

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

**SUMMARY**

A request by Crockett Engineering (agent), on behalf of Summit Medical Supplies LLC and William E. Stricker (owners), for assignment of One-Family Dwelling District (R-1) zoning upon annexation. The request includes two parcels totaling approximately 65.35 acres generally located at the southeast corner of E. Gans Road and S. Bearfield Road addressed 2550 E. Gans Road and 2700 E. Gans Road. **(Case #91-2021)**

**DISCUSSION**

The applicant is seeking the assignment of R-1 (One-Family Dwelling District) zoning, upon annexation, to allow the subject acreage to connect to the City's sanitary sewer system. The Planning and Zoning Commission is required to provide a recommendation to the City Council on the permanent zoning for the subject property; however, is not procedurally considering the issue of annexation. City Council is responsible for determining if the annexation of the property into the City's corporate limits and the requested permanent zoning is appropriate and necessary for ensuring orderly and compact development occurs on the acreage.

It should be noted that a concurrent preliminary plat (Case # 89-2021) is associated with this case. As such, the Planning and Zoning Commission will make two separate recommendations for this acreage. The first is related to this case regarding its permanent zoning and the second is related to the preliminary plat (Case #89-2021). A detailed discussion of Case # 89-2021 is provided under separate cover on the April 8, 2021 Planning and Zoning Commission agenda; however, certain aspects of the preliminary plat are discussed below.

The subject 65.35-acre site is presently comprised of two lots located in unincorporated Boone County that are zoned A-1 (Agriculture). The property is bordered on the north by E. Gans Road, to the east by two properties, to the south by the Rock Bridge Memorial State Park, and to the west by S. Bearfield Road and a separately owned property which has the appearance of a "notch-out". The subject site is contiguous with the City's corporate boundary along its northern property line where it adjoins the undeveloped acreage at the northeast corner of the Bearfield and E. Gans Road that was annexed into the City in 2004 and zoned PD (Planned Development). On the south side of E. Gans Road, approximately 0.25 miles to the east, is the Gans Creek Recreation Area which is also within the City's corporate boundary.

Pursuant to the submitted preliminary plat (Case # 89-2021), the subject property is proposed to be developed into a residential development to be known as "Canton Estates". The proposed development would include 113 residential lots, 5 common lots, and a 3.59-acre development lot (Lot #197) located at the southeast corner of E. Gans Road and S. Bearfield Road. Applicant correspondence states that development of Lot #197 may request PD zoning with a Planned Development (PD) plan in the future; however, given that there are no specific plans for the lot at this time they seek to have it zoned R-1 similar to the balance of the development acreage. Any future rezoning request for Lot #197 would be subject to a public hearing.

The staff report for Case #89-2021 will elaborate on the specific aspects of the preliminary plat; however, it should be noted that with the exception of a requested design adjustment for sidewalk placement the plat appears to meet the City's subdivision requirements and dimensional standards for

the R-1 zone per the Unified Development Code (UDC).

In consideration of the appropriateness of the requested permanent zoning for the subject acreage, staff has evaluated how such zoning correlates with the City's comprehensive plan and how such assignment would integrate and impact the surrounding properties. Given this analysis, staff offers the following observations.

### **1. Comprehensive Plan Consistency.**

Within the Columbia Imagined Comprehensive Plan, the subject site is identified as being located within the Urban Service Area (USA) boundary meaning it is capable of being supplied with public infrastructure (principally sanitary sewer). Furthermore, the subject site is designated as being located within a "Neighborhood" district. Locations with such a designation are intended to provide a variety of housing opportunities to residents and the requested R-1 zone is one of many residential districts applicable to this designation. By design, the R-1 district is the least dense residential zoning classification allowing a maximum net density of 6.2 dwelling units/acre. The R-1 district is also the most limited residential zone with respect to its permitted uses allowing only single-family homes and several other non-residential uses such as churches, parks, schools and some public service uses (see Chapter 29.3 of the UDC for permitted uses).

Given the subject site's location at the fringe of the City's urbanized area, the surrounding rural/undeveloped land use context, and adjacency of currently unimproved public infrastructure (i.e. roadways) this request may be considered premature. However, it must be acknowledged that most expansion of the corporate limits generally begins in locations with similar characteristics and overtime are improved with appropriately scaled infrastructure. The expansion of the corporate limits is often a "chicken or egg" proposition in which there is a need to balance investments in infrastructure before development occurs with investments in infrastructure driven by proposed or approved development.

Therefore, it is staff's belief that assignment of the requested R-1 zoning would provide an opportunity to allow generally low intensity uses to be established on the subject site. These uses are considered, by staff, as being compatible with the adjoining City and County development patterns and are proposed at a density that would not overwhelm existing infrastructure capacity as well as permit cost-effective servicing of future public infrastructure. It is further believed that assigning R-1 zoning may create opportunities to expedite future capital expenditures that could be applied toward upgrading and improving the existing infrastructure adjoining the subject site and within its immediate vicinity; thereby, benefiting not only the subject acreage but also existing and potential future development.

### **2. Surrounding Land Use Compatibility**

While preparing this report significant public correspondence has been received relating to the impacts that annexing and assigning R-1 zoning on the subject acreage will create. Significant concern has been expressed regarding the impact that the proposed development will have on the Rock Bridge Memorial State Park and its eco-system. The subject acreage is presently zoned County A-1, which is an agriculture zone that also allows residential uses on typically larger lots containing 10+ acres. This classification does not preclude the property from being intensely used for agricultural purposes which may exacerbate the environmental concerns that have been expressed.

The City's UDC does not have a comparable zoning classification that would allow for the division of the acreage into multiple parcels without seeking a rezoning. While the R-1 district will permit

lots as small as 7,000 sq.ft, the proposed preliminary plat illustrates lots approximately 10,000 square feet and larger – the largest located along the southern boundary of the proposed development adjoining the State Park. Furthermore, assignment of R-1 zoning would eliminate the potential for agricultural uses on the site and their potential environmental impacts on the adjoining sensitive features to the south.

The existing land use pattern surrounding the subject site consist of a mixture of land uses. Adjoining County properties to the east and south (Rock Bridge Memorial State Park) are zoned A-1 and to the west, across S. Bearfield Road, are properties zoned R-S (Single-family, 7000 sq.ft. lots) and A-2 (Agriculture on 2.5 acres). The R-S zoned property is improved with the Bearfield Subdivision which contains 28, approximately ¼-acre (10,000 sq.ft.) lots, accessed from a single roadway. Nearby City properties include the Bristol Lake Subdivision to the northeast, north of E. Gans Road which is zoned PD and the City's Gans Creek Recreation Area, 0.25-mile to the east, which is zoned R-1. Given these surrounding land use conditions, the requested R-1 zoning is compatible and not inconsistent with existing development patterns.

It should be further noted that the location of the subject site is along an east-west roadway corridor that would connect Highway 163 to US 63 for which an improvement study (Gans Road) has been conducted. Additionally, the subject site is located at a "node" as defined within the Comprehensive Plan and situated approximately ½ mile from the US 63/Discovery Parkway interchange. These attributes, in staff's opinion, support the appropriateness of the requested R-1 zoning for the site. The area is in the process of conversion from agricultural use to more urbanized uses on the north side of E. Gans Road and this request appears to be the logical extension southward. Development further south of the subject site will be limited given the State Park property.

### 3. **Alternative zoning options.**

Given the public comments received, staff has considered what possible alternative zoning would be available to address those concerns while also accommodating the applicant's desired development objectives. The only district that would permit a "conditioned" approval is the City's PD (Planned Development) district. The PD district allows development parameters and conditions to be established on the subject site such that they minimize or mitigate the impact that development of the acreage may create. The PD district requires not only a Statement of Intent, but also the submission of a PD Plan for review and approval. The applicant has not requested to assign PD zoning to the acreage nor have they presented the City with appropriate documentation to do so; therefore, such action would require resubmission of this request and a new public hearing.

Pursuing assignment of PD zoning; however, must begin with a careful understanding of the benefits and drawbacks of the zoning classification. PD zoning is best applied to development parcels to allow for superior development patterns not envisioned or well accounted for in the existing zoning code or to permit more intensive uses that would otherwise not be appropriate without tailored scale or impact mitigation design factors. Given the existing infrastructure limitations surrounding subject site, development greater than the proposed R-1 is not supported by staff; therefore, the value of added regulatory processes associated with PD zoning is not believed appropriate.

It is important to note that PD zoning has historically been used as *compromise zoning* when other regulatory structures did not exist rather than for their intended purpose of addressing innovation in development not otherwise covered in the code. Over the past decade and more notably as part of the adoption of the Unified Development Code in 2017, the City's regulatory structure has been significantly updated and augmented by publicly-driven and vetted code amendments and new

regulations to specifically fill many voids in environmental and neighborhood protections. These efforts were undertaken to provide opportunities to avoid the necessity of PD zoning given many of the common elements found within such districts are now general regulatory requirements applicable to all development regardless of their zoning.

Staff recommends that the applicant continue work with the neighbors and advocacy groups (e.g. The Friends of Rock Bridge State Park, the Sierra Club, and others) to find common ground. Staff also notes there are a variety of avenues which may be pursued for land preservation, environmental protection, and voluntary development controls which may be handled in a civil or private matter outside of, or in addition to, any City processes.

Given these available options, while PD zoning may offer some perceived benefits and has the opportunity (but not the guarantee) to assuage some public concerns, staff does not recommend PD zoning over R-1 zoning given the proposed use fits in the R-1 zone and the development as presented fits the site controls inherent to the R-1 zone.

**Conclusion**

Based on its analysis and consideration of other opportunities for zoning, staff finds that the requested R-1 zoning is appropriate for the subject site, it is believed consistent with the goals and objectives of Columbia Imagined, and is compatible with adjacent zoning and land uses.

**RECOMMENDATION**

Approval of the requested R-1 permanent zoning pending annexation of the property.

**SUPPORTING DOCUMENTS (ATTACHED)**

- Locator maps
- Zoning Graphic
- Supportive Public Correspondence
- Opposition Public Correspondence

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	65.35
<b>Topography</b>	Rolling
<b>Vegetation/Landscaping</b>	Wooded
<b>Watershed/Drainage</b>	Gans Creek
<b>Existing structures</b>	2 dwellings, accessory structures

**HISTORY**

<b>Annexation date</b>	NA
<b>Zoning District</b>	County A-1 (Agriculture)
<b>Land Use Plan designation</b>	Neighborhood
<b>Previous Subdivision/Legal Lot Status</b>	None

**UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	City of Columbia
<b>Fire Protection</b>	BCFPD/City of Columbia
<b>Electric</b>	Boone Electric

**ACCESS**

<b>S. Bearfield Road</b>	
<b>Location</b>	Along the west side of the property
<b>Major Roadway Plan</b>	Neighborhood Collector; Boone County maintained (33' half-width required).
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks required

<b>E. Gans Road</b>	
<b>Location</b>	Along the north side of the property
<b>Major Roadway Plan</b>	Minor arterial; Boone County maintained (50' half-width)
<b>CIP projects</b>	Gans Road Interchange at 63 complete
<b>Sidewalk</b>	Required

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Gans Creek Recreation Area & Phillips Lake Park (1/4 mile east), Rock Bridge Memorial State Park (south)
<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 February 15, 2021. Additional correspondence was provided March 4 to update neighbors of a change in the hearing schedule. Following correspondence from neighbors, the notice list was expanded from 11 to 14 addresses to include additional property owners who expressed interest in being informed about the request.

Report prepared by Rachel Smith

Approved by Patrick Zenner