



Columbia Planning & Zoning Commission Meeting Recap

Council Chambers, Columbia City Hall
7:00 PM Thursday, June 18, 2020

CALL TO ORDER (Members present: Toohey, Burns, Russell, Carroll, Rushing, Loe, MacMann, Stanton)
(Members absent: Strodman was not present and the new appointee was not yet installed.)

APPROVAL OF AGENDA (Agenda approved as submitted.)

APPROVAL OF MINUTES ([Minutes from June 4, 2020](#) were approved without amendment.)

PUBLIC HEARINGS

Case # 116-2020

A request by Crockett Engineering (agent), on behalf of T-Vine Enterprises Inc. (owners), to rezone two parcels from R-1 (One-family Dwelling) to A (Agricultural). The property is addressed 6114 N. Oakland Gravel Rd.

(Toohey asked to recuse himself from this case.)

(Action: The applicant is seeking to rezone two lots containing approximately 21.18 acres from R-1 to A that are part of the Tuscany Estates subdivision. The subject lots are located east of the intersection of N. Teresa Drive and N. Oakland Gravel Road. The subject lots are undeveloped acreages that include open field and wooded areas as well as are traversed by Bear Creek. Approximately 50% of the subject acreage is located in the floodplain of Bear Creek thus limiting potential development. West of the subject property is a fully developed Boone County subdivision that is zoned R-S. Property to the north is Horse Fair Stables, located in Boone County, which is also zoned R-S. Southeast is an undeveloped and wooded R-1 zoned parcel of land that is the second tract of a previously approved City of Columbia tract split that contained the subject lots. The property to the south is city-owned and maintains Atkins Park which is zoned R-1.

While the County's R-S zoning and the City's R-1 zoning are fundamentally comparable, the County's R-S zoning allows for agriculture and the keeping of horses by right whereas the City does not permit these uses in the R-1 district. In 2007, when the subject lots were annexed into the City, the ability to have agriculture uses and horses was lost upon approval of the site's R-1 zoning. R-1 zoning was requested in anticipation of subdividing the subject acreage into approximately 50 single-family lots and providing potential to subdivide the remaining acreage of the "parent parcel" into an additional 100 single-family units.

The current zoning of the subject property allows only one single-family home on each of the approximate 11 acre lots. The nature and size of subject lots are typical of “farmettes” which is not an atypical use found within the adjoining land use pattern. However, the agricultural use restriction in the R-1 district presents difficulty marketing these properties for that purpose without the right to farm or have livestock. The requested A (agriculture) zoning designation would allow the opportunity to establish agriculture uses as well as offer the ability to raise, care for, and keep livestock (a horse is considered livestock) upon the lots.

It should be noted that in addition to the UDC’s standards relating to using a parcel for agricultural purposes and customary accessory uses, Chapter Five of the City’s Code of Ordinances (Animals and Fowl) provides additional provisions dealing with the raising and care of livestock. The Chapter Five provisions establish permissible livestock densities per acre and contain provisions relating to the proximity that accessory uses related to the raising and care of livestock can be to adjoining properties.

The Future Land Use Map of the Comprehensive Plan designates the subject parcels as being located within the “Open Space/Greenbelt” and “Neighborhood District”. There is a designated greenbelt that follows Bear Creek as it flows diagonally through the site. The 2013 Parks Master Plan recommends improvements to Atkins Park including an equestrian trail loop and connection to the Boone County Fairgrounds.

Agricultural use and less intense development of the subject parcels are believed to be appropriate given the site’s location within a generally agrarian to rural-residential environment that is located on the northern edge of city urbanization. Furthermore, less intense development is viewed as appropriate given its potential to protect sensitive environmental features located upon the property versus a standard R-1 subdivision development.

The subject lots are isolated from the remaining undeveloped portions of Tuscany Estates by Bear Creek and the extensive floodplain impacting the property. As a result, it is likely that future development impacts would be pushed toward Oakland Gravel Road closer to existing low-density, agrarian “farmette-type” uses. Facilitating “farmettes” or other agricultural-based development on the subject lots would coincide with the Comprehensive Plan’s Environmental Management policy to encourage environmentally friendly developments and preserve green space while supporting the Land Use and Growth management policy to ensure diverse and attractive housing within the Urban Services Area.

Given the characteristics of the site, market conditions, and consistency with comprehensive plan, staff supports the requested rezoning from R-1 to A.

MacMann asked if these lots would allow a second home office? Yes. In terms of a street cut, the lots could be accessed by a long private drive, but staff was not sure about road access. Staff did indicate that surrounding roads were under the responsibility of the county so they would have to decide that. This has already been annexed.

Loe asked about whether an additional home on the A lot would require a conditional use? Staff said that an ag lot could have two homes on the single lot. If you wanted to divide it into two lots, OK. But if you go to three, even though there is room, you would have to rezone again.

Public comment was opened.

A land surveyor appeared and explained that this was simply a request to allow lots with ten acres to compete with other lots of ten acres that allow you to keep horses. The applicant does not have an intent to create second dwellings.

Another man appeared and said he thought it would be great if you could limit it to horses, not other kinds of livestock. Is there a way to do that? Staff indicated that there are regulations about density and MacMann said he thought that hogs may be prohibited. Staff could not confirm that, but said that any animal operation would be regulated from the health side in addition to the zoning side. For horses, the limit is half an acre per horse. Other rules apply to other animal uses like concentrated feeding operations for hogs, etc. Mac Mann again indicated that he thought animal production operations would not be allowed and asked the speaker to check with the appropriate department of the city.

Another speaker said that she follows confined animal feeding rules and indicated that those rules are super lax and that you can't count on those rules for protection. Don't just say that DNR has it covered. MacMann said he wasn't sure.

The public comment period was closed. Stanton asked about hog production in Boone County. The public comment period was reopened, and the surveyor said that the price of land here would probably be cost prohibitive for doing a hog operation, so it would be very unlikely, even though he understands the concerns of the neighbor. Staff then suggested that a restrictive covenant could be inserted here to prohibit hogs and still allow horses and the Ag zoning. Staff does not enforce restrictive covenants.

A motion to approve was made and seconded.

Carroll asked if this motion restricted having hogs on the property. Loe said it was not and that a restrictive covenant would be the way to do this. She does not feel comfortable without that in place. Basically, she likes the ag use but wanted more control. Loe asked if there were any similar restrictions on other properties in the area? Staff said that some of them were in the county so that would be different. Staff was not sure about private covenants on the other properties.

The motion to approve passed by a vote of 6 to 1 with Toohey abstaining and Carroll voting NO.)

Case # 121-2020

A request by Crockett Engineering (agent), on behalf of On the 9th, LLC and Nash Investments (owners), for approval of a major amendment to the On The Ninth at Old Hawthorne PD Plan located on property zoned PD (Planned Development) to revise the Statement of Intent and reduce the distance between dwelling units from 16 feet to 12 feet. The 5.68-acre property is located on the east side of Old Hawthorne Drive West, approximately 1,300 feet north of Route WW.

(Action: The applicant is seeking to reduce the minimum distance between buildings within the PD plan from 16 feet to 12 feet. This requires a revision to the Statement of Intent since the distance is stipulated there. The request also includes a major amendment to the PD plan that reflects a revised building footprint for the lot in the southwest corner of the development site - the number of dwelling units on the lot has been reduced to three and reoriented, and the lot itself is subdivided into separate lots for each dwelling, similar to the rest of the sites units (not including recently approved PD Plan change for the single-family detached area). Also, the street trees that were shown along Old Hawthorne Drive West have been removed, as this is no longer a requirement due to a recent UDC revision.

The most significant requested revision is the reduction to the minimum distance between dwelling units on the site. Since the majority of the site is constructed, this reduction will likely only affect the recently created single-family detached lots to the west of Bunker Loop, and the building on the newly created Lots 94-96. Regarding the new single-family detached lots (Lots 1-5), the current UDC side yard setback for detached single-family is 12 feet, so the 12-foot building separation would be consistent with current UDC requirements. Staff sees no issue with this request.

The only other building that this would apply to is the one that includes Lots 94-96. It would be allowed to be as close to 12 feet to the building to the east; however, the applicant has stated the distance would be approximately 13.5 feet in reality. To compare what would normally be permitted were this property not zoned PD, the dwellings on these lots would be considered single-family attached, which is only permitted in R-MF, and the side yard setback in R-MF is a minimum of 10 feet (so a total of 20 feet would be required between buildings). However, given that the building is not a multi-family dwelling (which can include higher volumes of dwelling units and therefore may be better served with a wider side yard), and that the scope of the change is limited to this one site since the rest of the lots are already constructed (in addition to the single-family lots), staff does not oppose the reduction.

The site has a current PD plan that was recently approved in early 2020, and was updated to be compliant with the UDC at that time. The approved zoning for the site, which occurred in 2005 along with the parcel's annexation, permitted both attached and detached single-family uses on the site. With the revised layout, the plan is still consistent with the permitted density of 6.6 units per acre. Approximately 20 units have been constructed to date. The original plan included 32 dwelling units.

Rushing noticed that the intent was to preserve 40% of green space. This new three unit development will ass a lot of concrete. Staff said that in the northern part there is some open space but that a lot of the green space is not on this property. Staff said that the numbers of green space are shown on the plan. Staff said that the plans show 57% open space which is well within the guideline.

Loe asked about the 28th unit. Where did it go? Staff said it was captured in the new 27 unit number so the density would need to be updated.

The public comment period was opened.

A surveyor appeared on behalf of the applicant. In terms of density, one of the original units was a fourplex, but that is not being built that way. It becomes three single family units, so that evens out the density calculation even if it does not seem that the number exactly match up. It is an oversight, but it can be corrected and will not negatively affect the end product.

A motion to approve the request was made and seconded. MacMann said that in the future he will be in favor of anything that reduces lot size. The request was approved unanimously, 8 -0.)

PUBLIC COMMENTS
(None.)

STAFF COMMENTS

Staff thanked Rusty Strodman for his earlier service on this board and they wished him well. The new commissioner is Sharon Jones and she will be involved in the next meeting. At the next meeting we have

a meeting on July 9th. There will be only one item on the agenda which is the Godfrey rezoning from R-1 to P-D in the Green Meadows area.

The worksession will be a continuation of the Comprehensive Plan discussion that we began tonight. We are working on resolving the issue of laptops for worksessions. If you want to bring your own, we can hook you into the city system. Please let staff know in advance. Also, please let us know if any commissioners have any vacation plans.

COMMISSIONER COMMENTS

Stanton wanted to address our current city situation including police brutality. He thinks there will be decisions that we make that will require us to look at the bigger picture. Stanton is supporting people who are speaking up and believes that this a reality for him all the time. This is real. These young people can let you know and in our Comprehensive Plan we need to reflect some of those ideas. I will be encouraging neighbors to get more involved. This is not our fault, per se, but we will have less patience than before. I want people to have more involvement in land use policies and how much that can affect policing and other city services.

Loe added that she has also heard that showing up at meetings, getting the vote out and participating is important and we are stronger together.

NEXT MEETING DATE - July 9, 2020 @ 7:00 pm

ADJOURNMENT
(Time: 7:59 PM)

© 2020 CityWatch-Columbia

(This document may not be reproduced, redistributed or significantly cited in other works without the written permission of the author.)