rezoning of the site to M-C is unlikely to have a greater adverse impact on neighboring properties than the existing C-P zoning, and may prove to be a lesser impact given many of the uses that are currently permitted. While the loss of the authority to approve a site plan does eliminate some of the certainty regarding how a site develops, staff finds it most likely that the existing form & development controls within the UDC will provide similar protections to surrounding property owners.

**RECOMMENDATION**

Approval of the requested rezoning from C-P (now PD) to M-C.

**SUPPORTING DOCUMENTS (ATTACHED)**

Locator maps  
C-P Ordinance # 021164 and supporting documents (12/5/2011)  
C-P Plan (12/5/2011)  
PZC Minutes (7/5/2001)  
Conceptual site plan

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	2.78
<b>Topography</b>	Slopes generally to the south and east
<b>Vegetation/Landscaping</b>	Turf
<b>Watershed/Drainage</b>	Perche Creek, Hinkson Creek
<b>Existing structures</b>	None

**HISTORY**

<b>Annexation date</b>	2001
<b>Zoning District</b>	PD (Planned Development)
<b>Land Use Plan designation</b>	Commercial
<b>Previous Subdivision/Legal Lot Status</b>	<i>Lot 102-E, Eastport Plat 1-A-3</i>

**UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	PWSD #9
<b>Fire Protection</b>	City of Columbia
<b>Electric</b>	Boone Electric

**ACCESS**

<b>Bull Run Drive</b>	
<b>Location</b>	Along the north side of property
<b>Major Roadway Plan</b>	NA (constructed/improved and City maintained); 66-76-foot ROW required; 33-38-foot half-width required; No additional right-of-way required.
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks partially existing; required with future building & street construction

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Eastport Park, Lake of the Woods Recreation Area
<b>Trails Plan</b>	None adjacent to site
<b>Bicycle/Pedestrian Plan</b>	None adjacent to 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 of this pending request on June 22, 2021. Twenty-five postcards were distributed.

Report prepared by Rusty Palmer

Approved by Patrick Zenner