

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
September 9, 2021**

SUMMARY

A request by A Watermark Engineering (agent), on behalf of University Centre, LLC (owner), for a U.S. Bank ATM to be built in the parking lot of the existing Eat Well grocery store at 111 S. Providence Road. The property is zoned M-DT (Mixed-Use Downtown). The drive-thru within the M-DT district is a “conditional accessory use” requiring approval of a conditional use permit (CUP) before operation. **(Case #234-2021)**

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow a U.S. Bank ATM with a drive-up/drive-thru design. Financial institutions are permitted uses in the M-DT district; however, the addition of a drive-up facility is identified as a conditional, accessory use (CA) within the Permitted Use Table of the UDC which requires approval of a CUP by the City Council after review and recommendation by the Planning Commission. The Mixed-use Corridor (M-C) and Industrial (IG) districts are the only districts in which a drive-up facility is permitted without additional regulatory oversight. The use in these districts is identified as an accessory use (A) in Permitted Use Table.

The proposed ATM is to be built on an approximately .25 acre-lot on the western extent of the Eat Well parking lot (Lot 118 of the Original Town of Columbia Plat). While the existing Eat Well building and its parking lot are together built across more than a dozen Original Town lots, the use and its associated improvements are considered legally non-conforming. A non-conforming use cannot be expanded per Section 29-6.5 of UDC. The proposed ATM is shown entirely on Lot 118 as a freestanding and independent use from Eat Well. If the CUP is granted its construction would not violate any non-conforming expansion standards for the overall site given it is on its own lot. In the M-DT district as well as other mixed-use districts, it is not uncommon to have multiple uses on a single parcel of land.

A drive-up/drive-thru facility is subject to the general regulatory provisions found within Section 29-4.3(i) of the UDC as well as the Use-Specific Standards of Section 29-3.3(jj) of the UDC. Unique to this site, given its M-DT location, is its requirement to comply with the Form and Development Controls for the “Urban General West” street frontage contained within Section 29-4.2 of the UDC. Additionally, as provided by Section 29-6.4(m), the Planning Commission and Council may impose additional conditions believed necessary to mitigate potential development impacts on the surrounding built environment as part of the CUP recommendation/approval process.

After completing its review, evaluating the site conditions surrounding the property, and considering prior actions taken on similar drive-up/drive-thru requests, staff has prepared supplemental CUP approval conditions for the Planning Commission’s consideration. These conditions are discussed below, have been shared with the applicant, and have been **agreed to** by the applicant. The proposed conditions are intended to address any potential negative externalities and impacts that the proposed CUP would create as well as ensure parity between similar approvals within the immediate vicinity of the request.

In addition to reviewing and evaluating the proposed CUP against the above noted regulatory standards of the UDC which were informed by the 2005 Providence Road Policy Resolution and the 2010 Downtown Design Charrette, staff has evaluated how this request would meet the goals and objectives contained in the Comprehensive Plan and other applicable plans and policies adopted since 2013. Discussion of the request’s compliance with these documents is provided within the analysis sections below.

The intent of the M-DT district is to encourage a mixed-use, pedestrian-oriented environment. With the adoption of the UDC and the M-DT’s form-controls and regulating plan, drive-up facilities became subject to

the CUP process to work in tandem with the “Drive-Up” use-specific standards as a means to mitigate negative externalities associated with queuing cars on adjacent roadways, neighboring properties, and pedestrian travel. A drive-up/drive-thru facility may impact these environments by creating increased pedestrian/auto conflict points, blocked or backed-up driveways/intersections, exhaust and noise pollution from cars, and sound/light spillover from loud speakers, signage and site lighting, among others.

These impacts are not unique to just the M-DT district, but are universal in all mixed-use districts containing residential uses or having been designed to be walkable environments. However, given the M-DT district is specifically intended to be a **walkable, pedestrian environment** staff desires that these potential impacts be mitigated to their greatest extent to allow the safe and efficient travel of people to and from multiple buildings and uses within a site.

While several drive-through facilities presently exist in the M-DT district, this is only the second drive-thru CUP request to go before the Planning and Zoning Commission since the adoption of the UDC in 2017. The CUP criteria and approval process provides opportunity for consideration of mitigation factors to address any potential conflicts with the use by considering the intent of the zone in which the use is located and the site-specific factors relating to the request.

Regulatory Compliance Analysis

As shown on the Overall and CUP Site Plans (attached), the ATM would be accessed from the existing driveway which extends into the parking lot from Cherry Street, and then through the parking lot on a dedicated access easement containing an existing two-way driveway between existing parking rows. Cars would access the ATM via a drive-through lane running parallel to the Providence Road corridor. No access to Providence Road has been proposed and will not be permitted due to existing access restrictions. This restriction is further re-enforced in the proposed CUP conditions for use approval shown below.

As further shown on the attached site plans, the drive-through lane circulates traffic from north to south on the development parcel (Lot 118) and includes the four stacking spaces required by Section 29-4.3(i) and also complies with the required 15' setback from Providence Road. The service window design is oriented internally on the site (away from the Providence Road frontage toward Eat Well) and is not located within the required front yard of the site which is also compliant with the provisions of Section 29-4.3(i). The existing two-way driveway immediately to the west and parallel to the ATM stacking lane is to serve as the bypass lane required by Section 29-4.3(i). The stacking lane will be striped but not encumbered by concrete/structural barriers so that cars may freely exit the stacking lane from any point in the queue as needed.

In addition to the standards of Section 29-4.3(i) of the UDC, the proposed use is also subject to the “use-specific standards” of Section 29-3.3(jj). The site is believed to be compliant in terms of the required design features and any audible features installed with the ATM shall be subject to all applicable noise control ordinances per the standard. The proposed conditions for CUP approval (discussed below) augment the existing use-specific standards and contain conditions intended to mitigate impacts from additional site lighting, stormwater impacts, and increased noise.

The addition of the ATM will result in a net loss of 13 existing parking spaces serving the overall shopping center development. It should be noted that the M-DT zone *does not have required parking minimums* for most uses, including retail uses such as those on this site. Elimination of the 13 parking spaces, should on-site parking have been required, would not result in the site becoming deficient as it is presently “over-parked” when compared to similar uses in districts where parking is required. The parking retained on the site following installation of the ATM is shown on the Overall Site Plan.

As the ATM is to be sited on an existing parking lot, a street wall is required per the M-DT Form-based Controls for the “Urban General- West” roadway frontage found in Section 29-4.2(ii)(D) of the UDC. Such

street wall is required to adequately screen any refuse, outdoor storage area, or surface parking lot and shall not be less than four (4) feet or greater than eight (8) feet in height. Additionally, Section 29-4.2(d)(6)(xii) describes that street walls may utilize either masonry, ornamental materials, or a private landscape buffer to achieve compliance. The proposed street wall is shown on the CUP Site Plan (see Landscape Notes and Planting Details) and has been reviewed and approved by the City Arborist.

In addition to performing screening functions in the M-DT, street walls are also used to fill in gaps along the required building line (RBL) not otherwise filled by buildings. The RBL is typically at the edge of the street right of way (ROW). In this location, the RBL is 10' back from the Providence Road ROW as there is an existing 10' utility easement adjacent to Providence Road. Staff and the Commission have spent time discussing the nature of conflicts between utility easements and the RBL during work sessions and during discussions of post-UDC platting actions in the M-DT area. Future code revisions are anticipated to address this conflict. In this location, the easement is existing and necessary for the provision of electric service, thus the RBL must be sited behind the easement. From a practical perspective, this is also the best location to screen the parking lot and ATM from the Providence Road corridor given the differentiation in grade between the street and the parking lot.

It should also be noted the existing on-site parking lot is not in compliance with the Parking Setback Line requirements of Section 29-4.2(d)(6)(ix)) given the parking lot pre-dates the adoption of the M-DT standards. New development within the M-DT district must maintain a 24-foot parking lot setback at the street level. Given the parking lot's pre-M-DT construction, it is considered a "legal" non-conformity that cannot be expanded such that its level of non-conformity increases. If the entire site were to redevelop compliance with the M-DT standard would be required and could take the form of removing parking within the setback area or construction of a screening wall the entire length of the shopping center's frontage along Providence Road.

While Lot 118 is being redeveloped to accommodate the proposed ATM and much of the existing paved surface associated with the use is remaining, the proposed street wall is commensurate with the level of site improvement and runs along the frontage of the lot to screen the length of the proposed ATM/drive lanes. This level of improvement is consistent with the spirit of "incrementally" correcting non-conforming uses.

Full redevelopment of the site, if pursued in the future, would likely trigger additional compliance requirements with general UDC standards, specific M-DT standards, and other applicable requirements of the City's ordinances. It should also be noted that the CUP request, if approved, will only permit an ATM drive-up facility on the .25-acre lot (Lot 118), subject to the CUP site plan. Should additional revisions to the site or additional drive-up facilities be desired, each request would have to go through the appropriate review process as described by the UDC.

CUP Criteria Analysis

The specific evaluation criteria for a CUP are fully described in Section 29-6.4(m) of the Code. The following discussion is intended to generally align with those criteria and provides findings that may be used to formulate a recommendation on the merits of this request. The specific approval criteria for a CUP include the following factors: 1) the use is in compliance with the land use standards for the underlying zoning district, 2) the use is in compliance with the Comprehensive Plan, 3) the use will be in conformance with the character of the adjacent area, 4) there is provision of adequate access and actions have been taken to mitigate traffic impacts and safety issues, 5) the use will be supported by sufficient infrastructure and services, and 6) the use will not cause adverse impacts to surrounding properties.

As previously noted, the proposed ATM location is within in the "Urban General West" frontage of the M-DT Regulating Plan area. This area generally encompasses the Providence Corridor and the portion of the M-DT District to the west of Providence Road. For this area, the UDC envisions a variety of uses and a stepping-down in terms of development density (e.g. one to two-story buildings) with increased pedestrian

traffic and connectivity moving toward the urban core over time. The Columbia Imagined Comprehensive Plan's future land use map identifies the site as being located within the "City Center" classification, which is

"...Intended to be the focal point of the City of Columbia, serving as the education and government center of the community. This single district is an area of mixed uses and is built at pedestrian scale..."

When considering this CUP request, the Commission must weigh the impact of the proposed use, the scale of the proposed improvement, and the potential impact on the pedestrian realm that comes with adding an auto-centric use to an M-DT-zoned site. The ability to mitigate negative externalities of the request via conditions is also appropriate as part of the deliberations.

For this specific request, the ATM is requested be built on a suburban-style site developed prior to the UDC. The orientation of the Eat Well store at the rear of the site does not leave room to build the ATM behind the building, leaving somewhere in the parking lot as the only viable option. While its overall site design/orientation is not ideal for the M-DT, the grocery store use *is highly desirable* in the City Center, and a grocery of this size needs significant on-site parking even if the UDC does not require it. Without Eat Well operating in this location, large areas of the central city are likely to meet the definition of a "food desert", which goes against many of the goals and objectives of the Comprehensive Plan and other community plans, programs, and initiatives for health and equity. Development which helps to support the continued grocery use is desirable.

While the suburban-style of the existing development has been described as non-conforming in previous paragraphs, the addition of the ATM as proposed is not believed to exacerbate any of the existing site non-conformities and the addition of the street wall helps to bring the site into closer compliance with the UDC. The small, constrained nature of the ATM site itself is also not likely to induce many additional negative impacts in terms of traffic congestion and safety.

The applicant has provided recent traffic data at two Columbia U.S. Bank ATM locations near grocery stores (Schnucks on Forum and Moser's and Aldi on the Business Loop). While it is challenging to differentiate between destination ATM trips or shopping center trips that include an ATM stop, these traffic volumes are relatively low, with hourly averages and peaks ranging from a few cars to a few dozen cars (see attached), and are likely to correlate to retail trips.

It should also be noted that the applicant worked with staff through the review process to design the ATM to be fully compliant with the requirements of the UDC for stacking and bypass lanes, site circulation and the street wall. These sections of code are in place to help to mitigate the externalities of the use. The applicant has also reviewed and accepts the proposed CUP conditions that will provide additional and site-specific mitigation for the proposed use and its improvements. Staff believes these factors, combined with the unique nature of the site as already developed coupled with the limited nature of the proposed improvements, effectively balances an additional auto-centric use on the site.

Supplemental CUP Approval Criteria

Staff finds that the general review criteria of Section 29-6.4(m) have been sufficiently addressed by the applicant's design and adherence to the general regulatory requirements applicable to the proposed drive-up/drive-thru ATM on the subject site. Staff further finds that the use is not inconsistent with the surrounding land use character, can be sufficiently served by public infrastructure, and has shown measures sufficient to mitigate adverse impacts between both vehicular and pedestrian users of the site. However, when considering the impacts that may be created by a change in ownership or use of the proposed site the following conditions are recommended to mitigate any unintended development consequences:

- a. The conditional use permit is granted to the property owner and shall be valid for the duration of the use or revocation of the permit. Any discontinuance of the use of the property for a drive-up facility for a period of twelve (12) months or more or any change in the character of the use shall render the permit null and void.
- b. The drive-up facility shall be constructed in substantial conformance with the conceptual CUP site plan as set forth in "Exhibit A" attached hereto and incorporated by reference.
- c. The conditional use permit shall apply only to the .25-acre portion of the property shown on the conceptual CUP site plan for construction of a drive-up ATM facility and is non-transferrable to another location.
- d. Access to the site shall be from a shared access driveway extending from the intersection of Providence Road and Cherry Street. The site shall not have a separate entrance or exit drive onto Providence Road.
- e. The property owner shall comply with the requirements of District M-DT and the use-specific standards for a Drive-Up Facility (29-3.3(jj)) and all other applicable regulations unless the property owner is granted a variance pursuant to the City Code.
- f. The allowed use, per this conditional use permit, shall not create negative impacts on neighboring properties and rights-of-way, including but not limited to: 1. Lighting and glare beyond the property lines; 2. Excessive noise; or 3. Storm water impacts.
- g. If any of the conditions of this conditional use permit are not complied with, the City Council, upon recommendation of the Commission following written notice and a noticed public hearing by the Commission, may in addition to revoking the permit, amend, alter, delete or add conditions to the permit.

RECOMMENDATION

Approval of the requested CUP to allow a drive-up facility on the site subject to the proposed CUP conditions.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- CUP Site Plan (Exhibit A).
- Overall Site Plan
- US Bank Provided Traffic Volumes

SITE CHARACTERISTICS

Area (acres)	.25 acres
Topography	Sloped eastward towards Providence Road
Vegetation/Landscaping	Developed site with limited landscaping
Watershed/Drainage	Flat Branch
Existing structures	Eat Well Grocery Store and Parking Lot

HISTORY

Annexation date	1826
Zoning District	M- DT
Land Use Plan designation	Civic Center
Previous Subdivision/Legal Lot Status	Legal Lot

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia.

ACCESS

Driveway to Eatwell (Cherry Street)	
Location	Along northern edge of property
Major Roadway Plan	Local, public street extending from Providence Road then becomes a private drive where the proposed parking lot access is provided
CIP projects	N/A
Sidewalk	N/A

PARKS & RECREATION

Neighborhood Parks	Flat Branch Park
Trails Plan	Across Providence Road from Flat Branch Park & MKT Trailhead
Bicycle/Pedestrian Plan	N/A

PUBLIC NOTIFICATION

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified via advanced public info postcards sent on August 9, 2021. Property owner letters were sent on August 20, 2021. 7 postcards and letters were sent.

Public information recap	No comments were received.
Notified neighborhood association(s)	North Central Columbia Neighborhood Association
Correspondence received	None to date.

Report prepared by Rachel Smith

Approved by Patrick Zenner