City of Columbia

701 East Broadway, Columbia, Missouri 65201

Agenda Item Number: R 20-15
Department Source: Community Development - Planning
To: City Council
From: City Manager & Staff
Council Meeting Date: 2/2/2015
Re: Setting a public hearing: Somerset Village annexation (Case #14-180)

Documents Included With This Agenda Item

Council Memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance
Supporting documentation includes: Maps

Executive Summary

If approved this request would set February 16, 2015, as the public hearing date for the proposed annexation of 127.81 acres of land owned by St. Charles Road Development (SCRD) located between Lake of the Woods Golf Course and Battle High School north of St. Charles Road.

Discussion

St. Charles Road Development (SCRD) is requesting to annex 127.81 acres of land into the City of Columbia, and have it permanently zoned R-1 (One-Family Dwelling District), O-P (Planned Office District), and C-P (Planned Business District). The property is currently zoned Boone County R-S (Single-Family) and A-2 (Agriculture). The permanent zoning is scheduled for a hearing of the Planning & Zoning Commission on February 5, 2015. It is anticipated that an ordinance annexing and zoning the subject property may be introduced on February 16, 2015 and considered for adoption at the March 2, 2015 City Council meeting.

The 127.81 acre property is subject to an annexation agreement approved by Ordinance # 21236 on February 20, 2012. The requested zoning district designations were identified as the owners' desired zoning in the annexation agreement. The agreement did not commit the City to those zoning classifications and anticipated the possibility of the project beginning under Boone County zoning jurisdiction. The property became contiguous with the City upon annexation of the Lake of the Woods Golf Course in January 2014.

The subject site is accessed via St. Charles Road and Battle Avenue - both currently maintained by Boone County. The site receives electric, water, and public safety services from Boone Electric,Public Water Service District #9, and the Boone County Fire Protection District, respectively. Upon annexation, City of Columbia municipal services (fire, police, and trash) as well as sanitary services will be extended to the property.

The annexation and zoning of the subject site is a necessary prerequisite for the annexation and permanent zoning of Columbia Public School's Battle Elementary and High School sites as well as the City's Battle Avenue Park. The subject acreage is within the Urban Service Boundary as shown

on the Future Land Use Map of Columbia Imagined.

Staff is concluding its review on the requested permanent zoning and preliminary plat for the proposed single-family residential lots (to be zoned R-1). Statements of Intent (for the planned zones) and a development agreement will accompany the formal annexation and permanent zoning report which is scheduled for Planning and Zoning Commission consideration on February 5.

Consideration of the annexation request (a Council action) typically follows the Planning and Zoning Commission's public hearing on the permanent zoning. As such, approval of the attached resolution to "set the public hearing" on the requested annexation is following the normal application procedure.

Fiscal Impact

Short-Term Impact: A proposed development agreement will accompany the permanent zoning request. This agreement specifies minimum public roadway improvements for Battle Avenue and St. Charles Road, subject to building permitting/platting requests, as well as sanitary sewer extension. All proposed improvements will be borne by the applicant. The subject site is not served by City water or electric services.

Long-Term Impact: Long-term impacts will include maintenance of public infrastructure (roadways and sanitary sewer) as well as provision of public safety and refuse collection services. These impacts will be off set by increases in property tax collections and user fees.

The proposed development agreement, accompanying the permanent zoning request, includes the establishment of a City-managed TDD (Transportation Development District) which will receive pledged tax and special property assessments intended to cover previously identified regional transportation improvements in the 1800 acres surrounding the subject site. The 1800 acres is equal to the area within the NE Columbia Area Plan (NECAP) study area.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development, Transportation
Strategic Plan Impact: Growth Management, Infrastructure
Comprehensive Plan Impact: Land Use & Growth Management, Infrastructure, Mobility, Connectivity, and Accessibility, Livable & Sustainable Communities

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Suggested Council Action

Approve the resolution setting the public hearing for February 16, 2015.

Legislative History

Annexation (Lake of Woods Golf Course) - January 2014 (Ord. 21951)
Annexation Agreement (SCRD) - February 2012 (Ord. 21236)

Department Approved

City Manager Approved

Introduced by _____ Council Bill No. _____R 20-15_____

A RESOLUTION

setting a public hearing on the voluntary annexation of property located on the north side of St. Charles Road and on the west and east sides of Battle Avenue.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. A verified petition requesting the annexation of certain lands owned by St. Charles Road Development was filed with the City on January 26, 2015. A copy of this petition, which contains the description of the property, marked "Attachment A," is attached to and made a part of this resolution.

SECTION 2. In accordance with Section 71.012, RSMo, a public hearing on this annexation request shall be held on February 16, 2015 at 7:00 p.m. in the City Council Chamber of the City Hall Building, 701 E. Broadway, in the City of Columbia, Missouri.

SECTION 3. The City Clerk shall cause notice of this hearing to be published at least seven days before the hearing in a newspaper published in the City.

ADOPTED this _____ day of _____, 2015.

ATTEST:

_____ _____

City Clerk Mayor and Presiding Officer

APPROVED AS TO FORM:

_____

City Counselor

PETITION REQUESTING ANNEXATION TO THE CITY OF COLUMBIA

St. Charles Road Development, a Missouri limited liability company, hereby petitions the City Council of the City of Columbia to annex the land described below into the corporate limits of Columbia and, in support of this petition, states the following:

1. St. Charles Road Development is the owner of all fee interests of record in the real estate in Boone County, Missouri, described as follows:

   Legal Description See Exhibit A

2. This real estate is not now a part of any incorporated municipality.

3. This real estate is contiguous and compact to the existing corporate limits of the City of Columbia, Missouri.

4. St. Charles Road Development requests that this real estate be annexed to, and be included within the corporate limits of the City of Columbia, Missouri, pursuant to Section 71.012, RSMo 1994.

5. Petitioner requests that the property be zoned R-1, O-P, C-P at the time of annexation. If the requested zoning is not granted by the proposed ordinance annexing the property, petitioner reserves the right to withdraw this petition requesting annexation.

Dated this 26th day of January 2015,

VERIFICATION (see attached Sheets -4 parts)

VERIFICATION (Part 1 of 4)

The undersigned, Robert A. Wolverton, being of lawful age and after being duly sworn states and verifies that the undersigned has reviewed the foregoing Petition for Voluntary Annexation, and that the undersigned is duly authorized to execute the foregoing instrument on behalf of St. Charles Road Development and acknowledges the requests, matters and facts set forth therein are true and correct to the best of the undersigned's information and belief.

Robert A. Wolverton, Trustee of the Robert A. Wolverton Revocable Living Trust U/T/A 07/29/02, Member

Subscribed and sworn before me this 23rd day of January, 2015.

Notary Public

My commission expires: 5/19/17

JOY J. BRINKERHOFF
Notary Public - Notary Seal
State of Missouri
Commissioned for Boone County
My Commission Expires: May 19, 2017
Commission Number: 13483412

VERIFICATION (Part 2 of 4)

The undersigned, Robert K. Pugh and Connie G. Pugh, being of lawful age and after being duly sworn states and verifies that the undersigned has reviewed the foregoing Petition for Voluntary Annexation, and that the undersigned is duly authorized to execute the foregoing instrument on behalf of St. Charles Road Development and acknowledges the requests, matters and facts set forth therein are true and correct to the best of the undersigned's information and belief.

x _____

Robert K. Pugh, Co-Trustee of the Robert K. Pugh and Connie G. Pugh Living Trust Agreement U/T/d May 10, 1995, Member

x Connie G. Pugh

Connie G. Pugh, Co-Trustee of the Robert K. Pugh and Connie G. Pugh Living Trust Agreement U/T/d May 10, 1995, Member

Subscribed and sworn before me this 23rd day of January, 2015.

Joy J. Brinkerhoff

Notary Public

My commission expires: 5/19/17

JOY J. BRINKERHOFF
Notary Public - Notary Seal
State of Missouri
Commissioned for Boone County
My Commission Expires: May 19, 2017
Commission Number: 13483412

VERIFICATION (Part 3 of 4)

The undersigned, Thomas E. Atkins, III and Thomas Scott Atkins, being of lawful age and after being duly sworn states and verifies that the undersigned has reviewed the foregoing Petition for Voluntary Annexation, and that the undersigned is duly authorized to execute the foregoing instrument on behalf of St. Charles Road Development and acknowledges the requests, matters and facts set forth therein are true and correct to the best of the undersigned's information and belief.

TSA Investments, L.L.C.

Thomas E. Atkins, III, Member

Thomas Scott Atkins, Member

Subscribed and sworn before me this 12 day of January, 2015.

Notary Public

My commission expires: 11/4/2016

DARLENE L. CHASE
Notary Public - Notary Seal
State of Missouri
Commissioned for Boone County
My Commission Expires: November 04, 2016
Commission Number: 12411247

VERIFICATION (Part 4 of 4)

The undersigned, Michel D. Plut, SVP, being of lawful age and after being duly sworn states and verifies that the undersigned has reviewed the foregoing Petition for Voluntary Annexation, and that the undersigned is duly authorized to execute the foregoing instrument on behalf of St. Charles Road Development and acknowledges the requests, matters and facts set forth therein are true and correct to the best of the undersigned's information and belief.

Michel Plut

Sr Vice President, Trust Office of Central Trust and Investment Company as Trustee of the Robert M. LeMone Revocable Trust dated January 27, 2004, Member

Subscribed and sworn before me this 22 day of January, 2015.

Fran Callahan

Notary Public

My commission expires: 5/31/16

FRAN CALLAHAN
Notary Public-Notary Seal
State of Missouri, Boone County
Commission # 12528443
My Commission Expires May 31, 2016

EXHIBIT A
January, 2015

SOMERSET VILLAGE
"REZONING LEGAL DESCRIPTIONS"

Tract 1 (R-1)

A tract of land located in the West half of Section 1 and the East half of Section 2, Township 48 North, Range 12 West, in Boone County, Missouri, being all of a tract of land as described in the Warranty Deed recorded in book 3837, page 91, also being part of Lot 101 of Somerset Village Plat 1 recorded in plat book 46, page 44, and Lot 203 of Somerset Village Plat 2 recorded in plat book 46, page 45, and further described as follows:

Beginning at the Northeast corner of said Lot 203; thence along the Eastern boundary line of said Lot S 00°29'40"W 1492.35 feet; thence along a curve to the right, having a radius of 715.00 feet, a distance of 295.53 feet, the chord being S 12°20'10"W 293.43 feet to a point on the Eastern line of Lot101 of said Somerset Village Plat 1; thence leaving the Eastern line of said Lot N 65°49'20"W 348.74 feet; thence along a curve to the left, having a radius of 575.00 feet, a distance of 9.80 feet, the chord being N 66°18'40"W 9.80 feet; thence S07°36'20"W 273.05 feet; thence S 46°07'30"W 221.05 feet; thence N 89°58'15"W 209.19 feet; thence S 73°22'00"W 75.89 feet; thence S 05°27'00"W 138.03 feet; thence S 22°52'05"E 232.93 feet; thence S 07°24'00"E 83.61 feet; thence S 26°52'55"W 136.43 feet; thence N 63°07'05"W 43.71 feet; thence N 71°32'40"W 123.63 feet; thence along a curve to the left, having a radius of 149.95 feet, a distance of 33.99 feet, the chord being N 81°27'40"W 33.92 feet to the West line of Lot 101 of said Somerset Village Plat 1; thence along the West line of said Lot S 00°13'25"W 45.14 feet to the Southeast corner of said tract described in the Warranty Deed recorded in book 3837, page 91; thence along the South line of said tract N 89°00'50"W 2018.61 feet; thence along the West line of said tract N 00°28'30"E 1122.05 feet; thence along the North line of said tract S 89°59'50"E 1291.48 feet; thence S 01°41'40"E 288.29 feet; thence along the North line of said tract S 89°59'50"E 712.39 feet to the West line of said Lot 101; thence along the West line of said Lot 101 and Lot 203 N 00°13'25"E 1757.33 feet to the North line of said Lot 203; thence S 89°20'40"E 588.53 feet ; thence continuing along said North line S 89°32'35"E 444.88 feet to the point of beginning and containing 95.45 acres.

Tract 2 (O-P)

A tract of land located in the West half of Section 1 and the East half of Section 2, Township 48 North, Range 12 West, in Boone County, Missouri, being part of Lot 101 of Somerset Village Plat 1 recorded in plat book 46, page 44, and part of Lot 203 of Somerset Village Plat 2 recorded in plat book 46, page 45, and further described as follows:

Commencing at the Northeast corner of said Lot 101; thence along the Eastern boundary line of said Lot along a curve to the right having a radius of 715.00 feet, a distance of 53.36 feet, the chord being S 22°02'20"W 53.34 feet to the point of beginning;

Thence continuing along the Eastern boundary line of said Lot along a curve to the right having a radius of 715.00 feet, a distance of 176.09 feet, the chord being S 31°13'55"W 175.64 feet; thence S 38°17'15"W 220.36 feet; thence along a curve to the left having a radius of 900.00 feet, a distance of 607.96 feet, the chord being S 18°56'10"W 596.47 feet; thence leaving the East line of said Lot S 89°33'55"W 229.94 feet; thence along a curve to the right having a radius of 283.00 feet, a distance of 67.97 feet, the chord being N 83°33'15"W 67.81 feet; thence N 76°40'25"W 15.44 feet; thence N 63°07'05"W 49.91 feet; thence N 26°52'55"E 136.43 feet; thence N 07°24'00"W 83.61 feet; thence N 22°52'05"W 232.93 feet; thence N 05°27'00"E 138.03 feet; thence N 73°22'00"E 75.89 feet; thence S 89°58'15"E 209.19 feet; thence N 46°07'30"E 221.05 feet; thence N 07°36'20"E 273.05 feet; thence along a non-tangent curve to the right having a radius of 575.00 feet, a distance of 9.80 feet, the chord being S 66°18'40"E 9.80 feet; thence S 65°49'20"E 348.74 feet to the point of beginning and containing 8.47 acres.

Tract 3 (O-P)

A tract of land located in the West half of Section 1, Township 48 North, Range 12 West, in Boone County, Missouri, being part of Lot102 of Somerset Village Plat 1 recorded in plat book 46, page 44, and further described as follows:

Commencing at the Northeast corner of said Lot 102; thence along the northern boundary line of said Lot along a curve to the right having a radius of 608.00 feet, a distance of 100.41 feet, the chord being N 85°14'55"W 100.30 feet to the point of beginning;

Thence leaving said boundary line S 00°03'55"E 130.00 feet; thence S 05°13'35"E 61.93 feet; thence S 14°44'20"W 72.72 feet; thence S 23°36'55"W 67.45 feet; thence S 61°49'55"W 107.99 feet; thence S 03°41'10"E 101.81 feet; thence S 46°29'20"W 48.26 feet; thence S 29°16'20"W 76.52 feet; thence S 06°55'05"W 96.03 feet; thence S 07°08'10"E 24.26 feet; thence S 89°56'05"W 458.39 feet to the West line of said Lot 102; thence along the boundary of said Lot 102, along a non-tangent curve to the right having a radius of 800.00 feet, a distance of 520.10 feet, the chord being N 19°39'45"E 510.99 feet; thence N 38°17'15"E 220.36 feet; thence along a curve to the left having a radius of 815.00 feet, a distance of 139.89 feet, the chord being N 33°22'15"E 139.72 feet; thence along a curve to the right having a radius of 30.00 feet, a distance of 44.89 feet, the chord being N 71°18'55"E 40.81 feet; thence S 65°49'20"E 104.02 feet; thence along a curve to the left having a radius of 608.00 feet, a distance of 155.94 feet, the chord being S 73°10'15"E 155.51 feet to the point of beginning and containing 7.70 acres.

Tract 4 (C-P)

A tract of land located in the East half of Section 2, Township 48 North, Range 12 West, in Boone County, Missouri, being part of Lot 101 of Somerset Village Plat 1 recorded in plat book 46, page 44, and further described as follows:

Beginning at the Southwest corner of said Lot 101; thence along the Western boundary line of said Lot N 01°03'25"E 595.48 feet; thence N 00°13'25"E 45.14 feet; thence leaving said Western line along a non-tangent curve to the right having a radius of 149.95 feet, a distance of 33.99 feet, the chord being S 81°27'40"E 33.92 feet; thence S 71°32'40"E 123.63 feet; thence S 63°07'05"E 93.62 feet; thence S 76°40'25"E 15.44 feet; thence along a curve to the left having a radius of 283.00 feet, a distance of 67.97 feet, the chord being S 83°33'15"E 67.81 feet; thence N 89°33'55"E 229.94 feet to the East boundary line of said Lot 101; thence along the said boundary line S 00°26'05"E 415.78 feet; thence along a curve to the right having a radius of 30.00 feet, a distance of 41.89 feet, the chord being S 39°33'55"W 38.57 feet; thence S 79°33'55"W 545.45 feet to the point of beginning and containing 6.59 acres.

Tract 5 (C-P)

A tract of land located in the West half of Section 1, Township 48 North, Range 12 West, in Boone County, Missouri, being part of Lot 102 of Somerset Village Plat 1 recorded in plat book 46, page 44, and further described as follows:

Beginning at the Northeast corner of said Lot 102; thence along the boundary line of said Lot S 00°03'55"E 1001.15 feet; thence along a non-tangent curve to the left having a radius of 815.00 feet, a distance of 63.18 feet, the chord being S 83°15'55"W 63.17 feet; thence S 81°02'40"W 208.68 feet; thence along a curve to the left having a radius of 2050.00 feet, a distance of 52.94 feet, the chord being S 80°18'15"W 52.94 feet; thence S 79°33'55"W 416.40 feet; thence along a curve to the right having a radius of 30.00 feet, a distance of 52.36 feet, the chord being N 50°26'05"W 45.96 feet; thence N 00°26'05"W 387.56 feet; thence along a curve to the right having a radius of 800.00 feet, a distance of 20.57 feet, the chord being N 00°18'05"E 20.57 feet; thence leaving said boundary line N 89°56'05"E 458.39 feet; thence N 07°08'10" W 24.28 feet; thence N 06°55'05"E 96.03 feet; thence N 29°16'20"E 76.52 feet; thence N 46°29'20"E 48.26 feet; thence N 03°41'10"W 101.81 feet; thence N 61°49'55"E 107.99 feet; thence N 23°36'55"E 67.45 feet; thence N 14°44'20"E 72.72 feet; thence N 05°13'35"W 61.93 feet; thence N 00°03'55"W 130.00 feet to the northern boundary line of said Lot 102; thence along said northern boundary line along a non-tangent curve to the left having a radius of 608.00 feet, a distance of 100.41 feet, the chord being S 85°14'55"E 100.30 feet to the point of beginning and containing 9.60 acres.

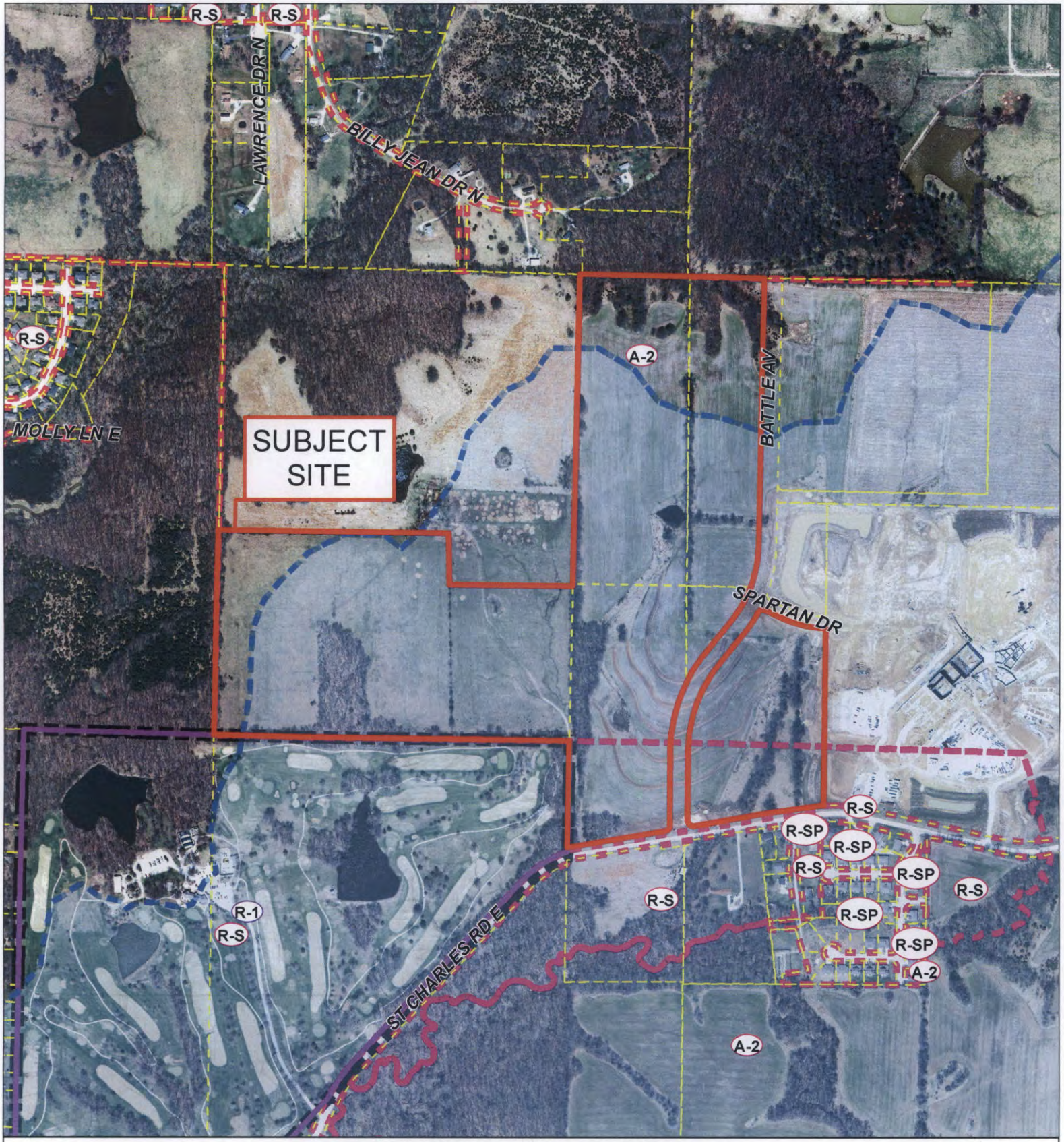
Jay Alan Gebhardt LS-2001001909

1/15/2015
Date

City of Columbia
701 East Broadway, Columbia, Missouri 65201

SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Maps



14-180: Somerset Village Annexation & Permanent Zoning

City of Columbia Zoning

Boone County Zoning

Parcels

Urban Service Area

Columbia City Limit

N

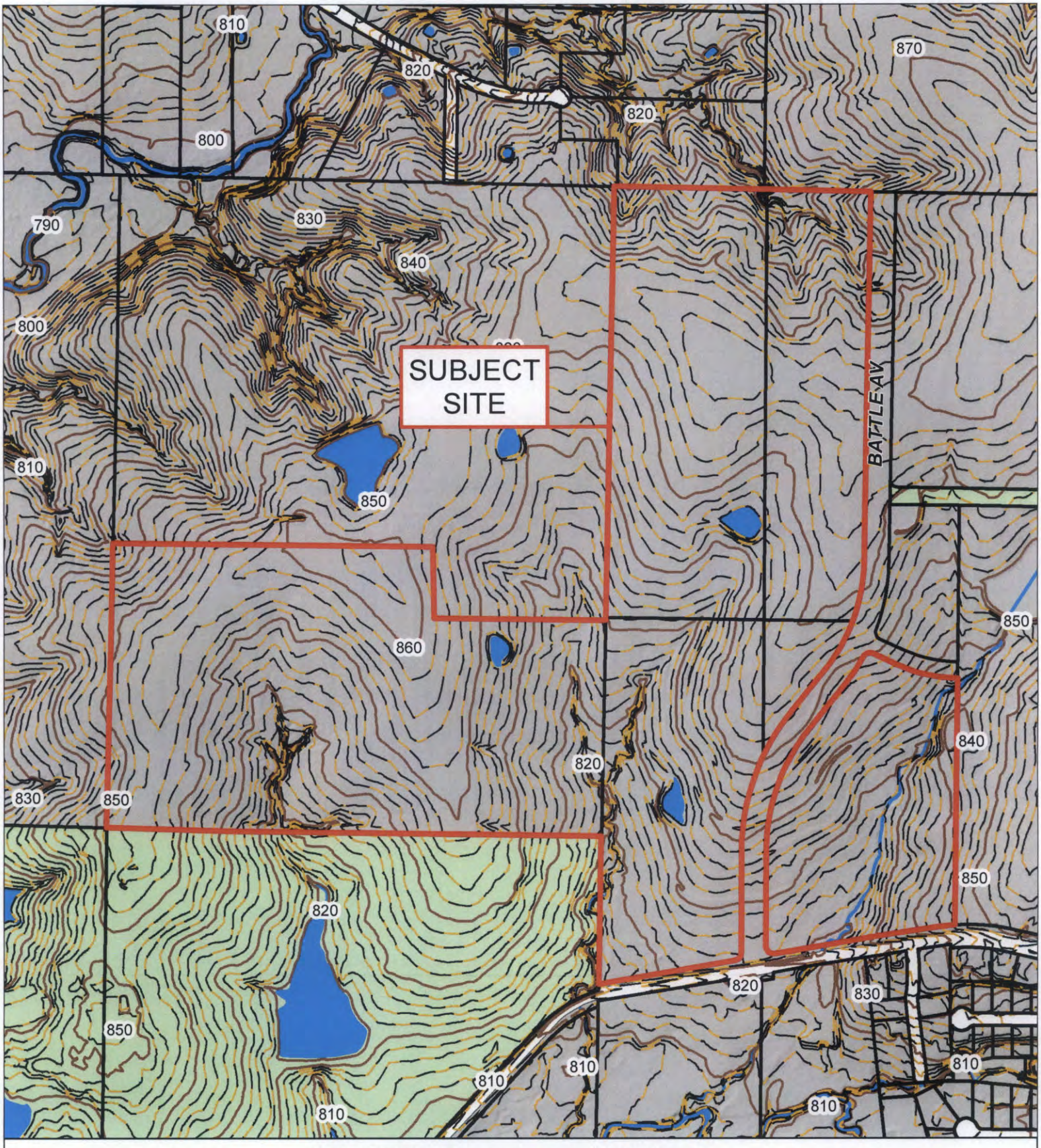
Hillshade Data: Boone County GIS Office

Parcel Data Source: Boone County Assessor

Imagery: Boone County Assessor's Office, Sanborn Map Company

Created by The City of Columbia - Community Development Department

0 315 630 1,260 Feet

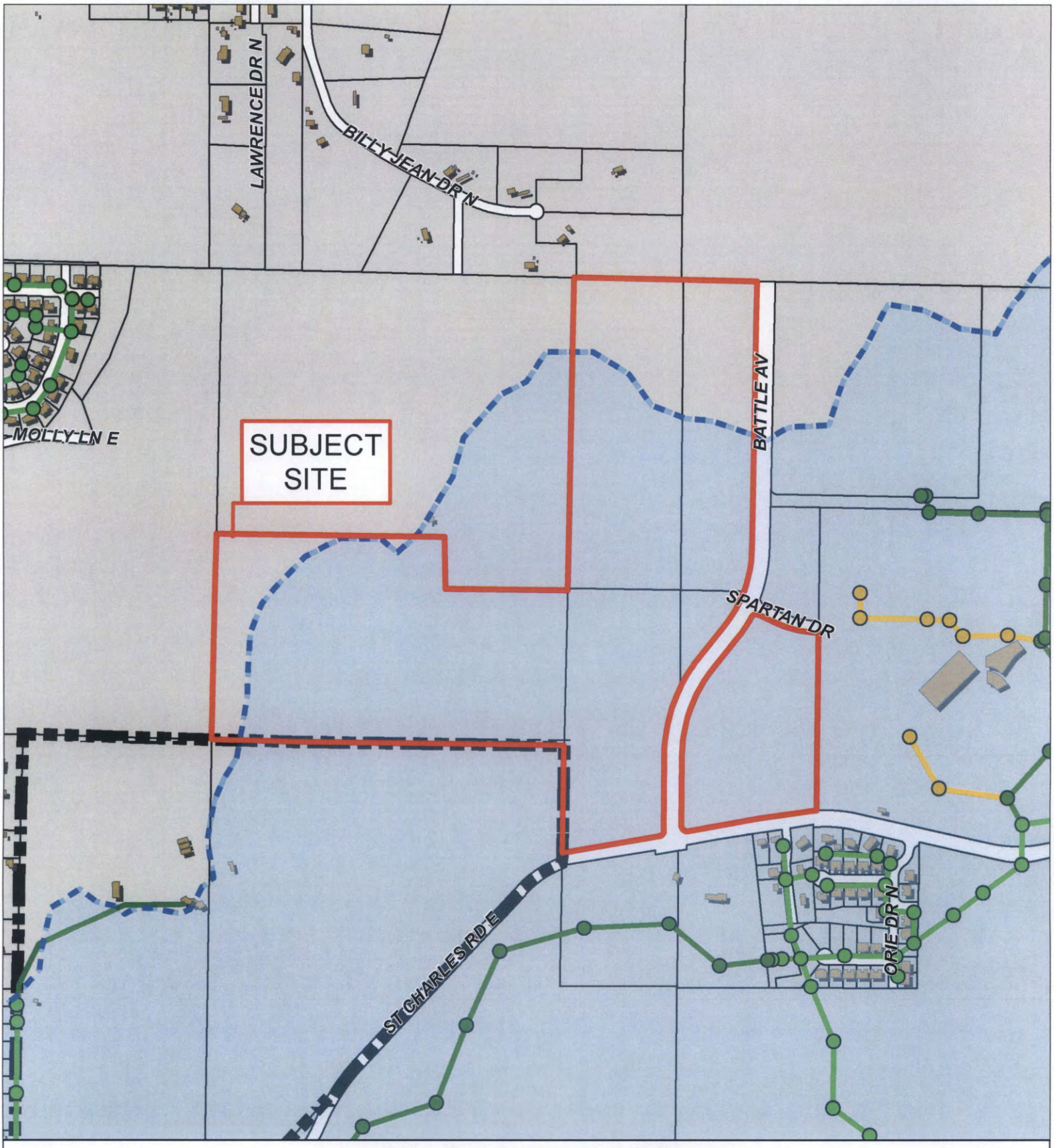


14-180: Somerset Village Annexation & Permanent Zoning

10 Foot Contour Lines
2 Foot Contour Lines
Parcels
Columbia City Limit
Stream
Bodies of Water

Hillshade Data: Boone County GIS Office
Parcel Data Source: Boone County Assessor
Imagery: Boone County Assessor's Office, Sanborn Map Company
Created by The City of Columbia - Community Development Department

0 220 440 880 Feet



14-180: Somerset Village Annexation & Permanent Zoning

BCRSD
City Sanitary Structure
Private Sanitary Structure
BCRSD
City Sanitary Line
Private Sanitary Line
Building Footprint
Parcels
Urban Service Area
Columbia City Limit

Hillshade Data: Boone County GIS Office
Parcel Data Source: Boone County Assessor
Imagery: Boone County Assessor's Office, Sanborn Map Company
Created by The City of Columbia - Community Development Department

0 315 630 1,260 Feet