

Agenda Item Number: B119-14

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 5, 2014

Re: 14-43 Bristol Lake Plat 1-B - Replat

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Documents Included With This Agenda Item

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

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

Executive Summary

A request by Allstate Consultants (Agent) for approval of a three-lot replat of PUD (Planned Unit Development) zoned property, to be known as Bristol Lake Plat 1-B. The 1.02-acre subject site is located on the north side of Rutherford Drive, near its western terminus. (Case #14-43)

Discussion

The applicant is requesting a three-lot subdivision and replat of two existing lots within the Bristol Lake subdivision to create one additional buildable lot for single-family construction. 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 replat. There was little discussion, and no members of the public spoke on this request.

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

Fiscal Impact

Short-Term Impact: No new facilities required.

Long-Term Impact: No new facilities required.

Vision, Strategic & Comprehensive Plan Impact

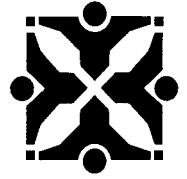
Vision Impact: Not Applicable

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 proposed replat

Legislative History

9/6/2005: Approval of Bristol Lake Plat 1

A handwritten signature in black ink, appearing to be "R. H. Kelly", written over a horizontal line.

Department Approved

A handwritten signature in black ink, appearing to be "Mindy Matt", written over a horizontal line.

City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 119-14

AN ORDINANCE

approving the Minor Plat of Bristol Lake Plat 1-B, a Replat of Lots 36A and 38A Bristol Lake Plat 1-A; 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 Minor Plat of Bristol Lake Plat 1-B, a Replat of Lots 36A and 38A Bristol Lake Plat 1-A, as certified and signed by the surveyor on April 4, 2014, a subdivision located on the north side of the western terminus of Rutherford Drive, containing approximately 1.02 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 Frank DiVincenzo, Sam Simms and Karen Simms in connection with the approval of the Minor Plat of Bristol Lake Plat 1-B. 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 Frank DiVincenzo, Sam Simms and Karen Simms (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 Bristol Lake Plat 1-B, 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

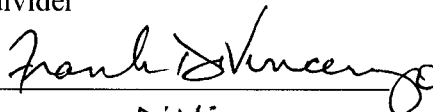
ATTEST:

Sheela Amin, City Clerk


APPROVED AS TO FORM:

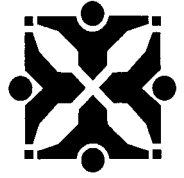
Nancy Thompson, City Counselor

Subdivider

BY: 
Frank DiVincenzo


Sam Simms


Karen Simms



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
April 24, 2014**

SUMMARY

A request by Allstate Consultants (Agent) for approval of a three-lot replat of PUD (Planned Unit Development) zoned property, to be known as Bristol Lake Plat 1-B. The 1.02-acre subject site is located on the north side of Rutherford Drive, near its western terminus. (Case #14-43)

DISCUSSION

The applicant is requesting a three-lot subdivision and replat of two previously platted lots within the Bristol Lake subdivision. The previous two-lot layout, which was approved in 2007, was itself a replat that combined three originally platted lots into two lots. The current proposed replat would return the subject properties to the exact lot configurations of the original Bristol Lake subdivision approved in 2005.

The applicant has stated that the lots were combined in 2007 due to market demand; however, the demand for the larger two lots did not materialize and they desire to return the subject property to the original configuration. Per the applicant, the site is currently graded to accommodate three lots and all utilities are in place.

The replat meets all technical requirements of the City's Zoning Ordinance and Subdivision Regulations.

STAFF RECOMMENDATION

Approval of the replat.

ATTACHMENTS

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

SITE CHARACTERISTICS

Area (acres)	1.02
Address	2606, 2608, 2610 Rutherford Drive
Topography	Gently sloping east to west
Vegetation	None
Watershed	Clear Creek

SITE HISTORY

Annexation date	March 15, 2004
Land Use Plan designation	Neighborhood District
Existing use(s)	Vacant
Existing zoning	PUD (Planned Unit Development)

UTILITIES & SERVICES

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

ACCESS

Rutherford Drive	
Location	South side of site
Major Roadway Plan classification	City maintained local residential street
CIP projects	No capital improvements are planned

PARKS & RECREATION

Neighborhood Parks Plan	Bristol Lake subdivision is adjacent to Philips Park on the east.
Trails Plan	Proposed Tertiary Trail (Clear Creek Trail) approximately 1,200 feet northwest of site.
Bicycle/Pedestrian Network Plan	Bristol Lake Parkway is a classified as a Pedway.

Report prepared by: Clint Smith Approved by: Pat Zenner



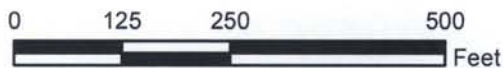
SUBJECT
SITE



14-43: Bristol Lake Plat 1-B 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





14-43: Bristol Lake Plat 1-B 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



MINOR PLAT BRISTOL LAKE PLAT 1-B

A REPLAT OF LOTS 36A AND 38A BRISTOL LAKE PLAT 1-A
MARCH 17, 2014

KNOW ALL MEN BY THESE PRESENTS

FRANK DIVINCENZO, SAM SIMMS AND KAREN SIMMS, BEING SOLE OWNERS OF THE BELOW DESCRIBED TRACT, HAVE CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, FRANK DIVINCENZO, SAM SIMMS AND KAREN SIMMS 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.

FRANK DIVINCENZO

STATE OF MISSOURI }
COUNTY OF BOONE }

ON THIS _____ DAY OF _____, IN THE YEAR 2014, BEFORE ME, KIM KEMPF GERLACH, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED FRANK DIVINCENZO KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE WITHIN PLAT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

KIM KEMPF GERLACH NOTARY PUBLIC
MY COMMISSION #11300914
EXPIRES OCTOBER 9, 2015

SAM SIMMS KAREN SIMMS

STATE OF MISSOURI }
COUNTY OF BOONE }

ON THIS _____ DAY OF _____, IN THE YEAR 2014, BEFORE ME, KIM KEMPF GERLACH, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED SAM SIMMS AND KAREN SIMMS, KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN PLAT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

KIM KEMPF GERLACH NOTARY PUBLIC
MY COMMISSION #11300914
EXPIRES OCTOBER 9, 2015

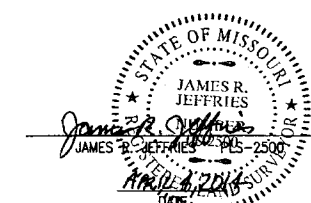
CERTIFICATION

THIS IS TO CERTIFY THAT IN MARCH 2014, I COMPLETED A SURVEY FOR FRANK DIVINCENZO, SAM SIMMS AND KAREN SIMMS OF LOTS 36A AND 38A, BRISTOL LAKE PLAT 1-A, RECORDED IN BOOK 3150, PAGE 37, BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, CONTAINING 1.02 ACRES.

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOTS 36A AND 38A INTO LOTS 36B, 37B AND 38B AS SHOWN.

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.

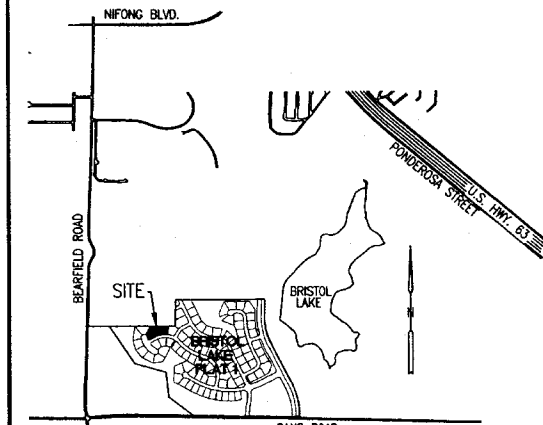
SURVEY AND PLAT BY
ALLSTATE CONSULTANTS



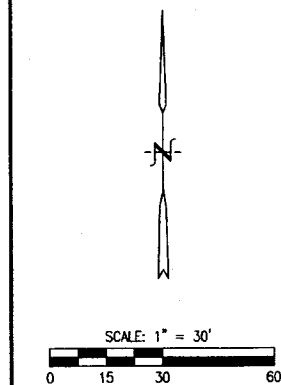
STATE OF MISSOURI }
COUNTY OF BOONE }

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

KIM KEMPF GERLACH NOTARY PUBLIC
MY COMMISSION #11300914
EXPIRES OCTOBER 9, 2015



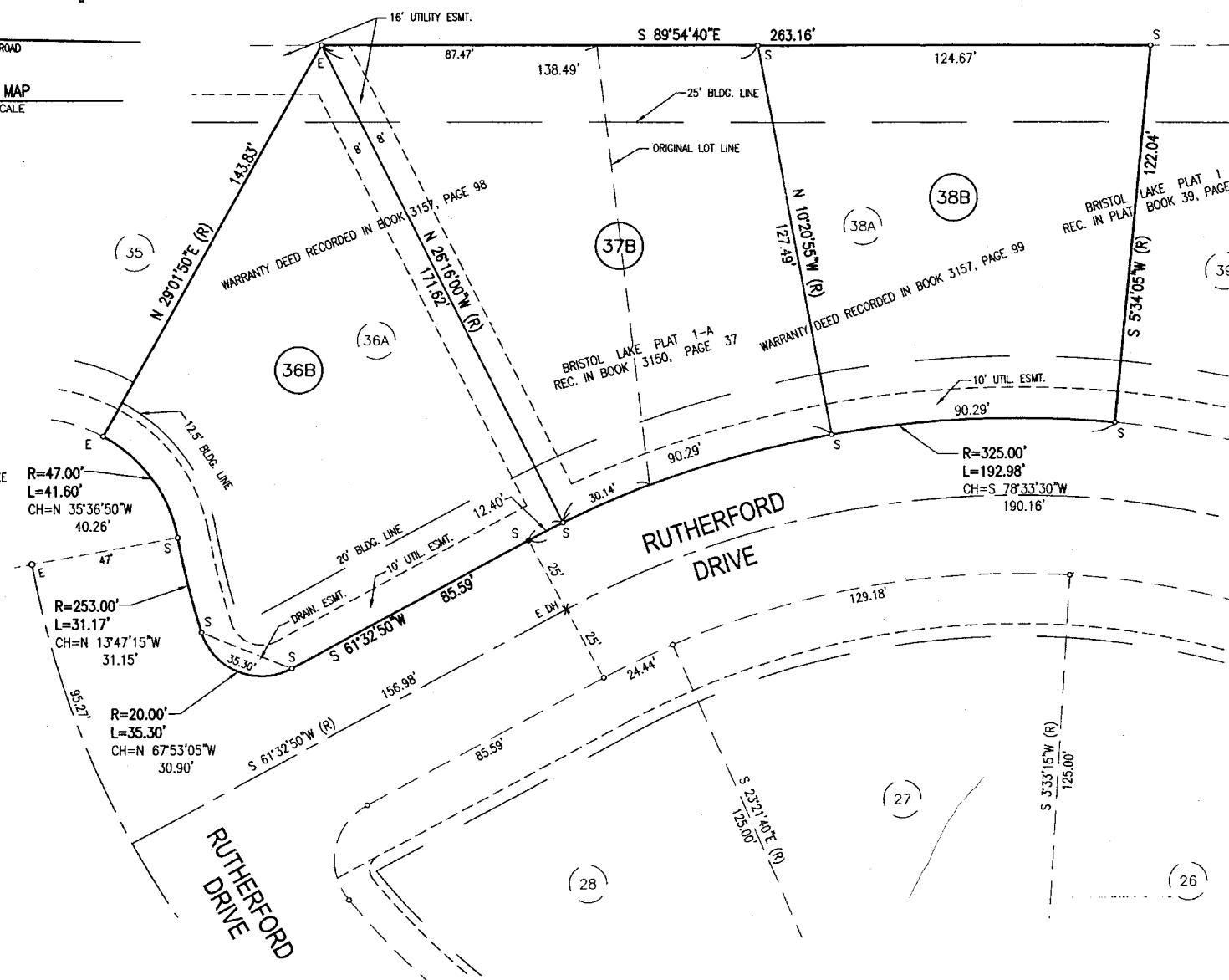
LOCATION MAP
NOT TO SCALE



BEARINGS ARE REFERENCED TO BRISTOL LAKE PLAT 1 RECORDED IN BOOK 39, PAGE 88.

LEGEND

- IRON PIPE (UNLESS NOTED OTHERWISE)
- E EXISTING 1/2" IRON PIPE
- S SET 1/2" REBAR WITH CAP
- PERMANENT MONUMENT
- (R) RADIAL LINE
- (REC.) RECORD MEASUREMENT
- X_{DH} DRILL HOLE WITH CHISELED "+"
- ⊕ CENTERLINE



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

DR. RAMAN PURI, CHAIRPERSON

APPROVED BY THE COLUMBIA CITY COUNCIL THIS _____ DAY OF _____, 2014.

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK

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 29019C02950, DATED MARCH 17, 2011.

NOTES

1. THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 2030-16.040(2)(A).
2. A CURRENT TITLE COMMITMENT WAS NOT AVAILABLE FOR REVIEW AT THE TIME OF THIS SURVEY.

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
APRIL 24, 2014

Case No. 14-43

A request by Allstate Consultants (Agent) for approval of a three-lot replat of PUD (Planned Unit Development) zoned property, to be known as Bristol Lake Plat 1-B. The 1.02-acre subject site is located on the north side of Rutherford Drive, near its western terminus.

MR. REICHLIN: Staff report, please?

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

MR. REICHLIN: Any questions of Staff? Any comments from the audience? Seeing none, comments of Commissioners?

MR. TILLOTSON: Just a question is I'm not seeing sidewalks anywhere. It's not visible. Are we not requiring --

MR. SMITH: They are constructed where there is current single-family homes built, so at the time of construction of these three lots, they would be required to install sidewalks.

MR. TILLOTSON: Okay. I just didn't see them.

MR. SMITH: It's kind of small on this map, but they are there.

MR. REICHLIN: Mr. Wheeler?

MR. WHEELER: Pretty simple request and I think it makes sense, so I would recommend approval of Case No. 14-43.

MR. STRODTMAN: I'll second it.

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

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