



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: July 1, 2024

Re: Copperstone Corner Plat 1 and Development Agreement Authorization (Case # 81-2024)

Executive Summary

Approval of this request would authorize the creation of a 4-lot final plat (3 commercial lots and 1 common lot) to be known as "Copperstone Corner Plat 1" as well as authorize the City Manager to execute a revised development agreement between the City and Capital Land Investment LLC that establishes developer obligations and milestones relating to off-site transportation network improvements along the development's Scott Boulevard and Vawter School Road frontages. The final plat contains a total of 4.54-acres. The development agreement covers the entirety of the 10-lot, 16.79-acre Copperstone Corner PD Plan, approved in June 2023. The subject site is located southeast of the intersection of Scott Boulevard and Vawter School Road. The final plat is located immediately west the existing Addison's South restaurant.

Discussion

A Civil Group (agent), on behalf of Capital Land Investment LLC (owners), are seeking approval of a 4-lot final plat to be known as "Copperstone Corner Plat 1". Of the proposed 4-lots, three (3) are for commercial purposes and one (1) is a "common lot" that will be used as an irrevocable perpetual non-exclusive access easement for ingress/egress to the overall 10-lot Copperstone Corner commercial development. Additionally, if this request is approved, the City Manager would be authorized to execute a revised development between the City and the applicant. The revised development agreement establishes off-site transportation system obligations and milestones that the developer must perform. These obligations were initially identified as part of the development's required traffic study and were contained within an "approved to form" development agreement that accompanied the June 2023 approval of the Copperstone Corner PD Plan/preliminary plat.

The previously "approved to form" development agreement contained a provision that restricted the applicant's ability to create more than one lot on the overall acreage without the installation and City acceptance of identified Phase 1 off-site transportation improvements between the Scott Boulevard roundabout and Frontgate Drive along the site's Vawter School Road frontage. Upon submission of the first final plat and its construction plans, four (4) lots were shown (three commercial and one common). The first phase of the Copperstone Corner development is anchored by a PD Plan for a commercial development known as "Diventures", an indoor scuba and swim instruction business, which is proposed to be constructed on Lot 101. The PD Plan for Lot 101 was reviewed and recommended for approval by the Planning and Zoning Commission at its February 22, 2024 meeting; however, has been withheld from Council consideration pending approval of the submitted final plat.



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Given the increase in the number of lots permitted to be contained within the first final plat, the applicant has requested that a revision to the June 2023 “approved to form” development agreement be considered. The attached development agreement has been modified to allow the proposed four (4) lots shown on the attached final plat to be created with the specific stipulation that **no lots beyond Lot 101 may be issued a building permit or a certificate of occupancy prior to the Phase 1 off-site transportation improvements being completed and accepted by the City.** This revision and stipulation will allow a final plat to be recorded that more efficiently uses both sides of a future private access while at the same time ensuring that necessary off-site public transportation improvements are installed prior to proposed site development, beyond Lot 101, without overwhelming the surrounding transportation network.

Aside from allowing more than one lot to be created with the first final plat, no other terms of the June 2023 “approved to form” development agreement have been revised. Furthermore, the revised development agreement does not reduce or removed any of the required off-site public transportation network improvements that were shown as necessary to mitigate the 16.79-acre commercial development’s impact upon its surroundings as recommended within the January 30, 2023 Traffic Impact Study that is shown as Exhibit C of the revised development agreement.

The proposed final plat is consistent with the lot arrangement shown on the PD Plan that was approved under Case # 02-2023 (attached). The revised PD Plan also served as the development’s preliminary plat. Given the consistency between the PD Plan and the proposed final plat, notwithstanding the necessary revision to the June 2023 “approved to form” development agreement, Council is authorized to approve the final plat. Such action would allow permit the applicant to proceed forward with the sale of Lot 101 to Diventures and allow for Council consideration of the Diventures PD Plan (Case # 78-2024). Case # 78-2024 appears on the July 1 Council agenda as a separate business item.

The proposed lots shown on the final plat are accessed from Lot C101, a common lot in which a private ingress/egress (Capital Drive) is to be constructed. The future improvements within the easement are consistent with a local non-residential street with the exception of dedicated right of way. Thirty-eight feet of paving will be installed with 5-foot sidewalks along both sides of the travel lanes. The ingress/egress will initially connect to Vawter School Road as well Frontgate Lane (a private drive) to the east. Proposed Lot 101 (the Diventures site) will not have direct driveway access to Vawter School Road.

Per the development agreement, the applicant is required to make lane widening improvements along Vawter School Road and install sidewalks along the development’s roadway frontage. Additional pedestrian improvements (i.e. a flashing beacon crosswalk) is required to be installed, by the developer, at the intersection of Vawter School Road and Frontgate Drive to ensure safe pedestrian passage between existing developments to the north and south of Vawter School Road. Finally, several additional traffic capacity and safety improvements are required to be completed along both Frontgate Drive and Frontgate Lane.



The subject property is served by sufficient public infrastructure to support the three (3) proposed commercial lots. The plat dedicates additional public right of way along Vawter School Road needed to accommodate necessary off-site improvements as well as shows the standard utility easement dedication along this roadway frontage. Additional public utility easements are shown internal to the development along the outside edge of Lot C101 given this lot serves as the access to all proposed lots within the development. As the remaining approximate 12-acres of the property are developed, the ingress/egress easement will be extended to the west to connect with Scott Boulevard south of the existing Scott/Vawter roundabout. Future site development will trigger additional off-site improvements to Scott Boulevard to ensure the traffic generation from the remaining acreage is mitigated as recommended in the January 30, 2023 Traffic Impact Study.

The final plat has been reviewed by both internal and external staff and found to comply with the requirements of the UDC and is consistent with the approved PD Plan for the Copperstone Corner which also serves as the site's preliminary plat. The attached revised development agreement has been executed by the applicant signifying their acceptance of its terms, obligations, and milestones. Staff supports the approval of the final plat and the development agreement.

Locator maps, final plat, approved PD Plan (Case #02-2023), and applicant executed development agreement are attached for review.

Fiscal Impact

Short-Term Impact: None anticipated. Any costs associated with the extension or relocation of public utility infrastructure will be borne by the applicant.

Long-Term Impact: Minimal. Given proposed Capital Drive and all drainage features within the development will be private maintenance costs associated with these development features will be borne by the applicant. Potential long-term costs may include increased public safety and trash collection services as well as increased public infrastructure maintenance (i.e. electric, roads, sewer, and water) to the site. These increased costs may or may not be off-set by user fees or increased tax collection.

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

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

[Comprehensive Plan Impacts:](#)

Primary Impact: Economic Development, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Infrastructure



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Legislative History

Date	Action
6/5/23	Approved PD rezoning, development plan, and "to form" development agreement (Ord. 025347)
11/2/98	Approved Annexation and permanent zoning of acreage to C-P. (Ord. 015793)

Suggested Council Action

Approve the proposed 4-lot final plat to be known as "Copperstone Corner Plat 1" and authorized the City Manager to execute a revised development agreement between the City and Capital Land Investment LLC.