

From: Carol Rhodes
To: Eckhoff, Nathan
Date: 5/10/2006 4:08:36 PM
Subject: Re: Timber Creek PUD Revision Council Bill 174-06

Nathan,

I am in receipt of your e-mail and will pass along to City Council and appropriate city staff members.

Thanks,
Carol

>>> Nathan Eckhoff <nathan@crockettengineering.com> 05/10/06 3:54 PM >>>
Carrol,

On behalf of Timber Creek Condo Development, we would like to request that Council Bill 174-06 be withdrawn from the agenda for the May 15, 2006 meeting. The bill is for a revision to the PUD plan for Timber Creek. Please reply with a response so we know this email was received.

Thank you,

Nathan Eckhoff, PE

Crockett Engineering Consultants
2680 N. Stadium Blvd
Columbia, MO 65203
573-447-0292

CC: Amin, Sheela; Briggs, Deidre; Teddy, Timothy; Watkins, William

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 174-06

AN ORDINANCE

approving a revision to the Timber Creek 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 revision to the Timber Creek PUD Development Plan, dated April 24, 2006. The property is located on the on the west side of Stadium Boulevard (State Route E,) north of I-70 and contains approximately 37.25 acres. This revision allows for construction of a clubhouse and swimming pool on the west side of Timber Creek Drive. 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. 017951 passed on January 5, 2003.

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

**REGISTERED PROFESSIONAL
ENGINEERS:**

Bill R. Crockett
 Timothy D. Crockett
 Christopher M. Sander
 Nathan T. Eckhoff

**CROCKETT
 ENGINEERING
 CONSULTANTS, LLC**

2608 N. Stadium Blvd.
 Columbia, Missouri 65202
 Phone: 573-447-0292
 Fax: 573-447-3981
 Email: crockett@crockettengineering.com

**PROFESSIONAL LAND
SURVEYORS:**

Bill R. Crockett
 Christopher M. Sander
 Matthew P. Thomas

March 10, 2006

Tim Teddy
 Director of Planning and Development
 City of Columbia
 P.O. Box N
 Columbia, MO 65205

RECEIVED
MAR 10 2006
PLANNING DEPT.

Dear Mr. Teddy:

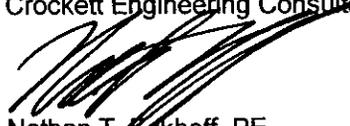
Below please find the items listed in Section 29-10 (d) (2) of the zoning regulations relating to the statement of intent for a PUD rezoning request.

- (a) The types of dwelling units for this site will be attached townhouse type residential homes. Each building may contain between three and eight attached units.
- (b) The maximum number of dwelling units proposed for this site would be two hundred forty-four.
- (c) The maximum building height of any building would be thirty-five feet.
- (d) Six hundred twenty-seven parking spaces are proposed for this development. With two hundred forty-four units, the parking ratio would equal 2.6 spaces per unit.
- (e) The minimum amount of open space on this 34.73 acre site would be 70% (24.31 acres) of the gross area. This open space would include the proposed undisturbed area located on the westerly end of this development and all landscaped areas within the developed portions of this site.
- (f) The amenities for this development include a community building and pool. In addition, a maximum of 25% of the total parking spaces maybe allocated for covered parking.
- (g) This development would consist of a maximum of 244 residential townhouse type units which could be attached in various combinations from three to eight units per building and configured to maximize the developable portion of this tract. The tract maybe divided into 10 individual lots having a minimum size of 2.0 acres. The westerly portion of the site would remain as a forested area. The minimum building setbacks from the street would be reduced to 18 feet for the front yard and side yard along a street. Each living unit would have a minimum of 1000 square feet of lot area. The minimum side yard building setback, excluding the roof overhangs, would be 6 feet.

Should you have questions or comments about the above, please feel free to call me.

Sincerely,

Crockett Engineering Consultants


 Nathan T. Eckhoff, PE

Source

Timothy Teddy

TO: City Council
FROM: City Manager and Staff
DATE: April 21, 2006



RE: A revision to the PUD development plan for Timber Creek, located on the west side of Stadium Boulevard (State Route E), north of I-70. The revision would allow for construction of a club house and swimming pool on the site. (Case 7-PUD-06)



Fiscal Impact

YES

NO



Other Info.

EXECUTIVE SUMMARY

This proposal would allow for construction of a club house and swimming pool on the west side of Timber Creek Drive. The proposed revised PUD development plan meets all Zoning Regulation requirements.

At its meeting of April 20, 2006, the Planning and Zoning Commission voted 4-0, with two members abstaining, to recommend denial of the proposed revised PUD development plan. One individual from the neighboring Valley View Gardens subdivision spoke in opposition to the proposed plan revision. In addition, two individual owners of dwelling units within the subject tract indicated that they opposed the revision due to the fact that homeowner's association dues could increase as a result of the proposed club house and swimming pool. The Commission members indicated concern about the lack of notification provided by the developer to the existing home owners within the subdivision about the proposed plan revision.

A staff report, locator map, a reduced copy of the plan, pertinent correspondence and excerpts from the minutes of the Planning and Zoning Commission meeting are attached.

SUGGESTED COUNCIL ACTION

The Planning and Zoning Commission recommends denial of the revised PUD development plan.

Revision to the Timber Creek PUD Development Plan

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
APRIL 20, 2006**

ITEM NO. 7-PUD-06

NAME OF DEVELOPMENT

Timber Creek PUD development plan

PROPOSED REVISION

The proposal is to add a clubhouse and swimming pool for residents of the Timber Creek PUD.

LOCATION

On the west side of Stadium Boulevard (State Route E), approximately 165 feet south of Primrose Drive

PROPERTY SIZE

Approximately 37.25 acres

BACKGROUND

The Timber Creek PUD development plan was approved by the City council in January 2004, after receiving a unanimous recommendation of approval from the Commission. At the time the PUD was approved, no amenities were shown on the plan, nor were any mentioned in the statement of intent.

DISCUSSION

The applicants wish to amend the PUD development plan and the statement of intent to allow construction of a clubhouse and swimming pool for residents of the Timber Creek PUD. The facilities would be located on the west side of Timber Creek Drive in an area that was shown as open space and "future parking to be constructed if deemed necessary" on the January 2004 development plan. The future parking area has been changed to a 13-space parking lot for users of the club house and swimming pool.

The statement of intent has been revised by including language in the proposed amenities section which would allow for construction of the clubhouse and swimming pool.

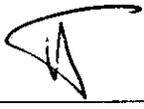
Timber Creek – Revised PUD, Page 2

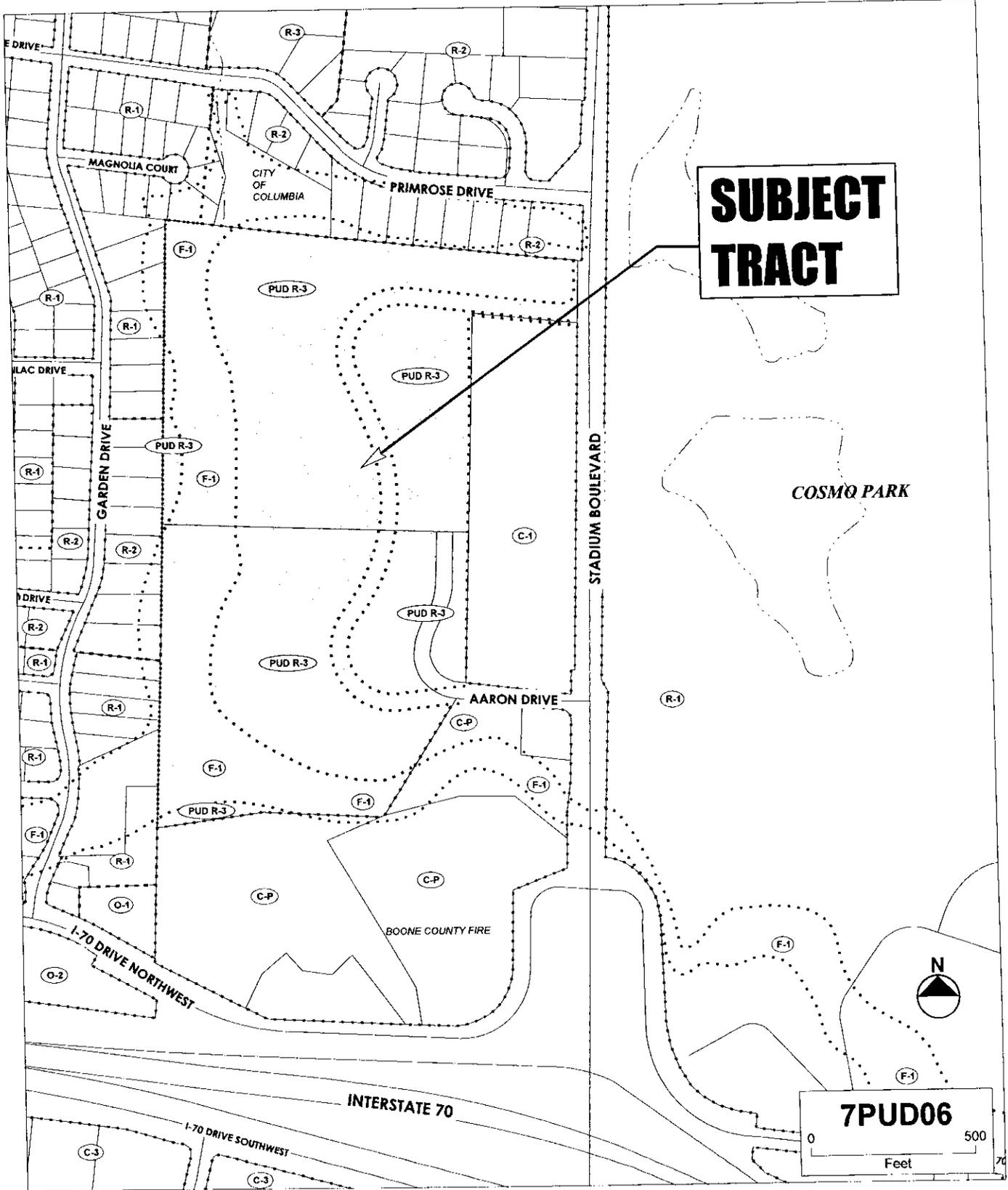
The proposal has been review by City staff and no problems have been noted.

STAFF RECOMMENDATION

Approval of the revised PUD development plan and statement of intent

Report prepared by *CR*

Approved by 



SUBJECT TRACT

COSMO PARK

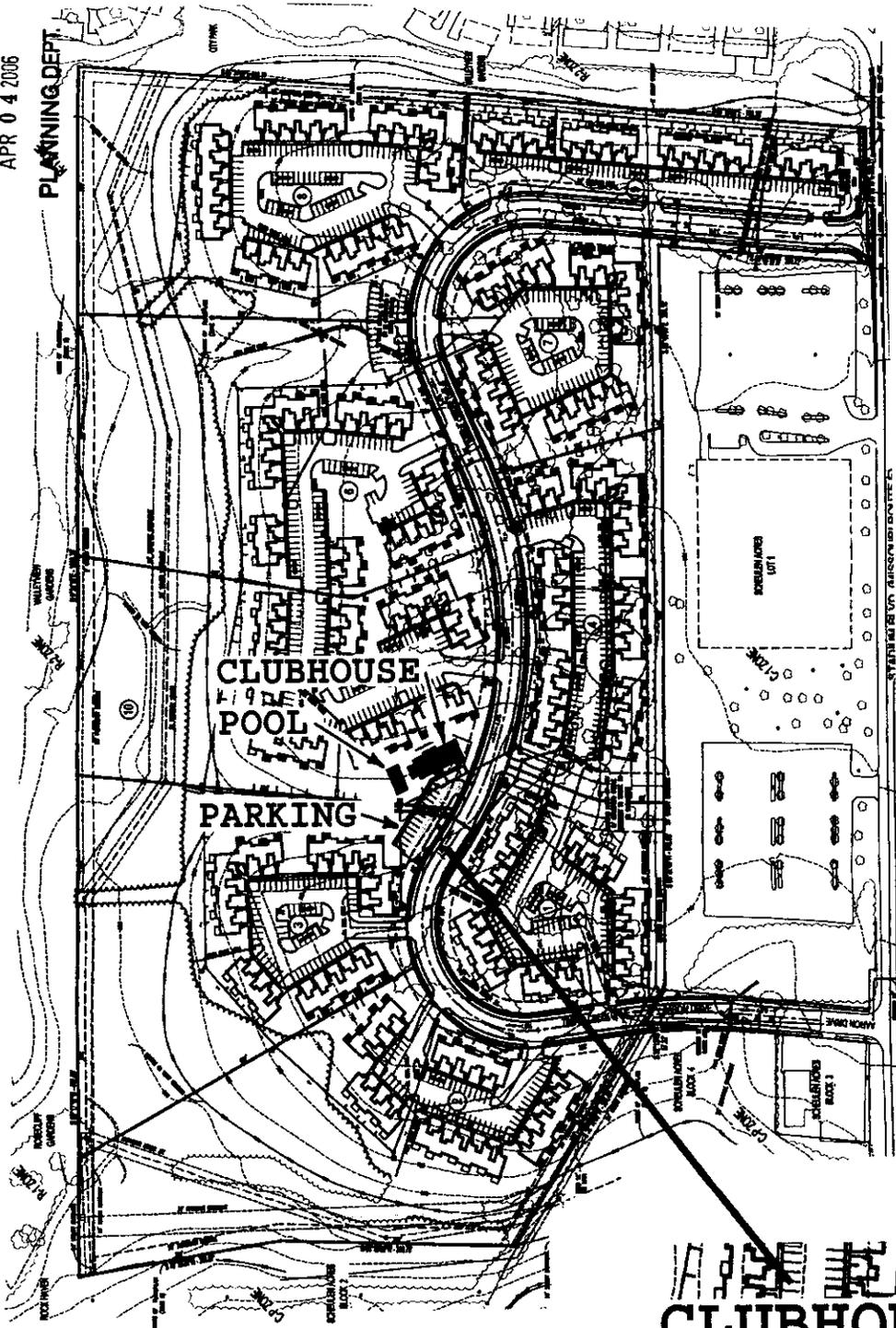
BOONE COUNTY FIRE

7PUD06

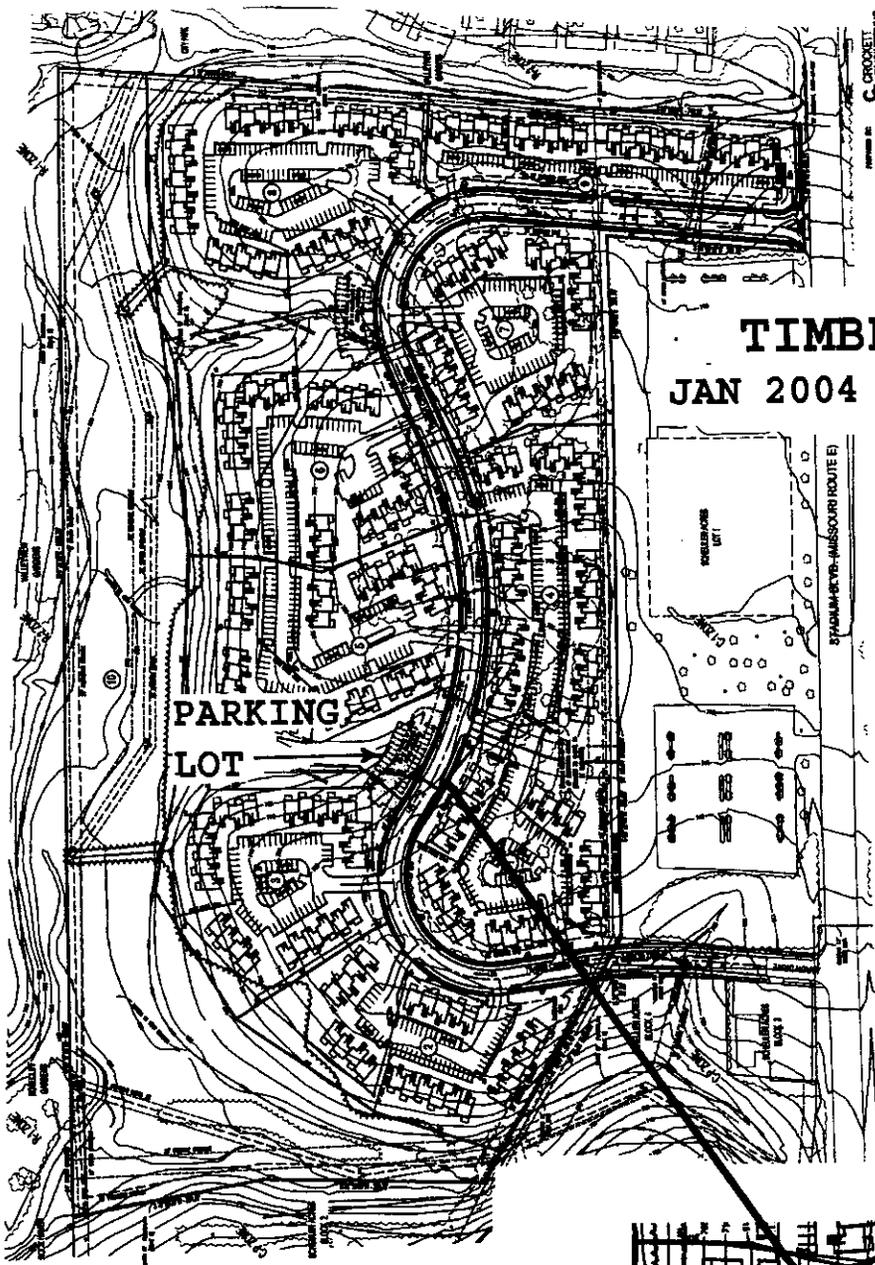
Feet

APR 04 2006

PLANNING DEPT.



(enlarged)



PROJECT ENGINEERING
PLANNING

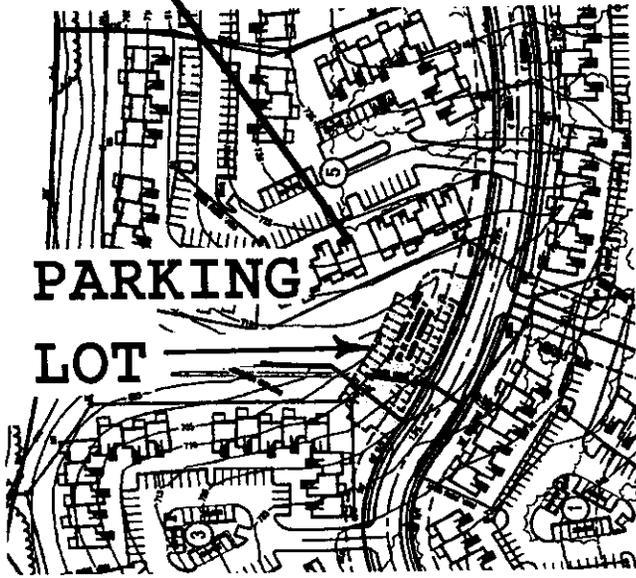
TIMBER CREEK

JAN 2004 APPROVED PLAN

PARKING
LOT

RECREATION
LOT

STADIUM (NORTH - MISSOURI ROUTE E)



PARKING
LOT

(enlarged)

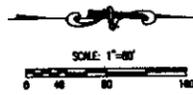
PUD SITE PLAN AND PRELIMINARY PLAT FOR TIMBER CREEK

A TOWNHOUSE DEVELOPMENT FOR FRANK TILLMAN

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
AUGUST, 2003

OWNER:

TILLMAN PARTNERS LP
1326 SHAWBROOK DR
MANHATTAN, KS 66503

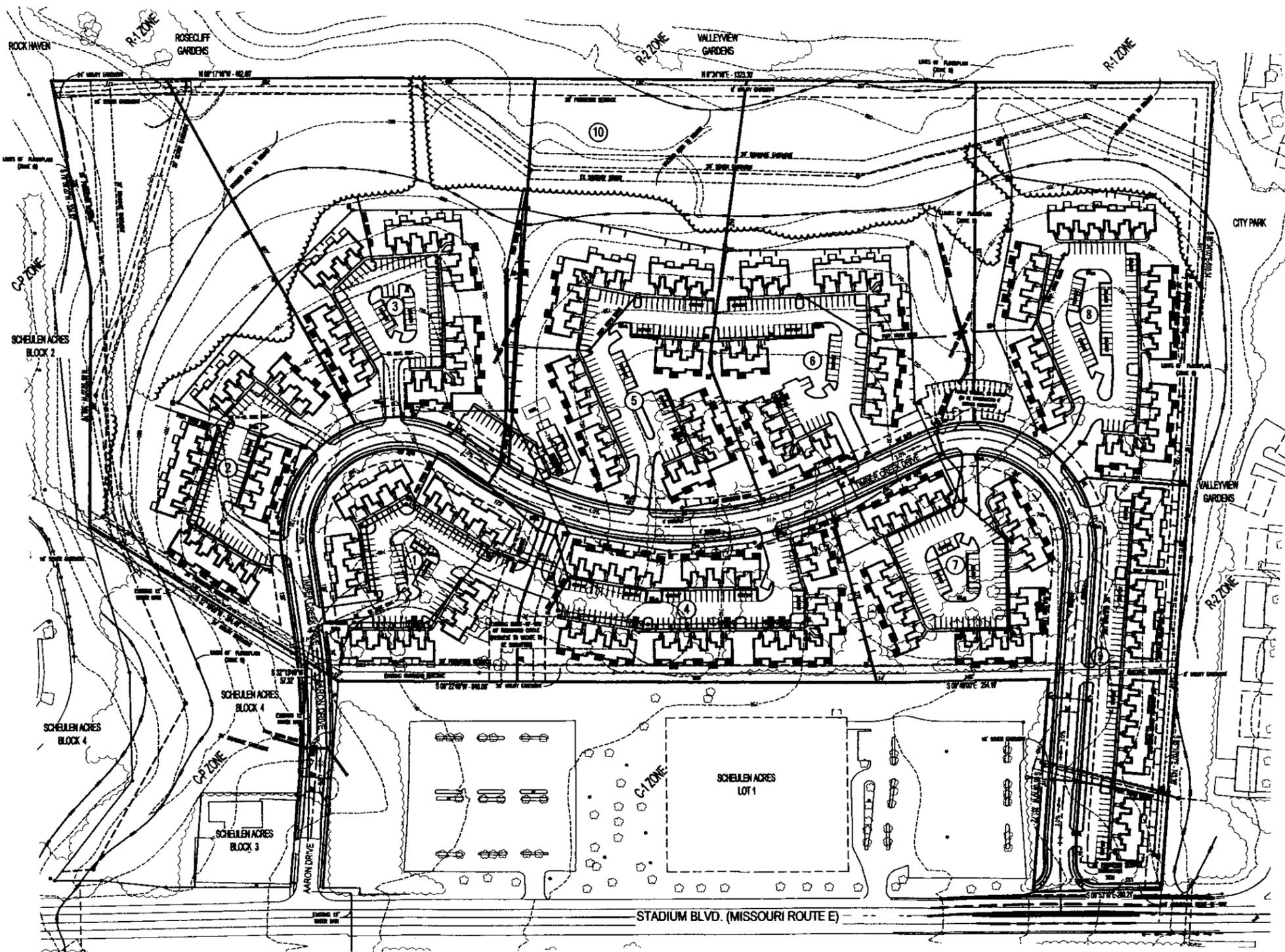
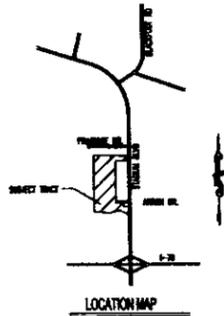


POD & LOT INFORMATION

POD/LOT	UNIT (#)	PARKING (#)
①	25	65
②	25	56
③	26	60
④	32	77
⑤	31	77
⑥	27	74
⑦	26	68
⑧	32	93
⑨	20	57
TOTAL	244	627

PARKING CALCULATIONS

PARKING PROVIDED =	627
PARKING DEMAND = 2.0 SPACES PER UNIT	
HANDICAP PARKING REQUIRED =	13
(500 - 1000, 2% TOTAL)	
HANDICAP PARKING PROVIDED =	13



NOTES:

- THIS TRACT CONTAINS 37.25 ACRES.
- THE NET AREA AFTER THE RIGHT-OF-WAYS HAVE BEEN DEDUCTED IS 34.73 ACRES.
- THIS TRACT IS CURRENTLY R-3 PUD.
- DESIRED UNITS:**
244 UNITS BEING A COMBINATION OF 3, 4, 5, 6, 7, AND 8 UNIT BUILDINGS
244 UNITS OR 34.73 ACRES = 7.0 UNITS PER ACRE.
- THE MAXIMUM HEIGHT OF ANY BUILDING WILL NOT EXCEED 35', MEASURED FROM THE GROUND FINISHED GRADE ON THE FRONT SIDE.
- THE INTENT FOR THIS DEVELOPMENT IS TO HAVE THE SITE DEVELOPED IN ONE SINGLE CONTINUOUS PHASE.
- THE SUBDIVISION SIGN WILL BE A MONUMENT OR PYLON SIGN WITH A MAXIMUM AREA OF 32 SQ.FT. AND A MAXIMUM HEIGHT OF 6FT. THEY WILL BE PLACED A MINIMUM OF 10' FROM THE RIGHT-OF-WAY AT EACH ACCESS POINT INTO THE DEVELOPMENT.
- IT IS THE INTENT OF THIS PLAN TO MAINTAIN A MINIMUM OF 70% OF THE AREA AS PERVIOUS AREA, WHICH INCLUDES NATURAL VEGETATION AND/OR LANDSCAPING.
- THE TYPES OF DWELLING UNITS FOR THIS TRACT WILL BE ATTACHED TOWNHOUSE TYPE RESIDENTIAL HOMES. EACH BUILDING WILL CONTAIN BETWEEN THREE AND EIGHT UNITS.
- THE WATER AND ELECTRIC UTILITY (WATER/SERVICES) TO BE DESIGNED BY THE CITY OF COLUMBIA WATER AND LIGHT DEPARTMENT AS THE UTILITY SUPPLIER. EXACT LOCATION TO BE DETERMINED BY THAT DEPARTMENT.
- TELECOMMUNICATIONS AND CABLE TV SERVICE TO COORDINATE WITH THE ELECTRIC UTILITY CONSTRUCTION.
- THE FIRE HYDRANT LOCATIONS ARE OFFERED FOR CONSIDERATION TO THE WATER AND LIGHT DEPARTMENT AND FIRE DEPARTMENT.
- PART OF THIS TRACT IS WITHIN THE FLOOD PLAIN (ZONE B) AS ADOPTED BY THE CITY OF COLUMBIA.
- THIS TRACT CONTAINS APPROXIMATELY 13.7 ACRES OF CLUMP FOREST, OF WHICH 6.7 ACRES (48%) ARE TO REMAIN.
- TIMBER CREEK DRIVE WILL BE A 20' WIDE PUBLIC STREET LOCATED WITHIN A 50' WIDE RIGHT-OF-WAY WITH 4' WIDE SIDEWALKS LOCATED ON EACH SIDE, OFFSET 1' FROM THE EDGE OF THE RIGHT-OF-WAY.
- ALL WASH DAMPERS AREAS WILL BE 14'0" X 14", AND SHALL BE SCREENED.
- THE NORTH PROPOSED ACCESS DRIVE WILL PROHIBIT NORTHBOUND AND WESTBOUND LEFT TURNS.
- A MINIMUM OF 25% OF THE TOTAL PARKING SPACES MAY BE ALLOCATED FOR COVERED PARKING AS SHOWN ON THE ADJACENT DRAWING.
- THE AMENITIES FOR THIS DEVELOPMENT WILL INCLUDE A COMMUNITY BUILDING AND POOL.

ACCEPTED BY THE PLANNING AND ZONING COMMISSION,
THIS _____ DAY OF _____, 2006.

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI,
THIS _____ DAY OF _____, 2006.

JERRY WIDE - CHAIRMAN

DORVIN A. HUGHMAN - MAYOR

SHEILA ANN - CITY CLERK

PREPARED BY:
**C CROCKETT
ENGINEERING
CONSULTANTS**
200 North Stadium Boulevard
Columbia, Missouri 65202
(672) 447-0292

MURVIN T. EDKHOFF PE-2003014960
DATE: NOVEMBER 6, 2003
REVISED: NOVEMBER 20, 2003
REVISED: MARCH 10, 2004
REVISED: APRIL 1, 2004
REVISED: APRIL 23, 2005

RECEIVED

APR 12 2006

April 12, 2006

To: Members of the Planning and Zoning Commission
Concerning: Timber Creek PUD Revision Request

PLANNING DEPT.

I am one of fifteen single family home owners who live adjacent to the development known as Timber Creek. The developer of Timber Creek has requested a revision of their PUD in order to add a swimming pool and club house to the project. I have no objections to these additions if the lighting is limited so that the recreation area will not have the appearance of an over-lighted gas station. Will these perks be managed well if there is no on site headquarters planned for the development?

I have far more serious concerns about the over all lack of quality in the development of Timber Creek, These concerns are shared by many of my neighbors, as well as some in our city government. Seventy six of the housing units are completed and another ninety units exist as uncompleted shells. The conspicuous lack of occupants in the seventy six completed units is a resounding confirmation of the cheap construction that is compounded by the tasteless design with its overwhelming density and monotonous repetitiveness. Landscaping is at a bare minimum and the two grass retention ponds that replaced the aesthetically wooded draws are unseemly structures that further degrade the project's appearance. These retention ponds were apparently required by the city late in the process of approval since our neighborhood was left with the impression that wooded draws would remain in place when the P&Z Commission approved the project.

With our city now way overbuilt with apartments, why would anyone want to invest in a town house at Timber Creek. The development is apparently now trying unsuccessfully to rent units that cannot be sold. The price of buying a unit has gone from \$140,000 down to \$99,950. Even with the addition of a swimming pool, I believe that Timber Creek has a high risk of eventually becoming the Pruitt-Igo of Columbia and contributing to a decline in the stability of the Valley View Gardens neighborhood for family owned homes.

I would urge all members of the Planning and Zoning Commission to tour Timber Creek before they consider the requested revision. Hopefully the city can learn how to prevent such developments from happening again in our city. The request for a PUD revision provides the city a small window of opportunity where they might extract some improvements, or better yet, prevent construction of any additional cheap units.

Will the club house and swimming pool be built according to the standards used for the existing town houses? Any amenities that are added to this development, even if they are of exceptional high quality, will not change the existing disaster that is already in place.

Since it is impractical to consider bulldozing the existing 166 units and starting over, I would hope that the city could at least prevent the building of the planned 78 additional units at the north end of the Timber Creek development. Neither the city nor my neighborhood will benefit from more sub par construction. Maybe the city could consider purchasing the remaining undeveloped land for a reasonable price to be used for a fire station and/or additional daytime soccer fields. That would benefit the city in more ways than one and possibly save our neighborhood.

Sincerely,

Gary Dunkerley
1910 Garden Drive
Past President of Valley View Gardens Neighborhood Assoc.

From: "Dennis/Alice CRONIN" <alcdlc@CENTURYTEL.NET>
To: <planning@GoColumbiaMo.com>
Date: 4/16/2006 10:00:33 PM
Subject: Timber Lake PUD Revision Request

FILE COPY

BlankDear members of the Planing and Zoning Commission:

I live at 1915 Garden Drive, Columbia, MO.

IF the proposed variance is passed to allow for a swimming pool and club house, who will guarantee that the sound ordinance, which will no doubt come from parties, ect.will be enforced? Will this be a further drain on our police and fire department? Who will throughout the day and night monitor the pool area from improper use or, worse yet, children who will be attracted to this attractive nuisance? Who will maintain its health code issues?

It seems that the developer of Timber Creek is simply too greedy to begin with. This has allowed for poor development and planning. They should have built well spaced out, single level homes, with garages, aimed at the retiring baby boomers. Instead ,they opted to make maximum use of the land and just throw up what is built now. Anyone knows that those nearing retirement do not want stairs. I quasi these developers choose to target the smaller population that follows we baby boomers- for which Columbia has a plethora of homes/apartment.

Bottom line, bears make money, bulls make money and hogs get slaughtered. This developer and backers are hogs. No variance should be given unless the above safety and noise issues are met. To do otherwise would allow them to negatively impact our neighborhood. They made their beds by constructing the development the way they did, with no sudden unknown development change being found-except the fact that these units are not selling.

All developers must be made to live with the plan that was approved. We need to make it clear that revisions to an approved plan will not be subject to revisions, barring unforeseen natural items. Just because you cannot sell your property is not grounds for a revision-as development and planning surely went into the approved design by the developer when approval was given.

I would suggest that the plan be stopped and the entire development be re-visited to attempt the wrong that has been done to Valley View residents by allowing such a high concentration of building in this area. Maybe the pool could be approved, with the above safety issues being met, in exchange for no more building and placing the remaining land into a green belt, provided by the developer or a new firehouse for this portion of Columbia

Thank you for your time

Dennis Cronin
1915 Garden Drive
Columbia, MO 65202

RECEIVED
APR 17 2006
PLANNING DEPT.

From: <LRHINE37@cs.com>
To: <cjb@gocolumbiamo.com>
Date: 4/18/2006 5:12:11 PM
Subject: Toastmaster area

It is difficult to understand and support a pool and clubhouse,,,,,,,,,
there has not been the quality of developmpment we were told we could expect.

The North portion should be dozed and replanted in native trees,brushes and
grasses,,,,,,,,,It is a sorry mess,,,,,,,,,,,,,

In general,,,,,I question eminent domaine,,,,perhaps this is time chllange
and use to the public benefit ,,,,,,not just developers of this quality.

Larry

RECEIVED
APR 19 2006
PLANNING DEPT.

April 19, 2006

FILE COPY

RECEIVED

APR 20 2006

PLANNING DEPT.

Dear Planning and Zoning Commission:

I am writing to express my concern about the public hearing that will be held tonight related to the Timbercreek Development off Stadium Blvd, north of 1-70 and west of the Toastmaster/Salton Building.

I have been a resident of the Valley View subdivision now for 20 years. I have been part of the neighborhood association and was present when we voiced our opinions about the Johnson Company expansion a few years ago and the possibility of the Famous Barr Store outside our neighborhood a couple years back. I also was very leery of this condominium/townhouse concept that is now the Timbercreek Development. Unfortunately, I relied on another neighbor's information that the buildings would be nice units that would be sold.

The Timbercreek Development is a major disappointment to the area. It is one of the most unattractive planned unit developments I have ever seen. I believe most of the completed units have been for sale now for a year and ½ (maybe 2 years) and very few of them are occupied. I was always under the assumption that the units would be sold and not be rented. But I have seen "For Lease" signs in the past, probably because the units have not sold. I feel that our neighborhood was misled as to the quality and integrity of this development. Now the developer wants to add a pool and a clubhouse to attract more prospective homeowners, which I do not believe will happen. It might attract renters (like college students and more transient populations) but that is not the group we were first lead to believe would occupy these units.

I am somewhat disappointed in the city for not following this project a little closer. I see "*apartment units*" being built that are significantly more attractive than Timbercreek townhouses.

I think the developer needs to go back to the drawing board and finish the units more in par with other Columbia townhouse developments. A clubhouse and pool for this type and quality of townhome will not draw in the population we were lead to believe would move into these units— but an attractive design might. I hope you will defeat this proposal and encourage the developer to make some real changes.

Sincerely,

Maureen Coy
2208 Iris Drive

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
April 20, 2006

7-PUD-06 A revision to the planned-unit development (PUD) plan and the "statement of intent" for "Timber Creek" PUD. The subject property is located on the west side of Stadium Boulevard (State Route E) north of I-70. The revision would allow for the construction of a swimming pool and clubhouse, which would be amenities for the development.

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 development plan and statement of intent.

MR. WADE: Are there any questions of staff?

PUBLIC HEARING OPENED

MR. WADE: Anyone wishing to speak in support of the proposal, begin speaking.

MR. SCOTT: Thank you. My name is Alden Scott; I'm the architect of the project. I don't have one of these for each person, but I have three, so I would appreciate you sharing.

MR. WADE: Please don't leave the microphone. We need an address, along with your name.

MR. SCOTT: Okay. My name is Alden Scott, A-L-D-E-N, Scott, S-C-O-T-T, and my address is Post Office Box 372, Washington, Missouri 63090. We are asking to add within the framework of the PUD this clubhouse and community building and pool for the use of the inhabitants here, and this would be subject to the community's -- it would be the people that live there would be in charge of this facility. And there will be a couple of offices there which will be where the rental or the sales of the units will be handled. Also, within this facility will be a fitness room and a sort of living-room/kitchen area, so a gathering place for the people. The building will include a laundromat, although each unit is designed with laundry ability. If someone doesn't buy the laundry facility, they can use this laundromat facility. Also, there will be a large bathrooms, men's and women's, and the entire building will be handicap accessible. The pool is really a residential-sized pool. It's 20 by 40, and you'll see a lot of those in the backyards of residences, so it's not a big facility, but it is a nice amenity for the unit. There has been some question as to how this would be lighted, and we've considered this very carefully. And that is we would actually have lighting within the pool which makes a nice glow out of the pool, and any lighting of the area around the building will be of the shoe-box-type standards, or on the building, and always shaded from any residential areas. The design of the actual building is in compliance with the kind of construction that we have there, and there have been some questions about the construction that we do have there, and, of course, we have complied totally with code and actually exceeded most of the new code that exists there.

And this includes materials that are in excess of the kinds of things that are required under the code. The homes are designed with maintenance-free exteriors. The roofing is a 30-year architectural-style asphalt-shingle roof. The vinyl windows are low E glass. The roof trusses are factory engineered. Plywood subfloor is glued and screwed to the joists. All gypsum board is screwed and not nailed to the structure. The heating and air-conditioning units are air-to-air heat pumps. The interior doors are six-panel Masonite doors. All kitchen appliances and so forth are high quality, as are the wood cabinets, the bathroom fixtures, and the interior finishes. I would say that these units, as of now, have comparable quality to houses that sell for \$250,000 to \$300,000 -- the same kinds of materials. Now, there is also a question -- has been a question of the landscaping that we have there. And I want to tell you something, I'm not very happy with the landscaping that's there right now myself. So, we actually have a contract with a landscape company that is now -- it's Rost, Incorporated, here in town, and the landscaping company that did the work that has been done so far is no longer involved with this project. So, we have a total new landscaping plan. Now, the landscaping that's shown on the drawing that I gave to you is strictly the required landscaping under a PUD application. There is significantly more landscaping to be shown around the new facility here. And the reason I showed what I show, it is the PUD plan. If you have any other questions, I would be happy to answer them.

MR. WADE: Are there any questions of this speaker? Is the damage to the siding hail damage?

MR. SCOTT: It is. It's all being replaced.

MR. WADE: It's pretty extensive.

MR. SCOTT: It is extensive. It was to the extent of about \$475,000.

MR. WADE: Ms. Curby?

MS. CURBY: I'm just curious about this area was for overflow parking. Is it used for that and it's not needed?

MR. SCOTT: No. No. It actually was shown on the plan as future possible parking. We have another future possible parking in another area of the plan which is -- it is not parking as yet, either. And it's just -- it was just -- we showed it that it could be there.

MR. WADE: Further questions of this speaker? Thank you, sir.

MR. SCOTT: Thank you.

MR. WADE: Anyone else wishing to speak in support of this proposal? Anyone wishing to speak in opposition to this proposal? Please come forward. May I remind you that we have before us today for our consideration a proposal to revise the PUD plan and the statement of intent. And so, I would appreciate as much focus on that as possible, please.

MR. CHANCELLOR: Okay. Thank you. My name is Tim Chancellor. I live at 1812 Garden Drive. I'd just like to say I'm opposed to any additions to the Timber Creek area. My residence backs up to the

project -- the current project. And with the loss of the trees and the landscaping behind my house, the noise level has significantly increased, and, therefore, I'm opposed to this addition. Thank you.

MR. WADE: Okay. Thank you. Anyone else wishing to speak in opposition, please come forward.

MS. REEDER: Good evening. My name is Tammy Reeder, R-E-E-D-E-R, and I'm a homeowner at 1611 Timber Creek. So, as you know, it's a new development. And, first of all, I just wanted to say that the first that we knew of as homeowners there, which there are only 11 of us, was through the letter we received from the City of Columbia to come, that this was a public hearing about the adding a pool and the clubhouse. And so, we're a little -- the concerns we have, it's not that we think that it wouldn't be nice for the place right now, and probably enhance, you know, the resale value and that sort of thing. But -- and we're, in fact, uncertain whether to even really voice any concerns or if it warrants any. But, right now, there are so many issues with the landscaping and yard issues with drainage, and we kind of feel like those things should be addressed first. As well, the homeowners are in the minority and we were told that only one section would be rental, and it's turning out that a lot more has become rental than what was planned. And so, we feel as homeowners and paying those added fees, which will go up once the project starts, that we'll, in the long run, bear the burden of these amenities coming about. The yard and the landscaping are issues, I think, that should be -- we just don't want to get the cart in front of the horse, and, as homeowners, would like to be -- have some discussion with the builder and the manager there so that we have some say-so and kind of know what the plan is before this happens, and like to see some of those issues with the yard and landscaping be resolved. And also know that as homeowners, we're not the only ones bearing the financial burden of this. Personally, I wasn't looking for a place with a pool and a clubhouse, and so, personally, I don't have a concern about that or care to have those there. It doesn't really matter. But I do understand that the majority of, you know, homeowners would like to have that. So -- any questions? I just --

MR. WADE: Are there any questions of this speaker?

MR. DAUGHERTY: Do you expect that if the pool gets in operation, then that's going to put a further burden on the homeowners, that they will have to pay for the operation of this pool and the cleaning and the maintenance of it and that sort of thing?

MS. REEDER: Right. That's part of the concern. There are no assurances. I've been told, well, probably the rent would go up for the renters, but there are no assurances of that. And so, as I said, there's a lot of drainage issues, landscaping, and yard work that needs to be tended to. And certainly I don't mind paying more money to have that taken care of. The amenities would be nice, but it's not something I particularly think that should be a priority at this time. So -- and, of course, as homeowners, I think we would like to be consulted regarding this. This is a pretty -- this is an investment for us, and when you become the minority and you're seeing more renters out there when that wasn't what was

supposed to happen, then, of course, we'd kind of like to just have a little bit more time to think about this. And, as I said, in the long term, I'm not opposed to those things because that's a nice thing for the majority of people. But, short term, I just have some concerns and kind of have some issues which is why I came tonight.

MR. DAUGHERTY: Have you talked with the other property owners there?

MS. REEDER: I have -- you know, the only person -- I have one other homeowner with me tonight, and so, I don't know if she wants to say anything, but, no, I haven't really personally talked to anybody else. I was hoping some other people would show up.

MR. DAUGHERTY: At the present time, you don't have a president of your association or anything?

MS. REEDER: We haven't even had a meeting, but that's unsettling that, you know, such amenities are being proposed which, as I said, is fine, really, in the long term, but then not to be let in on it, and the City Council is the first -- you're the guys that, you know, made me aware of it.

MR. DAUGHERTY: Do your conditions and regulations provide that at a certain point, the homeowners will be formed and have a president and officers and a certain percentage of the project has to be owned first before you can --

MS. REEDER: Well, I'm sure -- I'm sure that's true. And, you know, right before I came, I was afraid you were going to ask me a question I wasn't sure of because I don't know all the details of all of that thick book of legal terms that they gave us regarding the homeowner association rules and regulations. So, yeah, we would like to just have some more formation and the homeowners to have a say-so. And I realize I'm just speaking for myself and for the other homeowner here. I feel like I'm probably speaking for others, but I can't tell you for sure that I am. So, thank you very much.

MR. WADE: Any other questions? Thank you.

MS. REEDER: Thank you.

MR. WADE: Anyone else wishing to speak, please come forward.

MS. McLAUGHLIN: Hi. My name is Kate McLaughlin; I'm a homeowner at 1617 Timber Creek Drive. My main-concern opposition is similar to Tammy's, however, we weren't informed about it until we received the City letter. But the other one is that we still have a lot of construction going on in the area. As a homeowner, that's disturbing because it's continuously going on. Now, regarding the hail damage, I know that's going to take a little bit of time because I'm sure that's a lot of places in Columbia. However, there are still tracts of land that don't even have homes built upon them, and it concerns me that we're going to start building the new project before we finish the one that we've started. There is not even roads laid out from what I believe is the last planned village of our development. And I would like to see that finished before an addition similar to a pool, a clubhouse would take place.

MR. WADE: And are there any questions of this speaker? Thank you. Anyone else wishing to speak in opposition to this proposal?

PUBLIC HEARING CLOSED

MR. WADE: I do have a question of staff and then perhaps a question of the applicant. When was this PUD originally approved? It was just a couple years ago?

MR. BONDRA: January of 2004.

MR. WADE: January of 2004. I have a question, if you could come back up.

MR. SCOTT: Yes, sir.

MR. WADE: I was wondering why you had no amenities built into the statement of intent in 2004, and, now, two years later, you're coming back to change it? That's not too long ago.

MR. SCOTT: No. Originally, the developer chose not to have a pool and clubhouse. We did propose to have an office there, and actually there's an adjacent piece of property that he was thinking about making an office in. Also, possibly, one of the units being used as an office or something like that. But, this, we felt, is a real plus for the entire community, and we just -- I say we. The developer and the builder and I sort of cooperated in thinking that it would be a good idea to propose this.

MR. WADE: So, over the last two years, the developer has changed his mind about it being -- not wanting it to be in the plus?

MR. SCOTT: Yes.

MR. WADE: Thank you. Commissioners, discussion? Who wants to start? I will if no one else wants to.

MR. RICE: There's only four of us anyway.

MR. WADE: I have -- this is another interesting one for me. I do not find it a simple question at all. A little over two years ago, I enthusiastically supported this. The image and the impression we were given was of reasonably affordable housing development, but one that was quite attractive and appealing. And I remember that I, in spite of grave, grave concerns and a lot of discussion from the neighborhood association behind it, supported it because I thought it would be a good addition to the community. In all honesty, it has set a new standard of ugly, and I am -- I just can't believe the difference between what my perception of it was going to be when it first appeared and what the reality of its appearance it is now. And I just have a real hard time dealing with coming back and approving these changes and the statement of intent and everything when it's already so far from what I thought that I was supporting a little over two years ago. Mr. Daugherty?

MR. DAUGHERTY: Well, as a property owner who is a member of a homeowners' association, I have great sympathy for the homeowners' association in this case. I feel like that perhaps the developer has not been forthcoming with the homeowners in the manner that I would expect him to be especially

when he's trying to encourage new purchasers of this property. And this -- it seems to me like there should have been a considerable amount of cooperation between the owners and the tenant -- I mean, the property owners, the members of the homeowners' association. And I don't think that's occurred, and I don't feel very comfortable supporting this.

MR. WADE: Further discussion? Ms. Curby?

MS. CURBY: Well, at first look, I thought it was a very good idea to add a pool and a clubhouse, but now that I see what they're planning to add, the size might be okay for the 11 people that live there now, but I don't think for many more than that. And it just seems kind of like an after-the-fact thought to come in with this proposal.

MR. DAUGHERTY: Well, in the absence of all the rest of you making a motion, I move that we recommend denial of this.

MR. RICE: Second.

MR. WADE: The motion has been made that we recommend a denial of the revision to the planned-unit-development plan and the statement of intent for Timber Creek PUD. Is there discussion on the motion? Roll call, please?

MR. WHEELER: There has been a motion made to recommend denial of a revision to the planned-unit-development plan and statement of intent for Timber Creek PUD. The subject property is located on the west side of Stadium Boulevard (State Route E) north of I-70. The revision would allow for the construction of a swimming pool and clubhouse which would be amenities for the development. And I will remind the Commission that a "yes" vote is for denial.

Roll Call Vote (Voting "yes" is to recommend denial.) Voting Yes: Mr. Rice, Mr. Wade, Ms. Curby, Mr. Daugherty. Abstentions: Mr. Cady and Mr. Wheeler. Motion carries 4-0.