

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

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

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

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

Council Bill No. B 39-13

### AN ORDINANCE

approving a revision to the PUD Plan for Arbor Falls located south of the intersection of West Old Hawthorne Drive and Pergola Drive and approving the PUD Plan for Arbor Falls, Plat No. 3; 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 a revision to the PUD Plan for Arbor Falls, dated September 8, 2006. The property is located south of the intersection of West Old Hawthorne Drive and Pergola Drive and contains approximately 7.34 acres. The revision allows for the following:

1. Fourteen single-family attached dwelling units and 13 single-family detached dwelling units resulting in a development density of 3.7 units per acre; a reduction from the original proposed density of 6.6 units per acre.
2. Maximum building height will be reduced from 40 feet to 35 feet.
3. A reduction in parking spaces from 209 to 66, with the capability to add spaces for a total of 81 parking spaces.

The City Council hereby approves the PUD Plan for Arbor Falls, Plat No. 3, dated December, 2012. The revised statement of intent submitted by applicant, marked "Exhibit A," is attached to and made a part of this ordinance and replaces the statement of intent attached to Ordinance No. 019117 passed on July 17, 2006.

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

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

ATTEST:

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City Clerk

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Mayor and Presiding Officer

APPROVED AS TO FORM:

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City Counselor



**City of Columbia  
Planning Department**

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

**Statement of Intent Worksheet**

For office use:

Case #: 12-217	Submission Date: 12-17-12	Planner Assigned: Lepke
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Please provide the following information, which shall serve as the statement of intent for the proposed planned district zoning:

- The uses proposed.  
All allowed uses in District R-3
- The maximum gross square feet of building floor area propose. If **PUD** zoning is requested, indicate type(s) of dwelling units & accessory buildings, and maximum number of dwelling units & development density.  
Allowed uses shall include single-family, two-family, and multi-family dwellings.  
Detached storage units shall be allowed for rent/sale to residents of the proposed development. Total number of units is 27, with a density of 3.7 units per acre.
- The maximum building height proposed.  
35 feet
- The minimum percentage of the site to be maintained in open space, shown by the percent in landscaping and the percent left in existing vegetation.  
Landscaping: 40%  
Existing Vegetation: 0%

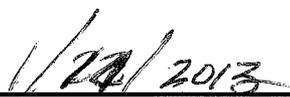
The following items only apply to PUD zoning request:

- The total number of parking spaces proposed and the parking ratio per dwelling unit.  
Total spaces is 66, which is 2.4 spaces per unit. Additional spaces may be added up to a total of 81 spaces (3.0 spaces per unit).
- Any amenities proposed, such as swimming pools, golf courses, tennis courts, hiking trails or club houses.  
None.
- A general description of the plan including minimum lot sizes, if applicable, minimum building setbacks from perimeter and interior streets, other property lines and minimum setbacks between buildings  
Project shall contain units within a private development with private drives. Units may be rented and/or sold. The common ground will be controlled by an association of the property owners.

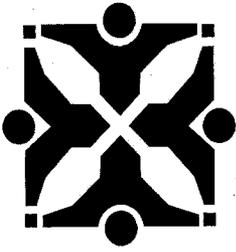
**Note: At the discretion of the applicant, the statement of intent may include other aspects of the proposed development.**



Signature of Applicant or Agent



Date



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Feb 4, 2013

Re: Arbor Falls, Plat 3, PUD plan major revision (**Case #12-217**)

**EXECUTIVE SUMMARY:**

A request by Crockett Engineering, on behalf of Peter Grathwohl, for a major revision to the PUD plan for Arbor Falls, Plat 3, and a statement of intent revision. The 7.34-acre site is located at the intersection of W. Old Hawthorne Dr. and Pergola Dr., northwest of the corner of W. Old Hawthorne Dr. and Route WW. (**Case #12-217**)

**DISCUSSION:**

The applicant requests approval of a major amendment to the existing 2006 PUD plan for Arbor Falls. The current proposal includes 27 dwelling units resulting in a density of 3.7 units per acre. The proposed dwelling unit types are single family attached (14 units) and detached (13 units). The maximum building height is being reduced from 40 feet to 35 feet. Open space remains unchanged at 40 percent.

The original PUD plan featured 209 parking spaces for the then-proposed 10-unit condominium buildings (the "big house" concept). The current plan proposes 66 spaces, with the capability to add spaces for a grand total of 81. Detached storage units will be constructed on-site for residents' use.

The current plan provides 2.4 parking spaces per unit; with the 12 existing spaces on the west side of the site and the proposed garage units, the plan appears to properly address the likely parking demand.

At its January 24, 2013, meeting, the Planning and Zoning Commission voted 8-0 to recommend approval of the request. There were no speakers during the public hearing.

A locator map, reduced size copy of the plan, and statement of intent worksheet are attached.

**FISCAL IMPACT:**

None.

**VISION IMPACT:**

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

None.

**SUGGESTED COUNCIL ACTIONS:**

The Planning and Zoning Commission recommends approval of the PUD plan and statement of intent revisions.

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/Epands 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:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
JANUARY 24, 2013**

**SUMMARY**

A request by Crockett Engineering, on behalf of Peter Grathwohl, for a major revision to the PUD plan for Arbor Falls, Plat 3, and a statement of intent revision. The 7.34-acre site is located at the intersection of W. Old Hawthorne Dr. and Pergola Dr., northwest of the corner of W. Old Hawthorne Dr. and Route WW. (Case #12-217)

**REQUESTED ZONING**

PUD (Planned Unit Development District), with the following development restrictions identified in the applicant's Statement of Intent:

<b>a. Proposed uses</b>	All R-3 uses
<b>b. Types of dwelling units, &amp; accessory buildings</b>	Single family, two-family, and multiple-family dwellings, detached garages
<b>c. Maximum number of dwelling units</b>	27
<b>d. Maximum building height</b>	35 feet
<b>e. Parking</b>	Total parking spaces: 66; max. 81 Parking ratio (spaces/dwelling unit): 2.4/ max. 3 per d.u.
<b>f. Minimum maintained open space</b>	% of total site in open space: 40 % landscaping: 40 % natural vegetation: 0
<b>g. Amenities</b>	None
<b>h. General project description</b>	Minimum lot size: All one lot Minimum setbacks from lot lines: NA Minimum setbacks between buildings: NA

**DISCUSSION**

The applicant requests approval of a major amendment to the existing 2006 PUD plan for Arbor Falls. The subject site of this request was originally zoned PUD-6.6 upon annexation in 2005 and a plan was approved for a larger area near the site consisting of 195 residential dwelling units.

The current proposal includes 27 dwelling units resulting in a density of 3.7 units per acre. The proposed dwelling unit types are single family attached (14 units) and detached (13 units). The maximum building height is being reduced from 40 feet to 35 feet. Open space remains unchanged at 40 percent.

The original PUD plan featured 209 parking spaces for the then-proposed 10-unit condominium buildings (the “big house” concept). The current plan proposes 66 spaces, with the capability to add spaces for a grand total of 81. Private drives would be used throughout the development, with connections to Pergola Drive and Old Hawthorne Drive West. Detached storage units will be constructed on-site for residents’ use.

The current plan provides 2.4 parking spaces per unit; if the single-family attached units were to have three bedrooms and the single-family unattached units to have two bedrooms, the parking spaces required would be 68. With the 12 existing spaces on the west side of the site and the proposed garage units, the plan appears to properly address the likely parking demand.

### **STAFF RECOMMENDATION**

Staff recommends approval of the PUD plan.

### **SUPPORTING DOCUMENTATION**

Site locator/Aerial maps  
Statement of Intent  
PUD Plan (2012)  
2006 Staff Report (Case #17-PUD-06)  
2006 Site Plan

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### **SITE CHARACTERISTICS**

<b>Area (acres)</b>	7.34
<b>Topography</b>	Sloping downward toward the southwest
<b>Vegetation</b>	Grass
<b>Watershed</b>	Grindstone

### **SITE HISTORY**

<b>Annexation date</b>	2005
<b>Initial zoning designation</b>	PUD 6.6
<b>Land Use Plan designation</b>	Neighborhoods

**SURROUNDING LAND USES**

Orientation from site	Zoning District	Land use
North	PUD 6.6	Residential
South	County	Residential
East	C-P	Old Hawthorne (what?)
West	PUD-6.6	Residential

**UTILITIES & SERVICES**

Sanitary Sewer	All City of Columbia services
Water	
Electric	
Fire Protection	

**ACCESS**

Old Hawthorne Drive West	Northeast of site
Major Roadway Plan classification	Local
Capital Improvement Program projects	Description: None

Pergola Drive	
Major Roadway Plan classification	Local
Capital Improvement Program projects	Description: None

**PARKS & RECREATION**

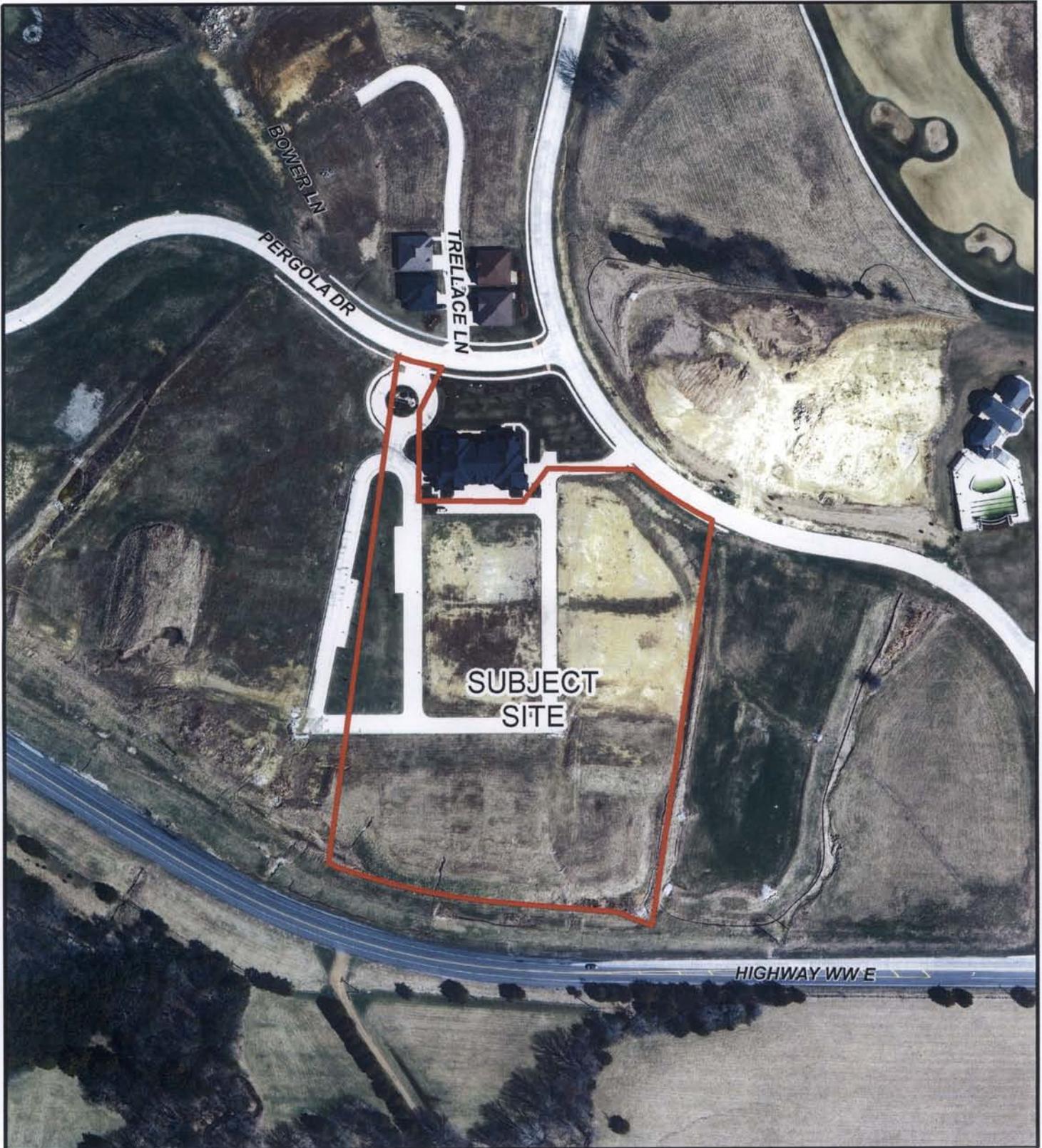
Neighborhood Parks Plan	None
Trails Plan	Other trail/pedway adjacent along Route WW
Bicycle/Pedestrian Network Plan	Route WW is a pedway

**PUBLIC NOTIFICATION**

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified by postcard of a public information meeting, which was held on Jan. 2, 2013.

Public information meeting recap	Number of attendees: 1 Comments/concerns: None
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Report prepared by ML Approved by PRZ



**Case 12-217: Plat 3 PUD Plan  
Arbor Falls**

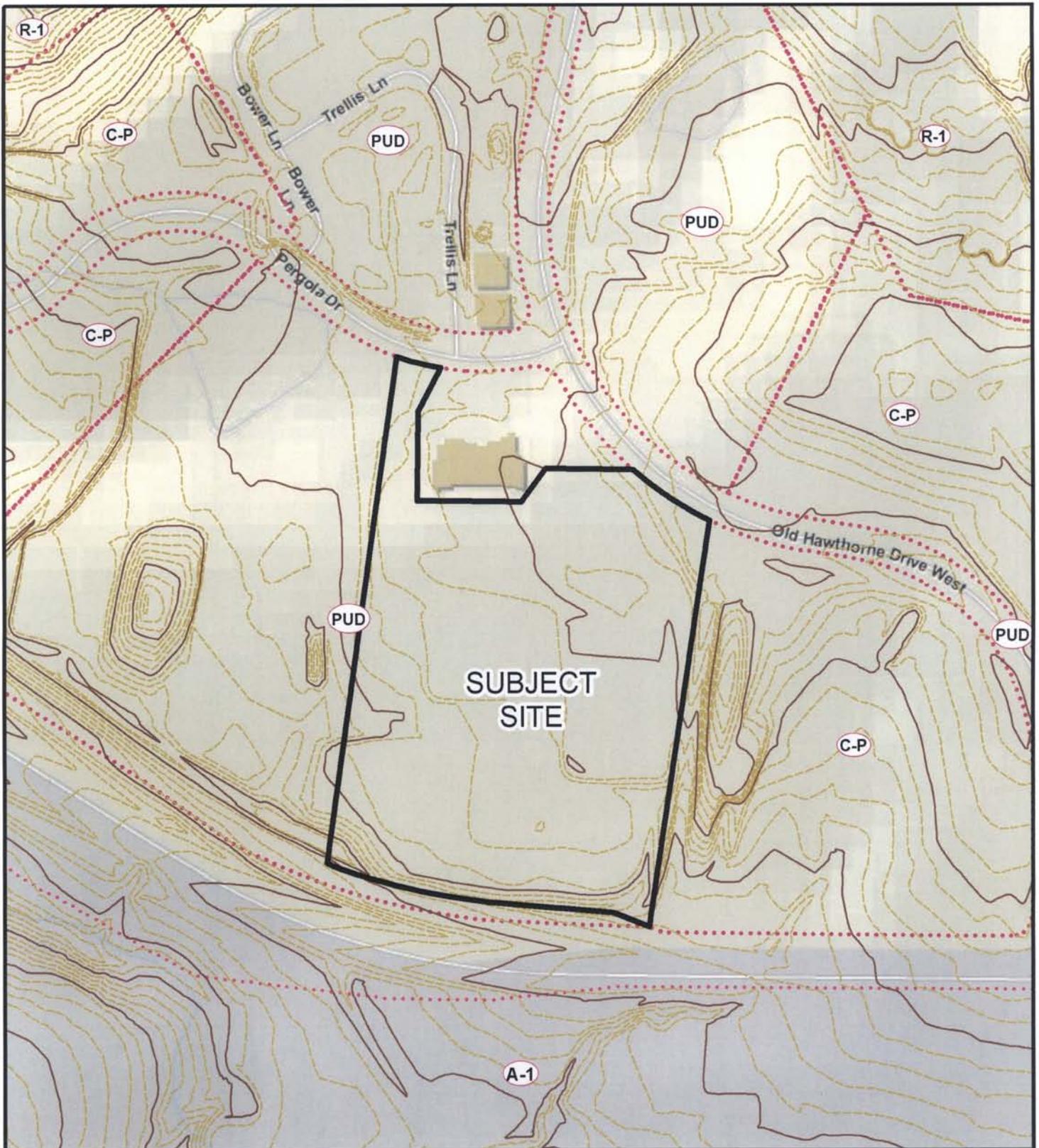


2011 Orthophoto  
Source: Boone County Assessor



1 inch = 200 feet





**Case 12-217: Plat 3 PUD Plan  
Arbor Falls**



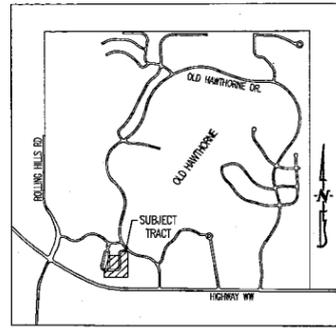
1 inch = 200 feet



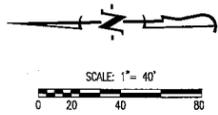
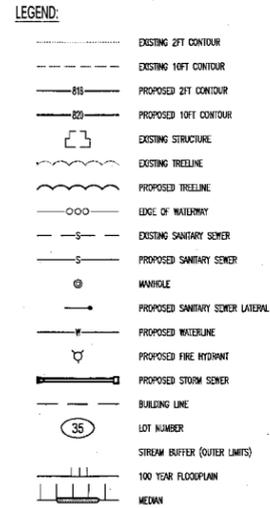
# PUD PLAN FOR ARBOR FALLS, PLAT No. 3

LOCATED IN SECTION 31, TOWNSHIP 48 NORTH, RANGE 12 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI  
DECEMBER, 2012

OWNER:  
PETER & DONNA GRATHWOHL  
2400 SHADY HILLS LANE  
ROCHEPORT, MO 65279



LOCATION MAP  
NOT TO SCALE



NOTES:

WATER DISTRIBUTION TO BE DESIGNED BY THE CITY WATER AND LIGHT DEPARTMENT.

ALL PUBLIC SANITARY SEWER EXTENSIONS SHALL BE MINIMUM OF 8" DIAMETER. SEWERS NOT CONSTRUCTED ALONG FRONTS OF LOTS TO BE LOCATED WITHIN 16 FOOT WIDE EASEMENTS OR EASEMENTS EQUAL TO THE DEPTH OF THE SEWER IF SEWER IS GREATER THAN 16 FEET. NO SEWER TAPS WILL BE GREATER THAN 20 FEET.

NO PART OF THIS TRACT LIES WITHIN THE 100 YEAR FLOODPLAIN AS ADOPTED BY THE CITY OF COLUMBIA AS SHOWN BY FIRM PANELS 29019C 0295D DATED MARCH 17, 2011.

THE STREET R/W SHALL BE 50 FOOT WIDE, UNLESS OTHERWISE NOTED.

THERE SHALL BE A 10 FOOT UTILITY EASEMENT ALONG THE SIDE OF EACH LOT ADJACENT TO PUBLIC STREET RIGHT-OF-WAY.

NATURAL GAS DISTRIBUTION TO BE DESIGNED BY AMEREN UE.

BUILDING NUMBERS SHOWN ARE FOR INVENTORY PURPOSES ONLY.

THE EXISTING ZONING OF THIS TRACT IS PUD 6.6.

THIS PLAT CONTAINS 7.34 ACRES.

A 5' SIDEWALK SHALL BE CONSTRUCTED ALONG ALL PUBLIC STREETS.

ELECTRIC DISTRIBUTION TO BE DESIGNED BY BOONE ELECTRIC COOPERATIVE.

THERE IS NO STREAM BUFFER, AS DEFINED BY ARTICLE X, CHAPTER 12A OF THE CITY CODE OF ORDINANCES.

ALLOWED USES SHALL INCLUDE SINGLE FAMILY, TWO FAMILY AND MULTI-FAMILY DWELLINGS, DETACHED STORES UNITS SHALL BE ALLOWED FOR RENT/SALE TO RESIDENTS OF THE PROPOSED DEVELOPMENT. TOTAL NUMBER OF UNITS IS 27 WITH A DENSITY OF 3.7 UNITS PER ACRE.

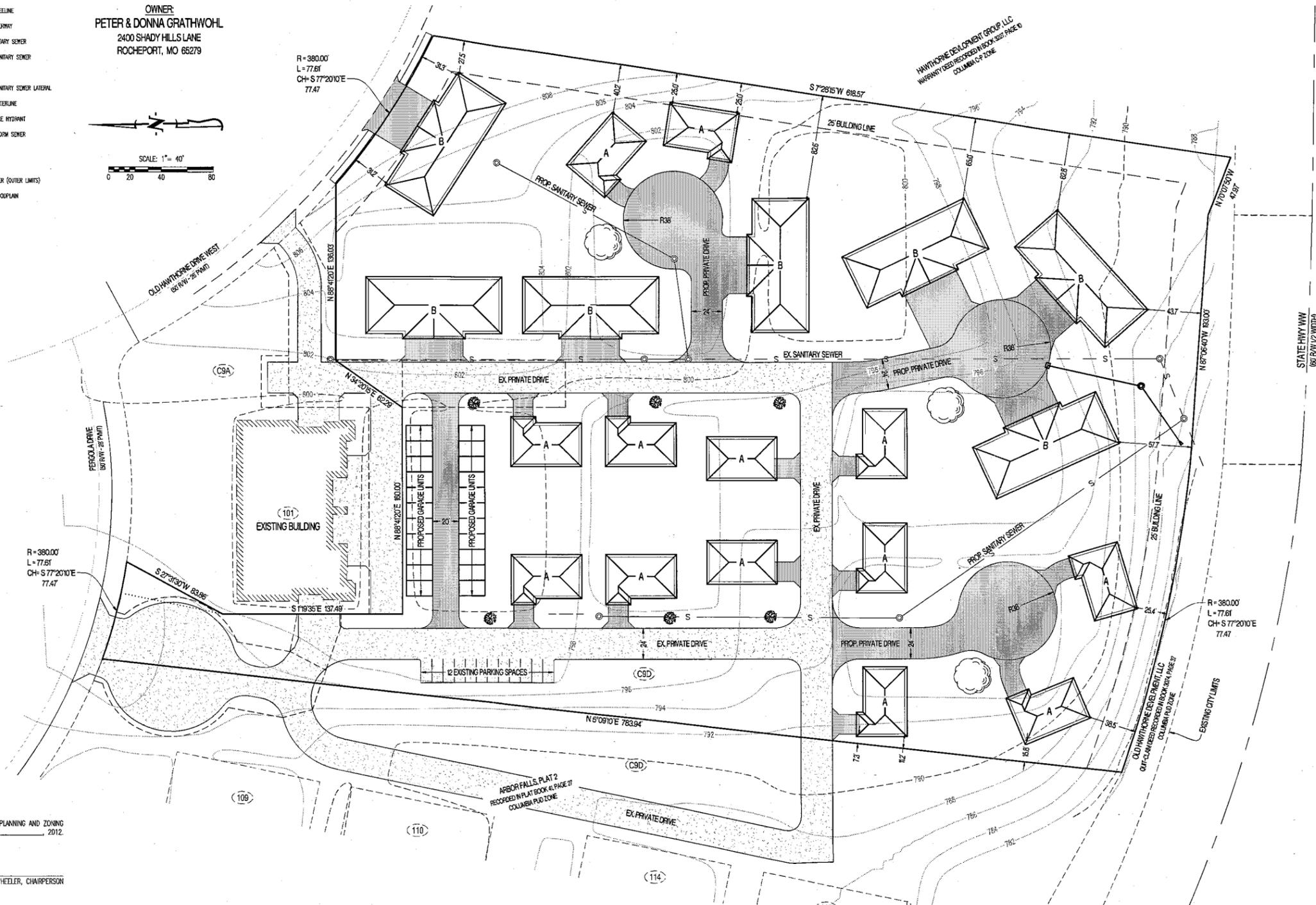
TOTAL NUMBER OF PARKING SPACES IS 86, WHICH IS 2.4 SPACES PER UNIT. ADDITIONAL SPACES MAY BE ADDED UP TO A TOTAL OF 81 SPACES (3.0 SPACES PER UNIT)

PRIVATE STREETS WILL BE NAMED AT A LATER DATE.

BUILDING HEIGHT IS NOT TO EXCEED 35'.

LEGAL DESCRIPTION:

LOTS 102-108 OF ARBOR FALLS, PLAT 1 RECORDED IN PLAT BOOK 40, PAGE 118 AND LOT C9B, THE EAST PART OF LOT C9D AND THE SOUTH PART OF LOT C9A ALL OF ARBOR FALLS, PLAT 2, RECORDED IN PLAT BOOK 41, PAGE 27, COLUMBIA, BOONE COUNTY, MISSOURI AND CONTAINING, 7.34 ACRES.



PREPARED BY:  
**CROCKETT**  
ENGINEERING CONSULTANTS  
5608 North Stadium Boulevard  
Columbia, Missouri 65208  
(314) 447-0292

www.crockettengineering.com  
Crockett Engineering Consultants, LLC  
Missouri Certificate of Authority  
#2000153004



TIMOTHY D. CROCKETT - PE-2004000775

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

DOUG WHEELER, CHAIRPERSON

APPROVED BY THE CITY OF COLUMBIA CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012.

ROBERT MCDONALD, MAYOR

CALCULATIONS:

LANDSCAPE COMPLIANCE:	
TOTAL PARKING LOT & DRIVE AREA =	36,362 SQ. FT.
TREES REQUIRED @ 1 TREE/4500 SQ. FT. =	9 TREES
TOTAL TREES REQUIRED =	9 TREES
MEDIUM TO LARGE TREES REQUIRED (30%) =	3 TREES
TOTAL TREES PROVIDED =	9 TREES

PLANTING NOTES:

QUANTITY	PLANT SPECIES
3	PIN OAK - QUERCUS PALUSTRIS
6	SARGENT CRABAPPLE - MALUS SARGENTII



**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
SEPTEMBER 21, 2006**

**ITEM NO.** 17-PUD-06

**NAME OF DEVELOPMENT**

Arbor Falls PUD development plan

The proposed PUD development plan includes a request for a variance to Section 29-10(d)10, which pertains to required parking for the multi-family dwelling units.

**GENERAL DESCRIPTION OF PROPOSED DEVELOPMENT**

This will be a residential development consisting of a combination of two-family and multi-family structures, for a total of 195 dwelling units. Development density would be 5.5 dwelling units per acre, based on the "net" land area of 35.17 acres. Maximum building height would be 38 feet.

It should be noted that the eastern part of the subject site, shown as Lot 3 on the plan, will be developed in the future with some additional dwelling units. The overall density can not exceed 6.6 dwelling units per acre, however.

**PROPERTY OWNER/DEVELOPER**

Property owner: Boone Development, Inc.  
Contract purchaser: John Hansman (Lot 2 only)

**EXISTING ZONING**

PUD-6.6 (A planned unit development having a development density not exceeding 6.6 dwelling units per acre)

**LOCATION**

On the north side of State Route WW, east of Cedar Grove Boulevard

**PROPERTY SIZE**

Approximately 35.17 acres

**EXISTING CONDITIONS**

	<u>ZONING</u>	<u>LAND USE</u>
SITE	PUD-6.6	Undeveloped
NORTH	R-1	Undeveloped
SOUTH	Boone County A-1	Single-family homes on large tracts
EAST	R-1 & C-P	Undeveloped
WEST	R-1 & C-P	Undeveloped

**ACCESS**

Primary access to the site will be off Old Hawthorne Drive, an improved local residential “feeder” street. The property has frontage on, but no access proposed off State Route WW, a MoDot-maintained minor arterial street which has adequate right-of-way in place. Internal access will be by means of private drives.

Staff has identified no access issues in regard to this property.

**PEDESTRIAN CIRCULATION**

A sidewalk will be required to be constructed along Old Hawthorne Drive, adjacent to the site. The annexation agreement for this property indicated that the applicant must dedicate a 10-foot wide easement for “walking trails/pedways” along the north side of State Route WW. The easement has been dedicated as part of the final plat of Old Hawthorne Plat 1, which was approved by Council on August 21, 2006. The annexation agreement also indicated that the developer is not obligated to construct a sidewalk along the State Route WW frontage.

Sidewalks are shown along the private drives within the two-family, northern part of the proposed PUD. In addition, the southern, multi-family part of the PUD has some walkways connecting parking lots with the buildings.

**IMPACT ON COLUMBIA PUBLIC SCHOOLS**

See attached letter from the Columbia Public School District.

## **PARKING**

Each two-family dwelling unit (north part of the site) will have four parking spaces, which exceeds the City's minimum requirement of two spaces per unit. The ten-unit structures will have a total of 139 more parking spaces than required by the Zoning Regulations. Much of the parking is "tandem" parking, however, which means parking spaces located behind spaces in the garages. While tandem parking is allowed in one and two-family dwellings, it is not allowed by building code for the multi-family dwellings. Consequently, the multi-family dwellings have a technical shortage of 131 spaces. The applicant's consulting engineer has requested a 131-parking space variance. The Commission may recommend and the Council may approve parking variances for PUD development plans.

Staff is of the opinion that the tandem parking is a serious flaw in the design of the multi-family structures. The information and diagrams provided by the applicant's consulting engineer is sketchy and does not provide adequate justification for or explanation of the parking proposed for the multi-family structures. (Type D parking detail – Sheet 3 of 5)

## **PUBLIC UTILITIES**

- The site is within Boone Electric Cooperative's electrical service territory.
- The site is within Public Water Supply District No. Nine's service territory.
- The 24-inch South Fork Grindstone Creek outfall sanitary sewer line is located approximately 200 feet northwest of the subject site.

## **FIRE PROTECTION SERVICES**

Since the property has recently been annexed (2005), it will be served by the Boone County Regional Fire District (B.C.R.F.D.). The closest B.C.R.F.D. station is Station No. 12, located approximately 1.3 miles west of the subject site on the north side of State Route WW.

## **SITE CHARACTERISTICS**

The subject property consists primarily of undeveloped pastureland with moderately sloping topography. There is some tree cover in the northern part of the site. The south Branch of Grindstone Creek and its flood plain is located a short distance to the northwest of the subject site. The site is within the Grindstone Creek drainage basin.

### **LANDSCAPING/STORMWATER MANAGEMENT**

Conceptual landscaping and storm water management plans have been approved by the Public Works Department.

A note on the plan states that at least 40 percent of the subject site will be in open space. Fifteen percent is the minimum requirement. The 40 percent is in keeping with the approved "statement of intent" for this PUD.

### **FREE STANDING SIGNS**

Four monument-type entrances are proposed. One would be on State Route WW. This sign would be six feet in height and will have 32 square feet of sign surface area. The other three signs will be along Old Hawthorne Drive and Arbor Falls Drive. These three signs will be four feet in height and will have 16 square feet of sign surface area each. The signs would all be set back more than 10 feet from the street right-of-way. All four signs would be in compliance with the Sign Regulation requirements for District R-1.

There are no sign issues in regard to this proposal.

### **CITY-RECOGNIZED NEIGHBORHOOD ASSOCIATIONS AFFECTED**

None

### **PARKLAND NEEDS/GREENBELT**

This part of the City is in need of additional neighborhood parkland, according to the 2002 Neighborhood Parks Plan.

The South Fork of Grindstone Creek, which lies immediately to the northwest of the subject site, is designated as a "greenbelt" on the City's Metro Greenbelt/Trail Plan.

### **DISCUSSION**

This proposal would allow for a residential development consisting of two and ten-family structures. With the exception of the parking issue for the 10-unit structures, the proposed PUD development plan meets all Zoning Ordinance requirements.

Staff is concerned with the lack of (non-tandem) parking for the multi-family structures. Without detailed information to support what is essentially a 131-space parking variance, staff is unwilling to support the proposed PUD development plan.

**STAFF RECOMMENDATION**

Staff recommends denial of the PUD development plan. If the developer can provide detailed information and drawings, which give assurance that the "tandem" parking for the ten-unit structures will function properly, staff would be willing to change its recommendation.

Report prepared by ENB

Approved by [Signature]

TRACT 3-D  
STATEMENT OF INTENT

The following information is to be considered as the Statement of Intent for Tract 3-D proposed for PUD zoning.

- **Type of Dwelling Units:** The units proposed for this tract are to be single family detached, single family attached in duplex structure, single family attached in townhouse structure, single family dwelling units in a 10 unit, or less apartment building, or any combination thereof.
- **Maximum Number of Units:** 232 residential units/maximum density of 6.6 units per acre.
- **Maximum Building Height:** The maximum building height shall not exceed 40 feet.
- **The Number of Parking Spaces:** The total number of parking spaces shall be a minimum two spaces per dwelling unit. Parking spaces may be located in a garage, exterior parking lot, or a combination of both.
- **Minimum Percentage of Open/Green Space:** Forty percent of the net area is to be preserved as open/green space. This percentage includes water features and impoundments.
- **Amenities:** There are amenities within the limits of the proposed PUD. The area will host a clubhouse and pool.
- **General Description of Plan:** The development plan for the entire area will present a mixed use of residential units. The minimum front yard set-back from a public street would be eighteen feet. The minimum distance between unattached units would be twelve feet. There is no minimum lot size within this PUD since "postage stamp" lots may be utilized. Some units may be condominiums.

RECEIVED

JUN 22 2006

PLANNING DEPT.

# FILE COPY

## EXCERPTS PLANNING AND ZONING COMMISSION MEETING September 21, 2006

17-PUD-06 A proposed PUD development plan known as "Arbor Falls." The subject property, which is approximately 35.17 acres in size, is located on the north side of State Route WW, east of Cedar Grove Boulevard.

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

Staff report was given by Mr. Tim Teddy of the Planning and Development Department. Staff recommends denial of or modification of the PUD development plan. If the developer can provide detailed information and drawings, which give assurance that the "tandem" parking for the ten-unit structures will function properly, staff would be willing to change its recommendation.

MR. WADE: Mr. Wheeler?

MR. WHEELER: I just have a question. Why is this governed by the International Building Code instead of the International Residential Code? I thought we used the IRC on residential dwellings?

MR. TEDDY: Are you talking in reference to the parking? We're drawing from our zoning ordinance on the parking.

MR. WHEELER: Okay. Well, maybe you can clarify that for me. MR. WADE: Mr. Brodsky?

MR. BRODSKY: With the tandem parking, is there space for one car or two cars behind the garage, like a typical driveway?

MR. TEDDY: Yes. A typical single-family home -- an older style single-family home with a single-bay garage and a long driveway, that's going to be an example of tandem parking, and that's absolutely permitted. Likewise, in a duplex or a two-family structure, it's assumed that the same household that resides in the unit controls all of that parking, so they're able to work out the maneuvering of the vehicles. But in a larger multi-family situation, it's assumed sometimes that the units and the parking spaces to which they might apply are rather mixed, and, therefore, you can get some situations where persons from different units or households have parking spaces that might be one in front of the other and create some conflicts.

MR. BRODSKY: In this specific instance where they've come up with a total of 139 more parking spaces than required, are they counting one vehicle behind the garage or two?

MR. TEDDY: I think it depends on the length of the driveway, if there's room for the space, yes.

MR. BRODSKY: Okay.

MR. WADE: Any further questions of staff? The rules of engagement go back to the old ones. The first person speaking, if you can please limit your comments to six minutes or less; anyone following,

three minutes or less. Anyone speaking in opposition, first person, six minutes or less; anyone following, three minutes or less.

#### **PUBLIC HEARING OPENED**

MR. GEBHARDT: Good evening. My name is Jay Gebhardt, and I'm a civil engineer for A Civil Group at 1123 Wilkes Boulevard. And I have a plan tonight that's called Arbor Falls. And because Mr. Simon has admonished me to go quickly so he doesn't have to stay any longer, I'm not going to go over the plan too much other than I think it's a good plan. And my clients, the Hansmans, who are in the back of the room, have given this a considerable amount of thought. What I've passed out, first, is a rendering of what this big-house concept is, and these are the ten-unit buildings that Mr. Teddy referred to. You're looking at the end of one, and it's -- if you aren't familiar with this concept, it's called a big-house concept, where you have, you know, apartment-style multi-family building. In this case, you have ten units. But you build it in such a fashion that it looks like a big house, thus the name. This big-house concept is almost always condo'd, and that's the intention here. It would be individual units that I could buy, you can buy. And each one of these units will have their own garage. And the supplemental that I've given you, you may want to just pull it apart so you can read and look at the picture at the same time. It shows a typical footprint of one of these buildings and the garages. Now, some of the units get two-car garages, some of them get a one-car garage that is a tandem garage, whereas there's a two-car garage, but inside the building, there's two parking spaces. And that is controlled by the unit owner, and they're restricted by the covenants to park their vehicle in the garage. So, on the drawing down here, you see the light-colored spaces indicating cars. Those are the ones that I am allowed to count by the International Building Code. And the reason we're dealing with the International Building Code is because it is a multi-family structure. And once you leave one- and two-family, you leave the IRC behind and you go into the IBC. So, what Mr. Wheeler is talking about is we routinely and you routinely approve plans of single-family and duplexes and villas with one- or two-car garages, where we've counted the spaces in the garage and the space in the driveway outside. This is slightly different in that we have a one-car garage wide, but there's two parking spaces in that, and they're in tandem -- they're end to end. And then there's another parking space in the driveway outside of that garage. So, technically, the way I count it, if it was a single-family unit, I would count that as three spaces. That's the normal way to count that, but the IBC doesn't allow us to do that. Now, why are we doing this? Well, part of this big-house concept is try to bring some affordable housing to this development. And rather than doing a standard old apartment-complex-type building, the Hansmans, I think, should be applauded in trying to do something different that looks different and feels different. And many times I've been to these meetings and I've heard you all talk about a sea of concrete in front of units or Boone Hospital is an example where Mr. Wade has wanted a parking garage for years that I've heard about, is this parking garage. But here, you know, we're trying to incorporate that parking

into the buildings, into garages for this. So, I've done a little explanation. There's 377 spaces that are required; no argument there. The way they're allowing -- Protective Inspection and Codes are allowing me to count this, I've got 246 spaces, which leaves me the 131 short. But additional spaces that I could count -- now, I could either count the 90 more that are in the garage that they're now allowing me to count, but actually exist. They are real parking spaces, and they will be required to park in the garage, so there's 90 more there. Then I have 180 spaces that I could count that are the spaces in front of the garages, and there's 180 of those. So, I really have 300 additional spaces that I can't count, so I have to ask for a variance for spaces that I have, but I don't have because I can't count them. So, the whole gist of this is, is we feel like it's 169 spaces more than what's required. I'm asking you to take a leap of faith. If you don't quite think we're doing something smart, I'm asking you to think, take a leap of faith with us. We're trying to do something. The Hansmans have visited these types of developments all over the country with these tandem-type parkings, these exact same buildings, and there isn't a parking problem. And you have to ask yourself who is the one that's going to get hurt here. Who is going to get hurt the worst, and that's us, the developers, because if we don't have enough parking, we're not going to be able to sell these units, and then we're the ones that are saying it. So, we feel that it's adequate. We ask that you do it. And I apologize; I probably could have explained this better to staff, but I had time constraints on me that I didn't have time to do that, so we're here tonight discussing this, and I'll be quiet. I'll be glad to answer any questions about the plan or the parking variance.

MR. WADE: Mr. Wheeler?

MR. WHEELER: Mr. Gebhardt, can you tell us or talk to us about the relationship between the number of bedrooms in a unit and the number of spaces you provided, please?

MR. GEBHARDT: There's ten units and there -- while he's counting bedrooms.

MR. WADE: Sixteen bedrooms in the ten units?

MR. GEBHARDT: Right. We've got 18 garage spaces and 16 bedrooms.

MR. WADE: I have a question, Mr. Gebhardt?

MR. GEBHARDT: Yes, sir.

MR. WADE: On this parking space here.

MR. GEBHARDT: The entire plan?

MR. WADE: Okay. The entire parking structure for a unit. Is there anyone's car blocked by the cars of people from another unit?

MR. GEBHARDT: No, sir.

MR. WADE: Okay. How do those cars get out if those cars are there?

MR. GEBHARDT: It's only the people that own the garages can park in the driveway spaces behind the garages.

MR. CADY: The same unit.

MR. WADE: That's the same unit?

MR. GEBHARDT: Yes.

MR. WADE: Okay. So, in this parking plan, there's no car that is blocked by a car from another unit, and each unit has at least two or three parking spaces?

MR. GEBHARDT: Correct. I'm sorry it's not clear, but that is a correct statement.

MR. WADE: Okay. So, that the tandem parking as the actual parking that exists is the same way that the tandem parking would be in my house by a single-car garage, and my daughter had a car and my wife had a car and I had a car, and we had them stacked one, two, three --

MR. GEBHARDT: Or a two-car garage where you two would park in the garage and your daughter parks behind one of you.

MR. WADE: Yes. Okay. So, that every unit has that kind of parking --

MR. GEBHARDT: Absolutely.

MR. WADE: -- and no unit has a parking space to where another unit's car will be parked behind it unless someone parks illegally?

MR. GEBHARDT: That's right. And if they do, then they'll be towed --

MR. WADE: Okay.

MR. GEBHARDT: -- because it be like me parking behind your car in your garage.

MR. WADE: Okay. Thank you. Ms. Curby?

MS. CURBY: Are there restrictions to whom these units are going to be rented? For example, will they be families or would they likely be college students?

MR. GEBHARDT: They're not going to be rented at all unless you bought it and rented it yourself.

MS. CURBY: Okay. So, they're going to be purchased.

MR. GEBHARDT: They're being built as for-sale units.

MS. CURBY: Okay.

MR. WADE: Any other questions of Mr. Gebhardt? Thank you.

MR. GEBHARDT: Thank you.

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

MR. STAMPER: Mr. Chairman, members of the commission, I'm Don Stamper; I office at 2604 North Stadium Boulevard. I represent this evening the Old Hawthorne Development, L.L.C., who sold this land to the Hansmans. We've been working with them now for a period of about six months on this project, and we like the project. We like it because it has density. We like it because it enhances the green space and it's an optimal use of the land where the density is. We like it because it's going to be affordable, and that's an ever-pushing issue within our community, the lack of affordable housing. We like

it because it is a commingled use, if you will, or a cluster use is another word that's put on it sometimes. We like it because the parking plan we submitted to you limits the impervious surface instead of paving everything there is to pave to achieve the parking numbers, and not having people park in those spaces. We like it because it is owner and it's not a rental property, and it's a product in a market that doesn't exist here. So, we've worked very closely with the Hansmans. It's our preference that the tenant, the people that own the condos be required to park in their garages. That'll be something we hope that turns up in the covenants and restrictions that are adopted. We've adopted them ourselves. But I think you have an opportunity here to embrace the PUD system instead of just going with what the staff interprets the PUD reference to be. There's an opportunity here to treat this as it is, as an owner-occupied place. I think the regulations as they're written focus more on the apartment complexes in the community that we see, some that have garages, some that don't, and the densities of parking. And so, we would hope that you would look beyond their concerns with it and recognize the parking spaces that we're not being given credit for and recommend its approval to the City Council. I'd be happy to answer any questions that you have. This is one of our PUD areas. Again, it's a combination of a variety of PUD zonings on the property. Almost half of our living units are in PUD, and we think that the type of flexibility that we're requesting should be available to us through the PUD process.

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

**PUBLIC HEARING CLOSED**

MR. WADE: Before we begin, I have a question of staff. In your recommendation, you said if a developer can provide detailed information and drawings which give assurance that the tandem parking for the ten-unit structures will function properly, staff would be willing to change its recommendations. Have they done that for you?

MR. TEDDY: I think this exhibit needs explanation. I don't know where their garages are. I don't know what these side spaces are and to what they're assigned.

MR. WADE: Would you please come forward and let's be sure we're clear on this, Mr. Gebhardt.

MR. TEDDY: If you can say which spaces relate to which units that's ten units. Does each tandem go to a unit? Yeah. He has explained it. It's a garage, a driveway, and there are ten of them.

MR. WADE: Okay. My understanding, Mr. Teddy, was that his explanation for me met your requirement, but I wanted to make sure I understood it properly and it would satisfy you.

MR. TEDDY: The apartment does work like a big house, so we're satisfied.

MR. WADE: Okay. Okay. Thank you. So, staff actually is supportive of this PUD plan?

MR. TEDDY: All the vehicles can back out freely from each unit's garage.

MR. WADE: Thank you. Discussion Commissioners? Mr. Brodsky?

MR. BRODSKY: I'm going to start of by saying I commend the developers on this project. I think it's very high quality. It's fresh; it's different; it's something we haven't seen in Columbia; and it's not just a box. I think the parking -- thank you to staff for bringing up that issue and allowing us to clarify it. I think it's adequate. I think it'll work, and I agree with the proposer that, really, the economic consequences will fall on them if it doesn't work, so I plan to support this plan.

MR. WADE: Mr. Cady?

MR. CADY: I agree with Mr. Brodsky. I make a recommendation that we recommend approval of the PUD plan with the variance to the Council.

MR. HOLDEN: Second.

MR. WADE: The motion has been made and seconded that we recommended approval of the PUD plan with the variance to the Council. Discussion on the motion? Mr. Holden?

MR. HOLDEN: I just want to real quick echo what Mr. Brodsky said, and most importantly of all, I think this is -- having an opportunity to build some affordable housing, new housing, specifically, is something our community desperately needs, and I'm very happy to see that coming to the city, and I look forward to see it constructed.

MR. WADE: I also concur. I just -- I would urge that the clarity on things like this be developed before staff has to do the report to us and it makes it easier on all of us. It makes things go much smoother and easier when it's done beforehand. Further discussion? Roll call, please.

MR. LAMB: The motion has been made and seconded to recommend approval of Item 17-PUD-06, a proposed PUD development plan known as "Arbor Falls." The subject property, which is approximately 35.17 acres in size, is located on the north side of State Route WW, east of Cedar Grove Boulevard.

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



# ARBOR FALLS

JULY 17, 2006

RECEIVED  
SEP 08 2006  
PLANNING DEPT.

### BUILDING DATA

- TYPE-A: SINGLE FAMILY
- TYPE-B: ATTACHED SINGLE FAMILY VILAS
- TYPE-C: TOWNHOMES
- TYPE-D: 10-UNIT CONDO BUILDING

### LEGEND

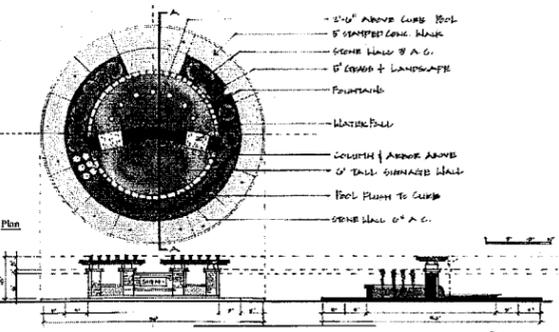
- LP LIGHT POLE
- FV FLUSH VALVE
- WH WATER HYDRANT
- GM GAS METER
- ELEC MH ELECTRIC MANHOLE
- STREET SIGN
- WM EXISTING WATER METER
- GP GUARD POST
- FH EXISTING FIRE HYDRANT
- WV EXISTING WATER VALVE
- E EXISTING IRON PIPE
- (R) REMOVE
- S SET-IRON
- (REC) RECORD
- HANDICAPPED PARKING
- MH(S) EXISTING SANITARY MANHOLE
- CO EXISTING SANITARY CLEANOUT
- PROPOSED SANITARY MANHOLE
- PROPOSED SANITARY CLEANOUT
- POWER POLE
- ROOF DRAIN
- GUY WIRE
- EXISTING FENCE
- EXISTING UNDERGROUND ELECTRIC
- EXISTING UNDERGROUND TELEPHONE
- EXISTING GAS
- EXISTING OVER-HEAD ELECTRIC
- EXISTING SANITARY
- EXISTING WATER
- PROPOSED UNDERGROUND ELECTRIC
- PROPOSED WATER
- PROPOSED GAS
- PROPOSED SANITARY
- PROPOSED UNDERGROUND TELEPHONE
- PROPOSED STORM SEWER
- FLOWLINE (E)
- EXISTING TREELINE
- PRESERVED TREELINE
- PROPOSED SPOT ELEVATION
- SECURITY GATE
- DESIGN CONTOUR
- EXISTING CONTOUR
- DIVERSION BERM
- DETENTION AREA
- DRAINAGE SWALE
- EROSION CONTROL SILT FENCE
- TEMPORARY SILT TRAP WITH ROCK OUTLET
- TEMPORARY SILT TRAP WITH PIPED OUTLET

### SIGN DETAILS

SEE SIGN TABLE ON SHEET 2 OF 5 FOR SIGN DETAILS

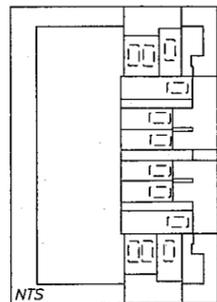
- X EXISTING FENCE
- U/E EXISTING UNDERGROUND ELECTRIC
- U/E EXISTING UNDERGROUND TELEPHONE
- U/E EXISTING GAS
- U/E EXISTING OVER-HEAD ELECTRIC
- S EXISTING SANITARY
- W EXISTING WATER
- U/E PROPOSED UNDERGROUND ELECTRIC
- W PROPOSED WATER
- G PROPOSED GAS
- S PROPOSED SANITARY
- T PROPOSED UNDERGROUND TELEPHONE
- STORM SEWER
- FLOWLINE (E)
- EXISTING TREELINE
- PRESERVED TREELINE
- T/C 772.00 PROPOSED SPOT ELEVATION
- F/G 771.50
- SECURITY GATE
- DESIGN CONTOUR
- EXISTING CONTOUR
- DIVERSION BERM
- DETENTION AREA
- DRAINAGE SWALE
- EROSION CONTROL SILT FENCE
- TEMPORARY SILT TRAP WITH ROCK OUTLET
- TEMPORARY SILT TRAP WITH PIPED OUTLET

### △ SIGN #2 GRAPHIC



### △ NOTES

- FOR CLARITY PURPOSES LOT LINES SURROUNDING THE TEN-UNIT BUILDINGS HAVE NOT BEEN SHOWN, EACH BUILDING WILL BE CONTAINED WITHIN IT'S OWN LOT.
- THE IRRIGATION WELL IS SHOWN FOR GENERAL LOCATION. ACTUAL WELL SHALL BE PLACED ACCORDING TO DNR SPECIFICATIONS.



△ TYPE D PARKING (TYP)  
△ 12 COVERED PARKING SPACES

SCALE: 1" = 50'  
0 25 50 100

JOB NUMBER: HANS06.01  
PROJECT: HANS06.01 (HANS06-01) HANS06-01 (HANS06-01) HANS06-01 (HANS06-01)

PUD PLAN

Plotted by: spencer; 08 Sep 2006 - 2:27pm

<p><b>A CIVIL GROUP</b> CIVIL ENGINEERING, PLANNING, SURVEYING 1010 FAY STREET COLUMBIA, MD 21041 PHONE: (571)811-5750, FAX: (571)811-4111</p>		<p>DATE: 07/12/2006</p> <p>CHECKED BY: JAG</p> <p>DESIGNER: HANS06.01</p>
<p>DATE: 08/28/07</p> <p>DATE: 08/28/06</p> <p>DATE: 08/23/06</p>	<p>CITY COMMENTS</p> <p>CITY COMMENTS</p> <p>CITY COMMENTS</p>	<p>DATE: 08/28/07</p> <p>DATE: 08/28/06</p> <p>DATE: 08/23/06</p>

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION**  
**JANUARY 24, 2013**

**12-217 A request by Crockett Engineering, on behalf of Pete Grathwohl, for a major revision to the PUD plan for Arbor Falls, Plat 3, and a statement of intent revision. The 7.34 acre site is located at the intersection of West Old Hawthorne Drive and Pergola Drive, northwest of the corner of West Old Hawthorne Drive and Route WW.**

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

Staff report was given by Mr. Matthew Lepke of the Planning and Development Department. Staff recommends approval of the PUD plan.

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

MR. SKALA: And just a few. I guess I wasn't on the Planning & Zoning in 2006 when this may have come through, so I didn't see the plan. Are there any changes to the -- was there any materials specified for these buildings and so on? I understand that there is less density now, and there's less parking, and the height has been lowered, and so on. Were there any other details that --

MR. LEPKE: I'm trying to remember off the top of my head. We have the old report from the old plan included in here. If I don't find it quickly, I may punt to Mr. Crockett.

MR. SKALA: Thank you. Okay.

MR. ZENNER: On the plan, itself -- in your packet -- Mr. Skala, as well as the remaining Commissioners, in your packet, you will notice that there were some various -- there were specifics as it related to parking, data, and calculations, signage, lighting, and then some very specific PUD notes that were added to the actual project itself.

MR. SKALA: Uh-huh.

MR. ZENNER: Based on those notes, I am not seeing anything that would jump out as to be unique architecturally or otherwise. As many of the Commissioners -- or residents that have been around town long enough, this was what was referred to as the big house concept --

MR. SKALA: Uh-huh.

MR. ZENNER: -- initially. They just have not sold; therefore, what we are seeing is this proposed revision. The -- what would be the western side of this development still is retained with the big house concept layout which its parking and its management of those buildings and that layout and design remains unchanged and unaffected by the proposal that this is being brought forward with. This basically is bringing the project to, hopefully, a more marketable realm and reducing, in many respects, probably the impact.

MR. SKALA: Yeah. That's pretty well understandable in terms of marketing. I didn't know if there were any stipulations originally with the big house idea, and this is a continuation of it or if it was something entirely different. So that's --

MR. ZENNER: Separation -- almost entirely separate. The old portion that's still in the big house is actually under separate ownership.

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

MR. STRODTMAN: I've got a very minor one. Are the garages for the home -- or the drawing that we see in the picture, are these garages for these As and Bs?

MR. LEPKE: I think it could be for either. My understanding is they were going to be leased or sold to residents in this particular phase, if you will, of the development.

MR. STRODTMAN: Okay.

MR. ZENNER: As we went through the concept review with this, the idea is is that you have more than you can store in a two-car garage.

MR. STRODTMAN: Oh.

MR. ZENNER: And sometimes you need a place to put your boat or other -- a sundry things that you have collected in life. Therefore, the garages are added -- it is probably one of the most notable things between the two projects. It is rare that we see something like this within a planned district where you have several rentable spaces. But those are rentable spaces only to the residents within that development. That was extreme expressed concern of ours that we didn't want this as an outside storage facility for residents elsewhere within the Old Hawthorne Development.

MR. STRODTMAN: So then an owner would be the only person that would be able to lease one of these storages?

MR. ZENNER: That is correct. And there are not enough to accommodate all of the potential units within the project either, so it will be a coveted -- a coveted improvement or a coveted addition to your house.

MR. STRODTMAN: Because As and Bs, I assume, have garages?

MR. ZENNER: Yes.

MR. STRODTMAN: Okay. Thank you.

MR. WHEELER: Are there any other questions of Staff?

MR. LEE: Yeah.

MR. WHEELER: Mr. Lee?

MR. LEE: I'm a little confused. Where exactly is this?

MR. LEPKE: Let me go back to my photo -- okay. The curving road you see coming into the right side of the screen is West --

MR. LEE: Yeah.

MR. LEPKE: -- Old Hawthorne Drive.

MR. LEE: Okay.

MR. LEPKE: So WW is here towards the --

MR. LEE: Down there --

MR. LEPKE: -- bottom of the screen. So there's WW. Just to the east would be then where Old Hawthorne Drive West comes in and curves around there.

MR. LEE: Okay.

MR. LEPKE: Now you've got the swimming pool over here as well on the side --

MR. LEE: Okay. Okay. I've got it now.

MR. STRODTMAN: Of the Club House? The swimming pool is at the Club House?

MR. ZENNER: The swimming pool is at the Club House. If you go to the west where Rolling Hills, the County's new improvement --

MR. STRODTMAN: Yes.

MR. ZENNER: -- that is where Pergola -- Rolling Hills extends to the intersection of Pergola only, and the Pergola comes back towards the Club House --

MR. STRODTMAN: Okay.

MR. ZENNER: Where the pool is, from the west to the east.

MR. WHEELER: Any other questions of Staff? Seeing none, we'll open the public hearing.

#### **PUBLIC HEARING OPENED**

MR. CROCKETT: Chairman and members of the Commission, Tim Crockett, 2608 North Stadium. I'll be really brief, Mr. Chairman. I just want to answer a couple of questions. Mr. Skala, in our research of the existing statement of intent, there were no conditions with regard to building materials. However, there are covenants and restrictions governing the entire development of Old Hawthorne that dictate that. So we are going to be in line with that. So that does -- that is the governing issue for that whole area. And, Mr. Strodtman, to answer your question, yes, those are -- those garages are -- you know, we're looking for retirees, you know. We've had a lot of interest -- or my client has had a lot of interest in older folks, and they may have a small boat, may have a classic car, something like that they need to have an additional space for. They're moving out of maybe something with a walkout basement or two stories, looking to downsize, and they can't get rid of all their stuff. It provides additional storage. But it is -- it's not a commercial situation where we are looking for the entire community or the entire -- you know that whole side of Columbia to have a rental space. It is for residents in this area. So with that, unless there's other questions, I'll keep it short.

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

MR. CROCKETT: Thank you.

MR. WHEELER: Thank you. Are there any other speakers? We'll close the public hearing.

#### **PUBLIC HEARING CLOSED**

MR. WHEELER: Commissioners? Mr. Vander Tuig?

MR. VANDER TUIG: Well, I'll start out. I'll just say this is -- from an engineer's standpoint, it's a pretty creative way to lay out the property with existing -- existing concrete drives, and so forth, already there. And I think it's kind of a variety of housing options. And it looks like a nice development, so I'm going to approve it.

MR. WHEELER: You're going to approve it?

MR. VANDER TUIG: Not single-handedly.

MR. SKALA: We may need some help.

MR. WHEELER: You know, the nicest thing about tonight is I can't wait to tell my wife I have a sundry stuff in the basement because that's not what she uses to describe it. So any other discussions? Mr. Lee?

MR. LEE: Yeah. I would just say that from my perspective, it seems to be pretty consistent with what's going on out at Old Hawthorne, and would be a nice use of the land as far as I'm concerned.

MR. SKALA: Yeah. It's a creative way of approaching this, so I'll make the motion to approve the request by Crockett Engineering, on behalf of Peter Grathwohl, for a major revision to the PUD plan for Arbor Falls, Plat 3, and a statement of intent revision. The 7.34-acre site is located at the intersection of West Old Hawthorne Drive and Pergola Drive, northwest of the corner of West Old Hawthorne Drive and Route WW, Case No. 12-217.

MR. TILLOTSON: Second.

MR. WHEELER: Mr. Tillotson seconds. Discussion on the motion? When you're ready.

MR. VANDER TUIG: We have a motion and second for approval of Case No. 12-217, a major revision to a PUD plan for Arbor Falls, Plat 3, and a statement of intent revision.

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