

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
May 6, 2021**

SUMMARY

A request by Allstate Consultants (agent), on behalf of EquipmentShare.com, Inc. and Premiere Industrial Properties LLC (owners), for a rezoning of *Eastport Centre Plat 2-A* Lot 10, Lot 11 & Lot 12 from M-C (Mixed Use-Corridor) and PD (Planned Development) to M-BP (Business/Industrial Park). The approximately 18.57-acre property is generally located east of Port Way and south of Bull Run Drive and addressed 5710 Bull Run Drive. The intent of the request is to develop a campus for EquipmentShare's world headquarters. **(Case #123-2021)**

DISCUSSION

The applicant is seeking approval to rezone three existing lots that are currently split-zoned with PD zoning on the south portion of the lots and M-C zoning along the north. The rezoning would allow the development of the site as a business park and, per the applicant, the intent is to combine the existing lots and develop the area with a corporate headquarters for the EquipmentShare business. A conceptual site plan has been submitted that illustrates how the site may be developed if the rezoning is approved.

In addition to the rezoning request, the applicant has submitted a concurrent request to vacate the previously dedicated right of way (ROW) along a portion of Burnside Drive lying between Lots 11 and 12 of *Eastport Centre Plat 2-A* (Case #133-2021). The portion of Burnside Drive sought to be vacated is south of Bull Run Drive and is approximately 715 feet long by 66 feet wide (47,190 total square feet). The street extends southward from the ROW for Bull Run Drive, on the north, to where the street exits the Eastport Centre subdivision and enters into the Eastport Village Plat 3 subdivision, at a point where Burnside Drive has been constructed.

While this rezoning request requires a public hearing, the requested vacation does not require PZC review. However, both requests are tentatively scheduled to be introduced on the June 7 Council agenda for consideration. A report, relative to the vacation request, was submitted to Council for review on their May 3 agenda seeking direction on the requested street vacation. While the vacation is not subject to PZC consideration, an update on the vacation request will be given during the PZC meeting on May 6.

Background

The C-P (now referred to as PD) and the C-3 (now referred to as M-C) zoning for this site was approved in 2001 by Ordinance #16976 as part of a comprehensive annexation of the adjoining 55 acres. The ordinance approving the C-P zoning allowed that portion of the site to be used for all permitted uses in the then C-3 district, except farm machinery sales and services. No statement of intent was required at the time, and no other limitations or restrictions on the C-P zoning were included in the ordinance. The zoning of the portion of the property zoned C-3 was permitted to be used for uses allowed in the C-3 district without exception.

There has been only one approved C-P plan for any of the three lots under consideration for rezoning, and it was approved on July 5, 2005 (Ordinance #018564) and referred to as the *Lots 9, 10 and 11 Eastport Center C-P Plan*, even though the C-P plan only reflected improvements on Lot 10. The C-P plan approved the construction of a 52,987 sq.ft. commercial building with 157 off-street parking spaces that was utilized by Ashley Furniture, but has since left the building. One minor amendment to that plan

has also also been approved.

A list of design parameters were included with the approval of the C-P plan. These additional restrictions placed a cap on the total building floor area at 56,000 sq.ft. and stated the minimum amount of landscaping on site will be at least 15%, which is the current City minimum for all new development. The design parameters also included a minimum setback of 15 feet from adjoining property, a 25 foot setback from right-of-way, and a maximum height of 36 feet. The plan also showed a landscape buffer along the south property line which was a specific buffer requirement of the C-P zoning in general when a C-P zoned lot was adjacent to residential property.

Analysis

While there are several reasons why PD zoning can be sought, PD zoning is typically sought on properties that require additional protections to ensure that mixes of uses can be accommodated in close proximity, neighboring properties are not adversely affected, and to allow for some flexibility in the zoning to accommodate unique designs that may otherwise require variances. In return for providing flexibility, PD sites should provide amenities and improvements that benefit the City and/or residents including, but not limited to, increased landscaping or setbacks, more usable open space, and/or additional pedestrian infrastructure.

When evaluating a request to rezone out of PD zoning, staff reviews the details surrounding the zoning to determine what additional requirements, above and beyond what is typically required, were included, and then compares those with the protections that are included in the current UDC to determine if there is value in maintaining the PD zoning of the site. Additional restrictions can include a tailored list of uses, additional setbacks, height restrictions, and landscaping enhancements. There can be requirements included in the ordinance that approved the PD zoning (sometimes a statement of intent), within development plans themselves (including design parameters), and there can also be requirements of the C-P zoning within the actual municipal code. That is the case with this C-P, as at the time that the C-P zoning was approved, the municipal code required a screened buffer with fence along property lines adjacent to residential properties.

Changes in zoning are also evaluated for consistency with any relevant goals of the City's Comprehensive Plan (Columbia Imagined) and its future land use designation. The Comprehensive Plan identifies the entire site as within the land use category of Commercial District; the rezoning would be consistent with that designation.

The minutes from the PZC public hearing in 2001 were reviewed to determine if there were specific concerns about the zoning on this site when it was approved. In general, the concerns mentioned were the ability for the local street network to accommodate the increase in traffic, increase in stormwater runoff, and the general desire to have the authority to approve a PD plan for the site. Since the zoning was approved, many of the streets within the development have been constructed, the intersection of Bull Run with St. Charles has been improved, and St. Charles itself has been upgraded. And as typical, stormwater will be accommodated per the City's Chapter 12A stormwater regulations which did not exist at the time of annexation or original C-P plan approval.

Below is a table that lists the differences between the existing zoning and the proposed zoning. It is important to keep in mind that unless the zoning for the site specifically approved something to the contrary, if a PD plan was submitted for the other 2 lots within this development (Lots 11 & 12), it would generally develop under the current form and development controls (generally speaking that would be Chapter 29-4). So while this comparison is informative, the key difference will be the types of uses allowed on the site. Not all permitted use differences have been listed, only those that staff felt were significant.

Form & Development Controls		
	Current C-P Zoning & Plan	M-BP
Landscaping - Property edge buffering (south)	8' fence to screen 80% opacity; 8' pines at 12' OC to screen 80%.	Permanent fence at least 8', landscaping at 80% opacity
Landscaping/open space - Minimum of site	15%	15%
Height	36' max for Lot 10 (C-3 allowed max of 45' when this C-P was approved)	45'
Rear yard (south)	15'	20'
Exterior storage screening	None	Screened at least 8' tall, up to max 12' as needed.
Pedestrian infrastructure	Sidewalks along ROW required. Internal pedestrian walkway connects public sidewalk to building on Lot 10	Sidewalks along ROW required. System of pedestrian walkway and/or sidewalks shall connect with existing sidewalk system.
USES		
Public/Institutional Uses		
Funeral Home or Mortuary	P	NP
Commercial Uses		
Bar or nightclub	P	NP
Research and Development Laboratory	P	P
Self-Service Storage Facility	P	NP
Industrial Uses		
Heavy Commercial Service (printing, laundries, rental)	P	NP
Storage and Wholesale Distribution	NP	P
Light industrial	NP	C; Use specific standards prohibit the most intense industrial uses as conditional.

As can be seen in the table, there are few site requirements included in the original C-P zoning that offer a significantly higher level of protection from adverse effects, or that provide explicit benefits. The additional landscaping requirements required in the C-P district are now required as part of M-BP zoning as well. Setbacks from the residential property would be 5 feet more in M-BP. Height on Lot 10

is restricted to 36 feet, but that was likely the height that was needed for the specific building planned on Lot 10; the C-P zoning typically allowed a max of 45 feet. Any subsequent C-P plans for Lots 11 & 12 would not have been restricted to 36 feet as a matter of fact, and could request 45 feet in their own design parameters.

The uses permitted under the current C-P zoning include almost all commercial uses (all uses in the previous C-3 except farm machinery sales/service), including those that would fall within the current heavy commercial service use definition. The M-BP includes many of the same uses found within the existing C-P zoning, with a few exceptions. The table above lists the significant differences between the two, and when compared with the entire list of uses that would be permitted within the M-BP, the M-BP district would arguably have less impact on adjacent residential properties than many commercial uses, which typically draw more traffic, have longer working hours, and require more site lighting. It is important to note that the M-BP would allow Storage and Wholesale Distribution as a permitted use and Light Industrial as a conditional use; the current C-P zoning would not allow these uses. But since Light Industrial is a conditional use, the PZC will review any request for it, and have the authority to recommend denial of the request if it finds that it is not compatible with the surrounding neighborhood, or can place additional conditions on the site to mitigate impacts.

In review of the minutes, the general objective of the PD zoning was to ensure that the site was required to submit a PD plan, likely due to its proximity to residential property. There were other concerns mentioned (traffic, stormwater issues, landscaping) but given that the site only removed one permitted use from the C-3 district, there did not seem to be specific concerns regarding the uses within the C-3 district (outside farm machinery sales/service). And no additional requirements for landscaping, setbacks or other site restrictions were discussed in the meeting, nor were any included in the ordinance.

Another factor to consider is that the property owner has provided a conceptual site plan for how they envision the development of this site. While not binding, having a distinct plan for the site is a helpful tool when evaluating the rezoning in this particular case. It distinguishes the request from one that is merely speculative in nature and is done merely due to presumption that a site is hard to market due to its PD zoning. In this case, the current owners are seeking to develop the site for their own purposes, and they are seeking to eliminate the need for PD approvals in the future, while also zoning the site into an appropriate base zoning district that will still provide the necessary protections to surrounding property owners. While the absence of these factors is not a reason to deny a rezoning, it is valuable in many situations to see that the property owner is publicly committing to a certain development, has spent resources developing a conceptual layout, and per the applicant, have shared those same site plans with neighbors as well.

Conclusion

Given the lack of specific objectives and protections in the PD zoning, the generally permissive use of the property that was granted by allowing nearly all C-3 zoning uses, and the lack of specific concerns raised during the public hearing that a PD plan could have mitigated, staff finds that the request to rezone out of PD in this situation is acceptable. While PD zoning is a valuable tool, if it does not provide specific benefits to the City or surrounding property owners that would not otherwise be provided, it may be more expedient to rezone the site to straight zoning, removing some of the regulatory process

required to develop the site, which in turn frees up City resources. However, the sheer fact that PD zoning is burdensome to a site is not a compelling justification to rezone by itself; at some point in time a property owner agreed to the PD zoning and knew of the additional restrictions that came with it.

The rezoning of the site to M-BP, while not the obvious choice for a site abutting residential property, is unlikely to have a more adverse impact on neighboring properties than the C-P zoning, and may have

less impact on the surrounding property given many of the uses that are currently permitted by the C-P zoning of the site (e.g. heavy commercial). While the loss of the authority to approve a site plan does eliminate some of the certainty regarding how a site develops, staff finds it most likely that the existing form & development controls within the UDC will provide similar protections to surrounding property owners.

RECOMMENDATION

Approval of the requested rezoning from PD and M-C to M-BP.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- Zoning graphic
- C-P Ordinance #16976 (8/6/2001)
- PZC Minutes (7/5/2001)
- C-P Plan (7/5/2005) with minor amendment (10/3/2005)
- Design parameters (7/5/2005)
- Conceptual site plan

SITE CHARACTERISTICS

Area (acres)	18.57
Topography	Slopes toward creek in middle of site
Vegetation/Landscaping	Turf, trees along creek and other low areas
Watershed/Drainage	Grindstone Creek
Existing structures	Commercial building on Lot 10

HISTORY

Annexation date	2001
Zoning District	PD (Planned Development); M-C (Mixed Use-Corridor)
Land Use Plan designation	Commercial
Previous Subdivision/Legal Lot Status	<i>Eastport Centre Plat 2-A Lots 10, 11 & 12</i>

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	PWSD #9
Fire Protection	City of Columbia
Electric	Boone Electric

ACCESS

Bull Run Drive	
Location	Along the north side of property
Major Roadway Plan	NA (partially constructed/improved and City maintained); 66-76-foot ROW required; 33-38-foot half-width required; No additional right-of-way required.
CIP projects	None
Sidewalk	Sidewalks partially existing; required with future building & street construction

Burnside Drive	
Location	Within property
Major Roadway Plan	NA (currently not constructed); 66-76-foot ROW required; 33-38-foot half-width required; No additional right-of-way required.
CIP projects	None
Sidewalk	Sidewalks required

Port Way	
Location	Within property
Major Roadway Plan	NA (improved and City maintained); 66-76-foot ROW required; 33-38-foot half-width required; No additional right-of-way required.
CIP projects	None
Sidewalk	Sidewalks existing

PARKS & RECREATION

Neighborhood Parks	Eastport Park, Lake of the Woods Recreation Area
Trails Plan	None adjacent to site
Bicycle/Pedestrian Plan	None adjacent to site

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 March 31, 2021. Thirty postcards were distributed.

Report prepared by Clint Smith

Approved by Patrick Zenner