



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 20, 2023

Re: D Who Land, LLC Annexation Agreement Amendment (Case #67-2023)

Executive Summary

Approval of this request will authorize the City Manager to execute an amended annexation agreement with D Who Land, LLC that will incorporate an additional 29.26 acres into an existing annexation agreement approved on January 3, 2022 (Ord. 024877). If approved, the applicant would be permitted to connect existing structures located on the property to the City's sanitary sewer system. The subject acreage is non-contiguous to the City's municipal boundary and is required to obtain agreement approval as provided in Policy Resolution 115-97A ("A policy for the extension of City sewer service in areas outside the city limits"). The site is further required to enter into the requested annexation agreement and is subject to the terms and conditions of the 2005 Grindstone Creek Watershed Cooperative Agreement between the City and the Boone County Regional Sewer District as it relates to sanitary sewer service.

Discussion

Simon & Struempf Engineering (agent), on behalf of D Who Land LLC (owner), is seeking approval of an amended annexation agreement with the City of Columbia. The amendment would add an additional 29.26 acres to a January 2022 approved annexation agreement containing 145.72 acres. The subject 174.98-acre property is currently zoned County A-1 (Agriculture) and is located on the south side of Richland Road, south of the intersection of Richland Road and Trade Winds Parkway, and includes the addresses 8100 & 8104 E Richland Road.

Background

Currently, 145.72 acres of the owner's property is subject to an existing annexation agreement that was approved by the City Council on January 3, 2022 by Ordinance #024877. That agreement allows for the connection of 350 single-family lots and 20 condo-style dwellings to the City's sanitary sewer system. A preliminary drawing of the proposed development at that time was also part of the January 2022 agreement and is included in the attached exhibits.

Since approval of the original annexation agreement (Ord. # 024877), the owner (who is generally the same as before, but now owns the property as an LLC) acquired an additional 29.26 acres immediately to the southwest of the existing 145.72-acre annexation agreement property. The owners desire to incorporate this newly-acquired acreage into the original annexation agreement so that all the property they own is included within one agreement. The County has approved the preliminary plan for the expanded acreage; however,



City of Columbia

701 East Broadway, Columbia, Missouri 65201

withheld final plan and plat approval subject to the City's approval of the requested annexation agreement amendment.

While the amended agreement would include an additional 29.26 acres, there have been modest changes to the original site plan. While the new 29.26 acres will be added to the southwest corner of the development, the majority of this acreage will remain undeveloped. The property is currently improved with a single-family home.

No additional units are being proposed with the agreement. The original agreement allowed the connection of 350 single-family lots and 20 condo-style dwellings, and the amended agreement will not change those terms. In general, the site plan has been partially extended into the new acreage, mostly with the extension of streets that will now provide better connectivity to the west. There are some lots shown on the new acreage, however this is offset by a decrease in density over the original tract.

There are three revised exhibits to the annexation agreement. The new legal description that now includes an additional 29.26 acres will replace the existing Exhibit A, the new site plan will replace existing Exhibit B, and a new exhibit showing the site in relation to the connection agreement boundaries will replace existing Exhibit D.

If approved, the applicants would still be permitted to construct a residential development containing approximately 350 single-family lots and 20 condo-style dwellings generally in accordance with the zoning and subdivision provisions of Boone County. The subject property would be required to annex into the City upon becoming contiguous with the municipal boundary. The agreement also addresses off-site infrastructure improvement requirements necessary to mitigate impacts that the proposed development will create on the surrounding roadway network.

The site is located approximately one-half mile east of the City's current municipal boundary at the northwest corner of the Richland and Olivet Road intersection. Per the submitted preliminary layout, the development would include the extension of Trade Winds Parkway south of its current terminus at Richland Road and also provide street connections to properties surrounding it. The applicant will be seeking planned development zoning with the County to accommodate the development, which will provide primarily single-family dwellings, along with a small amount of condominiums.

Annexation Agreement

The purpose of the annexation agreement is to permit the owner the ability to connect to the City's sanitary sewer treatment system per the requirements of Policy Resolution 115-97A and the terms of the 2005 cooperative agreement approved by Ordinance #18430 (Exhibits C & D of Ord. 024877, attached). The majority of the site is located on property that is subject to the cooperative agreement, referred to as the Grindstone Creek Watershed Agreement that the City entered into with the Boone County Regional Sewer District (District) in 2005.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Below is a summary of the terms from the current and proposed annexation agreement. The terms will remain the same if the amendment is adopted.

- Allows sewer connections for 350 single-family structures and 20 condominium units.
- The west parcel that is 161.44 acres is fully within the cooperative agreement area and is identified as the District's service territory and future customer area.
- The east parcel that is 13.54 acres is the City service territory and new lots in this area would pay the standard connection fee and recurring fees listed in the municipal code for a City customer outside the city.
- All new construction would be subject to all Boone County development regulations and approvals for the duration of time the parcel remains outside the city limits (i.e. not annexed), with the exception of having to comply with the City's tree preservation standards and the International Fire Code regulations adopted by the City.
- A payment of \$188,097 is required as a contribution to Richland Road improvements, which could potentially be used for the construction of a roundabout at Richland Road and Grace Lane/Rolling Hills Road.

The majority of the subject property is located within the Urban Services Area boundary as depicted within Columbia Imagined. The southeast corner of the site is located outside the services area boundary, where the boundary between the Middle Hinkson Creek watershed and the Little Bonne Femme Creek watershed marks the edge of the Urban Service Area. The site receives public utilities from the Boone Electric and PWSD #9, and public safety services are provided by Boone County. Upon annexation utility services would not change; however, police protection and trash collection would become the responsibility of the City. Additionally, upon annexation fire protection services would be provided by the City with mutual-aid response by the Boone County Fire Protection District.

Locator maps, amended annexation agreement (includes existing agreement as Attachment 1 and new site plan as Attachment 3), and Policy Resolution 115-97A (annexation policy) are attached for review.

Fiscal Impact

Short-Term Impact: None. All public infrastructure expansion or extension will be at the cost of the applicant.

Long-Term Impact: Long-term impacts may include sanitary sewer connection point maintenance. Additional long-term impacts may include increased public safety, and trash collection; however, such impacts would only be realized upon formal annexation of the property.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

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

Comprehensive Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Livable & Sustainable Communities

Legislative History

Date	Action
1/3/22	Approved an annexation agreement with James F. Harasha and Rita F. Harasha. (Ord. 024877)
10/19/09	Approved amendment to Sunrise Estates Pump Station Connection Agreement. (Ord. 020454)
3/7/05	Authorized City Manager to execute Grindstone Creek Watershed Cooperative Agreement. (Ord. 018430)

Suggested Council Action

Authorize the City Manager to execute the amended annexation agreement.