



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 3, 2021

Re: Burnside Drive Right-of-Way Vacation (Case #133-2021) - Report

Executive Summary

A request has been received seeking the vacation of public right of way dedicated for the future construction of Burnside Drive, south of Bull Run Drive, within the Eastport Centre Plat 2-A subdivision. Redevelopment of the lots adjoining the platted right of way has been proposed to accommodate a new corporate headquarters for EquipmentShare, Inc. and the right of way for Burnside Drive is desired as part of the redevelopment. Prior to proceeding with the preparation of a vacation ordinance, staff seeks Council direction on vacation, a possible alternative, and what, if any, specific terms may be appropriate to include in a future vacation ordinance.

Discussion

Allstate Consultants (agent), on behalf of EquipmentShare.com Inc. (owner), is seeking approval to vacate previously dedicated right of way (ROW) and associated 10-foot utility easements along a portion of Burnside Drive lying between Lots 11 and 12 of Eastport Centre Plat 2-A. The portion of Burnside Drive sought to be vacated is south of Bull Run Drive and is approximately 715 feet long by 66 feet wide (47,190 total square feet). This report seeks Council authorization to proceed with the requested vacation as well as possible direction on what specific terms may be desired within the vacation ordinance believed appropriate to address the loss of the presently platted right of way.

The existing portion of Burnside that is requested to be vacated extends southward from the ROW for Bull Run Drive on the north to where the street exits the Eastport Centre subdivision and enters into the Eastport Village Plat 3 subdivision, at a point where Burnside Drive has been constructed. The vacation of this portion of ROW would eliminate the possibility of Burnside Drive connecting Eastport Village Plat 3 to Bull Run Drive and to the associated commercial uses near the I-70 interchange to the northwest. The existing constructed portion of Burnside Drive would become a terminal street should the vacation be approved.

It should be noted that while a portion of Bull Run Drive has been constructed, no street has been constructed within the Bull Run Drive ROW at its intersection with Burnside to date. Development of any lots adjacent to unbuilt streets would trigger the construction of Bull Run eastward to the eastern boundary of the Eastport Centre Plat 2-A subdivision. Such construction would intersect with a previously platted north-south right of way acquired for a future collector street on the western boundary of the Truman Solar property.

In addition to the right-of-way vacation request, the applicant has also submitted a request (Case #123-2021) to rezone Lots 10, 11, and 12 of Eastport Centre Plat 2-A from a



City of Columbia

701 East Broadway, Columbia, Missouri 65201

combination of PD (Planned Development) and M-C (Mixed Use-Corridor) to M-BP (Business/Industrial Park) to facilitate the development of all three lots, including the Burnside ROW, into a headquarters-style development. The attached conceptual site plan illustrates what the final development may look like with the Burnside ROW vacated.

Procedurally, the rezoning request will have a public hearing in front of the Planning and Zoning Commission on May 6, but the requested vacation does not require PZC review. However, both requests, provided the vacation is authorized, are tentatively scheduled to be introduced on the June 7 Council agenda for consideration.

With respect to the request to vacate the Burnside ROW there are two clear potential outcomes - approval or denial. However, after consulting with internal staff and considering the importance of maintaining the Burnside connection to Bull Run, two additional options were identified that would maintain street connectivity, but that may require certain terms to be agreed upon. These options, together with approval or denial, are listed below.

Staff is requesting direction on how Council would like to proceed at this time so that a proper ordinance can be prepared. The following four options have been identified as possible outcomes associated with this vacation request.

1. **Approve the ROW vacation as requested.** No additional street for Burnside would be constructed, and the existing terminus of Burnside to the south of the site may need to be terminated in a more permanent manner. Council essentially would determine that the street extension is superfluous and therefore unnecessary.
2. **Deny the ROW vacation.** If the request is denied, then the street would be constructed once a qualifying request has been made. Typically, in order to receive a certificate of occupancy for new construction on a lot, the required public infrastructure is required to be completed. In this case, no certificate of occupancy could be issued for either Lots 10 or 11 without streets being completed in the existing right of way.
3. **Approve the ROW vacation with conditions.** While the applicant is requesting to vacate the existing ROW located within the Eastport Centre Plat 2-A, Lot 12 also happens to abut another right-of-way that has not been improved with a street. Solar Road is a 66-foot wide collector street that was dedicated on the adjacent Truman Solar final plat, in accordance with the Major Roadway Plan. A creative option to allow Burnside Drive to be vacated, but still provide connectivity for the Eastport Village subdivision, is to require the applicant to construct a street within the Solar Road ROW between Bull Run Drive and either **3a)** its intersection with Burnside Drive near Lot 314 and 315 of Eastport Village Plat 3, or **3b)** to a new intersection that would be created by realigning Burnside Drive to the north of Lot 312A of Eastport Village Plat 3 to intersect with Solar Rd. The second option would require new ROW dedication on the applicant's property (see **locator map**). Staff sees the Solar Road alignment as a way to provide for the desired connectivity while allowing the plat to consolidate what had been lots on opposite sides of Burnside Drive.
4. **Approve the ROW vacation with the condition that a fee be paid.** Instead of requiring construction of any infrastructure, Council could require a payment of a fee that is



approximately equal to the cost of construction of the vacated portion of Burnside, which then could be allocated to other infrastructure in the proximity of the site.

Locator map, conceptual site plan, applicant correspondence, and final plats (Eastport Centre Plat 2-A and Truman Solar) are attached.

Fiscal Impact

Short-Term Impact: None.

Long-Term Impact: None.

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
11/18/2019	Approved final plat of Truman Solar (Ord. #024096)
08/15/2005	Approved final plat of Eastport Village Plat 2-A (Ord. #18634)
08/06/2001	Approved annexation and C-P & C-3 zoning (Ord. #016976)

Suggested Council Action

Provide direction to staff on which option Council favors in regard to the street vacation request.