



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: February 5, 2024

Re: Amberton Place development agreement and acceptance of street easement (Case # 83-2024)

Executive Summary

Approval of this request would authorize the City Manager to execute a development agreement between the City of Columbia and the Roxie Grant Revocable Trust that would establish infrastructure installation and design obligations related to the future development of the Amberton Place Subdivision, a 122-lot development located north of W. Gibbs Road addressed as 3705 W. Gibbs Road and containing 60.26 acres. Additionally, approval would result in the acceptance of a 3,675 sq. ft. street easement from Jerry and Sharon Grant that is located at southeast corner of property addressed 3901 W. Gibbs Road. Acceptance of the street easement ensures that sufficient right of way is in place along existing W. Gibbs Road, west of the future development, to accommodate off-site public roadway improvements triggered by the development of the adjoining acreage.

The approximate 60-acre tract of land east of the Grant property and was annexed into the City on January 16, 2024. The proposed Amberton Place Subdivision Preliminary Plat (Case #35-2024) is being concurrently considered for approval on the Council's February 5, 2024, agenda under separate cover. Development of the new subdivision requires the extension of W. Gibbs Road through the development tract and acceptance of the off-site street easement is identified within Note #20 on the plat as being required to ensure that sufficient right of way width is in place for the eastern extension of W. Gibbs Road.

The attached development agreement has been prepared in response to concerns expressed by the City Council at its January 16, 2024 meeting with respect to the annexation and permanent zoning of the subject acreage. The agreement has been executed by the property owner and will transfer to the future developer of Amberton Place upon final sale of the subject acreage. The agreement is required to be fully executed and recorded prior to the approval of a final plat on the subject acreage.

The concurrent preliminary plat resolution related to Case # 35-2024 references the attached development agreement, inclusive of dedication of the street easement, and includes specific language requiring the full execution and recording of the attached agreement prior to any building or land disturbance permits being issued with respect to the development. This language has been added to the resolution to accommodate a contractual issue between the property owner and future developer.



Discussion

In response to Council concerns expressed during the January 16, 2024, second reading of B213-23 the attached development agreement was prepared. The agreement has been executed by the current property and will transfer to the future developer of the subject site upon sale of the property. The agreement includes public infrastructure and design obligations required to off-set potential impacts created by the development of a new 122-lot, 60.26-acre development of R-1, R-2, and R-MF zoned property to be known as "Amberton Place".

The agreement addresses specific right of way design requirements for Gibbs Road/Barberry Avenue and pedestrian improvements to connect Barberry Park to the proposed Amberton Place subdivision. Additionally, the development agreement addresses the necessity of an off-site street easement needed to ensure the future eastward extension of W. Gibbs Road through Amberton Place subdivision meets the right of way requirements of the Unified Development Code. The street easement (attached) has been obtained from the owners of 3901 W. Gibbs Road, is fully executed, and would be capable of being recorded following approval of the ordinance associated with this request.

The attached agreement contains provisions that require it to be fully executed and recorded prior to any final plat associated with the Amberton Place subdivision being approved. This timing provision allows the preliminary plat (Case # 35-2024) to be considered and approved by Council as a resolution (a single reading) instead of it being delayed until approval of the development agreement (an ordinance) has occurred. According to the applicant, due to contractual obligations, such a delay would affect the possible construction of the new subdivision.

To ensure clarity that future development of the Amberton Place subdivision requires execution and recording of the attached development agreement, the resolution prepared for the preliminary plat's approval includes special language. The language states that prior to any building or land disturbance permit being issued, a development agreement in substantial conformance with that attached must be executed and recorded. This cross-reference provides an additional opportunity for the city's staff engaged in the review process of land development to ensure the Council's desires for the off-site features contained within the attached agreement are known and appropriate actions are taken to ensure that they are addressed.

The proposed development agreement with exhibits (site legal description, preliminary plat, and traffic impact study) as well as the fully executed street easement documentation (form, legal description and exhibit) are attached for reference.



Fiscal Impact

Short-Term Impact: None anticipated.

Long-Term Impact: None anticipated.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Reliable and Sustainable Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Mobility, Connectivity, and Accessibility, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Infrastructure

Legislative History

Date	Action
1/16/24	Approved annexation and permanent zoning on Roxie Grant Trust property at 3705 W. Gibbs Road. (Ord. 025551)
12/18/23	Annexation public hearing held for Roxie Grant Trust property at 3705 W. Gibbs Road.
12/4/23	Set a public hearing on the proposed annexation of Roxie Grant Trust property at 3705 W. Gibbs Road. (Res. R189-23)

Suggested Council Action

Authorize the City Manager to execute a development agreement and direct the City Clerk to record said agreement and direct the City Clerk to record the attached street easement following adoption of this legislation.