



Columbia Planning & Zoning Commission Meeting Recap

Council Chambers, Columbia City Hall
7:00 PM Thursday, July 20, 2017

CALL TO ORDER (Members Present: Burns, MacMann, Stanton, Harder, Toohey, Rushing, Loe)
(Members Absent: Strodtman, Russell)

APPROVAL OF AGENDA (Approved as submitted.)

APPROVAL OF MINUTES (Minutes from July 6, 2017 approved.)

TABLING REQUESTS

Case # 17-170

A request by Crockett Engineering (agent) on behalf of AMW Investment Properties, LLC (owner) for approval of a PD plan for their property located at the northeast corner of Primrose Drive and North Stadium Boulevard. The property is currently zoned R-2 (Two-Family Residential District) and contains approximately 0.86 acres. (The applicant has requested that this item be tabled to the August 10, 2017 meeting)

(Action: Staff indicated that this request to table until the August 24th meeting, however the original request indicated a date of August 10th. MacMann asked if an agent from the applicant was present. No agent was in attendance. Clarification was made that the request was to the 10th, not the 24th.)

Motion to approve tabling carried unanimously.)

PUBLIC HEARINGS

Case # 17-166

A request by Simon & Struempf Engineering (agent) on behalf of Bisk, LLC (owners) for approval of a PD development plan to be known as "Bisk, LLC Coffee Shop PD Plan." The site contains 0.34 acres and is located at the southwest corner of the intersection of Providence Road and Forest Avenue.

(Ex parte disclosure by MacMann indicated that a member of the Ridgeway Association had indicated a desire to speak at the hearing but did not provide additional information.)

[Staff Report to Planning and Zoning Commission](#)

(Action: Staff report presented. (Editor's Note: The following commentary is excerpted from the full staff report.) The applicant is seeking approval of a PD (Planned District) development plan for a standalone coffee shop that includes a drive-thru and outdoor patio. The proposed PD district and accompanying development plan would rezone the subject site from R-2 (Two-family Residential District) and M-OF

(Mixed-Use Office District). The proposal requires the combination of the two existing lots by a separate platting action to be submitted subject to approval of this request. Uses adjacent to the subject site are: a small-scale multi-tenant commercial/office to the north, zoned M-N; a beauty supply store to the south, zoned PD; and a single-family residential use to the west, zoned R-2. The site is directly across Providence Road from the Hickman swimming facility. The proposed use of a coffee shop would, generally, be considered consistent with Comprehensive Plan's vision; however, the necessity to up-zoning the R-2 lot to accommodate the proposed improvements with the drive-thru would be an expansion of the commercial uses southward on Providence Road away from the existing commercial corridor located along the Business Loop 70. With the exception of the PD zoned property immediately to the south of the subject parcel there are only M-OF zoned parcels fronting Providence Road.

The use of the PD district is intended to allow for innovation and flexibility in design, to encourage creative mixes of complimentary uses and to promote environmentally sound and efficient use of land. This request is for a single use that can be accommodated in the M-N district (Mixed Use – Neighborhood) and appears to be conventional in its design approach. The use of the PD designation appears to have been chosen by the applicant to address issues and concerns articulated during a series of meetings with the Ridgeway Neighborhood Association. Although many neighbors and Hickman High School students favored such a use at this location, other residents were concerned about traffic.

The subject site has the ability to obtain access from Providence Road via the public alley right-of-way at the southeast corner of the parcel. This will require a right-of-use agreement and additional right-of-way dedication to facilitate the expansion of the existing paved alley to facilitate two-way traffic. The commercial use to the south currently utilizes the alley as an exit only. A vehicular exit is provided near the northwest corner of the parcel as well, onto Forest Avenue. However, this exit is limited to a 'right-out' only arrangement. Signage is noted on the plan, as well as a directional curb to prevent left-hand turns into the residential neighborhood. **Forest Avenue has been designated by the City of Columbia as the future location of a "Bike Boulevard" to connect cyclists between Downtown Optimist Park and Hickman High School. Proposed improvements at this location would reduce the flow of traffic on Forest Avenue to one-way, heading east toward Providence to facilitate a broadened bike lane. Further bike boulevard improvements at this location include a pedestrian/bicyclist crossing, similar to that existing at College Avenue and Ash Street, to allow safe flow of pedestrians and cyclists across Providence Road. Given these future public improvements, staff does not support the inclusion of a drive-thru facility in this location due to the confined nature of the parcel.**

While there appears to be neighborhood support of the proposed use within the PD designation, staff does not find that the request complies with the PD requirements since the site is proposed to be used solely as a coffee shop. Staff believes that the desired coffee shop would be more appropriately accommodated in an M-N district (Mixed-Used Neighborhood) which allows the proposed use "by-right" without a drive-thru. If a drive-thru is essential it would need to be approved as a conditional use by both the Planning Commission and City Council. The M-N district also allows for pedestrian-oriented standards; however, as proposed on the current plan, the use is clearly vehicular in nature.

Questions from the Commission ensued. MacMann asked if there was a future traffic study if Forrest were to become a bike boulevard. Staff indicated that they had not done such a study and referred to other traffic patterns, but no volume study. Burns asked where the drive through window was located. Staff indicated that it was on the north side of the building. Parking would be located on the east side of the building. Rushing asked if the applicant could apply for M-N, but would be required to apply for a conditional use for a drive-through facility. Rushing indicated that she thought this project could be

achieved through either M-N or PD. Staff indicated that the use of a PD is not consistent with the use of a PD district. Staff further indicated that mixed use was the desired goal and that this plan did not meet the parking requirements and other aspects of the code. Staff believed that it did not meet the true intent, and that if the applicant wanted to get a variety of variances, they should go through the Board of Adjustment process, not a PD. Planned Zoning should be reserved for requests that require environmental adaptations. Staff indicated that applicants should fit into an existing zoning classification. Rushing pressed the issue of how an applicant could meet both the function and the parking aspects. Staff indicated that that would be a Board of Adjustment decision, not a P&Z decision.

Rushing asked if realistically there was no drive-through allowed, then people parking would be more disruptive than a drive through. Stanton disagreed and believed that there would be significant foot traffic. Suggested that a smaller footprint and reorientation of the building could achieve more parking and a more pedestrian-oriented feel. Loe asked if one in and out drive way from Providence would be sufficient for proper traffic management. Staff indicated that further review by the fire department would be needed. Staff indicated that it was too much building and use for the size of the property under consideration. Staff indicated that a policy resolution adopted by the council tries to limit additional drive ups off of Providence Road but that the staff report did not focus on that.

Public comment was opened.

First speaker indicated that he represented the applicant and that he is a Hickman High School graduate. This client had recently revamped George's Steak House and know the neighborhood well. The applicant talked to the neighborhood. He originally thought about developing an office space, which would be allowed, but he wants to run a business and the neighbors accepted the idea of a coffee shop. We are using the PD designation that the city doesn't like because we believe that more concerns of the neighbors can be addressed. This use is in the backyards of some residents. If the coffee shop failed under M-N zoning, then it would have the right to redevelop with less stringent restrictions. PD allows control of the use more than the broader zoning designation. Also indicated that a drive-through would add to the concept of having a more sustainable business at this location.

Burns asked about stacking on Providence and Forrest during peak school dismissal times. Engineer indicated that traffic would be directed in only one direction and helps limit traffic congestion and potential conflicts between pedestrians and motorists. Further indicated that the inclusion of a median on Providence will address the original school problem and anything that would be created by this development and would eliminate the need for a police presence due to the school dismissal schedule. Plans for that median are already under final review by MoDOT.

Loe asked about the main purpose of the drive-through. Applicant indicated that it would capture additional shoppers in the area. No coffee shops currently exist along Providence Road. Stacking area allows for 12 cars, but some conflict could occur at peak times. That would not generally be the case. Loe asked about different placements of the building on the site. Applicant indicated that moving the building forward would put the drive-through at the rear of the building it would require coffee to be delivered from the passenger side of a car, not the driver side. Neighbors saw both pedestrian and vehicle-oriented concepts. Applicant wants to make sure they have enough customers to keep it open and discussed these options with the neighbors.

Next speaker indicated that he was an owner and was not originally sure what he wanted to do with the property, but that after discussions, he believed that a coffee shop could be a good option instead of an

office. People told him to go with planned development to ensure that in the future the use could be controlled if the original concept was not achieved. This does not add to traffic, it simply accommodates people who are already travelling along this route. Made every effort to work with the neighbors.

Stanton asked if the developer was willing to eliminate the drive-through. Stanton wants to make this a win-win. Why not give that up? Speaker indicated that elimination of such an aspect would create other problems and believed that this was the best plan. If this gets turned down, we will look at something else, and it may not be a coffee shop, but this is what we want to do. Didn't think it would be a problem until he went through the city process.

Loe asked about zoning to M-N. Speaker indicated that this could be a smoke-shop, a convenience store, etc. and that was guaranteed by a Planned Zoning designation. Other designations offered less control. We did hundreds of changes to make this work for the neighbors.

Next speaker indicated that she was a teacher at Hickman High School. Caffeine is limited on the Hickman campus. Students arrive early to the campus and the arrival times of students, teachers and staff are staggered. Can't have coffee pots in classrooms, so if we want coffee we would like to pick up some coffee, in a drive-through, and go to work. This facility would also serve people who come to sporting events at this campus. Popeye's on the Business Loop created a great big problem. This will not be the same. We took a straw poll and we support this request.

Next speaker indicated that he was a neighborhood resident and that he was concerned about left-hand turns onto Forrest Street. He believed the preventive curb was not large enough and would not prevent traffic intrusion into the neighborhood. Believes a drive-through would make the situation worse. Indicated that no pedestrian model was ever presented. Wants a coffee shop with no drive-through. Does not believe the drive-through will benefit the community at all.

Next speaker represented the Ridgeway neighborhood. She indicated that neighbors supported the use of this area as something other than a payday loan store. Indicated that neighbors asked for different sidewalk placement and got it, and that they asked for Planned Zoning. Stated that they were concerned about traffic, but, after a number of meetings, proper signage and curbing would alleviate the problem and the neighborhood is supportive. Indicated that they wanted to make sure that the building was not a payday loan or liquor store. MacMann asked if the neighborhood endorsed this plan. Speaker indicated that if they addressed the traffic problem, they endorsed it, even if she had a few personal reservations.

Stanton indicated that he liked the idea of a coffee shop, but that he wants a win-win. He wants the coffee shop there. He does not think a drive-through is appropriate. Believes that traffic will be pedestrian in nature and that you don't have to have the cars there. Just doesn't see it. Wants a good, old-fashioned coffee shop. Does not a PD or a drive-through will work here.

Loe indicated that alcohol sales are prohibited in some cases under normal rules. Does this get excluded due to proximity to a school? Staff was not sure. Staff further indicated that retail sales are allowed, but alcohol is a separate category and would not be allowed unless called out specifically. Staff argued that coffee shop, retail and office would all be allowed under normal zoning. Over time, regular zoning would actually offer protections to the neighborhood, but that the drive-through would be considered to be a conditional use. Suggested that if you want to approve the project, you could adopt the planned use,

but that staff does not support that. But, it is an option. That's our position, but we think our position would exclude some of the things that neighbors are worried about.

Toohy indicated that if the applicant believed that the drive-through was necessary to the business model, then it should be allowed to help maintain a viable business presence.

Loe asked about landscaping and parking buffers, but staff indicated that some changes could reduce parking due to other considerations. Believed that this is not the only kind of building that can fit on this property.

MacMann suggested that if the applicant does not get approval tonight they will reconsider what to do on this property.

MacMann made a motion to approve the request to rezone the property, subject to plan approval.

Motion APPROVED 4-3 with Loe, Stanton and Burns voting NO.

COMMENTS OF THE PUBLIC

First speaker asked to make comments regarding the new UDO. Suggested that in the field, PD zoning designations do not reflect residential, commercial or other zoning. Suggested that an addition dashed designation could be added, for instance PD-R for residential, PD-C for commercial properties, etc.

No official action was taken on this comment, although later staff comments did address the issue to some extent.

COMMENTS OF THE STAFF

Next meeting will occur on August 10 and it will be a marathon meeting due to the number of cases currently planned for discussion on that evening. At least 6 subdivisions will be considered, 3 PD requests will have public hearings (including one that comes from the city itself for the Clary-Shy Park) and the additional item that was tabled at this current meeting.

At the worksession on August 10 there will be discussion about the Planned District process. To address the question from the earlier speaker, the staff is attempting to add additional nomenclature to the zoning interactive maps so that it is clearer as to the nature of the Planned Zoning designations. They are now trying to figure out a good compromise to addressing this situation through the GIS staff and addition of information to the database.

COMMENTS OF THE COMMISSION (None.)

NEXT MEETING DATE - August 10, 2017 @ 7 pm

**ADJOURNMENT
(Time: 8:29 PM)**

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