

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 181-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: July 6, 2015

Re: The Gates, Plat No. 2 & 3 - final plat (Case #15-93)

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 request would create a 44-lot residential subdivision on R-1 (One-family Dwelling District) zoned land, to be known as "The Gates, Plat No. 2 & 3."

Discussion

The applicant is requesting approval of a final plat to create 44 residential lots on R-1 (One-family Dwelling District) zoned land, which includes two common lots. The 21.19-acre property, located southeast of the intersection of Old Plank Road and Abbotsbury Lane, is within two separate but related preliminary plats - "The Gates" and "The Gates Plat 2" - which are separated by the section line that is oriented north to south over the east side of the property, as shown on the attached plat.

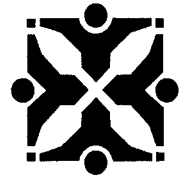
This plat is the second phase of development within the overall Gates residential development. Staff notes that the name of the plat, which refers to two numbered phases is technically one final plat. The lot numbers (200 and 300 series) represent the original phasing plan, but have been combined into the one plat as presented.

With the addition of the 44 lots, there are now 78 platted lots with only one point of public street access onto Old Plank Road. Per the subdivision regulations, prior to the platting of 100 lots a second access point onto Old Plank Road is required. This additional access point was identified on the previously approved preliminary plat and will be located at the future intersection of Abbotsbury Lane and Old Plank Road west of the current development entrance.

The portion of the property located with "The Gates" preliminary plat is subject to a condition that 19 acres of that development area comply with the current stormwater regulations and be identified on the next final plat that would be recorded for the development. This condition was created to provide enhanced stormwater management within the development since the original preliminary plat, approved in 2005 and revised in 2014, was not subject to current stormwater requirements. The applicant has provided an exhibit to staff indicating the location of the 19 acres - none of which is included within the proposed final plat.

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After review of the submitted final major plat, staff finds that the final plat is in substantial compliance with "The Gates" and "The Gates, Plat 2" preliminary plats, and recommends approval.

Fiscal Impact

Short-Term Impact: Limited short-term impact. All infrastructure extension will be at developer's expense.

Long-Term Impact: Long-term impact would include infrastructure maintenance and public safety services. Such increased costs may be offset by increased property taxes and user fees.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development

Strategic Plan Impact: Infrastructure

Comprehensive Plan Impact: Land Use & Growth Management

Suggested Council Action

Approval of the final plat for "The Gates, Plat No. 2 & 3".

Legislative History

Res. #128-14 (7/21/14): Approved "The Gates, Plat 2" preliminary plat

Ord. #22079 (6/2/14): Approved "The Gates, Plat No. 1 - Rearrangement" final plat

Res. #97-14 (5/19/14): Approved revised "The Gates" preliminary plat

Ord. #21387 (8/21/12): Approved "The Gates Plat 1" final plat

Res. #185-05 (9/8/05): Approved "The Gates" preliminary plat



Department Approved



City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 181-15

AN ORDINANCE

approving the Final Plat of The Gates, Plat No. 2 & 3, a major 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 The Gates, Plat No. 2 & 3, as certified and signed by the surveyor on May 30, 2015, a major subdivision located southeast of the intersection of Old Plank Road and Abbotsbury Lane, containing approximately 21.19 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 Gates Real Estate, LLC in connection with the approval of the Final Plat of The Gates, Plat No. 2 & 3. 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 _____, 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 **Gates Real Estate, 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 **The Gates, Plat No. 2&3**, 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

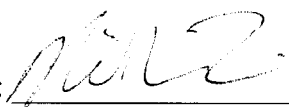
BY: _____
Mike Matthes, City Manager

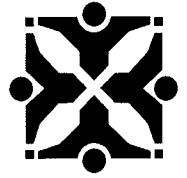
ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

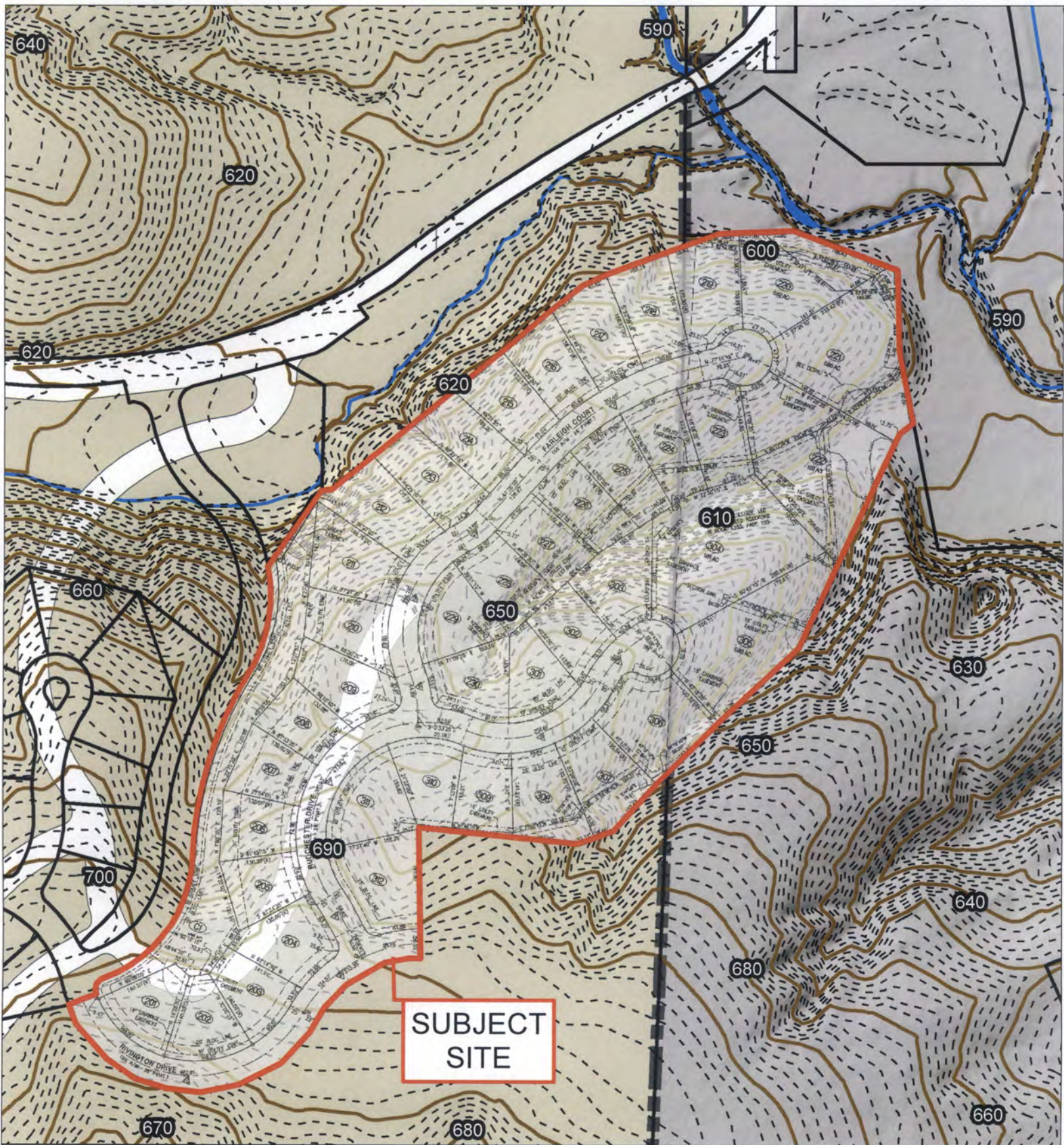
Nancy Thompson, City Counselor

Subdivider,
BY:  _____



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Maps, Plats and Plans



15-93: The Gates, Plat No. 2 & 3 Final Major Plat



— 10 Foot Contour Lines

- - - 2 Foot Contour Lines

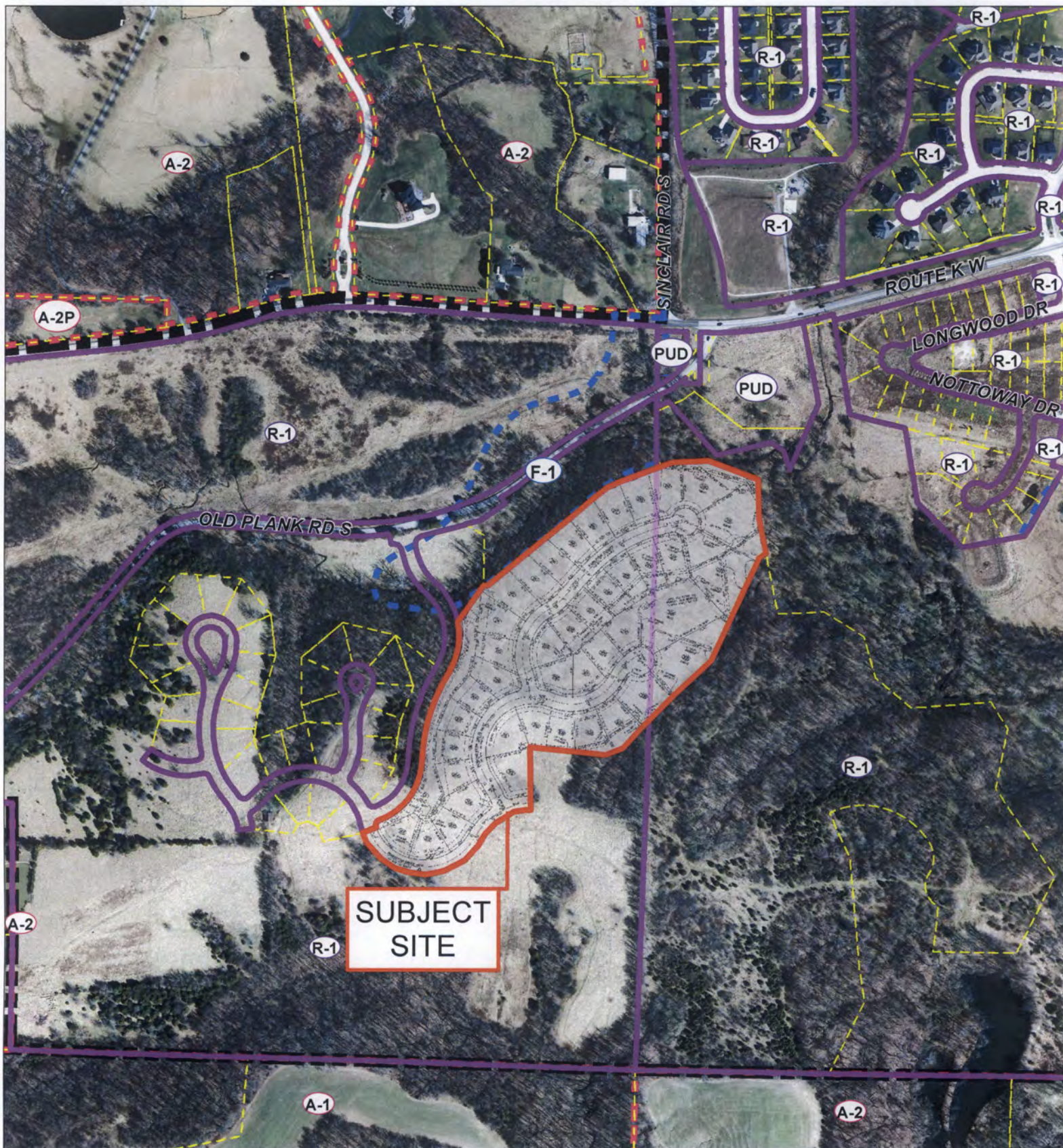
▭ Parcels

■ Building Footprint

■ Bodies of Water

■ Columbia City Limit





15-93: The Gates, Plat No. 2 & 3 Final Major Plat



City of Columbia Zoning



Boone County Zoning



Columbia City Limit



100-Year Flood Plain



Parcels



FINAL PLAT
THE GATES, PLAT No. 2 & 3

A MAJOR SUBDIVISION LOCATED IN SE QUARTER OF SECTION 9, &
THE SW QUARTER OF SECTION 10, TOWNSHIP 47 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
MARCH 16, 2015

CERTIFICATION:

I HEREBY CERTIFY THAT IN MARCH OF 2015, I COMPLETED A SURVEY AND SUBDIVISION FOR THE GATES REAL ESTATE, LLC, OF A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, AND THE SOUTHWEST QUARTER OF SECTION 10, ALL OF LAND SHOWN IN TOWNSHIP 47 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF THE SURVEY RECORDED IN BOOK 2985, PAGE 175 AND THE SURVEY RECORDED IN BOOK 2404, PAGE 56 AND BEING PART OF THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4228, PAGE 171 AND BEING PART OF THE LAND DESCRIBED BY WARRANTY DEED RECORDED IN BOOK 4333, PAGE 153, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

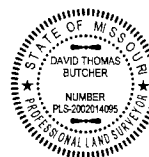
BEGINNING ON THE EAST RIGHT-OF-WAY LINE OF ABBOTSBURY LANE AT THE SOUTHWEST CORNER OF LOT 131 OF THE GATES, PLAT NO. 1-REARRANGEMENT RECORDED IN PLAT BOOK 48, PAGE 27; THENCE WITH THE SOUTH PROPERTY LINE OF SAID LOT 131, N 77°13'10"E, 10.00 FEET; THENCE N 31°08'25"E, 124.95 FEET; THENCE N 60°28'05"E, 18.78 FEET; THENCE LEAVING SAID SOUTH LINE, N 50°25'05"E, 526.65 FEET; THENCE N 68°35'20"E, 243.06 FEET; THENCE N 87°48'30"E, 126.26 FEET; THENCE S 69°26'30"E, 165.95 FEET; THENCE S 1°20'20"E, 136.39 FEET; THENCE S 11°03'30"E, 125.00 FEET; THENCE S 55°21'55"W, 23.12 FEET; THENCE S 24°05'10"W, 388.74 FEET; THENCE S 48°59'20"W, 117.27 FEET; THENCE S 43°42'00"W, 312.40 FEET; THENCE S 69°28'45"W, 62.33 FEET; THENCE N 84°49'35"W, 362.20 FEET; THENCE S 1°50'25"E, 215.80 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF RIVINGTON DRIVE; THENCE 207.42 FEET ALONG A 200.00-FOOT RADIUS, NON TANGENT, CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S 58°26'50"W, 198.25 FEET; THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE 519.36 FEET ALONG A 230.00-FOOT RADIUS, CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N 8°34'25"W, 415.84 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE, N 68°07'00"E, 50.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF ABBOTSBURY LANE, THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, 32.05 FEET ALONG A 20.00-FOOT RADIUS, NON TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N 24°01'25"E, 28.73 FEET; THENCE 266.99 FEET ALONG A 225.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD N 35°56'05"E, 251.60 FEET; THENCE 322.67 FEET ALONG A 625.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N 16°43'50"E, 319.10 FEET; THENCE 193.30 FEET ALONG A 250.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N 9°22'10"E, 188.52 FEET TO THE POINT OF BEGINNING AND CONTAINING 21.19 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, PLS-200214095

5/30/2015
DATE

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS _____ DAY OF _____, 2015.

KENNETH FARRIS
NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2018
COMMISSION NUMBER 14965667

KENNETH FARRIS
Notary Public - Notary Seal
STATE OF MISSOURI
Cole County
Commission #14965667
My Commission Expires: April 22, 2018

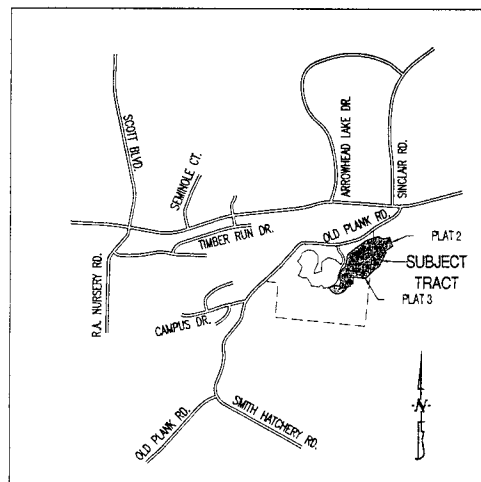
NOTES:

- PART OF THIS TRACT IS LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY & CITY OF COLUMBIA FLOOD PLAIN MAP PANEL 29019C0335D 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).
- RECORD TITLE INFORMATION WAS PROVIDED BY BOONE-CENTRAL TITLE COMPANY, FILE NO. 1402226, DATED APRIL 1, 2014.
- THIS TRACT IS REGULATED BY THE STREAM BUFFER REQUIREMENTS IN SECTION 12A-230, ARTICLE X OF THE CITY OF COLUMBIA CODE OF ORDINANCES. THERE ARE NO REGULATED STREAMS ON THIS SITE, HOWEVER STREAM BUFFER IS SHOWN FOR THE NEARBY STREAM AS SHOWN BY THE JAMESTOWN USGS QUAD MAP.
- ALL MONUMENTS WILL BE SET AFTER CONSTRUCTION OF STREET AND UTILITIES ARE COMPLETE.
- LOT C1 IS TO BE USED FOR A COMMON LOT AND WILL CONTAIN STORM WATER MANAGEMENT, AND WILL BE CONSIDERED NOT FOR DEVELOPMENT AND WILL BE DEDICATED TO THE HOME OWNERS ASSOCIATION WHEN COMPLETE.
- COMPLIANT STEW-LOT STREET FRONTAGE SHALL BE PROVIDED TO COMMON LOT C1 WHEN SELLA COURT, AS SHOWN ON THE PRELIMINARY PLAT OF THE GATES PLAT 2, IS RECORDED. UPON THE PLATTING OF SUCH COMPLIANT STEW-LOT STREET FRONTAGE, THE INGRESS/EGRESS EASEMENT TO COMMON LOT C1, SHOWN BETWEEN LOTS 222 & 223 MAY BE REQUESTED FOR VACATION.

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI,
THIS _____ DAY OF _____, 2015.

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK



LOCATION MAP
NOT TO SCALE

KNOW ALL MEN BY THESE PRESENTS:

THAT GATES REAL ESTATE, 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 ATTACHED DRAWING. THE STREET RIGHT-OF-WAYS SHOWN BY THE ATTACHED DRAWING ARE 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 ATTACHED DRAWING AND DESCRIPTION SHALL HEREAFTER BE KNOWN AS "THE GATES, PLAT NO. 2 & 3"

IN WITNESS WHEREOF, GATES REAL ESTATE, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGING MEMBER, THIS _____ DAY OF _____, 2015.

GATES REAL ESTATE, LLC.

MIKE TOMPKINS, MANAGING MEMBER

STATE OF MISSOURI } SS
COUNTY OF BOONE }

ON THIS _____ DAY OF _____, 2015 BEFORE ME PERSONALLY APPEARED MIKE TOMPKINS, TO ME KNOWN, WHO BY ME DULY SWORN, DID SAY THAT HE IS THE MANAGER OF SAID LIMITED LIABILITY COMPANY AND THAT HE FURTHER ACKNOWLEDGED THIS INSTRUMENT TO BE HIS FREE ACT AND THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

KENNETH FARRIS
NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2018
COMMISSION NUMBER 14965667

KENNETH FARRIS
Notary Public - Notary Seal
STATE OF MISSOURI
Cole County
Commission #14965667
My Commission Expires: April 22, 2018

FINAL PLAT THE GATES, PLAT No. 2 & 3

A MAJOR SUBDIVISION LOCATED IN SE QUARTER OF SECTION 8, &
THE SW QUARTER OF SECTION 10, TOWNSHIP 47 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
MARCH 16, 2015

