

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 259-14

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: August 18, 2014

Re: Cotswold Villas at Bluff Creek Estates - development plan & rezoning requests (Case 14-127)

Documents Included With This Agenda Item

Council memo, Resolution/ordinance, exhibits to ordinance or resolution

Supporting documentation includes: Commission report (including locator maps, letter from applicant's agent, the development plan, and Statement of Intent), and meeting excerpts are attached

Executive Summary

A request by Lyon Crest Properties, LLC (owner) to rezone 8.67 acres of land from O-1 (Office District) to PUD-5.1 (a Planned Unit Development allowing up to 5.1 dwelling units per acre), and to approve a PUD development plan to be known as "Cotswold Villas at Bluff Creek Estates". The subject site is located east of the intersection of Bluff Creek Drive and Pebble Creek Court. (Case #14-127)

Discussion

The applicant proposes to rezone the subject site from O-1 (Office District) to PUD-5.1 (Planned Unit Development) and obtain approve a development plan to allow up to 44 single-family attached dwelling units. The rezoning request would "down-zone" the property by removing the option for office uses and restrict the site to only residential uses.

A variance from Section 25-54.1 of the Subdivision Regulations is proposed, which limits the development of one- and two-family residences to no more than 100 from a single point of public street access. There are 61 existing single-family homes and/or platted residential lots currently limited to a single point of access between the intersection of Bluff Creek Drive and Lacewood Drive and Grindstone Creek. Given the present situation, only 39 additional residences can be built before the 100-unit limit is reached. With the exception of the requested variance from Section 25-54.1, the proposed rezoning and development plan conform to City Zoning and Subdivision standards.

At its August 7, 2014 meeting, the Planning and Zoning Commission voted 7-0 to recommend approval of the requested PUD rezoning, and 4-3 in favor of approving the development plan, including the above-mentioned variance. Commission discussion centered on the potential merits associated with adding a second entrance from Bluff Creek Drive to the subject site in lieu of Bluff Creek Drive being extended northward to provide a second point of access to the larger area. Dissenting Commissioners expressed concerns about potential safety implications related to granting a variance to exceed the

City of Columbia

701 East Broadway, Columbia, Missouri 65201



threshold of 100 units relying on a single access. Supporting Commissioners suggested that the number of units being proposed would not significantly impact access-related safety risks. Members of the surrounding Bluff Creek Estates Neighborhood Association expressed support for the rezoning and PUD plan because it would accommodate owner-occupied units as opposed to rental units.

A copy of the Commission report (including locator maps, letter from applicant's agent, the development plan, and Statement of Intent), and meeting excerpts are attached.

Fiscal Impact

Short-Term Impact: No new capital spending is expected within the upcoming 2 years as a result of this proposal.

Long-Term Impact: The development/redevelopment of this site may increase demands upon the adjacent streets, sanitary sewers, storm sewers, water and electric supply lines. The costs associated with meeting these demands will be offset by increased property and/or sales tax revenues and user fees.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: N/A

Strategic Plan Impact: N/A

Comprehensive Plan Impact: N/A

Suggested Council Action

Approval of the PUD rezoning and development plan

Legislative History

N/A


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 259-14

AN ORDINANCE

rezoning property located east of the intersection of Bluff Creek Drive and Pebble Creek Court from District O-1 to District PUD-5.1; approving the statement of intent; repealing all conflicting ordinances or parts of ordinances; approving the PUD Plan of Cotswold Villas at Bluff Creek Estates; granting a variance from the Subdivision Regulations; 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 Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

LOT EIGHT HUNDRED ONE (801) OF BLUFF CREEK ESTATES PLAT EIGHT (8), A SUBDIVISION LOCATED IN THE CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, AS SHOWN BY THE PLAT THEREOF RECORDED IN PLAT BOOK 42, PAGE 16, RECORDS OF BOONE COUNTY, MISSOURI.

will be rezoned and become a part of District PUD-5.1 (Planned Unit Development) with a development density not exceeding 5.1 dwelling units per acre and taken away from District O-1 (Office District). Hereafter the property may be used for the permitted uses set forth in the statement of intent.

SECTION 2. The City Council hereby approves the terms and conditions contained in the statement of intent dated July 30, 2014, 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. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. The City Council hereby approves the PUD Plan of Cotswold Villas at Bluff Creek Estates, as certified and signed by the surveyor on July 30, 2014, for the property referenced in Section 1 above.

SECTION 5. Subdivider is granted a variance from the requirements of Section 25-54.1(a) of the Subdivision Regulations so that additional public street access shall not be required for the 8.67 acre site; provided, that no more than 44 dwelling units be built on the site.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2014.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



**City of Columbia
Planning Department**

701 E. Broadway, Columbia, MO
(573) 874-7239 planning@gocolumbiamo.com

Statement of Intent Worksheet

For office use:

Case #:	Submission Date:	Planner Assigned:
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Please provide the following information, which shall serve as the statement of intent for the proposed planned district zoning:

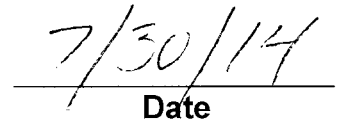
1. The uses proposed.
SINGLE-FAMILY ATTACHED DWELLINGS AND ACCESSORY USES
2. The maximum gross square feet of building floor area proposed. If **PUD** zoning is requested, indicate type(s) of dwelling units & accessory buildings, and maximum number of dwelling units & development density.
44 SINGLE-FAMILY ATTACHED DWELLINGS @ 5.1 UNITS PER ACRE
3. The maximum building height proposed.
35 FEET
4. The minimum percentage of the site to be maintained in open space, shown by the percent in landscaping and the percent left in existing vegetation.
15% MINIMUM LANDSCAPING WITH 0% LEFT IN EXISTING VEGETATION

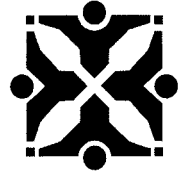
The following items only apply to PUD zoning requests:

5. The total number of parking spaces proposed and the parking ratio per dwelling unit.
88 MINIMUM PARKING SPACES @ 2 SPACES PER UNIT
6. Any amenities proposed, such as swimming pools, golf courses, tennis courts, hiking trails or club houses.
ALTHOUGH NOT KNOWN AT THIS TIME, A CLUBHOUSE AND POOL MAY BE CONSTRUCTED ON TWO LOTS IN THE FUTURE
7. A general description of the plan including minimum lot sizes, if applicable, minimum building setbacks from perimeter and interior streets, other property lines and minimum setbacks between buildings.
MINIMUM LOT AREA= 5,000 S.F., MINIMUM PERIMETER STREET SETBACK= 25 FEET, MINIMUM INTERIOR STREET SETBACK= 15 FEET, MINIMUM SIDE YARD SETBACK= 0 FEET

Note: At the discretion of the applicant, the statement of intent may include other aspects of the proposed development.


Signature of Applicant or Agent


Date



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Commission report (including locator maps, letter from applicant's agent, the development plan, and Statement of Intent), and meeting excerpts

AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 7, 2014

SUMMARY

A request by Lyon Crest Properties, LLC (owner) to rezone 8.67 acres of land from O-1 (Office District) to PUD-5.1 (a Planned Unit Development allowing up to 5.1 dwelling units per acre), and to approve a PUD development plan to be known as "Cotswold Villas at Bluff Creek Estates". The subject site is located east of the intersection of Bluff Creek Drive and Pebble Creek Court. (Case #14-127)

DISCUSSION

The applicant proposes to rezone the subject site from O-1 (Office District) to PUD-5.1 (Planned Unit Development) and approve a development plan to allow up to 44 single-family attached dwelling units.

The rezoning request would "down-zone" the property by removing the option for office uses and restricting the site to only residential uses. Surrounding zoning and development includes a mixture of single-family residential and offices. While it is unusual to see a pattern of alternating R-1 and O-1 parcels, these districts are not viewed as being incompatible with one another as offices are commonly used to buffer residential neighborhoods from more intensive commercial uses and major roadways; in this case, US 63.

The applicant is requesting a variance from Section 25-54.1 of the Subdivision Regulations, which limits the development of one- and two-family residences to no more than 100 from a single point of public street access. There are 61 existing single-family homes and/or platted residential lots currently limited to a single point of access between the intersection of Bluff Creek Drive and Lacewood Drive and Grindstone Creek. While Bluff Creek Drive will eventually be extended across Grindstone Creek to provide a second outlet to the north, this public project is not yet funded, and is shown as a 10+ year project on the City's Capital Improvement Program. Given the present situation, only 39 additional residences can be built before the 100-unit limit is reached. In the interest of public safety, staff is not supportive of exceeding this limit until Bluff Creek Drive is extended across Grindstone Creek to provide a second outlet.

With the exception of the requested variance from Section 25-54.1, the proposed rezoning and development plan conform to City Zoning and Subdivision standards.

RECOMMENDATION

- Approval of the proposed rezoning from O-1 to PUD-5.1, including the associated Statement of Intent
- Approval of the PUD development plan, subject to the condition that building permits shall not be issued for more than 39 dwelling units until Bluff Creek Drive is extended to provide a second public street connection.

ATTACHMENTS

- Locator aerial and topographic maps
- Letter from applicant's agent
- Development Plan
- Rezoning Statement of Intent

SITE HISTORY

Annexation Date	1969
Existing Zoning District(s)	O-1 (Office District)
Land Use Plan Designation	Employment District
Subdivision/Legal Lot Status	Legally platted as Bluff Creek Estates Plat 8, Lot 801

SITE CHARACTERISTICS

Area (acres)	8.67 acres
Topography	Relatively flat in the middle, with steep slopes around the edges
Vegetation/Landscaping	Mostly grass-covered with a few trees
Watershed/Drainage	Grindstone Creek
Existing structures	None

ACCESS

Bluff Creek Drive	West side of site
Major Roadway Plan	Residential Collector street (Improved & City-maintained)
CIP Projects	Bridge over Grindstone Creek is listed as a 10+ year project
Sidewalk/Bike/Ped	5-ft wide sidewalk needed.

PARKS & RECREATION

Neighborhood Parks	Waters-Moss Memorial Wildlife Area is 2,000 ft west of site
Trails Plan	Grindstone Creek Trail is pending construction to north of site

SURROUNDING LAND USES

Orientation from site	Zoning	Land Use
North	O-1 (Office District)	Undeveloped
South	O-1	Office building
East	US 63	Highway
West	R-1	Single-family homes

UTILITIES & SERVICES

All City services are available to the site.

PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on July 15, 2014.

Public Information Meeting Recap	Number of attendees: 4, including applicant Comments/concerns: None
Neighborhood Association(s) Notified	Bluff Creek Drive
Correspondence Received	None as of this writing

Report prepared by Steve MacIntyre; approved by Patrick Zenner



14-127: The Villas at Bluff Creek Estates Rezoning & PUD Plan



Hillshade Data: Boone County GIS Office
Parcel Data Source: Boone County Assessor
Imagery: Boone County Assessor's Office, Sanborn Map Company
Created by The City of Columbia - Community Development Department

0 140 280 560
Feet



14-127: The Villas at Bluff Creek Estates Rezoning & PUD Plan



Hillshade Data: Boone County GIS Office
 Parcel Data Source: Boone County Assessor
 Imagery: Boone County Assessor's Office, Sanborn Map Company
 Created by The City of Columbia - Community Development Department

0 140 280 560
 Feet



A CIVIL GROUP

CIVIL ENGINEERING • PLANNING • SURVEYING

July 31, 2014

Tim Teddy
Director of Community Development
City of Columbia
701 E. Broadway
Columbia, MO 65201

RE: Costwold Villas at Bluff Creek Estates – Rezoning and PUD Plan

Dear Mr. Teddy:

On behalf of Lyon Crest Properties, LLC, we are herewith submitting a rezoning request and PUD Plan for The Villas at Bluff Creek Estates. This rezoning/plan consists of 8.67 acre tract of land located on the east side of Bluff Creek Drive at it's northern terminus. The property is currently zoned O-1 with O-1 zoned property abutting the north and south sides of the tract, R-1 on the west side of Bluff Creek Drive, and U.S. Highway 63 abutting the south side. A City sanitary sewer main is available at the southwest corner of the tract, City water and electric mains/lines, CenturyLink Telephone lines, and Ameren gas mains are available on the east and west sides of the property.

The tract of land is currently platted as Lot 801 of Bluff Creek Estates Plat 8. The owners wish to develop it as a single-family attached (zero-lot line, separate lots) development served by new public streets. The opposite side yard setbacks will be 6 feet, the front setbacks 20 feet, and the rear 25 feet. There are a total of 44 lots currently shown but final platting may reduce this number. The proposed density is 5.1 units per acre.

We are also requesting a variance to the maximum number of lots having a single access (Section 25-54.1) due to Bluff Creek Drive currently terminating at the Grindstone Creek. There are currently 61 existing single-family lots (56 are developed) with an additional 15.1 acres of undeveloped R-1 ground (approximately 17 R-1 lots of similar size as Bluff Creek Estates) which use Bluff Creek Drive. If the 44 lots proposed in this development are constructed, there would be a total of 105 residential lots using Bluff Creek Drive as the single access. However, as this site was originally (and currently) zoned O-1 (with allowable R-3 use) and is currently a single platted lot, we could potentially construct 480 apartments (5.25 ac. of building area/17.42 units per acre). In fact, we had a R-3 site plan with 44 units (could have had more units) under review that was close to getting approval from City staff before Lyon Crest Properties purchased the land so that the property could be developed to allow single-family ownership instead of

3401 Broadway Business Park Court, Suite 105

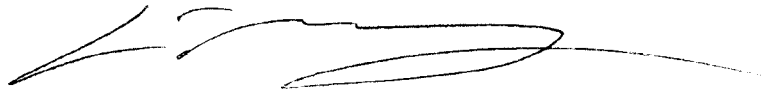
Columbia, Missouri 65203

PHONE: 573-817-5750 FAX: 573-817-1677

rentals. Meetings with the neighborhood indicated that single-family lots were overwhelmingly preferred over a rental unit development.

Feel free to contact me should you have any other questions.

Sincerely,

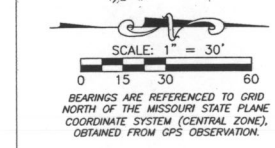
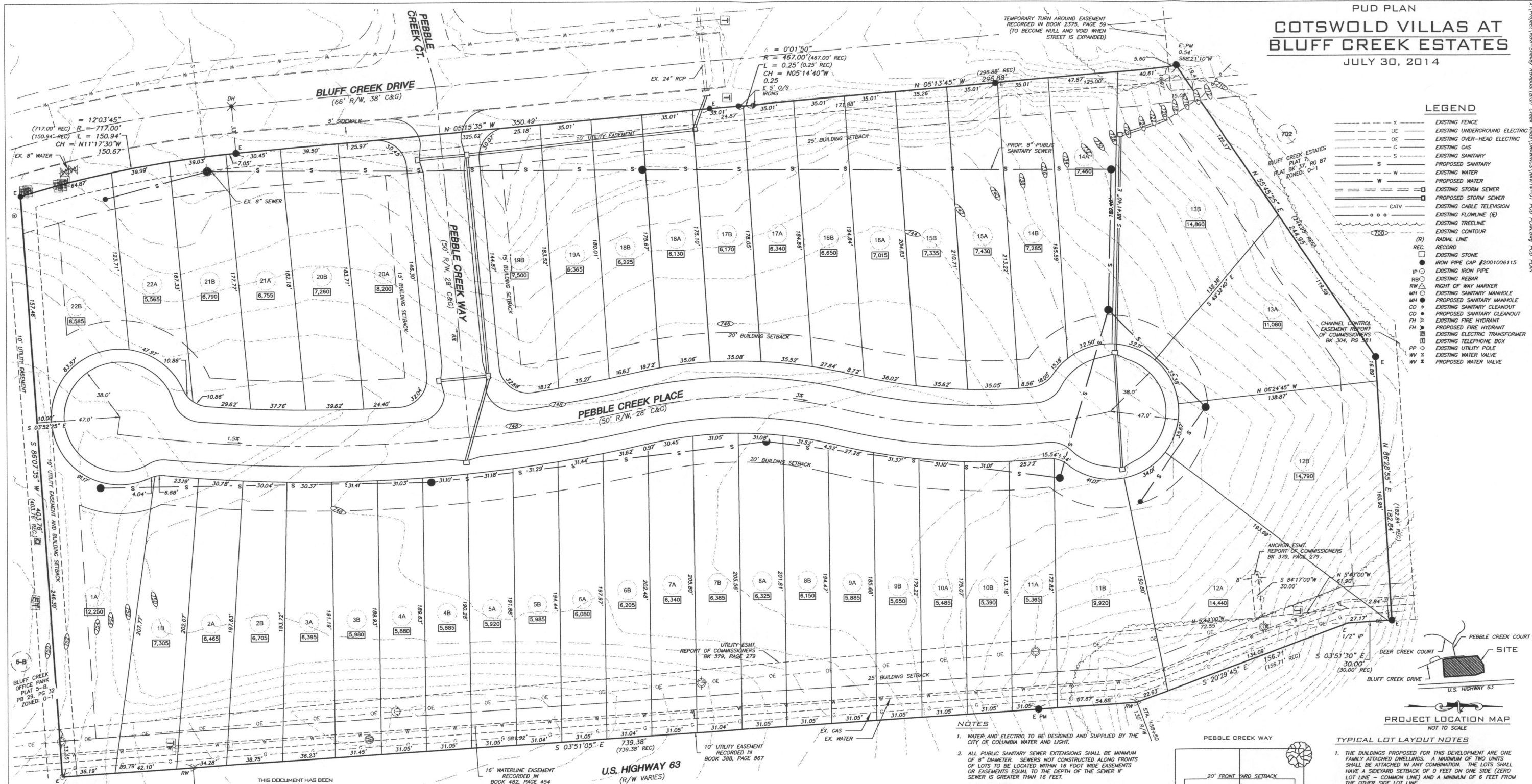
A handwritten signature in black ink, appearing to read 'Kevin P. Murphy', with a long horizontal flourish extending to the right.

Kevin P. Murphy

PUD PLAN
**COTSWOLD VILLAS AT
BLUFF CREEK ESTATES**
JULY 30, 2014

LEGEND

- X — EXISTING FENCE
- UE — EXISTING UNDERGROUND ELECTRIC
- OE — EXISTING OVER-HEAD ELECTRIC
- G — EXISTING GAS
- S — EXISTING SANITARY
- S — PROPOSED SANITARY
- W — EXISTING WATER
- W — PROPOSED WATER
- S — EXISTING STORM SEWER
- S — PROPOSED STORM SEWER
- CATV — EXISTING CABLE TELEVISION
- (E) — EXISTING FLOWLINE (E)
- (T) — EXISTING TIELINE
- (C) — EXISTING CONTOUR
- (R) — RADIAL LINE
- REC — RECORD
- EXISTING STONE
- EXISTING IRON PIPE
- EXISTING REBAR
- RIGHT OF WAY MARKER
- EXISTING SANITARY MANHOLE
- EXISTING SANITARY CLEANOUT
- EXISTING SANITARY CLEANOUT
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- EXISTING ELECTRIC TRANSFORMER
- EXISTING TELEPHONE BOX
- EXISTING UTILITY POLE
- EXISTING WATER VALVE
- PROPOSED WATER VALVE



APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING COMMISSION THIS DAY OF 2014.

DR. RAMAN PURI, CHAIRMAN

APPROVED BY THE CITY OF COLUMBIA CITY COUNCIL THIS DAY OF 2014.

ROBERT McDAVID, MAYOR

7/31/14 SHEELA AMIN, CITY CLERK

CHRISTOPHER M. SANDER
LS-2003013178
JULY 30, 2014



A CIVIL GROUP
CIVIL ENGINEERING - PLANNING - SURVEYING
3401 BROADWAY BUSINESS PARK COURT
SUITE 105
COLUMBIA, MO 65203
PH: (573) 817-5750, FAX: (573) 817-1677
MISSOURI CERTIFICATE OF AUTHORITY: 2001006115

BENCHMARK DATA
SET NAIL IN WEST SIDE OF POWER POLE, LOCATED ALONG HIGHWAY 63 RIGHT-OF-WAY, APPROXIMATELY 250' SOUTH OF NORTHEAST CORNER OF SITE.
ELEV. = 735.81

OWNER/DEVELOPER
AMERICAN CREST PROPERTIES, LLC
2317 DEER CREEK COURT
COLUMBIA, MISSOURI 65203

SITE DATA
ZONING: CURRENT - O-1
PROPOSED - PUD S.1
ACREAGE: 8.67

TRACT DESCRIPTION
LOT EIGHT HUNDRED ONE (801) OF BLUFF CREEK ESTATES PLAT EIGHT (8), A SUBDIVISION LOCATED IN THE CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, AS SHOWN BY THE PLAT THEREOF RECORDED IN PLAT BOOK 42, PAGE 16, RECORDS OF BOONE COUNTY, MISSOURI.

STREAM BUFFER STATEMENT
THIS TRACT IS NOT REGULATED BY THE CITY OF COLUMBIA STREAM BUFFER ORDINANCE AS DETERMINED BY THE USGS MAP FOR COLUMBIA QUADRANGLE, BOONE COUNTY, MISSOURI AND ARTICLE X OF CHAPTER 12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES.

FLOOD PLAIN STATEMENT
THIS TRACT IS NOT LOCATED WITHIN THE 100-YR FLOODPLAIN AS SHOWN BY THE BOONE COUNTY FLOOD INSURANCE RATE MAP #29019C02950 DATED MARCH 17, 2011.

STORM WATER STATEMENT
A SITE PLAN FOR THIS TRACT HAS BEEN APPROVED SEPTEMBER 19, 2007 SHOWING 207,342 SQUARE FEET OF IMPERVIOUS AREA. PROPOSED IMPERVIOUS AREA UP TO THE PREVIOUSLY APPROVED AMOUNT IS SUBJECT TO STORM WATER REGULATIONS PER THE CITY ORDINANCE NO. 013019 AND THE STORM DRAINAGE DESIGN MANUAL DATED MARCH 1991. ADDITIONAL IMPERVIOUS AREA BEYOND THE PREVIOUSLY APPROVED AMOUNT IS SUBJECT TO ARTICLE V OF CHAPTER 12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES AND SHALL BE CONSTRUCTED PER THE CITY OF COLUMBIA STORM WATER MANAGEMENT AND WATER QUALITY MANUAL.

PROJECT PHASING

THE PROJECT WILL BE CONSTRUCTED IN PHASES THAT ARE NOT DETERMINED AT THIS TIME.

UTILITIES

NATURAL GAS
AMERICAN UE
2001 MAGUIRE BLVD.
COLUMBIA, MISSOURI 65201
CONTACT: BRUCE DARR
(573) 876-3060

WATER
CITY OF COLUMBIA
WATER & LIGHT DEPARTMENT
P.O. BOX 6015
COLUMBIA, MISSOURI 65205
CONTACT: DONNIE NICHOLSON
(573) 874-7315

CABLE TV
MEDACOM
901 N. COLLEGE AVENUE
COLUMBIA, MISSOURI 65202
CONTACT: BOB BOWEN
(573) 443-1535

SANITARY SEWER

CITY OF COLUMBIA
P.O. BOX 6015
PUBLIC WORKS DEPARTMENT
COLUMBIA, MISSOURI 65205
CONTACT: ALLISON ANDERSON
(573) 874-7250

TELEPHONE

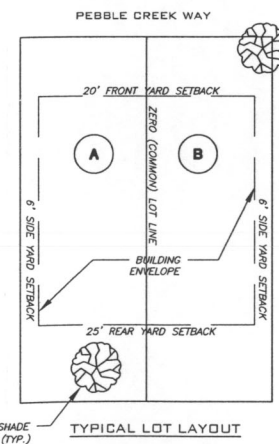
CITY OF COLUMBIA
P.O. BOX 6015
COLUMBIA, MISSOURI 65205
CONTACT: DAN CLARK
(573) 874-7738

ELECTRIC

CITY OF COLUMBIA
WATER & LIGHT DEPARTMENT
P.O. BOX 6015
COLUMBIA, MISSOURI 65205
CONTACT: DAN CLARK
(573) 874-7738

NOTES

1. WATER AND ELECTRIC TO BE DESIGNED AND SUPPLIED BY THE CITY OF COLUMBIA WATER AND LIGHT.
2. ALL PUBLIC SANITARY SEWER EXTENSIONS SHALL BE MINIMUM OF 8" DIAMETER. SEWERS NOT CONSTRUCTED ALONG FRONTS OF LOTS TO BE LOCATED WITHIN 16 FOOT WIDE EASEMENTS OR EASEMENTS EQUAL TO THE DEPTH OF THE SEWER IF SEWER IS GREATER THAN 16 FEET.
3. ALL NEW STREET R/W SHALL BE 50 FOOT WIDE WITH A 28' WIDE STREET.
4. DEVELOPER SHALL ENSURE THE SUBGRADE OF BLUFF CREEK DRIVE IS WITHIN 1' +/- OF THE APPROVED PROFILE BY A CIVIL GROUP DATED FEBRUARY 10, 2008.
5. THERE SHALL BE A 10' WIDE (MINIMUM) UTILITY EASEMENT ALONG THE SIDE OF EACH LOT ADJACENT TO STREET RIGHT-OF-WAY.
6. NATURAL GAS DISTRIBUTION TO BE DESIGNED BY AMERICAN UE.
7. LOT NUMBERS SHOWN ARE FOR INVENTORY PURPOSES ONLY.
8. A 5' SIDEWALK SHALL BE CONSTRUCTED ALONG THE ADJACENT CONSTRUCTED STREET FRONTS OF PEBBLE CREEK PLACE, PEBBLE CREEK WAY, AND BLUFF CREEK DRIVE IN CONJUNCTION WITH THE BUILDING CONSTRUCTION ON INDIVIDUAL LOTS.
9. STREET GRADES AND ALIGNMENTS, STORM SEWER PIPE AND INLET SIZES AND LOCATIONS, AND SANITARY SEWER LOCATIONS SHOWN ARE CONCEPTUAL IN NATURE ONLY AND WILL BE REFINED WITH FINAL DESIGN. THE SIZES AND LOCATIONS CAN BE MODIFIED WITHOUT FURTHER REVIEW BY THE PLANNING AND ZONING COMMISSION OR CITY COUNCIL.
10. DRAINAGE EASEMENTS HAVING A MINIMUM WIDTH OF 16' OR WIDER AS NEEDED SHALL BE PROVIDED TO CONTAIN THE RUNOFF IN CONCENTRATED FLOWS FROM A 100 YEAR RAINFALL EVENT.
11. ALTHOUGH IT IS NOT KNOWN AT THIS TIME, TWO LOTS MAY BE RESERVED IN THE FUTURE FOR A CLUBHOUSE AND POOL.



LANDSCAPING NOTES

1. SCREENING OF PATIOS ALONG BLUFF CREEK DRIVE SHALL COMPLY WITH SECTION 29-25(a)(8).

TYPICAL LOT LAYOUT NOTES

1. THE BUILDINGS PROPOSED FOR THIS DEVELOPMENT ARE ONE FAMILY ATTACHED DWELLINGS. A MAXIMUM OF TWO UNITS SHALL BE ATTACHED IN ANY COMBINATION. THE LOTS SHALL HAVE A SIDEYARD SETBACK OF 0 FEET ON ONE SIDE (ZERO LOT LINE - COMMON LINE) AND A MINIMUM OF 6 FEET FROM THE OTHER SIDE LOT LINE.
2. ALL BUILDINGS SHALL BE CONSTRUCTED WITH A MINIMUM FRONT SETBACK OF 20 FEET FROM INTERNAL STREETS AND A MINIMUM SIDE SETBACK OF 15 FEET FROM INTERNAL STREETS.
3. EACH ATTACHED UNIT SHALL HAVE A MAXIMUM FOOTPRINT OF 2,500 SQUARE FEET AND A MAXIMUM GROSS AREA OF 5,000 SQUARE FEET.
4. UNITS SHALL BE A COMBINATION OF SLAB ON GRADE OR WALKOUT WITH 1 OR 2 STORIES ABOVE. MAXIMUM UNIT HEIGHT SHALL BE 35 FEET.
5. ALL LOTS IN THIS DEVELOPMENT SHALL HAVE A MINIMUM LOT AREA OF 5,000 SQUARE FEET AND A MINIMUM WIDTH OF 30 FEET AT THE BUILDING LINE.
6. THE TOTAL NUMBER OF LOTS/UNITS MAY BE REDUCED BY THE OWNER WITHOUT REVISION OF THE PUD PLAN.
7. THERE SHALL BE NO DRIVEWAY ACCESS ONTO BLUFF CREEK DRIVE.
8. MAXIMUM DRIVEWAY WIDTH SHALL BE 40 FEET. EACH UNIT SHALL HAVE A MINIMUM OF TWO ON-LOT PARKING SPACES.
9. EACH LOT MAY HAVE A MAXIMUM 5 FOOT WIDE SIDEWALK EITHER FROM THE STREET TO THE BUILDING OR FROM THE DRIVEWAY TO THE BUILDING.
10. EACH UNIT MAY HAVE A DECK, PORCH OR PATIO ON THE REAR OF THE UNIT. A VARIANCE HAS BEEN REQUESTED FOR ANY SCREENING OF SUCH FEATURE.
11. OWNER RESERVES THE RIGHT TO ENHANCE THE LANDSCAPING.



**City of Columbia
Planning Department**

701 E. Broadway, Columbia, MO
(573) 874-7239 planning@gocolumbiamo.com

Statement of Intent Worksheet

For office use:

Case #:	Submission Date:	Planner Assigned:
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Please provide the following information, which shall serve as the statement of intent for the proposed planned district zoning:


1. The uses proposed.
SINGLE-FAMILY ATTACHED DWELLINGS AND ACCESSORY USES
2. The maximum gross square feet of building floor area proposed. If **PUD** zoning is requested, indicate type(s) of dwelling units & accessory buildings, and maximum number of dwelling units & development density.
44 SINGLE-FAMILY ATTACHED DWELLINGS @ 5.1 UNITS PER ACRE
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35 FEET
4. The minimum percentage of the site to be maintained in open space, shown by the percent in landscaping and the percent left in existing vegetation.
15% MINIMUM LANDSCAPING WITH 0% LEFT IN EXISTING VEGETATION

The following items only apply to PUD zoning requests:

5. The total number of parking spaces proposed and the parking ratio per dwelling unit.
88 MINIMUM PARKING SPACES @ 2 SPACES PER UNIT
6. Any amenities proposed, such as swimming pools, golf courses, tennis courts, hiking trails or club houses.
ALTHOUGH NOT KNOWN AT THIS TIME, A CLUBHOUSE AND POOL MAY BE CONSTRUCTED ON TWO LOTS IN THE FUTURE
7. A general description of the plan including minimum lot sizes, if applicable, minimum building setbacks from perimeter and interior streets, other property lines and minimum setbacks between buildings.
MINIMUM LOT AREA= 5,000 S.F., MINIMUM PERIMETER STREET SETBACK= 25 FEET, MINIMUM INTERIOR STREET SETBACK= 15 FEET, MINIMUM SIDE YARD SETBACK= 0 FEET

Note: At the discretion of the applicant, the statement of intent may include other aspects of the proposed development.


Signature of Applicant or Agent


Date

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
AUGUST 7, 2014

Case No. 14-127

A request by Lyon Crest Properties, LLC (owner) to rezone 8.67 acres of land from O-1 (Office District) to PUD-5.1 (a Planned Unit Development allowing up to 5.1 dwelling units per acre), and to approve a PUD development plan to be known as "Cotswold Villas at Bluff Creek Estates." The subject site is located east of the intersection of Bluff Creek Drive and Pebble Creek Court.

DR. PURI: May we have a staff report, please.

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department.

Staff recommends:

1. Approval of the proposed rezoning from O-1 to PUD-5.1, including the associated Statement of Intent.
2. Approval of the PUD development plan, subject to the condition that building permits shall not be issued for more than 39 dwelling units until Bluff Creek Drive is extended to provide a second public street connection.

DR. PURI: Commissioners, any questions of the staff? Okay. I have a question. Any problem with the fire department or anything for these 100 units or any of our City, you know, services that are affected by that? Any problem there?

MR. MACINTYRE: Yeah. We actually had a comment from the fire department. They were requesting a second access point be provided either to connect the southern part of the development into the office -- the developed office site to the south or to provide a second outlet onto Bluff Creek Drive directly. And that wouldn't actually solve the problem of having a second access. It may create circulation within this particular proposed development area, make that a little bit easier for fire apparatus to, you know, pull through as opposed to having to turn around on a cul-de-sac. However, certainly the way the street configuration is presented here, the cul-de-sacs are standard and -- and the fire department is equipped to deal with cul-de-sacs. So, you know, in lieu of forwarding that recommendation from the fire department, I think the best solution again would be to just limit the number to 100 because the -- the recommendation on -- from the fire department was really intended, I think, to sort of serve as a compromise in lieu of remaining under that 100-unit cap.

DR. PURI: Thank you. Commissioners, any other questions of the staff? Seeing none, we'll open the public hearing.

PUBLIC HEARING OPENED.

DR. PURI: If you'll approach the podium, state your name, address, speak about the matter.

MR. FARNEN: My name is Mark Farnen, 103 East Brandon, Columbia, Missouri. I am here on behalf of Lyon Crest Properties, LLC, in this regard. I have a short presentation that I would like to show and -- and talk about some of the variances that we have requested and that the staff has done a good job explaining.

DR. PURI: Please limit to six minutes. That's my only request to you.

MR. FARNEN: We will do that.

DR. PURI: Thank you.

MR. FARNEN: As they said, we want to rezone 8.67 acres from O-1 to PUD, actually down zoning, and that would allow for the construction of 44 single-family units as they have indicated. We are requested the variance from the point of access, the -- the maximum number of 100 units that could be allowed in that area. We would exceed that with the plan that we have submitted by five. I also want to address the layout that we have proposed. This is the general layout of the -- of the property that we have identified. And if you'll look at the number of lots, there are 44, but the intent was to build zero lot line buildings, so a single attached building on each of the two. I put that small box up there just as an indicator. It's not exactly to scale, but it would give you the indicator of how that would spread across the two properties. The inset is the same basic diagram. There would be then 44 individual dwelling units on this property in -- housed in 22 -- what would appear to the public to be 22 buildings. A previous iteration of this property had a similar number of properties that was proposed under O-1 and which would be allowed, the same number 44, which were on different lots and would have been either condos or two-family dwellings on a single lot. The same number of units would be 44, but -- and it would also appear that it would just be 22 buildings. What we did is we configured that cul-de-sac so that you had a shorter distance to travel to get to each end of the cul-de-sac rather than enter at one point and go the long route, so we feel like we tried to address that in some regards. The zero lot line is not allowed. To build those buildings with a zero lot line is not allowed under the O-1 zoning, and that's why we have even come back to ask for a rezoning and that was to get it in a planned unit where that variance could be granted and that we could also make the properties more saleable for individual purchase rather than for rental. If we had the condominiums and if we had the attached what is defined in the City statute as a duplex, we would have a different -- a different access rate for a purchaser versus a renter. The banks treat it differently than they would if we do the zero lot line attached family units and someone owns a whole piece and can purchase it that way. So one of the major pieces of intent for this was to be able to encourage home ownership rather than rental in what is already a -- an almost completely home-owned subdivision. When we say attached unit, sometimes I think people have a -- a perception that it's a flat, one-story, it looks like a ranch, and there's a line down the middle and a door here and door here. The way that we envision doing this is multiple floor plans, some one, one-and-a-halves, or two-story buildings. The pictures that you see attached here are from a subdivision in Dallas though that mirrors what we intend to put here. If you took each side of it individually, each side or each dwelling unit would be approximately 2,000 to 2,500 square feet. That building then in scale would be somewhere between 4,000 and 4,500 square feet or so, or -- or in -- slightly in excess of that. That matches most of the homes that are in the current subdivision,

so the appearance from the street is that the size and the scale is the same. The density is 5.1, and that comes off the lot size. So you do have a smaller lot size, but you have similar sized buildings and are promoting home ownership more than rental or lease in this same place with a variety of styles so it matches the rest of the neighborhood, which is not built cookie-cutter. They're great homes out there. The rationale was that for us to come in is that we couldn't do the -- the zero lot lines in the O-1, so ask for the PUD. We believe that that is likely to result in more home ownership than in rental. There was a previous proposal that I referenced earlier and this is what that one looked like under O-1 and which would be allowed. You'll notice that the -- there's the longer cul-de-sac with the one point of entrance, and each of those is an individual dwelling unit that you see there and there's 44 of them. So what we are asking for today is no more than what would have been permitted under the zoning we currently have. This proposal was shown -- the previous proposal, the one that I showed as previous, that previous proposal was shown to the neighborhood in meetings, and when it was looked at, at least one of the people who was there said I think we could do this a better way and promote more home ownership. And so Ms. Ravipudi bought that land and proposed this alternate that you see below. It's a new plan with identical number of units and same density. We think this promotes home ownership, as I've mentioned several times. The building size is consistent with the typical existing homes throughout that area and throughout the subdivision. It asks for no more density than would have been allowed under its existing zoning. It asks for no higher number of units. It does not substantially exceed the 100-unit rule. There's -- it's five over. It complies with all the other requirements, doesn't impinge on other property owner rights that we know of, and it seems like it fits the goals of the neighborhood better. This neighborhood has looked at our plan as well and has substantially been in support of it. We don't -- what the proposal that -- that the staff has made is, yes, this is a good plan. Let's let them do it, but let's limit it to 39 right now until we can poke the road through. The problem with that is, is that would take the time span out. If we look at what it also says in the staff report is that that is on the ten-year plan or more to be funded. We don't believe that that project could be afforded and do this project responsibly. We think we're just a handful over. We think it actually reduces the potential increase in traffic that could be there through current O-1 uses, and we think the variance allows flexibility to meet a good need in a good area and has pretty widespread support. Thank you. Questions?

DR. PURI: Commissioners, any questions of this speaker?

MR. FARNEN: Kevin Murphy, our engineer, is here if you have questions about the engineering and that sort of thing, and thank you for your time.

DR. PURI: Anybody else wishing to speak on this matter? Please approach the podium.

MR. BLACKMORE: My name is Charlie Blackmore; I live at 2312 Deer Creek Court in the Bluff Creek Estates Subdivision. I've been a resident there for 14 years, and am the past -- just recently gave up my seven-year presidency of the board and neighborhood association. And I just want to speak on behalf of the neighborhood as the past president, having dealt with this being the third attempt to do something with this -- this eight acres. About a little over seven years ago, it was proposed to put an assisted-living facility there, which was strongly opposed by the neighborhood association. At that time,

Bruce Odle owned the property and still did until he just -- was sold to the Ravipudis, our neighbors. And it was also a strong opposition when -- when Mr. Odle wanted to put apartments on it not long ago. So I'm just saying that, right now, there's no opposition that I know of from anyone in our subdivision. They're all in favor of this type of development and we welcome -- would welcome your approval and welcome them getting started on it so we can be a completely developed subdivision and be through with construction -- until they put the bridge in. Thank you. Any questions?

DR. PURI: Thank you. Any questions? Mr. Strodtman?

MR. STRODTMAN: What are your thoughts about that bridge? I mean, we kind of have a difference between the applicant and the City in the sense of about, what, five or -- five or so homes. What are your thoughts on that?

MR. BLACKMORE: How soon can you start?

MR. STRODTMAN: The bridge?

MR. BLACKMORE: Yeah. I'm all for it. I mean, the neighborhood association wasn't, but, personally, I live at the -- at the end of the subdivision as close to this road where the bridge would be, as close as maybe there's five or six people that live closer. And I've always wanted the bridge there and didn't think it would increase any -- any traffic issues in our subdivision.

MR. STRODTMAN: Well -- well, on the flip side, would you be concerned if the bridge -- if all 44 lots were developed, would you be concerned if the bridge wasn't there at that point, because it might -- these 44 may come sooner than the bridge?

MR. BLACKMORE: I understand what you're saying, but, on the other side of that, we had little or -- we had no say whatsoever other than coming here and expressing our disapproval of there being 44 apartment units there. And apartment units in this town in that type of neighborhood that would be constructed at that level, regardless of what the owner intent -- intent was, they would probably wind up with anywhere from three to five people living in them and being students and having more cars there than they could park. But with them being privately owned houses, so to speak, and like duplex condos, I think the most you're going to have is two cars per unit, if that. A lot of people, we hope, will be people that are -- we have a lot of retired people, which -- which I'm one, and -- and we're people that are retired there living in homes, futuristically might be looking for a condo to move to, but want to stay in that neighborhood, so it's a good thing as far as I'm concerned, and I have no one in the subdivision that has come to me that isn't -- isn't in favor it, so -- anything else?

MR. STRODTMAN: Thank you.

DR. PURI: Thank you.

MR. BLACKMORE: Okay.

DR. PURI: Anybody else wishing to speak on this?

MR. REID: My name is Chris Reid, and I currently reside at 2309 Bluff Creek Drive, which is also right across the street from this property. Currently, at this time, I am the Bluff Creek Neighborhood Association -- homeowners' association president. The neighborhood association fully supports this plan. We understand, you know, what -- the possibilities of what could go in this property, and this is definitely

the best thing we've saw so far. But we have no -- I've offered nothing -- no opposition whatsoever at any point.

DR. PURI: Questions of this speaker? Mr. Strodtman?

MR. STRODTMAN: I'll -- I'll pose the same question, Mr. Reid. Are you concerned if that bridge doesn't come before the 44 units are developed?

MR. REID: Absolutely not.

MR. STRODTMAN: Thank you.

DR. PURI: Thank you, sir.

MR. MURPHY: Good evening, Commissioners. Kevin Murphy, A Civil Group, offices at 3401 Broadway Business Park Court. I want to touch on a few things here, so I might jump around. One thing I'd like to mention about the -- the one point of access and -- and a health safety matter. These structures, these are not -- they will basically be an individual structure. So again as there's 44 units, and the way the -- the ordinance is written, it's based on residences. And as you think of a residence, you think about a single house, you know, something of that nature. But, in essence, this is one -- one structure, so in essence we have 22 structures out here. The -- again, the -- the way is currently zoned is O-1. We've had several plans on this over the years. One, as was mentioned, was the nursing-type facility. We had a layout in 2010 that had, like, 92 apartments on it that would be allowed, and it would be allowed because this is a single platted lot. And I want -- we had an office building there that would generate twice as much traffic or more than -- than the uses -- than what we're proposing. And then again most recently, we had basically this plan, but all on one single lot and being rental units. The -- the point of access, this Bluff Creek Estates was conceived and preliminary plat -- it started being preliminary platted in the early '90s. The City has final platted the majority of it. It has been zoned that -- that -- to the point that -- that allows for well more than 100 lots to be accessed at this one point or on this one drive. It's the City's obligation to build that bridge and if it's another ten-plus years out, that's 30 -- over 30 years that folks have invested in these properties out here and they're -- they're being landlocked. They may not be able to develop it if that's -- if that's the outcome of -- of what's being said here. So -- and I just -- we probably have, like, a three- to five-year build out on this is what we're looking at. Again, it's based on marketability and everything else, but that is -- that's the hope. So if we get to five years, it's another five years to that point. But one point I did want to bring up, Mr. Farnen had mentioned to me privately was that -- to think about is in Bluff Creek Estates and all of the subdivision, currently there's four homes for sale. One of those happen to be on Deer Creek Court, which is part of this one access, so the homes aren't -- the whole subdivision isn't always going to be occupied is the point I wanted to bring out, that homes are for sale, and so that number is going to vary. And so even with the sale that we have now, we'd be one over the limit, but, you know, it could be more, it could be less, but anyway. Any more questions?

DR. PURI: This fire department comment about incorporating two entries into your PUD plan, did you look at that or did you guys discuss that?

MR. MURPHY: Yes, we did. And -- and, first of all, there's really no justification for that. They --

they have that -- you know, they're -- they're going on that same rule, and that's also in the -- we looked at tying into the office part, but -- or that's just not -- not feasible. It's not good for our development to have traffic running through there and whatnot. It's not -- we would have to -- they weren't particularly interested in doing it. There's several feet there between the end of our cul-de-sac. I -- I can't -- you know, 50 feet or more to get to their parking lot, and I don't think it's something that they were willing to entertain. And again we thought this was a better layout just having a single street in there instead of two streets.

DR. PURI: All right. Commissioners, any other questions? Mr. Lee?

MR. LEE: Yeah. Mr. Murphy, before you go, let me ask staff, is the fire department going to insist on a second entrance?

MR. MACINTYRE: I don't believe so. In fact, I -- I think the fire department's comment was really not necessarily in -- in keeping with the interest or purpose of the code -- my interpretation. The idea would be to have a greater access, not just an additional access onto a current street. The proposal to -- to add a second access directly in -- into this proposed development, I mean, it's only serving those 44 units. It's not really serving the greater good, which I believe the intent of -- of the ordinance was.

DR. PURI: But this fire department comment that, you know, we got, we talked about, that -- is it off of Bluff Creek -- that drive, do they want two entrances to this PUD so they can have easier in and out of that to protect those 44 units? I think the two --

MR. MACINTYRE: That -- that was their final --

DR. PURI: Because what you said in your report and what I read in your report was the fact that they wanted access as a compromise into this PUD, two entrances instead of just one bottleneck entrance, and as a compromise, and they would allow more units if that's what the case was. I mean, they would -- they would be comfortable.

MR. MACINTYRE: That's what I believe their intention was.

MR. MURPHY: We had addressed that comment in -- in our review comment responses and -- and they did not respond to it again.

DR. PURI: Uh-huh. So having a second entrance into your PUD, if you had to from Bluff Creek Drive, that would have a big impact on your unit count?

MR. MURPHY: Yes. It would probably take --

DR. PURI: How many units do you lose?

MR. MURPHY: Upwards of six, I do believe. We would have to dedicate right-of-way, so it's not just the width of the street. You've got the 50-foot right-of-way and -- and such as well.

DR. PURI: You lose six units by adding one more drive?

MR. MURPHY: Yes. I think I gave that number to Steve at one point, so -- this is just off the top of my head, but I think it was upwards of six units.

DR. PURI: Okay. Any other questions? Ms. Loe?

MS. LOE: Will the houses be sprinklered?

MR. MURPHY: I -- no. But that is not a requirement of --

MS. LOE: Would the R-3 homes have been sprinklered?

MR. MURPHY: No.

DR. PURI: Any other questions? Thank you, sir.

MR. MURPHY: Thank you, folks.

DR. PURI: Anybody else wishing to speak on this item, please approach the podium. I see no one.

'PUBLIC HEARING CLOSED

DR. PURI: Discussion, Commissioners? Mr. Lee?

MR. LEE: Yeah. I -- I think this is a good use of this land and the plan is good, but I am troubled by the bottleneck and one access point in and out for 44 units. If there -- it seems to me if there is a fire, it could spread pretty quickly especially if people are trying to get out to avoid the fire, the fire department could have a very difficult time getting in, so I'm troubled by that aspect.

DR. PURI: Mr. Stanton?

MR. STANTON: I concur. I mean, the -- I like the plan, but the fire issue, public disaster issue, all of that is in play, and it seems like there has been a reasonable compromise. I think that the staff and fire department did a good deal at least trying to make a compromise, you know, build such an amount until you get a second access and you can continue as planned. So --

DR. PURI: Then let me clarify. You're -- the second access has nothing to do with what Mr. Lee is talking about. He's talking about the bottleneck.

MR. STANTON: Well, yeah. I'm --

DR. PURI: Because you're talking about, by law, you know, 100 units, he's only got 105 in total with this.

MR. STANTON: Right.

DR. PURI: So by adding a second access, you're talking about a bridge.

MR. STANTON: Right.

DR. PURI: Now, that bridge is not going to be there, it doesn't affect the fire department if we had, you know, 100 units there. So what Mr. Lee is saying --

MR. STANTON: But he only has one access here now.

DR. PURI: Yeah. But one access into the PUD.

MR. STANTON: Right.

DR. PURI: So Mr. Lee's point is that there should be two accesses into the PUD.

MR. STANTON: And that's what I'm saying.

DR. PURI: Okay. So those are two distinct things.

MR. STANTON: Okay.

DR. PURI: Okay. All right. Anybody else? Any -- Mr. Strodtman?

MR. STRODTMAN: You know, I like the project. You know, I think it's a creative blend. I like the twist with combining the buildings into one unit. It looks -- you know, from Highway 63 now, that view of those homes in those subdivisions is nice. It's appealing. They are very nice homes, so it's a -- it's a nice spot to think that when we drive on 63, that those buildings will look like single homes even though they

are -- they're not. And so I think it's a much better design element than we could have been given, and so I compliment the applicant on that. You know, I guess I -- the bridge, you know, and ten years, I think that we should go ahead and approve the 44. I don't think that the -- the four or five over is that critical to make a difference. The homes for sale, you know, I kind of understand that, though they may be owner occupied while they're for sale, so that may not be always the case, but I don't think we're that far over. Second road, it didn't seem to me that the fire department was the concerned about that second entry. I think if they were, we would have heard more of a concern about that. So I'm in favor of the project as is without the capping it to 39 units.

DR. PURI: Okay. Ms. Loe?

MS. LOE: I guess I think there's a bit of a fallacy in saying -- because we could do a project like this with a completely different type of zoning, we should be able to do something with this other type of zoning. I do understand there's a lot of similarities, but I don't -- I don't think everything simply translates across. And I do think there were opportunities to make this work eventually, but I'm -- I'm going to reiterate that I think that standards are established and there need to be very good reasons for exceeding those standards or maximums. And I believe the proposition that you hadn't been able to fit 44 R-3 units on the property and therefore should be able to fit 44 R-1 is not -- does not convince me. So I would approve this with the 39 permits with the 44 lots, but the 39 permits as proposed by staff.

DR. PURI: Ms. Burns?

MS. BURNS: Yeah. I spoke with a couple of residents of Bluff Creek Estates and what struck me is that they again reiterated that there was support for this completely and that they in fact were looking for downsizing opportunities in the near future and would look to these residences as something to live in, which I thought spoke well of the neighborhood and spoke well of what their feeling was going in in the neighborhood. I'm kind of on the fence about the 39 versus 44. If we've got the three- to five-year build out and this is on the capital plan, although not a priority project, I don't know how much time would lapse in between having access -- well, having the additional access -- the bridge versus the second access over Bluff Creek. So I'm still considering the 39 versus the 44.

DR. PURI: Mr. Tillotson?

MR. TILLOTSON: I'm kind of following Mr. Strodman's footsteps. I -- I don't see any reason not to have the 44 units. What I see is a need in Columbia that's finally getting addressed more. If you go all about Columbia, you don't see this kind of housing. Old Hawthorne did it and they couldn't sell them fast enough. And if you looked at the people moving into them, they were people coming from 5,000, 6,000, 7,000 square foot homes, retired people, wanted to get rid of their yard work, wanted to get rid of the maintenance. There is a big need for this and I like this particular project because I've seen one similar down in Springfield and they're built out to look pretty much like single -- single-dwelling homes. And so, I think, getting in a tussle over 39 units versus 44 at this point, when you have -- I like to see them -- when there's neighborhood support of a project, I -- I find it hard to stand in the way of that. The developers have gotten together, the neighborhood has gotten together, so I don't really know that there is a need to sit here and quibble over this. The fire department really doesn't seem to have a concern

about -- they brought it up, it was addressed, they left it alone. So I would like to support it with the 44 units.

DR. PURI: A question for the staff, the fire department wanting that second access, was that addressed? Were they happy with just one access with a bottleneck with the two cul-de-sacs? I mean, there are 44 units in there.

MR. MACINTYRE: You know, their -- their codes I think were adopted without a standard reference that would normally show up and -- and my understanding of the fire codes is that there is a clause that would have capped the number of units to 30 for their purposes, so fire codes would have been much more stringent than our subdivision regulations cap of 100 units. And I believe that that's kind of their rationale here for trying to negotiate further. It wasn't something that was adopted in -- in the fire code in their standards; however, it's something that they're always interested in. And when they see an opportunity certainly where in this instance they are exceeding something that is codified for the whole area, I think they -- they took the opportunity to make the comment and try to see if they could get a little more connectivity and circulation.

DR. PURI: And when they didn't, their reaction was it's okay?

MR. MACINTYRE: Their reaction was really just the initial comment that we received from them and no follow up when pressed for additional response.

DR. PURI: Mr. Murphy, can you come back to the podium, please?

MR. MURPHY: Yes, sir.

DR. PURI: We talked about adding -- if you have a second drive, if we approve as 44 units, and you had a second drive, you can get more than 39, are you willing to do that to satisfy some of the Commissioners' concerns? Some of them don't want to approve more than 39.

MR. MURPHY: I'm sorry. What was the question?

DR. PURI: Some of the Commissioners do not want to approve more than 39 units --

MR. MURPHY: Correct. Right.

DR. PURI: -- because of the variance. Right?

MR. MURPHY: Yes. Yes.

DR. PURI: You want 44 units. Right?

MR. MURPHY: Yes. Yes.

DR. PURI: So if the second drive is added to your PUD and you can get more than 39 units by adding that second, would that be a compromise for you?

MR. MURPHY: We could not get more. We would -- we would have less. We'd have, you know, 38 units or something of that nature.

DR. PURI: Uh-huh.

MR. MURPHY: And it's just not economically feasible. You see the scale and -- and the size and the quality of these homes compared to what was economically feasible on this property, you know, was to build your standard duplex on it and 44 of those out there, what -- what Lyons Crest and the Ravipudis are -- are asking to do are build spectacular houses and they're putting much more money into -- you

know, into the project.

DR. PURI: I understand that. But are you saying that five units is going to break your project?

MR. MURPHY: I couldn't honestly say at this time. It would certainly -- it would certainly hurt it, yes.

DR. PURI: Okay. So you just want it with one drive; that's all?

MR. MURPHY: I -- yes. I think that's what we're -- we're asking for exactly as what's proposed.

DR. PURI: Okay.

MR. MURPHY: All right. Thank you.

DR. PURI: All right. All right. Commissioners, I think my point is that there's a great project. I think that the houses are great. I think that the square footage on those homes is excellent. It matches the neighborhood. I think that 39 versus 40 -- you know -- 44 units, the five units doesn't make much difference. I think the problem is access to the PUD itself with one drive is what -- what the basic access is because if you have 44 units, in case of a fire, we have seen what has happened in downtown, you know, the apartments and everything and it's always a concern to get trucks in and out and ample, you know, coverage. But those five units are not going to alter, you know, this -- the ability to fight -- you know, fight the fire. I think the bottleneck is more problematic than anything. But I think it's a good development. I think the -- they're well selected, their square footages. I think there's going to be ownership. The homeowners' association is behind this. So if anybody would like to frame some sort of a motion?

MR. TILLOTSON: I'll take a stab at approving Case 14-127 with the recommendation of approval of rezoning from O-1 to PUD and with allowing the 44 units.

DR. PURI: With the variance. Right? The variance of 44 units?

MR. TILLOTSON: Yes. Yes.

DR. PURI: Yes. Mr. Strodtman, second?

MR. STRODTMAN: Just clarification. Just clarification. There -- he's allow -- his -- there would be no variance in his recommendation because you're saying that you would allow the 44, so there would really be no need for a variance?

MR. TILLOTSON: Well, yeah.

MR. ZENNER: If I may advise the Commission. The application is requesting a subdivision approval for 44 units and a variance request from our multiple points of ingress and egress within the subdivision, so you do have to take action to approve both the subdivision as well as action to approve the variance.

DR. PURI: The variance is the two -- instead of having two access points to the whole subdivision, you only have one. That's the variance. Correct, Mr. Zenner?

MR. ZENNER: That is correct. And what we are looking at here is a -- to this specific parcel, which will trigger Bluff Creek as a whole to be over the total number of units. This is not just specific to this parcel. What the fire department has apparently requested for the purposes of its convenience is two points of ingress and egress into this particular site. The 100 units or lots specific to Bluff Creek Estates as a whole, and that is how our regulations are written. You have to have two points of ingress and

egress to any development over 100 lots. And once you get to the 44 additional lots, we are five over for the entire subdivision. So you have to approve the variance waiving the multiple points of ingress and egress to Bluff Creek as a whole and then, in essence, move forward to approve the subdivision plat for the 44 lots. They're -- they're tied together. And the reason that the -- the reason the recommendation of staff is structured the way that it is is to ensure that the time of pushing Bluff Creek over the maximum of 100 units with a single point of access to the same general road is, in essence, to ensure that we meet our regulatory requirement. And I will put into context for you a project that we took care of several months ago off of East Walnut Street. We had the last developable parcel and it was zoned R-3, and East Walnut ends with a single point of ingress and egress, and the whole street has more than 100 units routing to it, and we ended up going through a relatively lengthy process with City Council after we did not bring forward to you the request for a variance from access. So we are trying to avoid going down that road. Now, the Commission has the -- has the prerogative to do whatever they would like here, but we do need to make sure that we have both recommendations included in the motion.

MS. LOE: Do we have to approve the rezoning first?

MR. MACINTYRE: That should be framed as part of the motion or as a separate motion, if you like.

MR. ZENNER: That is correct. You -- we're dealing with multiple -- multiple parts to the puzzle. Now, the zoning does allow -- again the zoning has the -- has the component associated with the subdivision regulations since we have a site plan to go with this. So we are dealing with a land-use change; i.e., zoning from O-1 to PUD-5.1, and then you have the development plan approval which constitutes your preliminary plat which then also has to include the requested variance from access which is a component of our subdivision regulations.

DR. PURI: Ms. Burns?

MS. BURNS: Oh, Mr. Zenner -- I'm -- pardon me. So we are assured that all 59 lots currently are developed as far as in the R-1, the single-family homes?

MR. ZENNER: I'd let Mr. MacIntyre answer that question for you.

MS. BURNS: Thank you. Mr. MacIntyre?

MR. MACINTYRE: No. In fact, there are parcels of undeveloped R-1 within the subdivision. And in my tally of existing platted R-1 lots, I found 61 total, and that -- that includes those that have not been developed. I believe there were a handful -- actually, five of them that existed in platted form within the R-1 district off of this single access point. I think it was Lacewood Drive to the south that we considered that pinch point as far as a single access goes. So everything to the north along Bluff Creek, including streets off -- that branch off of it were counted in that tally. There are two or three R-1 zoned parcels, however, that have not been platted that would certainly be subject to the same condition of at some point in the future, if they did go through a platting process, they would need to request a variance from the same standard regarding a single access.

MS. BURNS: I was -- in looking in the staff report, it talks about the 100-unit limit is reached, so we don't currently have -- we -- even with this development, would not reach 100 units.

MR. MACINTYRE: This development would reach 100. And in my analysis, in attempting to try to find, I guess, a fair way to administer the requirement, I really couldn't come up with anything other than first come first served since it's black and white in the code, so I stuck with that to try to simplify and make this something that we can -- we can grasp and deal with at least at this point. It's certainly not going to become any easier as future development tracts develop or plat out in the future.

MS. BURNS: Thank you.

MR. MACINTYRE: You're welcome.

DR. PURI: We have a motion on the floor which needed clarification and then clarification. So Mr. Tillotson's motion is still on the floor for approval of this as is with the variance, Mr. Tillotson?

MR. TILLOTSON: Yes.

DR. PURI: So that is the motion on the floor. Do we have anybody that wants to second that?

MS. BURNS: I'll second that.

DR. PURI: Ms. Burns, second. May we have roll call on them motion on the floor.

MR. STRODTMAN: Yes, sir.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Mr. Tillotson, Ms. Burns, Dr. Puri. Voting No: Mr. Stanton, Mr. Lee, Ms. Loe. Motion carries 4-3.

MR. STRODTMAN: Approval for this motion will be forwarded to City Council -- recommendation for approval will be forwarded to City Council.

MR. MACINTYRE: Now, sorry to interrupt. The second motion or there should be another motion to address the zoning at this point, if I'm not mistaken.

DR. PURI: Mr. Tillotson?

MR. TILLOTSON: I make a motion to approve the zoning from O-1 to PUD on Case 14-127.

DR. PURI: I'll second it. Roll call, please.

MR. STRODTMAN: For the second motion.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Burns, Mr. Lee, Ms. Loe, Dr. Puri. Motion carries 7-0

MR. STRODTMAN: The recommendation for approval of the rezoning from O-1 to PUD will be forwarded to City Council.