

## **AGENDA REPORT PLANNING AND ZONING COMMISSION MEETING September 22, 2022**

### **SUMMARY**

A request by the City of Columbia to amend Chapter 29, Sections 29-2.1 [Establishment and conversion of districts]; 29-2.2. [Base zoning districts]; 29-3.1 [General]; 29-3.3 [Use-specific standards]; 29-3.4 [C-2 district outside the M-DT regulating plan boundary]; 29-4.3 [Parking and loading]; 29-5.1 [Subdivision standards]; 29-5.2 [Subdivision of land procedures]. **(Case #262-2022)**

### **DISCUSSION**

Staff has prepared for consideration a list of proposed zoning text amendments to Chapter 29 of the City Code commonly known as the Unified Development Code (UDC). The UDC was adopted on March 20, 2017 and consolidated former Chapter 25 (Subdivisions) and Chapter 29 (Zoning) as well as parts of Chapters 2 and 12A, into the single regulatory document known as the UDC.

With the UDC in place since March 20, 2017, work has begun on revisiting sections of the code that are leading to outcomes that were not originally intended, no longer desired, written in a way that is confusing to the general public, or that may be leading to the granting of a substantial number of variances or design exceptions. There are also general errors that require correction. Evaluating and proposing amendments to recently adopted codes is common practice and is seen as a way of ensuring the code remains relevant given the dynamic conditions it is required to provide oversight for. This evaluation and amendment process is expected to continue as needed, with additional text amendment proposals in the future.

There are four separate text amendments proposed with this case that are numbered #A1 - #A4. Each amendment may include revisions to several sections of the UDC when the changes are related to a common topic (e.g., drive-throughs)

The proposed text amendments are attached to this report and are titled accordingly as Amendment #A1 - #A4. The original text of the amendment is listed, and any **additions to the text are Blue, Underlined, AND Highlighted**, and deletions are **Blue, Strikethrough and Highlighted**.

### ***Background***

The Planning and Zoning Commission previously reviewed the list of proposed text amendments over a period of four separate work sessions on June 23, July 7 & 21, and August 18<sup>1</sup>. The text amendments were presented by staff, and the Planning and Zoning Commission provided recommendations on revisions to the amendments. Based upon those work sessions, the draft text amendments have been revised to produce the final draft being presented at this time. Additional details on the discussion from those work sessions can be found at the link at the bottom of this page.

### ***Proposed amendments***

The table below offers a short summary of the text amendments. More detailed information on each amendment is provided below the table.

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<sup>1</sup> See agendas for background: <https://www.como.gov/Council/Commissions/meetings.php?year=2022&bcid=38>

<b>Amendment #1</b>	<b>Amendment addresses drive-through accessory uses, including location, design, and conditional use standards.</b>
29-3.3(jj)(1)	New purpose statement
29-3.3(jj)(2)	New applicability standards
29-3.3(jj)(2)(i-v)	Restated existing standards for clarity; some relocated from 29-4.3
29-3.3(jj)(2)(vi)	New standard for location of stacking lanes to prevent interference with internal circulation
29-3.3(jj)(2)(vii)	New standard that allows service windows to face a street if conditions are met (currently prohibited)
29-3.3(jj)(2)(viii)	New criteria for when a TIA is required for a drive-through accessory use
29-3.3(jj)(3)	New criteria for evaluating a conditional use request for a drive-through accessory use
29-4.3(i)(2)(ii-iii)	Deleted and relocated to 29-3.3
<b>Amendment #2</b>	<b>Amends when the dedication of a utility easement in the M-DT is required</b>
29-5.1(g)(4-5)	Adds paragraph making the dedication of a utility easement along rights-of-way in the M-DT district not required in all cases, but can be required by the Director of Utilities when needed.
<b>Amendment #3</b>	<b>Changes incorrect reference</b>
29-5.2(a)(1)	Amends reference from (ii) to (2)
<b>Amendment #4</b>	<b>Eliminates all unnecessary references to the C-2 zoning district, which has been eliminated</b>

**#A1: Sec. 29-3.3(jj). Use specific standards - Accessory and temporary uses of land and buildings: Drive-up facility.**

**#A1: Sec. 29-4.3(i)(2). Parking and loading - Drive-through vehicle stacking. - Location and design of stacking lanes.**

Section 29-3.3(i)(2)(iii) includes a provision that prohibits drive-through service windows from being located on walls that face public streets. The intent of the provision is to require a building's design to present a more aesthetic, active and pedestrian-oriented building facade on walls that face the public area, which is generally the public right of way. When service windows are located on the street side, a building will typically have less transparent materials, more blank walls, and will have lines of cars stacking as they wait for service.

Currently, service windows are only allowed on sides of buildings facing away from streets, thereby blocking the view of the service window and (to a lesser degree) vehicle stacking areas. It also encourages better pedestrian accessibility from the street side of a lot, which can be more difficult if the service window and stacking lanes are on the street side, where pedestrians would be required to cross a stacking lane to access a building from a public sidewalk. This provision would normally prevent service windows from being on the one side of a building facing a street, but in the instance that a drive-through use is located on a corner lot, then only two sides of a building are available for the placement of a drive-through service window.

In the recent past, the Planning and Zoning Commission has reviewed two requests, both as part of a PD plan, to allow a service window to face a street. In both cases, designers suggested it was difficult to accommodate this provision given the lot configuration and/or their business model. In those examples, service windows were permitted on the street side of the building with the conditions that a screening wall block the view of the service window for one of them (Culver's restaurant at 2010 Bernadette Drive), and in the other example, the distance from the public right of way was considered adequate to permit the service window on the street side of the building.

This proposed amendment aims to create a similar exception to the prohibition of service windows facing a street. Using the Culver's PD Plan approval as a guide, the amendment will allow service windows to be constructed on the street side of a building if the applicant screens the service window with a porte-cochere (which is what the screening wall built at Culver's would be classified as) and screens the stacking lanes with landscaping that is a minimum 3 feet in height. The second exception proposed to be allowed would be in the case that the elevation grades between the building and the abutting public streets are so dramatic as to block the view of the service window from the public street. If that were the case, then no additional screening would be necessary.

In addition to adding the two exceptions to the prohibition on service windows facing streets, the section of the UDC that addresses the location of service windows has been relocated to the use specific standards for a Drive-up facility. It was determined to be a more appropriate location for that particular regulation. The remaining provisions within 29-4.3(i)(2) address the design of the stacking lanes only.

The use specific standards for Drive-up facility (Section 29-3.3(jj)) also received additional provisions with this revision. A purpose statement was included to clarify the purpose behind regulating drive-throughs and their components. General requirements were also added to specify that the use-specific standards apply not only to a drive-through use that is newly constructed, but also if the drive-through has been relocated on a site. Furthermore, if the principal use that the drive-through is accessory to changes to a more intensive use (e.g., from a dry cleaner to a fast-food restaurant), then the section will apply in that scenario as well.

An additional provision was added to restrict the location of drive-through stacking lanes from interfering with internal circulation, including parked vehicles, with the objective of improving vehicle circulation on sites. Also, requirements for when a traffic impact analysis (TIA) is required have been included. The UDC already requires a TIA when a use will generate greater than 100 vehicle trips in the peak hour. This new provision will add some additional scenarios that will trigger a TIA, such as when an entrance to the site is near an intersection, or when the principal use is a restaurant.

The final significant change to the Drive-up facility use specific standards is the inclusion of language that specifies how a conditional use request should be processed. Unless the drive-through use is located in the M-C (Mixed use-Corridor) zoning district, it will likely require a conditional use permit. Section 29-3.3(jj)(3) will add instructions for evaluating the conditional use request, in addition to the standards criteria for conditional use located in 29-6.4(m). The new provision requires that the drive-through use not be detrimental to the surrounding residential areas and not detract from pedestrian circulation or the character of the area. It also places additional standards on the use, such as prohibiting service windows on building sides that face a residential zoning district, requiring a 50-foot distance from residential zoning, marked crosswalks, and other provisions.

These additional provisions recognize that a drive-through has characteristics that may not be appropriate near residential areas, such as noise generated from ordering facilities and idling cars. The conditional use provision does allow the PZC to increase or reduce the additional requirements based upon the circumstances of the site.

#### **#A2: 29-5.1(g)(4) Subdivision Standards - Public improvements - Utilities**

This provision requires that a 10-foot utility easement be granted along all property lines that abut a public street on new subdivision plats. The easement is typically utilized for standard utilities at the time of new development, and would typically prohibit the construction of any permanent structure over the land where the easement is located. This would require a building to be set back from the front lot line at least 10 feet. This provision conflicts with the M-DT zoning district's building form requirement that buildings be located at the street line. This ensures that new construction in the M-DT district is consistent with the building form that currently exists downtown, and allows for denser urban development.

In the downtown, utilities are typically constructed in the public rights-of-way, so in most cases, the easement is unnecessary. The amendment will eliminate the requirement that the easement be granted in all cases. But in the case where there is not sufficient right-of-way to accommodate new utility service, the Director of Utilities may still require the easement be granted on any new plat.

To accommodate the new provision, the additional section (5) *Easements* was included under (g) *Public Improvements* to better identify the intent of the provision.

#### **#A3: 29-5.2(a)(1) Subdivision of land procedures**

Replaces an incorrect reference from section (ii) to (2).

#### **#A4: 29-2.1. Establishment and conversion of districts; 29-2.2. Base zoning districts; 29-3.1. General; 29-3.4. C-2 district outside the M-DT regulating plan boundary**

The C-2 zoning district was used prior to the adoption of the UDC primarily for property in the City's downtown area, although there were several areas outside of downtown also zoned C-2. The areas zoned outside of downtown were not immediately rezoned upon the adoption of the UDC, so the UDC included references to the C-2 district. Since that time, all areas of C-2 have been rezoned, and for clarity, all references to the C-2 district will be removed, except the one reference within table 29-2.1 that illustrates that property zoned C-2 within the regulating plan boundary was rezoned to M-DT.

In addition, a small revision is included to the first part of 29-2.1(a) that is not related to the C-2 district. The title "Section 29-2.1" was inadvertently added immediately before (a), which is unnecessary and inconsistent with the formatting of other sections. It will be deleted.

#### **RECOMMENDATION**

Approve the recommended text amendments to the UDC.

#### **SUPPORTING DOCUMENTS (ATTACHED)**

- Amendment #A1 - #A4

Report prepared by Clint Smith

Approved by Patrick Zenner