

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
January 4, 2024**

**SUMMARY**

A request by 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. **(Case # 45-2024)**

**DISCUSSION**

***Overview***

The applicants are seeking approval of a conditional use permit (CUP) to allow a 7Brew Coffee Restaurant with a drive-up facility to be constructed on an approximate 35,000 sq. ft. lease parcel south of Raising Canes and north of Custom Complete Automotive on the west side of Providence Road. While restaurants are a permitted use in the M-DT district, drive-up facilities are a conditional, accessory use (CA) requiring review and recommendation by the Planning Commission and final approval by City Council. The subject site is the second “pad-site” to be developed out of the larger 3.26-acre tract of land platted in 2018 as Lot 1 of the University Centre Subdivision. Aside from the proposed development and the Raising Canes restaurant there are no development plans or tenants identified for the remaining undeveloped portion of the overall lot.

Prior to the submission of this CUP request and pursuant to sec. 29-6.4(m)(1)(v) of the UDC, the applicant sought and received Board of Adjustment relief from several M-DT form-based design standards as well as a variance from the requirement to install a drive-up “by-pass” lane in connection with the proposed site improvements. This relief was granted at the Board’s December 12, 2023 meeting and represents the applicant’s second attempt at developing this site with the proposed drive-up coffee restaurant. The applicant’s original request was submitted in February 2023.

The site plan submitted with this CUP application was also submitted to the Board and considered integral in its findings. In rendering its decisions with respect to the M-DT’s “form-based” standards, the Board concluded that the proposed construction met the criteria of sec. 29-6.4(e)(1)(i) & (ii) and offered an opportunity to have the site improved with structures of equal or superior quality and visual interest to those along the same block face. With respect to the requested drive-up “by-pass” lane variance, the Board cited a loss of greenspace, the potential for a more significant elevation variance due to site grading, the loss of car storage if a single-lane drive-up were used, and testimony that the dual drive-up lanes were only activated during “peak” business hours as rationale for waiving the “by-pass” lane installation. The Board also acknowledge that the drive aisle for the on-site parking spaces served as a “by-pass” lane.

While the Board’s approval of the form-based and “by-pass” lane variances were necessary to permit this application to be presented for Commission and Council consideration, the applicants were informed the Board’s actions did not guarantee authorization to improve the site as proposed. Such authorization, pursuant to secs. 29-3.3(jj) and 29-6.4(m) of the UDC, are assigned to the Planning and

Zoning Commission and City Council following consideration of factors from both sec. 29-3.3(jj)(2 & 3) and the standard CUP criteria of sec. 29-6.4(m)(2)(i)(A-F).

If this request is approved it will only be effective upon the approximate 35,000 sq. ft. lease parcel and apply to only the uses shown on the site plan. If additional drive-up facilities are desired for the remaining undeveloped acreage of the overall tract, a separate CUP application would be required.

### ***Proposed/Existing Site Features***

The attached site plan, proposes a development containing a 937 sq. ft. prefabricated restaurant structure surrounded by an outdoor seating patio, a detached cooler structure, and associated drive-up features (stacking lanes/pick up window) to the rear of the site's structural improvements. Additionally, the plan illustrates 10 on-site parking spaces to accommodate drive-in patrons choosing to utilizing the outdoor seating area or for employee use. The parking shown considered all structural square footage as well as the outside seating area when calculating parking demand. The parking shown (auto and bicycle), is compliant with the UDC's standards.

The proposed buildings to be installed on the site are parallel to the S. Providence Road corridor which screens the auto-centric nature of this use unlike the adjoining Raising Canes which has drive-up traffic circulating forward of the building. Given this building orientation, the drive-up facility service windows, stacking lanes, and on-site parking facilities will be screened from the corridor and permit the site structures to be placed as close as possible to the site's adjusted required building line (RBL). Placement of structures closer than 32-feet to the property line is not possible given an existing 28-foot utility easement. While the easement prevents a permanent structure from being located within it, it does not prevent the proposed outside seating area shown on the site plan.

The building orientation and seating area represents a significant departure from earlier designs which were more similar to Raising Canes and less conforming to the M-DT's underlying objective of creating a compact and walkable environment. Furthermore, it should be noted that the proposed main "restaurant" building will include an interior walk-up order counter for patrons visiting the business on foot or other mode of travel. This addition is a significant modification from earlier proposals and shows the applicant's desire to comply with the M-DT's underlying objectives. The access to the interior order counter is from the S. Providence frontage which is fully compliant with the requirement that a functional front door face the public street.

Access to the site is restricted with no access permitted to S. Providence Road. In light of this limitation, a private Backage Road was constructed to access this site as well as Raising Canes and the remaining undeveloped acreage west of the roadway. The Backage Road extends from the access drive to EatWell (i.e.; Locust Street extended) southward between the subject site and Custom Complete Automotive where it ties into S. Providence Road north of Elm Street. To ensure pedestrian connectivity to the existing sidewalk along S. Providence (to be enlarged to 9.5 feet), the applicant will install an ADA-accessible approach to connect the southern end of the 7Brew restaurant building to the existing sidewalk system.

It should be noted that a traffic impact study (TIS) was prepared with this request. The TIS was reviewed by the City's Traffic Engineer with specific concern being expressed about the site's impact to the Backage Road at 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. Should this restriction be enforced by MoDOT, the subject site's as well as Custom Complete Automotive's circulation pattern would be impacted; however, given the Backage Road connects back to the signalized intersection at Locust Street via the EatWell driveway patrons desiring to head north on S. Providence would have an option to do so at a safer signalized location.

The proposed site design and approved Board of Adjustment relief were substantially influenced by the site's physical features and the construction of the existing Backage Road. The interior of the site is to be used for stormwater management features which constitutes the bulk of the site's required greenspace. The location of the drive-up/stacking lanes are positioned such that they meet the Fire Code's drive approach standards as well as permit safe circulation of vehicles around the detention area with minimal additional grading.

The site plan illustrates access to the on-site parking as being designed to only allow in-bound traffic from the Backage Roadway. The plan further illustrates the stacking lanes merging south of the pickup windows and flowing through the drive aisle (the defacto "by-pass" lane) of the on-site parking to the southwest corner of the site. These locations were reviewed by the City's Traffic Engineer and were believed sufficiently located to reduce possible impacts at the intersection of the Backage Road and S. Providence. As noted, MoDOT controls this specific access point and if needed reserves the right to restrict the current intersection to something less than its current "full access".

To ensure compliance with the M-DT's streetscape standards, the applicant is required to install street lighting and street-furniture similar to that installed along the S. Providence frontage of the Raising Canes site. Required street frontage landscaping was previously waived in February 2023 given MoDOT was unsupportive of any plantings within the sidewalk corridor along the site's S. Providence frontage. The attached landscape plan shows landscaping being installed behind the sidewalk along the slope face of the site leading up to the outdoor seating area forward of the site's future structural improvements. This location is consistent with the prior relief granted by the Board. Additionally, the street trees that would have been required within sidewalk tree grates were permitted to be placed within 50-feet of the site's property line with S. Providence. The trees shown on the landscape plan are compliant with this adjusted location and meet the UDC's standards.

### ***Analysis***

As noted above, restaurants are permitted uses in the M-DT district. However, following the adoption of the UDC in March 2017, drive-up facilities became a conditional, accessory use in the M-DT as well as the Mixed-use Office (M-OF) and Mixed-use Neighborhood (M-N) districts. A drive-up facility is a permitted accessory use in the Mixed-use Corridor (M-C) and Industrial (IG) districts. Prior to 2017, drive-up facilities were considered a customary accessory use to any retail business or restaurant. The conversion to a conditional accessory use was in recognition that such site features often impact pedestrian movements and that additional consideration of those impacts were necessary. Drive-up facilities, regardless of zoning location, are also subject to the use-specific standards of sec. 29-3.3(jj) and the Drive-Through Vehicle Stacking (inclusive of a by-pass lane) standards in sec. 29-4.3(i). Finally, when a drive-up facility is a conditional accessory use, prior to allowing such facility to be constructed it must also be evaluated for compliance with the provisions of sec. 29-6.4(m) of the UDC

Given the site's location within the M-DT district and the applicant's intent to improve the site with a drive-up facility, the following analysis is provided to illustrate the proposed development's compliance or non-compliance with the use-specific standards of sec. 29-3.3(jj)(2 & 3) and the conditional use

standards of sec. 29-4.6(m)(2)(A-F) of the UDC. As noted, the Board of Adjustment has granted a variance to the required “by-pass” lane under their delegated authority. As such, the following analysis will not include further discussion of that matter.

Drive-up Facility Use-specific standards analysis – secs. 29-3.3(jj)(2) & (3)

Following evaluation of the general requirements of sec. 29-3.3(jj)(2), staff finds that the proposed drive-up facility is compliant with items (2)(i) through (2)(vii). The subject site is not within 100-feet of R-1 or R-2 zoning, it does not propose order boards or speaker boxes, no services would be rendered or deliveries made within a required front or side yard, the proposed stacking lanes do not interfere with on-site parking, and the service window(s) are not facing a public street.

With respect to general requirement 29-3.3(jj)(2)(viii), a traffic study was conducted with respect to the site’s proposed improvement with a drive-up facility. The study did not identify substantial transportation impacts to the studied intersections or traffic circulation. The study did recommend that if traffic impacts are greater than anticipated at the Backage Road’s intersection with S. Providence that restriction of northbound left turns into or out of the Backage Road may be warranted. Such restriction could be accomplished by either installation of a median within S. Providence or a channelization island within the Backage Road’s approach to S. Providence. As noted, this specific intersection is controlled by MoDOT and access restrictions regardless of present or future traffic conditions is within their sole discretion. At the time of report preparation MoDOT had not established a specific desired outcome regarding this access point.

Following evaluation of the supplemental conditional use criteria defined in sec. 29-3.3(jj)(3)(i-vi), staff offers the following observations:

- (i) The location of the proposed service window(s) would face adjoining R-MF zoned land, approximately 300-feet to the west and 80-feet to the south, that is presently improved with the Columbia Cemetery. West of the Backage Road is an undeveloped acreage tract that is the remainder of the parent parcel from which the subject site is being leased. Upon development of this tract, visual access from the R-MF zoned property may be restricted limiting possible noise or lighting impacts. The subject site’s proposed landscape features as well as trash enclosure provide a visual break from this property as well as to the service window(s) of the drive-up facility.
- (ii) The location of the drive-up facility inclusive of the stacking lanes, menu boards, and service window(s) is greater than 50-feet to residentially zoned land. R-MF zoning is to the south approximately 80-feet away from the stacking lane exit and approximately 108-feet west of the site’s lease boundary. Landscaping features are proposed along the perimeter of the site’s primary improvements to screen proposed on-site circulation as well as parking.
- (iii) The attached site plan provides a clearly delineated and marked crosswalk for drive-in patrons. The proposed drive-up facilities business model is principally vehicular in nature.
- (iv) The surrounding properties are developed with auto-centric uses. The EatWell (northwest), Raising Canes (north), and Custom Complete Automotive (south) have significant vehicle storage areas. The submitted site plan indicates approximately 71% of the site will be impervious which is consistent with the impervious area of Raising Canes. While the structural improvements associated with the proposed drive-up facility are significantly less in overall square footage than the adjoining development, this reduction in size is not viewed as incompatible given the business model of 7Brew is almost entirely auto-centric. The construction of the Backage Road was designed as the subject site’s sole point ingress/egress

given access restrictions to S. Providence. The required traffic study has not identified a degraded level of service (LOS) at any studied intersections or roadways serving the site; however, did note that possible access restrictions at the Backage Road and S. Providence may be necessary in the future if traffic conditions warranted such action.

- (v) The proposed site plan shows a circulation pattern that moves potential traffic conflict points to locations furthest from the primary street network to locations that afford for safe vehicular movement to and from the site. Internal sidewalks and a striped pedestrian crosswalk have been incorporated to ensure safe internal pedestrian movements. The site plan also shows an ADA accessible sidewalk connection to the existing S. Providence sidewalk that allows patrons to access the site without crossing traffic entering the property from the Backage Road or S. Providence.
- (vi) The applicant has provided a site plan that contains a majority of the required criteria; however, the plan does not identify the existing R-MF zoning abutting the parent parcel or the hours of operation. The submitted traffic study indicates that the site has stacking lane capacity for a total of 16 vehicles and that based on observed AM peak hour demands for a similar location in Springfield, Missouri the maximum observed queue was a total of 14 vehicles.

In addition to consideration of the above criteria, the requested drive-up facility must also be evaluated for compliance with the conditional use permit criteria shown in sec. 29-6.4(m)(2) of the UDC. The commission may recommend and the council may grant a conditional use permit which includes any conditions deemed necessary to carry out the provisions and intent of the UDC. Following each criterion is staff's analysis.

**(A) The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located.**

The site plan complies with the provisions of the M-DT district, as modified or waived, by the Board of Adjustment. The design of the building is consistent with the required fenestration and transparency standards of the Urban General-West frontage designation. It should be noted that the Board of Adjustment granted reduced building height for the main restaurant building and authorized the detached cooler to function as a "street wall" to screen the drive-up facility stacking lanes. As noted in the Overview section of this report, the Board's actions were based on the finding that the proposed construction offered an opportunity to have the site improved with structures of equal or superior quality and visual interest to those along the same block face.

Additionally, as noted, the Board also approved a variance granting fully waiver of the required drive-up facility "by-pass" lane. Given this action, the site plan does not illustrate one being provided. The Board's decision to grant this relief was based on findings that requiring such feature would reduce greenspace, require more significant M-DT "form-based" relief due to grading, reduce on-site car storage in the stacking lanes, and testimony that the dual drive-up lanes were only activated during "peak" business hours. The Board also acknowledged the drive aisle within the on-site parking area functioned as a "by-pass" lane.

**(B) The proposed conditional use is consistent with the city's adopted comprehensive plan.**

The Comprehensive Plan identifies this property as lying within the "City Center" district which is defined on the city's zoning map as M-DT (Mixed-use Downtown). This designation supports

mixed-uses built at a pedestrian scale and would include the city's central business district (CBD) which is comprised of office and commercial areas. This site is located on the western edge of the CBD and is improved with more suburban development and uses that are principally auto-centric and heavily influenced by the presence of North and South Providence Road.

The M-DT zoning district was established as the city's "form-based" district where development is intended to be mixed-use and pedestrian-oriented. The district relies on the interaction between building form with the public realm (i.e. sidewalks/streets) and focuses less on the actual uses within the buildings fronting this space. Typically speaking, an auto-centric use such as a drive-up facility would be discouraged within the M-DT district given such uses often creates hazards for pedestrians and reduces opportunities for interaction within the public realm given the priority afforded to vehicles.

However, the submitted site plan shows that the auto-centric nature of the proposed restaurant with the accessory drive-up facility places priority on the structural improvement's interaction with the S. Providence corridor. The auto dominant feature of the site (i.e. stacking lanes and service windows) are to the rear of the buildings and the pedestrian spaces are to the front. These pedestrian spaces are connected visually as well as physically to the proposed restaurant via the enhanced sidewalk corridor along S. Providence and connections to that corridor from the main restaurant building itself.

These features, coupled with the Board of Adjustment's grants of relief, are what make the proposed construction compliant with the underlying intent of the M-DT district. While the proposed restaurant with the drive-up facility is not fully consistent with a walkable environment, the design of the uses does no harm in promoting those objectives. The environment within which this use is proposed to located is presently not considered generally walkable and is highly influenced by existing long-term land uses that are not presently seeking redevelopment. Moving toward creating development that is compatible with the surrounding environment while at the same time meeting the underlying objectives of enhancing pedestrian interactions and the pedestrian realm is believed to have been met with this proposal.

Finally, approval of this request would address several Comprehensive Plan goals and objectives such as prioritizing "infill" development versus encouraging commercial sprawl, enhance mobility, connectivity, and accessibility by upgrades to the existing public sidewalk network, and support economic development by supporting entrepreneurial ventures.

- (C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site.**

As indicated within the applicant's correspondence and presented within their associated visuals, the proposed 7Brew will be consistent with the current development patterns within the surrounding environment. Consideration of the architectural features and scale of the future construction on the site were evaluated by the Board of Adjustment relating to these factors. After considering the testimony given, the Board concluded that the proposed development's character would result in development of equal or superior quality and visual interest to the surround development on the same block face.

Furthermore, in evaluating the proposed site plan's landscaping features, it has been concluded that the improvements shown are consistent with the requirements of the UDC. The placement of these features will provide added visual interest along the S. Providence corridor and provide necessary screen of interior auto use areas within the site.

**(D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion.**

The subject use required the submission of a traffic impact study (TIS). The TIA has been reviewed by the City's and MoDOT's Traffic Engineers with the only finding of concern being that turning movements at the intersection of the Backage Road and S. Providence north of Elm Street may need to be restricted at some point. The TIS findings otherwise indicated that the proposed restaurant with the drive-up facility will not degrade traffic movements or the level of service (LOS) along the Backage Road or surrounding roadway network. The Backage Road was installed and intended to be the principal access to the subject site and will be shared by Raising Canes and a future user of the undeveloped property to the west. The Backage Road has access to a signalized intersection allowing for safe vehicle movements north or south along the Providence corridor. Should restriction of turning movements become necessary the site will retain southbound ingress/egress from the site.

**(E) Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided.**

The site is served by sufficient public infrastructure to support its future development. Infrastructure relocation or extensions may be required; however, no capacity limitations have been expressed that would impact the site's use as shown. Given the high level of impervious surface on the site, stormwater detention will be required and sized to meet the city's regulatory standards. The proposed detention facility shown on the site plan will be verified for sufficient sizing at the time of permit submission.

**(F) The proposed conditional use will not cause significant adverse impacts to surrounding properties.**

It is staff's belief given the surrounding land use environment that the proposed construction of the restaurant and the drive-up facility will not cause significant adverse impacts to the surrounding properties. While the proposed development may accelerate MoDOT's desire/need to restrict access at the intersection of the Backage Road and S. Providence, any other type of development on the subject site or the undeveloped property to the west of the Backage Road may have as well. If such restriction is necessitated, the parcels impacted will still have the ability to exit the Backage Road and head northbound on Providence at the Locust Street signalized intersection. Notwithstanding this potential inconvenience, requiring traffic desiring to head northbound on Providence at the signalized intersection is a safer situation and is not viewed as an overwhelming negative impact warranting denial of this request.

## **RECOMMENDATION**

Approve of the requested CUP to permit a drive-up facility to be an integral feature of the proposed 7Brew Coffee restaurant subject to:

1. Substantial compliance with the site plan dated 12/29/23
2. Installation of a traffic control device, if required and approved by MoDOT, that would restrict northbound traffic movements at the intersection of the Backage Road and S. Providence Road north of Elm Street as recommended by the TIS.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator Maps
- Site Plan
- Applicant Correspondence
- Surrounding Development Exhibit

## **SITE CHARACTERISTICS**

<b>Area (acres)</b>	34,945 sq. ft.
<b>Topography</b>	Sloping southeast
<b>Vegetation/Landscaping</b>	None
<b>Watershed/Drainage</b>	Flat Branch
<b>Existing structures</b>	None

## **HISTORY**

<b>Annexation date</b>	1826
<b>Zoning District</b>	M-DT (Mixed-use Downtown), Urban General West
<b>Land Use Plan designation</b>	Central City
<b>Previous Subdivision/Legal Lot Status</b>	Platted, University Centre Subdivision Lot 1

## **UTILITIES & SERVICES**

Site served by all City services.

## **ACCESS**

<b>S. Providence Road</b>	
<b>Location</b>	Along east side of property
<b>Major Roadway Plan</b>	Major Arterial
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalk upgrade required

<b>Backage Road</b>	
<b>Location</b>	Along west side of property
<b>Major Roadway Plan</b>	Not classified (approximately 26-foot travel lane)
<b>CIP projects</b>	N/A
<b>Sidewalk</b>	N/A



**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Approx. 840-feet to MKT Connector and 2,400-feet to Douglas Park
<b>Trails Plan</b>	MKT
<b>Bicycle/Pedestrian Plan</b>	Future Pedway along the S. Providence Corridor

**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 December 18, 2023. 7 letters were distributed. Public hearing ad published within the Columbia Tribune on December 19, 2023.

<b>Notified neighborhood association(s)</b>	None
<b>Correspondence received</b>	None

Prepared/Approved by Patrick Zenner