

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 254-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: 9/8/2015

Re: Barnes Rezoning (Case # 15-166)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: Summary of Board/Commission Reports, Maps, Applicant Letter, Excerpts from Minutes

Executive Summary

Approval of this request would change the zoning on 13.5 acres located at 4515 St. Charles Road from A-1 (Agricultural) to R-1 (Single-family Dwelling).

Discussion

The applicant, is seeking to rezone their property located at 4515 St. Charles Road from A-1 (Agricultural) to R-1 (Single-family Dwelling) for the stated purpose of increasing its marketability. The subject site contains 13.5 acres and was part of the 1969 involuntary annexation and is presently improved with a single family residence and associated accessory structures.

The surrounding area includes a mixture of interspersed suburban single-family residential subdivisions and large estate lots. The City's Future Land Use Plan designates the site as part of the Neighborhood District, which supports R-1 zoning at this location.

At its August 20, 2015 meeting, the Planning and Zoning Commission reviewed this request and recommended unanimous (7-0) approval of the zoning change. In rendering its decision the Commission indicated that the requested zoning was appropriate based on the surrounding land use context. There was discussion regarding the impacts that future redevelopment would have on adjacent properties and how other approval processes would address those concerns.

Two members of the public spoke regarding the request as well as the applicant's surveyor. Concerns were expressed that the development of the property would result in the loss of existing tree cover and that the rural quality of life in the area would be lost. Additionally questions were asked about the potential extension of Ballenger Lane through the property. The applicant's surveyor indicated that there were no immediate plans for redevelopment, but rather the request was to aid in the sale of the property. Staff indicated that dedication or acquisition of right of way for the Ballenger extension would be addressed at the time of future redevelopment.

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A copy of the Planning Commission staff report (including locator maps and applicant letter) as well as meeting minutes are attached for review.

Fiscal Impact

Short-Term Impact: None. Redevelopment of the site will require that the developer provide all infrastructure improvements to serve additional lots.

Long-Term Impact: Limited. Redevelopment of the site will result in increased impacts upon public safety services, trash collection, and infrastructure (i.e. sewer and road) maintenance. The subject site is served by Boone Electric and Water District water. Additional impacts may or may not be offset by increased taxes and user fees.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Not Applicable

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Land Use & Growth Management

Suggested Council Action

Approval of the requested rezoning as recommended by the Planning and Zoning Commission.

Legislative History

None


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 254-15

AN ORDINANCE

rezoning property located on the north side of St. Charles Road and west of Elderbrook Drive (4515 St. Charles Road) 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 IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, T48N, R12W, COLUMBIA, BOONE COUNTY, MISSOURI, BEING TRACT #2 OF THE 1938 BOONE COUNTY SURVEY #7356 (SHOWING 14.25 ACRES), EXCEPTING THEREFROM THE 0.74 ACRE TRACT IN THE SOUTHEAST CORNER THEREOF AS DESCRIBED BY A WARRANTY DEED RECORDED IN BOOK 748, PAGE 66 AND LATER BY A QUIT-CLAIM DEED RECORDED IN BOOK 3518, PAGE 126, ALL OF THE BOONE COUNTY RECORDS.

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

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 _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports, Maps, Applicant Letter, Excerpts from
Minutes

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 20, 2015**

SUMMARY

A request by Rita Barnes (owner) to rezone a 13.5-acre tract of land from A-1 (Agricultural District) to R-1 (One-Family Dwelling District). The subject site is located on the north side of St. Charles Road, across from Norwich Drive, and is addressed 4515 St. Charles Road. (Case #15-166)

DISCUSSION

The applicant is requesting to rezone the 13.5-acre site from A-1 (Agricultural District) to R-1 (One-Family Residential District). The property, which was involuntarily annexed into the city in 1969, along with surrounding land, is developed with a single-family home and associated accessory structures. The applicant is requesting R-1 zoning for the stated purpose of increasing the site's marketability.

The proposed rezoning is generally consistent with surrounding zoning and land uses, which include A-1 zoning on land to the east and west, and R-1 on land to the south and north. The surrounding area includes a mixture of interspersed suburban single-family residential subdivisions and large estate lots. The City's Future Land Use Plan designates the site as part of the Neighborhood District, which supports R-1 zoning at this location.

RECOMMENDATION

Approval of the requested rezoning from A-1 to R-1

ATTACHMENTS

- Locator maps
- Letter from applicant's surveyor

SITE HISTORY

Annexation Date	1969
Existing Zoning District(s)	A-1 (Agricultural District)
Land Use Plan Designation	Neighborhood District
Subdivision/Legal Lot Status	Surveyed tract

SITE CHARACTERISTICS

Area (acres)	13.5 acres
Topography	Flat to sloping
Vegetation/Landscaping	Grass and trees
Watershed/Drainage	Hominy Branch drainage basin
Existing structures	One single-family home, garage, and accessory structures

SURROUNDING LAND USES

Orientation from site	Zoning	Land Use
North	R-1 (One-Family Dwelling)	Undeveloped tracts, and single-family homes in Eastland Hills Estates subdivision
South	R-1	Single-family homes in Carmel Creek Plat 1, and large undeveloped tracts
East	A-1 (Agricultural District)	Single-family homes on large estate lots
West	A-1	Single-family homes on large estate lots

UTILITIES & SERVICES

Sanitary Sewer	City Public Works
Water	Public Water Supply District #9
Electric	Boone Electric Cooperative
Fire Protection	Columbia Fire Department

ACCESS

St. Charles Road	South side of site
Major Roadway Plan	City-maintained major collector street (unimproved)
CIP Projects	No capital improvements are planned
Sidewalk	Not in place. Required upon platting or redevelopment

PARKS & RECREATION

Neighborhood Parks	Woodridge Park is 0.9 mile to west
Trails Plan	No existing or proposed trails adjacent to site
Bicycle/Pedestrian Plan	No existing or proposed bike/ped facilities adjacent to site

PUBLIC NOTIFICATION

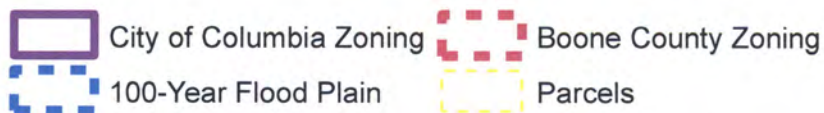
All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on July 28, 2015.

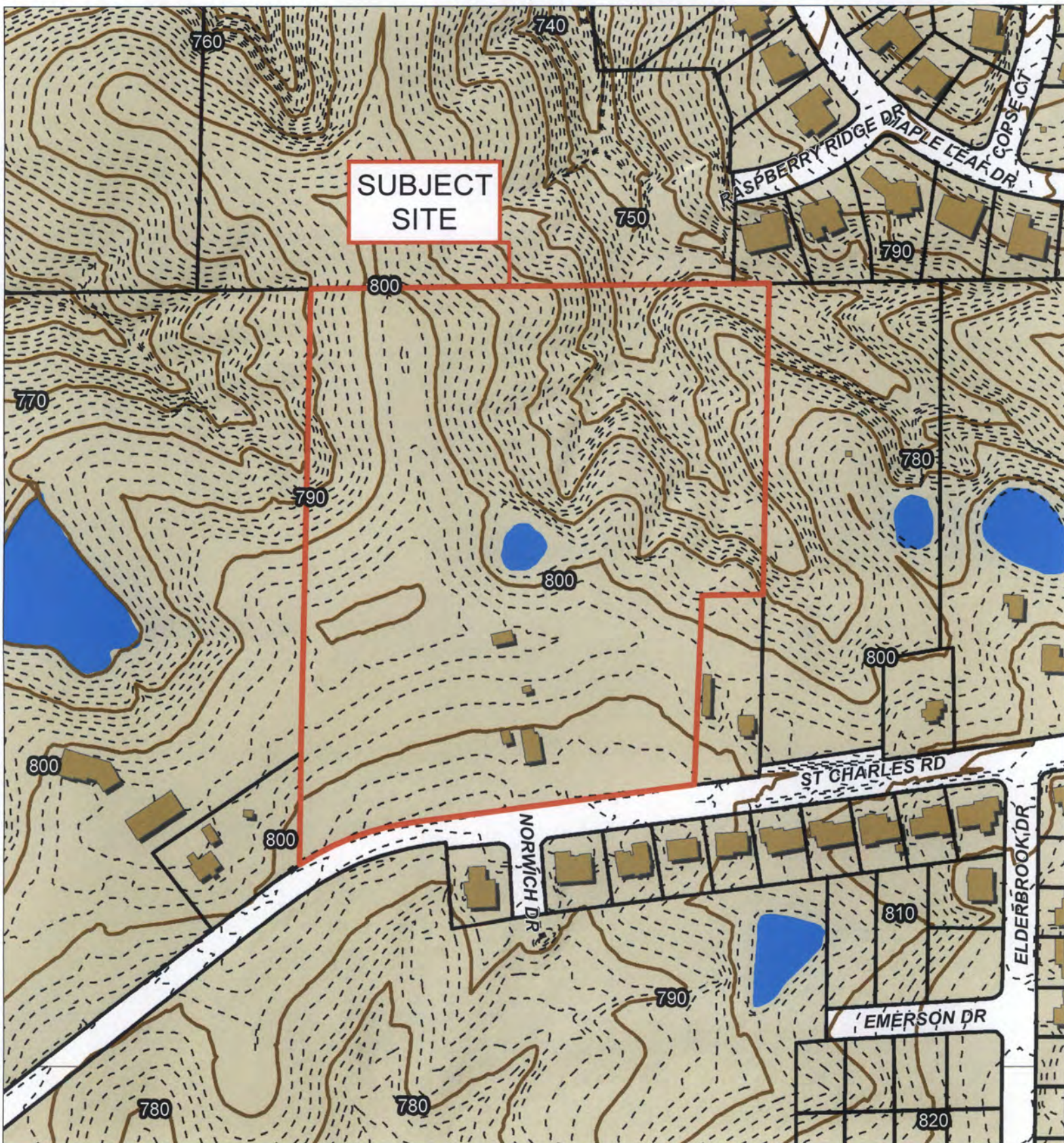
Public Information Meeting Recap	Number of attendees: Applicant Comments/concerns: None
Neighborhood Association(s)	Eastland Hills
Correspondence Received	None as of this writing

Report prepared by Steve MacIntyre; approved by Patrick Zenner



15-166: Barnes Rezoning





15-166: Barnes Rezoning



— 10 Foot Contour Lines
 - - - 2 Foot Contour Lines



Parcels

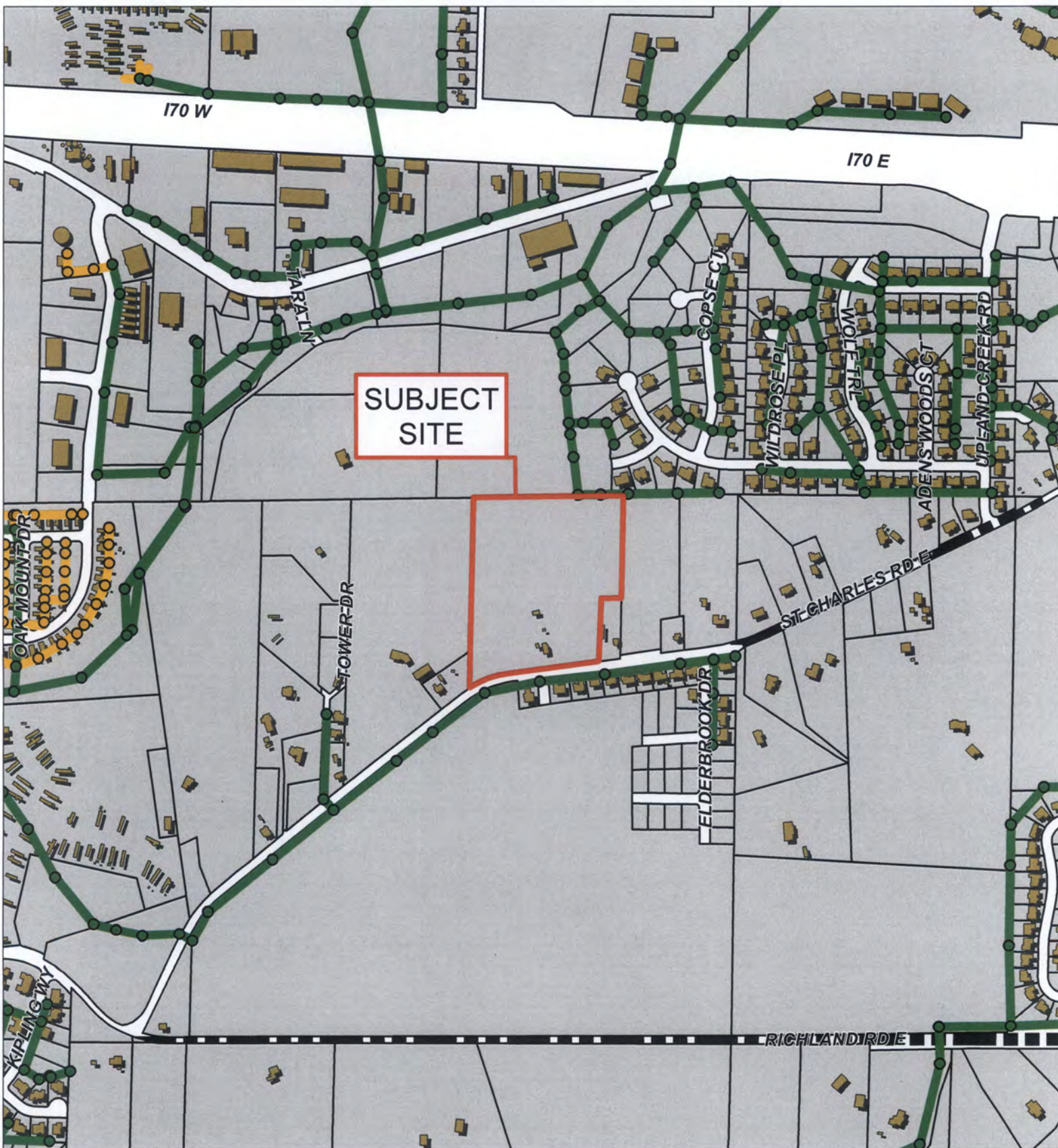


Building Footprint



Bodies of Water





15-166: Barnes Rezoning



- | | | |
|------------------------------|-------------------------|----------------------|
| ● City Sanitary Structure | — City Sanitary Line | ■ Building Footprint |
| ● Private Sanitary Structure | — Private Sanitary Line | ■ Parcels |



LUECK SURVEYING

914 N. COLLEGE AVENUE • COLUMBIA, MISSOURI 65201-4725 • (573) 443-6219 • FAX (573) 875-8832 • rlueck@socket.net

July 9, 2015

Department of Planning & Community Development
City of Columbia
Post Office Box N
Columbia, Missouri 65205

Tim Teddy - Director

Dear Planning Dept.:

RE: The 13.5 acre tract a located at 4515 St. Charles Road & in the northeast quarter of the southeast quarter of Section 9, T48N, R12W, described by a Beneficiary Deed recorded in Book 3170, Page 165 (and previously described by a Warranty Deed recorded in Book 346, Page 112) and shown by the 1938 Boone County Survey #7356 as Tract #2 with an exception of the 0.74 acre in the southeast corner, conveyed by a Quit-Claim Deed recorded in Book 3518, Page 126 and prior to that by a 1989 Warranty Deed recorded in Book 748, Page 66.

On behalf of Rita Barnes and her 3 sisters, this letter is to request a rezoning from Agriculture (shown as A-1 by the current city zoning map) to a zoning of R-1 for the above described 13.5 acre tract, by following the allowed format per Section 29-6 of the Zoning Regulations of the City of Columbia, Missouri. This requested zoning will be in general agreement with the current area zoning along St. Charles Road, both to the south and to the north & abutting the above described tract.

The purpose of this request is to establish compliant zoning within the City of Columbia for marketing and not for any immediate development. The existing home, detached garage & out buildings are not a factor in this request, but the site is currently a single family farmette residence.

Professionally,
Lueck Surveying

By:



Ronald G. Lueck
Registered Land Surveyor
LS #1957

Attachments

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

AUGUST 20, 2015

VI) PUBLIC HEARINGS

Case No. 15-166

A request by Rita Barnes (owner) to rezone a 13.5-acre tract of land from A-1 (Agricultural District) to R-1 (One-Family Dwelling District). The subject site is located on the north side of St. Charles Road, across from Norwich Drive, and is addressed 4515 St. Charles Road.

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

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

MR. REICHLIN: Any questions of staff? Seeing none.

OPEN PUBLIC HEARING

MR. FINLEY: Mr. Chairman and members of the Committee, my name is Jeff Finley. I live at 4619 St. Charles Road. It's the property that's immediately to the east of the property. I purchased this subdivision -- it's actually a subdivision, although there is only one home on it. We moved from a 15-acre farm in Hartsburg and moved to the Columbia area with the understanding that we had a fairly private plot and knowing that this was an agricultural plot. My concern is that if this turns into a subdivision, my home is approximately 50 feet from the property line. And I would just be concerned that this very pristine, beautiful stretch of woods would just be annihilated and turned into, you know, a subdivision, you know, vacant of trees, and really taking away a lot of the green space that we have on this side of town. While I'm not opposed to the rezoning of it, I just need some kind of assurance that I'm not going to have houses stacked right on top of me. Again, I purchased the five acres that I own adjacent to this largely because it was adjacent to agricultural-zoned land, and we felt comfortable that we wouldn't have the encroachment of urbanization and the destruction of just a beautiful stretch of woods. So it -- my concern is, you know, what can the Commission do to assure me that I'm not going to have houses right next door to me if this is approved.

MR. REICHLIN: Any -- Ms. Burns?

MS. BURNS: Have you had any conversations with the property owner about a buffer?

MR. FINLEY: Unfortunately, I have not. I know the property has been for sale for a while. And, you know, other than this meeting, I haven't had the opportunity to meet the neighbor. And I fully understand where they're coming from. The property has been for sale for a while and it would make a wonderful area of land for, you know, several single-family homes. But, you know, I just -- to see what's going on to the north of where my house is, it just -- it would be a real shame to see that much green space destroyed. So if there's some kind of assurance that they would be larger plots, or something along those lines, it would -- I think it would preserve a lot of what we have in Columbia as far as our

green space goes.

MR. REICHLIN: Well, although I'm not an expert at urban planning, I would -- I would suggest that going forward there will be other opportunities if -- if, in fact, that the property changes hands and somebody chooses to do something different than what it is now, they would have to, at that time, come forward with a revision of this particular plotted piece of property, and that would be another opportunity to weigh in on your concerns.

MR. FINLEY: Okay.

MR. REICHLIN: That would be about the best, I think, as an individual and possibly Commission that we can offer at this time.

MR. FINLEY: And I may even be interested in, you know, were it to be subdivided, I'd purchase that myself to ensure that --

MR. REICHLIN: Going forward that -- yeah. It's so speculative, but going forward, that's an option.

MR. FINLEY: Okay. Yes, sir.

MR. STANTON: Well, I was going to also suggest getting in with the owner right now --

MR. FINLEY: Yes.

MR. STANTON: -- as early as possible would be -- it would be a great time to discuss. I mean, low-impact development techniques, I mean, you know, those are very marketable. I mean, getting in in the early stages and working with the owner and kind of voice your concerns and trying to help him come up with a win-win. You also see that, you know, everybody has a right to their property and the use of it, so, you know, how to make that work for both of you would be a -- it would be a good time to start that conversation.

MR. FINLEY: Absolutely. Absolutely. And geographically, I just don't know that anything adjacent to where my house would be -- it's about halfway back on the plot. There's a pretty steep incline there. I just don't know if geographically they could even develop that, but we've all seen the homes on Lake of the Ozarks. They build them on a cliff, so who knows. I thank you so much for your time and -- and I will look -- I will seek to -- to contact the landowner and see if we can have some kind of a resolution on that.

MS. BURNS: If I can make one more suggestion also.

MR. REICHLIN: Go ahead, Ms. Burns.

MS. BURNS: If you know any other adjacent or close-by property owners that might share your feelings, enlisting them in supporting what you're asking for when -- if and when this comes back with a more specific design plan.

MR. FINLEY: Okay. I'm not aware of any of the other adjacent property owners. Again, we just moved in February, and we like our space and our privacy, so we haven't really branched out much. But I can definitely reach out to those folks, as well. Thank you for the opportunity to speak. Thank you.

MR. REICHLIN: Have a good evening, sir. Is there anybody else caring to comment on this

matter? Feel free to approach.

MR. CALCOTE: Hello. My name is Ralph Calcote. I own the tract of land to the west.

MR. REICHLIN: And your address? Could we have your address, please?

MR. CALCOTE: The address of the property is 609 Tara Lane.

MR. REICHLIN: Thank you.

MR. CALCOTE: And, anyhow, I don't know if it's on your all's radar or not, but there -- there's been a Ballenger Lane extension that's -- that's supposed to go through this area. And I was wondering if there's -- if there's been provisions made for that because it looks like it's going to run right through that tract of land.

MR. REICHLIN: Perhaps staff could help us with that?

MR. ZENNER: That would be part of the subdivision action. If, in fact, right-of-way is being proposed to be traversing the property, we would acquire that or we would require a reservation of it at the time of platting into an additional subdivision. So that would at that point obviously have an impact as to how the development would proceed on the property. At this point, I'd have to have a different map -- and I don't have that with us, and I apologize -- for what the transportation plan map shows for where the plan lines are at this point, but we do not have that with us this evening.

MR. CALCOTE: So the setbacks for that would be included in --

MR. ZENNER: We have a -- a standard road right-of-way width would be required to be acquired. In this particular instance, it could be anywhere between a 66-foot-wide road right-of-way up to 110.

MR. CALCOTE: Yeah. They -- on the map, it showed, like -- it's going to be like a 300-foot wide.

MR. ZENNER: That actually -- if you're referring -- we have an EIS that was approved for Stadium Boulevard which actually runs to the south and east of this particular property. The tie-ins for where Richland Road comes back in toward St. Charles Road and the connection at that point for the Ballenger overpass, I believe, is much further to east of this property than is shown because the connections for that improvement are on the -- what would be the northwest segment of the Stadium extension, north of WW, which, as I think as we presented to the Commission before, and some of the public may be aware of this, there is no funding for any extension of Stadium.

MR. CALCOTE: Right.

MR. ZENNER: And it's unclear, to be quite honest, if there would be funding to construct that portion northeast of WW even. It is a 300-foot cleared swath of land. It was -- it went through an EIS -- an Environmental Impact Study. The actual alignments of the roadway within that cleared area -- environmentally cleared area have not been established at this point. But the Ballenger interchange at -- unfortunately, it falls off of this map, where the carryover is, is further to the east, to my recollection, and I -- we would have to confirm that. But it would be acquired at the time.

MR. CALCOTE: It's right -- it's right -- it's actually right on that corner, so it would be on the west side of the tract of the land.

MR. ZENNER: Again, I'd have to have a different map in front of me to be able to verify that, but in any instance, the property itself would be acquired through either a subdivision platting action, a condemnation action to acquire the property -- and condemnation would require the purchase at market value as it relates to the rest of the roadway program. At this point, the Stadium extension does not show up in our capital budget with any funding associated to it within the next ten years.

MR. CALCOTE: Okay.

MR. ZENNER: So it is possible that the subdivision plat, if there were one to be presented, would have to reserve that road right-of-way at the time of platting even if the road still were not intended for quite some time, and then if funding were to become available to complete particular segments of it that may have been critical, those would have to be added to our capital budget, which is annual Council process that occurs as part of budget approval for the City.

MR. CALCOTE: All right. Thank you.

MR. REICHLIN: Any other questions of this speaker? Seeing no one. Thank you, sir. Is there anybody else in the audience wishing to speak to us on this matter?

MR. LUECK: Good evening. I'm Ron Lueck; I'm a land surveyor that's doing a survey on this, made the request on behalf of the owners of the property.

MR. REICHLIN: May we have your address?

MR. LUECK: My address is 914 North College Avenue here in Columbia.

MR. REICHLIN: Thank you.

MR. LUECK: Lueck Surveying is what I operate under. And the request at this time is just for zoning to R-1. The property has been for sale for some time this year, and just rezone it to single family. And I'm doing a boundary survey just of the 13 and a half acres. There is no plans for any development at this time, and just offering it for sale. I'm sure that if anybody wants to see the land kept as green space, it is available for sale.

MR. REICHLIN: There you go.

MR. LUECK: If you guys have got any questions of me on any of that?

MR. REICHLIN: Any questions of this speaker? Seeing none. Thank you for your time, sir.

MR. LUECK: Sure thing.

MR. REICHLIN: Okay. We'll close the public hearing.

PUBLIC HEARING CLOSED

MR. REICHLIN: Entertain comments of Commissioners. A lively bunch tonight. Let's see what we can stir up.

MS. BURNS: I'll start. I understand the desire to rezone this to an R-1 zoning because it provides more opportunities and -- but I also very much respect the existing property owners and how this might impact them, and am sensitive to that and would be in the future.

MR. REICHLIN: Mr. Stanton?

MR. STANTON: I do also understand both sides of this discussion. At this point, this is just a

technical move. As far as my eyes, it's just a technical process at this point. We don't have any subdivision plans or anything. It's just trying to make the land more marketable. I plan to support it at this time.

MR. REICHLIN: Thank you, Mr. Stanton. Is there anybody else? Mr. Strodtman?

MR. STRODTMAN: I plan on supporting on it. I believe that if it is at a later date brought to us as a subdivision, I think it's an appropriate placement for -- for such a subdivision. And, obviously, the neighboring homeowners would have an opportunity to weigh in at that time and work with the applicant to, you know, divide it in such a way that would be suitable to the adjoining neighbors. But I do plan on supporting it as I think it's an appropriate use for the area.

MR. REICHLIN: Anybody feeling like -- is there any other comments of Commissioners? Anybody feel like framing a motion? Mr. Strodtman?

MR. STRODTMAN: I'll take a shot at it. For Case 15-166, I make a recommendation for approval of a rezoning of a 13.5-acre tract of land from A-1, agricultural, to R-1, one-family dwelling, with an address at 4515 St. Charles Road.

MR. STANTON: Second.

MR. REICHLIN: Mr. Stanton, second. May we have a roll call, please.

MR. STRODTMAN: Yes, Mr. Chair.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Harder, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Burns. Motion carries 7-0.

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

MR. REICHLIN: Thank you, sir.