

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

COLUMBIA CITY HALL COUNCIL CHAMBER

701 EAST BROADWAY, COLUMBIA, MO

MAY 21, 2020

Case Number 77-2020

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. (This item was tabled at the March 19, 2020, Planning and Zoning Commission meeting.)

MS. LOE: Mr. Smith, may we have a staff report, please.

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends 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 Highway 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.

MS. LOE: Thank you, Mr. Smith. Before we move to questions, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to Case 77-2020 to please share that with the Commission so we all have the same information to consider on behalf of this case. I see none. Ms. Burns?

MS. BURNS: Yes. In -- in the photos, Mr. Smith, it looks like WW in certain areas the shoulder curb, it isn't there. Here it is, so the road has been improved. And I apologize if I missed any plans for a sidewalk.

MR. SMITH: Sidewalk would be constructed as normally required, so that is -- is not a central part of the conditional-use part of it, so we didn't require it to be shown, but when they submit site plans, they will. Actually, it may be mentioned on the -- on the site plan --

MS. BURNS: And I apologize if I missed it. Just looking at the photos, I didn't see any renderings or anything indicating a sidewalk, and I just wanted to make sure we had that. Thank you.

MS. LOE: Any additional questions for staff? Ms. Rushing?

MS. RUSHING: Who -- what public entity provides the storm water out here?

MR. SMITH: That is the City's storm water, is what I'm hearing. That is a great question. I did not have that ready, but I believe it would be the City storm-water facility.

MS. RUSHING: That's my -- yeah. That's my concern, because it appeared that this area has been used for storm-water detention, and there are two huge manholes out there, plus there's another item that hasn't been addressed that I have questions about is the significant drop between this property and the Elks' parking lot. And then there were some -- there was some white piping sticking up along the edge, the -- the east and south edges of the property. I didn't know what -- what that was for, but -- so I think there are going to be significant storm-water issues, and I was curious what public entity will be keeping -- will be reviewing this development to make sure that this proposed storm drainage detention, which is half of what apparently was there is going to be sufficient.

MR. SMITH: Right. So --

MS. RUSHING: Because -- because, in addition to whatever that area was handling before, you now have impervious cover over three-fourths of that, what looked to me like prior storm drainage detention, which is going to increase the water load and I was just curious if somebody, some public entity is going to be reviewing this to make sure that the provision they're making for storm water is adequate.

MR. SMITH: Yes. So, absolutely. Once it's annexed, the site itself will be reviewed by our site development staff engineers to ensure that it's compliant with our 12A section, which regulates storm water. There could be some coordination with Boone County if that involves any type of work within the street there. Elk Park Drive is -- is a Boone County maintained roadway, but, generally, that's all going to be City regulated if it's onsite. So they -- they will be required to accommodate all the required storm-water regulations. Their staff engineer here -- is here present, as well, so he might be able to answer some of those other questions, as well, about the piping, I think.

MS. RUSHING: And are you aware of what they intend to do to protect that drop?

MR. SMITH: Going to the east?

MS. RUSHING: On the east, yes.

MR. SMITH: I'm not aware of any specific mitigation that's necessary for that as long as the site is graded properly. At this stage, we don't have detailed site design and engineered plans for the site. That would come later, but the -- their site engineer may be able to speak a little bit more to any challenges that they see that could be due to that grade.

MS. LOE: Any additional questions? Mr. MacMann?

MR. MACMANN: I didn't, but I do now. Thank you, Ms. Rushing. Given Ms. Rushing's concern, I haven't looked at the property recently, but I did look at the topo. Your conditions are site specific as in as its built, and I applaud them. I think they're sufficient to the area. Storm water may facilitate moving some things around. How will that process work?

MR. SMITH: Well, I think there's some flexibility in the site plan approval process if there's some specific reason why we would need to move the storm water there, but if there are significant changes to the site plan, it could facilitate a need to come back and request a revision to the conditional use part -- to the site plan associated with the conditional use. Correct.

MR. MACMANN: Yeah.

MR. SMITH: I think there -- there would be some administrative discussions about what we could allow them to change, based on certain circumstances, but, in general, it needs to be substantially compliant to this site plan.

MR. MACMANN: Okay. Thank you.

MS. LOE: Mr. Toohey?

MR. TOOHEY: So I guess I had a question more about the landscaping on WW. It doesn't seem consistent with the other properties that are already out there. There's already another gas station, you know, half a mile away that doesn't have the same type of landscaping in front of it. So I understand the shielding from the neighbors across the street, but it doesn't seem consistent with what else is out there.

MR. SMITH: Yeah. And I can't speak to, you know, why Casey's was allowed to develop the way it was. It was probably developed under the current Code or whatever it was. I believe that is county property. It is. So they were developed under county regulations. It may not have been a conditional use. It may not have been planned district, so they may not have had landscape requirements when it was developed, so that's really hard to answer the consistency between them.

MR. TOOHEY: And I understand that part. I mean, if it wasn't -- if it's really a requirement and you're just adding it for the conditional use and nothing else out there is consistent with that type of look, then why go ahead and add it as a requirement for this?

MR. SMITH: I don't see a consistency to what exists today as a necessity to apply conditions when it is identified as a conditional use within the Code. I think we look at it on -- on an individual basis, and if there are adverse impacts, we are required to recommend conditions that we think mitigate those adverse impacts.

MS. LOE: Additional questions? Seeing none. We will open the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: If you can give your name and address for the record.

MR. BURCHFIELD: Thank you, Ms. Loe, Commissioners. Jay Burchfield, SilverTree Companies, with offices at 302 Campusview Drive, here on behalf of the applicant, which is the holding company for the Bank of Missouri, who currently owns the land. We are the contract holders that will eventually build and develop the facility for Break Time is the convenience store, MFA Oil, and the Bank of Missouri will be the bank. As you heard in the staff report, the facility is there. It's about 5,600 square feet, one building, two tenants in the building, on two acres, so it's a very low-density development. And just for a little background, when we originally put this site under contract and for these two tenants to do this development, we looked at the adjacent land uses. We're currently in the county, zoned C-GP, commercial. The Elks' Lodge next to us is commercial. And the recently or fairly recently, 2009, annexed and

zoned the property to the west of us here that you can see here in the purple, the bigger site, zoned PD with multiple allowed uses by right in that statement of intent including a convenience store, a bank, car wash, bar, restaurant, you know, really a number of uses. So we originally went to staff concept review thinking M-C that would be compatible with our county zoning and compatible with the two adjacent uses. Staff had concerns about opening up to open M-C in that for not necessarily this use but had lots of discussion about marijuana-related uses that were on the horizon and other uses that may not be compatible to the area. And so staff suggested we go M-N with a conditional-use permit. And since we knew exactly what we were doing, we even had the site plan basically prepared, that was to be supported and the conditional-use permit to allow those uses. We weren't speculating; we didn't want a broad scope of uses. We wanted specifically this use. We agreed and made the subsequent application for M-N with the conditional-use permit. So over the past couple of months, we've submitted the plan and the application, and I thank Mr. Smith for working with us on several of the plan characteristics that we worked on and negotiated and went through. And so we are in agreement with the staff report as presented, but as Mr. Smith stated, with the exception of that landscape buffering along Highway WW. So we basically object to that -- that wall or that barrier of landscaping along WW for three reasons. One -- first of all, the basic business operation of the convenience store and the bank. Visibility is a key component to the successful operation of those entities and restricting the visibility of 5,000 cars a day on Highway WW has a definite negative impact on those businesses. Secondly, both the convenience store and the bank value the security and safety of their customers, their clients, and their staff. And, you know, bad stuff tends to occur in areas that aren't very visible from the surrounding areas. In fact -- so having sight lines from WW and that fairly constant traffic on WW is a crime deterrent. It's a bad stuff deterrent. In fact, many communities have adopted special code related to banks and, specifically, drive-up facilities of banks so that they can have clear lines of sight, law enforcement, from the right-of-way, from the streets at any given time for that operation. I'm not sure if our Code has any of that. Finally, with regard to buffering, you know, and staff's real intent there on that buffering is buffering and screening to the neighbors across WW. Those neighbors, incidentally, from our gas pumps to the back of a house -- Mr. MacMann, you were asking about that distance -- it's over 250 feet. There is an exhibit here showing where the back of a house would be in -- in relation to the canopy, 250 feet away across a highway. So we feel that -- and really there are three lots that are really impacted right there in that subdivision. And we have a letter of support from the owners and developers of the Brooks Subdivision, which is that subdivision there supporting our efforts. It's been submitted to the City. So really what we're buffering there with an extensive landscape buffer. I mean, it's -- a -- it essentially becomes a wall that restricts those sight lines and looks at -- it was really just buffering Highway WW because it's really not buffering anything -- nothing gets over 250 feet away into the adjacent subdivision. So again, as it's been stated, you know, the Code, as it is, our pavement is less than -- or more than 25 feet away from the right-of-way, so it would not require that in -- in the Code. We agreed to do substantial buffering along the south side where the drive-through lane comes around, and our traffic directly impacts closer to the residential to the south of us in that exit lane, which we realigned at staff's suggestion. We had it originally come out closer to the west over there. So I'll refer back to these two adjacent sites. If we were to develop on the site adjacent to us to the west, which it's by right --

MS. LOE: Mr. Burchfield, your six minutes is up, so if you can wrap up, that would be wonderful.

MR. BURCHFIELD: I will wrap up. Yes, ma'am. We could develop on the adjacent sites by right without this buffer. We are going to have substantial buffering on the south side. We request -- as a compromise we've submitted just recently this afternoon, we've worked with

our landscape architects and engineers, on an appropriate level of attractive, tastefully done landscaping elements along WW that we would propose as the condition in lieu of the condition presented by staff, and I believe that was item number 3. Our engineer, our contractor, attorney, any specific questions, are available, as well. Thank you for your consideration.

MS. LOE: Thank you. Are there any questions for this speaker? Mr. MacMann?

MR. MACMANN: Yes, ma'am. Thank you. Question -- I will comment first. I applaud you for counter offering to the City. Would you be open to -- well, maybe I'll just ask you straight up. Do you want us to play Solomon right now and pick one of these choices, or would you be open to waiting another two to four weeks and coming to an agreement with the City about that landscape buffer for a condition -- for the conditional use?

MR. BURCHFIELD: We would prefer action, please.

MR. MACMANN: Okay. That's where I thought you were. So you want us to play Solomon?

MR. BURCHFIELD: We have this -- we've already, due to the pan-- we're -- we've got some timelines and some things that have to be on schedule, and so --

MR. MACMANN: All right. That's -- that was my question.

MS. LOE: Any additional questions for this speaker? Mr. Stanton?

MR. STANTON: Just to make this clear. So you're willing to -- you're -- what you're showing us is the -- is the counter to what the City wants to do in item number 3 in their recommendation?

MR. BURCHFIELD: Yes, sir. Our original submittal had zero landscaping along WW. The City is recommending 80 percent and that -- that level that was there, and we would like to go back with a level that is probably somewhere in the middle.

MR. STANTON: But you've got some wiggle room still. Right?

MR. BURCHFIELD: Yeah. And that's -- I mean, this was put together and it could -- you know, we could line stuff up with those lots, those three lots. Yes, sir.

MR. STANTON: Thank you.

MS. CARROLL: Do you have an idea as to what level this is?

MR. BURCHFIELD: I don't. Maybe somebody else does. Okay. Yeah. We had that discussion. Thank you, Tim. Tim -- Tim mentioned that it's close to what the old Code would have required before the UDC.

MS. CARROLL: Okay.

MR. BURCHFIELD: In that Code. So it's -- you know, it's -- yeah. It's landscaping. It's -- it's visually appealing. It's sight-lining. It's not intended to create a barrier, which is important to the operation for the reasons I explained. And they're bermed. These areas are bermed up and landscaped and, you know, they're very nice. I think staff showed pictures of two stores, one of which we build and one of which we didn't, and the Grindstone one, and it's -- you drive by there and it's very nice. And the street trees are there. We will have street trees. Regardless of the discussion about the landscape barrier, street trees are a given.

MS. LOE: Ms. Rushing?

MS. RUSHING: There's no car wash that's going to be associated with this property?

MR. BURCHFIELD: No, ma'am.

MS. RUSHING: Good. Okay.

MR. BURCHFIELD: But they could do one next door.

MS. RUSHING: Huh?

MR. BURCHFIELD: They could do one next door, without any of this.

MS. RUSHING: I lived in a location where there was a convenience store with a car wash, and it was probably a couple of hundred feet away. Stop. Stop. Stop. Please back up. Please back up. It's loud and clear.

MR. BURCHFIELD: Red light, green light.

MS. RUSHING: Yeah.

MS. LOE: Any additional questions for this speaker? I see none. Thank you.

MR. BURCHFIELD: Okay. Thank you.

MS. CARROLL: I have a follow-up question for staff. Is that allowable at this moment?

MS. LOE: It's still public comment period, so no, not right now. You can hold onto it for public -- for Commission discussion. That would be okay.

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I just want to follow up with a couple of answers to some of the questions that were posed by the Commission, as well as cover just a couple of just real brief topics that Mr. Burchfield ran out of time on. First of all, with regards to storm water, Ms. Rushing, this tract is actually kind at the top of the watershed. It's at the top of the hill. Everything to the north drains back to the north, everything to the east drains back to the east, everything to the west goes to the west. This site basically falls from WW to the south and then to the east. So really that was never really used as a detention facility on this -- on this particular site. What you may have seen out there may be some old remnants of some erosion facilities, some erosion-control basins that were built when it was originally graded back in the early 2000s, but it never was used for a detention facility. The detention and storm water for this site, we have preliminarily designed it and it will handle -- will be addressed on our south side, so there is no issue with storm water. We will be in full conformance with the City regulations and, consequently, even the county if we were to have to be under county regulations, as well. But we'll fall under the City in this case, and we can fully adhere to all the City regulations. The pipes that you were referring to, I believe, would probably be the lateral pipes, the sewer laterals that were stubbed up back in the early 2000s when the sewer was built to serve this property, so that's some of the utility work that was built 15 years ago. I also want to talk a little -- briefly about the drop-off that you referred to going down to the Elks' Lodge. You can see by this depiction here, adjacent to the Elks' Lodge, we're going to have a short retaining wall. And so we'll have a short wall, then we'll have some slope -- sloping grade, as well. So don't want to have any impact to the Elks. We want to, you know, be good neighbors and not impact their property, so we can handle the grade without much of an issue. We've graded the site and we can account for that.

MS. RUSHING: Well, also, since you have the roadway going right along that edge, that will help the stability of that.

MR. CROCKETT: Yeah. That is correct. And also if you look at it, Ms. Rushing, the -- the white area, if you will, is some additional landscaped area between our drive lane and the Elks so that all those little -- those little couple of green strips in there, those are landscaped areas on our property. So we're not going to be right on that property line with the Elks, we're going to be set back with it -- from it, probably -- I'm guessing -- probably 30, 35 feet off of the -- off of the Elks' property line. And so we're not -- we're not going to be right on them, we're going to have some green space in there.

MS. RUSHING: Right. But that's a slope.

MR. CROCKETT: It -- yeah. It's a slope, but it's not as steep. It'll be less than what's out there today.

MS. RUSHING: Okay.

MR. CROCKETT: We're going to bank it back so we can maintain it. It'll be less than a three-to-one slope, which is maintainable. We also have other support for this project that was included in the packets, I believe. There were some other developers who have developed residential developments in this area that are supporting this project simply because they understand the need and the desire to have services in this location. Also lighting. I think that's always a concern when we talk about -- we talk about convenience stores and gas stations is lighting. I would note that all of our lighting will be in conformance with the City of Columbia standards. We're not going to have the spillage that goes over our property line into the neighboring properties. That's going to be certified by an MEP engineer, and that will be as a requirement of the City of Columbia. One of the items out here that does light this area up quite a bit that's already out there today is the signalized intersection. There's already lighting for that signalized intersection that talks about that, and so there's a substantial amount of lighting that's already there from the signalized intersection as well as the Elks' Lodge. And so what we have is -- is not going to be contributing to that situation. And lastly with regards to the landscaping along WW, we talked briefly about the old Code. I just want some clarification on that. The old Code basically required 50 percent of our pavement had to be landscaped adjacent to a right-of-way. And so that's what we basically formulated this after was 50 percent of the -- of the area along WW would have, I believe, a landscaping of between one and three feet, with, I believe, 80 percent opacity after three growing seasons was the requirement, so that's what we kind of modeled the plan that you see before you today after.

MS. LOE: Thank you, Mr. Crockett. Are there any questions for this speaker? Mr. Strodtman?

MR. STRODTMAN: Mr. Crockett, do you know, by chance, how much along WW that landscaping -- how much -- what -- from the pavement to the WW, do you know what that distance is?

MR. CROCKETT: The distance -- yes, Mr. Strodtman. I can get you pretty close, I believe.

MR. STRODTMAN: And then, staff, can we flip back pictures? Go back to those pictures of the Grindstone Break Time and the, I think, Petro Mart; can we do that?

MR. CROCKETT: Yeah. Mr. Strodtman, roughly, what we're looking at there is between -- between our edge of pavement and the right-of-way for WW. Now, that's a -- it's a 50-foot half right-of-way or 100-foot total right-of-way for WW. So between our pavement and the property line is just a little over 25 feet, and then there's about another 25 feet or so between -- I'm guessing here, ball parking -- between our property line and the edge of pavement. So

there's about 50 feet of -- of landscaped area between WW back to the curb and our -- and our pavement back to the curb.

MR. STRODTMAN: So in the two pictures that I had staff bring up, it looks like to me that the one on the left is going to be more what we're going to see on WW. I mean, it has more of a feel of distance and --

MR. CROCKETT: Right. Actually, the one on the left, we're going to have -- we're going to have more landscaping than the one on the left.

MR. STRODTMAN: Right. So I think my point is, I kind of agree with the applicant that the distance is enough. So I was just curious to -- for reference for the Commissioners, just to kind of see the difference between these two examples, as to how much difference it feels along that road when you have the distance. Thank you.

MS. LOE: I guess, can I -- point of clarification. When -- Mr. Crockett, when you say you're going to have more landscaping than the 1406 Grindstone, is that with what is currently being required?

MR. CROCKETT: That's what we're -- that's what our proposal.

MS. LOE: Oh. With what you're proposing.

MR. CROCKETT: Because really what you have here is, again, this -- 1406 Grindstone was done when I don't believe they had any -- any lower-level landscaping proposed. All they had was some trees. Our trees will be required by the street-tree requirement, so we'll have those out there, and then we'll also have some low-level landscaping and some berms, and our berms will be about three-foot tall landscape berms, so those aren't on that Grindstone depiction that we will have on our property.

MS. LOE: Thank you. Mr. Smith?

MR. SMITH: Yeah. That's approximately 78 feet from pavement to back of the berm at Grindstone, just for a point of --

MR. STRODTMAN: Seventy-eight feet?

MR. SMITH: About 78 feet.

MS. LOE: Any additional questions for Mr. Crockett? Mr. MacMann?

MR. MACMANN: At some juncture, and following upon what Ms. Carroll said, this is a request of you, Madam Chair, we're going to be asked to play Solomon here in a minute, and I think we're going to need to redirect at staff before we make a motion. That -- all right. Thanks.

MR. CROCKETT: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, we'll close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission discussion?

MS. CARROLL: I'm looking for the clarification --

MS. LOE: Ms. Carroll?

MS. CARROLL: Sorry. I was looking for staff to clarify, are we correct in our assumption that you have not had the opportunity to review the compromise landscaping plan?

MR. SMITH: I would say that's correct, yeah. We received that late this afternoon.

MS. CARROLL: Okay.

MS. LOE: Mr. MacMann?

MR. MACMANN: If I may follow up on that briefly. This puts us in a spot, because my question was going to be could you guys live with it to meet one of your four conditions. And what you seem to be saying is we haven't done the analysis on it completely; is that what you're saying to me?

MR. SMITH: I would say I have not had adequate time to review plans since they were submitted today. So as a -- as a matter of right, I would say that I would not amend my recommendation at that time. However, I will acknowledge that that seems to be somewhere in the middle of no landscaping and what we're proposing.

MR. MACMANN: All right. Given that, and because we're on -- thank you, Mr. Smith. And given that, because we are on Commission discussion, I think it's viable. I would say that Mr. Smith had some conditions to the CUP, and I think those are valid, and he stated them in such a way that they would be enforceable. You know, the conditional uses and the conditional accessory use are fine if, and if we are to integrate the applicant's concept in here, which I'm not opposed to, I would need that to be somewhat hard -- you know, somewhat -- you know, that's great, and you put it in the picture, but how is it going to play out type thing. So that's my two cents for the moment.

MS. LOE: Ms. Russell -- or Mr. Zenner?

MR. ZENNER: If I may. I think in order to address what Mr. MacMann's concern is, if it is the Commission's desire to take the exhibit that has been presented here this evening and was submitted to us late as a compromise to the item number 3, with that recommendation, you would need to specify that we're going to want to have it categorized and itemized as to what the landscape would consist of in berm height, as well as in plant material and density so we can have it in, I think, the format that our current recommendation is in. So I would also probably point out that a number of the examples that we've had here this evening based on the old Code, the actual differences between landscape requirements, pavement -- or site pavement to right-of-way has changed significantly, so we do have -- there's some disconnects with how parcels have been developed in the past or are even under current planned district approval, such as the parcel to the west of the subject site, it is not exempt from having particular types of landscaping, and I want to make that very clear. If a gas station or a car wash would go on the adjoining site to the west that's zoned PD, it is still going to be subject to required screening. So it's not a free pass and hence the reason for our recommendation the way that it is written is for the purposes of parody and consistency. But we would be willing to entertain an alternative motion to item number 3 with the caveat that it needs to be categorized and made specific for us prior to forwarding any recommendation on that conditional use to City Council.

MR. MACMANN: Madam Chair, can I follow up on that?

MS. LOE: Mr. MacMann, follow up.

MR. MACMANN: I just -- I just wanted to clarify what Mr. Zenner said. It sounds as if our motion would be conditional on negotiations, coordination between you and the client?

MR. ZENNER: Your recommendation would basically be acceptance of the alternative, subject to it being categorized for us to be able to put into the recommendation going to Council. It would not be -- there is no negotiation. If you like what you saw and you believe that it matches with this 1406 Grindstone or is a little bit better than that, that's what they're going to have to prove to use in their calculations, and it needs to be more consistent with the diagram that we had submitted to us late this afternoon and you saw this evening.

MS. CARROLL: Could we put the diagram back up?

MR. ZENNER: Do we have the diagram?

MS. LOE: Ms. Burns?

MS. BURNS: Thank you. What I would suggest is that the applicant has indicated they want to move forward, that we move forward with what we have as recommended. And given the late addition of the compromise buffering, that be presented as a compromise when the City Council takes this up. That way, we can move it forward, and this can be reviewed by staff and reviewed by the City Council.

MS. LOE: Ms. Russell, did you have a comment? You sort of got --

MS. RUSSELL: I was just looking for some verbiage to be able to adapt number 3 in the motion.

MS. LOE: Any additional comments? I guess my -- my comment on item number 3 is that I feel as if it's in the requirements for screening are in response to the R-1, and it's overlooking the fact that WW is there and I don't feel that the screening is necessarily appropriate to WW. And I do think as a commercial going on WW, that perhaps there should be a different screening requirement. I fully understand the R-1, however, I'm not sure I agree with staff's recommendation for screening along WW. I do agree with it as screening for R-1, but not as WW, so I don't think I would support this with three as standing, but would be open to negotiating a compromise if the Commission feels we can do that.

Mr. Stanton, can you dig out a win-win for us?

MR. STANTON: I think we got it. I just -- we just need to get the verbiage right.

MS. LAMAR: Can I just throw something out?

MS. LOE: You need to give your name and address for the record, please?

MS. LAMAR: Phoebe Lamar, offices at 111 South Ninth Street. There actually is on the screen right now the landscaping plan that was shown in the exhibit that was shown on the screen earlier, and it includes what the plantings are, it includes all of the information as far as the number of plants, it includes all of that information which could be used to incorporate into a motion.

MS. LOE: Thank you. Mr. Strodman?

MR. STRODTMAN: The only change is along WW. Correct? Everything else in this landscaping picture is the same?

MS. LOE: Ms. Carroll?

MS. CARROLL: Is it possible either from the applicant or from this to read the text with the --

MS. LOE: Well, if understood staff correctly, we don't need to necessarily define specifically the requirements for that. We can -- we can reference the exhibit at this time and staff can create a definition.

MR. ZENNER: Well, I think the exhibit -- the exhibit with the plant materials now has been zoomed in are what the condition would become if that is what you desire.

MR. SMITH: Yes. I think -- I think the condition 3, if that is the one that is open for revision, could be eliminated and an additional condition be that this addendum here be added to the site plan, and that the landscaping is built according to that site plan. The landscape plan would be attached to the site plan, in essence.

MS. LOE: Mr. Stanton?

MR. STANTON: Okay. I was talking and I got stepped on across the whole thing, so I am making a motion as it relates to Case 77-2020; am I correct on that?

MS. LOE: You are correct.

MR. STANTON: I move to approve -- approve of the conditional-use permit with the final -- with the final conditions of 1, 2, and 4, with an addendum provided by the applicant be subject for review by staff --

MS. RUSSELL: For approval.

MR. STANTON: What, Mr. Zenner? Okay. -- with approval of the addendum by the Commission and further review by staff.

MS. LOE: Subject to approval by staff.

MR. STANTON: Of the approval by staff.

MR. MACMANN: Second.

MS. LOE: Second by Mr. MacMann. We have a motion on the floor. Any discussion on that motion? And just to reiterate, the motion is to approve the conditional-use permit with staff recommendations 1, 2, and 4, as is, and 3 per the amended version presented by the applicant, subject to approval by staff.

MR. STANTON: Yes.

MS. LOE: Discussion? Mr. MacMann?

MR. MACMANN: Just a point of order. I'm sure Mr. Stanton meant to include it, but the accessory conditional use he's also moving the drive-through.

MR. ZENNER: It's all a part of the same motion.

MR. MACMANN: It's all -- it's all just one motion. All right. Never mind.

MS. LOE: Seeing no further discussion, Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann,

Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Carroll,

Ms. Loe. Motion carries 9-0.

MS. BURNS: Nine to zero, motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council after review by staff.