

Council Bill: B 3-17

MOTION TO AMEND:

MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

MOTION: I move that Council Bill B 3-17 be amended as set forth on this amendment sheet.

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Material deleted from the original bill is shown in ~~strikeout~~;  
material added to original bill shown underlined.

Section 2 is amended as follows:

SECTION 2. The City Council hereby approves the terms and conditions contained in the statement of intent dated January 24, 2017 ~~December 6, 2016~~, attached hereto in substantially the same form as "Exhibit A" and made a part of this ordinance. The statement of intent shall be binding on the owners until such time as the Council shall release such limitations and conditions on the use of the property.

Section 3 is amended as follows:

SECTION 3. The City Council hereby approves the PUD Plan of Kelly Farms, as certified and signed by the surveyor on January 24, 2017 ~~December 20, 2016~~, for the property referenced in Section 1 above.

Section 5 is amended as follows:

SECTION 5. Subdivider is granted a variance from the requirements of Section 25-48.1 of the Subdivision Regulations so that a sidewalk shall not be required to be constructed north of the hammerhead turnaround along the ~~north~~ west side of the proposed extension of Timberhill Road adjacent to the property's frontage.

The "Exhibit A" attached to this amendment sheet is substituted for the "Exhibit A" attached to the ordinance.

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**BW** **BROWN WILLBRAND. P.C.**  
*Attorneys at Law*

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E.M. Brown (1926-1980)  
H.C. Willbrand  
B. Daniel Simon  
James M. Powell  
Marjorie M. Lewis  
Karen E. Hajicek  
R. Caleb Colbert

601 E. Broadway, Ste. 203  
Executive Building  
P.O. Box 1304  
Columbia, MO 65205  
T 573-442-3181  
F 573-874-3796  
[www.brownwillbrand.com](http://www.brownwillbrand.com)  
email: [ccolbert@brownwillbrand.com](mailto:ccolbert@brownwillbrand.com)

January 24, 2017

Timothy Teddy, Director  
Department of Planning & Community Development  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Patrick Zenner  
Manager, Development Services  
Department of Planning & Community Development  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Re: Statement of Intent - Application for Permanent Rezoning and for Approval of  
Planned Unit Development Plan for Kelly Farms ("the Development")  
Case No. 17-1

Dear Mr. Teddy and Mr. Zenner:

This firm represents Ben Kelly and Pat Kelly ("Applicant") with respect to the Development and submits this Statement of Intent on their behalf pursuant to Section 29-10(e)(2) of the City's Zoning Ordinances. This revised Statement of Intent supersedes all previous Statements of Intent submitted for the Development.

The required Statement of Intent is as follows:

1. The uses proposed for the site include:
  - On Lot 1, multiple-family residential dwellings, sales and leasing office, and community center; and
  - On Lots 2-11, single family residential dwellings.
2. The type of dwelling units shall be:
  - On Lot 1, multiple-family 1 and 2 bedroom dwelling units; and

-On Lots 2-11, single-family detached dwelling units;

3. The maximum number of dwelling units shall be 394 units and maximum density shall be 10 units per acre (PUD-10) and is calculated as follows:

Total area:	42.98 acres
Less right-of-way:	(3.18 acres)
Net area:	39.80 acres

$394 \text{ units} / 39.80 \text{ acres} = 9.9 \text{ units/acre.}$

4. The maximum building height proposed for the Development is 45 feet measured from the lowest adjacent grade of each building.

5. The total number of vehicle parking spaces proposed for the multiple-family dwelling portion of the Development is 649 (280 enclosed garage spaces and 369 regular, unenclosed parking spaces) for a parking ratio of 1.7 spaces per dwelling unit. The total number of parking spaces proposed for the single-family dwelling portion is 40 parking spaces (10 units, each with a two-car garage and two unenclosed driveway spaces) for a ratio of 4.0 spaces per dwelling unit.

6. The minimum percentage of the site to be maintained in open space shall be a total of 45%. Of such total, 55% shall be in landscaping and 45% in existing vegetation.

7. Proposed amenities may include a clubhouse/community building, pool, pedestrian walking trails, basketball courts, volleyball courts, fire pits and gazebos. Such amenities shall be located on Lot 1 only.

8. The PUD Plan is generally described as a plan containing multiple-family 1 and 2 bedroom dwelling units to be located south of Cinnamon Hill as shown on the PUD Plan and ten (10) single-family detached dwelling units to be located north of Cinnamon Hill as shown on the PUD Plan. The single-family lots designated as lots 2-9 on the PUD Plan shall have a minimum lot size of 9,000 square feet. The single-family lots designated as lots 10 and 11 on the PUD Plan shall have a minimum lot size of 13,500 square feet. There shall be a 25 ft perimeter setback around the entire development. There shall be a 25 ft setback adjacent to all street rights-of-way, with the exception of side-yards in the single-family portion of the Development which are adjacent to street right-of-way which shall have a 15 ft setback. Side yard setback on lots 2 through 11 shall be 6 feet (consistent with City R-1 zoning) with the exception of the exterior street side of Lot 2, which shall have a 15 ft side yard setback.

9. Applicant shall cause the area identified in the PUD Plan as the Greenspace Conservation Easement area, to be subjected to a greenspace conservation easement, as generally defined in Section 25-3 of the City of Columbia's Code of Ordinances, which prohibits development on such lots, except for grading as necessary to construct the improvements shown

in the PUD Plan, and such easement shall run in favor of the City of Columbia. The balance of the area contained in Lots C1, C2 and C3 shall be left as open space and may only contain those features identified on the PUD plan, such as bioretention areas, and may only be graded to the extent necessary to construct the improvements shown in the PUD Plan. All duties and obligations of Applicant, as described in this paragraph, are contingent and conditioned upon the City Council adopting an ordinance granting the requested rezoning for the Development and approving the PUD Plan submitted for the Development.

10. The Development may include entryway signs as shown on the PUD Plan for the Development.

11. The appearance of buildings which contain dwelling units shall generally comport with the architectural rendering attached hereto as **Exhibit 1** and incorporated herein by reference. The multifamily dwelling units located on Lot 1 shall have exterior finishes consisting of brick or stone for at least seventy percent (70%) of the exterior finish. Notwithstanding the foregoing, Applicant reserves the right to make some changes to the exterior finishes which do not substantially alter the overall appearance of such buildings. For example, the location of windows, the precise type and color of stone to be used and the window grills may vary. Applicant's intention with respect to this paragraph is to provide a general depiction of the exterior appearance of buildings which will contain dwelling units without limiting Applicant's ability to make minor changes and adjustments. The restrictions in this paragraph shall not apply to the clubhouse shown in the PUD Plan. The restrictions in this paragraph shall only apply to buildings containing dwelling units on Lot 1 and shall not apply to Lots 2 through 9.

Thank you in advance for your attention to this request. Please do not hesitate to contact us if you have any questions.

Sincerely,

**Ben Kelly and Pat Kelly**

By: 

B. Daniel Simon, Mo. Bar No. 20248

R. Caleb Colbert, Mo. Bar No. 62806

BROWN WILLBRAND, PC

601 E. Broadway, Suite 203

P.O. Box 1304

Columbia, MO 65205-1304

Phone: (573) 442-3181 Fax: (573) 874-3796

e-mail: [bdsimon@brownwillbrand.com](mailto:bdsimon@brownwillbrand.com)

[ccolbert@brownwillbrand.com](mailto:ccolbert@brownwillbrand.com)

*Attorney for Applicant*





ELEVATION

"EXHIBIT 1"

AUGUST 2016

KELLY FARMS  
Columbia, Missouri

Wallace  
ARCHITECTS LLC  
COLUMBIA, MISSOURI