



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: June 3, 2019

Re: Fred Overton Development, LLC Annexation Agreement (Case #18-80)

Executive Summary

Approval will result in authorizing the Interim City Manager to sign an annexation agreement with Fred Overton Development, LLC permitting the extension of City sanitary sewer service to an approximate 17 acre parcel of property west of the Perche Creek on Gillespie Bridge Road that is proposed to be developed with 34 single-family residential lots.

Discussion

The applicant and owner, Fred Overton Development, LLC, is seeking approval of an annexation agreement to permit connection of a proposed 34-lot single-family subdivision to be known as Perche Ridge to the City's sanitary sewer system. Pursuant to Policy Resolution 115-97A, a non-contiguous parcel of land seeking connection to the City's public sewer is required to enter into an annexation agreement prior to receiving service.

The subject parcel contains approximately 17 acres and is west of the Perche Creek on Gillespie Bridge Road north of Coats Lane. The site is currently undeveloped and is non-contiguous to the City's corporate limits on all four sides. It should be noted that this parcel of property and an adjoining tract of land to the east, abutting the City's corporate boundary, was previously considered for annexation and permanent zoning in December 2017 and was denied by Council.

The acreage is proposed to be developed with 34 single-family residential lots and will be accessible from Gillespie Bridge Road via two points of ingress/egress. Gillespie Bridge Road is an unimproved County-maintained minor arterial and will require additional right of way dedication to bring the roadway into compliance with the CATSO standards. Such right of way dedication will be part of the County subdivision approval process. It should also be noted that this property is located west of the "Perche Flats" and the Gillespie Road Bridge. Access to the site can be compromised at particular times of the year due to flooding of the Perche Creek.

The proposed layout of the subdivision has been reviewed by Boone County Resource Management and determined to be in general compliance with County subdivision standards; however, it has not been formally approved since no confirmed source of sanitary sewer service has been obtained. Furthermore, the acreage will need to be rezoned from existing Boone County A-2 (Agriculture) to Boone County R-S (Residential) to permit the proposed development density. The proposed annexation agreement indicates that the subject property, upon becoming contiguous with the City Limits, be zoned R-1 (One-family Dwelling) which is consistent with Boone County R-S zoning.



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The subject site is not served by any existing City utility services. Water is provided by Consolidated Water Supply District #1 and electric service is provided by Boone Electric. Fire protection would be provided by the Boone County Fire Protection District until such time the property was annexed into the City at which time fire protection would be supported by both the City of Columbia and Boone County fire agencies.

The subject acreage is not shown as lying within the Urban Services Area as depicted in the City's Comprehensive Plan. Such designation is not the sole determinant to the appropriateness of considering extension of public sewer to the parcel. The boundary was envisioned as establishing a marker beyond which consideration of developer contributions, not public investments, should be applied to make such acreages developable. In this specific instance, the City's sanitary sewer system is capable of supporting the proposed 34-lots of new development. Furthermore, the City is not being asked to invest public dollars in the extension or future maintenance of the sanitary sewer system with the development.

Pursuant to the terms of the Annexation Agreement, there is a corresponding Sanitary Sewer Connection Agreement between the City of Columbia and Boone County Regional Sewer District. This agreement is being concurrently introduced before Council on the June 3 Council agenda. The agreement assigns ownership and maintenance responsibilities of the sewer infrastructure within the proposed development to the Sewer District, assigns future customers to the District as rate payers, and establishes fees that will be paid by the Owner to the City for connection of lots to the City's sewer system. As is the case with general development practices, all sewer extension costs will be borne solely by the Owner.

Additional terms of the annexation agreement specify how development approvals (i.e. zoning and subdivision) will be handled for the period of time the subject property is located outside the City's corporate limits. As currently written, the Owner will need to comply with all Boone County standards with the exception of tree preservation, street frontage landscaping, fire access, and sidewalk installation along Gillespie Bridge Road.

Furthermore, terms within the agreement also address the potential for the subject property becoming contiguous and triggering the completion of the annexation process while development is on-going. These additional terms afford the Owner 2-years in which to complete a previously approved phase of development under the terms of the County approval; however, any new development proposed after annexation would need to meet all City UDC standards.

Finally, the annexation agreement also contains a provision that permits the City to delay annexation of the property until such time as the City reasonably and solely determines such annexation to be appropriate. This provision permits an opportunity for the City to evaluate potential impacts related to acceptance of the developed acreage into the corporate limits which may include the costs associated with provision public safety and other public services, roadway infrastructure maintenance, and land use compatibility.



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At this time the City is being asked to approve an annexation agreement solely for the ability of the Owner to obtain connection to the public sewer system. Aside from limited development plan review responsibilities, no other City services would be extended to the subject parcel at this time. While an on-site package sewer system may be possible to address the sewerage needs of the 34-lots and eliminate the need for this request, the authorization to allow the extension of City public sewer to the property is believe to be in the best interest of the public and the environment.

A copy of the annexation agreement inclusive of the property legal description, proposed subdivision layout, and Sanitary Sewer Connection Agreement as well as locator maps are attached for review.

Fiscal Impact

Short-Term Impact: None anticipated. All public infrastructure extensions costs will be borne by the owner/developer.

Long-Term Impact: Potential costs may include public safety and other service provision costs as well as roadway maintenance. Such costs would be incurred at the time of annexation of the parcel into the City's corporate limits and may or may not be off-set by sales taxes and user-fees. Electric, sewer, and water system maintenance costs would be borne by service providers.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Infrastructure, Tertiary Impact: Not Applicable

Legislative History

Date	Action
12/04/17	Denied Annexation & Permanent Zoning (B305-17)

Suggested Council Action

Authorize the Interim City Manager to execute the attached annexation agreement with Fred Overton Development, LLC if it finds that such agreement would be in the best interest of the City and not adversely impact sanitary sewer provision or future land use planning efforts.