
Requested Council Meeting Date: February 1, 2016

Item: COUNCIL BILL NO. 2016-255

Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Council Bill
2) Planning Report
3) Commission Minutes

Planning/Community Development Manager: Troy Bolander

City Attorney: Peter C. Edwards

City Manager: Samuel L. Anselm

Board or Commission: Planning and Zoning Commission

Date: 1/11/2016

Recommended Action: Planning and Zoning Commission recommended approval by a vote of “4 in favor, 1 opposed, and 2 absent”

SUMMARY/REQUEST:

Case 003-16: Southeast corner of 20th Street and Arizona Avenue – A request for the vacation of a twenty-foot wide utility easement – Dr. Richard Joseph.

STAFF SUMMARY:

Although this site is currently zoned R-1 (Single-Family Residential), the owner intends to rezone for commercial development. The commercial structure would need to be constructed on top of the current easement. Missouri American Water and Empire Electric Company currently have utilities in this easement but have reached an agreement with the owner for relocation. This site is appropriate for commercial development as a future land use.

This site will need to be rezoned for commercial development before any building permit can be issued.

Staff recommends approval of Case 003-16.

PLANNING & ZONING COMMISSION TESTIMONY:

Mr. Bolander received a request to vacate a utility easement to make the property easier to develop. Confirmation has been received from all the utility companies that as long as the utilities can be relocated, they are acceptable to this request.

Mr. Brown asked why this request is being made before a rezoning request is being presented. Mr. Bolander replied either way is fine, but he typically likes to receive the rezoning request first since there is no reason to vacate the easement if the property cannot be rezoned. In this instance, Dr. Joseph has requested that the easement be vacated first before they request rezoning.

Mr. Duncan asked if the easement must be put back together if the rezoning request wasn't approved and the property remains residential. Mr. Bolander stated it would be difficult to build a house that close to 20th Street, with the future land use plan recommending a commercial designation at this location.

Mr. Duncan asked where Dr. Joseph will pick up the utilities from, and Mr. Bolander replied from 20th Street or from Arizona Avenue or Highview Avenue. He thought another easement would be dedicated in the rear of this property to service that commercial development, or the utilities may be extended from 20th Street.

PUBLIC COMMENT:

None.