

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 142-08

AN ORDINANCE

rezoning property located on the west side of Brown Station Road, across from Mojave Court from District A-1 to District R-1; repealing all conflicting ordinances or parts of ordinances; 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 Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 384, PAGE 103 AND BEING ALL THAT PART NORTH AND WEST OF STATE ROUTE B A.K.A. BROWN STATION ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NROTHWEST CORNER OF SAID SECTION 28 AS SHOWN IN THE SURVEY RECORDED IN BOOK 2762, PAGE 18; THENCE WITH THE NROTH LINE OF SAID SECTION, N88°26'45"E, 99.42 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID ROUTE B; THENCE LEAVING SAID NORTH LINE AND WITH SAID RIGHT-OF-WAY LINE, 264.47 FEET ALONG A 7,669.50-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD S21°13'30"W, 264.46 FEET TO THE WEST LINE OF SAID SECTION 28; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND WITH THE WEST LINE OF SAID SECTION 28, N0°51'15"W, 243.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.27 ACRES.

will be rezoned and become a part of District R-1 (One-Family Dwelling District) and taken away from District A-1 (Agricultural District).

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2008.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Source

Tim Teddy

TO: City Council
FROM: City Manager and Staff
DATE: May 9, 2008



RE: A request by Steve Herigon Construction, Inc. to rezone property from A-1 (Agricultural District) to R-1 (One-Family Dwelling District), located on the west side of Brown Station Road, across from Mojave Court, containing approximately 0.27 acre (Case 08-41)



Fiscal Impact

YES

NO


Other Info.

EXECUTIVE SUMMARY

The proposed rezoning is being done in conjunction with the proposed final plat of Tuscany Ridge Plat 1. All of the Tuscany Ridge Plat 1 property is zoned R-1, except for this very small tract of land, which is located in the northeast corner of the subdivision. The rezoning from A-1 to R-1 is to allow for a 12.5-foot side yard on a corner lot within the proposed subdivision. A-1 zoning requires a 25-foot side yard setback for corner lots. Without the change in zoning, the corner lot would not be developable.

At its meeting of May 8, 2008, the Planning and Zoning Commission voted 6-0, with one Commission member abstaining, to recommend approval of the proposed rezoning request. No one from the public spoke in opposition.

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 the proposed rezoning request.

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
MAY 8, 2008**

ITEM NO.

08-41

APPLICANT

Steve Herigon Construction, Inc. – Property owner

LOCATION

On the west side of Brown Station Road, across from the Mojave Court intersection

PROPERTY SIZE

Approximately 0.27 acre

EXISTING ZONING

A-1 (Agricultural District)

REQUESTED ZONING

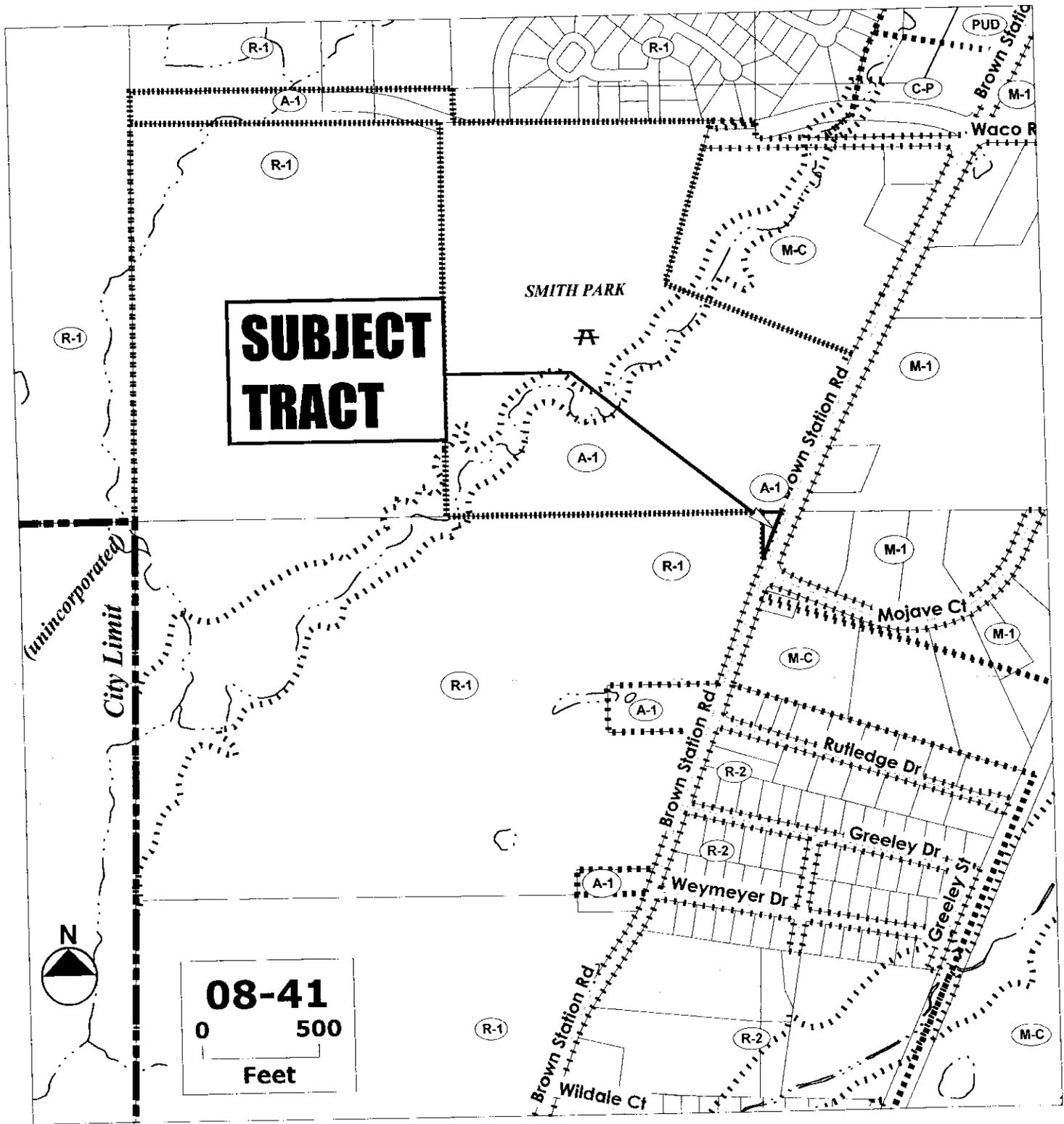
R-1 (One-Family Dwelling District)

HISTORY

The subject property was annexed into the City in 1969 and was zoned A-1. There have been no prior requests to rezone the property.

EXISTING CONDITIONS

	<u>ZONING</u>	<u>LAND USE</u>
SITE	A-1	Undeveloped
NORTH	A-1	Undeveloped
EAST	M-1	Industrial
WEST	R-1	Undeveloped



SUBJECT TRACT

SMITH PARK



08-41

0 300

Feet

(08-41 REZONING)

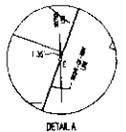
FINAL PLAT
TUSCANY RIDGE, PLAT No. 1

A MAJOR SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 28 AND
NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 49 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
FEBRUARY 26, 2007

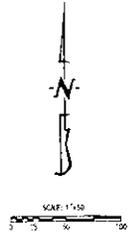
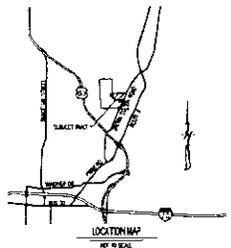
RECEIVED
MAR 26 2008
PLANNING DEPT.

SUBJECT SITE

	E	L	A	CH
A	530.00	379.87	40752.12	3702.50
B	500.00	191.46	21796.25	196.30
C	300.00	115.52	8614.50	109.29
D	220.00	44.32	22748.45	44.00
E	220.00	84.12	43700.50	81.90
F	125.00	152.00	49742.25	142.87
G	30.00	20.94	3842.55	44.84
H	30.00	45.58	5478.25	43.80
I	30.00	43.26	3736.03	43.02
J	30.00	45.72	8711.25	45.12
K	30.00	47.58	8817.25	47.40
L	20.00	42.74	8237.50	21.08
M	20.00	30.78	8810.40	27.63
N	20.00	32.75	9751.20	29.22



THIS PLAN RECORDS IN BOONE COUNTY, MISSOURI
THE SURVEY RECORDED IN BOOK 212, PAGE 18



BEARINGS ARE REFERENCED TO THE
LINES OF TRACT 1 OF THE SURVEY
RECORDED IN BOOK 212, PAGE 18.

LEGEND

- CENTERLINE
- SETBACK
- 1/2" BENCH MARK
- UNLESS NOTED OTHERWISE
- SIGN
- PERMANENT MONUMENT
- MEASURED DISTANCE
- RECORDED DISTANCE
- (S) SINK LINE
- (M) MOUND
- (H) HOLE
- (C) CHISEL

SURVEY & PLAT BY
CROCKETT ENGINEERING CONSULTANTS
2508 North Stadium Boulevard
Columbia, Missouri 65202
(573) 447-0292

[Signature]
DATE

APPLICATION
FOR
REZONING OF PROPERTY
(December 2007)

RECEIVED
MAR 31 2008
PLANNING DEPT.

General location of property (use street intersections if possible) _____
50' NORTHWEST OF THE INTERSECTION OF MOJAVE COURT AND BROWN STATION ROAD

14-Digit Boone County Tax Assessor's number 12-708-00-00-002.00 (PART OF)

Street address of property (note N/A if site is vacant) VACANT

Size of tract (expressed in acres) 0.27 ACRES

Deed to property recorded in Book 3290, Page 117

Present zone (s) A-1

Requested zone (s) R-1

Present use (s) of property HAY FIELD

Columbia Land Use Plan designation NEIGHBORHOODS

Reason for requesting zoning change _____
TO ADD THIS REMNANT TRACT TO THE ADJACENT PARCEL AND MATCH ADJACENT ZONING

SEE ATTACHED FOR DESCRIPTION OF ALL ITEMS WHICH MUST BE INCLUDED WITH THIS APPLICATION

Owner(s) of record:	Contract Purchaser (if applicable):	Agent (if other than owner):
STEVE HERIGON CONSTRUCTION, INC.		
Name (Please Print)	Name (Please Print)	Name (Please Print)
4101 WHITE TIGER		
Address	Address	Address
COLUMBIA, MO. 65202		
City, State, Zip	City, State, Zip	City, State, Zip
573-442-1320		
Phone	Phone	Phone
e-mail address	e-mail address	e-mail address

Signature of property owner(s) or Attorney representing owner _____ Date 3-31-08
STEVE HERIGON

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
May 8, 2008

08-41 A request by Steve Herrigon Construction, Inc., to rezone property from A-1 to R-1, located on the west side of Brown Station Road, across from Mojave Court, containing approximately 0.27 acres.

MR. BARROW: May we have a staff report, please?

Staff report was given by Mr. Charles Bondra of the Planning and Development Department. Staff recommends approval of the request to rezone the property from A-1 to R-1.

MR. BARROW: Are there any questions of staff?

PUBLIC HEARING OPENED

MR. BARROW: Anyone wishing to come forward, please speak.

PUBLIC HEARING CLOSED

MR. BARROW: Discussion? Ms. Curby?

MS. CURBY: I think this is a pretty straightforward request and I plan to present a motion to approve it when everyone has had their say.

MR. BARROW: Further discussion? Ms. Peters?

MS. PETERS: I intend to support this. I don't see any reason why it shouldn't be rezoned.

MR. BARROW: Well, I'll jump in there. This does seem like a housekeeping thing, and I appreciate you showing the plat and how this fits into the rest of the entire tract, and I was really happy to see that there was a bunch of T-intersections and no culverts on that plat. I think that really creates slower traffic. You know, people have to stop and turn and slow down and turn, and I think that's a really safe kind of development, and it was also very dense development, but I think we've already approved that?

MR. CADY: It's been approved.

MR. TEDDY: Yeah, it's approved.

MR. BONDRA: You approved the preliminary plat. This is a final and it goes directly to the Council -- the standing Council.

MR. BARROW: Anyway, I just wanted to throw my two cents in there because -- but it also allows connectivity of the neighborhood and good passageways for school buses and garbage trucks and all those types of vehicles, in addition to the residents. So, it seems like we have a majority. Yes, Ms. Curby?

MS. CURBY: Then I move that we approve the request to rezone the property from A-1 to R-1.

MS. PETERS: Second.

MR. BARROW: It's been moved and seconded. Further discussion on the motion? Roll call,

please.

MR. BRODSKY: The motion has been made and seconded recommending approval of a request by Steve Herrigon Construction to rezone property from A-1 to R-1, located on the west side of Brown Station Road, containing approximately .27 acres.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Wheeler, Mr. Barrow, Mr. Brodsky, Ms. Curby, Ms. Peters, Mr. Rice. Abstention: Mr. Cady. Motion carries 6-0.