



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: September 20, 2021

Re: 5500 W. Van Horn Tavern Road– Conditional Use Permit (Case #253-2021)

Executive Summary

Approval of this request would grant a conditional use permit (CUP) to allow "outdoor recreation or entertainment" uses on approximately 115 acres of land sought to be permanently zoned O (Open Space) district as presented in Case #227-2021, upon annexation. The subject site is addressed as 5500 W. Van Horn Tavern Road and is generally improved with Midway Golf and Games.

Discussion

As part of the larger concurrent annexation (Case #226-2021) and permanent zoning request of 121 acres (Case #227-2021), Crockett Engineering (agent), on behalf of MFL Golf, LLC (owner), seeks approval of a conditional use permit (CUP) to permit "outdoor recreation or entertainment" uses on the approximately 115 acres of land proposed to be zoned O (Open Space). The property is addressed 5500 W. Van Horn Tavern and is presently improved with Midway Golf and Games which has existing outdoor entertainment uses.

The property is contiguous to the City's corporate limits on its eastern boundary which adjoins the City's Strawn Road Park east of Perche Creek. The annexation request (Case #226-2021) and assignment of permanent zoning upon annexation (Case #227-2021) are the subject of concurrent and respective reports. Annexation is desired to permit connection to City sewer service in advance of potential additional expansion of on-site uses which may include a restaurant.

The CUP is desired so that the existing outdoor recreation activities (go carts, batting cages, mini golf, etc.) on the site may continue to operate on the 115 acres sought to be zoned O following annexation. Such uses are permitted "by-right" within either the M-C (Mixed-use Corridor) or IG (Industrial) zoning districts and via CUP in the O district. Neither M-C nor IG zoning were deemed appropriate for the site given numerous environmental constraints as well as limited accessibility. Activities which fall under the outdoor recreation or entertainment use definition are not permitted in request 6 acres of M-N zoning sought under Case #227-2021 and as such the CUP request would not be applicable to that portion of property if the requested permanent zoning is approved.

The CUP request is believed to meet the criteria for approval as found in Section 29-6.4 of the UDC, as well as meet the use-specific standard for the use enumerated in Section 29-3.3(y). The criteria for CUP approval are intended to mitigate adverse impacts to surrounding properties, ensure adequate access exists to mitigate traffic impacts and safety issues, ensure sufficient infrastructure and services are available, promote compliance with the Comprehensive Plan and land use standards, and ensure conformance with the character



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of the adjacent area. Supplemental conditions may be applied to any CUP request believed necessary to mitigate impacts and to ensure conformance with the general approval criteria. Additionally, the CUP process may revise and if necessary augment any existing use-specific standards inherent to a particular use.

It should be noted that the existing outdoor recreation use activities on the site are believed to be appropriate for continuation on the site. However, staff also notes that without restrictions imposed via conditions, **any** outdoor recreation or entertainment activity would be permitted on the site. Several more intensive activities such as commercial swimming pools, outdoor concert facilities, amusement parks, automobile race tracks, commercial ball fields, tennis courts, fair grounds, etc. are permitted under the definition of outdoor recreation or entertainment.

Given the potential impacts that such additional uses or expansion of the uses presently operated on the site may create, the applicant, in consultation with the staff, has **agreed** to impose the following supplemental conditions on the CUP. The Planning and Zoning Commission, in consideration of the CUP request, found such conditions to be a reasonable means of addressing future traffic management, congestion, and safety concerns given the substandard condition of the existing roadway infrastructure in the area.

The following conditions, in addition to all standard UDC regulatory requirements, are proposed to be imposed upon the CUP.

Condition #1: Addition of any outdoor recreation or entertainment activity not presently on the property or that will result in an expansion of an existing activity by more than 20% (size/scale) shall require amendment to the CUP, including the submission and approval of an updated site plan.

The "Conditional Use Exhibit" serves as the existing site plan for this request and includes the following activities.

1. Par-3 golf course;
2. Mini-golf course;
3. Batting cages;
4. Go cart track;
5. Yard games;
6. Driving range;
7. Corn maze area; and
8. Laser Tag.

Condition #2: A transportation impact analysis (TIA) shall be submitted at the time of subdivision plat submission provided the existing development will produce 100 or more trips in and out of the development site at peak hour.

Condition #3: A transportation impact analysis (TIA) shall accompany any CUP amendment when either the existing or proposed activity or activities shall produce 100 or more trips in and out of the development site at the peak hour.



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The Planning and Zoning Commission considered this request at their August 19, 2021 meeting. Staff presented its report and the applicant was available to answer questions. The applicant asked the Commission to include "laser tag" in the list of existing, on-site activities and to update the "Conditional Use Exhibit" accordingly to show the laser tag location. Additionally, law proposed revised language to increase the clarity of the third condition.

The Commission further discussed the request, the impact of areas likely to be mapped as Flood Plain Overlay (FP-O), and clarified where the location of the laser tag activities occurred. A motion to approve the addition of "laser tag" to the "Conditional Use Exhibit", modify the text as recommended by Law, and to approve the CUP subject the three (3) supplemental conditions was passed 8-0.

Planning and Zoning Commission staff report, locator maps, City-County Zoning Graphic, Zoning Graphic (requested), Conditional Use Exhibit, and excerpts from meeting minutes are attached.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Public infrastructure maintenance such as roads and sewers as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Reliable Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Not Applicable

Legislative History

Date	Action
09/07/2021	Set public hearing on annexation. (Res. 143-21)

Suggested Council Action

Approve the requested CUP subject to the three supplemental conditions listed above, under "Discussion" as recommended by the Planning and Zoning Commission.