

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

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

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

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

Council Bill No. B 66-14

### **AN ORDINANCE**

approving a revised statement of intent to allow for removal of a tree preservation area in exchange for a greenspace conservation easement for C-P zoned property located on the south side of Grindstone Parkway; accepting a scenic conservation easement; directing the City Clerk to have the conveyance recorded; and fixing the time when this ordinance shall become effective.

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

SECTION 1. The City Council hereby approves the terms and conditions contained in the revised statement of intent dated January 27, 2014, marked "Attachment A," which is attached to and made a part of this ordinance, which replaces the statement of intent attached to Ordinance No. 020607 passed on May 3, 2010, for property in District C-P located on the south side of Grindstone Parkway, and further described as follows:

SEVEN LOTS OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING A PORTION OF THE LAND DESCRIBED BY THE QUIT-CLAIM DEED RECORDED IN BOOK 2833, PAGE 2 AND THE QUIT-CLAIM DEED RECORDED IN BOOK 2927, PAGE 145 AND BEING ALL OF LOTS 1, 2, 3, 4, 5, 6 AND 7 OF RED OAK SOUTH, PLAT NO. 1 RECORDED IN PLAT BOOK 46, PAGE 32 AND CONTAINING 12.91 ACRES.

This revision allows for removal of the tree preservation area on Lot 5 and Lot 6 of the above described property in exchange for dedication of a greenspace conservation easement to be used as an off-site mitigation area on property located approximately one-quarter (¼) mile to the north of the subject site, on the north side of Gray Oak Drive. The revised 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 2. The City of Columbia accepts the following conveyance:

Scenic Conservation Easement from Red Oak Investment Company, dated March 11, 2014, a copy of which, marked "Attachment B" is attached to this ordinance.

SECTION 3. The City Clerk is authorized and directed to have the conveyance recorded in the office of the Boone County Recorder of Deeds.

SECTION 4. 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

**RED OAK INVESTMENT COMPANY  
200 Business Highway 63 South  
Columbia, Missouri 65203**

January 27, 2014

City of Columbia – Planning and Development  
Attn: Tim Teddy  
701 E. Broadway  
Columbia, Mo 65201

Re: Statement of Intent for Red Oak Investment Company (the “Red Oak”) for unplatted land located on the South Side of Grindstone Parkway across from Walmart

Statement of Intent:

The above-referenced property, being approximately 12.91 acres of platted land described as follows:

SEVEN LOTS OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING A PORTION OF THE LAND DESCRIBED BY THE QUIT-CLAIM DEED RECORDED IN BOOK 2833, PAGE 2 AND THE QUIT-CLAIM DEED RECORDED IN BOOK 2927, PAGE 145 AND BEING ALL OF LOTS 1, 2, 3, 4, 5, 6 AND 7 OF RED OAK SOUTH, PLAT NO. 1 RECORDED IN PLAT BOOK 46, PAGE 32 AND CONTAINING 12.91 ACRES.

which land shall hereafter be referenced as the “Red Oak Development,” and which is a part of what was originally platted as Red Oak Development.

The land in the Red Oak Development is zoned A-1 under the Columbia Zoning Ordinance. This Statement of Intent is submitted with Owner’s Application to rezone the Red Oak Development to the C-P Zoning District (Planned Commercial District).

The intended uses permitted for Red Oak Development shall be medical testing laboratories and all uses listed on Exhibit A. Red Oak Development further agrees that it will not seek approval of a conditional use permit for any of the following:

- Pornography shops, head shops, or other shops selling drug paraphernalia
- Massage parlors (not including licensed massage therapists)
- Tattoo parlors
- Travel trailer or mobile home parks
- Cemeteries
- Reservoirs, wells, water towers, filter beds, water supply plants, or water pumping stations
- Research and development laboratories

It is acknowledged that in C-P Districts the following uses are not permitted:

- Halfway houses
- Gun ranges
- Drive-in theaters
- Live adult entertainment
- Labor camps
- Manufacturing of explosives or flammable liquids
- Freight terminals
- Junk yards
- Stock yards
- Landfills, garbage dumps, or trash incinerators
- Packing houses or slaughter houses
- Any use producing dust or fly ash in excessive quantities
- Manufacture, compounding, or processing of hazardous materials
- Outside repair of vehicles
- Cement, asphalt, or concrete plants
- Temporary shelters
- Stables
- Machine shops

Maximum Gross Square Footage of Building Floor Area on the entire Red Oak Development shall be 200,000 square feet in aggregate and the maximum building height is 60 feet subject to satisfaction of applicable C-P Zoning building set back requirements.

Minimum Percentage of Red Oak Development to be maintained in Open Space shall consist of preserving the climax forest on Lots 1 and 7 of Red Oak Development, and an additional 2.11 acres of climax forest space to be preserved on the other side of Grindstone, and will be in addition to the landscaping areas within Red Oak Development to be shown on C-P Plans.

The following additional provisions shall apply:

- All C-P Development Plans shall substantially conform to the Commercial District Compatibility Guidelines in the City's Metro 2020 plan.
- All C-P Development Plans light poles that comply with applicable City lighting standards. All such lights will be shielded to direct illumination away from residences, neighboring properties, public streets, and other public areas, and wall packs will not be used. Light pole height shall be limited to 25 feet.
- Landscaping shall be installed as required by the C-P zoning ordinances, provided that the east and south boundaries shall be screened from the neighboring property according to C-P Zoning District landscaping requirements along boundaries with residentially zoned land.
- All rooftop HVAC units shall be designed with sound baffling devices built into the units or added to the units and all such units shall be screened from view from all sides.
- Common public elements throughout the development will include the same bicycle racks, light poles and lighting standards, same paving detailing and consistent

landscaping qualities will be employed in all areas and all C-P Development Plans submitted shall include catalogue cut sheets or shop drawings of these elements are consistent for all areas.

- All C-P Development Plans will be accompanied by architectural elevations which include labeling of all exterior building surface materials. All buildings shall be constructed with four-sided architecture, and exterior walls that are made of the following materials, or materials having a similar appearance, or some combination thereof:
  - LEED metal panels or other LEED materials or products
  - Stone
  - Cast stone
  - Colored block
  - Split faced block
  - Brick
  - Exposed architectural structural steel
  - Glass
  - Aluminum Storefront
  - Hardi-Plank siding and accent trims and accents
  - EIFS (provided that EIFS shall constitute not more than 50% of the façade, all of which EIFS shall be no lower than 5 feet above ground).

Streets, drives and entrances.

- The two existing entrances from Grindstone will provide access to the development. No other direct access entrances to Grindstone will be permitted.
- The west entrance will be right-in right-out only.
- A four-way signalized intersection for the easternmost of the two entrances opposite Grindstone Plaza Drive will be installed at no cost to the City or State of Missouri, with costs to be shared under an existing agreement between the Red Oak Development and Grindstone Plaza.
- The intersection will be installed in accordance with plans approved by the Missouri Department of Transportation and the City Public Works Department in order to achieve Level of Service C at peak hour on build out of the project and Level of Service D at peak hour in 2030.
- The street entering Red Oak Development at that intersection will be a dedicated Major Collector street with 6-foot wide bike lanes in a 66-foot wide right of way, which will be extended to the south boundary line of Red Oak Development (ending with a temporary cul de sac until such time as adjoining property is developed, if ever).
- The public street will permit access to the property of the Crossings Church on the east via a side street or drive, at the church's cost, and at an access point acceptable to Red Oak provided agreement is reached by the time a plat of Red Oak Development dedicating the street right of way is submitted to the City for approval. Any such side street or access drive shall be engineered to discourage through traffic.
- The C-P Development Plans will provide for internal connectivity of interior drives between the west entrance and the intersection at the east entrance, and shall allow for

shared use between all lot owners within the development. Development plans for the subject site will follow MoDOT access management guidelines.

- Upon future subdivision of the Red Oak Development, additional right of way shall be dedicated to accommodate public amenities necessary to support public transit.
- C-P Development Plans shall, if determined necessary by the City public transit authorities, include a bus shelter location, and shall provide for an internal sidewalk network to afford pedestrian access between interior streets, public transit stops, if any, and shops within the development.
- An updated traffic impact study shall be provided by the developer concurrent with any future development plan submittal. Based on the findings of the updated traffic impact study, the total square footage and mix of land uses on the subject site may be adjusted or reduced from the initial development proposal to maintain the following minimum Levels of Service:
  - Level of Service C at peak hour at adjacent intersections upon project buildout
  - Level of Service D at peak hour at adjacent intersections in 20 years (i.e., 2030)

RED OAK INVESTMENT COMPANY

By: Ted Stephenson, President of Red Oak  
Ted Stephenson, President

C-P
*Accessory uses, including drive-up facilities, customarily incidental to any of the above uses.
*Any retail business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.
*Customary accessory uses including drive-up facilities, subject to the provisions of Section 29-27.
*Customary accessory uses subject to the provisions of Section 29-27, Accessory Uses.
*Customary accessory uses, including drive-up facilities, subject to the provisions of Section 29-23.
*Customary accessory uses, including drive-up facilities, subject to the provisions of Section 29-27 of this chapter.
*Dwelling units shall be subject to Section 29-8(d), (R-3 height & area regs)
A hobby may be pursued as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold in the ordinary course of business either on or off the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.
Adult day care home.
Agriculture, nurseries and truck gardens, each of which shall be limited to the propagation and cultivation of plants, provided no retail or wholesale business shall be conducted upon the premises, and no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer renovation is conducted thereon.
Alcoholic beverage sales by the package or as an accessory use to a restaurant.
Alcoholic beverage sales in the original package or by the drink on licensed premises shall be permitted in restaurants or similar places where substantial quantities of food are served, all in compliance with the alcoholic beverage regulations of Chapter 4 of this Code.
Any retail or wholesale business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.
Apartment houses.
Amusements.
Assembly and lodge halls.
Automobile repair facilities, provided that all repair shall take place within an enclosed building.
Bakeries.
Banks, other financial institutions, and travel agencies.
Barber and beauty shops.
Bars, cocktail lounges and night clubs.
Bicycle repair shops.
Billiard halls and game arcades.
Boarding houses or lodging houses.
Bowling alleys.
Buildings and premises for public utility services or public service corporations.
Bus stations.
Car washes, coin-operated or attendant-operated.
Car washes.
Churches, mosques and synagogues.
Cleaning, pressing and dyeing establishments, provided that no explosive cleaning fluids shall be used.
Commercial greenhouses and plant nurseries.
Commercial parking for automobiles and light trucks, only if covered.
Commercial swimming pools.
Counseling centers operated by charitable or not-for-profit organizations; excluding any use connected with penal or correctional institutions.
Dwellings, One-Family.
Dwellings, Two-Family.
Electrical repair shop.
Family day care homes, day care centers, pre-school centers, nursery school, child play care centers, child education centers, child experiment stations or child development institutions under the following regulations: (see Zoning Regulations for restrictions)
Family day care homes; day care centers, pre-school centers, nursery school, child play care centers, child education centers, child experiment stations or child development institutions.
Farm machinery sales and services, provided no repair facilities shall be maintained or used outside the building.
Fraternity or sorority houses and dormitories.
Garage sales, under the following restrictions: (see Zoning Regulations for restrictions)
Garment storage facilities.

Golf courses and golf clubhouses appurtenant thereto, (except miniature golf courses, driving ranges, and other activities operated as a business).
Government buildings and facilities.
Group care homes for mentally retarded children.
Group Homes for Foster Care.
Group Homes for mentally or physically handicapped, under the following restrictions: see Zoning Regulations for restrictions)
Home occupations which are compatible with the residential character of the neighborhood will be permitted, however, in order to promote peace, quiet and freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas, all home occupations must meet the following restrictions: (see Zoning Regulations for restrictions)
Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.
Hospitals for small animals, if within an enclosed building.
Hospitals, medical or dental clinics, sanitariums, and medical laboratories.
Hotels.
Kennels for the boarding of animals, subject to the following conditions: (see C-3 District regulations)
Laundries, coin operated.
Laundries, commercial.
Lumberyards, but only in connection with a home improvement store such as Home Depot or Menard's
Miniature golf courses or driving ranges.
Mortuaries, which may include a crematory
Motels.
Motor vehicle or trailer sales and service, provided no dismantling or storage of parts or inoperable vehicles occurs outside.
Multilevel underground or covered commercial parking for automobiles and light trucks.
Newspaper Publishing Plants.
Office buildings used for the administrative functions of businesses, professions, companies, corporations, and social, philanthropic, eleemosynary, or governmental organizations or societies.
Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including, but not limited to:
(1) Artists, sculptors, photographers.
(2) Authors, writers, composers.
(3) Lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions.
(4) Ministers, rabbis, priests, or other clergy members.
(5) Physicians, dentists, chiropractors, or other licensed medical practitioners.
(6) Seamstresses, tailors.
(7) Teachers or private lessons in art, music, or dance.
Pet stores and grooming shops, for small animals.
Photographic service shops and studios.
Physical fitness centers, private gymnasiums and reducing salons.
Printing shops, provided the total mechanical power used in the operation of such printing plant shall not exceed five (5) horsepower.
Printing Shops.
Public administrative buildings.
Public libraries.
Public museums.
Public parks and playgrounds, including public recreation or service buildings within such parks.
Public police and fire stations.
Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including gymnasiums, stadiums, and dormitories if located on campus. (see Zoning Regulations for additional requirements)
Publicly owned and operated community buildings.
Radio and television sales and services.
Rental services.
Repair of household appliances.
Residential care facilities.
Restaurants, cafes and cafeterias.



Restaurants, cafes or cafeterias which provide live or recorded music, provided that such music is played indoors only and further provided that the music from any such restaurant, cafe or cafeteria shall not be plainly audible at the property line of the property on which the building housing such restaurant, cafe or cafeteria is located.
Restaurants, cafes or cafeterias, which provide no form of entertainment.
Schools operated as a business within an enclosed building, except trade schools and schools which offer retail goods or services to the public.
Schools operated as a business, except trade schools.
Self-service storage facilities, subject to the following conditions: (see C-3 District regulations)
Service stations, provided all fuel storage tanks are located underground, except a fuel station in conjunction with a store permitted.
Shoe repair shops.
Shops for custom work, or the manufacture of articles to be sold at retail only on the premises, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one shop, and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) percent of the total floor area of the entire building or the equivalent of the ground thereof, and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.
Sign painting shops.
Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district.
Temporary real estate sales office, located on property being sold and limited to a period of sale, but not exceeding two (2) years without special permit from the Board.
Theaters, not including drive-in theaters.
Trade schools.
Tree trimming and removal services.
Wholesale sales offices and sample rooms.

**SCENIC CONSERVATION EASEMENT**

THIS INDENTURE, made on the 14th day of March, 2014, by and between Red Oak Investment Company, a corporation of the State of Missouri, Grantor, and the City of Columbia, Missouri, a municipal corporation in the County of Boone and the State of Missouri, Grantee; Grantee's mailing address is Post Office Box 6015, Columbia, MO 65205;

WITNESSETH:

That Grantor, for good and valuable consideration, which includes its desire to preserve for posterity the natural beauty and character of the following described property and access over Grantor's adjoining property, does hereby grant unto the City of Columbia, Missouri, an exclusive perpetual easement in, over, under, across and through the following described real property for all the following purposes: (1) all conservation purposes (including but not limited to storm water and erosion control), (2) preservation as open green space and/or woodland, and appurtenances thereto:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF THE WARRANTY DEEDS RECORDED IN BOOK 1370, PAGE 39, BOOK 1520, PAGE 863, AND THE AFFIDAVIT RECORDED IN 2823, PAGE 92, AND ALSO BEING A PART OF THE SURVEY RECORDED IN BOOK 279, 392, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2 OF GRINDSTONE PLAZA SUBDIVISION, RECORDED IN PLAT BOOK 40, PAGE 6; THENCE WITH THE WEST LINE OF SAID SECTION 30, AS SHOWN BY SAID SUBDIVISION PLAT, N 1°12'30"E, 60.00 FEET; THENCE LEAVING SAID WEST LINE OF SECTION 30, S 88°33'40"E, 450.24 FEET; THENCE S 1°26'20"W, 195.00 FEET; THENCE S 72°49'15"E, 260.00 FEET; THENCE S 51°30'55"E, 240.00 FEET; THENCE S 1°24'10"W, 50.00 FEET TO THE LINES OF LOT 2 OF SAID GRINDSTONE PLAZA SUBDIVISION; THENCE WITH THE LINES OF SAID GRINDSTONE PLAZA SUBDIVISION, N 88°35'50"W, 10.00 FEET; THENCE N 63°54'00"W, 958.96 FEET; THENCE N 88°33'40"W, 10.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.51 ACRES.

Grantor and Grantee, as further consideration for the easement granted herein, do hereby agree that the following terms, conditions, restrictions and limitations shall be effective and binding upon the parties and their respective successors and assigns.

The easement herein granted shall run with the land in perpetuity and it is the intent and purpose of both parties to

this easement to restrict and forbid any activity or use which would, as a natural consequence of such, impede or make more difficult use of the easement for its intended purposes and accomplishment of scenic, erosion control, and conservation objectives.

It is the intent of this easement that no private encroachment shall be permitted and the Grantor shall not cause to be constructed or allow to be constructed in, over, under, across, through, or upon the described easement any buildings, structures, swimming pools, signs, billboards, utility lines or pipes, power transmission lines, roadway or any other improvements not provided for herein.

Grantor accepts no liability for accidents or damages resulting from such public use of the easement as may result from the Grantee's ownership of the easement granted herein.

The Grantee agrees to keep said easement clear of debris and trash and to repair and maintain any Grantee improvements in a good and safe condition, free of nuisance.

Subject to the conditions, restrictions, and limitations contained herein, this conservation easement is not intended to interfere with the use of the easement area by the Grantor and its successors and assigns for all purposes which are not inconsistent with or antagonistic to this grant.

The Grantor shall not cause or allow any of the following to be done on the described easement:

- a. excavation
- b. change of topography
- c. mining, drilling, removal of top soil, sand, gravel, rocks or minerals
- d. spraying of herbicides or pesticides
- e. dumping or burning
- f. hunting or trapping
- g. commercial lumbering
- h. storage or placement of any trailers, house trailers, signs, billboards, advertisements, equipment, machinery, cars, trucks, garbage, trash, unsightly materials or items of any nature whatsoever

Except for dead or diseased plant life, which condition may be determined only by the City of Columbia, no plants, shrubs, ground cover or trees shall be removed. However, the City of Columbia may remove plants, shrubs, ground cover and trees necessary for the construction, installation, maintenance, repair, etc., and for conservation, scenic, and erosion purposes or for reasons of public safety, as determined by the City of Columbia.

Grantor's duties, obligations, and liabilities, relating to natural drainage courses shall not be affected by the easement granted here.

The only vehicular access granted by the easement shall be for purposes of maintenance of Grantee's facilities on the easement or for access by emergency vehicles and the case of the occurrence of an emergency within the easement.

The Grantor hereby covenants with Grantee that it is the true and lawful owner of the above-described real property and is lawfully seized of the same in fee simple and has good right, full power and authority to grant this Deed of Easement.

TO HAVE AND TO HOLD said real property unto said Grantee, the City of Columbia, its successors and assigns forever, for the uses and purposes hereinbefore described.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed by its the day and year first written above.

RED OAK INVESTMENT COMPANY

By: Ted Stephenson, President of Red Oak  
Ted Stephenson, President

STATE OF MISSOURI

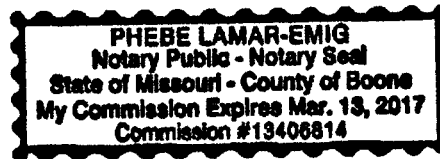
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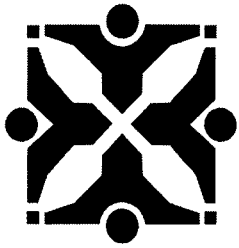
COUNTY OF BOONE

On this 11<sup>th</sup> day of March in the year 20 14, before me, a Notary Public in and for said state, personally appeared, Ted Stephenson, who by me duly sworn, acknowledged that he is the President of Red Oak Investment Company, and that said instrument was signed in behalf of said corporation and further acknowledged that he executed the same as a free act and deed for the purposes therein stated and that he has been granted the authority by said corporation to execute the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal.

Phoebe Lamar-Emig  
Notary Public





Source: Community Development - Planning 

Agenda Item No:

To: City Council

From: City Manager and Staff 

Council Meeting Date: Mar 17, 2014

**Re:** Red Oak Investment Company - rezoning request (Case 14-17)

**EXECUTIVE SUMMARY:**

A request by Red Oak Investment Company (owner) to amend the Statement of Intent affecting 12.91 acres of land zoned C-P (Planned Business District). The subject site is located on the south side of Grindstone Parkway at Grindstone Plaza Drive. (Case #14-17)

**DISCUSSION:**

The applicant is requesting an amendment to the Statement of Intent (SOI) that was approved as part of the C-P (Planned Business District) zoning ordinance passed by Council in 2010. The subject site has been platted into several commercial lots, which have yet to be developed. The tree preservation plan for the original 25.29-acre tract, which is referenced on the approved preliminary plat for the property, shows a substantial portion of Lots 5 & 6 as "climax forest to be preserved".

The applicant's proposal is to remove the tree preservation area from Lots 5 & 6 in exchange for dedicating a greenspace conservation easement for an off-site mitigation area located approximately ¼ mile to the north of the subject site, on the north side of Gray Oak Drive. The off-site preservation area would mitigate the 0.97 acres of lost on-site climax forest with 2.11 acres of climax forest. The request has been reviewed by the City Arborist who is supportive of the proposal due to the added wildlife habitat benefits of amassing a larger contiguous preservation area, in addition to the fact that the off-site preservation area would more than double the area that would be removed from the subject site.

The applicant has provided a revised SOI, which accommodates the reduction of tree preservation area on the overall development tract from 2.16 acres to 1.19 acres, and reflects an on-site loss of 0.97 acre. In exchange, the applicant has agreed to provide an executed greenspace conservation easement for a 2.11-acre section of off-site climax forest. It should be noted that the revised SOI retains a 15% minimum landscaping area requirement for each development lot within the overall tract, which is in addition to the remaining 1.19 acres of on-site tree preservation.

At its meeting on March 6, the Planning and Zoning Commission voted 7-1 to recommend approval of the proposed rezoning, subject to the applicant providing the aforementioned greenspace conservation easement. Commissioners generally agreed that there were compelling environmental reasons to support the request. The dissenting Commissioner cited the added environmental value of the existing on-site tree preservation area due to its close proximity to a waterway which serves as a wildlife corridor. No one from the public spoke in opposition to the request.

A copy of the staff report, including locator maps, the revised Statement of Intent document, and meeting excerpts are attached.

**FISCAL IMPACT:**

None

**VISION IMPACT:**

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

None

**SUGGESTED COUNCIL ACTIONS:**

Approval of the proposed amendment to the C-P Statement of Intent, subject to the applicant providing an executed greenspace conservation easement to the City for the 2.11-acre off-site tree preservation area as shown in the attached exhibit.

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

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
March 6, 2014**

**SUMMARY**

A request by Red Oak Investment Company (owner) to amend the Statement of Intent on 12.91 acres of land zoned C-P (Planned Business District). The subject site is located on the south side of Grindstone Parkway at Grindstone Plaza Drive. (Case #14-17)

**DISCUSSION**

The applicant is requesting an amendment to the Statement of Intent (SOI) that was approved as part of the C-P (Planned Business District) zoning ordinance passed by Council in 2010. The subject site has been platted into several commercial outlots, which have yet to be developed. The tree preservation plan for the original 25.29-acre tract, which is referenced on the approved preliminary plat for the property, shows a substantial portion of Lots 5 & 6 as "climax forest to be preserved".

The applicant's proposal is to remove the tree preservation area from Lots 5 & 6 in exchange for dedicating a greenspace conservation easement for an off-site mitigation area located approximately ¼ mile to the north of the subject site, on the north side of Gray Oak Drive. The off-site preservation area would mitigate the 0.97 acres of lost on-site climax forest with 2.11 acres of climax forest. The request has been reviewed by the City Arborist who is supportive of the proposal due to the added wildlife habitat benefits of amassing a larger contiguous preservation area, in addition to the fact that the off-site preservation area would more than double the area that would be removed from the subject site.

The applicant has provided a revised SOI, which accommodates the reduction of tree preservation area on the overall development tract from 2.16 acres to 1.19 acres, which reflects an on-site loss of 0.97 acres. In exchange, the applicant will provide an executed greenspace conservation easement for a 2.11-acre section of off-site climax forest. It should be noted that the revised SOI retains a 15% minimum landscaping area requirement for each development lot within the overall tract, which is in addition to the remaining 1.19 acres of on-site tree preservation.

**RECOMMENDATION**

Approval of the proposed amendment to the C-P Statement of Intent, subject to the applicant providing an executed greenspace conservation easement to the City for the 2.11-acre off-site tree preservation area as shown in the attached exhibit.

## ATTACHMENTS

- Locator aerial and topographic maps
- Revised Statement of Intent
- Proposed on-site and off-site tree preservation area exhibits
- Approved preliminary plat of Red Oak South
- 2010 C-P rezoning ordinance and SOI
- Letter of opposition

## SITE HISTORY

<b>Annexation Date</b>	1969
<b>Existing Zoning District(s)</b>	C-P (Planned Business District)
<b>Land Use Plan Designation</b>	Commercial District
<b>Subdivision/Legal Lot Status</b>	Lots 1-7 & 9 of Red Oak South, Plat No. 1

## SITE CHARACTERISTICS

<b>Area (acres)</b>	12.91 acres
<b>Topography</b>	Flat to gently sloping
<b>Vegetation/Landscaping</b>	Grassed open space with interspersed clusters of climax forest
<b>Watershed/Drainage</b>	Hinkson Creek
<b>Existing structures</b>	None

## SURROUNDING LAND USES

<b>Orientation from site</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	C-P	Grindstone Plaza commercial center
<b>South</b>	A-1 (Agricultural District)	Large estate lots
<b>East</b>	A-1	The Crossing Church
<b>West</b>	C-P	Grindstone Plaza commercial center



## UTILITIES & SERVICES

<b>Sanitary Sewer</b>	City Public Works
<b>Water</b>	City Water & Light
<b>Fire Protection</b>	Columbia Fire Department
<b>Electric</b>	City Water & Light

## ACCESS

<b>Grindstone Parkway</b>	North of site
<b>Major Roadway Plan</b>	Major Arterial (improved) MoDOT-maintained roadway
<b>CIP Projects</b>	No capital improvements are planned

<b>Grindstone Plaza Drive</b>	Generally south and east of site
<b>Major Roadway Plan</b>	Major Collector (improved & City-maintained)
<b>CIP Projects</b>	None

<b>Norfleet Drive</b>	West and central to site
<b>Major Roadway Plan</b>	Local non-residential street (improved & City-maintained)
<b>CIP Projects</b>	None

## PARKS & RECREATION

<b>Neighborhood Parks</b>	N/A
<b>Trails Plan</b>	No trails planned adjacent to site
<b>Bicycle/Pedestrian Plan</b>	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.

<b>Public Information Meeting Recap</b>	Number of attendees: 3 Comments/concerns: Loss of tree preservation on original site
<b>Neighborhood Association(s) Notified</b>	N/A
<b>Correspondence Received</b>	Letter from neighbors to south, expressing opposition to removal of on-site tree preservation

Report prepared by Steve MacIntyre; approved by Patrick Zenner



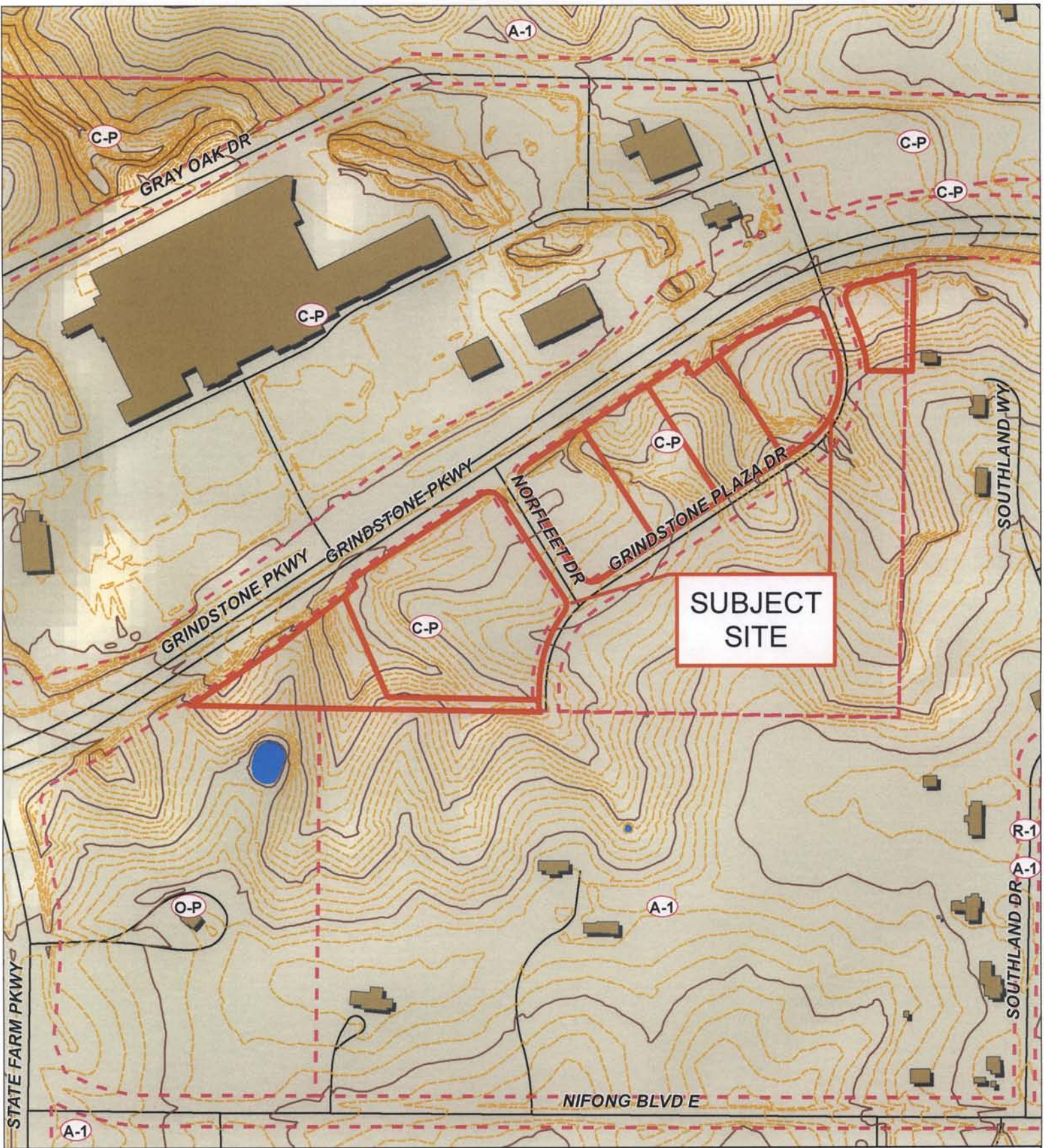
## 14-17: Red Oak Investment Company Rezoning



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

0 180 360 720  
 Feet





## 14-17: Red Oak Investment Company Rezoning



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

0 180 360 720  
Feet



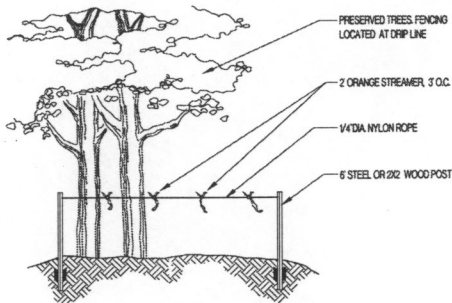
NOTES:

THIS TRACT CONTAINS 25.3 ACRES.

THIS TRACT IS CURRENTLY ZONED C-P.

LOT NUMBERS ARE SHOWN FOR INVENTORY PURPOSES ONLY.

PER THE APPROVED STATEMENT OF INTENT 15% OF THIS SITE IS TO REMAIN AS OPEN SPACE BEYOND THAT OF THE REQUIRED 15% FOR EACH LOT. THE INITIAL SITE 15% (WHICH TOTALS 3.8 ACRES) IS OUTLINED ON THIS PLAT AS SHOWN.



CLIMAX FOREST PROTECTION DETAIL

TREE PRESERVATION CALCULATIONS:

ORIGINAL TRACT:  
ORIGINAL CLIMAX FOREST: 8.6 AC  
ORIGINAL PRESERVED CLIMAX FOREST: 2.15 AC (25%)

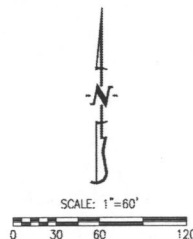
CURRENT TRACT:  
PRESERVED CLIMAX FOREST:  
LOT 1 1.02 AC  
LOT 5 0.36 AC  
LOT 6 0.61 AC  
LOT 7 0.17 AC  
TOTAL PRESERVED CLIMAX FOREST: 2.16 AC (25%)

CLIMAX FOREST TO BE MITIGATED:  
CLIMAX FOREST: 0.36 AC  
LOT 5 0.61 AC  
TOTAL CLIMAX FOREST: 0.97 AC  
TOTAL MITIGATED CLIMAX FOREST (2:1 RATIO): 1.94 AC

NOTE:  
SEE RED OAK SOUTH, PLAT NO. 1 TREE PRESERVATION MITIGATION PLAN PREPARED BY CROCKETT ENGINEERING.

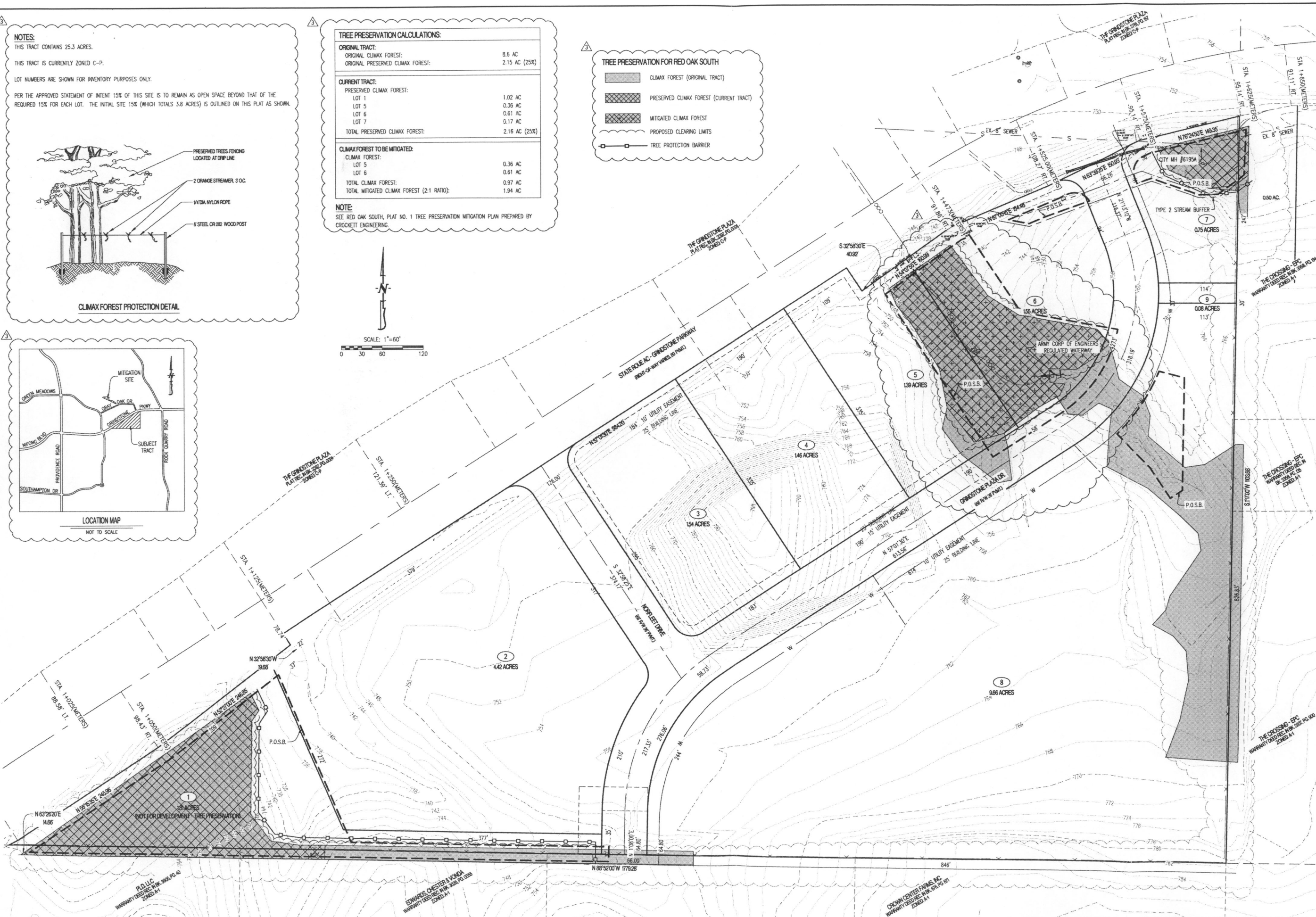
TREE PRESERVATION FOR RED OAK SOUTH

- CLIMAX FOREST (ORIGINAL TRACT)
- PRESERVED CLIMAX FOREST (CURRENT TRACT)
- MITIGATED CLIMAX FOREST
- PROPOSED CLEARING LIMITS
- TREE PROTECTION BARRIER



LOCATION MAP

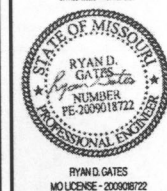
NOT TO SCALE



REVISIONS:

NO.	DATE
1	07/07/2012
2	08/01/2012
3	08/07/2012
4	07/07/2014

THIS SHEET HAS BEEN SIGNED, SEALED AND DATED ELECTRONICALLY.



**CROCKETT ENGINEERING**  
ENGINEERING CONSULTANTS  
COLUMBIA, MISSOURI 65201  
www.crockettengineering.com  
Crockett Engineering Consultants, LLC  
Missouri Professional Engineer Authority  
License # 1100011104

OWNER:  
RED OAK INVESTMENT CO.  
5 DAWFORTH CIRCLE  
COLUMBIA, MO 65201

**RED OAK SOUTH, PLAT No. 1**  
A MAJOR SUBDIVISION LOCATED IN  
SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI

DRAWING INCLUDES:

TREE PRESERVATION PLAN

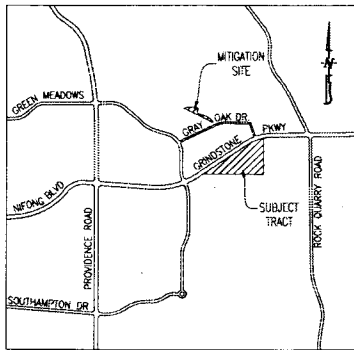
DESIGNED: NTE

DRAWN: MJF

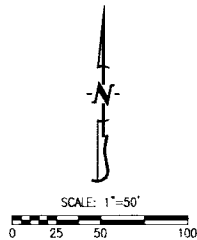
PROJECT NO: 120107

SHEET:

CE 13



LOCATION MAP  
NOT TO SCALE

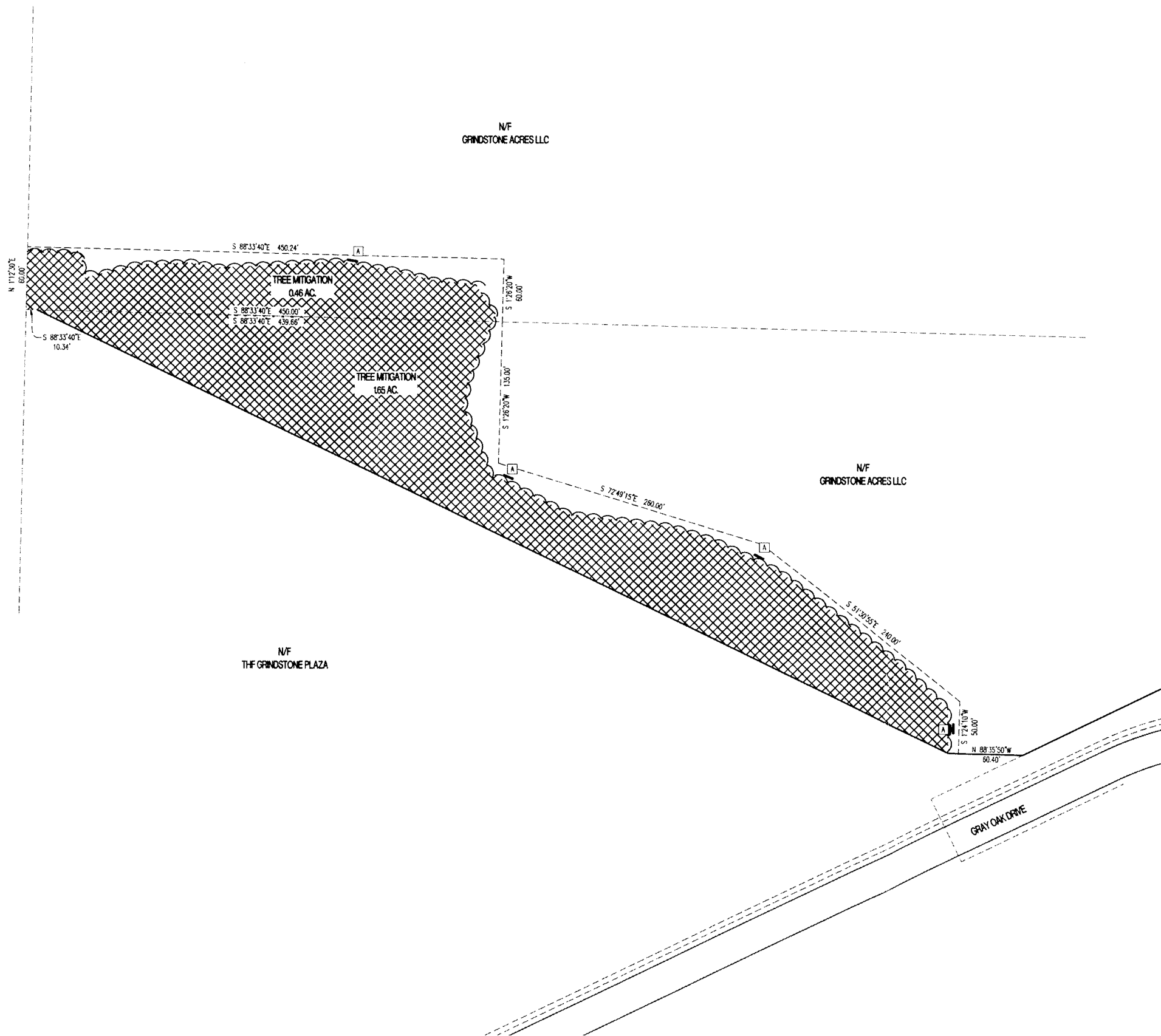


**TREE PRESERVATION CALCULATIONS:**

CLIMAX FOREST:	
TRACT A	1.65 AC
TRACT B	0.46 AC
TOTAL CLIMAX FOREST REQUIRED:	1.94 AC
TOTAL CLIMAX FOREST PROVIDED:	2.11 AC

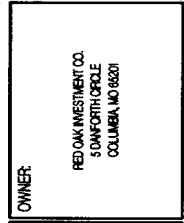
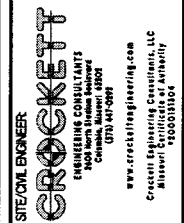
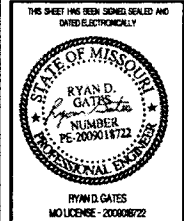
**LEGEND:**

[A]	TREE PRESERVATION SIGN (300' MAX. SEPARATION)
[Cross-hatched box]	TREE PRESERVATION MITIGATION AREA
[Dashed line]	TREE LINE



**REVISIONS:**

NO.	DATE
ORIGINAL	01/02/2014



**RED OAK SOUTH, PLAT No. 1**

A MAJOR SUBDIVISION LOCATED IN  
SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI

**DRAWING INCLUDES:**

TREE PRESERVATION  
MITIGATION PLAN

DESIGNED: NTE

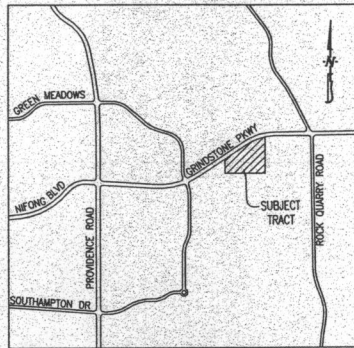
DRAWN: MJF

PROJECT NO.: 120107

SHEET:

CE 13A





LOCATION MAP  
NOT TO SCALE

#### NOTES:

- THIS TRACT CONTAINS 25.3 ACRES.
- THIS TRACT IS CURRENTLY ZONED C-P.
- LOT NUMBERS ARE SHOWN FOR INVENTORY PURPOSES ONLY.
- THE MAXIMUM HEIGHT OF ANY BUILDING WILL NOT EXCEED 60', MEASURED FROM THE GROUND FINISHED GRADE ON THE FRONT SIDE.
- THE INTENT FOR THIS DEVELOPMENT IS TO BE DEVELOPED IN MULTIPLE PHASES.
- NO PART OF THIS TRACT IS WITHIN THE FLOOD PLAIN AS ADOPTED BY THE CITY OF COLUMBIA AS SHOWN ON PANEL NUMBER 29019C 02900 DATED: MARCH 17, 2011.
- ALL SANITARY SEWERS SHALL BE LOCATED WITHIN THE APPROPRIATE WIDTH EASEMENT. SAID EASEMENTS SHALL BE GRANTED AT THE TIME OF FINAL DESIGN.
- ALL DRIVEWAY, ROADWAY AND ACCESS AISLES ARE SUBJECT TO FIRE DEPARTMENT APPROVAL AT THE TIME OF FINAL DESIGN. LOT 7 SHALL HAVE ACCESS TO THE PRIVATE DRIVE TO BE BUILT ON LOT 9 AND WILL NOT HAVE ACCESS TO GRINDSTONE PARKWAY OR GRINDSTONE PLAZA DR.
- NO DIRECT ACCESS WILL BE ALLOWED FROM ANY LOT ONTO GRINDSTONE PARKWAY.
- ELECTRIC DISTRIBUTION TO BE DESIGNED BY THE CITY OF COLUMBIA WATER & LIGHT DEPARTMENT.
- WATER DISTRIBUTION TO BE DESIGNED BY THE CITY OF COLUMBIA WATER & LIGHT DEPARTMENT.
- THERE SHALL BE A 10 FOOT UTILITY EASEMENT ALONG THE SIDE OF EACH LOT ADJACENT TO STREET RIGHT-OF-WAY.
- ALL PUBLIC SANITARY SEWER EXTENSIONS SHALL BE MINIMUM OF 8" DIAMETER. SEWERS NOT CONSTRUCTED ALONG FRONTS OF LOTS TO BE LOCATED WITHIN A 16 FOOT WIDE EASEMENT OR EASEMENT EQUAL TO THE DEPTH OF THE SEWER IF SEWER IS GREATER THAN 16 FEET. NO SEWER TAPS WILL BE GREATER THAN 20 FEET.
- A 5 FOOT SIDEWALK SHALL BE CONSTRUCTED ALONG ALL STREETS.
- LOT 9 IS TO BE USED FOR ACCESS TO THE CROSSING CHURCH THAT IS TO THE EAST OF THIS DEVELOPMENT.
- PER THE APPROVED STATEMENT OF INTENT 15% OF THIS SITE IS TO REMAIN AS OPEN SPACE BEYOND THAT OF THE REQUIRED 15% FOR EACH LOT. THE INITIAL SITE 15% (WHICH TOTALS 3.8 ACRES) IS OUTLINED ON THIS PLAT AS SHOWN.
- THIS TRACT ORIGINALLY CONTAINED APPROXIMATELY 8.6 ACRES OF CLIMAX FOREST. PER REGULATIONS, 25% OF THAT AMOUNT SHALL BE PRESERVED (2.15 ACRES). THIS PLAT SHOWS 2.15 ACRES TO BE PRESERVED. HOWEVER, THE LOCATION OF THE PRESERVATION AREAS MAY MOVE AND THEREFOR THE MOST CURRENT VERSION OF THE "TREE PRESERVATION PLAN" FOR THIS SITE (SEPARATE DOCUMENT) WILL TAKE PRECEDENT OVER THIS DOCUMENT.
- SIDEWALKS SHALL BE REQUIRED ALONG GRINDSTONE PARKWAY AND SHALL BE CONSTRUCTED IN PHASES AS EACH ADJACENT LOT DEVELOPS.
- STREAM BUFFER STATEMENT:**
- THIS TRACT IS REGULATED, AS SHOWN, BY THE CITY OF COLUMBIA STREAM BUFFER ORDINANCE AS DETERMINED BY THE USGS MAP FOR COLUMBIA QUADRANGLE, BOONE COUNTY, MISSOURI AND ARTICLE X OF CHAPTER 12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES.

## PRELIMINARY PLAT RED OAK SOUTH

SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI  
JUNE 2012

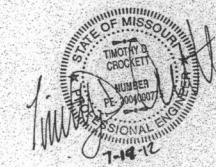
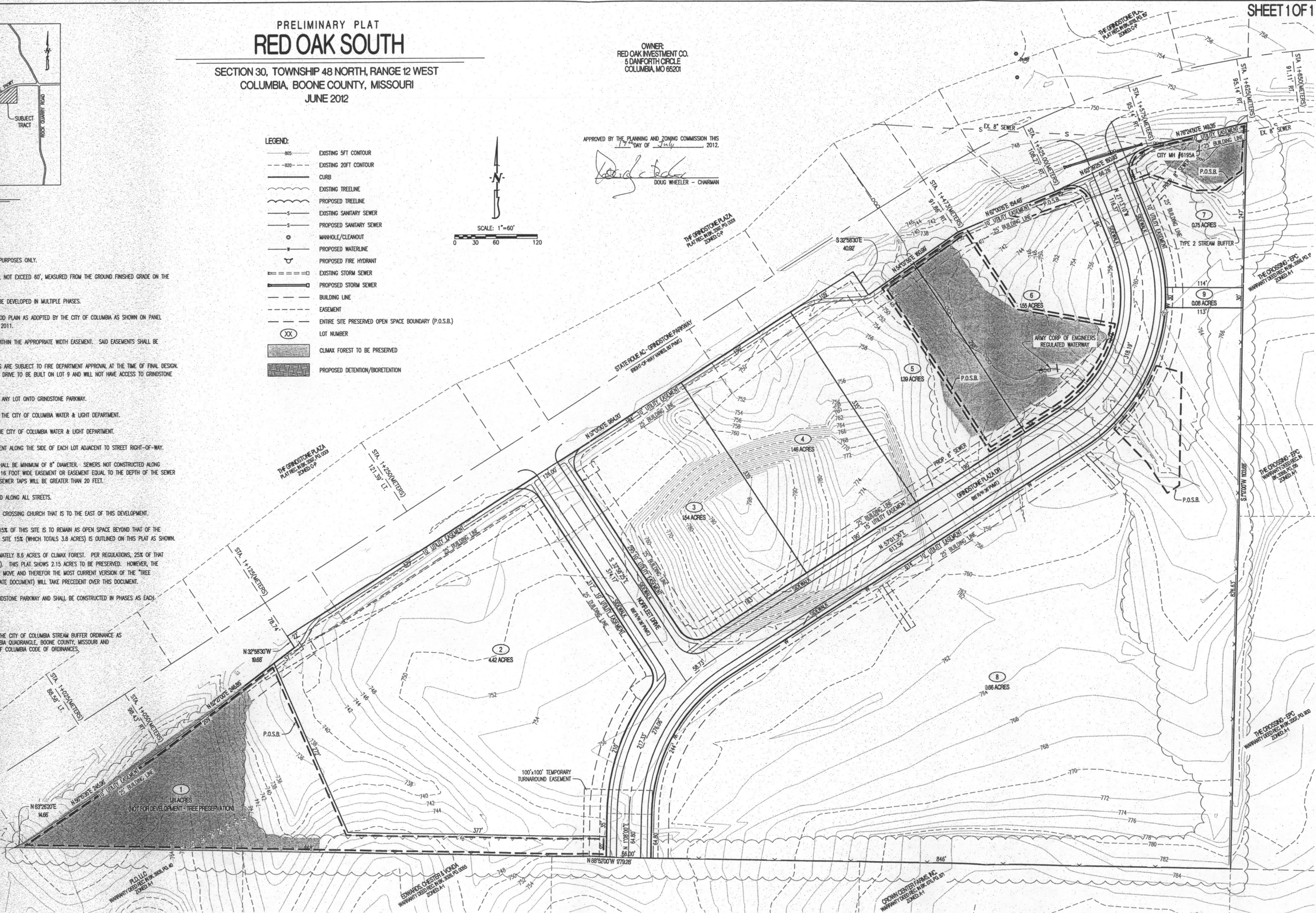
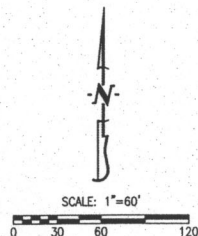
OWNER:  
RED OAK INVESTMENT CO.  
5 DANFORTH CIRCLE  
COLUMBIA, MO 65201

APPROVED BY THE PLANNING AND ZONING COMMISSION THIS  
DAY OF July 2012.

*Doug Wheeler*  
DOUG WHEELER - CHAIRMAN

#### LEGEND:

- EXISTING 5FT CONTOUR
- EXISTING 20FT CONTOUR
- CURB
- EXISTING TREELINE
- PROPOSED TREELINE
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- MANHOLE/CLEANOUT
- PROPOSED WATERLINE
- PROPOSED FIRE HYDRANT
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- BUILDING LINE
- EASEMENT
- ENTIRE SITE PRESERVED OPEN SPACE BOUNDARY (P.O.S.B.)
- LOT NUMBER
- CLIMAX FOREST TO BE PRESERVED
- PROPOSED DETENTION/BIORETENTION



SITE/CIVIL ENGINEER  
**CROCKETT**  
ENGINEERING CONSULTANTS  
3605 North Steadon Boulevard  
Columbia, Missouri 65202  
(314) 447-0892  
www.crockettengineering.com  
Crockett Engineering Consultants, LLC  
Missouri Certificate of Authority  
93000181804

020607

Permanent Record  
Filed in Clerk's Office

Introduced by Hindman  
First Reading 3-15-10 Second Reading 4-5-10  
Third Reading 5-3-10  
Ordinance No. 020607 Council Bill No. B 58-10 A

### AN ORDINANCE

amending a development agreement with T H F Grindstone Plaza Development LLC to allow a full-access, signalized intersection at the intersection of Grindstone Parkway and Grindstone Plaza Drive; rezoning property located on the south side of the Grindstone Parkway and Grindstone Plaza Drive intersection from District A-1 to District C-P; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

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

SECTION 1. The City Manager is hereby authorized to execute an amendment to the January 30, 2006 development agreement with T H F Grindstone Plaza Development LLC to allow a full-access, signalized intersection at the intersection of Grindstone Parkway and Grindstone Plaza Drive. The form and content of the amendment shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 2. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING DESCRIBED BY THE QUIT CLAIM DEEDS RECORDED IN BOOK 2833, PAGE 2 AND BOOK 2927, PAGE 145 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 1 OF BOONE COUNTY SURVEY NUMBER 7796; THENCE FROM THE POINT OF BEGINNING AND WITH THE WEST LINE OF SAID BOONE COUNTY SURVEY, S1°16'20"W, 519.41 FEET; THENCE LEAVING SAID WEST LINE, N88°52'00"W, 1779.28 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROUTE AC, a.k.a. GRINDSTONE AVENUE, AT METRIC CENTERLINE STATION 0+970.56, 30.50 METERS RIGHT; THENCE WITH



SAID SOUTHERLY RIGHT OF WAY LINE, N63°26'20"E, 14.66 FEET; THENCE N56°15'35"E, 245.96 FEET; THENCE N52°27'00"E, 246.85 FEET TO THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY THE QUIT CLAIM DEED RECORDED IN BOOK 2927, PAGE 145; THENCE WITH THE LINES OF SAID DEED, N32°58'30"W, 19.68 FEET; THENCE N57°01'30"E, 984.20 FEET; THENCE S32°58'30"E, 40.92 FEET; THENCE LEAVING THE LINES OF SAID QUIT CLAIM DEED AND CONTINUING WITH SAID SOUTHERLY RIGHT OF WAY LINE, N54°07'55"E, 160.99 FEET; THENCE N67°00'15"E, 154.48 FEET; THENCE N63°39'25"E, 150.93 FEET; THENCE N76°24'50"E, 149.35 FEET TO THE WEST LINE OF SAID BOONE COUNTY SURVEY NUMBER 7796; THENCE LEAVING SAID RIGHT OF WAY LINE AND WITH SAID WEST LINE, S1°17'40"W, 584.28 FEET TO THE POINT OF BEGINNING AND CONTAINING 25.29 ACRES.

will be rezoned and become a part of District C-P (Planned Business District) and taken away from District A-1 (Agriculture District). Hereafter the property may be used for all permitted uses in District C-3 with the exception of the following uses:

- Armories
- Automobile repair facilities, provided that all repair shall take place within an enclosed building
- Boardinghouses or lodging houses
- Bus stations
- Car washes, coin-operated or attendant-operated
- Car washes
- Commercial parking for automobiles and light trucks
- Dwellings, one-family
- Dwellings, two-family
- Farm machinery sales and service, provided no repair facilities shall be maintained or used outside the building
- Fraternity or sorority houses and dormitories
- Golf courses and golf clubhouses appurtenant thereto (except miniature golf courses, driving ranges, and other activities operated as a business)
- Sanitariums
- Kennels for the boarding of animals
- Laundries, commercial
- Mortuaries, which may include a crematory
- Motor vehicle or trailer sales and service, provided no dismantling or storage of parts or inoperable vehicles occurs outside
- Multi-level, underground or covered commercial parking for automobiles and light trucks
- Newspaper publishing plants
- Tree trimming and removal services

The statement of intent, marked "Attachment A," is attached to and made a part of this ordinance.

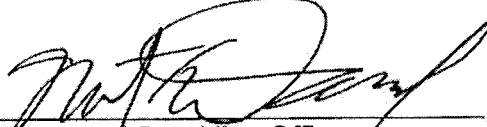
SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.


PASSED this 3rd day of May, 2010.

ATTEST:

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

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

APPROVED AS TO FORM:

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

**AMENDMENT TO DEVELOPMENT AGREEMENT  
(Grindstone Plaza)**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2010, the City of Columbia, Missouri, a municipal corporation ("City") and THF Grindstone Plaza Development, L.L.C., a Missouri limited liability company ("Developer"), amend their agreement of January 30, 2006 as follows:

1. The following section 10.a. is substituted for section 10.a. of the original agreement:
  - a. That access to the Shopping Center from Grindstone Parkway at the intersection of Grindstone Plaza Drive shall be signalized by means of an electronic traffic signal meeting the requirements and of a design satisfactory to the Missouri Department of Highways and Transportation and be a Full Access intersection;
2. All other provisions of the January 30, 2006 agreement, as previously amended on March 30, 2007, shall remain in effect.

IN WITNESS WHEREOF, the parties have executed this amendment and addendum on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

By: \_\_\_\_\_  
H. William Watkins, City Manager

ATTEST:

\_\_\_\_\_  
Sheela Amin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Fred Boeckmann, City Counselor

THF GRINDSTONE PLAZA DEVELOPMENT, L.L.C.

By: \_\_\_\_\_  
Michael Staenberg, Manager

**RED OAK INVESTMENT COMPANY  
200 Business Highway 63 South  
Columbia, Missouri 65203**

February 23, 2010

**RECEIVED  
FEB 24 2010  
PLANNING DEPT.**

City of Columbia – Planning and Development  
Attn: Tim Teddy  
701 E. Broadway  
Columbia, Mo 65201

Re: Statement of Intent for Red Oak Investment Company (the “Red Oak”) for unplatted land located on the South Side of Grindstone Parkway across from Walmart

Statement of Intent:

The above-referenced property, being approximately 25.29 acres of unplatted land described as follows:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING DESCRIBED BY THE QUIT CLAIM DEEDS RECORDED IN BOOK 2833, PAGE 2 AND BOOK 2927, PAGE 145 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 1 OF BOONE COUNTY SURVEY NUMBER 7796; THENCE FROM THE POINT OF BEGINNING AND WITH THE WEST LINE OF SAID BOONE COUNTY SURVEY, S1°16'20"W, 519.41 FEET; THENCE LEAVING SAID WEST LINE, N88°52'00"W, 1779.28 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROUTE AC, a.k.a. GRINDSTONE AVENUE, AT METRIC CENTERLINE STATION 0+970.56, 30.50 METERS RIGHT; THENCE WITH SAID SOUTHERLY RIGHT OF WAY LINE, N63°26'20"E, 14.66 FEET; THENCE N56°15'35"E, 245.96 FEET; THENCE N52°27'00"E, 246.85 FEET TO THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY THE QUIT CLAIM DEED RECORDED IN BOOK 2927, PAGE 145; THENCE WITH THE LINES OF SAID DEED, N32°58'30"W, 19.68 FEET; THENCE N57°01'30"E, 984.20 FEET; THENCE S32°58'30"E, 40.92 FEET; THENCE LEAVING THE LINES OF SAID QUIT CLAIM DEED AND CONTINUING WITH SAID SOUTHERLY RIGHT OF WAY LINE, N54°07'55"E, 160.99 FEET; THENCE N67°00'15"E, 154.48 FEET; THENCE N63°39'25"E, 150.93 FEET; THENCE N76°24'50"E, 149.35 FEET TO THE WEST LINE OF SAID BOONE COUNTY SURVEY NUMBER 7796; THENCE LEAVING SAID RIGHT OF WAY LINE AND WITH SAID WEST LINE, S1°17'40"W, 584.28 FEET TO THE POINT OF BEGINNING AND CONTAINING 25.29 ACRES.

which unplatted land shall hereafter be referenced as the “Red Oak Development.”

The land in the Red Oak Development is zoned A-1 under the Columbia Zoning Ordinance. This Statement of Intent is submitted with Owner's Application to rezone the Red Oak Development to the C-P Zoning District (Planned Commercial District).

The intended uses permitted for Red Oak Development shall be medical testing laboratories and all uses listed on Exhibit A. Red Oak Development further agrees that it will not seek approval of a conditional use permit for any of the following:

- Pornography shops, head shops, or other shops selling drug paraphernalia
- Massage parlors (not including licensed massage therapists)
- Tattoo parlors
- Travel trailer or mobile home parks
- Cemeteries
- Reservoirs, wells, water towers, filter beds, water supply plants, or water pumping stations
- Research and development laboratories

It is acknowledged that in C-P Districts the following uses are not permitted:

- Halfway houses
- Gun ranges
- Drive-in theaters
- Live adult entertainment
- Labor camps
- Manufacturing of explosives or flammable liquids
- Freight terminals
- Junk yards
- Stock yards
- Landfills, garbage dumps, or trash incinerators
- Packing houses or slaughter houses
- Any use producing dust or fly ash in excessive quantities
- Manufacture, compounding, or processing of hazardous materials
- Outside repair of vehicles
- Cement, asphalt, or concrete plants
- Temporary shelters
- Stables
- Machine shops

Maximum Gross Square Footage of Building Floor Area on the entire Red Oak Development shall be 200,000 square feet in aggregate and the maximum building height is 60 feet subject to satisfaction of applicable C-P Zoning building set back requirements.

Minimum Percentage of Red Oak Development to be maintained in Open Space shall consist of preserving the climax forest on the west part of Red Oak Development, and, except as necessary for a street crossing, the small Army Corps of Engineers regulated waterway crossing Red Oak

Development, which will, by themselves, satisfy the 15% Open Space requirement and this will be in addition to the landscaping areas within Red Oak Development to be shown on C-P Plans.

The following additional provisions shall apply:

- All C-P Development Plans shall substantially conform to the Commercial District Compatibility Guidelines in the City's Metro 2020 plan.
- All C-P Development Plans light poles that comply with applicable City lighting standards. All such lights will be shielded to direct illumination away from residences, neighboring properties, public streets, and other public areas, and wall packs will not be used. Light pole height shall be limited to 25 feet.
- Landscaping shall be installed as required by the C-P zoning ordinances, provided that the east and south boundaries shall be screened from the neighboring property according to C-P Zoning District landscaping requirements along boundaries with residentially zoned land.
- All rooftop HVAC units shall be designed with sound baffling devices built into the units or added to the units and all such units shall be screened from view from all sides.
- Common public elements throughout the development will include the same bicycle racks, light poles and lighting standards, same paving detailing and consistent landscaping qualities will be employed in all areas and all C-P Development Plans submitted shall include catalogue cut sheets or shop drawings of these elements are consistent for all areas.
- All C-P Development Plans will be accompanied by architectural elevations which include labeling of all exterior building surface materials. All buildings shall be constructed with four-sided architecture, and exterior walls that are made of the following materials, or materials having a similar appearance, or some combination thereof:
  - LEED metal panels or other LEED materials or products
  - Stone
  - Cast stone
  - Colored block
  - Split faced block
  - Brick
  - Exposed architectural structural steel
  - Glass
  - Aluminum Storefront
  - Hardi-Plank siding and accent trims and accents
  - EIFS (provided that EIFS shall constitute not more than 50% of the façade, all of which EIFS shall be no lower than 5 feet above ground).

Streets, drives and entrances.

- The two existing entrances from Grindstone will provide access to the development. No other direct access entrances to Grindstone will be permitted.
- The west entrance will be right-in right-out only.

- A four-way signalized intersection for the easternmost of the two entrances opposite Grindstone Plaza Drive will be installed at no cost to the City or State of Missouri, with costs to be shared under an existing agreement between the Red Oak Development and Grindstone Plaza.
- The intersection will be installed in accordance with plans approved by the Missouri Department of Transportation and the City Public Works Department in order to achieve Level of Service C at peak hour on build out of the project and Level of Service D at peak hour in 2030.
- The street entering Red Oak Development at that intersection will be a dedicated Major Collector street with 6-foot wide bike lanes in a 66-foot wide right of way, which will be extended to the south boundary line of Red Oak Development (ending with a temporary cul de sac until such time as adjoining property is developed, if ever).
- The public street will permit access to the property of the Crossings Church on the east via a side street or drive, at the church's cost, and at an access point acceptable to Red Oak provided agreement is reached by the time a plat of Red Oak Development dedicating the street right of way is submitted to the City for approval. Any such side street or access drive shall be engineered to discourage through traffic.
- The C-P Development Plans will provide for internal connectivity of interior drives between the west entrance and the intersection at the east entrance, and shall allow for shared use between all lot owners within the development. Development plans for the subject site will follow MoDOT access management guidelines.
- Upon future subdivision of the Red Oak Development, additional right of way shall be dedicated to accommodate public amenities necessary to support public transit.
- C-P Development Plans shall, if determined necessary by the City public transit authorities, include a bus shelter location, and shall provide for an internal sidewalk network to afford pedestrian access between interior streets, public transit stops, if any, and shops within the development.
- An updated traffic impact study shall be provided by the developer concurrent with any future development plan submittal. Based on the findings of the updated traffic impact study, the total square footage and mix of land uses on the subject site may be adjusted or reduced from the initial development proposal to maintain the following minimum Levels of Service:
  - Level of Service C at peak hour at adjacent intersections upon project buildout
  - Level of Service D at peak hour at adjacent intersections in 20 years (i.e., 2030)

Red Oak Investment Company

By   
Hugh E. Stephenson, Jr., President

C-P
*Accessory uses, including drive-up facilities, customarily incidental to any of the above uses.
*Any retail business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.
*Customary accessory uses including drive-up facilities, subject to the provisions of Section 29-27.
*Customary accessory uses subject to the provisions of Section 29-27, Accessory Uses.
*Customary accessory uses, including drive-up facilities, subject to the provisions of Section 29-23.
*Customary accessory uses, including drive-up facilities, subject to the provisions of Section 29-27 of this chapter.
*Dwelling units shall be subject to Section 29-8(d), (R-3 height & area regs)
A hobby may be pursued as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold in the ordinary course of business either on or off the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.
Adult day care home.
Agriculture, nurseries and truck gardens, each of which shall be limited to the propagation and cultivation of plants, provided no retail or wholesale business shall be conducted upon the premises, and no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer renovation is conducted thereon.
Alcoholic beverage sales by the package or as an accessory use to a restaurant.
Alcoholic beverage sales in the original package or by the drink on licensed premises shall be permitted in restaurants or similar places where substantial quantities of food are served, all in compliance with the alcoholic beverage regulations of Chapter 4 of this Code.
Any retail or wholesale business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.
Apartment houses.
Armories.
Assembly and lodge halls.
Automobile repair facilities, provided that all repair shall take place within an enclosed building.
Bakeries.
Banks, other financial institutions, and travel agencies.
Barber and beauty shops.
Bars, cocktail lounges and night clubs.
Bicycle repair shops.
Billiard halls and game arenas.
Boarding houses or lodging houses.
Bowling alleys.
Buildings and premises for public utility services or public service corporations.
Bus stations.
Car washes, coin-operated or attendant-operated.
Car washes.
Churches, mosques and synagogues.
Cleaning, pressing and dyeing establishments, provided that no explosive cleaning fluids shall be used.
Commercial greenhouses and plant nurseries.
Commercial parking for automobiles and light trucks, only if covered.
Commercial swimming pools.
Counseling centers operated by charitable or not-for-profit organizations; excluding any use connected with penal or correctional institutions.
Dwellings, One-Family.
Dwellings, Two-Family.
Electrical repair shop.
Family day care homes, day care centers, pre-school centers, nursery school, child play care centers, child education centers, child experiment stations or child development institutions under the following regulations: (see Zoning Regulations for restrictions)
Family day care homes; day care centers, pre-school centers, nursery school, child play care centers, child education centers, child experiment stations or child development institutions.
Farm machinery sales and services, provided no repair facilities shall be maintained or used outside the building.
Fraternity or sorority houses and dormitories.
Garage sales, under the following restrictions: (see Zoning Regulations for restrictions)
Gravel storage facilities.



Golf courses and golf clubhouses appurtenant thereto, (except miniature golf courses, driving ranges, and other activities operated as a business).
Government buildings and facilities.
Group care homes for mentally retarded children.
Group Homes for Foster Care.
Group Homes for mentally or physically handicapped, under the following restrictions: see Zoning Regulations for restrictions)
Home occupations which are compatible with the residential character of the neighborhood will be permitted, however, in order to promote peace, quiet and freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas, all home occupations must meet the following restrictions: (see Zoning Regulations for restrictions)
Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.
Hospitals for small animals, if within an enclosed building.
Hospitals, medical or dental clinics, sanitariums, and medical laboratories.
Hotels.
Kennels for the boarding of animals, subject to the following conditions: (see C-3 District regulations)
Laundries, coin operated.
Laundries, commercial.
Lumberyards, but only in connection with a home improvement store such as Home Depot or Menard's
Miniature golf courses or driving ranges.
Menualries, which may include a canteen.
Motels.
Motor vehicle or trailer sales and service, provided no dismantling or storage of parts or inoperable vehicles occurs outside.
Mult-level, underground or covered commercial parking for automobiles and light trucks. —
Newspaper Publishing Plants.
Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.
Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including, but not limited to:
(1) Artists, sculptors, photographers.
(2) Authors, writers, composers.
(3) Lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions.
(4) Ministers, rabbis, priests, or other clergy members.
(5) Physicians, dentists, chiropractors, or other licensed medical practitioners.
(6) Seamstresses, tailors.
(7) Teachers or private lessons in art, music, or dance.
Pet stores and grooming shops, for small animals.
Photographic service shops and studios.
Physical fitness centers, private gymnasiums and reducing salons.
Printing shops, provided the total mechanical power used in the operation of such printing plant shall not exceed five (5) horsepower.
Printing Shops.
Public administrative buildings.
Public libraries.
Public museums.
Public parks and playgrounds, including public recreation or service buildings within such parks.
Public police and fire stations.
Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning including gymnasiums, stadiums, and dormitories if located on campus. (see Zoning Regulations for additional requirements)
Publicly owned and operated community buildings.
Radio and television sales and services.
Rental services.
Repair of household appliances.
Residential care facilities.
Restaurants, cafes and cafeterias.

Restaurants, cafes or cafeterias which provide live or recorded music, provided that such music is played indoors only and further provided that the music from any such restaurant, cafe or cafeteria shall not be plainly audible at the property line of the property on which the building housing such restaurant, cafe or cafeteria is located.	
Restaurants, cafes or cafeterias, which provide no form of entertainment.	
Schools operated as a business within an enclosed building, except trade schools and schools which offer retail goods or services to the public.	
Schools operated as a business, except trade schools.	
Self-service storage facilities, subject to the following conditions: (see C-3 District regulations)	
Service stations, provided all fuel storage tanks are located underground, except a fuel station in conjunction with c-store permitted.	
Shoe repair shops.	
Shops for custom work, or the manufacture of articles to be sold at retail only on the premises, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one shop, and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) percent of the total floor area of the entire building or the equivalent of the ground thereof, and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.	
Sign painting shops.	
Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district.	
Temporary real estate sales office, located on property being sold and limited to a period of sale, but not exceeding two (2) years without special permit from the Board.	
Theaters, not including drive-in theaters.	
Trade schools.	
Tree trimming and removal services.	
Wholesale sales offices and sample rooms.	

February 21, 2014

To: Planning & Zoning Commission  
City of Columbia  
701 East Broadway  
PO Box 6015  
Columbia, MO 65205-6015

From: Vonda & Chester Edwards  
1215 E. Nifong Blvd.  
Columbia, MO 65201  
573-443-7526—home  
573-489-3601—Chester's cell  
[edwardsjr@mediacombb.net](mailto:edwardsjr@mediacombb.net)

Re: Red Oak Investment Company Rezoning (Case# 14-17)

Planning & Zoning Commission:

We own the property along the southern property line, west end of the Red Oak Investment Companies' request. While we respect the desire of the applicant to make highest and best use of their property, we take strong issue with this request.

Columbia has had a Landscaping Ordinance often referred to as the "Tree Ordinance" for a significant number of years to help manage and control erosion, green space, aesthetics and other attributes of each development. To comply with the "Tree Ordinance", the existing approved zoning for this site included the area being proposed for elimination.

It is our position, each contiguous development site, such as this one should "ALWAYS" comply in full and forever with the "Tree Ordinance". We do not believe nor do we agree that an area owned by the applicant some where else that is NOT contiguous and within the boundaries of the originally approved development site should be traded for this area. It is our position this is a maneuver to "SKIRT" around both the letter and intent of the "Tree Ordinance".

Request: Recommend "Denial" of the applicant's request to the City Council.

NOTE: We are submitting this letter to P&Z as we have a scheduling conflict on your hearing date.

We appreciate and thank you for all your consideration and the service you give to our community. Feel free to contact us via phone or e-mail.

Respectfully submitted:

Handwritten signatures of Vonda Edwards and Chester Edwards in black ink.

Vonda & Chester Edwards

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**MARCH 6, 2014**

**Case No. 14-17**

**A request by Red Oak Investment Company (owner) to amend the Statement of Intent on 12.91 acres of land zoned C-P (Planned Business District). The subject site is located on the south side of Grindstone Parkway at Grindstone Plaza Drive.**

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

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department.  
Staff recommendation: Approval of the proposed amendment to the C-P Statement of Intent, subject to the applicant providing an executed greenspace conservation easement to the City for the 2.11 acre off-site tree preservation area as shown in the attached exhibit.

MR. REICHLIN: Are there any questions of Staff? Mr. Wheeler?

MR. WHEELER: Do you know what the traffic count on Grindstone is?

MR. MacINTYRE: No, I do not. Not off the top of my head.

MR. WHEELER: I'll ask the applicant.

MR. REICHLIN: Are there any other questions of Staff? Yes, Ms. Loe?

MS. LOE: Where is the nearest wildlife corridor on that west end of Grindstone?

MR. MacINTYRE: I suppose it --

MS. LOE: Or is there any -- is there any corridor to the west of the site?

MR. MacINTYRE: It depends on what you would consider a corridor for wildlife as opposed to --

MS. LOE: In your analysis, did you identify anything?

MR. MacINTYRE: I did not. However, the stormwater culvert is considered a habitat corridor. I believe there would be --

MS. LOE: How big are the culverts?

MR. MacINTYRE: I do not know the diameter of the culverts.

MS. LOE: Okay.

MR. MacINTYRE: Yeah.

MR. REICHLIN: Any other questions of Staff? Seeing none, we'll open the public hearing. The rules of engagement as previously stated still hold true.

**PUBLIC HEARING OPENED**

MS. LAMAR: Good evening. My name is Phebe LaMar, and I'm here on behalf of the applicant. We have offices at 111 South Ninth Street. I'm here on behalf of Red Oak Investments, which has developed Red Oak South. That is located, as you know, across Grindstone Parkway from WalMart. When the plat for this property was first approved, the Statement of Intent provided for specific locations for tree preservation. These locations are shown on the picture that is currently on the screen,

specifically, at either end of the site. They're -- maybe I can point to it. I don't know if I can or not, but, specifically, you can see that there is tree preservation on the far eastern side, on the far western side, and then there is also the tree preservation that is at issue here that is kind of in the middle of the site. We are here this evening because unfortunately after having additional discussions with the City Arborist over the last few months and discussions with several possible end users for these lots, it appears that doing tree preservation in the middle of a commercial development is probably not the best location either for the health of the trees or for ensuring that this is a quality development on a major corridor in our town. In addition, with the proposed location of the new electric easement down Grindstone, a portion of this tree preservation is likely to be removed sometime in the relatively near future without at any action all by Red Oak. Given all of these considerations, we approached the City Staff to try to determine if there is some way that we can substitute a more substantial area of trees on property that is downstream from this location, but still in the same watershed, and on property that is owned by my client directly across Grindstone and behind Grindstone Plaza. It is important to note that the proposed property is in a location that abuts another conservation area on which the City is planning to build a trail already. This will result in an enlargement of that area, which will have a whole host of benefits. These will include providing a better location for wildlife than what will actually be provided in the current location. It is also property that without this agreement will be developed at some point in the future, and providing for the tree preservation there will allow for an increase in the buffer between the nature trail to be built there and whatever development is going in in the future. While it is on the other side of Grindstone from the current tree preservation location, it is actually a part of the original larger tract that was divided by Grindstone when that right-of-way was condemned. And even without accounting for the area that will be taken as a result of the electric lines to be installed, it is actually more than twice the amount of preservation property of what is currently located on these lots. Given all of this, we respectfully ask that you approve the trade of tree preservation areas located, such that in the arborist's opinion, they are more likely to survive and actually accomplish the intent of the tree preservation ordinance on the property that was originally part of one big tract. This can be accomplished by amending the Statement of Intent as has been submitted to you by Staff. We are here this evening as -- I am here this evening on behalf of the applicant. We have here this evening in addition, one of the owners of applicant, and, in addition, Tim Crockett will be speaking to you next. If you have any questions, we'll be happy to answer them. I can actually probably answer, at least with some degree of exactness, the question that you asked earlier, Mr. Wheeler. The traffic counts in this area are approximately 30,000 a day. That's -- that's not exactly current, but it is within a few thousand one way or the other.

MR. WHEELER: Thank you.

MS. LAMAR: Sure.

MR. REICHLIN: Are there any other questions of this speaker? Ms. Loe?

MS. LOE: How is the area where you are proposing to remove the trees going to be developed if the trees are removed?

MS. LAMAR: I don't know exactly at this time, but the proposal would be that the development go

all the way up to what the current conservation easement is. You'll have a picture -- you had a picture of that earlier, and Mr. Crockett will also have a picture for you.

MS. LOE: Okay.

MS. LAMAR: But essentially, the -- what is planned at some point in the future is to take the development where -- in that location all the way up to the edge of the current trees, which, frankly, isn't going to be terribly beneficial for the trees that are already in the conservation easement, much less for the trees that we are proposing to preserve under this easement.

MS. LOE: But the area that is shaded grey right now, will that continue to be landscaped?

MS. LAMAR: Sure. There is landscaping requirements in the ordinance that require that there be landscaping on each of these properties.

MS. LOE: Okay. So we're not -- so that would still be a landscaped area?

MS. LAMAR: Well, there would be landscaping on each of these lots. Yes.

MS. LOE: That is not my question. My question is the area that is grey right now, shown in the middle, would that same area continue to be landscaped?

MS. LAMAR: No, not necessarily. I mean, it's possible -- there will probably be landscaping in that area, but I don't know because there is no actual end user at this time. Mr. Stanton?

MR. STANTON: So when we transplant, basically the trees from where we are taking them out in the grey area and we're moving them across the street, it extends the preservation plan? So that doesn't -- so in the future you put those trees there, somebody can't just come in and chop them down and build there?

MS. LAMAR: Absolutely. That is correct. There will be a conservation easement. There is actually a draft that City Staff already has that includes that 2.11 acres on the other side. That is going to be the City's property to preserve --

MR. STANTON: Okay.

MS. LAMAR: -- and whatever.

MR. REICHLIN: Are there any other questions? Ms. Loe?

MS. LOE: That area across the Grindstone Parkway --

MS. LAMAR: Yes.

MS. LOE: --looks to be -- that's part of the conservation area along the stream to the east of WalMart.

MS. LAMAR: Okay.

MS. LOE: I'm -- I mean, I'm looking at a --

MS. LAMAR: Yeah. I'm not looking at the same picture that you are, but I would be happy to.

MS. LOE: That works. That looks approximately to be the same area as the parcel you are saying does not do well in a developed location. I'm just curious as to why we have approved a similar footprint previously if now this is coming to us and we're being told this footprint doesn't do well.

MS. LAMAR: Well, my understanding from what you were told a few minutes ago by City Staff is that it hasn't done particularly well, and as a result, I think they are trying something new.

MS. LOE: Okay. I'll ask for clarification. Thanks.

MS. LAMAR: Okay.

MR. REICHLIN: Any other questions?

MS. LAMAR: Thank you.

MR. REICHLIN: Seeing none.

MR. CROCKETT: Mr. Reichlin and members of the Commission, my name is Tim Crockett with Crockett Engineering Consultants, 260 North Stadium. In an effort not to duplicate some of the things that was already said, I think that Ms. LaMar, and especially Mr. MacIntyre gave a very good staff report updating the Commission on what the request is. Here is a couple of pictures of the existing trees that we have on the property right now that is under protection. You can kind of see that we've got some -- we've got some cedars; we've got a few locust; we've got some understory growing in there. I -- trees that the City Arborist has labeled as invasive species. While they are protected and they are a part of the climax forest, he sees a tree line such as this much more desirable. He would rather have this. He said these are much more desirable trees, larger trees, more mature. And as located here, it is adjacent to the existing tree preservation area. As illustrated before, going through the WalMart site, we have development on both sides of that corridor. And I believe that that gives an issue to those trees being that they are being crowded out. It eliminates the wildlife corridor; it eliminates a lot of the necessities that the trees need for existence, and that's exactly what is potentially going to happen on the site that it is at now. Now, by placing that additional tree preservation area as noted, what that is going to do is it is going to enhance the existing area and allow it to grow and, of course, be protected on one side. As Ms. LaMar indicated, this piece of property that we are talking about -- the existing location and the proposed location -- are all part of the parent parcel. If this was one development at one time, those trees -- we could simply move the -- move the location -- simply do it administratively. It's all in the parent parcel. This property has been subdivided here recently with the extension of Grindstone. And that took place -- it basically bisected the property, and now we have two parcels, one of which has been subdivided -- excuse me -- two of which have been subdivided further. I have talked to the City Arborist specifically about this and I asked him specifically what was it that you looked at that made you approve or recommend approval for this request. First of all, the obviously additional acreage was very lucrative to him. He liked the idea of having over twice the amount of tree preservation area. The exchange takes place in the same watershed. I think this is extremely important. We are not asking for trees to be replaced with trees that are in a completely different watershed or relocate it completely off-site at a remote location. These are simply downstream in the same watershed in the same stream that crosses this property, which is very important to him. Again, we have talked about the idea -- he's fearful that the existing tree preservation area will become invasive species with scrub vegetation. He says what is going to happen -- what he fears over time is that the mature climax trees will be pushed out by these -- by this other growth, if not maintained. And, of course, in his words, the proposed tree preservation area is truly old growth forest. He looked at those trees; he's walked to that site. Actually, we asked him to pinpoint the location in which you would like trees to be preserved, and this is where he came up with them. He said this is old growth

forest that we would like to have preserved. Of course, he talked about the .97. He believes it is too small for wildlife habitat. The trees are likely to die due to the future parking lot. And then, also, he sees a benefit because this tree preservation that we are proposing screens the nature trail that Parks & Recreation are proposing in the area. This allows additional screening from any potential development in that area. So again, the advantages that we are talking about is to increase by more than two times, adds two acres, provides screening, and provides -- protects larger and higher quality trees. To give you a little more rundown on exactly what we are talking about here, the area that is shown as grey attached is a specific area that we are talking about preserving. The triangular piece that is not shaded to the south of that is what is already preserved today. So with that, I would be happy to answer any questions.

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

MR. CROCKETT: Thank you.

MR. REICHLIN: Seeing none. Is there anybody else who wishes to speak on this matter?

Seeing none, I'll close the public hearing.

**PUBLIC HEARING CLOSED**

MR. REICHLIN: Comments of Commissioners, please? Ms. Loe?

MS. LOE: I would just like to say that I understand that that two-acre parcel with those old growth trees is compelling and sexier than this little parcel, but I'm really conflicted about this one because I don't think we can just move all our greenspace to one consolidated area. I think that we need to -- I think there is some real needs for keeping the greenspaces infused -- or diffused throughout our urban landscape. And I have to admit, when I pulled out and looked at Grindstone, I really feel like we are creating a bit of a collar or a barrier at that edge of Grindstone. And, no, this is not about creating a habitat, I agree. An acre is not a habitat. But it is about creating a location where the Grindstone nature area can still move to the habitat south of town. And we don't want to start landlocking these areas. So I'm really conflicted about this one. I love the old trees, but I'm really feeling the adjacencies presented by the site have a completely different argument for them.

MR. STRODTMAN: I have a question for Staff. Who will -- will the City maintain the 2.11 acres once the easement has been completed?

MR. MacINTYRE: Under the conservation easement, I believe there is some maintenance available as far as removing any species that might not be desirable in there of trees and understory. I'm not sure how frequently or if it happens at all in many instances. To be honest, it is probably something that would occur based on more likely an immediate need to remove a tree that may be damaged and about to fall on a trail for --

MR. STRODTMAN: But it would be maintained if there was maintenance needed?

MR. MacINTYRE: Yes. That would be -- any maintenance that would be needed, it is allowed by the greenspace conversation easement and it would certainly -- it would be under the City's task to perform.

MR. STRODTMAN: Thank you.

MR. REICHLIN: Anybody else? Mr. Lee?



MR. LEE: Yeah. It seems to me that this is a nice trade off of a property that is going to be developed sooner or later. And those trees, if we leave -- if they are left there are going to get choked at some point. I agree with Ms. Loe that it can't be a wildlife -- .97 acres, that can't be a wildlife area, and that with 30,000 or more -- that are going to grow on Grindstone, that the exhaust and so on and so forth are going to affect that spot anyway. So with the fact that Red Oak is willing to move over across Grindstone and set up a much larger area for the preservation and the trail and all that is going to be added over there, this just seems to me that this is a nice trade off.

MS. LOE: I just -- I wanted a clarification from Staff. This might decide my vote. An electrical easement was mentioned that would potentially remove a considerable amount of trees in the area we are looking at that was not brought up in the staff report, and I just wondered if you could touch on that.

MR. MacINTYRE: I wasn't actually aware of that easement.

MS. LOE: Oh.

MR. MacINTYRE: So it may be something that the applicant's engineer could explain a little bit more.

MR. CROCKETT: Absolutely. The electrical easement that was mentioned I believe is the south transmission line that Water and Light is currently working on. I believe that Grindstone Parkway is an alignment for that overhead power line that is going through there. And, Ms. Loe, I apologize, a pointer never works very well on the screen, and, of course, it's not going to work now. But basically, the south side of the right-of-way is -- again, Water and Light has given us an indication that the south side of the right-of-way is where they want to put that overhead power line. And what that does is it is going to set outside of the right-of-way on an easement that goes through there that would potentially remove additional trees. So it's the south -- I'm not sure what Power and Light is going to be calling it, but it is the larger transmission line that goes across the south portion of Columbia.

MS. BURNS: Excuse me, Mr. Crockett.

MR. CROCKETT: Yes?

MS. BURNS: This is connecting the Peachtree substation with the Grindstone substation?

MR. CROCKETT: That's my understanding, yes, ma'am.

MS. BURNS: Okay. I think the larger -- there are different variance of --

MR. CROCKETT: Yes.

MS. BURNS: -- wattage carrying lines. I believe the other ones were headed down Nifong. So I don't know if these are the larger, heavier carrying power lines.

MR. CROCKETT: Ms. Burns, I'm not familiar with how large they are. They just kind of gave us an indication that there is going to be some easements needed and some power lines -- overhead power lines in this area.

MS. BURNS: Okay.

MR. LEE: Mr. Crockett?

MR. CROCKETT: Yes, sir?

MR. LEE: Did you say those are going to be overhead lines?

MR. CROCKETT: That is our understanding. Correct.

MR. REICHLIN: Mr. Wheeler?

MR. WHEELER: I don't have a question. That -- I'm just -- as far as the issue goes, I understand Ms. Loe's position and what she is saying. I think we -- that when the WalMart came through -- and I was on the Commission, but not here during that period. But it kind of limited any kind of wildlife crossing pattern when we did whatever those are because -- well, they are bizarre. But I also see this as like a little island on an extremely busy road that may or may not benefit much of anything in wildlife as far as wildlife goes. I think -- we were given that when this came in, simply there was a ditch there, and at that time it was felt it was going to be problematic to fill it. And I personally think that with this trade off, we end up with a better product for the development on the south side of Grindstone; we have better street frontage. We don't have this little pocket of trees, but, frankly, if you've driven by there it is really not all that attractive now. And, you know, in addition to that, we still get what we normally get, which is 15 percent of each lot has to be open, landscaped in some manner, and we have the tree preservation areas on the ends. And we trade off what I see as, you know, a more useful and environmentally friendly parcel to the north, admittedly not on Grindstone, but I think ultimately it would benefit what we are trying to benefit here in a better manner. And so I intend to support it.

MR. REICHLIN: Would anybody else like to comment on this matter? Mr. Tillotson?

MR. TILLOTSON: I intend to support it, but I just want to add some little tidbit. Where my house is I've got about one and a half acres that runs along WW, and 27 years ago when I built my house, I had these beautiful oaks and hickories all lined up along WW as kind of a buffer. As -- being such a smart individual that I am, as other trees starting growing and scrub growing, I thought, boy, that is great because I'm going to have more buffer. I'm going to have more stuff impairing the vision from WW to my house. And now I look out, my big oaks have died; my hickories are dying; and all I've got is one and a half acres of scrub, and simply because it wasn't maintained or taken care of. And when I look at this little .97 acres, I see that that's going to happen to that anyway. It's not going to be taken care of and maintained. And if we can utilize a greater space that we have some chance of maintenance from time to time from the City, I think it is not necessarily something you would like to see, but I think it is a better use of that greenspace. So with that, I intend to support it.

MR. REICHLIN: Anybody else caring to weigh in?

MR. STANTON: I intend to support it. Yeah, I tend to support it for all the reasons that have already been stated. We can choose to do nothing and reject this and then this parcel of land dies off and we don't have a win. What -- the proposal that is on the table and the recommendation that is on the table, we increase our tree preservation area, win or lose. So I think I plan to support this simply because of that.

MR. REICHLIN: Anybody else?

MR. STRODTMAN: I'll go ahead and make a motion, if there is no further discussion. And I motion the approval of the amended Statement of Intent subject to applicant providing an executed greenspace easement for off-site tree preservation.

MR. LEE: Second.

MR. REICHLIN: That's Mr. Lee with the second. May we have a roll -- will there be any discussion on this motion? Seeing none, I'll request a roll call.

MR. STRODTMAN: Yes, Mr. Vice Chair. Item No. 14-17, a request by Red Oak Investment Company to amend the Statement of Intent on 12.91 acres of land zoned C-P. The subject site is located on the south side of Grindstone Parkway at Grindstone Plaza Drive.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin, Mr. Stanton, Mr. Strodman, Mr. Tillotson, Mr. Wheeler, Ms. Burns, Mr. Lee. Voting No: Ms. Burns. Motion carries 7-1.**

MR. STRODTMAN: Mr. Vice Chair, the motion for the approval to move it up to City Council has been approved.

MR. REICHLIN: Thank you, Mr. Secretary.