

023064

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First Reading 1-3-17

Second Reading 1-17-17

Third Reading 2-6-17

Ordinance No. 023064

Council Bill No. B 3-17 A

**AN ORDINANCE**

rezoning property located north of Stadium Boulevard and east of Cinnamon Hill Lane from District A-1 to District PUD-10; approving the statement of intent; approving the PUD Plan of Kelly Farms; repealing all conflicting ordinances or parts of ordinances; granting a variance from the Subdivision Regulations relating to sidewalk construction; approving less stringent parking requirements; and fixing the time when this ordinance shall become effective.

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

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

A TRACT OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 516, PAGE 142 AND THE SURVEY RECORDED IN BOOK 569, PAGE 189 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 17, AS SHOWN BY CROSSCREEK CENTER PLAT 1, RECORDED IN PLAT BOOK 42, PAGE 22, AND WITH THE NORTH LINE THEREOF, N 88°30'20"W, 1286.85 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 63; LEAVING THE NORTH LINE OF SAID CROSSCREEK CENTER PLAT 1 AND WITH THE LINES OF SAID EAST RIGHT-OF-WAY, N 30°10'15"W, 4.40 FEET; THENCE N 10°08'05"W, 356.34 FEET; THENCE N 7°20'05"E, 530.50 FEET; THENCE N 4°51'00"E, 70.00 FEET TO THE SOUTH LINE OF WATER TOWER PLACE SUBDIVISION, RECORDED IN PLAT BOOK 24, PAGE 4; THENCE LEAVING SAID EAST RIGHT -OF-WAY LINE AND WITH THE SOUTH LINE OF SAID WATER TOWER PLACE SUBDIVISION, N 88°29'25"E, 301.06 FEET TO THE SOUTHWEST CORNER OF WATER TOWER PLACE SUBDIVISION PLAT 2, RECORDED IN PLAT BOOK 35,

PAGE 8; THENCE LEAVING SAID WATER TOWER PLACE SUBDIVISION, AND WITH THE LINES OF SAID WATER TOWER PLACE SUBDIVISION PLAT 2, S 89°43'05"E, 250.00 FEET; THENCE N 0°12'40"E, 249.88 FEET; THENCE N 89°42'05"W, 249.91 FEET TO THE EAST LINE OF SAID WATER TOWER PLACE SUBDIVISION; THENCE LEAVING THE LINES OF SAID WATER TOWER PLACE PLAT 2, AND WITH THE EAST LINE OF SAID WATER TOWER PLACE SUBDIVISION, N 0°17'35"E, 394.76 FEET TO THE SOUTH LINE OF THE SURVEY RECORDED IN BOOK 3703, PAGE 23; THENCE LEAVING THE LINES OF SAID WATER PLACE SUBDIVISION, AND WITH THE SOUTH LINE OF SAID SURVEY RECORDED IN BOOK 3703, PAGE 23, S 89°32'05"E, 1009.32 FEET TO THE NORTH-SOUTH SUBDIVISION LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE WITH SAID NORTH-SOUTH SUBDIVISION LINE, S 1 °15'10"W, 1628.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 42.98 ACRES.

will be rezoned and become a part of District PUD-10 (Planned Unit Development) with a development density not exceeding ten (10) dwelling units per acre and taken away from District A-1 (Agricultural District). Hereafter the property may be used for the permitted uses set forth in the statement of intent.

SECTION 2. The City Council hereby approves the terms and conditions contained in the statement of intent dated February 6, 2017, attached hereto in substantially the same form as "Exhibit A" and made a part of this ordinance. The statement of intent shall be binding on the owners until such time as the Council shall release such limitations and conditions on the use of the property.

SECTION 3. The City Council hereby approves the PUD Plan of Kelly Farms, as certified and signed by the surveyor on February 6, 2017, for the property referenced in Section 1 above.

SECTION 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Subdivider is granted a variance from the requirements of Section 25-48.1 of the Subdivision Regulations so that a sidewalk shall not be required to be constructed north of the hammerhead turnaround along the west side of the proposed extension of Timberhill Road adjacent to the property's frontage.

SECTION 6. The City Council approves a reduction in the number of parking spaces required by Section 29-30(b)(1) of the Zoning Regulations so that 649 parking spaces may be provided rather than the required 687 spaces.

SECTION 7. This ordinance shall be in full force and effect from and after its passage.


PASSED this 6th day of February, 2017.

ATTEST:

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

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

APPROVED AS TO FORM:

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

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**BW** **BROWN WILLBRAND. P.C.**  
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February 6, 2017

Timothy Teddy, Director  
Department of Planning & Community Development  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Patrick Zenner  
Manager, Development Services  
Department of Planning & Community Development  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Re: Statement of Intent - Application for Permanent Rezoning and for Approval of  
Planned Unit Development Plan for Kelly Farms ("the Development")  
Case No. 17-1

Dear Mr. Teddy and Mr. Zenner:

This firm represents Ben Kelly and Pat Kelly ("Applicant") with respect to the Development and submits this Statement of Intent on their behalf pursuant to Section 29-10(e)(2) of the City's Zoning Ordinances. This revised Statement of Intent supersedes all previous Statements of Intent submitted for the Development.

The required Statement of Intent is as follows:

1. The uses proposed for the site include:
  - On Lot 1, multiple-family residential dwellings, sales and leasing office, and community center; and
  - On Lots 2-11, single family residential dwellings.
2. The type of dwelling units shall be:
  - On Lot 1, multiple-family 1 and 2 bedroom dwelling units; and

-On Lots 2-11, single-family detached dwelling units;

3. The maximum number of dwelling units shall be 394 units and maximum density shall be 10 units per acre (PUD-10) and is calculated as follows:

Total area:	42.98 acres
Less right-of-way:	(2.88 acres)
Net area:	40.10 acres

$394 \text{ units} / 40.10 \text{ acres} = 9.8 \text{ units/acre.}$

4. The maximum building height proposed for the Development is 45 feet measured from the lowest adjacent grade of each building.

5. The total number of vehicle parking spaces proposed for the multiple-family dwelling portion of the Development is 649 (280 enclosed garage spaces and 369 regular, unenclosed parking spaces) for a parking ratio of 1.7 spaces per dwelling unit. The total number of parking spaces proposed for the single-family dwelling portion is 40 parking spaces (10 units, each with a two-car garage and two unenclosed driveway spaces) for a ratio of 4.0 spaces per dwelling unit.

6. The minimum percentage of the site to be maintained in open space shall be a total of 45%. Of such total, 55% shall be in landscaping and 45% in existing vegetation.

7. Proposed amenities may include a clubhouse/community building, pool, pedestrian walking trails, basketball courts, volleyball courts, fire pits and gazebos. Such amenities shall be located on Lot 1 only.

8. The PUD Plan is generally described as a plan containing multiple-family 1 and 2 bedroom dwelling units to be located south of Cinnamon Hill as shown on the PUD Plan and ten (10) single-family detached dwelling units to be located north of Cinnamon Hill as shown on the PUD Plan. The single-family lots designated as lots 2-9 on the PUD Plan shall have a minimum lot size of 9,000 square feet. The single-family lots designated as lots 10 and 11 on the PUD Plan shall have a minimum lot size of 13,500 square feet. There shall be a 25 ft perimeter setback around the entire development. There shall be a 25 ft setback adjacent to all street rights-of-way, with the exception of side-yards in the single-family portion of the Development which are adjacent to street right-of-way which shall have a 15 ft setback. Side yard setback on lots 2 through 11 shall be 6 feet (consistent with City R-1 zoning) with the exception of the exterior street side of Lot 2, which shall have a 15 ft side yard setback.

9. Applicant shall cause the area identified in the PUD Plan as the Greenspace Conservation Easement area, to be subjected to a greenspace conservation easement, as generally defined in Section 25-3 of the City of Columbia's Code of Ordinances, which prohibits development on such lots, except for grading as necessary to construct the improvements shown

in the PUD Plan, and such easement shall run in favor of the City of Columbia. The balance of the area contained in Lots C1, C2 and C3 shall be left as open space and may only contain those features identified on the PUD plan, such as bioretention areas, and may only be graded to the extent necessary to construct the improvements shown in the PUD Plan. All duties and obligations of Applicant, as described in this paragraph, are contingent and conditioned upon the City Council adopting an ordinance granting the requested rezoning for the Development and approving the PUD Plan submitted for the Development.

10. The Development may include entryway signs as shown on the PUD Plan for the Development.

11. The appearance of buildings which contain dwelling units shall generally comport with the architectural rendering attached hereto as **Exhibit 1** and incorporated herein by reference. The multifamily dwelling units located on Lot 1 shall have exterior finishes consisting of brick or stone for at least seventy percent (70%) of the exterior finish. Notwithstanding the foregoing, Applicant reserves the right to make some changes to the exterior finishes which do not substantially alter the overall appearance of such buildings. For example, the location of windows, the precise type and color of stone to be used and the window grills may vary. Applicant's intention with respect to this paragraph is to provide a general depiction of the exterior appearance of buildings which will contain dwelling units without limiting Applicant's ability to make minor changes and adjustments. The restrictions in this paragraph shall not apply to the clubhouse shown in the PUD Plan. The restrictions in this paragraph shall only apply to buildings containing dwelling units on Lot 1 and shall not apply to Lots 2 through 9.

Thank you in advance for your attention to this request. Please do not hesitate to contact us if you have any questions.

Sincerely,

**Ben Kelly and Pat Kelly**

By: 

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ELEVATION

"EXHIBIT           "

AUGUST 2016

KELLY FARMS  
Columbia, Missouri

Wallace  
ARCHITECTS, P.C.  
COLUMBIA, MISSOURI