

TERM OF COMMISSION: May Session of the April 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 7:00 p.m.

Subject: Planning and Zoning

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)

A. Request by Virgil and Janet Wooldridge, Jr. and William and Betty Benedict to rezone from A-R (Agriculture Residential) to A-2 of 15.88 acres, more or less, located at 12701 N Hecht Rd/ 8101 E. Low Crossing Rd., Hallsville

Stan Shawver stated this site is located approximately one mile southeast of Hallsville. The tract consists of 15.88 acres currently zoned A-R. It has A-R zoning to the north, east, and west, with A-2 zoning to the south. Currently, there are three dwellings on this site. The original zoning for this site is A-R. There have been no previous requests submitted on behalf of this site. This site is within the Boone Electric service area, and is in the Public Water Service No. 4 service area. It is located in the Hallsville School District. It scored 28 points on our point rating system.

The applicants are requesting a rezoning to A-2. The applicants own a total of 80 acres. If the rezoning is approved, they will create four tracts for family members by following the requirements of the "family transfer" section of the subdivision regulations. A-2 zoning in

the 15.88 acre tract described by the applicants will have a maximum density of six dwelling units. Staff notified nine property owners about this request.

The master plan designates this area as being suitable for agriculture and rural residential land uses. The request is consistent with the master plan.

The Master Plan calls for the use of a “Sufficiency of Resources Test” when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner.

The resources necessary to serve the proposed development can be broken down into three general categories, utilities, transportation, and public safety services.

Splitting this tract will not result in a decrease of available utility services in the area.

Access to the site is by Hecht and Low Crossing roads, both of which are county maintained. The addition of three additional dwellings will have little impact on the roads.

The nearest fire station is located in Hallsville, which is between 1 and 1½ miles away. The addition of three dwelling units should not result in increased demand on other public safety services.

Staff recommends approval of this rezoning.

The Planning and Zoning Commission conducted a hearing on this request on May 19, 2005. A motion was made to approve the request. This motion received unanimous support.

Kevin Schweikert, 506 Nichols Street, and Virgil Wooldridge, 12701 W. Hecht Road, were present on behalf of this request.

Kevin Schweikert stated under the current zoning, A-R, family transfers are not allowed. If this is approved then Mr. Benedict can transfer three tracts to his children.

Commissioner Schnarre opened the floor for a public hearing.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin moved to approve Virgil and Janet Wooldridge, Jr. and William and Betty Benedict to rezone from A-R (Agriculture Residential) to A-2 of 15.88 acres, more or less, located at 12701 N Hecht Rd/ 8101 E. Low Crossing Rd., Hallsville.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 230-2005**

B. Request by Robert M. LeMone on behalf of Certified Properties LLC for a permit to allow self storage units to be placed on 5.75 acres located at 5757 S. Highway 63, Columbia

Mr. Shawver stated this property is located south of Columbia off of Highway 63. The property is zoned C-G (General Commercial). Property to the north and is zoned C-G and M-G. To the east, across Highway 63, land is zoned C-G and R-M. To the south there is M-LP and C-G zoning. Adjoining land to the west is zoned C-G.

This request is to allow self storage units and outside storage for larger items such as boats and recreational vehicles. Plans indicate that there will be an office and a residence for an on-site manager.

This site lies within the Columbia Public School District. Limited domestic water service will be required for the residential use, consistent with that required for a single family dwelling. Electric service will be provided by Boone Electric Cooperative. Wastewater will be directed to a facility owned and maintained by the Boone County Regional Sewer District.

The master plan designates this area as being suitable for residential land uses, though it should be noted that commercial zoning applies to this site. The original zoning for this site is C-G. Staff notified 32 property owners about this request.

As a CUP the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Staff has no reason to believe that the proposed use will be detrimental to the public health, safety, comfort or general welfare if operated in conformance with existing county regulations.

(b) The conditional use permit will not be injurious to the use and enjoyment of other

property in the immediate vicinity for the purposes already permitted by these regulations.

Existing uses in this immediate vicinity of this side are of a commercial nature. The proposed use should not have any impact on those uses.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

There is no indication that the proposed use will have a negative effect on property values.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The site has access to a frontage road. Development of this site may require that water lines be upgraded to accommodate fire flows if required by the Boone County Fire Protection District or the building code.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

The proposed use will not impede the development of the surrounding area.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The proposed use generates minimal traffic and should not hinder traffic flow in the area.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the C-G zoning district.

Staff supports this request and recommends approval with the following conditions:

1. All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
2. A landscaping buffer and buffering plan acceptable to the planning department be

submitted and approved and that such an approved landscaping plan is binding and that all planting and buffering is maintained in good condition at all times. Any planting materials that die or are not providing proper buffering will be replaced no later than the next growing season with plantings that will provide the required buffering equivalent.

3. Lighting is oriented inward and downward so as to minimize light leaving the site.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.

The Planning and Zoning Commission conducted a hearing on this request on May 19, 2005. A motion was made to approve the request with staff conditions. This motion received unanimous support.

David Kurtz, 111 S. Ninth Street, and David Logsdon, 3151 S. Winding Trail Drive, were present on behalf of this request.

David Kurtz stated this tract is undeveloped. The primary feature of this storage facility will be climate controlled units to be built in two phases. The first phase will be 50 climate controlled units and 150 mini-storage units. The target market for the climate controlled units is storage for pharmaceutical sales representatives.

They agree to staff recommendation for buffering and a dust free surface. The original plan had the RV and boat storage area as gravel but this will be dust free surface.

They agree with the staff conclusion that there will be no traffic congestion created by this site. Access for this will be off of a side street that is being constructed, which will be Meyer Industrial Drive.

Mr. Kurtz stated there is currently commercial activity in the area. This project will not be detrimental to existing properties.

Commissioner Miller asked if there is a site plan. Mr. Shawver stated he did not have it with him.

Commissioner Schnarre opened the floor for a public hearing.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Miller stated this is a good location for storage units.

Commissioner Elkin asked is 50 units will be climate controlled with the remaining regular storage units and a residential unit. Mr. Kurtz stated that is correct. The

residential unit will be upstairs to manage the property.

Commissioner Elkin asked what type of traffic is anticipated for the climate controlled units. Mr. Kurtz stated it will be sporadic. If the target market is reached, which are pharmaceutical representatives then there will not be large trucks in and out. It will be individual representatives going in and out with a small inventory that can be kept in a small storage facility.

Commissioner Miller moved to approve the request by Robert M. LeMone on behalf of Certified Properties LLC for a permit to allow self storage units to be placed on 5.75 acres located at 5757 S. Hwy 63, Columbia, with the following conditions:

1. All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
2. A landscaping buffer and buffering plan acceptable to the planning department be submitted and approved and that such an approved landscaping plan is binding and that all planting and buffering is maintained in good condition at all times. Any planting materials that die or are not providing proper buffering will be replaced no later than the next growing season with plantings that will provide the required buffering equivalent.
3. Lighting is oriented inward and downward so as to minimize light leaving the site.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 231-2005**

C. Request by Eugene and Sandra Arens on behalf of Jack and Colby Tinsley for a permit for a riding school on 50 acres located at 9601 N. Memar Rd., Columbia (APPEAL)

Mr. Shawver stated this property is located 6 ½ miles northwest of Columbia, approximately two miles east of Woodlandville. The property is zoned A-2, as is all of the surrounding property.

This request is to allow riding school on a 50 acre tract. There is a house, barn and other outbuildings on the tract.

This site lies within the Columbia Public School District. This site is within the service area of Consolidated Public Water District No. 1. Electric service will be provided by Boone Electric Cooperative.

The master plan designates this area as being suitable for agricultural and rural residential land uses. The original zoning for this site is A-2. Staff notified 18 property owners about this request.

As a CUP the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Staff has no reason to believe that the proposed use will be detrimental to the public health, safety, comfort or general welfare if operated in conformance with existing county regulations.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

Existing uses in this immediate vicinity of this side are primarily agriculturally based or of a residential nature. The proposed use should be a good fit for the neighborhood.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

There is no indication that the proposed use will have a negative effect on property values.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The site has direct access to a county maintained road. The impact on utility service will be virtually the same as that of a residence and small agricultural operation.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

The proposed use will not impede the development of the surrounding area.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of

points of access to the subject property.

The operation of a riding school should have minimal impact on the road, though there will be an increase in traffic.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-2 zoning district.

Staff supports this request and recommends approval with the following conditions:

1. Any lighting other than standard “dusk –to-dawn” lighting is to be oriented inward and downward so as to minimize light leaving the site.
2. Comply with all site requirements of the Boone County Fire Protection District.

The Planning and Zoning Commission conducted a public hearing on this request on May 19, 2005. A motion was made to deny the request. This motion received seven “yes” votes and one “no” vote. The applicant filed an appeal in a timely fashion. The applicant did make a change to Attachment D to reflect 20 vehicles per day.

Eugene Arens, 15001 Old #7, Columbia, and Jack and Colby Tinsely, 2715 Range Line, Columbia, were present on behalf of this request.

Gene Arens submitted a packet of information with written testimony, pictures of the land and surrounding area and two letters of support to the Public Record.

Mr. Arens gave a brief history of the property and how the Tinsleys came to be future buyers of the property. He discussed the Tinselys riding school, Walnut Slope, and how the facility is run. This is not a public facility. Walnut Slope does not publicly board horses, conduct public horse shows, hold public clinics and they do not breed horses.

Mr. Arens comments on comments made at the May 19, 2005 Planning and Zoning meeting.

Commissioner Schnarre opened the floor for a public hearing.

Pat Smith, 4601 Akeman Bridge Road, Columbia, was present in support of this request. She is a member of the Planning and Zoning Commission but was not at the May 19, 2005 meeting but noted she was present as member of the equestrian community. In reviewing the minutes from the May 19, 2005 meeting, there were several points that she believes should have been brought up.

Ms. Smith stated there is a need for this riding school. This is a school and a service. People keep discussing this as a business but it is not selling anything. This is the kind of place that when she was looking for a place to take Girl Scouts so they could get their badge this was the only place that would take them in. The Tinselys had very strict requirements. It is a school, not a business.

She served on the Department of Natural Resources Trails Advisory Board for 11 years as the equestrian representative. When decisions were made about how to spend federal money on trails in Missouri, they always referred to a statewide recreation needs information. This information showed anything that had to do with horses was underutilized. For 11 years, any time there was an equestrian application, the board approved it. Missouri has a very strong heritage with horses and this request is very compatible use for northern Boone County.

She requested the Commission consider the nature of this business. There will be no big rig or big trucks. There will be a lot of mothers in minivans.

Ms. Smith stated there have been several Conditional Use Permits (CUP) issued since she has been on the Planning and Zoning Commission. Only one of these CUPs has been on a black top road. The majority are on gravel roads. She is sorry others believe Memar Road is not a good road. The problem is not this particular gravel road but it may be all gravel roads in Boone County. She does not believe this request should be singled out because it is a bad road.

If the County is going to start saying there will be no CUPs on agricultural land, which this is a permitted use for that land, then the County will have to decide to black top all the gravel roads. To deny this request on the basis of the road is inconsistent with what has been done in the past.

The final point Ms. Smith brings forward is the nature of the neighborhood and how this may not fit in with the nature of the neighborhood. Everyone would like things to stay the same but change happens. In her time on the Planning and Zoning Commission, she has been to a number of places and spoken with many people. She has a map that shows the City of Columbia in 20 years, Akeman Bridge Road will be the end of the metro land. Whether neighbors like it or not, they will be on the urban fringe in 20 years. Neighbors can either decide to welcome in development that she believes is fitting for this neighborhood or they can just let it happen. The presentation shows the kind of development if neighbors just let it happen.

This zoning allows for six horses on a tract of land that are not the land owners that can be boarded. If each of these lots had six horses, not their own, then there would be a lot more horses than what the Tinsleys will have.

Ms. Smith stated when CUP applications are reviewed; surrounding businesses are taken into consideration. There is already a junkyard or salvage operation in the area. She asked what if that would attract other commercial development. This has to be taken into context. She does not believe this can be singled out and have this CUP denied. It is compatible with the area and kind of growth she believes the County would be encouraging.

Ms. Smith requests the Commission to really look at this request in the big picture and approve the CUP.

Erica Pope, 608 Westlink, Kirksville, was present in support of this request. Ms. Pope stated she heard about this request and thought it was necessary for her to tell her story to the Commission. She began riding with Colby 10-12 years ago. At that time, she was not confident and was a shy child. By taking those classes, Colby gave her the confidence she has now. By limiting Colby and the important values that she teaches would be hindering the children in Columbia. She understands other people's concerns. In the lessons she took, there was only four to five people and that was 10 years ago. Things have not changed in the 10 years since she has been there and does not believe things will change in another 10 years.

Colby teaches her students more than how to ride a horse but lessons about caring for the animal and other lessons of life. Colby was very important to her life and she still uses the lessons she learned. Ms. Pope requested the Commission not limit Colby.

Henry Semon, 2441 Seaman Road, was present in support of this request. Mr. Semon stated the Tinselys have been neighbors to his business and have been very good neighbors. Their horses are taken care of. He is familiar with the road where they are moving to and believes their business will be a positive addition to any other business on the road.

Dr. Yost, 4201 Highway 163, was present in support of this request. Dr. Yost stated he has known the Tinselys for eight years through horses. He and his wife have experience with horses, sale barn, horse shows and horse training. In observing Colby, she has never participated in any such activity. He has donated to Colby several of their old show horses, which are still in her care and are in good health. Dr. Yost's daughter has been taking classes with Colby for two years. He requested the Commission approve this request.

Eric Schafer, 4106 Lamp Lane, was present in support of this request. Mr. Schafer stated he has purchased Lot G on the corner. He agrees with all comments made by Mr. Arens earlier. This will be a good addition to the community.

Commissioner Schnarre asked Mr. Schafer if he has built on the lot yet. Mr. Schafer stated he has not.

Commissioner Schnarre asked if he is planning to build there. Mr. Schafer stated that is correct.

Julie Cook, 4406 Langham Drive, was present in support of this request. Mrs. Cook stated her daughter has been riding with Jack and Colby since she was 4 years old. The Tinselys' facility was the only place that would take a 4 year old. Her daughter is now 12 and rides once a week. During the summer, she will go clean stalls to be around the horses. Colby and Jack take their time and use their own money to take kids on float trips and camping trips with the horses.

The property is always well taken care of.

Mrs. Cook is a real estate agent and does not believe this will decrease surrounding property values.

Ardith Kirchoff, 5712 Sundance Drive, was present in support of this request. She thanked the Commission for allowing this opportunity to show her appreciation for Jack and Colby Tinsely. Her child began taking classes with Colby. The school teaches all aspects of horsemanship along with other life lessons.

She noted there are also many families that do carpool.

Michael Currier, 1008 S. Glenwood, was present in support of this request. He stated his 10 year old daughter has been taking lessons with Colby for two and a half years. Shortly after his daughter began taking lessons, he visited the facility. He saw that this facility does more than teach children to ride horses but it also teaches them life lessons such as respect and confidence.

Mr. Currier stated there are many parents and children at this meeting to support this request. These people are proof of what is going on with this program. He encouraged the Commission to support this request.

Fran Pope, 2407 Lynnwood Drive, was present in support of this request. Mrs. Pope stated her daughter is Erica, who spoke earlier. She believes that her daughter is proof of what this school has done for children. This 50 acre tract with one facility in north Boone County will be a benefit to the community.

Kirk Wacker, 9830 Memar Road, was present in opposition of this request. Mr. Wacker submitted a petition against this request to the Public Record. He does not have anything against the Tinselys personally. He believes this request is off track and incompatible with the current neighborhood and the Commission should be concerned with growth.

The Commission should be concerned with the traffic on Memar Road. It is not in good

shape and is not suitable for the additional traffic that this could generate. He believes businesses should only be on feeder roads, which Memar Road is not.

He believes this is a business because they have customers and customers create traffic. Mr. Mink expressed great concerns about this road during the May 19, 2005 meeting.

Mr. Wacker asked if this business is successful then why should it be limited.

This is in the Callahan Watershed. The land is steep and there are already drainage problems in the area.

Mr. Wacker stated there is nothing he could do about houses being built on these lots but can do something about a business.

He believes the County will spend a lot of money on the roads in the area.

Property values will decrease in the area if this is approved.

Howell Wheaton, 7200 Wilhite Road, was present in opposition to this request. He has livestock and has pulled livestock trailers on Memar and Wilhite roads. There have been many times that trailers and other equipment have not made the turn and ended up in his yard. He believes the Commission should be concerned with the traffic on the road.

Cindy Lochhaas, 8901 N. Memar Road, was present in opposition to this request. Ms. Lockas stated she is torn on this issue because she is not convinced the placement of this is good for the safety of those who will be going to the facility or those who live on the road. The Tinsleys have made many promises about the size and how the business will be run. She believes the neighbors will be more comfortable if some of those promises are put in writing. She submitted a list of possible conditions to the public record.

Ms. Lockas stated if the Commission issues the permit tonight; the Tinsleys could possibly not purchase the property or sell it to someone who is not as nice as they are. The following are the proposed restrictions:

- No public address system
- No outdoor arena lighting. The partially enclosed pole barn to be used for lessons will have lights.
- No public events such as horse shows, clinics or trail rides
- Designated hours of operation: Weekdays – 7:30 a.m. to 7:30 p.m. four days a week, Weekends 7:30 a.m. to 2:00 p.m. one of the two weekend days.

An additional restriction would be to limit the number of students per night so as to limit the amount of traffic until such time that the County upgrades the road.

She requested the County put a stop sign at Memar and Wilhite roads.

Commissioner Schnarre closed the public hearing.

Gene Arens showed the Commission an aerial photograph of the property and discussed the additional restrictions. He knows that Colby has used a handheld amplifier in the past. The neighbors will not be affected by any outdoor lighting because there are a lot of trees in the area. The restriction of the number of students will not affect the amount of traffic. He requested the Commission consider the restrictions recommended by staff.

Jerry Stone, 3009 Wind River Court, Columbia, stated he represents both parties in this real estate transaction. This request is better for the neighborhood because there will be only one family on these lots instead of the possible 20 houses. This will not hurt the property values in the area.

Commissioner Miller stated this is a request for a riding school only. If the applicants want to do other activities, then they will have to come back to the Planning and Zoning Commission and County Commission for approval. Mr. Shawver stated that is correct.

Commissioner Elkin asked what the hours of operation will be. Mrs. Tinsely stated in the last 13 years of operation, the facility has always been closed on Wednesdays and Sundays. Monday, Tuesday, Thursday and Friday there are two group classes after school one at 4:00 p.m. and the other is at 5:30 p.m. The weekday mornings, the facility is open 9:00 a.m. to 12:00 p.m. to lessons to toddlers and other private lessons. On Saturday, classes are at 7:30 a.m., 9:00 a.m., 10:30 a.m., and 12:00 p.m.

Commissioner Schnarre asked who owns the horses used at the facility. Mrs. Tinsely stated she owns the horses.

Commissioner Schnarre asked if students bring in their own horses. Mrs. Tinsely stated students do not bring horses. The horses that are used she either owns or free leases, which means she is responsible for the animal.

Commissioner Elkin stated students do not bring in animals. Mrs. Tinsely stated not at this time.

Commissioner Elkin asked how often a trailer would go in and out of the facility. Mrs. Tinsely stated this year with the exception of her trailer, zero. Last year, there were two clients brought in a horse, on a limited basis, for a total of 12 times.

Commissioner Elkin asked if she anticipates the trailer traffic to be the same. Mrs. Tinsely stated that is correct.

Commissioner Elkin stated the horses that are used stay at the facility. Mrs. Tinsely stated

that is correct.

Commissioner Elkin asked Mrs. Tinsely if she would be going to any shows. Mrs. Tinsely stated the facility is not advertised as a horse show barn. They do not take students on the road that often but they will if an interest arises. They will on occasion, maybe five times a year, take her horses to St. Louis with a few students. They do not travel on the weekends.

Commissioner Schnarre asked if the Tinselys own their current facility. Mrs. Tinsely stated they do not. They lease the property and anticipate losing the lease within the next year to development.

Commissioner Schnarre asked if a public address system is used. Mrs. Tinsely stated no. She has used a handheld megaphone during field work but does not use it on a regular basis.

Commissioner Elkin asked what kind of structure do they propose to build. Mrs. Tinsely stated they would like to build a covered arena, similar to the one at Cedar Creek Therapeutic Riding School.

Commissioner Elkin stated this would be a pole barn without sides. Mrs. Tinsely stated that is correct.

Commissioner Elkin asked what size the arena would be. Mrs. Tinsely stated possibly like the Stephens College outdoor arena. Mr. Tinsely stated around 85'x140'.

Commissioner Schnarre asked if this would have lighting. Mrs. Tinsely stated she is planning on lighting the covered arena.

Commissioner Schnarre asked if there would be lighting at the outdoor arena. Mrs. Tinsely stated if the covered arena does not have lighting then yes, she would like the outdoor arena to have lighting. The type of covered arena she would like to build would serve the purpose of both an indoor and outdoor arena.

Commissioner Schnarre asked if this request could be restricted to be non-transferable so a future buyer could not turn this into different operation. Mr. Shawver stated a CUP is with the land not the property owner.

Commissioner Schnarre stated he would like there to be restrictions to keep the scope of the operation from growing.

Commissioner Elkin stated that can be addressed with conditions.

Commissioner Miller stated this is not a bad place for this operation. She toured the area

on Sunday. Yes, gravel roads are dusty. She agrees with Mr. Stone, this is zoned A-2. There could be 20 homes with 10 trips per day for a total of 200 trips on the road. That is a lot more traffic than will be created with the riding center. She does not believe traffic is an issue because the alternative is worse than what is being requested.

She believes with staff recommended conditions about the lights then there will be minimal light leaving the area.

Commissioner Schnarre asked if the request is for a riding school. Commissioner Miller stated that is correct.

Mr. Shawver the Boone County Zoning Regulations define a riding school as follows:

A building and/or land where humans, other than the owner, resident or leaseholder of the property on which the use is occurring, are trained in riding and/or driving and/or handling animals.

Commissioner Schnarre stated he believes this is a good use of the land and is a good place for the facility. He knows that people like to keep things the same but things do change.

Commissioner Elkin stated Memar Road is better now that chip seal has been applied to the road. The County is working on improving all roads in the area and in the County.

He agrees with the staff recommended conditions but would also like to discuss the other proposed conditions. No matter what conditions are approved, they are binding. If the conditions are not met then the permit will be revoked.

The Tinsely's have agreed they will not use a public address system. He does not consider a megaphone a public address system.

He would like the outdoor arena to not have lights. Mr. Tinsely stated if the covered arena has lights then the outdoor arena will not have lights.

Mr. Arens asked if dusk to dawn lights would be against the conditions. Commissioner Elkin stated dusk to dawn lights cannot be restricted.

Commissioner Elkin stated the Tinsley's will have one public event per year. Mr. Tinsely stated it is not a public event but it is more like a graduation ceremony.

Commissioner Elkin asked about the hours of operation. Mrs. Tinsely stated she would like to keep the weekday start time of 7:30 a.m. She would like to change the suggested stop time from 7:30 p.m. to 8:30 p.m. She is ok with the suggested weekend hours.

Commissioner Elkin asked if classes would end at 8:30 p.m. Mrs. Tinsely stated the class would dismount at 8:00 p.m. and have until 8:30 to put up horse and tac.

Commissioner Miller suggested 9:00 p.m.

Commissioner Elkin stated with other equestrian facilities, the Commission has restricted the hours to 9:00 p.m.

Commissioner Schnarre stated he agreed with the conditions presented by Ms. Lochhaas.

Commissioner Elkin asked if all the conditions presented by Ms. Lochhaas would be in the order. Commissioner Schnarre stated the conditions of no public address system and no outdoor arena lighting. If the applicant wants something changed then they can come back with a request.

Commissioner Elkin stated under the County's definition of riding school, there could not be any shows.

There was no further discussion on this request.

Commissioner Miller moved to approve the request by Eugene and Sandra Arens on behalf of Jack and Colby Tinsley for a permit for a riding school on 50 acres located at 9601 N. Memar Rd., Columbia, with the following conditions:

1. Any lighting other than standard "dusk-to-dawn" lighting is to be oriented inward and downward so as to minimize light leaving the site.
2. Comply with all site requirements of the Boone County Fire Protection District.
3. No public address system.
4. No outdoor arena lighting

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 232-2005**

Commissioner Schnarre recessed the meeting at 8:47 p.m.

Commissioner Schnarre reconvened the meeting at 8:52 p.m.

D. Petition submitted by Larry and Wilma Baker to vacate and re-plat Lots 6, 7, 8, 13, 14, 15 and 16 of Valley Park Subdivision

Mr. Shawver stated the department received a petition to vacate and re-plat Lots 6, 7, 8, 13, 14, 15 and 16 of Valley Park Subdivision by Larry and Wilma Baker. The applicants would like to vacate these lots and re-plat the into 60 lots. This property is located on Zach Road and Gabe Road off Route HH. This subdivision is zoned A-2 and was platted in 1977. There are very few lots that are developed.

If permission is granted to vacate the lots, Mr. Baker will re-plat the lots. The area is served by two publicly dedicated roads, Zach Road and Gabe Road. These roads are not complete.

Section 1.8.1.3 of the subdivision regulations require the County Commission to hold a public hearing in order to consider any petition to vacate and/or re-plat, taking into consideration character of the neighborhood; traffic conditions; circulation; the proper location and improvement of streets and roads within and adjacent to the subdivision; property values in the subdivision; public utilities; facilities and services and the re-plat will not generally adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

The department notified property owners within 500 feet of the property.

Brian Dollar, 19230 N. Tucker School Road, Sturgeon, and Larry Baker, 14370 Old #7, were present on behalf of this request.

Brian Dollar stated he is the surveyor for this project. This property is 21.9 acres and is owned by Mr. Baker. This was previously subdivided. The roads were never constructed. The homes that are currently there are on small gravel driveways with on-site sewers.

The project is adjacent to Sheridan Hills, which is a moderate density development.

Mr. Dollar stated if this is approved and the number of lots are increased, the roads can be increased. There will be a central sewer system and they will work on storm water management.

Larry Baker stated he has been building homes in Columbia and Boone County for 15 years. They would like to build nice homes to upgrade the neighborhood and new streets will be put in for the whole neighborhood.

Jerry Stone, 3009 Wind River Court, Columbia, stated he is the real estate representative in this project. He stated Mr. Baker is dependable and builds nice homes that are affordable.

Commissioner Miller asked how many lots are to be platted. Mr. Dollar stated up to 60 lots.

Commissioner Miller stated they would have to go through rezoning. Mr. Dollar stated that is correct. This would be planned R-S.

Commissioner Miller stated this is A-2 but they are requesting this be vacated to bring forward at a later date for the rezoning. Mr. Dollar stated they would like the opportunity to do a review plan and preliminary plat.

Commissioner Schnarre opened the floor for a public hearing.

Henry Bruton, 7803 N. Hickory Drive, Columbia, was present in opposition to this request. Mr. Bruton submitted the letter that was sent by the Planning and Building Inspection Department notifying surrounding property owners about this request and a petition in opposition to this request to the Public Record.

He stated Valley Park subdivision is 2.5 acre lots and has been platted for almost 30 years. He moved into the Lake Capri subdivision in 1988 because of the surrounding subdivisions. The current six houses in Valley Park have been in the neighborhood for a considerable amount of time. He believes it would be an injustice by the Commission to change the platting of this subdivision. The people that live in the neighborhood live there because of the lot size.

Commissioner Schnarre asked where the people live who signed the petition. Mr. Bruton stated Valley Park subdivision and Lake Capri subdivision, which is east of Valley Park.

Richard Tuttle 7951 N. Hickory Drive, Columbia, was present in opposition to this request. Mr. Tuttle stated this will change the character of the neighborhood. The existing property is surrounded by A-2 zoning. The proposal is to have 60 lots on what is currently six lots.

There is no sewer to serve this proposed development. It has been proposed to build another sewer treatment plant. There are already three in the area. He believes Mr. Baker should go to the Sewer District and upgrade a current plant.

Mr. Tuttle stated there has not been a subdivision plan submitted that works for the surrounding community. Staff has been through many different options with the applicant and no agreement has been reached. He has requested staff notify him when a plan has been agreed upon and they have yet to notify him.

He does not believe this property should be subdivided without it first being rezoned. The rezoning should come before the vacate and re-plat request.

There needs to be a proper transition between Sheridan Hills subdivision and the A-2 zoning that surrounds the property. This cannot be done with 60 lots. It is not within character of the existing neighborhood.

Commissioner Schnarre stated County regulations require the process to be done in this order. Mr. Shawver stated the regulations do not stipulate which is to be done first, the rezoning or the vacate and re-plat process.

Mr. Shawver stated if the Commission authorizes vacation then that does not take place until the re-plat is approved. The re-plat would have to comply with the zoning. The applicants would have to go through the zoning process. The zoning would have to be approved to continue with the process. The existing plat will stay in effect until everything is done.

Mr. Tuttle stated this is the reason he believes this should be denied. The applicant should have the zoning approved first.

Commissioner Miller stated it does not take effect until it is approved. Even if the Commission approved the vacate and re-plat, it would not take effect until the rezoning was approved.

Mr. Tuttle asked why someone would want to vacate a plat when they did not have anything to put in its place. Commissioner Miller stated she believes it gives someone a better opportunity to look at the property and do a better configuration. That is why it is being done this way. It does not mean they will have their request approved.

Mr. Tuttle stated this can be done without vacating the current plat.

Commissioner Schnarre stated it could not be rezoned.

Mr. Shawver stated the rezoning could be submitted but the lots could not be changed.

Mr. Tuttle stated whether the plat is vacated or not, it does not stop the applicant from moving forward with his proposal. There no need to do this until the zoning has been decided.

Darryl Turner, 7776 N. Zack Road, was present in opposition to this request. Mr. Turner stated he owns lots three and four. There is a traffic problem in the area now, especially since there is a new housing development going in. He has lived in his house since 1988. He bought the property from Mike Weitkemper with the understanding that the property would stay as it is. There have been many accidents on Route HH. These additional houses will make the traffic worse.

There will also be problems with sewer and water.

Jeff Stevens, 8101 N. Plainview Drive, was present in opposition to this request. Mr. Stevens stated he bought his 2.5-plst acre lot in November. They researched the area before they purchased and found everything is zoned A-2. All the lots are between 2.5 and 3 acres. If this is approved then it will change the character of both Valley Park subdivision and Lake Capri subdivision.

This would also increase the traffic in the area. If the same figures are used from early discussions, then the current six lots would produce 60 trips per day. If the lots are increased to 60 then the trips would be 600 trips per day.

Mr. Stevens stated this was the first time the residents and neighbors were notified of this request. They are concerned with decrease in lot sizes. He believes the Commission should deny this request.

Kelby Johnson, 7700 N. Gabe Road, was present in opposition to this request. Mr. Johnson stated the Commission should oppose this request. He purchased lot 11 a year ago. He did not have a problem with six houses being put in. He believes 60 houses would be a major safety concern along with the increase in traffic.

Donna Turner, 7776 N. Zack Road, was present in opposition to this request. Mrs. Turner stated she and her husband own five acres. They would like to see the lots remain 2.5 acres because it does make for a nice place for a family.

She also noted the traffic concerns are not known because there is a development going in at Route B and HH.

Commissioner Schnarre closed the public hearing.

Larry Baker stated there is a buffer that surrounds the proposed development from the lots at Lake Capri and the existing homes in Valley Park and Sheridan Hills.

Brian Dollar stated the developer is proposing to dedicate open space.

The traffic will increase on the subdivision roads but the roads will be upgraded to County standards.

Commissioner Schnarre asked Mr. Shawver to repeat what was said about the roads in this subdivision. Mr. Shawver stated it is to his knowledge that the roads are publicly dedicated but are not County maintained. He believes the road bed for Gabe Road is located outside of the right of way.

Commissioner Schnarre asked if lot 12 is on both sides of the road. Mr. Shawver stated Mike Weitkepmer originally platted this and owned land to the west of Valley Park.

Commissioner Elkin stated there is a big culvert and creek that runs through this.

Commissioner Elkin stated he agrees there should be a transition area. The way the area is developing, it goes from commercial to high density single family to larger single family lots to the A-2 zoning. The original zoning was A-2 and believes that is the appropriate zoning for this land.

To take six lots and make 60 lots is too much for the area.

He knows there is a traffic problem in the area on Route HH.

Mr. Dollar stated there is a zoning between A-2 and R-S and that is A-R. They could bring forward a request for A-R and have staff, the Planning and Zoning Commission and the County Commission review that plan.

Commissioner Schnarre asked who will pay to bring the roads up to County standards. Mr. Dollar stated Mr. Baker will be the one who pays for those upgrades.

Commissioner Schnarre asked if there would be enough right of way. Mr. Shawver stated under the subdivision regulations; if the re-plat is authorized and this is part of a planned development then the Commission has the ability to require off-site improvements. He believes the focus should not be on the potential density but if it is appropriate to vacate and re-plat.

Commissioner Miller asked about the 7.2 acres that Mr. Weitkemper owns is shown as a long narrow strip. Commissioner Elkin stated there is a house on this tract.

Mr. Shawver stated it was platted into three lots as a PRD.

Commissioner Schnarre stated he opposes this request at this time. The applicant can bring another request forward for rezoning if they so chose.

Commissioner Miller suggested the applicant work with the neighbors and convince them it is in their best interest to re-plat this to a more dense development to bring sewer out to the area and improve the roads. Unless this happens, she does not believe the applicant will

Commissioner Elkin stated he agrees with Commissioner Elkin.

Commissioner Elkin moved to deny the petition submitted by Larry and Wilma Baker to vacate and re-plat Lots 6, 7, 8, 13, 14, 15 and 16 of Valley Park Subdivision because such vacation and re-plat will adversely impact the character of the neighborhood and result in a negative impact on the traffic conditions and circulation.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 233-2005**

E. Request by Michael Cooper for a permit for incidental retail sales, travel trailer park and restaurant on 1.5 acres in the REC (Recreation) district, located at 11505 S Easley River Rd., Columbia

Mr. Shawver stated this property is located southwest of Columbia approximately 1 mile north of Easley on the west side of Easley River Road between the Katy Trail and the Missouri River. The property is situated approximately 3&1/2 miles south of the closest municipal limits of Columbia. The property is zoned REC (Recreational) which was rezoned from A-1 in 1986. All property in this area to the west of the Katy Trail, excluding the subject tract, is zoned A-1, while all the adjoining property on the east side of the Trail is zoned A-2. These are all original 1973 zonings.

There is a building functioning as a store, a mobile home residence, boat docks, and boat fueling station on the property. The purpose of these conditional use permit requests is to legitimize activities that have “evolved” at the site. Therefore, the store, the food services, and travel trailer areas are in need of these permits.

With respect to the food services we have determined that it falls under the restaurant category, however, it is our understanding that it may take a form closer to an open air food court along with food sales in the store. The applicant currently has a cantina trailer that functions as one of the kitchen facilities and he needs a larger kitchen area to replace the current cantina trailer. He would like to modify a singlewide mobile home into the new kitchen facility. This is problematic as units manufactured as singlewide mobile homes can only be used as residences under the zoning ordinance. While the staff is supportive of the restaurant uses for this site, the staff can't support the use of the singlewide mobile home.

There are additional problems under the floodplain portion of the ordinance as well, with respect to the use of the singlewide. A site-built flood proofed addition to the main building is the best solution under the ordinance and the money that would be invested in attempting to modify the singlewide would be better utilized towards such an addition. The outdoor concerts that take place on the site are covered under the existing Recreational zoning and are not part of the permits under consideration.

This site lies within the Columbia Public School District. The site is in Consolidated Public Water District #1 and there is a private well on the property. The site is in the Boone County Fire Protection District and fire requirements will be up to the fire district.

Electric service will be provided by Boone Electric Cooperative.

Wastewater service will be regulated by either the Health Department or the Missouri Department of Natural Resources. An engineered wastewater system is on site for boats to use as a dumping station, but it is not a system designed to accommodate restaurant uses.

The master plan designates this area as being suitable for agriculture and rural residential land uses, it should be noted that recreational zoning already applies to this site. Staff notified 5 property owners about this request.

As a CUP the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Staff has no reason to believe that the proposed uses will be detrimental to the public health, safety, comfort or general welfare if operated in conformance with existing county regulations.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

The recreational zoning already applies; the requested conditional uses are primarily auxiliary in nature and by themselves should not be injurious. Staff is not aware that the proposed conditional uses have impacted other property owners in the area.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

There is no indication that the proposed use will have a negative effect on property values if proper facilities are provided.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The site is located where it is by the nature of the use as a marina. The uses under consideration are supportive in nature and limited in scope. The existing unimproved road is not a high volume roadway and there is not much other than this site to attract traffic to the area. Easley River Road is an unimproved gravel county maintained road. The wastewater system has not been permitted by the Health Department and an engineered system is needed. At least one fire hydrant

will likely be required by the Boone County Fire Protection District.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

The proposed use will not impede the development of the surrounding area. As A-1 and A-2 zoned floodplain; development in the area is expected to be minimal and will not be impeded.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The proposed use should not hinder traffic flow in the area as the majority of the traffic is suspected to be directly related to this site.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

Without the modified mobile home proposed to be a kitchen, the proposal for the three conditional uses conforms to other applicable regulations of the REC zoning district.

Staff supports this request and recommends approval subject to the following 10 conditions:

1. No singlewide mobile homes may be used for any purpose on the site except as a residence in compliance with the applicable regulations. Only the existing occupied mobile home is allowed on the site and when it is removed for any reason it is not to be replaced with a singlewide.
2. 4 parking spaces are required for the store plus 2 for the residence for a total of 6.
3. All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
4. An engineered wastewater system for the activities including restaurant use must be designed and installed.
5. Lighting is oriented inward and downward so as to minimize light leaving the site.
6. The number of travel trailer slots is limited to a maximum of 12.
7. Comply with all site requirements of the Boone County Fire Protection District.
8. Comply with all requirements of the building code.
9. Must meet Health Department requirements for food service and wastewater.
10. A site plan be made of the property by a licensed engineer that addresses the conditions and activities and is to the satisfaction of the director of planning.

The Planning and Zoning Commission conducted a public hearing on this request on May 19, 2005. A motion was made to approve this request with staff conditions. This motion received unanimous support.

Michael Cooper, 11505 S. Easley River Road, was present on behalf of this request.

Michael Cooper stated this property is narrow. If lighting is oriented to be inward on one side it will be pointing on the other side. There are two lights that currently light the river, away from the neighbors. One of the lights is on the stairway that gives the public access to the commercial dock and the other is toward the river which lights the boat ramp area. These are needed for safety purposes.

He agrees with all recommendations made by the staff for the kitchen. The temporary use of the single-wide mobile home would take care of some immediate concerns to improve the situation for the Thai Kitchen and make changes recommended by the Health inspector. There is no doubt, in the long run, it will be better to focus their energy on finding a permanent solution to providing a state of the art kitchen. He is looking forward to working with the Planning and Building Inspection staff to come up with a permanent design for the kitchen.

Mr. Cooper stated there is currently an engineered sewer system on the property for the RVs and boats is not used for the building. There are no problems with this system. He would like to have the septic system on the property upgraded at the same time a new kitchen is constructed.

Currently there is a serious dust problem in this area and that is from the County's road. The area that is used for entertaining, dining, and drive is already concrete. Mr. Cooper proposes the chip seal wait until the dust from the road be dusted.

Commissioner Miller asked if the wastewater will be done at the same time the kitchen is constructed. Mr. Cooper stated he has discussed this with the Health Department but he knows the current system is becoming dated and will eventually need to be upgraded. He believes this would be the perfect opportunity to do the upgrade while the new kitchen is being built. There has been a lot of engineering work done on the property, there has been a survey done. The two other septic systems on the property were designed by engineers.

Commissioner Miller asked if lighting oriented inward and downward was acceptable except on the dock and ramps. Mr. Cooper stated that is correct because the lights point to the river and those do not affect any neighbors.

Commissioner Miller stated chip seal is a requirement. Mr. Cooper stated when the new septic system is put in then he believes some of the driveway will have to be crossed. There is another area where they have permits from DNR and the Army Corps of Engineers to place clean fill along the river bank. He hopes that they can work together to

find a solution to the dust problem.

Commissioner Miller stated this may have to be done with private pay dust control. Mr. Cooper stated he has requested paperwork from the County but has not received any.

Commissioner Miller stated the County has two contractors and suggested Mr. Cooper call the Public Works Department to obtain the information.

Commissioner Schnarre opened the floor for a public hearing.

David Knight, 1203 W. Broadway, Columbia, was present in opposition to this request. Mr. Knight stated he is the legal representative of Crowley's Coal Farm, LLC. Dr. Crowley was present at the May 19, 2005 meeting and spoke against this proposal. Dr. Crowley's main complaint is that part of this request involves his land. Dr. Crowley does not believe that it is proper for the Commission to grant a CUP when some of it involves his property and he is not seeking the CUP.

This has gone on for many years. Mr. Knight also represented Dr. Crowley's late father, who owned a 300 plus acre farm, which is next to Mr. Cooper's property. The Crowleys sold a portion of their land to Mr. Cooper with the understanding that Mr. Cooper would move his house trailer to his property. The money to have the property surveyed did not seem to be worthwhile to anyone. This is the only way to have this issue solved. There were many correspondences between the parties and nothing happened. The resentment lingers on.

Mr. Knight stated Dr. Crowley does not believe the Commission should consider this since he believes he owns about 1/3 of an acre of this property.

Mr. Knight knows that without a survey this cannot be proven. That is the whole problem. What will happen is that if this is approved and the Crowleys believe it is worthwhile to hire a surveyor, then there might be some property where right have been granted rights that do not work.

Because the Crowleys are in Texas, Mr. Knight is before the Commission speaking in opposition to this request.

Commissioner Elkin asked if a tract of land is rezoned and the tract boundary was in dispute, would this land be rezoned. John Patton, County Counselor, stated the land would be rezoned within the boundaries of the description on the application, regardless of ownership.

Mr. Shawver stated the application says "approximately 1.5 acres more or less".

Mr. Knight stated the issue is the land that Mr. Crowley claims is his and whether that will

be used for a parking area for Mr. Cooper. He would assume that if it was not necessary then zoning would stay for what Mr. Cooper does own.

Mr. Shawver stated this is the reason the condition was added to have the site plan done by an engineer or surveyor.

Commissioner Elkin stated this permit is contingent upon this site plan. Mr. Shawver stated that is correct.

Commissioner Elkin stated if the surveyor comes forward with a problem then this application is null and void. Mr. Shawver stated then everything will have to be compressed on land owned by Mr. Cooper.

Mr. Knight stated he believes that this would involve parking.

Commissioner Miller stated the condition solves the problem brought forward by Mr. Knight.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin asked how the number of parking spaces are determined. Mr. Shawver stated it was determined by the size of the current structure. Parking regulations determine the parking spaces on the square footage of the structure. For this situation, four parking places are needed plus two for the residence. There are also 12 RV parking places.

Commissioner Elkin asked if the parking and drive area is concrete. Mr. Cooper stated no, just the area right next to building where the entertaining and dining occur.

Commissioner Elkin asked what areas will have to be chip sealed. Mr. Shawver stated the regulations require parking, driveway, and loading area have to be a minimum of chip seal. As a conditional use permit, the requirements are for six parking spaces.

Commissioner Elkin stated this is limited because of the size of the parcel. Mr. Shawver stated that is correct. At the May 19, 2005 meeting, Mr. Cooper indicated he had an agreement with DNR, some type of lease, which allows him to utilize DNR property for parking. The County's regulations cannot address that issue.

Commissioner Miller stated only the six parking lots have to be a minimum of chip seal. Mr. Shawver stated that is correct along with the driveway, loading area and RV area.

Commissioner Miller stated if it would be appropriate to construct the wastewater system when the kitchen is constructed. Mr. Shawver stated that is correct. The current single-wide mobile home is not an option for the kitchen. He spoke with Gerry Worley at the

Health Department about the wastewater system. The wastewater system that serves the building is not designed for restaurant facilities. This structure was built before the Health Department inspected wastewater systems. Mr. Worley would like to look at the new system and also have DNR look at the system.

Commissioner Miller stated this would be done with the expansion of the restaurant. Mr. Shawver stated that would be appropriate.

Commissioner Elkin asked what time frame this would be completed. Mr. Cooper stated he would like to begin the design phase as soon as possible. There might be building code issues he is not aware of and would like to resolve this with County staff.

Commissioner Elkin stated in the past, the County has specified a time frame for conditions to be complied with and completed. He believes there should be a limit on this. Mr. Cooper stated he would do the building design and septic system completed. Then he would like to have the septic system completed first but have this be part of the plan for the kitchen. When the kitchen is done, additional sinks will be put in and they might design some of the added on area as a bathroom or shower. He would like the septic system put in by next year.

Mr. Cooper noted he does have time constraints because of the location of the property and the possibility of flooding. He would like to focus on the septic system being put in first.

Commissioner Schnarre asked if this facility began operations in 1986. Mr. Shawver stated that is correct.

Commissioner Schnarre asked if at that time chip seal was part of the regulations. Mr. Shawver stated the regulations at that time only required a dust free surface. The minimum chip seal requirement was not added until 1990.

Commissioner Schnarre asked if the other activities of food service and travel trailer area evolved since 1986. Mr. Shawver stated that is correct.

Commissioner Schnarre asked if this is denied then what will happen to the facility. Mr. Shawver stated it will still be zoned REC and the marina will remain. The basic facility will still operate. The food service, retail and RV area will have to cease.

Commissioner Schnarre asked what has been done regarding time frames in the past. Commissioner Miller stated the Commission has usually given a few seasons as this is a seasonal operation. This is not a viable operation year around.

Commissioner Elkin asked if the Commission has approved seasons as a time frame. Mr. Shawver stated the Commission has done that in the past.

Commissioner Miller suggested two seasons, including this one, to have the conditions met. She asked if this was acceptable to Mr. Cooper. Mr. Cooper stated he would hope this would be an appropriate time frame.

There was no further discussion on this request.

Commissioner Miller moved to approve the request by Michael Cooper for a permit for incidental retail sales, travel trailer park and restaurant on 1.5 acres in the REC (Recreation) district, located at 11505 S. Easley River Road, Columbia, with the following conditions:

- No singlewide mobile homes may be used for any purpose on the site except as a residence in compliance with the applicable regulations. Only the existing occupied mobile home is allowed on the site and when it is removed for any reason it is not to be replaced with a singlewide.
- 4 parking spaces are required for the store plus 2 for the residence for a total of 6.
- All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
- An engineered wastewater system for the activities including restaurant use must be designed and installed.
- Lighting is oriented inward and downward so as to minimize light leaving the site except at the boat landing and dock.
- The number of travel trailer slots is limited to a maximum of 12.
- Comply with all site requirements of the Boone County Fire Protection District.
- Comply with all requirements of the building code.
- Must meet Health Department requirements for food service and wastewater.
- A site plan be made of the property by a licensed engineer that addresses the conditions and activities and is to the satisfaction of the director of planning.
- Said conditions must be complied with by December 31, 2006

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 234-2005**

Subject: Sheriff's Department – Authorize Presiding Commissioner to sign Highway Safety Grant (Traffic Enforcement)

Sheriff Dwayne Carey was present on behalf of this item.

Sheriff Carey stated the Sheriff's Department has an opportunity to apply for a Missouri Office of Highway Safety grant for a traffic unit. The department currently has one traffic

officer who works primarily day shift. The department receives complaints but cannot keep up with them.

The Office of Highway Safety was originally offering a grant for a three or five person traffic unit.

This grant will allow the department to become proactive. The Commission is aware of the number of traffic complaints that are received. He believes this is the number one complaint that the Commission receives along with the Sheriff's Department.

The department looked at the three person unit, which was his original proposal. After conversations with the Commissioners, the department went back to the drawing board and contacted the Office of Highway Safety to see if they would allow the department to apply for a two person grant with an existing traffic officer on staff. The Office of Highway Safety agreed to this request as long as the current traffic officer is made the supervisor of the unit.

This will allow the department to have three individuals strictly working traffic. Sheriff Carey gave the example of the department receiving a complaint on Liberty Lane. The department could assign a district car to work this complaint. When the car arrives, they would back into a driveway and set up their equipment, they may receive a burglar alarm call which they have to respond to. The traffic complaint would not receive any attention because calls for service are the department's number one priority.

Sheriff Carey stated with the traffic unit, those individuals would not be responsible for normal calls for service. These officers would only work the complaint area.

This is not an issue about money but an issue about public safety. In 2001, the Commission hired an outside consultant to do a study for the Sheriff's Department. In the consultant's final report, it stated at least a three person unit is needed for public safety reasons. This recommendation happened almost five years ago and no action has been taken.

Sheriff Carey stated this is a great opportunity for Boone County to have these two officers. It is so important to the department that they spent a lot of time last week discussing this with the Office of Highway Safety just to have the two officers.

This is a three year plan. The first year the grant would cover salary, benefits and equipment for the officers. The second year the grant would cover 75%, which the county would have to cover 25%. The third year the grant would cover 50% and the county would pick up the remaining amount. The equipment would be added into the regular maintenance replacement schedule.

Commissioner Miller stated she can support this request with the understanding that future

funds will come from the Sheriff's portion of Proposition L funds because that is why the public supported Proposition L, for enhancement of law enforcement services. There are also other special funds that could be utilized. She does not want these funds to come from General Revenue because there are no other offices in the County that have a direct funding source. The Commission continues to review the needs of all offices. She does not want to circumvent those needs in three or four years by saying the Sheriff's Department needs are going to be the greatest. As long as it can be agreed upon that funding will come from the law enforcement tax or another special fund then she can support that.

Sheriff Carey stated he and Commissioner Schnarre had a discussion on Friday and they agreed to note that he and the Commission would work together in four years to see how this would be funded. He disagrees with utilizing Prop L funds because when this was passed in 2002, there was a 15 year plan on how the Sheriff's 70% share would be used. That was something the County Auditor was very involved with.

As many know, the patrol cars were taken out of General Revenue and put in Prop L funds. At approximately \$20,000 per car and there was a 10 car replacement schedule, that was \$200,000 that was taken out of General Revenue. All the equipment that was purchased with General Revenue funds are now purchased with Prop L funds. There have been huge savings for the County and General Revenue because everything has been moved to Prop L.

A need has been shown for this department. He knows that there are other offices that put money in General Revenue and they receive money back. As the he has discussed this with the Commissioners, this is the number one complaint in Boone County.

Commissioner Miller stated that is the number one complaint for the Sheriff's Department. Each department receives their own complaints. This is not the number one complaint of the County. Her concern is that the budget process is being circumvented four years out. The Sheriff has the opportunity to choose how the officers are assigned. He could make a traffic unit if that is the Sheriff's Department's highest and greatest concern. With the Civil Process fund and other funds, she believes there are plenty of ways to find the funding.

Commissioner Elkin stated no one knows what will be happening in four years.

Commissioner Miller stated she does not want General Revenue funds committed without the other funds being used first.

Commissioner Elkin stated he does not know what conversations have taken place but it has been stated by the Sheriff that they have agreed to find funding in four years. He is sure that if sales taxes increase or another special fund is established, he is sure that the Sheriff will be willing to look at those funds. But to say that the funding has to come from

Prop L in four years is not fair to the Sheriff. He believes that if everyone agrees to look at all options then funding will be found. It is unfair to the Sheriff to say the Commission will agree to this but all future funding will come from Prop L.

Commissioner Miller stated it is unfair to say the funding will come from General Revenue.

Commissioner Elkin stated that is not what is being said. They are saying that all parties are willing to agree to explore all possible funding options.

Commissioner Schnarre stated this grant will fund officers. In four years, the County will have to fully fund these positions for it to continue. There are many offices in the County that want additional employees. He and the Sheriff have discussed this grant and have reduced the number of officers from three to two to save some costs. They also agreed the equipment rotation would remain the same. He and the Sheriff agreed the source of funding would be reviewed before the fourth year and if funds are not found then drastic measures will have to be taken.

Commissioner Schnarre asked if this is what was agreed upon. Sheriff Carey stated they did agree that funding would be reviewed in the fourth year. He asked what action should be taken if funding is not available for these positions.

Commissioner Schnarre stated if there are no funds available then positions have to be cut. It has to be understood on the front end that if funds are not available then actions will have to be taken. He believes they will look hard to find funding.

Sheriff Carey stated he does not want to commit Prop L funds. There is a 15 year schedule for these funds. The Commission knows that at budget time this year they will be discussing the SRO grants. There is a possibility of having those positions cut or funding through another source. He knows that Prop L funds will be brought up during those discussions. He does not want to keep adding items to Prop L and get away from the schedule that has been set. The department is more than willing to work with the Commission but he does not want to commit Prop L funds if there are funds in General Revenue.

Commissioner Miller stated when Prop L was passed, they agreed they would not cut funds out of General Revenue to the Sheriff's Department and they will not. If the funding is lower than what is was, then it does make sense to go there because that is what was committed to. The same amount of funding would go to the Sheriff's Department from General Funding in addition to Prop L funds.

Commissioner Elkin stated in four years, in this environment, this grant could be extended like many other grants have been extended in the past.

Sheriff Carey stated that was done with the single traffic grant. He noted that this is about money but it is also about this being a public safety issue. He does not worry about the four years until the end of the four years.

Commissioner Miller stated the Commission does have to worry about it.

Commissioner Schnarre stated it is not about money but then it is because there is only so much money that can be used. He is willing to work with the Sheriff on the funding with the understanding that this might not work out in the end. They will try everything they can to make this work.

Commissioner Elkin moved to authorize the Presiding Commissioner the Full Time Two Person Traffic Unit funding grant application with the Missouri Department of Transportation Office of Highway Safety. It is further ordered that future funding will be reviewed by the Sheriff and the Commission before the end of this three year grant.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 235-2005**

Subject: Planning and Zoning – F. Request by United Developers, LLC on behalf of Miller Properties, LLC to rezone from A-2 (Agriculture) to R-SP (Planned Single Family Residential) of 108.32 acres, more or less, and from A-2 to C-GP (Planned Commercial) of 5.75 acres, more or less, and to approve a Review Plan and Preliminary Plat for Shadowridge Estates Planned Development, located at 3445 E Route M, Ashland (APPEAL)

The property is located on the north side of Route M just east of the intersection with Route MM approximately .8 miles west of the Ashland City Limits. Part of the property was platted as Shadowridge July 2004. Lots 2-4 of Shadowridge were re-platted in September 2004.

The current proposal includes a rezoning request of 108.25 acres to RS-P and 5.75 acres to CG-P with a review plan and preliminary plat. 236 lots are shown in the RS-P portion of the development of which 232 are intended for single family residential development. The remaining 4-lots are designated common area but also show a location for a wastewater treatment plant and in some cases a sanitary sewer pump station. The 5.75 acre lot proposed for CG-P zoning has no proposed uses. If rezoned the lot would remain vacant until a revised review plan and final plan were approved.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan identifies the use of planned districts to establish new

commercial and industrial areas. The Master Plan also identifies a “sufficiency of resources” test for analyzing rezoning requests. The Test asks whether there are sufficient resources available for the needs of the proposed development or whether the services can be provided in a cost effective manner.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Utilities:

- The development will generate approximately 92,222 gallons per day of wastewater.¹ The developer has identified two options for sewage disposal. One option is to connect to the City of Ashland sewage system. The second option is to build a treatment plant onsite. The Boone County Regional Sewer District is the governmental agency having jurisdiction to collect and treat waste water in the unincorporated areas of Boone County. Under section 250.010 of the Revised Statutes of Missouri, no other municipal government is authorized to provide waste water collection and treatment services in the unincorporated areas of Boone County without the consent of the District’s Board of Trustees. Regardless of which option the developer chooses, BCRSD may exercise its right to operate and maintain the collection system. In that case the residents of Shadowridge will be sewer district customers. An intergovernmental agreement will be required between Ashland and the BCRSD for wastewater treatment. The District has stated that it would not permit a bilateral agreement between the developer and the City of Ashland concerning waste water collection and treatment services for this development without the consent of the Board of Trustees for the District.

Ashland currently has a capacity limitation of 290,000 gallons per day (gpd). They are currently treating approximately 230,000 to 240,000 gpd leaving a surplus capacity of 50,000 to 60,000 gpd. Ashland has applied to MoDNR to increase their capacity to 490,000 gpd. Ashland anticipates that the application will be approved this year. The proposed upgrade to 490,000 gpd includes capacity for all the existing platted lots within Ashland City Limits and for this proposal. If the upgrade is built Ashland will have capacity to serve this development.

If Ashland is unable to provide sewer service the developer has proposed construction of an on-site treatment plant. Other than showing four proposed locations for a treatment plant, no information regarding this option has been submitted for review. There are several constraints to discharging sewer effluent from this property that need evaluation. Therefore, this option should only be considered after through study and disclosure of the potential impacts.

- Consolidated Public Water District Number 1 provides water service to the property. There is an 8-inch waterline along Route M and a 4-inch line along MM.

¹ Assume 370 gallons of wastewater per home per day. Commercial is equal to 3-residences per acre. $3*5.75=17.25$, $17.25+232=249.25$, $249.25*370=92,222$ gallons per day.

The existing 8-inch line can provide 350 gpm fire flow. The fire flow required for the development is 500-gpm. In order to provide the required fire flow a new 8-inch main will have to be built to the property from Route DD west along Clellie Harmon Road then south along MM to the subject property. The approximate cost of the improvements is \$325,000. There is currently inadequate water supply for the development. If the additional 8-inch waterline is built there will be adequate water for the development.

- Natural gas can be provided by Ameren U.E.
- Electricity can be provided by Boone Electric Cooperative.

Transportation:

The development will have two entrances from Route M and one entrance from Route MM. A traffic study has been provided by the applicant that analyzes the impact to the existing road system and classifies the new internal streets according to the County's classification system.

The study analyzed the existing intersection of Route M and MM and the proposed intersections of Alex Humpf Drive with Route M and Route MM and the intersection of John Michael Drive with Route M. The conclusion is that all intersections will function either at a level of service A (delay of 10 sec./vehicle) or B (delay of 10.1 to 15 sec./vehicle) throughout the analysis period which is 2007 through 2027.

The Missouri Department of Transportation has reviewed the traffic study and generally agrees with the conclusions regarding level of service at the studied intersections. MoDOT has stated that it does not appear that the traffic study has addressed whether improvement to the existing roadways are necessary in order to ensure that the increase in traffic will have minimal impacts to safety.

MoDOT suggests the construction of right turn lanes should be required in order to minimize conflicts between vehicles slowing to turn at an intersection and vehicles continuing through an intersection. MoDOT has determined right turn lanes should be constructed along Route M at the intersections of Alex Humpf Drive and John Michael Drive.

Internal street classification is based on Average Daily Traffic or ADT. Streets carrying up to 750 ADT are classified as local, 750 to 2,500 are classified as collector. The traffic study assigns local status to all streets except John Michael Drive and Alex Humpf Drive which are classified as collector and commercial respectively.

T.S. Davis Parkway connects the proposed commercial lot with an undeveloped 80-acre tract to the north. It is assigned 486 ADT which is 264 ADT less than the threshold for a collector street. 264 ADT is the approximate equivalent of traffic

generated by 26 single family dwellings. The traffic study did not take into account the impact to T.S. Davis Parkway of future development on adjacent properties.

Traffic from future residential development to the north will be divided between trips to and from remote destinations and trips to and from the proposed commercial area in Shadowridge. The total number of these trips on T.S. Davis Parkway will likely exceed 264. At that point, T.S. Davis Parkway will be reclassified to a collector street. Sufficient right of way should be dedicated for T.S. Davis Parkway so that it can be upgraded to a collector when it is warranted by additional traffic thereby ensuring sound development of the area.

Public Safety Services

Southern Boone County Fire Protection District provides fire fighting services. The district has stipulated that the development be supplied by an 8-inch waterline capable of providing 500 gpm for four hours. As noted above the existing infrastructure is not capable of providing the required fire flow. If the stipulated improvements are made fire protection will be adequate.

The Boone County Sheriff's Department will provide law enforcement services.

Existing water and sewer services are not adequate for the proposed development. However, with upgrades to the water supply system and Ashland sewage treatment system or construction of an on-site treatment plant, the needs of the development can be met. Since the infrastructure upgrades are necessary to approve the rezoning, conditions will be suggested in the recommendation section of this report to tie the upgrades to approval of the final development plan.

Insufficient right of way for T.S. Davis Parkway will likely inhibit sound development of the area and could place a burden on the general public when traffic reaches a point where the road needs to be upgraded to a collector.

The developer is required to establish a system for maintenance of the common areas. A draft of the proposed restrictive covenants has been submitted but does not address maintenance of common areas.

There is an historic cemetery on the property. The headstones have been relocated due to continuing vandalism. The remains are still on the property. The subdivision regulations require that the cemetery be preserved.

Staff notified 39 property owners about this request. The property scored 66 points on the rating system.

Staff recommends approval of the rezoning.

Staff recommends approval of the review plan and preliminary plat with the following conditions:

1. Prior to final plan approval the developer must provide documentation that the City of Ashland has adequate sewage capacity for the development and that the capacity has been reserved for the development.
2. If the developer desires to construct an on-site treatment plant, a revised Review Plan must be submitted along with a report that identifies the following:
 - a. The receiving stream
 - b. Whether the receiving stream flows through public land or any lake or impoundment
 - c. Discharge limits to demonstrate that DNR will consider permitting a treatment facility on the property.
3. Any agreement between the developer and the City of Ashland for sewage treatment shall be subject to the approval of the Boone County Regional Sewer District Board of Trustees.
4. Prior to final plan approval the developer must provide fire flow of 500 gallons per minute to the property.
5. A 66-foot wide right of way, sufficient for a collector street, shall be dedicated for T.S. Davis Parkway. The developer of Shadowridge Estates shall build T.S. Davis Parkway to a local street standard.
6. Prior to final plan approval the developer shall submit proposed restrictive covenants that provide for maintenance of all common areas meeting the standard of the Subdivision Regulations Appendix B 1.4.
7. Since no residential or recreational structures are shown on the common area tracts no such structures are allowed.
8. The signage note shall be amended to indicate that signs must comply with Boone County sign regulations except that signs on Lot 237 shall be limited to 10-feet in height and 32 square feet of sign area.
9. The developer shall construct right turn lanes on Route M at the intersections with John Michael Drive and Alex Humpf Drive. The right turn lane for John Michael Drive shall be installed prior to recording the final plat for Phase 1. The right turn lane for Alex Humpf Drive shall be installed prior to recording the final plat for Phase 2.
10. The developer shall identify the location of the cemetery and propose a plan for its preservation for the approval of the County Planning Department. The review plan and preliminary plat shall be amended to show the location of the cemetery. The cemetery shall also be shown on the appropriate final plan and final plat.

The Planning and Zoning Commission meeting conducted a public hearing on this request. A motion was made to deny the rezoning request. This motion received unanimous support. An additional motion was made to deny the review plan and preliminary plat. This motion also received unanimous support.

The applicant filed an appeal in a timely fashion and is before the Commission this evening on appeal.

Dan Miller, 10 Southampton, Columbia; Chad Sayre, Brian Harrington, and Wes Bolton, engineers with Allstate Consultants, and Brian Eads, engineer with a firm in St. Louis.

Chad Sayre gave a PowerPoint presentation on the proposed Shadowridge development. He stated Shadowridge is a 114 acre tract that is partially wooded, flat, with a few gently rolling hills. The tract is bordered by Route M on the south and Route MM on the west.

He described the tract as it related to an aerial photograph from the City of Ashland. There is a cell phone tower that borders the eastern portion of Shadowridge. The Jenny Lake subdivision is just west of Shadowridge. There is a thin agriculture tract then the Seawest subdivision.

There has been discussion about the actual location of Shadowridge. Terry Cole was the parent owner to the current owner, which is United Developers. Dan Miller is contracted to purchase the tract from United Developers.

Mr. Sayre discussed the location of this tract in relation to Jenny Lake subdivision, the Seawest subdivision and another tract that is currently in the process of being annexed by Danny McKee. That tract will be a single family type development.

The approximate distance from the city limits of Ashland to this tract is 4,000'.

The City of Ashland recorded an annexation plan. This plan was to address long term growth around the City of Ashland. The plan was done because of the growth around the City of Columbia and the airport. Mr. Sayre pointed out the location of the Shadowridge tract as it relates to the annexation plan. The Shadowridge development is within the annexation plan. The annexation plan was originally recorded in 1999 and revised and re-recorded in 2001.

The annexation plan was done by the City Council of Ashland and County Planning and Zoning to try to make a record that the City wanted to have input in the annexation area plan. It was recorded to try to cover different time frames up to 2015.

Mr. Sayre stated when Mr. Miller approached them about this tract, Allstate Consultants discussed the County requirements, the needs of the City of Ashland in determining an approach that would meet the long term land use plans of the City, County and provide an environmental and economically sustainable plan. They wanted to incorporate as many on-site and off-site improvements that would benefit the development and residual benefits to the area residents.

The plan being presented tonight has earned the support and recommendation of approval from the Boone County Planning staff, support from the City of Ashland staff and a letter of no opposition from the City Council of Ashland.

In general, the average lot size is in excess of the City and County minimums of 7,000 square feet and 8,000 square feet. The average lot size should be estimated to be 12,000 square feet.

The applicant is requesting Commission's approval of this planned single family development with a corner of neighborhood commercial.

Mr. Sayre stated this is a plan the City has worked on for several years entitled "Future Land Use Plan". This plan shows the tract for the proposed development between Route M and Route MM. The purple on the plan is the proposed area for neighborhood commercial. This can be supported by the residential development that will occur.

He noted the pending annexation that is occurring and there has also been a church constructed at the intersection just east of Shadowridge.

When the annexation plan was done in 1999, Mr. Sayre believes it satisfied the concerns of the city at that time. It is bringing to their attention in and around the area. They wanted to make sure they had input because of the long term costs that they had seen by larger tracts with gravels, aging lagoons, inadequate water and sewer.

At the same time the annexation plan was being address, a needs assessment for regional wastewater treatment facility was completed and funded by the Boone County Commission, City of Ashland and Boone County Regional Sewer District. An application for an EPA Sustainable Community Grant was submitted at the same time to help guide development to a sustainable approach in southern Boone County. Ultimately, the University of Missouri, Boone County Commission, City of Ashland, EPA, and DNR were the recipient and administrator of a grant to study possible sites for a long term plan, construct a southern Boone County regional wastewater treatment facility and provide a land use plan to allow the growth to be sustainable, to sustain itself and sustain the community.

The next slide in the PowerPoint presentation is a Preliminary Plat of the Shadowridge development. Mr. Sayre points out surrounding landmarks and roads in relation to the development.

Mr. Sayre stated he wanted to clarify some issues brought forward in the staff report. They have assumed the north/south road that parallels Route MM will be a collector street to be constructed as a collector street and dedicated with collector right of way. The staff report indicates the right of way should be dedicated but the road does not have to be that width at this time. In Mr. Sayre's opinion, the roadway can be extended to the

development and carry collector traffic.

It is not easy to receive staff support on something like this, a lot of times they put forth in developing the plan. The lots are at or above the size of the lots that are in the Ashland area. Density is a concern that has been raised. The density has to be there to sustain a development. The density has to be next to the city limits to sustain a pump station. There will be higher densities in and adjacent to the city limits of Ashland. The density of this development is a gross density of two. The current plan incorporates four sizeable green space areas. The development itself is on a ridgeline and there are four watersheds that can be used for stormwater control.

The green spaces range from 2.2 acres to 4.35 acres. The development itself provides over 12% of green space and recreation area that will be used for stormwater control and parks.

Mr. Sayre pointed out the commercial area and the proposed commercial street.

The right turn lanes are to be constructed at the entrances along Route M to allow the traffic to enter the subdivision and the developer has agreed to do so.

Mr. Sayre stated when someone looks at the plan, they tried to address traffic. When traffic analysis is reviewed for the development, this is the first to come on the Route M corridor. Instead of waiting, they can show the level of services and the projections from the first development on a corridor such as this. A developer has never proposed in the City of Ashland to fund a study of the downtown area, which they hope will be the terminus of a lot of traffic from this development and other developments as they occur along Route M. Mr. Miller had initially proposed \$10,000 for the preliminary study and layouts for the downtown area. The city requested he make that \$20,000 after they discussed this with a couple of traffic consultants about the economic needs. The developer has agreed to do this.

As far as the right turn lanes, the developer has agreed to construct those.

The important thing is, from a planning perspective, is not to wait. For this development, many assumptions could be used. It is important to know that the process has been moved forward and set forth to provide the study to the City of Ashland to try to determine the future needs before more development occurs.

Mr. Sayre stated the Jones Cemetery is noted on a drawing. The developer has agreed to preserve the cemetery in a green space.

Brian Eads, engineer with Crawford, Murphy and Tilley in St. Louis, stated his firm did the traffic study for this development. The firm spoke with MoDOT and the County before the study began to define a scope that was agreeable by MoDOT and the County. This scope was the basis of the study. From this, the firm analyzed both 2007, which is

the build year and 2027, which is the design year assuming full development build out in both years. With those assumptions, they were able to generate traffic based on the site plan using national generation rates for both residential and neighborhood commercial developments.

The neighborhood commercial developments would draw trips from the new residential development and existing developments. These trips were assigned and distributed to the existing roadway network based on the existing traffic patterns that pass the site now, which is primarily heading east on Route M. From this, they were able to determine the existing and proposed intersection would perform at a level of service A or B. Mr. Eads noted MoDOT's policy is to try for a level of service C in rural settings and D in urban locations.

Mr. Eads stated the study did not directly identify the safety benefits of the right turn lanes. It has been mentioned that these have been agreed to by the developer and planned initially.

The second part of the study looked at the average daily traffic of the interior roadways for roadway classification. As staff reported, John Michael Drive is a collector roadway, Alex Humpf Drive is a commercial roadway, and all others are residential drives.

Since the study was initially conducted, some concerns have been brought to Mr. Eads' attention and they have taken a look at the assumptions made and preformed a sensitivity analysis to make sure the assumptions withhold other situations. The first was to assume there is no interaction between the commercial and residential development. Typically, in a development like this, a large portion of the commercial trips would be drawn from the residential development. They assumed there was no interaction and that all of the trips would be assigned to the existing roadways of Route M and Route MM. From that, the level of service at the intersections would remain A, B, or C for the 20 year analysis period.

There were also concerns about the trip distribution assumptions saying that more trips would head to the north. Mr. Eads stated the northern assumptions were increased five-fold to 25% of the trips using Route MM and other back roads to access Columbia. That would have the greatest impact on the intersection of Route M and Alex Humpf Drive and remained a level of service A or B.

Mr. Eads stated finally, due to sight distance restrictions at the intersection of Route M and MM. They increased the gap in traffic that vehicle would use to make a turn because of the sight distance limitations and that intersection also remained at a level of service A or B.

Mr. Sayre discussed a PowerPoint slide with the current water system. The drawing of the area was provided by the water district. The current 8" water main is shown on the

drawing and it's location to the proposed development. There is a 4" main that is tied into the 8" main.

It is to his understanding from memo from the water department, that the residential portion does meet the minimums but the 500 gallons per minute for four hours was a condition because of their belief a mix used was needed in the future for the corner. That is the way they understood the memo to read as far as a minimum flow requirement.

To make the commercial sustainable, the developer has to make an improvement to the area. There will be a community benefit to this improvement. At a neighborhood meeting, two neighbors indicated they had substandard water flow and pressure. The proposed replacement of the current 4" main to an 8" main will provide fire protection adjacent to the proposed development, the necessary fire flow for the commercial node, enhance the residential area. By looping the two 8" mains, surrounding residents will see improvements in their water flow, pressure and provide fire flow to the Jenny Lake subdivision.

Mr. Sayre stated the sanitary sewer is the most difficult item to plan for but in a planned zoning, it is easier to have cooperative efforts between the City, County and Sewer District. There is a history with the sanitary sewer system in Ashland and the Commission has been involved in the planning of that over the last several years. The City of Ashland had a plan in 1999 and 2000, which was part of the planning document and need assessment that was completed and paid for by Boone County, the City of Ashland and the sewer district to determine the need for regional sewer. This plan follows that pattern. This plan regionalizes these developments as they come into the South Two Mile Prairie area. It regionalizes the discharge area and provides for pre-annexation and control over the users as the regional wastewater system comes on line. The grant is active.

Prior to that grant being received, the sewer district, the City of Ashland and the Commission also helped acquire a Clean Water grant from DNR that studied the City of Ashland's facility and the downstream conditions and effects of it on the stream. That study is what DNR is now reviewing in addition to the facility plan that shows they are entering into the second phase of a three phase plan. The first phase was to expand from 160,000 gallons per day to 290,000 per day. That was permitted in 2002. That was a three to five year plan and there is currently enough capacity for about one to one and a half years of development in Ashland. A year ago, May 15, 2005, is when the necessary water quality review sheet to DNR. Those are still being reviewed in conjunction with the study. It is not an easy process to expand a wastewater treatment facility or acquire a permit for new one with the environmental constraints of the area. The city is continuing, with the sewer district's help, in acquiring the grant as far as the wastewater limits in expanding the facility.

Mr. Sayre stated the next phase is for 490,000 gallons per day. The final phase is for 750,000 gallons per day. These are the phases that were laid out in 1999 to 2000 that were

initiated at that time.

Mr. Sayre had an aerial photograph of the tract from the County Assessor's website. He noted his firm uses the County's mapping all the time and praised them for their wonderful work.

The aerial photograph Mr. Sayre displayed during his PowerPoint presentation. He pointed out the four watersheds in the development.

The existing pattern of development is what the city does not want to occur nor is it sustainable. The gravel roads and aging lagoons in the existing Jenny Lake subdivision and Seawest subdivision. It does not mean it is very difficult to talk about those from a planning perspective. Mr. Sayre counted the lagoons that are on the aerial photograph. It is one of those things from a planning perspective that they have learned through the Boone County visioning process, EPA sustainable grants project and as County development has modernized is that there are long term costs to gravel roads and larger lots with on-site sewers that do not operate properly or lagoons that discharge into the environment. The plan for Shadowridge is provide the density necessary to regionalize and or provide one single source of wastewater treatment that could also be used by adjacent facilities and lots and owners. There is a community benefit to regional sewer. There is a community benefit if it is a mechanical treatment plant on-site, the controls will be there to regionalize it in the future. It will have to be done as a membrane bio-reactor.

Last spring, Mr. Sayre took a trip to Duck Creek sewer district in St. Louis. There were also people from the Boone County Regional Sewer District and a County Commissioner that attended a presentation by Duck Creek. Their approach was instead of looking at a long term stand point, waiting for something to happen, to work with developers in what they termed an assessment district. An assessment district is basically an impact fee that the developer has to pay up front for wastewater improvements and then as public benefits are realized then the developer is eligible for reimbursement as a project goes a long. That is the way this developer has approached this with the City of Ashland and the sewer district. Which ever option is taken, both entities will be involved but the ultimate permitting authority will be the Missouri Department of Natural Resources through the NPDS permit process.

Mr. Sayre stated staff made a comment about evaluating watersheds. There is a water quality review process that has to be done with the department. That is the process that takes the longest through permitting right now. This project, which ever option is selected by DNR, sewer district, City of Ashland and Boone County, that will have to through a very stringent review. A usatrainability (?) study will have to be done. There are recreational waters in the area. There are also other types of agriculture watering facilities in the area that will have an impact on by this development and those impacts will have to be mitigated.

Mr. Sayre showed a green space diagram of the proposed development. This diagram highlights the areas that will be raw green space that will be developed into stormwater control structures. Permanent structures will be put in along with numerous temporary best management practices to control run off. They have found a detention pond that is designed to handle the sediment and where the water can be let down and sediment removed to be the most functional. Their test results they have gotten from other developments indicate the set aside amount of area will be more than adequate for recreation sake, to use as an amenity, but to also provide permanent stormwater control not only to mitigate the run off from construction but the long term run off effects from residential and commercial developments as they are proposing.

The next PowerPoint slide shows the phases of development. These will be done in 40-60 lot phases. The 227 total residential lots on the 114 acre tract will be done in phases. The amount of lots per year that will be marketed, they believe will take one to two years per phase, which makes this development take a five year period from initiation of construction to a 10 year period as far as what they have assumed as their pro forma for the development.

The neighborhood commercial is not anticipated to viable for some years but it still needs to be planned for according to planning practices, sustainable development practices and the City of Ashland's future land use plan.

There green space tracts are 2.2 acres, 3.1 acres, 3.6 acres, and 4.35 acres. The amount of acreage that runs through each, the ratio of surface area to run off area and they are confident they can make the water quality very acceptable in comparison to agricultural run off that currently exists.

Mr. Sayre stated they have provided what they believe is a sustainable design. They believe that staff support and review that it is. As far as market sustainability, that is 100% the risk of the developer. Green space and recreation areas have been provided. Stormwater control has also been provided because they are concerned with the downstream lake quality that exists today out there. The lake quality on a few of the ponds is already a concern of the neighbors and they want to make sure they do not make it any worse and if possible they believe the upper detention facilities have the potential to make it better.

The water improvements in the area, when someone can replace a small diameter main with a larger diameter main and improve the water service to the area, they believe there are community benefits in this along with making the surrounding properties more marketable.

They believe the regional concepts for sewer improvements, whether it is with an on-site plant or the Ashland regional concept, that it will ultimately result in a regional southern Boone County facility. Now is the time to regionalize. Now is the time to look in the

future for density and get the density to sustain these type of improvements so when the time comes to regionalize that the public is not saddled with the costs to connect.

They have tried to address the neighbors concerns about traffic. They have had a re-review from MoDOT that indicated they would agree and recommend the right turn lanes be installed for the larger entrances to the subdivision. They believe it is important for the City of Ashland and Boone County as they work together with developers, to note this development will spur the study of the downtown area to show what the future needs will be so impact fees or assessments can be made to developments as they occur.

Mr. Sayre stated they heard a lot of concerns about sidewalks. Neighbors raised concerns about being able to walk to town from this area. They believe this is proof that this is within the development and annexation area of the City of Ashland and of the commercial service providers in the downtown area. The developer has agreed to provide access to the internal sidewalk system and provide sidewalks along Route M and Route MM as the terrain and MoDOT allows along those areas to try to make this as walkable as they can. It is worth noting that none of the developments that have occurred on Route M have incorporated that into their design. They plan on incorporating that into this design.

Commissioner Schnarre opened the floor for a public hearing.

Rick Flett, 12347 Andrew Sapp Road, Ashland, was present in opposition to this request.

Rick Flett stated he and his wife, Janet, have lived on Andrew Sapp Road for 25 years. To his knowledge, of those people who are in opposition to this request, he does not believe any are in opposition to developing this tract but are merely opposed to the plan as submitted and rejected by the Planning and Zoning Commission. They believe the developer has a right to proceed under current zoning law.

Mr. Flett stated there is an inherent trust that exists between land owners and the County governmental process in controlling responsible and reasonable growth. This trust is based on accepting, as landowners, current zoning laws and also relying on County government to do the right thing in protecting those individuals from ill-conceived plans, such as Shadowridge Estates.

If this development were contiguous with the current city limits of Ashland or reasonably close, then no one would be at the meeting this evening. An urban density development of this nature has no place in an out county agricultural setting.

Clearly, Mr. Miller hopes the City of Ashland will extend a helping hand and degree of credibility with a pre-annexation agreement. In that context, Mr. Miller has said that given the close proximity, this property will be in Ashland within a reasonably short period of time. Mr. Flett asked whose time frame this would occur in.

In the 25 years Mr. Flett has lived in Ashland, the city limits has moved three-tenths of a mile in that time. Currently, there is abundant and vast stretches of open land in the city limits of Ashland that are ripe for development. He asked if a housing shortage exists that would justify this kind of development. There is this proposed Shadowridge and Palomino Ridge, which is only half developed and in the city limits of Ashland. There are approximately 96 homes in West Oaks subdivision. The newest development to be annexed will have approximately 80 homes on 40 acres. There are houses for sale everywhere. The city limits of Ashland are vast and there is certainly potential for development that would be easy for the City of Ashland to manage.

If this property as presented is not annexed in five, 10 or 15 years, he noted Mr. Miller's comments of protecting the citizens of Ashland, present and future, so that any burden of this property should be born by the residents of Ashland and not by the taxpayer base at large. Mr. Flett asked what this burden might be to the citizens.

Mr. Flett requested the Commission honor the Planning and Zoning Commission's decision on this request.

Mary Martin, 15101 Palis Nichols Road, Ashland, was present in opposition to this request.

Mary Martin stated she has lived for over 40 years in this neighborhood and on a farm her whole life along with several others who have lived here longer than she. They have been there to raise and educate their children to enjoy the beautiful surroundings, the opportunity to farm the land, raise gardens, and have farm animals, which can no longer be if they use all this open land for development. She has visited with the neighbors about the rezoning of Shadowridge.

Mrs. Martin had a display board of the area. The area that was outlined in pink are landowners that do not want to give easements across their property for sewer lines and have not been asked to be annexed into the City of Ashland. They have not been approached by anyone to buy their property. There are also areas outlined in blue to represent those how have not made a decision.

The obstacles that face this development are too many to think about. Right now, if Danny Miller tried to connect to the Ashland sewer system, there is no way. It could not hold the capacity. It is not possibly.

The citizens of Ashland have elected the Commission and trust them to do the right thing. If the Commission approves this rezoning then the Commission has gone against the wishes of Mrs. Martin's neighbors and the southern Boone County Community.

Alice Nichols Lauffer, also known as Phoebe Lauffer, 157 E. State Road M, Ashland, was present in opposition to this request.

Phoebe Lauffer stated several years ago, she participated in the Boone County vision group. This was a project to identify and define what makes this county such a desirable place to live and to anticipate the County's trends and growth needs. She volunteered for this effort because she believed in the democratic process and hopeful she could leave southern Boone County better than it has been in the past.

Mrs. Lauffer stated she is proud to live in a community that embraces planning as a means to protect the quality of life. The Planning and Zoning process is an entricral part of the assurance function that the plan will stay committed to its purpose.

There are a lot of people who are opposed to this project who have lived to their whole lives in southern Boone County. The rest have managed to find their way to southern Boone County. In both cases, they have developed a close-knit community that is supported by common rules that have been adopted and accepted by all. These rules include the parent zoning regulations that govern the land use in rural Boone County. This legally binding covenant is an agreement by all land owners to restrict the use of their individual properties to meet the long term needs of the greater community.

The citizens call upon you (the Commission) to maintain the covenant that has been handed to you and the Planning and Zoning Commission in the form of parent zoning. In return for giving up these individual property rights, home and individual land owners are given a guarantee that they will have a voice in any significant changes to the zoning regulations that govern both them and their neighbors. There is no lack of land available for development in Boone County that is contiguous with either Ashland or Columbia and where city services are available to support high density development. Thus, this rural land spot rezoning for high density urban development serves no broader community purpose.

Karen Miller organized the vision process mentioned at the beginning of Mrs. Lauffer's presentation to gain access to insight of the public's view of the county to maintain current positive growth and development factors and identify goals for the future. The study circles involved developed a vision for the future of Boone County. Just a few of the intangibles the study group identified is making Boone County an exceptional environment with an abundance of green space, a good mix of residential, commercial and agriculture, developments that draw good neighbors who are involved in the community and contribute to positive climate of growth. Certainly, it seems reasonable that a five fold increase in the allowable housing density in the Shadowridge Estates development is a significant departure from a plan that should not be granted without input and acceptance by the community at large. Such a significant change from existing zoning should also serve to benefit the larger impacted community that will bear the expense of those changes.

There is currently a wealth of components that make up an almost magical mix in Boone

County and includes agriculture, commercial, industrial, educational and medical assets. They applaud the Planning and Zoning Commission for they have been instrumental in maintaining the conditions that contribute to that ethos. They feel it is incumbent on the Commissioners to maintain that climate by considering the issue of public trust. They call upon you (the Commission) to ensure the covenant continues to function and uphold the recommendation of the Planning and Zoning Commission which unanimously denied this request. They urge the Commission to unanimously deny this request to ensure that Boone County will be held as the model in the state as an exemplary example of growth.

Mrs. Lauffer and others who have signed the petition do not believe that this project has the traits that will hold it to a level of excellence they want for their community and Boone County.

Eric Fogle, 1480 East Highway MM, Ashland, was present in opposition to this request.

Eric Fogle submitted a petition with 500-plus signatures to the Public Record in opposition of this request and a map of the watersheds that could be impacted by this development.

Mr. Fogle stated he does not have any new information from the May 19, 2005 meeting. What was discussed at the May 19, 2005 meeting was important. Everyone expects development to happen but they do not expect it to happen in a vacuum but expect it to have good plans. This is a leap frog of high density development into the County. This will stay in the County for a number of years, as mentioned by Mrs. Martin, and will not be annexed by Ashland for a number of years.

Mr. Fogle briefly commented on some comments and concerns that were raised at the May 19, 2005 meeting.

Before this evening, the engineers talked about Ashland city staff support of this proposal. He is concerned with this because the same engineers who support this project are the same engineers who work for the City of Ashland.

City of Ashland had an opportunity to vote and voted not to oppose. He believes the engineers tried to make that decision a vote of support.

Planning and Zoning staff recommended ten conditions that must be met by the developer. The Planning and Zoning Commission was presented with the same facts two weeks ago and they voted unanimously to deny this request. There are a lot of folks at the meeting how have worked very hard over the last few weeks to gather the 550 signatures on the petition he submitted of Boone County citizens who are opposed to the subdivision. It is not just people immediately adjacent to the development but a lot of people in southern Boone County.

Mr. Fogle asked for those present at the meeting who are in opposition to this request to stand. The majority of the room stands in opposition.

Mr. Fogle stated he does not understand how all these people can be wrong and how this subdivision could be right for the community.

He expects there to be no new information presented by the applicant after the public hearing. If there is new information presented then that should have been done before this evening's meeting.

Mr. Fogle stated the overall question is does this development serve the greater good. He believes the greater good, which is southern Boone County, is largely opposed to this subdivision. Every chance the developer has had to present this plan, he has not received a favorable vote but each time has received a unanimous vote against.

Mr. Fogle believes the Commission should also vote unanimously against this development for all the reasons reviewed this evening and at the May 19, 2005 meeting.

Commissioner Miller submitted 22 letters and four phone calls in opposition to this request.

Commissioner Schnarre closed the public hearing.

Chad Sayre stated as far as the sustainable approach to this and the visioning, he was also a part of that. He believes that it is important to know that there are community benefits to this subdivision. It is difficult as a neighbor and as a consultant to discuss the costs of development. His firm knows about many of the issues being discussed this evening. He knows what Ashland has done to try to modernize sewer facilities in the area. He knows what it costs per lot. He worked on a few lots in Jenny Lake subdivision that put in on-site sewers that costs in excess of \$15,000 to actually build something that complied with regulations. Many of the homes in the area are nice. The terrain is different down there. What is being presented to the Commission this evening is an approach to provide regional sewer to this area.

As far as the distance and leap frog comments that were made, in comparison sake, it is not a long distance to this development. From the middle school to the elementary school, it is a comparable distance to this subdivision from the city limits.

There are a lot of people who have made comments and respect their opinion. There is a piece of land that does lend itself to density. In the visioning process, in the EPA Sustainable Communities process, the one thing that was identified in this process was that density needs to occur in the upper parts of the watershed. It does not bother him to speak about the Bonne Femme watershed because he knows there are 30 to 40 point source discharge lagoons and gravel streets that do discharge to the facility. If one looks

at the mass of the loading those facilities do produce, the facilities that they are speaking of the density funds quality effluent. Density is painful to talk about. This is not a highly dense development. It is a density of two, plus or minus. The density is 2.4 on a gross basis, 2.5 on a net basis. When you look at the threes and fours in the 70x100 lots that are being developed all over Boone County, the one thing that they tried to determine was development in the Two Mile Prairie area and all the sensitive watershed should occur in the top 15% of the watersheds to minimize the impact in the sensitive portions of the watershed. There was discussion about on-site detention facilities and regional detention facilities.

Mr. Sayre stated he does not enjoy being in front of people that are against a concept he is in favor of. He knows the corridor is there, the Route M corridor. This is the first to come. He knows the trends. People have scoffed when they said the city would boarder the airport. Two months before the annexations occurred, the land owners saw the need and community benefit for a rezoning that restricts it so residential development does not occur there now because of the airport. As far as vast acre being available, much of it is but it does not lend itself to residential development on the other side of the city limits around the airport on the other side of Highway 63.

If one can find a development with a density of 2 or 2.4, depending on the calculations, but the lots are as big or large than recent developments in the city limits of Ashland. The minimum size of square footage was corrected quickly by the neighbors in the covenants, which the developer agreed to raise the footage from 1,250 to 1,450 square feet.

Comments were made about the traffic situation and Mr. Sayre believes those have been addressed.

Mr. Sayre stated they did meet with the neighbors. They tried to follow all the things from a sustainable development approach that they have learned from Boone County Planning staff and the City of Ashland. They are lucky to have them.

The pressure is not on the public but the developer. The developer has to acquire the easements. He has to work with the sewer district and the City of Ashland to develop a sustainable approach. There are people who came out when in 1994 when he brought forward a planned residential development adjacent to Rock Bridge State Park. The gentleman wanted to get a plat on hand. He wanted to build his house there and look at a development plan. Mr. Sayre stated he was education as a farm boy from north Missouri to come down here and see the opposition in looking at planned processes. The advantage to the developer in a planned process is that sustainability can be planned. This is a five to ten year development just on the residential portion. If the city and county sewer district can find a developer to work in a partnership to provide regional sewer in either on means or another that through putting in membrane bio-reactor plants that are modular that the sewer district can then use, sell and rent out in other developments as they occur in areas around Hallsville, Harrisburg, and Ashland. If they can find a developer that can sustain

those costs, the up front capital with a density that is consistent with the closest municipal government, then that is going to be an advantage in planning. Once that sewer is there, one person is right, in the past a concept has not been there for regional sewer, now there is one.

Mr. Sayre believes the pressure is on the developer, not the County government nor the owners in the area. His comments, although qualitative, when you look at the distances in relative terms, they have been trying to figure out how to get their arms around it.

It can occur any other place in Ashland. Let it occur. One gentleman said if it occurs 10 years from now, it is ok. To Mr. Sayre stated now is the time to plan. The sustainability is on the back of the developer. When people say not in my backyard or it can occur in five or 10 years or somewhere else that is when this development will occur. Yes it will start before that. As witnessed by a Planning and Zoning Commission member he asked how this will be marketed in five years. Mr. Sayre stated they do not know. The number of lots developed in the City of Ashland has increased from 50 to 100 in the last seven years, per year. If one calculates the kind of growth that is, this development will have people that do not like it and there will be people that do like it. There will be 15 to 20 lots per year, just like other developments in the area. Palomino Ridge is developing on schedule from what the developer indicated. The only problem is that it did not provide green space or stormwater control in the Bass Creek watershed and a landowner filed a lawsuit because he had concerns about it. That is one thing the city said they are not going to take. They have said they want to maintain the stormwater detention facilities because they want control over them if they are designed appropriately.

As far as Mr. Sayre working for the City of Ashland, one of the Planning and Zoning Commissioners asked if this made him feel awkward. Mr. Sayre told them it does not. He is very passionate about the city. There was a moratorium on development because of sewer capacity. Cities cannot build a million gallons in advance. Sewer districts cannot offer a million gallon of capacity, start offering rate of \$50 to \$70 per hour and hope people come. The city's concept, especially after attending the Duck Creek meeting, is to say developers pay on the front end, provide the public benefit and they will be reimbursed if the city believes it is ok. That is the approach they have taken here. The pressure is on the developer not on the City of Ashland customers, not Boone County residents.

The concerns of traffic, which he respects because they are valid. This development is paying for the study of downtown. That is the first time in this area that has been done, future planning study funded in advanced. It is not fair, one gentleman has studied the traffic study, to say this development services at a level of A, B, or C. Level of service C would be if all the commercial traffic go to one area with one turning movement. This development will impact traffic. It will also provide a study in advance so that impact fees can be assessed by the city and county as other development do occur to try to mitigate those as they come.

Dan Miller stated the first and primary issue that was brought up is responsibility. He asked if a developer has a responsibility to the community not to burden them and leave behind something that someone else will pay for. In his view of the world is that a developer that either pays for what they do so there is no negative impact is doing a decent job. A developer who provides for future sustainable growth is providing a community benefit. Water pressure. The people in the Jenny Lake subdivision, who predominately do not like his proposal, probably will not complain if there is a fire hydrant out there to provide sufficient fire flows in conjunction with one of their fires. What has been suggested here is that somehow it would be responsible to develop this with 35 lagoons. In fact, it has been said in the past that this is what they want and they like their aging lagoons and they want them out there.

Mr. Miller stated during this process, he has invited neighbors to a meeting down at the Copper Kettle. He went though, painstakingly, and they made notes of what each person said and their concerns. He stood there for four and a half hours, he and Mr. Sayre, until the last question was answered. He provided Mr. Fogle the notes that were taken at the meeting and what their response was. They went back because there were concerns about whether or not the traffic study was accurate. They determined whether it was provided that in the information packet and gave that information to Mr. Fogle. The neighbors all had his cell phone number. He has not received any phone calls, either on his cell phone or at his office. He has made himself available in the community. The concept that there has been anything that has been tried to be slid under the rug is not accurate.

He started out with this development in the property was brought to him to see if he was interested. He looked at the property. It lays well for development. He likes Ashland. He has had a connection through Ashland for several years, through a piece of litigation, he likes the community. The concept was that he would only be involved in conjunction with responsible development. Going out and chunking up land in southern Boone County or northeast Boone County just because it does not receive opposition is not very responsible and he will not do it. Part of being responsible is to provide a public benefit, Mr. Miller says he has done that, to deal with three issues of transportation, sewer and public safety. Those are done with the exception of the sewer which no one in this room has the last vote. DNR has the last vote and whatever they tell us they can do. The ultimate goal is to regionalize the sewer system to provide for the ultimate long term sustainability.

He believes it has been a very good arrangement between Mr. Miller and the City of Ashland and the concept Mr. Fogle suggested of Mr. Sayre having a conflict. The only person who could have a real issue of the conflict is Mr. Miller. He has not only complied with the county but with everything Ashland wanted him to do. If there is anyone that had a dog in that fight is Mr. Miller and he does not care because that is part of being responsible is to pay his fair share and he is happy to do that.

Mr. Miller stated a comment was made that this is a leap frog development. Mr. Miller

stated this is from here to Garth Avenue. That is the distance that is being discussed.

Under their view of the world, Thornbrook subdivision would not exist. The Cascades subdivision would not exist. They would have to be going cheap and chunk up the ground in to 2.5 acre parcels so development is shoved to Callaway County or redevelop and go back into deal with lagoons.

Mr. Miller stated he has done everything he was asked to do by staff. He has done everything that he was asked to do by the City of Ashland. He will do everything that DNR tells him to do with the sewer. Simple fact of the matter is that is a responsible development. It is as good as he knows how to do it. It is as good as Allstate Consultants knows how to do it. It is as good as the traffic engineer knows how to do it. This development is sound.

He came before the Commission this evening to see whether or not to see if there was anything new the neighbors had. He answered every question they had before. He has not heard anything new. Based upon that, he has complied with the staff's requests and received their recommendation. Based upon that, the only fair, reasonable and responsible thing to do is to approve it.

Commissioner Elkin asked what the limits were of the traffic study and other growth was taken into consideration. Brian Eads stated prior to beginning the study, they spoke with MoDOT and the County said whatever MoDOT said would be sufficient for the study. It was determined the existing intersection of Route M and Route MM as well as any additional intersections would suffice for the limits of the study. As far as background growth, they looked at historic counts from 1998 to 2003 and saw a growth of 1.5% per year. That is what they projected out for the time frame of the study.

Commissioner Elkin asked if they just used a footprint for the traffic study. Mr. Eads stated as far as capacity analysis of the existing intersection and the three proposed new intersections.

Commissioner Elkin asked if they took into consideration the intersection of DD and any other access points. Mr. Eads stated that was not in the predefined scope but as Mr. Sayre mentioned that is part of the second study the developer has agreed to do is to look at this development and future developments and their impact on the traffic to downtown.

Commissioner Elkin stated Mr. Eads mentioned earlier that 25% traffic going north. Mr. Eads stated that was an assumption because of some comments received that more traffic would be going north. They took that to an extreme.

Commissioner Miller asked if the traffic study was based on the 25%. Mr. Eads stated the traffic study was based on 95% going east and 5% going north. That was the existing travel patterns. To take into account some of the concerns by the citizens, they did study

25% just to test the sensitivity and found there was no significant difference. No need for a left turn lane and no change in level of service.

Mr. Sayre that came from a neighborhood meeting as a request that there is a better way to get north and that there was a need to look at that. They also learned that a lot of the reasons the traffic count is going up on Liberty Lane is because the County has allocated funds there. They received those comments from the neighbors. They looked at those counts too and those numbers have increased. The parallel corridor thing has been mentioned to be part of the \$20,000 corridor study.

Commissioner Elkin stated for example this is approved and they come back with the corridor study and the study finds that Route M need shoulders or a stop light, he asked who would fund this.

Mr. Miller asked what location at Route M. Commissioner Elkin stated it does not matter what location. The County needs to know what the impact will be on the corridor.

Mr. Sayre stated their position was to determine the scope from the County and MoDOT of what the impacts would be from this development. They satisfied that scope from staff and MoDOT. One thing from the City of Ashland's perspective was that people look at traffic studies but do not study the downtown area because it is a four-way stop. The County is providing parallel routes. There is a future corridor plan being worked on. MoDOT says it will be a long time before anything warranted there. If they look at the counts before and after development and the parallel corridors the County is providing. No one has ever funded a study. They felt like that was the first thing that needed to occur outside the scope of what the impacts of this development would be. Yet, he believes as far as delays at the four-way stops at Main Street but other intersections like Henry Clay Road. Even then MoDOT has also mentioned the interchange. He believes the best use of funds is to develop a needs assessment. In his opinion, it will not show a lot of need and impact of this development. That's where the level of services of A and B. These are not deceiving, that is using MoDOT warranted calculated levels of service. It the next one that gets saddled with paying for it because MoDOT says they met a warrant. The Commission is put in a position where one guy has to pay for it. This impact fee will provide the tools for city and county staff and MoDOT to plan for that and mitigate that. As far as payment for that, there are no processes in place other than negotiated impact on those things and that cannot until the study goes. They are in a position where they met the warrants of the county staff and MoDOT when they said the limits of the scope of Route M and Route MM. They re-evaluated it after other concerns were brought forward and added this to the scope.

Mr. Miller stated the City of Ashland, during this process, made the suggestion that they would like to study the intersection but they needed funding as a match.

Mr. Sayre noted this was part of a downtown improvement plan. The City of Ashland was

looking for money, local cash, to leverage more grant funds into the downtown area for traffic and pedestrian improvements.

Mr. Miller stated his response was \$10,000. If it helps them, he did not care. Then they were at the Ashland City Council meeting and Mr. Flett spoke about the intersection of Route DD. The issue was the money did not have to be spent on that. Mr. Miller said if someone gets more money to take care of their needs and if he puts an additional \$10,000, he does not care. He is trying to do what he thinks is fair and responsible. He has responded each time by saying if it helps you, he will do it. He would hope to not be picked on and that somehow there was some huge problem. They have concerns. He has funded \$20,000 if he is approved so they can have two other traffic studies. He did it not because it was a precondition but did it because he thought it was the right thing to do.

Commissioner Miller thanked Mr. Miller for stepping up to the plate. He is trying to do thing many developers do not do every often and do things for the public good such as the regional sewer, the water upgrades and preliminary funding of traffic studies. However, Commissioner Miller believes at this time this development is too dense. She does not believe the timing is right. She cannot support it unless there is a regional sewer that connects to the City of Ashland's sewer. Until that happens and that capability is there, she does not believe this development should go forward.

She stated when she first heard there was no transportation problem her first thought was what were these people thinking about. It is because of the corridor thing mentioned earlier by Commissioner Elkin. There is a problem already in the corridor and then add this on top of it will make it worse. She cannot in good conscience support a development that will increase the problem until there is a plan on how it can be mitigated and dealt with.

At this time, Commissioner Miller cannot support this. She thanked the applicants for meeting with the neighbors and trying to mitigate their concerns. She knows it would be a good development. She has complete faith in Allstate Consultants and what they have done in the past with other developments. She believes the timing is not right, it is too soon and there are too many things that need to be dealt with to mitigate future developments on that corridor.

Commissioner Schnarre stated Allstate Consultants and Mr. Sayre are probably one of the primer organizations that understand stormwater and sewers in Boone County. He believes they should be working for every small town and developer because they look at it realistically. He agrees with them, the number of lagoons that are in the area cannot continue, especially in this watershed. Then it becomes a cost-benefit ration and 2.5 acre tracts cannot be built with a central sewer system and still have affordable housing. Since this cannot be done then one has to build a dense development like this.

Then the distance has to be taken into consideration. True, the distance is only 4,000 feet

but in a small community this distance is across town. When it is put into perspective to the small communities it is a large distance.

He agrees with Commissioner Miller. This is a good development for use of resources by meeting sewer requirements and having two houses per acre. He believes it is not in the right place at this time. It is too far out in relation to the small communities at this time. He does not know if Ashland will get out there and does not have the answer. He cannot support it for that reason and he would also like to see the regional sewer plan be completed before a lot of development begins.

Commissioner Elkin also believes this is a quality plan and would be appropriate if it was adjacent to a population center such as Ashland or Columbia. Relatively speaking, 4,000 feet in Ashland is a considerable distance. He can guarantee if sewer and water are run out there then more development will occur.

One other issue that has not been mentioned is County services. This development is not in the City of Ashland. The county will have to services this area with police services, snow removal services and other services. Densities such as this are more appropriate in a municipality.

Commissioner Elkin also believes this is a quality plan and believes if it were next to a population center then the Ashland City Council would be addressing this issue, not Boone County.

There was no further discussion on this item.

Commissioner Miller moved to deny the request by United Developers, LLC on behalf of Miller Properties, LLC to rezone from A-2 (Agriculture) to R-SP (Planned Single Family Residential) of 108.32 acres, more or less, and from A-2 to C-GP (Planned Commercial) of 5.75 acres, more or less, for Shadowridge Estates Planned Development, located at 3445 E Route M, Ashland.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 236-2005**

Commissioner Miller moved to deny the request by United Developers, LLC on behalf of Miller Properties, LLC for a Review Plan and Preliminary Plat for Shadowridge Estates Planned Development, located at 3445 E Route M, Ashland.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 237-2005**

G. Receive and Accept the following plats:

- **Kallenbach Acres.**
- **Sweringen Road.**
- **Kincade Estates.**
- **Thousand Oaks.**
- **Mockingbird Hill.**

Commissioner Miller moved to receive and accept the following plats and authorize the Presiding Commissioner to sign said plats:

- Kallenbach Acres.
- Sweringen Road.
- Kincade Estates.
- Thousand Oaks.
- Mockingbird Hill.

Commissioner Schnarre seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0-1 as follows: Commissioner Schnarre – Aye, Commissioner Miller – Aye, Commissioner Elkin – Abstain from vote.

Public Comment

There was no public comment.

The meeting adjourned at 11:50 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Keith Schnarre
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin

District II Commissioner