

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 19, 2021**

SUMMARY

A request by Crockett Engineering (agent), on behalf of MFL Golf, LLC (owner), for a conditional use permit (CUP) to allow "outdoor recreation or entertainment" uses on approximately 115 acres of land presently improved with similar uses and operated as Midway Golf and Games. The subject acreage is part of a larger 121- acre property owned by the applicant seeking to be permanently zoned O (Open Space) and M-N (Mixed-Use Neighborhood) upon annexation as presented in Case # 227-2021. The subject property is located approximately 1800' to the east of the intersection of Highway UU and Van Horn Tavern Road and addressed 5500 W. Van Horn Tavern Road. **(Case #253-2021).**

DISCUSSION

The applicant seeks a conditional use permit (CUP) to allow "outdoor recreation or entertainment" uses on approximately 115 acres of the overall subject site which is requested to be zoned O (Open Space) and M-N (Mixed-Use Neighborhood) upon annexation. The subject property contains a total of 121 acres, is addressed 5500 W. Van Horn Tavern Road, and is presently improved with Midway Golf and Games. The remaining approximately 6 acres is requested to be zoned M-N (Mixed Use- Neighborhood) upon annexation. Case # 227-2021 addresses the specifics of the permanent zoning request which is also being presented on the August 19 agenda. The focus of this report will be on the evaluation of the requested CUP to allow outdoor recreation and entertainment uses.

The property is presently developed with outdoor recreation use activities including mini golf, a driving range, batting cages, go carts cars and customary accessory indoor activities such as concessions and ticketing operations. The CUP request is desired to permit legal continuation of these activities in the O-zoned area following annexation, as outdoor recreation or entertainment is not permitted in the O district except following approval of a CUP. Activities which fall under the outdoor recreation or entertainment use definition are not permitted in the M-N zone and, as such, the CUP request is not applicable to the portion of property requested to be zoned M-N upon annexation.

The applicant is requesting annexation into the City to permit access to City sewer. The staff report for Case # 227-2021 provides information why permanent zoning is required as well as information on the land use, infrastructure, and environmental contexts surrounding and development requirements impacting the future use of the property subject to its annexation and permanent zoning. The report further discusses the surrounding City and County zoning and land uses, the relationship between the O and M-N City zoning to the property's existing Boone County REC (Recreation) zoning as well as the Columbia Imagined Future Land Use Map (FLUM) designation of Open Space. That report also describes why staff is not supportive of the two City districts (M-C, Mixed-Use Commercial and IG, Industrial) in which outdoor recreation or entertainment uses are permitted by-right (without the ability to impose conditions).

In short, staff is supportive of the requested zoning mix upon annexation after evaluation of these factors. This staff report builds upon that evaluation, and provides in-depth evaluation of the CUP request. A graphic illustrating the acreage requested to be zoned O with the concurrent CUP is attached and entitled Zoning Graphic (requested).

Conditional Use Permit

The conditional use permit process applies to uses identified as conditional for a particular zone district in the Permitted Use Table (Table 29-3.1). The procedure and criteria for approval are found in Section 29-6.4. The criteria for 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 inherent to the character of the underlying zoning district, and ensure conformance with the character of the adjacent area. Conditions may be applied to any such request to mitigate impacts and to ensure conformance with the CUP criteria for approval. Additionally, the CUP process may revise and if necessary augment any existing use-specific standards inherent to a particular use.

Outdoor recreation or entertainment uses are subject to Use-Specific Standard 29-3.3(y), which states:

“...(1) Golf courses are permitted in the A and O Districts only; and
(2) Accessory uses and structures may provide these types of services generally associated with such clubs and facilities to their members.”

Staff believes the CUP request herein is consistent with the provisions of the use-specific standard. It should also be noted that any applicable neighborhood protections, outdoor lighting, and landscape and buffer standards enumerated in Section 29.4 of the UDC as well as other applicable City noise and nuisance ordinances will apply *in addition to* the use-specific standard and the conditions imposed via the CUP process.

The applicant has indicated the desired O zoning on the preponderance of the property (115 acres) with the concurrent CUP for outdoor recreation or entertainment uses is sought to allow the existing uses to continue legally upon annexation. However, it should be noted that without restrictions imposed via conditions, any outdoor recreation or entertainment activity would be permitted on the site. Activities falling under the outdoor recreation or entertainment use may include commercial swimming pools, outdoor concert facilities, amusement parks, automobile race tracks, commercial ball fields, tennis courts, fair grounds and others.

While many of the permissible uses allowed by the CUP are existing activities on the site and their potential improvements/expansion is not seen as inappropriate, there is concern some activities not present and falling under the outdoor recreation or entertainment use category *if not otherwise restricted* could have negative impacts upon surrounding properties should they be added in the future. Furthermore, substantive expansion of the existing activities operating on the site may also have negative impacts in terms of traffic congestion and management. Given these concerns, staff proposes the following conditions to manage the impacts that may arise should the CUP for the 115 acres be approved.

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 location and type of activities presently operating within the 115 acres are shown in the attached “Conditional Use Exhibit” which serves as the existing site plan for this request. If the property owner wishes to expand the size or scale of these activities or add additional activities not described within the Exhibit this condition will ensure that a specific evaluation of the location, intensity, scale, and traffic impacts associated with the desired activities occurs. Per the Exhibit, the existing on-site activities include:

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

Staff notes that the UDC, Section 29-5.1(c)(8), presently requires a transportation impact analysis (TIA) be submitted for any “proposed new development that would produce 100 or more trips in and out of the

development site at peak hour... and that any significantly adverse traffic impacts identified in the TIA must be mitigated by the applicant". Staff also notes the property is not presently platted, and a subdivision plat will need to be approved to bestow legal lot status prior to the issuance of any future building permits.

Given staff's concerns for access management, traffic congestion mitigation, and safety staff recommends the following:

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.

This condition would be in addition to all other standard subdivision requirements.

Finally, to further to address future CUP amendments following the platting of the property which may result in potential increases in traffic generation for which mitigation may be required staff recommends the following:

Condition #3: A transportation impact analysis (TIA) shall accompany any CUP amendment trigger by either a) the expansion, in scale or size, of an existing outdoor recreation use or activity shown within the attached "Conditional Use Exhibit" by 20% or more; or b) new uses or activities are proposed on-site for which either the existing use or activity, new use or activity, or any combination thereof shall produce 100 or more trips in and out of the development site at the peak hour.

The proposed CUP request has been reviewed by staff and external agencies and has been found to be consistent with the goals and objectives of Columbia Imagined, is compatible with the adjacent zoning and land uses, and is appropriate for the subject property, subject to approval of the two proposed conditions for approval:

RECOMMENDATION

Approval of the CUP for "outdoor recreation or entertainment" uses as requested on the approximately 115 acres requested to be zoned O subject to three conditions:

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;
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; and
3. A transportation impact analysis (TIA) shall accompany any CUP amendment trigger by either a) the expansion, in scale or size, of an existing outdoor recreation use or activity shown within the attached "Conditional Use Exhibit" by 20% or more; or b) new uses or activities are proposed on-site for which either the existing use or activity, new use or activity, or any combination thereof shall produce 100 or more trips in and out of the development site at the peak hour.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- City-County Zoning Graphic
- Zoning Graphic (requested)
- Conditional Use Exhibit

SITE CHARACTERISTICS

Area (acres)	121 acres
Topography	Rolling, sloping around streams
Vegetation/Landscaping	Cleared in developed areas, golf course ponds and landscaping, trees around streams
Watershed/Drainage	Perche Creek
Existing structures	Improved with parking, a 3-hole golf course, an 18-hole mini golf course, a driving range, batting cage areas, go carts race track, and related supporting buildings

HISTORY

Annexation date	NA
Zoning District	Boone County REC
Land Use Plan designation	Open Space
Previous Subdivision/Legal Lot Status	Not a Legal Lot

UTILITIES & SERVICES

Sewer utilities provided by the City of Columbia. Fire service will be provided jointly between the City and County fire services. Electric service is provided via Boone Electric Cooperative. Water service is Public Water District #1.

ACCESS

Van Horn Tavern Road	
Location	Through the property
Major Roadway Plan	Major Collector
CIP projects	None
Sidewalk	None

PARKS & RECREATION

Neighborhood Parks	The City's Strawn Road is directly to the east across the Perche Creek
Trails Plan	The Perche Creek Trail is a future primary trail following the Perche Creek
Bicycle/Pedestrian Plan	N/A

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 July 14, 2021. 7 postcards were distributed. **Note:** the initial postcards indicated a request for M-C zoning on the entirety of the acreage. The applicant modified the request and revised notification letters were sent on July 20, 2021.

Public Notification Responses	In person and phone contact with representatives of the property owner to the south regarding civil dispute about means of access through the subject property to their land via deed records.
Notified Neighborhood association(s)	N/A
Correspondence received	No written correspondence at this time.