

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**JULY 20, 2017**

MS. LOE: We have case 17-166. So at this time, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to Case 17-166 to please disclose that now so all Commissioners have the same information to consider on behalf of the case in front of us.

Mr. MacMann?

MR. MACMANN: Just for general knowledge, Pat Kelley, the Ridgeway Neighborhood Association -- I believe she serves as Secretary, has approached me about wanting to speak before us. She didn't tell me what that was about, but she did mention it twice.

MS. LOE: Thank you. Any additional ex parte from Commissioners? Seeing none. Mr. Zenner, may we have a staff report, please.

MR. ZENNER: I will turn the floor over to Mr. Palmer, who will give that report.

MS. LOE: Mr. Palmer. Thank you. Oh, case. Let me read the case description.

**Case No. 17-166**

**A request by Simon & Struempf Engineering (agent) on behalf of Bisk, LLC (owners) for approval of a PD development plan to be known as "Bisk, LLC Coffee Shop PD Plan." The site contains 0.34 acres and is located at the southwest corner of the intersection of Providence Road and Forest Avenue.**

MS. LOE: Mr. Palmer, may we have a staff report, please.

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends denial of the requested rezoning and PD plan.

MS. LOE: Thank you, Mr. Palmer. Are there any questions for Mr. Palmer at this time?

Mr. Stanton?

MR. STANTON: Oh. That's Hickman, sir. This is Hickman -- Kewpie Country.

MR. PALMER: I caught myself and will never make that mistake again. I live really close to Rock Bridge, so I see high school and I think Rock Bridge.

MR. STANTON: We can't make that -- we can't make that -- we can't make that mistake again.

MR. PALMER: I'm sorry. I'm sorry.

MR. STANTON: Okay.

MS. LOE: I think that point has been made. Mr. MacMann?

MR. MACMANN: I had a clarification. Planner Palmer, could you review the future traffic flow on

Forest if it were to become a bike boulevard again for me? Did you say that it would be -- the bike boulevard in an east only discharge?

MR. PALMER: Uh-huh.

MR. MACMANN: When it becomes a bike boulevard, is that what you said?

MR. PALMER: Right. Correct.

MR. MACMANN: And there are no other options given the width of that street and the existing positions of the buildings and this potential plan?

MR. PALMER: Not that I'm aware of. When I spoke with the traffic division, they said it was -- it would be east only and it would be left only -- or, I'm sorry -- right only exit onto Providence, so you wouldn't be able to make a left turn onto Providence from there. And if you look at the plan, there's a future pedestrian crossing by others. That's the -- the improvement that would be made there to block that intersection from left turns from Forest or onto Forest.

MR. MACMANN: So the similar type intersection that we're contemplating on Broadway and Stewart for the --

MR. PALMER: I believe so, yes. And we have the one on College and Ash, I believe.

MR. MACMANN: Right. Oh, thank you very much.

MS. LOE: Ms. Burns?

MS. BURNS: In looking at this plan, and this might be something that the applicant can answer, where is the drive-through window? Am I just missing it or is it --

MR. PALMER: Yeah. It would actually just be attached -- I mean, it's part of the building and it would be on the north side.

MS. BURNS: On the north side of the building. And I -- because I'm wondering what the stacking coming off of Providence.

MR. PALMER: Uh-huh.

MS. BURNS: I didn't know how far to --

MR. PALMER: That was one of our concerns also, and that's where the -- the placement came from was to put it as far away from the entrance as possible and still leave room for you to turn and make the exit to the north.

MS. BURNS: And the other thing that I don't see, perhaps I'm missing it, is parking.

MR. PALMER: Oh, it's on there.

MS. BURNS: Is it on there?

MS. RUSHING: Yeah. Uh-huh.

MR. PALMER: Yeah. It's just a little frontage there.

MS. BURNS: Oh, I'm sorry. I see. Thank you. I'm, like, there's no parking.

MS. LOE: Any additional questions for staff?

MS. RUSHING: I just want to clarify what I think you said, that they could do -- they could rezone

to M-N, at which point they would need a conditional-use permit for the drive-through?

MR. PALMER: Correct.

MS. RUSHING: Okay. So they're -- they're just two different approaches. And so, what is the staff's concern with the PD approach as opposed to the M-N?

MR. PALMER: The use of PD here is just not consistent with the intent of the PD zoning designation.

MS. RUSHING: It seemed from what you read to me that it was.

MR. PALMER: Insomuch that it would allow the limitations that the neighborhood discussed with the owner, yes. But, overall, like I said, the -- the use of the PD is to meet unique circumstances on particular sites and as -- as this would be able to -- I'm sorry. As this would be a -- tongue-tied again. This would be a permitted use on an M-N zoned lot. And so -- except for the drive-through, of course. So this PD is basically just one way, and I'm not saying this is what's being done here, but it would be a way for the applicant to get a variance through the use of a PD for that drive-through and, you know, amongst other reasons. But the -- the use of a PD here is -- is just not consistent with the intent of the PD district, I guess. If you want to expand on that a little.

MR. ZENNER: And I can if the Commission would like. Mixed-use development is typically what we would like to see within a planned district per the UDC. It's a single use. It does suggest through the plan approval process modification to the parking standards, and that's one thing Mr. Palmer didn't bring up. This 2,400-square-foot building with a drive-through facility on it is required to have a total of one space per 150 square feet. There are eight parking spaces shown on this. It's 50 percent less parking. You don't get that through a standard rezoning request, or you don't get that through a standard site plan approval either. So what we are trying to do is potentially put a single-use building on a parcel to create a drive-through and ask for a series of additional reductions on a parcel that has no unique characteristics associated with it, which is, I believe, what Mr. Palmer is trying to articulate. This could be accommodated within the M-N zoning district in a neighborhood fashion which, based on the understanding that we have from the Ridgeway Neighborhood Association's comments as well as those provided by the applicant, they want a coffee shop. They want a neighborhood use here. That can be accommodated outside having to grant through a plan approval process a whole series of variances that are tied to a single use of a property. We have other options to put this building elsewhere on the property, as well, to create a walkable environment, not a traffic generating or traffic demanded environment. Therefore, solely based on the intent statement of our planned district process, it is inconsistent with the intent, one, and then it is able to be accommodated in any other commercial zoning district that we have. They could seek variances, but hardships would have to be created and justified for that through our Board of Adjustment. I think the bottom line is is when it comes to a planned district, we view them as needing to be used on environmentally constrained, sensitive properties where we're looking at something that the -- that the regular zoning provisions don't allow. You have a use, you have

somebody that wants to build on this property, but I can't pigeon-hole myself into an existing use that's already in another zoning district. I have something so unique, I need extra relief. There is no extra relief here, in staff's opinion. And there is no reason in our mind, based upon the other conditions that surround this property either that we should, by right, approve a drive-through in this location, which is what this plan requests you and then ultimately City Council to consider when, in fact, a drive-through here, in our humble opinion of staff looking at the analysis and the other impacts is wholly inappropriate. If we want a neighborhood use, we need to create a neighborhood zoning district for it. We need to eliminate a drive-through, and we need to use just a standard zoning classification to accomplish that. Planned districts, as you all are aware, are extremely labor intensive process from an administration. They then have to track for life. Where you have straight-zoned properties that don't offer anything unique that require that type of consideration, why not use what our code already offers in its basic provisions. And if an applicant needs relief, they either need to adjust their building form or they need to seek adjustments from the Board of Adjustment.

MS. RUSHING: And if they were to zone M-N and ask for a drive-through, then they wouldn't have a sufficient number of parking spaces, so they would also need a variance for that?

MR. ZENNER: And that variance would not be able to be granted from the Planning Commission. That would be a Board of Adjustment variance. If what we are trying to create here is really something for pass-by traffic, which is what the drive-through generally would connote, the building square footage may not necessarily need to be as large as it is and then you could possibly meet the required parking standards.

MS. RUSHING: But if you want a mixed, you know, neighborhood-friendly and drive-through, then you have a conflict as far as space concerns?

MR. ZENNER: That's possible, but I would suggest to you if you look at some of our Starbucks that we have here in town, Starbucks has a much smaller footprint and they probably have just the exact same characteristic that you could get here without having to be in a planned district.

MS. LOE: Any additional questions for staff? Mr. Stanton?

MR. STANTON: So staff doesn't have a problem with the function. It is a problem of how they're approaching achieving that goal of a coffee shop. We need to eliminate the drive-through, period. It needs to be more like a corner store, local traffic primarily, would make staff more favorable for this?

MR. PALMER: Yeah. I think, like it was said, the -- the M-N district would allow the coffee shop and we feel like that would be an appropriate use here. But as far as the overall impact associated with the drive-through, it's -- it's --

MR. STANTON: Off the table?

MR. PALMER: Yeah. It's a little bit more than what we're -- we're bargaining for here, I think.

MS. RUSHING: But, realistically, if you're not allowing a drive-through, then you have -- and let's say they would have the same number of customers, which I think may not be the case. But then you

have people pulling up to parking spaces and getting out of their car, and that would seem to be a lot more disruptive than people driving through a drive-through.

MS. LOE: Mr. Stanton?

MR. STANTON: I disagree. I think -- I think a lot of that traffic is going to be local foot traffic. There is businesses all around there that -- that would either walk there, or park, sit, chill in, you know. I mean, I disagree with that.

MS. RUSHING: Okay.

MR. STANTON: So -- and like Mr. Zenner said, Starbucks are on a way smaller footprint and they have constant traffic wherever they are.

MS. RUSHING: But they have drive-through.

MR. STANTON: The one downtown on Ninth Street doesn't.

MS. RUSHING: Does not. But all the others, I think, do.

MR. STANTON: The one in Barnes & Noble doesn't, so I disagree.

MS. LOE: Any additional questions for staff? Mr. Zenner, I had one follow-up question. If they did not have the drive-through would the one in and out driveway on Providence be sufficient? In other words, could they eliminate the driveway onto Forest Avenue?

MR. ZENNER: I'd have to confer with the fire service given that that access may be necessary in order for them to feel comfortable with the property. The depth or the length of the property with its frontage on Providence may be more than they would prefer to have just a single point of ingress and egress, though elimination of that with the proper turnaround would potentially be compliant with our code and, as a result of that, you would be able to gain potentially some additional parking spaces through just a reconfiguration. Reorientation of the building also, if you were to use the neighborhood pedestrian-oriented standards, which would allow you to bring that structure forward to the corner making a more prominent and usable outdoor patio space potentially that plays better to the high school and those users may be also something that would be warranted or maybe worthwhile to explore. That, however, would also, from a site-design perspective, place your parking back towards the adjacent residential, which would -- it has that exchange side of it. What's positive, what's negative, to potentially utilizing that pedestrian-orientation standard within the M-N zoning district. I think really we've hit the nail on the head here. The use isn't the issue, it is how much of the use you're trying to put on this property and what accessory pieces are you trying to combine with it. Neighborhood -- M-N will allow not just the coffee shop as a standard use, it will allow redevelopment potential for the property based on that square footage, much easier administration over time, and I think facilitate or at least be able to achieve what Ridgeway is desiring, and that's to have a walkable -- a walkable type of retail business. Additionally, and we didn't comment on this in the staff report, as the policy resolution as it relates to Providence Road is somewhat either not applicable anymore, since we have adopted the brand-new UDC, but along Providence and the Providence corridor policy resolution, specifically really dissuades and frowns upon

the addition of any more drive-throughs along the corridor. And, therefore, if we were to revert or look back to what our prior planning activities or Council directions have been not only to the corridor policy resolution deal with drive-through types of facilities, it also dealt with signage and a variety of other things which the new UDC covers, in certain respects, this particular project would not even comply with the policy resolution standards. But we did not focus on that, we focused more on the intent of our PD statements and our abilities within the existing zoning in this report as to why we do not support its request.

MS. LOE: Thank you. Any additional questions? All right. At this time, I would like to open up the floor to public comment.

#### **PUBLIC HEARING OPENED**

MS. LOE: If anyone has a desire to speak, please come up to the podium and state your name and address for the record.

MR. SIMON: Hello. Keenan Simon, 210 Park Avenue, a Hickman High School alumni. Just kidding. Sorry. Geez. You know, I'm here representing Bisk, LLC. You know, I want your guys support, or my client wants your support with having this PD plan move forward because of some unique circumstances. Before I get into that, I kind of want to just give a background of Bisk. Yousef, who is here tonight, and his partner, Mohammed, are already involved in the neighborhood over at Ridgeway. They recently renovated George's Steakhouse into Columbia Laundry. This is a clean, professional business. They interact with the public, with the neighborhood association, and a lot of these people they know by first names. And they also have a pretty good community presence with their business. They have a public library there, as well as a community bulletin board. You know, three, four months back, Yousef came to me and he asked me, do you have any ideas of how we can develop this piece of property and this is the zoning I have. And I told him, well, you know, first off, you need to talk to the neighborhood and figure out what they want because that's really going to dictate where this goes and what you can do. He's kind of had some ideas for some office space there, because it was already zoned M-OF, but he wasn't really wanting to be a landlord. He wants to run a business. With -- with getting to know him, he obviously has a love for coffee, and this is something that he's wanted to pursue is my understanding, and moving forward, he does want to have this property developed into a coffee shop. We have had three meetings with the neighborhood association looking at this ground and how to develop it appropriately. We've revised this numerous times in regards to some of the City comments and some of the neighborhood association comments, as well. The main reason why the City isn't supporting this as a PD plan is, number one, because we are -- the uses we're using in the PD plan that the City doesn't like is, number one, the neighborhood association wants to protect their community in regards to any sort of future development with this property, so they want restrictions for what this could turn into. They're not interested in having it be a corner general store or a liquor store or anything of that nature that also falls into the category of M-N. Well, a liquor store doesn't fall in that category, but you

kind of get my point. So we kind of worked with them in regards to establishing what zoning they would enjoy having in their neighborhood in the future, especially if, for some example, this went under or they decided to redevelop it in the future because it's essentially in their backyard. And with this situation, we really can't make everyone happy and we're going to lean on the side of the neighborhood association and try and get them to accept us in -- as they have already with his previous business, and moving forward with this plan we believe is -- is the right action. I do understand that there is an additional conditional use that we could apply for if we did do M-N for the drive-through. We've -- we've worked with the community as -- the neighborhood association in regards to having a right-hand turn only with a curb barrier to direct traffic right back out to Providence. That's a very short stretch in regards to the amount of traffic that's brought into the neighborhood. It's approximately, I believe, like 120 feet that the traffic would get onto to Forest and then make a right-hand back out onto Providence. From some of the surveying that he had done over at Hickman, we believe the majority of the traffic that we would get in this area is foot traffic, but they also have to have a sustainable business to stay employed and employ people in the area with a coffee shop, and they felt like having the drive-through and having people coming off Interstate 70 heading to the downtown corridor, this would be an area where they could pull, get a cup of coffee, and then continue to downtown. So having the drive-through is kind of insurance for my client to be able to have a sustainable business, you know. Are there any other questions that you have in regards to this PD plan or this layout?

MS. LOE: Ms. Burns?

MS. BURNS: I had one question. Did you consider, when you were thinking about the drive-through and the through traffic, about 20 minutes each day during the school year, Hickman shuts down Providence Road to get the buses in and out --

MR. SIMON: Uh-huh.

MS. BURNS: -- from about five to 4:00 to about 4:15. So I'm thinking about the stacking that would occur on Providence, also on Forest, as people are -- because it's pretty much right across from where Forest is. There are police officers out there directing traffic so the students and the buses can get out safely. But 20 minutes is a long time for your customers to be waiting or traffic to be held up. So I don't know if that was a consideration when you looked at your through plan?

MR. SIMON: No. No. It definitely was, and the H.A.W.K. pedestrian way only allows right-hand turn traffic out. So, therefore, they're going one direction that those buses can exit Hickman and any traffic that connects at Hickman. Same with off of Forest Avenue. So, potentially, it -- you know, it reduces that conflict of a left-hand turn stacking, you know, at that business at that location, if that makes sense. The -- if you'll look there, it's the -- it's the future pedestrian crossing. I think the project is getting approved through MoDOT. It's federal funding. My understanding is it's pretty well a done deal. They've acquired all the easements for the project, so it should be happening in the near future.

MS. BURNS: My concern was just that it -- during that time period, sometimes both lanes are

shut down as the officers are out there directing traffic, and that could be a problem for your drive-through.

MR. SIMON: I think that the intent with the -- with the right-hand turn only is to prevent them to have to actually shut down the intersection to make those buses make a left-hand turn out of Hickman, and that movement is, you know, removed with this -- this right-hand-turn only, I guess, median that's going to be in the middle of Providence, if that makes sense.

MS. BURNS: Oh. I don't know about the median, but thank you.

MR. SIMON: That's -- so if you look at the display up there, the brick --

MS. LOE: So just to clarify, you're saying that only northbound traffic would have to be controlled by police officers in the future because of the median?

MR. SIMON: Well, I think -- yeah. I believe, essentially, they're trying to remove the police officers to --

MS. LOE: All together.

MR. SIMON: -- all together to be -- to stop the intersection for traffic so that, you know, everybody is making a right-hand turn only, that you're not waiting behind someone that's trying to make a left-hand turn out of that exit. It's making the traffic purposely make a right-hand turn, which should move that along a little bit quicker as far as exiting Hickman High School there is my -- my understanding.

MS. LOE: Thank you. Mr. MacMann?

MR. MACMANN: Just real quickly. That's -- and staff might know the answer to that question. That project is scheduled for completion around 24 months; is that -- do you know this? I've heard the number and I can't remember. I'm sorry. I'm just trying to give a relative --

MR. SIMON: I do know -- I don't know the time line --

MR. PALMER: I don't know that I saw a time line on it, either.

MR. SIMON: Essential, when I was -- whenever we went to MoDOT and went to the City of Columbia, as far as dictating where the entrances would go for development of this piece of property, they have -- the plans are going through the final review for MoDOT, so I believe it's -- it's well on its way. I think the 24-month process was started about two years ago because that's whenever they -- they acquired the easement for that on the property is my understanding. It was about 18 months.

MR. MACMANN: Just trying to get a -- a sense of the --

MR. SIMON: Yeah.

MS. LOE: Mr. Stanton?

MR. STANTON: No. I'm just -- thank you.

MS. LOE: No. Thank you. All right. Any other questions? If not, I had a question. Can you just reiterate what the main purpose the drive-through serves?

MR. SIMON: The main purpose of the drive-through serves, the intent to capture customers that are visiting downtown Columbia. They're coming off Interstate 70, heading south. And there's a



presence of a coffee shop there, because there's really no coffee shops along Providence. They would, you know, make a right-hand turn motion in. We provide enough stacking for about ten or twelve cars, which would -- is pretty substantial. I think new UDO requires stacking of four to six, if I'm correct. I'm not 100 percent sure as far as minimums go.

MS. LOE: How much -- I can't quite read the dimension. What's -- what's the backup lane behind the 90-degree parking?

MR. SIMON: It's 24-foot wide.

MS. LOE: So cars could not get out -- is that part of your stacking area?

MR. SIMON: The stacking area would be up -- up against the curb that runs at the front of the building.

MS. LOE: But that's inside that 24 feet?

MR. SIMON: That is correct.

MS. LOE: All right. So cars that are parking couldn't get out while cars were stacked?

MR. SIMON: It's for -- a 24-foot drive is substantial for two lanes of traffic.

MS. LOE: Yes. But you need at least 24 feet for a car at 90 degrees to get out -- back out of a 90-degree parking spot.

MR. SIMON: Potentially, I could see where there -- we might have to adjust to allow some additional room at the frontage there. But as far as having a major conflict with being -- not being able to essentially back out, I don't --

MS. LOE: That's the minimum standard I'm used to working with. I had another question on the placement of the building. Did you present any options to the neighborhood that did show the building located at the street edge?

MR. SIMON: Yes. Yeah. We did that -- a couple, actually. And the issue with that is if we were to place a drive-through on the property, essentially the driver is on the -- the left-hand side of a vehicle, and they would -- they would need to, I guess, pick up and pay on the front of the building, if that makes sense. So if we were to shift the building to the front of the property and have a drive-through on the rear of the building, the issue occurs of payment and receiving of coffee through the passenger window, if that -- if that makes sense.

MS. LOE: Is there one window or two?

MR. SIMON: There's just one window.

MS. LOE: All right. Is there an order spot or no?

MR. SIMON: As of right now, we haven't 100 percent worked out the details in regards to if there would be an order. We are -- we are going to have one single window for pay and pickup.

MS. LOE: Did the neighbors, were they able to see the plan with the building located at the -- at the sidewalk?

MR. SIMON: Yes. Yeah. We --

MS. LOE: Were there comments?

MR. SIMON: In regards to having the building at the frontage?

MS. LOE: Versus a suburban or a setback model, so more pedestrian model versus a parking-lot model.

MR. SIMON: Yeah. I mean, the neighborhood association has been great to work with. And, you know, what it really came down to is being able to have a sustainable business. Whenever we decided to move forward with the coffee shop, having a drive-through was one of the items that the client feels is imperative to make sure that he can be profitable at that location and make sure that he has enough customers to stay open.

MS. LOE: I understand that, but you -- one of the -- one of the items that you mentioned that I thought was compelling was that you've been working with the neighbors, and I was interested in comments they had about design when the building was located at the street.

MR. SIMON: Essentially, we revised having the building at the frontage of the street due to the functionality of the business of a coffee shop.

MS. LOE: Thank you.

MR. SIMON: If that makes sense, yeah.

MS. LOE: I -- completely.

MR. SIMON: Yeah.

MS. LOE: Any other questions for this speaker? None. Thank you.

MR. SIMON: Yeah. Thank you.

MR. DARKHALIL: Good evening. Yousef Darkhalil, 12B Business Loop 70 East. You know, I -- like Keenan said, I wasn't sure what I'm going to do with this property, just put some office building on it or not, but there is plenty of offices over there on Business Loop. But when -- when I was working on the laundry mat on Business Loop, there's not a good cup of coffee around there, so I have to go all the way downtown, park, get out of the car, and buy a cup of coffee to go back, or go to McDonald's. So talking to Keenan and then a friend of ours did an unofficial survey at the school, and about 70 percent of the students wanted a coffee shop. And so I was, like, hey, I agree with -- I agree with everybody. So we did -- we started this as actually maybe the other kind of zoning, and I don't -- terminology, you know, I don't know what's going on with it, but we started it and all the -- everybody told us we should go with planning development because we don't want this to turn in the future, because if you grant us the most commercial development, we -- it can be anything. And it's like I don't want that. If, say, I sold it in ten years or something, somebody comes in, put something that is not appropriate with being across the street from the school. So now with this, if we can -- actually, the -- doing the drive-through, it will -- it will help with more customers that going downtown. I don't think we can add to Providence more people that will be coming out of state or anything. It's just the people that going downtown anyway, they might just go in and out and get their coffee. It -- I mean, every time we did anything or any changes, and most of

these changes were done either to go with what the City -- the utilities or the City or MoDOT asked for, or what's the neighborhood asked for, and that's what we landed on -- on this one. Now, the site of the building can be reduced. The drive-through can be -- I mean, the window can sit anywhere after making sure it fits with -- with all the -- the whole building. Thank you. That's -- that's all I have.

MS. LOE: Questions? Mr. Stanton?

MR. STANTON: You've heard all the testimony. You've heard the staff report. Are you willing to eliminate -- well, you've heard what you probably need to do to make this a win-win for the neighborhood and for the City. Are you -- the sticking point seems to be the driveway -- I mean, the drive-through.

MR. DARKHALIL: Well, I'm -- like if -- I say if went the other way, we might be talking about other problems besides the drive-through. It could be, you know, the right-of-way or the other -- other things being, you know. So to eliminate -- eliminate the drive-through, we would -- we would really prefer to go with a drive-through because in -- in a hot -- in, like, this kind of degree weather, somebody to walk over there, just walking will be -- will be hard. Now, it's good to walk in the fall or spring, but we'll -- we'll see what comes out of this and consider -- consider everything, but we'll have to study what the drive-through versus walk or park. So to answer your question, yes. We will consider --

MR. STANTON: So you're not -- you're married to it?

MR. DARKHALIL: Well it's not going to --

MR. STANTON: You wouldn't -- you wouldn't do this without one is where I want to hear.

MR. DARKHALIL: Well, it is going to -- without the drive-through, we might consider, like, not -- not doing a coffee shop --

MR. STANTON: Coffee shop.

MR. DARKHALIL: -- but back to, you know, original --

MR. STANTON: Not doing it with that -- okay.

MR. DARKHALIL: -- like, or just do something else, or go with a -- we'll see. I did not really come in here to -- I did not think that it was going to be a problem, but -- until I hear --

MR. STANTON: Okay.

MR. DARKHALIL: -- listened to the staff, so --

MS. LOE: Any additional questions for this speaker? I had one. So what do you conceive the problems might be if it was zoned M-N? You said there might be additional problems if it wasn't PD, if it went M-N?

MR. DARKHALIL: Well, it's always going to be, you know, what -- if -- I don't want to see a smoke shop or a, you know, convenience store or anything, but -- across the street from a school.

MS. LOE: So it's allowable uses?

MR. DARKHALIL: Yeah. Allow other uses for it. Now, in this -- in this planned development, what we promised the neighborhood that we will not do, oh, like car lots or mechanic shops or anything that will actually affect the entrance of -- of the City. And I -- you know, I run -- I run business, like, down -

- down the street from there and I would like to see something nice. And we don't want it -- and then when we talking to the engineering and the architects, I just don't want to stick building there. I want something to fit how, like, Kilgore is built, you know, on the same -- on the same street, and how -- how the downtown of glass and brick and that. We're not going to slap just a stick building there that will -- we want a building that will look good. We want it a bigger patio. We wanted the patio in the back so the neighborhood can, you know, use it for -- but we -- we had to move it to the front because it can't be close to residential. We did -- we did hundreds of changes, I mean, little bitty ones -- where the dumpster goes, where all this, and every time we did it, and we're really hoping your guys can help us with this. That's all.

MS. LOE: Thank you.

MR. DARKHALIL: Thank you.

MS. SIECKMANN: My name is Leslie Sieckmann; I'm actually a teacher at Hickman High School. Sorry. You're not going to win that one. Yeah. Go -- go Kewps. I am here on behalf of Yousef. I was the one that did the straw poll with the kiddos, with the staff. As teachers in our teacher's lounge, we do not have coffee. If we want coffee, we do bring it from home. Students do have access to caffeine, but it's the monster drinks, it's the Red Bull, it is not coffee at school. So if they're bringing it in, they have to bring it in from home. And when speaking about the drive-through, from a teacher's standpoint -- from a teacher's standpoint that see kids get there at 5:30, 6:00 in the morning because of our new hours of 8:30 to 4:00, a lot of athletics start very, very early. So as far as the issue of the flow of traffic, I think it's not going to be one mass at 8:30. Teachers get there between 6:30 and 7:30 in the morning. A lot of teachers that teach at Hickman live on the south side of town and there's multiple complaints. Where can we find coffee where there's nothing in the teachers' lounge? We -- we're not allowed for safety reasons to have coffee pots in our classroom, because they can be thrown. So this, from a standpoint of a population of 1,700 ten months a year was a very good idea. The drive-through would also eliminate a little bit of foot traffic, which as teachers, we do have concern with our kiddos. Once a year, somebody inevitably isn't paying attention -- shocking -- and it is a concern. But this would also allow the parents on Saturday mornings for the soccer games, the football games, the baseball games, to have a place to go, not wait forever, and still have a place and watch their kiddos play ball. So when we put this out at Hickman, it was like a resounding yes because, again, McDonald's -- and if we talk about drive-through, Popeye's caused huge congestion for about a month and then it died down. But with the busing, it would take us an hour to leave because it was backed up all the way. So I think for this purpose and the time of knowing when students come through Hickman, you have a two-hour window in there, and I think it would be very beneficial to they're staying awake sometimes in class as well. So there's some selfish purposes for me, but even at lunchtime, it would be a great place if they could go get something that might rejuvenate themselves for their afternoon classes when they don't leave till 4:05. So that -- the -- the straw poll was taken by me through staff and through students, and one of my former students is actually accidentally here tonight and he was, like, that would have been so nice to have had

when we were there, so, yeah. We would like to see it come, so if there's any questions.

MS. LOE: Thank you. Are there any questions for this speaker? I see none. Thank you.

MS. SIECKMAN: Okay.

MS. LOE: Are there any additional speakers on this case?

MR. WILLIAMS: Eric Williams, 1001 Madison Street. Yes. I'd like to voice my concern about the drive-through, on how it discharges onto Forest. They're trying to make it where it's left only, but that's just a small concrete structure. You could literally pull out trying to make a right-hand turn and do a left-hand turn at that intersection. Forest is a small street and in the morning a lot of the kids from Hickman will park on both sides of the street so that way they won't have to pay for parking at the school, and then they'll walk from there to school. So you have traffic parked on both sides of the street, and then I am pretty sure you will have people on the drive-through wanting to go northbound. If they want to go northbound, they can easily exit the drive-through, proceed to take a left to go down Grand and then down Forest, then take a right to Grand, and go to Business Loop and then proceed to go northbound from there. And I believe that is what's going to happen with this drive-through and it will exponentially increase the amount of traffic through a residential neighborhood and right next to a park and the Downtown Optimist Club that they have there jeopardizing the lives of the children. That park does not have any fencing around it, so if a child was playing ball and kicks a ball into the road, they would have a possibility of getting hit by a car from this business. When I was presented at the Ridgeway Neighborhood Association meeting, we were never presented a pedestrian model. I have a set of prints that just showed the drive-through model, and that's when I talked to Pat. And I said, Pat, this is having a drive-through, and she did not like a drive-through, and we had major concerns about that increasing the traffic in the residential area. I believe if the drive-through is eliminated, and be more pedestrian friendly, it would go with the model that they're asking for with serving customers from Hickman High School walking across at lunchtime and in the morning getting their coffee without having a drive-through on this business. And I believe the drive-through is not going to benefit the local community at all. Thank you.

MS. LOE: Thank you. Are there any questions for this speaker? Thank you.

MS. KELLEY: I'm Pat Kelley; I live at 1007 Grand Avenue, and I'm here tonight as the treasurer of the Ridgeway Neighborhood Association. And when we first started talking about a coffee shop, we were really thrilled that there was going to be something on Providence besides another payday lender, and we liked the idea that it would be locally owned, a place where we could, you know, in the neighborhood could meet, and they talked about even having a library of used books there for us. Throughout the several meetings, about three meetings we've had with them, they've been willing to comply with a lot of neighborhood concerns and goals, and one of them was to utilize the alley. We have a lot of abandoned and unused alleys that we're really trying to work on improvement in the neighborhood. So, using that -- using that alley would be helpful for us. Another one was to add pedestrian access so that there's -- there's no place where there's just a blank wall where it faces the

street. And so having the sidewalks off of Forest and off of Providence was something that we -- that we requested. The other thing was the -- the planned zoning because we wanted to be able to have some input should this change hands and become something else. One thing we were really concerned about was the traffic. I live over on Grand Avenue, which is, you know, one block west, and there is tons of cut-through traffic. People are zooming from Business Loop to Sexton all the time. And so, if there was traffic from Forest, you know, from the -- from the drive-through and from the coffee shop heading down -- heading down to Grand, we would have, you know, even more traffic right there and that's already a problem. So -- so after a number of meetings, we -- we did vote in the neighborhood to endorse this with the provision that there would be signage and curbs and ways to lead people back to Providence and not down Forest. And so -- so if -- if that's possible, we have -- we're supporting it in the neighborhood association.

MS. LOE: Thank you. Any questions for this speaker? I have one, Ms. Kelley. Which neighborhood -- or which planned uses were you concerned about if this should change hands?

MS. KELLEY: Well, one thing we definitely asked them to restrict that no payday lenders could go in there. We have enough. And, basically, I think we didn't -- that was the one we were really concerned about. We didn't want a liquor store. There's already one up the street on Business Loop. And so those were -- those were two of our really main concerns that we didn't -- that we didn't want.

MS. LOE: Thank you.

MR. MACMANN: Just real quickly, just --

MS. LOE: Oh. Mr. MacMann?

MR. MACMANN: Thank you.

MS. LOE: One additional question.

MR. MACMANN: Thank you. I just wanted to verify, Ridgeway Neighborhood Associate did vote to endorse this?

MS. KELLEY: We endorsed it if the traffic could be kept from going down Forest.

MR. MACMANN: Did you think that the plan as it exists addresses that issue?

MS. KELLEY: I -- I personally have some reservations about it, but I'm here representing the neighborhood tonight, and people seemed pretty happy about -- that that would take care of it.

MR. MACMANN: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Comments of the Commission? Mr. Stanton?

MR. STANTON: I love the idea. I wish there was one when I was at Hickman. But we must make a win-win. You've heard all the information. We went through a very tedious process on how we want this City to develop, especially along the Providence corridor. There's things that we would like to see and that help us grow for the future. I want that coffee shop there. Listen to the information, the

drive-through is -- I just disagree. I predict if -- once I heard the idea and I seen it, I was, like, okay. This is going to be place for the neighborhood to use. You've got all kind of office buildings around you. I think that your traffic is going to be pedestrian primarily. It's going to be people that want to come in and sit down and have a drink, a cup of coffee. I know there's a -- there's a group of old men that have lost their place. They used to be at T & H. If you built this place, they would be there. You would have those kinds of -- you would have foot traffic. You would have that kind of -- that drive-through, I think, is -- I don't see it. I think -- I think you would be really impressed with how your neighborhood would respond to a good, old-fashioned neighborhood centric, pedestrian centric coffee shop right there. Hint. Hint. I'm just saying. Drive-through is not going to work. PUD is not going to work. I think we need to look within the parameters of the zoning that you have at hand. I can't -- I can't support the PUD, but I really, really, really like the coffee shop. PUD, I don't -- I can't support that, but I really would like to see a coffee shop there.

MS. LOE: Any additional comments? Mr. Zenner, I have a question. I'm looking at the zoning chart and M-N does allow alcoholic sales, but isn't there a restriction of alcoholic sales near schools?

MR. ZENNER: I believe there is, but we would have review the actual State statutes, Ms. Loe, and that is door-to-door, if I recall correctly.

MR. STANTON: Oh, okay.

MR. ZENNER: So, that -- yeah. It would be door-to-door, and I'm -- I'm not sure if that would apply in this particular instance. I would point out, if you all have not looked at your statement of intent that came with this particular project, it has general retail sales. The definition of general retail sales excludes any listed use within the land-use table that would be retail sales, so in the planned district, because the way that that is structured, not unlike our prior planned district process where you selected the uses that are allowed, any use allowed within the land-use table, that -- those are the uses that you would have on your property. So retail uses would be an allowed use, but because alcohol sales are culled out as a separate enumerated use within the land-use table, but not included within retail sales definition, it is by default excluded. Office is included in that land-use -- proposed land uses, as well. Office is broadly dealt with, if you recall in the Code, but it would not probably include what Ms. Kelly pointed out as payday loan. Payday loan would be considered more under the definition of personal services, which would be more inclusive of financial institutions and other things that render services to and between two people, so that is not there. So what you have is you have three primary uses generally that are listed within their use table, which are the coffee shop, general retail, and then office, all of which fit within the characteristic of that area, and they are narrow, which the aspect of protection and maybe greater certainty over time as to what happens with this property. It is not a single use, which is a good thing because we loathe single-use planned projects because all we end up with, if this use were to fail, coming back and going back through this entire process again. So there is opportunity within the planned district as it's proposed to be able to allow for shifting of uses over time in order to ensure that this is an

occupiable space. Again, the drive-through, which is not listed as a separate entity is rolled into this approval, would not be otherwise permitted without the conditional use. And the conditional use is, just to remind our Commissioners, conditional uses go through the Commission and they would be evaluated under the standard criteria for a conditional-use application. How does it fit into the context? What's the impact of it? It's no different than what you were doing here today. So if you are desirous of approving the project because it does provide certainty as the neighborhood may desire and does allow flexibility, you don't necessarily have to take the project as it is presented in whole. You can request that the drive-through be eliminated through this plan approval process if you like this plan, and you like the restrictions of that use. I'm not telling you that that's, as you've heard our staff report, we don't support the plan. We don't really support the need to rezone it to PD. The PD does restrict the uses on a corridor that isn't going to change over time. It will always be a corridor. It'll be a primary point of access into the City of Columbia, and should be afforded the ability to be able to be used for neighborhood purposes without restriction, in our opinion. But that is -- that's our -- that's our position, and I think you are better informed at this point that because of what they have shown and because of what the definition of general retail are, you wouldn't get the alcohol sales, you wouldn't get some of the other things that they are concerned about. Hence, I think as Mr. Simon pointed out, as well as what Ms. Kelly pointed out, that's what they're trying to deal with. But there are other aspects other than the land-use component that we do have issue with.

MS. LOE: Thank you. Other comments of Commissioners?

MR. TOOHEY: My only concern is, you know, if -- if the applicant feels like they have to have a drive-through to make the business viable, and they build this thing without the drive-through, and then it - it doesn't survive, and you've -- you've got this building that really has limited uses that potentially could sit vacant for a long time.

MS. LOE: Mr. Stanton?

MR. STANTON: The experts, the staff, the -- the traffic study, the drive-through is going to be a problem. So, what if he builds it and then it does exactly what everybody says it's going to do, which is congest, cause traffic issues, and still doesn't be -- and still ain't successful?

MS. LOE: If the building were moved up near the sidewalk on Providence, would they be required to have a landscaped buffer between the building and the sidewalk?

MR. ZENNER: I believe that is correct, Ms. Loe. They would. However, the pedestrian-oriented standard does allow for other modifications. I believe parking is one of them in this particular area, so there may be a reduction in parking, which based on what's shown here, it is 50 percent reduced from what would generally be required. Keep the same footprint, but change the zoning, utilize the standard, you may be able to have that fit right in.

MS. LOE: Or I'm thinking if it were moved closer to the sidewalk and there was a modification, if it were a more pedestrian-oriented building, gain that square footage back in building square footage,



create a two-unit building, so you're not relying on a single unit generating income. I mean, I don't think this is the only plan that fits on this property, so, hence, the argument that it requires a drive-through to make it sustainable. I think there's other options despite the 100 modifications. Mr. MacMann?

MR. MACMANN: If I may.

MS. LOE: But then I just -- I'm architect, so I make modifications all the time.

MR. MACMANN: That's fine. If I may. We're pondering quite a bit about what to do with the folks from Bisk's property. We apologize. I would suggest that maybe we review the plans as it is presented to us.

MS. LOE: Yes.

MR. MACMANN: I believe the gentleman from Bisk said if they -- if I understood them correctly, if they don't get what they think they need here, they're going to have to step back and reevaluate that issue to see what does work with them.

MS. LOE: I -- good. Does anyone have a motion to make?

MR. MACMANN: If I get this in front of me and I'll make it. In the matter of Case 17-66 [sic], a request by Simon & Struempff Engineering on behalf of Bisk, LLC, for approval of a PD development plan to be known as "Bisk LLC Coffee Shop Plan PD", I move that this plan be accepted.

MS. RUSHING: Second.

MS. LOE: Do we have to include rezoning and the PD plan or --

MR. MACMANN: Is that two or one?

MR. ZENNER: Under the new process, the PD plan is a requirement -- the plan is a requirement of the zoning, so they are one in -- they're one unit.

MS. LOE: So we're -- the request is to rezone.

MR. ZENNER: The request is to rezone to a planned district which requires a PD plan, so you are approving both.

MR. MACMANN: Is my motion okay as made?

MR. ZENNER: Yes.

MS. LOE: He moved to accept the plan.

MR. ZENNER: Accept the -- accept the request to -- to rezone to PD --

MS. LOE: To rezone.

MR. ZENNER: -- would be the appropriate --

MR. MACMANN: Accept the -- I will -- I will amend my last sentence. To accept the request to rezone.

MS. RUSHING: And I second it.

MS. LOE: Motion made by Mr. MacMann; second by Ms. Rushing. Ms. Burns, may we have a vote.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Harder, Mr. MacMann, Ms. Rushing, Mr. Toohey. Voting No: Mr. Stanton, Ms. Burns, Ms. Loe. Motion carries 4-3.**

MS. BURNS: Four to three, motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council.

MR. ZENNER: And as an order of -- point of order. Due to the fact that the project was not approved with more than a 75 percent vote of the Commission, it will be placed under old business on the Council's agenda.

MS. LOE: Okay. That closes the public hearings.