

Council Bill: B 372-13

MOTION TO AMEND:

MADE BY: _____

SECONDED BY: _____

MOTION: I move that Council Bill B 372-13 be amended as set forth on this amendment sheet.

=====

Material deleted from the original bill is shown in ~~strikeout~~;
material added to original bill shown underlined.

The title is amended as follows:

rezoning property located northeast of the Stadium Boulevard ,
Cinnamon Hill Lane and Maguire Boulevard intersection (1202
Cinnamon Hill Lane) from District A-1 to District PUD-9;
approving the Statement of Intent with conditions; repealing all
conflicting ordinances or parts of ordinances; approving the
Preliminary Plat and PUD Plan of The Avenue at Columbia;
and fixing the time when this ordinance shall become effective.

Section 2 is amended as follows:

SECTION 2. The City Council hereby approves the terms and conditions contained in paragraphs "a" through "h" of the Statement of Intent dated ~~December 6, 2013~~ February 3, 2014, attached hereto as Exhibit A and made a part of this ordinance. ~~Paragraph "i" of the Statement of Intent shall be amended to require construction of the improvements by Applicant within two (2) years after issuance of the first certificate of occupancy for a dwelling unit within the development unless such improvements are not approved by MoDOT. Paragraph "j" of the Statement of Intent shall be amended to require add a requirement that the landscaping berm shall be extended along the entire north property line and the adjoining property owners shall also be named as beneficiaries of the covenants and restrictions in addition to the homeowner associations. A new paragraph "k" shall be added to clarify the area between the north property line and the 100-foot building line is to be maintained as a landscaped buffer, except as otherwise shown on the plan or set forth in the approving ordinance.~~ The Statement of Intent as amended herein shall be

binding on the owners until such time as the Council shall release such limitations and conditions on the use of the property.

Section 4 is amended as follows:

SECTION 4. The City Council hereby approves the Preliminary Plat and PUD Plan of The Avenue at Columbia, ~~as certified and signed by surveyor on December 6, 2013~~ dated January 2014, for the property referenced in Section 1 above.

07/02/2014

VAN MATRE, HARRISON, HOLLIS, TAYLOR, AND BACON, P.C. PLANNING DEPT.

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
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POST OFFICE BOX 1017
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EVERETT S. VAN MATRE
(1922-1998)
*ADMITTED IN MISSOURI AND ILLINOIS

February 3, 2014

Tim Teddy, Director
Department of Planning & Development
City of Columbia
701 E Broadway
Columbia, MO 65201

Pat Zenner
Department of Planning & Development
City of Columbia
701 E Broadway
Columbia, MO 65201

RE: Statement of Intent / Application for Permanent Rezoning and Planned Unit Development Plan / The Avenue at Columbia (the "Development") / Park7 Group (the "Applicant")

Dear Mssrs. Teddy and Zenner,

The following is intended to satisfy the requirements of Section 29-10(e)(2) of the City's Zoning Ordinances:

- a. The uses proposed for the site are all uses permitted in Section 29-8 District R-3 of the City's zoning ordinances.
- b. The types of dwelling units shall be: Multiple-Family, including, without limiting the foregoing, 1, 2, 3, and/or 4 bedroom units.
- c. The maximum number of dwelling units shall be 387 units and maximum density shall be 9 units per acre.
- d. The maximum building height proposed for the Property is 37 feet measured from the lowest adjacent grade of each building.
- e. The total number of vehicle parking spaces proposed is 1068 and the proposed parking ratio per dwelling unit is 2.76 (1068/387), which is based on the maximum number of units permitted under a PUD-9 zoning designation. The PUD Plan contains 358 units and 987 parking spaces, which is a parking ratio of 2.76. Should the number of units change which results in a different number of bedrooms per unit or should the type of units change under the current number of units such that there are more or less bedrooms, the need for parking would

likely change. In such case, the parking ratio might vary slightly based on the actual number of bedrooms (e.g., if more units but lower ratio of bedrooms per unit, a parking ratio of 2.5 might be more appropriate or if less units but higher ratio of bedrooms per unit, a parking ratio of 3.0 might be more appropriate). The upper limit on parking spaces shall be product of 1.25 multiplied by the actual number of bedrooms.

f. The minimum percentage of the site to be maintained in open space shall be a total of 60%. Of such total, 45% shall be in landscaping and 15% shall be in existing vegetation.

g. Proposed amenities may be swimming pools, basketball courts, tennis courts, and club houses.

h. The PUD Plan is generally described as a plan containing Multiple-Family 1, 2, 3, and 4 bedroom units and any combination of same. There shall be no minimum lot size. Units may be contained on a single zero lot line lot, a single family lot, or on a large lot containing several units. There shall be a minimum yard setback of twenty-five feet. There shall be no other minimum setbacks from perimeter or interior streets or between buildings.

i. Until the date which is two (2) years after the first certificate of occupancy is issued for the Development, if MoDOT shall approve and grant the necessary permits to the Applicant for either or both of the improvements listed below in subparagraphs i(1) and i(2), the Applicant shall make such improvements within six (6) months of being granted such permits:

1. extend the east bound left turn lane at the intersection of Audubon Drive and Stadium Boulevard by approximately 300 feet; and,

2. modify the traffic signal at Audubon Drive and Stadium Boulevard to include a dedicated east bound left turn signal from Stadium Boulevard onto Audubon Drive.

j. The Applicant shall be required to record covenants and restrictions applicable to the real estate within the Development prior to final plat approval, which shall describe the following obligations of the Applicant, and its successors and assigns, and shall name the Timberhill Road Neighborhood Association, the Shepard Hills Improvement Association, and the Shepard Boulevard Neighborhood Association (the "Associations") as the beneficiaries of said covenants and restrictions:

1. the obligations of the Applicant with regard to the intersection of Audubon Drive and Stadium Boulevard described in item i. of this Statement of Intent;

2. the area between the line which is 175 south of and parallel to the northern boundary of the Property (the "Building Line") and the northern Property boundary, which is adjacent to the Timberhill Road Neighborhood Association property, shall not contain any buildings;

3. the area between the northern boundary of the Property and a line 125 feet south of and parallel to the northern boundary of the Property, shall be maintained as a buffer area and shall remain in existing vegetation, except as otherwise required to make improvements as shown on the PUD Plan and as described in this Statement of Intent;

4. there shall be a 5 foot montage type fence equal to the length of the Building Line, a gate across the Timberhill Road area connecting the fence on both sides of Timberhill Road, and a "turnaround" for emergency services vehicles all constructed no farther north than 30 feet from the 175 foot Building Line;

5. lighting shall comply with the City Ordinances (e.g., cut off, shoe box style lighting); and,

6. facilitate connection of fiber optic service to the boundary of the property within the Shepard Hills Improvement Association and Timberhill Road Neighborhood Association (i.e., install to the subdivision boundary through the Property or cause a provider of optic service to deliver to the subdivision by another route) and install a fire hydrant near the northern boundary of the Property.

k. The Applicant shall pay Seventy-Five Thousand and No/100 Dollars (\$75,000.00) to the City for public transit improvements as follows:

1. Within sixty (60) days of the Applicant receiving all necessary building and construction permits for completing the Development, the Applicant shall pay Twenty-Five Thousand and No/100 Dollars (\$25,000.00) to the City;

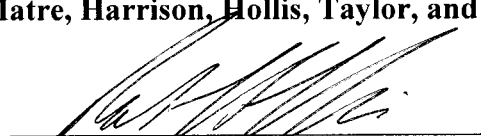
2. Within 12 months of the date upon which the Development shall be granted its first certificate of occupancy, the Applicant shall pay an additional Twenty-five Thousand and No/100 Dollars (\$25,000.00) to the City; and,

3. Within 24 months of the date upon which the Development shall be granted its first certificate of occupancy, the Applicant shall pay an additional Twenty-five Thousand and No/100 Dollars (\$25,000.00) to the City.

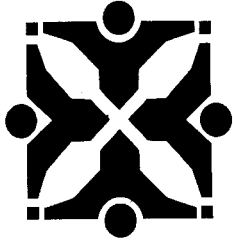
Sincerely,

Van Matre, Harrison, Hollis, Taylor, and Bacon, P.C.

By:


Robert N. Hollis

RNH/jae



Source: Community Development - Planning

Agenda Item No: Supplemental
Information
B372-13

To: City Council
From: City Manager and Staff

Council Meeting Date: Feb 3, 2014

Re: Park 7 Group rezoning and PUD plan approval (Case # 13-204)(Supplemental Information)

EXECUTIVE SUMMARY:

A request by the Crockett Engineering, on behalf of Park 7 Group (contract purchaser), to rezone approximately 43 acres from A-1 (Agriculture) to PUD 9 (Planned Unit Development maximum 9 units/acre) and receive approval of a final PUD development plan to be known as "The Avenue at Columbia". The subject property is located approximately 1500 feet northeast of the Stadium Boulevard/Cinnamon Hill Lane/Maguire Boulevard intersection and is addressed as 1202 Cinnamon Hill Lane. **(Case # 13-204)**

DISCUSSION:

This proposal was tabled by Council during its January 21 meeting following the applicant's presentation of a revised Statement of Intent (SOI) which had not been reviewed by staff prior to the meeting. The changes in the SOI also resulted in the necessity to submit a revised PUD development plan.

Since tabling staff has reviewed the revised SOI and updated development plan and offers the following analysis:

1. The proposed increase in building setbacks (100 feet to 175 feet) along the northern property line has resulted in 4 buildings being relocated to the south central portion of the site. The area previously proposed for development is now shown as a combination of conservation easement and tree preservation. This additional area off-sets changes to the previously identified conservation easement area in the southeast corner of the site.
2. The additional 175 foot setback area is divided into two types of zones. The first 125 feet south of the northern property line is a "no build" area - all existing vegetation is to be preserved and the only improvement will be for the extension of Timberhill Road. The next 50 feet will have no building construction within it; however, may be graded. The development plan shows no improvements and based upon the SOI none would be permitted within this area since none have been shown.
3. The height of the proposed structures has been reduced to 37 feet as was recommended by the Planning and Zoning Commission and shown on the original development plan and included in the original SOI.
4. The total area allocated to climax forest preservation has been increased by 3% to a total of 28%. The amount to be preserved will remain at 25% as is required by ordinance. The location of proposed conservation easements; however, provide greater benefits to the surrounding neighborhood to the north.
5. The "montage" style fence has been extended along the entire northern property line at point 175 feet south of the northern property line. Installation of this fence addresses a Planning Commission condition of development approval.
6. The development plan shows the extension of Timberhill Drive with an emergency turnaround and gate as requested by adjacent property owners and supported by staff. The extension of this roadway and its full improvement as a residential street is necessary to ensure compliance with Section 25-54.1 of the Subdivision Regulations relating to multiple points of ingress/egress to PUD developments containing over 200 units. Allowing the roadway to remain closed to through traffic; however, operational for emergency purposes is consistent with previously approved developments of similar character.

A notation on the plan stipulates the conditions upon which the extension of Timberhill Drive would be opened. Opening of Timberhill Drive is conditioned upon the extension of Cinnamon Hill Lane to Route WW. The City; however, reserves the right to open the gate in times of emergency as it determines necessary.

7. The revised SOI will be reviewed by the City Counselor. Technical changes may be recommended and shown in the attached amended ordinance or a separate development agreement.

A copy of the revised SOI, dated February 3, 2014, and updated site plans, revised January 2014, are attached.

FISCAL IMPACT:

As previously stated

VISION IMPACT:

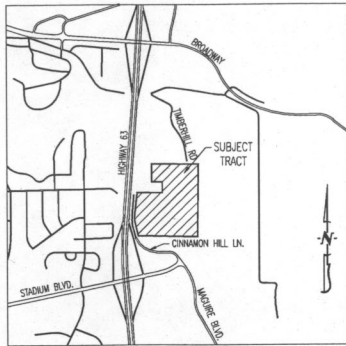
<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

This proposal supports Strategy 5.3.1 which states development will "use the city's development planning process to promote socio-economically diverse, mixed-use neighborhoods that are supported by citywide bicycle, pedestrian, and transit systems to reduce the need for automobile commuting."

SUGGESTED COUNCIL ACTIONS:

Analysis has been provided for informational purposes.

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?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	5.3.1
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



LOCATION MAP
NOT TO SCALE

LEGEND:

- EXISTING 2FT CONTOUR
- EXISTING 10FT CONTOUR
- PROPOSED 2FT CONTOUR
- PROPOSED 10FT CONTOUR
- EXISTING STRUCTURE
- EXISTING TREELINE
- PROPOSED TREELINE
- EDGE OF WATERWAY
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- MANHOLE
- PROPOSED SANITARY SEWER LATERAL
- PROPOSED WATERLINE
- PROPOSED FIRE HYDRANT
- PROPOSED STORM SEWER
- BUILDING LINE
- LOT NUMBER
- STREAM BUFFER (OUTER LIMITS)
- PROPOSED PAVEMENT
- PROPOSED DETENTION/BIORETENTION
- TRASH COMPACTOR
- BICYCLE RACK

DENSITY CALCULATIONS:

LOT AREA:	42.98 ACRES±
PROPOSED NUMBER OF UNITS:	358
PROPOSED DENSITY:	8.3 UNITS / ACRE
PROPOSED ZONING:	PUD-9

PARKING CALCULATIONS:

PARKING REQUIRED:		
47 UNITS - 1 BEDROOM EFFICIENCY UNITS	1 SPACES / UNIT	= 47 SPACES
51 UNITS - 1 BEDROOM UNITS	1.5 SPACES / UNIT	= 77 SPACES
75 UNITS - 2 BEDROOM UNITS	2 SPACES / UNIT	= 150 SPACES
89 UNITS - 3 BEDROOM UNITS	2.5 SPACES / UNIT	= 223 SPACES
96 UNITS - 4 BEDROOM UNITS	2.5 SPACES / UNIT	= 240 SPACES
PLUS 1 SPACE / 5 UNITS:		= 72 SPACES
TOTAL SPACES REQUIRED:		= 809 SPACES
TOTAL SPACES PROVIDED:		= 987 SPACES
BICYCLE SPACES REQUIRED:		= 51 SPACES
BICYCLE SPACES PROVIDED:		= 60 SPACES

CALCULATIONS:

AREA:	
TOTAL LOT AREA (LOTS 1, 2, 3, & 4) =	40.80 ACRES±
CINNAMON HILL RIGHT OF WAY =	2.18 ACRES±
TOTAL PREVIOUS AREA =	1,125,725 S.F. (80%)

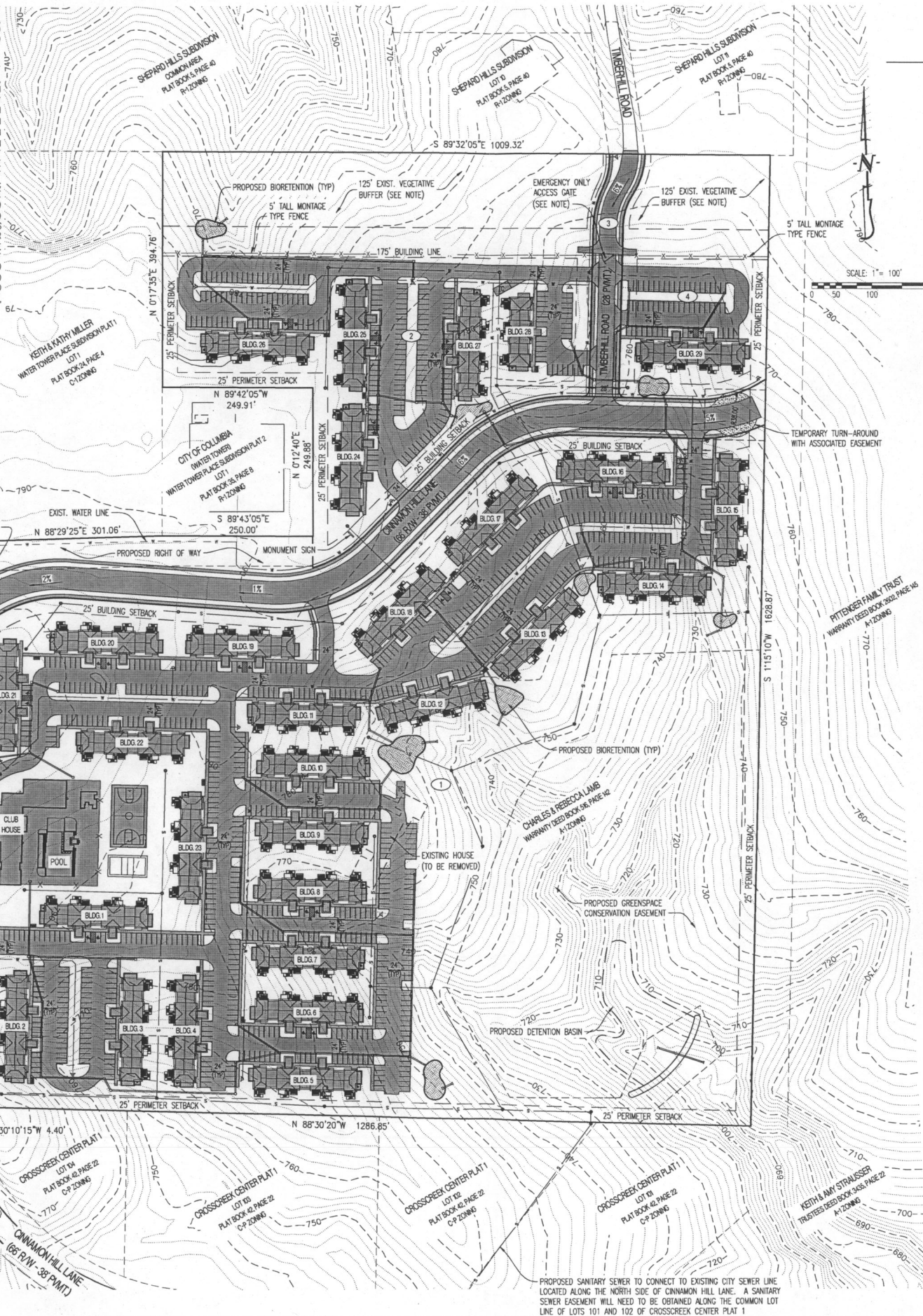
LANDSCAPE COMPLIANCE:

TOTAL PARKING LOT & DRIVE AREA=	347,496 SQ. FT.
TREES REQUIRED @ 1 TREE/4500 SQ. FT. =	77 TREES
TOTAL TREES REQUIRED=	77 TREES
MEDIUM TO LARGE TREES REQUIRED (30%)=	23 TREES
TOTAL TREES PROVIDED=	90 TREES

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 516, PAGE 142 AND THE SURVEY RECORDED IN BOOK 569, PAGE 189 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 17, AS SHOWN BY CROSSCREEK CENTER PLAT 1, RECORDED IN PLAT BOOK 42, PAGE 22, AND WITH THE NORTH LINE THEREOF, N 88°30'20"W, 1286.85 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 63; LEAVING THE NORTH LINE OF SAID CROSSCREEK CENTER PLAT 1 AND WITH THE LINES OF SAID EAST RIGHT-OF-WAY, N 30°10'15"W, 4.40 FEET; THENCE N 10°08'05"W, 356.34 FEET; THENCE N 7°20'05"E, 530.50 FEET; THENCE N 4°51'00"E, 70.00 FEET TO THE SOUTH LINE OF WATER TOWER PLACE SUBDIVISION PLAT 1, RECORDED IN PLAT BOOK 24, PAGE 4; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE AND WITH THE SOUTH LINE OF SAID WATER TOWER PLACE SUBDIVISION PLAT 1, N 88°29'25"E, 301.06 FEET TO THE SOUTHWEST CORNER OF WATER TOWER PLACE SUBDIVISION PLAT 2, RECORDED IN PLAT BOOK 35, PAGE 8; THENCE LEAVING SAID WATER TOWER PLACE SUBDIVISION PLAT 1, AND WITH THE LINES OF SAID WATER TOWER PLACE SUBDIVISION PLAT 2, S 89°43'05"E, 250.00 FEET; THENCE N 01°12'40"E, 249.88 FEET; THENCE N 89°42'02"W, 249.91 FEET TO THE EAST LINE OF SAID WATER TOWER PLACE PLAT 1; THENCE LEAVING THE LINES OF SAID WATER TOWER PLACE PLAT 1, AND WITH THE EAST LINE OF SAID WATER TOWER PLACE PLAT 1, N 01°17'35"E, 394.76 FEET TO THE SOUTH LINE OF THE SURVEY RECORDED IN BOOK 3703, PAGE 23; THENCE LEAVING THE LINES OF SAID WATER TOWER PLACE SUBDIVISION PLAT 1, AND WITH THE SOUTH LINE OF SAID SURVEY RECORDED IN BOOK 3703, PAGE 23, S 89°32'05"E, 1009.32 FEET TO THE NORTH-SOUTH SUBDIVISION LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE WITH SAID NORTH-SOUTH SUBDIVISION LINE, S 1°15'10"W, 1628.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 42.98 ACRES.



PRELIMINARY PLAT & PUD PLAN THE AVENUE AT COLUMBIA

A MAJOR SUBDIVISION LOCATED IN SECTION 17,
TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
SEPTEMBER 2013
REVISED JANUARY 2014

RECEIVED

JAN 23 2014

PLANNING DEPT.

NOTES:

1. SITE ADDRESS IS 1202 CINNAMON HILL LANE.
2. THE INTENT FOR THIS DEVELOPMENT IS TO BE DEVELOPED IN ONE PHASE. HOWEVER MULTIPLE PHASES WOULD BE ALLOWED.
3. PROPOSED BIKE RACKS SHALL HAVE A MINIMUM CAPACITY 5 BIKES PER RACK WITH THE TOTAL NUMBER OF BIKE SPACES NOT LESS THAN 60.
4. THE MAXIMUM HEIGHT OF ANY BUILDING WILL NOT EXCEED 37', MEASURED FROM THE LOWEST ADJACENT GRADE OF EACH BUILDING.
5. TWO DEVELOPMENT SIGNS SHALL BE ALLOWED AND SHALL BE MONUMENT SIGNS WITH A MAXIMUM AREA OF 16 SQ.FT. AND A MAXIMUM HEIGHT OF 4 FT. MEASURED FROM THE ADJACENT GRADE. THEY SHALL BE PLACED A MINIMUM OF 10' FROM THE RIGHT-OF-WAY AS SHOWN.
6. NO PART OF THIS TRACT LIES WITHIN THE 100 YEAR FLOODPLAIN AS ADOPTED BY THE CITY OF COLUMBIA AS SHOWN BY FIRM PANELS 29019C0285D & 29019C0295D DATED MARCH 17, 2011.
7. ALL SANITARY SEWERS SHALL BE LOCATED WITHIN THE APPROPRIATE WIDTH EASEMENT. SAID EASEMENTS SHALL BE GRANTED AT THE TIME OF FINAL DESIGN.
8. ALL PUBLIC SANITARY SEWER EXTENSIONS SHALL BE MINIMUM OF 8" DIAMETER. SEWERS SHALL BE LOCATED WITHIN 16 FOOT WIDE EASEMENTS OR EASEMENTS EQUAL TO THE DEPTH OF THE SEWER IF SEWER IS GREATER THAN 16 FEET. NO SEWER TAPS WILL BE GREATER THAN 20 FEET.
9. WATER DISTRIBUTION TO BE DESIGNED BY THE CITY OF COLUMBIA WATER AND LIGHT DEPARTMENT.
10. ALL DRIVEWAY, ROADWAY, AND ACCESS ASILES ARE SUBJECT TO FIRE DEPARTMENT APPROVAL AT THE TIME OF FINAL DESIGN.
11. ALL ON-SITE LIGHTING WILL BE NO GREATER THAN 20-FEET IN HEIGHT AND SHALL COMPLY WITH THE REQUIREMENTS OF ORDINANCE #20013. NO "WALL-PACK" LIGHTING WILL BE ALLOWED. ALL LIGHTING SHALL BE DIRECTED DOWNWARD & INWARD TOWARD THE PROJECT IMPROVEMENTS.
12. AMENITIES MAY INCLUDE BASKETBALL COURT(S), SAND VOLLEYBALL COURT(S), GAZEBO, FIRE PITS, CLUBHOUSE, ETC..
13. NATURAL GAS DISTRIBUTION TO BE DESIGNED BY AMEREN UE.
14. BUILDING NUMBERS SHOWN ARE FOR INVENTORY PURPOSES ONLY.
15. THE EXISTING ZONING OF THIS TRACT IS A-1 (PENDING REZONING TO PUD 9).
16. A 5' SIDEWALK SHALL BE CONSTRUCTED ALONG BOTH SIDES OF THE CINNAMON HILL LANE EXTENSION LOCATED INTERNAL TO THIS DEVELOPMENT.
17. ELECTRIC DISTRIBUTION TO BE DESIGNED BY THE CITY OF COLUMBIA WATER & LIGHT DEPARTMENT.
18. NO REGULATED STREAM BUFFER IS IDENTIFIED ON THIS TRACT BY ARTICLE X, CHAPTER 12A OF THE CITY CODE OF ORDINANCES AND AS SHOWN BY THE COLUMBIA USGS QUADRANGLE.
19. A MINIMUM OF 25% OF THE CLIMAX FOREST ON THIS TRACT SHALL BE PRESERVED IN THE LOCATIONS DEPICTED ON THIS PLAN. FUTURE GRADING PLANS NOT THE DEPICTED PRESERVATION AREAS SHALL BE ADJUSTED TO ENSURE THAT THE CLIMAX FOREST IS PRESERVED. A TREE PRESERVATION PLAN SHALL BE SUBMITTED AND APPROVED BY THE CITY ARBORIST PRIOR TO LAND DISTURBANCE.
20. THE MAXIMUM RELEASE RATE FROM THIS DEVELOPMENT SHALL BE CONTROLLED BY LIMITING THE POST-DEVELOPMENT STORM WATER RELEASE RATES TO THE PREDEVELOPMENT RATES FOR THE 1, 2, 10 AND 100 YEAR STORMS.
21. PROPOSED BIOTENTION AREAS WILL BE SIZED AT THE TIME OF FINAL DESIGN.
22. PARKING STALL DIMENSIONS SHALL BE A MINIMUM 18' LONG X 8.5' WIDE.
23. THE PRIVATE ROADWAY (TIMBERHILL ROAD) SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY'S DESIGN STANDARDS FOR LOCAL RESIDENTIAL STREETS, INCLUDING REQUIRED SIDEWALKS, WITHIN THREE YEARS OF FINAL PLAT APPROVAL OR PRIOR TO ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY WITHIN THE DEVELOPMENT WHICHEVER OCCURS FIRST. SUCH ROADWAY WILL BE PLATTED AS A PRIVATELY-OWNED PARCEL (SHOWN AS LOT 3) AND THE ROADWAY WILL REMAIN PRIVATELY OWNED & GATED UNTIL SUCH TIME AS CINNAMON HILL LANE IS EXTENDED TO CONNECT WITH ROUTE WW. PRIOR TO DEDICATION FOR PUBLIC USE THE ROADWAY SHALL REMAIN CLOSED TO THROUGH TRAFFIC; HOWEVER, SHALL BE OPERABLE DURING TIMES OF EMERGENCY AS DETERMINED BY THE CITY OF COLUMBIA. PRIOR TO ACCEPTANCE FOR PUBLIC USE, THE CITY SHALL CONDUCT AN INSPECTION AND THE OWNER SHALL PERFORM ANY REPAIRS NECESSARY TO BRING THE ROADWAY INTO COMPLIANCE WITH CITY STANDARDS.
24. ADDITIONAL ADDRESS SIGNAGE MAY BE ADDED AT EACH DRIVE AT THE REQUEST OF THE CITY PRIOR TO ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY.
25. SHOULD CINNAMON HILL LANE BE EXTENDED AS SHOWN, THE WATERLINE ACCESS EASEMENT RECORDED IN BOOK 421, PAGE 940 WOULD BE VACATED OR MODIFIED IN ORDER TO PROVIDE A MORE DIRECT ROUTE FOR ACCESS TO THE WATER TOWER. ALL EXISTING WATERLINES WOULD REMAIN WITHIN AN EASEMENT.
26. THERE SHALL BE A 125 FOOT BUFFER PRESERVED ALONG THE NORTHERN PORTION OF THIS TRACT. PURPOSE OF SAID BUFFER IS TO PRESERVE THE EXISTING VEGETATION WITHIN LIMITS OF SAID BUFFER, EXCEPTING THEREFROM THE TIMBERHILL ROAD EXTENSION AND OTHER IMPROVEMENTS AS SHOWN ON THE PLAN.
27. THE 175 FOOT BUILDING LINE AS SHOWN ADJACENT TO THE NORTH PROPERTY LINE SHALL PROHIBIT ANY BUILDINGS TO BE CONSTRUCTED ON, OVER, OR NORTH OF SAID LINE. EXCEPTING THEREFROM THE TIMBERHILL ROAD EXTENSION AND OTHER IMPROVEMENTS AS SHOWN ON THE PLAN.

OWNER:
CHARLES & REBECCA LAMB
1202 CINNAMON HILL LANE
COLUMBIA, MO 65201

CONTRACT PURCHASER:
PARK 7 GROUP
461 PARK AVE S, FLOOR 4
NEW YORK, NY 10016

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING
COMMISSION THIS _____ DAY OF _____, 2014.

STEPHEN REICHLIN, VICE CHAIRPERSON

PREPARED BY:

CROCKETT

ENGINEERING CONSULTANTS
2608 North Stadium Boulevard
Columbia, Missouri 65202
(314) 447-0972

www.crockettengineering.com

Crockett Engineering Consultants, LLC
Missouri Certificate of Authority
#0000010104

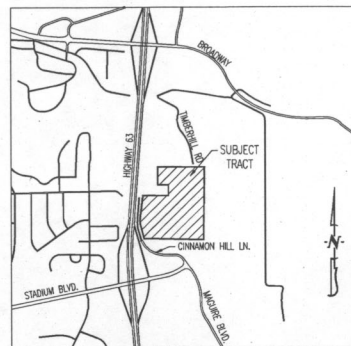


TIMOTHY D. CROCKETT - PE-2004000775

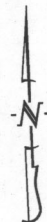
ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI, THIS
_____ DAY OF _____, 2014.

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK



LOCATION MAP
NOT TO SCALE



SCALE: 1" = 100'
0 50 100 200

LEGEND:

- EXISTING 2FT CONTOUR
- EXISTING 10FT CONTOUR
- PROPOSED 2FT CONTOUR
- PROPOSED 10FT CONTOUR
- EXISTING STRUCTURE
- EXISTING TREELINE
- PROPOSED TREELINE
- EDGE OF WATERWAY
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- MANHOLE
- PROPOSED SANITARY SEWER LATERAL
- PROPOSED WATERLINE
- PROPOSED FIRE HYDRANT
- PROPOSED STORM SEWER
- BUILDING LINE
- LOT NUMBER
- EXISTING CLIMAX FOREST
- PRESERVED CLIMAX FOREST

PLANTING NOTES:

QUANTITY	PLANT SPECIES
30	PIN OAK - QUERCUS PALUSTRIS
60	SARGENT CRABAPPLE - MALUS SARGENTI
1' TALL MULCH BERM WITH LANDSCAPED BED CONTAINING SMALL ORNAMENTAL TREES, DECORATIVE GRASSES, DECIDUOUS SHRUBS, EVERGREEN SHRUBS, AND ANY COMBINATION THEREOF. LANDSCAPE BEDS SHALL CONFORM TO SCREENING REQUIREMENTS FOR THE CITY OF COLUMBIA. SCREENING SHALL REACH 50% DENSITY IN THE SPACE BETWEEN 1' AND 5' ABOVE GRADE AT THE SCREEN LINE.	

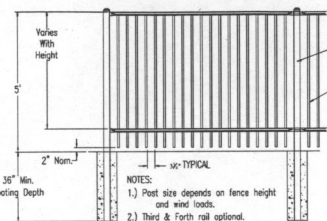
CALCULATIONS:

LANDSCAPE COMPLIANCE:	
TOTAL PARKING LOT & DRIVE AREA =	347,496 SQ. FT.
TREES REQUIRED @ 1 TREE/4500 SQ. FT. =	77 TREES
TOTAL TREES REQUIRED =	77 TREES
TOTAL TREES PROVIDED =	23 TREES
TOTAL TREES PROVIDED (30%) =	90 TREES
CLIMAX FOREST:	
EXISTING CLIMAX FOREST =	1,253,771 SQ. FT.
PRESERVED CLIMAX FOREST =	356,163 SQ. FT. (28%)
MINIMUM TO BE PRESERVED SHALL BE 25%	

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 516, PAGE 142 AND THE SURVEY RECORDED IN BOOK 569, PAGE 189 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 17, AS SHOWN BY CROSSCREEK CENTER PLAT 1 RECORDED IN PLAT BOOK 42, PAGE 22, AND WITH THE NORTH LINE THEREOF, N 88°30'20"W, 1286.85 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 63; LEAVING THE NORTH LINE OF SAID CROSSCREEK CENTER PLAT 1 AND WITH THE LINES OF SAID EAST RIGHT-OF-WAY, N 30°10'15"W, 4.40 FEET; THENCE N 10°08'05"W, 356.34 FEET; THENCE N 72°05'E, 530.50 FEET; THENCE N 4°51'00"E, 70.00 FEET TO THE SOUTH LINE OF WATER TOWER PLACE SUBDIVISION PLAT 1, RECORDED IN PLAT BOOK 24, PAGE 4; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE AND WITH THE SOUTH LINE OF SAID WATER TOWER PLACE SUBDIVISION PLAT 1, N 88°29'25"E, 301.06 FEET TO THE SOUTHWEST CORNER OF WATER TOWER PLACE SUBDIVISION PLAT 2, RECORDED IN PLAT BOOK 35, PAGE 8; THENCE LEAVING SAID WATER TOWER PLACE SUBDIVISION PLAT 1, AND WITH THE LINES OF SAID WATER TOWER PLACE SUBDIVISION PLAT 2, S 89°43'05"E, 250.00 FEET; THENCE N 0°12'40"E, 249.88 FEET; THENCE N 89°42'05"W, 249.91 FEET TO THE EAST LINE OF SAID WATER TOWER PLACE PLAT 1; THENCE LEAVING THE LINES OF SAID WATER TOWER PLACE PLAT 1, N 0°17'35"E, 394.76 FEET TO THE SOUTH LINE OF THE SURVEY RECORDED IN BOOK 3703, PAGE 23; THENCE LEAVING THE LINES OF SAID WATER TOWER PLACE SUBDIVISION PLAT 1, AND WITH THE SOUTH LINE OF SAID SURVEY RECORDED IN BOOK 3703, PAGE 23, S 89°32'05"E, 1009.32 FEET TO THE NORTH-SOUTH SUBDIVISION LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE WITH SAID NORTH-SOUTH SUBDIVISION LINE, S 1°15'10"W, 1628.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 42.98 ACRES.



MONTAGE FENCE DETAIL
NOT TO SCALE

HIGHWAY 63 (SOUTH BOUND)

HIGHWAY 63 (NORTH BOUND)

N 4°51'00"E 70.00'

N 88°29'25"E 301.06'

N 30°10'15"W 4.40'

N 88°30'20"W 1286.85'

N 10°08'05"W 356.34'

N 72°05'E 530.50'

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Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 372-13

AN ORDINANCE

rezoning property located northeast of the Stadium Boulevard ,
Cinnamon Hill Lane and Maguire Boulevard intersection (1202
Cinnamon Hill Lane) from District A-1 to District PUD-9;
approving the Statement of Intent with conditions; repealing all
conflicting ordinances or parts of ordinances; approving the
Preliminary Plat and PUD Plan of The Avenue at Columbia;
and fixing the time when this ordinance shall become effective.

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

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

A TRACT OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST
QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST,
COLUMBIA, BOONE COUNTY, MISSOURI AND BEING THE LAND
DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 516,
PAGE 142 AND THE SURVEY RECORDED IN BOOK 569, PAGE 189 AND
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF
THE SOUTHEAST QUARTER OF SAID SECTION 17, AS SHOWN BY
CROSSCREEK CENTER PLAT 1, RECORDED IN PLAT BOOK 42, PAGE
22, AND WITH THE NORTH LINE THEREOF, N 88°30'20"W, 1286.85 FEET
TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 63; LEAVING THE
NORTH LINE OF SAID CROSSCREEK CENTER PLAT 1 AND WITH THE
LINES OF SAID EAST RIGHT-OF-WAY, N 30°10'15"W, 4.40 FEET;
THENCE N 10°08'05"W, 356.34 FEET; THENCE N 7°20'05"E, 530.50 FEET;
THENCE N 4°51'00"E, 70.00 FEET TO THE SOUTH LINE OF WATER
TOWER PLACE SUBDIVISION PLAT 1, RECORDED IN PLAT BOOK 24,
PAGE 4; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE AND WITH
THE SOUTH LINE OF SAID WATER TOWER PLACE SUBDIVISION PLAT
1, N 88°29'25"E, 301.06 FEET TO THE SOUTHWEST CORNER OF WATER
TOWER PLACE SUBDIVISION PLAT 2, RECORDED IN PLAT BOOK 35,

PAGE 8; THENCE LEAVING SAID WATER TOWER PLACE SUBDIVISION PLAT 1, AND WITH THE LINES OF SAID WATER TOWER PLACE SUBDIVISION PLAT 2, S 89°43'05"E, 250.00 FEET; THENCE N 0°12'40"E, 249.88 FEET; THENCE N 89°42'05"W, 249.91 FEET TO THE EAST LINE OF SAID WATER TOWER PLACE PLAT 1; THENCE LEAVING THE LINES OF SAID WATER TOWER PLACE PLAT 2, AND WITH THE EAST LINE OF SAID WATER TOWER PLACE PLAT 1, N 0°17'35"E, 394.76 FEET TO THE SOUTH LINE OF THE SURVEY RECORDED IN BOOK 3703, PAGE 23; THENCE LEAVING THE LINES OF SAID WATER PLACE SUBDIVISION PLAT 1, AND WITH THE SOUTH LINE OF SAID SURVEY RECORDED IN BOOK 3703, PAGE 23, S 89°32'05"E, 1009.32 FEET TO THE NORTH-SOUTH SUBDIVISION LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE WITH SAID NORTH-SOUTH SUBDIVISION LINE, S 1°15'10"W, 1628.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 42.98 ACRES.

will be rezoned and become a part of District PUD-9 (Planned Unit Development) with a development density not exceeding nine dwelling units per acre and taken away from District A-1 (Agricultural District). Hereafter the property may be used for all permitted uses in District R-3 (Medium Density Multiple-family Dwelling District).

SECTION 2. The City Council hereby approves the terms and conditions contained in paragraphs "a" through "h" of the Statement of Intent dated December 6, 2013, attached hereto as Exhibit A and made a part of this ordinance. Paragraph "i" of the Statement of Intent shall be amended to require construction of the improvements by Applicant within two (2) years after issuance of the first certificate of occupancy for a dwelling unit within the development unless such improvements are not approved by MoDOT. Paragraph "j" of the Statement of Intent shall be amended to add a requirement that the landscaping berm shall be extended along the entire north property line and the adjoining property owners shall also be named as beneficiaries of the covenants and restrictions. A new paragraph "k" shall be added to clarify the area between the north property line and the 100-foot building line is to be maintained as a landscaped buffer, except as otherwise shown on the plan or set forth in the approving ordinance. The Statement of Intent as amended herein shall be binding on the owners until such time as the Council shall release such limitations and conditions on the use of the property.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. The City Council hereby approves the Preliminary Plat and PUD Plan of The Avenue at Columbia, as certified and signed by surveyor on December 6, 2013, for the property referenced in Section 1 above.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2014.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

VAN MATRE, HARRISON, HOLLIS, TAYLOR, AND BACON, P.C.

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
1103 EAST BROADWAY
POST OFFICE BOX 1017
COLUMBIA, MISSOURI 65201

CRAIG A. VAN MATRE
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ROBERT N. HOLLIS
GARRETT S. TAYLOR
BRYAN C. BACON*
CASEY E. ELLIOTT

(573) 874-7777
TELECOPIER (573) 875-0017
E-MAIL robert@vanmatre.com

EVERETT S. VAN MATRE
(1922-1998)
*ADMITTED IN MISSOURI AND ILLINOIS

December 6, 2013

Tim Teddy, Director
Department of Planning & Development
City of Columbia
701 E Broadway
Columbia, MO 65201

Pat Zenner
Department of Planning & Development
City of Columbia
701 E Broadway
Columbia, MO 65201

RE: Statement of Intent / Application for Permanent Rezoning and Planned Unit
Development Plan / The Avenue at Columbia / Park7 Group (the "Applicant")

Dear Mssrs. Teddy and Zenner,

The following is intended to satisfy the requirements of Section 29-10(e)(2) of the City's
Zoning Ordinances:

a. The uses proposed for the site are all uses permitted in Section 29-8 District R-3
of the City's zoning ordinances.

b. The types of dwelling units shall be: Multiple-Family, including, without limiting
the foregoing, 1, 2, 3, and/or 4 bedroom units.

c. The maximum number of dwelling units shall be 387 units and maximum density
shall be 9 units per acre.

d. The maximum building height proposed for the Property is 37 feet measured from
the lowest adjacent grade of each building.

e. The total number of vehicle parking spaces proposed is 1068 and the proposed
parking ratio per dwelling unit is 2.76 (1068/387), which is based on the maximum number of
units permitted under a PUD-9 zoning designation. The PUD Plan contains 358 units and 987
parking spaces, which is a parking ratio of 2.76. Should the number of units change which
results in a different number of bedrooms per unit or should the type of units change under the
current number of units such that there are more or less bedrooms, the need for parking would
likely change. In such case, the parking ratio might vary slightly based on the actual number of

bedrooms (e.g., if more units but lower ratio of bedrooms per unit, a parking ratio of 2.5 might be more appropriate or if less units but higher ratio of bedrooms per unit, a parking ratio of 3.0 might be more appropriate). The upper limit on parking spaces shall be product of 1.25 multiplied by the actual number of bedrooms.

f. The minimum percentage of the site to be maintained in open space shall be a total of 60%. Of such total, 45% shall be in landscaping and 15% shall be in existing vegetation.

g. Proposed amenities may be swimming pools, basketball courts, tennis courts, and club houses.

h. The PUD Plan is generally described as a plan containing Multiple-Family 1, 2, 3, and 4 bedroom units and any combination of same. There shall be no minimum lot size. Units may be contained on a single zero lot line lot, a single family lot, or on a large lot containing several units. There shall be a minimum yard setback of twenty-five feet. There shall be no other minimum setbacks from perimeter or interior streets or between buildings.

i. Should MoDOT approve either or both of the following prior to the earlier of two years from the effective date of this Statement of Intent or the date upon which the Applicant shall have submitted final design plans for any phase of development under the PUD Plan, the Applicant shall cause such approved matter to be completed before it shall obtain occupancy permits for the improvements constructed under the PUD Plan:

1. extend the east bound left turn lane at the intersection of Audubon Drive and Stadium Boulevard by approximately 300 feet;
2. modify the traffic signal at Audubon Drive and Stadium Boulevard to include a dedicated east bound left turn signal from Stadium Boulevard onto Audubon Drive.


j. The developer shall be required to record covenants and restrictions applicable to the real estate within the development prior to final plat approval, which shall describe the following obligations of the Applicant, and its successors and assigns, and shall name the Timberhill Road Neighborhood Association, the Shepard Hills Improvement Association, and the Shepard Boulevard Neighborhood Association (the "Associations") as the beneficiaries of said covenants and restrictions: the potential obligations of the Applicant with regard to the intersection of Audubon Drive and Stadium Boulevard described in item i. of this Statement of Intent; the installation and maintenance of landscaping improvements and a berm along a portion of the north boundary of the Property as shown on the PUD Plan, including the replacement of dead landscaping; the installation of a fence along a portion of the north boundary of the Property adjacent the property to which the Shepard Hills Improvement Association and Timberhill Road Neighborhood Association apply, as shown on the PUD Plan; facilitate connection of fiber optic service to the property to which the Shepard Hills Improvement

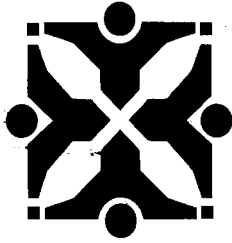
Association and Timberhill Road Neighborhood Association apply (i.e., install to subdivision boundary through the Property or cause a provider of optic service to deliver to subdivision by another route); and, the restrictions and obligations as to Timberhill Road as shown and described on the PUD Plan.

Sincerely,

Van Matre, Harrison, Hollis, Taylor, and Bacon, P.C.

By:


Robert N. Hollis



Source: Community Development - Planning ^{TT}

Agenda Item No:

To: City Council

From: City Manager and Staff ^{MM}

Council Meeting Date: Dec 16, 2013

Re: Park 7 Group rezoning and PUD plan approval (Case # 13-204)

EXECUTIVE SUMMARY:

A request by the Crockett Engineering, on behalf of Park 7 Group (contract purchaser), to rezone approximately 43 acres from A-1 (Agriculture) to PUD 9 (Planned Unit Development maximum 9 units/acre) and receive approval of a final PUD development plan to be known as "The Avenue at Columbia". The subject property is located approximately 1500 feet northeast of the Stadium Boulevard/Cinnamon Hill Lane/Maguire Boulevard intersection and is addressed as 1202 Cinnamon Hill Lane. **(Case # 13-204)**

DISCUSSION:

The applicant is requesting to rezone approximately 43 acres from A-1 to PUD-9 for the purpose of developing a 358 unit, 899 bed residential development for collegiate housing. The current zoning permits single-family dwellings on minimum 7,000 square foot lots. The submitted Statement of Intent (attached) limits the development on the site to all R-3 district uses (single-family, duplex, and multi-family) and with a total of 387 units.

The submitted PUD development plan (attached) provides assurances relating to the intended development pattern of the site and attempts to address many of the possible impacts that this project will create on the surrounding area. The development plan shows 1) enhanced buffering of the residential property to the north, 2) the extension of Timberhill Road to the south as a gated private roadway (built to public street standards) for emergency access and future connectivity, 3) extension of Cinnamon Hill Lane through the property with expanded right-of-way to accommodate access to the C-1 and City water tank sites to the north and the large tract to the east, and 4) a permanent green space conservation easement to protect the climax forest.

The proposed PUD zoning is consistent with the "neighborhood district" designation recommendation by Columbia Imagined and would provide a land use transition between the higher intensity commercial to the south and the lower density single-family to the north. The traffic study prepared as part of the submission indicates that signal timing adjustments at nearby intersections along Stadium Boulevard will be required to accommodate future traffic.

At its November 21, 2013 meeting, the Planning and Zoning Commission considered the rezoning and development plan and voted (5-2) to recommend approval of the application subject to items 2 through 12 proposed by the Shepard Hill Improvement Association (attached), revisions to the SOL relating to building height, parking, vegetative cover, and incorporation of the conditions offered by the applicant on pages 5 & 6 of their slide presentation (attached), as well as revisions to the PUD plan and the notation relating the opening of Timberhill Road as shown on the plan.

In arriving at its recommendation the Commission commented on the opening of the Timberhill Road connection, the proposed public infrastructure improvements, building heights, site grading, loss of vegetative cover, and security issues for development residents. The Commission indicated that it felt the proposed development was in the right location and engaged the adjacent neighborhood associations effectively; however, was potentially too dense and could be improved by potential layout changes. They

also acknowledged that the site could have been proposed for further commercialization and the development as proposed would eliminate that possibility. Commissioners voting no expressed concerns that the development was too dense and too abrupt a transition from the low-density of the areas to the north and east.

The applicant and their agents made presentations and answered Commission questions. Approximately six individuals spoke in opposition to the plan citing concerns about their loss in quality of life, the removal of trees, the connection of Timberhill Road to the extension of Cinnamon Hill Lane, traffic impacts on Stadium Boulevard, and the possibility that the development was not needed due to the market being over-saturated with similar developments. Representatives from the Shepard Hills Improvement Association/Timberhill Neighborhood Association submitted a petition with 12 conditions of approval that they desired be included in the ordinance rezoning the property.

A copy of the staff report, locator maps, PUD plan, SOI, correspondence, and meeting excerpts are attached.

FISCAL IMPACT:

This request will generate fiscal impacts related to the extension of public safety, transportation, and utility services. The applicant will construct all public improvements to City standards and internal roadways and utilities will be privately owned and maintained. Timing of incurred fiscal impacts for public facilities will not be within the next 2 fiscal years and the impacts created for utilities (water, sewer, trash) and public safety services will be collected from user fees.

VISION IMPACT:

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

This proposal supports Strategy 5.3.1 which states development will "use the city's development planning process to promote socio-economically diverse, mixed-use neighborhoods that are supported by citywide bicycle, pedestrian, and transit systems to reduce the need for automobile commuting."

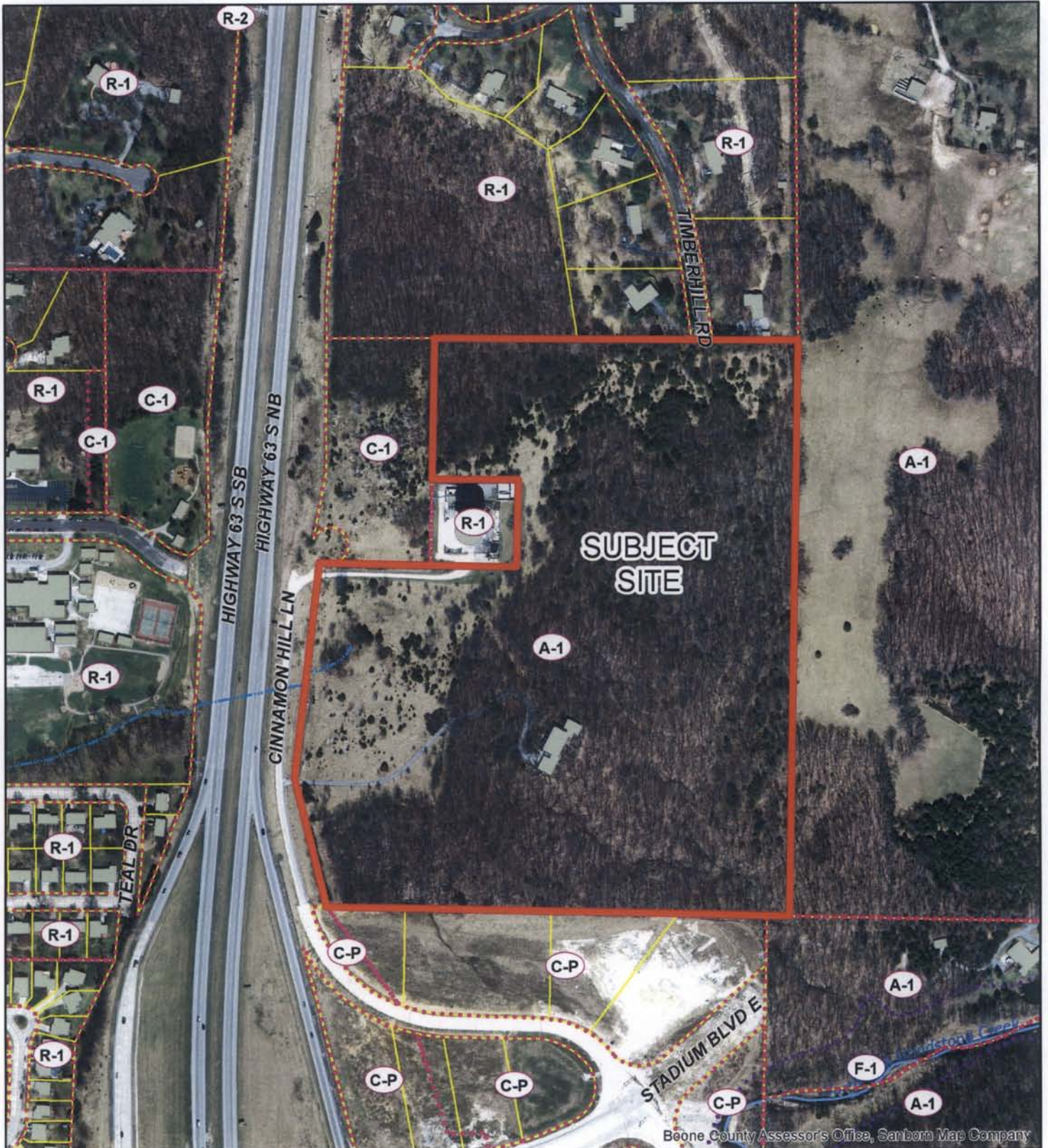
SUGGESTED COUNCIL ACTIONS:

Approval of the rezoning from A-1 to PUD 9 and the PUD development plan entitled "Avenue at Columbia" as recommended by the Planning and Zoning Commission subject to:

1. Satisfactory compliance with conditions 2 through 12 proposed by the Shepard Hill Improvement Association (attached)
2. Revisions to the SOI relating to building height, parking, and vegetative cover.
3. Revisions to the PUD plan and the notation relating the opening of Timberhill Road.

Note: The applicant has revised the SOI and PUD plan to address the Commission's approval conditions with the exception of extending the landscaping berm along the northern property line of the subject site as stated in item # 3 of the Shepard Hills Improvement Association conditions.

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?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	5.3.1
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

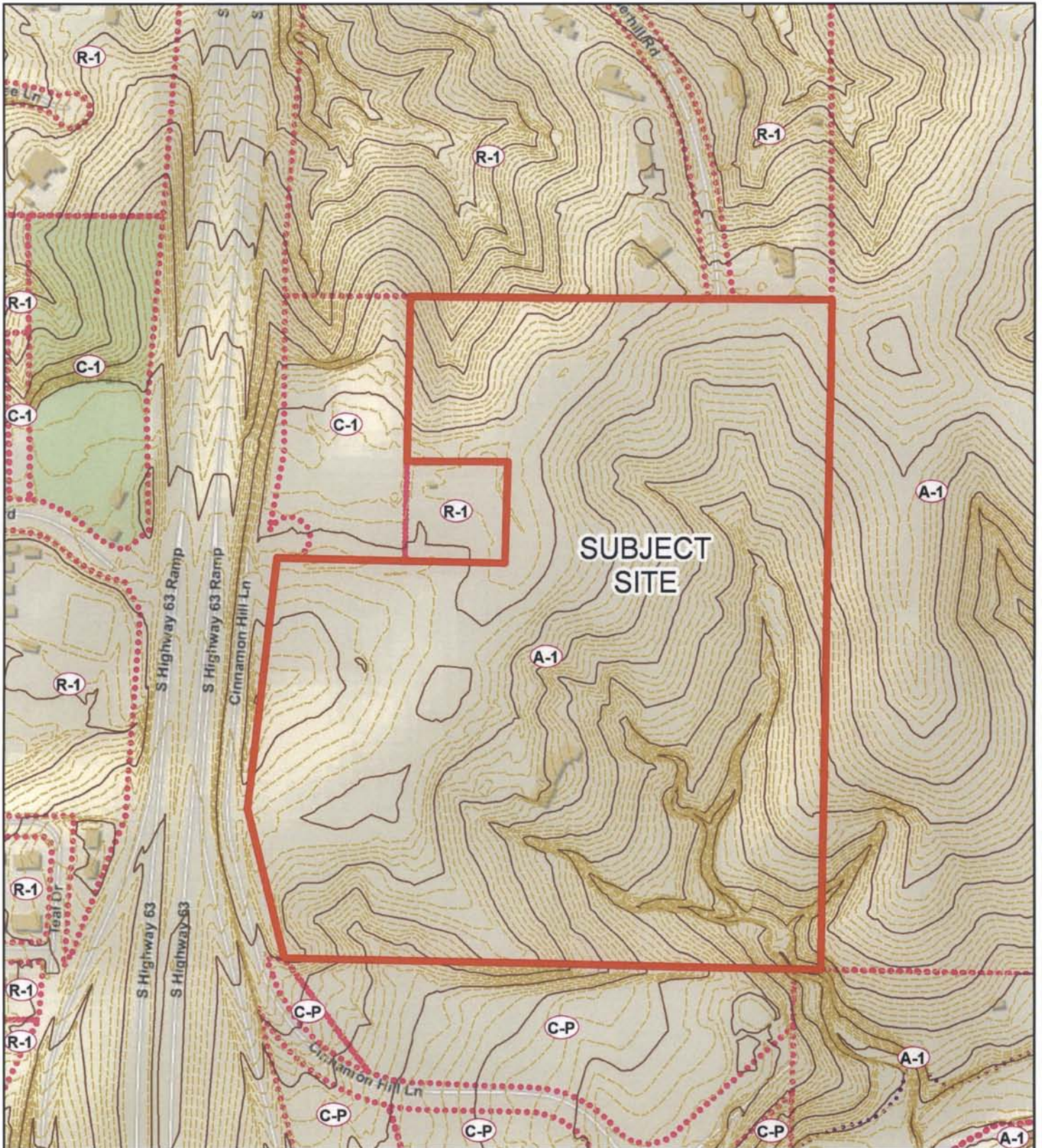


Parcel Data
Source: Boone County Assessor

13-204: Park 7 Group Rezoning for Lamb PUD

0 205 410 820
Feet

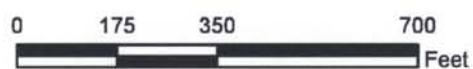




13-204: Park 7 Group Rezoning for Lamb PUD



Parcel Data
Source: Boone County Assessor



We want to make a statement about the nature of the neighborhood. Because of our experience, we do not believe a student housing development is appropriate bordering our neighborhood.

If the development is approved, we propose that the following be included in the ordinance:

1. Current Timberhill Road is not included in this proposal. It will only be opened upon request of the Timberhill Road Neighborhood Association (TRNA). In this event, the city is responsible for cost and construction for improvements.
2. The developer and subsequent development is assigned responsibility for securing the perimeter of the property.
3. A 5- foot irrigated berm will extend to the Miller property
4. Landscape planting will be established and maintained on the berm.
5. Maintenance by developer and subsequent development of existing trees and foliage next to the property line.
6. The road to be built will be used for emergency vehicles only with a gate that others cannot use.
7. A proper (ex: government 5-wire) fence connecting to the gate
8. A TRNA accessible fire hydrant installed
9. Move buildings 24, 25 and 26 south of their current locations
10. Lighting directed downward and inward to the complex
11. Construction hours follow city requirements.
12. -Developer facilitates connection of fiber optic service to TRNA

Timberhill Road Neighborhood Association

Harold Johnson, President



NUUE
C O L U M B I A

Planning and Zoning Commission
Rezoning and PUD Plan

Case #13-204

November 21, 2013

- Request approval of PUD zoning and Plan subject to the following conditions:
 - A note will be added to the plan requiring Park7 to **maintain and replace trees and vegetation** preserved along north boundary
 - The plan shall be modified to show a **berm of 5 feet in height** and containing evergreen plant material
 - A note will be added to the plan requiring the **berm to be irrigated and maintained** by Park7

- Conditions continued:
 - The plan will be modified to show the **building line no closer than 100 feet** from the north boundary
 - The Statement of Intent will include obligations of Park7 to **extend the left turn pocket** by 300 feet and to include a dedicated **east bound left turn signal** upon MoDOT approval (at Audubon and Stadium)
 - The Statement of Intent will **require private covenants** stating Park7's obligations which are enforceable by adjacent property owners/association

- Conditions continued:
 - The Statement of Intent will be modified to address technical issues [e.g., Item #4 clarified to be consistent with PUD Plan (no decrease in open space), Item #5 will corrected to refer to total number of parking spaces and a ratio calculated per dwelling unit (no change in parking space requirements)]

Paul Levine
EVP Development/Partner
Park7 Group
461 Park Ave. South, 4th Floor
New York, NY 10016

Tel: (212) 481-1820
Cell: (203) 246-7474
Email: plevine@park7group.com





LOCATION MAP
NOT TO SCALE

LEGEND:

- EXISTING 2FT CONTOUR
- EXISTING 10FT CONTOUR
- PROPOSED 2FT CONTOUR
- PROPOSED 10FT CONTOUR
- EXISTING STRUCTURE
- EXISTING TREELINE
- PROPOSED TREELINE
- EDGE OF WATERWAY
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- MANHOLE
- PROPOSED SANITARY SEWER LATERAL
- PROPOSED WATERLINE
- PROPOSED FIRE HYDRANT
- PROPOSED STORM SEWER
- BUILDING LINE
- LOT NUMBER
- STREAM BUFFER (OUTER LIMITS)
- PROPOSED PAVEMENT
- PROPOSED DETENTION/BIORETENTION
- TRASH COMPACTOR
- BICYCLE RACK

DENSITY CALCULATIONS:

LOT AREA:	42.98 ACRES±
PROPOSED NUMBER OF UNITS:	358
PROPOSED DENSITY:	8.3 UNITS / ACRE
PROPOSED ZONING:	PUD-9

PARKING CALCULATIONS:

PARKING REQUIRED:		
47 UNITS - 1 BEDROOM EFFICIENCY UNITS	1 SPACES / UNIT	= 47 SPACES
51 UNITS - 1 BEDROOM UNITS	1.5 SPACES / UNIT	= 77 SPACES
75 UNITS - 2 BEDROOM UNITS	2 SPACES / UNIT	= 150 SPACES
89 UNITS - 3 BEDROOM UNITS	2.5 SPACES / UNIT	= 223 SPACES
96 UNITS - 4 BEDROOM UNITS	2.5 SPACES / UNIT	= 240 SPACES
PLUS 1 SPACE / 5 UNITS:		= 72 SPACES
TOTAL SPACES REQUIRED:		= 809 SPACES
TOTAL SPACES PROPOSED:		= 987 SPACES
BICYCLE SPACES REQUIRED:		= 51 SPACES
BICYCLE SPACES PROPOSED:		= 60 SPACES

CALCULATIONS:

AREA:	
TOTAL LOT AREA (LOTS 1, 2, 3, & 4) =	40.80 ACRES±
CINNAMON HILL RIGHT OF WAY =	2.18 ACRES±
TOTAL PERVIOUS AREA =	1,129,630 S.F. (60%)

LANDSCAPE COMPLIANCE:

TOTAL PARKING LOT & DRIVE AREA =	343,591 SQ. FT.
TREES REQUIRED @ 1 TREE/4500 SQ. FT. =	77 TREES
TOTAL TREES REQUIRED =	77 TREES
MEDIUM TO LARGE TREES REQUIRED (30%) =	23 TREES
TOTAL TREES PROVIDED =	90 TREES

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 516, PAGE 142 AND THE SURVEY RECORDED IN BOOK 569, PAGE 189 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 17, AS SHOWN BY CROSSCREEK CENTER PLAT 1, RECORDED IN PLAT BOOK 42, PAGE 22, AND WITH THE NORTH LINE THEREOF, N 88°30'20"W, 1286.85 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 63; LEAVING THE NORTH LINE OF SAID CROSSCREEK CENTER PLAT 1 AND WITH THE LINES OF SAID EAST RIGHT-OF-WAY, N 30°10'15"W, 4.40 FEET; THENCE N 10°08'05"W, 356.34 FEET; THENCE N 7°20'06"E, 530.50 FEET; THENCE N 4°51'00"E, 70.00 FEET TO THE SOUTH LINE OF WATER TOWER PLACE SUBDIVISION PLAT 1, RECORDED IN PLAT BOOK 24, PAGE 4; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE AND WITH THE SOUTH LINE OF SAID WATER TOWER PLACE SUBDIVISION PLAT 1, N 88°29'25"E, 301.06 FEET TO THE SOUTHWEST CORNER OF WATER TOWER PLACE SUBDIVISION PLAT 2, RECORDED IN PLAT BOOK 35, PAGE 8; THENCE LEAVING SAID WATER TOWER PLACE SUBDIVISION PLAT 1, AND WITH THE LINES OF SAID WATER TOWER PLACE SUBDIVISION PLAT 2, S 89°43'05"E, 250.00 FEET; THENCE N 0°12'40"E, 249.88 FEET; THENCE N 89°42'05"W, 249.91 FEET TO THE EAST LINE OF SAID WATER TOWER PLACE PLAT 1; THENCE LEAVING THE LINES OF SAID WATER TOWER PLACE PLAT 2, RECORDED IN PLAT BOOK 35, PAGE 8; THENCE LEAVING SAID WATER TOWER PLACE PLAT 1, N 0°17'35"E, 394.76 FEET TO THE SOUTH LINE OF THE SURVEY RECORDED IN BOOK 3703, PAGE 23; THENCE LEAVING THE LINES OF SAID WATER TOWER PLACE SUBDIVISION PLAT 1, AND WITH THE SOUTH LINE OF SAID SURVEY RECORDED IN BOOK 3703, PAGE 23, S 89°32'05"E, 1009.32 FEET TO THE NORTH-SOUTH SUBDIVISION LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE WITH SAID NORTH-SOUTH SUBDIVISION LINE, S 1°15'10"W, 1628.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 42.98 ACRES.

PRELIMINARY PLAT & PUD PLAN THE AVENUE AT COLUMBIA

A MAJOR SUBDIVISION LOCATED IN SECTION 17,
TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
SEPTEMBER 2013
REVISED DECEMBER 6, 2013

NOTES:

- SITE ADDRESS IS 1202 CINNAMON HILL LANE.
- THE INTENT FOR THIS DEVELOPMENT IS TO BE DEVELOPED IN ONE PHASE. HOWEVER MULTIPLE PHASES WOULD BE ALLOWED.
- PROPOSED BIKE RACKS SHALL HAVE A MINIMUM CAPACITY 5 BIKES PER RACK WITH THE TOTAL NUMBER OF BIKE SPACES NOT LESS THAN 60.
- THE MAXIMUM HEIGHT OF ANY BUILDING WILL NOT EXCEED 37', MEASURED FROM THE LOWEST ADJACENT GRADE OF EACH BUILDING.
- TWO DEVELOPMENT SIGNS SHALL BE ALLOWED AND SHALL BE MONUMENT SIGNS WITH A MAXIMUM AREA OF 16 SQ.FT. AND A MAXIMUM HEIGHT OF 4 FT. MEASURED FROM THE ADJACENT GRADE. THEY SHALL BE PLACED A MINIMUM OF 10' FROM THE RIGHT-OF-WAY AS SHOWN.
- NO PART OF THIS TRACT LIES WITHIN THE 100 YEAR FLOODPLAIN AS ADOPTED BY THE CITY OF COLUMBIA AS SHOWN BY FIRM PANELS 29019C0285D & 29019C0295D DATED MARCH 17, 2011.
- ALL SANITARY SEWERS SHALL BE LOCATED WITHIN THE APPROPRIATE WIDTH EASEMENT. SAID EASEMENTS SHALL BE GRANTED AT THE TIME OF FINAL DESIGN.
- ALL PUBLIC SANITARY SEWER EXTENSIONS SHALL BE MINIMUM OF 8" DIAMETER. SEWERS SHALL BE LOCATED WITHIN 16 FOOT WIDE EASEMENTS OR EASEMENTS EQUAL TO THE DEPTH OF THE SEWER IF SEWER IS GREATER THAN 16 FEET. NO SEWER TAPS WILL BE GREATER THAN 20 FEET.
- WATER DISTRIBUTION TO BE DESIGNED BY THE CITY OF COLUMBIA WATER AND LIGHT DEPARTMENT.
- ALL DRIVEWAY, ROADWAY, AND ACCESS AISLES ARE SUBJECT TO FIRE DEPARTMENT APPROVAL AT THE TIME OF FINAL DESIGN.
- ALL ON-SITE LIGHTING WILL BE NO GREATER THAN 20-FEET IN HEIGHT AND SHALL COMPLY WITH THE REQUIREMENTS OF ORDINANCE #20013. NO "WALL-PACK" LIGHTING WILL BE ALLOWED. ALL LIGHTING SHALL BE DIRECTED DOWNWARD & INWARD TOWARD THE PROJECT IMPROVEMENTS.
- AMENITIES MAY INCLUDE BASKETBALL COURT(S), SAND VOLLEYBALL COURT(S), GAZEBO, FIRE PITS, CLUBHOUSE, ETC..
- NATURAL GAS DISTRIBUTION TO BE DESIGNED BY AMEREN UE.
- BUILDING NUMBERS SHOWN ARE FOR INVENTORY PURPOSES ONLY.
- THE EXISTING ZONING OF THIS TRACT IS A-1 (PENDING REZONING TO PUD 9).
- A 5' SIDEWALK SHALL BE CONSTRUCTED ALONG BOTH SIDES OF THE CINNAMON HILL LANE EXTENSION LOCATED INTERNAL TO THIS DEVELOPMENT.
- ELECTRIC DISTRIBUTION TO BE DESIGNED BY THE CITY OF COLUMBIA WATER & LIGHT DEPARTMENT.
- NO REGULATED STREAM BUFFER IS IDENTIFIED ON THIS TRACT BY ARTICLE X, CHAPTER 12A OF THE CITY CODE OF ORDINANCES AND AS SHOWN BY THE COLUMBIA USGS QUADRANGLE.
- A MINIMUM OF 25% OF THE CLIMAX FOREST ON THIS TRACT SHALL BE PRESERVED IN THE LOCATIONS DEPICTED ON THIS PLAN. FUTURE GRADING PLANS NOT THE DEPICTED PRESERVATION AREAS SHALL BE ADJUSTED TO ENSURE THAT THE CLIMAX FOREST IS PRESERVED. A TREE PRESERVATION PLAN SHALL BE SUBMITTED AND APPROVED BY THE CITY ARBORIST PRIOR TO LAND DISTURBANCE.
- THE MAXIMUM RELEASE RATE FROM THIS DEVELOPMENT SHALL BE CONTROLLED BY LIMITING THE POST-DEVELOPMENT STORM WATER RELEASE RATES TO THE PREDEVELOPMENT RATES FOR THE 1, 2, 10 AND 100 YEAR STORMS.
- PROPOSED BIORETENTION AREAS WILL BE SIZED AT THE TIME OF FINAL DESIGN.
- PARKING STALL DIMENSIONS SHALL BE A MINIMUM 18' LONG X 8.5' WIDE.
- THE PRIVATE ROADWAY (TIMBERHILL ROAD) SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY'S DESIGN STANDARDS FOR LOCAL RESIDENTIAL STREETS, INCLUDING REQUIRED SIDEWALKS, WITHIN THREE YEARS OF FINAL PLAT APPROVAL OR PRIOR TO ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY WITHIN THE DEVELOPMENT WHICHEVER OCCURS FIRST. SUCH ROADWAY WILL BE PLATTED AS A PRIVATELY-OWNED PARCEL (SHOWN AS LOT 3) AND THE ROADWAY WILL REMAIN PRIVATELY OWNED & GATED UNTIL SUCH TIME AS CINNAMON HILL LANE IS EXTENDED TO CONNECT WITH ROUTE 111. PRIOR TO DEDICATION FOR PUBLIC USE THE ROADWAY SHALL REMAIN CLOSED TO THROUGH TRAFFIC; HOWEVER, SHALL BE OPERABLE DURING TIMES OF EMERGENCY AS DETERMINED BY THE CITY OF COLUMBIA. PRIOR TO ACCEPTANCE FOR PUBLIC USE, THE CITY SHALL CONDUCT AN INSPECTION AND THE OWNER SHALL PERFORM ANY REPAIRS NECESSARY TO BRING THE ROADWAY INTO COMPLIANCE WITH CITY STANDARDS.
- ADDITIONAL ADDRESS SIGNAGE MAY BE ADDED AT EACH DRIVE AT THE REQUEST OF THE CITY PRIOR TO ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY.
- SHOULD CINNAMON HILL LANE BE EXTENDED AS SHOWN, THE WATERLINE ACCESS EASEMENT RECORDED IN BOOK 421, PAGE 940 WOULD BE VACATED OR MODIFIED IN ORDER TO PROVIDE A MORE DIRECT ROUTE FOR ACCESS TO THE WATER TOWER. ALL EXISTING WATERLINES WOULD REMAIN WITHIN AN EASEMENT.
- PER THE STATEMENT OF INTENT, THE DEVELOPER WILL BE REQUIRED TO MAINTAIN AND REPLACE TREES AND VEGETATION PRESERVED ALONG THE NORTHERN PROPERTY LINE.

OWNER:
CHARLES & REBECCA LAMB
1202 CINNAMON HILL LANE
COLUMBIA, MO 65201

CONTRACT PURCHASER:
PARK 7 GROUP
461 PARK AVE S, FLOOR 4
NEW YORK, NY 10016

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING
COMMISSION THIS ____ DAY OF _____, 2013.

STEPHEN REICHLIN, VICE CHAIRPERSON

PREPARED BY:

CROCKETT

ENGINEERING CONSULTANTS
2604 North Stadium Boulevard
Columbia, Missouri 65202
(314) 467-0092

www.crockettengineering.com

Crockett Engineering Consultants, LLC
Missouri Certificate of Authority
#0000018194



TIMOTHY D. CROCKETT - PE-2004000775

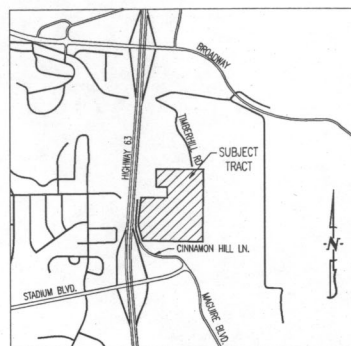
ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI, THIS
____ DAY OF _____, 2013.

ROBERT McDAVID, MAYOR

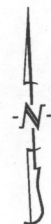
SHEELA AMIN, CITY CLERK

REVISED

12/6/13



LOCATION MAP
NOT TO SCALE



SCALE: 1" = 100'
0 50 100 200

LEGEND:

- EXISTING 2FT CONTOUR
- EXISTING 10FT CONTOUR
- PROPOSED 2FT CONTOUR
- PROPOSED 10FT CONTOUR
- EXISTING STRUCTURE
- EXISTING TREELINE
- PROPOSED TREELINE
- EDGE OF WATERWAY
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- MANHOLE
- PROPOSED SANITARY SEWER LATERAL
- PROPOSED WATERLINE
- PROPOSED FIRE HYDRANT
- PROPOSED STORM SEWER
- BUILDING LINE
- LOT NUMBER
- EXISTING CLIMAX FOREST
- PRESERVED CLIMAX FOREST

PLANTING NOTES:

QUANTITY	PLANT SPECIES
25	PIN OAK - QUERCUS PALUSTRIS
65	SARGENT CRABAPPLE - MALUS SARGENTII
1' TALL MULCH BERM WITH LANDSCAPED BED CONTAINING SMALL ORNAMENTAL TREES, DECIDUOUS SHRUBS, EVERGREEN SHRUBS, AND ANY COMBINATION THEREOF. LANDSCAPE BEDS SHALL CONFORM TO SCREENING REQUIREMENTS FOR THE CITY OF COLUMBIA. SCREENING SHALL REACH 50% OPACITY IN THE SPACE BETWEEN 1' AND 5' ABOVE GRADE AT THE SCREEN LINE.	

CALCULATIONS:

LANDSCAPE COMPLIANCE:

TOTAL PARKING LOT & DRIVE AREA =	343,591 SQ. FT.
TREES REQUIRED @ 1 TREE/4500 SQ. FT. =	77 TREES
TOTAL TREES REQUIRED =	77 TREES
MEDIUM TO LARGE TREES REQUIRED (30%) =	23 TREES
TOTAL TREES PROVIDED =	90 TREES

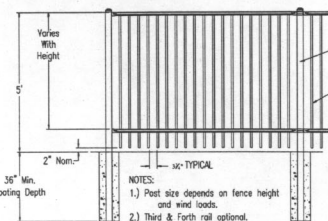
CLIMAX FOREST:

EXISTING CLIMAX FOREST =	1,253,771 SQ. FT.
PRESERVED CLIMAX FOREST =	313,502 SQ. FT. (25%)
MINIMUM TO BE PRESERVED SHALL BE 25%	

LEGAL DESCRIPTION:

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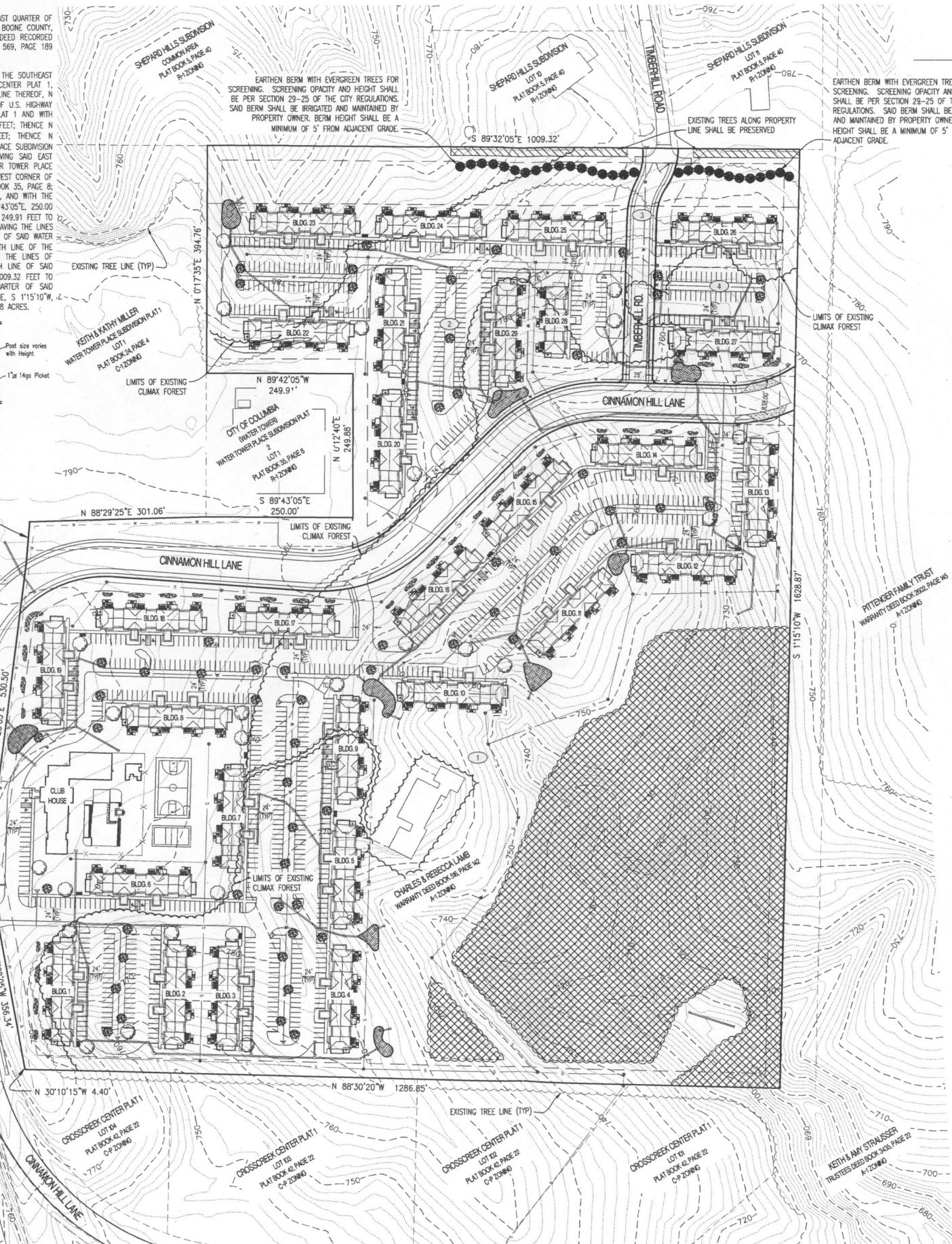
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MONTAGE FENCE DETAIL
NOT TO SCALE

HIGHWAY 63 (SOUTH BOUND)

HIGHWAY 63 (NORTH BOUND)



CONCEPTUAL LANDSCAPING FOR THE AVENUE AT COLUMBIA

A MAJOR SUBDIVISION LOCATED IN SECTION 17,
TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
SEPTEMBER 2013
REVISED DECEMBER 6, 2013

NOTES:

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- ELECTRIC DISTRIBUTION TO BE DESIGNED BY THE CITY OF COLUMBIA WATER & LIGHT DEPARTMENT.
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- A MINIMUM OF 25% OF THE CLIMAX FOREST ON THIS TRACT SHALL BE PRESERVED IN THE LOCATIONS DEPICTED ON THIS PLAN. FUTURE GRADING PLANS NOT BE DEPICTED PRESERVATION AREAS SHALL BE ADJUSTED TO ENSURE THAT THE CLIMAX FOREST IS PRESERVED. A TREE PRESERVATION PLAN SHALL BE SUBMITTED AND APPROVED BY THE CITY ARBORIST PRIOR TO LAND DISTURBANCE.
- THE MAXIMUM RELEASE RATE FROM THIS DEVELOPMENT SHALL BE CONTROLLED BY LIMITING THE POST-DEVELOPMENT STORM WATER RELEASE RATES TO THE PREDEVELOPMENT RATES FOR THE 1, 2, 10 AND 100 YEAR STORMS.
- PROPOSED BIOTENTION AREAS WILL BE SIZED AT THE TIME OF FINAL DESIGN.
- PARKING STALL DIMENSIONS SHALL BE A MINIMUM 18' LONG X 8.5' WIDE.
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- ADDITIONAL ADDRESS SIGNAGE MAY BE ADDED AT EACH DRIVE AT THE REQUEST OF THE CITY PRIOR TO ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY.
- SHOULD CINNAMON HILL LANE BE EXTENDED AS SHOWN, THE WATERLINE ACCESS EASEMENT RECORDED IN BOOK 421, PAGE 940 WOULD BE VACATED OR MODIFIED IN ORDER TO PROVIDE A MORE DIRECT ROUTE FOR ACCESS TO THE WATER TOWER. ALL EXISTING WATERLINES WOULD REMAIN WITHIN AN EASEMENT.
- PER THE STATEMENT OF INTENT, THE DEVELOPER WILL BE REQUIRED TO MAINTAIN AND REPLACE TREES AND VEGETATION PRESERVED ALONG THE NORTHERN PROPERTY LINE.

OWNER:
CHARLES & REBECCA LAMB
1202 CINNAMON HILL LANE
COLUMBIA, MO 65201

CONTRACT PURCHASER:
PARK 7 GROUP
461 PARK AVE S, FLOOR 4
NEW YORK, NY 10016

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING
COMMISSION THIS ____ DAY OF ____, 2013.

STEPHEN REICHLIN, VICE CHAIRPERSON

PREPARED BY:

CROCKETT

ENGINEERING CONSULTANTS
2608 North Stadium Boulevard
Columbia, Missouri 65202
(573) 447-0092

www.crockettengineering.com
Crockett Engineering Consultants, LLC
Missouri Certificate of Authority
#000181304



TIMOTHY D. CROCKETT - PE-2004000775

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI, THIS
____ DAY OF ____, 2013.

ROBERT McDONALD, MAYOR

SHEELA AMIN, CITY CLERK

REVISED
12/6/13

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
November 21, 2013**

SUMMARY

A request by the Crockett Engineering, on behalf of Park 7 Group (contract purchaser), to rezone approximately 45.1 acres from A-1 (Agriculture) to PUD 9 (Planned Unit Development maximum 9 units/acre) and receive approval of a final PUD development plan to be known as "The Avenue at Columbia". The subject parcel contains approximately 43 acres is located approximately 1500 feet northeast of the Stadium Boulevard/Cinnamon Hill Lane/Maguire Boulevard intersection and is addressed as 1202 Cinnamon Hill Lane. **(Case # 13-204)**

DISCUSSION

The applicant is requesting to rezone approximately 43 acres from A-1 (Agriculture District) to PUD-9 (a Planned Unit Development with a maximum density of 9 dwelling units per acre) for the purpose of developing a 358 unit, 899 bed residential development for collegiate housing. The site is improved with a single-family home, and is bounded on the north by undeveloped commercial property, a City water tower, and two single-family homes. To the south is C-P zoned land with a hotel and other commercial uses which are part of the Crosscreek Development. To the east is an undeveloped A-1 property and to the west is Highway 63.

The proposed PUD zoning is consistent with the "neighborhood district" designation recommendation by Columbia Imagined and would provide a land use transition between the higher intensity commercial to the south and the lower density single-family to the north. The current zoning of the site permits single-family dwellings at an approximate density of 6 units/acre. In addition to the single-family dwellings a series of other uses could occur on the site such as the cultivation of crops, the raising and care of livestock, and other commercial agriculture-related operations such as wholesale greenhouses and plant nurseries. The submitted Statement of Intent (attached) limits the development on this site to all R-3 district uses (single-family, duplex, and multi-family) and further limits the total number of units to 387.

The applicant has submitted a development plan (attached) to be approved with the rezoning. The PUD plan provides assurances relating to the intended development pattern and attempts to address many of the possible impacts that this project will create on the surrounding area. The development plan shows the following:

1. Enhanced buffering of the residential property to the north
2. The extension of Timberhill Road to the south as gated private roadway (built to public street standards) for emergency access and future connectivity
3. A new public street extension of Cinnamon Hill Lane through the property
4. An expanded right-of-way to accommodate access to the C-1 and City water tank sites to the north development tract
5. A permanent green space conservation easement to protect the climax forest located at the southeast corner of the development tract

A traffic study was conducted as part of the application submission. The conclusion of this study was that adjustments to the signal timing at the several of the nearby intersections will be necessary if the development is approved. Such adjustments were identified as necessary to accommodate anticipated increases in traffic volumes.

The development plan has been reviewed by applicable City departments and external agencies found compliant with the requirements of the Zoning Ordinance. The development plan serves as the preliminary plat for the site. Prior to issuance of building permits a final plat will be required to dedicate public rights-of-way and easements (utility and conversation).

RECOMMENDATION

Staff recommends:

- **Approval** of PUD-9 zoning and the corresponding statement of intent
- **Approval** of the proposed PUD development plan

ATTACHMENTS

- Locator aerial and topographic maps
- Development plan
- Statement of intent

SITE HISTORY

Annexation Date	1963
Existing Zoning District(s)	A-1 (Agriculture District)
Land Use Plan Designation	Neighborhood District
Subdivision/Legal Lot Status	Land in Limits

SITE CHARACTERISTICS

Area (acres)	42.98 acres
Topography	Sloping to the southeast
Vegetation/Landscaping	Forested
Watershed/Drainage	Grindstone Creek
Existing structures	One single-family home

SURROUNDING LAND USES

Orientation from site	Zoning	Land Use
North	C-1/R-1/A-1	Vacant commercial, City water tower, single-family homes
South	C-P	Hotel and retail uses
East	A-1	Vacant agriculture
West	R-1	Single-family homes (across US 63)

UTILITIES & SERVICES

All essential utilities and services, including electricity, water, fire protection, and sanitary sewer, are available to the site, and provided by the City of Columbia.

ACCESS

Cinnamon Hill Lane	
Location	West side of site
Major Roadway Plan	Collector (Improved & City-maintained) to be extended through site
CIP Projects	None
Sidewalk	Will need to be installed along project frontage (both sides)

PARKS & RECREATION

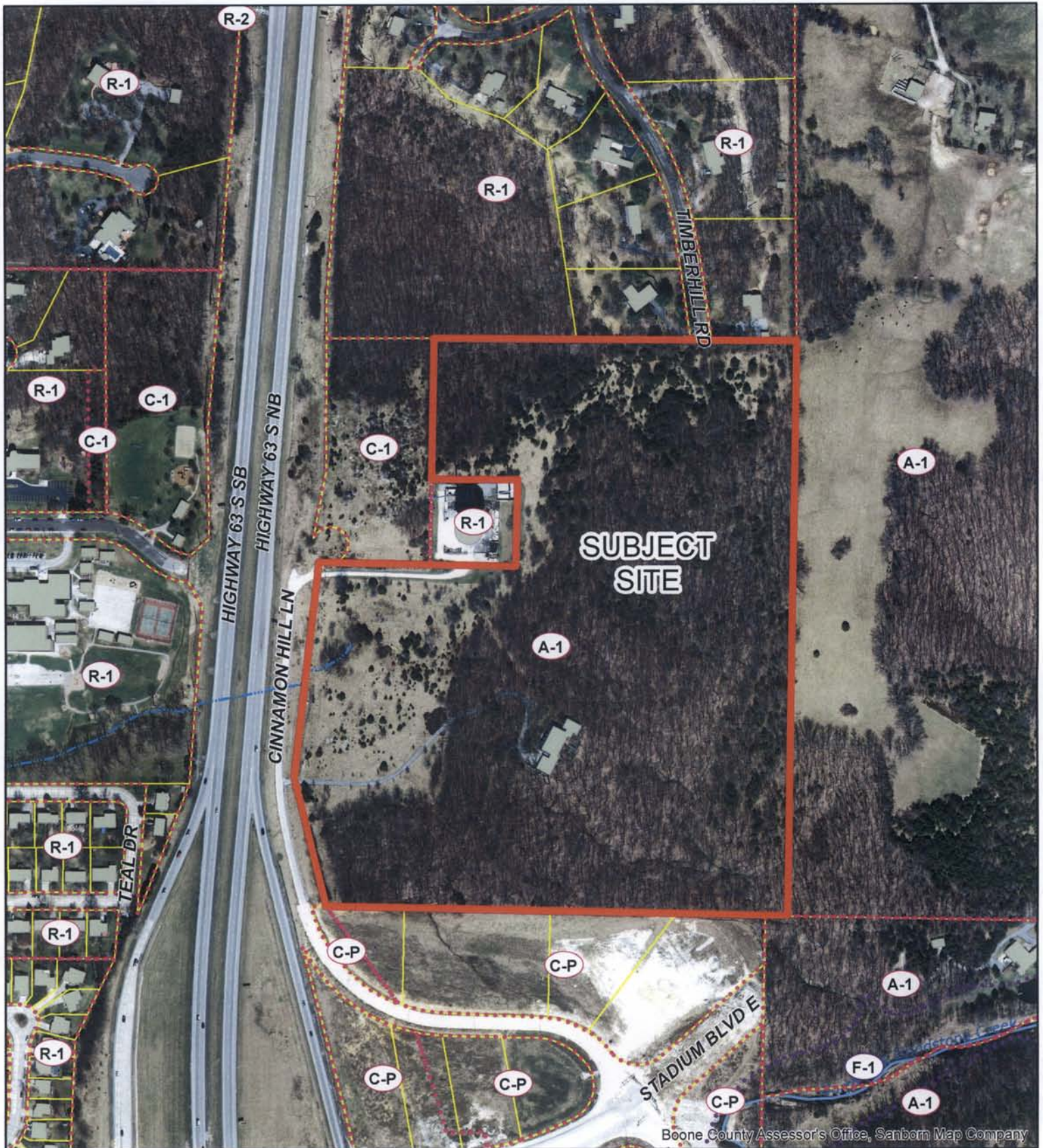
Neighborhood Parks	Shepard Boulevard (approx. 1 mile west)
Trails Plan	North Fork of Grindstone (southeast of site)
Bicycle/Pedestrian Plan	No bike/ped infrastructure planned

PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on October 15, 2013.

Public Information Meeting Recap	Number of attendees: 9 Comments/concerns: Screening, traffic, general development questions
Neighborhood Association(s) Notified	Shepard Boulevard and Timberhill Neighborhood Associations
Correspondence Received	One letter from Timberhill Neighborhood Association, 1 telephone inquiry (Miller property)

Report prepared by Patrick Zenner

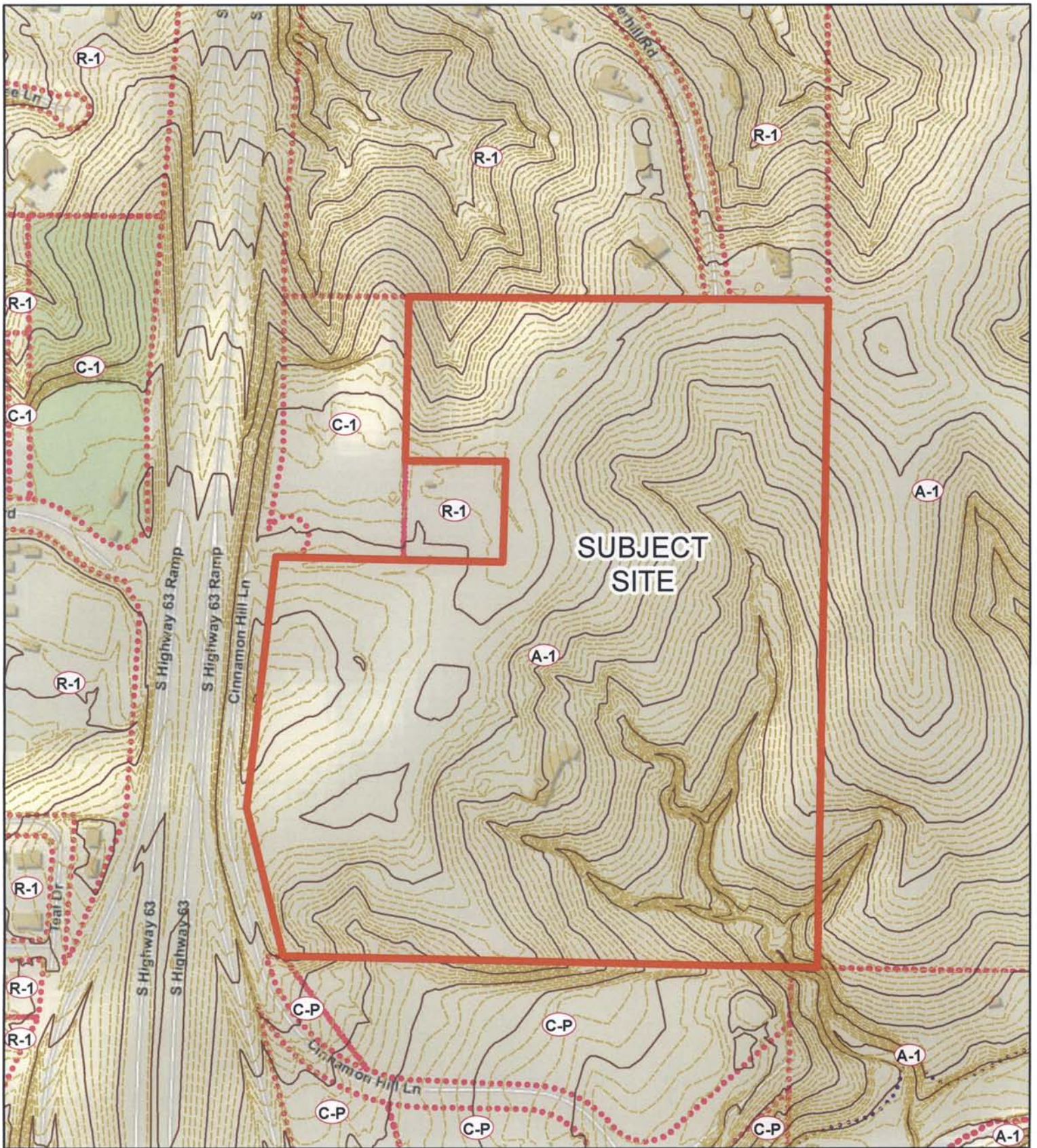


Parcel Data
Source: Boone County Assessor

13-204: Park 7 Group Rezoning for Lamb PUD

0 205 410 820
Feet





13-204: Park 7 Group Rezoning for Lamb PUD



Parcel Data
Source: Boone County Assessor





LOCATION MAP

LEGEND:

- EXISTING 2FT CONTOUR
- EXISTING 10FT CONTOUR
- PROPOSED 2FT CONTOUR
- PROPOSED 10FT CONTOUR
- EXISTING STRUCTURE
- EXISTING TREELINE
- PROPOSED TREELINE
- EDGE OF WATERWAY
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- MANHOLE
- PROPOSED SANITARY SEWER LATERAL
- PROPOSED WATERLINE
- PROPOSED FIRE HYDRANT
- PROPOSED STORM SEWER
- BUILDING LINE
- LOT NUMBER
- STREAM BUFFER (OUTER LIMITS)
- PROPOSED PAVEMENT
- PROPOSED DETENTION/BIORETENTION
- TRASH COMPACTOR
- BICYCLE RACK

DENSITY CALCULATIONS:

LOT AREA:	42.98 ACRES±
PROPOSED NUMBER OF UNITS:	358
PROPOSED DENSITY:	8.3 UNITS / ACRE
PROPOSED ZONING:	PUD-9

PARKING CALCULATIONS:

PARKING REQUIRED:		
47 UNITS - 1 BEDROOM EFFICIENCY UNITS	1 SPACES / UNIT	= 47 SPACES
51 UNITS - 1 BEDROOM UNITS	1.5 SPACES / UNIT	= 77 SPACES
75 UNITS - 2 BEDROOM UNITS	2 SPACES / UNIT	= 150 SPACES
89 UNITS - 3 BEDROOM UNITS	2.5 SPACES / UNIT	= 223 SPACES
96 UNITS - 4 BEDROOM UNITS	2.5 SPACES / UNIT	= 240 SPACES
PLUS 1 SPACE / 5 UNITS:		= 72 SPACES
TOTAL SPACES REQUIRED:		= 809 SPACES
TOTAL SPACES PROPOSED:		= 987 SPACES
BICYCLE SPACES REQUIRED:		= 51 SPACES
BICYCLE SPACES PROPOSED:		= 60 SPACES

CALCULATIONS:

AREA:	
TOTAL LOT AREA (LOTS 1, 2, 3, & 4) =	40.80 ACRES±
CINNAMON HILL RIGHT OF WAY =	2.18 ACRES±
TOTAL PERVIOUS AREA =	1,124,071 S.F. (60%)

LANDSCAPE COMPLIANCE:

TOTAL PARKING LOT & DRIVE AREA=	369,590 SQ. FT.
TREES REQUIRED @ 1 TREE/4500 SQ. FT. =	83 TREES
TOTAL TREES REQUIRED=	83 TREES
MEDIUM TO LARGE TREES REQUIRED (30%)=	25 TREES
TOTAL TREES PROVIDED=	90 TREES

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 516, PAGE 142 AND THE SURVEY RECORDED IN BOOK 568, PAGE 189 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 17, AS SHOWN BY CROSSCREEK CENTER PLAT 1, RECORDED IN PLAT BOOK 42, PAGE 22, AND WITH THE NORTH LINE THEREOF, N 88°30'20"W, 1286.85 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 63; LEAVING THE NORTH LINE OF SAID CROSSCREEK CENTER PLAT 1 AND WITH THE LINES OF SAID EAST RIGHT-OF-WAY, N 30°10'15"W, 4.40 FEET; THENCE N 10°08'05"W, 356.34 FEET; THENCE N 7°20'05"E, 530.50 FEET; THENCE N 4°51'00"E, 70.00 FEET TO THE SOUTH LINE OF WATER TOWER PLACE SUBDIVISION PLAT 1, RECORDED IN PLAT BOOK 24, PAGE 4; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE AND WITH THE SOUTH LINE OF SAID WATER TOWER PLACE SUBDIVISION PLAT 1, N 88°29'25"E, 301.06 FEET TO THE SOUTHWEST CORNER OF WATER TOWER PLACE SUBDIVISION PLAT 2, RECORDED IN PLAT BOOK 35, PAGE 8; THENCE LEAVING SAID WATER TOWER PLACE SUBDIVISION PLAT 1, AND WITH THE LINES OF SAID WATER TOWER PLACE SUBDIVISION PLAT 2, S 89°43'05"E, 250.00 FEET; THENCE N 0°12'40"E, 249.88 FEET; THENCE N 89°42'05"W, 249.91 FEET TO THE EAST LINE OF SAID WATER TOWER PLACE PLAT 1; THENCE LEAVING THE LINES OF SAID WATER TOWER PLACE PLAT 2, AND WITH THE EAST LINE OF SAID WATER TOWER PLACE PLAT 1, N 0°17'35"E, 394.76 FEET TO THE SOUTH LINE OF THE SURVEY RECORDED IN BOOK 3703, PAGE 23; THENCE LEAVING THE LINES OF SAID WATER TOWER PLACE SUBDIVISION PLAT 1, AND WITH THE SOUTH LINE OF SAID SURVEY RECORDED IN BOOK 3703, PAGE 23, S 89°32'05"E, 1009.32 FEET TO THE NORTH-SOUTH SUBDIVISION LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE WITH SAID NORTH-SOUTH SUBDIVISION LINE, S 1°15'10"W, 1628.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 42.98 ACRES.



PRELIMINARY PLAT & PUD PLAN THE AVENUE AT COLUMBIA

A MAJOR SUBDIVISION LOCATED IN SECTION 17,
TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
SEPTEMBER 2013
REVISED NOVEMBER 12, 2013

NOTES:

- SITE ADDRESS IS 1202 CINNAMON HILL LANE.
- THE INTENT FOR THIS DEVELOPMENT IS TO BE DEVELOPED IN ONE PHASE. HOWEVER MULTIPLE PHASES WOULD BE ALLOWED.
- PROPOSED BIKE RACKS SHALL HAVE A MINIMUM CAPACITY 5 BIKES PER RACK WITH THE TOTAL NUMBER OF BIKE SPACES NOT LESS THAN 60.
- THE MAXIMUM HEIGHT OF ANY BUILDING WILL NOT EXCEED 45', MEASURED FROM THE GROUND FINISHED GRADE ON THE FRONT SIDE.
- TWO DEVELOPMENT SIGNS SHALL BE ALLOWED AND SHALL BE MONUMENT SIGNS WITH A MAXIMUM AREA OF 16 SQ.FT. AND A MAXIMUM HEIGHT OF 4 FT. MEASURED FROM THE ADJACENT GRADE. THEY SHALL BE PLACED A MINIMUM OF 10' FROM THE RIGHT-OF-WAY AS SHOWN.
- NO PART OF THIS TRACT LIES WITHIN THE 100 YEAR FLOODPLAIN AS ADOPTED BY THE CITY OF COLUMBIA AS SHOWN BY FIRM PANELS 29019C02850 & 29019C02950 DATED MARCH 17, 2011.
- ALL SANITARY SEWERS SHALL BE LOCATED WITHIN THE APPROPRIATE WIDTH EASEMENT. SAID EASEMENTS SHALL BE GRANTED AT THE TIME OF FINAL DESIGN.
- ALL PUBLIC SANITARY SEWER EXTENSIONS SHALL BE MINIMUM OF 8" DIAMETER. SEWERS SHALL BE LOCATED WITHIN 16 FOOT WIDE EASEMENTS OR EASEMENTS EQUAL TO THE DEPTH OF THE SEWER IF SEWER IS GREATER THAN 16 FEET. NO SEWER TAPS WILL BE GREATER THAN 20 FEET.
- WATER DISTRIBUTION TO BE DESIGNED BY THE CITY OF COLUMBIA WATER AND LIGHT DEPARTMENT.
- ALL DRIVEWAY, ROADWAY, AND ACCESS ISLES ARE SUBJECT TO FIRE DEPARTMENT APPROVAL AT THE TIME OF FINAL DESIGN.
- ALL ON-SITE LIGHTING WILL BE NO GREATER THAN 20-FOOT IN HEIGHT AND SHALL COMPLY WITH THE REQUIREMENTS OF ORDINANCE #20013. NO "WALL-PACK" LIGHTING WILL BE ALLOWED.
- AMENITIES MAY INCLUDE BASKETBALL COURT(S), SAND VOLLEYBALL COURT(S), GAZEROS, FIRE PITS, CLUBHOUSE, ETC...
- NATURAL GAS DISTRIBUTION TO BE DESIGNED BY AMEREN UE.
- BUILDING NUMBERS SHOWN ARE FOR INVENTORY PURPOSES ONLY.
- THE EXISTING ZONING OF THIS TRACT IS A-1 (PENDING REZONING TO PUD 9).
- A 5' SIDEWALK SHALL BE CONSTRUCTED ALONG BOTH SIDES OF THE CINNAMON HILL LANE EXTENSION LOCATED INTERNAL TO THIS DEVELOPMENT.
- ELECTRIC DISTRIBUTION TO BE DESIGNED BY THE CITY OF COLUMBIA WATER & LIGHT DEPARTMENT.
- NO REGULATED STREAM BUFFER IS IDENTIFIED ON THIS TRACT BY ARTICLE X, CHAPTER 12A OF THE CITY CODE OF ORDINANCES AND AS SHOWN BY THE COLUMBIA USGS QUADRANGLE.
- A MINIMUM OF 25% OF THE CLIMAX FOREST ON THIS TRACT SHALL BE PRESERVED IN THE LOCATIONS DEPICTED ON THIS PLAN. FUTURE GRADING PLANS NOT THE DEPICTED PRESERVATION AREAS SHALL BE ADJUSTED TO ENSURE THAT THE CLIMAX FOREST IS PRESERVED. A TREE PRESERVATION PLAN SHALL BE SUBMITTED AND APPROVED BY THE CITY ARBORIST PRIOR TO LAND DISTURBANCE.
- THE MAXIMUM RELEASE RATE FROM THIS DEVELOPMENT SHALL BE CONTROLLED BY LIMITING THE POST-DEVELOPMENT STORM WATER RELEASE RATES TO THE PREDEVELOPMENT RATES FOR THE 1, 2, 10 AND 100 YEAR STORMS.
- PROPOSED BIORETENTION AREAS WILL BE SIZED AT THE TIME OF FINAL DESIGN.
- PARKING STALL DIMENSIONS SHALL BE A MINIMUM 18' LONG x 8.5' WIDE.
- THE PRIVATE ROADWAY (TIMBERHILL ROAD) SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY'S DESIGN STANDARDS FOR LOCAL RESIDENTIAL STREETS, INCLUDING REQUIRED SIDEWALKS, WITHIN THREE YEARS OF FINAL PLAT APPROVAL OR PRIOR TO ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY WITHIN THE DEVELOPMENT WHICHEVER OCCURS FIRST. SUCH ROADWAY WILL BE PLATTED AS A PRIVATELY-OWNED PARCEL (SHOWN AS LOT 3) AND SHALL UPON REQUEST OF EITHER THE CITY OR THE TIMBERHILL NEIGHBORHOOD ASSOCIATION BE DEDICATED TO PUBLIC USE. PRIOR TO DEDICATION FOR PUBLIC USE THE ROADWAY SHALL REMAIN CLOSED TO THROUGH TRAFFIC; HOWEVER, SHALL BE OPERABLE DURING TIMES OF EMERGENCY AS DETERMINED BY THE CITY OF COLUMBIA. PRIOR TO ACCEPTANCE FOR PUBLIC USE, THE CITY SHALL CONDUCT AN INSPECTION AND THE OWNER SHALL PERFORM ANY REPAIRS NECESSARY TO BRING THE ROADWAY INTO COMPLIANCE WITH CITY STANDARDS.
- ADDITIONAL ADDRESS SIGNAGE MAY BE ADDED AT EACH DRIVE AT THE REQUEST OF THE CITY PRIOR TO ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY.
- SHOULD CINNAMON HILL LANE BE EXTENDED AS SHOWN, THE WATERLINE ACCESS EASEMENT RECORDED IN BOOK 421, PAGE 940 WOULD BE VACATED OR MODIFIED IN ORDER TO PROVIDE A MORE DIRECT ROUTE FOR ACCESS TO THE WATER TOWER. ALL EXISTING WATERLINES WOULD REMAIN WITHIN AN EASEMENT.

OWNER:
CHARLES & REBECCA LAMB
1202 CINNAMON HILL LANE
COLUMBIA, MO 65201

CONTRACT PURCHASER:
PARK 7 GROUP
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TIMOTHY D. CROCKETT - PE-2004000775

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING
COMMISSION THIS ____ DAY OF _____, 2013.

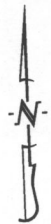
DR. RAMAN PURI, CHAIRPERSON

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK



LOCATION MAP
NOT TO SCALE



SCALE: 1" = 100'
0 50 100 200

LEGEND:

- EXISTING 2FT CONTOUR
- EXISTING 10FT CONTOUR
- PROPOSED 2FT CONTOUR
- PROPOSED 10FT CONTOUR
- EXISTING STRUCTURE
- PROPOSED TREELINE
- EDGE OF WATERWAY
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- MANHOLE
- PROPOSED SANITARY SEWER LATERAL
- PROPOSED WATERLINE
- PROPOSED FIRE HYDRANT
- PROPOSED STORM SEWER
- BUILDING LINE
- LOT NUMBER
- EXISTING CLIMAX FOREST
- PRESERVED CLIMAX FOREST

PLANTING NOTES:

QUANTITY	PLANT SPECIES
25	PIN OAK - QUERCUS PALUSTRIS
65	SARGENT CRABAPPLE - MALUS SARGENTI
1" TALL MULCH BERM WITH LANDSCAPED BED CONTAINING SMALL ORNAMENTAL TREES, DECORATIVE GRASSES, DECIDUOUS SHRUBS, EVERGREEN SHRUBS, AND ANY COMBINATION THEREOF. LANDSCAPE BEDS SHALL CONFORM TO SCREENING REQUIREMENTS FOR THE CITY OF COLUMBIA. SCREENING SHALL REACH 50% OPACITY IN THE SPACE BETWEEN 1' AND 5' ABOVE GRADE AT THE SCREEN LINE.	

CALCULATIONS:

LANDSCAPE COMPLIANCE:	
TOTAL PARKING LOT & DRIVE AREA =	369,590 SQ. FT.
TREES REQUIRED @ 1 TREE/4500 SQ. FT. =	83 TREES
TOTAL TREES REQUIRED =	83 TREES
MEDIUM TO LARGE TREES REQUIRED (30%) =	25 TREES
TOTAL TREES PROVIDED =	90 TREES
CLIMAX FOREST:	
EXISTING CLIMAX FOREST =	1,253,771 SQ. FT.
PRESERVED CLIMAX FOREST =	313,502 SQ. FT. (25%)
MINIMUM TO BE PRESERVED SHALL BE 25%	

LEGAL DESCRIPTION:

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CONCEPTUAL LANDSCAPING FOR THE AVENUE AT COLUMBIA

A MAJOR SUBDIVISION LOCATED IN SECTION 17,
TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI

SEPTEMBER 2013
REVISED NOVEMBER 12, 2013

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- PARKING STALL DIMENSIONS SHALL BE A MINIMUM 18' LONG X 8.5' WIDE.
- THE PRIVATE ROADWAY (TIMBERHILL ROAD) SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY'S DESIGN STANDARDS FOR LOCAL RESIDENTIAL STREETS, INCLUDING REQUIRED SIDEWALKS, WITHIN THREE YEARS OF FINAL PLAT APPROVAL OR PRIOR TO ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY WITHIN THE DEVELOPMENT WHICHEVER OCCURS FIRST. SUCH ROADWAY WILL BE PLANTED AS A PRIVATELY-OWNED PARCEL (SHOWN AS LOT 3) AND SHALL UPON REQUEST OF EITHER THE CITY OR THE TIMBERHILL NEIGHBORHOOD ASSOCIATION BE DEDICATED TO PUBLIC USE. PRIOR TO DEDICATION FOR PUBLIC USE THE ROADWAY SHALL REMAIN CLOSED TO THROUGH TRAFFIC; HOWEVER, SHALL BE OPERABLE DURING TIMES OF EMERGENCY AS DETERMINED BY THE CITY OF COLUMBIA. PRIOR TO ACCEPTANCE FOR PUBLIC USE, THE CITY SHALL CONDUCT AN INSPECTION AND THE OWNER SHALL PERFORM ANY REPAIRS NECESSARY TO BRING THE ROADWAY INTO COMPLIANCE WITH CITY STANDARDS.
- ADDITIONAL ADDRESS SIGNAGE MAY BE ADDED AT EACH DRIVE AT THE REQUEST OF THE CITY PRIOR TO ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY.
- SHOULD CINNAMON HILL LANE BE EXTENDED AS SHOWN, THE WATERLINE ACCESS EASEMENT RECORDED IN BOOK 421, PAGE 940 WOULD BE VACATED OR MODIFIED IN ORDER TO PROVIDE A MORE DIRECT ROUTE FOR ACCESS TO THE WATER TOWER. ALL EXISTING WATERLINES WOULD REMAIN WITHIN AN EASEMENT.

OWNER:
CHARLES & REBECCA LAMB
1202 CINNAMON HILL LANE
COLUMBIA, MO 65201

CONTRACT PURCHASER:
PARK 7 GROUP
461 PARK AVE S, FLOOR 4
NEW YORK, NY 10016

PREPARED BY:

CROCKETT
ENGINEERING CONSULTANTS
8504 North Stadium Boulevard
Columbia, Missouri 65202
(573) 547-0375
www.crockettengineering.com
Crockett Engineering Consultants, LLC
Missouri Certificate of Authority
#2004000775



TIMOTHY D. CROCKETT - PE-2004000775

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING
COMMISSION THIS ____ DAY OF ____, 2013.

DR. RAMAN PURI, CHAIRPERSON

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK



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

Statement of Intent Worksheet

For office use:

Case #:	Submission Date:	Planner Assigned:
13-204	9-30-13	MacIntyre

Please provide the following information, which shall serve as the statement of intent for the proposed planned district zoning:

1. The uses proposed.

All allowed uses in District R-3.

2. The maximum gross square feet of building floor area proposed. If PUD zoning is requested, indicate type(s) of dwelling units & accessory buildings, and maximum number of dwelling units & development density.

Buildings shall be multi-family residential. Amenities shall include clubhouse, pool, basketball court, etc. Maximum density shall be 9 units per acre.

3. The maximum building height proposed.

Max. building height is 45'

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.

Existing vegetation: 25%

Total Landscaping: 60%

The following items only apply to PUD zoning requests:

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

The maximum number of parking spaces shall not exceed 1.25 spaces per bedroom.

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

Amenities may include, but not limited to, pool, basketball court, clubhouse, etc.

7. A general description of the plan including minimum lot sizes, if applicable, minimum building setbacks from perimeter and interior streets, other property lines and minimum setbacks between buildings.

Proposed plan is a multi-family development with a 25-foot perimeter setback. Minimum distance between internal buildings shall be 12 feet.

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


 Signature of Applicant or Agent

9/30/13

Date

SHIA meeting with developers 10/22/13

On 10/22/13 a group of concerned residents of Shepard Hills and Shepard Boulevard neighborhoods met with representatives of Park 7, the prospective developer of 45 acres adjoining our neighborhood, currently zoned agricultural.

From our neighborhood the following attended: Harold and Lonetta Johnson, Vicki Carstens and Gary Kass, Gregg and Dianne Suhler, Leroy Sharp, Doris Littrell, Stephanie Henson, Mike and Katie Kane.

The meeting was organized by John States. Paul Levine attended on behalf of Park 7 along with Bob Hollis and Tim Crockett, the former a local attorney and the latter owner of a private civil engineering firm that Mr. Levine has hired to assist him. Tim made a presentation and did most of the talking.

Park 7 is a New York based firm and the developer of a 24 story student housing building planned for downtown Columbia.

The proposal is to have the Lamb property rezoned to PUD development. Park 7 would like to build a multi-unit student housing facility there, bordering Cross Creek to its south and the properties of Doris Littrell and Anne Minor to its north.

The complex would have 225-350 units including studios and up to 4 bedroom units with club house, recreation center, swimming pool, and frequent shuttles to downtown and campus. Rental rates are expected to be +/- \$700 for a 1 BR, +/- \$500 per person in a 4 BR unit. They would be fully furnished including Internet etc. and clubhouse use.

Phase 1 of building would begin next fall and create 700 beds. The ultimate total is expected to be 800-900 beds.

The city is concerned about the limited access to major roadways that this project could result in. They therefore want the developers to provide a connection to Timberhill Road. Because our neighborhood is against this the compromise we have suggested is a road with access limited to emergency vehicles.

The city also projects that Cinnamon Hill will be extended north to join up with Broadway sometime in the future. We don't know if this proposal would be parallel to Highway 63 or curve around behind our properties through the Gordon tract.

Input from Doris, Harold, and Gregg led the developers to present to us a plan slightly modified from their original vision:

-The closest buildings to our neighborhood are proposed to be 85 feet away from the Littrell and Minor properties.

-High berms and evergreens are being considered to eliminate noise and block view. The developers suggested 5 feet. Doris argued this would not be adequate.

Lighting is intended to point downward and inward and be a maximum height of 20 feet.

10% more parking than bedrooms is being built in.

Electricity will be from Columbia Power & Light, with buried wires.

There will be a hydrant at the north end that could also be used for our neighborhood.

Conservation-wise their plan is to preserve woods on the south-east corner of the lot. We suggested a belt of existing trees be left along our boarder with the complex.

Harold suggested and we all supported a proposal to move the 2 units planned for closest to our neighborhood down to around where the Lambs house now stands (it is to be torn down).

Park7 projected it might continue to own and manage properties it builds for around 15 years but this is just an estimate. Levine said realty trusts often are interested in buying such complexes. He mentioned American Campus as a holder of many such properties.

Levine said the developers have been doing this kind of student housing project for around 15 years (though Park7 itself was formed only in 2010).

First portfolio: Michigan, Indiana, Ohio, Penn, Virginias, Carolinas; will send links. Private company, not public. Two joint equity partners: Greenfield Partners and Ceruzzi, both in Connecticut.

Shepard Hills P&Z

More than fifty years ago, in an article for the Columbia Daily Tribune, reporter John F. Schultz wrote, "The modern Columbia homebuilder who prefers spacious, rolling land combined with rustic scenery will find his dreams fulfilled in the Shepard Hills subdivision."

"Elevated high above Columbia, in the thickly wooded Shepard Hills, this scenic area promises to be one of Columbia's most exclusive areas."

"Each lot ranges from one to four acres in size," emphasized Clyde L. Shepard, owner of the land and former president of the Columbia Chamber of Commerce. "Most people want to own land, and they want more than just an eighty-foot lot."

"The outstanding feature is a 10-acre park, planned exclusively for the lot owners' recreation." "This park is zoned by the Shepard Hills Improvement Assn., Inc."

"Shepard Hills will be exclusively residential, and there will be no signs, billboards, advertising structures or any type of commercial activity allowed." Quote from Harold F. Reisch, early president of the Improvement Association.

Andrew C. Minor, associate professor of Music at the University of Missouri said, "Shepard Hills appeals to me because of its peaceful atmosphere. It gives one the feeling of relaxation. The view is magnificent."

During the next five decades, the homeowners in Shepard Hills have protected the essence of the neighborhood, maintaining the peaceful atmosphere and shielding it from the encroaching sprawl. Of the current homeowners, nearly half are original owners or second-generation family members. The magnificent mature trees and neatly maintained lawns exemplify the pride Shepard Hills homeowners have in their homes. They have spent a great deal of money and hard work keeping up and improving their properties.

When people who have never been here drive up, they always comment this way, "This is so beautiful. We never knew it was even here." Or, "This feels like we are in the country!" "It's like stepping back in time."

As a young man I actually helped build my parents' home, the same house we now live in.

Mike Kane

Information for the Planning & Zoning November 21, 2013 meeting

We appreciate the willingness of the developers, Park 7 Group with John States of Little Dixie Construction to meet with our neighborhood associations (Timberhill Road Neighborhood Association and Shepard Boulevard Neighborhood, respectively) to review the proposed development, to listen to neighborhood concerns, and to incorporate many of our requests into their final plan. We recognize this dialogue is not pro forma, and we are appreciative of their efforts to work with us to alleviate some of our immediate concerns.

We do, however, wish to clarify that we are not in support of this development nor the request to rezone this land from A-1 to PUD-9. We feel it is an inappropriate use of the adjacent property particularly in juxtaposition to our neighborhood and oppose this rezoning request on several counts.

Our work with John States and Park 7 Group should therefore be interpreted as a Plan B – for it is not what we wish to see, but if it comes to pass, we have worked to incorporate elements into the final development and the continued operation of the complex to make it a more compatible neighbor.

SHIA/TRNA is a unique neighborhood and has been for the past 58 years. Of the fourteen houses in this neighborhood, four properties – 29% - remain with the original owners/family. Turnover is extremely low - the average ownership in the neighborhood is 27 years. The neighborhood has many excellent examples of mid-century modern architecture. This neighborhood is not one that has fallen into disrepair – the homes are well maintained; homes have been updated, yet none have been torn down or extensively remodeled as is so often the case in older neighborhoods. The character of the neighborhood is much the same as it was fifty years ago and as it was clearly intended by the developer, Mr. Clyde Shepard.

And that is one of our concerns – what is being proposed next to our neighborhood is completely out of context to the neighborhood and to the surrounding environment. This proposed development is the second largest student housing development in Columbia. Only Aspen Heights is larger. With the exception of development projects downtown, this is one of the only (or the only) developments that directly abuts an established neighborhood. To build such a complex adjacent to a long established community of acreage lots where the purpose of the community was to live in a wooded, peaceful setting is inappropriate.

And once the trees are taken down on the adjacent property – there is no going back – it's gone – the beauty, the tranquility, the view of the stars at night – or the songbirds - attributes we hold dear and would hate to see destroyed – for once those trees come down, they're gone – and how sad that they would be replaced by parking for 1000 cars for transient students. Having green space in a growing urban environment is rare – shouldn't more of that be preserved?

"The location has a definite appeal to the people of the University because of its rustic environment and proximity to the school. This will preserve the natural beauty that the Shepard Hills offer."

Article from the Columbia Daily Tribune (?)– circa 1958

We all recognize and support the growth of Columbia and the University. Indeed, the majority of the neighborhood residents have been, and/or continue to be, faculty and employees of the University, Stephens College, and Columbia College – so we support that growth – but we hope for smart growth and more appropriate land use.

It has been suggested that perhaps this large, student-housing complex is the best we could hope for next to our neighborhood. Perhaps, and working with a congenial developer is certainly a positive, but we believe that instead of something worse than what is being proposed there could be something better – whether the land retains its A-1 zoning status or even returns to its prior R-1 zoning. A single family dwelling neighborhood – such as Timberhill Road, or Bluff Creek Estates – this would be a much more acceptable use of the property and a use that was originally intended and promised by the original visionary and developer, Clyde Shepard, regarding that land.

Traffic Concerns

We also believe that this 899-bed complex will add considerably to the traffic congestion at Stadium and 63. While a turn lane request is being added to the plans for Audubon Drive – we are concerned about the additional burden of traffic on Stadium and 63. We disagree with MoDot's assessment of the impact on traffic – the area is already congested and a significant problem during afternoon rush hour. Adding the volume of traffic from Cinnamon Hill will only make it more of an issue.

Timberhill Road Emergency Access

The City staff has requested that Timberhill Hill Road be used for emergency fire/police access only. The neighborhood is supportive of that. We are strongly opposed, however, to Timberhill Road ever being opened up to Cinnamon Hill traffic – whether automobile, bicycle, or pedestrian. Aside from changing the dynamics of the neighborhood, Timberhill is completely inappropriate for high volume traffic – the slope, the sharp turns at the base of the hill and the very steep inclines at the junction of Timberhill and Rustic Roads make it unsuitable and dangerous for such volume of traffic, and would be a very expensive venture to make suitable for such traffic. We ask that Timberhill Road be opened up only via request by the Timberhill Road Neighborhood Association.

Property values

While it is hard to make any kind of determination of how this proposed development would impact our property values, we are quite concerned. We worry about how the traffic, noise, lights, and potential crime in such a high-density

complex would impact our neighborhood and our property values. As it stands, we know that no one has suggested to us that our property values would actually increase as a result of this development. We have been warned by professionals that if Timberhill Road were to be opened up to such traffic, it would certainly have a negative impact on our property values.

Overdevelopment of specialized Student Housing and future demographics

We are concerned, as many in this community are, about the student housing overdevelopment in the outlying areas and in the upper price ranges, and the downturn of college-age demographics projected for 2020 – five years after the proposed opening of this development.

Building Concerns

We understand that this proposed complex will not have any basements or underground shelter area that could be used in the event of a tornado. We believe this is a questionable decision in central Missouri.

For all of these reasons, we ask that you consider this rezoning request.

Madge and Anne Minor, Timberhill Road/Shepard Hills Improvement Association

Shepard Hills Promises to Be One of Most Exclusive Areas

JOHN F. SCHULTZ

The modern Columbia home-builder who prefers spacious, rolling land combined with rustic scenery will find his dreams fulfilled in the Shepard Hills subdivision.

This new subdivision is located one mile east of Highway 63 on the Fulton Gravel Road.

Elevated high above Columbia in the thickly wooded Shepard Hills, this scenic area promises to be one of Columbia's most exclusive areas.

THE TREMENDOUS size of the lots in an advantage not offered in many other modern-day subdivisions. "Each lot ranges from one to four acres in size," emphasized Clyde L. Shepard, owner of the land and former president of Central Dairy and the Columbia Chamber of Commerce. "Most people want to own land," continued Shepard, "and they usually want more than just an 80 foot lot. That's why my lots are unusually large."

Individual styling will be the theme for all houses in the Shepard Hills.

"Besides owning land," Shepard

said, "many people like to build their own homes, rather than have them pre-constructed." With this thought in mind, Shepard decreed that all construction will be left to the individual lot owner's discretion.

The outstanding feature of a 10-acre park, planned exclusively for the lot owners' recreation, will attract many Columbians who prefer the "outdoor" mode of life.

JEAN MADDEN, assistant alumni director of the University and KOMU sportscaster who plans to build in the Shepard Hills said he likes the idea of the park area and the large lots for they offered the right type of recreation for children. This park is zoned by the Shepard Hills Improvement Assn., Inc., in which each lot owner will automatically have one share and one vote on all issues.

Harold F. Reisch, professor at the Bible College and president of the Improvement Assn., said that a sincere effort has been made by Shepard to have the age range and the occupational interests of the lot owners somewhat similar. This will tend to create a better interest in the community.

The location has a definite appeal to the people of the people of the University because of its rustic environment and proximity to the school. Of the nine lot owners, eight of them are from the University and Stephens College.

AS YET, two houses have been built and six of the 15 lots remain to be sold. The lots, ranging in price from \$1,750 to \$2,100, cover an area of approximately 35 acres.

Reisch said that he considered the elevation of the Shepard Hills a big feature for it is one of the highest locations in the area and overlooks the rustic scenery of Hominy Creek.

"As for distance, we're no farther from downtown than most of the people in the west section of the city. The Shepard Hills will be exclusively residential and there will be no signs, billboards, advertising structures or any type of commercial activity allowed. This will preserve the natural beauty that the Shepard Hills offer."

ANDREW C. MINOR, associate professor of music at the University said, "Shepard Hills appeals to

me because of its peaceful atmosphere that gives one the feeling of relaxation. The view is magnificent."

The rights on all building restrictions are reserved by Shepard. The restrictions are that no dwelling may be built with less than 1,250 square feet of included floor space for a one story structure or less than 850 square feet for a one and one-half or two-story structure, exclusive of basements, porches, or attached garages.

Also, there will be no tanks for storage of oil, or other fluids, permitted above the surface of the ground unless the ground is landscaped in a manner to be approved by Shepard.

The roads were all planned by Shepard and have been deeded to the Columbia special road district.

The Shepard Hills has a community water well located in the 10 acre park. That is now in the process of being approved by the state board of health. All other plumbing facilities will be provided by the lot owner.

INFORMATION FOR P & Z NOV. 21, 2013 MEETING:

As President of Shepard Hills Improvement Association, (Timberhill Road NA), I, Harold Johnson, am speaking for a small community, (city subdivision), of 14 homes, including a peaceful 9-acre park.

Our subdivision was established by Clyde Shepard in 1950, a prominent landowner and developer, President of Central Dairy and also of the Columbia Chamber of Commerce, and who also developed Eagle Park.

This isolated community of comfortable homes and beautiful trees originally was outside the city limits with our own well, a small road system, with no curbs or gutters, and designed for local traffic.

Our small subdivision, with our own covenant, over time has experienced the development of a 4 lane highway bordering the community park, a city water tower south of the park, but our small residential area is not prepared for the construction of a 900-student complex immediately adjacent to the southern border of our homes and subdivision.

Assuming the Park 7 Group insists on building this complex adjacent to our country homes, we are hopeful that the dormitories (24, 25, 26) are constructed near the Club House, and not merely moved a short distance from the Shepard Hills property line (currently proposed to be 100 feet).

I would like to close my comments with a short footnote: Mr. Shepard, when creating this neighborhood, made a promise to property buyers that the adjoining property (to the south and east of this subdivision) would only be used for farm or residential purposes. This is the land, (the Lamb property) being sold to the Park 7 Group for PUD9 development.

We, as a neighborhood are hopeful that the hopes and dreams of Clyde Shepard and his promises, be respected so that the rustic environment bordering our homes may be preserved and not converted to three stories of brick, student parties, and commotion.

Harold Johnson, President, Shepard Hill Improvement Association

We want to make a statement about the nature of the neighborhood. Because of our experience, we do not believe a student housing development is appropriate bordering our neighborhood.

If the development is approved, we propose that the following be included in the ordinance:

1. Current Timberhill Road is not included in this proposal. It will only be opened upon request of the Timberhill Road Neighborhood Association (TRNA). In this event, the city is responsible for cost and construction for improvements.
2. The developer and subsequent development is assigned responsibility for securing the perimeter of the property.
3. A 5- foot irrigated berm will extend to the Miller property
4. Landscape planting will be established and maintained on the berm.
5. Maintenance by developer and subsequent development of existing trees and foliage next to the property line.
6. The road to be built will be used for emergency vehicles only with a gate that others cannot use.
7. A proper (ex: government 5-wire) fence connecting to the gate
8. A TRNA accessible fire hydrant installed
9. Move buildings 24, 25 and 26 south of their current locations
10. Lighting directed downward and inward to the complex
11. Construction hours follow city requirements.
12. -Developer facilitates connection of fiber optic service to TRNA

Timberhill Road Neighborhood Association

Harold Johnson, President



Patrick Zenner <przenner@gocolumbiamo.com>

Park7 / Lamb /

Robert Hollis <robert@vanmatre.com>

Wed, Nov 20, 2013 at 5:56 PM

To: Patrick Zenner <PRZENNER@gocolumbiamo.com>, Sheela Amin <SKAMIN@gocolumbiamo.com>

Pat or Sheela - Would you mind forwarding this attachment and this message to the members of the Planning and Zoning Commission? I understand that there are a few people that are under the mistaken impression that the restrictions on the attached plat are applicable to the Lamb property.

To be clear, these restrictions do not apply and there are no such restrictions applicable to the Lamb property. This plat is of the property to the north of the Lamb property and, as such, the restrictions on the plat have no effect on the Lamb property.

Please let me know if you have any questions or comments.

Thanks.

—

Robert N. Hollis
Van Matre, Harrison, Hollis, Taylor, and Bacon, P.C.
1103 East Broadway
Columbia, Missouri 65201
Phone: (573) 874-7777
Facsimile: (573) 875-0017
www.vanmatre.com

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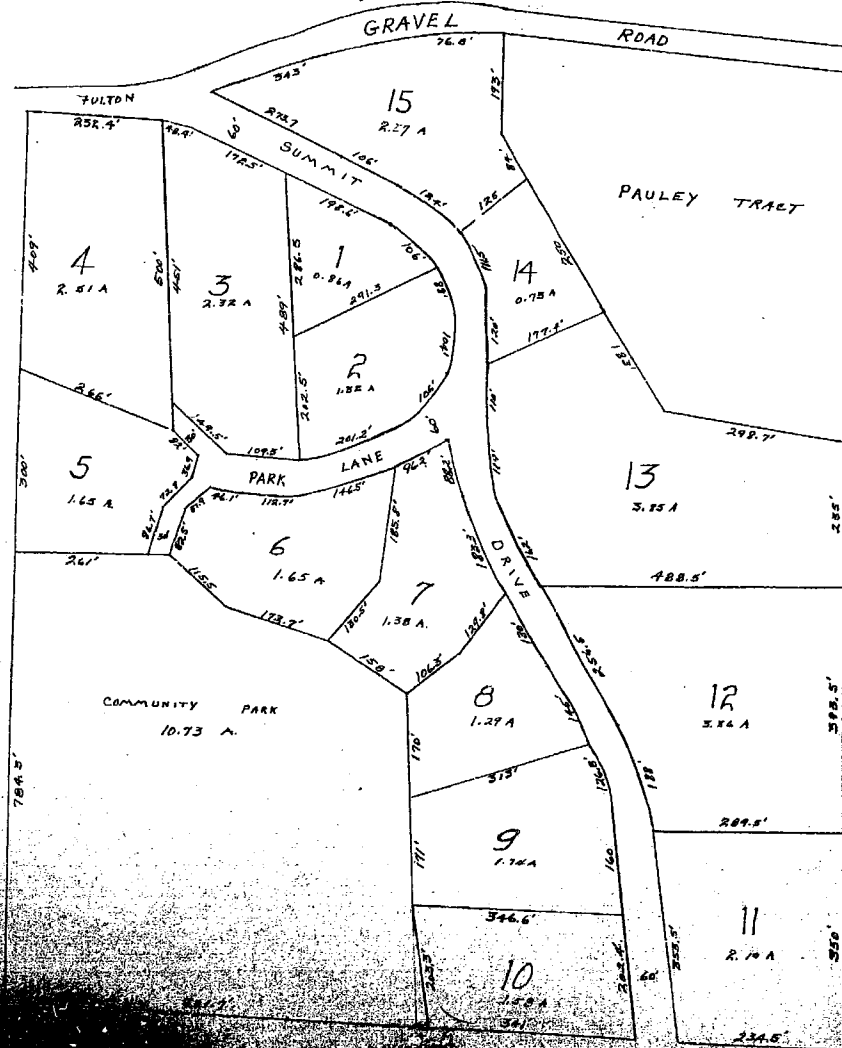
plat of shepard hills including covenants and restrictions.pdf

327K

Boone County, Missouri
Unofficial Document

40

Shepard Hills
one mile east of Columbia, Missouri



Survey made by: D. E. Hill
D. E. Hill
Dec. 17, 1955
(Seal)
Registered Land
Surveyor



PLAT OF SHEPARD HILLS SUBDIVISION

We, the undersigned, Clyde L. Shepard and Evelyn J. Shepard, husband and wife, and Harold F. Reisch and Bessie T. Reisch, husband and wife, Andrew C. Minor and Catherine H. Minor, husband and wife, being the owners of the land hereinafter described, have caused the same to be surveyed and platted as a subdivision a part of the following described tract of land:

A part of Section Seventeen (17), Township Forty-eight (48), North, Range Twelve (12) West in Boone County, Missouri, more particularly described as follows: Starting at a stone, the northeast corner of the southwest quarter of the northeast quarter of Section Seventeen (17) Township Forty-eight (48) North, Range Twelve (12) West; thence with the East line of the West half of the East half of said Section South 1259 feet to an iron, the point of beginning; thence North 82° 29' West 239.7 feet; thence North 30° 35' West 517 feet; thence North 193 feet to the center of the Fulton Gravel Road; thence with the center line of said road North 86° 38' West 176.8 feet; thence south 70° 00' West 343 feet; thence North 89° 08' West 23.5 feet; thence South 72° 40' West 114.5 feet; thence North 88° 10' West 141 feet to the north and south subdivision line of said section; thence with said subdivision line South 1° 00' West 1517.5 feet to an iron; thence South 89° 49' East 1968 feet to an iron on the east line of the west half of said section; thence with said east line North 978.5 feet to the point of beginning.

hereinafter to be known as Shepard Hills Subdivision of Boone County, Missouri, and have caused the same to be subdivided into lots, roads and courts as shown by the attached plat which has been made a part hereof. That the undersigned further state that the above described real estate is located entirely within the boundaries of Boone County, Missouri, and outside of the boundaries of any incorporated city, town, or village. As shown by the attached plat, said tract of land has been divided into fifteen (15) lots, numbered on the plat thereof from Lots One (1) to Fifteen (15), both inclusive, and a community park tract, the dimensions of said lots thereof are as registered and shown on the plat. The roadways shown on the plat are dedicated to the public use but the owners of the lots and the occupants of the land abutting on the respective roads and courts shall have the right to use said roads for access. Also, the park shown on the plat as a part thereof is dedicated for the use of the owners of the lots in said plat. That the lots shown on the plat are subject to the following restrictions, to-wit:

1. No commercial activities of any type will be permitted.
2. Lots will be used for private dwelling purposes only, and each house will be detached from any other building, and will be designed for occupancy for a single family. Outbuildings customarily appurtenant to such residences will be permitted.
3. No house or building shall be moved to or built upon any lot or plat in this subdivision which does not comply with the restrictions herein set up, and no outbuilding, wall, or fence shall be erected upon said premises without the approval of the sellers or their legally authorized representatives.
4. No shack, basement, garage, trailer, or other temporary structure of any nature may be used for living purposes, either temporary or permanent, except that garages or other outbuildings may be used as living quarters for servants engaged on the premises.
5. No noxious or otherwise offensive activities will be permitted on any area or in any structure in this subdivision.
6. No dwelling may be built on any lot or plot, which will have less than 1,250 square feet of included floor space for a one-story structure, or less than 550 square feet for a one and one-half or two-story structure, exclusive of basements, porches, or attached garages.
7. No building will extend beyond the building limits line, as shown on this plat, except that open porches, porte-cocheres, or balconies may extend beyond such limits line not to exceed twelve feet, architectural appendages such as cornices, bay windows, spoonings, and chimneys, may extend not more than four feet beyond said line. Signs to the first floor of dwellings may extend beyond said line.
8. No signs, billboards, or other advertising structures will be permitted.
9. Tanks for storage of oil, or other fluids, will not be permitted above the surface of the ground unless same is landscaped in a manner to be approved by the sellers in writing.
10. No fence, wall, pergola, or other detached structure will be nearer any street than the building limits line, except that a plank fence painted white, not over three and one-half (3 1/2) feet in height, or a chestnut or cedar post and rail fence

Boone County, Missouri
Unofficial Document

40

not over three and one-half (3½) feet in height can be erected on said premises.

11. No provisions may be made for the raising or housing of poultry or livestock.
12. Trash, ashes, or other refuse will not be dumped or thrown on any area in this subdivision.
13. No radio aerial, antenna, wires, or structures will be erected in front of the building limits, or extend higher than fifteen (15) feet above the roof of the structure.
14. No building material of any character may be stored or placed on any lot or plot prior to the commencing of building operations.
15. The provisions of these restrictions may be changed only by approval of the sellers, or their legal representatives, when and if requested in writing by three-fourths (¾) of the legal owners of the property within this subdivision.

That lots shown by said plat are subject to the following building lines and limitations, so that no dwelling house or building shall be erected closer to the respective boundary lines of said lots as set out as follows:

- Lot Number 1: North Side, Thirty (30) feet.
South Side, Thirty (30) feet.
- Lot Number 2: North Side, Thirty (30) feet.
South and East Sides, Thirty (30) feet
- Lot Number 3: Northeast Side, Fifty (50) feet
South Side, Fifty (50) feet
West Side, Thirty (30) feet.
- Lot Number 4: North Side, Fifty (50) feet
East Side, Thirty (30) feet
South Side, Fifty (50) feet
- Lot Number 5: North Side, Fifty (50) feet
East Side, Fifty (50) feet
South Side, Thirty (30) feet
- Lot Number 6: North Side, Fifty (50) feet
East Side, Thirty (30) feet
- Lot Number 7: Northwest side, Thirty (30) feet
North and Northeast Sides, Fifty (50) feet
South Side, Thirty (30) feet
- Lot Number 8: Northwest Side, Thirty (30) feet
East Side, Fifty (50) feet
South Side, Thirty (30) feet
- Lot Number 9: North side, thirty (30) feet
East Side, Fifty (50) feet
South Side, Thirty (30) feet
- Lot Number 10: North Side, Thirty (30) feet
East Side, Fifty (50) feet
South Side, Thirty (30) feet
- Lot Number 11: North Side, Thirty (30) feet
West Side, Fifty (50) feet.
South Side, Thirty (30) feet
- Lot Number 12: North Side, Thirty (30) feet
West Side, Forty (40) feet
South Side, Thirty (30) feet
- Lot Number 13: North and Northwest Sides, Thirty (30) feet
West Side, Forty (40) feet
South Side, Thirty (30) feet
- Lot Number 14: Northwest Side, Thirty (30) feet
West Side, Thirty (30) feet
South Side, Thirty (30) feet
- Lot Number 15: Southwest Side, Thirty (30) feet
Southeast Side, Fifty (50) feet

IT IS FURTHER PROVIDED that the restrictions herein set forth shall be considered restrictions and covenants which shall run with the land and shall bind the present owners of said property, their heirs, successors, and assigns, and all persons or parties claiming by, through, or under them, and shall be taken to hold said land subject to said restrictions; that they further covenant and agree that the owners of said lots, their heirs, successors, and assigns, and each of them, shall conform to and observe said restrictions to the use of said land, construction of improvements thereon, but no restriction herein set forth shall be personally binding upon any corporation or person, except in respect to breaches committed during their ownership or occupancy of said property.

It is further understood that the owner or owners of any of the above described lots or tracts of land shall have the right to sue for and obtain an injunction, writ of prohibition, or other appropriate legal remedy to prevent the breach of or to enforce the observance of the restrictions above set forth in addition to the ordinary legal proceedings for damages. The failure of the owner or owners of any lot or lots described in the accompanying plat to enforce any of the restrictions or covenants herein set forth at the

time of its violation shall in no event be deemed to be a waiver of their right to do so thereafter.

IN WITNESS WHEREOF, the owners above named have executed this instrument and signed their seals thereto and affixed their signatures this 23rd day of January, 1956.

Clyde L. Shepard
Clyde L. Shepard
Evelyn J. Shepard
Evelyn J. Shepard
Harold F. Reisch
Harold F. Reisch
Bessie T. Reisch
Bessie T. Reisch
Andrew C. Minor
Andrew C. Minor
Catherine H. Minor
Catherine H. Minor

STATE OF MISSOURI)
COUNTY OF BOONE) ss

On this 16th day of January, 1956, before me personally appeared CLYDE L. SHEPARD and EVELYN J. SHEPARD, husband and wife, to me known to be the persons described herein, and who executed the foregoing instrument and acknowledged that they executed the same as their own free act and deed. My commission expires February 8, 1956.
(seal)

Jamilee B. Jones, Notary Public

STATE OF MISSOURI)
COUNTY OF BOONE) ss

On this 21st day of January, 1956, before me personally appeared HAROLD F. REISCH and BESSIE T. REISCH, husband and wife, to me known to be the persons described herein, and who have executed the foregoing instrument and acknowledged that they executed the same as their own free act and deed. My commission expires June 9, 1956.
(seal)

Ava Belle C. Menteer, Notary Public

STATE OF MISSOURI)
COUNTY OF BOONE) ss

On this 21st day of January, 1956, before me personally appeared ANDREW C. MINOR and CATHERINE H. MINOR, husband and wife, to me known to be the persons described herein, and who have executed the foregoing instrument and acknowledged that they executed the same as their own free act and deed. My commission expires June 9, 1956.
(seal)

Ava Belle C. Menteer, Notary Public (seal)

STATE OF MISSOURI)
COUNTY OF BOONE) Sec.

I, the undersigned Recorder of Deeds for said County and State do hereby certify that the foregoing instrument of writing was filed for record in my office on the 23rd day of January, A.D., 1956 at 1 o'clock and 30 minutes P.M. and is truly recorded in Book 5 on page 40.

Witness my hand and official seal the day and year aforesaid.
(seal)

By [Signature]
Recorder of Deeds