

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 51-09

AN ORDINANCE

approving the Final Plat of A. Perry Philips Park, a minor subdivision; accepting the dedication of rights-of-way and easements; granting a variance to the Subdivision Regulations; 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 A. Perry Philips Park, dated December 29, 2008, a minor subdivision located east of the intersection of Gans Road and Bristol Lake Parkway, containing approximately 139.07 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. Subdivider is granted a variance from the requirements of Section 25-28(a)(1) of the Subdivision Regulations so that the subdivision plat may be drawn at a scale of 1" = 200'.

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

PASSED this _____ day of _____, 2009.

ATTEST:


City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Source: Tim Teddy 

TO: City Council
 FROM: City Manager and Staff 
 DATE: February 20, 2009
 RE: A. Perry Philips Park – Minor Final Plat (Case # 08-105)

FISCAL NOTES:

City Fiscal Impact Enter all that apply:	
\$407,000	City's current net FY cost.
\$407,500	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs:
\$19,960	One-time
	Operating / On-going
Program Impact:	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	
N	Federal or state mandated? (Y/N)

EXECUTIVE SUMMARY:

Request to approve the minor final plat of A. Perry Philips Park, a minor subdivision, located east of intersection of Gans Road and Bristol Lake Parkway. The subject development has also requested approval of a variance to Section 25-28(a)(1) of the Subdivision Regulation, related to a reduction in the scale of the plat.

DISCUSSION:

The proposed plat identifies property that will become the future location of the A. Perry Philips Park, the northern portion of the City's southern regional recreation complex. The purpose of the plat is to confer "legal lot" status on the property which is required by the Zoning Ordinance prior to issuance of building permits for site improvements.

The subject site was acquired in 2004 for park purposes and will be developed by the City's Parks and Recreation Department. Development funds will be provided by the 1/8 cent Park Sales Tax. Zoning of the property is PUD 4 and a Phase 1 PUD development plan is current being considered by Council for approval (Bill # 38-09).

The Parks and Recreation Department (applicant) has requested that a variance to Section 25-28(a)(1) of the Subdivision Regulations be granted that would allow for the plat to be prepared at a scale of 1" = 200' verses the required 1" = 100'. The applicant has requested the variance due to the size of the property and the desire to keep the plat on a single sheet of paper. Evaluation of the request by City departments yielded no comments opposed to granting the variance. The variance will reduce recording costs and potential confusion resulting from a multiple sheet plat.

The Planning and Zoning Commission on February 5, 2009, voted (7-0) to recommend approval of the final minor plat and requested variance subject to staff's recommendations.

A staff report, locator map, reduced copy of the plat, pertinent correspondence and excerpts from the minutes of the Planning and Zoning Commission meeting are attached.

FISCAL IMPACT:

The proposed development will result in on-going fiscal impacts derived from the provision of public services and use of the property for park purposes. Currently, the proposed Phase I improvements are included in the City's FY-07 capital improvement budget with a total project cost of \$407,000 including funding in the amount of \$250,000 from the 2005 1/8-cent Park Sales Tax and \$157,500 in grant funds from the Missouri Department of Conservation.

The Parks and Recreation Department is requesting that its department's FY-2010 annual operating budget may need to be increased by a total of \$9,845 with \$7,715 in salaries, \$1,500 in utilities and

\$630 in materials and supplies. The 2 year net operating costs of \$19,690 are solely for operational and maintenance expenditures of Phase 1 improvements only. Actual on-going costs for the complete development of the property are not know at this time since the final improvements for areas outside of Phase 1 are still being evaluated. It is believed that the additional service costs would be off-set by registration or user fees for future park services or would be incorporated into the annual Parks and Recreation Department operations budget.

SUGGESTED COUNCIL ACTIONS:

Accept the Planning Commission’s recommendation of approval on the final minor plat and requested variance.

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
February 5, 2009**

ITEM NO.

08-105

SUBDIVISION NAME

A. Perry Philips Park - A final plat of a minor subdivision.

LOCATION

East of the intersection of Gans Road and Bristol Lake Parkway.

PROPERTY SIZE

Approximately 139.04 acres

EXISTING ZONING

PUD 4 (Planned Unit Development) with a maximum density of 4 units per acre per Ordinance #018043 - approved 4/19/04.

PROPOSED USE

The property is proposed to be developed as the City's southern regional park. **Please note** that a variance to Section 25-28(a)(1) of the development regulations has been requested as it relates to the scale of the plat.

SITE CHARACTERISTICS

The subject site is generally grassland and with limited forested areas scatter throughout the site. The property includes a 40-acre lake as its central feature which is to serve as a site amenity as well as a regional stormwater facility. The property drains to an unnamed tributary of Clear Creek to the northwest and partly toward Gans Creek to the south.

The site is located within the Clear Creek and Little Bonne Femme Creek drainage basins.

PARKLAND NEEDS/GREENBELT

The subject site was acquired in 2004 for the purposes of constructing the City's southern regional park. This site along with the Crane Tract (now named Gans Creek Recreation Area), to the south, is being presented to the public by the Parks and Recreation Department to gain input on future development desires. The proposed development plans for these two tracts, totaling 457 acres, would include a combination of active and passive features. Final improvements are subject to funding availability and City Council approval.

The PUD zoning of this property provides for buffering of the existing lake as well as Clear and Gans Creeks.

UTILITIES

Utility information is as follows:

- The subject tract lies within City of Columbia electric service area.
- City sewer and water services are at the site.

ACCESS/PEDESTRIAN CIRCULATION

The site is presently accessible from Gans Road and Bristol Lake Parkway. A third access will be provided from Ponderosa Street via a proposed future neighborhood collector (Philips Farm Road) that will traverse the northern portion of the development tract. Park plans indicate that primary access will be provided from Bristol Lake Parkway. Both Gans and Bristol Lake are presently substandard in their right-of-way width. The plat proposes to dedicate the necessary half-widths of each street to accommodate future improvements.

Bristol Lake Parkway has currently been improved to provide access to the Bristol Lakes subdivision. The existing improvement consists of a two lane roadway within the existing right-of-way. This roadway has been shown as third tier priority road within the CATSO Plan with an estimated construction cost (in 2007 dollars) of \$ 3,800,000. Construction of the roadway improvement is shown in the 2008 City CIP as occurring more than 10 years in the future.

Gans Road is partially maintained by the City and County. Recently the roadway alignment was modified when it was connected to US Highway 63 to the east of the site. The new interchange and connecting roadway, named Discovery Parkway, was constructed as a means for providing access to the subject site and adjoining property within the former Philips Farm tract. Improvement plans to upgrade Gans Road from its existing two lane section to a minor arterial from Hwy. 63 to Bearfield Road will likely to be a cooperative effort between the City and County. Currently design plans are 90% complete and no definitive date has been set for construction of the upgrade. The upgrade has been shown in the 2008 City CIP as a occurring more than 10 years in the future.

FIRE PROTECTION SERVICES

The City Fire services will provide fire protection services to the subject property.

IMPACT ON COLUMBIA PUBLIC SCHOOLS

No comments have been received from Columbia Public Schools.

DISCUSSION

The proposed subdivision will combine two existing tracts into one for the purposes of allowing development of the City's southern regional park. The subdivision is classified as a "minor" since it does not involve the creation of a new street for access and doesn't create more than 5 lots. Furthermore, platting of the subdivision is required since the property has never been platted and consequently does not meet the definition of a "lot." The Subdivision Regulations state that property must meet the definition of a lot in order for building permits to be issued.

Due to the size of the property to be platted, the applicant is seeking a variance from the Section 25-28 of the regulations that stipulates the maximum scale of a final plat. The regulations state that a final plat cannot exceed a scale of 1" = 100'. This scale limitation exists to ensure that details on a particular property are readily visible. The applicant indicates that due to the size of the property being platted strict application of this requirement would result in the plat needing to be shown on several sheets verses one. The applicant believes the smaller scale is appropriate and will reduce potential confusion.

With the exception of the scale, the proposed final plat meets all Subdivision Regulation requirements and staff has identified no problems.

STAFF RECOMMENDATION

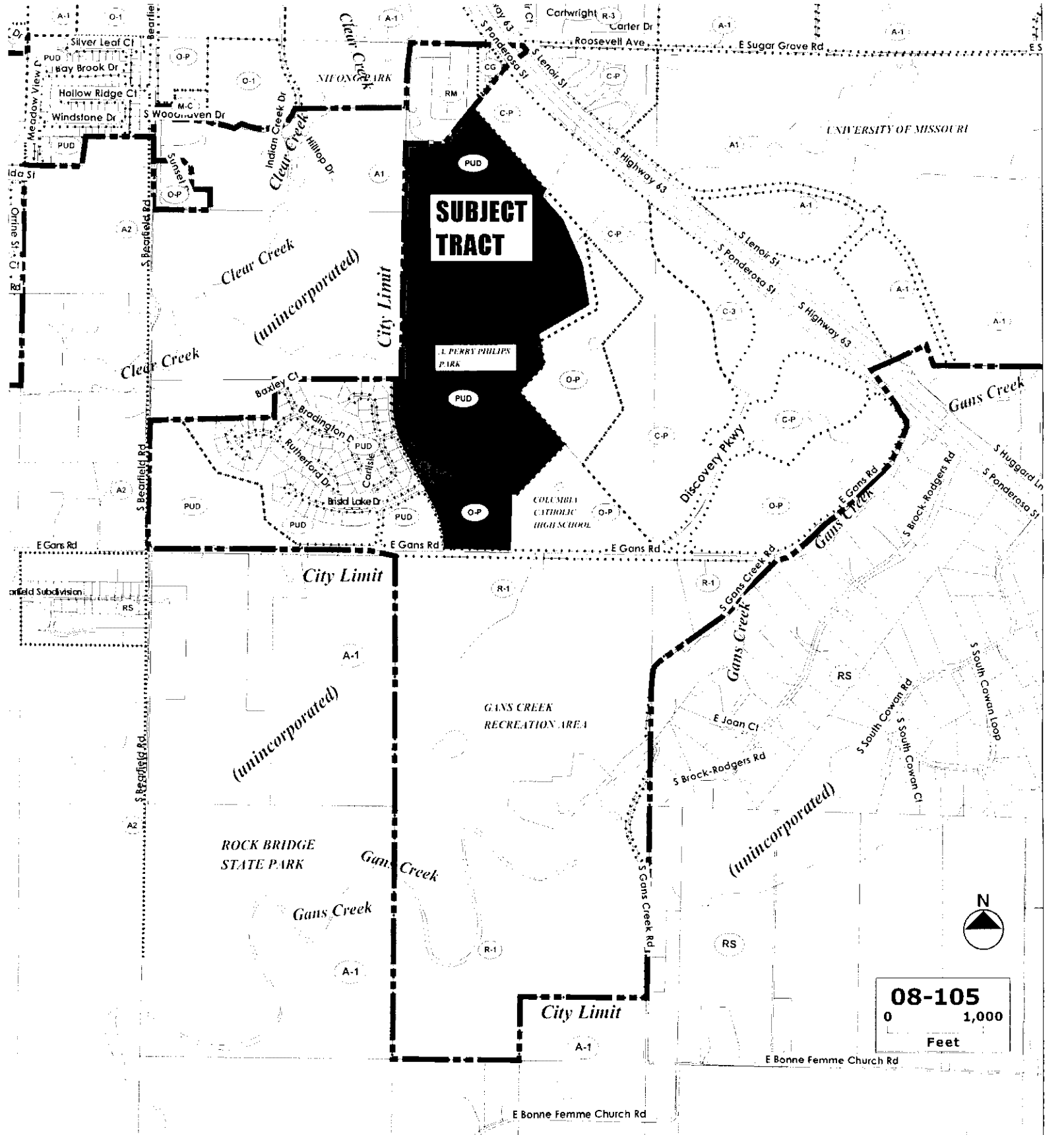
Staff recommends **conditional approval** of the final plat subject to meeting all outstanding departmental comments.

Staff recommends **approval** of the requested variance to Section 25-28. Such recommendation is based on the following:

1. The level of detail internal to the subject site is minimal and the reduced scale does not diminish readability of the plat.
2. Confusion will be reduced by having the plat on a single sheet.
3. Granting the variance will not diminish the purpose or intent of the Subdivision Regulations.

Report written by PKJ

Approved by PKJ



SUBJECT TRACT

J. PERRY PHILIPS PARK

UNIVERSITY OF MISSOURI

GANS CREEK RECREATION AREA

ROCK BRIDGE STATE PARK

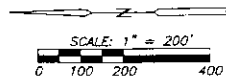
08-105
0 1,000
Feet



FILED FOR RECORD, BOONE COUNTY, MISSOURI
BETHE JOHNSON, RECORDER OF DEEDS.

A. PERRY PHILIPS PARK

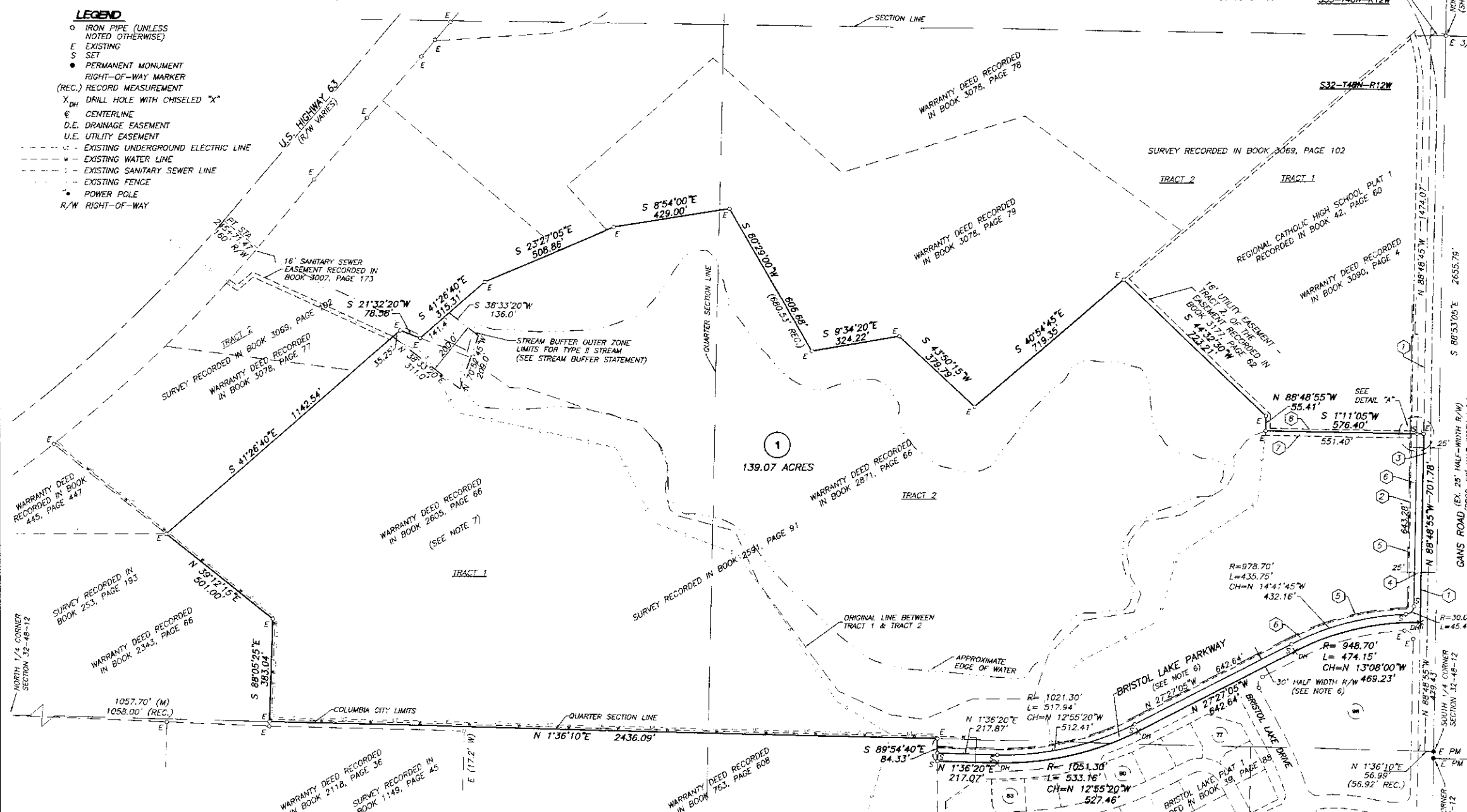
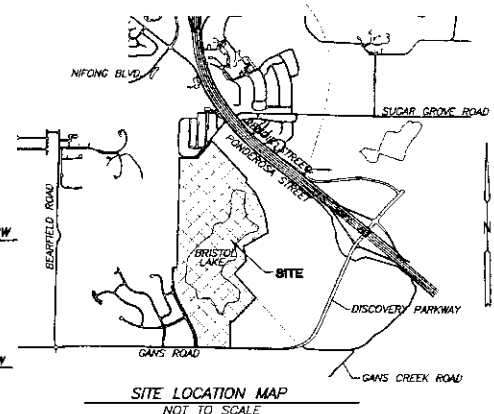
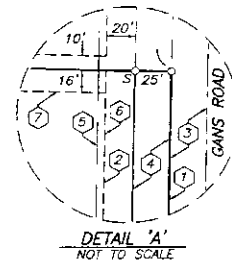
SECTION 32, TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
DECEMBER 29, 2008



BEARINGS ARE REFERENCED TO GRID NORTH
FROM THE MISSOURI STATE PLANE COORDINATE
SYSTEM, CENTRAL ZONE, FROM GPS
OBSERVATIONS USING GRS MONUMENT BO-15.
(GRID FACTOR=0.99990516)

LEGEND

- IRON PIPE (UNLESS NOTED OTHERWISE)
- E EXISTING
- S SET
- PERMANENT MONUMENT
- RIGHT-OF-WAY MARKER
- (REC.) RECORD MEASUREMENT
- X_{DH} DRILL HOLE WITH CHISELED "X"
- ⊕ CENTERLINE
- D.E. DRAINAGE EASEMENT
- U.E. UTILITY EASEMENT
- - - - - EXISTING UNDERGROUND ELECTRIC LINE
- - - - - EXISTING WATER LINE
- - - - - EXISTING SANITARY SEWER LINE
- - - - - EXISTING FENCE
- POWER POLE
- R/W RIGHT-OF-WAY



KNOW ALL MEN BY THESE PRESENTS
THE CITY OF COLUMBIA, BEING SOLE OWNER OF THE BELOW DESCRIBED TRACT, HAS CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN ON THIS PLAT.
IN WITNESS WHEREOF, H. WILLIAM WATKINS, CITY MANAGER AND SHEELA AMIN, CITY CLERK, HAVE CAUSED THESE PRESENTS TO BE SIGNED.
EASEMENTS, OF THE TYPES AND AT THE LOCATIONS AS SHOWN, ARE HEREBY DEDICATED TO THE PUBLIC USE, FOREVER.
THE RIGHT-OF-WAY FOR GANS ROAD AND BRISTOL LAKE PARKWAY ARE HEREBY DEDICATED FOR PUBLIC USE FOREVER.
CITY OF COLUMBIA

H. WILLIAM WATKINS, CITY MANAGER SHEELA AMIN, CITY CLERK
STATE OF MISSOURI } SS
COUNTY OF BOONE }
ON THIS ____ DAY OF _____ IN THE YEAR 2008, BEFORE ME, _____ A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED H. WILLIAM WATKINS, CITY MANAGER AND SHEELA AMIN, CITY CLERK OF THE CITY OF COLUMBIA, KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN FINAL PLAT ON BEHALF OF SAID CITY AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

NOTARY PUBLIC
MY COMMISSION # _____
EXPIRES _____

CERTIFICATION
A TRACT OF LAND LOCATED IN SECTION 32, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING THE LAND DESCRIBED IN THE WARRANTY DEEDS RECORDED IN BOOK 2605, PAGE 66, AND BOOK 2871, PAGE 66, ALSO BEING TRACT 1 AND TRACT 2 OF THE SURVEY RECORDED IN BOOK 2591, PAGE 91 OF THE BOONE COUNTY RECORDS AND CONTAINING 140.74 ACRES, INCLUDING 1.67 ACRES OF DEDICATED RIGHTS-OF-WAY.

I HEREBY CERTIFY THAT I SURVEYED THE DESCRIBED PROPERTY AND SUBDIVIDED IT AS SHOWN ON THIS PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

PREPARED BY

ALLSTATE CONSULTANTS
3312 LEMONE INDUSTRIAL BLVD.
COLUMBIA, MISSOURI 65201
(573) 875-8798

James R. Jeffries
JAMES R. JEFFRIES, #LS-2500
FEB. 11, 2009
DATE

STATE OF MISSOURI } SS
COUNTY OF BOONE }
SUBSCRIBED AND AFFIRMED BEFORE ME THIS 11th DAY OF February, 2009.
Marla E. Oglesby
MARLA E. OGLESBY NOTARY PUBLIC
MY COMMISSION #08490596
EXPIRES FEBRUARY 28, 2012

- NOTES**
1. THIS PLAT CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI STATUTE 20 CSR 20.30-16.040(2)(A).
 2. RECORD TITLE INFORMATION FOR THIS PLAT WAS PROVIDED BY BOONE-CENTRAL TITLE COMPANY, COMMITMENT #0814685, DATED DECEMBER 3, 2008.
 3. THIS TRACT MAY BE SUBJECT TO THE 20' WATERLINE EASEMENT RECORDED IN BOOK 362, PAGE 134. THE CENTERLINE OF THE EASEMENT IS LOCATED ON THE WATERLINE "AS INSTALLED" IN THE NE 1/4, NW 1/4, AND SE 1/4 OF SECTION 32-48-12 AND THE NW 1/4 OF SECTION 33-48-12.
 4. ACCORDING TO THE TITLE COMMITMENT, THIS TRACT MAY BE SUBJECT TO THE PHILIPS FARM AGREEMENT RECORDED IN BOOK 2604, PAGE 142, THE DECLARATION OF RESTRICTIVE COVENANTS RECORDED IN BOOK 2605, PAGE 65 AND THE DEVELOPMENT AGREEMENT RECORDED IN BOOK 3009, PAGE 94.
 5. THIS TRACT MAY BE SUBJECT TO THE RESERVATIONS STATED IN THE WARRANTY DEED, RECORDED IN BOOK 2871, PAGE 66.
 6. THE WEST 30' HALF-WIDTH RIGHT-OF-WAY OF BRISTOL LAKE PARKWAY WAS DEDICATED BY BRISTOL LAKE PLAT 1, RECORDED IN BOOK 39, PAGE 88.
 7. THE CURRENT CATSO ROADWAY PLAN FOR THIS AREA SHOWS A FUTURE EAST-WEST COLLECTOR STREET NAMED "PHILIPS FARM ROAD" THROUGH THIS TRACT. THIS SUBDIVISION MAY BE SUBJECT TO THE ROAD CROSSING IT WHEN THE ACTUAL LOCATION OF THE ROAD IS DETERMINED.

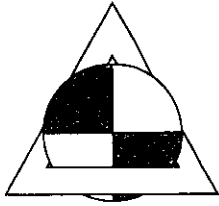
STREAM BUFFER STATEMENT
THE STREAM BUFFER LIMITS SHOWN ON THIS PLAT ARE INTENDED TO COMPLY WITH STREAM REQUIREMENTS OF ARTICLE X, CHAPTER 124 OF THE CITY OF COLUMBIA'S CODE OF ORDINANCES. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION WITHIN THE BUFFER EXCEPT AS SPECIFICALLY APPROVED BY THE CITY OF COLUMBIA.

FLOOD PLAIN STATEMENT
THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 290034 0136B, REVISED JUNE 15, 1983.

- EASEMENT AND RIGHT-OF-WAY NOTES**
- 1 NORTH RIGHT OF WAY LINE OF GANS ROAD AS PER CONDEMNATION CASE #00CV164394
 - 2 GAS EASEMENT AS RECORDED IN BOOK 3264, PAGE 93
 - 3 EXISTING 25' HALF WIDTH RIGHT-OF-WAY FOR GANS ROAD
 - 4 25' ADDITIONAL RIGHT-OF-WAY FOR GANS ROAD BY THIS PLAT FOR A 50' HALF WIDTH
 - 5 25' BUILDING LINE BY THIS PLAT
 - 6 20' UTILITY EASEMENT BY THIS PLAT
 - 7 16' UTILITY EASEMENT BY THIS PLAT
 - 8 10' UTILITY EASEMENT AS SHOWN ON REGIONAL HIGH SCHOOL PLAT 1, RECORDED IN BOOK 42, PAGE 60

APPROVED BY THE COLUMBIA PLANNING AND ZONING COMMISSION THIS ____ DAY OF _____, 2009.

JEFF BARROW, CHAIRMAN
APPROVED BY THE COLUMBIA CITY COUNCIL THIS ____ DAY OF _____, 2009.
DARWIN A. HINDMAN, MAYOR SHEELA AMIN, CITY CLERK



allstate consultants llc
Engineering • Planning • Surveying • Investigative • Geotechnical

December 29, 2008

Mr. Tim Teddy, Director
City of Columbia Department of Planning & Development
701 E. Broadway
Columbia, MO 65205

RE: A. Perry Philips Park Final Plat

Dear Mr. Teddy,

On behalf of our client, the City of Columbia Parks and Recreation Department, we are hereby requesting that the City of Columbia grant a variance to Section 25-28 (a)(1), of the Subdivision Regulations regarding the scale of a final plat.

This regulation requires that final plats be drawn to a scale not exceeding 1" = 100'. With the tract being 140 acres in size, we are submitting the final plat drawn at a scale of 1" = 200', which allows the subdivision to be presented graphically on one sheet. If it were presented at a scale of 1" = 100' it would take several sheets. It is less confusing with the drawing on one sheet.

If you have any questions or need additional information, please contact me at 875-8799.

Sincerely,
Allstate Consultants LLC

James R. Jeffries, PLS

CC: Michael Griggs, City of Columbia Department of Parks and Recreation

RECEIVED

DEC 29 2008

PLANNING DEPT.

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
February 5, 2009

3) SUBDIVISIONS

08-105 A. Perry Philips Park - A final major plat located on the north side of Gans Road, and east side of Bristol Lake Parkway, containing approximately 139.07 acres.

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends **conditional approval** of the final plat subject to meeting all outstanding departmental comments. Staff recommends **approval** of the requested variance to Section 25-28. Such recommendation is based on the following:

1. The level of detail internal to the subject site is minimal and the reduced scale does not diminish readability of the plat.

2. Confusion will be reduced by having the plat on a single sheet.

3. Granting the variance will not diminish the purpose or intent of the Subdivision

Regulations.

MR. BARROW: Very well. Thank you. Are there any questions? This is not a public hearing, but if there is anyone in the audience tonight who can add any additional information, I'll invite you to speak. Very well. Seeing no one. Discussion, Commissioners? Mr. Rice?

MR. RICE: It seems like an administrative -- essentially a formality that we need to get passed in order to proceed with development of this park, so I'm going to make a motion that we recommend approval.

MR. BARROW: Ms. Anthony?

MS. ANTHONY: Second.

MR. BARROW: It's been moved and seconded. Yes?

MR. WHEELER: Just for clarification, is that subject to the staff's recommendations?

MR. RICE: I'm sorry. I always forget to do that. Yes, it is.

MR. BARROW: Thank you, Mr. Wheeler. And is that true of your second, as well?

MS. ANTHONY: Yes, it is.

MR. BARROW: Very well. Is there any discussion on the motion? Are you ready?

MR. WHEELER: Yes, sir.

MR. BARROW: May we have the roll call, please?

MR. WHEELER: A motion has been made and seconded to recommend approval of 08-105, A.

Perry Philips Park - A final major plat located on the north side of Gans Road, and east side of Bristol Lake Parkway, containing approximately 139.07 acres, with the staff's recommended conditions and the accompanying variance.

MS. ANTHONY: Yeah.

MR. RICE: Yeah.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin, Mr. Rice, Mr. Wheeler, Ms. Anthony, Mr. Barrow, Ms. Curby, Ms. Peters. Motion carries 7-0.