

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 102-14

AN ORDINANCE

extending the corporate limits of the City of Columbia, Missouri, by annexing property located on the east side of Forum Boulevard and north of Old Plank Road; directing the City Clerk to give notice of the annexation; placing the property annexed in District R-1; and fixing the time when this ordinance shall become effective.

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

SECTION 1. The City Council hereby finds that a verified petition was filed with the City on March 5, 2014, requesting the annexation of land which is contiguous and compact to the existing corporate limits of the City and which is described in Section 4 of this ordinance. The petition was signed by Osama Yanis, the sole owner of the fee interest of record in the land proposed to be annexed. A public hearing was held concerning this matter on April 21, 2014. Notice of this hearing was published more than seven days prior to the hearing in a newspaper of general circulation qualified to publish legal matters. At the public hearing all interested persons, corporations and political subdivisions were permitted to present evidence regarding the proposed annexation.

SECTION 2. The Council determines that the annexation is reasonable and necessary to the proper development of the City and that the City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.

SECTION 3. The Council determines that no written objection to the proposed annexation has been filed within fourteen days after the public hearing.

SECTION 4. The City Council hereby extends the city limits by annexing the land described in Section 1-11.____ **[number to be assigned by the City Clerk]** of the Code of Ordinances of the City of Columbia, Missouri, which is hereby added to Chapter 1 of the City Code and which reads as follows:

Section 1-11.____ **[number to be assigned by the City Clerk]**. May, 2014 Extension of Corporate Limits.

The corporate limits of the City of Columbia shall include the following land:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 47 NORTH, RANGE 13 WEST IN BOONE COUNTY, MISSOURI, AND BEING THE PROPERTY DESCRIBED BY A SURVEY RECORDED IN BOOK 3924, PAGE 97 OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SURVEY, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LOT 1 OF UNITY CENTER SUBDIVISION AS RECORDED IN PLAT BOOK 46, PAGE 4 OF THE BOONE COUNTY RECORDS, THENCE ALONG THE WEST LINE OF SAID LOT 1 OF UNITY CENTER SUBDIVISION S03°34'25"W, 384.16 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BETHEL DRIVE, SAID POINT ALSO BEING THE NORTHEAST CORNER OF OLD PLANK ROAD SUBDIVISION PLAT NO. 3 AS RECORDED IN PLAT BOOK 10, PAGE 178 OF THE BOONE COUNTY RECORDS; THENCE ALONG SAID NORTH LINES S74°27'30"W, 287.53 FEET; THENCE LEAVING SAID NORTH LINES N15°32'30"W, 25.00 FEET; THENCE S74°27'30"W, 25.00 FEET; THENCE S15°32'30"E, 25.00 FEET; THENCE S74°27'30"W, 100.00 FEET TO THE NORTHWEST CORNER OF SAID OLD PLANK ROAD SUBDIVISION PLAT NO. 3; THENCE ALONG THE WEST SIDE OF SAID PLAT, S15°32'30"E, 190.00 FEET TO THE SOUTHWEST CORNER OF SAID PLAT; THENCE ALONG THE SOUTH LINE OF SAID PLAT, N74°27'30"E, 365.03 FEET TO A POINT ON THE WEST LINE OF LOT 21 OF OLD PLANK ROAD SUBDIVISION PLAT NO. 2 AS RECORDED IN PLAT BOOK 10, PAGE 81 OF THE BOONE COUNTY RECORDS; THENCE LEAVING SAID SOUTH LINE AND FOLLOWING THE WEST LINE OF SAID LOT 21 S01°30'15"E, 33.73 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 27 OF SAID OLD PLANK ROAD SUBDIVISION PLAT NO. 2; THENCE S60°47'45"W, 230.05 FEET; THENCE S46°19'45"W, 219.52 FEET; THENCE N60°18'15"W, 49.14 FEET; THENCE S29°41'45"W, 200.00 FEET; THENCE S60°18'15"E, 115.00 FEET; THENCE N29°41'45"E, 200.00 FEET, THENCE N60°18'15"W, 49.15 FEET; THENCE N46°19'45"E, 212.72 FEET; THENCE N60°47'45"E, 57.22 FEET, THENCE S15°28'10"E, 78.93 FEET TO THE NORTHWEST CORNER OF THE HICKAM DRIVE RIGHT-OF-WAY; THENCE ALONG THE WEST LINE SAID RIGHT-OF-WAYS04°05'30"W, 50.00 FEET TO THE SOUTHWEST CORNER OF SAID RIGHT-OF-WAY, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LOT 26 OF SAID OLD PLANK ROAD SUBDIVISION PLAT NO. 2; THENCE LEAVING SAID RIGHT-OF-WAY AND FOLLOWING ALONG THE WEST LINE OF SAID LOT 26 S16°16'40"W, 374.29 FEET TO THE SOUTHWEST CORNER OF SAID LOT 26, SAID CORNER ALSO BEING ON THE NORTH LINE OF LOT 1 OF ROCKY CREEK ESTATES

PLAT 2 AS RECORDED IN PLAT BOOK 40, PAGE 99 OF THE BOONE COUNTY RECORDS; THENCE ALONG THE NORTH LINE OF SAID LOT S78°53'45"W, 447.53 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, SAID CORNER ALSO BEING ON THE EASTERLY LINE OF AN EASEMENT FOR STREET PURPOSES AS RECORDED IN BOOK 2045, PAGE 46 OF THE BOONE COUNTY RECORDS; THENCE ALONG SAID WEST LINE OF SAID SURVEY N00°38'00"E, 116.00 FEET; THENCE N89°56'55"W, 14.00 FEET; THENCE N00°38'00"E, 24.01 FEET; THENCE ALONG A 428.00 FOOT CURVE TO THE RIGHT, 24.50 FEET, SAID CURVE HAVING A CHORD WHICH BEARS N02°16'25"E, 24.50 FEET; THENCE S86°05'10"E, 14.00 FEET; THENCE N06°07'30"E, 149.00 FEET; THENCE N83°44'30"W, 14.00 FEET; THENCE N06°15'30"E, 211.66 FEET; THENCE ALONG A 488.00 FOOT CURVE TO THE LEFT 136.13 FEET, SAID CURVE HAVING A CHORD THAT BEARS N01°44'00"W, 135.69 FEET; THENCE N09°43'30"W, 299.00 FEET; THENCE N80°16'30"E, 18.00 FEET; THENCE N06°17'50"W, 167.00 FEET; THENCE N34°41'50"W, 122.00 FEET; THENCE S61°26'25"W, 18.00 FEET; THENCE N28°33'35"W, 115.06 FEET; THENCE N61°26'25"E, 71.90 FEET, THENCE N28°38'50"W, 1.51 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 2, SAID POINT BEING S84°57'35"E, 151.62 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 2, T47N, R13W; THENCE ALONG THE NORTH LINE OF SAID SECTION 2, SAID LINE ALSO BEING THE SOUTH LINE OF CEDAR LAKE BLOCK 1 PER PLAT BOOK 11, PAGE 185, CEDAR LAKE SOUTH PLAT 3 PER PLAT BOOK 21, PAGE 54 AND CEDAR LAKE SOUTH PLAT 4 PER PLAT BOOK 25, PAGE 23, ALL OF THE BOONE COUNTY RECORDS, S84°57'35"E, 794.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 669,399 SQUARE FEET OR 15.37 ACRES, MORE OR LESS.

SECTION 5. The City Clerk is hereby authorized and directed to cause three certified copies of this ordinance to be filed with the Clerk of Boone County, Missouri and three certified copies with the Assessor of Boone County, Missouri. The City Clerk is further authorized and directed to forward to the Missouri Department of Revenue, by registered or certified mail, a certified copy of this ordinance and a map of the City clearly showing the area annexed to the City.

SECTION 6. The property described in Section 4 is in the Fifth Ward.

SECTION 7. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the property described in Section 4 will be zoned and become a part of District R-1 (One-Family Dwelling District).

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

PASSED this _____ day of _____, 2014.

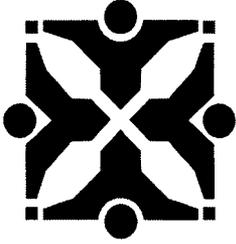
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



Source: Community Development - Planning ^{TT}

Agenda Item No:

To: City Council

From: City Manager and Staff *MM*

Council Meeting Date: Apr 21, 2014

Re: Yanis - permanent zoning request (Case 13-248)

EXECUTIVE SUMMARY:

A request by Osama Yanis (owner) to annex 15.37 acres of land into the city, and to apply R-1 (One-Family Dwelling District) as permanent City zoning. The subject site is located on the east side of Forum Boulevard, approximately 350 feet north of Old Plank Road. (Case #13-248)

DISCUSSION:

The applicant is requesting R-1 (One-Family Dwelling District) as permanent City zoning pending annexation of the subject site into the City of Columbia. The site is surrounded by City R-1 and County R-S (Single-Family Residential) zoning, with the exception of a small PUD (Planned Unit Development) to its south.

The City's Comprehensive Plan identifies the subject site as lying within the Neighborhood District, which supports a wide variety of residential types and densities, including R-1.

The site is contained within the City's Urban Service Area, which identifies areas that either already have access to, or will have access to the City's sanitary sewer system within the next five years, according to the Capital Improvement Program.

At its meeting on April 10, 2014, the Planning and Zoning Commission voted unanimously (8-0) to recommend approval of the proposed permanent zoning designation. In rendering its recommendation the Commission commented on the need for a neighborhood park in the area, and requested that staff provide an analysis of parkland suitability with any future request to subdivide the subject property. The project engineer for the applicant indicated that the R-1 zoning designation would not preclude the use of the site as a neighborhood park. Neighboring residents expressed a strong desire for the site to be acquired by the City for a park, and indicated that the Parks Department is continuing to explore this possibility.

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

FISCAL IMPACT:

None

VISION IMPACT:

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

None

SUGGESTED COUNCIL ACTIONS:

Approval of R-1 as permanent City zoning, pending annexation of the subject site on May 5, 2014.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	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
April 10, 2014**

SUMMARY

A request by Osama Yanis (owner) to annex 15.37 acres of land into the city, and to apply R-1 (One-Family Dwelling District) as permanent City zoning. The subject site is located on the east side of Forum Boulevard, approximately 350 feet north of Old Plank Road. (Case #13-248)

DISCUSSION

The applicant is requesting R-1 (One-Family Dwelling District) as permanent City zoning pending annexation of the subject site into the City of Columbia. The site is surrounded by City R-1 and County R-S (Single-Family Residential) zoning, with the exception of a small PUD (Planned Unit Development) to its south.

The City's Comprehensive Plan identifies the subject site as lying within the Neighborhood District, which supports a wide variety of residential types and densities, including R-1.

The site is contained within the City's Urban Service Area, which identifies areas that either already have access to, or will have access to the City's sanitary sewer system within the next five years, according to the Capital Improvement Program.

RECOMMENDATION

Approval of R-1 as permanent City zoning

ATTACHMENTS

- Locator aerial and topographic maps

SITE HISTORY

Annexation Date	Pending annexation on May 5, 2014
Existing Zoning District(s)	County R-S (Single-Family Residential)
Land Use Plan Designation	Neighborhood District
Subdivision/Legal Lot Status	Surveyed tract

SITE CHARACTERISTICS

Area (acres)	15.37 acres
Topography	Flat to steeply sloping
Vegetation/Landscaping	Meadow and climax forest
Watershed/Drainage	Little Bonne Femme Creek
Existing structures	None

SURROUNDING LAND USES

Orientation from site	Zoning	Land Use
North	City R-1 (One-Family Dwelling)	Single-family residential
South	City PUD (Planned Unit Development)/R-1	Vacant/single-family residential
East	County R-S (Single-Family Residential)	Single-family residential
West	R-1	Single-family residential

UTILITIES & SERVICES

Sanitary Sewer	City Public Works
Water	City Water & Light
Fire Protection	Columbia Fire Department
Electric	Boone Electric Cooperative

ACCESS

Forum Boulevard	West of site
Major Roadway Plan	City-maintained Neighborhood Collector (improved)
CIP Projects	No capital improvements are planned

West Bethel Drive	East of site
Major Roadway Plan	County-maintained Local Residential Street (unimproved)
CIP Projects	None

PARKS & RECREATION

Neighborhood Parks	Site is within a Secondary Priority Park Acquisition Service Area
Trails Plan	No trails planned adjacent to site
Bicycle/Pedestrian Plan	Pedway is in place along west side of Forum Blvd. 5-ft wide sidewalk is needed along east side of Forum.

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 March 18, 2014.

Public Information Meeting Recap	Number of attendees: 23 Comments/concerns: Loss of trees, impacts of development, potential purchase of land for City park, access to future development, requirements of R-1 zoning district
Neighborhood Association(s) Notified	Cedar Lake, Highlands Homes
Correspondence Received	2 letters expressing opposition to all but single-family development on the site

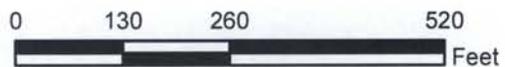
Report prepared by Steve MacIntyre; approved by Patrick Zenner



13-248: Yanis Annexation & Zoning



Hillshade Data: Boone County GIS Office
 Parcel Data Source: Boone County Assessor
 Imagery: Boone County Assessor's Office, Sanborn Map Company
 Created by The City of Columbia - Community Development Department





13-248: Yanis Annexation & Zoning



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



**PLANNING AND ZONING COMMISSION MEETING
EXCERPTS**

APRIL 10, 2014

IV) PUBLIC HEARINGS

Case No. 13-248

A request by Osama Yanis (owner) to annex 15.37 acres of land into the city, and to apply R-1 (One-Family Dwelling District) as permanent City zoning. The subject site is located on the east side of Forum Boulevard, approximately 350 feet north of Old Plank Road.

DR. PURI: 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 R-1 permanent zoning.

DR. PURI: Commissioners, any questions of the Staff? Mr. Reichlin?

MR. REICHLIN: Just could you point out -- you said there is still some County zoning. Can you point out where that is in relation to the subject property?

MR. MacINTYRE: Yes. Actually, it's just to the east side of this site, so Bethel Drive West, all of the homes on that and Hickam Drive West as well as the neighboring properties to the east are located within the County. Those are unincorporated. We -- as far as City areas go, we have a three-acre parcel toward the northeast side of the site that was annexed into the City just a couple of years ago and zoned R-1, and the entire Cedar Lake neighborhood to the north of the site is within the City's limits. And to the west, the neighborhood there, which I believe is part of the Highlands neighborhood is also within the City. Also, we have property on the south side of the site. One parcel is in PUD, and the others, R-1 that are within the City's limits. So it is surrounded on pretty much all sides, with the exception of a small opening and immediately adjacent properties to the east still being in the County.

DR. PURI: Mr. Wheeler?

MR. WHEELER: And the County properties are zoned R-S?

MR. MacINTYRE: Yes.

MR. WHEELER: Okay. Thank you.

DR. PURI: Any other questions, Commissioners? Okay. Seeing no one. We will open the public hearing.

MS. LOE: I had a quick question.

DR. PURI: Hang on a second. Ms. Loe has a quick question. We'll open the public hearing in a minute.

MS. LOE: I noticed in the report that this project is in an area that is designated as a second-tier priority park acquisition service area, and I was wondering if the Parks and Recreation had an opinion on parcels in this area about the value of this parcel or are there other parcels that might fill their need?

MR. MacINTYRE: Well, in our initial review comments, actually, Parks failed to respond within the time allotted for view, so I'm going to give you a little history here on this because there was some

back and forth and discussion of the potential here for a City neighborhood park that I did not include in my staff report. But, apparently, the Parks Department did approach or was approached by neighbors in the area and there was some potential interest in trying to acquire the park for a neighborhood park -- a City neighborhood park. The price apparently was too high, and they dropped their attempts at acquiring the property. Because it is in a secondary priority acquisition area, as they call it, and they believe that there were other options available, it didn't seem -- or it doesn't seem that the Parks Department is too concerned about this particular site, and they are holding out and exploring other options for future acquisition to meet the need in this area. I have had conversations with both neighbors from the surrounding neighborhoods who have expressed interest in trying to acquire this -- or seeing if the City might be able to acquire this land for a park, as they do have some use of the land right now via mode trails through the grassed areas and I noticed there were a few single-track trails through the wooded areas, and it seems to be serving a function for the neighbors directly adjacent and providing an amenity as a rustic type of park land. However, when I followed up with the Parks planner -- or manager, apparently there is still no progress or headway in trying to negotiate a price, and, of course, Mr. Yanis has an interested in develop-- either developing it himself or having the property sold to developers for a profit. So at this point there has not been any indication that the City Parks Department is still interested or able to acquire this for park land.

DR. PURI: Any other questions, Commissioners? Okay. All right.

PUBLIC HEARING OPENED

DR. PURI: Please approach the podium and state your name and address. You have six minutes for organized proponents, and organized opposition the same. Each additional speaker has three minutes. So please go ahead.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt. I'm a civil engineer with a company called A Civil Group here in Columbia. I'm here tonight representing Mr. Yanis, who is the property owner of this property. I believe this is a pretty straightforward request for R-1. We have been talking to the neighbors since last summer about this. We've had two meetings -- maybe three with them concerning this and went through a lot of different ideas, and we landed on the R-1 as the most viable. So I'm not going to talk too much about that. I think it is pretty straightforward. As far as the park issue, I've talked to Mike Snyder and I've got some notes here that might help you guys. Well, the first thing I want to say is the R-1 zoning and the annexation would do nothing to prohibit this from being a park. So what you're -- the actions that you are taking tonight or recommendations would not prohibit that from occurring. Mike Snyder said that there is three funds that they have for land acquisition: The first fund is called land acquisition, and then they have \$590,000 in it; they have another fund for neighborhood parks that currently has \$250,000 in it; and the third fund for trails has \$380,000 in it, for a total of \$1.2 million dollars. This land -- or the target land acquisition funds are broken down into three priority tiers. This general area is noted as a secondary acquisition target for a neighborhood park. So they currently have five primary targets, so they have five other -- have identified five other areas that are ahead of this, you

could say. And they have 10 secondary targets, which this property is one of those 10 secondary targets. So it's -- it is in the mix. It is not a -- it is not at the very top of that list. That is my point. And what we are doing tonight is not prohibiting that, it is -- the land is for sale, and if the City would like to purchase it, I'm sure we can talk to them about that. But, currently, my understanding is the Park is not pursuing that because they have other priorities. So I'm going to quit talking, and if you guys have any questions for me or Mr. Yanis, I would be glad to answer them. I'll just leave it at that.

DR. PURI: Mr. Wheeler?

MR. WHEELER: Mr. Gebhardt, could you just inform -- what's the stem?

MR. GEBHARDT: What's that thing in the middle?

MR. WHEELER: Yeah.

MR. GEBHARDT: Yeah. That's an old Boone County Regional Sewer District lagoon site that was -- that has been closed, and the sewer has been hooked up to the City sewer system. Originally when this Norvell Subdivision was platted, that was platted and a deed was given to the sewer district for that property for sewer purposes. That deed has a reversionary clause in it so that it reverts back to the original 1950-something owners, and so -- I don't know who those are and I don't know who they're inherited -- who has inherited from them. It's a mess is what it is. And so the sewer district still uses it for sewer purposes, and we've quit trying to pursue to buy it because we would have to track down the heirs to those 10 original property owners. And Boone Central told me it would be a nightmare to try to do that, so I just advised Mr. Yanis not to do that. So it is currently a land owned by Boone County Regional Sewer District and it will probably stay that. I see us incorporating that if we do develop this as some kind of part of the amenity of the neighborhood.

MR. WHEELER: No simple vacation, huh?

MR. GEBHARDT: No simple vacation. Yes.

MR. WHEELER: Thank you.

DR. PARKE-SUTHERLAND: Hello, my name is Dr. Tina Parke-Sutherland. I live at 654 West Bethel Drive, the house right at the end of that road. I sent an email yesterday to Steve MacIntyre asking him to forward it to you. If you have read it, you know how I feel about all of this. Tonight -- and I'm not going to try to read it into the record, but tonight I want to talk about the park situation. Our neighborhood has been actively pursuing this option and were led to believe from Mr. Snyder that if the price that the City felt that they could offer Mr. Yanis wasn't acceptable to him that the neighbors could fundraise to make up the difference, following a pattern that has been used before, I think, at the park that's out at the eastern end of University -- the -- do you know? I think it's called the Wilson Park.

MR. MACINTYRE: Grasslands -- oh, next to Grassland Park.

DR. PARKE-SUTHERLAND: Yeah. And so I'm a little surprised to hear tonight that that is kind of off the table, first off. I mean, we haven't gotten any feedback from Mr. Snyder about that. Okay. I want to fill you in, if you haven't read the document that I sent, about the history of this area. It is kind of special. And as far as what you have to do tonight as far -- you know, the deciding on the zoning, if that

doesn't affect the prospects for a park, then I guess maybe there is no need for me to say this to you, except I do want you to know that this isn't a farmer's field that is -- has been bought, and we're looking at a subdivision like many of the areas around town. This area was established by Phil Norvell, who maybe some of you know or remember. Right after World War II, he started the neighborhood as an intentional community, actually, and kept the green space open and refused to sell it, even after the Highlands came in and the property became more and more valuable. So this has been intentionally a green space in south of Columbia for more than 50 years -- an intact neighborhood for more than 50 years. And I think that whatever we do as we -- as you all move forward in deciding the fate of this land and the trees and all of that, that its history ought to come into play, perhaps, at some time. And I have one question. This hearing doesn't involve, and we have not seen a plan about what actually the subdivision would look like. Right? So is there going to be a time, if this -- if the park thing doesn't work and if this is going to become a subdivision, is there going to be a time that we are going to be able to -- the neighbors are going to be able to see the plan?

(No audible response.)

DR. PARKE-SUTHERLAND: Okay. All right. And there will be another hearing and all that that we'll be able to --

DR. PURI: Mr. Zenner, do you want to address her question real quick? And are you organized opposition to this or are you just an individual speaking on this matter?

DR. PARKE-SUTHERLAND: I'm from the association -- the Old Plank Owners Association.

DR. PURI: Okay. So you are organized opposition?

DR. PARKE-SUTHERLAND: We're not -- you know, it is hard to say. What we want is -- you're talking about bringing things into the City as R-1, and we're not opposed to that. I guess what we are saying is we want you to know the history of the land use and how this happened. And maybe that is not any of your concern.

DR. PURI: Mr. Zenner will address your question here. I think you will -- go ahead.

MR. ZENNER: As it relates to the subdivision action that would be forthcoming, most likely, it is a technical item. Our subdivision regulations are reviewed based on technical merits of meeting our City code. It is historically or typically not a public hearing item; however, it does come back before the Planning and Zoning Commission as a preliminary plat, and that then is presented to City Council, who would approve it, at which point you would have the opportunity to address Council. You would likely have the opportunity to address the Planning Commission. But both bodies are limited in their ability to deny a project that meets the technical requirements of our City code. Following a preliminary plat approval, the developer or a builder would have to record a final plat in order to create the actual lots for the purposes of sale. Again, both of -- it is a technical process that has to meet our City code requirements, and it is approved only by City Council, but it is approved through a two rating process -- an ordinance versus a resolution. Again, Council, as with any item on its agenda, will entertain public input, but, again, they are also limited to the denial of a final plat. If it meets the technical requirements, it is

required to be approved. Obviously, the ability to work with the developer and have an opportunity to influence that design is something that as the plans are presented and you are made aware of them, either through contact with the developer or his project engineer through noticing surveying stakes or things of that nature out there, is left up to you as a homeowners association. We will provide whatever information we have available that is part of the public record at that time, and let you then deal with the applicant and his consultants.

DR. PARKE-SUTHERLAND: We'll get a notification in the mail of these --

MR. ZENNER: No, you do not.

DR. PARKE-SUTHERLAND: Okay. So we have to watch what is going on?

MR. ZENNER: The preliminary plat would require a public information meeting just to allow the adjacent property owners the ability to know that there is a development forthcoming. That would probably be your only notice. They do show up again though on our agendas for the Planning and Zoning Commission, which is in this forum.

DR. PARKE-SUTHERLAND: Very good. Thank you.

DR. PURI: Anybody else wishing to speak on this matter?

MR. MUSKET: Hi. Paul Musket, 5109 Rosewood Court. I live in Cedar Lake. I have a question for Mr. MacIntyre. He stated that the City doesn't have an interest possibly yet in the property as a park, and there is five homeowners that live along the property line in Cedar Lake, and Mr. Yanis had offered us the property -- part of the property to buy as a buffer zone. So we employed Allstate Consultants to help us determine the value of the land. On 3/31, Kyle Newland from Moore & Shryock contacted me and said he was working on behalf of the City to determine the value of the land and working to try to make Mr. Yanis an offer. And so is that true or is this person --

MR. MacINTYRE: Well, quite honestly, I wasn't aware of that. Nobody from Parks has notified me of that and I don't know where it stands as a result.

MR. MUSKET: Okay. Thank you.

DR. PURI: Okay. Let me just mention that tonight we are here to do zoning on this property. It can still become a park later if it needed to be. That's not going to impact our decision here today. So if anybody wants to speak for this zoning and whether we should make it R-1 or not R-1, they should approach the podium. Is there anybody else wishing to speak on this matter?

MR. LICHTY: My name is Curt Lichty; I live at 501 West Hickam. I do not have any issues with the R-1 zoning, but I do have some concerns with -- and I don't know if this is the right time or place. Previously, when the property marked on the map R-1 -- that three-acre lot to the north and east of where I live. Yes. When that was accepted in as R-1 zoning, they were granted a variance not to put in a sidewalk. And I think that was a mistake at that time, and I think it would be a mistake not to put in sidewalks in the upcoming subdivision if and when it should occur. We have several families in our neighborhood that have small children and many of us walk in the evening, and with increased traffic, we would need sidewalks. And so that's one concern that I have. Another concern I have is one that some

of my new neighbors may not agree with. We will also need, I think, a through street of some kind. My understanding is that 15 acres could accommodate 40 to 45 houses, which is a lot of increased traffic. It is an odd request to have a through street. We have been blessed up to this point with not having a through street, and I think all of my neighbors would agree with that -- that we don't have any traffic cruising through our neighborhood and subdivision. And that is a nice thing to have, but with 40 to 45 additional lots, it is my opinion that we would need a through street of some kind for public safety, first responders, traffic -- to ease traffic congestion and that kind of thing. So those are the two points I wish to make.

DR. PURI: Thank you. Anybody else wishing to speak on the matter?

MR. GABEL: My name is Travis Gabel; I live at 901 West Old Plank. It is directly south of the proposed area, and I'm in opposition of the R-1 zoning because I feel like if a subdivision were to go there, we have a -- we are not only south, we are directly downhill from that area. And so, right now, river runoff is already increased. I have only lived there for a year, but my neighbors have lived there for 15 years and say that river runoff has been worse and worse and worse as more planning has been happening. And so there is a little intermittent stream that is right behind my house and the last rain last week, it -- water went way up. And if the same proposed area had a full subdivision, I can only see that it would be much, much worse. So that's my stance.

DR. PURI: Commissioners, any questions of this speaker? Seeing none. Thank you. Next? Going once. All right. I see no one.

PUBLIC HEARING CLOSED

DR. PURI: Commissioners, discussion? Mr. Wheeler?

MR. WHEELER: Okay. Well, let me ask a question of Staff first. I remember when that three-acre piece came in that the argument was really that it was R-S and we were going to R-1. The only way you can access City sewer is to annex, and we know annexes are R-S. R-S is the equivalent -- it is the County equivalent of R-1. So all we are doing is giving like zoning for the County and giving access to sewer, primarily. So that said -- and we did pass that with -- our recommendation was without sidewalk, but I doubt that it made it to Council -- did it make it to Council that way? Do you guys recall?

MR. MacINTYRE: I actually don't recall. However, I do doubt that there was Staff support for a sidewalk variance in this situation.

MR. WHEELER: There never is.

MR. MacINTYRE: Not by me.

MR. WHEELER: Okay. I just -- I think when that is built, you will see a sidewalk there. I do believe we sent our recommendation with the recommendation of not having a sidewalk simply because a sidewalk would have just been there and nowhere else. But I can assure you a new subdivision will not get that. That said, to me, this is a pretty simple request as we are really giving equivalent zoning for County -- what is already zoned R-S in the County. I believe access will be on Forum because it just makes good planning sense. Mr. Gebhardt is not nodding, so maybe I'm wrong, but I'm sure we'll see

that if indeed -- so I'm going to support the request.

DR. PURI: Mr. Strodman?

MR. STRODTMAN: I'll follow along. And like Mr. Wheeler, I kind of believe the R-1 is a good use for this particular parcel. It is the lowest choice of density next to agricultural, which probably doesn't make sense in this area of town, so the R-1 is the next best -- or is the solution, I believe, for a City parcel. So I do intend on supporting the R-1.

DR. PURI: Any discussion? Ms. Loe?

MS. LOE: It is a parallel zoning transfer. It is just bringing it into the City. So I don't have any objection to that. I support that. However, shouldn't -- when a planning plat comes forward, I will expect to see some opinion from Parks and Recreation on the value of this land as a park, and that they aren't interested in it.

DR. PURI: Do we have a motion then? Mr. Wheeler?

MR. WHEELER: Well, I just want to clarify. It would make a great park; however, I will support it as R-1. And I'd also point out that almost every City park that has ever been brought into the City since I've been here, including 400 acres south of the Phillips tract, the City brought in as R-1. So that's -- they like their parcels R-1. I guess it's so they can put single-family houses on it. But with that I'm going to recommend approval -- or make a motion to recommend approval of Case No. 13-248. Do you want me to read that out or is that good enough?

DR. PURI: No. You're fine.

MR. WHEELER: Okay.

MR. STANTON: I'll second.

DR. PURI: Mr. Strodman is seconding it. Okay. Please have roll call.

MR. STRODTMAN: Yes, Mr. Chairman. A vote yes is for approval to City Council.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodman, Mr. Tillotson, Mr. Wheeler, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin. Motion carries 8-0.

MR. STRODTMAN: The motion has been passed for approval.

DR. PURI: Okay.