

TERM OF COMMISSION: February Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Daniel K. Atwill
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin (via speaker phone)
Director of Resource Management Stan Shawver
Planner Uriah Mach
Tim Crockett of Crocket Engineering
Phebe LaMar of Smith Lewis, LLP
Gary Straub
James Straub
Kevin Holman
John Payne
Ian Straub
Tom Coudron
Tricia Straub
Brian Herrington of Allstate Consultants
Blane Holder
County Counselor CJ Dykhouse
Deputy County Clerk Cameron Clarke

The meeting was called to order at 7:02 p.m.

Resource Management

- 1. Authorize Resource Management to enter into a contract with a vendor to conduct a traffic study on St. Charles Road and the surrounding area.**

Commissioner Atwill stated this comes up as a result of the Commission's study and meetings regarding St. Charles Road. Commissioner Atwill stated there are problems that may or may not exist with access to that area. Commissioner Atwill stated it is obvious that one of the things that we're missing in the project to develop the school and the surrounding area was a traffic study that was done on behalf of the County, for the citizens of the County. Commissioner Atwill stated they have studies done by the school, but they are a little old at this point. Commissioner Atwill stated the study was done in 2009. Commissioner Atwill stated the obvious thing to do is find out what the traffic sources are, since the school district has determined Battle High School's boundaries. Commissioner Atwill stated this will make it somewhat easier to find out what the traffic counts are in some areas.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the Resource Management Department to enter into a contract with

a vendor to conduct a traffic study on St. Charles Road and the surrounding area.

Commissioner Elkin seconded the motion.

Commissioner Miller stated she thinks it was pretty obvious at the meeting they had Monday there are a lot of ideas of how to improve the traffic flow in the short and long terms. Commissioner Miller stated Commissioner Atwill convened a meeting with MoDOT, the schools, the development community, the County, the City, and everyone who has a vested interest in the area to ask for ideas, and to share thoughts. Commissioner Miller stated what came out of the meeting was that we need a better understanding of what the traffic patterns will be. Commissioner Miller stated she thinks this is a great solution. Commissioner Miller stated it may take a little while.

The motion carried 3 to 0. **Order # 103-2012**

- 2. Request by North Battleground LLC to rezone from A-2 (Agriculture) to R-SP (Planned Single Family Residential) and approve a Review Plan and Preliminary Plat for North Battleground on 38 acres, more or less, located at 8321 E St Charles Rd., Columbia. (appeal).**
 - Rezone - Review Plan - Preliminary Plat**

Tim Crockett of Crockett Engineering was present on behalf of the applicant. Mr. Crockett stated given the circumstances of the first item tonight, they would respectfully request to table this item, until such time that the traffic study can be completed. Mr. Crockett stated they are making commitments with regard to a traffic study, and stated it is an integral part of their development. Mr. Crockett stated they think it is necessary that their traffic studies are copasetic. Mr. Crockett stated they think if there are off site improvements needed from their development, a traffic study will show that. Mr. Crockett stated it is difficult for them to work off of two separate studies.

Commissioner Miller stated she thinks this is a great solution that will give everyone a clearer understanding of what's needed.

Mr. Crockett stated they agree.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby honor the request by North Battleground LLC to table the hearing for their proposal on 8321 E St. Charles Road, until such time as the County traffic study just approved is finalized and evaluated.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0.

Director of Resource Management Stan Shawver stated they will notify the public again, prior to it coming back to the Commission agenda.

- 3. Request by Robert M. LeMone Marital Trust to rezone from A-1 (Agriculture) to M-GP (Planned General Industrial) on Tract 1 - 29.58 acres; from R-S (Single Family Residential) to M-GP on Tract 2 – 42.64 acres; from R-S to M-LP (Planned Light Industrial) on Tract 3 - .32 acres; and, R-S to R-M (Moderate Density Residential) on Tract 4 - .37 acres, all more or less, and approve a Review Plan and Preliminary Plat on property located at 5515 S Ponderosa St, Columbia.**
- Rezone - Review Plan

Mr. Shawver read the following staff report:

This property is located southeast of Columbia at the existing end of Meyer Industrial Drive. The subject property consists of two parent parcels comprising approximately 80 acres that sit immediately southwest of Boone County Public Works South Facility and the property containing Magellan Pipeline’s Large White Storage Tanks. The nearest municipal limit of the City of Columbia is approximately 1200 ft northeast of the subject property across Highway 63. This property is currently zoned A-1 (agriculture) and R-S (residential single family) with the section line between sections 3 and 4 as the dividing line. The A-1 property is east of the section line in section 3 and the R-S portion on the western side in section 4. These are original 1973 zonings.

Adjacent property is zoned as follows:

- North - R-M (moderate density residential) and M-LP (planned industrial)
- South – A-1, R-SP (planned residential), R-S
- East – M-LP, M-L (light industrial) and C-G (general commercial)
- West – R-S

These are all original 1973 zonings except for the two M-LP areas and the R-SP area containing the Martha’s Grove PRD.

The current proposal consists of a preliminary plat to start to create 9 lots and a roadway that will extend Meyer Industrial Dr to the northwest. Meyer Industrial Dr will be carried on across the next property until it connects with Ponderosa. The roadway is actually proposed to be built in a single phase. In conjunction with the preliminary plat there is the required review plan for the proposed planned rezonings. Additionally, a non-planned rezoning is proposed from R-S to R-M for the 0.37 acre portion of the property that has frontage on Prairie Circle. A rezoning request for a 0.32 acre portion of the property which adjoins the existing Ponderosa Subdivision PID is proposed to be rezoned from R-S to M-LP and then it is to be incorporated into a new revised review plan for the development now named Ponderosa Subdivision Phase 2 which is also on the agenda tonight. The remaining 72.22 acres of the property is proposed to be rezoned to M-GP (planned general industrial). It should be noted however that the only M-G use proposed is the wholesale/bulk storage of gasoline which is similar to the existing tank farm facility. Additionally, this specific M-G use requires a CUP in addition to a revised review and final plan specifically tailored for the proposed lot. Otherwise, the proposed

uses are all M-L or lower category uses.

The Master Plan identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposed rezoning. The sufficiency of resource test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis. The resources used in the test can generally be broken down into three categories: utilities, transportation and public safety services.

Utilities:

- Water: The property is in Consolidated Public Water Supply District #1
- Sewer: The Boone County Regional Sewer District has a central sewer that serves the area. Some additional capacity exists at this time which will allow for some of the proposed uses. The proposed review plan breaks down the proposed uses into categories and those that require more sewer capacity than is present can not be specifically proposed unless/until provision of the additional sewer capacity is provided in connection with such a request.
- Electricity is provided by Boone Electric.

Transportation:

- The development proposes construction of a connection of Meyer Industrial Dr with the existing portion of Ponderosa in such a way as to provide a continuous two way outer roadway to support the improvements to Highway 63. All lots within the development will have frontage on and direct access to this new section of roadway.

Public Safety Services:

- The property is within 500 feet of the nearest fire station. Public safety services to this location should be adequate for the needs of the development. The requirements for specific uses and site plans to come back through the public process will allow this issue to be revisited for each specific proposal.

Stormwater

- The development is subject to the Boone County Stormwater Regulations. The development is addressing the stormwater issues created from the construction of the road on proposed lot 6 and on a lot proposed as part of the Ponderosa Subdivision Phase 2 request. The requirements for specific uses and site plans to come back through the public process will allow this issue to be revisited for each

specific proposal.

Zoning Analysis

This request is essentially a first step in the enhancement of the existing commercial/industrial node. This request conceptually establishes the list of uses that can be proposed within the development and allows the installation of the basic supporting infrastructure needed.

The issue of whether any specific use listed under allowed uses for the overall development is appropriate on a specific proposed lot or at a specific location on the property still remains open and will need to be addressed at the time specific uses are proposed for specific lots. It may be that a use on the allowed use list may be denied on a future revised review plan because it is not appropriate in the location shown or has other aspects of the specific proposal that make the proposal inappropriate. Since the ability to fully control the proposed lots and uses with the future proposals is understood to be an aspect integrated into this request, the request is compatible with the area.

The current proposal meets the sufficiency of resources test for the level of detail proposed at this time. The utilities available or being installed will support some level of development, as will the roadways and emergency services and the evaluation of whether a specific request is compatible with the level of the resources available at any particular point in the future will be addressed on that future request.

The Master Plan designates this area as suitable for residential development but also acknowledges the existing commercial/industrial node. The Master Plan promotes the use of Planned Districts as a means to establish or expand commercial and industrial areas. The property scored 83 points on the rating system. Staff notified 64 property owners concerning this request.

Staff recommends approval of the rezoning requests.

Additionally, Staff recommends approval of the PID Review Plan and Preliminary Plat titled Concorde South Phase 3 subject to the following 2 conditions.

01. The last sentence of the paragraph labeled Phasing Plan be revised to remove the letters M-LP so the final text will be "A revised review/final plan will be required prior to the development of any of the proposed lots."
02. That it is recognized that inherent to the proposal, the uses listed for this development establishes the pool from which future specific uses will be drawn. However, the issue of whether any of these uses is appropriate for a specific location within the development or whether any of these uses as specifically proposed in the future has not been determined and is a feature of the future request and it is possible said future request may not be approved.

The Planning & Zoning Commission conducted a public hearing on this request during their February 16, 2012 regular meeting. There were ten members of the commission present.

Following the public hearing, a motion was made to recommend approval of the rezoning request. The motion to recommend approval of the rezoning request passed unanimously.

A motion was then made to recommend approval of the Review Plan with the staff conditions. That motion also passed unanimously.

Mr. Shawver stated the Planning and Zoning Commission received a petition in opposition. Mr. Shawver stated the first sheet is property owners and residents, and the second sheet is property owners.

Commissioner Atwill asked if someone was present to represent the applicant.

Phebe LaMar of Smith Lewis, LLP was present on behalf of the applicant, Bob LeMone Trust. Ms. LaMar stated Bob LeMone was instrumental in developing the Concord industrial park on the south side of Columbia, in which assorted businesses are located. Ms. LaMar stated this is the location of IBM. Ms. LaMar stated after his death, the trust owns this property. Ms. LaMar stated with the recent success of their area with respect to job creation, there has been an increased focus on the need for additional possible sites for doing similar projects. Ms. LaMar stated there aren't very many areas that are designated as industrial, and we do not have enough of that type of property in the Columbia and Boone County area. Ms. LaMar stated it is therefore important to maximize the ability to move quickly if we want to be in a position to compete for additional job creation and/ or economic development opportunities. Ms. LaMar stated this property has been designated as residential, but with the caveat that it is appropriate for industrial. Ms. LaMar stated there are currently a number of uses that are compatible with industrial, including the Magellan Pipeline that will be surrounded by this development. Ms. LaMar stated in addition, they have a number of other businesses that are located in this area and are compatible with industrial and commercial uses, including: Gibbs Concrete, a roof truss manufacturing business, a warehouse for Miller Photo, Boone County Maintenance, and the indoor police training facility. Ms. LaMar stated it is important to note the property must be platted before a road alternative can be put in for there to be a route to get to the Columbia airport, other than on the highway. Ms. LaMar stated the sensible course of action at this point is to also rezone the property as has been previously contemplated. Ms. LaMar stated given all of this, and in an effort to address concerns from inquiring property owners while still providing for the appropriate use of this property, her clients have requested rezoning of the property to be M-GP, but have limited the acceptable uses to only include M-LP uses (light industrial). Ms. LaMar stated one lot will be allowed to expand its current M-GP use. Ms. LaMar stated other than that, the uses will be the same as what's allowed in Concord Industrial

Park. Ms. LaMar stated there is a provision included that there must be approval from the County before any particular property can have any particular use. Ms. LaMar stated at this point, there is no particular end user. Ms. LaMar stated at the request of some of the neighboring property owners; they have agreed to preclude any access between the light industrial zoned area and the surrounding residential areas. Ms. LaMar stated at the time a particular end user is known, the type and amount of screening from neighboring properties will be discussed and determined in order to best protect other properties from noise or sound pollution. Ms. LaMar stated at that time they will know if there are specific things that need to be done to protect the neighboring uses. Ms. LaMar stated in the event that there would be any expansion to bulk gas in this area, the federal government would be responsible for determining what detention would be necessary to protect the other properties. Ms. LaMar stated for other uses, the stormwater detention and drainage will be addressed in addition to what is already being addressed in the plan as it is right now. Ms. LaMar stated this will make sure there is no undue harm to the environment. Ms. LaMar stated according to the engineer, the majority of this site drains to the Gans Creek, and a smaller portion goes to the Bonne Femme Watershed. Ms. LaMar stated she would be happy to answer any questions at this time, and stated that Brian Harrington from Allstate Consultants was present and would also be happy to answer questions.

Commissioner Atwill asked if all the area outlined on the screen is owned by the LeMone trust.

Ms. LaMar stated that is correct. Ms. LaMar stated there is actually more than that, but what is shown is only one tract.

Commissioner Atwill asked if as these lots are sold, each purchaser will have to come before the Commission for approval for the type of use they request.

Ms. LaMar stated the purchaser, or the owner of the property before it's sold will have to come back with a plan.

Commissioner Miller stated the County requires a site specific plan for the lot, and stated zoning does not take place until that plan is accepted with the use.

Ms. LaMar stated you can't put any particular use on a piece of property until it has been approved by the County.

Commissioner Atwill opened the public hearing on this item.

Gary Straub was present to speak about this item. Mr. Straub stated he is not opposed to industry, jobs, or business. Mr. Straub stated he believes LeMone has done a great job with the industrial park, and thinks it's in a perfect location. Mr. Straub stated that said, he doesn't think this project is a good one. Mr. Straub stated he has three major concerns: traffic, environment, and financial. Mr. Straub stated his first question is if there has ever been a traffic study on this new road. Mr. Straub asked how this park will

affect traffic in the area. Mr. Straub pointed on the map to where traffic can go on Ponderosa. Mr. Straub stated this sounds like a great idea. Mr. Straub stated the rezoned lots could be at the minimum, a warehouse. Mr. Straub stated warehouses require trucks, and something to put in the warehouse. Mr. Straub stated he lives very close to an industrial area right now, and traffic is stopped often by a truck needing to back up, or to wait for another truck to pull out. Mr. Straub stated he sees no advantage to anybody except for the people who own this property, other than it's a way to supposedly get your road built for free. Mr. Straub stated it's not free, because you're getting something in return. Mr. Straub stated free is not free.

Commissioner Atwill asked Mr. Straub where he lives.

Mr. Straub pointed to where he owns property. Mr. Straub stated he owns property around here, and his family does as well. Mr. Straub stated his grandparents owned all of the property. Mr. Straub stated they gave PWSD #1 some property, and it came into existence because of them. Mr. Straub stated they gave them property and a tremendous amount of money for the new sewer pump and treatment plant because of their development. Mr. Straub stated they gave land through the middle of their property for the water district to run their new twelve inch line. Mr. Straub stated this saved them thousands of dollars. Mr. Straub stated his brother who owns property on the other side, gave them easements through his property as well. Mr. Straub stated what he is saying, is that they have been great stewards. Mr. Straub stated in their desire to make sure there is growth; they have been very concerned about the environment. Mr. Straub stated his question still hasn't been answered about whether or not a traffic study had been done.

Mr. Shawver stated one has not been done. Mr. Shawver stated Ponderosa is a state maintained road, and it was their suggestion to do the loop. Mr. Shawver stated the traffic impact and studies are their responsibility.

Mr. Straub stated MoDOT told them they have two options, and they were leaning towards this option because that's what the County wanted. Mr. Straub stated the other option is to run it on the edge of the highway, which can be done. Mr. Straub stated he was wondering if this would be a private road or a state road.

Commissioner Miller stated it will be a County road, connecting to a state road at both ends.

Mr. Straub stated then it is the County's responsibility to do a traffic study on this road. Commissioner Miller stated no.

Mr. Straub asked why.

Commissioner Miller stated why would we need to do a traffic study at this point.

Mr. Straub stated because if this is approved tonight they're going to build that road.

Commissioner Miller stated they will build that road, but we don't know what will go on that road because as Ms. LaMar said, they have to come back for every lot.

Commissioner Miller stated that's when you think about a traffic study, you don't think about one now.

Mr. Straub stated he understands it has to go into review, but if you approve this, it will be rezoned.

Commissioner Miller stated it is an intention to rezone, but it won't be finalized until there is a site plan that the neighborhood, the County, and the applicant can agree to.

Mr. Straub stated is this, or is this not a request for rezoning?

Commissioner Miller stated it is a request.

Mr. Straub asked what will you approve tonight, if it's approved?

Commissioner Miller stated intent.

Mr. Straub stated so this is a request for intent to rezone.

Commissioner Miller stated yes because it's not final until there is a review plan that is agreed to through the next process.

Mr. Straub asked if this is standard procedure.

Mr. Shawver stated this is a little unusual. Mr. Shawver stated 99% of the time someone does not file an application unless they have a specific use. Mr. Shawver stated in this case, you can't establish a public road without platting. Mr. Shawver stated the property owner did not want to risk going through platting and building a very expensive section of road without some assurance that he would have a consideration at a future time for rezoning. Mr. Shawver stated the plan says (and plans are binding), "future phases to be determined by future revised review and final plans. The intent of this plan is to establish right of way, the location of Meyer Industrial Drive, and to establish a list of allowed uses for the property. Therefore development of any of the M-LP lots will require a revised review plan and final plan to establish the required site parameters, and confirm the availability of existing and proposed infrastructure. The following list of uses is divided into uses that will be allowed at present, subject to confirming infrastructure availability through the review final plan process, and uses that will be allowed in the future when infrastructure capacity, primarily sanitary sewer, is increased to accommodate the proposed uses. In all cases, a revised review and final plan will be required prior to the development of any of the proposed lots."

Mr. Straub stated he understands that, and he understands the County is trying to do the

best that can be done. Mr. Straub stated the Commissioner's have to understand he is trying to do what he thinks is best. Mr. Straub stated he wants to make it clear that no traffic study has been done. Mr. Straub stated these lots are going to be platted as a part of this deal. Mr. Straub stated quite a bit is going on as a part of this deal. Mr. Straub stated as he stated before, the minimum thing in an industrial zone will be a warehouse. Mr. Straub stated there is nothing he can think of that does not require large trucks to deliver inventory.

Commissioner Atwill stated Mr. Straub has made that point very clear, and asked him to move on.

Mr. Straub stated he will move on to environment, and he is sorry he is taking up the Commissioner's time.

Commissioner Atwill stated they are here to hear what he has to say, but repeating it doesn't help.

Mr. Straub asked for a map of the watershed to be displayed. Mr. Straub stated it has been said that the majority of this goes to the Gans Creek. Mr. Straub stated this feeds the Devils' Icebox Cave. Mr. Straub pointed to what he considers is a highly eroded area on the watershed map. Mr. Straub stated this is just from the highway drainage, and if you add an industrial park there, you will really add some drainage. Mr. Straub pointed to a red line on the map, and stated it is the beginning of the losing stream Boone Femme Creek. Mr. Straub pointed to the main creek and its tributary. Mr. Straub stated according to Stormwater Ordinance Section 4.6, anything within a thousand feet of a losing stream requires a buffer twice the size of what's required for a losing stream. Mr. Straub pointed to Gans Creek on the map, and pointed out what drains into the creek. Mr. Straub stated the fact it will drain into Gans Creek is not a benefit. Mr. Straub stated he believes the majority of the stormwater will drain into the Bonne Femme area. Mr. Straub stated the current erosion has been caused by stormwater. Mr. Straub stated any impervious surfaces create a tremendous amount of stormwater. Mr. Straub stated it took him several years to convince people there is a possible way to build in the Bonne Femme Watershed. Mr. Straub stated when they first applied for rezoning they offered 26% impervious surface, and they thought that was pretty good. Mr. Straub stated they required them to go down to 15% impervious surface, which they did. Mr. Straub stated they were able to do 17.4% because best management practices gave them more. Mr. Straub stated his development is a green development, and is the only totally environmentally sensitive development in Boone County. Mr. Straub stated they went through years of work to get permission to build these connected houses, which reduce the footprint. Mr. Straub stated yet, there has been no environmental study done for this proposal. Mr. Straub asked if he was correct.

Mr. Shawver stated that's correct.

Mr. Straub stated he is curious why one hasn't been done. Mr. Straub stated they went

through a great deal of time and expense to build this development. Mr. Straub stated there will always be green space available at his development because there is only 15% impervious surface. Mr. Straub stated putting an industrial park next to a green development will guarantee they won't be able to finish, or they will have to build low cost housing. Mr. Straub stated when people buy one of the nice lots in the area; they have a right to the quality of life they expected when they bought the land.

Commissioner Atwill stated at the present time there is a police training facility nearby. Commissioner Atwill asked if Mr. Straub thinks this is an acceptable use.

Mr. Straub stated he thinks it's totally acceptable, but it's not industrial. Mr. Straub stated anything the government has isn't industry.

Commissioner Atwill stated his point is that it would be typical of something that would be built in the new development.

Mr. Straub stated if the Commission decides to approve this tonight without any additional time to think about it, he would request a buffer zone. Mr. Straub stated he could also reluctantly accept if the Commission approved the rezoning of the front part of the property, but left the back (west) half alone, provided that the same type of people would be on the Commission and Planning and Zoning Commission.

James Straub was present to comment on this item. Mr. Straub stated he owns property in the area, and his goal is to retire in the area. Mr. Straub stated one of his concerns is something that was mentioned earlier. Mr. Straub's concern is that things won't be clearly specified in the approval of what might happen, and how it might be developed in the future. Mr. Straub stated if you start putting a lot of traffic on the road, it will cost a lot to maintain. Mr. Straub stated there are two sharp curves in the planned road. Mr. Straub stated Commissioner Miller told Mary Evans that buffers are always required as part of the site plan. Mr. Straub stated she was told that buffers would be taken into account in the future when reasonable. Mr. Straub stated he is unclear what this means.

Commissioner Miller stated when the project comes in and they find out what it is, then they will determine what buffer is reasonable. Commissioner Miller stated if it's a training facility, the buffer might be very limited, but if it's a manufacturing facility, it might be 40 feet with trees and everything else. Commissioner Miller stated it depends on the actual site plan. Commissioner Miller stated they won't know until they know what the project is.

Mr. Straub said part of that will be a road that will be built fairly quickly, that will go right through a residential area. Mr. Straub stated kids live in these homes. Mr. Straub stated the backside of the road will be very close to where a number of homes and duplexes are. Mr. Straub stated he doesn't know what is spelled out at this point for a buffer zone.

Planner Uriah Mach pointed out a stormwater control space on the map.

Mr. Shawver pointed on a map where the road would go.

Mr. Straub pointed to a creek on the map and stated the kids from the neighborhood play in it all the time. Mr. Straub stated he is concerned with a high speed road with sharp curves being built next to where little kids like to play. Mr. Straub stated it seems like some sort of protection needs to be put in there, and it may be a fence. Mr. Straub stated he would encourage some of these things be spelled out so future committees don't just rubber stamp projects. Mr. Straub stated there needs to be some minimum requirements as far as the watershed area goes, to examine the impact. Mr. Straub stated if you have a number of large trucks coming in and out of an area, backing up on the road, and stopping traffic it will be dangerous when cars come around the curve. Mr. Straub stated he is concerned this hasn't fully been thought out.

Commissioner Miller stated she thinks that is when the traffic study takes place, and maybe the requirements for off site improvements. Commissioner Miller asked Mr. Shawver to explain what goes into a review plan, and where to find it.

Mr. Shawver stated all of section 6.4 covers review plan contents. Mr. Shawver stated the review plan contains: a written description of the proposal, including a list of allowed uses, erosion/ sedimentation control plan, a landscape and buffering plan, a stormwater control plan, and a phasing plan.

Commissioner Miller stated the things people have been requesting are required in the ordinance.

Mr. Straub stated the current plan seems to only look at the Gans Creek area. Mr. Straub stated the studies he has seen regarding stormwater runoff if you have a large parking lot, is that it is very difficult to make safe. Mr. Straub stated these are the concerns he wanted to reinforce.

Commissioner Miller asked Mr. Shawver if a proposal came in for a part that's in the Bonne Femme Watershed, if it would be looked at from that perspective, and if it's on the Gans Creek side, if it would be looked at from that perspective.

Mr. Shawver stated yes, they're required to comply with the stormwater and stream buffer regulations. Mr. Shawver stated every development that comes in today is scrutinized very closely before it even gets near a building permit.

Commissioner Miller stated there will be a TMDL for the Bonne Femme shortly, which means this means there will be more requirements for that area.

Mr. Shawver stated stormwater designs have to be done by a professional engineer. Mr. Shawver stated they are reviewed by engineers on his staff. Mr. Shawver stated they

don't always agree, and they work until there is to a resolution where it can be done and designed in accordance with Boone County regulations.

Kevin Holman was present to discuss this item. Mr. Holman stated his concerns are traffic count. Mr. Holman stated he went down to the Boone County Maintenance facility when the state highway department was down there to find out about traffic counts on Ponderosa. Mr. Holman stated he spoke with representatives from the County and Highway departments, and nobody has a traffic count there. Mr. Holman stated since the crossover has been taken out on Highway 63 at the end of Ponderosa, all of the semi traffic goes North on Ponderosa. Mr. Holman stated on the Gans Creek Bridge, one day the sign miraculously changed from a weight limit of 35 tons to 40 tons. Mr. Holman stated he doesn't know what improvements were made, other than what used to be spindles is now solid poured concrete. Mr. Holman stated this adds a considerable amount of weight. Mr. Holman stated he does not know who maintains it, and stated last week the potholes were patched. Mr. Holman stated there is not one person on Ponderosa that will cross that bridge when a semi is crossing. Mr. Holman stated that traffic runs 24/7 out of the pipeline. Mr. Holman stated they are now going to close the end of Ponderosa, and reroute the traffic behind the pipeline. Mr. Holman stated he knows that Public Works and Magellan pipeline want to expand, and this will just increase the traffic count. Mr. Holman stated since the crossover has been done, no one has done a traffic count. Mr. Holman stated he promises the traffic has grown exponentially in the last two or three years. Mr. Holman stated since the crossover was eliminated, all of the traffic goes North on Ponderosa. Mr. Holman stated this is a two lane road with no shoulders. Mr. Holman stated they did a roller compacted concrete on the road and it lasted one year. Mr. Holman stated they have gone back and done a two inch asphalt overlay that is already in bad shape, because 76,000 pound fuel trucks are going across the bridge. Mr. Holman stated he understands the new traffic will go behind the maintenance facility and connect over by the police training center. Mr. Holman stated it will just add more traffic going to the North. Mr. Holman stated he drives up and down the road multiple times per day, and he knows the traffic has increased simply due to the semi traffic. Mr. Holman stated the representative from LeMone trust said it will be a new way to get to the airport, which he does not believe is factually correct. Mr. Holman stated it will have to stop before it gets to Highway 163 to be on the outer road. Mr. Holman stated he understands development will happen in the area, but right now there is a two lane, unimproved road with no shoulders, with semis going down it, and suddenly going to say it's fine to zone industrial. Mr. Holman stated he believes this will add so much traffic on the outer road just by shutting off the south bound traffic. Mr. Holman stated he has great concerns of the traffic increase on Ponderosa. Mr. Holman stated he isn't opposed to the development, just traffic.

Commissioner Miller stated the Commission is concerned about traffic, everywhere.

Commissioner Atwill stated what Mr. Holman is saying, is that Ponderosa needs to be improved.

Mr. Holman stated no one seems to know what the traffic count is on Ponderosa.

Commissioner Miller stated the County wouldn't do a traffic count because it's not the County's road.

Mr. Holman stated MoDOT is also saying they aren't going to do one. Mr. Holman stated you can go by the bridge now, and see in the last two weeks the barrier guard has been hit by somebody, and there are orange cones on the north side of it. Mr. Holman stated the bridge is already in poor shape, and this will add a lot more traffic to it. Mr. Holman stated most of the traffic will go towards Columbia, not the airport.

Commissioner Miller stated the outer road was going to connect to Ponderosa no matter if it went in front of Williams or behind.

Mr. Holman stated it's just a matter of how much more heavy traffic is being put on there. Mr. Holman stated if they enlarge Magellan there will be even more traffic on Ponderosa. Mr. Holman stated most truckers won't want to pull out on the two lane and head south slowly. Mr. Holman stated they will turn left and follow Meyer Industrial Drive around, and go down south on Highway 63 to make a J turn and go back north again. Mr. Holman stated that won't alleviate any traffic.

Commissioner Miller stated she wishes the traffic engineer from MoDOT was present to answer some of these questions.

Mr. Holman stated the additional traffic concerns him.

Commissioner Miller stated like she said, that is when there will be a traffic study, when somebody proposes something.

Mr. Holman stated you've added traffic already.

Commissioner Miller asked how traffic has been added already.
Mr. Holman stated by taking the crossover out.

Commissioner Miller stated we didn't add traffic, MoDOT added traffic.

Mr. Holman stated the traffic has been added to the road, and no traffic study has been done since the additional traffic has gone there. Mr. Holman stated now even more traffic will be on the road before a study is done. Mr. Holman stated the north side of the bridge is beautiful. Mr. Holman stated the maintenance between Magellan Pipeline to the bridge is perpetual. Mr. Holman stated you can go look at it now and see what bad shape it's in. Mr. Holman stated we seem to be passing the buck on to MoDOT. Mr. Holman stated it's my home and my street.

Commissioner Miller stated it's all of our streets. Commissioner Miller stated she's just

trying to let him know why we haven't done a traffic study because it's not our road to study.

Mr. Holman stated there are two churches between Brock Rodgers and Magellan pipeline right now, and those trucks still travel on Sunday mornings.

John Payne was present to discuss this item. Mr. Payne stated he represents Payne Enterprises which owns 22 acres to the north of the LeMone property. Mr. Payne stated Mr. Burchfield made a comment that there is another four acres south of a square he owns. Mr. Payne stated there wouldn't be any stub outs to north. Mr. Payne stated he thinks this is a violation of fire safety and emergency vehicle safety issues in the County. Mr. Payne stated every time he comes in with a development plan on a piece a property, he has to stub out to neighboring properties. Mr. Payne stated what happens if there is no stub out to the north? Mr. Payne stated 40% of his property is not developable. Mr. Payne stated they already have a twelve inch water line they allowed the Public Water District to build to get to the airport. Mr. Payne stated they have taken out the lagoon and hooked up to the regional sewer district. Mr. Payne stated at some point in time this 22 acres will be developed by somebody. Mr. Payne stated he knows this is early, but he thinks now is the time to throw it out, and bring it to their attention. Mr. Payne stated there is about 2000 feet to the end of his property from the road, and that exceeds the 1000 foot maximum for a cul-de-sac.

Commissioner Atwill stated he's not sure what Mr. Payne is asking the County to do.

Mr. Payne stated he's putting it out somewhat early. Mr. Payne stated he understands the intent in getting all of this done. Mr. Payne stated Bobby LeMone couldn't get this done fifteen years ago. Mr. Payne stated if MoDOT wasn't involved in 63 it wouldn't be done tonight. Mr. Payne stated he's here to say he thinks they need to stub out to adjoining property owners, at least for emergency vehicles. Mr. Payne stated if you look at the ordinances, there is probably one that calls that into necessity. Mr. Payne stated if you sat through the Planning and Zoning meeting with Mendenhall's request for Battlefield North, it was stated they could not develop the north half of the property because the fire department requires a second access out. Mr. Payne stated that is where the length of cul-de-sacs came up in the County ordinances. Mr. Payne stated an emergency exit is needed.

Commissioner Miller stated that would be looked at when the property is developed, because the fire department is at the concept review.

Mr. Shawver stated the fire department has been involved in this development. Mr. Shawver stated their view was that the proposed development has an entrance at the north and south ends. Mr. Shawver stated they have a fire station immediately to the south. Mr. Shawver based on the number of lots involved; they were comfortable they had adequate access to this site.

Mr. Payne stated he is concerned when he comes to the Commission with a development plan, and shows a road going all the way to the south, it will be turned down due to the length of the cul-de-sac.

Commissioner Atwill stated we're working on this one tonight.

Mr. Payne stated he knows he's early, but he's getting his two cents in up front.

Ian Straub was present to discuss this item. Mr. Straub stated he feels a good kumbaya going on with everyone saying in the future all concerns will be addressed. Mr. Straub stated he wants to make sure people know where the Bonne Femme Watershed is. Mr. Straub stated they presented this at the Planning and Zoning meeting, and it was quickly brushed off.

Commissioner Miller asked if the area that goes into the Bonne Femme Watershed was already zoned M-LP.

Mr. Mach stated that's correct.

Mr. Straub stated yes, on the north side of the road, but not the south side.

Commissioner Miller stated the Commission is very sensitive to the area. Commissioner Miller stated luckily, the County has very stringent regulations that are not always easy to abide by. Commissioner Miller stated the County is currently doing studies on best management practices to see what is best at cleaning the water. Commissioner Miller stated they can then say, if you build in this sensitive area we want you to use this practice to control the water quality.

Mr. Straub stated he would also like to talk about the traffic. Mr. Straub stated he can share how the traffic will be impacted immediately. Mr. Straub stated the first impact will be with the County facility there. Mr. Straub stated he lives on Bonne Femme Church Road, and he knows that the road gets used for their trucks when they don't want to cross 63 there. Mr. Straub stated he doesn't think the J turns will solve the problem. Mr. Straub stated all of the trucks that run down Bonne Femme will now go around Meyer Industrial and out on the bridge.

Commissioner Miller stated some of the trucks will, and said a north facility has been purchased where salt and supplies are stocked. Commissioner Miller stated that way those trucks don't have to come to the south facility and then go back north. Commissioner Miller stated the County is trying to do things to alleviate this.

Mr. Straub stated he doesn't think it's fair to approve this without looking at the bridge. Mr. Straub stated he owns ten units in Prairie Circle. Mr. Straub stated the biggest complaint he gets from renters is that they're scared to cross that bridge. Mr. Straub stated that is the only way to go. Mr. Straub stated they all have to come to a dead stop

and wait for a semi to pass. Mr. Straub stated he loses tenants because of this, and now he will lose more because more traffic will be added. Mr. Straub stated people tell him they can't live out there anymore because of the traffic. Mr. Straub stated this affects him personally and financially. Mr. Straub stated the bridge is not two lanes, and said he sometimes stops when anyone is coming across. Mr. Straub stated this would be an issue no matter where Meyer Industrial goes.

Commissioner Miller asked Mr. Straub if MoDOT decided to replace the bridge, how his tenants would get out.

Mr. Straub stated you would have to go south, then turn and go back out. Mr. Straub asked since this whole thing is driven by the need to get a road there, why do we need to tie it to rezoning?

Commissioner Miller stated it would have to be platted for the right of way at the very least. Commissioner Miller asked Mr. Straub if he would invest \$1 million with the current zoning.

Mr. Straub stated he has about \$1 million invested near there.

Commissioner Miller stated he wouldn't in a road that he was giving away. Commissioner Miller stated there is a little difference in property you're going to get rent off of, or live in, or put a business in, versus something you just build and give away. Commissioner Miller stated she thinks this is a reasonable request. Commissioner Miller stated this is continuing what's already there. Commissioner Miller stated she can't see putting residential there next to the pipeline.

Mr. Straub asked why the road goes so far back. Mr. Straub stated the rest of us think we could live that close to it. Mr. Straub stated he does live that close to it. Mr. Straub stated he just built a \$300,000 house that he lives in right next to it, so he's kind of offended. Mr. Straub stated if he lives next to it, why is anyone more special that their property isn't worth it, but his is.

Commissioner Miller stated she would just never rezone residential to the A-1 tract there, next to the pipeline.

Mr. Straub stated there is other property there that is already residential, that is being rezoned.

Commissioner Miller stated this will be a chance to buffer it.

Tom Coudron was present to speak about this item. Mr. Coudron stated he just purchased property out in this area. Mr. Coudron showed where his piece of property is on the map. Mr. Coudron stated he appreciates this evening and the opportunity to discuss this. Mr. Coudron stated he can understand there is some logic behind the

request. Mr. Coudron stated he doesn't know yet if he likes or doesn't like this project. Mr. Coudron stated he does not like the ambiguity in the room. Mr. Coudron stated if they could get the party requesting this to bring as much as possible to this issue, he thinks it could move things along. Mr. Coudron stated he understands that this is a somewhat unusual request. Mr. Coudron stated he shares all of the concerns about quality of life and the environment. Mr. Coudron stated he would add to that dream which is quality of life. Mr. Coudron stated he would like to see expressed limitations from the people making this request. Mr. Coudron stated he thinks that would get to the ambiguity, and give us a point of conversation to have. Mr. Coudron stated that's the conversation that he, his wife, and others in the room would like to hear. Mr. Coudron stated he understands the difficulty in doing this, but the more that could be brought forth in doing that, the better this thing could work.

Commissioner Atwill asked Mr. Coudron if he was essentially asking for an explanation of what will be there.

Mr. Coudron stated he would like to know what they find unacceptable to go there.

Commissioner Miller stated they put the allowed uses on the plat. Commissioner Miller stated we know what can go there. Commissioner Miller stated if it's not on the plat, it can't go there. Commissioner Miller stated that in itself limits the opportunity. Commissioner Miller stated the uses are only allowed as infrastructure is able to support it. Commissioner Miller stated at the present time, there are only about 10,000 gallons per day of sewer infrastructure available. Commissioner Miller stated not much could be built there right now; this is a long term plan. Commissioner Miller listed the following allowed uses: agricultural activities, manufacturing or assembly of wood products, recycling center for metal containers with a capacity of less than 5 gallons, or glass, paper, plastic, or aluminum, wholesale merchandising or storage warehouses, fenced outdoor storage areas, contractors buildings or storage yards, bus barns, moving transfer or storage plants, automobile repair shops, display and sales of farm implements, seasonal or temporary fireworks stand (except lots 1 through 4), new or used cars, mobile homes, travel trailers, or boat sales, water towers, portable concrete plants for specific construction project, and parking lots (with no junk vehicles permitted). Commissioner Miller stated mechanical treatment plants or sewage lagoons were not approved under County subdivision regulations. Commissioner Miller stated these are the identified possible uses.

Commissioner Atwill stated there will be many restrictions, and everyone will be entitled to come back when someone proposes to develop a particular piece of this property. Commissioner Atwill stated he thinks there is a lot of protection there, although it may not be enough to suit everybody. Commissioner Atwill stated this is an open process, and works as well as things can work.

Tricia Straub was present to discuss this item. Ms. Straub stated when Commissioner Miller read off that list, she decided she wouldn't want any of that next to her house. Ms.

Straub stated repair shops and recycling plants are very noisy. Ms. Straub asked if Commissioner Miller would want to live next to it.

Commissioner Miller stated she doesn't know, because she doesn't know what's proposed.

Ms. Straub stated she just asks that the Commission consider rezoning the front so they can get the road in, but leave the back part residential. Ms. Straub stated she can't see the gas tanks from her house, but she will certainly get the light and noise pollution. Ms. Straub stated she is also concerned about the increased traffic.

Gary Straub stated most of those uses listed sound commercial, not industrial.

Mr. Shawver stated most of them are light industrial, but some of them are commercial. Mr. Shawver stated zoning regulations are structured so that commercial uses can take place in industrial zoned areas, but industrial activities can't take place in commercially zoned areas.

Phebe LaMar came forward to address some of the concerns residents had brought up. Ms. LaMar stated there were several comments this evening that this is an unusual request, and frankly she agrees with every single one of those comments. Ms. LaMar stated this is an unusual request that is not of her clients making, it is MoDOT's making. Ms. LaMar stated it is because MoDOT needs to put a road in and improve Highway 63. Ms. LaMar stated in the process they need to do something about Ponderosa to address some of the traffic issues that have come up. Ms. LaMar stated the reality is because it's an unusual situation, it's an unusual request. Ms. LaMar stated her client is being asked to put in a road that they wouldn't put it right now if her clients were making the decision, because they don't currently have an end user. Ms. LaMar stated because a road is needed, her clients are trying to get ahead of the game. Ms. LaMar stated her clients need to be in the position to use the property they have as opposed to a situation where a very busy road (Meyer Industrial) will be put in a residential area. Ms. LaMar stated Meyer Industrial will go through the middle of the section that is currently residential. Ms. LaMar stated if the zoning is left R-S, then they would put themselves in a situation where there is a zero buffer between residentially zoned property and a very busy road. Ms. LaMar stated she can't say what parents will do to protect their children, because she is unfortunately not responsible for those children. Ms. LaMar stated most people in the room aren't responsible for those children or how they're supervised. Ms. LaMar stated the reality is that we're talking about property that is next to a busy road. Ms. LaMar stated they are trying to address the residents' concerns by making sure there is no connectivity between the residential properties and the industrial zoned properties. Ms. LaMar stated this way there will be no trucks going through the neighborhood. Ms. LaMar stated this is an unusual situation, and as a result it must be addressed in a slightly less than usual fashion. Ms. LaMar stated several things were brought up about traffic studies, but the fact is MoDOT is responsible for those. Ms. LaMar stated we can't do a study right now because there is no end user. Ms. LaMar stated when an end user is

found, a traffic study will have to be done. Ms. LaMar stated no new traffic issues will be caused at this time. Ms. LaMar stated they aren't responsible for an environmental study at this time, but one will be done when any sites are being developed. Ms. LaMar stated buffers were brought up several times. Ms. LaMar stated section 6.4 addresses what's in a site plan. Ms. LaMar stated before any lot can be developed, appropriate buffers will have to be discussed. Ms. LaMar stated it is impossible to know what an appropriate buffer is until a user is known. Ms. LaMar stated an appropriate buffer will be created for each user, not just a general buffer. Ms. LaMar stated the same thing applies to the environment. Ms. LaMar stated they can't say this evening what needs to be done as far as stormwater goes, because we don't know which lot we're talking about, or which watershed it's going into. Ms. LaMar stated when a particular lot is being discussed, they will know exactly what watershed it's going into. Ms. LaMar stated different lots are going into different watersheds. Ms. LaMar stated she would be happy to answer any other questions, but she would like to have Brian Harrington address the road, because he is much more familiar with how that's designed.

Brian Harrington of Allstate Consultants was present to discuss this item. Mr. Harrington stated the roadway is currently reactionary to a MoDOT safety issue. Mr. Harrington stated MoDOT has a safety project they're working on, and the new roadway will go where it's being shown, or in front of the pipeline facility. Mr. Harrington stated there are issues with going in front of the pipeline facility that cannot be addressed as adequately as they can be with the other route. Mr. Harrington stated the traffic everybody is concerned about is a result of that connection MoDOT is pushing through. Mr. Harrington stated this request will in no way increase the traffic until we come back with a review plan. Mr. Harrington stated a traffic study at this time is not appropriate. Mr. Harrington stated there are existing safety problems on Ponderosa.

Commissioner Miller asked Mr. Harrington for suggestions on how to approach MoDOT with these issues.

Mr. Harrington stated he was involved with the interchange to the north, and that bridge has been on MoDOT's radar. Mr. Harrington stated to date the traffic counts have not been high enough. Mr. Harrington stated MoDOT has a tremendous number of bridges they have to deal with across the state, and they are prioritized. Mr. Harrington stated at this point, this is a low priority bridge. Mr. Harrington stated as traffic increases, it will have to increase the priority of the bridge. Mr. Harrington stated it is a concern of MoDOT's, but they don't have a plan to address it at this time.

Commissioner Miller asked what the speed is on the proposed road.

Mr. Harrington stated 40 miles per hour.

Commissioner Elkin asked if the road is an industrial standard.

Mr. Harrington stated according to County standards, industrial and commercial is

essentially the same thing.

Commissioner Elkin asked how wide the road will be.

Mr. Harrington stated 42 feet.

Commissioner Miller stated a regular subdivision road is 32 feet.

Mr. Harrington stated until there are specific site plans and a specific user are found, traffic will not be increased.

Ms. LaMar stated we have to separate the rezoning request from the review plan. Ms. LaMar stated the rezoning request does not add any users to the road at this time. Ms. LaMar stated there may be increased traffic on the road, but that has to do with the road being built, nothing to do with the rezoning.

Commissioner Miller stated MoDOT has said this solution is safer than the alternative.

Ms. LaMar stated her clients don't have a problem putting in a road on their property, but they need it rezoned so it's appropriate.

Commissioner Atwill allowed several residents to make additional comments.

Gary Straub stated he wants to know for the record if MoDOT asked the County to build the road, or if the County asked MoDOT if that would be a good option.

County Counselor CJ Dykhouse stated this is an opportunity for the public to comment, not to make queries.

Ian Straub stated since the County is showing such care for the Community, he thinks it would be wonderful if they would leave this area residential, because that would ensure they would care what kind of industry gets built there. Mr. Straub stated then, that would make sure whoever the land was sold to would not negatively impact current residents.

Commissioner Atwill stated if Mr. Straub would like to argue with the applicant later that's fine, but there is a proposal that needs to be acted upon.

Blane Holder was present to discuss this item. Mr. Holder stated he is a deacon at the Church of Christ on Ponderosa. Mr. Holder stated he is in charge of taking care of the building. Mr. Holder stated the roadway in front of that is probably a WPA project. Mr. Holder stated the portion from Magellan north has extensions on the narrow roadway, and then it has been blacktopped over. Mr. Holder stated the trucks are tearing that up constantly. Mr. Holder stated the portion south of Magellan does not have those extensions. Mr. Holder stated both bridges are narrow and substandard. Mr. Holder asked if there is any way to apply some heat to MoDOT to bring the road up to snuff.

Commissioner Atwill stated he would address that later.

Mr. Holder stated the road is in a constant state of deterioration with the current traffic, and there will be more traffic.

Commissioner Atwill closed the public hearing on this item.

Commissioner Elkin stated there was a lot of mention of this being an unusual request. Commissioner Elkin stated in his ten years on the Commission there have been numerous rezoning requests that were pending. Commissioner Elkin stated this rezoning request is basically a placeholder; the actual rezoning doesn't take place until the final plan is approved with all of the specifics for each parcel.

Mr. Shawver stated that's correct.

Commissioner Elkin stated this basically just lets the public know the types of things that will generally be taking place. Commissioner Elkin stated this will be an outer road; it will either be in front of, or behind the pipeline. Commissioner Elkin stated he thinks there are a lot of issues with running in it in front of the pipeline. Commissioner Elkin stated he agrees that Ponderosa is going to have to be looked at, especially the bridge. Commissioner Elkin stated he thinks they can continue to press MoDOT to do something, because the traffic will definitely increase. Commissioner Elkin stated the traffic from the development will go out the outer road one way or another. Commissioner Elkin stated if you look at the cul-de-sac between lots 4 and 6, half the road is already built now. Commissioner Elkin stated the traffic would eventually filter out to Ponderosa. Commissioner Elkin asked if this is rezoned, and nothing takes place within a certain time period, if the placeholder expires.

Mr. Shawver stated the regulations have a two year limit on the review plan unless the Commission approves a longer period of time up front, or an applicant can return before the two years expires and ask for an extension. Mr. Shawver stated the Settlers Ridge development was recently extended, that had originally been improved in 2000, and was renewed in 2006. Mr. Shawver stated both the preliminary plat and the review plan were extended. Mr. Shawver stated preliminary plats are typically good for five years. Mr. Shawver stated when they are done in conjunction; the Commission will often make them both have the same life expectancy. Mr. Shawver asked Commissioner Elkin if he received all of the attachments and minutes from the Planning and Zoning Commission meeting.

Commissioner Elkin stated he did.

Mr. Shawver stated he wanted to make sure the audience knew he wasn't flying blind.

Commissioner Elkin stated there was a lot of talk about residents wanting residential

zoning for the area. Commissioner Elkin stated he understands that. Commissioner Elkin asked Mr. Shawver if he knows an average traffic count for residential roads versus industrial ones.

Mr. Shawver stated there is an average of ten vehicles per day, per dwelling in residentially zoned areas. Mr. Shawver stated industrial traffic depends on the actual usages.

Commissioner Elkin asked what the traffic count would be for a business like Miller's Imaging or the police training facility. Commissioner Elkin confirmed these are typically Monday through Friday 8-5 scenarios.

Mr. Shawver stated that's correct. Mr. Shawver stated when Miller's applied for their conditional use permit, they said they would have one truck delivery per day, and possibly two during the Christmas season. Mr. Shawver stated they said they have two full time employees that would make one morning trip, and one afternoon trip.

Commissioner Elkin stated he thinks he would be safe saying, typically residential development has just as much traffic as light industrial does. Commissioner Elkin stated the type of traffic may be different, with more trucks in an industrial development. Commissioner Elkin stated a lot of the time we don't think about all of the UPS and delivery trucks that are also in residential areas. Commissioner Elkin stated he thinks it's apples to apples when you're comparing industrial areas to density housing in terms of traffic. Commissioner Elkin confirmed each site when rezoned will go through rigorous review for environmental concerns.

Mr. Shawver stated that's correct. Mr. Shawver stated they will have to have a land disturbance permit, stormwater control and erosion/sediment controls in place, a state permit, and then the sites will be monitored during construction to make sure nothing is out of line.

Commissioner Miller stated she thinks she has explained why she is comfortable with the road and the rezoning, because you have to come back. Commissioner Miller stated she would tell the developers that everything they bring for approval may not happen the way they want it to happen. Commissioner Miller stated in 5-7 years the ordinances might be much more stringent. Commissioner Miller stated whatever ordinance is in effect at that time is what they will have to follow. Commissioner Miller stated she thinks that's the safeguard. Commissioner Miller stated each request will be looked at for how it impacts the neighborhood, and the decision will be made then. Commissioner Miller stated she is very comfortable with this road. Commissioner Miller stated when she went to the public hearings to talk about Highway 63 and the outer road this solution made sense. Commissioner Miller stated it makes sense not to go next to the pipeline and have a jersey barrier. Commissioner Miller stated she thinks this is the best solution, and thinks it's in the best interest of all. Commissioner Miller stated the County needs to figure out how to get MoDOT to deal with the bridge. Commissioner Miller stated she thinks they can figure out what the traffic count is now, and what they are expecting when the outer

roads are dumping on Ponderosa. Commissioner Miller stated she thinks the County has ammunition to try to push that issue. Commissioner Miller stated the County has a good working relationship with MoDOT, and this just needs to be put on the table.

Commissioner Atwill stated his belief is that we have safety issues doing nothing, that are of much more concern than doing this. Commissioner Atwill stated it will be awhile before that particular property adds any traffic to this enhancement. Commissioner Atwill stated it will be awhile in getting the approval necessary before any traffic is added. Commissioner Atwill stated you have a timeline you can watch closely. Commissioner Atwill stated there is a fix for Ponderosa, and as Commissioner Miller said, we are in the process of working with MoDOT. Commissioner Atwill stated he will appear before them on Thursday with regard to some other issues, but he expects to work with them rather closely on these issues as well. Commissioner Atwill stated this will be an easy item to add to the list of things we want them to look at.

Commissioner Elkin stated there was a question about who got the ball rolling on this road. Commissioner Elkin stated there have been several accidents involving Public Works vehicles at the intersection in front of our facility. Commissioner Elkin stated he knows there have been several tragic accidents at the intersection just north of there at Ponderosa. Commissioner Elkin stated he thinks in the neighborhood of five years ago he approached MoDOT to see if they would have any funds available to help fix some of those problem intersections in the area. Commissioner Elkin stated one of the options at one time was to stub out a road into Prairie View Meadows. Commissioner Elkin stated they were talking about punching a road into that subdivision to help alleviate the crossings. Commissioner Elkin stated that got shut down pretty quick because we didn't want a whole bunch of traffic going in to those residential areas, so this is not new. Commissioner Elkin stated they have been talking about this for at least five years to help with some of these safety issues. Commissioner Elkin stated this did not come up just because a developer wants to rezone some land; this has been in the pot for sometime.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request of Robert M. LeMone Marital Trust to rezone from A-1 (Agriculture) to M-GP (Planned General Industrial) on 29.58 acres; from R-S (Single Family Residential) to M-GP on 42.64 acres; from R-S to M-LP (Planned Light Industrial) on .32 acres; and, R-S to R-M (Moderate Density Residential) on .37 acres, all more or less, on property located at 5515 S Ponderosa St., Columbia.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 104-2012**

Mr. Shawver stated if the Commission wants, they might consider adding a third condition that the review plan run concurrent with the life of the preliminary plat.

Commissioner Miller stated so they both run five years.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request of Robert M. LeMone Marital Trust to approve a Review Plan for Concorde South Phase 3 on property located at 5515 S Ponderosa St, Columbia with the following conditions.

1. The last sentence of the paragraph labeled Phasing Plan be revised to remove the letters “**M-LP**” so the final text will be “**A revised review/final plan will be required prior to the development of any of the proposed lots.**”
2. That it is recognized that inherent to the proposal, the uses listed for this development establishes the pool from which future specific uses will be drawn. However, the issue of whether any of these uses is appropriate for a specific location within the development or whether any of these uses as specifically proposed in the future has not been determined and is a feature of the future request and it is possible said future request may not be approved.
3. That the review plan runs concurrent with the life of the preliminary plat for five years.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 105-2012**

4. **Request by Randy and Kathleen Gibbs to rezone from C-G (General Commercial) to M-LP (Planned Industrial) on 2.13 acres, more or less, and approve a Review Plan on property located at 5481 S Ponderosa St, Columbia.**
- **Rezone** - **Review Plan**

Mr. Shawver read the following staff report:

Because the Gibbs request and the Cunningham request are shown together on a single preliminary plat/review plan staff has combined the requests for the purposes of the staff report. This property is located southeast of Columbia at the existing interruption of Ponderosa St. approximately 300 ft south of the intersection of Prairie Circle and Ponderosa St. The subject property consists of two parent parcels, the 2.5 acre Gibbs property and the 4.55 acre Cunningham property. The southeastern property line of these two properties adjoins the property containing Magellan Pipeline’s Large White Storage Tanks. The nearest municipal limit of the City of Columbia is approximately 400 ft east of the subject property across Highway 63. The Gibbs property is currently zoned C-G (general commercial) which is an original zoning and the Cunningham property is zoned M-LP (planned industrial) which was rezoned in 1999.

Adjacent property is zoned as follows:

- North - R-M (moderate density residential) and C-G
- South – A-1 (agriculture), M-L (light industrial), and R-S
- East – M-L
- West – R-S

These are all original 1973 zonings.

The current proposal consists of a 5 lot preliminary plat and review plan to reconfigure the Gibbs and Cunningham properties along with the right-of-way for an extension of Meyer Industrial Dr. The Turnberry property is included on the graphic as part of the preliminary plat since this property is proposed to be reconfigured as well. The roadway shown is actually proposed to be built in a single phase along with the portion of the road on the adjoining LeMone property. In conjunction with the preliminary plat there is the required review plan for the proposed planned rezonings. The review plan represents a proposed rezoning of the Gibbs Property from C-G to M-LP and comprises a revised review plan for the Cunningham property. Revised review plans are treated the same as rezoning requests. A 0.32 acre portion of the LeMone property which adjoins the existing Cunningham property, currently known as Ponderosa Subdivision PID, is to be incorporated into this revised review plan which is now proposed to be named Ponderosa Subdivision Phase 2 PID.

Effectively, this proposal allows the existing uses of the properties to be legitimized and reconfigured to appropriately address the new roadway.

The Master Plan identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposed rezoning. The sufficiency of resource test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis. The resources used in the test can generally be broken down into three categories: utilities, transportation and public safety services.

Utilities:

- Water: The property is in Consolidated Public Water Supply District #1
- Sewer: The Boone County Regional Sewer District has a central sewer that serves the area. The property contained within the review plan has limited sewer capacity allocated to it and this limitation will buffer the scale of the uses proposed for the property. However, the existing contractor’s lot and buildings, truss manufacturer, and self storage can be supported by the existing level of service.
- Electricity is provided by Boone Electric.

Transportation:

- The development proposes construction of a connection of Meyer Industrial Dr with the existing portion of Ponderosa in such a way as to provide a continuous two way outer roadway to support the improvements to Highway 63. All lots within the development will have frontage on and direct access to this new section of roadway.

Public Safety Services:

- The property is within ½ mile of the nearest fire station and the construction of the new roadway will make access easier and safer than under the existing conditions. Public safety services to this location should be adequate for the needs of the development. The limited scale of the possible uses of the property keep the potential public safety needs to a minimum.

Stormwater

- The development is subject to the Boone County Stormwater Regulations. The development is addressing the stormwater issues created from the construction of the road on proposed lot 3. Additionally, the stormwater needs for the proposed level of development shown on the plan have been incorporated into the features of the facilities on lot 3.

Zoning Analysis

This request is essentially a clean up of existing conditions and a means to have the interactions of the uses on these properties interact appropriately with the new roadway segment. The building sizes and locations shown on the plan when combined with the list of allowed uses limits these properties in intensity sufficiently to make these good buffering uses between the new roadway and the pipeline tank facility. This combination should make these properties productive while still having a low number of people on site.

The current proposal meets the sufficiency of resources test for the uses and sizes of structures proposed for the site. The utilities available or being installed will support this limited level of development and will act as a governor on the intensity of activity possible for these lots. The new roadway will provide better access to the properties involved as well as better public safety response/access.

The Master Plan designates this area as suitable for industrial land uses and the existing M-LP development of a portion of this request would be consistent. Additionally, the Master Plan promotes the use of Planned Districts as a means to establish or expand commercial and industrial areas. The property scored 83 points on the rating system. Staff notified 40 to 41 property owners concerning these requests.

While these items have been combined for purposes of the staff report, staff recommends the following in terms of actions on the individual requests:

Staff recommends that the public hearing for the Gibbs Requests and the public hearings for the Cunningham Request be held concurrently.

Then because they are shown on a single combined preliminary plat which also doubles

as the required review plan for Gibbs and the revised review plan for Cunningham, staff recommends that motions related to the preliminary plat, review plan, and revised review plan be made encompassing of both requests. Therefore:

Staff recommends approval of Gibbs Rezoning from C-G to M-LP

Staff recommends approval of the preliminary plat and review plan for Ponderosa Subdivision Phase 2 with the recognition that this approval constitutes the approval of the revised review plan for the Cunningham request, the approval of the required review plan for the Gibbs request and approval of the preliminary plat.

The Planning & Zoning Commission conducted a public hearing on these requests during their February 16, 2012 regular meeting. There were ten members of the commission present.

Following the public hearing, a motion was made to recommend approval of the Gibbs rezoning request. The motion to recommend approval of the rezoning request passed unanimously.

A motion was then made to recommend approval of the Review Plan. That motion also passed unanimously.

Mr. Shawver stated after the LeMone rezoning request was heard by the Planning and Zoning Commission, all audience participation departed. Mr. Shawver stated there was no further public testimony other than the applicants.

Brian Harrington of Allstate Consultants was present on behalf of the applicant. Mr. Harrington stated he had nothing further to add.

Commissioner Atwill opened the public hearing on this item.

No public was present to comment on this item.

Commissioner Atwill closed the public hearing on this item.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request of Randy and Kathleen Gibbs to rezone from C-G (General Commercial) to M-LP (Planned Industrial) on 2.13 acres, more or less, located at 5481 S Ponderosa St, Columbia.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 106-2012**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request of Randy and Kathleen Gibbs to approve a Review Plan

for Ponderosa Subdivision Phase 2 on property located at 5481 S Ponderosa St., Columbia.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 107-2012**

5. Request by Harold & Wanda Cunningham for a revised review plan on 4.55 acres in the ML-P (Planned Industrial) zoning district located at 5495 S Ponderosa St. Columbia.

Commissioner Atwill opened the public hearing on this item.

No public was present to comment on this item.

Commissioner Atwill closed the public hearing on this item.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** a revised review plan by Harold & Wanda Cunningham for revised review plan on 4.55 acres in the ML-P zoning district located at 5495 S Ponderosa St. Columbia.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 108-2012**

6. Request by Turnberry Properties LLC to rezone from R-M (Moderate Density Residential) to C-G (General Commercial) on 4,695 sq. ft. (.107 acres), located at 4802 E Meadow Lark Ln., Columbia.

Mr. Shawver read the following staff report:

This property is located southeast of Columbia approximately 200 ft southwest of the corner of the intersection of Prairie Circle and Ponderosa St. The subject property consists of a 4695 square foot portion of Lot 72 of Prairie Meadows Plat 8 that is proposed for rezoning. The nearest municipal limit of the City of Columbia is approximately 400 ft east of the subject property across Highway 63. Lot 72 is currently zoned R-M (moderate density residential) which is an original zoning.

Adjacent property is zoned as follows:

- North - R-M
- South – C-G (general commercial)
- East – C-G
- West – R-M

These are all original 1973 zonings.

The current proposal consists of a 4695 square foot portion of Lot 72 that if rezoned from R-M to C-G will be combined and platted into a new configuration of lot 73. This new configuration will move the property line so that it is parallel to the wall of the structure existing on Lot 72. As has been mention previously existing lot 73 is proposed to be reconfigured to allow the creation of roadway right-of-way for the extension of Meyer Industrial Dr. The reconfiguration is shown on the preliminary plat component of Ponderosa Subdivision Phase 2.

The Master Plan identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposed rezoning. The sufficiency of resource test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis. The resources used in the test can generally be broken down into three categories: utilities, transportation and public safety services.

Utilities:

- Water: The property is in Consolidated Public Water Supply District #1
- Sewer: The Boone County Regional Sewer District has a central sewer that serves the area. The rezoning will not substantially change the anticipated land uses or needs of the lots from the existing conditions.
- Electricity is provided by Boone Electric.

Transportation:

- The proposal will have no impact on the transportation network other than there may be improved driveway access to lot 73 in the future from Meadow Lark Lane.

Public Safety Services:

- The property is within ½ mile of the nearest fire station and the rezoning will have no impact on these services.

Stormwater

- The development is subject to the Boone County Stormwater Regulations. The rezoning will not on its own effect Stormwater on the property.

Zoning Analysis

While lot lines are supposed to intersect road right-of –way at perpendicular angles the existing lot line does not intersect at a 90 degree angle. The current lot line and zoning

district boundary line is the section line. Essentially if the rezoning request is approved the lots can be reconfigured to make sure that the resultant lots only have one zoning. The oblique angle of the lot line simply reverses which lot the triangular portion of the property is associated with. Additionally, it should be noted that the County Commission will hold a public hearing on the vacation of the lots from the existing plat and on the concept of the replat as shown on the preliminary plat of Ponderosa Subdivision Phase 2. This hearing will determine whether or not the lots can be replatted. The County Commission hearing is set for Tuesday February 28th 2012.

The Master Plan designates this area as suitable for residential land uses but this request doesn't establish a new commercial lot and amounts to adjusting zoning and lot lines to accommodate the new road construction. The property scored 83 points on the rating system. Staff notified 124 property owners concerning this request.

Staff recommends approval of the request from R-M to C-G.

The Planning & Zoning Commission conducted a public hearing on this request during their February 16, 2012 regular meeting. There were ten members of the commission present.

Following the public hearing, a motion was made to recommend approval of the rezoning request. The motion to recommend approval of the rezoning request passed unanimously.

Brian Harrington of Allstate Consultants was present on behalf of the applicant. Mr. Harrington stated he had nothing further to add.

Commissioner Atwill opened the public hearing on this item.

No public was present to comment on this item.

Commissioner Atwill closed the public hearing on this item.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request by Turnberry Properties LLC to rezone from R-M to C-G on 4,695 sq. ft. (.107 acres), located at 4802 Meadow Lark Ln., Columbia.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 109-2012**

- 7. Petition submitted by Turnberry Properties LLC for permission to vacate and replat lot 72 and lot 73 of Prairie Meadows Plat 8, as shown in Plat Book 40 Page 37 of Boone County Records.**

Mr. Shawver stated this is a petition to change the lot lines between lot 72 and 73 in conjunction with the rezoning request. Mr. Shawver stated before a lot can be replatted in a subdivision, it requires a hearing before the County Commission to consider the replat and the vacation. Mr. Shawver stated generally we notify all property owners within 500 feet of a plat vacation, but we notified out to 1000 feet on this as well since so many notices were going out anyway. Mr. Shawver stated the only calls they received were about why they received another letter. Mr. Shawver stated once they explained things, no one had any issues with this.

Brian Harrington of Allstate consultants was present on behalf of the applicant. Mr. Harrington stated he had nothing further to add.

Commissioner Atwill opened the public hearing on this item.

No public was present to comment on this item.

Commission Atwill closed the public hearing on this item.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the petition by Turnberry Properties LLC to vacate and replat lot 72 and lot 73 of Prairie Meadows Plat 8, as shown in Plat Book 40 Page 37 of Boone County Records.

Said vacation is not to take place until the re-plat is approved.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 110-2012**

8. Road Maintenance Agreement with the City of Columbia (first reading)

Director of Resource Management Stan Shawver was present on behalf of this item. Mr. Shawver stated this is determining who is responsible for what section of the road. Mr. Shawver stated some of these have been done over the years as gentleman's agreements, and we're trying to eliminate these because gentlemen fall out sometimes. Mr. Shawver stated institutional memory is not always as it should be. Mr. Shawver stated we're trying to identify those and get them on paper.

Mr. Dykhouse stated this is not an uncommon agreement, and it's the third one we've done. Mr. Dykhouse stated the substance changes but the format has stayed the same for three years. Mr. Dykhouse stated it represents a positive evolution of our interactions with the city on roads. Mr. Dykhouse stated the City takes the lead on several projects, and the County takes the lead on others. Mr. Dykhouse stated he believes this is a positive way to share road maintenance.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available Commission meeting with an appropriate order for approval.

Sheriff's Department

9. Budget amendment for MO ICAC grant (second reading, first read 2/16/2012)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to budget for Missouri ICAC grant expenditures, and revenue for reimbursement of expenditures:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1253	37210	Internet Crimes/ ICAC	Training/ Schools		6,383.00
1253	37220	Internet Crimes/ ICAC	Travel		440.00
1253	37230	Internet Crimes/ ICAC	Lodging/ Meals		770.00
1253	03411	Internet Crimes/ ICAC	Revenue		10,000.00
1253	23850	Internet Crimes	Minor Equip & Tools		2,407.00

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 111-2012**

10. Budget revision to cover the cost of a replacement vehicle (second reading, first read 2/23/2012)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget revision to cover the cost of a replacement vehicle for one totaled in a crash:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1195	03945	Insurance Claim Act.	Insurance proceeds		7,000.00
1123	86800	Emergency Funds	Emergency	20,860.00	
1195	92400	Insurance Claim Ct.	Replacement Veh.		26,860.00

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 112-2012**

Purchasing

11. Bid award to Holiday Inn Executive Center, Wingate by Wyndham, and Holiday Inn East for bid 02-10JAN12 – Juror Accommodations Term and Supply (first reading)

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available Commission meeting with an appropriate order for approval.

Mr. Dykhouse stated when we have sequestered juries we need accommodations. Mr. Dykhouse stated these are not uncommon players.

12. Bid award to Gulf States Distributors, OMB Guns, and Simmons Gun Specialties for bid 05-23JAN12 – Ammunition Term and Supply (second reading, first read 2/23/2012)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid 05-23JAN12 – Ammunition Term and Supply to Gulf States Distributors, OMB Guns, and Simmons Gun Specialties. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 113-2012**

13. Cooperative Contract: Q013009 – Video Conferencing Products (second reading, first read 2/23/2012)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the utilization of University of Missouri System cooperative contract Q013009 – Video Conferencing Products with Expedite VCS. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 114-2012**

Commission

14. Legislation Consultant Services Agreement (first reading)

Commissioner Miller stated is an ongoing agreement with Burnett & Associates for their legislative efforts on the County's behalf. Commissioner Miller stated this is a renewal

contract.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available Commission meeting with an appropriate order for approval.

15. Public Comment

16. Commissioner Reports

Mr. Shawver stated he would just like to say that the LeMone rezoning request was the tightest rezoning request we have ever handled as far as having the most restrictions. Mr. Shawver stated they tried to tie it down as strictly and as closely as they could.

Commissioner Atwill stated they tried to explain that.

Commissioner Miller stated she thinks there was just a lot of confusion and people thought this rezoning took effect immediately, and that LeMone would get whatever they bring forward. Commissioner Miller stated the conditions said they may not get everything they request.

The meeting adjourned at 9:41 p.m.

Attest:

Daniel K. Atwill
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner