



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: February 5, 2024

Re: 209 S. Providence Road – CUP Approval (Case #45-2024)

Executive Summary

Approval of this request would grant a conditional use permit (CUP) authorizing the construction of a 7Brew Coffee Restaurant with a drive-up facility south of Raising Canes and north of Custom Complete Automotive on the west side of S. Providence Road northwest of Elm Street. The proposed request is the applicant's second attempt at securing approval to construct the proposed restaurant and drive-up facility. Per sec. 29-6.4(m)(1)(v) of the Unified Development Code, the applicant was required to secure relief from UDC's design requirements by the Board of Adjustment (BOA) prior to a CUP being considered by the Planning Commission and City Council.

The applicant's original request was submitted in February 2023 and was unsuccessful in obtaining support for all relief from the M-DT (Mixed-use Downtown) form-based requirements that were requested. Following the hearing, the applicant chose to revise the proposed development plan in lieu of pursuing CUP approval. In December 2023, the applicant submitted the revised development plan and an application to the BOA. The revised plan substantially modified the original site layout and reduced the number of variances sought with respect to the M-DT form-based standards. The applicant also sought relief from the requirement that a by-pass lane be constructed in association with the drive-up facility. Following its public hearing, The BOA granted relief to all M-DT form-based standards as well as the drive-up facility by-pass lane.

Given the BOA's relief, the applicant submitted the attached site plan for the CUP approval. A restaurant is a permissible use within the M-DT district; however, the installation of a drive-up facility associated with it requires Planning Commission review/recommendation and Council approval subject to the use-specific standard criteria of sec. 29-3.3(jj) and the CUP criteria of sec. 29-6.4(m) of the UDC.

Discussion

Engineering Survey and Services (agent), on behalf of TKG St. Peters Shopping Center, LLC (owner) and Brew Crew, LLC (Lessor), for approval of a conditional use permit (CUP) to allow a drive-up facility on property located within the M-DT (Mixed Use - Downtown) Urban General West district. The subject site contains approximately 34,945 sq. ft. and is located on the west side of S. Providence Road south of Raising Canes and north of Custom Complete Automotive and is presently addressed 209 S. Providence Road.

A restaurant is an allowed use within the M-DT (Mixed-use Downtown) district; however, a drive-up facility associated with it is considered a conditional accessory use that must have



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a conditional use permit (CUP) issued before it can be constructed. The applicant is proposing to construct a restaurant that is principally focused on sale of coffee. A defining characteristic of proposed restaurant is that it is auto-centric, hence the reason for the requested CUP to allow the drive-up facility.

The applicant's proposed restaurant building is approximately 940 sq. ft. and will include an inside order counter for walk-up customers. The proposed drive-up facilities are located to the rear of the site which are generally not visible from the S. Providence Road corridor. Sidewalk connections and pedestrian seating areas are forward of the building creating opportunity for visual as well as physical connections to the S. Providence corridor. The attached site plan provides a graphic illustration how the site's buildings and its auto-centric features are integrated ensuring separation of pedestrian traffic from vehicular.

The site plan was evaluated for compliance against the provisions of sec. 29-3.3(jj) which define special criteria that are associated with drive-up facilities as well as supplemental conditional use standards that must be considered (see the attached PZC staff report). It should be noted given the orientation of drive-up facility (away from the public right of way) many of the provisions within sec. 29-3.3(jj)(ii)(2) are not relevant. It is further important to note the business model for this "coffee" restaurant does not use menu boards or speaker boxes for taking orders. All orders are taken in person at the auto similar to what occurs at Chick-fil-a locally.

A traffic impact study (TIS) was prepared with this request which was reviewed by the City's Traffic Engineer with specific concern being expressed about the site's private access (i.e. "backage road") and its connection with S. Providence north of Elm Street. This connection point is controlled by MoDOT and may be modified at their sole discretion. Improvement of the site with the proposed drive-up facility may require restriction of turning movements at this location such that the access becomes a right-in/right-out only both northbound and southbound along S. Providence. The traffic study did not indicate that the construction of the restaurant with the drive-up facility would result any excessive impacts upon the adjoining public streets or the private access (i.e. Backage Road). The site contains approximately 16 spaces of stacking (8 per drive up lane).

The subject site is identified within several existing planning documents (i.e. the Providence Road Policy Resolution # 154-05A and the 2010 Downtown Charrette) which express desired improvements to the site. Since adoption/recognition of these documents, the City has updated its comprehensive plan (2013) and its zoning code (2017) to include a form-based district. A drive-up facility was not envisioned at this location in either of the earlier planning documents; however, it should be noted that the site has been vacant since 1968 and is the last vacant tract of land with frontage on S. Providence between Broadway and Stewart Road.

Notwithstanding the existing planning documents and their desired outcomes relative the subject site, this request was evaluated against the backdrop of the current developed conditions and current regulatory procedures and findings such as the request's



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conformance with the M-DT form-based standards as amended by the BOA, the drive-up facilities standards adopted in 2023, and the goals and objectives of the City's comprehensive plan. Following consideration of these factors, staff believes the request is compliant with the standard 6-point criteria required for granting a conditional use (see PZC report for detailed discussion).

A public hearing on this request by the Planning and Zoning Commission at their January 4, 2024 meeting. Staff provided its report. The Commission expressed concern that greater consideration was not given to the 2005 Policy Resolution and 2010 Downtown Charette. There were also concerns expressed about the City's inability to do more to immediately restrict the private access drive's (i.e. "backage road") connection to S. Providence north of Elm and lack of proposed internal sidewalks on the private access drive. The applicant's representative gave an overview of the request providing rationale for why the drive-up facility was appropriate given the existing context and other site features impacting its design. No additional public comments were made.

Following limited Commission discussion, a motion was made to approve the requested CUP to allow the drive-up facility which resulted in a tie vote of (4-4). Per the Planning Commission's Rules of Procedure, a tie vote is a "no recommendation".

A copy of the Planning and Zoning Commission staff report, locator maps, CUP site plan, Planning Commission meeting minute excerpts, Board of Adjustment Board Order, and unofficial Board of Adjustment meeting minute experts are attached for review.

Fiscal Impact

Short-Term Impact: None anticipated. Any costs associated with the extension or relocation of public utility infrastructure will be borne by the applicant.

Long-Term Impact: Minimal. Potential costs may include increased public safety and trash collection services as well as increased public infrastructure maintenance (i.e. electric, sewer, and water) to the site. These increased costs may or may not be off-set by user fees or increased tax collection.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Reliable and Sustainable Infrastructure, Secondary Impact: Resilient Economy, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Economic Development



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Legislative History

Date	Action
12/12/23	Board of Adjustment approval of M-DT form-based and UDC drive-up facility "by-pass" lane standards (Case #25-2024)
2/14/23	Board of Adjustment approval of M-DT form-based standards (Case # 73-2023)
1/16/18	Approved final plat of University Centre Subdivision (Ord. 023462)

Suggested Council Action

No recommendation on this matter has been made by the Commission for Council consideration. A motion to approve this request resulted in a tie (4-4) vote of the Planning Commission which is considered "no recommendation" by the Planning Commission's Rules of Procedure. Staff supports the conditional use, subject to compliance with the site plan exhibit, as a reasonable adaptation of an automobile-oriented use to the Urban-General West form district.