

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
October 21, 2021

Case Number 214-21

A request by Blew & Associates, PA (agent) on behalf of D.L. Rogers Corporation (owner) for a major amendment to the Hyde Park Planned Commercial Subdivision Block 1 Lot 101 C-P Plan (Planned Development). The major amendment includes a revised PD Plan and new statement of intent. The 1.37-acre site is zoned PD, commonly addressed 3700 Buttonwood Drive, and is generally located on the southern frontage of Nifong Boulevard between Buttonwood Drive and Hyde Park Avenue. This request was tabled in July and August and has been re-advertised appropriately.

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the requested PD plan to be known as Sonic of Columbia, Hyde Park, inclusive of the aforementioned design exceptions which are denoted on the plan, and the associated Statement of Intent.

MS. LOE: Thank you, Planner Kelley. Before we move on to questions for staff, I would like to ask any Commissioner who has had any ex parte related to this case to please share that so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Is there any questions for staff? Commissioner Burns?

MS. BURNS: Thank you. Mr. Kelley, the trash, could you go back to -- you didn't indicate where on site would be dumpsters or for a trash location.

MR. KELLEY: Sure. Let me -- that one works, but let me go back to the other one that isn't the landscaping. Okay. So there is a storage location shown here.

MS. BURNS: Okay.

MR. KELLEY: And this is compared to the original plan. I believe this is the actual dumpster location that was originally there, so this one is located a little bit more towards the interior of the site.

MS. BURNS: And the screening on that would be to Code standards, not any -- there I don't see any landscaping. Okay. I do see some landscaping there. Okay. Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. To follow up on Commissioner Burns' part, I had a little trouble blowing this up. Is that in a corral, or is it just freestanding -- the dumpster?

MR. KELLEY: I don't know the answer to that question.

MR. MACMANN: All right. That's fine.

UNIDENTIFIED SPEAKER: (Inaudible).

MR. ZENNER: It would be required to be placed by the solid waste in an enclosure.

MR. MACMANN: Thank you. My second question for Planner Kelley is the -- on the south side on Cooper, that parking is for walk-ups, or what do you say that was?

MR. KELLEY: Yeah. It would be for walk-ups and for employees.

MR. MACMANN: Okay. Describe that barrier between Sonic property and Cooper, like, where the cars pull in. Are we going to have lights pointing south?

MR. KELLEY: There -- there -- yeah. There would be, yes, but there's a six-foot vegetative buffer there.

MR. MACMANN: Okay. And does that have an -- can you help me understand this. Is that an opacity number on that, 85 or --

MR. ZENNER: Yes. It would have an 80 percent opacity elevation of one to five feet in order to block the headlights out. That's that particular provision that talks about the screening at the property end.

MR. MACMANN: I just wanted to make sure we were there on PD plan. Thank you very much. Thank you, Madam Chair.

MS. LOE: Thank you. Just to clarify for the public, after Commissioners are done with questions, we'll open up the floor to public comments, and we do ask you to come up to the podium and use the microphone just so we can capture everything for the record. So just hold on. We will -- we're almost there. Commissioner Rushing?

MS. RUSHING: I have a concern that servers are going to be crossing a traffic lane. Was that discussed in the process of reviewing this?

MR. KELLEY: Yeah. It was brought up significantly -- significantly by the applicant, as well. I believe they have some striped areas where they've indicated that the carhops would be walking through, and also to where the parking is provided for patrons who would be visiting the site and employees, as well.

MS. RUSHING: You had the view of the side, it doesn't look the same here, where it looked like there was a door coming right out to the west of the -- yeah. No, to -- so here it's to the east.

MR. ZENNER: It would be the south of -- that's the north elevation you're looking at on the bottom.

MS. RUSHING: Which way is north?

MR. ZENNER: North would be towards Nifong.

MS. RUSHING: Right or left?

MR. ZENNER: This would be looking in from Nifong south, which would be left.

MS. RUSHING: I'm looking at the bottom one.

MR. ZENNER: Yes, that's correct.

MR. KELLEY: Yes. Yeah.

MR. ZENNER: You would be -- if you were in Nifong heading westbound towards Providence, this would be on your left.

MR. KELLEY: Yeah. The safety concern was brought up by the applicant and we don't disagree. We are open to other alternatives that meeting the intent of screening the --

MS. RUSHING: My concern was that the servers would be coming out that door which is right by the wall that goes over the pickup. I couldn't tell -- it doesn't look like there's a door in the front for them to come out. There may be one in the rear of the building, but, yeah. I was just concerned about --

MR. KELLEY: The door is right here.

MR. ZENNER: So, yeah. You'll have a door here on what would be the west side of the building.

MS. RUSHING: Okay.

MR. ZENNER: That would be accessing the patio area. You have a -- that side door that we just saw in the image of the building with the screening wall would allow access for the carhops to the north side of the building to the vehicle spaces that would be here, which is not inconsistent with currently how the business operation is across the street. The only difference here is that, yes, there is a screening wall. However, that carhop still has -- will be fully visible from the bypass lane and the drive-through lane.

MS. RUSHING: So the one across the street, there's a -- a driving lane between? No?

MR. ZENNER: This -- so the way that this circulates, all of the parking to the drive-in stalls is up against the building, so what --

MS. RUSHING: Right. And here it's not. That's my concern.

MR. ZENNER: Correct. Yeah. Correct. What they're doing is they're trying to avoid blocking in with the new design those vehicles that are standing at the restaurant receiving carhop service in their vehicles. That is the major difference between the two designs right now, and other than the fact that they're meeting other UDC requirements.

MS. RUSHING: Now is this solely because they have a drive-up and the one across the street does not? Is that what's caused this --

MR. ZENNER: I believe the one across the street does have a drive-through, as well, but the circulation on that drive-through, if I'm not incorrect, is what's blocking in the stalls. There is this -- the way that that building across the street is set up, I believe the pickup area on the drive-through is -- and I can't remember if this has a drive-through or not, and the applicant is here to explain that. But if it is, it is back here, and I may be conflating the Starbuck's building, which is this, with the drive-through location. I definitely know the Starbuck's building is here, and their drive-through pickup window is here. This may all be canopy parking at this point, and this site, obviously, is severely constrained in size --

MS. RUSHING: Exactly.

MR. ZENNER: -- versus the one that we're dealing with across the street. So this may not have the drive-through, but I would let the applicant speak to that. I can't recall off the top of my head right

now. But nonetheless, I think the concern of safety for the carhop leaving is attempting to be addressed not only by where the crosswalk is in relationship to the screening wall, but that carhop going across the street to get to these vehicles to service those customers has full visual access to any vehicle in the drive-through lane or in the bypass lane before stepping off the curb.

MS. LOE: Additional questions for staff? Seeing none, we will open up the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: So if you have any public comment, please come up to the microphone. We need your name and address for the record. We do limit you to three minutes. If you're speaking for a group, we will give you six minutes.

MS. DU QUESNE: Am I allowed to talk at this time?

MS. LOE: Yes. Yes.

MR. DU QUESNE: Okay. So Jorge Du Quesne with Blew & Associates, 5104 South Pinnacle Hills Parkway, Rogers, Arkansas. The driveway -- our concern is not from the building to the parking stalls, it's actually the other way around, because you have a six-foot wall. And as they're walking around that wall, you still have that traffic, and that visibility is not there especially if you think of where that wall is in relationship to that crossway. What the gentleman said was absolutely correct. The opposite direction, they have perfectly good visibility, and that's how they work nowadays, but it's actually the opposite direction that we are concerned about. Other than that, we are happy to comply with whatever Columbia -- City of Columbia decides to -- well, whatever is warranted for this site. If you have any other questions, I am here for that.

MS. LOE: Well, don't leave --

MR. DU QUESNE: Okay.

MS. LOE: -- because there are questions. Commissioner Rushing?

MS. RUSHING: So are you concerned about having to provide that wall?

MR. DU QUESNE: So it's not the actual providing the wall, it's that, if you think about it, the wall -- I'm five-foot-ten, so that wall is going to be about this tall.

MS. RUSHING: Uh-huh.

MR. DU QUESNE: And we're going to have servers that are on foot, they're going to be walking down -- if you think the wall is going to be here and they're going to be walking down the sidewalk in between the cars and the -- and the wall. And then once they get to the end of the wall, they're going to be taking a left, and that's when they're going to be crossing, the wall is still impeding the view at this point because it's here at this -- (inaudible).

MS. LOE: Sir, we do need you speak into the microphone.

MR. DU QUESNE: All right. They actually have to peek past the wall in order to be able to -- to see the vehicles coming through there, and that was the main concern. We went through a few different variations that we thought might be compliant and still block the view. We were trying to do some kind of

almost -- I don't know how you would call it -- think of blinds, but metal ones that would kind of be in place that still would give a little bit of visibility to see if there's a car coming or not, but it needed to match -- from what we understood, it needed to match the building and more of the look of the building to hide the vehicles, so that wasn't compliant for them. But, yes, it is definitely a very big concern for our --

MS. RUSHING: Do you have any ideas as to how you could address that?

MR. DU QUESNE: I -- I personally don't because I don't understand the intent of what we are trying to do with this particular piece of Code. If the idea is to keep people from seeing cars that are pulled up to the driveway, I don't think we are hitting that intent in any way. With the Sonic, we have cars all over the site and they park everywhere. So if I understood the intent of -- of why that wall was being required, I -- I might be able to better understand. I understand if you have a driveway -- on a KFC, on a Taco Bell, I understand that intent because they have a driveway, they don't have parking on the outside of it, and that -- the intent there is to block the view from the street. In this particular case, we are not blocking the view of cars. We have cars on both sides of that wall. It's -- if the intent is to just hide that -- the vehicles, the drive-through window, then I -- I don't know that we're achieving that here per se. But, again, I don't quite understand the intent.

MS. RUSHING: Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I have two. One solution is for you, and one is for staff. I live in a very small restricted neighborhood where you can't -- you have to back out into an alley and you can't see. What we've -- people do this in the country, too, a big mirror, so the server can see the road, the road can see the server. Something else, Planner Kelley, correct me if I'm wrong. We have -- the landscaping -- we have Nifong, a landscaping buffer, a row of automobiles underneath a shelter, then we have a wall. Correct? I appreciate and agree with what we're trying to do and I helped write this, so would it be possible to put the wall in the street?

MR. KELLEY: I think --

MR. MACMANN: I mean --

MR. KELLEY: I think if this body feels that way, then -- then yes. We're -- this provision is contained within the stacking lanes and the drive-through service window, so we're just kind of going off of what's previously been accepted. Staff is definitely amenable to another alternative, something like that, we're okay with this wall.

MR. MACMANN: Okay. Let me -- let me ask you this question. The closer the visibility wall -- she can hear me. The closer to the wall that inhibits visibility from the street is to the building, the more area it covers. You don't get that diagonal view. If you put it 32 feet out on the street, you're going to be able to see in both directions. Not very well on this site because it's all built up or it will be all built up. Do you believe, and I just want an opinion, that a 32-foot wall out on the vegetation barrier line somewhere would be sufficient to achieve our Code? Mr. Zenner, please see what you think.

MR. KELLEY: Yeah. I think that, or something else that does achieve the intent of providing

screening to the service window, whether it's the street wall or not. Maybe it's some other form of screening, improved vegetation or something to that effect, as well, but yes.

MR. MACMANN: My concern would be this gentleman's concern, also, and I don't think we, as a City, want to end up getting sued if one of the servers gets hit because they can't see them. That would be my concern in a situation. And I appreciate what you guys are trying to do by not letting the bypass traffic block in your -- the cars. Right? Because I've been to the old Sonics and it's just cars on top of cars. I would be open to that, and I'll discuss it with my fellow Commissioners. Thank you, gentlemen.

MS. LOE: Commissioner Rushing?

MS. RUSHING: I -- I think I agree with the applicant that having that row of cars under a canopy is, you know, making that wall right by the drive-through kind of meaningless. And I like the landscaping they have provided, the vegetation. I would hate to see a wall put in place of that. So I think I would just go with the vegetation screening, and if you see a need to increase that, perhaps, but --

MS. LOE: I think I would like to see what it looks like with the canopy.

MS. RUSHING: Right.

MS. LOE: And since the elevation doesn't show what that is. Unfortunately, we've seen it with the canopy removed, so it's hard for me to form an opinion of what screening is provided with the wall. The other thing that occurs to me is that part of the issue is created by the location of the service window and its proximity to the door. So if the service window could be located further away from the door, then the wall could move with it, and the walkway, as well, and you would have more of a viewing corridor, so to speak.

MR. DU QUESNE: So I'm not the architect on the --

MS. LOE: I understand. But -- and I understand there may be templates, but, in this case, I mean, in this case, the plan has created this issue with this added element, it occurs to me. Commissioner Mac-- oops -- Commissioner Stanton? Thank you.

MR. STANTON: Chairman Loe, I would have to lean on your architectural skills here. I just think that the elevations are not lined up right. And if I'm looking at the bottom elevation, that door, it looks like it's set back, so its window is set back. Right? So what they should have done is pull the top picture over so that you see that line come straight -- straight down, so this should be over, and you would instantly see the - recognize that's a setback wall. So at McDonald's and places like that, where they have -- like, say, for instance, you don't get their food out fast enough, and they ask you to pull up real quick, and then they just come right out that door and just hand it to you right outside the door. Correct?

MR. DU QUESNE: Correct.

MR. STANTON: Okay. So in that case, then the server is not even really getting in the street. They're just opening the door, they're on the sidewalk, hand it to you in the window, and then they're gone.

MR. DU QUESNE: In that particular case, yes.

MR. STANTON: Right. Okay.

MS. RUSHING: But McDonald's doesn't have a whole row of cars parked across the driving lane.

MR. STANTON: But to my knowledge, they don't even have to -- well, I see what you're saying, but I don't drive through at Sonic. It confuses me anyway, but okay.

MS. LOE: Mr. MacMann?

MR. MACMANN: I think we're engaged in what Commissioner Stanton would call trying to get you a win-win.

MR. DU QUESNE: I got you.

MR. MACMANN: A win for you and a win for us. Might I ask this question, and you may not know, as you're not an architect. We happen to have one up here, though. Does anyone know how high the awning is on the building? Is it 12 feet?

MR. DU QUESNE: We do have the developers here, so I will ask and be right back.

MR. MACMANN: Standing by.

MR. DU QUESNE: Thirteen feet.

MR. MACMANN: All right. Here's something else I'm thinking, oh, so we don't have to move 12 different things. A barrier on the street, the height of the awning. It's 13 feet or 12 feet -- that has an opacity of whatever we're -- Commissioner -- Planner Zenner is shaking his head no.

MR. ZENNER: I have horror in my eyes just based on the fact that a 13-foot wall on Nifong Boulevard would -- I mean --

MR. MACMANN: No. I'm not talking about a wall. I'm talking about, in this instance, vegetation.

MR. ZENNER: I think in scale and in context with what is along the corridor at this point --

MR. MACMANN: It would look a little odd.

MR. ZENNER: -- it would look completely out of shape. If I may, and I tend to agree with what Ms. Loe's point has been, without having the canopy that would be forward of this or to the north side of the building in between Nifong and the building itself, it does render making a determination if the screening wall is actually a necessity given that those parking spaces actually may be impeding significantly the view of the window. However, we don't have that elevation. The other potential alternative here to resolve the safety issue is this building does have, if I am not incorrect, an access out the front. This doorway may not -- while it may not be efficient through the operation or the desire of the applicant, elimination of the doorway that you see in the lower elevation and going out a double door in the front onto the patio area with the carhops allows for that separation then of ingress and egress back and forth into the main building. That also could be a potential alternative, and leaving the screening wall in at that point at its current termination point, because it covers the drive-through window. The path not taken here, obviously, is that the bypass lane is separate from the screening wall, as well. The bypass lane could be exposed, and the drive-through lane, unlike what we did with Culver's, would actually be what would be screened either through an extension and a smaller wall segment that only covers that walkway. That would be another option that's not illustrated here as a possible solution. So, you know, alternatives do exist, and I'm not quite sure what the applicant's schedule is. That is a question to ask

them, as it relates to potentially producing additional graphics that could help you arrive at a better decision.

MR. MACMANN: Thank you, Manager Zenner. I agree with you. The barrier out on the street would look terrible. Thanks for shooting that down.

MR. ZENNER: You're so welcome, sir.

MS. LOE: I -- I think we're going to have more discussion on this. I would propose that we let additional speakers come forward, and we can continue to hash things out. Thank you. Now that I've just opened the floor, are there any additional speakers on this case? With -- if there aren't, we will close public comment, and we'll just let the Commissioners hash things out.

PUBLIC HEARING CLOSED

MS. LOE: Moving on to Commission comment. Commissioner Carroll?

MS. CARROLL: I'd like to discuss the intent of the screening wall. If -- if I'm understanding right, we have the screening wall to block the vision of cars at the window. Right?

MR. ZENNER: That is correct.

MS. CARROLL: I think he makes a valid point in that there's cars all around the building, we're not blocking anybody's vision. I don't clearly understand why we're requiring a screening wall in this case.

MS. RUSHING: I agree.

MS. LOE: Commissioner Burns?

MS. BURNS: I think -- I know in a previous project that we had a screening wall that we asked to be included in the design, and so I suspect that because we asked it of them, we're asking it of this applicant, also. I think people know the jig is up, cars are going through the drive-through, so I don't know if the -- the wall -- I appreciate the applicant putting it in there. I'm not sure if the wall is absolutely necessary.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I -- I agree. I mean, I know that -- to me the significant difference is the setback of where this wall would be as compared to the last one, that --

MR. MACMANN: Culvers.

MS. GEUEA JONES: That -- yeah. Culver's is up on the main thoroughfare. There's not a lot of vegetative screening, there's not a lot of anything. This is conservatively five traffic lanes and a --

MR. MACMANN: Vegetative --

MS. GEUEA JONES: -- vegetative barrier away from the street. So I -- honestly, I'm -- I'm worried, even if they were coming out the front, it's not the leaving the building to go to the service of the cars that bothers me, it's the coming back.

MR. MACMANN: Or a bypass lane --

MS. GEUEA JONES: Yeah. Exactly. Bypass lane where someone is frustrated and zooms around, and you can't see past that wall when you're coming from the awning area back to the building. So, I mean, I -- I would support removing the wall from the plans.

MS. LOE: Go to Commissioner Stanton?

MR. STANTON: Two comments. Staff, is it going to hurt your feelings if we recommend there be no wall there?

MR. KELLEY: Not at all.

MR. STANTON: Okay.

MR. ZENNER: And I would -- I would add this is why this is a topic that has been brought to your attention in a work session to deal with, what the purpose of the wall was so we can not have to have this somewhat awkward conversation when we have our next drive-through.

MR. STANTON: And, two, what was I going to say? Oh. I support not having a wall. It's Sonic.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Along those lines, for the aesthetics and safety reasons -- and Commissioner Burns is correct, the Culver's, there was no option. That had to -- that had to be covered, you know, parked lights there. I suggest that when we get to it, and I'll do the -- I'll do the motion if you want to, that we remove this wall for safety reasons, so we're not creating an untoward advantage for anyone or having different standards for different people. In this situation, the spirit of the law and maybe the letter of the ordinance, excuse me, is serviced by the variety of barriers between the street and the checkout, and we're also -- where I'm really worried about a server getting hit, honestly, particularly in the bypass lane. So I would submit that we delete this wall from this PD plan in the name of safety, and then if staff -- if we want to revisit this later for a variety of other reasons that Planner Smith, Jr., to clarify it, has brought up, we can do that. That way, we're not creating a mess.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Can I ask, was Culver's also a PD plan?

MR. KELLEY: Yes.

MS. CARROLL: Okay.

MS. LOE: I would just like to observe that the canopy -- at the pull-in, parking for the drive-in area, the signage that for ordering and the poles for the canopy do create a screening. It's not -- the opacity is obviously not the same, but there is a screening element created with all of that infrastructure, as well, so it's not as if it's simply the vegetation and then the building. They're landscaping and populating that area between -- and I think that's what we're discussing, that this does have a different culture. It's programmed differently and inserting the wall is contrary to how their programming the site.

MR. ZENNER: I believe that is a correct assessment as to the differences between what we had in two similar -- or in two PD zoned properties. There is -- and each is individually determined on its own merits, and this site does have different aspects associated with it versus the other. And as a Commission, I would not be concerned that you're being inconsistent. You have identified the points at which you are making this determination differently from what you did on your prior action, and it also provides us a little bit of additional insight as to how may want to proceed forward with a future amendment, as well.

MS. LOE: They can't simply claim safety. They have to add a lot of --

MR. MACMANN: Stuff.

MS. LOE: Yes. Picnic benches and parking and -- yeah. Yes. Commissioner MacMann?

MR. MACMANN: If there are no other comments or concerns, Planner Kelley, could you return to your approval page so I could use that as a reference, please? I'm going to make this motion and delete the wall, referencing our discussions here, and include the design exceptions as stated in the PD plan. Do you think that will cover it?

MR. KELLEY: Yeah. The same as this, but with technical corrections to the PD plan to remove the screening -- the screening wall.

MR. MACMANN: The screening wall. In the matter of Sonic of Columbia, Hyde Park major amendment, modification of PD plan and SOI, Case 214-2021, with design exceptions, deleting the screening wall from the drive-through window, I move to approve.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Stanton. We have a motion on the floor. Any discussion on this motion? Seeing none. Commissioner Carroll, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Burns, Ms. Rushing, Mr. MacMann, Ms. Geuea Jones, Ms. Placier. Motion carries 8-0.

MS. CARROLL: We have eight votes to approve; the motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council.