



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 3, 2021

Re: Gordon's Subdivision Plat No. 2 – Final Plat (Case #90-2021)

## Executive Summary

Approval of this request would result in the creation of a two-lot final plat to be known as *Gordon's Subdivision Plat No. 2*. This request is also being considered concurrently with a request to approve three design adjustments relating to the creation of a tier lot, creation a substandard lot protrusion/stem, and relief from the dedication of a 10-foot utility easement along abutting right of way upon platting.

## Discussion

Crockett Engineering (agent) is requesting, on behalf of Michael M. Menser Properties, LLC (owners), approval of a replat of 0.38 acres and design adjustments from Sections 29-5.1 (f) and 29-5.1 (g) of the Unified Development Code relating to lot frontage, lot shape, and dedication of public utility easements, respectively. The subject property is addressed as 1009-1021 E. Broadway. The purpose of this request is to divide the existing lot in two, to facilitate the division of the existing improvements into individual ownership.

The applicant is seeking to replat the 0.38-acre property on the north side of Broadway, just east of Tenth Street addressed as 1009-1021 E. Broadway and improved with the Menser Building and Buchroeder's Jewelers. The applicant intends to separate the Buchroeder's store from the Menser Building to facilitate a transfer of the Buchroeder's property.

The existing lot holds a number of structures. The arrangement of these structures is dictating the arrangement of the proposed lots of this plat. As is the case with many downtown properties, the buildings are placed on the front lot line adjacent to the public sidewalk. The structures fronting to Broadway are immediately adjacent to one another with no side setbacks. The site, in addition to the Menser Building and the Buchroeder's Building, is improved with a third building located near the rear (northern) property line of the site adjacent to the east-west alley. This third building also houses a portion of the Buchroeder's business operations which is connected to the main Broadway storefront. As such, these two buildings are proposed to be platted onto a single lot which is intended to be transferred to the operator of the jewelry store.

Approval of the plat is subject to approval of the three (3) requested design adjustments being considered concurrently on the May 17 Council agenda under separate cover. The design adjustments are necessary to accommodate the unique site characteristics that exist given the improvements on the parcel are approximately 80+ years old and are non-conforming to current subdivision standards.



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

The originally submitted application included a fourth design adjustment seeking relief from the dedication of additional half-width right of way for the east-west alley that forms the parcel's northern boundary. The adjustment was sought to avoid making the Buchroeder's Building a legal nonconformity given a portion of the building would be located within the future dedicated alley right of way. This case was tabled at the March 18, 2021 Planning Commission hearing to allow staff and the applicant to explore options to address the applicant's concerns.

Following the tabling, the applicant withdrew the fourth design adjustment given concerns associated with the creation of a non-conformity were resolved. Resolution of those concerns has been addressed through the preparation of an Estoppel Certificate (attached) which in essence states that the Buchroeder's Building while becoming a non-conformity may continue to be used in accordance with the UDC's non-conforming standards irrespective of its encroachment into the dedicated alley right of way. The Certificate further states that if the building is torn down, demolished, declared a nuisance, condemned or otherwise damaged, either voluntarily or as a result of some casualty beyond 75% of its reasonable value, excluding foundations, the City reserves the right to have the building demolished and any new structure required to be built outside the alley right of way.

This resolution and withdrawal of the fourth design adjustment allowed the applicant to satisfy the City's desire to ensure that adequate alley half-width was capable of being dedicated. The plat shows the dedication of 2.5 feet of additional alley right of way on the south side of the east-west alley along the parcel's northern property line. This half width dedication will ultimately provide for a 20-foot wide alley should alley reconstruction occur in the future. Presently the alley is 15-feet wide.

The future 20-foot wide alley, while less than the 24-foot wide idealized alley shown in Appendix A of the UDC for the M-DT district, is supported by staff and would be of sufficient to width to ensure the alley maintains a width capable of allow it to fulfill its service-corridor functionality. Furthermore, such a width is consistent with approved final plats in the downtown area which include most recently "The Backyard Final Plat," approved in August 2019.

At its April 8, 2021 meeting, the Planning and Zoning Commission considered this request. Staff presented its report and the applicant gave a brief presentation. Following limited discussion, the Planning and Zoning Commission voted (8-0) to recommend approval of both the final plat and the requested design adjustments.

A copy of the Planning and Zoning Commission staff report, locator maps, final plat, design adjustment worksheets, Estoppel Certificate, and meeting minute excerpts are attached.



## Fiscal Impact

Short-Term Impact: None anticipated.

Long-Term Impact: None anticipated.

## Strategic & Comprehensive Plan Impact

### [Strategic Plan Impacts:](#)

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

### [Comprehensive Plan Impacts:](#)

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
N/A	N/A

## Suggested Council Action

Approve the proposed "Gordon's Subdivision Plat No. 2" as recommended by the Planning and Zoning Commission and execute the Estoppel Certificate authorizing continued usage of that portion of the Buchroeder's Building, located within the dedicated alley right of way, as a legal non-conformity.