



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 2, 2018

Re: Right of Way and Alley Vacation Process Update - Report

Executive Summary

This report discusses new regulations and procedures that pertain to existing right-of-way and alley vacation requests within the M-DT (Mixed use – Downtown) district in the Unified Development Code. The ordinance treats alleys as important access to properties in the M-DT District that should be preserved and improved when possible while allowing for Council to consider removal or realignment of alleys in exceptional situations. Staff recently received an application for a partial alley vacation/dedication, which the Planning & Zoning Commission will review before the City Council receives the request.

Discussion

The City of Columbia has an ordinance process by which it permits the vacation of right of way (alleys or streets) and utility easements. Such requests are often presented by property owners or developers seeking to eliminate or relocate unused right of way or easements as part of a development project or site improvement. Typically, vacated right of way or easements are evenly distributed between adjoining properties or merged back into the parcel from which they were originally dedicated. The vacation process generally has no monetary cost to an applicant except for the payment of application fees associated with processing the request - currently \$350 plus recording fees.

The current process to vacate an alley or right of way has historically contained two steps. Step one is to obtain Council authorization to vacate the alley or right of way. Step two is to prepare the necessary ordinance to facilitate the vacation. In obtaining authorization to proceed, the staff report associated with the request customarily provides preliminary comments on the necessity to retain the alley or right of way or any rights within either, generally for utility purposes.

In response to requests to vacate alleys within the downtown in April and May 2016, Council requested a report be prepared proposing a comprehensive approach on how to handle such requests rather than addressing them individually with specific emphasis on alley vacations within the downtown. In September 2016, staff responded with Report 74-16 which proposed an initial draft focused on alleys as downtown public assets. Council responded to the report with a request that staff return with a more thoughtful approach on the topic at a later date.

In March 2017, the Unified Development Code (UDC) was adopted and the downtown was placed into the M-DT (Mixed-use Downtown) zoning district. As part of the M-DT district regulatory provisions, special emphasis was placed on the retention of existing alleys and the



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creation of new alleys in key locations which are shown on the district's "Regulating Plan" (see attached) which is similar to the City's zoning map.

With the adoption of the UDC, downtown alley vacations will be processed differently than past practice. As provided in Section 29-4.2(c.3) of the UDC, any amendment or change to the Regulating Plan shall require the adoption of a revised Regulating Plan through the same procedures used for an amendment to the Zoning Map. In other words, the vacation of an existing alley, or the dedication of a new alley not shown on the M-DT regulating plan, must be considered during a public hearing at the Planning and Zoning Commission prior to consideration by Council.

Section 29-4.2(c)(2) of the UDC provides specific rationale for the retention alleys and procedural standards for their relocation within the M-DT, some of which are shown below. A full excerpt of this section is attached:

- No streets or alleys shown on the Regulating Plan may be removed without a replacement street being constructed in a location that maintains overall street connectivity in that area.
- New Alleys or Pedestrian Pathways required by the Regulating Plan or a Regulating Plan amendment shall be public, or publicly accessible.
- The Block Face (greater than 350') must be interrupted by an Alley, Common Drive, or Pedestrian Pathway providing through-access to another public street, alley, common drive or designated conservation line.

Staff has provided this report to brief Council on the Unified Development Code provisions before Council receives a pending new request to vacate an existing alley between properties addressed as 203 E Walnut St and 115 N Providence. The request includes a proposal to replace it with a new alley, within a street easement, in a different location.

As discussed, the new process in the UDC requires additional review of these types of requests prior to Council consideration. The new alley vacation process provides increased levels of participation and should make for a more consistent review and approval process.

Given the new provisions pertaining to alley vacations/relocations in the downtown, staff is seeking direction from Council whether to continue the practice of submitting a report to Council, as it has in the past, any time an alley vacation is sought in the M-DT district. Vacation requests for alleys or rights of way outside the M-DT district would continue to be handled according to past practice as such requests occur on an infrequent basis. The current process provides opportunity to staff to receive direction prior to preparation of an ordinance and ensures Council has had opportunity to weigh in on the appropriateness of such requests.

The M-DT regulating plan and UDC excerpts from [29-4.2\(c.2-3\)](#) are attached.



Fiscal Impact

Short-Term Impact: NA

Long-Term Impact: NA

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

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

Comprehensive Plan Impacts:

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

Legislative History

Date	Action
NA	NA

Suggested Council Action

Provide direction to staff on whether to continue Council reports on M-DT alley vacation requests.