

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
February 23, 2023

Case Number 262-2-2022 (remand)

A request by the City of Columbia to amend Chapter 29, Sections 29-3.3 [Use-specific standards] and 29-4.3 [Parking and Loading].

MS. GEUEA JONES: **This is a remand from the City Council.** May we please have a staff report.

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends that a public hearing be conducted.

MS. GEUEA JONES: Thank you. So to be clear, you are not expecting a vote this evening, but perhaps a recommendation if we would like changes made to the language, or are you expecting a vote?

MR. SMITH: I think -- I think a vote either way is appropriate. I didn't necessarily want to -- to offer a recommendation from my standpoint because it has already been approved by P and Z.

MS. GEUEA JONES: Okay.

MR. SMITH: But I think for clarity for City Council's purposes, a vote to reaffirm, I think, the approval would be appropriate? Would you say so?

MR. ZENNER: That was what I was going to add. This is really --

MR. SMITH: Yeah.

MR. ZENNER: This is really an affirmation -- a reaffirmation vote or it is a vote subject to changes that you may want to which we will either need to request additional time to make those changes, should the Commission want additional work session opportunity to discuss them, or just additional time to ensure that those text changes can be incorporated in what is being submitted to Council for consideration on the March 6th Council agenda, that is when the requested tabling or request -- yeah -- requested tabling of action was extended to from the January 17th initial date.

MS. GEUEA JONES: I will keep that in mind as we get closer to that time. I normally do a statement about outside comments and that sort thing, but given there are no parties, I'm going to skip over that and ask are there any questions from Commissioners? Okay. I do have one more. It is my understanding that if we do not reaffirm this language and if it is not adopted by City Council, there will be no drive-throughs allowed on street side; is that correct?

MR. SMITH: No drive-through service windows on street sides, yes.

MS. GEUEA JONES: Right.

MR. SMITH: That would be still prohibited.

MS. GEUEA JONES: And do any of these changes affect drive-through windows that are currently permitted?

MR. SMITH: No, they do not.

MS. GEUEA JONES: Thank you very much. And with that, we will go to public hearing.

PUBLIC HEARING OPENED

MS. GEUEA JONES: If any members of the public are here to speak on these changes, please come forward. State your name and address for the record. We allow six minutes for groups, three minutes for individuals. And we are streaming, so be real comfortable up at that mic.

MR. TRABUE: Good evening, Commissioners. Appreciate it. My name is Tom Trabue with Trabue Engineering; offices at 3530 South Old Ridge Road. I am representing the Columbia Board of Realtors this evening and would like the six minutes for my presentation. And real quickly, I'd like to recognize we have several of our board members here, if they just want to wave. Some of them may speak, but I wanted to -- to recognize them for being here in support of -- of not only the letter that was written, but the additional comments. I'd like to express my appreciation to the Planning Department and the Commission for continuing to recognize that the UDC was not a perfect document, and that amendments will continue to be required, and I very much appreciate that. Very sincere about that. As staff reported, you've seen the letter from the -- from the CBOR to the City Council expressing our concerns. Time doesn't permit me to verbally address all of those, so I will kindly direct you back to that letter. As the staff report indicated, in addition to some general cleanup of the ordinance, the primary reason for this amendment is to allow a drive-up facility to be placed on a building street facing facade. We support the change to allow this, but we do not believe that the associated restrictions are necessary or appropriate. The stated purpose of the ordinance is to, in part, reduce visual impacts of drive-up facilities on abutting uses. I think we all know that one size does not fit all with regard to drive-up facilities. The UDC should differentiate between the different types of drive-up facilities that we have across our community and will have across our community. We agree that drive-up facilities adjacent to R-1 and R-2 zoning areas should be treated with greater scrutiny than those in commercial areas. Drive-up facilities with high traffic volumes, probably typically fast-food, should be treated differently than those with low traffic volumes -- pharmacies, dry cleaners, a lot of our neighborhood type businesses. The proposed solution that you all have presented in the amendment to reduce visual impact is to construct a porte cochere that provides full screening from ground to roof extending the full width of the drive lane. A fully screened drive-up facility has been, as was indicated in the staff report, creates hiding spaces and blind spots, creates security concerns for owners, users, and police officers. Fully screened porte cocheres do create a tunnel effect that can be quite discomfoting for many users, and they are expensive to construct. Our estimates of \$25,000 to \$50,000, we believe, are on the low end. It was stated at the last P and Z hearing that there was an expectation that the street facing facade look like the front of a building. As I review drive-up facilities in our community, especially the newer constructions, I found that

the drive-up side of the buildings had very similar facades to the front facing sides. The Scooters -- the new Scooters on Stadium that was shown -- a photo was shown earlier, if you look to the window side of it, the facade looks exactly the same. There's a service window instead of a door. Otherwise, it looks exactly the same. Designers accomplish this with bump-outs, changing planes, textures, surfaces and signage. We do not believe that requiring an expensive porte cochere is necessary to address the visual impact of the building, and we, in fact, consider it to be overly restrictive. The photos that I'm sharing are of some of the drive-up facilities that we have in our community that function well but are not allowed under the current ordinance or the proposed amendment. We recognize that beauty is in the eye of the beholder, and I don't presume that everyone will like every building. It is important to note that many of these locally owned facilities are retrofits to existing structures that cannot accommodate the construction of an elaborate porte cochere, or have a sufficient room for the proposed landscape areas. With regard to the landscaping, we request that the landscaping area adjacent to the street right-of-way should be removed. Creating visual screens between two automobile-centric uses, roadways and drive-ups, should not be necessary. I am personally a -- really a big fan of landscaping, but the Code already has very strong site landscaping requirements. And as I review buildings, I was most impressed with well-designed landscapes that provided intermittent screening instead of a Code dictated unnatural row of screening. If you keep this in the ordinance, we would request that the land -- the additional landscaping area that you have identified should not be counted -- that it should be counted as part of the general landscaping requirements and not be in addition to. We've just got to quit adding more and more landscaping requirements. As noted in our letter, we've got other concerns. I think others are going to probably testify to some of those. Wrapping up, we support an amendment that allows drive-up facilities to be oriented to the street facing facade as it was in 2017 prior to adoption of the UDC so that new facilities can be constructed to similar to those that are already working effectively in our community. I'd be open to any questions anyone has.

MS. GEUEA JONES: Thanks, Tom. Any questions? Commissioner MacMann and then Commissioner Carroll.

MR. MACMANN: Thank you, Madam Chair. Mr. Trabue, I have one question, and you may not like this choice. If you had to choose between going back to the 2017 standard or staying with the 2017 standard, or going ahead with this new standard, would you have a position on that?

MR. TRABUE: I would like to go back to pre-UDC where we could build the Taco Bells and some of the other facilities that are shown on the screen. I think those are important. I think what you're asking me is -- is do I have a preference between accepted the porte cochere restrictions that are produced in this amendment to allow for a street facing service window. That's a tough one. I don't -- because I don't agree that we need to have a porte cochere in that type of screening.

MR. MACMANN: Do you appreciate that the essence of this amendment has been a giving, not a taking?

MR. TRABUE: I do understand that it is a relaxation of the existing ordinance. My position is

we've opened this back up, this is an opportunity for us to get it where we believe as a business community that it should have been in the first place.

MR. MACMANN: Let me --

MR. TRABUE: When the UDC was adopted, we picked our battles, and this was one we chose not to pick.

MR. MACMANN: All right. Let's -- going politics for a moment. If you'll allow me a little discretion, Madam Chair? While I would admit that staff maybe didn't make the most scientific survey, it's one of my backgrounds, it's okay. It seemed as if the public likes this.

MR. TRABUE: So I -- I -- you know, you've brought it up, and if you will allow me a little latitude --

MS. GEUEA JONES: Sure.

MR. TRABUE: The survey was -- was kind of difficult. I think that the ability to gain any measurable responses from that, you know, I mean, I -- I -- to answer the question about the Culver's, I said yes. This looks nice. I do believe that's a nice-looking building. Do I think that should be the new requirement? No. And so that's just one example. The Scooters, as an example, does this building look nice? I'm going to be really honest with you. I don't think it's a very attractive building, but that's a branding thing.

MR. MACMANN: You don't like The Scooters. Yeah. Well, that's -- the brown and orange is real good to look at. I get it.

MR. TRABUE: But I will say that I went and looked at that building specifically, and the -- the drive-up window side of the building that backs up to the other buildings -- I understand that -- looks almost identical to the picture that was shown.

MR. MACMANN: One last thing, and this is just kind of an indication of where things are going, and you follow the trends. We see you all the time. More landscaping is coming down the road. You get that. Right? I mean, as time goes on?

MR. TRABUE: No. I don't -- I don't get that, because I think we actually -- we have very --

MR. MACMANN: Okay. Well, we are constantly under pressure to add landscaping to everything.

MR. TRABUE: Yeah. Yeah.

MR. MACMANN: Madam Chair, thank you very much.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: When you included the drive-throughs on your not allowed PowerPoint, did you check on the zoning of the properties that were included?

MR. TRABUE: No. I did not specifically go into that. And I -- and I will admit that several of those, you know, because of the zoning districts, would be allowed as conditional uses. My concern there is that if we adopt a standard in the by-rights portion that identifies porte cocheres as the standard, that when we get into a conditional-use situation, that that will be the standard by which they're judged.

MS. CARROLL: So I'm noticing at least two and perhaps three that perhaps Planner Zenner could confirm later that I believe are PD plans.

MR. TRABUE: And -- and --

MS. CARROLL: -- and those came through this body under the current UDC with the regulations as they stand, and this body approved them. I don't see us -- and I realize each PD plan is unique. But I don't think that the regulations related to conditional use under R-1 or R-2 change anything about how we judge a PD plan. In fact, this came forward as a PD plan that someone willingly offered up, and we said that's something that worked and we would like to extend that to everyone should they choose to use it.

MR. TRABUE: I -- and I appreciate your comments, Ms. Carroll. I -- I believe that. I did not look at the underlying zonings of all of them, but I do know that part of our -- one of the goals of the UDC was to minimize the number of new PDs coming forward. And so I'm looking forward -- I understand -- I agree with you 100 percent, and -- and my examples are more to show that we have these facilities in place without porte cocheres. No one, to my knowledge, and I've spoken to a lot of people over the last 60 days. None one, to my knowledge, has complained about any one of these not having reasonably positive visual impact. They are colored a little rinky-dink, but -- but the more -- the commercial ones, the franchise types, the Taco Bells, the Lakota Coffee, that's been around for a long time. I don't know of anybody that has ever complained about that and said, oh, that needs to be fully screened. I have problems with that because I can see that. The Taco Bells, you know, the Taco Bell there across from Hickman, it has streets on three sides of it, and that -- that drive-up window faces a street, happens to face a street that you allowed a drive-up on the other side of the street, and they would not be allowed to do that under the current ordinance.

MS. CARROLL: I'd like to make it possible for them to be allowed to do it when they previously were not.

MR. TRABUE: Excuse me? I'm sorry.

MS. CARROLL: We would like to make it possible for them to be allowed to do it when they were previously not allowed to do it by passing this amendment.

MS. TRABUE: And I -- and we appreciate that. We want an amendment that will allow that, we just don't want it with the level of restrictions. We don't think that a porte cochere and all of that additional screening is necessary when pre-UDC, we built all of these facilities and they're operating and functioning very well in our community. The Chipotle on Worley right now, you know, that's -- it's right there. That -- the facade is fine. I -- that's -- and these are opinions, but that's -- that's kind of our position. We just think it's too restrictive. We would like to go back to allowing them without these restrictions.

MS. CARROLL: Thank you.

MR. TRABUE: Appreciate your questions. Thank you.

MS. GEUEA JONES: Any other questions for this speaker? Thank you very much.

MR. TRABUE: Thank you.

MS. GEUEA JONES: Anyone else to speak on this case?

MS. WHITE: Hello, Commission. My name is Lily White; I'm the vice president of External Affairs at the Columbia Chamber of Commerce. We are a business-oriented membership with nearly 1,000 members of businesses. We represent over 50,000 employees and residents here in Columbia. And we are not taking a position on this specific case. We really wanted to discuss the ways in which the case have been communicated to the residents. So the Columbia Chamber of Commerce works hard to track business issues in our community, and at the state level, such as the case in front of us today. When a business issue arises, we attempt to make our business community and membership at large aware of the intricacies of the topic and when or how they can make their voices heard. From our understanding, there was a survey that was distributed; however, it was not offered on the BeHeardCoMo website, or sent out to the business community at large. We fear that this has resulted in a lack of transparency and adequate feedback. There are multiple stakeholders involved in this and many other issues, and any way that this information may be presented will affect all of those stakeholders. By this survey -- by the ways that this survey was sent out and targeted towards one specific group, the stakeholders were not given the same amount of time or ability to provide feedback, rendering this information ineffective and not providing the full picture both to this Commission, to the community, and to the City Council, which will later vote. Therefore, we are requesting before any decisions are made that this issue be given a more transparent option to the business community to have an equal opportunity to provide feedback that the homeowners associations and neighborhood associations were given. We would like to also express that the Chamber is both here to represent businesses to the Commission and to the Council in the same ways that we are here to represent information from the City and from the Commissioners back to the business community, so we're always here to provide that information. It was a decision of the board to not send the survey out to our members because the way that the questions were written on the Google form weren't really feasible for businesses to be able to answer them in the same way. So we just wanted to bring that information to the Commission, and I'm happy to answer any questions, to the best of my ability.

MS. GEUEA JONES: Thank you. Any questions from the Commission for this speaker? I thought it was on BeHeard.

MS. WHITE: It was a Google form. We had to spend a couple of business days tracking down who sent that out. It was sent to us by members of the REDI team.

MS. GEUEA JONES: Okay. If you would stay just for a second.

MS. WHITE: Absolutely.

MS. GEUEA JONES: Because we try really hard, I believe, as a Commission to not --

MS. WHITE: And we did reach out to City staff as far as public information officers that told us they weren't sure which survey we were referring to and asked about it.

MS. GEUEA JONES: There are several right now. Planner Smith, would you please?

MR. SMITH: Yeah. I can confirm it was not on BeHeard.

MS. GEUEA JONES: Okay.

MR. SMITH: And that was -- that was a decision we specifically made given this was a very targeted request. I think the -- the impression we were given I think was the BeHeard is going to be reserved for a little bit broader community type topics. And so we chose to go with a specific survey. And we did send that out to the various business group e-mails that we have. So I -- I think she did contact me last week that they had not received it, and so we sent it to them last week. I think that they had through this week to -- to complete that. I would say this probably has -- has a broad distribution for any type of feedback we've ever requested. We -- as far as I know, we've never been requested to send out kind of on a notice like this just to receive broad community feedback on a specific text amendment. So this whole process has been a little bit new for us, as well.

MS. WHITE: And we're certainly not saying that staff has to be perfect at this. We are currently doing two surveys, and we target them to different areas. And while I understand that the residents need to have their voices heard, the questions on the first page of the Goggle form were written to be asked to residents, not business owners, and they're going to look at those questions in a very different way. So even if it was a more specific -- specific or targeted survey towards business owners that could have been distributed with the same amount of time, or in the same targeted fashion, that would have maybe been a little bit more permissible for the business owners.

MR. SMITH: And, you know, that was reflective of Council's direction, to seek neighborhood association feedback.

MS. GEUEA JONES: Yeah. Yeah. Thank you very much. We are all learning here. Appreciate you being here.

MS. WHITE: We're happy to help anytime.

MS. GEUEA JONES: Thank you. Any other member of the public?

MS. CARROLL: Can I ask a question of staff?

MS. GEUEA JONES: Go ahead, Commissioner Carroll.

MS. CARROLL: Was this -- my understanding was -- thank you. My understanding was that the survey was going to be sent out to the general contact list of interested parties. Does that list include businesses and engineering professionals?

MR. SMITH: It -- I believe it does. I don't have that specific list in front of us, but we did discuss that internally, I think. You might have --

MR. ZENNER: And I think what comes as a surprise in the comments that were just offered by the Chamber is they chose not to send it. It was provided -- it was provided to them and they chose not to send it because they felt that the questions were improperly formatted for their members who are potentially residents of the City to answer those questions, as well provide additional comments in a free-form field. I think we would have potentially received free form comments from those business owners had they been provided an opportunity to see it. And, yes, we do have lists that do include design professionals that we typically will work with. We have registered individuals that sign up for our P and Z List Serve that would inform them of not only meetings here, Board of Adjustment, CATSO, Bike and Ped,

and a whole slew of other board and commission actions that Community Development is engaged in, as well as we provided information to our Visitors and Convention Bureau, asked them to utilize their list. Chamber -- or not -- our REDI staff also provided additional opportunities for them to sort it to theirs. I mean, we utilize about every source of outreach that we possibly are aware of, and, you know, as I think Mr. Smith pointed out, this was a very focused survey based on Council's general direction, but I think could have been easily made -- it could have easily been responded to by business interests through the general questions and then, more specific, if they had them. We also are not hiding behind a wall that we are not accessible to staff and contact information was available for that, as well.

MS. GEUEA JONES: Well, I don't think that was suggested. For the record, Ms. White is still at the podium.

MS. WHITE: Thank you. So we received the e-mail last week, so if it was open for 60 days, as was noted by the previous speaker, we received it last week, maybe a little bit earlier based on some staff turnover that we have had, which is on our end, as well. The Goggle form, since it is a different format than BeHeard, on the BeHeard, and we do have these conversations about other surveys, so currently, we're looking at the survey on things like short-term rentals. We can see every single question that will be asked on BeHeard. On the Goggle form, the first page asks you to select the answers to three questions and does not offer any information that there will be open-ended questions later on, so we were unaware of that because we were unwilling to answer the first three questions as a business organization that doesn't represent a single home. The first three questions are I am, and then you select either a resident, a member of a neighborhood association, a business owner, or other. Do you live next to business that has a drive-through and are you okay with drive-throughs occasionally blocking spaces. None of those questions have to do with the business interest or the business-minded part, which is the part we are hired to present to our businesses, though they are residents. They probably could have found that information as residents, we're -- we're here to do the business side. So because we didn't see any free formatting, and I believe we also were informed of a question saying would you like to see a drive-through from your home, which I -- when I went back to find the survey, do not -- no longer see those questions just aren't questions that are business minded, so our board did make the decision to not send the survey out because it is from a residency end point, and we are a business focused organization. So because you couldn't see all the questions, that's why we made that decision -- the Board made that decision, and I serve at the leisure of the board.

MS. GEUEA JONES: I will just say I know that we had long discussions in work session about trying to get comments. I know that we -- every time we send out a survey, every time we have language like this, we try to do better.

MS. WHITE: And we're certainly not saying it can't be done better.

MS. GEUEA JONES: Sure.

MS. WHITE: And, like, the Board of Realtors is a Chamber member. We know that our Chamber members are not going to even find, you know, common ground on all issues. We're just asking for the

business community to have equal footing to the neighborhood associations in this specific matter that so directly impacts a business -- several business areas.

MS. GEUEA JONES: If you -- if you had gotten it at the beginning of the 60-day period --

MS. WHITE: Yes. Uh-huh.

MS. GEUEA JONES: -- would you have theoretically reached out to staff and said is there a way we can just give you our general comments or something --

MS. WHITE: So we do things like that. So we did end up sending out information to our business community. We sent out information regarding this public hearing, and we do also have two different groups that meet that are business related in the government, so we have a Transportation Infrastructure Committee, and we have a Government Affairs Committee. So we would have at least supplied the information to both of those committees, and neither of them met in the last week. And we ask our businesses to be involved in those ways. We are sent regularly board and commission openings from the City, as well as BeHeard surveys that we have sent out on behalf of the City when they specifically have to deal with a business interest. And so, yes. We're absolutely open to that at any time, and if we can see all of the questions, we're happy to provide feedback if it is wanted from a business perspective or if even we can answer or provide additional information rather than just what's being asked on a survey that's maybe directly targeted to neighborhood associations. We're happy to be that conduit because that still gives our businesses a better opportunity to be represented at the City level.

MS. GEUEA JONES: Well, I personally would ask that if you've got thoughts on the other survey that we currently have circulating, which I believe is short-term rentals --

MS. WHITE: Uh-huh.

MS. GEUEA JONES: -- would you please reach out to staff with that?

MS. WHITE: Absolutely. And we appreciate you having that on the BeHeard website, as well.

MS. GEUEA JONES: And then you don't have any comment on the merits of the --

MS. WHITE: No. The Board did not want to take a position on the merits of the issue tonight. They just -- we had -- we have local policies that we bring to City Council at the beginning of each -- currently it's at the beginning of a state legislative session, so we presented those to the City in December. And specifically one issue that is on our local priorities is just transparency across the board. And so it's not just in this room, it's in all the rooms, so that is the direction that our Board chose to take this topic.

MS. GEUEA JONES: I appreciate that.

MS. WHITE: Absolutely.

MS. GEUEA JONES: And I do understand what staff is saying. We were asked to do a very narrow thing by City in a scenario that is not usual because it was a remand, so --

MS. WHITE: And we have discussed saying the same words at another meeting in the City Hall, so --

MS. GEUEA JONES: Appreciate you.

MS. WHITE: Thank you.

MS. GEUEA JONES: Thank you very much. Anyone else to speak on this case, please come forward.

MR. SCAVONE: Good evening. Ed Scavone; I'm the presidency of Central Bank across the street, 2806 Moss Oak Court, Columbia. As a community bank, you know, our job is to be close to the communities we serve. It's not only good business, but it's required by regulators that we serve all communities. And in that regard, we want our facilities in those communities as close to residents so they can reach those. And as -- our -- our properties are generally very visible, welcoming from everybody, and we generally operate normal business hours, 9:00 to 5:00, really no extended hours. And we found during Covid how critical drive-throughs are to our business. We -- we've always had them, but prior to the Covid, we wouldn't be operating during Covid had we not had -- we wouldn't have been open, and some banks were not that did not offer drive-through. So we've accommodated that. We have multiple locations at -- that have four drive-throughs, plus an ATM lane, so we have five -- five drive-throughs as -- as kind of described here tonight. You know, we have clients that come and maybe want to make a deposit, or, you know, pick up some cash, and they'll be coming down West Broadway, and they'll see how many cars are in that line from half a mile away, and they'll decide, well, I'll come back or not, so the visibility of the -- the amount of traffic actually helps the client make a decision whether they want to come or not, which I think screening might hold back somewhat. The other part within banking is, you know, help -- be more effectively serve our communities, ATMs and now ITMs -- an ITM is just an ATM that has a video teller, you know. I think you're familiar with that. And so we're -- we're using those very effectively in communities where it's just not cost effective to put up bricks and mortar. We really don't need that, and they serve the same function. So, for instance, we have an ITM on -- on Ash and Clinkscales where the -- the Columbia Health Center is, and that -- that, I believe, actually faces the road. And so I think about what that looks like to a client. If we have to flip it away from the road, put a portico on it, and you're pulling up in there in the evening, anybody who sees you go in there knows you're either picking up cash or depositing cash. They know you're entering this -- this space without cash. Now we have cameras, we put up lights, but, I mean, personally, when I go to an ATM and I work at a bank, you know, that moment when you pull in that cashing machine, you're worried about someone coming up. I mean, that's -- that's a risk. And so, you know, I am somewhat concerned about how, you know, people feel about going into a -- maybe a tunnel where anyone knowing there would cash involved there. It's also becoming practice, maybe not so much here, but in other parts of the country, that banks are not making ATMs or ITM lanes attached to their buildings. And I don't know if this is contemplated here, so you could have the bank facility on one side of the street and four sets of ATM lanes on the other side of the street, because with the technology now, you don't need to have it attached to the property, so that's something that also could come to fruition. The other -- the other thing we deal with -- with serving clients through ITMs and ATMs, and even though they're visible from the public, we -- we always deal with vandalism. And so that would mean skimmers -- you've heard about skimmers, you've heard about them

being jerked off the -- of the bank property. We have people putting Super Glue into the keys. I mean, it's just that sort of thing, and that's with open to the public. So, you know, add -- add some closure there, it could allow people to do things maybe we don't want them to do. So those are just some general comments I had regarding this subject and how it affects us in practice.

MS. GEUEA JONES: Thank you very much. Any questions for this speaker. Seeing none. Thank you for your time. Anyone else to speak on this case?

MR. LAND: Commissioners, my name is Paul Land; I'm a real estate broker, City of Columbia, offices at 2501 Bernadette Drive. I support all the speakers that have presented ahead of me. I thought they brought up really good points. I'm a member of the Board of Realtors, a member of the Chamber of Commerce. I'm a past board member of those places. I'm a has been, but -- but I appreciate their taking a stance on things. I'll make a couple of comments. This -- this survey that I observed showed pictures, do you like this or do you like that? It sort of like put -- comparison this old broken down broker of 70 years to Charles Atlas. Do you like that or do you like that jerk over there, you know. I don't think it yielded the results that we were looking for. I don't think there was clear explanation of what -- what was - what the ordinance was seeking. It was -- it was a beauty contest. That -- that's my interpretation of what I observed. I would like to echo the comments and I appreciate the interchange Commission Carroll had with -- with Tom, but I think we ought to go back to the 2017 proposal. There are an awful lot of drive-through lanes that are on street facing, and I've never heard a single complaint about that. Maybe you folks have. I'd like to -- I'd like to hear it if you did. But I think it's -- it's a matter of safety. If -- it shouldn't be a matter of appearance because, otherwise, we'd have walls down the lanes of highways. I mean, if we're -- these commercial businesses that are doing drive-through businesses are part -- are coming into an area that's already developed. There aren't very many of them going out into the neighborhood and saying, boy, I hope the folks come to me. They come in at the last moment, pay the highest price for that real estate, pay the highest taxes as a result of that higher price, and are going to auto-centric places because they're convenience oriented. So I think a matter of safety for those folks that are using those drive-through lanes to be seen and to be able to see out is an important standard, and I don't think it would accomplish much by putting on a -- I'm going to blow this word -- porte cochere and making them 50 percent open. What's the point of that? Let's just make them 100 percent open, the way they function forever. I appreciate all the work you -- you folks do. I don't know how you do it. But when an issue comes up that affects the business community, a public hearing is a very uncomfortable place to be. It sometimes comes off as confrontational. We don't want to be that. We want to be cooperators. But if there's a way when -- when an item like this, which is really geared towards several industries, I think at a work session, if you could invite either the Board of Realtors or the Chamber of Commerce or the Missouri Restaurant Association, or the Missouri Bakers Association in advance, then you get another viewpoint, and I guess I would offer that up sometime in the future. Thank you for your time.

MS. GEUEA JONES: Thank you very much. Any questions for this speaker? Commissioner

Wilson?

MS. WILSON: So with the comments that I've heard this evening, and I think that there are other of my co-commissioners who have said we discussed this on more than one occasion for a really long time.

MR. LAND: Yes.

MS. WILSON: Trying to really think about all angles, all sides. And what I need people to understand and I'm asking you, so when we're given this, we're not changing laws. We are working within the confines of what the law is or what the regulations are. So the current regulations are you can't do this. So since you can't do this, we're trying to figure out ways, well how can we facilitate people being able to do this. Now, the porte cochere was not an original idea from us, it actually came from Culver's. They decided, hey, we could put up a porte cochere, and we were, like, hey, that's great. And then we have regulations, but they decided to do one more grand than our regulations. That's their business. So I just need people to think that through and consider that, that we're actually trying to help the situation, we're not trying to take anything away.

MR. LAND: No.

MS. WILSON: Which I think is what was already mentioned.

MR. LAND: I get that, and I appreciate that. But if we're going to look at an ordinance from 2017 in the year 2023 that had flaws, let's go back and correct them. When the UDC was originally proposed here, there was a wall to be around every City block in downtown, and people came forward and said that's a crazy idea. We're creating barriers, we're creating safety concerns, but that was in the original UDC, and public input was provided. So all I'm trying to do -- and I appreciate that effort that you're putting in to try to permit more rather than restrict. But if we're going to go to the UDC, and we're going to make revisions that make sense, I'm offering that I would like to go back to 2017 and make it more permissible.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: Given that going back to 2017 isn't the amendment that's in front of us tonight, I'm going to ask the same question that Commissioner MacMann asked, and that's if you have the option to either go forward with an amendment that allowed you to have a drive-through window street facing with a porte cochere, or continue to not allow a drive-through window street facing at all, as stands, which option would you prefer?

MR. LAND: I'm not going to answer that question in that format, and I appreciate you asking it, but I don't like the porte cochere for safety reasons, and I don't think it really addresses the issue. It's an attempt to address the issue, and I appreciate the effort of it. I just -- and it worked for one company. I just don't see it applying across all industries that -- and there's going to be more and more businesses that are going to come to some sort of drive-through solution, and we can't guess what those are going to be now, and they may end up on very small lots that may not be able to permit that. And it would require then, I guess, a Board of Adjustment hearing and then that's very cumbersome. I'm sorry. I didn't

probably answer your questions the way you wanted me to with yes or no --

MS. CARROLL: No, I understand.

MR. LAND: -- but I don't think I can do that.

MS. CARROLL: So due to the safety issue?

MR. LAND: Pardon?

MS. CARROLL: Due to the perceived safety issue, is it better to just not have drive-through windows --

MS. GEUEA JONES: On the street side?

MS. CARROLL: -- on the street side?

MR. LAND: I think it's more safe to have them on the street side, I guess is what I'm saying, or at least visible.

MS. CARROLL: Thank you.

MR. LAND: Thank you.

MS. GEUEA JONES: Commissioner Placier?

MS. PLACIER: Just before you sit down, thank you for coming. I had to address the issue of inviting particular audiences to come to our work sessions. I think that could be viewed by many of us in a city of 126,000 people or about -- hear about, as providing a special audience and special participation for certain interests. And so I think we have to preserve that space --

MR. LAND: Well, that's fair.

MS. PLACIER: -- and have the public hearings be for --

MR. LAND: I would not preclude public hearings. You still have to have public hearings, but if -- if there are several work sessions and you know a few industries are going to be impacted, I think it would be worthwhile to have their input.

MS. PLACIER: Well, the public was one of our interests in forming any kind of regulation under the UDC, the public and pedestrians and others are one of our primary audiences, so we cannot exclude them from our considerations.

MR. LAND: And I'm not excluding. I recognize you have to come back to a public hearing. It's just that this interchange with Commissioners is not as comfortable as with the industry people that would -- I'd rather have a restaurant operator up here talking about how this affects his business than a commercial broker talking about how it affects the restaurant business.

MS. PLACIER: That would be good. I wish they had come.

MR. LAND: Okay. Thank you.

MS. GEUEA JONES: Thank you. Any other questions? Thank you very much, Mr. Land. Anyone else from the public to come and speak?

MR. ROSS: I have some pictures to share. My name is Ben Ross, and I'm the chairman of the Smithton Ridge Neighborhood Association. We had a special meeting on Tuesday. We talked about several subjects including the drive-through facilities. We had 52 people, my neighbors. I'm proud to

represent the 140 families in my neighborhood. Fifty-two people came to the meeting. That's about four times the number that are out here today. We talked about a bunch of different things. Our neighborhood is on the west end of Scott Boulevard next to Smithton Middle School, West Broadway, turn down to Scott Boulevard, and we talked about I-70 and the City property on Strawn Road. We talked about crime. There's crime issues in our neighborhood. We want to start a Neighborhood Watch Program. These are all slides from the meeting we had Tuesday. We talked about the drive-up facility issue. My neighborhood, I think, is representative of many of the new neighborhoods that are, you know, really car dependent. We can't really walk to a service. We can't walk to the grocery store. We're about a mile down from Walmart and Hy-Vee, and I asked my neighbors who walks to those places, and no one walks. There's -- all elderly people; they drive. So we are -- we are customers who drive. I showed them the slide here about the current UDC not allowing service windows to face the street, and I said before -- before the UDC was developed, they were allowed to. And they're familiar with many service windows near our neighborhood that face the street, and we showed pictures of that. And I had mentioned the porte cochere and used that as an example on Culver's and how it's screening a drive-up facility from a nine-lane wide state highway across the street from the Columbia Mall parking lot. I showed them this e-mail from Bill Canton that was reaching out, you know, the City Council's direction to neighborhood associations. And of the 52 people in the room, besides me, none of them had heard of this, you know. So the communication to our neighborhood failed to happen. None of them worked on the online survey. Here's an existing facility near our neighborhood, and it's the Starbuck's, you know, the service window is right here, visible from the street. And I asked my neighbors, does that blue car or that red car or the service window bother you more than this parking lot over here with all those cars, or this gigantic parking lot in front of Walmart? And they said, no, this doesn't bother us at all. Here's an example where we took the zoning into account. So this is the Taco Bell and there's a Simmons Bank ATM right there, and that -- that faces the street, so -- but pretend the street is not there. There's R-2 property across -- this is the R-2 property, Hickman High School parking lot. We don't -- my neighbors do not think we need that special screening. It's expensive, that it's going to screen the view of the parking from an ATM. That doesn't make sense to us. It should be the actual use of the property and not the zoning. This is an ATM in front of Hy-Vee. This is real close to my neighborhood. And I say, here -- here's an ATM facing the street, so if this were to be built under the new proposed regulations, you would have a wall something like that that would, you know, block the view. Imagine you're the police officer driving by, and you see a wall versus the ATM. And my thought was, you know, like some other people have said, someone is going to come up there and rob you at the ATM. And we had senior members of law enforcement live in my neighborhood, and they told the group how, yeah, that happens. There's crime at the drive-up window, but there's also the people who steal the whole ATM right off the pad and take it someplace and cut it open. I'm surprised that those folks are not here tonight praising this idea of building a wall between the ATM and the police officer on the street. I did reach out to law enforcement to ask about this, and I got a response from Assistant Chief of Police, Brian Richenberger, and then replied back, I agree with the

above statement. I'm not going to read it all to you, but his -- his -- the statement at the bottom, In my opinion, protecting residential neighborhoods from drive-up service window impacts is good, but it's unnecessary in commercial areas like the new Culver's. And I think that is the real key. We're trying to protect neighborhoods. We're trying to protect people's homes. We don't need to protect an R-2 parking lot at Hickman, or the R-1 bank -- or not -- the R-1 church next to the Central Bank on West Broadway. We -- protecting people's homes is good. I went through these things line by line. The R-1 and R-2 residential use as opposed to the zoning, the traffic impact analysis, and I took the time and explained. I'm an engineer; I'm a board-certified professional traffic operations engineer, and I explained how traffic impact analysis are expensive and sometimes they're very valuable, I agree, and sometimes they're not. If you have a small traffic generator in the middle of a big existing parking lot, having a traffic impact analysis for something like that is silly to me and is a waste of resources. It should be on a case-by-case basis, that the City staff can decide. The idea of screening drive-up facilities in commercial areas or along major streets, we disagree with. And the biggest impact is safety. We want the police officers to be able to see what is happening at the service window. We took a vote. Someone made a motion that, hey, our neighborhood supports everything you saw and highlighted, and they all raised their hands, and I took a picture of them, and they directed me to come tonight to their point of view from our neighborhood that we want to have these things incorporated into the zoning ordinance. And the question of, well, do you want nothing, or do you want to have the small improvements that we're talking about today, and I think that's a false choice. I want you all to vote no on this, and I want you to send a message to Council that for commercial areas, we should go back to the way it was -- protect the neighborhoods where the houses are, but we do not need to protect zoned property that's not developed in residential use. I'd be happy to answer any questions.

MS. GEUEA JONES: Thank you. Any questions for this speaker? No. And it does appear that your neighborhood association got the e-mail because you got the e-mail?

MR. ROSS: Actually, no. I got it through REDI.

MS. GEUEA JONES: Okay. All right. Thank you.

MS. CARROLL: I have a question for staff.

MS. GEUEA JONES: Okay. Can it wait till we get to Commissioner comments?

MS. CARROLL: Yes, it can.

MS. GEUEA JONES: Thank you. Commissioner Placier?

MS. PLACIER: Yeah. I have a question for the speaker.

MS. GEUEA JONES: Please. Yes.

MS. PLACIER: So in -- it may be that you misspoke there at the end, but it -- I thought it sounded like you told people how to vote, and I don't think you meant to say that.

MR. ROSS: No. No. We showed these slides, we talked about these things. Someone in the neighborhood -- I said what should we do. I wanted to talk about it individually. And someone said I think we should support all this, and the neighbors agreed, and we had a vote and they raised their hands, and

they voted to -- they endorsed this, the 100 -- well, there was 52 people, and they endorsed it, and you see -- you see who's raising their hands. Almost everyone in the room was raising their hands. So my neighborhood, we use vehicles to go to get services. We don't want more expensive stuff where the cost is going to be pushed down to us. We want safety. The law enforcement said -- look at the other -- officers driving by cannot see a service window and it hurts public safety. There was other -- senior law enforcement people are my neighbors, and they -- they said the same thing. They voted for -- they voted for this yellow stuff. I think if you vote yes today, you're hurting public safety because putting up walls by ATMs is a bad idea. I want you to vote no tonight and I want you to ask City Council to change the zoning ordinance or the UDC back to the way it was before -- the UDC for commercial areas. Do not increase pardons in commercial areas but protect the R-1 and R-2 houses. That's -- that's their main point. Any other questions?

MS. GEUEA JONES: Any other questions? No. Thank you.

MR. ROSS: Okay. Thank you. Anyone else from the public wishing to speak? Going once, going twice. Thank you.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: I have a question for staff. Does this amendment regarding the porte cochere apply to a free-standing ATM?

MR. SMITH: So we had that conversation, and I think -- I think our interpretation of that would be that, yes, I think it does meet the definition of a drive-through facility in that it -- there is a service rendered through the ATM.

MR. ZENNER: It is -- an ATM is considered a financial institution. And given the way that the industry is changing, free-standing ATMs and ITMs take the place of a building. And so having your service window facing a public right-of-way and visible from the travel lanes of the right-of-way is what would be prohibited. We do not require a porte cochere to be built over an ATM machine that is turned in the opposite direction and still in the open. Case in point would be the ATM machine that is sitting in front of Eat Well, which has been screened because it is part of the M-DT. But that actual service window does not face Providence Road. And so that -- that -- there's a big difference here as to what would and what wouldn't be required, and I think to some of the questions that you had raised earlier, zoning has a lot to do with this, so many of the pictures that we have seen this evening have either been in M-C zoned areas that, yes, would allow the drive-through to occur without having to meet any additional conditional use requirements, but it still does have to meet drive-through design standards that exist. So adaptive reuse of existing structures such as the Harold's Donuts down on Nifong Boulevard, that was a redo of an existing facility that had a drive-through. And so change of uses may, in certain instances, require traffic study if we're going from a dry cleaner to a coffee shop, such as the Lakota off of Green Meadows. That has an impact from a circulation perspective. I don't know if anybody has driven out on Green Meadows on a Saturday morning before 9:00 a.m., and you will note that it is almost the way out into Green

Meadows, if not stacking vehicles trying to make the left-hand turn. So asked if we have a problem or we've seen instances in where, yes, there are blockages for these facilities, there have been. The Starbuck's that is off the end of -- of the out parcel and the strip center at the Walmart at the corner of Fairview and Broadway was a slipped-in add-on that was not shown on the original development plans for that shopping center. And so we combat those, as well, where we have the placement of particular features that were never intended to be there. So to the primary question, no. ATM machines don't require a porte cochere to be built over them, they require that the face of the actual ATM machine be turned away from the public street facing front, which actually, I would think, would increase the amount of sign area that the bank has to advertise on. It would be a little bit more obvious then that it is an ATM and draw people to it.

MS. CARROLL: So I'm having difficulty picturing an ATM arrangement that would require a porte cochere anyway, because the ones that I think of are all facing with the screens opposite and the drive path opposite the street or perpendicular and not adjacent to a street.

MR. ZENNER: And many of the ATMs that existed and that have been removed, a lot of them had actual canopies over them initially to shield the user from the climate and the inclement weather. Many of those have been removed, interestingly enough. I don't know why. And the one I'm thinking of specifically is the one that was by the Dairy Queen that is on Forum and Stadium. There used to be one there for Landmark Bank, if I recall correctly. It no longer -- I don't believe the ATM is even there.

MS. CARROLL: Would it be acceptable to state that ATMs are not subject to the porte cochere requirement just given that it's unlikely for it to be used in this scenario anyway? It would be okay with me to say they don't apply in this scenario just to cover any concern that it might come up to the development community, to banks.

MR. SMITH: So the recommendation there, or your suggestion would be to remove that exception for ATMs, so they would adhere to the current restrictions on -- on no service windows facing the street; is that -- am I understanding that correctly?

MS. BURNS: There's a lot of ATMS then --

MR. SMITH: Or to allow it --

MS. CARROLL: This puts me in the exact same sticky position. I see what you're saying here.

MR. SMITH: The other -- the opposite of that would be to -- to allow it to face the street without exception -- without condition.

MR. ZENNER: And I don't -- I think that the --

MS. GEUEA JONES: We can consider that for a minute while we continue discussing.

MS. CARROLL: I think we're good.

MS. GEUEA JONES: Okay. Commissioner Placer, and then Commissioner Wilson?

MS. PLACIER: Well, just following up on that, I had never actually considered the ATMs because of the term service windows that is used throughout documents that we've seen. So a free-standing ATM did not -- I realize we have a photo of -- it's not a free standing, it's next to the bank with -- that somebody

provided with, say, four ATMs and maybe a service window. That does have a service window. I can't imagine that service window of the bank having to have a solid wall in front of it if it were facing a street. So I am confused by the ATM issue, obviously.

MR. ZENNER: So if we -- if you think of the built environment, and if I'm not incorrect, it is a -- I believe it is the Simmons Bank that is on the corner of Ash -- is it Ash and Providence? It's the one that had the metal horses sitting out in front of it.

MR. STADIUM: Stadium.

MR. ZENNER: Or Stadium. Sorry. Stadium. Stadium and Ash. That is actually a four-bay drive through bank facility, and the outside drive-through lane closest to Stadium is an outward facing ATM, possibly an ITM. I don't bank at that facility, I just drive by it enough that I know it. And to your point, Ms. Placier, I think the issue here is is you have got a canopy that comes clearly across the bank drive-through lanes, as many banks that have drive-through facilities do. That canopy does not necessarily "meet" the purposes of screening that service window, which is on the bank, the actual physical building, from that public street to which it faces. Now, practically speaking, the drive-through canopy and the use of that -- that business type is -- is -- that architectural design is part of the built vernacular that we have in Columbia. I think many of us would probably say to screen the end of that does not make a whole lot of sense because really the business activity that's occurring in those drive-through lanes is occurring as it has always historically. Now is that the level of a drive-through business that we would like to have considered to have supplemental screening for? That may be a better question to be asking, because that goes, I think, to the point of intensity and also differentiating, as Mr. Ross has pointed out, when you have high volume drive-through facilities, drive-through restaurant facilities, they are generally along major roadway corridors, whereas you take a banking facility, it is possibly on the edge of a residential neighborhood. It may be on a high-volume corridor, but it also doesn't have the same volume of traffic generally that a drive-through restaurant facility may have. And so you -- I think this issue is morphing more into the idea is -- is what's the objective of the screening. Is it to screen the massive volume potentially of vehicles that are coming and going through that type of business or is it truly from a full aesthetic perspective that we are trying to screen particularly what may be to some a less than desirable business view that they're seeing from the travel way. I don't think anybody would tell you that a bank that's got a canopy with three drive-through lanes underneath it is objectionable even if it's at the entrance to a neighborhood. But I think today we would require you, by the Code, to screen that end. And at that point, as the police have said, that does create a visibility issue for them, which is a concern. It may create a -- a perception of a loss of safety for the user, as well.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: So two things. The first thing is -- and I'm just being practical, I was imagining that the issue with the drive-through window facing the street was really not about the cars, but more so about I can see a person leaning out of a window giving you a sandwich. So that's problematic for me. Right? It's not necessarily the issue of the traffic because I can still see all the cars going through the lanes. It's

pointless to think that it's about the traffic for me. But with an ATM, but that's the same height as your vehicle, so I cannot see that. So, for me, that's -- there's no -- there's no need to put up a porte cochere because I can't see that. I can't see through your car. I can't see that stuff. Right? One point. Second point, we're not talking about this. That is not the issue that is in front of us. So there's a lot of could of, would have, should have, we wish it was like this. That is all fine and great. I appreciate the passion. That's just not what's on the table tonight, so we really need to focus on what's on the table. And then if people have issues with what's on the table after it's been voted upon, bring that back at another time and we can talk about it then.

MS. GEUEA JONES: Commissioner MacMann, did I see your hand down there?

MR. MACMANN: You did. A couple of things.

MS. GEUEA JONES: You need to get close to your mic, please?

MR. MACMANN: I am so sorry, Madam Chair.

MS. GEUEA JONES: Thank you.

MR. MACMANN: I just want to make a couple of comments, then I'm going to let you know where I'm leaning here.

MS. BURNS: Can I ask a question? Did we close the public hearing?

MS. GEUEA JONES: Oh. I don't know that I officially said it. I did call three times, but I'm going to officially close --

MS. BURNS: You're right. I just wanted to make sure we --

MS. GEUEA JONES: You're right. You're right, Commissioner Burns.

MR. MACMANN: You were just rather casual about it, I think.

MS. GEUEA JONES: I was very casual about it. It's hard when it's not a case case. We've closed public hearing and we are now in Commissioner comment, officially, for the record.

MR. MACMANN: Thank you, Madam Chair.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: I just -- a couple -- a few things here. I appreciate any specialists, experts coming to us on the issues, and I would remind us and I would remind our guests this evening that we have 126,000 constituents, plus, and we have to listen to all of them, and I will second what Manager Zenner said. We have heard -- I have heard concerns. As to -- something was said this evening, and something was said several weeks ago when we were first pondering this amendment, that the use of a piece of property and not the zoning should determine what goes on there. I would remind this Commission and the community that if we make that kind of switch, that totally negates the entire UDC. As to why this now, I've been thinking about why this now, and our first speaker addressed that, said they didn't -- chose not to take a bite out of that apple or whatever phrase was used when it first came, because there are a lot of things under the UDC, and we know, we were up here, too. You know, we sat here till way late. I don't even remember, it was so late all the time. That's fantastic that you guys want to readdress things. I just will communicate a certain level of frustration where we're trying to make things

better and easier and other folks are trying to turn back the clock. I find that frustrating. That said, and I'll be done in just a minute, I'm going to support this amendment as it is to send it back to Council.

MS. GEUEA JONES: Commissioner Burns?

MS. BURNS: Thank you. I appreciate everybody speaking on this. It certainly got me thinking more about it. I do have to look at the survey that was put out and the results that Mr. Smith presented to us, as well as his exhaustive work and the rest of the Planning Department on bringing this to us. I'd like to think that we want to do more and better aesthetically for our City, and I'd like to think our citizens would appreciate that. I also believe that some of these devices, whether it's a porte cochere -- I know I'm saying that wrong -- a little covering over a drive-through, or a fence and -- or screening aspect provides traffic calming, and I've encountered that personally at the new gas station on the corner of Elm and Providence, that those have -- I see people more cautiously coming out after filling up their car as they're trying to get onto Providence Road, and I appreciate that. So I think these things can help in a variety of ways, and I plan to support this.

MS. GEUEA JONES: Commissioner Kimbell?

MS. KIMBELL: I have a question -- I don't know if it's a question, but I just -- on the -- in the report that was sent out on page 3, fourth paragraph down, it says, it is important to note that if passed, this amendment would not require businesses to build a porte cochere. Right now, businesses have no other alternatives available to them to design a building with a drive-through service window facing the street. This amendment proposes to provide an opportunity for businesses to decide if building a porte cochere is worth the cost of facing their window -- their service window toward the street. If it is not, they can still design the site as originally allowed, facing the interior of a lot or seek a Board of Adjustment variance. Now, with that last part, what does that mean, to seek a Board of Adjustment variance?

MR. SMITH: Yes. That's an excellent question. So at -- at any point in time, if -- if an individual feels that the UDC requirements create some sort of unique hardship to the development of their site, they can submit an application to the -- to the Board of Adjustment for relief from that specific provision. So there are a certain amount of standards, very similar to standards that are reviewed here for, say, the conditional use, but specifically tailored for Board of Adjustment requests. And if the Board of Adjustment produces findings that they meet those criteria, they can grant that relief. So someone could, in theory, come before the Board and ask for a service window to face the street and if they meet those standards, the Board of Adjustment could grant that.

MS. KIMBELL: Thank you.

MR. ZENNER: And I think to add to that, part of this purpose, again, is to create the option to avoid an additional regulatory body and delay in being able to bring a project to completion or fruition. And often Board of Adjustment actions that are not directly tied to a unique issue associated to the property itself are often very difficult to be proven to the Board as being an actual hardship. They are more of a want. And the Board in its deliberations weighs heavily on that; and therefore, it is not -- the Board is not a body of yes. It is not a body of options. It is a body of looking at facts and evidence. And

as such, if the evidence isn't there, as it was once said in a very famous trial, if the glove don't fit, you don't quit. And, therefore, you're not going to allow the variance to be granted. And what I could tell you after sitting and being the liaison to that body, that is a very, very frequent outcome. So the options created here are created with that intent. And so an applicant will be advised of what their rights are, and if they just can't live with not having it on the street front, and it won't work for their business model on the inside of the property, their last round and their last hope is a Board of Adjustment action, but it may not yield the results that they would like. And so we wanted to create that. Yeah. But you have that option. And this goes very much back to how we were looking at short-term rentals. We're not trying to put you out of business, we're trying to give you options as to give you time to be able to figure out what to do or how to rezone or do something else. This is the same philosophy.

MS. GEUEA JONES: Are you --

MS. KIMBELL: I'm good.

MS. GEUEA JONES: You're good? Okay. So before we go back around again, I -- this is all great, whatever. Let's talk about porte cochere all night. The more important, bigger part of this that we discussed that we have the biggest problem with is the traffic impact analysis. Like, honestly, put it on the street, don't put it on the street, cover it, don't cover it, I am fine with staff's recommendation, and I will support it. The thing that I think will make the most impact in this City is stopping this nonsense of I'm inside a big development, and so I can put my drive-through lane wherever I want and block traffic 20 hours a day. So, to me, the thing that we have to get done that really is the part that I think when I was going through our work sessions made me go yes, let's do this, is getting that traffic -- or, I'm sorry -- transportation impact analysis to a place where it's triggered anytime we think there's going to be an impediment, not just when a higher standard of 100 vehicle trips and close to a public right-of-way is the standard. Those internal intersections, the way we have built up a good portion of our City, are basically public right-of-ways. So I appreciate the -- the input that we've gotten, but it is interesting to me that it was all focused on what, to my mind, is a minor part of the amendment because the part that's going to have more impact, the part that's going to impact every drive-through application, whether it's by right or not, is going to be the traffic impact analysis. Everything else is if you can't get it by right and you have to be looking for a CUP and you have to be looking for exceptions, let's give you some additional exceptions. We're impacting a lot more people by looking at ways to prevent traffic impediments which are complaints that we hear regularly and frankly are often created because the pick-up window is on the street side. So I just -- I appreciate all the discussion that we've had, but I just want to put out there that the much larger part of this to me is that, is stopping the traffic problems that drive-throughs create, as they do intend to proliferate -- proliferate? I can say words -- throughout out City. So -- Commissioner Carroll, I saw your hand, and then we'll go on down.

MS. CARROLL: There have been several calls tonight to return to pre-UDC standards, and that's something that I want to address. I don't think that it's responsible of us to return to pre-UDC standards in a sudden motion, especially not when that's not what's on the table for us tonight. My point here is that a

smart approach, if you have a problem with the contents of the UDC, would be to walk things back a bit at a time. And I think what we have in front of us tonight is walking one of those standards back a bit at a time. And a responsible way to do that is to lighten up our standard a little bit, see how it impacts the neighborhoods, see how it impacts the traffic, see how it impacts the community as a whole, and then we can come back around and look at those results and see if we can support walking it back even more. So I would say that this amendment is putting you on the path to getting what you want, and -- and that's why I've been supporting it, and that's why I think that you should view it perhaps a bit more positively.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: -- (Inaudible.)

MS. GEUEA JONES: Oh, yeah. Yeah. We've got -- Commissioner Placier?

MS. PLACIER: Yeah. I was going to respond to your comment about the traffic impact. We did see some submitted comments that objected to that, but one thing that was not mentioned is that one of the responses from CPD was that they want to look at the traffic impacts, and that's one of their major concerns. So that supports the traffic impact study, especially in these crowded areas with now we're going to have three or four drive-throughs, and people -- and overflowing into -- into streets. But the other thing -- that is, to me is a safety issue. The other thing that I didn't hear tonight is about pedestrian safety. That is one of my concerns about drive-throughs on any side of any restaurant, and I know we cannot go with the representatives of local motion and outlaw all drive-throughs, which somebody suggested, especially since during the pandemic, they kind of became a way for people to get access to a restaurant meal, but -- because there was no inside seating. But in whatever side that we have a drive-through, we have to look at how can pedestrians access the restaurant if they want to go inside, whether those are pedestrians from the neighborhood or pedestrians from parked cars, because I have been in that situation of being almost run down by people going through drive-throughs and not looking for walkers. So I don't know if that is included in the traffic impact, but it should be something we look at whenever we have a proposal for a drive-through.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: I'm okay.

MS. GEUEA JONES: Okay. Any further comment? Commissioner MacMann?

MR. MACMANN: Two things. Thank you, Madam Chair, for bringing it up, and Commissioner Placier, kind of a point of information. Planner Smith and I had the discussion in work session, and we teased out more protections in the use specific standards was it about -- because we talked about the pedestrian safety. It brings that to the fore more the way that says the same thing, but it specifically names pedestrians and pedestrian safety and lines of sight and stuff like that, which we've all received with the complaints over it.

MS. PLACIER: Yeah. I think so. If Culver's, for instance, had pedestrian access from the Stadium side, which I don't -- it doesn't look like they do. You don't see that many pedestrians walking along there. That would be a real concern with the front facing, but it's going to be a problem on any side.

MR. MACMANN: That said, Madam Chair?

MS. GEUEA JONES: Please?

MR. MACMANN: In the matter of Case 262-2 -- remand -- 2022, I move to approve.

MS. GEUEA JONES: Is there a second?

MS. BURNS: I'll second it.

MS. GEUEA JONES: Moved by Commissioner MacMann, seconded by Commissioner Burns.

Any discussion on the motion? Seeing none. Commissioner Carroll, when you're ready, could we have a roll call,

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Wilson, Ms. Burns. Motion carries 7-0.

MS. CARROLL: We have seven yes; the motion is carried.

MS. GEUEA JONES: Our unanimous approval will be forwarded to City Council. Thank you.