

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 45-14

AN ORDINANCE

rezoning property located on the northeast corner of Providence Road and Turner Avenue, and on the northwest corner of Turner Avenue and Fifth Street from District R-3 (Medium Density Multiple-Family Dwelling District) to District PUD-52 (Planned Unit Development); approving the statement of intent; approving the Preliminary Plat and PUD Plan of ACC OP Development LLC; setting forth conditions for approval; approving less stringent height, setback and landscaping requirements; granting a variance from the Subdivision Regulations regarding dedication of street right-of-way; providing notice as it to relates to the provision of utility service; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

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

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

TWO TRACTS OF LAND LOCATED IN THE NE 1/4 OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF UNIVERSITY ADDITION RECORDED IN PLAT BOOK 70 PAGE 128, VESSERS SUBDIVISION RECORDED IN PLAT BOOK 1, PAGE 35, AND BEING ALL OF THE CITY OF COLUMBIA SURVEY #304, AT PAGE 327, AND BEING ALL OF THE SURVEY SHOWN AS EXHIBIT "B", RECORDED IN BOOK 951, PAGE 411, AND BEING ALL OF THE SURVEYS RECORDED IN BOOK 418, PAGE 412, BOOK 316, PAGE 547, AND BOOK 479, PAGE 194, AND DESCRIBED BY THE DEEDS RECORDED IN BOOK 3582, PAGE 150, BOOK 2886, PAGE 150, BOOK 1631, PAGE 617, BOOK 1200, PAGE 148, BOOK 2598, PAGE 45, AND BOOK 2598, PAGE 44, BOOK 2638, PAGE 128, BOOK 991, PAGE 314, BOOK 3101, PAGE 68, BOOK 2216, PAGE 604, BOOK 611, PAGE 248, BOOK 1441, PAGE 396 AND BOOK 730, PAGE 244 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 OF SAID VESSERS SUBDIVISION AND WITH THE SOUTH LINE THEREOF, N 80°06'30"W, 142.40 FEET TO THE EAST RIGHT-OF- WAY LINE OF PROVIDENCE ROAD; THENCE LEAVING THE SOUTH LINE OF SAID LOT 6 AND WITH SAID EAST RIGHT-OF-WAY LINE, 174.82 FEET ALONG A 523.0 FOOT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N 6°25'05"W, 174.01 FEET; THENCE N 3°09'25"E, 147.52 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, N 57°29'55"E, 194.19 FEET TO THE SOUTH LINE OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1631, PAGE 617; THENCE WITH THE LINES OF SAID TRACT, N 88°47'35"W, 7.78 FEET; THENCE N 3°09'25"E, 120.01 FEET; THENCE S 88°47'35"E, 128.48 FEET TO THE WEST RIGHT-OF-WAY OF FOURTH STREET; HENCE LEAVING THE LINES OF TRACT DESCRIBED BY SAID WARRANTY DEED RECORDED IN BOOK 1631, PAGE 617 AND WITH SAID WEST RIGHT-OF-WAY, S 1°17'15"W, 217.98 FEET; THENCE N 81°51'50"W, 98.84 FEET, S 5°47'00"W, 364.23 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.14 ACRES.

TRACT 2:

BEGINNING AT THE NORTHEAST CORNER OF SAID SURVEY RECORDED IN BOOK 316, PAGE 547, THENCE WITH THE LINES OF SAID SURVEY, S 9°23'00"W, 199.87 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID VESSER SUBDIVISION; THENCE WITH THE SOUTH LINE OF SAID VESSERS SUBDIVISION, N 79°48'10"W, 368.26 FEET TO THE SOUTHWEST CORNER OF LOT 5 OF SAID SUBDIVISION; THENCE WITH THE WEST LINE EXTENDED THEREOF, N 5°47'00"E, 189.28 FEET TO THE NORTHWEST CORNER OF SAID SURVEY RECORDED IN BOOK 316, PAGE 547; THENCE WITH THE LINES THEREOF, S 81°28'55"E, 380.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.67 ACRES.

will be rezoned and become a part of District PUD-52 (Planned Unit Development) with a development density not exceeding 52 dwelling units per acre and taken away from District R-3 (Medium Density Multiple-Family Dwelling District). Hereafter the property may be used for the permitted uses set forth in the statement of intent.

SECTION 2. The City Council hereby approves the terms and conditions contained in the statement of intent dated February 21, 2014, attached hereto as Exhibit A and made a part of this ordinance as such statement of intent is amended by the following:

1. Section d shall be amended to read:

“d. The maximum building height proposed for the property is 80-feet and shall contain no more than five (5) stories.”

2. Section f shall be amended to add the following sentence at the end of such section:

“f. . . . Open space calculation shall not include any portion of vacated Fourth Street or areas to be dedicated by Applicant to the City for right-of-way.”
3. Section i shall be amended to read:

“i. Prior to considering vacation of Fourth Street, the applicant shall grant to the City any easements and commitments the City requires in the area proposed to be vacated which shall be memorialized in a written development agreement. These commitments include, but are not limited to: emergency service vehicular access, pedestrian access, enhanced landscaping, utilities corridor, designated fire lanes, placement of bollards, signs, vehicular access for waste services, sufficient space for compactors/recycling or other waste service containers and sufficient traffic movement circulation for any areas to remain open to vehicle access or parking. In the event the City approves the vacation of Fourth Street, it shall be closed to public vehicular traffic, except that the applicant shall be permitted no more than eight (8) loading zone only temporary parking spaces along Fourth Street following the redevelopment of the site per the PUD Plan. During the closure of Fourth Street and the redevelopment construction, the applicant may remove the existing Fourth Street pavement and shall place bollards with Knox key access provided to the City, as required by the City. Following the redevelopment, the applicant shall construct and maintain a not less than 20-foot wide paved or other hard surface agreeable to the City to meet the requirements of all easements and commitments in the area to be vacated. The applicant shall also maintain all other agreed improvements in the area proposed to be vacated.”

The statement of intent 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. The City Council hereby approves the Preliminary Plat and PUD Plan of ACC OP Development LLC, as certified and signed by the surveyor on February 27, 2014, for the property referenced in Section 1 above, as amended by Section 4 herein.

SECTION 4. Approval of the Preliminary Plat and PUD Plan shall be subject to the following conditions and such Preliminary Plat and PUD Plan shall be amended to conform with such conditions:

1. The applicant shall seek a right-of-use permit from the Missouri Department of Transportation (MoDOT) to upgrade and reconstruct the sidewalk along

Providence Road to meet or exceed current ADA and City standards and allow for landscaping within the right-of-way that supplements and enhances on-site landscaping along the western property frontage.

2. The applicant shall provide enhanced landscaping and open space along the site's interior to be vacated along the Fourth Street frontage without impeding emergency vehicle use of the access corridor.
3. The applicant shall amend the Preliminary Plat and PUD Plan to include construction of a two-way left turn lane along Fifth Street to facilitate turning movements into the parking garage and eastbound traffic on Turner Avenue. No occupancy permits shall be issued until a two-way left turn lane is installed along Fifth Street and approved by pertinent City departments.
4. The applicant shall amend the Preliminary Plat and PUD Plan to include a street easement abutting the proposed construction located approximately 60-feet north and 38-feet west of the Fifth Street and Turner Avenue intersection.
5. No land disturbance or building permits shall be issued until utility capacity issues have been addressed to the satisfaction of the permitting City departments.

SECTION 5. The City Council approves less stringent building height requirements than those set forth in Section 29-10(d)(5) so that a maximum building size of five (5) stories consisting of a maximum overall height of 80-feet shall be allowed rather than the required 45-feet.

SECTION 6. The City Council approves less stringent yard requirements than those set forth in Section 29-10(d)(7) so that perimeter setbacks less than the required 25-feet shall be allowed as follows:

1. Perimeter setbacks of 0-feet shall be allowed:
 - a. Along all interior streets and between buildings; and
 - b. The southern property line of Tract 1 and Tract 2 adjacent to Turner Avenue; and
 - c. Along the eastern property line of Tract 1 adjacent to Fourth Street.
2. A perimeter setback of 4-feet shall be allowed along Fifth Street.
3. A perimeter setback of 6-feet shall be allowed along Providence Road.

4. A perimeter setback of 8-feet shall be allowed along the north property line of Tract 1.
5. Perimeter setbacks of 10-feet and 1-foot, respectively, shall be allowed along the north and northwest property lines of Tract 2.

SECTION 7. The City Council approves less stringent landscaping requirements than those set forth in Section 29-25(e)(1) of the Zoning Regulations so that only eight percent (8%) of the total land area of the tract shall be required to be landscaped rather than the required fifteen percent (15%).

SECTION 8. Subdivider is granted a variance from the requirement of Section 25-43(1) of the Subdivision Regulations so that dedication of additional right-of-way shall not be required along that portion of Fourth Street south of Conley Street.

SECTION 9. Subdivider is hereby provided notice that the City may not be able to provide the necessary utilities to the area beyond the current level of service and use of the land. The City may require public improvements to be enhanced, enlarged or upgraded in order to accommodate a higher level of service demand attendant to the use of land by the planned unit development contemplated herein. Nothing contained herein shall be construed or deemed to grant a right or privilege to Subdivider to obtain a building permit or engage in any construction activity on the project site.

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

SECTION 11. 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.

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RECEIVED

FEB 21 2014

PLANNING DEPT.

EVERETT S. VAN MATRE
(1922-1998)

*ADMITTED IN MISSOURI AND ILLINOIS

February 21, 2014

Tim Teddy, Director
Department of Planning & Development
City of Columbia
701 E Broadway
Columbia, MO 65201
Via Hand Delivery and
E-mail: ttteddy@gocolumbiamo.com

Pat Zenner
Department of Planning & Development
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RE: Statement of Intent / Application for Permanent Rezoning and Planned Unit
Development Plan / ACC OP Development LLC (the "Applicant")

Dear Mssrs. Teddy and Zenner,

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

a. The uses proposed for the site are all uses permitted in Section 29-10 of the City's
Zoning Ordinances, which specifically includes, without limiting the foregoing: dwelling,
multiple-family; sales and leasing office; parking garage; and, community center.

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 182 units and maximum density
shall be 52 units per acre.

d. The maximum building height proposed for the Property is 80 feet measured from
the highest curb elevation adjacent to the Property and shall permit structures containing no more
than 5-stories (not counting basements) above grade.

e. The total number of vehicle parking spaces proposed for residents is 554. The
proposed parking ratio per dwelling unit is 3.04 (554/182) as shown on the approved PUD Plan.
The upper limit on parking spaces shall be 718 and the lower limit on parking spaces shall be
347.

f. The minimum percentage of the site to be maintained in open space shall be a total of 8%. Of such total, 90% shall be in landscaping and 10% shall be in existing vegetation.

g. Proposed amenities include a swimming pool and community center.

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 side yard setback of 0 feet along the southernmost boundaries of Tracts 1 and 2 (along Turner Avenue) and along the easternmost boundary of Tract 1 (along Fourth Street); a minimum side yard setback of 8 feet along the northernmost boundary of Tract 1; a minimum side yard setback of 4 feet along the easternmost boundary of Tract 2 (along Fifth Street); a minimum rear yard setback of 6 feet along the westernmost (including the northwest) boundary of Tract 1; and, a minimum rear yard setback of 10 feet along the northernmost boundary of Tract 2. There shall be no other minimum setbacks from perimeter or interior streets or between buildings.

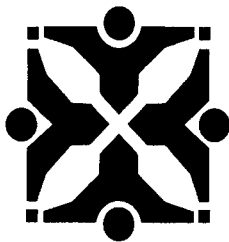
i. Upon Fourth Street being vacated and closed to vehicular traffic in the manner shown on the PUD Plan, the Applicant shall maintain the pavement for the purpose of permitting the City's emergency service vehicles to have access to the structures along the area encompassed by Fourth Street and to permit pedestrian access along an area within the existing Fourth Street paved surface no less than 20 feet wide. The existing Fourth Street pavement may be removed by the Applicant during the redevelopment construction process; however, the Applicant shall install replacement pavement no more narrow than 20 feet for the emergency service vehicles and pedestrian access described herein. During redevelopment construction, the Applicant shall install bollards, in the locations shown on the PUD Plan, with Knox key access provided to the City, which shall otherwise limit thru-vehicular traffic. The Applicant shall be permitted no more than 8 on-street parking spaces along Fourth Street following redevelopment of the site per the PUD Plan. The Applicant shall grant to the City easements necessary to permit such emergency service vehicular access, pedestrian access, and for utilities existing within the area. The City and the Applicant shall memorialize any such arrangements by executing an agreement (the "Development Agreement") substantially in the form as the agreement approved by the Applicant and approved by City Council on the same date as the accompanying rezoning and PUD plan.

Sincerely,

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

By:


Robert N. Hollis



Source: Community Development - Planning 

Agenda Item No:

To: City Council
From: City Manager and Staff 

Council Meeting Date: Mar 3, 2014

Re: ACC OP Development, LLC - rezoning and PUD plan request (Case 13-257)

EXECUTIVE SUMMARY:

A request by ACC OP Development, LLC (contract purchaser) to rezone approximately 3.81 acres from R-3 (Medium Density Multiple-family Dwelling) to PUD 52 (planned unit development with a maximum of 52 du/ac) and variances to Sections 29-10(d)(5) and (7), 29-25, and 25-43 of the City Code pertaining to PUD building height and perimeter setbacks, open space/landscaping, and minimum required right-of-way width, respectively. The 3.81 acres contains 17 tracts of land located north of Turner Avenue, east of Providence Road, south of Stewart Road and west of Fifth Street. **(Case 13-257)**

DISCUSSION:

PUD Zoning

The proposed development site is located on the southwest edge of the urban core within an area that is experiencing redevelopment pressure for additional student housing. Property to northeast of the subject site was rezoned to PUD 90 in July 2013 and the University has recently completed improvements to the Mark Twain residence hall and is in the process of renovating the Lewis and Clark residence facilities. In addition to this residential demand, the City has recently approved funding to proceed forward with the reconstruction of the Turner Avenue/Providence Road intersection which borders this subject site on its southern boundary.

The subject site is located in the City Centre district of the Future Land Use Map of Columbia Imagined. The type of development proposed, both in its scale and density, is supported by the district guidelines and is consistent with the surrounding development. Furthermore, the proposed PUD zoning provides greater assurance that Goals 5.3 and 6.2 of Imagine Columbia's Future are realized. Goal 5.3 states "Columbians will live in well maintained, environmentally sound neighborhoods; that include a range of housing options and prices by providing housing options within walking distance of amenities such as schools, places of worship, shopping and recreation facilities; and that are supported by citywide bicycle, pedestrian, and transit systems". Goal 6.2 states "Downtown Columbia will have a variety of safe housing options, including new and revitalized units, for all age groups and income levels with easy access to desirable amenities."

The proposed PUD is believed to be compatible with the surrounding area and offers the City the greatest opportunity to address the impacts that such a large redevelopment will create on the adjacent properties and municipal infrastructure. Unlike the existing zoning, the proposed PUD zoning allows additional conditions to be imposed on the development to ensure greater integration in the surrounding land use context. Additionally, the proposed PUD will further allow for more certainty in the type of development to be constructed through the requirement that a Statement of Intent and development plan be approved governing the development's uses, dimensional requirements, and site layout.

PUD Plan

A Statement of Intent (SOI) and site specific development plan have been submitted with this proposal. The SOI proposes a maximum of 182 multi-family dwelling units, a maximum building height of 80-feet, and the provision of parking spaces that ranges from 347 (minimum) to 718 (maximum). Additionally, the SOI proposes that the future site improvement provide 8% open space/ landscaping and reduced perimeter setbacks on all property frontages. Finally, the SOI proposes provisions relating to the applicant's use of Fourth Street upon its vacation and the requirement that the applicant dedicate an easement to the City for emergency response, pedestrian access, and utilities over the vacated Fourth Street right-of-way.

The applicant has submitted variance requests relating to increased PUD height, reduced perimeter setbacks, and reduced open space/landscaping area. Modification of such aspects of a PUD are permitted in accordance with Sections 29-10 of the Code. While parking has been provided as a "sliding" range the parking shown on the development plan is in excess of that required by Section 29-30 based on the proposed unit mixture; therefore, no variance was requested.

The site plan shows the development of a 182-unit 5-story multi-family building situated on the east and west side of Fourth Street. A 546 space parking structure is proposed to be located behind residential "liner" units on Tract 2 of the development site (that portion lying between Fourth and Fifth Streets) immediately south of the PUD 90 known as "The Residences at Fifth and Conley".

The proposed development is one-story shorter than that approved for the PUD 90 to the north and the applicant's request for a variance in the building height is sought to maintain consistency with the adjacent development. The site plan proposes that no building setbacks be provided on Fourth Street or Turner Avenue and a 4-foot setback be provided on Fifth Street. These setbacks are consistent with those approved with the PUD 90 to the north. On the north property lines of Tracts 1 and 2, a 8-foot and a 10-foot setback, respectively, are proposed. On the west and northwest property lines of Tract 1, a 6-foot setback is proposed.

While open space/landscaping are being preserved on the site such areas are not equivalent to the required 15% . Proposed construction will be more "urban" in nature and more similar to that found within the C-2 district which does not have open space/landscaping requirements. The 8% proposed to be provided is 1% less than that approved for the PUD 90 to the north.

The site plan provides dedication of additional right-of-way along Fourth Street (north of Conley), Fifth Street, Turner Avenue, and Providence Road to meet future transportation system needs. The provision of additional right-of-way along the southern portion of Fourth Street has been omitted due to the intent to vacate that portion from public maintenance and ownership. While proposed to be vacated, the ability for pedestrians, emergency services, and utilities to access the corridor will be maintained in the manner prescribed in the applicant's SOL.

City Traffic Engineers support the vacation of the right-of-way based, in part, on the additional right-of-way that has been provided on Fifth and Turner and the benefit that closure would have on future Turner Avenue traffic by eliminating left-turn movements at the intersection following Turner's reconstruction. Emergency services are also supportive of vacation subject to the provision of access, as stated in the SOL, being implemented. An application to vacate the right-of-way from all adjacent property owners will be required prior to Council consideration of the vacation.

While right-of-way has been proposed for adjacent streets, additional transportation improvements are being sought at the intersection of Fifth and Turner. The installation of left-turn lanes (a "twittle") along Fifth Street to access the parking structure and to head eastbound on Turner as well as a street easement at the intersection of Fifth and Turner adjacent to the proposed building are believed necessary to support the proposed development as well as address future demands anticipated in the surrounding area.

On February 20, 2014, the Planning and Zoning Commission voted 8-1 to recommend approval of the proposed rezoning, development plan, and requested variances subject to staff's recommendations except as follows 1) approval of the setback variances along the west and northwest property lines of Tract 1 subject to a minimum 6-foot setback being provided and the applicant pursuing a "right-of-use" permit with MoDOT for landscaping in the Providence Road right-of-way, 2) approval of the variance to reduce open space/landscaping subject to the applicant adding enhanced landscaping along the Fourth Street corridor and pursuing a "right-of-use" with MoDOT for landscaping in the Providence Road right-of-way, and 3) the maximum height of future construction be limited to 80-feet and contain no more than 5-stories. The additional conditions pertaining to Fifth Street improvements and restrictions on land disturbance, building and occupancy permits were also recommended for approval as proposed by staff.

In arriving at its decision issues relating to location/appropriateness of the use, structure height, enhanced landscaping, architectural design, and sufficiency of proposed traffic improvements and parking were discussed. The Commission questioned the applicant on their operational/security plans for the development and sought several concessions related to the variances associated with building height, open space/landscaping, and setbacks.



The applicant, his attorney, and civil and traffic engineers addressed the Commission regarding the project. The applicant agreed to all staff and Commission conditions of approval expect 1) the proposed improvements at the corner of Fifth and Turner and 2) the restriction on occupancy permits prior to completion of the Fifth and Turner "twittle". No one except the applicant and development team spoke in favor of the project. Several individuals spoke in opposition citing concern with the proposed density, height, and setbacks associated with the proposal. Additionally concerns were expressed relating to the loss of affordable housing and possible infrastructure impacts.

A copy of the revised Statement of Intent and PUD development plan addressing the Planning Commission's approval conditions and the staff report, locator maps, and original supporting documents as well as meeting excerpts are attached.

Though the developer has submitted a development agreement that would obligate the City to provide certain utility services to the site and reserve sufficient utility capacity to accommodate the proposed development on the developer's schedule, the agreement is not recommended for approval at this time by either staff or the Planning & Zoning Commission and the City has made no such commitment to the developer.



FISCAL IMPACT:

None

VISION IMPACT:

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

Goal 5.3 - "Columbians will live in well maintained, environmentally sound neighborhoods; that include a range of housing options and prices by providing housing options within walking distance of amenities such as schools, places of worship, shopping and recreation facilities; and that are supported by citywide bicycle, pedestrian, and transit systems".

Goal 6.2 - "Downtown Columbia will have a variety of safe housing options, including new and revitalized units, for all age groups and income levels with easy access to desirable amenities."

SUGGESTED COUNCIL ACTIONS:

Approval of the request to rezone from R-3 to PUD 52, approval of the development plan, and approval of the requested variances to height, setbacks, open space/landscaping, and right-of-way dedication as recommended by the Planning and Zoning Commission.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	5.3
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	6.2
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	NA

PRELIMINARY PLAT & PUD PLAN ACC OP DEVELOPMENT LLC

A MAJOR SUBDIVISION LOCATED IN SECTION 13,
TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
FEBRUARY 2014

NOTES:

EXISTING TRACT 1 CONTAINS 2.14 ACRES. EXISTING TRACT 2 CONTAINS 1.67 ACRES. TOTAL SITE CONTAINS 3.81 ACRES.

THIS TRACT IS CURRENTLY ZONED R-3 PENDING REZONING TO PUD-52.

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

PROPOSED BIKE RACKS ARE LOCATED WITHIN THE PARKING GARAGE.

THE MAXIMUM BUILDING HEIGHT PROPOSED FOR THE PROPERTY IS 80' MEASURED FROM THE HIGHEST CURB ELEVATION ADJACENT TO THE PROPERTY AND SHALL PERMIT CONSTRUCTION OF A STRUCTURE CONTAINING NO MORE THAN 5-STORIES, ABOVE GRADE.

NO PART OF THIS TRACT LIES WITHIN THE 100 YEAR FLOODPLAIN AS ADOPTED BY THE CITY OF COLUMBIA AS SHOWN BY FRM PANELS 29019C02800 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.

A PROPOSED 6' SIDEWALK SHALL BE PLACED AT THE BACK OF CURB ALONG TURNER AVENUE AND FOURTH STREET. A 10' SIDEWALK SHALL BE PLACED AT THE BACK OF CURB ALONG 5TH STREET. ADEQUATE EASEMENTS SHALL BE GRANTED SHOULD PROPOSED SIDEWALK CROSS ANY RIGHT-OF-WAY LINES.

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.

SITE LIGHTING SHALL CONSIST OF "PENCIL BEAM" LIGHTS MOUNTED AND DIRECTED TOWARDS THE BUILDING. THESE LIGHTS ARE TO HIGHLIGHT BUILDING FEATURES. DECORATIVE STREET LIGHTS MAY BE INSTALLED ALONG THE PROPOSED STREETScape. ALL LIGHTING SHALL BE IN ACCORDANCE WITH THE CURRENT LIGHTING ORDINANCE OF THE CITY OF COLUMBIA.

NATURAL GAS DISTRIBUTION TO BE DESIGNED BY AMEREN UE.

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.

A MINIMUM OF 25% OF THE TREES CONSIDERED AS CLIMAX FOREST AND LOCATED ON THIS TRACT SHALL BE PRESERVED. FUTURE GRADING PLANS WILL BE ADJUSTED, NOT THE PRESERVATION BOUNDARIES, TO ENSURE THAT THE IDENTIFIED AREA IS MAINTAINED. A TREE PRESERVATION PLAN SHALL BE SUBMITTED AND APPROVED BY THE CITY ARBORIST PRIOR TO LAND DISTURBANCE.

THE PROPOSED TRASH COLLECTION WILL BE IN THE FORM OF TRASH COMPACTORS AS SHOWN ON PLAN.

PER THE CURRENT STORM WATER REGULATIONS, THIS SITE WILL BE CLASSIFIED AS REDEVELOPMENT. UNDER THOSE REQUIREMENTS, THIS SITE WILL NEED TO PROVIDE STORM WATER DETENTION AND WATER QUALITY. THE STORM WATER DETENTION AND WATER QUALITY ASPECTS WILL BE ADDRESSED VIA AN UNDERGROUND DETENTION/WATER SYSTEM LOCATED ON-SITE.

SHOULD THE CITY VACATE FOURTH STREET AS SHOWN ON THIS PLAN THE DEVELOPER SHALL DEDICATE A UTILITY CORRIDOR AND PEDESTRIAN ACCESS EASEMENT ALONG THE EXISTING FOURTH STREET PAVEMENT LOCATION. THE WIDTH OF THIS CORRIDOR MAY BE REDUCED; HOWEVER, SHALL BE NO NARROWER THAN 20-Feet IN WIDTH AND DESIGNATED AS A FIRE LANE. SAID FIRE LANE SHALL BE BLOCKED WITH BOLLARDS (KNOX KEY ACCESS PROVIDED) TO LIMIT THRU VEHICULAR ACCESS. THE DEVELOPER MAY INSTALL A MAXIMUM OF 8 ON-STREET PARKING SPACES AS SHOWN ON THE PLAN.

PERIMETER SETBACKS SHALL BE AS FOLLOWS:
ADJACENT TO FOURTH STREET (PORTION NOT VACATED): 0 FEET
ADJACENT TO FIFTH STREET: 4 FEET
ADJACENT TO CONLEY AVE.: 0 FEET
ADJACENT TO TURNER AVE.: 0 FEET
ADJACENT TO PROVIDENCE RD.: 6 FEET
NORTHWEST LINES OF TRACT 1: 6 FEET AND 10 FEET (AS SHOWN)
NORTH LINE OF TRACT 1: 8 FEET
NORTH LINE OF TRACT 2: 10 FEET

RECEIVED
FEB 27 2014
PLANNING DEPT.

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

DR. RAMAN PURI, CHAIRPERSON

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

ROBERT McDONALD, MAYOR

SHEELA AMIN, CITY CLERK

SCALE: 1" = 40'

PREPARED BY:
CROCKETT
ENGINEERING CONSULTANTS
2408 North Stadium Boulevard
Columbia, Missouri 65202
(573) 447-0292

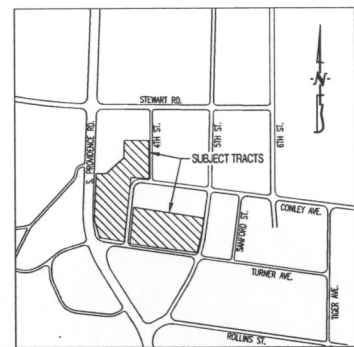
www.crockettengineering.com
Crockett Engineering Consultants, LLC
Missouri Certificate of Authority
#000015104

STATE OF MISSOURI
TIMOTHY D. CROCKETT
Professional Engineer
#0000000775

REVISED: 02/27/2014

TIMOTHY D. CROCKETT - PE-2004000775

REVISED
2/27/14



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
- EXISTING WATERLINE
- PROPOSED WATERLINE
- PROPOSED FIRE HYDRANT
- PROPOSED STORM SEWER
- BUILDING LINE
- LOT NUMBER
- STREAM BUFFER (OUTER LIMITS)
- PROPOSED PAVEMENT
- AREA OF PROPOSED FOURTH STREET RIGHT-OF-WAY VACATION

UNIT CALCULATIONS:

TOTAL NUMBER OF UNITS:	182
2 BEDROOM EACH UNIT:	5
4 BEDROOM EACH UNIT:	177

DENSITY CALCULATIONS:

LOT AREA:	3.52 ACRES (NET)
PROPOSED NUMBER OF UNITS:	182
PROPOSED DENSITY:	51.7 UNITS / ACRE
PROPOSED ZONING:	PUD-52

PARKING CALCULATIONS:

PARKING REQUIRED:		
5 UNITS - 2 BEDROOM UNITS	2 SPACES / UNIT	= 10 SPACES
177 UNITS - 4 BEDROOM UNITS	2.5 SPACES / UNIT	= 443 SPACES
PLUS 1 SPACE / 5 UNITS:		= 37 SPACES
BICYCLE SPACES REQUIRED:		= 25 SPACES
BICYCLE SPACES PROPOSED:		= 28 SPACES
TOTAL SPACES REQUIRED (WITH REDUCTION OF BICYCLES):		= 465 SPACES
TOTAL SPACES PROPOSED:		= 554 SPACES

PRE/POST IMPERVIOUS CALCULATIONS:

TOTAL LOT AREA (NET) =	3.52 ACRES
PRE-DEVELOPMENT IMPERVIOUS AREA =	1.87 ACRES
POST-DEVELOPMENT IMPERVIOUS AREA =	2.68 ACRES
INCREASE IN IMPERVIOUS AREA =	0.82 ACRES (35,914 SQ.FT.)

CALCULATIONS:

AREA:		
TOTAL LOT AREA (NET) =	3.52 ACRES	
BUILDING AREA =	2.31 ACRES	
OTHER IMPERVIOUS AREA =	0.38 ACRES	
TOTAL IMPERVIOUS AREA =	2.69 ACRES	
TOTAL PERVIOUS AREA =	35,852 S.F. (23%)	

LANDSCAPE COMPLIANCE:

TOTAL PARKING LOT & DRIVE AREA =	31,955 SQ. FT.
TREES REQUIRED @ 1 TREE/4500 SQ. FT. =	8 TREES
TOTAL TREES REQUIRED =	8 TREES
MEDIUM TO LARGE TREES REQUIRED (30%) =	3 TREES
TOTAL TREES PROVIDED =	10 TREES

CONTRACT PURCHASER:
ACC OP DEVELOPMENT LLC
12700 HILL COUNTRY BLVD., SUITE T-200
AUSTIN, TX 78738

OWNER:
A & L INVESTMENTS LLC
709 SHERWOOD DRIVE
JEFFERSON CITY, MO 65109

OWNER:
505 S FOURTH ST.
DERROW PROPERTIES LLLP
1107 MERRILL COURT
COLUMBIA, MO 65203

OWNER:
605 S FOURTH ST. & 611 S FOURTH ST.
HAROLD DRAKE TRUSTEE
1821 HIGHWIDE DRIVE
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OWNER:
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ROSS & CRYSTAL PETERSON
410 SPRING VALLEY ROAD
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OWNER:
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P.O. BOX 693
LAKE OZARK, MO 65049

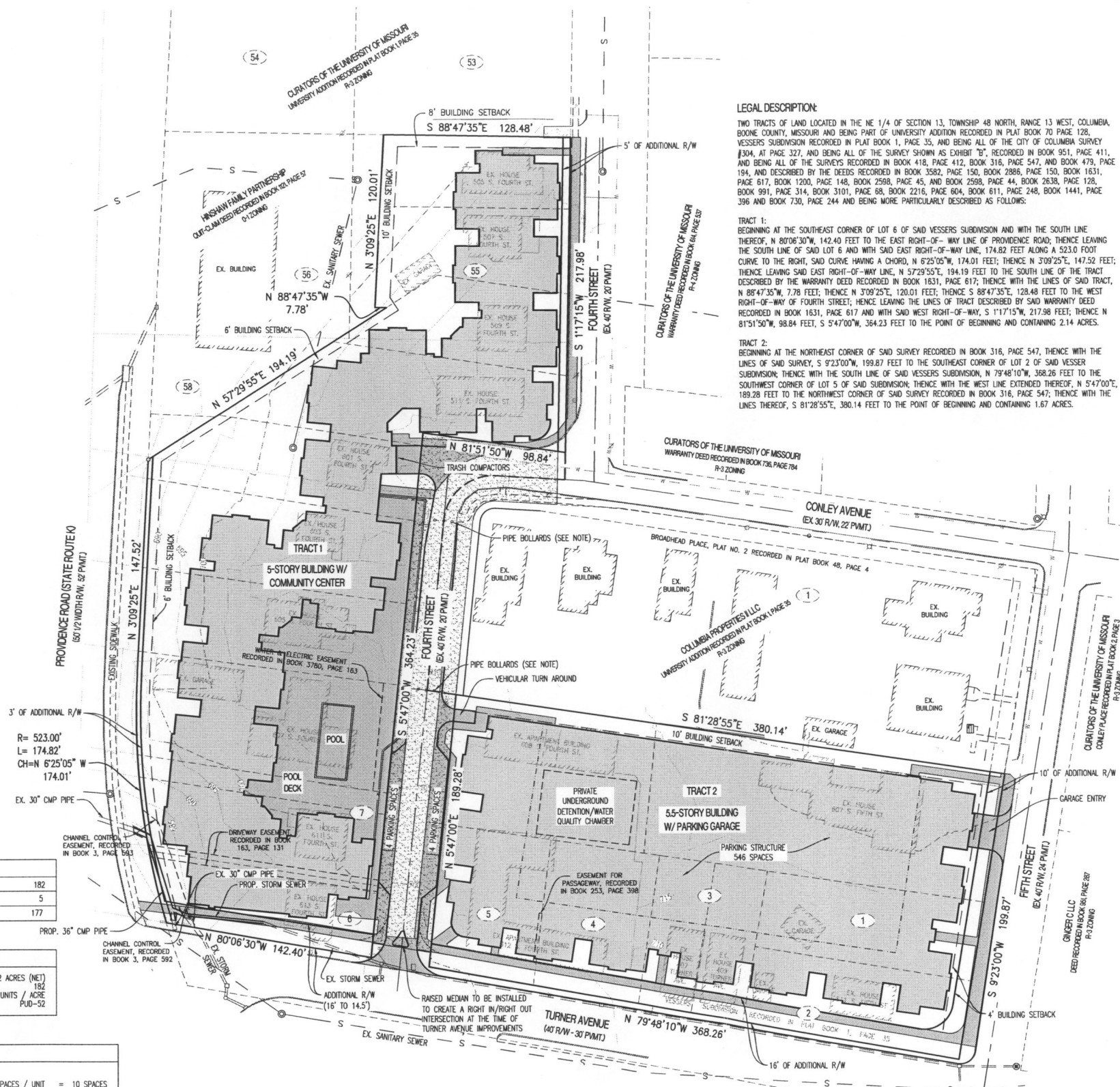
OWNER:
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612 S FOURTH ST., 613 S FOURTH ST.,
407 TURNER AVE., & 409 TURNER AVE.
GINGER C LLC
709 SHERWOOD DRIVE
JEFFERSON CITY, MO 65109

LEGAL DESCRIPTION:

TWO TRACTS OF LAND LOCATED IN THE NE 1/4 OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF UNIVERSITY ADDITION RECORDED IN PLAT BOOK 70 PAGE 128, VESSERS SUBDIVISION RECORDED IN PLAT BOOK 1, PAGE 35, AND BEING ALL OF THE CITY OF COLUMBIA SURVEY #304, AT PAGE 327, AND BEING ALL OF THE SURVEY SHOWN AS EXHIBIT "B", RECORDED IN BOOK 951, PAGE 411, AND BEING ALL OF THE SURVEYS RECORDED IN BOOK 418, PAGE 412, BOOK 316, PAGE 547, AND BOOK 479, PAGE 194, AND DESCRIBED BY THE DEEDS RECORDED IN BOOK 3582, PAGE 150, BOOK 2886, PAGE 150, BOOK 1631, PAGE 617, BOOK 1200, PAGE 148, BOOK 2598, PAGE 45, AND BOOK 2598, PAGE 44, BOOK 2638, PAGE 128, BOOK 991, PAGE 314, BOOK 3101, PAGE 68, BOOK 2216, PAGE 604, BOOK 611, PAGE 248, BOOK 1441, PAGE 396 AND BOOK 730, PAGE 244 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1: BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 OF SAID VESSERS SUBDIVISION AND WITH THE SOUTH LINE THEREOF, N 80°06'30"W, 142.40 FEET TO THE EAST RIGHT-OF-WAY LINE OF PROVIDENCE ROAD; THENCE LEAVING THE SOUTH LINE OF SAID LOT 6 AND WITH SAID EAST RIGHT-OF-WAY LINE, 174.82 FEET ALONG A 523.0 FOOT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N 6°25'05"W, 174.01 FEET; THENCE N 3°09'25"E, 147.52 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, N 57°29'55"E, 194.19 FEET TO THE SOUTH LINE OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1631, PAGE 617; THENCE WITH THE LINES OF SAID TRACT, N 88°47'35"W, 7.78 FEET; THENCE N 3°09'25"E, 120.01 FEET; THENCE S 88°47'35"E, 128.48 FEET TO THE WEST RIGHT-OF-WAY OF FOURTH STREET; HENCE LEAVING THE LINES OF TRACT DESCRIBED BY SAID WARRANTY DEED RECORDED IN BOOK 1631, PAGE 617 AND WITH SAID WEST RIGHT-OF-WAY, S 1°17'15"W, 217.98 FEET; THENCE N 81°51'50"W, 98.84 FEET, S 5°47'00"W, 364.23 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.14 ACRES.

TRACT 2: BEGINNING AT THE NORTHEAST CORNER OF SAID SURVEY RECORDED IN BOOK 316, PAGE 547, THENCE WITH THE LINES OF SAID SURVEY, S 9°23'00"W, 199.87 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID VESSER SUBDIVISION; THENCE WITH THE SOUTH LINE OF SAID VESSERS SUBDIVISION, N 79°48'10"W, 368.26 FEET TO THE SOUTHWEST CORNER OF LOT 5 OF SAID SUBDIVISION; THENCE WITH THE WEST LINE EXTENDED THEREOF, N 5°47'00"E, 189.28 FEET TO THE NORTHWEST CORNER OF SAID SURVEY RECORDED IN BOOK 316, PAGE 547, THENCE WITH THE LINES THEREOF, S 81°28'55"E, 380.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.67 ACRES.



PRELIMINARY PLAT & PUD PLAN ACC OP DEVELOPMENT LLC

A MAJOR SUBDIVISION LOCATED IN SECTION 13,
TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
FEBRUARY 2014

NOTES:

EXISTING TRACT 1 CONTAINS 2.14 ACRES. EXISTING TRACT 2 CONTAINS 1.67 ACRES. TOTAL SITE CONTAINS 3.81 ACRES.

THIS TRACT IS CURRENTLY ZONED R-3 PENDING REZONING TO PUD-52.

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

PROPOSED BIKE RACKS ARE LOCATED WITHIN THE PARKING GARAGE.

THE MAXIMUM BUILDING HEIGHT PROPOSED FOR THE PROPERTY IS 80' MEASURED FROM THE HIGHEST CURB ELEVATION ADJACENT TO THE PROPERTY AND SHALL PERMIT CONSTRUCTION OF A STRUCTURE CONTAINING NO MORE THAN 5-STORIES, ABOVE GRADE.

NO PART OF THIS TRACT LIES WITHIN THE 100 YEAR FLOODPLAIN AS ADOPTED BY THE CITY OF COLUMBIA AS SHOWN BY FIRM PANELS 29019C02800 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.

A PROPOSED 6' SIDEWALK SHALL BE PLACED AT THE BACK OF CURB ALONG TURNER AVENUE AND FOURTH STREET. A 10' SIDEWALK SHALL BE PLACED AT THE BACK OF CURB ALONG 5TH STREET. ADEQUATE EASEMENTS SHALL BE GRANTED SHOULD PROPOSED SIDEWALK CROSS ANY RIGHT-OF-WAY LINES.

ALL PUBLIC SANITARY SEWER EXTENSIONS SHALL BE MINIMUM OF 8" DIAMETER. SEWERS SHALL BE LOCATED WITHIN 18 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 ASILES ARE SUBJECT TO FIRE DEPARTMENT APPROVAL AT THE TIME OF FINAL DESIGN.

SITE LIGHTING SHALL CONSIST OF "PENDUL BEAM" LIGHTS MOUNTED AND DIRECTED TOWARDS THE BUILDING. THESE LIGHTS ARE TO HIGHLIGHT BUILDING FEATURES. DECORATIVE STREET LIGHTS MAY BE INSTALLED ALONG THE PROPOSED STREETScape. ALL LIGHTING SHALL BE IN ACCORDANCE WITH THE CURRENT LIGHTING ORDINANCE OF THE CITY OF COLUMBIA.

NATURAL GAS DISTRIBUTION TO BE DESIGNED BY AMEREN UE.

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.

A MINIMUM OF 25% OF THE TREES CONSIDERED AS CLIMAX FOREST AND LOCATED ON THIS TRACT SHALL BE PRESERVED. FUTURE GRADING PLANS WILL BE ADJUSTED, NOT THE PRESERVATION BOUNDARIES, TO ENSURE THAT THE IDENTIFIED AREA IS MAINTAINED. A TREE PRESERVATION PLAN SHALL BE SUBMITTED AND APPROVED BY THE CITY ARBORIST PRIOR TO LAND DISTURBANCE.

THE PROPOSED TRASH COLLECTION WILL BE IN THE FORM OF TRASH COMPACTORS AS SHOWN ON PLAN.

PER THE CURRENT STORM WATER REGULATIONS, THIS SITE WILL BE CLASSIFIED AS REDEVELOPMENT. UNDER THOSE REQUIREMENTS, THIS SITE WILL NEED TO PROVIDE STORM WATER DETENTION AND WATER QUALITY. THE STORM WATER DETENTION AND WATER QUALITY ASPECTS WILL BE ADDRESSED VIA AN UNDERGROUND DETENTION/WATER SYSTEM LOCATED ON-SITE.

SHOULD THE CITY VACATE FOURTH STREET AS SHOWN ON THIS PLAN THE DEVELOPER SHALL DEDICATE A UTILITY CORRIDOR AND PEDESTRIAN ACCESS EASEMENT ALONG THE EXISTING ALLEYWAY LOCATION. THE WIDTH OF THIS CORRIDOR MAY BE REDUCED, HOWEVER, SHALL BE NO NARROWER THAN 20-Feet IN WIDTH AND DESIGNATED AS A FIRE LANE. SAID FIRE LANE SHALL BE BLOCKED WITH BOLLARDS (KNOX KEY ACCESS PROVIDED) TO LIMIT THRU VEHICULAR ACCESS. THE DEVELOPER MAY INSTALL A MAXIMUM OF 8 ON-STREET PARKING SPACES AS SHOWN ON THE PLAN.

PERIMETER SETBACKS SHALL BE AS FOLLOWS:

ADJACENT TO FOURTH STREET (PORTION NOT VACATED): 0 FEET
ADJACENT TO FIFTH STREET: 4 FEET
ADJACENT TO CONLEY AVE.: 0 FEET
ADJACENT TO TURNER AVE.: 0 FEET
ADJACENT TO PROVIDENCE RD.: 8 FEET
NORTHWEST LINES OF TRACT 1: 6 FOOT AND 10 FEET (AS SHOWN)
NORTH LINE OF TRACT 1: 8 FEET
NORTH LINE OF TRACT 2: 10 FEET

RECEIVED
FEB 27 2014
PLANNING DEPT.

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

DR. RAMAN PURI, CHAIRPERSON

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

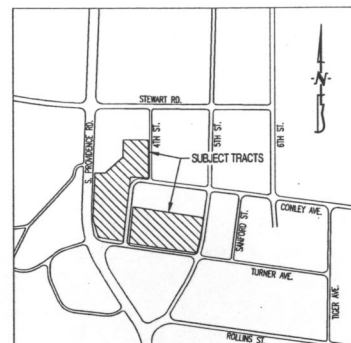
ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK

REVISED: 02/27/2014

TIMOTHY D. CROCKETT - PE-2004000775

REVISED
2/27/14



LOCATION MAP
NOT TO SCALE

LEGEND:

- EXISTING 2FT CONTOUR
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- PROPOSED FIRE HYDRANT
- PROPOSED STORM SEWER
- BUILDING LINE
- LOT NUMBER
- STREAM BUFFER (OUTER LIMITS)
- PROPOSED PAVEMENT

R= 523.00'
L= 174.82'
CH=N 6°25'05" W
174.01'

PLANTING NOTES:

QUANTITY	PLANT SPECIES
3	PIN OAK - QUERCUS PALUSTRIS (OR APPROVED EQUAL)
7	SARGENT CRABAPPLE - MALUS SARGENTII (OR APPROVED EQUAL)

CALCULATIONS:

LANDSCAPE COMPLIANCE:	
TOTAL PARKING LOT & DRIVE AREA =	31,955 SQ. FT.
TREES REQUIRED @ 1 TREE/4500 SQ. FT. =	8 TREES
TOTAL TREES REQUIRED =	8 TREES
MEDIUM TO LARGE TREES REQUIRED (30%) =	3 TREES
TOTAL TREES PROVIDED =	10 TREES

CLIMAX FOREST:	
EXISTING CLIMAX FOREST =	27,197 SQ. FT.
PRESERVED CLIMAX FOREST =	6,865 SQ. FT. (25%)
MINIMUM TO BE PRESERVED SHALL BE 25%	

CONTRACT PURCHASER:
ACC OP DEVELOPMENT LLC
12700 HILL COUNTRY BLVD, SUITE T-200
AUSTIN, TX 78738

OWNER:
511 S FOURTH ST. & 601 S FOURTH ST.
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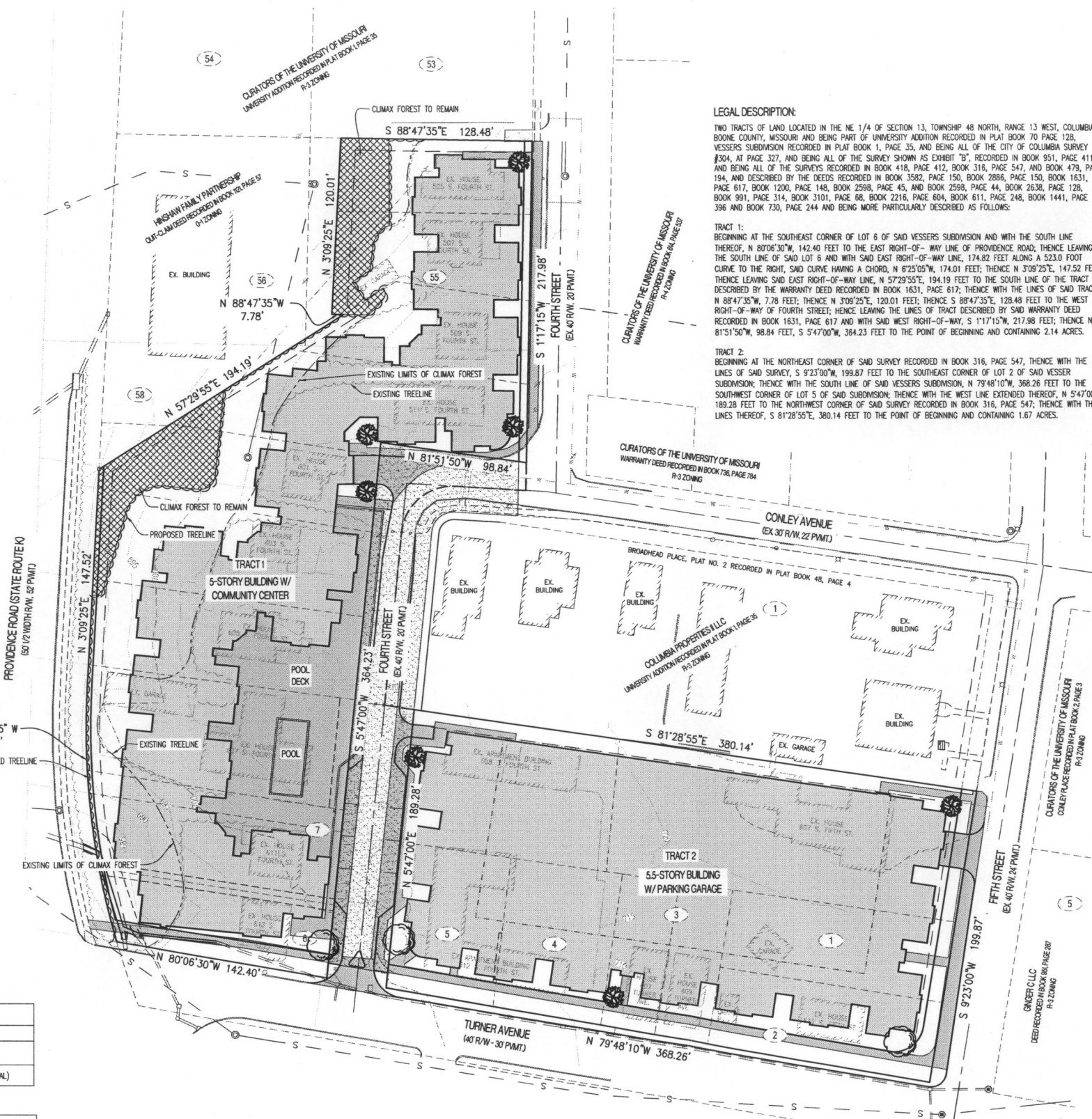
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**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
February 20, 2014**

SUMMARY

A public hearing will be held by the Planning and Zoning Commission to consider a request by ACC OP Development, LLC (contract purchaser) to rezone approximately 3.81 acres from R-3 (Medium Density Multiple-family Dwelling) to PUD 55 (planned unit development with a maximum of 55 du/ac) and variances to Sections 29-10(d)(5) and (7), 29-25, and 25-43 of the City Code pertaining to PUD building height and perimeter setbacks, open space/landscaping, and minimum required right-of-way width, respectively. The 3.81 acres contains 17 tracts of land located north of Turner Avenue, east of Providence Road, south of Stewart Road and west of Fifth Street. **(Case 13-257)**

DISCUSSION

Please note the density of this project has been reduced from the advertised density of **PUD 55** to the proposed **PUD 52**.

Request Overview -

The applicant is seeking to rezone and obtain development plan approval on 3.81 acres from R-3 to PUD 52 to permit construction of a 5-story, 182-unit (718 bed) student housing development. The proposed improvements are immediately south and west of a recently approved PUD 90 (The Residences at Fifth and Conley) that will permit the construction of an additional 103 units (354 beds) of student housing.

The proposed development site will involve improvements on both sides of Fourth Street south of Conley Avenue. The applicant's development plan and Statement of Intent indicate that a petition to vacate Fourth Street will be pursued upon approval of the requested rezoning application and execution of a separate development agreement (attached). The proposed development plan shows the construction of a 546 space parking structure and 8 on-street spaces. This combination of parking meets the parking requirements specified by the code for the unit mixture. The proposed development would have an on-site leasing office at the corner of Fourth Street and Turner Avenue. An on-site pool and pool deck are proposed as amenities for the development.

The following variances are being sought in connection with this project:

1. **A 35-foot variance in structure height.** Applicant desires to construct a maximum 80-foot tall structure.
2. **A variance to the 25-foot perimeter setback.** Applicant requests 0-foot setbacks along all interior and exterior roadways except Fifth Street and Providence Road where 4-foot and 6-foot setbacks, respectively, are proposed, 8-foot setback on the north property line of Tract 1, 10-foot setback on the north property line of Tract 2, and a 1-foot setback on the northwest property line.
3. **A 7% variance in the amount of required landscaping and open-space.** Applicant proposes to provide 8% landscaping/open space versus the required 15%.
4. **A variance to the required half-width road right-of-way upgrades.** Applicant requests waiver of half-width right-of-way upgrades to Providence Road and Fourth Street (south of Conley).

Site Context –

Land Use –

- Urban and located on the southern edge of the Central City district
- Improved with sidewalks (5-feet at back of curb) on 5th Street and Conley Avenue – no sidewalk on 4th street. 10-foot sidewalk (at back of curb) on 5th Street adjacent to Mark Twain Hall
- On-street parking available on the west side of 4th Street only
- The streets surrounding the development site are substandard.
- Surrounded by mix of residential uses:

North	Mark Twain Hall and parking facilities; future construction of 103 unit (354 bed) student housing development
Northeast	Conley Avenue parking garage (4-stories)
East	University surface parking lot and multi-family dwellings
South	Lewis & Clark Hall (8 stories) & parking facilities (south of Turner Avenue)
West	Providence Road; University of Missouri married student housing

Traffic –

The applicant prepared a traffic impact study that has been reviewed by the City's Traffic Engineers. Based upon the study and as requested by City Traffic Engineers, the applicant has provided additional right-of-way along Fourth Street (north of Conley), Fifth Street and Turner Avenue, but not along Providence Road. No improvements are proposed or requested for Fourth Street, south of Conley, as that section of right-of-way is proposed for vacation and future private ownership and maintenance. Vacation of Fourth Street will be processed via separate Council action prior to approval of or concurrently with the final plat for the development site.

While most traffic issues identified within the study have been addressed, 3-feet of additional right-of-way along Providence Road, a street easement at the intersection of Turner and Fifth, and the installation of left-turn lanes (a "twittle") along Fifth Street to access the parking structure and to head eastbound on Turner between the intersection and the entrance to the parking structure are sought in conjunction with this request. These additional improvements are believed necessary to support the proposed development as well as address future demands that the surrounding area will likely experience as it continues to redevelop.

Public Utilities –

The subject site is located in a portion of the City that is not currently served by adequate electric or sanitary sewer capacity capable of supporting the proposed development. Due to this condition, the applicant has proposed a separate development agreement (attached) for Council's consideration. Such agreement seeks a guarantee that utility provision and reservation of needed capacity will be available on or before the 3rd quarter of 2016 which is the anticipated opening date of the proposed development, if approved.

At this time, City staff is unable to commit to the utility guarantee provisions sought by the applicant. If approval of this request is believed appropriate such recommendation should condition such approval upon a plan and specific timing to be determined between City Council and the applicant.

Site Plan -

The attached site plan illustrates the construction of an "urban" style building that:

- Is located within the required 25-foot perimeter setback **(variance requested)**
- Provides less landscaping/open space than required **(variance requested)**
- Is 5-stories tall (maximum 80-feet) **(variance requested)**
- Provides greater than required half-width upgrade on Turner Avenue and Fifth Street, but seeks variance on upgrade requirement on Providence Road and Fourth Street (south of Conley) **(variance requested)**
- Meets all required vehicle and bike parking standards for the proposed use mixture
- Will include a combination of 6 and 10-foot sidewalks on all frontages (adjacent to back of curb)

Variance to required 25-foot perimeter setback -

The applicant is seeking perimeter setback variances on all sides of the development tract. The requested setbacks would be consistent with other urban lots used for residential purposes within the C-2 district and the PUD to the north. Given the desire to construct an urban-style building the requested reductions are understood, however; the development site is elevated approximately 15-20 feet above Providence Road.

Concern exists that the setback reduction along Providence Road and the northwest property lines will not provide sufficient space to provide landscaping to better integrate the proposed building into the surrounding context. Additionally, unlike the development to the north, the proposed site will have prominence along a major thoroughfare which necessitates greater consideration of the building's appearance to the public.

The purpose of the PUD perimeter setback is to allow for separation between incompatible uses as well as provide an area for preservation of natural vegetation. A reduction in the setback along Providence Road and the northwest property line is not supportable without further information regarding the appearance of the building façade or revisions to the landscaping plan. The remaining reductions in setbacks are believed appropriate as they are consistent with what was authorized for the PUD 90 to the north. Additionally, such setbacks will permit the creation of a uniform "urban" landscape.

Variance to required landscaping/open space -

Given the fact that urban-style C-2 development does not have a landscaping requirement and that the proposed construction desires to emulate that pattern, the reduction of the required landscaping and open space by 7% is not believed objectionable. Development within surrounding blocks is significantly impervious and is more consistent with C-2 zoning. The subject site contains climax forest, of which 25% is being retained as permanent preservation.

Concern exists, however; that the limited natural vegetation outside the climax forest areas along the west and northwest property lines will be eliminated by construction activities. Furthermore, the setback proposed along these property lines is questionable in its width to permit the replacement landscaping that may be impacted. Landscaping along these property lines should consist of materials that, upon planting, will assist in reducing the visual disparities between the existing and proposed development and will, within four growing seasons, provide substantially similar screening that exists today.

It is believed that enhancement of the landscaping along these property lines is possible; however, such improvements will, if required, need to occur off-site principally within the Providence Road right-of-way. Typically when off-site improvements are proposed they cannot be counted as part of the on-site

landscaping/open space. Given the nature of the proposed development and its location, consideration ought to be given to allowing such improvements to off-set the minimum requirements.

Variance to building height -

The applicant proposes to construct a 5-story (80-foot maximum height) building on the site. The PUD district allows construction of buildings up to 45-feet tall "by right" when complying with the setback requirements. For each additional foot of height above the permitted 45-feet one foot of additional setback shall be provided from all property lines. As noted above, the applicant is seeking to eliminate or reduce all property setbacks thereby necessitating the requested variance.

The proposed development will eliminate all structures shorter than 45-feet within the surrounding block and will be no greater in height than similar adjacent buildings to the north or south. Furthermore, the proposed construction is consistent with the approved PUD 90 height limit and is actually one-story shorter than the PUD to the north.

The subject site, at its highest point, is approximately 15-20 feet higher than Providence Road and Turner Avenue. This elevation change coupled with the mass of the building is of greater concern than its overall height. Efforts to increase the setbacks along the west and northwest property lines such that greater compliance with the "additional" setback provisions are met is believed essential to ensure that the future construction can be more effectively be blended into the surroundings. Increasing the setbacks may be possible with the vacation of Fourth Street and a slight adjustment in the building footprint to the east onto the former right-of-way.

Variance to minimum right-of-way requirements -

The applicant's site plan provides right-of-way upgrades on Fourth Street (north of Conley), Fifth Street, and Turner Avenue to comply with the minimum roadway width specifications. However, 3-feet of additional right-of-way are needed along Providence Road and 5-feet are needed along Fourth Street (south of Conley). Provision of the additional right-of-way along Providence is not believed to be problematic; however, such provision will further reduce the proposed setback along the western property line making landscaping treatment more challenging.

The provision of additional right-of-way along the southern portion of Fourth Street has been omitted due to the intent to vacate that portion of the right-of-way from public maintenance and ownership. Given this intention it is understandable that the upgrades have not been shown. Vacation of the southern portion of Fourth Street is supported by the City's Traffic Engineers. Such support is based, in part, on the additional right-of-way that has been provided on Fifth Street and Turner Avenue and the benefit that closure would have on future Turner Avenue traffic by eliminating left-turn movements at the intersection following Turner's reconstruction.

Conclusion

As a location for student housing, this development is considered well-suited given its proximity to the University's campus and additional student housing as well as planned upgrades in the transportation system (Turner Avenue reconstruction). Additionally, the proposed development site is located within the City Centre district of the Future Land Use Map of Columbia Imagined. The type of development proposed, both in its scale and density, is supported by the district guidelines.

Furthermore, the rezoning of the subject site fulfills a primary goal of Columbia Imagined in promoting "infill" development versus "greenfield" development. Finally, this request supports Goals 5.3 and 6.2 of Imagine Columbia's Future. Goal 5.3 states "Columbians will live in well maintained, environmentally sound neighborhoods; that include a range of housing options and prices by providing housing options

within walking distance of amenities such as schools, places of worship, shopping and recreation facilities; and that are supported by citywide bicycle, pedestrian, and transit systems". Goal 6.2 states "Downtown Columbia will have a variety of safe housing options, including new and revitalized units, for all age groups and income levels with easy access to desirable amenities.

While redevelopment of this site has several attractive aspects, there are issues with a building as large as proposed. As discussed, several variances will be needed as well as plan to resolve the issue of utility capacity and availability. Issues about compatibility discussed during the PUD rezoning to the north are not as significant this time since this proposal completes the anticipated redevelopment of the entire block. With that said however, the location of this request at the corner of a prominent intersection and on a bluff requires special consideration be given to integrating the new structure into the surrounding area.

The approval of the PUD 90 to the north established a benchmark by which future redevelopment in this block was to be judged. Staff finds that the proposed PUD zoning and Statement of Intent restrictions combined with the recommended variance actions, shown below, will ensure that the proposed development can be successfully integrated into its proposed environment.

RECOMMENDATION

Staff recommends **APPROVAL** of the requested PUD 52 rezoning and PUD development plan, subject to approval of the variances as stated below and revisions noted revisions to the PUD plan prior to Council action.

1. *Variance to the 25-foot perimeter setback.*
 - a. Staff recommends **approval** of:
 - i. 0- foot front (on Fourth Street and Turner Avenue)
 - ii. 4- foot front (on Fifth Street)
 - iii. 8-foot side (on north property line – Tract 1)
 - iv. 10-foot rear (north property line – Tract 2)
 - b. Staff recommends **denial** of the 6-foot setback along Providence Road and the 1-foot setback along the northwest property line of Tract 1. **Alternatively**, should the Commission desire to approve such setbacks, the applicant shall be required to move the building footprint as far east as practicable and be required to pursue a "right-of-use" permit to install landscaping treatments along the Providence Road frontage that will be integrated into the overall site landscaping.
2. *Variance in the amount of required landscaping and open-space.* **Approval**, subject the applicant pursuing a "right-of-use" permit to install landscape treatments along the Providence Road frontage that will be integrated into the overall site landscaping.
3. *Variance in structure height.* **Approval**
4. *Variance to required road right-of-way.* **Denial** of 3-foot variance along Providence Road upgrade and **approval** of 5-foot variance on Fourth Street south of Conley Avenue.
5. *Modification of the development plan to include the installation of a "twittle" between the intersection of Fifth Street and Turner Avenue and the entrance to the parking structure.*
6. *Modification of the development plan to include a street easement abutting the proposed construction that is located approximately 60-feet north and 38-feet west of the Fifth Street and Turner Avenue intersection.*

7. Modification of the Statement of Intent (SOI) that no occupancy permits are issued until "twaddle" is installed and accepted by the City.
8. No land disturbance or building permits be issued until utility capacity issues have been addressed to the satisfaction of the permitting City departments.

SUPPORTING DOCUMENTS (ATTACHED)

- Aerial/zoning maps
- Development plan
- Statement of Intent
- Development Agreement
- The Residences at Fifth and Conley development plan

SITE CHARACTERISTICS

Area (acres)	3.81 acres
Topography	Sloping to the west with 15 to 20 feet of fall from Conley to Turner Avenue
Vegetation/Landscaping	Mostly paved/impervious; climax forest on the western boundary of Tract 1
Watershed/Drainage	Hinkson Creek
Existing structures	17 rental residential structures

HISTORY

Annexation date	1826 (part of the original town of Columbia)
Zoning District	R-3 (Medium Density Multi-family District)
Land Use Plan designation	City Center
Previous Subdivision/Legal Lot Status	Parts of legally platted lots of University Addition, Vessers Subdivision, and recoded surveys. A consolidation plat will be required to establish "legal lot" status.

UTILITIES & SERVICES

Site is served by all City utilities. At present, electric and sanitary sewer utility capacity does not exist to support the proposed development. Prior to permits being issued for land disturbance or building capacity issues will need to be resolved to the satisfaction of the City department supplying such utility.

ACCESS

5th Street	
Location	East side of site
Major Roadway Plan	Local residential (improved & City-maintained), requiring 50 ft of ROW. 40 ft existing ROW. 5 ft additional half-width required. 10-ft provided.
CIP projects	None

Turner Avenue	
Location	South side of site
Major Roadway Plan	Local Residential (improved & City-maintained), requiring 50 ft of ROW. 40 ft existing ROW. 5 ft additional half-width required. 10 ft provided.
CIP projects	Reconstruction of the intersection of Providence and Turner; signalization. Anticipated construction 2015.

4th Street	
Location	Northwest side of site
Major Roadway Plan	Local Residential (improved & City-maintained), requiring 50 ft of ROW. 40 ft existing ROW. 5 ft additional half-width required. 5-ft provided north of Conley Avenue. None provided south of Conley – portion proposed to be vacated by separate action.
CIP projects	None

PARKS & RECREATION

Neighborhood Parks	Flat Branch Park is north of site.
Trails Plan	No trails planned adjacent to site.
Bicycle/Pedestrian Plan	N/A

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 February 11, 2014.

Public information meeting recap	Number of attendees: 4 Comments/concerns: Appearance of development, parking, setbacks
Notified neighborhood association(s)	None
Correspondence received	None

Report prepared by: Patrick Zenner

Approved by Patrick Zenner



13-257: ACC OP Development LLC Rezoning & PUD Plan

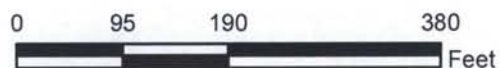


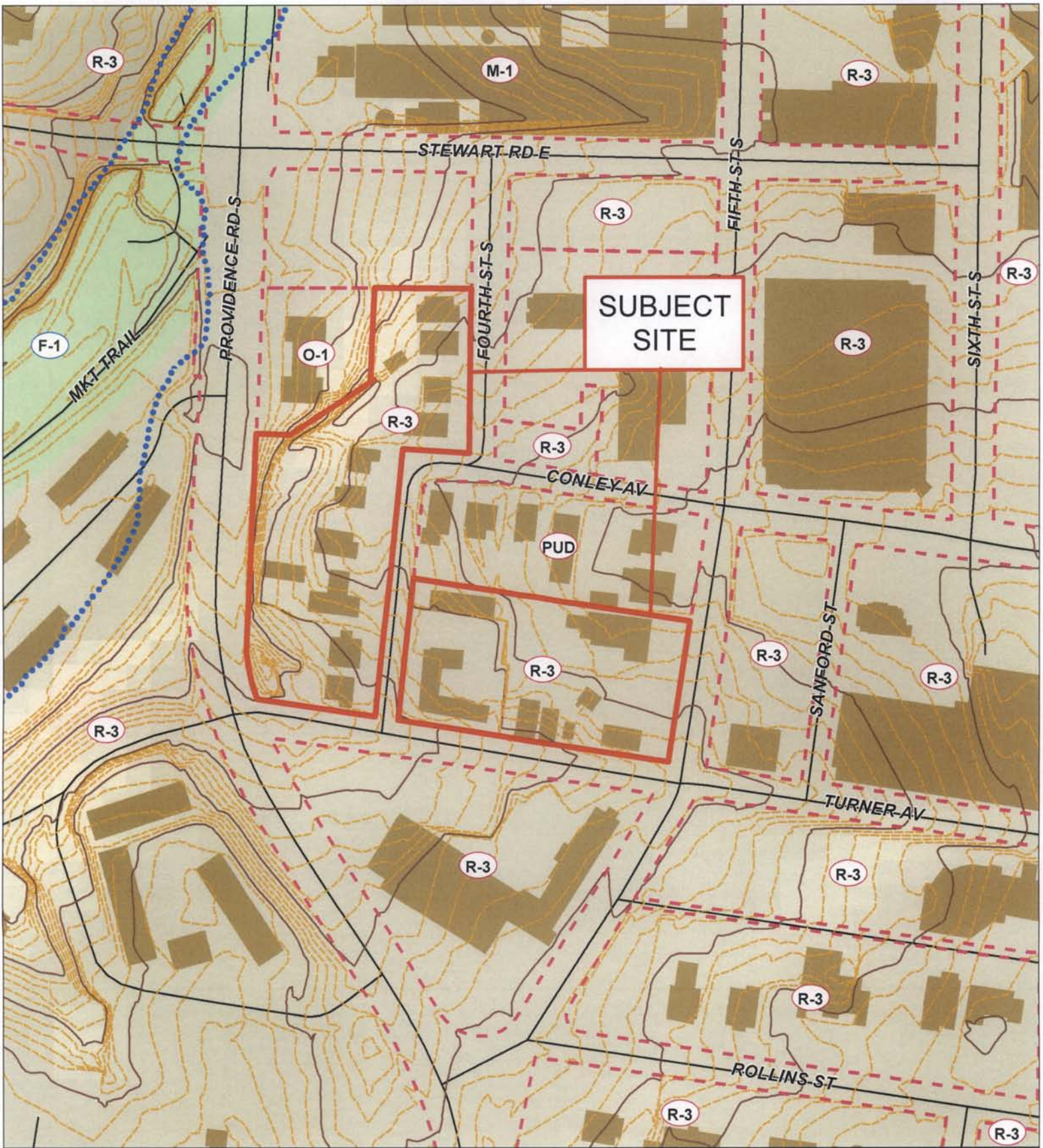
Hillshade Data: Boone County GIS Office

Parcel Data Source: Boone County Assessor

Imagery: Boone County Assessor's Office, Sanborn Map Company

Created by The City of Columbia - Community Development Department





13-257: ACC OP Development LLC Rezoning & PUD Plan



Hillshade Data: Boone County GIS Office

Parcel Data Source: Boone County Assessor

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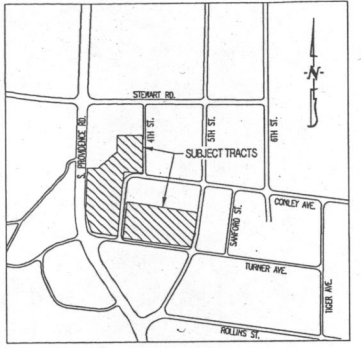
PRELIMINARY PLAT & PUD PLAN ACC OP DEVELOPMENT LLC

A MAJOR SUBDIVISION LOCATED IN SECTION 13,
TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
FEBRUARY 2014

NOTES:

- EXISTING TRACT 1 CONTAINS 2.14 ACRES. EXISTING TRACT 2 CONTAINS 1.67 ACRES. TOTAL SITE CONTAINS 3.81 ACRES.
- THIS TRACT IS CURRENTLY ZONED R-3 PENDING REZONING TO PUD-52.
- THE INTENT FOR THIS DEVELOPMENT IS TO BE DEVELOPED IN ONE PHASE; HOWEVER MULTIPLE PHASES WOULD BE ALLOWED.
- PROPOSED BIKE RACKS ARE LOCATED WITHIN THE PARKING GARAGE.
- THE MAXIMUM HEIGHT OF ANY BUILDING WILL NOT EXCEED 80', MEASURED FROM THE HIGHEST TOP OF CURB ELEVATION ADJACENT TO THE BUILDING.
- NO PART OF THIS TRACT LIES WITHIN THE 100 YEAR FLOODPLAIN AS ADOPTED BY THE CITY OF COLUMBIA AS SHOWN BY FIRM PANELS 29019C02800 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.
- A PROPOSED 6" SIDEWALK SHALL BE PLACED AT THE BACK OF CURB ALONG TURNER AVENUE AND FOURTH STREET. A 10' SIDEWALK SHALL BE PLACED AT THE BACK OF CURB ALONG 5TH STREET. ADEQUATE EASEMENTS SHALL BE GRANTED SHOULD PROPOSED SIDEWALK CROSS ANY RIGHT-OF-WAY LINES.
- ALL PUBLIC SANITARY SEWER EXTENSIONS SHALL BE MINIMUM OF 6" 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.
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NORTH LINE OF TRACT 2: 10 FEET

REVISED
2/11/14



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
- EXISTING WATERLINE
- PROPOSED WATERLINE
- PROPOSED FIRE HYDRANT
- PROPOSED STORM SEWER
- BUILDING LINE
- LOT NUMBER
- STREAM BUFFER (OUTER LIMITS)
- PROPOSED PAVEMENT
- AREA OF PROPOSED FOURTH STREET RIGHT-OF-WAY VACATION

UNIT CALCULATIONS:

TOTAL NUMBER OF UNITS:	182
2 BEDROOM EACH UNIT:	5
4 BEDROOM EACH UNIT:	177

DENSITY CALCULATIONS:

LOT AREA:	3.52 ACRES (NET)
PROPOSED NUMBER OF UNITS:	182
PROPOSED DENSITY:	51.7 UNITS / ACRE
PROPOSED ZONING:	PUD-52

PARKING CALCULATIONS:

PARKING REQUIRED:		
5 UNITS - 2 BEDROOM UNITS	2 SPACES / UNIT	= 10 SPACES
177 UNITS - 4 BEDROOM UNITS	2.5 SPACES / UNIT	= 443 SPACES
PLUS 1 SPACE / 5 UNITS:		= 37 SPACES
BICYCLE SPACES REQUIRED:		= 28 SPACES
BICYCLE SPACES PROPOSED:		= 28 SPACES
TOTAL SPACES REQUIRED (WITH REDUCTION OF BICYCLES):		= 462 SPACES
TOTAL SPACES PROPOSED:		= 554 SPACES

PRE/POST IMPERVIOUS CALCULATIONS:

TOTAL LOT AREA (NET) =	3.52 ACRES
PRE-DEVELOPMENT IMPERVIOUS AREA =	1.87 ACRES
POST-DEVELOPMENT IMPERVIOUS AREA =	2.69 ACRES
INCREASE IN IMPERVIOUS AREA =	0.82 ACRES (35,914 SQ.FT.)

CALCULATIONS:

AREA:		
TOTAL LOT AREA (NET) =	3.52 ACRES	
BUILDING AREA =	2.31 ACRES	
OTHER IMPERVIOUS AREA =	0.38 ACRES	
TOTAL IMPERVIOUS AREA =	2.69 ACRES	
TOTAL PERVIOUS AREA =	35,852 S.F. (23%)	

LANDSCAPE COMPLIANCE:		
TOTAL PARKING LOT & DRIVE AREA=	31,955 SQ. FT.	
TREES REQUIRED @ 1 TREE/4500 SQ FT. =	8 TREES	
TOTAL TREES REQUIRED=	8 TREES	
MEDIUM TO LARGE TREES REQUIRED (30%)=	3 TREES	
TOTAL TREES PROVIDED=	10 TREES	

CONTRACT PURCHASER:
ACC OP DEVELOPMENT LLC
12700 HILL COUNTRY BLVD., SUITE T-200
AUSTIN, TX 78738

OWNER:
A & L INVESTMENTS LLC
709 SHERWOOD DRIVE
JEFFERSON CITY, MO 65109

OWNER:
605 S FOURTH ST.
DERROW PROPERTIES LLLP
1107 MERRILL COURT
COLUMBIA, MO 65203

OWNER:
605 S FOURTH ST. & 611 S FOURTH ST.
HAROLD DRAKE TRUSTEE
1821 HIGHRIDGE DRIVE
COLUMBIA, MO 65203

OWNER:
603 S FOURTH ST.
ROSS & CRYSTAL PETERSON
410 SPRING VALLEY ROAD
COLUMBIA, MO 65203

OWNER:
509 S FOURTH ST.
DANIEL G. HATFIELD
2300 WHITEWATER DRIVE
COLUMBIA, MO 65202

OWNER:
611 S FIFTH ST.
THE ALPHA NU BUILDING CO.
P.O. BOX 693
LAKE OZARK, MO 65049

OWNER:
607 S FIFTH ST., 607 S FOURTH ST., 608 S FOURTH ST.,
612 S FOURTH ST., 613 S FOURTH ST.,
407 TURNER AVE., & 409 TURNER AVE.
GINGER C LLC
709 SHERWOOD DRIVE
JEFFERSON CITY, MO 65109

PREPARED BY:
CROCKETT

ENGINEERING CONSULTANTS
2408 North Stadium Boulevard
Columbia, Missouri 65202
(314) 441-0792

www.crockettengineering.com
Crockett Engineering Consultants, LLC
Missouri Certificate of Authority
#0000000004



TIMOTHY D. CROCKETT - PE-2004000775

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

DR. RAMAN PURI, CHAIRPERSON

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

ROBERT McDAVID, MAYOR

SHEILA AMIN, CITY CLERK

PRELIMINARY PLAT & PUD PLAN ACC OP DEVELOPMENT LLC

A MAJOR SUBDIVISION LOCATED IN SECTION 13,
TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
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NORTH LINE OF TRACT 2: 10 FEET

REVISED
2/11/14

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

DR. RAMAN PURI, CHAIRPERSON

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

ROBERT McDONALD, MAYOR

SHEILA AMIN, CITY CLERK

LEGAL DESCRIPTION:

TWO TRACTS OF LAND LOCATED IN THE NE 1/4 OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF UNIVERSITY ADDITION RECORDED IN PLAT BOOK 70 PAGE 128, VESSERS SUBDIVISION RECORDED IN PLAT BOOK 1, PAGE 35, AND BEING ALL OF THE CITY OF COLUMBIA SURVEY #304, AT PAGE 327, AND BEING ALL OF THE SURVEY SHOWN AS EXHIBIT "B", RECORDED IN BOOK 951, PAGE 411, AND BEING ALL OF THE SURVEYS RECORDED IN BOOK 418, PAGE 412, BOOK 316, PAGE 547, AND BOOK 479, PAGE 194, AND BEING ALL OF THE SURVEYS RECORDED IN BOOK 3582, PAGE 150, BOOK 2886, PAGE 150, BOOK 1831, PAGE 617, BOOK 1200, PAGE 148, BOOK 2598, PAGE 45, AND BOOK 2598, PAGE 44, BOOK 2638, PAGE 128, BOOK 991, PAGE 314, BOOK 2216, PAGE 604, BOOK 611, PAGE 248, BOOK 1441, PAGE 396 AND BOOK 730, PAGE 244 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1: BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 OF SAID VESSERS SUBDIVISION AND WITH THE SOUTH LINE THEREOF, N 80°06'30"W, 142.40 FEET TO THE EAST RIGHT-OF-WAY LINE OF PROVIDENCE ROAD; THENCE LEAVING THE SOUTH LINE OF SAID LOT 6 AND WITH SAID EAST RIGHT-OF-WAY LINE, 174.82 FEET ALONG A 523.0 FOOT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N 6°25'05"W, 174.01 FEET; THENCE N 3°09'25"E, 147.52 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, N 57°29'55"E, 194.19 FEET TO THE SOUTH LINE OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1631, PAGE 617; THENCE WITH THE LINES OF SAID TRACT, N 88°47'35"W, 7.78 FEET; THENCE N 3°09'25"E, 120.01 FEET; THENCE S 88°47'35"E, 128.48 FEET TO THE WEST RIGHT-OF-WAY OF FOURTH STREET; HENCE LEAVING THE LINES OF TRACT DESCRIBED BY SAID WARRANTY DEED RECORDED IN BOOK 1631, PAGE 617 AND WITH SAID WEST RIGHT-OF-WAY, S 1°17'15"W, 217.98 FEET; THENCE N 81°51'50"W, 98.84 FEET, S 5°47'00"W, 364.23 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.14 ACRES.

TRACT 2: BEGINNING AT THE NORTHEAST CORNER OF SAID SURVEY RECORDED IN BOOK 316, PAGE 547, THENCE WITH THE LINES OF SAID SURVEY, S 9°23'00"W, 199.87 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID VESSER SUBDIVISION; THENCE WITH THE SOUTH LINE OF SAID VESSERS SUBDIVISION, N 79°48'10"W, 368.26 FEET TO THE SOUTHWEST CORNER OF LOT 5 OF SAID SUBDIVISION; THENCE WITH THE WEST LINE EXTENDED THEREOF, N 5°47'00"E, 189.28 FEET TO THE NORTHWEST CORNER OF SAID SURVEY RECORDED IN BOOK 316, PAGE 547; THENCE WITH THE LINES THEREOF, S 81°28'55"E, 380.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.67 ACRES.

CURATORS OF THE UNIVERSITY OF MISSOURI
WARRANTY DEED RECORDED IN BOOK 706, PAGE 784
R-3 ZONING

CURATORS OF THE UNIVERSITY OF MISSOURI
WARRANTY DEED RECORDED IN PLAT BOOK PAGE 35
R-3 ZONING

CURATORS OF THE UNIVERSITY OF MISSOURI
CONLEY PLACE RECORDED IN PLAT BOOK PAGE 3
R-3 ZONING

CURATORS OF THE UNIVERSITY OF MISSOURI
DEED RECORDED IN BOOK 684, PAGE 287
R-3 ZONING

OWNER:
611 S. FIFTH ST.
THE ALPHA NU BUILDING CO.
P.O. BOX 663
LAKE OZARK, MO 65049

OWNER:
607 S. FIFTH ST., 607 S. FOURTH ST., 608 S. FOURTH ST.,
612 S. FOURTH ST., 613 S. FOURTH ST.,
407 TURNER AVE. & 409 TURNER AVE.
GINGER C LLC
709 SHERWOOD DRIVE
JEFFERSON CITY, MO 65109

OWNER:
603 S. FOURTH ST.
ROSS & CRYSTAL PETERSON
410 SPRING VALLEY ROAD
COLUMBIA, MO 65203

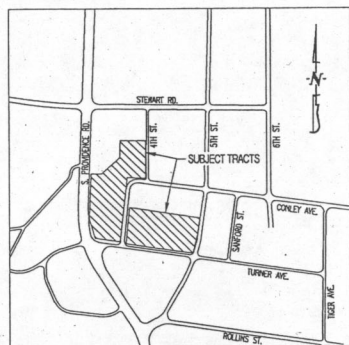
OWNER:
605 S. FOURTH ST.
DERROW PROPERTIES LLLP
1107 MERRILL COURT
COLUMBIA, MO 65203

CONTRACT PURCHASER:
ACC OP DEVELOPMENT LLC
12700 HILL COUNTRY BLVD., SUITE T-200
AUSTIN, TX 78738

OWNER:
511 S. FOURTH ST. & 601 S. FOURTH ST.
A & L INVESTMENTS LLC
709 SHERWOOD DRIVE
JEFFERSON CITY, MO 65109

OWNER:
605 S. FOURTH ST. & 611 S. FOURTH ST.
HAROLD DRAKE TRUSTEE
1821 HIGHBRIDGE DRIVE
COLUMBIA, MO 65203

OWNER:
509 S. FOURTH ST.
DANIEL G. HATFIELD
2300 WHITEWATER DRIVE
COLUMBIA, MO 65202



LOCATION MAP
NOT TO SCALE

LEGEND:

- EXISTING 2 FT CONTOUR
- EXISTING 10 FT CONTOUR
- PROPOSED 2 FT CONTOUR
- PROPOSED 10 FT CONTOUR
- EXISTING STRUCTURE
- EXISTING TREELINE
- PROPOSED TREELINE
- EDGE OF WATERWAY
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- MANHOLE
- PROPOSED SANITARY SEWER LATERAL
- EXISTING WATERLINE
- PROPOSED WATERLINE
- PROPOSED FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- BUILDING LINE
- LOT NUMBER
- STREAM BUFFER (OUTER LIMITS)
- PROPOSED PAVEMENT

R= 523.00'
L= 174.82'
CH=N 6°25'05" W
174.01'

PLANTING NOTES:

QUANTITY	PLANT SPECIES
3	PIN OAK - QUERCUS PALUSTRIS (OR APPROVED EQUAL)
7	SARGENT CRABAPPLE - MALUS SARGENTI (OR APPROVED EQUAL)

CALCULATIONS:

LANDSCAPE COMPLIANCE:	
TOTAL PARKING LOT & DRIVE AREA =	31,955 SQ. FT.
TREES REQUIRED @ 1 TREE/4500 SQ. FT. =	8 TREES
TOTAL TREES REQUIRED =	8 TREES
MEDIUM TO LARGE TREES REQUIRED (30%) =	3 TREES
TOTAL TREES PROVIDED =	10 TREES

CLIMAX FOREST:	
EXISTING CLIMAX FOREST =	27,197 SQ. FT.
PRESERVED CLIMAX FOREST =	6,865 SQ. FT. (25%)
MINIMUM TO BE PRESERVED SHALL BE 25%	

REVISED
2/11/14

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
THOMAS M. HARRISON
ROBERT N. HOLLIS
GARRETT S. TAYLOR
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CASEY E. ELLIOTT
RICHARD B. HICKS

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

EVERETT S. VAN MATRE
(1922-1998)

* ADMITTED IN MISSOURI AND ILLINOIS

February 11, 2014

Tim Teddy, Director
Department of Planning & Development
City of Columbia
701 E Broadway
Columbia, MO 65201
Via Hand Delivery and
E-mail: ttteddy@gocolumbiamo.com

Pat Zenner
Department of Planning & Development
City of Columbia
701 E Broadway
Columbia, MO 65201
Via Hand Delivery and
E-mail: przenner@gocolumbiamo.com

RE: Statement of Intent / Application for Permanent Rezoning and Planned Unit
Development Plan / ACC OP Development LLC (the "Applicant")

Dear Mssrs. Teddy and Zenner,

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

a. The uses proposed for the site are all uses permitted in Section 29-10 of the City's
Zoning Ordinances, which specifically includes, without limiting the foregoing: dwelling,
multiple-family; sales and leasing office; parking garage; and, community center.

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 182 units and maximum density
shall be 52 units per acre.

d. The maximum building height proposed for the Property is 80 feet measured from
the highest curb elevation adjacent to the Property.

e. The total number of vehicle parking spaces proposed for residents is 554. The
proposed parking ratio per dwelling unit is 3.04 (554/182) as shown on the approved PUD Plan.
The upper limit on parking spaces shall be 718 and the lower limit on parking spaces shall be
347.

f. The minimum percentage of the site to be maintained in open space shall be a total of 8%. Of such total, 90% shall be in landscaping and 10% shall be in existing vegetation.

g. Proposed amenities include a swimming pool and community center.

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 not be any minimum front yard setback requirements; however, there shall be a minimum side yard setback along the northernmost boundary of 8 feet, a minimum side yard setback along the southernmost boundary (adjacent to Turner Avenue) of 0 feet, a minimum side yard setback along the easternmost boundary of 4 feet, and a minimum rear yard setback along the westernmost boundary of 6 feet. There shall be no other minimum setbacks from perimeter or interior streets or between buildings.

i. Upon Fourth Street being vacated and closed to vehicular traffic in the manner shown on the PUD Plan, the Applicant shall maintain the pavement for the purpose of permitting the City's emergency service vehicles to have access to the structures along the area encompassed by Fourth Street and to permit pedestrian access along an area within the existing Fourth Street paved surface no less than 20 feet wide. The existing Fourth Street pavement may be removed by the Applicant during the redevelopment construction process; however, the Applicant shall install replacement pavement no more narrow than 20 feet for the emergency service vehicles and pedestrian access described herein. During redevelopment construction, the Applicant shall install bollards, in the locations shown on the PUD Plan, with Knox key access provided to the City, which shall otherwise limit thru-vehicular traffic. The Applicant shall be permitted no more than 8 on-street parking spaces along Fourth Street following redevelopment of the site per the PUD Plan. The Applicant shall grant to the City easements necessary to permit such emergency service vehicular access, pedestrian access, and for utilities existing within the area. The City and the Applicant shall memorialize any such arrangements by executing an agreement (the "Development Agreement") substantially in the form as the agreement approved by the Applicant and approved by City Council on the same date as the accompanying rezoning and PUD plan.

Sincerely,

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

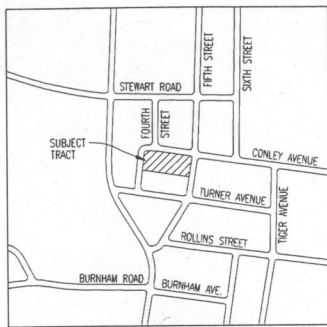
By:


Robert N. Hollis

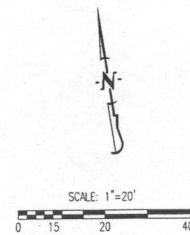
RNH/jac

PUD SITE PLAN FOR THE RESIDENCES AT FIFTH AND CONLEY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
MAY 2013



LOCATION MAP
NOT TO SCALE



LEGEND:

- 808 EXISTING 1FT CONTOUR
- 820 --- EXISTING 5FT CONTOUR
- CURB
- ~ EXISTING TREELINE
- ~ PROPOSED TREELINE
- S — EXISTING SANITARY SEWER
- S — PROPOSED SANITARY SEWER
- ⊙ MANHOLE/CLEANOUT
- W — PROPOSED WATERLINE
- F — PROPOSED FIRE HYDRANT
- S — EXISTING STORM SEWER
- S — PROPOSED STORM SEWER
- B — BUILDING LINE
- EASEMENT
- XX LOT NUMBER
- [Pattern] PROPOSED PARKING STRUCTURE (LOWER LEVEL)
- [Pattern] PROPOSED RESIDENTIAL STRUCTURE (UPPER LEVELS)
- [Pattern] EXISTING BUILDING
- [Pattern] PROPOSED PAVEMENT

CONTRACT PURCHASER:
COLLEGIATE HOUSING PARTNERS, LLC
7711 BONHOMME, SUITE 350
ST. LOUIS, MO 63105

OWNER - LOTS 1 & 2:
KLIFTON R. ALTUS TRUST
2704 LACEWOOD DRIVE
COLUMBIA, MO 65201

OWNER - LOT 3:
MU CREW, LLC
802 SUNSTONE LANE
COLUMBIA, MO 65201

OWNER - LOTS 4-6:
HOMINY CREEK, LLC
3812 ARBOR COURT
COLUMBIA, MO 65201

NOTES:

THIS TRACT CONTAINS 1.25 ACRES (1.15 ACRES NET).

THIS TRACT IS CURRENTLY ZONED R-3 PENDING REZONING TO PUD-90.

THE MAXIMUM HEIGHT OF ANY BUILDING WILL NOT EXCEED 80', MEASURED FROM THE HIGHEST TOP OF CURB ELEVATION ADJACENT TO THE BUILDING.

THE INTENT FOR THIS DEVELOPMENT IS TO HAVE THE SITE DEVELOPED IN ONE PHASE.

NO PART OF THIS TRACT IS WITHIN THE FLOOD PLAIN AS ADOPTED BY THE CITY OF COLUMBIA AS SHOWN ON PANEL NUMBER 29019C 02800 DATED: MARCH 17, 2011.

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

THE EXISTING STRUCTURES WITHIN THIS DEVELOPMENT ARE SERVED WITH PRIVATE SANITARY SEWERS. THIS DEVELOPMENT SHALL EXTEND A PUBLIC SANITARY SEWER TO THE SITE. THIS EXTENSION MAY BE ALONG 4TH STREET IN EITHER DIRECTION OR THROUGH THE PROPERTIES TO THE NORTHWEST. FINAL SANITARY SEWER ALIGNMENT WILL BE ADDRESSED AT THE TIME OF THE FINAL SITE DEVELOPMENT PLANS. SHEET 2 ILLUSTRATES THE LIKELY OFFSITE ROUTE FOR THIS DEVELOPMENT.

THERE IS NO STREAM BUFFER LOCATED ON THIS TRACT AS DESCRIBED BY THE REQUIREMENTS OF CHAPTER 26 OF THE ZONING REGULATIONS OF BOONE COUNTY, MISSOURI.

A PROPOSED 6' SIDEWALK SHALL BE PLACED AT THE BACK OF CURB ALONG FOURTH STREET AND CONLEY AVENUE. A 10' SIDEWALK SHALL BE PLACED AT THE BACK OF CURB ALONG 5TH STREET. ADEQUATE EASEMENTS SHALL BE GRANTED SHOULD PROPOSED SIDEWALK CROSS ANY RIGHT-OF-WAY LINES.

SITE LIGHTING SHALL CONSIST OF "PENCIL BEAM" LIGHTS MOUNTED AND DIRECTED TOWARDS THE BUILDING. THESE LIGHTS ARE TO HIGHLIGHT BUILDING FEATURES. DECORATIVE STREET LIGHTS SHALL BE INSTALLED ALONG THE PROPOSED STREETSCAPE. ALL LIGHTING SHALL BE IN ACCORDANCE WITH THE CURRENT LIGHTING ORDINANCE OF THE CITY OF COLUMBIA.

THE PROPOSED DUMPSTER WILL BE LOCATED INSIDE OF THE PARKING STRUCTURE. COLLECTION ACCESS TO THIS DUMPSTER WILL BE VIA DRIVEWAY ACCESS FROM FOURTH STREET AS SHOWN. THIS DRIVEWAY WILL NOT BE AN ENTRANCE INTO THE PROPOSED PARKING STRUCTURE.

IT IS THE INTENT OF THIS DEVELOPMENT TO UNDERGROUND ALL OVERHEAD ELECTRIC LINES THAT ARE CURRENTLY OVERHEAD ON THIS PROPERTY.

RIGHT-OF-WAY VARIANCES FOR A MINIMUM 25-FOOT WIDE HALF RIGHT-OF-WAY WIDTH HAVE BEEN GRANTED BY CITY COUNCIL PER ORDINANCE _____ DATED _____

A VARIANCE FOR THE REQUIRED 10 FOOT UTILITY EASEMENT ADJACENT TO ALL PLATTED RIGHT-OF-WAY HAS BEEN GRANTED BY THE CITY COUNCIL PER ORDINANCE _____ DATED _____

PER THE CURRENT STORM WATER REGULATIONS, THIS SITE WILL BE CLASSIFIED AS REDEVELOPMENT. UNDER THOSE REQUIREMENTS, THIS SITE WILL NEED TO PROVIDE NO STORM WATER DETENTION. THE WATER QUALITY ASPECT WILL BE ADDRESSED VIA AN INLINE WATER QUALITY CHAMBER LOCATED ON-SITE BEFORE THE PRIVATE STORM SYSTEM LEAVES THE SUBJECT PROPERTY.

FOURTH STREET AND CONLEY AVENUE SHALL BE MODIFIED TO PROVIDE A 28-FOOT WIDE STREET ADJACENT TO THE SUBJECT PROPERTY AS SHOWN.

UNIT CALCULATIONS:

TOTAL NUMBER OF UNITS:	103
2 BEDROOM EACH UNIT:	29
4 BEDROOM EACH UNIT:	74

DENSITY CALCULATIONS:

LOT AREA:	1.15 ACRES
PROPOSED NUMBER OF UNITS:	103
PROPOSED DENSITY:	89.6 UNITS / ACRE
EXISTING ZONING:	PUD-90

PARKING CALCULATIONS:

PARKING REQUIRED:	
29 UNITS - 2 BEDROOM EACH UNIT:	2 SPACES / UNIT = 58 SPACES
74 UNITS - 4 BEDROOM EACH UNIT:	2.5 SPACES / UNIT = 185 SPACES
PLUS 1 SPACE / 5 UNITS:	= 21 SPACES
BICYCLE SPACES REQUIRED:	= 15 SPACES
BICYCLE SPACES PROVIDED:	= 90 SPACES
TOTAL SPACES REQUIRED (WITH REDUCTION OF BICYCLES):	= 249 SPACES
TOTAL SPACES PROVIDED:	= 124 SPACES

CALCULATIONS:

AREA:	
TOTAL LOT AREA (NET) =	1.15 ACRES
BUILDING AREA =	1.03 ACRES
OTHER IMPERVIOUS AREA =	0.02 ACRES
TOTAL IMPERVIOUS AREA =	1.05 ACRES (91%)
TOTAL PERVIOUS AREA =	0.10 ACRES (9%)

LANDSCAPE COMPLIANCE:

TOTAL PARKING LOT & DRIVE AREA =	45,125 SQ. FT.
TREES REQUIRED @ 1 TREE / 4500 SQ. FT. =	11 TREES
TOTAL TREES REQUIRED =	11 TREES
MEDIUM TO LARGE TREES REQUIRED (30%) =	4 TREES
TOTAL TREES PROVIDED =	11 TREES

PRE/POST IMPERVIOUS CALCULATIONS:

TOTAL LOT AREA =	1.15 ACRES
PRE-DEVELOPMENT IMPERVIOUS AREA =	0.76 ACRES
POST-DEVELOPMENT IMPERVIOUS AREA =	1.05 ACRES
INCREASE IN IMPERVIOUS AREA =	0.29 ACRES (12,630 SQ. FT.)

ACCEPTED BY THE PLANNING AND ZONING COMMISSION,
THIS _____ DAY OF _____, 2013.

DOUG WHEELER CHAIRPERSON

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

ROBERT MCDAVID - MAYOR

SHEELA AMIN - CITY CLERK

SITE/CIVIL ENGINEER:

CROCKETT
ENGINEERING CONSULTANTS
2808 North Shadelan Boulevard
Columbia, Missouri 65202
(314) 447-0092
www.crockettengineering.com
Crockett Engineering Consultants, LLC
Missouri Certificate of Authority
#000018104

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
FEBRUARY 20, 2014

IV) PUBLIC HEARINGS

Case No. 13-257

A request by ACC OP Development, LLC (contract purchaser) to rezone approximately 3.81 acres from R-3 (Medium Density Multiple-Family Dwelling) to PUD 55 (planned unit development with a maximum of 55 du/ac) and variances to Sections 29-10(d)(5) and (7) and 25-43 of the City Code pertaining to PUD building height and perimeter setbacks and minimum required right-of-way width, respectively. The 3.81 acres contains 15 tracts of land located north of Turner Avenue, east of Providence Road, south of Stewart Road and west of Fifth Street.

DR. PURI: May we have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the requested PUD 52 rezoning and PUD development plan, subject to approval of the variances as stated below and revisions noted revisions to the PUD plan prior to Council action.

1. Variance to the 25-foot perimeter setback.
 - a. Staff recommends approval of:
 - i. 0-foot front (On Fourth Street and Turner Avenue)
 - ii. 4-foot front (on Fifth Street)
 - iii. 8-foot side (on north property line - Tract 1)
 - iv. 10-foot rear (north property line - Tract 2)
 - b. Staff recommends denial of the 6-foot setback along Providence Road and the 1-foot setback along the northwest property line of Tract 1. Alternatively, should the Commission desire to approve such setbacks, the applicant shall be required to move the building footprint as far east as practicable and be required to pursue a "right-of-use" permit to install landscaping treatments along the Providence Road frontage that will be integrated into the overall site landscaping.
2. Variance in the amount of required landscaping and open space. Approval, subject the applicant pursuing a "right-of-use" permit to install landscape treatments along the Providence Road frontage that will be integrated into the overall site landscaping.
3. Variance in structure height. Approval.
4. Variance to required road right-of-way. Denial of 3-foot variance along Providence Road upgrade

and approval of 5-foot variance on Fourth Street south of Conley Avenue.

5. Modification of the development plan to include the installation of a “twaddle” between the intersection of Fifth Street and Turner Avenue and the entrance to the parking structure.
6. Modification of the development plan to include a street easement abutting the proposed construction that is located approximately 60-feet north and 38-feet west of the Fifth and Turner Avenue intersection.
7. Modification of the Statement of Intent (SOI) that no occupancy permits are issued until “twaddle” is installed and accepted by the City.
8. No land disturbance or building permits be issued until utility capacity issues have been addressed to the satisfaction of the permitting City departments.

DR. PURI: Commissioners, any questions of the staff? Ms. Loe?

MS. LOE: Mr. Zenner, I had a question on a letter in the package from the applicant's attorney dated February 11th. Item E was regarding parking and it identified an upper limit and a lower limit. And I was just curious about that lower limit since it was saying 347, and you've identified a requirement of 554.

MR. ZENNER: The current requirement of 554 is based upon the bedroom mixture that is currently within the project.

MS. LOE: Okay.

MR. ZENNER: So if the bedroom mix is changed, the overall parking ratio may go down accordingly and, therefore, the total number of parking spaces needed may be reduced. So the bottom end of 347 is a number that would be depending on what the bedroom mixture would be, and I'll have to let the applicant speak to what that potential mix could -- could entail. The upper end of 718 is a one-for-one parking ratio, one parking space for each bedroom as it exists on the plan today at 182 units with the mixture of twos and fours, which is giving the applicant this opportunity, if they feel that they are marketing and they're finding more students want to bring their vehicles, they have that ability within the project to modify the parking without having to come back through the full regulatory process.

MS. LOE: All right.

DR. PURI: Any other questions?

MS. BURNS: I had a question about the vacation of Fourth or Fifth Street -- no, Fourth Street. I apologize. I don't know exactly what that means. I understand that emergency vehicles would be allowed to come through, but I'm understanding that won't be a usable or through street anymore?

MR. ZENNER: That would be correct, Ms. Burns. Vacation of a road right-of-way means we are

removing it from the public's -- the public's right-of-way system. In order to address, however, the issues of public safety, which our fire department, in its review of the application, identified, we need to maintain emergency vehicle access. And, basically, we would allow through the bollarding of the roadway with Knox-Box key or something else, some other access way for the fire department to get through the roadway to be able to use it. The idea again goes back to the concept that we do not want to create a conflict point as close to the Providence-Turner intersection as would otherwise exist. To further reduce the crossover traffic at a future -- with the future improvement of Turner at this intersection, the applicant has identified within the plan to put in what we refer to as a pork chop to basically make right-in/right-out only movements at that intersection, so you can't cross over if you're heading into campus up onto Fourth. So it will eliminate that left-hand turning movement, which, from a traffic engineering perspective, increases the operational efficiency of the intersection, which is the whole idea of expanding Turner at Providence.

MS. BURNS: And one other question. As far as the improvement of Providence Road, will that occur prior or after this development, because I know the idea is to move the light down to Turner and then one up to Burnam.

MR. ZENNER: It is very possible that it may occur concurrently. The final design, at this point, with our traffic consultant that is designing the improvements was coordinated with this particular application to ensure that we were getting everything we needed. It is a matter of making the monies available in order to move forward and then it also -- mobilization with this particular project so everything is coordinated. We don't want to duplicate the effort.

MS. BURNS: Thank you.

DR. PURI: Mr. Strodtman?

MR. STRODTMAN: Mr. Zenner, I just have a little clarification to Ms. Loe's question -- or your answer to hers. At any point, regardless of that range of the parking, it will still be 100 percent on-site parking?

MR. ZENNER: That would -- that is correct. It would be 100 percent --

MR. STRODTMAN: Or it's about --

MR. ZENNER: -- on the -- on the upper or the lower end.

MR. STRODTMAN: It'll still be 100 percent maintained to the property?

MR. ZENNER: It -- that -- as I understand what I read here, that would be correct.

MR. STRODTMAN: Thank you.

DR. PURI: Ms. Loe?

MS. LOE: A follow-up on Ms. Burns' question. On Fourth Street, vacation, they are showing on-street parking there. So even if it's not a public street, is it still considered an interior private street?

MR. ZENNER: It would be considered an interior private street at that point, incorporated as part -- it would be almost like a multi-family development at that point, which we don't have streets, per se, but we have driveway, drive aisles. The main roadway, the travel aisle, in essence, would be a minimum of

20 feet, which is the fire-code standard. The parking on the outside of that would be the required parallel parking width and length according to the code.

MS. LOE: And do we have complete street standards for those interior streets?

MR. ZENNER: There will be pedestrian passageway on it from Turner all the way back up to Conley, so the pedestrian movement will not be restricted. This is as at least conveyed to us at this point, intended to become more of a promenade or a boulevard type of treatment with the redevelopment of the project on either side, and the coordination with Collegiate Housing Partners and ACC has been ongoing since this project came in. So the vacation of the roadway is a little bit tricky because a quarter of the roadway is basically owned and controlled by Collegiate Housing Partners, and an application will have to be signed by both them and ACC to proceed forward with a vacation. That is why it's handled at a separate date under a separate process. It's not being handled all at once. So the project, as it stands today, with the exception of the road right-of-way upgrade that would be required in Fourth Street, is consistent. The PUD 52 does not incorporate the road right-of-way in its density calculation, so if we never vacate the road, the only thing we, as a City, sacrifice at this point, if you were to grant the variance, is the additional road right-of-way upgrade on the east and the west sides of the portion of Fourth Street that ACC is proposing to have inside its development. That would be the only thing that we would be removing. Reconstruction of the roadway would be likely as a result of construction activity. Utility placement, and everything else within the road wouldn't change and it is at this point still a little bit too early to determine if utilities would be relocated out of the road right-of-way or the road will be used for the utility corridor, as well. And that's something that I believe Mr. Crockett, who represents ACC from the civil side, can answer for you a little bit better in detail. To the best of my knowledge at this point, the way that we are trying to structure the vacation of the road is vacate it for public ownership because we don't want it anymore, but ensure that we maintain emergency and utility access through it to fulfill our obligations of connected systems.

DR. PURI: Mr. Lee?

MR. LEE: Mr. Zenner, does responsibility for maintenance of the street fall on the developer 100 percent?

MR. ZENNER: That, it would.

MR. LEE: Thank you.

DR. PURI: Ms. Burns?

MS. BURNS: Do we have a rendering of this project? I haven't seen what the overall look or materials of the building will be.

MR. ZENNER: I will let the applicant speak to that. I have seen one. It was provided to us as the applicant had indicated they would. Typical practice by past action is we do not generally distribute nor post architectural renderings associated with developments of this nature. They are not a requirement of the application process, and as has been -- unfortunately, action in the past, there sometimes has been a display of a particular type of product being built, and then the actual building

construction resembles nothing of that. We don't want to raise false expectation of the public. What we are trying to stay at here is basically what we believe to be the essential elements in our recommendation to make sure that the project is complete. Architecturally, since we have no architectural control over development, is always in the eye of the beholder, and one of the things that we would want would be to basically be able to see architectural renderings in context of the land. What was provided to me is not in context with the existing topography. You cannot really place this building along the Providence corridor. Therefore, to me, while it's wonderful colored picture, it doesn't do a whole lot to answer or add any additional benefit to the issues that we're covering in the variance requests. That's why we don't have it. Now, the applicant has it. They will be able to provide it to you if you ask.

MS. BURNS: Okay.

MR. ZENNER: We just don't provide it based on our previous history.

MS. BURNS: No. And I appreciate that, I guess. Again, it may be -- I don't know if this is appropriate right now, but given where this is located, the prominence on Providence Road and the gateway projects that we've talked about, I think it's important for not only this commission, but the public to be able to see that and have some idea of what might go in this very prominent location.

MR. ZENNER: I do not disagree at all with you.

DR. PURI: Any other questions, Commissioners, of the staff? Seeing none, it's time to open the public hearing.

PUBLIC HEARING OPENED

DR. PURI: Remind everybody rules of engagement. You'll be given -- proponents will be given a chance first to speak on the matter, and we give six minutes, and could you please stay within those limit of six minutes, otherwise you will see this red light on the podium. It is not working today, so I'll remind you. And anybody else, they can follow for three minutes. And then same with organized opposition, if there is any, we will allow six minutes and then anybody following, three minutes. So please approach the podium and begin.

MR. HOLLIS: Robert Hollis with VanMatre Law Firm, offices at 1103 East Broadway. May I pass this out, please?

DR. PURI: Yes. Can you speak closer into the mike because I think that we need that for the transcription here.

MR. HOLLIS: How's that?

DR. PURI: A little better. Can you hear?

MR. HOLLIS: Better? Better? Better? I'll try. The cord is a little short here. There we go. Are we plugged in?

DR. PURI: Please begin, Mr. Hollis.

MR. HOLLIS: With me tonight, Chuck Carroll with American Campus Communities; Tim Crockett with Crockett Engineering Consultants; and Shawn White, who is a traffic engineer with Crawford, Bunte and Brammeier. Based on some of the questions that you've asked, as well as the really thorough

presentation that the staff has given, I'll -- I'll vary from what you see, but, hopefully, some of the information that I've handed out and what's on the screen will be helpful. Mr. Zenner referenced this as being sort of on campus, which I thought was interesting because our first slide says it's on campus, and it basically is. You can -- you can see the American Campus Communities' logo, which is obviously not to scale and that's not what the building looks like, but it's -- it really is on campus. And that was not funny, but it was my attempt at humor. I won't dwell on this too much because we -- we did so just a few months ago with another project. So I think if you have land use questions and comments and suggestions, then, hopefully, we can address those. Another sort of information that's new that I hope you find helpful is, as you know, Como Connect was approved by City Council just on Monday night, and one of the routes is the downtown route, which is represented by the red line on this slide. It goes right by the property, so the red route, the downtown route, also connects with the black route, which is one of the interior routes, as well as the gold route, which is the east-west route. Comprehensive plan, I think it had just changed when you looked at the Collegiate Housing Partners' project so that -- the same positive attributes of that site also apply to this site. Housing of this sort -- student housing -- is -- remains in demand, and we've talked about that with other projects. And some of the other projects that we hoped had moved forward have not moved for one reason or another, so if there ever was an argument that demand might not still exist because -- or at the same level because of other approvals, those approvals have not happened. But you asked excellent questions about Fourth Street. I can try to clarify some of the answers. I think Pat answered them correctly. It is a conveyance of the rights that the City has in -- in that real estate back to the private property owners, going to the middle of the road, and then each side is owned by the private property owners from that point forward. However, it comes back with restrictions and encumbrances in favor of the City, as well as the public, and also with obligations as to maintenance. And some of those easements are in favor of the emergency services vehicles, but also as to the general public. One thing I think I would like to try and clarify, in Pat's very thorough report, there was a whole lot of things that said denial next to them and there were a lot of things that looked like they were conditions and a lot of items that may look like we're in disagreement or didn't reach an accord, and I don't believe that's the case at all. And I -- Mr. Crockett can talk about it in more detail, but I -- I think we agree with all of the recommendations except for the twaddle, which I've never said that word publicly, as far as know, before. I don't know what it is and, hopefully, the engineers can shed some light on that or shine some light on that. And to clarify one of the recommendations, which we agree with, is that the applicant would be required to shift the building to the east and provide more room at the northwest corner, and we have found that that can take place. And it would provide -- instead of a one-foot setback, it would provide a six-foot setback, so a significant change, also a recommendation that we agree with. Last page, infrastructure. We could talk about it for a long time, but I don't know that we would have any effect whatsoever. I would be happy to talk to you about the infrastructure. We believe that because -- not just because, but one of the reasons that infrastructure is not applicable to these proceedings is that it's -- really is a City Council decision. City Council has sort of spoken on the issue, and I believe I can

summarize their instructions as the staff presents us with other alternatives. Not that there aren't other alternatives, but present us with other alternatives for permitting the infrastructure improvements to take place downtown so that development could proceed with the City's policies that are -- have clearly been adopted as placing an emphasis on downtown development. I would be happy to try to answer any questions.

DR. PURI: Commissioners, any questions for this speaker? Mr. Wheeler?

MR. WHEELER: I'd -- I'd like to be just real clear on these -- the staff has recommended variances or the recommendations with the variances, and especially what they're recommending that -- the denial along Providence Road. And you -- can you give us your reasoning or are you now in agreement with their recommendation? Or did I --

MR. HOLLIS: Hopefully, I can -- and, Tim, I'm sure, can do a better job. There -- there's a request for a variance to permit a six-foot setback along Providence, and there's also a request for -- a recommend of denial for three feet of right-of-way. We don't believe there's a need for the additional three feet, but that's okay. So long as we can have the six feet as a setback, the additional three feet could be granted in the form of right-of-way to the -- to the City, then we would be required to seek the right-of-use from MoDOT. So per the recommendation, we are in agreement, if that makes sense. Six feet for a setback, three feet on request for variance denied, and then we are required to seek a right-of-use permit to landscape the right-of-way, if that makes sense.

MR. WHEELER: No, but I'll ask Mr. Zenner what the -- the difference between what you're saying and what he's denying is, so we'll go back that.

MR. HOLLIS: Okay.

MR. WHEELER: Or maybe we'll let Mr. Crockett address it.

MR. HOLLIS: Probably a good idea. May I add a comment about the rendering, since the question was asked -- the renderings?

DR. PURI: Go ahead.

MR. HOLLIS: Thank you.

MR. WHEELER: That's going to be the next question, so --

MR. HOLLIS: Sorry?

DR. PURI: Go ahead. Go ahead.

MR. HOLLIS: Okay. Thanks. We do have some of really conceptual-level drawings just probably as most developers have conceptual drawings early on in the process. If the purpose of providing it would be to show what is going to be there, you know, based on color, even materials, we wouldn't want to make that representation. You're welcome to see it. Just as the staff requested what we had, we provided it, but I wouldn't want to put you in the situation of -- of somehow having blessed that as what would -- what would take place in the future.

MS. BURNS: Oh, and I appreciate that. It's not so much color; it's structure. I mean, what is this going to look like as we're driving north down Providence and south up Providence as we pass by it? I

mean, I walk this property a lot, and you don't really notice what's there now because of the landscaping and because it's -- it's lower, so this is going to be much more prominent, and that's why I'm -- I'm curious, as I know a lot of other people are also, about what this is going to look like.

MR. HOLLIS: Well, I can pass some pictures out.

MR. ZENNER: Robert, do you have them? I can put them on the viewer?

MR. HOLLIS: You have what?

MR. ZENNER: We have the viewer, if you have the picture, I'll go ahead.

MR. HOLLIS: High tech. I don't know if it will fit.

DR. PURI: I think they can pop that on the screen. We'll go to the next speaker. Who is next on the agenda? Please approach the podium.

MR. CARROLL: Good evening. Chuck Carroll. I'm here tonight representing American Campus Communities, 12700 Hill Country Boulevard, Austin, Texas. Our company is in contract to purchase the property that's before you here tonight. Just a little bit of information about American Campus. 2004, we became the first student housing company to go public on the New York Stock Exchange. And, I apologize, I'm not going to cover all this information here. I can come back and answer questions, but given the three minutes, I just want to get through some of the main points here. As a public company, we are traditionally long-term holders of our assets, such as the project you see here before you tonight. Just point of reference, all of the properties we have developed for our own portfolio, there has only been one that we've sold, and that was because of an existing presell agreement that was enacted, which required us to sell to -- to the property owner. So anyway, we manage all of our owned assets, copy of our mission statement here. Next, this is just a slide which we hope represents our experience and track record of developing, acquiring, and operating student housing assets across the country. At the end of last quarter 2013, we had 167 properties comprised of 102,000 beds across the country that we own, about another 26,000 beds that we manage for third parties. In these calculations, in these numbers, are four properties that we actually own already here in Columbia -- Forest Village, Wood Lake, Grindstone Canyon, and The Cottages of Columbia. All of those properties were acquisition properties, part of large portfolios, nothing we developed for our own or on our own. Robert passed out the -- the slide here. This is what we would prefer you to think of when you think of American Campus and the type of products that we develop across the country. This right here is the Village at Overton Park delivered in August of 2012 at Texas Tech University in Lubbock. Four stories, very good looking product. This is the courtyard, pool area inside of this property. And, again, I'm going to strum through these. If we want to come back after three minutes and talk about it, we can. This is another property we developed that delivered last fall at Florida State University. Again, this is a five-story wrapping a parking garage, similar to the proposal before you tonight. Again, the color scheme on this one was obviously, as you can tell, kind of geared towards the Florida State students and modeled after the stone and masonry work that you find on campus. Again, this is the courtyard for that particular property called 601 Copeland. Real quick, just give you a little color on us as owners and operators. As I said, we're long-term holders. We have a very

hands-on approach to the way we manage. We manage, like I said, all of our own properties, full-time, on-site staff. In addition, we have on-site community assistance, which are residents that live there and work there for us part-time. At least one of our full-time staff members is required to live on the property along with all of the resident assistants. Have a very stringent lease agreement that the residents are -- are required to sign. In addition, one of the other kind of cool attributes of -- of American Campus, we do these residence life programs. We have a lot of interaction with the universities across the country and what we try to do is model this living experience after an on-campus living experience, so having the community assistance, having the residence life programs built in really, we found, helps kind of nurture --

DR. PURI: Your three minutes -- three minutes are up.

MR. CARROLL: I'm sorry. Okay.

DR. PURI: I've actually given you 30 more seconds.

MR. CARROLL: I'm sorry?

DR. PURI: Given you three minutes, thirty seconds.

MR. CARROLL: Oh, okay. Okay. But, anyway, I'll just wrap up real quick here. Again, location, we love the location of this property. It's located in an area where the students can walk to class. They don't have to cross any major collector arterial streets. It's an easy walk or bike. Existing structures on the site, they're at the end of their useful life. And, right now, it's all student rentals that's being managed by an absentee landlord. We have a hands-on approach, which we hope is going to help relieve any issues there. Other than that, I'm going to turn it over to Tim and I'll be available to answer any questions if -- if you have any.

DR. PURI: Commissioners, any questions of this speaker? Mr. Wheeler?

MR. CARROLL: Sir?

MR. WHEELER: I'm -- I'm just -- I want to put you on spot here. Are you telling us that this is going to be a core asset, that you will own and manage this because --

MR. CARROLL: Absolutely. Absolutely. I mean, the reason we love this location so much is, as you can tell by the properties that are there now, they're all rentals. They're all students, they're single-family, multi-unit properties that are all students living there. And it's because it's so close to campus. It's a walk to downtown. It's next to all the sorority houses. It's on campus. We love this property. We love the project. Granted, there are concerns that are a little outside of our control when it comes to certain issues that Robert had alluded to with the utilities, but what we're doing here is we're trying to figure out all the other elements of this deal and see if we can get the utilities worked out at another venue. But this is something that we would own long term. As a public company as a rate -- we -- you know, if you look at other real investment trusts, they are traditionally long-term holders of assets, and the same with us. If you look at our track record, like I said, we just don't sell these core assets. Now, if you look -- Google us, of course, we dispose of assets, but, typically, that's acquisition properties when we get these big portfolios and there's certain assets -- you know, you take the good with the bad, and the bad is the stuff that we see, you know, two, three miles from campus where kids are having to drive and ride shuttles to

school, and those are typically the ones that you see on our disposition list, so --

MR. WHEELER: Thank you.

MR. CARROLL: Yeah.

DR. PURI: I have a question for you.

MR. CARROLL: Sir?

DR. PURI: You asked for 80-foot height. The rendering that you are showing to us, you know, five stories, eighty feet doesn't quite add up. I mean, why do you need eighty feet?

MR. CARROLL: I'm probably going to let Tim answer that question in a little more detail. I think a lot of it has to do with the topography on the site and the way building height is actually calculated. There is a significant amount of topography, as you know, and so, I'll let -- I'll let Tim kind of weigh in on that. But this is a five-story building. There is one corner that has -- has a basement level that just kind of plays with the grade, but it's a five-story building. I'll let him --

DR. PURI: Okay. We'll ask Mr. Crockett.

MR. CARROLL: Yeah.

DR. PURI: Mr. Strodtman?

MR. STRODTMAN: Can you give us just a real quick overview of your security on some of your properties and how you handle that and for the safety of your residents?

MR. CARROLL: Absolutely. One of the things that we looked at on this property, and -- and I know the adjacent development, when it came through, you were asking about parking. That particular property has a component of parking that's located off site. That wasn't even an option for us. The parking ratio that we required for this development had to be on site, and -- and a lot of that is because of the security components of that. This garage will -- will likely have a roll-up gate just inside the entrance so that once our student resident comes in, they'll have some sort of tag reader or something -- or fob that allows them to get in and then you have a high-speed roller gate that comes in behind them, because when our students come in, we want them to enter a secure facility, and not have to leave that secure facility to get to their -- to their units. So security is a -- is a big issue and a big concern for us. We had one of our initial meetings with -- with Pat and Tim, and a representative from the police department was there, and we told him, you know, one of the first things we want to do is, you know, if we get approval to proceed forward with this, is sit down with you and really have you look at our -- at our buildings and help us figure out, you know, where these single points of access can be so that we -- we have -- you know, a lot of our developments have cameras in them so that we can see who is coming and going out of the property.

MR. STRODTMAN: Thank you.

DR. PURI: Ms. Loe?

MS. LOE: Just to get back to Fourth Street.

MR. CARROLL: Yes, ma'am.

MS. LOE: I'm still trying to get my head around Fourth Street. It's being -- it's been referred to as

a pedway in one of the descriptions, but you are showing those eight on-site parking on -- who is using those parking spots?

MR. CARROLL: Let me -- I'm not an attorney or engineer, so I can probably speak your language better than these guys can. So is there a copy of the site plan that I could maybe, in layman's terms, let you --

MS. LOE: Yeah. And then the -- okay. And then the other user of that roadway appears to be the garbage. Right? We have the garbage compactor for this proposal, but then also the other Conley building has its entrance for the garbage pickup off of Fourth Street. So I'm sort of interested --

MR. CARROLL: Okay. I'll answer your first question, just how the -- how the Fourth Street vacation -- how we're proposing it to operate.

MS. LOE: And if we're moving the building five feet into that area -- if we're moving the building east, is that roadway -- pedway getting narrower?

MR. CARROLL: No. I'll answer all -- I'll answer all that.

MS. LOE: Great.

MR. CARROLL: So if -- if you look on the screen here and -- and, Pat, maybe you can help kind of outline this. That shaded area there is the current Fourth Street right-of-way that we're proposing to vacate. In order to do a vacation, you have to have the property owners on both sides of the street agree to this. We know that City staff is in favor of this because of the improvements at Turner and Providence. So what we did is we were asked by the staff to go speak to our associates at Collegiate Housing Partners, and we -- we've got a verbal commitment from them that they do want to proceed forward with this. So what will end up happening is, if -- if Council agrees to vacate the right-of-way, what will end up happening is on the existing pavement width of Fourth Street -- right now, Fourth Street is about a 20-foot pavement width. What we'll end up doing is dedicating an easement on that existing pavement width that will allow for emergency service providers to still use that land. The general public pedestrian traffic can still traverse there. There's utilities in there now that will have to remain, so it will be utility easement, but we'll be required to maintain the surface of -- of the paved improvements. The way we're going to control traffic is -- and, Pat, if you kind of point of out -- there's two sets of bollards. There's one set of bollards right there and then there's another set of bollards a little further -- right there. Those bollards will have Knox key access so that the emergency service providers can access that thoroughfare in the event of an emergency on either of these properties, Collegiate or us. However, the general public will not be able to take a vehicle down Fourth Street any longer. Now, the parking spaces you were referring to were these eight spaces that are right here, these parallel parking spaces. What that's for is for what we envision as future resident parking. So when people come to the property to sign a lease, they could pull in there, park. The community center, Pat, is just to the right -- left of it. Yeah. Just south of the pool there. The community center is on the ground floor there. They could pull in there and park, go in, tour the property, sign their lease, and then turn around and come back out, so very limited trip generation there. And as Pat alluded to, once those improvements at Providence and Turner take place, we would -- we would be

amenable to putting that, I guess, curb or whatever you referred to it as, that limits left-turn access, and -- and, you know, it's right-in/right-out only, basically. As far as garbage goes, as you can see where the location of those bollards are right there, that would be a private drive, basically, coming in there, and that allows the -- the trucks to pull in, dump the -- dump the compactor, and then pull back out and -- and go -- go back, I guess, east on -- on Conley.

MS. LOE: And the Fifth and Conley garbage access, you'll -- you'll be relocating that?

MR. CARROLL: Fifth and Conley?

MS. LOE: That appears to be south --

MR. CARROLL: Oh, I'm sorry.

MS. LOE: No. Both of them appears to be south of where you're placing these bollards.

MR. ZENNER: Actually, Ms. Loe, the -- the plans for Fifth and Conley for Collegiate Housing Partners have relocated the trash compactor location --

MS. LOE: Oh, okay.

MR. ZENNER: -- directly across from the intersection of Fourth Street. It is now at this location in their building.

MS. LOE: Oh. The site line at the end of two streets are now trash compactors?

MR. CARROLL: Well --

MR. ZENNER: They're -- both behind closed doors.

MR. CARROLL: Yeah.

MS. LOE: Okay.

MR. CARROLL: Yeah. Ours is -- it's an internal trash chute --

MS. LOE: All right.

MR. CARROLL: -- in a trash room. So what will end up happening is our staff, on -- on the days that those bins get pulled, will wheel those out, truck comes, dumps them, they push it back into the -- the chute. And when I say compactor, they're -- they're Mini-M.A.C. compactors that -- that actually fit in the building. And so that's how that operates. The question, and just if you want to know, on the Tract 2 building, same thing. There will be trash chutes in there with compactors. What our staff will do is we'll have Gators or golf carts that we use and we'll just take those up there on trash day and put them in that loading area there so that the truck can have one central point of access to come and -- and pull it and --

MS. LOE: Thank you.

DR. PURI: Mr. Lee?

MR. LEE: Mr. Carroll, you obviously -- your company obviously believes that 182 units is the optimum number in here, but yet I see you're reserving the right to reconfigure it inside to a small number, thus reducing the parking to a smaller amount. So parking has been an issue for me.

MR. CARROLL: Yes, sir.

MR. LEE: And while I would much prefer you have a one-to-one ratio, can you give us an assurance that you will maintain that 3.04 should you decide to reduce the number of units you're going

to have?

MR. CARROLL: Absolutely. And let me -- Pat, maybe you can help me here a little bit. I think that range of parking that we provided in the Statement of Intent, that range that you saw from 347 to 718, I think 347 is actually the code requirement based on the unit mix that we have now; is that right?

MR. ZENNER: Yeah. The four -- the 554 -- the 554 is the current requirement, based on your bedroom mix at 182.

MR. CARROLL: Okay.

MR. ZENNER: If you reduce, if I am correct --

MR. CROCKETT: Four sixty-two.

MR. ZENNER: Four sixty-two?

MR. CARROLL: Yeah. I think it's lower. And, regardless, we, for a -- a marketing perspective and -- and use perspective, we need more than the code requires. What we -- the intent behind that statement in the Statement of Intent was to provide flexibility to say, okay, by no means would we even get close to the code required amounts. And I think the indication from staff was they didn't really want to go over one-to-one. What we have planned here, I think, is 554 spaces.

MR. LEE: That's what it says.

MR. CARROLL: But we are so early in the design of this project. And as all of you know, as you get into the design, you get structural and NEP involved, you're starting to, you know, look at column spacing and things like that. The true intent was more for us to have some flexibility, plus or minus ten, fifteen spaces, in the event that we've got columns that are eating up parking spaces. You know, we've got telecom, IT rooms that have to be located, things like that. And that -- that was the intent behind it, but, look, we've got assets in the market. We've got assets all over the country, and we know that if you don't provide enough parking, it can be detrimental to the project, so that's -- that's kind of where -- where we arrived on this -- on this particular deal.

MR. LEE: Well, then why don't you just go ahead and do one-to-one? You wouldn't have an issue.

MR. CARROLL: Well, yeah. And -- and we -- we've -- we've looked at that. The thing is on the - the parking is a very delicate matter. Building the structure of parking like this is very expensive, but in the -- in the configuration that we have here, this project has changed a lot. The reason we didn't come to you a month ago and the reason we postponed is because we were able to go and secure purchase agreements for those corner lots on Fifth and Turner, which drastically changes that. The previous layout that we had had that garage on the other block, but the only way to make that garage work over there was that you had that garage exposed. It was either going to be exposed on Providence or it was going to be exposed on the inside of the project. So what we were able to do here is get an efficient design on this garage, fit it in there, wrap it on three sides with units, and then the fourth side is -- is the parking for - for Collegiate. So it -- it was -- it was a balancing act, but I -- believe me, I hear you, because we have seen other developers under park properties. And, like I said, it can be detrimental to the -- to the

property, because if you don't park it correctly, the kids that are going to be living at these properties are probably going to be able to bring a car to school. And if you don't have a parking space for them, then they're going to go somewhere else to live or they're going to require a -- a concession on their rent, and we take all of that into account whenever we're -- we're designing and -- and parking these, so --

MR. LEE: But, regardless, you will maintain that 3.04?

MR. CARROLL: Yes, sir. Yeah. Yeah.

MR. LEE: Okay. Thank you.

MR. CARROLL: Yeah.

MR. ZENNER: If I may -- if I may add a clarification?

DR. PURI: Mr. Zenner?

MR. ZENNER: I apologize. I did make an error. I am human. We do have 462 parking spaces are what the requirement is based on the bedroom mixture for the 182 units. It is about 92 parking stalls over what the minimum requirement is, so we're almost -- and you're 90 over. Again, that lower level allows -- and Chuck can speak to this as it relates to the market mixture of their bedrooms. Right now, you have five two-bedroom units, which are only requiring a total of ten parking spaces. It's two parking spaces per two-bedroom. As you change units over, the total number of parking spaces gets adjusted. Obviously, if you create more twos and less fours, you're going to end up with a different ratio, and you're going to end up with a different amount. Hence, the reasoning for the -- the multiple variations there, because you could end up adding more fours and, therefore, reduce the total amount of parking just based on how our code is set up.

MR. LEE: Thank you.

DR. PURI: Ms. Burns?

MS. BURNS: Thank you. Where will guests of the residents park?

MR. CARROLL: Typically, what we find in a lot of these properties is the guests that come are either parking, you know, on the street where they can find spaces or, if they live around the area, like Robert alluded to with the -- the -new bus route, I mean, that's going to provide a lot of access. Look, this is an urban project. I mean, the -- the design is urban and in a lot of urban projects, I mean, parking is the question is how that gets addressed. You know, those -- those eight parking spaces out in front, you know, that's probably not going to be enough, but that is something that will be used. It's visitor, future-resident parking. So other than that, I mean, it's -- it's going to be kind of commensurate with -- with other downtown projects as they show up.

MS. BURNS: I'm just trying to think, because of this area -- I mean, there's parking on Turner currently, and that's always full. There is the Newman Center parking lot, which is leased out to the University.

MR. CARROLL: Uh-huh.

MS. BURNS: There's the garage, which, I guess, is an option. But other than that, there are very -- with -- if somebody is coming in to visit or, I'm sure, study with their -- their friend that's living there, you

know, I wonder where they would park and how that affects residential areas and other areas close to this.

MR. CARROLL: Yeah. It's -- yeah. It's a tough one. That -- that resident -- or visitor parking. You know, likely, we will in the garage and kind of to -- to your question, as well. What we typically do on these garages is we'll set that high-speed roll gate in a few spaces and provide a couple of visitor parking spaces in there before you get to the gate. We'll typically do that on these types of developments. But, again, at the end of the day, the urban projects, the parking always seems to be the big question, you know. Do you do one-to-one? Do you do zero? And we -- we feel comfortable, based on our market diligence and -- and on assets that we own in the market, and the -- we've got in-house market analysts that actually have gone -- come to the market. They've gone to our properties and polled our residents and tried to figure out, you know, would you not bring your car to school if you could live where you could walk to everything. And this 70 to 80 percent range is -- is where we shook out. I think we're providing 78 percent on this current design, so --

DR. PURI: Commissioners, any other questions of this speaker? Seeing none, thank you.

MR. CARROLL: Thank you.

MR. CROCKETT: Mr. Chairman, members of the Commission, my name is Tim Crockett with Crockett Engineering Consultants, 2608 North Stadium. My presentation was mainly going to be replaying highlights, but I think we've covered most of them. I think there's been a lot of -- lot of comment on here, but I would like to address a few extra items. Again, I want to go back to the Fourth Street item -- the Fourth Street closure. Ms. Loe, really what we're looking for here is while we are going to take it away from -- from the -- from the public side and turn it into a private -- a private ownership, if you will, what we really want to maintain through here is still that same pedestrian access. We still want to make sure that the neighbors can -- if you live on either side, that you can walk through the area, you can bike through the area. It's still going to be open to the public through vehicular and pedestrian access, it's just the vehicular access that we want to take away, both for the development as well as the City. It creates a major issue if that intersection was to remain open on Turner with the improvements of Turner and Providence down the road. So really -- we really want to enhance this. We want to make it an asset, a parkway, an avenue of sorts for pedestrian access between the buildings. And so while it is going to be of benefit to this development, there will still be access for all -- for all the public to be able to go through there, as well. That's been a concern from some residents that utilize this area when they walk back and forth, from their residence, they walk down Fourth Street to downtown. We want to make sure that we can maintain that and keep that open at all times. Mr. Wheeler, I think you had a question regarding the Providence Road. Right now, the plan that's before you today is we -- we're asking for a variance for no additional right-of-way on Providence Road and a six-foot setback. I believe the denial from staff is is they want the three-foot right-of-way for Providence Road, and then we're going to push that setback back from that point. We're okay with that. We're willing to grant the additional right-of-way and that will slide our setback back the distance of the right-of-way that we are -- that we are willing to grant. If that

helps -- that helps answer that question or not, but we're willing to grant the additional right-of-way that staff has requested.

MR. WHEELER: So you agree with their proposal as they have presented it?

MR. CROCKETT: We agree -- I believe that's the case, if that -- if that's what Pat -- Pat, if you agree that that's what we're saying, we will grant the three foot of additional right-of-way that Pat has asked for or staff has asked for with a six-foot setback, we agree. Correct.

MR. WHEELER: I'm reading this that he's recommending denial of your six-foot setback.

MR. ZENNER: We are recommending denial -- I shouldn't have to bail you out. All right. We are recommending denial -- we are recommending denial of a six-foot setback with no right-of-way, so let's start there.

MR. WHEELER: Oh.

MR. ZENNER: Three foot of additional road right-of-way is great. We move the building back to the east, we're still going to maintain the same six feet. So I think we achieve the extra road right-of-way, but we don't get anything in that six-foot setback, but we do get the building, in essence, back nine feet further than it was originally. And as long as the Commission does include within its recommendation the desire to instruct the applicant to proceed forward with a right-of-use permit for the road right-of-way, we believe that that fulfills what we are asking for. We have achieved in getting the extra right-of-way, achieved getting the right-of-use activity that we would like them to pursue in this particular area on Providence. The shift also in the building to the east addresses the setback on the northwest property line, which is of a greater concern to staff than potentially the Providence setback and that we do gain an extra five feet on that setback, which is, again, fulfilling what we would achieve. It allows for some additional landscaping, as well.

MR. WHEELER: Thank you.

MR. CROCKETT: Does that answer your question, Mr. Wheeler? I hope -- I hope to answer your question. We agree to grant three foot of additional right-of-way with the variance for the six -- six-foot setback along the Providence Road right-of-way. In doing so, the one-foot setback, as noted, will push that back from one foot -- one foot to six feet, as well. So that will push that setback -- push the building back at that location, as well, which will achieve both of those -- those items, if that answers your question.

MR. WHEELER: Yes.

MR. CROCKETT: Okay. Thank you. Thank you. Dr. Puri, your question regarding building height. Why are we asking for an 80-foot height in -- in the building when we have a five-story structure? That's a great question. The best answer I can have for you is that the building code is very vague in where the building height is measured from. What I can assure you is that we are looking at a five-story structure. We have no intention of going higher than that. We have no intention of going more than what we have shown here today. We are looking at a five-story structure. It is going to be tiered. It is going to be stair-stepped with the terrain. So as the -- as the slope goes up, our building is going to kind of stair-

step. So we just want to make sure we cover ourselves. We want to make sure that we address the concerns. That similar building height in what Collegiate Housing Partners asked for and they obtained, we want the same type situation. It's not because we're trying to get a five-story building approved today and come back with a larger building height. We simply want to make sure that our building -- our five-story building height is covered in -- in the building code and how the building height is measured, so that -- that's the answer for that.

DR. PURI: It doesn't satisfy me. Mr. Zenner, I think you gave us building height 101 on the last project we had a few weeks back. I think it was very clear how the building height is measured. Is this statement --

MR. ZENNER: I'll --

DR. PURI: -- that he's making -- 80 foot, in my opinion, can put up a -- at least a six- to eight-story building. And then -- and when we discussed measurement of building height last time, you were pretty, you know, explicit about that.

MR. ZENNER: There are three options by which building height can be measured, and one of those options is from the highest adjacent curb, which means if we take the highest point of this site which is at, I believe, the intersection of Conley and Fourth, roughly, in that area, Tim --

MR. CROCKETT: Yes.

MR. ZENNER: -- and measure 80 feet from that, the corner of Fourth and Turner probably easily would be well in excess of 80 feet if you measured laterally across from that high point. So what Tim is expressing is that an 80-foot building height that stair-steps with the grade from Turner up is what you're going to end up getting. You won't get anything over five stories. Now, the easier way to handle this, if you're concerned, is to allow for a building no greater than five stories in height with a maximum of 80 feet. It's a different way of looking at it. You're not going to get a building any higher than what they're proposing on their plans today. It's five stories; that's consistent. But based on how the grade may be measured from wherever you make that measurement, you're getting nothing any greater than 80 feet tall. And I wouldn't want that measured from the corner of Turner and Fourth and applied to what you have at the very top at Fourth and Conley. You may only get a three-story building if you apply the 80-foot height maximum at that point.

DR. PURI: Mr. Crockett, I think -- are you willing to do that five story in the --

MR. CROCKETT: Yeah. I believe -- I believe -- hold on. I'm going to let Mr. --

MR. CARROLL: Can I come up or do I need to wait?

DR. PURI: You can come up and address, if you would like. State your name, again.

MR. CARROLL: Chuck Carroll, American Campus. I don't know the answer to this, but I guess we're going to kind of talk through it here in front of you. The only concern --

DR. PURI: Let me explain the reason I ask this --

MR. CARROLL: Uh-huh.

DR. PURI: -- because it's very easy for you to come and say that you want to propose an 80-foot

building here. We, in the City, don't have infrastructure as far as fire department, as far as water pressure, those type of things, to fight fires in these buildings, and that's an issue. I mean, you can do a five-story building and I think they could handle it. You do an eight-story building, we have issues there which we need to know --

MR. CARROLL: I --

DR. PURI: -- but if you have an eight-story building that you're going to do, and you're telling us five story --

MR. CARROLL: Yeah. I --

DR. PURI: -- in my experience of building for 25 years, 80 foot I can measure like he's saying or that 80 foot would give you more than five stories.

MR. CARROLL: Yeah. I'm not the expert on calculating building height, but I do know anything over five stories, you get into a heavier construction methodology.

DR. PURI: Sure.

MR. CARROLL: You go from wood frame up to light steel and concrete. The only -- the only concern I even have in this, and maybe we can -- we'll agree to five stories. The only thing I need to make sure that we clarify here, because this is a wood-frame building, but we do have what are architects are calling a basement level.

DR. PURI: And building height is not measured from basement level. We discussed this last time.

MR. CARROLL: Okay. And that's the only concern I have because -- because of the topography, there's one corner, what, I guess, would be the northeast corner of Fourth Street and Turner there where, because of the topography, we have a basement level that's an entry into the garage. It's kind of a garage entryway, but then you would have five stories on top of that, but it's technically a basement level. It would be a concrete podium with the five stories of wood frame above it. So as long as that's acceptable, we'd be fine with five -- five stories.

DR. PURI: Okay. Ms. Loe?

MS. LOE: How many levels of parking do you anticipate?

MR. CROCKETT: It's -- it's five and a half levels.

MS. LOE: Of parking?

MR. CROCKETT: Correct. Wrapped by the units, so you won't be able to see it. It'll be tucked away behind the residential stack, so --

MR. ZENNER: Based on the topography of the site from Fifth to Fourth, there is roughly a ten-foot fall in grade. And I think if -- at the time that Collegiate Partners came in with their particular project, we were looking at a single level of parking within that project. It was on -- coming off of Fifth. As they went through structural design on that building, we actually have ended up getting a half story underground at the Fourth Street end. This would be very similar in that respect, so a half story below grade of parking and then five full above surrounded by the residential development. It would be

consistent with what we have to the north. And from a measurement perspective of building height and construction, I believe, as Mr. Carroll has explained it, that is how our building code will operate.

DR. PURI: Thank you, Mr. Zenner. Any other questions of this speaker? Seeing none. Thank you, Mr. Crockett.

MS. WHITE: Hello. My name is Shawn White with Crawford Bunte Brammeier. Address is 12400 Olive Boulevard, St. Louis 63141. CBB did prepare a traffic study for the student housing development. We met with the City of Columbia and MoDOT at the commencement of this study to develop the scope of work, to ensure that it met their needs. Based on direction from the City and MoDOT, the study included an analysis of the weekday a.m. and p.m. peak hours for the existing baseline and forecasted conditions, and that baseline condition did include the Collegiate Housing Partners development to the north, as well as the Providence Road improvement project that's planned. An analysis of the existing or baseline conditions found that all the intersections within the study operate at level of service C or better during the peak hours, which desirable is D or better, so we exceeded that. The trip -- the trips associated with the site were assigned to the road array and through the intersections, and then those intersections were reanalyzed to determine the forecasted conditions, which -- which showed that all those intersections would continue to operate at C or better, which, for the most part, was expected, given that this type of a development, the majority of your students are walking to class, they're not going to try and get any closer to their building and park there given the difficulty to find parking spaces. Following the study, the City requested that the intersections of Fifth and Turner and Fifth and Conley be reanalyzed for the peak hour to assume higher traffic volumes as a result of some forecasted volumes that they had at the intersection of Providence and Turner, so it resulted in about a 50-percent increase, and a lot of those turning movements. And we -- even with those higher traffic volumes, the intersection of Fifth and Conley operates acceptably with really no noticeable impact. However, those higher volumes do show a slight degradation in the level of service at the intersection of Fifth and Turner, being that the intersection overall would be level of service D, with some movements operating at level of service E. So should the higher volumes on Turner materialize as forecasted by the City, it may be necessary to make improvements to the intersections of Fifth and Turner. The City provided comments on our revised analysis and suggested that a left-turn lane be considered on Fifth Street at the entrance to the development's garage, which has been referred to as the twaddle. So see, I said it, too. You're not the only one. Based on our analysis, this left-turn lane is not warranted. In fact, without any additional lanes on Fifth Street, all of the movements at the garage access are forecasted to operate at level of service A or B, which is highly favorable operations. We feel our access is consistent with the access being provided for the Collegiate Housing Partners' development to the north, as well as all along Fifth Street. The Conley Avenue garage just to the north, there is no turn lanes, you know, coming in and out of that garage. In fact, if you travel Fifth Street from Rollins all the way up to Broadway, there is not one turn lane except for when you actually get to Broadway.

DR. PURI: Can you wrap up? It's three minutes.

MS. WHITE: Yes. Nonetheless, the developer is providing adequate right-of-way dedication for future improvements that may be needed to accommodate the growth in the areas. So in summary, we feel there is sufficient capacity on the roadways to accommodate the additional trips associated with the development without any improvements.

DR. PURI: Commissioners, do you have any questions of this speaker? Mr. Stanton?

MR. STANTON: Ms. White, actual --

DR. PURI: Mr. Stanton, could you speak in the microphone. We're having trouble --

MR. STANTON: -- did you do actual traffic staging or did you read reports and come up with analysis? Did you actually put the strip across the road, count traffic in real time, or did you just look at MoDOT's reports?

MS. WHITE: No. No. We -- no. The first step in our process, we always go out. We collected new counts at Providence and Stewart, Providence and Turner, Providence and Rollins, Fourth and Stewart, Fourth and Conley, Fifth and Conley, Fifth and Turner, and Fourth and Turner. So we had a large study area, and we actually, we counted every pedestrian, every vehicle at all of those intersections, you know, whether they're turning left, right, through, every -- every movement was counted, and that was done in October of 2013.

MR. STANTON: Thank you.

DR. PURI: Any other questions, Commissioners? Thank you. Anybody else wishing to speak on this matter? Please don't be shy. Approach the podium.

MR. SCHNEIDER: I'm Tom Schneider with the law firm of Jones, Schneider & Stevens at 11 North Seventh Street, and I represent the Hinshaw Family Partnership. I don't know how organized the opposition will be, but I'm going to be the six-minute speaker. I'll try to use less time than that, however. The Hinshaws own the three-story apartment building immediately northwest of the proposed project. You have the MU Power Plant, Stewart Road, then you have that paved University parking lot where everyone tailgates on football Saturdays, and then their three-store building. I'd like to address four concerns, the most prominent being the density and the disproportionality that results from the density most particularly relating to the height. The staff report indicates that this will be built on a bluff and that the ground level at the highest point is 20 feet above Providence Road. Add to that the 80-foot height variance and then you have 100 feet above Providence Road, and it will tower over and loom over my client's property. Some of you probably knew Dave Rogers. He was a very prominent land-use lawyer in the '80s and '90s, rarely missed one of your meetings. I referred to him as the dean of the Boone County Zoning Bar. He had an almost identical case and he pointed out that if this monstrosity was built immediately to the east, then the sunrise would come to his client's property about a half an hour later than to the rest of town. Well, this is the same situation over again. Commissioner Burns mentioned it would be nice to have some sort of a virtual representation and you saw something -- I think it was from Florida -- from ground level, but you would have to, I guess, be on about a 30-foot scaffold to look at that from Providence Road in this situation. And it also brings to mind a comment that someone made

privately earlier before the meeting about what is commonly referred to as Garagezilla down at Fifth and Walnut, and that is that had the Council that approved that been able to visualize that, they probably would not have supported that. That might be speculation, but I think that everyone was very surprised about the impact aesthetically and visually to downtown Columbia when that was actually built. The reference earlier was to a gateway location. That's what this is. This is a gateway location and beyond the perhaps claustrophobic effect that this towering project will have on my client's property, there is also that public perception of everyone who drives by there on Providence every day. The second concern may have been addressed by Tim Crockett. I think that I heard him say that they are willing to waive their request for a setback waiver, that they will go back to the setback waiver that's required instead of wanting to be building within one foot of my client's boundary. If they were able to build that close to my client's boundary, that would just enhance or magnify that claustrophobic effect. The density really is the driver of those systems. I don't know there's a separate concern or a separate issue. The American Campus Company sounds like a quality company. The land use at this location is obvious -- student housing. It's a no-brainer. But the density has symptoms which we're very concerned about. You can't entirely disassociate infrastructure, either. As I understand it, there is no sewer capacity or electricity capacity available for this project, and who knows when that will occur and when it will be financed. The City Council just rejected a TIF proposal Monday night, which may -- might have funded it. And so, in a sense, this is sort of spec zoning. I think the staff calls it pre-zoning. I call it spec zoning. And you're going to see more and more of this in the downtown area, and this is sort of a precedent in that respect. And, you know, who knows when this development will actually occur and what they will want to do at that future time which could be years into the future. So I think that that precedent is something you also ought to take into account or in mind, although I'm not sure that's a specific concern of my client. If you have any questions, I would be glad to try to address them.

DR. PURI: Commissioners, any questions of this speaker? Ms. Loe?

MS. LOE: I had a question. Do you happen to know how tall your -- the family's property is -- the structure?

MR. SCHNEIDER: How tall these structures are going to be?

MS. LOE: No. The Hinshaw property.

MR. SCHNEIDER: Mr. Hinshaw might be able to address that. I do know it's three stories.

MS. LOE: Okay.

DR. PURI: Mr. Wheeler?

MR. WHEELER: How many units are there? You might have said that, but -- in that building?

MR. SCHNEIDER: I'm sorry?

MR. WHEELER: How many units?

MR. SCHNEIDER: How many units? I would have to have Mr. Hinshaw address that.

MR. WHEELER: Okay.

MR. SCHNEIDER: He is here -- Paul Hinshaw is here. He's a principal of the company and he

can certainly address that issue. I don't know if he can tell you the actual height. Paul?

MR. HINSHAW: Thank you. Paul Hinshaw, 5150 East Richland Road, Columbia. Thank you. I -- I do want to speak in opposition to the rezoning. Maybe I should ask the -- answer the questions. The building is a two-and-a-half story building. It's half a story submerged, so the actual height of it, eight foot floor to floor, 20 feet, and then the roof a four-foot or a twelve-to-four pitch, you know. We're talking about 25 feet building. Again, it depends on where you measure it from around the building. There is 17 units in the building. They're all one- and two-bedroom units. My concerns are that this project is too dense and the scale is way off for the neighborhood. Granted, the neighborhood is R-3. This development is going -- and I -- I'm just a rough calculation, is going to increase the density three or four times. Columbia is not obligated to this development to provide the level of density that they're asking. There's many hidden costs, as we all know. One of them is parking, which we brought up today. With the four-bedroom size, there's only two and a half parkings required, and we all -- or at least I know that people that pay this much money to live in a nice apartment, they're going to bring a car to Columbia. Yes, they might walk to campus, but they're going to drive and buy goods and go work or whatever they're doing, not to mention the guests. And I don't know where the guests are going to park around this facility, maybe in my parking lot. I guess in wrapping up, the use is perhaps appropriate. The density and scale is not. The use, without any variances, I would support. The -- it's just the proposal, I feel like, just isn't appropriate, more like C-2 downtown, to me, on campus. Thank you.

DR. PURI: Commissioners, any questions of this speaker? Seeing none. Thank you, Mr. Hinshaw. Any other speakers on this matter?

MR. ELMORE: My name is Stan Elmore. I live at 4401 Old Mill Creek Road. I've lived in Columbia since 1956, for a total of 57 years. I have viewed a lot of changes in Columbia from up close because of my involvement as a civil engineer employed by the City of Columbia, and by private enterprise to coordinate and design many of these changes that have happened. In these 57 years, I've never spoken against anybody's rezoning of their property, ever. However, I am asking you to consider very carefully the issue before you now. Your decision tonight is extremely important for our city. This request for rezoning covers so many issues that are listed as variances that are pending and the -- the applicant requires these to make things work. It makes this very complicated. And this request is more like a request for C-2 in the central business district because of its lack of need for a lot of requirements that this area, which is currently zoned R-3 for apartments. However, it's under a different name, PUD, which allows great latitudes. I lived in this area while a student at the University of Missouri. I'm familiar with the mix of buildings that is in this area. This is not a -- a high-rent district, but certainly would not be called distressed, and provides the campus for student housing. Your vote tonight in favor of this request, I believe, will change this part of the campus in as large a magnitude as the shape and condition as the Stephens area has become, a dense, crowded, unworkable inner-city mistake. Your City staff will tell you the City of Columbia has vast control over development, and this is true. You also have the ability to relax some of the rules and regulations and a great deal of this judgment is placed upon the City

administration, City citizens committees, and with City Council to do that, and protect the citizens from projects that probably should not be built. In the area of zoning, the Supreme Courts of the land have allowed cities great latitude in controlling their own zoning. You have the right to do whatever, in your best judgment, is the best thing for your city. On the other hand, if you vote tonight in a -- with a favor of this project, how will you judge yourself in the future when some of your fears about this project come true? I urge you to vote no on this issue. I represent myself here as a citizen of Columbia. I -- I'm very familiar with Columbia and -- and I feel that there are so many issues in this one, and this is such a large structure that it probably needs more time to be vented to make sure that the comments and needs of the applicant meet with the unanimous decision of all the boards and commissions.

DR. PURI: Sir, your three minutes --

MR. MOORE: And thank you for serving. -

DR. PURI: Sir, your three minutes are up.

MR. MOORE: -- and -- and my time is up. And thank you very much.

DR. PURI: Thank you. Commissioners, any questions of this speaker? Seeing none. Anybody else who would like to speak on this matter? Okay. Seeing no one. Close public hearing

PUBLIC HEARING CLOSED

DR. PURI: Commissioners, discussion? Who is going to go first? Mr. Stanton?

MR. STANTON: I plan to support the project per the staff's recommendations, so I feel -- I think a lot of work has been put into this and try to get a win-win out of all parties. I do understand the concerns of the Hinshaws, but I didn't hear any alternative solutions, either. So we need student housing. Being by campus, we have problems with it being downtown, but right by campus seems like a pretty good place to have it, so I plan to support it per staff's recommendations.

DR. PURI: Mr. Wheeler.

MR. WHEELER: Well, I -- I just want to beat Mr. Lee to this. I find it extremely interesting that we are told constantly that the number of parking spaces that we believe is needed for these projects can't be incorporated simply because it won't work economically, and yet, here we are with one that exceeds the number the City is telling us we need, and which may not still be adequate, mind you, but it can happen. And so I hope Council takes this to mind the next time they decide that we should experiment with one of these projects like the one next door. So -- and that will end my pet peeve. I -- my concern here -- I think this is the appropriate zoning in the right place. We would have been better off as a City, from a planning perspective, to have made allowances or even, in my opinion, have incentified [sic] the putting our student housing near campus instead of spreading it all over the City and thus running 40,000 students up and down our streets constantly. So it's an appropriate use in the right place, and I think they've done a great job of planning this. I'm supportive of the variances as the City has outlined. I think this will take care of, you know, those issues. I understand the Hinshaws' concerns; however, you know, I think you should sell them the piece of ground and then let them do something different with that, so that would be their problem. But I -- my concern, and the reason I'm still on the fence on this, is, you know,

you've shown us some nice renderings and you've, frankly, shown us some that I think are really ugly. And so I -- I have serious concerns about what the finished product is going to look like and -- and I'm still on the fence on whether I could support this simply because I -- you know, there's a couple of these -- frankly, I wouldn't want to drive by on Providence every day and I do drive this portion of Providence a lot. And I do believe that it's although maybe not a gateway, certainly a great number of our residents would have to drive by and -- and look at -- and it is -- it will be a permanent fixture and very prominent fixture on the Providence corridor. And so we'll see if we can address that.

MS. BURNS: Dr. Puri -- oh. You know, I appreciate the well-organized and sincere presentation that was made by American Campus Community -- I do. And the site does seem appropriate for student housing. It's there now. I think it could be improved. I agree with Mr. Wheeler. I'm very concerned about how this will look from Providence Road. Providence Road is a gateway not only for our citizens, but for our visitors, for our University. Once this goes up, it won't go down, and it will be there. I'm concerned also if Providence Road needs to be improved, how this structure could impact that because we all know Providence Road is incredibly well-used and well-traveled, and I think the time is coming when all of it or a portion north of Stewart road will indeed need to be improved. I'm concerned about the landscaping. I understand this isn't an urban project. At the same time, the visibility and how it's perceived, I think that's very important, and the density is a concern for me. Moving from 200 beds, from what I understand is currently in that area, to 1,000 beds with all of the units that are proposed -- five times what's there now -- on the same amount of land, that's a lot more on that particular area.

DR. PURI: Ms. Loe?

MS. LOE: I, too, appreciate the infill and density that you're proposing, and I appreciate all your responses on Fourth Street. I really -- I really enjoy the urban -- an urban corridor. However, I do share Ms. Burns' concerns about landscaping, especially since that's one of the two major objectives of a PUD is to have the open space. And per 29.25, landscaping really is to be included, and you're asking for a reduction. Yet, if I understand the plan right, that pool deck is at grade.

MR. CROCKETT: It starts at grade, Ms. Loe, and then it levels off --

DR. PURI: Can you approach the podium and say that? The transcription needs to have that.

MR. CROCKETT: I'm sorry. Ms. Loe, yes. The -- the pool deck is at grade; however, it is obviously a level surface, while Fourth Street is coming up. So at one end, it is higher than grade. At the high end of the pool deck is more in line with what's -- or what Fourth Street would be.

MS. LOE: But it -- right. I guess there's potential for landscaping there that I'm just not seeing being taken advantage of. And while you've given us a nice long elevation of Providence, this actually shows about three times the number of trees, eight, than what you're showing in the plan, three, along that elevation.

MR. CROCKETT: Sure.

MS. LOE: So there -- I mean, in my mind, there's a real lack of landscaping when the zoning you're asking to come in under actually asks that this be a focus -- open space, and then also the

landscaping component be a focus of the planned development, so that, and the setbacks. I have to admit when I was looking at the contours, I saw the Fifth Street northeast corner as the high point at about 725, and then the Fourth and Turner, the low point looking at the southeast building at about 700, so about 25-foot drop across that building. So potentially, if you take the height from that higher corner, we're looking at 105 foot at that lower elevation along the Fourth Street pedway. And then the building across from that, maybe about 95 feet. And we're looking at a 20-foot pavement, and six-foot sidewalks. And I'm really -- and no landscaping buffer -- or maybe a little bit of landscaping buffer on that east building. I'm really missing those massing models telling me what that's going to feel like because I -- just walking in here, I'm looking around for an example of a passageway that narrow with that height of a building, because I this is maybe a new urban experience that we -- it's -- it's getting more than what we already have, and I think I might need to be sold on that because I -- it's new for us. So those were two concerns. And then the Hinshaws, I agree. I mean, if -- if that six-foot setback isn't included at their property, I think the one foot that's shown on the plat map we were given is a little bit harsh considering this was an R-3 property, which had a 25-foot setback, and now it's being taken down to one with an 80-foot height limit being requested. So I would look for some concessions on that maybe.

DR. PURI: Mr. Lee?

MR. LEE: I have a number of concerns about this project. While I think it is a good project, I am extremely concerned about the parking. I believe that at the rents you are going to charge, this company -- the developer is going to charge, all those kids will have a car. And there is, in my mind, lack of adequate parking not only for residents, but also the eight slots on the street, there will be no guest parking whatsoever because you're not going to park on Providence. You're not going to park on Fourth Street. The Columbia -- the other property is going to have parking issues, as well, so I'm really concerned about that. I am also -- while I think it would be a good improvement to the neighborhood of what's there now, I worry about the density of that area when -- when all the properties are built, which we know may be a while given infrastructure problems. However, that all said, and I'll add to Ms. Loe's comment about the -- the landscaping as you come down Providence -- up and down Providence, north and south, the landscaping there, I think, should be improved greatly to help -- to help the vision there. But all that said, you can't stop growth, and this is a good developer developing good properties. And so with that said, I intend to support it.

DR. PURI: Mr. Reichlin?

MR. REICHLIN: I'd like to preface my comments by reminding us whether or not we feel it not that trying to legislate --

DR. PURI: Can you -- Mr. Reichlin? Yeah. There you go.

MR. REICHLIN: -- trying to legislate aesthetics is a slippery slope. We have lived with the Mark Twain Building and the Lewis & Clark Building, both of which will potentially, if not tower, at least be taller to the -- taller than the proposed project that we're dissecting at this point in time. That said, we had conversations about this, so I alluded to something similar to this in our work session. What we've

become accustomed to is just a function of familiarity. I feel like these buildings are no less objectionable, and in keeping with the intent to have a denser lifestyle within the city core, it's a quality project. It's in -- it's -- it's all a matter of what you compare it to. If you compare it to the tree line and the structures that are on these blocks of ground now, it's a radical change. But if you look at it in the context of what it is going up the street, it's very similar in scope and scale. So I'm not as concerned, although, you know, you want something to be attractive. Lewis & Clark has been rather unattractive for many years. Just recently, Mark Twain Building has been given a better facelift. And this is, from a starting out point, an improvement over what those two buildings were at the time that they were constructed. So I'm in favor of supporting this project. Parking is always going to be a concern in an urban environment, and I would like to see steps taken to help alleviate that. But from what I see of the intent and the quality, I'm comfortable with the project and intend to support it.

DR. PURI: Mr. Strodtman?

MR. STRODTMAN: Yeah. I won't waste anybody's time. I'm just going to echo Mr. Reichlin's comments. I think it's a good project, you know. We saw some comments in our work session earlier about people's, you know, concern about density, but we're a college town. It's our major employer. They're growing. We want them to grow. We have to house these students. And I don't think there could be a better place to house them than right here. I mean, I would much rather see this than on Grindstone or a lot of the other developments that we have. This -- it's so much more appealing. And I believe the developer will make this a very attractive building. It's a very competitive market in Columbia for student housing right now, and I think, obviously, the location here has more appeal than a lot of the other developments in our community, but I plan on supporting it. I think it's a great project, and I hope that it -- you know, these renderings that we -- that he showed us, I hope that that's the building we get, and I think it will be a very impressive building to drive by as you're going on Providence.

DR. PURI: Mr. Tillotson?

MR. TILLOTSON: I think sometimes as Planning and Zoning Commissioners, we get off into trying to be architects as opposed to Planning and Zoning. This is a good fit for that. I think the zoning is correct. I think City Council has done an amazing -- or City Council, but City staff has done a great job. Ultimately, I think that our decision is whether or not to approve the zoning. I think it's going to come down to City Council, and I'll assure this group, if they go in front of the City Council with no more renderings than what they brought in front of us, I've got a feeling their project will fall pretty short. So I do intend to support it. Really, the only thing is -- I know this is going to go right -- recommendation is going to be made and I've got a feeling this is going to follow the City's recommendations, but I've got to say the word "twaddle" myself. I liked your recommendation on the fact that that's absolutely not needed, and I just want to know what the other Commissioners think, whether you're in support of the project or not. If you were supporting it, do we need that there or do we not. Anybody have comments or cares one way or the other?

MR. STRODTMAN: You're referring to the twaddle?

DR. PURI: Mr. Wheeler?

MR. WHEELER: Well, first, let me address my architectural issues, because I have resisted this and I -- and I think, at times -- but I do think -- I do believe -- have come to believe that -- that it can have bearing on the appropriateness of even the density because, you know, you can mask density or you can mask it, and with an attractive building, the density won't bother me, but you get a big, ugly building, and it's -- and I'm not trying to say the rendering you showed us was ugly, by the way. That is an attractive building, but the Florida building was not an attractive building, in my opinion. And so that's what I was really talking about. This -- this -- if we had something like that, I can -- I could live with that. That's -- you know. But, anyway -- and I also agree with Mr. Tillotson. If you don't go with any more than that to the City Council, they're going to beat you up really bad. But I -- I agree, I think there's a -- there's -- appropriate from what I'm gathering from this, we've got the appropriate right-of-way for -- because I have to say twaddle at least once here, since I don't know what it means. But -- but I think we have the appropriate right-of-way for this thing, if it's needed in the future is at least the way I'm understanding this. And so I don't -- you know, that recommendation could come or go. I'll support it either way. And may I ask, am I correct, we do have the appropriate right-of-way already, regardless of whether we put it in from the beginning or not?

MR. ZENNER: That would be correct.

MR. WHEELER: Thank you.

DR. PURI: I think it's my turn. I -- I think it's a good project overall. My only concern is the height of the building, which I -- you know, I think that these other buildings that Mr. Reichlin has alluded to don't have as -- you know, as small of setbacks as we're going to see along Providence Road here. So with that said, I mean, I think that the height, if I would go for this, the five-story structure would -- should be in the language to accomplish that, so there's no, you know, taller than five stories. It doesn't become a monstrosity, which is the Garagezilla garage on the downtown area there. So that was one of the things that was concerning. The other thing, the landscaping, I agree with Ms. Loe. I think there needs to be some concessions there. There's many opportunities of landscaping here along Providence, along the pool area. And that pedway could be, you know, landscaped really nicely if that's what the real intention there is, which I think you have the intention there to cross over between the two buildings. And that courtyard where the pool is, you did have a good picture in your presentation about a pool, but that was flanking a hotel I saw in the background in that development that you were showing, you know, and there's no hotel here. But -- and I think there's many opportunities of landscaping there. I think City has done a good -- City staff has done good job in analyzing this project, but I think that the concession on landscaping needs to be there by you guys, as well as the height to, you know, be maintained on the five-story structure. And then the agreement of City staff on the setbacks, what their recommendation on that is. And I think the parking is always a problem, but I think you have made an excellent effort in enclosing all that parking inside the -- in the guestroom stacks or student-housing stacks, which is better than nothing. You could have come here and said you didn't want any -- to provide any parking, but I think

that's a good idea and I think it's a good selling point, like you're describing. You know your business with that. And as far as, you know, as Planning and Zoning, you know, is here to look at use of land, but I think that having renderings of good quality and what you're going to have at that corner would really enhance, you know, our understanding of what is going to happen there. It just makes your life a whole lot easier in case of that. And then also if you're going to, you know, build nice quality projects, you going to know -- you know, own the asset, you should have an idea of what you're going to put there and should be able to provide a rendering to that, you know, aspect to the Council or as well as the Planning and Zoning so that we can look at the overall impact on -- on that corner. Providence Road is traveled quite a bit, you know, north and south, and going along that line, yes, the present buildings are not attractive at that entrance to the University, but, at the same time, if you put an attractive building there, that could change somebody's mind. And I also think that I agree with most of the Commissioners who are under the -- making a point that this is the best place to house students so you don't drag them all the way across town on Grindstone or other places in town. It's ideal. The location is good. But I think you're missing the opportunities on this landscaping. I think that keeping the building aesthetically pleasing should be good, but I think that I will support this project if some of those concessions are made, you know, of landscaping and making -- modifying the height to be the five-story like we were talking about. Any further discussion, Commissioners? Mr. Tillotson?

MR. TILLOTSON: Landscaping. Now, part of the recommendation from the staff was that they did the landscaping pretty much on Providence Road. Okay? So what you're asking for is more --

DR. PURI: Complete. Mr. Crockett, can you come to the podium?

MR. CROCKETT: Yes, sir.

DR. PURI: You asked for a variance in this landscaping, and then the staff said, well, right-of-use permit to install landscaping around Providence Road. But what Ms. Loe has said, the opportunities that would be around this property, are you guys willing to look at those items and see if you can landscape on the east side pedway --

MR. CROCKETT: Absolutely.

DR. PURI: -- and along Providence --

MR. CROCKETT: Absolutely. And I think it's --

DR. PURI: -- so we don't have to give a variance on that --

MR. CROCKETT: Absolutely. We'll look at that.

DR. PURI: -- or come up with some sort of a concession on that?

MR. CROCKETT: Yeah. I'm not sure what kind of concession we need to have, but I think it's certainly something we can look at. You know, the staff's recommendation to work on Providence Road is certainly something that we -- that we want to do. We just can't commit ourselves to saying we will do it because it is a MoDOT right-of-way. Do we believe that we can do it? Absolutely. I think MoDOT -- we can come to terms. We can come to an agreement on that. But without -- without our plan being approved, without our landscaping plan being approved through MoDOT, we can't commit ourselves.

What we can do is we can commit that we will work closely with MoDOT and do everything we can to gain their approval so we can do landscaping along Providence Road.

DR. PURI: What about landscaping on the other side, on the pedway side, and then some --

MR. CROCKETT: Yeah. I mean, I think -- I think absolutely. We will definitely look at that and see and add additional landscaping. Ms. Loe, if we can add some green space in the pool deck area, you know, some permanent planters or something along those lines, we'll see what we can do to accommodate those concerns.

MS. LOE: Does --

MR. CROCKETT: I don't know what we can do, you know. Well, we can't, you know, make concessions tonight to make that happen, but certainly we can -- we will -- we will commit that we can -- we will look at that and evaluate those -- those items. Absolutely.

DR. PURI: Okay. Ms. Loe?

MS. LOE: Does the 8 percent include the pool deck in your calculation of open space and landscaping?

MR. CROCKETT: Yes. Yes. Yes. Well, no. No. The pool deck, if there's any green space on the pool deck, we can -- we can modify that so if we add green space on the pool deck, it would be in excess of the 8 percent that we're asking for, meaning that we wouldn't add green space on the pool deck and take it away from someplace else. If we add green space on the pool deck --

MS. LOE: Right.

MR. CROCKETT: -- we can -- that would be in excess of the 8 percent.

MS. LOE: Just trying to think of a way to word the concession that we try to exceed the 8 percent.

DR. PURI: We will leave you up to that, but I think we have some concern over there. Do you want to address what your concern is about the landscaping? It looks like you're hopping out of your chair on that, you know, landscaping thing. Please approach the podium. State your name again so the transcription --

MR. CARROLL: Chuck Carroll, American Campus. The pool deck will have planter boxes and stuff like that. The -- I think the variance that we're asking for here, and correct me if I'm wrong, is just for the amount of space that we have available for landscaping.

MR. CROCKETT: Yes. That is correct.

MR. CARROLL: It's not necessarily addressing the amount of bushes and trees and stuff like that that we're planting. I can tell you what we directed Crockett Engineering to do on this is to meet the City code requirement minimums, and that's -- that's what -- what he has done here. I can tell you from our perspective, we're never going to do that. We're always -- we have a landscape plan that gets submitted to the City that meets the code requirements. Simultaneously, we have our landscape architect putting together the real landscape plan that's actually going to get built and get constructed with the property because I could tell you right now, if you under landscape a project, it looks like not desirable

housing. And so we've -- we've learned that lesson on projects where we have not provided enough landscaping and had to back retroactively and add it in because it was just not a very good looking project. So I think the variance here is for the amount of space, and that's just by virtue of the size of this site, the density, and that's what we're asking for here. If you want to put a condition -- and, Pat, maybe you can help with this -- put a condition that, you know, we will exceed -- and, Tim, maybe you can help me here. Is there a way we could do this such that the -- they're approving the variance for the reduction in landscapable space conditioned upon us meeting -- and I don't know the number of trees that are to be provided.

DR. PURI: I think maybe there's miscommunication here. We're not after the number of trees here. I mean, we understand that what you're asking for; okay?

MR. CARROLL: Uh-huh.

DR. PURI: There needs to be some landscaping along Fourth Street pedway inside, which is just concrete there. I think that's what Ms. Loe is getting at, that there's no landscaping shown there. You have opportunity to do that there. So we're not asking for trees or bushes or those type of things, but do you have the opportunity to provide that, Mr. Crockett, along the Fourth Street area?

MR. CROCKETT: Okay. Yes. Yes. And I apologize. If you look at the -- the rendering that's before you, it's a little misleading because the hatched area is the right-of-way -- the existing right-of-way of Fourth Street that we're asking to be vacated. Within that right-of-way, the lighter strip is the existing pavement that's out there right now, and that's going to be similar to what's going to be there postconstruction. Now, then, if you look between there and the pool deck and on both sides of the street outside of the additional parking spaces, there's some green space in there. And, now, that green space, what we can do is we can landscape that green space accordingly. So there is location along Fourth Street that we can landscape to give it a very, you know, pleasing feel.

DR. PURI: And I think that's what she's asking for on that side, plus along the pool area. If there is the opportunity to there to increase the percentage, plus the Providence Road --

MR. CROCKETT: Correct.

DR. PURI: -- to have that. So that one side is Missouri DOT, understandable.

MR. CROCKETT: Right.

DR. PURI: But you do have control on the other side to provide some -- we're not after the number of bushes or trees.

MR. CROCKETT: Sure. No. Absolutely. Absolutely.

DR. PURI: That's not the purpose here.

MR. CROCKETT: We will definitely --

DR. PURI: That's the arborist's job to get you -- work with you on that; okay?

MR. CROCKETT: Right. And we -- we can do that. Yes, ma'am.

DR. PURI: All right. Mr. Stanton?

MR. STANTON: Yeah. I just wanted to reiterate our citizens, our Consolidated Plan, or all of

that. Columbia citizens are tired of compromising on our green space. I challenge you to do as much -- I mean, at first, I was kind of, like, yeah, 8 percent. I'm more like ten now. I'm almost, like, no variance, make it happen, because our citizens are crying to us to stick to the Consolidated Plan and their vision of Columbia. They're tired of compromising. Let's try to make it happen. That's kind of what I meant.

MS. LOE: I mean, if there's ways to pave the area between the bollards with pervious pavers --

MR. STANTON: Pervious pavers.

MR. CROCKETT: Ms. Loe, that was our --

MS. LOE: Okay. Great.

MR. CROCKETT: That was our very first thing that we wanted to do. The concern there is, and I think staff -- I think staff has in the past have agreed to it, but the concern there is fire protection. They're the ones that are kind of driving staff's recommendation that fire protection doesn't really like that idea. I mean, that was one of our first recommendations that we wanted to do, but we look at public safety. And when they say we have concerns with that, we -- we take that sincere, or else we would have proposed it a long time ago. Yes, ma'am. We like that.

DR. PURI: Thank you. Oh, Mr. Wheeler? Sorry.

MR. WHEELER: I just -- I just want to ask, because I like direct questions. So right now, the 8 percent calculation that you're asking for, and thus you have to ask for a variance, does not include the MoDOT the area that we're asking --

MR. CROCKETT: That's correct. That is correct.

MR. WHEELER: It does not include the hatched area that's the current -- I mean, you're not calculating -- none of your calculation in what you're going to put in includes any area within the hatched area that's Fourth Street currently?

MR. CROCKETT: That is correct.

MR. WHEELER: So any area gained on the Fourth Street and the MoDOT would be in addition to the 8 percent; correct?

MR. CROCKETT: That is correct. That is correct.

DR. PURI: Thank you, Mr. Wheeler.

MR. WHEELER: Thank you.

DR. PURI: Thank you, Mr. Crockett. Or anybody else have a question or -- okay. Thank you. So, Commissioners, anybody want to frame a motion?

MS. LOE: May I ask one more question?

DR. PURI: Yes, Ms. Loe. Obviously, you sure can.

MS. LOE: Can we just clarify if the setback along Providence is six feet along that whole west property line?

DR. PURI: Mr. Zenner?

MR. ZENNER: It will end up being a six-foot setback with an additional three-foot-wide dedication of road right-of-way as requested. So, yes, it will maintain the six feet, but in exchange for the

additional three feet of road right-of-way, you're -- we would consent to granting that setback waiver. And part of the requirement associated with why we want the right-of-use permit to be pursued is to ensure that that six-foot space, plus whatever road right-of-way we have that is outside of the travelway, or outside of the back of the sidewalk, is landscaped from that edge back to the building to do exactly what you're asking for. That's to transition the building from the road to its foundation and integrate it into the slope so, visually, the building is appealing.

MS. LOE: And does it carry along to where it's showing the one-foot building setback next to the Hinshaw property?

MR. ZENNER: No. When we -- when we angle from where the property line angles at this particular point -- this is what we refer to as the northwest property line, which has a one-foot setback on it -- this will then be pushed back an additional five feet. So instead of the one foot, you will end up with six feet along that northwest, and that results in the building being shifted southeast on the site and pulled closer toward the right-of-way of the existing Fourth Street. Not into the right-of-way, because the right-of-way is not yet vacated. Please keep in mind that the concerns and the concessions that you are asking for as it relates to the landscaping are predicated on the vacation of the Fourth Street right-of-way. We cannot require -- you can require them to do it, but you need to be aware that getting it done requires the road right-of-way to be vacated so the additional right-of-way that is currently City owned could be utilized privately. It also impacts the ability to shift the building six feet away from the adjacent Hinshaw property. So -- or, no, that, it does not. It will allow the building to be shifted forward. But the landscaping improvement in the Fourth Street corridor is going to be contingent on that variance or the vacation of the right-of-way. It does not change what we want and what I believe you are all agreeing to along the Providence corridor frontage.

DR. PURI: Mr. Wheeler?

MR. WHEELER: And so if I understand you correctly, your recommendation -- the City's -- the staff's recommendation would -- would essentially predicate or -- or it would be predicated on the Fourth Street vacation?

MR. ZENNER: The additional road -- the additional landscaping that the Commission is asking for --

MR. WHEELER: No. No. That's not what I'm asking. What -- the way you've described the variance, the approving the variance request is -- you would have to have that vacation in order to do that; is that not correct?

MR. ZENNER: The building can be -- the building can be shifted forward at this point without the vacation being approved. The additional landscaping cannot be. So you can shift the building southeast, get it six feet from the Hinshaw property, get it six additional feet or get it three additional feet from Providence, that can all be accommodated without the road going away, but the road has to go away for you to get the additional landscaping within the Fourth Street corridor. Without that occurring, the condition of Fourth Street is as it is today. The building just would be pulled forward toward it. Does that

make sense?

DR. PURI: Yes, it makes sense.

MR. WHEELER: Thank you.

DR. PURI: I guess I'll make an attempt at this so we can get out of here. Make a recommendation to approve this requested PUD 52 rezoning and PUD development plan subject to the following: The staff's recommendation of approval of the variances, which is zero foot front Fourth Street, four-foot front on Fifth Street, eight-foot side on north property line, ten-foot rear on north property line, Tract 2. And then also with the staff recommendation of denial of the six-foot setback along Providence Road and one-foot setback along northwest line of Tract 1. Number 2, the variance in the amount in the amount of required landscaping where the approval of the staff -- approval of the subject applicant would like to pursue his right-of-use permit to install landscaping treatments along Providence Road frontage, plus can we, Mr. Zenner, add in there integration with the vacation of the right-of-way in that variance?

MR. ZENNER: I -- I would suggest that that would probably be appropriate.

DR. PURI: Okay. With that point. Number three, variance in structure height, approved to be 80 foot or -- and five stories?

MR. WHEELER: No more.

DR. PURI: No more than five stories. Number four, denial of the three-foot variance along Providence Road upgrade and approval of a five-foot variance on Fourth Street south of Conley Avenue. Number five, modification of development plan to include installation of the twaddle. Six, the modification of development plan to include the installation of the twaddle. Six, modification of development plan to include a street easement abutting the proposed construction that is located approximately 60 feet north and 38 feet west of the Fifth Street and Turner Avenue intersection. Seven, modification of the Statement of Intent that no occupancy permits should be issued until the twaddle is installed. Eight, no land disturbance permit be issued until utility capacity issues have been resolved.

MR. REICHLIN: I'll second.

DR. PURI: Mr. Reichlin seconds. May we have a roll call, please.

MR. STRODTMAN: I won't try to repeat that, but for Case Item 13-257.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Dr. Puri, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Mr. Wheeler, Mr. Lee. Voting No: Ms. Burns. Motion carries 8-1.

MR. STRODTMAN: The motion has passed, Mr. Chair.

DR. PURI: Mr. Zenner?

MR. ZENNER: Based on your discussion, and this is a clarification or just a secondary vote that you will need to take in regards to this project, you recommended denial of the variance on the 25-foot setback, the six-foot along Providence, and the one-foot along the northwest property line. However, you did not modify that recommendation to require a dedication of the three feet for Providence Road and then the shifting of the building eastward towards Fourth Street, and then southeast away from the

northwest property line to ensure the six-foot setback is maintained. I would need a motion on that if that was the intent of the Commission, based on your discussion that you just had.

DR. PURI: That was the intent. Commissioners, any discussion on that? Mr. Reichlin?

MR. REICHLIN: I second that, as well.

DR. PURI: You're okay with that. Commissioners, any discussion?

MR. WHEELER: That's what I thought we were voting on.

MR. STRODTMAN: Yeah. That's what I thought we were doing.

DR. PURI: So we will all vote on that, what Mr. Zenner has just said officially to make it happen.

MR. ZENNER: Thank you.

DR. PURI: May we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Dr. Puri, Mr. Reichlin, Mr. Stanton, Mr. Strodman, Mr. Tillotson, Mr. Wheeler, Mr. Lee. Voting No: Ms. Burns. Motion carries 8-1.

MR. STRODTMAN: The motion carries -- it passed, Mr. Chair.

DR. PURI: Thank you, Mr. Secretary.

V) COMMENTS OF PUBLIC

DR. PURI: Please approach the podium.

MR. ALBERT: On a different subject?

DR. PURI: Anything you want -- any subject. You'll have three minutes to explain whatever you need.

MR. ALBERT: Not very much time. I was upset that it looks like we're going to get duplexes in our backyards. I represent about 172 homeowners in a neighborhood that was assaulted in 1957 by a blanket R-3. We are a middle-income neighborhood and we have been recognized by Zillow, a real estate online company, as the fastest appreciating neighborhood in Boone County. This is because we are maintaining our values in our houses, our roofs. We are painting, we're taking care of landscaping. We are doing all that we could do. It took five years to get our overlay district in place. That was 2005. We worked very hard to do that. It's a legal structure. I hope you revisit that. It would be difficult to redo it. It looks like this auxiliary dwelling unit is almost like an end run around the legal process that we went through. It turns -- instead of a 60-foot wide to have a duplex, it's now 50. I know that you talk about the fact that you like to put your aged aunt or your old mother in a place behind your house, but I don't think that's what's going to happen in -- in this reality. This is going to make every rental a duplex, and it will assault the values and the livability. I know you guys won't do this in R-1, which is where most of you live. I'm assuming, I don't know. And we all know why not in my backyard would be said very loudly. We are trying very hard to preserve this neighborhood and we've been very successful. I do think this may be the straw that breaks our back. This will be the destruction. The density is already a problem. You talk about parking. We are working right now with the City on residential parking permits and parking meters. If you put an extra unit in the backyard, that would give them two more permits on the street, in addition to whatever off-street parking they would provide, and this would be an additional stroke. I'm glad to see this development putting more parking in because, frankly, it was Odle's development that caused our problems, just skyrocketed. Of course, Stephens College sold a number of their parking lots to first the Odles and then the new academy that's coming in. They lost three parking lots there. But I know three minutes is very short. I think I'm pretty close to it. But please protect Benton-Stephens. Those of us who have gone to all the trouble to put an overlay district in need the protection that we thought we had and I know that no matter what you do in law, you can always find a loophole or an end run, and that's, I think, what's happening here. I'm not opposed to this in other wards, but I -- I do want to protect this area.

DR. PURI: Thank you very much. Could you state your name and address.

MR. ALBERT: Kurt Albert, 1512 Windsor.

DR. PURI: We would like to address your concern. We have not approved any ADUs that are going to be put in anybody's backyard. These are just discussions on the ordinance, which are --

MR. ALBERT: I saw what I thought amounted to a vote.

DR. PURI: Well, we --

MR. ALBERT: Hands in the air and discussion that looked pretty solid to me.

DR. PURI: Yeah. You heard about --

MR. ALBERT: How do you undecide?

DR. PURI: Heard about man proposes, God disposes? Here, the Planning and Zoning proposes, the City Council disposes.

MR. ALBERT: Yes. Of course.

DR. PURI: So therefore, this will go to the City Council. They will deliberate, they will see if what we have recommended makes any sense, and then they will see if there's a pilot project or not a pilot project. So by no means is this is a death warrant to your neighborhood. It's not the intention. But that's all in the hands of the City Council. All we have done is took their mandate, which was to find a solution that they were looking for this. So we gave our recommendations. So this is not going to put instantaneously duplexes in your neighborhood.

MR. ALBERT: I hope that you also say in your recommendations that the neighborhoods who have worked so hard for an overlay district, that that be considered law. Thank you.

DR. PURI: Sure. Thank you, sir. Anybody else? Comments of the public? All right. I see none. Comments of the staff?