

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
JUNE 23, 2016

V) SUBDIVISIONS

Case No. 16-131

A request by Last Enterprises, LLC and C.G.V. Investments, LLC (owners) for a two-lot final minor subdivision plat of C-2 (Central Business District) zoned land to be known as "Broadway and Hitt Street Plat 1" and approval of variances to Sections 25-43 and 25-46(b) which pertain to street widths and intersections, respectively. The 9,735 square foot subject site is located at the southeast corner of Broadway and Hitt Street, and contains buildings addressed 1102 E. Broadway and 8 Hitt Street

MR. STRODTMAN: May we have a staff report, please.

Staff report by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the proposed final plat and approval of the requested variances from Sections 25-43 (Street widths) and 25-46 (Intersections).

MR. STRODTMAN: Do we have any questions?

MS. RUSHING: I do have --

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: -- one question. You referred to both of the variances as dedications, which I understand as to the right of way. Are you saying that the truncation requirement would also require them to dedicate an easement or is that a requirement that would apply at the time of development of that property?

MR. MacINTYRE: Both of the requirements or proposed variances are from requirements to dedicate right of way so that the corner truncation would grant right of way along the corner to taper the edge down; whereas, the street rights of way dedications for the -- for the cross section or the width of the actual street right of way beyond that applies to the linear portions of the street along Hitt and Broadway.

MS. RUSHING: So the truncation would be a current requirement, not the -- not the removal of a future requirement, if you understand my confusion? In other words, it's a current requirement to dedicate an easement, not a variance that says in the future you won't be required to meet this requirement?

MR. MacINTYRE: Well, the variance, if -- the variance that is being requested is both -- it goes with the plat. So it would be a variance that would apply to apply now to the property, and at some point in the future, there would -- unless there was some additional platting action, there would not be an additional opportunity via platting or concurrent with the platting action, unless that occurred to grant a dedication of right of way at that time. So -- so this is one opportunity that we take to receive additional right of way. It is probably the primary opportunity that we have for dedicating additional rights of way.

However, at some point in the future if the lot were to be redeveloped or lots -- either of them or both -- were to be redeveloped and there was some need for additional street improvements or rights of way or easements to support additional impacts of higher intensity development, for example, there may be opportunities at that time to acquire additional easements or other methods in order to accommodate those necessary street improvements.

MR. STRODTMAN: Yes, Ms. Loe?

MS. LOE: Has the City waived the dedication for right of way along Broadway or Hitt for other existing properties?

MR. MacINTYRE: Yes. It's fairly common practice. In fact, I -- in looking at our downtown parcel lines, and certainly since I have been with the City, I have not known any -- of any instances where the issue has been addressed as formally as it is being addressed tonight, aside with the exception being the last Planning and Zoning Commission hearing, of course. It is very uncommon, I guess I would say, to see these variances being requested in the downtown district. I think that it has been standard practice of the City to -- to not require additional rights of way with platting actions downtown. Now, I have not gone to any length of looking to see what property has been replatted since the original 1825 plat or survey of Columbia, but I expect that there have been several, if not more, to probably accommodate this type of an adjustment of lot lines. But certainly, the -- there is some advantage to not doing that for the sake of preserving the historical street frontage, which is a zero lot line in our C-2 or downtown district.

MR. STRODTMAN: Any additional questions for staff? I see none. As our customary practice is if -- even if this isn't a public hearing, if there is anyone in the audience that feels that they can give us some information that would help us with this, we will welcome that.

MR. DARR: Cody Darr with A Civil Group, offices at 3401 Broadway Business Park Court. I am here on behalf of the owner, and I think Steve pretty much described the situation pretty well. I don't have a lot to add. I'm here to answer any questions. I'm here on behalf of the owners. I do have some information on platting and different actions that you guys have taken on Hitt Street on either side of the road in the past if you have -- want specifics. I won't list all of them. Once this is final platted, it will be subject to the same types of requirements and future City requirements that the property across the street is or any other property in downtown that has already been platted. So for future right of way taking whatever opportunities, those other properties would have for future applications for development or any other thing, this property would be subject to the same type of rules. So it's not like you are missing the boat. It would -- they would be in the same boat as any other property downtown. This property was not platted as part of the original town. It was right on the outside. So in order to do this lot line adjustment, we have to go through this final platting, and it's not an admin-type situation where any other time properties are platted downtown. Generally, it doesn't come before you because it is an administrative type of action that doesn't need to see the Planning and Zoning. So you guys don't even see it. And the -- like in 2003, the property just to the west on the other side of Hitt Street was admin platted, and no additional right of way or anything was granted. And the property just to the south and further to the

south has been replatted -- or platted as recently as 2012, I think. So I'll leave it at that. If you have any other questions?

MR. STRODTMAN: Ms. Loe?

MS. LOE: Are you aware of any other variances for truncated corners that have come forward?

MR. DARR: Besides the one that just not too long --

MS. LOE: Besides last meeting, yes.

MR. DARR: For truncated corners, I can't think of any off the top of my head. The variance along Hitt Street has been granted.

MR. STRODTMAN: No further questions? Thank you, sir.

MR. DARR: Thanks.

MR. STRODTMAN: With that, Commissioners, anyone would like to frame a motion, questions, additional comments to staff? Ms. Loe?

MS. LOE: The reason I asked about truncated corners was because last meeting we voted with the stipulation that we not vote a lot on case-by-case truncated corner cases. But if they really aren't coming forward, maybe it is not a huge issue. But if these are going to be an issue, I would rather we just dealt with it in the code and figure out what we're doing downtown rather than doing it on a case-by-case basis.

MR. ZENNER: I can appreciate your point, Ms. Loe, and I think what we will deal with with the revisions to the development code is to address this issue moving forward. Unfortunately, platting actions that come in in the period between now and our code being adopted are going to be required to go through this process. Mr. Darr made the comment that administratively platted properties do not have to come back through the Planning Commission, and a majority of property in downtown is deemed legal lots, and they are allowed to be replatted without coming before the Planning Commission. And often they present identical scenarios for Mr. Teddy to have to evaluate, and staff, in its review of that admin platting process. Again, as Mr. MacIntyre pointed out, it has been customary practice that we do not generally through an admin process -- unless we have a defined need, extract additional road right of way or corner truncations out of downtown property. It is inconsistent with the downtown scheme of development, and it is not deemed necessary by our traffic engineering or other public safety officials that the additional road rights of way are necessary to facilitate the traffic movement. This particular location is a little bit unique. It does have a planter out in front of it between basically the travel lanes of Broadway and the back of the sidewalk or the front of the sidewalk; thereby there can be modification of this particular intersection in order to accommodate within our existing right of way -- a truncation that would allow for some type of slip movement out on to Broadway if the demand were generated for it. And a lot of what the evaluation and an admin-planning process stage when it does not come before the Commission, it doesn't go before City Council is we are looking at what demand is. What is that demand of the proposed development going to create? And that is often what will trigger the need for us to request additional right of way. In an admin platting process, if they refuse to provide it to us, they would go before you or the City Council requesting

the exact same variance, and we would be having the same discussion. But often, as I said, in our administrative platting procedures, after doing diligent review at the staff level, we have determined it is not a necessity. This is just one of these scenarios, as was the Hitt Street plat, where we brought it -- or the Cherry Street plat, where it came before the Planning Commission because we were platting, and just because of the way our regulations are set up. We want to resolve the problem as much as you do so you don't feel like you're granting variances that don't need to be being granted or shouldn't be because they seem to go against our regulations. We are just in that limbo stage. I -- that's the best I can say.

MS. LOE: I understand and I appreciate -- I just also don't want to make property owners feel as if they are restricted in some ways that in truth they may not be.

MR. ZENNER: And the only way to relieve that restriction, which is regulatory right now, is to go through this process --

MS. LOE: I understand.

MR. ZENNER: -- so the acknowledgement -- acknowledgement of that I think on both sides is something that we -- we're working through as well.

MS. LOE: Thanks.

MR. STANTON: I --

MR. STRODTMAN: Go ahead. You have the floor. Mr. Zenner, do we need to do two votes on this -- the proposed final plat and then the variances?

MR. ZENNER: Joined.

MR. STRODTMAN: We're joined. Mr. Stanton?

MR. STANTON: As it relates to Case 16-131, Broadway and Hitt Street, Plat 1, final plat and variances, I move to approve per staff's recommendations.

MS. RUSSELL: I'll second that.

MR. STRODTMAN: We have a motion to approve the variances from 25-43 and 25-46, as well as an approval to final plat, and we have a second to that motion. Is there any additional discussion on that motion? May we have roll call, please.

MS. LOE: Yes, Mr. Chairman. Case 16-131.

Roll Call Vote (Voting "yes" is to recommend approval. Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Motion carries 8-0.

MS. LOE: We have eight votes for, so it passes. Recommendation for approval will be forwarded to City Council.

MR. STRODTMAN: Thank you, Ms. Loe. Now I would like to open up the public hearings.