## City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 228-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff Council Meeting Date: 8/3/2015

Re: On the Ninth at Old Hawthorne, Plat No. 1 - replat (Case #15-96)

## **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 will result in the creation of 16 PUD (Planned Unit Development District) zoned lots, including 12 single-family attached housing lots, three future development lots, and one private street lot.

#### Discussion

The applicant is requesting a 16-lot replat of PUD (Planned Unit Development District) zoned land to allow for the development of 12 single-family detached homes on individually owned lots. The proposed plat substantially conforms to the Preliminary Plat/PUD development plan known as "On the Ninth", which was approved by Council on January 21, 2014.

The approved Preliminary Plat/PUD development plan included a note permitting further subdivision of the site into the proposed individual lots. Further development of the remaining site acreage contained in the three development lots will require submission of a final plat and Council approval prior to development of those areas being permitted.

The plat has been reviewed by City departments and external agencies, and meets all applicable requirements of the City's Zoning and Subdivision Regulations.

Locator maps, a copy of the proposed plat, and the existing preliminary plat/development plan 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 of this site may increase demands upon the adjacent streets, sanitary sewers, storm sewers, water and electric supply lines. The costs associated with meeting these demands may be offset by increased property and/or sales tax revenues and user fees.

## City of Columbia

701 East Broadway, Columbia, Missouri 65201



## Vision, Strategic & Comprehensive Plan Impact

Vision Impact: N/A

Strategic Plan Impact: N/A

Comprehensive Plan Impact: N/A

## **Suggested Council Action**

Approval of the replat of On the Ninth at Old Hawthorne, Plat No. 1

## **Legislative History**

January, 2014: Council approved On the Ninth PUD development plan

November, 2013: Old Hawthorne, Plat No. 1-A approved as administrative plat

Department Approved

City Manager Approved

Introduced by		_
First Reading	Second Reading	
Ordinance No	Council Bill No	<u>B 228-15</u>
	AN ORDINANCE	
Plat No. 1, a Replat of accepting the dedica	Plat of On The Ninth At Old Har f Lot 3-A of Old Hawthorne Plat ation of rights-of-way and ea- ance contract; and fixing the till ecome effective.	No. 1-A; sements;
BE IT ORDAINED BY THE COUNFOLLOWS:	ICIL OF THE CITY OF COLU	MBIA, MISSOURI, AS
SECTION 1. The City Coun Old Hawthorne, Plat No. 1, a Replacand signed by the surveyor on July of Old Hawthorne Drive West and Pecity of Columbia, Boone County, Mand City Clerk to sign the plat evide	16, 2015, a subdivision located ergola Drive, containing approxilissouri, and hereby authorizes	lat No. 1-A, as certified east of the intersection mately 5.68 acres in the
SECTION 2. The City Counce easements as dedicated upon the p	cil hereby accepts the dedication plat.	of all rights-of-way and
SECTION 3. The City Mana contract with MU Crew, LLC, Ben 6 with the approval of the Final Plat of and content of the contract shall be	On The Ninth At Old Hawthorn	ay Trust in connectior e, Plat No. 1. The form
SECTION 4. This ordinance passage.	e shall be in full force and eff	ect from and after its
PASSED this day of	of, 20	15.
ATTEST:		
City Clerk	Mayor and Presiding	g Officer
APPROVED AS TO FORM:		
City Counselor		

#### PERFORMANCE CONTRACT

This contract is entered into on this day for Manch, 2015 between the City of Columbia, MO ("City") and MU Crew, LLC., Ben Galloway and Nancy Galloway, Trustee of the A. Ben Galloway Trust. ("Subdivider").

City and Subdivider agree as follows:

- Subdivider shall construct, erect and install all improvements and utilities required in connection with the final plat of On the Ninth at Old Hawthorne, Plat No. 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 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 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 obligation s 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		

BY:

Subdixider

## City of Columbia 701 East Broadway, Columbia, Missouri 65201



# SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Maps, Plats and Plans



## 15-96: On The 9th At Old Hawthorne Plat No. 1 **Final Plat**



City of Columbia Zoning Boone County Zoning Columbia City Limit 100-Year Flood Plain



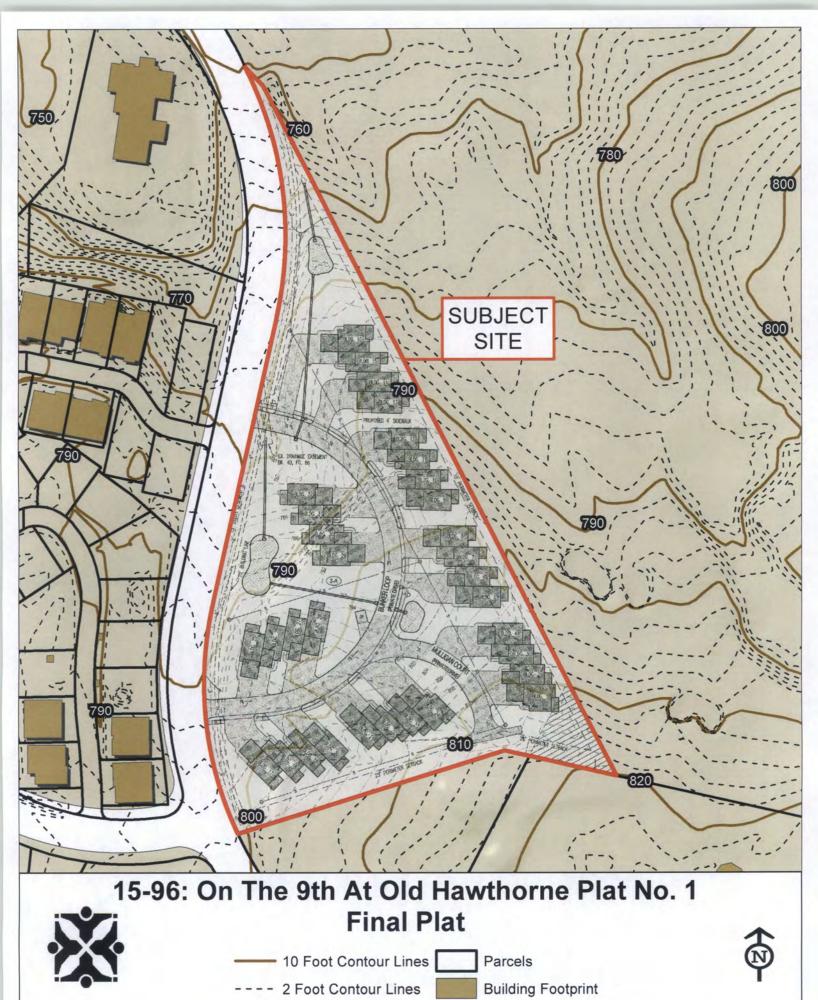




Hillshade Data: Boone County GIS Office

Imagery: Boone County Assessor's Office, Sanborn Map Company Parcel Data Source: Boone County Assessor Created by The City of Columbia - Community Development Department

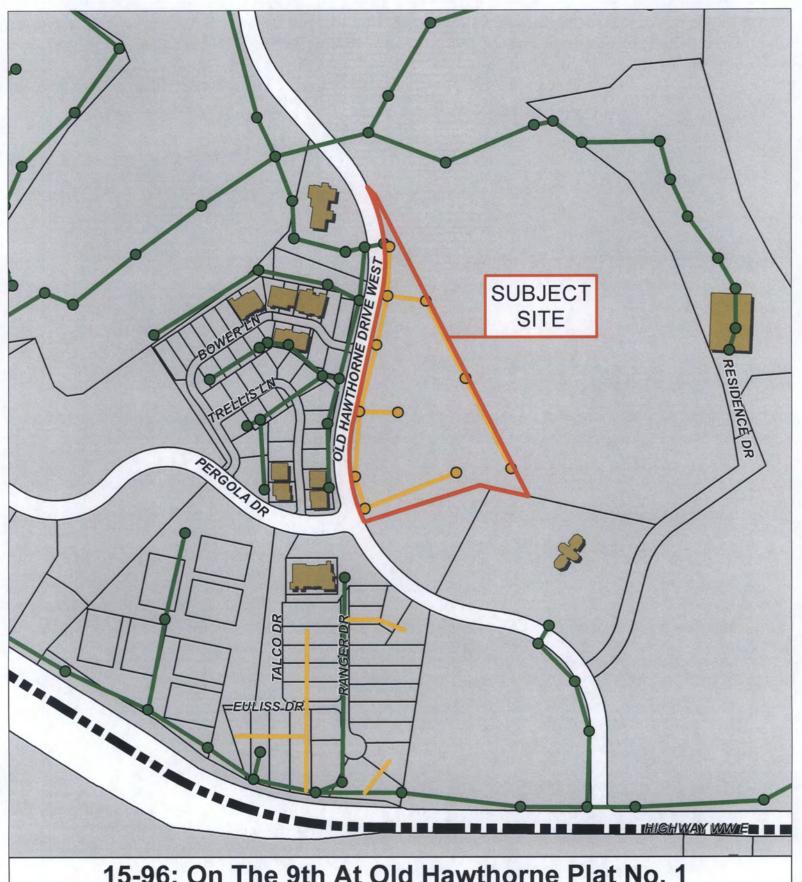
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Hillshade Data: Boone County GIS Office Imagery: Boone County Assessor's Office, Sanborn Map Company

Parcel Data Source: Boone County Assessor

Created by The City of Columbia - Community Development Department



## 15-96: On The 9th At Old Hawthorne Plat No. 1 **Final Plat**

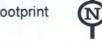


City Sanitary Structure

City Sanitary Line

**Building Footprint** 

**Parcels** 



Private Sanitary Structure Private Sanitary Line

## FINAL PLAT ON THE NINTH AT OLD HAWTHORNE, PLAT No. 1

A REPLAT OF LOT 3-A OF OLD HAWTHORNE PLAT No. 1-A LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 48 NORTH, RANGE 12 WEST COLUMBIA, BOONE COUNTY, MISSOURI MARCH 30, 2015 CASE \*15-96

## CERTIFICATION:

I HEREBY CERTIFY THAT IN MARCH OF 2015, I COMPLETED A SURVEY AND SUBDIVISION FOR MU CREM, LLC, AND FOR BUT AND NANCY CALLOWAY, TRUSTEES OF THE A BEN CALLOWAY TRUSTEES OF THE A BEN SECTION 22, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, NESSOURI AND BEING PART OF THE LAND SHOWN IN THE ADMINISTRATE PLAT RECORDED IN BOOK 4242, PAGE 92 DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4287, PAGE 231 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BECINNING AT THE SOUTHEAST CORNER OF LOT 3-A AS SHOWN BY SAID SURVEY RECORDED IN BOOK 4242, PAGE 92, AND WITH LINES OF SAID LOT THEREOF N 77'19'30'W, 153.85 FEET; THENCE S 72'34'45"W, 375.80 FEET TO THE EAST RIGHT-DF-WAY LINE OF OLD HAWTHORNE DRIVE WEST; THENCE WITH SAID EAST RIGHT-OF-WAY LINE, 315.61 FEET ALONG A 475.00-FOOT RADIUS, NON-TANGENT, CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD N 6'20'40"W, 309.84 FEET; THENCE N 12'41'25"E, 394.43 FEET; THENCE 346.22 FEET ALONG A 500.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD IN 708°50"M, 339.35 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, AND CONTINUING WITH THE LINE OF SAID LOT 3-A, S 43°26°20°E, 36.04 FEET; THENCE S 27°07'45°E, 1038.82 FEET TO THE POINT OF BEGINNING AND CONTINUING 5.68 ACRES.

I FURTHER CERTIFY THAT I SURVEYED THE ABOVE DESCRIBED PROPERTY AND SUBDIMDED IT AS SHOWN ON THE PLAT IN ACCORDANCE WITH THE CURRENT MISSOUR! MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY:

CROCKETT ENGINEERING CONSULTANTS, LLC 2608 NORTH STADIUM BLVD. COLUMBIA, MO 65202

CORPORATE NUMBER: 2000151304

STATE OF MISSOURI SS

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 16th DAY OF Quel, 2015.

MY COMMISSION EXPIRES APRIL 22, 2018
COMMISSION NUMBER 14965667

DAVID THOMAS

BUTCHER

PLS-2002014095

Notary Public - Notary Seol STATE OF MISSOUR! Commission #14965667 My Commission Expires: April 22, 2018

#### KNOW ALL MEN BY THESE PRESENTS:

THAT MU CREW, LLC AND A. BEN GALLOWAY TRUST, DATED OCTOBER 8, 1999 ARE THE SOLE OWNERS OF THE HEREON DESCRIBED TRACT AND THAT SAID LIMITED LUBBLITY COMPANY AND A BEN GALLOWAY TRUST HAS CAUSED SAID TRACT TO BE SURVEYS AS SUBDIVIDED, AND PLATED AS SHOWN ON THE ATTACHED DRAWING THE EASTMENTS AS SHOWN BY THE ATTACHED DRAWING, ARE HERBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREYER. THE ATTACHED DRAWING AND DESCRIPTION SHALL HEREAFTER BE KNOWN AS "ON THE NINTH AT OLD HAWTHORNE, PLAT NO. 1"

IN WITNESS WHEREOF, MU CREW, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS GENERAL PARTNERS, THIS 16 to DAY OF 2015.

MU CREW, LLC.

Hallowson A. BEN GALLOWAY, MANAGING MEMBER

A. BEN GALLOWAY TRUST, DATED OCTOBER, 8, 1999

A BEN CALLOWAY, TRUSTEE OF THE A BEN CALLOWAY TRUST, DATED OCTOBER 8, 1999

CALLOWAY TRUST, DATED OCTOBER 8, 1999

STATE OF MISSOURI SS

ON THIS 104A DAY OF OCCUPY, AND NANCY J. GALLOWAY, TO ME KNOWN, WHO BY ME DULY SWORN, DID SAY THAT THEY ARE MANAGING MEMBERS OF SAID LIMITED LIABILITY COMPANY AND THE TRUSTEES OF THE A. BBN GALLOWAY TRUST, THAT THEY FURTHER ACKNOWLEDGE THIS INSTRUMENT TO BE THEIR FREE ACT AND THE FREE ACT AND DEED OF SAID JUMPED LABILITY COMPANY AND OF THE A. BEN GALLOWAY TRUST, DATED

Kennis Frui

NOTARY PUBLIC

MY COMMISSION EXPIRES APRIL 22, 2018
COMMISSION NUMBER 14965667

KENNETH FARRIS Notory Public - Notory Seal STATE OF MISSOURI Cole County
Commission #14965667

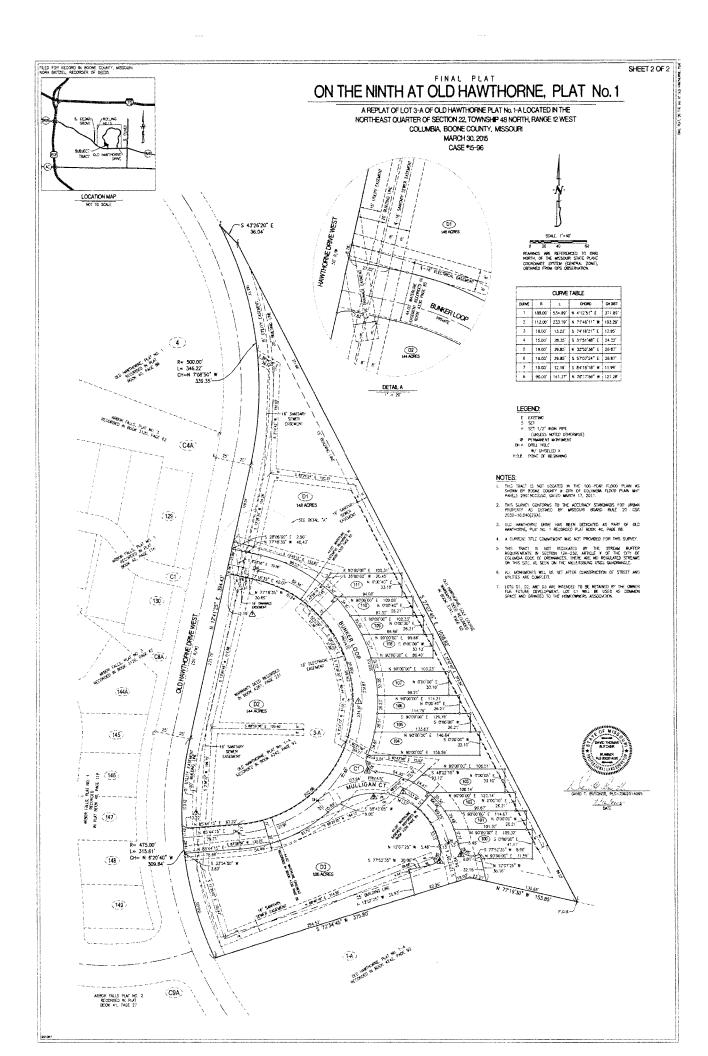
NOTES:

- THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY & CITY OF COLUMBIA FLOOD PLAIN MAP
- 2. THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 2030-16.040(2)(A)
- OLD HAWTHORNE DRIVE HAS BEEN DEDICATED AS PART OF OLD HAWTHORNE, PLAT NO. 1 RECORDED PLAT BOOK 40, PAGE 86.
- 4. 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. THERE ARE NO RECULATED STREAMS ON THIS SITE, AS SEEN ON THE MILLERSBURG USGS QUADRANGLE.
- ALL MONUMENTS WILL BE SET AFTER CONSTRUCTION OF STREET AND UTILITIES ARE COMPLETE.
- LOTS D1, D2, AND D3 ARE INTENDED TO BE RETAINED BY THE OWNER FOR FUTURE DEVELOPMENT. LOT C1 WILL BE USED AS COMMON SPACE AND GRANTED TO THE HOMEOWNERS ASSOCIATION

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLLINEIA MISSOURI

 	THIS DAY OF, 2015.
	ROBERT McDAVID, MAYOR
	SHEELA AMIN CITY CLERK

#



Introduced by McDavid				
First Reading	1-6-14	Second Reading	1-21-14	_
Ordinance No.	021954	Council Bill No.	B 4-14	_

### AN ORDINANCE

rezoning property located east of the intersection of Old Hawthorne Drive West and Pergola Drive from District C-P to District PUD-6.6; approving the statement of intent; repealing all conflicting ordinances or parts of ordinances; approving the Preliminary Plat and PUD Plan for On The Ninth; approving less stringent setback requirements 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 Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3741, PAGE 60 AND PART OF TRACT 1 OF THE WELLNESS CENTER AT OLD HAWTHORNE, RECORDED IN PLAT BOOK 42, PAGE 10 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERNMOST POINT OF LOT 1 OF SAID WELLNESS CENTER AT OLD HAWTHORNE; THENCE FROM THE POINT OF BEGINNING AND WITH THE EAST LINE THEREOF, \$28°22'25"E, 142.32 FEET; THENCE LEAVING SAID EAST LINE, N78°34'10"W, 120.16 FEET; THENCE LEAVING SAID SOUTH LINE, N26°18'35"E, 113.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 6,568 SQUARE FEET.

will be rezoned and become a part of District PUD-6.6 (Planned Unit Development) with a development density not exceeding 6.6 dwelling units per acre and taken away from District C-P (Planned Business District). Hereafter the property may be used for the permitted uses set forth in the statement of intent.

SECTION 2. The City Council hereby approves the terms and conditions contained in the statement of intent dated December 2, 2013, attached hereto in substantially the same form as Exhibit A and made a part of this ordinance. The statement of intent shall be binding on the owners until such time as the Council shall release such limitations and conditions on the use of the property.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. The City Council hereby approves the Preliminary Plat and PUD Plan for On The Ninth, as certified and sealed by the surveyor on December 10, 2013, for the property referenced in Section 1 above.

SECTION 5. The City Council approves less stringent yard requirements than those set forth in Section 29-10(d)(7) so that a perimeter setback of 15-feet, rather than the required 25-feet, shall be allowed along the eastern property line.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

PASSED this 21st day of January , 2014.

ATTEST:

City Clerk

Mayor and Presiding Officer

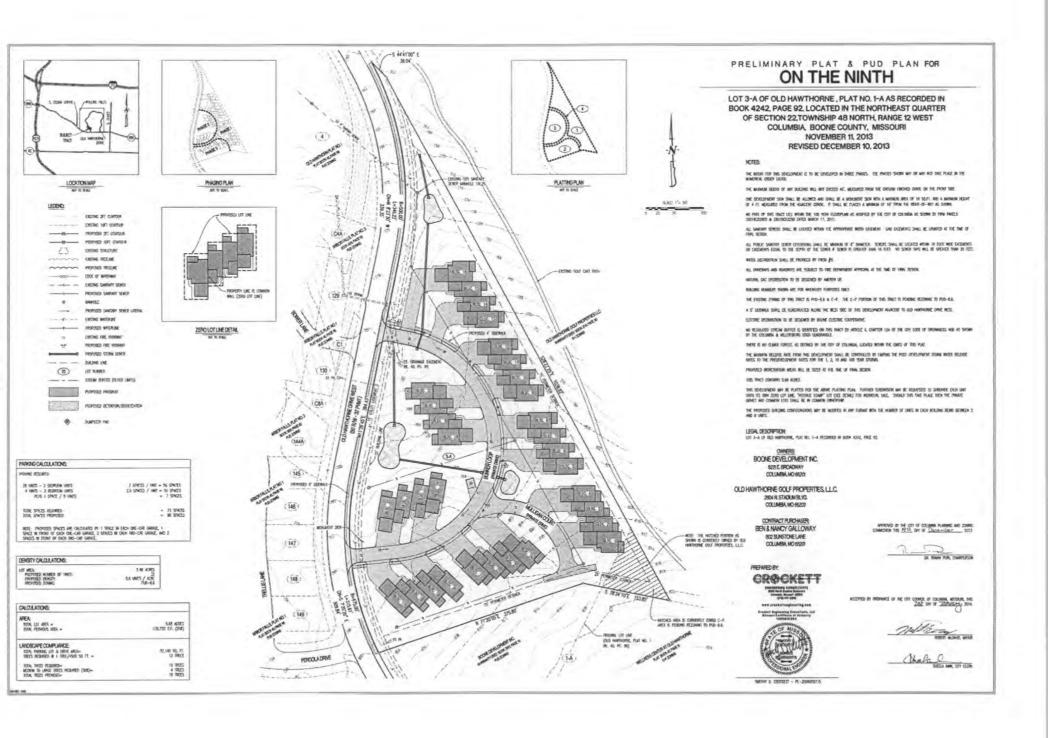
APPROVED AS TO FORM:

Statement of Intent December 2, 2013

The following information is to be considered as the Statement of Intent for the additional portion of the tract being rezoned in conjunction with the On The Ninth PUD Plan.

- > Type of Dwelling Units: The units proposed for this tract are to be single family detached, single family attached in duplex structure, single family attached in townhouse structure, single family dwelling units in a 12 unit, or less, apartment building, or any combination thereof.
- Maximum Number of Units: 1 residential unit/maximum density of 6.6 units per acre based on the net residential area after street right-of-way has been deducted.
- > Maximum Building Height: The maximum building height shall not exceed 40 feet.
- The Number of Parking Spaces: The total number of parking spaces shall be a minimum two spaces per dwelling unit. Parking spaces may be located in a garage, exterior parking lot, or a combination of both.
- ➤ Minimum Percentage of Open/Green Space: Forty percent of the net area is to be preserved as open/green space. This percentage includes water features and impoundments.
- Amenities: There are amenities within the limits of the proposed PUD. The area will host a clubhouse and pool.
- General Description of Plan: The development plan for the entire area will present a mixed use of residential units. The minimum front yard set-back from a public street would be eighteen feet. The minimum distance between unattached units would be sixteen feet. The minimum rear yard set-back would be 10 feet. There is no minimum lot size within this PUD since "postage stamp" lots may be utilized. Some units may be condominiums.

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## PRELIMINARY PLAT & PUD PLAN FOR

## ON THE NINTH

LOT 3-A OF OLD HAWTHORNE, PLAT NO, 1-A AS RECORDED IN BOOK 4242, PAGE 92, LOCATED IN THE NORTHEAST QUARTER OF SECTION 22,TOWNSHIP 48 NORTH, RANGE 12 WEST COLUMBIA, BOONE COUNTY, MISSOURI NOVEMBER 11, 2013

MOTES.

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DIMERS: BOONE DEVELOPMENT INC. 822E SPOADWAY COLUMN MORROW

OLD HAWTHORNE GOLF PROPERTIES, LL.C. 2904 N. STADIUM BLVO. OLUMPIA MO 05822

> CONTRACT PURCHASER BEN & NANCY GALLOWAY 802 SUNSTONE LAVE

NAMED IN SECTION OF CONTRACTOR OF THE

DR. BRAND PURE, CHRONICES

CROCKETT

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