



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 6, 2020

Re: Raising Cane's Drive-Up Facility Conditional Use Permit (CUP)- 201 S. Providence Road (Case #06-2020)

## Executive Summary

Approval will permit a drive-up facility (often called a drive-through) as an accessory use to a restaurant (Raising Cane's) on property addressed 201 S. Providence Road.

## Discussion

Van Matre Law Firm, P.C. (agent), on behalf of TKG St. Peters Shopping Center LLC (owner), is requesting a conditional use permit (CUP) to allow a drive-up facility on approximately 1.13 acres of M-DT (Mixed use- Downtown) zoned property for a proposed Raising Cane's Restaurant. Restaurants are a permitted use in the M-DT; however, a drive-up facility is only permitted upon approval of a conditional use permit subject to the provisions of Chapter 29-6.4(m).

Raising Cane's is proposed to be a one-story, 3,316 square foot building with 25 parking stalls. It would be built on approximately 1/3 of the vacant property located south of the Lucky's Market parking lot and southwest of the Providence Road and Locust Street intersection. The front of the building would be oriented toward Providence Road with parking located on the north side of the building.

Access to the site would be from the rear of the proposed building via a shared access driveway connecting to Lucky's Market entrance driveway (at the signalized intersection of Providence and Elm) on the north and via future connection to the parking lot/driveway access for Custom Complete Automotive to the south. The applicant's plans propose building an ADA-accessible pedestrian approach from the existing Providence Road sidewalk as well as inclusion of outside seating areas on the north and east sides of the building.

Given the proposed location of the drive-thru and its exit running parallel to the Providence frontage, the building as proposed does not meet the required building line (RBL) provisions of the UDC applicable to properties within the M-DT district which require buildings be built up to the sidewalk to maintain and integrate a consistent public space. The applicant has indicated that an alternative drive-up facility circulation pattern is unworkable for them. As such, the applicant will need to seek Board of Adjustment approval of a variance from the RBL requirement in order to build what is shown on the attached conceptual site plan. A second variance is also anticipated to address design challenges related to topographical conditions.



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

This CUP request is limited to only the 1.13 acre portion the subject property proposed to be improved with the Raising Cane restaurant as depicted on the attached conceptual site plan. The site plan was provided for reference purposes only and has not undergone a full site plan review by city staff. The plan was submitted to assist in evaluating this request's compliance with the six conditional use criteria as well as to better understand the relationship of the drive-thru to the proposed building's location, circulation and access. It is anticipated that the plan will require minor revisions to ensure compliance applicable city development regulations as well as possible Board of Adjustment variances relating to M-DT provisions.

The Planning and Zoning Commission's recommendation upon this request did not offer any specific conditions associated with a potential approval of the CUP. Imposition of site specific conditions such as restricting approval of the CUP to the construction of a Raising Cane's restaurant or in "substantial compliance" with the submitted conceptual site plan is possible pursuant to Section 29-6.3(e) of the UDC.

There are presently no redevelopment plans or tenants identified for the remaining 2/3 of the subject site which was platted in 2018 and referenced as the University Centre Subdivision Final Plat. Additional platting is not required as long as TKG St. Peters Shopping Center LLC retains ownership of the entirety of lot (3.26 acres) and the required cross-access easements to serve all developable portions of the lot are dedicated prior to the issuance of building permits.

The appropriateness of a CUP for a drive-up facility at this location was weighed against not only the CUP criteria of Chapter 29-6.4(m), but also the intent of the M-DT as promulgated by the UDC, the 2005 Providence Road Policy Resolution, the 2010 Downtown Charrette, and the 2013 City-wide Comprehensive Plan. Following this analysis, staff was unable to find support for the CUP at this location for the described reasons articulated in the attached staff report.

The Planning and Zoning Commission considered this request at their December 5, 2019 meeting. Staff presented its report and the applicant gave an overview of the request. The Commission requested results of a traffic study conducted by the applicant and discussed concerns relating to pedestrian access to the site as well as inconsistencies with adopted City plans and policies. Following discussion, a motion to deny the CUP for a drive-up facility passed (5-2).

The Planning Commission staff report, locator maps, conceptual site plan, supporting document provided by applicant, M-DT Regulating Plan, Providence Road Policy Resolution, and meeting minute excerpts are attached.



## Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
01/16/2018	Approved the University Centre Subdivision (Ord. 023462).

## Suggested Council Action

Deny the issuance of a conditional use permit to allow a drive-up facility as recommended by the Planning and Zoning Commission.