

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
September 9, 2021**

**SUMMARY**

A request by A Civil Group (agent), on behalf of Mid-Missouri Barrier-Free Housing for the Physically Handicapped, Inc. (owner), for a one-lot replat to be known as "Freedom House I" and two design adjustments to Section 29-5.1(f) related to street frontage and lot access. The 0.89-acre property is located mid-block on N. William Street between Windsor Street and Walnut Street, zoned R-MF (Multi-Family Dwelling), and commonly addressed 107 N William Street. **(Case #195-2021) (This case was tabled at the July 8, 2021 Planning Commission meeting).**

**DISCUSSION**

The applicant is seeking approval to replat 0.89 acres of parts of the Stephen's Subdivision of Lot 27, including seven parts of various lots, into a one-lot final plat. The plat is required to bestow legal lot status on the acreage in advance of future site redevelopment. The applicant desires to build a one-story residential care facility. The property is located within the Benton-Stephens Urban Conservation Overlay (UC-O) and building plans have been submitted to the Benton-Stephens Neighborhood Association for review.

The site is located mid-block on the western frontage of N. William Street between Windsor Street and Walnut Street. The site takes access from N. William Street via two driveways which access the site's parking lot. The surrounding built environment consists of single-family dwellings located to the north and west, a residential care facility and single-family dwelling to the south, and Lions-Stephens Park to the east. The site is generally level; however, there are slopes along each property line contained by retaining walls. One retaining wall is located between the existing driveways on N. William Street and the other is facing the single-family dwelling to the south. Modification of the driveways on N. William Street, one of the requested design adjustments, is discussed below.

The attached plat shows the dedication of an additional 10' of right-of-way along the N. William Street frontage as well as the required 10' utility easement. Sidewalks are existing. There is an existing sewer line that is located on the southwest portion of the site, between this facility and the facility to the south, for which a sewer utility easement is also shown. No extension of public infrastructure is necessary at this time to serve the proposed redevelopment.

Staff finds the plat is compliant with all aspects of the UDC's subdivision requirements with the **exception** of the requested design adjustments. The platting action would not eliminate any restrictions which surrounding property owners or the City have relied upon, would not create any undue burden upon the adjoining infrastructure systems, and would not result in redevelopment that is detrimental to other properties within the neighborhood, in staff's opinion, provided no design adjustments are approved. The purpose the platting action is to bestow "legal lot" status upon the property so it may be redeveloped with a use similar to that which is existing.

A concept review relating to the proposed redevelopment of this site was held on March 15, 2018, in which the applicant provided the attached site layout and has since prepared architectural plans. As a part of the concept review, it was stated the proposed new construction would take an East Walnut address as to better coordinate the provision of emergency services with the property to the south.

Concerns with the sole access to the site from East Walnut were expressed by the Public Works, Fire, and Community Development departments as a part of the concept review. The proposed access was not approved, though it was discussed, and no known consultation with these departments was sought prior to preparation of the architectural plans or submission of this platting action. As such, the requested design adjustments must be granted in order to have the site redeveloped utilizing the prepared architectural plans.

### **Design Adjustments**

The applicant is requesting two design adjustments from Section 29-5.1(f) of the UDC. The first is to Section 29-5.1(f)(1)(iv)(A) relating to lot frontage and the second is to Section 29-5.1(f)(2)(i) relating to lot access. These provisions are inter-related and waiver of one essentially waives the other. The purpose for the design adjustments is to waive the requirement that a lot have **actual street frontage** upon a public street and provide **direct access** from such public street to vehicular, bicycle, and pedestrian traffic.

In context sensitive situations (e.g., topography, existing or proposed development patterns) where actual street frontage is not feasible, the [Community Development] director may permit a lot [to be created] with an irrevocable access easement rather than actual street frontage, if the public health, safety, and general welfare are not compromised. This provision was created to address access issues arising from potentially landlocked parcels or those in which no feasible public street frontage/access were possible.

The applicant requested that the director consider permitting an irrevocable access easement through the parcel to the south. Such request was denied given the site is not landlocked and presently has direct frontage/access to N. William Street. Given this outcome, the applicant desires relief from this denial. Consideration of such relief from the Planning Commission and Council is appropriate given this request deals with matters of subdivision development not zoning entitlements.

It should be noted given the inter-relatedness of the requested design adjustments, the analysis provided below is intended to address both design adjustments. The site factors relating to both requirements are generally identical; therefore, staff chose to consolidate its discussion. The applicability of Section 29-5.2(f)(2)(i) is not modifiable by the director; therefore, no request for such interpretation was sought.

Section 29-5.2(b)(9) of the UDC includes five criteria for considering design adjustments to Section 29-5.1 (Subdivision Standards) of the UDC. The Commission may recommend and the Council shall approve a design adjustment if it is determined that the criteria for granting such adjustments have been met.

1. Columbia Imagined: Under the “Land Use and Growth Management” goal (page 146), the second policy addresses infill development, particularly in relation to existing residential neighborhoods.

The requested variance to “lot frontage”, if granted, would result in the proposed development being addressed from East Walnut Street given addresses are assigned to parcels from where their frontage is located. The applicant states within their design adjustment worksheets and August 31 “response to review comments” that the provision of the driveway access to N. William Street along with the porch and secondary entry are intended to support the continued addressing of the structure from N. William Street. Staff respectfully disagrees with this conclusion given the primary access to the building and its facilities, including emergency response, would be via E. Walnut Street through the proposed irrevocable access easement.

Approval of the lot frontage adjustment would further result in the setbacks applied to the property being reversed from their present application with the East Walnut frontage becoming front and N. William Street becoming side. Such orientation would require neighborhood protection standards to be applied accordingly.

Furthermore, given the property is zoned R-MF and is located within the Benton-Stephens overlay, the site is restricted from having parking forward of the structure as presently shown on the attached site plan. Locating parking as proposed would require a Board of Adjustment variance.

Additionally, Section 29-4.6(c)(1) of the UDC states that any newly constructed structure must have an entry facing an adjacent public street and provide a building façade that is emphasized by different materials, wall articulation, and foundation plantings around the entry. The applicant proposes to address this requirement by the placement of a porch and entry on the northern end of the building fronting to N. William Street. Based upon the attached architectural plans, this entry accesses an equipment room. The proposed feature, while meeting technical requirements of the code, offers limited value to building occupants and essentially results in the building turning its back to its historical orientation and the adjoining Lion-Stephens Park.

While the role of a platting action is not directly tied to matters of the zoning code, approval of the design adjustments specifically that dealing with lot access will create other zoning compliance issues for the applicant. The proposed redevelopment, fronting East Walnut Street, would be inconsistent with the development patterns of adjoining residential neighborhoods whereby buildings front and take access from abutting public streets.

2. The design adjustments, in staff’s opinion, will create an adverse impact on surrounding neighborhood and property owners by permitting development of a new building that would allow one third of the N. William Street block-face, between Windsor Street and East Walnut Street, to be improved with a structure not designed to have a primary entryway and façade facing the street. The applicant’s design

adjustment worksheet and August 31 “response to comments” correspondence indicates that the provision of the secondary entry, porch, and driveway fronting to N. William Street addresses this concern. Furthermore, the applicant has provided a “mirror image” of the proposed development plan with reasons supporting why the existing architectural design cannot fit on the site and meet UDC and other building code technical requirements.

3. The applicant proposes a 12’x18’ driveway (see attached “Driveway Graphic”) to satisfy the lot access requirements. This proposed driveway does not provide direct access to required on-site parking. As proposed, the site’s required on-site parking and waste disposal would only be accessible via the proposed irrevocable access easement through the property to the south. Staff requested and has received additional technical documentation (attached) intended to support the applicant’s requested design adjustments.

If the design adjustment to “lot access” is approved it will make it more difficult for automobile, bicycle, and pedestrian circulation on the site as residents and visitors will have to traverse through a neighboring parking lot to reach the parking lot and primary entrance of the proposed redevelopment. See #5 for additional comments regarding emergency vehicle access.

4. The applicant has stated that the request is meant to address the significant topographical challenges of the site containing grades and retaining walls. While these features are unique (see attached “mirror image” building plan), staff believes they are not so restrictive that lot access to N. William Street is not feasible - the site and its existing parking lot presently taking direct access via N. William Street.

Furthermore, many sites with similar topographical challenges and have met ADA accessibility through installation of ramps or other acceptable alternatives. Additionally, grades into private parking lots are not restricted to 10% like a public street, but may be permitted up to 15% per Section 29-4.3(g)(2)(ii). Revision of the architectural design as well as more detailed analysis of final site grading may alleviate the need for the design adjustments.

5. Per the adopted Fire Code, any access point must be within 150’ of all points on the building unless a turnaround is provided. As the proposed East Walnut Street access doesn’t meet this condition the applicant has submitted the attached “Fire Turnaround Graphic” showing a “T” turnaround off-site on the property to the south. Additionally, the applicant in response to staff concerns that the turnaround would not be compliant with respect to the Fire Code has provided an “auto-turn” graphic showing that the proposed “T” turnaround would sufficient to support the Fire Department’s 95-foot standard platform fire apparatus.

While it would appear, based on the “auto-turn” graphic, that approval of the design adjustments would not render the site inaccessible by emergency services staff is not confident that granting them is in the public interest or results in a superior site design. Furthermore, as shown within the “auto-turn” graphic, the required

maneuvering room needed to accommodate the fire apparatus will require removal of an estimated 5 parking from the southern property. This reduction; however, would not make the site non-compliant with its required parking.

## **CONCLUSION**

Staff notes that the requested design adjustments to facilitate an East Walnut access and frontage are not consistent with existing development patterns and believes the topography along the N. William Street frontage is not so restrictive that an access to the site is infeasible. Based upon these findings, staff concludes that the requested design adjustments will create an adverse impact on public health and safety for future building occupants and that the design proposed is not superior to that required by the code.

## **RECOMMENDATION**

1. Denial of the requested design adjustments to Section 29-5.1(f) pertaining to street frontage and lot access; and
2. Denial of the final plat.

**ALTERNATIVELY**, if the Commission desires to approve the plat such that a “legal lot” can be created to facilitate redevelopment, staff recommends:

1. The “Design Adjustment” note be removed from the plat prior to forwarding to City Council for consideration. (Such action would result in future development needing to comply with all access-related requirements of the UDC and would likely eliminate any required Board of Adjustment variances).
2. The plat be reviewed for final technical corrections.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator Maps
- Final Plat
- Design Adjustment Worksheets
- 2018 Concept Review Sketch
- Building Plan
- Building Elevation Graphic
- Driveway Graphic
- Fire Turnaround Graphic
- August 31, 2021 “response to comments”
- “Mirror Image” Building Plan
- Auto-turn Graphic

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	.89 acres
<b>Topography</b>	Majority of site is level; however, there are retaining walls facing each direction. Steepest grades are to the northwest and southeast.
<b>Vegetation/Landscaping</b>	Developed
<b>Watershed/Drainage</b>	Hinkson Creek
<b>Existing structures</b>	Existing multi-family structure and associated parking lot taking access from William Street

**HISTORY**

<b>Annexation date</b>	1906
<b>Zoning District</b>	R-MF & Benton-Stephens Overlay
<b>Land Use Plan designation</b>	Neighborhood
<b>Previous Subdivision/Legal Lot Status</b>	Not legal lot as combined; parts of various lots

**UTILITIES & SERVICES**

All services provided by the City of Columbia.

**ACCESS**

<b>William Street</b>	
<b>Location</b>	East side of site
<b>Major Roadway Plan</b>	Neighborhood Collector
<b>CIP projects</b>	00751 – Traffic Calming
<b>Sidewalk</b>	Sidewalks in place

<b>Walnut Street</b>	
<b>Location</b>	No direct frontage; located 184' to the south
<b>Major Roadway Plan</b>	Local residential
<b>CIP projects</b>	W0295 - Water Line Relocation
<b>Sidewalk</b>	Sidewalks in place

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Lions-Stephens Park across William Street; Stephens Lake Park ¼ mile east
<b>Trails Plan</b>	Approx. 2/3 mile from Hinkson Creek Trail @ Stephens Lake
<b>Bicycle/Pedestrian Plan</b>	140' from Bike Boulevard on Windsor Street

**PUBLIC NOTIFICATION**

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified via an advanced public notification postcard on June 7, 2021, and a property owner letter on August 23, 2021. 23 postcards and letters were sent.

<b>Public information meeting recap</b>	N/A due to COVID-19 protocols
<b>Notified neighborhood association(s)</b>	Benton-Stephens Neighborhood Association
<b>Correspondence received</b>	One inquiry from resident – Concerned that the City is holding up the project. Staff noted that this platting request was made in June 2021.

Report prepared by Brad Kelley

Approved by Patrick Zenner