



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 4, 2016

Re: Christiansen Investments, LLC – Development Agreement (Case #16-34)

Executive Summary

Approval of this request would authorize the City to enter into a development agreement with Christiansen Investments, LLC establishing public infrastructure obligations and performance triggers associated with the proposed annexation and development of an approximate 71 acre tract of land located at the southwest corner of Highway 763 and Brown School Road.

Discussion

The attached development agreement has been prepared in cooperation with the applicant and staff in response to a request to annex and develop approximately 71 acres of land at the southwest corner of Highway 763 and Brown School Road. The annexation and permanent zoning (Case #16-34) will be considered concurrently with this request at the April 18, 2016 Council meeting. The proposed preliminary plat (Case #16-35) that will govern future subdivision of the acreage will be considered by Council on April 18.

The purpose of this memo is to address one aspect of the attached development agreement that the applicant and staff do not agree upon. This particular provision is found within Paragraph 4 of the attached agreement and pertains to the requirement to fully extend and build Boone Industrial Drive along the southern property line of proposed Lot 7.

Under typical circumstances, all public infrastructure, adjacent to a newly platted lots, would be required to be constructed at the time of building permit, or within three years, whichever occurs first. At the time of final platting of Lot 7, the property owner would be required to construct all of Boone Industrial Drive and the portion of White Tiger that abuts the lot on the west. The applicant has requested that their responsibility to construct all of White Tiger and a portion of Boone Industrial be delayed until additional lots within the development have been platted.

Specifically the development agreement includes provisions that would allow the construction of White Tiger, along the west boundary of Lot 7, to be waived until either Lots 3 or 4 is platted at which time the portion that was the responsibility of Lot 7 would be constructed by the developer of either Lots 3 and/or 4. In addition, the development of Lots 3, 4, 5, or 6 would trigger the completion of the remainder of Boone Industrial (see proposed construction graphic).

Staff supports the postponement of the construction of White Tiger, but not postponing construction of the portion of Boone Industrial Drive along Lot 7, for the following reasons:



City of Columbia

701 East Broadway, Columbia, Missouri 65201

- 1) Boone Industrial is located adjacent to a property to the south that is not owned by the property owner of the subject property, and the delay of the required construction could impact this property.
- 2) White Tiger is surrounded by property that is under the control of the applicant, which minimizes the development impact of delaying construction. Also, waiving the construction of White Tiger is reasonable given that it represents a smaller portion of overall construction costs associated with the development of Lot 7.
- 3) Delaying the infrastructure improvements associated with Lot 7 shifts the financial responsibility to other lots within the development. While it may allow for development of Lot 7 with less initial investment, it may hamper the development of Lots 3, 4, and 6.
- 4) Delayed construction of White Tiger, is supported, as it would not represent the sole access for any specific lot and represents less than half of the roadway that is required to be constructed, which is believed to be a reasonable compromise. In addition, per the terms of the development agreement, the applicant has agreed to pay for the relocation cost of any utilities that will be within the Brown School Road right of way after the platting of the property and dedication of additional right of way occurs.
- 5) The applicant has agreed to the dedication of a trail easement (at least 50 feet wide; however, expandable to 100 feet wide) along the north side of the Cow Branch, which is consistent with the Parks and Recreation Department's trail master plan. To accommodate the trail, the applicant has agreed to either incorporate a water crossing under the future construction of White Tiger where it crosses over Cow Branch or, if a water crossing is not possible, an at-grade crossing.
- 6) The applicant may be subject to additional infrastructure upgrades to Brown School Road, based upon the results of a traffic impact study that will be required at the time that any of Lots 1, 2, 3, or 4 are platted. The City, at its discretion, may waive the required TIS improvements if the applicant and the City agree to equivalent alternative improvements in the future.

As noted above, the applicant does not agree with the language currently contained in Paragraph 4 of the development agreement pertaining to the construction timing and installation requirements for Boone Industrial Drive. Given this disagreement, the applicant has informed staff that it desires to present alternative language for Council's consideration prior to final action being taken on this matter.

Fiscal Impact

Short-Term Impact: None
Long-Term Impact: None



Vision & Strategic Plan Impact

Vision Impacts:

Primary Impact: Development, Secondary Impact: Secondary, Tertiary Impact: Tertiary

Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Secondary, Tertiary Impact: Tertiary

Comprehensive Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Secondary, Tertiary Impact: Tertiary

Legislative History

Date	Action
None	None

Suggested Council Action

Approve the proposed development agreement as prepared by staff.