

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
January 19, 2023**

**SUMMARY**

A request by A Civil Group (agent), on behalf of DREW Properties, LLC (owner), to rezone two tracts of land under common ownership; however, identified by individual parcels numbers. The first tract is the northern half of parcel 12-701-00-01-240.00 01 and seeks rezoning from M-C (Mixed-use Corridor) to IG (Industrial). The second tract is identified as parcel 12-701-00-00-002.0001 and seeks rezoning from PD (Planned Development) to M-C. The subject sites are located northwest of the intersection of E Brown School Road and N Roger Wilson Memorial Drive. **(This request was previously tabled at the December 22, 2022 public hearing).**

**DISCUSSION**

The applicant is requesting to rezone two tracts (Tracts 1 and 2, see attached zoning exhibit) to M-C (Mixed-use Corridor) and IG (Industrial), respectively. The properties are located west of the US 63 and Brown School Road interchange, border the 50-acre Pride-Phoenix Soccer Park, and front Brown School Road and Roger Wilson Memorial Drive. The properties were rezoned to their existing zoning in 1995 (Ord. 014518, attached) and have remained vacant since that time.

Both properties are presently contained in the Urban Service Area (USA) as presented in the Columbia Imagined Comprehensive Plan. The sites would be served by the City for all services except electric, which requires the extension of Boone Electric services upon development. Costs for utility extensions would be the responsibility of the developer. Both tracts are served by existing City sewer and water facilities.

**Zoning**

Requests for zoning map amendments are evaluated from several perspectives, including the surrounding zoning and land use mix, and how the requested zoning correlates with the Comprehensive Plan and its future land use designation.

**Tract 1**

Tract 1, tax parcel 12-701-00-00-002.0001, is located directly north of the intersection of E Brown School Road and Nathaniel Drive. This 1.53-acre tract is unimproved and currently zoned PD (Planned Development, formerly planned commercial).

This tract was originally included in the 1995 rezoning ordinance that established C-P (Planned Commercial) zoning for the now existing Soccer Park. Permitted uses would be most comparable to today's M-N zoning (Mixed-use Neighborhood) with two exceptions. 'Outdoor Recreation or Entertainment' is a permitted by-right use in the M-C zoning district and currently permitted on site; and 'Accessory Drive-throughs' are a conditional use in the M-N zoning district, permitted by-right in M-C, and currently permitted on the existing site subject to a site plan.

The site which contains the ~50-acre soccer park was recommended "planned district" zoning given concern with the potential impacts that open commercial zoning would permit on a tract as large as the then operating Biscayne Mall. Planned districts require site plan approval which undergoes a regulatory public hearing through both the Planning and Zoning Commission and City Council.

A site plan for the Pride/Phoenix Soccer Park was approved in 1999 and revised in 2010, see attached. The entire 1995 C-P tract was not included in the development plan; Tract 1 was left out and remains as a 1.53-acre unimproved, remnant parcel subject to the requirements of the 1995 C-P ordinance and site planning approval standards for planned districts.

Staff does not believe site plan control over this site is necessary given its size (1.5 acres), its status as a remnant parcel, and the adoption of the UDC in 2017. With the adoption of the UDC in 2017, additional buffering, land disturbance, and other development regulations were adopted that generally reduced the need for PDs and site plan approval throughout Columbia. Given a PD is believed no longer necessary, additional analysis has been performed to identify what zoning classification would be most appropriate zoning for this acreage.

It should be noted, that the subject parcel identified within the City's Comprehensive Plan as being located within a "Commercial" district. The requested M-C zoning is consistent with this land use designation and is generally consistent with the commercial zoning surrounding the interchange to the east. However, given the Comprehensive Plan does provide not specify which of the UDC's commercial zoning classifications is appropriate at this location the following additional analysis was undertaken to identify an appropriate zoning district.

This tract is adjacent to an unimproved M-C zoned tract to the east and the Soccer Park to the north. The Soccer Park is a regional-scale land use that is not permitted in M-N and is permitted via conditional use in M-C. The Soccer Park is not fully built out per the most recent development plan. Remaining features include four soccer fields on the western portion of the site, a second concession stand, and a parking lot across from Alcott Drive that would contain 126 parking stalls. The Soccer Park contains several athletic field lights which are currently restricted to 75' in height per the C-P plan.

The site is located directly across the intersection of Brown School Road and Nathaniel Drive which serves as the internal collector street for a large R-1 (One-family Dwelling) residential subdivision south of Brown School Road. Brown School Road is identified as a Major Arterial street on the CATSO Major Roadway Plan (MRP). Major Arterials handle the bulk of through traffic within the City of Columbia. These roadways connect to expressways and freeways as well as provide access to major traffic destinations such as regional shopping centers.

### **Conclusion – Tract 1**

The requested M-C rezoning would remove the PD Plan requirements from the tract and assign it zoning identical to the adjacent commercial property near the interchange. Staff finds the site's proximity and connectivity to the interchange as crucial factors supporting M-C zoning over M-N zoning. Staff believes the Major Arterial provides an adequate buffer to the R-1 subdivision to the south. Additional uses granted by the M-C rezoning would have minimal impact upon these properties given existing commercial zoning in the area and the constrained size of the parcel.

### **Tract 2**

Tract 2, the northern half of tax parcel 12-701-00-01-240.00 01, is located on the western frontage of Roger Wilson Memorial Drive, approximately 700' north of the street's intersection with E Brown School Road. This 5.56-acre tract is unimproved and currently zoned M-C.

This tract was also included in the 1995 rezoning ordinance previously mentioned but was instead assigned C-3 (now M-C) zoning. The applicant has stated that the rezoning to IG is requested to improve the acreage's marketability given the property has remained undeveloped since 1995 with its current use limitations. During the concept review, the applicant relayed that the principally desired use

on the rezoned acreage would be a ‘Mechanical or Construction Contractor’ which is permitted by-right in the requested IG zoning district, but requires a Conditional Use Permit (CUP) under the current M-C zoning. County staff noted that there is a need for this use in the area. Staff also noted that there is a need for commercial property in the area and that a rezoning to a non-commercial land use could represent the loss of commercial property. A CUP for this one specific use was considered by the applicant, but ultimately the request for IG zoning was not modified.

The Comprehensive Plan identifies this area as being within the land use category of “Commercial”, which is consistent with the commercial zoning surrounding the interchange to the southeast. The requested IG zoning could be considered inconsistent with this future land use category given industrial sites are generally designated as an “Employment” district within the Comprehensive Plan.

However, commercial uses are permitted within the IG zoning district with general retail being limited to 15,000 square feet per structure unless a conditional use permit is granted. This restriction essentially prohibits larger “big-box” retail stores that one would typically find in a regional shopping center. Staff reviewed this specific restriction and found that the size of the parcel, particularly the lot depth, would not be supportive of big-box retail development similar to that found in other commercial nodes within the city.

Regarding permitted uses in IG, the most intense and impactful land uses such as “Heavy Industry”, “Quarries”, or “Junkyards” are conditional uses. The small size of the parcel likely would prevent a large-scale manufacturing or a light industrial use.

In terms of the surrounding land use and zoning adjacent to the site, the property fronts Roger Wilson Memorial Drive and is bordered by the Soccer Park on its remaining northern, western, and southern boundaries. Property near the interchange is unimproved and zoned M-C and IG, which is owned by Boone County. The property to the north along Roger Wilson Memorial Drive contains ~150 acres of IG zoning. These properties are owned by government agencies including Boone County and the State of Missouri, are not fully developed, and generally contain institutional/governmental land uses.

The developed uses on this acreage include the Boone County Jail, Sheriff’s Department office, Emergency Communications Center, Regional Army National Guard Armory, County Fire District Training Center, and the County Juvenile Center. While these uses do not have the same impact as traditional IG uses such as manufacturing and warehousing, they are appropriately located in the IG zoning district as they may be considered incompatible with residential districts.

Roger Wilson Memorial Drive is classified as a Major Collector on the CATSO MRP but is unimproved which would be unsuitable for large-scale industrial development. This concern is lessened given the limited size of the parcel, existing IG zoning in the area, and the requirement for a traffic study if any proposed development requires street improvements. A MoDOT right-of-way permit may be required and would be coordinated with a traffic study if required. The site’s connectivity to a US Highway Interchange is an important factor to consider regarding movement of freight traffic and existing infrastructure to support industrial uses.

Below is an itemized list of criteria that staff believes supports the approval of the request. Following the itemized list are additional reasons that might be seen as applicable for denying the requested zoning, for comparison.

#### Criteria Supporting Approval

- **Surrounding Zoning and Land Uses** – There are ~150-acres of IG zoned property to north along the same street frontage. Additional IG zoning in this specific location would not create

any additional negative impacts.

- **UDC Landscaping** – The UDC requires a level 3 landscaping buffer for industrial properties adjacent to other zoning districts. This would be required to screen the property from the adjacent Soccer Park and M-C property.
- **Constraints of Parcel** – Development potential is comparatively limited as the parcel is not large or deep enough to support large manufacturing facilities such as those found along Paris Road or in established industrial parks.
- **US 63 Interchange** – Close proximity to a US Highway Interchange is important for the safe and efficient movement of freight traffic. Industrial development near freight corridors with significant investments in interchange access should be supported when no additional land use impacts are created.
- **Extended Vacancy** – While the 20+ year vacancy under the current zoning could be explained by other factors, the applicant cites the existing zoning in this location as a detriment to marketing the property as interested parties are not generally uses supported in M-C.

#### Criteria Supporting Denial

- **Future Land Use Map and Loss of Commercial** – The Comprehensive Plan identifies the site as a Commercial district. Rezoning to IG could represent the loss of commercial in an area that would benefit from commercial development. However, commercial uses are not outright prohibited and there are other available commercial properties in the area. Actual loss of existing commercial uses is not proposed since the site is currently unimproved.
- **Speculative Request** - Per the agent, the only prospective tenant is a 'Mechanical or Construction Contractor' which is an option within the existing zoning. Staff would support a CUP for that use on this site. No specific tenant or other specific land use has been proposed.
- **Unimproved Street** – The property is accessed by an unimproved street unsuitable for large-scale freight traffic. However, a traffic study may be triggered if proposed development would necessitate street improvements.

#### **Conclusion – Tract 2**

The nearby industrial zoning, land use context, constraints of the parcel, and proximity to the US 63 Interchange are strong factors that support IG zoning. However, staff acknowledges that there are factors that may support denial of this request. Staff believes the supporting criteria outweigh the denial criteria. Staff does not find that the proposed IG rezoning is inconsistent with other property on Roger Wilson Memorial Drive or that the proposed rezoning would create any impact that wouldn't be mitigated by existing protections within the UDC.

#### **RECOMMENDATION**

Tract 1 – Approval of the M-C rezoning request

Tract 2 – Approval of the IG rezoning request.

**Alternatively**, if the Commission believes the potential loss of commercial property, unimproved street, and speculative nature of the request outweigh the supporting criteria then a denial of the Tract 2 IG rezoning would be recommended.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator Maps
- Zoning Exhibit
- Surrounding Zoning Graphic
- Pride Soccer C-P Plan
- Ordinance 014518
- Public Correspondence

## **SITE CHARACTERISTICS**

<b>Area (acres)</b>	Tract 1, 1.53-acres; Tract 2, 5.56-acres
<b>Topography</b>	Generally flat, mild downslopes towards street frontages
<b>Vegetation/Landscaping</b>	Tract 1, grasses; Tract 2, small cluster of natural vegetation including evergreens and brush.
<b>Watershed/Drainage</b>	Perche Creek
<b>Existing structures</b>	None

## **HISTORY**

<b>Annexation date</b>	1995
<b>Zoning District</b>	Tract 1, C-P; Tract 2, M-C
<b>Land Use Plan designation</b>	Commercial
<b>Previous Subdivision/Legal Lot Status</b>	Tract 1, unplatted; Tract 2, northern half of legal lot

## **UTILITIES & SERVICES**

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

## **ACCESS**

<b>E Brown School Road</b>	
<b>Location</b>	South
<b>Major Roadway Plan</b>	Major Arterial, not fully built out in this location
<b>CIP projects</b>	None
<b>Sidewalk</b>	None, required with development

<b>Roger Wilson Memorial Drive</b>	
<b>Location</b>	East
<b>Major Roadway Plan</b>	Major Collector, unimproved
<b>CIP projects</b>	None
<b>Sidewalk</b>	None, required with development

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Lange Park, 1/3 mile S; Auburn Hills Park, 1/3 mile NW; Atkins Park, ½ mile E; NE Regional Park, 800' E
<b>Trails Plan</b>	Lange Park Trail, 1/3 mile S
<b>Bicycle/Pedestrian Plan</b>	Both streets are key roadways to bike/ped connectivity

**PUBLIC NOTIFICATION**

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of this pending request on December 5, 2022. Eighteen postcards were distributed.

<b>Public Notification Responses</b>	Several inquiries and concern about industrial development
<b>Notified neighborhood association(s)</b>	Arcadia Neighborhood Association and Arcadia HOA
<b>Correspondence received</b>	11 letters of opposition, see attached.

Report prepared by Brad Kelley

Approved by Patrick Zenner