

016361

Permanent Record
Filed in Clerk's Office

Introduced by Hindman

First Reading 2-7-00

Second Reading 2-21-00

Ordinance No. 016361

Council Bill No. B 50-00A

AN ORDINANCE

rezoning property located generally west of Scott Boulevard, along both sides of Smith Drive from Districts R-1, A-1 and PUD-10 to Districts O-P, PUD-12 and C-P; amending the land use plan; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

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

SECTION 1. The 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 northeast 1/4 and southeast 1/4 of Section 17 T48N R13W in Columbia, Boone County, Missouri, further described as follows:

Beginning at the northwest corner of Lot 13B The Hamlet Plat 1-A, plat recorded in plat book 25 page 55, also being the southeast corner of a tract of land shown by a survey recorded in book 595 page 385, thence N 0°27'40"E, along the easterly line of said tract, 330.02 feet to the 1/4 section line; thence N 84°11'20"W, along the 1/4 section line, 32.41 feet to the southerly line of a street easement for Smith Drive, recorded in book 1180 page 193; thence along said line, on a curve to the left having a radius of 493.00 feet, a distance of 16.50 feet, the chord being N 73°46'10"E 16.50 feet; thence N 72°48'40"E 217.95 feet; thence along a curve to the right having a radius of 427.00 feet, a distance of 131.35 feet, the chord being N 81°37'20"E 130.83 feet; thence S 89°33'50"E 56.46 feet; thence along a curve to the right having a radius of 30.00 feet, a distance of 47.13 feet, the chord being S 44°33'20"E 42.43 feet, to the westerly right-of-way of State Route "TT"; thence S 0°27'10"W, along said right-of-way, 756.93 feet to the northeast corner of Lot 185 The Hamlet Plat 2, plat recorded in plat book 27 page 15; thence N 89°32'20"W, along the northerly line thereof,

119.49 feet to the most easterly corner of Lot 13F The Hamlet Plat 1-A, plat recorded in plat book 25 page 55; thence along the easterly line of said lot and Lots 13E, 13D, 13C and 13B, N 33°48'20"W 240.05 feet; thence N 42°20'50"W 224.30 feet to the beginning and containing 5.82 acres.

will be rezoned and become a part of District O-P (Planned Office District) and taken away from District R-1 (One-Family Dwelling District) and District A-1 (Agricultural District). Hereafter the property may be used for all the uses set forth in "Exhibit A."

SECTION 2. The property described in Section 1 is designated "Planned Office" on the Land Use Plan.

SECTION 3. 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 northeast 1/4 of Section 17 T48N R13W in Columbia, Boone County, Missouri, further described as follows:

Starting at the southeast corner of Lot 12 King's Meadow Subdivision - Block 1, thence N 84°02'00"W, along the southerly line of King's Meadow Subdivision Block 1, a distance of 761.14 feet; thence leaving said line, S 1°28'30"W 165.51 feet to the point of beginning.

From the point of beginning, thence S 81°07'00"E 406.60 feet; thence S 50°26'20"E 100.00 feet; thence S 39°33'40"W 109.12 feet; thence N 88°31'30"W 414.60 feet; thence N 1°28'30"E 200.00 feet to the beginning and containing 1.75 acres.

will be rezoned and become a part of District O-P (Planned Office District) and taken away from District R-1 (One-Family Dwelling District). Hereafter the property may be used for all the uses set forth in "Exhibit A."

SECTION 4. The property described in Section 3 is designated "Planned Office" on the Land Use Plan.

SECTION 5. 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 northeast 1/4 of Section 17 T48N R13W in Columbia, Boone County, Missouri, further described as follows:

Beginning at the southeast corner of Lot 12 King's Meadow Subdivision - Block 1, thence S 0°27'10"W, along the westerly right-of-way of State Route "TT", 264.39 feet; thence leaving said right-of-way, N 89°31'30"W 142.08 feet; thence along a curve to the right, having a radius of 220.00 feet, a distance of 150.08 feet, the chord being N 69°59'00"W 147.19; thence N 50°26'20"W 100.00 feet; thence N 81°07'00"W 406.60 feet; thence S 1°28'30"W 960.00 feet; thence S 88°31'30"E 220.00 feet; thence S 1°28'30"W 167.96 feet to the northerly line of a street easement for Smith Drive, recorded in book 1180 page 193; thence along said line, on a curve to the right having a radius of 427.00 feet, a distance of 52.08 feet, the chord being N 87°41'00"W 52.05 feet; thence N 84°11'20"W 679.90 feet to the easterly right-of-way of Stone Valley Parkway; thence along said right-of-way on a curve to the right having a radius of 30.00 feet, a distance of 47.12 feet, the chord being N 39°11'20"W 42.43 feet; thence N 5°48'40"E 144.75 feet; thence along a curve to the left having a radius of 533.00 feet, a distance of 194.49 feet, the chord being N 4°38'30"W 193.41 feet; thence N 15°05'50"W 363.26 feet; thence along a curve to the right having a radius of 467.00 feet, a distance of 125.53 feet, the chord being N 7°23'40"W 125.15 feet; thence N 0°18'20"E 454.12 feet to the southerly line of King's Meadow Subdivision - Block 6; thence S 84°02'00"E, along said line, 1442.73 feet to the beginning and containing 22.58 acres.

will be rezoned and become a part of District PUD (Planned Unit Development) and taken away from District A-1 (Agricultural District), District R-1 (One-Family Dwelling District) and District PUD-10 (Planned Unit Development). The zoning district map shall designate the property PUD-12. The statement of intent, marked "Exhibit B" is attached to and made a part of this ordinance. The property may be used for all of the uses set forth in "Exhibit B."

SECTION 6. The property described in Section 5 is designated "Medium Density Residential" on the Land Use Plan.

SECTION 7. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

A tract of land located in the northeast 1/4 of Section 17 T48N R13W in Columbia, Boone County, Missouri, further described as follows:

Starting at the southeast corner of Lot 12 King's Meadow Subdivision - Block 1, thence S 0°27'10"W, along the westerly right-of-way of State Route "TT", 264.39 feet to the point of beginning.

From the point of beginning, continuing along the westerly right-of-way of State Route "TT", S 0°27'10"W 820.50 feet to the northerly line of a street easement for Smith Drive, recorded in book 1180 page 193; thence along said line, on a curve to the right having a radius of 30.00 feet, a distance of 47.11 feet, the chord being S 45°26'40"W 42.42 feet; thence N 89°33'50"W 56.50 feet; thence along a curve to the left having a radius of 493.00 feet, a distance of 151.65 feet, the chord being S 81°37'20"W 151.05 feet; thence S 72°48'40"W 217.95 feet; thence along a curve to the right having a radius of 427.00 feet, a distance of 119.33 feet, the chord being S 80°49'00"W 118.94 feet; thence leaving said line, N 1°28'30"E 167.96 feet; thence N 88°31'30"W 220.00 feet; thence N 1°28'30"E 760.00 feet; thence S 88°31'30"E 414.60 feet; thence N 39°33'40"E 109.12 feet; thence along a curve to the left having a radius of 220.00 feet, a distance of 150.08 feet, the chord being S 69°59'00"E 147.19 feet; thence S 89°31'30"E 142.08 feet to the beginning and containing 15.07 acres.

will be rezoned and become a part of District C-P (Planned Business District) and taken away from District A-1 (Agricultural District) and District R-1 (One-Family Dwelling District). Hereafter the property may be used for all the uses set forth in "Exhibit C."

SECTION 8. The property described in Section 7 is designated "Planned Commercial" on the Land Use Plan.

SECTION 9. The rezoning of the property described in this ordinance is subject to the conditions set forth in Exhibit D.

Section 10. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the entire ordinance shall be invalid.

SECTION 11. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 12. This ordinance shall be in full force and effect from and after its passage.

PASSED this 21st day of February, 2000.

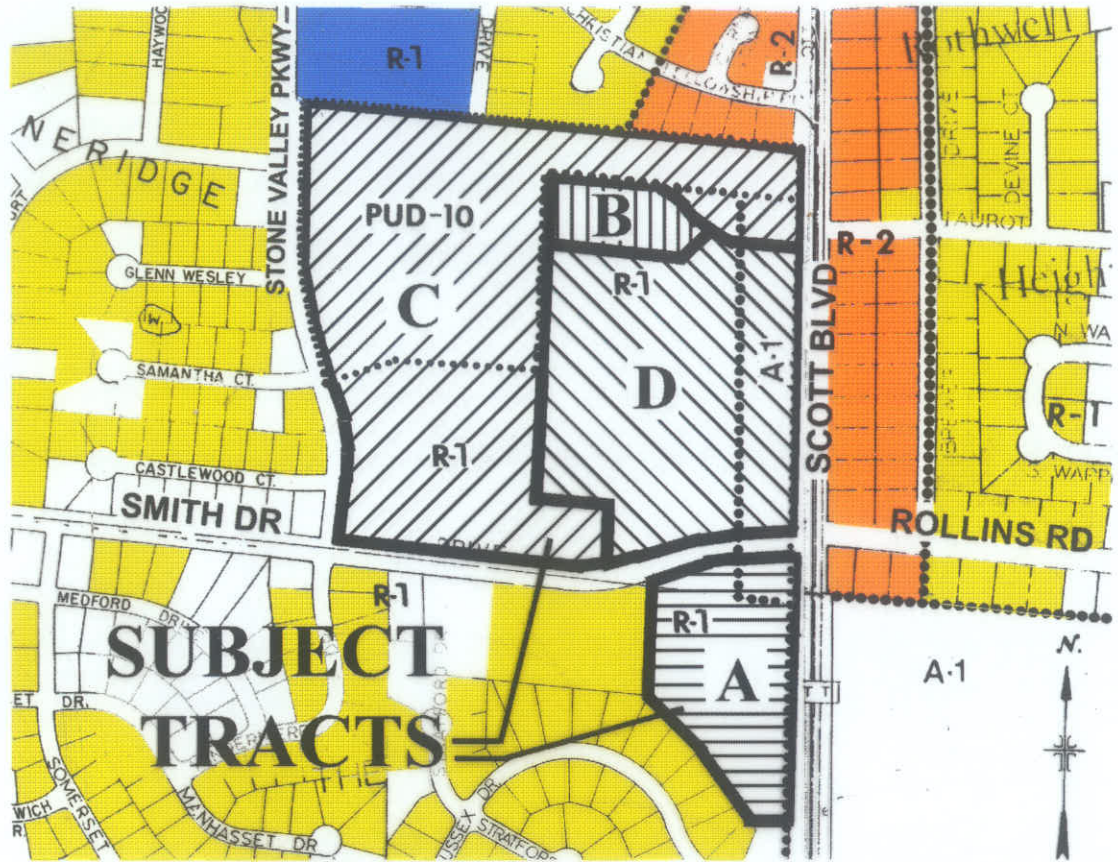
ATTEST:

Debra Romano
City Clerk











Larry Windman
Mayor and Presiding Officer

APPROVED AS TO FORM:

Fred Beckman
City Counselor



EXISTING LAND USE

- | | |
|--|--|
|  Single Family Res. |  Commercial |
|  Duplex Residential |  Industrial/Utilities |
|  Multi-Family Res. |  Community Facilities |
|  Mobile Home |  Parks, Open Space |
|  Office |  Vacant |

WESTBURY VILLAGE O-P DEVELOPMENT
PROPOSED ALLOWED USES

RECEIVED
JAN 26 2000
PLANNING DEPT.

TRACTS A and B:

The following allowed uses under R-3

Family day care homes, day care centers, pre-school centers, nursery school, child play care centers, child education centers, child experiment stations or child development institutions

The following allowed uses under O-1

1. Banks, other financial institutions, and travel agencies.
2. Medical or dental clinics, and medical laboratories.
3. Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.
4. Offices for professional and business use involving the sale or provision of services (but not the sale or rental of goods) including but not limited to:
 - a. Artists, sculptors, photographers.
 - b. Authors, writers, composers.
 - c. Lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions.
 - d. Ministers, rabbis, priests, or other clergy members.
 - e. Physicians, dentists, chiropractors, or other licensed medical practitioners.
 - f. Seamstresses, tailors.
 - g. Teachers of private lessons in art, music, or dance.
5. Customary accessory uses subject to the provisions of section 29-27, Accessory Uses.

WESTBURY VILLAGE
PLANNED UNIT DEVELOPMENT
STATEMENT OF INTENT AND USES
FOR PUD-12 DESIGNATED AREA "C"

NOVEMBER 16, 1999

- A. **The types of dwelling units proposed and any accessory buildings proposed:** The proposed dwellings may consist of single family dwellings, townhouses, duplexes and multi-family apartments.
- B. **The maximum number of dwelling units proposed and the development density.** The maximum number of dwelling units proposed is 208. The proposed density is 12 units per acre.
- C. **The maximum building height proposed.** The maximum building proposed is 45 feet at the roof peak.
- D. **The total number of parking spaces proposed and the parking ratio.** There are 416 parking spaces proposed or 2 spaces per unit.
- E. **The minimum percentage of the entire site to be maintained in open space, such as landscaping or natural vegetation.** The area as landscaping shall be a minimum of 15% of the site.
- F. **Any amenities proposed, such as swimming pools, golf courses, tennis courts, hiking trails or club houses.** The proposed plan includes a club house, hard surface area and pool. A pedestrian access to the C-P Plan is proposed along the street right of way.
- G. **A general description of the plan including minimum lot sizes, if applicable, minimum setbacks from streets and minimum set backs between buildings.** The minimum size of a single family lot will be 10,000 sq. ft. The minimum size for a duplex lot will be 9,000 sq. ft. The typical multi-family or townhouse lot will be about 10 feet larger than the foot print of the building. The minimum set back from the streets will be 15 feet. The minimum distance between the buildings is 0 feet, because some multi-family buildings share a common exterior wall.

WESTBURY VILLAGE C-P DEVELOPMENT

PROPOSED ALLOWED USES

The following uses allowed under C-3 Zoning:

Car washes
Rental Services

The uses allowed under C-2 Zoning EXCEPT:

Automobile repair facilities
Bars, cocktail lounges and nightclubs
Billiard halls and game arcades
Bus stations
Commercial parking for automobiles and light trucks
Hotels
Lumberyards
Newspaper publishing plants
Service Stations
Sign painting shops
Theaters

The uses allowed under C-1 Zoning

VAN MATRE AND HARRISON, P.C.

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RANDAL J. OWINGS
HARRIET F. FRANCIS
CARLA K. WILLIAMS

February 21, 2000

Mayor Darwin Hindman, Jr.
Almeta Creighton, Ward 1
Chris Janku, Ward 2
Donna Crockett, Ward 3
Rex Campbell, Ward 4
John John, Ward 5
John Coffman, Ward 6
Columbia City Council

Mr. Fred Boeckmann
City of Columbia
Law Department
701 E. Broadway
Columbia, MO 65201
Via Telecopier: 874-7539

Re: Stipulations and conditions precedent to Development Plan for Westbury Village

Dear Mayor Hindman, Members of the City Council, and Mr. Boeckmann:

What follows in this letter is intended to be incorporated in and as a part of any ordinance adopted by the Council this evening in connection with the Westbury Village proposal. In other words, any ordinance adopted by the Council may include the following "stipulations" which will be a part of our presentation this event. The developer intends and agrees that any subsequent plan for the development of Westbury Village following its rezoning to the categories requested (PUD-12, C-P, and O-P) be allowed only if consistent with each of the following conditions, to-wit:

VAN MATRE AND HARRISON, P.C.

Mayor Hindman, City Council Members,
and Fred Boeckmann

February 21, 2000

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1. **Kings Meadow Border:** Along the north boundary of the property, and as shown on the concept drawing presented to the City Council this date, the density of the residential dwellings constructed will "mirror" the use in Kings Meadow, i.e., duplex units will be located opposite existing duplex units and single family units will be located opposite single family units between Scott Boulevard and Dayspring Drive.

2. **Residential Development Guidelines:** All dwelling units in the residential (PUD-12) portion of the development will be designed and constructed in conformance with architectural guidelines which will include, among others, the following:
 - a. Building designs will vary in terms of footprint, architectural elevations, fenestration, type of roof, height, front entrance, and porch locations. However, the colors, materials, and architectural details will be limited in number, will be compatible with each other, and will be repeated throughout the neighborhood.

 - b. Window and door openings will be proportional to the building and wall sizes.

 - c. Main building entrances will face the street and the front door to the single family homes and town houses will be visible from the street.

 - d. No facade of any residential building will consist of an unarticulated blank wall.

 - e. Pitched roofs will be used for residential buildings and will be appropriate to the building's architecture.

 - f. Fenestration will be architecturally compatible with the style, materials, colors and details of the building.

 - g. Buildings will generally relate in scale and design to surrounding buildings and will respect the local context. Buildings will reflect the continuity of treatment obtained by maintaining the building scale or by subtly graduating changes and will be consistent with the illustrations and types shown to the City Council on February 21, 2000.

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h. The exterior of townhouses or multi-family buildings may be designed to appear as a single building, such as a large single family detached dwelling.

i. The architectural treatment of the front facade will be continued in its major features around all visibly exposed sides of the building.

j. The development of Westbury Village will include open space areas designed to serve residents of the neighborhood.

3. **Commercial Development Guidelines:** The commercial portion of the development (that portion for which C-P zoning is requested) will be developed consistent with the following:

a. The commercial uses will be integrated with offices, dwelling units, public uses, and community clubs at community facilities to promote harmony and a sense of community.

b. Restaurants will be permitted to operate outdoor cafes on sidewalks, including areas within the public right of way and in courtyards, provided that pedestrian circulation and access to exterior building entrances will not be impaired.

c. All entrances to buildings will be defined and articulated by architectural elements.

d. Generally, retail ground floor building entrances which are primary to a business may orient to plazas, parks, or streets, but not to interior blocks or parking lots. Secondary entrances from the interior of these retail businesses will be permitted, however. Also, the grocery store, drug store, and other anchor tenants (10,000 square feet or larger) may have primary entrances to plazas, streets, and parking lots.

e. Doorways, windows, and other openings in the facade of the building will be proportioned to reflect pedestrian scale and movement and to encourage street level interest.

f. Awning signs will be permitted.

g. Businesses located in corner buildings will be permitted one sign for each street frontage.

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h. Businesses with service entrances will be permitted to identify these with one sign not exceeding 2 square feet.

4. **Prohibited Uses:** The following uses will be prohibited within the development, to-wit:

a. **Prohibited Uses:** Regardless of the zoning of any portion of the above-referenced real estate and whether comprising a part of the Small Tract or the Main Tract, no portion of such real estate, and no Improvements on the Real Estate, will be used for any purpose other than the "Permitted Uses" which are hereafter defined. Accordingly, unless falling within the "Permitted Use" category, such use will be deemed prohibited. Furthermore, each of the following activities shall be prohibited within all portions of the Real Estate, to-wit:

- (1) Commercial picnic grounds and fishing lakes;
- (2) Commercial stables;
- (3) Drive-in theaters;
- (4) Gun clubs and skeet trap for target ranges;
- (5) Machine shops;
- (6) Commercial outdoor stage and concert facilities;
- (7) Commercial plumbing, heating, and air-conditioning businesses;
- (8) Travel trailer parks;
- (9) Warehousing and distribution facilities;
- (10) Automobile repair facilities;

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(11) Bars, cocktail lounges, and nightclubs (except restaurants whose primary business activity is the sale of food will be permitted to sell alcoholic beverages as an ancillary part of such restaurant business);

(12) Billiard halls and game arcades;

(13) Bus stations;

(14) Commercial parking for automobiles and light trucks;

(15) Hotels;

(16) Lumberyards;

(17) Newspaper publishing plants;

(18) Sign painting shops;

(19) Theaters; and

(20) Any activity which, by its nature, is noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or the like.

5. **Lighting:** Exterior and parking lot lighting for the development must conform to the following:

a. Street lights must blend with the character of the community and conform with all applicable City standards.

b. Exterior and parking lot lighting for any improvement within the development must be shielded and oriented so that the light therefrom does not spill over and shine on any residences located south, north, or west of the real estate. All such lighting must have shields or screens ("shoe boxes") such that the light from any exterior lighting pole or building is directed down and away from the residences along the north, south, and west sides of the real estate.

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c. Any lighting on any parking lot within the C-P and O-P areas may not produce an average of greater than two foot candles of illumination outside of the exterior boundaries of the C-P and O-P zoned areas.

d. The lighting must be consistent with the "lighting plan" submitted and presented to the City Council on February 21, 2000.

6. **Sidewalks:** The sidewalks within the development shall comply with the following:

a. A sidewalk or trail network shall be provided throughout the neighborhood which connects dwelling units with other dwelling units, the commercial center, and the open space areas.

b. Sidewalks must be separate and distinct from motor vehicle circulation to the greatest extent possible, and shall be free of barriers and comply with the Americans With Disability Act.

c. Sidewalks shall be generally consistent with the "Pedestrian and Bike Plan" submitted to the City Council on February 21, 2000.

7. **Limitations on Permissible Uses on O-P Zoned Areas:** Those areas of the Westbury Village Plan which are zoned O-P will be limited to the following:

a. All residential uses;

b. The following allowed uses under R-3: family day care homes, day care centers, pre-school centers, nursery school, child play care centers, child education centers, child experiment stations or child development institutions;

c. The following allowed uses under zoning category O-1:

(1) Banks, other financial institutions, and travel agencies.

(2) Medical or dental clinics, and medical laboratories.

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(3) Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.

(4) Offices for professional and business use involving the sale or provision of services (but not the sale or rental of goods) including but not limited to:

(a) Artists, sculptors, photographers.

(b) Authors, writers, composers.

(c) Lawyers, engineers, planners, architects, Realtors, accountants, insurance agents, brokers, and other consultants in similar professions.

(d) Ministers, rabbis, priests, or other clergy members.

(e) Physicians, dentists, chiropractors, or other licensed medical practitioners.

(f) Seamstresses, tailors.

(g) Teachers of private lessons in art, music, or dance.

(5) Customary accessory uses subject to the provisions of section 29-27, Accessory Uses.

8. **Special Requirements for 5 Acre Tract to be Zoned O-P Located South of Smith Drive:** With respect to the 5 acre tract located south of Smith Drive and west of Scott Boulevard to be zoned O-P, the following special requirements will exist:

a. The Developer will be required to construct, install, and maintain along the west and south boundaries of this tract an earth landscaped berm and will plant trees and other dense vegetation which are at least six feet in height at the time of planning so that after 3 years from the date of the requested rezoning, the area along said area is substantially

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opaque (no less than 80% of maximum capacity) and so that this landscaping obscures from the view of persons residing in the residences located west and south of this tract any building or improvement located thereon.

b. No office or activity on this 5 acre tract will be permitted to have hours of operation, delivery, or business operations when open to the general public, except during the hours of 6:00 a.m. through 11:30 p.m. on the same day.

c. Trees having a diameter of greater than 10 inches and presently growing on this 5 acre tract will be preserved if possible.

d. The trees planted along the west and south boundaries of this 5 acre tract must be trees which are native to and indigenous to the state of Missouri and must be of a diverse mixture consisting of dogwoods, oaks, pine trees, and the like. The use of small ornamental trees will be minimized.

e. Before any significant disturbance of the real estate in this 5 acre tract occurs, the developer will be required to construct an earth landscaped berm along the west and south boundaries and plant as many trees as is reasonably possible.

f. Before the developer commences construction on the main portion of Westbury Village, the developer will be required to construct and install the storm water detention area shown on this 5 acre tract contemporaneously with the earlier to occur of:

(1) Commencement of construction in the C-P zoned area on the main tract; or

(2) Commencement of construction of any improvement (other than the water retention facility) on the 5 acre tract south of Smith Drive.

9. **Maximum Sizes of Portions of Development:** The maximum size which will be permitted for construction purposes will be that which is shown on the "development summary" presented to the City Council on February 21, 2000, a copy of which is attached hereto.

10. **Other Limitations:** In addition to the foregoing, the development of Westbury Village must comply with the following:

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- a. The maximum height of all buildings will be 45 feet, measured at the roof peak.
- b. The minimum percentage of the site which must be maintained as open space will be 15% thereof, which will be maintained in landscaping and grass.
- c. No portion of the development will include an automobile service station or "convenience store" which sells gasoline for automobiles.

11. **Compliance with Ordinances and State and Federal Law:** All design and construction of any improvement must comply with applicable federal and state laws and the Ordinances of the City of Columbia.

12. **Incorporation in Plan:** The foregoing concepts must be included with and incorporated in any plan for any improvement on the subject development following the rezoning thereof as requested February 21, 2000.

Sincerely,

VAN MATRE AND HARRISON, P.C.

By:



CAVM/tew

1. Project Illustrations

DEVELOPMENT SUMMARY

CP Land Uses	Site Area Acres	Square Feet	Parking Provided	Parking Ratio per 1000sf
Grocery		40,000	220	5.5
Grocery Expansion		10,000	50	5.0
Retail		97,982	490	5.0
Apartments above Retail			40	2 per unit
Office above Retail		27,000		
Total Commercial Retail	15.28	174,982	760	
CP Open Space	2.50			
OP Land Uses				
Day Care (South of Smith)	1.31	10,400	30	2.9
Office (South of Smith)	1.65	9,000	36	4.0
Office (with Residential)	1.81	12,900	65	5.0
Storm Water Management	2.85			
Residential			14	2 per unit
Total	7.62	32,300	145	
PUD 12 Land Uses	Site Area Acres	Units	Parking Provided	Parking Ratio
Multi-Family Apts		120	240	2/unit
Duplex Units (6 Lots)		12	24	2/unit
Single Family -Patios Homes		4	8	2/unit
Townhouses		72	144	2/unit
Total Residential Units	22.30	208	416	
Right of Way in PUD-12	4.33			
Club House and Pool	1.00	2,000 SF		
Total Site Area	45.20			
Open Space Features	Acres			
CP Open Space	2.50			
Club House and Pool	1.00			
Storm Water Management	2.65			
Residential Open Space	1.98			
Preserved Tree Area	1.87			
Total Open Space	10.00			