

TERM OF COMMISSION: March Session of the February Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
County Counselor John Patton
Deputy County Clerk Ashley Williams

The regular meeting of the County Commission was called to order at 7:00 p.m.

SUBJECT: Grant for Records Retention Shelving

County Clerk Wendy Noren said the grant application with Missouri Local Records Grant Program for records retention shelving was the second phase of a grant the County had been awarded previously.

Commissioner Miller moved that the County Commission of the County of Boone approve and authorize the Presiding Commissioner to sign a grant application with the Missouri Local Records Grant Program for records retention shelving.

Commissioner Vogt seconded. Motion passed unanimously. **Order 143-98.**

SUBJECT: Request by Billie Sue Lanham on behalf of Americo Gutter Co. to allow a warehouse in a C-G (General Commercial) district on .5 acres, located at 7551 Hwy. 63 South, Columbia (tabled 2/19/98)

Planning and Building Inspections Director Stan Shawver reported that the property is located 4 miles south of Columbia on Highway 63. The .5 acres in this tract is zoned C-G (General Commercial). Property to the east, west and south is zoned C-G. Property to the north is zoned A-1. There is an existing house on the property. The applicants plan to build a 2400 square foot warehouse on this property that will be used to store construction materials. This property is within the Columbia school district. Water service is provided by Consolidated Public Water District No. 1. The property lies within the Boone County Fire Protection district boundaries. The C-G zoning is an original zoning classification. There have been no previous requests submitted on behalf of this property. Staff notified 13 property owners concerning this request.

Ms. Lanham, 1412 Fir Place, Columbia; Jeff Crane, 1855 South Rangeline Road, Columbia; and Joe Kuster, 22945 South Mount Pleasant Road, Hartsburg, approached the Commission.

Mr. Crane said that he was a realtor helping Mr. Kuster to buy the property. He said the request was to build a warehouse, with limited traffic. Two transport trailers, he said, would be delivering to the site a month and he said that the delivery dates set by the Planning & Zoning Commission were a little ridiculous. He also said there was a suitable entrance to the property and he didn't think they should have to put in a new driveway. Mr. Crane said that the business Mr. Kuster was proposing would not bring in enough money to fix the property up to the conditions set by the Planning & Zoning Commission.

Commissioner Stamper convened a public hearing. No one testified and the hearing was closed.

Mr. Crane said the Planning & Zoning Commission set the time for deliveries between the hours of 9 a.m. and 2 p.m. The trucks, he said, will vary in their times of delivery and one or two trucks a month would not cause big traffic jams. Mr. Crane said he didn't understand why the driveway would have to be chip and seal when right down the road as Triple B doors whose driveway is just gravel.

Mr. Shawver said that Triple B was operating on a temporary occupancy permit and that they do not have direct frontage on Highway 63. The driveway currently on the property in question is a 14' minimal gravel drive used for residential purposes. It would need to be improved to minimum standards of 30' with aprons onto Highway 63.

Commissioner Stamper clarified that the property is already zoned General Commercial so any improvements would need to be done on the front end or they might never get done.

In response to a question from Commissioner Vogt, Mr. Shawver said the request was originally heard in February and there was public opposition to the use of Highway 63 as an entrance. Any business, he said, is able to restrict deliveries.

Mr. Crane asked what the repercussions would be if a delivery truck delivered product an hour late.

Commissioner Stamper asked the applicant if they were still interested in following through with their request even if the Commission would not waiver on the conditions.

Mr. Crane said that no, they would not.

Commissioner Stamper closed the public hearing.

Commissioner Miller moved that the County Commission of the County of Boone approve the request by Billie Sue Lanham on behalf of Americo Gutter Co. to allow a warehouse in a C-G (General Commercial) district on .5 acres, located at 7551 Hwy. 63 South, Columbia with the following conditions: all lighting be directed inward, the driveway be improved to commercial standards and approved by MoDOT, and that no materials be stored outside of the structure.

Commissioner Vogt seconded. Motion passed unanimously. **Order 144-98.**

SUBJECT: Request by North Missouri District Church of God Campgrounds to rezone from A-2 (Agriculture) to REC (Recreation) of 40 acres, more or less, located at 10851 W. Old Rocheport Rd., Rocheport

Mr. Shawver reported that the property is located 3.5 miles east of Rocheport and 6 miles west of Columbia on Old Rocheport Road. This property is zoned A-2 (Agriculture) as is the property to the north west and south. To the east, land is zoned A-2 and C-G. The original zoning for this property is A-2. The property has been used for a campground since 1971. That use is a nonconforming use; consequently, new construction is prohibited. As a result the applicant is seeking to rezone this property to REC so that several new structures may be built. This property is served by Consolidated Public Water District No. 1. It lies within the Columbia School District. The master plan designates this area as being suitable for agricultural and rural residential land uses. The proposed use is inconsistent with the master plan, however, it should be recognized that the existing use predates zoning designation. This site has 25 points on the point rating system. Staff notified 23 property owners concerning this request.

Terry Springer, 1629 Bell Tress Road, Godfrey, Illinois, said the district camp meeting has been held in that location since 1971. He said they have RV hookups, electricity for pop up campers, baseball diamond and horse shoe pits. He said the park had been a campground for a long time. Their goal, he said, was to let god's kingdom grow. Recreational zoning, he said, would be the best zoning to allow the facility to grow.

Commissioner Stamper convened a public hearing.

Charlotte Foley, 7600 W. Crestwood Court, said she had been a participant at the campground since 1971 and requested the Commission's support.

Commissioner Stamper closed the public hearing.

Mr. Springer said they currently have youth retreats at the campground throughout the year and an annual camp meeting. Growth, he said, means the facility would be used more. He said they hoped to see more churches involved

Commissioner Miller moved that the County Commission of the County of Boone approve a request by the North Missouri District church of God Campgrounds to rezone from A-2

(Agriculture) to REC (Recreation) of 40 acres, more or less, located at 10851 W. Old Rocheport Rd., Rocheport.

Commissioner Vogt seconded. Motion passed unanimously. **Order 145-98.**

SUBJECT: Request by Machetta & Son, Inc. to rezone from A-2 (Agriculture) to C-GP (Planned Commercial) of 2.44 acres and from A-2 to REC (Recreation) of 5.06 acres located at 12600 Hwy. 63 North, Hallsville

Mr. Shawver reported that the property is located six miles west of Hallsville and 8 1/2 miles north of Columbia on Highway 63. The property is currently zoned a-2 (Agriculture) as is all the surrounding property. The property is wooded and undeveloped. This request is to rezone to two different zoning classifications. The application requests that 5.06 be rezoned to REC (Recreation). This area will be developed as a RV park, which will require a conditional use permit. The other request is to rezone 2.44 acres to C-GP (Planned Commercial). This area is proposed to be used for commercial uses. The application indicates that they plan construction of a 1200 square foot building. A review plan has not been submitted at this time. If approved, both a review plan and a final development plan will need to be submitted prior to the zoning classification changing. This area is served by Public Water District No. 7. There is a six inch water line located on the west side of Highway 63. There is also a four inch line that tends at Lake Road, approximately 1/2 mile to the south. It may be more economical to extend this line to the subject site. Information is not available as to whether either line would be able to provide fire flows required by the Fire Protection District. Wastewater proposal is for an on site system, which would require approval of the Department of Natural Resources. This property is within the boundaries of the R-VIII School District in Harrisburg. The master plan designates this area as being suitable for agriculture, rural residential uses and open land. The proposed use is not consistent with the master plan. There have been no previous requests submitted on behalf of this property. The site has 35 points on the point rating system. Staff notified 10 property owners concerning this request.

Mr. Shawver said that the Planning and Zoning Commission unanimously denied the request and the applicants filed an appeal.

Karen Machetta, 12568 Highway 63 North, Hallsville asked the Commission for a continuance. She said they were concerned with the deceleration and acceleration lanes, recognizing that it could be a serious problem. She said that the highway department was in the process of communicating to them to help them work out something.

The Commission agreed to table the request for the June 2, 1998 Planning and Zoning meeting.

SUBJECT: Request by Don and Elizabeth Goldenhersh on behalf of Nicholas Peckham to rezone from A-2 (Agriculture) to R-S/PRD (Single Family Residential/Planned Residential Development) of 15.08 acres, and from A-2 (Agriculture) to C-GP (Planned Commercial) of 7.68 acres and to approve a review plan for the entire tract of 22.76 acres, located at 1900 W. Route K, Columbia

Mr. Shawver reported that the property is located one mile due south of the Columbia municipal limits, but travel distance to the city limits is three miles. The site is situated on State Highway K. This 22.76 acre tract is currently zoned A-2 (Agriculture). Property to the north, across Route K is zoned R-S. Property to the east is zoned R-M and A-w. Property to the south and west is zoned A-2. This request is a planned development that will break down into two zoning classifications. The applicants are seeking R-S/PRD zoning for 15.08 acres, and C-GP for 7.68 acres. A review plan has been submitted for approval. The residential area will be developed with a mix of single family attached and single family detached housing. There will be a mix of commercial uses. Some residential area may be provided above commercial uses. This area is served by Consolidated Public Water District No. 1. There is a four inch line along Route K which will not meet the needs of this development. An eight inch line will need to be installed between Lakota Ridge Road to the east and Frog's Leap subdivision to the west. The development will be within the Columbia Public School District service area. A wastewater collector system will be required for this development to take place. There is no capacity available at the adjoining Cedarbrook Subdivision wastewater system. Several alternatives exist for treating

wastewater ranging from the installation of a package plant to connection to the Columbia Little Bonne Femme trunk line. There have been no previous requests submitted on behalf of this property. The master plan designates this area as being suitable for residential land uses. The proposed development is consistent with the master plan. This site has 76 points on the point rating system. Staff notified 170 property owners concerning this request.

In response to a question from Commissioner Stamper, Mr. Shawver said that 76 points on the rating scale could be described as high.

Nicholas Peckham, 3151 West Route K, said that on March 19 the Planning and Zoning Commission voted unanimously in favor of the request. He said that he had prepared a brief presentation and showed an aerial photograph of the site and described the surrounding area.

Mr. Peckham said he was proposing a traditional neighborhood development and presented a copy of a recommended preliminary plat for NewTown. He defined "sustainable" as the ability to accommodate and maintain population growth and economic expansion through intelligent design. He said his development would have tree lined streets, sidewalks, a mix of buildings and uses. The houses will have front porches to enhance a community atmosphere, a park to be used to appreciate nature and a tree lined perimeter with walking paths. The streets, he said, will be connected and rectangular and oriented north to south. A clock tower at the intersection will be the center of a rotary circle traffic-calming device.

Tom Trabue, Trabue, Hansen & Hinshaw, Inc. Consulting Engineers, P.O. Box 6920, Columbia, said that issues of stormwater present the most challenging problem on the site. The property, he said, is bounded on three sides by the 100 year flood plain, the other side by Route K.

Mr. Trabue identified the floodways and detailed its size and dimension.

The sewer system, he said, is a preliminary layout based on recommendations made by the Boone County Regional Sewer district. It would be a very simple collection system in an effort to pick up the residential and commercial on both sides of the streets. The lagoons in the area, he said, are currently at capacity. The most appropriate solution for NewTown, he said, is an interim package treatment plant.

The streets, he said, are designed to be walkable and develop a feeling of community. The residential streets will be sufficient in width for two-way traffic. The narrow streets, he said, will make for slower traffic speeds. Alleys will serve as driveway access and as a means of creating a sense of community.

The water, he said, is subject to the review and approval of the water district and Department of Natural Resources. Currently, a four inch main on the north side of Route K will give the development a water flow of 245 gallons per minute, which, he said, would serve the needs of the development.

Mr. Trabue said they had met with Public Works to make sure the transportation routes met with their requirements. He said the identified three road cuts onto Route K in order to separate commercial traffic from residential traffic.

Gary Oxenhandler, attorney representing the development, read quotes from the Planning and Zoning Commission meeting and said that Mr. Peckham had gone a long way to come up with the consummate definition of sustainable. Mr. Oxenhandler said that the development created an opportunity for the Commissioners to set the standard for what a sustainable community could be.

Commissioner Stamper called a recess and reconvened the meeting at 8:25 p.m.

John Morpinsky, 611 W. Broadway, said he had lived in several different towns in the United States and said that NewTown was an example of a sustainable community with its nice neighborhoods and nearby coffee shops.

William Rotts, 16 North 8th St., attorney representing neighbors opposed to the development, presented a copy of a petition signed by people against NewTown. He asked those opposed to the development to please stand.

Mr. Rotts said he had met with the neighbors last week and found they were generally in favor of the concept. He said they realized Columbia is a growing community and that higher density levels need to be anticipated. The density level, he said, is where the opposition starts to take place. Density, he said, and the location of this community. Mr. Rotts said that the community is being billed as a sustainable word. "Sustainable," he said, is a very politically correct word. It's exciting, he said, and hardly something you can say you're opposed to. He asked if sustainable wasn't merely a new spin on an old evil called spot zoning. He argued that NewTown was spot zoning - 23 acres located in a rural subdivision-type community where the surrounding land is A-2. He said the request was also for seven and a half acres of commercial not requested as neighborhood commercial, but as general commercial. He said the concept makes sense in its portrayal of a general store, dry cleaners and coffee shop, the types of shops people would like to walk to, but that 63 residences could not support those nine commercial spaces. He said that it was unlikely that each site will develop into an idyllic commercial/retail establishment that could prosper off those houses.

Mr. Rotts said that the neighbors were worried about the 7 1/2 acres of commercial space out on Route K. Secondly, he said, the density level will be unprecedented for any County subdivision. He explained that with R-S zoning there could be these same density levels, but yards would be required. These homes are compressed and have no yards, instead, he said, there is common ground. Common ground, he said, located in a 100 year flood plain. What a great way, he said, to take five acres of unusable ground and put a new spin on it by calling it common ground or wetland trails, eliminating the need for the residents to have yards and increasing the economic opportunity for the developer.

Frank Gordon, he said, had sent the Commissioners a report after walking the property. Mr. Rotts said Mr. Gordon was concerned about the 100 year flood plain line boundary that cuts through two houses and one of the proposed commercial buildings. The ground, he said, is not hospitable to a high density development for that reason. The east border is Cedar Brook subdivision and the creek there serves as stormwater runoff catch area for the hard surface of NewTown. He said he guaranteed it would be all hard surface, 100% hard surface runoff that will cascade downhill. Mr. Rotts suggested the issue be tabled until a hydrology study determines the impact of the development.

Mr. Rotts said the area is an environmental catastrophe waiting to happen. If the flood waters take the creek making it unmanageable, the berm will become destabilized and the lagoon could go. If that happens, he said, it could become a real problem when the wastewaters go into Little Bonne Femme Creek. The very expensive solution, he said, will fall on the County.

Many people, he said, are bothered about the direct discharge of sewage into creeks, even as interim solutions. That is not good sustainability, he said. It might take 20 years before the sewer trunk comes in and in the meantime, he said, the open creek will become the effluent tube. Is that fair to downstream landowners, he asked. A lot of plants, he said, promise they can bring the water quality up to drinking level standards. Living below one, he said, he could say that they don't.

Mr. Rotts said that bringing in 63 houses would bring guests and businesses to Route K, one of the most dangerous state highways existing in Boone County, bar none. The road, he said, is two lane with no shoulders, deep culverts, blind spots and is not an easy road to travel. Adding this many houses to that location would just mean more problems. Sustainability, he argued is not a high density development with commercial areas on an improbably highway with no sewer and water service.

Water service, he said, is now at 250 gallons per minute, is clearly insufficient, according to Ken Hines. For apartments, he said, which closely resembles the type of housing for NewTown, 800-1000 gallons per minute are required for fire protection. That is three times the water capacity deliverable to this area, not counting the reduction caused by the 63 new homes and commercial businesses moving in.

Mr. Rotts argued that one might find this type of development in an area that would profit from a car-less community. He suggested that NewTown should be in an area where it would become the central development, where developments could grow side by side in concentric circles so small stores could profit and survive. This development, he said, is sandwiched between A-2, a flood plain and subdivisions. Every problem that exists now will only increase. Route K will become more dangerous and this development will become a simple novelty at the end of Route K and won't allow consistent housing around it. This concept could work, he said, Boone County should open their arms to it, but it needs to be in a place where the infrastructure already exists. Perhaps, he said, the place to allow it is in an area less sensitive.

Mr. Rotts said he hoped the Commission understood that these neighbors are concerned, not because they came first, or because they want to preserve some idyllic image that cannot exist with growth, but they are concerned for what they see as an experiment that could bring bad things to the area if allowed to happen with no infrastructure. He argued the Commission could not guarantee at this point that the things needed for this area would happen in the foreseeable future.

Tom Wells, 1941 West Way, said he was in favor of the development. He said he has lived in the area since 1981 and one of the things they have always known is that development is headed their way. In the past, he said, they have fought some development they did not believe was in keeping with the neighborhood character. What has been seen here, he said, he believes will be beneficial in the long run. Mr. Wells said he could see the development from his front window and has observed that flood plain during the two 500 year floods. There was not a significant amount of back up then, he said. Mr. Wells said he was pleased with the thought and planning going into the development. He said he would sooner see it be a well-thought out plan in order to drive the infrastructure needs. He said NewTown would be a model for the kind of growth that will take place around Columbia.

Dan Kellar, 2000 West Frogs Leap, said he lives directly west of the proposed project. He said it was a neat idea, but he didn't think this was the right location. It would, he said, be a benefit to walk down the street to a store or coffee shop in a commercial area, but he asked, did they really want people crossing a busy Route K on foot. He also questioned how fire trucks, moving trucks and cars could get around on the narrow streets. Mr. Kellar was also concerned with the funneling of runoff from the subdivision.

Robert Cunningham, 2504 Waterside, said the project reminds him of a neighborhood he lived in for 20 years in Dallas. Sixty years after the development was built, he said, it was a great place to live. Dallas grew to be one million and he said there was no reason to believe Columbia wouldn't do the same. The infrastructure, he said, needs to accommodate that growth and you can easily see this area as an oasis surrounded by that inevitable growth.

Karen Batye, 1720 West Forest Drive, said her concerns related to the environment. She said that building in a 100 year flood plain would increase the runoff and while she hasn't seen a 100 year flood since she has lived in the area, she has seen the water backed up. Concrete, she said, in the flood plain channel will only increase the speed of the runoff. Ms. Batye suggested a riparian corridor to slow the runoff. She also asked that the developer be required to connect to the city sewer these folks should be required to connect to city before they dump the kind of effluent we're talking about. Ms. Batye said she had lived in New York City and didn't even need to own a car because she could jump on the subway or bus. There are no city transportation lines running to this development, she argued, it would not be a walking community. She said it was a wonderful idea, but the placement of the development had been poorly selected, based on environmental concerns. She said she strongly opposed it.

Jan Weatherwax, 1825 West Amos Drive, said that when she bought her property four years ago, it was zoned C. According to the maps, the flood plain comes up to the back of her house and she is concerned that they will be the recipient of all runoff from the development. She said she was stressing this again because she was the one who lives there, if it were to become worse, she said, she wouldn't be able to sell her home because no one would want it either.

Karen Carter, 1845 West Amos Drive, said that the area was really bad. The water comes right to the back of her house and she said you can see the stream it creates. Right now, she said, when

she looks in her back yard, she sees trees and a field. If the development is built, she said she would see cement. She said she has children and was worried about the possibility of sewage right in their back yard.

Kit Salter, 21725 Westbrook Drive, Hartsburg, said this evening's discussion was ironic due to the fact that the county was named for Daniel Boone who moved on whenever someone moved in too close. He said that Mr. Peckham had created a sensible, intelligent design for this land. Mr. Salter said he was fascinated by small towns and the idea of mixed architectural styles woven together by an internal pedestrian access seems to make good sense.

Paige Peden, 603 Rollins Court, said that everyone has been looking at the big picture and she looked at this issue from a personal standpoint. She said she lives in a home designed by Mr. Peckham. When their home was not adequate for the care of her husband, she went to Mr. Peckham for his help in designing a home she needed. She said she knew Mr. Peckham would follow the same kind of sensitivity for this project as he did for her home in considering the needs of the aging, families and community.

Lane DePrima, 1840 Boris Drive, said she had lived in Cedar Brook for 12 years and that the general store has been there the entire time and she's never walked down there. Ms. Prima said she walks all the time, but she has never walked to the little store. She said she works in town and does her shopping before she comes home and does not see herself doing the kinds of things Mr. Peckham proposes with his development. What kind of commercial development can be sustained out there, she asked.

Janna Hudson, 1501 Vandiver #224, said that Columbia needs this type of development. She said as a young woman wanting to marry and have children, she wanted the opportunity to live in a community where her children could know the neighborhood children. Anyone who lives in Boone County, she said, realizes the County is expanding in all directions. She said that Mr. Peckham and Mr. Trabue have come up with a suitable solution to infrastructure questions, that they were competent professionals who would be sympathetic to their neighbors and tenants to assure that all standards and issues were addressed.

Fred Fisher, 1710 West High Point Lane, said that a year ago he attended a meeting regarding Frogs Leap. At that time, the Commissioners commented strongly that the original concept was quite dense and not appropriate. He said he was amazed to find the Commission discussing an even denser development on a small tract of land. He said it was a wonderful idea, if it was inside the core of the city where people habitually walk and believe in the sort of lifestyle this development suggests.

Rick Goodman, 10853 South Smith Hatchery Road, said that he moved here in 1971 and that to live in the country is becoming less and less possible. Everyone who has spoken, he said, has said that growth is inevitable. Uncontrolled growth, he said, is cancer and growth is not inevitable. Growth happens, he said, when you keep rezoning land. He said he was bothered by the Orwellian construct the Commission had come up with by taking a dense development and calling it an answer to urban sprawl. This development, he said, defines urban sprawl. He asked the Commission if it was their goal to pave Boone County from Sturgeon to McBaine.

A resident from 215 Hollywood Lane, said he was a retired professor and director of a community in upstate New York. This type of development has always been opposed, he said, but we cannot stop population growth and that a controlled development is better than the spread of unregulated subdivisions that grow like mushrooms after a rain.

Susan Goodman, 10835 South Smith Hatchery, said that the loss of agriculture is also an issue. The definition of sustainability, she said, means that human needs are met within the area. Ms. Goodman said the development would cause a loss of farmers and of locally grown food.

A resident at 901 Cedar Brook Blvd., said he was encouraged by subdivision regulations, professionally prepared planned development in this area.

Tom Carter, 2009 Wood Hollow Drive, said it was important to have control of growth and that the worse thing that might happen is that property values would go up.

Cody Martin, 815 High Point Lane, said that he had purchased 52 acres of land in the same area that he wanted to develop and he needed the water line to be bigger and there needed to be a sewage line. He said it was great that Mr. Peckham was developing this land.

Don Ginsberg, 3804 Bryant Court, said he was a real estate agent. As a realtor, he said, he sees a need for moderate income new housing. This development, he said, would fill that need.

Jamie Beuke, 6380 South West Way, said her children play in the streets because they don't have alleys or backyards. The only way, she said, to get improvements to Route K is to get more people out there. She said she was in favor of the proposal.

Carol Sommers, 6381 S. Westway, said she had lived there since 1974 and she likes this proposal and is in favor of it.

Vince Gallo, 417 North Ninth St., said he was opposed to the development. He said he likes the design, but would like to see NewTown in town. He said he didn't find it appropriate and objects to the use of the word sustainable. He said he knew people in town who were struggling with the idea of living in town without a car. This development, he said, is a suburban high density development that uses autos. He said he couldn't agree with that.

Don Gordon, 714 Rose St., said he farms the flood plains of the Perche Creek bottom. He said he had lived there all his life and remembers when you could walk across the street and play with the neighborhood kids. He said he thought the idea of the development was great.

Joe Weatherwax, 825 West Amos Drive, said the Commission had already heard from his mother. He said he didn't want sewage in his backyard and that the businesses proposed would not be sustainable. He was concerned there would be empty buildings sitting right off of Route K where now there is farm land.

Linda Rootes, 807 North 8th St., submitted a copy of a letter of support for the development. She said this could become a town center in a walkable environment. It was not inappropriate, she said, in an area that already has hundreds of homes.

Commissioner Stamper submitted a letter of support for NewTown from Judith E. Pastorino, 1840 West Way.

John Pekkala, 4350 North Route E, said he had been working with Mr. Peckham for about six years and was enthusiastically in favor of this proposal. Sewage treatment, he said, will have to be approved by the DNR and will not be a problem for the neighbors. He commended Mr. Rotts for painting a horror picture that Hollywood could use. The development, he said, was unique and exciting and consistent with the master plan with its 76 points on the rating scale. This is the most professional development to be found in Columbia, he said, and it will be the most appropriate use of the property.

Stan Elmore, 4401 Old Mill Creek Road, said he first became acquainted with this project when he said on the long range planning committee. Mr. Peckham was a crusader for this type of development, he said. Mr. Peckham is also not someone from St. Louis or Kansas City who will just walk away if the development doesn't turn out too well, he said.

Anthony LaBarbera, 1730 West Amos Drive, said the whole issue, for him, comes down to the issue of the water collection basin towards the bottom of the design. Everyone in favor, he said, has said they need this in Columbia. He said he agreed with that, but it was in the wrong place there in the middle of three water sheds.

Don Goldenhersh, 950 Covered Bridge Road, said he was the owner of the property and uses Route K daily and does not see a traffic problem. The traffic problem, he said is more or less a smoke screen. As the seller, he said, he supports this single family, owner occupied project with limited planned retail space and public recreation area. He said he owned a garden center business

in Columbia and is an environmentalist whose goal in life has been to help beautify the community. A year ago, he said, he was approached by someone who wanted to build apartments there. He said he lives in the area and didn't want apartments. He said he believes this to be the best project for the piece of property. Mr. Peckham, he said, feels enough for his own community that he won't start dumping water on his neighbors. Mr. Goldenhersh said he lives in the neighborhood, as does Mr. Peckham. He said he supports this project.

Hubert Trinkle, 1765 West Amos Drive, said they had a good plan, but that it was in the wrong place. Traffic is already crowded on Route K, he said, and he owns the property adjacent to the property they want to build on. If they put everything where they say they're going to, then all the water will run onto his property and he said he didn't think that was right. He said he was not in favor of the development.

Commissioner Stamper closed the public hearing.

Mr. Peckham said if he had ever seen democracy in action, this was it. He said it was his heartfelt belief that this development would be good for the community. Planners, he said, need to be aware that more than 10% of humans who ever existed are still alive and they all need someplace safe to live and raise their families.

Commissioner Stamper called a recess and the meeting reconvened at 10:06 p.m.

Mr. Trabue addressed the infrastructure issues.

Mr. Oxenhandler told the Commissioners that Mr. Peckham was a credible developer with a fine reputation. He said they had a unique plan before them with a sensible approach to infrastructure needs.

In response to a line of questioning from the Commissioners, Mr. Peckham said the back lots are 60'x110' and the front lots are half of that. The lots on Cedar Creek are 100'x100' with 65 homes. He said the densities would be similar.

Commissioner Stamper explained that the densities seemed comparable and that simple math says when you put houses with common rolls, you are creating density. Cedar Brook, he said, has four plexes and duplexes at its entrance and when you take them into account, it's a wash when you compare densities. NewTown has a density of 4.2 acres as well.

Mr. Shawver explained that only the fringe area of a flood plain is buildable.

Commissioner Miller said that they are just in the process of designing sustainability. She said she was strong on infrastructure and that it was critical to anything they would do. She said front porches and alleys were critical. She asked for a cost and feasibility study of hooking to the city sewer over a 20 year period.

Commissioner Miller moved that the County Commission of the County of Boone approve both zoning changes by Don and Elizabeth Goldenhersh on behalf of Nicholas Peckham to rezone from A-2 (Agriculture) to R-S/PRD (Single Family Residential/Planned Residential Development) of 15.08 acres, and from A-2 (Agriculture) to C-GP (Planned Commercial) of 7.68 acres and to approve a review plan for the entire tract of 22.76 acres, located at 1900 W. Route K, Columbia, with the following conditions: that a commercial be restricted to neighborhood commercial as outlined in the Boone County, Missouri Zoning Regulations, that parking requirements be reevaluated in order to downsize the number of square footage; that a stormwater hydrology study be done and improvements required to be made as identified by Frank Gordon's review; and a cost and feasibility study of hooking to the city sewer over a 20 year period be done; including the on-going permitting fees, the facility maintenance, the grab sample analysis on a quarterly or monthly basis, the lab costs of the analysis, cost of removal of the treatment plant, and sludge wasting.

Mr. Shawver asked that the review plan be approved first, with the attached conditions and then the rezonings be approved separately.

Commissioner Miller moved that the County Commission of the County of Boone approve a review plan for NewTown, 22.76 acres located at 1900 W. Route K, Columbia, with the following conditions: that the commercial rezoning be restricted to neighborhood commercial as outlined in the Boone County, Missouri Zoning Regulations; that parking requirements be reevaluated in order to downsize the number of square footage; that a stormwater hydrology study be done and improvements be made as identified by Urban Resource Conservationist Frank Gordon's review; and a cost and feasibility study of hooking to the city sewer over a 20 year period be done; including the on-going permitting fees, the facility maintenance, the grab sample analysis on a quarterly or monthly basis, the lab costs of the analysis, cost of removal of the treatment plant, and sludge wasting.

Commissioner Vogt seconded. Motion passed unanimously. **Order 146-98.**

Commissioner Miller moved that the County Commission of the County of Boone approve a request by Don and Elizabeth Goldenhersh on behalf of Nicholas Peckham to rezone from A-2 (Agriculture) to R-S/PRD (Single Family Residential/Planned Residential development) of 15.08 acres, and from A-2 (Agriculture) to C-GP (Planned Commercial) of 7.68 acres; the rezoning not to take affect until approval of the final development plan.

Commissioner Vogt seconded. Motion passed unanimously. **Order 147-98.**

SUBJECT: Pop's Place, Plat 2. S11-T46N-R12W. R-S. Mitchell and Doris Martin, owners. C. Stephen Heying, surveyor

Commissioner Miller moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign Pop's Place, Plat 2. S11-T46N-R12W. R-S. Mitchell and Doris Martin, owners. C. Stephen Heying, surveyor.

Commissioner Vogt seconded. Motion passed unanimously. **Order 148-98.**

SUBJECT: Wellington Estates, Plat 4. S33-T49N-R12W. R-S. Aubert and Jo Ann Smarr, owners. J. Brian Rockwell, surveyor

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign Wellington Estates, Plat 4. S33-T49N-R12W. R-S. Aubert and Jo Ann Smarr, owners. J. Brian Rockwell, surveyor.

Commissioner Miller seconded. Motion passed unanimously. **Order 149-98.**

SUBJECT: Benson Subdivision. S34--T51N-R12W. A-2. Esther Benson, owners. James W. Brush, surveyor

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign Benson Subdivision plat. S34-T51N-R12W. A-2. Esther Benson, owner. James W. Brush, surveyor.

Commissioner Miller seconded. Motion passed unanimously. **Order 150-98.**

SUBJECT: Windsor Estates, Plat 1. S2-T48N-R14W. R-S. Larry and Dorothy Kramer, owners. James D. Craig, surveyor

Commissioner Miller moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign Windsor Estates, Plat 1. S2-T48N-R14W. R-S. Larry and Dorothy Kramer, owners. James D. Craig, surveyor.

Commissioner Vogt seconded. Motion passed unanimously. **Order 151-98.**

SUBJECT: Disposal of Surplus Law Enforcement Vehicles

Commissioner Stamper moved that the County Commission of the County of Boone approve the disposal of the attached list of law enforcement vehicles.

Commissioner Vogt seconded. Motion passed unanimously. **Order 152-98.**

The meeting adjourned at 11:17 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner