



IN THE 13TH JUDICIAL CIRCUIT, BOONE COUNTY, MISSOURI

Service

Served
1-19-2022

Judge or Division: JEFF HARRIS	Case Number: 22BA-CV00132
Plaintiff/Petitioner: 1611 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY	Plaintiff's/Petitioner's Attorney/Address GARRETT STEPHEN TAYLOR VAN MATRE AND HARRISON, P.C. 1103 EAST BROADWAY, SUITE 101 P.O. BOX 1017 COLUMBIA, MO 65201
Defendant/Respondent: CITY OF COLUMBIA, MISSOURI	Court Address: 705 E Walnut COLUMBIA, MO 65201
Nature of Suit: CC Other Administrative Review	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: CITY OF COLUMBIA, MISSOURI
Alias:

701 E BROADWAY
COLUMBIA, MO 65205

COURT SEAL OF



BOONE COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

01-13-2022

/s/ Amy Deihl, Court Clerk

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

☐ delivering a copy of the summons and petition to the defendant/respondent.

☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with

☐ _____, a person at least 18 years of age residing therein.

☐ (for service on a corporation) delivering a copy of the summons and petition to:

_____ (name) _____ (title).

☐ other: _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

PAID

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

1611 University, LLC, a Missouri limited liability company,

1615 University, LLC, a Missouri limited liability company,

1617 University, LLC, a Missouri limited liability company,

Petitioners,

v.

Case No. _____

**The City of Columbia, Missouri,
Serve: City Clerk or City Attorney
701 E. Broadway
Columbia, MO 65205**

Respondent.

PETITION

COME NOW Petitioners, 1611 University, LLC, a Missouri limited liability company, 1615 University, LLC, a Missouri limited liability company, and 1617 University, LLC, a Missouri limited liability company (individually and collectively “Petitioners” and/or “Relators”) by and through counsel, and for their cause of action against the Respondent state as follows:

General Introduction

The Petitioners need a building permit to improve their property located in the East Campus area in the City of Columbia, Missouri. A replat of the Petitioners’ property is required in order to obtain a building permit. The City of Columbia denied Petitioners’ replat request. Petitioners have not requested any change in zoning or change in the permitted uses of the Property, but rather simply desire to improve their Property in a way that is allowed under the City Ordinances of Respondent.

In accordance with City Ordinances, Petitioners filed an Application for replatting which was recommended for approval by the City Manager and City Staff. According to Missouri law, if an application for replatting meets the enumerated requirements (i.e. the application “checks all the boxes”) it must be approved as ministerial / administrative duty of the governing body. The Petitioners’ Application for replat in this case met all the enforceable requirements and checked all of the enforceable boxes. Despite the recommendation by the City Manager and City Staff of the Respondent to approve Petitioners’ replat Application, the Respondent denied Petitioners’ Application. The denial of the Application resulted in Petitioners being unable to obtain a building permit to improve their property. The actions of Respondent are effectively a governmental taking of Petitioners’ Property. Petitioners now seek court approval of their replat Application.

Factual Allegations Common to All Claims

1. Petitioner 1611 University, LLC (“1611”) is a Missouri limited liability company duly organized under the laws of the state of Missouri, and in good standing under the laws of the State of Missouri.

2. Petitioner 1615 University, LLC (“1615”) is a Missouri limited liability company duly organized under the laws of the state of Missouri, and in good standing under the laws of the State of Missouri.

3. Petitioner 1617 University, LLC (“1617”) is a Missouri limited liability company duly organized under the laws of the state of Missouri, and in good standing under the laws of the State of Missouri.

4. Petitioners 1611, 1615 and 1617 shall hereafter individually and collectively be referred to as “Petitioners” and/or “Relators”.

5. Respondent City of Columbia, Missouri (the “City”) is now and at all times material herein a municipal corporation operating under its charter and ordinances and the general laws of

the State of Missouri and may be served with process by serving: Sheela Amin, City Clerk, 701 E. Broadway, Columbia, Boone County, Missouri.

6. Now and at all times material herein, the City was acting by its staff (the "City Staff"), manager, John Glascock (the "City Manager") and through its council (the "City Council").

7. The City Council is comprised of the following individuals: Brian Treece, Mayor; Pat Fowler, 1st Ward councilwoman; Andrea Waner, 2nd Ward councilwoman; Karl Skala, 3rd Ward councilman; Ian Thomas, 4th Ward councilman; Matthew Pitzer, 5th Ward councilman; Betsy Peters, 6th Ward councilwoman.

8. Now and at all times material herein, the City is charged to act in accordance with the laws of the state of Missouri and the Code of Ordinances of the City of Columbia, Missouri (the "Ordinances") which are by this reference incorporated herein.

9. Petitioners are the owners of certain real property located within the City of Columbia, Boone County, Missouri, said real property more particularly described on Exhibit A (the "Property").

10. Venue is proper before this Court as the Property and parties are located within Boone County, Missouri and the alleged occurrences took place in Boone County, Missouri.

The Applicable Ordinances

11. According to the Ordinances, to make improvements on the Property, the Petitioners must obtain a building permit. See Section 29-6.4 of the Ordinances attached hereto and incorporated herein as Exhibit B.

12. According to the Ordinances and under the circumstances of this case, to obtain a building permit to make improvements on the Property, Petitioners must first obtain approval from the City to replat the Property pursuant to an on-line application process for replat (which includes

the proposed replat). See Section 29-5.2 and Section 29-5.1 of the Ordinances attached hereto and incorporated herein as **Exhibit C**.

13. The replatting process is governed by Section 29-5.2 (and Section 29-5.1) of the Ordinances which requires, among other things, that the City Manager and City Staff review a replat application (with proposed replat of the property) and issue a recommendation to the City Council as to whether to approve an application.

14. Thereafter, the City Council will make a ministerial / administrative determination as the reviewing body as to whether an application for replat checks all the enforceable required boxes for approval. An approval of an application for a replat results in the adoption of a new City Ordinance which orders the approval and recording of the proposed replat of a property.

15. According to Missouri law, if a replat application meets the enforceable replat requirements (i.e. the replat application “checks all the boxes”), the replat application must be approved as a ministerial / administrative duty of the reviewing body.

16. In compliance with the Ordinances, the Petitioners submitted to the City an Application for a replat of the Property (the “Application”). (Technically, in order to properly replat Petitioners’ Property, three proposed replats were required to be submitted, all three of which are referred to individually and together as the “Application”.) Petitioners’ three-part Application is attached hereto as **Exhibit D** and incorporated herein.

17. The Application complied with or exceeded all of the enforceable requirements of the Ordinances necessary to be approved.

18. According to the application process, the Petitioners’ Application was reviewed by City Staff and the City Manager who determined that the replat Application met the enforceable requirements for approval and recommended to the City Council to approve the Application in their Staff Reports (for City Case #270-2021, City Case #269-2021 and City Case #268-2021)

(hereafter individually and collectively “Staff Report”) which are attached hereto as **Exhibit E** and incorporated herein .

19. It was the duty of the City Council to simply determine if the enforceable requirements for approval pursuant to the Ordinances had been met (i.e. were all “the boxes checked”) to approve the Application, and if so, as a ministerial / administrative matter, approve Petitioners’ Application.

20. Notwithstanding the determination by City Staff and the City Manager that the Application had met all the enforceable requirements for approval and recommended approval of the replat Application, and notwithstanding that the Application met all of the enforceable requirements for approval, on November 15, 2021, the City Council denied the Application to replat the Property (the “Denial”), a copy of said Denial is attached hereto and incorporated herein as **Exhibit F**.

21. The actions of the City Council in issuing the Denial of the Application were wrongful, arbitrary, capricious, unreasonable, unlawful, unconstitutional, and an abuse of discretion.

22. The actions of the City Council in issuing the Denial of the Application prevents the Petitioners from using the Property in a way that is already permitted by the Ordinances.

23. As a result of the Denial, Petitioners have suffered damages in an amount as yet undetermined but expected to be in excess of Twenty Five Thousand Dollars (\$25,000.00) and have also incurred attorney fees to which they are entitled.

COUNT I
Mandamus – Order City to Approve Replat Application
that Complies With Ordinances

24. Realtors incorporate by reference paragraphs 1 through 23 of this Petition as though fully set forth herein.

25. When evaluating the Relators' replat Application, the City Council was acting in a ministerial / administrative capacity.

26. The public hearing conducted by the City Council in consideration of the Application was a non-contested hearing as the term is defined in Chapter 536 RSMo.

27. Section 536.150 RSMo. allows for a mandamus action to be brought under the circumstances of this case.

28. The matters contained herein constitute a justiciable controversy for which there is no adequate remedy at law.

29. The Relators' replat Application met or exceeded all enforceable provisions of the Ordinances, including but not limited to those of Section 29-5.2(d).

30. Failure of the City Council to approve the Relators' replat Application is an unlawful failure to perform a ministerial act. Because of such unlawful action, Relators are entitled to an Order of Mandamus from this Court, requiring and compelling approval of the Relators' Application. See Relators' Application attached hereto as **Exhibit D**; the City Staff Report attached hereto as **Exhibit E**; pertinent sections of the Ordinances attached hereto as **Exhibits B and C**; and the City Denial attached hereto as **Exhibit F**.

31. Relators have incurred attorney fees for which they are entitled to recovery.

WHEREFORE, Relators pray the Court enter an order: (a) mandating Respondent to approve Relators' Application for replat and approval of the proposed City Ordinances pursuant to Exhibit **G**, (b) for Relators' attorney fees and costs, and (c) for such other and further relief as is just and proper.

COUNT II

Appeal of Administrative Action by City - De Novo Review
(City Acted in an Arbitrary and Capricious Manner) (Alternative Count)

32. Realtors incorporate by reference paragraphs 1 through 31 of this Petition as though fully set forth herein.

33. When evaluating the Relators' replat Application, the Council was acting in a ministerial / administrative capacity.

34. The public hearing conducted by the City in consideration of the Application was a non-contested hearing as the term is defined in Chapter 536 RSMo.

35. Section 536.150 RSMo. allows for this court to review the actions of the City de novo to determine whether the City acted in an arbitrary and capricious manner.

36. The matters contained herein constitute a justiciable controversy for which there is no adequate remedy at law.

37. Respondent, by and through its City Council, acted in an arbitrary and capricious manner in denying the Relators' Application for replat pursuant to Section 29-5.2(d) in that the Relators' Application for replat complies with the enforceable requirements of the applicable Ordinances. See Relators' Application attached hereto as **Exhibit D**; the City Staff Report attached hereto as **Exhibit E**; pertinent sections of the Ordinances attached hereto as **Exhibits B and C**; and the City Denial attached hereto as **Exhibit F**.

38. Failure of the Respondent to approve the Application is an unlawful failure to perform a ministerial act and thus is arbitrary and capricious.

39. Relators are entitled to an approval of Relators' Application for replat by this Court after hearing evidence of same that was submitted by the Relators to the Respondent.

40. Relators have incurred attorney fees for which they are entitled to recovery.

WHEREFORE, Relators pray the Court enter an order: (a) mandating Respondent to approve Relators' Application for replat and approval of the proposed City Ordinances pursuant to Exhibit G, (b) for Relators' attorney fees and costs, and (c) for such other and further relief as is just and proper.

COUNT III
Declaratory Judgment – Declaring Subsection 29-5.2(d)(4)(iii)
of the Ordinances as Unconstitutional
(Alternative Count)

41. Petitioners incorporate by reference paragraphs 1 through 40 of this Petition as though fully set forth herein.

42. A justiciable controversy has arisen between the parties as to the interpretation of the Ordinances.

43. Missouri law does not permit bodies acting in administrative / ministerial capacities to exercise arbitrary and subjective authority.

44. The City Council of Respondent acts in an administrative capacity when evaluating an application for replat pursuant to its Ordinances.

45. Ordinance sub-section 29-5.2(d)(4)(iii) purports to allow the City Council, acting administratively, to exercise arbitrary and subjective authority in the granting or denying an application for replat in that said subsection provides the following as one of the determining criteria, namely:

(iii) The replat would not be detrimental to other property in the neighborhood, or, if alleged to be detrimental, the public benefit outweighs the alleged detriment to the property in the neighborhood.

46. Sub-section 29-5.2(d)(4)(iii) does not set forth any definite objective standards or rules for the City Council to utilize in determining if the criteria for approval has been met.

47. In that sub-section 29-5.2(d)(4)(iii) does not set forth any definite objective standards or rules for the City Council to utilize in determining if the criteria for approval has been met, said subsection results in arbitrary and subjective decision-making.

48. Missouri law does not permit the City Council, acting in an administrative / ministerial capacity, to exercise arbitrary and subjective authority in evaluating Petitioners' Application for a replat.

49. The applicable Ordinance clothed the City Council, acting administratively, with unfettered discretion to approve or deny a plat.

50. Missouri case law is clear, administrative bodies may not exercise an arbitrary and subjective authority over the granting or denying of subdivision plats. *See State ex rel. Schaefer v. Cleveland*, 847 S.W.2d 867, 873 (Mo. App. 1992).

51. The applicable Ordinance, which clothes the Council with arbitrary discretion, without a definite standard or rule for its guidance, is an unwarranted attempt to delegate legislative function to the council.

52. The delegation of that legislative authority violates the fundamental constitutional principles of separations of powers.

53. Based on the above, sub-section 29-5.2(d)(4)(iii) is unconstitutional and should be stricken.

54. The Petitioners' Application for replat met or exceeded the remaining requirements for approval under the Ordinances.

55. Petitioners are entitled to approval of Petitioners' Application for replat.

56. Petitioners have incurred attorney fees for which they are entitled to recover.

WHEREFORE, Petitioners prays the Court enter an order: (a) declaring sub-section 29-5.2(d)(4)(iii) of the Ordinances null and void for being unconstitutional; (b) mandating Respondent to approve Relators' Application for replat and approval of the proposed City Ordinances pursuant

to **Exhibit G**, (c) for Petitioners' attorney fees and costs; and (d) for such other and further relief as is just and proper.

COUNT IV
Taking of Real Property
(Alternative Count)

57. Petitioners incorporate by reference paragraphs 1 through 56 of this Petition as though fully set forth herein.

58. The Denial by the Respondent is unreasonable and fails to advance a legitimate public purpose in that it deprives Petitioners of reasonable use of their Property resulting in a taking without just compensation in violation of the Fifth and Fourteenth Amendments to the United States Constitution and Article I, Section 26 of the Missouri Constitution.

59. The Denial by the Respondent was unreasonable and fails to advance a legitimate public purpose in that it denies Petitioners the right to use the Property in accordance with the zoning classification where the Property is located. Therefore, the Denial by the Respondent denies Petitioners' substantive due process of law guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and Article 1, Section 10 of the Missouri Constitution.

60. The Denial is discriminatory and constitutes a denial of equal protection under the law as guaranteed by the Fourteenth Amendment to the United States Constitution and Article I, Section 2 of the Missouri Constitution.

61. Prohibiting Petitioners' use of the Property for a use for which it has been zoned severely reduces the value of the Property; therefore Petitioners have been damaged in violation of Article I, Section 26 of the Missouri Constitution.

62. Petitioners have suffered damages in an amount as yet undetermined but expected to be in excess of Twenty Five Thousand Dollars (\$25,000.00).

63. Petitioners have incurred attorney fees for which they are entitled to recovery.

WHEREFORE, Petitioners pray the Court enter an order: (a) declaring that the Respondent's refusal to approve the Application results in a taking thus damaging the Petitioners in violation of the Fifth and Fourteenth Amendments to the United States Constitution and Article 1, Section 26 of the Missouri Constitution, (b) awarding damages to Petitioners in an amount to be determined by the evidence to compensate Petitioners for the injuries sustained by Petitioners, (c) for Petitioners' attorney fees and costs, and (d) for such other and further relief as is just and proper.

COUNT V
Violation of 42 U.S.C. Section 1983

64. Petitioners incorporate by reference paragraphs 1 through 63 of this Petition as though fully set forth herein.

65. The Denial of Petitioners' Application is enforced under color of official regulations, customs, usages and Ordinances of the City and is a violation of the Petitioners' rights, privileges and immunities as guaranteed by the United States Constitution in that:

(a) the City's Denial is truly irrational and a denial of substantive due process and equal protection as guaranteed by the Fifth and Fourteenth Amendments of the United States Constitution; and

(b) the City's Denial constitutes a taking of property without just compensation in violation of the Fifth and Fourteenth Amendments to the United States.

66. The City's Denial was reckless and callously indifferent to the Petitioners' rights.

67. Remedies for the violation set forth above of Petitioners' civil rights are provided by Article 42, United States Code Sections 1983 and 1988 including but not limited damages and attorney fees.

68. As a result of the Denial, Petitioners have suffered damages in an amount as yet undetermined, but expected to be in excess of Twenty Five Thousand Dollars (\$25,000.00) as well as punitive damages and have also incurred attorney fees to which they are entitled.

WHEREFORE, pursuant to 42 U.S.C. Section 1983, Petitioners pray the Court enter an order: (a) awarding Petitioners such damages, to be determined by the evidence, as well compensate Petitioners for Respondents violation of Petitioners' constitutional rights as set forth above and for punitive damages, (b) awarding Petitioners' reasonable attorney fees and costs pursuant to 42 U.S.C. Section 1988, and (c) such other and further orders as is just and proper.

Respectfully submitted.

Van Matre Law Firm, P.C.

/s/ Garrett S. Taylor

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Attorneys for Petitioners / Relators

22BA-CV00132

EXHIBIT A

EXHIBIT A**1615 UNIVERSITY, LLC – formerly known as 1615, 1617 UNIVERSITY, LLC**

1611 University Avenue, Columbia, Missouri - A part of Lot Fifteen (15) and part of Lot Sixteen (16) in Block Five (5) in FYFER'S SUBDIVISION of FYFER'S ADDITION to the City of Columbia, Boone County, Missouri, described as follows: Beginning on the south line of said Lot 15, at a point 30 feet east of the southwest corner of said lot, thence north parallel to the west line of said lot to the north line of Lot 15, thence east along the north line of Lots 15 and 16, the distance of 100 feet, thence south parallel to the west line of Lot 15 to the south line of Lot 16, thence west 100 feet to the Point of Beginning.

1615 University Avenue, Columbia, Missouri - Parcel 1. A part of Lots Sixteen (16) and Seventeen (17), in Block Five (5) of FYFER'S SUBDIVISION of FYFER'S ADDITION to the City of Columbia, Missouri, described as follows, to-wit Beginning at a point on the south line of said Lot 16, 10 6 feet west of the southeast corner thereof, thence north to a point on the north line of said Lot, 10 feet west of the northeast corner of said Lot, thence along the north line of Lots 16 and 17, 50 feet to a point 40 feet east of the northwest corner of said Lot 17, thence south to a point on the south line of said Lot 17, 40 feet east of the southwest corner thereof, thence west along the south line of said Lots 16 and 17 to the POINT OF BEGINNING (1615 University)

1617 University Avenue, Columbia, Missouri - Parcel 2 The east thirty (3) feet of Lot Number Seventeen (17) and the west twenty (20) feet of Lot Number Eighteen (18) in Block Number Five (5) of FYFER'S SUBDIVISION of FYFER'S ADDITION to the City of Columbia, Missouri (1617 University)

22BA-CV00132

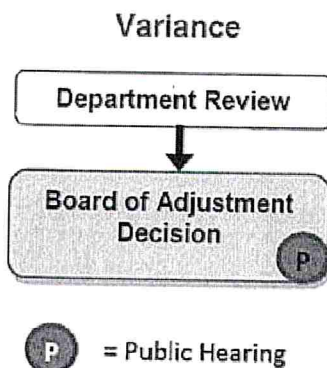
EXHIBIT B

Sec. 29-6.4. Specific regulatory procedures.

- (a) *Zoning compliance.* Each application under this chapter that does not require one or more of the specific regulatory procedures in subsections (b) through (q) below shall be reviewed for zoning compliance. Zoning compliance checks shall be conducted by the department, and applications shall be approved if they comply with this chapter. The department's decision may be appealed to the board pursuant to section 29-6.3(f).
- (b) *Building permit.*
 - (1) No erection, alteration, or enlargement of a building may begin until the owner of the property on which the building is or will be located, or the owner's authorized agent, has applied to the director for a building permit and the director has issued a building permit authorizing the proposed erection, alteration, or enlargement. The director shall issue a building permit if the application is consistent with the requirements of this chapter, all adopted and applicable building codes of the city, and all other regulations of the city. Failure to comply with the provisions of this chapter shall be good cause for the revocation of any building permit by the director. A record of such applications and plans shall be kept in the office of the department.
 - (2) Building permits may not be issued for a tract or parcel of land consisting of two (2) or more adjacent lots or one lot and a portion of another lot.
 - (3) A building permit shall only be issued on a lot as defined in section 29-1.11.
 - (4) No building permit shall be issued for construction of a new building on a lot that does not have access allowing vehicles, pedestrians, and bicycles to pass from a public street directly onto the lot, provided non-residential lots within a unified development may obtain access to a public street to the lot over an irrevocable access easement approved by the city counselor, or designee.
 - (5) No building permit shall be issued for construction of a new building on a lot until the director determines sufficient infrastructure exists, or will exist at the time the building is completed and occupied, to support the proposed use, including, but not limited to adequate utilities, storm drainage, water, sanitary sewer, electricity, streets and sidewalks.
- (c) *Certificate of occupancy.*
 - (1) *Requirement.* No vacant land shall be occupied or used except for agricultural uses, and no building erected or structurally altered shall be occupied or used until a certificate of occupancy has been issued by the director. A certificate of occupancy shall state that the building or proposed use of a building or land complies with this chapter and with all the building and health laws and ordinances of the city.
 - (2) *Vacant land.* A certificate of occupancy for the use of vacant land, or the change in the character of the use of land, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of this chapter.
 - (3) *Buildings.* A certificate of occupancy for a new building or the alteration of an existing building shall be applied for in writing coincident with the application for a building permit, and shall be issued within ten (10) days after the erection or alteration of such building or part of the building has been completed in conformity with this chapter. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the director for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. The temporary certificate shall not be construed as altering the respective rights, duties or obligations of the property owners or of the city relating to the use or occupancy of the premises, or any other

matter covered by this chapter, and the temporary certificate shall not be issued except under such restrictions and provisions as will ensure the safety of the occupants.

(d) *Variance.*



(1) *Procedure.*

- (i) An applicant may apply for a variance from the zoning regulations of this chapter, but no variance may change the review and approval procedure for any type of application set forth in this chapter.
- (ii) An application for a variance shall be decided by the board pursuant to the criteria shown in subsection (2) below, with the following exceptions:
 - (A) No variances from the subdivision standards in section 29-5.1 are permitted. Requests for deviations from the subdivision standards shall be considered by the commission and decided by council during the subdivision of land procedures in section 29-5.2.
 - (B) Variances in the historic preservation overlay district shall be approved as described in section 29-2.3(c)(14) (variances).
 - (C) Variances in the floodplain overlay district shall be approved as described in section 29-2.3(d)(15) (variance procedures) and section 29-2.3(d)(16) (conditions for variances).
 - (D) Variances from sign regulations shall be approved as described in section 29-6.4(d)(2)(ii) (sign variances).
- (iii) Any person or persons, jointly or severally aggrieved by any decision of the board, any taxpayer, or any officer or director of the city, may appeal a decision of the board to a court of competent jurisdiction.

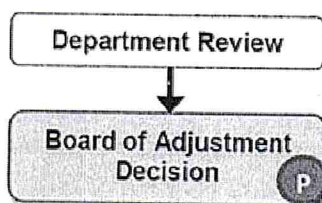
(2) *Criteria for approval.* The board may approve an application for a variance from the terms and provisions of this chapter if it determines that all of the following are true.

- (i) *General criteria.*
 - (A) The variance is required to address practical difficulties or unnecessary hardships related to the shape, size, terrain, location or other factors of the applicant's site, those difficulties or hardships are not generally applicable to property in the area, and the difficulties or hardships were not created by the actions of the applicant;
 - (B) The variance will not have the effect of permitting a use of land that is not indicated as a permitted or conditional use in section 29-3.1 (permitted use table) in the zone district

where the property is located, nor shall a variance be granted to modify a standard that operates as part of the definition of any use;

- (C) The variance will not permit a development that is inconsistent with the adopted comprehensive plan;
 - (D) The variance is the least change from the requirements of this chapter necessary to relieve the difficulty or hardship; and
 - (E) The variance will not harm the public health, safety, or welfare or be injurious to other property or improvements in the area where the property is located.
- (ii) *Sign variance.* The board may only grant a variance to the sign regulations in section 29-4.8 if it also determines (in addition to the criteria in subsection (i) above) that variance will not change both the maximum size and the maximum height of freestanding signs.
 - (iii) *Floodplain regulations.* In addition to the findings in subsection (i) above, no variance to the floodplain overlay district regulations in section 29-2.3(d) shall have any effect unless the record of the proceeding before the board contains a written opinion of a registered professional engineer that the granting of the variance would not result in any increase in quantity or velocity of flow, degradation of water quality, or negative impacts upon adjoining or downstream properties, nor upon the stormwater system, which shall be accompanied with supporting documentation used by the engineer in rendering the opinion required by this section.
- (e) *Adjustment of form-based controls.*

Major Adjustment of Form-based Controls



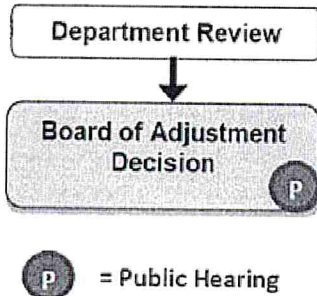
P = Public Hearing

- (1) *Minor.* An applicant for a permit or approval in the M-DT district may apply for an adjustment to the form-based controls in section 29-4.2 and the director may approve the adjustment if the director determines that all of the following criteria have been met:
 - (i) The proposed adjustment will not result in development that is inconsistent with the intended character of the M-DT district or the regulating plan for the block face including the applicant's property or the block face(s) immediately across the street(s) from the applicant's property;
 - (ii) The proposed adjustment will result in a building and site design of equal or superior quality and visual interest to that required by the application of the form-based controls in section 29-4.2; and
 - (iii) The proposed adjustment will not result in any of the following:
 - (A) Change a minimum or maximum height requirement by more than five (5) percent;
 - (B) Change a finished floor elevation requirement by more than five (5) percent;

-
- (C) Change a street wall height, length, or access gate requirement by more than ten (10) percent;
 - (D) Move a required building line further from the street;
 - (E) Move a required building line more than six (6) inches closer to the street;
 - (F) Reduce a minimum percentage of a building frontage that must be built to the required building line by more than five (5) percent of the required length;
 - (G) Move a parking setback line more than five (5) feet closer to any street;
 - (H) Increase the maximum average spacing of building entrances by more than ten (10) percent;
 - (I) Change a minimum or maximum fenestration requirement by more than five (5) percent; or
 - (J) Change the minimum or maximum depth of a building projection by more than five (5) percent.
- (2) *Major.* All other variances from the form-based controls in section 29-4.2 shall require an approval by the board, after a public hearing, following the procedure in section 29-6.4(d) but based on the criteria in section 29-6.4(e)(1)(i) and (ii) above instead of the criteria in section 29-6.4(d).
- (f) *Sign permit.*
- (1) *Applicability.*
- (i) A permit is required prior to the erection, construction, reconstruction, alteration, moving, conversion or maintenance of any sign, except those signs listed in subsection (ii) below or signs otherwise exempted in this chapter or other ordinances or regulations of the city.
 - (ii) The following types of signs may be erected without the issuance of a permit or payment of a permit fee, but each such sign shall meet all the standards and requirements for that type of sign in section 29-4.8 (signs):
 - (A) Signs indicating a home or apartment or non-residential building or structure, or part of a home, apartment, building or structure, for sale, rent, or lease;
 - (B) Construction signs;
 - (C) Memorial signs or tablets when cut into masonry surface or when constructed of bronze or other incombustible material;
 - (D) Government building signs erected on a municipal, state or federal building that announce the name, nature of the occupancy and information as to use of or admission to the premises.;
 - (E) Official signs furnished by the superintendent of the Missouri State Highway Patrol designating an official vehicle inspection station in accordance with RSMo 307.365. One such sign shall be allowed for each street frontage at all such official vehicle inspection stations, in addition to the signs allowed by the following provisions;
 - (F) Noncommercial signs;
 - (G) Commercial flags allowed under section 29-4.8(c)(11);
 - (H) Signs prohibiting peddlers, solicitors, hawkers, itinerant merchants or transient vendors of merchandise, when placed upon private residential property;

- (I) "No Parking" signs that comply with section 29-4.8(e)(8) or section 14-561 of the City Code; provided the sign does not exceed eighteen (18) inches by twenty-four (24) inches in dimension; and
 - (J) Garage sale signs.
- (2) *Procedure.*
- (i) The director shall approve the application if the director determines that it complies with this chapter and all other ordinances and regulations of the city.
 - (ii) No permit shall be issued for erection of a sign on property on which a sign plan has been approved under section 29-6.4(g) (sign plan approval), where the sign does not conform with the requirements of that plan, without the removal at the applicant's expense of all signs permitted by the plan and not otherwise permitted.
 - (iii) A permit issued under this section 29-6.4(f) shall become null and void six (6) months after the date of issuance if the work authorized by the permit has not been completed.
 - (iv) The director may revoke any permit issued pursuant to this section 29-6.4(f) if the permit holder does not comply with any of the provisions of this chapter.
- (g) *Sign plan approval.* The owner or lessee of the premises upon which a sign is to be erected may file an application with the board for approval of a sign plan upon forms provided by the city and the board may approve a sign plan allowing different numbers and types of signs permitted on a property if it determines that the following criteria are met. Sign plans are not allowed in a PD district. An adjustment to a permitted sign in a PD district requires an amendment to the PD district approval.

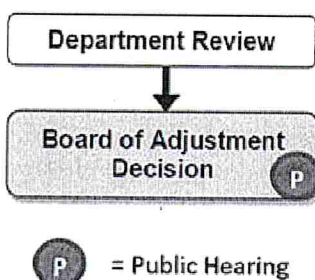
Sign Plan Approval



- (1) No unlawful signs shall be permitted;
 - (2) Each sign meets the size, setback and other limitations and requirements for that type or class of sign in section 29-4.8;
 - (3) The sign plan reduces the number of signs that would otherwise be permitted on the property;
 - (4) The sign plan reduces the total square footage of signs that would otherwise be permitted on the property;
 - (5) The sign plan does not violate the spirit or intent of section 29-4.8; and
 - (6) All nonconforming signs on the property or premises shall be brought into compliance with the requirements of this chapter.
- (h) *Temporary parking permit.*

- (1) *Procedure.* The director may issue temporary permits to allow parking of motor vehicles in a yard area as prohibited in section 29-4.3(f)(3) (parking-use of yards), for a period of up to forty-eight (48) hours on Saturdays, Sundays, and holidays, if the director determines that the criteria in subsection (2) have been met.
- (2) *Criteria for approval.*
 - (i) The parking is necessary for an event of city-wide or area-wide concern that will attract traffic that cannot be effectively served by existing accessible parking facilities; and
 - (ii) The permit will not permit parking in the yard area of a one-family, one-family attached or two-family dwelling.
- (i) *Floodplain development permit.* Floodplain development permits shall be approved as described in section 29-2.3(d) (floodplain overlay district).
- (j) *Optional development standards approval.*
 - (1) *Applicability.*

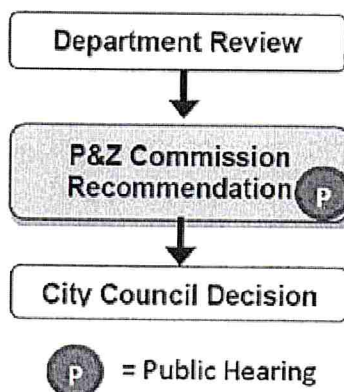
Optional Development Standards Approval



- (i) The provisions of this section apply to:
 - (A) Property owners in the R-2 district that apply to have the development of their property subject to the "cottage" development standards rather than the "current" development standards as shown in Table 29-2-3 and Table 4.1-1.
 - (B) Property owners in the M-N district that apply to have the development of their property subject to the "pedestrian" development standards rather than the "current" development standards as shown in Table 29-2-7 and Table 4.1-2.
 - (C) Property owners in the M-C district that apply to have the development of their property subject to the "transit" development standards rather than the "current" development standards as shown in Table 29-2-8 and Table 4.1-2.
- (ii) Any such application shall request that the city approve the application of all of the optional development standards available for the zone district in which the property is located, as listed in Tables 29-2-3, 29-2-7, 29-2-8, 4.1-1, and 4.1-2 respectively. The board may not approve an application requesting application of some but not all of the optional development standards listed in the applicable tables for the zone district where the property is located.
- (2) *Procedure.*
 - (i) The department shall review the application and make a recommendation to the board, which shall hold a public hearing on the application.

- (ii) If approved by the board, the applicability of the optional development standards shall be indicated by recording a notice with the recorder of deeds.
- (iii) The owner of property for which optional development standards have been approved subject to this section 29-6.4(j) may apply to have the "current" development standards reapplied to the property, and the board may approve that application, through the same process and using the same criteria used to approve the optional development standards.
- (3) *Criteria for approval.* The board may approve an application for optional development standards if it determines that the following criteria have been met:
 - (i) The use of optional development standards is consistent with the intended character of the area as shown and described in the city's adopted comprehensive plan;
 - (ii) The use of the optional development standards will provide adequate off-street parking for the permitted uses available in the zone district where the property is located, and will not result in significant increases in off-site parking on sections of local neighborhood streets other than those immediately fronting the applicant's property; and
 - (iii) The use of the optional development standards will not create additional traffic congestion or risks to public health and safety in the surrounding area.
- (k) *Certificate of appropriateness.* A certificate of appropriateness in the HP-O district shall be approved as described in section 29-2.3(c)(8).
- (l) *Landmark and historic district designation.* Designation of landmark and historic districts shall be approved as described in sections 29-2.3(c)(5) and (6). If designated, the district shall be added to the list of approved districts in section 29-2.3(c)(7).
- (m) *Conditional use permit.*
 - (1) *Procedure.*

Conditional Use Permit

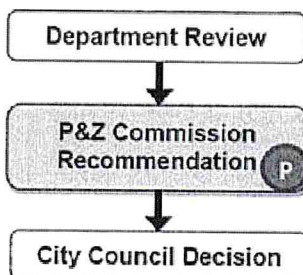


- (i) Except as otherwise specifically provided elsewhere in this chapter, the department shall review the application and shall forward a recommendation to the commission based on the criteria listed in subsection (2) below.
- (ii) The commission shall hold a public hearing on the application and shall make a recommendation to the council. The commission's recommendation shall be based on the criteria in subsection (2) below and shall be in writing.

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- (iii) After the public hearing in front of the commission, the commission may make a tentative recommendation and direct the department to draft a proposed written recommendation to be presented to commission at its next meeting. The applicant may also submit a proposed recommendation to the commission. The commission may accept, reject, amend or modify any proposed recommendation and shall submit a proposed recommendation to the council.
 - (iv) The council shall take final action on the application after considering the criteria in subsection (2) below. The council's decision shall be in writing. The council may accept, reject, amend or modify any written recommendation of the commission and adopt such recommendation as its final written decision.
 - (v) An application for a conditional use permit may be combined with an application for a variance, but the board shall decide the application for a variance based on the criteria for approval in section 29-6.4(d) (variance) before the commission holds its public hearing on the conditional use permit.
 - (vi) A conditional use permit is to allow that use on a specific site and may not be transferred to any other site.
- (2) *Criteria for approval.* After giving due consideration to the following criteria, the commission may recommend and the council may grant a conditional use permit which may include any conditions deemed necessary to carry out the provisions and intent of this chapter.
- (i) *General criteria.*
 - (A) The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located;
 - (B) The proposed conditional use is consistent with the city's adopted comprehensive plan;
 - (C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;
 - (D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion;
 - (E) Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided; and
 - (F) The proposed conditional use will not cause significant adverse impacts to surrounding properties.
 - (ii) *Criteria for communication antennas and towers.* When considering a conditional use permit application for a communications antenna or tower, the application shall be submitted to the board and the board shall consider the following criteria in addition to those listed in subsection (i) above, and its decision shall be based on substantial evidence in the written record:
 - (A) Whether or not existing towers are located within the geographic area necessary to meet the applicant's engineering requirements;
 - (B) Whether or not existing towers, structures or buildings within the applicant's required geographic area are of sufficient height to meet system engineering requirements;
 - (C) Whether or not existing towers or structures have sufficient structural strength to support the applicant's proposed antenna;

- (D) Whether or not the fees, costs, or other contractual terms required by the owner(s) of existing tower(s), structure(s) or building(s) within the required geographic area of the applicant or to retrofit the existing tower(s) or structure(s) are reasonable;
 - (E) Whether or not there are other limiting conditions that render existing towers, structures or buildings within the applicant's required geographic area unsuitable;
 - (F) Whether or not the proposal minimizes the number and size of towers or structures that will be required in the area;
 - (G) Whether or not the applicant has previously failed to take advantage of available shared use opportunities provided by this section or otherwise; and
 - (H) Whether or not the applicant has provided sufficient evidence indicating that the tower will be made available for use by others, subject to reasonable technical limitations and reasonable financial terms.
- (n) *Text and zoning map amendments.*
- (1) *General zoning map and text amendments.*
- (i) *Applicability.*

**Ordinance Text or
Zoning Map
Amendment (General)**



P = Public Hearing

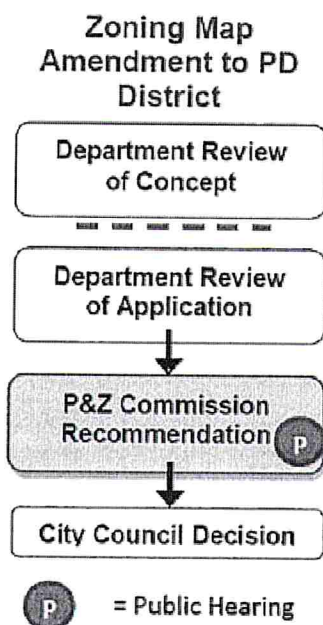
- (A) Any person, firm, or corporation owning real property within the city, the commission, or the council may file an application to change the text of this chapter.
- (B) Any person, firm, or corporation owning real property within the city, or the commission, or the council, may file an application to change the boundaries of any base or overlay district on the zoning map, including, but not limited to, proposed changes in the regulating plan for the M-DT district; provided that no person, firm, or corporation may file an application to change the boundaries of a base or overlay zone district or any portion of the regulating plan for property not owned by that person, firm, or corporation.
- (C) No application for a general zoning map or text amendment shall request changes in the alternative; the requested text and/or boundary change shall be stated as a single proposal to the city. An applicant may include separate requests for changes to more than one section of the chapter, or to the zoning map as applied to more than one lot, tract or parcel in common ownership, so long as no changes are presented in the alternative.

- (D) No application to amend the zoning map may be filed if it is the same or substantially the same as an application submitted within the previous twelve (12) months that was denied by the council or withdrawn by the applicant after a negative recommendation from the commission. The council may, in its sole discretion, authorize a resubmittal within the twelve-month period after reviewing a written request from the applicant that provides justification for the early resubmittal.

(ii) *Procedure.*

- (A) The department shall review the application and shall forward copies of the application and supporting documents to other city departments and public or quasi-public agencies affected by the requested change. The departments or agencies to which the application is sent shall, within ten (10) days of receipt of the application and supporting materials, forward their recommendations to the department. The failure of a department or agency to respond within ten (10) days shall be construed as that department or agency having no objections to the proposed change.
- (B) The department shall make a written recommendation to the commission as to whether the proposed change conforms to the city's adopted comprehensive plan, whether adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are available to support development that would be enabled by a proposed zoning map change, and the expected results of the proposed change.
- (C) The commission shall hold a public hearing on the application and shall make a recommendation to the council.
- (D) The council shall take final action on the application. The council shall not approve a change to the chapter text or zoning map that allows less restrictive development, or that enlarges the area to be rezoned beyond the area that was the subject of the public notice and commission public hearing.
- (E) If a protest against a change to the zoning map duly signed and acknowledged by the owners of thirty (30) percent or more, either of the area of land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the area proposed to be changed, the zoning map change amendment shall only be adopted if it receives the affirmative vote of two-thirds ($\frac{2}{3}$) of the members of the council then in office and not disqualified from voting under section 2-53.1 of the City Code. An abstention shall not be counted either for or against the amendment. In order to be valid, protest petitions must be filed with the city clerk no later than noon on the Wednesday before the council meeting at which the proposed amendment is scheduled to be considered for passage.
- (F) The city manager may place a council bill that changes the zoning map, including but not limited to a proposed change in the regulating plan for the M-DT district, or approves a development plan, or amends this chapter, on the council consent agenda if the city manager determines that the following criteria have been met:
- 1) The commission has recommended approval of the application and less than twenty-five (25) percent of the commissioners present voted against the motion to recommend approval;
 - 2) The applicant agrees with the commission recommendation, including but not limited to any conditions, limitations, or restrictions to the application as originally filed;
 - 3) No protest petition has been timely filed with the city clerk; and

- 4) The commission has not recommended that the proposal be considered under old business.
- (G) Any council bill to change the zoning map including but not limited to proposed changes in the regulating plan for the M-DT district; placed on the consent agenda shall be removed and placed under old business at the request of any council member. The council may remove any such bill from the consent agenda and place it under old business at the council meeting at which the council bill is scheduled to be considered for passage.
- (2) *Zoning map amendments to PD district.*
- (i) *Applicability.*



- (A) Applications to change the zoning map to designate land into a PD district, or to modify a PD district, shall be made, reviewed, and decisions made as described in section 29-6.4(n)(1) above, except to the extent those requirements are modified in this subsection.
- (B) Rezoning to a PD district requires council approval of a zoning map amendment, a statement of intent for the proposed development, and a development plan for the property. The statement of intent and development plan shall be binding on the owner and its successors and assigns. Later development applications must be consistent with the approved statement of intent and development plan, or the development plan will need to be modified by council action.
- (ii) *Approval procedure.*
- (A) Before filing an application, the applicant must first meet with the director for a concept review of the proposal. The concept review is an informal discussion to discuss land use and development concepts, consistency with the city's adopted comprehensive plan, applicable sections of this chapter and other city ordinances and regulations, and other concerns about the impacts of the proposed change that may be raised.

The application shall be accompanied by a statement of intent including, at a minimum, those items listed below and a development plan meeting the city's requirements as

defined within the UDC Administrative Manual. The application and development plan shall be reviewed by the department and commission, and shall be the subject of final action by council, simultaneously. No application for a zoning map change to a PD district shall be approved without approval of an accompanying statement of intent or development plan. The required statement of intent shall, at a minimum, include the following items:

- 1) The uses proposed in the PD district using the same names for uses, or combinations of those names, shown in Table 29-3.1. Such list may not contain any use that is not shown in Table 29-3.1 as that table appears at the time of the application;
 - 2) The type(s) of dwelling units proposed and any accessory buildings proposed;
 - 3) The maximum number of dwelling units and bedroom mix (multi-family only) proposed and the development density (net and gross);
 - 4) Minimum lot sizes, if applicable, maximum building height, minimum building setbacks from perimeter and interior streets, other property lines and minimum setbacks between buildings;
 - 5) The total number of parking spaces proposed (on-site or off-site) and the parking ratio per dwelling unit. Where off-site parking is proposed documentation shall be provided showing compliance with the provisions of this chapter;
 - 6) The minimum percentage of the entire site to be maintained in open space, shown by the percent in landscaping and the percent left in existing vegetation; and
 - 7) Any amenities proposed, such as swimming pools, golf courses, tennis courts, hiking trails or club houses.
- (B) The application materials shall document whether adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are available to support the proposed development.
- (C) If the proposed PD development will require subdivision or resubdivision of land, the requirements of section 29-5 regarding subdivision of land shall apply, but the application for a PD district and subdivision of land may be completed simultaneously as described in section 29-5.2(c)(2). Any design modifications to the subdivision regulations proposed as part of the PD application shall be clearly stated on the PD development plan. Such design modifications shall be considered along with commission and council review of the plan.
- (D) No building permit shall be issued for any construction in a PD district until the development plan has been approved by the council.
- (E) No building permit shall be issued for any construction in a PD district that requires subdivision or resubdivision of land until a final subdivision plat for the property on which permits are requested has been approved by council.
- (F) If the PD includes buildings other than single-family detached dwellings or two-family dwellings, with each such dwelling located on an individual platted lot, no building or footing and foundation permit shall be issued until the site plan filed with the application for a building permit has been reviewed by the director for compliance with the approved development plan.

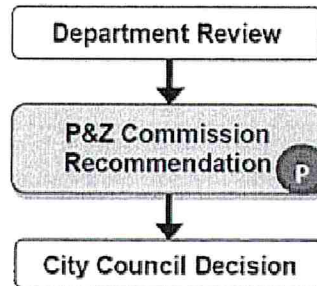
- (G) If construction consistent with the approved development plan has not begun within three (3) years after council approval of the development plan or a major modification of the development plan, the development plan shall expire and be of no force or effect, and no permit for development within the PD district shall be approved until a new development plan is approved pursuant to the same procedures used to approve the initial PD district. Prior to expiration of the PD development plan, the council may extend the time for a one-year period, on a one-time-only basis. A request for a time extension must be made in the form of a letter signed by the property owner or his agent.
- (iii) *Modification procedure.*
- (A) Minor changes to an approved development plan may be approved by the director. If the PD district contains any single-family detached dwellings or two-family dwellings, minor changes are those that:
- 1) Comply with the original statement of intent;
 - 2) Do not increase the project density in total or in areas of the PD;
 - 3) Do not change the dwelling unit type (attached, detached, multi-family) being altered;
 - 4) Do not increase the height or size of any building;
 - 5) Do not change the size or nature of public or private infrastructure;
 - 6) Do not change the project amenities such as landscaping, open space, common area or recreational facilities;
 - 7) Do not rearrange the locations of buildings;
 - 8) Do not increase any parking area;
 - 9) Do not change the permitted use of any structure; and
 - 10) Do not create a potential increase in traffic.
- (B) If the PD district contains does not contain any single-family detached dwellings or two-family dwellings, minor changes are those that:
- 1) Do not increase the height or size of any building;
 - 2) Do not increase any parking area;
 - 3) Do not rearrange the locations of buildings;
 - 4) Do not change the size or nature of public or private infrastructure; and
 - 5) Do not change the project amenities such as landscaping, open space, common area or recreational facilities.
- (C) Changes that do not meet the criteria for a minor change under subsection (a) or (b) above, as applicable, shall follow the same procedure as if it were a new development plan for the PD district.
- (3) *Zoning map amendment to UC-O district.* Applications to change the zoning map to designate land into a UC-O district, or to modify a UC-O district, shall be made, reviewed, and decisions made as described in section 29-6.4(n)(1) above, except to the extent those requirements are modified in section 29-2.3(a) (UC-O district).

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- (4) *Zoning map amendment to SR-O district.* Applications to change the zoning map to designate land into a SR-O district, or to modify a SR-O district, shall be made, reviewed, and decisions made as described in section 29-6.4(n)(1) above, except to the extent those requirements are modified in section 29-2.3(b) (SR-O district).
- (5) *Zoning map amendment to R-MH district.*
- (i) *Applicability.*
- (A) Applications to change the zoning map to designate land into an R-MH district, or to modify an R-MH district, shall be made, reviewed, and decisions made as described in section 29-6.4(n)(1) above, except to the extent those requirements are modified in this subsection.
- (B) Applications to change the zoning map to designate land into an R-MH district require council approval of both a zoning map amendment and a development plan for the property that shall be binding on the owner and its successors and assigns. Later development applications must be consistent with the approved development plan, or the development plan will need to be modified by council action.
- (ii) *Procedure.*
- (A) Before filing an application, the applicant must first meet with the director for a concept review of the proposal. The concept review is an informal discussion to discuss land use and development concepts, consistency with the city's adopted comprehensive plan, applicable sections of this chapter and other city ordinances and regulations, and other concerns about the impacts of the proposed change that may be raised.
- (B) The application shall be accompanied by a preliminary development plan meeting the city's requirements, and the application and development plan shall be reviewed by the department and commission, and shall be the subject of final action by council, simultaneously. No application for a zoning map change to an R-MH district shall be approved without approval of an accompanying preliminary development plan.
- (C) If council approves the zoning map change ordinance and the preliminary development plan, with or without conditions, the applicant shall submit a final R-MH development plan to the director. The director shall approve the application if it complies with this chapter, all other city ordinances and regulations, and is consistent with the preliminary development plan as approved by council.
- (D) If the proposed R-MH development will require subdivision or resubdivision of land, the requirements of section 29-5 regarding subdivision of land shall apply, but the application for a R-MH district and subdivision of land may be completed simultaneously as described in section 29-5.2(c)(2). Any design modification to the subdivision regulations proposed as part of the R-MH application shall be clearly stated on the development plan. Such design modification shall be considered along with commission and council review of the plan.
- (E) No building permit shall be issued for any construction in an R-MH district until the final development plan has been approved by the director.
- (F) No electrical permit shall be granted for a manufactured home located in an R-MH district with an approved final development plan unless the placement of the manufactured home is in compliance with the approved final development plan.
- (G) No building permit shall be issued for any construction in an R-MH district that requires subdivision or resubdivision of land until a final subdivision plat for the property on which permits are requested has been approved by council.

- (iii) *Enlarging existing manufactured home parks.* An application to enlarge manufactured home parks existing on the effective date shall be subject to all provisions of this section relating to requirements for adoption of a new R-MH district. When a final development plan is approved for an extension of a manufactured home park existing on the effective date the screening requirements of section 29-4.4 shall apply to the entire manufactured home park.

(o) *Comprehensive plan amendment.*

Comprehensive Plan Amendment



P = Public Hearing

- (i) *Applicability.* This procedure may be used to amend the city's adopted comprehensive plan or to adopt a new comprehensive plan. An application to amend the comprehensive plan may be filed by the commission, the council, or any resident of the city. An application to adopt a new comprehensive plan may be filed by the commission or the council.
- (ii) *Procedure.*
- (A) The director shall review the application and make a report to the commission regarding the areas of change from the adopted comprehensive plan and the anticipated long-term impacts of those changes on the growth, development, and sustainability, and affordability of the city, the investment climate in the city, and the efficiency of city administration.
 - (B) The commission shall review the application, hold a public hearing on the proposed amendment, and make a recommendation to council.
 - (C) The council shall take final action on the application.
- (p) *Tall structures in the M-DT district.*
- (i) *Applicability.* This procedure shall apply to proposed construction of buildings located upon frontages designated as urban general/urban general storefront on the M-DT regulating plan that seek to exceed the permitted maximum building height as defined within section 29-4.2 of this chapter.
 - (ii) *Procedure.* All proposed buildings that exceed the maximum building height shall require council approval. Requests for tall structure approval in district M-DT shall require a petition on a form provided by the director and shall be referred to the commission for a recommendation and council consideration of an ordinance approving the tall structure in the same manner and following the same procedural steps as described in section 29-6.4(n) of this chapter.
- Petitioners shall provide the planning and zoning commission with preliminary building plans (elevations and representative floor plans), site plan including adjacent streets and alleys, and a shade study. A "shade study" represents, in graphic form, the shade cast by the tall structure on adjacent

properties and streets, by time of day and by season. An example of adverse impacts revealed by a shade study would be complete shading of rooftop solar panels mounted on an adjacent, lower building.

A tall building may be approved by the council if it satisfies the following criteria:

- (A) The height is consistent with adopted city plan recommendations for maximum building height in the specific location;
- (B) The additional height will not have an adverse impact on the availability of air and light to adjacent buildings and public streets; adequate spacing exists between the proposed building and openings in the walls of an adjacent building or between the proposed building and rooftop spaces used as amenities to allow the penetration of sunlight to those openings or rooftop spaces;
- (C) The additional height will not create demand on any public utility or public infrastructure in excess of available capacity, as concluded by an engineering analysis of the projected utility loads and the existing and planned capacities of infrastructure to accommodate it; and
- (D) Public sidewalks, crosswalks, and streets adjacent to the site are of sufficient capacity to handle the anticipated pedestrian and vehicular traffic generated by the tall structure, as concluded by a traffic impact analysis.

(Ord. No. 24566 , § 1, 3-1-21; Ord. No. 24567 , § 1, 3-1-21)

22BA-CV00132

EXHIBIT C

Sec. 29-5.1. Subdivision standards.

(a) *Applicability.*

- (1) The standards in this article 5 shall apply to land in all districts except the M-DT district whenever land is subdivided or re-subdivided to create, change, or establish the boundaries of parcels for development or redevelopment, unless this chapter provides an exception.
- (2) In the M-DT district, all subdivisions shall comply with the requirements of the regulating plan and other applicable standards in section 29-5.1, including but not limited to requirements for blocks, through connectivity, intersections, terminating streets, alleys, and sidewalks, and shall also comply with the M-DT district recommended street cross-sections in appendix A to the greatest degree practicable. If the requirements of section 29-4.2 conflict with the provisions of this section 29-5.1, the provisions of section 29-4.2 shall apply. If the provisions of section 29-4.2 are silent on a topic addressed by this section 29-5.1, the provisions of this section 29-5.1 shall apply.

(b) *Avoidance of sensitive areas.* Except under approved special safeguards, land shall be neither subdivided nor developed, where there is a finding by the council that a proposed subdivision or development poses a threat to the safety, health and general welfare of inhabitants of the land or surrounding areas due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations, topography, utility easements or other adverse conditions. Portions of the proposed subdivision or development that cannot be developed without damage to sensitive areas shall be set aside for such use as shall not pose an undue hazard to life and property.

(1) *Land analysis map.*

- (i) Each application for subdivision or re-subdivision of a land area of five (5) acres or more, either alone or contiguous with another subdivision by the same applicant, shall prepare and submit a land analysis map identifying sensitive lands to be protected from development. Such map shall be provided at the time of concept review for property proposed to be preliminarily platted regardless of the parcel size. In preparing such land analysis map, those areas shown on the future land use map of the city's comprehensive plan as "sensitive" shall be identified as well as other areas which through reasonable investigation should be known to be sensitive areas.
- (ii) The land analysis map shall identify, as sensitive lands to be protected from development, all of the following:
 - (A) Stream corridors, which shall include all land from top-of-bank to top-of-bank of any waterway, shown as a solid blue or dashed blue line on the corresponding USGS 7.5 minute quadrangle map and further defined within chapter 12A of the City Code;
 - (B) Steep slopes, which shall include all land with a natural undisturbed average vertical slope of twenty-five (25) percent or more and height of ten (10) feet or greater, measured from top-of-slope to foot-of-slope, plus an additional ten (10) feet or additional setback as required by chapter 12A as it relates to stream buffers; and
 - (C) Any lands designated as floodway on the Flood Insurance Rate Maps (FIRMs) for the City of Columbia or FIRMs for unincorporated Boone County if the subject subdivision or re-subdivision is not inside the city's boundary. In instances where the designated floodway has been modified or amended by action of the Federal Emergency Management Agency (FEMA) and is not reflected on the adopted FIRM Maps, proof of such modification or amendment shall be provided at the time of land analysis map submission and shall be recognized as the official boundary of the floodway.

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- (iii) The land analysis map shall further identify that portion of a site located within the flood plain (i.e. flood fringe) shown on the Flood Insurance Rate Maps (FIRMs) for the City of Columbia or FIRMs for unincorporated Boone County if the subject subdivision or resubdivision is not inside the city's boundary. Such areas shall not be considered restricted from development; however, they are subject to the development standards of the FP-O (floodplain overlay) district. Preservation and avoidance of such areas in the course of site development may qualify for a "preservation bonus" in accordance with the provisions provided below.
 - (2) *Avoidance of sensitive lands.* The applicant shall lay out the subdivision or re-subdivision so that:
 - (i) To the greatest degree practicable, no lot intended for development shall include land features designated as sensitive lands, as indicated in section 29-5.1(b)(ii), unless such inclusion is supported by:
 - (A) Written and graphical documentation that avoidance was not possible and the corresponding code provision(s) requiring such inclusion, to meet the regulatory requirements of this chapter, are cited, and
 - (B) Written certification by a Missouri Licensed Professional Engineer that such inclusion will not pose a threat to the health, safety, and welfare of the inhabitants of the surrounding land.
 - (ii) If any lot intended for development includes designated sensitive lands, construction of permanent structures shall be restricted to a designated building envelope that does not include any designated sensitive land areas. The sensitive lands on the lot shall be permanently protected by designation within a preservation easement or located on a separate common lot; and
 - (iii) Street crossings of sensitive land areas are minimized to the maximum extent practicable.
 - (3) *Adjustment of minimum lot sizes.* If the avoidance of designated sensitive lands except floodways results in a subdivision containing fewer buildable parcels than would have been allowed if sensitive lands were not avoided, the applicant may adjust the minimum lot size and/or lot width in the subdivision by up to fifteen (15) percent to recapture as many lots as would have been possible if sensitive lands were not avoided. This reduction shall not be combined with any other lot area or width reduction permitted elsewhere within this chapter.
 - (4) *Preservation bonus—Floodplain/flood fringe avoidance.* If a property owner or developer chooses to voluntarily restrict subdivision development from those areas shown on the land analysis map as floodplain/flood fringe, in addition to those areas identified as "sensitive features", the following shall be permitted:
 - (i) For developments zoned R-1, R-2, R-MF, M-OF, and M-N, where single- or two-family lots are created, minimum lot size and/or lot width may be reduced up to twenty-five (25) percent of that required by this chapter. This reduction shall not be combined with any other lot area or lot width reduction permitted elsewhere within this chapter.
 - (ii) For developments zoned R-MF, M-OF, M-N, M-C, or IG parking may be reduced by a maximum of ten (10) percent from that required by Table 4.3-1, unless otherwise restricted within this chapter.
 - (c) *Streets.*
 - (1) *Street improvements generally.*
 - (i) Streets, curbs and gutters shall be improved to comply with the standards in this chapter, the adopted city street and storm sewer specifications and design standards, and all design standards
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and specifications promulgated by the director of public works or adopted by the council, and in accordance with the final construction plans required to be approved prior to final plat approval.

- (ii) Notwithstanding any provisions of this chapter or standards listed in subsection (i), if land is subdivided in the R-1 district or subdivided for single-family residential development in a PD district, and the minimum size of each lot is two (2) acres or more in size:
 - (A) The subdivision shall not be required to install sidewalks along roadways classified below collector status, or curbs or gutters, but may manage street-related stormwater through the use of bioswales or natural areas designed to allow infiltration of stormwater into the soil, rather than transmitting it to a piped stormwater system.
 - (B) The director of public works may approve alternative construction standards for road surfaces and lane widths to reflect anticipated low traffic volumes and preserve rural character while protecting traffic safety and emergency service access.
- (2) *Responsibility for improvements costs.* Except as otherwise provided herein, the costs of construction of required public improvements shall be paid by the applicant. It is the policy of the city to participate in or contribute only to certain additional costs of construction of major thoroughfares over and above the normal costs of local standard streets, when streets are designated at higher standards by the city. Such participation, and its timing, is not mandated and is solely at the discretion of the council, according to the needs of the community.
- (3) *Connectivity.*
 - (i) *Streets.* Streets shall comply with the following standards:
 - (A) Local streets shall be designed to provide convenient and safe access for all modes of transportation, including bicycles and pedestrians, to all properties and to permit efficient drainage and utility systems.
 - (B) Through streets shall be designed as shown in Figure 5.1-1. The street alignment shall be determined at the time of platting, but the plat shall include at least the number of direct connections between arterials or collectors as shown in Figure 5.1-1. If the provisions of section 29-5(c)(1)(ii) regarding large lot residential development apply, then only the provisions of Figure 5.1-1 applicable to arterial and collector streets apply.

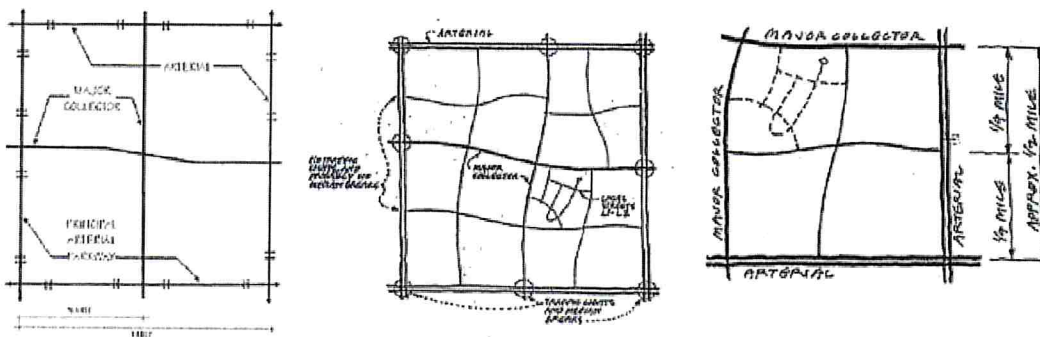


Figure 5.1-1. Required street layouts

- (C) As an alternative to complying with the through street requirements of subsection (B) above, the applicant may prepare a connectivity index calculation that divides the number of street segments within the plat (i.e. sections of streets between intersecting streets) by the number of intersections within and at the boundaries of the plat to achieve a

connectivity index of 1.65 or more. An example of a connectivity index calculation is shown in Figure 5.1-2 below.

- (D) Straight streets more than eight hundred (800) feet long shall be avoided to discourage speeding, but may be approved by the director in the event a shorter street is impracticable due to terrain or other unique site constraints.
- (E) Individual local residential street segments should serve no more than thirty (30) dwelling units without additional street connections unless otherwise permitted for by this chapter.
- (F) Cul-de-sacs and loop (U-shaped) streets should not exceed three hundred (300) feet in length but may be approved in unique circumstances to avoid steep slopes, major creeks, floodplains, wetlands and other sensitive environmental areas.

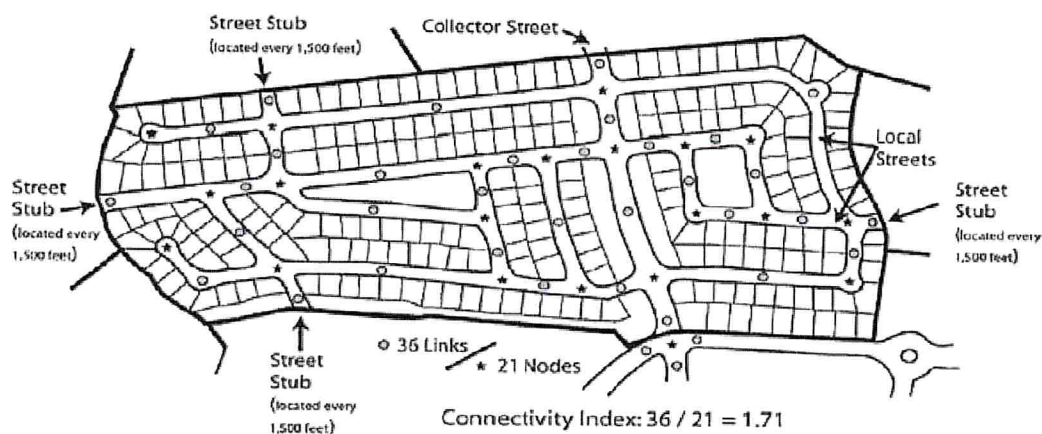


Figure 5.1-2: Connectivity Index

- (G) Where a subdivision abuts or contains an existing arterial street or highway having limited access, lots abutting such roadways shall be arranged such that the rear yards abut the arterial street or highway, or access to such lots is provided from an adjacent frontage road or other street design which provides for adequate protection of residential properties, affords separation of through and local traffic, provides a safe route for all modes of transportation, and provides for suitable access to the property involved.
- (H) When a new subdivision adjoins unplatted or undeveloped land, the new streets shall be carried to the boundaries of such land unless vehicular access is unnecessary or inappropriate due to existing or proposed development with incompatible traffic generation on the adjacent platted or unplatted lands or designation of sensitive areas. A temporary turnaround approved by the director of public works shall be installed at the point where the properties connect, except when the terminus of the street is less than one hundred fifty (150) feet from an intersecting street right-of-way.
- (I) Where street connections to adjoining land are not provided and there is a need for non-vehicular public access to a school, park, trail or other area or use, the city may require the dedication and improvement of a green space access easement or trail easement to serve the needs of the proposed development. Whenever such public improvements are required, the city shall accept ownership and maintenance in the form of fee title or an easement, as determined in the best interest of the public.

- (J) Permanent terminal streets shall not be longer than seven hundred fifty (750) feet, measured from the center of any cul-de-sac to the right-of-way line of the nearest through street from which it derives.
 - (K) Four-way intersections of local streets will be platted and constructed according to the standards set forth in appendix A unless otherwise approved by the director of public works.
- (ii) *Blocks.* Streets shall intersect at intervals not exceeding six hundred (600) feet or less than two hundred fifty (250) feet. Blocks shall have sufficient depth to provide for two (2) tiers of lots of appropriate depth. The director may approve exceptions to block depth when blocks are adjacent to major streets, railroads, waterways, or other sensitive environmental areas (e.g., steep slopes, waterways).
- (4) *Widths.*
 - (i) The right-of-way width required to be dedicated and the pavement width required to be constructed for streets shall comply with the standards in appendix A for each street classification.
 - (ii) Proposed subdivisions that include existing street right-of-way narrower than required by appendix A shall provide for dedication of additional right-of-way width along one or both sides of the street. Proposed subdivisions abutting only one side of such streets shall provide for dedication of additional right-of-way width to constitute one-half (½) of the right-of-way width required.
- (5) *Grades.*
 - (i) The grades of streets shall comply with the standards and design criteria in appendix A.
 - (ii) Where it is impracticable to comply with the standards set forth in appendix A, written approval to deviate from the specific standards which cannot be met must be obtained from the director of public works, who shall make a determination as to whether the requested deviation is necessary and consistent with protection of the public and traffic safety.
- (6) *Curves.* Curves shall comply with the design criteria in appendix A unless the director of public works determines that a more restrictive requirement is necessary to safeguard the public health, safety and general welfare from potentially hazardous street design.
- (7) *Alleys.*
 - (i) Residential alleys shall be permitted in all residential districts.
 - (ii) Nonresidential alleys shall be provided in mixed use and special districts when off-street loading and parking are not otherwise provided.
 - (iii) The right-of-way width of an alley shall be twenty (20) feet and the pavement width shall be sixteen (16) feet, except in the M-DT district, where alley improvements and new alleys should be designed in accordance with the M-DT district alley cross-section in appendix A, when feasible.
 - (iv) When alleys intersect, the intersection right-of-way lines shall be rounded by a curve with a radius of at least five (5) feet in length.
- (8) *Transportation impact analysis.* The city may require that a transportation impact analysis (TIA) be prepared as part of the approval process for any new development. An estimate of the trips generated by a proposed development will be completed to determine if a TIA is required. Any proposed development that would produce one hundred (100) or more trips in and out of the development site at peak hour shall be required to submit a TIA in accordance with the provisions contained in the UDC

Administrative Manual. The purpose of the TIA is to estimate the traffic impacts created by the new development on the surrounding street system. Any significantly adverse traffic impacts identified in the TIA must be mitigated by the applicant.

(d) *Sidewalks.*

(1) *Applicability.*

- (i) The following standards apply to any subdivision that receives final plat approval after the effective date of this chapter and any subdivision platted before 2001 that is less than twenty-five (25) percent built-out. Any subdivision platted before 2001 and built-out by twenty-five (25) percent or more shall complete construction in accordance with the sidewalk standards in place at the time of final plat approval.
- (ii) Undeveloped lots shown on subdivision plats that received final approval before January 1, 2001 shall install sidewalks in compliance with the city street and storm sewer specifications and design standards now applicable or later issued by the director of public works or adopted by the council, along their respective street frontage(s), unless otherwise specified in this chapter.

(2) *Standard requirements.*

- (i) No permit shall be issued for the construction of a new building or additions to buildings on property located on an arterial or collector street unless:
 - (A) A sidewalk exists adjacent to the property along the arterial or collector street; or
 - (B) The plans for the building provide for the construction of such a sidewalk; or
 - (C) Otherwise specified as a note on the plat or in a performance contract between the developer and the city.
- (ii) The requirements of subsection (i) do not apply to construction of accessory buildings.
- (iii) No certificate of occupancy shall be issued for any building described in subsection (i) if the building plans provide for construction of a sidewalk along an arterial or collector street unless the sidewalk has been constructed or the property owner has provided a bond, letter of credit or other instrument acceptable to the director of public works guaranteeing construction of the sidewalk within six (6) months of issuance of the certificate of occupancy.
- (iv) Sidewalks are not required along streets classified as freeways.
- (v) Sidewalks shall be required on both sides of expressways and frontage roads unless the council determines that potential or existing pedestrian volumes do not necessitate sidewalks to safeguard the public health, safety and general welfare.
- (vi) Sidewalks shall be constructed within all pedestrian easements and on both sides of all internal streets and on the abutting side of any adjacent street unless otherwise specified in this UDC.
- (vii) A sidewalk shall not be required along a residential access street that is less than two hundred fifty (250) feet in length and terminates in a cul-de-sac. Sidewalks shall be a minimum of five (5) feet in width along all other streets.
- (viii) Where a final plat creates a common lot or a non-buildable lot, a sidewalk shall be constructed along the portion of each street abutting the lot at the same time the abutting street is constructed or within three (3) years of such lot being created when such lots abut an existing street. No street shall be accepted for public maintenance upon which a common lot or non-buildable lot fronts without first having such sidewalk located adjacent to such lot being installed. This subsection shall not apply to any subdivision that received final plat approval before January 1, 2006.

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- (ix) Sidewalks shall be constructed to comply with the standards contained in this section 29-5.3(d)(2) and with the city design standards and specifications established by the director of public works or adopted by the council.
 - (x) Whenever a permit is issued to construct, reconstruct, repair, alter or grade any sidewalk curb, curb cut, driveway or street, handicapped ramps shall be required to be installed in accordance with design standards included in the city's standard plan and specifications at all curb and driveway crossings to be constructed, reconstructed, repaired or altered; provided, that the director of public works may waive said requirement if he determines that requirement of handicapped ramps is impractical under all the circumstances.
 - (xi) The council may require a sidewalk to be constructed to standards higher than the minimum standards of this section 29-5.1(d)(2) provided that the city compensate the property owner for the additional cost of constructing the sidewalk.
- (e) *Bike lanes and pedways.* Bicycle lanes and pedways shall be designed and constructed in accordance with appendix A and all applicable design standards and specifications promulgated by the director of public works or adopted by council.
- (f) *Lots.*
- (1) *Lot arrangement.* Lots shall be arranged to comply with building permit requirements of this chapter as to minimum size and width in the zone district where the property is located, as well as access, relation to topography, provision of utility service, or other conditions specified in this chapter or in other standards and specifications adopted by the city. Lots in subdivisions that qualify for the solar access density bonus in section 29-4.1(b)(2) or the cluster subdivision density bonus in section 29-4.1(b)(3), and lots that are organized to avoid sensitive lands as described in section 29-5.1(b) shall comply with the minimum lot size and width in the zone districts where the lots are located, as adjusted by the provisions of those sections of this chapter.
 - (i) *Corner lots.* Corner lots shall have sufficient width for compliance with front and side yard building setback requirements set forth in this chapter.
 - (ii) *Side lot lines.* Side lot lines should generally be at right angles to straight streets and radial to curved streets.
 - (iii) *Tier lots (aka flag lot or stem lot).* The commission may allow tier lots on previously unplatted land when the following criteria are met:
 - (A) Tier lot design is the only feasible means to access lots due to extreme topographic conditions;
 - (B) The stem of a tier lot, that is, the portion of the lot which connects its required yard area and its buildable area with its public access, shall not be less than twenty (20) feet nor more than fifty-nine (59) feet in width and not shorter than twenty-five (25) feet nor longer than two hundred fifty (250) feet in length and may not be included within any required yard area set forth in this chapter; and
 - (C) The allowance of tier lots will not endanger the public health, safety and general welfare.
 - (iv) *Frontage.*
 - (A) Except as otherwise provided and specifically authorized under this chapter, all lots, tracts or parcels shall have actual frontage upon a street, which provides direct vehicular access to the lot. In context sensitive situations (e.g., topography, existing or proposed development patterns) where actual street frontage is not feasible, the director may permit a lot with an irrevocable access easement suitable to the city counselor, or
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designee, rather than actual street frontage, if the public health, safety, and general welfare is not compromised.

- (B) Common lots for the purposes of storm water management features may be created without having actual street frontage provided that such lots have an established means of ingress/egress by an irrevocable access easement suitable to the city counselor, or designee.
 - (C) Common lots created for recreational purposes (active or passive) shall have a minimum of twenty (20) feet of street frontage. Such frontage may be actual lot frontage or provided through an irrevocable access easement suitable to the city counselor, or designee.
 - (D) Newly platted or re-subdivided non-residential lots that propose direct driveway connection to an arterial or collector street shall have a minimum of three hundred (300) feet of frontage along the street right-of-way. Shared access for parking and driveways may be required to promote internal development connectivity.
 - (v) *Shape.* Lots in mixed use or special zone districts shall not be created with protrusions, extensions or stems of less than thirty (30) feet in width.
- (2) *Lot access.*
- (i) Each lot shall have access allowing vehicles, pedestrians, and bicycles to pass from a public street directly onto the lot, or from a public street to the lot over an irrevocable access easement approved by the city counselor, or designee.
 - (ii) A maximum of thirty (30) lots or units shall be permitted to be accessed from a single point of ingress/egress unless otherwise specified by the most current adopted edition of the International Fire Code or authorized by the City of Columbia Fire Department.
 - (iii) Private residential driveways are prohibited on arterial or collector streets unless the director determines that no alternative access is practicable.
 - (iv) Non-residential driveway spacing shall conform to the provision of the most current edition of the Missouri Department of Transportation Access Management Guidelines or access management standards promulgated by the city.
 - (v) Streets that dead-end or "stub" into property that is adjacent to the property being subdivided shall not count as a second access until such time as the dead-end or "stub" street is connected to a through street and constructed to city standards.
- (3) *Lot lines.* No building or structure shall be constructed across an existing lot line, except surface parking areas when such surface parking area is not prohibited from being constructed across an existing lot line by any other section of the city code.
- (4) *Lot combination.* No lot in any existing subdivision may be combined with another lot without complying with the requirements of section 29-5.2.
- (g) *Public improvements.*
- (1) *Standards and specifications.* All required public improvements, including but not limited to streets and utilities, shall be installed or constructed in accordance with the procedural requirements in section 29-5.2, or in related public improvements standard specifications or policies established by the city department or other entity responsible for the design, operation, or maintenance of that type of improvement.

Upon notice that the improvements have been completed in accordance with the city's requirements, the designing engineer shall, under his seal and signature, submit as-built tracings for the street, storm sewer and sanitary sewer construction.

(2) *Drainage and storm sewers.*

- (i) *Flood-prone areas.* Any portion of land being subdivided that is located within the limits of maximum flooding of the one hundred (100) year flood, as determined by the Boone County Digital Flood Insurance Rate Map (DFIRM), released March 17, 2011, and amendments to that map on file with the director, shall be developed so as not to endanger the health, safety and general welfare of the inhabitants of the city, and in compliance with the provisions of this chapter.
 - (ii) *Storm sewers.* Storm sewers with curbs and gutters shall be provided for lots unless the director of public works approves open channels with design features, such as vegetated swales and check dams to reduce runoff velocity and allow infiltration. Sidewalks and pedways shall not be located between the street and open channel. Improvements shall conform to standards contained in the city street and storm sewer specifications and design standards, and the city storm drainage standards, and all applicable design standards and specifications promulgated by the director of public works or adopted by the council.
 - (iii) *Driveways across drainage features.* Driveways that cross drainageways or ditches, to connect to public streets, shall be constructed as required by the director of public works to protect traffic safety and avoid traffic congestion.
 - (iv) *Streets crossing streams.* Streets that cross streams shall be designed and constructed to minimize the disruption to the stream channel and buffer zone. Streams should be crossed only when necessary to connect the street network.
- (3) *Street trees.* Notwithstanding the provisions of section 29-4.4(b), installation of street trees shall comply with the provisions of section 29-4.4(d)(2).
- (4) *Utilities.* Utilities, including but not limited to water, sewer, natural gas, electric and telephone lines, and fire hydrants, shall be provided to lots in accordance with standards and specifications governing the construction and installation of such utilities adopted by council or promulgated by the city departments or utility companies responsible for those utilities.

Easements for public and private utilities shall be provided adjacent to all street right-of-way and in other locations in accordance with facility requirements and design standards. To the maximum extent feasible, utilities shall be located in designated easements and not in the street right-of-way.

(Ord. No. 23524 , § 1, 5-7-18; Ord. No. 24562 , § 1, 3-1-21)

Sec. 29-5.2. Subdivision of land procedures.

(a) *Applicability.*

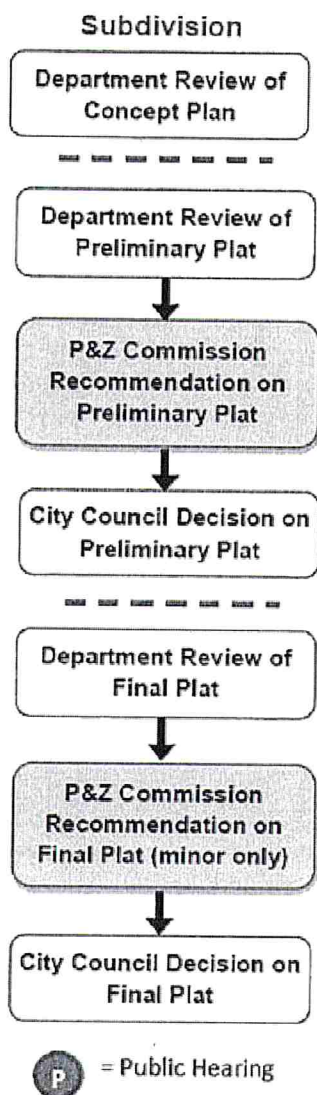
- (1) The provisions of this section 29-5.2 shall apply to all divisions of land within the city into new or different lots for development, except as noted in subsection (ii) below or as exempted by state or federal law or court decisions interpreting those laws.
- (2) A transaction involving the sale or exchange of small tracts or parcels of land to or between adjoining properties where such sale or exchange does not create additional lots or parcels for development does not reduce any area designated as a common lot or as common ground on a plat and does not otherwise violate this chapter shall be exempt from the requirements of this section 29-5.2.

Transactions involving the sale or exchange of tracts or parcels of land which increase or decrease the total square footage of either the conveying or receiving lot by more than three (3) percent shall not be considered "small" for the purposes of this subparagraph. Small area transfers shall not involve any land which has been included in an approved preliminary plat but not final platted.

(b) *General provisions.*

- (1) No street shall be constructed nor shall any street be accepted or maintained by the city, nor shall any street lighting, water or sewer service be extended to or connected, nor shall any building, electrical, plumbing, occupancy or other permit or license be issued for the construction of any building or improvement on land which does not meet the definition of "lot" in section 29-1.11. This requirement shall not apply to alterations of existing buildings that increase the gross floor area or building footprint by less than ten (10) percent of the existing footprint.
- (2) All persons are hereby notified of the existence of the comprehensive plan of the city, as amended, and of any sites or areas within any proposed subdivision that may be designated on the comprehensive plan, as amended, as sites or areas for possible acquisition by condemnation or purchase by the city for public uses and purposes.
- (3) The council may allow the subdivider to place notes on the plat that are explanatory or that impose obligations on the property owner or that restrict use of the property. Obligations and restrictions set forth in notes on a plat may be eliminated only by ordinance or resubdivision, and such obligations and restrictions shall not be eliminated unless the council determines that the elimination will not be detrimental to any land in the subdivision, to any neighboring property, or the general public health, safety, and general welfare of the city.
- (4) The proposed name of the subdivision shall not duplicate or sound like the name of any other subdivision, any existing or platted street, or any established business or development in Boone County.
- (5) The criteria for approval of a major, minor, or administrative subdivision is whether the proposed preliminary or final plat conforms to this chapter, the comprehensive plan, and to all other city ordinances and regulations.
- (6) An application for subdivision of land shall include all land that the subdivider proposes to subdivide. All contiguous unplatted land, up to 80 acres, under single ownership or control shall be included as part of the preliminary plat. Nothing herein is intended to limit a subdivider from platting more than eighty (80) acres.
- (7) An application for a final plat shall:
 - (i) Include either the entire subdivision, or a section thereof, which derives access from an existing road;
 - (ii) Be in substantial compliance with the preliminary plat, as approved;
 - (iii) Be accompanied by final construction plans for the requisite public improvements, drawn under the supervision of a registered professional engineer and attested to by his signature and seal, all in accordance with the applicable standards; and
 - (iv) Be accompanied by an improvements guarantee offered for acceptance by the Council, in a form satisfactory to the city counselor, or designee.
- (8) Any request for deviation from the subdivision standards of section 29-5.1 shall be included in the preliminary plat application as a request for a "design adjustment". A recommendation on any request for design adjustment shall be made by the director and the commission, and shall be decided by council, simultaneously with review and final decision on the plat.

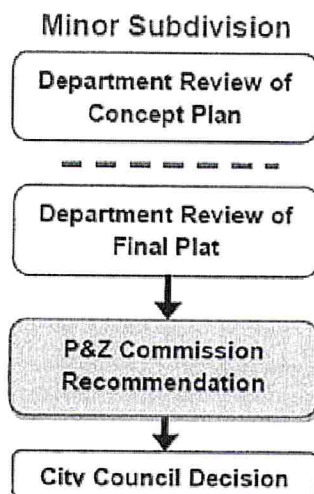
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- (9) If a design adjustment is requested, the director or commission may recommend approval of the design adjustment if it determines that the following criteria have been met, and the council shall consider these criteria in making a decision on the requested design adjustment:
- (i) The design adjustment is consistent with the city's adopted comprehensive plan and with any policy guidance issued to the department by council;
 - (ii) The design adjustment will not create significant adverse impacts on any lands abutting the proposed plat, or to the owners or occupants of those lands;
 - (iii) The design adjustment will not make it significantly more difficult or dangerous for automobiles, bicycles, or pedestrians to circulate in and through the development than if the subdivision standards of section 29-5.1 were met;
 - (iv) The design adjustment is being requested to address a unique feature of the site or to achieve a unique design character, and will not have the effect of decreasing or eliminating installation of improvements or site features required of other similarly situated developments; and
 - (v) The design adjustment will not create adverse impacts on public health and safety.
- (c) *Procedure.*
- (1) *Sequence of subdivision process.*
 - (i) An applicant for a minor subdivision shall apply for and secure approval of the proposed subdivision through a two-step process including: (1) concept review, and (2) final plat.
 - (ii) An applicant for a major subdivision shall apply for and secure approval of the proposed subdivision through a three-step process including: (1) concept review, (2) preliminary plat, and (3) final plat.
 - (iii) An applicant for an administrative subdivision shall apply for and secure approval of the proposed subdivision through a one-step process including: (1) administrative plat approval.
 - (iv) A tract split is an alternative to subdivision which is intended to allow for the initial division of large tracts of land and requires completion of the subdivision process (preliminary and final platting) prior to development of the property. An applicant for a tract split shall apply for and secure approval of the split through a two-step process including: (1) concept review, and (2) tract split.
 - (2) *Coordination with PD zoning.* Whenever a proposed development plan for a PD district requires a subdivision of land, approval of the subdivision of land shall be required in addition to approval of the PD district and development plan. Subdivision review may be carried out simultaneously with the review of the development plan, and the required information may be included in a single document that serves as both a development plan and a preliminary plat, as described in the following procedure:
 - (i) An application for approval of a development plan for a PD district shall include all information normally required for submission and approval of a preliminary subdivision plat.
 - (ii) Commission review and recommendation of the preliminary plat shall be accomplished at the time of, and as a part of, its review and recommendation of the PD development plan.
 - (iii) Approval of the PD development plan shall constitute approval of the preliminary subdivision plat.
 - (3) *Procedures by platting action.*



- (i) *Concept review.* Before preparing the preliminary plat of a major subdivision or the final plat of a minor subdivision, the subdivider shall discuss with the director the procedure for adoption of a subdivision plat and the requirements for general layout of streets, reservations of land, street improvements, drainage, sewerage, fire protection, utilities, the availability of existing services, and other similar requirements of this chapter or other city ordinances or regulations. The director shall also advise the subdivider, when appropriate, to discuss the proposed subdivision with those city officials who must recommend approval of certain aspects of the subdivision plat coming within their jurisdiction. The geographic scope of the review shall include the whole property held in common ownership for which whole or partial subdivision platting is desired by the subdivider, as well as the surrounding property that might reasonably be affected by subdivision of the subject property. The concept review is an informal discussion made available to the subdivider, and the subdivider may, after meeting with the director, proceed to prepare and submit a preliminary plat for a major subdivision or a final plat for a minor subdivision.
- (ii) *Preliminary plat.*

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- (A) The director shall refer each application for approval of a preliminary plat to the appropriate city departments, together with an indication of its tentative agenda placement before the commission, and shall receive reports from other departments as to the conformance of the proposed plat with this chapter and other city ordinances and regulations. If a design adjustment has been requested, the departments may comment on the proposed design adjustment.
 - (B) The director shall request the subdivider to make such changes to the plat as are necessary to comply with this chapter and other city ordinances and regulations, or to address any adverse impacts of a proposed design adjustment.
 - (C) The director shall forward the plat to the commission and advise the commission of the conformance or nonconformance of the plat with this chapter and other city ordinances and regulations. If a design adjustment has been requested, the director may advise the commission on any potential impacts of the requested design adjustment.
 - (D) The commission shall hold a public meeting on the preliminary plat and shall make a decision to recommend the plat (including any requested design adjustments) to council for approval, conditional approval, or denial. The applicant shall be advised in writing of the commission's recommendation.
 - (E) Within sixty (60) days after submission of a completed application for approval of a preliminary plat to the commission, the commission shall recommend approval or disapproval of the plat to the council, otherwise the plat is deemed a recommendation for approval by the commission (including any requested design adjustments), except that the director or commission, with the consent of the subdivider, may extend the sixty-day period.
 - (F) The council shall take action on the preliminary plat by resolution; however, an ordinance shall be required if any design adjustments have been requested. If the commission has recommended denial of the preliminary plat, the council, by a vote of not less than two-thirds of its entire membership, may overrule the disapproval. The council shall take action on an application for approval of a preliminary plat within forty-five (45) days after submission of a commission recommendation, otherwise the recommendation of the commission shall be deemed to be the recommendation of the council.
 - (G) Approval of a preliminary plat by the council shall confer upon the applicant for a period of five (5) years, beginning at the effective date of council approval, the following rights:
 - 1) The terms and conditions under which the preliminary plat was given approval shall not be changed except as required in subsection 3) below.
 - 2) The subdivider may submit on or before the expiration date a final plat for the whole or any part of the subdivision for approval.
 - 3) 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.
 - 4) If the subdivider fails to submit a combined total of one-fourth (¼) 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.

- 5) The director may grant a one-year extension if no change to a city ordinance would require a change in the plat. Appeal for an adverse decision shall be made to the council. Any subsequent extensions shall be made to council for a specified period on such terms and conditions as the council may approve.
- (iii) *Final plat.* Following the approval of the preliminary plat of a major subdivision or completion of the concept review for a minor subdivision, the subdivider may file an application for final plat approval in order to complete the subdivision process. The application shall be in substantial compliance with the approved preliminary plat.
- (A) *For a minor subdivision:*



- 1) The director shall refer the application for approval of a final plat to the appropriate city departments, together with an indication of its tentative agenda placement before the council, and shall receive reports from the departments as to the conformance of the proposed plat with this chapter and other city ordinances and regulations. If a design adjustment has been requested, the departments may comment on the proposed design adjustment.
- 2) As a result of review by the other departments, the director shall request the subdivider to make such changes necessary to cause the plat to be in conformance with this chapter and other city ordinances and regulations. If a design adjustment has been requested, the director may advise the commission on any potential impacts of the requested design adjustment.
- 3) The commission shall make a decision to recommend the plat (including any requested design adjustments) to council for approval, conditional approval, or denial. The subdivider shall be advised in writing of the commission's recommendation.
- 4) The council shall take action on the plat (including any requested design adjustments) by ordinance within sixty (60) calendar days after its submission to the council, and failure of the council to act within that time period shall be deemed approval, except that the director or council may extend the sixty-day period to a stated future date with the consent of the subdivider. If the commission has recommended denial of any requested design adjustments, the

council, by a vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership, may overrule the denial.

(B) *For a major subdivision:*

- 1) The director shall refer the application for approval of a final plat (including any requested design adjustments) to the appropriate city departments, together with an indication of its tentative agenda placement before the council, and shall receive reports from the departments as to the conformance of the proposed plat with this chapter and other city ordinances and regulations. If a design adjustment has been requested, the departments may comment on the proposed design adjustment.
- 2) As a result of review by the other departments, the director shall request the subdivider to make such changes necessary to cause the plat to be in conformance with this chapter and other city ordinances and regulations. If a design adjustment has been requested, the director may advise the commission on any potential impacts of the requested design adjustment.
- 3) When a subdivider has requested a design adjustment in conjunction with a request for major subdivision approval, the commission shall make a recommendation on the adjusted plat to council for approval, conditional approval, or denial. If there are no requested design adjustments, the plat shall be submitted directly to the city manager for council consideration. The subdivider shall be advised in writing of the commission's recommendation on the adjusted plat.
- 4) The director shall forward the plat to the city manager for council consideration and advise the council as to its conformance or nonconformance with this chapter and other city ordinances and regulations.
- 5) The city manager shall certify to the council whether the final plat is in accordance with the approved preliminary plat, whether the subdivider has requested any design adjustments which have been considered by the commission, and whether all conditions precedent established by the council have been met.
- 6) Following certification by the city manager to the council, the council shall take action on the final plat (including any requested design adjustments). The council shall take action by ordinance on the final plat within sixty (60) calendar days after its submission to the council, and failure of the council to act within that time period shall be deemed approval, except that the council may extend this period to a stated future date with the consent of the subdivider. If the commission has recommended denial of any requested design adjustments, the council, by a vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership, may overrule the denial.

- (iv) *Signing and recording.* After council approval of a final plat, the mayor shall affix his signature thereto, and this shall be attested to by the city clerk, and the seal of the city affixed thereto. It shall be the responsibility of the city clerk to file the plat with the office of the county recorder of deeds. Simultaneously, the city clerk shall cause to be recorded all other documents required to be recorded with the plat, pursuant to council approval and as determined by the city counselor, or designee.

(d) *Resubdivision or replat.*

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- (1) *Applicability.* A change to an approved or recorded final plat shall require resubdivision. Only that portion of the plat being changed must be resubdivided. If approved, the applicant shall be required to prepare a revised final plat and the city clerk shall record the revised final plat before the revisions shall be in effect.
 - (2) *Procedure for a major subdivision.*
 - (i) If the director determines the proposed resubdivision is in substantial conformance with a valid approved preliminary plat, the subdivider shall apply for and secure approval of a revised final plat from council.
 - (ii) If the director determines that proposed resubdivision is a substantial change from the approved preliminary plat, the subdivider shall apply for and secure approval of a revised preliminary plat from the commission, and then approval of a final plat from council, to complete the resubdivision. At the subdivider's option, the preliminary and final plat documents may be submitted at the same time and may be reviewed and considered for approval by council at the same time.
 - (3) *Procedure for a minor subdivision.* The subdivider shall apply for and secure approval of a revised final plat from council, to complete the resubdivision.
 - (4) *Criteria for approval.* A resubdivision of land shall only be approved by the council if the council determines that:
 - (i) The resubdivision would not eliminate restrictions on the existing plat upon which neighboring property owners or the city have relied, or, if restrictions are eliminated, the removal of such restrictions is in the best interest of the public;
 - (ii) Adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided to meet the needs of the resubdivision, or, there will be no adverse effect on such infrastructure facilities caused by the resubdivision; and
 - (iii) The replat would not be detrimental to other property in the neighborhood, or, if alleged to be detrimental, the public benefit outweighs the alleged detriment to the property in the neighborhood.
 - (5) *Administrative plat.*
 - (i) *Applicability.* The subdivider may file an administrative plat with the director, if the plat meets the following criteria:
 - (A) The plat does not create, vacate, or change the location and/or size of streets;
 - (B) The plat does not create any additional residential lot or mixed use lots that will contain residential uses;
 - (C) The plat does not combine more than two (2) lots;
 - (D) The plat does not create any lot, when lots are combined, that results in more than one hundred twenty (120) feet of a lot line along any one (1) street;
 - (E) The plat does not alter any area reserved for public use or any area designated as a common lot; and
 - (F) The plat does not eliminate any condition imposed by council.
 - (ii) *Procedure.*
 - (A) The director may approve the administrative plat if the director determines that the revised lots and application materials, including but not limited to any utility construction
-

documents, easements, and performance guarantees, have been approved and comply with this chapter and all other city ordinances and regulations.

- (B) On approval of the administrative plat, the director shall sign the plat and cause it to be recorded with the recorder of deeds.
 - (C) No occupancy permit shall be issued for property included in the administrative plat unless and until the requirements of this section are met and all required utility work is completed.
 - (D) In the event the director does not approve the administrative plat, the applicant may then prepare and submit an application for a minor or major resubdivision.
- (e) Reserved.
- (f) *Tract split.*
- (1) *Applicability.* The tract split procedure is intended to simplify the orderly subdivision of large tracts of land for separate parcel sale through an administrative approval process. Preparation of a formal subdivision plat, commission review, and council approval are not required for a tract split, but will be required when the parcels resulting from a tract split are further divided into individual lots or prior to development.
 - (2) *Procedure.*
 - (i) The director shall complete a concept review of the application and consult with other city departments and public or quasi-public agencies as he may deem necessary to confirm compliance with this chapter and other city ordinances and regulations.
 - (ii) The director shall approve or disapprove the request, and notify the subdivider in writing of the decision, within fourteen (14) calendar days after application filing.
 - (iii) If the director determines that the application does not qualify for approval as a tract split, the application shall be treated as a minor or major subdivision, depending on the number of parcels being created and the need for improvements or dedication of land.
 - (iv) The director, on approval of a tract split, shall certify to the recorder of deeds that the tract split survey complies with all the provisions of this chapter.
 - (v) Except as otherwise provided in this chapter, no permit for street or utility extension, nor permit for building development shall be issued for any of the parcels resulting from an approved tract split unless or until such parcel or portion of a parcel has been approved as a major or minor subdivision.
 - (3) *Criteria for approval.* The director may approve a tract split if the director determines that the following criteria have been met:
 - (i) The property shall be divided into not more than five (5) parcels.
 - (ii) Adequate provision has been made for future subdivision of the resulting parcels for development, for the opening of future streets to serve the parcels, and for the extension of utilities or related public improvements and facilities, as required by the procedures, and subject to the standards and criteria, in this chapter.
 - (iii) The resulting parcel configuration does not adversely affect development of the balance of the tract or parcels, or of adjoining properties, and does not conflict with any provision of the comprehensive plan, this chapter, or other city ordinances or regulations.
- (g) *Monuments.*

-
- (1) Monuments shall be selected from the types described by the "Missouri Standards for Property Boundary Surveys" of the Missouri Board for Architect, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects.
 - (2) Monuments shall be set or confirmed at all controlling corners on the boundary of the subdivision and all block corners, points of intersections, points of curvature and points of tangency within the subdivision.
 - (3) On an individual lot within a subdivision, monuments shall be set or confirmed at all the corners of the lot.
- (h) *Completion and dedication of improvements.*
- (1) *Requirement.* The subdivider shall be required to complete all public improvements and utilities required by the council, and upon completion shall dedicate such public improvements and utilities to the city, free and clear of all liens and encumbrances on the property, unless the existence of such liens and encumbrances are approved by the city. The subdivider shall construct and complete all required public improvements and utilities before approval of the final plat unless the subdivider provides adequate security to ensure completion of the subdivision improvements as set forth herein.
 - (i) If completion and dedication of improvements and utilities as described in subsection (a) above has not been completed prior to final plat approval, the Council may require a surety bond, escrow secured with cash, irrevocable letter of credit deposited with the city, or performance agreement to secure actual construction and installation of the improvements and utilities to be completed within a reasonable period specified by the council and expressed in the bond or other security, in an amount and with reasonable conditions satisfactory to the council.
 - (ii) All required public improvements, including but not limited to streets and utilities, shall be installed or constructed in accordance with the design standards and requirements in this chapter and set forth in related public improvements standard specifications or policies established by the city departments charged with responsibility for those improvements.
 - (iii) Required improvements shall be inspected during construction and installation to ensure satisfactory completion of those improvements, in accordance with inspection requirements adopted by the council or by the city departments charged with responsibility for those improvements.
 - (iv) Approval of a final plat, and acceptance of improvements shown on that plat by the council, shall not prevent the council from causing public improvements to be enhanced, enlarged or upgraded, in order to accommodate a higher level of service demand resulting from any subsequent change in the use of land within the subdivision, whether by benefit assessment, agreement among the parties or by such other mechanism as may be available now or may subsequently become available to the council.
 - (2) *Failure to complete improvements.* If any improvement or utility is not completed or installed and duly accepted for dedication within the time period specified in the performance agreement or other security instrument, either by reason of incompleteness or by reason of substandard construction, the council may, at its option:
 - (i) Declare any bond or other approved security instrument to be forfeited, pursue legal and equitable action to obtain necessary funds from the sureties, and cause satisfactory completion and installation of all improvements and utilities previously required;
 - (ii) Declare an applicable improvements guarantee agreement to be breached and pursue legal and equitable action to cause satisfactory completion and installation of the improvements and utilities;

-
- (iii) The council may extend the time limit set for satisfactory completion of the improvements and utilities for one year upon the request of the subdivider and showing of a reasonable necessity for such extension. The council may approve no more than three (3) one-year extensions, and may approve no extension without a reasonable showing of the necessity for the extension. In the event that an extension of the time limit is granted, the council may require further financial assurances for completion in the form of a performance bond or other acceptable security instrument; or
 - (iv) Pursue any legal or equitable action necessary to ensure satisfactory completion of the improvements or utilities.
- (3) *Reduction or release of guarantees.* In those cases where a performance bond or other security instrument guarantee has been made to secure construction of public improvements, the amount of guarantee may be reduced upon public acceptance of dedicated portions of the required improvements. The amount of surety shall not be reduced to an amount less than the estimated cost of constructing the required improvements which have not yet been accepted by the city. In no case shall the amount retained by the city be less than five (5) percent of the original amount, pending completion and acceptance of all of the required improvements. Upon acceptance of the dedication of the final portion of the improvements, the city shall authorize the release of the remaining portion of the improvements guarantee.

(Ord. No. 24563 , § 1, 3-1-21; Ord. No. 24564 , § 1, 3-1-21)

22BA-CV00132

EXHIBIT D

FILED FOR RECORD IN BOONE COUNTY, MISSOURI
MORA DIETZEL, RECORDER OF DEEDS



LOCATION MAP
NOT TO SCALE

KNOW ALL MEN BY THESE PRESENTS:

THAT 1615 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY AND 1617 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY ARE THE SOLE OWNERS OF THE HEREON DESCRIBED TRACT AND THAT SAID LIMITED LIABILITY COMPANIES HAVE CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE ABOVE DRAWING. THE ALLEY (RIGHT-OF-WAY) SHOWN BY THE ABOVE DRAWING IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE EASEMENTS AS SHOWN ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE ABOVE DRAWING AND DESCRIPTION SHALL HEREAFTER BE KNOWN AS "FYFER'S SUBDIVISION, PLAT NO. 2".

IN WITNESS WHEREOF, 1615 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY AND 1617 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY HAVE CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER, THIS 4th DAY OF October, 2021.

1615 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

BY: MISSOURI REAL ESTATE, LP, A MISSOURI LIMITED PARTNERSHIP, SOLE MEMBER AND MANAGER OF 1615 UNIVERSITY, LLC, FORMERLY KNOWN AS 1615, 1617 UNIVERSITY, LLC

BY: MARK'S GP, LLC, A MISSOURI LIMITED LIABILITY COMPANY, GENERAL PARTNER

Mark Milam Stevenson

MARK MILAM STEVENSON, TRUSTEE OF THE MARK MILAM STEVENSON REVOCABLE INTER VIVOS TRUST U/T/A DATED MARCH 13, 2003, AS AMENDED, SOLE MEMBER AND MANAGER

STATE OF MISSOURI) SS
COUNTY OF BOONE)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF October, 2021.

Kenneth Farris
KENNETH FARRIS
NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2022
COMMISSION NUMBER 14905667



FINAL PLAT
FYFER'S SUBDIVISION, PLAT No. 2

A REPLAT OF PART OF LOTS 17 & 18, FYFER'S SUBDIVISION OF FYFER'S ADDITION
LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
AUGUST 16, 2021

1617 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

BY: MISSOURI REAL ESTATE, LP, A MISSOURI LIMITED PARTNERSHIP, SOLE MEMBER AND MANAGER OF 1617 UNIVERSITY, LLC
BY: MARK'S GP, LLC, A MISSOURI LIMITED LIABILITY COMPANY, GENERAL PARTNER

Mark Milam Stevenson

MARK MILAM STEVENSON, TRUSTEE OF THE MARK MILAM STEVENSON REVOCABLE INTER VIVOS TRUST U/T/A DATED MARCH 13, 2003, AS AMENDED, SOLE MEMBER AND MANAGER

STATE OF MISSOURI) SS
COUNTY OF BOONE)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF October, 2021.

Kenneth Farris
KENNETH FARRIS
NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2022
COMMISSION NUMBER 14905667



CERTIFICATION

I HEREBY CERTIFY THAT IN MAY OF 2021, I COMPLETED A SURVEY AND SUBDIVISION FOR 1615 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY AND 1617 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY OF A TRACT OF LAND LOCATED IN THE SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF LOTS 17 AND 18, FYFER'S SUBDIVISION OF FYFER'S ADDITION TO THE CITY OF COLUMBIA RECORDED IN PLAT BOOK 1, PAGE 42 AND DESCRIBED BY WARRANTY DEEDS RECORDED IN BOOK 2450, PAGE 173 AND BOOK 4576, PAGE 61 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 12, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE FOR UNIVERSITY AVENUE AND WITH THE SOUTH LINE OF SAID FYFER'S SUBDIVISION, N 89°55'55"E, 363.25 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID SOUTH LINE, N 1°31'40"E, 229.19 FEET TO THE SOUTH RIGHT OF WAY LINE OF A PUBLIC ALLEY; THENCE WITH SAID SOUTH RIGHT OF WAY LINE, S 89°28'05"E, 66.58 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, S 1°28'00"W, 228.49 FEET TO THE NORTH RIGHT OF WAY LINE FOR UNIVERSITY AVENUE; THENCE WITH SAID NORTH RIGHT OF WAY LINE, SAID LINE ALSO BEING THE SOUTH LINE OF SAID FYFER'S SUBDIVISION, S 89°55'55"W, 66.62 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.35 ACRES.

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

SURVEY AND PLAT BY:

CROCKETT ENGINEERING CONSULTANTS, LLC
1000 W. WILSON BLVD. BUILDING 1
COLUMBIA, MO 65203

CORPORATE NUMBER: 2000051304

David T. Butcher
DAVID T. BUTCHER, PLS-20020114095

10/6/2021
DATE

STATE OF MISSOURI) SS
COUNTY OF BOONE)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF October, 2021.

Kenneth Farris
KENNETH FARRIS
NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2022
COMMISSION NUMBER 14905667

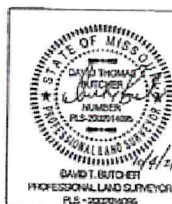


APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE # _____
ON THE _____ DAY OF _____, 2021.

BRIAN TRECE, MAYOR

ATTEST:

SHEILA AMIN, CITY CLERK



PAGE 1 OF 2

FYFER'S SUBDIVISION, PLAT NO. 2

A REPLAT OF PART OF LOTS 17 & 18, FYFER'S SUBDIVISION OF FYFER'S ADDITION,
LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI

CORPORATE NUMBER 2000051304

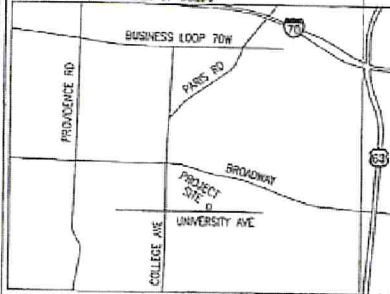
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SCALE: NTS
PROJECT: 2000727
DRAWN BY: DMS

CROCKETT
ENGINEERING CONSULTANTS

1000 W. Wilson Blvd., Building 1
Columbia, Missouri 65203
(573) 447-0292

www.crockettengineeringllc.com

FILED FOR RECORD IN BOONE COUNTY, MISSOURI
NORA DIETZEL, RECORDER OF DEEDS



LOCATION MAP
NOT TO SCALE

KNOW ALL MEN BY THESE PRESENTS:

THAT 1611 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY AND 1615 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY IS THE SOLE OWNER OF THE HEREIN DESCRIBED TRACT AND THAT SAID LIMITED LIABILITY COMPANY HAS CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATED AS SHOWN ON THE ABOVE DRAWING, THE ALLEY RIGHT-OF-WAY SHOWN BY THE ABOVE DRAWING IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE EASEMENTS NOT OF RECORD AS SHOWN, ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE ABOVE DRAWING AND DESCRIPTION SHALL HEREINAFTER BE KNOWN AS "FYFER'S SUBDIVISION, PLAT NO. 3".

IN WITNESS WHEREOF, 1611 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY AND 1615 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER, THIS 4th DAY OF October, 2021.

K11 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

BY: MISSOURI REAL ESTATE, LP, A MISSOURI LIMITED PARTNERSHIP, SOLE MEMBER AND MANAGER OF 1611 UNIVERSITY, LLC
BY: MARK'S GP, LLC, A MISSOURI LIMITED LIABILITY COMPANY, GENERAL PARTNER

Mark Milan Stevenson

MARK MILAN STEVENSON, TRUSTEE OF THE MARK MILAN STEVENSON REVOCABLE INTER VIVOS TRUST U/T/A DATED MARCH 13, 2003, AS AMENDED, SOLE MEMBER AND MANAGER

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF October IN THE YEAR 2021.

Kenneth Farris
KENNETH FARRIS

NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2022
COMMISSION NUMBER 14965667



FINAL PLAT
FYFER'S SUBDIVISION, PLAT No. 3

A REPLAT OF PART OF LOTS 16 & 17, FYFER'S SUBDIVISION OF FYFER'S ADDITION
LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
AUGUST 16, 2021

1615 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

BY: MISSOURI REAL ESTATE, LP, A MISSOURI LIMITED PARTNERSHIP, SOLE MEMBER AND MANAGER OF 1615 UNIVERSITY, LLC, FORMERLY KNOWN AS 1615, 1617 UNIVERSITY, LLC
BY: MARK'S GP, LLC, A MISSOURI LIMITED LIABILITY COMPANY, GENERAL PARTNER

Mark Milan Stevenson

MARK MILAN STEVENSON, TRUSTEE OF THE MARK MILAN STEVENSON REVOCABLE INTER VIVOS TRUST U/T/A DATED MARCH 13, 2003, AS AMENDED, SOLE MEMBER AND MANAGER

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF October IN THE YEAR 2021.

Kenneth Farris
KENNETH FARRIS

NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2022
COMMISSION NUMBER 14965667



CERTIFICATION:

I HEREBY CERTIFY THAT IN MAY OF 2021, I COMPLETED A SURVEY AND SUBDIVISION FOR 1611 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY AND 1615 UNIVERSITY, LLC, OF A TRACT OF LAND LOCATED IN THE SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF LOTS 16 AND 17, FYFER'S SUBDIVISION OF FYFER'S ADDITION TO THE CITY OF COLUMBIA RECORDED IN PLAT BOOK 1, PAGE 42 AND DESCRIBED BY WARRANTY DEEDS RECORDED IN BOOK 2450, PAGE 171 AND BOOK 2450, PAGE 173 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 12, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE FOR UNIVERSITY AVENUE AND WITH THE SOUTH LINE OF SAID FYFER'S SUBDIVISION, N 89°55'55"E, 296.43 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID SOUTH LINE, N 1°35'35"E, 229.90 FEET TO THE SOUTH RIGHT OF WAY LINE OF A PUBLIC ALLEY; THENCE WITH SAID SOUTH RIGHT OF WAY LINE, S 89°28'05"E, 66.55 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, S 1°35'40"W, 229.19 FEET TO THE NORTH RIGHT OF WAY LINE FOR UNIVERSITY AVENUE; THENCE WITH SAID NORTH RIGHT OF WAY LINE, SAID LINE ALSO BEING THE SOUTH LINE OF SAID FYFER'S SUBDIVISION, S 89°55'55"W, 66.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.35 ACRES.

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

SURVEY AND PLAT BY:

CROCKETT ENGINEERING CONSULTANTS, LLC
1000 W. NIPONG BLVD. BUILDING 1
COLUMBIA, MO 65203

CORPORATE NUMBER: 2000151304

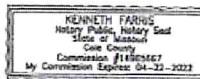
David T. Butcher
DAVID T. BUTCHER, PLS-2002014095
DATE

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF October IN THE YEAR 2021.

Kenneth Farris
KENNETH FARRIS

NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2022
COMMISSION NUMBER 14965667

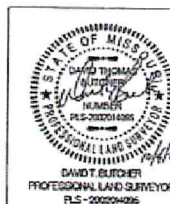


APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE # _____
ON THE _____ DAY OF _____, 2021.

BRIAN TRECE, MAYOR

ATTEST:

SHEELA AMIN, CITY CLERK



PAGE 1 OF 2

FYFER'S SUBDIVISION, PLAT NO. 3

A REPLAT OF PART OF LOTS 16 & 17, FYFER'S SUBDIVISION OF FYFER'S ADDITION,
LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI

CORPORATE NUMBER: 2000151304

DATE:
8/16/2021

PROJECT:
200722

SCALE:
NTS

DRAWN BY:
DWS



www.crockettengineering.com

FILED FOR RECORD IN BOONE COUNTY, MISSOURI
NORA DIETZEL, RECORDER OF DEEDS



LOCATION MAP
NOT TO SCALE

FINAL PLAT FYFER'S SUBDIVISION, PLAT No. 4

A REPLAT OF PART OF LOTS 15 & 16, FYFER'S SUBDIVISION OF FYFER'S ADDITION
LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
AUGUST 16, 2021

CERTIFICATION:

I HEREBY CERTIFY THAT IN MAY OF 2021, I COMPLETED A SURVEY AND SUBDIVISION FOR 1611 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY, OF A TRACT OF LAND LOCATED IN THE SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF LOTS 15 AND 16, FYFER'S SUBDIVISION OF FYFER'S ADDITION TO THE CITY OF COLUMBIA RECORDED IN PLAT BOOK 1, PAGE 42 AND DESCRIBED BY WARRANTY DEED RECORDED IN BOOK 2450, PAGE 171 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 12, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE FOR UNIVERSITY AVENUE AND WITH THE SOUTH LINE OF SAID FYFER'S SUBDIVISION, N 89°55'55"E, 229.61 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID SOUTH LINE, N 1°39'10"E, 230.60 FEET TO THE SOUTH RIGHT OF WAY LINE OF A PUBLIC ALLEY; THENCE WITH SAID SOUTH RIGHT OF WAY LINE, S 89°28'05"E, 66.56 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, S 1°35'35"W, 229.90 FEET TO THE NORTH RIGHT OF WAY LINE FOR UNIVERSITY AVENUE; THENCE WITH SAID NORTH RIGHT OF WAY LINE, SAID LINE ALSO BEING THE SOUTH LINE OF SAID FYFER'S SUBDIVISION, S 89°55'55"W, 66.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.35 ACRES.

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

SURVEY AND PLAT BY:

CROCKETT ENGINEERING CONSULTANTS, LLC
1000 W. HENING BLVD. BUILDING 1
COLUMBIA, MO 65203

CORPORATE NUMBER: 2000151204

David T. Butcher
DAVID T. BUTCHER, PLS-2002014055
10/14/2021
DATE

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF October
IN THE YEAR 2021.

Kenneth Farris
KENNETH FARRIS

NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2022
COMMISSION NUMBER 14965667



STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF October
IN THE YEAR 2021.

Kenneth Farris
KENNETH FARRIS

NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2022
COMMISSION NUMBER 14965667

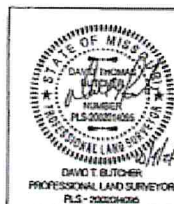


APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE # _____
ON THE _____ DAY OF _____, 2021.

BRIAN TREECE, MAYOR

ATTEST:

SHEELA AMIN, CITY CLERK



FYFER'S SUBDIVISION, PLAT NO. 4

A REPLAT OF PART OF LOTS 15 & 16, FYFER'S SUBDIVISION OF FYFER'S ADDITION
LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI

CORPORATE NUMBER: 2000151204

DATE: 8/16/2021

SCALE: NTS

PROJECT: 200027

DRAWN BY: DWS



www.crockettengineering.com

22BA-CV00132

EXHIBIT E



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 1, 2021

Re: Fyfer's Subdivision Plat No. 2 - Replat (Case #268-2021)

Executive Summary

Approval will result in the combination of parts of two lots, containing a total of 0.35 acres, into a single legal lot to be known as *Fyfer's Subdivision Plat No. 2*. The subject property was previously shown as part of two previous attempts to obtain plat approval. The proposed replat creates a legal lot on a site that was previously improved with a single-family structure. The lot complies with the minimum 60-foot lot width of the R-MF district. The previous single-family structure occupying the site was addressed as 1617 University Avenue.

Discussion

Crockett Engineering (agent), on behalf of Mark Stephenson (owner), is seeking approval of a replat to be known as "Fyfer's Subdivision Plat No. 2." The replat would combine portions of two R-MF (Multiple-Family Dwelling) zoned lots, into a single parcel in advance of redevelopment. The existing lots are known as Lots 17 & 18 of Fyfer's Subdivision, and are located on the north side of University Avenue at the High Street intersection. Concurrent requests (Cases #269-2021 & #270-2021) seek final plat approval on the adjacent properties to the west. Previous platting actions associated with this parcel have been denied by Council (B137-21, B222-21, and B223-21).

Background

The subject parcel was included in a larger annexation in 1906 and was permanently zoned for single-family use; however, in 1957 much of the area was rezoned to R-3 (now R-MF) which permits multi-family housing. The original plat containing the subject acreage, Block 5 of Fyfer's Addition, platted 70-foot wide lots in this location. The current parcel configuration is the result of several deed transfers between adjoining lots that have occurred since 1907 following individual home construction. Given the property transfers were performed by deed there is no formal record of platting actions associated with the current lot configuration.

The current request, Plat No. 2, includes approximately the east half of Lot 17, and the west twenty feet of Lot 18. These dimensions create a lot roughly 67 feet in width. Given the overall area of property under ownership by the applicant, this proposed 3-lot arrangement (plats 2, 3, and 4 collectively) divides the property evenly and attempts to recreate the original 70-foot lots as faithfully as possible.

The past deed transfers that created the current properties at 1611, 1615, and 1617 University were common practice at the time. However, these land transfers are not recognized by the City when determining the legal lot status of the property. As such, final plat approval is required prior to issuance of a building permit for any redevelopment on either property.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Regulatory Considerations

Per Section 29-5.2(d)(4) approval of a replat is subject to Council finding that:

- (1) The replat does not remove any conditions of the existing plat that have been relied upon by the City and neighboring property owners.
- (2) The replat is served by adequate infrastructure to meet the increased demand generated by the resubdivision.
- (3) The replat is not detrimental to other properties in the neighborhood or if alleged to be detrimental the public benefit outweighs the alleged detriment to the property in the neighborhood.

The proposed replat has been reviewed for subdivision compliance with the requirements of the Unified Development Code. It should be further noted that any redevelopment of the site will be required to comply with all UDC standards including bulk, density, setbacks, parking, screening and buffering, neighborhood protections, architectural design, and East Campus Urban Conservation Overlay (UC-O) standards. No formal development plans have been submitted for review; however, as a part of the previously submitted platting actions the applicant has indicated a desire to redevelop the property in compliance with the R-MF zoning standards.

Regarding the plat's compliance with the replat criteria, staff has been unable to find any restrictions exist or were to be relied upon by adjoining property owners pertaining to the subject site's redevelopment. It has been further determined that all utilities are in place and located within adequately sized utility easements to support the proposed redevelopment and that there are no infrastructure capacity limitations. Additionally, the platting action provides the standard 10-foot utility easements along all public right-of-way frontages (University Avenue and platted/unopened alley), will dedicate an additional 2.5-feet of right-of-way for the unopened alley to meet UDC standards, and that sidewalks are already in place along University Avenue.

Determination of the proposed platting action creating a detrimental impact upon the other properties within the neighborhood is a finding that is within the Council's sole discretion. A replat is required for the redevelopment of the parcel and the proposed lot to be created complies with the UDC's technical subdivision standards. Historically, consideration of platting action approvals has focused on compliance with the subdivision requirements not pre-existing zoning entitlements. While redevelopment of the proposed parcel will be impacted by the existing zoning entitlement there are controls in place that are designed to protect adjoining development from adverse impacts.

The replat has been reviewed by internal and external staff and has been found to be compliant with the subdivision standards of the UDC. Approval of the replat would recreate a lot generally consistent with the lot which was created by deed.

Locator maps and final plat are attached for review.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Possible impacts could be public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
8/2/21	Defeated: Bill No. B 222-21 – Fyfer's Subdivision Plat No. 2, dated 7/2/2021
8/2/21	Defeated: Bill No. B 223-21 – Fyfer's Subdivision Plat No. 3, dated 7/2/2021
5/17/21	Defeated: Bill No. B 137-21 – Fyfer's Subdivision Plat No. 2, dated 3/19/2021

Suggested Council Action

Approve "Fyfer's Subdivision Plat No. 2."



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning
 To: City Council
 From: City Manager & Staff
 Council Meeting Date: November 1, 2021
 Re: Fyfer's Subdivision Plat No. 3 - Replat (Case #269-2021)

Executive Summary

Approval will result in the combination of parts of two lots, containing a total of 0.35 acres, into a single legal lot to be known as *Fyfer's Subdivision Plat No. 3*. The subject property was previously shown as part of two previous attempts to obtain plat approval. The proposed replat creates a legal lot on a site that was previously improved with a single-family structure. The lot complies with the minimum 60-foot lot width of the R-MF district. The previous single-family structure occupying the site was addressed as 1615 University Avenue.

Discussion

Crockett Engineering (agent), on behalf of Mark Stephenson (owner), is seeking approval of a replat to be known as "Fyfer's Subdivision Plat No. 3." The replat would combine portions of two R-MF (Multiple-Family Dwelling) zoned lots, into a single parcel in advance of redevelopment. The existing lots are known as Lots 16 & 17 of Block 5 of Fyfer's Addition and are located on the north side of University Avenue at the High Street intersection. Concurrent requests (Cases #268-2021 & #270-2021) seek final plat approval on the adjacent properties to the east and west. Previous platting actions on the full parcel have been denied by Council (B137-21 B222-21, & B223-21).

Background

The subject parcel was included in a larger annexation in 1906 and was permanently zoned for single-family use; however, in 1957 much of the area was rezoned to R-3 (now R-MF) which permits multi-family housing. The original plat containing the subject acreage, Block 5 of Fyfer's Addition, platted 70-foot wide lots in this location. The current parcel configuration is the result of several deed transfers between adjoining lots that have occurred since 1907 following individual home construction. Given the property transfers were performed by deed there is no formal record of platting actions associated with the current lot configuration.

The current request, Plat No. 3, includes approximately the east half of Lot 16, and the west twenty-three feet of Lot 17. These dimensions create a lot roughly 67-feet in width. Given the overall area of property under ownership by the applicant, the proposed 3-lot arrangement (plats 2, 3, and 4 collectively) divides the property evenly and attempts to recreate the original 70-foot lots as faithfully as possible.

The past deed transfers that created the current properties at 1611, 1615, and 1617 University, were common practice between neighboring property owners at the time. However, these land transfers are not recognized by the City when determining the legal lot



City of Columbia

701 East Broadway, Columbia, Missouri 65201

status of the property. As such, final plat approval is required prior to issuance of a building permit for any redevelopment on either property.

Regulatory Considerations

Per Section 29-5.2(d)(4) approval of a replat is subject to Council finding that:

- (1) The replat does not remove any conditions of the existing plat that have been relied upon by the City and neighboring property owners.
- (2) The replat is served by adequate infrastructure to meet the increased demand generated by the resubdivision.
- (3) The replat is not detrimental to other properties in the neighborhood or if alleged to be detrimental the public benefit outweighs the alleged detriment to the property in the neighborhood.

The proposed replat has been reviewed for subdivision compliance with the requirements of the Unified Development Code (UDC). It should be further noted that any redevelopment of the site will be required to comply with all UDC standards including bulk, density, setbacks, parking, screening and buffering, neighborhood protections, architectural design, and East Campus Urban Conservation Overlay (UC-O) standards. No formal development plans have been submitted for review; however, as a part of the previously submitted platting actions the applicant has indicated a desire to redevelop the property in compliance with the R-MF zoning standards and its associated density limits.

Regarding the plat's compliance with the replat criteria, staff has been unable to find any restrictions exist or were to be relied upon by adjoining property owners pertaining to the subject site's redevelopment. It has been further determined that all utilities are in place and located within adequately sized utility easements to support the proposed redevelopment and that there are no infrastructure capacity limitations. Additionally, the platting action provides the standard 10-foot utility easements along all public right-of-way frontages (University Avenue and platted/unopened alley), will dedicate an additional 2.5-feet of right-of-way for the unopened alley to meet UDC standards, and that sidewalks are already in place along University Avenue.

Determination of the proposed platting action creating a detrimental impact upon the other properties within the neighborhood is a finding that is within the Council's sole discretion. A replat is required for the redevelopment of the parcel and the proposed lot to be created complies with the UDC's technical subdivision standards. Historically, consideration of platting action approvals has focused on compliance with the subdivision requirements not pre-existing zoning entitlements. While redevelopment of the proposed parcel will be impacted by the existing zoning entitlement there are controls in place that are designed to protect adjoining development from adverse impacts.

The replat has been reviewed by internal and external staff and has been found to be compliant with the subdivision standards of the UDC. Approval of the replat would recreate a lot generally consistent with that which was created by deed.

Locator maps and final plat are attached for review.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Possible impacts could be public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
8/2/21	Defeated: Bill No. B 222-21 – Fyfer's Subdivision Plat No. 2, dated 7/2/2021
8/2/21	Defeated: Bill No. B 223-21 – Fyfer's Subdivision Plat No. 3, dated 7/2/2021
5/17/21	Defeated: Bill No. B 137-21 – Fyfer's Subdivision Plat No. 2, dated 3/19/2021

Suggested Council Action

Approve, "Fyfer's Subdivision Plat No. 3."



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 1, 2021

Re: Fyfer's Subdivision Plat No. 4 - Replat (Case #270-2021)

Executive Summary

Approval will result in the combination of parts of two lots, containing a total of 0.35 acres, into a single legal lot to be known as *Fyfer's Subdivision Plat No. 4*. The subject property was previously shown as part of two previous attempts to obtain plat approval. The proposed replat creates a legal lot on a site that is currently improved with a single-family structure. The lot complies with the minimum 60-foot lot width of the R-MF district. The existing single-family structure occupying the site is addressed as 1611 University Avenue.

Discussion

Crockett Engineering (agent), on behalf of Mark Stephenson (owner), is seeking approval of a replat to be known as "Fyfer's Subdivision Plat No. 4." The replat would combine portions of two R-MF (Multiple-Family Dwelling) zoned lots, into a single parcel in advance of redevelopment. The existing lots are known as Lots 15 & 16 of Block 5 of Fyfer's Addition and are located on the north side of University Avenue at the High Street intersection. Concurrent requests (Cases #268-2021 & #269-2021) seek final plat approval on the adjacent properties to the east. Previous platting actions associated with this parcel have been denied by Council (B137-21, B222-21, and B223-21).

Background

The subject parcel was included in a larger annexation in 1906 and was permanently zoned for single-family use; however, in 1957 much of the area was rezoned to R-3 (now R-MF) which permits multi-family housing. The original plat containing the subject acreage, Block 5 of Fyfer's Addition, platted 70-foot wide lots in this location. The current parcel configuration is the result of several deed transfers between adjoining lots that have occurred since 1907 following individual home construction. Given the property transfers were performed by deed there is no formal record of platting actions associated with the current lot configuration.

The current request, Plat No. 4, includes approximately the west 27-feet of Lot 16, and the east 40-feet of Lot 15. These dimensions create a lot roughly 67-feet in width. Given the overall area of property under ownership by the applicant, the proposed 3-lot arrangement (plats 2, 3, and 4 collectively) divide the property evenly and attempts to recreate the original 70-foot lots as faithfully as possible.

The past deed transfers that created the current properties at 1611, 1615, and 1617 University, were common practice between neighboring property owners at the time. However, these land transfers are not recognized by the City when determining the legal lot



City of Columbia

701 East Broadway, Columbia, Missouri 65201

status of the property. As such, final plat approval is required prior to issuance of a building permit for any redevelopment on either property.

Regulatory Considerations

Per Section 29-5.2(d)(4) approval of a replat is subject to Council finding that:

- (1) The replat does not remove any conditions of the existing plat that have been relied upon by the City and neighboring property owners.
- (2) The replat is served by adequate infrastructure to meet the increased demand generated by the resubdivision.
- (3) The replat is not detrimental to other properties in the neighborhood or if alleged to be detrimental the public benefit outweighs the alleged detriment to the property in the neighborhood.

The proposed replat has been reviewed for subdivision compliance with the requirements of the Unified Development Code (UDC). It should be further noted that any redevelopment of the site will be required to comply with all UDC standards including bulk, density, setbacks, parking, screening and buffering, neighborhood protections, architectural design, and East Campus Urban Conservation Overlay (UC-O) standards. No formal development plans have been submitted for review; however, as a part of the previously submitted platting actions the applicant has indicated a desire to redevelop the property in compliance with the R-MF zoning standards and its associated density limits.

Regarding the plat's compliance with the replat criteria, staff has been unable to find any restrictions exist or were to be relied upon by adjoining property owners pertaining to the subject site's redevelopment. It has been further determined that all utilities are in place and located within adequately sized utility easements to support the proposed redevelopment and that there are no infrastructure capacity limitations. Additionally, the platting action provides the standard 10-foot utility easements along all public right-of-way frontages (University Avenue and platted/unopened alley), will dedicate an additional 2.5-feet of right-of-way for the unopened alley to meet UDC standards, and that sidewalks are already in place along University Avenue.

Determination of the proposed platting action creating a detrimental impact upon the other properties within the neighborhood is a finding that is within the Council's sole discretion. A replat is required for the redevelopment of the parcel and the proposed lot to be created complies with the UDC's technical subdivision standards. Historically, consideration of platting action approvals has focused on compliance with the subdivision requirements not pre-existing zoning entitlements. While redevelopment of the proposed parcel will be impacted by the existing zoning entitlement there are controls in place that are designed to protect adjoining development from adverse impacts.

The replat has been reviewed by internal and external staff and has been found to be compliant with the subdivision standards of the UDC. Approval of the replat would recreate a lot generally consistent with that which was created by deed.

Locator maps and final plat are attached for review.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Possible impacts could be public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
8/2/21	Defeated: Bill No. B 222-21 – "Fyfer's Subdivision Plat No. 2, dated 7/2/2021"
8/2/21	Defeated: Bill No. B 223-21 – "Fyfer's Subdivision Plat No. 3, dated 7/2/2021"
5/17/21	Defeated: Bill No. B 137-21 – "Fyfer's Subdivision Plat No. 2, dated 3/19/2021"

Suggested Council Action

Approve, "Fyfer's Subdivision Plat No. 4."

22BA-CV00132

EXHIBIT F

EXHIBIT F
City Minutes Showing Denial

The City has not completed transcribing minutes for the November 15, 2021 hearing. However, the Council voted 6-1 against approving each plat. This Exhibit will be supplemented once the City of Columbia City Council minutes are available.

22BA-CV00132

EXHIBIT G

Exhibit G
Relief Requested by Petitioners as to Replat:
Order the Approval of 3 Ordinances for 3 Replats

Property located at 1611 University
Ordinance B358-21
(Case #270-2021)
Plat No. 4

Property located at 1615 University
Ordinance B357-21
(Case #269-2021)
Plat No. 3

Property located at 1617 University
Ordinance B356-21
(Case #268-2021)
Plat No. 2

**Relief Requested for Property located at 1611 University
Ordinance B358-21
(Case #270-2021)
Plat No. 4**

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 358-21

AN ORDINANCE

approving the Final Plat of "Fyfer's Subdivision, Plat No. 4";
accepting the dedication of rights-of-way and easements;
authorizing a performance contract; 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 Final Plat of "Fyfer's Subdivision, Plat No. 4," a replat of part of Lots 15 & 16, Fyfer's Subdivision of Fyfer's Addition located in Section 18, Township 48 North, Range 12 West, as certified and signed by the surveyor on October 4, 2021, a subdivision located on the north side of University Avenue and east of William Street (1611 University Avenue), containing approximately 0.35 acres in the City of Columbia, Boone County, Missouri, and hereby authorizes and directs the Mayor and City Clerk to sign the plat evidencing such approval.

SECTION 2. The City Council hereby accepts the dedication of all rights-of-way and easements as dedicated upon the plat.

SECTION 3. The City Manager is authorized to execute a performance contract with 1611 University, LLC in connection with the approval of the Final Plat of Fyfer's Subdivision, Plat No. 4. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2021.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Exhibit A

PERFORMANCE CONTRACT

This contract is entered into on the date of the last signatory noted below, by and between the City of Columbia, MO ("City") and 1611 University, LLC("Subdivider").

City and Subdivider agree as follows:

1. Subdivider shall construct, erect and install all improvements and utilities required in connection with the final plat of **Fyfer's Subdivision, Plat No. 4**, 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 all utilities 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 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 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 provisions of this contract constitute covenants running with the entirety of the Property. In the event Owner conveys the Property to any third party, the Owner's obligations under this contract shall automatically be assigned to, and be binding upon, the then-current owners of the Property and all of such owners' successors and assigns. In the event one or more third parties purchase the Property, each of the purchasers shall be bound by the terms of this Agreement and hereby agree to perform all obligations of Owner under this Agreement. If any sale or transfer (including any transfer by operation of law) of the Property by Owner (or any subsequent owner of the Property making such a transfer) occurs, Owner (or such subsequent transferor) shall be relieved from any and all obligations and liabilities under this contract.

8. The remedies set forth in this contract are not exclusive. City does not waive any other remedies available to enforce Subdivider's obligations 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 WHEREOF, the parties have executed this contract on the day and year of the last signatory noted below.

CITY OF COLUMBIA, MISSOURI



By: _____
John Glascock, City Manager

Date: _____

ATTEST:

By: _____
Sheela Amin, City Clerk


APPROVED AS TO FORM:

By: _____
Nancy Thompson, City Counselor

1611 University, LLC

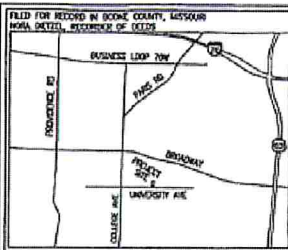
By: Missouri Real Estate, LP, a Missouri Limited Partnership, Sole Member and Manager of
1611 University, LLC

By: Mark's GP, LLC, a Missouri Limited Liability Company, General Partner



Mark Milam Stevenson, Trustee of the
Mark Milam Stevenson Revocable Inter
Vivos Trust U/T/A Dated March 13, 2003,
as Amended, Sole Member and Manager

Date: October 4, 2021



LOCATION MAP
NOT TO SCALE

FINAL PLAT FYFER'S SUBDIVISION, PLAT No. 4

A REPLAT OF PART OF LOTS 15 & 16, FYFER'S SUBDIVISION OF FYFER'S ADDITION
LOCATED IN SECTION 16, TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
AUGUST 16, 2021

CERTIFICATION

I HEREBY CERTIFY THAT IN MAY OF 2021, I CONDUCTED A SURVEY AND SUBDIVISION FOR 1611 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY, OF A TRACT OF LAND LOCATED IN THE SECTION 16, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF LOTS 15 AND 16, FYFER'S SUBDIVISION OF FYFER'S ADDITION TO THE CITY OF COLUMBIA RECORDED IN PLAT BOOK 1, PAGE 42 AND RECORDED BY MAPSURY DEED RECORDED IN BOOK 1446, PAGE 171 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 12, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE FOR UNIVERSITY AVENUE AND WITH THE SOUTH LINE OF SAID FYFER'S SUBDIVISION, N 89°55'35"E, 229.61 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID SOUTH LINE, N 138°10'E, 230.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF A PUBLIC ALLEY; THENCE WITH SAID SOUTH RIGHT OF WAY LINE, S 89°10'10"E, 60.50 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, S 13°15'15"W, 209.00 FEET TO THE NORTH RIGHT OF WAY LINE FOR UNIVERSITY AVENUE; THENCE WITH SAID NORTH RIGHT OF WAY LINE, SAID LINE ALSO BEING THE SOUTH LINE OF SAID FYFER'S SUBDIVISION, S 89°55'25"W, 64.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.33 ACRES.

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

SURVEY AND PLAT BY:

CRONKETT ENGINEERING CONSULTANTS, LLC
1000 N. HATFIELD BLVD., BUILDING 1
COLUMBIA, MO 65201
CORPORATE MEMBER 2000131304

David I. Butcher
DAVID I. BUTCHER, PLS-2000014295
DATE

STATE OF MISSOURI) SS
COUNTY OF BOONE)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF October
IN THE YEAR 2021.

Kenneth Harris NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 23, 2022
COMMISSION NUMBER 14953467



APPROVED BY CITY CLERK PURSUANT TO ORDINANCE # _____
ON THE _____ DAY OF _____, 2021.

DEAN TOLLE, CLERK

ATTEST:

DEBRA ANN CITY CLERK

KNOW ALL MEN BY THESE PRESENTS:

THAT 1611 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY IS THE SOLE OWNER OF THE ABOVE DESCRIBED TRACT AND THAT SAID LIMITED LIABILITY COMPANY HAS CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE ABOVE DRAWING. THE ALLEY RIGHT-OF-WAY SHOWN ON THE ABOVE DRAWING IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE EASEMENTS NOT OF RECORD AS SHOWN ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE ABOVE DRAWING AND DESCRIPTION SHALL HEREINAFTER BE KNOWN AS FYFER'S SUBDIVISION, PLAT NO. 4.

IN WITNESS WHEREOF, 1611 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER, THIS 2nd DAY OF October, 2021.

BY UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

BY: MISSOURI REAL ESTATE, LP, A MISSOURI LIMITED PARTNERSHIP, SOLE MEMBER AND MANAGER OF 1611 UNIVERSITY, LLC
BY: HARRY SP, LLC, A MISSOURI LIMITED LIABILITY COMPANY, GENERAL PARTNER

Mark Alan Stevenson
MARK ALAN STEVENSON, TRUSTEE OF THE MARK ALAN STEVENSON REVOCABLE INTER VIVOS TRUST 12/14 DATED
MAY 01, 2002, AS AMENDED, SOLE MEMBER AND MANAGER

STATE OF MISSOURI) SS
COUNTY OF BOONE)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF October
IN THE YEAR 2021.

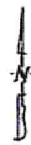
Kenneth Harris NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 23, 2022
COMMISSION NUMBER 14953467



FYFER'S SUBDIVISION PLAT NO. 4	
A REPLAT OF PART OF LOTS 15 & 16, FYFER'S SUBDIVISION OF FYFER'S ADDITION LOCATED IN SECTION 16, TOWNSHIP 48 NORTH, RANGE 12 WEST COLUMBIA, BOONE COUNTY, MISSOURI	
CORPORATE MEMBER CERTIFICATION	
DATE	FILE
5/10/2021	14953467
RECORD	BOOK
202107	040
www.crocketting.com	

A REPLAT OF PART OF LOTS 15 & 16 FIFTERS SUBDIVISION OF FIFTERS ADDITION
LOCATED IN SECTION 16, TOWNSHIP 43 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
AUGUST 16, 2021

LOCATION MAP



SCALE: 1"=40'

1. Unconsolidated recent deposits (alluvium, sand, silt, clay)
2. Consolidated sandstone
3. Consolidated sandstone
4. Consolidated sandstone
5. Consolidated sandstone
6. Consolidated sandstone
7. Consolidated sandstone
8. Consolidated sandstone
9. Consolidated sandstone
10. Consolidated sandstone

LEGEND

- ```

E DYNAMIC
I SET
• SET 1/8" FOR PVC
 CULVERT WIDTH CO-ORDINATE
DO MINIMUM DISTANCE
DOW MINIMUM DISTANCE
P.W.L POINT OF BEGINNING
P.O.C POINT OF COMMENCEMENT

```

**MONTES**

1. The project is located in Zone 8 waters determined by the Chicago Lake and Stream Survey, Floodplain as shown by the FLESA, Final, Panel No. 200-0000000, dated April 18, 2017.
2. The project complies with the accuracy standards for urban property as defined by Code of City of Chicago, Section 2-209-0000000.
3. A current title commitment was not provided for this project.
4. No part of this tract is located within the stream buffer as determined by the latest map for the following geographic areas: Chicago, Waukegan and the City of Chicago, City of Chicago, City of Chicago, City of Chicago.

PAGE 2 OF 3



FYEETS SUBDIVISION, PLAT NO. 4

A PORTION OF PART OF LOT 25 IN THE FIRST ADDITION OF FIRST ADDITION  
LOCATED IN SECTION 18, TOWNSHIP 4 NORTH, RANGE 12 WEST  
COUNTY, ROCK COUNTY, MISSOURI

**ADDITIONAL READING:**

11. 12.

|        |      |
|--------|------|
| 6-0000 | 1-10 |
|--------|------|

|          |          |
|----------|----------|
| Adm. no. | 00000000 |
| Numero   | 000      |



**Endorsements**

**CSI & Wang Inc., Seattle**  
General Manager 8072

**07-689**

**Relief Requested for Property located at 1615 University  
Ordinance B357-21  
(Case #269-2021)  
Plat No. 3**

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 357-21

### AN ORDINANCE

approving the Final Plat of "Fyfer's Subdivision, Plat No. 3";  
accepting the dedication of rights-of-way and easements;  
authorizing a performance contract; 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 Final Plat of "Fyfer's Subdivision, Plat No. 3," a replat of part of Lots 16 & 17, Fyfer's Subdivision of Fyfer's Addition located in Section 18, Township 48 North, Range 12 West, as certified and signed by the surveyor on October 4, 2021, a subdivision located on the north side of University Avenue and east of William Street (1615 University Avenue), containing approximately 0.35 acres in the City of Columbia, Boone County, Missouri, and hereby authorizes and directs the Mayor and City Clerk to sign the plat evidencing such approval.

SECTION 2. The City Council hereby accepts the dedication of all rights-of-way and easements as dedicated upon the plat.

SECTION 3. The City Manager is authorized to execute a performance contract with 1611 University, LLC and 1615 University, LLC in connection with the approval of the Final Plat of Fyfer's Subdivision, Plat No. 3. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

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

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

APPROVED AS TO FORM:

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



## Exhibit A

**PERFORMANCE CONTRACT**

This contract is entered into on the date of the last signatory noted below, by and between the City of Columbia, MO ("City") and 1611 University, LLC; and 1615 University, LLC("Subdivider").

City and Subdivider agree as follows:

1. Subdivider shall construct, erect and install all improvements and utilities required in connection with the final plat of **Fyfer's Subdivision, Plat No. 3**, 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 all utilities 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 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 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 provisions of this contract constitute covenants running with the entirety of the Property. In the event Owner conveys the Property to any third party, the Owner's obligations under this contract shall automatically be assigned to, and be binding upon, the then-current owners of the Property and all of such owners' successors and assigns. In the event one or more third parties purchase the Property, each of the purchasers shall be bound by the terms of this Agreement and hereby agree to perform all obligations of Owner under this Agreement. If any sale or transfer (including any transfer by operation of law) of the Property by Owner (or any

subsequent owner of the Property making such a transfer) occurs, Owner (or such subsequent transferor) shall be relieved from any and all obligations and liabilities under this contract.

8. The remedies set forth in this contract are not exclusive. City does not waive any other remedies available to enforce Subdivider's obligations 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 WHEREOF, the parties have executed this contract on the day and year of the last signatory noted below.

**CITY OF COLUMBIA, MISSOURI**



By: \_\_\_\_\_  
John Glascock, City Manager

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Sheela Amin, City Clerk


APPROVED AS TO FORM:

By: \_\_\_\_\_  
Nancy Thompson, City Counselor

1611 University, LLC

By: Missouri Real Estate, LP, a Missouri Limited Partnership, Sole Member and Manager of  
1611 University, LLC


By: Mark's GP, LLC, a Missouri Limited Liability Company, General Partner

  
Mark Milam Stevenson, Trustee of the Mark  
Milam Stevenson Revocable Inter Vivos Trust  
U/T/A Dated March 13, 2003, as Amended, Sole  
Member and Manager  
October 4, 2021

1615 University, LLC

By: Missouri Real Estate, LP, a Missouri Limited Partnership, Sole Member and Manager of  
1615 University, LLC, Formerly Known As 1615, 1617 University LLC

By: Mark's GP, LLC, a Missouri Limited Liability Company, General Partner

  
Mark Milam Stevenson, Trustee of the Mark  
Milam Stevenson Revocable Inter Vivos Trust  
U/T/A Dated March 13, 2003, as Amended, Sole  
Member and Manager  
October 4, 2021



FILED FOR RECORD IN BOONE COUNTY, MISSOURI  
NORA DEYER, RECORDER OF DEEDS



LOCATION MAP  
NOT TO SCALE

### KNOW ALL MEN BY THESE PRESENTS:

THAT 1611 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY AND 1615 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY IS THE SOLE OWNER OF THE HEREIN DESCRIBED TRACT AND THAT SAID LIMITED LIABILITY COMPANY HAS CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE ABOVE DRAWING. THE ALLEY RIGHT-OF-WAY SHOWN BY THE ABOVE DRAWING IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE EASEMENTS NOT OF RECORD AS SHOWN ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE ABOVE DRAWING AND DESCRIPTION SHALL HEREAFTER BE KNOWN AS "FYFER'S SUBDIVISION, PLAT NO. 3".

IN WITNESS WHEREOF, 1611 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY AND 1615 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER, THIS 4th DAY OF October, 2021.

1611 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

BY: MISSOURI REAL ESTATE, LP, A MISSOURI LIMITED PARTNERSHIP, SOLE MEMBER AND MANAGER OF 1611 UNIVERSITY, LLC  
BY: MARK'S GP, LLC, A MISSOURI LIMITED LIABILITY COMPANY, GENERAL PARTNER

Mark Wilson, Partner  
MARK WILSON STEVENSON, TRUSTEE OF THE MARK WILSON STEVENSON REVOCABLE INTER VIVOS TRUST  
TRUST U/I/A DATED MARCH 13, 2003, AS AMENDED, SOLE MEMBER AND MANAGER

STATE OF MISSOURI | SS  
COUNTY OF BOONE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF October IN THE YEAR 2021.

Kenneth Farris NOTARY PUBLIC  
KENNETH FARRIS MY COMMISSION EXPIRES APRIL 22, 2022  
COMMISSION NUMBER 14955667



## FINAL PLAT FYFER'S SUBDIVISION, PLAT No. 3

A REPLAT OF PART OF LOTS 16 & 17, FYFER'S SUBDIVISION OF FYFER'S ADDITION  
LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI  
AUGUST 16, 2021

1615 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

BY: MISSOURI REAL ESTATE, LP, A MISSOURI LIMITED PARTNERSHIP, SOLE MEMBER AND MANAGER OF 1615 UNIVERSITY, LLC, FORMERLY KNOWN AS 1615, 1617 UNIVERSITY, LLC  
BY: MARK'S GP, LLC, A MISSOURI LIMITED LIABILITY COMPANY, GENERAL PARTNER

Mark Wilson, Partner  
MARK WILSON STEVENSON, TRUSTEE OF THE MARK WILSON STEVENSON REVOCABLE INTER VIVOS TRUST  
TRUST U/I/A DATED MARCH 13, 2003, AS AMENDED, SOLE MEMBER AND MANAGER

STATE OF MISSOURI | SS  
COUNTY OF BOONE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF October IN THE YEAR 2021.

Kenneth Farris NOTARY PUBLIC  
KENNETH FARRIS MY COMMISSION EXPIRES APRIL 22, 2022  
COMMISSION NUMBER 14955667



### CERTIFICATION:

I HEREBY CERTIFY THAT IN MAY OF 2021, I COMPLETED A SURVEY AND SUBDIVISION FOR 1611 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY AND 1615 UNIVERSITY, LLC, OF A TRACT OF LAND LOCATED IN THE SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, AND BEING PART OF LOTS 16 AND 17, FYFER'S SUBDIVISION OF FYFER'S ADDITION TO THE CITY OF COLUMBIA RECORDED IN PLAT BOOK 1, PAGE 42 AND DESCRIBED BY WARRANTY DEEDS RECORDED IN BOOK 2450, PAGE 171 AND BOOK 2450, PAGE 173 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE FOR UNIVERSITY AVENUE AND WITH THE SOUTH LINE OF SAID FYFER'S SUBDIVISION, N 89°55'55"E, 296.43 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID SOUTH LINE, N 1°35'35"E, 229.90 FEET TO THE SOUTH RIGHT OF WAY LINE OF A PUBLIC ALLEY; THENCE WITH SAID SOUTH RIGHT OF WAY LINE, S 89°28'05"E, 68.55 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, S 1°31'40"W, 229.18 FEET TO THE NORTH RIGHT OF WAY LINE FOR UNIVERSITY AVENUE; THENCE WITH SAID NORTH RIGHT OF WAY LINE, SAID LINE ALSO BEING THE SOUTH LINE OF SAID FYFER'S SUBDIVISION, S 89°55'55"E, 66.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.35 ACRES.

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

SURVEY AND PLAT BY:

CROCKETT ENGINEERING CONSULTANTS, LLC  
1000 W. HINDS BLVD., BUILDING 1  
COLUMBIA, MO 65203

CORPORATE NUMBER: 2000151304

David T. Butcher  
DAVID T. BUTCHER, PLS-2002014095  
DATE 10/4/2021

STATE OF MISSOURI | SS  
COUNTY OF BOONE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF October IN THE YEAR 2021.

Kenneth Farris NOTARY PUBLIC  
KENNETH FARRIS MY COMMISSION EXPIRES APRIL 22, 2022  
COMMISSION NUMBER 14955667



APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE # \_\_\_\_\_  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

BRIAN BRIDGE, MAYOR

ATTEST:

SHEELA AYOUB, CITY CLERK



PAGE 1 OF 2

### FYFER'S SUBDIVISION, PLAT NO. 3

A REPLAT OF PART OF LOTS 16 & 17, FYFER'S SUBDIVISION OF FYFER'S ADDITION  
LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI

CORPORATE NUMBER 2000151304

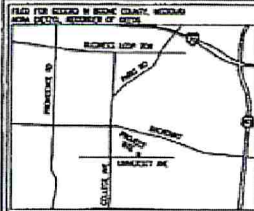
DATE:  
8/16/2021  
PROJECT:  
200727

SCALE:  
NTS  
DRAWN BY:  
DWS

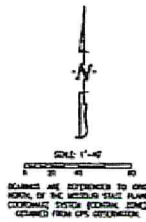


# FINAL PLAT FYFER'S SUBDIVISION, PLAT No. 3

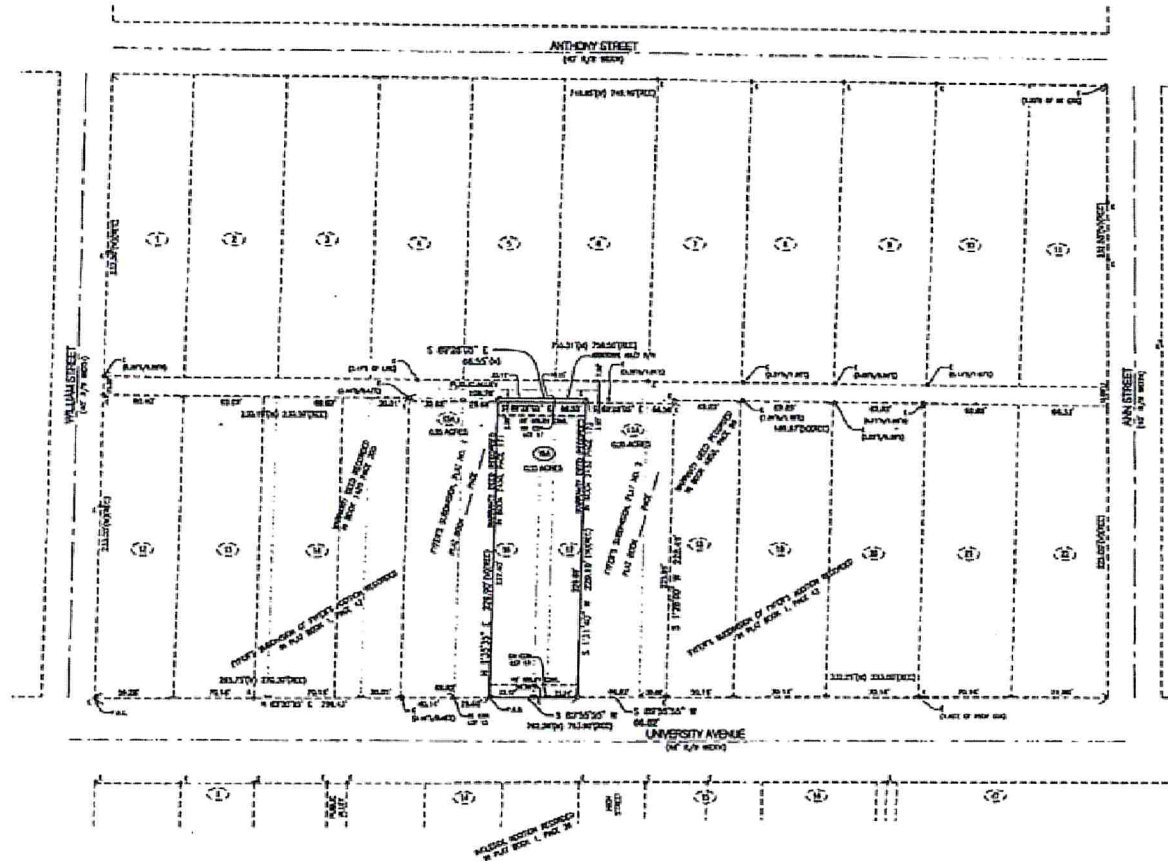
A REPLAT OF PART OF LOTS 16 & 17, FYFER'S SUBDIVISION OF FYFER'S ADDITION  
LOCATED IN SECTION 16, TOWNSHIP 48 NORTH, RANGE 12 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI  
AUGUST 16, 2021



LOCATION MAP  
NOT TO SCALE



**LEGEND**  
 1. Center  
 2. ST  
 3. ST 1/2" HIGH FIVE  
 4. ST 1/2" HIGH FIVE  
 5. CENTER WITH CONCERNED  
 6. MEASURED DISTANCE  
 7. (FEET) MEASURED DISTANCE  
 8. P.B. POINT OF BEGINNING  
 9. P.C. POINT OF COMMENCEMENT



- NOTES**
1. THIS PLAT IS LOCATED IN ZONE 4-ARMS DETERMINED TO BE OUTSIDE THE BLUE HORIZON ZONE FLOODPLAIN AS SHOWN BY THE FEMA FIRM, PANEL NO. 221000000, DATED APRIL 14, 2017.
  2. THE SURVEY CONTAINS THE ACCURATE STANDARDS FOR CORRECTION PROPERTY AS SET FORTH BY CODE OF STATE REGULATIONS 2 CSR 10-60.000(1).
  3. A CURETILE CORRECTION HAS NOT BEEN PROVIDED FOR THIS SURVEY.
  4. NO PART OF THIS PLAT IS LOCATED WITHIN THE STREAM BUFFER AS DETERMINED BY THE MISSOURI DEPARTMENT OF REVENUE, BOONE COUNTY, MISSOURI, AND JUDGES 1 & 2 OF COURTESY OF THE CITY OF COLUMBIA, BOONE COUNTY, MISSOURI.

PAGE 2 OF 2

|                                                                         |  |                                                                                                                                                                                                                    |  |
|-------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|                                                                         |  | <b>FYFER'S SUBDIVISION, PLAT NO. 3</b><br>A REPLAT OF PART OF LOTS 16 & 17, FYFER'S SUBDIVISION OF FYFER'S ADDITION<br>LOCATED IN SECTION 16, TOWNSHIP 48 NORTH, RANGE 12 WEST<br>COLUMBIA, BOONE COUNTY, MISSOURI |  |
| EXAMINER'S RECORD<br>DATE: 8/16/21<br>BY: [Signature]<br>TITLE: [Title] |  | <b>CHOCSEY</b><br>CHOCSEY & ASSOCIATES, P.C.<br>1000 N. GARDEN AVENUE, SUITE 100<br>COLUMBIA, MISSOURI 65203-4400<br>www.chocsey.com                                                                               |  |

**Relief Requested for Property located at 1617 University  
Ordinance B356-21  
(Case #268-2021)  
Plat No. 2**



Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 356-21

### AN ORDINANCE

approving the Final Plat of "Fyfer's Subdivision, Plat No. 2";  
accepting the dedication of rights-of-way and easements;  
authorizing a performance contract; 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 Final Plat of "Fyfer's Subdivision, Plat No. 2," a replat of part of Lots 17 & 18, Fyfer's Subdivision of Fyfer's Addition located in Section 18, Township 48 North, Range 12 West, as certified and signed by the surveyor on October 4, 2021, a subdivision located on the north side of University Avenue and east of William Street (1617 University Avenue), containing approximately 0.35 acres in the City of Columbia, Boone County, Missouri, and hereby authorizes and directs the Mayor and City Clerk to sign the plat evidencing such approval.

SECTION 2. The City Council hereby accepts the dedication of all rights-of-way and easements as dedicated upon the plat.

SECTION 3. The City Manager is authorized to execute a performance contract with 1615 University, LLC and 1617 University, LLC in connection with the approval of the Final Plat of Fyfer's Subdivision, Plat No. 2. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

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

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

APPROVED AS TO FORM:

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

Exhibit A

## PERFORMANCE CONTRACT

This contract is entered into on the date of the last signatory noted below, by and between the City of Columbia, MO ("City") and 1615 University, LLC and 1617 University, LLC ("Subdivider").

City and Subdivider agree as follows:

1. Subdivider shall construct, erect and install all improvements and utilities required in connection with the final plat of **Fyfer's Subdivision, Plat No. 2**, 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 all utilities 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 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 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 provisions of this contract constitute covenants running with the entirety of the Property. In the event Owner conveys the Property to any third party, the Owner's obligations under this contract shall automatically be assigned to, and be binding upon, the then-current owners of the Property and all of such owners' successors and assigns. In the event one or more third parties purchase the Property, each of the purchasers shall be bound by the terms of this Agreement and hereby agree to perform all obligations of Owner under this Agreement. If any sale or transfer (including any transfer by operation of law) of the Property by Owner (or any


subsequent owner of the Property making such a transfer) occurs, Owner (or such subsequent transferor) shall be relieved from any and all obligations and liabilities under this contract.

8. The remedies set forth in this contract are not exclusive. City does not waive any other remedies available to enforce Subdivider's obligations 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 WHEREOF, the parties have executed this contract on the day and year of the last signatory noted below.

**CITY OF COLUMBIA, MISSOURI**

  
By: \_\_\_\_\_  
John Glascock, City Manager

Date: \_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_  
Sheela Amin, City Clerk

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Nancy Thompson, City Counselor



**1615 University, LLC**

By: Missouri Real Estate, LP, a Missouri Limited Partnership, Sole Member and Manager of  
1615 University, LLC, Formerly Known As 1615, 1617 University LLC

By: Mark's GP, LLC, a Missouri Limited Liability Company, General Partner

Mark Milam Stevenson  
Mark Milam Stevenson, Trustee of the  
Mark Milam Stevenson Revocable Inter  
Vivos Trust U/T/A Dated March 13, 2003,  
as Amended, Sole Member and Manager

Date: October 4, 2021

**1617 University, LLC**

By: Missouri Real Estate, LP, a Missouri Limited Partnership, Sole Member and Manager of  
1617 University, LLC

By: Mark's GP, LLC, a Missouri Limited Liability Company, General Partner

Mark Milam Stevenson  
Mark Milam Stevenson, Trustee of the  
Mark Milam Stevenson Revocable Inter  
Vivos Trust U/T/A Dated March 13, 2003,  
as Amended, Sole Member and Manager

Date: October 4, 2021

LOCATION MAP  
NOT TO SCALE

## FINAL PLAT

# FYFER'S SUBDIVISION, PLAT No. 2

A REPLAT OF PART OF LOTS 17 & 18, FYFER'S SUBDIVISION OF FYFER'S ADDITION  
LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI  
AUGUST 18, 2021

**CERTIFICATION**

I HEREBY CERTIFY THAT ON MAY 12, 2021, I COMPLETED A SURVEY AND SUBDIVISION FOR 1815 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY AND 1817 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY OF A TRACT OF LAND LOCATED IN THE SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF LOTS 17 AND 18, FYFER'S SUBDIVISION OF FYFER'S ADDITION TO THE CITY OF COLUMBIA RECORDED IN PLAT BOOK 1, PAGE 43 AND DISCOVERED BY WARRANTY DEEDS RECORDED IN BOOK 2430, PAGE 173 AND BOOK 4676, PAGE 43 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 18, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE FOR UNIVERSITY AVENUE AND WITH THE SOUTH LINE OF SAID FYFER'S SUBDIVISION, N 89°55'34"E, 343.29 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID SOUTH LINE, N 1°12'42"E, 328.18 FEET TO THE SOUTH RIGHT OF WAY LINE OF A PUBLIC ALLEY; THENCE WITH SAID SOUTH RIGHT OF WAY LINE, S 89°55'34"E, 65.58 FEET, THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, S 1°12'42"E, 328.18 FEET TO THE NORTH RIGHT OF WAY LINE FOR UNIVERSITY AVENUE; THENCE WITH SAID NORTH RIGHT OF WAY LINE, SAID LINE ALSO BEING THE SOUTH LINE OF SAID FYFER'S SUBDIVISION, S 89°55'34"E, 65.52 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.13 ACRES.

I FURTHER CERTIFY THAT I SURVEYED THE ABOVE DESCRIBED PROPERTY AND SUBDIVISION AS SHOWN ON THE PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY:  
CROCKETT ENGINEERING CONSULTANTS, LLC  
1000 W. HITCHCOCK BLVD., SUITE 101  
COLUMBIA, MO 65203  
CORPORATE NUMBER: 2020151304

DAVID T. BUTLER, PLS-2020114305  
DATE: 10/16/2021

STATE OF MISSOURI: 23  
COUNTY OF BOONE: 23

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF October, 2021.

ROBERT FAIRBANKS  
NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 22, 2022  
COMMISSION NUMBER: 14855027

APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE # \_\_\_\_\_  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

BRIAN BRIDGES, MAYOR  
ATTEST:  
DEBRA ANN, CITY CLERK

**KNOW ALL MEN BY THESE PRESENTS:**

THAT 1815 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY AND 1817 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY ARE THE SOLE OWNERS OF THE HEREIN DESCRIBED TRACT AND THAT SAID LIMITED LIABILITY COMPANIES HAVE CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE ABOVE DRAWING. THE ALLEY (EIGHT-FOOT-WIDE) SHOWN BY THE ABOVE DRAWING IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE EASEMENTS AS SHOWN ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE ABOVE DRAWING AND DESCRIPTION SHALL HEREINAFTER BE KNOWN AS FYFER'S SUBDIVISION, PLAT NO. 2.

BY: 1815 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY AND 1817 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY HAVE CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER, THIS 2nd DAY OF October, 2021.

BY: MISSOURI REAL ESTATE, LP, A MISSOURI LIMITED PARTNERSHIP, SOLE MEMBER AND MANAGER OF 1815 UNIVERSITY, LLC, FORMERLY KNOWN AS 1815, 1817 UNIVERSITY, LLC  
BY: MARK'S DP, LLC, A MISSOURI LIMITED LIABILITY COMPANY, GENERAL PARTNER

Mark's DP, LLC  
1000 W. HITCHCOCK BLVD., SUITE 101  
COLUMBIA, MO 65203  
MARCH 13, 2021, AS AMENDED, SOLE MEMBER AND MANAGER

STATE OF MISSOURI: 23  
COUNTY OF BOONE: 23

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF October, 2021.

ROBERT FAIRBANKS  
NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 22, 2022  
COMMISSION NUMBER: 14855027

APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE # \_\_\_\_\_  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

BRIAN BRIDGES, MAYOR  
ATTEST:  
DEBRA ANN, CITY CLERK

1815 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

1817 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

MARK'S DP, LLC, A MISSOURI LIMITED LIABILITY COMPANY, GENERAL PARTNER

1000 W. HITCHCOCK BLVD., SUITE 101  
COLUMBIA, MO 65203  
MARCH 13, 2021, AS AMENDED, SOLE MEMBER AND MANAGER

STATE OF MISSOURI: 23  
COUNTY OF BOONE: 23

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF October, 2021.

ROBERT FAIRBANKS  
NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 22, 2022  
COMMISSION NUMBER: 14855027

APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE # \_\_\_\_\_  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

BRIAN BRIDGES, MAYOR  
ATTEST:  
DEBRA ANN, CITY CLERK

1815 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

1817 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

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1000 W. HITCHCOCK BLVD., SUITE 101  
COLUMBIA, MO 65203  
MARCH 13, 2021, AS AMENDED, SOLE MEMBER AND MANAGER

STATE OF MISSOURI: 23  
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SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF October, 2021.

ROBERT FAIRBANKS  
NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 22, 2022  
COMMISSION NUMBER: 14855027

APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE # \_\_\_\_\_  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

BRIAN BRIDGES, MAYOR  
ATTEST:  
DEBRA ANN, CITY CLERK

1815 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

1817 UNIVERSITY, LLC, A MISSOURI LIMITED LIABILITY COMPANY

MARK'S DP, LLC, A MISSOURI LIMITED LIABILITY COMPANY, GENERAL PARTNER

1000 W. HITCHCOCK BLVD., SUITE 101  
COLUMBIA, MO 65203  
MARCH 13, 2021, AS AMENDED, SOLE MEMBER AND MANAGER

STATE OF MISSOURI: 23  
COUNTY OF BOONE: 23

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF October, 2021.

ROBERT FAIRBANKS  
NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 22, 2022  
COMMISSION NUMBER: 14855027

APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE # \_\_\_\_\_  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

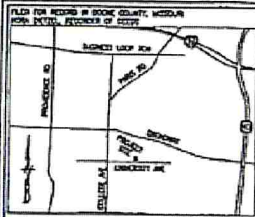
BRIAN BRIDGES, MAYOR  
ATTEST:  
DEBRA ANN, CITY CLERK



| FYFER'S SUBDIVISION, PLAT NO. 2                                                                                                                                          |               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| A REPLAT OF PART OF LOTS 17 & 18, FYFER'S SUBDIVISION OF FYFER'S ADDITION<br>LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST<br>COLUMBIA, BOONE COUNTY, MISSOURI |               |
| CORPORATE NUMBER: 2020151304                                                                                                                                             |               |
| DATE: 8/16/2021                                                                                                                                                          | BY: HTS       |
| PROJECT: 200027                                                                                                                                                          | DRAWN BY: DTD |
| <p>1000 W. HITCHCOCK BLVD., SUITE 101<br/>COLUMBIA, MISSOURI 65203<br/>(573) 442-0175</p> <p>www.treelighting.com</p>                                                    |               |

APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE # \_\_\_\_\_  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

BRIAN BRIDGES, MAYOR  
ATTEST:  
DEBRA ANN, CITY CLERK



LOCATION MAP  
NOT TO SCALE



SCALE 1"=40'  
 0 20 40  
 FEET  
 DIMENSIONS ARE REFERENCED TO THE  
 CORNER OF THE NEIGHBORING TRACT, FIVE  
 CORNER STATION (SOUTH), 2000,  
 DISTANCE FROM THE CORNER

**LEGEND:**

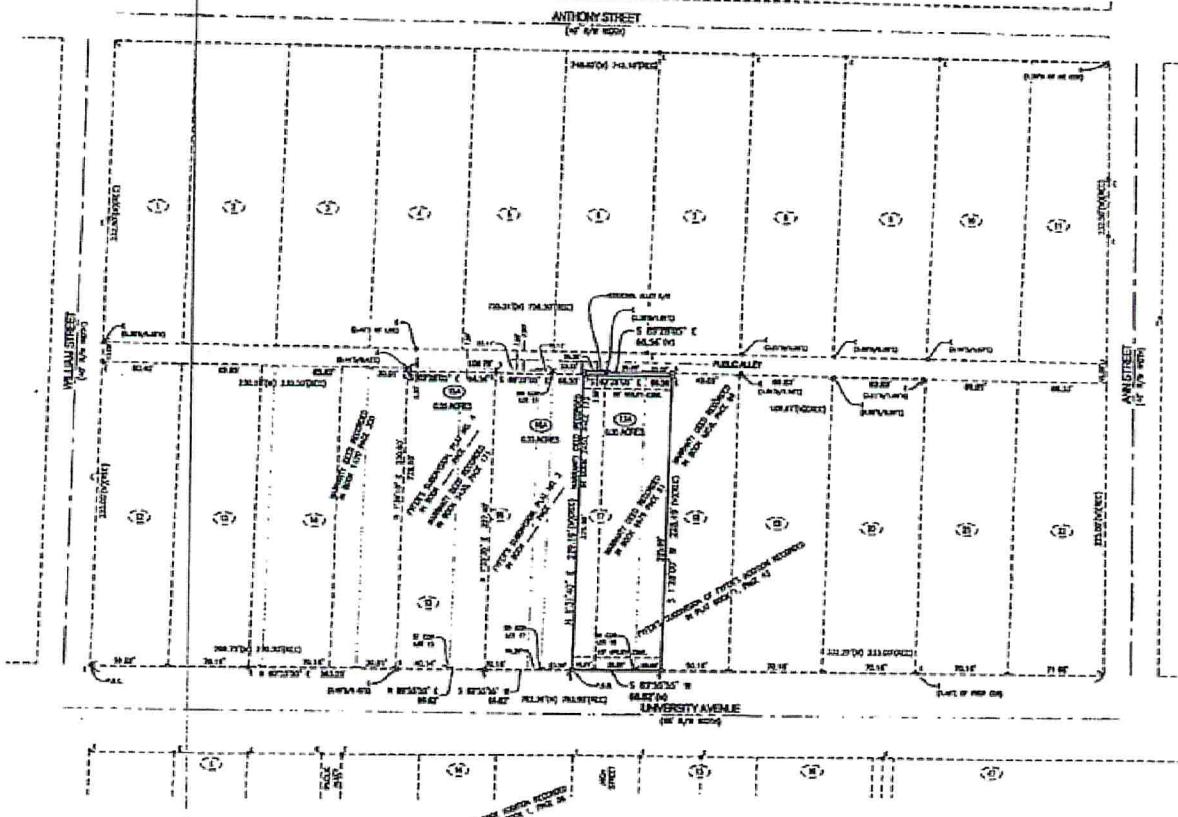
- C. EXISTING
- S. SET
- 1/2" SET 1/2" FOR P.P.
- SHALLOO NOTED CORNER
- DA. MEASURED DISTANCE
- DA.25. MEASURED DISTANCE
- P.P. POINT OF BEGINNING
- P.P. POINT OF COMMENCEMENT

**NOTES:**

1. THE TRACT IS LOCATED IN PLAT 1, 1898, REFERENCED TO BE OUTSIDE THE OLD  
 PUBLIC CORNER, PLAT 1, 1898, BY THE PLAT 1, 1898, PLAT 1, 1898,  
 DISTANCE, 1898, 1898, 1898.
2. THE TRACT IS LOCATED IN THE PLAT 1, 1898, REFERENCED TO BE OUTSIDE THE OLD  
 PUBLIC CORNER, PLAT 1, 1898, BY THE PLAT 1, 1898, PLAT 1, 1898,  
 DISTANCE, 1898, 1898, 1898.
3. A CORNER TO THE CORNER WAS NOT PROVIDED FOR THE TRACT.
4. NO PART OF THE TRACT IS LOCATED WITHIN THE PLAT 1, 1898, REFERENCED TO BE OUTSIDE THE OLD  
 PUBLIC CORNER, PLAT 1, 1898, BY THE PLAT 1, 1898, PLAT 1, 1898,  
 DISTANCE, 1898, 1898, 1898.

# FINAL PLAT **FYFER'S SUBDIVISION, PLAT No. 2**

A REPLAT OF PART OF LOTS 17 & 18, FYFER'S SUBDIVISION OF FYFER'S ADDITION  
 LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST  
 COLUMBIA, BOONE COUNTY, MISSOURI  
 AUGUST 15, 2022



|  |  |                                                                                                                                                                                                                    |                                  |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
|  |  | <b>FYFER'S SUBDIVISION, PLAT NO. 2</b><br>A REPLAT OF PART OF LOTS 17 & 18, FYFER'S SUBDIVISION OF FYFER'S ADDITION<br>LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST<br>COLUMBIA, BOONE COUNTY, MISSOURI |                                  |
|  |  | CORPORATE RECORDS<br>1/1/2022<br>1/1/2022<br>1/1/2022                                                                                                                                                              | 1/1/2022<br>1/1/2022<br>1/1/2022 |