

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
June 6, 2019**

SUMMARY

A request by Crockett Engineering (agent) on behalf of Seventh Street Properties of Columbia, LLC and Hulett Descendants, LLC (owners) for a two-lot final minor subdivision to be known as "My Backyard" and design adjustments from Section 29.5.1(c)(7) and Appendix A pertaining to the dedication of right of way (ROW) and corner truncations for alleys and Section 29-5.1(g)(4) pertaining to the dedication of utility easements. Subject property is currently improved with "My House and My House- The Backyard" a bar and entertainment venue. The purpose of the replat is to allow a new structure to be built on the Sixth Street frontage. The site is zoned M-DT (Mixed-Use Downtown) and addressed 119 S. Seventh Street and 120 S. Sixth Street. is located with frontage on both Sixth and Seventh Streets south of the public alley between Cherry and Locust Streets. (#82-2019)

DISCUSSION

The applicant is seeking approval to replat .32 acres of parts of the Original Town of Columbia, including parts of Lots 82, 83, and 84, into a two-lot final plat. The plat is required to bestow legal lot status in advance of future site redevelopment. 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 which is proposed to be expanded with an outdoor stage and seating space in the area between the two structures.

Concerns regarding existing solid waste issues, including insufficient dumpster capacity for the existing use and the need for an on-site compactor, especially upon redevelopment, have been cited throughout the review process by Solid Waste Utility staff. The attached correspondence from Columbia College expresses concerns regarding dumpsters being in the alley, including uncontrolled refuse and rodents, and parking pressures on their parking lot. A solid waste management plan is required for development within the M-DT district pursuant to Section 29-4.2(d)(13) and will need to address these issues prior to approval of any future building permits for the proposed redevelopment. The Solid Waste Utility is recommending an on-site compactor and the applicant has indicated they are working on the solid waste plan, including exploring options with nearby properties.

Associated with this request are three design adjustments. The first two requests are from Section 29.5.1(c)(7) and Appendix A of the UDC and relate to right of way dedication and corner truncations. The first adjustment seeks a 2.5-foot waiver from the required 10-foot half-width dedication requirements for the adjoining east-west alley along the northern property. The existing alley is currently 15-feet wide and the required (non-M-DT) width is 20-feet. It should be noted that the pavement width of the existing alley is 1-foot short of the required 16-feet of paved surface. Should this design adjustment not be granted and the additional ROW dedicated, the applicant will be required to extend the pavement width to the required 16-feet.

Section 29.4.2(f)(3) describes preferred street and alley configurations within the M-DT district which are illustrated in Appendix A. The preferred alley configuration recommends that construction of a **new alley** be located within a 24' right of way or easement. The alley in question; however, is **existing**; therefore, staff believes that a 20-foot wide alley right of way is most appropriate. This width would consistent with that required for any other non-M-DT alley and is in keeping with the spirt of Appendix A, Section A.1(b), which states in part "due to the wide range of circumstances; however, the standards [of Appendix A] need to be applied with a certain amount of flexibility".

The second design adjustment seeks waiver from providing the required corner truncations where the alley intersects with S. Sixth and S. Seventh Streets. The UDC requires a corner truncation with a radius of not less than five feet in length. The preferred M-DT configuration for alleys recommends 10-15'. Again, staff believes the standard 5-foot truncation is most appropriate given the existing built environment; however, additional radii width would be desirable for enhanced visual interaction and safer turning movements for pedestrian and vehicular traffic.

The third design adjustment seeks 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.

If these three design adjustments are not granted, parts of the existing My House building and existing retaining wall may encroach into the newly dedicated areas on the plat. The applicant may request a right of use permit from the City, if desired, to continue to encroach into the dedicated areas typically until such time as the right of way or easement area is needed for public improvements. The existing improvements would become legal non-conformities and would be allowed to remain; however, the current encroachments could not be expanded.

Design Adjustments

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.**

When evaluating the requested design adjustments, the Public Works and Community Development staff considered the role of a platting action in reserving areas for future public improvements. While plats are often viewed as a precursor to immediate or future development, the act of reserving right of way and easements upon that plat are, at times, of an equal if not greater importance than accommodating existing or proposed buildings on a single site. Simply put, waiving the right to reserve right of way or easements at the time of platting may have long-reaching consequences in the City's ability to serve its citizens and visitors with public infrastructure and utilities in a timely and cost-efficient manner now and into the future. This is especially true within the downtown where growth and development must consider the needs of pedestrians, automobiles, residents, visitors, and businesses alike in a dynamic system.

Additionally, as noted above, this site has existing issues with waste collection and disposal, issues which will have fewer options for remediation if the sub-standard alley is allowed to persist in terms of maneuvering solid waste equipment and refuse through and away from the site. Additional development also requires additional utility provision to match the growth, and while capacity is acceptable at this time, the downtown area has had utility challenges in the recent past which would ideally be avoided in the future.

The standards sought to be waived were vetted throughout the development of the UDC, and without specific and highly significant reasons, deviations from the subdivision requirements do not serve the larger public good and the City's obligation to plan for the future. Therefore, following staff review of the requested design adjustments and in light of the five design adjustment criteria, staff does not support the approval of any of the design adjustments. If granted, the design adjustments may have negative effects on public health and safety, be injurious to other properties in the area, and will provide accommodation to this site not afforded to other similarly situated developments required to provide additional right of way, corner truncations, and utility easements.

RECOMMENDATION

1. Denial of the requested design adjustments to Section 29.5.1(c)(7) and Appendix A pertaining to the dedication of right of way and corner truncations for alleys;
2. Denial of the requested design adjustment to Section 29-5.1(g)(4) pertaining to the dedication of utility easements; and
3. Denial of the final plat.

Alternatively, if the Commission supports granting one or more of the design adjustments it may:

1. Make a motion to approve one or more of the requested design adjustments; and
2. Make a motion to approve the final plat subject to correction of any unapproved design adjustments prior to forwarding this item to City Council for consideration.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- Final Plat
- Design Adjustments Requests
- Correspondence from the public

SITE CHARACTERISTICS

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|-------------------------------|--|
| Area (acres) | .32 acres |
| Topography | Some sloping from north to south |
| Vegetation/Landscaping | Developed |
| Watershed/Drainage | Flat Branch |
| Existing structures | Developed site with an existing building and outdoor entertainment space |

HISTORY

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| Annexation date | 1826 |
| Zoning District | M- DT |
| Land Use Plan designation | City Center |
| Previous Subdivision/Legal Lot Status | Not legal lots |

UTILITIES & SERVICES

All services provided by the City of Columbia.

ACCESS

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

PARKS & RECREATION

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|--------------------------------|------------------|
| Neighborhood Parks | Flat Branch Park |
| Trails Plan | Near MKT Trail |
| Bicycle/Pedestrian Plan | NA |

PUBLIC NOTIFICATION

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on March 12, 2019. 29 postcards were sent.

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| Public information meeting recap | Number of attendees: 2 Comments/concerns: Concerns regarding trash and parking |
| Notified neighborhood association(s) | NA |
| Correspondence received | E-mail from Cliff Jarvis, Columbia College |

Report prepared by Rachel Bacon

Approved by Patrick Zenner