B 246-14
Supplemental
Information

Engineering Surveys and Services

Consulting Engineers, Scientists, and Land Surveyors
Analytical and Materials Laboratories

1113 Fay Street
Columbia, Missouri 65201
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E-Mail ess@ESS-Inc.com
http://www.ESS-Inc.com

August 7, 2014

Honorable Mayor and City Council
City of Columbia
P.O. Box 6015
Columbia, MO 65205

Ladies and Gentlemen:

We have prepared a subdivision plat entitled "Worley Street Subdivision – Plat 2", of a small lot on West Worley Street. The property owner, Southport – Yarco, LLC, desires to build eleven housing units for low income disabled citizens on this lot.

At the July 24th, 2014 Planning & Zoning Commission meeting, I argued, unsuccessfully, for a variance to the required 33 foot half width right-of-way for West Worley Street, since the adjacent properties have previously dedicated to a 30 foot half width. The plat was approved by the Planning & Zoning Commission, and I subsequently revised the plat to grant a three foot street easement. This newly dedicated street easement, in addition to an existing street easement, provides the proper street half width of 33 feet for West Worley.

This right-of-way is provided by way of a street easement, as opposed to dedicated right-of-way, so that the density calculation allows for eleven dwelling units. The City Staff has determined that we are not allowed to round our numbers up, and therefore, if this strip is dedicated as right-of-way, our density calculation (at the allowed R-3 density) becomes 10.77 units, which the Staff has told us would only allow 10 dwelling units. The 11 unit density is imperative to protect the viability of the development.

The plat of "Worley Street Subdivision – Plat 2", was introduced and first read, at your meeting on August 4th, 2014, and is scheduled to be approved on your consent agenda on August 18th, 2014.

The ordinance which has been prepared to accompany the plat, has inadvertently described the 13 foot street easement area as "street right-of-way". The plat which has been signed by the Planning & Zoning Commission Chair, and by the property owner indicates this area as "street easement".

Engineering Surveys and Services

This plat must be approved by September 1, 2014 in order to meet the submission requirements of the Missouri Housing Development Commission.

We respectfully request that at your meeting on August 18th, 2014, you move this plat (Council Bill No. B246-14) from the consent agenda to old business, and simply modify Section 3 of the ordinance from "right-of-way" to "easement".

Thank you for your consideration of this request.

If you have any questions, please contact me.

Thank you very much.

Yours truly,

Timothy J. Reed, PLS

Cc: Mr. Stuart Hunt
Mr. Taylor Hunt
Mr. Clinton Cohn
Mr. Mike Matthes, City Manager
Mr. Timothy Teddy, Director of Community Development

City of Columbia

701 East Broadway, Columbia, Missouri 65201

Agenda Item Number: B 246-14
Department Source: Community Development - Planning
To: City Council
From: City Manager & Staff
Council Meeting Date: August 4, 2014
Re: Worley Street Subdivision Plat 2 - final plat (#14-119)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance
Supporting documentation includes: Summary of Board/Commission Reports (including maps, final plat, and variance worksheet), Excerpts from Minutes

Executive Summary

A request by Tim Reed, Engineering Surveys & Services (applicant), on behalf of Southport-Yarco, LLC, (owner) for approval of a one-lot final minor plat on O-1 (Office District) zoned land, to be known as "Worley Street Subdivision Plat 2", and for approval of a variance to Section 25-43 (Street Widths) for reduced right-of-way. The 0.66-acre subject site is located on the north side of Worley Street, approximately 700 feet east of Bernadette Drive, and addressed as 1805 W Worley Street. (Case #14-119)

Discussion

The applicant requests approval of a one-lot final minor plat to be known as "Worley Street Subdivision - Plat 2". The existing lot is not considered a legal lot of record, and therefore must be platted prior to the issuance of any permits.

At the time of platting, the City requires the dedication of all necessary easements and right of way to comply with the standards of the Subdivision Regulations. The subject site abuts West Worley Street which is classified as a Major Collector. The total right of way required for streets of this classification is between 66 and 76 feet, or a half-width of 33-38 feet. Currently, the half-width of the right of way adjacent to the subject property is 20 feet. The plat submitted for Commission consideration showed the dedication of an additional 10 feet (for a total half-width of 30 feet). The applicant submitted a request for a variance (attached) for the remaining 3 feet of required right of way.

In staff's report to the Planning and Zoning Commission, the requested variance was not supported given that other properties along Worley Street have been able to dedicate the required half-width at the time of platting and that, in staff's opinion, the request did not appear to meet the threshold for the granting of a variance. Staff's recommendation was to approve the plat, subject to the condition that the plat be revised to dedicate the full required half-width.

Staff's report did acknowledge that Worley Street is not included within the CIP at this time, and the uncertainty regarding the timing of any improvements to the street does create an inconvenience to the

property owners. Staff further noted the subject property is smaller than many of the surrounding properties, which increases the impact upon it should additional land area be required for right of way dedication purposes.

At its meeting on July 24, 2014, the Planning and Zoning Commission voted unanimously (7-0) to recommend approval of the final plat, with the condition that the plat be revised to dedicate the full required half-width right of way. A representative for the applicant, Tim Reed, Engineering Surveys & Services, was present and gave an overview of the request and spoke to the reasons for the requested variance. Commissioners inquired about the amount of right of way dedicated by neighboring properties, and how the City would obtain the right of way in the future if not dedicated at this time. No one from the public spoke during the public hearing.

Following the public hearing, it was brought to staff's attention that if the required 13 feet of right of way were dedicated the remaining lot area would be insufficient to accommodate the developer's proposed residential development designed to provide affordable housing to seniors with disabilities. The subject property has been previously before the Board of Adjustment for variances relating to the proposed housing development. Overcoming the lot area deficiency would require an additional public hearing by the Board of Adjustment.

Given these facts, not shared at the Commission hearing, staff believes that a street easement for the additional three feet of half-width could be provided in lieu of granting additional right of way. The additional 3-foot street easement coupled with the existing 10-foot street easement already in place (obtained for the installation of sidewalks along Worley) would result in the required 13-feet needed to accommodate any future roadway expansion. Easements, unlike dedicated right of way, do not impact lot area. An easement is an encumberance on the land, whereas a platted right of way removes the land from the original parcel.

The applicant has revised the plat to provide the 13-foot street easement. This adjustment meets the intent of the Planning Commission's recommendation, the requirements of Section 25-43, and will permit the construction of affordable housing for disabled seniors which has already obtained Board of Adjustment variances to allow construction to proceed forward.

A copy of the staff report (including maps, final plat, and variance worksheet) and excerpts from the meeting's minutes are attached.

Fiscal Impact

Short-Term Impact: None.
Long-Term Impact: None.

City of Columbia

701 East Broadway, Columbia, Missouri 65201

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Transportation
Strategic Plan Impact: Not Applicable
Comprehensive Plan Impact: Infrastructure

Suggested Council Action

Approval of the final plat for "Worley Street Subdivision - Plat 2" with a 13-foot street easement in lieu of dedicated right of way.

Legislative History

None.

Department Approved

City Manager Approved

Introduced by _____

First Reading _____ Second Reading _____

Ordinance No. _____ Council Bill No. _____B 246-14_____

AN ORDINANCE

approving the Final Plat of Worley Street Subdivision – Plat 2, a minor subdivision; accepting the dedication of rights-of-way and easements; setting forth a condition regarding dedication of street right-of-way; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby approves the Final Plat of Worley Street Subdivision – Plat 2, as certified and signed by the surveyor on July 25, 2014, a minor subdivision located on the north side of Worley Street and approximately 700 feet east of Bernadette Drive (1805 W. Worley Street), containing approximately 0.66 acre in the City of Columbia, Boone County, Missouri, and hereby authorizes and directs the Mayor and City Clerk to sign the plat evidencing such approval.

SECTION 2. The City Council hereby accepts the dedication of all rights-of-way and easements as dedicated upon the plat.

SECTION 3. Subdivider shall dedicate an additional 13-feet of street right-of-way along the entire West Worley Street frontage prior to execution of the plat by City officials.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2014.

ATTEST:

_____ _____

City Clerk Mayor and Presiding Officer

APPROVED AS TO FORM:

_____

City Counselor

City of Columbia
701 East Broadway, Columbia, Missouri 65201

SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports (including maps, final plat, and variance worksheet), Excerpts from Minutes

AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
July 24, 2014

SUMMARY

A request by Tim Reed, Engineering Surveys & Services (applicant), on behalf of Southport-Yarco, LLC, (owner) for approval of a one-lot final minor plat on O-1 (Office District) zoned land, to be known as "Worley Street Subdivision Plat 2", and for approval of a variance to Section 25-43 (Street Widths) for reduced right-of-way. The 0.63-acre subject site is located on the north side of Worley Street, approximately 700 feet east of Bernadette Drive, and addressed as 1805 W Worley Street. (Case #14-119)

DISCUSSION

The applicant requests approval of a one-lot final minor plat to be known as "Worley Street Subdivision - Plat 2". The existing lot is not considered a legal lot of record, and therefore must be platted prior to the issuance of any permits.

At the time of platting, the City requires the dedication of all necessary easements and right of way that are necessary to adequately serve the property. So in addition to the requested plat, the applicant is requesting a variance to Section 25-43, which stipulates the amount of right of way (ROW) that is required to be dedicated at the time a property is platted given the classification of the adjacent roadway. In this case, West Worley Street is classified as a Major Collector, and per Section 25-43, the total right of way required is between 66 and 76 feet, or a half-width of 33-38 feet. Currently, the half-width right of way adjacent to the subject property is 20 feet. The applicant is proposing to dedicate an additional 10 feet (for a total half-width of 30 feet) and to request a variance for the final 3 feet of required right of way.

In the attached variance worksheet, the applicant states that the 10-foot dedication (as opposed to the required 13 feet) is consistent with the adjacent properties and additional ROW is unnecessary. While staff recognizes that the properties adjacent to the east and west have previously dedicated only 10 feet of right of way, both dedications took place when the properties were platted in the 1970s, the dedication requirements may have been less. Other surrounding properties more recently platted present examples of adequate right of way dedication, including the property directly across Worley Street, which dedicated 13 feet of right of way (in addition to 20 feet of existing ROW) in 2012, for a half-width of 33 feet. Additionally, there is at least a 33-foot half-width ROW in place on the south side of Worley between Stadium Boulevard and Clinkscales Road, and the north side has the proper right of way between Stadium and Bernadette Drive.

In regards to sidewalk, earlier this year, the City secured a10-foot easement on the subject property in order to install sidewalks, which is an identified CIP project. The sidewalks were constructed within the easement. Had the full 13-foot ROW been available, the sidewalks would likely have been constructed 3 feet further to the north. If a full 66-foot ROW is sought by the City in the future, the sidewalks, which will be installed in the coming weeks, would need to be relocated to the edge of the ROW. Staff is uncertain if the location of the sidewalk would be taken into account in the future if a roadway expansion is considered, although that cost would be the responsibility of the City.

With that said, staff notes that improvements to Worley Street are not listed in the CIP plan, and it is unclear when the widening of the roadway would take place. The uncertainty of the timing of the improvements does present an inconvenience to property owners, but the additional right of way will serve the needs of the subject property in the future. Staff also acknowledges that the property is not a large parcel, and the additional 3 feet of right of way impacts the property to a larger degree than many of the other surrounding properties, including the property to the south, which is owned by the Columbia Public School District.

Staff also notes that the traffic engineering department indicated that they would not oppose the requested variance if a 3-foot street easement (which would function as right of way but remain with the subject property) be dedicated over the eastern 70 feet of the property in order to accommodate a potential pull-out area for transit vehicles on Worley.

Taking into account all the factors in this situation, staff still finds that the requested variance does not meet the threshold for approval given that the site is being redeveloped and the additional required right of way should be considered when planning the development of the lot. Staff also finds that the situation is not unique to this property, as multiple properties in the same area were able to dedicate the full required ROW.

The plat has been reviewed by internal and external departments/agencies and found to comply with the Subdivision Regulations except for the requested variance.

STAFF RECOMMENDATION

Approval of the final plat, subject to the following condition:

1. The plat is revised to dedicate the required amount of right of way prior to forwarding this request to Council for approval.

SUPPORTING DOCUMENTS

Attachments

- Aerial and topographic maps
- Final Plat
- Variance worksheet

SITE CHARACTERISTICS

Area (acres)	0.66 acres (inclusive of right-of-ways)
Topography	Generally flat
Vegetation/Landscaping	Landscaping, grass
Watershed/Drainage	Harmony Creek
Existing structures	Single-story building, driveways, off-street parking lot

SITE HISTORY

Annexation date	1955
Zoning District	O-1
Land Use Plan designation	Employment District
Previous Subdivision/Legal Lot Status	Not previously subdivided

UTILITIES & SERVICES

All City services are available to the site.

ACCESS

W Worley Street	
Location	South side of site
Major Roadway Plan	Major Collector (Improved & City-maintained), requiring 66-76 ft. of ROW. Ten feet additional ROW proposed for dedication.
CIP projects	Sidewalks on Worley Street (1-2 year project);
Sidewalk	5-ft sidewalk currently planned for construction per City's CDBG program

PARKS & RECREATION

Neighborhood Parks	Clay-Shy Park & the Activity and Recreation Center (to the south)
Trails Plan	Proposed trail or pedway along Worley.
Bicycle/Pedestrian Plan	Worley Street identified as key connectivity street; recommended for bike lane/sidewalks at time of reconstruction

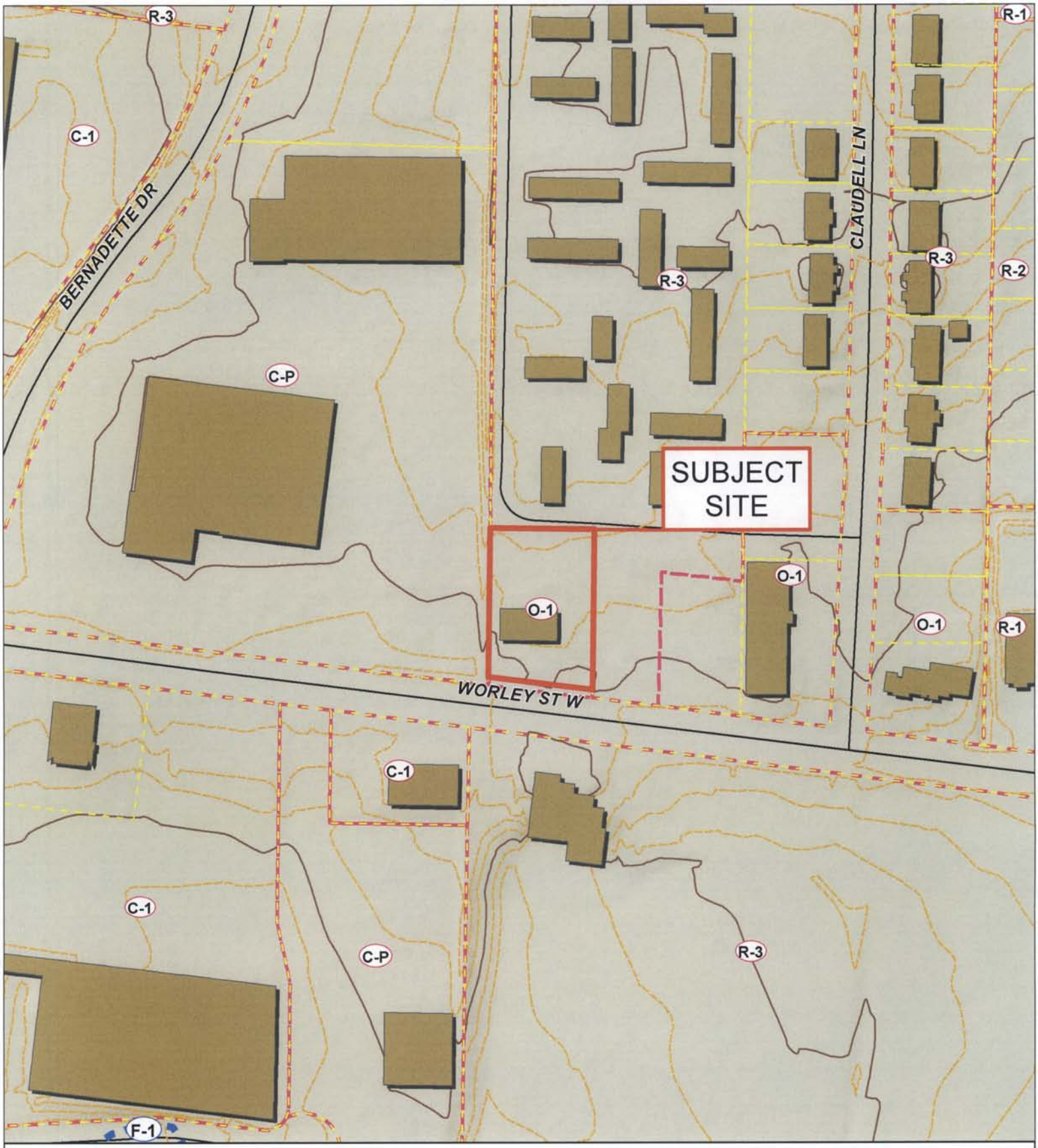
Report prepared by Clint Smith Approved by Patrick Zenner

14-119: Worley Street Subdivision Plat 2

Hillshade Data: Boone County GIS Office
Parcel Data Source: Boone County Assessor
Imagery: Boone County Assessor's Office, Sanborn Map Company
Created by The City of Columbia - Community Development Department

0 90 180 360
Feet

N



14-119: Worley Street Subdivision
Plat 2

Hillshade Data: Boone County GIS Office
Parcel Data Source: Boone County Assessor
Imagery: Boone County Assessor's Office, Sanborn Map Company
Created by The City of Columbia - Community Development Department

0 90 180 360
Feet

N

City of Columbia
Planning Department
701 E. Broadway, Columbia, MO
(573) 874-7239 planning@gocolumbiamo.com

Variance Worksheet

For office use:

Case #:	Submission Date:	Planner Assigned:
14-119	6/13/14	Smith

Where the Planning and Zoning Commission finds that undue hardships or practical difficulties may result from strict compliance with the City's Subdivision Regulations, it may recommend and the Council may approve variances so that substantial justice may be done and the public interest secured, provided that any such variance shall not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

The Commission shall not recommend variances unless it finds and determines that the following criteria are met[1]. Please explain how the requested variance complies with each of the below requirements:

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

THE 63 FOOT WIDE RIGHT OF WAY IS MORE THAN ADEQUATE FOR THIS PORTION OF WEST WORLEY AND THE ADDITIONAL 3 FEET ON THIS SMALL TRACT WOULD MAKE NO DIFFERENCE IN THE TRAFFIC FLOW.

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, are not applicable generally to other property, and are not self-imposed.

ALL ADJACENT PROPERTIES HAVE GRANTED AN ADDITIONAL 10 FEET MANY YEARS AGO. THE ADDITIONAL 3 FEET ON THIS SMALL TRACT WOULD MAKE NO DIFFERENCE IN THE TRAFFIC FLOW

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations was carried out; and

THIS IS A SMALL TRACT AND IS ZONED O-1. GRANTING AN ADDITIONAL 3 FEET, THAT WILL NEVER BE USED, OR NEEDED, FURTHER REDUCES THE DEVELOPABLE AREA.

4. The variance will not in any manner abrogate the provisions of the comprehensive plan of the City.

THE 63 FOOT WIDE RIGHT OF WAY IS MORE THAN ADEQUATE FOR THIS PORTION OF WEST WORLEY AND THE ADDITIONAL 3 FEET ON THIS SMALL TRACT WOULD MAKE NO DIFFERENCE IN THE TRAFFIC FLOW. THE VARIANCE WILL NOT IN ANY MANNER, ABROGATE THE PROVISIONS OF THE COMPREHENSIVE PLAN OF THE CITY.

JUN 16 2014

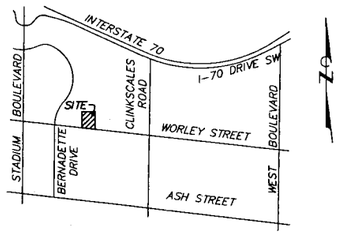
[1] Per Section 25-20: Variances and exceptions

FILED FOR RECORD, BOONE COUNTY, MISSOURI
BETTIE JOHNSON, RECORDER OF DEEDS

CITY PROJECT # 14-119

WORLEY STREET SUBDIVISION - PLAT 2

MINOR PLAT
JULY 11, 2014



SITE LOCATION MAP

NOT TO SCALE

NOTES

THIS TRACT IS NOT REGULATED BY THE CITY OF COLUMBIA STREAM BUFFER ORDINANCE AS DETERMINED BY THE USGS MAP FOR COLUMBIA QUADRANGLE, BOONE COUNTY, MISSOURI AND ARTICLE X OF CHAPTER 12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES.

THIS PROPERTY IS LOCATED IN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN BY FLOOD INSURANCE RATE MAP NUMBER 29019C0280D, DATED MARCH 17, 2011.

BEARINGS ARE REFERENCED TO THE WEST LINE OF WORLEY STREET SUBDIVISION.

MONUMENT LEGEND

⌖ IRON

ALL MONUMENTS ARE FOUND UNLESS SHOWN (S) SET

A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 T48N R13W IN COLUMBIA, BOONE COUNTY, MISSOURI, BEING THE TRACT DESCRIBED BY A WARRANTY DEED RECORDED IN BOOK 4296 PAGE 105, AND ALSO BEING THE TRACT DESCRIBED BY A SURVEY RECORDED IN BOOK 501 PAGE 732, AND CONTAINING 0.66 ACRE.

THIS TRACT IS SUBJECT TO UTILITY EASEMENTS RECORDED IN BOOK 279 PAGE 319 AND BOOK 297 PAGE 500, AND A STREET EASEMENT RECORDED IN BOOK 4241 PAGE 138, ALL LOCATED AS SHOWN ON THE PLAT.

THIS URBAN PROPERTY WAS SURVEYED AND SUBDIVIDED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

BY:
ENGINEERING SURVEYS AND SERVICES
MISSOURI L.S. CORP. #2004004672
1113 FAY STREET
COLUMBIA, MO 65201
PHONE: (573) 449-2646
EMAIL: TREED@ESS-INC.COM

STATE OF MISSOURI
TIMOTHY J. REED
NUMBER PLS-2089
PROFESSIONAL LAND SURVEYOR

TIMOTHY J. REED
PROFESSIONAL LAND SURVEYOR 7/25/2014
LS 2089

STATE OF MISSOURI } SS
COUNTY OF BOONE }

ON THIS _____ DAY OF _____, 2014 BEFORE ME PERSONALLY APPEARED TIMOTHY J. REED TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN SAID COUNTY AND STATE, THE DAY AND YEAR FIRST ABOVE WRITTEN.
MY TERM EXPIRES DECEMBER 6, 2015.

_____
JOSHUA D. LEHMEN, NOTARY PUBLIC

KNOW ALL PERSONS BY THESE PRESENTS:

WE, SOUTHPORT-YARCO, LLC, A MISSOURI LIMITED LIABILITY COMPANY, BEING THE SOLE OWNER OF THE ABOVE DESCRIBED TRACT HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO ONE LOT AS SHOWN ON THE PLAT. A STREET EASEMENT, 3 FEET WIDE, LOCATED NORTH OF, AND ADJOINING THE EXISTING STREET EASEMENT RECORDED IN BOOK 4241 PAGE 138, AS SHOWN ON THE PLAT, IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE FOREVER.

SOUTHPORT-YARCO, LLC

_____
JONATHAN R. COHN, MEMBER

APPROVED BY THE PLANNING AND ZONING COMMISSION, COLUMBIA, MISSOURI, ON JULY 24, 2014

_____
DR. RAMAN PURI, CHAIRPERSON

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI, THIS 18TH DAY OF AUGUST, 2014

_____
ROBERT MCDAVID, MAYOR

ATTEST: _____
SHEELA AMIN, CITY CLERK

STATE OF MISSOURI } SS
COUNTY OF JACKSON }

ON THIS _____ DAY OF _____, 2014 BEFORE ME APPEARED JONATHAN R. COHN TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN DID SAY THAT HE IS A MEMBER OF SOUTHPORT-YARCO, A LIMITED LIABILITY COMPANY AND THAT SAID INSTRUMENT WAS SIGNED IN BEHALF OF SAID CORPORATION AND THE SAID JONATHAN R. COHN ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN SAID COUNTY AND STATE, THE DAY AND YEAR FIRST ABOVE WRITTEN.
MY TERM EXPIRES _____

_____
, NOTARY PUBLIC

12741

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

JULY 24, 2014

IV) SUBDIVISIONS

Case No. 14-119

A request by Tim Reed, Engineering Surveys & Services (applicant), on behalf of Southport-Yarco, LLC (owner) for approval of a one-lot final minor plat on O-1 (Office District) zoned land, to be known as "Worley Street Subdivision Plat 2," and for approval of a variance to Section 25-43 (Street Widths) for reduced right-of-way. The 0.63-acre subject site is located on the north side of Worley Street, approximately 700 feet east of Bernadette Drive, and addressed as 1805 West Worley Street.

MR. REICHLIN: May we have a staff report, please?

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the final plat, subject to the following condition:

1. The plat is revised to dedicate the required amount of right of way prior to forwarding this request to Council for approval.

MR. REICHLIN: Are there any questions of Staff?

MS. LOE: I had one question.

MR. REICHLIN: Uh-huh.

MS. LOE: It's just a clarification. I understood that -- from your report that the full 33 feet was granted on the south side of Worley. I just wanted to confirm that there is also properties on the north side that have also provided the full 33 feet.

MR. SMITH: Directly adjacent to this property, as you can see from this, to the east and to the west, and I think to the west is Joe Machens Ford adjacent to Bernadette Drive, when they platted it, it was in the 1970s and they had dedicated ten feet of additional right-of-way for a total of 63 -- 63 feet of right-of-way at that location. So that's consistent with what the applicant is requesting. However, at this time, the standards for a major collector do require the 66 feet.

MS. LOE: But that did not answer my question --

MR. SMITH: Oh.

MS. LOE: -- which was are there properties on the north side of Worley?

MR. SMITH: To the west of Bernadette, between Bernadette and Stadium, they have dedicated -- and there's a full at least 66 feet of right-of-way.

MS. LOE: Thirty -- there is full?

MR. SMITH: Yes.

MS. LOE: Okay. Thank you.

MR. REICHLIN: Are there any other questions of Staff? Seeing none. Typically, these -- these

kind of items -- subdivision items are not for public hearing, but we do entertain comments from the public to help -- help us with our analysis.

MR. REED: Good evening, my name is Tim Reed. I'm with -- a land surveyor with Engineering Surveys & Services. We had split this little tract off many years ago when Shorty Hathman owned all this property and he sold it to the Red Cross, I think, in '72, and -- and it doesn't meet the definition of a lot. So we're platting it so that it will be a legal lot. And for 650 feet to the west across Joe Machens Ford, there is 30-foot half-width, and for over 500 feet to the east, across the Campus Square Apartments, there's a 30-foot half-width. So -- and in addition, the City asked for and was granted a ten-foot street easement on this property in November of 2013 for a sidewalk project that's getting ready to commence, so the City felt the ten feet was adequate at that time for this sidewalk project. So now that we're platting the property, we're willing to grant that ten-foot strip as public right-of-way, but on a small lot like this, the additional three feet does cause quite a hardship. It's zoned O-1. We intend to develop it with a rather high-density senior housing and -- and it's about 140 feet deep by 200 -- or 200 feet deep by 140 wide, and three feet on this small lot will cause a practical hardship. And I -- when -- when I get into these situations, I look at them -- I look at the guidelines, the street standards, and it is a guideline. The three-foot strip that we dedicate, I can almost guarantee you will never be utilized. I wouldn't want to go to Joe Machens Ford and tell them they need to give up three feet of their parking lot for -- for any sort of a widening. There's -- there's plenty of room in here for Worley. We platted the Columbia Public Schools property on the other side. It was almost a quarter of a mile. It was proper and right to grant that 33-foot half-width on that -- it was, like, 17 acres, and we did. We recommended to our client that they dedicate the entire width. But it's difficult for me to tell our client in Kansas City that we're going to give three more feet than what the property owners on either side of this tract have given. So that's the reason for our variance request. It will impact our site and we would prefer not to. If you have any questions, I'll try to answer them.

MR. REICHLIN: Are there any questions of this speaker? Seeing none, thank you.

MR. REED: Thank you.

MR. REICHLIN: Comments of Commissioners? Ms. Loe?

MS. LOE: I have a few more questions for Staff.

MR. REICHLIN: Feel free.

MS. LOE: The implication in the statement that was just made was that the 13-feet was a guideline and not a requirement. Can you clarify that?

MR. SMITH: In the section that they're referring to -- I think it's 25-43 -- it is a requirement. Sixty-six feet is the lowest range. It does give a range, 66 to 76 feet for major collectors. That is a requirement. We do have an Appendix E or A, I think, that gives some -- some additional language, but it still requires a variance to -- to grant a 66-foot or something less than a 66-foot right-of-way for a major collector.

MS. LOE: Is the ten feet that was required for the sidewalk, is that just something that -- completely different, or why -- why is there some --

MR. SMITH: Yeah. In my discussions with -- with Public Works, it was something that the sidewalk project at that location was funded through CDBG funds, so -- Community Development Block

Grant funds, and -- and it was identified actually as a one- to two-year in the CIP project as -- as a sidewalk, so I think they looked at it as they had ten feet of -- they had ten feet of right-of-way on the east of this property and to the west already, so I think they looked at it as getting that extra three feet for an easement for a sidewalk at that time didn't make sense because the roadway wasn't in the ten-year plan. So at some point in the future, if it does become in the plan and they widen it, they would probably have to relocate all that sidewalk. But I think at this -- they looked at it from a practical standpoint that giving that extra three feet for an easement, which they had to get granted to them as opposed to this process where they're required to -- to provide it, to jog the sidewalk three feet onto this property wasn't necessarily practical at that time.

MS. LOE: Thank you.

MR. REICHLIN: I have -- I have a question for Staff. Mention -- mention was made of the parking lot at Joe Machens. Does it have a 30 width easement -- I mean, dedication right now?

MR. SMITH: Right. Yes. They have 30 feet of half-width as opposed to a 33, which would be the -- the requirement at this time, yeah.

MR. REICHLIN: And then the property just to the east --

MR. SMITH: Uh-huh. Same situation, yes.

MR. REICHLIN: Same situation. And was that by variance or by --

MR. SMITH: Not that I --

MR. REICHLIN: -- grandfathered or --

MR. SMITH: Not that I could locate. Basically, both of those properties were platted in the '70s, so there is not actually a really good records as far as that. I didn't -- I didn't see any indication that a variance was granted. We could look and see what the standard was at that time to see if that was the case, but, in this situation, with the current standards, the 66 foot would be required at this location. And we looked at the other surrounding properties that weren't necessarily immediately adjacent and found that the full right-of-way granting was consistent with the area, so --

MR. REICHLIN: Am I -- am I to interpret that to mean that there are several other properties on the corridor that meet the 33 feet from the half --

MR. SMITH: Correct.

MR. REICHLIN: -- the half point?

MR. SMITH: Yes. As Mr. Reed said, the property to the south, which is school district owned, they had dedicated a full 33 feet. And I think at that time when they platted it, it met -- dedicated an additional 13 feet. Every property on the south side of Worley west has an appropriate or a full right-of-way half-width on that side. And everything west -- both north and south, west of Bernadette has a full 66-foot right-of-way.

MR. REICHLIN: Thank you.

MR. SMITH: You're welcome.

MR. REICHLIN: Are there any other comments of Commissioners?

MS. RUSSELL: Actually, I have one. I think that since Joe Machens only has the ten feet and the

other side, I think it's kind of inconsistent to require this one to have the full piece, that full variance. So I'm going to approve the plat, but I'm not going to approve that they change that right-of-way.

MR. TILLOTSON: My question then is --

MR. REICHLIN: Mr. Tillotson.

MR. TILLOTSON: -- if in the future, if the City wanted to do -- make a roadway through there

MR. SMITH: Uh-huh.

MR. TILLOTSON: -- and we've either -- we've got to deal with Machens for sure, and we've got to deal with the other property, but then we would have to deal with this one. That's --

MR. SMITH: That's correct. Yes.

MR. TILLOTSON: We're either solving a problem now or moving it to solve it later.

MR. SMITH: Uh-huh. Uh-huh.

MR. TILLOTSON: And I do agree with the inconsistency issue, but I think when we deal with properties that are moving forward and the way the regs are today, we have to think why those are there, why those are put in place and maybe need to be more consistent. So I would tend -- I plan to -- intend to support it the way Council has recommended -- or Staff.

MR. REICHLIN: Anybody else care to comment?

MS. LOE: I'll make a motion to approve Case No. 14-119, a request by Tim Reed, Engineering Surveys & Services, on behalf of Southport-Yarco, LLC, for approval of a one-lot final minor plat on O-1 zoned land to be known as "Worley Street Subdivision Plat 2." That the -- is there staff -- sorry -- for the minutes, is this staff recommendation written to dedicate the required amount of right-of-way prior to forwarding the request to Council for approval?

MR. SMITH: Yes.

MS. RUSSELL: Can I leave it at that?

MR. SMITH: Yeah. I think that would be sufficient.

MR. TILLOTSON: I'll second that.

MR. REICHLIN: Mr. Tillotson seconds. Roll call, please.

MR. STRODTMAN: Yes, sir, Mr. Vice-Chair.

Roll Call vote (Voting "yes" is to recommend approval). Voting Yes: Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Russell, Ms. Burns, Ms. Loe. Motion carries 7-0.

MR. STRODTMAN: Recommendation for approval will be forwarded to City Council.

MR. REICHLIN: Okay. If I may indulge Staff, do we want to -- do we want to open all these up at the same time, or deal with them each individually?

MR. ZENNER: We will deal with them individually based on the fact that each case is unique in and of itself, even though they are related. But we will go through each case in the order that they are now listed on the agenda, starting with 14-117.

MR. REICHLIN: Thank you.