

Introduced by _____

First Reading _____ Second Reading _____

Ordinance No. _____ Council Bill No. B 1-05

AN ORDINANCE

extending the corporate limits of the City of Columbia, Missouri, by annexing property located on the east side of U.S. Highway 63, southwest of Starke Avenue; directing the City Clerk to give notice of the annexation; placing the property annexed in District C-P; 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 finds that a verified petition was filed with the City on November 11, 2004, requesting the annexation of land which is contiguous and compact to the existing corporate limits of the City and which is described in Section 4 of this ordinance. This petition was signed by Kassie L. Claughton, the sole owner of the fee interest of record in the land proposed to be annexed. A public hearing was held concerning this matter on January 3, 2005. Notice of this hearing was published more than seven days prior to the hearing in two newspapers of general circulation qualified to publish legal matters. At the public hearing all interested persons, corporations and political subdivisions were permitted to present evidence regarding the proposed annexation.

SECTION 2. The Council determines that the annexation is reasonable and necessary to the proper development of the City and that the City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.

SECTION 3. The Council determines that no written objection to the proposed annexation has been filed within fourteen days after the public hearing.

SECTION 4. The City Council hereby extends the city limits by annexing the land described in Section 1-11.143 of the Code of Ordinances of the City of Columbia, Missouri, which is hereby added to Chapter 1 of the City Code and which reads as follows:

Section 1-11.143. January, 2005 Extension of Corporate Limits.

The corporate limits of the City of Columbia shall include the following land:

A tract of land located in the north half (N ½) of the southwest quarter (SW ¼) of section twenty-nine (29), township (49) north, range (12) west, of the (5th) principal meridian, in Boone County, Missouri, described as follows; all that part of land described in the survey recorded in Book 406, page 790, records of Boone County, Missouri, located northeast of the right-of-way line of U.S. Route 63 described in the warranty deed recorded in the Book 471, page 835, records of Boone County, Missouri, except the part taken for right-of-way along Starke Avenue as described in said warranty deed recorded in Book 471, page 835, records of Boone County, Missouri, and containing 1.56 acres, more or less, excepting therefrom that part conveyed to the State of Missouri, acting by and through the Missouri Highway and Transportation Commission by warranty deed dated May 27, 1994 and recorded in Book 1084, page 513, records of Boone County, Missouri, and also a small triangular tract of land located in the southwest quarter (SW ¼) of the northwest quarter (NW ¼) and the northwest quarter (NW ¼) of the southwest quarter (SW ¼) of section (29), township forty-nine (49) north range (12) west, of the fifth (5th) principal meridian, in Boone County, Missouri, being that certain tract of land as conveyed from Boone County, Missouri, a political subdivision of the State of Missouri, to Gerald S. Morris II and Mary Ann Morris, husband and wife, by quit-claim deed dated March 12, 1996 and recorded in Book 1216, page 990, records of Boone County, Missouri.

SECTION 5. The City Clerk is hereby authorized and directed to cause three certified copies of this ordinance to be filed with the Clerk of Boone County, Missouri. The City Clerk is further authorized and directed to forward to the Missouri Department of Revenue, by registered or certified mail, a certified copy of this ordinance and a map of the City clearly showing the area annexed to the City.

SECTION 6. The property described in Section 4 is in the Third Ward.

SECTION 7. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the property described in Section 4 will be zoned and become a part of

District C-P (Planned Business District). Hereafter the property may be used for all permitted uses in District C-3.

SECTION 8. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2005.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Source

William Watkins



TO: City Council
FROM: City Manager and Staff 
DATE: December 27, 2004
RE: Establishing C-P (Planned Business District) as permanent City zoning on property pending voluntary annexation into the City of Columbia. The property, which is owned by Kassie L. Claughton, is located on the southwest side of Starke Avenue and on the east side of U.S. highway 63, and contains approximately 1.56 acres.

Fiscal Impact

YES

NO

Other Info.

EXECUTIVE SUMMARY

At its meeting of December 23, 2004, the Planning and Zoning Commission voted unanimously (8-0) to recommend approval of C-P as permanent City zoning. No one from the public spoke.

It should be noted that allowed uses are all C-3 uses except live adult entertainment.

A staff report, locator map and excerpts from the minutes of the Planning and Zoning Commission meeting are attached.

SUGGESTED COUNCIL ACTION

The Planning and Zoning Commission recommends approval of C-P as permanent City zoning.

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
December 23, 2004**

ITEM NO. 48-Z-04

ITEM

Establishing permanent zoning on property owned by Kassie L. Claughton pending voluntary annexation into the City

LOCATION

Southwest of Starke Avenue and east of U.S. Highway 63

PROPERTY SIZE

Approximately 1.56 acre

EXISTING ZONING

Boone County R-S (Single-family Residential District)

REQUESTED PERMANENT ZONING

C-P (Planned Business District)
Note: Requested uses are all C-3 uses

EXISTING CONDITIONS

<u>ZONING</u>		<u>LAND USE</u>
SITE	Boone County R-S	Single-family residence
NORTH	-	ROW
SOUTH	Boone County R-S	Vacant
EAST	Boone County R-S	Single-family residence
WEST	-	ROW

METRO 2020 LAND USE PLAN DESIGNATION

The subject property is designated as "neighborhood district" on the Metro 2020 Land Use Plan. C-P zoning would not be in conformance with the Plan.

HISTORY

The property was zoned Boone County R-S (Single-Family Residential District) when zoning was first established in Boone County in 1973. There have been no prior requests to rezone the property.

ACCESS

Access to the site is off of Starke Avenue, designated a major collector by the Major Roadway Plan.

PUBLIC UTILITIES

All City utilities are available to the subject site.

SITE CHARACTERISTICS

The site consists of one parcel of land, which presently has one single-family residence located on it. The site topography is slightly rolling, with few trees and drains into the Bear Creek drainage basin. A portion of the site lies within the floodplain.

CITY-RECOGNIZED NEIGHBORHOOD ASSOCIATIONS AFFECTED

None.

PARKLAND NEEDS/GREENBELT

Since this is a request to establish C-P zoning, parkland is not an issue. There is a designated greenbelt on the site.

DISCUSSION

This is a request to establish C-P as permanent zoning on property pending voluntary annexation into the City. Even though this site is within the 'neighborhood district', staff feels that with the proximity of the site to "employment district" on the Metro 2020 Land Use Plan, and U.S. Highway 63, C-P zoning would be appropriate.

STAFF RECOMMENDATION

Approval of C-P zoning with all C-3 uses, as permanent City zoning

Prepared by Bill Cornelius



Approved by William Watkins



APPLICATION FOR REZONING OF PROPERTY
Updated 11-16-04

General location of property (use street intersection if possible): A parcel of land located in the northeast quadrant of the intersection North Oakland Gravel Road, North Highway 63 and Starke Avenue in Boone County, Missouri, which has, as it's designated property address (as designated by the Boone County Assessor) of 2660 Starke Avenue, Columbia, Missouri, as shown by the Boone County Internet Tax Parcel Map prepared by the Boone County, Missouri Assessor's Office, a copy of which is attached hereto as **Exhibit 1.**

Street address of property (note N/A if site is vacant): 2660 Starke Avenue, Columbia, MO 65202

Size of tract (expressed in acres): The parcel, owned by Kassie L Claughton, consists of, it is believed, 1.56 acres, more or less, after removal of road right-of-way.

Deed to property recorded: A track of land located in the north half (N ½) of the southwest quarter (SW ¼) of section twenty-nine (29), township (49) north, range (12) west, of the (5th) principal meridian, in Boone County, Missouri, described as follows; all that part of land described in the survey recorded in Book 406, page 790, records of Boone County, Missouri, located northeast of the right-of-way line of U.S. Route 63 described in the warranty deed recorded in the Book 471, page 835, records of Boone County, Missouri, except the part taken for right-of-way along Starke Avenue as described in said warranty deed recorded in Book 471, page 835, records of Boone County, Missouri, and containing 1.56 acres, more or less, excepting therefrom that part conveyed to the State of Missouri, acting by and through the Missouri Highway and Transportation Commission by warranty deed dated May 27, 1994 and recorded in Book 1084, page 513, records of Boone County, Missouri, and also, a small triangular tract of land located in the southwest quarter (SW ¼) of the northwest quarter (NW ¼) and the northwest quarter (NW ¼) of the southwest quarter (SW ¼) of section (29), township forty-nine (49) north range (12) west, of the fifth (5th) principal meridian, in Boone County, Missouri, being that certain tract of land as conveyed from Boone County, Missouri, a political subdivision of the State of Missouri, to Gerald S. Morris II and Mary Ann Morris, husband and wife, by quit-claim deed dated March 12, 1996 and recorded in Book 1216, page 990, records of Boone County, Missouri. Attached hereto as **Exhibit 2.**

Present zone(s): Boone County R-S

Requested zone(s): C-P with allowed uses being all C-3 uses.

Present use(s) of property: Single-family rental property

Columbia Land Use Plan designation: Employment **Exhibit 3**

Reason for requesting zoning change: The property, which is situated in close proximity to two (2) major roads/traffic ways, is not reasonably suited to continued use for residential purposes given the location. There are several commercial sites in the vicinity of this request including the following adjacent properties/owners and their zoning:

Timothy & Cindy Albright; zoned C-P

Boone County; zoned Industrial

Gregory & Suzanne Holden; zoned R-S offered for sale as Commercial **Exhibit 4**

The site is served by Boone Electric Cooperative. Boone Electric should have no problem serving the site with additional electric service if it is required. The site is located within the Columbia water service area to provide water and sewer to the property. The site is directly off Highway 63 and access is provided by Starke Ave. There is good access to this site.

The nearest fire station is located within two miles. The Sheriff's Department is on the west side of Highway 63. Other emergency services have ready access to the site due to the proximity of Highway 63.

Given said facts, the property is much better suited for Commercial use than Residential.

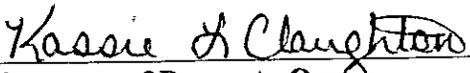
OWNER OF RECORD:

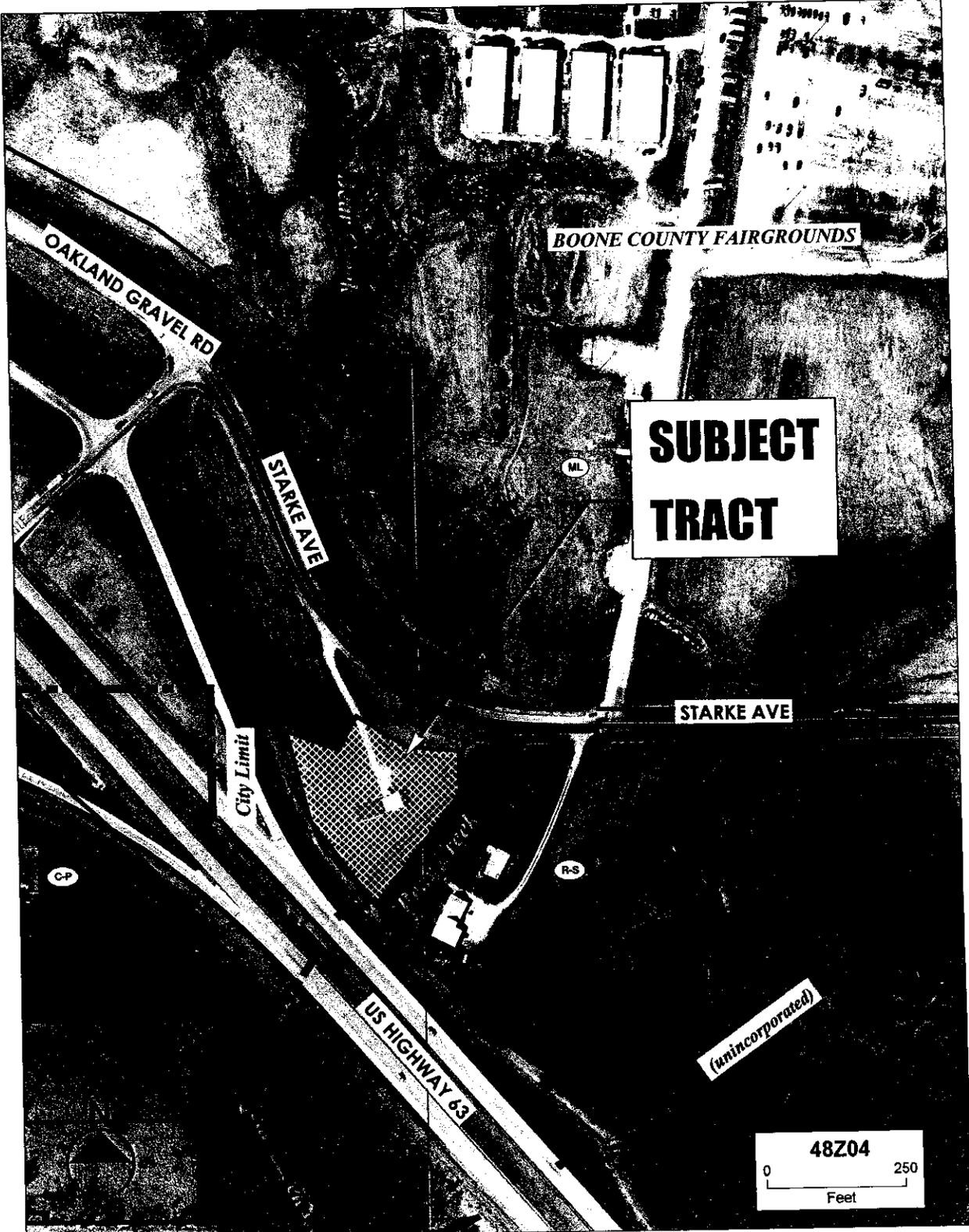
Kassie L Cloughton
2691 E. Clays Fork Rd
Columbia, MO 65202

AGENT (if other than Owner):

Jay Gephart, P.E.
A Civil Group, LLC
1010 Fay St.
Columbia, MO 65201
Engineer for Owner

Otto Trachsel
Blackwater Electric & General Contracting
3702 Wayside Dr
Columbia, MO 65202
General and Electrical Contractor for Owner


Signature of Property Owner



BOONE COUNTY FAIRGROUNDS

**SUBJECT
TRACT**

OAKLAND GRAVEL RD

STARKE AVE

STARKE AVE

City Limit

US HIGHWAY 63

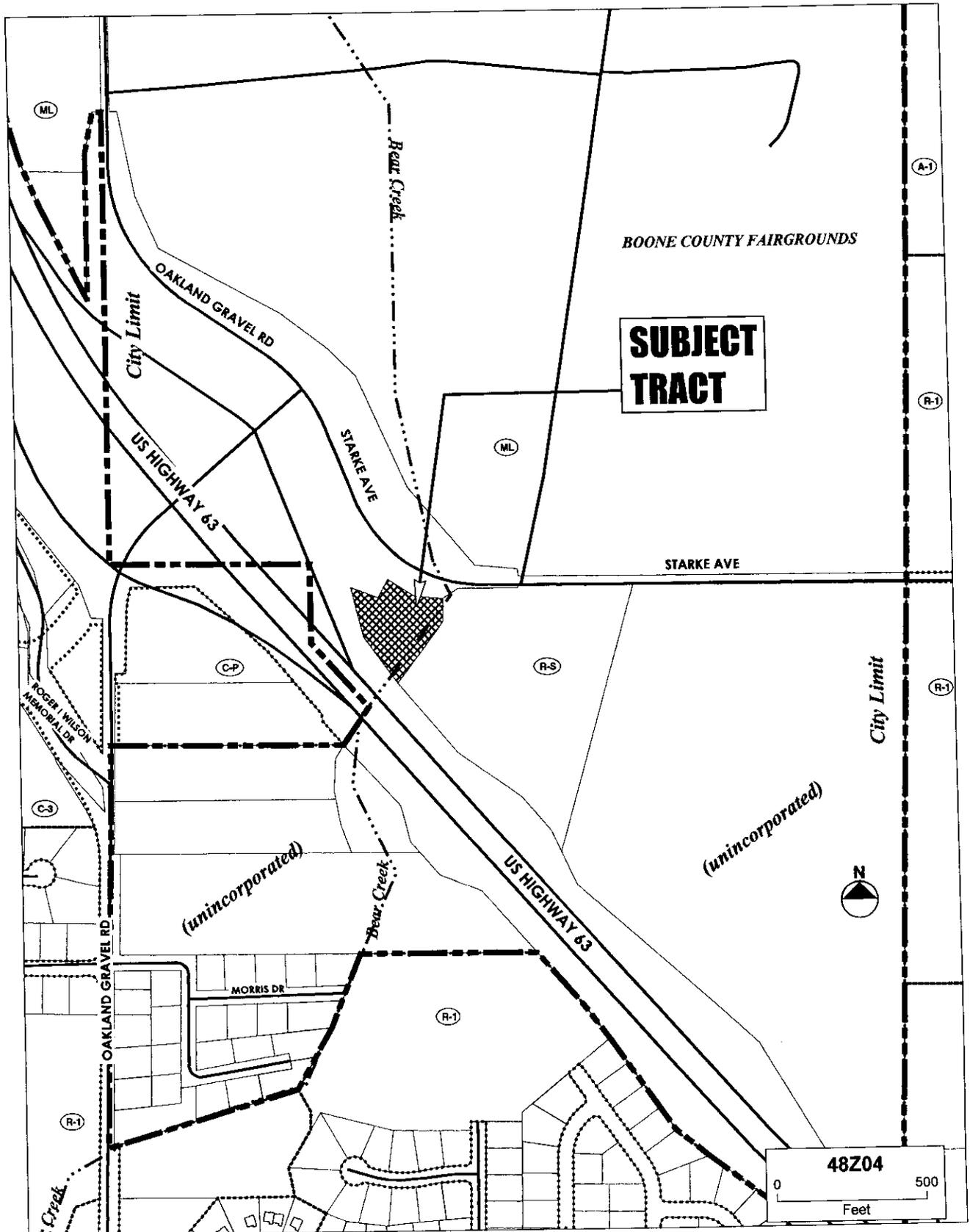
(unincorporated)

48Z04
0 250
Feet

CP

R-S

ML



EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
December 23, 2004

Item 48-Z-04, establishing C-P as permanent city zoning on property pending voluntary annexation into the City of Columbia, the property which is owned by Cassie L. Claughton is located on the southwest side of Stark Avenue and east of the U.S. Highway 63 off ramp at Oakland Gravel Road and contains approximately 1.56 acres.

Staff report was given by Bill Cornelius of the City Planning Department. Staff recommendation is for approval.

Public Hearing Opened.

Otto Trachsel, 3702 Wayside Drive, Columbia, Missouri, Blackwater Electric and General Construction, stated they are in the process of rezoning this property and annexing it into the city. When they reviewed the employment district outlined on the 2020 plan, they could not tell from the city map whether this property was in the employment district. They have since found out that it is just across the line so it's very close to the employment district. He mentioned some interesting characteristics about this property. He stated that when the county built Stark Lane, they put a 25-year culvert under it. The highway department has a 50-year culvert under it and during the huge rainstorm last spring, the fairgrounds north of Stark Lane had a 15- to 20-acre pond. None of the water proceeded onto the subject property. At some point prior to Cassie Claughton buying the property, a big part of it was filled in and almost all of it is now higher than the flood plain. They are uncertain what type of development they will put here; however, they are looking at possibly a fast food restaurant or service station, something of this nature. Until they have developed their plans, they did not want to spend a lot of money on plans or drawings only to be told that their proposal was not suitable for this location. He indicated that the City had just annexed property to the southwest owned by Tim Albright, which is just across the highway from the subject property. He believed that this property was zoned planned office with some C-3 uses. He added that there was light industrial zoning to the north. Going towards the sheriff's department, there is a sign indicating that there is C-3 zoning in that location. He assumed that this was planned zoning with some C-3 uses. The owners to the east are offering their property for sale as commercial and residential across the creek. He felt this was a good location for a commercial venture, as there is good accessibility from the highway.

Mr. Holden realized that the owner's plans are not necessarily finalized for this tract. He asked staff if live adult entertainment was an allowed C-3 use.

Mr. Bondra indicated this was allowed in C-3, subject to a list of criteria having to do with surrounding zoning and uses.

Mr. Holden wondered if the owner would be agreeable to eliminating live adult entertainment from the allowed uses for this tract.

Mr. Trachsel said he would have to speak with the owner, but he did not think they would have a problem with eliminating this use.

Mr. Holden said he did not feel this use would be appropriate in close proximity to the fairgrounds.

Mr. Trachsel agreed, but said he would have to confer with the property owner.

Cassie Claughton, 2691 E. Clays Fork Road, Columbia, Missouri, stated she was the property owner. She had no problem with eliminating live adult entertainment from the uses allowed for this site. She added that she did not feel this was an appropriate use anywhere in the city, let alone next to the fairgrounds where there would most likely be a lot of events with children involved. She felt this was a good location for a commercial property because there were not a lot of services offered to the public on that side of town. There is a lot of development and a lot more going in, and she believes this would be beneficial in drawing those people in and giving them easier access to get to things. The City would benefit as it would receive tax dollars generated by the commercial development if annexed into the city.

Mr. Skala stated that one of the property's boundaries was Bear Creek. He assumed that any C-P plan brought forward by the owner would take those sensitivities into account, with regard to the creek and some protection of it.

Ms. Claughton said that her C-P plan would absolutely take the creek into consideration. She indicated she did not plan to cause any damage to the creek. She is very much into the environmental issues as well. She stated Mr. Gephardt was talking about native species and such, and she would be very interested to see if he could develop something in this area as well to protect the creek and any run-off that might occur as a result of the development.

Mr. Trachsel said that Mr. Gephardt will be completing plans for the commercial development should they decide to develop the tract.

Public Hearing Closed.

Mr. Holden stated his belief that this was an appropriate location for commercial zoning, due to its location to the off ramp and with the fairgrounds, and he planned to support the rezoning.

Mr. Meier agreed with Mr. Holden that this was an appropriate location for a planned commercial development, especially given its close proximity to the fairgrounds. With the Albright proposal across the road, the commissioners had talked about the fact that it was in the

neighborhood district according to the Metro 2020 Plan and how they felt this might be an error considering the location along Highway 63. He said he also planned to support the request as well.

Mr. Daugherty moved to recommend approval of Item 48-Z-04, establishing C-P as permanent city zoning on property pending voluntary annexation into the City of Columbia, owned by Cassie L. Claughton, and located on the southwest side of Stark Avenue and east of the U.S. Highway 63 off ramp at Oakland Gravel Road, containing approximately 1.56 acres, subject to the exclusion of live adult entertainment from the C-3 uses allowed for this site. Second by Mr. Holden.

Mr. Wade said this could be worded two different ways.

Mr. Daugherty said to word it so that it works.

Mr. Wade stated that what he heard was a verbal change in the requested uses, so he suggested that the wording be modified to recommend the requested zoning, with all allowed C-3 uses except live adult entertainment.

Mr. Daugherty stated that that was his intention.

Mr. Holden indicated that this is what his intention was when he seconded the motion.

Mr. Daugherty moved to recommend approval of Item 48-Z-04, establishing C-P as permanent city zoning on property pending voluntary annexation into the City of Columbia, owned by Cassie L. Claughton, and located on the southwest side of Stark Avenue and east of the U.S. Highway 63 off ramp at Oakland Gravel Road, containing approximately 1.56 acres, with all allowed C-3 uses except live adult entertainment. Second by Mr. Holden.

Mr. Wade called for the question.

Roll Call Vote (Voting “yes” is to recommend approval of the rezoning request). Voting Yes: Mr. Cady, Mr. Daugherty, Mr. Holden, Mr. Lamb, Mr. Meier, Mr. Skala, Mr. Wade, Mr. Wheeler. Voting No: No one. Motion carries 8-0.

Mr. Wade asked if the requested uses would actually be changed per the commission’s recommendation or if it would go to the council will all allowed uses.

Mr. Bondra indicated that since the applicants were in agreement with the change, staff would go ahead and change it in their report to council. If the applicants had not been in agreement, staff would not change the allowed uses.

Mr. Wade said he understood.