

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
October 19, 2023**

SUMMARY

A request by State Permits, Inc. (agent), on behalf of Broadway Fairview Venture, LLC (owners), for approval of a PD Plan amendment to the Fairview Marketplace PD Plan, modifying the Starbucks Coffee outdoor seating, drive-thru facilities, and vehicular circulation as well as approval of a new Statement of Intent (SOI) meeting current PD district requirements. The 22.55-acre subject site is located at 2901 W. Broadway. **(Case # 249-2023)**

DISCUSSION

The applicants are seeking approval of a major development plan amendment to modify vehicular and pedestrian circulation aspects near the southeast corner of the Fairview Marketplace development in order to improve drive-up service and pedestrian safety for their tenant, Starbucks Coffee. Additionally, at the City's request, the applicants have submitted a Statement of Intent (SOI) that will govern the future development on the site. An SOI was not received at the time of initial rezoning or C-P plan approval. Given the requested action is considered a "major" revision to the existing plan, the submission of an SOI will ensure that current PD district requirements are met and uses/restrictions on the site are accurately identified. It should be noted that the scope of the plan amendment will only modify the area of the development plan impacted by the proposed reconstruction, but will update the SOI for the entire PD parcel. The subject site is located at the northwest corner of the intersection of Fairview Road and West Broadway.

The Fairview Marketplace C-P (now PD) zoning entitlement was granted on January 3, 2005 (Ord. 18359) and authorized the improvement of the site with all C-1 (now M-N) uses with the exception of overnight parking for recreation vehicles and "fast-food" restaurants with a drive-thru. This zoning entitlement was followed by the recording of a three-lot final plat of the encompassing the 22.55-acre parcel (identified as Lot 1) on March 7, 2006.

Following recording of the final plat, the first development plan for the proposed shopping center was approved on October 17, 2005 (Ord. 18731) illustrating the improvement of the site with the Wal-Mart, an "in-line" tenant space west of Wal-Mart, and 2 additional "outlot" buildings with multiple tenant spaces along the W. Broadway frontage. The approving ordinance for the development plan included "design parameters" which reiterated the specific use restrictions associated with the site. The approved plan; however, included a conflicting notation that permitted drive-thru facilities along the eastern wall of the building located on 'Outlot 1' as well as the western wall of the building located on 'Outlot 2'. A subsequent administrative revision of the development plan in March 2006 carried forward these notations.

Statement of Intent Revision -

To date the only drive-thru facility that exists within the Fairview Marketplace Shopping Center is that which is located within the easternmost tenant space of the building located on 'Outlot #1' (i.e. the Starbucks Coffee). It is unclear how this regulatory oversight occurred; however, it has been in operation for no less than 10 years. Given no prior "major" C-P or PD amendments have been presented to the City for consideration since the 2005 approval of the first development plan this is the City's first opportunity address this regulatory matter. As such, the applicant was informed that to process the proposed PD plan revisions a compliant SOI would need to be approved.

The attached SOI incorporates all previously approved “design parameters” that were part of the 2005 C-P development plan ordinance and meets all current PD standards such as providing a detailed list of permitted uses, dimensional standards, and other regulatory requirements that would need to be followed should future development change be proposed. The SOI directly addresses the single existing drive-thru facility that is located within the development by expressly permitting it to remain while striking the drive-thru use from the permitted use list as was the intent of the original zoning entitlement from January of 2005.

PD Plan Revision -

In addition to seeking resolution of the use restriction matter discussed above, the applicant desires to obtain approval of a development plan revision to improve vehicular circulation and pedestrian safety within the parking lot surrounding the site’s only drive-thru use. The proposed plan modifications are focused on the east end of the building located on ‘Outlot 1’ on the approved development plan.

Proposed modifications primarily impact the drive aisles leading to the drive-thru queuing area, the outdoor seating area near the entrance to Starbucks, and the adjacent parking. Three parking stalls are to be removed at the southeast corner of the parking lot to facilitate additional stacking spaces in the southern drive aisle. The existing island adjacent to these spaces is to be enlarged to encompass the lost parking spaces, which are unusable during peak times due to the number of cars that tend to stack in the drive-thru queue. The enlarged island is intended to be landscaped, while maintaining the existing pedestrian connection from the Fairview/Broadway intersection across the parking lot to the businesses within the overall shopping center.

The removal of the outdoor seating area allows for one additional parking stall, for a net loss of two spaces, and a section of the improved pedestrian circulation route. The submitted SOI includes an updated parking count on the property to reflect the 2-space reduction. Pedestrian traffic is then directed across a raised crosswalk over the internal (northern) drive aisle. The raised crosswalk provides a visual/physical delineation of the crosswalk to improve pedestrian safety in this location and calm traffic maneuvering into the drive-up queue.

The proposed PD plan and statement of intent have been reviewed by staff and external agencies and are believed to be appropriate for the property. Given the drive-thru has been in operation for greater than 10 years without significant offsite impacts and the amendment is intended improve pedestrian safety and internal circulation, staff believes creating an exception within the SOI for this existing drive-thru is appropriate and will not negatively impact the public health or safety.

RECOMMENDATION

Approve the proposed major amendment to the, “Fairview Marketplace PD Plan,” and the associated Statement of Intent (SOI), pursuant to minor technical corrections.

ATTACHMENTS

- Locator Maps
- PD Plan
- Statement of Intent
- C-P Zoning Ordinance (2005)
- C-P Plan Ordinance & Design Parameters (2005)
- Approved C-P Plan (2005)
- Approved C-P Plan (2006)

SITE CHARACTERISTICS

Area (acres)	22.55 acres
Topography	Generally flat
Vegetation/Landscaping	Developed with shopping center, turf/landscaped perimeter
Watershed/Drainage	Perche Creek
Existing structures	Wal-Mart, "in-line" retail bldg, and 2 'Outlot' bldgs w/tenant spaces

HISTORY

Annexation date	1966
Zoning District	PD (Planned District)
Land Use Plan designation	Commercial District
Previous Subdivision/Legal Lot Status	Lot 1, Fairview Marketplace

UTILITIES & SERVICES

All utilities and services provided by the City.

ACCESS

West Broadway	
Location	South side of parcel
Major Roadway Plan	Major Arterial
CIP projects	None
Sidewalk	Existing

Fairview Road	
Location	East side of parcel
Major Roadway Plan	Minor Arterial
CIP projects	None
Sidewalk	Existing

PARKS & RECREATION

Neighborhood Parks	Smithton Park Trail, Fairview Hollow Nature Area
Trails Plan	Smithton Park Trail
Bicycle/Pedestrian Plan	N/A

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 via public information postcards on September 13th of the pending action. Property owner letters were sent, and an ad was placed in the Columbia Daily Tribune on October 3rd, advertising the public hearing relating to the permanent zoning of the property.

Notified neighborhood association(s)	Off Broadway Condo Assn, Park Deville NA
Correspondence received	None