

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 265-13

AN ORDINANCE

extending the corporate limits of the City of Columbia, Missouri, by annexing property located on the west side of Howard Orchard Road, south of Stedman Road (5551 Howard Orchard Road); 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 June 10, 2013, 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. The petition was signed by Ricky Joe and Jennifer Belzer, the owners of the fee interest of record in the land proposed to be annexed. A public hearing was held concerning this matter on September 3, 2013. Notice of this hearing was published more than seven days prior to the hearing in a newspaper 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.____ **[number to be assigned by the City Clerk]** 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.____ **[number to be assigned by the City Clerk]**. October, 2013
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 OF SECTION 6, TOWNSHIP 47 NORTH, RANGE 13 WEST, AND BEING TRACT 1 AS SHOWN BY THE SURVEY IN BOOK 1041 PAGE 351 AND BEING THE TRACT DESCRIBED BY THE DEED IN BOOK 4034 PAGE 11 BOTH OF THE BOONE COUNTY RECORDS; EXCEPT FOR THAT PART CONVEYED TO BOONE COUNTY, MISSOURI BY AN INSTRUMENT RECORDED IN BOOK 1133 PAGE 206 OF THE BOONE COUNTY RECORDS, SAID TRACT CONTAINING 5.11 ACRES.

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 Fifth 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 _____, 2013.

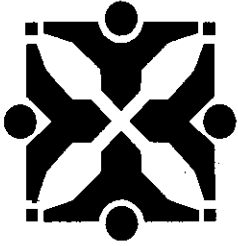
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:


City Counselor



Source: Community Development - Planning 

Agenda Item No:

To: City Council

From: City Manager and Staff 

Council Meeting Date: Sep 16, 2013

Re: Belzer Annexation/Permanent Zoning (Case #13-137)

EXECUTIVE SUMMARY:

A request by Ricky and Jennifer Belzer (owner) to annex approximately 5 acres of land into the City of Columbia, and to assign R-1 (One-Family Dwelling) as permanent City zoning. The subject site is located on the west side of Howard Orchard Road south of Stedman Road and is addressed as 5551 Howard Orchard Road. **(Case # 13-137)**

DISCUSSION:

The applicant is seeking to annex a 5 acre tract of land into the City of Columbia to obtain public sewer service. The site is currently zoned Boone County A-2 (Agriculture) and is seeking to be permanently zoned City R-1 (Single-family Dwelling). The requested zoning is consistent with the existing zoning with the exception of minimum lot area requirements. The city's minimum lot area is smaller than the county's. The requested zoning is consistent with the Metro 2020 Plan's land use designation for the subject site.

The subject site is developed with a single-family residence which is served by an on-site septic system. Public sewer is available to the east within the Steeplechase subdivision and would be extended under Howard Orchard Road by the applicant. A public sewer easement will be granted to the City by separate document to guarantee access to the future public main on the applicant's property. No additional development is proposed at this time; however, when such development occurs applicable utility and roadway upgrade easements would be obtained.

In review of this application; however, staff has requested that the applicant consider the granting of a "temporary construction" easement to facilitate the future expansion of Howard Orchard Road. The applicant is currently reviewing the easement request and if agreed upon will grant, via separate document, the necessary easement to the City. The request to grant the easement was seen as prudent based on the fact that subdivision and platting of the property is not foreseen in the near future and acquisition at this time would secure the necessary temporary right-of-way for the future expansion. The required half-width right-of-way for Howard Orchard Road was acquired by Boone County via separate deed instrument.

At its August 22, 2013 meeting, the Planning and Zoning Commission voted unanimously 7-0 to approve the permanent zoning request. In arriving at this recommendation the Commission commented on the request for the "temporary" easement as being good foresight. No one from the public spoke in support or opposition to the rezoning request.

A copy of the staff report, locator maps, and meeting excerpts are attached for review.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Approve the permanent zoning as recommended by the Planning and Zoning Commission.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 22, 2013

SUMMARY

A request by Ricky and Jennifer Belzer (owner) to annex approximately 5 acres of land into the City of Columbia, and to assign R-1 (One-Family Dwelling) as permanent City zoning. The subject site is located on the west side of Howard Orchard Road south of Stedman Road and is addressed as 5551 Howard Orchard Road. (**Case # 13-137**)

DISCUSSION

The applicant is requesting approval of R-1 (One-Family Dwelling District) as permanent City zoning, pending annexation of the subject property on September 16, 2013. The proposed zoning is generally equivalent to the site's existing Boone County A-2 (Agriculture) zoning designation with the exception that minimum lot area required for single-family dwellings differ.

The subject site is developed with a single-family residence which is served by an on-site septic system. The purpose of this request is to permit the existing structure to connect to public sewer. Public sewer is available to the east within the Steeplechase subdivision and would be extended under Howard Orchard Road by the applicant.

During the review of this request, the need to provide future right-of-way width and temporary construction easements for the upgrade of Howard Orchard Road were identified. Typically these upgrades are obtained as part of a platting action. Since no platting is required with this request and no platting is anticipated in the near future, acquisition of these improvements via separate easement document at this time is believed prudent. The applicant has agreed to execute the desired easement document as part of this request.

RECOMMENDATION

Approval of R-1 as permanent City zoning

ATTACHMENTS

- Locator aerial and topographic maps

SITE HISTORY

Annexation Date	Pending annexation on September 16, 2013
Existing Zoning District(s)	County A-2 (Agriculture)
Land Use Plan Designation	"Neighborhoods" District (Metro 2020)

SITE CHARACTERISTICS

Area (acres)	5 acres
Topography	Gently sloping northwest
Vegetation/Landscaping	Heavily vegetated throughout; cleared @ home location
Watershed/Drainage	Perche Creek
Existing structures	Single-family home

SURROUNDING LAND USES

Orientation from site	Zoning	Land Use
North	County A-2 (Agriculture)	Single-family dwellings
South	County A-2 (Agriculture)	Single-family dwellings
East	City R-1 (Single-family dwelling)	Single-family dwellings (Steeplechase subdivision)
West	County A-2 (Agriculture)	Single-family dwellings

UTILITIES & SERVICES

Sanitary Sewer	On-site septic
Water	Public Water Supply District #1
Fire Protection	Boone County Fire Protection District (Columbia Fire Dept. upon annexation)
Electric	Boone Electric Cooperative

ACCESS

Howard Orchard Road	
Location	East side of site
Major Roadway Plan	Neighborhood Collector (unimproved & County-maintained)
CIP Projects	None
Sidewalk	None; would be required upon subdivision

PARKS & RECREATION

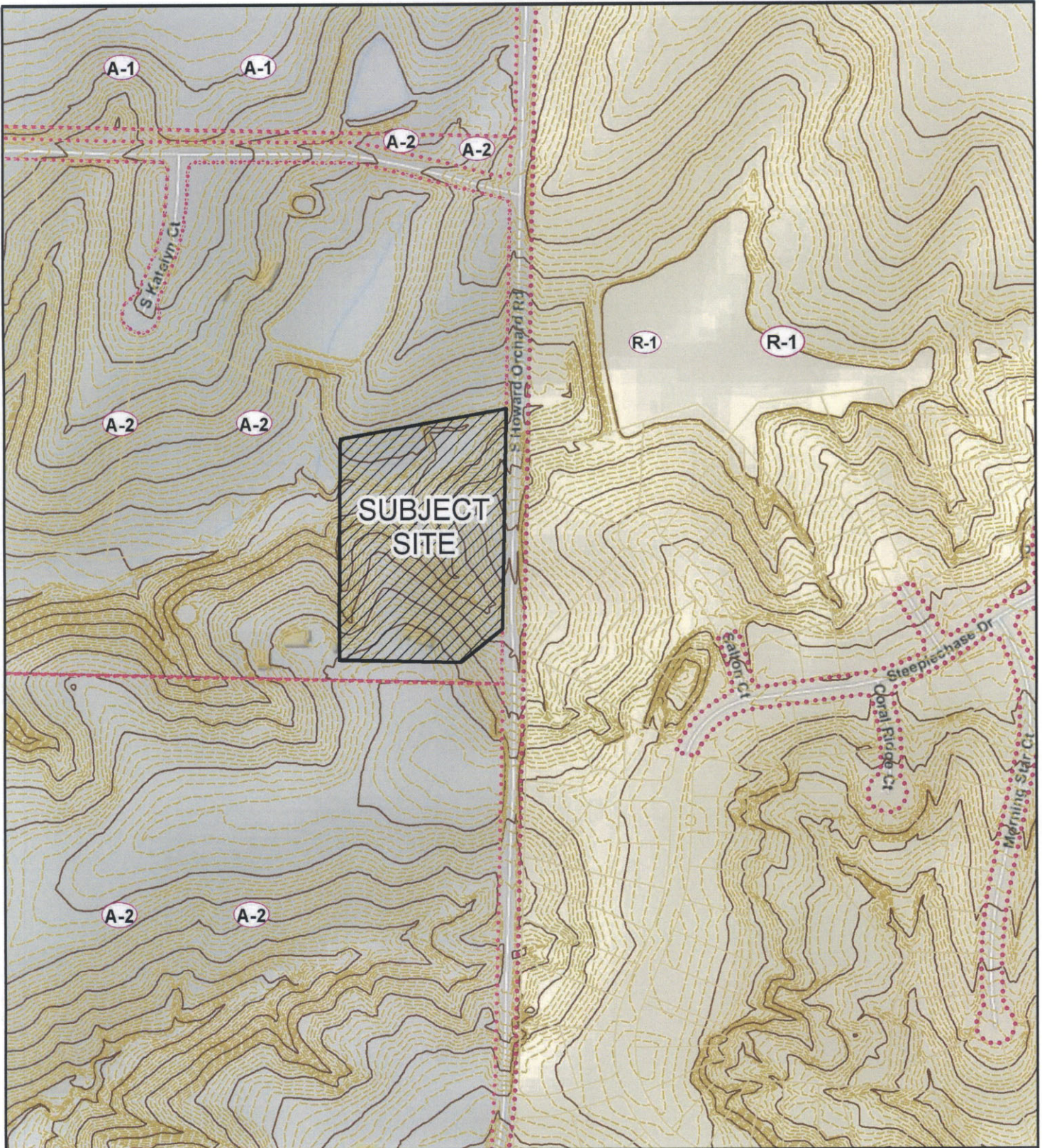
Neighborhood Parks	Site is within a tertiary priority acquisition area. Closest park is MKT-Scott Blvd (2 miles northeast)
Trails Plan	None planned or needed
Bicycle/Pedestrian Plan	An eight foot wide sidewalk will be installed along St. Charles upon future street and intersection improvement

PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on July 30, 2013.

Public Information Meeting Recap	Number of attendees: 2 Comments/concerns: General interest
Neighborhood Association(s) Notified	Thornbrook and Steeplechase Estates
Correspondence Received	None as of this writing

Report prepared by Steve MacIntyre; approved by Patrick Zenner



Parcel Data
Source: Boone County Assessor

Case 13-137: Annexation/Permanent Zoning Ricky Joe and Jennifer Belzer

0 160 320 640
Feet

1 inch = 317 feet





Case 13-137: Annexation/Permanent Zoning
Ricky Joe and Jennifer Belzer



0 160 320 640
Feet

1 inch = 317 feet

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
August 22, 2013

13-137 A request by Ricky and Jennifer Belzer (owner) to annex approximately five acres of land into the City of Columbia, and to assign R-1 (One-Family Dwelling) as permanent City zoning. The Subject site is located on the west side of Howard Orchard Road south of Stedman Road and is addressed 5551 Howard Orchard Road.

MR. WHEELER: May we have a Staff report, please.

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

MR. WHEELER: Are there any questions of Staff? Mr. Vander Tuig?

MR. VANDER TUIG: Where's the sewer at? I assume it's at the end of the city subdivision.

MR. ZENNER: The sewer -- let me see. Let me go back. The sewer itself will come out of Salton Court. There's a cul-de-sac here. It will need to be taken through the development and brought across and underneath Howard Orchard Road as a public main. And then, the design, at least conceptually discussed at this point, would take a private lateral from a manhole in this particular location on the property, around, down to the existing house, instead of running it through some relatively rough terrain and a valley where we have a streamline that runs through it -- potential to hit more rock, as well as not get the grade quite right. Currently, there is a pump station or a force -- a lift -- a grinder pump on the existing on-site septic that can then basically be utilized to push the sewage back up to the public forced main, which is a gravity system.

MR. VANDER TUIG: I understand. So the easement's behind Salton Court?

MR. ZENNER: Well, the easement itself -- the applicants will -- the Belzers will work with Columbia Development Group, which I believe is the group that owns the Steeplechase Development, to acquire that easement. Once you go underneath, you get a right-of-use permit to go under Howard Orchard. The Howard Orchard expansion, the separate easement agreement that we are looking at is an easement that will actually -- from the current center line of Howard Orchard Road, we're looking at an additional 21 feet of road right-of-way to accommodate Howard Orchard's ultimate build width, plus roughly a 70 to 80-foot wide temporary construction easement. All of that occurs between about the center of the road of Howard Orchard and somewhere right about in this particular area, parallel. The permanent sanitary easement would normally be behind wherever we would have future road construction, and that road construction has not been fully designed. We have a preliminary design on that at this point, which is one of the reasons that the easement agreement is still being evaluated as well as some concerns that have been expressed by the Belzers as it relates to the loss of the vegetation that's along that future roadway frontage.

MR. VANDER TUIG: And is there a mechanism that the easement would be received or signed prior to the construction of the --

MR. ZENNER: That is what we would like to try to achieve. So the actual annexation petition itself and the future right-of-way easement for temporary construction purposes -- and it's really a TCE only, temporary construction easement. The 33 feet of half-width had already been dedicated through a quit claim deed already, so we're only --

MR. VANDER TUIG: Oh, I see.

MR. ZENNER: -- looking at the temporary construction easement.

MR. VANDER TUIG: Okay.

MR. ZENNER: We're trying to facilitate all of that prior to the final read of the annexation petition. This is a little bit odd. Typically, you do not -- we do not take road right-of-way easements as part of an annexation petition. You normally take them with a subdivision action. It was something that our Public Works staff identified as we were doing the evaluation of this particular request for annexation, and it appeared appropriate as stated in the Staff report because of the long-term nature of any future subdivision action on the Belzer's tract. Further -- which was not addressed within the Staff report -- we have already acquired the road right-of-way upgrades through the Steeplechase subdivision platting action. So what we're trying to do is get this segment of roadway somewhat squared away for the future as we go ahead and we program in Howard Orchard Road's expansion, which is not on the capital improvement program at this point. So it is unclear as to when that road would be upgraded, but we would like to try to -- as the County had with the half-width dedication already -- just be ahead of the curve so we have fewer easements to obtain in the future.

MR. VANDER TUIG: All right. Thanks.

MR. WHEELER: But just out of curiosity, what's the classification of Howard Orchard?

MR. ZENNER: Classification of Howard Orchard is a --

MR. WHEELER: Or will be.

MR. ZENNER: -- is a collector. So we're looking at roughly a 66 to a 76-foot wide road right-of-way.

MR. WHEELER: Okay. Thank you. Are there any other questions of Staff?

PUBLIC HEARING OPENED

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners, discussion? Just let me chime in here. I appreciate Mr. Vander Tuig's questions because those are very relevant to annexation anytime we -- we know it's not going to be subdivided, at least not for a long time, and so making sure we get our roadway accommodated is important, if that's the only carrot you have.

MR. VANDER TUIG: Yeah. Right. Well, along those lines, another question -- and I guess it's different for development with regards to the cost participation sometimes with development agreements. Who's paying for the sewer?

MR. ZENNER: The Belzers will be paying for it. And part of the -- part of the improvement process itself, there are federal dollars that are available to help offset the expenditures that the Belzers would incur. The only way, however, you are able to get the monies that we have through our CDBG block grant side is you have to be inside the city's corporate limits. So they have an existing septic system that is on property today, serving their home that is undersized and therefore there is some increased expenses associated with repetitive pumping. Therefore the ability to connect to city sewer exists. There is a funding source that would help offset those expenses and therefore facilitating -- or moving through the annexation process allows them to avoid the long-term expenditure associated with having to continue to maintain that on-site system, further promotes our idea of eliminating on-site systems within the general urbanized area. It'll be a combination. We will have some forgivable loans that will be available to them as well as they will contribute money in. They will be working with their engineer that they have to try to obtain the easements on the Steeplechase property at no expense. However we do have processes within the City that, should that not be able to be accommodated, we would be able to assist them also in acquiring those easements either through reasonable amends to financially or through condemnation action, if necessary.

MR. VANDER TUIG: Thanks. I think this is pretty straightforward. I think everyone's doing their homework in the City Staff and making sure that the City gets what they need here, so I guess I can make a motion.

MR. STRODTMAN: Can I ask a quick question?

MR. WHEELER: Yeah.

MR. STRODTMAN: Would there be additional residents be able to tap into the same --

MR. ZENNER: There would be. I think the issue -- and this is something that has been discussed. I know the Belzers have -- we've asked that question. They've asked a couple of their neighbors. The neighbor that is immediately to their rear, which is here and they share a common driveway basically through some other platting action, has a very functioning on-site lagoon. And then the properties that are back here in this particular subdivision are also in the same situation. They have fully functioning and no enforcement issues associated with their lagoons. This particular parcel where my cursor is, is undeveloped at this point. And I believe -- the only one you see developed is this. I believe this parcel here also may be undeveloped. When you come across with the force main and you end up basically -- not the force main, but a main -- a public main, you're going to end up with a manhole to which if you do extend or desire to extend either to the north or south, you can. Basically, through the subdivision process, we would require that the full frontage of the property be improved. Because we're not subdividing the property, you come in ten feet onto your lot. That's what you're deeding as a public easement. And then, what comes off of the end of that line is basically your private sewer lateral. But if you connect back in to either the north or the south, you'd basically be extending public sewer into that manhole if gravity sewer would allow you to

do that, or if you had to put in a grinder pump that would pump it up to be able to get it into the gravity. And in this particular instance, the run on this is going to require that. And from what we understand from the engineer, the preliminary design on it's going to be a relatively small line that will have enough pressure within it to continue to move the sewage accordingly, just to serve their home right now.

MR. STRODTMAN: Thank you.

MR. WHEELER: I'm glad you brought that up because it's a little pet peeve of mine. I think they should have a chance to recover expense, what they do outlay. I know the Sewer District, Boone County Regional Sewer District -- mention them by name -- you know, actually has, for lack of a better term, screwed some people over by expanding the public service system and then, you know, after a short period of time, others can connect with no charges. And that hardly seems fair to me when we design these systems to last quite some time. There should be a way for an individual to recover some of that money if other folks are getting to benefit from that expansion of the system.

MR. VANDER TUIG: Agreed. With that, I'll make a motion to approve Case 13-137 to assign R-1, pending annexation at 5551 Howard Orchard Road.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler. Motion carries 7-0.

MR. WHEELER: Recommendation for approval will be forwarded to City Council.