

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

**SUMMARY**

A request by Crockett Engineering (agent), on behalf of Seventh Street Properties of Columbia and Hulett Descendants, LLC (owners), seeking approval of a replat of The Backyard to be known as "The Backyard, Plat No. 2" and a design adjustment to waive the required 10' utility easement dedication on Sixth and Seventh Streets. The property is zoned M-DT (Mixed Use-Downtown) and is addressed 120 S. Sixth Street and 119 S. Seventh Street. **(Case # 27-2021)**

**DISCUSSION**

The applicant is seeking approval to replat the lot line between the two lots included on the Backyard Plat approved in October of 2019. The request also includes a design adjustment to waive the required 10' utility easement dedication on the Sixth and Seventh Streets frontages.

The subject property is currently being used as the My House Nightclub and Sports Bar, addressed 119 S. Seventh Street, and My House -The Backyard, an outdoor entertainment facility addressed 120 S. Sixth Street.

The proposed replat, to be known as "The Backyard, Plat No. 2", moves the existing lot line to the west, creating a 30' deep, .04-acre lot on the Sixth Street frontage (Lot 82AB), and an approximately 205' deep, .27-acre lot on the Seventh Street frontage (Lot 83AB). The applicant indicates there are no formal development plans for Lot 82AB at this time, and the current plan for waste management is to install a trash compactor at the southwest corner of Lot 82AB. The trash compactor is in response to previous concerns regarding solid waste issues.

No additional ROW is required to be platted per the UDC as sufficient ROW (66') is present on both Sixth and Seventh Streets and the required alley dedication and corner truncations were accomplished by the previous platting action.

Associated with this request is one design adjustment seeking waiver from the requirement to dedicate 10-foot utility easements along S. Sixth and S. Seventh Streets. The requested wavier is from Section 29-5.1(g)(4) of the UDC, which describes that, **to the extent possible**, utilities shall be located in designed easements and not in the street right-of-way.

The Commission may recommend approval of a design adjustment if it determines that the following criteria have been met (Section 29-5.2(b)(9)):

- 1. The design adjustment is consistent with the City's adopted comprehensive plan and with any policy guidance issued to the Department by Council;**
- 2. The design adjustment will not create significant adverse impacts on any lands abutting the proposed plat, or to the owners or occupants of those lands;**
- 3. The design adjustment will not make it significantly more difficult or dangerous for automobiles, bicycles, or pedestrians to circulate in and through the**

- development than if the Subdivision Standards of Section 29-5.1 were met;
4. The design adjustment is being requested to address a unique feature of the site or to achieve a unique design character, and will not have the effect of decreasing or eliminating installation of improvements or site features required of other similarly situated developments; and
  5. The design adjustment will not create adverse impacts on public health and safety.

The requested waiver is identical to the one presented in 2019 with the previous platting action which was ultimately approved by the Council. Significant time was spent discussing the conflict between the required dedication of utility easements adjacent to public streets and the Required Build-to Line (RBL) for the M-DT (Mixed Use- Downtown) during the previous platting action. The conflicts between the UDC objectives are cited in the Design Adjustment Worksheet submitted with the request.

Given the request is identical to the one previously submitted and approved by Council, staff has not performed an evaluation of its compliance with the provisions of Section 29-5.2(b)(9) of the Code, but rather views the previous decision of the Council as guidance in this case. The facts associated with the design adjustment request do not appear to have any variation from those presented in 2019.

Staff's primary observation with this platting action is the creation of Lot 82AB and its relatively shallow depth of 30'. Staff has concern that such a shallow depth may impede future development; however, acknowledges that while atypical of most downtown lots its creation would not be the first. Several examples of shallow depth lots/business spaces exist within the downtown such as those found along Alley A and the North Light Building which is part of the Short Street Garage on Walnut Street. These lots/business spaces appear to be viable given their unique footprint area.

Another observation worth noting is that the applicant has not indicated that improvement of Lot 82AB is foreseen in the immediate future. This presents a possible scenario in which the untreated backside of the existing entertainment venue would remain visible to the Sixth Street frontage. Presently this frontage is treated in essence with a "street-wall". Such feature would not otherwise be required if the new lot line is created given the lot does not directly front upon Sixth Street. To ensure the intent of the M-DT's design principals are met, it is strongly encouraged that the applicant maintain the existing treatment at the newly created lot line until a permanent building is built upon Lot 82AB.

Notwithstanding the above concerns/observations staff is recommending approval of the plat, subject to technical corrections, as the plat meets the requirements of the UDC with the exception of the design adjustment as discussed.

### **RECOMMENDATION**

1. Approve the design adjustment to Section 29-5.1(g)(4) pertaining to utility easements dedication; and
2. Approve the final plat subject to technical corrections prior to forwarding to City Council.

**SUPPORTING DOCUMENTS (ATTACHED)**

- Locator maps
- Final Plat
- Design Adjustment Request

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	.31 acres
<b>Topography</b>	Some sloping from north to south
<b>Vegetation/Landscaping</b>	Developed
<b>Watershed/Drainage</b>	Flat Branch
<b>Existing structures</b>	Developed site with an existing building and outdoor entertainment space

**HISTORY**

<b>Annexation date</b>	1826
<b>Zoning District</b>	M- DT
<b>Land Use Plan designation</b>	City Center
<b>Previous Subdivision/Legal Lot Status</b>	The Backyard Plat

**UTILITIES & SERVICES**

All services provided by the City of Columbia.

**ACCESS**

<b>S. Sixth Street and S. Seventh Street</b>	
<b>Location</b>	East and west side of site
<b>Major Roadway Plan</b>	Local non-residential
<b>CIP projects</b>	N/A
<b>Sidewalk</b>	Sidewalks in place

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Flat Branch Park
<b>Trails Plan</b>	Near MKT Trail
<b>Bicycle/Pedestrian Plan</b>	NA

**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 via on November 11, and a follow-up letter on November 19, 2020. 11 postcards were distributed.

<b>Public information meeting recap</b>	Number of attendees: N/A (No meeting held due to COVID-19) Comments/concerns: N/A
<b>Notified neighborhood association(s)</b>	North Central Columbia and Tenth Hitt Elm Locust Neighborhood Associations.
<b>Correspondence received</b>	None.

Report prepared by Rachel Bacon

Approved by Patrick Zenner