

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
March 18, 2021**

SUMMARY

A request by Crockett Engineering (agent), on behalf of Michael M. Menser Properties, LLC (owners), for approval of a replat of 0.38 acres of property addressed as 1009-1021 E. Broadway. In addition to the requested replat, the applicant is seeking approval of design adjustments from Sections 29-5.1(c), 29-5.1(f) and 29-5.1(g) of the Unified Development Code relating to required alley width, lot frontage and shape, and dedication of public utility easements, respectively. The applicant wishes to replat the existing single lot into two to facilitate the division of the existing improvements into individual ownership. **(Case # 90-2021)**

DISCUSSION

The applicant is seeking to replat the 0.38-acre property on the north side of Broadway, just east of Tenth Street addressed as 1009-1021 E. Broadway that is improved with the Menser Building and Buchroeder's Jewelers. The applicant intends to separate the Buchroeder's store from the Menser Building to facilitate a transfer of the Buchroeder's property. Due to a number of site factors, the applicant is also seeking approval of the following four design adjustments, as outlined below.

Design Adjustments

Section 29-5.1(f)(1)(v)

This section of the UDC states that lots in mixed-use districts such as the M-DT (Mixed-Use Downtown) are not to be created with protrusions, extensions, or stems of less than 30 feet in width. The proposed plat includes such a protrusion encompassing the Buchroeder's building, which is only 16 feet in width. The applicant has provided evidence that the two subject buildings are separate structures as defined by the building code. The block is built-out in this location, with a solid mass of buildings over the bulk of the lots with no side yard setbacks. Staff agrees that the design adjustment is needed to address a unique feature of the site and would not impact neighboring properties or the public health, safety, or welfare.

Section 29-5.1(f)(1)(iii)(B)

Similarly, the UDC dictates that tier lots may be permitted only on previously unplatted lots, pursuant to a number of conditions which include limited access due to extreme topographic conditions, the stem of the tier lot being no less than 20 feet or greater than 59 feet in width, and that it must not endanger public health, safety, or welfare. Given that the Buchroeder's business spreads through multiple adjacent buildings between Broadway and the alley to the north, this lot arrangement is the only feasible means of dividing the property to facilitate the internal business operations without creating further need for design adjustments or creating access issues. While the request does not meet the first two considerations of the section, Staff believes the platting request to be appropriate, due to the unique layout of the existing buildings (each 80+ years in age) on the property.

Section 29-5.1(g)(4)

The UDC requires provision of all public utilities to lots in accordance with the standards and specifications adopted by the City. Additionally, a 10-foot wide easement for such public utilities is required along all street rights-of-way at the time of platting. In this location, however, due to the location of the structures on the edge of the right-of-way, no space exists for such an easement. A conflict on this matter exists in the code, as the UDC requires all M-DT buildings to be constructed within 24 inches of the right-of-way line. Also, construction practices in the downtown have dictated that

all utilities be located in the right-of-way, generally under the sidewalks. The design adjustment will not negatively impact neighboring properties, nor will it be a detriment to the public health, safety, or welfare. As such, this design adjustment is also supported by Staff.

Section 29-5.1(c)(7)(iii)

The applicant is seeking a fourth design adjustment from the provisions of *Section 29-5.1(c)(7)(iii)*, which requires dedication of additional half-width right-of-way for the east-west alley along the site's northern boundary. The UDC's standard alley width is 20-feet; however, **new** alleys within the M-DT are preferred to be constructed within a 24-foot right of way as illustrated Appendix A. Staff is supportive of only requiring that half-width to accommodate a 20-foot wide alley in this location given its existing developed nature, ability at the lesser width to maintain service-corridor functionality, and consistency with previously approved final plats in the downtown area (i.e. The Backyard Final Plat, August 2019).

The existing alley is presently 15-feet wide. The applicant has committed to providing the required additional 2.5-feet of alley half-width along the northern property line of Lot 1B except at the location where the existing building would protrude into the newly dedicated alley right of way. The requested adjustment, if approved, would avoid making the existing building on Lot 1B a non-conformity given it would be located approximately 2.5-feet within the required 10-foot half-width. The latest version of the plat depicts only 1.5-feet of additional alley right of way, along the western 36.64 feet of proposed Lot 1B. Should approval of the requested design adjustment be granted, the remaining 1-foot of right of way needed to meet minimum 10' half-width standard should be depicted on the plat before being forwarded to Council.

It should be noted that precedent does exist for securing required right-of-way regardless of conflicts with existing structures. A similar platting action from 2019 involving "The Backyard Final Plat," was considered by Council which sought an identical right of way dedication waiver request. As part of Council's deliberation there was a lack of support for the waiver, and the waiver was ultimately withdrawn as part of the platting action. Based upon its removal, the plat was revised to show the required alley width extending through the existing structure. The effect of this action was to make the existing structure a non-conformity and make it subject to the non-conforming structure standards of the UDC.

The applicant was informed prior to Council action that staff would not support the requested design adjustment and that City Council would likely deny the request as well. Staff encouraged the applicant to provide the required half-width for the entire northern property boundary; however, was unsuccessful in persuading the applicant to make that change.

Conclusion

After considering the unique conditions associated with the property it is believed the applicant's requested design adjustments are appropriate, with the exception of the waiver for alley right-of-way dedication. Given this outcome, staff is unable to support the approval of the plat given it is considered inconsistent with the UDC.

RECOMMENDATION

Denial of the final plat given the failure to provide sufficient justification and evidence to support all requested design adjustments - specifically the design adjustment related to dedication of additional alley half-width right of way.

Alternatively, if the Planning Commission finds that sufficient testimony and evidence has been provided a recommendation of approval of the final plat could be made as follows:

1. Approval of the design adjustment to Section 29-5.1(f)(1)(v), pertaining to lot protrusions of less than 30' in width,
2. Approval of the design adjustment to Section 29-5.1(f)(1)(iii)(B), limiting the creation of tier lots to previously unplatted property due to the unique nature of the site layout,
3. Approval of the design adjustment to Section 29-5.1(g)(4), requiring a 10' utility easement adjacent to the right-of-way,
4. Approval of a design adjustment to Section 29-5.1(c)(7)(iii), requiring a minimum 10' half-width right-of-way for alleys be provided and that such half-width only be required on the western 36.64-feet of Lot 1B.
5. The final plat is revised to show the dedication of 2.5-feet of additional alley right of way on the western 36.64-feet of proposed Lot 1B prior to forwarding the plat for Council consideration.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- Final Plat
- Design Adjustment Worksheets

SITE CHARACTERISTICS

Area (acres)	0.38
Topography	Generally flat
Vegetation/Landscaping	Structures & pavement
Watershed/Drainage	Perche Creek
Existing structures	4 commercial structures

HISTORY

Annexation date	1826
Zoning District	M-DT
Land Use Plan designation	Neighborhood, Open Space/Greenbelt
Previous Subdivision/Legal Lot Status	Lots 3, 4, 5, 6, & 7 of Gordon's Subdivision, and Lot 2B of a Survey of Lots 1 & 2 of Gordon's Subdivision

UTILITIES & SERVICES

Site is served by all City of Columbia utilities and services.

ACCESS

Broadway	
Location	South side of site
Major Roadway Plan	Major Arterial, no additional ROW required
CIP projects	None
Sidewalk	Existing sidewalk

PARKS & RECREATION

Neighborhood Parks	N/A
Trails Plan	N/A
Bicycle/Pedestrian Plan	N/A

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 on February 17, 2021. Twenty postcards were distributed.

Report prepared by Rusty Palmer

Approved by Patrick Zenner