



## Columbia Planning & Zoning Commission Meeting Recap

Council Chambers, Columbia City Hall  
7:00 PM Thursday, August 9, 2018

**CALL TO ORDER** (Members present: Strodman, Burns, Harder, MacMann, Loe, Stanton, Russell.)  
(Members absent: Rushing, Toohy.)

**APPROVAL OF AGENDA** (Agenda approved as submitted.)

**APPROVAL OF MINUTES** ([Minutes from July 19, 2018](#) meeting approved.)

### WITHDRAWN ITEMS

**(The following two related items were both requested to be withdrawn.)**

#### Case #18-85

A request by Engineering Surveys & Services (agent) on behalf of Central Bank of Boone County to vacate alley right-of-way generally located between 203 E Walnut St and 115 N Providence, and designated as an alley on the M-DT Regulating Plan of the UDC.

**(A request to WITHDRAW this item from further Planning Commission consideration has been received).**

(Action: Applicants requested the withdrawal of this proposal from further consideration at this time, but, did indicate that future consideration may be requested if additional details can be worked out with the city. No specific details were identified in the letter of withdrawal. A short staff report was presented regarding the two related items. No vote is required.

Russell asked if this had to do with the implementation of the new code. Staff indicated that that was not really the issue. They indicated that there was a problem with some turning radii, particularly for access by trash trucks that cannot make 90 degree turns. The problem is that although there was a new alley defined, but that it could require additional private land that was not a part of the public dedication. The second issue was uncertainty about how the current city council would react to a request to vacate an alley without having a specific redevelopment plan in place, which the current request did not provide. That uncertainty made it difficult to provide specific guidance regarding ultimate approval of the proposal.

**This item was withdrawn along with the following related item and required no vote of the Commission to do so.)**

#### Case # 18-86

A request by Engineering Surveys & Services (agent) on behalf of Central Bank of Boone County for the dedication of a street easement for a new alley on Lots 311 and 312 in the Original Town of Columbia,

and generally located on the south side of Ash Street, approximately 130 feet west of Providence Road. The dedication is located within the M-DT Regulating Plan area of the UDC.

**(A request to WITHDRAW this item from further Planning Commission consideration has been received).**

(Action: **Both items were officially withdrawn from consideration and did not require a vote of the commission.**)

## PUBLIC HEARINGS

### Case # 18-146

A request by Smith Lewis, LLP (agent), on behalf of NGT, Inc. (owners), to annex 10.36 acres of land into the City of Columbia and have it designated as M-N (Mixed-Use Neighborhood District) as its permanent City zoning. The subject 10.36-acre tract is located at the northwest corner of Brushwood Lake Road and Scott Boulevard. The subject property is currently zoned Boone County A-R (Agriculture Residential).

**(This item was tabled at the July 19, 2018 Planning and Zoning Commission meeting).**

(Action: The applicants are seeking permanent M-N (Mixed-use Neighborhood) zoning upon their property subject to its annexation into the City of Columbia. The purpose for the request is to permit the subject 10.36 acres to connect to City sewer and utility services. Per the City's annexation policy, connection of property to the City's sewer system requires annexation.

In December 2017, the Planning Commission considered this request where it received a 4-4 vote (per Commission Rules of Procedure a tie vote is neither a recommendation for approval or denial). During the hearing concerns were voiced regarding the potential development intensity and its impact upon existing floodplain and floodway designations. Concurrently with the hearing, the applicant was in the final stages of receiving a FEMA Letter of Map Revision (LOMR) regarding the floodplain designation impacting the property. Due to a delay in receiving the LOMR and based on the concerns expressed during the Commission hearing the applicant withdrew their request before Council could take action upon it to allow time for the LOMR process to be completed.

The LOMR process is now complete and FEMA has issued its map amendment letter (see attached). The LOMR in part reads: "We [FEMA] have determined that the **described portion(s) of the property(ies) is/are not located in the NFIP regulatory floodway or the SFHA.**" The "**described portion**" in the LOMR contains approximately 2.5 acres of the subject property (generally located in the southeast corner) that was previously filled closest to the intersection of Scott Boulevard and relocated Brushwood Lake Road. FEMA's findings remove development limitations for this area that were previously in place; however, do not remove limitations that apply to the other portions of the overall site which is the subject of this request.

Staff presented a map identifying the flood areas that had been changed with the issuance of the new map and suggested that the areas now included in a development scenario could support some small commercial projects.

Since the subject property is currently not within the City it is not subject to the City's FP-O requirements which place additional standards and safeguards upon property located within the floodplain and floodway. If annexed, the subject property less the area exempted by FEMA would be required to comply with the FP-O requirements. Since the FP-O is an overlay district the underlying zoning of the property, if approved, would be M-N; however, any development within the areas subject to the FP-O would control future development uses and intensity as well as impacts upon the floodplain or floodway.

The applicants intend to develop the property with a neighborhood commercial center. Such proposal is consistent with the zoning of adjoining parcels to the east and the southeast which are zoned PD for commercial purposes. Surrounding development consists of a Boone County Fire Protection District fire station and a Breaktime gas/convenience store (to the east) and an undeveloped PD commercial out-parcel of the Copperstone development (southeast corner of Vawter and Scott). The parcel is designated as being located within the "Open space/Greenbelt" district of the Comprehensive Plan. This designation exists due to the parcel's location adjacent to Mill Creek and its associated floodplain and floodway. The site, prior to the relocation of Brushwood Lake Road, has been previously filled under Boone County jurisdiction. Such activities have resulted in portions of the site being elevated to potentially accommodate more intense development than that envisioned by the current future land use designation.

The parcel is located within the Urban Service Area as illustrated in the City's Comprehensive Plan and a sewer line crosses the parcel; therefore, the property is considered to be served. City water and electric are available and will be provided from the east side of Scott Boulevard. Depending upon the layout of future development, public main extensions for infrastructure may be required along Brushwood Lake Road.

The parcel is located at the corner of Scott Boulevard and Brushwood Lake Road – access to Scott Boulevard is restricted. The CATSO Major Roadway Plan designates Scott Boulevard as a major arterial and Brushwood Lake Road as a neighborhood collector. The proposed M-N designation at such an intersection is generally supported by the Comprehensive Plan as "nodal" development. The choice of M-N versus M-C zoning is an acknowledgement of the principal access being from the less intense street frontage as well as the potential for greater land use conflicts to the south where the predominate land use pattern is residential development. Should the subject site be annexed into the City and permanently zoned as requested, it will be required to be platted to obtain "legal lot" status per the UDC. Prior to issuance of any building permits, should a Floodplain Development Permit be necessary, its approval would need to be given as well.

The proposal has been reviewed by staff and meets all applicable City zoning standards. The existing utilities to which the lot would connect have available capacity. The requested permanent M-N zoning is supported by staff and believed to be consistent with adjacent zoning and development patterns. No initial questions were forthcoming from the Commission.

A public hearing was opened and an attorney appeared on behalf of the applicant. She indicated that annexation is required before sewer can be extended to this property and that a new map had been issued. Loe asked about future plans for the remainder of the property. The attorney indicated that she did not believe that the remainder of the property could be developed, and that more steps were required before this proposal could occur.

The next speaker indicated that her property is adjacent to this property. She asked what would happen to the piece of the property that is still in the flood area abutting her property and how would that affect her adjoining parcel? Commissioners indicated that at this time that abutting property would still be in the floodway catchment, even if the underlying zoning were to be changed. MacMann indicated that the letter of revision that was provided with the new map did not change that abutting piece of property. Loe indicated that that area could be developed if it was potentially raised and asked who called this a catchment area in the first place. Staff indicated that this small area was created by the

development of a roundabout, and that if the use were changed, it would have to be mitigated, and there does not appear to be a way to do that that would conform with existing stormwater rules. The speaker indicated that the city originally indicated that no additional flooding would occur as the result of this. The speaker acknowledged that the flooding on her property had indeed stopped. She also noted that she watched when other parts of the property were filled and that she noted many fires in the area during the fill process. She surmised that this was due to the use of dirt, rock and wood chips.

The public hearing was closed.

Loe wanted verification that the area cited by the speaker would be protected since it was shown in the floodplain but not in the floodway. The staff indicated that that basin occurred as a result of road construction, but was not a part of the project. He further indicated that if that area were to be used as a catchment basin for more development, the applicant will need to demonstrate that at the time of platting. Any previous agreements that may have been made will need to be taken into account. There will be a further debate on this. This property is not yet a legal lot and there could be additional easements and rights of way granted at which time this parcel can be identified and addressed. Loe confirmed that this motion does not grant annexation at this time, but would support a change in zoning subject to annexation action and later platting.

**The motion to approve passed 6 to 1 with MacMann voting NO.)**

#### **PUBLIC COMMENTS**

(None.)

#### **STAFF COMMENTS**

The next meeting will have only one item on the agenda. That item is the Cypress Creek renewables project that was tabled at an earlier meeting. You should know that the first meeting in September will be busy and complex. Loe and Russell will be absent on August 23. There is also a possibility that at least one commissioner will be absent at the first September meeting.

Staff further indicated that they are looking at the 5-year Comprehensive Plan update and that it will require a public hearing and council action. The hearing on the change to the Comprehensive Plan will be held during the first meeting in September and will allow the Business Loop CID to present its plan for consideration to be added to that overall plan.

#### **COMMISSIONER COMMENTS**

**MacMann provided an email address for the business loop if people would like to comment.**

**NEXT MEETING DATE - August 23, 2018 @ 7 pm**

#### **ADJOURNMENT**

**(Time: 7:39 PM)**

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