



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 21, 2016

Re: West Mount Lathrop & Thilly – Replat (Case #16-53)

Executive Summary

Approval of this request would divide an existing R-1 (One-Family Dwelling District) zoned lot into two lots.

Discussion

The applicant is requesting a two-lot final minor replat of R-1 (One-Family Dwelling District) zoned land, which would allow for the construction of a second single-family home on the site.

The subject property was originally platted as Lots 21 and 22 of West Mount subdivision in 1906. The easternmost 58 feet of these lots were subsequently transferred to accommodate the construction of a neighboring single-family home in 1920. The requested replat is required to create legal lots from the remaining portions of Lots 21 and 22.

Necessary rights-of-way and utility easements are provided on the plat, and the proposal meets all applicable zoning and subdivision standards. A sidewalk will be required along the site's Thilly Avenue frontage prior to a certificate of occupancy being issued for any new home or redevelopment of the existing improved lot.

At its February 18, 2016 meeting, the Planning and Zoning Commission voted unanimously 8-0 to recommend approval of the requested plat. There were no Commissioner comments relating to this matter. The applicant addressed the Commission and explained his intent for the proposed property division. No other members of the public spoke on the matter.

The staff report (including maps, and 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: The development/redevelopment of the lots may increase demands upon the adjacent streets, sanitary sewers, storm sewers, water and electric supply lines. The costs associated with meeting these demands may or may not be offset by increased property and/or sales tax revenues and user fees.



Vision & Strategic Plan Impact

Vision Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
06/05/1906	Council approved original plat of West Mount subdivision
Circa 1920	Eastern portions of original Lots 21 & 22 were divided off for construction of home on neighboring site

Suggested Council Action

Approve the 2-lot final minor plat to be known as "West Mount Lathrop & Thilly Replat" as recommended by the Planning and Zoning Commission.

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 50-16

AN ORDINANCE

approving the Final Minor Plat of West Mount Lathrop & Thilly, a Replat of Parts of Lots 21 and 22 West Mount 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 Minor Plat of West Mount Lathrop & Thilly, a Replat of Parts of Lots 21 and 22 West Mount, as certified and signed by the surveyor on February 2, 2016, a subdivision located on the southwest corner of Lathrop Road and Thilly Avenue (600 Thilly Avenue), containing approximately 0.58 acre 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 Robert J. and Susan E. Winkelmann in connection with the approval of the Final Minor Plat of West Mount Lathrop & Thilly. 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 _____, 2016.

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 Robert J. and Susan E. Winkelmann ("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 Westmount Lathrop & Thilly Replat, 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: Susan E. Winkelmann
Susan E. Winkelmann
Owner
Robert Winkelmann
ROBERT WINKELMANN

SUPPORTING
DOCUMENTS FOR
THIS AGENDA ITEM

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
February 18, 2016**

SUMMARY

A request by Robert and Susan Winkelmann (owners) for approval of a two-lot final minor subdivision of R-1 (One-Family Dwelling) zoned land to be known as "West Mount Lathrop & Thilly Replat". The 0.58-acre subject site is located on the southeast corner of Lathrop Road and Thilly Avenue, and is addressed 600 Thilly Avenue. (Case #16-53)

DISCUSSION

The applicant is requesting a two-lot final minor plat of R-1 (One-Family Dwelling District) zoned land, which would allow for the construction of a second single-family home on the site.

The subject property was originally platted as Lots 21 and 22 of West Mount subdivision in 1906. The easternmost 58 feet of these lots were subsequently transferred to accommodate the construction of a neighboring single-family home in 1920. A replat is required to create legal lots from the remaining portions of Lots 21 and 22. It should be noted that the existing home on the subject site (addressed 600 Thilly Avenue) has a non-conforming 21.6-foot rear yard setback (25 feet is required). Since the proposed replat will not exacerbate this non-conformity, it will remain until such time as future redevelopment provides an opportunity to correct the situation.

Necessary rights-of-way and utility easements are provided on the plat, and the proposal meets all applicable City Zoning and Subdivision standards. A sidewalk will be required along the site's Thilly Avenue frontage prior to certificates of occupancy being issued for any new home development or redevelopment of either lot.

RECOMMENDATION

Approval of the proposed replat

ATTACHMENTS

- Locator maps
- Proposed plat of West Mount Lathrop & Thilly Replat

SITE HISTORY

Annexation Date	1905
Existing Zoning District(s)	R-1 (One-Family Dwelling District)
Land Use Plan Designation	Neighborhood District
Subdivision/Legal Lot Status	Portions of two existing lots

SITE CHARACTERISTICS

Area (acres)	0.58 acre
Topography	Declining slope northwest to southeast, with steeper slopes on south portion of property
Vegetation/Landscaping	Turf, trees, landscaping
Watershed/Drainage	Flat Branch
Existing structures	Single-family home

UTILITIES & SERVICES

Site is served by all city services (utilities and public safety)

ACCESS

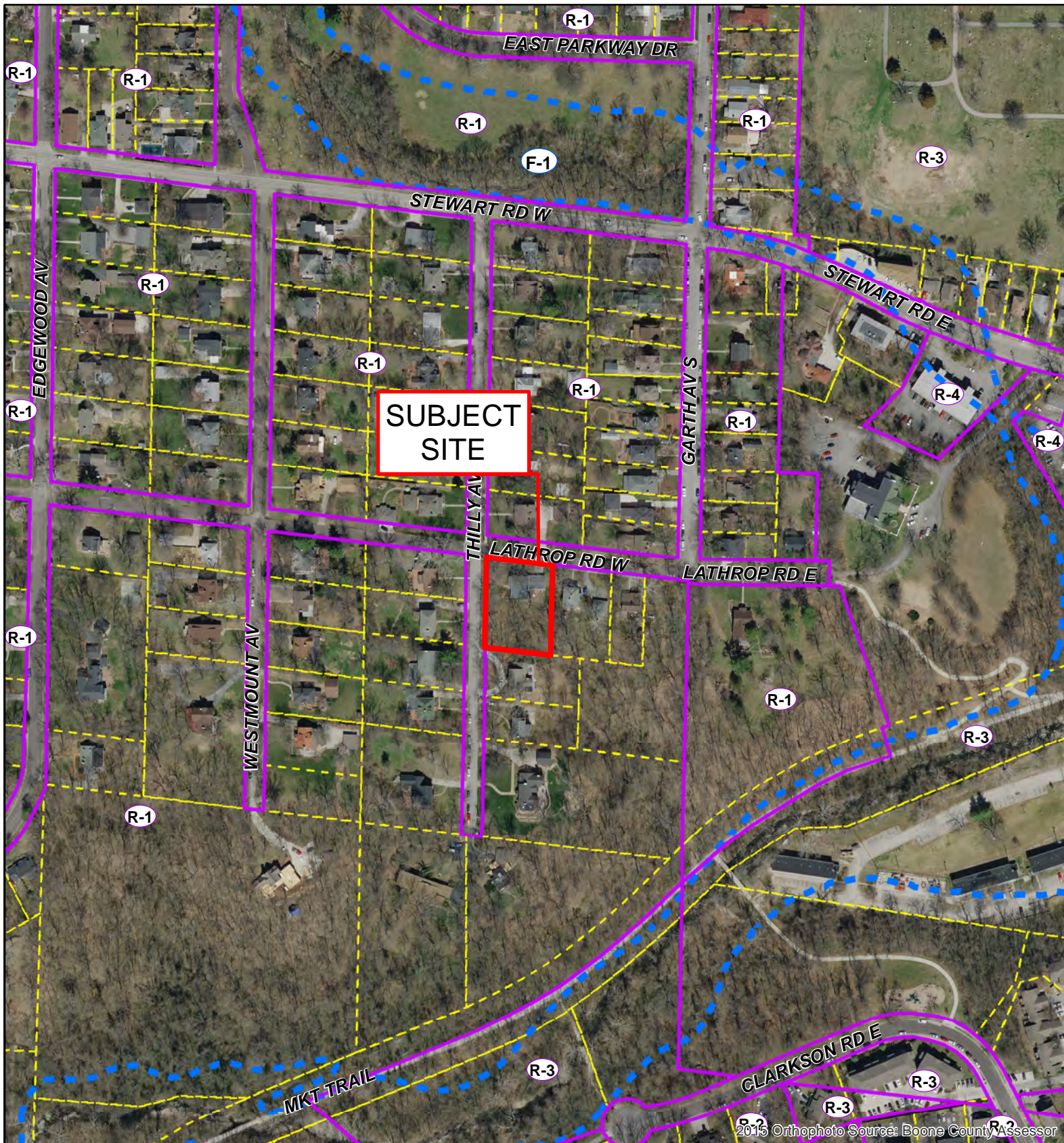
Lathrop Road	North side of site
Major Roadway Plan	Local residential street (Improved & City-maintained)
CIP Projects	None
Sidewalk	In place

Thilly Avenue	West side of site
Major Roadway Plan	Local residential street (Improved & City-maintained)
CIP Projects	None
Sidewalk	Needed

PARKS & RECREATION

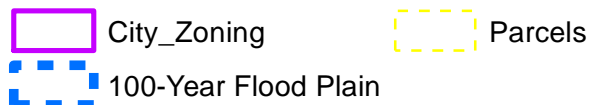
Neighborhood Parks	Within MKT Trail and Grasslands Park service area
Trails Plan	MKT Trail located east of site
Bicycle/Pedestrian Plan	N/A

Report prepared by Steve MacIntyre; Approved by Pat Zenner



2015 Orthophoto Source: Boone County Assessor

Case #16-53: Westmount Lathrop & Thilly Final Minor Replat



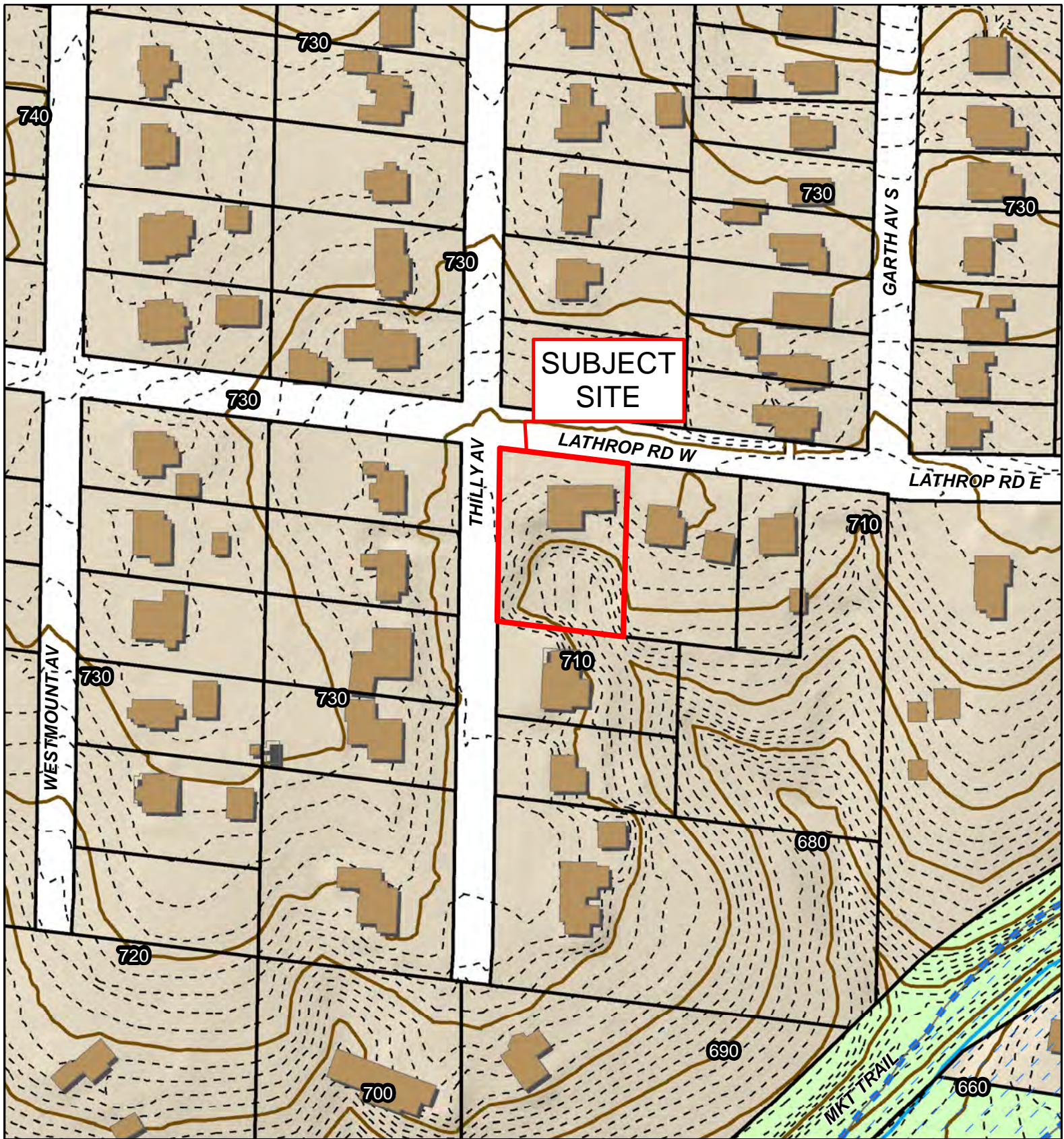
Hillshade Data: Boone County GIS Office

Imagery: Boone County Assessor's Office, Sanborn Map Company

Parcel Data Source: Boone County Assessor

Created by The City of Columbia - Community Development Department

0 112.5 225 450
Feet



Case #16-53: Westmount Lathrop & Thilly Final Minor Replat



— 10 Foot Contour Lines
- - - 2 Foot Contour Lines



Parcels

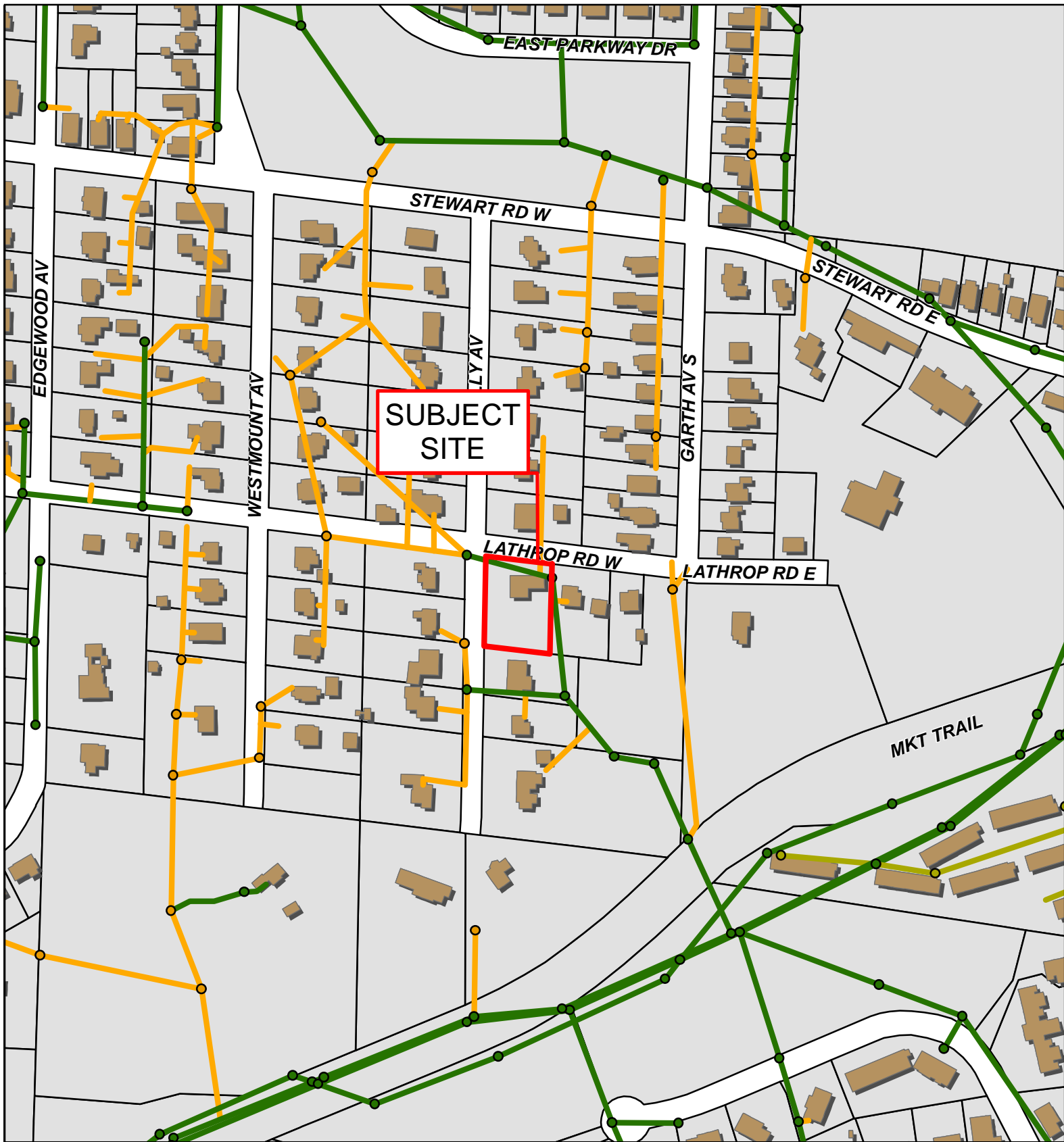


Building Footprint



100-Year Flood Plain





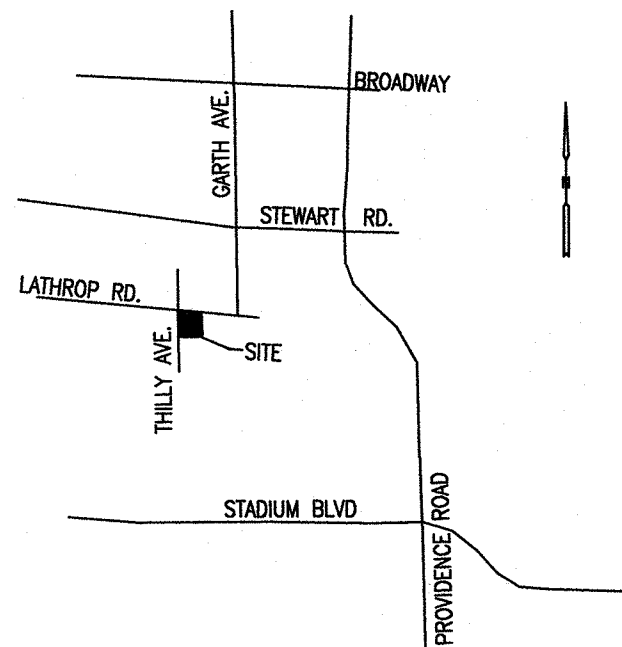
Case #16-53: Westmount Lathrop & Thilly **Final Minor Replat**



- City Sanitary Structure
- Private Sanitary Structure
- UMC
- City Sanitary Line
- Private Sanitary Line
- Univ. of Missouri Line

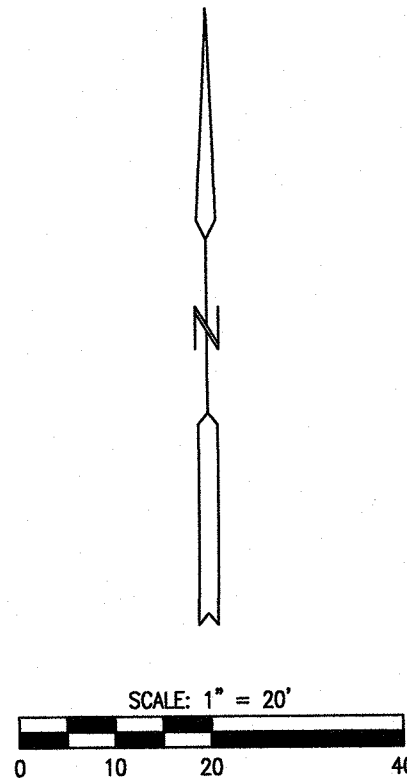
- Building Footprint
- Parcels





SITE LOCATION MAP

(NOT TO SCALE)



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

LEGEND

- IRON PIPE (UNLESS NOTED OTHERWISE)
- E EXISTING 5/8" REBAR (UNLESS OTHERWISE NOTED)
- S SET 1/2" REBAR WITH CAP "A.C. 2007000167"
- △ RIGHT-OF-WAY MARKER
- I.P. IRON PIPE
- RE. REBAR
- (REC.) RECORD MEASUREMENT
- x - - - - - FENCE

NOTES

- THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 2030-16.040(2)(A).
- RECORD TITLE INFORMATION WAS PROVIDED BY BOONE-CENTRAL TITLE COMPANY, COMMITMENT NUMBER 1510033, DATED JUNE 29, 2015.

FLOOD PLAIN STATEMENT

THIS TRACT IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) AS SHOWN BY THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 29019C0280D, DATED MARCH 17, 2011.

STREAM BUFFER STATEMENT

AS PER U.S.G.S. QUADRANGLE MAP "COLUMBIA" THIS TRACT IS NOT REGULATED BY THE CITY OF COLUMBIA STREAM BUFFER REQUIREMENTS OF ARTICLE X OF CHAPTER 12A-232 OF THE CITY OF COLUMBIA CODE OF ORDINANCES.

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING THIS ____ DAY OF _____, 2016.

STEPHEN REICHLIN, CHAIRPERSON

APPROVED BY THE COLUMBIA CITY COUNCIL THIS ____ DAY OF _____, 2016.

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK

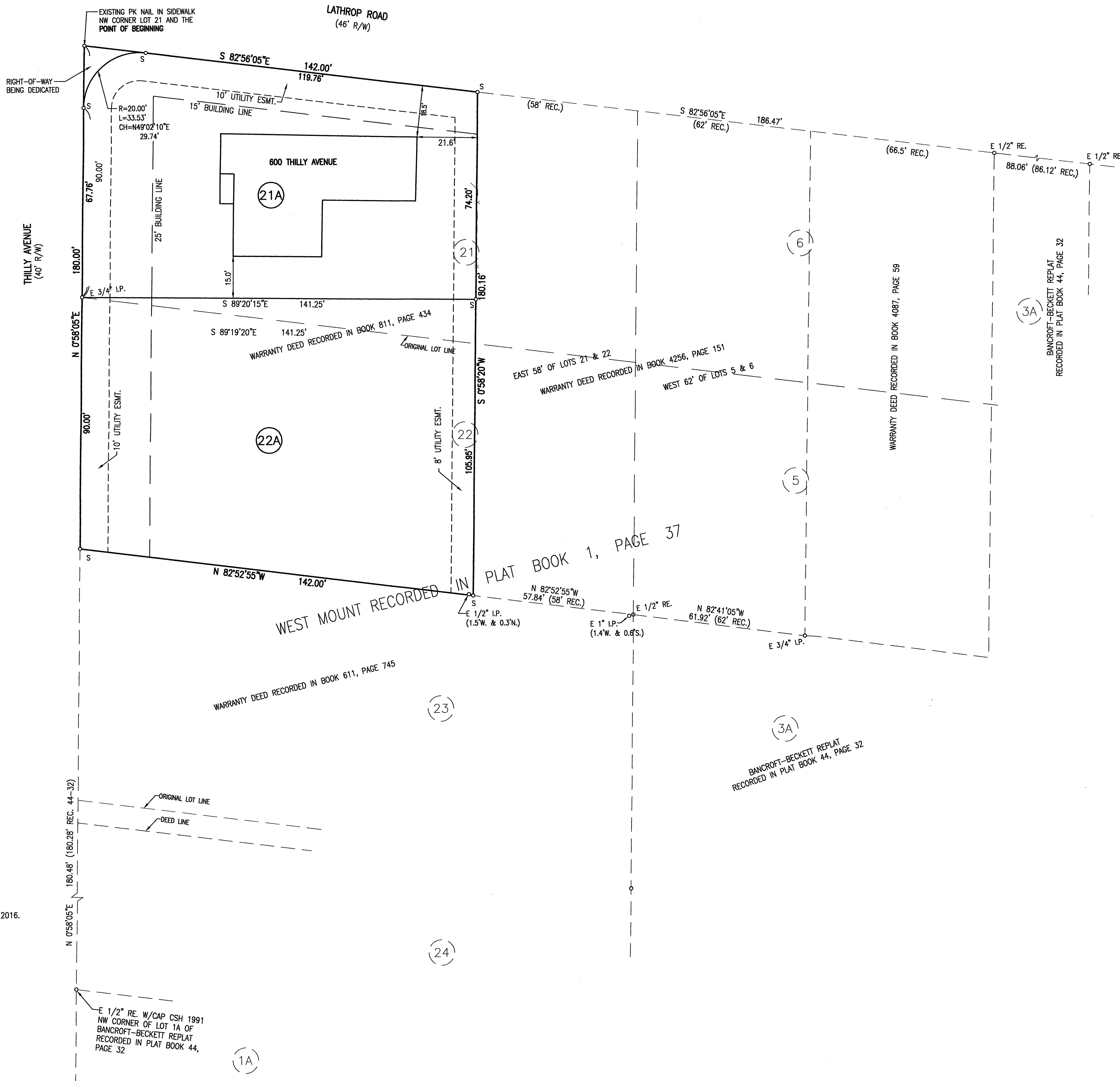
FINAL MINOR PLAT

WEST MOUNT LATHROP & THILLY REPLAT

A REPLAT OF PARTS OF LOTS 21 AND 22 WEST MOUNT

COLUMBIA, BOONE COUNTY, MISSOURI

DECEMBER 28, 2015



KNOW ALL MEN BY THESE PRESENTS

ROBERT J. WINKELMANN AND SUSAN E. WINKELMANN, BEING SOLE OWNERS OF THE BELOW DESCRIBED TRACT, HAVE CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, ROBERT J. WINKELMANN AND SUSAN E. WINKELMANN HAVE CAUSED THESE PRESENTS TO BE SIGNED.

EASEMENTS, OF THE TYPES AND AT THE LOCATIONS AS SHOWN, ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE, FOREVER.

RIGHT-OF-WAY FOR THE LATHROP ROAD AND THILLY AVENUE INTERSECTION IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE, FOREVER

ROBERT J. WINKELMANN

SUSAN E. WINKELMANN

STATE OF MISSOURI } SS
COUNTY OF BOONE }

ON THIS ____ DAY OF _____, IN THE YEAR 2016, BEFORE ME, _____, APPEARED ROBERT J. WINKELMANN AND SUSAN E. WINKELMANN KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN FINAL PLAT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

NOTARY PUBLIC
MY COMMISSION # _____
EXPIRES _____

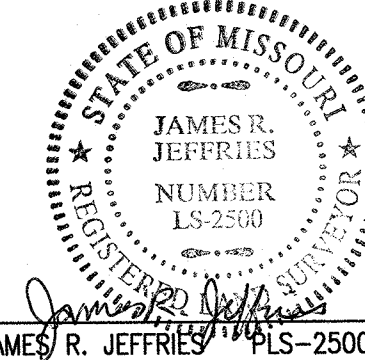
CERTIFICATION

A REPLAT PART OF LOTS 21 AND 22, WEST MOUNT, RECORDED IN PLAT BOOK 1 PAGE 37, BEING LOCATED IN SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, AND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 811, PAGE 434 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 21 AS SHOWN BY THE BANCROFT-BECKETT REPLAT, RECORDED IN PLAT BOOK 44, PAGE 32; THENCE WITH THE NORTH LINE OF SAID LOT 21, S82°56'05"E, 142.00 FEET; THENCE LEAVING SAID NORTH LINE, S0°58'20"W, 180.16 FEET TO THE SOUTH LINE OF SAID LOT 22; THENCE WITH SAID SOUTH LINE, N82°52'55"W, 142.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF THILLY AVENUE; THENCE WITH SAID EAST RIGHT-OF-WAY LINE, N0°58'05"E, 180.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.58 ACRES.

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.

SURVEY AND PLAT BY
ALLSTATE
CONSULTANTS
3312 LEMONE INDUSTRIAL BLVD.
COLUMBIA, MO 65201
(313) 875-8799
MO CERTIFICATE OF AUTHORITY #2007000167



JAMES R. JEFFRIES, PLS-2500
FEB. 2, 2016
DATE

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS ____ DAY OF _____, 2016.

NOTARY PUBLIC
MY COMMISSION # _____
EXPIRES _____

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

FEBRUARY 18, 2016

IV) SUBDIVISIONS

Case No. 16-53

A request by Robert and Susan Winkelmann (owners) for approval of a two-lot final minor subdivision to be known as "West Mount Lathrop & Thilly Replat". The 0.58-acre subject site is located on the southeast corner of Lathrop Road and Thilly Avenue, and is addressed 600 Thilly Avenue.

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 replat.

MR. REICHLIN: Are there any questions of staff? Seeing, none. Thank you very much, Mr. MacIntyre.

MR. MACINTYRE: You're welcome.

MR. REICHLIN: Well, at this time, we'll usually take comments of the public. Anybody who has any information regarding this matter who feels like it will help us in our decision-making process, you're welcome to approach the podium and give us what you have to say.

MR. WINKELMANN: Am I supposed to come up there?

MR. REICHLIN: Yes, please.

MR. WINKELMANN: I've never been to one of these before.

MR. REICHLIN: And just so you know, we'd like your full name and address.

MR. WINKELMANN: Okay. My name is Robert Winkelmann, and I live at 600 Thilly Avenue, the home on the northern part of the property there. I don't -- I'm not sure what -- what information you need, but our intention is to on the southern or the second -- the new lot is to maybe build a retirement home there. Some -- maybe someone's -- the intention originally was a smaller home, but we'll see how that turns out. But in -- in regards to the -- the variance, I do know how that occurred where you're talking about where the garage is too close to the existing property. We moved into the house in 1991 and there was a single-car garage. And we had -- we thought it would be nice to just simply make that bigger into a two-car garage. And we had a builder -- his name is Bill McCray, and I think it was probably 1991 or '92. And we were told that he was -- looked for -- sought a variance and it was achieved. And -- and evidently they've looked and not been able to find documentation of such.

MR. MACINTYRE: Okay.

MR. WINKELMANN: But anyway that was -- that was what we were told, that there was a -- a variance was -- was given, and the neighbor to the east, Eloise McMahon, agreed to that. And so anyway that's -- that's been our impression of how that came about. And anyway I don't have -- if anybody has

any other questions of me, I would glad to answer them in the future.

MR. REICHLIN: Questions of this speaker? Seeing none, thank you. Well, I'll turn this matter over to my fellow Commissioners for their input.

MS. BURNS: This seems very straightforward, as we like to say. I'm planning on supporting this and willing to frame a motion unless other Commissioners would like to weigh in. Okay. I'd like to recommend approval for Case Number 16-53, approval for a two-lot final minor subdivision of R-1 one-family dwelling zoned land to be known as "West Mount Lathrop & Thilly Replat."

MS. RUSSELL: I'll second that.

MR. REICHLIN: Ms. Russell. That said, we'll take a roll call, please.

MS. LOE: Yes, Mr. Chairman. In Case 16-53.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. Reichlin, Mr. Stanton. Motion carries 8-0.

MS. LOE: The vote is eight for approval. The motion carries. Recommendation for approval will be forwarded to City Council.