

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** B 212-14

**Department Source:** Community Development - Planning

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** July 21, 2014

**Re:** Woods Edge – PUD Development Plan (#14-108)

## Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

**Supporting documentation includes:** Revised PUD Development Plan, Summary of Board/Commission Reports (including maps, original PUD Development Plan, Variance Worksheet, and Statement of Intent from Ordinance #20801), Excerpts from Minutes

## Executive Summary

A request by Tim Crockett (applicant) on behalf of Tori-ben Farms, LLC (owner) for approval of a 91-lot PUD Development Plan and Preliminary Plat on PUD-4 (Planned Unit Development) zoned land, to be known as "Woods Edge". The 57.2-acre subject property is located on the west side of S Rolling Hills Road, 1,700 feet south of E Richland Road.

## Discussion

The applicant is proposing an 87-lot residential subdivision on approximately 57.2 acres of PUD-4 zoned property, which permits up to four dwelling units per acre. The zoning of the property and adoption of the attached Statement of Intent (SOI) was approved by Ordinance #20801 when the property was annexed into the City in 2010. The subject site is a portion of the 135-acre Tract 5 that was annexed in 2010.

The proposed PUD Development Plan (which will serve as the site's preliminary plat) includes the construction of a major collector that, depending on future development of surrounding parcels, would connect Rolling Hills Road to Highway WW. The site includes 82 lots for the construction of single-family detached structures, with approximately 35 percent of the site remaining as open space within common lots. The applicant also originally requested a variance to Section 25-47 to permit a terminal street (Harbor Town Drive) in excess of 750 feet, which staff did not support, but that request has since been withdrawn following the Planning and Zoning Commission meeting.

At its meeting on July 10, 2014, the Planning and Zoning Commission (PZC) made a motion to approve the PUD Development Plan with the requested variance to Section 25-47, which failed on a 3-3 vote. A second motion to approve the proposed PUD development plan, subject to the condition that Harbor Town Drive comply with Section 25-47, passed with a unanimous (6-0) vote. A representative for the applicant, Tim Crockett, Crockett Engineering, was present and gave an overview of the request. Commissioners inquired about the need for the variance and how it would impact the development and future residents. No one from the public spoke during the public hearing.

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A copy of the **revised PUD Development Plan**, staff report (including maps, original PUD Development Plan, Variance Worksheet, and Statement of Intent from Ordinance #20801), and the excerpts from the meeting's minutes are attached.

## Fiscal Impact

**Short-Term Impact:** No impact at this time. A final plat must be approved prior to any development on property.

**Long-Term Impact:** Anticipated long-term costs include public infrastructure maintenance (e.g roads and sewer) and demands for services (e.g. public safety). Once residential development begins, the City of Columbia will receive additional tax and fee revenues for maintenance of infrastructure and services provided.

## Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Transportation

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Not Applicable

## Suggested Council Action

Approval of the proposed PUD Development Plan for "Woods Edge", subject to the condition that Harbor Town Drive complies with Section 25-47.

## Legislative History

Ord. #20801 (12/6/10): Annexed and rezoned property to PUD-4

  
Department Approved

  
City Manager Approved

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 212-14

**AN ORDINANCE**

approving the PUD Plan of Woods Edge located on the west side of Rolling Hills Road and south of Richland Road; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby approves the PUD Plan of Woods Edge located on the west side of Rolling Hills Road and south of Richland Road, as certified and signed by the surveyor on July 14, 2014, located on the west side of Rolling Hills Road and south of Richland Road.

SECTION 2. 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

701 East Broadway, Columbia, Missouri 65201



## SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

**Revised PUD Development Plan, Summary of Board/Commission Reports  
(including maps, original PUD Development Plan, Variance Worksheet, and  
Statement of Intent from Ordinance #20801), Excerpts from Minutes**

PUD PLAN  
WOODS EDGE

SECTION 15, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI  
CITY PROJECT #14-108



NOTES:

THE EXISTING ZONING OF THIS TRACT IS PUD 4.  
THIS TRACT CONTAINS 57.17 ACRES.

THE INTENT FOR THIS DEVELOPMENT IS TO BE DEVELOPED IN ONE PHASE. HOWEVER MULTIPLE PHASES WOULD BE ALLOWED.

DWELLINGS LOCATED WITHIN THE DEVELOPMENT SHALL BE SINGLE FAMILY DETACHED. THE MAXIMUM HEIGHT OF ANY BUILDING WILL NOT EXCEED 35', MEASURED FROM THE LOWEST ADJACENT GRADE OF EACH BUILDING.

THREE DEVELOPMENT SIGNS SHALL BE ALLOWED AND SHALL BE MONUMENT STYLE SIGNS AS SHOWN.

PART OF THIS TRACT LIES WITHIN THE 100 YEAR FLOODPLAIN AS ADOPTED BY THE CITY OF COLUMBIA AS SHOWN BY FIRM PANEL 29019C02850 DATED MARCH 17, 2011.

ALL SANITARY SEWERS SHALL BE LOCATED WITHIN THE APPROPRIATE WIDTH EASEMENT. SAID EASEMENTS SHALL BE GRANTED AT THE TIME OF FINAL DESIGN.

ALL PUBLIC SANITARY SEWER EXTENSIONS SHALL BE MINIMUM OF 8" DIAMETER. SEWERS SHALL BE LOCATED WITHIN 16 FOOT WIDE EASEMENTS OR EASEMENTS EQUAL TO THE DEPTH OF THE SEWER IF SEWER IS GREATER THAN 16 FEET. NO SEWER TAPS WILL BE GREATER THAN 20 FEET.

WATER DISTRIBUTION SHALL BE PROVIDED BY PMSD #9.

THE STREET R/W SHALL BE 50 FOOT WIDE, UNLESS OTHERWISE NOTED.

THERE SHALL BE A 10 FOOT UTILITY EASEMENT ALONG THE SIDE OF EACH LOT ADJACENT TO STREET RIGHT-OF-WAY.

NATURAL GAS DISTRIBUTION TO BE DESIGNED BY AMEREN I.E.

ELECTRIC DISTRIBUTION TO BE DESIGNED BY BOONE ELECTRIC COOPERATIVE.

LOT NUMBERS SHOWN ARE FOR INVENTORY PURPOSES ONLY.

ALL LOTS SHALL HAVE A MINIMUM WIDTH OF 60' AT THE BUILDING LINE.

ALL LOTS SHALL HAVE 6' SIDE YARD SETBACKS AS WELL AS A 25' REAR YARD SETBACK.

ALL LOTS SHALL CONTAIN A MINIMUM OF TWO PARKING SPACES LOCATED BEHIND THE BUILDING LINE.

A 5' SIDEWALK SHALL BE CONSTRUCTED ALONG BOTH SIDES OF THE PROPOSED STREETS LOCATED INTERNAL TO THIS DEVELOPMENT. A 5' SIDEWALK SHALL ALSO BE CONSTRUCTED ADJACENT TO ROLLING HILLS ROAD. ALL SIDEWALKS ADJACENT TO COMMON LOTS SHALL BE CONSTRUCTED AT THE TIME OF STREET CONSTRUCTION.

THERE IS REGULATED STREAM BUFFER IDENTIFIED ON THIS TRACT BY ARTICLE X, CHAPTER 12A OF THE CITY CODE OF ORDINANCES AND AS SHOWN BY THE COLUMBIA USGS QUADRANGLE.

A TREE PRESERVATION PLAN SHALL BE SUBMITTED WITH THE FINAL DESIGN PLANS FOR THIS DEVELOPMENT. A MINIMUM OF 25% OF THE CLIMAX FOREST SHALL BE PRESERVED.

THE MAXIMUM RELEASE RATE FROM THIS DEVELOPMENT SHALL BE CONTROLLED BY LIMITING THE POST-DEVELOPMENT STORM WATER RELEASE RATES TO THE PREDEVELOPMENT RATES FOR THE 1, 2, 10 AND 100 YEAR STORMS.

LOTS 1, 7, 8, 13, 15, 23, 24, 48, 52, 72 & 82 WILL NOT BE PERMITTED TO HAVE DRIVEWAY ACCESS TO HOYLAK DRIVE.

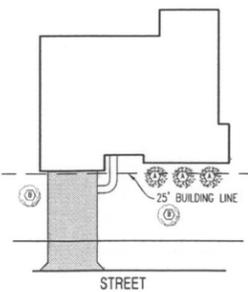
LOTS C1 - C8 ARE COMMON LOTS AND ARE TO BE DEDICATED TO THE HOME OWNERS ASSOCIATION AND ARE TO BE USED FOR GREENSPACE AND STORM WATER MANAGEMENT PURPOSES. THE HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR ALL MAINTENANCE OF SAID BMP'S. FURTHERMORE APPROPRIATE EASEMENTS SHALL BE DEDICATE AT TIME OF FINAL PLATTING TO ENSURE PROPER ACCESS ARE IN PLACE TO AND OVER SAID BMP'S.

LOT C9 SHALL BE RESERVED AS A COMMON LOT. SAID LOT C9 SHALL BE DEDICATED TO THE CITY FOR RIGHT-OF-WAY PURPOSES SHOULD IT BE NEEDED FOR RIGHT-OF-WAY PURPOSES TO ACCESS THE PROPERTY SOUTH OF SAID LOT C9.

DEVELOPER RESERVES THE RIGHT TO INSTALL SUBDIVISION SIGNAGE WITHIN THE PROPOSED STREET AND UTILITY EASEMENT AT THE INTERSECTION OF ROLLING HILLS ROAD AND HOYLAK DRIVE.

LEGAL DESCRIPTION:  
A TRACT OF LAND LOCATED IN NORTH HALF OF SECTION 15, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF TRACT 38 OF THE SURVEY RECORDED IN BOOK 2785, PAGE 46 AND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3835, PAGE 73 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE CENTER OF SAID SECTION 15 AND WITH THE LINES OF SAID TRACT 38, N 89°57'25"W, 1989.12 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE CONTINUING WITH THE LINES OF SAID SURVEY, N 128°50'00", 1245.44 FEET TO THE EAST LINE OF THE STREET EASEMENT RECORDED IN BOOK 3768, PAGE 95; THENCE WITH THE EAST LINE OF SAID STREET EASEMENT, 172.47 FEET ALONG A 947.00 FOOT, RADIUS, NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S 9°39'20"E, 172.23 FEET, THENCE S 14°52'25"E, 442.74 FEET TO THE NORTH LINE OF TRACT F OF THE SURVEY RECORDED IN BOOK 1611, PAGE 799; THENCE WITH THE LINES OF SAID TRACT F, S 40°59'20"W, 83.20 FEET; THENCE S 2°01'05"W, 609.86 FEET TO THE POINT OF BEGINNING AND CONTINUING 57.17 ACRES.

- LEGEND:
- EXISTING 2FT CONTOUR
  - EXISTING 10FT CONTOUR
  - PROPOSED 2FT CONTOUR
  - PROPOSED 10FT CONTOUR
  - EXISTING STRUCTURE
  - EXISTING TREELINE
  - EDGE OF WATERWAY
  - EXISTING SANITARY SEWER
  - PROPOSED SANITARY SEWER
  - MANHOLE
  - PROPOSED SANITARY SEWER LATERAL
  - EXISTING WATERLINE
  - PROPOSED WATERLINE
  - PROPOSED FIRE HYDRANT
  - PROPOSED STORM SEWER
  - BUILDING LINE (B.L.)
  - LOT NUMBER
  - BLDG ENVEL
  - BUILDING ENVELOPE (TYPICAL)
  - PROPOSED DETENTION/BIORETENTION



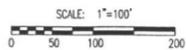
- PROPOSED SHRUBS
- PROPOSED TREE

OWNER:  
TORI-BEN FARMS, LLC.  
4700 W. TIMBER RIDGE DRIVE  
COLUMBIA, MO 65203

DEVELOPER:  
JOB CONSTRUCTION, INC.  
6209 UPPER BRIDLE BEND DR.  
COLUMBIA, MO 65201

CLIMAX FOREST CALCULATIONS:

TOTAL EXISTING CLIMAX FOREST	28.06 AC.
CLIMAX FOREST TO BE PRESERVED IN COMMON SPACE	8.11 AC. (29%)
AMOUNT OF NON-CLIMAX FOREST "OPEN SPACE" PRESERVED IN COMMON LOTS	13.22 AC. (47%)



PREPARED BY:  
**CROCKETT**  
ENGINEERING CONSULTANTS  
2903 North Station Boulevard  
Columbia, Missouri 65202  
(314) 447-0292  
www.crockettengineering.com  
Crockett Engineering Consultants, LLC  
Missouri Certificate of Authority  
100013104



APPROVED BY THE PLANNING AND ZONING COMMISSION  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.

DR. RAMAN PURI - CHAIRMAN

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK  
6/02/2014 ORIGINAL  
6/24/2014 CITY COMMENTS  
7/09/2014 CITY COMMENTS  
7/14/2014 P&Z REVISIONS

REVISED  
7/14/14

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
July 10, 2014**

**SUMMARY**

A request by Tim Crockett (applicant) on behalf of Tori-ben Farms, LLC (owner) for approval of an 87-lot PUD Development Plan and Preliminary Plat on PUD-4 (Planned Unit Development) zoned land, to be known as "Woods Edge", and an associated variance to Section 25-47(a) (Terminal Streets) relating to the street length of Harbor Town Drive. The 57.2-acre subject property is located on the west side of S Rolling Hills Road, 1,700 feet south of E Richland Road. (Case #14-108)

**DISCUSSION**

The applicant is proposing an 87-lot residential subdivision on approximately 57.1 acres of PUD-4 zoned property, which permits up to four dwelling units per acre. The zoning of the property and adoption of the attached Statement of Intent (SOI) was approved by Ordinance #20801 when the property was annexed into the City in 2010. The subject site is a portion of the 135-acre Tract 5 that was annexed in 2010.

The SOI approved with Ordinance #20801 and applicable to Tract 5, limited development of the tract to a maximum of 538 one-family detached and one-family attached dwellings. The submitted development plan for the subject site; however, proposes only single-family detached dwellings. If the proposed subdivision is platted as currently shown, the total remaining available units for the outstanding 77-acre portion of Tract 5 would be 458.

Regarding landscaping, the SOI requires 15 percent landscaping and 25 percent existing vegetation to be provided. The plan indicates that 23 percent of the property will be open space and 29 percent of the climax forest will be preserved, both of which exceed the SOI requirement.

Development of any portion of Tract 5 was subject to completing a traffic study and the installation of a future major roadway providing access through the tract from Rolling Hills Road to the west. The applicant has completed the required traffic study and the PUD plan includes the construction of a major collector (Spyglass Drive), identified in the CATSO Major Roadway Plan, that will connect Rolling Hills Road at the east boundary of the property to another major thoroughfare, likely Highway WW, to the west upon future development of remainder of Tract 5. The collector will be stubbed at the west property line to ensure that future roadway connection is in place. In addition, the applicant is making available common lot C9 – located south of the stub – for future right of way dedication to facilitate a possible connection to the south if development occurs in the future.

As part of the PUD plan approval which also serves as the preliminary plat, the applicant is requesting approval of a variance to Section 25-47(a) of the Subdivision Regulations, which restricts terminal streets (i.e., cul-de-sacs) to no more than 750 feet in length. If the variance is granted, Harbor Town Drive would exceed the maximum allowed length by approximately 350-feet. The applicant states the variance is justified due to the site's topography which has resulted in larger and fewer lots than otherwise possible and that the required intersection should Harbor Town Drive be connected to Spyglass Drive would be too close to the Rolling Hills Road intersection to be safely considered.

Staff finds that connecting the terminus of Harbor Town Drive to Spyglass Drive could reasonably be made, as the topography in the area does not slope more than other portions of the

property with roadways. This would eliminate the need for the cul-de-sac, which now exceeds 1,000 feet in length and would reduce the amount of traffic at the single intersection and provide multiple entrances for emergency vehicles. Engineering has indicated that such a connection could be made without compromising public safety.

The proposed development plan and design parameters meet all of the requirements of the 2010 PUD rezoning ordinance and Statement of Intent, and conform to applicable City Zoning Regulations standards, with the exception of the requested variance and other minor technical requirements that will be corrected prior to forwarding to City Council.

**RECOMMENDATION**

1. Approval of the proposed PUD development plan, subject to the condition that Harbor Town Drive complies with Section 25-47.
2. Denial of the variance to Section 25-47.

**SUPPORTING DOCUMENTS (ATTACHED)**

- Aerial/zoning and natural features maps
- PUD development plan
- Variance Worksheet
- Statement of Intent from Ord. #20801 (previously approved)

**SITE HISTORY**

<b>Annexation date</b>	2010
<b>Zoning District</b>	PUD-4 (Planned Unit Development)
<b>Land Use Plan designation</b>	Neighborhood District
<b>Previous Subdivision/Legal Lot Status</b>	Land in limits

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	57.2 acres
<b>Topography</b>	Flat to steeply sloping
<b>Vegetation/Landscaping</b>	Mixture of pastureland and climax forest
<b>Watershed/Drainage</b>	Grindstone Creek
<b>Existing structures</b>	None

**UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	CPWD #9
<b>Fire Protection</b>	City of Columbia
<b>Electric</b>	Boone Electric Cooperative

**ACCESS**

<b>Rolling Hills Road</b>	
<b>Location</b>	East side of site
<b>Major Roadway Plan</b>	Minor Arterial (improved & City-maintained). No additional right-of-way required.
<b>CIP projects</b>	None

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	East Port Park to the northeast of site
<b>Trails Plan</b>	North Fork of the Grindstone Trail to the northwest of the site.
<b>Bicycle/Pedestrian Plan</b>	Eight-foot wide sidewalk/pedway installed on east side of Rolling Hills Road

**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 June 17, 2014.

<b>Public information meeting recap</b>	Number of attendees: 1 (including applicant) Comments/concerns: None.
<b>Notified neighborhood association(s)</b>	None.
<b>Correspondence received</b>	None as of this writing

Report prepared by Clint Smith

Approved by Patrick Zenner



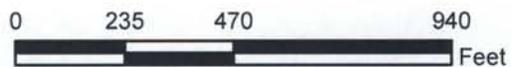
**SUBJECT  
SITE**

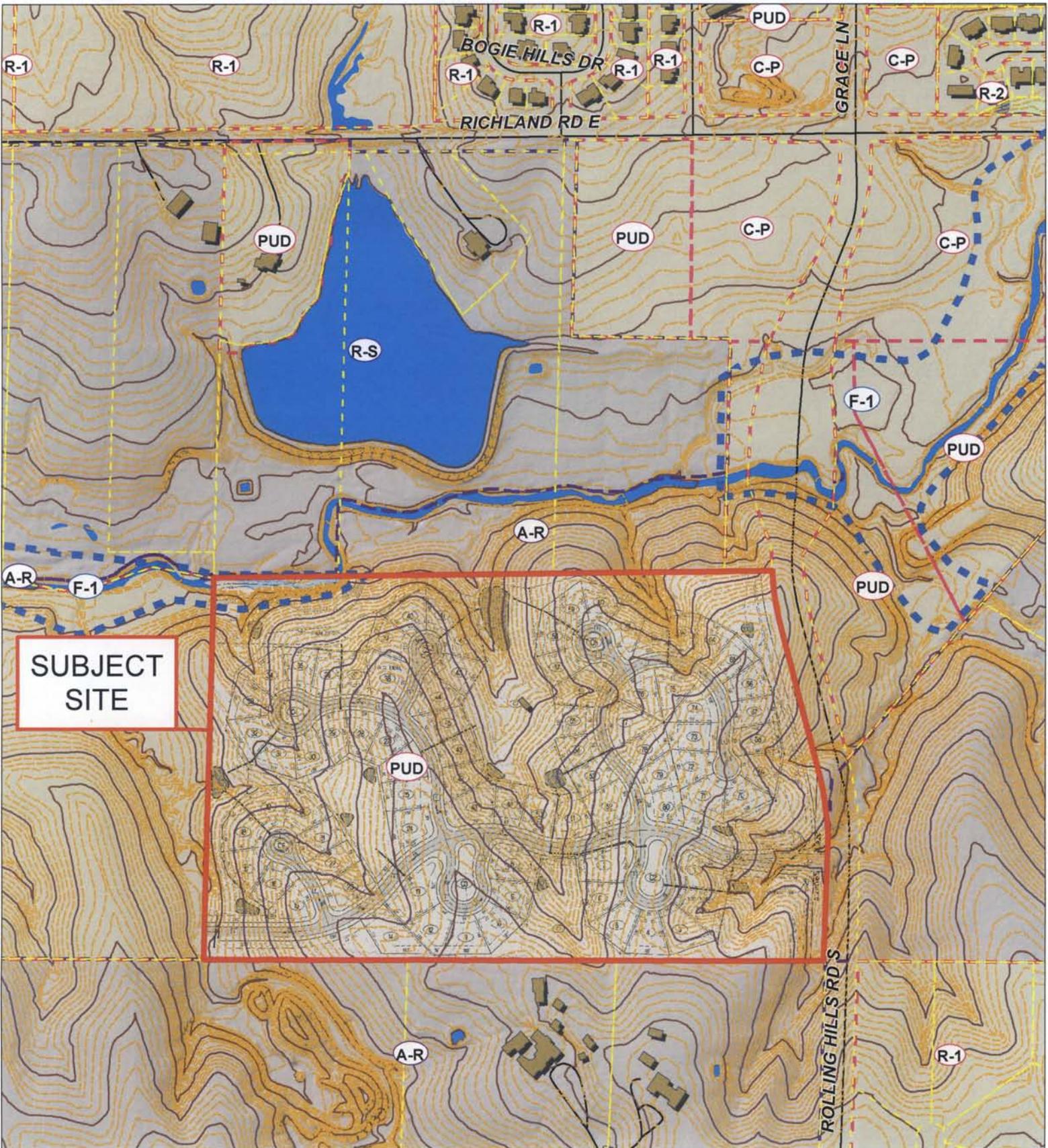


## 14-108: Woods Edge Preliminary Plat & PUD Plan



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





# 14-108: Woods Edge Preliminary Plat & PUD Plan



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 Created by The City of Columbia - Community Development Department



# PUD PLAN WOODS EDGE

SECTION 15, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI  
CITY PROJECT #14-107



LOCATION MAP  
NOT TO SCALE

**NOTES:**

THE EXISTING ZONING OF THIS TRACT IS PUD 4.  
THIS TRACT CONTAINS 57.17 ACRES.  
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DWELLINGS LOCATED WITHIN THE DEVELOPMENT SHALL BE SINGLE FAMILY DETACHED. THE MAXIMUM HEIGHT OF ANY BUILDING WILL NOT EXCEED 35', MEASURED FROM THE LOWEST ADJACENT GRADE OF EACH BUILDING.  
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LOTS 1, 7, 8, 13, 15, 23, 24, 48, 52 & 80 WILL NOT BE PERMITTED TO HAVE DRIVEWAY ACCESS TO SPYGLASS DRIVE.

LOTS C1 - C8 ARE COMMON LOTS AND ARE TO BE DEDICATED TO THE HOME OWNERS ASSOCIATION AND ARE TO BE USED FOR GREENSPACE AND STORM WATER MANAGEMENT PURPOSES. THE HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR ALL MAINTENANCE OF SAID BMP'S. FURTHERMORE APPROPRIATE EASEMENTS SHALL BE DEDICATE AT TIME OF FINAL PLATING TO ENSURE PROPER ACCESS ARE IN PLACE TO AND OVER SAID BMP'S.

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**LEGAL DESCRIPTION:**

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APPROVED BY THE PLANNING AND ZONING COMMISSION  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

DR. RAMAN PURI - CHAIRMAN

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

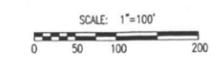
ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK



TIMOTHY D. CROCKETT - PE-2004000775

PREPARED BY:  
**CROCKETT**  
ENGINEERING CONSULTANTS  
2008 North Stadium Boulevard  
Columbia, Missouri 65202  
(314) 447-0292  
www.crockettengineering.com  
Crockett Engineering Consultants, LLC  
Missouri Certificate of Authority  
#0000013104



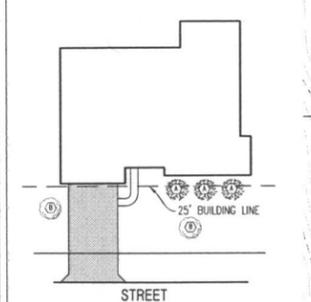
**CLIMAX FOREST CALCULATIONS:**

TOTAL EXISTING CLIMAX FOREST	28.06 AC.
CLIMAX FOREST TO BE PRESERVED IN COMMON SPACE	8.11 AC. (29%)
AMOUNT OF NON-CLIMAX FOREST "OPEN SPACE" PRESERVED IN COMMON LOTS	13.22 AC. (23%)

**DEVELOPER:**  
JOB CONSTRUCTION, INC.  
6209 UPPER BRIDLE BEND DR.  
COLUMBIA, MO 65201

**OWNER:**  
TORI-BEN FARMS, LLC.  
4700 W. TIMBER RIDGE DRIVE  
COLUMBIA, MO 65203

- LEGEND:**
- EXISTING 2FT CONTOUR
  - EXISTING 10FT CONTOUR
  - PROPOSED 2FT CONTOUR
  - PROPOSED 10FT CONTOUR
  - EXISTING STRUCTURE
  - EXISTING TREELINE
  - EDGE OF WATERWAY
  - EXISTING SANITARY SEWER
  - PROPOSED SANITARY SEWER
  - MANHOLE
  - PROPOSED SANITARY SEWER LATERAL
  - EXISTING WATERLINE
  - PROPOSED WATERLINE
  - PROPOSED FIRE HYDRANT
  - PROPOSED STORM SEWER
  - BUILDING LINE (B.L.)
  - LOT NUMBER
  - BLDG ENVEL. BUILDING ENVELOPE (TYPICAL)
  - PROPOSED DETENTION/BIORETENTION



- PROPOSED SHRUBS
  - PROPOSED TREE
- TYPICAL PUD LANDSCAPING



**City of Columbia  
Planning Department**

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**Variance Worksheet**

For office use:

Case #: <b>14-108</b>	Submission Date:	Planner Assigned:
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Where the Planning and Zoning Commission finds that undue hardships or practical difficulties may result from strict compliance with the City's Subdivision Regulations, it may recommend and the Council may approve variances so that substantial justice may be done and the public interest secured, provided that any such variance shall not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

**The Commission shall not recommend variances unless it finds and determines that the following criteria are met<sup>1</sup>. Please explain how the requested variance complies with each of the below requirements:**

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The granting of a variance to Section 25-47(a) will not be detrimental to public safety because the number of lots, amount of traffic, etc. will be less than other, higher density, developments with shorter cul-de-sacs.

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, are not applicable generally to other property, and are not self-imposed.

The topography and CATSO required streets make this variance a unique situation.

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations was carried out; and

The requirement of having to construct a collector street off of Rolling Hills Road causes a hardship by creating an area where additional intersections close to the above said Rolling Hills Road/new collector intersection are not desired by the City.

4. The variance will not in any manner abrogate the provisions of the comprehensive plan of the City.

This variance will not abrogate the provisions of the comprehensive plan of the City of Columbia.

<sup>1</sup> Per Section 25-20: Variances and exceptions

1. **Statement of Intent Required by Section 29-17(e)(2)**: In accordance with the requirements of Section 29-17(e)(2), the following "Statement of Intent" is hereby furnished with respect to that portion of the Property to be rezoned to Zoning District C-P, to-wit:

a. The uses proposed for Tract 2 within the Property shall be all permitted uses under Zoning District C-1 (Section 29-14) of the City's zoning ordinances, plus the following uses: billiard halls and game arcades; bicycle repair shops; miniature golf courses; and small animal hospitals without outdoor kennels, and excluding the following uses: assembly or lodge halls; halfway houses; halfway houses for young offenders; and self-service storage facilities. The maximum gross square feet of building floor area proposed for Tract 2 is 80,000. Tract 2 is shown on Exhibit E attached to the Application for the Permanent Rezoning of Property to which this Statement of Intent applies.

b. The maximum building height proposed for the area of the Property to be rezoned C-P is 45 feet.

c. The minimum percentage of that portion of the Property to be rezoned C-P to be maintained in open space is 20%.

d. Land disturbance permits shall not be issued until site specific development plans are approved.

2. **Statement of Intent for Portion of Property to be Placed in Planned Zoning District PUD**: For that portion of the Property placed in zoning district PUD, the requirements of Section 29-10(e)(2) must be met, to-wit:

a. The statements in this paragraph should be considered as a "Statement of Intent" within the meaning of Section 29-10(e)(2) of the City's zoning ordinances.

b. The uses proposed for the site are all uses permitted in Section 29-10 of the City's zoning ordinances. In addition, all conditional uses permitted in Section 29-10 will be permitted upon the granting of a conditional use permit for same.

c. The types of dwelling units shall be: Multiple-Family, One-Family, One-Family Attached, Two-Family, and Villa for Tracts 3 and 4 & only One-Family and One-Family Attached for Tract 5.

d. The maximum number of dwelling units shall be as follows and the density shall be that which is shown on Exhibit E attached to the Application for the Permanent Rezoning of Property to which this Statement of Intent applies:

1. For Tract 3 shown on Exhibit E attached to the Application for the Permanent Rezoning of Property to which this Statement of Intent applies, the maximum number of units shall be 46.
  2. For Tract 4 shown on Exhibit E attached to the Application for the Permanent Rezoning of Property to which this Statement of Intent applies, the maximum number of units shall be 116.
  3. For Tract 5 shown on Exhibit E attached to the Application for the Permanent Rezoning of Property to which this Statement of Intent applies, the maximum number of units shall be 538.
- e. The maximum building height proposed for the Property is 35 feet.
- f. The total number of parking spaces proposed is as follows:
1. For Tract 3 shown on Exhibit E attached to the Application for the Permanent Rezoning of Property to which this Statement of Intent applies, the total number of parking spaces proposed is 124; however, the actual number may be more or less so long as it complies with applicable City of Columbia regulations.
  2. For Tract 4 shown on Exhibit E attached to the Application for the Permanent Rezoning of Property to which this Statement of Intent applies, the total number of parking spaces proposed is 255; however, the actual number may be more or less so long as it complies with applicable City of Columbia regulations.
  3. For Tract 5 shown on Exhibit E attached to the Application for the Permanent Rezoning of Property to which this Statement of Intent applies, the total number of parking spaces proposed is 1,184; however, the actual number may be more or less so long as it complies with applicable City of Columbia regulations.
- g. The parking ratio per dwelling unit shall be as follows:
1. For Tract 3 shown on Exhibit E attached to the Application for the Permanent Rezoning of Property to which this Statement of Intent applies, the parking ratio per dwelling unit proposed is 2.2 to 1; however, the actual ratio shall be determined by an approved PUD development plan.
  2. For Tract 4 shown on Exhibit E attached to the Application for the Permanent Rezoning of Property to

which this Statement of Intent applies, the parking ratio per dwelling unit proposed is 2.2 to1; however, the actual ratio shall be determined by an approved PUD development plan.

3. For Tract 5 shown on Exhibit E attached to the Application for the Permanent Rezoning of Property to which this Statement of Intent applies, the parking ratio per dwelling unit proposed is 2.2 to1; however, the actual ratio shall be determined by an approved PUD development plan.

h. The minimum percentage of the site to be maintained in open space shall be 15% landscaping and 25% existing vegetation.

i. There are no proposed amenities; however, in the event that the City of Columbia develops a park within Tract 5, same shall be an amenity.

j. The plan for Tracts 3 and 4 is generally described as a plan containing Multiple-Family, One-Family, One-Family Attached, Two-Family, and Villa Units and any combination of same. The plan for Tract 5 is generally described as a plan containing One-Family and One-Family Attached units and any combination of same. Units may be contained on a single zero lot line lot, a single family lot, or on a large lot containing several units. In addition, there may be up to 3 units in a single building. Perimeter setbacks shall comply with zoning regulations. The minimum setback from interior streets shall be 20 feet.

k. Land disturbance permits shall not be issued until PUD plans are approved and such permits shall only be issued to Tracts receiving PUD plan approval.

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**JULY 10, 2014**

**Case No. 14-108**

**A request by Tim Crockett (applicant) on behalf of Tori-ben Farms, LLC (Owner) for approval of an 87-lot PUD Development Plan and preliminary plat on PUD-4 (Planned Unit Development) zoned land, to be known as "Woods Edge," and an associated variance to Section 25-47(a) (Terminal Streets) relating to the street length of Harbor Town Drive. The 57.2-acre subject property is located on the west side of South Rolling Hills Road, 1,700 feet south of East Richland Road.**

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. As to the Development Plan, Staff recommends approval of the proposed PUD Development Plan, subject to the condition that Harbor Town Drive complies with Section 25-47. As to the Variance, Staff recommends denial.

MR. REICHLIN: Are there any questions of Staff? Seeing none, we'll open up the public hearing.

**PUBLIC HEARING OPENED**

MR. CROCKETT: Sorry, Mr. Reichlin. I apologize. Tim Crockett, Crockett Engineering, 2608 North Stadium. I'm here on behalf -- tonight on behalf of the developer as well as the current property owner for the subject property known as "Woods Edge." I think Mr. Smith gave the location map of the site, as well as the current zonings of the area. It is currently zoned PUD 4. We have other PUDs, higher density PUDs R-1s, and commercial zoned properties in the area. As you can see, here's a copy of the PUD plan. You've seen that before. I'd like to go run some of the highlights of this development. What we're proposing is a density -- a development density of about one and a half units per acre when the current zoning allows for four units per acre. What that allows us to do, it allows us to preserve additional green space, additional draws, additional climax forest. Right now, the PUD plan would preserve approximately 20 and a half acres or 35 percent of the entire site just in common space alone. And that doesn't include the climax forest that would be on -- on private lots or the open green space that's on private lots. The requirement is 25 percent for the entire piece of property. We hit 35 percent just in the common lots alone without even talking about what's going to be on the private property. The development has adequate infrastructure already in place. Rolling Hills Road is an improved roadway. All the utilities are either on or adjacent to the property, and can be extended relatively easy across the street, so this is a site that currently has all the infrastructure nearby. It would construct an east-west collector in the area. That's a major collector under the Major Roadway Plan that not only serves this development, but serves everything north of WW in that vicinity, and that's something that the City has been looking for

for quite some time. It was mentioned back in 2010 on the rezoning of this property and currently this development would extend. It would be the first development in this area, kind of gets the ball rolling for that -- for that major collector in that area. We did perform a traffic study on the site, and it performed -- and it showed no adverse impacts on the surrounding area or the intersections, and we think that was -- that's very important to note and very important to look at was what's our traffic going to do in the area and how is it going to be addressed. I would like to hurry up and get to the variance. I know, Mr. Reichlin, I'm -- I'm short on time. But the variance request, we would respectfully disagree with Staff. We understand where they're coming from, and we respect the standards, but in this specific case, we feel that we would like -- we would like consideration for the variance for the cul-de-sac length. This is similar to other cul-de-sac variances we have received in the recent past, both in Old Hawthorne, Cascades, The Gates, oh, Thornbrook. There's numerous instances where variances on cul-de-sac lengths just like this have been granted. A couple of items I would like to talk about. First of all, if this was a 750-foot length cul-de-sac with minimal sized lots, we're talking the same, if not fewer, lots on this development than would be shown on another development, so it's not a unit count number. Furthermore, we also have a cul-de-sac basically mid-block, and I'm sorry, the pointer doesn't show up, but we have another point mid-block that would provide adequate turn-around space for vehicles, trash collection, school buses, emergency vehicles, so we don't have to go the entire length. The real reason why we want this cul-de-sac variance is that we feel that long term, if that cul-de-sac bulb was punched out to the collector street that runs east and west through there, we foresee that the intersection of Rolling Hills Road and this new collector street being built through there, that intersection is going to be a major intersection in the future. The City Staff has already advised us that they think it will be, and they've already -- they're already looking for additional right-of-way from us so that they can build a larger intersection. We feel that that being punched out and having another access point on that major collector, we feel that we can alleviate all of that. Given the distance from that location to the intersection, we can alleviate that with a -- with a cul-de-sac variance. So we strongly ask that you consider that variance for this request, and I would be happy to answer any questions.

MR. REICHLIN: Any questions of this speaker? Seeing none. Thank you, Mr. Crockett. Are there any other -- anybody else who would like -- care to comment on this matter, either for or against? Seeing no one, we'll close the public hearing.

**PUBLIC HEARING CLOSED**

MR. REICHLIN: Comments of Commissioners? Mr. Strodman, you look like you're ready.

MR. STRODTMAN: I'll break the ice. It looks like somebody needs to. Yeah. I plan on supporting the project. I think it's a good project. It's a good use of the topography in the area that they're working with. You know, I kind of also will probably lean towards giving them the variance on the cul-de-sac for a couple of reasons. One, I live on a cul-de-sac and I love it, so I tend to like cul-de-sacs. Two, I kind of agree it seems like it's really close to the entrance, and if that continues -- this development continues to the west, you know, I think that intersection continues just to become that more traveled and busy, and having that roadway that close does seem to be awfully tight even though I know the City

probably obviously looked at that, but that's probably a variance that I'll probably tend to support.

MR. REICHLIN: Anybody else care to comment? Ms. Loe?

MS. LOE: I just have a question for Staff about the situation that Mr. Crockett brought up. Do you have any comment on that?

MR. SMITH: Which situation -- I'm sorry? With the location of the street?

MS. LOE: Location of the intersection --

MR. SMITH: Okay.

MS. LOE: -- and if -- if the cul-de-sac gets brought through --

MR. SMITH: Uh-huh.

MS. LOE: -- that it is proximate to the intersection of the two -- of the collector?

MR. SMITH: And -- and I spoke with engineering or the traffic engineer on this and they thought there could be a location there that would -- could be brought into -- and I forget the name of the street now -- Spyglass Drive, and still have adequate distance there. I think maybe a better alternative actually would be -- if we can go back -- is to reduce the length of this and basically add a bulb off this way to access this property here. So you would reduce this street to -- to a compliant length, but then you would have basically -- similar to these cul-de-sacs off the side that would come this direction and then access this property, and so the -- it would still be accessible and developable at this point, but the -- the main cul-de-sac would be less than the 750-foot length. And generally you try to have a cul-de-sac length that complies to -- kind of reduce the impact of -- of so many units all coming into one location and each -- basically, at this -- in this situation, like we have over 30 units will be accessing this one street through one entrance, and the amount of traffic through this one street, it would be funneling basically everyone in there, so that's why you try to have a terminal length maximum and also it does have to do with emergency services, the distance they have to travel down a one-way street to access all the property. So we feel there is -- there is a way to comply with that terminal street length and still have adequate -- or make the area still accessible for development by the developer.

MS. LOE: How long is Brandon Dunes?

MR. SMITH: I don't know the exact length of that, but I do know it's -- it does -- it is less than 750 feet.

MS. LOE: And a cul-de-sac by definition is simply any road that terminates?

MR. SMITH: A terminal street is one that ends in a cul-de-sac, but then is basically -- some -- one that terminates at the edge of a property with future connection in mind wouldn't be considered to be a terminal street.

MR. REICHLIN: Ms. Russell?

MS. RUSSELL: I still think I'm going to support the variance. I think it's going to put undue work on the -- and cost on the developer to do this and -- which ultimately will make the property owner have to pay more. I don't feel comfortable that there are a lot of other options that the City is offering, and the topography issue. So I'm going to support the variance.

MR. REICHLIN: Ms. Burns?

MS. BURNS: I appreciate Staff's work on this and my thought is that the people that are driving down this cul-de-sac live there, so they're going to be respectful of the speeds in which they travel. They're traveling to their homes. I live on a street that ends in a cul-de-sac, and so I think by other alternatives, you might encourage people cutting through with increased traffic speeds. And so I think I would support the variance.

MR. REICHLIN: Ms. Loe?

MS. LOE: I have another question for Staff. And so you just mentioned that your concern for this length of cul-de-sacs was having 30 houses having to access from a single intersection. Is that the chief consideration? I mean -- or what is the chief reason for limiting cul-de-sacs to 750 feet?

MR. SMITH: It is the amount of impact you have on a single street and a single access point.

MR. ZENNER: Cumulative impact.

MR. SMITH: Sorry?

MR. ZENNER: Cumulative impact.

MR. SMITH: Yeah.

MR. ZENNER: And with a cumulative impact of the traffic actually loading to a single point, at least not being dispersed, which is why we suggest and we look at opportunities for connectivity back to our -- the transportation network for as many opportunities to ingress and egress lots, it is a public-safety related issue, as well as a public maintenance related issue. Cul-de-sacs are the last types of streets to be plowed in the winter. Therefore, as you load more lots onto cul-de-sacs that are of excessive length, you also inconvenience those residents in times of emergency and inclemency to where you are unable to reach them. It does create a public safety hazard. Prior to this past year when we readopted our building code, we had a maximum total number of units off of a single point of ingress and egress at 30. Unfortunately, that appendice was not adopted when we readopted the building code during our last adoption cycle. However, our fire service still has significant concern with the maximum number of units being accessed off of a single point. I think what Mr. Smith is pointing out is the opportunities that exist in which to comply with the code and not grant the variance and not ultimately inconvenience the public that may live here ultimately. Connection to the mainline road, Spyglass, may create problems. I don't think that we would dispute that. However, what our traffic engineers have said, based on the traffic study and the routing that we have asked the applicant to look at all the way back out to WW is that access point would not negatively impact the functionality of Spyglass. And that is hence a significant reason why we would not support granting the variance. The other is all of the peripheral reasons I provided you.

MS. LOE: Well, I have a feeling the motion is going to go through supporting the variance. And because of that, I'll probably vote no simply because I do think there are rules in place -- or if there are rules in place, there should be a solid reason for that rule being in place. And for a variance to go forward, there should be a really good reason for that -- there to be a variance. And I'm not sure I'm convinced yet that there is a really good reason, and that there aren't other options, because I can see the Spy -- no -- Harbor -- Harbor -- I can see the whole road being moved down potentially or other roads being planned. So I think personally I'm on the side with the City, but this is my one time to express that, so I just wanted

to let you know why I'm going to vote no.

MR. REICHLIN: Thank you, Ms. Loe. Anybody else care to comment on this? Anyone else feeling brave, care to frame a motion?

MR. STRODTMAN: I'll -- I'll go. It seems like it's my night, huh -- me and Mr. Crockett. Case 14-108, a request by Tim Crockett (applicant) on behalf of Tori-ben Farms, LLC for approval of an 87-lot PUD Development Plan and preliminary plat on PUD-4 zoned land to be known as "Woods Edge," and associated variance to Section 25-47, relating to the street -- street length of Harbor Town Drive. The 57.2-acre subject property is located on the west side of South Rolling Hills. My motion is approval of the proposed PUD Development Plan subject to the condition that the Harbor Town Drive complies with Section 24-47 --

MR. REICHLIN: Twenty-five.

MR. STRODTMAN: Forty-five?

MR. REICHLIN: Twenty-five.

MR. STRODTMAN: Twenty-five. I'm sorry. Dash 47. No, I think that -- I think that was right. I think it's -- isn't there two different -- no. I guess there is only the 25-47.

MR. ZENNER: 25-47.

MR. STRODTMAN: So, yeah. So a variance to the Section 25-47. Sorry about that.

MR. REICHLIN: I'll second that.

MR. SMITH: Just to clarify, was that a recommendation to support the variance or to not support the variance?

MR. STRODTMAN: To support the variance.

MR. REICHLIN: Maybe I won't second it.

MR. STRODTMAN: No. Wait. Wait. I'm sorry. I said that wrong.

MR. ZENNER: To not support it.

MR. STRODTMAN: To not support it.

MR. SMITH: That's perfect. Just clarifying.

MR. REICHLIN: Okay. Then I will second.

MR. STRODTMAN: Yes. To not support.

MR. REICHLIN: May we have a roll call, please.

MS. RUSSELL: Wait a minute. Wait a minute.

MR. REICHLIN: Oh, wait a minute. Excuse me. Excuse me. Ms. Russell?

MS. RUSSELL: So are you supporting -- is the proposal to support the variance or to deny the variance according to the City recommendation?

MR. STRODTMAN: I am in support of the variance of --

MS. LOE: You're not supporting the City recommendation?

MR. STRODTMAN: Correct.

MS. RUSSELL: Thank you.

MR. REICHLIN: Then I'm not going to second this.

MS. RUSSELL: I'll second it.

MR. REICHLIN: Thank you. That was Ms. Russell.

MR. STRODTMAN: I changed the second to Ms. Russell; correct?

MR. REICHLIN: Correct.

MR. STRODTMAN: Okay.

MR. ZENNER: Excuse me. Why don't we clarify this motion?

MR. REICHLIN: Before we go forward and make some --

MR. ZENNER: Clarify the motion so we all know what we're voting on here. What I believe that Mr. Strodtman's motion is, is to support approval of an 87-lot PUD plan and preliminary plat, and not support or vote to approve the variance to Section 25-47(a) relating to terminal streets and allowing Harbor Town Drive to exceed 750 feet.

MR. STRODTMAN: Correct.

MS. RUSSELL: Yeah.

MR. ZENNER: Thank you.

MR. REICHLIN: Okay. May we have a roll call, please.

MR. STRODTMAN: Let's try this again.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Russell, Ms. Burns. Voting No: Ms. Loe, Mr. Reichlin, Mr. Stanton. Motion Split 3-3.**

MR. REICHLIN: That means we'll send forward a recommendation of --

MR. CROCKETT: Could -- could we get a consensus, approval of the preliminary plat subject to the connection of Harbor Town Drive to -- (inaudible)

MR. REICHLIN: Yeah. Mr. Smith, do you care to weigh in on that?

MR. SMITH: There are options. Planning and Zoning could recommend approval of maybe another alternative. Currently, staff's recommendation is just that Harbor Town Drive complies, but you could put a condition on it that, you know, one of those alternatives be sought or leave it up to Staff to review whatever alternative is proposed by the applicant at that point.

MR. REICHLIN: So at this point, we need to amend our motion or --

MR. SMITH: You can. We can leave it as it is. You can --

MR. REICHLIN: Or should we just start over? Which would -- which do you think would be more appropriate?

MR. SMITH: Well, I --

MR. CROCKETT: Mr. Chairman, if I may? We have a unique situation here, and I apologize for that. Given a split vote, I think that the -- I think the consensus of the Commission is split on the variance itself and not necessarily the plan. I really would like for it to go to Council with a better consensus of the PUD plan and not so much the variance. And if the variance isn't going to support, I think that will show that the Commission was split vote on that. If we could send a motion to Council of some degree that would say we support the plan that would be in conformance with all the subdivision regulations of the City of Columbia, that would give ourselves, as well as Staff, the option to reconfigure that area that would be

in conformance with the regulations to the Staff's liking, if that would -- if that would suffice.

MR. REICHLIN: From where I sit, that -- that -- that kind of what recommendation number one is, that it complies with Section 25-47.

MR. CROCKETT: Okay. There we go.

MR. REICHLIN: If that could be -- if that could be the motion --

MR. CROCKETT: As is.

MR. REICHLIN: As -- as -- as it's written.

MR. CROCKETT: That would be -- that would be acceptable, if we could do that.

MR. REICHLIN: Okay.

MR. CROCKETT: I -- I would just like a better than a 3-3 vote going to Council, just a recommendation that it's not the plan, it's the variance that -- that the Commission has an issue with.

MR. REICHLIN: Sure.

MR. CROCKETT: I would appreciate that.

MR. SMITH: I just want to point out, the Planning and Zoning Commission can move forward with a split vote. That is fine, if they would like. And they could frame a new motion that would state the support of the plan, given the condition that it does comply and that Staff approves the configuration, something in the future.

MR. REICHLIN: But do we need to -- we do need to -- the variance? Mechanically, we send the vote we've taken already or do we just enter a new motion and go forward?

MR. SMITH: No. I think that was one motion and it ended in a tie. I think if you -- somebody wanted to frame a second motion, you could do that.

MR. ZENNER: Once again, this is a unique situation in which you're dealing actually with zoning; you're dealing with a subdivision action. Ultimately, it will be Council's conclusion as it relates to the approval of the variance, which they have the final authority. This is a PUD plan, and as part of the PUD provisions for a PUD plan, which acts as the preliminary plat, an applicant must ask for all variances to the subdivision regulations, which is what they have done. So as the motion is written or as the recommendation is written in your staff report and as is on the screen, a second motion could be taken for approval of the PUD plan since it is compliant with the subdivision standards except Section 25-47, and that the motion for the variance is what you are recommending denial on. And at that point, it's compliant with the exception of the variance or the noncompliance with the cul-de-sac length, and then you could take a motion on the variance which, in essence, is what your first vote really did.

MR. REICHLIN: Okay. So then in the matter of 14-108, a request by Tim Crockett, I move that we approve PUD Development Plan as presented.

MR. STANTON: Second.

MR. SMITH: That would be -- that would be a motion to approve the variance, which --

MR. REICHLIN: That -- that would never be a motion to not approve the variance, but it would be just a motion to approve the plan?

MR. SMITH: I think what you're going for is what Staff's recommendation is here, would be

basically to approve it on the condition that they change the plan to make it compliant.

MR. REICHLIN: Okay. So it should be compliant with 25-47. So it can --

MR. SMITH: Yes.

MR. REICHLIN: Okay. All right. So then we will -- we will move that we approve the PUD Development Plan subject to the condition that Harbor Town Drive complies to Section 25-47. Okay. May I have a -- may I have second?

MR. STANTON: Second.

MR. REICHLIN: Mr. Stanton. May I have a roll call, please?

MR. STRODTMAN: Okay.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Ms. Russell, Ms. Burns. Motion carries 6-0.**

MR. STRODTMAN: The motion for approval will be forwarded to City Council.

MR. REICHLIN: Okay. Additionally, I'd like to move that we approve a denial of the variance to Section 25-47. Is that appropriate?

MS. RUSSELL: We don't need to do that.

MR. REICHLIN: We don't need to do that now?

(Multiple people talking.)

MR. REICHLIN: Then we've got it -- then we've got it all --

MR. SMITH: They've got to comply.

MS. RUSSELL: He said they have to comply.

MR. REICHLIN: Okay. All right. Moving right along.