

Introduced by Hindman

First Reading 9-17-07

Second Reading 10-1-07

Ordinance No. 019685

Council Bill No. B 317-07

AN ORDINANCE

extending the corporate limits of the City of Columbia, Missouri, by annexing property located on the northeast side of Masonic Drive, west of Oakland Gravel Road; directing the City Clerk to give notice of the annexation; placing the property annexed in District O-P and District C-P; setting forth conditions of approval; 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 verified petitions were filed with the City on August 29, 2007 and August 16, 2007, 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 petitions were signed by representatives from The Masonic Home of Missouri, Inc., The Acacia Temple Association, Inc., The Lodge Building Association of Columbia, Missouri and The Columbia Scottish Rite Temple Association, Inc., the owners of the fee interest of record in the land proposed to be annexed. A public hearing was held concerning this matter on September 17, 2007. 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 1-11.191 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 1-11.191. October, 2007 Extension of Corporate Limits.

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

Tract A

A tract of land located in the northeast quarter of Section 19 T49N R12W, in Boone County, Missouri, being part of Tract 2 of a survey recorded in book 994 page 427, described as follows:

Beginning at the southwest corner of Tract 2 of a survey recorded in book 994 page 427, thence along the lines of said tract, N 0°05'00"W 1127.85 feet; thence S 89°18'45"E 1303.95 feet; thence S 0°12'15"W 1444.69 feet; thence, leaving the lines of said Tract 2, N 55°25'15"W 868.22 feet; thence S 34°34'45"W 433.00 feet to the southerly line of said Tract 2; thence along said line, N 55°25'15"W 84.20 feet; thence N 60°56'45"W 305.60 feet to the beginning and containing 35.70 acres.

Tract B

A tract of land located in the northeast quarter of Section 19 T49N R12W, in Boone County, Missouri, being part of Tract 2 of a survey recorded in book 994 page 427, described as follows:

Beginning at the southeast corner of Tract 2 of a survey recorded in book 994 page 427, thence along the lines of said tract, N 58°12'15"W 207.30 feet; thence N 53°02'45"W 548.50 feet; thence N 55°25'15"W 418.00 feet; thence, leaving the lines of said Tract 2, N 34°34'45"E 433.00 feet; thence S 55°25'15"E 868.22 feet to the easterly line of said Tract 2; thence S 0°12'15"W, along said line, 539.96 feet to the beginning and containing 10.33 acres.

Tract C

A tract of land known as Lot 2, Scottish Rite Subdivision - Plat 2, recorded in Plat Book 36, Page 23, located in the Northeast Quarter of Section 19, Township 49 North, Range 12 West, Boone County, Missouri, containing 0.57 Acres.

A tract of land known as Lot 1, Scottish Rite Subdivision - Plat 2, recorded in Plat Book 36, Page 23, located in the Northeast Quarter of Section 19, Township 49 North, Range 12 West, Boone County, Missouri, containing 3.08 Acres.

SECTION 5. The City Clerk is hereby authorized and directed to cause three certified copies of this ordinance to be filed with the Clerk of Boone County, Missouri and three certified copies with the Assessor of Boone County, Missouri. The City Clerk is further authorized and directed to forward to the Missouri Department of Revenue, by registered or certified mail, a certified copy of this ordinance and a map of the City clearly showing the area annexed to the City.

SECTION 6. The property described in Section 4 is in the Second 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 following described property:

Tract A

A tract of land located in the northeast quarter of Section 19 T49N R12W, in Boone County, Missouri, being part of Tract 2 of a survey recorded in book 994 page 427, described as follows:

Beginning at the southwest corner of Tract 2 of a survey recorded in book 994 page 427, thence along the lines of said tract, N 0°05'00"W 1127.85 feet; thence S 89°18'45"E 1303.95 feet; thence S 0°12'15"W 1444.69 feet; thence, leaving the lines of said Tract 2, N 55°25'15"W 868.22 feet; thence S 34°34'45"W 433.00 feet to the southerly line of said Tract 2; thence along said line, N 55°25'15"W 84.20 feet; thence N 60°56'45"W 305.60 feet to the beginning and containing 35.70 acres.

will be zoned and become a part of District O-P (Planned Office District). Hereafter the property may be used for all permitted uses in District R-3 and the following uses:

- Banks, other financial institutions, and travel agencies
- Counseling centers operated by charitable or not-for-profit organizations; excluding halfway houses or any use connected with penal or correctional institutions
- Drive-up facilities incidental to any permitted uses
- Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories
- Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies
- Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods
- Residential care facilities
- Schools operated as a business within an enclosed building, except trade schools and schools which offer retail goods or services to the public.

The statement of intent submitted by applicant, marked "Exhibit A" is attached to and made a part of this ordinance.

SECTION 8. 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 following described property:

Tract B

A tract of land located in the northeast quarter of Section 19 T49N R12W, in Boone County, Missouri, being part of Tract 2 of a survey recorded in book 994 page 427, described as follows:

Beginning at the southeast corner of Tract 2 of a survey recorded in book 994 page 427, thence along the lines of said tract, N 58°12'15"W 207.30 feet; thence N 53°02'45"W 548.50 feet; thence N 55°25'15"W 418.00 feet; thence, leaving the lines of said Tract 2, N 34°34'45"E 433.00 feet; thence S 55°25'15"E 868.22 feet to the easterly line of said Tract 2; thence S 0°12'15"W, along said line, 539.96 feet to the beginning and containing 10.33 acres.

will be zoned and become a part of District C-P (Planned Business District). Hereafter the property may be used for all permitted uses in District R-3 and District O-1 and the following uses:

- Alcoholic beverage sales by the package or as an accessory use to a restaurant
- Barber and beauty shops
- Cleaning, pressing and dyeing establishments
- Laundries, coin-operated
- Photographic service shops and studios
- Physical fitness centers, private gymnasiums and reducing salons
- Schools operated as a business, except trade schools
- Stores, shops and markets for retail trades
- Assembly and lodge halls
- Bakeries
- Garment storage facilities
- Government buildings and facilities
- Hotels
- Laundries, commercial
- Restaurants, cafes and cafeterias
- Shops for custom work
- Trade schools
- Hospitals, medical or dental clinics, sanitariums, and medical laboratories
- Motels
- Commercial and private picnic grounds
- Customary accessory uses, including drive-up facilities, subject to the provisions of section 29-27

The statement of intent submitted by applicant, marked "Exhibit B" is attached to and made a part of this ordinance.

SECTION 9. 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 following described property:

Tract C

A tract of land known as Lot 2, Scottish Rite Subdivision - Plat 2, recorded in Plat Book 36, Page 23, located in the Northeast Quarter of Section 19, Township 49 North, Range 12 West, Boone County, Missouri, containing 0.57 Acres.

will be zoned and become a part of District C-P (Planned Business District). Hereafter the property may be used for all permitted uses in District R-3 and District O-1 and the following uses:

Physical fitness centers, private gymnasiums and reducing salons
Restaurants, cafes and cafeterias
Schools operated as a business, except trade schools
Stores, shops and markets for retail trades
Assembly and lodge halls
Bakeries
Garment storage facilities
Government buildings and facilities
Hotels
Laundries, commercial
Shops for custom work
Trade schools
Hospitals, medical or dental clinics, sanitariums, and medical laboratories
Motels
Commercial and private picnic grounds
Customary accessory uses, including drive-up facilities, subject to the provisions of section 29-27

The statement of intent submitted by applicant, marked "Exhibit C" is attached to and made a part of this ordinance.

SECTION 10. 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 following described property:

Tract C

A tract of land known as Lot 1, Scottish Rite Subdivision - Plat 2, recorded in Plat Book 36, Page 23, located in the Northeast Quarter of Section 19, Township 49 North, Range 12 West, Boone County, Missouri, containing 3.08 Acres.

will be zoned and become a part of District C-P (Planned Business District). Hereafter the property may be used for all permitted uses in District R-3 and District O-1 and the following uses:

Alcoholic beverage sales by the package or as an accessory use to a restaurant
Physical fitness centers, private gymnasiums and reducing salons
Schools operated as a business, except trade schools
Stores, shops and markets for retail trades
Assembly and lodge halls
Bakeries
Garment storage facilities
Government buildings and facilities
Hotels
Laundries, commercial
Restaurants, cafes and cafeterias
Shops for custom work
Trade schools
Hospitals, medical or dental clinics, sanitariums, and medical laboratories
Motels
Commercial and private picnic grounds
Customary accessory uses, including drive-up facilities, subject to the provisions of section 29-27

The statement of intent submitted by applicant, marked "Exhibit C" is attached to and made a part of this ordinance.

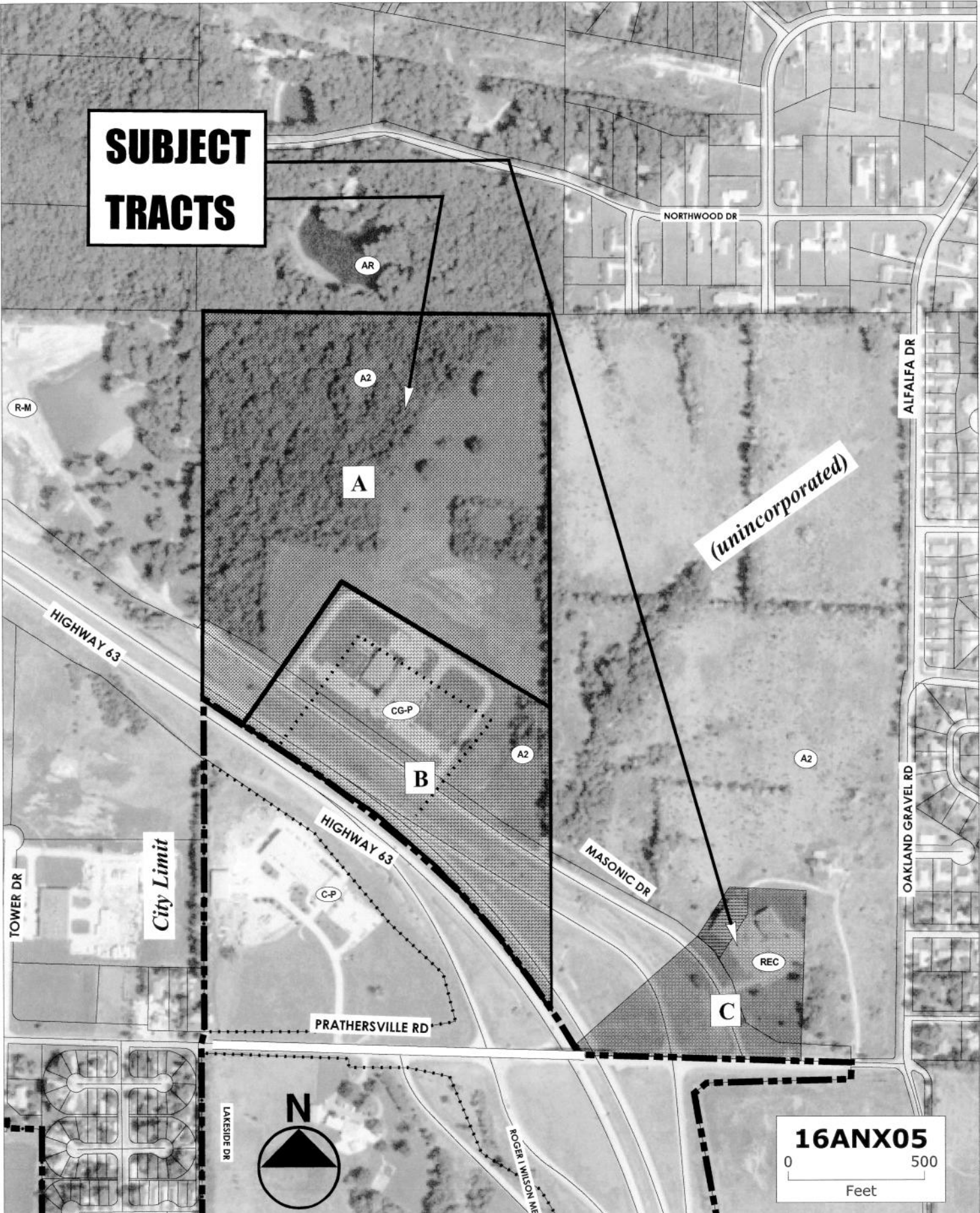
SECTION 11. The zoning of the properties described in Sections 7, 8, 9 and 10 are subject to the following conditions:

1. The statement of intent for Tract A, marked as "Exhibit A," shall be amended to increase the minimum open space from 20 percent to 25 percent.
2. The developer shall be required to perform a traffic impact study before or in conjunction with future development on any of the tracts to determine needed infrastructure improvements attributable to the development.

SECTION 12. This ordinance shall be in full force and effect from and after its passage.

PASSED this 1st day of October, 2007.

SUBJECT TRACTS



(unincorporated)

16ANX05
0 500
Feet

STEWART & KEEVIL, L.L.C.

ATTORNEYS AT LAW

SOUTHAMPTON VILLAGE AT CORPORATE LAKE
4603 JOHN GARRY DRIVE
SUITE 11
COLUMBIA, MISSOURI 65203

CHARLES BRENT STEWART
JEFFREY A. KEEVIL

OFFICE (573) 499-0635
FAX (573) 499-0638

October 5, 2007

SECOND AMENDED STATEMENT OF INTENT (reflecting revised open space per City Planning and Zoning Commission hearing):

Re: The Masonic Home of Missouri, Inc., voluntary annexation pursuant to pre-annexation agreement of two tracts, **Parcel A** as identified in the Petition Requesting Voluntary Annexation submitted on December 4, 2006.

Applicant, a Missouri pro forma benevolent corporation, is requesting permanent City zoning of Parcel A from existing County zoning of A-2 (Agriculture District) to City zoning O-P (Planned Office District).

Intended Uses: Currently there are no buildings or other structures on Parcel A. Applicant intends in the future to develop Parcel A into a retirement community, similar to the Lenoir Home property, which may include state-licensed assisted living facilities, adult day care, a community center, clubhouses, and other residential structures for senior citizens, including cottages and apartments.

A very preliminary conceptual plan for a "phase one" of this development (which involves approximately 15 acres of the total tract), is currently being discussed with Applicant's architectural firm, although Applicant's Board of Directors has yet to vote to proceed, approve, or finalize this or any other development plan for Parcel A or portions thereof. Applicant proposes the following for any new construction, if or when any future development might occur:

Maximum building floor areas:

Independent Apartment Buildings	1,350 square feet, each living unit
Assisted Living Apartment Buildings	900 square feet each living unit
Duplex Cottage Buildings	1,800 square feet each living unit
Independent Living Unit Clubhouse	15,000 square feet
Assisted Living Unit Clubhouse	7,500 square feet

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PLANNING DEPT.

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Maximum Building Heights:

All buildings will be one story, maximum height 28 feet for apartment buildings and duplexes; maximum height of 38' for clubhouses.
Amended Statement of Intent—Masonic Home Parcel A

Minimum percent of the site to be maintain in open space: 25%

If or when Applicant's Board of Directors formally approves a conceptual plan and begins development of Parcel A, Applicant intends to comply with all necessary regulations governing O-P zoning.

Sincerely,



Brent Stewart
Attorney for The Masonic Home of Missouri

CBS/bt

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(Tract B)

August ____, 2007

AMENDED STATEMENT OF INTENT:

Re: The Masonic Home of Missouri, Inc., voluntary annexation pursuant to pre-annexation agreement of two tracts, **Parcel B** as identified in the Petition Requesting Voluntary Annexation submitted on December 4, 2006.

Applicant, a Missouri pro forma benevolent corporation, is requesting permanent City zoning of Parcel A from existing County zoning of C-GP (Planned Commercial District) to City zoning C-P (Planned Business District).

Intended uses: Currently there is one existing large structure on Parcel B, which houses Applicant's administrative offices along with the state offices of the Grand Lodge of the State of Missouri, A.F. & A.M. Applicant has no immediate plans for any construction projects on Parcel B. However, at some point in the future Applicant may wish to develop this 10.33 acre tract to include "neighborhood businesses", including medical or pharmaceutical facilities or possibly even a small hotel/restaurant to serve travelers attending Masonic Home/Grand Lodge functions and residents of the Masonic Home's planned retirement community.

Applicant proposes the following for any new construction, if or when any future development of Parcel B might occur:

Maximum building floor areas: 30,000 square feet

Maximum building heights: 60' (for possible 3 story hotel); 38' all other new buildings

Minimum percent of site to be maintained in open space: 15%

If or when Applicant's Board of Directors formally approves a conceptual plan and begins development of Parcel B, Applicant intends to comply with all necessary regulations governing C-P zoning.

Amended Statement of Intent—Masonic Home Parcel B
Page Two
August _____, 2007

Sincerely,

Brent Stewart
Attorney for The Masonic Home of Missouri

CBS/bt

(Tract C)

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August ____, 2007

AMENDED STATEMENT OF INTENT:

Re: The Columbia Scottish Rite Temple Association, Incorporated; The Acacia Temple Association, Inc.; and The Lodge Building Association of Columbia, Missouri; voluntary annexation pursuant to the respective pre-annexation agreements for two tracts, as identified in the Petitions Requesting Voluntary Annexation submitted on December 4, 2006.

Applicants, Missouri pro forma benevolent corporations and a Missouri non-profit corporation (The Acacia Temple Association, Inc.), are requesting permanent City zoning of their respective tracts from existing County zoning of REC (Recreation District) to City zoning C-P (Planned Business District).

Intended uses: There currently are two existing structures on these two tracts, one owned by the Scottish Rite, and the other jointly owned by the Acacia and Lodge Building corporations. Both structures house Masonic Lodges, currently used for fraternal and charitable purposes as lodges/assembly halls. The Scottish Rite also provides its building as a County polling place on election days.

Applicants currently have no immediate development plans. However, at some point in the future Applicants may wish to enlarge and expand their existing buildings with the same existing permitted uses. In addition, the Scottish Rite, which owns the larger of the two subject tracts, may wish to build a facility to house its childrens' language disorders charity program and clinic (RiteCare®) and/or possibly develop its frontage property adjacent to Prathersville Road as office building or light commercial purposes, consistent with the Scottish Rite's benevolent corporate purpose and designed in such a way to compliment the existing uses of the property.

Applicants propose the following for any new construction, if or when any future development might occur:

Maximum building floor areas: 4,500 square feet

Maximum building heights: 28 feet (one story)

Minimum percent of the site to be maintained in open space: 15%

Amended Statement of Intent—Scottish Rite/ATA/LBA
Page Two
August ____, 2007

If or when Applicants pursue development of any construction projects on the tracts, Applicants will comply with all necessary regulations governing C-P zoning.

Sincerely,

Brent Stewart
Attorney for Joint Applicants

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