



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: October 4, 2021

Re: MPC Station #94 - Easement Vacation (Case #159-2021)

Executive Summary

Approval will vacate a portion of an existing utility easement dedicated by plat and would allow for a new permanent structure (a gas station convenience store) to be constructed in the area of the vacation. The subject property is located at the northeast corner of S. Providence Road and Locust Street

Discussion

Cochran Engineering (agent), on behalf of Midwest Petroleum Company (owner), is seeking to vacate a portion of a 10-foot wide utility easement that was dedicated by the final plat of *MPC Station #94*. The plat was prepared to reconfigure multiple lots currently occupied by a Zx Gas Station and a vacant building in advance of redevelopment. The easement sought to be vacated is located along the west boundary of the property where it abuts the recently expanded the Providence Road right-of-way that was dedicated as part of the final platting action. Vacation is sought in order to allow the construction of a new service station that would otherwise be located in the easement. The subject property is located at the northeast corner of Providence Road and Locust Street.

In most cases of redevelopment in the M-DT (Mixed Use-Downtown) zoning area, new construction would be required to be placed at the property line (also known as the required building line (RBL)) in order to create the building form appearance that is typical of urban centers. However, there is an exception within the M-DT standards for "Gas Station or Fuel Centers with a Convenience Store" that exempts such use from the requirement to comply with the required building line standards. The exemption permits new construction to not have to be built at the RBL/property line, but at a setback of the applicant's choosing. In this case, the applicant is proposing to set the building back from the property line along Providence frontage a distance of slightly less than 6 feet.

The property, per the recently recorded plat, includes the standard 10-foot utility easement along Providence Road which prohibits the construction of any permanent building within it. Therefore, in order for the applicant to construct the building as they would like, they are requesting to vacate a 4-foot deep by 70-foot wide (see attached graphic) portion of the easement to accommodate the building as proposed.

The easement vacation has been reviewed by all internal and external utility providers. With the exception of the City Utilities - Water Division, no utilities were located within the Providence corridor where the easement would be of potential use.



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701 East Broadway, Columbia, Missouri 65201

There is an existing city water main currently located along the east side of Providence Road, within City right-of-way and a few feet to the west of the property. During its initial review of this request which sought a greater amount of the existing 10-foot easement to be vacated, the Water Division staff identified that if Providence Road were ever to be widened (no plans at this time) there would be a possibility that the water main may need to be relocated into the easement area sought to be vacated. Comments expressing this concern were submitted to the applicant.

Based on these concerns, the applicant reduced the amount of the easement sought to be vacated to the 4-foot deep by 70-foot wide portion. Upon re-review of the revised vacation request, Water Division staff determined that the revised request would not interfere with any future relocation of the water main if it were required as a result of the widening of Providence Road.

Another request, by the same applicant, for the same property is being considered concurrently at this time by Council. The applicant is requesting a right-of-use permit, which is required of any private structure within the City's right-of-way. The permit would allow a drive lane to be constructed within the expanded right-of-way obtained for Providence Road as part of the platting action. While each request is separate, the drive lane would be located directly adjacent to the property and the existing utility easement that is located on the subject property. A draft site plan is attached for reference.

The easement vacation meets all the standards of the UDC regulations and is supported by staff for approval given its reduced area will not impact any future relocation of the existing water main now located off-site.

Locator maps, final plat (11/02/2020), draft site plan, and a vacation graphic are attached.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Resilient Economy, 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



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Legislative History

Date	Action
11/02/2020	Approved the final plat of <i>MPC Station #94 (Ord. #24421)</i>

Suggested Council Action

Approve the requested utility easement vacation.