

**EXCERPTS**

**PLANNING AND ZONING COMMISSION MEETING**

**APRIL 8, 2021**

**Case Number 108-2021**

**A request by McClure Engineering Company (agent), on behalf of Missouri Farm House Associations, Inc. (owners), seeking approval to consolidate multiple R-MF (Multiple-Family Dwelling) zoned lots into a single parcel in advance of proposed redevelopment of the site with a new fraternity house. The approximately 0.44-acre site is located at the southeast corner of Rollins Street and Richmond Avenue.**

MS. LOE: Are we ready for a staff report?

MR. ZENNER: I believe we are, ma'am. So per your request, there we are.

MS. LOE: There we go.

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval to consolidate multiple R-MF zoned lots into a single parcel.

MS. LOE: Thank you. Before we move on to staff questions, I would like to ask any Commissioner who has had an ex parte related to this case to please share that with the Commission now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for staff? Ms. Burns?

MS. BURNS: Mr. Kelley, could you go back to your first photo of the structure over -- so the current structure, can you explain, is it over the property line or what's the situation with the current structure?

MR. KELLEY: No. No, it's not over the property line. It's just with this being a 3-D image, I was placing the boundaries of the property over the property line, and you're kind of seeing this height dimension come up.

MS. BURNS: Okay.

MR. KELLEY: So if I go to the next slide, you can see on the plat the footprint.

MS. BURNS: Okay. I was just curious about that, and looking at the photograph, I couldn't quite figure out the placement of the current structure. Thank you.

MS. LOE: Mr. MacMann?

MR. MACMANN: Planner Kelley, they have no problem with giving us the corner truncation?

MR. KELLEY: Correct.

MR. MACMANN: We need to write that down. Thank you, Planner Kelley.

MS. LOE: Mr. Kelley, to follow up on Ms. Burns' question, the report did note that the existing structure would be a noncompliant structure, correct? Can you just indicate which areas of the existing structure would be over the -- I didn't see the setbacks illustrated on the plat, so it wasn't clear to me what parts of the existing building are encroaching.

MR. KELLEY: Sure. If you can see on this plat right here, if you can see this short dimension, it's 11.49 feet, so 11 and a half feet between the right-of-way and the structure, so it's about, oh, I think three feet or so into the encroachment. And then the rear of this building is only eight foot away from the property line, so I think it's about two feet over.

MS. LOE: And the new structure will then be required to be two -- the full ten feet on the inside side yard and the full -- it would be 14 or 15 feet on the open street side yard?

MR. KELLEY: Fifteen feet on the corner side lot, but --

MS. LOE: Richmond.

MR. KELLEY: -- as I mentioned, they requested some variances which kind of relate to that.

MR. ZENNER: If I can, it's a pending variance case that will be addressed with the construction of the new fraternity house, which is going before the Board of Adjustment next week. The building orientation is actually being redirected. The new front of the building will actually be to Richmond Avenue, so the side would be then Rollins. The side would be the southern property line. The variance is associated with the proposed structure are both the newly established front yard, the rear yard, and then a variety of other variances as it relates to parking associated with the new fraternity house, all of which are more dimensional standards as they relate to the consolidated property. The parcel could not be redeveloped with the proposed fraternity house without the consolidation plat because you cannot build over a property line under the UDC. So what they are attempting to do is get the platting action out of the way at this point because it will take longer to process through the City Council than the Board of Adjustment action which is terminal after the 14th's meeting. So if they are successful in being able to get all of the variances, they would be proceeding to demo the building later this year, once the students have

left, and then start construction of the new structure. Depending on the outcome of the Board of Adjustment actions, it is possible that the building may need to be modified in order to fit into the -- the new footprint or the building area that is being created, but they're willing to take that chance in order to be able to expedite this process, so that is why the plat is here before the actual Board of Adjustment has been addressed -- their variance issues. Quite honestly, as Mr. Kelley points out in the staff report, the platting action does not create any new nonconformities as they exist. We're actually getting the corner truncation, we're getting additional road right-of-way, and as is the case with any platting action where we have a building that becomes nonconforming as a result of a platting action, the building is allowed to stay, but cannot be enlarged by -- which would further exacerbate those existing nonconformities. So the only opportunity that this building would have to grow would be to the south, as long as it maintained a 25-foot setback from the newly established front property line, which is Richmond.

MS. LOE: That is a good segue into my second question was, were -- were we viewing this in the correct order in that we're seeing it prior to the Board of Adjustment's variance?

MR. ZENNER: There is no specifically prescribed order.

MS. LOE: Okay.

MR. ZENNER: This is from a practical perspective because the time frame associated with Council approval with the platting action will actually be probably three to four weeks longer than the Board. They just wanted to get the process started. This case actually will not be forwarded to City Council for consideration until their May 3rd meeting. So depending on if the Board of Adjustment actions are not approved, the applicant would have the opportunity to pull the platting action and not have it considered exacerbating potentially certain other issues. So that will still be an option, and we can advise the applicant of that also after this meeting, that they may want to consider that if the Board actions do not get approved the way they're hoping.

MS. LOE: All right. It explains why I was sort of confused by some things. Any additional questions? Ms. Burns?

MS. BURNS: I just had one follow-up question. Will this come back to us given that the structure will now be facing on Richmond versus on Rollins?

MR. ZENNER: No, it will not.

MS. BURNS: Thank you.

MS. LOE: Any addition -- Mr. MacMann?

MR. MACMANN: Hence, our Chair opened this rabbit hole. Would it be a -- the developer, would they -- could -- would they pull it, or would they table it if they don't win at Board of Adjustment?

MR. ZENNER: I guess the Board only meets once a month. It could be tabled to allow for a resubmission of a different set of variances. However, the analysis that we have done based upon the construction that's desired, it's predicated on the variances being granted till --

MR. MACMANN: So then pull it would make more sense?

MR. ZENNER: It would make more sense pulling it, not tabling it.

MR. MACMANN: Okay. We'll let that developer make that -- I just -- we went down this arcana, so I thought, well, hey, why not. Thank you very much.

MS. LOE: Additional questions for staff? Seeing none. We will open the floor for any public comment, if there is anyone in the audience that would like to provide comment on this case that might help us in our review of it.

#### **PUBLIC HEARING OPENED**

MS. LOE: Seeing none, we're going to close public comment on this case.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission comment? Ms. Russell?

MS. RUSSELL: If there are no comments, I'm going to go ahead and make a motion. In the case of 108-2021, I move to approve the requested final minor plat of Lagrange Place Plat 5.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. We have a motion on the floor. Any discussion on that motion? Seeing none. Ms. Carroll, may we have roll call, please?

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Russell, Mr. Toohey, Ms. Burns. Motion carries 8-0.**

MS. CARROLL: We have eight to approve. The motion carries.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City council.