

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
October 21, 2021**

SUMMARY

A request by Blew & Associates, PA (agent) on behalf of D.L. Rogers Corporation (owner) for a major amendment to the Hyde Park Planned Commercial Subdivision Block 1 Lot 101 C-P Plan (Planned Development). The major amendment includes a revised PD Plan and new statement of intent. The 1.37-acre site is zoned PD, commonly addressed 3700 Buttonwood Drive, and is generally located on the southern frontage of Nifong Boulevard between Buttonwood Drive and Hyde Park Avenue. **This request was tabled in July and August and has been re-advertised appropriately. (Case # 214-2021)**

DISCUSSION

D.L. Rogers Corporation is seeking approval of a major amendment to the existing *Hyde Park Planned Commercial Subdivision Block 1 Lot 101 C-P Plan* and the associated Statement of Intent (SOI). The subject property is improved according to the existing C-P Plan and contains the now vacant Kentucky Fried Chicken drive-through restaurant.

The subject site was annexed in 1969 and assigned A-1 (Agriculture) zoning. The property has an extensive history of rezoning and was the subject of a Missouri Supreme Court case in the 1970s which ruled that an R-MH (Residential – Manufactured Home) rezoning was invalid, but that the City must allow for development of a mobile home park on A-1 zoned land. In 1978, the property was rezoned from A-1 to R-2 PUD along with a PUD Plan known as Hyde Park. The subject site was the first phase of Hyde Park and contained duplexes. In subsequent years, properties to the southeast were further developed as part of the remaining two phases of the Hyde Park PUD.

In 1996, this site was rezoned from R-2 PUD to C-P, as part of a larger 7.9-acre tract extending southward. The uses allowed on this site contained all uses allowed in C-1 at the time. In 1998, a C-P plan was approved which contained conditions related to driveway access on Hyde Park Avenue due to increased commercialization of the area and public input with residents of Hyde Park to the southeast. These conditions have been met and will be discussed further as part of the proposed PD Plan. Properties located immediately to the south and east are developed with similar commercial uses.

PD Plan

The proposed PD Plan, *Sonic of Columbia, Hyde Park*, features a re-orientation of the general site layout rotating the site 45 degrees counter-clockwise. The principal structure is proposed to be reduced from 4110 sq. ft. to 1817 sq. ft. reflecting the business model of *Sonic Drive-In* where customers are frequently served via carhop service as opposed to traditional dine-in seating.

With respect to the original C-P plan, parking is proposed to be reduced by 33% which is equal to a total of 20 parking spaces. Existing parking rows will be removed from the Hyde Park Avenue and Nifong Boulevard frontages. A row of fourteen parking stalls is proposed along the Cooper Drive North frontage. Two rows of canopy-covered, drive-up parking stalls are proposed on the north and south side of the restaurant.

The site is surrounded by four public streets and primarily takes access from Buttonwood Drive and Hyde Park Avenue. Internal traffic circulation generally flows in a counter-clockwise motion with the drive-up parking rows setback from the northern and southern facades of the structure to allow access

for a drive-through window. The service window is located on the northern façade of the structure facing Nifong Boulevard. A bypass lane is being provided around the drive-through stacking lane on the eastern and northern edges of the restaurant structure. The ordinance governing the existing C-P Plan notes that the northernmost access on Hyde Park Avenue must be either narrowed to a one-way exit only or eliminated when Buttonwood Drive, south of Nifong, reverts to a two-way street. The proposed PD Plan fulfills that condition which was imposed to mitigate the traffic impacts of increased commercialization affecting residents of Hyde Park by reducing the width of the northern access from 26' to 14'.

Landscaping is provided in accordance with standard screening and buffering requirements of the UDC. A 6' property edge buffer containing vegetative screening is denoted on the plan for each property boundary. Three significant trees exist on site; two of which shall be replaced with six large to medium sized trees in total.

The original C-P plan shows approximately 300 linear feet of landscaping in the form of shrubs and grasses and required 10 trees in total. The proposed PD plan shows approximately 865 linear feet of perimeter landscaping to act as a 6' buffer in addition to 34 newly planted trees which represents a significant improvement in landscaping and buffering over the existing site features.

One freestanding sign located on the northwest corner of the property is being relocated to comply with the current UDC requirements. While Nifong Boulevard is identified as a major arterial on the CATSO Major Roadway Plan, for the purposes of freestanding signs it is to be treated as a collector street, per 29-4.8(f)(1)(ii), east of Buttonwood Drive due to its proximity to existing planned residential neighborhoods. The standards for M-N (Mixed-use Neighborhood) were used for consistency with the proposed Statement of Intent.

Design Exception from 29-4.3(f)(3)(i): Use of yards.

The applicant requests a design exception to the requirement that prohibits parking in the required front or side yards. If applied, this would specifically pertain to the row of fourteen parking spaces adjacent to Cooper Drive North. This provision is intended to apply to residential areas and it has been department practice to not apply this regulation to commercial development provided the required 6' parking lot landscaping/screening has been installed. Staff supports this design exception.

Design Exception from 29-4.3(i)(2)(iii): Location and design of stacking lanes.

The applicant has requested an exception to the requirement that "customers shall be served in vehicles through service windows or a facility located on the non-corner sides and/or rear of the principal building". This requirement applies to service windows for accessory drive-throughs, and is generally considered to be an aesthetic requirement, limiting the view of drive-through service windows from public streets and sidewalks, and relegating them to the rear of the interior side of the building where they are less visible.

However, limiting the location of service windows to the non-street side of the proposed building is not possible as the site is entirely surrounded by public streets. To address the issue, and to mitigate the impacts of the location of the service window on the street side of the building, the applicant is proposing to screen the window itself with a street wall that that offers the appearance of an extension of the building. A preliminary elevation of the screening (attached) shows generally how the screening wall would appear. It is constructed of materials that would be consistent with the overall building.

This wall would block the view of the service window to a certain degree, and represents a creative way to meet the intent of the ordinance and screen the service window from view. The end result is a

building that would generally appear as if there were no service window on the street side, which is in line with the intent of the regulation from which they are seeking a waiver. It should be noted that the submitted elevation does not accurately portray the view from a point on Nifong Boulevard as an approximately 150' wide row of canopy-covered, drive-in stalls and aforementioned vegetative screening on Nifong Boulevard will assist in screening the service window. Staff supports the requested design exception.

Statement of Intent (SOI)

Revisions to the Statement of Intent (SOI), which governs uses and dimensional standards, include updating the SOI to be more compatible with the UDC and reflect changes to the development pattern that have taken place over the past 25 years. The proposed uses in the new SOI are similar to what is currently permitted.

The previous SOI permitted all uses allowed in C-1 (Intermediate Business District) which is most comparable to the current M-N district. The proposed SOI would permit all uses allowed in the M-N zone) in addition to a drive-thru facility which is typically conditional in M-N. Drive-through facilities were permitted by right in the C-1 district at the time of the original SOI's approval in 1996. The current permitted use table is attached to the SOI to clarify which uses are requested.

The currently approved SOI included provisions regarding maximum square footage of the building, minimum distance to adjacent property lines, and minimum distances from parking areas to street right-of-way. These provisions were included in 1996 due to the neighboring residential PUDs at the time. Since then, the neighboring residences in question have been rezoned and redeveloped with similar restaurants. Staff supports the removal of these specific provisions given the existing development pattern of the area.

A 25' perimeter setback is proposed for the entirety of the property which is more restrictive than the existing C-P plan. Otherwise, the setbacks and height restrictions are reflective of the dimensional standards required of the M-N zoning district which is the most comparable zoning regarding the site's permitted uses.

Special consideration was given to determining the required parking minimums as the existing standard for drive-through restaurants is based on square footage of the principal structure. In this case, 1 parking space per 200 square feet of gross floor is required. To account for Sonic's model in generating parking requirements, 1 additional parking space was required per drive-up stall. This ultimately resulted in a reduction of 20 spaces when compared to the original plan.

Staff notes that the original statement of intent required 35% of the site to be landscaped and maintained in open space. The applicant requests to reduce this requirement to 20% thereby significantly reducing the amount of required open space. Staff is impartial to this specific request due to the significant challenges associated with redeveloping a small, built-out site surrounded by four public streets. However, the proposed 20% minimum requirement is greater than the default 15% required by the current UDC. Additionally, the proposed landscaping required by the UDC and shown on the PD Plan represents a significant improvement over the existing site's landscaping which was largely left in turf by comparison.

Conclusion

The proposed major revision to the PD plan and SOI are believed to be compliant with the Comprehensive Plan in that it offers an opportunity to construct context-appropriate redevelopment that is not considered inconsistent with the surrounding land use character. Additionally, the proposed PD

plan is not substantially different than what exists today. However, staff does acknowledge that the total open space area is reduced from what exists today, but finds the proposed landscaping to be a significant improvement overall. Furthermore, other revisions to the SOI are either technical in nature to reflect current M-N standards or are deemed acceptable due to the changes in surrounding development since 1996.

Relevant staff have reviewed the proposed PD plan and SOI and find that, with the exception of the requested design exceptions, it meets the technical requirements of the PD district and the UDC.

RECOMMENDATION

Approve the requested PD Plan to be known as *Sonic of Columbia, Hyde Park*, inclusive of the aforementioned design exceptions which are denoted on the plan, and the associated Statement of Intent.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- Proposed PD Plan
- Proposed Statement of Intent
- Approved PD Plan (1998)
- Approved Statement of Intent (1996)
- Sonic - Screening Wall Elevations

SITE CHARACTERISTICS

Area (acres)	1.37
Topography	Generally flat
Vegetation/Landscaping	Commercial landscaping
Watershed/Drainage	Mill Creek
Existing structures	KFC Restaurant (vacant) and parking lot.

HISTORY

Annexation date	1969
Zoning District	C-P (Planned Commercial), now PD
Land Use Plan designation	Commercial
Previous Subdivision/Legal Lot Status	Lot 101 of Hyde Park Planned Commercial Subdivision Block 1

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia.

ACCESS

Buttonwood Drive	
Location	Along the west side of property
Major Roadway Plan	Major Collector (improved and City maintained); 76-66 ROW required. No additional ROW required.
CIP projects	None
Sidewalk	Sidewalks present

Hyde Park	
Location	Along the east side of property
Major Roadway Plan	N/A
CIP projects	None
Sidewalk	Sidewalks present

Nifong Boulevard	
Location	Along the north side of property, no direct access
Major Roadway Plan	Major Arterial (MoDOT maintained)
CIP projects	None
Sidewalk	Sidewalks present

Cooper Drive North	
Location	Along the south side of property, no direct access
Major Roadway Plan	N/A
CIP projects	None
Sidewalk	Sidewalks present

PARKS & RECREATION

Neighborhood Parks	None
Trails Plan	South Providence Trail, ¼ mile west
Bicycle/Pedestrian Plan	Existing, striped bike lanes on Nifong Boulevard

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 this pending request on July 9, 2021. The request was tabled in July and August, thus notifications were sent out again on October 4, 2021. Ten postcards were distributed. One general inquiry has been received.

Report prepared by Brad Kelley

Approved by Patrick Zenner