



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 6, 2023

Re: Zoning Text Amendments - **#A1: Sec. 29-3.3 Use specific standards; 29-4.3 Parking and loading** (Case #262-2022 Remand) – Supplemental Memo

## Executive Summary

If the attached legislation is approved it would create options for new or renovated business with drive-thru service windows to be permitted to have such windows facing a public street which is currently prohibited by the UDC unless otherwise waived by the Board of Adjustment. Additionally, the proposed revisions contain new evaluation criteria intended to address/mitigate potential internal and external impacts generated by such businesses on transportation network and surrounding built environment.

The attached legislation was originally considered for second reading by Council at its November 7, 2022 meeting. After public input, Council remanded the matter back to the Planning Commission for additional public input and sought to have the matter brought back before Council on January 17, 2023. On January 17, 2023, Council approved an extension of time for the Planning Commission and staff to conduct additional public out-reach until March 6, 2023. The attached report summarizes the Commission's and staff's findings related to the requested public out-reach and offer an updated Planning Commission recommended following a new public hearing on February 23, 2023.

## Discussion

Staff has prepared for consideration a proposed zoning text amendment to Chapter 29 of the City Code, commonly known as the Unified Development Code (UDC). Amendment #A1 addresses revisions to two separate sections that regulate drive-up facilities, also known as drive-thru facilities. The sections of the UDC that are impacted by the proposed revisions are 29-3.3 (jj) [Accessory and temporary uses of land and building: Drive-up Facility] and 29-4.3(i) [Drive-through Vehicle Stacking]. The text of this provisions is shown below:

### Section 29-3.3(jj)

- (jj) *Accessory and temporary uses of land and buildings: Drive-up facility.* This use is subject to the following additional standards:
- (1) Any drive-up facility located within one hundred (100) feet of an R-1 or R-2 zone district shall require buffering meeting the requirements of section 29-4.4 (landscaping screening) and along the property line with the R-1 or R-2 district, shall have no speakers facing the R-1 or R-2 districts, and shall have no menu boards or other signs visible from the R-1 or R-2 districts; and
  - (2) All drive-up facilities shall be subject to all applicable noise control ordinances.

### Section 29-4.3(i)



(i) *Drive-through vehicle stacking.* The following standards apply to all properties with a drive-through facility.

(1) *Stacking Space Requirements.*

Table 4.3-4: Drive-Through Stacking Space Requirements		
Activity	Minimum Stacking Spaces (per lane)	Measured From:
Bank, Financial Institution, or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant/Retail Store	3	Pick-Up Window
Full Service Vehicle Washing Establishment	3	Outside of Washing Bay
Self-Service or Automated Vehicle Washing Establishment	1	Outside of Washing Bay
Other	Determined by the Director based on anticipated need and avoidance of traffic congestion on adjacent streets	

(2) *Location and design of stacking lanes.*

- (i) Minimum number of stacking spaces shall be in addition to the space at the teller or pick-up window.
- (ii) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.
- (iii) No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers shall be served in vehicles through service windows or facility located on the non-corner sides and/or rear of the principal building.
- (iv) Drive-through stacking lanes shall have a minimum width of ten (10) feet.
- (v) Stacking lanes shall be set back fifteen (15) feet from rights-of-way.

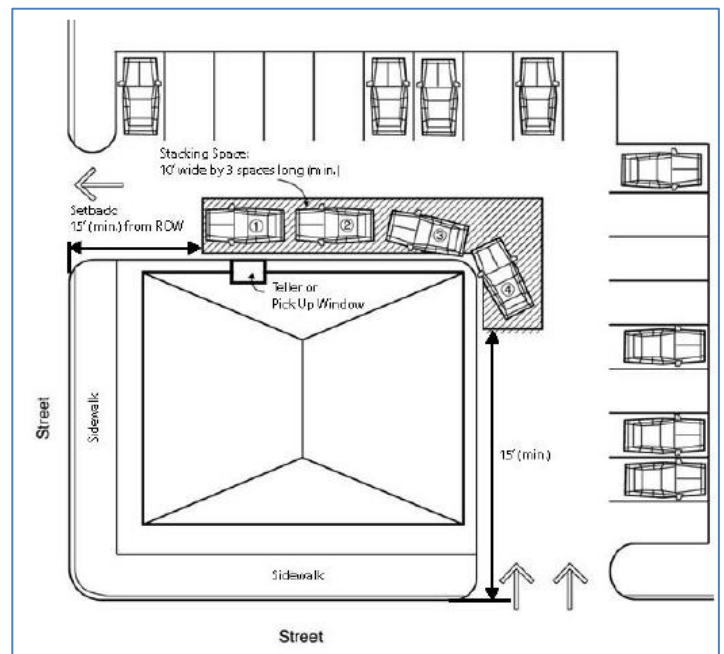


Figure 4.3-3: Stacking Lanes

- (vi) A by-pass lane around the drive-through facility stacking lane must be provided for financial institutions and restaurant/retail uses.

Proposed amendment allows drive-through service window to face street with conditions  
Currently, the UDC outright *prohibits* placing service windows for drive-up facilities on any side of a building that faces a street (see highlighted text). The principal change proposed with this amendment (see attached) is to allow service windows to be located on the sides of a building that face a street when several conditions are met that will screen the service windows. Proposed screening options within the text change to avert a complete prohibition include constructing a porte-cochere or where a significant grade difference exists between



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the public street and building containing the service window make the service window not visible from the street.

In the course of revising the current standards relating to the topic of drive-up facilities, there were additional regulatory changes identified that include adding a purpose statement to provide an explanation for the regulations as well as adding conditional use permit review criteria and standards when such a permit is necessary (typically within M-N [Mixed-use Neighborhood] zoning districts). The proposed conditional use provisions include several heightened standards such as an increased setback (50-feet) from residential districts.

Additionally, new criteria establishing when a transportation impact analysis (TIA) would be required have been proposed in an effort to address possible impacts created by drive-through business on both the internal and external transportation networks surrounding such operations. And, finally, several additional minor changes are proposed that include restating and relocating some requirements found in other UDC sections for easier understanding when looking at all standards applicable to drive-thru facilities.

The table below is a summary of the existing UDC sections that were affected by this proposed amendment. The table provides the section location of the provision impacted, the existing text of that section, and where that text was relocated to. In general, all existing provisions were retained, but were relocated or restated for clarity. The only existing provision that was significantly altered is the current prohibition on service windows facing streets [29-4.3(i)(2)(iii)], which was revised to include new exceptions.

Existing Text Section	Existing text, where it was moved to, and what replaced it
29-3.3(jj)(1)	<b>MOVED TO 29-3.3(jj)(2)(i-iii)</b> - Any drive-up facility located within one hundred (100) feet of an R-1 or R-2 zone district shall require buffering meeting the requirements of section 29-4.4 (landscaping screening) and along the property line with the R-1 or R-2 district, shall have no speakers facing the R-1 or R-2 districts, and shall have no menu boards or other signs visible from the R-1 or R-2 districts; and  <b>NOW</b> - New Purpose statement
29-3.3(jj)(2)	<b>MOVED TO 29-3.3(jj)(2)(iv)</b> - All drive-up facilities shall be subject to all applicable noise control ordinances  <b>NOW</b> – New General Requirements
29-4.3(i)(2)(ii)	<b>MOVED TO 29-3.3(jj)(2)(iv)</b> - Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site  <b>NOW</b> – Previous section 29-4.3(i)(2)(iv) took its place



29-4.3(i)(2)(iii)	<p><b>MOVED TO 29-3.3(jj)(2)(v &amp; vii)</b> - No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers shall be served in vehicles through service windows or facility located on the non-corner sides and/or rear of the principal building</p> <p><b>NOW</b> – Previous section 29-4.3(i)(2)(v) took its place</p>
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The Council first discussed this proposed text amendment at their November 7, 2022 meeting. The amendment was remanded back to the Commission during the Council's November 7, 2022 meeting following comments made by the several members of the community, the Columbia Board of Realtors, (CBOR), and a Planning Commissioner. The remand included the request for review of the proposed amendments in light of the comments within the CBOR letter, to evaluate the amendment against CPTED principles, and to get feedback from neighborhood associations. Three other proposed amendments were passed by Council at that same meeting.

#### First public hearing September 22, 2022

The first public hearing on this amendment was at the Planning and Zoning Commission's September 22, 2022 meeting (although the PZC did hold four work sessions to discuss the proposed amendments prior to the hearing). Staff presented a report on the proposed changes. Two members of the public spoke during this hearing, and one expressed concerns regarding the requirement for a TIA, level of screening required (this is currently required), the prohibition on speakers facing R1 & R-2 districts (currently required), the additional landscaping requirements for drive-up facilities on the street side of a building, the prohibition that service windows cannot face a residential zoning district contained within the conditional use provisions, and the requirements for conditional use drive-up facilities to be "reasonably compatible" with surrounding property.

Another member of the public commented that some of the restrictions should be based on proximity to residential use and not zoning, that screening along streets similar to Stadium Boulevard is unnecessary, that distance should be a factor for allowing drive-through facilities, and that a TIA may be unnecessary in some cases.

The Commission reiterated the main purpose of the amendments - **to allow more options for drive-up facility locations**. They also discussed the requirement for pedestrian crosswalk markings and whether employee entrances would be marked with pedestrian crosswalks. Following additional discussion on the proposed amendments, a motion to approve the #A1 zoning text amendment passed (8-0).

#### Second public hearing February 23, 2023

Following Council's remand of the text amendment on November 7, 2022, the PZC conducted a second public hearing on the matter on February 23, 2023. Staff presented its report on the proposed changes, its response to questions and concerns that were in the letter from Columbia Board of Realtors (CBOR) submitted to City Council, an analysis of the



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text amendments in regards to the City's adopted CPTED principals, and an analysis of public engagement survey on the proposed drive-through revisions from Neighborhood and Home Owners Associations, and from the community at large as well. The full report on these items can be found within the attached PZC staff report dated February 23, 2023 that is attached to this memo.

Five members of the public spoke during the public hearing portion of the meeting. Several concerns about the new provisions were raised, including safety concerns around the porte-cochere provision for general businesses and specifically for banks and ATMs, concerns with the additional landscaping provisions. More generally, several speakers supported the removal of the current restriction on service windows facing streets, without any conditions attached, such as the porte-cochere requirement. One speaker, representing the Chamber of Commerce, was neutral on the amendment, but shared concerns with the survey that was sent out.

Commissioners commented that the new provisions will provide more flexibility for businesses with drive-throughs, and several voiced support for the new TIA provisions, as this will reduce traffic conflicts in and around drive-through establishments and increase safety for pedestrians. Following additional discussion on the proposed amendment, a motion to approve the #A1 zoning text amendment passed (7-0).

The February 23, 2023 Planning Commission staff report, proposed text amendment sheet #A1, survey comments (free-form field), correspondence, CBOR letter, and PR #45-20 (CPTED), and meeting minutes are attached

## Fiscal Impact

Short-Term Impact: None  
Long-Term Impact: None

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
11/07/2022	Passed motion to remand the text amendment to the Planning and Zoning Commission



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3/20/2017

Adopted amended Chapter 29 of the City Code, to be known as the "Unified Development Code". (Ord. 023117)

## Suggested Council Action

Approve UDC text amendment #A1 as recommended by the Planning and Zoning Commission.