

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
May 21, 2020**

SUMMARY

A request by Crockett Engineering Consultants (agent) on behalf of Reliable Community Bancshares, Inc. (owner) for approval of a conditional use permit to allow both a Light Vehicle Service and Repair use for a gas station and convenience store, and a drive-up facility as an accessory use to a financial institution (bank), on an M-N (Mixed Use-Neighborhood) zoned property . The 2.1-acre subject site is located at the southeast corner of Highway WW and Elk Park Drive. (**Case #77-2020**)

DISCUSSION

The applicant is seeking approval of a conditional use permit (CUP) to allow two separate land uses that are identified as Conditional Uses within the M-N district. The use identified as Light Vehicle Service and Repair in the UDC includes the specific use of gas station and convenience store. The other proposed use on the site is a bank with a Drive-up Facility (also referred to as “Drive-in” or “Drive-Through” in the UDC). Drive-up Facilities are a conditional accessory use, which means they must be subordinate to another use, which in this case is a bank. Approval of a conditional use permit is subject to the provisions of Chapter 29-6.4(m). Approval of a CUP requires approval by the City Council following review and recommendation by the Planning and Zoning Commission.

The request is associated with two other cases that were submitted concurrently with the conditional use request. The property is currently not within the city’s municipal boundary, and so the owner has requested permanent M-N zoning of the site for (case #76-2020), pending the annexation of the property. The owner has also requested the combination of the two existing lots on the site (case #78-2020), which would constitute a replat and will require Council approval only. The site plan as submitted presumes that the replat will be approved thereby creating a single 2.1-acre lot, which is how the site is laid out on the submitted site plan.

A site plan has been submitted with the requested conditional uses, and it indicates the planned improvements for the site. A single structure would include both uses within a 5,650 square-foot multi-tenant building. The convenience store would occupy roughly 4,711 sq.ft. and would primarily face north, towards Route WW. A set of seven pump islands, which would provide 14 separate fueling locations and hoses, is proposed and includes an associated canopy covering the pump islands.

The bank would occupy a footprint of 929 sq.ft. on the western side of the building, and would include a drive-up facility for an ITM (Interactive Teller Machine). An ITM, according to information online, provides the ability to have the experience of interacting with a live person at the ATM. Customers and the teller will be able to see each other using video cameras and hear one another through built-in speakers. There is an example of an ITM located within Columbia at the Bank of Missouri location at 3610 Buttonwood Drive. The applicant has also provide an overview of the features of an ITM on their website along with a video, which can be found here: <https://www.bankofmissouri.com/itm/>

The conceptual site plan has been provided by the applicant to illustrate how the proposed improvements will be arranged and how the site will function. The site plan was evaluated for circulation and access, and for the six criteria laid out by the UDC when determining the appropriateness of a CUP. It is anticipated that minor revisions to the site plan may occur as building, site/civil, and landscaping plans are finalized to meet all other applicable city development regulations. However, as noted in the recommended conditions later in this report, the final site plan that will be submitted and approved prior to building construction should substantially conform to what is shown on the attached plan. Should the CUP be granted, it will permit the requested conditional uses as shown on the conceptual site plan.

Background

Drive-up facilities are a conditional accessory use (CA) in the M-N district. For comparison, they are a permitted accessory use (A) in the Mixed-use Corridor (M-C) and Industrial (IG) districts. Drive-up facilities are also subject to the use-specific standards of Chapter 29-3.3(jj), as well as the Drive-Through Vehicle Stacking requirements in Chapter 29-4.3(i). The use-specific standards are designed to buffer the noise and other impacts that such facilities impose upon adjacent properties, particularly those improved with residential uses. The stacking requirements are designed to provide adequate space for drive-up areas so they do not impact on-site vehicle circulation and prevent unsafe situations. A by-pass lane is required for financial and restaurant/retail uses with a drive-through.

With the adoption of the UDC, drive-up facilities became subject to the CUP process to work in tandem with the drive-up use-specific standards as a means of mitigating the potential negative externalities associated with queuing cars on adjacent roadways, neighboring properties, and pedestrian travel. This indicates that drive-up facilities were identified as a use that required additional scrutiny and possible mitigation when located within the M-N district. Potential impacts include conflicts for pedestrians, backed up intersections and driveways, exhaust and noise pollution from cars, pedestrian/auto conflict points, and sound and light spillover from loudspeakers, signs and site lighting, among others. In mixed-use districts near residential uses, such impacts especially need to be mitigated to allow the safe and efficient travel of people to and from multiple buildings and uses within a site. Prior to the adoption of the UDC, the C-1 district (roughly equivalent to the UDC's M-N) also identified the Service Station use (roughly equivalent to the UDC's Light Vehicle Service and Repair) as a conditional use.

Traffic Impact Analysis

The applicant was required to produce a traffic impact analysis for the requested uses given the expected increase in traffic generation. The analysis (which is attached) drew two conclusions that directly affect the site. First, to accommodate additional vehicles in the south bound left-turn lane on Elk Park Drive, the left-turn stacking area in the median will need to be extended to a minimum length of 50 feet in order to mitigate potential issues with vehicle stacking that would impede the south-bound traffic on Elk Park Drive. The 50 feet of space will accommodate stacking for two vehicles at once. While the analysis concluded that stacking for one vehicle was sufficient, it recommended fifty feet as an additional precaution.

Another outcome of the analysis was the identification of an area that due to sight line issues will need to have all obstructions limited to three and one-half feet in height. The report found that when vehicles were exiting out of the northernmost drive of the site (closest to Hwy. WW), a sight line area was needing to be maintained as illustrated in Figure 5 (page 6) of the report, which means that no landscaping, signage, or other possible obstruction over the specified height should be permitted. While a complete landscape plan has not been submitted at this time, one will be submitted along with building and site plans, and will need to take into account this restricted site obstruction area. Likewise, site plans will need to include the recommended improvements for the extended turn lane as specified in the study.

With that said, the applicant and City engineers reevaluated the assumptions that were used for identifying the site obstruction area, including expected traffic speed. Based on the reevaluation, the site obstruction was reduced to a degree from what was recommended in the TIA.

CUP Criteria

The evaluation criteria for a CUP are found in Chapter 29-6.4(m) of the UDC and are listed below. Staff and the applicant (see attached Supporting Documentation Provided by Applicant) have each provided an analysis of the facts of the case based upon the CUP Criteria.

Sec. 29-6.4 (m). Specific regulatory procedures - Conditional Use Permit

- (A) The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located;*
- (B) The proposed conditional use is consistent with the city's adopted comprehensive plan;*
- (C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;*
- (D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion;*
- (E) Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided; and*
- (F) The proposed variance will not cause significant adverse impacts to surrounding properties.*

In terms of criteria (A), (C), (D), and (E), staff generally agrees with the applicant's position that these criteria have been met. Presuming that the site receives approval for M-N permanent zoning, it appears to comply with those provisions. Access was analyzed within the traffic impact analysis and reviewed by City staff, and the recommendations within it, as discussed previously in this report, will be required to be completed. Sufficient infrastructure and services exist or will be provided for by the developer in accordance with city codes for the development.

However, staff's conclusion when reviewing criteria (B) and (F) find that the site will require imposition of multiple conditions in order to achieve compliance with these criteria with specific emphasis on the necessity of ensuring limiting impacts upon adjoining properties - most notably those improved with residential structures. As such, staff has listed the conditions below that are recommended in order to mitigate those adverse impacts and to enable the appropriate integration of the proposed uses into the surrounding land use pattern, which includes single-family detached dwelling units to the south and north.

The conditions are considered reasonable and appropriate, and are based upon the unique impacts of the specific conditional uses. When considering a convenience store/gas station and its unique attributes that warrant mitigation, staff identified the following characteristics as areas of concern which the recommended conditions are intended to address: 1) the potential 24 hour-a-day operating hours (which is not common among other general retail uses typically expected in M-N districts), 2) the increased level of site lighting that is expected particularly from the canopy over the pump locations, and 3) the generation of new vehicle trips that will bring additional traffic onto the site and the surrounding street network (compared to other service and retail uses that are more likely to only provide services to surrounding residents). As for the drive-up use, in this case a bank ITM, the unique impacts identified include: 1) noise generated from the speakers typically associated with these uses, and 2) the queuing of traffic within the stacking lanes for the drive-up (which creates a scenario with cars that will sit idling while conducting business, lights that will be directed towards the surrounding residential properties).

These impacts, when considering criteria (F), in staff's opinion should be mitigated, especially

considering the surrounding low-intensity land uses. While a convenience store/gas station may provide a beneficial neighborhood amenity, it certainly comes with the impacts associated with intense commercial use. Care should be taken when considering this type of use in such proximity to residential uses in order to avoid any undue or unintended impacts, and to ensure that the two land uses can coexist harmoniously.

Lastly, the site in general has characteristics of a commercial node located within a Neighborhood District. While Commercial Districts are meant to allow heavy commercial uses that are regional in scope and auto-oriented, nodes within Neighborhood Districts should, "Provide the opportunity for including neighborhood commons without significantly altering the character of the neighborhood, attracting additional traffic from outside the neighborhood served, or creating the demand for additional commercial zoning"¹. This site has more in common with a commercial node than a regional commercial center (i.e. M-C zoning), which is why the recommendation for permanent zoning was M-N. The conditions listed will attempt to mitigate some of the aspects of the proposed uses that could impact the character of the neighborhood. To that end, the following conditions are recommended.

Recommended Conditions

Upon review of the requested conditional uses, the site plan, and the surrounding uses, staff is recommending the following conditions to mitigate the adverse impacts to surrounding properties.

- 1. The conditional uses will be constructed in substantial conformance with the conceptual site plan.**
- 2. Landscaping will shield the view of the building, canopy, ITM, dumpster, and parking lot from residential lots located on the south side of Elk Park Drive using a Level 2 landscape buffer. The location of the buffer will be as shown on the site plan. It will not be subject to the location criteria in Section 29-4.4(e).**

Screening will mitigate the impacts of noise (including from typical commercial use and other uses such as the ITM and other audio sources that are increasingly common at gas stations on the pumps), lighting, traffic (including headlight glare). These impacts may be significant on residential properties located within the proposed proximity to a gas station. Screening is a very effective buffer between commercial and residential uses when it is robust enough to screen the site from view and noise. Landscaping is also highly effective in softening the mass of the building and pavement while providing aesthetic appeal and is critical when attempting to locate commercial uses in proximity to residential uses - the goal is to integrate the commercial uses into a neighborhood with limited negative impact. A type 2 buffer requires landscaping and the construction of a screen, which may be a berm, fence, or landscaping hedge (preferably with a mix of coniferous and deciduous that are staggered to maximize coverage). This is the same level of landscaping that would be required if a commercial use was directly abutting a property zoned R-MF.

- 3. Landscaping will be provided along the Hwy WW frontage consistent with Section 29-4.4(d)(1) regardless of whether pavement is within 25 feet of a street right of way or not.**

Additional landscaping here will help mitigate the impact of noise, light, and the visual mass of the site on residential properties on the north side of Route WW. It is important to note that this landscape buffering is required in situations where pavement on a site is within 25 feet of right

¹ Columbia Imagined Appendix - Chapter Four: Neighborhood District (p. 57)

of way, which is currently the case here. This condition would require this buffer even if the site was redesigned so the pavement was more than 25 feet away from the right of way. While there will be street trees along Hwy WW, this additional landscaping would afford more buffering for residential properties to the north. The impacts of this type of use warrant screening whether the pavement is 26 feet or 24 feet away from the right of way.

4. **Freestanding sign prohibited along Elk Park Drive when across from residential zoning. . Building signage prohibited on the south side of the building.**

This will mitigate impacts of signs (visual, lighting) on residential properties to the south.

RECOMMENDATION

Approval of the Conditional Use Permit with the following conditions:

1. **The conditional uses will be constructed in substantial conformance with the conceptual site plan.**
2. **Landscaping will shield the view of the building, canopy, ITM, dumpster, and parking lot from residential lots located on the south side of Elk Park Drive using a Level 2 landscape buffer. The location of the buffer will be as shown on the site plan. It will not be subject to the location criteria in Section 29-4.4(e).**
3. **Landscaping will be provided along the Hwy WW frontage consistent with Section 29-4.4(d)(1) regardless of whether pavement is within 25 feet of a street right of way or not.**
4. **Freestanding sign prohibited along Elk Park Drive when across from residential zoning. Building signage prohibited on the south side of the building.**

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- Conceptual Site Plan
- Traffic Impact Analysis
- Applicant CUP Documentation
- Architectural Rendering
- Public Correspondence

SITE CHARACTERISTICS

Area (acres)	2.1
Topography	Slopes south
Vegetation/Landscaping	Turf
Watershed/Drainage	Grindstone Creek
Existing structures	None

HISTORY

Annexation date	NA
Zoning District	C-GP (Boone County Planned Commercial)
Land Use Plan designation	Neighborhood
Previous Subdivision/Legal Lot Status	Lots 1 & 2 of Southfork of the Grindstone Plat 1

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	PWSD #9
Fire Protection	BCFD/City of Columbia
Electric	Boone Electric

ACCESS

Hwy WW	
Location	Along the north side of property
Major Roadway Plan	Major Arterial; MoDOT maintained (106-110-foot ROW required; 53-55 half-width required).
CIP projects	None
Sidewalk	Sidewalks required

Elk Park Drive	
Location	Along the west/south side of property
Major Roadway Plan	NA; local non-residential (66-foot ROW required; additional ROW dedicated near intersection with Hwy WW)
CIP projects	None
Sidewalk	Sidewalks required

PARKS & RECREATION

Neighborhood Parks	Within half mile of Vineyards Park
Trails Plan	None within half mile
Bicycle/Pedestrian Plan	Pedway along north side of Hwy WW

PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on February 25, 2020.

Public information meeting recap	Number of attendees: 1 (including 1 applicant) Comments/concerns: None.
Notified neighborhood association(s)	None.
Correspondence received	Attached.

Report prepared by Clint Smith

Approved by Patrick Zenner