

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 1-09

AN ORDINANCE

extending the corporate limits of the City of Columbia, Missouri, by annexing property located on the southwest side of Strawn Road (State Route ZZ), south of I-70; directing the City Clerk to give notice of the annexation; placing the property annexed in District R-1; 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 October 30, 2008, 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 Laveta Ann Anderson, Trustee of the Laveta Anderson Revocable Trust No. 2, the owner of the fee interest of record in the land proposed to be annexed. A public hearing was held concerning this matter on January 5, 2009. 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 1-11.199 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 1-11.199. January, 2009 Extension of Corporate Limits.

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

A parcel of land as described in a warranty deed in Book 1479 at Page 244, said parcel being Tract 3 of BCS #7602 and Tract 5 of BCS #7602-A, all of the Boone County Records; situate in the Northeast Quarter (¼) of the Northwest Quarter (¼) of Section 8, Township 48 North, Range 13 West, in the City of Columbia, 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 and three certified copies with the Assessor 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 Fourth 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 R-1 (One-Family Dwelling District).

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

PASSED this _____ day of _____, 2009.

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: December 26, 2008



RE: Establishing R-1 (One-Family Residential District) as permanent zoning on property owned by Laveta Anderson Revocable Trust No. 2, which is pending annexation into the City. The subject site is approximately 27.50 acres in size, and is located south of Interstate 70, to the west of the I-70 Drive Southwest/Strawn Road intersection. (Case 08-95)



Fiscal Impact

YES

~~NO~~


EXECUTIVE SUMMARY

The applicant is requesting R-1 (One-Family Dwelling District) as permanent City zoning on the subject tract. At present the property is zoned Boone County R-S (Single-Family Residential District), which is equivalent to City R-1.

Annexation is being requested to facilitate the sale and subsequent City purchase of the property for park purposes. No private development of the property is proposed for this tract of land.

At its December 18, 2008 meeting, the Planning and Zoning Commission voted unanimously (8-0) to recommend approval of R-1 as permanent City zoning on the subject property. No one from the public spoke on this request.

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 R-1 as permanent City zoning on the subject property.

Other Info.

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
December 18, 2008**

ITEM NO.

08-95

ITEM

Establishing permanent zoning on property pending annexation into the City, owned by Laveta Anderson Revocable Trust No. 2

LOCATION

South of I-70, to the west of the intersection of I-70 Drive Southwest and Strawn Road

PROPERTY SIZE

Approximately 27.50 acres

EXISTING ZONING

Boone County R-S (Single-Family Residential), which is equivalent to R-1 (One-Family Dwelling District) City zoning

REQUESTED PERMANENT ZONING

R-1 (One-Family Dwelling District)

HISTORY

The property was zoned Boone County R-S when zoning was first established in Boone County in 1973.

EXISTING CONDITIONS

	<u>ZONING</u>	<u>LAND USE</u>
SITE	Boone County R-S	Undeveloped/hay fields
NORTH	N/A	I-70
SOUTH	City A-1 (Agricultural District)	Old sewage treatment plant/Undeveloped

EAST	County M-L (Light Industrial)	Contractors' shops
WEST	County REC (Recreational)	Undeveloped/hay fields

METRO 2020 LAND USE PLAN DESIGNATION

The subject property is designated as "Open Space/Greenbelt" by the Metro 2020 Land Use Plan. The proposed R-1 permanent zoning would be in conformance with the Plan.

ACCESS

The site has frontage on I-70, which is classified as a freeway on the City's Major Roadway Plan. I-70 Drive Southwest, which is classified as a major collector street, terminates at the northeast corner of the site, where its right-of-way merges with I-70's. There does not appear to be sufficient right-of-way width to extend I-70 Drive Southwest to provide street access to the north half of the subject site without interfering with the operation of I-70. MoDOT maintains this right-of-way, and has final authority regarding access to it.

The City's Major Roadway Plan shows a future major collector street connection between the existing I-70 Drive Southwest and Van Horn Tavern Road, to the west, which would extend through the north side of the subject site and could provide the site with accessible street frontage. This street connection is currently unfunded, and does not appear in the City's FY2009 Capital Improvement Program (CIP).

Other access-related considerations include the on-going "Improve I-70" widening study, and the uncertain alignment of the future Scott Boulevard extension, a major arterial street that is shown crossing over I-70 on the Major Roadway Plan. Though the Scott Boulevard north extension is not funded or programmed, the City Council recently authorized an Access Justification study to assess feasibility and location options for a future I-70 interchange.

The City owns a 101.87-acre tract adjacent to the southern boundary of the subject site that has frontage on Strawn Road (Route ZZ). Both the subject site and the adjacent City-owned tract to its south are slated for a future city park. Access could be provided to the subject site internally, via the 101-acre tract.

PUBLIC UTILITIES/FIRE PROTECTION

Utility information is as follows:

- City Electrical service is available to the site.
- There is no City water available to the subject site; however, it is within the City's water service territory.
- The Perche Creek sanitary sewer trunk line runs along the west side of the subject site.

Laveta Anderson Revocable Trust No. 2
Establishing R-1 as Permanent City Zoning

- The subject tract is within the Boone County Fire Protection District's service territory.

SITE CHARACTERISTICS

The subject site consists of undeveloped floodplain, lying along the east side of Perche Creek. An intermittent stream runs along the south side of the site. Harmony Creek flows from east to west through the site, and forms a portion of the tract's eastern boundary. There are narrow strips of tree cover along the banks of all of the water bodies that abut and flow through the site.

The subject site is located in the Perche Creek drainage basin.

CITY-RECOGNIZED NEIGHBORHOOD ASSOCIATIONS AFFECTED

King's Meadow, Smithton Ridge, and Park De Ville Neighborhood Associations

PARKLAND NEEDS/GREENBELT

The subject site is within a "Primary Priority" park acquisition service area.

The 2007 Trails Plan shows a proposed secondary trail along Perche Creek, adjacent to the site's western boundary, and a proposed tertiary trail along Harmony Creek, adjacent to the southern boundary of the subject tract.

DISCUSSION

This is a request for R-1 (One-Family Dwelling District) as permanent City zoning on land pending voluntary annexation into the City on January 20, 2009. The property lies north of the present City limits in the western part of the city.

Public parks and playgrounds are permitted in the R-1 zoning district to provide amenities to local residents. Most of the city's existing parkland is zoned R-1. Staff believes that City R-1 zoning is the most appropriate designation for the intended parkland use.

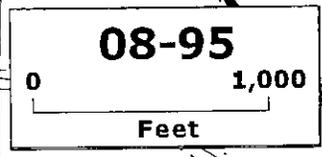
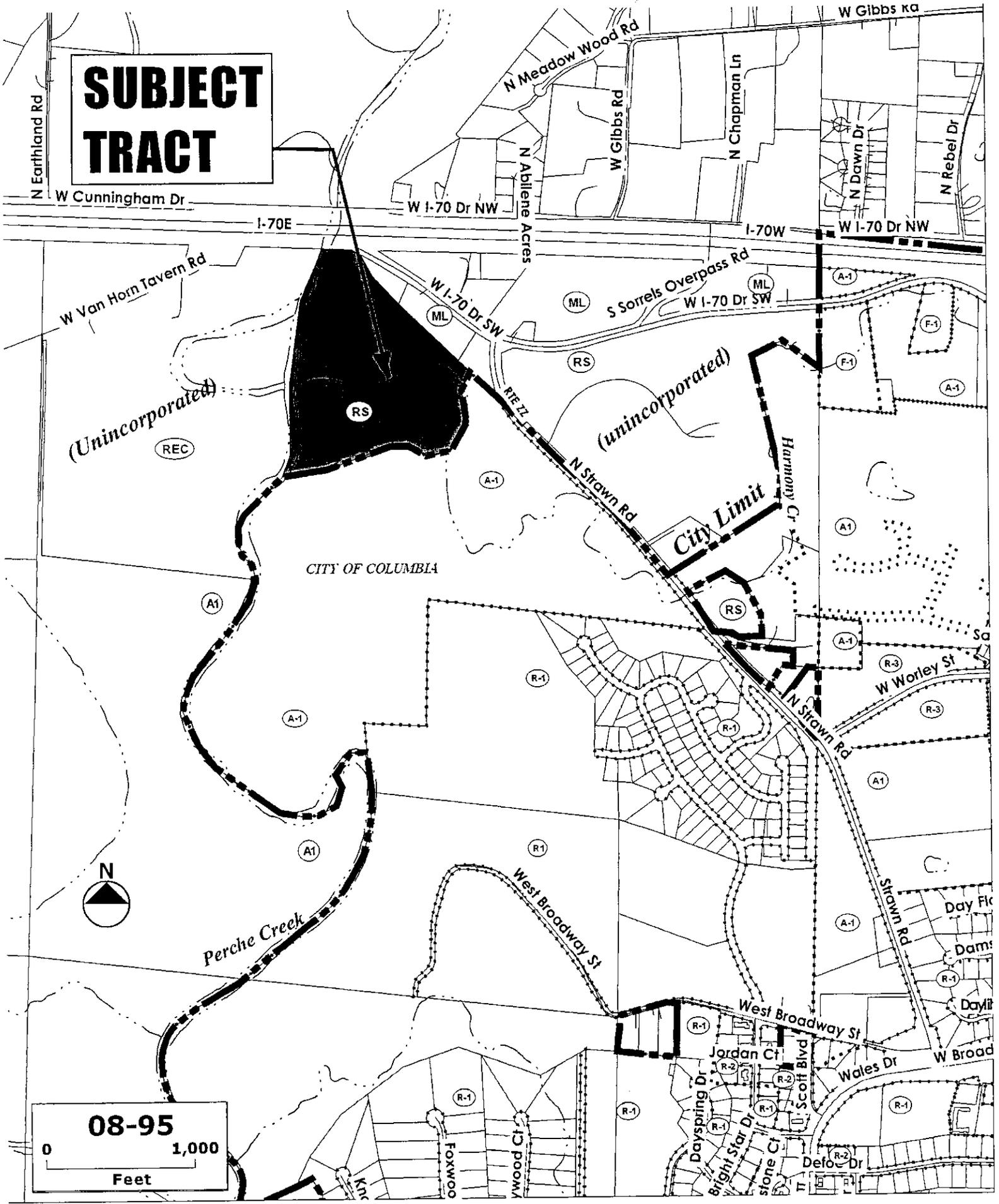
STAFF RECOMMENDATION

Approval of R-1 as permanent City zoning

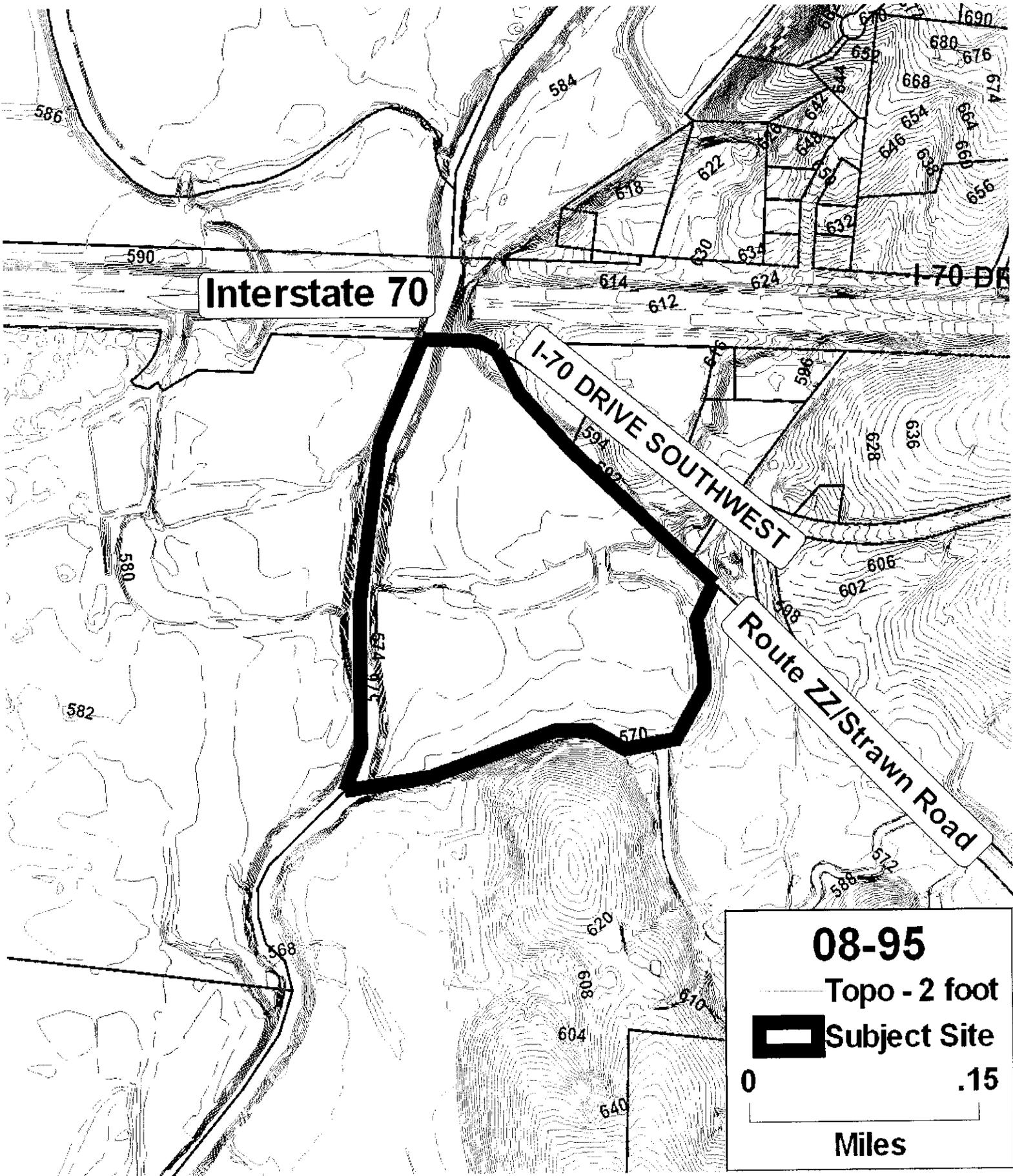
Report prepared by *SAL*

Approved by *PRZ*

SUBJECT TRACT



08-95



EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
December 18, 2008

3) PUBLIC HEARINGS

08-95 A request by Laveta Anderson, Trustee under the Laveta Anderson Revocable Trust No. 2, to establish R-1 as permanent City zoning on property located south of Interstate 70, to the west of the intersection of I-70 Drive Southwest and Strawn Road, containing approximately 27.50 acres. The property is to be conveyed to the City of Columbia for use as parkland.

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

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of R-1 as permanent City zoning.

MR. BARROW: Are there any questions of staff? Mr. Wheeler?

MR. WHEELER: Yes. Are parks allowed in A-1 zoning within the City limits?

MR. MacINTYRE: Yes, they are.

MR. WHEELER: Okay. Thank you.

MR. BARROW: I had a difficult time reading this map. Is this completely on the east side of Perche Creek or does it extend over to the west?

MR. MacINTYRE: It's on the east side of Perche.

MR. BARROW: Thank you. Any other questions? All right. We'll open the public hearing.

PUBLIC HEARING OPENED

MR. BARROW: Anyone wishing to speak on this, please come forward. Seeing no one.

PUBLIC HEARING CLOSED

MR. BARROW: Discussion, Commissioners? Ms. Peters?

MS. PETERS: I did manage to go out and look at the property and, although it's in a floodplain, I think it's a great use for a park and it's actually, in my opinion, nice to see that the streams in that area aren't being crowded, that there is actually a floodplain, someplace for the water to go. I counted the columns on the Interstate 70 bridge, and there are actually nine on Perche Creek, which you wouldn't think there would be that many for a creek, and every one of them has a high-water mark, so that it really is an area that water needs to go to. And I think it's quite generous of the family to donate this to the City of Columbia for a park.

MR. BARROW: Further discussion? Mr. Wheeler?

MR. WHEELER: I jump on my soapbox here, but I think it's absolutely appropriate use of the property. I'm happy to see that and I concur with you on that. But I think one of the things -- one of the

responsibilities of the City is to lead by example, and, you know, on the south side, we had 200 and some acres come in in a park and we gave it R-1 zoning, which, you know, if the City ever did decide to sell, it gives us absolutely no control. And in this area, this is a floodplain. It couldn't be developed anyway, but I really would like to see the City start to consider bringing these parks, the tracts of ground in under agricultural zoning or PUD. I know they don't want to do PUD because even, you know, under our ordinances, they'd have to bring a plan before us if they were going to put up a shelter, and maybe that is not appropriate. But I certainly do believe that it would be appropriate for them to begin to use agricultural zoning so that, you know, if, God forbid, at some point, they did let a piece of this ground go, that it -- you know, we would have some measure of control over it if it were to be developed. And so, that's my little soapbox and, hopefully, somebody, somewhere, will hear me.

MR. BARROW: Further discussion? Well, I'll jump in. I concur, too, that this being down in the floodplain like this is -- parkland is completely suitable because soccer fields can be flooded and restored a lot better than a house or a structure could be. And so, I'm happy to see this. I also want to commend the family for contributing this to the City. And I also agree with you, Mr. Wheeler, that I think the City should be setting an example of, you know, forward looking on this zoning, and I believe that the Parks Department typically has a plan. They work on a plan before they develop it anyway. And so, I'm not sure if it would be a burden for them to just put the plan to the public-hearing process and it might actually make a better plan when it gets done. So, I concur with both the other speakers. And so, I think -- I don't know. I think I'm going to vote to support it, but I might vote not to because of the more restrictive or more open or more -- agricultural zoning might be more appropriate, so I'm still torn, so further discussion might help me decide, or a motion, whatever. Mr. Rice?

MR. RICE: Well, I think this is a straightforward request. I'm going to make a motion that we recommend approval.

MR. BARROW: Mr. Reichlin?

MR. REICHLIN: I'll second that motion.

MR. BARROW: Thank you. Thank you for raising your hand and being called on. Which those are our rules, and we're trying to follow our own rules. Is there a discussion on the motion? Roll call, please.

MR. BRODSKY: The motion has been made and seconded recommending approval of a request by Laveta Anderson, the Trustee of the Laveta Anderson Revocable Trust No. 2, on property that's located south of Interstate 70 to the west of the I-70 Drive Southwest and Strawn Road, containing approximately 27.50 acres.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Brodsky, Ms. Curby, Ms. Peters, Mr. Reichlin, Mr. Rice, Mr. Wheeler, Ms. Anthony, Mr. Barrow. Motion carries 8-