

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 181-13

**AN ORDINANCE**

approving the Final Plat of Delta Delta Delta Subdivision Plat 1, a Replat of a portion of Lot 35, LaGrange Place, a minor plat; 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 Delta Delta Delta Subdivision Plat 1, a Replat of a portion of Lot 35, LaGrange Place, dated May 8, 2013, a minor subdivision located on the south side of Burnam Avenue, between Richmond Avenue and Curtis Avenue, containing approximately 0.90 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 Delta XI House Corporation of Delta Delta Delta in connection with the approval of the Final Plat of Delta Delta Delta Subdivision Plat 1. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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 Delta XI House Corporation of Delta Delta Delta (“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 Delta Delta Delta Subdivision Plat 1, 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.

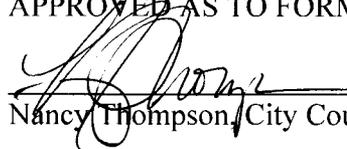
CITY OF COLUMBIA, MISSOURI

BY: \_\_\_\_\_  
Mike Matthes, City Manager

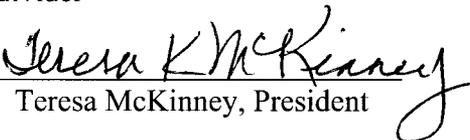
ATTEST:

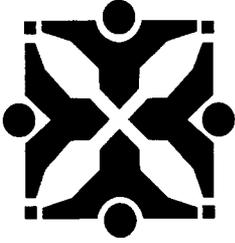
\_\_\_\_\_  
Sheela Amin, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Nancy Thompson, City Counselor

Delta XI House Corporation of Delta Delta Delta,  
Subdivider

BY:   
Teresa McKinney, President



Source: Community Development - Planning

Agenda Item No:

To: City Council  
From: City Manager and Staff

Council Meeting Date: Jul 1, 2013

Re: Delta Delta Delta Subdivision Plat 1, final plat (**Case #13-83**)

**EXECUTIVE SUMMARY:**

A request by Allstate Consultants, on behalf of the Delta Xi house Corporation of Delta Delta Delta (owner), for a one-lot final plat to be known as "Delta Delta Delta Subdivision Plat 1." The 0.90-acre site is located south of Burnam Ave. between Richmond Ave. and Curtis Ave. (Case #13-83)

**DISCUSSION:**

The applicant requests approval of a one-lot, final minor plat to be known as "Delta Delta Delta Subdivision Plat 1." The platted lot combines areas previously separated from a larger parent tract, LaGrange Place Lot 35, that features several fraternity and sorority houses. Lot 35 was a platted lot in LaGrange Place, but the sites that developed over the decades generally were not properly subdivided.

The subject site received several variances from the Board of Adjustment on May 14, 2013. These variances were sought to ease the redevelopment of the site and allow the sorority building to be expanded. The plat has been reviewed by pertinent City departments and other agencies, and complies with the Subdivision Ordinance.

The Planning and Zoning Commission, at its June 20, 2013 meeting, voted 7-0 in favor of the final plat. The applicant's attorney spoke on behalf of the request. Staff explained that the need for the variance request was nullified by the inclusion of a street easement at the site's northwest corner.

The staff report, meeting excerpts, locator maps, BOA certificate of decision, and reduced size copy of the plat are attached.

**FISCAL IMPACT:**

None.

**VISION IMPACT:**

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None.

**SUGGESTED COUNCIL ACTIONS:**

The Planning and Zoning Commission recommends approval of the final plat.

<b>FISCAL and VISION NOTES:</b>					
<b>City Fiscal Impact</b> Enter all that apply		<b>Program Impact</b>		<b>Mandates</b>	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Epands an existing program?	No	<b>Vision Implementation impact</b>	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		<b>Resources Required</b>		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
JUNE 20, 2013**

**SUMMARY**

A request by Allstate Consultants, on behalf of the Delta Xi house Corporation of Delta Delta Delta (owner), for a one-lot final plat to be known as "Delta Delta Delta Subdivision Plat 1" and rights-of way variance request. The 0.90-acre site is located south of Burnam Ave. between Richmond Ave. and Curtis Ave. **(Case #13-83)**

**VARIANCE(S) REQUESTED**

<b>Section of Subdivision Regulations</b>	<b>Description</b>
25-43	Variance to right-of-way standards for corner truncation

**DISCUSSION**

The applicant requests approval of a one-lot, final plat to be known as "Delta Delta Delta Subdivision Plat 1." The site is currently home to the sorority of the same name, as well as parking for the site on a separate lot known as 500 Burnam. The sorority is addressed as 901 Richmond. The sorority building is slated for expansion, triggering necessary improvements to several site features including parking. As the site is currently multiple parcels (though not legally established by previous subdivision plat into these separate tracts), combining them into one lot would serve to simplify matters for the property.

The site was part of the original 1826 town plat. It was later included as part of the LaGrange Place subdivision as Lot 35, which was a large tract that, over time, was used by numerous owners despite not being properly subdivided into lots.

The site was subject to several requests for variances at the May 14, 2013, Board of Adjustment meeting (see attached Certificate of Decision). The variances allowed the property to redevelop reducing setbacks and parking standards. These variances were granted by the BOA "with the expectation that the replat involving these two lots move forward expeditiously, said replat submission and approval not being a contingency or condition of approval of the variances."

The plat has been reviewed by pertinent City and external departments and agencies, and complies with the subdivision ordinance with the exception of the above variances and the requested right-of-way variance for the northwest corner of the property, which may be accommodated by a street easement to satisfactorily accommodate future City improvements at the corner of Burnam and Curtis.

**STAFF RECOMMENDATION**

Staff recommends approval of the final plat and variance request.

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**SITE CHARACTERISTICS**

<b>Area (acres)</b>	0.90
<b>Topography</b>	Flat
<b>Vegetation</b>	Grass, trees
<b>Watershed</b>	Flat Branch

**SITE HISTORY**

Existing structures	Sorority
Existing zoning	R-3

**UTILITIES & SERVICES**

Sanitary Sewer	All City of Columbia Services
Water	
Electric	
Fire Protection	

**ACCESS**

Richmond Avenue	
Major Roadway Plan classification	Local
Capital Improvement Program projects	Description: None
Right-of-way needed	

Burnam Avenue	
Major Roadway Plan classification	Local
Capital Improvement Program projects	Description: None
Right-of-way needed	

Curtis Avenue	
Major Roadway Plan classification	Local
Capital Improvement Program projects	Description: None
Right-of-way needed	

<b>Pedestrian Access Needs</b>	
Sidewalks	Needed on Curtis Avenue
CATSO Bicycle/Pedestrian Network Plan	Pedways: None

**PARKS & RECREATION**

Neighborhood Parks Plan	None
Trails Plan	None; MKT Trail nearby to west
Trail easement(s)	None

Report prepared by ML

Approved by PRZ

## CERTIFICATE OF DECISION

**KNOW ALL MEN BY THESE PRESENTS**, that I, **David Townsend, Chair** (Chair or Vice-Chair) of the Board of Adjustment of the City of Columbia, Missouri, do hereby certify as follows:

That on the **14th** day of **May, 2013**, after public notice thereof had been duly given by publication in the **Columbia Daily Tribune** (daily newspaper) on the date of **May 5, 2013**, proof of publication of which was before said Board, and after due notice to Parties in Interest by letter notices and by a sign posted on the real property hereinafter described, as shown by the records of said Board, a meeting was held to consider the request of **Skip Walther, attorney for Delta XI Housing Corporation of Delta, Delta, Delta**, for **variances to the minimum number of off-street parking spaces required, the requirement that no parking be permitted within six (6) feet of an adjoining lot in a residential district, the twenty-five (25) foot front yard setback requirement for the west lot (500 Burnam Avenue), the restriction of parking in the required front yard, the twenty-five (25) foot rear yard setback requirement for the east lot (901 Richmond Avenue), and for the Board to determine the west lot (500 Burnam Avenue) be considered an on-premises parking facility on property located at 901 Richmond Avenue and 500 Burnam Avenue** in the City of Columbia, County of Boone, State of Missouri, and more particularly described as follows:

**A part of Lot Thirty-Five (35) in La Grange Place, an addition to the City of Columbia, Boone County, Missouri, as shown by the plat thereof recorded in Plat Book 2, Page 17, Records of Boone County, Missouri, and being more particularly described as follows: Beginning at the Northwest corner of said Lot Thirty-Five (35) thence East along the North line of Lot Thirty-Five (35) Two Hundred Eighty Five (285) feet, thence South along the East line of Lot Thirty-Five (35) One Hundred Forty (140) feet, thence West parallel to the North line of Lot Thirty-Five (35) One Hundred Forty Two and One Half (142.5) feet, thence North parallel to the West line of Lot Thirty-Five (35) Ten (10) feet, thence West parallel to the North line of Lot Thirty-Five (35) One Hundred Forty Two and One Half (142.5) feet to the West line of Lot Thirty-Five (35), thence North along the West line of Lot Thirty-Five (35) One Hundred Thirty (130) feet to the point of beginning.**

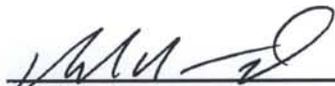
That at said meeting, **five** members of said Board being present in accordance with quorum requirements, said request was heard and after said Board was fully advised in the premises, and after deliberation, it was duly moved and seconded that said Board make the following findings and take the following action:

That the request by **Skip Walther**, attorney for Delta XI Housing Corporation of Delta, Delta, Delta, (Applicant or Appellant) for variances to the minimum number of off-street parking spaces required, the requirement that no parking be permitted within six (6) feet of an adjoining lot in a residential district, the on-premises parking requirement, the twenty-five (25) foot front yard setback requirement for the west lot (500 Burnam Avenue), the restriction of parking in the required front yard, and the twenty-five (25) foot rear yard setback requirement for the east lot (901 Richmond Avenue) (waiver type) by allowing a parking lot to be constructed on the west lot (500 Burnam Avenue), which provides parking for the lot to the east (901 Richmond Avenue) and is within four (4) feet of an adjoining lot in a residential district to the south, by allowing a total of forty-two (42) parking spaces, which is less than required and is accommodated on both lots through thirty-eight (38) vehicle spaces and four (4) bicycle spaces, by allowing a six (6) foot front yard setback, which is less than required, on the west lot (500 Burnam Avenue) for the proposed parking lot, and by allowing a five (5) foot rear yard setback, which is less than required, on the east lot (901 Richmond Avenue) for the proposed additions to the existing house on real property hereinabove described, be granted with the expectation that the replat involving these two lots move forward expeditiously, said replat submission and approval not being a contingency or condition of approval of the variances.

That at said meeting, five members of said Board voted in favor of said motion. Said motion carried and is the decision of the Board.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of May, 2013.

SIGNED:



By: David Townsend, Chair  
Board of Adjustment  
City of Columbia, Missouri

STATE OF MISSOURI)  
COUNTY OF BOONE ) ss.  
CITY OF COLUMBIA )

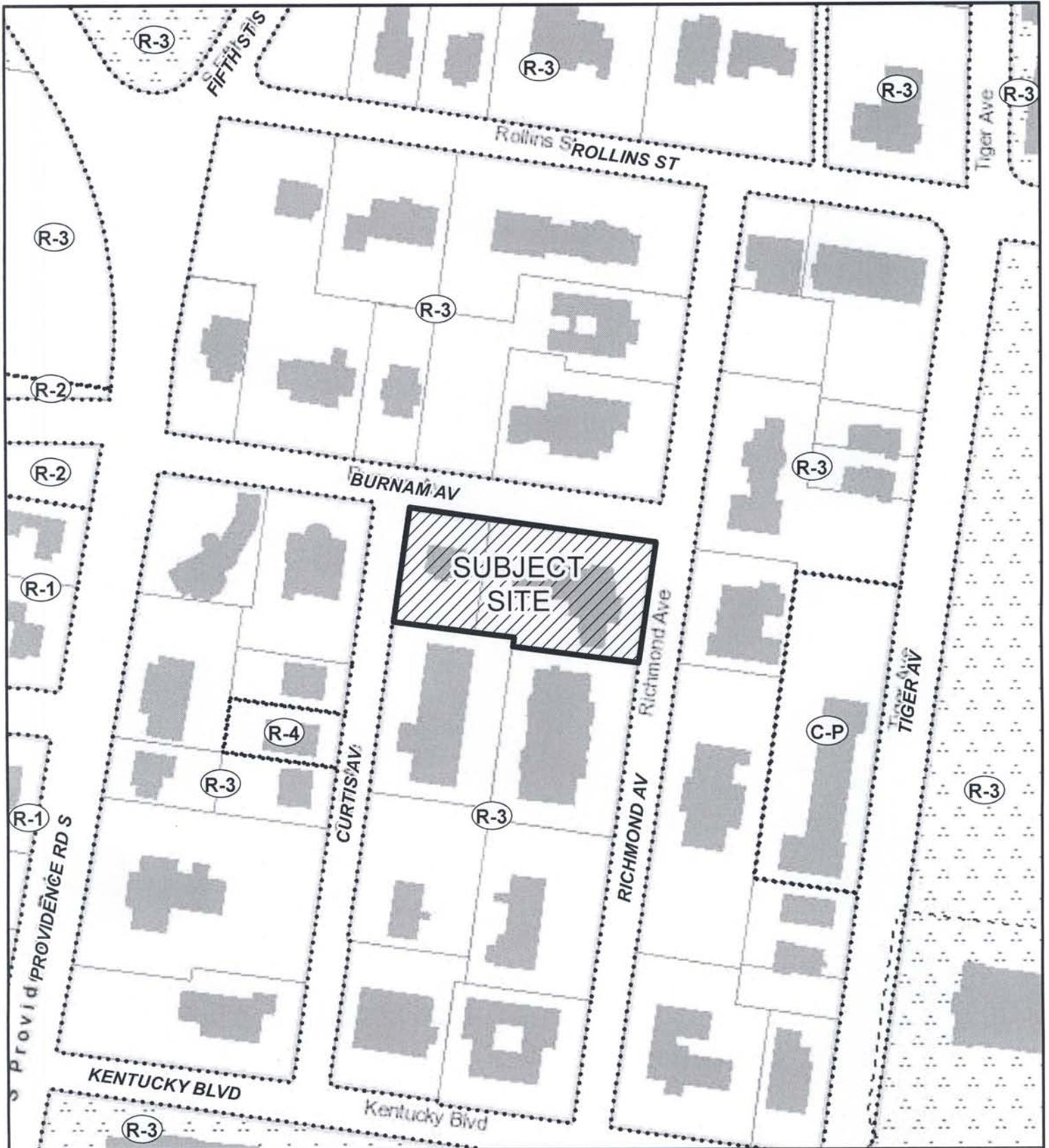
On this 14th day of May, 2013, before me, the undersigned Notary Public, personally appeared David Townsend, to me known to be the same person who executed the foregoing Certificate of Decision and who subscribed the same in my presence, and who being by me first duly sworn, did say that she/he is the Chair of the Board of Adjustment of the City of Columbia, Missouri, and that the facts stated in the foregoing Certificate of Decision are true and correct. In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in said County and State the day and year next above written.



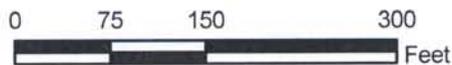
SHEELA AMIN  
My Commission Expires  
December 2, 2016  
Boone County  
Commission #12644578

  
\_\_\_\_\_  
Sheela Amin, Notary Public

My term of office as Notary Public expires: December 2, 2016

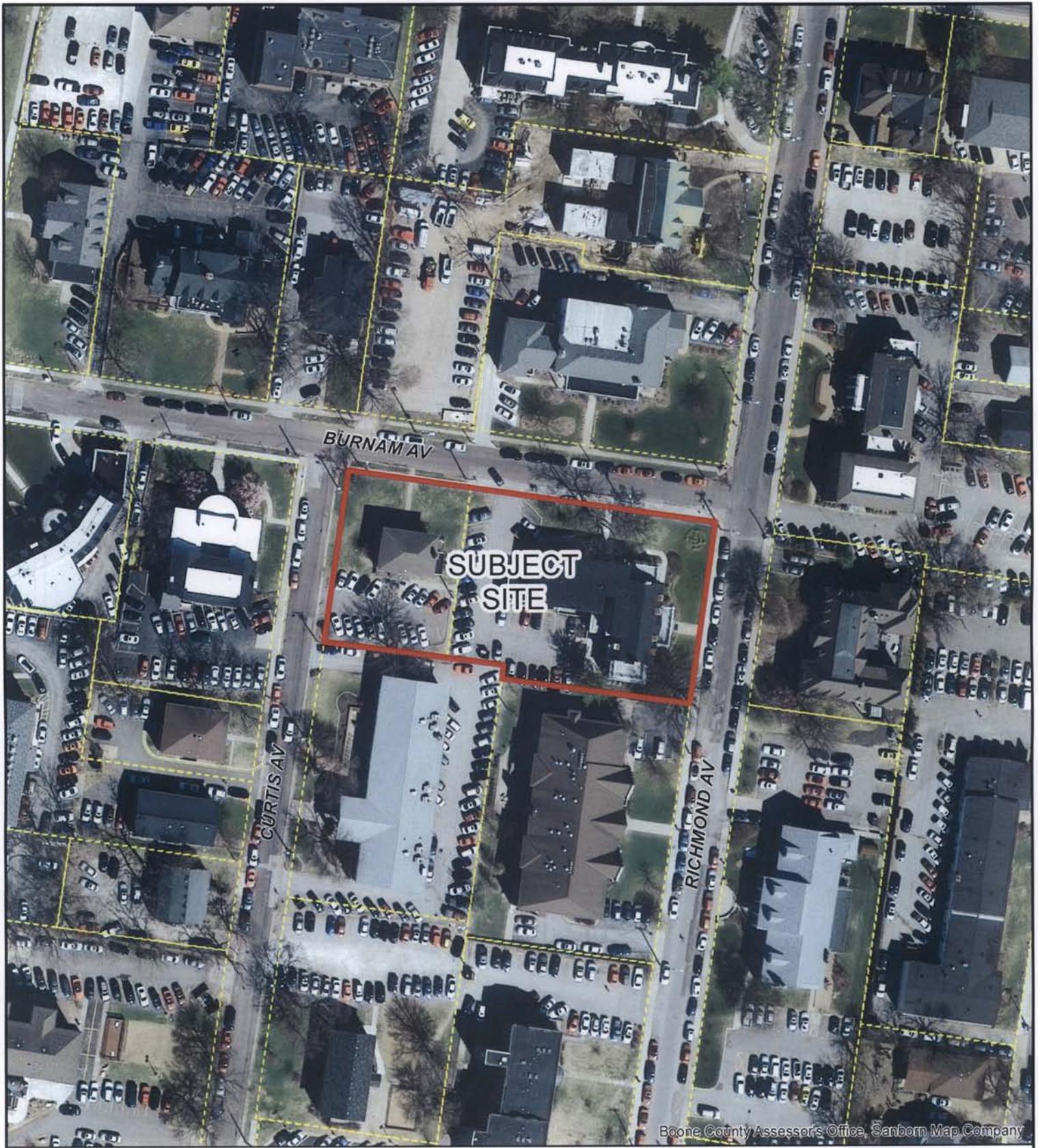


**Case 13-83: Final Minor Subdivision  
Delta Delta Delta**



1 inch = 150 feet





Boone County Assessor's Office, Sanborn Map Company

# Case 13-83: Final Minor Subdivision Delta Delta Delta



1 inch = 100 feet

Parcel Data and Aerial Photo  
Source: Boone County Assessor



**EXCERPTS**  
**PLANNING AND ZONING COMMISSION**  
**JUNE 20, 2013**

**IV.) SUBDIVISIONS**

**Case No. 13-83**

**A request by Allstate Consultants on behalf of the Delta Xi House Corporation of Delta Delta Delta (owner), for a one-lot final plat to be known as “Delta Delta Delta Subdivision Plat 1” and rights-of-way variance request. The 0.90-acre site is located south of Burnam Avenue between Richmond Avenue and Curtis Avenue.**

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

Staff report was given by Mr. Matthew Lepke of the Planning and Development Department.

Staff recommends approval of the final plat and variance request.

MR. WHEELER: Are there any questions of Staff? Seeing none. This is not a public hearing, but it has been our practice that if someone can give us pertinent information, we would allow that.

MR. WALTHERS: My name is Skip Walthers, 700 Cherry Street; I'm representing the applicant. And it's a straightforward replat. I think all of the parcels that my client owned were legally obtained way before the subdivision ordinance even existed. Consequently, they're nonconforming -- legally nonconforming parcels. When we were going through the variance requests with the Board of Adjustment, many of the variance requests we realized had to do with interior lot lines within our parcels -- setbacks within -- between one of our buildings and another one of our buildings. And we thought, well, it would be easier to just replat the property because it eliminates those interior lot lines, and it basically eliminates three of the five variance requests that we asked for, and then the other two just had to do with minor parking issues or setback issues. And so this is basically going to simplify our plat, make it a legal lot, and hopefully satisfies everybody. So I would be happy to answer any questions.

MR. WHEELER: Are there any questions? Thank you.

MR. WALTHER: Thank you.

MR. WHEELER: All right. Commissioner? I'm assuming no one else wanted to give us any tidbits of wisdom. Commissioners, discussion? Dr. Puri?

DR. PURI: I think it's very straightforward. I think I'll just move to approve this.

MR. WHEELER: Motion for approval.

MR. REICHLIN: Second.

MR. WHEELER: Mr. Reichlin has seconded. Any discussion on the motion? All right. When you're ready, sir.

MR. VANDER TUIG: We have a motion and a second for Case No. 13-83 for a request by Allstate Consultants on behalf of the Delta Xi House Corporation of Delta Delta Delta for a one-lot

final plat to be known as "Delta Delta Delta Subdivision Plat 1," and this does not include the variance request for the right-of-way. Correct?

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin, Mr. Vander Tuig, Mr. Wheeler, Mr. Stanton, Mr. Lee, Ms. Peters, Dr. Puri. Motion carries 7-0.**

MR. WHEELER: A recommendation for approval will be forwarded to City Council.