

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
October 20, 2022**

SUMMARY

A request by Simon & Struempf Engineering (agent), on behalf of JAJ, LLC (owner), seeking the rezoning of property located west of 5530 Bull Run Drive, immediately south of the intersection of Bull Run and St. Charles Road, from PD to M-C (Mixed-Use Corridor). The subject property, known as, "Lot 102B of Eastport Plat 1-A-2," consists of 1.3 acres and is currently vacant. **(Case # 283-2022)**

DISCUSSION

Background

The applicant is seeking to rezone 1.3 acres of vacant property, located immediately west of property at 5530 Bull Run Drive, from P-D (formerly C-P) to M-C. The current zoning on the 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 (now M-C), 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.

A C-P plan, known as the "*C-P Development Plan of Eastport Plat 1-A-3*," was approved in 2011 (Ordinance #021164) for the adjacent properties to the east and south. However, these parcels were again rezoned to M-C and M-N in 2021 (Ordinances 024726 & 024727, respectively). The applicants own the adjacent properties to the east and south, and have recently acquired the subject site. The current request for rezoning would similarly remove the development plan requirement on the parcel and make its zoning consistent with the adjacent properties owned by the applicant. Consistent zoning would simplify full development of the applicant's properties as a cohesive design.

Zoning Considerations

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 zoning itself.

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-B 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 either the minutes or the adopted ordinance governing the property.

The subject parcel is surrounded on all sides by commercial zoning, with M-C to the north, M-N to the south, and County C-G (General Commercial) to the west and northwest across St. Charles Road. The property to the south (owned by the applicant) is developed with stormwater facilities and is planned to be improved with a pedestrian trail amenity. This southern lot acts as a greenspace buffer between the subject lot and the residential properties further south, which lie in the County. Furthermore, this southern lot is encumbered with an easement prohibiting its development for purposes other than open space.

Columbia Imagined designates the subject property as lying within the commercial district, which is defined by the comprehensive plan with the following description.

"The commercial district contains a variety of citywide and regional retail uses as well as offices, businesses, personal services, and high-density multi-family dwellings as supporting uses within the district. Most of the retail uses in this district depend on auto or transit access to and from major roadways to support and sustain their business activity."

The subject parcel lies near a significant transportation node created by the intersection of Bull Run Drive with St. Charles Road, Grace Lane, and Interstate 70. Currently St. Charles is classified as a major collector and Grace Lane is classified as minor arterial on the City's MRP. However, should Stadium Boulevard be extended through this location the portion of St. Charles north of Grace Lane would become classified as an expressway since it, in essence, would be an extension of Stadium which is currently classified as an expressway. Bull Run is a major collector.

Staff believes that open M-C zoning on the subject site would be appropriate given the site's existing and future access, the surrounding developed land uses which generally have or will occur without PD

development plan oversight, and given the site's commercial designation by the comprehensive plan. Furthermore, after considering the existing PD zoning entitlement and the fact that it presently permits all but one former C-3 use, the lack of supplemental development restrictions, and that the property has been vacant for more than 21 years, it is staff's belief that a change to an open zoning district of no greater intensity may allow for more productive use of the site. Such action would not create an anomaly in the zoning pattern, but rather bring the site into compliance with the surrounding designations.

Conclusion

Given the surrounding residential land uses and consistency with the comprehensive plan's goals and objectives for nodal development, staff believes that M-C zoning in this location is appropriate. Staff believes that the oversight lost by allowing the site to become governed by open zoning does not present significant concerns given the existing permitted uses are generally consistent with the proposed M-C zoning. Staff further believes, given the development code changes in 2017 to enhance neighborhood protections and buffering, that development of the site as an "open" zone will not overwhelm or result in significant incompatibilities with the existing, or potential future, developed environment. The change in zoning is seen as a way to make more productive use of the land without any inherent increase in its previously approved development intensity.

RECOMMENDATION

Approval of the requested rezoning to M-C.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Rezoning Exhibit

SITE CHARACTERISTICS

Area (acres)	1.30
Topography	Slopes generally to the south and east, ridge parallel to west boundary
Vegetation/Landscaping	Turf, with tree line along western boundary
Watershed/Drainage	Perche Creek, Hinkson Creek
Existing structures	None

HISTORY

Annexation date	2001
Zoning District	PD (Planned Development)
Land Use Plan designation	Commercial
Previous Subdivision/Legal Lot Status	<i>Lot 102-B, Eastport Plat 1-A-2</i>

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	PWSD #9
Fire Protection	City of Columbia
Electric	Boone Electric

ACCESS

Bull Run Drive	
Location	Along the north side of property
Major Roadway Plan	Major Collector, 66-76-foot ROW required; 33-38-foot half-width required; No additional right-of-way required.
CIP projects	None
Sidewalk	Sidewalks partially existing; required with future building & street construction

PARKS & RECREATION

Neighborhood Parks	Eastport Park, Lake of the Woods Recreation Area
Trails Plan	None adjacent to site
Bicycle/Pedestrian Plan	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 September 14, 2022, and property owner letters were distributed on October 3, 2022. Eight neighboring property owners received the notification.

Report prepared by Rusty Palmer

Approved by Patrick Zenner