

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 40-08

AN ORDINANCE

extending the corporate limits of the City of Columbia, Missouri, by annexing property located on the south side of Gans Road, along Gans Creek 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 January 8, 2008, requesting the annexation of land which is contiguous and compact to the existing corporate limits of the City and which is described in Section 4 of this ordinance. This petition was signed by H. William Watkins, City Manager, representative of the City of Columbia, the owner of the fee interest of record in the land proposed to be annexed. A public hearing was held concerning this matter on February 18, 2008. Notice of this hearing was published more than seven days prior to the hearing in two newspapers of general circulation qualified to publish legal matters. At the public hearing all interested persons, corporations and political subdivisions were permitted to present evidence regarding the proposed annexation.

SECTION 2. The Council determines that the annexation is reasonable and necessary to the proper development of the City and that the City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.

SECTION 3. The Council determines that no written objection to the proposed annexation has been filed within fourteen days after the public hearing.

SECTION 4. The City Council hereby extends the city limits by annexing the land described in Section 1-11.192 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 1-11.192. March, 2008 Extension of Corporate Limits.

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

A tract of land in the northwest part of the northwest quarter of Section 4 and in the east half of Section 5, both in Township 47 North, Range 12 West in Boone County, Missouri; said tract being described as follows:

The northeast quarter of said Section 5 and

The north 60 acres of the east half of the southeast quarter of said Section 5 and

The west half of the southeast quarter of said Section 5 and

20 acres, more or less, in the northwest part of the northwest quarter of said Section 4 described as BEGINNING at the southwest corner of Section 33, Township 48 North, Range 12 West; thence South onto said Section 4 a distance of 4.17 chains (275.22 feet) to the county road; thence up said road with the meanders thereof to the township line; thence West along the township line to the POINT OF BEGINNING.

The above described tract contains 320 acres, more or less.

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 Sixth 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 (Single-Family Dwelling District).

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

PASSED this _____ day of _____, 2008.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor


Source

Tim Teddy

TO: City Council
FROM: City Manager and Staff
DATE: February 8, 2008



RE: Establishing R-1 (One-Family Residential District) as permanent zoning on City-owned property, which is pending annexation into the City. The subject site which is approximately 320-acres in size, is located generally west of Gans Creek Road and south of Gans Road. (Case 07-117)



Fiscal Impact

YES

NO


Other Info.

EXECUTIVE SUMMARY

This request is for voluntary annexation of land to be used for a regional park in the southeast part of the City. The property consists of agricultural fields and pastureland, with the exception of forested areas along the banks of Gans Creek, which flows east-west through the southern third of the site. The site is within the Little Bonne Femme Creek drainage basin, with the exception of its northwest corner, which falls within the Clear Creek drainage basin.

At its meeting of February 7, 2008, the Planning and Zoning Commission voted 5-1 to recommend approval of R-1 as permanent City zoning on the subject property. Most of the property is currently zoned Boone County A-1 (Agriculture District), which is equivalent to City A-1 (Agricultural District). A small portion of the tract, located on the east side of Gans Creek Road is zoned County R-S (Single-Family Residential), which is equivalent to City R-1 (One-Family Dwelling District).

One individual from the public asked for and was given assurance by staff that the land was to be used for park purposes only.

A staff report, locator map and excerpts from the minutes of the Planning and Zoning Commission meeting are attached.

SUGGESTED COUNCIL ACTION

The Planning and Zoning Commission recommends approval of R-1 as permanent City zoning on the subject property.

WE ARE STILL DISCUSSING POSSIBLE USE OF A FEW ACRES BY NO DEPARTMENT OR CONSERVATION FOR A FACILITY.

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
FEBRUARY 7, 2008**

ITEM NO.

07-117

ITEM

Establishing permanent zoning on property pending annexation into the City, owned by the City of Columbia

LOCATION

Generally west of Gans Creek Road, and south of Gans Road

PROPERTY SIZE

Approximately 320 acres

EXISTING ZONING

Primarily Boone County A-1 (Agriculture District), with a small portion of County R-S (Single Family Residential) on the northeast corner of the subject property

RECOMMENDED PERMANENT ZONING

R-1 (One-Family Dwelling District)

HISTORY

The property was zoned Boone County A-1 and R-S when zoning was first established in Boone County in 1973. There have been no prior requests to change zoning on the property.

EXISTING CONDITIONS

	<u>ZONING</u>	<u>LAND USE</u>
SITE	Boone County A-1/R-S	Agriculture & pastureland with three one-family residences
NORTH	PUD-3/O-P	Developing single- & two-family/Undeveloped

SOUTH	Boone CountyA-1/A-2	Farm buildings & agriculture
EAST	Boone County R-S	Single family residences on large tracts
WEST	Boone County A-1	Undeveloped & Rock Bridge State Park

METRO 2020 LAND USE PLAN DESIGNATION

The subject property is designated as a Neighborhood District on the Metro 2020 Land Use Plan. The proposed R-1 permanent zoning would be in conformance with the Plan.

ACCESS

Access to the site is off both Gans Road and Gans Creek Road. Gans Road is an unimproved paved roadway, designated as a minor arterial by the Major Roadway Plan. Gans Creek Road is an unimproved gravel road, designated as a neighborhood collector.

Existing access to the property is provided via residential driveways; two of which are off of Gans Road, and one off Gans Creek Road, which provides access to the center of the site.

Future access to the property is unknown at this time. A citizen planning process was initiated by the City Parks and Recreation Department in the fall of 2007 to gather public input that will be used to develop conceptual designs, including access to and within the future regional park that will be located on the subject tract. The park planning process is expected to take between 18 months and two years to complete.

PUBLIC UTILITIES/FIRE PROTECTION

Utility information is as follows:

- The subject site lies within Boone Electric Cooperative's service territory.
- The portion of the tract to the north of Gans Creek is in the City's water service territory. The City has a 12-inch water line located along the north side of Gans Road that could be extended to serve the site. The remainder of the tract is within the jurisdiction of Consolidated Public Water Supply District #1. CPWSD #1 has a water line along the north side of the tract, which could be extended to serve the south portion of the site.
- The subject property does not have access to a City sanitary sewer. The nearest City sanitary sewer main appears to be approximately 0.6 miles northwest of the site.

- Fire protection service to the south portion of the site, generally south of Gans Creek, will be provided by the Boone County Fire Protection District. The Columbia Fire Department will provide service to the rest of the site.

SITE CHARACTERISTICS

The property primarily consists of agricultural and pasture land, with the exception of forested areas along the banks of Gans Creek, which flows east-west through the southern third of the site.

CITY-RECOGNIZED NEIGHBORHOOD ASSOCIATIONS AFFECTED

Grindstone – Rock Quarry

PARKLAND NEEDS/GREENBELT

The entire site is designated for a regional city park.

Gans Creek, which is a designated greenbelt, flows through the approximate center of the site, from east to west. The northwest corner of the site is within the Clear Creek drainage basin. The remainder of the site is within the Little Bonne Femme drainage basin.

DISCUSSION

This is a proposal to assign City zoning to City-owned land that is being annexed into the southeast part of Columbia. The subject property is approximately 320 acres in size and will be used for a regional city park.

The majority of the property is currently zoned Boone County A-1 (Agriculture District), with the exception of a small portion of the northeast corner that is Boone County R-S (Single Family Residential), which is equivalent to City R-1. City R-1 zoning is recommended rather than A-1 (Agricultural District), which would be equivalent to the majority of current County zoning on the land, because most of the city's existing parkland is zoned R-1 and the purpose of R-1 includes some public recreational uses. Alternatively, City A-1 is intended for "...certain public uses and facilities or activities best located in an isolated area." It should be noted that A-1 also allows "all permitted uses in District R-1."

The City public improvements process will continue to involve the public in future public hearings on the southeast regional park design.

STAFF RECOMMENDATION

Approval of R-1 as permanent City zoning

Report prepared by SM

Approved by [Signature]

Source

Parks and
Recreation
Commission

TO: City Council
FROM: City Manager and Staff
DATE: January 25, 2008
RE: Proposed Rezoning

At the Parks and Recreation Commission's regularly scheduled January 17 meeting, the Commission took action on the following proposed rezoning:

Crane Property, Gans Road

On a motion by Grus, seconded by Devine, the Commission agreed to inform the Council that they see no potential for adverse impact to parks or trails from the proposed rezoning.

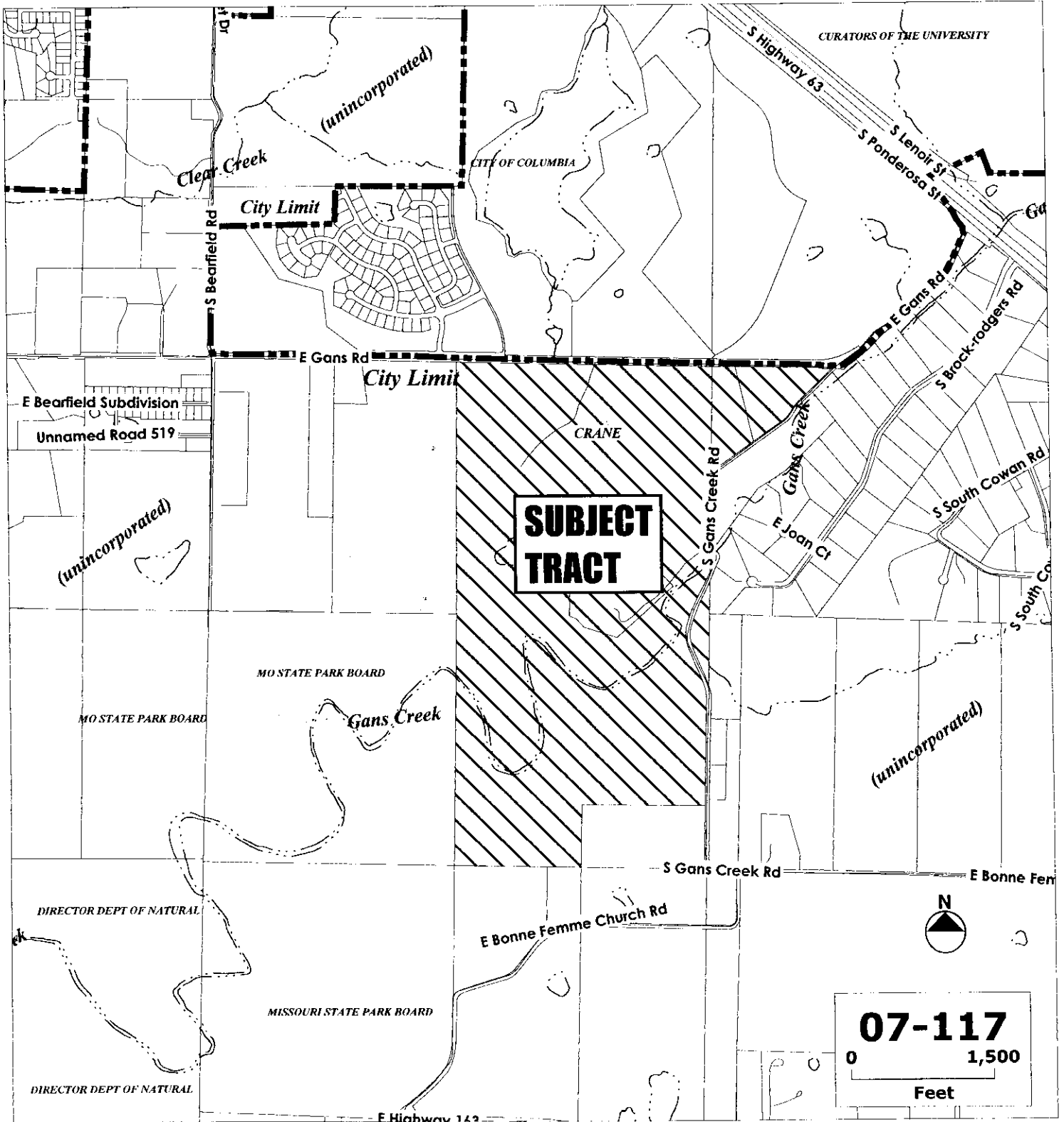
All in favor: Pauls, Kloepfel, Blevins, Devine, Grus
Motion carried.

Fiscal Impact

YES

NO X

Other Info.



Crane Property

320± acres

PHILIP'S PROPERTY

GANS ROAD

ROCK
BRIDGE
STATE
PARK

GANS CREEK
ROAD



EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
February 7, 2008

7-117 A request by the City of Columbia to assign R-1 permanent zoning to City-owned property pending annexation into the city, located generally west of Gans Creek Road and south of Gans Road, containing approximately 320 acres.

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

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

MR. BARROW: Thank you, Mr. Teddy. Are there any questions? I have a question. If this land was to be sold to a private landowner, then the zoning would be open single-family residential zoning that would go with the property?

MR. TEDDY: The zoning goes with the property. That's correct.

MR. BARROW: Thank you. Any other questions?

PUBLIC HEARING OPENED

MR. BARROW: Anyone wishing to speak in support of this, please come forward. Anyone wishing to speak against it? All right. Anyone wishing to speak? Yes, please come forward.

MS. SMITH: Hi. My name is Laura Smith, and I live at 5950 South Gans Creek Road across from the property. And I must say I've never done this and I've never been involved much in the zoning. We moved out there about 20 years to move to the County, and we live across the street, so I would hope that we don't get pulled into the City. That would be my -- I plan to retire there and that's why we moved out there. Is it the intent that this will be Parks and Rec as it was advertised, or is there an intent to be building single-family dwellings on it?

MR. BARROW: Well, do you want to answer that, Mr. Teddy?

MR. TEDDY: Yeah. The City purchased the property for use as a southeast regional park, and that funding was supported by a ballot issue that the public voted on and voted to approve, so it's fairly assured that this is going to be a public park -- the entire plat.

MS. SMITH: It's one of the -- I'd say the very few areas left in the area that is so close to the City, yet so rural, and it's an absolutely gorgeous area with the creeks and stuff. And I'd sure hate to see one of the last little pieces we have left near the City built up like that. Everything adjacent to it is going to be that way, but I'm hoping that this will remain like that.

MR. BARROW: Are there any questions? Do you live -- is your property south of this?

MS. SMITH: I am -- well, I'm -- boy, I'm so bad with -- I am right across -- I'm on South Gans Creek, so, you know, the little --

MR. BARROW: Yeah. You're south.

MR. RICE: The south side.

MR. BARROW: Right.

MS. SMITH: I'm on the other side of the road. There's actually a little piece adjacent to us that is part of the City now that's on the same side of the road, so we're right next to that piece.

MR. BARROW: Mr. Griggs, has the City ever sold a park before? I mean, has the City ever -- once the City gets the parkland, it keeps it, doesn't it?

MR. GRIGGS: Generally, we tell people it's in perpetuity as a park.

MS. SMITH: Okay. And that little piece that is across the street on my side, so that will be City?

MR. GRIGGS: Yes. Yes. And that would be -- I know there's been some discussion about if that's on the other side of the road and separated from the park --

MS. SMITH: Right.

MR. GRIGGS: -- would we ever consider maybe selling that to the adjacent landowner -- I guess, in this case, yourself?

MS. SMITH: I wasn't the one that actually -- because it's -- the piece of land is actually not buildable.

MR. GRIGGS: Right.

MS. SMITH: It's totally flooded out all the time, and it's --

MR. GRIGGS: Yeah.

MS. SMITH: It would be very expensive to buy that.

MR. GRIGGS: Yes. And the thought would be is that if we would maintain -- we would keep -- maintain ownership of that --

MS. SMITH: Right.

MR. GRIGGS: -- because we don't know what the road is going to do. And maybe if the road is ever -- that road is ever improved and straightened out, then it may -- we would have City ownership of that where we could shift it over, and then maybe all the park then would be on one side, so it would clean that boundary line up.

MS. SMITH: Okay.

MR. BARROW: Now, Mr. Griggs, everyone is welcome to take part in the public discussions on planning how this park is going to be developed, whether you're in the City or not; isn't that true?

MR. GRIGGS: Absolutely. We are in the -- we are just in the three months of a probably eighteen-month or two-year planning phase. There are no funds to develop the property, so, right now, we are just gathering information. You know, hopefully, by the next six months or so, we'll have some generic options that we can present to the public on what the park will look like, and then people will look at -- you know, we'll probably have three or four people look at those and then make comments, and then we'll come back and narrow it down to one or two, and very similar to how we did Stephens. And Stephens Lake was a lot easier than this project --

MS. SMITH: Yeah.

MR. GRIGGS: -- and it took about 18 months.

MS. SMITH: Well, I appreciate your answers and I can say I was very lucky and very happy that it looks like it is going to be used for Parks and Rec. I know that the owners that sold the land at one point were going sell -- try to sell it to the State, but that didn't happen. And so, you know, I have a smile on my face that it's going to be Parks and Rec, but I hope that's the way it stays.

MR. BARROW: Thank you.

MS. SMITH: So, could that be rezoned at a later date, after -- to -- you know, to multiple-family dwellings? I guess anything can happen, but --

MR. BARROW: Someone could come -- yeah. Somebody could come and ask for it to be rezoned. I wouldn't -- I mean, the City doesn't have a history on its parks of rezoning for apartments or anything, but couldn't say no.

MS. SMITH: Well, I feel I -- I figured I'll be old and gray before it's all done, anyways. Thank you.

MR. BARROW: Well, thanks for coming. Anyone else wishing to speak? Any other questions?

PUBLIC HEARING CLOSED

MR. BARROW: Discussion, Commissioners? Mr. Cady?

MR. CADY: Well, I think this is appropriate -- it's pretty straightforward for the annexation and I think R-1 is the appropriate zoning to put on this for the park, and I would make a motion that we would designate it as R-1.

MR. WHEELER: Second.

MR. BARROW: It's been moved and seconded. Any discussion on the motion? Yes?

MR. BRODSKY: I guess this isn't really a discussion on the motion, but I did want to point out this is an interesting case where we have what was a Council preference for PUD and we plugged a hole with a good ordinance and we don't have to use the PUDs anymore, we can go back to open zoning, so I just wanted to point that out.

MR. BARROW: Yes?

MR. WHEELER: I would just like to say that I think this is a very appropriate place for a park. There was a lot of discussion about it. I'm glad to see this additional section of Gans Creek being protected, and also the connection running all the way down to the Rock Bridge State Park, you know. I mean, that's great, and once we get all the trails in place, it's going to be a fantastic addition to the City.

MR. BARROW: Yeah. I guess I'd like to point out that this subject tract also connects with the -- (inaudible) -- tract, so this is actually going to be part of a bigger City park system than we're actually looking at tonight. I will say this, though, and that is, the City's policy to ask for planned development in this watershed, I personally consider it valid, and if the City Council would like to -- thinks that the new storm-water regulations are adequate, that they ought to extinguish that policy resolution. And I have been very consistent about voting against open zoning in this watershed honoring that policy resolution,

and I don't know how the neighbors are going to develop the commercial and office, but I think that we made a mistake in terms of granting open zoning on that, and I think that just looking further ahead, if this was to be, for whatever reason, acquired by a private landowner, there would be -- it would be open zoning and they could do pretty much whatever they wanted as long as they met that -- met the City's regulations. Now, we do have what I consider an extremely minimal stream-buffer ordinance that would give this -- this is one of the outstanding waterways. The State has designated this as one of the outstanding waterways, and I think it's a mistake for the City to not really take care of that, and maybe they could do that with a conservation easement that the City would impose on itself to give it a little extra width. And I also think that the City does go through a public-hearing process, but if this land was ever to change hands, that a future landowner would not have to -- could build it out without any more public comment as long as they were obeying the regulations. The other thing I want to say about this is because of the location of not only Rock Bridge Park, which this land abuts or is adjacent to, but there is also within a mile, maybe a little bit more, there's three creeks which is a large public land that the Missouri Department of Conservation manages, and I think the City -- I personally think the City ought to be enacting policies and zoning that would have the land be less dense, you know, so as you're going towards these more or less wilderness areas, that we're not building right up next to them with high density, and that A-1 zoning would probably be more appropriate, or I would prefer PUD at a low zoning, so you would be building on -- I don't know -- one-acre or five-acre lots or something so that when you're building next to the park in the future, we would be safeguarding it in terms of feathering down. I also -- I'm going to throw this bit in here, too. Gans Road, we need to be enacting -- looking at parkway regulations so that when that road is five lanes wide, that it's not going to become another Business Loop or a Clark Lane right up next to the park. And if the City doesn't consciously do that and start to have some regulations with some teeth or at least some policy guidelines, it could go the other way. Now, there's another school of thought that says, hey, we're paying all this money to build a five-lane road. Let's get the dang sales tax. I understand that argument, too, but that's something that I think the City should address and we just shouldn't let it get built up and done without having that discussion and argument. So, having said that, I'm happy that this is going to be a park, and I think that our Parks and Rec does a great job with it, but I'm going to oppose it because I think it should be a planned unit with a low-density residential status. Yes, Mr. Bondra?

MR. BONDRA: I just wanted to mention that before the Parks and Rec Department can develop this, we've had a policy of abiding by our own regulations in terms of platting, so it will have to be platted into a lot or lots.

MR. BARROW: Great.

MR. BONDRA: And at that time, they could -- it will probably be one lot and, at that time, the City could put a green-space easement on it or any kind of easements it chooses.

MR. TEDDY: Yeah. The stream-buffer requirement will kick in. They'll have to put a stream buffer

on it.

MR. BARROW: That's very good and better than it used to be, but I don't think it's adequate. And I just want to raise a flag about this, so that's why I'm saying it and voting no, dang it.

MR. CADY: We'll see that plat, too.

MR. BARROW: Yeah. All right. Any further discussion on the motion? Roll call.

MR. BRODSKY: The motion has been made and seconded for a recommendation of approval of a request by City of Columbia to assign R-1 permanent zoning to City-owned property pending annexation, located generally west of Gans Creek Road and south of Gans Road, approximately 320 acres.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Brodsky, Mr. Cady, Mr. Reichlin, Mr. Rice, Mr. Wheeler. Voting No: Mr. Barrow. Motion carries 5-1.