

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
September 10, 2020**

**SUMMARY**

A request by Cochran Engineering (agent) on behalf of Midwest Petroleum Company (owner) for approval of a two-lot final plat on property zoned M-DT (Mixed Use-Downtown), constituting a replat to be known as *MPC Station #94*. This request also includes three associated design adjustments from the UDC which are: (1) Section 29-5.1(c)(4) and Appendix A.3 (Street Widths) to allow right of way dedication less than the required 53', (2) Section 29-5.1(f)(3) to allow a new lot line through a structure, and (3) Appendix A.6(b) (Intersections) to waive the required lot corner radius at the site's Cherry Street and Providence Road corner. The 0.77-acre property is currently improved with a ZX Gas Station and is located at the northeast corner of Providence Road and Locust Street, and includes the addresses 104 and 126 S. Providence Road (**Case #151-2020**).

**DISCUSSION**

The applicant is seeking approval of a final plat that will create 2 lots on approximately 0.77 acres of land that was originally platted as part of Market Square of the Original Town subdivision. The site is currently zoned M-DT, which allows a wide range of commercial uses, and the owner intends to redevelop the site with a new service station and convenience store on Lot 2. There are no immediate plans for building on Lot 1. A conceptual site plan was submitted by the applicant to illustrate the plan for the site's new building and canopy layout, and how the site will meet M-DT requirements, which will be required upon redevelopment.

Access to the site will be from Providence Road along the west side of the site, and Locust Street to the south. The existing entrances from Providence will be reconfigured upon redevelopment to meet current driveway standards as well as MoDOT regulations. The entrance along Locust will also remain, but will be reduced in width; however, be wide enough to accommodate access for tractor-trailers. Sidewalks were recently constructed along Providence as part of a MoDOT project; sidewalks will be required along Locust at the time of redevelopment.

The applicant is proposing to subdivide the property in a manner that will result in Lot 1 not having direct access to a city street from an existing driveway. Therefore, an access easement will be dedicated to ensure that adequate access between an existing entrance on Lot 2 and Lot 1 will be provided. The plat reflects the easement location at this time, but the easement will be required to be recorded, and the plat updated with the recording information, prior to Council taking action on the plat.

Additional right of way for Providence Road, a major arterial, is being provided, although the dedication will only provide a half-width of 41 feet, which is 12 feet less than the required 53 feet. A design adjustment to waive the additional 12 feet has been requested and is discussed below. Corner truncations are also required at the street intersections and are provided at the intersection of Providence and Locust, but a design adjustment is requested to waive their requirement at the intersection of Providence and Cherry Street.

***Design Adjustment from Section 29-5.1(c)(4) and Appendix A.3 (Street Widths)***

The applicant is requesting approval of a 12-foot design adjustment to reduce the amount of right of way required to be dedicated along Providence Road. The proposed plat will dedicate 6 of the required 18 feet of right of way needed to meet the minimum 53-foot half-width for Providence Road which is a

major arterial. Dedication of the additional 6 feet will result in a 41-foot half-width. The current half-width of Providence is 35 feet of right of way.

The site is currently improved with a service station and convenience store and another vacant commercial building, along with accessory parking areas. The required dedication would result in some of the existing pavement becoming located within the ROW, as well as a portion of the existing canopy and a free-standing sign at the southwest corner of the site. There are no immediate plans for improvements to Providence Road (which is maintained by MoDOT) that staff is aware of at this time, so the existing improvements will likely remain in the ROW into the foreseeable future. The City recently completed a CIP project immediately north of the subject site to construct a new turn lane for northbound traffic turning eastbound on Broadway.

The applicant has also submitted a conceptual site plan (attached) that reflects the planned redevelopment of the site. The applicant has stated that given the shallow depth of the lot, dedicating the additional right of way will significantly impact their ability to redevelop the site. As seen in the attached site plat, they will be constructing a retaining wall along the east property line, and the canopy as proposed would not fit on the site with a full ROW dedication. The 6-foot dedication (as opposed to the 18-foot dedication) would allow the construction of three pump bays with a bypass along the east side.

At this time, the City's Public Works Department does not support the waiver of the required right of way dedication for the following reasons. The responses shown below are based upon the evaluation criteria shown in Section 29-5.2(b)(9) of the UDC.

1. Approval of the design adjustment would result in acquisition of less right of way than is required for streets identified as major arterials and would be inconsistent with the Major Roadway Plan;
2. As redevelopment occurs in this area and within the downtown core, additional traffic will be generated, which may increase the need for better transportation infrastructure for vehicles, public transit, bikes, and pedestrians. Not having adequate right of way to make future improvements may have an adverse impact not only on this site but on abutting properties as well.
3. Obtaining the additional right of way will allow the City to make future improvements to the roadway that may address issues of circulation and safety. While there are no immediate plans to improve the roadway, obtaining right of way at the time of platting ensures that the right of way is in place when future improvements are warranted and eliminates the possibility that structures may be constructed within the right of way that may need to be acquired or potentially relocated, increasing overall project costs.

Pursuant to the UDC, when property along a street with substandard right of way is replatted it is required to dedicate the additional half-width right of way to accommodate improvements (immediate or future) consistent with the roadway designation as assigned by the Major Roadway Plan. The assignment of roadway classification is not based solely on the current role of the street, but also of its expected role as traffic increases due to surrounding development or redevelopment.

4. The depth of the lot could be considered a unique feature in some regards. The south portion of Lot 2 would be approximately 96 feet deep with the proposed dedication, and would be approximately 84 feet deep if the entire ROW was dedicated. This depth could present challenges to redevelop the site for an auto-centric use such as a service station that includes

high volumes of vehicle traffic, and possibly the need for tractor trailer circulation. However, when evaluating several sites to the north and south of this location (about 1,500 feet), there were 3 sites that could be considered similar. These sites were approximately 69', 87', and 96 feet in depth. It should be noted that parcels of similar size and adjacent to each other under common ownership within the search area were excluded given they could be combined during the process of redevelopment.

In addition, other properties along Providence Road and other major arterials that have been recently replatted have experienced similar dedication requirements. However, some of the previous requests resulted in less than the minimum required amount of right of way dedication as well, but this amount of relief has varied. Granting the design adjustment would impact the ability of the City to install roadway improvements in the future and in turn negatively impact the public through potential increases in acquisition costs or less efficient and safe travelways.

5. Not having the adequate right of way could hinder the City from making future improvements to the roadway, sidewalks, and other infrastructure that may address issues of public health and safety.

#### ***Design Adjustment from Section 29-5.1(f)(3) (Lot Lines)***

Per the UDC Section 29-5.1(f)(3), no structure may be constructed across a lot line. The lot line being proposed between Lot 401A and 401B coincides with an existing parking lot, which by UDC definition is considered a structure; therefore, it is not permitted.

Upon review of the design adjustment worksheet, staff concurs with the applicant's findings and supports the request. The requested location of the new lot line (approximately down the center of a drive aisle) is reasonably located and does not arbitrarily bisect parking spaces or drive aisles in a way that would adversely affect the development as a whole or the general public. Allowing a parking lot over a lot line does not appear to be detrimental to the site, or in conflict with the standards for granting a design adjustment.

#### ***Design Adjustment from Section Appendix A.6(b) (Intersections)***

Per the UDC Section Appendix A.6(b), the right of way at street intersections shall be rounded with a 30-foot radius curve. This site has frontage along the platted right of way for Cherry Street to the north, and would be required to round the northwest corner of the site where the right of way for Providence and Cherry Street intersect. The applicant is requesting relief from this requirement.

Upon review of the design adjustment worksheet, staff concurs with the applicant's findings and supports the request. In this case, Cherry Street is not currently constructed, and there are no plans in the CIP to construct the street; therefore, there is no need to round the right of way in this location because there will be no street intersection created.

#### ***Conclusion***

Upon review of the requested design adjustments, staff has concluded that the circumstances surrounding the requests for reduction of required right of way dedication fails to meet the criteria established for design adjustment approval. Staff does find that the platting of a lot line across the parking lot and waiver of the lot corner truncation can be granted.

The proposed final plat has been reviewed by staff and aside from the requested design adjustments and some minor technical corrections it meets all requirements of the Unified Development Code.

**RECOMMENDATION**

The following recommendations are provided:

1. Denial of the design adjustment to Section 29-5.1(c)(4) and Appendix A.3 (Street Widths) to reduce the right of way dedication of Providence Road;
2. Approval of the design adjustment from Section 29-5.1(f)(3) (Lot lines over structures) relating to the platting of a property line through an existing parking lot ;
3. Approval of the design adjustment from Appendix A.6(b) (Intersections) relating to lot corner truncation at the northwest corner of the property.
4. Denial of the proposed final plat given it is not in compliance with the provisions of the UDC.

**Alternatively**, if the Commission supports the requested design adjustments the plat could be recommended for approval, subject to making technical corrections.

**SUPPORTING DOCUMENTS (ATTACHED)**

- Locator maps
- Design Adjustment Worksheets
- Conceptual Site Plan
- Final Plat

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	0.77
<b>Topography</b>	Mostly flat, sloping on east side to creek
<b>Vegetation/Landscaping</b>	Limited landscaping on east side of site.
<b>Watershed/Drainage</b>	Flat Branch
<b>Existing structures</b>	Gas station, canopy, commercial building

**HISTORY**

<b>Annexation date</b>	1826
<b>Zoning District</b>	M-DT
<b>Land Use Plan designation</b>	Employment District, City Center, Open Space/Greenbelt
<b>Previous Subdivision/Legal Lot Status</b>	Part of Market Square of Original Town

**UTILITIES & SERVICES**

Site is served by all City of Columbia utilities and services.

**ACCESS**

<b>Providence Road</b>	
<b>Location</b>	Along the west side of property
<b>Major Roadway Plan</b>	Major Arterial; MoDOT maintained (106-110-foot ROW required; 53-55 half-width required) Design adjustment request for ROW.
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks present

<b>Locust Street</b>	
<b>Location</b>	South side of site
<b>Major Roadway Plan</b>	NA; Local Non-residential (66-foot ROW required; 33 half-width required) No additional ROW required.
<b>CIP projects</b>	None
<b>Sidewalk</b>	Required

<b>Cherry Street</b>	
<b>Location</b>	North side of site
<b>Major Roadway Plan</b>	NA; Local Non-residential (66-foot ROW required; 33 half-width required) No additional ROW required.
<b>CIP projects</b>	None
<b>Sidewalk</b>	Not Required

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Armory Sports and Recreation Center, Douglass Park, Grasslands Park, Flat Branch Park
<b>Trails Plan</b>	MKT Nature and Fitness Trail
<b>Bicycle/Pedestrian Plan</b>	MKT Nature and Fitness Trail

**PUBLIC NOTIFICATION**

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of this pending request on August 13, 2020. Two postcards were distributed.

Report prepared by Clint Smith

Approved by Patrick Zenner