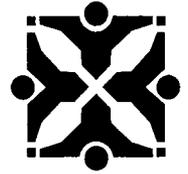


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B147-14

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: June 2, 2014

Re: 14-66: Farley's Plat No. 4 (replat)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Performance Contacts

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

Executive Summary

This is a request by David Butcher (Agent) on behalf of BS Properties (owners) for approval of a replat of C-3 (General Business District) zoned property, to be known as "Farley's Plat No. 4". The 2.18-acre subject site is located on the west side of West Sexton Road, approximately 150 feet north of Mikel Street, and commonly know as 7080 West Sexton Road. (Case #14-66)

Discussion

The applicant is requesting approval of a two-lot replat in order to create a legal lot of record, which is required for any future development of the subject property. The lot is currently part of two lots that were originally platted in 1920. As part of the plat, additional right-of-way has been dedicated and necessary utility easements will be granted along Sexton road. The plat has been reviewed by relevant City staff and external agencies and meets all technical requirements of the City's Subdivision Regulations.

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

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

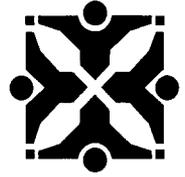
Fiscal Impact

Short-Term Impact: None.

Long-Term Impact: None.

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Transportation

Strategic Plan Impact: Infrastructure

Comprehensive Plan Impact: Infrastructure

Suggested Council Action

Approval of the two-lot replat as recommended by the Planning and Zoning Commission.

Legislative History

None.

A handwritten signature in black ink, appearing to be 'R. A. 2M', written over a horizontal line.

Department Approved

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

City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 147-14

AN ORDINANCE

approving the Final Plat of Farley’s, Plat No. 4, a Replat of Part of Lots “O” and “P” of Farley’s Second Addition, 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 Farley’s, Plat No. 4, a Replat of Part of Lots “O” and “P” of Farley’s Second Addition, as certified and signed by the surveyor on May 7, 2014, a minor subdivision located on the west side of Sexton Road and north of Mikel Street (7080 W. Sexton Road), containing approximately 2.18 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 BS Properties, LLC in connection with the approval of the Final Plat of Farley’s, Plat No. 4. 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 _____, 2014 between the City of Columbia, MO (“City”) and **BS Properties, 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 **Farley’s Plat No. 4**, 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 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 the 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 the 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 WHERE OF, the parties have executed this contract on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

BY: _____
Mike Matthes, City Manager

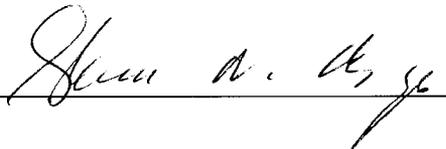
ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

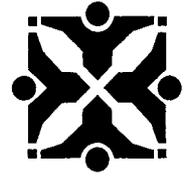
Nancy Thompson, City Counselor

Subdivider

BY: 

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 and Plans, Excerpts from
Minutes

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
May 22, 2014**

SUMMARY

A request by David Butcher (Agent) on behalf of BS Properties (owners) for approval of a replat of C-3 (General Business District) zoned property, to be known as "Farley's Plat No. 4". The 2.18-acre subject site is located on the west side of West Sexton Road, approximately 150 feet north of Mikel Street, and commonly known as 708 West Sexton Road. (Case #14-66)

DISCUSSION

The applicant is requesting a one-lot replat for a property currently zoned C-3 and improved with a commercial building occupied by Lindsey Rentals and Sales. The 2.18-acre lot is currently portions of two lots that were platted in 1920. As part of the final platting of the property, the property owner is dedicating additional right of way along Sexton Road that is consistent with similar dedications on adjacent property to the north, and which could accommodate future roadway improvements. Standard utility easements are being dedicated as well.

Staff has reviewed the plat and determined that it meets all of the technical requirements of the Zoning and Subdivision Regulations.

STAFF RECOMMENDATION

Approval of the final replat.

ATTACHMENTS

- Locator aerial and topographic maps
- Plat

SITE CHARACTERISTICS

Area (acres)	2.18
Address	708 West Sexton Road
Topography	Flat
Vegetation	None
Watershed	Flat Branch

SITE HISTORY

Annexation date	1906
Previous rezoning requests	None
Land Use Plan designation	Commercial District
Existing use(s)	Commercial
Existing zoning	C-3 (General Business District)

UTILITIES & SERVICES

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

ACCESS

W. Sexton Rd	
Location	East side of site
Major Roadway Plan classification	City maintained local nonresidential. Additional 3' ROW dedicated. Sidewalk required along property's street frontage within 3 years or at time of new construction.
CIP projects	None

PARKS & RECREATION

Neighborhood Parks Plan	No existing or proposed parks adjacent to site.
Trails Plan	No existing or proposed trails adjacent to site.
Bicycle/Pedestrian Network Plan	No bike/ped facilities are proposed on or adjacent to the site.

Report prepared by Clint Smith Approved by Patrick Zenner



14-66: Farley's Plat No. 4 Replat



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

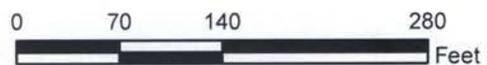




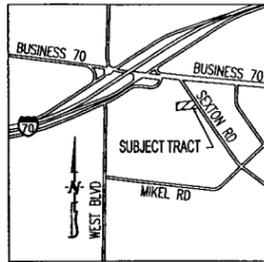
14-66: Farley's Plat No. 4 Replat



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



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



LOCATION MAP
NOT TO SCALE

FINAL PLAT FARLEY'S, PLAT No. 4

A MINOR SUBDIVISION AND REPLAT OF PART OF LOTS "O" AND "P" OF
FARLEY'S SECOND ADDITION, LOCATED IN THE NORTHWEST QUARTER
OF SECTION 11, TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
APRIL 14, 2014

CERTIFICATION:

I HEREBY CERTIFY THAT IN APRIL OF 2014, I COMPLETED A SURVEY AND SUBDIVISION FOR BS PROPERTIES, LLC, OF A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF LOTS "O" AND "P" OF FARLEY'S SECOND ADDITION, RECORDED IN PLAT BOOK 3, PAGE 5, AND BEING ALL OF THE LAND SHOWN IN THE SURVEY RECORDED IN BOOK 368, PAGE 570 AND BEING ALL OF THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1416, PAGE 673 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY SAID WARRANTY DEED RECORDED IN BOOK 1416, PAGE 673, AND AS SHOWN BY SAID SURVEY RECORDED IN BOOK 368, PAGE 570; THENCE WITH THE LINES THEREOF, N 0°43'35"W, 169.49 FEET, THENCE N 83°09'35"E, 484.69 FEET, THENCE LEAVING THE LINES OF SAID SURVEY, S 33°56'15"E, 199.52 FEET TO THE SOUTH LINE OF SAID SURVEY; THENCE WITH THE LINES THEREOF, S 83°23'25"W, 511.83 FEET; THENCE S 88°04'25"W, 82.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.18 ACRES.

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

SURVEY AND PLAT BY:

CROCKETT ENGINEERING CONSULTANTS, LLC
2608 NORTH STADIUM BLVD.
COLUMBIA, MO 65202

CORPORATE NUMBER: 2000151304



David T. Butcher
DAVID T. BUTCHER, PLS-2002014095
DATE: 5/16/2014

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS _____ DAY OF _____, 2014.

NOTARY PUBLIC
DANIELLE GRIFFITH
MY COMMISSION EXPIRES OCTOBER 28, 2016
COMMISSION NUMBER 12409201



KNOW ALL MEN BY THESE PRESENTS:

THAT BS PROPERTIES, LLC IS THE SOLE OWNER OF THE HEREON DESCRIBED TRACT AND THAT SAID LIMITED LIABILITY COMPANY HAS CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE ADJACENT DRAWING. THE STREET RIGHT OF WAY SHOWN BY THE ADJACENT DRAWING IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE EASEMENTS AS SHOWN, ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE ABOVE DRAWING AND DESCRIPTION SHALL HEREAFTER BE KNOWN AS "FARLEY'S, PLAT NO. 4"

IN WITNESS WHEREOF, BS PROPERTIES, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS GENERAL PARTNERS, THIS _____ DAY OF _____, 2014.

BS PROPERTIES, LLC.

ATTEST

Sherman N. Brown
SHERMAN N. BROWN, MEMBER

Billy Spry
BILLY SPRY, MEMBER

STATE OF MISSOURI } SS
COUNTY OF BOONE }

ON THIS _____ DAY OF _____, 2014 BEFORE ME PERSONALLY APPEARED SHERMAN N. BROWN, AND BILLY SPRY, TO ME KNOWN, WHO BY ME DULY SWORN, DID SAY THAT THEY ARE MEMBERS OF SAID LIMITED LIABILITY COMPANY AND THAT THEY FURTHER ACKNOWLEDGE THIS INSTRUMENT TO BE THEIR FREE ACT AND THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS _____ DAY OF _____, 2014.

NOTARY PUBLIC
DANIELLE GRIFFITH
MY COMMISSION EXPIRES OCTOBER 28, 2016
COMMISSION NUMBER 12409201



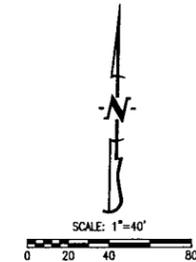
APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING COMMISSION THIS _____ DAY OF _____, 2014.

DR. RAMAN PURI, CHAIRPERSON

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI, THIS _____ DAY OF _____, 2014.

ROBERT McDAVID, MAYOR

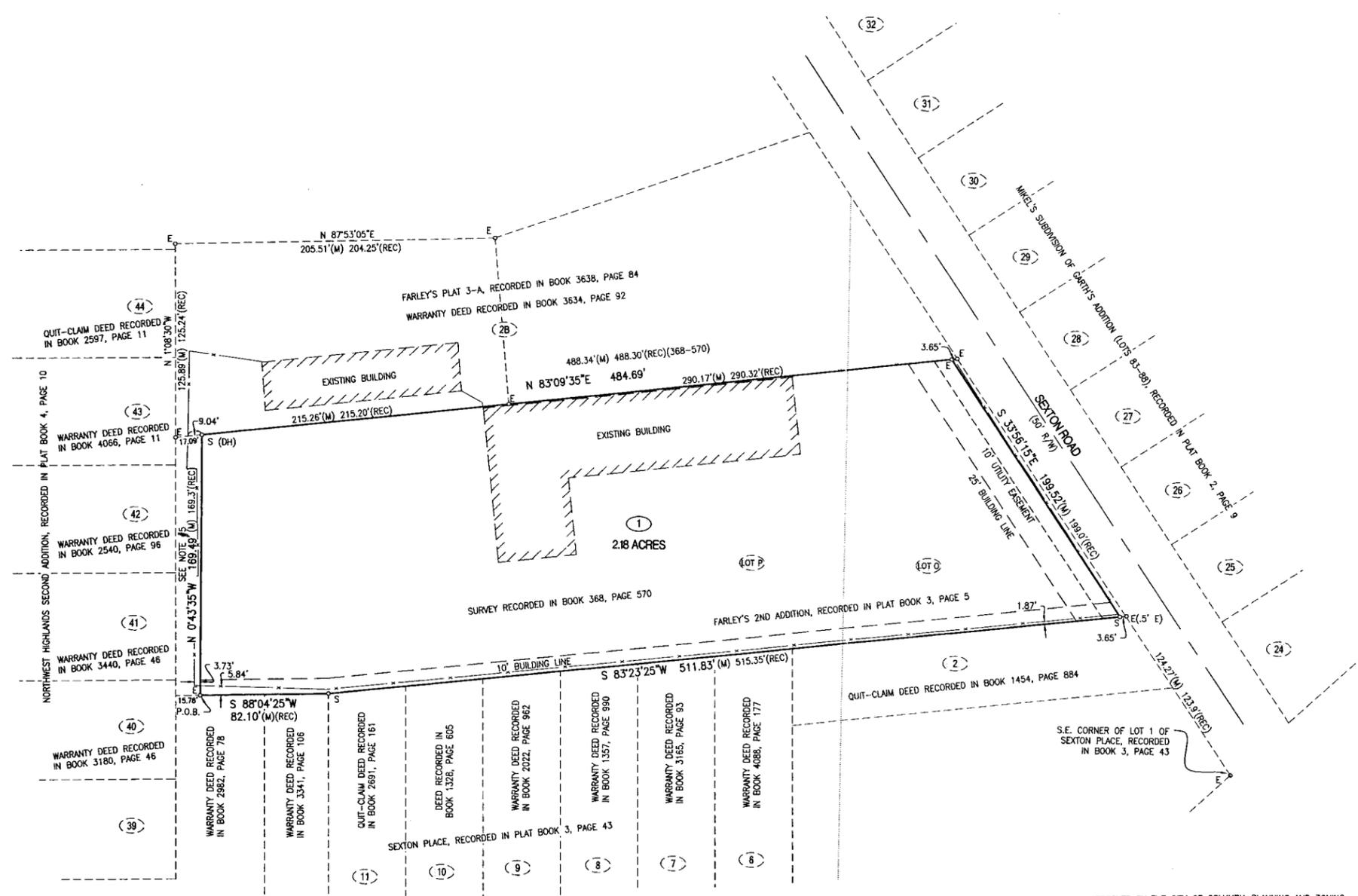
SHEELA AMIN, CITY CLERK



BEARINGS ARE REFERENCED TO GRID NORTH, OF THE MISSOURI STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE), OBTAINED FROM GPS OBSERVATION.

LEGEND:

- E EXISTING
- S SET
- o 1/2" IRON PIPE (UNLESS NOTED OTHERWISE)
- (M) MEASURED DISTANCE
- (REC) RECORDED DISTANCE
- P.O.B. POINT OF BEGINNING



NOTES:

1. THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAN AS SHOWN BY FLOOD MAP PANEL NUMBER 29019C02800, DATED MARCH 17, 2011.
2. THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 2030-16.040(2)(A).
3. A CURRENT TITLE COMMITMENT WAS NOT PROVIDED FOR THIS SURVEY.
4. THIS TRACT IS NOT REGULATED BY THE STREAM BUFFER REQUIREMENTS IN SECTION 12A-230, ARTICLE X OF THE CITY OF COLUMBIA CODE OF ORDINANCES. ORIGINALLY PLATTED PRIOR TO 2007. (COLUMBIA QUADRANGLE)
5. A 17' GAP WAS LEFT OUT OF THE SURVEY RECORDED IN BOOK 368, PAGE 570. PAROL EVIDENCE INDICATES THIS GAP WAS INTENDED TO BE USED AS AN ALLEY WAY FOR UTILITIES. NOTHING HAS BEEN RECORDED TO ENFORCE THIS CLAIM. A QUIET TITLE SUIT MAY BE WARRANTED TO ASSIGN OWNERSHIP TO AN ADJOINER.

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
MAY 22, 2014

Case No. 14-66

A request by David Butcher (Agent) on behalf of BS Properties (owners) for approval of a replat of C-3 (General Business District) zoned property, to be known as “Farley's Plat No. 4.” The 2.18-acre subject site is located on the west side of West Sexton Road, approximately 150 feet north of Mikel Street, and commonly known as 7080 West Sexton Road.

DR. PURI: 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 final replat.

DR. PURI: Commissioners, any questions of the staff? Seeing none. Motion? Mr. Tillotson?

MR. TILLOTSON: I make a motion to approve Case 14-66.

MR. STANTON: Second.

DR. PURI: Mr. Stanton second. May we have a roll call, please?

MR. STRODTMAN: Yes, Mr. Chair.

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 carries.

DR. PURI: Thank you.