

**BOONE COUNTY PLANNING & ZONING COMMISSION**  
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS  
801 E. WALNUT, COLUMBIA, MISSOURI  
(573) 886-4330

**Minutes**

**7:00 P.M.**

**Thursday, August 18, 2016**

I. Chairperson Harris called the meeting to order at 7:00 p.m., with a quorum present.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Paul Prevo, Vice-Chairperson	Rocky Fork Township
Eric Kurzejeski, Secretary	Missouri Township
Carl Freiling	Cedar Township
Gregory Martin	Katy Township
Michael Poehlman	Rock Bridge Township
Bill Lloyd	Three Creeks Township
Rhonda Lightfoot	Perche Township
Derin Campbell	County Engineer

b. Members Absent:

Loyd Wilson	Columbia Township
Vacant Seat	Bourbon Township

c. Staff Present:

Stan Shawver, Director	Uriah Mach, Planner
Bill Florea, Senior Planner	Thad Yonke, Senior Planner
Paula Evans, Staff	

III. Approval of Minutes:

Minutes from the July 21, 2016 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris read the following procedural statement:

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes three rezoning requests and five subdivision plats. The first two rezoning requests are related, so the commission will conduct one public hearing for those requests.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members of the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

The agenda item will be announced, followed by a report from the planning department staff. At that time, the applicant or the applicant's representative may make a presentation to the commission. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. We ask that any presentation made to the commission be to the point.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

There may be individuals that neither support nor oppose a particular request. Those individuals are welcome to address the commission at any time during the public hearing portion of the request.

Please give your name and mailing address when you address the commission. Please sign the sheet on the table after you testify. Also, we ask that you turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. If you would like to recover original material, please see the staff during regular business hours after they have had an opportunity to make a copy of your submission.

After those opposed to the request have had a chance to speak, the applicant will have an opportunity to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the commission. The commission will then discuss the matter and may ask questions of anyone present during the discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the county commission. Please note that the Boone County Zoning Regulations and Subdivision Regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the county Commission. They will conduct another public hearing on Tuesday, August 30<sup>th</sup>. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, August 30<sup>th</sup> will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None.

VI. Rezoning

1. Request by Green Thumb Properties LLC on behalf of Nursery Heights Development Group LLC to rezone from A-2 (Agriculture) to R-S (Single Family Residential) on 37.62 acres, more or less, located at 7474 S Nursery Rd., Columbia.

Planner, Thad Yonke gave the following staff report:

The subject properties, which abut Boones Pointe subdivision and University Estates subdivision, are located on the east side of Nursery Road approximately 700 feet south of the intersection of State Route K and Nursery Road. The northern property line of the subject property is the municipal limit line for the City of Columbia. The subject properties consist of approximately 40.4 acres that is zoned A-2 (Agriculture). Property to the east, which is University Estates subdivision, is zoned R-S (Residential Single Family). Property to the south and west is zoned A-1 (Agriculture). All these are original 1973 zonings. The property to the west has a tentative approval for rezoning to A-2P (Planned Agriculture) but said zoning will not go into effect until a Final Development Plan for the property is approved. Property to the north, which is Boones Pointe subdivision, was originally zoned A-2 but was annexed into the City Limits of Columbia and given R-1 zoning. The R-1 is the equivalent of the county R-S designation. The applicant is seeking a rezoning of approximately 37.62 acres of the property to R-S (Residential Single Family) for purposes of subdivision of the property. Approximately 2.74 acres of the property is to retain the existing A-2 zoning. The portion of the property retaining the A-2 designation is the site of an existing cell tower and the exclusion of this area is to allow the tower to remain compliant with the county zoning regulations related to telecommunication facilities. The property scored 68 points on the point rating system.

The Boone County Master Plan has designated this area as being suitable for residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The property is served by Consolidated Public Water District 1 for water service and water is available, the Boone Electric Cooperative for electrical service, and the Boone County Regional Sewer District is proposed for sewer service. The applicant has secured capacity to support the allowed density under the proposed R-S zoning.

Transportation: The majority of the site access comes from Nursery Road which is currently a substandard dead-end county public gravel road. All roads in the Urban Service Area, which this is, whether public or private are required to be paved. Any development of the subject property will at a minimum require reconstruction of the county section of Nursery Road. Nursery Road is designated on the CATSO Major Roadway Plan as a Neighborhood Collector. Secondary access to the subject property is from Campus Drive to the east which is a hard surface county public road. Campus Drive was created to serve as a public through road connection from its initial creation on Plat 2 of University Estates in 1972.

These roadways were initially constructed as gravel public roadways. In the late 90's University Estates went through the NID (Neighborhood Improvement Process) to have the gravel public roads become paved public roadways. This was done because the neighborhood desire to have paved roadways was in advance of when the County was going to consider paving the roadways. The interconnected extension of Campus Drive would be required of any development of the subject property under either its existing or proposed zoning. Beyond Nursery Road and Campus Drive the portion of the road network most directly used will be State Route K, Old Plank Road, and Scott Boulevard. The portion of Old Plank Road most utilized and that historically has had issues with flooding and blockage is now under City jurisdiction. The issues with Old Plank Road emphasize the importance of requiring interconnections such as Campus Drive. State Route K and Scott Boulevard have both seen some level of improvement in recent years and while traffic has increased upon these roads by an amount that is noticeable by those that have historically used these roadways; the traffic is not beyond the capacity of these roadways.

**Public Safety:** The nearest fire station is located at State Route K near Old Plank Road, approximately 3.8 miles away. Fire hydrants and water extensions will be required for development of the property and these will improve safety in the area overall. The current condition and geometry of Nursery Road is problematic for public safety but would be required to be rebuilt in conjunction with any significant level of development. The fact that there are access points to public roadways from both sides of the property is good for public safety. Additionally, the required extension and interconnection of Campus Drive will provide a secondary access point for University Estates. This is important since the current primary access to University Estates is a section of Old Plank Road that is historically subject to flooding and blockage. The BCFPD has indicated that their regulations would also require the interconnection.

**Zoning Analysis:** When University Estates was created it was the anomaly in the land use pattern of the area. As time has passed and development in what is known as "Southwest Columbia" has become more suburban in density and form, the R-S zoning designation assigned to University Estates subdivision has become more representative of the area overall as opposed to just the existing subdivision itself. Significant public investment in infrastructure to support the suburban density has been made in the area and the subject property has access to the resources to justify the rezoning and to allow development to utilize this infrastructure. Much of this public infrastructure investment has been available for several years and utilization of it at an R-S density rather than an A-2 density makes the public investment more efficient.

Additionally, if the property were to develop under its current A-2 designation it would be likely that proposed development would have a greater overall impact on Campus Drive because the reduction in density would likely see development of the property "grow" Campus Drive from its current terminus until the 50 lot limit was reached then connect to Nursery Road in the most direct manner to minimize the amount of roadway need to be built. This would likely create a more desirable through traffic path than that done to utilize the greater density of the R-S zoning. The infrastructure is available to support development of the subject properties at an R-S density and given the R-S and R-1 zonings of the two existing adjoining subdivisions the request appears to be more of an expansion of existing zoning districts in a manner compatible with both the master plan and the evolving development pattern of the area rather than a traditional rezoning.

125 property owners were notified about this request.

Staff recommends approval of the request.

Present representing the request:

Jay Gebhardt, A Civil Group, 3401 W Broadway Business Park Ct, Ste 105, Columbia  
Cody Darr, A Civil Group, 3401 W Broadway Business Park Ct, Ste 105, Columbia  
Jeff Hemme, 5200 Thornbrook Parkway, Columbia

Jay Gebhardt presented handouts of a power point presentation including an email from Assistant Fire Chief, Gale Blomenkamp.

Jeff Hemme: I would say I have a good reputation, even some of the neighbors who aren't in favor of this request in the two public meetings we have held and invited the neighbors they have indicated that they have heard good things about me even if they don't want the development to go through. I bring that up because I build a quality product and I intend to have quality homes in this neighborhood. The covenants and restrictions that would be imposed on these homes would be higher in every aspect except square footage. They would be smaller homes that would be more affordable but they would still be homes compatible to price ranges in the area. It is important to me to be a good neighbor whether they support or oppose this development. I take care of my neighbors and keep water and silt off their properties and go through extensive resources to prevent any kind of miscommunication or negative result.

Jay Gebhardt: The email from Mr. Blomenkamp talks about the need for the interconnection between University Estates and the proposed Nursery Heights. We also have a letter of support and copy of all the petitions signed by surrounding neighbors in support; it was signed by 36 neighbors in Boone's Pointe, University Estates and Deerfield Ridge.

Jay Gebhardt presented a copy of his statement and copies of photos from his power point presentation.

Following is the presentation given by Jay Gebhardt and Jeff Hemme. The following recitation was entered electronically and not transcribed from the recording:

Zoning / Land use:

This is the public hearing for the zoning from A-2 to R-S and although not required, we have submitted the preliminary plat for you to make a recommendation on later in this meeting. This was done to provide information and assurances to support the rezoning. This preliminary plat is what we intend to follow should you approve the rezoning.

Slide 1 – City & County Zoning Map combined

- Existing Area Conditions and Zoning
  - The subject site is approximately 40 acres, located south of Route K along the East side of Nursery School Road. The site is currently zoned A-2, with an existing cell tower and two residential homes.
  - The land along the west side of Nursery Rd is A-1 with a proposed rezoning to A-2P. The Review Plan having been recently approved by Boone County Commission (Toalson Property).
  - To the east of our site is an existing Boone County R-S zoned subdivision, University Estates, which extends to Old Plank Rd. Campus Drive extends from our site to Old Plank Road, through the University Estates neighborhood.
  - All corners of the intersection of Nursery Rd and Route K are within the corporate limits of the City of Columbia. There is an existing greenhouse at the southwest corner, vacant Planned Commercial land on the southeast and northwest corners and a single family PUD zoned residential subdivision on the northeast corner.

- Along the east side of Nursery Rd and north of the subject site is a residential subdivision (Boone's Pointe), also within the City of Columbia.
- Old Plank Rd to the east is adjoined by primarily single family residential subdivisions, Barcus Ridge and the Gates, both are within the City of Columbia.

Mr. Gebhardt showed the locations of those subdivisions on the map.

- Proposed R-S
  - If you start from the assumption that this existing A-2 zoning was correct when it was established in 1973, then you could ask what has changed in the last 43 years that would support a change of the zoning from A-2 to R-S.

#### Slide 2 – Nursery Road and Route K intersection

- Road Infrastructure
- Nursery Road was realigned by the County to provide a safe sight distance for the intersection with Route K and Scott Blvd.
- A left turn lane added to Route K for Nursery Road and Scott Blvd.
- The City has zoned 3 of the 4 corners of this intersection as planned commercial for neighborhood commercial uses.

#### Slide 3 – Scott Blvd

- Scott Blvd was extended south to connect to Route K
- Route K was widened and 4 foot shoulders added from Nursery to Providence Road
- Scott Blvd widened From Route KK all the way To West Broadway

#### Slide 4 – Nursery Road

- This project will widen Nursery Road to a 38 foot wide street to the south end of the road and the end of current County maintenance

#### Slide 5 – Old Plank Widening

- Widening for a left turn lane on Old Plank Road for the entrance of the Gates. (Mr. Gebhardt stated there is an existing entrance for The Gates subdivision and there is a future entrance and then Campus Drive. In each one of those entrances to The Gates the City is requiring a left turn lane to be created on Old Plank Road.)
- Another Widening for a second entrance to the Gates will be installed by the developer of the Gates when that second entrance is built between the existing entrance to the Gates and Campus Drive.

#### Slide 6 – Boone County Fire Stations and Water Tower

- Fire Protection since original zoning in 1973
- A new Fire Station has been constructed at Scott Blvd and Vawter School Road
- A Fire Station on Route K near Hoe Down Dr was built in the 1980's and was rebuilt around 2000.

- The CPWSD built a Water Tower in the mid-1990s near Bethel and Old Plank and another Tower on Scott Blvd that serves this area. The Water District since 1973 has invested in improving the fire protection flows for all of the areas along Route K.

#### Slide 7 – CPS Schools

- Schools
- 1.2 miles north of this neighborhood, Beulah-Ralph Elementary School at Route KK and Scott Blvd Opened this week.
- Except for Rock Bridge Elementary, CPS has built all of the schools south of Stadium Blvd since this property was originally zoned A-2.

#### Slide 8 - Combined City and County Zoning Maps

- Similar Zoning surrounding this property
- In 1973, our immediate neighbor to the East, University Estates was platted as an R-S zoned neighborhood
- In 2005, our immediate neighbor to the north was platted as an R-1 subdivision in the City of Columbia with two commercially zoned properties at the corner of Route K and Nursery Road.
- In 2015, our neighbor to the west Bill Toalson was granted A-2P zoning for his property. He chose A-2P zoning due to his desire to have large estates lots and he fully supports our request for R-S zoning.

#### Slide 9 – Subdivisions approved in the vicinity

- Since this property was originally zoned A-2, the Route K corridor has blossomed with small single family suburban lots, The Cascades, Oak Park, Deerfield Ridge, Barcus Ridge, The Gates, and numerous others.
- A New 54 acre City Park has been established On High Point Lane
- The decisions to zone these properties to an R-S and R-1 zoning was partly based on their being adequate infrastructure to support them.

#### Slide 10 – City of Columbia City Limits

- Growth of the City and Why not Annex to the City?
- The growth of the City of Columbia to the South has reached the north line of this proposed rezoning.
- We considered Annexation to the City of Columbia as an R-1 subdivision similar to our neighbor to the north, Boone's Pointe. However, due to the following circumstances Annexation to the City was not practical.

#### Slide 11 – Cascades Pump Station/ BCRSD Facility

- Sewer
  - The City of Columbia's sanitary sewer capacity for the Route K corridor was provided by a pump station located on High Point Lane. The pump station has been upgraded through the years but has reached its capacity. There is no economical way to upgrade this large Pump Station without rebuilding a new Station, a new force main and upgrade the gravity sewer main it pumps to.

- The Boone County Sewer District does have capacity in the Route K facility and has ongoing plans to increase capacity for this facility.
- The City of Columbia has always used their sewer service as a means to encourage development to occur within the City Limits. In this Case the City does not have sewer capacity, the BCRSD does.

#### Slide 12 – Columbia Imagined Urban Service Area Map

- Columbia Imagined Plan – Outside Urban Service Area
  - In 2014, the City of Columbia adopted a new land use plan called Columbia Imagined.
    - This Land Use plan was the result of many years of community involvement and the visioning process. One of the elements of this plan was to create an Urban Service Area. The Urban Service Area is a line around the City of Columbia defining what area the city should invest their limited funding for infrastructure services. This property lies just outside of the Urban Service Area which ultimately means the City encourages the development of the property within Boone County.
  - So in summary, we are not pursuing annexation into the City. The City cannot provide sewer service. This property lies outside of their electric and water service territories. This means development should be done in accordance with Boone County Standards and Regulations. It is also important to say that if annexed the City would more than likely zone this R-1.
- Why R-S and not A-R or A-2 or a planned district?
  - Sufficiency of Resources test

#### Slide 13 – Point Rating Worksheet

- The Boone County regulations require an analysis of the proposed rezoning to see if it merits further review. A part of this test is the Points system used by the staff to provide a means to see if the property is within the Boone County Defined Urban Service Area. This property received 68 points which clearly shows this property is within the County’s Urban Service Area according to how the Boone County defines the Urban Service Area. This property is not a rural property.

#### Slide 14 – Overview of Nursery Heights

- Other Considerations are the improvements being proposed to minimize the impact this development will have on the surrounding properties. These include:
  - Rebuilding Nursery Road as a 38 foot wide collector street. Streets with similar widths are South Hampton, Bethel, Green Meadows Road. The point being that this will be a nice wide street that will provide excellent access to this and the surrounding properties for many years to come.
  - The approximately 600 feet of Nursery Road within the City of Columbia was recently overlaid by the City to meet the City of Columbia’s requirements for a 30 foot wide Neighborhood Collector street. We would tie into to this recently improved street with a wider 38-foot pavement, which is the Boone County Standard for Collector Streets
  - Old Plank was recently overlaid by the City of Columbia from Campus Drive to Route K

- The required Traffic Study for the intersection of Route K and Nursery and Old Plank and Campus Drive was performed and showed minimal impact to those intersections.
- It is my opinion that the Nursery/Route K intersection is the safest intersection along the entire length of Route K from Rockbridge Elementary School south, due to the turning lanes and good sight distance.
- Fire Protection is being enhanced with new water mains within the development and within University Estates.

Slide 15 – Campus Drive, Nursery Road and Water extensions

- Regardless of the zoning requested, the improvements to Nursery Road and the Water System and the connection to Campus Drive would be required. Quite simply, the cost of these improvements cannot be afforded with the density allowed with the existing A-2 zoning and requires an R-S density to accomplish.
- There is a large unfilled demand for less expensive, more affordable housing in this portion of the County.

Slide 16 – Overview of proposed Nursery Heights

- We have submitted the preliminary plat and the rezoning together to be transparent to everyone what will happen on this property. If you approve the rezoning, we will ask you to approve the preliminary plat we have before you later in this meeting.
- Density
  - The density being proposed is 3.25 Units per acre. R-S zoning allows up to 6 units per acre so this is not an extreme request.
  - The Cell Tower Lot will remain an open space and be maintained by the Neighborhood Home Owners Association.
  - The Storm Water Measures being utilized will also be on common areas providing more open space for the owners within the subdivision.
- Need for housing type
  - Lot size
    - The average lot is 60 feet wide and 120 feet deep. Many of today's buyers do not want to spend time doing yard maintenance and seek out small lots to minimize the time required for yard work.
  - Price Range of Homes
    - Approximately 50% of the lots will have slab homes which will start at \$190,000
    - The remaining lots will have homes with walkout basements and will start at \$240,000
  - The minimum House size is 1,450 sq. ft.
  - The lots and homes will be very similar in size to those within Oak Park and Barcus Ridge. Both of these Subdivisions are basically sold out due to the need for this type of Housing.
- Planned District versus open zoning
  - We discussed using a planned district for what we are proposing with the County's professional staff. As you know, planned districts can sometimes provide tools that can be used to address concerns by the neighbors. However, after these discussions with the

County Staff a residential planned district was found to be inappropriate or ineffective for the following reasons:

- Although a planned district has a plan that cannot be altered after it is approved without additional approvals, the preliminary plat we are submitting with the rezoning request provides the same information and cannot be altered without further approvals. We will build what we are showing on the preliminary plat if the R-S zoning is approved.
- A planned district provides flexibility on the rules for lots size which allows greater density to be achieved. It also allows various housing types besides single family detached (corrected from “attached” by Mr. Gebhardt) which is not the intent of this project.
- In summary, we came to the conclusion with the staff that planned districts for this development was not an effective tool and did not provide beneficial protections and opened the door to some flexibility that was deemed inappropriate for this site.

#### Slide 17 - University Estates

- Many of the neighbors to our east have concerns about the approval of this request for R-S Zoning and Preliminary Plat approval. However University Estates is:
  - Zoned R-S which is what we are requesting.
  - Consists of a mixture of 22 small lots ranging from 60 foot wide to 80 foot wide, which is very similar to our proposed lots.
  - 18 large lots, many of which are approximately 1.5 acres with some 2 acre lots and one 4.5 acre lot.
  - These large lots could be further subdivided into smaller lots in the future as the land values in the area continue to increase. (Mr. Gebhardt stated the lots on Hilltop Drive are through lots and are very similar to what is being proposed)

#### Slide 18 – 2002 Assessors map

- Redevelopment of a Vacant Commercial Nursery
  - Sometime in the 1970’s and by 1980 a Commercial Wholesale Nursery was operating on this property. As you can see from the old aerial photos this use was quite extensive and continued up to at least 2002. In 2007 the property became vacant and the current owner proceeded to clean up the remains from the commercial activity.
  - My point for bringing this up is that this property has not been used as a normal A-2 agricultural use and the proposed development is not taking productive agriculture land out of use.

#### Slide 19 – Overview of proposed Nursery Heights

- Neighborhood concerns
  - If the zoning is approved, the property will be redeveloped in accordance with the Preliminary Plat we have submitted and is on your agenda for your recommendation later this evening. We have been working on refining this plan since November of 2015 and have worked extensively to address the issues.
  - We have invited the neighbors to meet with us on two separate occasions taking in their comments and incorporating what we could address. These are the concerns we are aware of.

#### Slide 20 – Campus Drive

- Opposition to connection of Campus Drive and the proposed neighborhood.
  - As I have stated above, the connection to University Estates would be required regardless of the zoning requested. It simply is an important connection for Emergency Response and provides for neighborhood interconnection and interaction.
  - I understand that this is currently a dead end street and the neighbors do not want to see it change. It looks like a normal Cul-De-Sac street and many were surprised to find out it was planned as a connecting street to the property to the west.

#### Slide 21 – Email from Assistant Chief Gale Blomenkamp

- I have an email from Gale Blomenkamp, Assistant Fire Chief of the BCFPD, stating that the access between the two properties is required for Nursery Heights and provides a needed safe second access for the properties within University Estates.
- The neighbors tell us that Old Plank is in need of improvement and widening and at times floods. This condition reinforces the need to provide a second means of ingress and egress to their neighborhood.

#### Slide 22- Campus Drive

- As an engineer designing neighborhoods, I want to minimize or avoid impacts to existing neighborhoods as much as possible. We met with the County Engineers to investigate traffic calming measures that we could implement on Campus Drive to discourage through traffic and slow cars down. However, during this exercise, we discovered that the narrow 24 foot width was the best design to accomplish these goals. Speed Humps, Narrowed Sections and other traffic calming measures would not provide the same desired effect as well as the existing 24 foot wide pavement.

#### Slide 23 – Overview of Nursery Heights

- This realization lead us to redesign the 32 foot wide internal streets to provide a clear and unencumbered path from the lots within the proposed development to the improved 38 foot wide Nursery Road. This design meets our goal of encouraging the Nursery Heights Residents to use Nursery Road.
- The combination of Campus Drive being narrow, Old Plank being narrow and our free flowing design away from Campus Drive encourages the residents of Nursery Heights to use Nursery Road as their primary access.

#### Slide 24 – Diagram from Traffic Study showing 26 Lots

- Increased Traffic
  - The proposed zoning does affect the traffic that will be using Campus Drive and your staff required a detailed study of the traffic from this proposed development through Campus Drive.

- It was determined after careful study and discussions with the County's professional staff that approximately 26 lots would use Campus Drive and the remaining 104 lots would use Nursery Road. We will discuss this in greater detail later in this presentation. However the conclusion from this study is that the width of Campus Drive and the intersection of Campus Drive and Old Plank will not be adversely affected by this small increase in lots using Campus Drive and does not surpass accepted standards and practices to trigger further improvements to either Campus Drive or Old Plank. This was our goal for the design to achieve, not to create a dangerous condition within University Estates or on Old Plank Road.
- Construction Traffic will be from Nursery Road and signs will be put up to remind drivers to respect the existing neighbors by using Nursery Road and not Campus Drive.
- There will be additional traffic using Campus Drive, but the additional traffic does not create an unsafe condition. It does create a different condition from what exists today and the neighbors are opposed to this change.
- Traffic is the main safety concern voiced by the neighbors in relation to children and people walking in the streets. I sympathize with the neighbors having to make an adjustment that they do not want to make, but I assure you that the traffic generated by this connection will not exceed what many similar neighborhood's experience and handle safely.

Slide 25 – Overview of Old Plank and Nursery intersections with Route K

- The neighbors are concerned that other people will be using a road they paid to pave through a NID.
  - Campus Drive was a gravel road and was overlaid with Asphalt through a Neighborhood Improvement District in the late 1990's which transferred all of the cost of paving to the owners within the neighborhood.
  - Campus Drive is a part of the Boone County Public Road system and is maintained by Boone County.
  - The neighbors did pay to overlay the road 15 or so years ago, but the public pays to maintain it and the connection to this proposed neighborhood will not create an additional expense to the neighbors.
  - This public road was originally designed to provide access to the Nursery Heights property for public access between the two properties.
- The neighbors believe more people will access Old Plank through University Estates rather than use Nursery Road to access Route K.
  - The neighbors firmly believe that Campus Drive is the shortest path to town for the future residents of Nursery Heights, but this is not correct.
  - As part of the traffic study the anticipated trip distribution for the Average Daily Traffic from the proposed subdivision was assigned at two points leaving the subject site. It was determined that 80%( 104 lots) of the traffic generated from the Nursery Heights Development would enter and exit by way of Nursery Rd to the north and 20%( 26 lots) of the traffic generated would enter and exit by way of Campus Dr. to the east. We have worked with the County's professional staff on this and we all believe this distribution is accurate based on the following considerations:

- All traffic generated with destinations in the north and west of town will naturally use Nursery Rd to enter and exit the development and continue to travel north along Scott Blvd, which is currently being improved to greatly increase capacity, so as to efficiently move traffic north and south.
- The portion of traffic generated with destinations to or from the Northeast and East parts of town will be faced with a decision to either use the Nursery Rd or the Campus Dr. entrance/exits. This decision will essentially require assessment of two factors;
  - (1) Time to reach the common point of the trip, being the intersection of Route K and Old Plank Rd.
    - Based on calculations of time of travel along each associated route and respective intersection delays it was determined the Nursery Road to Route K Route has a couple seconds less travel time to reach the Route K and Old Plank intersection than the Campus Drive route including travel time through the subdivision.
  - (2) Safety and condition of roads used would also influence decisions
    - Route K is a wider road with 4' shoulders, and provides a safer feel than Old Plank Road to most Drivers.
    - Nursery Road and Route K do not Flood
    - If they have a choice most people will take the route they perceive as safer.
    - It is my opinion that many of the residents of University Estates will use the streets in the proposed Nursery Heights rather than the other way around.

#### Slide 26 – View of Gap and Overlap

- Survey Gap/ Overlap
  - The Original Developer of University Estates left a Gap and created an Overlap between the Nursery Heights Property and University Estates Property.
  - The Gap is triangular and is still owned by the Developers of University Estates, Jerry Anderson and Howard McPherson.
  - A Contract for Sale of this to Jeff Hemme is in place and the property is scheduled to close tomorrow morning, August 19<sup>th</sup>. This will resolve the issues with this gap.
  - The overlap is south of the Campus Drive connection and we are not putting any part of this overlapped area in our lots. If acceptable to the neighbor, Mr. Hemme will quit claim all of his interest, to the adjoining neighbor to resolve any dispute over this small overlap.

#### Slide 27 – Overview of Nursery Heights

- Storm Water Concerns
  - The proposed Subdivision will meet all of the requirements of the Boone County Storm Water Ordinance and Storm Water manual. These requirements are quite extensive requiring Detention and Water Quality measures which will result in the following:
  - Reduction of flows from property to predevelopment flows thru the use of three Detention Ponds, or in other words, the rate of runoff will not increase and will be less than when the former nursery was operated on the site. (Mr. Gebhardt stated that Boone County has detailed stormwater requirements which basically requires that this be taken back to pre-development flows.)

#### Slide 28 – Campus Drive portion of Preliminary Plat

- Campus Drive within Nursery Heights will not drain into University Estates. The grading of the land will change and the new portion of Campus Drive will drain to the West on to our property where the storm water will be treated and detained before it is released.

Slide 29 – Nursery Road portion of Preliminary Plat

- Water from Nursery Road will be picked up prior to the transition to the City owned portion of Nursery Road to minimize or avoid adding storm water to the lot just north within Boone's Pointe. This Storm water will go to a detention pond and then enter the storm water pipes built in Boone's Pointe.
- Grading on Nursery Heights will be done to prevent any additional water from flowing onto the lots within Boone's Pointe by re-grading the area to drain to our proposed detention structures
- Overall the rate of the storm water leaving this site will be at a lesser rate than when the land was operated as the wholesale Nursery.

Slide 30 – Common line between Boone's Point and Nursery portion of Preliminary Plat

- Trees to be saved along common line with Boone's Pointe
  - The neighbors within Boone's Pointe have requested that as many trees adjacent to them remain as possible and we have shown saving the trees within the fence line as seen on the preliminary plat.
- The neighbors, in a letter, have expressed "an overall lack of planning for roadways in a 2 mile radius of Route K and Old Plank Road."

Slide 31 – Blow up of aerial at Gates entrance onto Old Plank Road.

- Old Plank road is a narrow, winding road. However from Campus Drive to Route K it is within the City Limits of Columbia and is under the jurisdiction of the City of Columbia. When the Gates Subdivision was approved, the City found that Old Plank Road was adequate except that it required a left turn lane for the entrance of the Gates Subdivision. A second access to the Gates Subdivision will be built just north of Campus Drive and another left turn lane will be required for this entrance. All Right of Way for Old Plank was acquired from the Developer of the Gates and Barcus Ridge so that when warranted, improvements to Old Plank can be made.
- The City recently overlaid Old Plank from Campus Drive to Route K.

Slide 32 – CATSO Major Roadway Map

- In 2014 Route K was improved with 4 foot shoulders.

Slide 33 – CATSO, blow up of Old Plank and Nursery Road

- CATSO – The Columbia Area Transportation Study Organization has developed a major Roadway Plan for the area and shows Nursery Road as a Neighborhood Collector Street. This plan is the reason for us building Nursery Road along its entire length within the County to a 38 foot wide collector street. This plan also shows a future East West Neighborhood Collector Street from Nursery Road to Old Plank south of Nursery Heights and University Estates. Old Plank is shown as a Major Collector Street

- I believe these improvements and plans demonstrate that there is planning for these roads and measures are being taken that are proportionate to the impacts of the development that is occurring. Eventually these impacts will culminate in the construction of these planned roads similar to what we are doing for Nursery Road in Nursery Heights.
- The neighbors have stated in a letter this rezoning will create an untenable traffic situation for the neighbors
  - A Civil Group has performed a traffic study and I will read into the record the portions of the study that I believe address these concerns

#### Slide 34 – Area Map

- Purpose / Scope of Traffic Study
  - Determine the classification of the proposed roadways within and adjacent to the new development.
  - Determine the number of additional trips that would be generated by the proposed development, assign the trips to the adjoining roadways, and evaluate the operating condition of two existing intersections being Nursery Rd & Route K and Campus Dr & Old Plank Rd.
  - Determine the improvements that would need to be made to the intersections or adjoining roadways, if any, based on the impact due to increased traffic generated by the proposed development.
  - Road classifications are based on Average Daily Traffic, while the Intersection analysis is based on the peak hour traffic on a typical weekday since we believe these times would represent the most critical periods in the system.
  - Data was collected at the Nursery Rd & Route K intersection on Thursday January 21, 2016, and at the Campus Dr. & Old Plank Rd intersection on Tuesday January 26, 2016. Calculated morning peak hour for Nursery Rd & Route K was 7:00-8:00, afternoon peak hour was 4:15-5:15. Calculated morning peak hour for Campus Dr & Old Plank Rd was 7:30-8:30, afternoon peak hour was 5:00-6:00. Peak hour volumes for both morning and afternoon periods were calculated by taking the highest 15 minute traffic count and multiplying it by 4 to get a peak hour count. This was considered to represent a “worst-case scenario” with regards to traffic impact.
  - We use an accepted method that establishes a rating system to rank intersections, called Level of Service (LOS). The LOS ratings range from “A”, which indicates the least amount of expected delay for a car through an intersection to “F” which is the most delay. A LOS of “C” indicates 70-80% of capacity and is considered acceptable for peak periods in urban and suburban areas
- Nursery Road and Scott Blvd. Intersection
  - Nursery Rd is an approximately 30’ wide asphalt road with no curb & gutter within City of Columbia including a portion south of Eagle View and North of the subject property, recently overlaid by the City. Route K is a 44’ wide asphalt road with no curb & gutter, owned and operated by MoDot. Posted speed limit for Route K is 45 mph. Scott Blvd’s

north approach is a 38' wide asphalt/concrete road. The intersection at Route K & Nursery Rd is a two way stop controlled intersection; Route K has free movement through the intersection as well as left turn bays in each direction. Nursery Rd dead ends just south of the proposed Nursery Heights development.

Slide 35 – Table 2 from Traffic Study

- This intersection was analyzed in its current condition using trip counts as described in the above for Peak Hours. The above slide shows the respective Level of Services for both periods and both conditions and all approaches have acceptable levels of service. The only change to the LOS is for the north bound traffic which went from a LOS of A to a LOS of B. (Explain Table)
- Campus Drive and Old Plank Road
  - Campus Dr is an approximately 24' wide asphalt road with no curb and gutter and maintained by Boone County. Old Plank Rd is a 24' wide asphalt road with no curb and gutter maintained by City of Columbia north of the intersection the Campus Drive intersection. Posted speed limit for Old Plank Rd is 40 mph. The intersection at Campus Dr & Old Plank Rd is a two way stop controlled intersection with no approach from the East. Campus Dr currently dead ends approximately 1,100 feet west of the intersection at the east property line of the subject site.
  - This intersection was analyzed in its current condition using trip counts as described above. The level of service shown in the above slide shows the respective Level of Services for both periods. As shown, both conditions and all approaches have acceptable levels of service. The LOS for all conditions did not change from a LOS of A.
- Scott Boulevard Considerations
  - It should be noted that the current base traffic counts for the “existing” No-Build condition at Nursery Rd & Route K were collected when Scott Blvd was closed to the north. Base counts to and from the north were therefore smaller than what would be expected under normal operating conditions. Base counts were adjusted for the “Build” operating condition to account for this and site generated traffic distribution was determined based on expected normal operating conditions.
- Toalson Property Considerations
  - Currently the Toalson Property, located along the west side of Nursery Road has only one access onto Nursery Rd, which is a farm access. If this property is developed as proposed on the approved A-2P Review plan there would be three new residential home driveways onto Nursery Rd.
  - Considering scale of the impact from the proposed Nursery Heights development additional trips generated by the Toalson Property would not significantly affect the performance of the intersection or change the affected road classifications.
- Helmi’s Gardens Considerations
  - Currently there is a Helmi’s Gardens greenhouse located at the southwest corner of Route K & Nursery Rd. It should be noted that the current base traffic counts for the “existing”

No-Build condition at Nursery Rd & Route K were collected in January when this business was generating significantly less traffic than in the spring, summer and fall months. It is likely that there would be an increased traffic volume affecting the indicated intersection during the said times, although it is also likely that due to the nature of the business, most of these trips generated would be spread relatively uniformly throughout the day, and even more so on weekends so the changes in the analyzed weekday peak hours would be relatively minor. Considering the scale of the impact from the Nursery Heights development at the peak time, additional trips generated by Helmi's Gardens, not included within this analysis, would not significantly affect the performance of the intersection or affect the current classification of the adjacent roads.

Slide 36 – Trip Generation Table 1

- Site Generated Trip Volume
  - Trip generation rates have been determined using information from International Traffic Engineer's Trip Generation Manual 9<sup>th</sup> Ed. The Nursery Heights Subdivision will generate trips associated with 129 new single family homes and one existing Home.
- Nursery Rd & Route K Trip Distribution
  - Distribution at the Nursery Road & Route K intersection was further broken down as shown in the above slide. As mentioned previously, the existing traffic counts were adjusted in the "Build" condition to account for expected normal operation and use of Scott Blvd.

Slide 37 – Figure 3 from Traffic Study

- New Road Classifications
  - Boone County Regulations, Appendix A, Table A, requires roads with less than 750 Average Daily Trips (ADT) be built to Local Street Standards, roads with between 750 and 2500 ADT be built to Collector standards, and roads with greater than 2500 ADT be built to Arterial standards. As part of this study we have looked at the probable ADT associated with each street within and immediately adjacent to the subject development. In the slide above we have shown the assumed distribution of trips within the development. Roads have been listed below with determined classification:
    - Nursery Rd: North of Hardwood Drive = Collector (Max 1045 ADT at north edge of subject property. At intersection of Route K, assuming an additional 20 homes from Boones Pointe travel on Nursery, Max 1235 ADT)
    - Nursery Rd: South of Hardwood Drive = Local, although when considering future development, long term planning, and the CATSO plan, this portion of the road is recommended to be built to Collector Standards.
    - Campus Dr: Local (at Intersection of Old Plank Rd a total of 26 lots from subject development, plus 34 lots from University Estates results in an ADT of 571 trips, which is below threshold for Collector)

- Traffic Study Conclusions
  - As determined from comparison of the Level of Service (LOS) ratings for both intersections from the No-Build condition to the Build condition there is no significant reduction in performance. The only drop in LOS is at Nursery Road, where there is approximately one second of increased delay at the northbound approach to the subject intersection. Ultimately, given all approaches still meet acceptable LOS ratings for unsignalized intersections no improvements to the intersections are recommended.
  - It is recommended the entire length of Nursery Rd through the proposed development be built to current County Collector Standards, although only the portion north of Hardwood Drive currently meets County Collector ADT criteria.
  - The existing portion of Nursery Road north of the subject property is currently within the city limits of Columbia. It is recommended that this portion of the road meet collector standards as well. However, since the City of Columbia has neighborhood collector standards allowing a 30' wide street, and the existing width is 30', this section meets the City's standards at this time. This section of road will also be re-evaluated by the city at the time of development of the commercial property at the southeast corner of Nursery Rd & Route K. We have shown transitioning from the standard 38' width to the existing 30' on the portion of road using AASHTO standards for taper lengths for the design speeds. This transition should be built to County Collector standards for material thickness.
  - Old Plank Road is currently a nonstandard road within the City of Columbia. However, since the existing ADT just south of Campus Dr is 497 cars per day and the intersection is performing at an acceptable level of service, no improvements are recommended at this time. The City of Columbia will assess the needed improvements as the Gates subdivision develops further.
- Cell Tower:
  - All lots have been designed to be outside of the fall zone of the Cell tower
  - The area around the cell tower will remain A-2 and become a common Area for the neighborhood
  - Landscaping and safety measures will be installed to further enhance the existing fence to discourage tampering with the Cell tower
- Pipeline:
  - There is an existing petroleum pipeline and a fiber optic line that runs through the property. The preliminary plat before you complies with all of the pipeline company's safety requirements for building near their lines.
  - This same line runs through Boone's Point, Barcus Ridge, Oak Park and Bonne Femme Estates

#### Summary

- The rezoning from A-2 to R-S is appropriate for the following reasons:

- We have shown you that although appropriate in 1973, after 43 years the A-2 Zoning is no longer appropriate zoning for this property. This is due to all of the changes and improvements that have occurred since the A-2 zoning was put in place.
- The Basic Infrastructure, Roads, Schools, Fire Protection, and City Parks are either currently in place or will be with the construction of Nursery Heights
- The Developer of Nursery Heights is providing improvements to the area Roads and Water Service that are proportional to the requested Zoning and Density.
- We have met with the neighbors two times to keep them informed and listen to their concerns. We have studied these concerns and provided design changes to address these concerns in the Preliminary Plat which will be before you later this evening.
- We are asking for permission for the same zoning that University Estates and Boones Pointe have been granted and enjoy. Nursery Heights is a logical continuation of residential zoning granted to its neighbors and fulfills a need in the community.
- Lastly, I would like to say Mr. Hemme respects the existing neighbors' concerns and we have taken a great deal of time to address these as best we can and still provide a quality development that fulfills the demand for new housing in this area of town. We want to be good neighbors.

Mr. Gebhardt stated that there are some people in the audience who are here in support of this development and asked them to stand.

Approximately 15 people stood.

Mr. Gebhardt: I have been working on this project since October 2015 and there has been a lot of detail and probably the most extensive work done on this that I have done on any project before just to address the concerns as best we could.

Commissioner Loyd: Do the applicants have a feel for the property values in the neighboring subdivisions?

Mr. Gebhardt: I don't know about University Estates.

Jeff Hemme: The lowest price point in Boone's Pointe is going to be very similar to this development, around the \$200,000 point and that is what slab homes in Boone's Pointe are selling for. Barcus Ridge is about the same. We aren't going to be able to be any lower than that with all the covenants and restrictions and the cost of the development. I don't have facts on University Estates it is not a new construction neighborhood, my opinion is that it is going to improve because many of the homes in University Estates are probably going to sell for less than my lowest price homes but that is probably a matter of opinion.

Jay Gebhardt: Some homes in The Gates subdivision are probably \$400,000.

Open to public hearing.

Chairperson Harris: We have a rather large group here tonight and we will do our best to hear everyone as long as it doesn't become repetitious to the same point over and over.

Commissioner Poehlman: Is there going to be a public hearing for the rezoning and the plat or is there going to be just one hearing for both?

Chairperson Harris: We will do the combined rezoning requests first and deal with that and then we will move to the plat.

Commissioner Poehlman: So any specifics about the plan the applicants talked about is going to be discussed in the plat and we are only discussing the rezoning.

Stan Shawver: As a point of clarification a plat is not a public hearing; you can accept public comment but it is not a public hearing like a rezoning request or a conditional use permit.

Chairperson Harris: As noted in the opening statement once the public hearing is closed, it is closed. I will give everyone an opportunity to speak but I will not allow a free-for-all of any kind.

The floor was opened to anyone wishing to speak in support of the request.

Chairperson Harris noted that during the applicant's testimony several people stood up in support of the request.

No one spoke in support of the request.

The floor was opened to anyone wishing to speak in opposition to the request.

Present speaking in opposition:

James Coyne, 3612 W Campus Dr, Columbia

Mr. Coyne brought his computer and speakers to the hearing in order to make a presentation and stated it may take a little while to get the computer going.

James Coyne asked an audience member to speak while his computer gets set up.

Chairperson Harris informed Mr. Coyne that he had the floor at this time and asked that he make his comments to the Commission and not the audience.

James Coyne: I wanted to respond to a couple of things. I had a survey done by Jamie at Allstate Consultants and it showed the gap and overlap that Mr. Gebhardt referred to. I took the legal description of the gap which is at the end of Campus Drive down to Boone Central Title and they told me that there was no way they could figure out who it belonged to so I would be interested to know how that was resolved; if they had to dig around in the basement of the Court House or whatever because I couldn't get it figured out. Jamie found two other surveys that also showed that gap and overlap; it starts out as a gap and gets down to where Campus Drive comes in and there is about a 3 foot gap and it gets down to the end and it crosses and becomes an overlap. I am surprised how they found who it belongs to. The Commission received their own copy of our petition, a number of my neighbors helped me go around and talk to everyone in the neighborhood and I can pretty well tell you that everybody in University Estates signed our petition and unless there is someone I don't know about, everyone is opposed to this project and very much opposed to the end of Campus Drive being knocked out and using it as an access. I don't know who he was referring to but we know our neighbors pretty good. There are about 33 homes in University

Estates and as a matter of fact there are 42 names that are in University Estates and then there are 42 names in Boone's Pointe and if you flip back to the second page of the Boone's Pointe one the two top names are David and Angela Regan at 7550 Nursery Road, I don't know if those are the same folks who are now part of the request. This is when it was 111 homes and the first meeting we had it was 111 homes on 35 acres, a person has a right to change their mind but they had concerns about it when it was 111 homes. The petition was a little confusing to me because every one in University Estates is here as far as I know.

(Mr. Coyne was having problems with his electronic presentation so he asked the Commission if someone else could speak while he gets his program running)

Maureen Coyne, 3612 W Campus Drive, Columbia

Maureen Coyne: I have lived in the area for 18 years, once people move to the neighborhood they don't want to move out. The neighbors are good, it is peaceful and quiet, there are large trees and large lots, it is our slice of paradise. We can walk around in the evening and we know that we are going to be safe, we don't even have to look twice at the cross road because we don't get that much traffic and we are blessed that way and we would like to keep it that way. The applicants had all the charts and all the surveys done but what always sticks in the back of my mind is what happens if all the planning is wrong? I used to work for the phone company and they always used to say you plan for the best but you expect the worst.

Maureen Coyne presented a letter from Molly Wright.

Maureen Coyne: The letter from Ms. Wright states her objections to this request.

Chairperson Harris summarized the letter stating Ms. Wright's concerns are lack of planning for the roadways in a two mile radius, the condition and quality of Route K, the impact of stormwater drainage on the downstream properties, the impact on a land locked subdivision such as University Estates, destroying the lifestyle of the neighborhoods of those around it and the impact on Old Plank Road which has been, so she says, referred to by engineers as a cow path. Her concerns are also related to the cell phone tower and the antennas and the impact of living underneath those. Ms. Wright says that overall Nursery Heights is not a thoughtful plan along with the Coyne's and all of the neighbors in University Estates she opposes the rezoning of the area.

Maureen Coyne: I am opposed to this. Ms. Coyne asked everyone who came to the meeting in opposition to stand.

Approximately 10 people stood.

Chairperson Harris stated that this is the last time he will allow anyone here to break the decorum of this hearing. Comments should be addressed to the Commission.

James Coyne continued his testimony.

James Coyne: Our neighborhood consists of about 30 homes on three dead end streets. The only access is Campus Drive. It is an old subdivision with large lots as was common in 1972, the year it was built. Homes seldom sell here because it is a wonderful place to live. My family has been here since 1999 and we are a new addition. It is a friendly, close-knit community and in the evening residents take walks on the streets and visit neighbors. People park on the street and the fact that it creates a one lane road doesn't bother anyone. We stop for the oncoming car, wave and go around and go around when they are through.

The Commission is being asked to rezone an old nursery adjacent to our neighborhood and approve turning Campus Drive into a major access for a dense 130 home development. When our neighborhood was built in 1972 there was no such thing as zoning but you can see how it was designed.

Slideshow photo: Original plat of University Estates.

James Coyne: This is the original plat and it has not changed in those 44 years. At some point a zoning designation of R-S was assigned to it but that has changed nothing in our neighborhood, the streets and the lots still look just like this. I think it is important to ask why the old Nursery was zoned A-2 in the first place before we think about changing it. The purpose of zoning is so development will occur in locations that are appropriate and won't cause problems for those around them. This tract is A-2 for a good reason. As you can see it is isolated and land locked except for one gravel road that goes through Boone's Pointe and out to Route K. There is no reasonable way to access it. As Mr. Gebhardt was saying the applicants plan on spending quite a bit on developing Nursery Road and making it a major road but because of the size of the project they need a second access. Their plan is to simply knock out the end of Campus Drive and run traffic right through University Estates. This would truly destroy our neighborhood and that is why I think all of our neighbors have signed a petition and attended all the meetings. It is not a sensible plan. We have been told that few would use our neighborhood to get in and out of the development because it is such a bad option but that seems to me to be backward logic to justify a bad plan. The only thing we know for sure is there are 130 homes with an average of two cars per home, or 260 cars, and they will be making at least one trip per day in to town and back so at minimum we would be looking at 520 trips per day and they are going to take whatever route they want to. The truth is no one knows which way they are going to come out of the subdivision. Obviously a traffic study can be put together to say whatever is needed. The development is not built yet but we are going to take a wild educated guess? It is going to destroy our neighborhood. To make things worse, Campus Drive does not connect to Route K but to Old Plank. Old Plank is a treacherous and winding county road. They have put two inches of asphalt on there but the building that is going on along Old Plank Road, it is crazy.

Mr. Coyne played an excerpt from audio recorded by Resource Management of a traffic scope meeting held on January 29, 2016 between the developer and Resource Management Staff.

James Coyne: That audio is public record and we also had a meeting with Resource Management and they recorded that as well. I thought it was kind of interesting, their opinion of this road. I don't think there is any doubt that they are going to be throwing a lot more traffic on it and not only coming through University Estates. The residents of University Estates are universally opposed to it. After a hard rain the low point on Old Plank floods, this happened twice in the last month. All of Nursery Heights drains to this spot (shown on photo), that is 130 roofs and a lot of streets that aren't there now shedding water that has to go somewhere. We have been told all of that extra runoff will be contained in holding ponds and I am sure they have the statistics to back it up, perhaps that is true but I find it hard to believe. One thing is for sure, this situation will not be improved. This brings us to a big question. Why would anyone insist on building this project in this location? The land has not been purchased yet and hundreds of acres of land zoned for development are for sale now. There is one on Sinclair Road; there is 535 acres for sale. (Mr. Coyne showed pictures of other land for sale). These are along major roads on the south of town so you can have great road access and not destroy any neighborhoods. In meetings with us the developers themselves have called this a challenging location. I would call it a terrible one. One big concern that I have is what may happen to this development over the long term. I was shocked to discover the United States Department of Agriculture has a guaranteed home loan program that applies to most land in Boone County. It offers home buyers one hundred percent loans with no money down and no out of pocket closing costs. In their own words, these loans are offered to people who cannot get a loan through regular channels and have non traditional credit, for lower incomes it also offers subsidies to help pay mortgage

payments. As long as the purchase price is under \$216,800 in Boone County and all of Nursery Heights is eligible. I am not saying this was their plan but if you think about that you are going to build 130 homes and lets say the economy has a down turn. Maybe all these homes will qualify and you have a person who can move in with no skin in the game, they could get a subsidy to help pay their mortgage payments. I looked at Heritage Foundation in Wall Street Journal and they are figuring in the neighborhood of 3 and 5 times the default rate. What happens when a mortgage defaults? You have to get them out. Foreclosures are an ugly thing, people don't want to leave, sometimes they do crazy stuff. Out of these 130 homes you get 6 or 7 where the loans go bad and they go into foreclosure, what is that going to do over the long term to the neighborhood? I am not saying it is going to happen but it concerns me. People are getting loans that they don't deserve then they can't pay for them and they go belly-up. We've made our concerns known from the first meeting we had with the developer. Back in January at D-Rowe's, they fed us dinner and A Civil Group and Mr. Hemme could not have been nicer or more professional but for whatever reason they remain tone deaf to our concerns. The petition you have all been sent is strongly opposed to this project in this location; 84 signatures in all and it has been signed by every homeowner in University Estates. Their contact information is included in the petition and the Commission is welcome to contact them personally about the impact this will have on them. We have been working on this since January and we have had multiple meetings with the developer. We met in this room with Resource Management and there were probably 50 people that showed up and after a while some of the folks started to get disheartened. When talking to my neighbors I heard the term "they are just going to do whatever they want anyway". I would hate to think that is true, our neighborhood is important and it is not a rich neighborhood but I don't want it to be ruined. If you look at University Estates and then look at what they want to do it is night and day, you could literally fit six of the lots of the new development on top of my lot and you would still have a little bit of space left. When they say that it has the same zoning as University Estates technically they are right but what something is named can be very different than what it actually is. A couple of Commissioners came out and drove around to look at the area and I think not destroying that is important and the people who live there are important. I ask for the Commission's thoughtful consideration of the big picture. I stand with my neighbors in asking the Commission to deny the rezoning request and protect the area we live in and the roads that we use everyday, something that makes sense for this tract of land can and I am sure will be built. This project can be built in any number of other locations in south Columbia.

John Lessiack, 3611 W Hilltop Dr, Columbia

John Lessiack: One of the things the developer grazed over that I thought was important is the waste water collection issue. We did a mile check and it is in excess of two miles that they want sewage to flow and it is not going to flow straight down hill so it is going to require pump stations or lift stations at least one and maybe more to get it to the county treatment facility which is probably destined to be taken over by the city. I feel that they are playing with fire as far as flowing sewage two miles. Boone's Pointe and The Cascades are on the city's system. The Gates will be on the city and this is going to go beyond all of those places to go further north and east. That is excessive and a little unfeasible. When these lift stations fail, and they will, the lift station will overflow and it will overflow into an environmentally sensitive creek because lift stations are typically placed in the lowest place before it has to go up and over the next hill. If people can buy these homes with no money down and no credit check...

Commissioner Freiling: That is not the case. Those borrowers are well vetted and it is designed to help people who have good credit and adequate income without cash and most of those borrowers are first time home buyers. It is not an unvetted process.

John Lessiack: They don't have any investment in it. They don't have any cash or material value invested in it.

Commissioner Freiling: Neither do Veterans Loans. I think that is casting aspersions.

John Lessiack: They are saying 3 to 5 times more likely to default on those loans and out of 130 homes means 5 or 7 homes and what happens to the neighborhood when you have a defaulted home that people didn't keep up?

Don Kinkhorst, 4205 Eagle View Ct, Columbia

Don Kinkhorst: My opposition is the traffic. I am not worried about my home value. In my professional life I am a member of the State Hazardous Materials Response Team. I respond to pipeline incidents. There are two pipelines that go through the property and I am sure they are saying that they are not going to construct within the setback of the pipelines. One is natural gas and the other is refined petroleum products, Magellan and Southern Star are the companies. These pipelines fail, it isn't common but it is possible. A gas pipeline of this magnitude failing would cause significant damage to part of University Estates on the southern side as well as the northwest corner of the proposed development.

Frances Thornbury, 7800 S Old Plank Rd, Columbia

Frances Thornbury: I got a little nervous when I heard Old Plank Road referred to as a cow path. I live on Old Plank Road a half mile past University Estates. I can look out my window and see the smoke stacks downtown, I can see The Gates and all around. I was one of the people in a meeting just like this when Bucky Roberts wanted to sell his land. At that time I said I have lived there for 40 years and I would love for people to be able to live out here because it is a beautiful place to live, however I never thought it would be housing so close as it is now at the end of Old Plank Road and Route K. Mr. Coyne showed a picture of a water problem. It was never a problem until the building started but it is not a water problem, it is that land. When you go a half mile up from University Estates it goes a little higher and then it goes down to the river and water is unforgiving. I am thinking in the future that someone is going to want to do something with Old Plank Road and it has been fine for a long time and forever will be and the reason is because nature has made the gutters. When it rains the water goes down the side of the road and it has made deep gutters. I have never had any problem with water that was more than 3 or 4 inches deep but that has changed since the building has been going on there. I don't have any problem and I am not saying anything against people who want to live out there, I love it myself but why does it have to be so dense? Are we assuming nobody wants to mow their yard or compost a little garden or have an area for a child to play? I am not in opposition to it but could they do something more like University Estates?

Charles Pasley, 3605 W Hilltop Dr, Columbia

Charles Pasley: The biggest concern is the density and we are all concerned about the flooding but has anyone considered instead of taking the road down the middle of our neighborhood could they come down through Timberview and maybe upgrade that road? Timberview is part of the University Estates neighborhood. We know someone is going to move in up there but they are landlocked and it is the density.

Closed to public hearing.

Commissioner Poehlman: Someone made a comment about the sewage and there was another comment about the density. But aren't those plat specific items?

Thad Yonke: They are relevant to the rezoning request in that the way our rezoning process works you look at sufficiency of resources and from the rezoning point of view we have documentation from the sewer district that they have secured the ability to connect to the sewer district and they will be putting in the sewer. The specifics are related to the development but the ability to do that and their having secured it is relative to the rezoning. Zoning dictates the density similar to their multiple sized lots, in University Estates there are lots that are substandard, some are smaller than the 7000 square foot minimum. On the subject property lots will be a minimum of 7000 square feet or they could be larger than that.

Jay Gebhardt: There was a question about the gap and overlap. Boone Central Title helped us secure the title work for this but I did the research for the warranty deed. McPherson and Anderson were the original developers of University Estates and their surveyor pulled the line away from the quarter section line and left this gap. But McPherson and Anderson purchased that quarter section they just didn't sell that gap off when they sold the lots. I am the one that found it; I have been doing this for 25 years. There was a question about David and Angelia Regan, they are part of this request and originally they did sign the petition in opposition, but they changed their minds and they are here tonight in support. There was a question about the traffic and also a question about what if all this planning is wrong. This planning is based on professional standards for traffic and following those standards to come up with the numbers it is an educated guess but it is a very well educated guess. This is not done in a vacuum by the developers and engineers, it is done with the county staff's involvement and their input is actually very important. Every rezoning is a change and there is a fear of change; that is why we met with the neighbors twice to try to listen to their concerns but just because you are scared of change doesn't mean that change is wrong, it is just different. But there is a need for this in the community and that is what we are trying to develop. Campus Drive was referred to as a major access, the applicants have no intention to design this to be the major access for the subdivision; it is a back door. I think I spoke to the reasons that A-2 to R-S is appropriate, this connection between Campus and the development really wasn't our idea but is all about safety and it is not just safety for the new residence owners it is also safety for the existing 34 lots in University Estates. The neighbors are perfectly fine for it not to occur but I think if you ask anyone involved with the Boone County Fire District they would say it is a good idea. In the recording I am the one that is talking and I was trying to express to staff what my impressions from the neighbors were on Old Plank and that it is a dangerous road. I am also the one who called it a cow path and I apologize for that; I didn't mean anything derogatory. Drainage on Old Plank Road is an issue and all I can say about that is with the County Stormwater Ordinance we won't be allowed to make the runoff worse, we can't necessarily make it better but we can't make it any worse. There was a comment about other properties out there and why are we choosing this one. This land is for sale, the current property owners have had it for sale since 2007 and it is really a timing issue. This has been a challenging development and what causes that challenge is Mr. Hemme's desire to do this in the proper way and to do it in a way that doesn't hurt anyone else any more than it has to. I am not going to touch the USDA loans; we didn't know about it, it is something we learned from Mr. Coyne. The sewer district supports the wastewater plan and they do have plans to expand the Route K facility and add 400,000 gallons of capacity which means the sewer district will be the only game in town on the Route K corridor and that means you are going to have more people coming to you doing what I am doing. There was something said about the pipelines that wasn't quite correct, there is one petroleum pipeline owned by Southern Star the other is owned by Magellan but they discontinued use as a petroleum line and fed fiber-optic lines through it, it is now just a conduit for fiber-optics so there is no natural gas line. We have to meet all the requirements when we build around it.

Part of the flooding issue around Old Plank is that The Gates was done before the City of Columbia had any stormwater requirements and because it was started prior to that it was allowed to continue to be developed without any of those improvements. So the whole 220 lot subdivision will be done without any stormwater as part of the city's grandfather process for stormwater. There was a question about the density and what it really comes down to is cost. We can't afford to fix Nursery Road, extend the water

lines, or pump the sewer if we have 2.5 acre lots, we can't afford it with half acre lots. If we could go back to gravel roads and two inch water lines we would do that but we can't. Timberview Drive was brought up; it is the street to the south. It was never planned or never dedicated right of way to the proposed development it just dead ends. It was never planned like Campus Drive was to be a through street. We talked to staff about it and clearly Campus Drive was the intended street to be a through street and Timberview not; that is why Campus Drive is the access. The collector street that is shown on the major thoroughfare plan is shown from Nursery Road to Old Plank just south of Timberview through the R-S piece that is vacant and the A-1 piece that is vacant to the west then it continues to Warren School Road. That will become the major east/west traffic way as further development happens and those streets are built. The developers have not been tone-deaf to the neighbors, we have heard them on the connection to Campus Drive; it is a difficult situation. There have been other instances where the city has allowed emergency access gates to be installed so that through traffic can't go through, there is even a development in the city where barricades are put up to prevent access and the fire trucks have to move them to get through. It is not a good plan. I believe the county staff is on the right track here that this is a street that was intended to go through and unfortunately it has just looked like a cul-de-sac for the past 43 years. The fire department and county staff insist on this access. I also believe it is a good idea. We looked at ways to provide some type of traffic calming or any means to discourage people from going through there. The bottom line is if I lived in Nursery Heights and my child wanted to ride his bike to his friends in University Estates he needs to be able to do that without having to go all the way around and get on Old Plank to get there. I know they are fond of their neighborhood and the neighbors are close and I would hope that generosity would be extended to the Nursery Heights residents.

Commissioner Kurzejeski: On the recording I think I heard a comment about the neighbors and Campus Drive area didn't want their road torn up, I believe you have addressed how you are going to route construction of traffic. Is there going to be a way to insure that and secondly, was that comment possibly in reference to improving Campus Drive and maybe moving it up to the 32 foot standard with curb and gutters and sidewalks?

Jay Gebhardt: We have talked about improving Campus Drive but I have resisted that because I don't believe the neighbors would cooperate with granting the required easements that will be needed to accomplish that. It would probably require the county's assistance in acquiring right of way or temporary construction easements. As far as in the recording I was trying to relay that the neighbors concern was that traffic was going to go through the neighborhood and destroy its character.

Commissioner Kurzejeski: Campus Drive is maintained by the county?

Jay Gebhardt: Yes. The other issue is traffic from construction. We cannot prevent someone who ignores the request. Mr. Hemme can put up signs saying construction traffic should not come through here. What we can't do is barricade it, we need to have it open for emergency access but we can give instruction to all the contractors and neighbors can call Mr. Hemme to complain. Mr. Hemme doesn't want to be responsible for that road being torn up.

Commissioner Loyd: The matter of originally zoning that property A-2 and now there being changes that make the rezoning appropriate today, what are the issues surrounding that?

Thad Yonke: As indicated in the staff report, when the subdivision was created in 1972 there were no zoning rules for the county but even when there were no zoning rules there were still sound practices of development and one of those practices is that you extend your road system so that it can extend on to the next property. Even when there were not rules requiring it this subdivision was designed so that Campus Drive would connect to the next property. When zoning went into effect they had to look at how the

development patterns were in existence throughout the county and one of the things they tried to do was shoehorn areas that were developed in a certain way in to the category that most matched that. In this particular instance while some of the lots that are above 2.5 acres could easily have gotten an A-2 zoning they took the whole subdivision and the area around it and gave it an R-S because some of the lots were small enough that they looked to be about 7000 square feet so they gave it the closest zoning that would be equivalent when the zoning went into effect. At that time there wasn't anything for miles around it that was even similar so it was a little village anomaly. Since then we have had other areas that have come in and those things have changed because infrastructure was placed out there to allow development. The reason the zoning is A-2 on Nursery is probably because it was a nursery. It wasn't given an A-1 zoning designation. If you look at the rest of the area around it this block was given a higher density designation being A-2 than all the property that is immediately to the west or south which was given A-1 zoning. This was not seen as being a really rural area; that is evident from the master plan which indicates this area as being suitable for residential use. The concept being once the infrastructure is there to support the rezoning.

Commissioner Loyd: Has the development of all of these other neighborhoods, whether they are in the city or the county, has that been the driver to say rezoning this to R-S makes sense today where it didn't when the zoning was originally placed on the property?

Thad Yonke: That is one of the reasons we recommended approval because it is compatible with the area now.

Commissioner Poehlman: If the current owner of the property wanted to build some homes there today could they open Campus Drive?

Thad Yonke: They would have to. They are going to have to connect Campus Drive to any development on that property.

Commissioner Poehlman: So that could be done completely outside the rezoning.

Thad Yonke: Correct. The extension of Campus Drive is not a specifically relevant factor in the rezoning. Any development of this property is going to require the extension of Campus Drive. We addressed that more in the staff report related to the development proposal. If this property is developed at the A-2 density one of the staff's concerns is that the way you would have to efficiently develop this is that you would have to start at the end of Campus Drive and extend the road to create 2.5 acre lots along it making it as straight as possible to get over to the nearest point of Nursery so that you could cut it through. Once you get that 50 lots you would have a second access point. If you do that you will make it a direct cut through and there won't be much we can do about it if it develops that way. To a certain extent it may actually be better in terms of overall traffic impact to Campus Drive to have the R-S zoning.

Commissioner Kurzejeski made a motion to approve the rezoning request by Green Thumb Properties.

Discussion:

Commissioner Freiling: Part of the consideration for this is the plat which is a separate issue.

Thad Yonke: Correct.

Commissioner Freiling: Is there a way to tie them in the motion?

Thad Yonke: This is a straight rezoning request so what you have to look at is they gave you the development proposal to show that it is possible to try to address concerns but you cannot say that this is exactly what will happen, because while they intend to, if the property were to sell to a different owner there is no binding nature to a preliminary plat. Once it expires or someone presents a new preliminary plat it may not be the exact same development, they would still have to deal with extending Campus Drive and rebuilding Nursery Road because those are issues that are on top of the plat but however many lots would be proposed would all be new issues and would have to be addressed in the preliminary plat.

Commissioner Campbell seconded the motion.

Commissioner Kurzejeski made and Commissioner Campbell seconded a motion to **approve the request by Green Thumb Properties LLC on behalf of Nursery Heights Development Group LLC to rezone from A-2 (Agriculture) to R-S (Single Family Residential) on 37.62 acres, more or less, located at 7474 S Nursery Rd., Columbia:**

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Carl Freiling – Yes
Greg Martin – Yes	Michael Poehlman – Yes
Bill Lloyd - Yes	Rhonda Lightfoot – Yes
Derin Campbell – Yes	

Motion to approve the request passes unanimously.

The following Commissioners gave comment regarding their vote as follows:

Commissioner Poehlman: I grew up in that area, I know that area very well and I have seen it change. Tonight I have to put my blinders on and look at the rezoning request the way it is. I know if I owned that piece of property and I tried to make a living on it as agriculture if I had an orchard and started spraying things or running my tractor at night I guarantee the sheriff would show up because people will complain. It is not the way it was, there is residential on the north and east and soon there will be some development on the west.

Chairperson Harris: I did hear the neighbors concerns and as staff pointed out while this may not seem like a great idea our task is to determine if it is an appropriate use of land in that location. As it is zoned now for decades subdivision to small tracts has been deemed to be an appropriate use but as staff pointed out tonight the proposal before the Commission has some controlling elements to it. It could be developed under its current zoning with no hearing and no input at all with nothing other than approval of an appropriately designed plat and subdivision plan and it could possibly be worse than is what is before the Commission because of the way the access would have to be. We hear everyone's concerns and I know from experience that the detention ponds that developers have to look at now can and will mitigate a lot of storm water issues. While I still hear and understand the concerns I still have to look at whether it is an appropriate use of land where it is located.

Commissioner Martin: I have been a volunteer firefighter for 29 years in Boone County and I have been on calls all over this area and my greatest fear is a single entrance subdivision. If you are dying it is my task to get there and if I have no way because a big tree has blown down or the cars are piled in the roadway then I can't get there. The roadway is definitely fearful but it also comes with a great benefit.

Chairperson Harris informed the applicant that this request would go before the County Commission on August 30, 2016 and the applicant needs to be present at the hearing.

2. Request by David and Angela Regan on behalf of Nursery Heights Development Group LLC to rezone from A-2 (Agriculture) to R-S (Single Family Residential) on 5.0 acres, more or less, located at 7550 S Nursery Rd., Columbia.

See staff report and public hearing under Rezoning item 1. Green Thumb.

Commissioner Loyd made and Commissioner Martin seconded a motion to **approve** the request by David and Angela Regan on behalf of Nursery Heights Development Group LLC to rezone from A-2 (Agriculture) to R-S (Single Family Residential) on 5.0 acres, more or less, located at 7550 S Nursery Rd., Columbia:

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Carl Freiling – Yes
Greg Martin – Yes	Michael Poehlman – Yes
Bill Lloyd - Yes	Rhonda Lightfoot – Yes
Derin Campbell – Yes	

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on August 30, 2016 and the applicant needs to be present at the hearing.

3. Request by Boone County to rezone from A-2 (Agriculture) to M-LP (Planned Light Industrial) and approve a review plan for Highway 124 and Barnes School Road Planned Development on 6.24 acres, more or less, located at 4221 E Hwy 124, Hallsville.

Planner, Bill Florea gave the following staff report:

The property is located approximately 1.5 miles west of Hallsville on the northeast quadrant of the intersection of Highway 124 E. and Barnes School Road. The zoning is A-2, which is the original zoning. All of the neighboring property is also zoned A-2 except property adjacent to the north, Tyger Hills Planned Industrial Development that was rezoned to ML-P with an approved Final Plan in 2004. There are three existing structures on the property, two of which are located within the 25-foot perimeter buffer. The fuel shelter in the southeast corner of the property was granted a variance by the Board of Adjustment to remain in that location. The Rock and salt storage building on the west property line will be demolished.

Historically, this site has been used as a Missouri Department of Transportation (MoDOT) maintenance facility since prior to the adoption of zoning regulations in Boone County. Boone County purchased the property in 2010 and has used it for the same purpose and as a satellite office for the Boone County Sheriff's Department. The property is now surplus and the County Commission intends to offer it for sale. This request is to establish permanent ML-P zoning with uses limited by the Review and Final Plan to those that are appropriate for the site and available utilities. Approval of this request would allow the site to continue to be used as it has been for over 43 years.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. The sufficiency of resources test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

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

**Utilities:** Public Water District Number 4 provides water service to the property. There is a ¾ inch and a 2 inch water meter on the property. There is a 10-inch line on the south side of 124, a 4-inch line on the north side of 124 and an 8-inch line on Barnes School Road. Commercial fire flows are available to the property.

There is an existing septic system serving the building on the property. A note on the Review Plan indicates that future systems will be engineered specifically for the allowed uses.

Boone Electric will provide power.

**Transportation:** The property has frontage on and existing access points to Highway 124 and Barnes School Road. Comments received from MoDOT indicate that no additional access will be permitted to 124. Barnes School Road is maintained by the county where additional access points may be allowed subject to Boone County Roadway Regulations.

**Public Safety Services:** The property is approximately three miles from the Boone County Fire station on Route B in Hallsville. The water lines adjacent to the property will provide the necessary fire flows the proposed allowed uses listed on the Review Plan.

**Stormwater:** The site was developed prior to the establishment of stormwater regulations; therefore, there are currently no stormwater controls on the property. Additional construction and paving will be subject to the Boone County stormwater regulations.

**Zoning Analysis:** The property has been used as a light industrial site since prior to the establishment of zoning in Boone County and pre-dates most of the residential development in the vicinity. This request seeks to establish zoning that recognizes the historic use. The review plan has been designed so as to limit the impact of industrial uses on the site in the following manner:

- The list of allowed uses has been tailored to limit uses to those that are similar in impact to the established use of the property and that do not generate large quantities of wastewater.
- Maximum building area is limited to 15,000 square feet, which includes the existing 4,360 square feet under roof.
- A note on the plan requires buffering to be established as redevelopment of the site occurs.

Staff notified 13 property owners about this request. The property scored 46 points on the rating system.

The long term industrial use of this site has helped to establish the character of the area. Property to the north was rezoned to ML-P in 2004. Adequate levels of service are in place to meet the needs of the proposed rezoning. Impacts from the site are limited by the Review Plan. Therefore, staff recommends approval of the rezoning and review plan.

Present representing the request:

Ron Sweet, Boone County Assistant Counselor, 801 E Walnut, Columbia

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Poehlman: Did staff hear from any neighbors?

Uriah Mach: I received one phone call from someone who was interested in putting in a bid to purchase the property.

Commissioner Loyd made and Commissioner Kurzejeski seconded a motion to **approve** the request by Boone County to rezone from A-2 (Agriculture) to M-LP (Planned Light Industrial) and approve a review plan for Highway 124 and Barnes School Road Planned Development on 6.24 acres, more or less, located at 4221 E Hwy 124, Hallsville:

Boyd Harris – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Carl Freiling – Yes

Greg Martin – Yes

Michael Poehlman – Yes

Bill Lloyd - Yes

Rhonda Lightfoot – Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on August 30, 2016 and the applicant needs to be present at the hearing.

## VII. Planned Developments

None

## VIII. Plats

1. Nursery Heights (preliminary plat). S9-T47N-R13W. Green Thumb Properties LLC & David and Angela Regan, owners. Jay Gebhardt, surveyor.

Planner Thad Yonke gave the following staff report:

The subject properties, which abut Boones Pointe subdivision and University Estates subdivision, are located on the east side of Nursery Road approximately 700 feet south of the intersection of State Route K

and Nursery Road. The northern property line of the subject property is the current municipal limit line for the City of Columbia. The subject properties consist of approximately 40.4 acres that is zoned A-2 (Agriculture).

Property to the east is University Estates subdivision which is zoned R-S (Residential Single Family). Property to the south and west is zoned A-1 (Agriculture). Property to the west has a pending A-2P (Planned Agriculture) rezoning that will not go into effect until a Final Development Plan is approved. Property to the north is zoned R-1 which is the city equivalent of R-S in the county. When this property was under county jurisdiction it was zoned A-2 (Agriculture). All these zonings are original 1973 zonings with the exception of the pending rezoning to the west and the city zoning to the north.

There is currently a cell tower, two dwelling units and an outbuilding on the site. The cell tower facilities and one of the dwelling units are proposed to remain. The other existing structures are proposed to be removed. The site is crossed by a Gas Pipeline with an associated easement. The applicant is proposing a residential development of 130 house lots and six common lots, six internal roadways, of which four are cul-de-sacs, a re-construction to collector standards of Nursery Road, and a required extension of Campus Drive. The development is comprised of developable or developed lots ranging from just over 7000 square feet to approximately 2.74 acres. The majority of the proposed lots are in the 7000 to 8000 square feet range and are for detached single family homes.

There is no regulated 100 year Floodplain on the property. The site is located in the Columbia Public School, School District. The site is in Consolidated Public Water District #1 and the Boone County Fire Protection District. Water improvements, including fire hydrants, are required and will be paid for by the developer. Electrical service is provided by Boone Electric Cooperative. Central wastewater service is proposed to be from the Boone County Regional Sewer District at its Cedarbrook/South Route K plant and the developer has already secured a portion of the remaining capacity to provide for the proposed 130 residential lots.

The phasing plan indicates up to six phases for the complete development. The first phase contains 29 lots and will be constructed along Nursery Road. The portion of Nursery Road contained within this phase will be rebuilt by the developer to a collector standard. The second phase is the phase that will connect to Campus Drive because there will be more than 50 total lots and the fire code requirement of a secondary entrance comes into play. The order of construction of the remaining four phases is less critical with the exception of the construction of the remainder of Nursery Road. This reconstruction must occur as part of the third phase constructed in order to ensure that the entire roadway is improved even if the additional phases are delayed or never constructed. There are notes on the plat indicating that the construction entrance shall always be from Nursery Road and efforts shall be made to prevent construction traffic from utilizing Campus Drive during both initial construction and home construction.

A Traffic Impact Study has been presented with the development. The study concludes that the traffic impact created by the development does not degrade the function of the existing intersections and that there is no impact from the proposed development upon the existing roadways and intersections; staff does not completely concur with this conclusion.

With respect to Campus Drive the purpose of the study is not to evaluate whether or not the road is to be extended or connected, but rather to determine if improvements to Campus Drive are warranted because of the expected increase in traffic. Connection of the proposed subdivision streets to Campus Drive is required by the subdivision regulations and is in accordance with accepted planning principles and design. The BCFPD has indicated that even if our regulations did not require the connection of Campus Drive to

the new development, their regulations would and that the fire district sees the connection as a needed secondary access for University Estates.

The expected ADT (Average Daily Trips) of Campus Drive is 323 existing with the additional 248 from the proposed development for a total of 571 ADT. While this additional traffic does not exceed the threshold to reclassify Campus Drive to a collector street it adds an amount equal to approximately 75% of the existing count. While Campus Drive is an existing hard surface public street, it is not constructed to the current geometrics and specifications that new local subdivision roads are required to meet. There is a level of improvement that could be attributed to the developer as an off-site improvement in making partial or complete improvements to Campus Drive by bringing it closer to current standards for local subdivision roads. Examples of these types of improvements would be widening the street and re-building the intersection with Old Plank Road to be at a 90 degree angle so as to equalize all the turning movements of the intersection.

However, the current geometrics of Campus Drive provide a dis-incentive for cut-through traffic from Old Plank Road. The most likely traffic to desire taking Campus Drive would be from traffic travelling north along Old Plank Road. The angle of intersection of Campus Drive to Old Plank Road is not conducive to a smooth traffic movement. Smooth traffic movement is experienced by simply continuing to travel north on Old Plank Road itself. Similarly, this same connection makes a southbound right turn onto Old Plank Road from Campus Drive more awkward than if the intersection geometrics were brought up to current standards. These factors provide a dampening of any desire to use Campus Drive as a preferred travel path for a cut-through and these features could be considered naturally traffic calming when linked with the physical design of the proposed development. The development makes an effort to de-emphasize Campus Drive by not choosing to design the subdivision layout to make Campus Drive a major roadway or prominent feature of the design.

The study does acknowledge that the traffic generated by the development will trigger the ADT count for at least a portion of Nursery Road to reach collector status by volume. Nursery Road is designated as a neighborhood collector street on the CATSO Major Thoroughfare Plan so any reconstruction of Nursery Rd needs to be to the collector standards.

The plat scored 68 points on the point rating system. The proposed preliminary plat substantially conforms with the subdivision regulations. When traffic impacts are mitigated, staff believes that the traffic calming nature of the existing condition of Campus Drive is more conducive to reducing additional traffic beyond that of the two interconnected subdivisions and mitigation can be limited to Nursery Road improvements.

Staff recommends approval of the request with the following conditions:

1. The construction/re-construction of the second half of Nursery Road must occur as part of the third phase constructed in order to ensure that the entire collector roadway is improved even if the additional phases are delayed or not constructed. This is needed to make sure that enough of the development remains to make paying for the improvement viable, since it is the method to mitigate the majority of development impact to the road system.
2. The fence line trees and vegetation along the north property line are to remain as an amenity demarking the division between Boones Pointe and Nursery Heights.
3. The notes related to construction traffic being limited to Nursery Road are considered a condition of approval and are not merely advisory or optional.

4. The construction/reconstruction of Nursery Road throughout the development to a collector standard is to partially mitigate traffic impacts created by the development on the road network. If the commission believes additional mitigation is needed for impact to Campus Drive, such mitigation shall be roughly proportional to the impact to Campus Drive and is to be worked out to the satisfaction of the Director of Resource Management and the Boone County Chief Engineer.
5. Any possible impediment to the ability to extend Campus Drive must be resolved to the satisfaction of the Director of Resource Management prior to the second phase of development's construction starting.

Chairperson Harris: The pipeline right of way that is showing on the plat, is that the live line?

Jay Gebhardt: There are two lines that parallel each other. One is live with petroleum gas and the other is a conduit for fiber-optics.

Commissioner Kurzejeski: Is item 5 something related to something that occurs via item 4? What impediments could be possible?

Thad Yonke: That is to ensure if the gap isn't identified. It doesn't mean it would stop the extension of Campus Drive it just means before they can extend it they have to resolve the problem.

Commissioner Poehlman made a motion to table the preliminary plat until next month's meeting.

Commissioner Poehlman: My reason for tabling the request is that up until now the neighbors have only thought about the rezoning request hoping that it didn't get approved. The plat has taken second place and I would like to give the neighbors and the developer a month to discuss it and see if they can make some adjustments. I think it is good that we were able to see a preview of the plat tonight but I don't like the process where one immediately follows the other.

Stan Shawver: According to Roberts Rules of Order, normally a motion to table is in order or can be considered as being in order but according to Subdivision Regulations, Section 1.7.2.1 "upon review the Commission shall by majority vote of the members then sitting approve, conditionally approve, or disapprove the preliminary plat. A preliminary plat may be disapproved if it is inconsistent with the official county master plan, is not in compliance with these regulations, the county zoning regulations, the major thoroughfare plan or other regulations established by the county." The regulation section on final plats has very clear wording that says that you can table a final plat; however the Commission does not have that option with a preliminary plat. The applicant can request that the Commission table it but the Commission doesn't have the authority under our regulations to do so of its own volition. It is a preliminary plat so I think in drafting the subdivision regulations the thoughts were that it is a preliminary plat there is a lot of time to work things out as development occurs. There is a lot of infrastructure that has to be designed and built. Normally a motion to table is in order because it gives time for the air to clear but in following our regulations it is not allowed for preliminary plats.

Jay Gebhardt: We met with the neighbors in January and again in May, we put them on an email list and kept them up to speed with the changes as they have occurred. We were originally scheduled to come here in July but we had a reason that we thought we had to go to the Board of Adjustment and it pushed us back to August. This property is scheduled to close in September and delaying it a month would delay that closing so I understand the concern about giving the neighbors time. I will ask for a meeting with them before the County Commission on August 30<sup>th</sup> and see if there is something we can work out but I can't

request to table the request because of the other issues. Normally I would try to accommodate you but I can't tonight.

Stan Shawver: For clarification the Planning and Zoning Commission has the authority on a preliminary plat, the County Commission has no action other than a report of the P & Z action so that they are aware of what is going on, they don't take any action to approve or deny.

Chairperson Harris: If we approve the preliminary plat that doesn't preclude if they chose to make some adjustment between now subsequent to a meeting with stakeholders, that latitude is still there.

Thad Yonke: They can make minor adjustments to the plat without having to formally bring it back. The Director can look at it and determine it is a minor adjustment anything that is a major adjustment, even if it is worked out between the two will have to come back before the Commission.

Jay Gebhardt: I will meet with the neighbors before any final platting of the property, the only thing I can't do anything about is Campus Drive because that connection has to happen.

Commissioner Poehlman withdrew his motion to table the preliminary plat.

Commissioner Martin made and Commissioner Lightfoot seconded a motion to approve Nursery Heights (preliminary plat) Green Thumb Properties LLC & David and Angela Regan, owners with the following conditions:

1. The construction/re-construction of the second half of Nursery Road must occur as part of the third phase constructed in order to ensure that the entire collector roadway is improved even if the additional phases are delayed or not constructed. This is needed to make sure that enough of the development remains to make paying for the improvement viable, since it is the method to mitigate the majority of development impact to the road system.
2. The fence line trees and vegetation along the north property line are to remain as an amenity demarking the division between Boones Pointe and Nursery Heights.
3. The notes related to construction traffic being limited to Nursery Road are considered a condition of approval and are not merely advisory or optional.
4. The construction/reconstruction of Nursery Road throughout the development to a collector standard is to partially mitigate traffic impacts created by the development on the road network. If the commission believes additional mitigation is needed for impact to Campus Drive, such mitigation shall be roughly proportional to the impact to Campus Drive and is to be worked out to the satisfaction of the Director of Resource Management and the Boone County Chief Engineer.
5. Any possible impediment to the ability to extend Campus Drive must be resolved to the satisfaction of the Director of Resource Management prior to the second phase of development's construction starting.

The following items were placed on consent agenda:

2. Trade Winds Park Plat No 2B. S12-T48N-R12W. M-L. Stream's Edge Properties LLC, owner. Christopher M. Sander, surveyor.

The following staff report was entered in to the record:

The subject property is located on the north side of Richland Road at the immediately north of the intersection of Trade Winds Parkway and Richland Road approximately 1400 feet west of the Route Z interchange on I-70. The site is approximately 1/2 mile east of the municipal limits of the City of Columbia. The property is zoned M-L(Light Industrial) & R-S(Residential Single-Family). Property to the north is zoned M-L, as is property adjoining to the east, property south across Richland Road is zoned A-1(Agriculture), and property to the west of the subject property is zoned R-S(Residential Single-Family) & R-M (Residential-Moderate Density). This proposal splits an existing lot, Lot 6-B of Trade Winds Park Plat Number 2A, into a small lot(Lot 201) of 1.72 acres and a larger lot(Lot 202) of 28.53 acres.

The subject property has frontage on both Richland Road and Trade Winds Parkway. Access is permitted only on Trade Winds Parkway. The applicant has requested a waiver to the traffic study requirement.

Public Water Service District #9 provides water service to these lots. The property is located inside the Boone County Fire Protection District service area.

The subject property has wastewater service provided by the Boone County Regional Sewer District.

The original approval of this plat was subject to the following conditions:

1. That it is understood that modifications to the plat may be required to comply with both the City & County Regulations and that a sign-off from the city prior to recording will be needed.
2. That this plat must work out the sewer and road placement issue to the satisfaction of the Director of Planning, BCPW, & BCRSD.
3. Appropriate cross-references to existing easements be placed upon the graphic.
4. That it is recognized that the existing preliminary plat is still expected to represent the replatting of the larger lots into smaller ones.

The plat must proceed through the City of Columbia's approval process prior to approval by the county commission.

The property scored 78 points on the rating system.

Staff recommends approval of the plat with the following conditions:

1. That it is understood that modifications to the plat may be required to comply with both the City & County Regulations and that a sign-off from the city prior to recording will be needed.

3. Burkett. S33-T51N-R11W. A-2. Bruce and Pamela Burkett, owners. Donald E. Bormann, surveyor.

The following staff report was entered in to the record:

The subject property is located approximately 2 ½ miles to the south of the City of Centralia off of Walnut Drive. The proposal creates a 7.2 acre lot. The proposed lot includes a house, barn, and lagoon. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning.

Access to this property is by a private access easement extending south off of Walnut Drive. The applicant has submitted a request to waive the traffic study requirement.

The property is located in Public Water Service District #4, Boone Electric Cooperative Service area, and the Boone County Fire Protection District.

The property is currently served by a on-site wastewater system, permitted by the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement

The property scored 34 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

4. JJ McKee. S17-T46N-R12W. A-2. Danny and Pam McKee, owners. Steven R. Proctor, surveyor.

The following staff report was entered in to the record:

The subject property is located on Fox Hollow Road, approximately 1 ½ miles to the west of the City Limits of Ashland. The parent parcel is 10 acres in size, and has a house, garage, barn and lagoon present. The proposal is to divide the existing structures from the remainder of the property on a 2.74 acre lot, leaving a 7.13 acre lot for future development. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning.

Both proposed lots have direct access on to Fox Hollow Road, a publicly-dedicated, publicly-maintained right of way. The applicant has requested a waiver to the traffic study requirement.

Consolidated Public Water Service District #1, Boone Electric Cooperative, and the Southern Boone County Fire Protection District provide water service, electrical service and fire protection, respectively, to this property.

There is an existing on-site wastewater system serving the house on Lot 1 of this proposal. Development on Lot 2 will require an on-site system to be installed to serve a new home. The applicant has requested a waiver to the wastewater cost-benefit analysis.

The property scored 44 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

5. Valley Spring Plat 4. S13-T48N-R14W. A-2. Hereth Properties LLC, owner. Kevin M. Schweikert, surveyor.

The following staff report was entered in to the record:

The subject property is located on State Route UU, south of Interstate 70, approximately 1 mile to the west of the City of Columbia. The parent parcel is 150 acres in size and this plat divides two lots from that piece of ground. A previous plat created three lots from this same parent parcel. The fourth and fifth lots are proposed at 6.98 and 6.84 acres in size. The 6.84 acre lot has a house present on the property. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is original 1973 zoning.

Both lots have direct access on to State Route UU, a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is in Consolidated Public Water Service District #1 service area, the Boone Electric Cooperative service area, and the Boone County Fire Protection District. Prior to final approval of this plat, fire hydrants and supporting infrastructure will need to be installed to the satisfaction of Boone County Resource Management and the Boone County Fire Protection District.

On-site wastewater is proposed for this property. Wastewater systems will be permitted by the Columbia/Boone County Health Department. The applicant has submitted a request for a waiver to the wastewater cost-benefit analysis requirement.

The property scored 60 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

Commissioner Prevo made and Commissioner Martin seconded a motion to approve as recommended the items on consent agenda and place the staff reports in to the record.

All members voted in favor, none opposed.

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The conditional use permit by RiMor Soil was tabled by County Commission. A request came from the neighbors and the applicant to table it.

X. New Business

None

XI. Adjourn

Being no further business the meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Secretary  
Eric Kurzejeski

Minutes approved on this 15<sup>th</sup> day of September, 2016