

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 19-14

AN ORDINANCE

approving the Final Minor Plat of Stevenson Addition, a Replat of portions of Lots 137, 138 and 183 and all of Lots 136, 181 and 182, and part of a vacated alley in the Original Town and the west 17-feet of vacated Fourth Street; accepting the dedication of rights-of-way and easements; authorizing a performance contract; 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 Minor Plat of Stevenson Addition, a Replat of portions of Lots 137, 138 and 183 and all of Lots 136, 181 and 182, and part of a vacated alley in the Original Town and the west 17-feet of vacated Fourth Street, as certified and signed by the surveyor on January 6, 2014, a subdivision located on the southeast corner of Broadway and Providence Road, containing approximately 1.39 acres 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. The City Manager is hereby authorized to execute a performance contract with the Mary M. Hackett Trust No. 1 in connection with the approval of the Final Minor Plat of Stevenson Addition. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto.

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

PERFORMANCE CONTRACT

This contract is entered into on this _____ day of _____, 20____ between the City of Columbia, MO (“City”) and Mark M. Stevenson, Trustee of Mary M. _____ (“Subdivider”).

Hackett Trust No. 1

City and Subdivider agree as follows:

1. Subdivider shall construct, erect and install all improvements and utilities required in connection with the final plat of Stevenson Addition, including sidewalks and all improvements and utilities shown on the plat and related construction plans, within 36 months after the City Council approves the plat.

2. If street, utility or other construction of public improvements should occur on or adjacent to land in the subdivision at the initiative of the City Council, as benefit assessment projects, Subdivider agrees to bear Subdivider’s equitable and proportionate share of construction costs, as determined by such assessments.

3. No utility service connections or occupancy permits shall be issued to the Subdivider or to any other person for any structure on land in the subdivision unless and until all utilities and improvements have been constructed, erected and installed in the structure and upon the lot or lots on which the structure is situated in accordance with all applicable ordinances, rules and regulations of the City.

4. No occupancy permit shall be issued to Subdivider or any other person for any structure constructed on land in the subdivision unless the street and sidewalk adjacent to the structure have been completed in compliance with the City’s Standard Street Specifications.

5. City may construct, erect or install any improvement or utility not constructed, erected or installed by Subdivider as required by this contract. City may perform such work using City employees or City may contract for performance of the work. Subdivider shall reimburse City for all costs an expenses incurred by City in connection with the construction, erection or installation of improvements in utilities under this paragraph. Subdivider agrees to pay City all expenses and costs, including reasonable attorneys’ fees, incurred by City in collecting amounts owed by Subdivider under this paragraph.

6. City shall not require a bond or other surety to secure the construction of the improvements and utilities required in connection with the final plat.

7. The obligations of Subdivider under this contract shall not be assigned without the express consent of the City Council.

8. The remedies set forth in this contract are not exclusive. City does not waive any other remedies available to enforce Subdivider’s obligations under this contract or to recover damages resulting from Subdivider’s failure to perform its obligations under this contract.

9. This contract is not intended to confer any rights or remedies on any person other than the parties.

IN WITNESS WHEREOF, the parties have executed this contract on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

BY: _____
Mike Matthes, City Manager

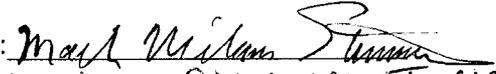
ATTEST:

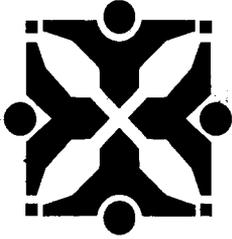
Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor

Subdivider

BY: 
Mark M. Stevenson, Trustee of
Mary M. Hackett Trust No. 1



Source: Community Development - Planning ^T

Agenda Item No:

To: City Council
From: City Manager and Staff *MM*

Council Meeting Date: Jan 21, 2014

Re: Stevenson Addition - final minor plat (Case 13-238)

EXECUTIVE SUMMARY:

A request by Mark M. Stevenson, Trustee of Mary Hackett Trust No. 1 (owner) for a one-lot final minor plat of C-2 (Central Business District) and M-1 (General Industrial District) zoned land, to be known as "Stevenson Addition". The 1.39-acre subject site is located at the southeast corner of Broadway and Providence Road. (Case #13-238)

DISCUSSION:

The applicant is requesting a one-lot final minor subdivision to consolidate the portions of several existing lots and vacated right-of-way which comprise the subject site into a single legal lot for development. The Director of Public Works has determined that additional rights-of-way are needed along both Broadway and Providence Road to meet the half-width street right-of-way standards for these major arterial roadways. Additional utility easements are also required upon platting. These public rights-of-way and easements are necessary to facilitate long-term public improvements to the transportation and utility infrastructure needed to maintain functional levels of service to support sustainable growth and development of the city.

The proposed plat meets all applicable City Zoning and Subdivision Regulations standards.

At its meeting on January 9, 2014, the Planning and Zoning Commission voted 7-1 to recommend approval of the proposed subdivision plat. Commissioners commented on the recent denial of the previously submitted C-P rezoning and development plan request for a CVS Pharmacy on the subject site.

Locator maps, a reduced copy of the plat, and performance contracts are attached.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Approval of the proposed final minor plat

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	NA
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	NA
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	NA

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
January 9, 2014**

SUMMARY

A request by Mark M. Stevenson, Trustee of Mary Hackett Trust No. 1 (owner) for a one-lot final minor plat of C-2 (Central Business District) and M-1 (General Industrial District) zoned land, to be known as "Stevenson Addition". The 1.39-acre subject site is located at the southeast corner of Broadway and Providence Road. (Case #13-238)

DISCUSSION

The applicant is requesting a one-lot final minor subdivision to consolidate the portions of several existing lots and vacated rights-of-way into a single legal lot for development. The proposed plat dedicates additional rights-of-way along both Broadway and Providence Road to meet the half-width street right-of-way standards for these major arterial roadways. Standard utility easements also are provided on the plat. These public rights-of-way and easements are necessary to facilitate long-term public improvements to the transportation and utility infrastructure needed to maintain functional levels of service to support sustainable growth and development of the city.

The proposed plat meets all applicable City Zoning and Subdivision Regulations standards.

RECOMMENDATION

Approval of the proposed plat

ATTACHMENTS

- Locator aerial and topographic maps
- Final minor plat

SITE HISTORY

Annexation Date	1826 (part of the original Town of Columbia)
Existing Zoning District(s)	C-2 (Central Business) & M-1 (General Industrial)
Land Use Plan Designation	Open Space/Greenbelt/City Center Districts
Subdivision/Legal Lot Status	Portions of lots and vacated alley right-of-way

SITE CHARACTERISTICS

Area (acres)	1.39 acres
Topography	Variable
Vegetation/Landscaping	Mostly impervious hardscape with limited landscaping
Watershed/Drainage	Flat Branch Creek
Existing structures	3 commercial structures

SURROUNDING LAND USES

Orientation from site	Zoning	Land Use
North	C-2	Parking lot
South	M-1	Flat Branch Park
East	C-2	Restaurant (Katy Station)
West	C-2	Retail

UTILITIES & SERVICES

Sanitary Sewer	City Public Works Dept.
Water	City Water & Light Dept.
Electric	City Water & Light Dept.
Fire Protection	Columbia Fire Dept.

ACCESS

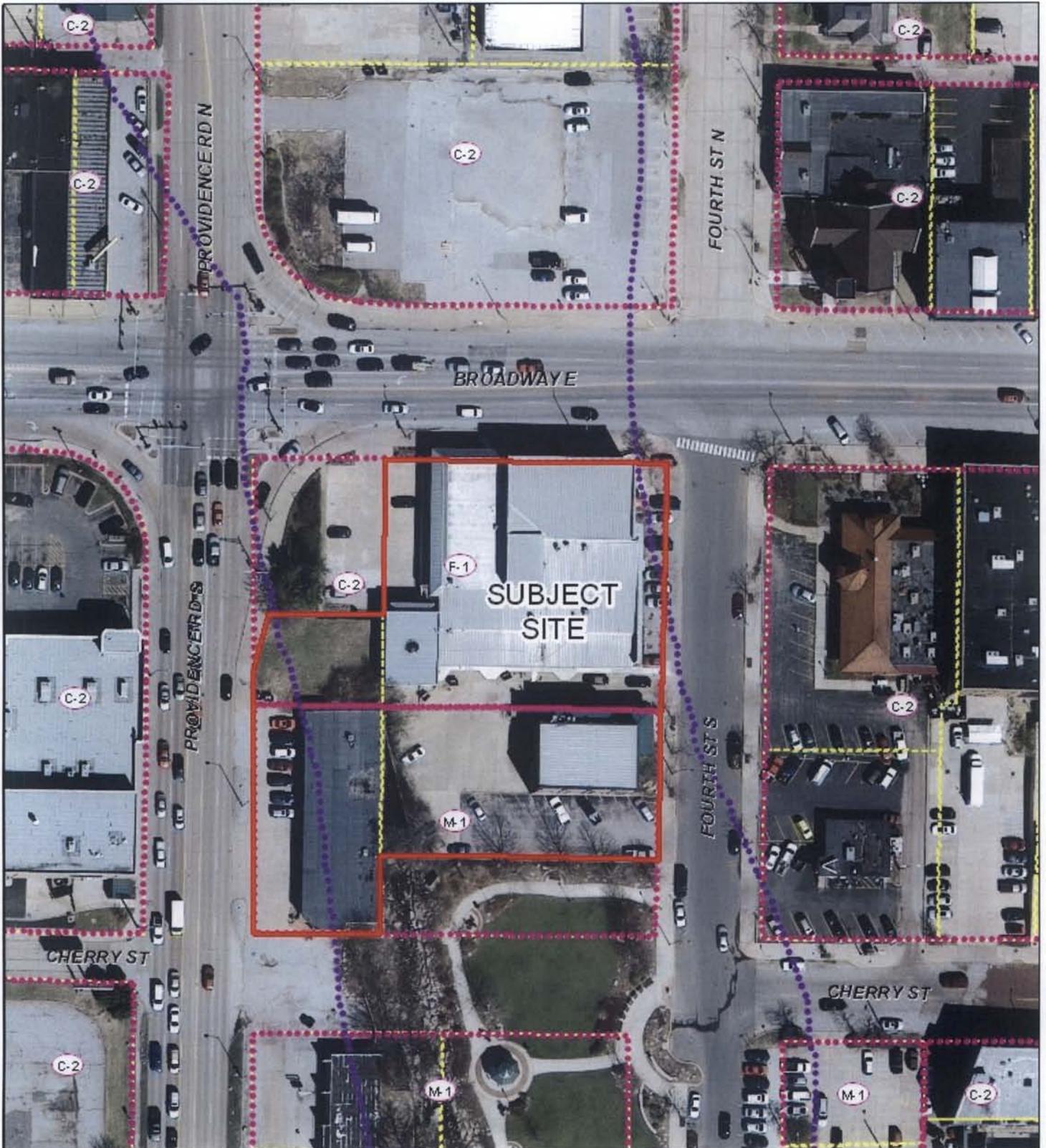
Providence Road	West side of site
Major Roadway Plan	Major Arterial (Improved & City-maintained), requiring 55-ft ½ width ROW. 33-ft ½ width exists. 22 ft additional ROW needed.
CIP Projects	None
Sidewalk	10-ft wide downtown sidewalk needed

Broadway	North side of site
Major Roadway Plan	Major Arterial (Unimproved & City-maintained), requiring 55-ft ½ width ROW. 50-ft ½ width exists. 5 ft additional ROW needed.
CIP Projects	None
Sidewalk	10-ft wide downtown sidewalk needed

PARKS & RECREATION

Neighborhood Parks	Flat Branch Park is immediately south of site
Trails Plan	No trails planned adjacent to site
Bicycle/Pedestrian Plan	N/A

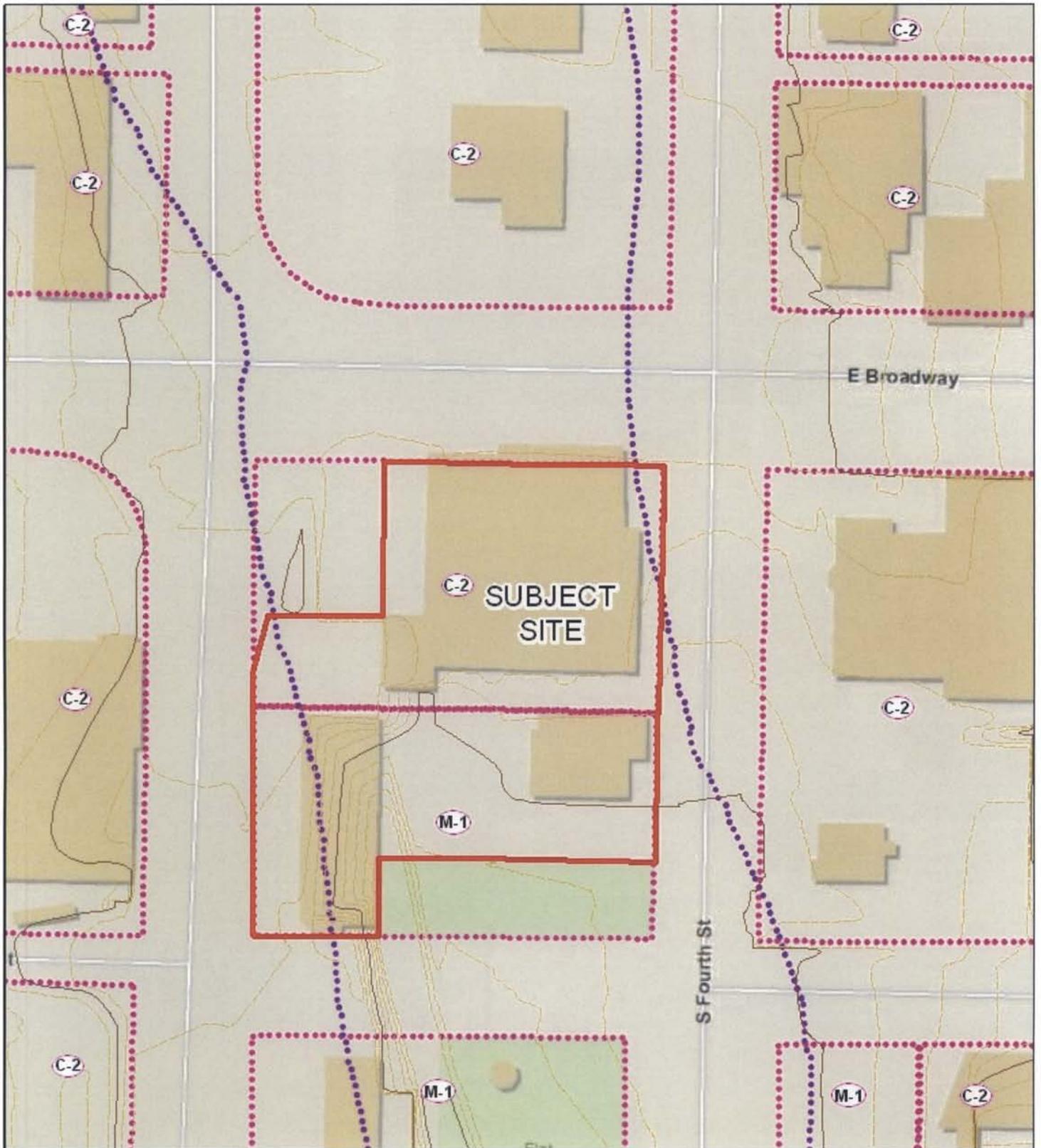
Report prepared by Steve MacIntyre; Approved by Pat Zenner



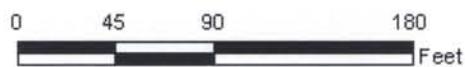
13-238: Stevenson Addition Final Minor Plat



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



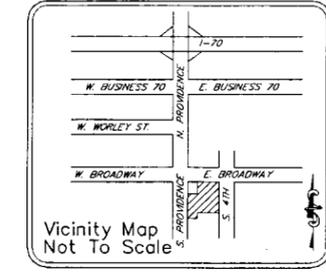
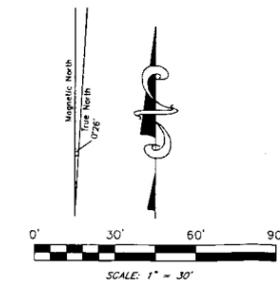
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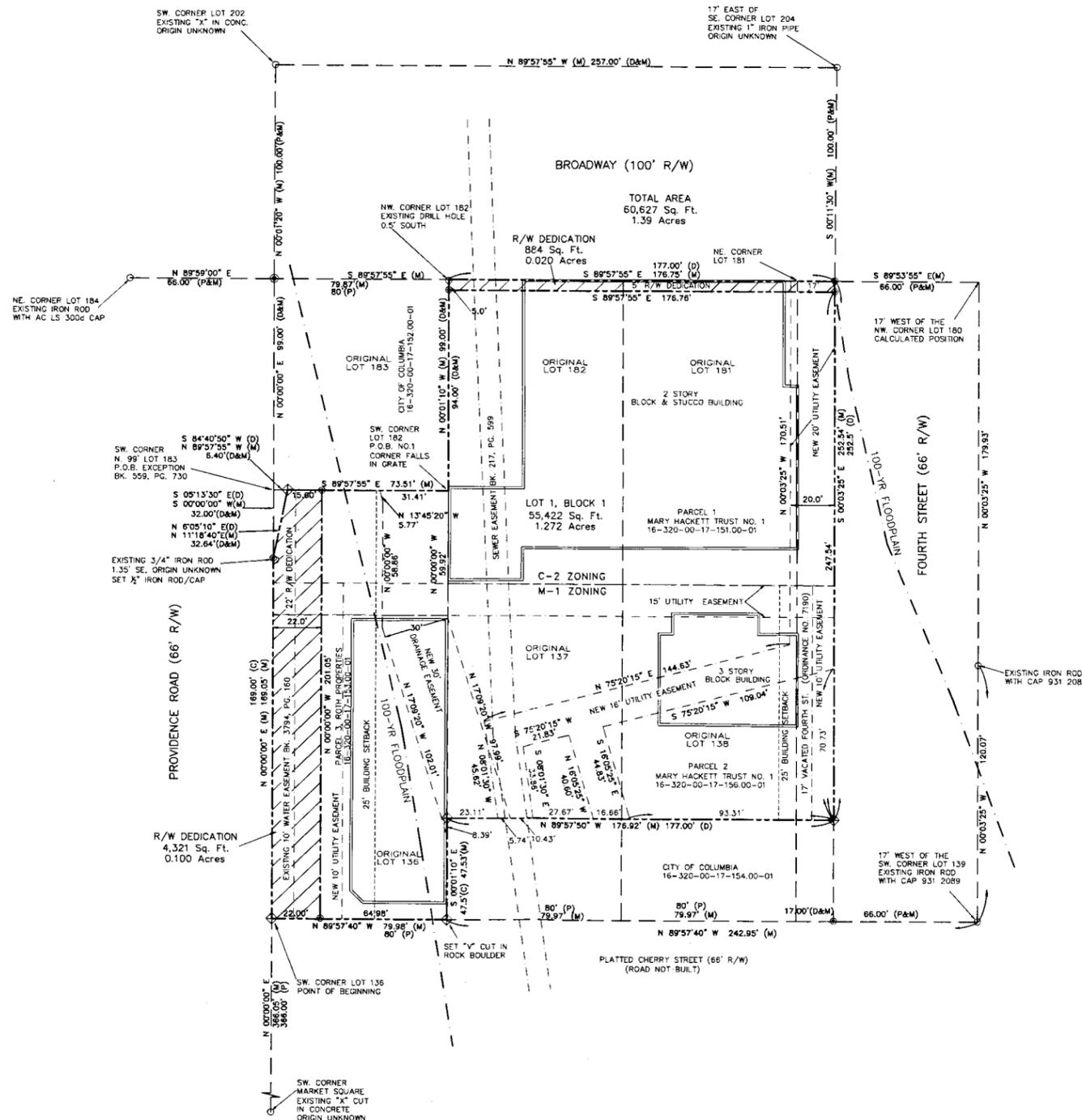
FINAL MINOR PLAT STEVENSON ADDITION

a REPLAT of portions of Lots 137, 138 & 183, & all of Lots 136, 181 & 182
and part of a vacated alley in the ORIGINAL TOWN & the West 17' of vacated Fourth Street
COLUMBIA, BOONE COUNTY, MISSOURI



LEGEND

- Existing Iron Rod (unless noted)
- ⊙ Set 1/2"x24" Iron Rod/Cap
- ⊕ Section Corner
- ⊕ Set "X" Cut in Concrete
- Boundary Line
- - - Easement Line
- - - Setback Line
- (M) Measured Dimension
- (D) Deed Dimension
- (P) Plat Dimension
- (C) Calculated Dimension
- R/W Right of Way



CERTIFICATION:

AS-SURVEYED DESCRIPTION (WRITTEN BY WILLIAM A. BOOE, LS 2002010970, December 2, 2013) Closure 1 241.514
A TRACT OF LAND LOCATED IN A PORTION OF LOTS 137, 138, AND 183, ALL OF LOTS 136, 181, AND 182, ALSO THE VACATED ALLEY BETWEEN SAID LOTS AND THE WEST 17 FEET OF RIGHT-OF-WAY OF FOURTH STREET IN THE ORIGINAL TOWN, NOW CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 136
THENCE N 00°00'00" E ALONG THE EAST RIGHT-OF-WAY LINE OF PROVIDENCE ROAD, A DISTANCE OF 169.05 FEET;
THENCE N 00°00'00" E ALONG THE EAST RIGHT-OF-WAY LINE OF PROVIDENCE ROAD, A DISTANCE OF 169.05 FEET;
THENCE N 11°18'40" E, A DISTANCE OF 32.64 FEET TO THE SOUTH LINE OF THE NORTH 99 FEET OF LOT 183;
THENCE S 89°57'55" E, ALONG SAID SOUTH LINE, A DISTANCE OF 73.51 FEET TO THE WEST LINE OF LOT 182;
THENCE N 00°01'10" W, ALONG SAID WEST LINE, A DISTANCE OF 99.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF BROADWAY;
THENCE S 89°57'55" E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 176.75 FEET TO THE EAST LINE OF THE WEST 17 FEET OF VACATED FOURTH STREET;
THENCE S 00°03'25" E, ALONG SAID EAST LINE, A DISTANCE OF 252.54 FEET;
THENCE N 89°57'55" W, ALONG THE SOUTH LINE OF THE NORTH 99 FEET OF LOTS 137, 138, AND THE EXTENSION THEREOF, A DISTANCE OF 116.82 FEET TO THE EAST LINE OF LOT 136;
THENCE S 00°01'10" E, ALONG SAID EAST LINE, A DISTANCE OF 47.53 FEET TO THE SOUTHWEST CORNER THEREOF;
THENCE N 89°57'40" W, ALONG THE SOUTH LINE OF LOT 136 AND THE NORTH RIGHT-OF-WAY LINE OF CHERRY STREET, A DISTANCE OF 79.98 FEET TO THE POINT OF BEGINNING, ENCOMPASSING AN AREA OF 1.39 ACRES.

I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND LAND SURVEY, AND MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS ESTABLISHED BY THE MISSOURI BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS, AND THE RESULTS OF SAID SURVEY ARE PRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

WILLIAM A. BOOE, LS 2002010970 DATE

PLAT DEDICATION:

THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBMITTED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION SHALL BE HEREAFTER KNOWN AS STEVENSON ADDITION.
THE UTILITY AND DRAINAGE EASEMENTS AND ADDITIONAL ROAD RIGHT-OF-WAYS SHOWN ARE DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE, FOREVER.

IN TESTIMONY WHEREOF: _____
CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____ 201__

BY: _____
COMPANY: MARK M. STEVENSON, TRUSTEE OF MARY M. HACKETT TRUST NO. 1
OWNER OF LOT 1: CVS PHARMACY ADDITION

STATE OF _____)
COUNTY OF _____)
ON THIS _____ DAY OF _____ 2013, BEFORE ME PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AS HIS OWN FREE ACT AND DEED.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN SAID COUNTY AND STATE THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC

APPROVAL:

APPROVED BY THE CITY OF COLUMBIA, MISSOURI PLANNING AND ZONING COMMISSION THIS _____ DAY OF _____ 20__

DR. RAMAN PURI MD., CHAIRMAN

APPROVED BY THE COLUMBIA CITY COUNCIL THIS _____ DAY OF _____ 20__

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK

NOTES:

- THIS PLAT CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 2030-16.040(2)(A).
- RECORD TITLE INFORMATION WAS PROVIDED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 20121353, DATED MARCH 15, 2012, UPDATED OCTOBER 23, 2013.
- THIS TRACT WILL NOT BE SUBJECT TO COVENANTS AND RESTRICTIONS.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE WEST LINE OF LOTS 136 & 183, BEING ASSUMED AS N 00°00'00" E.
- PROPERTY HAS DIRECT ACCESS TO PROVIDENCE ROAD, BROADWAY, AND 4TH STREET, BEING PUBLIC RIGHT-OF-WAYS.

STREAM BUFFER STATEMENT:

THIS PLAT IS NOT REGULATED BY THE CITY OF COLUMBIA STREAM BUFFER REQUIREMENTS OF ARTICLE X ACCORDING TO CHAPTER 124-232 OF THE CITY OF COLUMBIA'S CODE OF ORDINANCES, PER USGS COLUMBIA TOWN QUAD.

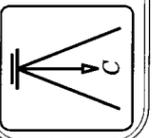
FLOOD PLAIN STATEMENT:

A PORTION OF THIS PROPERTY IS IN SPECIAL FLOOD HAZARD ZONE, ZONE AE. BASE FLOOD ELEVATIONS DETERMINED, ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 29019 C 0260 D, EFFECTIVE DATE MARCH 17, 2011.

FINAL MINOR PLAT of STEVENSON ADDITION
a REPLAT of portions of LOTS 137, 138 & 183, & all of LOTS 136, 181 & 182 and part of vacated alley in the ORIGINAL TOWN & the WEST 17' of vacated FOURTH STREET, COLUMBIA, BOONE COUNTY, MISSOURI

DRAWN BY: _____
DATE: _____
CHECKED BY: _____
DATE: _____
WAB
PREPARED FOR:
Corlson Consulting Engineers, Inc.

CORNERSTONE REGIONAL
SURVEYING, L.L.C.
1921 N. Penn
Independence, KS 67301
Ph: 620-331-6767
Fax: 620-331-6776



EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
January 9, 2014

Case No. 13-238.

A request by Mark M. Stevenson, Trustee of Mary Hackett Trust No. 1 (owner) for a one-lot final minor plat of C-2 (Central Business District) and M-1 (General Industrial District) zoned land. The 1.39 acre site is located at the southeast corner of Broadway and Providence Road.

DR. PURI: May we have a staff report, please.

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the proposed plat.

DR. PURI: Commissioners, any questions of the staff? Ms. Loe?

MS. LOE: Just to clarify the easements identified as -- not identified as new would be abandoned and the ones identified as new are the ones that would be --

MR. ZENNER: Improved?

MS. LOE: -- enforced?

MR. ZENNER: Yeah.

MS. LOE: Okay. And those easements cannot be built upon?

MR. ZENNER: The easements that are being proposed per this plat will be the ones that the new improvements will be built in to replace those that are in the easements that are not to be vacated today. And once the new improvements are built and accepted by the City, the old easements and the improvements in them can be abandoned and vacated.

DR. PURI: Any other questions, Commissioners, of the staff? Okay. I see no one. We'll open the -- open it to the public for any comments on this item.

PUBLIC HEARING OPENED

DR. PURI: Please approach the podium and make any --

MR. HOLLIS: Good evening. Robert Hollis, attorney with the VanMatre Law Firm with offices at 1103 East Broadway, here on behalf of CVS. Don't have anything additional to add. Mr. Barnett is here, who is the engineer for the project, and if you have any questions, we can answer them.

DR. PURI: Commissioners, any questions of -- all right. Thank you.

MR. HOLLIS: Thanks.

DR. PURI: Anybody else wishing to speak on this matter? I see no one.

PUBLIC HEARING CLOSED

DR. PURI: Commissioners, discussion? Mr. Tillotson?

MR. TILLOTSON: A bit of confusion, I guess. So we have a lot that is C-2 and M-1, so we're bringing it into one lot, but still is going to be a C-2 and M-1 lot. So one lot is going to have two zonings? Okay. That was my question.

DR. PURI: Staff, do you want to add anything to that or elaborate?

MR. ZENNER: No. I think Mr. Tillotson has it quite under control.

DR. PURI: Okay. All right. So then do we have a motion or any further discussion?

MS. LOE: I -- I had a question.

DR. PURI: Okay. Ms. Loe has a question.

MS. LOE: I noticed -- I hadn't realized before that this -- practically the whole site is in a floodplain and we do have the flood elevation, I believe 703. Do we know -- I didn't have a grading map. Do we know -- I'm just interested.

MR. ZENNER: In its floor elevation?

MS. LOE: Yeah. Where are we --

MR. ZENNER: We're required -- building code requires that the finished floor elevation has to be two feet above the BFE, which means that 703, it'll be at 707 or 705 at a minimum. We do not have final design plans at this point for the building construction itself, nor do we have final grading plans.

MS. LOE: Do you have existing elevations?

MR. ZENNER: Existing elevations are not required to be on this type of document at this point, so --

MS. LOE: This is just curiosity.

MR. ZENNER: I do not. Mr. Barnett may. But at this point what will be evaluated, because it is in the F1 overlay zone, is at part -- as part of the building permit review, we will ensure that finished floor elevations do comply with the building code requirements as well as any other flood-related permit processes to ensure that we're not creating downstream conditions.

DR. PURI: Okay. Thank you, Mr. Zenner. Mr. Stanton?

MR. STANTON: Excuse my -- my neophyte knowledge of -- of this subject matter. This is a formal -- it's a technical step by CVS to get these -- get the zoning -- get this rezoned. And I'm assuming that the planned development is off the table and that we're just rezoning this. And it seems like they're going to build it anyway without a planned development, so it can look like or be whatever. I had a balance while he was saying this, but that's what it looks like.

DR. PURI: Mr. Wheeler?

MR. WHEELER: It's -- we're not rezoning it. What we're doing is platting it into one lot.

MR. STANTON: Okay.

MR. WHEELER: And so it's -- they're going to utilize the existing zoning to build the CVS anyway. So our discussion and the concessions that were given under the C-P plan are irrelevant.

MR. STANTON: Okay.

DR. PURI: Mr. Reichlin?

MR. REICHLIN: Just to follow up on Mr. Wheeler's comments, I think another thing worthy of note is that what we're doing here is more of an administrative nature. And with regard to that, we just -- I wouldn't classify it rubber stamping, but we're acknowledging that it is now going to be a

different type of legal lot.

DR. PURI: Thank you, Mr. Reichlin. Anybody with a motion now?

MR. TILLOTSON: I'll make a motion to approve the request by Mark Stevenson, Trustee of Mary Hackett Trust, for a one-lot final minor plat of C-2 and M-1 zoned land to be known as Stevenson Addition. The 1.39 acre subject site is located at the southeast corner of Broadway and Providence Road, Case 13-238.

DR. PURI: Mr. Tillotson has made a motion.

MR. LEE: Second. Second.

DR. PURI: Mr. Lee seconds. May we have a roll call, please.

MR. STRODTMAN: Yes, Mr. Chair. Per Mr. Tillotson's description.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Tillotson, Mr. Wheeler, Mr. Strodtman, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin. Voting No: Mr. Stanton. Motion carries 7-1.

MR. STRODTMAN: Motion carries.