

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 227-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: 8/3/2015

Re: Creek Ridge, Plat No. 1-A - replat (Case 15-146)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance

Supporting documentation includes: Maps, Plats and Plans

Executive Summary

Approval of this replat of Creek Ridge (originally platted 2005) will result in the reallocation of previously platted common lot acreage into adjacent platted residential lots. The replat affects 37 of the 77 lots in the subdivision.

Discussion

The applicant is seeking to replat a total of 37 lots (35 residential and 2 common lots) shown on the final plat of Creek Ridge Plat 1. If approved, the majority of the common lot acreage would be eliminated and become part of 35 existing single-family residential lots. At this time no housing construction has commenced; however, infrastructure installation is on-going in accordance with the approved construction plans.

The proposed replat does not change the alignment of the streets and blocks in Creek Ridge as originally platted. It simply reapportions two large common lots by making the common lot acreage part of the adjacent single-family dwelling lots. One of the common lots extended along the Old Plank Road frontage and the other extended along the southern limits of the subdivision.

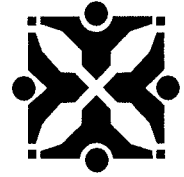
The proposed replat increases the size of lots located on the north side of Rutland Drive and the on the south side of Engle Drive. The plat carries forward 2005 variances waiving sidewalk installation along the development's Old Plank Road frontage and Plank Way (west side only) between the Rutland Drive and Old Plank Road.

Staff reviewed the conditions relating to the 2005 sidewalk variances to determine if conditions had changed. Staff finds that the circumstances warranting those variances have remained unchanged. Sidewalk construction along Old Plank Road is most appropriate when coordinated with other planned roadway improvements in the future. Installation of sidewalk along west side of Plank Way is mitigated by an 8-foot wide pedway that will be constructed on the east side, north of Rutland Drive, to connect to the existing pedway on the west side of Forum Boulevard.

Internal and external staff have reviewed the proposed replat and find it is in compliance with the subdivision requirements. The property owner has submitted a temporary construction easement (TCE)

City of Columbia

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along Old Plank Road to be recorded following approval of the replat. Such TCE would ensure the City's interests are secured across the future individual lot frontages that would be created.

Locator maps, copy of the replat, and original 2005 final plat are attached for review.

Fiscal Impact

Short-Term Impact: None. All infrastructure to support the development of the proposed lots will be borne by the developer. The proposed replat does not yield any additional lots beyond that previously approved in 2005.

Long-Term Impact: Long-term impacts will included increased public safety and trash collection services as well as costs associated with maintenance of public infrastructure (i.e. roads and sanitary services) which may or may not be recapture through user fees and sales taxes.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Land Use & Growth Management


Suggested Council Action


Approval of the replat as provided for under Section 25-31(f) of the Subdivision Regulations. Approval carries forward the variances granted by Resolution 56-05A relating to sidewalk installation along Old Plank Road and Plank Way.

Legislative History

6/6/05 - Final plat approval (Ord. 18526)

3/21/05 - Preliminary plat and variance approval (R56-05A)


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 227-15

AN ORDINANCE

approving the Administrative Plat of Creek Ridge, Plat No. 1-A, a Replat of Lots 1-14, 27-31, 34-49 and 76-77 of Creek Ridge Plat No. 1; accepting the dedication of rights-of-way and easements; authorizing a performance contract; granting continued approval of a variance from the Subdivision Regulations relating to sidewalk construction subject to conditions; 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 Administrative Plat of Creek Ridge, Plat No. 1-A, a Replat of Lots 1-14, 27-31, 34-49 and 76-77 of Creek Ridge Plat No. 1, as certified and signed by the surveyor on July 16, 2015, a subdivision located on the south side of Old Plank Road and west of Bethel Church Road, containing approximately 31.03 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 Fred Overton Development, Inc. in connection with the approval of the Administrative Plat of Creek Ridge, Plat No. 1-A. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto.

SECTION 4. The City Council hereby reauthorizes and approves a grant of a variance from the requirement of Section 25-48.1 of the Subdivision Regulations so that Subdivider shall not be required to construct sidewalks along Old Plank Road and along Plank Way, from Old Plank Road to Rutland Drive, subject to the following conditions:

1. Subdivider shall construct an eight (8) foot wide alternative walkway along the east side of Plank Way from Rutland Drive to an extension of the existing pedway on the west side of Forum Boulevard at Old Plank Road.

2. Subdivider shall provide a temporary construction easement for property within the Administrative Plat of Creek Ridge, Plat No. 1-A with frontage along Old Plank Road for the future construction of improvements to Old Plank Road.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

PERFORMANCE CONTRACT

This contract is entered into on this day _____ of _____, 2015 between the City of Columbia, MO ("City") and **Fred Overton Development, Inc.** ("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 **Creek Ridge, Plat No. 1-A**, 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 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:

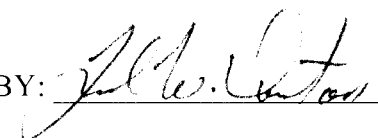
Sheela Amin, City Clerk

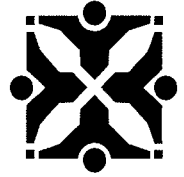
APPROVED AS TO FORM:

Nancy Thompson, City Counselor

Subdivider

BY: _____





SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Maps, Plats and Plans



15-146: Creeks Ridge Plat No. 1-A Replat



City of Columbia Zoning



Boone County Zoning

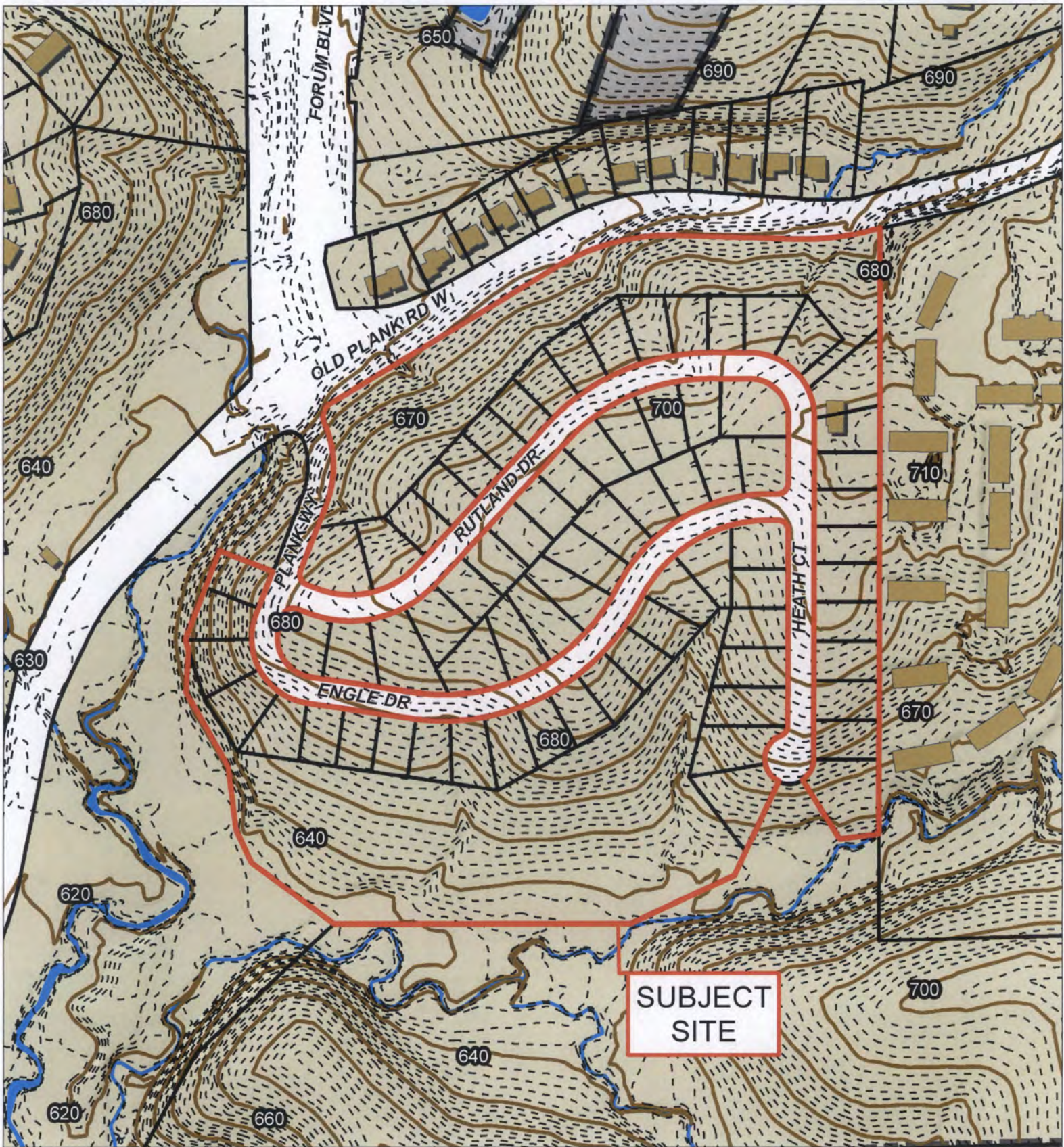


100-Year Flood Plain



Parcels



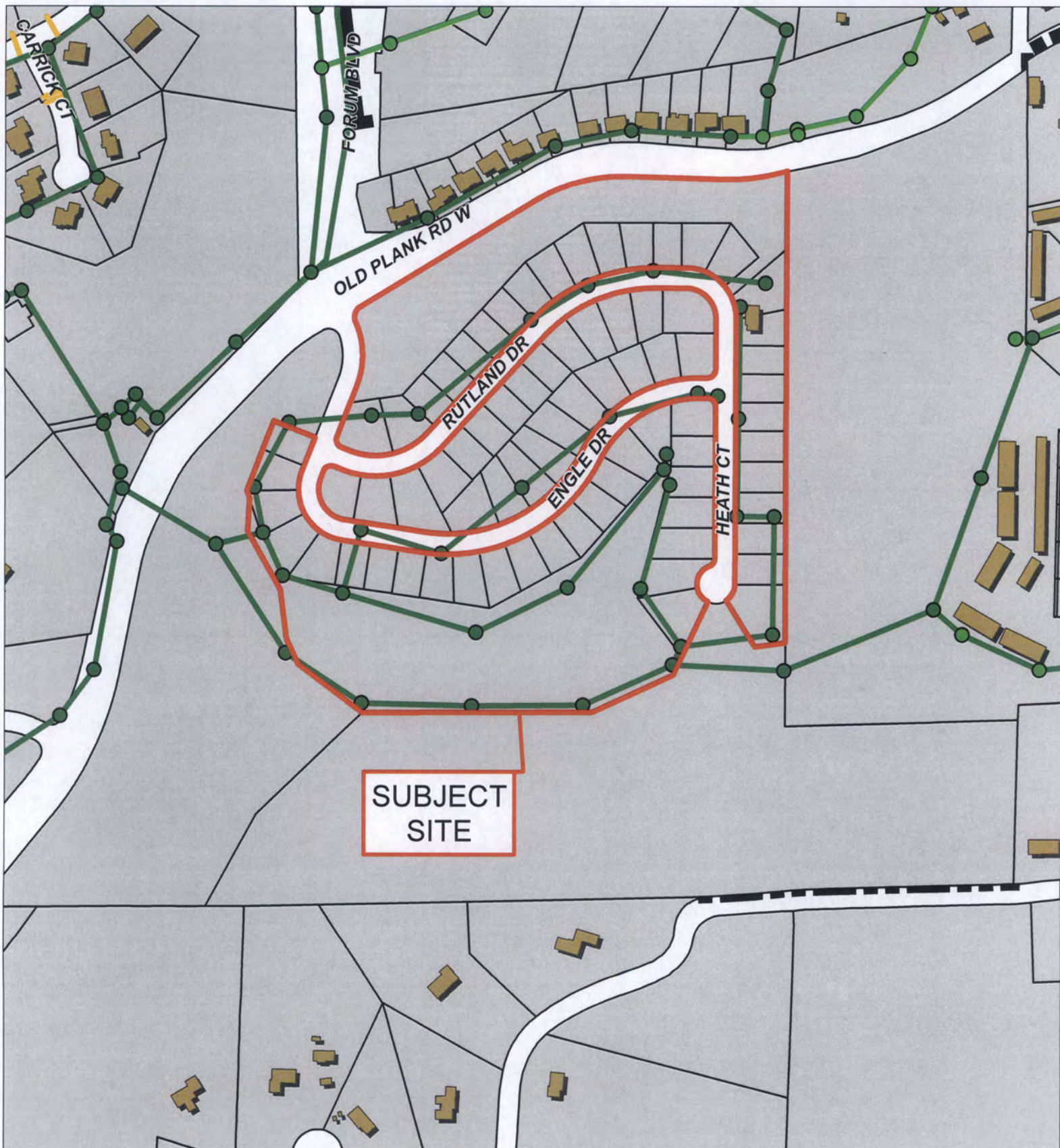


15-146: Creeks Ridge Plat No. 1-A Replat



- | | | |
|----------------------------|-----------|----------------------|
| — 10 Foot Contour Lines | — Stream | ■ Building Footprint |
| - - - 2 Foot Contour Lines | □ Parcels | ■ Bodies of Water |





15-146: Creeks Ridge Plat No. 1-A Replat



● BCRSD

● City Sanitary Structure

— BCRSD

— City Sanitary Line

— Private Sanitary Line

■ Building Footprint

■ Parcels



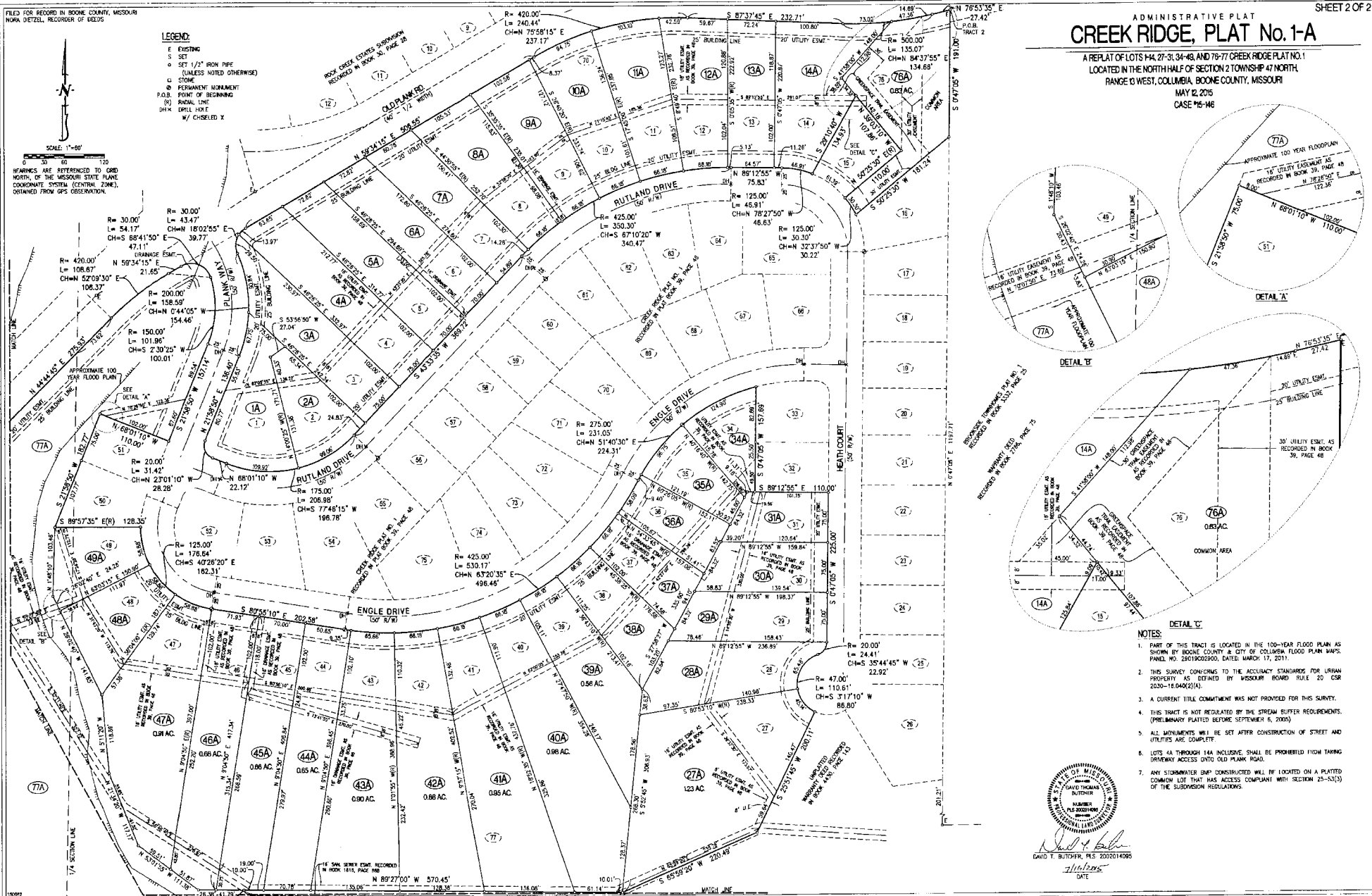
LEGEND:

- E EXISTING
- S SET
- 1/2" IRON PIPE (UNLESS NOTED OTHERWISE)
- STONE
- PERMANENT MONUMENT
- P.O.B. POINT OF BEGINNING
- (N) NADAL LINE
- (H) HOLE
- (X) CHISELED X



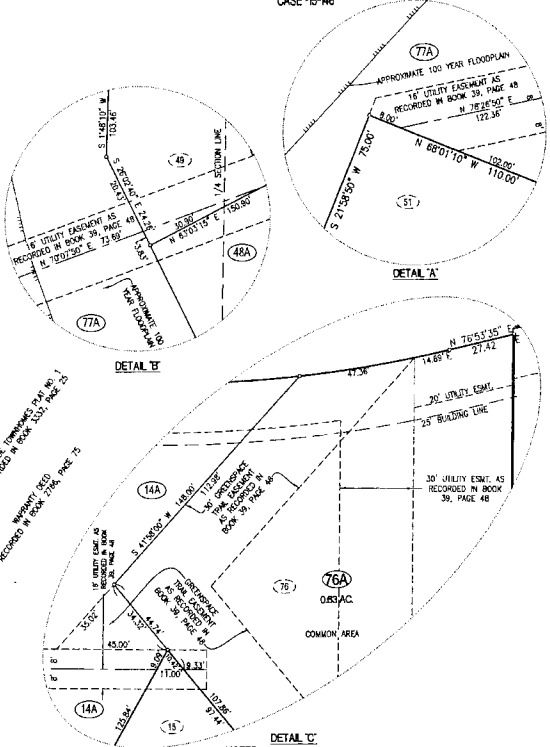
SCALE: 1"=80'

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



**ADMINISTRATIVE PLAT
CREEK RIDGE, PLAT No. 1-A**

A REPLAT OF LOTS 1A, 21-31, 34-43, AND 76-77 CREEK RIDGE PLAT NO. 1
LOCATED IN THE NORTH HALF OF SECTION 2 TOWNSHIP 47 NORTH,
RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI
MAY 12, 2015
CASE #16-M6

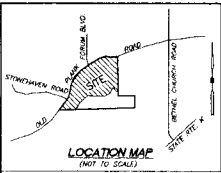


NOTES:

1. PART OF THIS TRACT IS LOCATED IN THE 100-YEAR FLOOD PLAN AS SHOWN BY BOONE COUNTY & CITY OF COLUMBIA FLOOD PLAN MAPS, PANEL NO. 2501902000, DATED MARCH 17, 2011.
2. THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 22 CSR 2020-18.040(2)(A).
3. A CURRENT TITLE COMMITMENT WAS NOT PROVIDED FOR THIS SURVEY.
4. THIS TRACT IS NOT REGULATED BY THE STREAM BUFFER REQUIREMENTS, (PRELIMINARY PLATTED BEFORE SEPTEMBER 6, 2005).
5. ALL MONUMENTS WILL BE SET AFTER CONSTRUCTION OF STREET AND UTILITIES ARE COMPLETE.
6. LOTS 4A THROUGH 14A INCLUSIVE, SHALL BE PROHIBITED FROM TAKING DRIVEWAY ACCESS ONTO OLD PLANK ROAD.
7. ANY STORMWATER BMP CONSTRUCTED WILL BE LOCATED ON A PLATTED COMMON LOT THAT HAS ACCESS COMPLIANT WITH SECTION 20-131(3) OF THE SUBDIVISION REGULATIONS.



DAVID T. BUTCHER, P.S. 2002014096
DATE 7/16/2015



FILED FOR RECORD, BOONE COUNTY, MISSOURI
BETTY JOHNSON, REGISTER OF DEEDS

CREEK RIDGE PLAT 1

FINAL PLAT
APRIL 11, 2005

NORTH 1/4 CORNER OF SECTION
2-42-15 AS SHOWN BY THE
HIGHLANDS PLAT 10-C, RECORDED
IN PLAT BOOK 24, PAGE 10

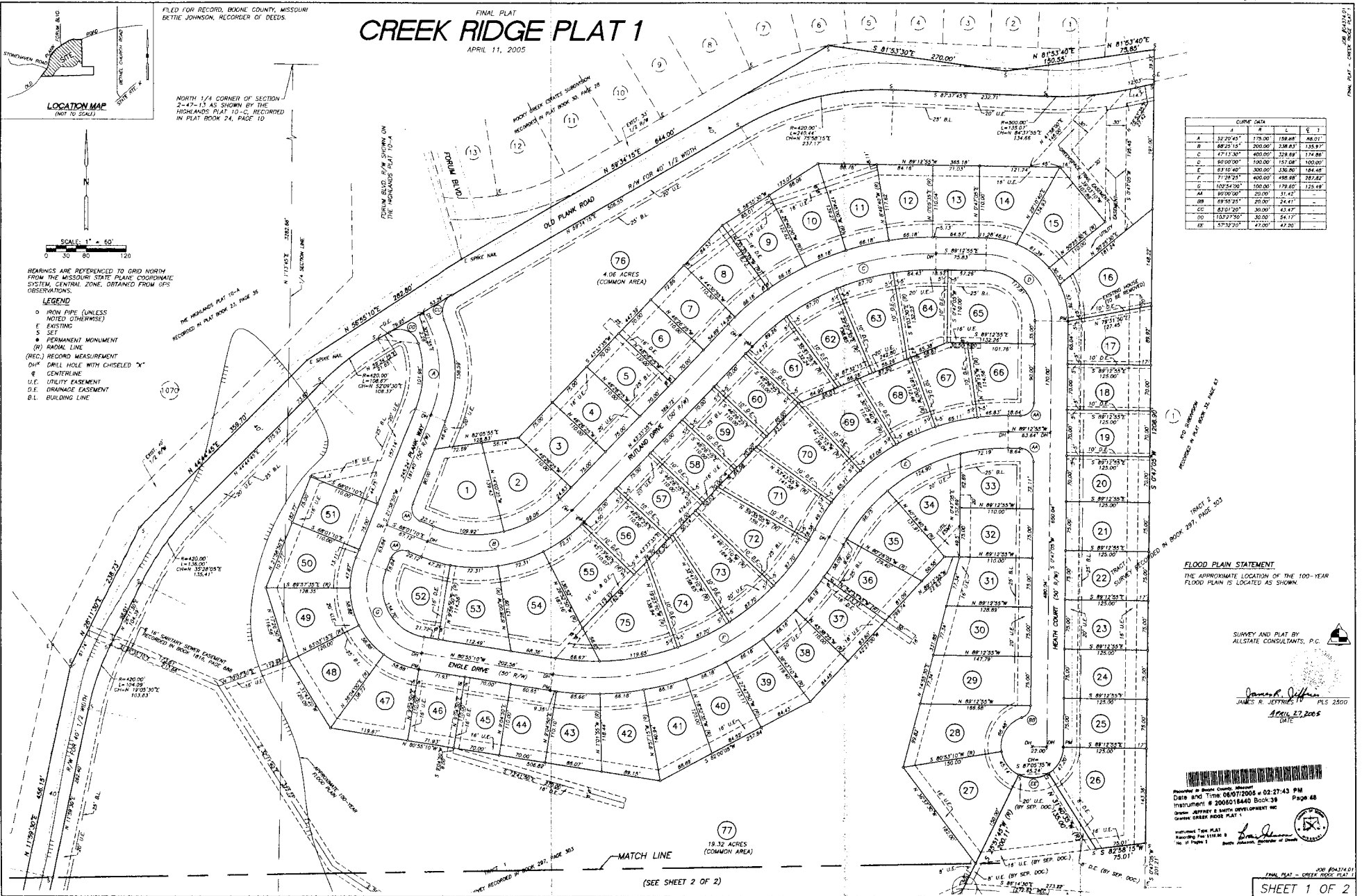
LOCATION MAP
(NOT TO SCALE)



BEARINGS ARE REFERENCED TO GRID NORTH
FROM THE MISSOURI STATE PLANE COORDINATE
SYSTEM, CENTRAL ZONE, OBTAINED FROM GPS
OBSERVATIONS.

- LEGEND**
- IRON PIPE (UNLESS NOTED OTHERWISE)
 - EXISTING
 - S SET
 - PERMANENT MONUMENT
 - (R) RADIAL LINE
 - (REC.) RECORD MEASUREMENT
 - CH# DRILL HOLE WITH CHISELED "X"
 - G CENTERLINE
 - U.E. UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - B.L. BUILDING LINE

THE HIGHLANDS PLAT 10-A
RECORDED IN PLAT BOOK 23, PAGE 36



| CURVE DATA | | | |
|------------|--------|--------|--------|
| A | B | C | D |
| 52°20'45" | 175.00 | 158.88 | 180.21 |
| 88°20'15" | 200.00 | 238.83 | 135.97 |
| 47°13'30" | 400.00 | 328.69 | 174.86 |
| 90°00'00" | 500.00 | 157.08 | 100.00 |
| 83°10'40" | 300.00 | 136.20 | 184.46 |
| 71°28'25" | 400.00 | 498.88 | 287.82 |
| 102°54'00" | 100.00 | 179.60 | 125.49 |
| 90°00'00" | 20.00 | 11.43 | — |
| 89°55'25" | 20.00 | 24.41 | — |
| 83°01'20" | 30.00 | 43.47 | — |
| 103°27'50" | 30.00 | 54.17 | — |
| 85°42'20" | 42.00 | 47.20 | — |

10' DRAINAGE
RECORDED IN PLAT BOOK 22, PAGE 83

TRACT 2
RECORDED IN BOOK 297, PAGE 303

FLOOD PLAIN STATEMENT
THE APPROXIMATE LOCATION OF THE 100-YEAR
FLOOD PLAIN IS LOCATED AS SHOWN.

SURVEY AND PLAT BY
ALLSTATE CONSULTANTS, P.C.

James R. Jeffries
JAMES R. JEFFRIES PLS 2500
APRIL 27, 2005
DATE

Recorded in Boone County, Missouri
Date and Time 08/07/2005 @ 02:27:43 PM
Instrument # 2005018440 Book 38 Page 48

Drawn: JEFFRIES & SONS DEVELOPMENT INC
Graded: CHASE MOORE PLAT 1

Notarized: Tom R. Lee
Notary Public for Missouri
No. 1 of Page 1

KNOW ALL MEN BY THESE PRESENTS

JEFFREY E. SMITH DEVELOPMENT, INC., BEING SOLE OWNER OF THE DESCRIBED TRACT, HAS CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, JEFFREY E. SMITH HAS CAUSED THESE PRESENTS TO BE SIGNED. EASEMENTS, OF THE TYPES AND AT THE LOCATIONS AS SHOWN, ARE HEREBY DEDICATED TO THE PUBLIC USE, FOREVER.

PLANK WAY, RUTLAND DRIVE, HEATH COURT, ENGLE DRIVE AND THE ADDITIONAL POINT-OF-WAY FOR OLD PLANK ROAD ARE HEREBY DEDICATED FOR PUBLIC USE, FOREVER.

JEFFREY E. SMITH DEVELOPMENT, INC.

JEFFREY E. SMITH, PRESIDENT

STATE OF MISSOURI
COUNTY OF BOONE

ON THIS 29th DAY OF APRIL, IN THE YEAR 2005, BEFORE ME J. BRUNFIELD, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED JEFFREY E. SMITH, PRESIDENT OF JEFFREY E. SMITH DEVELOPMENT, INC. KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE WITHIN FINAL PLAT ON BEHALF OF SAID CORPORATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 24, 2005

CREEK RIDGE PLAT 1

APRIL 11, 2005

CERTIFICATION

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 2, TOWNSHIP 47 NORTH, RANGE 12 WEST, COLUMBIA BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2648, PAGE 80 AND PART OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 257, PAGE 303 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 2-47-12, THENCE WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION, S89°23'20"W, 130.00 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, CONTINUING S89°23'20"W, 832.15 TO THE SOUTHEAST CORNER OF THE HIGHLANDS PLAT 8-C, RECORDED IN PLAT BOOK 25, PAGE 18 IN THE CENTER OF OLD PLANK ROAD, THENCE LEAVING SAID SOUTH LINE AND WITH THE CENTER OF OLD PLANK ROAD AS SHOWN BY SAID THE HIGHLANDS PLAT 8-C, 440°04'20"E, 430.85 FEET, THENCE S13°25'30"E, 171.75 FEET, THENCE N11°59'30"E, 458.15 FEET TO THE SOUTHWEST CORNER OF THE HIGHLANDS PLAT 10-C, RECORDED IN PLAT BOOK 23, PAGE 36; THENCE WITH THE LINES OF SAID THE HIGHLANDS PLAT 10-C, N26°11'30"E, 236.73; THENCE N44°44'45"E, 358.70 FEET; THENCE N55°55'10"E, 282.80 FEET TO THE SOUTHEAST CORNER OF SAID THE HIGHLANDS PLAT 10-C AND THE SOUTHWEST CORNER OF ROCKY CREEK ESTATES, SUBDIVISION, RECORDED IN PLAT BOOK 30, PAGE 28; THENCE LEAVING THE LINES OF SAID THE HIGHLANDS PLAT 10-C AND WITH THE LINES OF SAID ROCKY CREEK ESTATES, N57°34'15"E, 844.00 FEET; THENCE S81°53'30"E, 270.00 FEET; THENCE N81°53'40"E, 120.55 FEET TO THE SOUTHWEST CORNER OF SAID ROCKY CREEK ESTATES; THENCE LEAVING THE LINES OF SAID ROCKY CREEK ESTATES, CONTINUING N81°53'40"E, 75.85 FEET; THENCE LEAVING THE CENTER OF SAID OLD PLANK ROAD AND WITH THE EAST LINE OF TRACT 1 OF SAID SURVEY RECORDED IN BOOK 297, PAGE 303, S0°47'05"W, 1208.80 FEET; THENCE LEAVING SAID EAST LINE, S82°58'15"W, 75.01 FEET; THENCE N31°40'35"W, 135.00 FEET; THENCE 47.20 FEET ALONG A 47.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S87°05'35"W, 45.24 FEET; THENCE S25°51'45"W, 200.11 FEET; THENCE S65°59'20"W, 220.49 FEET; THENCE N89°27'00"W, 570.45 FEET; THENCE S47°15'30"W, 364.65 FEET; THENCE S29°33'00"W, 277.37 FEET TO THE POINT OF BEGINNING AND CONTAINING 47.33 ACRES.

I HEREBY CERTIFY THAT I SURVEYED THE DESCRIBED PROPERTY, RECORDED JUN 7 2005, SUBDIVIDED IT AS SHOWN ON THIS PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY
ALLSTATE CONSULTANTS, P.C.



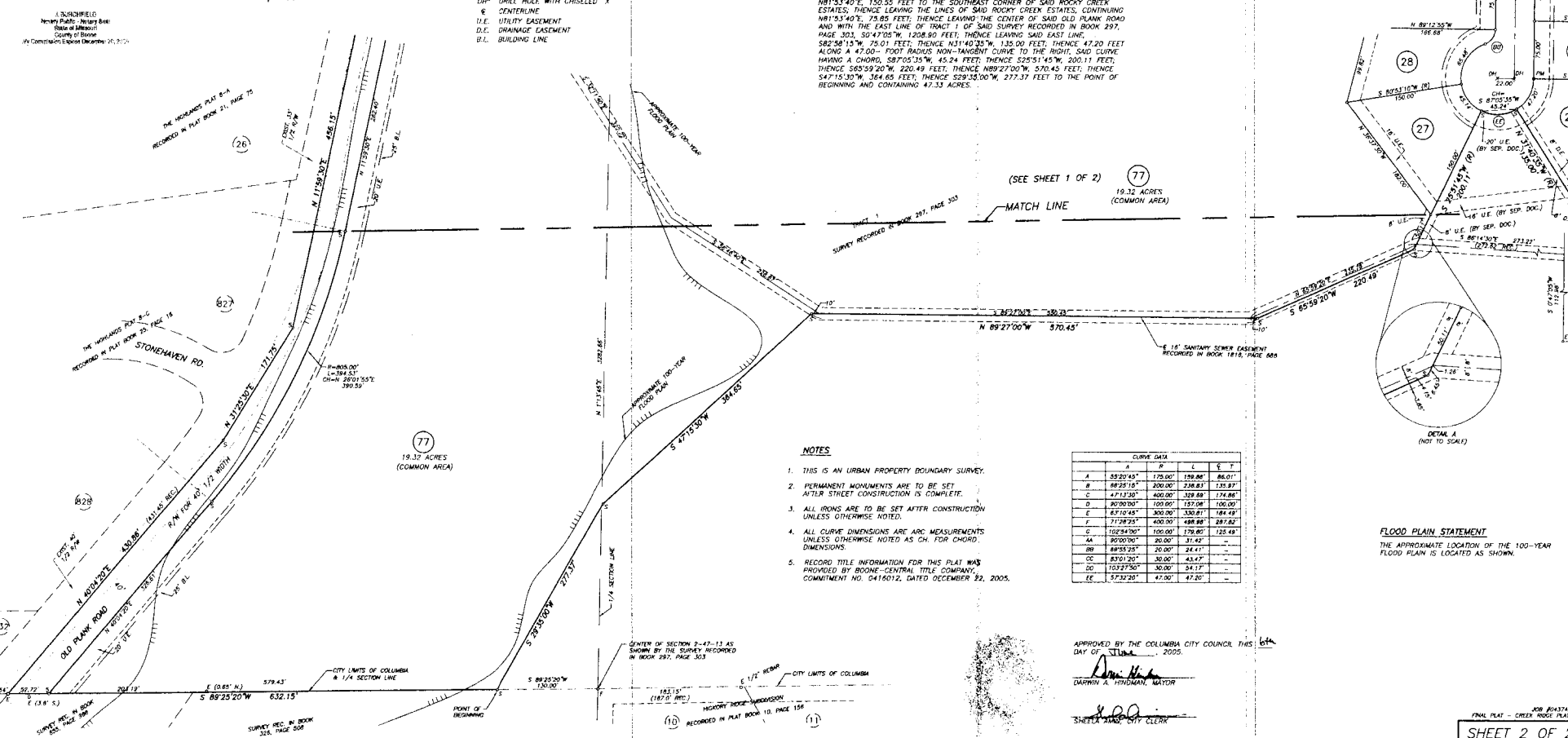
James R. Jeffries
JAMES R. JEFFRIES
APRIL 27, 2005
DATE

STATE OF MISSOURI
COUNTY OF BOONE

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 29th DAY OF April, 2005.

Marla E. Olesky
MARLA E. OLESKY

NOTARY PUBLIC
MY COMMISSION EXPIRES JANUARY 10, 2006



NOTES

- THIS IS AN URBAN PROPERTY BOUNDARY SURVEY.
- PERMANENT MONUMENTS ARE TO BE SET AFTER STREET CONSTRUCTION IS COMPLETE.
- ALL IRONS ARE TO BE SET AFTER CONSTRUCTION UNLESS OTHERWISE NOTED.
- ALL CURVE DIMENSIONS ARE ARC MEASUREMENTS UNLESS OTHERWISE NOTED AS CH. FOR CHORD DIMENSIONS.
- RECORD TITLE INFORMATION FOR THIS PLAT WAS PROVIDED BY BOONE-CENTRAL TITLE COMPANY, COMMITMENT NO. 0416012, DATED DECEMBER 22, 2005.

| CURVE DATA | | | | |
|------------|------------|---------|---------|---------|
| A | B | C | D | E |
| A | 55°20'45" | 175.00' | 190.86' | 86.01' |
| B | 88°25'15" | 200.00' | 238.83' | 135.87' |
| C | 47°12'30" | 400.00' | 269.88' | 174.88' |
| D | 90°00'00" | 100.00' | 181.06' | 100.00' |
| E | 67°10'45" | 300.00' | 330.81' | 184.49' |
| F | 71°28'25" | 400.00' | 488.88' | 287.62' |
| G | 102°14'30" | 100.00' | 179.85' | 100.00' |
| AA | 90°00'00" | 20.00' | 31.42' | — |
| BB | 88°55'35" | 20.00' | 24.41' | — |
| CC | 83°01'30" | 30.00' | 43.47' | — |
| DD | 102°27'50" | 30.00' | 54.17' | — |
| EE | 57°32'35" | 47.00' | 47.20' | — |

FLOOD PLAIN STATEMENT
THE APPROXIMATE LOCATION OF THE 100-YEAR FLOOD PLAIN IS LOCATED AS SHOWN.

APPROVED BY THE COLUMBIA CITY COUNCIL THIS 6th DAY OF June, 2005.

Darwin A. Fendley, Mayor

Shirley A. Fendley, Clerk