

TO: Columbia City Council
Columbia Zoning Board of Appeals
Columbia Planning Commission
Mayor Kevin Hutchinson
Kenneth Vaughn, City Engineer
Tom D. Adams, City Attorney

RECEIVED
NOV 03 2005
CITY OF COLUMBIA, ILL.

FROM: Dennis R. Brand

DATE: November 3, 2005

SUBJ: **Request for Variance - Brellinger Subdivision First Addition**

Dear Ladies and Gentlemen:

In the City Legal Review of the Preliminary Plat for Brellinger Subdivision First Addition, it was noted that the City Subdivision Code requires lots of the bulk area that apply to this addition shall have public streets with pavement, curbing and guttering to be of Portland cement concrete construction with sidewalks on both sides.

Consequently, it was noted in the Review that the West half of reconstructed Rueck Road, which is located outside of Brellinger Subdivision adjacent to the Eastern boundary line, (see Section "A") will need to be surfaced by Brellinger in accordance with the typical section for the subdivision streets unless the City Council grants a variance to relieve that obligation.

We respectfully request a variance from that section for the reason that a Regional Development Plan was established for the Briar Lake/Brellinger/Columbia Golf Club area back in 2002. That plan provided as follows:

1. That the City was to obtain from Briar Lake a 65 foot right-of-way for Rueck Road along the West boundary of the Briar Lake Estates Subdivision (see Section "B");

2. Rueck Road will then lead into and connect with a 65 foot wide right-of-way extension thereof (Rueck Parkway) to run Northeasterly through the Brellinger Subdivision. (See Section "C"). Rueck Parkway would be constructed by Dennis Brand and eventually connect into the Louis Mund private road. At that location the road would be extended and reconstructed by H.J. Frierdich & Sons, Inc. in order to connect to and utilize the street network to be developed and constructed in the Columbia Golf Course development.

3. Brellinger Subdivision will dedicate a 32.5 foot wide right-of-way along the South and East boundaries of its subdivision and Briar Lake Estates will dedicate a 32.5 foot right-of-way along its Northern boundary for future widening and construction of the currently existing

Request for Variance-Brellinger Subdivision First Addition

November 3, 2005

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Rueck Road in order to keep that road open for use of adjoining landowners and the future development of those adjoining areas.

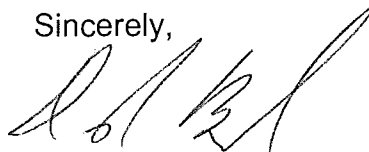
4. The section of Rueck Road North of the 90 degree curve is to be constructed and improved by those adjoining landowners who engage in future development. (See Section "D").

Please find attached letter dated October 16, 2002, from the City Attorney to the Mayor with copies to the various developments outlining at that time the Regional Development Plan.

It is significant to note that Brellinger complied with the Regional Development Plan and constructed Rueck Parkway through the Brellinger Subdivision as a landscaped boulevard. Brellinger dedicated to the City a 32.5 foot right-of-way along its South and East boundaries in order to implement the Regional Development Plan. It is my understanding that the other developers in that area have cooperated to implement the Regional Development Plan also.

Accordingly, I respectfully request that I be granted a variance from the provisions of Section 34-5-3(E)(2)(B) in that such a variance would appear to be in compliance with and further implementation of a partially performed Regional Development Plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Brand', written over a horizontal line.

Dennis R. Brand

DRB:tb

ADAMS & HUETSCH

ATTORNEYS AT LAW

*TOM D. ADAMS
*JAY M. HUETSCH

OF COUNSEL:
ROBERT W. HAWKINS
LICENSED IN MISSOURI

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321 WEDGEWOOD SQUARE

P.O. BOX 647

COLUMBIA, ILLINOIS 62236

618/281-6185/5186

FAX 618/281-5553

October 16, 2002

PLEASE REPLY TO

MAIN & MILL STREETS

P.O. BOX 132

WATERLOO, ILLINOIS 62299

618/938-6128

□ SOUTHERN COMMERCIAL BANK BUILDING
5615 SOUTH GRAND AVENUE
ST. LOUIS, MISSOURI 63111

□ BANK OF HILLSBORO BUILDING
P.O. BOX 7
HILLSBORO, MISSOURI 63060

Mr. Lester Schneider
Mayor
Columbia City Hall
208 South Rapp Avenue
P. O. Box 467
Columbia, Illinois 62236

- RE: (1) Quarry Road Development, Inc. Annexation of 132 Acre (formerly
Ross Property) Tract
(2) Transitional Zoning for Quarry Road Development Annexation
Tract (96 Lots Zoned R-3, 75 Lots Zoned R-2 with 23 Acres
Common Area/Green Space/Water Retention and Detention
Areas
(3) Front Yard and Rear Yard Variances for R-2 Zoned Building Lots
to have same Front and Rear Yard Setbacks as R-3 Zoned Lots
(4) Right-of-Way Dedication for and Reconstruction of Rueck Road
in the Briar Lake Estates Subdivision per Pre-Annexation
Agreement

Dear Mayor Schneider:

As you know, we have been working on a regional development plan for the annexation and subdivision platting of the former Ross property (the "Briar Lake Estates" Subdivision of Developer Quarry Road Development, Inc.); the former Pfeiffer annexation tract (the "Brellinger" Subdivision of Developer Dennis Brand) and the Columbia Golf Club, Inc. annexation tract which is to be expanded by new and additional annexations (to be improved by an multiple zoned development including C-3, R-7, R-3, R-1 and A-1 zoned districts to be developed by H. J. Frierdich & Sons, Inc. and William Hawn [F & H Investments, Inc.]).

We have a preliminary plat submittal for the Brellinger Subdivision from Dennis Brand the approval of which will require the establishment of the final alignment and a commitment for the reconstruction of Rueck Road in the Briar Lake Estates Subdivision situated between Quarry Road and the Brellinger Subdivision. Our regional plan is for the City to acquire a 65 foot wide right-of-way for Rueck Road along the west boundary of the

proposed Briar Lake Estates Subdivision to lead into and connect with a 65 foot wide right-of-way extension thereof (Rueck Parkway) to run diagonally (southwest to northeast) through and across the Brellinger Subdivision (to be constructed by Dennis Brand) to connect into the Louis Mund private road at the northwest corner of the Brellinger Subdivision. At that location the road would be extended and reconstructed by H. J. Frierdich & Sons, Inc. (Paul Frierdich) to connect to and utilize the street network to be developed and constructed in the Columbia Golf Course development. As a result of the regional plan, traffic flow into and out of the area would be by intersections with Mule Road, Old State Route 3, AA Road and Rueck Road. Additionally, the developer of the Brellinger Subdivision is willing to dedicate to the City a 32.5 foot wide right-of-way along the south and east boundaries of that subdivision for road right-of-way, utilities and drainage and the developer of the Briar Lake Estates Subdivision is willing to dedicate to the City a 32.5 foot right-of-way along the north boundary of that subdivision for road right-of-way, utilities and drainage for future widening and reconstruction of the currently existing Rueck Road (where the 90° curves now exist) in order to keep that road open for use of adjoining owners and for future development of areas located west and north (that section of roadway to be reconstructed and improved in the future when those areas develop by whoever develops those acres).

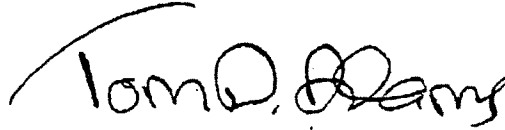
Since Quarry Road Development is requiring approval of their preliminary plat for the Briar Lake Estates Subdivision when their property is annexed and zoned, it is necessary to have preapproval of the preliminary plat (including the zoning and subdivider requested zoning and subdivision control variances) by the City Council before the annexation agreement can be concluded and the property can be annexed and zoned. Consequently, Monday night, October 14, 2002, Quarry Road Development presented their transitional zoning (96 R-3 zoned lots and 75 R-2 zoned lots, a total of 171 lots), their variance requests (R-3 front and rear yard setbacks [40 feet] for the R-2 zoned lots), and, their annexation agreement (including and reconstruction of Rueck Road to flow into and provide the access for the Brellinger Subdivision) to the Plan Commission. The Plan Commission voted unanimously (8-0) to require all and only R-2 zoned lots for the development without any variances and for that reason to recommend to the City Council denial of the annexation agreement, the zoning petition and the variance requests.

The City cannot consider the preliminary plat for the Brellinger Subdivision until the issues involved in the Quarry Road Development annexation (zoning, zoning variances, and the Rueck Road reconstruction) are resolved. Consequently, I would like the Quarry Road Development annexation agreement, zoning petition and variance requests to be placed on the agenda for the next City Council meeting on October 21, 2002, to obtain the opinion of the City Council regarding resolution of those issues prior to scheduling a hearing before the Zoning Board on the zoning issues.

Resolution of the Briar Lake Estates Subdivision development issues is impeding (hindering) the preliminary plat approval for the Brellinger Subdivision and the Columbia Golf Course annexation and development and I need some direction from the corporate authority.

Please advise

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom D. Adams". The signature is fluid and cursive, with a large initial "T" and "A".

TOM D. ADAMS
Corporate Legal Council
City of Columbia, Illinois

TDA/mp

cc: Kenneth Vaughn, City Engineer
Columbia City Aldermen
Edith Dean, Chairman, Plan Commission
Paul Frierdich, President, H. J. Frierdich & Sons, Inc.
William Hawn, F & H Investments, Inc.
✓ Dennis Brand, D & A Builders
Gregory Smith, Esquire, Attorney for Quarry Road Development, Inc.