



Agenda Item Number: B120-14
Department Source: Community Development - Planning
To: City Council
From: City Manager & Staff
Council Meeting Date: May 5, 2014
Re: 14-46 Academy Village Plat 2 - Final Minor Plat

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance
Supporting documentation includes: Summary of Board/Commission Reports, Maps, Plats, Excerpts from Minutes

Executive Summary

A request by Dan Brush, Brush & Associates (Applicant), for approval of a 2-lot final minor plat on C-P (Planned Business District) zoned land, to be known as Academy Village Plat 2. The 1.33-acre site is located at the southeast corner of E. Green Meadows Road and Carter Lane. (Case #14-46)

Discussion

The applicant is requesting a final minor plat that will consolidate two existing lots in Academy Village Plat 1 with adjacent property to the west that was previously right of way. The plat has been reviewed by City departments and external agencies, and meets all applicable requirements of the City's Zoning and Subdivision Regulations. See attached Planning and Zoning report for further information.

At its meeting on April 24, 2014, the Planning and Zoning Commission voted unanimously (7-0) to recommend approval of the proposed final minor plat. There was little discussion, and no members of the public spoke on this request.

A copy of the Planning and Zoning Commission (PZC) staff report, PZC minutes, locator maps, a reduced copy of the plat, and performance contracts are attached.

Fiscal Impact

Short-Term Impact: No new facilities are required.

Long-Term Impact: No new facilities are required.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Not Applicable

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Not Applicable

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Suggested Council Action

Approval of the final minor plat

Legislative History

6/2/2008: Approval of Academy Village CP Development Plan

9/2/2008: Approval of Academy Village Plat 1

A handwritten signature in black ink, appearing to be 'L. H. 2011', written over a horizontal line.

Department Approved

A handwritten signature in black ink, appearing to be 'M. H. Matt', written over a horizontal line.

City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 120-14

AN ORDINANCE

approving the Final Plat of Academy Village Plat 2, a Replat of Lots 2 and 3 Academy Village Plat 1 and vacated right-of-way of Providence Road, 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 Academy Village Plat 2, a Replat of Lots 2 and 3 Academy Village Plat 1 and vacated right-of-way of Providence Road, as certified and signed by the surveyor on April 10, 2014, a minor subdivision located on the southeast corner of Green Meadows Road and Carter Lane, containing approximately 1.33 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 Wendling Development LLC in connection with the approval of the Final Plat of Academy Village Plat 2. 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 WENDLING 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 ACADEMY VILLAGE PLAT 2, 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

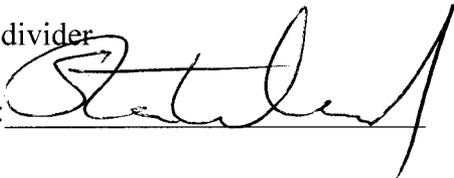
BY: _____
Mike Matthes, City Manager

ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

, City Counselor

Subdivider
BY:  _____

City of Columbia

701 East Broadway, Columbia, Missouri 65201



**SUPPORTING DOCUMENTS INCLUDED WITH
THIS AGENDA ITEM ARE AS FOLLOWS:**

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

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
April 24, 2014**

SUMMARY

A request by Dan Brush, Brush & Associates (Applicant), for approval of a 2-lot final minor plat on C-P (Planned Business District) zoned land, to be known as Academy Village Plat 2. The 1.33-acre site is located at the southeast corner of E. Green Meadows Road and Carter Lane. (Case #14-46)

DISCUSSION

The applicant is requesting a final minor plat that includes two previously platted lots (Lot 2 and 3 of Academy Village Plat 1) and adjacent property to the west which was former Missouri Department of Transportation (MoDOT) right-of-way. The right-of-way was vacated by MoDOT as it was not required for the Carter Lane/Providence Road corridor. The proposed plat would incorporate the former right-of-way into existing Lots 2 and 3 of Academy Village Plat 1. No additional buildable lots are being created and no additional streets or services are required to be extended.

Academy Village is currently zoned C-P and the subject properties have an associated C-P development plan (approved 2008) that controls the development of the property. The development agreement associated with the C-P plan included language acknowledging the likelihood that the right-of-way would be vacated and that the applicant would include the property in a future revision to the approved C-P plan.

STAFF RECOMMENDATION

Approval of the final minor plat.

REFERENCE MATERIALS

- Locator aerial and topographic maps.
- 11X17" reduction of plat

SITE CHARACTERISTICS

Area (acres)	1.33
Address	None assigned
Topography	Gently sloping from southwest to northeast
Vegetation	None
Watershed	Hinkson Creek

SITE HISTORY

Annexation date	1966, 1969
Land Use Plan designation	Commercial District
Existing use(s)	Vacant
Existing zoning	C-P (Planned Business District)

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	City of Columbia
Electric	Boone Electric Cooperative
Fire Protection	Columbia Fire Department

ACCESS

Carter Lane	
Location	West side of site
Major Roadway Plan classification	Major Collector. Sidewalk currently existing on private property but may be relocated per the proposed C-P revision to the right of way or within an easement.
CIP projects	None

East Green Meadows	
Location	North side of site
Major Roadway Plan classification	Major Collector. Sidewalk existing along north side of property.
CIP projects	None

PARKS & RECREATION

Neighborhood Parks Plan	Highpointe Park is located approximately 1,000 feet north of site.
Trails Plan	The South Providence Trail is located along the east side of Providence Road
Bicycle/Pedestrian Network Plan	The South Providence Trail is classified as a PedNet Backbone in the Network Plan, and East Green Meadows Road is classified as a Pedway.

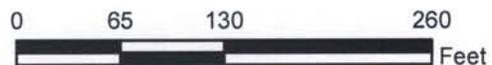
Report prepared by: Clint Smith Approved by: Pat Zenner

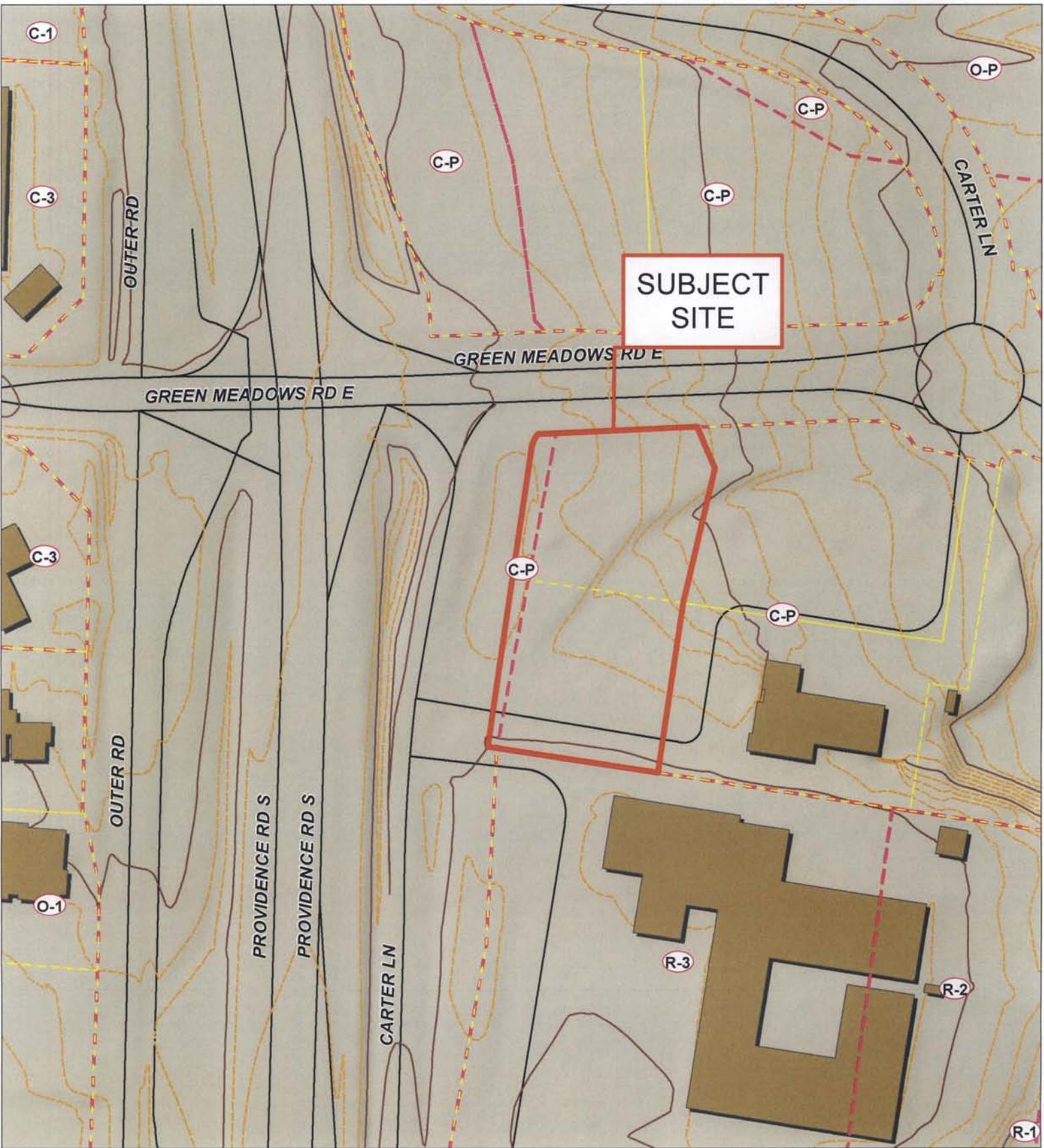


14-46: Academy Village Plat 2 Final Minor



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





14-46: Academy Village Plat 2 Final Minor

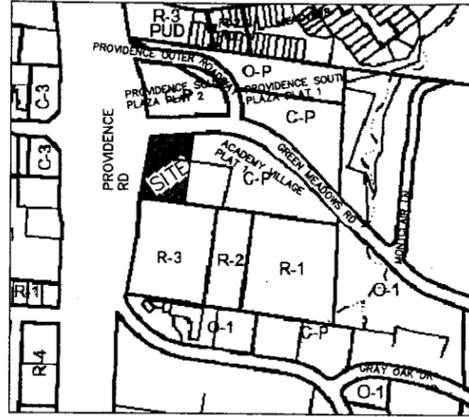


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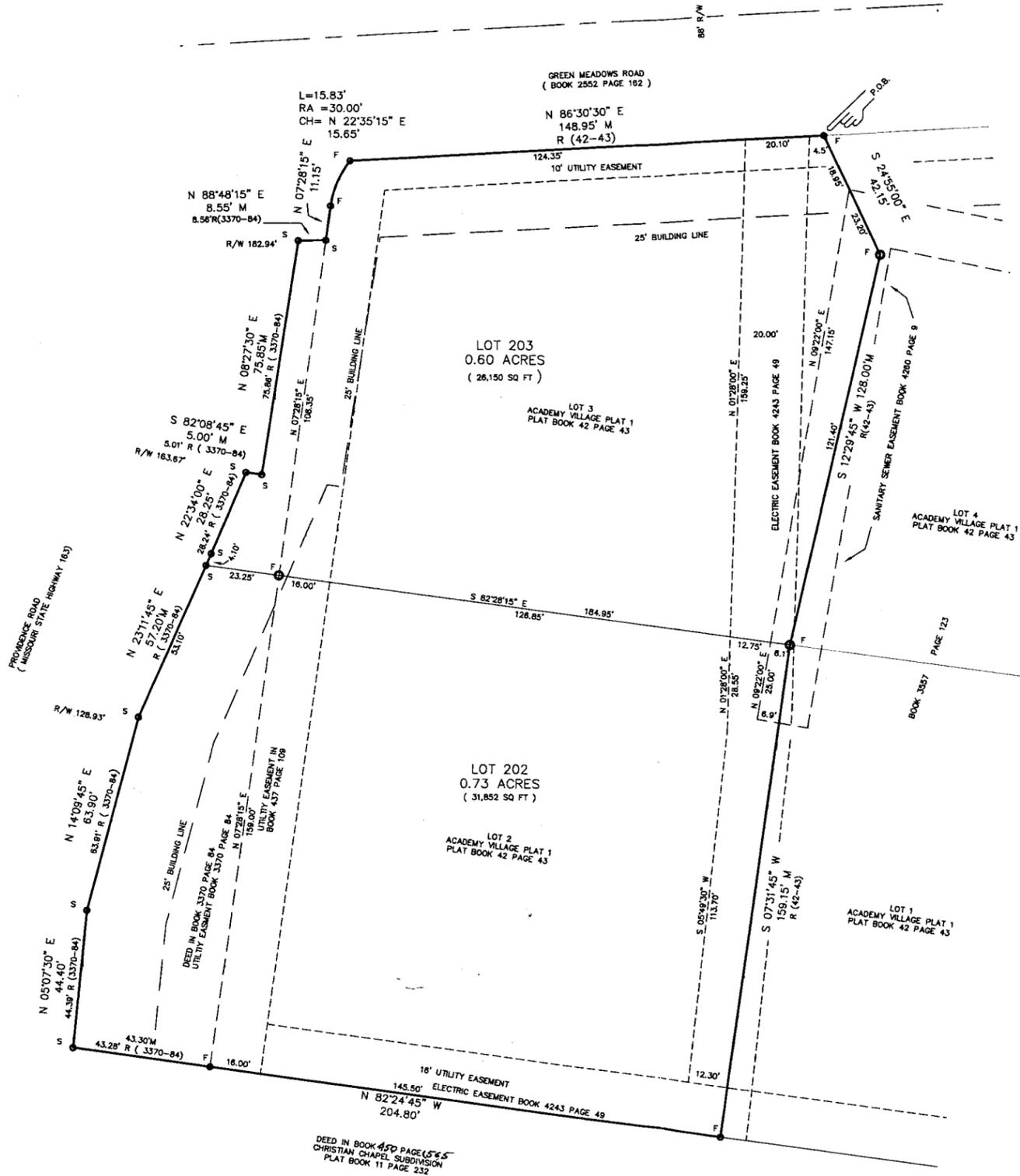
SITE LOCATION MAP
NOT TO SCALE



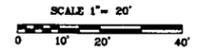
ACADEMY VILLAGE PLAT 2

A REPLAT OF LOTS 2 AND 3 ACADEMY VILLAGE PLAT 1 AND VACATED RIGHT OF WAY PROVIDENCE ROAD
SECTION 25 TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI

MINOR SUBDIVISION



LEGEND
F FOUND 5/8" ROD WITH CAP
BRUSH AND ASSOC. LC 321
UNLESS OTHERWISE NOTED
S SET 5/8" ROD WITH CAP
BRUSH AND ASSOC. LC 321
UNLESS OTHERWISE NOTED
PM 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
CC CUT CROSS IN CONCRETE
RA RADIUS
L ARC LENGTH
CH CHORD
P.O.B. POINT OF BEGINNING
(31,852 SQ.FT.) CALCULATED AREA



DATE: MARCH, 2014
SURVEY FOR: WENDLING DEVELOPMENT LLC
THIS SURVEY CONFORMS TO TYPE URBAN
ACCURACY STANDARD 20 CSR 2030-18.040
REFERENCE BEARING: NORTH LINE OF PROVIDENCE
SOUTH PLAZA PLAT 1
N 83°12'45"W
NOTES:
1.) THIS TRACT IS NOT LOCATED WITHIN THE 100
YEAR FLOOD PLAIN AS PER THE BOONE COUNTY
FIRM MAP #29019C02800 - DATED: 3-17-2011
2.) AFTER REVIEW OF USGS 7.5 MIN. QUAD SHEET
COLUMBIA QUADRANGLE, NO TYPE I, II, OR III
STREAMS AS DEFINED BY 12A-233 CITY OF
COLUMBIA ORDINANCE ARE LOCATED ON THIS SITE.

TRACT LOCATED IN THE SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF SECTION 25, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT DESCRIBED BY THE QUIT CLAIM DEED IN BOOK 3370 PAGE 84 AND LOTS 2 AND 3 OF ACADEMY VILLAGE PLAT 1 AS SHOWN IN PLAT BOOK 42 PAGE 43, ALL OF THE BOONE COUNTY RECORDS, ALSO BEING PART OF THE TRACT DESCRIBED BY THE DEED IN BOOK 3557 PAGE 123 OF THE BOONE COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTH EAST CORNER OF SAID LOT 3, THENCE WITH THE LINES OF SAID LOT 3 AND LOT 2 S 24°50'00"E, 42.15 FEET; THENCE S 12°29'45"W, 128.00 FEET; THENCE S 07°31'45"W, 158.15 FEET TO THE SOUTH EAST CORNER OF SAID LOT 2; THENCE WITH THE SOUTH LINE OF SAID LOT 2 AND THE SOUTH LINE OF THE TRACT DESCRIBED BY THE DEED IN SAID BOOK 3370 PAGE 84, N 82°24'45"W, 204.80 FEET TO THE SOUTH WEST CORNER OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 3370 PAGE 84; THENCE WITH THE LINES OF THE TRACT DESCRIBED BY THE DEED IN SAID BOOK 3370 PAGE 84, N 05°07'30"E, 44.40 FEET; THENCE N 14°09'45"E, 83.90 FEET; THENCE N 23°11'45"E, 57.20 FEET; THENCE N 22°34'00"E, 28.25 FEET; THENCE S 82°08'45"E, 5.00 FEET; THENCE N 08°27'30"E, 75.85 FEET; THENCE N 88°48'15"E, 8.55 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE WITH THE LINES OF SAID LOT 3 N 07°28'15"E, 11.15 FEET; THENCE WITH A NON-TANGENT CURVE TO THE RIGHT 15.83 FEET, CURVE RADIUS 30.00 FEET, CHORD N 22°35'15"E, 15.65 FEET; THENCE WITH A NON-TANGENT LINE N 88°30'30"E, 148.95 FEET TO THE POINT OF BEGINNING AND CONTAINS 1.33 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.
SUITE A
508 NICHOLS STREET
COLUMBIA, MO 65201
573-442-4851 LC 321

Daniel Brush
DANIEL BRUSH
LS 2499
DATE: 4-16-14

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC IN AND FOR BOONE COUNTY, MISSOURI THIS 12 DAY OF APRIL, 2014.
Kevin M. Schweikert
KEVIN M. SCHWEIKERT
NOTARY PUBLIC
MY COMMISSION EXPIRES 01-02-18

KNOW ALL MEN BY THESE PRESENTS THAT, WENDLING DEVELOPMENT LLC AND STEVE AND SHERRY WENDLING ARE THE SOLE OWNERS OF THE ABOVE DESCRIBED TRACT AND HAVE CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED AND PLATTED AS SHOWN ON THE PLAT. THE EASEMENTS AS SHOWN ON THE ATTACHED PLAT ARE HEREBY DEDICATED TO PUBLIC USE FOREVER.

Steve Wendling PRESIDENT
STEVE WENDLING PRESIDENT WENDLING DEVELOPMENT LLC
Sherry Wendling
SHERRY WENDLING

STATE OF MISSOURI)
COUNTY OF BOONE) SS
ON THIS 10th DAY OF APRIL, 2014
BEFORE ME APPEARED, STEVE AND SHERRY WENDLING HUSBAND AND WIFE, AND STEVE WENDLING PRESIDENT OF WENDLING DEVELOPMENT LLC, TO ME PERSONALLY KNOWN, WHO BY ME DULY SWORN DID SAY THAT THIS INSTRUMENT TO BE THEIR FREE ACT AND DEED. 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.
James D. Brush
JAMES D. BRUSH
NOTARY PUBLIC
MY COMMISSION EXPIRES: 1-13-18

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING COMMISSION
THIS 10th DAY OF APRIL, 2014.
DR. RAMAN PURI CHAIRPERSON

ACCEPTED BY THE CITY COUNCIL THIS 10th DAY OF APRIL, 2014.
ROBERT MCDAVID MAYOR
SHEELA AMIN CITY CLERK

DEED IN BOOK 450 PAGE 565
CHRISTIAN CHAPEL SUBDIVISION
PLAT BOOK 11 PAGE 232

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
APRIL 24, 2014

Case No. 14-46

A request by Dan Brush, Brush & Associates (Applicant), for approval of a two-lot final minor plat on C-P (Planned Business District) zoned land, to be known as Academy Village Plat 2. The 1.33-acre site is located at the southeast corner of East Green Meadows Road and Carter Lane.

MR. REICHLIN: May we have a staff report, please.

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

MR. REICHLIN: Any questions of Staff? Seeing none, anybody from the audience? Seeing no one. Comments of Commissioners? I'll entertain a motion.

MS. BURNS: I move that the request by Dan Brush and Brush & Associates for approval of a two-lot final minor plat on C-P that's zoned land be known as "Academy Village", Case No. 14-46 be approved.

MR. REICHLIN: Thank you, Ms. Burns.

MR. STRODTMAN: I'll second it.

MR. REICHLIN: Thank you, Mr. Strodman. May we have a roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Mr. Tillotson, Mr. Wheeler, Ms. Burns, Ms. Loe, Mr. Reichlin, Mr. Stanton. Motion carries 7-0.

MR. STRODTMAN: The motion for recommendation to City Council has passed.

MR. REICHLIN: Okay. Now we'll move into the public hearing portion of our meeting tonight.