



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 4, 2021

Re: The Backyard, Plat No. 2, – Design Adjustment (Case #27-21)

Executive Summary

Approval of this request would waive the requirement to dedicate 10' utility easements adjacent to the S. Sixth and S. Seventh Street frontages of property addressed as 120 S. Sixth Street and 119 S. Seventh Street. This request is being considered concurrent with a two-lot final plat to be known as "The Backyard, Plat No. 2".

Discussion

Crockett Engineering (agent), on behalf of Elm Street Enterprises, LLC (owners), is seeking approval of a replat of The Backyard to be known as "The Backyard, Plat No. 2" and a design adjustment from Section 29-5.1(g)(4) pertaining to the dedication of 10' utility easements adjacent to public street right of way. The proposed final plat appears on the January 4 Council Agenda under separate cover. The property is addressed and used, respectively, as 120 S. Sixth Street and 119 S. Seventh Street as My House -The Backyard and My House Nightclub and Sports Bar.

The requested design adjustment is identical to the October 2019 request previously submitted and approved by Council. Re-approval of waiver is necessary given the subject property is proposed to be replatted and all previously approved waivers become void upon submission of a new subdivision action.

Pursuant to Section 29-5.1(g)(4), a 10' utility easement is required to be dedicated along all public street frontages of a property undergoing subdivision. The UDC further states that **to the extent possible** utilities shall be located in designed easements and not in the street right-of-way. This provision conflicts with the design standards for development within the M-DT district which mandates construction be at the "required building line" which is within 2-feet of a parcel's property line and overlaps with the required 10' utility easement.

This conflict was discussed at length during both the Planning Commission's and Council's public hearings in September 2019 and October 2019, respectively. The principal issue during these discussions dealt with the issue of which objective was most important and what would be lost should the waiver be granted. It was determined that locating utilities outside the public right of way was preferred; however, in this particular situation such requirement was unnecessary given current and planned future utility needs.

Based on the Council's approval of the prior waiver request and the criteria for granting a design adjustment established in Section 29-5.2(b)(9), staff takes its policy guidance from that decision. The facts associated with the design adjustment request do not appear to



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have any variation from those presented in 2019, and as such staff finds that approval of the design adjustment is appropriate.

The Planning and Zoning Commission considered this request at their December 10, 2020 meeting. Staff presented its report and a representative for the applicant gave an overview of the request. No other member of the public spoke during the public hearing. Following discussion, **a motion to recommend approval of design adjustment passed (7-1).**

The Planning Commission staff report, locator maps, design adjustment worksheet, final plat and meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Public infrastructure maintenance such as roads and sewers as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

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
10/7/19	Approved the Final Plat of The Backyard and a design adjustment to waive the dedication of the 10' utility easement adjacent to S. Seventh and S. Sixth Streets (Ord. #024039)

Suggested Council Action

Approve the requested design adjustment from Section 29-5.1(g)(4) to waive dedication of 10' utility easements along the S. Sixth and S. Seventh Street frontages of the subject property as recommended by the Planning and Zoning Commission.