

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 324-12

AN ORDINANCE

extending the corporate limits of the City of Columbia, Missouri, by annexing property located on the south side of Stanley Pitts Lane, east of Sinclair Road; directing the City Clerk to give notice of the annexation; placing the property annexed in District PUD-0.5; rezoning property located on the south side of Stanley Pitts Lane, east of Sinclair Road, from R-1 to PUD-0.5 and C-P; repealing all conflicting ordinances or parts of ordinances; approving less stringent screening and landscaping requirements; 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 finds that a verified petition was filed with the City on October 1, 2012, requesting the annexation of land which is contiguous and compact to the existing corporate limits of the City and which is described in Section 4 of this ordinance. This petition was signed by Patricia Coriden, Trustee of the Robert M. LeMone Revocable Trust and Robert K. Pugh, Trustee of the Robert K. Pugh and Connie G. Pugh Living Trust, the owners of the fee interest of record in the land proposed to be annexed. A public hearing was held concerning this matter on November 19, 2012. Notice of this hearing was published more than seven days prior to the hearing in a newspaper of general circulation qualified to publish legal matters. At the public hearing all interested persons, corporations and political subdivisions were permitted to present evidence regarding the proposed annexation.

SECTION 2. The Council determines that the annexation is reasonable and necessary to the proper development of the City and that the City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.

SECTION 3. The Council determines that no written objection to the proposed annexation has been filed within fourteen days after the public hearing.

SECTION 4. The City Council hereby extends the city limits by annexing the land described in Section 1-11.9 of the Code of Ordinances of the City of Columbia, Missouri, which is hereby added to Chapter 1 of the City Code and which reads as follows:

Section 1-11.9. December, 2012 Extension of Corporate Limits.

The corporate limits of the City of Columbia shall include the following land:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI, BEING FURTHER DESCRIBED AS FOLLOWS:

ALL OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 3393, PAGE 64, OF THE RECORDS OF BOONE COUNTY, MISSOURI.

SECTION 5. The City Clerk is hereby authorized and directed to cause three certified copies of this ordinance to be filed with the Clerk of Boone County, Missouri and three certified copies with the Assessor of Boone County, Missouri. The City Clerk is further authorized and directed to forward to the Missouri Department of Revenue, by registered or certified mail, a certified copy of this ordinance and a map of the City clearly showing the area annexed to the City.

SECTION 6. The property described in Section 4 is in the Fifth Ward.

SECTION 7. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the property described in Section 4 will be zoned and become a part of District PUD-0.5 (Planned Unit Development) with a development density of not more than 0.5 dwelling units per acre. Hereafter the property may be used for all permitted uses in District R-1 (single-family dwelling district). The statement of intent submitted by applicant, marked "Exhibit A," and the design parameters, marked "Exhibit B," are attached to and made a part of this ordinance.

SECTION 8. 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 SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI BEING FURTHER DESCRIBED AS:

ALL OF TRACT 3 OF THE SURVEY RECORDED IN BOOK 3393, PAGE 64, OF THE RECORDS OF BOONE COUNTY, MISSOURI.

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI BEING FURTHER DESCRIBED AS:

ALL OF THE TRACT SHOWN BY THE SURVEY RECORDED IN BOOK 392, PAGE 448, OF THE RECORDS OF BOONE COUNTY, MISSOURI.

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI BEING FURTHER DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 2 OF THE SURVEY RECORDED IN BOOK 3393, PAGE 64 OF THE RECORDS OF BOONE COUNTY, MISSOURI, THENCE WITH THE SOUTH BOUNDARY LINE OF SAID TRACT SOUTH 87°23'45" EAST, 153.96 FEET TO THE POINT OF BEGINNING; THENCE LEAVING THE BOUNDARY OF SAID TRACT NORTH 16°44'45" EAST, 269.46 FEET; THENCE NORTH 88°31'35" WEST, 155.48 FEET TO THE WEST BOUNDARY OF SAID TRACT ALSO BEING THE EAST RIGHT-OF-WAY LINE OF SINCLAIR ROAD; THENCE WITH THE WEST BOUNDARY OF SAID TRACT NORTH 16°35'40" EAST, 277.38 FEET; THENCE WITH THE NORTH BOUNDARY OF SAID TRACT SOUTH 88°38'55" EAST, 458.29 FEET; THENCE WITH THE EAST BOUNDARY OF SAID TRACT SOUTH 1°28'25" WEST, 537.49 FEET; THENCE WITH THE SOUTH BOUNDARY OF SAID TRACT NORTH 87°23'45" WEST, 446.23 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.54 ACRES.

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI BEING FURTHER DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 916, PAGE 680 OF THE RECORDS OF BOONE COUNTY, MISSOURI, THENCE WITH THE SOUTH BOUNDARY OF SAID TRACT NORTH 88°11'15" WEST, 816.21 FEET; THENCE LEAVING THE SOUTH BOUNDARY OF SAID TRACT, NORTH 1°28'55" EAST, 24.00 FEET; THENCE NORTH 88°11'15" WEST, 240.94 FEET TO THE WEST BOUNDARY OF THE PROPERTY DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3315, PAGE 197, OF THE RECORDS OF BOONE COUNTY, MISSOURI, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF SINCLAIR ROAD, THENCE WITH THE WEST BOUNDARY OF SAID TRACT NORTH 26°06'50" EAST, 219.73 FEET; THENCE WITH THE NORTH BOUNDARY OF SAID TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3315, PAGE 197, OF THE RECORDS OF BOONE COUNTY, MISSOURI SOUTH 88°50'10" EAST, 964.85 FEET; THENCE WITH THE EAST BOUNDARY OF SAID TRACT SOUTH 1°18'20" WEST, 235.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.22 ACRES.

will be rezoned and become a part of District PUD-0.5 (Planned Unit Development) with a development density of not more than 0.5 dwelling units per acre and taken away from R-1 (One-Family Dwelling District). Hereafter the property may be used for all permitted uses in District R-1 (single-family dwelling district). The statement of intent submitted by applicant, marked "Exhibit A," and the design parameters, marked "Exhibit B," are attached to and made a part of this ordinance.

SECTION 9. 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 SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI BEING FURTHER DESCRIBED AS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 2 OF THE SURVEY RECORDED IN BOOK 3393, PAGE 64, OF THE RECORDS OF BOONE COUNTY, MISSOURI THENCE WITH THE WEST BOUNDARY LINE OF SAID TRACT NORTH 16°35'40" EAST, 266.12 FEET; THENCE LEAVING THE BOUNDARY OF SAID TRACT SOUTH 88°31'35" EAST, 155.48 FEET; THENCE SOUTH 16°44'45" WEST, 269.46 FEET TO THE SOUTH BOUNDARY LINE OF SAID TRACT; THENCE WITH THE SOUTH BOUNDARY LINE OF SAID TRACT NORTH 87°23'45" WEST, 153.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.92 ACRES.

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI BEING FURTHER DESCRIBED AS:

BEGINNING AT THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3315, PAGE 197, OF THE RECORDS OF BOONE COUNTY, MISSOURI THENCE WITH THE WEST BOUNDARY OF SAID TRACT NORTH 26°06'50" EAST, 259.04 FEET; THENCE LEAVING THE BOUNDARY OF SAID TRACT SOUTH 88°11'15" EAST, 240.94 FEET; THENCE SOUTH 1°28'55" WEST; THENCE WITH THE EAST BOUNDARY OF SAID TRACT SOUTH 22°20'10" WEST, 155.53 FEET; THENCE WITH THE SOUTH BOUNDARY OF SAID TRACT NORTH 88°34'35" WEST, 293.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.50 ACRES.

will be rezoned and become a part of District C-P (Planned Business District) and taken away from R-1 (One-Family Dwelling District). Hereafter the property may be used for the following permitted uses:

All permitted uses in district R-1

Plumbing, heating, air-conditioning, and electrical businesses, which may include related customary activities such as contracting, retail and wholesale sales and distribution

Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district

Light industrial, subject to the following:

- (1) No use or activity shall result in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere
- (2) No use or activity shall be conducted in a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious or offensive by reason of the creation of a fire, explosion or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust, vibration, radiation or fumes
- (3) No outside storage shall be allowed

Further restrictions on retail uses are as follows:

Excepting the retail sales associated with a plumbing, heating, air conditioning or electrical business, the only retail use allowed will be an internet driven business, further defined as the sale of goods and services to the general public where products and services are viewed and ordered online. Retail sales of goods and services would be strictly limited to assembly, repackaging, repair and distribution of non-gambling, non-toxic materials. The sale or distribution of pornography or adult materials and services is prohibited.

The following uses are prohibited:

Live adult entertainment businesses
Pawn shops
Head shops
Tattoo parlors
Check cashing businesses

The statement of intent submitted by applicant, marked "Exhibit A," and the design parameters, marked "Exhibit B," are attached to and made a part of this ordinance. This is a simplified C-P under Sec. 29-17(g). A development plan shall not be required.

SECTION 10. All ordinances or parts of ordinances in conflict with the provisions of Section 8 and Section 9 of this ordinance are hereby repealed.

SECTION 11. The City Council approves less stringent screening and landscaping requirements than those set forth in Section 29-17(d)(6) of the Zoning Regulations so that a landscape screen shall not be required for the property described in Section 9.

SECTION 12. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2012.

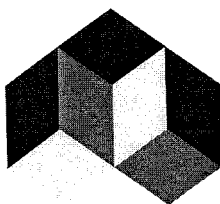
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



A CIVIL GROUP

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September 28, 2012

Revised: November 11, 2012

RE: Lemone/Pugh Sinclair Rd. Property – Rezoning/Annexation

Statement of Intent:

THE SEVEN TRACTS OF LAND REFERENCED IN THE PROPERTY DESCRIPTIONS THAT ACCOMPANY THIS STATEMENT OF INTENT. REQUESTED REZONING FROM R-1 AND A-1 TO C-P AND PUD.

For the purposes of this statement of intent, the seven tracts of land referenced above have been divided into 10 zoning areas as detailed on the accompanying rezoning exhibit.

Zoning Area 1

Parcel ID: 20-200-03-00-014.0001
 Zoning Area Size: 5.08 acres
 Current Zoning: A-1 (not annexed)
 Requested Zoning: PUD 0.5
 Proposed Setback: 25'
 Requested Uses: All R-1 uses

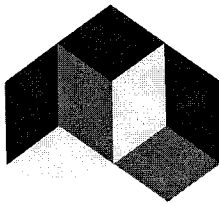
Zoning Area 2A

Parcel ID: 20-200-00-00-013.0001
 Zoning Area Size: 3.04 acres
 Current Zoning: R-1
 Requested Zoning: PUD 0.5
 Proposed Setback: 25'
 Requested Uses: All R-1 uses

Zoning Area 2B

Parcel ID: 20-200-00-00-013.0001
 Zoning Area Size: 3.42 acres
 Current Zoning: R-1
 Requested Zoning: C-P
 Proposed Setback: As Exists : No new construction allowed on this zoning area.
 Requested Uses: 1: All R-1 uses.
 2: (From C-3 Uses)
 Plumbing, heating, air conditioning, and electrical businesses, which may include related customary activities such as contracting, retail and wholesale sales and distribution.

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 COLUMBIA, MO 65203
 PHONE: (573) 817-5750 FAX: (573) 817-1677
 E-MAIL: acg@tranquility.net



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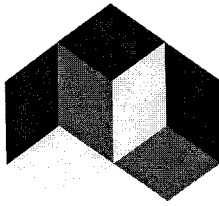
- 3: (From C-1 Uses)
Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district.
- 4: (From C-P Uses)
Light industrial, subject to the following:
(1) No use or activity shall result in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere.
(2) No use or activity shall be conducted in a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious or offensive by reason of the creation of a fire, explosion or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust, vibration, radiation or fumes.
(3) No outside storage shall be allowed.
- 5: (From C-P Uses)
Live/work unit, subject to the following:
(1) Not more than three (3) people may be engaged in the making, servicing or selling of goods, or provision of personal and professional services, within a single unit.
(2) At least one (1) person shall reside in the dwelling unit where the nonresidential activity or activities occur.

Further Restriction Imposed By Applicant on Retail Uses:

Excepting the retail sales associated with a plumbing, heating, air conditioning, or electrical business, the only retail use allowed will be Internet Driven Business, further defined as; The sale of goods and services to the general public where products/services are viewed and ordered on-line. Retail sales of goods and services would be strictly limited to assembly, repackaging, repair, and distribution of non-gambling, non-toxic materials. The sale or distribution of pornography or adult materials and services is prohibited.

- Disallowed commercial uses include sales of pornography or adult services, pawn shops, head shops, tattoo parlors, and check cashing.
- The maximum number of employees at this shop shall be four (4).

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- The maximum floor space to be used for showroom within the existing shop shall be 20% of the current building footprint.
- The maximum amount of truck traffic for this lot shall be 2 deliveries per week via semi-truck.

Zoning Area 3

Parcel ID: 20-200-00-00-012.0001
Zoning Area Size: 3.01 acres
Current Zoning: R-1
Requested Zoning: PUD 0.5
Requested Uses: All R-1 uses
Proposed Setback: 25'

Zoning Area 4

Parcel ID: 20-200-00-00-011.0001
Zoning Area Size: 3.15 acres
Current Zoning: R-1
Requested Zoning: PUD 0.5
Requested Uses: All R-1 uses
Proposed Setback: 25'

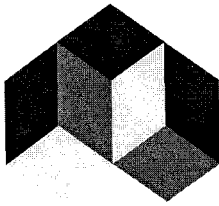
Zoning Area 5A & 5B

Parcel ID: 20-200-00-00-010.0001, 20-200-00-00-008.0001
Zoning Area Size: 5.07 acres, 0.15 acres
Current Zoning: R-1
Requested Zoning: PUD 0.5
Requested Uses: All R-1 uses
Proposed Setback: 40'
Special Conditions: This zoning area will be subject to the covenants and restrictions of the Cascades Subdivision as detailed in the Declaration of Covenants, Easements and Restrictions recorded in book 2146, page 711, of the records of Boone County, Missouri with the exception that there is no minimum landscaping requirement and a detached garage large enough for two vehicles can be constructed, however; the detached garage must have an exterior finish and roof pitch similar to that of the home.

Zoning Area 6A, 6B, 6C

Parcel ID: 20-200-00-00-006.0001, 20-200-00-00-008.0001, 20-200-00-00-010-0001
Zoning Area Size: 1.00 acres, 0.39 acres, 0.11 acres

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Current Zoning:
Requested Zoning:
Proposed Setback:
Requested Uses:

R-1

C-P

As Exists : No new construction allowed on this zoning area

1: All R-1 uses.

2: (From C-3 Uses)

Plumbing, heating, air conditioning, and electrical businesses, which may include related customary activities such as contracting, retail and wholesale sales and distribution.

3: (From C-1 Uses)

Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district.

4: (From C-P Uses)

Light industrial, subject to the following:

(1) No use or activity shall result in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere.

(2) No use or activity shall be conducted in a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious or offensive by reason of the creation of a fire, explosion or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust, vibration, radiation or fumes.

(3) No outside storage shall be allowed.

5: (From C-P Uses)

Live/work unit, subject to the following:

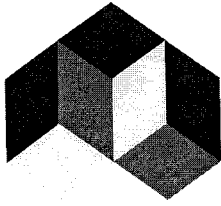
(1) Not more than three (3) people may be engaged in the making, servicing or selling of goods, or provision of personal and professional services, within a single unit.

(2) At least one (1) person shall reside in the dwelling unit where the nonresidential activity or activities occur.

Further Restriction Imposed By Applicant on Retail Uses:

Excepting the retail sales associated with a plumbing, heating, air conditioning, or electrical business, the only retail use allowed will be Internet Driven Business, further defined as; The sale of goods and

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services to the general public where products/services are viewed and ordered on-line. Retail sales of goods and services would be strictly limited to assembly, repackaging, repair, and distribution of non-gambling, non-toxic materials. The sale or distribution of pornography or adult materials and services is prohibited.

- Disallowed commercial uses include sales of pornography or adult services, pawn shops, head shops, tattoo parlors, and check cashing.
- The maximum number of employees at this shop shall be four (4).
- The maximum floor space to be used for showroom within the existing shop shall be 20% of the current building footprint.
- The maximum amount of truck traffic for this lot shall be 2 deliveries per week via semi-truck.

Maximum Gross Square Footage of Building Floor Area Proposed:

Zoning Area 1:	20,000 Sq. Ft.
Zoning Area 2A:	10,000 Sq. Ft.
Zoning Area 2B:	4,000 Sq. Ft. (as currently exists)
Zoning Area 3:	10,000 Sq. Ft.
Zoning Area 4:	10,000 Sq. Ft.
Zoning Area 5A, 5B:	20,000 Sq. Ft. (Total)
Zoning Area 6A, 6B, 6C:	6,720 Sq. Ft. (Total) (as currently exists)

Maximum Building Height Proposed: 35.0 ft. (All areas) – No additional construction on C-P zoned areas.

Minimum Percentage of the Site to be Maintained in Open Space: 20 % (All areas) – C-P areas to remain as they currently exist.

Thank You,
A Civil Group, LLC

Patrick M. Devaney MS, PE

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PHONE: (573) 817-5750 FAX: (573) 817-1677
E-MAIL: acg@tranquility.net



**City of Columbia
Planning Department**

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

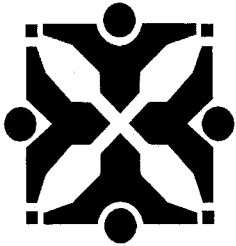
Design Parameters Worksheet

For office use:

Case #:	Submission Date:	Planner Assigned:
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Please provide the following information:

1. The minimum distance between any building and any adjacent property line or street right-of-way.
As per R-1 regulation on all PUD properties and as per existing conditions on all C-P properties.
2. The minimum distance between the edge of any driveway, parking area, loading area, trash storage area and any adjacent property line or street right-of-way.
12' for all R-1 areas (or as currently exists), as per existing conditions on all C-P properties.
3. The maximum number of freestanding signs on the site, the maximum square footage of sign surface area and maximum height of each.
The C-P properties will be allowed one (each) 32 square foot wall mounted sign.
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. (not applicable to **M-R** districts)
20% on all R-1 properties, as per existing conditions on all C-P properties.
5. The maximum height and number of light poles and type of fixtures.
As per existing conditions on C-P properties. Residential properties will be allowed one (each) dusk-to-dawn light as is typically furnished and installed by Boone Electric.



Source: Community Development - Planning 

Agenda Item No:

To: City Council
From: City Manager and Staff 

Council Meeting Date: Nov 19, 2012

Re: LeMone/Pugh Trusts, Baxter, PLW Properties rezoning request (Case #12-171)

EXECUTIVE SUMMARY:

A request by the LeMone and Pugh Trusts, the Baxters, and PLW Properties, LLC (owners) for rezoning from R-1 (one-family dwelling) to PUD-0.5 zoning (one unit per two acres) and simplified C-P (planned business). The 19.2-acre property is located east of Sinclair Road, south of Stanley Pitts Lane. (Case #12-171)

DISCUSSION:

The subject site consists of 19.2 acres, and is comprised of multiple tracts held by four different ownership interests. Most of the tracts requesting PUD 0.5 are improved with a single residential dwelling or are open space. The portions of the property requesting simplified C-P are currently improved with commercial-style buildings. The properties are currently zoned R-1. The site is surrounded by single-family zoning and land uses (County A-1 to the east, City A-1 to the north and west, and City R-1 to the south). A concurrent annexation and permanent PUD-0.5 zoning request has been made for a 5.06-acre site adjacent to this rezoning area.

The PUD-0.5 designation would allow one residence per two acres. All R-1 uses are proposed. In essence, the PUD 0.5 creates a very low-density R-1 district. The request would create a zoning designation of lower density than any permitted in the City. More intense development may overburden the existing capacities of these improvements; therefore, maintaining a lower density may be appropriate at this time. As capacity increases, the opportunity to increase density could be explored.

The simplified C-P proposed for the portions of the site improved with the commercial-style buildings is intended to allow these structures to be repurposed and used as low-intensity commercial uses. A simplified C-P does not permit new development or expansion of structures or parking areas on the subject sites. The height, bulk, screening, and landscaping regulations that would apply to a normal C-P plan would apply to these sites, but a development plan and design parameters are not required.

The proposed simplified C-P areas contain multiple applicant-driven restrictions. Staff finds these restrictions are sufficient to limit the commercial development potential in the existing structures that could create increased traffic demands on Sinclair Road.

The applicants propose five categories or uses for the simplified C-P sites: 1) all R-1 uses; 2) plumbing, heating, air conditioning, and electrical businesses; 3) stores, shops, and markets for retail trades; 4) light industrial; and 5) live/work unit. The stores/shops/markets for retail trade use would be further restricted by the applicant to include only retail sales associated with an HVAC business or "internet driven business," which the applicant defines as "The sale of goods and services to the general public where products/services are viewed and ordered on-line." Internet driven businesses are not defined in the Zoning Ordinance. The City Legal Department has concluded that such a use is a retail business and as such is required to locate in a commercial district.

The applicant requests a landscaping variance for the simplified C-P sites. A simplified C-P site is required to have adequate screening from adjacent residential properties per the Zoning Ordinance. Much of this landscaping is located on adjacent tracts; therefore, staff cannot recommend approval of the variance.

The Planning and Zoning Commission, at its November 8, 2012 hearing, voted 6-0 to approve the rezoning request and landscaping variance with conditions to revise the statement of intent and design parameters to reflect revised buildable square footages for some of the tracts and delineate the signage allowance. These revisions are included in the attached statement of intent and design parameters worksheet. Discussion focused on the landscaping waiver request and potential use of the simplified C-P sites.

Locator maps, the staff report, and the simplified C-P exhibits are attached.

FISCAL IMPACT:

None.

VISION IMPACT:

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

None.

SUGGESTED COUNCIL ACTIONS:

The Planning and Zoning Commission recommends approval of the rezoning and landscaping variance.

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/Epands 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 #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
NOVEMBER 8, 2012**

SUMMARY

A request by the LeMone and Pugh Trusts for permanent PUD-0.5 zoning of 5.08 acres, pending voluntary annexation. The property is located east of Sinclair Road on the southeast side of Stanley Pitts Lane. (Case #12-168)

DISCUSSION

The subject site consists of 5.08 acres. It does not feature a residential dwelling. The annexation request is being made in order to connect to the City sewer system. The site is currently zoned County A-1. The site is surrounded by single-family zoning and land uses (County A-2 to the east, City A-1 to the north and west, and City R-1 property to the south that is concurrently requesting rezoning from R-1 to PUD-0.5. A concurrent annexation request is being considered by the City Council for approval on December 3.

The PUD-0.5 designation would allow one residence per two acres; in this case, the site would permit a maximum of two dwellings. All R-1 uses are proposed. If approved, the new zoning would create a very low-density R-1 district.

The request will create a zoning designation that is of lower density than any permitted in the Zoning Ordinance, a trend not often seen or promoted; however, staff understands that adjacent roadway and water infrastructure deficiencies are contributing factors to the low-density request. Neither of these deficiencies is proposed for correction in the near term. Given the timeframe for correcting these deficiencies, the low-density request is a way to ensure existing infrastructure capacities are not overwhelmed by new development.

STAFF RECOMMENDATION

Staff recommends approval of the requested permanent R-1 zoning.

PUD PARAMETERS

a. Proposed uses	All R-1 uses
b. Types of dwelling units, & accessory buildings	Single family dwelling
c. Maximum number of dwelling units	One per two acres; two max. on site
d. Maximum building height	35 feet
e. Parking	Total parking spaces: 4 Parking ratio (spaces/dwelling unit): 2/unit
f. Minimum maintained open space	% of total site in open space: 20% minimum
g. Amenities	None
h. General project description	Minimum lot size: 2 acres Minimum setbacks from lot lines: R-1 stds. Minimum setbacks between buildings: R-1

SITE CHARACTERISTICS

Area (acres)	5.08
Topography	Sloping downward toward the east side of the site
Vegetation	Wooded on south half of site, sporadically elsewhere
Watershed	Little Bonne Femme
Existing structures	No dwelling present
Existing zoning	County A-1

BACKGROUND

Annexation date/ward	N/A
Initial zoning	County A-1
Previous rezoning(s)	None
Metro 2020 Plan	Neighborhood

SURROUNDING LAND USES

Orientation from site	Zoning District	Land use
North	City A-1	Open space
South	City R-1	Residential dwelling, open space
East	County A-1/A-2	Residential dwelling, open space
West	City A-1	Open space

UTILITIES & SERVICES

Sanitary Sewer	(annexation is to obtain City of Columbia service)
Water	Consolidated Water District #1
Electric	Boone Electric
Fire Protection	BCFPD

ACCESS

Sinclair Road	West of site
Major Roadway Plan classification	Major collector
Capital Improvement Program projects	Description: None Cost: N/A Timeline:
Right-of-way needed	66-76' for major collector

Stanley Pitts Lane	North of site
Major Roadway Plan classification	Local residential
Capital Improvement Program projects	Description: None Cost: N/A Timeline:
Right-of-way needed	50' for residential

PARKS & RECREATION

Neighborhood Parks Plan	None; in secondary parks acquisition area
Trails Plan	None
Trail easement(s)	None

PUBLIC NOTIFICATION

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified by postcard of a public information meeting, which was held on October 16, 2012.

Public information meeting recap	Number of attendees: 3 (two applicants, one neighbor) Comments/concerns: General inquiries on project
Neighborhood Association(s) notified	N/A
Correspondence received	None

Report prepared by ML

Approved by PRZ

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
NOVEMBER 8, 2012**

SUMMARY

A request by the LeMone and Pugh Trusts for rezoning from R-1 to PUD-0.5 and simplified C-P, and a landscaping variance. The 19.2-acre property is located east of Sinclair Road, south of Stanley Pitts Lane. (Case #12-171)

DISCUSSION

The subject site consists of 19.2 acres, and is comprised of multiple tracts held by four different ownership interests. Most of the tracts requesting PUD 0.5 are improved with a single residential dwelling or are open space. The portions of the property requesting simplified C-P are currently improved with commercial-style buildings. The properties are currently zoned R-1. The site is surrounded by single-family zoning and land uses (County A-1 to the east, City A-1 to the north and west, and City R-1 to the south). A concurrent annexation and permanent PUD-0.5 zoning request has been made for a 5.06-acre site adjacent to east of this rezoning area.

The PUD-0.5 designation would allow one residence per two acres. All R-1 uses are proposed. In essence, the PUD 0.5 creates a very low-density R-1 district. The request would create a zoning designation of lower density than any permitted in the City. Staff finds that R-1 style development would be acceptable in this location and would permit better use of the existing sanitary sewer infrastructure. Staff also understands, however, that roadway and water infrastructure deficiencies in this area were brought into consideration with this request. There are no known plans to correct these deficiencies in the short-term. More intense development may overburden the existing capacities of these improvements; therefore, maintaining a lower density may be appropriate at this time. As capacity increases, the opportunity to increase density could be explored.

The simplified C-P proposed for the portions of the site improved with the commercial-style buildings is intended to allow these structures to be repurposed and used as low-intensity commercial uses. A simplified C-P does not permit new development or expansion of structures or parking areas on the subject sites. The height, bulk, screening, and landscaping regulations that would apply to a normal C-P plan would apply to these sites, but a development plan and design parameters are not required.

The proposed simplified C-P areas contain multiple applicant-driven restrictions. Staff finds these restrictions are sufficient to limit the commercial development potential in the existing structures that could create increased traffic demands on Sinclair Road. When these structures were built the existing residential development did not exist. The buildings are now out of context for their surrounding land uses and a significantly restricted C-P designation allows for their adaptive reuse. The entire subject site is designated as "neighborhoods" on the Metro 2020 Plan.

The applicants propose five categories or uses for the simplified C-P sites: 1) all R-1 uses; 2) plumbing, heating, air conditioning, and electrical businesses; 3) stores, shops, and markets for retail trades; 4) light industrial; and 5) live/work unit. Each of these uses have conditions as found in the Zoning Ordinance, and the stores/shops/markets for retail trade use would be further restricted by the applicant to include only retail sales associated with an HVAC business or "internet driven business," which the applicant defines as "The sale of goods and services to the general public where products/services are viewed and ordered on-line." The applicant's statement of intent (attached) includes other applicant-imposed restrictions.

Internet driven businesses are not defined in the Zoning Ordinance. The City Legal Department has concluded that such a use is a retail business and as such is required to locate in a commercial district. Due to the various restrictions placed on the proposed C-P sites, staff believes that the existing buildings could be repurposed to house the proposed uses (which must be contained within the structures and use the existing parking areas) without disrupting neighboring properties.

Finally, the applicant has requested a landscaping variance for the simplified C-P sites. A simplified C-P site is required to have adequate screening from adjacent residential properties per the Zoning Ordinance. The applicant indicates that a substantial amount of trees and other ground cover exists between any proposed C-P use and adjacent residential uses. Staff concurs that a significant amount of landscaping exists on the overall subject site, but recognizes that much of this landscaping is located on adjacent tracts and, therefore, per the Ordinance cannot be considered to satisfy the simplified C-P areas' landscaping requirement. For this reason, staff cannot recommend approval of the variance.

STAFF RECOMMENDATION

Staff recommends approval of the requested PUD-0.5 and simplified C-P zoning.
Staff recommends denial of the landscaping variance request.

PUD PARAMETERS

a. Proposed uses	All R-1 uses
b. Types of dwelling units, & accessory buildings	Single family dwelling
c. Maximum number of dwelling units	One per two acres; two max. on site
d. Maximum building height	35 feet
e. Parking	Total parking spaces: 4 Parking ratio (spaces/dwelling unit): 2/unit
f. Minimum maintained open space	% of total site in landscaping/open space: 20% minimum
g. Amenities	None
h. General project description	Minimum lot size: 2 acres Minimum setbacks from lot lines: R-1 stds. Minimum setbacks between buildings: R-1

SITE CHARACTERISTICS

Area (acres)	19.2
Topography	Sloping downward toward the east side of the site
Vegetation	Wooded on south half of site, sporadically elsewhere
Watershed	Little Bonne Femme
Existing structures	Several residences, outbuildings
Existing zoning	R-1

BACKGROUND

Annexation date/ward	1998, 2002, Ward 5
Initial zoning	R-1
Previous rezoning(s)	None
Metro 2020 Plan	Neighborhoods

SURROUNDING LAND USES

Orientation from site	Zoning District	Land use
North	City A-1	Open space
South	City R-1	Residential dwelling, open space
East	County A-1/A-2	Residential dwelling, open space
West	City A-1	Open space

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	Consolidated Water District #1
Electric	Boone Electric
Fire Protection	City of Columbia

ACCESS

Sinclair Road	West of site
Major Roadway Plan classification	Major collector
Capital Improvement Program projects	Description: None Cost: N/A Timeline:
Right-of-way needed	66-76' for major collector

Stanley Pitts Lane	North of site
Major Roadway Plan classification	Local residential
Capital Improvement Program projects	Description: None Cost: N/A Timeline:
Right-of-way needed	50' for residential

PARKS & RECREATION

Neighborhood Parks Plan	None; in secondary parks acquisition area
Trails Plan	None
Trail easement(s)	None

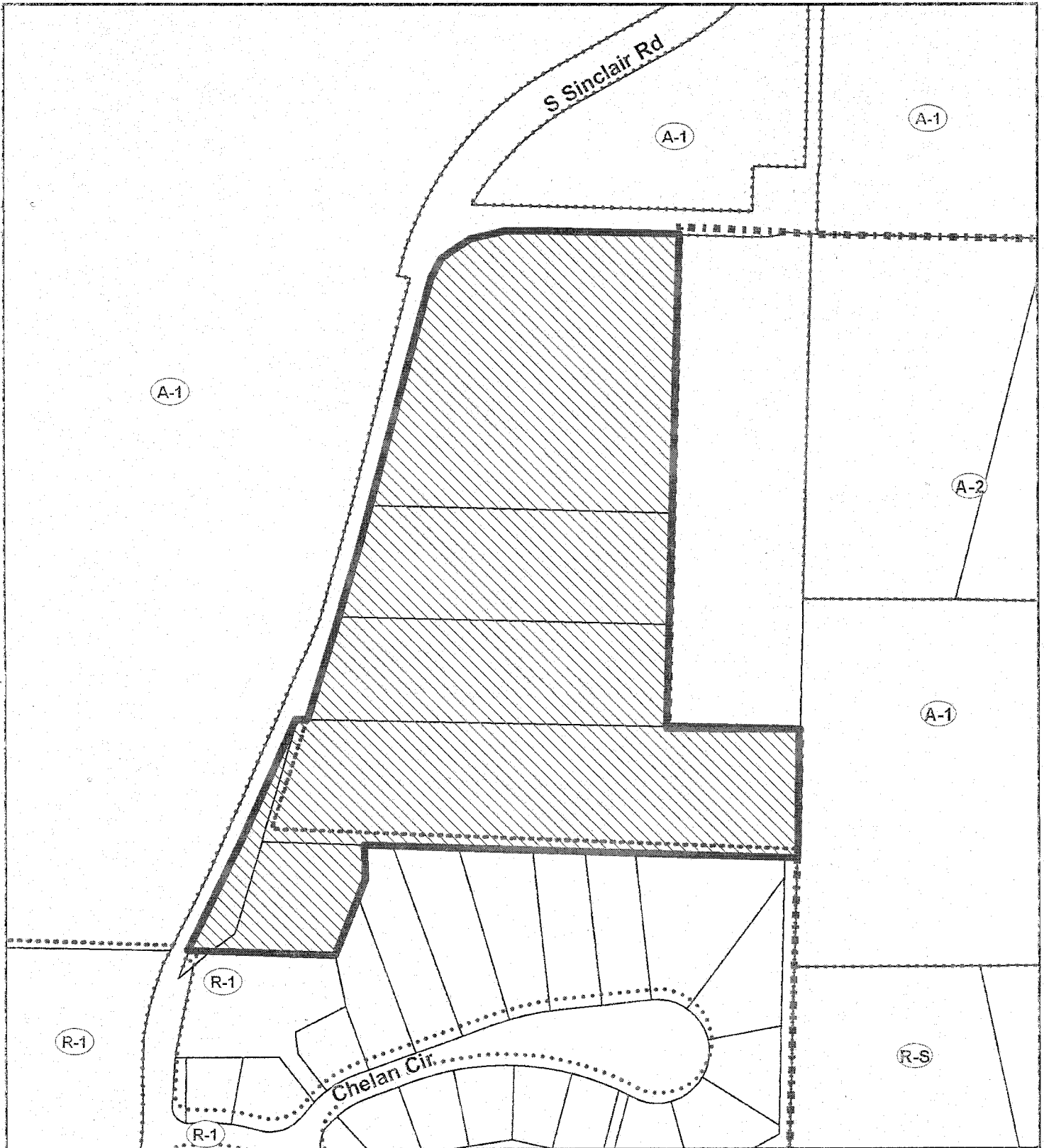
PUBLIC NOTIFICATION

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified by postcard of a public information meeting, which was held on October 16, 2012.

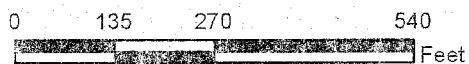
Public information meeting recap	Number of attendees: 3 (two applicants, one neighbor) Comments/concerns: General inquiries on project
Neighborhood Association(s) notified	N/A
Correspondence received	None

Report prepared by ML

Approved by PRZ



LeMone and Pugh Trusts, the Baxters, and PLW Properties, LLC
Rezoning Case 12-171



SINCLAIR ROAD REZONING – EXISTING LANDSCAPING IMAGES



View to north from Zoning Area 2B



View to south from Zoning Area 2B



View along South Boundary of Zoning Area 2B



View to Southeast from Zoning Area 2B



View to North from Zoning Area 6

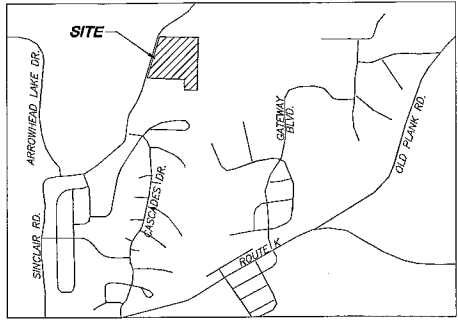
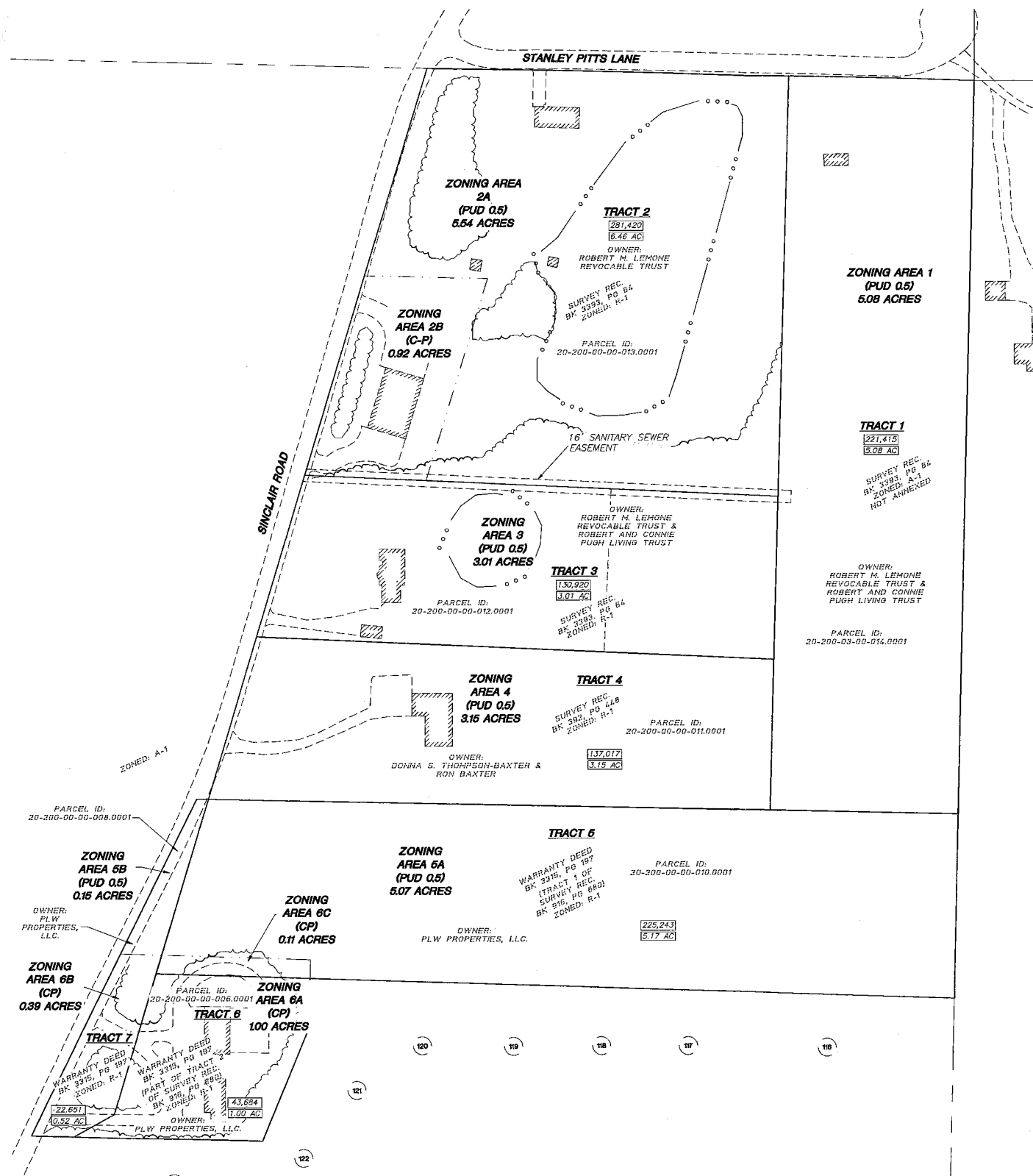


View to Southeast from Zoning Area 6



View along South Boundary of Zoning Area 6

LEMONE/PUGH - SINCLAIR ROAD PROPERTIES - REZONING/ANNEXATION



PROPERTY DESCRIPTION

SEVEN TRACTS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI BEING FURTHER DESCRIBED AS:

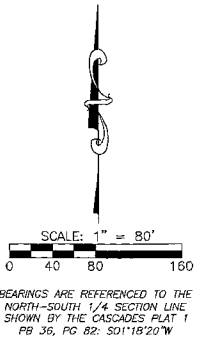
ALL OF TRACTS 1, 2, AND 3 OF THE SURVEY RECORDED IN BOOK 339, PAGE 64,

AND ALL OF THE TRACT SHOWN BY THE SURVEY RECORDED IN BOOK 392, PAGE 448,

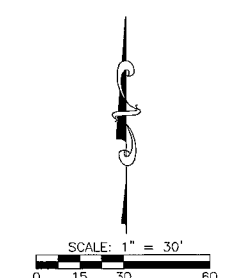
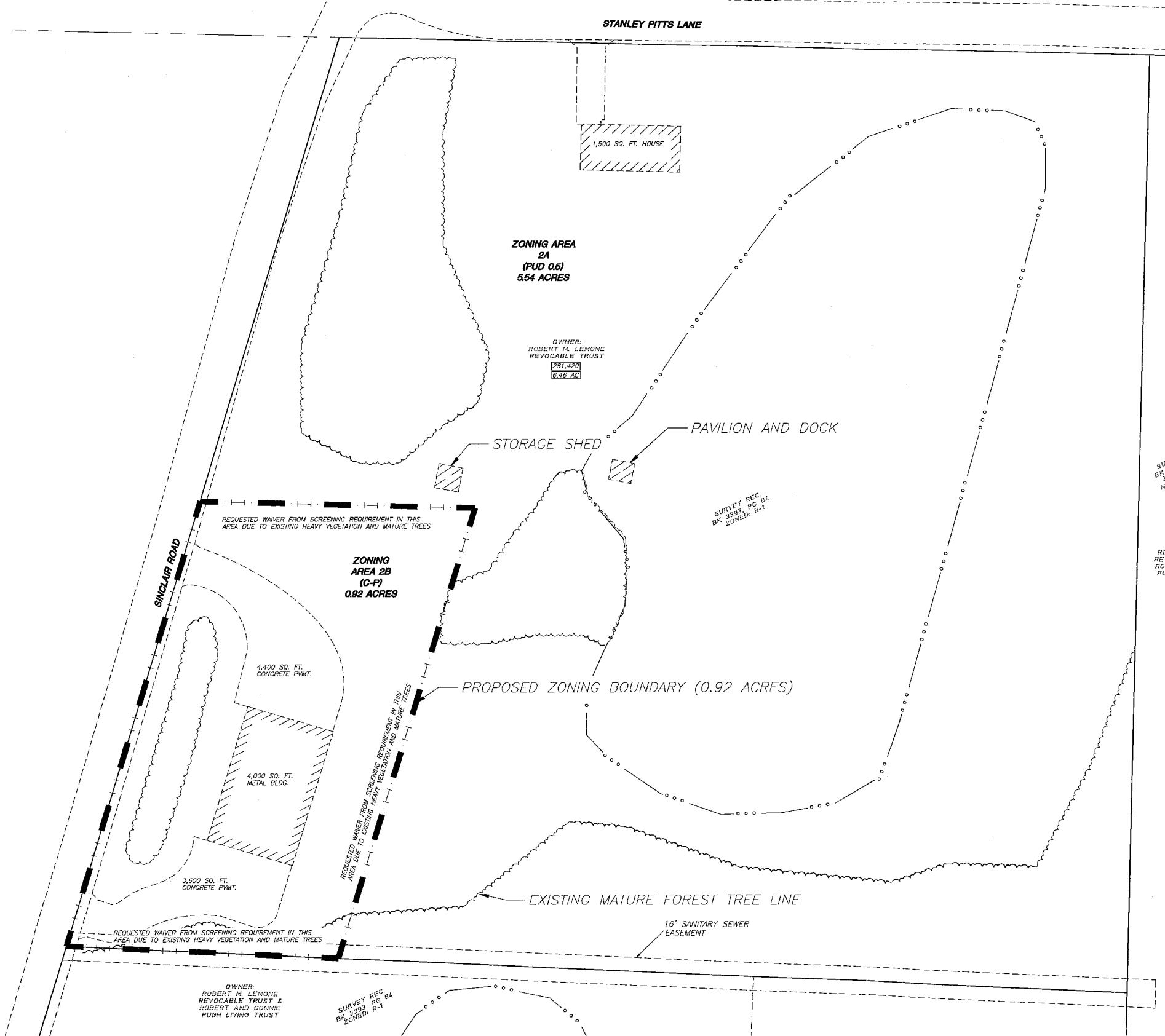
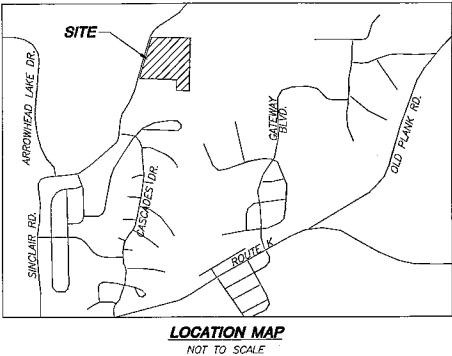
AND ALL OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 916, PAGE 680,

AND A TRACT OF LAND CONTAINING 5.00 ACRES, MORE OR LESS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 47 NORTH, RANGE 13 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING SHOWN AND DESCRIBED AS TRACT 2 OF THE SURVEY RECORDED AUGUST 13, 1892 AS DOCUMENT NO. 17907 IN BOOK 916, PAGE 680, RECORDS OF BOONE COUNTY, MISSOURI, EXCEPTING THEREFROM ALL THAT PART LOCATED WITHIN THE CASCADES PLAT 1, A SUBDIVISION IN THE CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, AS SHOWN BY THE PLAT THEREOF RECORDED IN PLAT BOOK 36, PAGE 82, RECORDS OF BOONE COUNTY, MISSOURI.

AND A TRACT OF LAND LOCATED IN THE SW 1/4 OF SECTION 3, TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI, BEING A SMALL PARCEL THAT LIES BETWEEN EXISTING SINCLAIR ROAD AND THE OLD ROAD LOCATION, SAID TRACT BEING FURTHER DESCRIBED AS FOLLOWS: STARTING AT AN IRON, THE CENTER OF SECTION 3 AS SHOWN ON A SURVEY IN BOOK 913, PAGE 387 OF THE BOONE COUNTY RECORDS, THENCE ALONG THE 1/4 SECTION LINE AS SHOWN ON SAID SURVEY AND A SURVEY IN BOOK 410, PAGE 524, S 0°32'20" W, 936.69 FEET TO THE SE CORNER OF SAID SURVEY IN BOOK 410 PAGE 524, THENCE ALONG THE SOUTH LINE OF SAID SURVEY, N 89° 53' W, 231.33 FEET TO THE SW CORNER THEREOF AND THE SE CORNER OF A SURVEY RECORDED IN BOOK 392, PAGE 448; THENCE ALONG THE SOUTH LINE OF SAID SURVEY BOOK 392, PAGE 448, S 89° 56' W, 712.60 FEET TO THE SW CORNER OF SAID SURVEY AND THE POINT OF BEGINNING, THENCE S 89° 56' W, 14.7 FEET TO THE CENTER OF EXISTING SINCLAIR ROAD; THENCE ALONG THE CENTER OF EXISTING SINCLAIR ROAD, S 24° 47' W, 478.3 FEET, THENCE S 89° 53' E, 54.3 FEET TO THE NW CORNER OF A SURVEY IN BOOK 287, PAGE 287 AND THE CENTER OF THE OLD ROAD AS SHOWN ON SAID SURVEY, THENCE ALONG THE OLD ROAD LOCATION, N 53° 37' E, 58.63 FEET; THENCE N 15° 53' E, 415.44 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.52 ACRES, ALL OF THE RECORDS OF BOONE COUNTY, MISSOURI.

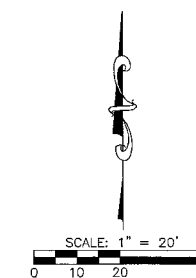
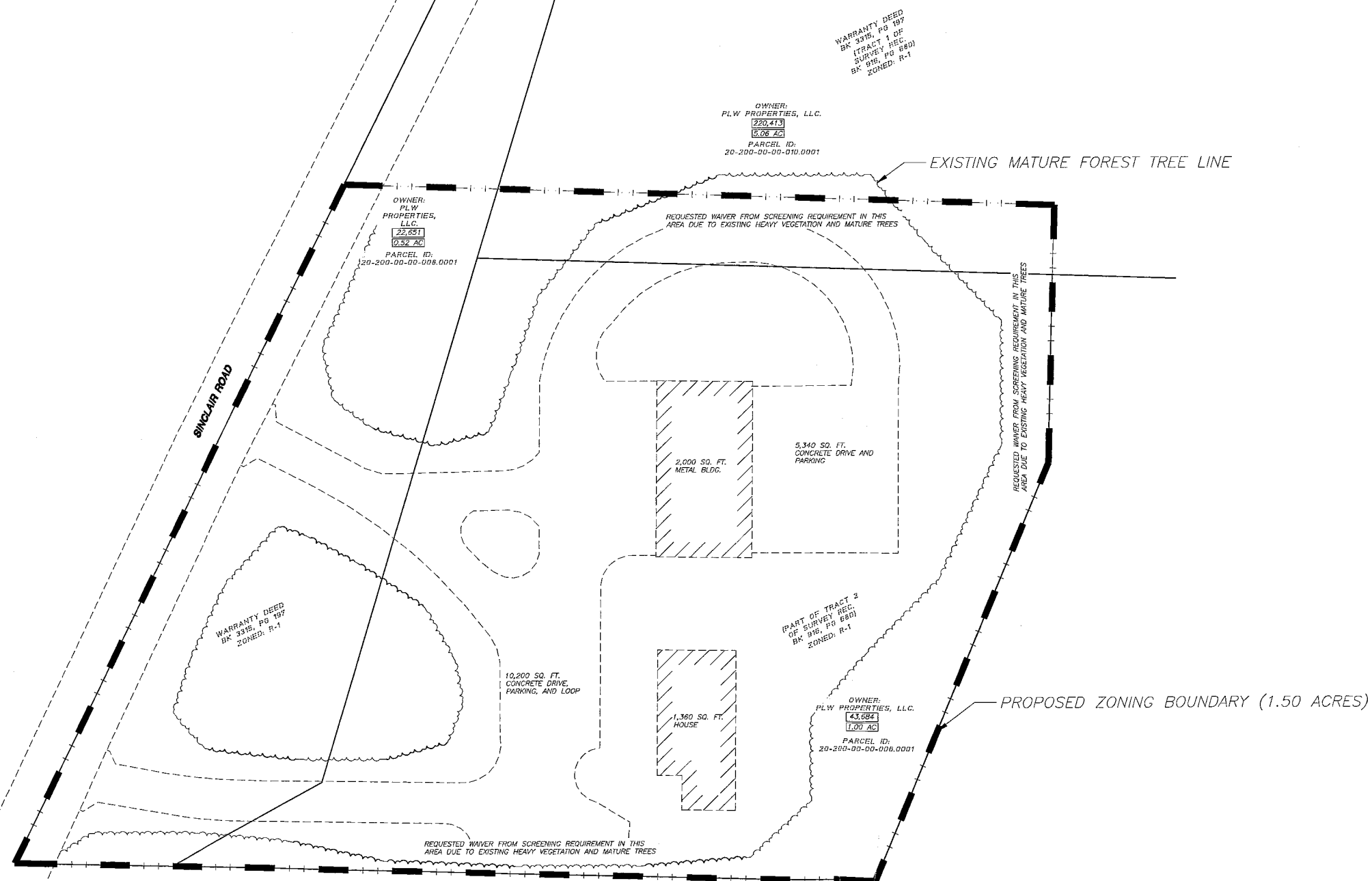
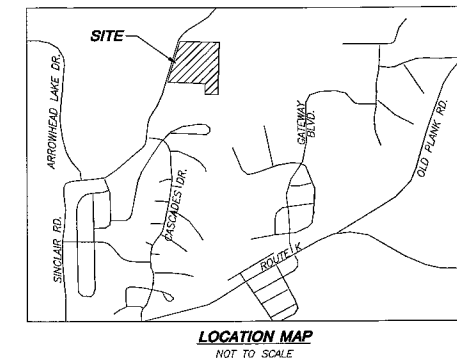


LEMONE TRUST - SIMPLIFIED C-P EXHIBIT



A CIVIL GROUP
CIVIL ENGINEERING, PLANNING, SURVEYING
7401 BROADWAY BUSINESS PARK COURT
SUITE 105
COLUMBIA, MD 21046
PHONE: (799) 817-5750, FAX: (799) 817-1477

PLW PROPERTIES SIMPLIFIED C-P EXHIBIT



A CIVIL GROUP
CIVIL ENGINEERING, PLANNING, SURVEYING
9401 BROADWAY BUSINESS PARK COURT
SUITE 105
COLUMBIA, MD 21046
PHONE: (579) 811-5750, FAX: (579) 811-1071

----- Forwarded message -----

From: **Bob Craig** <bobcraig@socket.net>

Date: Thu, Nov 8, 2012 at 10:15 AM

Subject: Case #12-171 LeMone/Pugh Trusts

To: planning@gocolumbiamo.com, mahanw@aol.com, Leigh Britt <lcnutter@gocolumbiamo.com>

Greetings, I live at 6255 S. Sinclair Road almost directly across the road from the requested C-P zoning requested. Straight across the road is a portion of the Sinclair farm owned by the University of Missouri that joins my property. The Sinclair farm will soon be sold and rezoned to something other than A-1. I am strongly OPPOSED to the rezoning of the LeMone property to C-P as that will place a business in the middle of family homes and open the door to further rezoning to commercial of the property adjoining me. I do not believe that commercial zoning is appropriate in a residential neighborhood. The property's on either side of the proposed C-P lot are private homes and I would hope that those family's would oppose commercial zoning next door to them also. I hope you will refuse the C-P request. Thank you.
Bob Craig

EXCERPTS
PLANNING AND ZONING COMMISSION
NOVEMBER 8, 2012

12-168 A request by the LeMone and Pugh trusts for permanent PUD-0.5 zoning of 5.08 acres, pending voluntary annexation. The property is located east of Sinclair road and on the southeast side of Stanley Pitts Lane.

MR. WHEELER: May we have a Staff report, please?

Staff report was given by Mr. Matthew Lepke of the Planning and Development Department. Staff recommends approval of the requested permanent R-1 zoning.

MR. WHEELER: Thank you. Are there any questions of Staff? Mr. Skala?

MR. SKALA: Yeah, just one. I appreciate the Staff's take on this issue with regard to the infrastructure, particularly, water and some of the other things. And I guess this is kind of a broader question, and I hope it's not just rhetorical, but this -- is this kind of a chicken and the egg thing as to whether or not you tend to favor something that does not tax the existing infrastructure in the area or you begin to work on the infrastructure so that you can make a decision as to what to do later on. And at this point, I know your hands are kind of tied because the infrastructure is not in place and it's not likely to be in place in -- for quite some time. But I guess that's the nature of my uncomfortableness with this, and that is -- and my bias and my inclination is to try and prepare for the infrastructure so that you can make a decision -- whether or not you want to make an in -- a decision based on very low density or higher density is another question. But it -- do you care to comment on the decision process in terms of how you came to the conclusion is --

MR. LEPKE: Sure. And I -- and you actually asked a good question. There was discussion at the Staff level as to the appropriateness of such a low density zoning -- certainly lower than something we would have otherwise in the zoning ordinance, being an obvious thing. So, that said, there was the discussion of, well, you know, do we encourage a higher PUD number, if you will, just to try and bridge the gap a little better with R-1. Do we look at it as though, well, there could be infrastructure improvements in the future, and such a low density would sort of waste those improvements because there would be less development using them. These were all questions that were considered. Ultimately though, again, for the reasons stated because there really wasn't a good time line at all for when it was going to happen. And understanding, being the current owners, of course -- and things can always change, but the current owners were pretty steadfast in their belief that, you know, many of these lots adjacent here that we'll speak of in a moment have already been improved. They wanted to keep it essentially as it was, and that was part of the reason why the zoning being requested was such a low density. So you do ask a good question.

MR. SKALA: Thank you.

MR. WHEELER: Are there any additional questions of Staff? Mr. Vander Tuig?

MR. VANDER TUIG: I'm assuming we'll see a plat in the future on this? I guess my questions are related to whether both the two lots created by the PUD-0.5 -- I assume it's two lots or maybe it's more than that -- two acres? What's -- how many acres are we looking at?

MR. LEPKE: We have just over five acres. So, essentially --

MR. VANDER TUIG: So that's --

MR. LEPKE: -- two units would be the maximum --

MR. VANDER TUIG: Okay.

MR. LEPKE: -- on the site. So, in other words, two buildable lots.

MR. VANDER TUIG: And is the access then both from Stanley Pitts Lane? Is that -- is that the intention?

MR. LEPKE: It's -- I mean, right now, they're just tracts. They aren't actual lots. They're not -- this is not platted. So, your point, again, is good that to improve the site would require a plat down the road.

MR. VANDER TUIG: Right.

MR. LEPKE: And they would need, of course, the requisite road frontage you just mentioned as well. So that is something that in the future they would have to cross that bridge eventually, but with the understanding that they have, you know, adequate frontage to make two lots front on Stanley Pitts. I guess the best thing I can say is we're just not there yet in terms of where they are in the process, but certainly, Staff sees no disadvantage to doing it the way that's being presented and applied for.

MR. VANDER TUIG: Okay. Thanks.

MR. WHEELER: Any other questions of Staff? All right. We'll open the public hearing.

PUBLIC HEARING OPEN

MR. DEVANEY: Pat Devaney, engineer with A Civil Group. Offices at 3401 Broadway Business Park Court. I think Matthew did a pretty good job of getting you guys lined out on kind of what we're asking for here. It is low density, so I understand your questioning that. I think that the client's intent, as Matthew stated, is -- is simply to keep things pretty much the way they are in this particular area, not to change anything. So if you have any questions, I'd be happy to answer.

MR. WHEELER: Any questions of this speaker? Seeing none. Thank you. Any additional speakers? We'll close the public hearing.

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners, discussion? Mr. Reichlin?

MR. REICHLIN: I would just like to say that I think the intent here is to have this annexed into the City, and the PUD-0.5 is about as low an impact zoning that we can put on it and still comply with the requirements of annexation, so I intend to support it.

MR. SKALA: Yeah. Let me --

MR. WHEELER: Mr. Skala?

MR. SKALA: Let me just make a comment about that. I wasn't suggesting in terms of -- I'm not suggesting that the 0.5 designation isn't desirable. In terms of variety in the City and offering people different options, I think it can be. I'm just -- I'm just concerned about the infrastructure end of this to make sure that we don't anticipate or fit the -- fit the zoning to the infrastructure rather than the other way around and short-change in some fashion the capacity of the infrastructure to support not only a low density environment, but the adjacent higher density environments. That's -- that's my only concern. As far as I can tell with this particular plan -- or this particular request, it seems re-- the Staff has re -- kept to a reasonable conclusion based on projections of the infrastructure in the future, and I see this even as a positive in terms of offering this kind of variety to people as an option so long as the folks that own the property understand that it's kind of a privilege to get that kind of low density designation. And they have some obligation to make sure that they carry their own weight, so to speak. So under those circumstances, I'm prepared to support this request.

MR. WHEELER: Anyone else want to speak on this? Does someone want to propose a motion? Mr. Skala?

MR. SKALA: Where are we? Where are we? Okay. Let's see. So there's -- I'll support the motion for the request by the LeMone and Pugh Trust for permanent PUD-0.5 zoning of 5.08 acres, pending voluntary annexation. The property is located east of Sinclair Road on the southeast side of Stanley Pitts Lane.

MR. WHEELER: A motion has been made. Mr. Reichlin?

MR. REICHLIN: (Indicated).

MR. WHEELER: A motion has been made and seconded. Discussion on the motion? Roll call, please.

MR. VANDER TUIG: We have a motion and a second for rezoning -- approval of rezoning for permanent PUD-0.5 zoning of 5.08 acres, pending voluntary annexation, located east of Sinclair Road on the southeast side of Stanley Pitts Lane.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Skala, Mr. Strodman, Dr. Puri, Mr. Reichlin, Mr. Vander Tuig, Mr. Wheeler. Motion carries 6-0.

MR. WHEELER: A recommendation for approval will be forwarded to City Council.

EXCERPTS
PLANNING AND ZONING COMMISSION
NOVEMBER 8, 2012

12-171 A request by the LeMone and Pugh Trusts for rezoning from R-1 to PUD-0.5 and simplified C-P, and a landscaping variance. The 19.2-acre property is located east of Sinclair Road, south of Stanley Pitts Lane

MR. WHEELER: May we have a Staff report, please?

Staff report was given by Mr. Matthew Lepke of the Planning and Development Department. Staff recommends approval of the requested PUD-0.5 and simplified C-P zoning. Staff recommends denial of the landscaping variance request.

MR. WHEELER: Are there any questions of Staff? Mr. Reichlin?

MR. REICHLIN: When did the simplified C-P get put in place?

MR. GEBHARDT: 2003.

MR. LEPKE: I was still in Planning School at that point. It existed --

MR. WHEELER: I think it might have been a little bit later than that because I seem to recall I was on the Commission at that time. So '04, maybe.

MR. SKALA: I was on the Commission at that time too.

MR. WHEELER: But that would be very close. Yeah. Just real briefly -- Mr. Skala, go ahead.

MR. SKALA: I just had a question with regard to the land -- the tree ordinance on some of these properties. I mean, it looks to me like with -- with the views that we've got here, that -- that one -- the first one that we just dealt with looked relatively clear, and that probably is because there was a dwelling on it, and so on, and that was handled at one particular -- most of the rest of these are lots -- tend to be pretty heavily wooded. And aside from the questions of the simplified C-P and the variance requested -- so has there -- is there -- has there been any discussion of how to handle that issue in terms of the rest of those properties?

MR. LEPKE: Which issue? I'm sorry.

MR. SKALA: The tree ordinance issue. I mean, in terms of preserving 25 percent of the tree cover, so on and so forth.

MR. LEPKE: Well, I think being a planned district -- and maybe I'll let the applicant speak a little more to that, but, you know, being a planned district, there are standards that go along with that. I think that's the short answer. I don't know if Pat has anything to add. Maybe I'll let you guys fill in a little bit as well as to what your thought was. But Chad Herwald, the City arborist, has been out on site.

MR. SKALA: Right.

MR. LEPKE: Viewed -- I don't know if he went with Pat or with Rob, but there was that discussion between the arborist and the applicant as well. So that has taken place, to give you a broad discussion of what has happened.

MR. SKALA: Could we bring -- has there been any characterization of the discussion that you might have had with --

MR. LEPKE: Can we just wait until the public hearing in a moment?

MR. SKALA: Oh, I'm sorry.

MR. WHEELER: In just a second.

MR. SKALA: I got way ahead of this.

MR. WHEELER: Are there any other questions? Mr. Vander Tuig?

MR. SKALA: Yeah.

MR. VANDER TUIG: I had a question. So on the simplified C-P, there is actually proposed square footages for each of the zoning areas.

MR. LEPKE: Yes.

MR. VANDER TUIG: Is that -- is that covering the existing buildings' square footage or --

MR. LEPKE: I don't know the exact total of the existing buildings. I know the page you are referring to. I have to get to it. Sorry. In terms of each zoning area having a square footage and everything, certainly, as you can see -- if I can jump back a couple of slides for you here. For example, Zoning Area 5A has on here a 20,000-square-foot total. That one, of course, being that 5A is undeveloped and then 5B, as well, is that little sort of triangle out by Sinclair. Those are inclusive totals of 20,000 square feet. In that case, it's future allowance. I would ask the fellows here if they could describe just how much overage -- and overage, generally, with a plan -- as you know, there's usually a little buffer built in for the future so that even though it's simplified -- and in this case, it would have to come back -- you're still giving yourself a little wiggle room. Traditionally, Staff and the Commission has allowed a certain amount. There's no hard and fast, you're allowed 5,000 square feet extra and no more, but, traditionally, that has sort of been a feel -- issue for us. But I'll let them speak to exactly how much they added. For example, you see -- on the southern one, you see 2,000-square-foot metal building and a -- I think it says 1,360-square-foot house. And that is then correlating to Zoning Area 6A -- 6A, 6B, and 6C, speaks of a 20,000-square-foot total. So that would include certainly more than what is on the site at present. You see -- now, I don't know if they counted -- they said building-floor area. You've got a fair amount of concrete. I don't know if they counted impervious or building area. I'm assuming building area. That was always my assumption with the numbers. But I think during public hearing, maybe let's further that discussion to see what their logic was behind those.

MR. VANDER TUIG: Sure. Okay. And then mostly out of curiosity, how -- how was it that it was R-1 to begin with with the commercial buildings? Out of curiosity --

MR. LEPKE: And I don't know the providence of the buildings in terms of how long ago they were built in terms of -- I have to be careful how I say that because I don't know when it was built, so I don't know if it was still in the County or if it was in the City, if a permit was obtained or not. Like I say, I -- I don't want to make any assumptions one way or the other, and I don't want to say they did something they weren't supposed to do because I don't know. I guess I basically looked at it from Staff perspective as here are these buildings, you know, we had our discussion as to, okay, what can we do with these, you know, envisioning potential users and uses. And with the restrictions being proposed here, you know, that's where we reached the point where, okay, we feel comfortable with what's being proposed and how it's being proposed. And, I'm sorry, I don't know exactly what year the buildings were built. And if Rob or one of the fellows knows, it will be interesting to learn.

MR. ZENNER: And I'll leave the -- at the time of annexation, to answer your question, Mr. Vander Tuig, the buildings, themselves, were still utilized for the purposes of agricultural or other related uses to the residential structures to which they were attached. The Bocce building was a recreational building for Mr. LeMone. His home is further down Sinclair to the southwest. The building that is here on the southerly most property, as it is my understanding from conversations with Mr. Wolverton, was a storage building, and it does have a lower level. That is why there is a garage that comes -- or driveway comes to the rear. And it was used as a maintenance building in the construction of the Cascades Subdivision for lawn maintenance and other equipment that was still tied to this original house. Both buildings, however, have been built in such a manner that they actually are commercial structures, if you look at them from the aspect of how they would ultimately be reused, based on overall size. Hence, the desirability to have these areas zoned C-P to better connote the actual use that the buildings would ultimately become in the future. They're not residential structures anymore. They don't support agricultural use in this particular area, as they may have when they were originally constructed. And at the time that annexation was done in the 2000s -- early 2000s, I don't think that these buildings were ever considered at that point as being utilized or repurposed for commercial use; and therefore, they were looked at as just an accessory structure to the residential development that was already there. That's how you got R-1 on the property to begin with. And the R-1 was consistent with what would have been around it at that time. They wanted residential, and that's what we gave them at that point. As to the issue that you had raised earlier in regards to the square footage and how that imple-- is implied through the simplified C-P process, I would suggest upon further investigation or confirmation from the applicant, that these square footages be limited through this Statement of Intent specifically to the improvements that are there. The purpose of the simplified C-P is to not have expansion. Not have expansion unless you come back through and you redo the entire C-P plan. And therefore, it may be -- what is stated within this statement is implied opportunity for expansion -- is only subject to a reapproval. And that may be the maximum amount they would ever be able to obtain. That, however, is not what is stated here. And I would like to make it -- we need to make it clear that either we are approving a simplified C-P,

which means nothing changes, no square footage, or we're approving a standard C-P, which allows for modification to come in -- if you want to remove the buildings, you do simply just a modification of the PUD plan. But the C-P plan, at this point, that's not what we have been led to understand nor advertised on these sites. It specifically was to lock these buildings down in their current size and scale until such time as a formal request for C-P zoning was presented that then defined how much larger they wanted them. So I would suggest, as Mr. Lepke has suggested, that we get some additional information about where these numbers have come from, and, if, in fact, the plans that you have in front of you do depict the square footages of the existing structures. And if so, the section that Mr. Lepke was referring to that is within the Statement of Intent needs to be revised to reflect these structure sizes, and only those structure sizes, not any opportunity for expansion.

MR. VANDER TUIG: All right. Thanks a lot.

MR. WHEELER: Was there any additional questions of Staff? Open the public hearing.

PUBLIC HEARING OPEN

MR. WHEELER: Save the best for last.

MR. GEBHARDT: Yeah. Jay Gebhardt, civil engineer for A Civil Group. I want to speak to the variance request, and I'll let Rob speak to these other questions that you have more specifically since he's been involved with the property since these buildings were built basically. On the variance request, Matt, can you put up the aerial -- the shot from above? One -- one of the things that is neat about this simplified C-P request -- and Doug, you remember this, and Karl, you remember this -- it was to allow an existing condition that everyone has seen, knows, go out and feel and touch, to be able to do this in an easier way than having to do a development plan because nothing is going to change. We're not adding any driveways. We are not adding any parking. We are not adding any lighting. We are not putting any signs up. We're not changing anything. So all the residents are used to this. And the new structures, as they go in, they're going to know those buildings are there when they build. And to screen this to 80 percent opacity in these locations, we can do that, but I think it's worse -- it would look worse than it would without the screening. And, you know, to put a fence around this C-P zoned area to screen something that everyone can see and look at today, doesn't seem to make sense to us. And that's why we are requesting the variance. The -- also the thing is that these are one house for every two-acre lots. And there's a lot of trees on these lots, as Karl has pointed out. We know their leaves will drop, and in the wintertime you will be able to see more than in the summertime, but, again, it's not something there -- it's a vacant piece of ground. We're going to build something and people are going to be next to this commercial use that they're not used to. These buildings aren't going to really be used any differently than they're being used today. And that was what Rob negotiated with the neighbors, not expanding these buildings, just keeping them the way they are, keeping the density low. And that's how not only the pieces that Rob has with PLW, but the LeMone Trust, and then the -- I think it's Baxter that owns the other home in there. That's -- that's what they agreed to, and they're all in favor of -- of not screening this, even the

people that live on the property, so -- the house that's there. So we will -- we will screen this if you guys don't approve the variance request for the screening, but I think you should think about that because I really do sincerely believe it will look weird with the screening and it will look better without it. Thank you.

MR. WHEELER: Any questions of this speaker? I think we're going to have --

MR. VANDER TUIG: Actually -- so the only new structures are going up are the --

MR. GEPHARDT: Single-family homes.

MR. VANDER TUIG: The four single-family homes?

MR. GEPHARDT: Yes.

MR. VANDER TUIG: Okay. Thanks.

MR. SKALA: Just, if -- one more, Jay.

MR. GEPHARDT: Yes.

MR. SKALA: I -- I understand your reluctance and your reasoning behind this screening request and so on, but screening doesn't necessarily have to mean a fence, does it? I mean, it could --

MR. GEPHARDT: No. It could be landscaping.

MR. SKALA: -- be landscaped.

MR. GEPHARDT: Yeah. But, you know, we drew a box of C-P zoning, and the -- we had this discussion with Staff about where does the screening have to go. Is it to perimeter or can it be somewhere else? And that -- that hasn't really been defined very well. And -- and if I -- I would have maybe drawn the line in a different place because, you know, now we're planting trees next to trees, and, you know, there was -- let me just say this: There was no thought given by myself of drawing the C-P line of that being a screening line because it's pretty. I don't see any reason to screen it. It looks nice.

MR. WHEELER: Any -- I'm assuming that we're not just going to get Rob here, but -- yeah. Okay. All right.

MR. WOLVERTON: Mr. Chairman, members of the Commission, I'm Rob Wolverton. I live at 2504 St. Regis Court, Columbia, Missouri, 65203. We understand this is a bit of an unusual request, and let me start by saying what this request is not meant to do. This request is not meant for us to go in and to build streets and sewers and water lines. This is -- we're really dealing with the law of unattended consequences. When we developed The Cascades Subdivision, Mr. LeMone and Mr. Pugh were partners in that project, and I was the developer of that project. I still live in that area. The people that live to the south of this where you see the homes and the cul-de-sac, those people are my friends and my neighbors. When we developed that subdivision and we extended sanitary sewer to that area, Mr. LeMone and Mr. Pugh owned the property to the north, where the lake is, which is where the Bocce Ball Club building is. And, at that time, they requested that we extend sanitary sewer to that piece of property, so that if they ever wanted to connect to the sewer system,

they could do so. Well, in order to extend City sanitary sewer to the property, we had to annex the property. And so as we ran the sewer across the other properties between The Cascades and between that property, all those properties had to annex. So, at that time, the default annexation zoning, unless we requested something specific, was R-1. So under -- that's how -- that's how we got to the R-1 zoning. So this was back in '02, '03 -- you know, back in that time frame. Subsequent to that, we had no intention of ever developing any of this property. There's about 25 acres -- 24, 25 acres of property there. There was never any intention to develop that property. Had we intended to develop the property, we would have done that when we did The Cascades. And the reason that we didn't intend to develop that property is because of the topography. The topography of that land just does not lend itself to going in there and clearing it and putting in, you know, two or three homes per acre and things of that nature. So what has brought us here now is that Mr. LeMone passed away about three years ago; Mr. Pugh is getting along in years, and, frankly, they just don't want to own this property anymore. They just want to sell it and move on. So when we put this property on the market last spring, the very first -- the two first phone calls that I got was from two business that run Internet-driven business that they're currently operating out of the basements of their homes that nobody even knows about. They don't have business licenses. They just get on -- get on the Internet and run their business. And their businesses have -- have prospered. They need more space. And they were looking for a space in which they could run their business. The other phone call that I received was the five-acre piece that runs along the north edge of The Cascades, and then the five-acre piece that we're requesting the annexation. I had a residential home builder call me who wanted to buy those two pieces of property, run a road from Sinclair Road and loop it around to Stanley Pitts Drive, and clear all those trees and build as many homes as he could get on that piece of property. Well, needless to say, the people that live in The Cascades would have been extremely upset, and those people would have been on my doorstep with torches and pitchforks had I -- had I allowed that to happen. And, you know, the LeMone family and Mr. Pugh were all concerned about our legacy and, you know, they don't want to leave -- they don't want to just go in and rape and pillage this area. So we came up with the idea of taking this property and putting a zoning on this that's intended to be more of a defensive zoning. It's intended to clean up something that really had we had the foresight, you know, 10 years ago, we would have done this 10 years ago. But the fact is, we never thought that anybody would want to ever go in and develop this property because of how rugged the terrain is. So in the process of this, we met with The Cascades neighborhood association. We had two or three meetings with those guys, and worked through, you know, what self-imposed restrictions they would be comfortable with in supporting this application. And we do have the support of The Cascades home's association. Some of the things that -- that we have agreed to is the maximum of two homes on each five-acre tract. So with the minimum lot size of two acres, we have agreed on the tract that borders The Cascades on the north, that we would have a 40-foot setback all around that property to where we couldn't remove any trees, unless the trees are dead; we can't build driveways

in there. You know, we're going to leave that area natural and leave as much tree cover as we can there. The two buildings that are there -- and this is something that, by the way, we're going to encounter more -- as the City limits expand, we're going to encounter this more and more where there's an existing building in place that was built for a certain reason that are -- is a nice building. I mean, these are well-kept, clean, well-maintained buildings, and it makes no sense to have them in a high-density residential zoning. And so, you know, light commercial uses on these -- on these buildings is what we're asking for, but we don't want -- you know, we negotiated with the neighbors. There will be no expansion of these buildings. You know, you're not going to have -- you're not going to have a convenience store there or restaurant or nightclub or something like that. They're essentially going to be used the way that they're used today. So our objective of what we set out to do was to keep this property as close to what it is today, and to where the neighbors that are in that area really will see little, if any, change in those buildings. With that, that's -- that's all I have to say.

MR. WHEELER: Well, I know this question is going to come up, so let me ask it. Then would you prefer the engineer to answer the question as to why this -- this square footage -- the request, maximum square footage is as high as it is if we're just talking about the existing structures?

MR. DEVANEY: The --

MR. WHEELER: No. You know the deal --

MR. DEVANEY: Yeah.

MR. WHEELER: Who are you, first?

MR. DEVANEY: Pat Devaney, engineer with A Civil Group, 3401 Broadway Business Park Court. The actual square footage listed for the two simplified C-P tracts was actually an oversight on our part, and that is something that will have to be corrected in the Statement of Intent. We're not intending any additional construction on the simplified C-P tracts.

MR. WHEELER: So, from my calculation, you've got a 1,340-square-foot home and a 2,000-square-foot building on 6A; is that not true?

MR. WOLVERTON: Yeah. Let me answer that.

MR. DEVANEY: Go ahead.

MR. WOLVERTON: On the property furthest to the north where the lake is that's the six-and-a-half-acre piece, the home is about 1,350 square feet, and the existing building is right at 4,000 square feet. On the tract that's furthest to the south that borders The Cascades, there's an existing home on the property that's about 2,000 square feet finished. And that shop is about 3,800 square feet finished on two floors -- about 1,900 up and about another 1,900 down.

MR. WHEELER: Okay.

MR. WOLVERTON: And -- and another thing I would add to that -- and, again, we discussed this with the neighbors -- there will be no more commercial buildings built anywhere on this 25-acre site. So we're not asking for the ability to go build more shops and more commercial buildings in this area. We would limit all of that to those two existing buildings.

MR. WHEELER: Okay. Any additional questions of this speaker? Mr. Skala?

MR. SKALA: I just had a question. I -- I am more or less satisfied with the C-P -- the existing simplified C-P and limiting the existing uses that are there. As a matter of fact, it's a lot like some of the zoning designations that we are headed for to repurpose some of these buildings -- that -- existing buildings. I'm more concerned with the -- your portrayal of the way those properties are, and your good intentions to make sure that -- that those areas stay essentially the way they are by the folks that are there. But zoning runs with the land. And if the property changes hands, your intentions don't apply anymore to what the new owner -- what his intentions are. And even with this very low density, there is always the possibility of someone building a very large residence that has a very different point of view in terms -- which is one of the reasons why I raised the question about the tree ordinances, what conversations you might have. So do you care to share what the conversations were with the tree arborist and --

MR. DEVANEY: What you just said is exactly what we're trying to head off. When we got the R-1 zoning on this piece of property, our intent was that the property would stay the way that it is. But times have changed, the market has changed, and now there is this huge demand for small R-1 tracts of property that we never in a million years dreamed was going to be there. So that's why we're asking for the low density on the property, and that's why we're self-imposing a 40-foot setback on the property all the way around the property, so that even if somebody did want to go in and build a 20,000-square-foot home, they still can't build it within 40 feet of the property line, which then maintains the heavy tree cover that you see that's already there.

MR. SKALA: So you -- essentially, you're making the argument that that 40-foot buffer around that private property is essentially the equivalent of the screening variance that you were referring to. Right?

MR. WOLVERTON: Right. And one of the applicants on this is Donna Thompson, who owns a home in this tract that has a three-acre lot -- a home and three acres that's already on that. So what we're really asking for is consistent with what was there before The Cascades. The Cascades actually came in after those other homes were there. There haven't been any new homes built on this property since The Cascades was built.

MR. SKALA: Thank you.

MR. WHEELER: Are there any additional questions of this speaker? Thank you. Are there any additional ques-- or speakers? In that case, you're going to have to come up here anyway because I have some questions. I assumed you were coming up.

MR. DEVANEY: Oh, I can. Sure. Yes.

MR. WHEELER: So we've got 1.5 acres, by my calculations, on this -- the three tracts on 6A, B, and C -- it's essentially an acre and a half. I can tell you I'm right on that one. But we're asking for 20,000 square feet on what essentially would be a 60,000-square-foot lot. That's not going to fly.

And by -- by what Mr. Wolverton has explained to me, I think we're really looking at about 6,000 square feet; is that pretty -- yeah.

MR. DEVANEY: Yes.

MR. WHEELER: A 2,000-square-foot building, two levels, 4,000 square feet, plus a 2,000-square-foot home.

MR. DEVANEY: Yes. Yeah.

MR. WHEELER: So 6,000 square feet. By my calculations, on 2A or 2B, whatever it is -- 2B, you're asking for 14,000 square feet. And from what Mr. Wolverton told us a few minutes ago, I'm going to say 6,000 square feet, plus if there were two floors on the commercial building, we'll add 4,000. So we're at 10- not 14-; is that correct? Mr. Wolverton seems to think my calculations are a little off, but --

MR. WOLVERTON: Your calculations are right, but the intent is not -- that is not our intent on the northernmost piece. That piece is six and a half acres, and has a lake on it. There's a very good chance that somebody will want to come in there and that -- the small house that's on there right now, it is not -- it is not a very nice home, just to be quite frank about it. My guess is that at some point, somebody will want to tear that house down and build a nice home backing up to the lake on that piece of property.

MR. WHEELER: Mr. Wolverton, just so you know, I look at -- there's a self-imposed restriction with the zoning of 0.5.

MR. WOLVERTON: Right.

MR. WHEELER: That's -- that's going to impose the square footage. I'm not even worried about the other tracts --

MR. WOLVERTON: Right.

MR. WHEELER: -- frankly, because there's just no way to achieve it unless --

MR. WOLVERTON: Right.

MR. WHEELER: -- you know -- well, I guess if Mr. Kroenke came down and built a big house, we could -- you know. But I don't see it happening otherwise. So the one I'm actually talking about would be the -- just make sure I've got this right -- 2B is the one that I'm concerned with, and I think it says 14,000 square feet.

MR. WOLVERTON: Oh, okay. Yes.

MR. WHEELER: And so the house is not included in that?

MR. WOLVERTON: I'm sorry. I misunderstood.

MR. WHEELER: So about 8,000 square feet would be adequate?

MR. WOLVERTON: Yes.

MR. WHEELER: Okay. So this is just answering Mr. Zenner's questions.

MR. WOLVERTON: Right.

MR. WHEELER: I hope because he's got his hand in the air.

MR. ZENNER: What is the -- is -- we don't need to be making an assumption if we've got a two-story building for the Bocce -- the Bocce building. Is it a single-story --

MR. WOLVERTON: Single-story.

MR. ZENNER: Floor area is 4,000 square feet. That is the maximum square footage for that building.

MR. WOLVERTON: Right.

MR. ZENNER: On the -- and that is the northern -- the northern simplified C-P, 4,000 square feet. So whatever zoning area that is, which I believe is Zoning Area 2B, needs to be revised in the Statement of Intent to 4,000 square feet. The square footage allotment that is in area 6A --- or Tract 6, Zoning Area -- or Tract 6 and Zoning Area 6A, B, and C needs to be 6,000 square feet, or, roughly -- think there's two -- we were a little bit over on that. If it's 3,800 square feet total for the garage, plus the 2,000 square feet, you're dealing with 5,800 square feet, and that is it.

MR. WHEELER: Okay.

MR. ZENNER: There is no -- we need accuracy of the square footages because if ever a permit is submitted it, we go back to the file. And that's the biggest fear I have is just -- what Mr. Wolverton is saying he wants, that's what we need to lock it down to.

MR. WHEELER: And that's what I want. All right. So you're good with that?

MR. WOLVERTON: We're in agreement with that. Yes.

MR. WHEELER: I don't think I have any other questions. I have some comments, but -- thank you. We appreciate it. Any other questions? We're losing our law students. Are there any other questions or comments or any other speakers? We'll close the public hearing.

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners, discussion? It's complicated, but I think we've got it figured out now.

MR. SKALA: Well -- all right. Let me take a crack at it. I -- I'm perfectly satisfied with Mr. Wolverton's intents and the description that Jay made in terms of the commercial areas. Now that we've got -- the square footage locked down, this is almost like form-based codes to repurpose some of these buildings that exist and so on. I'm also a little reluctant to give up on this screening for the -- as the Staff recommended against -- or for denial of the screening variance. Along the lines of providing some sort of -- of additional screening that will not be deciduous, and will not necessarily be a fence, but can -- can just augment what is already there. I'm -- I'm -- the reason I'm reluctant to give up on this is I see this is part of the responsibility of the commercial piece of property, not part of the responsibility of the residential piece of property to buffer themselves from the commercial piece. And I just -- I just see this as an issue of fairness, and I'm inclined to follow the reasoning that the -- the City Staff had in terms of making sure that the responsibility is -- remains with the commercial tract rather than the -- a residential tract. Otherwise, I'm very happy with the rest of this -- this proposal, and I'm prepared to support it with that caveat.

MR. WHEELER: Commissioners? Mr. Reichlin?

MR. REICHLIN: I'm prepared to support it as presented. I'm glad to see that these buildings can be repurposed. I think we're going to look forward to other areas that have been -- had some kind of development, and will come into the City at some point in time. I like the fact that they are close to residential. In a left-handed kind of way, it improves the -- it makes it more of a complete community. You have residential; you have potential for employment and you have walkability to these potential areas of employment. I've been in situations where people have approached me for properties that I'm involved with that are in the County that are close to places of employment that are atypical for what we see throughout town. So this kind of opens the door to legitimizing the kind of set up that we'll probably see more of, whether it be in a new town or whether it be where Scott Boulevard is coming out on K. There have been some things put in place that will have to be repurposed, so this -- this kind of sets a precedent for how to handle it. And as far as the screening goes, I can see how it should go with the property -- should go with -- the responsibility should be for the commercial property, but I also am comfortable with the intent and the fact that there is no request to change anything from what it is right now. So it's kind of -- to me, it's kind of a moot point, although I do see the implication. So I intend to support this.

MR. WHEELER: Dr. Puri?

DR. PURI: I will echo Mr. Reichlin's comments. I think it's well put together, and I think the intent is good. I would be agreeable on variance on screening. I agree with Mr. Gephardt. There is no reason to screen something that's already there like it is. And its beautification is already as it is. Planting trees next to trees and doing all that, I don't agree with that. So I would support a variance.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: I'm also in support of this, and see no reason to not approve the variance as well. With the setback, I think that takes care of things. So I'm going to approve as recommended -- or requested, rather.

MR. WHEELER: Mr. Strodman?

MR. STRODTMAN: I've not much to add. So I plan on supporting.

MR. WHEELER: So I -- I'll be honest. I came in here tonight expecting to vote against this, but I kind of looked at it as spot zoning. I think you guys have done a great job. I really do. I also would agree with Mr. Gephardt that if he didn't think he was going to get his screening variance, he would have probably brought us a tract a little bigger than .92 acres on 2B -- I feel sure he would have. And I do have a question about signage. What kind of signage is allowed here, if any? Is there going to be some restriction on signage? I forgot to ask that question. It was -- I knew there was something else there, but, Mr. Wolverton, if you want to answer my --

MR. WOLVERTON: Yeah. We're self-imposing a covenant restriction on this property that will be a part -- in fact, is it a part of the Statement of Intent?

MR. WHEELER: I didn't see it, but I --

MR. WOLVERTON: I believe that it is, but what we're requesting is a maximum four by eight sign that will be attached to the building that would only face Sinclair Road.

MR. WHEELER: Thirty-two square feet?

MR. WOLVERTON: Yeah. So it could not -- a sign could not be put on the back side of the building that faces The Cascades with blinking lights and things like that, but it could only face out, you know, towards Sinclair Road.

MR. WHEELER: Non-illuminated sign or just a sign?

MR. WOLVERTON: I believe we did ask for the ability to light the sign.

MR. WHEELER: Okay. Just curious. Just curious.

MR. SKALA: And that's per building?

MR. WOLVERTON: Yes.

MR. WHEELER: So the big building would actually have that same restriction?

MR. WOLVERTON: Correct.

MR. WHEELER: Okay. All right. So with that --

MR. SKALA: If I could just ask a procedural question of the Chair.

MR. WHEELER: Yeah. Go ahead.

MR. SKALA: Would it be appropriate -- I don't really want to, you know, go down in flames with this thing, but would it be appropriate to bring up an amendment to decide on the variance first with this and then proceed with the --

MR. WHEELER: I think in order to have an amendment, we would have to have a --

MR. SKALA: And that's what I'm asking. Would that be appropriate to offer an amendment?

MR. WHEELER: Oh, it's appropriate to offer an amendment, but I think we're going to have a pro-- somebody is going to have to make a motion, and then, we have to offer an amendment --

MR. SKALA: Okay. All right. Right.

MR. WHEELER: And so then we'll vote on that. So anyway, I'm comfortable with the variance request. I do agree that 40 -- 40 feet around this would be sufficient. I also know that -- especially Mr. Wolverton's neighbors there that do abut this one piece have quite a draw in their back yard, which will offer substantial screening, except when the leaves are off, and still have substantial screening. So I'm comfortable with it. I think this is a great use -- reuse of these buildings, and I've often wondered how we were going to accomplish that without somebody having a big play gym. So -- so I think this is a great reuse of this, and I plan to support it, with, of course, the caveat that we're going to restrict the square footage on these -- in the Statement of Intent. Mr. Vander Tuig?

MR. VANDER TUIG: I'm just scrolling through here. I don't see anything with regard to the signs. Perhaps they're in the covenants and restrictions of The Cascade Subdivision that's referred here?

MR. GEBHART: They will be part of the covenant restrictions for this property. We can -- since we're going to modify the Statement of Intent -- since it looks like we're going to -- we screwed up and

we need to modify the Statement of Intent, so we can add that restriction to that -- the 32 square feet per building of the commercial request, so they'll be three signs.

MR. VANDER TUIG: Okay.

MR. WHEELER: That was Mr. Gephardt, by the way, just so --

MR. GEPHARDT: Yes. Jay Gephardt, civil engineer, A Civil Group.

MR. WHEELER: Okay. So -- and I think the way for us to handle that is when we make this change in the Statement of Intent, we also add the limitation on the signage. That seems to be agreeable to everyone and it would seem to be an appropriate manner to handle it. Okay. So with that any additional discussion? Does someone want to try to frame a motion on this?

MR. SKALA: I'll do the motion and then an amendment.

MR. WHEELER: Mr. Skala.

MR. SKALA: I'll make a motion to approve the LeMone and Pugh Trusts for rezoning from R-1 to PUD-0.5 and simplified C-P, and a landscaping variance. The 19.2-acre property is located east of Sinclair Road, south of Stanley Pitts Lane. And I would -- go --

MR. WHEELER: Well, I was just going to ask for clarification that we would be putting a restriction or changing a Statement of Intent for a maximum square footage of --

MR. VANDER TUIG: Right.

MR. WHEELER: -- 4,000 on 2B, and 6,000 on 6A, B, and C. 5,800 --

MR. VANDER TUIG: 5,800.

MR. WHEELER: Okay.

MR. SKALA: And the changes for the signs.

MR. WHEELER: And a maximum of three four by eight signs --

MR. WOLVERTON: Two.

MR. WHEELER: Two four by eight signs. One on each property. And the property A, B, and C defined as one lot. Does that --

MR. SKALA: Yeah. Thank you.

MR. REICHLIN: I'll second that.

MR. WHEELER: I just hope Mr. Vander Tuig can repeat it.

MR. VANDER TUIG: I've been taking notes throughout, so let's see if I've got this. A motion has been made and we've got a second for approval of rezoning from R-1 to PUD-0.5 and simplified C-P, with a landscaping variance. The 19.2-acre property is located east of Sinclair Road and south of Stanley Pitts Lane. And that includes limits to the square footage for Zoning Area 2B to 4,000 square feet, and Zoning Area 6A, 6B, and 6C to 5,800 square feet. And two four by eight signs would be the maximum signage for each of the C-P properties.

MR. WHEELER: And the signage would face Sinclair.

MR. VANDER TUIG: And the signage would face Sinclair.

MR. WHEELER: And, I think -- before we have a roll call, I think Mr. --

MR. SKALA: Yeah. I would like to make a motion for an amendment to deny the landscaping variance.

MR. WHEELER: A motion -- a friendly amendment has been offered. Is there a second? The amendment fails. There is no second, so we don't vote on it. So we're back to our original motion, which you did a great job of reading, so I think we should do a roll call on it.

MR. VANDER TUIG: Go for it.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Skala, Mr. Strodtman, Dr. Puri, Mr. Reichlin, Mr. Vander Tuig, Mr. Wheeler. Motion carries 6-0.

MR. WHEELER: A recommendation will be -- for approval will be forwarded to City Council as amended, of course. Thank you, gentlemen. Comments of public? We've about lost the public.