

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

JUNE 9, 2016

VI) SUBDIVISIONS

Case #16-101

MR. STRODTMAN: We've got three agenda items in the subdivision. Is Commission ready to continue to move forward? Sounds good.

Our first -- under our first subdivision Case 16-101, a request by Engineering Surveys and Services on behalf of the City of Columbia for approval of a two-lot final minor plat to be known as "Sixth and Cherry Garage Subdivision," along with associated variance in Section 2546(b), the 1.6 acre subject site is located on the northwest corner of Sixth Street and Locust Street.

This was an item that was tabled from the May 19 meeting. May I have a staff report, please? (Staff report was given by Mr. Clint Smith of the Planning and Development Department.)

MR. STRODTMAN: Thank you, Mr. Smith. Do we have any questions for staff? Yes, Ms. Loe.

MS. LOE: If the 30-foot radius is being waived, what minimum radius is being established?

MR. SMITH: There would be no radius on the northwest and southwest corner.

MS. LOE: Has the radius ever been waived for a downtown block?

MR. SMITH: Yes, we do have examples of other ones in the downtown being waived with variances in this situation. Many times those are waived with situations where the building's actually in place, the building's built up to the corner property line, and so therefore granting a truncation would actually place them in the right-of-way. I think those situations, we look at that as a very practical hardship for dedicating that additional right-of-way, given the fact that the city is unlikely to come back and demolish the building to be able to actually use that corner truncation, so.

MS. LOE: So has there been any case where it's been waived prior to construction?

MR. SMITH: I don't know if I know the details of every case. I do know -- I think there was a -- one plat that was approved -- it might be a different situation, but I know the block where Stephens College is located, they did not have, I think, any type of new construction, per se, on that, and they granted the corner truncations, but not a situation where a building hadn't been constructed -- or in that situation where it was waived.

So not that I know of, but the situation doesn't come up very often downtown, given kind of the nature of most of the lots downtown are currently platted in some configuration, but as new development occurs, this does come up occasionally.

MS. LOE: If the Commission approves or recommends the corner truncation, is there a standard that identifies a minimum radius for the curb at the intersection? Because I couldn't find it anywhere.

MR. SMITH: Oh, if it's waived? No, then there would not be a -- a truncation on the lot.

MS. LOE: And it's not identified anywhere else in the code.

MR. SMITH: No, so that's something internally we've had conversation with, and I think with the UDO it may be something that's addressed as well as the necessity for a 30-foot truncation, which is like I said a little more akin to a suburban-type corner radius. So it's something that we've discussed, basically reducing that, some other options. I can't tell you if that's what the recommendation will be in the future.

MS. LOE: Now, I know in -- I live in the city, but I know I can't make a 90-degree turn in my car even if I am driving pretty slowly. And my purview of the city corners was none of them are at 90 degrees, so it seems a little short-sided not to have some minimum radius identified if --

MR. SMITH: I think there's a couple different things going on. The lot isn't truncated, but a lot of times the curb is truncated.

MS. LOE: RIGHT. And that's what I was trying to clarify.

MR. SMITH: So the city's traffic standards would still have, you know, you don't see curb intersections at 90 degrees downtown. They are truncated. So I think the issue there is if you have -- and one of the reasons we're looking at some other truncation-type requirements is if you have a 90-foot building, but you have to truncate the curb, you do lose a little bit of space there because you're not taking advantage of the entire space because the building kind of extends in that area.

MS. LOE: Right. So if you could tell me what the curb would be radius, that would give me an idea of how much the pedestrian --

MR. SMITH: I couldn't tell you what the exact truncation is.

MS. LOE: -- is reduced to when we got to the corner.

MR. SMITH: I do know that our fire department did review this and said that they feel confident they'd have adequate sidewalk.

MS. LOE: I appreciate that, but I would like numbers.

MR. SMITH: Sure, we can get you that.

MR. ZENNER: Standard curb radius, Ms. Loe, is generally -- it ranges, if I am correct, depending on traffic speed anywhere between a 30-foot -- 30-foot radius down to I believe 15-

MS. LOE: I agree.

MR. ZENNER: And that is in many instances what you're seeing in the field, obviously, while you're not making a 90-degree turn is because we haven't built from property line to property line in the road. Standard -- standard road section basically has about 12-and-a-half to 14-and-a-half feet beyond the actual back of the curbed property line, hence where the green strip is and where the five-foot sidewalk is located. So in this particular instance in this site specifically, if you look at where the actual bulb-outs are located on the northwest corner, then on the southwest corner, that affords the radius that -- to allow for the sidewalk as well as reduce the pedestrian crossing distance between the opposing sides of the street.

We will have another request that will be coming to you in an upcoming planning Commission meeting for the Alpine Shops on Hitt and Broadway, which will also have a request for a waiver of a corner truncation.

Again, there is a planter sitting out toward the intersection of Broadway and Hitt that you have to pull beyond the existing property boundary of the Alpine Shop in order to make the right-hand turn to get out on to Broadway to head east. If we ever needed to put a radius in in order to be able to radius that curb more than it is today based on the curb line, it would take the planter out to do it. And you still maintain a reasonable distance for the sidewalk within our public roadway.

So what our engineers have evaluated as it relates to this, and hence the reason that this particular plat has been delayed, was to go back out and, in fact, verify that the right-of-way that exists beyond what's being proposed to be platted here is actually sufficient in order to accommodate our standard sidewalk detail.

The concern -- the truncation would have allowed us the opportunity, obviously, to not have to worry about getting a temporary construction easement. Probably would have done nothing materially to the actual location of the sidewalk that's physically there today.

So that's one reason why the analysis on this particular request took a lot longer to mature than some. I will tell you that the corner truncation requirements in the downtown have not been equally applied across the board over time. Some of that is as Mr. Smith has pointed out due to the fact that we have existing buildings that are already built to the property lines, and in other instances our traffic engineering department has determined that there is no need to apply that particular standard because it is entirely impractical.

We're not widening streets downtown, and you may already have sidewalks in place that are consistent with our sidewalk detail, therefore let's not make the issue out of it. Here we've got a surface parking lot. We have an unknown. We wanted the corner truncations as a part of the platting truncation because of that unknown. We went to further review and determined that we could achieve what we wanted to get with the truncations by getting the TCE and that's why we're here.

The other aspect is many of our lots in downtown are deemed legal lots, they never need replatting, and therefore, you'd never have this particular issue come up. That's why this is a rarity. It was -- Mr. Reed's advice to his client and city to proceed forward with the plat for the purposes of being able to have two discreet lots that basically were not parts of previous platted lots in the subdivision. Some surveyors wouldn't be as diligent in trying to assure that clean title is given, but that's the history of what's occurred here. And we're cleaning up title, we're getting better platting.

MR. STRODTMAN: Any other questions?

MS. RUSHING: I have.

MR. STRODTMAN: Ms. Rushing.

MS. RUSHING: If we don't approve the variance, would the current owner be required to make any changes to the property at this time?

MR. SMITH: No, there is no changes per se that will be required to the property currently. Part of that is because the City of Columbia still owns the property at this time, so I'm sure we -- we would probably be open to things that you would like us to do, but at some point in the future, I think the intent

here is for the west part of this property, as Mr. Zenner has stated, have two discreet lots for potentially basically selling off or basically -- the city would retain the garage and the west property would potentially be sold or some other manner released.

MS. RUSHING: And then the second question which may sound unusual, but the truncation, does it apply straight up or just to the first story?

MR. SMITH: It would -- it essentially creates a new property line, and so no buildings above -- or no structure above ground level would be able to extend into and over that truncated area, basically becomes a public right-of-way, with the exception of potentially balconies, which may extend into right-of-way in some situations.

MR. ZENNER: You'd end up having to -- if you were to extend into a public right-of-way, it would require a regular-use permit in a particular height that's defined within the code. So you could, if you so desire to have developed a turret building, for example, that basically mirrors the curves of the corner truncations and then put a dualing balcony off of it. You would have to get basically a regular-use permit to encroach into the right-of-way.

MS. RUSHING: But a developer could -- let's say we don't approve the variance, and then the developer comes in, they could for pedestrian traffic have a curve on that bottom floor that wouldn't exist on upper floors? I mean, that would -- they would have to ask for a variance at that time.

MR. SMITH: Yes, if the variance wasn't approved --

MS. RUSHING: Then when it's developed and they still needed some relief, they would have to request a variance at that time?

MR. SMITH: Yes.

MS. RUSHING: And at which time we would get to see the project?

MR. ZENNER: The property as it exists right now is actually -- it would constitute -- if I am correct, I believe it constitutes a legal lot right now. This platted action is to consolidate the lots.

MS. RUSHING: Right.

MR. ZENNER: So to be quite honest, if the variance isn't approved, the transaction that is transferring the ownership of this property has already been approved. This is basically an action that is becoming behind the documents to convey, and if the lot were not truncated, you could build the building out to the two corners.

In the process of building that building, you would be required to install the standard city sidewalk. That would either be at a curved corner or it would come out as it does today at a 90-degree intersection with the bulb bump-out.

And that is the -- that's the essence of the situation here is the current right-of-way that exists can accommodate a 90-degree sidewalk, and we basically have installed the bulb-out in order to be able to reduce the pedestrian distance between the adjoining blocks out of -- just out of public safety and convenience, traffic. But the sidewalks in and of itself, if this was just a standard square block, like any other city block, could basically be built and comply.

Again, what's being requested here is a plat to clean up what has previously existed as multiple lots from the original city survey. There is, based on our traffic engineers' analysis of the street network, the future for improvements to either Fifth, Cherry, or Locust, no need in order to get these truncations out of this lot.

The only thing we need is the ability should we as a city at some point come to build that sidewalk, get the TCEs that we need to get off. And that's completely a result of the grade differences between the streets adjacent and the elevation of the parking surface.

We may need to get further on the property in order to be able to install the retaining wall, tie the retaining wall back in, and then basically build a sidewalk afterward. No need for truncation. The sidewalk will never curve. You know, sidewalks in downtown basically come to 90 degrees at our intersections.

And given that there's no improvements desired here from the street network to widen the streets out any wider than they currently are, and we've got adequate right-of-way already, they can make everything work within it.

MS. RUSHING: Then I guess my problem is that I don't see why we would grant the variance, because I don't see a need not to have the truncation. I understand what you're saying, that it's going to work without it. So every lot downtown where you can say that we can do a bump-out and therefore it's going to work without the truncation, what happens to the truncation requirement?

MR. ZENNER: And I think that was what was pointed out in the staff report and I think Ms. Loe was trying to get at and Mr. Smith was addressing.

Our current corner truncation is a one-size-fits-all scenario for all property in the city. It does need to be considered to be revised with exceptions for downtown development. And that's just unfortunately the nature of how our code is constructed at this point.

This was one of these that, as I've said in the past, we sometimes have to check our brain at the door for common sense. We looked at this initially, we said no, we're replating, we need to follow the rule. We started looking at it a little bit more, and we said maybe we don't. But we have to follow-through with the way the regs are, and that's exactly what you guys are debating and you're having difficulty wrapping your mind around, like we did.

There is no real hardship here in the sense of a hardship, which is typically what you would approve a variance on. This is an impractical requirement, given the circumstances. And because of that, the only option you have is to approve or not approve a variance. You can't ignore the standard, because the standard exists, and if you look at it from the aspect of the evidence we're producing for you, that through analysis of the intersections, the right-of-way that we have, all of that mitigates having -- mitigates having the need for that.

That's the information that if you were a board of adjustment, for example, you would be hearing this testimony and you would be making your decision based on that, not just based on the hard facts of 30-foot radius as required. There's other circumstances.

I don't disagree with, I think, where you-all are wrestling with this. You just don't see the need for it. We didn't either; however, we've also acknowledge it's really not needed given the circumstances that are there.

MR. STRODTMAN: Yes, Ms. Loe.

MS. LOE: Just point of clarification. Is this clarified in the UDO?

MR. ZENNER: No. That's why we're begging, just tell us to take care of it in the UDO and we will. It's like the sidewalk issue. Ask us to take care of it and we'll do what we can.

MR. STRODTMAN: Yes, Mr. McMann.

MR. McMANN. Thank you, Mr. Chairman. This is a title issue, these TCEs afterwards, yes? We're going back and getting the buyer -- we are having them give us?

MR. ZENNER: They'll give us the TCE when we request it.

MR. McMANN: All right. The variance that -- TCEs are in no way dependent on the variance; is that correct?

MR. SMITH: No, the way we've worded it, the condition for staff's approval of the variance is that they agree to grant us --

MR. McCANN: So they are linked?

MR. SMITH: Yes.

MR. McMANN: Is it possible for them to be unlinked?

MR. SMITH: Absolutely, if that's a motion that the Commission would like to consider. But for right now, staff's recommendation is that those are linked two conditions.

MR. McMANN: I may follow-up on that. The TCEs make the -- and the variance make this a more attractive property for the buyer; is that correct?

MR. SMITH: I wouldn't think that the TCEs would necessarily have an impact.

MR. McMANN: These TCEs are for us?

MR. SMITH: For the city.

MR. McMANN: And the variance is for the buyer?

MR. SMITH: Yes.

MR. McMANN: Okay. And they are currently linked in the title language? That's where we're at in this?

MR. SMITH: They would be linked in the ordinance approving -- based on the staff's recommendation, they would be linked in the ordinance that approves the variance.

MR. McMANN: But the TCEs and the variance don't have to go together?

MR. SMITH: No.

MR. McMANN: They're not required in any way to be linked?

MR. SMITH: That's correct.

MR. ZENNER: However, Mr. McMann, there is no reasons, if you deny the variance, if you choose to deny the variance, there is very little reason at that point to potentially ask for TCEs. The

arrangement or the arrival at granting -- at agreeing on a variance and obtaining the TCE upon request, that is the city. That's the city requesting that to protect our interest.

Typically, we have to acquire TCEs for money. The plat process is one of these opportunities to where we either would obtain the regulatory standards, so you deny it, Commission decides to deny the variance request. This request is going to proceed forward to city council with no corner truncations on it. Counsel approves the plat with no corner truncations, but does not include the TCE language as part of that approval, we sever, we have nothing. We go back and we buy the TCEs when we need it if we ever build a sidewalk.

So when you ask if there's value to the property owner in not having the TCE or not having the corner truncation, yes, there is. Because that is land area that is left in their control. But again, the TCE is to favor of the city -- if we should go build the sidewalk, it's if we have to expand capital money to do it. If they redevelop this parking lot with a building, they will be building the sidewalks at their expense, and they have to then make accommodation for that in their building plan.

So, you know, they're having opportunity to have all of the land that they were contracted to be receiving without having the corner truncation, and therefore that fulfills that side of the agreement that's already then acted upon.

The TCE and the approval of variance basically accommodates the city's needs for something in the future. And that's how this is -- how they're linked together. You unlink them and it potentially puts the city in a position to where if we ever came to build those sidewalks before anything happened with this parking lot and structure, we'd be buying them, or we'd be obtaining them, we re-release them back to the property when we're done with the construction project, which is the typical standard practice for a TCE, but we still have to pay for them up front.

MR. McMANN: Thank you.

MR. STRODTMAN: Any other questions? I have a quick one for Mr. Smith. Do we know what the intended use is?

MR. SMITH: For the west side?

MR. STRODTMAN: Correct.

MR. SMITH: Nothing beyond what's currently there.

MR. STRODTMAN: Okay.

MR. SMITH: Not that I'm aware of.

MR. STRODTMAN: No further questions? I'll open this up to a public -- to the public. If you want to come forward and give us any information that would be relevant, this would be the time.

MR. REED: My name's Tim Reed, I'm a land surveyor with Engineering Surveys and Services. I don't really have much to add to the staff report. The corner truncation, it is a valuable design tool for new subdivisions. But the original town's been here since 1821 and the entire downtown area it consists of are rectangles. And traffic moves fine, pedestrian traffic moves fine.

You can see at the northwest corner, that's the actual traffic island that's in place at actually all

four corners of that intersection. And it's relatively new. It was a city-initiated design, I think for traffic coning and pedestrian safety. There just isn't any reason to give up a 30-foot radius at this -- at these two intersections. And we're happy with those conditions. We're fine with those conditions. So I'd be happy to answer any questions.

MR. STRODTMAN: Are there any questions for this speaker? Thank you, Mr. Reed.

MR. REED: Thank you.

MR. STRODTMAN: Are there any additional speakers to this topic? As I see none, we'll close the public hearing.

Commissioners, comments, some motion? Don't be shy. Yes, Mr. Stanton.

MR. STANTON: In the case of 16-101, Sixth and Cherry Garage -- let me back up. Do I need to make two?

MR. STRODTMAN: Do you want to handle this together or two different motions?

MR. SMITH: I would probably go ahead and approve the variance first. The variance would be necessary to approve the plat as shown basically in your packet. Because if the variance is not approved, then the plat as displayed is not to current city standards with the truncation, so.

MR. STANTON: In case of 16-101, I move to approve the variance as recommended by staff.

MR. STRODTMAN: We have a motion.

MR. TOOHEY: I'll second.

MR. STRODTMAN: Mr. Toohey seconded the motion.

MR. STRODTMAN: Ms. Secretary, can we have a roll call?

MS. LOE: Yes. Mr. McMann?

MR. McMANN: Yes.

MS. LOE: Mr. Stanton?

MR. STANTON: Yes.

MS. LOE: Mr. Strodtman?

MR. STRODTMAN: Yes.

MS. LOE: Ms. Rushing?

MS. RUSHING: No.

MS. LOE: Mr. Toohey?

MR. TOOHEY: Yes.

MS. LOE: I vote no. Mr. Harder?

MR. HARDER: Yes.

MS. LOE: We have five votes for, two against. The motion carries.

Motion carries 5-2.

MR. STRODTMAN: So would it be the Commissioners -- is there any additional input on this item or additional items that we would like to require as part of this condition?

MS. RUSHING: Well, I would like to say if this is not a requirement that is necessary downtown,

that perhaps we do need to take that into consideration with the new code. My concern is it is the City of Columbia and I do have a problem voting for the city not following its own requirements.

MS. LOE: I would just like to add that we've been discussing a lot about how traffic might negotiate the intersection, and it's been studied and it seems to achieve that, but I think the truncated corners also deal a lot with site lines and pedestrian movement around corners, and we haven't taken that into account. And I would agree with Ms. Rushing that we've essentially set a precedent now that says we're not going to truncate corners downtown, so we should codify that versus doing it on a case-by-case basis.

MR. STRODTMAN: So we -- do we need to -- is there any motion on the -- the conditions that were given to us by the city -- or by staff?

MR. SMITH: Mr. Chairman?

MR. STRODTMAN: Yes.

MR. SMITH: I took Mr. Stanton's motion as variance as recommended by staff, which would include the conditions. So if that wasn't the intent, we can clarify that.

MR. STRODTMAN: So his item was the TCE as well as the right-of-way. So we're good with this matter.

MR. STANTON: Yes.

MR. ZENNER: You need to do the plat, though, now, if you would please. The plat does need to be approved.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: In case of 16-101, I move to approve the final plat for Sixth and Cherry Garage Subdivision.

MR. STRODTMAN: Is there a second.

MR. TOOHEY: I'll second again.

MR. STRODTMAN: Mr. Toohey. Motion's been made, second. Can we have a roll call, Ms. Secretary?

MS. LOE: So this is 16-101, approval of the final plat.

Mr. McMann?

MR. McMANN: Yes.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Yes.

MS. LOE: Mr. Strodman?

MR. STRODTMAN: Yes.

MS. LOE: Ms. Rushing?

MS. RUSHING: No.

MS. LOE: Mr. Toohey?

MR. TOOHEY: Yes.

MS. LOE: I vote yes. Mr. Harder?

MR. HARDER: Yes.

MS. LOE: Six votes for, one against, motion carries. Recommendation of the approval will be forwarded to city counsel.

Motion carries 6-1.