

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

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

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

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

Council Bill No. B 14-13

**AN ORDINANCE**

approving the 2400 S. Providence O-P Plan; and fixing the time when this ordinance shall become effective.

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

SECTION 1. The City Council hereby approves the 2400 S. Providence O-P Plan, dated December 13, 2012, for property located between Old Route K and South Providence Road (2400 South Providence Road). The Director of Community Development shall use the design parameters set forth in "Exhibit A" which is attached to and made a part of this ordinance as guidance when considering any future revisions to the O-P Development Plan.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

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

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

APPROVED AS TO FORM:

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



**City of Columbia  
Planning Department**

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

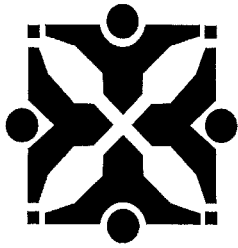
## Design Parameters Worksheet

For office use:

Case #:	Submission Date:	Planner Assigned:
12-193	12/5/12	PRJ

**Please provide the following information:**

1. The minimum distance between any building and any adjacent property line or street right-of-way.  
---Approximately 3.4 feet
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.  
---Existing driveway and parking area is on and across the Outer Road Right-of-Way a distance of 50 feet.
3. The maximum number of freestanding signs on the site, the maximum square footage of sign surface area and maximum height of each.  
---No signs exist or are proposed for this site.
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)  
---A Minimum of 35% open space is proposed for this site combining of both landscaping and existing vegetation preservation.
5. The maximum height and number of light poles and type of fixtures.  
---No lighting is proposed as part of the proposed improvements to the property except those on the pole as required by the FCC or other state or federal agency. All other lighting shall comply with Chapter 29-30.1 of the City of Columbia code of ordinances.



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Jan 7, 2013

Re: Greg and Misti Post O-P development plan approval (Case #12-193)

**EXECUTIVE SUMMARY:**

A request by A Civil Group (engineering consultant) on behalf of Greg and Misti Post (owners) for approval of an O-P (planned office) development plan to be known as "2400 S. Providence O-P Plan". The subject site is located between Old Route K (Outer Road) and S. Providence Road and is addressed as 2400 S. Providence Road. (Case #12-193)

**DISCUSSION:**

The applicant's are seeking development plan approval for a 0.52 acre tract of land located between Old Route K (Outer Road) and S. Providence Road. The subject site is the southern tract of a larger parcel zoned O-P (planned office) in 2005. The proposed uses shown on the development plan include an existing duplex and a 100-foot cellular tower. This application is being reviewed concurrently with Case # 12-192 (final plat) and Case #12-194 (O-P rezoning/Statement of Intent revision).

The site plan's depiction of the cellular tower improvements are consistent with those shown on the December 11, 2012, Board of Adjustment (BOA) approved conditional use site plan and are consistent with the revised Statement of Intent (SOI) parameters being considered as part of Case #12-194. The site plan, while not showing the required sidewalk, does include a note indicating that such sidewalk will be installed at a location determined by the Public Works Department due to the site's topographic conditions and the potential for a "non-standard" location. A performance contract for the installation of this improvement has been submitted as part of the final platting action being considered in Case #12-192.

The existing non-conforming duplex is proposed to remain on the site until such time that additional development of the subject tract or the tract to the north occurs. Retaining the existing duplex is part of the proposed modifications to the 2005 SOI being considered in Case #12-194. Additionally, modifications to the buffering standards are proposed such that they take into account the duplex's encroachment into the buffer area along the southeastern property line. The buffer is shown as 10-feet versus the 2005 required 25-feet. This reduction is also addressed in the revised SOI being considered with Case #12-194.

At its December 20, 2012, meeting the Planning and Zoning Commission recommended unanimously (7-0) to approve the proposed O-P development plan. The applicant's attorney, design engineer, and cellular communication engineer addressed Commission questions. No one from the public spoke regarding the proposed revisions.

A copy of the staff report, locator maps, reduced development plan, design parameters, and Commission excerpts are attached for your review.

**FISCAL IMPACT:**

None

**VISION IMPACT:**

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

None

**SUGGESTED COUNCIL ACTIONS:**

Approval of the proposed O-P development plan as recommended by the Planning and Zoning Commission.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	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  
December 20, 2012**

**SUMMARY**

A request by A Civil Group (engineering consultant) on behalf of Greg and Misti Post (owners) for approval of an O-P (planned office) development plan to be known as "2400 S. Providence O-P Plan". The subject site is located between Old Route K (Outer Road) and S. Providence Road and is addressed as 2400 S. Providence Road. (Case #12-193)

**DISCUSSION**

The applicant is seeking development plan approval for a 0.52 acre tract of land located between Old Route K (Outer Road) and S. Providence Road. The subject site is the southern portion of a larger tract zoned O-P (planned office) in 2005. The proposed uses shown on the development plan include an existing duplex and a 110-foot cellular tower. This application is being reviewed concurrently with case #'s 12-192 (final plat) and 12-194 (major O-P plan amendment).

The site plan's depiction of the cellular tower improvements are consistent with those shown on the approved Board of Adjustment (BOA) conditional use site plan (approved December 11) and are consistent with the revised Statement of Intent (SOI) parameters being considered as part of case #12-194.

At the December 11 BOA meeting the height of the tower was approved at 100-feet. The site plan reflects this change. The site plan, while not showing the required sidewalk, does include a note indicating that such sidewalk will be installed at a location determined by the Public Works Department. This note was substituted for the actual location due to the site's topographic conditions and the potential for a "non-standard" location. A performance contract for the installation of this improvement has been submitted as part of the final platting action being considered in case #12-192.

As addressed in the revised SOI being considered in case #12-194, the existing non-conforming duplex is proposed to remain on the site until such time that additional development of the subject tract or the tract to the north occurs. Both tracts were included in the original 2005 rezoning action and were covered by the existing SOI. Retaining the existing duplex is part of the proposed modifications to the 2005 SOI.

Additionally, modifications to the buffering standards are proposed. The 2005 SOI specified that a 25-foot buffer would be retained on the eastern property line of the subject site. This buffer is presently compromised by the existing duplex – the duplex occupies approximately 15-feet of the buffer. Therefore, the site plan shows a minimum 10-foot buffer to be retained once the duplex is removed. A note exists on the plat that the "lease area" for the cellular tower will include the buffer; however, that no existing vegetation will be removed from the buffer as a result of tower construction.

Pending the approval of the proposed revisions to the SOI regarding the allowed uses and site specific improvement and buffering standards the site plan meets all the O-P development plan requirements. The O-P development plan constitutes the preliminary plat for this property and the final plat (case #12-192) will, if approved, will confer legal lot status on the site allowing building permits to be issued.

### **STAFF RECOMMENDATION**

Approval subject to SOI revisions proposed in case #12-194 being approved.

### **ATTACHMENTS**

- Aerial/zoning map
- Design Parameters
- Development plan
- 2005 O-P rezoning ordinance

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### **SITE CHARACTERISTICS**

<b>Area (acres)</b>	0.52
<b>Topography</b>	Sloping to the north toward Hinkson Creek
<b>Vegetation</b>	Heavily treed with a clearing in the southeast corner where the existing duplex and drive are located
<b>Watershed</b>	Hinkson Creek

### **SITE HISTORY**

<b>Annexation date</b>	1963
<b>Initial zoning designation</b>	A-1
<b>Previous rezoning requests</b>	C-P request (1998) withdrawn O-P request (2005) approved
<b>Land Use Plan designation</b>	Neighborhoods
<b>Existing use(s)</b>	One duplex (southern end of site) and vacant woodlands
<b>Existing zoning</b>	O-P (planned office)

### **SURROUNDING LAND USES**

<b>Orientation from site</b>	<b>Zoning District</b>	<b>Land use</b>
North	O-P	Vacant woodlands
South	A-1	Vacant woodlands
East	A-1	S. Providence Road; vacant woodlands
West	C-P	Apartments

## UTILITIES & SERVICES

Sanitary Sewer	All City Services
Water	
Electric	
Fire Protection	

## ACCESS

Old Route K (Outer Road)	
Location	West property boundary
Major Roadway Plan classification	Major Collector
Capital Improvement Program projects	None identified
Right-of-way needed	None


## PARKS & RECREATION

Neighborhood Parks Plan	Nearest park is Cosmo-Bethel Park (1.5 miles south). University athletic complex at Hinkson Creek (.25 miles north)
Trails Plan	Adjacent to Hinkson Creek Trail
Trail easement(s)	None

## PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified by postcard of a public information meeting, which was held on November 27, 2012.

Public information meeting recap	Number of attendees: 3 (applicant's attorney & representatives) Comments/concerns: None
Neighborhood Association(s) notified	None
Correspondence received	None

Report prepared by \_\_\_\_\_ Approved By  \_\_\_\_\_





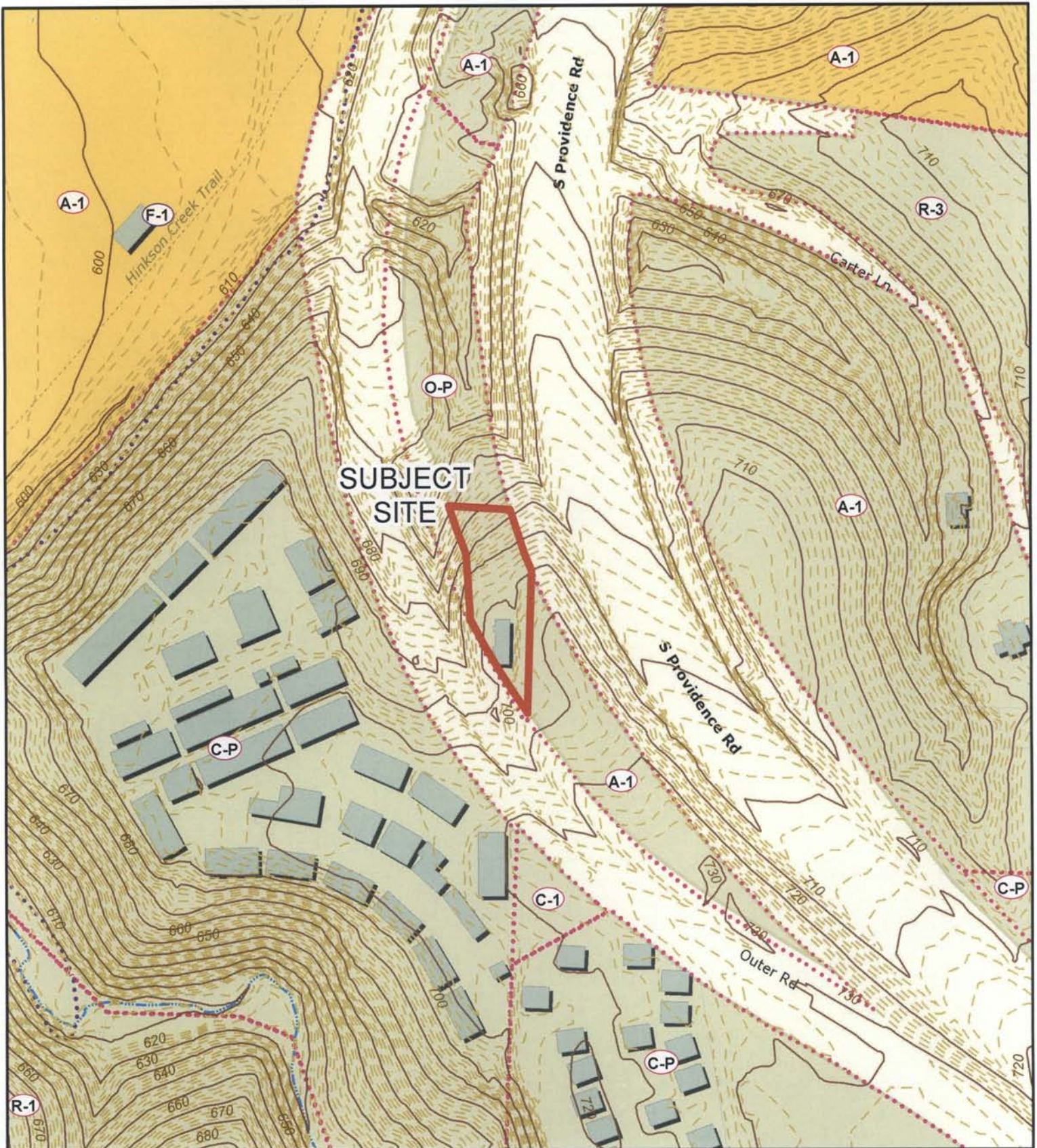
## Case 12-193: Development Plan Review 2400 S. Providence Road

0 100 200 400  
Feet

1 inch = 300 feet







## Case 12-193: Development Plan Review 2400 S. Providence Road

0 75 150 300  
Feet

1 inch = 200 feet

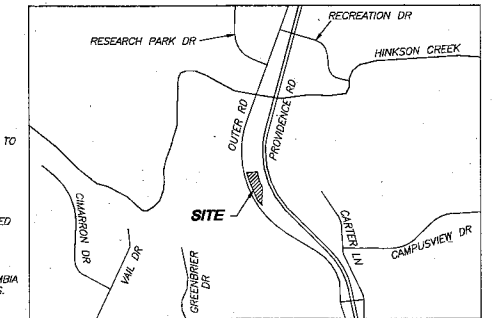




O-P PLAN FOR SOUTHERN TRACT  
**2400 S. PROVIDENCE O-P PLAN**

NOVEMBER 12, 2012

**REVISED**  
**12/13/12**



**LOCATION MAP**  
NOT TO SCALE

**OWNER:**

GREG AND MOST POST  
17107 S. HAWKINS RD.  
ASHLAND, MO 65010  
(937) 488-2801

**APPLICANT:**

ST. CHARLES TOWER  
4 WEST DRIVE, SUITE 110  
CHESTERFIELD, MO 63017

**SITE DATA**

CURRENT ZONING: O-P, PLANNED OFFICE  
CURRENT ACRES: 0.52 ACRES  
PROPOSED ZONING: O-P  
PROPOSED USE: RESIDENTIAL DUPLEX AND CELL TOWER  
LOCATION: 2400 S. PROVIDENCE RD.,  
COLUMBIA, MO 65203

**FINAL PLAT POST'S SUBDIVISION LOT 1 LEGAL DESCRIPTION:**  
A TRACT OF LAND IN THE SOUTHWEST QUARTER OF TEH  
SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 48  
NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI AND  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

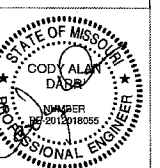
COMMENCING AT THE SOUTHEAST CORNER OF THE  
SOUTHWEST QUARTER OF OF SECTION 24, THENCE  
NORTHERLY ALONG THE EAST LINE OF SAID SOUTHWEST  
QUARTER OF THE SOUTHWEST QUARTER, 754.24 FEET TO  
A POINT ON THE EAST LINE OF OLD ROUTE K HAVING A  
VARIABLE WIDTH, SAID POINT BEING THE TRUE POINT OF  
BEGINNING OF HEREON DESCRIBED TRACT; THENCE A  
DISTANCE OF 258.57 FEET TO A POINT ON THE WEST  
LINE OF SOUTH PROVIDENCE ROAD HAVING A VARIABLE  
WIDTH; THENCE NORTHWESTERLY ALONG SAID WEST LINE,  
NORTH 17 DEGREES 23 MINUTES 23 SECONDS WEST A  
DISTANCE OF 13.63 FEET TO A POINT ON THE NORTH  
LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST  
QUARTER OF SECTION 24; THENCE WESTERLY LEAVING THE  
WEST LINE OF SAID SOUTH PROVIDENCE ROAD, NORTH 87  
DEGREES 28 MINUTES 13 SECONDS WEST A DISTANCE OF  
107.71 FEET TO A POINT; THENCE SOUTH 04 DEGREES  
02 MINUTES 40 SECONDS EAST A DISTANCE OF 99.55  
FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY  
ALONG SAID CURVE BEING A NON-TANGENT CURVE TO  
THE LEFT, HAVING A RADIUS OF 1085.92 FEET, AN ARC  
LENGTH OF 144.68 FEET, A CHORD BEARING OF SOUTH  
30 DEGREES 55 MINUTES 39 SECONDS EAST, A CHORD  
DISTANCE OF 144.55 FEET TO THE POINT OF BEGINNING,  
CONTAINING 22,801 SQUARE FEET OR 0.523 ACRES MORE  
OR LESS.

**GENERAL NOTES:**

1. TOWER WILL BE IN REGULATORY COMPLIANCE AS DESCRIBED  
IN SECTION 29-21.3(f)
2. BUILDING SIZE AND DIMENSIONS ARE APPROXIMATE. SEE  
ARCHITECTS PLANS FOR ACCURATE DIMENSIONS.
3. ALL PROPOSED UTILITIES ARE SHOWN FOR GENERAL  
LOCATION PURPOSES ONLY. SEE APPROPRIATE UTILITY  
CONSTRUCTION PLANS FOR FURTHER DETAIL.
5. PARKING IS PROPOSED AT THE END OF THE ACCESS ROAD  
FOR MAINTENANCE VEHICLES.
6. NO NEW SIGNS OR ADVERTISING ARE PROPOSED WITH THIS  
MINOR REVISION.
7. PUBLIC SEWER EXTENSION TO THE SITE WILL BE DESIGNED  
AND CONSTRUCTED AT SUCH TIME THAT FUTURE  
DEVELOPMENT BEYOND THE DEVELOPMENT OF THE  
CELLULAR TOWER OCCURS.

**PREPARED BY**

**A CIVIL GROUP**  
CIVIL ENGINEERING, PLANNING, SURVEYING  
1401 BROADWAY BUSINESS PARK COURT  
SUITE 105  
COLUMBIA, MO 65209  
PHONE: (573) 961-9566 FAX: (573) 961-1471  
MISSOURI CERTIFICATE OF AUTHORITY #229100014



THIS SHEET HAS BEEN SIGNED, SEALED  
AND DATED ELECTRONICALLY

**SHEET 1 OF 1**

**SIDEWALK NOTE**

SIDEWALK ALONG OUTER ROAD TO BE INSTALLED PER CITY DESIGN TO  
MATCH FUTURE OUTER ROAD FINAL DESIGN.

**LANDSCAPING NOTE**

ONE SHADE TREE HAS BEEN PROVIDED PER SCREENING AND  
LANDSCAPING CRITERIA FOR ADDITIONAL IMPERVIOUS AREA UP TO  
4,500 SQUARE FEET. EQUIVALENT SHADE TREE MAY BE SUBSTITUTED  
SUBJECT CITY ARBORIST APPROVAL.

**STORM WATER STATEMENT**

IT IS THE INTENT OF THIS O-P PLAN TO MEET THE CITY OF COLUMBIA  
SECTION 12A ARTICLE V. STORM WATER MANAGEMENT REQUIREMENTS.

WATER QUALITY TREATMENT WILL BE ACCOMPLISHED BY THE  
PRESERVATION OF THE EXISTING NATIVE VEGETATION ON-SITE.

THE STORM WATER DETENTION WILL CAPTURE RUNOFF FROM PARTS OF  
THE PROPOSED IMPROVEMENTS AND EXISTING IMPERVIOUS AREA BY A  
DETENTION SWALE AS SHOWN ON THE PLAN AND DETAIN THE PEAK  
RUNOFF TO PRE-DEVELOPMENT LEVELS FOR THE 1, 2, 10, AND 100  
YEAR STORMS.

ALL STORMWATER MANAGEMENT FACILITIES SHALL BE DESIGNED IN  
ACCORDANCE WITH ARTICLE V OF CHAPTER 12A OF THE CITY OF  
COLUMBIA CODE OF ORDINANCES AND THE STORMWATER MANAGEMENT  
AND WATER QUALITY MANUAL OF THE CITY OF COLUMBIA. FINAL DESIGN  
SHALL BE PROVIDED BY THE ENGINEER UPON SUBMITTAL OF THE FINAL  
SITE CONSTRUCTION PLANS.

**STREAM BUFFER STATEMENT**

THIS TRACT IS NOT REGULATED BY THE CITY OF COLUMBIA STREAM  
BUFFER ORDINANCE AS DETERMINED BY THE USGS MAP FOR COLUMBIA  
QUADRANGLE, BOONE COUNTY, MISSOURI, FLOOD INSURANCE RATE MAP,  
12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES.

**SIGNAGE NOTE**

THERE SHALL BE NO SIGNS CONSTRUCTED AS PART OF THIS O-P PLAN,  
SPECIFICALLY ON THE COMMUNICATION TOWER.

**LIGHTING NOTE**

NO LIGHTING IS PROPOSED AS PART OF THE PROPOSED IMPROVEMENTS  
TO THE PROPERTY EXCEPT THOSE ON THE POLE AS REQUIRED BY THE  
FCC OR OTHER STATE OR FEDERAL AGENCY. ALL OTHER LIGHTING  
SHALL COMPLY WITH CHAPTER 29-30.1 OF THE CITY OF COLUMBIA  
CODE OF ORDINANCES.

**FLOOD PLAIN STATEMENT**

THIS TRACT IS NOT LOCATED WITHIN THE 100-YEAR FLOOD PLAIN AS  
SHOWN BY THE CITY OF COLUMBIA FLOOD INSURANCE RATE MAP,  
#22019C0290D, EFFECTIVE DATE: MARCH 17, 2011.

**BENCHMARK DATA**

NGS BRASS VERTICAL DISK STAMPED "UNIV. OF MISSOURI RESE.  
2005" SET IN A DRILL HOLE IN A CONCRETE HEADWALL FOR A  
SPOTLIGHT. LOCATED ON THE CAMPUS OF THE UNIVERSITY OF  
MISSOURI SITUATED NEAR THE COLUMNS, 80.1 FEET EAST OF  
THE SOUTHEAST CORNER OF STEPS LEADING INTO THE  
ENGINEERING BUILDING AND 21 FEET SOUTH OF THE WESTERLY  
PROJECTED CENTER OF A ROW OF COLUMNS.

ELEVATION = 743.60

**LEGEND**

MH	EXISTING SANITARY MANHOLE
CO	EXISTING SANITARY CLEANOUT
FH	EXISTING FIRE HYDRANT
FW	PROPOSED FIRE HYDRANT
EW	EXISTING GUY WIRE
LP	EXISTING LIGHT POLE
EM	EXISTING ELECTRIC METER
GM	EXISTING GAS METER
WM	EXISTING WATER METER
ECB	EXISTING CABLE BOX
ET	PROPOSED ELECTRIC TRANSFORMER
ET	EXISTING TELEPHONE BOX
UP	EXISTING UTILITY POLE
WV	EXISTING WATER VALVE
WV	RECORD
(REC)	BENCHMARK
MON	MONUMENT
ES	EXISTING STREET SIGN
EM	EXISTING MAILBOX
EP	EXISTING FLAGPOLE
CL	CENTERLINE
0.000	SQUARE FEET
00.00 AC	ACRES
X	EXISTING FENCE
X	PROPOSED FENCE
UE	EXISTING UNDERGROUND ELECTRIC
UE	PROPOSED UNDERGROUND ELECTRIC
OE	EXISTING OVER-HEAD ELECTRIC
OE	PROPOSED OVER-HEAD ELECTRIC
UT	EXISTING UNDERGROUND TELEPHONE
OT	EXISTING OVER-HEAD TELEPHONE
OT	PROPOSED OVER-HEAD TELEPHONE
FO	EXISTING FIBER OPTIC CABLE
G	EXISTING GAS
S	EXISTING SANITARY
S	PROPOSED SANITARY
W	EXISTING WATER
S	EXISTING STORM SEWER
CATV	EXISTING CABLE TELEVISION
TT	EXISTING TREETRUNK
TT	EXISTING TREETRUNK
TT	PRESERVED TREETRUNK
TT	PROPOSED CONTOUR
TT	EXISTING CONTOUR

SCALE: 1" = 20'  
0 10 20 40

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

APPROVED BY THE CITY OF COLUMBIA PLANNING AND  
ZONING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

DOUG WHEELER, CHAIRPERSON

SHEELA AMIN, CITY CLERK

ROBERT McDAVID, MAYOR

018607  
Permanent Record  
Filed in Clerk's Office

Introduced by Hindman  
First Reading 7-18-05 Second Reading 8-1-05  
Ordinance No. 018607 Council Bill No. B 247-05

AN ORDINANCE

rezoning property located on the west side of South Providence Road (2400 Providence Road) from District A-1 to District O-P; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

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

SECTION 1. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

TWO TRACTS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING DESCRIBED BY THE WARRANTY DEEDS RECORDED IN BOOK 1954, PAGES 27 AND 30, OF THE BOONE COUNTY RECORDS.


will be rezoned and become a part of District O-P (Planned Office District) and taken away from District A-1 (Agricultural District). Hereafter the property may be used for all permitted uses in District O-1 with the exception of all permitted uses in District R-2 and District R-3 and banks and drive-up facilities. The statement of intent, marked "Exhibit A," is attached to and made a part of this ordinance.

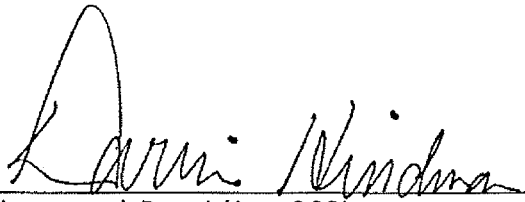
SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.


PASSED this 1st day of August, 2005.

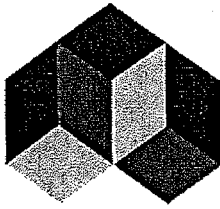
ATTEST:

  
City Clerk

  
Mayor and Presiding Officer

APPROVED AS TO FORM:

  
City Counselor



# A CIVIL GROUP

CIVIL ENGINEERING • PLANNING • SURVEYING

May 26, 2005  
Revised July 11, 2005

## Statement of Intent

### O-P Plan for Greg Post between Providence Road and the Outer Road

#### a) The Uses Proposed.

**All uses allowed in the O-1 Zoning District with the following exceptions – all R-2 uses, all R-3 uses, and banks and drive up facilities.**

#### b) The maximum gross square feet of building floor area proposed.

**The maximum gross area of building floor area shall be 13,000 square feet.**

#### c) The maximum building height proposed

**Any building constructed will be single-story, in order to minimize the aesthetic impact of the final development upon the Providence Road Corridor. Buildings shall have pitched roofs, similar to residential buildings.**

#### d) The minimum percentage of the site to be maintained in open space.

**The minimum area of open space shall be 35% of the lot.**

In addition to the above, the owner agrees to the following:

#### Signs:

Allowable signs would be one monument sign per building. These would meet the City Requirements for O-1 zoning on a collector street. Maximum area would be 48 square feet, with a maximum height of 10 feet. No wall signage. No lighting on building walls either spot lighting or backlighting.

#### Grading

The resulting final average grade of the site will not differ more than 4" from the existing natural grade.

#### Northern Tract Restrictions

Maximum building area will be 9,000 square feet. An undisturbed vegetation buffer of 75' shall be provided along the eastern side of the north portion of the site, adjacent to the Providence Road Right-of-way.

#### Southern Tract Restrictions:

Maximum building area will be 4,000 square feet. An undisturbed vegetation buffer of 25' shall be provided along the Providence Road right-of-way, as well as along the eastern boundary of the property adjacent to the existing duplex, between the Providence Road right-of-way and the Providence Outer Roadway.

#### Existing Duplex Use

The existing duplex will be allowed to remain until such time that a redevelopment of the southern tract of this site occurs.



AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
JULY 7, 2005

**ITEM NO.**

33-Z-05

**APPLICANT**

Greg and Misti Post

**LOCATION**

On the west side of Providence Road/Route 163 (2400 South Providence)

**PROPERTY SIZE**

Approximately 1.89 acres

**EXISTING ZONING - REQUESTED ZONING**

A-1 to O-P

**HISTORY**

The subject property was annexed into the City in 1963. A request was made to rezone the northern portion of the property from A-1 to C-P in 1998, but was withdrawn prior to public hearing.

**EXISTING CONDITIONS**

	<b><u>ZONING</u></b>	<b><u>LAND USE</u></b>
SITE	A-1	Undeveloped and duplex residential
NORTH	A-1	Undeveloped
SOUTH	A-1	Undeveloped
EAST	-	Route 163 right-of-way
WEST	C-P & A-1	Multi-family residential, MU

### **LAND USE PLAN DESIGNATION**

The subject property is shown as a "neighborhood district" on the Metro 2020 Land Use Plan. The proposed O-P zoning would not be in conformance with the Plan.

### **ACCESS**

Access to the site is off Providence Outer Roadway (also known as Old Route K), an unimproved major collector street. MoDOT has stated that no access will be granted to Route 163 (Providence Road), which is directly to the east of the site.

### **PUBLIC UTILITIES**

City water and electric utilities are adjacent to the site, across Old Route K to the west. City sewer facilities will need to be extended to the site by the developer.

### **SITE CHARACTERISTICS**

The subject site contains an existing duplex, and is mostly wooded, with some open pasture area on the northern portion. It is in the Hinkson Creek drainage basin.

### **NEIGHBORHOOD ASSOCIATIONS AFFECTED**

None.

### **PARKLAND NEEDS/GREENBELT**

The Parks & Recreation Master Plan does not identify this area as the site of a proposed neighborhood park service area. The nearest neighborhood park is Highpointe Park, east of Providence Road, and on the north side of Huntridge Drive. The park is approximately .8 mile from the property.

There is no designated Greenbelt or proposed trail on the site, nor directly adjacent.

### **DISCUSSION**

The site in question is an elongated piece of property wedged between Providence Road (Route 163) and the Providence Outer Roadway. There is one duplex structure on the southern portion of the property. The applicant has indicated that this will be removed if the rezoning is approved.

The likelihood of further residential development of this property seems remote, given

its location adjacent to Providence Road. Providence is classified as an expressway in the Major Roadway Plan and carries very large volumes of high-speed traffic, with resulting high noise levels.

The applicant's statement of intent indicates that the maximum amount of building area will be 30,000 square feet. This amount of space calculates to a floor-area ratio (FAR) of .36, which is very high. The total site is 1.89 acres, which is 82,328 square feet. Given that the property contains less than two acres, office development of this magnitude, along with required parking, would seem to overwhelm the available space.

An examination of comparable existing O-P sites shows Stonebridge Park having a FAR of .10 (31,200 square feet of building area on 6.95 acres); and the Colonies North/Colonies Phase 2 having a FAR of .14 (178,000 square feet building area on 28.49 acres). A 2003 minor revision to the O-P development plan for one lot in the Colonies North, which is the same size (1.89 acres) as the site in question, resulted in a FAR of .084.

The applicant's statement of intent states that maximum building height will be 38'. This height will accommodate two stories, or possibly more. Minimum open space on the property will be 35%.

Access to the site is off Providence Outer Roadway (Old Route K), which is an unimproved MoDOT maintained major collector street. This is a narrow rural-style blacktop with no shoulders and adjacent ditches. The addition of the amount of office development as proposed in the applicant's statement of intent will worsen an already bad situation. There is already heavy traffic on this road, due to the multi-family residential land use to the west, as well as commercial uses further to the south.

Planned office is a less intensive land use than a number of others, e.g. commercial or multi-family, given its lesser traffic impact. But, given the amount of square footage proposed, this would still have a serious effect on a street that already carries too much traffic, given its condition.

Staff is concerned about the physical impacts to the site from potential development. The grade change is significant along this property, and is over 14%. The site drops steeply from south to north, descending towards Hinkson Creek. Staff does not want to see this property completely flattened to accommodate development. This would irrevocably alter the natural elevation, and have a negative aesthetic impact on the Providence corridor. Preservation of a substantial portion of the current elevation is the ideal, along with the conservation of a vegetative buffer of the existing trees on the property.

While most of the site is tree-covered, there is an area of pasture on the northern tract. This part of the property is more level than the rest of the site, in addition to it having

fewer trees. This section of the site is appropriate for development. An added benefit is that this part of the site is below the level of Providence Road, and the aesthetic (and landscape) impact of building construction would be minimized in comparison to developing the steeper and higher elevation area of the property to the south. The steep and forested southern portion of the site needs to be preserved. In addition, there is a minimal tree buffer on the east side of the open pasture, adjacent to Providence Road, and that should be maintained as well. This would provide a natural screen between any development and the roadway.

The south portion of the site, where the existing duplex is located, has some potential for redevelopment of office space. There is some level area around the duplex that could be utilized.

It is also staff's opinion that certain allowed uses in O-1 be excluded, primarily multi-family residential uses, which would have a greater impact on the site aesthetically and from a traffic standpoint. Banks are another allowed O-1 use which staff believes inappropriate for this location. Duplexes and drive-up facilities should also be an exception to the allowed uses.

Given the comparables cited, and the staff's opinion that the development of the site to the degree proposed would have a negative impact from a traffic standpoint, aesthetically, and environmentally, staff will support this proposal with specific conditions attached. The applicant's proposed building square footage needs to be reduced to arrive at a lower FAR.

#### **STAFF RECOMMENDATION**

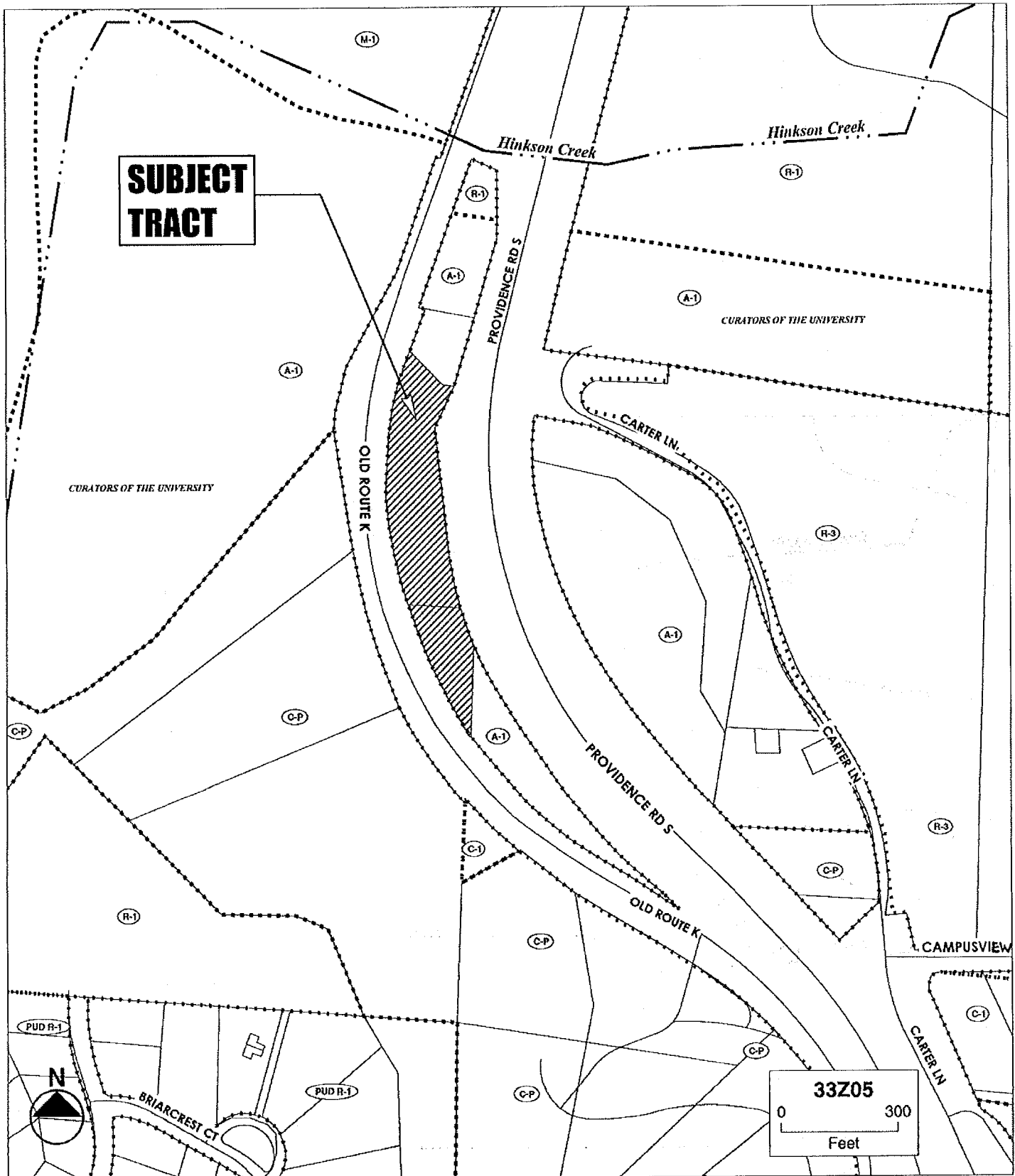
Approval of the request, with the following conditions:

1. Allowed uses will be all O-1 uses, with the following exceptions – all R-2 uses, all R-3 uses, banks, and drive-up facilities.
2. Maximum floor-area ratio of .16, which would allow approximately 13,000 square feet of building space to be constructed.
3. Any building constructed will be single-story, in order to minimize the aesthetic impact of the final development upon the Providence Road corridor. Buildings shall have pitched roofs, similar to residential buildings.
4. Allowable signs would be one monument sign per building. These would meet the City requirements for O-1 zoning on a collector street. Maximum area would be 48 square feet, with a maximum height of 10 feet. No wall signage. No lighting on building walls, either spotlighting or backlighting.

5. Maximum cut and fill of 4 feet of grade for site development.
6. For the northern tract of the proposal: Maximum building area of 9,000 square feet. An undisturbed vegetation buffer of 75' shall be provided along the eastern side of the site, adjacent to the Providence Road right-of-way.
7. For the southern tract: Maximum building area of 4,000 square feet. An undisturbed vegetation buffer of 25' shall be provided along the Providence Road right-of-way, as well as along the eastern boundary of the property adjacent to the existing duplex, between the Providence Road right-of-way and the Providence Outer Roadway.
8. A revised statement of intent should reflect these conditions, as should any subsequent O-P plan submittal.

Written by MS

Approved by [Signature]





**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**July 7, 2005**

**3) PUBLIC HEARINGS**

**33-Z-05 A request by Greg & Misti Post to rezone property from A-1 to O-P, located on the west side of South Providence Road, containing approximately 1.89 acres. (Tabled from the June 23, 2005, meeting.)**

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

Staff report was given by Mr. Mitch Skov of the Planning and Development Department. Staff recommends approval of the request with the following conditions:

1. Allowed uses will be all O-1 uses, with the following exceptions -- all R-2 uses, all R-3 uses, banks, and drive-up facilities.
2. Maximum floor-area ration of .16, which would allow approximately 13,000 square feet of building space to be constructed.
3. Any building constructed will be single story in order to minimize the aesthetic impact of the final development upon the Providence Road corridor. Buildings shall have pitched roofs, similar to residential buildings.
4. Allowable signs would be one monument sign per building. These would meet the City requirements for O-1 zoning on a collector street. Maximum area would be 48 square feet, with a maximum height of 10 feet. No wall signage. No lighting on building walls, either spotlighting or backlighting.
5. Maximum cut and fill of 4 feet of grade for site development.
6. For the northern tract of the proposal: Maximum building area of 9,000 square feet. An undisturbed vegetation buffer of 75 feet shall be provided along the eastern side of the site, adjacent to the Providence Road right-of-way.
7. For the southern tract: Maximum building area of 4,000 square feet. An undisturbed vegetation buffer of 25 feet shall be provided along the Providence Road right-of-way, as well as along the eastern boundary of the property adjacent to the existing duplex, between the Providence Road right-of-way and the Providence Outer Roadway.
8. A revised statement of intent should reflect these conditions, as should any subsequent O-P plan submittal.

MR. WADE: Are there any questions of staff? Okay. With that, I'm going to open the public hearing. Let me quickly review the rules of engagement. The first person speaking in support of a proposal, if you could confine your remarks to six minutes or less. Anyone following, three minutes or less. And the first person speaking in opposition to a proposal, please confine your remarks to six

minutes or less, and anyone following, three minutes or less. With that, open the public hearing.

#### **PUBLIC HEARING OPENED**

MR. GEBHARDT: Good evening. My name is Jay Gebhardt; I'm a civil engineer with The Civil Group, and I live at 711 West Ash here in Columbia. Tonight, I have Greg Post with me. Him and his wife own this property. To make this as short and sweet as I can, we met with Mr. Teddy and Mitch to -- and tabled this at the last meeting so that we could do that, and work out some understanding about this property. We understand we're the custodian of a pretty prominent piece of property here that's very visible to a whole lot of people that drive Providence. And, fortunately, Mr. Post and his wife aren't of the mind that they want to change that too greatly. So, we were able to work out these conditions with the staff, and all but two things that I want to go over, and I don't necessarily say that we have to have these changed, but I do want to point out a couple things that I didn't have time to talk to Mitch about, and I apologize; I've been real busy this week. The first one is under the uses. We have an existing duplex on this property. It's been there. Greg has upgraded it -- new roof, new siding, and things like that. And until this property is developed, he would like to retain the use of that duplex. I think Mitch said that we would tear this down, and it will come down when a building gets built. But I just want to go on the record to say that, you know, I don't necessarily want to go to the Board of Adjustment and get -- have to get a nonperforming use for a duplex because we've excluded it in this zoning. It's nonconforming now to A-1 zoning, and I'm not asking for any greater status than what it has now, but I just want to make sure that as soon as we get this zoning, we don't get a letter that says, "Please tear down your duplex," and I just want to get that on the record. The other thing is, is #5, "Maximum cut and fill of four feet of grade for the site development." I could probably live with that, but it scares me, because it's kind of vague. The -- there may be a hole on the site. If it's deeper than four feet and we need to fill it, and it might not even be any bigger than this area in front of your desk. So, I think the intent here is not to tabletop and level the site, like Mitch said. And we go on record as saying that, yeah, that's -- when we come back with a plan and if we show that, we know we're not going to get approved. I mean, that's very clear to us. So, I don't know how to word that differently, but, again -- but I would ask you all to look at that, because it's kind of spooky to me the way it's written, because I don't -- I don't know how that's going to be enforced or interpreted by all the agencies of the City that's going to have to review the grading plans and stuff. If we have unsuitable soils and we have to dig down ten feet to get to suitable soils and recompact up, you know, am I cutting more than four feet? There's lots of questions that I have, and I just want to bring that up. So -- but, basically, all the other conditions, Greg and his wife have agreed to. If you guys think it's okay, then I'll revise the statement of intent to reflect that, and it'll reflect what you guys may come up with on this, and -- before we go to the City Council and get this resolved. If you have any questions for me, I'm, of course, available, and then Greg is here, too, if you have any questions for him.

MR. WADE: Mr. Daugherty?

MR. DAUGHERTY: Mr. Gebhardt, would it be appropriate to say that the resulting final grade shall

not have exceeded a total of four-foot cut and filled?

MR. GEBHARDT: It's better.

MR. DAUGHERTY: The resulting final grade.

MR. GEBHARDT: It's better than what we've got. I'd have to think about that. But, yeah, I mean --

MR. DAUGHERTY: Well, you know, if you cut down ten feet, but the resulting final grade, that's what they're really worried about.

MR. GEBHARDT: Yeah. The resulting average grade is no more than that, because, you know, I don't know. We may have to cut four feet to get the driveway in, or something like that.

MR. DAUGHERTY: Well, that's what I mean, yeah.

MR. GEBHARDT: But if it's the resulting average grade, is -- yeah. That's -- I like that wording better than the condition this is worded in.

MR. WADE: Did you write that down, Mr. Daugherty?

MR. DAUGHERTY: I didn't write it down. I said it into the microphone.

MR. LAMB: It'll be in his motion.

MR. DAUGHERTY: What motion?

MR. WADE: Okay. Further questions of this speaker?

MR. GEBHARDT: Thank you.

MR. WADE: Thank you. Anyone else wishing to speak in support of this proposal? Anyone wishing to speak in opposition to this proposal?

#### **PUBLIC HEARING CLOSED**

MR. WADE: Before I open the discussion with the commissioners, I have a couple of questions of staff. The request was made that one of the conditions be that -- and if this works, this would be #9 -- that the existing duplex can remain until the building permit for the new building is issued. Is that comfortable to staff?

MR. SKOV: That's fine. We -- it was our assumption that the existing duplex would remain until some other kind of redevelopment occurred.

MR. WADE: All right. I think that the applicant's concern to insure that, given that another department will be enforcing these regulations, is --

MR. SKOV: We can add another condition, if you prefer.

MR. WADE: Okay.

MR. SKOV: We can add a condition to #9 that specifies --

MR. WADE: Okay. Was my wording of it captured okay for you all?

MR. BONDRA: Well, another way to do it would be to add one duplex unit to the list of allowed uses.

MR. WADE: The problem with that is that allows that duplex to continue after the new office building would also be built?

MR. BONDRA: That's true.

MR. WADE: I don't think we would want to do that.

MR. SKOV: I think some kind of language that just suggests that the existing duplex nonconforming is allowed -- may be allowed to remain until such time as that portion of the site is redeveloped with a new building. Something to that effect would be appropriate.

MR. WADE: Okay. And a changed wording was recommended for condition #5. I have it -- and I think -- and correct -- help me word this. But I have it that resulting final grade will be no more than four-foot cut and fill?

MR. BARROW: It was an average, I think, was what --

MR. WADE: And no more than an average four-foot cut and fill? Is that --

MR. TEDDY: Yes. I think what we heard in the testimony Mr. Gebhardt gave was they agree with the intent of that condition, but they don't want it taken too literally, in the event there's unusual soil conditions, for example. So, we're comfortable with that. We'll work something out.

MR. WADE: Okay. Okay. With that, I'm going to open the discussion with the commissioners. Mr. Rice?

MR. RICE: I was just wondering whether average -- four-foot average cut and fill could mean you could have twenty-foot cut over one end and thirty-foot fill over on the other end, and have it average out to, you know, four-feet difference. Maybe not -- okay. Maybe my numbers are off, but when you say average, to me, it means that you could have, you know, a lot more than four feet in some areas as long as you had a comparable amount in the other direction in a different area. Do you see what I'm saying?

MR. WADE: Yes.

MR. TEDDY: I don't think we're talking about volumetric amounts averaging four feet of cut, four feet of fill. I think we're talking about looking at the existing topography and saying when finished, there will be no more than a four-foot difference. But we will allow the occasional exception. He mentioned bad soil being need to be removed, perhaps, if it exists, in which case there will literally be a deeper cut, albeit a temporary one.

MR. WADE: Okay. Mr. Barrow?

MR. BARROW: Well, it seems to me that the staff and the applicant are both talking about not wanting to tabletop this site. And that when the site plan comes before us, would that be a time when we would be able to see if it's actually fulfilling that?

MR. CADY: You'll see the contours.

MR. BARROW: And, I guess, if Mr. Rice has a different way of wording it. I mean, it seems to me the intention is out there, it's just a matter of how we're going to word it to carry on in the future.

MR. WADE: And we will get a -- and Mr. Gebhardt will have to frame that wording in the statement of intent in a way that will also satisfy, I think, staff. Mr. Daugherty?

MR. DAUGHERTY: I think Mr. Teddy said it very well, that the resultant grade will not differ more

than four feet from what it is now.

MR. WADE: Okay. And I think that also covers Mr. Rice's concern. Okay. Discussion, commissioners, on the proposal? Mr. Barrow?

MR. BARROW: You know, when I first read this report, I was kind of concerned, because it seemed like, boy, the City is really telling these people what to do, and I was really happy to hear that there was actually a discussion and it wasn't the City telling anyone what to do; it was, basically, the report is reflecting what was agreed upon in their discussion. And so, I want to support this with the changes. I just am really scared to try to make a motion with all that in there, so maybe someone else will do that.

MR. WADE: Mr. Meier?

MR. MEIER: Well, I also want to say that I'm glad that the applicant was able to come to terms with staff on this, because I thought this was going to be really ugly when we first -- when I first read it. And the reason -- I mean, I work in the Research Park and I drive that road every single day a couple of times, and it's crazy, ugly, as far as all the people that live in those apartments, the hotel that's there, the actual trail crosses the creek. You have to come up across the bridge. The traffic is really bad, and there is absolutely no line of sight when you're making the turn around that road, so it's a very dangerous road. So, you know, I was not feeling too good about this particular application until -- but I'm really glad you guys were able to come to terms on it, because it definitely allows me to go along with it now.

MR. WADE: Let me frame a motion so we can talk directly to a motion. I'll take a shot at it and see if I can capture it. I move that we recommend approval of the request with the following conditions: Conditions #1, #2, #3, #4, #6, #7, and #8, as per staff report. Condition #5 shall read, "Resulting grade will not differ more than four feet from what it is now," and condition #9 shall read, "Existing duplex can remain until such time as that portion of the site is developed."

MR. DAUGHERTY: Second the motion.

MR. WADE: It's been moved and seconded. I don't want to repeat it. Discussion on the motion, please? Mr. Barrow?

MR. BARROW: Well, it seems to me it should actually say redeveloped instead of developed, since it's already developed as duplexes. That's just picky.

MR. WADE: Is the second congenial?

MR. DAUGHERTY: Change -- I'm fairly congenial.

MR. WADE: Change that to redeveloped.

MR. LAMB: I already had redeveloped.

MR. WADE: Never mind.

MR. BARROW: He's a good secretary.

MR. WADE: Further discussion on the motion? Mr. Cady?

MR. CADY: This is picky on my part, but you made in your motion that you just said "grade." "The resultant grade not to be more than four" -- should we say "final grade," or is that understood?

MR. LAMB: I have final grade.

MR. CADY: That's what I figured. Okay. Boy, he's got you down to a T, doesn't he, Mr. Wade?

MR. WADE: I'm being edited and don't even know it. Okay. Mr. Barrow?

MR. BARROW: Well, actually, I just want to compliment the landowner and his engineer and the City staff for working on this. This is a difficult piece of land to develop, and I also think it's very important for the City as a whole because it is such a visual site. And I'm really pleased to see the process you went through and to be able to support it. Thank you.

MR. DAUGHERTY: I would like to say I appreciate this, too, because we on the commission know we were castigated for allowing the development of the multifamily units behind this. And I would hate to have to go through that embarrassment again.

MR. WADE: Mr. Lamb?

MR. LAMB: I intend to support this, and I just would like to note for the record that we need to be aware of the difference in elevation between Providence Road and this site, especially as that might affect things such as appearance, lighting, and so forth, especially in the wintertime, because people will be driving south on Providence looking up into that development. And I would really like to see those things taken into consideration when lighting is arranged and the different aspects of the development are planned.

MR. WADE: Mr. Rice?

MR. RICE: Yes. I would like to echo the sentiments of some of the other commissioners. I intend to support this; however, I want to express concern, I guess, about the impact of the additional traffic on the recreational trail which is used by cyclists and runners and that sort of thing. There is a section of the trail that runs on the outer road between Hinkson Creek and the tennis-court parking lot, and you can barely see it in the map. It's north of the subject tract, but this road is -- at one point, the trail crosses a very narrow bridge over Hinkson Creek, and it's up -- it's pretty scary, frankly, even, you know, with light traffic. So, I mean, I have to say I'm kind of concerned about additional traffic and its impact on the trail, and people, especially on that short stretch of it, but perhaps this development may encourage MU to do a little bit of a better job in providing, you know, a dedicated trail on that section, which is -- to me, it's a gap in the system, really. And perhaps that this development might be an encouragement to MU to do something about that, because it's actually the MU recreation trail. So, that's all.

MR. WADE: Okay. Further discussion on the motion? Mr. Barrow?

MR. BARROW: Well, the last thing is when this development plan comes before us, I'm really looking forward to seeing, like, a really beautiful Taj Mahal kind of building. Because as you're driving down Stadium, it's going to be visible for a long time. And I know that people have complained about the apartments behind it. I'm proud to say that I voted against it, and I wish there was a huge cathedral up there that we would be -- I mean, if we were in Europe, they would do that, but we're not there.

MR. WADE: Further discussion on the motion? Roll call, please.



MR. LAMB: The motion has been made and seconded to recommend approval of Item 33-Z-05, a request by Greg and Misti Post to rezone property from A-1 to O-P, located on the west side of South Providence Road, containing approximately 1.89 acres. This was tabled from the June 23rd, 2005, meeting. The motion also includes the following conditions per the staff report: Conditions #1 through #4, and #6 through #8, as contained in the staff report. Condition #5 will read that, "The final grade is to be no more than four feet difference from the existing grade." And condition #9 is that, "The existing duplex can remain until that portion of the site is redeveloped."

**Roll Call Vote (Voting "yes" is to recommend approval). Voting Yes: Mr. Meier, Mr. Rice, Mr. Wade, Mr. Wheeler, Mr. Barrow, Mr. Cady, Mr. Daugherty, Mr. Lamb. Motion carries 8-0.**

**EXCERPTS  
PLANNING AND ZONING COMMISSION  
DECEMBER 20, 2012**

**V.) PUBLIC HEARINGS and SUBDIVISIONS**

**Case Nos. 12-194, 12-193, and 12-192.**

A request by Greg and Misti Post (owners) to:

- a) Rezone approximately 2.5 acres from O-P (Planned Office) to O-P (Planned Office) and amend the existing Statement of Intent (SOI) governing the uses on the subject tracts previously approved in 2005. (Case No. 12-194)
- b) Approval of an O-P (Planned Office) development plan containing 0.52 acres to be known as "2400 S. Providence Road O-P Plan". (Case No. 12-193)
- c) Approval of a one-lot final minor plat containing approximately 0.52 acres to be known as "Post's Subdivision". (Case No. 12-192)

The subject site consists of a northern and a southern tract containing approximately 2.5 acres between Old Route K (Outer Road) and S. Providence Road. The tracts are commonly addressed as 2400 S. Providence Road. Case 12-194 involves both the northern and the southern tracts. Cases 12-193 and 12-192 involve only the southern tract.

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

Staff report was given by Mr. Patrick Zenner of the Planning and Development Department.

**Case No. 12-194**

Staff recommends approval of this request subject to the SOI being modified to include the following provision:

1. A maximum of four-feet of cut/fill shall be permitted on either the northern or southern development tracts.

**Case No. 12-193**

Staff recommends approval subject to SOI revision proposed in Case No. 12-194 being approved.

**Case No. 12-192**

Staff recommends approval of the proposed plat and variance to Section 25-56 subject to:

1. Approval of the proposed State of Intent (SOI) revisions proposed in Case No. 12-194.
2. The existing duplex be readdressed so it becomes compliant with the City's addressing standards.

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

MR. SKALA: Yeah. Just one question: I realize that the -- that the anticipated removal of that nonconforming use is not a part of this, that that will happen later. But if later that duplex was removed, what would be the consequences on the 25-foot buffer in terms of, would it be -- in other words, would it be restored if that nonconforming use was taken away, or would it revert to what the practical solution that you referred to is now?

MR. ZENNER: The original 2005 ordinance that approved the 25-foot buffer included nothing about replanting so, in fact, if 15 feet of that 25-foot buffer is occupied by a structure today, I don't believe that we would've had anything replaced within it. It would've remained an unbuildable area. It is buildable up to the ten feet of the property line today, because it's been flattened to accommodate the structure. So it would remain -- the duplex comes out at a later date, it would remain vacant, and that's how it is today because of the house. 2005 ordinance, as I said, didn't include anything about replanting, which was an oddity to us when we reviewed the project.

MR. SKALA: But any development in that 15-foot encroachment would not be allowed with the new --

MR. ZENNER: True. That would be correct. But from all practical purposes, the property that's immediately to the south does not have any real value as it comes to the point where the two converge, right on the property lines. So you create nonbuildable areas on both the tract in question and the tract to the north, there's not enough to be able to really do anything. It would likely -- as I analyzed the site plan, it would've been likely utilized for some type of parking area because it comes down to that triangular area.

MR. SKALA: Thank you.

MR. WHEELER: Are there any other -- Mr. Lee?

MR. LEE: Mr. Zenner, I know the bridge over Hinkson was rebuilt a year or so ago, maybe a little more. Are there any plans for the outer road?

MR. ZENNER: That is the reconstruction of Old Route K. And what that will do, as we understand it from our engineering staff, currently the elevation and grade on that road is well over our maximum 10 percent -- 10 to 12 percent. There is going to be some significant cut/fill as it relates to that reconstruction, and the roadway is designed to tie into the Hinkson Creek Bridge. So it would be widened, which will improve the overall traffic circulation, safety, and management of how that roadway functions. Many of the restrictions, the best we can tell from our analysis of the 2005 request, dealt with the fact that there were no plans at that time for the reconstruction of Old Route K. So in its current condition, without any plan, the additional uses, the residential use that is proposed, would probably not have been seen favorable. But because we do have plans that will enhance that roadway, improve its safety, and its overall geometric design, the increase in -- or the addition of the 24 residential units, the apartment units, from a Staff perspective, we feel we can support. It is

consistent with what's to the west in density, and it would be consistent with the other development in the general area. The road improvement really makes that more appropriate at this point than not.

MR. LEE: Just a follow up: When might that occur?

MR. ZENNER: Our engineering staff has indicated to us that it is not in the CIP in the long-range, which is a ten-year window. It is a funding-related matter.

MR. LEE: Aren't they all?

MR. ZENNER: The plans however are designed -- it -- no. It will occur; we just don't know when. The ballot issue -- we have another ballot issue coming up in 2015, and it is possible that it could be included within that, but unknown at this point.

MR. LEE: Thank you.

MR. WHEELER: Are there any other questions of Staff? I have a couple. You spoke pretty fast. And so the statement of intent changes, am I to assume that the statement of intent that we've got that's dated 12/13 of '12 is -- whatever changes are addressed in there? The old statement of intent is not thrown away. We're just making some changes. Is that correct or not? Specifically, the signage limitation that we approved in 2005, does that still stand?

MR. ZENNER: That signage limitation -- the statement of intent has been completely redone. And the signage has actually been further clarified, but I don't believe thrown away.

MR. WHEELER: That must've been on Page 2 then.

MR. ZENNER: I apologize. That is on Page 2. The items -- let me enumerate the items for you-all. And I apologize. It was brought to my attention that this page got left out. I don't know why. On Page 2 of the statement of intent, you have maximum building height, as item number 3, and it indicates that all residential buildings shall have a maximum height of 35 feet with a maximum of two stories, which is consistent with the 2005 approval. All other buildings shall be -- I take that back. Residential buildings were not included, but it is consistent with the idea of no more than -- 35 feet is the maximum that you can have --

MR. WHEELER: In an R-3 zone.

MR. ZENNER: -- in a residential structure in an R-3 zone. The provision that I'm going to read next is consistent with what was in and the governing factor in 2005. It indicates that, All other buildings shall have a maximum of a single story. So originally in 2005 when this project was approved, everything was single story, and it had pitched roofs. With the introduction of residential that the applicant is seeking, they are desiring to go to a 35-foot maximum height, which is consistent in the R-3, with two stories, which is consistent with all of the multi-family in the adjacent areas. So everything would follow -- or have a height maximum, as two stories needed to be defined somehow, and that's the height maximum which is consistent with our zoning. And then, basically, the specified the two stories, which is consistent with the adjacent development. The only exception to that, obviously, is the telecommunications tower, which is approved at 100 feet, and then they include also the same provision that was in 2005, All buildings shall have pitched roofs similar to residential

dwelling. So we're not going to have flat-roofed commercial looking buildings in this particular area. The maximum percentage of open space is the next item on the statement of intent on Page 2. It indicates a minimum of 35 percent open spaces is proposed, and that is comprising of both existing landscape and existing vegetation preservation. That provision is consistent with 2005, and is greater than what we would typically require for any other planned project, which is a minimum of 15 percent. The applicant has also included the following special restrictions associated with this development, and this is a condition that the applicant can do, and this is where we get into signage: The applicant agrees to limit allowable signs to one monument sign per driveway, which means there could be a maximum of three. The maximum sign area will be 48 square feet, with a maximum height of ten. No wall signage will be permitted and no spotlighting or backlighting on building walls will be permitted. And that is a consistent provision from 2005. Now, the difference here is we have added the driveway criteria, so you have a maximum of three signs and it is consistent -- the height in the area are consistent with what you would have on a collector road. Old Route K is considered a collector, so the area and the height requirements are the same for that as it's per our actual sign ordinance. The northern tract square footage developable area is 9,000 square feet. That is consistent with the 2005 ordinance. On the northern tract, an open-space buffer of 75 feet shall be provided along the eastern side of the northern portion of the site adjacent to the Providence Road right-of-way. That is consistent with the 2005 request. On the southerly tract, the maximum building area shall be 4,300 square feet. That is 300 square feet larger than what was approved in 2005, and that 300 square feet is, as indicated, to accommodate the equipment shelter for the cellular facility. On the southerly tract, an open-space buffer of 25 feet shall be provided along the Providence Road right-of-way. An open-space buffer of 10 feet shall be provided along the east property line. The 25 feet along the Providence Road right-of-way is consistent with the 2005 request. The 10 feet is what is proposed to be modified based on the existing duplex's location. And then the tenth provision -- or the next item is, The existing duplex will be allowed to remain until such time that future development, beyond the development of the communication tower, on either the northern or southern tracts occur. So that is the trigger that would remove the duplex. The next provision was, Variance to defer design and construction of the public sewer to the site until such time that future development beyond the development of the cellular tower occurs. That is the trigger to ensure that the extension of public sewer is made to the property, which was asked for as part of the subdivision action. And then the last provision that deals with the actual accesses to the property: A maximum of three access points may be allowed, subject to final site plan approval, onto the outer road. So that is the condition in which Staff believes we still control where those accesses may be located. And, again, I do apologize for not having that in your packets.

MR. WHEELER: Thank you.

MR. ZENNER: And I will say this: It as received on the date that your first page was, so it was in compliance with your rules of procedure. This is not something that we are getting slipped in at the last moment.

MR. WHEELER: And I just have one question. Maybe you said this and I just didn't hear it. But on the northerly tract, the Providence corridor buffer area, if you will, did you give us a width on that?

MR. ZENNER: Seventy-five feet.

MR. WHEELER: Consistent with the old one.

MR. ZENNER: Yes.

MR. WHEELER: All right. Thank you. All right. Are there any other questions of Staff? All right. We'll open the public hearing. Before we do, I want to discuss our rules of engagement. First speaker gets six minutes, all subsequent speakers will get three, and we'll go from there. All right. Thanks.

#### **PUBLIC HEARING OPENED**

MS. LAMAR: Good evening. My name is Phebe LaMar; I have offices at 111 South Ninth. And I promise not to use all of my six minutes tonight. I'm here this evening on behalf of the applicant. They're seeking to install a cell phone tower. You saw pictures of it earlier. It's a whole different kind of tower than has been put up in the past, but it's going to hopefully fit in with the landscape in that particular area better than a flagpole would. Just to kind of elaborate a little bit on the discussion that was just had, there is a new statement of intent that's been proposed, but as Mr. Zenner was explaining, the majority of the provisions of the previous statement of intent when this was originally adopted in 2005 have been incorporated into this. There have been very, very few changes to that in order to try to continue to comply, to the extent possible, with the 2005 statement of intent when it was originally passed. This is rezoning because it -- because there is a request to change some of the items that are in the statement of intent, but it's going to retain the same type of zoning. They've requested to include residential on one of the tracts in order to -- largely because of what Mr. Zenner talked about, that there is a plan at this point to increase the -- and improve the transportation in that particular area and, as a result, it makes sense now to put something in there that did not make sense at that time, which is the R-3 zoning -- or R-3 uses on the O-P zoning. So I suspect that many of you have probably experienced the dicey cell phone service that we're having around the stadium at this point because of the SEC games. I know I tried to make a cell phone -- or tried to make a phone call as I was driving past the stadium and, unfortunately, I could make it as I got there, and then it dropped and I couldn't get back on to cell phones until I got over to -- until I got past Stadium and almost all the way to 63 on the afternoon of a game. So this is not something that has been designed to try to -- to try to predict what's necessary for cell phone service in this area. This is not something that we're trying to create service for some future date. This is a very real need right now. We don't have a tower in this area that can accommodate the needs that we have in that



area. So we are in the process of trying to put together a tower that will serve the needs that we have right now. Without spending a lot of time on the details, my clients explored every alternative they could find within this area where a tower could be placed to meet the needs in that area, including all of the alternatives that were suggested by City Staff, and this really was the only workable option to be able to accommodate the needs at this time. Having explored all the alternatives, we share this -- we are this evening requesting rezoning of the tract by virtue of a new statement of intent to go with the O-P zoning. We are also requesting that the plat be adopted and the site plan be approved. There was no indication of a need for a cell tower in this location at the time that the 2005 zoning was put into place, and that's the whole purpose of allowing for amendments at this time. We passed -- you saw earlier the pictures. Jay Gebhardt is the person who's put together the plan. He can provide you with additional information if you need to ask questions. In addition, Greg Yocom and Chris Puricelli are here on behalf of St. Charles Tower to answer any questions that you have regarding the cell phone towers. And I'm happy to answer any questions that you have at this time.

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

MR. SKALA: I might have a question of the cell tower folks --

MR. WHEELER: Mr. Skala.

MR. SKALA: -- if that would be okay.

MR. WHEELER: Any questions of Ms. LaMar?

MS. LAMAR: Can you tell me what it's about and I can --

MR. SKALA: Yeah. It's about colocalization on the tower.

MS. LAMAR: Sure.

MR. WHEELER: Please introduce yourself and give us an address.

MR. YOCOM: Hi. Greg Yocom; 4 West Drive, Chesterfield, Missouri.

MR. SKALA: Just let me ask you my question. Historically speaking -- anecdotally, I might say, in terms of boards and commissions -- the Environment Energy Commission took up an issue regarding colocalization on cell phone towers several years ago. Incidentally, when Senator -- State Senator Kurt Schaefer was on the Environment Energy Commission. So I guess my question is -- and I don't know what the state of this is currently, but does your design, which looks very attractive to me, does that accommodate, or are you planning on using that tower in terms of offering it as colocalization for other cell tower users or other users that you may lease to, or however that works.

MR. YOCOM: Yes, sir. It's a good question. What we've got is a tower that can support up to five carriers. And one reason we're getting away from the flagless flagpoles, you can basically only put three antennas in one of these cans. And with all the 4G and LT and stuff you hear about all the time, that requires more antennas. And so by the time you put in a carrier now into a three-canned flagpole, you have usually two of those three cans. So by putting in this tree that's stealth by the tree branches, we're able to get up to five layers of antennas. And our business is colocation. To be honest, just like you guys want colocation, we do to. We're a tower company and we do better the

more people that we market this cell phone tower to. So we're kind of in it with you guys in wanting a tower that will support maximum users for aesthetics on your side and for financials on our side.

MR. SKALA: Thank you.

MR. WHEELER: Okay. Are there any other questions of this speaker?

MR. LEE: What is this tower made out of? I mean, what does it -- what's the material that comprises the tree part of it?

MR. YOCOM: Well, it's a steel tower and, so it's a monopole from the bottom up, and then once we get up to the top, we start mounting antennas to that. And then we've got what they call RF friendly material, which is usually like a carbon or a fiber glass material, similar to an artificial Christmas tree. That's the type stuff that the RF waves will go through. So it's steel on the inside, antennas clamped to that, and then we've got the branches around that.

MR. LEE: And the branches start at what level?

MR. YOCOM: Well, Pat is requesting and we agree with him to bring the branches all the way down to the existing tree level so there's not a demarcation between pole, open air. And so we're bringing the branches down to whatever the existing tree level, which we approximate to be about 50 feet -- 40, 50 feet. So we're going to bring it down just below that.

MR. LEE: Okay. Thank you.

MR. WHEELER: Ms. Peters?

MS. PETERS: How well does the material age as far as coloration fading?

MR. YOCOM: They've gotten better and better at this. We started out with some pine trees and we've had a little better luck with the elm trees. It's a broader leaf design. And we're usually get -- eight to ten years is what they expect. Chris, my boss, is here with us. We've got some towers that are at least that old, and the coloration is not the problem. If it's a big windstorm, we've had a few branches fall off and we put them back on. But those are ten-year old designs.

MS. PETERS: Any chance they change color in the fall?

MR. YOCOM: I wish -- that would be a good technology to come up with. Luckily this stand of trees has some evergreens in it. And so these pictures are from summertime, but we also have some photo simulations with some wintertime photos, and there's some evergreens in that stand.

MS. PETERS: I just had to ask.

MR. YOCOM: I'll work on that.

MR. WHEELER: If she hadn't, I would have. Are there any other questions of this speaker?  
Thank you. All right. Mr. Gebhardt?

MR. GEBHARDT: (Shook head.)

MR. WHEELER: No. Mr. Gebhardt, please?

MR. GEBHARDT: Jay Gebhardt, civil engineer with A Civil Group here in Columbia, 3401 Broadway Business Park.

MR. WHEELER: Yeah. I just wanted to ask you a question, and I'm surprised I'm beating

Mr. Skala to this, but the lighting, there's a light on this. At first we were told there was no light, and now we're told there's a security light. Please tell me that's on the west side of the building.

MR. GEBHARDT: (Nodded head.)

MR. WHEELER: Okay. Full cutoff fixture. Right?

MR. GEBHARDT: Right.

MR. WHEELER: No problem.

MR. GEBHARDT: Standard stuff.

MR. WHEELER: Are there any other questions for Mr. Gebhardt? Mr. Lee?

MR. LEE: And there will be an airplane light on top. Right?

MR. GEBHARDT: I don't believe so because it's not the height.

MR. ZENNER: Two hundred feet is your maximum -- is your threshold before it has to have FFA lighting.

MR. LEE: Okay. Thank you.

MR. SKALA: Just one question while he's up there. Just a question: I'm reassured by this whole stealth technology and it certainly is an improvement over the stealth technology that we see in other places that is the flagpole, assuming that it weathers the right way and may or may not, in the future, change color. But I'm a little bit concerned about the exposure from two-story dwellings on top of a hill, essentially, and that, obviously, will be exposure beyond the tree line. Isn't that so?

MR. GEBHARDT: When you say "exposure," what do you mean, Mr. Skala?

MR. SKALA: Well, if you're looking from the roadway up to the top of the hill and there are two-story or 35-foot structures on top of the hill, I assume they'll be pretty prominent.

MR. GEBHARDT: Yes. I would -- they'll be, basically, at the elevation of the existing ground, plus two stories.

MR. SKALA: Okay.

MR. WHEELER: Any other questions of this speaker? Mr. Vander Tuig?

MR. VANDER TUIG: Well, I guess this may be for Staff, but I guess because it's two stories, and that's the intent, obviously, by revising the statement of intent, and the floor area, although it's growing by 300 feet, it's actually becoming a smaller footprint. Is that true?

MR. GEBHARDT: Well, the 300 feet was added for the cell tower equipment room -- or equipment building. So we have the same floor area that we had in 2005. If they choose to use that for apartments, it'll still be the same floor area as was approved for the office in 2005.

MR. VANDER TUIG: And maybe I should know this by now, but is that for the footprint or the entire square footage of the building, including all floors?

MR. GEBHARDT: Footprint.

MR. ZENNER: It's all stories associated with it. So if it's a 9,000-square-foot FAR, that roughly is -- split it in half and you end up with half per floor.

MR. VANDER TUIG: So it would be a smaller footprint with two stories, in other words. Okay.

MR. ZENNER: Yeah. It ultimately would be.

MR. VANDER TUIG: Okay.

MR. ZENNER: Now, the one thing that we do need to point out is that the FAR typically deals with commercial or office related structures, not necessarily the construction associated with residential. The residential is capped out by its density, which is the 24 units. And that is one reason why there is a height restriction and stories defined within that statement of intent. It's 24 maximum dwelling units and you have to meet all the other requirements associated with that: Parking, landscaping, stormwater --

MR. VANDER TUIG: Setbacks and --

MR. ZENNER: -- setbacks and everything else. So how that footprint is put together based on that maximum number of units, it will likely not be much larger than 9,000 square feet because you're going to have to meet all of the other requirements.

MR. VANDER TUIG: But it excludes the FAR --

MR. ZENNER: Yeah. The FAR is typically not included within --

MR. VANDER TUIG: Right.

MR. ZENNER: It does not normally apply to residential development. It applies to the office side of this project.

MR. VANDER TUIG: Okay. Thanks a lot. Thanks.

MR. WHEELER: And we'll see a site plan in the future for that.

MR. GEBHARDT: Yeah.

MR. WHEELER: Okay. Any other questions of this speaker?

MR. GEBHARDT: Thank you.

MR. WHEELER: Thank you. Are there any other speakers?

#### **PUBLIC HEARING CLOSED**

MR. WHEELER: Commissioners, we've got three items in front of us. We're going to handle -- if I can get back to my original thing -- I think it's 12-194 first, I believe. So, I mean, let's discuss it and then we'll have three separate votes. We'll discuss it in its entirety so we can get through it. So who wants to lead off? Mr. Lee? Oh, that wasn't --

MR. LEE: No. That wasn't.

MR. WHEELER: Oh, okay.

MR. SKALA: Well, I'll --

MR. WHEELER: Okay. Mr. Skala?

MR. SKALA: Let me just try and lead off here. Let me tell you what I'm pleased with first, and that is I'm very pleased with the new technology to accommodate the cell tower. Actually, I think it has a real need here, and particularly since it won't be the height that requires some of the troubling aspects of some of the light requirements that we have on top of cell towers. And I'm inclined to support the City Staff's recommendation to maintain the cut and fill requirement because of the

sensitivity of the area, until such time as that can be reviewed because the development plan will come in. What I'm a little bit troubled by -- a couple things that I'm a little bit troubled by, one is the accommodation of 24 two-story units on top of a rather exposed, sensitive area in terms of just the aesthetics and the environment here. I understand the need for maximum use and getting -- getting a maximum use out of the property to use it as residential development, and it's consistent with some of the development that's on the other side. However, that's not on top of a hill. So I'm a little bit concerned about that kind of exposure, which means that I'm also concerned about buffers. And although it's a nonconforming use, the duplex -- and I understand that's not part of the -- what we're really taking a look at here -- until that property gets removed, I'm inclined not to support the idea of -- of just being okay with a ten-foot buffer because that's the way the property's used right now. I would support going back to the 25-foot buffer, should that property be removed, whether it's replanted or not. Hopefully, it'll be replanted, but we can't -- we can't require that. So I'm concerned about the integrity of the buffer all the way around this property. And I'd be anxious to hear from the rest of the Commissioners in terms of how they feel about the density on such an exposed area, in terms of how the rest of this space develops.

MR. WHEELER: Commissioners? I'll go. You guys can think about this, I guess. I was here in 2005. I think Mr. Skala and I were actually on the Commission. I was pretty new. I remember this was -- this is the first development I remember that there was a conversation about restricting the cut and fill, and it was quite controversial at the time. Interesting how things change. And just as a side note, the second page of your statement of intent from 2005 says that the maximum -- the undergrading, it says the resulting final average grade of the site will not differ more than three or four inches. But I was here, and so I know it was four feet. But so going directly to Mr. Skala's points, at the time there was much discussion about what would be here and what it would look like, and you're coming right down Providence, if you're headed south, and you'd be facing whatever development was on this hill. And that was the reason for the 75 feet, as I recall the conversation. I didn't go back and look at the minutes. But the way I remember the conversation, that's the way it went. I don't see a great deal of difference between 24 units and 9,000-square-foot office building. Of course, depending if it has a metal roof, that would be pretty homely and is, frankly, to the west, but that's my opinion. So I -- you know, I'm going to support the statement of intent change. I think that's one of the things that we have to be careful of here. I was told that when I first started on P and Z, is, you know, you've got to watch changes in statements of intent down the road. But this seems to be an appropriate use of a property, and actually probably set aside more of the property than what we'd see normally, unless they bring back something else. So, you know, I think a 100-foot elm tree is a little unlikely. It would be nice if the leaves fell and grew back, but I do like the idea of seeing one that's masked instead of blue, you know, which I think this is probably a better masking than -- or what do they call it, stealth? So until we can make them disappear altogether, this will work for me, so I plan to approve it with the accompanying request. At this point that makes perfect sense. It

doesn't make sense -- I agree with Staff that until there's development here, there's no reason to run the sewer line up there. And so I'm going to support the request as presented. Oh, come on, guys.

MR. LEE: All right. I'll go.

MR. WHEELER: Mr. Lee.

MR. LEE: I agree with what you just said, your statement, and I think with the recommendations of Staff, I think we have maximum use here for the owner, and it seems to me that the cell phone tower is a unique and very useful way to use that. And I intend to support it with the Staff's recommendations.

MR. STRODTMAN: The only thing I have to add is -- I do intend to support it -- another thing that I thought was positive -- a couple things I thought were positive, to go along with Mr. Skala's point, were the lighting on the west side of the building, obviously, is a positive, and then, more importantly, the signage, not being able to put signage in back of the buildings. Hopefully that will help a little bit, Mr. Skala, with the sighting of it or, you know, I know that the 24 feet -- the two stories will be visible from quite a distance, but hopefully that's minimized a little bit with the signage and the lighting. And I definitely -- and positive with the tree -- you know, the screening of the cell tower is very -- is ideal and very positive that we don't have to have that little red blinking light is a positive, especially with a tree. That wouldn't have really fit in very well. So I plan on supporting it. I think it's a good use for the area, and can definitely use better cell coverage on game day.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: I'll go. I'm in support. I think that the development plan is going to really dictate how this thing is going to fit on the site. And as a civil engineer, I'm really excited to see how Mr. Gebhardt's going to make that happen, especially with the four-foot restriction. But I think Staff's recommendations are going to make sure that there's no degradation to the Hinkson Creek, and I think that we've come along way as well with -- you know, with erosion control measures and inspection of erosion control measures since -- since --

MR. WHEELER: '05.

MR. VANDER TUIG: -- '05. So with that, I'll probably be supporting all three of these.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: I can't really add anything to that; I think it's pretty well been covered. And I do intend to support it with the Staff's recommendations.

MR. WHEELER: Ms. Peters?

MS. PETERS: I intend to support it, and I'd actually make a motion if we're ready.

MR. WHEELER: Absolutely.

MS. PETERS: I would move for approval of Case 12-194 with Staff recommendations of approval as requested of statement of intent being modified to include the following provisions: Maximum four foot cut and fill shall be permitted on either the northern or the southern development tracts.

MR. WHEELER: Motion's been made.

MR. TILLOTSON: Second.

MR. WHEELER: Mr. Tillotson. Motion's been made and seconded. When you're ready.

MR. VANDER TUIG: We have a motion --

MR. SKALA: Is there a discussion on the motion?

MR. WHEELER: Oh, sorry.

MR. SKALA: I just want to -- I'm occasionally a fan of Cervantes and Don Quixote and all the rest of it, so I'd like to at least make an amendment to suggest that we vacate the portion of the Staff's recommendation that deals with that ten-foot buffer, and should development occur with that nonconforming property, that that development not be allowed to encroach 15 feet into that 25-foot buffer, and leave the 25-foot buffer the way it is.

MR. WHEELER: Would you mind terribly holding your amendment for the O-P development plan. I think that would be the appropriate place for it, would it not?

MR. SKALA: Sure. Absolutely. Wherever it's appropriate.

MR. ZENNER: We have to -- you'd have to amend -- the statement of intent as it's currently written would need to be amended. Item No. 9 is on Page 2.

MR. WHEELER: That's -- all right. I stand corrected. So an amendment has been offered. Is there a second on the amendment?

MS. PETERS: Second.

MR. WHEELER: Amendment has been made and seconded. We will vote on the amendment first. Did you get that down or would you like him to repeat that?

MR. VANDER TUIG: Repeating it wouldn't hurt.

MR. WHEELER: Mr. Skala, could you repeat that for the secretary?

MR. SKALA: Yeah. I guess the motion that I made was to vacate the Staff's recommendation that in the event of the removal of the nonconforming use, of that duplex, that future development not be allowed to encroach into the 25-foot buffer, as was specified before.

MR. VANDER TUIG: In the 2005 --

MR. SKALA: Right.

MR. VANDER TUIG: Okay. So we have an amendment to the motion, the motion being approval rezoning approximately 2.5 acres from O-P to O-P (Planned Office), and amending the statement of intent governing the uses on the subject tract previously approved in 2005 with Staff's recommendation for the statement of intent to include a provision limiting the cut/fill to a maximum of four feet on either side of the tract, exclusive of the required sidewalk. Is that correct, Ms. Peters, exclusive of the required sidewalk?

MS. PETERS: Yes.

MR. VANDER TUIG: The amendment --

MR. LEE: Excuse me. Are we voting on Mr. Skala's amendment only?

MR. WHEELER: We vote on the amendment first.

MR. LEE: Okay.

MR. WHEELER: Yes.

MR. VANDER TUIG: And the amendment being vacating Staff's recommendation for the --  
I'm sorry --

MR. SKALA: To allow the encroachment of the nonconforming use currently, should it be improved, into the 25-foot buffer.

MR. VANDER TUIG: Okay. Removing the requirements that the 15-foot --

MR. SKALA: Encroachment.

MR. VANDER TUIG: -- encroachment, should the development -- or should the nonconforming use be removed --

MR. SKALA: Eliminated.

MR. VANDER TUIG: -- and eliminated, per the 2005 recommendation.

MR. SKALA: To revert back to the 2005 recommendations for a 25-foot buffer, yes.

MR. VANDER TUIG: Okay.

**Roll Call Vote (Voting "yes" is to recommend approval of the amendment.) Voting Yes:**

**Ms. Peters, Mr. Skala. Voting No: Mr. Lee, Mr. Strodtman, Mr. Tillotson, Mr. Wheeler,**

**Mr. Vander Tuig. Amendment fails 2-5.**

MR. WHEELER: The amendment will not be added, I guess, or fails, and so we'll go back to original motion of 12-194, which was to rezone approximately 2.5 acres of O-P to O-P and amend the existing statement of intent governing the use of the subject tracts previously approved in 2005. Discussion -- further discussion? I am sorry about that, Mr. Skala. Further discussion on that motion?

MR. VANDER TUIG: And that includes the --

MR. WHEELER: That includes --

MR. VANDER TUIG: -- Staff's recommendations?

MR. WHEELER: Staff's recommendation for a maximum of four foot --

MR. VANDER TUIG: Four-foot cut and fill.

MR. WHEELER: -- cut/fill on the northern and southern tracts. Sorry. I did miss that.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Peters,**

**Mr. Skala, Mr. Strodtman, Mr. Tillotson, Mr. Wheeler, Mr. Vander Tuig. Motion carries 7-0.**

MR. WHEELER: All right. So we'll move on to Case No. 12-193, which is the O-P development plan containing .52 acres, to be known as 2400 South Providence Road O-P Plan. Discussion? Someone want to make a motion?

MR. VANDER TUIG: I'll make a motion for approval.

MR. WHEELER: Mr. Vander Tuig, motion to approve.

MR. STRODTMAN: I'll second.



MR. WHEELER: Mr. Strodtman seconds. Discussion on the motion? When you're ready, may we have a role call?

MR. VANDER TUIG: We have a motion and a second for the approval of O-P (Planned Office) development plan containing .52 acres, to be known as 2400 South Providence Road O-P Plan.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Peters, Mr. Skala, Mr. Strodtman, Mr. Tillotson, Mr. Wheeler, Mr. Vander Tuig. Motion carries 7-0.**

MR. WHEELER: Case No. 12-192, approval of a one-lot final minor plat containing approximately .52 acres, to be known as Post's Subdivision. Discussion? Mr. Lee?

MR. LEE: I'm sorry. I do not have any discussion.

MR. WHEELER: Well, I'm just going to throw one thing in here just so Mr. Gebhardt's aware of this: When this plan comes before us, the site plan for the rest of it, I'll be looking for lighting on the back side to the east. I think that's a given, east and north sides of the building, so we'd like to keep that to the west side as much as possible. At least that would be my preference. So that said --

MR. TILLOTSON: I just had an educational question. It says the existing duplex be readdressed. So the City just finds it a new number or how does that process --

MR. ZENNER: Yes. Mr. Post -- the Posts will be notified that we need to assign it a new address. That is a tenant-occupied structure right now. There is nonparity associated with this nonparity meaning we have the wrong numerical address associated with its location. This is the west side of South Providence; it therefore needs to be an odd-numbered address. This is an even-numbered property at this point. Why it was done that way is not known. It is two property owners -- or one property owner, two tenants. And in order to ensure that we have 911 services adequately dispatched to this particular location, it needs to match up with all of the other addresses that on the west side of Providence. Interestingly enough, the apartment complexes and all of what is on the west side are odd-numbered addresses, therefore we will work with our addressing staff and 911 to ensure that we've got an appropriate address not only for the duplex, but then for any future construction. The other interesting caveat to this, just as an educational point, is, is the Old Route K is what it is commonly referred to as; however Old Route K does not exist within the 911 address system. It is referred to as the Outer Road. And we do a name change as well as we need to do some addressing, but the name change is not the issue. It's really, get the address right now, and then we can deal with the name change at some later date. Applicant has indicated to us that they're willing to do whatever they need to do in order to get the addressing situation squared away, and that made my PSJC people happy. That is a condition of the approval. The other condition associated with the approval, should you consider to move this item forward, is, obviously, the variance to the public utility extension.

MR. WHEELER: And that needs to be part of our motion?

MR. ZENNER: That is correct.

MR. WHEELER: You know, that's not in your recommendation, just so you know.

MR. ZENNER: Thank you.

MR. WHEELER: Okay. Somebody want to frame that motion for us? Ms. Peters?

MS. PETERS: Move for approval for Case 12-192, approval of the proposed plat and a variance to Section 25-56, subject to the approval of proposed statement of intent revision proposed in Case 12-194. The existing duplex be readdressed so it becomes compliant with the City's addressing standards.

MR. WHEELER: And the utility thing.

MR. ZENNER: She indicated that.

MR. WHEELER: Oh, okay. Sorry. I didn't hear that. My fault. Motion's been made.

MR. TILLOTSON: (Indicating.)

MR. WHEELER: Mr. Tillotson seconds. Discussion on the motion? Seeing none, roll call when you're ready.

MR. VANDER TUIG: We have a motion and a second for the approval of a one-lot final minor plat containing approximately 0.52 acres to be known as "Post's Subdivision," with the stipulation that the existing duplex be readdressed so it becomes compliant with the City's addressing standards, and also that there is a variance to -- and forgive me. What section for the utilities? What section was that?

MS. PETERS: I will tell you momentarily.

MR. ZENNER: 25-56.

MR. SKALA: Yeah, 25-56.

MR. VANDER TUIG: 25-56, related to the public utilities and the extension of the sanitary sewer within three years of platting.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Peters, Mr. Skala, Mr. Strodman, Mr. Tillotson, Mr. Wheeler, Mr. Vander Tuig. Motion carries 7-0.**

MR. WHEELER: All right. Recommendations for approval for these three items will be forwarded to City Council.