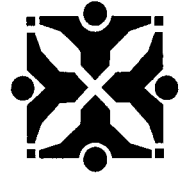


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B146-14

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: June 2, 2014

Re: Joann Subdivision Plat 1 - final minor plat (Case 14-49)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Performance Contracts

Supporting documentation includes: Summary of Board/Commission Reports, Maps, Plats and Plans, Excerpts from Minutes

Executive Summary

A request by Phoenix Property Development, LLC (owner) for a five-lot subdivision plat of R-2 (Two-Family Dwelling District) zoned land. The 1.4-acre subject site is located on the northeast corner of Joann Street and Mills Drive, and contains two existing single-family homes addressed 1509 & 1511 Mills Drive. (Case #14-49)

Discussion

The applicant is requesting a five-lot final minor subdivision to create three additional parcels for residential development on R-2 zoned land. The existing parcels are described as "land in limits", and each contains a single-family home. The proposed lots would accommodate infill redevelopment of the site with up to 10 dwelling units if each lot is developed with a duplex. However, the plat indicates that the existing single-family home on proposed Lot 3 will be retained.

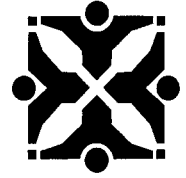
Standard utility easements are provided on the plat in accordance to City requirements. The proposed plat dedicates additional right-of-way along Mills Drive to meet the minimum half-width street right-of-way standard of 25 feet for this local residential roadway.

The proposed plat meets all applicable City Zoning and Subdivision Regulations standards, with the exception of proposed Lot 3, where the existing single-family home would encroach 4.5 feet into the minimum 12.5-foot side yard setback. Since this structure was built prior to the site being annexed into the city (built in 1954; annexed in 1964), it is considered legally non-conforming with the City's Subdivision Regulations. As such, it will be subject to Section 29-29 (Completion and Restoration of Existing Buildings).

At its meeting on May 22, 2014, the Planning and Zoning Commission voted unanimously (8-0) to recommend approval of the proposed plat. There was no Commission discussion of the request and no members of the public spoke on this request.

City of Columbia

701 East Broadway, Columbia, Missouri 65201



A copy of the Planning and Zoning Commission staff report, including locator maps and a reduced copy of the plat is attached.

Fiscal Impact

Short-Term Impact: No new capital spending is expected within the upcoming 2 years as a result of this proposal.

Long-Term Impact: The development of this site will increase demands upon the adjacent streets, sanitary sewers, storm sewers, water and electric supply lines. The costs associated with meeting these demands will be offset by increased property and sales tax revenues and user fees.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development

Strategic Plan Impact: Growth Management, Infrastructure

Comprehensive Plan Impact: Land Use & Growth Management, Livable & Sustainable Communities

Suggested Council Action

Approval of the plat

Legislative History

N/A

Department Approved

City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 146-14

AN ORDINANCE

approving the Final Plat of Joann Subdivision Plat 1, a minor subdivision; 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 Plat of Joann Subdivision Plat 1, as certified and signed by the surveyor on May 16, 2014, a minor subdivision located on the northeast corner of Joann Street and Mills Drive, containing approximately 1.37 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 Phoenix Property Development LLC in connection with the approval of the Final Plat of Joann Subdivision Plat 1. 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 PHOENIX PROPERTY DEVELOPMENT LLC (“Subdivider”)

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 JOANN SUBDIVISION, 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:

, City Counselor

Subdivider

BY: _____




SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports, Maps, Plats and Plans, Excerpts from
Minutes

AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
May 22, 2014

SUMMARY

A request by Phoenix Property Development, LLC (owner) for a five-lot subdivision plat of R-2 (Two-Family Dwelling District) zoned land to be known as "Joann Subdivision Plat 1". The 1.4-acre subject site is located on the northeast corner of Joann Street and Mills Drive, and contains two existing single-family homes addressed 1509 and 1511 Mills Drive. (Case #14-49)

DISCUSSION

The applicant is requesting a five-lot final minor subdivision to create three additional parcels for residential development on R-2 zoned land. The existing parcels are described as "land in limits", and each contains a single-family home. The proposed lots would accommodate infill redevelopment of the site with up to 10 dwelling units if each lot is developed with a duplex. However, the plat indicates that the existing single-family home on proposed Lot 3 will be retained.

Standard utility easements are provided on the plat in accordance to City requirements. The proposed plat dedicates additional right-of-way along Mills Drive to meet the minimum half-width street right-of-way standard of 25 feet for this local residential roadway.

The proposed plat meets all applicable City Zoning and Subdivision Regulations standards, with the exception of proposed Lot 3, where the existing single-family home would encroach 4.5 feet into the minimum 12.5-foot side yard setback. Since this structure was built prior to the site being annexed into the city (built in 1954; annexed in 1964), it is considered legally non-conforming with the City's Subdivision Regulations. As such, it will be subject to Section 29-29 (Completion and Restoration of Existing Buildings).

RECOMMENDATION

Approval of the proposed plat

ATTACHMENTS

- Locator aerial and topographic maps
- Final minor plat

SITE HISTORY

Annexation Date	1964
Existing Zoning District(s)	R-2 (Two-Family Dwelling District)
Land Use Plan Designation	Neighborhood District
Subdivision/Legal Lot Status	Land in limits

SITE CHARACTERISTICS

Area (acres)	1.37 acres
Topography	Slopes gradually downward from south to north
Vegetation/Landscaping	Grass and a few trees
Watershed/Drainage	County House Branch
Existing structures	Two single-family homes

UTILITIES & SERVICES

All City services are available to the site.

ACCESS

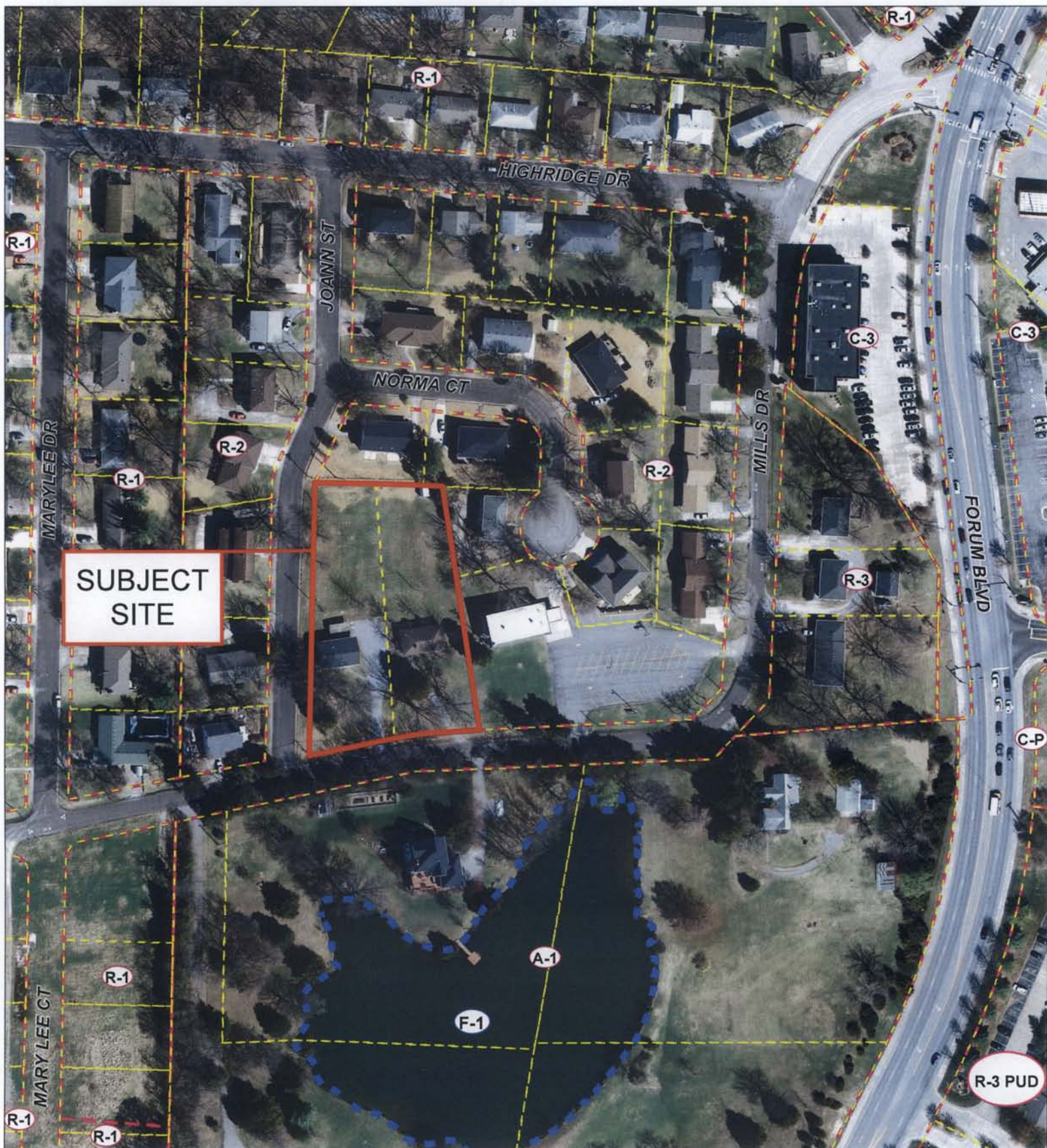
Mills Drive	West side of site
Major Roadway Plan	Local Residential (Improved & City-maintained), requiring 25-ft ½ width ROW. 25-ft ½ width exists. No additional ROW needed.
CIP Projects	None
Sidewalk	5-ft wide sidewalk needed

Mills Drive	South side of site
Major Roadway Plan	Local Residential (Unimproved & City-maintained), requiring 25-ft ½ width ROW. Approximately 40-ft ROW exists. An additional 24 ft ½ width is being dedicated to account for an offset street centerline.
CIP Projects	None
Sidewalk	5-ft wide sidewalk needed

PARKS & RECREATION

Neighborhood Parks	Westwinds Park is 2,000 ft northeast of site; MKT Trail connector is 1,500 ft east of site.
Trails Plan	No trails planned adjacent to site
Bicycle/Pedestrian Plan	N/A

Report prepared by Steve MacIntyre; Approved by Pat Zenner



14-49: Joann Subdivision Plat 1 Final Minor Plat



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 85 170 340
 Feet



14-49: Joann Subdivision Plat 1 Final Minor Plat

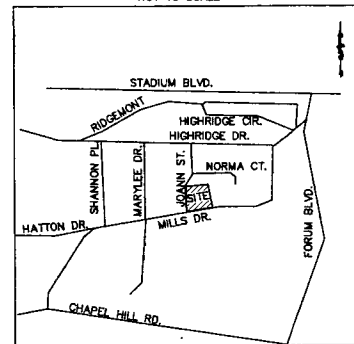


Hillshade Data: Boone County GIS Office
Parcel Data Source: Boone County Assessor
Imagery: Boone County Assessor's Office, Sanborn Map Company
Created by The City of Columbia - Community Development Department

0 85 170 340
Feet

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

SITE LOCATION MAP
NOT TO SCALE



JOANN SUBDIVISION PLAT 1

MINOR SUBDIVISION PLAT
PART OF THE NORTH EAST QUARTER OF SECTION 22, AND PART OF THE
NORTH WEST QUARTER OF SECTION 23 ALL IN TOWNSHIP 48 NORTH,
RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI

SCALE 1" = 30'

LEGEND
F FOUND
S SET 5/8" ROD WITH CAP
BRUSH AND ASSOC. LC 321
UNLESS OTHERWISE NOTED
PW 5/8" ROD WITH ALUMINUM CAP
BRUSH AND ASSOC. LC 321
UNLESS OTHERWISE NOTED
R RECORD
M MEASURED
R/W RIGHT-OF-WAY
IP IRON PIPE
IP (10,000 SQ.FT.)
CALCULATED AREA
BOOK AND PAGE OF RECORDED DOCUMENT
C CENTERLINE
ARC LENGTH
CH CHORD
RA RADIUS
P.O.B. POINT OF BEGINNING

KNOW ALL MEN BY THESE PRESENTS:
THAT, PHOENIX PROPERTY DEVELOPMENT LLC, A MISSOURI LIMITED
LIABILITY CORPORATION, IS THE SOLE OWNER OF THE ABOVE DESCRIBED
TRACT AND HAS CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED AND
PLATTED AS SHOWN ON THE PLAT. STREET RIGHT-OF-WAY FOR MILLS
DRIVE, AND ALL THE EASEMENTS AS SHOWN ON THE ATTACHED PLAT
ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE
FOREVER.

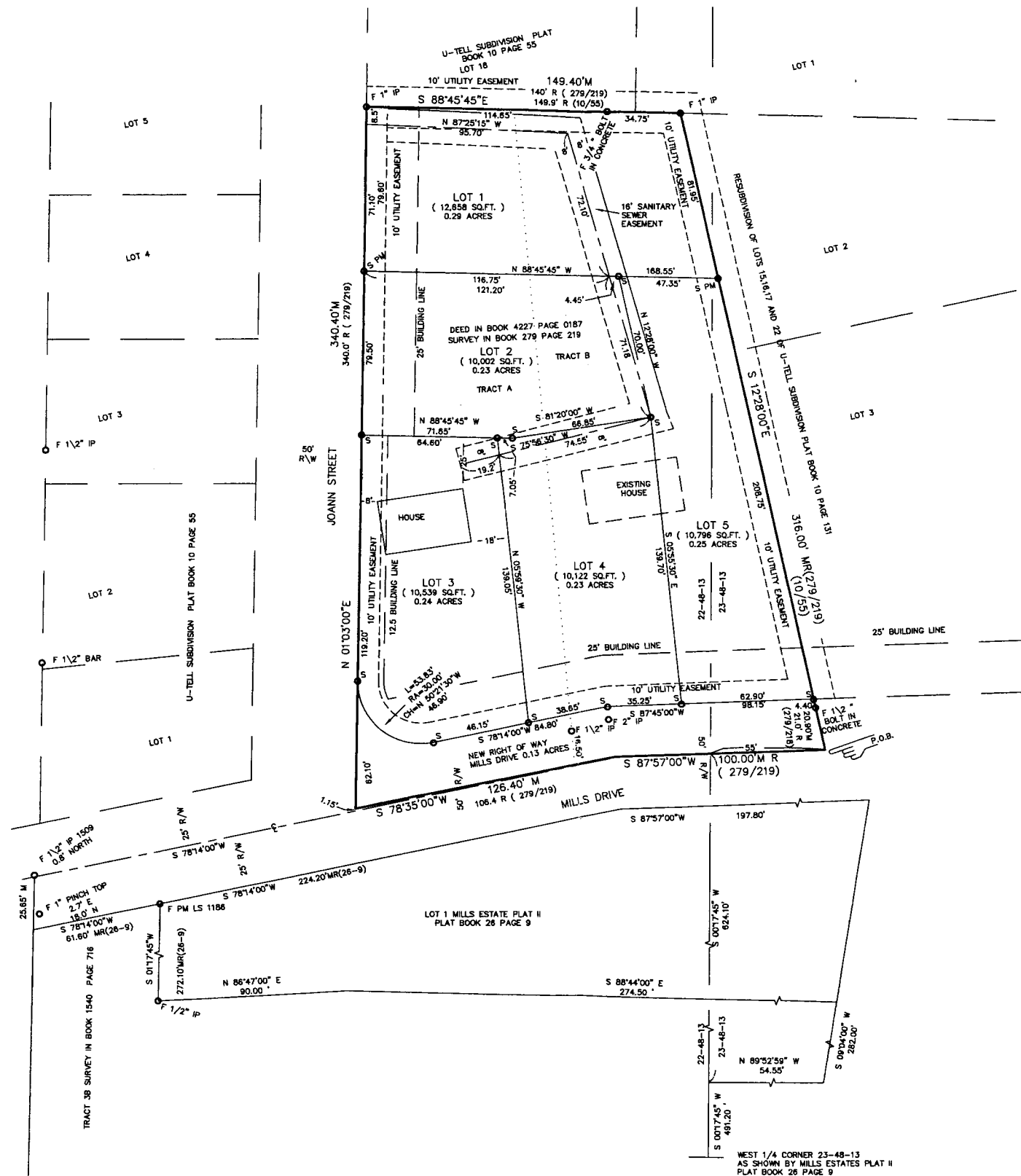
RANDY RAY PRESIDENT

STATE OF MISSOURI)
COUNTY OF BOONE) SS

ON THIS DAY OF 2014 BEFORE
ME APPEARED, RANDY RAY AND TO ME PERSONALLY KNOWN, WHO BY
ME DULY SWORN, DID SAY THAT HE IS THE PRESIDENT AS STATED
ABOVE AND THAT THIS INSTRUMENT WAS SIGNED IN BEHALF OF SAID
CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS AND SAID
PRESIDENT ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND
DEED OF SAID CORPORATION, IN TESTIMONY WHEREOF, I, A NOTARY
PUBLIC, HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL
AT MY OFFICE IN BOONE COUNTY, MISSOURI THE DAY AND YEAR FIRST
ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____



DATE: FEBRUARY 13, 2014

SURVEY FOR: PHOENIX PROPERTY DEVELOPMENT LLC

THIS SURVEY CONFORMS TO TYPE URBAN ACCURACY
STANDARD 20 CSR 2030-16.040

REFERENCE BEARING: GRID NORTH AS PER GPS OBSERVATION
WITH THE MODOT CORRS NETWORK.

NOTES:

1.) THIS TRACT IS NOT LOCATED WITHIN THE 100 YEAR
FLOOD PLAIN AS PER THE BOONE COUNTY FIRM MAP
#29019002900 - DATED: MARCH 17, 2011

2.) THERE ARE NO TYPE I, II, III STREAMS AS DEFINED BY
THE CITY OF COLUMBIA CODE OF ORDINANCES LOCATED ON
THIS PROPERTY (USGS COLUMBIA QUAD)

3.) ACCESS TO LOT 3 SHALL BE FROM JOANN STREET OR
SHALL BE A SHARED DRIVE WITH LOT 4

4.) THE EXISTING HOUSE ON LOTS 4 AND 5 SHALL BE
REMOVED BEFORE A BUILDING PERMIT ON LOT 4 OR 5 IS
ISSUED

5.) SIDEWALKS SHALL BE REQUIRED TO BE CONSTRUCTED
ALONG JOANN STREET AND MILLS DRIVE AT THE TIME OF
INDIVIDUAL LOT CONSTRUCTION

A TRACT LOCATED IN PART OF THE NORTH EAST QUARTER OF SECTION
22 AND PART OF THE NORTH WEST QUARTER OF SECTION 23 ALL IN
TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE
COUNTY, MISSOURI, BEING THE TRACT DESCRIBED BY THE DEED IN BOOK
4227 PAGE 0187 AND ALSO BEING TRACTS A AND B OF THE SURVEY IN
BOOK 278 PAGE 219 ALL OF THE BOONE COUNTY RECORDS AND BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH EAST CORNER OF SAID SURVEY IN BOOK 278
PAGE 219, WITH THE LINES OF SAID SURVEY IN BOOK 278 PAGE 219
S 87°57'00" W, 100.00 FEET; THENCE S 78°35'00" W, 126.40 FEET;
THENCE N 01°03'00" E, 340.40 FEET; THENCE S 88°45'45" E, 149.40
FEET; THENCE S 12°28'00" E, 316.00 FEET TO THE POINT OF BEGINNING
AND CONTAINS 1.37 ACRES.

THE RESULTS OF THIS SURVEY ARE AS SHOWN ON THE PLAT.

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED TRACT WAS
SURVEYED UNDER MY DIRECTION AND SUBDIVIDED AS SHOWN
ON THE ATTACHED PLAT IN ACCORDANCE WITH THE CURRENT
MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY BRUSH & ASSOCIATES, INC.
506 NICHOLS STREET SUITE A
COLUMBIA, MO. 65201
(573) 442-3110
LC 321

DANIEL BRUSH

LS 2499

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC
IN AND FOR BOONE COUNTY, MISSOURI THIS 16 DAY
OF May, 2014.

KEVIN M. SCHWENK
NOTARY PUBLIC
MY COMMISSION EXPIRES 01-02-18

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING
COMMISSION THIS DAY OF 2014.

DR. RAMAN PURI CHAIRMAN

ACCEPTED BY THE CITY COUNCIL THIS DAY OF
2014.

ROBERT MCDONALD MAYOR

SHEELA AMIN CITY CLERK

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
MAY 22, 2014

IV) SUBDIVISIONS

Case No. 14-49

A request by Phoenix Property Development, LLC (owner) for a five-lot subdivision plat of R-2 (Two-Family Dwelling District) zoned land to be known as "JoAnn Subdivision Plat 1." The 1.4- acre subject site is located on the northeast corner of JoAnn Street and Mills Drive, and contains two existing single-family homes addressed 1509 and 1511 Mills Drive.

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

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department.

Staff recommends approval of the proposed plat.

DR. PURI: Commissioners, any questions of the staff. Mr. Strodtman?

MR. STRODTMAN: Are there any other duplexes in the neighborhood? I didn't really see a lot of them when I --

MR. MACINTYRE: Yeah.

MR. STRODTMAN: -- drove the neighborhood.

MR. MACINTYRE: Actually, you can kind of make out --

MR. STRODTMAN: There are some in the back?

MR. MACINTYRE: -- roughly to the north, I believe that's a duplex. This property on the west side of JoAnn Street is a duplex, as well. And then the property beneath it, I believe, is a single-family home, and as well as, I think, the corner lot on the northwest corner of Mills and JoAnn. So it's a bit of a mix. There are several duplexes, though, more to the north and west.

MR. STRODTMAN: Thank you.

DR. PURI: Any other questions, Commissioners?

MR. TILLOTSON: Well, I do have a little question here.

DR. PURI: Yes, Mr. Tillotson?

MR. TILLOTSON: The existing house that's going to stay, that's the one on the --

MR. MACINTYRE: Directly on the corner.

MR. TILLOTSON: Oh.

MR. MACINTYRE: I'm sorry. It's hard to make it out in this. It's got good tree canopy around it, but just in behind the trees there.

MR. TILLOTSON: So then behind those trees, the access to that house from the roadway is --

MR. MACINTYRE: Yes. It's currently got access from Mills. That's a shared -- I believe it's a shared driveway, but then the other side also has its own driveway. That may be shown on the plat here. No. I think there was -- there's a note on the plat that indicates any future development So lots 4 and 5

would have -- make use of a shared access, so a single driveway would serve both of those lots to help mitigate, you know, adding more driveway entrances onto Mills.

MR. TILLOTSON: Okay. And those are paved driveways?

MR. MACINTYRE: The existing driveways are not paved on the --

MR. TILLOTSON: But they would have to be when it's developed?

MR. MACINTYRE: Only if there were permits pulled or if they wanted to add onto the home, for example, or do something to enhance the property substantially. I believe that would be the trigger where they may be required to pave the driveway.

MR. TILLOTSON: But that can't be a requirement as part of the replatting?

MR. MACINTYRE: No. Conditions aren't typically associated like that with the -- with the platting process.

DR. PURI: Commissioners, a motion or -- Mr. Lee?

MR. LEE: Yeah. I would make a motion to approve Case Number 14-49 as recommended by the City.

MR. STANTON: Second.

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

MR. STRODTMAN: Yes, sir.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Wheeler, Ms. Burns, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Stanton, Mr. Strodtman, Mr. Tillotson. Motion carries 8-0.

MR. STRODTMAN: The motion will carry to City Council.