

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

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

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

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

Council Bill No. B 15-13

**AN ORDINANCE**

approving the Final Plat of Post's Subdivision, a minor subdivision; accepting the dedication of rights-of-way and easements; authorizing a performance contract; setting forth a condition for approval; granting a variance from the Subdivision Regulations; 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 Final Plat of Post's Subdivision, dated October 30, 2012, a minor subdivision located between Old Route K and South Providence Road (2400 South Providence Road), containing approximately 0.523 acres in the City of Columbia, Boone County, Missouri, and hereby authorizes and directs the Mayor and City Clerk to sign the plat evidencing such approval.

SECTION 2. The City Council hereby accepts the dedication of all rights-of-way and easements as dedicated upon the plat.

SECTION 3. The City Manager is hereby authorized to execute a performance contract with Greg Post in connection with the approval of the Final Plat of Post's Subdivision. The form and content of the contract 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 4. Approval of the Final Plat shall be subject to the condition that prior to the issuance of a building permit for additional construction on the site, the existing structure on the property shall be readdressed in compliance with the City's addressing standards.

SECTION 5. Subdivider is granted a variance from the requirements of Section 25-56 of the Subdivision Regulations so that utilities shall not be required to be extended to the property until development on the property occurs other than construction of a cell tower.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

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

ATTEST:

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

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

APPROVED AS TO FORM:

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

**PERFORMANCE CONTRACT**

This contract is entered into on this \_\_\_\_\_ day of November, 20 12 between the City of Columbia, MO ("City") and Greg Post ("Subdivider").

City and Subdivider agree as follows:

1. Subdivider shall construct, erect and install all improvements and utilities required in connection with the final plat of POST'S SUBDIVISION, including sidewalks and all improvements and utilities shown on the plat and related construction plans, within 36 months after the City Council approves the plat.
2. If street, utility or other construction of public improvements should occur on or adjacent to land in the subdivision at the initiative of the City Council, as benefit assessment projects, Subdivider agrees to bear Subdivider's equitable and proportionate share of construction costs, as determined by such assessments.
3. No utility service connections or occupancy permits shall be issued to the Subdivider or to any other person for any structure on land in the subdivision unless and until all utilities and improvements have been constructed, erected and installed in the structure and upon the lot or lots on which the structure is situated in accordance with all applicable ordinances, rules and regulations of the City.
4. No occupancy permit shall be issued to Subdivider or any other person for any structure constructed on land in the subdivision unless the street and sidewalk adjacent to the structure have been completed in compliance with the City's Standard Street Specifications.
5. City may construct, erect or install any improvement or utility not constructed, erected or installed by Subdivider as required by this contract. City may perform such work using City employees or City may contract for performance of the work. Subdivider shall reimburse City for all costs and expenses incurred by City in connection with the construction, erection or installation of improvements in utilities under this paragraph. Subdivider agrees to pay City all expenses and costs, including reasonable attorneys' fees, incurred by City in collecting amounts owed by Subdivider under this paragraph.
6. City shall not require a bond or other surety to secure the construction of the improvements and utilities required in connection with the final plat.
7. The obligations of Subdivider under this contract shall not be assigned without the express consent of the City Council.

8. The remedies set forth in this contract are not exclusive. City does not waive any other remedies available to enforce Subdivider's obligations under this contract or to recover damages resulting from Subdivider's failure to perform its obligations under this contract.

9. This contract is not intended to confer any rights or remedies on any person other than the parties.

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

CITY OF COLUMBIA, MISSOURI

BY: \_\_\_\_\_  
Mike Matthes, City Manager

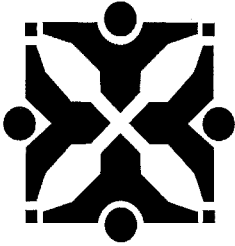
ATTEST:


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

APPROVED AS TO FORM:

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

Subdivider  
BY:  \_\_\_\_\_  
Greg Post



Source: Community Development - Planning 

Agenda Item No:

To: **City Council**  
From: **City Manager and Staff** 

Council Meeting Date: Jan 7, 2013

Re: Post's Subdivision (Case #12-192)

**EXECUTIVE SUMMARY:**

A request by Gateway Land Services (surveyor), on behalf of Greg and Misti Post (owners) for approval of a 0.52 acre, 1-lot final minor plat, to be known as "Post's Subdivision" and a variance to Section 25-56 (Utilities) of the Subdivision Regulations. The property is located between Old Route K (Outer Road) and S. Providence Road commonly address as 2400 S. Providence Road (**Case #12-192**)

**DISCUSSION:**

The applicant's are seeking to establish "legal" lot status and obtain a variance from the requirements of Section 25-56 (Utilities) that require public sanitary sewer be extend across the frontage of the property. Two concurrent requests, Case #12-193 (O-P development plan) and Case #12-194 (rezoning and Statement of Intent revision), are being reviewed in conjunction with this platting action.

The subject site lies between Old Route K and S. Providence Road. This parcel was transferred to the current owners by deed from MoDOT and does not constitute a "legal" lot as defined by the Subdivision Regulations. This plat, if approved, would establish "legal" lot status and allow for issuance of building permits. The applicant's are also seeking relief from the requirement to extend public sanitary sewer across the subject tract within three years of platting. The applicant's intended development of the subject site, a cellular tower, will not generate service demands; therefore, the applicant does not believe the extension of sewer is necessary at this time. The existing on-site duplex is served by a functioning on-site septic system and public water.

Case #12-194 includes provisions regarding the extension of sewer to the subject property and the tract to the north. The provisions indicate that extension of service would be a condition of future development approval for any construction beyond the proposed cellular tower on either the subject tract or the one to the north.

The current property address is not consistent with the addressing policies of the City. The existing address is considered to be a "non-parity" address. It has been recommended by Joint Communications that prior to the issuance of a building permit for additional construction on the site that the existing structure be readdressed to conform to the City's addressing standards. Such action will effect one property owner only - the applicant.

At its December 20, 2012, meeting the Planning and Zoning Commission reviewed the proposed plat and requested variance and voted unanimously (7-0) to approve both actions subject to staff's condition that the existing duplex be readdressed prior to building permitting. The applicant's attorney, design engineer, and cellular communications engineer address Commission questions. No one from the public spoke regarding the proposals.

A copy of the staff report, locator maps, reduced copy of the plat, and Commission excerpts are attached for your review.

**FISCAL IMPACT:**

None

**VISION IMPACT:**

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

None

**SUGGESTED COUNCIL ACTIONS:**

Approval of the plat and requested variance as well as require readdressing of the existing duplex as recommended by the Planning and Zoning Commission.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	<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 #	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

**October AGENDA REPORT  
 PLANNING AND ZONING COMMISSION MEETING  
 December 20, 2012**

**SUMMARY**

A request by Gateway land Services (surveyor), on behalf of Greg and Misti Post (owners) for approval of a 0.52 acre, 1-lot final minor plat, to be known as "Post's Subdivision". The property is located between Old Route K (Outer Road) and S. Providence Road commonly address as 2400 S. Providence Road (**Case #12-192**)

**VARIANCE(S) REQUESTED**

Section of Subdivision Regulations	Description
25-56	Variance from the requirement to extend and install public sanitary sewer to the subject property.

**SITE CHARACTERISTICS**

Area (acres)	0.52
Topography	Sloping to the north toward Hinkson Creek
Vegetation	Heavily treed with a clearing in the southeast corner where the existing duplex and drive are located
Watershed	Hinkson Creek

**SITE HISTORY**

Existing structures	1 duplex structure (rental)
Existing zoning	O-P (Planned Office) - 2005

**UTILITIES & SERVICES**

Sanitary Sewer	All City Services
Water	
Electric	
Fire Protection	

**ACCESS**

Old Route K (Outer Road)	
Location	West property boundary
Major Roadway Plan classification	Major Collector
Capital Improvement Program projects	None identified
Right-of-way needed	None

<b>Pedestrian Access Needs</b>	
<b>Sidewalks</b>	Will need to construction 5-foot walkway
<b>CATSO Bicycle/Pedestrian Network Plan</b>	Pedway is located on this site. Location of improvements to be determined by City Engineering

**PARKS & RECREATION**

<b>Neighborhood Parks Plan</b>	Nearest park is Cosmo-Bethel Park (1.5 miles south). University athletic complex at Hinkson Creek (.25 miles north)
<b>Trails Plan</b>	Adjacent to Hinkson Creek Trail
<b>Trail easement(s)</b>	None

**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 concept review meeting, which was held on October 16, 2012

<b>Neighborhood Association(s) notified</b>	None
<b>Columbia Public Schools</b>	No correspondence received
<b>Correspondence received</b>	None

**DISCUSSION**

The subject site lies between Old Route K and S. Providence Road. This parcel was transferred to the current owners by deed from MoDOT and does not constitute a “legal” lot as defined by the Subdivision Regulations. This plat, if approved, would establish “legal” lot status and allow for issuance of building permits.

Two concurrent requests, case #'s 12-193 and 12-194, are being reviewed in conjunction with this platting action. Case #12-193 is seeking approval of an O-P development plan and case #12-194 is seeking approval of a major revision to the existing O-P Statement of Intent (SOI).

The applicant is also seeking a variance from the requirements of Section 25-56 (Utilities) of the Subdivision Regulations. These standards require that public infrastructure (i.e. sewer and water) be installed within three years of platting. The applicant’s intended development of the subject site, a cellular tower, will not generate service demands; therefore, the applicant does not believe the extension of sewer or water is necessary at this time. The existing duplex on the site is served by a functioning on-site septic system and public water.

The current property address is not consistent with the addressing policies of the City. The existing address is considered to be a “non-parity” address within the 911 dispatch system – the address should be an odd number since it is on the west side of S. Providence Road. It has been recommended by Joint Communications that prior to the issuance of a building permit for additional construction on the site that the existing structure should be readdressed to conform to the City’s addressing standards.



This plat has been reviewed by pertinent internal and external agencies and found with the exception of the proposed variance to meet the requirements of the Subdivision Regulations. Staff supports the approval of the attached plat.

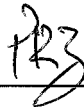
Staff also supports granting the variance provided the provisions within case #12-194 are approved. Those provisions stipulate that the applicant will install the required sewer extension once development beyond the cellular tower occurs regardless if additional development is on the subject site or the site to north which is also owned by the applicant.

**STAFF RECOMMENDATION**

Approval of the proposed plat and variance to Section 25-56 subject to:

1. Approval of the proposed Statement of Intent (SOI) revisions proposed in Case #12-194.
2. The existing duplex be readdressed so it becomes compliant with the City's addressing standards.

Report prepared by \_\_\_\_\_

Approved by  \_\_\_\_\_

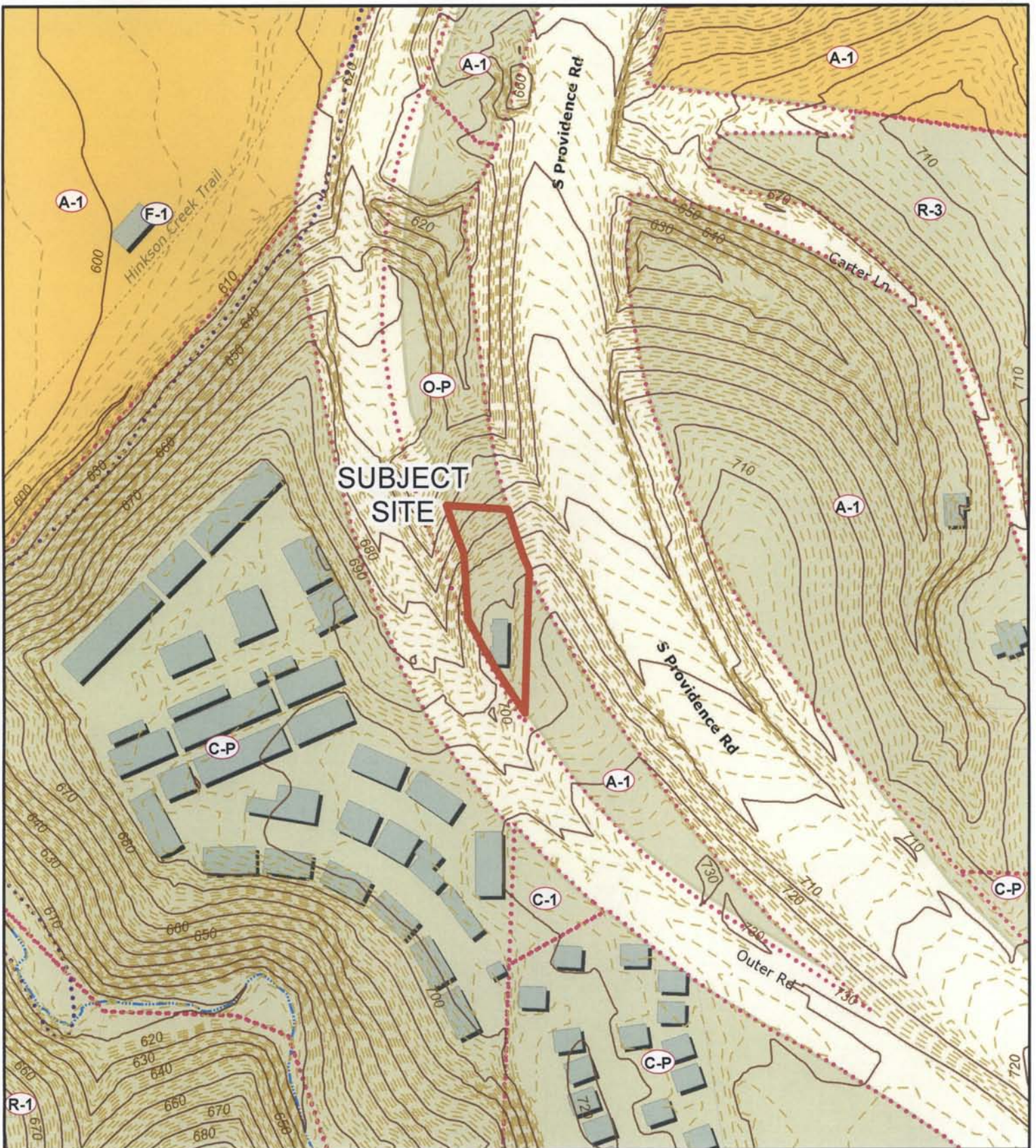


## Case 12-192: Subdivision and Variances 2400 S. Providence Road



1 inch = 300 feet



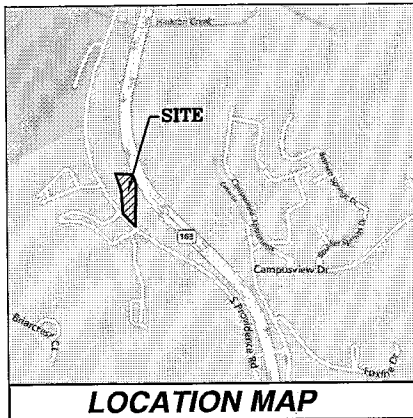


## Case 12-192: Subdivision and Variances 2400 S. Providence Road



1 inch = 200 feet

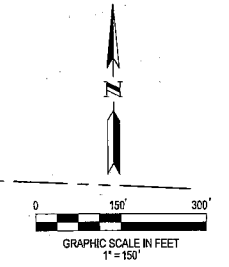
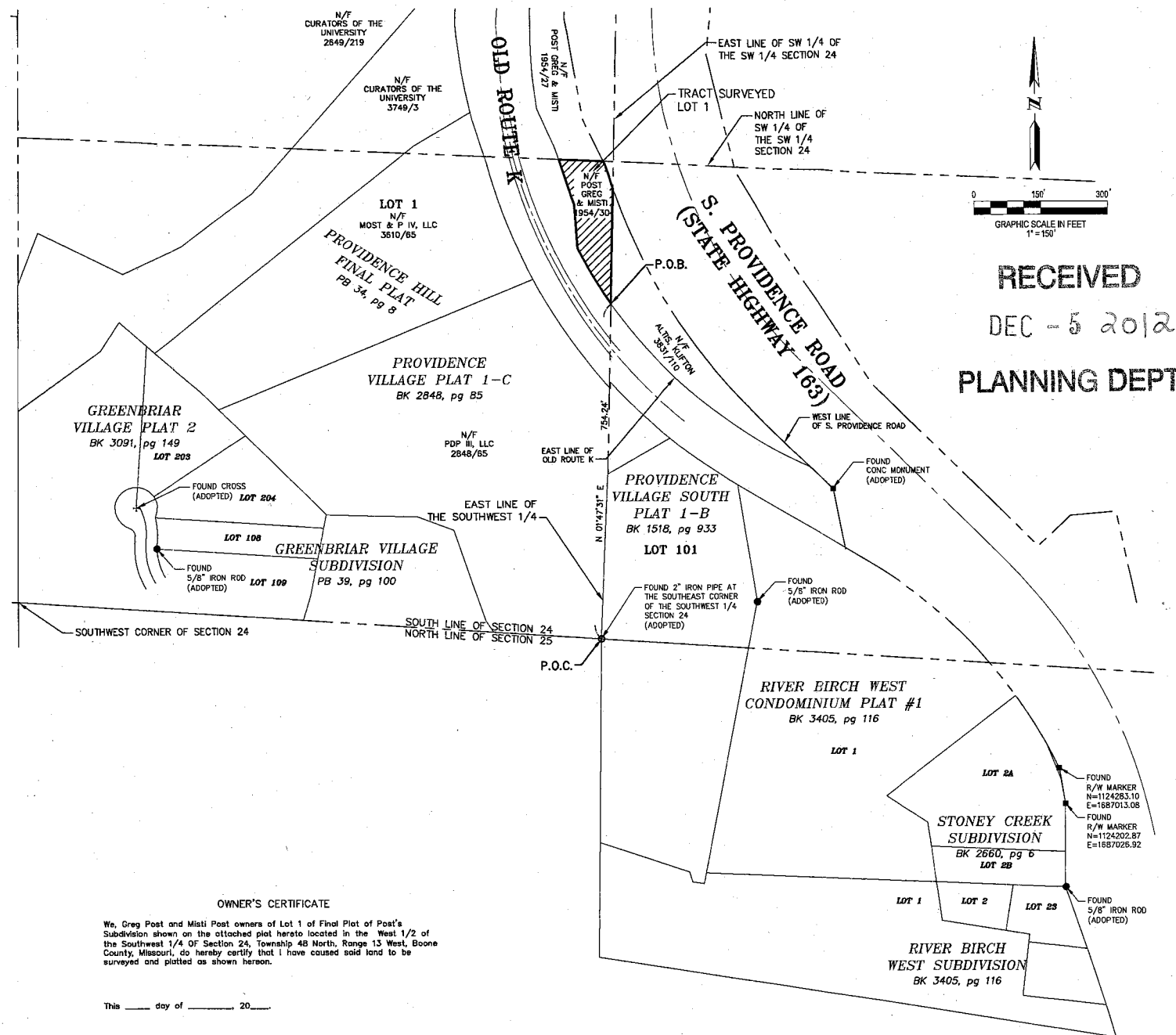
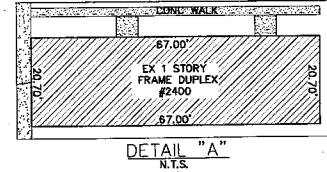
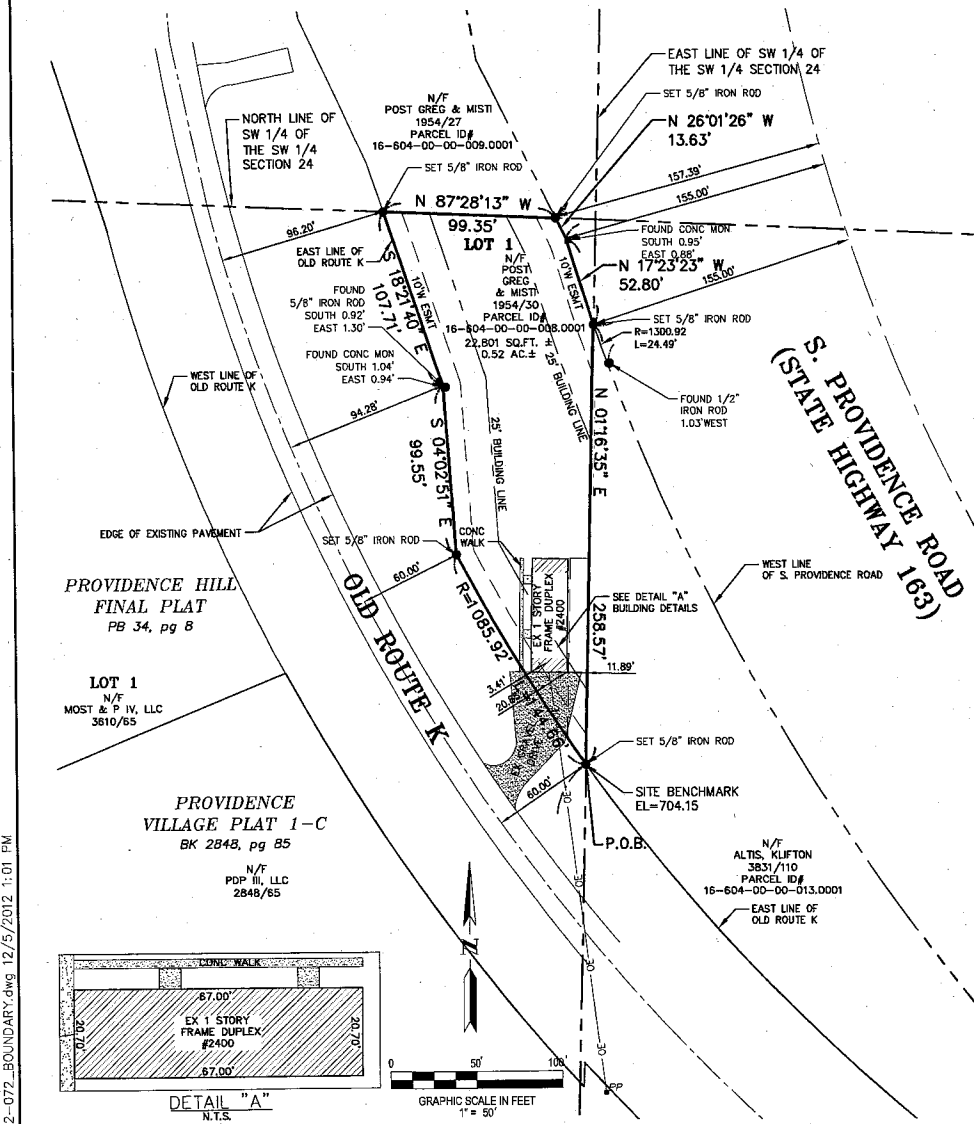




# FINAL PLAT POST'S SUBDIVISION

A TRACT OF LAND IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 24,  
TOWNSHIP 48 NORTH, RANGE 13 WEST OF THE FIFTH PRINCIPAL MERIDIAN,  
BOONE COUNTY, MISSOURI

## FINAL MINOR PLAT



RECEIVED  
DEC - 5 2012  
PLANNING DEPT.

**OWNER'S CERTIFICATE**

We, Greg Post and Misti Post owners of Lot 1 of Final Plat of Post's Subdivision shown on the attached plat hereto located in the West 1/2 of the Southwest 1/4 of Section 24, Township 48 North, Range 13 West, Boone County, Missouri, do hereby certify that I have caused said land to be surveyed and plotted as shown hereon.

This \_\_\_ day of \_\_\_\_\_, 20\_\_

Greg Post \_\_\_\_\_ Misti Post \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF MISSOURI )  
COUNTY OF BOONE )

This is to certify that I, the undersigned, am the same person who subscribed to the attached plat, fully acquainted with the intent and purpose of this instrument and do for myself acknowledge this plat to be this free and voluntary act for all uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

My term expires: \_\_\_\_\_ Notary Public \_\_\_\_\_

APPROVED BY THE COLUMBIA CITY COUNCIL  
THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK

APPROVED BY THE CITY OF COLUMBIA PLANNING & ZONING COMMISSION THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_

DOUG WHEELER, CHAIRMAN

**SURVEYOR'S CERTIFICATE**

This is to certify that at the request of Greg and Misti Post, we have during the month of October, 2012 executed a Property Boundary Survey in accordance with the current Standards for Property Boundary Surveys as established by the Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors and the Missouri Department of Natural Resources, Division of Geology and Land Survey on a tract of land in the West 1/2 of the Southwest 1/4 of Section 24, Township 48 North, Range 13 West, according to instrument recorded in Dead Book 2287, page 168 of the Boone County Records in Boone County, Missouri as shown hereon and that the results of said survey are represented upon this plat. This survey meets the accuracy standards for an URBAN project as defined in said Standards.

Gateway Land Services, Inc. (Agent)  
By: Lee C. Ferrenbach III, PLS - 2310  
Vice President

- SURVEYOR'S NOTES:**
- The bearing system used is geodetic and has been adopted from GPS observation using Missouri Department of Transportation's GNSS/VRS network.
  - A current Title Commitment has not been made available for our use. It is possible there are assessments and other instruments of record that affect the subject tract that would be exposed in the Title Commitment Report and are unknown to this office at the time the Boundary Survey was executed and therefore not plotted hereon. This Survey does not constitute a Title Search by the Surveyor.
  - FLOODPLAIN INFORMATION: The surveyed tract of land described hereon is within the limits of Zone "X", areas determined to be outside the 0.2% annual chance flood plain, as shown in FEMA Flood Insurance Rate Map Number 22019C0200, dated March 17, 2011.
  - BENCHMARK: Elevations shown hereon are on U.S.G.S. datum and have been derived from GPS observation using the Missouri Department of Transportation's GNSS/VRS network, WGS 1983.
  - SITE BENCHMARK: top of a 5/8" Iron Rod Southeast corner of the Parent Tract. Elevation= 704.15

Missouri One Call System, Inc.  
Call Before You Dig!  
1-800-DIG-RITE  
(1-800-344-7483)

All the improvements & facilities and utilities, above ground and underground shown herein were plotted from available information and do not necessarily reflect the actual existence, nonexistence, elevation, size, type, number or location of these or other improvements, facilities, or utilities. The General Contractor and/or owner shall be responsible for verifying the actual location & elevation of all improvements, facilities, & utilities, shown or not shown, and said improvements, facilities, & utilities shall be located in the field prior to any grading, excavation or construction of any improvements. These provisions shall in no way absolve any part from complying with the Underground Facility Safety & Damage Prevention Act, Chapter 319, RSMo.

CALL MISSOURI ONE-CALL, 1-800-DIG-RITE.

**LEGEND**

PP	POWER POLE W/GUY WIRE	OU	OVERHEAD UTILITY LINE
PP	POWER POLE	GAS	GAS LINE
SS	STREET SIGN	UT	UNDERGROUND TELEPHONE
GV	GAS VALVE	UE	UNDERGROUND ELECTRIC
GM	GAS METER	SA	SANITARY SEWER
WV	WATER VALVE	ST	STORM SEWER
WM	WATER METER	ST	FENCE LINE
WFS	WATER FAUCET OR SPRINKLER	X	TREE LINE
CO	CLEAN OUT	+	PLUS OR MINUS
YD	YARD DRAIN	T	TREE W/SIZE
EB/EM	ELECTRIC BOX OR METER	4"	BUSH W/SIZE
MB	MAIL BOX	10"	STORM GRATE INLET
CB	CONCRETE	10"	STORM INLET
TL/CB	TELEPHONE OR CABLE BOX		
LS	LIGHT STANDARD		
FD	FIRE HYDRANT		
TS	TRAFFIC SIGNAL		
YL	YARD LIGHT		
CM	COIN METER		
TH	TEST HOLE		

**ABBREVIATIONS**

AC	ACRES	P.O.C.	POINT OF COMMENCEMENT
ASPH	ASPHALT	P.O.B.	POINT OF BEGINNING
BK	BOOK	PVMT	PAVEMENT
BLDG	BUILDING	R	RADIUS
CLF	CHAIN LINK FENCE	RCF	REINFORCED CONC. PIPE
CONC	CONCRETE	REC	RECORD
DB	DEED BOOK	RR TIE	RAIL ROAD TIE WALL
E	EAST	S	SOUTH
E MH	ELECTRIC MANHOLE	SA	SANITARY
ELEV	ELEVATION	SBM	SITE BENCHMARK
FF	FINISHED FLOOR	SF	SQUARE FEET
FL	FLOW LINE	ST	STORM
L	LENGTH	SUR	SURVEY
MH	MANHOLE	TRANS	TRANSFORMER
N	NORTH	VCP	VITRIFIED CLAY PIPE
NTS	NOT TO SCALE	W	WEST
PB	PLAT BOOK	WMH	WATER MANHOLE
PG	PAGE	W/	W/ DENOTES WITH
PVC	POLYVINYL CHLORIDE		

**Description of Tract Surveyed:**

A tract of land in the Southwest Quarter of the Southwest Quarter of Section 24, Township 48 North, Range 13 West, Boone County, Missouri and being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Section 24, thence Northerly along the East line of said Southwest Quarter of the Southwest Quarter, 754.24 feet to a point on the East line of Old Route K having a variable width, said point being the true POINT OF BEGINNING of hereon described tract; thence continuing Northerly along said East line, North 01 degrees 16 minutes 35 seconds East a distance of 258.57 feet to a point on the West line of South Providence Road having a variable width; thence Northwesterly along said West line, North 17 degrees 23 minutes 25 seconds West a distance of 52.80 feet to a point; thence North 26 degrees 01 minutes 28 seconds West a distance of 13.63 feet to a point on the North line of said Southwest Quarter of the Southwest Quarter of Section 24; thence Westerly leaving the West line of said South Providence Road, North 87 degrees 28 minutes 13 seconds West a distance of 99.35 feet to a point on the East line of said Old Route K; thence Southwesterly along said East line, South 16 degrees 21 minutes 40 seconds East a distance of 107.71 feet to a point; thence South 04 degrees 02 minutes 51 seconds East a distance of 99.55 feet to a point of curvature; thence Southwesterly along said curve being a non-tangent curve to the left, having a Radius of 1085.92 feet, an Arc Length of 144.88 feet, a Chord bearing of South 30 degrees 55 minutes 39 seconds East, a Chord Distance of 144.55 feet to the point of beginning, containing 22,801 square feet or 0.523 acres more or less.

**GLS** GATEWAY LAND SERVICES, INC.  
Engineering Surveying

Gateway Land Services, Inc.  
4 West Drive, Suite 110  
Chesterfield, MO 63007  
Office: 314.881.9558  
Fax: 636.530.0825  
www.gls.com  
Land Surveying Services No: LS-200004482

LEE C. FERRENBACH III  
NUMBER PLS-2310  
PROFESSIONAL LAND SURVEYOR

Lee C. Ferrenbach III, PLS  
License No: PLS-2310

PROJECT REVISION:

NO.	DATE	DESCRIPTION:

COLUMBIA, MO 65203  
BOONE COUNTY, MISSOURI

**FINAL PLAT POST'S SUBDIVISION**

A TRACT OF LAND IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 48 NORTH, RANGE 13 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BOONE COUNTY, MISSOURI

DATE: 10/30/2012  
BOOK NO.:  
DRAFTED BY: JDF  
FILE NAME: 12-072\_BOUNDARY.DWG

SHEET TITLE:  
FINAL PLAT POST'S SUBDIVISION

SHEET NUMBER  
**SUV-1**

SHEET NO: 1 OF 1  
PROJECT NO: 12-072

**EXCERPTS  
PLANNING AND ZONING COMMISSION  
DECEMBER 20, 2012**

**V.) PUBLIC HEARINGS and SUBDIVISIONS**

**Case Nos. 12-194, 12-193, and 12-192.**

A request by Greg and Misti Post (owners) to:

- a) Rezone approximately 2.5 acres from O-P (Planned Office) to O-P (Planned Office) and amend the existing Statement of Intent (SOI) governing the uses on the subject tracts previously approved in 2005. (Case No. 12-194)
  
- b) Approval of an O-P (Planned Office) development plan containing 0.52 acres to be known as "2400 S. Providence Road O-P Plan". (Case No. 12-193)
  
- c) Approval of a one-lot final minor plat containing approximately 0.52 acres to be known as "Post's Subdivision". (Case No. 12-192)

The subject site consists of a northern and a southern tract containing approximately 2.5 acres between Old Route K (Outer Road) and S. Providence Road. The tracts are commonly addressed as 2400 S. Providence Road. Case 12-194 involves both the northern and the southern tracts. Cases 12-193 and 12-192 involve only the southern tract.

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

Staff report was given by Mr. Patrick Zenner of the Planning and Development Department.

**Case No. 12-194**

Staff recommends approval of this request subject to the SOI being modified to include the following provision:

- 1. A maximum of four-feet of cut/fill shall be permitted on either the northern or southern development tracts.

**Case No. 12-193**

Staff recommends approval subject to SOI revision proposed in Case No. 12-194 being approved.

**Case No. 12-192**

Staff recommends approval of the proposed plat and variance to Section 25-56 subject to:

- 1. Approval of the proposed State of Intent (SOI) revisions proposed in Case No. 12-194.
- 2. The existing duplex be readdressed so it becomes compliant with the City's addressing standards.

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

MR. SKALA: Yeah. Just one question: I realize that the -- that the anticipated removal of that nonconforming use is not a part of this, that that will happen later. But if later that duplex was removed, what would be the consequences on the 25-foot buffer in terms of, would it be -- in other words, would it be restored if that nonconforming use was taken away, or would it revert to what the practical solution that you referred to is now?

MR. ZENNER: The original 2005 ordinance that approved the 25-foot buffer included nothing about replanting so, in fact, if 15 feet of that 25-foot buffer is occupied by a structure today, I don't believe that we would've had anything replaced within it. It would've remained an unbuildable area. It is buildable up to the ten feet of the property line today, because it's been flattened to accommodate the structure. So it would remain -- the duplex comes out at a later date, it would remain vacant, and that's how it is today because of the house. 2005 ordinance, as I said, didn't include anything about replanting, which was an oddity to us when we reviewed the project.

MR. SKALA: But any development in that 15-foot encroachment would not be allowed with the new --

MR. ZENNER: True. That would be correct. But from all practical purposes, the property that's immediately to the south does not have any real value as it comes to the point where the two converge, right on the property lines. So you create nonbuildable areas on both the tract in question and the tract to the north, there's not enough to be able to really do anything. It would likely -- as I analyzed the site plan, it would've been likely utilized for some type of parking area because it comes down to that triangular area.

MR. SKALA: Thank you.

MR. WHEELER: Are there any other -- Mr. Lee?

MR. LEE: Mr. Zenner, I know the bridge over Hinkson was rebuilt a year or so ago, maybe a little more. Are there any plans for the outer road?

MR. ZENNER: That is the reconstruction of Old Route K. And what that will do, as we understand it from our engineering staff, currently the elevation and grade on that road is well over our maximum 10 percent -- 10 to 12 percent. There is going to be some significant cut/fill as it relates to that reconstruction, and the roadway is designed to tie into the Hinkson Creek Bridge. So it would be widened, which will improve the overall traffic circulation, safety, and management of how that roadway functions. Many of the restrictions, the best we can tell from our analysis of the 2005 request, dealt with the fact that there were no plans at that time for the reconstruction of Old Route K. So in its current condition, without any plan, the additional uses, the residential use that is proposed, would probably not have been seen favorable. But because we do have plans that will enhance that roadway, improve its safety, and its overall geometric design, the increase in -- or the addition of the 24 residential units, the apartment units, from a Staff perspective, we feel we can support. It is

consistent with what's to the west in density, and it would be consistent with the other development in the general area. The road improvement really makes that more appropriate at this point than not.

MR. LEE: Just a follow up: When might that occur?

MR. ZENNER: Our engineering staff has indicated to us that it is not in the CIP in the long-range, which is a ten-year window. It is a funding-related matter.

MR. LEE: Aren't they all?

MR. ZENNER: The plans however are designed -- it -- no. It will occur; we just don't know when. The ballot issue -- we have another ballot issue coming up in 2015, and it is possible that it could be included within that, but unknown at this point.

MR. LEE: Thank you.

MR. WHEELER: Are there any other questions of Staff? I have a couple. You spoke pretty fast. And so the statement of intent changes, am I to assume that the statement of intent that we've got that's dated 12/13 of '12 is -- whatever changes are addressed in there? The old statement of intent is not thrown away. We're just making some changes. Is that correct or not? Specifically, the signage limitation that we approved in 2005, does that still stand?

MR. ZENNER: That signage limitation -- the statement of intent has been completely redone. And the signage has actually been further clarified, but I don't believe thrown away.

MR. WHEELER: That must've been on Page 2 then.

MR. ZENNER: I apologize. That is on Page 2. The items -- let me enumerate the items for you-all. And I apologize. It was brought to my attention that this page got left out. I don't know why. On Page 2 of the statement of intent, you have maximum building height, as item number 3, and it indicates that all residential buildings shall have a maximum height of 35 feet with a maximum of two stories, which is consistent with the 2005 approval. All other buildings shall be -- I take that back. Residential buildings were not included, but it is consistent with the idea of no more than -- 35 feet is the maximum that you can have --

MR. WHEELER: In an R-3 zone.

MR. ZENNER: -- in a residential structure in an R-3 zone. The provision that I'm going to read next is consistent with what was in and the governing factor in 2005. It indicates that, All other buildings shall have a maximum of a single story. So originally in 2005 when this project was approved, everything was single story, and it had pitched roofs. With the introduction of residential that the applicant is seeking, they are desiring to go to a 35-foot maximum height, which is consistent in the R-3, with two stories, which is consistent with all of the multi-family in the adjacent areas. So everything would follow -- or have a height maximum, as two stories needed to be defined somehow, and that's the height maximum which is consistent with our zoning. And then, basically, the specified the two stories, which is consistent with the adjacent development. The only exception to that, obviously, is the telecommunications tower, which is approved at 100 feet, and then they include also the same provision that was in 2005, All buildings shall have pitched roofs similar to residential

dwellings. So we're not going to have flat-roofed commercial looking buildings in this particular area. The maximum percentage of open space is the next item on the statement of intent on Page 2. It indicates a minimum of 35 percent open spaces is proposed, and that is comprising of both existing landscape and existing vegetation preservation. That provision is consistent with 2005, and is greater than what we would typically require for any other planned project, which is a minimum of 15 percent. The applicant has also included the following special restrictions associated with this development, and this a condition that the applicant can do, and this is where we get into signage: The applicant agrees to limit allowable signs to one monument sign per driveway, which means there could be a maximum of three. The maximum sign area will be 48 square feet, with a maximum height of ten. No wall signage will be permitted and no spotlighting or backlighting on building walls will be permitted. And that is a consistent provision from 2005. Now, the difference here is we have added the driveway criteria, so you have a maximum of three signs and it is consistent -- the height in the area are consistent with what you would have on a collector road. Old Route K is considered a collector, so the area and the height requirements are the same for that as it's per our actual sign ordinance. The northern tract square footage developable area is 9,000 square feet. That is consistent with the 2005 ordinance. On the northern tract, an open-space buffer of 75 feet shall be provided along the eastern side of the northern portion of the site adjacent to the Providence Road right-of-way. That is consistent with the 2005 request. On the southerly tract, the maximum building area shall be 4,300 square feet. That is 300 square feet larger than what was approved in 2005, and that 300 square feet is, as indicated, to accommodate the equipment shelter for the cellular facility. On the southerly tract, an open-space buffer of 25 feet shall be provided along the Providence Road right-of-way. An open-space buffer of 10 feet shall be provided along the east property line. The 25 feet along the Providence Road right-of-way is consistent with the 2005 request. The 10 feet is what is proposed to be modified based on the existing duplex's location. And then the tenth provision -- or the next item is, The existing duplex will be allowed to remain until such time that future development, beyond the development of the communication tower, on either the northern or southern tracts occur. So that is the trigger that would remove the duplex. The next provision was, Variance to defer design and construction of the public sewer to the site until such time that future development beyond the development of the cellular tower occurs. That is the trigger to ensure that the extension of public sewer is made to the property, which was asked for as part of the subdivision action. And then the last provision that deals with the actual accesses to the property: A maximum of three access points may be allowed, subject to final site plan approval, onto the outer road. So that is the condition in which Staff believes we still control where those accesses may be located. And, again, I do apologize for not having that in your packets.

MR. WHEELER: Thank you.



MR. ZENNER: And I will say this: It as received on the date that your first page was, so it was in compliance with your rules of procedure. This is not something that we are getting slipped in at the last moment.

MR. WHEELER: And I just have one question. Maybe you said this and I just didn't hear it. But on the northerly tract, the Providence corridor buffer area, if you will, did you give us a width on that?

MR. ZENNER: Seventy-five feet.

MR. WHEELER: Consistent with the old one.

MR. ZENNER: Yes.

MR. WHEELER: All right. Thank you. All right. Are there any other questions of Staff? All right. We'll open the public hearing. Before we do, I want to discuss our rules of engagement. First speaker gets six minutes, all subsequent speakers will get three, and we'll go from there. All right. Thanks.

#### **PUBLIC HEARING OPENED**

MS. LAMAR: Good evening. My name is Phebe LaMar; I have offices at 111 South Ninth. And I promise not to use all of my six minutes tonight. I'm here this evening on behalf of the applicant. They're seeking to install a cell phone tower. You saw pictures of it earlier. It's a whole different kind of tower than has been put up in the past, but it's going to hopefully fit in with the landscape in that particular area better than a flagpole would. Just to kind of elaborate a little bit on the discussion that was just had, there is a new statement of intent that's been proposed, but as Mr. Zenner was explaining, the majority of the provisions of the previous statement of intent when this was originally adopted in 2005 have been incorporated into this. There have been very, very few changes to that in order to try to continue to comply, to the extent possible, with the 2005 statement of intent when it was originally passed. This is rezoning because it -- because there is a request to change some of the items that are in the statement of intent, but it's going to retain the same type of zoning. They've requested to include residential on one of the tracts in order to -- largely because of what Mr. Zenner talked about, that there is a plan at this point to increase the -- and improve the transportation in that particular area and, as a result, it makes sense now to put something in there that did not make sense at that time, which is the R-3 zoning -- or R-3 uses on the O-P zoning. So I suspect that many of you have probably experienced the dicey cell phone service that we're having around the stadium at this point because of the SEC games. I know I tried to make a cell phone -- or tried to make a phone call as I was driving past the stadium and, unfortunately, I could make it as I got there, and then it dropped and I couldn't get back on to cell phones until I got over to -- until I got past Stadium and almost all the way to 63 on the afternoon of a game. So this is not something that has been designed to try to -- to try to predict what's necessary for cell phone service in this area. This is not something that we're trying to create service for some future date. This is a very real need right now. We don't have a tower in this area that can accommodate the needs that we have in that

area. So we are in the process of trying to put together a tower that will serve the needs that we have right now. Without spending a lot of time on the details, my clients explored every alternative they could find within this area where a tower could be placed to meet the needs in that area, including all of the alternatives that were suggested by City Staff, and this really was the only workable option to be able to accommodate the needs at this time. Having explored all the alternatives, we share this -- we are this evening requesting rezoning of the tract by virtue of a new statement of intent to go with the O-P zoning. We are also requesting that the plat be adopted and the site plan be approved. There was no indication of a need for a cell tower in this location at the time that the 2005 zoning was put into place, and that's the whole purpose of allowing for amendments at this time. We passed -- you saw earlier the pictures. Jay Gebhardt is the person who's put together the plan. He can provide you with additional information if you need to ask questions. In addition, Greg Yocom and Chris Puricelli are here on behalf of St. Charles Tower to answer any questions that you have regarding the cell phone towers. And I'm happy to answer any questions that you have at this time.

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

MR. SKALA: I might have a question of the cell tower folks --

MR. WHEELER: Mr. Skala.

MR. SKALA: -- if that would be okay.

MR. WHEELER: Any questions of Ms. LaMar?

MS. LAMAR: Can you tell me what it's about and I can --

MR. SKALA: Yeah. It's about colocalization on the tower.

MS. LAMAR: Sure.

MR. WHEELER: Please introduce yourself and give us an address.

MR. YOCOM: Hi. Greg Yocom; 4 West Drive, Chesterfield, Missouri.

MR. SKALA: Just let me ask you my question. Historically speaking -- anecdotally, I might say, in terms of boards and commissions -- the Environment Energy Commission took up an issue regarding colocalization on cell phone towers several years ago. Incidentally, when Senator -- State Senator Kurt Schaefer was on the Environment Energy Commission. So I guess my question is -- and I don't know what the state of this is currently, but does your design, which looks very attractive to me, does that accommodate, or are you planning on using that tower in terms of offering it as colocalization for other cell tower users or other users that you may lease to, or however that works.

MR. YOCOM: Yes, sir. It's a good question. What we've got is a tower that can support up to five carriers. And one reason we're getting away from the flagless flagpoles, you can basically only put three antennas in one of these cans. And with all the 4G and LT and stuff you hear about all the time, that requires more antennas. And so by the time you put in a carrier now into a three-canned flagpole, you have usually two of those three cans. So by putting in this tree that's stealthy by the tree branches, we're able to get up to five layers of antennas. And our business is colocation. To be honest, just like you guys want colocation, we do to. We're a tower company and we do better the

more people that we market this cell phone tower to. So we're kind of in it with you guys in wanting a tower that will support maximum users for aesthetics on your side and for financials on our side.

MR. SKALA: Thank you.

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

MR. LEE: What is this tower made out of? I mean, what does it -- what's the material that comprises the tree part of it?

MR. YOCOM: Well, it's a steel tower and, so it's a monopole from the bottom up, and then once we get up to the top, we start mounting antennas to that. And then we've got what they call RF friendly material, which is usually like a carbon or a fiber glass material, similar to an artificial Christmas tree. That's the type stuff that the RF waves will go through. So it's steel on the inside, antennas clamped to that, and then we've got the branches around that.

MR. LEE: And the branches start at what level?

MR. YOCOM: Well, Pat is requesting and we agree with him to bring the branches all the way down to the existing tree level so there's not a demarcation between pole, open air. And so we're bringing the branches down to whatever the existing tree level, which we approximate to be about 50 feet -- 40, 50 feet. So we're going to bring it down just below that.

MR. LEE: Okay. Thank you.

MR. WHEELER: Ms. Peters?

MS. PETERS: How well does the material age as far as coloration fading?

MR. YOCOM: They've gotten better and better at this. We started out with some pine trees and we've had a little better luck with the elm trees. It's a broader leaf design. And we're usually get -- eight to ten years is what they expect. Chris, my boss, is here with us. We've got some towers that are at least that old, and the coloration is not the problem. If it's a big windstorm, we've had a few branches fall off and we put them back on. But those are ten-year old designs.

MS. PETERS: Any chance they change color in the fall?

MR. YOCOM: I wish -- that would be a good technology to come up with. Luckily this stand of trees has some evergreens in it. And so these pictures are from summertime, but we also have some photo simulations with some wintertime photos, and there's some evergreens in that stand.

MS. PETERS: I just had to ask.

MR. YOCOM: I'll work on that.

MR. WHEELER: If she hadn't, I would have. Are there any other questions of this speaker?  
Thank you. All right. Mr. Gebhardt?

MR. GEBHARDT: (Shook head.)

MR. WHEELER: No. Mr. Gebhardt, please?

MR. GEBHARDT: Jay Gebhardt, civil engineer with A Civil Group here in Columbia, 3401 Broadway Business Park.

MR. WHEELER: Yeah. I just wanted to ask you a question, and I'm surprised I'm beating

Mr. Skala to this, but the lighting, there's a light on this. At first we were told there was no light, and now we're told there's a security light. Please tell me that's on the west side of the building.

MR. GEBHARDT: (Nodded head.)

MR. WHEELER: Okay. Full cutoff fixture. Right?

MR. GEBHARDT: Right.

MR. WHEELER: No problem.

MR. GEBHARDT: Standard stuff.

MR. WHEELER: Are there any other questions for Mr. Gebhardt? Mr. Lee?

MR. LEE: And there will be an airplane light on top. Right?

MR. GEBHARDT: I don't believe so because it's not the height.

MR. ZENNER: Two hundred feet is your maximum -- is your threshold before it has to have FFA lighting.

MR. LEE: Okay. Thank you.

MR. SKALA: Just one question while he's up there. Just a question: I'm reassured by this whole stealth technology and it certainly is an improvement over the stealth technology that we see in other places that is the flagpole, assuming that it weathers the right way and may or may not, in the future, change color. But I'm a little bit concerned about the exposure from two-story dwellings on top of a hill, essentially, and that, obviously, will be exposure beyond the tree line. Isn't that so?

MR. GEBHARDT: When you say "exposure," what do you mean, Mr. Skala?

MR. SKALA: Well, if you're looking from the roadway up to the top of the hill and there are two-story or 35-foot structures on top of the hill, I assume they'll be pretty prominent.

MR. GEBHARDT: Yes. I would -- they'll be, basically, at the elevation of the existing ground, plus two stories.

MR. SKALA: Okay.

MR. WHEELER: Any other questions of this speaker? Mr. Vander Tuig?

MR. VANDER TUIG: Well, I guess this may be for Staff, but I guess because it's two stories, and that's the intent, obviously, by revising the statement of intent, and the floor area, although it's growing by 300 feet, it's actually becoming a smaller footprint. Is that true?

MR. GEBHARDT: Well, the 300 feet was added for the cell tower equipment room -- or equipment building. So we have the same floor area that we had in 2005. If they choose to use that for apartments, it'll still be the same floor area as was approved for the office in 2005.

MR. VANDER TUIG: And maybe I should know this by now, but is that for the footprint or the entire square footage of the building, including all floors?

MR. GEBHARDT: Footprint.

MR. ZENNER: It's all stories associated with it. So if it's a 9,000-square-foot FAR, that roughly is -- split it in half and you end up with half per floor.

MR. VANDER TUIG: So it would be a smaller footprint with two stories, in other words. Okay.

MR. ZENNER: Yeah. It ultimately would be.

MR. VANDER TUIG: Okay.

MR. ZENNER: Now, the one thing that we do need to point out is that the FAR typically deals with commercial or office related structures, not necessarily the construction associated with residential. The residential is capped out by its density, which is the 24 units. And that is one reason why there is a height restriction and stories defined within that statement of intent. It's 24 maximum dwelling units and you have to meet all the other requirements associated with that: Parking, landscaping, stormwater --

MR. VANDER TUIG: Setbacks and --

MR. ZENNER: -- setbacks and everything else. So how that footprint is put together based on that maximum number of units, it will likely not be much larger than 9,000 square feet because you're going to have to meet all of the other requirements.

MR. VANDER TUIG: But it excludes the FAR --

MR. ZENNER: Yeah. The FAR is typically not included within --

MR. VANDER TUIG: Right.

MR. ZENNER: It does not normally apply to residential development. It applies to the office side of this project.

MR. VANDER TUIG: Okay. Thanks a lot. Thanks.

MR. WHEELER: And we'll see a site plan in the future for that.

MR. GEBHARDT: Yeah.

MR. WHEELER: Okay. Any other questions of this speaker?

MR. GEBHARDT: Thank you.

MR. WHEELER: Thank you. Are there any other speakers?

**PUBLIC HEARING CLOSED**

MR. WHEELER: Commissioners, we've got three items in front of us. We're going to handle -- if I can get back to my original thing -- I think it's 12-194 first, I believe. So, I mean, let's discuss it and then we'll have three separate votes. We'll discuss it in its entirety so we can get through it. So who wants to lead off? Mr. Lee? Oh, that wasn't --

MR. LEE: No. That wasn't.

MR. WHEELER: Oh, okay.

MR. SKALA: Well, I'll --

MR. WHEELER: Okay. Mr. Skala?

MR. SKALA: Let me just try and lead off here. Let me tell you what I'm pleased with first, and that is I'm very pleased with the new technology to accommodate the cell tower. Actually, I think it has a real need here, and particularly since it won't be the height that requires some of the troubling aspects of some of the light requirements that we have on top of cell towers. And I'm inclined to support the City Staff's recommendation to maintain the cut and fill requirement because of the

sensitivity of the area, until such time as that can be reviewed because the development plan will come in. What I'm a little bit troubled by -- a couple things that I'm a little bit troubled by, one is the accommodation of 24 two-story units on top of a rather exposed, sensitive area in terms of just the aesthetics and the environment here. I understand the need for maximum use and getting -- getting a maximum use out of the property to use it as residential development, and it's consistent with some of the development that's on the other side. However, that's not on top of a hill. So I'm a little bit concerned about that kind of exposure, which means that I'm also concerned about buffers. And although it's a nonconforming use, the duplex -- and I understand that's not part of the -- what we're really taking a look at here -- until that property gets removed, I'm inclined not to support the idea of -- of just being okay with a ten-foot buffer because that's the way the property's used right now. I would support going back to the 25-foot buffer, should that property be removed, whether it's replanted or not. Hopefully, it'll be replanted, but we can't -- we can't require that. So I'm concerned about the integrity of the buffer all the way around this property. And I'd be anxious to hear from the rest of the Commissioners in terms of how they feel about the density on such an exposed area, in terms of how the rest of this space develops.

MR. WHEELER: Commissioners? I'll go. You guys can think about this, I guess. I was here in 2005. I think Mr. Skala and I were actually on the Commission. I was pretty new. I remember this was -- this is the first development I remember that there was a conversation about restricting the cut and fill, and it was quite controversial at the time. Interesting how things change. And just as a side note, the second page of your statement of intent from 2005 says that the maximum -- the undergrading, it says the resulting final average grade of the site will not differ more than three or four inches. But I was here, and so I know it was four feet. But so going directly to Mr. Skala's points, at the time there was much discussion about what would be here and what it would look like, and you're coming right down Providence, if you're headed south, and you'd be facing whatever development was on this hill. And that was the reason for the 75 feet, as I recall the conversation. I didn't go back and look at the minutes. But the way I remember the conversation, that's the way it went. I don't see a great deal of difference between 24 units and 9,000-square-foot office building. Of course, depending if it has a metal roof, that would be pretty homely and is, frankly, to the west, but that's my opinion. So I -- you know, I'm going to support the statement of intent change. I think that's one of the things that we have to be careful of here. I was told that when I first started on P and Z, is, you know, you've got to watch changes in statements of intent down the road. But this seems to be an appropriate use of a property, and actually probably set aside more of the property than what we'd see normally, unless they bring back something else. So, you know, I think a 100-foot elm tree is a little unlikely. It would be nice if the leaves fell and grew back, but I do like the idea of seeing one that's masked instead of blue, you know, which I think this is probably a better masking than -- or what do they call it, stealth? So until we can make them disappear altogether, this will work for me, so I plan to approve it with the accompanying request. At this point that makes perfect sense. It

doesn't make sense -- I agree with Staff that until there's development here, there's no reason to run the sewer line up there. And so I'm going to support the request as presented. Oh, come on, guys.

MR. LEE: All right. I'll go.

MR. WHEELER: Mr. Lee.

MR. LEE: I agree with what you just said, your statement, and I think with the recommendations of Staff, I think we have maximum use here for the owner, and it seems to me that the cell phone tower is a unique and very useful way to use that. And I intend to support it with the Staff's recommendations.

MR. STRODTMAN: The only thing I have to add is -- I do intend to support it -- another thing that I thought was positive -- a couple things I thought were positive, to go along with Mr. Skala's point, were the lighting on the west side of the building, obviously, is a positive, and then, more importantly, the signage, not being able to put signage in back of the buildings. Hopefully that will help a little bit, Mr. Skala, with the sighting of it or, you know, I know that the 24 feet -- the two stories will be visible from quite a distance, but hopefully that's minimized a little bit with the signage and the lighting. And I definitely -- and positive with the tree -- you know, the screening of the cell tower is very -- is ideal and very positive that we don't have to have that little red blinking light is a positive, especially with a tree. That wouldn't have really fit in very well. So I plan on supporting it. I think it's a good use for the area, and can definitely use better cell coverage on game day.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: I'll go. I'm in support. I think that the development plan is going to really dictate how this thing is going to fit on the site. And as a civil engineer, I'm really excited to see how Mr. Gebhardt's going to make that happen, especially with the four-foot restriction. But I think Staff's recommendations are going to make sure that there's no degradation to the Hinkson Creek, and I think that we've come along way as well with -- you know, with erosion control measures and inspection of erosion control measures since -- since --

MR. WHEELER: '05.

MR. VANDER TUIG: -- '05. So with that, I'll probably be supporting all three of these.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: I can't really add anything to that; I think it's pretty well been covered. And I do intend to support it with the Staff's recommendations.

MR. WHEELER: Ms. Peters?

MS. PETERS: I intend to support it, and I'd actually make a motion if we're ready.

MR. WHEELER: Absolutely.

MS. PETERS: I would move for approval of Case 12-194 with Staff recommendations of approval as requested of statement of intent being modified to include the following provisions: Maximum four foot cut and fill shall be permitted on either the northern or the southern development tracts.

MR. WHEELER: Motion's been made.

MR. TILLOTSON: Second.

MR. WHEELER: Mr. Tillotson. Motion's been made and seconded. When you're ready.

MR. VANDER TUIG: We have a motion --

MR. SKALA: Is there a discussion on the motion?

MR. WHEELER: Oh, sorry.

MR. SKALA: I just want to -- I'm occasionally a fan of Cervantes and Don Quixote and all the rest of it, so I'd like to at least make an amendment to suggest that we vacate the portion of the Staff's recommendation that deals with that ten-foot buffer, and should development occur with that nonconforming property, that that development not be allowed to encroach 15 feet into that 25-foot buffer, and leave the 25-foot buffer the way it is.

MR. WHEELER: Would you mind terribly holding your amendment for the O-P development plan. I think that would be the appropriate place for it, would it not?

MR. SKALA: Sure. Absolutely. Wherever it's appropriate.

MR. ZENNER: We have to -- you'd have to amend -- the statement of intent as it's currently written would need to be amended. Item No. 9 is on Page 2.

MR. WHEELER: That's -- all right. I stand corrected. So an amendment has been offered. Is there a second on the amendment?

MS. PETERS: Second.

MR. WHEELER: Amendment has been made and seconded. We will vote on the amendment first. Did you get that down or would you like him to repeat that?

MR. VANDER TUIG: Repeating it wouldn't hurt.

MR. WHEELER: Mr. Skala, could you repeat that for the secretary?

MR. SKALA: Yeah. I guess the motion that I made was to vacate the Staff's recommendation that in the event of the removal of the nonconforming use, of that duplex, that future development not be allowed to encroach into the 25-foot buffer, as was specified before.

MR. VANDER TUIG: In the 2005 --

MR. SKALA: Right.

MR. VANDER TUIG: Okay. So we have an amendment to the motion, the motion being approval rezoning approximately 2.5 acres from O-P to O-P (Planned Office), and amending the statement of intent governing the uses on the subject tract previously approved in 2005 with Staff's recommendation for the statement of intent to include a provision limiting the cut/fill to a maximum of four feet on either side of the tract, exclusive of the required sidewalk. Is that correct, Ms. Peters, exclusive of the required sidewalk?

MS. PETERS: Yes.

MR. VANDER TUIG: The amendment --

MR. LEE: Excuse me. Are we voting on Mr. Skala's amendment only?



MR. WHEELER: We vote on the amendment first.

MR. LEE: Okay.

MR. WHEELER: Yes.

MR. VANDER TUIG: And the amendment being vacating Staff's recommendation for the --  
I'm sorry --

MR. SKALA: To allow the encroachment of the nonconforming use currently, should it be improved, into the 25-foot buffer.

MR. VANDER TUIG: Okay. Removing the requirements that the 15-foot --

MR. SKALA: Encroachment.

MR. VANDER TUIG: -- encroachment, should the development -- or should the nonconforming use be removed --

MR. SKALA: Eliminated.

MR. VANDER TUIG: -- and eliminated, per the 2005 recommendation.

MR. SKALA: To revert back to the 2005 recommendations for a 25-foot buffer, yes.

MR. VANDER TUIG: Okay.

**Roll Call Vote (Voting "yes" is to recommend approval of the amendment.) Voting Yes: Ms. Peters, Mr. Skala. Voting No: Mr. Lee, Mr. Strodman, Mr. Tillotson, Mr. Wheeler, Mr. Vander Tuig. Amendment fails 2-5.**

MR. WHEELER: The amendment will not be added, I guess, or fails, and so we'll go back to original motion of 12-194, which was to rezone approximately 2.5 acres of O-P to O-P and amend the existing statement of intent governing the use of the subject tracts previously approved in 2005. Discussion -- further discussion? I am sorry about that, Mr. Skala. Further discussion on that motion?

MR. VANDER TUIG: And that includes the --

MR. WHEELER: That includes --

MR. VANDER TUIG: -- Staff's recommendations?

MR. WHEELER: Staff's recommendation for a maximum of four foot --

MR. VANDER TUIG: Four-foot cut and fill.

MR. WHEELER: -- cut/fill on the northern and southern tracts. Sorry. I did miss that.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Peters, Mr. Skala, Mr. Strodman, Mr. Tillotson, Mr. Wheeler, Mr. Vander Tuig. Motion carries 7-0.**

MR. WHEELER: All right. So we'll move on to Case No. 12-193, which is the O-P development plan containing .52 acres, to be known as 2400 South Providence Road O-P Plan. Discussion? Someone want to make a motion?

MR. VANDER TUIG: I'll make a motion for approval.

MR. WHEELER: Mr. Vander Tuig, motion to approve.

MR. STRODTMAN: I'll second.

MR. WHEELER: Mr. Strodtman seconds. Discussion on the motion? When you're ready, may we have a roll call?

MR. VANDER TUIG: We have a motion and a second for the approval of O-P (Planned Office) development plan containing .52 acres, to be known as 2400 South Providence Road O-P Plan.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Peters, Mr. Skala, Mr. Strodtman, Mr. Tillotson, Mr. Wheeler, Mr. Vander Tuig. Motion carries 7-0.**

MR. WHEELER: Case No. 12-192, approval of a one-lot final minor plat containing approximately .52 acres, to be known as Post's Subdivision. Discussion? Mr. Lee?

MR. LEE: I'm sorry. I do not have any discussion.

MR. WHEELER: Well, I'm just going to throw one thing in here just so Mr. Gebhardt's aware of this: When this plan comes before us, the site plan for the rest of it, I'll be looking for lighting on the back side to the east. I think that's a given, east and north sides of the building, so we'd like to keep that to the west side as much as possible. At least that would be my preference. So that said --

MR. TILLOTSON: I just had an educational question. It says the existing duplex be readdressed. So the City just finds it a new number or how does that process --

MR. ZENNER: Yes. Mr. Post -- the Posts will be notified that we need to assign it a new address. That is a tenant-occupied structure right now. There is nonparity associated with this nonparity meaning we have the wrong numerical address associated with its location. This is the west side of South Providence; it therefore needs to be an odd-numbered address. This is an even-numbered property at this point. Why it was done that way is not known. It is two property owners -- or one property owner, two tenants. And in order to ensure that we have 911 services adequately dispatched to this particular location, it needs to match up with all of the other addresses that on the west side of Providence. Interestingly enough, the apartment complexes and all of what is on the west side are odd-numbered addresses, therefore we will work with our addressing staff and 911 to ensure that we've got an appropriate address not only for the duplex, but then for any future construction. The other interesting caveat to this, just as an educational point, is, is the Old Route K is what it is commonly referred to as; however Old Route K does not exist within the 911 address system. It is referred to as the Outer Road. And we do a name change as well as we need to do some addressing, but the name change is not the issue. It's really, get the address right now, and then we can deal with the name change at some later date. Applicant has indicated to us that they're willing to do whatever they need to do in order to get the addressing situation squared away, and that made my PSJC people happy. That is a condition of the approval. The other condition associated with the approval, should you consider to move this item forward, is, obviously, the variance to the public utility extension.

MR. WHEELER: And that needs to be part of our motion?

MR. ZENNER: That is correct.

MR. WHEELER: You know, that's not in your recommendation, just so you know.

MR. ZENNER: Thank you.

MR. WHEELER: Okay. Somebody want to frame that motion for us? Ms. Peters?

MS. PETERS: Move for approval for Case 12-192, approval of the proposed plat and a variance to Section 25-56, subject to the approval of proposed statement of intent revision proposed in Case 12-194. The existing duplex be readdressed so it becomes compliant with the City's addressing standards.

MR. WHEELER: And the utility thing.

MR. ZENNER: She indicated that.

MR. WHEELER: Oh, okay. Sorry. I didn't hear that. My fault. Motion's been made.

MR. TILLOTSON: (Indicating.)

MR. WHEELER: Mr. Tillotson seconds. Discussion on the motion? Seeing none, roll call when you're ready.

MR. VANDER TUIG: We have a motion and a second for the approval of a one-lot final minor plat containing approximately 0.52 acres to be known as "Post's Subdivision," with the stipulation that the existing duplex be readdressed so it becomes compliant with the City's addressing standards, and also that there is a variance to -- and forgive me. What section for the utilities? What section was that?

MS. PETERS: I will tell you momentarily.

MR. ZENNER: 25-56.

MR. SKALA: Yeah, 25-56.

MR. VANDER TUIG: 25-56, related to the public utilities and the extension of the sanitary sewer within three years of platting.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Peters, Mr. Skala, Mr. Strodman, Mr. Tillotson, Mr. Wheeler, Mr. Vander Tuig. Motion carries 7-0.**

MR. WHEELER: All right. Recommendations for approval for these three items will be forwarded to City Council.