



Columbia Planning & Zoning Commission Meeting Recap

Council Chambers, Columbia City Hall
7:00 PM Thursday, June 21, 2018

CALL TO ORDER (Members present: Burns, Strodman, Harder, MacMann, Loe, Toohey, Stanton, Rushing, Russell.)
(Members absent: None.)

APPROVAL OF AGENDA (Agenda approved as submitted.)

APPROVAL OF MINUTES ([Minutes from June 7, 2018](#) meeting approved as submitted.)

TABLING REQUESTS

Case # 18-115

A request by Cypress Creek Renewables, LLC (agent), on behalf of Dunlop Development, LLC (owner), seeking rezoning of an 88-acre parcel of land located on the south side of I-70 Drive SE, approximately 2000 feet east of St. Charles Road. The property is currently zoned A (Agriculture District) and the applicant is requesting approval of PD (Planned District) zoning to allow for the installation of a 10MW solar energy facility. (A request to table this item to the July 5, 2018 meeting has been received).

(Action: The applicant indicated that due to plan revisions and subsequent review, a complete presentation was not possible at this time.

A public comment period was opened.

One person inquired about how the site would be buffered from surrounding properties and where the power generated would be used. The chair indicated that her questions would be addressed in a report in the future. Staff indicated that the full application is available online and that the speaker could review that information at www.como.gov. Look under the map icon and look at the Community Dashboard. You will be able to pull up information relating to this particular case, however, the full staff report is not yet available, which is part of the reason for the tabling request. MacMann indicated that the city will buy this power, then made a motion to approve the tabling request.

Another woman appeared and asked what this project really involved, since the owners own more property than is involved in this request. The chair indicated that the questions should be made at the July 5 meeting. Tonight's vote is about tabling, not the specifics of the case.

The motion to table was approved unanimously, 9 – 0.)

PUBLIC HEARINGS

(This item is directly related to the two items that follow it.)

Case # 18-128

A request by Crockett Engineering Consultants (agent) on behalf of Valley View Gardens, Inc. (owner) for approval to rezone Lot 97 within Bristol Ridge Plat 1 from PD (Planned Development) to R-1 (One-family Dwelling). The subject site is located at the northwest corner of Baxley Court and Bradington Drive, and addressed as 4705 Bradington Drive and was shown as a lot being within the Bristol Lake Tract 2 PUD plan.

(Action: The applicant is seeking approval to rezone Lot 97 in the Bristol Ridge Plat 1 from PD to R-1. The lot was not originally platted as a buildable lot, and the lot was meant to be replatted along with the redevelopment of the adjacent site, which would be case #18-30. Approval of the rezoning will allow it to be included in the submitted preliminary plat of Bristol Ridge (Case # 18-30) as a buildable lot, as intended when it was originally platted with the Bristol Ridge Plat 1.

Staff has no objections to the proposed rezoning to R-1, presuming that the proposed annexation and permanent zoning of the adjacent property to R-1 (Case #18-109) is approved. The density of the lot will actually be reduced from allowing a duplex to allowing single-family uses. This change in density; however, will be minimal given that the scope of the rezoning only impacts one lot. The lot is also located at an intersection, and the change in zoning at this location is reasonable.

No questions were forthcoming from the commissioners.

The hearing was opened.

An engineer appeared on behalf of the applicant and indicated that this was a request to include the small piece of land that was noted into the larger plan.

A motion to approve was made and seconded.

The motion to approve was adopted by a unanimous 9 – 0 vote.)

PUBLIC HEARINGS AND SUBDIVISIONS

(The following two items are related and refer back to the previous item 18-128.)

Case #18-109

A request by Crockett Engineering Consultants (agent) on behalf of Alan E. Easley Trust and Virginia Easley DeMarce Declaration of Trust (owner), Valley View Gardens, Inc. (owner), and Bristol Lake Home Owners Association Number 1, Inc (owner) to annex 18.88 acres, 11.22 acres and 0.79 acres, respectively, into the City of Columbia and apply R-1 (One-family Dwelling) as permanent zoning. The subject sites are zoned County A-1 (Agriculture), and generally located on the east side of Bearfield Road, approximately 1,400 feet north of Gans Road.

(Action: The applicants are seeking to annex approximately 30.89 acres into the City of Columbia and permanently zone the property R-1. The site consists of three separate properties with three separate owners, and they are currently located within unincorporated Boone County and zoned A-1, which requires a ten-acre minimum lot size.

The site is bordered on the north by similar County A-1 zoned property which is generally undeveloped. Additional County zoning lies to the west of the site, across Bearfield Road, that is zoned A-2 and includes some larger lot, County residential development. The site abuts the City's municipal boundary to the south, where the zoning is PD (Planned Development). Abutting the site to the south is the Bristol Lake Subdivision, along with an undeveloped parcel at the northwest corner of Bearfield and Gans Road. Regarding the subject site and its current status, there are currently several existing buildings on the Valley View Gardens tract; this includes a single-family structure along with several accessory buildings, as well as some tree coverage in the southwest and east portions of the property. The Bristol Lake HOA tract almost entirely consists of an existing stormwater management pond, and the Easley tract, the largest of the three, also includes tree cover mostly on the east side of the property and along Clear Creek and another unnamed tributary running along its north boundary. The site has contiguity with the City's existing municipal boundary along its entire south property line and is able to be served by utilities.

The Comprehensive Plan's future land use map identifies most of the property as being located within a "Neighborhood District", with the far north of the property in the area near Clear Creek as "Open Space/Greenbelt". In addition, the entire site is identified as "Sensitive Area" for its inclusion in the Bonne Femme Watershed (BFW) Plan area due to its location within the Bonne Femme Watershed study area. The plan includes several recommendations that are meant, among other goals, to mitigate impacts of development on water quality within the waterways in the vicinity, especially those that affect unique areas such as the Devil's Icebox Recharge Area.

Many of the surrounding sites were zoned PD in the past due to their inclusion in the BFW Plan, which allowed conditions to be attached to proposed development that sought to mitigate water quality issues. More specifically, the PD zoning to the south, which is part of the annexation now known as Discovery Park, allowed for stormwater regulations to be applied to proposed developments since the City had not yet adopted such protections. Since that time, the City has enacted a stormwater quality ordinance, which places restrictions on the development of this site to ensure that water quality is met. If Council so chooses, additional stipulations could be applied to enhance water quality, but staff has no additional recommendations at this time regarding the BFW Plan.

Overall, staff finds that the proposed permanent zoning is generally consistent with the goals and objectives of Columbia Imagined, is compatible with adjacent zoning and land uses, and is appropriate for the subject property.

Zenner added that there are a few items. This is a partial annexation of some of the land that is owned. There is no restriction on only zoning part of land that is owned, but there is additional land that could come in in the future. This could require two votes, however, there are many ways this could be accomplished.

Stanton asked if the zoning would be tied to the annexation. Staff indicated that permanent zoning would be contingent on the annexation.

The public comment period was opened, and an engineer appeared on behalf of the applicant. Offering to answer questions.

The next speaker indicated that he lived in the area and asked if the applicant had provided traffic information relating to this request. He also asked if there was access directly to Bearfield Road; if there

was a tree border required. He then asked how his property would be affected since his property is located in the county and wanted to know how this annexation could affect his property and tax status.

A commissioner indicated that the next case would be instructive, and that pre-annexation agreements could come into play depending on the property he owns, however, they indicated that this would not require that property to annex without prior agreement.

The next speaker asked about the environmental impacts of this case on Clear Creek. Staff indicated that there are significant stormwater ordinances, stream buffer ordinances and other protections in place. Staff deferred to the engineer to answer that in the next case.

The hearing was closed.

A motion to approve this request was made and seconded.
The motion was approved unanimously, 9 – 0).

Case # 18-30

A request by Crockett Engineering Consultants (agent) on behalf of Fred Overton, Inc. (contract purchaser) for approval of a 67-lot preliminary plat on R-1 (One-Family Dwelling) zoned land, to be known as Bristol Ridge, pending annexation and permanent zoning. Additionally, the application is seeking design adjustments from Sections 29-5.1(c)(3)(i)(H) and 29-5.1(c)(3)(ii) of the UDC pertaining to connection to undeveloped lands and block lengths, respectively. The 31.01-acre subject site is generally located on the east side of Bearfield Road, approximately 1,400 feet north of Gans Road.

(Action: The applicant is seeking approval of a 67-lot preliminary plat on approximately 162 acres pending annexation and permanent zoning per Case #18-109. The entire site is proposed to be zoned R-1 which would allow the site to be improved with single-family detached dwellings. The development includes 59 single-family lots and 8 common lots. The common lots are depicted as being used for stormwater management and preservation purposes.

Additional rights of way and utility easements are also depicted on the preliminary plat, to be dedicated at the time of final platting. Access to the site will be primarily from Bearfield Road, located to the west, which is currently an unimproved roadway maintained by Boone County. The roadway is generally improved with approximately 24 feet of pavement and generally no shoulders or sidewalks. The subject site will also make use of an existing street stub from the adjacent subdivision to the south (Bristol Lake Subdivision) which will extend Bradington Drive into the subject property. This connection allows for traffic movement through the site to Bristol Lake Parkway, to the east, and ultimately to Gans Road which is to the south. Conversely this connection will allow the flow of local residential traffic from the Bristol Lake Subdivision directly to Bearfield Road. The preliminary plat was reviewed by CATSO at their May 2, 2018 meeting to evaluate the proposed roadway network within the area and it was concluded that no additional major roadways were needed on the site.

The sidewalk along Bearfield is shown in its typical location approximately one-foot inside the right of way, with one exception. At the far north end of the property, Bearfield crosses Clear Creek and requiring placement of the sidewalk in its typical location may require that a pedestrian bridge be constructed. As an alternative, the sidewalk is proposed to be placed at the edge of the pavement of Bearfield as it crosses Clear Creek thereby utilizing the existing drainage culvert. Construction plans are not required at the time of preliminary plat approval; however, will be required prior to final platting at

which time the final design of the sidewalks placement will fully evaluated. Based on field evaluation the applicant has stated that this location is possible; however, if it is shown that this design is not feasible as an alternative location a design adjustment may be requested at time of final platting.

Along with the properties that are not currently within the city, the applicant is requesting to include an existing lot which was previously annexed and platted into this preliminary plat. This lot is located in the southeast corner of the site, at the northwest intersection of Bradington and Baxley, and was shown as Lot 97 of Bristol Lake Plat 1, approved in 2005. (This change was approved earlier in the evening in Case # 18-128.)

There are stream buffers included along Clear Creek. There is also a trail location identified along Clear Creek and that would be invoked at the time of final platting. There is also a pedestrian access located in this area.

The applicant has submitted two design adjustment requests, which are each discussed below.

The first is a request to eliminate street connections on one part of the property. The code requires that streets be generally stubbed to adjoining property that is undeveloped, with a few caveats. If the connection impacts a sensitive area, that should be taken into account when determining if the connection is appropriate. The site is bordered by streams to the north - Clear Creek generally to the northwest and another unnamed creek to the northeast. This unnamed creek does not appear to be a substantial waterway and there is also no floodplain or flood way associated with this waterway.

In this instance, there are competing interests involved within the UDC (street connectivity versus preservation of sensitive areas), but this Section makes allowances for such a conflict. Street connectivity here would provide significant value by providing a connection to the planned east/west MRP neighborhood collector to the north of this site (Philips Farm Road), as well as connections to the possible future development to the north. Staff indicated this is not really a conflict, but which aspect of the request would be accepted. Some places are steeper than others. Some parts have streams, but one stream is not significant. So, it becomes a question of which one to pick.

It should be noted that a pedestrian trail easement is included on the preliminary plat between lots 50 and 51. If a street connection is not required to the north (and the above design adjustment is approved), this connection would at least provide pedestrian connectivity to the future Clear Creek Trail and then to other areas to the north of the site. The goal of connectivity is to maximize access to roads without additional vehicle miles. Staff indicated that connectivity is important and may outweigh the sensitivity concerns. Part of that has to do with the potential trail connection that would run along Clear Creek.

Staff does not support this design adjustment.

The second design adjustment asks for the ability to create a block length within the subdivision that exceeds 600 feet in length. The code requires that blocks be no longer than 600 feet. On the proposed preliminary plat, the distance along Baxley Drive between the two Bradington Court intersections is approximately 1,000 feet.

The request does not appear to address a unique feature to this site; however, the request also does not appear to significantly impact surrounding property owners or the safety of the site. In addition, staff

does concede that the area of the property is generally triangular and attempting to design a traditional block layout may result in a somewhat awkward street design. But the extension of the existing loop street to provide a through connection should not substantially affect the site either. As such, staff recommends denial of the design adjustment because they believe the applicant could do this. They also indicated that if the design adjustment WAS granted, it may not have a substantial impact.

In summary, on this item, staff recommends the following actions:

1. Denial of the requested design adjustments.
2. Approval of the preliminary plat subject to its correction to comply with UDC provisions prior to forwarding for Council consideration.

Questions from the commission ensued.

MacMann asked about the proposed road to the north and asked where that appeared on the CATSO plan. Staff indicated that the plan does not show this road at that point because it has been amended, but that the current alignment may not be exactly here and there is not certainty. No further questions were raised by the commission.

Public comment was opened.

An engineer appeared on behalf of the applicant. He asked to spend his time addressing the design adjustments. His first item addressed the issue of connectivity. He suggested that there is a creek on the north, and that one is significant. If you take that into account, plus the steep slopes, plus the trail connection, plus the grading, then the road build would be significant in this area that is considered to be in a sensitive area. Regarding the CATSO issue, the engineer indicated that CATSO is not specific about where this road would go; that if they do choose a route near this property it will still be challenging; that this is not difficult for automobiles or cyclists. The real purpose is to distribute traffic from this site to major roads, and it does – and this proposal also provides pedestrian connectivity. The UDC says it's OK to ask for a design adjustment in this instance, so we are.

The next item is block length. If you look at this on a two-dimensional basis, its fine. But If you look at this in 3-D, it will create more intersections; it will require additional grading that is not readily apparent by looking at this on a flat map; and we have a difference of 32 vertical feet if this were to be required. We think this DOES meet the unique challenge. He also addressed a previous speaker's question regarding stormwater runoff.

MacMann asked about the option of a stub to the east instead of a stub to the north. The engineer indicated that they avoided the north one for specific reasons, and if you look to the east, you have similar constraints. We believe we have addressed this. Loe asked why you can't go to lot 49 or 50 and make a connection. The engineer indicated that there are still significant challenges in that area; they already have some connectivity to that general area; and there are some constraints further up that path.

Low said she believed that this constrains future access to the northern property. The engineer indicated that there are two other major collectors that could serve the northern property – not theirs – and that the problems could be avoided.

The staff asked about the exhibit that was provided by the engineer. They questioned his characterization of sensitive areas. The engineer indicated that there is no flood plain involved on the unnamed creek, but other sensitive areas were identified as required.

The next speaker indicated that she lives on Bearfield Road. She noted that there are two private drives accessing Bearfield and will these be affected. Staff indicated that the volume of traffic anticipated by this development did not trigger a traffic study, and due to low density, no significant impact is anticipated. Council can look at this, but there is not study that documents significant increases in traffic at this location.

The public hearing was closed.

MacMann believed that the elimination of the stub requirement was problematic. He asked what we were missing. Toohey indicated that we had a case earlier where a stub request was denied because of sensitive areas. Strodman commented that he shared that concern, even if it was moved to another part of the site. Loe wanted to move the connection further east, and that if they moved the connection point further west, they may have even bigger problems. She did not believe we should have to wait for the city to build a road. MacMann asked Loe where she would put this other stub. She indicated that the plan was neatly drawn, but that something needs to be done, and lacking a solution, she is not inclined to support this.

Discussion ended, and Stanton made a motion to approve the motion with the design adjustments included. The motion to approve the entire plan, with both design adjustments passed 5 to 4. The engineer representing the applicant asked for a note indicating that the no votes were aimed at one part of the proposal and that should be noted. The Commission declined to add such a note.)

(The following two items are related and are being considered in tandem.)

Case # 18-121

A request by Simon & Struempff Engineering (agent) on behalf of the North American Islamic Trust, Inc. (owner) to rezone the 1.3-acre property east of Flat Branch Park, and currently occupied by the Islamic Center of Central Missouri Mosque, so that a proposed addition to the Mosque (a new school) may be designated as a "Civic Structure" on the M-DT (Mixed-use Downtown) Regulating Plan. The Mosque is presently designated as a Civic Structure on the Regulating Plan. The subject site is zoned M-DT (Mixed Use-Downtown) and is addressed 205 S. Fifth Street.

(Action: The North American Islamic Trust, Inc. seeks to designate a proposed school addition ("School") to the Islamic Center of Central Missouri Mosque as a Civic Structure on the M-DT (Mixed Use-Downtown) Regulating Plan. The Mosque is presently designated as a Civic Structure.

Places of worship and schools are permitted uses in the M- DT zone. While the proposed new school is an allowed use, its designation as a Civic Structure requires an amendment to the Regulating Plan which is processed in a fashion similar to a rezoning request. Should the proposed school be designated as a Civic Structure the new construction would be exempt from the M- DT zoning district Form-Based Controls. The intent of the exemption is to allow for unique architectural features and site design practices inherent to schools, government buildings, and places of worship or assembly. This request is being concurrently reviewed with a 1-lot final replat of the property to allow for redevelopment of the school over lot lines (Case #18-122).

The Regulating Plan designation for the site is Urban General. While many of the provisions of the Urban General Frontage are met as described in the table provided by the applicant (attached), such as adherence to building height, size, ground story vs. second story clear heights, the elements not met by the School building are tied to its function as an educational facility. This includes not building the School to the required building line, reduced fenestration as a percentage of the building's façade, the use of the second story for classroom use.

The typical Urban General Frontage building would have large shop windows (e.g. a storefront) and would be built to the building line to allow for pedestrians to see into the place of business and for clients, shoppers, or diners to see out. This allows for the public engagement and visual liveliness inherent to a vibrant downtown. However, for the safe and practical circulation of children and to allow for interior pathways to and from the School, the Mosque and playground, the School's orientation away from the building line is in keeping with its function. The use of smaller windows and a centralized door rather than a large storefront allows natural light into classrooms and controlled security in terms of access, accounting for the reduced provision of fenestration typically seen in this Frontage Area. The use of the second story for classrooms rather than commercial or residential uses is expected. Additionally, the window spacing more than meets the requirement to break up lengths of blank walls, and the open space requirements are far exceeded on the site.

Staff has evaluated the proposed new School addition in terms of consistency with the definition of a Civic Building, the M-DT Form Standards, and the Comprehensive Plan. Overall, staff finds the use, design of the building, and site layout to meet the intent and standards for designation as a Civic Building. The design of the building has incorporated enhanced and unique architectural elements and the request for Civic Structure designation is believed to be consistent with the Comprehensive Plan's Goals. When you look at this kind of civic structure, we turn this upside down a little. We look more at function rather than form. This proposal would allow for the new extension to make more sense.

Staff further indicated that these variances should not violate other requirements of elevation, but that the plan is in substantial conformance with the intent.

MacMann wanted to include language in the motion that would guarantee what staff indicated. Staff then said that they can allow the movement of a window or a color or something minor, and that would be allowed. However, she indicated that a substantial change order would not be in order. MacMann wanted to make sure that flexibility and compliance was insured. The staff then indicated that there was a preliminary design submitted. They suggested that the application exhibits A & B could be attached to this testimony and that that could serve as an indication.

Loe then asked about relief from design, but that there were not requirements affecting parking requirements. Loe noted that no street wall was required, challenged that interpretation, and said relief was only from the main structure, not walls related to the parking. This is beyond the scope of the building itself. Loe believed that being a civic building does not relieve the applicant from adhering to parking lot screening, landscaping etc. Staff thought this was included in the building form standards. Loe also thought the parking setback standard was not met.

Staff responded by indicating that this request bundled many requests together. Usually, you have several individual requests, and some may go to the Board of Adjustment, some may go to council and some may be made administratively. Staff's recommendation was for the applicant to ask for ALL

variances to be made as a package and amend the plan as proposed, almost like a modification to a planned district.

Loe indicated that this is the first request to come forward as a designation of a civic structure. She believes that it is important to spell out which things are allowed, which are NOT, and how this sets a precedent for future requests in the event they ask to be designated as civic structures. The staff indicated that there is an overlay; that the city has the right to make that determination; that if there are conflicts, the grant of approval would apply to any development on the site; and that any additional development would be appropriate if the general grant was approved. The council has the opportunity to change any individual aspect of this request. Staff then indicated that if they would like to postpone voting on this at this time they could request the applicant to bring back a more comprehensive set of changes.

The public hearing was opened.

An engineer appeared on behalf of the applicant and indicated that he thought there would be other items that would need to be approved, including street walls, but that that was the only thing left.

The next speaker indicated that he had spoken with city staff and that he believed this proposal meets the landscaping requirements; it meets the need for a campus like structure; it meets the need to match the extension of the mosque to the school; that this matches Sacred Heart downtown and that they believe this is significant. The speaker indicated that this is his third attempt to do this, and that this proposal was submitted to try and meet the new rules.

The next speaker indicated that he was the chair of the local Islamic council and he had a presentation to show the commission. He showed a summary sheet that indicates this project has been on the books since 1999. He showed a progression of these efforts. He appreciates the past efforts, but he would like permission to move ahead. We have spent substantial amounts of money, more than \$250,000. I understand process. Our stakeholders have been patient. We have held 9 stakeholder meetings. They want to move ahead. They have raised \$450,000 toward this goal which is 52% of the cost. We did this during Ramadan. This is set up to end years of drought. I witnessed the birth of the original school. It is time to do this. Maybe there are some technical difficulties. But, it is time. We need to make this dream come true. You are witnessing history in the making.

Rushing asked if the mosque currently has educational efforts at the mosque. The speaker indicated that they do. She then asked if the drawings they submitted were true and if the artistic representation and table were true. The speaker indicated that was true. He indicated that he did not expect major changes unless they had to be amended to meet the city code. The speaker clarified that they expected no major changes.

The next speaker indicated that he was a former chairman of the Islamic center. He greeted everyone and indicated that he could document that this project has been ongoing for many years and that it is full of energy. He indicated that there was information today that indicates that this will be a steel structure. He believes that this is different than what he believed it would be. He then indicated that the center currently has a humble school. He said that there is an alternative design which would be a community center, not a new school, and that there is another school at 408 Locust. He wants more time. He thinks Sami is very energetic, but he wants more time. Is this going to be a steel building or what? I need more information.

The next speaker indicated that the costs of construction of this building are the same as has been indicated, that there is a steel infrastructure, but that is for the gymnasium.

The next speaker indicated that he believed that his community did not really understand the whole concept and that his own community was not informed, and he believed more information should be forthcoming.

A motion to approve was made by Rushing to approve this request without additional requirements. The motion was seconded. Loe indicated that she supported the idea of designating this as a civic structure, but she wants to detangle some of this from that request and not have a lot of downtown surface parking that is not bordered by street walls. MacMann indicated that he thinks approval as a civic structure allows exemptions that are not intended. Rushing believes that this is a singular action. If other exemptions were to be allowed, then those would need to come forward separately.

Staff indicated that the criteria regarding the exemption of the parking requirements regarding the street wall could stand on their own. If you deny this request, then the decision could be reversed by staff. If this is approved with the requirement for the street wall, then you can make that motion. The staff can also add that back in. If they do not, then this can go to the Board of Adjustment. However, the staff suggests that this be agreed to and then you go to BOA for an exemption. The parking here is already nonconforming. If you want the street wall, require it, not waive it, then move on, but give them a designation.

Rushing withdrew her motion. Discussion continued. Loe believed that the issues had been conflated and that they were not clear. Rushing thought that the staff had worked with the applicant and worked out things, and that this proposal should be allowed to go forward. Parking walls are included in the building form section of the code.

MacMann asked if the motion were changed to exclude the building wall exemption, would that satisfy the commission? Staff indicated that legal staff indicates that you could make a motion to approve this as a civic structure, except for the request to build a street wall, and approve it that way. If the applicant comes back, then that would need to go to the Board of Adjustment.

A motion was made to that effect.

The motion to approve, with the exception regarding the street wall, was adopted unanimously, 9 -0)

Case # 18-122

A request by Simon & Struempff Engineering (agent) on behalf of the North American Islamic Trust, Inc. (owner) for a one-lot replat and design adjustments to Sections 29-5.1(g)(4) and Appendix A.6(b) pertaining utility easements and lot corner truncations, respectively. The 1.3-acre subject property is located east of Flat Branch Park and is addressed 205 S. Fifth Street. The final plat will combine three existing lots for the purpose of redevelopment to allow construction of a new school on the site. The site is zoned M-DT (Mixed Use- Downtown).

(Action: The applicant is seeking approval to replat Lots 52 and 53 and part of Lots 13, 14, 15 and 54 of the Original Town, now City of Columbia, plat into a single lot. The plat is required to eliminate construction across building lines and is in advance of future site redevelopment. The plat is being considered concurrently with Case #18-121, which would designate a future school building as a Civic Structure on the M- DT (Mixed Use- Downtown) Regulating Plan. The applicant is also seeking two

design adjustments. The first adjustment is to waive the requirement to dedicate a ten (10) foot utility easement along Fifth, Elm and Locust Streets. The second adjustment seeks partial waiver of the size of the corner truncations required at the southwest corner of Locust and Fifth Streets, and the northwest corner of Elm and Fifth Streets. There are a few technical adjustments that would be required since the submitted plan differs slightly from the published plan.

The UDC describes that, to the extent possible, utilities shall be located in designed easements and not in the street right-of-way. However, in this case as well as many other developed areas of the City, and especially commonplace in the Downtown District, utilities are located in the street right of way. For this site, the utilities are either a) in the adjacent streets, or b) placed in a previously dedicated easements on the property (electric and storm sewer easements). The Utilities Department has evaluated the request and supports the waiver due to the existing utility locations. Additionally, the applicant requests the waiver due to its impact upon the existing site improvements. Dedication of the required utility easements would place an existing house and the Mosque into the designated easements.

The second design adjustment requests waiver from Appendix A.6(b) of the Unified Development Code (UDC) which describes the requirements for a corner truncation for ninety-degree intersections which reads:

A.6 Intersections. (b) When streets intersect at a ninety (90) degree angle or when a street intersects with a cul-de-sac terminal bulb, the intersection right-of-way lines shall be rounded by a curve with a radius of not less than twenty (20) feet for residential streets and not less than thirty (30) feet for nonresidential streets.

Per the above standard a 30' corner truncation at the southwest corner of Locust and Fifth Streets, and at the northwest corner of Fifth and Elm Streets would be required. Corner truncations allow opportunity to replace sidewalk and/or sidewalk ramps as needed in the future. According to the applicant, the existing location of the Mosque makes the 30-foot standard challenging since it encroaches upon the existing building footprint. The applicant proposes a 10-foot corner truncation. This proposed truncation is supported by Public Works. After considering staff review of the requested design adjustments, existing site conditions and the built environment, and the information submitted by the applicant, staff supports the approval of the full waiver of the utility easement dedication and the partial waiver of the corner truncation.

No questions were forthcoming from staff.

The public hearing was opened.

The first speaker appeared and indicated that he was interested in the combination of the lots and that this will create a small triangle and asked for the small triangle of land to be included in the plan because there is grass and flowers in there. We have asked for this to be granted to us. We don't own it, but we maintain it. The commission indicated that they could not grant that land to the mosque at this time and that would require a different sort of arrangement.

No further speakers were forthcoming.

MacMann proposed a motion, including minor technical adjustments, to approve the request. The motion to approve passed unanimously, 9 – 0.)

PUBLIC COMMENTS

(None.)

STAFF COMMENTS

Staff indicated that the next regular meeting will be held on July 5. The Sustainability Office will meet with the Commission during the worksession held on that same date prior to the regular meeting. The Business Loop CID may also make a report.

4 items will be on the next Regular Meeting agenda. They include:

Cypress Creek Renewables - (the item tabled at tonight's meeting)

Lewis and Smarr Subdivision – annexation from county R-A to city R-1

Harbison's second addition on Fay Street - (Rezoning from I-G to M-N)

OTA subdivision request - (including waiver)

COMMISSION COMMENTS

(The chair asked for all members to inform the clerk if they will be absent at the next meeting due to conflicts with the Independence Day holiday schedule.)

NEXT MEETING DATE - July 5, 2018 @ 7 pm

ADJOURNMENT

(Time: 9:26 PM.)

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