

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** B 160-15

**Department Source:** Community Development - Planning

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** 6/15/2015

**Re:** Boone Prairie rezoning (Case #15-121)

## Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibit to the Resolution/Ordinance

**Supporting documentation includes:** Commission Report (including locator maps, zoning district use list, and M-R SOI) and Excerpts from Minutes

## Executive Summary

Approval of this request would result in the rezoning of 35.70 acres from PUD 12 (Planned Unit Development) and M-R (Research, Development and Office Park) to M-R (Research, Development and Office Park) and M-C (Controlled Industrial). The request is sought to align the site's current zoning with its surroundings and accommodate a potential industrial user that seeks to locate on the proposed M-C and existing (14.89 ac) M-C acreage contained within the parent tract. Current zoning was approved in 2002 and has resulted in no development activity.

## Discussion

The applicant, EMT4, LLC, seeks to rezone 11.42 acres of PUD 12 and 24.28 acres of M-R which were approved in 2002 and have remained undeveloped since that time. The PUD 12 would be replaced by 16.78 acres of M-R. 18.92 acres of M-R would be replaced by M-C. The rezoning actions would better align the overall site's zoning with the surrounding industrial character and permit expansion of the existing 14.89 acres of M-C (the eastern  $\frac{1}{4}$  of the parent tract) to accommodate a potential industrial user.

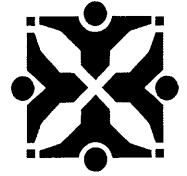
The subject site is bounded by US 63 to the north, M-1 (General Industrial) to the south, M-C (Controlled Industrial) and the COLT railroad to the east, and A-1 (Agriculture), R-1 (Single-family dwelling), and R-3 (Medium Density Multiple-family) to the west. The subject site is a combination of a survey tract and previously platted property. While roadways were created with the plats, no infrastructure has been installed. Given the nature of this request, a replat of the land is likely and will require review and approval from both the Planning Commission and City Council.

The proposed M-R zoning would create a transition zone between the adjacent residential uses and the proposed/existing M-C zoning. Using M-R versus PUD as a buffer is believed more appropriate since embedding residential uses in an industrially developing areas does not afford a satisfactory land use transition. Additionally, Brown Station Road (a major collector) acts as natural zoning boundary between the adjacent and proposed land uses.



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Furthermore, the M-R zone is a "planned district" and will require the submission of a detailed development plan prior to the issuance of building permits similar to a PUD. As a result, there will be opportunities to mitigate potential impacts through review of the detailed site plan.

A Statement of Intent (SOI) for the proposed M-R acreage has been submitted. It proposes all C-1 (Intermediate Commercial) and M-C uses be allowed within the M-R acreage except those involving manufacturing or processing, freight terminals (rail or truck) or sidings, and sports facilities. The SOI limits site improvements to a maximum of 130,000 square feet of GFA and structures with a maximum height of 35-feet. Additionally, there would be a minimum of 15% of the acreage left in open space.

To further ensure that the proposed M-R zone is buffered from the adjacent residential development, a "developer imposed" condition has been included in the SOI. This condition stipulates that the screening required by the M-C district will be installed when any M-C use is constructed within the M-R zoned area and such additional landscaping/screening will not reduce, eliminate, or change any screening requirement applicable to other M-R uses.

As part of the subject site's 2002 rezoning there was a condition that a traffic study be prepared to address transportation impacts along Blue Ridge and Brown Station Roads. This study was to be submitted at the time a PUD or M-R development plan was submitted. No study has been prepared and staff finds that given the nature of this request the condition is still warranted.

Analysis of the traffic impacts that may be created as part of the development of the M-C acreage will be assessed at the time of formal plan submission and review. Requiring a traffic study as condition of granting the M-C request is not possible without a development agreement since the district is not a "planned" zone.

At its June 4 meeting, the Planning and Zoning Commission held a public hearing on this matter and recommended unanimously (9-0) to approve the zoning changes subject to the 2002 traffic study condition being applied to the any development occurring within the M-R zoned area. In arriving at its recommendation Commissioners sought clarification on the screening between the adjacent residential and M-R area and requirements for future site plan approval. They also inquired about future platting. There was no public comment on this request.

A copy of the Commission report (including locator maps, zoning district use lists, and the M-R SOI) and meeting minutes are attached.



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## Fiscal Impact

Short-Term Impact: If the M-R acreage is to be developed within the next 2 years potential infrastructure costs (i.e. roadway improvements) may be allocated through a "development agreement" between the City and property owner/developer. Such infrastructure improvements will be identified as part of the traffic study for the M-R zoned area.

Infrastructure installation costs associated with development of the M-C acreage would be the responsibility and at the expense of the developer.

Long-Term Impact: Minimal. Future costs would include the maintenance of street and utility infrastructure as well as the provision of public safety and trash collection services which may or may not be offset by increased user fees and taxes.

## Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development

Strategic Plan Impact: Economic Development

Comprehensive Plan Impact: Land Use & Growth Management, Economic Development

## Suggested Council Action

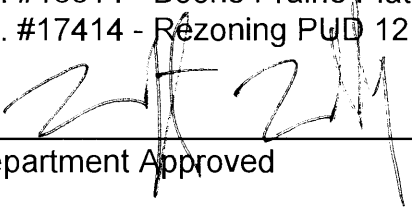
Approval of the requested rezoning subject to a requirement that a traffic study accompany any development plan submission for the M-R zoned area as recommended by the Planning and Zoning Commission.

## Legislative History

Ord. #18398 - Boone Prairie Plat 2 (2-7-05)

Ord. #18314 - Boone Prairie Plat 1 (11-15-04)

Ord. #17414 - Rezoning PUD 12, M-R, M-C (8-19-02)

  
Department Approved

  
City Manager Approved



Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 160-15

### **AN ORDINANCE**

rezoning property located on the east side of Brown Station Road and south of US Highway 63 from PUD-12 and M-R to M-R and M-C; approving a revised statement of intent; setting forth a condition for approval; requiring a traffic study; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 32, TOWNSHIP 49 NORTH, RANGE 12 WEST, AND BEING PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4228, PAGE 76, AND BEING PART OF TRACTS 1 & 4 OF THE SURVEY RECORDED IN BOOK 1315, PAGE 238, AND PART OF BOONE PRAIRIE PLAT 1, RECORDED IN PLAT BOOK 38, PAGE 111, AND BOONE PRAIRIE PLAT 2, RECORDED IN PLAT BOOK 39, PAGE 11, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID BOONE PRAIRIE PLAT 1, AND WITH THE LINES THEREOF, N 4°01'55"E, 152.18 FEET; THENCE 227.29 FEET ALONG A 5759.70-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N 2°54'05"E, 227.28 FEET; THENCE S 88°13'45"E, 5.00 FEET; THENCE 37.74 FEET ALONG A 5764.70-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N 1°35'00"E, 37.74 FEET; THENCE N 1°23'45"E, 626.50 FEET; THENCE N 88°36'15"W, 5.00 FEET; THENCE N 1°23'45"E, 220.00 FEET; THENCE S 88°36'15"E, 10.00 FEET; THENCE N 1°23'45"E, 671.78 FEET; THENCE 144.62 FEET ALONG A 1282.50-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N 4°37'35"E, 144.54 FEET; THENCE N 15°55'45"E, 26.59 FEET; THENCE S 88°42'45"E, 295.24 FEET; THENCE S 65°12'40"E, 69.89 FEET; THENCE S 21°39'35"W, 294.23 FEET; THENCE 66.01 FEET ALONG A 283.00-FOOT RADIUS, NON-TANGENT



CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S 61°39'30"E, 65.86 FEET; THENCE S 54°58'35"E, 61.90 FEET; THENCE S 35°01'25"W, 66.00 FEET; THENCE S 1°23'45"W, 1670.99 FEET; THENCE S 89°28'40"W, 303.00 FEET; THENCE S 89°48'40"W, 66.29 FEET THE POINT OF BEGINNING AND CONTAINING 16.78 ACRES.

will be rezoned and become a part of District M-R (Research, Development and Office Park) and taken away from District PUD-12 (Planned Unit Development).

SECTION 2. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 32, TOWNSHIP 49 NORTH, RANGE 12 WEST, AND BEING PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4228, PAGE 76, AND BEING PART OF TRACTS 1 & 4 OF THE SURVEY RECORDED IN BOOK 1315, PAGE 238, AND PART OF BOONE PRAIRIE PLAT 1, RECORDED IN PLAT BOOK 38, PAGE 111, AND BOONE PRAIRIE PLAT 2, RECORDED IN PLAT BOOK 39, PAGE 11, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 1 AND WITH THE LINES THEREOF, S 46°45'20"E, 718.43 FEET TO THE NORTHWEST CORNER OF THE EXISTING MC ZONING DISTRICT; THENCE WITH THE WEST LINE OF SAID MC ZONING DISTRICT, S 1°23'45"W, 2018.38 FEET TO THE SOUTH LINE OF SAID TRACT 1; THENCE WITH THE SOUTH LINE OF SAID TRACT 1, S 89°28'40"W, 333.18 FEET; THENCE LEAVING SAID SOUTH LINE, N 1°23'45"E, 1670.99 FEET TO THE NORTHEAST CORNER OF LOT 11 AS SHOWN BY SAID BOONE PRAIRIE PLAT 1; THENCE WITH THE LINES OF SAID PLAT, N 35°01'25"E, 66.00 FEET; THENCE N 54°58'35"W, 61.90 FEET; THENCE 66.01 FEET ALONG A 283.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N 61°39'30"W, 65.86 FEET; THENCE N 21°39'35"E, 294.23 FEET; THENCE N 65°12'40"W, 69.89 FEET; THENCE N 88°42'45"W, 295.24 FEET; THENCE N 15°55'45"E, 70.50 FEET; THENCE N 17°55'45"E, 96.16 FEET; THENCE N 18°05'20"E, 95.79 FEET; THENCE N 18°15'55"E, 96.45 FEET; THENCE N 23°12'55"E, 76.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 18.92 ACRES.

will be rezoned and become a part of District M-C (Controlled Industrial) and taken away from District PUD-12 (Planned Unit Development) and District M-R (Research, Development and Office Park). Hereafter the property may be used for the permitted uses set forth in the statement of intent.



SECTION 3. The City Council hereby approves the terms and conditions contained in the statement of intent dated May 26, 2015, attached hereto in substantially the same form as "Exhibit A" and made a part of this ordinance, for the property described in Section 1. This statement of intent replaces the statement of intent attached to Ordinance No. 017414 passed on August 19, 2002. The revised statement of intent shall be binding on the owners until such time as the Council shall release such limitations and conditions on the use of the property.

SECTION 4. The rezoning described in Section 1 of this ordinance is subject to the condition that the submission of any future M-R development plan include a traffic study to demonstrate the effects of the development on Blue Ridge Road and Brown Station Road and the surrounding area. The property owner shall implement the recommendation contained within the traffic study at the time of construction at the cost of the property owner. In lieu thereof, the property owner and City may enter into a development agreement to allocate cost and responsibility for construction of the improvements recommended by the traffic study.

SECTION 5. A traffic study shall be provided by the property owner of the property described in Section 2 of this ordinance prior to issuance of any building permit to construct one or more structures on the property. The property owner shall implement the recommendations contained within the traffic study at the time of construction. In lieu thereof, the property owner and City may enter into a development agreement to allocate the cost and responsibility for construction of the improvements recommended by the traffic study.

SECTION 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



**REVISED**  
**5/26/15**

Statement of Intent  
EMT4, LLC  
May 26, 2015

The allowed uses for the subject M-R Tract shall be as follows:

All allowed uses in District M-C with the following exceptions:

- Plants and facilities for the assembly, compounding, manufacture, packaging, processing, repairing or treatment of equipment, materials, merchandise or products
- Freight terminals (rail or truck for loading or storage) or sidings.
- Sports and recreational facilities, including accessory retail and concession sales.
- All allowed uses under M-C that would require additional screening per Section 29-19(e)(2) shall be screened per said section. This provision shall not reduce, eliminate, or change any of the existing screening requirements for any other use within the M-R zoning district.
- The maximum gross floor area (GFA) shall not exceed 130,000 square feet.
- The maximum building height shall not exceed 35 feet.
- The minimum amount of open space on the site shall not be below 15% of the total tract.





## SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Commission Report (including locator maps, zoning district use list, and M-R SOI)  
and Excerpts from Minutes



**AGENDA REPORT**  
**PLANNING AND ZONING COMMISSION MEETING**  
**June 4, 2015**

**SUMMARY**

A request by the EMT4, LLC (owners), to rezone approximately 35.70 acres from PUD (Planned Unit Development) and M-R (Research, Development and Office Park) to M-C (Controlled Industrial) and M-R (Research, Development and Office Park). The site is located northeast of the Brown Station Road/Blue Ridge Road intersection west of US Highway 63. **(Case #15-121)**

**DISCUSSION**

The applicant is seeking to rezone 11.42 acres of PUD 12 and 24.28 acres of M-R which were approved in 2002 and have remained undeveloped since that time. The PUD 12 is proposed to be rezoned to M-R and expanded to include 16.78 acres. The M-R is proposed to be rezoned to M-C and reduced to 18.92 acres. The rezoning actions are proposed in efforts to better align the overall site's zoning with the industrial character to the south as well as permit expansion of the existing 14.89 acres of M-C (the eastern ¼ of the overall site) to accommodate a potential industrial user.

The subject site is a combination of a survey tract and previously platted property. The platted portions of the site were shown on Boone Prairie Plat 1 and Plat 2 recorded in 2004 and 2005, respectively. At the time of platting internal roadways were created to access the lots and survey tract; however, no improvements have been made. Given the nature of this request, it is likely that the property will be replatted in order to align proposed zoning boundaries with a future lot layout. Such action would require review and approval of both the Planning Commission and City Council prior to issuance of building permits.

Development to the south, Blue Ridge Industrial Park, is zoned M-1. There is a mixture of office and industrial-type users within the development which includes Columbia Sign Service and Civic Recycling. Development to the west is primarily a mixture of R-1 and R-3 residential uses. A large tract toward the north end of the subject site is zoned A-1 and is currently improved with a church. The northern and eastern boundaries of the subject site are bounded by existing M-C or US 63.

The proposed M-R zoning along Brown Station Road would create a transition zone between the existing R-3 and the proposed expansion and existing M-C zoning. It is staff's opinion that the proposed M-R district is a more appropriate buffer than the existing PUD 12 given that embedding residential development within an industrially developing area will not provide for a suitable transition, the proposed M-R acreage is separated from the adjacent R-3 by Brown Station Road – a major collector, and the adjacent property to the south is zoned M-1 and developed with similar uses to those proposed. Furthermore, development within the M-R district requires submission and approval of a development plan just like any PUD zoned parcel. As a result, there will be an opportunity to mitigate potential impacts that development may create through a detailed site plan review process.



A Statement of Intent (SOI) for the proposed M-R acreage has been submitted. It proposes all C-1 (Intermediate Commercial) and M-C uses (a full use list is attached) be allowed within the acreage except those involving manufacturing or processing, freight terminals (rail or truck) or sidings, and sports facilities. Site improvements would be limited to a maximum of 130,000 square feet of GFA with structures being no greater than 35-feet tall. Additionally, there would be a minimum of 15% of the acreage left in open space.

To ensure that enhanced landscaping/screening is provided between the existing R-3 and M-R areas, the SOI includes a “developer imposed” condition. This condition stipulates that the screening required by the M-C district will be installed when any M-C use is constructed within the M-R zoned area and such additional landscaping/screening will not reduce, eliminate, or change any screening requirement applicable to other M-R uses. The amount of required landscaping/screening will be determined at the time a formal development plan is submitted for review and approval.

As a condition of the 2002 rezoning, a traffic study was required upon submission of a development plan for the PUD or the M-R acreage. Given this request expands the M-R acreage and no improvements to the existing infrastructure have been made, staff believes the traffic study condition is still warranted. Continued inclusion of this condition will ensure that future M-R development does not overwhelm the existing infrastructure.

An evaluation of the traffic impacts generated by development of the proposed expansion and existing M-C portion of the site will be undertaken at the time formal development plans are submitted. It is possible that a traffic study may be requested prior to the issuance of a building permit for the M-C acreage; however, such a requirement cannot become a condition of this request since the M-C district is not a “planned” zone.

## **RECOMMENDATION**

Approval of the requested zoning changes subject to conducting or updated (if a study was required for the M-C acreage) a traffic study concurrently with the submission of any future M-R district development plan.

## **ATTACHMENTS**

- Locator and utility maps
- C-1, M-C, and M-R use lists
- M-R Statement of Intent



## SITE HISTORY

<b>Annexation date</b>	1969
<b>Zoning District</b>	PUD-12, M-R, M-C (2002)
<b>Land Use Plan designation</b>	Residential/Employment District
<b>Previous Subdivision/Legal Lot Status</b>	Combination survey tract and Plat 1 and 2 of Boone Prairie

## SITE CHARACTERISTICS

<b>Area (acres)</b>	+/- 35.70 acres
<b>Topography</b>	Gently sloping from middle to the northwest and southwest
<b>Vegetation/Landscaping</b>	Cleared/grassland
<b>Watershed/Drainage</b>	Bear Creek
<b>Existing structures</b>	None

## UTILITIES & SERVICES

<b>Sanitary Sewer</b>	All City services provided
<b>Water</b>	
<b>Fire Protection</b>	
<b>Electric</b>	

## ACCESS

<b>Brown Station Road</b>	
<b>Location</b>	Western boundary
<b>Major Roadway Plan</b>	Major collector (improved & City-maintained). 66 feet ROW existing with sidewalk installed.
<b>CIP projects</b>	None

## PARKS & RECREATION

<b>Neighborhood Parks</b>	Albert-Oakland Park (3/4 mile west)
<b>Trails Plan</b>	Proposed primary trail along COLT railroad
<b>Bicycle/Pedestrian Plan</b>	Pedway and sidewalk existing



## **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 a public information meeting, which was held on April 14 , 2015.

<b>Public Information Meeting Recap</b>	Number of attendees: None Comments/concerns: None
<b>Neighborhood Association(s)</b>	None
<b>Correspondence Received</b>	None

Report prepared & approved by Patrick Zenner





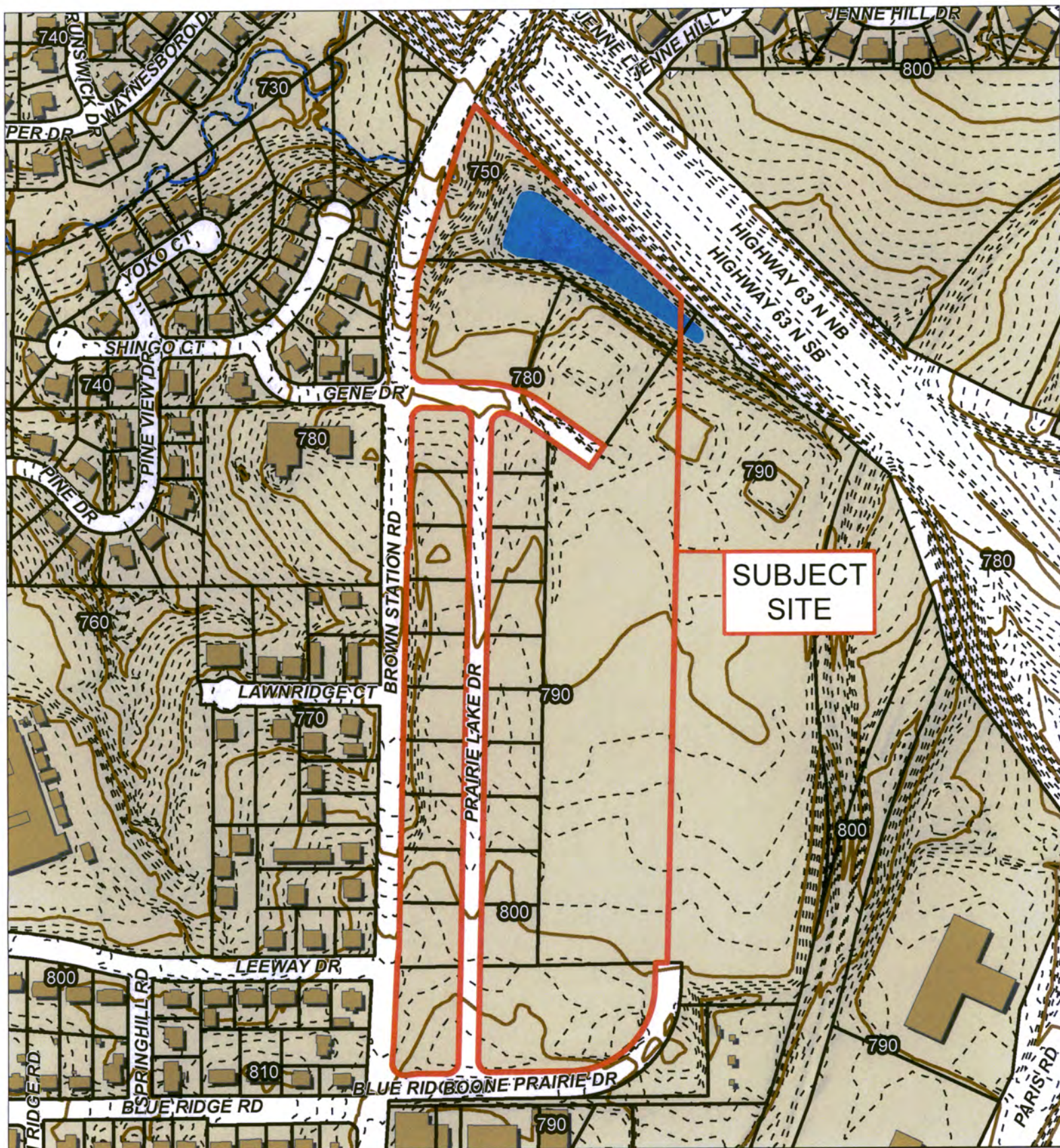
## 15-121: Boone Prairie Rezoning



- City of Columbia Zoning
- Parcels
- 100-Year Flood Plain







## 15-121: Boone Prairie Rezoning



- 10 Foot Contour Lines
- 2 Foot Contour Lines
- Stream
- Parcels
- Building Footprint

Bodies of Water







## 15-121: Boone Prairie Rezoning



— City Sanitary Line

— Private Sanitary Line

● City Sanitary Structure

● Private Sanitary Structure

■ Building Footprint

■ Parcels





**Sec. 29-14. - District C-1, intermediate business district.**

- (a) *Purpose.* This district is intended to provide commercial shopping and service facilities in or near a residential neighborhood. The principal land use is a small shopping area with sales and services oriented to the needs of a local population.
- (b) *Permitted Uses.* In district C-1, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses (for exceptions, see section 29-28, Nonconforming Uses, and section 29-31, Board of Adjustment):
- All permitted uses in district O-1.

Alcoholic beverage sales by the package or as an accessory use to a restaurant.

Alcoholic beverage sales in the original package or by the drink on licensed premises shall be permitted in restaurants or similar places where substantial quantities of food are served, all in compliance with the alcoholic beverage regulations of chapter 4 of this Code.

Barber and beauty shops.

Buildings and premises for public utility services or public service corporations.

Cleaning, pressing and dyeing establishments, provided that no explosive cleaning fluids shall be used.

Laundries, coin-operated.

Pet stores and grooming shops, for small animals.

Photographic service shops and studios.

Physical fitness centers, private gymnasiums and reducing salons.

Printing shops, provided the total mechanical power used in the operation of such printing plant shall not exceed five (5) horsepower.

Radio and television sales and service.

Repair of household appliances.

Restaurants, cafes or cafeterias, which provide no form of entertainment.

Restaurants, cafes or cafeterias which provide live or recorded music, provided that such music is played indoors only and further provided that the music from any such restaurant, cafe or cafeteria shall not be plainly audible at the property line of the property on which the building housing such restaurant, cafe or cafeteria is located.

Schools operated as a business, except trade schools.

Shoe repair shops.

Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district.

Accessory uses, including drive-up facilities, customarily incidental to any of the above uses.

Customary accessory uses, including drive-up facilities, subject to the provisions of section 29-27 of this chapter.



**Sec. 29-19. - District M-C, controlled industrial district.**

- (a) *Purpose.* This district is intended to allow for manufacturing, warehousing and office activities in an industrial park-like setting. The principal land use is a light industrial facility.
- (b) *Permitted Uses.* In district M-C, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses, provided such use shall be conducted entirely within an enclosed building, except that exterior storage may be allowed as herein provided:

Administrative, professional and research offices and uses.

Automobile repair facilities, provided that all repair shall take place within an enclosed building; and, provided that all customer vehicles shall be screened in accordance with paragraph (e)(2)c. of this section.

Commercial storage and wholesale distribution warehouses for all materials and products, except for feed, fertilizer, grain, soil conditioners, hazardous materials, asphalt, brick, cement, gravel, rock, sand, and similar construction materials, or fuels.

~~Freight terminals (rail or truck for loading or storage) or sidings.~~

Mechanical and construction contractors and trade shops.

Physical fitness centers, private gymnasiums and reducing salons.

~~Plants and facilities for the assembly, compounding, manufacture, packaging, processing, repairing or treatment of equipment, materials, merchandise or products; except for the following:~~

- ~~(1) Bone, fat, meat or tallow rendering plants; fish, meat or poultry packing houses; and slaughterhouses.~~
- ~~(2) Foundries or mills for sand casting, forging, primary or secondary processing, reduction, reprocessing or electroplating ferrous or nonferrous metal.~~
- ~~(3) Manufacture, milling or processing of feed, fertilizer, grain or soil conditioners.~~
- ~~(4) Manufacture, compounding or processing of hazardous materials.~~
- ~~(5) Manufacture, milling, mixing or processing of asphalt, brick, cement, gravel, rock, sand, and similar construction materials.~~
- ~~(6) Manufacture, processing or refining of fuels.~~

Public utility buildings and service facilities, electric transmission and distribution substations, and public utility service centers.

Rental services.

Research and development laboratories.

Restaurants.

~~Sports and recreational facilities, including accessory retail and concession sales.~~

Structures and uses clearly accessory and necessary to the normal operation of the above uses.

Testing laboratories.

Tree trimming and removal services provided that all related service vehicles shall be screened in accordance with paragraph (e)(2)(c) of this section.



**Sec. 29-18. - District M-R, research, development and office park district.**

- (a) *Purpose.* The purpose of this M-R district is to enable innovation and flexibility in design and to promote environmentally sound and efficient use of land. The major objectives of an M-R district are:
- (1) To allow certain research, development and office park uses in locations where a broad range of uses might be inappropriate.
  - (2) To encourage development of such scale and character that it will be harmonious with surrounding areas and minimize any adverse impacts.
- (b) *Permitted Uses.* In district M-R, no building, land or premises shall be used and no building shall hereafter be erected, constructed, reconstructed or altered except for one or more of the following uses allowed by the ordinance placing the property in district M-R (for exceptions, see section 29-28, nonconforming uses, and section 29-31, board of adjustment). The commission shall recommend and the council, at the time of rezoning, shall designate the use or uses allowed for the applicant's property from the following uses:
- One or more or all of the permitted uses in district M-C.
- One or more or all of the permitted uses in district C-1.
- All uses and processes shall be conducted entirely within enclosed buildings.
- (c) *Conditional Uses.* The following uses shall be permitted in district M-R only after issuance of a conditional use permit pursuant to the provisions of section 29-23:
- Churches, mosques, and synagogues, subject to the following conditions:
- (1) The conditional use permit shall be valid for a period not to exceed five (5) years. Renewal of the conditional use permit shall be treated as a new request for a conditional use permit.
  - (2) A site plan shall accompany the conditional use permit application, showing that parking will be provided for the church and any other associated uses in accordance with section 29-30.



**REVISED**  
**5/26/15**

Statement of Intent  
EMT4, LLC  
May 26, 2015

The allowed uses for the subject M-R Tract shall be as follows:

All allowed uses in District M-C with the following exceptions:

- Plants and facilities for the assembly, compounding, manufacture, packaging, processing, repairing or treatment of equipment, materials, merchandise or products
- Freight terminals (rail or truck for loading or storage) or sidings.
- Sports and recreational facilities, including accessory retail and concession sales.
- All allowed uses under M-C that would require additional screening per Section 29-19(e)(2) shall be screened per said section. This provision shall not reduce, eliminate, or change any of the existing screening requirements for any other use within the M-R zoning district.
- The maximum gross floor area (GFA) shall not exceed 130,000 square feet.
- The maximum building height shall not exceed 35 feet.
- The minimum amount of open space on the site shall not be below 15% of the total tract.



## **EXCERPTS**

### **PLANNING AND ZONING COMMISSION MEETING**

**JUNE 4, 2015**

#### **Case No. 15-121**

**A request by the EMT4,LLC (owners), to rezone approximately 35.70 acres from PUD (Planned Unit Development) and M-R (Research, Development and Office Park) to M-C (Controlled Industrial) and M-R (Research, Development and Office Park). The site is located northeast of the Brown Station Road/Blue Ridge Road intersection west of U.S. Highway 63.**

MR. REICHLIN: May we have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the requested zoning changes subject to conducting or updating (if a study was required for the M-C acreage) a traffic study concurrently with the submission of any future M-R district development plan.

MR. REICHLIN: Do you have any questions of staff? Mr. Strodtman?

MR. STRODTMAN: Do we need to make a recommendation for the traffic study or it -- my understanding, as you mentioned, the M-R would automatically have that tickler in it and we wouldn't necessarily have to --

MR. ZENNER: It should be part of your recommendation, as is stated in the staff report, and it didn't make the slide. I apologize.

MR. STRODTMAN: Thank you.

MR. REICHLIN: So I'm to understand that the PUD lots are going to go away?

MR. ZENNER: They will likely need to be replatted prior to any type of development --

MR. REICHLIN: Okay.

MR. ZENNER: -- given that in the future those PUD lots will actually be M-R and the M-R boundary is going to be further to the east than what those lot lines are today.

#### **PUBLIC HEARING OPENED**

MR. REICHLIN: At this time, I will open the public hearing. Anybody wishing to speak in favor or against this matter, feel free to approach the podium. Seeing no one, we will close the public hearing.

#### **PUBLIC HEARING CLOSED**

MR. REICHLIN: And I'll entertain comments of commissioners. Ms. Burns?

MS. BURNS: I keep thinking about the buffer for the residential and, I guess, given this action, that would be revisited in a design plan that would be submitted in the future?

MR. ZENNER: That would be correct. However, we are assured through the statement of intent that if the intended use of any of the frontage along Brown Station is for an M-C use that requires the enhanced M-C screening, that is a mandated requirement, not just the standard buffering standards.



MS. BURNS: Thank you.

MR. REICHLIN: Is there anybody else? I'll be happy to entertain a motion on this matter.

Mr. Strodtman?

MR. STRODTMAN: I'll -- I'll make a motion for -- for approval of 15-121, by EMT4, LLC, to rezone approximately 35.70 acres from PUD and M-R to M-C and M-R with a traffic study requirement.

MR. ZENNER: Upon the M-R property?

MR. STRODTMAN: Upon the M-R property.

MS. RUSSELL: I'll second that.

MR. REICHLIN: Ms. Russell seconds.

MS. RUSHING: No. She --

MR. REICHLIN: Ms. Russell.

MS. RUSHING: Oh, Russell.

MR. REICHLIN: Roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Rushing, Ms. Russell, Ms. Burns, Mr. Lee, Ms. Loe, Mr. Harder, Mr. Reichlin, Mr. Stanton. Motion carries 9-0.**

MR. STRODTMAN: Recommendation for approval will be forwarded to City Council.

MR. REICHLIN: Thank you.

MR. STRODTMAN: You're welcome.