



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 3, 2023

Re: Zoning Text Amendments - **#A1: Sec. 29-3.3 Use specific standards; 29-4.3 Parking and loading** (Case #262-2022 Remand) – Supplemental Memo #2

## Executive Summary

Pursuant to direction given during the March 6, 2023 Council meeting, staff has prepared amendments to the existing language contained within B300-22 which proposed revisions to Section 29-3.3 and Section 29-4.3 of the UDC related to drive-up facilities. If adopted, the amendments would (1) create new conditional use permit (CUP) evaluation criteria that can be used by the Planning Commission and Council when such a permit is necessary to establish a business with the drive-up facility; (2) grant discretion to the City's Traffic Engineer to require a transportation impact analysis for a drive-up facility site when one is not otherwise required; (3) provide that the prohibition on menu boards and signage being visible from an R-1 or R-2 zoned property is only applicable when the site of the drive-up facility shares a property line with an R-1 or R-2 zoned parcel; and (4) create opportunities for new or renovated businesses that have a drive-up service window to be allowed to face a public street without having to seek Board of Adjustment approval.

## Discussion

In response to public comments made during the March 6, 2023 Council meeting and pursuant to direction from Council following the public hearing, staff has prepared amendments to address the concerns expressed. The recommended revisions are limited to the following four sections of the pending legislation. All other text within the pending legislation is proposed to remain unchanged.

**Sec. 29-3.3(jj)(3)** – Conditional Use Standards

**Sec. 29-3.3(jj)(2)(viii) & 29-3.3(jj)(3)(vii)** – Transportation Impact Analysis

**Sec. 29-3.3(jj)(2)(iii)** – Menu Boards and Signs

**Sec. 29-3.3(jj)(2)(vii)** – Drive-up Facility Standards

### Revisions to Section 29-3.3(jj)(2)(viii) (**ATTACHED AMENDMENT SHEET #1**)

The Conditional Use Standards set out in the original proposed language from the Planning Commission were erroneously omitted from the draft ordinance. As a matter of housekeeping, Amendment Sheet #1 needs to be adopted first to ensure everyone is working from the same starting point by using the language recommended by the Planning Commission. Once this amendment sheet is adopted, the Council may consider further amendments to the Bill.



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## Revisions to Sections 29-3.3(jj)(2)(viii) & 29-3.3(jj)(3)(vii) (ATTACHED AMENDMENT SHEET #2)

With respect to this proposed revision to B300-22, it must first be noted that there appears to have been a lack of clear communication on the existing applicability of a transportation impact analysis (TIA) as it relates to **all development** within the City of Columbia. Section 29-5.1(c)(8) of the UDC currently **requires any proposed development that would produce 100 or more trips in and out of the development site at peak hour to submit a traffic impact analysis.**

The attached revision, Amendment Sheet #2, only addresses the transportation impact analysis requirement within Sections 29-3.3(jj)(2)(viii) and 29-3.3(jj)(3)(vii). In circumstances when a transportation impact analysis is not **already** required by Section 29-5.1(c)(8), this amendment would make a transportation impact analysis optional at the discretion of the Traffic Engineer. The text in this amendment sheet is also shown in Amendment Sheet #4 for purposes of drafting and review clarity only. The text which is ultimately adopted by Council related to requiring a transportation impact analysis will be assumed to be incorporated into Amendment Sheet #4 by reference without the need to make any additional amendments to Amendment Sheet #4 to address the transportation impact analysis.

## Proposed revisions to Section 29-3.3(jj)(2)(iii) (ATTACHED AMENDMENT SHEET #3)

In light of public comments offered relating to the potential impact of restricting menu boards and signage being visible from R-1 or R-2 zoned property that is not being used for residential purposes, but rather other lawful uses such as churches, schools, or parks, staff is recommending that this provision be revised. The attached revision, Amendment Sheet #3, would restrict menu boards and signage from being visible from an R-1 or R-2 zoned property only when the site of the drive-up facility shares a property line with an R-1 or R-2 zoned parcel. The text in this amendment sheet is shown in Amendment Sheet #4 for purposes of drafting and review clarity only. The text which is ultimately adopted by Council related to menu boards and signs will be assumed to be incorporated into Amendment Sheet #4 by reference without the need to make any additional amendments to Amendment Sheet #4.

If approved, this amendment would ensure that when an R-1 or R-2 lot abuts a lot allowing a drive-up facility (M-N, M-C, or M-DT) that the menu board and/or signage of that drive-up use is not visible to the abutting R-1 or R-2 lots. This standard was created to ensure that less intensely zoned properties are not negatively impacted by a more intense use and its corresponding signage. At the same time, this amendment addresses the issue that the current regulatory language does not recognize that R-1 and R-2 parcels in highly developed areas and along major roadway corridors may be used for other lawfully permitted uses that are non-residential in nature. These uses may co-exist within commercially-zoned environments or could be located across major roadways where the opposite side of that corridor is zoned for commercial uses.



## Revisions to Section 29-3.3(jj)(2)(vii) (ATTACHED AMENDMENT SHEET # 4)

The focus of this amendment (Amendment Sheet #4) is on eliminating the restrictions on the placement of drive up windows on a street facing side of the building. The porte-cochere and landscaping requirements are eliminated. Staff drafted proposed design guidelines to reduce visual clutter from a drive-up facility for Council consideration. The additional design guidelines are shown in underline.

It is important to note that one of the primary objectives with B300-22 was to create an opportunity for an applicant to obtain site plan approval for a business containing a drive-up service window facing a public street without Board of Adjustment intervention. The proposed amendment creates **options** for an applicant to **choose** to utilize. If an applicant **chooses to not** avail themselves of these options, they can always seek Board of Adjustment relief.

Finally, the language proposed in item "A" is not new. It is contained within Sections 29-4.6(c)(2)(i) and 29-4.6(c)(3) of the UDC. The provisions are currently only applicable in limited instances; however, based on the public testimony provided during the March 6 meeting this language mirrors that offered and will now be implementable on a smaller scale building than what the existing language was originally created for. Such expanded application will offer the opportunity to enhance the character of the city's build environment.

The language in item "B" is proposed in recognition that not all sites are created equally within the community.

The revisions to B300-22 have been made pursuant to Council's direction and are fully described in the attached Amendments Sheets #1- #4.

### Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A

### Strategic & Comprehensive Plan Impact

#### Strategic Plan Impacts:

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

#### Comprehensive Plan Impacts:

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable



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## Legislative History

Date	Action
3/6/22	Tabled action on B300-22 (Drive-up facilities) to allow for Council directed revisions to be prepared.
11/07/22	Passed motion to remand the text amendment to the Planning and Zoning Commission.
3/20/17	Adopted amended Chapter 29 of the City Code, to be known as the "Unified Development Code". (Ord. 023117)

## Suggested Council Action

Memo and associated Amendment Sheets #1- #4 provided for Council consideration.

## AMENDMENT SHEET #1

### Conditional Use Standards

The Conditional Use Standards set out in the original proposed language from the Planning Commission were erroneously omitted from the draft ordinance. As a matter of housekeeping, this amendment sheet needs to be adopted first to ensure everyone is working from the same starting point by using the language recommended by the Planning Commission. Once this amendment sheet is adopted, the Council may consider further amendments to the Bill.

(jj) Accessory and temporary uses of land and buildings: Drive-up facility. This use is subject to the following additional standards:

.....

- (3) Conditional Use. When a drive-up facility is either a conditional or conditional accessory use pursuant to Table 29-3.1 (Permitted Use Table) of this Code, the following criteria and standards shall be considered in addition to those enumerated in Section 29-6.4(m) of this Code relating to the recommendation and approval of a conditional use permit. The intent of these criteria and additional standards is ensure that the number of drive-through lanes, stacking spaces, and amount of paved area necessary to support the driveup facility will not be detrimental to adjacent residential properties or detract from or unduly interrupt pedestrian circulation or the character of the area in which the use is located. The Commission may increase or reduce these criterion and standards according to the circumstances affecting the site.
- (i) Drive-up facility service window(s) shall not be located on a building facade that faces an abutting residential zoning district.
  - (ii) The nearest point of the drive-up facility, which includes the stacking lane(s), menu board(s), and service window(s), must be at least fifty (50) feet from an abutting residential zoning district.
  - (iii) Clearly marked pedestrian crosswalks shall be provided from a public sidewalk to a customer access to the building in which the drive-up facility is an accessory use.
  - (iv) The location, size, design, and operating characteristics of the proposed building in which a drive-up facility is sought as an accessory use will be reasonably compatible with and have minimal negative impact on the use of nearby properties.
  - (v) Internal circulation and access to and egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.
  - (vi) The application seeking approval of a conditional use permit for a drive-up facility shall include a site plan that identifies all existing and proposed points of ingress and egress, circulation and maneuvering areas, off-street parking and loading areas, abutting residential property, location of all drive-up facilities, amount of expected stacking occurring in the peak hour, pedestrian facilities, hours of operation, and other relevant information.
  - (vii) A transportation impact analysis, consistent with that required in subsection 2(viii), above, shall be required for any business with an accessory drive-up facility that produces fifty (50) or more trips in and out of the development site at peak hour.

## AMENDMENT SHEET #2

### Transportation Impact Analysis

This amendment only addresses the transportation impact analysis requirement. In circumstances when a transportation impact analysis is not already required by Section 29-5.1(c)(8), it would make a transportation impact analysis optional at the discretion of the Traffic Engineer. The text in this amendment sheet is shown in Amendment Sheet #4 for purposes of drafting and review clarity only. The text which is ultimately adopted by Council related to requiring a transportation impact analysis will be assumed to be incorporated into Amendment Sheet #4 by reference without the need to make any additional amendments to Amendment Sheet #4 to address the transportation impact analysis.

(jj) *Accessory and temporary uses of land and buildings: Drive-up facility.* This use is subject to the following additional standards:

...

- (2) *General requirements.* The following standards apply to all new buildings with accessory drive-up facilities, buildings that modify or relocate an existing accessory drive-up facility, and buildings in which a change to the principal use results in additional vehicle trips being generated and a previously existing accessory drive-up facility will remain in operation following the change of use.

...

(viii) In circumstances when a transportation impact analysis is not required by Section 29-5.1(c)(8), a A transportation impact analysis is may be required by the Traffic Engineer for any drive-up facility that meets any of the following criteria listed in items (A) through (C) below. The purpose of the study is to ensure that the transportation system is capable of safely supporting the proposed drive-up facility use in addition to the existing uses in the area. Evaluation factors to be considered when reviewing the impact analysis include, but are not limited to, street capacity and level of service, effects on traffic circulation, access requirements, separation of curb cuts, and pedestrian safety. Additional on-site or off-site improvements may be required to address any concerns identified by the transportation impact analysis.

~~(A) — The site includes an entrance to a public street and it is located within three hundred (300) feet of an intersection.~~

~~(B) — The site is located within a shopping center, and includes access to an internal drive aisle that is essential for internal traffic circulation in the opinion of the city's traffic engineer, and the access is located within three hundred (300) feet of an internal intersection.~~

~~(C) — The site includes a drive-up facility that is accessory to a restaurant.~~

...

- (3) *Conditional Use.* When a drive-up facility is either a conditional or conditional accessory use pursuant to Table 29-3.1 (Permitted Use Table) of this Code, the following criteria and standards shall be considered in addition to those enumerated in Section 29-6.4(m) of this Code relating to the recommendation and approval of a conditional use permit. The intent of these criteria and additional standards is ensure that the number of drive-through lanes, stacking spaces, and amount of paved area necessary to support the drive-up facility will not be detrimental to adjacent residential properties or detract from or unduly interrupt pedestrian circulation or the character of the area in which the use is located. The Commission may

increase or reduce these criterion and standards according to the circumstances affecting the site.

...

~~(vii) A transportation impact analysis, consistent with that required in subsection 2(viii), above, shall be required for any business with an accessory drive-up facility that produces fifty (50) or more trips in and out of the development site at peak hour.~~

### AMENDMENT SHEET #3 Menu Boards and Signs

This amendment only addresses the placement of drive-up facility menu boards and other signs. This amendment would make the requirement that no drive-up facility menu boards or other signs be visible from an R-1 or R-2 zone district only applicable when such district shares a property line with a parcel upon which a drive-up facility is located. The text in this amendment sheet is shown in Amendment Sheet #4 for purposes of drafting and review clarity only. The text which is ultimately adopted by Council related to menu boards and signs will be assumed to be incorporated into Amendment Sheet #4 by reference without the need to make any additional amendments to Amendment Sheet #4.

(jj) *Accessory and temporary uses of land and buildings: Drive-up facility.* This use is subject to the following additional standards:

...

- (2) *General requirements.* The following standards apply to all new buildings with accessory drive-up facilities, buildings that modify or relocate an existing accessory drive-up facility, and buildings in which a change to the principal use results in additional vehicle trips being generated and a previously existing accessory drive-up facility will remain in operation following the change of use.

...

- (iii) No menu boards or other signs shall be visible from an R-1 or R-2 district that shares a property line with a parcel upon which a drive-up facility is located.



## B300-22 AMENDMENT SHEET #4

### Drive Up Facility Standards

The focus of this amendment is on eliminating the restrictions on the placement of drive up windows on a street facing side of the building. The porte cochere and landscaping requirements are eliminated. Staff drafted proposed design guidelines to reduce visual clutter from a drive-up facility for Council consideration. The additional design guidelines are shown in underline.

\*For purposes of review only, this amendment sheet assumes the adoption of Amendment Sheets #2 and #3 as drafted. If Amendment Sheets #2 and #3 are not adopted by Council as drafted, this Amendment Sheet will be automatically assumed to be amended according to what is approved by Council when considering Amendment Sheets #2 and #3.

(jj) *Accessory and temporary uses of land and buildings: Drive-up facility.* This use is subject to the following additional standards:

- (1) *Purpose.* The purpose of the following regulations is to reduce visual impacts of drive-up facilities on abutting uses, promote safer and more efficient on-site vehicular and pedestrian circulation, and reduce conflicts between queued vehicles, pedestrians, and traffic on adjacent streets.
- (2) *General requirements.* The following standards apply to all new buildings with accessory drive-up facilities, buildings that modify or relocate an existing accessory drive-up facility, and buildings in which a change to the principal use results in additional vehicle trips being generated and a previously existing accessory drive-up facility will remain in operation following the change of use.
  - (i) Any drive-up facility located within one hundred (100) feet of an R-1 or R-2 zone district shall require Level 3 property edge buffering meeting the requirements of section 29-4.4 (landscaping screening).
  - (ii) No speakers shall project sound toward an R-1 or R-2 zone district.
  - \*(iii) No menu boards or other signs shall be visible from an R-1 or R-2 zone district that shares a property line with a parcel upon which a drive-up facility is located. [\*This subsection assumes the adoption of Amendment Sheet 3. This subsection will be revised to include the language adopted by Council following consideration of Amendment Sheet 3.]
  - (iv) Drive-up facilities shall be subject to all applicable noise control ordinances. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.
  - (v) No drive-up facility services shall be rendered, deliveries made, or sales conducted in a required front yard or corner side yard.
  - (vi) Drive-up facility stacking spaces may not interfere with parking spaces, parking aisles, loading areas, internal circulation or driveway accesses for the principal structure. The required bypass lane may function as a circulation drive for on-site parking and loading areas.
  - (vii) Drive-up facility service windows which are located ~~shall be located on a building's non-street-facing facades.~~ Drive-up facility service windows may be permitted on a building's street-facing facades shall include the following additional standards: if one of the following methods are utilized:

- (A) ~~*Porte cochere:* A permanent porte cochere shall screen the drive-up facility service window(s) from the ground to the roof of the porte cochere. The porte cochere~~

~~shall extend the width of the drive lane and be a minimum of twenty (20) feet in length. If multiple service windows are utilized in the drive-up facility, both windows shall be screened either by one (1) porte-cochere or two (2) porte-cocheres, each a minimum of twenty (20) feet in length. The porte-cochere shall be structurally integrated with the principal structure and its design shall be consistent in respect to pattern, scale, material, and form as the principal structure.~~

~~*Landscaping:* A landscape area adjacent to the street right-of-way in the front and/or corner side yard shall be installed for the length of the drive-up facilities stacking lanes. The landscape area shall be planted with sufficient evergreen shrubs and/or native grasses to form a low continuous visual screen such that no less than eighty (80) percent opacity, viewed horizontally, is achieved in the space between grade and three (3) feet above grade at the time of installation. Berms may also be used in conjunction with landscaping. The landscaping installed in this landscape area shall be in addition to the other general landscaping requirements.~~

The building façade upon which the drive-up facility service window is located shall include architectural features such as wall plane projections, recesses, or other building material treatments and textures that visually interrupt the wall plane and are consistent and compatible with the other façades of the building. Such façade shall also contain a minimum of 20% transparent materials.

(B) *Grade changes:* Grade changes may serve to reduce the visual clutter as screening of drive-up facilities and as an alternative to providing additional architectural features when the site is located below grade and not visible from the adjacent street. A section drawing of the street and subject site shall be provided to show that all views of the drive-up facility will be obscured from the street.

\*(viii) In circumstances when a transportation impact analysis is not required by Section 29-5.1(c)(8), a transportation impact analysis may be required by the Traffic Engineer for any drive-up facility to ensure that the transportation system is capable of safely supporting the proposed drive-up facility use in addition to the existing uses in the area. Evaluation factors to be considered when reviewing the impact analysis include, but are not limited to, street capacity and level of service, effects on traffic circulation, access requirements, separation of curb cuts, and pedestrian safety. Additional on-site or off-site improvements may be required to address any concerns identified by the transportation impact analysis. [\*This subsection assumes the adoption of Amendment Sheet 2. This subsection will be revised to include the language adopted by Council following consideration of Amendment Sheet 2.]

- (3) *Conditional Use.* When a drive-up facility is either a conditional or conditional accessory use pursuant to Table 29-3.1 (Permitted Use Table) of this Code, the following criteria and standards shall be considered in addition to those enumerated in Section 29-6.4(m) of this Code relating to the recommendation and approval of a conditional use permit. The intent of these criteria and additional standards is ensure that the number of drive-through lanes, stacking spaces, and amount of paved area necessary to support the drive-up facility will not be detrimental to adjacent residential properties or detract from or unduly interrupt pedestrian circulation or the character of the area in which the use is located. The Commission may apply conditions to the permit consistent with the following criteria. ~~increase or reduce these criterion and standards according to the circumstances affecting the site.~~

(i) Drive-up facility service window(s) ~~shall not be located on a building facade that faces an abutting residential zoning district~~ must contain adequate buffering to eliminate adverse noise and lighting impacts on the neighboring residential zoning district. Such buffering may be achieved through the use of landscaping, natural site features, architectural features and/or other site enhancements as may be determined to be appropriate for the particular site.

(ii) The nearest point of the drive-up facility, which includes the stacking lane(s), menu board(s), and service window(s), must be at least fifty (50) feet from an abutting residential zoning district.

(iii) Clearly marked pedestrian crosswalks shall be provided from a public sidewalk to a customer access to the building in which the drive-up facility is an accessory use.

(iv) The location, size, design, and operating characteristics of the proposed building in which a drive-up facility is sought as an accessory use will be reasonably compatible with and have minimal negative impact on the use of nearby properties.

(v) Internal circulation and access to and egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

(vi) The application seeking approval of a conditional use permit for a drive-up facility shall include a site plan that identifies all existing and proposed points of ingress and egress, circulation and maneuvering areas, off-street parking and loading areas, abutting residential property, location of all drive-up facilities, amount of expected stacking occurring in the peak hour, pedestrian facilities, hours of operation, and other relevant information.

\*(vii) [\*The deletion of this subsection assumes the adoption of Amendment Sheet 2. This subsection will be revised to include the language adopted by Council following consideration of Amendment Sheet 2.]