

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
JANUARY 7, 2021

Case Number 45-2021

A request by A Civil Group (agent), on behalf of Walters Acquisitions, Inc. (owner), for a PD plan amendment to the Columbia Plaza South PD Plan to accommodate the redevelopment of the site as a Culver's Restaurant with an accessory drive-through, and a design exception to 29-4.3(i)(2)(iii) to allow a service window on the corner side of a building. The approximately 0.77-acre property is located at the southeast corner of Stadium Boulevard and Bernadette Drive, and includes the address of 2010 Bernadette Drive.

MS. LOE: May we have a staff report, please.

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the requested PD Plan to be known as Columbia Plaza South PD Plan and the associated design exception to Section 29-4.3(i)(2)(iii).

MS. LOE: Thank you. Before we move on to staff questions, I would like to ask any Commissioner who has had any ex parte prior to the meeting to please share that with the Commission now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Mr. MacMann?

MR. MACMANN: I have a question for Planner Smith. When we make this motion, it'll be two motions?

MR. SMITH: No. I don't think in this situation.

MR. MACMANN: I mean, one for the window and one for the design exception?

MR. SMITH: Well, we usually do for the design adjustments, but, in this case, because the design exception, I think, is part of the plan, I think it would be --

MR. MACMANN: And that's why I asked that question. We often have a second for a design exception. When the motion is stated, the agreement building butt [sic] out or whatever we're going to call it should be in that motion. Correct?

MR. SMITH: I think so.

MR. ZENNER: That would be correct.

MR. MACMANN: Okay. Last question for -- for right now. I notice that the screening, there's a sign on that. Are we going to run into sign -- extra signage issues?

MR. ZENNER: The -- so signage is based upon on wall area.

MR. MACMANN: Yeah. We're good.

MR. ZENNER: We will be fine, yeah.

MR. MACMANN: All right. That's all I want to know. I just wanted -- we weren't getting into another issue by bringing that out.

MR. ZENNER: I understand.

MR. MACMANN: I'm good. Thanks.

MS. LOE: Any additional questions? Ms. Rushing?

MS. RUSHING: I was kind of concerned, although probably not overly so, about the loss of parking. How many total parking spaces are going to be lost with this?

MR. SMITH: How many are going to be lost? I could check. They're going to be losing spaces. I can tell you that they need the minimum amount of spaces required for that site now. They also have a shared parking agreement with the bank lot to the east.

MS. RUSHING: So these parking spaces along the side are sufficient for that restaurant?

MR. SMITH: Yes. They have 21 space requirement, and they have along the east side, but they also have a small bank on the south side, if you can see those. So there's another --

MS. RUSHING: Okay.

MR. SMITH: -- eight or nine spaces along the south property line. So they do meet the minimum, which I think is 21 on this site.

MS. RUSHING: Okay. I -- I'm down the -- down there quite a bit, and I don't see any other way that they could do this that would allow good traffic flow other than what they're proposing.

MS. LOE: Any additional questions for staff? Mr. Smith, I have a question. Since this is a PD plan, how -- is -- is the screening described or is there a minimum requirement for the screening, because I notice that what is shown in the plan appears to be smaller than what's represented in the elevations.

MR. SMITH: Are you talking about the -- the drive-through screening?

MS. LOE: Yes.

MR. SMITH: The building?

MS. LOE: That's what they're asking --

MR. SMITH: Yeah.

MS. LOE: -- indicating will be the exception. So the plan -- the screen appears to cover maybe one and a -- no -- go back to your screen, the plan you were on that shows the cars. Yeah. Stop.

MR. SMITH: All right.

MS. LOE: So using the car as a scale, maybe one and a half cars would fit behind that screened wall? Now, if you go to the front elevation. Next one. At least two full cars, maybe more.

MR. SMITH: And I could -- I could say that the elevations -- I spoke with the architect on this, and these were very early. They put these together kind of in a hurry just for this reason, that we had requested that they do something with screening these. So this was kind of their preliminary attempt.

MS. LOE: I understand, but asking us --

MR. SMITH: I don't know if they got the scale just right.

MS. LOE: -- to approve this based on elevations that don't represent what they intend to do, I

think, is a little bit misguided.

MR. SMITH: I would say base it on what's on the plan. This is mostly just an illustration, so I apologize the scaling was off. So this is meant to really represent, I think, the design of it, and not so much the exact dimensions of it. So –

MS. LOE: So based on the plan, it appears the screen is about half the width of what's being shown in the elevation.

MR. SMITH: I think my objective would be to screen the service window, and that is the intent of that -- of the ordinance is not to have the service window there. So as long as that objective is met, then that was my intent with the screening.

MS. LOE: Right. But if the screen is only minimally wider than the service window, how much are you screening it, is my point?

MR. SMITH: It depends on what angle you're looking at it.

MS. LOE: Okay. Correct.

MR. SMITH: If you're considering a straight screening –

MS. LOE: If you're standing across the street from it, it's screened.

MR. SMITH: Right.

MS. LOE: If you're driving by it, you're seeing it.

MR. SMITH: Right. And the -- the alternative would be you want to see zero percent of it, in which case you're going to look at an extremely long wall, so there has to be somewhere in there where you do draw the line. And for me, it was -- it was pretty much going to be probably a little bit extra than -- than the window, but what we saw on the plan for me was adequate. I think it was, like you said, a car and a half-length and to me, that -- that seemed to represent a fair amount of screening.

MS. LOE: Back to my original question. How do we know it's not going to get smaller or -- I mean, do we establish minimum requirements since what we've been presented with are inconsistent?

MR. SMITH: I would say that it -- what they construct should be -- should be -- match what's on this PD plan as far as length.

MS. LOE: On the plan. All right.

MR. SMITH: The design of it would be closer to what's on the architectural, whether it's one window or three windows. We've had some discussions with them, too, about the transparency of the windows because we did want to actually physically screen it, and so we talked to them about not making them transparent, but more translucent so that the light comes through, but not the visual appearance of the screening window. So I apologize if I -- if I've represented that that was a final version of an architectural plan. It was meant to be more of an illustration of what it probably will look like.

MS. LOE: Thank you. Any additional questions for staff?

MR. ZENNER: Ms. Loe, what I would suggest, if there is concern amongst the Commissioners as it relates to the potential disconnect between the expectation of the architectural element, the location of it is what is shown and represented on the plan. Architecturally, if you want to ensure in your motion

that the visual -- the visual aspects of seeing the window, the service window, you could potentially include some qualifying statements within that that it shall as closely as possible reflect the architectural design as depicted in the attached architectural elevation, and shall be designed such that the glass, if used, shall be translucent, not opaque and not fully transparent, allowing the applicant's architect and our staff some flexibility in which to ensure that the design meets that general expectation. I think that that may be where there may be some room for massaging what we see here that -- the architect's best attempt on short notice.

MS. LOE: The elevation, it does look part of the facade, but when it's reduced, I mean, especially in the angled perspective, it appears -- you know, it's about a third of the front elevation. So it carries off. I'm concerned when it gets reduced too much -- half of that, that it may lose that effect, but -- Ms. Geuea Jones?

MS. GEUEA JONES: Well, and to your point, I think my concern -- while I am concerned about the width and whether it's an adequate screen, given what was just said about the windows, my new and much greater concern is it's going to end up being a wall. So rather than looking like a building and not a service window, it will look like a building with a blank wall; do you know what I mean? So it -- rather than looking like a normal building, it's going to lose all architectural features and become a technical fulfillment of what we are passing today, which is an extension of the building that hides the service window, which is, I believe, all that we are requiring of them. We aren't requiring of them anything other than that in our exemption. Correct? Is that --

MR. SMITH: What was -- could you rephrase that again?

MS. GEUEA JONES: So if I -- if I am understanding the motion we will make, we will approve the PD plan with an exception to the appropriate portion of the UDC.

MR. SMITH: Uh-huh.

MS. GEUEA JONES: That exception is that they put a building extension that hides it from view of the street, and there are no requirements beyond that?

MR. SMITH: Correct. I mean, I think if I understand what you're saying, yeah, that the -- the physical screen is shown on the plan, so they will have to submit plans for that at the time when they come up with the building plans, and we would approve that based on the PD plan.

MR. ZENNER: And I think what our intention is, as we have discussed with the applicant up to this point, is that the architectural rendering that's been submitted is what that screening wall will look like, so it isn't integrated -- it is -- it looks integrated to the building. But I think the point that Mr. Smith is making and what I just suggested as a clarification to the opacity of these windows, is to address the issue that's underlying why the exception is being asked for. We're trying to ensure that the visibility of the drive -- the UDC is trying to ensure that the visibility of the drive-through window is actually not plainly visible. I mean, I think you could still design this architectural image with translucent windows and achieve what we want and still have it look as though it's part of the building.

MR. SMITH: Yeah. The fenestration is not going away.

MS. GEUEA JONES: Oh, no. You can --

MR. SMITH: Like, the openings will be there. It will be, like, a frosted window or a glass-block window or something.

MS. GEUEA JONES: But there is no requirement that it be that. You're just saying --

MR. ZENNER: Not unless -- not unless you, as the Commission, would like to make that a requirement, is what I'm suggesting. I think that --

MR. SMITH: Well, I have told them that's a requirement. I won't approve it unless -- unless I see that when the actual plans come in.

MS. GEUEA JONES: Thank you. That -- that's kind of what I'm --

MR. SMITH: So -- and I'm leaving this a little bit to staff leeway that we have had that conversation and that's going to be what they submit. And otherwise, it won't be approved. So it's a little hard to lock up this as the exact elevation.

MS. GEUEA JONES: Sure.

MR. SMITH: Because it isn't exact right now.

MS. GEUEA JONES: One more thing and then I'll yield.

MR. SMITH: Sure.

MS. GEUEA JONES: I -- I would like either staff or legal to add to the motion that we eventually make that the -- the appropriate -- what do you call it -- shielding -- not shielding.

MS. LOE: Screening?

MS. GEUEA JONES: Screening. Thank you. That the appropriate screening is substantially similar to the elevation but use the phrase substantially similar.

MS. LOE: Mr. MacMann?

MR. MACMANN: Having bid on and built things like this, what is on that plan is the contract. And if it's not on that plan, I'm not going to build it. If you want me to build something else, you need to give me another plan to bid on. So the point here being, you know, we can all talk about -- whoever builds this is going to build what's on that plan. If you want something quite specific, I wouldn't get too crazy because the architects and staff still have to go through here. If we want something more specific, more effectively screening the window, a certain level of opacity, we need to call that out. Otherwise, it's not going to get there.

MS. LOE: Any additional comments, questions for staff? Seeing none. Let's open the floor for public discussion.

PUBLIC HEARING OPENED

MS. LOE: Give your name and address for the record.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt; I'm a civil engineer with A Civil Group, and I'm basically here to answer any questions you have.

MS. LOE: Thank you, Mr. Gebhardt. Any questions? I see none at this time. Thank you.

MR. GEBHARDT: Thank you.

MS. LOE: Any additional speakers on this case? I see none. So we'll close public discussion for public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commission discussion? Mr. Stanton?

MR. STANTON: I have a quick comment, and then I'd like to entertain a motion.

MS. LOE: Let's make sure there aren't any other discussion items.

MR. STANTON: We always encourage innovation. This is very creative. This is a very creative method of dealing with a drive-through issue. Encourage this kind of stuff, and this is a heeded -- the call to address this issue, so I plan to support it.

MS. LOE: Ms. Burns?

MS. BURNS: I just wanted to thank Mr. Smith for going the extra mile to get additional views for us as to what this would be, and I trust in your statement that you will be making sure that the opacity or whatever it takes to screen the service window will occur. So thank you.

MS. LOE: Any additional discussion? Mr. Stanton? Can we go back to the screen with the recommended -- there we go.

MR. STANTON: Madam Chair, I would like to entertain a motion. As it relates to Case 45-2021, Columbia Plaza South PD Plan, minor -- major amendment, I move to approve the City -- the Columbia Plaza South PD Plan with the design exception to 29-4.3(i)(2)(iii) to allow a service window on the corner side of the building.

MS. RUSSELL: Second.

MS. LOE: Second by Ms. Russell. Mr. -- discussion on the motion. Mr. MacMann?

MR. MACMANN: I would like to amend that, if that's all right with you.

MS. LOE: Well, let's hear the amendment first.

MR. STANTON: Yeah. Yeah. I want to hear the amendment first.

MR. MACMANN: Oh, no. You've just got to take it. It's a yes or no thing. I think it's a philosophical point. I don't see any need for design exception for a drive-through, but we're here. So, therefore and thus, I want to capture and support in our quasi-judicial manner Planner Smith's agreement and support, and I think the best way to do that is to leave it to him to negotiate that with the applicant. And the best way to do that would be to add the following amendment -- to add a screen that substantially captures the architectural rendering. Planner Smith, does that allow you enough flexibility to do what you need to do?

MR. SMITH: I think that's fine.

MR. MACMANN: All right. Substantially screens.

MR. STANTON: I accept that, sir.

MR. MACMANN: Does the second accept that? Is that --

MS. RUSSELL: Second.

MS. LOE: A second by Ms. Russell. Ms. Geuea Jones, you had some similar thoughts along

those lines. Do you concur with –

MS. GEUEA JONES: I concur with the spirit of it. I -- how I was envisioning it being put was slightly different, but I think that what he is doing satisfies my concerns for sure.

MS. LOE: As do I. Any additional comments, discussion? Seeing none. Ms. Carroll, may we have roll call, please.

MR. TOOHEY: Wait. Can I clarify? So we need to be voting on the amendment before we vote on the motion. Correct?

MS. LOE: No. We're doing it as one.

MR. STANTON: I adopted it to my –

MS. RUSHING: We're voting on the amended motion.

MR. STANTON: Yeah. I adopted –

MS. LOE: Oh. They -- they -- he agreed, and she seconded it.

MR. STANTON: I accepted his additional language.

MR. TOOHEY: Right. But shouldn't we vote on the amendment before we then vote on the motion.

MR. MACMANN: I believe Mr. Toohey is correct, that it would resolve both the issues if we vote

--

MS. RUSSELL: Actually, we changed the motion.

MR. MACMANN: Midstream?

MS. RUSSELL: Midstream. Right. So –

MS. LOE: We amended the motion.

MS. RUSSELL: Technically, we should have voted on the amendment --

MS. GEUEA JONES: Withdrawn.

MS. RUSSELL: -- and then voted on the amended motion, but we changed the motion midstream, so --

MR. MACMANN: I'm satisfied if you three are satisfied, you who made and seconded –

MR. STANTON: I accepted his language in my motion.

MR. MACMANN: That good with you, Mr. Toohey?

MR. TOOHEY: It's fine. It's not really the way it should work parliamentary, but whatever you guys want to do.

MS. LOE: Well, we use quasi rules -- we're quasi-judicial and quasi –

MR. MACMANN: Quasi –

MS. GEUEA JONES: For the nerds, Mr. Stanton withdrew his motion, made a new motion, adopting the amendment that was seconded again.

MR. STANTON: I mean, yeah. If you want to do all that. I'm trying to avoid -- I'm to get it streamlined here, but if you want me to do that, I'll just restate it with his words in it.

MR. TOOHEY: Let's just vote on it and be done with it.

MS. RUSHING: I think we're good. I mean, that should be good.

MR. MACMANN: As long as that recorder has captured this exciting conversation, I think we're fine.

MR. ZENNER: Tantalizing. Just wait till we write the report.

MS. LOE: Thank you, Mr. Toohey. Good -- that was a good --

MR. ZENNER: We have an amended motion on the floor.

MS. LOE: We have an amended motion on the floor. And if we're in agreement, we're going to have -- ready to call to order. Ms. Carroll, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing. Motion carries 9-0.

MS. CARROLL: We have nine votes to approve. The motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council. That concludes our cases for the evening.