

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 213-14

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: July 21, 2014

Re: Kelly Highlands Phase II Plat 1 - final plat (Case #14-105)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, exhibits to ordinance or resolution

Supporting documentation includes: Commission report (including locator maps & plat), and meeting excerpts

Executive Summary

A request by Pat Kelly (owner) for approval of a one-lot final minor plat of R-2 and R-3 zoned land, to be known as "Kelly Highlands Phase II Plat 1". The 1.62-acre subject site is located on the south side of Broadway, west of Yorkshire Drive, and is addressed 3710 W Broadway. (Case #14-105)

Discussion

The applicant is requesting a one-lot plat to create a developable parcel for the future construction of a clubhouse facility to support the multi-family development being built on adjoining land to the south.

The subject site consists primarily of former MoDOT road right-of-way, which was transferred to the applicant by MoDOT following re-alignment of West Broadway (State Route TT) in the late 1990s. Necessary utility easements and a stream buffer are provided on the plat and the proposal meets all applicable City Zoning and Subdivision standards.

At its meeting on July 10, 2014, the Planning and Zoning Commission voted unanimously (6-0) to recommend approval of the proposed plat. There was no discussion among Commissioners, and no members of the public spoke on this request.

A copy of the Planning and Zoning Commission staff report, including locator maps, a copy of the plat, and meeting excerpts are 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: Development/Redevelopment of this site may increase demands upon the adjacent streets, sanitary sewers, storm sewers, water and electric supply lines. The costs associated

City of Columbia

701 East Broadway, Columbia, Missouri 65201



with meeting these demands will be offset by increased property and/or sales tax revenues and user fees.

Vision & Strategic Plan Impact

Vision Impact: N/A

Strategic Plan: N/A

Comprehensive Plan Impact: N/A

Suggested Council Action


Approval of the proposed plat

Legislative History

N/A



Department Approved



City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 213-14

AN ORDINANCE

approving the Final Plat of Kelly Highlands Phase II Plat 1 located on the south side of Broadway and west of Yorkshire Drive (3710 W. Broadway), 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 Kelly Highlands Phase II Plat 1, as certified and signed by the surveyor on July 9, 2014, a minor subdivision located on the south side of Broadway and west of Yorkshire Drive (3710 W. Broadway), containing approximately 1.62 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 Kelly Highlands Partnership, LP in connection with the approval of the Final Plat of Kelly Highlands Phase II 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 Kelly Highlands Partnership, LP ("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 Kelly Highlands Phase II Plat 1, 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 and 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:

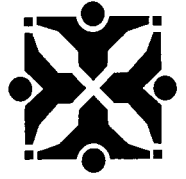
Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor

Subdivider

BY:  _____



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Commission report (including locator maps & plat), and meeting excerpts

AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
July 10, 2014

SUMMARY

A request by Pat Kelly (owner) for approval of a one-lot final minor plat of R-2 and R-3 zoned land, to be known as "Kelly Highlands Phase II Plat 1". The 1.62-acre subject site is located on the south side of Broadway, west of Yorkshire Drive, and is addressed 3710 W Broadway. (Case #14-105)

DISCUSSION

The applicant is requesting a one-lot plat to create a developable parcel for the future construction of a clubhouse facility to support the adjoining multi-family residential development being built on adjoining land to the south.

The subject site consists primarily of former MoDOT road right-of-way, which was transferred to the applicant by MoDOT following re-alignment of West Broadway (State Route TT) to its present location in the late 1990s. Necessary utility easements and a stream buffer are provided on the plat, and the proposal meets all applicable City Zoning and Subdivision standards.

RECOMMENDATION

Approval of the proposed plat

ATTACHMENTS

- Locator aerial and topographic maps
- Proposed plat

SITE HISTORY

| | |
|-------------------------------------|---|
| Annexation Date | 1966 |
| Existing Zoning District(s) | R-2 (Two-Family Dwelling District) & R-3 (Medium Density Multiple-Family Dwelling District) |
| Land Use Plan Designation | Neighborhood District |
| Subdivision/Legal Lot Status | Portions of surveyed tracts and vacated rights-of-way |

SITE CHARACTERISTICS

| | |
|-------------------------------|---|
| Area (acres) | 1.62 acres |
| Topography | Slopes gradually downward from east to west |
| Vegetation/Landscaping | Mixture of grass and trees |
| Watershed/Drainage | Harmony Creek |
| Existing structures | None |

UTILITIES & SERVICES

All City services are available to the site.

ACCESS

| | |
|---------------------------|---|
| Broadway | North side of site |
| Major Roadway Plan | Major Arterial (Improved & City-maintained). Variable ROW exists. No additional ROW needed. |
| CIP Projects | None |
| Sidewalk | 5-ft wide sidewalk needed |

PARKS & RECREATION

| | |
|--------------------------------|---|
| Neighborhood Parks | Rothwell Park is 1,200 ft southwest of site |
| Trails Plan | No trails planned adjacent to site |
| Bicycle/Pedestrian Plan | N/A |

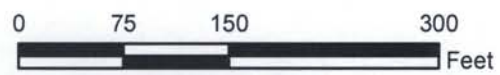
Report prepared by Steve MacIntyre; Approved by Pat Zenner

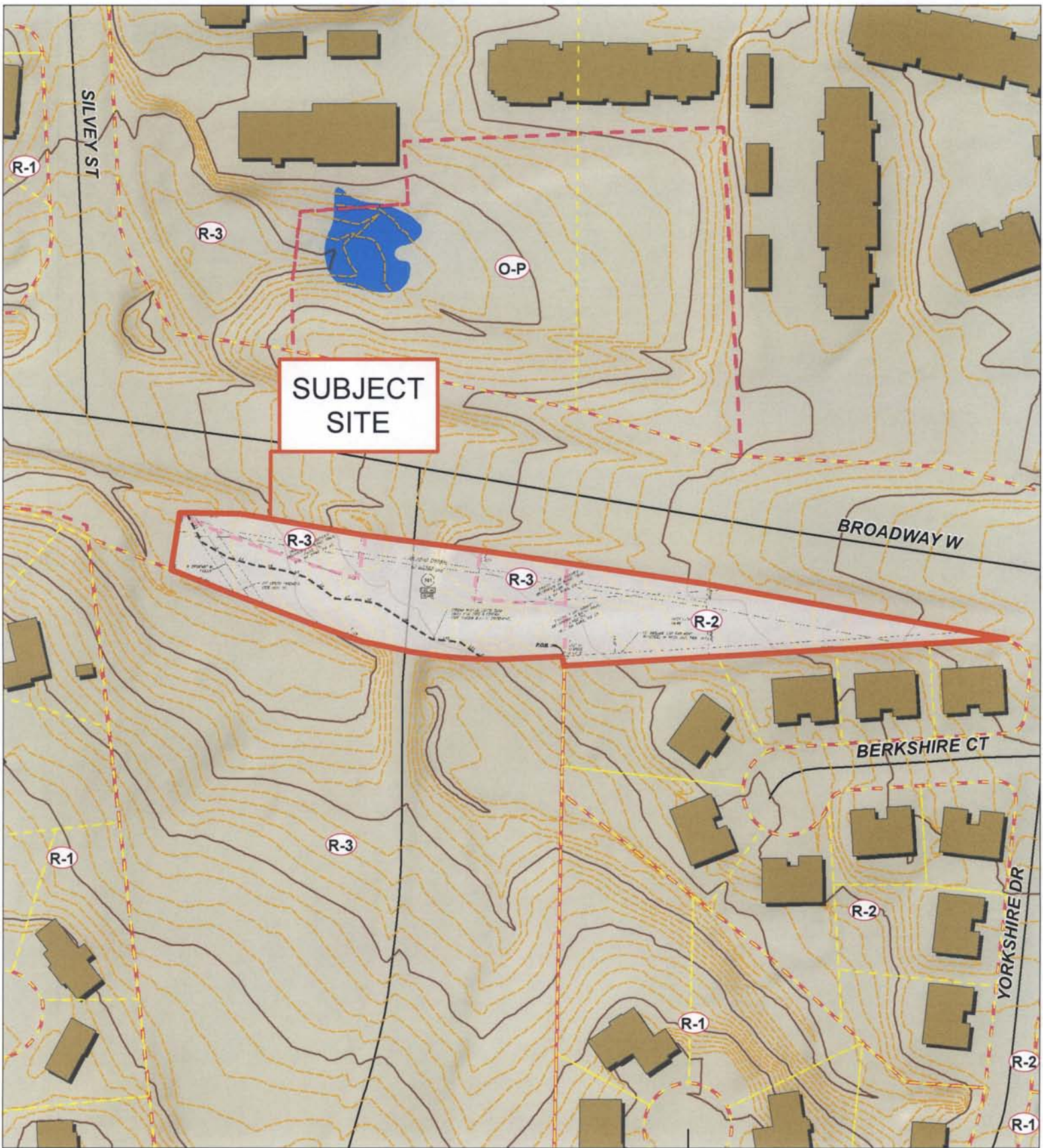


14-105: Kelly Highlands Phase II Plat I Final Major Plat



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

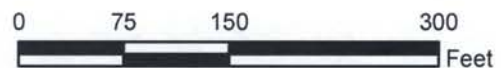




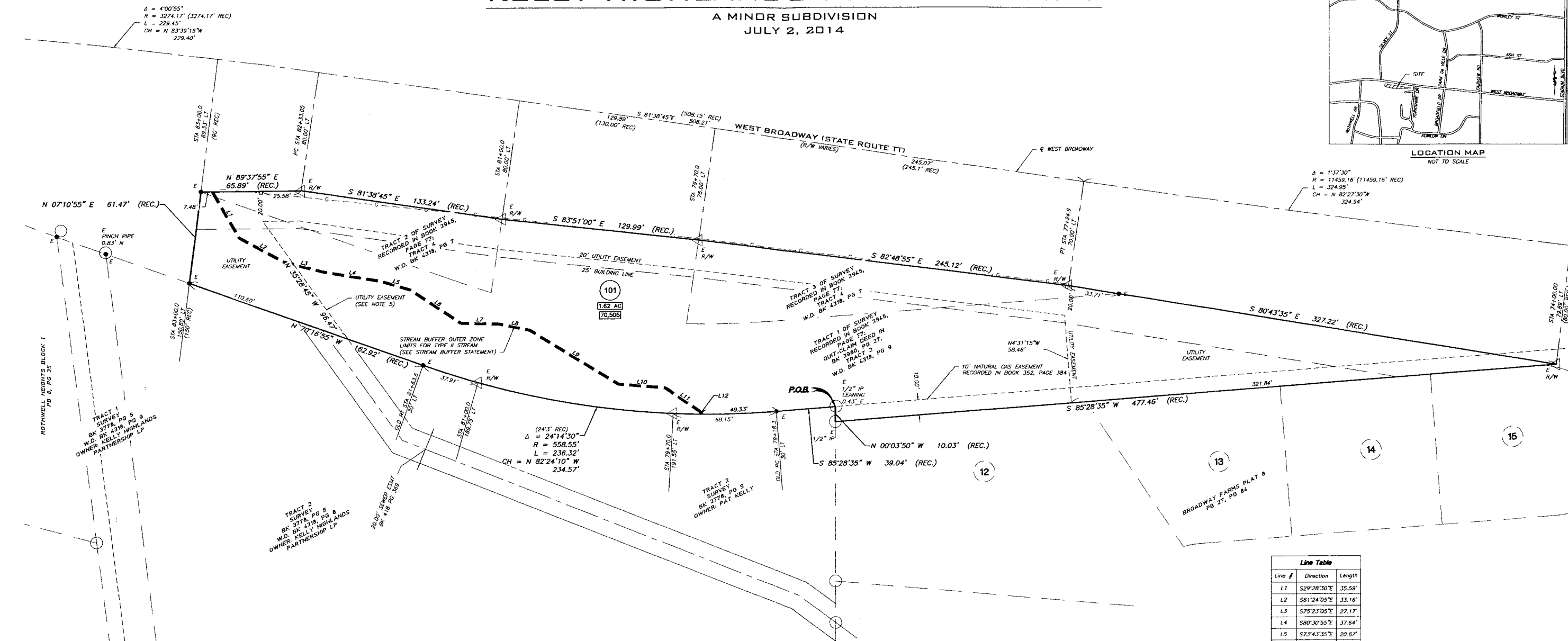
14-105: Kelly Highlands Phase II Plat I Final Major Plat



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



$\Delta = 1^{\circ}37'30''$
 $R = 11459.16' (11459.16' \text{ REC})$
 $L = 324.95'$
 $CH = N 82^{\circ}27'30''W$



| Line Table | | |
|------------|-------------|--------|
| Line # | Direction | Length |
| L1 | S29°28'30"E | 35.0 |
| L2 | S61°24'05"E | 33.0 |
| L3 | S75°23'05"E | 27.0 |
| L4 | S80°30'55"E | 37.0 |
| L5 | S73°43'35"E | 20.0 |
| L6 | S55°58'15"E | 40.0 |
| L7 | S88°47'05"E | 25.0 |
| L8 | S78°36'55"E | 20.0 |
| L9 | S58°16'30"E | 68.0 |
| L10 | S85°23'25"E | 30.0 |
| L11 | S55°33'05"E | 28.0 |
| L12 | S30°32'55"E | 1.9 |

TRACT C

THREE TRACTS OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI,
BEING ALL OF TRACTS 1, 2 AND 3 OF THE SURVEY RECORDED IN BOOK 3945, PAGE 77;
EIGHTH PART OF TRACT 2 OF THE SURVEY RECORDED IN BOOK 4318, PAGE 72;
AND SEVENTH PART OF THE WARRANTY DEED RECORDED IN BOOK 4318, PAGE 9 AND TRACT 4 OF THE
WARRANTY DEED RECORDED IN BOOK 4318, PAGE 7, ALL DOCUMENTS BEING OF
THE BEGINNING AND RECORD BEING IDENTICAL TO THE FOREGOING, FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER TRACT 2 OF THE SURVEY RECORDED IN
BOOK 3945, PAGE 377B, PAID SAID POINT BEING ON THE SOUTH LINE OF
THE SURVEY RECORDED IN BOOK 3945, PAGE 77, THENCE ALONG SAID LINE S28°28'53"W,
39.04 FEET; THENCE ALONG A 558.55-FOOT RADIOUS CURVE TO THE RIGHT, 238.32 FEET,
CHORD BEING 150.80 FEET; THENCE ALONG SAID CURVE N70°16'55"W,
N70°16'55"W, 162.92 FEET TO A POINT BEING 150.80 FEET LEFT OF STATION 83+00.00
OF STATE ROUTE IT CENTERLINE; THENCE ALONG SAID RIGHT-OF-WAY LINE FOR STATE
ROUTE IT, N70°15'55", 61.47 FEET TO A POINT BEING 89.33 FEET LEFT OF STATION
83+14.00 OF STATE ROUTE IT CENTERLINE; THENCE ALONG N89°33'55", 65.56 FEET TO A
POINT BEING 80.00 FEET LEFT OF STATION 82+33.05 OF STATE ROUTE IT CENTERLINE;
THENCE S81°36'45", 133.24 FEET TO A POINT BEING 80.00 FEET LEFT OF STATION
81+14.00 OF STATE ROUTE IT CENTERLINE; THENCE ALONG N70°15'55", 77.48 FEET TO A
POINT BEING 75.00 FEET LEFT OF STATION 79+70.00 OF STATE ROUTE IT CENTERLINE;
THENCE S82°48'55", 245.12 FEET TO A POINT BEING 70.00 FEET LEFT OF STATION
79+24.00 OF STATE ROUTE IT CENTERLINE; THENCE ALONG N70°15'55", 77.48 FEET TO A
POINT BEING 79.89 FEET LEFT OF STATION 74+00.00 OF STATE ROUTE IT CENTERLINE;
THENCE LEAVING SAID RIGHT-OF-WAY LINE FOR STATE ROUTE IT ALONG S70°50'50"W, 10.03
FEET OF BROADWAY FARMS PLAT 6, S85°28'35"W, 77.48 FEET, THENCE N70°15'55"W, 10.03
FEET TO A POINT BEING 79.89 FEET LEFT OF STATION 74+00.00 ACRES.

SHEELA AMIN, CITY CLERK

ON THIS _____ DAY OF _____, IN THE YEAR 2014, BEFORE ME, _____
A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED
PATRICK L. KELLY KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE WITHIN
FINAL PLAT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE
PURPOSES THEREIN STATED.


LEGEND

| | |
|---------|---------------------------|
| ● | IRON PIPE CAP #200/006115 |
| E | EXISTING |
| S | SET |
| (REC) | RECORD |
| ⊕ | BENCH MARK |
| DH | DRILL HOLE |
| IP | IRON PIPE |
| RB | REBAR |
| Ⓜ | MONUMENT |
| PM | PERMANENT MONUMENT |
| RM | ROCK OF WAY MARKER |
| NE | STONE |
| BCS | BOONE COUNTY SURVEY |
| (R) | RADIAL LINE |
| Ⓢ | CENTERLINE |
| 0.000 | SQUARE FEET |
| 0.00 AC | ACRES |

STREAM BUFFER STATEMENT
THIS TRACT IS 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.

STREAM BUFFER LIES SOUTH OF THE LINE SHOWN

SCALE: 1" = 30'



0 15 30 60

BEARINGS ARE REFERENCED TO THE
SURVEY RECORDED IN BOOK 3778

PAGE 5

A CIVIL GROUP
CIVIL ENGINEERING - PLANNING - SURVEYING
3401 BROADWAY BUSINESS PARK COURT
SUITE 105
COLUMBIA, MO 65203
PH: (573) 817-5750, FAX: (573) 817-1677
MISSOURI CERTIFICATE OF AUTHORITY: 2001006115

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
JULY 10, 2014

IV) SUBDIVISIONS

Case No. 14-105

A request by Pat Kelly (owner) for approval of one-lot final minor plat of R-2 and R-3 zoned land, to be known as “Kelly Highlands Phase II Plat 1.” The 1.62-acre subject site is located on the south side of Broadway, west of Yorkshire Drive, and is addressed 3710 West Broadway.

MR. REICHLIN: 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.

MR. REICHLIN: Are there any questions of Staff? Seeing none. We don't usually have a public hearing with regard to subdivision items, but if there is anybody in the audience who cares to add anything worthy of note, we'll entertain your comments at this time. Seeing nobody, I will open this matter up for discussion by Commissioners. Seeing no --

MS. BURNS: It seems pretty straightforward to me. I don't have any questions. I plan on supporting this.

MR. REICHLIN: Okay. Would you --

MS. BURNS: I would like to move to approve the request by Pat Kelly for approval of a one-lot final -- may I go ahead and make this motion now, Mr. Reichlin?

MR. REICHLIN: Yes.

MS. BURNS: Okay. Request by Pat Kelly for the approval of a one-lot final minor plat of R-2 and R-3 zoned land to be known as “Kelly's Highlands Phase II Plat 1.” The 1.6-acre subject site is located on the south side of Broadway west of Yorkshire Drive. This is Case No. 14-105.

MS. RUSSELL: I'll second that.

MR. REICHLIN: Second by Ms. Lee.

MS. RUSSELL: Ms. Russell.

MR. REICHLIN: Russell. Sorry. I'll get there.

MR. STRODTMAN: Ready for a roll call?

MR. REICHLIN: Ready for a roll call, yes.

Roll Call Vote (Voting “yes” is to recommend approval.) Voting Yes: Ms. Loe, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Ms. Russell, Ms. Burns. Motion carried 6-0.

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

V) PUBLIC HEARINGS

MR. REICHLIN: Moving right along, we'll enter the public hearing portion of our meeting.