

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
January 4, 2024

Case Number 45-2024

A request by Engineering Survey and Services (agent), on behalf of TKG St. Peters Shopping Center, LLC (owner) and Brew Crew, LLC (lessor), for approval of a conditional-use permit (CUP) to allow a drive-up facility on property located within the M-DT (Mixed Use - Downtown) Urban General West district. The subject site contains approximately 34,945 square feet and is located on the west side of South Providence Road south of Raising Cane's and north of Custom Complete Automotive and is presently addressed 209 South Providence Road.

MS. GEUEA JONES: May we please have a staff report?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends:

Approval of the requested CUP to permit a drive-up facility to be an integral feature of the proposed "Brew Coffee Restaurant subject to:

1. Substantial compliance with the site plan dated 12/29/23;
2. Installation of a traffic control device, if required and approved by MoDOT, that would restrict northbound traffic movements at the intersection of the backage road and South Providence Road north of Elm Street as recommended by the TTS.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had contact with parties outside of this case, please disclose so now. Seeing none. Any questions for staff? Commissioner Dunn?

MR. DUNN: Could you just kind of better reiterate for me what the kind of conditions are for the approval that you have listed here? I just don't think I fully understood what you -- what we're looking for.

MR. ZENNER: So the site plan that you see here is the first page of, if I'm not incorrect, a six-page set of development plans. So if you should grant approval of this conditional use, this site plan and the remaining plan sheets that go along with it, which include the landscaping, would become an integral portion of that approval. And when we are -- if we receive -- when, and if we receive an actual building permit application, that building permit application and site development plan will be reviewed against these documents. If it is inconsistent, we will require that it be revised to be consistent with this, or the applicant would need to come back for additional consideration by this body and Council. The second condition, of course, is one that is triggered by MoDOT. So if required, and it could be required at

development permitting, we did not want to make this condition applied as an absolute that they shall be required to put a MoDOT approved. We wanted to be cautious. And if MoDOT chooses not to, which is in their full discretion, we're going to let MoDOT take the heat. But that second condition basically puts the applicant on notice and would authorize us to assist MoDOT, if necessary, to facilitate it.

MR. DUNN: Thank you.

MS. GEUEA JONES: Commissioner Placier?

MS. PLACIER: Yeah. My questions flow from that. I'm really concerned about the MoDOT issue because this looks like kind of an obvious case for restricting access to Providence and I guess we're kind hoping that MoDOT does the right thing. Can't you advise MoDOT that this could be a problem or do you not want to do that?

MR. ZENNER: Well, I anticipated that question, Ms. Placier, so I asked our City's traffic engineer. We could advise MoDOT, however, MoDOT is MoDOT.

MS. PLACIER: Okay.

MR. ZENNER: And if they choose not to act upon our request, that is within their sole discretion. And so our City's traffic engineer was disappointed to give me that response, but that is the realistic response. If MoDOT does not feel that the conditions warrant some restriction, that's MoDOT's call. We do not have any permitting authority over this particular access, nor do we have any regulatory authority over this portion of Providence Road.

MS. PLACIER: Okay. I just see problems down the road, but anyhow, my other question was -- and I'm glad you have this map of the plan, and I'm pointing to this knowing that nobody can see what I'm pointing to, but there are two lanes, both the drive-up lane and the sort of bypass lane, I guess you're calling it, going into one lane going west. How is that supposed to work? Just explain it to me, please.

MR. ZENNER: So the two lanes that you see on the right-hand side of your graphic --

MS. PLACIER: Right.

MR. ZENNER: -- so everybody is looking at the -- those are actually -- this is a dual bypass drive-through.

MS. PLACER: Right.

MR. ZENNER: And so you'll enter in from the west off of the backage road and traffic will likely distribute itself within the two bypass lanes. Given the fact that this is a drive-through facility that basically relies on delivery -- personal delivery of a service to the vehicle that's in the drive-up lane, you're going to meter traffic out unless they're so efficient that they're delivering coffee to the front two vehicles at the exact same time and it's like the Indy 500 when you leave the starting line and they're all trying to get out of the exit to get to work.

MS. PLACER: We've seen that.

MR. ZENNER: We probably have, and that may be -- it may be more comical to visualize that than it may be if it happens in reality. The way that the curvature, and I will let Mr. Kriete respond to this. The curvature associated with the entering into the -- what would be the drive aisle of the actual parking

spaces is designed, as we understand it, in order to meet the curvatures necessary in order to allow for the traffic to merge in. It's no different than when you get stopped on the highway at a construction zone where you've got to merge in, but you're told a mile and a half earlier that you need to merge, this could be a little bit more obvious. You've got two vehicles; one is going to have to take the lead.

MS. PLACIER: Well, let's hope so. I don't know if signage would do that, but they are going to have to merge to get back to the --

MR. ZENNER: Back to the exit.

MS. PLACER: -- exit.

MR. ZENNER: That's correct.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Mr. Zenner, I was wondering if you could provide a definition of backage road. I have to admit that was a new one for me, and we do have a definition of frontage road, which is a street which is parallel and immediately adjacent to an arterial street, expressway or freeway which is a means of access to abutting properties. What is backage road?

MR. ZENNER: Backage road is what's not along a main arterial. It's behind it. I'm sorry. The backage road is the term that is used within the traffic study itself to describe what this private access is. But this is, in essence, a 26-foot-wide driveway. They've referred to it as a backage road. It's a private -- it's a private access no different than what you would find within any other commercial development. I've just used the term that was in the traffic study for the purposes of just staying consistent with what we were viewing it as. It functions, in essence, as a private street, and was a requirement associated with, basically, the Raising Cane's construction.

MS. LOE: And I notice -- I mean, it has curbs and gutters, storm drains, so it's built to our street standard?

MR. ZENNER: I don't believe it was built to our street standard, ma'am. I think it was -- they put curb and gutter on it in order to ensure that the runoff, the drainage was going to properly go to central storm sewer locations to be able to exit the site, but I don't believe that the road itself was constructed to our city street standards. Again, it functions more like a private driveway or a parking lot drive aisle.

MS. LOE: An internal street.

MR. ZENNER: Correct.

MS. LOE: The other question I have is regarding policy resolution 154.05.

MR. ZENNER: I'm familiar with it.

MS. LOE: Yeah. And my question really -- so for those that aren't familiar with it, this is a policy that was adopted in 2005 regarding development along Providence Road corridor. My question is, is this still in effect or has it been vacated?

MR. ZENNER: Council has not taken official action to invalidate or to vacate, as you put it, the Providence Road corridor. However, it is, as was discussed during the last review of this particular -- of a -- of a proposal, actually it was discussed as part of the proposal for the Raising Cane's site that it is

downplayed in the evaluation criterion that we utilize given that the M-DT supersedes it, and the M-DT has a much more substantive set of general requirements associated with objectives for that particular zone classification in this particular road corridor in this area.

MS. LOE: Thank you.

MS. GEUEA JONES: Any other questions for staff? Commissioner Carroll?

MS. CARROLL: Yeah. I have two questions. The first question is the painfully obvious one. We're wanting to restrict traffic flow onto Providence from the backage road. I see really good flow indicators on the plan for within the site. Which -- how -- can you just point out on this plan that's up how they want traffic to flow on the backage road?

MR. ZENNER: So -- and Mr. Kriete may be able to better explain to you how the traffic study identifies the movement that will come off of the site. The exit point is what I am circling around right now. That is the sole exit point out of the entire tract of land, and it is actually located in that particular location to allow for site visibility moving back to the north, and allowing for site visibility moving to the south coming back towards Custom Complete. Depending on the direction that you would like to go in, and depending on if the intersection has a restricted turning movement at some point in the future, if you want to head north at some point in the future, if you want to head north on Providence, you will have to exit out of the site and turn right to head back towards Eatwell. If you want to head south, you would have to -- you would come around, turn left, and then make the right out to the Elm Street intersection.

MS. CARROLL: I guess -- so my question is, is that backage road intended for two-way traffic?

MR. ZENNER: It is. It functions that way today.

MS. CARROLL: Yeah. And my other question was, did you consult the Downtown Charrette report at all in your operation of staff report and your research on these parcels?

MR. ZENNER: No, I did not. However, the Downtown Charrette itself is -- while it is inclusive of this property, as well as the property to the north, again, the evaluation of this tract of land was based upon the M-DT's requirements. The Board of Adjustment granted that relief accordingly. The use is an allowed -- the restaurant use is an allowed use, regardless of the Charrette may have recommended. So really, when we looked at this from a staff perspective, we were looking at it as the restaurant first, drive-through second, and the restaurant component of it, the architectural features of the restaurant and the cooler itself and its placement on the site what really we were evaluating.

MS. CARROLL: Okay. Thank you.

MS. GEUEA JONES: Any other questions for staff? I had one. There aren't any sidewalks at all along the backage road. There aren't any sidewalks at all throughout that entire site internal. They're only along Providence where they've been required, and this has some that go down the parked-car side. But we know that there's a pedestrian problem with people crossing from the Lucky's, or in deference to my fellow Commissioner MacMann, parking lot to Raising Cane's. So, I mean, I guess if we're building out the rest of this site, at any point, are they going to be required to provide some kind of pedestrian access in between the various pad sites?

MR. ZENNER: No. The simple answer is no. There is not a requirement given that this is -- that the backage road functions as, basically, a drive aisle and private -- private access. And therefore, because it's not a street, it -- it doesn't have that same trapping of you've got to put sidewalks on both sides of it. That's not to say that when we did Raising Cane's, as a part of the Raising Cane's proposal, we acknowledged as a part of that -- the Commissioner did or it was the Board of Adjustment when it went through the variance procedure for them, we acknowledged the necessity for sidewalk along what would be the southern side of the Locust Street extension. So there is sidewalk at least that that comes up into the Lucky's parking lot, but it terminates at the backage road itself, so just to the east of the backage road location. And given how the site improvements for Raising Cane's are constructed all the way, in essence, to the backage road's easternmost boundary, putting any sidewalk on the east side of the backage road is almost a lost opportunity.

MS. GEUEA JONES: Uh-huh.

MR. ZENNER: As the property potentially is developed to the north, that -- or to the west, there may be an opportunity for that to where you could tie in along the western side of the backage road along the front of those lots between the parking area and possibly the backage road, the throat that will need to be created, to have a sidewalk placed in there. But that would be off-site to this particular user, and we'd have to be looking at that as a potential condition associated with the future development of the western vacant parcel.

MS. GEUEA JONES: What does it take for something like this backage road to be designated as an internal street, because I know that there are some requirements for internal streets.

MR. ZENNER: This was created, if I'm not in -- well, it was created not as a shared ingress-egress. It functions -- that's what's odd about this. If we were to look at this in the -- in a different scenario where we had individual lots that didn't have roadway frontage, we would have required it to have been an irrevocable ingress-egress easement, which, at that point, it potentially would have triggered the necessity for the sidewalk improvement or at least relief being granted to waive it on side. Because this doesn't function that way, it has frontage and it attains the access through the other parcel, the Locust Street extended. It's -- there's not a possibility to come back and retrofit it if that's what your thought is.

MS. GEUEA JONES: No. I'm just curious as to how and -- and there's a saying in the legal field that bad cases make for bad law. But I think this is a case where because of the history of the site, they've escaped a sidewalk requirement that otherwise would have been there if they would have brought this to us as a plan altogether. But because it was a construction access, and then it's -- now it's a backage road or whatever, I'm not saying that there's a solution to it, other than, as you say, if the sites to the west get built. I just find it unfortunate that there is no sidewalk on the south and then west side of that backage road because that would be between this and the Custom Automotive, and then between this and the cemetery. Right?

MR. ZENNER: That -- yeah. That would be correct.

MS. GEUEA JONES: Yeah.

MR. ZENNER: And along the south side of the current backage road between the site and Custom Complete --

MS. GEUEA JONES: Yeah.

MR. ZENNER: -- that is actually, as you probably know, where there is a concrete retaining wall, and the pavement actually comes all the way to that retaining wall. So we would either be --

MS. GEUEA JONES: Wanting to build something up.

MR. ZENNER: -- filling a portion of the backage road with a sidewalk. It is a very unfortunate situation, and due to some gaps within the UDC, this was an item that just fell through.

MS. GEUEA JONES: Yeah.

MR. ZENNER: And, unfortunately, it is, as I often say, what it is, and we're trying to make lemons out of lemonade.

MS. GEUEA JONES: Fair enough. I just didn't know if that -- it sounds like that discussion was had in depth at some point, given your response, but I didn't hear it in the staff report. Thank you. Any other questions for staff? No? No. Okay. Public comment.

PUBLIC HEARING OPENED.

MS. GEUEA JONES: Please come forward.

MR. KRIETE: Good evening. My name is Matthew Kriete; I'm with Engineering Surveys and Services, and I am the civil engineer on the project. So I do have a presentation here, as well, and if you don't mind, I'm going to try to answer some questions along the way as well here. So, again, -- and again, this is what this is about. This is the conditional use for the accessory use of the drive-through and the M-DT. So a little bit about 7Brew. As you have seen, there's already one open in Columbia now. They're an Arkansas-based company, several locations. You know, they do employ locally, have got about 50 employees, hourly rates of about \$18 to \$20 an hour, as I understand. They are the Mizzou official coffee, I believe, and, you know, is opening -- they -- they tend to always get a charitable donation, I understand it'll go the Children's Hospital in this case. As I mentioned to you, this is also a one-of-a-kind unique building for them that they have designed to meet the unique conditions of downtown Columbia. Again on the location, again, south of Cane's, kind of at this Providence Road, you've seen the backage road that's there and access to the signal and other shared access. The site has all the infrastructure that's required. That's kind of another condition on this, you know, all the water, sewer. It's all in place. We can handle the storm-water runoff and it will be taken care of on the site. In terms of the circulation, well, again, we've got the frontage on Providence Road, so you've got the -- the full access down in the southern part of that, what we're kind of calling the private drive or what's been referred to as a backage road here that heads to the north and then has access out to the signal at Locust Street. Again, all the access is to the west side of this backage road, getting as far from Providence as we can. This is to get that circulation away from the public movement, away from the pedestrians on there, and really away from the pedestrians accessing the -- the site from Providence Road. Again, there's no menu board, all of

the services are taken in person. Walk-up service is available, so you'll walk in off of Providence Road, you can come off of the MKT Trail right up, park your bike, and get some coffee. It is ADA accessible from Providence Road, and there is exterior seating available up on the Providence Road side. So, again, trying to create some inviting environment, more pedestrian oriented environment on the frontage of Providence. From a circulation standpoint, again, you can see now the northeast entry. That's where drivers are going to come in and enter the drive-through. Access can come from the north or the south. The backage road is two-way. So you imagine you're coming down to your job at the University in the morning, you're going to take a right into the site, maybe at the signal or at the backage road, circle in, come back out, take a right back probably at the south side of that backage road. But again, the exit is at that corner there. Odd location, but this gives the best site distance, the separation for access here. And then the southern entry that -- or the southern entry, kind of to the east you see in front of the Custom Fleet Automotive driveway is simply for people to enter in to park. But, again, we're taking all that circulation out. So in terms of the questions about the circulation, yeah, we've got two drivers -- now, this is unique, so if you've -- if you've been to these drive-throughs and they tell you what to order from the order board or that, you know, it takes your order, Chick-fil-A tells you, you know, follow the blue car in front of you, you know. You kind of get that direction, so the orders are going to be coming out, and I think it's going to effectively stagger the traffic, you know. And it should self-regulate itself pretty well. You know, cars coming in, you know, that's, I think, in front of the parking stalls, I think they're going to be of minimal concern if conflicts occur there, but there's plenty of room in backing out and, you know, just a short stop until somebody backs up and pulls out. So I, again, don't see that as being anything that creates a significant concern. So in terms of the sidewalks on the backage road, another unfortunate issue here is all of this is private property, so it is 100 percent required to meet ADA law. Topography in here just doesn't allow for sidewalk connections between it. The tiering just doesn't make it possible. The grades on the side are going to be well over six, seven percent. Sidewalks can't exceed five. Access, and that's part of the problem going back to Eatwell. That's that driveway between Eatwell and Cane's is too steep. Yeah, people walk it, but as soon as you provide that pedestrian access, you have to provide equal opportunity for -- for those who need the access. It physically is not possible in this current condition at this site. It's unfortunate, but I'm -- I'm kind of afraid that's the case. So really that really forces you up to using Providence Road, as that point of access, you know, and that's, again, where our focus is. And, of course, for the vehicular circulation, too, from driving in and using the accessible stalls on the property. And again, with all the circulation, this is provided to provide the safest access, circulation, and that doesn't interfere with pedestrians, it doesn't interfere with bikes, anyone wheeling on the sidewalks in the area, and even circulation in and out of Custom Complete Automotive, separation from Cane's drive-through, all of this is going to be provided in this situation. And from a building character standpoint, and Mr. Zenner has spoken of this quite a bit already, this is, you know, again a unique building for -- for 7Brew. It does provide some visual interest and is very much in line with what we have around the area already. Again, you see the patio out front for some outdoor seating, and you

actually kind of see the sidewalk coming away, as well. It's providing access into the site from Providence. And if you look down at the bottom, you'll see the grade transition, too. This actually works to benefit to kind of hiding some of the vehicular facilities for Providence, as well. You know, again, that -- that is kind of unintended, but I think it does sort of work to that benefit. And then the cooler, if you see it back there, kind of see the Mizzou logo on the backside, that's the cooler. Periodic opportunity for some art, where these can display. There's actually, honestly, some sort of Mizzou artwork, and provide as a street wall, just again to help create that wall and that frontage on Providence Road and that presence and frontage on Providence Road. Again, you know, other than the variance which was received, this is compliant with the M-DT standards. There were really no other additional variances we need. We -- you know, we talked about -- well, hours of operations is one thing we didn't have. Sorry. Skipped over that, but generally, these facilities are open -- it's a coffee shop, it's open early, 5:30 in the morning, and they do run late, about 10:00 p.m., so that's their typical hours. And then it shows the M-DT again, since this leased parcel was kind of considered its own parcel, rather than the whole lot, I mean, obviously, the M-DT -- there's a cemetery behind us. There is some frontage of M-DT of that behind Custom Complete. You know, that will all be screened and, you know, per code, so, you know, I'm not -- not concerned about that. We do have a wall there. It's got some limitations on what we can plant in that area, but if you look at the landscape plan, you'll see another island in between. There's a pretty strong buffer in there. We do have some site distance limitations in the driveway we have to account for, but, you know, if we need to have fences up on top of the wall, whatever we need to make sure that's properly screened, we'll account for that. Again, surrounding properties going south and north. Again, I want to just kind of cycle through some pictures, and talk about, you know, what do we have, and there's Cane's. So again, you see the drive-through facility. It is, you know, fronting on Providence. It is visible from Providence. You know, likely, you've got an automotive facility next door, parking lots in front of Custom Complete just to the south of us, buildings to the back. Just south of that, at 309 South Providence, again, parking is in front, and not -- you know, not again the intent of M-DT, so again, a non-compliant. Continue south and yet again, noncompliant, parking in front of the building, and another building, same way, so you can see down this block. You go to Eatwell. Again, you can imagine what you have in that -- that large parking lot for, you know, what's a big store there. Hardee's across the street. It looks terrible. I hope, you know -- it is unboarded and occupied soon, but again, the drive-through is out in front of the building again. You know, even Chamber of Commerce, you know, it's set back from the road. Yeah. It's got parking behind it, but it is not even compliant with M-DT standards. Taco Bell is M-DT. So again, we've got another drive-through in the area. Parking is visible, drive-through is visible. Walgreen's has its drive-through. It's at least fronted on the street, but again, it's got its drive-through, you know. Again, that's kind of hidden back from Providence Road, but visible from Second Street, or I think that's Second Street. Yeah. And then a new gas station. They've got some particular requirements in MBT. I don't know the particulars of its approval, but, you know, again, very visible parking and the like. Again, I think that's a nice presence off Providence Road, but -- so you look at the area. I mean, this is very consistent with

character that we see in the area. Again, Comprehensive Plan, you know, we're supposed to look at that, as well. I think we've met many of the goals on that with the infill development. You know, we're not impacting any sensitive areas. It is a walkable, bikeable, wheelable facility. It's near MKT, I think -- you know, I think you're going to pull some riders off of that and some walkers off that in the end. You know, sidewalk on Providence is being widened, street lighting is being added, landscaping, again, not where we want it, but we're restricted by MoDOT as being added through there. So in summary, and I think before I hit that, just in terms of MoDOT and the access, you know, we're -- my client is not interested in fighting the -- any -- any improvements that MoDOT wants to see done. You know, we're just working out what those details are. And then to be clear, what the traffic study shows -- let me back up a little bit -- it may go early --

MS. GEUEA JONES: If you could actually get to the summary, that would be great.

MR. KRIETE: Oh, okay.

MS. GEUEA JONES: Thank you.

MR. KRIETE: Thank you. Again, same thing that I've said. Again, we've got the adequate infrastructure. We've got some adequate space for circulation. It's protecting pedestrians and bicyclists and wheelable. You know, drive-through is kind of hidden behind the building and utilizing grade change to help benefit that, as well. That's compliance with the standards. You know, it's conforming again with the area, you know. And it doesn't have negative impacts on the neighbor or the transit in the area. So with that, I would be happy to answer any questions you all might have.

MS. GEUEA JONES: Great. Any questions for this speaker? Commissioner Carroll?

MS. CARROLL: Do you intend to install any lighting on the backage road?

MR. KRIETE: I mean, I don't think we could do the whole thing, but I certainly think adding some lighting along our site would be prudent just to help light that area. It's pretty dark today.

MS. CARROLL: Yeah. I drove it tonight --

MR. KRIETE: Uh-huh.

MS. CARROLL: -- and visibility was quite poor as I was coming in off the Locust Drive extension towards Eatwell. Like, it wasn't readily noticeable that there was drive behind Raising Cane's because it was dark back there. I would recommend some lighting, as well as some painted traffic direction. There is nothing on the pavement to suggest that there's a drive over there. I'm sure during the daytime it's a little more obvious.

MR. KRIETE: Yeah. Yeah. Yeah. I think we can certainly get that added, and, you know, there's going to be some directional signage that goes into this, you know, some of the detail you don't completely see today, but will be in there to help out, too.

MS. CARROLL: Yeah.

MS. GEUEA JONES: Any other questions? Commissioner Dunn?

MR. DUNN: So just -- so you're going to have attendees taking orders outside currently under the model for the drive-through. You know, the employees that are going to be out there, you know, what

designs have you made to help those employees during rain or inclement weather, like, when it's winter and it's snowing, are they going to remain out there? Do you have heaters or anything? Like, what does that look like, and is there any type of modifications we might see in the future to help those employees?

MR. KRIETE: And some of it there is -- there is some covering back there, as well. I don't know -- I don't think it hits the whole drive-through now, but certainly, you know, I think in inclement weather, they'll be cared for and taken care of, you know. Have an opportunity to get back under cover, even some temporary cover if they need it. And, I -- you know, I kind of taking the example of Chick-fil-A, where you see that they've modified some things that they needed to in those times. And I'm trying to see if there is a picture --

MR. DUNN: Yeah. I was going to say, like, with Chick-fil-A and even specifically, like, I grew up in St. Joe. I know right now they're doing renovations to the Chick-fil-A there to provide covering for those employees --

MR. KRIETE: Yeah. Yeah.

MR. DUNN: -- as well as heaters. I just wasn't sure if that was something in your design.

MR. KRIETE: Yeah. Yeah. So there's your example, that's the elevation. So what you're looking at in those top and bottom are cuts through the drive-through, so you see, you know, you're -- in kind of the left side there, you've got one that is under cover. The second one is -- the second lane is not covered, but, you know, for the employees, I mean, they can kind of get in and out of that -- the covering, you know, whenever they need to in some inclement weather.

MR. DUNN: And then on -- you know, let's talk peak hours just for a moment. When you're looking at the drive-through and it was said during the staff report that the -- both lines of the drive-through would be utilized during peak hours. For the cars that are coming in there, you know, there's no easy way to get out, and if you miss that first entrance into the parking, you know, there's not a good way to circle back around, is there? Or --

MR. KRIETE: Well, what you would do is probably just go up to the Eatwell parking lot and turn around and come back, you know. But, you know, access into that parking -- that entrance in the parking lot, you could certainly make a left off the backage road into it, just like a right. You just -- you know, the idea is that you want to drive through traffic going back out of it, so that's available, you know. It would just be a matter of turning around. But again, there's going to be some directional signage in there kind of directing where you're -- you're going to be at each of those driveways to help folks when they first come in.

MR. DUNN: And do we have any requirement for a crosswalk from the backage road to the drive? Like, if you -- I'm looking -- I don't know if that's south and north, but at the bottom of the map there where you would come into park, is there any crosswalks there on that backage road?

MR. KRIETE: And you're kind of talking from along Providence Road itself?

MR. DUNN: Whatever is south there, yeah.

MR. KRIETE: Yeah. Yeah.

MR. DUNN: The southeast parking entry.

MR. KRIETE: Yeah. I mean, it's a typical driveway. I mean, it really is a private driveway, so it's -- it's going to have a crosswalk. It's generally unmarked when you -- when you deal with crosswalks and driveways, but certainly some marking, if needed, could be added there. I think it's kind of up to MoDOT's discretion on that, but I believe we do need to review some of the details of whether that even is grade compliant and correct that if it's not. So there may be some reconstruction that goes on to make that a proper sidewalk, too.

MR. DUNN: Okay.

MS. GEUEA JONES: Any other questions? Seeing none. Thank you very much.

MR. KRIETE: Thank you.

MS. GEUEA JONES: Any other members of the public here to speak on this case? Seeing none.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner comments? Commissioner Stanton?

MR. STANTON: Oh, boy. Well, I was here when Raising Cane's was talked about. Didn't like how that went. It got through the marketing plan, the presentation. I think we voted against that one, I think. But it -- here it is. So they made it work. A lot of smart brains made this work. I might not like it. I think that it's going to be a nightmare when this is, like, first opened, and it's like the buzz of the city and everybody is going to be going in there. I'm really curious how this back road, Raising Cane's and this coffee shop are going to operate at peak capacity at the same time. I'm really curious about that. But nothing else we can do about it. The engineering has been done, we've a meeting -- dealing with MoDOT is like dealing with the railroad. So any ideas we have as far as what we can do with the MoDOT jurisdiction, save your breath. We -- it don't matter what kind of -- just save your breath, because they're going to do what they want to do and what they feel is necessary. I honestly -- I -- I did like Raising Cane's there. I really don't like this. I feel like we're going to get to a point where the traffic issues that we've always been concerned with are going to meet and come to a head on Providence right there in the future. It's going to -- I feel like it's going to happen. But being in this field, in the engineering and construction field, I feel this is the smartest thing they can do as far as it being engineered, the layout works, they can make lemonade out of lemons, that's what this does. And we're stuck with what we were stuck with when we built Raising Cane's there, and we set the tone to make another situation like Raising Cane's come up, and then to the left, there's probably going to be another one, and then -- but I plan to support it because what else? And I think the sharp -- I think the pencils have been sharpened to the best of their ability. I think all the brains, the engineering and mathematics have been squeezed to capacity, and it's the best design that we have available. I mean, and get into some graveyards which I'm worried about, I mean, but that must have been addressed before, so I plan to support it, but the lesser of two evils. I'd rather have it designed than awful.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: This Commission is charged with reviewing cases with respect to active enabling zoning acts, and that includes the best of my understanding, the policy resolution on Providence, and the Charrette Plan. City Council has the ability to invalidate or vacate those, but they have not. So I am including those in my evaluation of this case even if staff chose not to. One of the items on the PR 154.05 is item D, which says a list of uses on Providence Road Corridor shall not include large traffic generators such as fast-food restaurants. Restaurants with the drive-through windows are generally characterized as fast-food restaurants. So we have provisions that were adopted in 2005 just to mitigate the very traffic conditions that Commissioner Stanton is identifying now. That's one of the reasons this Commission chose not to support Raising Cane's when it came up. Just because another body chose not to consider that doesn't mean I'm going to ignore again what we have in place already. We had several examples shown to us this evening as being -- defining the character of the area. Many of those examples are ones that don't meet the current standard because they were built before the current standard was adopted. If our idea is to continue building projects that don't meet our current adopted standard, then I'm all for letting what we -- letting buildings continue go forth based on what was there. This used to be the area west of the railroad line and was a pretty deplorable -- pretty tough area. We're trying to turn that around with the policies that have been adopted for this area. The Urban General West Zone is defined as less intensive than downtown. The frontage anticipates a gradual increase in pedestrian traffic, so we want projects that are bringing more pedestrian traffic over time. It provides improved pedestrian connectivity and transition to adjacent neighborhoods. Right now, the internal sidewalk to this project leads to the dumpster. I'm -- I'm really concerned about this because this project is providing no internal pedestrian connectivity whatsoever that I can see. I'm really concerned that we're not requiring sidewalks along internal streets on a commercial property, because in our last meeting, we heard a case for a residential driveway that was over 250 feet long and we were going to be requiring sidewalks along that. We are looking to the exception that allowed for a sidewalk not to be required along a residential access street if it's less than 250 and terminates in a cul-de-sac. This is not either one of those, but appears to be comparable to and much more public. A lot of the discussion we were having last time about the public using that road, using it as a cut-through, and our concerns, we're not addressing those at all if our current standards don't include sidewalks along similar routes on non-residential subdivisions. So the fact -- this -- this has been proposed to us as a revision that's superior than what was brought to us initially, and I agree there are many features, pencils have been sharpened. However, I don't feel that this is a project that supports the policies that have been adopted by City Council regarding how they want development in this area to move forward, nor do I fully -- am I convinced that this project shows true pedestrian connectivity, which is one of the reasons we're being asked to support it even though it is an autocentric project. Thanks.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: Yeah. We do have a plan that guides development along this corridor. It is the Charrette's Report. I don't view this as superseded by M-DT, but guidance to go along with M-DT. Within

the Charrette's Report, it discusses an intent to make the Providence south of Broadway a green corridor with green architecture and pedestrian infrastructure. Our city has already embarked on the developments that were discussed in this report towards developing this as a green corridor with the installation of Flat Branch Park and the more recent installation of the Gateway Park at the corner of Providence and perhaps more across the corner of Providence and Broadway and perhaps more across the street from Broadway, as well as numerous mini-parks and pedestrian paths passing under Providence all outlined in Charrettes as intended projects. I think that we are not supporting those investments well if we don't follow the plan outlined within Charrettes that is supposed to go along with M-DT criteria. I agree with staff's analysis that a restaurant would fit in with M-DT, even a coffee shop. I agree that that would be in good fitting with Charrettes. What I find even more persuasive is that Charrettes calls out these specific parcels on page 30 of the Charrette's Report. These specific parcels are called out in the text as underdeveloped parcels. It lays out development options that are low traffic intensity. There is mixed-use residential M-OF. It discusses a meeting option but highlights that that was not very popular for a meeting center with the community. It's interesting to me that, you know, we have this plan. This particular corridor does have a lot of vehiclecentric uses, and recent vehiclecentric uses. I think this plan was put into place with the intent to move away from that, but we didn't stick with it very well, and so we have a very disjointed area where we can't visually see and interact with the investments that we've made for public parks, and that included not following this with the gas station and with Raising Cane's. You know, we didn't support that, and Council did, and that's up to Council. I think that we're really looking at what do we view as the future for this corridor. Do we want to follow the future of the plan and the parks that we've already installed, or do we want to continue further down the development patterns that have been, I guess, re-established. I would prefer to support our planning process, the design that was made for this corridor, and the public investment that we've already made in the corridor and continue to project for that corridor. And so I don't think I can support this. I will say, however, that I do view this design as an improvement upon Raising Cane's, particularly as it does move it forward towards a walk-up building with traffic to the rear. Raising Cane's has the pedestrians crossing the drive aisle. I would support this without a drive-through. To me, the traffic intensity is clearly due to the drive-through.

MS. GEUEA JONES: Any other Commissioner comments? Commissioner Stanton?

MR. STANTON: I agree with both of my esteemed colleagues. They made very solid points. I hate to be that guy, but once City Council approved Raising Cane's, they set the tone. We had these same discussions about the Charrette and about green space and all of that before Raising Cane's was there. So the decision to allow Raising Cane's to be developed, to me, showed me the position of City Council. There may be a totally different City Council now, but the precedents have been set, and that back row was evidence of that because that was already telling you what was to come in the future, and it wasn't green space. Now let's say we reverse and we go back to what the Charrette said and let's make this green and all of that. Well, really, there's not much else to develop now. We're -- you've run right into

Custom Auto. So my position, yes, I agree with both you ladies wholeheartedly. But the reality is that's not real anymore, and that, to me, and I don't even agree with the sidewalks in the back. I'm -- this is my neighborhood, so I wouldn't walk that back street if you paid me. If you see the traffic that flies and the cars that go back there, I wouldn't walk that. And being I'm not lazy, but being, you know, my natural compass is I'd rather have my butt on Providence and walk that sidewalk than to try to walk behind there on the back road. And the bottom line, you know, I'm not superstitious, but it's like a level of respect. There's graves back there. There's a cemetery back there. How much more digging do you want to do back there; you know what I'm saying? That's kind of where I'm at. So I think that the infrastructure has been set. I think this is the best use of the existing infrastructure. Even though I don't like it, I'd rather see this than something of lesser value and move on to the next --

MS. GEUEA JONES: Commissioner Carroll? Oh, sorry. Commissioner Wilson. Would you -- since you've already gotten to go once, would you mind, Val?

MS. CARROLL: Oh, yeah.

MS. GEUEA JONES: Go ahead, Commissioner Wilson.

MS. WILSON: Thank you. I think I agree with Commissioner Stanton. He said exactly what I was thinking. We had this issue of principle and this issue of what has happened. And at this point, to me, it's a punishment to this business that's trying to go in by holding to the principle when there's no point. There is nothing else to develop, and that's -- I just agree with what Commissioner Stanton has said.

MS. GEUEA JONES: Now Commissioner Carroll.

MS. CARROLL: Thanks. Yeah, and I apologize for second bite. You know, things that you're saying, Commissioner Stanton, I've wrestled with the same thing. When Council approved Raising Cane's, that felt to me like they were deciding to go with the more vehiclecentric corridor. But then after approving Raising Cane's and before this came back to us, they acquired more land along that corridor to put in another park. And this is a bit of a different Council, not a hugely different Council, but a slightly different Council. I think right now that leaves me confused as to where Council wants this to go. And for me, you know, we have a written plan. It's not really a conscious versus a state that it is. It's really a -- I -- we're very disjointed along this corridor and I am not clear on where they're wanting to go. So in the absence of clarity, I'm going to go with the written plan for my own vote, and Council's is going to show us where they want it go. If they want to flip us, then they will do that, and that's okay.

MS. GEUEA JONES: Other comments? Okay. Commissioner Dunn and then Commission Placier.

MR. DUNN: Thank you. You know, I was thinking back to my interview with Council to join this Commission and some questions that they had asked. And I remember very distinctly drive-throughs were a conversation in my interview. And I believe it was the mayor, as well as a couple other Council members, that really wanted to make sure we had pedestrian safety, when we see some of these newer developments with drive-throughs, et cetera. And the lack of a sidewalk on the back road, the lack of kind

of crosswalks there, I just -- I feel like this doesn't meet that standard for pedestrian safety. And when we think about walkable cities and we think about green spaces and everything else, I mean, this is antifickle(ph.) to that, so I don't know that I'm going to be voting in support of this today.

MS. GEUEA JONES: Commissioner Placier?

MS. PLACIER: Yeah. When I first came on the Commission, Raising Cane's was being built or had already been approved, and I was under the illusion that you all had -- or those of you who were on there before had approved it. And I thought, oh, my. The -- in the interest of safety, I just can't see two drive-throughs side by side. It's -- it's not that we don't have a bunch of other noncompliant businesses along there, it's these two are going to exacerbate an unsafe situation both for cars and pedestrians in that area in the way that Custom Automotive doesn't and the Chamber of Commerce doesn't. I mean, it just -- I'm like you, Commissioner Stanton. I wouldn't walk that sidewalk in a million years behind there. I've already tried to walk up to Eatwell several times, and it's -- it's hair-raising going up there. So this intensification there is -- is even more than we have with those other places, and I can't -- I just can't go with it.

MS. GEUEA JONES: Thank you. I -- I'm torn. I think a lot like my fellow Commissioner, Commissioner Stanton, I personally don't like this, but I'm not here to vote for what I like, I'm here to vote for what is compliant and what meets our policy statements and what makes sense given the built environment. And I think that you can either look at things as M-DT compliant or M-DT not compliant, or you can look at it as there's a sliding scale between vehicular uses and pedestrian uses. And Raising Cane's, while it's not a great project, made concessions to have pedestrian walk-ups. The gas station made a lot of concessions to try to create a way for pedestrians to be able to easily use that facility, as well. They are a middle ground between the giant parking lot in front of big box store, and the street frontage with all the parking in the back, or parking garages on the corners or whatever. I think they are move towards a more pedestrian centric or pedestrian friendly, I should say. They are moved towards a more pedestrian friendly use of South Providence. I think that I am struggling to find an objective place to hang my hat for a no vote. Every logical objective argument I try to make says this is moving towards more pedestrian friendly, not away from it. This isn't the same as Raising Cane's. This isn't the same as the Taco Bell. This is at least trying to make it more welcoming for folks who may be walking up from the park that's a block away to grab coffee at the patio. Is it ideal? No. Is it my favorite? No. If it were my property, would I sell it to you to do this with? No. Are any of those reasons as a Commission that I can actually vote no? No. So I think I'm -- I'm in the corner where I have to be a yes, even though it's not a project I'm particularly fond of. Commissioner Stanton?

MR. STANTON: Tea leaves have been spilt. I'm going to tell you what's going to happen. We've got a wonderful park across the street that we have invested in. You walk over there, you hang out at the Globe. If you choose, you trot across Providence. Once -- take the underpass? Okay. Or take the underpass. Okay? You traverse the sidewalks over there and you come up the street and you have coffee. Or you drive through after you duck the traffic coming out of the driveway from either Raising

Cane's or this coffee shop. I'm -- this is the reality of it all. And, you know, we says to you -- my colleague says something here, and this is -- I'm just going to have to bring this up. This is on the other side of the tracks. So this side of the tracks thinks a little different than the other side of the tracks. I live on that side of the tracks and I don't be thinking about that park unless I'm on that side of the tracks. I'm on this side of the tracks where Raising Cane's is. I'm driving or I'm walking along Providence right there. I'm not worried about that Globe or that park over there. That's my side of the tracks. Now we can think people are going to cross and traverse back and forth and get coffee and all of that. Yeah, maybe. But the bottom line is this has already been a chess move that's already been played. So we either concede and tip over the king and the game and concede or we play the hand that's dealt. And the hand that's dealt is that that back road is already built with a driveway to Providence, the private street that's already been designed. It didn't have sidewalks because it's not required. And I'm going to put my concrete hat on and say heck no, because the grades are horrible and you -- the City would be sued as soon as the site -- the concrete dried because that elevation is crazy. So are sidewalks practical there? No. Were they designed to be there anyway? No. The sidewalk that best fits is the one that's on Providence. They're going to expand it. What's the win for us? We get a more expanded sidewalk on Providence. Yay, because I walk that. I'm digging that. So yes, yes. I've got to duck some traffic across Eatwell, across Raising Cane's, and then I got, you know, cross this -- where this new place is. Yeah. And if I survive those three crossings, whoo, I'll be somewhere, and I can walk down to the park. I can walk down to the trail. But this has already been played. This is a chess move. It's already in checkmate. It's -- we're already in check, and the best way to do it is to go with this design, which I do support the design. I hate that it's there. I hate this whole situation, but if I'm going to have it, this will be the best way I would hate it. And I plan to support it because I think it's the best solution to the position that we've been put in.

MS. GEUEA JONES: Any further comments? Commissioner Carroll, go ahead.

MS. CARROLL: My very last comment, I promise. I wanted to address the sidewalks and the -- the conversation around the back sidewalk. The sidewalk that goes north to south along the west side of the -- west side of Providence is already existing. I don't think they have to install one. There's quite a good sidewalk there right now. It has already been improved, too, with Raising Cane's. That communication connecting really all the way from Taco Bell up to Raising Cane's, I find to be quite good. I use it already. I don't think that people are going to take a back walk to go between those sites. What's lacking here that does influence the site design is the pedestrian communication from there back to the Eatwell, and people are going to be entering this site from the Locust Drive. And so for people accessing Eatwell by pedestrian use, there's not a good communication back there, and actually it does get used quite a bit because it's next to the Stewart Road trail head. It's kind of the main local trail head for the MKT, and by quite a bit of student housing, as well. So people walk across there. There's also people who live in that park who cross along there too, walking up that road. That drive is an issue. It would be nice if sidewalks were installed up the drive to Eatwell. This is already existing site. This is exactly the flaw that we're discussing.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Cemeteries used to be picnic grounds back in the day. I like to hang out in cemeteries, so I wouldn't mind walking past that cemetery whatsoever. And accessible routes while required, not every route needs to be accessible. Yes, features need to be accessible to everyone, but you don't have to have all routes at a one and twelve grade. So if that were the case, we wouldn't be going up Broadway either. I don't think this grade is any much steeper than the sidewalk over on Broadway. So I just want to point out -- and there's allowances for when grades are steep. You can drive and park. If you -- I see you shaking your head, but I -- I enforce these regulations for certain federal agencies, so I am pretty familiar with them, and you should discuss them further with whoever is enforcing them for you. Thanks.

MS. GEUEA JONES: Any final comments from anyone else? Commissioner Stanton?

MR. STANTON: Ms. Loe, you are so correct. But it would -- it would take maybe some retention walls. Yes, it could happen. Is it practical? I don't think so. And to add to your point, yes. That used to be a black neighborhood over there. That used to be part of the Sharp end, so I don't even want to go there. But you're right. There used to be other uses for cemeteries. It's technically sound, bottom line, and I plan to support it. It's technically sound.

MS. GEUEA JONES: Any other comments? Anyone like to make a motion at this time? Commissioner -- oh. Commissioner Stanton, go ahead.

MS. LOE: No. You truly do support it, and we make our motions in the affirmative, so please.

MR. STANTON: As it relates to Case 45-2024, 209 South Providence conditional-use permit, I move to approve the requested CUP to permit a drive-up facility with the proposed 7Brew Coffee restaurant subject to substantial compliance with the site plan dated 12/29/23 PD Plan revision, and installation of a traffic control device if required and approved by MoDOT that would restrict northbound turning movement in or out of the backage road north of Elm Street.

MR. FORD: Second.

MS. GEUEA JONES: Motion was made by Commissioner Stanton and seconded by Commissioner Ford. Is there any discussion on the motion? Seeing none. Commissioner Carroll, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Mr. Ford, Ms. Wilson, Mr. Stanton. Voting No: Mr. Dunn, Ms. Carroll, Ms. Placier, Ms. Loe. Motion carries 8-0.

MS. GEUEA JONES: We have a tie, the motion fails.

MS. CARROLL: We have four yes votes, four no votes. The motion fails. No recommendation.

MS. GEUEA JONES: No recommendation.

MR. ZENNER: No recommendation pursuant to the rules of procedure. So no recommendation will be forwarded to City Council. You've seen how this has played out in the past in other items.

MS. GEUEA JONES: Yes. Yes.

MR. ZENNER: Okay. I would be, of course, given that there's no recommendation, I'm assuming that we will have this placed under old business, as well, on the Council agenda?

MS. GEUEA JONES: Yes. Do we need to make that motion, or is that part of the procedure?

MR. ZENNER: We can take care of it.

MS. GEUEA JONES: Okay. Thank you. Very good. Moving on to our last case of the evening.