

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 111-06

AN ORDINANCE

approving the Oakland Park Estates PUD Development Plan;
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 approves the Oakland Park Estates PUD Development Plan, dated February 20, 2006, located on the west side of Oakland Gravel Road, south of Edris Drive. This PUD Development Plan replaces the PUD site plan of Bear Creek, dated May 12, 2004, which was authorized by Ordinance No. 018112 passed on June 21, 2004. The revised statement of intent submitted by applicant, marked "Exhibit A" is attached to and made a part of this ordinance and replaces the statement of intent attached to Ordinance No. 18112 passed on June 21, 2004.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2006.

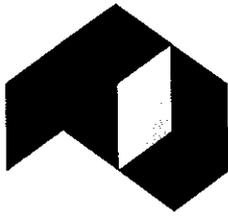
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



A CIVIL GROUP
CIVIL ENGINEERING • PLANNING • SURVEYING

January 27, 2006

Statement of Intent, Oakland Park Estates PUD

P.U.D – 3

a.) The types of dwelling units proposed and any accessory buildings proposed.

Single family homes are proposed and all accessory uses allowed in R-2 zoning shall be allowed.

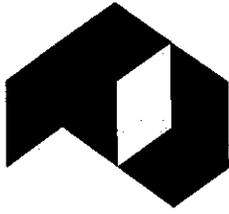
All homes shall have a minimum of a two-car garage.

b.) The maximum number of dwelling units proposed and the development density.

There are 4.95 acres of land in this tract. Of this 4.95 acres, 0.84 acres is a street easement for the roadway serving the development. Eleven units are proposed and the "PUD defined" density is 2.68 units per acre. The density as commonly defined would be 2.22 units per acre.

c.) The maximum building height proposed

The maximum building height is 38 feet.



A CIVIL GROUP
CIVIL ENGINEERING • PLANNING • SURVEYING

d.) The total number of parking spaces proposed and the parking ratio

The parking spaces proposed will follow the city's requirements for single family dwellings and each unit will have a two car garage as stated above.

e.) The minimum percentage of the entire site to be maintained in open space, such as landscaping or natural vegetation.

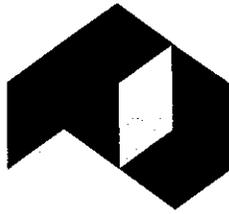
The minimum percentage of open space will be 40%.

f.) Any amenities proposed, such as swimming pools, golf courses, and tennis courts, hiking trails or clubhouses.

There are three common areas within the subdivision, all within the PUD, including one that runs the entire east-west width of the subdivision along the creek. These common areas provide access to the adjacent Albert Oakland Park to the North. These common areas will be transferred to the Home Owner's Association for maintenance and landscaping.

g.) A general description of the plan including minimum lot sizes, if applicable, minimum building setbacks from streets and minimum setbacks between buildings.

20-foot front, 18-foot rear and 5-foot side yards will be the minimum setbacks allowed except where the perimeter setback requires 25 feet.



A CIVIL GROUP

CIVIL ENGINEERING • PLANNING • SURVEYING

The buildings on Lots 206-211 of Oakland Park Estates Plat 2, as recorded in Plat Book 38, Page 83 of the Boone County Records were constructed and found to be less than the required 5-foot side yard. Therefore we are requesting the following side yard setbacks for these lots:

Lot 211:

**Northwest corner to property line: 3.52 feet
Northeast corner to property line: 6.00 feet
Southeast corner to property line: 5.69 feet
Southwest corner to property line: 4.04 feet**

Lot 210:

**Northwest corner to property line: 5.78 feet
Northeast corner to property line: 4.09 feet
Southeast corner to property line: 4.50 feet
Southwest corner to property line: 5.16 feet**

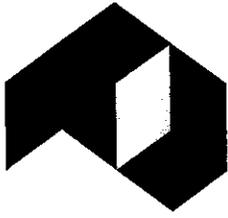
Lot 209:

**Northwest corner to property line: 4.96 feet
Northeast corner to property line: 4.59 feet
Southeast corner to property line: 4.80 feet
Southwest corner to property line: 4.93 feet**

Lot 208:

**Northwest corner to property line: 4.29 feet
Northeast corner to property line: 5.77 feet
Southeast corner to property line: 4.44 feet
Southwest corner to property line: 5.10 feet**

Lot 207:



A CIVIL GROUP

CIVIL ENGINEERING • PLANNING • SURVEYING

Northwest corner to property line: 4.92 feet
Northeast corner to property line: 4.79 feet
Southeast corner to property line: 5.27 feet
Southwest corner to property line: 4.31 feet

Lot 206:

Northwest corner to property line: 5.05 feet
Northeast corner to property line: 10.18 feet
Southeast corner to property line: 10.65 feet
Southwest corner to property line: 4.34 feet

In the event the buildings on lots 206-211 become damaged or destroyed to below 50% of their value the building must be reconstructed within the minimum 5-foot side yard setback.

Source

Timothy Teddy

TO: City Council
FROM: City Manager and Staff
DATE: March 8, 2006



RE: A request by P & S Development Group, LLC to amend the planned unit development plan and "statement of intent" for "Oakland Park Estates" PUD. The subject property, which is approximately 4.95 acres in size, is located on the west side of Oakland Gravel Road, south of Edris Drive. The amendment would allow for the required building side yards for the westernmost six dwelling units to be reduced. The existing development plan and statement of intent require side yards to be a minimum of five feet. The proposed side yards would be between 3.52 and 10.65 feet. (Case 5-PUD-06)



Fiscal Impact

YES

~~NO~~


Other Info.

EXECUTIVE SUMMARY

The proposed revision to the PUD would correct a minor construction error and bring the development into conformance with City Zoning Regulations. When constructed, some of the westernmost buildings on this PUD zoned site were placed closer to side lot lines than the five-foot minimum required by the PUD regulations. This PUD plan revision and revised statement of intent would fix the problem. The only other recourse would be to require that the buildings be relocated, which would be a substantial expense with very little to gain.

At its meeting of March 9, 2006, the Planning and Zoning Commission voted unanimously (8-0) to recommend approval of the proposed revised PUD development plan. No one from the public spoke in opposition, although one neighboring property owner had questions about the PUD.

A staff report, locator map, a reduced copy of the plan 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 the proposed revised PUD development plan.

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
MARCH 9, 2006**

ITEM NO. 5-PUD-06

NAME OF DEVELOPMENT

Oakland Park Estates revised PUD development plan and statement of intent

BACKGROUND

The subject PUD development plan was approved by the Council along with rezoning from R-1 to PUD-3 in June 2004. At that time, the PUD was called "Bear Creek." Subsequent to the Council's approval, the property was subdivided and all 11 of the single-family detached dwellings were built.

The approved PUD and the statement of intent require a 5-foot minimum side yard for all buildings. When the foundations for the dwellings were poured, a foundation inspection was performed by City Building Inspectors. The foundations were all found to exceed the five-foot minimum side yard requirement. When the actual dwellings were constructed, however, the structures extended beyond the foundations enough to encroach into the required 5-foot minimum side yards. Consequently, the side yards now range between 3.52 and 10.65 feet. Since this is a violation of the PUD development plan and the statement of intent, the only way to resolve the problem, short of building demolition, is to amend the PUD development plan. It should be noted that the building side yard setbacks do not violate the Building Code, which allows a side yard as narrow as three feet.

DISCUSSION

A revised PUD Development plan and statement of intent have now been submitted for a public hearing. The plan and statement of intent reflect the building setbacks as they exist in the field. Although a construction error was made, the resultant side yard setbacks do not have any discernable effect on the appearance or livability of the development. In addition, the narrowest setback (3.52 feet) is on the west side of the westernmost lot, which abuts a large common area.

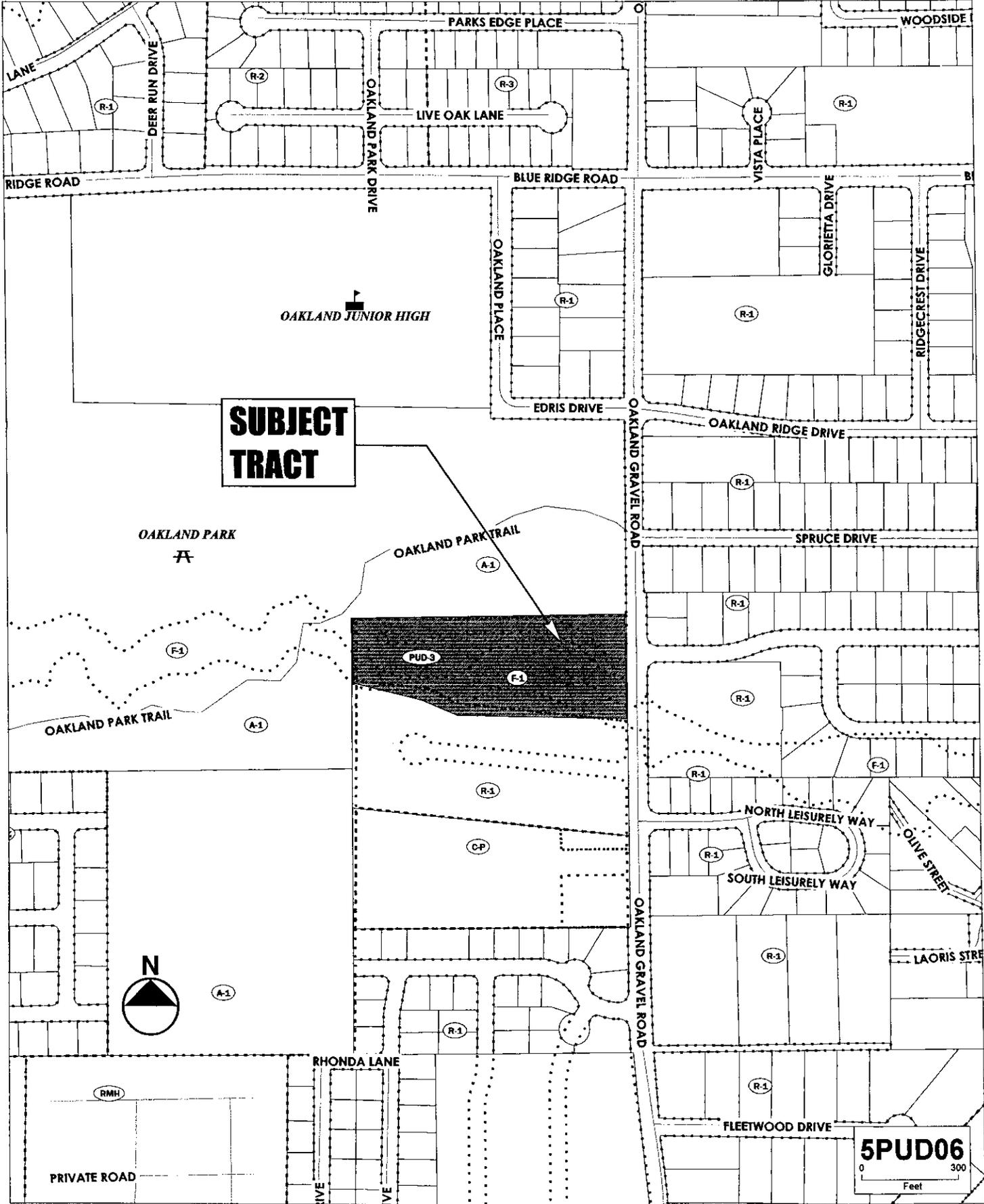
Staff is of the opinion that the most reasonable solution to this problem is to approve the revised PUD development plan and revised statement of intent.

STAFF RECOMMENDATION

Approval of the revised PUD site plan

Report prepared by CAB

Approved by [Signature]

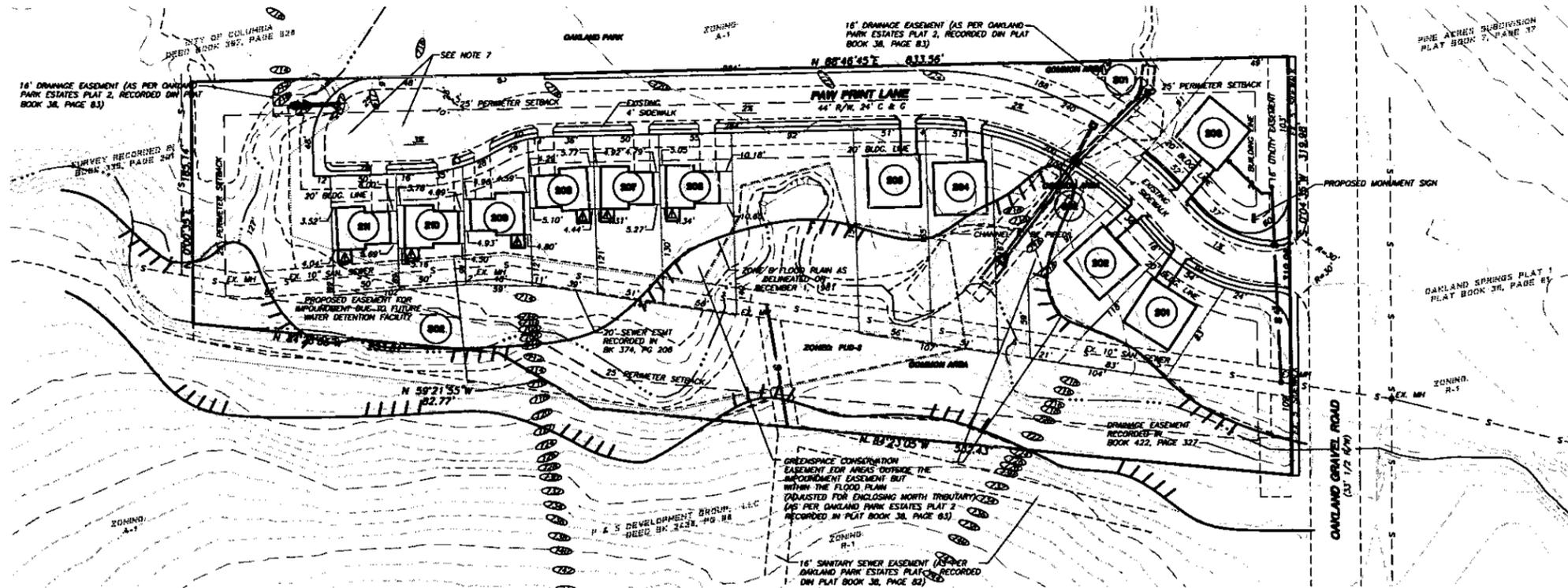
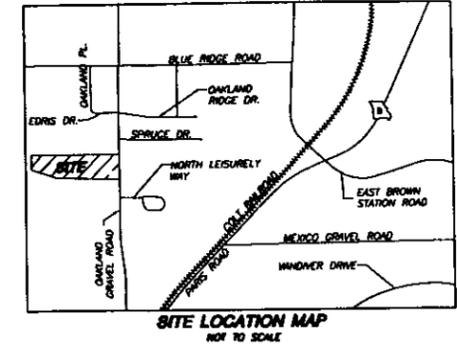


OAKLAND PARK ESTATES

P.U.D. PLAN

DATE: JANUARY 27, 2006

DATE	REVISION	BY
JAN 27, 2006	01	DAVE



GENERAL NOTES

- ELECTRIC, TELEPHONE, GAS AND WATER LINES WILL BE ADJACENT TO ALL LOTS.
- THERE WILL BE A MINIMUM 10' UTILITY EASEMENT ALONG THE STREET FRONTAGE OF ALL LOTS.
- THERE WILL BE A 16' WIDE EASEMENT DEDICATED FOR ALL SANITARY SEWER AND STORM SEWER LINES.
- NO DRIVEWAY ACCESS SHALL BE ALLOWED ON OAKLAND GRAVEL ROAD.
- COMMON AREA LOTS 301-302 ARE TO BE TRANSFERRED TO THE HOME OWNER'S ASSOCIATION FOR MAINTENANCE OF THE LANDSCAPING AND ENTRANCE MONUMENT.
- COMMON AREA 301 IS ALSO A PEDESTRIAN ACCESS EASEMENT FOR OAKLAND PARK ACCESS.
- TREE PRESERVATION IN EXCESS OF 25% FOR THE OVERALL PUD/PRELIMINARY PLAT AREA ADDRESSED BY SEPARATE DOCUMENT.

PUD NOTES

- THE TOTAL AREA OF THIS TRACT IS 4.85 ACRES; THE AREA OF THIS TRACT WITHOUT THE PROPOSED RIGHT-OF-WAY IS 4.11 ACRES.
- THE NUMBER OF PROPOSED UNITS ON THIS TRACT IS 11.
- THE COMMON DENSITY= 11 / 4.85 = 2.22 UNITS/ACRE.
- THE PUD DENSITY= 11 / 4.11 = 2.68 UNITS/ACRE OR PUD-3.
- THE MAXIMUM HEIGHT OF ALL BUILDINGS SHALL BE 36'.
- THE MINIMUM OF 40% OF OPEN SPACE/LANDSCAPING SHALL BE MAINTAINED FOR THIS SITE PLAN AS PER PUD STATEMENT OF INTENT.
- THIS AREA IS RESERVED FOR TURN-AROUND USE ONLY, AND PARKING IS NOT ALLOWED.
- PARKING WILL BE ALLOWED ON THE NORTH SIDE OF PINE PRINT LANE.
- THE FLOOD PLAIN LINE HAS BEEN APPROXIMATED BY THE LINE SHOWN FOR PURPOSES OF ESTABLISHING THE EASEMENTS REFERENCED.

RECEIVED
FEB 22 2006
PLANNING DEPT.

LEGEND

- 12 — PROPOSED STREET GRADE
- 12 — PROPOSED STORM
- 8 — PROPOSED SANITARY SEWER
- S — EXISTING SANITARY SEWER
- X — FENCE
- U — UTILITY POLE
- W — WELLS
- M — MANHOLE
- C.O. — CLEAN OUT
- 700 — EXISTING CONTOUR
- TTTT — FLOOD PLAIN LINE

SIGN DATA

ONE POSSIBLE MONUMENT-TYPE SUBDIVISION SIGN IS PROPOSED AT THE ENTRANCE OF THE SUBDIVISION.

MAX. HEIGHT= 4'; MAX. AREA= 16 SQ. FT., AND SHALL BE LOCATED A MIN. 10' SETBACK FROM THE PROPERTY LINE.

PARKING DATA

REQUIRED:

SINGLE FAMILY: 2 SPACES PER UNIT

ENVELOPED:

ALL SINGLE FAMILY UNITS TO HAVE A TWO-CAR GARAGE AND TWO SPACES IN DRIVEWAY FOR FOUR SPACES PER UNIT.

FLOOD PLAIN STATEMENT

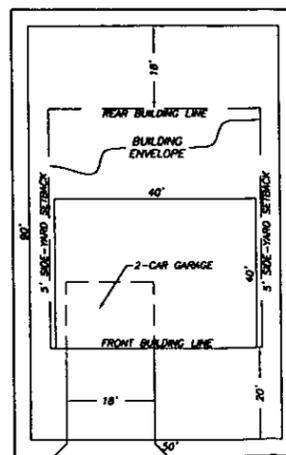
THIS SITE IS LOCATED IN THE FLOOD PLAIN AS INDICATED ON THE PLAN.

SITE DATA

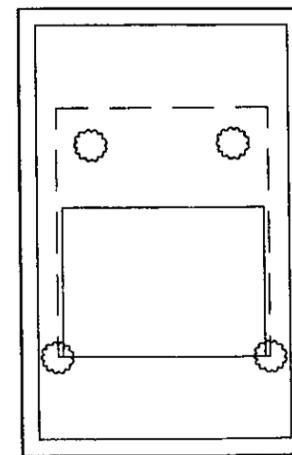
PERMANENT ZONING: PUD-3
ACRAGE: 4.85 ACRES
LOCATION: 3E QUARTER, SECTION 31,
TOWNSHIP 49 NORTH, RANGE 12 WEST

OWNER / DEVELOPER

P & S DEVELOPMENT GROUP, LLC
C/O BRANSON PLACE
800 STEPHENS STATION ROAD
COLUMBIA, MO 65201
(314) 874-3279



TYPICAL LOTS



TYPICAL LANDSCAPING

(SEE NOTE 6 FOR MINIMUM PERCENTAGE OF LANDSCAPING)

UTILITIES

WATER

CITY OF COLUMBIA
P.O. BOX 11
WATER & LIGHT DEPARTMENT
COLUMBIA, MISSOURI 65205
CONTACT: DONNE SCHOLSHEN
(573)874-7532

NATURAL GAS

MEDACOM
P.O. BOX 11
COLUMBIA, MISSOURI 65205
CONTACT: GARY WHISLER
(573)876-3030

TELEPHONE

CENTURYTEL
625 E. CHERRY
COLUMBIA, MISSOURI 65203
CONTACT: DON WILSON
(573)886-3500

CABLE TV

MEDACOM
801 NORTH COLLEGE AVENUE
COLUMBIA, MISSOURI 65201
CONTACT: JIMMY RAYTON
(573)443-1535

ELECTRICITY

CITY OF COLUMBIA
P.O. BOX 6015
WATER & LIGHT DEPT.
COLUMBIA, MISSOURI 65205
CONTACT: JIM TROYER
(573)874-7321

SANITARY SEWER

CITY OF COLUMBIA
P.O. BOX 11
PUBLIC WORKS DEPARTMENT
COLUMBIA, MISSOURI 65205
CONTACT: GAYE BARNELL
(573)874-7250

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING COMMISSION THIS DAY OF 2006.

APPROVED BY THE CITY OF COLUMBIA CITY COUNCIL THIS DAY OF 2006.

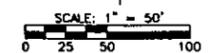
JERRY WADE, CHAIRPERSON
DARWIN A. HINDMAN, MAYOR
SHEILA AMM, CITY CLERK

PREPARED BY

A CIVIL GROUP
CIVIL ENGINEERING, PLANNING, SURVEYING,
100 FAY STREET
COLUMBIA, MO 65201
PHONE: (573)871-5754 FAX: (573)871-4071

JAY DEBARDEN 1-25052

DATE



SMITH LEWIS, LLP
ATTORNEYS AT LAW

P.O. BOX 918
COLUMBIA, MISSOURI 65205-0918

• • •
CITY CENTRE
111 SOUTH NINTH STREET, SUITE 200
COLUMBIA, MISSOURI 65201-4891
(573) 443-3141 • Fax (573) 442-6686

PHEBE LA MAR
DAVID M. KURTZ
SARAH E. GIBONEY
AMANDA ALLEN MILLER

NURSE CONSULTANT
ANNETTE THORNHILL, RN, PhD

PARALEGAL
SANDRA L. BRASE
VICKI R. SCHUMACHER

BRUCE H. BECKETT
WILLIAM JAY POWELL
JOHN L. ROARK
COLLY J. DURLEY
JAMES B. LOWERY
MICHAEL R. TRIPP

OF COUNSEL
ROBERT C. SMITH

RAYMOND C. LEWIS, JR. (1926-2004)

January 27, 2006

Via Hand Delivery

Mr. Tim Teddy
Director, Department of Planning and Zoning
City of Columbia
Columbia, MO 65201

Re: Oakland Park Estates Plat 2

Dear Mr. Teddy:

Based on our discussions with you and the City's Legal Department, we are submitting on behalf of the developer the enclosed amended Statement of Intent and PUD Plan for Oakland Park Estates Plat 2 for approval by the Planning and Zoning Commission and the City Council.

As you will recall, due to construction errors, six of the residences constructed within the subdivision encroach upon the internal side yard building setbacks to varying degrees. The original Statement of Intent contemplated five-foot internal side yard setbacks. The amended Statement of Intent and PUD Plan being filed herewith reflect the as-built side yard setbacks on the six lots in question.

It is our understanding that the distances between the residences are still sufficient to avoid building code requirements for firewalls and that the as-built locations of the residences do not interfere with drainage in the subdivision. All other zoning requirements have been satisfied.

The encroachments were the result of an unintended oversight during the construction process, the result of which is to make the properties in question unmarketable at the present time. By approving the amended Statement of Intent and PUD Plan, the Planning and Zoning Commission and the City Council will be exercising the authority those bodies already possess under the PUD section of the Zoning Ordinance to vary the setback requirements within a PUD zoning district. If the amendments are not approved, then the developer faces the extremely costly prospect of having to remove portions of six different newly-constructed residences.

Mr. Tim Teddy
January 27, 2006
Page 2

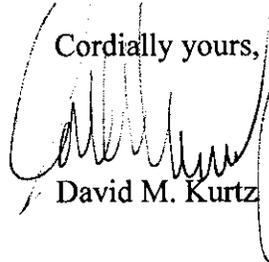
Enclosed are the following:

1. Amended Statement of Intent;
2. Filing fee of \$109 for publication of notice;
3. A list of the property owners within the vicinity of the subject properties; and
4. Twelve full-size copies of the amended PUD Plan.

It is my understanding that this matter will be taken up by the Planning and Zoning Commission at its March 6, 2006 meeting. If that is incorrect, please so advise.

If you or your staff need any additional information or have any questions, please feel free to contact me directly. Thank you for your assistance with this matter.

Cordially yours,

A handwritten signature in black ink, appearing to read "David M. Kurtz", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David M. Kurtz

smk
Enclosures



CITY OF COLUMBIA, MISSOURI

PUBLIC WORKS DEPARTMENT

January 23, 2006

Brandon Pace Construction
6600 Stephens Station Rd.
Columbia, MO. 65202

Re: Lots 201, 202 and 204 thru 211 of Oakland Park Estates

Dear Brandon,

Buildings under construction on the referenced lots have been measured by Protective Inspection staff and noted to be larger than that indicated on the submitted permit application site plan. It was also revealed that some of the buildings are encroaching into the required side yard. Separation distance between buildings is less than that required by the sum of the side yard requirement.

Before a C.O. can be issued for these lots you will need to provide an on site survey showing the actual location of the buildings on the lots, their dimensions and distance from property lines.

Where it is found that a side or rear yard encroachment occurs you will need to apply for and be granted a variance for each lot for the specific amount of encroachment determined.

Where it is found that the buildings are larger than that applied for and permitted, you will need to have the permits altered and pay the additional fees for any increase in building area.

If additional information is needed I may be reached at (573) 874-7258

Sincerely,

PROTECTIVE INSPECTION DIVISION (573) 874-7474

Jim Paneck
Chief Building Inspector

cc: John Sudduth, Building Regulations Supervisor
Timothy Teddy, Director of Planning & Development

RECEIVED
JAN 31 2006
PLANNING DEPT.



LOT 210

LOT 211



LOT 209

LOT 210



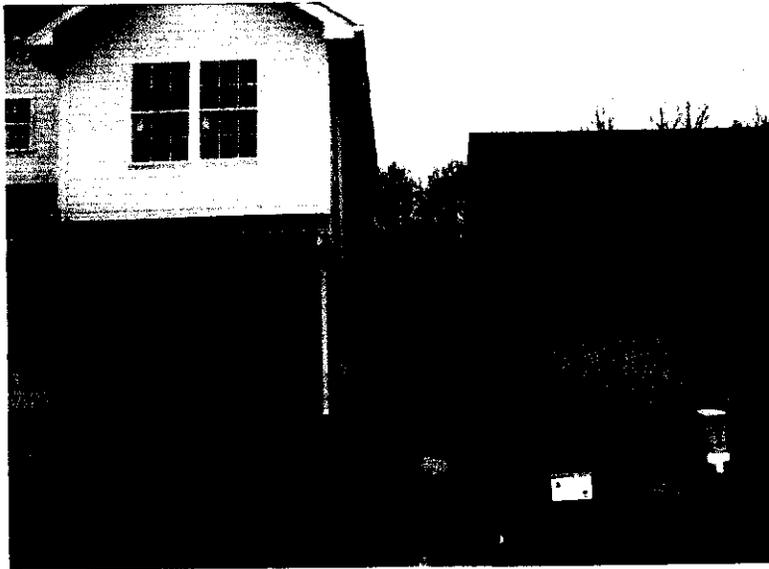
LOT 208

LOT 209



LOT 207

LOT 208



LOT 206

LOT 207

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
March 9, 2006

5-PUD-06 A request by P & S Development Group, L.L.C., to amend the planned-unit-development plan and statement of intent for "Oakland Park Estates" PUD. The subject property, which is approximately 4.95 acres in size, is located on the west side of Oakland Gravel Road, south of Edris Drive.

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

Staff report was given by Mr. Charles Bondra of the Planning and Development Department. Staff recommends approval of the revised PUD site plan.

MR. WADE: Are there any questions of staff?

PUBLIC HEARING OPENED

MR. WADE: Anyone wishing to speak in support of this proposal, please come forward.

MR. KURTZ: My name is David Kurtz; I'm an attorney at 111 South Ninth Street, Suite 200, in Columbia. I represent the applicant tonight. I'm passing out to you photographs of some of the lots in question. You can see the stage of construction that we're at, and you can get a better sense of the distance here. Just to emphasize a couple of points that Mr. Bondra made in his staff report, this was an inadvertent oversight done in good faith. There wasn't -- there is no advantage to the developer here in having these closer together. It doesn't give him any other extra space on additional lots elsewhere. There wasn't any application in the first phase of this for closer setbacks, and that was denied and then he went ahead and did it anyway. So, I can see in certain situations where you might be reluctant to approve as-built setbacks, but I think this is one where, you know, a mistake happened. The only other option, as Mr. Bondra indicated, is to require demolition and reconstruction of these buildings, which would be an extreme cost and not a very workable solution. So, we would ask that you approve the amendment to the plan. It certainly -- there was no stated setback requirement at the time this was initially approved. Mr. Bondra is correct that there is now a 5-yard setback, but that can be amended by P & Z and the Council as they see fit, and I know you have approved PUDs with lesser setbacks than 5 yards. So, we'd be happy to answer your questions. The principal for the applicant is here tonight, as well as their engineer.

MR. WADE: Any questions of this speaker? Mr. Daugherty?

MR. DAUGHERTY: Is the setback in question, is this the roofline that is too close together, or is it the base of the --

MR. KURTZ: Well, I think we've kind of had some misunderstanding about it. Initially, building

inspection said that it was the footings that were out of whack, and is that not your understanding?

MR. BONDRA: No. The footings were okay.

MR. KURTZ: Okay.

MR. BONDRA: But when the actual structures were placed on the footings, some part of the structure, and I'm not sure which part, extended into the side yard.

MR. DAUGHERTY: It looks like the roof overhang would obviously be closer together, but I didn't know --

MR. KURTZ: Yes. I think there's a six --

MR. DAUGHERTY: I wondered if the walls were closer together than they should be, or if it's just the roof overhang.

MR. BONDRA: Well, when I talked to Jim Paneck in Protective Inspection, he didn't mention the roof. He said the buildings, the actual building structure, so it might have been the wall, but I don't know the specifics on that.

MR. GEBHARDT: My name is Jay Gebhardt, civil engineer, 1010 Fay Street. Mr. Daugherty, it's -- the setbacks refer to the building walls themselves. They don't apply to the overhang.

MR. DAUGHERTY: Well, that's what I thought, but I --

MR. GEBHARDT: And this is what we've measured as the building walls.

MR. DAUGHERTY: Yes. Okay.

MR. WADE: Any further questions? Mr. Holden?

MR. HOLDEN: You mentioned two possible solutions of either getting this approved tonight or facing the possibility of perhaps having to demolish and reconstruct these homes. Is there a -- I mean, it's my understanding that the side-yard setbacks are simply for fire rating. Is there a way to protect these homes if one catches on fire, to prevent the other one next door from catching on fire? So, is there a -- could there be some sort of fire barrier, you know, take off the siding on one side of the house, put on some sort of protective fire barrier, put the siding back on and be able to have that fire rating between the two properties -- and I'm just asking.

MR. KURTZ: Sure. And that's something that we actually discussed with the City, and Mr. Bondra can confirm this for me. But I believe that the minimum setback in which you would need a firewall between the two buildings is 3 feet; is that correct, Mr. Bondra?

MR. BONDRA: Yes, that's correct. This wouldn't -- (inaudible) -- violation.

MR. KURTZ: And so, we don't -- we have, I think, 6 feet is the -- or plus is the minimum distance here.

MR. HOLDEN: So, you're within that?

MR. KURTZ: Yes. We're outside of that.

MR. HOLDEN: You're outside of the required amount to have that?

MR. KURTZ: Correct.

MR. HOLDEN: Okay. All right. Thank you.

MR. WADE: Further questions? Thank you.

MR. KURTZ: Thank you.

MR. WADE: Anyone else wishing to speak in support of this proposal?

MR. GERZEN: Can I speak if I'm neutral?

MR. WADE: You can speak if you're neutral.

MR. GERZEN: Thank you. My name is John Gerzen; I live at 2514 Oak Meadows Drive, which is more or less across the street from this subdivision. And I have several questions, and, now, some of you probably think they're not very good questions. But I talked to Scott Hanson and he was very, very helpful. He was very helpful and I appreciated him. I never met him, so I don't know if he's here or not. Is that him?

MR. HANSON: Yes.

MR. GERZEN: Thank you, again. Okay. One of the questions I have is what ever happened to R-1? You see, I've only lived here -- I moved here from Illinois when some insurance company moved here, so R-1 is no longer here? Everything around me, according to some of these pages that he sent to me, are all R-1. Now, here we come to PUD; right? PUD-3. I don't know really -- I understand that the PUD goes from 1 to 30; is that right? They're all different ones? You and I agree, Jerry. Jerry Wade -- Mr. Wade. I'm sorry. Okay. My problems -- the questions I have, one of the primary ones is: I measured the distance between the street, gutter to gutter, is 23 feet and a quarter inch. Now, where are you going to park? One side of the street is all you're going to be able to park. What are you going to do if a fire engine needs to get down to the other end or an ambulance? The police can get down there easily enough. But it is -- I measured it -- 23 feet and one inch -- and a quarter inch. So, what is the street requirement in the City of Columbia for a residential street?

MR. CADY: It's a PUD.

MR. WADE: Mr. Daugherty?

MR. DAUGHERTY: This is a planned-unit development where the street -- in this case, the street is probably not owned by the City, it's owned by the development itself, isn't it, Mr. Bondra?

MR. BONDRA: I think this is a public street, Mr. Daugherty, but it was built under the new standards which allows --

MR. DAUGHERTY: Yes. And it's back-to-back of the curb.

MR. BONDRA: And it should be 24 feet. I don't know -- (inaudible.)

MR. GERZEN: Inside to inside, I measured it, and it's 23 and a quarter -- 23 feet and one-fourth

inch. That's the biggest distance I could find, so it's 23 feet.

MR. BONDRA: I think it should have been an access street, which allows a 24-foot pavement. I don't know why it's less than 24 feet.

MR. WADE: Gentlemen, this is not a conversation that addresses the issue before us. I know that he has these questions, and I appreciate your interest. But it's not a part of the issue that we're addressing here.

MR. GERZEN: Okay. Fine. Well, I just wanted to make you aware of it, and aware that they would -- you'll probably have parking on one side only. And if so, someone will have to put signs up, you know, parking one side only.

MR. WADE: Yes. It's a City street, so --

MR. GERZEN: But that is an issue, the safety issue for the people.

MR. WADE: And that's an issue you need to raise with the --

MR. GERZEN: Yeah. I'm not for it or against it, just information.

MR. WADE: The issue on the parking and the parking signs, you need to raise with Public Works.

MR. GERZEN: Okay. I'll wait until -- I need to wait until this is approved for -- I suppose they have to have a residency permit; right? And at that time, I can talk to them about signs?

MR. WADE: You can talk to them any time. The development is getting close.

MR. GERZEN: Okay. Thank you for your help, gentlemen.

MR. WADE: Okay. Thank you.

MR. BONDRA: Mr. Chairman?

MR. WADE: Yes.

MR. BONDRA: I could address a couple of the gentleman's questions just real briefly. The property was rezoned from R-1 to PUD-3 in 2004 -- in June of 2004, only two years ago. And the residential access street does allow parking on one side.

MR. GERZEN: Thank you.

MR. WADE: Anyone else wishing to speak in support or neutrally or in opposition to this proposal?

PUBLIC HEARING CLOSED

MR. WADE: Mr. Holden?

MR. HOLDEN: Well, I'm very encouraged that the safety of residents here are not going to be -- you know, I know the fire rating between those walls, between the properties is -- you know, it may sound trivial, but I think it's of paramount importance. And, you know, this is the kind of development that we need to see more of in Columbia, you know. Some developers call these patio homes, some people call them workforce housing, some people call them, you know, those kind of things. But smaller homes on smaller lots are what is going to keep housing affordable in Columbia, and I'm very happy to support this

and I would like to make a motion to recommend approval to the City Council.

MR. WHEELER: Second.

MR. WADE: It's been moved and seconded that we recommend approval to the City Council.

Discussion on the motion? Mr. Barrow?

MR. BARROW: Well, I like affordable housing and close-together houses, but I don't think I'm very happy that -- it seems like a mistake has been made, and, you know, it's a honest mistake, apparently. And so, this is probably the easiest way to correct the mistake. But I'm not happy to be forwarding on a correction to a mistake. I think I voted against this when it first came before us because I just thought they were pigeon-holing this neighborhood right into a creek, basically, and I thought it was really a poor location. I'm not against this style of housing, it was more the location. And -- but I think I'm going to support it. I think it was a honest mistake, but I would hate to have a bunch of developments come back to us and saying, "Oh, well, you know, we" --

MR. CADY: "We made a mistake, too."

MR. BARROW: Yeah. "We made a mistake, so let us get away with it."

MR. WADE: Mr. Wheeler?

MR. WHEELER: Well, I just want to make a couple of comments about this. I agree with Mr. Barrow about it seems like we're correcting a mistake. And the builder on this particular project is -- you know, he's pretty big. He knows what he's doing, and concrete crews make mistakes at times, and unfortunately we're faced with correcting it. But I would hope before we get 11 foundations in in the future that we would catch that and be looking at, you know, a two-lot problem as opposed to an eleven-lot problem.

MR. WADE: I agree it was an honest mistake. Perhaps -- and this is about as painless a way to correct a mistake as you can find. Perhaps it's too bad that we can't have the developer fund a workshop on how to do layouts -- of construction layouts and do something useful for the foreman of the construction crews that clearly laid it out wrong. Mr. Daugherty?

MR. DAUGHERTY: It seems to me like there is also a problem with the inspection that was undertaken at the same time. I think everybody is a little bit responsible for this.

MR. WADE: Somehow we all know that roofs have overhangs.

MR. DAUGHERTY: Well, yeah. But it's not the roof overhang that's the problem here.

MR. WADE: Yes. Is there pertinent discussion on the motion? Roll call, please?

MR. LAMB: The motion has been made and seconded to recommend approval of Item 5-PUD-06, a request by P & S Development Group, L.L.C., to amend the planned-unit development plan and statement of intent for "Oakland Park Estates" PUD. The subject property, which is approximately 4.95 acres in size, is located on the west side of Oakland Gravel Road south of Edris Drive.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Barrow, Mr. Cady, Mr. Daugherty, Mr. Holden, Mr. Lamb, Mr. Rice, Mr. Wade, Mr. Wheeler. Motion carries 8-0.