

TERM OF COMMISSION: December Session of the October Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Commission Chambers

PRESENT WERE: Presiding Commissioner Keith Schnarre
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Planning and Zoning Director Stan Shawver
County Counselor John Patton
Deputy County Clerk Shawna Victor

The meeting was called to order at 5:30 p.m.

Subject: Planning and Zoning

A. Request by Klifton Altis on behalf of Prime Development Corp. to rezone Tract A, 15.36 acres from R-S (Single Family Residential) to C-GP (Planned Commercial); Tract B, 4.98 acres from R-S to C-GP; Tract C, 26.35 acres from R-S to R-S/PRD (Single Family Residential / Planned Residential Development); and to approve a Review Plan for Southfork of the Grindstone Planned Development, on property located at 4750 E. Hwy WW, Columbia. (Appeal tabled 10/28/03)

Commissioner Schnarre noted that during Planning and Zoning sessions, the Commission will receive a report from staff and then the Commission will have the opportunity to ask staff any questions. The Commission will then move to a presentation from the applicant or agent of the applicant on behalf of their request. After that, the Commission will convene a public hearing where any testimony in favor of or in opposition to will be welcome. Following the public hearing, the Commission will discuss the issue and then vote on the issue.

Stan Shawver, Director of the Planning and Building Inspection Department, stated that the Boone County Zoning Regulations and the Subdivision Regulations are entered into the record. (note - the file copy is retained in the Planning and Building Inspection Department).

Commissioner Miller moved to remove the request by Klifton Altis on behalf of Prime Development Corp. to rezone Tract A, 15.36 acres from R-S (Single Family Residential) to C-GP (Planned Commercial); Tract B, 4.98 acres from R-S to C-GP; Tract C, 26.35 acres from R-S to R-S/PRD (Single Family Residential / Planned Residential Development); and to approve a Review Plan for Southfork of the Grindstone Planned Development, on property located at 4750 E. Hwy WW, Columbia from the table. Said request was tabled at the October 28, 2003 County Commission meeting.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 570-2003**

Stan Shawver stated this property is located approximately 1/2 mile east of the Columbia municipal limits on the south side of State Highway WW. The parent parcels comprise approximately 200-acres. The portion of the parent parcels that are proposed for rezoning are immediately east of the school and immediately south of the existing duplex and multifamily units that are south of the school, this would be immediately north and west of the existing subdivision of Concorde Estates. The entire subject tract is zoned R-S (Single Family Residential). The portion of El Chaparral to the west of the parent parcel is zoned R-S, the property north of the proposed PRD (Planned Residential Development) including the school property but south of Highway WW is zoned R-M (Moderate Density Residential), property to the north across WW is zoned A-R (Agriculture Residential), property to the east is zoned A-1 (Agriculture), property to the south of the parent parcel is zoned R-S, as is Concorde Estates. These are all original 1973 zonings. While it is anticipated that a development for the entire property will be proposed at some future point, the only things under consideration currently are the three rezonings and the associated review plans for the area proposed to be rezoned. This property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Public Water District No.9. The Master Plan designates this area as being suitable for residential land uses, but the plan does indicate that where commercial rezonings are proposed they should be planned. Sewer is proposed to be from a central system to be operated by the Boone County Regional Sewer District.

Rob Smith, Prime Development, and Chad Sayre, Engineer with Allstate Consultants, were present on behalf of the applicants of this request.

Chad Sayre stated this is a proposal to rezone land that will be known as Southfork of the Grindstone. This property was reviewed in the late 1980's for different possible developments but nothing happened with this review. Prime Development came forward to Allstate Consultants to develop this land. This land has a lot of aesthetic value and a 15 acre lake.

Mr. Sayre explained the location of this property in reference to the city limits of Columbia, El Chaparral, and The Woodlands.

Currently this tract is zoned R-S, single family residential, and the current allowed density for this property would be 1,162 units according to the staff report. Mr. Sayre calculated the number of practical units would be 872 for this tract taking into consideration many factors. Excluding the commercial lots, the staff report indicated 776

units could be developed. He noted Concorde Estates is an existing platted subdivision with 45 lots, with one-third of those lots being privately owned.

Mr. Sayre explained the proposed rezoning requests for the tract.

Mr. Sayre reviewed the concerns that have been brought forward by the neighbors. One concern is the mix of commercial property with residential property. This was discussed with staff early in this process. This will not be an intense use but a mixed use for the long term of the subdivision and surrounding areas.

The area proposed to be rezoned to R-S/PRD (Single Family Residential / Planned Residential Development) was developed through meetings with neighbors and the neighborhood association to address their concerns but maintain the proposed use.

The sewer was originally proposed to be under the control of the Boone County Regional Sewer District (BCRSD). There is an existing facility for Concorde Estates. The Sewer District's approach is that this can handle the existing subdivision or an equivalent, which would be 45 lots. This issue will need to be addressed at a later date. First, they will need to get the BCRSD an access road to the current facility. The second option is El Chaparral sewer facility. Since the bond issue was passed in November 2003 advertising the elimination of the Concorde Estates and El Chaparral facilities, this would cover the staff report's deficiency regarding sewer issues. They stand by their approach in that this is in the County and under the jurisdiction of the Boone County Regional Sewer District and the BCRSD requirements are what they will have to comply with. Mr. Sayre believes that this can be developed using both the Concorde Estates and El Chaparral facilities on an interim basis. The ultimate goal for the sewer issue would be to have the development on a central sewer system provided by the City of Columbia. The authorization for funding of this is in place.

The water will be provided by the Public Water Supply District. In discussions with Roger Ballew, there is adequate flow for all proposed uses. The developer would have to provide a second main under Route WW.

Mr. Sayre noted this is a rezoning request and there is a lot of planning yet to be done with this development.

The majority of the development is in a tributary that flows to the lake. The developers plan on using the lake for attenuating storm water flows. In looking at the whole development, there are some concerns with storm water. Mr. Sayre is concerned the storm water run-off that crosses under Pecos Court. The developer plans on using some of the proposed green space as storm water retention. He has concerns with off-site storm water issues.

Under the current regulations and existing zoning, there is no requirement for a traffic

study. Mr. Smith has proposed to perform a traffic study, as required by staff, and has also worked on developing a traffic impact study for the development and agreed to include the Highway 63/Route WW interchange in this traffic impact study. There has been discussion among developers in the area about a partnership on this traffic study. There have been meetings between the City of Columbia, Boone County, MoDOT and the two potential developers about expanding the scope of the traffic study to include more off-site analysis. There are many issues that may have an impact on Route WW.

There is one planned customer that is included in this request, the Elks Lodge. This would be approximately 25% of the Planned Commercial development.

One of the initial concerns from the neighbors about the commercial development was thru traffic. The existing roadway goes through Concorde Estates. The developers have developed a concept to have two inlets off Route WW. Their concept is to cul-de-sac Daniel Boone Boulevard and bring the traffic around the subdivision. There is concern with a currently private owned lot and how that will affect the road development.

Mr. Sayre stated the neighborhood uses of the commercial area would be to have, possibly a bank, a hair shop, and other businesses that would cater to a neighborhood's needs. The office commercial would be items like a dentist office.

The developer has proposed to reconstruct the roads in Concorde Estates. The developer is proposing sidewalks for the neighborhood. Mr. Sayre stated they believe the replacement of the streets and the diversion of thru traffic is more than adequate from a safety and property value stand point to address the Concorde Estates concerns.

Mr. Sayre discussed the R-S/PRD proposed development. Originally the concept was a one duplex unit per lot. This proposal now is what is known as to some as a pod development. This type of development would create less impervious area, more parking and still meet the building set back requirements. The projected rent for a structure would be \$1,500 per month or \$750 per unit up to \$1,900 per month or \$950 per unit. Each unit is anticipated to cost \$155,000 to \$195,000 to build. The existing zoning around this tract of land is R-M (Moderate Density Residential) and this is not planned development.

There will be a minimum setback between the back property line and the adjacent proposed unit, approximately 200' or more to the existing homes. Mr. Sayre indicated an area on his display that may have to be disturbed for retention. Some of this water is already passing through this area, along the western boarder of the proposed R-S/PRD that will have to be picked up.

The original proposal was for the R-S/PRD to be 26.35 acres, now it is approximately 20 acres with three acres of dedicated green space and required buffer and another three acres of R-S use. The number of units were lowered, the amount of green space was

increased and the developer is satisfied that the impervious area was reduced and the street costs were reduced.

Commissioner Elkin asked if the green space would be platted. Mr. Sayre stated the green space will be platted; there will be a lot dedicated to the homeowners association as green space.

Commissioner Miller asked about the single family area and the number of lots that will be developed as single family. Mr. Sayre indicated on his display an area he referred to as a red space, which was originally proposed as PRD but will now be used as 12 lots. The reason the number of lots was not increased is because there was a concern about the depth of the lot and provide a buffer strip. They are going to keep working on going beyond the buffer strip and allowing public access around the lake but they have concerns about the lot values. This has allowed for the lots to be deepened. No extra density was added to the R-S, the frontage was decreased.

Mr. Sayre they discussed different neighborhoods that could be developed. Because of terrain, adjacent land use, recreational and common area, and proposed lot purchases, they tried to hit the entire market with this and that is the long term idea of a mixed use development. Because of the concentration of density and mixed use, some of the same concerns are brought forward and to address those concerns would be to make it a planned development.

The developers have proposed to provide three times the green space and common area compared to similar developments, less R-D (Two-Family Residential), less density on the R-S development, planned commercial, and they are proposing to reconstruct all the streets in Concorde Estates.

The neighborhood approach was used for the proposal and in looking at the contours, the ground cover, and previous development; they tried to design the development around the topography. That includes an overhead electric transmission line. That includes existing R-S residents that do not take kindly to someone developing behind their property. That includes R-M development, which is not conforming but is affordable.

The developer looked at the existing subdivision's market range and what it will be after the development is complete, as far as value of homes, and they tried to hit that in the lots they platted around it. The lake lots will be developed in a certain way and there will be a certain set of covenants and cost range for those lots.

Access to the lake was a neighborhood concern. The developer maintained over two-thirds of the lake shore as common area and are proposing a pedestrian/emergency vehicle pavement across the dam. They have been requested to evaluate impervious pavement across the dam. They will work out what the road surfaces will be with Public Works or if it is privately maintained or if there is a fee.

These lots are over 400' deep and believes 50' of a mature tree buffer is good enough from the transmission line.

They tried to parallel the streets with the gas lines.

The common area is 150' to 200' deep.

Mr. Sayre discussed the lots and the area in the southwest portion of the tract.

Mr. Sayre discussed the positives of having the R-S/PRD; increase the number parking spaces, decrease the impervious area, maintained 13' between units.

Mr. Sayre stated this is a rezoning request but Mr. Smith has agreed to dedicate the necessary half-width along Route WW. The developers have money budgeted for off-site improvements. They have proposed a right-turn lane but MoDOT said they did not know if it would be warranted or if they wanted the right-turn lane. There have been discussions of stubbing an existing road to the adjacent property.

Commissioner Miller asked what the covenants are for the PRD. Mr. Sayre stated those have not been finalized.

Commissioner Miller asked what the concept for the covenants are. Mr. Sayre stated the concept will go from a conventional style unit to a unit that has a smaller footprint than what is proposed. The lot range will be similar to the Bluff Creek development. These lots will be covenanted by Mr. Smith and he will review the proposed development as part of the sale. The goal will be to decrease the footprint and increase the building height to make sure that there are buffers and rents high enough to encourage others to redevelop in existing areas. Mr. Sayre stated this is a rezoning request but does not blame anyone for being concerned with that (possible multi-family units in El Chaparral) developing here. That cannot develop here and maintain the bottom line that is required by the large cost of off-site improvements, such as replacing streets, possibly investing in a sewer improvement. These lots in the development will range from \$21,000 to \$100,000. Mr. Smith made it clear that he has the most to lose and they do respect the Commission looking out for other county residents.

Commissioner Elkin stated twenty five years ago those duplexes in El Chaparral were wonderful places to live. He asked what kind of mechanisms will be in place to make sure that they do not turn bad. Mr. Sayre stated there is existing covenants in Concorde Estates and it is his opinion there are several items that are not valid in those, for example zero lot line. One item they will set up is that there will be a funded homeowners association and he is not sure if the current homeowners association is valid. Currently there are no dues paid to the existing homeowners association. He believes they will be good patrolman of the covenants. The covenants will be finalized in the Review Plan and they have to come back to Planning and Zoning with the Review Plan.

Mr. Sayre stated the developer believes if the homeowners association is well funded then everyone, including the existing residents, will be paying to invest in their property. He cannot state any specifics except what is recorded at this time, such as square footage, exterior, typical plans, siding type, will all be done at a later date.

Commissioner Schnarre asked if the buffer for the duplexes is where the drainage problem is and if there is enough room there to do the storm water control. Mr. Sayre stated in his opinion for this subdivision there is.

Commissioner Schnarre stated there is water coming in from other places that has to be controlled too. Mr. Sayre stated that is correct. Mr. Sayre indicated on a display the ditch on Pecos Court and how this ditch is the biggest issue on Pecos Court and how it has eroded. He is not here to argue if that is natural erosion or if it is a stream but the neighbors are concerned that it is moving toward their property and there is an increase in the flow. The adjustments that have been made could have been done or may have to be modified that are existing. Mr. Sayre indicated on a display if storm water in a certain area is detained it will back up into the backs of lots if it is retained. He also indicated the where the main drainage way is coming from another site besides this development.

Mr. Sayre indicated on a display the different watersheds of this area.

Commissioner Schnarre asked if there is a possibility that there will have to be two retentions. Mr. Sayre stated it is possible and there may be more than two. There may be on-site retention in the planned commercial, this may be done up stream, they have also left a buffer strip along the entrance. There may also be a system of smaller retentions throughout the development.

Commissioner Miller asked when they are developing the storm water plans if they use a 10 year or 25 year or 100 year plan. Mr. Sayre stated this developer uses and maintains a minimum of a 25 year requirement. This is not necessarily required by the County but there will be a 25 year approach used on the internal storm water structures. There will be some storm water structures they will have to work with neighbors on low points and lots they do not own. They may be trying to acquire storm water easements to pipe some of the water off the street and back into the channel. They will do what is required by Public Works.

Mr. Sayre stated the retention is more complicated. It is very difficult to maintain a design level for smaller retention facilities but a lot of analysis will have to be done about the retention facilities.

Mr. Sayre noted their NRCS contact requested they do an analysis of the dam structure. That would be required by the Public Works Department. The NRCS also requested they address the stream buffer approach and local erosion around the lake.

There was discussion about the top width of the dam and possibly putting a road across the top of the dam.

Commissioner Elkin stated that there is water up to the foundations of some of the homes on Pecos Court now and if there is any more water from this site then these people will be flooded out. Mr. Sayre stated in looking at the high water marks that have been staked out by the residents, the Rippetos is one situation and they are probably within a foot. The owner that is adjacent to the pipe and the rental house both have major concerns. There may be a culvert extension.

Commissioner Elkin stated a traffic study is required for any development over 100 units. Also, Mr. Sayre mentioned non-conforming uses on existing R-M and it is to Commissioner Elkin's knowledge that those are conforming and there are multi-family uses in that zoned area. Mr. Sayre stated he was quoting staff.

The existing Daniel Boone Boulevard will be removed and reconstructed to County standards. Mr. Sayre stated it may not comply with existing County standards. The idea is, and in talking with Public Works, the developer may need to use a different subgrade to lessen the impact to the existing yards. The developer is planning on getting the approval from Public Works and dedicating the streets to the County. Not only Daniel Boone Boulevard but Todd Street, Berkeley will be replaced and some of the stub streets will be replaced.

Commissioner Elkin asked how many units are being proposed now in the PRD. Mr. Sayre stated there are 64 structures with 128 units.

Commissioner Schnarre asked what stage they are at with the lots. Mr. Sayre stated currently they are showing 32 lots each with two structures.

Commissioner Schnarre stated he meant total lots in the subdivision. Mr. Sayre stated there will be 355 lots total living units.

Commissioner Miller asked if the 355 units included 140 R-S/PRD units. This has been decreased. Mr. Sayre stated that is correct, they left the 355 units because some single families may be gained when they do the R-S plat.

Commissioner Miller stated the maximum is 355. Mr. Sayre stated that is correct. The density calculation that he turned in and Thad Yonke, County Planner, reviewed is still the same proposal. The density calculation is 1.93 units per acre. Mr. Sayre stated they offered to agree to a maximum number of units.

Commissioner Schnarre opened the floor for a public hearing on this request.

Brent Stewart, 5325 S. Bearfield Road, Columbia, representing the Elks Lodge, was present in favor of this request. Mr. Stewart stated the Elks is one of the oldest fraternal organizations in the nation and has a very diverse membership.

The Elks provides social activities for the membership but primarily are a charitable organization that supports numerous community service projects. Mr. Stewart listed some of the projects the Elks is involved in.

Mr. Stewart explained how the facility is use and the amount of time it is used. He noted the Elks have been looking for new and affordable land for a new facility because they have grown out of their current facility. The Elks support this request.

Robert Logan, 1546 S. Pecos, Columbia, stated he would like to have a buffer and water retention around his home as the developer has proposed. He believes the developer is willing to work with the neighborhood. The land will developed at some point in time and he would rather see 350 homes there rather than 800. He believes this is a reasonable layout of the development. He is not in favor of this request but does not oppose the development.

Joan Honeycutt, 1568 Pecos, Columbia, stated she had placed rock along a ditch and watched it wash away. She replaced the rock and it is now screened in with hopes that it will hold some of the water. She believes it will help to have the buffer and water retention.

Ms. Honeycutt stated she does not think that the traffic concerns will be taken care of until the City widens Broadway to four lanes. Her only objection to this request is to make sure there is four lanes with a turn lane otherwise people will not be able to get in and out of the subdivisions.

She supports this request and believes the developer will try to do something to help the neighbors. She likes the buffer that the developer has proposed.

Cynthia Waltman, 4146 Reynosa Drive, Columbia stated she is in opposition to this request. Her house is on the corner of Reynosa Drive and Pecos. She is concerned with the water runoff. When she moved into the house in 1999, there was about two or three feet between her fence and the waterway. A year or two later due to water build up on the roadways in El Chaparral and being impassable during high waters, they redid the drainage areas. As a result of that effort, her fence line is at the edge due to erosion. They cannot keep the area mowed; they have to let it grow to slow down the water. When it starts to rain the water from the whole neighborhood, the duplex area and where the new neighborhood will be built will come through that area. The water is extremely fast and high when it rains. She has concerns despite any efforts that they try to make to attenuate more water from coming. There is already a severe problem.

She's not sure why it was done like it was, there used to be very little connection to the property to the right of hers. When they came in and did the restructuring to make the bigger vents they put in a cemented or stoned area for the water to pass through behind her neighbor's property. She assumes this was done by the County. Nothing was done to reinforce the area behind her house.

Ms. Waltman is also concerned with the corner where the water turns to go behind the houses; there are several large trees that are already being uprooted. It is only a matter of time before those trees are going to fall down and they are the only thing holding the bank at the corner. She has not been shown anything by the developer to prove to her that the water problem will not be added to with the additional buildings.

Ms. Waltman stated the school in the neighborhood is one of the smallest, if not the smallest, in Columbia. There are four or six trailers at the school facility. Building all of these new units, however it might be developed, is going to compound to the number of children that might need to go to the facility. She is concerned with the way this is proposed to be developed with different levels of housing and how that will effect the stratification of the school.

She is also concerned with the traffic. It is to her understanding that there will be a connection between that neighborhood and El Chaparral. There is already a concern with the traffic in El Chaparral and there will be additional traffic.

They are proposing to have the multi-family area about the single family homes on Pecos. Even though they have proposed to have a buffer there will never be a fence. Almost all the houses in El Chaparral have fenced backyards. She believes it will be easier for people to walk around behind the duplex area.

Ms. Waltman stated the proposed pod area that has been referred to is not the same as military style housing as it has been compared too.

Michael Moore, 4581 E. Todd Street, Columbia, stated many are present this evening to decide whether or not to rezone three tracts of single-family residential areas to commercial and planned residential development. Many individuals have expressed concerns regarding traffic, crime, and environment. His main concern is when he and his neighbors purchased their homes the zoning for the entire tract, and still is, single-family residential. They bought their homes with this in mind and assumed that is what would remain. They certainly never expected to look out their back doors to see parking lots and dumpsters or listen to those same dumpsters being emptied at four in the morning. Prime Development is now requesting changes that will affect the entire area surrounds the tracts in question. Representatives of Prime Development have stated that they cannot make a profit on the entire project without the zoning changes taking place. Their profit or loss potential should not have any barring on this question. Their desire to make money cannot be accommodated if it is to the detriment to the people of the surrounding

area. Other developers in the community seem to be able to make a profit without commercial zoning. He would submit if Prime Development can't, it would be because a) the purchase price is too high, b) the infrastructure and development costs are higher than their peers, or c) the desired profit margin is higher than their peers or a combination of all these.

While he wholly supports the American way of life and capitalism, including the right of a company to make a profit, he cannot support anyone attempting to use a legal process to make a profit if it at the expense of the community. This rezoning does not appear to have any need in this area as commercial zoning is available one-half mile away and more only two miles away.

As elected officials it is the Commission's job to decide if this rezoning will improve the neighborhood or not. Based on previous meetings, the residents of the area overwhelmingly opposed this change. Mr. Moore urges the Commission to respect the rights of this large body of constituents over the wish of a company to make money while trampling the rights and well-being of the people in the neighborhood. The Planning and Zoning Commission denied this request because of many concerns and he believes that ruling should be upheld.

Evelyn Cleveland, 1445 S. Mesa Drive, Columbia, president of the El Chaparral Neighborhood Association, submitted a letter to the residents and neighbors of El Chaparral and Concorde Estates subdivisions about the rezoning request to the Public Record. She believes the majority of the concerns the neighbors have were addressed by Ms. Waltman.

Ms. Cleveland stated there is a major problem with Highway WW. Given the fact they are asking to build a certain number of units and having two vehicles per unit that could add almost 3,000 additional vehicles on that road. If the infrastructure of the road is not put in place before the building begins, they are in deeper trouble than they already are. There have been several accidents within the last month or so. In her 13 years as a resident out there, there have been a number of fatal accidents.

Ms. Cleveland stated there is a concern with the commercial entity that is being proposed. They cannot stop development and they know that but this type of development is opposed. They are also in opposition to multi-family development. The multi-family units will be nice places when built but down the road what will happen is the same thing that has happened in El Chaparral. The owners of the multi-family housing are not keeping the units in good condition.

Some of the issues have been resolved with some of the neighbors but the majority of the people are still opposed to this request.

Lawrence Luck, 2258 El Centro Court, Columbia, submitted petitions signed by those in

opposition to the rezoning request. He also requested a show of hands by those who are present and in opposition to this request. The majority of those present raised their hand.

Mr. Luck stated there are a lot of unanswered questions. The developer's representative has said numerous times "I don't know we'll have to find that out." The unanswered questions are about storm water, traffic, sewer, schools, streets, and many other issues.

He noted the Planning and Zoning Commission unanimously recommended denial of the duplexes, the majority of the commercial, and the one piece that was not a unanimous vote of denial it was a majority vote. Commercial is not needed in this area. There is already underutilized commercial at El Chaparral and there is even some underutilization in the Broadway Market Place. They are within two minutes of every service the developer suggested that was needed. He does not have a problem traveling the two minutes.

Mr. Luck stated he does not see how the Commission can approve any changes until the traffic study is done. There are no shoulders on Highway WW. Deaths have occurred on this road along with numerous other accidents. There are times in the morning when people wait to get on to Highway WW from El Chaparral. He cannot understand what the traffic will be like if this is approved, construction begins but the road upgrades have not occurred.

There was a sewer bond passed but it will be a number of years before upgrades are made to the sewer systems. The El Chaparral sewer facility cannot take much more addition.

Mr. Luck thinks the larger watershed of this area is Hinkson Creek. There is now a Hinkson Creek protected watershed and he is concerned with what might happen further downstream from this development to that protected watershed.

Mr. Luck agrees that this is a beautiful piece of land. He believes it could remain that way with the right type of development but does not believe that duplexes and commercial development are the right type.

The current economy does not support the concept that more duplexes are needed. If someone can pay \$900 per month for rent then they could also pay that amount on a house payment. There are plenty of rental houses for students or those who are not looking to purchase a house. He also does not believe that the addition of more duplexes next to the existing will not make anything right.

The residents experience power surges and lose power frequently even though Boone Electric said they could service the area.

Mr. Luck is also concerned that the current infrastructure can handle this development and he has yet to hear anyone say anything about an infrastructure upgrade.

He also does not want to see the same development that has happened on Clark Lane happen on Highway WW.

He would like to see the Commission deny this request.

Nathan Leigh, 4080 E. Victoria Court, Columbia, elected vice-president of the El Chaparral Neighborhood Association, stated there are many residents of the neighborhood that could not be present at this meeting because of the proximity to the holidays. At the neighborhood meetings, there were a large number of residents that expressed concerns to many facets of this development. He is concerned with the traffic on Highway WW. Also, the Elks Lodge will have a liquor license and having patrons of the Lodge driving on Highway WW in a potentially impaired state. If construction begins and the road is not improved then they are inviting danger. Also, if there are a lot of people going to the Lodge for meals, the danger is also increased.

Mr. Leigh is also concerned with the addition of the duplexes next to a blighted area but this has been discussed. He also has concerns with the protection of the property values and quality of life for those who live in the neighborhood. He knows that one of the property owner's who lives next to the proposed commercial area is concerned with what will happen to her property.

Don McKenzie, 4521 E. Todd Street, Columbia, there is a graveyard located south of the lake. This graveyard does have markers, dating back to the 1800s, and would like to see this go undisturbed.

Tad Herin, 1560 S. Daniel Boone Boulevard, Columbia, noted there were only two who spoke in favor of this request because of potential of fixing their water problems and no one else seems to be in favor of this request. He believes this should be enough for the Commission to deny this request.

In addition, Mr. Herin noted his parents were landlords and he knows it is difficult to control tenants. It takes nine months to have someone evicted in Boone County.

The covenants, which have not been drafted, will be a burden on the residents to enforce.

He noted Mr. Sayre's comments about a possibility of not being able to fix the storm water problems.

Mr. Herin stated Prime Development does not have permanent interest in this property. They want to have the zoning changed to commercial, remove the trees, sell the land and move on. They made their money. That is not fair to the residents. The Commission's decision will send a message to the residents. They are counting on and requesting the Commission side with the residents and deny this request. They do not want commercial

and do not want multi-family residential.

Bob Moore, 1461 S. Daniel Boone Boulevard, Columbia, stated when Mr. Sayre spoke before the Planning and Zoning Commission, he described the Concorde Estate homeowners as people who lived on a wonderful farm. Mr. Sayre went on to say that they needed to know they could not live on the farm forever. That is not the issue that is being discussed here. The issue of “not if but when” this will be developed is not the issue at hand. The question is not when but how this will be developed. Currently, he looks out his back door into the woods and would like to keep that view. He understands and knows that cannot be expected. What the residents should expect is when the woods disappear it is replaced with single family housing. This is what they were told when they purchased their property. Many do not want to look out their back door to see light commercial development and dumpsters.

He believes there is a market in Columbia for single-family housing. He does not believe that this could not have been sold to someone who wanted to put single-family housing on this whole property. What is being proposed is a change that would allow Mr. Altis to make a few extra dollars at the expense of all the homeowners that live in this area and that is wrong.

Mr. Moore stated there have been a number of reasons brought forward in opposition to this rezoning, sewer, traffic, wastewater concerns, and other concerns. The one concern that has not been discussed that much is the impact it would have on property values.

Currently Concorde Estates does not have neighborhood association dues but everyone chips in and helps make improvements. He believes the level of responsibility is not the same for rental property as homeowners.

Charles Wiebe, 1855 El Chaparral, stated one of his friends died a few months ago on Highway WW. This is a dangerous road. Every additional car on Highway WW makes it more dangerous. There is a potential of having eight cars per rental unit, if it is a four bedroom unit, and the structure of road cannot handle the additional traffic.

Commissioner Schnarre closed the public hearing.

The Commissioners recessed the meeting at 7:15 p.m.

The meeting reconvened at 7:25 p.m.

Commissioner Schnarre noted the applicant may now make rebuttal.

Chad Sayre stated many of the issues that were brought forward in the public hearing are the same comments that they have been trying to address. Some of the issues they, nor any other developer, would be able to address. Many of the comments were around the

“not in my back yard” idea. In looking at all the data, there is a potential to have 800 units on this zoning or 762 units with commercial zoning. They have proposed a practical density not an allowed density. The Commission has the opportunity to restrict the 355 units, mixed use and planned development of the parts that are not zoned R-S. A PRD would not have restricted the rest of the property because the underlying zoning is R-S. They tried to be as detailed as they could. This is a zoning request hearing and they have a long ways to go before the zoning is permanent.

The first time they had a meeting with staff, one of the first items that they heard was the residents in Concorde Estates complained about street conditions. If the developer is going to construct new streets, provide sidewalks, and limit through traffic to a subdivision, he disagrees that property values or marketability will be hurt.

Mr. Sayre stated they know of one lot owner, the Cooks, they are concerned with and they are the ones closest to the neighborhood commercial area. This will be addressed through the planned process, when the subdivision is re-platted to limit the through traffic. The others who commented on dumpsters being in their backyards, Mr. Sayre wanted to make it clear that on a display one inch equals 100 feet; maybe the closest home is 200 feet. Some of the folks that were most passionate are 1,000 feet away from the planned commercial area and then the traffic has been proposed to be restricted. They have called it a village, The Village of Southfork, because they feel the like the end result of what they are doing and what will be seen from their backyards is what they expected when they purchased their properties, single-family planned residential. The folks that back up to the planned office area, in the planning process, they will have to provide the buffer strips and berms. The people who buy the office space do not want to adversely affect the residential properties. He noted no one will back up to or be contiguous with the PRD.

Mr. Sayre stated there will be single-family residents on existing platted lots in Concorde Estates. There are 45 lots in the Concorde Estates plat, 15 of those lots are owned by private individuals. He explained what lots will have single-family residences behind current single-family lots, which ones will have a buffer strip and planned office.

Commissioner Elkin asked if Mr. Sayre would elaborate on the type of buffers that will be used. Mr. Sayre stated he does not have a landscape plan done but one will have to be done.

Commissioner Elkin asked what is envisioned for the buffer. Mr. Sayre stated he sees a mobile berm with some plantings. The landscape plan will have to be approved by the Planning and Zoning Commission before it is brought forward to the County Commission.

Mr. Sayre stated they agree that traffic will increase on Highway WW and this increase will happen whether or not this development happens. At a meeting he attended with Commissioner Elkin and Mr. Shawver, MoDOT told them that Highway WW has the

lowest traffic count in comparison to rural Route PP, Route B, and likened it to other rural roads. Highway WW has superior geometry to Route PP. Not one of the developers wants to have a Clark Lane. One item that did not happen on Clark Lane was to have that developer restrict the zoning to less than half of what is realistic on the property which also restricts the number of trips to less than half.

He agrees with the gentleman that said there could be up to eight vehicles that leave a duplex in a day and it could be more. When the traffic study is completed, they will see that this proposal before the Commission tonight limits the amount of traffic compared to what it is now with the open zoning.

Mr. Sayre stated the difference in the way the Commission has approached this compared to the other entities involved is by setting up neighborhood meetings. Many changes to Highway WW have been proposed by the developer; a signal, lane widening, and include Highway 63 interchange in traffic study. He noted the only people that are in a dense subdivision are the El Chaparral neighbors. What they are doing that is different than El Chaparral is proposing to provide a traffic study to address staff concerns and he believes this study will be in excess of what would normally be required under regulations. The developer has agreed to do this because he is the one who has the largest investment.

Mr. Sayre stated the reason the Elks wanted to locate their new lodge on this property is for the same reasons and concerns the neighborhood is raising. That is why this commercial will be viable and well planned compared to the open commercial. The same reason is for the residential, to use the broad market strata. He noted this is a zoning hearing. The homeowner association that they are going to propose will have to come back forward to the Commission for their approval and this is the difference in this subdivision to El Chaparral.

Mr. Sayre stated he believes they are addressing the whole subdivision as a PRD even though the underlying zoning is R-S. There are a lot of items that will have to be approved by the Planning and Zoning Commission and the County Commission before they can be completed.

The storm water issue is complicated. This tract is pretty much an undeveloped area that they are proposing to develop. There are existing storm water problems and it is not their goal to make those worse. The majority of their development is not tributary to the area of concern but runs into the lake or sheets off into the Southfork. They have not done the storm drainage analysis but it will be done.

Mr. Sayre noted that he agrees with the lady who made the comment about hearing all these studies would be done. The developers are at a point for Commission input on land use. They proposed planned developments per staff requests to address those things and allow the Commission to restrict the tract. This is a zoning request.

Mr. Sayre stated a small percentage, maybe 20 to 25 acres of this tract, is tributary to the El Chaparral drainage. The majority of the water in that drainage area comes from other properties. Mr. Smith has agreed to review the off-site drainage problems. Mr. Smith had a meeting with the residents and noted what would be in their backyard is what has been platted for years. Their only concern is with the Cooks' property.

The Cooks' noted their presents at the meeting and their understanding that the developer would purchase their home at the market value.

Mr. Sayre stated he wanted to be able to comply with other neighbor's requests to keep the traffic going through the middle of the tract.

They will work with the homeowners association about the amount of green space and lake access.

When neighbors asked them about what would be the asking price of the lots, they gave them their best estimate. One reason why this development will not be as profitable is because they have been asked to replace the streets. It is a lot more expensive to build a street around existing yards than in a new subdivision. Staff told them for years the residents in Concorde Estates have complained about their roads. They (who is they?) liked the nod of commercial development as long as it was planned, understood the buffering, and redefining the use for the small percentage of the development area.

Mr. Sayre stated he cannot give details about the storm drainage to the Commission at this time. They believe the type of lots that will be built will have a small amount of impervious area that is tributary to run into the Southfork.

At one of the City/County meetings, someone asked if the developer would dedicate a pedestrian way and the developer is willing to do that.

Mr. Sayre gave his opinion of the vote of the Planning and Zoning Commission on this request.

Mr. Sayre stated he has said that there are issues he does know the answer to but he does try to give his intentions. They have not made any empty promises that are outside subdivision regulation input through the planned district.

He stated the reason for having the stub street to have interconnectivity between the neighborhoods per the County's request.

He had used the term pod housing because in a previous meeting someone had said they had lived on a military base that had pod housing and that is what this design reminded them of. They are not proposing military housing. If the footprints of the units gets smaller that would increase the amount of green space. Planned developments help

minimize street length, maximize parking while minimizing impervious area, and maximize green space.

At a previous meeting a gentleman told Mr. Sayre that he liked having the single-family housing planned development. Rather than having 70'x100' single-family rental units he would rather see the larger homes on large lots. Their goal is to get away from the single-family rental and control and buffer the rental property.

Mr. Sayre believes that non-planned commercial does not offer the protection or security of the investment for the commercial property owners. The Elks want to be in a planned commercial area.

He appreciates every concern that is brought forward.

Mr. Smith initially offered to put in a right-turn lane. Mr. Sayre stated there is 8,000 feet of WW that needs to be improved. The developer is willing to restrict the practical density by less than half, dedicate the necessary half width, and offered the build a right turn lane but MoDOT does not know if they will allow that. The developer has also stated he is promoting a signal.

Mr. Sayre stated they have to, by contract, provide fencing for the graveyard. They want to keep it as an amenity to the subdivision. This is an issue that has to be addressed but not at this zoning hearing.

They are trying to do as staff suggests by concentrating densities in planned areas, work with the topography to minimize excavation in the R-S area, and maximize the amount of green space.

Their idea is not to recreate inadequate deteriorating units. There is a demand for units like what is proposed in the PRD area. This is a zoning hearing.

The two main items that were brought forward during public comment was Highway WW and the sufficiency of resources test. The sewer issue is resolved and they have been told it would be completed by 2005. They are working on the line-of-sight survey for the tributary now. Highway WW is a concern to the developer and believes this is the battle. This is not on the radar screen for MoDOT and the way to get it on the screen is by responsible planned development. That is the difference between this development and Clark Lane. This developer has proposed to work with the City and County and other developments in the area to fund or co-fund a traffic study.

Commissioner Elkin asked what the time frame is for this development. Mr. Smith said it would be a phased development, three plats, five phases, beginning spring 2004 and have the last phase completed in winter 2008 or spring 2009.

Commissioner Miller stated there have been a lot of developments in Columbia that did not have mixed use. She believes that having neighborhood commercial and neighborhood office and mixed housing is one of the most practical ways to build a community. She believes it is the Commission's job to build communities not to build subdivisions or malls. This proposal looks at building communities and she commends the developer for that.

There are many concerns and one of those concerns is property values. If this developer took this whole tract and put it in the minimum 7,000 square foot lot size then there would be a lot more rental houses. She believes that would be more detrimental on property values than a mixed use development.

She does have concerns with storm water. She appreciates that the developer is incorporating some kind of stream buffer and reviewing the retention.

Commissioner Miller noted she understands there are many unanswered questions. However before a building permit can be issued, there has to be adequate sewer, water, roads, and other infrastructure. If this was not a planned development then the developer would not have to have a plan for storm water because the County does not have a storm water ordinance. There are a lot of items being proposed by the developer that would not be required under the current zoning.

She believes it is much more responsible to have 355 units on the whole tract with commercial rather than over 700 units. Neighborhood commercial does not draw the same amount of traffic as a mall.

If all the conditions can be worked out to mitigate neighborhood concerns then this is a good development in her opinion.

Commissioner Schnarre stated he reviewed the allowed uses in office commercial and neighborhood commercial and did not find anything that might be of major concern. A lot of comments were made about having the commercial development to be profitable but because of the requirements on the developer to have open space on the plats it behooves them to have commercial in the mix to be profitable.

He is concerned with Storm water and gets the impression that storm water is causing some of the problem, which is from upstream of this property.

Commissioner Schnarre noted there are only three homes proposed to back up to the office development.

Commissioner Elkin stated agriculture activities, a golf course, school, or family daycare can be operated under the current R-S zoning. Privately operated clubs, hospital, nursing home, retirement center, mobile home park or subdivision are conditional uses under R-S

zoning.

He stated if this is approved tonight, this is only the first step. A lot of the details to the questions that were asked tonight will have to be addressed during the review process. What was discussed tonight was fundamental question, is this particular parcel of land suitable for this particular zoning. The Commission either says yes or no. The details will come at a later date in a review plan and that has to be approved by the Planning and Zoning Commission before the County Commission will review it.

Commissioner Elkin stated there will be construction and development and this is happening all over the country not just in Boone County. There are draw backs to development such as increased population, traffic and congestion. This land will not be the same farm land as it is now after it is developed. The development will happen but his question is how this development can be controlled. The Commission can set conditions on this development. If this property is annexed into the City of Columbia, the neighbors will have no voice in the development. The neighbors will have a voice with the Commission.

He commends the developers for working with the neighbors. The developer has agreed to only have 355 units. He does not understand why someone would want 800 homes on this tract. This is a significant difference and he does not believe the neighbors would be happy with that many homes. If someone did build the 800 homes, those would probably be 1,200 square foot, 3 bedroom, 2 bath ranch homes on a slab and a majority of the homes would probably be rentals.

The developers are participating in a traffic study. This is needed on WW whether this development is approved or not. Commissioner Elkin is concerned about the traffic on WW but does not believe that MoDOT shares his same concerns. He will be working with MoDOT to persuade them to feel otherwise.

Commissioner Elkin stated one positive of this development is the green space and buffers. Other developments in the community sometimes have no buffer. He believes the developer made a tremendous effort to create substantial green space.

He believes the County can control the development of this land and do a better job than the City can.

Commissioner Miller asked Mr. Smith if this is approved with conditions and this land is annexed into the City, will he have a contract with the County to honor those conditions. Mr. Smith stated yes he would. There have been discussions with the City of Columbia about annexation that have been led by the sewer issue. One request by the City was for Mr. Smith to itemize what his requirements would be to annex into the City. Most of those were fairly mundane issues. One issue that he believes is important is that the conditions that are worked out by County staff be honored by the City. The other was a

signal on WW.

Commissioner Elkin asked if a pre-annexation agreement has been signed. Mr. Smith said no.

Commissioner Schnarre agrees with everyone in the fact that WW has to be improved before there is any more development. He stated the County has no money to fund a traffic study. The State does not have the money to do a traffic study. He thinks it will be in the best interest of the County to work with the developers in road improvements. He noted 740 is being discussed and will cross WW somewhere.

Commissioner Miller stated she believes all the concerns have been addressed.

Commissioner Schnarre stated he believes the developer has done everything he possibly can to address the neighbors concerns.

Commissioner Elkin moved to approve the request by Klifton Altis on behalf of Prime Development Corporation to rezone Tract A, 15.36 acres from R-S (Single Family Residential) to C-GP (Planned Commercial – Neighborhood); Tract B, 4.98 acres from R-S to C-GP (Office); Tract C, 26.35 acres from R-S to R-S/PRD (Single Family Residential / Planned Residential Development) on property located at 4750 E. Hwy WW, Columbia with the following conditions:

- The developer shall enter into a written waste water collection and treatment service agreement with the Boone County Regional Sewer District prior to approval of the Review Plan; such agreement shall include a commitment by the developer for improvement of existing facilities and construction of new facilities at developer's cost for the entire development; such agreement also shall obtain a commitment from the Boone County Regional Sewer District to provide waste water collection and treatment services for the entire development regardless of whether interconnection with the City of Columbia sewer system can be made and regardless of whether the property is annexed into the City of Columbia, and
- The developer shall provide a traffic study for the entire development by a qualified traffic engineer acceptable to the Boone County Public Works Director; the Review Plan shall include proposals for implementation of all recommendations made in the traffic study acceptable to the Boone County Public Works Department, and
- The developer shall enter into a written and binding development agreement, not to exceed 355 units, with the County at or before the time of the Review Plan is approved which shall remain enforceable by the County regardless of whether the property is annexed into the City of Columbia; such agreement shall provide, at minimum the following wording:
 - o That no road connection to the existing El Chaparral Subdivision shall

be made until, at which time, all roads within the development are constructed to County standards and accepted for public maintenance and shall not be opened until all phases of the development are complete.

- Streets within the existing Concorde Estates Subdivision shall be improved or reconstructed to meet County standards for public maintenance and shall be approved by the Boone County Public Works Director; street work shall be accomplished at the time other roads for the development are constructed.
- Storm water control improvements shall be designed and constructed with the approval of the Boone County Public Works Director on or before roads within the development are constructed with the objective of preventing post-construction runoff from the development from exceeding pre-construction runoff in the area of property surrounding Pecos Court.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 571-2003**

Public Comment

Tad Herin, 1560 S. Daniel Boone Boulevard, Columbia, stated he noticed Commissioner Elkin had prepared conditions for approval of this request and believes it was insulting to listen to those who were in opposition.

There was no further public comment.

The meeting adjourned at 8:25 p.m.

Attest:

Keith Schnarre
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner