

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

APRIL 8, 2021

Case Number 90-2021

A request by Crockett Engineering (agent), on behalf of Michael M. Menser Properties, LLC (owners), for approval of a replat of 0.38 acres and design adjustments from Sections 29-5.1(f) and 29-5.1(g) of the Unified Development Code relating to lot frontage, lot shape, and dedication of public utility easements, respectively. The subject property is addressed as 1009-1021 East Broadway. The purpose of this request is to divide the existing single lot into two, to facilitate the division of the existing improvements into individual ownership. (This item was tabled at the March 18, 2021, Planning and Zoning Commission meeting.)

MS. LOE: May we have a staff report, please?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the requested design adjustments -- I'll just -- I'll go with the descriptions here -- the lot protrusions for tier lots, and for the utility easement on the street right-of-way, and then also approval of Gordon Subdivision Plat 2. And a side note, denial of any design adjustment would require denial of the plat, as well, because it would no longer be conforming to the UDC.

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

MR. MACMANN: Just a comment directed to Manager Zenner. Right-of-way, alleys, we still need to address those, and BT issues. Are you with me?

MR. ZENNER: I'm not, but yes. We have to have an alley right-of-way.

MR. MACMANN: No. No. No. Well, I just -- this -- this case serves as a reminder that the ten-foot right-of-way dedication in the M-DT is not functional as it was written in the UDC, nor, in all cases, are the alleyway. I'm reminding staff that we need to revisit these issues because this is going to happen again and again and again and again. And we're issuing variances rather than having a solution, so they come to us and we have to make the sausage. Thank you.

MR. ZENNER: Well, we eliminated the crossing a property line issue. It's the same philosophy. We will have to have two separate votes, please, when you do reach that point. One for the design adjustments, and they could be handled as a single vote, unless you are of the inkling that you're going to deny one of them and not approve them, and then one for the plat, as well, due to the fact that we will produce two separate reports for City Council's consideration.

MS. LOE: Ms. Russell?

MS. RUSSELL: So to be clear, do you want us to have a motion on each design adjustment, not just all of them together?

MR. ZENNER: I think if there is no discussion amongst the Commission that you are not supportive of the design adjustments, one motion will be sufficient. If you are not won over that the design adjustments are appropriate to be granted, you may want to have separate motions.

MS. RUSSELL: Okay. Thank you.

MS. LOE: Additional questions for staff? Seeing none. We will open up the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: If anyone has any comments that they would like to provide on this case that we might consider in our consideration of it, please give your name and address for the record. You will be limited to three minutes. If you're speaking for a group, you get six minutes.

MR. BECKETT: Yes, ma'am.

MS. LOE: You do need to come and speak into the microphone so we capture you for the record.

MR. BECKETT: Good evening, Commissioners, Madam Chair. I'm Dan Beckett; I'm a representative of the applicant. I'm an attorney at Smith Lewis, LLP, here in Columbia, with offices at 111 South Ninth Street, Suite 200. We generally agree with everything the staff report commented on, and we're here to answer any questions you have. I have Tim Crockett with Crockett Engineering and Mills Menser, who is a representative of the applicant. So if we can be of any assistance in answering any questions you may have about this subdivision and the design adjustments that we're requesting this evening, we're happy to answer those.

MS. LOE: Are there any questions for this speaker? Ms. Geuea Jones?

MS. GEUEA JONES: I have a very quick one. I notice there are actually three buildings on the lot, but you're only subdividing out two of them. Am I -- is there a reason that you're not doing all three now? There's just two buildings on this lot.

MS. GEUEA JONES: Okay. I'm misreading then. Never mind. Thank you. That's clarification.

MR. BECKETT: Yes, ma'am.

MS. LOE: Any additional questions? Ms. Burns?

MS. BURNS: Yes. In looking at the picture, is there alley access off of Ninth Street to the east?

MR. BECKETT: That alley is accessible by both, I believe, Ninth and Eighth.

MR. PALMER: Well, Tenth -- it's Tenth and --

MR. BECKETT: Or Tenth, excuse me. Short Street over.

MS. BURNS: So that's the old MidiCi's Pizza Place that has residential on top of it, correct?

MR. BECKETT: MidiCi's is at the corner.

MS. BURNS: Oh, right. Okay. It just -- in this -- in the picture that I'm looking at, it looks like there isn't access off of -- I'm sorry -- Tenth Street into the alley, but perhaps it's just the way the photo looks. Thank you.

MR. BECKETT: Okay.

MS. LOE: Additional questions for this speaker? I see none. Thank you.

MR. BECKETT: Yes, ma'am. Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, we will close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission comment? Mr. MacMann?

MR. MACMANN: In the -- I'll get the two easy ones out of the way first. The lot protrusion and the utility easements, we've given everyone else this, and I don't see any conflict to anything that we're doing. And to Mr. Palmer, you guys don't see any conflict in any of this stuff? You approved it conceptually, right?

MR. PALMER: Yeah.

MR. MACMANN: The lot protrusions and the -- okay. I don't think those are an issue

whatsoever. The thing we don't tackle with any frequency are the tier lots, and if anyone has any questions about that or whatever, I think that's where our -- by taking again the room here, that's where our questions might be is the tier lots. And I personally don't have a problem with them, I just -- you know, we haven't dealt with this.

MS. LOE: Ms. Russell?

MS. RUSSELL: If there are no more comments or objections, I'm going to move to on Case 90-2021, approve the requested design adjustments for lot protrusions, tier lots, and utility easements.

MR. MACMANN: Second.

MR. STANTON: Second.

MS. LOE: I'm going to give it to Mr. MacMann. 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. Ms. Russell?

MS. RUSSELL: And follow along, the second motion on Case 90-2021, I move to approve Gordon Subdivision Plat 2.

MR. MACMANN: Second.

MS. LOE: Second by Mr. MacMann. We have a motion on the floor. Any discussion on this 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. All right. We were just conferring. We have two cases coming up or two cases left on the agenda, and I'm going to

read out the summary for both of those. We're going to do a presentation that covers both of them.