

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 16-14

AN ORDINANCE

rezoning property located on the southwest corner of Nifong Boulevard and Bethel Street from R-1 to PUD-14; approving the statement of intent; repealing all conflicting ordinances or parts of ordinances; approving the PUD/Preliminary Plat Plan of Bedford Walk Plat 9; setting forth a condition for approval; granting a variance from the Subdivision Regulations regarding dedication of street right-of-way; 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:

A tract of land located in the northeast quarter of Section 35 T48N R13W, in Columbia, Boone County, Missouri, being Tract 2B of the survey recorded in book 1266 page 805 of the Boone County records, containing 7.99 acres.

will be rezoned and become a part of District PUD-14 (Planned Unit Development) with a development density not exceeding 14 dwelling units per acre and taken away from District R-1 (One-family Dwelling 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 December 2, 2013 and revised on January 13, 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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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/Preliminary Plat Plan of Bedford Walk Plat 9, as certified and signed by the surveyor on December 31, 2013, for the

property referenced in Section 1 above, subject to the condition that restrictive covenants be recorded prior to issuance of building permits.

SECTION 5. Subdivider is granted a variance from the requirement of Section 25-43(1) of the Subdivision Regulations so that dedication of right-of-way in excess of the right-of-way dedication shown on the preliminary plat shall not be required along Nifong Boulevard from 390 feet west of the Nifong Boulevard and Bethel Street intersection to the western property line.

SECTION 6. The City Council hereby approves the PUD Site Plan of The Residences at Fifth and Conley, dated June 2013, for the property referenced in Section 1 above, subject to the condition that the issuance of building permits for the property shall be withheld until an additional pedestrian impact analysis has been provided to the City's traffic engineer. The developer shall comply with the recommendations of the pedestrian impact analysis or obtain a waiver from the City Council prior to the issuance of a certificate of occupancy.

SECTION 7. 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 #: 13-247	Submission Date: 12.2.13	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.

See Attached

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.

See Attached

3. The maximum building height proposed.

See Attached

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.

See Attached

The following items only apply to PUD zoning requests:

5. The total number of parking spaces proposed and the parking ratio per dwelling unit.

See Attached

6. Any amenities proposed, such as swimming pools, golf courses, tennis courts, hiking trails or club houses.

See Attached

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.

See Attached

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

B. Daniel
Signature of Applicant or Agent
Attorney For
Applicant

12/02/13
Date

ATTACHMENT A TO STATEMENT OF INTENT
PERMITTED USES FOR THE DEVELOPMENT AREA

I. Proposed Permitted Land Uses for Property within the Development Area:

1. Permitted Land Uses within the development area shall be the following:

1.1 Dwellings, one-family.

1.2 Apartment houses.

1.3 Home occupations which are compatible with the residential character of the neighborhood will be permitted, however, in order to promote peace, quiet and freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas all home occupations must meet the following restrictions:

a. A home occupation shall be incidental to the use of a dwelling unit for residential uses. No person other than a person residing at the dwelling unit shall be directly involved with or work in the home occupation. If the home occupation employs persons to work at other locations, the dwelling unit shall not be used as an assembly point for any employees who may work at sites outside of the dwelling.

b. No alteration of the residential appearance of the premises shall be made, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the home occupation.

c. No more than twenty (20) per cent of the total floor area of the dwelling unit and garage shall be devoted to the home occupation. A garage shall not be used for a home occupation if such use has the effect of eliminating required parking.

d. The home occupation shall be conducted entirely within the dwelling unit or garage and no stock in trade shall be displayed or visible outside, or stored outside of any building, nor shall any raw materials, tools or appliances or waste products be stored outside of any building.

e. Signs may be used for identification or advertisement of the home occupation but such signs must be attached flat to the structure, may not be larger than one square foot and may not be illuminated.

f. No power other than electric shall be used and no single machine shall draw more than one-half horsepower and not more than one horsepower total shall be used.

g. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises; that is, direct sales of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.

h. The use shall not generate traffic in volumes greater than would normally be expected in a residential neighborhood. For purposes of this section, the normal volume of traffic generated by a single-family dwelling shall be defined as twelve vehicle trips to and/or from the dwelling unit per twenty-four-hour period. The use shall not use commercial or business vehicles to deliver finished products from the dwelling unit. All parking necessarily generated by the use shall be off the street in accordance with section 29-30 of Chapter 29 of the City's Code of Ordinances.

i. The use shall not produce noise, obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure.

j. No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials may be used or stored on the site.

k. All persons desiring to have a home occupation must first present appropriate plans to the building regulations supervisor detailing how the dwelling will be used or altered to accommodate the use. Thereafter, whenever any permit or license is to be renewed, the dwelling may be inspected to determine how it has been altered to accommodate the use.

Abatement. Any home occupation which does not comply with the above restrictions shall be brought into compliance within thirty (30) days of the notice of the deficiency. It shall be unlawful to fail to comply with the above restrictions after notice.

1.4 Public parks and playgrounds, including public recreation or service buildings within such parks.

1.5 A hobby may be pursued as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold in the ordinary course of business either on or off the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

1.6 Garage sales, under the following restrictions:

a. That a special permit is obtained from the city business license inspector according to section 13-20 of the City's Code of Ordinances.

b. That no more than two (2) garage sales per dwelling unit may be held on any lot in a residential zoning district in any calendar year. For any use other than a dwelling unit on a lot in a residential district, there shall be no more than two (2) such sales per calendar year by or on behalf of each separate group or organization which forms a part of the allowable zoning purpose of such other use (for example, a school band or athletic team). One additional sale per year shall be allowed under each of the following circumstances:

1. The sale occurs as a result of the resident of that lot moving from that lot to another dwelling; and
2. The sale is conducted by or through the estate or legal guardian of a resident of that lot.

c. Garage sales may be held only from 8:00 a.m. to sundown on weekdays and Saturdays, and from 9:00 a.m. to sundown on Sundays and holidays. No sale shall extend for more than two (2) consecutive days or any portion thereof.

SPECIFICALLY EXCLUDED USES FOR THE DEVELOPMENT AREA

Specifically excluded uses (uses which shall not be permitted) within the Development Area include the following:

- a. Fraternity or sorority houses and dormitories.
- b. Halfway houses.
- c. Group homes for foster care.
- d. Group homes for mentally or physically handicapped.
- e. Cemeteries.
- f. Private stables.
- g. Bed and Breakfast Establishments.
- h. Golf Courses.
- i. Private Lakes.
- j. Private outdoor swim and tennis clubs.
- k. Reservoirs, wells, water towers, filter beds, water supply plants, or water pumping stations
- l. Villas.
- m. Dwellings, two-family.
- n. Churches, mosques, and synagogues.
- o. Family day care homes, day care centers, preschool centers, nursery schools, child play care centers, child education centers, child experiment stations, or child development institutions.
- p. Attached single family dwellings.
- q. Public police and fire stations.

- r. Public administrative buildings.
- s. Public libraries.
- t. Public museums.
- u. Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, including gymnasiums and stadiums.
- v. Publicly owned and operated community buildings.
- w. Temporary real estate sales office, located on property being sold and limited to a period of sale, but not exceeding two (2) years without special permit from the board.
- x. Adult day care home.
- y. Continuing Care Retirement Communities (CCRC).
- z. Reuse of places of public assembly.

II. Building Areas and Units

2.1 Dwelling Units

- a. Type – Multifamily Dwelling Units
- b. Maximum Number of Units = 109 Units
- c. Maximum Development Density = 14 Units/Acre
- d. Accessory buildings shall include storage facilities, garages, pergolas, and pavilions.

III. Maximum Proposed Building Height

3.1 Building Height

- a. The maximum building height for buildings with more than 10 units shall be 45 feet.
- b. The maximum building height for all other buildings shall be 35 feet.

3.2 Building Height measurement shall be per Section 29-2 of the City Code of Ordinance.

IV. Open Space

4.1 Minimum Percentage of Open Space

- a. Fifteen percent of the site shall be maintained as open space.
- b. 0.5 Acres of the site shall be preserved vegetation.

V. Site Parking

5.1 Proposed Parking Spaces

a. Parking shall be subject to the planned use of the property and follow the minimum parking ratio:

- 1. Senior housing: 1.0 space/unit.
- 3. Single family: 2.0 spaces/unit.
- 4. All other permitted uses shall be in conformance with City of Columbia Code.

VI. Site Amenities

6.1 Site Amenities within the development area shall be the following:

- \
- a. Walking trails.
 - b. Putting greens.
 - c. Koy pond.
 - d. Seating areas, courtyard, gardens, patios, etc.
 - e. Barbeque pits.
 - f. Gazebo.
 - g. Fountains.
 - h. Garages and covered parking.

VII. Lot & Setback Requirements

7.1 Number of Lots and Lot Size

- a. The property shall not be subdivided into more than two lots for multifamily use.
- b. The minimum lot area for single family lots shall be at least 10,000 square feet.

7.2 Yards & Setbacks

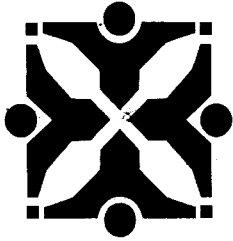
- a. There shall be a twenty-five (25) foot building setback from all perimeter property lines.
- b. Building separation shall be a minimum of 10 feet.

- c. Building setbacks from private streets shall be a minimum of 20 feet.
- d. All other internal setbacks shall be per the Final Development Plan.

VIII. Building Materials

8.1 The following represents the proposed building materials and the approximate percentages of the building materials to be used:

- a. Buildings with less than 10 units
 - 1. Stone: 15%; wainscot around entire building
 - 2. Brick: 15%; brick on garages above the stone wainscot
 - 3. Fiber Cement Siding: 70%
 - 4. 100% Fiber cement trim around windows and at all corners
 - 5. 100% Aluminum downspouts & gutters
 - 6. 100% Fiber cement fascia and vented soffit
 - 7. Architectural Shingles
 - 8. 100% Pre-cast window sills at all stone locations
- b. Buildings with 10 units or more
 - 1. Stone: 30%; miscellaneous around the entire building
 - 2. Brick: 30%; miscellaneous around the entire building
 - 3. Fiber Cement Siding: 40%
 - 4. 100% Fiber cement trim around windows and at all corners
 - 5. 100% Aluminum downspouts & gutters
 - 6. 100% Fiber cement fascia and vented soffit
 - 7. Architectural Shingles
 - 8. 100% Pre-cast window sills at all stone locations



Source: Community Development - Planning 

Agenda Item No:

To: **City Council**
From: **City Manager and Staff** 

Council Meeting Date: Jan 21, 2014

Re: Bedford Walk Plat 9 - PUD Plan & rezoning request (Case 12-247)

EXECUTIVE SUMMARY:

A request by Jeffrey E. Smith Investment Company, LC (contract purchaser) to rezone approximately 7.99 acres from R-1 (One-Family Dwelling District) to PUD 14 (Planned Unit Development maximum 14 du/ac), approval of a PUD development plan to be known as "Bedford Walk Plat 9," and a request for variance from Section 25-43 of the Subdivision Regulations pertaining to minimum required road right-of-way. The subject property is located at the southwest corner of Nifong Boulevard and Bethel Street. **(Case 13-247)**

DISCUSSION:

PUD Zoning

The subject site is currently zoned R-1 (One-Family Dwelling District), and is abutted by residential lots to the south and west. The site has remained undeveloped since its annexation in 1969. Over the past 10 years the surrounding area has experienced significant development pressure. The site is southwest of two existing senior housing developments, a bank, and west of recently constructed senior housing and a future commercial center.

By virtue of the site's location, southwest of Bethel Street and Nifong Boulevard a neighborhood collector and major arterial respectively, the site is considered a "node" by Columbia Imagined and is suitably served by public infrastructure to support commercial or office uses. The applicant's requested zoning does not seek to maximize the site's locational advantage rather it proposes uses that provide a buffer between the intense development activity/traffic at the intersection and lower density uses to the south and west.

While current R-1 zoning would permit fewer units than the proposed PUD 14, the existing zoning will not provide site specific protections for adjacent owners. R-1 zoning permits development of single-family lots on smaller parcels and uses such as churches with daycare "by-right". Such uses may be viewed by some as less compatible and could have greater impact on adjacent development and traffic patterns than the proposed uses. The proposed PUD 14 zoning is considered more appropriate because of its required development plan and ability to produce predictable results.

PUD Plan

A Statement of Intent (SOI) and site specific development plan have been submitted with this proposal. The SOI limits development to 109 total units and excludes attached residential, commercial and office uses from the site. Single-family detached dwellings would be permitted on lots no less than 10,000 sq.ft. - comparable to lots within Bedford Walk. The SOI limits structure height to 45-feet for buildings with more than 10 units and 35 feet to those with fewer. Additionally, the SOI provides architectural standards for all proposed improvements to ensure greater integration with adjacent development.

The site plan shows a 54-unit 3-story multi-family building and 9 single-story 4-plex buildings. Placement of the structures provides a buffer from adjacent activities and graduates density across the site. Parking shown is calculated based on "elderly and handicapped housing" and is in excess of that required. Conservation easements have been provided on the southeast and west portions of the site to preserve existing trees. The site plan also provides for the dedication of additional rights-of-way along Nifong Boulevard and Bethel Street to meet future transportation system needs.

While right-of-way has been proposed for dedication it is not consistent with that required per Section 25-43 of the Subdivision Regulations. The applicant is seeking a variance from the required half-width of Nifong Boulevard from approximately 390 feet west of the Nifong/Bethel intersection to the western property line. The City Traffic Engineer supports the requested variance due to the unique nature of the Nifong alignment

as well as based upon the applicant's provision of a temporary construction easement (TCE) equal to the right-of-way width that would have otherwise been required.

On January 9, 2014, the Planning and Zoning Commission voted unanimously (8-0) to recommend approval of the proposed rezoning and development plan, including the variance, subject to revision of the SOI to clarify building height and that restrictive covenants be recorded prior to issuance of building permits. In arriving at its decision issues relating to structure height, enhanced landscaping, appropriateness of the proposed use, desire for quality development, and the sufficiency of the proposed traffic improvements were discussed.

The applicant's attorney, engineer, and management staff addressed the Commission regarding the project. Two individuals spoke in favor of the project and cited the applicants efforts to accommodate the concerns of Bedford Walk residents into the final plan. Several adjacent property owners spoke in opposition to the proposal. Opposition focused primarily on aesthetic concerns relating to the 4-plex buildings and the potential for the reduction in property values. Opponents also expressed concern regarding the inability to control future tenant mixture and parking demands. Written correspondence in support and in opposition to the proposal is attached.

A copy of the staff report, including locator maps, the revised Statement of Intent, and the PUD development plan, as well as meeting excerpts are attached.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Approval of the proposed rezoning, PUD development plan, and requested variance to Section 25-43 as recommended by the Planning and Zoning Commission.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	NA
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	NA
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	NA

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
January 9, 2014**

SUMMARY

A request by Jeffrey E. Smith Investment Company, LC (contract purchaser) to rezone approximately 7.99 acres from R-1 (One-Family Dwelling District) to PUD 14 (Planned Unit Development maximum 14 du/ac), approval of a PUD development plan to be known as "Bedford Walk Plat 9", and a request for variance from Section 25-43 of the Subdivision Regulations pertaining to minimum required road right-of-way. The subject property is located at the southwest corner of Nifong Boulevard and Bethel Street.
(Case 13-247)

DISCUSSION

The applicant is requesting rezoning and PUD plan approval of the subject site to accommodate a mixture of housing styles to meet the needs of seniors. The proposed PUD 14 will allow for the construction of a 54 unit, 3-story multi-family building with a walk-out basement similar to other senior housing built to the northeast and east of the site. The proposed zoning would also permit the development of 9 single-story 4-plex buildings. The proposed uses of the site are intended to be under common ownership and not sold.

The submitted Statement of Intent (SOI) significantly limits the development density and potential for other uses on the site. A maximum of 109 multi-family units would be allowed. If the site were converted to single-family lots those lots would have a minimum lot area of 10,000 square feet - comparable to interior lots within Bedford Walk. The SOI prohibits office or commercial uses on the site.

The subject parcel is located in an area that has seen significant development pressure over the past 10 years. The site is southwest of two existing senior housing developments, a bank, and west of recently constructed senior housing and a future commercial center. To the south is the Bedford Walk subdivision and Gentry Middle School. By virtue of its location, southwest of Bethel Street and Nifong Boulevard a neighborhood collector and major arterial respectively, the site is considered a "node" by Columbia Imagined and is suitably served by public infrastructure to support commercial or office uses.

While situated at a major intersection and supported by adequate infrastructure, the applicant's requested zoning does not seek to maximize the subject site's locational advantage. The applicant's proposed land use provides a buffer between intense development activity/traffic at the intersection and lower density uses to the south. Furthermore, the SOI and PUD plan provide clear guidelines for future development of the site by specifying uses, densities, and design criteria for on-site development. The proposed zoning density is internally graduated with the most intense density being located at the corner and the least intense along the southern and western property lines.

The attached site plan conforms to the requirements for PUD plans and will function as the preliminary plat for the proposed development. Prior to building permitting a final plat will be required since this property is still classified as "land in limits". The plan shows the building limits, proposed conservation easements, circulation patterns, parking locations, and site landscaping treatments.

The plan proposes to address land use transitioning concerns by enhanced landscaping along its southern boundary as well as establishing conservation easements to preserve existing vegetation along its southeastern and western boundary. Enhanced landscaping around the foundations of the proposed 4-plexes is shown as well to further soften and make the structures appear more similar to those within Bedford Walk. Architectural standards for all proposed construction are part of the proposed SOI governing the development.

The circulation system within the development is comprised of a private driveway that connects Nifong Boulevard to Bethel Street. Connected to this driveway are individual accesses to the proposed 4-plexes and a traditional parking lot for the 3-story multi-family building. The parking provided on the site is calculated based on "elderly and handicapped housing" and is in excess of the total number required. Additional over-flow spaces have been provided on the eastern end private driveway.

A revised traffic study was submitted with this request to ensure that site accesses and right-of-way widths will be properly sized to accommodate the proposed development and surrounding future roadway improvements and traffic volumes. As a result, additional right-of-way along Bethel Street and Nifong Boulevard are being provided.

While additional right-of-way is shown along Nifong Boulevard it is not along its full length as required by Section 25-43 of the Subdivision Regulations. As such the applicant is seeking a variance from the required half-width from approximately 390 feet west of the Nifong/Bethel intersection to the western property line.

The City's Traffic Engineer supports the request variance along this section of Nifong due to the unique nature of the Nifong alignment. Support is further given based upon the applicant's provision of a temporary construction easement (TCE) equal to the right-of-way width that would have otherwise been required. The TCE will allow construction of the future improvements to occur without unnecessary added easement costs of possible relocation of site improvements.

RECOMMENDATION

Approval of the proposed rezoning to PUD 14
Approval of the proposed PUD development plan
Approval of the proposed variance to Section 25-43 relating to required right-of-way half-width

SUPPORTING DOCUMENTS (ATTACHED)

- Aerial/zoning and topographic maps
- Development plan
- Statement of Intent
- Statement of Intent Worksheet
- Variance Request and roadway exhibit

SITE CHARACTERISTICS

Area (acres)	7.99 acres
Topography	Sloping to the southwest
Vegetation/Landscaping	Grassed outparcel of Bedford Walk subdivision
Watershed/Drainage	Mill Creek
Existing structures	None

HISTORY

Annexation date	1969
Zoning District	R-1 (One-family Dwelling)
Land Use Plan designation	Neighborhood District
Previous Subdivision/Legal Lot Status	Land in limits. Subdivision plat approval needed prior to issuance of permits

UTILITIES & SERVICES

All City services are available to the site.

ACCESS

Nifong Boulevard	
Location	North side of site
Major Roadway Plan	Major Arterial (unimproved & City-maintained). 55-foot half-width needed (variance requested). Sidewalk installation will be required.
CIP projects	6-10 year street improvement (proposed construction 2020)

Bethel Street	
Location	East side of site
Major Roadway Plan	Neighborhood Collector (Improved & City-maintained). 30-ft ½ width required to accommodate north bound left turn pocket
CIP projects	Sidewalk construction (proposed 2015) already completed

PARKS & RECREATION

Neighborhood Parks	Cosmo-Bethel Park (1/4 mile south)
Trails Plan	No trails planned adjacent to site.
Bicycle/Pedestrian Plan	Urban Trail/Pedway adjacent to 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 December 17, 2013.

Public information meeting recap	Number of attendees: 22 Comments/concerns: Traffic safety, screening, site safety, controlling tenant mix, aesthetics
Notified neighborhood association(s)	Bedford Walk, Westchester Village
Correspondence received	2 letters (attached)

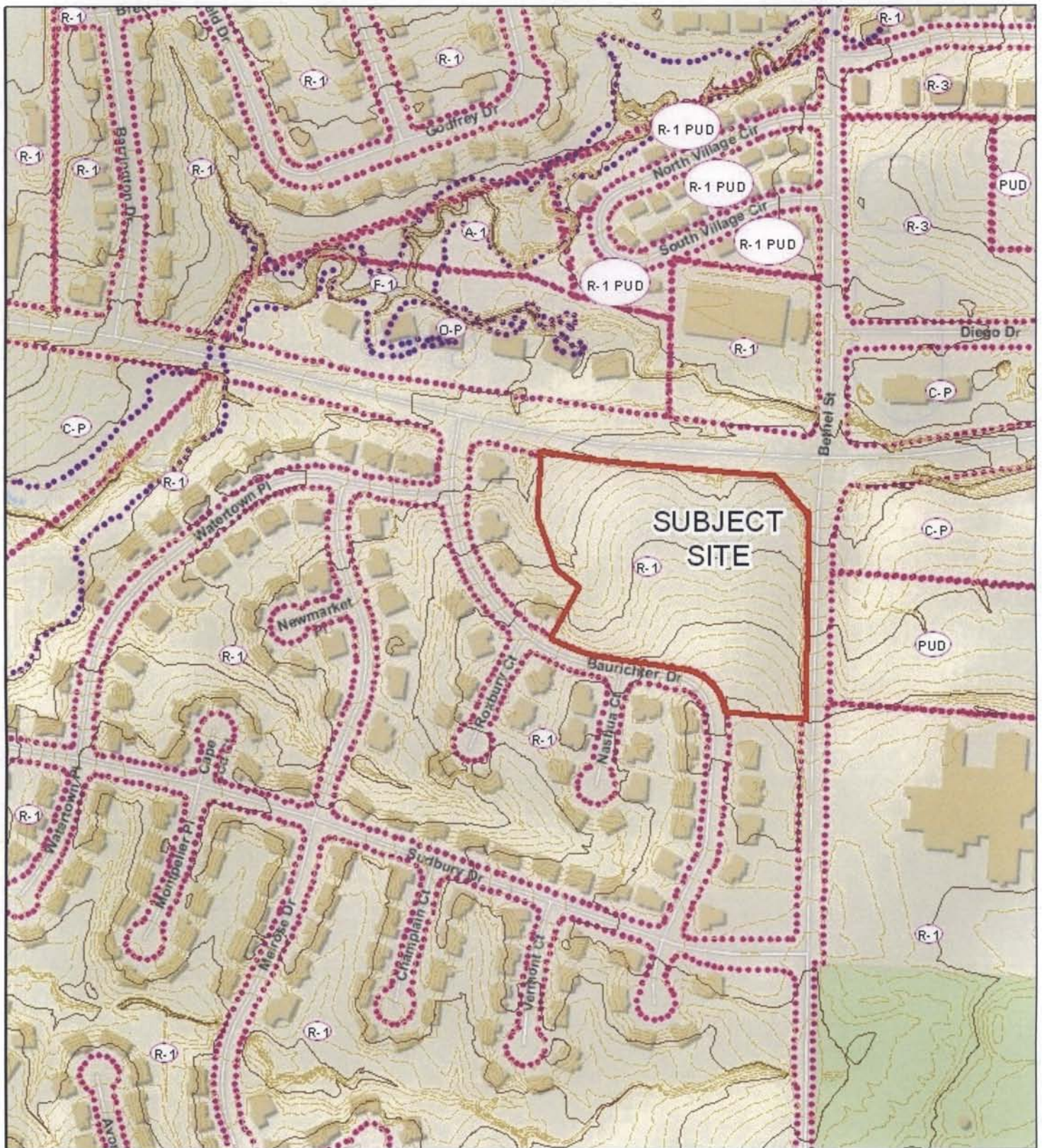
Report prepared/approved by Patrick Zenner



13-247: Bedford Walk Plat 9 Rezoning & PUD Plan

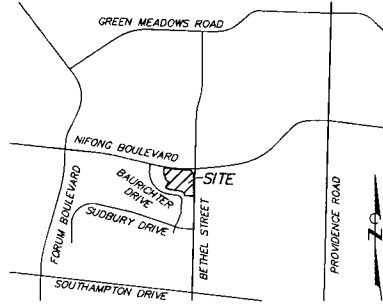
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13-247: Bedford Walk Plat 9 Rezoning and PUD Plan





SITE LOCATION MAP

NOT TO SCALE

UTILITY NOTES

THE LOCATIONS, SIZES, AND MATERIAL TYPES OF UNDERGROUND UTILITIES INDICATED ON THE PLAT ARE SHOWN IN THEIR APPROXIMATE LOCATIONS. NO UTILITY LOCATE WAS PERFORMED FOR THIS PROJECT AND UTILITIES WERE NOT VERIFIED IN THE FIELD.

WATER
CITY OF COLUMBIA WATER & LIGHT DEPARTMENT
P.O. BOX 6015
COLUMBIA, MISSOURI 65205
CONTACT: JOE STRODTMAN 573-874-6308
8" HOPE ALONG WEST SIDE OF BETHEL STREET
6" HOPE CROSSING BETHEL STREET

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

GAS
AMEREN MISSOURI
2001 MAGUIRE BOULEVARD
COLUMBIA, MISSOURI 65201
CONTACT: BRUCE DARR 573-876-3030
8" PLASTIC ALONG NORTH SIDE OF NIFONG BOULEVARD
8" COATED STEEL ALONG NORTH SIDE OF NIFONG BOULEVARD

TELEPHONE
CENTURYLINK
625 E. CHERRY STREET
COLUMBIA, MISSOURI 65201
CONTACT: DUANE MCGEE 573-886-3503
AS SHOWN

TELEVISION
MEDIACOM
901 N. COLLEGE AVENUE
COLUMBIA, MISSOURI 65201
CONTACT: BOB BONER 573-443-1536
AS SHOWN

SANITARY SEWER
CITY OF COLUMBIA PUBLIC WORKS DEPARTMENT
P.O. BOX 6015
COLUMBIA, MISSOURI 65205
CONTACT: STEVE HUNT 573-874-7250
AS SHOWN

STORM SEWER
CITY OF COLUMBIA PUBLIC WORKS DEPARTMENT
P.O. BOX 6015
COLUMBIA, MISSOURI 65205
CONTACT: TOM WELLMAN 573-874-7250
AS SHOWN

PARKING NOTE

REQUIRED PARKING	
SENIOR HOUSING	90 UNITS @ 1 SPACE/UNIT = 90 SPACES TOTAL REQUIRED = 90 SPACES
BIKE PARKING	TOTAL REQUIRED = 8 SPACES
PROVIDED PARKING	
BUILDING 1	
ACCESSIBLE SPACES	= 4 SPACES
STANDARD SPACES	= 66 SPACES
	TOTAL PROVIDED = 70 SPACES
	RATIO = 1.3 SPACES/UNIT
BIKE SPACES	= 8 SPACES
BUILDING 2-10	
GARAGE/DRIVEWAY SPACES	= 36 SPACES
	TOTAL PROVIDED = 36 SPACES
	RATIO = 2 SPACES/UNIT

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF
COLUMBIA, MISSOURI, THIS ____ DAY OF ____, 2014

ROBERT MCDAVID, MAYOR

ATTEST: SHEELA AMIN, CITY CLERK

FENCING NOTE

- NO SOLID/OPAQUE FENCE SHALL BE PLACED ALONG BAURICHTER DRIVE OR ADJACENT TO BEDFORD WALK NEIGHBORHOOD.

APPROVED BY THE PLANNING AND ZONING COMMISSION,
COLUMBIA, MISSOURI, ON ____

DR. RAMAN PURI, CHAIRPERSON

SIGNAGE NOTE

- ALL BUILDING, MONUMENT, AND WALL SIGNAGE SHALL COMPLY WITH CHAPTER 23 OF THE CITY OF COLUMBIA ORDINANCES FOR R-3 ZONING.

DEVELOPMENT NOTES

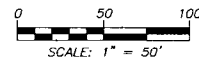
- MAXIMUM HEIGHT OF BUILDINGS WITH MORE THAN 10 UNITS SHALL BE 45 FEET, PLUS AN ADDITIONAL STORY FOR A WALKOUT.
- MAXIMUM HEIGHT OF BUILDINGS WITH LESS THAN 10 UNITS SHALL BE 35 FEET.
- BUILDINGS LOCATED SOUTH AND WEST OF THE "ENHANCED HEIGHT RESTRICTION LINE" SHALL BE LIMITED TO TWO STORIES MAXIMUM HEIGHT.

SOLID WASTE NOTE

- BUILDING 1 TRASH COLLECTION SHALL BE IN DUMPSTER.
- BUILDING 2-10 TRASH COLLECTION SHALL BE CURBSIDE PICK UP.

ZONING NOTE

CURRENT PROPERTY ZONING - R-1
PROPOSED PROPERTY ZONING - PUD-14
PROPOSED DEVELOPMENT DENSITY = 11.5 UNITS/ACRE



BEARINGS ARE REFERENCED TO THE LINES OF THE
SURVEY RECORDED IN BOOK 1266 PAGE 805

MONUMENT LEGEND

IRON
SET
ALL MONUMENTS ARE FOUND
UNLESS SHOWN (S) SET

LEGEND

PROPERTY LINE	---
ELECTRIC LINE	---
FIBER OPTIC LINE	---
UNDERGROUND TELEPHONE LINE	---
SANITARY SEWER LINE	---
STORM SEWER LINE	---
GAS LINE	---
WATER LINE	---
TREE & BRUSH LINE	---
DRAINAGE SWALE	---
EXISTING CONTOUR	---
ANCHOR	---
CORRUGATED METAL PIPE	---
FIRE HYDRANT	---
HIGH DENSITY POLYETHYLENE PIPE	---
POLYVINYL CHLORIDE PIPE	---
REINFORCED CONCRETE PIPE	---
VITRIFIED CLAY PIPE	---
WATER VALVE	---
TREE PRESERVATION BARRIER	---
FINISH CONTOUR	---
PROPOSED SANITARY SEWER LINE	---
PROPOSED WATER LINE	---
PROPOSED STORM SEWER	---
PROPOSED FIRE HYDRANT & VALVE	---

OWNER

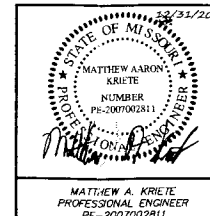
CORPORATION OF THE EPISCOPAL DIOCESE OF MISSOURI
1210 LOCUST STREET
ST. LOUIS, MO 63103

DEVELOPER / SUBDIVIDER

JEFFREY E. SMITH INVESTMENT COMPANY L.C.
206 PEACH WAY
COLUMBIA, MO 65205

SHEET INDEX

1	PUD/PRELIMINARY PLAT PLAN
2	PUD/PRELIMINARY PLAT CONCEPTUAL GRADING & DRAINAGE PLAN
L-1	LANDSCAPE PLAN



PUD/PRELIMINARY PLAT PLAN

BEDFORD WALK PLAT 9

COLUMBIA, MISSOURI

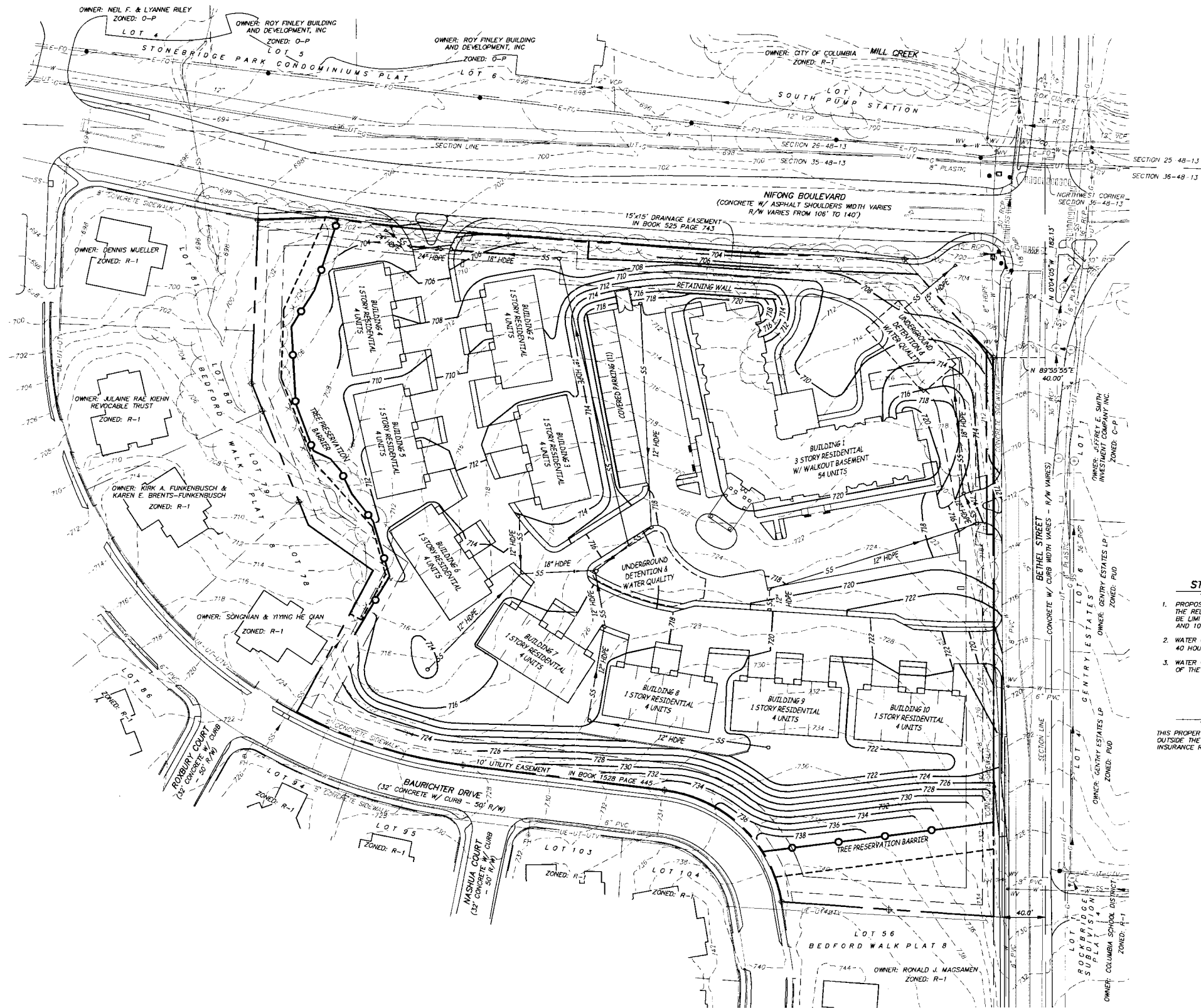
Engineering Surveys & Services

1113 Fay Street
Columbia, Missouri
573-449-2646

Missouri Engineering Corporation # 2004000018

Surveyed: --	Date	Job	Sheet
Drawn: RTM	1" = 50'	DECEMBER 2, 2013	12536
Checked: MK			1 of 3

THIS DOCUMENT WAS INTENDED TO BE DIGITALLY SIGNED. IF SIGNATURE AND VALIDATION ARE NOT PRESENT, THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT.



STORM WATER MANAGEMENT NOTES

1. PROPOSED ON SITE DETENTION SHALL BE DESIGNED SUCH THAT THE RELEASE RATE OF THE POST DEVELOPMENT STORMS SHALL BE LIMITED TO THE PRE DEVELOPMENT RATES FOR THE 1, 2, 10, AND 100 YEAR STORMS.
2. WATER QUALITY STORM SHALL BE RELEASED OVER MINIMUM OF 40 HOURS. (EXTENDED DETENTION)
3. WATER QUALITY TREATMENT SHALL COMPLY WITH CHAPTER 12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES.

FLOOD PLAIN NOTE

THIS PROPERTY IS LOCATED IN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN BY FLOOD INSURANCE RATE MAP NUMBER 29019C02900, DATED MARCH 17, 2011.

THIS DOCUMENT WAS INTENDED TO BE DIGITALLY SIGNED. IF SIGNATURE AND VALIDATION ARE NOT PRESENT THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT.

		12/31/2013 PUD/PRELIMINARY PLAT CONCEPTUAL GRADING & DRAINAGE PLAN BEDFORD WALK PLAT 9 COLUMBIA, MISSOURI	
Surveyed: -- Drawn: RTM Checked: MK		1113 Fay Street Columbia, Missouri 573 - 449 - 2646 Missouri Engineering Corporation # 2004005018	Revised DEC. 20, 2013 DEC. 31, 2013
Scale 1" = 50'	Date DECEMBER 2, 2013	Job 12536	Sheet 2 of 3

LANDSCAPING NOTE

LANDSCAPE AREA	201,020 SQ. FT.	58.7%
BUILDING AREA	67,623 SQ. FT.	19.7%
PAVED AREA	74,061 SQ. FT.	21.6%
	342,704 SQ. FT.	100.0%

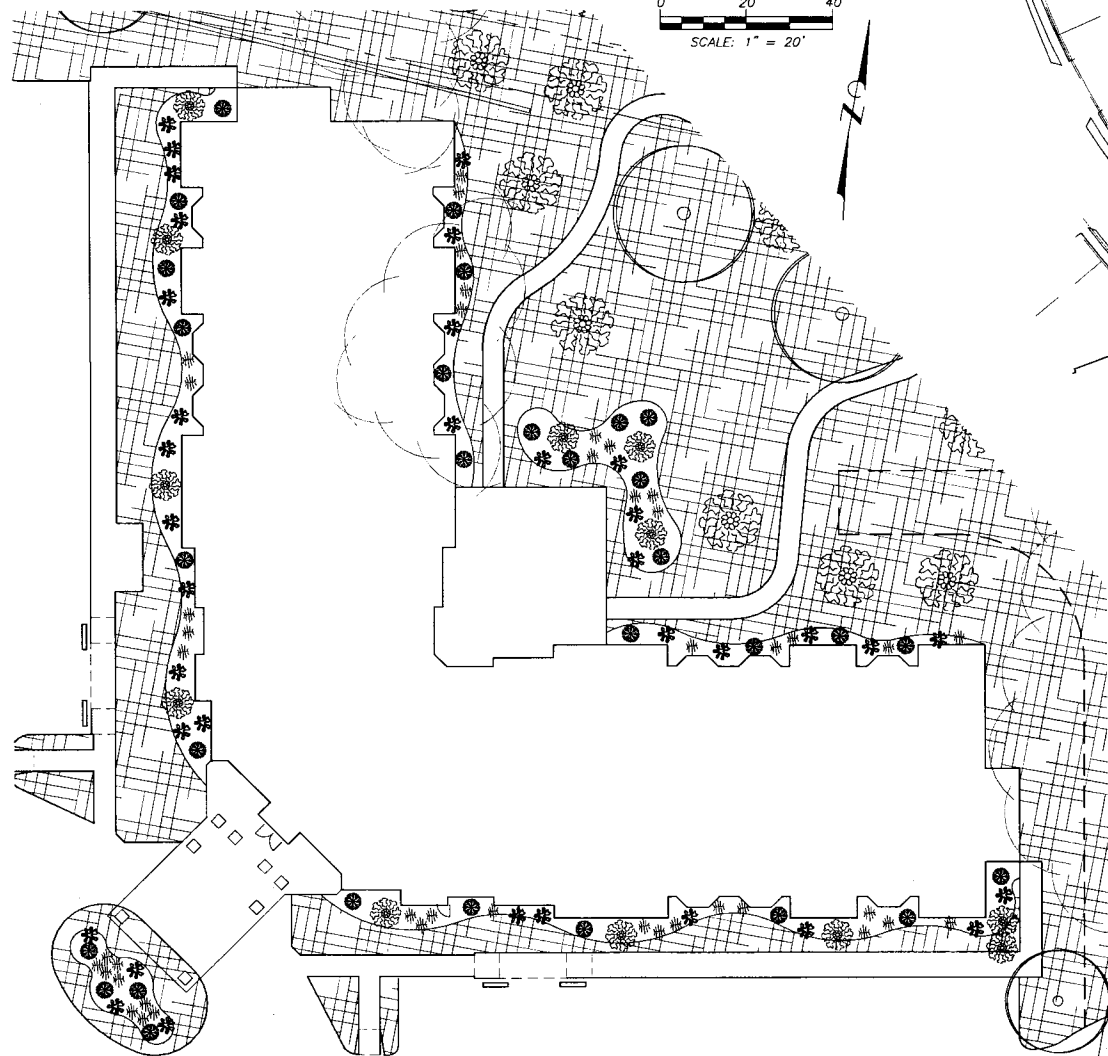
TREES REQUIRED: TOTAL 17 TREES
 1 TREE/4,500 SQ. FT. OF PAVED AREA
 LARGE TO MEDIUM DECIDUOUS SHADE TREES 6 TREES (30% OF TOTAL)

LANDSCAPE LEGEND

SYMBOL	DESCRIPTION	NO. PROVIDED
	EVERGREEN TREES	30
	ORNAMENTAL TREES	58
	SHADE TREE	70
	FLOWERING SHRUBS	98
	EVERGREEN SHRUBS	57
	FLOWERING PERENNIALS	223
	PERMANENT SEEDING /SODDING	

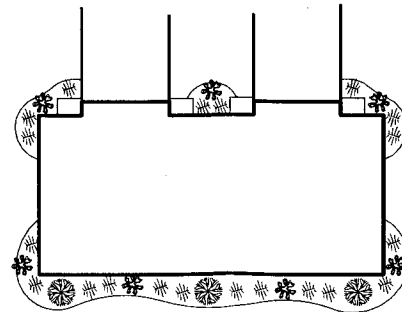
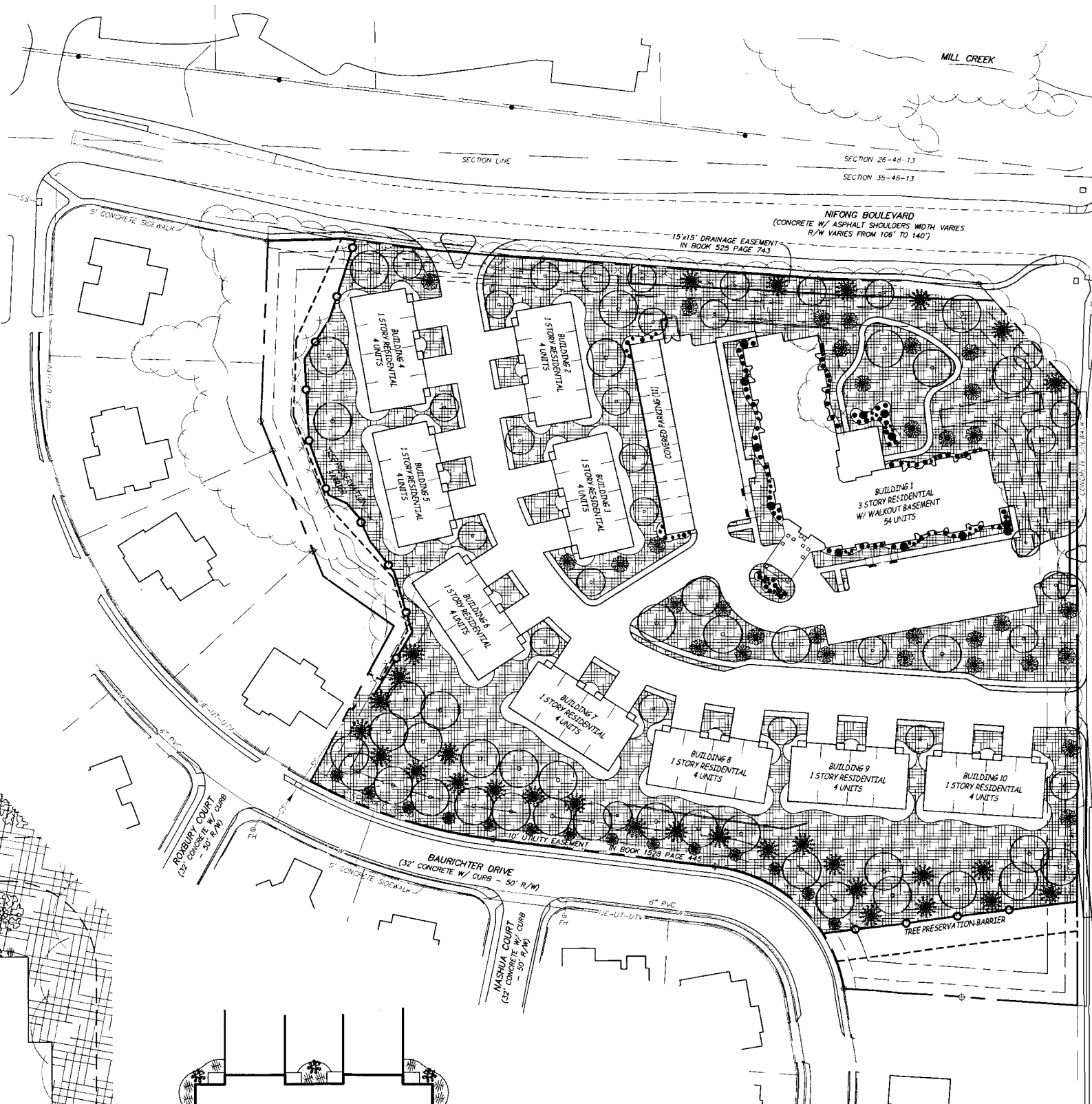
NOTES

- ALL TREE SAUGERS, SHRUBS, AND GROUND COVER BEDS ARE TO BE MULCHED WITH A MINIMUM OF 3 INCHES OF SHREDDED CYPRESS OR HARDWOOD MULCH.
- AREAS NOTED AS "SODDED" OR "SEDED" ARE TO BE PLANTED SODDED OR SEDED PER THE SPECIFICATIONS AS APPROPRIATE TO PROVIDE COMPLETE COVERAGE.
- ALL PROPOSED PLANTINGS SHALL BE EXCAVATED TO A DEPTH TO ALLOW THE PLANTINGS OF THE PROPOSED TREES ROCK SUB BASE AND COMPACTED SOIL SHOULD BE REMOVED TO CREATE A PLANT PIT.
- ALL NURSERY STOCK SHALL CONFORM TO THE CURRENT "AMERICAN STANDARDS FOR NURSERY STOCK" ANSI Z60.1.
- MINIMUM SIZES SHALL BE AS FOLLOWS:
 - MEDIUM TO LARGE DECIDUOUS SHADE TREES SHALL BE THREE (3) INCH CALIPER, AS MEASURED SIX (6) INCHES ABOVE THE GROUND.
 - SMALL DECIDUOUS OR ORNAMENTAL TREES SHALL BE 2" CALIPER AND FOUR (4) FEET IN HEIGHT WITH THE EXCEPTION OF TRUE DWARF SPECIES.
 - CONIFERS SHALL BE EIGHT (8) FEET IN HEIGHT.
 - UPRIGHT EVERGREEN TREES SIX (6) FEET IN HEIGHT WITH THE EXCEPTION OF TRUE DWARF SPECIES. DECIDUOUS AND EVERGREEN SHRUBS MINIMUM TWO (2) GALLON SIZE.



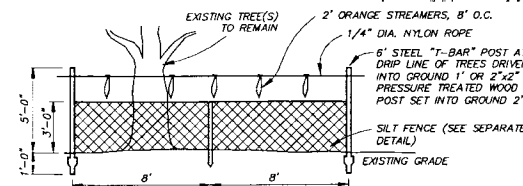
BUILDING 1 PLANTING DETAIL

NOT TO SCALE



BUILDING 2-10 PLANTING DETAIL

NOT TO SCALE



TREE PRESERVATION BARRIER W/ SILTFENCE

NOT TO SCALE

LANDSCAPE PLAN BEDFORD WALK PLAT 9

COLUMBIA, MISSOURI



Engineering Surveys & Services
11113 Fay Street
Columbia, Missouri
573 - 449 - 2646

Missouri Engineering Corporation # 2004005918

Surveyed: ---
Drawn: RTM
Checked: MK

Revised
DEC. 20, 2013
DEC. 31, 2013

Scale	Date	Job	Sheet
1" = 50'	DECEMBER 2, 2013	12536	L-1

Engineering Surveys and Services

Consulting Engineers, Geologists, and Land Surveyors
Analytical and Materials Laboratories

1113 Fay Street
Columbia, Missouri 65201
Telephone 573-449-2646
Facsimile 573-499-1499

E-Mail ess@ESS-Inc.com
<http://www.ESS-Inc.com>

December 31, 2013

Mr. Timothy Teddy
Director, Community Development Department
City of Columbia
701 E. Broadway
Columbia, MO 65205

RE: Variance Request – Nifong R/W
Nifong-Bethel Senior Living
Columbia, Missouri

Dear Mr. Teddy:

We respectfully request a variance to the minimum required right-of-way half width dedication for Nifong Boulevard required by Section 25-43 (1) of the City Ordinances. Nifong Boulevard is classified as a major arterial street by the CATSO Roadway Plan, a classification that requires a standard right of way width of 110 feet. In conjunction with the platting of the property along one side of a major arterial, additional right-of-way dedication is typically made based on the half width required, as measured from the roadway center line. However, Nifong Boulevard and its current right of way are not typical. We have prepared this letter and the attached exhibit to described the nonstandard nature of Nifong Boulevard, demonstrate the required right of way needed to function as a major arterial street, and justify our request.

Nifong Boulevard along the frontage of the Nifong-Bethel Senior Living Property is a standard 2 lane rural section with shoulders and dedicated left turn lanes at street intersections, with a 106 to 130 foot right of way. The roadway alignment is along a horizontal curve, offset to the southern portion of the right of way. Since the road is off center, within a horizontal curve, and has nearly enough right-of-way for a major arterial, minimal right of way dedication is required for the future roadway improvements.

The attached exhibit shows the potential 20-year alignment of Nifong Boulevard. The depicted improvements are based on the traffic impact study prepared by Crawford Bunte Brammier, dated December 2, 2013, with the addition of turn lanes City staff anticipates will be required, specifically a dedicated east bound right turn lane at Bethel Street and dual northbound left turn lanes on Bethel Street at the intersection with Nifong Boulevard. Utilizing the

Page 2

Timothy Teddy

December 31, 2013

horizontal curve, the center line alignment of the roadway can be straightened, while aligning with the Bethel Street intersection, and widened mainly to the north.

The majority of the improvements shown can be constructed within the current right-of-way. However, additional right of way is required near the intersection for the dedicated eastbound right turn lane on Nifong Boulevard and the second northbound left turn lane on Bethel Street. With this additional dedication, the minimum right-of-way width for Nifong Boulevard will exceed 110 feet. Additionally, the dedicated right-of-way on Bethel Street will exceed the require dedication by ordinance.

As shown on the exhibit, the non typical nature of the Nifong Boulevard allows for dedication of less than the typically half width of right-of-way, while maintaining sufficient area for typical multimodal, major arterial roadway section, and exceeds the minimum right of way width. Please note that this exhibit has been prepared to demonstrate right-of-way needs only and does not represent required proposed improvements. It is our professional opinion that granting this variance is not detrimental to public safety, health or welfare; is not generally applicable to other property; and does not abrogate the provisions of the comprehensive plan of the City of Columbia.

Please do not hesitate to contact us with any questions or concerns.

Respectfully submitted,



Matthew A. Kriete, P.E.



Enclosures

cc: 1-Jeff Smith, Jeffrey E. Smith Investment Company
1-Brian Kimes, Jeffrey E. Smith Investment Company
1-Will Markel, Jeffrey E. Smith Investment Company
1-Monica Swoboda, Jeffrey E. Smith Investment Company
1- Dan Simon, BWSPL
1-Mark Farnen
1-File ESS Job #12536
All with enclosures
All by email



Engineering Surveys & Services
 1113 Fay Street
 Columbia, Missouri
 573-449-2040
 Missouri Engineering Corporation # 000007012



Patrick Zenner <przenner@gocolumbiamo.com>

Response from Bedford Walk Resident regarding meeting at City Chambers Dec172013 530 PM

Kurukulasuriya, Damascene (MU-Student) <dk4b@mail.missouri.edu>
To: "Przenner@gocolumbiamo.com" <Przenner@gocolumbiamo.com>

Wed, Dec 18, 2013 at 1:37 AM

Dear Mr. Zenner, Mr. Kriete, Mr. Simon, Mr Farnen

I am Damascene Kurukulasuriya who was sitting just behind Mr Dan Simon at City Chambers this evening.
I am a resident down Bauricter on Bedford Walk at the North-West confluence of Bauricter and Sudbury.

Thank you very much Mr. Zenner for all your help Dec 17 Tuesday AM. It was a fine preamble to the same evening's wonderful meeting.

Caveat emptor - Since I am not a native speaker of English, my apologies if my verse is enigmatic ,
indecipherable or fails to meet standards of contemporary usage of American English in the realms
of grammar, syntax, semantics, vocabulary, etc..

I was greatly pleased with City Hall meeting. The ambience was empowering, the tenor was graceful, and
any catharsis was non-abrasive which made the overall discourse sacrosanct and enriching.

After recent days of laborious discovery, careful contemplation I am elated to proclaim,that

**I, Damascene Kurukulasuriya WILL SUPPORT Mr. Smith's proposed SENIOR development in
said South-West corner of the confluence of Bethel and Nifong.**

Since some finer details yet are putative, downright nebulous or simply mere figments of creative
imagination, I will take your word and trust you that the final iteration will be amicable, reasonable,
realistic, logical , keeping with City regulations, built as promised and reciprocally acceptable over
the long haul.

In making this decision I considered following misconceptions/misinterpretations even which I was lead to
believe with impunity. Thanks to you, these were then amply cleared last evening and relegated to the junk
folder by me!

**1 Traffic on Bauricter will dangerously increase due to errant new senior tenants who practice
racing for Indy-500 on Bauricter**

Certainly I can see this only happen if supercharged new development senior tenants, in order to cut thru Bauricter engage in extra-ordinary measures such as getting on stilts and scaling a 10 foot grade and then pole-vaulting onto Bauricter over the canopy like the Michelin-man(with their Maseratis, McLarens and Lamborghinis of course) !!

2. Bedford Walk Property values will tank

I think on the contrary property values will INCREASE. Why? Past experience tells me more the nice neighbor's then property values increase. Just looking at property values adjacent to Boone Hospital, Tiger Place, and New Lenoir Woods will confirm this.

3. 200 plus new senior neighbors will crowd, converge and congest our backyards

I personally consider having neighboring seniors who are very pleasant, law-abiding, respected citizens of USA who have given a lot to this land, in it is a kind of a blessing and privilege that can come thru this Mr. Jeff Smith's proposed development.

4. Holding out for a developer with single family housing/or church prospects, is a better alternative

My fear is the opposite.

- What if some nasty tenants, tattoo-parlor or a strip-mall takes root in this barren meadow?
- At the rate Churches are going bankrupt and declaring chapter 11, what if some oil-rich Sheik from the Middle-East comes to our kind rescue, buys up the land and installs a novel entity staffed by some not-so-holy Jihadist brothers who won't hesitate to add to the fun by obliging us with some very sophisticated fire-crackers lighted across our backyards?

5. Morbid fear of Unknown Senior behaviors – i.e. Ballyhoo caused if they start jamming Van Halen music with their Fender Amps turned far as volume 10

I would suggest such folks seek solace from FDR's 1933 speech during the Great Depression, "**Only Thing We Have to Fear Is Fear Itself**" then hold hands around Bedford Walk and collectively sing Kumbiah to these melodic tunes wafting over Mr Smith's canopy !!.

Enough said, once the natty gritty is ironed out, in keeping with the seasonal spirit of the Advent I am confident that Great American Mutual Wisdom (GAMW) will prevail, and hence yield to an amicable

agreement with Mr. Smith so that he can transform this barren meadow into a beautiful place seniors can live in joy and harmony with us.

Conflict of interest disclosure : While you may notice that I am a MU student currently , I also happen to be an ardent supporter of Seniors and Senior care since I know a bit more about senior affairs than my beloved fellow Bedford-Walkians.

This is because I am a Consultant Physician in Senior Care Medicine (Geriatric Medicine). I trained under the current Chairwoman of Geriatrics Department in Mount Sinai University School of Medicine Dr. Rosanne M. Leipzig, in Manhattan New York City nearly two decades ago.

My limited knowledge about land and dwellings in Columbia comes from been a Licensed Broker in Real Estate in the State of Missouri for about the last decade.

In addition my knowledge about Senior Living comes from been a Medical Director for Long Term Care Medicine and experience as a Medical Director of a Geriatric Medical Evaluation and Management Unit (GEM Unit) , a Medical Director of Nursing Home, a Medical Director of Out-patient Home Based Primary Care Program for Frail Home bound seniors.

I would love to hear your thoughts.

Sorry to sound preachy like our Parish Priest!

Have a Blessed Christmas and a Happy New Year.

Respectfully,

Damascene Kurukulasuriya MD, FACP, CMD, CCD

Board Certified Physician in Internal Medicine, Geriatric Medicine, Palliative and Hospice Medicine
Certified Medical Director for American Medical Directors Association
Hypertension Specialist for American Society of Hypertension

501 Sudbury Drive
Columbia
MO 65203-6042

Dkt4b@mail.missouri.edu

573-268-5123



Patrick Zenner <przenner@gocolumbiamo.com>

[Planning]: Bedford Walk Plat 9--Rezone & PUD Plan

Ibaier000 <lbaier000@centurytel.net>

Sun, Dec 29, 2013 at 1:08 PM

To: planning@gocolumbiamo.com

December 28, 2013

In June 2000 my wife and I purchased our home at 4101 Nashua Court and have lived here since that time. Our home is directly south of the land being considered for rezoning for apartments. We have enjoyed the land and also the views to the east, which have now been impinged upon by the completed apartments at the eastern corner of Nifong and Bethel.

Now a similar housing is projected on the opposite corner, west Nifong and Bethel.

We strongly express our concerns and oppose the proposal for the following reasons:

The traffic on Nifong has steadily increased and will undoubtedly increase with the addition of the proposed housing. Additional with entrances on Bethel into the housing, more traffic will be present which already is congested with school traffic, including parents and

school buses. Currently we have difficulty during the day and evenings turning west on Nifong from Baurichter and more often we will go down Sudbury and detour.

We express our concern for the congestion which this will cause on both Nifong and Bethel.

Also, as property owners we believe the value of our home may decrease with the additional housing complex so near our property

We encourage the planning and zoning members and also the City Council to appreciate the concerns of the residents of Bedford and the opposition to such a proposal.

Sincerely yours

Lyle & Jo Baier



FREE Animations for your email [Click Here!](#)





Patrick Zenner <przenner@gocolumbiamo.com>

[Planning]: Case 13-247 Bedford Walk Plat 9 - Rezone and PUD Plan

Rob <rob@christensenasphalt.com>

Mon, Jan 6, 2014 at 2:51 PM

To: mkriete@ess-inc.com, "planning@gocolumbiamo.com" <planning@gocolumbiamo.com>

We are traveling and are unable to attend the meeting on January 9, 2014.

We would like to register our opposition to the proposed development. We believe the development does not fit with the character of the neighborhood. The Jeffrey Smith Company is gaining an economic benefit by placing this rental complex in the midst of a nice, residential neighborhood. That economic benefit comes at the expense of the adjoining neighbors. We believe that the development as proposed, would result in lower property values for the existing homes.

Thus far, we have only seen very basic and incomplete representations of screening, landscaping and architectural details.

Until we are convinced that the development will not detract from our neighborhood, we remain in opposition.

Rob and Rosemary Christensen



Patrick Zenner <przenner@gocolumbiamo.com>

Case 13-247 - SW corner Nifong/Bethel rezoning

Jill@cfo2gosolutions.com <Jill@cfo2gosolutions.com>

Sat, Jan 4, 2014 at 7:12 AM

To: Patrick Zenner <przenner@gocolumbiamo.com>

Patrick,

Sorry for my delay, I got married on NYE and we have been digging out from all the clean up and chaos that follows. Can you please submit my comments as follows:

I would like to see an increase in the landscaping that separates my home (4105 Baurichter) from the view of the new retirement community. I realize they have included some landscaping but I would prefer to see more dense landscaping similar to the tree barrier shown on the other edges of the diagram.

We can discuss in further detail upon my return to Columbia.

I hope you had a nice Holiday.

Thanks in advance,

Jill

Jill Paul, CPA

Owner

CFO2GO Solutions

PO Box 30515

Columbia, MO 65205

P/F: 573.818.3190

P/F: 888.340.8430

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From: Patrick Zenner <przenner@gocolumbiamo.com>

Date: Tuesday, December 17, 2013 3:27 PM

To: Jill Paul <Jill@CFO2GOSolutions.com>

Subject: Case 13-247 - SW corner Nifong/Bethel rezoning

[Quoted text hidden]



Patrick Zenner <przenner@gocolumbiamo.com>

[Planning]: Bedford Walk Plat 9 - Rezone & PUD Plan

joelizburks@aol.com <joelizburks@aol.com>

Wed, Jan 8, 2014 at 4:27 PM

To: planning@gocolumbiamo.com

Mr. Zenner,

I am writing in regards to the Bedford Walk Plat 9 – Rezone & PUD Plan. As a property owner in the Bedford Walk subdivision, we are against the development until further details in regards to architectural details are proposed by JE Smith Companies in the form of drawings. We attended a second informational meeting; host JE Smith Co. last evening, 1/7/14. Many in attendance recommended additional architectural changes to the rear of the 4plexes so that the development will blend in with our existing community. There was verbal commitment by Mr. Michael Gaillard, the architect for this development that the discussed changes were possible. Mr. Gaillard stated he could produce drawings including additional proposed changes architecturally to the 4plexes discussed within a month time period. We will reconsider when I see the drawings to confirm so called changes will be part of the plan and are approved by all involved.

Joe & Liz Burks

4204 Baurichter Dr.

Columbia, MO 65203



Patrick Zenner <przenner@gocolumbiamo.com>

[Planning]: Bedford Walk - J E Smith re-zoning proposal

susan clark <susan@dmc-columbia.com>

Thu, Jan 9, 2014 at 2:53 PM

To: planning@gocolumbiamo.com

Cc: Mark Farnen <mfarnen@mchsi.com>

To Planning & Zoning and Mark Farnen on behalf of J E Smith Co.

The Bedford Walk Homeowners Association feels the proposed re-zoning (case13-247) is appropriate for that location although some owners prefer the area remain zoned R-1. The J E Smith Companies have met with neighbors a few times and been very responsive to concerns voiced by homeowners in Bedford Walk that have more to do with final design concepts rather than zoning issues. We sincerely appreciate the efforts of J E Smith Companies to seek out the homeowners, hear their opinions and respond to their input

Susan

Susan L. Clark, CMCA

Diversified Management Co

For the Board of Directors of the Bedford Walk Homeowners Association

302 Campusview Dr, #103

P. O. Box 1695

Columbia, MO 65205-1695

573-445-2050

573-445-9184 (fax)

Susan@DMC-Columbia.com

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EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
January 9, 2014

V) PUBLIC HEARINGS

Case No 13-247:

A request by Jeffrey E. Smith Investment Company, LC (contract purchaser) to rezone approximately 7.99 acres from R-1 (One-Family Dwelling District) to PUD-14 (Planned Unit Development maximum 14 du/ac), approval of a PUD development plan to be known as “Bedford Walk Plat 9”, and a request for variance from Section 25-43 of the Subdivision Regulations pertaining to minimum required road right-of-way. The subject property is located at the southwest corner of Nifong Boulevard and Bethel Street.

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends:

- Approval of the proposed rezoning to PUD-14
- Approval of the proposed PUD development plan
- Approval of the proposed variance to Section 25-48 relating to required right-of-way half-width.

DR. PURI: Commissioners, any questions of Mr. Zenner? Ms. Loe?

MS. LOE: The height limit I noticed was 45 feet plus the walkout basement. That seems to be a slight amendment to how we might typically apply the height limit.

MR. ZENNER: The -- the 45 feet is the minimum. The 45 feet is the allowed height max within the PUD section, period. That's what it comes out as. It's part of what the PUD allows by right.

MS. LOE: Right.

MR. ZENNER: The lower level, which is below grade, would basically be a lower level. It would be no different than a walkout basement. So height is measured in general from the highest curb elevation adjacent to the property.

MS. LOE: Which curb?

MR. ZENNER: It is of their choice since this is a corner parcel, and that is how the height measurement is defined within our code.

MS. LOE: But that would be Bethel or Nifong curb?

MR. ZENNER: It could be or it could be the intersection curb -- the intersection curb at the corner of Bethel and Nifong, which is the lowest point of the property.

MS. LOE: Since that's going to be the taller elevation, if I'm reading the plans correctly, and that that's where the seven-foot -- seven -- sorry -- 710 foot -- I mean, we have the full story of the walkout basement on that corner.

MR. ZENNER: That is correct.

MS. LOE: I feel as if why should -- it feels like an amendment to the height limit in that why aren't we applying a straight height limit? I know the Jeff City height limit starts from the top of the foundation wall, but ours is from the stop of the curb, which should include any elevation above the curb level.

MR. ZENNER: If I am correct, and I would have to look back into our code, it is from the highest elevation -- highest curb elevation, which if you come up Bethel --

MS. LOE: Correct.

MR. ZENNER: -- to the southwest corner of the property, that's your highest curb elevation adjacent.

MS. LOE: Correct.

MR. ZENNER: And then that would take you 45 feet above that, which would incorporate the basement at that point.

MS. LOE: Part of the basement. Correct?

MR. ZENNER: It could, and I would -- I would defer that technical question to the design engineer that is here and he can explain to you the benefits or the disadvantages to the grading plan that they are proposing and why. But again, we typically do not look at basements as part of the height regardless if they're a walkout or not. Height is from the adjacent finished -- generally is taken on a single-family structure the adjacent finished grade of first floor, not of the basement is how it's applied.

MS. LOE: Can we strike plus walkout basement just to clarify?

MR. ZENNER: You -- you could, and I would suggest that that may be a question to ask the applicants as to what that lower level walkout may have within it as it relates to the functionality of their proposed use.

MS. LOE: We had a traffic plan included in the application. Does that plan include the improvements recommended after the traffic study?

MR. ZENNER: Yes, it does. This is the traffic -- this is the traffic diagram that is a result of the requested variance, but it also incorporates the improvements that have been asked for by our City's traffic engineer and recommended by the traffic study itself. Your right-in/right-out only location is here, which is a requirement of the -- was a requirement of our City traffic engineer. The turn lane pocket is a requirement of the overall traffic study. We have realignment and turn lanes associated with this particular intersection, again part of the traffic study. We have a diverter associated with a right-in/right out only at the northernmost entrance required as part of our engineering staff. We have a turn lane extension for a northbound turn required as part of our City engineering staff. So, I mean, there's a lot of stuff that went into the merging of the two reports and a lot of negotiation as it related to the ultimate improvements necessary. The traffic study, actually, I believe -- and I'll let Mr. Kriete, who represents ES&S Engineering, fill in if I'm mistaken. The traffic study, I think, had a lot less in the way of traffic improvements that are shown -- than are what are shown here, and those were negotiated

through our traffic engineers to ensure that the functionality of this intersection and the redesign of Nifong Boulevard will be able to accommodate the future traffic flows that we believe will come through this intersection probably in 2020.

DR. PURI: Any other questions of Mr. Zenner, Commissioners? Okay. I see none. This is a public hearing item. We'll open this item for public hearing.

PUBLIC HEARING OPENED

DR. PURI: Let me explain the rules of engagement. Any organized proponents of this case could have -- would have six minutes to speak. Any following speakers will have three minutes. Same with the opposition. You would have organized opposition, six minutes. Any following speaker, three minutes. As you are getting close to being wrapped up -- any time you see this red light on the podium, this will be my sign for you to wrap it up.

MR. SIMON: Mr. Chairman, Commissioners, my name is Dan Simon; I'm a lawyer with offices at 203 Executive Building here in Columbia. I appear here tonight for the applicant, the Jeffrey Smith Investment Company. I have with me a large number of people, a big team, some of whom may speak to you, some of whom may not. The purpose of that is so that we can answer your questions. And I would respectfully ask if after we present and the other people present, you have questions or concerns, that you address those to us and let us try to answer them because without rebuttal we really don't know what may be concerning to you, so we would beg for your questions. Jeff Smith is a long-time resident of Columbia. Both he and I grew up here. I'm a lot older than he is, but we are both Columbians and both concerned with this community. He has been very, very successful, he and his company, in developing senior housing throughout the United States. They have marvelous projects, two of whom Mr. Zenner has talked about, are in the immediate vicinity of this project. They're beautiful, they're well designed, they're well built, they're well maintained, and they're well managed. They're a credit to this community. The problem with them is that they are tax-credit projects, and I'll talk about that in a minute. But Mr. Smith and his companies are not some just showing up developer. They are a developer with a long track record and a track record of doing exactly what they say. The problem in Columbia is that we have a void in the housing that is available to our seniors. We're trying to attract seniors and retirees to this community and we've been successful at it. The problem, though, is that for the two projects Mr. Smith has, if your income exceeds a limit, you are not eligible to live there. These people who come here and then people here like myself, for example, that want to downsize, don't want to worry about mowing the yard, maintenance, roof, condominium assessments, and those sorts of things, and who want to live in a high-rate, a high-class rental -- market rental housing development have no place really to go. And so what Mr. Smith and his companies would like to do is to fill a part of that niche and to use this property to do it. They believe that this is a perfect place to put a development of this type. If you look at it, it's infill development, conforms with the newly adopted Columbia Imagine Plan, has available public transportation, all of the available public infrastructure. It has almost within walking distance all of the services that seniors need: A bank, grocery store, and other services that are going to come into this

area. When the -- when Boone Hospital completes its clinic at Nifong and Forum, within walking distance, there will be medical services. These people will have the ability to socialize and use the same services that are now available at Gentry Estates and Bethel Ridge and to share transportation services with them. So from the point of view of the Smith Companies, this is a perfect site for this. And I would submit it's a perfect site from the point of view of the City of Columbia. And that this from the point of view of the City of Columbia, which is trying to attract these retirees and older people, that this is a perfect use of this property. Now, we recognize that we are going into a developed area and there are sensitivities of the neighborhood to our south or Bedford Walk. By this, we've tried with this plan to deal with those sensitivities, to provide architectural control, heavy landscaping, deal with traffic needs, and so forth. Now, I think the assumption is that -- can you show those other --

MR. FARNEN: Yeah.

MR. SIMON: I think the assumption is that an area zoned R-1 will be developed for single-family homes and that R-1 zoning will provide for a protection of Bethel -- or I mean of Bedford Walk superior to this particular development. Now, I've had Mr. Kriete prepare a site plan for a church, no architectural controls, lighting, access onto Baurichter and so forth. Now, Mr. Smith is not going to build a church on this property. I don't want to threaten that this is going to be used for a church if this isn't approved. In fact, Mr. Smith isn't going to buy this property if this zoning isn't approved. Even as a single-family housing development, R-1, if you look at that -- same thing. No architectural controls, very likely in today's market in a heavily traveled intersection like this, smaller lots, smaller homes, and so forth. So we submit that the development that is proposed is at least as consistent with Bedford Walk as what could be there if it is not, in fact, superior. Now, there's been some concern that perhaps that Mr. Smith and these people don't mean what they say, that they may not use this for single-family senior housing, that at some point in time, this may become student housing. Now, the City doesn't have a role in this, but what we have done is to commit that if this rezoning is approved, that we are going to record a declaration of restrictive covenants. It is described briefly with what you have before you. It's been prepared; it has been presented to the neighbors. The guarantee is that it will be recorded, it's enforceable, it cannot be removed from the real estate records. It's enforceable by the Bedford Walk Homes Association.

DR. PURI: Sir, can we wrap up. Six minutes have expired.

MR. SIMON: So what it provides is that this will be used for senior housing. So we would submit again that this is an appropriate development for this area; that we've demonstrated we will do what we say we would do -- or will do; and we would respectfully ask that you approve it. Now, again, if there are questions after the presentations, we would beg that you direct them to us. Thank you.

DR. PURI: Commissioners, any questions of this speaker? Okay. I see none. Mr. Stanton?

MR. SIMON: Yes, sir?

MR. STANTON: Again, some of the opposition to your project, they are concerned with the architectural features of your development. Have you addressed those with the -- as an -- with the -- with the neighborhood association? How do you plan to address that?

MR. SIMON: We've addressed it by showing that -- what the buildings will look like and we've addressed it by including binding architectural standards within the statement of intent. And that describes the types of building materials that have to be used, the percentages, and so forth. So I -- we've done the very best we can do to address those concerns.

MR. STANTON: Thank you.

DR. PURI: Mr. Wheeler?

MR. WHEELER: Just -- I know you've given us a bullet form of this, but is -- in this restrictive covenant that you've offered --

MR. SIMON: Yes, sir.

MR. WHEELER: -- is there an agreement to maintain this landscaped area? Often, we see 80 percent opacity or 100 percent opacity, but there is no agreement to actually maintain that over a period of time.

MR. SIMON: Well, I haven't put that in there, Mr. Wheeler, but that's not to say it can't be included. What we specifically tried to deal with was a huge concern that we were going to end up with student housing on this development, that all of a sudden these units would be occupied by students, and I guess that's a big concern in this community. It seems like the students get all the high-class apartments. Seniors don't get them.

MR. WHEELER: Thank you.

DR. PURI: Any other questions, Commissioners? Okay. Seeing none. Next?

MS. SWOBODA: Good evening. My name is Monica Swoboda, and I'm an executive vice president at Jeffery Smith Holdings at 206 Peach Way, Columbia, Missouri. And I thank you for the opportunity to speak with you this evening. I've worked for Jeffrey Smith Companies for well over 15 years, but prior to that, I worked at a large hospital in St. Louis for over 18 years, and I'm a registered nurse. And the last several years of my work at this hospital I spent as a vice president, and one of my responsibilities was to develop and design our senior housing campus at the hospital. I'm very proud of our mission statement at Jeffrey Smith Companies, which is to build, design, manage, and invest in housing that our families would be proud to live in. We've worked with the leaders of Columbia over the last several years to provide much-needed, affordable housing -- senior housing to the city. In Columbia, for instance, we have 371 units of senior housing that are 99-percent occupied. Across the United States, we have about 5,000 units of senior housing that are 97-percent occupied. We've had great success in filling the properties that are Bethel Ridge I, Bethel Ridge II, and Gentry Estates that are all right near the proposed development. And, in fact, those 126 units are 100-percent occupied. And, in fact, they filled -- we filled those properties before we were even 100-percent construction complete. One thing we learned as -- along the way is that one out of every three people, seniors or couples that would come into the property and would go for a tour, we realized that they were not qualified. They were over-income qualified. And imagine their disappointment after they had seen the -- driven up and seen the wonderful exterior, the beautiful landscaping, the interior of the apartments that were very well thought out for them, for seniors, and it

was a great disappointment to all of them. That's when we started to think, gosh, we need to do something for the people that have an interest in living in senior housing -- independent housing. I know we all have read many of the statistics about the booming population for seniors, and in the United States, the population of age 65 and over was 3.9 million in 2009. That's 12 percent of the population or one out of every eight Americans in 2009. By 2030, there will be 72 million people over the age of 65 or 22 percent of the population. Missouri is even more staggering in that in 2030, about 60 percent or 60 -- age 60 and over will be 25 percent of the population. So we conduct a lot of focus groups and we found that the people -- and we did, like, three full days of focus groups, talking to seniors, finding out what they wanted, what they liked and --

DR. PURI: You need to wrap up because three minutes has already passed.

MS. SWOBODA: Okay. Needless to say, everything -- what we heard is exactly what we are proposing and what we've put our plans together for this property. So I thank you for your time and I look forward to your support of this development.

DR. PURI: Commissioners, any questions of this speaker? I see none. Thank you. Next?

MR. FARNEN: Thank you. My name is Mark Farnen, Strategist Communications, 103 East Brandon here in Columbia. I have worked with Jeff Smith's Companies on this particular project primarily from the point of view of outreach with neighbors and meeting with community leaders and trying to facilitate some of -- some of that process. We have had four meetings with neighbors, and this will go some to your question, Commissioner Stanton, about what we have done to address concerns that neighbors have expressed during the course of those four meetings. First was held just with the executive committee of the Bedford Walk Neighborhood Association. The next was with them -- with the entire group or the entire group was invited. The second was a public information hearing that was held here, at which time several questions were raised about lighting, about landscaping, about what -- what are we going to see from our house, and those sort of things. So we called yet another meeting, went back, had that on Tuesday night, hosted it at Gentry Estates, which is a building that looks very similar to what we would intend to build here so that people could see what it looked like at night for lighting, what it looked like inside, the quality of materials, and just how it would operate in those regards. Here's what we found, and these are the things -- we think that this has been not a take-it-or-leave-it deal. We think this is more give-and-take. And these are the things that we have been able to come to agreement on in many regards. The storm water was the first question that we got at the very first meeting we had, and it will be underground. It won't be visible. It will meet all the standards and -- and it will be very similar in nature to what was done across the street, which has proved to be effective. Lighting will be primarily residential in nature, shielded, short poles, 12 feet in most instances. If you go to the buildings that are across the street and currently constructed, at night it still looks -- it does not look like the Dairy Queen. It's -- it's soft light, it's down, it is dark, but it's adequate for our needs, and it does not seem to impinge unnecessarily on the surrounding neighborhoods. We were asked about screening and -- and Dan mentioned that they didn't -- nobody wanted an opaque fence, a big white fence like what divides Gentry School from

Gentry Estates. So we said, What would you prefer? And they said, Well, put trees in there and put a lot of them. We said we'd like to put a little park here, and they said, No. Put trees there and put more. So we did. And they wanted a mix of deciduous and evergreen. We said we'll do that and we'll do them bigger than we're required by current rules that the City has in place -- three inches instead of two-inch caliper on the deciduous trees, six feet on the others. I am going to switch through here really quickly and answer Mr. Stanton's question about design. We have had a lot of those questions. This is what we have brought to them and showed. You can see that the different elevations on the outbuildings have evolved over time and we're still getting there. We think that we're just about there. Here's what the Bedford Walk Neighborhood Association has said about our efforts. We got this email at about 3:00 today. "Bedford Walk Homeowners' Association feels the proposed rezoning is appropriate for that location, although some owners prefer the area remain zoned R-1. The J.E. Smith Companies have met with neighbors a few times, have been very responsive to concerns voiced by homeowners in Bedford Walk that have more to do with final design than zoning issues. We sincerely appreciate the efforts of J.E. Smith Companies to seek out the homeowners, hear their opinions, and respond to their input." That's their words. And thank you very much. We're available for questions.

DR. PURI: Any questions, Commissioners, of this speaker? Ms. Loe?

MS. LOE: I have a -- I'm not sure who's the best team member to ask this, but this property is eight acres, approximately?

MR. FARNEN: Yes.

MS. LOE: And you're proposing 90 units?

MR. FARNEN: Yes.

MS. LOE: So this would actually work with a PUD-12.

MR. FARNEN: It could work with a lower PUD, but part of the request was, we didn't know how the layout was going to go. When we started on this, the outbuildings were six-plexes. Those were reduced in size at the request of neighbors and suggestion of City staff. Those became fours instead of sixes. And so each time that we amended the plan, we didn't want to go back and amend the old plan. So that's the maximum authority that we would have on here, but this is the plan that we have designed. There is also the way that we count units in the main building. The final mix of -- the final mix is -- we believe is going to be 52. But if we increase the number of one-bedroom apartments in there, which you would have space for one -- more one-bedroom apartments than two-bedroom apartments. If we increase that number -- if we -- if we made more one-bedroom apartments, we would have a higher number on the same footprint. And so we had to have the wiggle room to be able to put the correct number of one-bedroom and two-bedroom splits in there, go from six to four on the outbuildings, and come within what would be a reasonable PUD designation. So we're under -- we're under our number -- you're right. But PUD-14 is where we wanted to shoot to make sure that we could accommodate counting rather than space.

MS. LOE: So what's your mix of one- and two-bedrooms?

MR. FARNEN: I need to -- that -- about half and half right now.

MS. LOE: All right.

MR. FARNEN: Thank you.

DR. PURI: Mr. Wheeler has a question for you, sir.

MR. WHEELER: And maybe this is better for someone else. But, essentially, what I heard there was your footprint is going to remain the same regardless of the bedroom count in a three-story building. Correct?

MR. FARNEN: That's basically correct. That's right.

MR. WHEELER: And you have nine four-plexes. Correct?

MR. FARNEN: Yes. That's right.

MR. WHEELER: And this is the -- this is the PUD plan we're being shown, and so you couldn't deviate from that, although the bedroom count -- or the unit count could change with the --

MR. FARNEN: Unit count would be different if within that same footprint they would change the mix of one- and two-bedroom apartments, yes.

MR. WHEELER: I just wanted to make sure I heard that correctly. Thank you.

MR. FARNEN: You did. Thank you.

DR. PURI: Next?

MR. KRIETE: Good evening. I'm Matthew Kriete; I'm with Engineering Surveys and Services, offices at 1113 Fay Street. I am the civil engineer on this project. And I'm here to address some of the technical questions and a few items I want to hit, as well. As we go through this, I wanted to play a slide show, which I think will work through my three-minute period. I'm going to show some 3-D models of the -- of the development. I think this will help to address some of your questions, Ms. Loe. First off, storm water. First off, I'm here to address any questions you have. It is underground. It is kind of out of sight, but it will meet the regulations. So anything else, you know, feel free to ask me. In terms of traffic, we're talking about 90 units. It seems like a lot, but with seniors, they often do not travel at the same time that the rest of us do. So in reality, this is a very low traffic count, less than 32 single-family homes, less than a church would be, and if you added a day care to that church, it would be four times what this development would have. So even in terms of the intensity of this development by rezoning to PUD from an R-1, the traffic requirements come down. With the improvements, though, we did do a traffic study. We looked at long term, what's it going to be in, you know, 20 years. We looked at what kind of right-of-ways would be needed. And I've actually given more right-of-way at the intersection than was required by code. In the end we found we didn't need as much towards the west. And that includes both Nifong and Bethel. Bethel also was given more right-of-way than needed. Accommodate a second left-turn lane, more than the traffic study required. A dedicated right-turn lane, more than required. All of this will help with cycle timing -- really help all the residents in the area once the improvements are done. But with this development, what we have is three driveways: A right-in/right-out on Nifong, so only right turns in, only right turns out. There's no left turns. Same thing on Bethel on the northernmost driveway. We're concerned about conflicts with

the other driveways in the area, so it's only right-in/right-out. The last driveway will be full access and with that, in addition again to the traffic-study requirements, we will provide a dedicated left-turn lane into that development. Traffic that is waiting can turn out into that pocket and allow the surrounding traffic just to flow, especially during school hours. But with those improvements, that's -- that's the improvements that are provided for this plan. The rest of it is future, but the right-of-way will be there and what we hope is access to what you'll need. In terms of architectural requirements, we have set some requirements on building materials. The intent is not to have a cookie-cutter building. I don't want that to all be interpreted that way. But that there -- while the buildings may all be kind of similar footprints, there will be a little different style to each one and working within those parameters that we can. The point is we're going to have some varying materials. It's not going to be -- and it's not going to be vinyl siding. We're talking about fiber cement siding, brick, and stone. These are high-quality materials, low-maintenance materials. I think they're going to look great long term on this property. And in terms of the height, if you've had a chance as -- cycle three, you may have seen a picture from the corner of Nifong and Bethel, and you'll see the four-story elevation through there. What this picture that you're seeing doesn't represent is the -- is the landscaping. It is very loose just to provide a better picture of the building. It will be denser along Baurichter, and what's on Nifong and Bethel right now will remain in place, so that will help break up the -- the view of that from the intersection. The concern is future road improvements will probably take out some more of those trees, but we're going to save as many of them as we can throughout the development.

DR. PURI: Mr. Kriete, can you wrap up?

MR. KRIETE: And I think my time is wrapped up. I will be happy to answer any questions if you have them.

DR. PURI: Commissioners, any questions of the engineer? Ms. Loe?

MS. LOE: So back to my question to Mr. Zenner.

MR. KRIETE: Yes.

MS. LOE: Height elevation.

MR. KRIETE: Oh. Height elevation.

MS. LOE: It appears to me, just because of how it's phrased, that you're actually amending the City height amended for PUD which is 45 feet --

MR. KRIETE: And I --

MS. LOE: -- from the curb.

MR. KRIETE: And I can understand that confusion. The way that it is measured does allow us to kind of go to the highest point. So, in fact, we're probably starting at a point above that walkout anyways. And we -- if you measure it, we likely won't even get to 45 feet.

MS. LOE: So I can strike --

MR. KRIETE: What I didn't want was anything like we were -- we were slipping anything in, and that's, in fact, a four-story building at some elevations. I wanted that to be clear, despite the fact we probably, by ordinance, didn't have to say it to meet them. And I don't know if that helps.

MS. LOE: So can we strike the "and walkout basement" because I do find as if you're -- that reads as if you're taking the 45 feet from the top of the walkout basement, and that's not how City ordinance describes building height.

MR. KRIETE: Well, in fact, you're correct. While it will effectively -- I think that's exactly what's going to happen, but it is measured technically from another point.

MS. LOE: Correct.

MR. KRIETE: You know, I did it as a sake of not having confusion, not having, you know, in the future here, when everybody else has kind of forgotten about these conversations, they'll go, oh, yeah, that walkout, that was allowed.

MS. LOE: Well, I mean, it's --

MR. KRIETE: And so I'm hesitant to strike it. I --

MS. LOE: It's nothing limiting the number of stories.

MR. KRIETE: Yeah.

MS. LOE: That's building code.

MR. KRIETE: Correct.

MS. LOE: Based on your type of construction.

MR. KRIETE: Uh-huh. Well, one thing I want to highlight is with -- with the building, you know, there isn't -- is a desire to have a taller first story, to have something that has a higher ceiling, much like this building, so you don't have that confined feeling, and having more of a grand entry, which is going to push some of these floor-to-ceiling heights a little higher than they might otherwise be. I think you might even see a little bit on the basement having the same thing, just to keep that confined space from not looking so dark, you know. You might have a little -- little higher floor-to-ceiling height.

MS. LOE: Well, I think this is for your clarification, as well.

MR. KRIETE: Yeah.

MS. LOE: Because if I understood Mr. Zenner correctly, we are taking the building height from the curb to the roof -- wherever on the roofline depending on the type of roof you have.

MR. KRIETE: Uh-huh.

MR. ZENNER: From the highest curb.

MS. LOE: From the highest curb, 45 feet.

MR. KRIETE: Yeah. I'm afraid I'm getting into your question about -- about a legal question in the ordinance, honestly. From my understanding of the ordinance, we can measure it from Bethel, which is much higher than even the first floor of this building.

MS. LOE: I -- I understand. I'm just --

MR. KRIETE: And I don't mean -- I don't mean -- I'm not trying to slip anything by. In fact, I was trying not to slip something by by putting that in the -- in the statement of intent.

MS. LOE: I just don't -- like I said, I felt as if you were amending the language in the ordinance by constructing it -- by stating it that way, and I just want to clarify that we're not doing that.

MR. KRIETE: And I don't know if I can offer a question of Staff, but is -- is there any feeling

from staff level that's -- that's what's happening or would we be in any way harmed by not having that language in the statement of intent while still showing what we've got here?

MR. ZENNER: Again, I'm having a little bit of difficulty. Are you concerned about the walkout being included in the height of the building or are you not wanting 45 feet as the maximum height from the highest curb elevation adjacent to the property, because --

MS. LOE: My concern is that based on how it's stated -- I need to find it again. But it reads as if the 45 feet is being taken above the walkout basement.

MR. ZENNER: And that would be correct, it would be. The way that this is read, it's Section 3 of the proposed statement of intent, maximum proposed building height, 3.1(a). The maximum building height of buildings with more than ten units shall be 45 feet plus an additional story for a walkout. Forty-five feet is what the building maximum building height is within a PUD, and that is exclusive of a basement. We do not include the height of a basement if it's walkout. That's why the way that the definition of height is written is you can take it from the highest adjacent curb. So if your basement is ten feet below the highest curb, it doesn't count. Your -- your basement elevation doesn't count, it's the height above that elevation of the highest curb, and you have a maximum of, in standard zoning classification, 35 feet.

MS. LOE: And if the top of your basement is ten feet above the highest curb?

MR. ZENNER: If your -- I mean, if your -- yeah. At that point, your basement, at that point, would be counted as part of the 45 feet.

MR. KRIETE: Uh-huh.

MS. LOE: And that's where I'm -- that's where I'm reading the confusion.

MR. KRIETE: I think I see where you're coming from. You know, let's say the -- well, we've given you a grading plan within the PUD. I think that does fix this to a point. And I can't imagine all of a sudden we're going to be able to raise the site ten feet. We won't get driveways.

MR. ZENNER: You're dropping the site, though. Correct?

MR. KRIETE: On the corner there, it actually is coming up, but, mostly, it's being dropped. As you can see from the rendering, I mean, it's quite a transition from Baurichter. There's a lot of fall across this site. And we are working the best we can to try to step within the natural grades of the site and work into the natural environment as much as we can.

MS. LOE: My concern is I'm very sensitive to changing a zoning near an R-1 property. Those are people's biggest investments. They're there for their lives, and they've bought those properties knowing that there's an R-1 next to them. I consider this a significant change and I'm sensitive as to a change in height limit.

MR. KRIETE: Yeah.

MS. LOE: I do happen to think that the use is okay because it's being capped as senior.

MR. KRIETE: Uh-huh. Yeah.

MS. LOE: But I -- that's why I'm bringing up the height limit.

MR. KRIETE: Yeah. Yeah. And it's at the -- to discuss this technical matter here, I never even

saw it as something that would ever be brought up, to be honest.

MR. SIMON: I don't see why you can't describe it, because you can't change the ordinance by this anyway.

MR. KRIETE: I think I --

MR. SIMON: The maximum building height is 45 feet.

MR. KRIETE: Legal advice. Thank you.

MS. LOE: Thank you. And I was just confirming you weren't asking for a waiver from the ordinance.

MR. KRIETE: No. No. It was definitely not a waiver. It was just clarity.

MR. SIMON: No. We can't change the ordinance.

DR. PURI: Mr. Simon, you'll have to speak in the mic if you want to address --

MR. SIMON: Yeah. There was no attempt here to amend any ordinance. It's however it has to legally be measured to determine building height, that's how it will be measured. The maximum building height legally measured, as Mr. Zenner has described, it will be 45 feet. Forget this stuff about the basement.

MS. LOE: Thank you.

DR. PURI: So, Mr. Kriete, is it okay to strike that basement and just 45 feet according to the ordinance; right?

MR. KRIETE: Yes.

DR. PURI: Are you okay with that?

MR. KRIETE: Well, that's -- I'm much better with that with the legal opinion on the --

DR. PURI: Okay. All right. Mr. Reichlin, you had some questions. Does that --

MR. REICHLIN: I was just kind of curious. Is there a use plan for the basement area? Obviously, it has to be there.

MR. KRIETE: It is going to be living units.

MR. REICHLIN: Oh, it's going to be --

MR. KRIETE: Yes. There will be common space in there, as well. The core -- the core of this building will have a pretty intense common space in there, as well, for all the residents to use.

DR. PURI: Mr. Wheeler, you had a question, too?

MR. WHEELER: No. I was just wondering if Ms. Loe's concern was that we were, somehow by allowing this, we would change our -- our ordinances, so --

DR. PURI: That was answered.

MR. WHEELER: -- I guess I was agreeing with Mr. Simon.

DR. PURI: Okay.

MR. WHEELER: His edification and idea on that.

DR. PURI: We're all in agreement. All right.

MR. KRIETE: Okay. And I apologize for any confusion I created with that.

DR. PURI: All right. Any other questions, Ms. Loe?

MS. LOE: I just wanted to confirm that the north driveway on Bethel was right-in/right-out only.

MR. KRIETE: The north driveway on Bethel is right-in/right-out only; that is correct. The south will be full access.

DR. PURI: Mr. Wheeler?

MR. WHEELER: Is there any reason that you can't get into this conservation area and augment that -- the trees that are there? And the only reason I ask that is some of these are -- in some places, this screening may be a little sparse.

MR. KRIETE: Well, let's start on the west end. It's actually -- it is a lot of deciduous trees, so right now, it's fairly sparse. Most of the months of the year, it's pretty thick and you're not going to see much through there. The residents have had that buffer there for years. We wanted to maintain that as much as we could. I don't think the conservation easement would prevent us from augmenting it with more trees by any means that I'm aware of. But speaking -- probably the one of concern is the one towards the southern -- southeast portion of the property is relatively thin. There's a --

MR. WHEELER: Actually, I was thinking southwest portion. It looks like you've done a pretty good job along the southern boundary and what I would consider the southeast corner of your property, but it doesn't look like we've added much at all on the western boundary against the four adjacent homes that actually back to it, so --

MR. KRIETE: And that -- and that's mainly because of how thick and dense the current buffer is there today. It is a little light as you get towards the southern end of that, and I think that area will be augmented. As they come around the corner and that lot is kind of caddy-corner there, but kind of say from the north to the west side of that boundary of that lot, there will be additional landscaping. That really becomes a buffer that's also along Baurichter.

MR. WHEELER: Thank you.

DR. PURI: Any other questions of this speaker, Commissioners? I see none. Thank you, Mr. Kriete.

MR. KRIETE: Thank you.

DR. PURI: Anybody else wishing to speak on this matter? I see no one. Go ahead. Approach the podium. Please state your name and your address.

MR. KURUKULASURIYA: I am Damascene Kurukulasuriya. I am a resident of 501 Sudbury. And I have looked very clearly and closely into this proposed development. I think the intent of it seems to be appropriate use. And, again, I'm saying this as a geriatrician consultant in medicine for a city that is espousing the cause of seniors and, you know, growing the city as a senior-friendly city. So I think it very well fits with the needs and aspirations of the city and its people, and this development, I don't see that -- it causing any constraints for quiet enjoyment of what we do as Bedford Walk and also as -- I use the term in the sense that -- of mainly the people like me who at least -- (inaudible) -- that road that is -- runs in the south part of this development. I don't see any particularly compelling reason to oppose this purely, otherwise except from the ground of pure aesthetics. And I think that's not a good reason to deny about 200 seniors the opportunity to live and enjoy their twilight years in a

very nice good neighborhood like this is. So I think -- and, in addition, the developers have gone well beyond the extra mile to do all -- take good consideration of the -- that list that I saw that was brought up to their attention. And I think the proposed -- their remedies for them are pretty acceptable within reasonable means, and I think they have gone far beyond to appease the people who have issues on this matter. So I request you will, in the interest of Columbia as an elder-friendly city and also a good opportunity for 200 seniors to approve this development. Thank you.

DR. PURI: Commissioners, any questions of this speaker? Seeing none. Anybody else wishing to speak on this matter?

MS. BURKS: Good evening. My name is Elizabeth Burks, and my address is 4204 Baurichter Drive. As a resident of the Bedford Walk neighborhood, I would, I guess, first state that everybody here has been very accommodating in a sense, meeting with us. I will say that I've heard often that we have met several times, and as a resident, not a member of the board, I've had the opportunity to have two meetings that they generously hosted. I know this is a meeting for planning and zoning. Ideally, is this what I would like to see three doors down from my home? Absolutely not. But I am willing to work with them just as they state they are willing to work with us. And at our meeting last night, I think our biggest concern -- if you guys wouldn't mind putting the pictures back up. We're not as concerned at the architectural look of the front of the building as much as the back of the building because this is what we will see. There has been some variances from their initial proposal, but, as they state, they're going to be down some and their changes were more of architectural changes to the lower part. And so last night there were suggestions how can you make these four-plexes not look like, in a sense, barracks from the back, which would -- we would be seeing, more as a residential look so they will blend with our neighborhood. So there was discussion of putting different pitches in the rooflines to break up the long -- and, I guess, my -- my concern is, it was verbally discussed last night, but before I ever would put my stamp on this, I would want it either in a drawing or in written form or whatever. I don't -- I'm very unfamiliar with this process, so I don't know how what was discussed last night will be implemented, and if that's what they say, that's what they have to do. Thank you very much for your time.

MR. TILLOTSON: I just had a real quick question.

DR. PURI: There's a question up here, Ms. Burks.

MR. TILLOTSON: I just understood -- misunderstood at the beginning. Did you say the president of the association?

MS. BURKS: No. I am just a resident. I am not --

MR. TILLOTSON: Thank you.

MS. BURKS: -- a member of the board of the association, so --

MR. TILLOTSON: Thank you.

DR. PURI: Any other questions, Commissioners? Mr. Stanton?

MS. BURKS: Yes, sir.

MR. STANTON: How close are you to being happy with this? Is it how -- I mean --

MS. BURKS: As I say, you know, ideally, you know, I'd love to see homes there, but then I've been told the way the zoning is, cookie-cutter homes could be put in there. A church, we've got a church at the other intersection of Bethel, and I walk my dogs by there every day. They've got a very small parking lot. They've got a lot of green space. They don't have a day care. I understand there is a need for residential housing for senior citizens, but, honestly, my personal feeling is who they're referring to. I see having -- we're talking about 800 square feet to 1,000 square feet units. As a senior citizen who is downsizing, you're going to have no storage. You're going to have a one-car garage and no off-street parking. So if you have guests or family come, they're going to have to go park in the overflow parking lot of the apartment unit. So I see a lot of -- a lot of problems with the design of the community, but in a sense, that will be their problem. If -- I think if they took care of the -- what we will be seeing, I think it would make a lot of residents more comfortable, but think about it. As the gentleman who first spoke said, you know, families or seniors downsizing, 800 square feet isn't much or a one-car garage if you're -- still have a spouse. To me, senior citizens are 60 years old. That's all.

DR. PURI: Thank you.

MS. BURKS: Thank you very much.

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

MR. MAGSAMEN: Hi. My name is Ron Magsamen. I live at 4200 Baurichter or right next to the development. And I think our major concern is that the backsides, which is going to be our view. Granted they're going to be dropped ten foot in the ground, so all we'll probably see are the roofs. We hope that is somewhat attractive to the rest of the subdivision. And as far as the downsizing issue, I'm 72 years old. I live in -- right next door to the development. I have a 4,000-square-foot house. God, I'd hate to live in 1,000 square foot. Downsize is not bad, but I'd like a piece of furniture or something with me. But other than that -- I'm sorry. I just feel like Custer up here. They've got -- they're well organized, well defined. They do everything great. They've done a great job every place else, but that's not the issue. My issue is they're moving four-plexes into our subdivision, and I just -- make them look pretty. Like Liz Burk said, last night when we met, the architect said that they will make all the back of them look nice. I hope they do what they say. It might be pretty okay, but we don't know if that's what's going to happen.

DR. PURI: Commissioners, any questions of this speaker? Is there anybody else wishing to speak on the matter? Okay. I see no one. Mr. Simon, I have a question for you.

MR. SIMON: Yes, sir.

DR. PURI: They're talking about all these meetings last night with the, you know, discussion with the architect, and did you guys come up with anything that -- with roof pitches as were mentioned by different speakers that you can do to those four-plexes?

MR. SIMON: First of all, I wasn't -- I wasn't at the meeting. Okay.

DR. PURI: Okay. Whoever was there, if you could address.

MR. FARNEN: We have. Even since Tuesday -- and that's one of the reasons that I included

this slide earlier was we have built three of the large buildings here in this town so far, and so we pretty much had a good sense of what that will look like as the finished product. So what you see in that top picture is what we brought to the very first meeting. And we said we -- we can -- we can give you a good sense of what you're going to see and we can specify the materials, and if we put all those materials together, that's about what it's going to look like. Then they said what would the -- what would those smaller outbuildings look like? And, at first, we were talking six -- six units in a building, but then they asked -- let's go down in scale a little bit, so we started drawing at that point. That's what the second picture is. The second picture, we didn't know what the finish would be, what the pitch would be exactly, how we were going to arrange the garages, but we brought that to the second meeting so we could say, What about this? And everybody said, You're on the right track. At the third meeting, we brought the third picture, and we had been able to develop a sense of using the parameters of stone, brick, board, and then throwing in a little bit of scale and maybe just a hint of landscaping, we could show what that might look like, and that's from the front. And they said, We're not going to be looking at the front, we're going to be looking at the back. Can you do that? So we started again with that same kind of a pencil drawing and it looked pretty bleak. And if you looked at -- if you recall looking at the 3-D animation that was in here, those -- those houses that are in that 3-D animation have the right roof pitch, but they don't show a finish on the buildings and they do look a little bit bleak here and there, but it's -- for animation, we just needed put -- these are place holders, these are boxes, this is how much space it will do. By 3:00 this afternoon, we had that meeting -- our last meeting on Tuesday night. By 3:00 this afternoon, I received that lowest picture. That lowest picture is our latest effort at the back of the building that looks enhanced over what we were even able to be able to show on Tuesday night with the same kind of a mix of materials that we had already included in our statement of intent. We're just getting there. If this -- this is the part of the process that evolves the most, and it seems to be the part of the process that concerns the neighbors most -- what am I going to be seeing? And that's how this has gone.

DR. PURI: The subdivision has architectural covenant -- you know, where they live, Bedford Walk, it has architectural covenants. Did you guys explore that -- those architectural covenants would be the same that you would apply to these four-plexes there as far as roof pitch and material of construction?

MR. FARNEN: It exceeds -- it exceeds them in some regards and it -- and it does incorporate architectural -- it includes -- in this version, it includes architectural uses that -- that exceed the backside of many houses in that subdivision. Roof pitch --

DR. PURI: My concern is, did you satisfy the residents with that? That's -- that's my question.

MR. FARNEN: I think we can get there. I think we can get there, and we keep trying to keep -- we keep moving that way. In fact, that front -- that third picture looks a little bit -- it looks so much better when you see it that way rather than just the -- the line drawing that is the second picture in it. It's just that this -- this is a new concept. It started at six, it went to four, and we kept drawing. And I -- I think we're getting there. Liz, did -- oh. I can't do that. I think that -- I think that the people who are

here tonight would tell you that that fourth picture looks better than what they saw on Tuesday night, and that that's already an improvement.

DR. PURI: Okay. And the other question is that Ms. Loe, you know, alluded to the fact of going with PUD-12. Are you willing to do that? Mr. Kriete, please feel free.

MR. KRIETE: One thing I do want to highlight is, as this project has evolved, the actual area of the property is changing itself. Right-of-way dedication is going to eat up, I believe, something in the range of about four-tenths of an acre. Certainly, the math is still exceeding it. But to go to a PUD-12 at this point, I think, we would now be short of 90 units if we were to do so. So I want to be cautious. You know, again, the intent is to allow some flexibility in changing from one- and two-bedroom units while staying within the general conformance, so maybe we have, in the end, 95 units with the general footprint. I hope that helps clarify things. I just want to be cautious with this.

DR. PURI: Then is that a no, or you need to have PUD-14? I mean, is this a deal breaker?

MR. STANTON: Tell us what you need.

DR. PURI: Can you go with PUD-12, because Ms. Loe --

MR. KRIETE: With PUD-12, no. That's -- that's the main thing I want to highlight. Going that low could be a problem. To go to -- well, you'll all see, I'm an engineer, I need my calculator.

DR. PURI: While you engineer that calculator, let me ask Ms. Burks. Ms. Burks, can you come back to the podium there?

MR. KRIETE: Yes.

DR. PURI: Did you get a chance to look at that picture they presented last night?

MS. BURKS: Presented last night. This is the first I've seen this, and it was kind of hard for me to see.

DR. PURI: How do you feel about that picture since --

MS. BURKS: It's an improvement. I think there was quite a bit more discussed last night that -- neighbors who aren't present tonight. They talked about more pitches, you know. I don't know. It's difficult to say. It is an improvement, yes.

DR. PURI: Okay. And they seem to think that these -- what they have proposed exceeds the Bedford Walk covenants?

MS. BURKS: I would say, in general, probably yes.

DR. PURI: Okay.

MS. BURKS: And I -- I don't think that -- I mean, we've all seen the apartment buildings or -- across the street from us and stuff like that, and they are done lovely. There's no doubt about it. So as I say, I think the biggest concern is barrack looking from the rear, from what we would be seeing.

DR. PURI: Okay. But you're sort of in the right approach here on this last picture? You're okay with it?

MS. BURKS: It is an improvement. They're -- you know, I would say -- I would assume some of my neighbors who are also architects would probably even like to see a little bit more. Anything to break up the roof because, evidently, that's what we're going to see more than anything.

DR. PURI: Okay.

MS. BURKS: As far as I understand with it, the buildings being so much lower than the street level, that -- so --

DR. PURI: Okay. Thank you.

MS. BURKS: Thank you very much.

DR. PURI: Sir, you had something to say? Mr. Stanton, you had a question of Ms. Burks?

MR. STANTON: Well, yeah. Ms. Burks, or anybody from the neighborhood association, what do you -- I mean, he's -- he's --

MR. MAGSAMEN: I was just going to tell you how it's changed --

MR. STANTON: -- and you know better than him. How close are we to being a happy win-win? I'm looking at --

MR. MAGSAMEN: They're a lot -- they're a lot closer than they were last night because I spent a lot of time with the architect last night, and at last night's picture, it was that much stone on the bottom and everything else was Hardie board. He talked to me about -- and I hadn't really seen this picture till we just saw it now, because he said, Well, since it's going to be so low, he said, Possibly what we could do is put Hardie board on the bottom of it and then on the gables put stone and stuff like that. And he said on top of that, to break up the roofline even more than the gables, he said we could probably put one or two fake dormers up there, as well. And so that's where it was left last night. So no, it has improved over our conversation last night, but still where the stone goes up to there, we're not going to see that. So that's the reason he said last night, we probably ought to start the stone there and go up into the gables with the storm.

MR. STANTON: So some dormers, louvers?

MR. MAGSAMEN: Yeah. Yeah. That's --

MR. STANTON: We're -- we're -- we're close. I'm trying to -- I don't want a penny to stop a dollar, is where I'm coming --

MR. MAGSAMEN: And Mike said last night, that's what he was going to try to do.

MR. FARNEN: Right. And we did -- since --

MR. MAGSAMEN: You're -- you're getting there.

MR. FARNEN: I know.

MR. MAGSAMEN: They're getting there, and that's -- the reason we're so leery about saying, yeah, we're going to buy into this --

MR. STANTON: You don't have a guarantee.

MR. MAGSAMEN: -- that picture could change when they start building it.

MR. STANTON: As they get --

MR. MAGSAMEN: We don't know what it's going to look like.

MR. STANTON: Right.

MR. MAGSAMEN: So we need to get something really -- well, this is what it's going to look like because they said, Well, it probably looks better than the back of most of the houses out there. It

probably does because most of our houses face the street. None of these face the street. That's probably the big difference. But, no, we -- the -- the main building is not our big concern. But if you'll notice, all the main buildings there on the Jeff Smith campus -- which probably will have a street name change one of these days -- they're finished on all four sides. So, I mean, they must like it when they go around to see what it all looks like. So we like it on all four sides, too, and that's what we see. So I think it's getting there. I really do. It's getting there.

DR. PURI: Thank you.

MR. MAGSAMEN: Okay.

DR. PURI: Mr. Kriete, do you want to -- PUD-12, going to work? Not work?

MR. ZENNER: If I may before, Matt, you speak. As it relates to the density -- and I will, as a point of clarification, so Mr. Kriete and his development team don't feel like they're being thrown under the bus. As a point of clarification, the City Staff does not support specifically pigeon-holing projects into a defined or very narrow one, use list, or, two, narrow definition of total units. There is always an opportunity, as we have found historically, that projects in the construction phase have a tendency to change. As with any planned district, you have what is referred to as a major and a minor revision. The purposes behind allowing additional capacity within planned projects is to assure that the general concept of land use intensities are defined through the public process such as this, but minor changes, which generally account for changes in unit mixtures, are handled at the administrative level. Therefore, densities often do not match up with site plans and maximums as defined within a statement of intent as is in this instance. If, for example, based on road right-of-way dedications, which we do not know the full impact at this point of how much acreage they will remove from this property, but just for the sake of argument, we indicate that it will take nine-tenths of an acre, which takes a 7.99 acre tract down to, roughly, seven acres, if you do a PUD-13, a PUD-13 is 91 total units. If you do a PUD-13 and a half, it gives them roughly 95. What I would suggest we look at versus the total -- the PUD number is we need to determine what is the total number of units that may be needed. There was 106 as defined within this statement of intent. If 106 yields 14, if we chose a different number, let's just say 100, you have a different PUD density, and that PUD density gets it back down to the reasonable level potentially of what Ms. Loe is suggesting needs to be there. It also provides the applicant the opportunity to then have some flexibility based on the one- and the two-bedroom units. And I throw that out as an opportunity for a little bit of discussion. Instead of focusing on the number -- the PUD number, let's focus on the density, the total number of units in the project. You have 36 units in these nine four-plex buildings, so we're focusing now on the three-story multifamily building. How many units do you want in that ultimately because that's really what's going to happen. If they change their bedroom mix, the 54 units that's shown on this plan no longer is 54 units, it's a different number of units and those are the extra units that you're providing for within the statement of intent.

DR. PURI: Ms. Loe, go ahead.

MS. LOE: Follow-up question. Part of my original question came out of the fact that there did

seem to be a 20 percent discrepancy between what we were being presented with, a 90-unit plan, and what you are being -- asked us to approve, which made me wonder how much flexibility was required and would we be seeing change-- how much could this change? So I guess that's my follow-up question. I mean, can we see -- can this mutate into two three-story buildings and still give us this many units?

MR. ZENNER: No, it could not. The site plan -- and that's part of the benefit of a planned district process with the plan being presented when you are considering entitling the property, which is what we're doing today. We're looking at entitling it with this other uses and restrictions or limitations, plus you're seeing the site plan. If both of these are approved by City Council, this site plan as defined with this building layout, the square footage associated with it, the footprint of everything that we see today does not change. If it changes, if you want to sever that building in half or go try to build a second three-story building on this property, it comes back before this full public process all over again because it is what is constituting a major change.

MS. LOE: Or go back to six-plexes or --

MR. ZENNER: Or -- yeah. Or go back to six-plexes or do something else. So anything that deviates from what we are seeing here, a three-story building with a walkout or the nine four-plex buildings would require a major revision most likely. If we change driveway locations, if we change the orientation of buildings on the site, all of that falls under the criteria of a major amendment, which then it starts the whole process all over. And that's one reason why I say focus on the total number of units, and I think that that's a question as it relates to how many units do we think may go from twos to ones, and is -- you have right now, if I heard correctly, half of this 54 units that are defined on this plan are two-bedroom and half of them are ones, that's 27 of each. So are we thinking that we may end up with 35 one-bedrooms and 27 two-bedrooms within that same footprint? That's the question, I guess, I would -- I would ask you to maybe focus the attention on, because if we get through the units, then I can define the density real easily.

DR. PURI: I think -- Mr. Zenner, thank you for the education, but the whole issue here was just to see what the flexibility was on that. And, originally, when the applicant came, they said they came with six-plexes, so then they decreased them to four-plexes based on the, you know, residents discussion, so I think that's what sparked this, not to go from 14 to 13 and a half or, you know, so on. But, Mr. Kriete, what do you have?

MR. KRIETE: The impact from six-plexes to four-plexes was, I believe four units. It wasn't drastic. And in that time, we lost a lot of -- potentially, have lost a lot of right-of-way. Between the loss of right-of-way and the flexibility our client desires -- a PUD-14 is what we need.

DR. PURI: Okay.

MR. KRIETE: We're going to be in the 100-unit -- could be in the 100-unitish range. That may be allowed depending on how much right-of-way is given. I mean, we may actually be a little short of that, may have a couple extra. It's -- it's just hard to see at this point. We'd really like to see that flexibility because of that unknown.

DR. PURI: Okay. All right. Thank you. Any other questions? Mr. Lee?

MR. LEE: Yeah. Either I missed it or it's not in there, but what is -- what is the actual size. I heard Ms. Burks say 800 square feet, I thought. What is the actual size of each unit in the four-plex?

MR. KRIETE: At this point we don't know. I mean, they're going -- they're going to vary, and that -- that's part of the flexibility we look for, as well. Final architectural plans are not complete. And, you know, I don't know if I can really even give a range, but they will vary.

MS. LOE: How big are the footprints you're showing?

MR. KRIETE: They're approximately 4,000 square foot without the garages included.

MS. LOE: Okay. So approximately 1,000 square feet.

DR. PURI: Thank you, Mr. Kriete.

MR. KRIETE: Thank you.

DR. PURI: Anybody else wishing to speak on the matter?

MS. JAMES: My name is Jennifer James, and I live at 605 Sudbury, and I am the president of the homeowners' association for Bedford Walk. And I have participated in all of the meetings with Jeff Smith's folks from the very beginning of this. In fact, I participated in meetings with another company that tried to build something similar on this spot before Jeff Smith's group was even available. And I'd like to say -- I'm reiterating kind of what you got in our email, and that is that there are still some folks with some concerns, and I think that's natural. And the folks with the most concerns are the folks that live the closest to where this is being built. I think we have seen a lot of cooperation and a lot of give and take from Jeff Smith's team. I think we've come a long way toward making things better. I think what it boils down to and I think what would make everyone feel better is that our folks that live closer to this want a guarantee that what they're hearing as flexibility from the team architecturally is actually going to happen. And, you know, if you -- if you don't have the -- I feel comfortable that it will. I've sat in several meetings with them. I think they are doing the right thing. I think they want to do it for the right reasons. But if you haven't had that opportunity to have some of that exchange, and some of the folks have not had as many meetings or as many opportunities for conversations, then you may not be as comfortable that that's going to happen, and I think that's what it boils down to. And as long as we still have folks who don't know for sure that they're going to come through with what they say they're going to come through with -- you know, I think we've seen a lot of flexibility. I think some of the covenant adaptations that were given to us, I think they've tried to address every question and concern that has been brought forth, but it just boils down to trust. It boils down to these folks who live the closest to it knowing that what they're asking for is actually going to happen, and I think that that's the issue that we're dealing with at this point in time.

DR. PURI: Thank you. Any questions of the speaker, Commissioners? Thank you very much. Anybody else wishing to speak on this? Okay. I see no one.

PUBLIC HEARING CLOSED

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

MR. REICHLIN: As a resident of Bedford Walk, I took the opportunity to attend the public

information meeting that occurred on Tuesday night. And as a matter of my following of what the Jeff Smith Property Group has done in the general area and how -- how they have handled the projects that they've been a part of through the history of the time they've been a member of our community, I'm comfortable with -- well, I trust them. Let's put it that way. With regard to being the closest to, somebody is always the closest to something that they don't particularly like. At 4208 Fall River Drive, we look at the -- we still have a real clear view of the Walgreens sign, even if it is a little bit in the distance. In the next five years, we're going to have the office buildings, for whatever they're going to look like, and we accept those as part of the ongoing process of the growth of our community. And I find that the -- the skepticism and the concern is well founded and part and parcel to the going forward with any development project, and I -- I respect and honor all of the concerns that all the participants in this meeting have who have been here tonight. With that, I feel like we can go forward with this. I intend to support it and I appreciate everybody's collective efforts.

DR. PURI: Commissioners? Ms. Loe?

MS. LOE: I have a question for Mr. Reichlin, since you live in the neighborhood. I've heard a lot of concerns from people whose children are at Gentry, that the traffic really backs up -- along the school, backs up to Gerbes on Bethel for the left-hand turn and backs up down Bethel. Do you feel that the traffic plan proposed is addressing added traffic?

MR. REICHLIN: I would -- I would not represent myself as a traffic expert. However, what -- to me -- and I mentioned this at the meeting the other night. For -- if you should happen to look at the Bethel Ridge properties and even at this picture that we see on -- on the screen in front of us right now, they have some of the more underused parking facilities in Columbia, Missouri. And I consider that part and parcel to the life patterns of our aging community. And that said, it's -- I have not seen a negative effect that you can point to the addition of Bethel Ridge and/or the Gentry property. The -- the items that are of concern are generated by rush-hour traffic, people going to work on inadequate infrastructure that is an ongoing issue in our community. And, two, the traffic patterns involved in the dropoff and pickup of children to school. Now, I'm not going to comment on what I think the parents should do with regard to getting their children to school at this juncture. However, I don't think that you can take those kind of items and try and -- you know, they're -- you're -- you're looking at apples and oranges when you're making those kind of substitutions.

MS. LOE: True, except we're -- we -- I'm assuming we're redesigning that north end of Bethel and we're adding the left-turn lane into the properties since an existing curb cut doesn't exist there. So we are making some modifications. And I'm just wondering, is this two-lane Bethel still appropriate coming through that neighborhood?

MR. REICHLIN: If you're going to ask me as a resident, I don't --

MS. LOE: No. I don't -- I don't want to.

MR. REICHLIN: There again, I am not a traffic -- a traffic-engineering expert, and so I leave those kind of items to the professionals who are more experienced in those matters than myself.

DR. PURI: Mr. Strodtman?

MR. STRODTMAN: I'll go next. Thank you, Mr. Chair. My items are in no particular order. I just kind of made notes as I went along. You know, I see this project as a good transition to what I perceive as a very busy corner. I think it serves the purpose for this corner. It's a -- you know, it's a high-density, infill project that will maximize our current infrastructure, so I'm very happy to see that. I think, as several have mentioned, based on Mr. Smith's history in the City of Columbia and on the projects that are in this immediate area, I believe that he's proven -- his company has proven himself to the community that he stands behind what they say they are going to and they deliver a very nice product. You know, I'll echo Mr. Reichlin's comment about the parking. I've driven by this area on many occasions and I've yet to ever see the parking lots anywhere -- anywhere near being touched for maximization. So it may be the seniors aren't driving as much, don't need the vehicle as much, or for whatever reason. I don't understand -- I don't know that. That's not my profession to know that, but I think parking is -- I don't think that the resident that had the concern about the overflow, I don't think that that will occur. I mean, I'm -- I can't guarantee that, obviously, but from my perception of the other properties that are similar in nature, they're not anywhere near touching their parking and maybe, if anything, we could probably get rid of some impervious surface. I think it's a good product for the seniors, you know. It's -- it's -- I would assume that the demographic of this renter is going to be a higher-income level than what we're seeing in the neighboring properties, so I would think that that would be a positive thing. That's obviously why they are not going after the tax credits, or that's my assumption as to why they're not going after the tax credits, because there is a level of seniors that have too much -- make too much income or have too much income to qualify for those tax-credit facilities. So I see that as very positive. You're -- you're up -- you're stepping yourself up from a -- in a demographic, and I think more neighborhoods would see that as a positive. You know, the -- the one resident mentioned the size, you know -- you know, 800 to 1,000 square feet versus his 4,000-square-foot home. You know, I have three children at home and I have a -- maybe a 3,000-square-foot home and I look forward to the day that I have 800 square feet, and I don't take care of my yard and -- you know. And I understand the furniture thing and the storage and all that, but I think that's just seniors. And, you know, hopefully my kids can take the big tables and all that stuff and they can put it in their 4,000-square-foot house and my wife and I can only clean two rooms instead of twenty or whatever. So you know, I think that that's just the -- the -- you know, as you're downsizing -- and some people may never live in an 800 square foot house, and that gentleman that mentioned that, he probably wants a big home and that's -- that's -- that's good. That's why we have choices and -- but, you know, obviously, this company knows the senior market and understands the senior market, or they would be building a bigger product. You know, in my experience, seniors are some of the best policing mechanisms in a -- in a development. You know, I -- I -- I manage some high-volume retail in the market and I have welcomed seniors to be in my facilities because, typically, people that are of an element that we may not desire are not going to be hanging around with a bunch of seniors. That's probably not -- you know. So I think that these are -- is a good -- this is a good tenant to be policing the neighborhood for you, so I think that that's also a positive. So I'll cut it short and say that I'm in

support of the project and I'm happy to see this come through today.

DR. PURI: Mr. Lee?

MR. LEE: Before I retired, I worked at that bank on the northeast corner. And, on occasion, during construction, I would walk through to take a look at the quality -- of the quality of the building, and the quality is excellent. And then when we were contemplating bringing my mother-in-law here, I took an entire tour and thought it was just an excellent place for anyone, but especially for seniors. And so in order to keep this brief, I intend to support this project. I think it's a good fit for the property.

DR. PURI: Mr. Wheeler?

MR. WHEELER: Well, many of the things have been said, I would echo. I would -- I would like to see some additional --so I'll just move on to some other stuff. I would like to see some additional screening where -- where appropriate in between the homes to the immediate west. I think that would be appropriate. I think they've done a good job. You know, we -- we often, as P&Z commissioners, I think it's -- it behooves us to look at what could be, so thinking curb cuts, it's R-1, we could have several curb cuts down Bethel and have several cars trying to back out onto Bethel and, to me, that would be much more detrimental. As far as parking goes, I agree. I've been by here many times. The other facilities aren't maximized. My sense is that this one is going to be utilized a little greater, just simply because we are -- we are -- what I think they're trying to do or at least from what they've explained to me is we're fitting this niche in between the lower income where we've got tax credits to help us build it, and the folks, you know, that can afford to -- to pay \$4,000 a month, you know, to get into a different facility. So -- so this is kind of in between. I think we'll see a few more vehicles here, but -- but I think it's an appropriate use. I -- I can't imagine this corner actually being used as single family unless it was extremely dense and -- and -- or as dense as R-1 would allow it to be, and -- and be significantly different homes than are in Bedford Walk. But, last, I would say I do agree that, you know, if there is some way to break up that roofline then it's probably an appropriate thing to do. Well, I guess, the last thing I'll say is a -- a few years ago, I was asked by the Smith Companies to evaluate several of the homes around the state of Missouri about their management practices and help them pick a manager. And I can tell you that when I started reading through that -- the documentation on that, that they are well managed facilities. I know a number of the people on the staff here and run one of these neighboring facilities, and these are well run properties. I think they will do what they said they'll do and I feel comfortable with the assurances that we've heard tonight and that -- that we're going to get what they've said we're going to get and that they'll do what they can to break up the back of these rooflines for the folks in Bedford Walk. So I will support.

DR. PURI: Mr. Tillotson:

MR. TILLOTSON: I'll ditto everything that's been said. I would take just a second on senior housing. I -- in my profession, I deal with seniors on a daily basis. Columbia is absolutely void of good senior housing. Low-income housing, we've got. Then we can go to The Bluffs or we can go to Tiger Place, and we can pay \$6,000, \$7,000 a month. And if you go to The Bluffs or Tiger Place and you talk to these seniors, Why are you here? Why are you spending this much money? You get in

your car, you drive out to dinner, you go out on the town, you date the guys, and the ladies there are single, they date. They do. They have a blast. There's no place else. They -- there's -- they would like to have something for \$2,000 or \$3,000. They would -- and -- and I understand the -- the man with the 4,000 square foot home, because I've got a big house, and God bless America, the day that I can have a small place and -- and no sidewalks to take care of or anything like that. So it is a void in Columbia. It's a big void. And I -- I like this area because it fits our planning for Columbia. It's a project that would have the less amount of traffic impact as opposed to just another R-1 development of houses going in. I appreciate Mrs. James for coming up and talking from Bedford Walk because it lets us know that, as a whole, the association understands it and is kind of in agreement with it. And I understand the people that have the conflicts with it because when you're looking out your back window, you want to see something that you can appreciate and I understand that. But we've seen a lot of Jeff Smith investment properties built around and we've seen what he's done. I can go back -- back when Katy Place was built years ago and -- and my daughter lived there and she couldn't afford the rent, but she lived there anyway. But she always commented they did what they said they were going to do. The place was top class. And so I -- being a local person, I find it hard pressed that he would not stand up and do everything he says and would continue to try to improve to satisfy the rest of the neighbors because he's got to come before us again someday with another project. And with that said, I intend to support it. Thank you.

DR. PURI: Mr. Stanton?

MR. STANTON: I'm going to echo my comrade beside me. Good point. I trust -- based on the resume that I've seen and the testimony of my fellow Commissioners, that I trust that you will take into consideration your future neighbors' concerns and close that gap a little more. I trust you will because I -- like my fellow Commissioner said, you will have to come back. So, to me, this is -- I've given you the benefit of the doubt. I'm giving you the trust this time, and I'll be watching to see if that was warranted, because you'll be back and I hope to be here, God willing. So I plan to support it for all the reasons that have been stated -- elderly housing, all of that, but I also appreciate the neighbors coming out and being organized and voicing their opinions, and that weighs heavily on me and hopefully that these developers will listen. I hope they will, for their sake, they listen. So I plan to support it.

DR. PURI: All right. I'll wrap up. I just want to -- I think everybody said most -- you have some more to add or --

MS. LOE: Well, I asked Mr. Reichlin a question, but I didn't actually state anything.

DR. PURI: Please, go ahead.

MS. LOE: I just wanted to say that I -- I very much appreciate the application. We've seen more in this application than we've gotten in some others; for example, the grading plan, which, for me personally, was very useful and very helpful to see. And I know I've been picking over some finer points maybe, but there's a lot about the plan that I do appreciate. I appreciate the massing. We have seen some developments come forward that don't -- don't take advantage or don't make any

concessions with their massing, and I have a problem with that. Like I said, we are going into an existing neighborhood and, to me, it's important that the new coming in understands the old. And I appreciate hearing from the neighborhood very much and that I'm glad to hear they're working -- you're all working together, and I think we can see that in what you've presented. And I do -- I do think this use -- this use group is appropriate. I probably would not support this for another use. If this were a student project, I don't think I would support it going in next to an R-1. But I think you've done a sensitive job in preparing it. And I did want to add that you offered a restrictive covenant for the age group and I would like to say that we include that in the -- or just to make sure it is included. Thank you.

DR. PURI: Thank you, Ms. Loe. I would echo all the Commissioners' comments. I just would request that, in good faith, the meeting that you people had last night, you go through that and adjust those rooflines and things like the neighbors want. There are good houses in there. My parents live in this neighborhood; my brother lives in this neighborhood; and -- and they're good houses there. You would appreciate if they would be screened from the back like Mr. Wheeler was pointing out. And, also I think the stone, if that was carried up like one of the residents was describing and the roof pitch, in good faith, if you would go through and accommodate them. I think it's a good development. I think, as a practicing physician, I know the need for elderly housing is deficient in this area. And I think that always we hear of these two developments that you have south of town are well run, and I commend you on that. And with that, if there's no further discussion, would somebody like to frame a motion. Mr. Wheeler?

MR. WHEELER: I would make a motion that we recommend the request of Jeffrey E. Smith Investment Group, LC, to rezone approximately 7.99 acres from R-1 to PUD-14, approval of the PUD development plan to be known as "Bedford Rock Plat 9," and a request for the variance to Section 25-43 of the Subdivision Regulations pertaining to the minimum requirement road right-of-way, and also with the additional provision of -- offered by the developer that there be a covenants or a restrictive covenants restriction recorded on the property pertaining to the items that we were shown tonight on the bullet form by the applicant.

DR. PURI: Ms. Loe, do you second?

MS. LOE: I will second.

DR. PURI: Okay. We have a motion, Ms. Loe seconded. Discussion, Mr. Tillotson?

MR. TILLOTSON: Real quick. Section 25-48, not dash 43.

MR. WHEELER: I don't have my glasses, so that could be true. This says 43.

MR. TILLOTSON: Because I have 48 on my --

MR. REICHLIN: Well, if you do, it says 43.

MR. WHEELER: Which is it, Mr. Zenner?

MR. TILLOTSON: Okay. The others have 43. For some reason, mine says 48.

MR. STRODTMAN: Mine has 43 -- 25-43.

MR. TILLOTSON: Perfect then. I'll second.

DR. PURI: Ms. Loe already seconded, so --

MR. TILLOTSON: You go ahead, Ms. Loe. I'm sorry.

MR. STRODTMAN: Just for clarification on notes, Mr. Wheeler, you would like to add the restrictive covenants be filed; is --

MR. WHEELER: What I added was that -- that that additional restriction offered by the developer be noticed or if there's a way to record it on the plat -- I don't know if there is, but -- no, I didn't think so. But anyway, we've made notation of it. That's the best we can do.

MR. ZENNER: I would suggest modifying the condition that restrictive covenants shall be recorded as offered by the developer prior to the issuance of a building permit.

MR. WHEELER: I like your language there, Mr. Zenner --

MR. STRODTMAN -- Can you --

MR. WHEELER: -- and that's what I meant to say.

MR. STRODTMAN: Can you state it again?

MR. ZENNER: That's all I wanted to make sure of, Mr. Wheeler.

MR. STRODTMAN: Mr. Zenner, can you say it again so I can write it down.

MR. ZENNER: Sure. Restrictive covenants as offered by the developer to be recorded prior to the issuance of a building permit.

MR. STRODTMAN: Got it.

DR. PURI: May we have a roll call, please.

MS. LOE: Do I have to resecond or --

DR. PURI: It's already seconded. You seconded it -- with this language.

MR. STRODTMAN: Okay. Sorry. Item 13-247, recommended -- a motion has been made for approval and seconded as the City -- City Staff has recommended with the addition of the restrictive covenant as offered by the developer shall be recorded prior to the building permit with everything else the same.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Tillotson, Mr. Wheeler, Mr. Stanton, Mr. Strodtman, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin. Motion carries 8-0.

MR. STRODTMAN: The motion carries, Mr. Chair.

DR. PURI: All right.

MR. SIMON: Thank you for your time