

MEMORANDUM

TO: Park Board

FROM: Michael R Woods, Deputy Director of Community Development Department

DATE: April 7, 2022

SUBJECTS: Review of Proposed Open Space Dedication Rock Ridge Residences a Preliminary Subdivision Plat

SUMMARY:

Branson Municipal Code Section 94-119 requires residential subdivisions to provide open space for the enjoyment of residents and visitors. It also requires the Park Board's recommendation of the proposed open space prior to the Board of Aldermen's review.

A Preliminary/Final Subdivision Plat has been requested for Rock Ridge within the Branson Hills Planned Development. Based on 9 proposed residential units at a rate of three persons per unit, the subdivision is required to provide at least .54 acres of open space, with up to half of the required open space being private. While the applicant has proposed approximately .38 acres of public open space to fulfill this requirement, they can only take half or .27 acres. They have elected to pay the other .27 acres as a proposed payment to the park board. Therefore \$4050.00 will be payable if accepted at final plot.

Therefore Mathematically:

9 lots times 3 people per code =27 people

$27 \times (20 \text{ acres} / 1000 \text{ people}) = 0.54 \text{ acres required}$

Developer provided .38 acres of private which up to half is allowed $(.54/2) = .27 \text{ acres is the reduction factor.}$

Therefore, as the developer is choosing $(.54 \text{ required} - .27 \text{ reduction factor}) \times 15,000.00 = \4050.00 will be proposed payment to the Park Board.

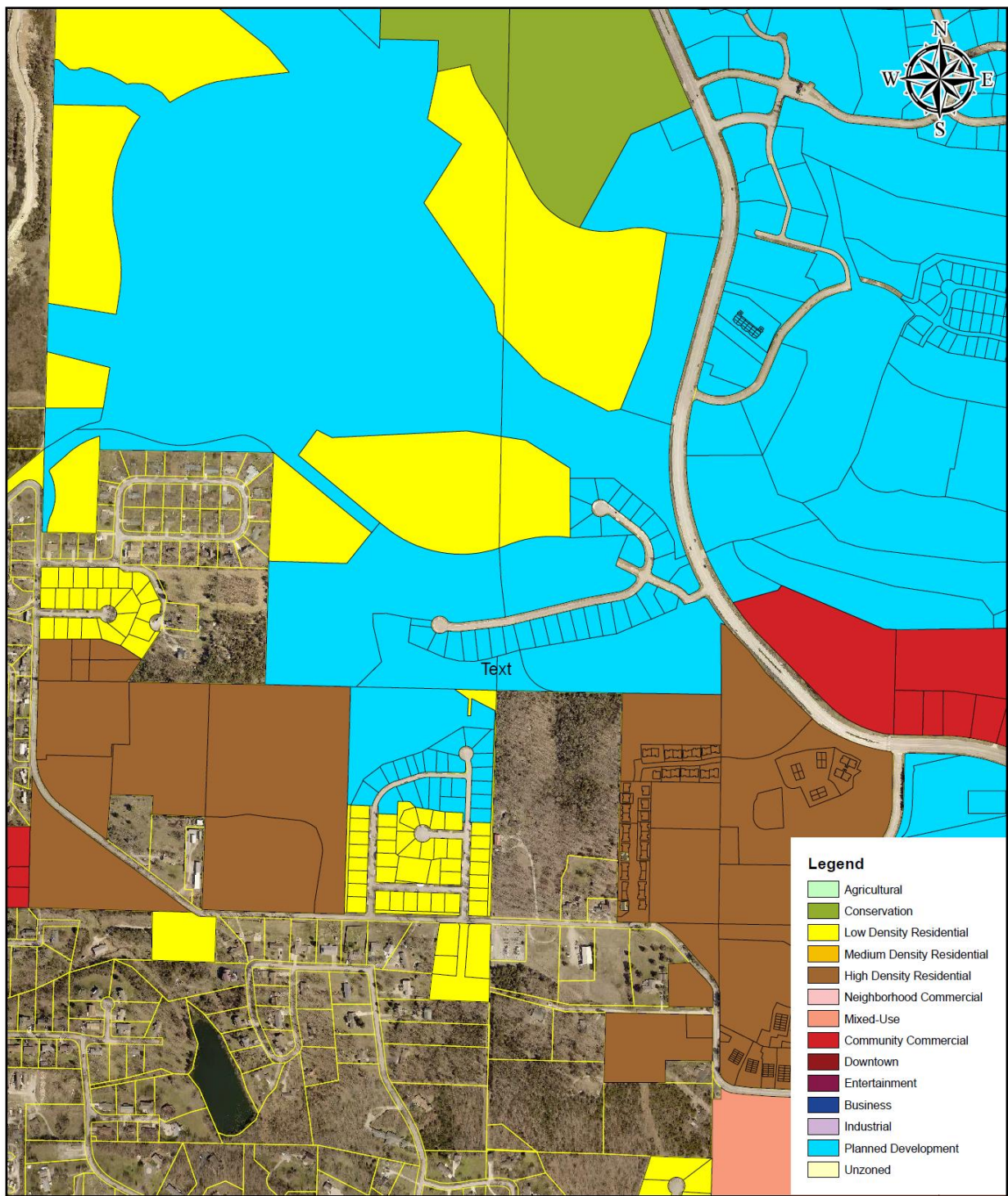
Staff will be available for questions during the meeting.

STAFF RECOMMENDATION:

Staff recommends acceptance of the proposed open space private dedication and payment to the Park Board

Attachments, GIS View, Current Zoning, (unapproved) Preliminary Plot, Copy of Code 94-119





670 335 0 670 Feet



Disclaimer: All information included on this map or digital file is provided "as-is" for general information purposes only. The City of Branson, and all other contributing data suppliers, make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the data for any particular use. Furthermore, the City of Branson, and all other contributing data suppliers, assume no liability whatsoever associated with the use or misuse of the data.

RECORDERS SPACE

DESCRIPTION

ALL OF LOT 2C OF STONE VALLEY ESTATES REPLAT, AS PER THE RECORDED PLAT THEREOF, RECORDED IN PLAT BOOKSLIDE "1", AT PAGES 743-744, RECORDED IN THE TANEY COUNTY RECORDERS OFFICE, TANEY COUNTY, MISSOURI.

ALSO:

A TRACT OF LAND BEING ALL OF THE INGRESS/EGRESS EASEMENT AND OPEN SPACE, AS PER THE RECORDED PLAT THEREOF, PLAT BOOKSLIDE "1", AT PAGES 743-744, RECORDED IN THE TANEY COUNTY RECORDERS OFFICE, TANEY COUNTY, MISSOURI, AND BEING SITUATED IN PART OF THE NW1/4 OF THE SW1/4 OF SECTION 20, TOWNSHIP 23 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2A OF SAID STONE VALLEY ESTATES; THENCE N 77°35'4" E, ALONG THE BOUNDARY LINE OF STONE VALLEY ESTATES, A DISTANCE OF 88.87 FEET; TO THE NORTHWEST CORNER OF SAID LOT 2A; THENCE N 77°35'4" E, ALONG THE BOUNDARY LINE OF STONE VALLEY ESTATES, A DISTANCE OF 88.87 FEET; THENCE S 87°52'1" E, ALONG THE SOUTHERLY BOUNDARY LINE OF LOTS 2A AND 2C OF STONE VALLEY ESTATES, A DISTANCE OF 122.79 FEET; TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ROCKHURST ROAD; THENCE SOUTHWESTERLY, LEAVING SOUTHERLY BOUNDARY LINE AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG A NON-TANGENT BEARING OF A CURVE TO THE LEFT 41°16'18" BEARING HAVING A DELTA OF 47°02'2" A CHORD BEARING AND DISTANCE OF 5.967492" W, 48.80 FEET; AND HAVING A RADIUS OF 148.80 FEET; TO THE NORTHWEST CORNER OF LOT 2A STONE VALLEY ESTATES; THENCE N 87°52'1" W, LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 122.79 FEET; TO THE NEW POINT OF BEGINNING; SAID TRACT CONTAINING 77.28 SQUARE FEET OF LAND, MORE OR LESS.

ALL OF THE ABOVE BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS AND RESERVATIONS OF RECORD, IF ANY.

DEDICATION

THE UNDERSIGNED PROPRIETORS OF THE PROPERTY DESCRIBED HEREIN HAVE THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THIS PLAT AND SAID PROPERTY SHALL HEREAFTER BE KNOWN AS LOTS 2C-1, 2C-2, 2C-3, 2C-4, 2C-5, 2C-6, 2C-7, 2C-8, AND 2C-9 OF LOT 2A STONE VALLEY ESTATES REPLAT.

IT SHALL BE SUFFICIENT DESCRIPTION OF THE LOTS ON THIS PLAT TO HEREAFTER DESIGNATE THE SAME BY THE NUMBERS APPEARING NEAR THE CENTER OF THE LOTS FOLLOWED BY THE WORDS "LOT 2C OF THE REPLAT OF LOT 2A STONE VALLEY ESTATES".

AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF BRANSON, MISSOURI, TO LOCATE, CONSTRUCT AND MAINTAIN, AND TO AUTHORIZE THE LOCATION, CONSTRUCTION, MAINTENANCE, OR USE OF CONCRETE, FOR ALL AND ANY PURPOSE, WATER, GAS, SEWER MAINS, POLES, WIRES, ANCHORS AND APPURTENANCES THEREON, OR ANY OR ALL OF THEM, OVER, UNDER AND ALONG THE STRIP OF LAND OUTLINED ON THIS PLAT AND DESIGNATED "UTILITY EASEMENT OR UTILITY EASEMENT".

AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF BRANSON, MISSOURI, TO LOCATE, CONSTRUCT AND MAINTAIN, AND TO AUTHORIZE THE LOCATION, CONSTRUCTION, MAINTENANCE AND USE OF SURFACE DRAINAGE DITCHES AND INSTALLATIONS, AND UNDERGROUND DRAINAGE CONDUITS AND APPURTENANCES FOR DRAINAGE PURPOSES, ON, UNDER AND ALONG THE STRIPS OF LAND OUTLINED ON THIS PLAT AND DESIGNATED "DRAINAGE EASEMENTS" OR "D.E.". ALL ROAD RIGHT-OF-WAY AND EASEMENTS SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO THE PUBLIC USE ARE HEREBY REDEDICATED.

BUILDING LINES OR SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR OTHERWISE LOCATED BETWEEN THIS LINE AND THE LOT OR STREET LINE, DESIGNATED B.L.

CERTIFICATE OF OWNERSHIP

STONE VALLEY DEVELOPMENT, LLC, DO HEREBY CERTIFY THAT IT IS THE SOLE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE COUNTY OF TANEY, AND THAT IT FREELY ADOPT THEIR PLAN OF SUBDIVISION AND DISCART TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS EASEMENTS OR DEFICIENT RIGHT OF WAY, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT IT WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY.

IN TESTIMONY WHEREOF, THE UNDERSIGNED PROPRIETOR HAS HEREUNTO SET HIS HAND THIS ____ DAY OF _____, 2022.

STONE VALLEY DEVELOPMENT, LLC, A MISSOURI LIMITED LIABILITY COMPANY

BY:

STEVEN S. REDFORD, MANAGING MEMBER

ACKNOWLEDGMENT

CITY OF BRANSON

COUNTY OF TANEY

ON THIS ____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF MISSOURI, APPEARED STEVEN S. REDFORD, MANAGING MEMBER OF STONE VALLEY DEVELOPMENT, LLC, A MISSOURI LIMITED LIABILITY COMPANY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT ON BEHALF OF SAID COMPANY BY AUTHORITY OF ITS MANAGING MEMBER, STEVEN S. REDFORD, WHO KNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID STONE VALLEY DEVELOPMENT, LLC, AS THE MANAGING MEMBER OF SAID COMPANY.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

SEAL OR STAMP NOTARY PUBLIC:

MY COMMISSION EXPIRES:

CITY OF BRANSON

APPROVED BY THE DIRECTOR OF PLANNING & DEVELOPMENT, UNDER THE AUTHORITY OF THE MAYOR AND BOARD OF ALDERMEN OF BRANSON, MISSOURI, THIS ____ DAY OF _____, 2022.

ACTING DIRECTOR OF PLANNING & DEVELOPMENT

APPROVED BY THE DIRECTOR OF PUBLIC WORKS, UNDER THE AUTHORITY OF THE MAYOR AND BOARD OF ALDERMEN OF BRANSON, MISSOURI, THIS ____ DAY OF _____, 2022.

KEITH A. FRANCIS, DIRECTOR OF PUBLIC WORKS

PRELIMINARY LOTS 2C-1, 2C-2, 2C-3, 2C-4, 2C-5, 2C-6, 2C-7, 2C-8 AND 2C-9 OF LOT 2C OF LOT 2A STONE VALLEY ESTATES REPLAT "A SUBDIVISION PLAT" LOCATED IN THE NE1/4 OF THE SE1/4 OF SECTION 19 AND IN THE NW1/4 OF THE SW1/4 OF SECTION 20, ALL IN TOWNSHIP 23 NORTH, RANGE 21 WEST OF THE 5th PRINCIPAL MERIDIAN CITY OF BRANSON, TANEY COUNTY, MISSOURI

SURVEY NOTES

1. ALL LOTS ARE SUBJECT TO A 10' UTILITY EASEMENT ALONG ALL ROADS RIGHT-OF-WAY, 10' ALONG ALL BACK LOT LINES AND 5' ALONG ALL SIDE LOT LINES.
2. ALL LOT CORNERS MARKED WITH 10" IRON PIN WITH P.I.S. CAP PLACED ON TOP OF PIN, UNLESS OTHERWISE NOTED ON PLAT.
3. ALL OWNERSHIP INFORMATION OF ADJOINING PARCELS, AS SHOWN HEREON, WAS GAINED FROM THE TANEY COUNTY GIS MAPPING WEB SITE, LOCATED AT <http://gis.taneycountymissouri.com>, STATE OF MISSOURI, COUNTY OF TANEY. NO GUARANTEE IS GIVEN TO THE ACCURACY OF THIS INFORMATION.
4. THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 2C INTO 9 NEW LOTS (NUMBERED 2C-1 THRU 2C-9) AND OPEN SPACE. THERE ARE NO OLD LOT LINES TO SHOW ON THIS PLAT. ALL NEW LOT LINES HAVE BEEN CORRECTLY PLATTED AND SHOWN ON THIS SUBDIVISION PLAT.

CLASSIFICATION OF SURVEY

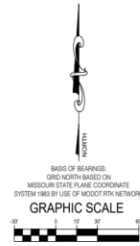
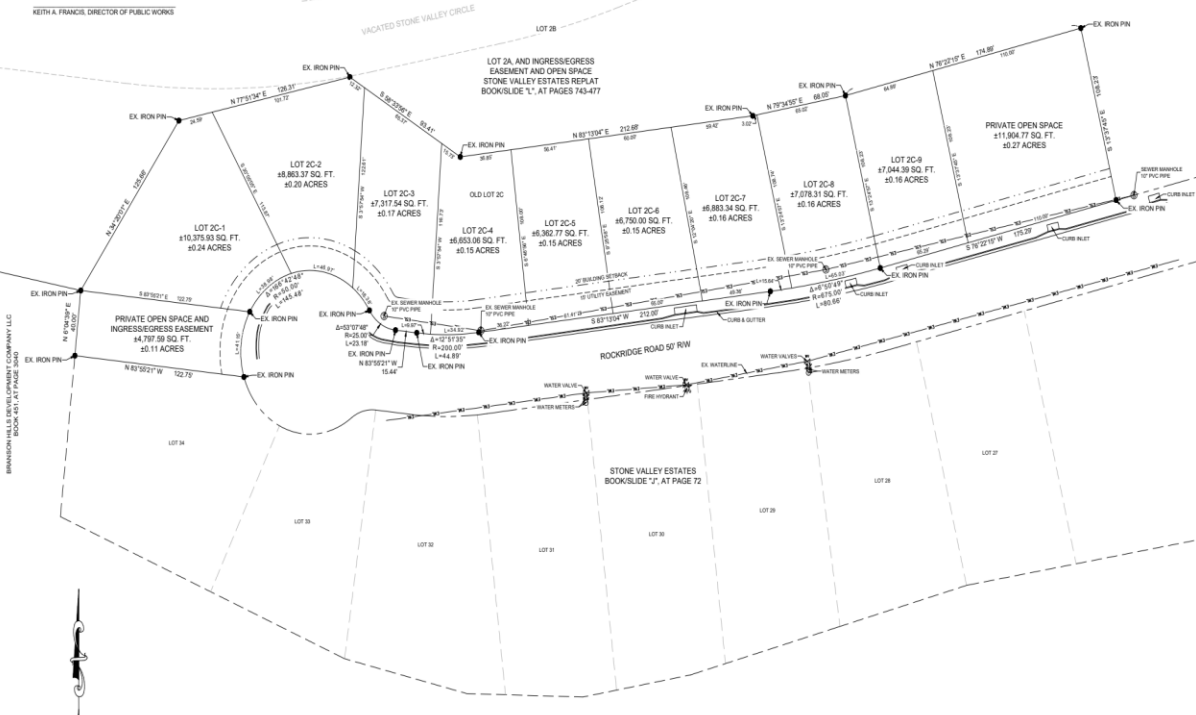
"URBAN SURVEY"

RECORD SOURCE

PLAT RECORDED IN PLAT BOOKSLIDE "1", AT PAGES 743-744, RECORDED IN THE TANEY COUNTY RECORDERS OFFICE, TANEY COUNTY, MISSOURI.

DEED RECORDED IN DEED BOOK 2017, AT PAGE 14123, RECORDED IN THE TANEY COUNTY RECORDERS OFFICE, TANEY COUNTY, MISSOURI.

RECORDERS SPACE



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT AT THE REQUEST OF STONE VALLEY DEVELOPMENT, LLC, THAT I HAVE MADE AN ACTUAL AND ACCURATE SURVEY OF THE LAND DESCRIBED HEREON AND FOUND THE CONFORM TO BE AS INDICATED IN MY OPINION THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



JACK E. HOUSEMAN P.L.S. 2006010222

PLAT 1921-1922 BOOK 2017, PAGE 14123, RECORDED IN THE TANEY COUNTY RECORDERS OFFICE, TANEY COUNTY, MISSOURI.

PREPARED FOR:

STONE VALLEY DEVELOPMENT, LLC.

PROJECT # 190180

DRAWING # 190180-AMENDED 2C

DATE 2/10/2022

REVISION DATE 2/10/2022

DRAWN BY D. BRANSON

CHECKED BY J. HOUSEMAN

SHEET 1 OF 1

SCALE 1" = 30'

NO. SCALE 201904253

MONUMENT LEGEND

• SET 10" IRON PIN

• SET 12" IRON PIN

• EX. STONE

• EX. C.O.D. MONUMENT

• EX. C.O.D. MONUMENT

• EX. ALUMINUM MONUMENT

SECTIONAL MAP

SEC. 16, T23N, R21W



TANEY COUNTY, MO



Cadastral Planning & Writing Group, Inc.

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Sec. 94-119. Open space dedication.

- (a) *Purpose.* The purposes of open space dedication and the requirements of this section are to:
 - (1) Preserve land for open space and recreational opportunities, preferably in a natural or semi-natural state, in perpetuity for the enjoyment of residents and visitors;
 - (2) Support the creation of a well-connected, non-vehicular transportation system in order to provide choices for bicyclists and pedestrians;
 - (3) Serve environmental, scenic, and agricultural purposes, and provide habitat for wildlife; and
 - (4) Ensure that dedicated open spaces are located on suitable and unencumbered land that is not leftover, remnant, or otherwise unusable land that was not appropriate for the overall subdivision design.
- (b) *Open space dedication required.*
 - (1) All residential subdivisions shall, as part of the final plat process, dedicate land or an equivalent cash-in-lieu payment for open space for public use. This requirement shall apply to newly platted areas as well as areas that are being replatted. Final determinations as to dedication of land, including location thereof, or acceptance of cash-in-lieu thereof, shall be made by the board, upon recommendation by the park board and planning commission.
 - (2) The provisions of this section are minimum standards. None of the sections previously set out shall be construed as prohibiting an applicant from dedicating or reserving more land for recreational purposes than required by this section.
- (c) *Open space shown on preliminary plat.* Land areas proposed for dedication shall be shown on the preliminary plat for consideration by the city as part of the review and approval process. Dimensions, location, and topographic features of the proposed open space shall be shown on the plat to permit a thorough review and determination of the flexibility and usability of the property. Prior to approval of a preliminary plat proposing the dedication of open space, the park board shall review and make a recommendation on the acceptance of the proposed dedication.
- (d) *Calculation of required open space.*
 - (1) *Public open space.* The area of such open space for public use shall be based upon a calculation of the anticipated residential population of the subdivision when fully developed, as follows:
 - a. The area/population shall be at the rate of 20 acres of park land per 1,000 persons.
 - b. Such population shall be determined on the basis of three persons per family unit for development on single-family and two-family development, and two persons per family unit in other multiple-family areas.
 - (2) *Private open space.*
 - a. In some cases, private open space may be provided in a proposed subdivision to meet up to half of this requirement. Such space is to be privately owned and maintained by the future residents of the subdivision and such areas shall be termed as open space reservations. Such reservations of open space shall be subject to the following standards:
 - (i) Yards, court areas, setbacks, and other open areas required to be maintained by the Code shall not be included in the computation of such private open space;
 - (ii) The private ownership and future maintenance of the open space shall be adequately provided for by written agreement;
 - (iii) The use of the private open space shall be restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property

within the tract, and which cannot be defeated or eliminated without the consent of the city;

- (iv) The proposed private open space shall be reasonably adaptable for use of park and recreational purposes, taking into consideration such factors as shape, topography, geology, access, and location of the private open space land; and
 - (v) The open space reservation will be applied toward meeting no more than one-half of the dedication requirements as calculated in this section.
- b. In order to ensure that the city is protected from future maintenance of such private open space, a copy of the private restrictions is required for future reference by the city and shall be submitted with the final plat or condominium split application. In cases of condominium units, common elements are as defined in this chapter, and include common land (as in residential development), and other parts of the condominium property necessary or convenient to its existence, maintenance, and safety, or normally in common use and described or provided for in the declaration.
- (e) *Location of required open space.* All plats should provide for the dedication of open space at locations designated in the parks and open space element of the comprehensive plan, or any other master plan adopted by the city. Further, the city shall review and evaluate proposed dedication based upon the criteria and standards contained in such document. If a proposed dedication does not meet the criteria and standards, it may be rejected.
- (f) *Dedication of land or payment of cash in-lieu of dedication.*
 - (1) The dedication of land for public use shall be conveyed by the applicant in fee absolute title by warranty deed to the city. Such land shall be free of liens, special assessments, and other encumbrances, and shall have all taxes paid to the year of dedication. The location of boundaries of such land shall be marked with permanent monuments in accordance with this chapter.
 - (2) Payment of cash-in-lieu of such dedication shall be at the rate of \$15,000.00 per acre for required park land based upon acreage requirements as calculated by the formula in this section. If this rate is not acceptable to the applicant, the values per acre shall be determined by an appraiser, agreed upon between the applicant and the city, or, failing such agreement, by a real estate appraiser's commission consisting of one appraiser appointed by the applicant, one appraiser appointed by the city, and a third appraiser to be appointed by previously appointed appraisers, which decision by a majority shall be controlling. Reasonable compensation of the appraisers shall be paid by the applicant. The amount so determined shall be paid prior to approval of the final plat.