

Introduced by Treece

First Reading 9-7-21

Second Reading 9-20-21

Third Reading 10-18-21

Ordinance No. 024791

Council Bill No. B 281-21 A

**AN ORDINANCE**

approving the Preliminary Plat of "Old Hawthorne North"; approving design adjustments to allow longer block distances, a longer cul-de-sac length, and private residential driveways on collector streets; authorizing a development agreement; directing the City Clerk to have the development agreement recorded; 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 Preliminary Plat of "Old Hawthorne North," as certified and signed by the surveyor on April 28, 2021 as revised on September 30, 2021, a subdivision located on the north side of Ivory Lane and the south side of Richland Road, containing approximately 125.76 acres, and hereby confers upon the subdivider the following rights for a period of five (5) years from the date of this approval:

- (A) The terms and conditions under which the preliminary plat was given approval shall not be changed except as required by subsection (C);
- (B) The subdivider may submit on or before the expiration date a final plat for the whole or any part of the subdivision for approval;
- (C) Each final plat for land included in the preliminary plat application shall comply with any new technical or engineering standards or requirements adopted by Council between the date of the preliminary plat approval and the date of each final plat application for land included in the preliminary plat;
- (D) If the subdivider fails to submit a combined total of one-fourth (1/4) of the preliminarily approved lots (in either a single or multiple) final plats before the expiration date, the preliminary plat approval shall expire and be of no force or effect; and

- (E) The Director of Community Development may grant a one (1) year extension to the expiration date if no change to a City ordinance would require a change in the plat. An appeal from an adverse decision by the Director on preliminary plat extension shall be made to the Council. Any subsequent extension(s) on preliminary plat expiration date shall be made to Council for a specified period on such terms and conditions as the Council may approve.

SECTION 2. The following design adjustments are reflected in the plat referenced in Section 1 hereof and are hereby approved by the City Council pursuant to the authority granted in Section 29-5.2(b) of the Unified Development Code:

- a. A design adjustment from the requirements of Section from the requirements of Section 29-5.1(c)(3)(ii) of the City Code relating to maximum block distance so that Portrush Drive, Ash Down Drive, Burnhill Drive, Helsby Drive and Merican Drive shall be allowed to exceed six hundred (600) feet between street intervals; and
- b. A design adjustment from the requirements of Section 29-5.1(c)(3)(i)(F) of the City Code relating to street connectivity to allow Merican Court to exceed the required cul-de-sac maximum of three hundred (300) feet in length; and
- c. A design adjustment from the requirements of Section 29-5.1(f)(2)(iii) of the City Code relating to lot access to allow private residential driveways on Portrush Drive and Merican Drive.

SECTION 3. Prior to approval of the Final Plat of this Subdivision, the subdivider shall have completed the improvements required by the Unified Development Code, or in lieu of completion of the work and installations referred to, present security to the City Council with surety and conditions satisfactory and acceptable to the City Council, providing for and securing the actual construction and installation of the improvements and utilities; or put the City Council in an assured position to do the work, obligating the developer to install the improvements indicated on the plat, provided that no occupancy permit will be issued to any person for occupancy of any structure on any street that is not completed in front of the property involved, or the utilities have not been installed to the satisfaction of the City.

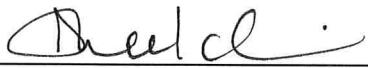
SECTION 4. The City Manager is hereby authorized to execute a development agreement with Boone Development, Inc. to establish public infrastructure obligations associated with the construction of a residential subdivision. The form and content of the agreement shall be substantially as set forth in "Attachment A" attached hereto and made a part hereof.

SECTION 5. The City Clerk is authorized and directed to have the development agreement recorded in the office of the Boone County Recorder of Deeds.

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


PASSED this 18<sup>th</sup> day of October, 2021.

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Counselor