

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 136-13

AN ORDINANCE

extending the corporate limits of the City of Columbia, Missouri, by annexing property located on the west side of Greenfield Court within Country Meadows Subdivision (3261 Greenfield Court); 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 April 24, 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 David and Michelle Barnard, the owners of the fee interest of record in the land proposed to be annexed. A public hearing was held concerning this matter on May 20, 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]**. June, 2013 Extension of Corporate Limits.

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

A single tract of land located in Section 28, Township 48 North, Range 13 West, Boone County, Missouri being further described as follows:

All of Lot 20 of Country Meadows Subdivision as shown on the Plat recorded in Plat Book 24, Page 26 of the Records of 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 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.

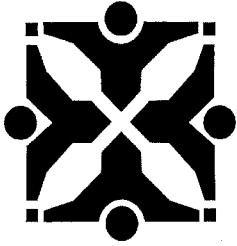
ATTEST:

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: May 20, 2013

Re: Barnard permanent R-1 zoning request (Case #13-64)

EXECUTIVE SUMMARY:

A request by A Civil Group, on behalf of David and Michelle Barnard (owners), for annexation and permanent City R-1 zoning. The 1.27-acre site is located at 3261 Greenfield Court, on lot 20 of Country Meadows Subdivision. (Case #13-64)

DISCUSSION:

The subject site consists of approximately 1.27 acres, and features a residence under construction. The request is being made for the purpose of connecting to the City sewer system. The subject lot is one of several in the Country Meadows Subdivision that remained undeveloped after city sewer service was provided to the development per a wholesale sewer agreement.

The wholesale agreement was approved prior to the adoption of Policy Resolution 115-97A which established requirements pertaining to the extension of sewer service to parcels outside the city limits. Existing developed parcels within the subdivision are not required to seek annexation; however, undeveloped parcels must annex or enter into an annexation agreement prior to issuance of a certificate of occupancy for newly constructed homes.

Per the policy resolution, parcel contiguous to the city limits must annex into the city for sewer service. The subject site is contiguous to the City limits, as the MKT Trail abuts the property's north side. Approval of the associated annexation petition and this requested zoning will not impact other currently constructed homes within the Country Meadows Subdivision. This request has been made to ensure compliance with Policy Resolution 115-97A.

The property is currently zoned County A-R, and the applicant is requesting permanent City R-1 (one-family dwelling) zoning. The City has no directly comparable zone to A-R, so R-1 is the closest equivalent. The Planning and Zoning Commission, at its May 9, 2013 meeting, voted unanimously (6-0) in favor of the permanent zoning request. One person, the applicants' engineer, spoke during the public hearing. Comments of the Commission focused on the provision of City services to an isolated lot in what otherwise is a County subdivision.

The staff report, locator maps, and meeting excerpts are attached.

FISCAL IMPACT:

None.

VISION IMPACT:

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

None.

SUGGESTED COUNCIL ACTIONS:

The Planning and Zoning Commission recommends approval of the permanent R-1 zoning request.

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/Epands 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
MAY 9, 2013**

SUMMARY

A request by A Civil Group, on behalf of David and Michelle Barnard (owners), for annexation and permanent City R-1 zoning. The 1.27-acre site is located at 3261 Greenfield Court, on lot 20 of Country Meadows Subdivision. (Case #13-64)

DISCUSSION

The applicants seek permanent City R-1 (one-family dwelling) zoning as part of a pending annexation request. The site is currently zoned County A-R, which permits a residential dwelling on a minimum one-half acre site. As the City has no directly equivalent zoning to A-R, R-1 is the most equivalent designation. The request is made to connect to the City's sanitary sewer system. No other lots in Country Meadows Subdivision are affected by this request. The property abuts the MKT Trail.

The application has been reviewed by pertinent City departments and other agencies. The site is designated "Neighborhoods" in the Metro 2020 plan. The annexation portion of the application is currently pending at Council.

STAFF RECOMMENDATION

Staff recommends approval of the permanent zoning from A-R to R-1.

SITE CHARACTERISTICS

Area (acres)	1.27
Address	3261 Greenfield Court
Topography	Slightly sloping
Vegetation	Grass yard
Watershed	Hinkson

SITE HISTORY

Land Use Plan designation	Neighborhoods
Existing use(s)	Vacant/Residence being constructed
Existing zoning	County A-R

SURROUNDING LAND USES

Orientation from site	Zoning District	Land use
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North	A-1	MKT Trail , open space,
South	County A-R	Residential
East	County A-R	Residential
West	County A-R/ City A-1	Residential MKT Trail, open space

UTILITIES & SERVICES

Sanitary Sewer	Annexation requested to obtain City of Columbia service
Water	CPWSD #1
Electric	City of Columbia
Fire Protection	City of Columbia

ACCESS

Greenfield Court	South of site
Major Roadway Plan classification	Local
Capital Improvement Program projects	Description: N/A

PARKS & RECREATION

Neighborhood Parks Plan	N/A
Trails Plan	N/A
Bicycle/Pedestrian Network Plan	MKT Trail adjacent to north of 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 by postcard of a public information meeting, which was held on April 23, 2013.

Public information meeting recap	Number of attendees: None Comments/concerns: None
Neighborhood Association(s) notified	N/A
Correspondence received	None

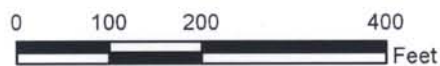
Report prepared by ML

Approved by PRZ



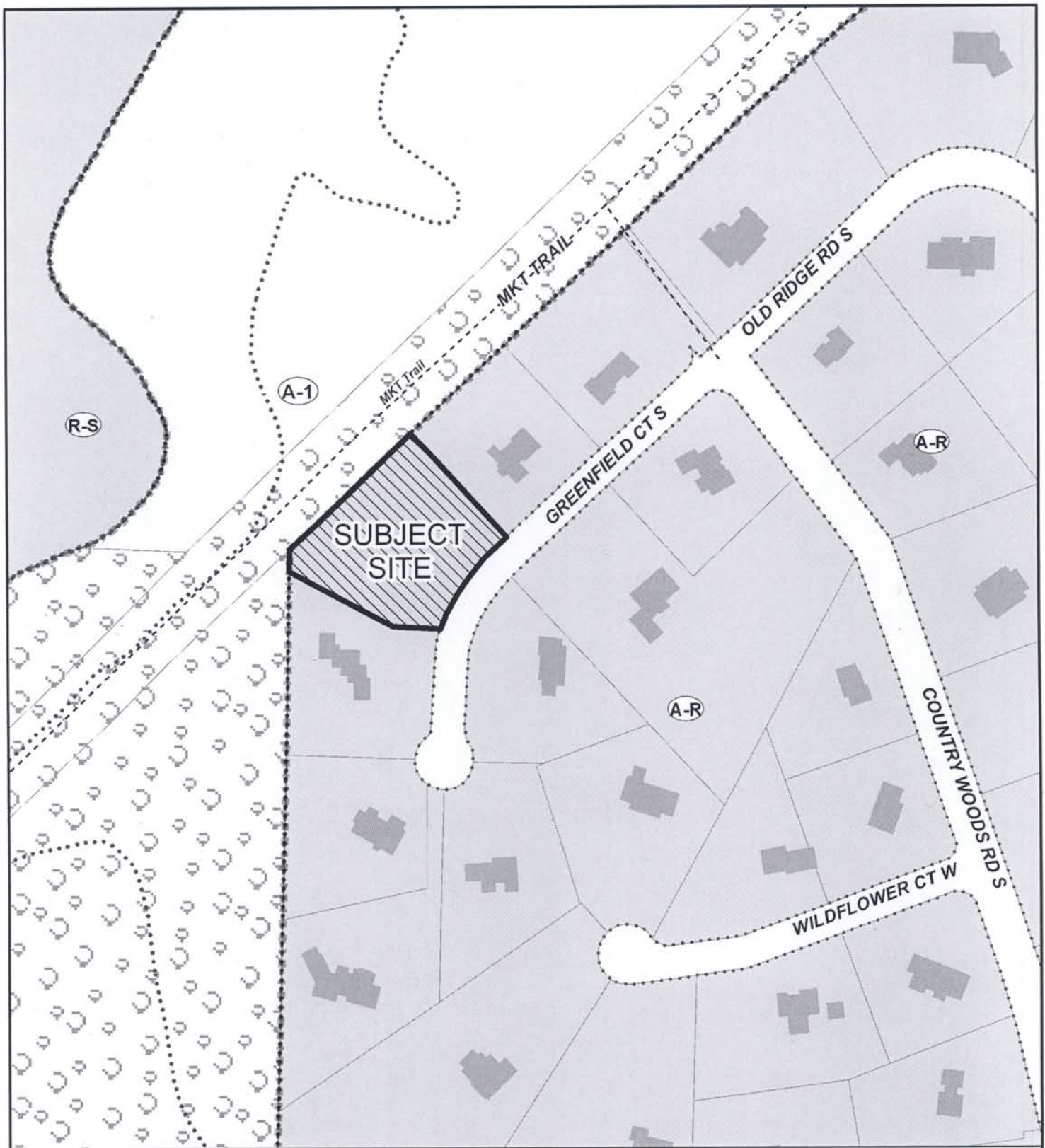
2011 Orthophoto
Source: Boone County Assessor

Case 13-64: Annexation/City R-1 Zoning Country Meadows Lot 20

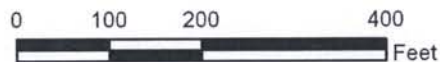


1 inch = 200 feet





**Case 13-64: Annexation/City R-1 Zoning
Country Meadows Lot 20**



1 inch = 200 feet



EXCERPTS
PLANNING AND ZONING COMMISSION
May 9, 2013

V.) PUBLIC HEARINGS

13-64 A request by A Civil Group, on behalf of David and Michelle Barnard (owners), for annexation and permanent City R-1 zoning of Lot 20 in Country Meadows Subdivision. The 1.27-acre site is located at 3261 Greenfield Court.

Staff report was given by Mr. Matthew Lepke of the Planning and Development Department. Staff recommends approval of the permanent zoning from A-R to R-1.

DR. PURI: Commissioners, any questions for Staff?

MR. STRODTMAN: I have one minor one. Where did you say the sewer was coming from? Across the trail, is that the nearest connection?

MR. LEPKE: I -- boy, I'm trying to remember off the top of my head.

MR. ZENNER: Representatives from A Civil Group are here, but if I am correct, we have a manhole actually that is out on this primary street that the home sits on. It was discovered actually during the initial permitting process that that manhole tied into a city sanitary system that -- basically, whenever you have a property connecting to city sewer, regardless if it is maintained by the district sewer or the City, you have to annex or have an annexation agreement. So it is out in the front of the property; it is not in the rear. And I think our A Civil folks here from the engineering perspective can tell us what direction it goes in.

MR. DEVANEY: Good evening. Pat --

DR. PURI: Let us finish our discussion and then -- our questions for the Staff and then we'll have you up.

MR. DEVANEY: Okay.

MR. STRODTMAN: That's the only one I had.

DR. PURI: That's the only one you had?

MR. STRODTMAN: Yeah.

DR. PURI: Okay. Now we can open the public hearing.

PUBLIC HEARING OPENED

MR. DEVANEY: My name's Pat Devaney; I'm an engineer with A Civil Group here in Columbia, offices at 3401 Broadway Business Park Court. If I may approach, I've got --

DR. PURI: If you can say that into the mic, so she can, you know, record. It'll be difficult for her --

MR. DEVANEY: The nearest sanitary sewer manhole is actually located -- there's a sanitary sewer line that runs parallel and almost directly on top of the -- what would be the south lot line there

of this property, with two manholes located on the property, one each at the south end of the west side, the short section of the lot there.

DR. PURI: MKT Trail or toward --

MR. DEVANEY: That's cor-- well --

DR. PURI: Maybe the mouse can be used there. That short run right there? Does everybody see that on their --

MR. DEVANEY: Yeah. Yeah. So there's one there and then if you go to the left -- go to your left and go up to the other corner -- no, other way. Yeah. Right there, that corner. There's one right there also.

DR. PURI: Okay.

MR. DEVANEY: Yeah. So the sewer line actually runs right along the property line right there.

DR. PURI: Okay. Any other thing you want to present?

MR. DEVANEY: There's not much to it. It's pretty simple.

DR. PURI: All right. Thank you.

PUBLIC HEARING CLOSED

DR. PURI: Commissioners?

MR. VANDER TUIG: I have a question for Staff.

DR. PURI: Mr. Vander Tuig?

MR. VANDER TUIG: Is there county sewer that ties into that city sewer? My question is in regards to the sewer --

MR. ZENNER: This is one --

MR. VANDER TUIG: -- the sewer ordinance.

MR. ZENNER: This is one of these unique areas within the city of Columbia that has city sewer within it that was developed prior to the annexation -- sold as wholesale sewer. And this was an undeveloped lot, so when the annexation policy was adopted in 1997, lots that were previously developed that were provided wholesale sewer service prior to the adoption of the annexation policy were not required to annex. So the City serves this entire Country Meadows development and all of the homes that are there do not have to annex since they're already built. But as soon as you have homes that -- vacant lots which -- and there are others in this neighborhood that are unfortunately internal that may develop at some point in the future, and you'll have an annexation agreement which will not ever probably be annexed into the city because they're surrounded entirely by county property, that will have to go through this exact same crazy process. We have another property actually that's on the opposite end of this frontage along the MKT Trail that has already gone through this same process. So because we have the sewer, they didn't have a building permit, they are required to annex in because they are contiguous to the city boundary. And that is why this is before you. We have another very similar situation to this that is just south of the Copper Stone development, where we had wholesale service provided off of -- into an area that's in the county and

we have a couple of annexation agreements there, but it's entirely landlocked by county property. It may or may not ever be annexed in. But because they didn't have a house built on it and now they're building one and we have an annexation policy, they have to follow that provision.

DR. PURI: Ms. Peters?

MS. PETERS: A question for Staff: I'm fairly certain that I read somewhere that an applicant actually can petition the City to attach to a city sewer without annexation. It was when Hindman was in office.

MR. ZENNER: I am unfamiliar with that policy. We operate under the annexation policy resolution that was created in 1997, which says that there is no parcel that can request to not be annexed into the city, if it is contiguous, to receive city services. It must annex; that is what the policy says.

MS. PETERS: The key word being continuous [sic] as in it's touching another city property and --

MR. ZENNER: Yes.

MS. PETERS: -- the MKT Trail --

MR. ZENNER: Is part of city property.

MR. LEPKE: And actually, also in this case, the property although it's a very small frontage here in the far northwest corner, you see how the trail comes along and then the property sort of opens up here into this field. The City also opens [sic] this field, so while I realize this is a very small frontage, it actually has frontage on multiple sides of this parcel are City-owned land. And per -- depending on how you read on what compact and contiguous is, that, even in theory, could be used to describe this as compact and contiguous to the city even if the trail frontage wasn't there. So no matter what, pretty much, there as no choice for this site other than to annex to receive city sewer.

MS. PETERS: I'm fairly certain that the fire service won't change. Whoever serves it now will service. What -- who as far as police --

MR. ZENNER: This is district -- this would be the fire district. Now, under the annexation -- or under our territorial agreement between the fire district and the fire department, this particular parcel actually is first responder by the City. That's how the territorial agreement is. However, in reality what you'll get is you'll get both fire -- the District and the City responding. The District is closer. Station No. 16, which is at the corner of Vawter and Scott, will respond to this as it always has. And then the territorial agreement actually divvies up the fee structure associated to it. So they'll basically receive the same services. The only difference here is, is you'll get police, you'll get tax -- the taxes and a variety of other things do change. And that's nothing that we can deal with. I mean, that's just the effects of annexation in the back of an existing county subdivision.

MS. PETERS: So a call for service for police would generate --

MR. ZENNER: Would generate maybe a little bit of confusion and I don't know if I -- you know, quite honestly, your call for police response, because this is a city parcel, needs to go within to the

city. It is -- I'm not familiar with how that may be reacted to by the City's police department, but they have to respond to it because it's a city parcel. There is not an option here. The district does not have purview over this property. It cannot be approved as an onsite septic system through the Health Department, because it is contiguous to city sewer, in order for it to remain in the county. The house and the property have to be annexed into the city under the way that the policy's written. That is -- again, that is one of the anomalies or one of the challenges with the way that our regulatory process operates.

MS. PETERS: I understand. It was more a curiosity question. And as we deal with things with the Comp Plan and more joint services, this is something that might want to spark a discussion so that service is timely and that there's no confusion. So it's more of a food for thought for future -- future date on that. I don't have any more questions.

DR. PURI: Mr. Vander Tuig?

MR. VANDER TUIG: I'll just add to that. This is going to have no bearing on my decision tonight because I think if we vote no on this, the wheels will come off or something; it'll be stuck in some void or vacuum. But this is for curiosity's sake. Is this more cost effective from the City's standpoint with regard to sewer fees that they'll gain by a single-family house versus what they gain for -- what the -- you know, the sewer commission -- regional sewer commission gets or has to pay for serving this subdivision? You know, I ask because, you know, DNR now is looking to do more regionalization and, you know, as we know, the lagoons in the county are going away. And this is -- you know, this needs to be discussed in that sense too, along with the urban services boundary and so forth. I mean, what's the economic impact? Do you guys have any idea?

MR. ZENNER: I mean, we will have -- there are separate metering fees that will actually be charged due to the tap fees that will need to be acquired. So there are fees associated with that that would probably be different than the district. The District does not maintain these lines. They are totally maintained by the City. It is city service. The wholesale agreement that was arrived at at the time that Country Meadows was developed probably had some other financial arrangement associated with it. Not unlike what we have in some of our city sewer in county locations, which was a graphic that we have within some of the existing conditions reporting of Columbia Imagined, the new comp plan. There was a time at which lagoons existed. They were closed when we did the sewer treatment plant construction and some subdivisions remained the property of the Sewer District, some subdivisions became the responsibility and the purview of the City, but were allowed to remain in the county. So, I mean, you have these -- this is one of those anomalies that exists. And the City's recapture of its fee structure, other than the tap fees that will be paid up front, as I understand it, the actual fees associated with it are probably less than what you would be paying if you were a district customer because there is a surcharge if you're a district customer feeding into a city sewer system. In this particular instance, all the residents in this particular area probably pay an equivalent fee. The policy is what's driving this, that any undeveloped tract of land is required to

follow the policy that exists, not that it may have any other impact on the fee structure. And that's really what is the underlying factor of why the parcel's being develop-- is being required to come in. I mean, if there were a house on this and on the other vacant parcels in Country Meadows, we wouldn't even be having this discussion obviously because everything would've been developed. And as new development comes in and the policy was passed -- and it didn't take into account redevelopment of parcels, and that may be where we really start with the resolution as it relates to annexation, is if you're in an area that was annexed or provided wholesale service and you have vacant lots, we may need to be looking at something there. Because if it doesn't have any impact financially, why are we going through this spot by spot by spot. That's maybe where the discussion really needs to come from.

MR. VANDER TUIG: Thanks. I appreciate it.

DR. PURI: Mr. Lee?

MR. LEE: Again, I have a curiosity question. If a crime is committed on this property, is a city unit going to be dispatched? And it's really kind of a three-part question. If a crime is committed next door, is a sheriff's unit going to be dispatched? And the third part of it is are we going to send a single garbage truck to this house for waste removal?

MR. ZENNER: Three very good questions. I can probably answer question one and question two, that as strange as it sounds, yes, you'd have a city squad car dispatched to this one lot if there were a crime on that parcel. And I'm not sure what the intergovernmental agreements may exist between our police departments. And if the parcel next door had a crime, you probably would have a county vehicle dispatched. And as far as for garbage collection, that really becomes an interesting discussion. I would not be surprised if this area is under private contract right now. And as we proceed forward through the finalization of the annexation process, I'm sure our garbage collection folks will be looking at what is the -- what's really the rational basis for us to send a garbage truck out to a single unit. I believe the property will be charged the sewer and the stormwater fees associated with their tract because they are within the City's jurisdiction. However, they probably also have the option to contact our sanitation department and say, We have private hauler service; do not come to see us. And then what becomes the problem is is if their trash doesn't get collected, it probably becomes a nuisance related issue. Our office of neighborhood services gets a phone call because they leave trash on their lot, and then we send the garbage truck out because they're paying for it.

MR. LEE: As they are paying for --

MR. ZENNER: They're paying --

MR. LEE: -- the private --

MR. ZENNER: Yeah. As they're paying for the private trash collection. Well, but the owner has the option, most likely -- and I believe we've been asked this question before. The owner has an option often to basically pay double fee, and that is their choice. The City, however, under obligation for its service provision is obligated to go to this single lot, provide all services that the City renders.

How that property owner wants to handle that and how the City's willing to allow it to occur, I can't speak to because I don't know. I can tell you just what may end up happening in general.

MR. LEPKE: I would note that Staff did not -- I don't believe from recalling comments made on this request -- receive something from solid waste throwing up a red flag saying, Whoa, you guys realize this is at the back end of this subdivision. I don't believe from recall and assembling the comments and everything getting anything like that. So as Mr. Zenner has outlined, I think that's something that the property owner and the City will take care of. If not, I suppose on a lunch break or something one of us could ride a bicycle down the trail with a little burley or something behind it and just pick up trash and take it back into town. I don't know. I'm not volunteering to do that, for the cameras. You know, but hopefully they'll work out something with solid waste and everyone will be satisfied. You're good questions though because this is not the only place in the city where we have such a circumstance, where we have this one little tooth on a street and nothing else around it is in the city, or maybe you have a couple city or a couple county stragglers and then some more city. It's an interesting problem as the city grows and annexation policy, such as with sewer particularly, creates such situations.

MR. LEE: Things get curiouser and curiouser. That's all I have. Thank you.

DR. PURI: Anybody else, Commissioners?

MR. ZENNER: No more, please.

DR. PURI: Curiosity killed the cat, so --

MR. ZENNER: Going to choke on that fur ball.

DR. PURI: Okay. Are we going to have a motion? Anybody want to frame a motion?

Ms. Peters?

MS. PETERS: I was going to ask about snow removal, but I'll pass on that question and move for approval of Case 13-64, Barnard permanent zoning, County [sic] Meadows, Lot 20, move for approval -- move for approval of permanent zoning from A-R [sic] to R-1.

DR. PURI: Mr. Strodman?

MR. STRODTMAN: I second.

DR. PURI: Role call, please.

MR. VANDER TUIG: We have a motion and a second for Case 13-64, for approval of city R-1 zoning from county R-A.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Peters, Dr. Puri, Mr. Reichlin, Mr. Strodman, Mr. Vander Tuig,. Motion carries 6-0.