

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

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

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

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

Council Bill No. B 325-12

**AN ORDINANCE**

extending the corporate limits of the City of Columbia, Missouri, by annexing property located on the west side of Bearfield Road, approximately 1,800 feet south of Nifong Boulevard; directing the City Clerk to give notice of the annexation; placing the property annexed in District R-1; 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 2, 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 Alan Easley, Trustee of the Margaret Easley Trust, the owner 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 1-11.10 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 1-11.10. 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 NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 763, PAGE 608 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 31, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BEARFIELD MEADOWS, RECORDED IN PLAT BOOK 35, PAGE 1 AND WITH THE LINES OF SAID BEARFIELD MEADOWS, S 89°34'30"E, 1320.29 FEET TO THE EAST LINE OF SAID SECTION 31; THENCE LEAVING THE LINES OF SAID BEARFIELD MEADOWS AND WITH SAID EAST LINE OF SECTION 31, S 1°34'00"W, 697.87 FEET TO THE NORTHEAST CORNER OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 3931, PAGE 167; THENCE LEAVING THE EAST LINE OF SAID SECTION 31 AND WITH THE NORTH LINE OF SAID SURVEY, N 89°34'15"W, 1321.29 FEET TO THE EAST LINE OF FOREST PARK SOUTH, PLAT 1, RECORDED IN PLAT BOOK 40, PAGE 21; THENCE LEAVING THE NORTH LINE OF SAID SURVEY AND WITH THE EAST LINE OF SAID FOREST PARK SOUTH, PLAT 1, N 1°38'55"E, 697.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 21.15 ACRES.

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 Sixth 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 R-1 (Single-Family Dwelling District).

SECTION 8. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

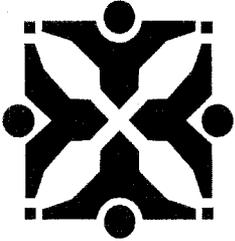
ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



Source: Community Development - Planning <sup>TT</sup>

Agenda Item No:

To: City Council  
From: City Manager and Staff <sup>MM</sup>

Council Meeting Date: Nov 19, 2012

Re: Margaret Easley Trust - Permanent Zoning (Case 12-170)

**EXECUTIVE SUMMARY:**

A request by Margaret Easley Trust (owner) for R-1 (One-Family Dwelling District) City zoning on property pending voluntary annexation. The 21.6-acre subject site is located on the west side of Bearfield Road, approximately one third of a mile south of Nifong Boulevard. (Case #12-170)

**DISCUSSION:**

The applicant has applied for voluntary annexation of the subject site, and is requesting R-1 (One-Family Dwelling District) zoning to accommodate a 67-lot single-family detached residential subdivision. The site is currently zoned Boone County A-2 (Agriculture), which is equivalent to City A-1 (Agricultural District) zoning.

The proposed zoning is compatible with adjacent residential zoning and development. The request has been reviewed by applicable internal and external departments and is recommended for approval.

At its November 8 meeting, the Planning and Zoning Commission voted unanimously (6-0) to recommend approval of the requested R-1 zoning designation. Commissioners agreed that the single-family dwelling designation is consistent and compatible with adjacent land uses. No members of the public spoke on this request.

A staff report, locator maps, excerpted meeting minutes, and a letter in support of the requested zoning are attached.

**FISCAL IMPACT:**

There is no fiscal impact associated with the processing of this request, and likely no fiscal impact within the current and next fiscal years. Long-term, a 67-lot subdivision will create additional revenues from increased property taxes, gross receipts taxes, and miscellaneous fees and charges. Costs will include street maintenance, public safety, and general costs from use of facilities including streets and infrastructure.

Sixty-six additional households will also create demand for locally delivered goods and services, though in conventional fiscal impact analysis sales tax revenue is credited to commercial land use.

**VISION IMPACT:**

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

None.

**SUGGESTED COUNCIL ACTIONS:**

Approval of R-1 (One-Family Dwelling District) as permanent City zoning.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	<b>Vision Implementation impact</b>	
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:		<b>Resources Required</b>		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

11-8-2012

Planning + Zoning Commission  
Columbia, MO.

Dear Commission Members:

RE: Case # 12-170, the re-zoning of the property owned by the Margaret Easley Trust.

This land has belonged to the Easley Family since the 1840's, and I wish it was 50 miles from Columbia, so the family could own it for another 100 years. However, it is where it is, and when you look at what has happened to the surrounding ground over the past 40 years, it seems that the only option for this ground is development.

Forty years ago everything from Ponderosa Avenue on the east to Rock Quarry Road on the west, and from Grindstone Parkway on the north to Gans Road on the south was all farm ground. Today the Easley property is the only farm ground in this area. The old Nifong place

is covered with student housing and Boys and Girls town. The Frank Hall farm is covered with houses and a Columbia Fire Station. The Cawcey farm is now Bearfield Meadows, the Gregory farm is Forrest Park South, and the Joe Crane farm is split into 10 and 20 acre home sites. Part of the Phillips property is still being used for hay ground, but commercial and residential development is planned for the future.

Considering these facts, development seems to be the only feasible option for the Easley farm, and it certainly won't change the character of the surrounding area. I hope you will consider these facts when you make your decision about this rezoning.

Sincerely,

Alan Easley, trustee  
Margaret Easley Trust

573-442-0678 Home  
573-999-3713 Cell

Alan Easley  
8300 E Turner Farm Rd  
Columbia MO 65201-9657

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

**SUMMARY**

A request by Margaret Easley Trust (owner) for R-1 (One-Family Dwelling District) City zoning on property pending voluntary annexation. The 21.6-acre subject site is located on the west side of Bearfield Road, approximately one third of a mile south of Nifong Boulevard. (Case # 12-170)

**DISCUSSION**

The applicant has applied for voluntary annexation of the subject site, and is requesting R-1 (One-Family Dwelling District) zoning to accommodate a 67-lot single-family detached residential subdivision. The site is currently zoned Boone County A-2 (Agriculture), which is equivalent to City A-1 (Agricultural District) zoning.

The proposed zoning is compatible with adjacent residential zoning and development. The request has been reviewed by applicable internal and external departments and is recommended for approval.

**RECOMMENDATION**

Approval of R-1 as permanent City zoning

**ATTACHMENTS**

- Aerial/Zoning and natural features maps

**SITE HISTORY**

<b>Annexation Date</b>	Pending annexation on December 3, 2012
<b>Zoning District</b>	County A-2 (Agriculture)
<b>Land Use Plan Designation</b>	Neighborhood District
<b>Subdivision/Legal Lot Status</b>	A concurrent subdivision request is pending. Plat approval is required prior to development permits being issued.

**SURROUNDING ZONING & LAND USE**

<b>Orientation from subject site</b>	<b>Zoning</b>	<b>Land Use</b>
North	City R-1/County A-2	Single-family residential
South	County A-2	Undeveloped
East	City O-P/County A-1	Boys & Girls Town/Undeveloped
West	City R-1	Single-family residential

**SITE CHARACTERISTICS**

Area (acres)	21.6
Topography	Falls approx. 30 feet from Bearfield Road to a drainage way near the midpoint of the property
Vegetation/Landscaping	Mostly grass, with a few trees
Watershed/Drainage	Clear Creek
Existing structures	None

**UTILITIES & SERVICES**

Sanitary Sewer	City of Columbia
Water	City of Columbia
Fire Protection	Boone County (City of Columbia upon annexation)
Electric	City of Columbia

**ACCESS**

<b>Bearfield Road</b>	
Location	East side of site
Major Roadway Plan	Major Collector (unimproved), requiring 66-76 ft of right-of-way. ½ width dedication required upon subdivision.
CIP projects	None
Sidewalk	5-foot wide sidewalk needed.

**PARKS & RECREATION**

Neighborhood Parks Plan	Site is in a secondary park acquisition area. If developer is interested a 5 acre park is needed to service this area. City would be willing to negotiate purchase.
Trails Plan	Proposed tertiary trail along Clear Creek, south of site.
Bicycle/Pedestrian Plan	Bearfield Road is an "Urban Pedway" route. No improvements are in place. 8-foot wide pedway may be required – location to be determined.

**PUBLIC NOTIFICATION**

All property owners within 200 feet, and City-recognized neighborhood and homeowners' 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: 5, incl. applicant and engineer Comments/concerns: connection to Meadow View Drive; cut-through and construction traffic on Meadow View
Neighborhood Association(s) notified	Bearfield Meadows
Correspondence received	None as of this writing

Report prepared by Steve MacIntyre; approved by Pat Zenner.



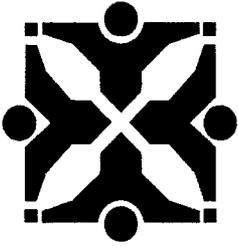
2007 aerial

# Case 12-170 Margaret Easley Trust Annexation & Zoning



1 in = 400 ft





Source: Parks and Recreation *AAH*

Agenda Item No:

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

Council Meeting Date: November 19, 2012

Re: Parks and Recreation Commission Recommendation: Margaret Easley Trust Request

**EXECUTIVE SUMMARY:**

At their October 25 meeting, the Parks and Recreation Commission took action on an annexation and zoning request from the Margaret Easley Trust. The affected property is near Philips and Nifong Parks.

**DISCUSSION:**

Following a brief staff presentation, the Commission on a motion by Donaldson, seconded by Kloeppe, agreed to inform Council that they do not foresee any adverse impact to Philips and Nifong Parks from the proposed annexation and zoning.

Voting in favor of the motion: Blevins, Davis, Kloeppe, Devine and Donaldson

Voting against the motion: No one

Motion passed 5-0.

**FISCAL IMPACT:**

None.

**VISION IMPACT:**

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

None

**SUGGESTED COUNCIL ACTIONS:**

Accept this report of the Parks and Recreation Commission.

**FISCAL and VISION NOTES:**

<b>City Fiscal Impact</b> Enter all that apply		<b>Program Impact</b>		<b>Mandates</b>	
City's current net FY cost	0	New Program/Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	0	Duplicates/Expands an existing program?	No	<b>Vision Implementation impact</b>	
Amount of budget amendment needed	0	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		<b>Resources Required</b>		Vision Impact?	No
One Time	0	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	
Operating/Ongoing	0	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

**EXCERPTS  
PLANNING AND ZONING COMMISSION  
NOVEMBER 8, 2012**

**V.) SUBDIVISIONS AND PUBLIC HEARINGS.**

**Case No. 12-170 & 12-169 A request by Margaret Easley Trust (owner) for:**

- a) R-1 (One-Family Dwelling District) City zoning on property pending voluntary annexation (Case #12-170).**
- b) Approval of a 67-lot preliminary plat to be known as “The Village at Bearfield” (Case #12-169A).**

**The subject site for these requests contains 21.6-acre which is located on the west side of Bearfield Road, approximately one-third of a mile south of Nifong Boulevard.**

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

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the proposed preliminary plat. Staff recommends approval of R-1 as permanent City zoning.

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

MR. VANDER TUIG: In the report -- in the Staff report, it mentions something about the Parks & Rec looking to purchase -- or this being a high priority list, I guess, for purchasing land for a park?

MR. MacINTYRE: Yes. This area is identified as a -- in need of a neighborhood park. Typically, Parks & Rec would require, at a very minimum, five acres, and they like to have closer to ten acres for a neighborhood park. In this case, that would have potentially consumed almost half of the site, and they, I believe, backed down. I wasn't involved directly with the discussion that they had with the applicant; however, I think they found it reasonable enough for them to not want to donate a -- park land in this particular case. They're still looking.

MR. WHEELER: Mr. Skala?

MR. SKALA: Yeah. Just along those lines, is -- what is the park access-- assets in this area? What is the clo-- nearest park and is there some properties under consideration for --

MR. MacINTYRE: That --

MR. SKALA: I'm just curious. I mean, it doesn't necessarily affect this.

MR. WHEELER: On the back of the Phillips tract would probably be the closest on there.

MR. SKALA: Yeah.

MR. MacINTYRE: Yeah. There are a couple, and they're more for --

MR. SKALA: Yeah. This would be more in line with the neighborhood park concept with --

MR. MacINTYRE: Right. I don't think there's -- probably about a mile, I guess, to the nearest one that could actually be used as a neighborhood park is intended. I mean, we do have the -- I'm drawing a blank on the name of it.

MR. ZENNER: Phillips.

MR. SKALA: Phillips.

MR. MacINTYRE: Phillips. And that's certainly -- Gans Creek Recreation Area.

MR. WHEELER: Okay. And then Grindstone Park, obviously, as well.

MR. MacINTYRE: Thank you. That's --

MR. WHEELER: Twenty-acre park.

MR. MacINTYRE: -- the one I was trying to think of.

MR. WHEELER: All right. So I just have one question. Will the Planning Department and Public Works -- I mean, since you're going to have to speak for Public Works, will they be okay with blocking this roadway? How is the police department going to feel about that?

MR. MacINTYRE: Yeah. We checked with emergency services, and they are okay with -- actually, they were okay with not having any connection to Meadow View as long as they had the second two access points. It was more the Planning Department, I think, that -- we believed that this is a good idea to have connections since it was there waiting. And we tend to prefer connectivity --

MR. WHEELER: Okay.

MR. MacINTYRE: -- where conditions are consistent, as they are.

MR. WHEELER: Thank you. Are there any additional questions of Staff? No? We'll open the public hearing. We're going to -- we will be handling this -- Planning & Zoning Commission will make two votes, obviously. One for zoning and one on the preliminary plan. We're going to open a public hearing up to discuss this item, so I'd ask that anyone -- when you come down, if you have comments on either, please go ahead and make those. Our rules of engagement, real quickly, first speaker gets six minutes, subsequent speakers get three minutes. Any organized opposition will be given six minutes for the first speaker and three minutes for the additional speakers. With that --

#### **PUBLIC HEARING OPENED**

MR. CROCKETT: Mr. Chairman and members of the Commission, my name is Tim Crockett, with Crockett Engineering Consultants, 2608 North Stadium. I think Mr. MacIntyre did a pretty good job of summing up the proposal that's before you tonight. I would like to start off by saying that this project has been in the mill for some time. We originally started the process by advertising and meeting with the neighbors well before we made our application to the City for annexation, zoning, and preliminary plat approval. We wanted to get out there what our plan was and get the input from the neighbors. I think that the neighbors have been very clear for quite some time about the concern that they have going through the Meadow View subdivision on how do we address that. And I think that unfortunately as long as this process has been going on, I think we have just come to terms with how we want to handle this -- not because of a disagreement between the neighbors and the

developer, but on how we want to handle the two streets themselves. We do have two different unique circumstances here. We have Bearfield Meadows to the north, which has concerns over our coming into that development with the construction traffic, as well as the cut-through traffic from -- from this side as well as Forest Park's development to the west. When we had our public meeting, the neighbors in Bearfield Meadows expressed a strong concern, a strong desire to eliminate that traffic. The neighbors to the west in the existing development expressed a strong desire to have this connectivity in place. They feel this is a secondary way out of their subdivision. They have a steep hill now; a relatively treacherous intersection down at the bottom of the hill that they have to navigate every day. They see this as a benefit for their development. So what we've come to terms with is we would like to go ahead -- and when this property develops, open up the access to Hilda, go ahead and have that available so that those residents have a secondary way out, while eliminating the access to the north. Now, if -- if it was okay with City Staff -- and I understand why it's not -- it's not been the practice to eliminate that connection -- we would be okay with that. We understand the situation that it's not going to take place, and we need to have that connection. But what we're willing to do is eliminate access to that development until such time as we have 100 -- as Mr. MacIntyre did mention, he said until they're all developed. Well, we want to go further and say until certification of occupancy are issued to all of the structures in this development. Once all the structures have a CO on them -- or all the lots have a CO on them, then that will be opened up. And that's going to, first of all, help the development to the north by eliminating the possibility of construction traffic by utilizing that development, and, secondly, it's going to allow time for the residents in the neighboring development to the west to -- to establish a habit of leaving their development and utilizing our -- our internal roadways, as opposed to turning north and going through their development. We think that's very important. We have no issues with that. We are building a neighborhood feeder through the internal portion of our development to handle that traffic, and we think it's -- it's the right thing to do. Other than that, we talked about the park land, you know. Yeah, we have talked with Mr. Synder with the Parks & Rec Department. He asked about this piece of property, if there was a situation if they could purchase some of the ground. When we kind of indicated what the price is going for -- the price break of this piece of property is going for, I think that he quickly got off that because it quickly became out of sight -- their price point for a five-acre park. So I think they are in the market for something in this area. They're not really pursuing too heavily, but they -- if the right opportunity comes along, I think they would like to pursue that a little bit more, but maybe not on this piece of property. With that, I think that -- there is no need for a condition on the preliminary plat with that access. We've agreed with the neighbors that we will block it. It's kind of gone through renditions from is it 20 percent? Is it 50 percent? 30 percent? You know, I think it's just, let's do it at 100 percent, you know. I think it's what the developer wants to do; it's what the neighbors want. We've been asked to work with the neighbors and come to -- come to terms, and I think Staff

supports that. So we are willing to commit to let's block it off until we get a 100 percent development. With that, I'd be happy to open up -- answer any questions.

MR. WHEELER: Are there any questions of this speaker. Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MS. WHEELER: Good evening. My name is Janet Wheeler. I live at 4105 Meadow View Drive. And just to be clear, I have no relation to Mr. Wheeler on the Planning & Zoning Commission. I've lived in Mead-- Bearfield Meadows since 2002, and I've enjoyed living there, but we've always known what was coming, and that would be a development eventually. So let me first speak to the question of the R-1 zoning. I really couldn't oppose an R-1 zoning. This would make a part of a great neighborhood for us. But I do want to be on the record here that if the developer does sell the property or it does change hands and they come back here and they seek something of sort of an upzoning, I would be opposed to that at that time. I know that Mr. MacIntyre had mentioned that this is a conforming use to the neighborhood because we're single-family on two sides, but we also watched The Cottages being built across the street and were told that that was also a conforming use to single-family across the street. So I just wanted to be sure I had that on the record. I wanted to speak to this condition that we sort of negotiated through -- and I know I've communicated individually with a few of you -- I think this is a good solution. We've reached out and we've tried to figure out a way to limit this construction traffic through our neighborhood. This isn't about saying that this road will never be opened or never available. The City has a really hard time enforcing the construction ordinances, let alone these sort of construction traffic problems. So we tried to find a solution that -- that wouldn't be a burden only on the developer or only on the current residents. So I think that the 100 percent is a great way to go. I will tell you that if the Commission is not inclined to agree with the 100 percent, that we certainly would be willing to take any percentages that are below that. But certainly, our hope would be at the 100 percent. If I could approach, I have a photograph I would like to share. This photograph is looking to the north on Bear-- on Meadow View Drive. You saw in the slide looking south into the new development. And the reason I wanted to show you this photograph is that this was at 8:15 this morning when I left my home to go to work. That's how many cars we have parked every day on our street. So this isn't just about a traffic question, it's about accessing and the fact that we have a narrower road profile in our neighborhood. So I pretty much think that that's my piece. I think we've done a really good job here with the developer and myself, as well as some of my neighbors who are going to speak, trying to find a solution that's going to be productive. This is a great little neighborhood that we have. I think connectivity is very important. It is all a part of the neighborhood. I had 65 trick-or-treaters in a 130-home neighborhood, so I think that's a lot about what we're trying to do here in Columbia. Thank you for your time.

MR. WHEELER: Thank you. Are there any questions of this speaker? Thank you, ma'am.

MS. WHEELER: Thank you.

MR. WHEELER: Next speaker?

MR. HARTMAN: I'm Vernon Hartman, and I reside at 4110 Meadow View Drive, close to that northwest corner there which will be connected eventually. I'm also here with Pat Atwell and Eric Hatch, who are residents there on Meadow View Drive, just to say we're in support of the plan that has been presented and what Ms. Wheeler just spoke with you about. Unless you have any questions --

MR. WHEELER: Are there any questions of this speaker? Thank you.

MR. HARTMAN: Thank you for allowing us to speak.

MR. WHEELER: Are there any other speakers? Mr. Crockett, I have a question, if you don't mind coming up.

MR. CROCKETT: Yes, sir.

MR. WHEELER: Sorry to bring you back up --

MR. CROCKETT: No problem.

MR. WHEELER: -- but I'm just -- out of curiosity, what is the plan to block this?

MR. CROCKETT: Probably a gate of some nature. We talked about doing more of a permanent-type fixture that would allow no vehicles, but we're probably going to do something with a gate. That way, we can have emergency access, if need be. We think it's important to have emergency access for various reasons. I think the neighbors have asked for that. We originally proposed a fully-blocked access, but I think that the emergency situation is something that they want. We want to make sure that happens.

MR. WHEELER: I was just curious what kind of barrier. Thanks.

MR. CROCKETT: Thank you.

MR. WHEELER: Any other questions of this speaker? All right. Any other speakers on this item? Close the public hearing.

#### **PUBLIC HEARING CLOSED**

MR. WHEELER: Commissioners, discussion? Mr. Skala, do you want to go?

MR. SKALA: I rather like the compromise that was made. There's always issues with regard to construction vehicles, cement trucks, and so on, and the -- and the potential they have for some of the roads, not to mention traffic and safety issues. And getting together with the neighborhood from a -- the developer's perspective and the engineering perspective I think is a good thing, and is a -- is a success as I see it. So in terms of support for the neighborhood, that's great as well. And I think that that is the solution that maybe we'll carry over to some other issues and some other applications. So I intend to support this.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: I'm also happy to see the compromise. I wanted to also mention that I think it's a great use of the existing topography the way it's laid out, and it's a good example of low -- low-impact design. And I appreciate that, and I intend to support it.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: I would like to say that I'm pleased to see that this development is less contentious than what Bearfield Meadows was when it initially came in front of this Commission. And I'm glad to see the connectivity, and that's it's adjacent to something. And I intend to support it.

MR. WHEELER: Dr. Puri?

DR. PURI: I would like to echo some of the same things the other Commissioners have said. And I would like to applaud, you know, where the neighbor and developer are working together in trying to make this happen. That's always a positive thing where both sides can work together and come out with a common good. So I also intend to support this.

MR. STRODTMAN: I have nothing more to add. So I also intend on support it.

MR. WHEELER: I think we can count the votes. Does somebody want to make a motion?

MR. SKALA: Are -- so we're taking up the rezoning first?

MR. WHEELER: I think we have --

MR. SKALA: So I'll make the motion to take a -- to approve the rezoning request by Margaret Easley Trust for R-1 (One-family Dwelling District) City zoning on property pending voluntary annexation. The 21.6-acre subject site is located on the west side of Bearfield Road, approximately one-third of a mile south of Nifong Boulevard. And with the -- and also add the condition of the 100 percent closure of that --

MR. WHEELER: I think we probably need to tie that to the preliminary plat.

MR. SKALA: Okay. Good idea.

MR. WHEELER: Yeah.

MR. REICHLIN: Second.

MR. WHEELER: Mr. Reichlin. The motion has been made and seconded. Is there any discussion on the motion?

MR. VANDER TUIG: We have a motion and a second for approval of rezoning to R-1 City zoning on property pending voluntary annexation, which is 21.6 acres located on the west side of Bearfield Road, approximately one-third of a mile south of Nifong Boulevard.

**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 of the R-1 zoning will be forwarded to City Council. Now, the preliminary plat.

MR. SKALA: Okay. I can make that motion as well. A request for the approval of a -- by Margaret Easley Trust for approval of a 67-lot preliminary plat to be known as The Village at Bearfield. The 21.6-acre subject site is located on the west side of Bearfield Road, approximately one-third of a mile south of Nifong Boulevard. And I will attach that condition to the preliminary plat that the road be blocked to 100 percent of occupancy.

MR. WHEELER: 100 percent of COs being --

MR. SKALA: Correct.

MR. WHEELER: -- issued? All right. Second?

MR. REICHLIN: I'll second.

MR. WHEELER: Mr. Reichlin. A motion has been made and seconded. Discussion on motion? We're ready.

MR. VANDER TUIG: We have a motion and a second for approval of a 67-lot preliminary plat to be known as The Village of Bearfield located on the west side of Bearfield Road, approximately one-third of a mile south of Nifong Boulevard.

**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: All right. Our next item is Case No. -- well, a recommendation for approval will be forwarded to City Council with the provision with the CO.