

# 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.

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## Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Transportation

Strategic Plan Impact: Infrastructure

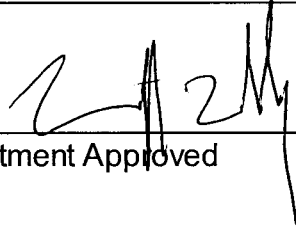
Comprehensive Plan Impact: Infrastructure

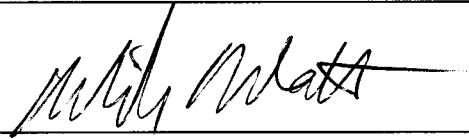
## Suggested Council Action

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

## Legislative History

None.

  
\_\_\_\_\_  
Department Approved

  
\_\_\_\_\_  
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

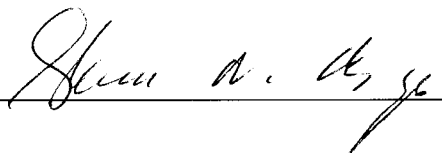
ATTEST:

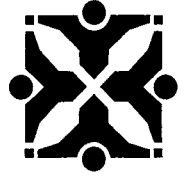
\_\_\_\_\_  
Sheela Amin, City Clerk

APPROVED AS TO FORM:

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

Subdivider

BY: 



## 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**

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

**SITE HISTORY**

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

**UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	City of Columbia
<b>Electric</b>	City of Columbia
<b>Fire Protection</b>	Columbia Fire Department

**ACCESS**

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

**PARKS & RECREATION**

<b>Neighborhood Parks Plan</b>	No existing or proposed parks adjacent to site.
<b>Trails Plan</b>	No existing or proposed trails adjacent to site.
<b>Bicycle/Pedestrian Network Plan</b>	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

0 70 140 280  
 Feet

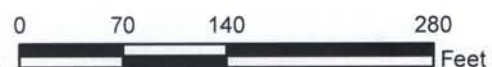




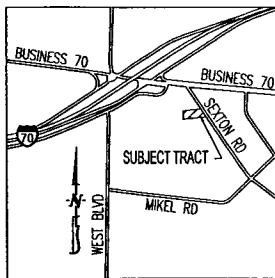
## 14-66: Farley's Plat No. 4 Replat



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

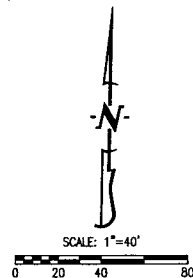


FILED FOR RECORD IN BOONE COUNTY, MISSOURI  
BETTIE JOHNSON, RECORDER OF DEEDS



LOCATION MAP

NOT TO SCALE



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

LEGEND:

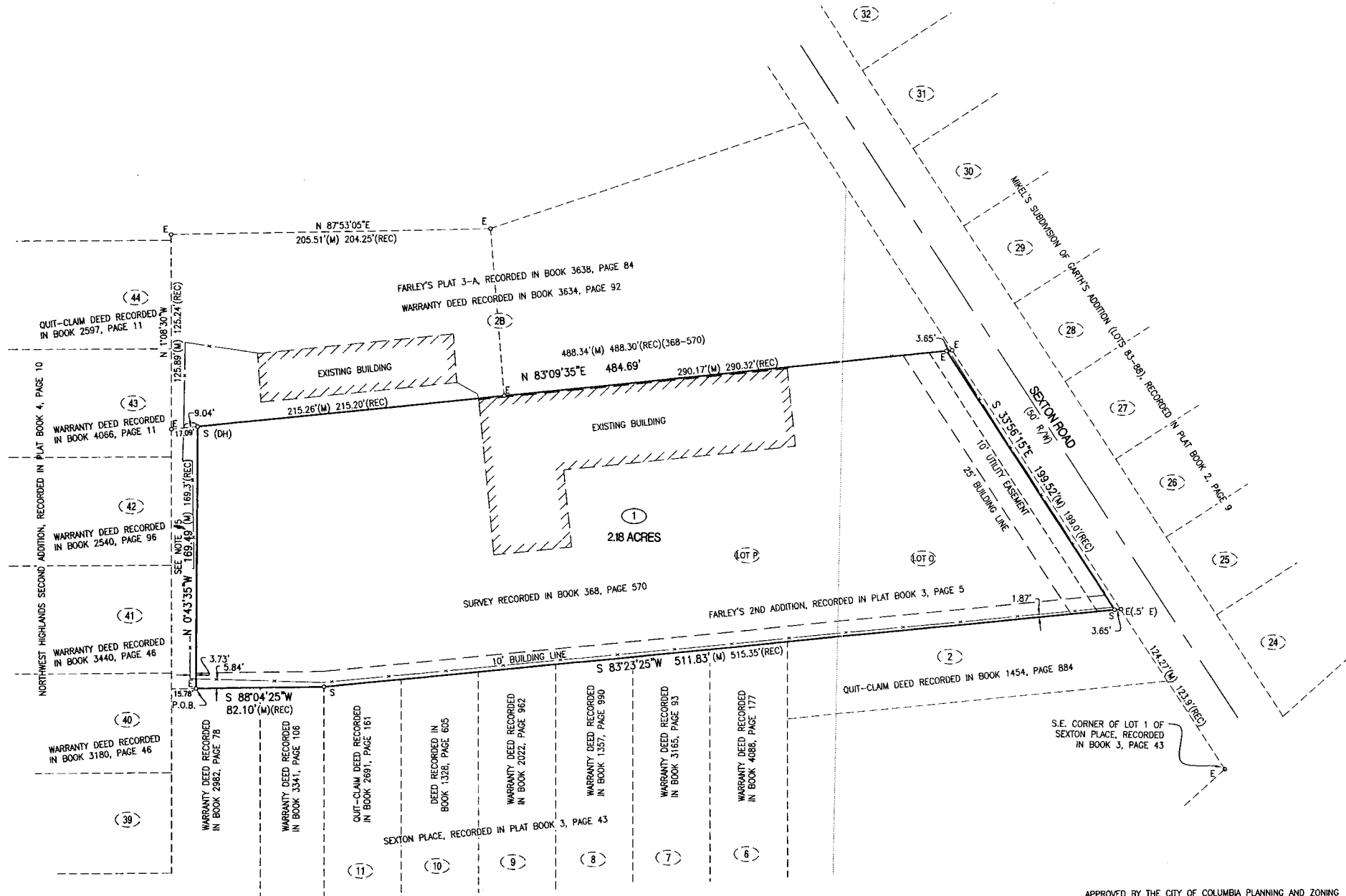
- E EXISTING
- S SET
- 1/2" IRON PIPE
- (UNLESS NOTED OTHERWISE)
- (M) MEASURED DISTANCE
- (REC) RECORDED DISTANCE
- P.O.B. POINT OF BEGINNING

NOTES:

- THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY FLOOD MAP PANEL NUMBER 29019C02800, DATED MARCH 17, 2011.
- THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 2030-16.040(2)(A).
- A CURRENT TITLE COMMITMENT WAS NOT PROVIDED FOR THIS SURVEY.
- 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)
- 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.

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



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

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 5/1/2014

STATE OF MISSOURI } SS  
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_, 2014.

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

DANIELLE GRIFFITH  
Notary Public-Notary Seal  
STATE OF MISSOURI  
Boone County  
My Commission Expires Oct. 28, 2016  
Commission #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  
MY COMMISSION EXPIRES OCTOBER 28, 2016  
COMMISSION NUMBER 12409201

DANIELLE GRIFFITH  
Notary Public-Notary Seal  
STATE OF MISSOURI  
Boone County  
My Commission Expires Oct. 28, 2016  
Commission #12409201

**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.