

**BOONE COUNTY PLANNING & ZONING COMMISSION**

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, August 15, 2002

Chairperson Smith called the meeting to order at 7:00 p.m., with a quorum present. Roll Call was taken by Commissioner Sloan.

Present:	Pat Smith, Chairperson	Perche Township
	Michael Caruthers, Vice-Chairman	Centralia Township
	Mary Sloan, Secretary	Rocky Fork Township
	Mike Morgan	Bourbon Township
	Carl Freiling	Cedar Township
	Kristen Heitkamp	Missouri Township
	<del>David Mink, Director</del>	<del>Public Works</del>

Absent:	Keith Neese	Columbia Township
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Also present:	Stan Shawver, Director	Bill Florea, Staff
	Thad Yonke, Staff	Paula Evans, Staff

DRAFT ONLY

Commissioner Heitkamp made and Commissioner Caruthers seconded a motion to approve the minutes of the July 18, 2002 meeting with no corrections.

Motion passed by acclamation.

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

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight’s agenda includes one conditional use permit and two rezoning requests.

In general, the Planning and Zoning Commission tries to follow Robert’s Rules of Order, however, they are authorized by the Missouri State Statutes to follow their own by-laws. The by-laws provide that all members of the Commission, including the Chairperson, enjoy full privileges of the floor. The Chairperson may debate, vote upon or even make any motion.

Due to the fact that the applicant for the rezoning request owns both tracts of land and they are located directly adjacent to each other, the Commission will conduct a single public hearing for the two requests. However, a separate motion will be made for each tract of land.

The following procedure will be followed for the conditional use permits and the rezoning requests:

The agenda item will be announced, followed by a report from the Planning Department Staff. At that time, the applicant or their representative may make a presentation to the commission. The Commission may request additional information at that time, or later following the hearing. After the applicant’s

presentation, the floor will be opened for anyone wishing to speak in support of the request. We ask that any presentation made to the Commission be to the point.

Please give your name and mailing address when you address the commission. We also request that you sign the sheet on the staff table after you testify.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the Commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. The agenda tonight could be lengthy, and while we wish to extend an opportunity to everyone that wishes to speak, we ask that you not be repetitious with your remarks. We also recognize that many issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, catcalls or other signs of support or displeasure. Please afford those with a different point of view from you own the same respect and consideration you would like to be shown yourself.

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

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, August 27, 2002. ~~Interested parties will again have the opportunity to comment on the requests at that time.~~ The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. The County Commission hearing scheduled for Tuesday, August 27, 2002 will begin at 7:00 p.m. and will convene in this same room.

## **CONDITIONAL USE PERMITS**

1. Request by William S. Regan, Jr. for an Agri-business on 2.78 acres located at 7201 S. Nursery Rd., Columbia (SW corner Nursery Rd., and Rte K.)

Planner, Bill Florea gave the staff report stating that this property is located south of Columbia at the intersection of State Highway K and Nursery Road. The property is zoned A-2 (Agriculture), as is all the surrounding property. The property is currently vacant, but has been used for agricultural purposes in the past. The applicant is requesting a conditional use permit for an agri-business. The applicant operates a wholesale greenhouse on Nursery Road. If approved, he would open a retail garden center that would retail plants grown in the greenhouses, as well as accessory items related to gardening. This property is located in the Columbia Public School District. Boone Electric and Consolidated Public Water District No. 1 would provide utility services to the property. This tract was originally part of a larger tract of land, and was platted as Grassland Hills subdivision in 1999 when Boone County

relocated Nursery Road. The master plan designates this area as being suitable for residential land uses. Staff notified 7 property owners about this request.

Staff sees the proposed use as compatible with the surrounding area and recommends approval with the following conditions:

- The driveway and required parking area be dust free with a minimum of a chip and seal surface.
- Permit is restricted to the sale of agriculture and horticultural related items.

Present: William S. Regan Jr., 1101 E. Nifong, Columbia.  
William S. Regan Sr., 7466 S. Nursery Road, Columbia.

Mr. Regan Sr. stated that most of the information regarding this request was already given in the staff report. Applicants started out on a 40-acre tract adjacent to the property and grew vegetables; it has always been a wholesale operation. Applicants are approaching the point where they think that with the population increasing in the area, a garden center would be a good service to the community and a good way to present fresh quality product to the general public. This would be a good idea for the area. Applicants would sell products that they produce themselves in the greenhouse. Other things that would compliment those products would be sold as well.

Chairperson Smith asked what the hours of operation would be.

Mr. Regan Sr. stated that they would vary somewhat from season to season. In spring it would be open 7 days a week from about 8:00 a.m. to 7:00 p.m. During the summer the hours would drop back. In the fall they will be open more hours than in the summer time due to mums and other products for fall. Applicants would also be interested in merchandising some of the poinsettia crop for Christmas.

Commissioner Sloan asked the applicants if they would simply sell plants or would produce also be sold.

Mr. Regan Sr. stated that the applicants have experimented but have not done too much with growing produce in the greenhouse. Applicants grew greenhouse tomatoes and cucumbers last fall to experiment and were very happy with the success they've had. Applicants would also look at some other greenhouse products and sell some other things grown on the property.

Commissioner Heitkamp asked if the photos submitted to the Commission is what the applicants are planning to build.

Mr. Regan Sr. stated that applicants would like to build something similar to what is shown in the photos. Applicants are working through some estimates with different suppliers of greenhouse structures. That is the basic idea. The greenhouse plans that were submitted were for a different greenhouse that is located in California, Missouri. Applicants are talking to that company and are just now getting the quotes to see what is available.

Commissioner Caruthers asked what the size of the greenhouse would be. Do applicants have one now and are proposing another?

Mr. Regan Sr. stated that at the present time, the property in which the applicants intend to do this is separate from the property they've been doing their work on. Applicants have a fairly large wholesale greenhouse that applicants would be drawing their product from and then the greenhouse that they would propose to construct would be about 40 X 144 then a sales room on the end.

Commissioner Caruthers stated that the sales area depicted in the photograph is probably non-representative.

Mr. Regan Sr. stated that the photo is one the applicants saw on a tour and liked it. Applicants wanted to give the Commission an idea of what applicants want to strive for. At the time the application was submitted the applicants had no drawings or quotes.

Commissioner Caruthers asked if applicants plan to farm any of the additional acreage for produce that the applicants would sell.

Mr. Regan Sr. stated that produce is not the applicant's main thing. Mostly it is greenhouse product. The 35-acres are occupied by the greenhouses which are about 80,000 square feet which applicants have used over the last 30 years since 1970. The portion of the property that the applicants are going to do the retail if it works out would be 2.78 acres. A drawing was submitted showing an idea of how the applicants thought it would be laid out with a chip and seal lot with the greenhouse structure. There wouldn't be any additional room for farming there. Applicants will utilize the greenhouse that they will be selling out of in the off season for growing other things.

Open to public hearing.

No one spoke in favor of or in opposition to the request.

Closed to public hearing.

Commissioner Caruthers made a motion to approve the request. Commissioner Mink seconded the motion.

Discussion on the motion.

Commissioner Morgan asked if the Commission needed to set up hours of operation.

Commissioner Caruthers stated that the seasons would set the hours.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **approve** with staff conditions the request by William S. Regan, Jr. for an Agri-business on 2.78 acres located at 7201 S. Nursery Rd., Columbia.

Carl Freiling – Yes  
Pat Smith – Yes  
Mike Morgan – Yes  
Mary Sloan – Yes

Kristen Heitkamp - Yes  
Mike Caruthers - Yes  
David Mink – Yes

Motion to approve request carried unanimously.

Chairperson Smith informed the applicants that this matter would go before the County Commission at 7:00 p.m., August 27, 2002.

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## **REZONING REQUESTS**

- 1 Request by Nicholas Peckham to rezone from R-S (Single Family Residential) to R-D (Two Family Residential) of 5.0 acres, more or less, located at 1851 W Rte K, Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located one mile due south of the general Columbia municipal limits to the north, but travel distance to the city limits is three miles. However, the property immediately to the west is in the process of being annexed into the city and subdivided. The site is situated on the north side of State Highway K across from both the intersection of Coneflower Avenue and State Route K and the intersection of NewTown Avenue and State Route K. The site is ~~immediately south of a portion of Gateway South Subdivision and north to northwest of the NewTown development.~~ The two tracts, a 10-acre and a 5-acre for a total of 15-acres, comprising this request are zoned R-S (residential single-family). Property to the south, excluding the NewTown development, the southwest, and west of the proposal is zoned A-2 (agriculture). Property on the north side of Route K to the north and east is zoned R-S and these are all 1973 original zonings. The NewTown development is composed of a central section zoned R-S/PRD (Residential Single Family/Planned Residential Development) flanked on the east and west by C-GP (planned commercial) zoning with a condition limiting uses of the commercial areas to the C-N (neighborhood commercial) uses with C-N conditional uses being required to obtain CUP's. All the NewTown zonings were rezoned from A-2 in 1998. Currently, the 10-acre tract is vacant while the 5-acre tract is the site of a single family dwelling, garage, and an outbuilding. Under the existing R-S zoning the Maximum Theoretical Density of the property is approximately 93 dwelling units. If the property is rezoned to R-D (residential duplex) the Maximum Theoretical density is approximately 131 dwelling units. There is both 100-year Floodplain and Floodway present on the property. The site slopes significantly from north to south towards Route K. The topography and geographic features of the site will make a non-planned development for this property problematic. It will be both costly and practically prohibitive to develop the property in a manner that will approach the maximum density under the existing zoning, which makes the increased density requested questionable as to its appropriateness. In any rezoning request it is incumbent upon the applicant to show that the requested zoning is more appropriate than the existing zoning, this is especially true of non-planned requests such as this. Due to the features of the site, development of the property would be best handled as a planned development which would allow greater flexibility of design to maximize the number of proposed units and insure compatibility with both the site features and the surrounding area while providing oversight and protection from potential impacts. However, the request is not a planned request, so the rezoning must be evaluated as a worst case scenario. In a worst case analysis a standard R-S development, while still lacking the protections of a planned development, has less potential for detrimental impacts than a standard unplanned R-D

development. Central sewer service is proposed to be provided to this property from the BCRSD facility south of Cedar Brook Subdivision. The sewer access will be by connection to the collection system within NewTown. The BCRSD indicates that additional capacity for approximately 169 additional dwelling units is available from this facility. The developer has not secured any of this remaining sewer capacity at this time. This will need to be worked out with the BCRSD, as there is other existing and developable property in the area which may secure some of this remaining capacity, leaving the property within this proposal without adequate service capacity to support the rezoning request. Additionally, the BCRSD has indicated that up to 161 units of the remaining capacity may be needed for 4 existing subdivisions in the area and is looking at using at least a portion of the remaining capacity in this manner. This circumstance makes it uncertain if sewer capacity will even be sufficient to maximize the number of potential units under the existing zoning. This area is served by Consolidated Public Water District No. 1. There is an upgraded waterline along Rte K at a minimum of 8". Final fire flows may limit the sizes and uses of any proposed development. The development will be within the Columbia Public School District, The Boone County Fire Protection District, and Boone Electric service areas. The *master plan* designates this area as being suitable for residential land uses. Both the existing and proposed zonings are consistent with the master plan. This site has 70 points on the point rating system. Staff does not believe that the rezoning of R-S to R-D is appropriate because of the limitations of the site features with respect to the increase in maximum density, increase in number of dwelling units able to be proposed, and the potential for additional problems associated with trying to maximize the number of units in any development proposal for the property without any of the offsetting protections of a planned district. It will be difficult enough to maximize the number of dwelling units under a traditional R-S development of the property, so the potential increase is not as appropriate as the existing zoning. Staff notified 156 property owners about this request.

Staff recommends denial of both Rezoning Requests.

Present: Jay Gebhardt, A Civil Group, 711 W. Ash, Columbia.  
Nick Peckham, 3151 W. Route K, Columbia.

Mr. Peckham stated that he and his wife own the property. Applicants bought the property while he was developing New Town in order to secure the use of the land while planning what to do at New Town. He and his wife put the money in the land bank and now they wish to sell the property. Mr. Peckham stated he is before the Commission as a land owner, not as a developer.

Mr. Gebhardt presented a black and white aerial photo of the property and surrounding property.

Mr. Gebhardt stated that he never likes to come in to these hearings with a negative staff report; it makes the hill a little steeper to climb. Mr. Gebhardt stated that he would like to explain why R-D is as good or better than the existing R-S zoning.

Mr. Gebhardt pointed out on the aerial map the locations of Route K, the tracts in question, New Town Subdivision, Leatherwood Hills store, Gateway South, Cedar Brook Subdivision, and Maple Meadows. Mr. Gebhardt stated that most of the map is the Cascades. The Cascades is part of the City and it is currently being done. It is all single family, there are some smaller lots, the homes are going to arrange from \$150,000 to \$200,000. As you work your way down the cul-de-sacs you are probably approaching the \$300,000 homes. Mr. Gebhardt stated that in New Town there are some \$100,000 being constructed now and then Cedar Brook and Gateway.

Mr. Gebhardt stated that the reason he brings that up is because it is kind of a sea of single family. Applicants feel that a diversified community is a better community. It allows more people to live in this area that may not be able to afford a home or the rent for a single family home.

Regarding the infrastructure, Mr. Gebhardt stated that there is an existing water line. Applicants talked to the water district and feel they can get adequate capacity for fire protection. Regarding the sewer situation, applicants have not secured the right to that capacity because the Sewer District wants \$1400 per unit for that capacity. Until applicants know how many units they can not pursue that. Applicants have talked to a developer and in Mr. Gebhardt's discussions with the developer it is a reasonably safe assumption that there would be capacity for the type of development that would occur here.

Mr. Gebhardt stated that in the existing topography on this site, there is a flat area for a few hundred feet then an extremely steep slope up to Gateway South on the five acres. That slope continues then there is a ridge that comes up. Mr. Gebhardt stated that he has worked with several developers looking at this tract trying to come up with plans and you are basically looking at an RS-PRD scheme. The reason that has failed to this point is because applicants went out and did some test holes on the top of the ridge and hit rock at 4-feet at the top and 7-feet on the slopes. It is such a steep area applicants can't cut the hill down without going in to a quarry operation and mining rock. It is going to be very difficult to work in this area and on those steep slopes. The site is unique in that and Staff brought that up in the report that this is a difficult site. Mr. Gebhardt stated that his take is that the site itself is going to limit what anyone can do on this that is economically feasible. Looking at the worse case scenario, like staff is required to do, is fine. But in reality 93 homes on this tract is not practical in the existing R-S zoning.

Mr. Gebhardt stated that applicants met with neighbors of New Town a little over a week ago and there was a lot of discussion about New Town and about stormwater in the area. Unfortunately Mr. Peckham has some baggage with New Town. Some people hate it, some people love it. Mr. Peckham's idea was an analogy of cars. He wanted to build a Cadillac but the market demanded a Chevrolet. When it was presented there was more an upscale of homes proposed and unfortunately the market wouldn't support that and that is not what has occurred there

Mr. Gebhardt stated that Mr. Peckham owns this land and he desires to sell it. He has been working since march with different developers in town trying to see if they are interested in the tract and without any question, they wouldn't be interested at all unless it was a duplex type of development, whether it is R-D or RS-PRD they don't feel that they could sell single family homes here given that all of the existing housing stock is going on and then the homes in New Town. It does make some sense; at the meeting Mr. Gebhardt stated he heard it called spot zoning and there are duplexes in the area and commercial. Duplex zoning would provide some kind of transition in to all the single family.

Mr. Gebhardt stated that one of the questions he would like to try and answer is why R-S not desirable. Mr. Gebhardt stated that he has already hit on one of those. There is a lot of single family planned out there. The basic supply and demand is a consideration that maybe the Commission don't have to weigh to heavily on but as the owner of the property and the developer certainly has to lay that. The competition is huge for single family in this area. Mr. Gebhardt stated that he really believes in planning, we need to plan on a diversified housing stock, meaning every person of means who can rent or wants to live in this area, there should be something available for them. The existing duplex lots are very compact and very small, applicants are proposing with R-D, it would be a minimum of a 10,000 square foot lot, which is what is required. It would be substantially different from what is across the street. Instead of having 7000 square foot lot, it has a 10,000 minimum size.

Mr. Gebhardt stated that the big question here is why applicants aren't planning for a planned district. If he had a client that was going to develop this, that is what he would be doing. Mr. Gebhardt stated that he didn't want to convince the Commission that R-S is not better than R-D. The Commission knows that it gives you a lot more control of the development of the property. But in some effects R-S has some detriments to the development.

Mr. Gebhardt stated that the applicants were kind of caught in a circular loop, it is no fault of the Commission, but it is something that is real that the applicants have to deal with. PRD requires a plan, a plan for these 15-acres is going to cost around \$8,000 to \$10,000. A plan requires a developer because they can't put together a plan unless it is a fictitious one unless he has the person that is going to be doing the development. Otherwise, he would be just waving his hands and saying that this is something that could be done and he would have no idea whether that would be the intent or not. A developer requires the ability to build duplexes.

Mr. Gebhardt stated that he can not get a developer interested in paying for a PRD plan because he doesn't have any rights. The Commission has heard this argument before but it is a very real thing that the applicants are caught in. Since Mr. Peckham is not the developer on this; this is why the applicants have the problem. Mr. Gebhardt stated that the applicants have no problem with the idea of a planned residential development; applicants are not opposing it based on the requirements or anything else. It is just that it is difficult to put together a plan. If you look at New Town, Mr. Peckham had a vision for the housing types that would be there and it didn't happen. Mr. Peckham has realized that situation and he does not want to put himself in the position of planning this and someone coming along and doing something different. Why is RD zoning as good as or better than RS or an RS-PRD? One of the things a plan would give you is an idea how this was going to be laid out. Because of the limiting topography, there are very few options on this. With the floodplain on the creek and climbing the ridge and the rock situation, it makes it very difficult and expensive to climb the hill. There is a 25-percent grade on the hill and a street can't even go up, the maximum is a 10-percent grade. With an R-S development; this is a quirk of the building community, probably 95-percent of duplexes are not built on basements, they are built on slabs. Single family homes can be built on basements and are. In the lower end, a lot of them are slabs and they can be built on foundations. With foundations, you may be able to utilize some of this area and develop it. With an R-D, most developers can't afford to spend the money to move the rock to create slab lots.

Mr. Gebhardt presented the Commissioners with a plan which showed the lot layout in the current R-S zoning and also a plan which showed the lot layout for the proposed R-D zoning.

Mr. Gebhardt asked the Commission not to take the plan as the absolute layout; it is only an example diagram to look at. Mr. Gebhardt stated speaking to the stormwater issue. The layout of the current R-S shows a plan building on the easily buildable part of the land. That plan shows 37 single family lots. The second plan shows essentially the same layout but with 10,000 square foot lots and it reduces the number down to 24 duplexes. Mr. Gebhardt stated the reason he brought this us is that one of the reasons to do a planned residential is to control stormwater effects downstream. One of the ways to do that is to limit the hard surfaces in a development. In R-S, if you imagine each one of these homes having an 1800 square foot roof versus the duplex zoning each one having possibly a 3000 square foot roof, there is a difference of about 600 square feet. There are 13 additional lots. Mr. Gebhardt stated that his point is that in the R-S zoning, the potential for hard surfaces is a lot greater than there is in R-D. It is kind of strange because R-D has more units but it doesn't necessarily correlate to more hard surface as far as stormwater is concerned.

Mr. Gebhardt stated that it is unfortunate that during the preliminary platting process that the Commission doesn't have the tools to require detention, because that is something that Mr. Gebhardt looked at on this site just because of the people who live downstream have indicated they have problems. Another point is that these 15 acres and the 200 acres, there is no detention required in the City of Columbia. These people are going to have a huge drainage problem regardless if this develops or not. This 15 acres is a drop in the bucket. Mr. Gebhardt stated that it is not insignificant, but it is pretty small compared to that.

Commissioner Heitkamp asked Mr. Gebhardt if the Cascades was in the City.

Mr. Gebhardt stated yes.

Commissioner Heitkamp asked if it were adjacent to the lot in question.

Mr. Gebhardt stated yes, and pointed out the location of the City boundary.

Mr. Gebhardt stated that he is not trying to make a small issue out of this, if he were the one doing this, he would propose detention for this site because it would be an inexpensive way to address that issue. Hopefully when they review the plans and they look at their box culvert underneath Route K, the State Highway department will realize that it is not designed for all of this being developed and they will require detention.

Mr. Gebhardt stated that traffic is another issue on Route K; it is the only way in and out of the south area of town. Mr. Gebhardt stated that even using his example, he has 24 duplexes, that is 48 units or 37 single family. This is something that the difference in the car count is going to be something that is not even measurable as far as when you add it in to the mix on Route K. That is not a huge concern either way. The staff said that there are 93 lots allowed in R-S or in a RS-PRD, essentially 7000 square foot lots in R-S PRD, in RD you could have about 65 lots.

Mr. Gebhardt stated that the difficulty of this tract is the terrain and the topography. The staff said it would be difficult to develop it as it is now; and it is but instead of saying that a planned district is necessarily better for that, the terrain is going to limit just about what anyone does on this property. It is already self limiting. There is only a certain amount of developable area without moving a lot of rock. The hillside behind gateway south is 25 percent. It is hard to imagine anyone developing that.

Mr. Gebhardt stated that this provides a transition from the NewTown development commercial to the Gateway and the Cascades and it provides larger lots. What is interesting is one of the reasons the developers Mr. Gebhardt talked to have wanted to pursue an RS-PRD is because it gives them the flexibility and that flexibility is to have more lots. RS-PRD lots are set at 7000 square feet minimum. There is only so much land you can build on.

Mr. Gebhardt stated that one of the things the applicants wanted to leave the Commission with is the question that is it better to leave the zoning with R-S with its known problems. Or is it better to go with less lots maybe more units with R-D or is it better to sit and wait until someone comes in with a planned district.

Commissioner Sloan asked Mr. Peckham when he purchased the property.

Mr. Peckham stated that he bought the 5-acres in 1998 or 1999, the 10-acres to the west was purchased shortly thereafter.

Mr. Gebhardt stated that Mr. Peckham has been corresponding with some neighbors by letter. Mr. Gebhardt presented a letter in response to Mr. Peckham.

Mr. Peckham stated that the applicants had a neighborhood meeting and about 12-15 people came, many are present tonight. A major concern was brought up especially from the people who live to the east of NewTown where the lots are quite flat. At the request of Cara Carter who is present and her mother, Tom Trabue, engineer for NewTown, and Mr. Peckham went to meet with Ms. Carter to discuss the drainage to try and understand exactly where the problem might be coming from. Mr. Trabue pointed out that the drainage way that is going in to the creek that separates the two subdivisions is roughly 53-acres in size on the other side of Route K. The contribution from NewTown consists of about two or three acres in the area that would be east of NewTown Avenue and south of Center Street. Mr. Peckham stated that he hopes that was a useful presentation for Ms. Carter. The point that Mr. Gebhardt made about detention, regardless of how this gets developed, it would be a good idea to have some stormwater detention. Mr. Peckham stated that he would be challenged to understand even if he were the developer and did it as straight single family but wanted to deal with the stormwater that isn't even mandated and it isn't even a law in the City, how big to make it. There is a need for cooperation on the Planning level.

~~Mr. Peckham stated that another point is that some of the neighbors wrote a letter. Mr. Gertz' letter had several points in it, one of them wanted clarification on exactly where the land was. Whether it was north or south of Route K, Mr. Peckham stated that he hoped he cleared that up because he like many people in the neighborhood had observed flooding on the south side of Route K. There is concern about water pressure expressed in the letter. As the County knows the 8-inch water main was installed in 1999 and Mr. Peckham stated that he paid for a good bit of that. Regarding the traffic, Mr. Gebhardt has already addressed. As a person who lives on Route K, Mr. Peckham stated that he has a strong interest in traffic as well. Mr. Peckham drives up and down this road back and forth at least once each day, sometimes more often. At various places, Mr. Peckham stated he will see people jogging or bicycling or simply walking along Route K, particularly in the area near Gateway. There are times when it is very dangerous for pedestrians. We know that MoDOT has more important things to worry about than Route K. But it is a challenge and it is going to become a bigger challenge as this goes ahead and as Deer Field goes ahead. The traffic is an issue that everyone is concerned with and the applicants are happy to do whatever they can. The freehand sketch that was submitted to the Commission tonight suggesting that any curb cuts in to the property would be opposite the existing ones in NewTown sounds like the beginning of some good road planning.~~

Mr. Peckham stated that there was a question about NewTown. NewTown will be fully developed 35 of the 62 residential lots have homes on them and the remaining lots will be built on shortly. The commercial land will also be developed at some point. The concern was that there is not enough capacity for sewer. The rest of the infrastructure, the water, electricity and gas are of adequate capacity for the development plus more around it. There were several questions in Mr. Gertz' letter concerning Mr. Peckham's plans for the homes and what they would look like. Mr. Peckham stated that he has no plans; he simply owns the land and is going to sell it. There is a final question about taxes. Mr. Peckham stated to the best of his knowledge no rezoning action would have any effect on taxes of adjacent property owners.

Mr. Peckham stated that Mr. Morgan, who is here tonight, visited at the Monday meeting with Mr. Gebhardt regarding the possible interest of the neighbors in purchasing a piece of land, if not the five acres then maybe the hill that could be a park for the neighborhood. Mr. Peckham stated that he was asked if he would be interested in reducing the price in order to make that happen. Mr. Peckham stated that he visited with a CPA to see what the implications would be for the neighborhood if they were to

move forward with that and also with one of the County Commissioners to see what position the County was in to accept a park. Mr. Peckham stated that the County is in a position to have land given to them and a mechanism could be put in place to have that happen. Mr. Peckham stated that he has expressed a willingness to price this land should the neighborhood want to buy it. A price significantly below the appraised value so the tax deduction that he would enjoy by donating that land to the County and the neighborhood would enjoy would be a win-win situation. There has not been time since the neighborhood meeting to go very far with that.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition to the request:

Patrick Morgan, 1960 West Way, Columbia.

Mr. Morgan stated that he felt ill prepared because he has done some research on this topic and prepared a statement but when he realized that he was to be too brief he condensed his statement and hopes that what he is about say should not be taken as a reflection on the neighbors level of seriousness or interest in this matter. ~~Mr. Morgan stated that he will briefly touch up on his concerns and hopes what the Commission hears will be sufficient to let the Commission know that the neighbors are deeply concerned.~~ Mr. Morgan stated that he is here tonight speaking for members of the Gateway South and Cedar Brook neighborhoods.

Commissioner Heitkamp asked Mr. Morgan where his property was located.

Mr. Morgan pointed out the location on the map.

Commissioner Caruthers asked Mr. Morgan if he was representing both associations and if he had documentation to that fact.

Mr. Morgan stated yes and it has been notarized. Mr. Morgan stated that he is speaking on behalf of the people that have signed the petition.

Mr. Morgan presented the petition to the Commission.

Mr. Morgan stated that he and the associations are opposed to the rezoning not because they are opposed to development but rather because of this areas character. This is not an instance of saying no development in this area, but rather not this sort of development in this area. This Commission has heard the reasons and arguments against two-family rezoning already as they have been presented both by staff and the applicants. Mr. Morgan stated that he doesn't believe he could add to this debate. Suffice it to say that he is deeply concerned about the well documented problems associated with duplexes and their high density of nature; such as decreased property values the transitory population of duplexes and the problems that it brings and the additional wear and tear on local roads and utilities. The association is also concerned that with duplexes will come and increased risk of un-proper disposal of chemicals and contaminants, especially given the proximity of the area to the watershed. Mr. Morgan also fears that a development of duplexes will negatively impact stormwater runoff in this area. Mr. Morgan stated that he is not opposed to the development of Mr. Peckham's property. The association would prefer that any purchaser leave the 15-acres undeveloped. Many of the neighbors moved out to Gateway South and to Cedar Brook because of the area's rural character and enjoy the open green spaces such as Mr. Peckham's 15-acres. This is one of the reasons that some of the association opposed

NewTown, which has not turned out as anyone hoped. If Mr. Peckham is to sell his land, the association would ask that Mr. Peckham offer his land consistent with this area. That is an area of single family homes and residential family property owners. It is the associations hope that leaving the property zoned R-1 the entire area will not lose what made it so attractive in the first place. The regular reasonable hours of activity and quiet that is conducive to families who are wage earners and school children combined with the aesthetics of surrounding rural property. The association asks that this Commission recommend denial of Mr. Peckham's rezoning request.

Commissioner Morgan asked with all the housing in that area and the subdivision being built how can Mr. Morgan call this rural living.

Mr. Morgan stated that what is not evident from the map is that the Cascades is not there yet, moreover, currently it is obscured by the trees. To be sure that will be wiped out and that is a concern. Mr. Morgan stated he was told to address just the Peckham rezoning request tonight. Currently it is rural. Mr. Morgan stated that if the Commission wanted him to speak on the Cascades he can do that.

Commissioner Morgan stated that the Cascades is in the City so he is not concerned with that. Commissioner Morgan asked if the neighbors would consider buying that property themselves and making a park out of it.

Mr. Morgan stated that Mr. Peckham has made a generous offer. Mr. Morgan stated that he considers this to be in extremely in good faith. The neighbors have only had one week to address it. Mr. Morgan stated that he has spoken with a couple of neighbors and there is a since of both interest but also despondency. These neighborhoods are neighborhoods of working class families and to purchase land that they would then donate, especially to defray the cost amongst the entire neighborhood then to throw in the problems of free riders, people who would be less interested in paying the price than the others who are facing Mr. Peckham's property. It begins to be insurmountable and even unlikely that the neighbors could come up with the money. That is just the reaction of a couple of the people, Mr. Morgan included and would hope that given time they could take advantage of Mr. Peckham's generous offer. But at this time Mr. Morgan stated he can not address its feasibility.

Commissioner Freiling asked staff if it is possible to utilize the mechanism of a neighborhood improvement district for the purchase of park land as it would be for street improvements or sewer improvements.

Mr. Shawver stated that he doesn't know. Mr. Shawver stated he believed that the improvement districts are limited to roads and sewer and doesn't believe the legislation goes for the purchase of parks.

Commissioner Mink stated that Mr. Morgan contends that the duplexes would create more stormwater problems that single family and that is the opposite of what the applicants stated as far as the impervious surface. What is that information based on?

Mr. Morgan stated that he based it on his research. Mr. Morgan stated that he has done as much research as he can in a brief amount of time as well as having a job during the day so there wasn't a lot of time to gain a degree in environmental engineering. Mr. Morgan stated that he can't really address that. Based on Mr. Gebhardt's research and training, Mr. Morgan can't contend with what he has to say. Mr. Morgan stated that he can only base it on his own research based upon what he has read and what is available online, what has been said here and some of the minutes of these meetings and the facts available to Mr. Morgan researching Boone County data bases.

Also present in opposition:

Jan Witherwax, 1825 W. Amos, Columbia. Cedar Brook Subdivision.

Ms. Witherwax stated that the petition submitted has about 120 to 130 signatures and believes that would represent 70 to 80 homeowners that have signed as to their desire that the property remain zoned R-S. The area has diversity. The homes that have gone in at NewTown that are presently there, a large number of those are already rented. The area has the Maple Meadows area, those townhouses and duplexes are rented. The area already has a taste of that. Ms. Witherwax stated that as a homeowner, the area has working class people, if she needs to market her home, that is one of the things she is concerned about is renters in the area and whether there are other people seeking moderately priced homes are going to be willing to come in to that area. The neighborhood is very interested in the park situation, but is not able to address that at this time.

Also present in opposition:

Cara Carter, 1945 W. Amos, Columbia.

Ms. Carter stated that her property lies at the bottom of where the NewTown development was developed. Ms. Carter stated that she is the one who had the worst of the flooding. One of the things with the flooding issue with the other properties is that she doesn't want the same things happening to her as a homeowner to happen to the people that are down the hill from the development. Ms. Carter stated that she met with Mr. Peckham and Tom Trabue and appreciated their time and efforts to come out and see her, her mother, and Ms. Witherwax. But something that she would like Mr. Peckham to realize is that when he sells this property he can not tell the neighbors what the other developer may do out there. Once it is rezoned, they can go out and use every single piece of that land and cement more of it than Mr. Peckham thinks, they may not do what Mr. Peckham thinks is adequate. Maybe the developer will be willing to spend the extra money to dig in to the rock. As far as the traffic, the traffic is worse out there since the rentals have gone out there. Ms. Carter stated that on a consistent basis when she comes home, she will find that people are speeding at least 70 to 80 miles per hour coming and a number of them do turn off in to the rentals that are up the street from Cedar Brook. Another issue is that the applicants stated that there is not going to be more traffic because of the rentals. Ms. Carter stated that yes, there would be more traffic because a normal home with a two parent household with 2 to 3 children you are not going to have more than 4 to 5 cars for each rental. You are going to have 3 to 4 rooms to an apartment, how many roommates are you going to have, that is going to increase those vehicles and you are going to have twice per space. A duplex would have 8 to 10 vehicles assuming you had one person per room and didn't have couples in each room splitting the cost of those duplexes. There are a number of duplexes in this town. As far as the cost of homes; \$100,000 is not necessarily the low end of a home. Ms. Carter stated that her home is \$60,000, of course it is a 20 year old house, but in a lot of cases, homes are built better 20 years ago than they are today.

Ms. Carter stated that as far as the park, yes the neighbors are interested in the park. When Mr. Peckham did the NewTown development had stated that there would be a park as part of this NewTown development. Instead, this property was sold and the neighbors are now told that there probably would not be a park. The area that is now the sewer were apparently supposed to be filled in and have a new sewage system and that area was supposed to become a park, that is no longer going to happen. Ms. Carter stated that as a single parent, she doesn't have the additional money. A park would be a great idea but this is something that the neighbors have been told before.

Also present in opposition:

Mariel Gerlt, 6580 South West Way, Columbia, 65203

Ms. Gerlt stated that she is here on behalf of her parents. Ms. Gerlt asked the Commission if they had a copy of the letter from her father, Harry Gerlt.

Chairperson Smith stated yes.

Ms. Gerlt stated that her father wanted to read the letter in to the minutes.

Chairperson Smith stated that the Commission would submit all the letters in to the record.

Ms. Gerlt stated that her father wanted his opinion voiced that he is extremely opposed to this. Ms. Gerlt stated that their property is right on the corner by Route K, right behind the Texaco. There have been a lot of flooding issues. Ms. Gerlt stated that they just received the letter of notification recently and nothing was laid out at all. Her father is concerned not just with the duplexes that would bring a lot of new traffic and not to mention the construction issues.

Chairperson Smith stated that the Commission received three letters that were submitted in to the public hearing.

Commissioner Heitkamp asked staff what happened to the NewTown park.

Mr. Yonke stated that the New Town area that was designated on the development as a park can not be utilized for anything but open space. So effectively it is a park regardless of whose ownership it is in.

Commissioner Heitkamp stated that it is just open space.

Mr. Yonke stated that is correct, which is all it was ever proposed to be on the plan as a park is open space. Most of it is flood plain.

Ms. Carter stated that the neighbors were under the understanding that there was going to be a park placed; however, the current property owner does not plan on placing the park.

Commissioner Heitkamp stated that the current owner can not do anything else with it, it will remain green space.

Closed to public hearing.

Mr. Gebhardt stated that maybe it is appropriate to assume the worst case scenarios on this that it will be densely developed, there will be a lot more than Mr. Gebhardt thinks will be on the property. Mr. Gebhardt stated that he didn't want to say in reality in common sense that it would probably be quite a bit less than the maximum in a worst case scenario. The diversity was brought up that there is already diversity in the neighborhood. R-D zoning would bring a whole different product to the area; it would bring a duplex on a 10,000 square foot lot, whereas we have town homes across the street that are on 35,000 square feet. A duplex is a duplex to some people but the applicants are talking about a duplex with a yard instead of a duplex with a spot of grass. This land is 15-acres and it all drains currently and will drain when the developer is done to the other side of NewTown and not to the Cedar Brook side. It all drains to the southwest and through the creek on the west side of NewTown. The flooding in Cedar Brook that is unfortunately occurring now, this development, whether it is single family R-S or RS-PRD would not affect that.

Mr. Gebhardt stated that he understands peoples concerns about rentals, about students and those issues. Mr. Gebhardt stated that he lives right in the middle of town so he has a warped sense of reality as he has a house next to his that is rented to students; Mr. Gebhardt stated that he enjoys it. They are not your worst case scenario students; they don't stay up all night and have parties every weekend. It does add diversity to Mr. Gebhardt's neighborhood to have young people live there. The situation with the cars, if we are going to go down this road about students and living in the duplexes, students add traffic to the roadway system at a completely different time than most working families do. Most students don't go to school at 8 and come home at 5, they make several trips. They may go to their 9:40 come back at noon and go back for their 1:40 and be back at 3:00, they are not on the road at all during the peak hours. Mr. Gebhardt stated that he can't say who is going to rent these units, but to add a different twist on this; it could be an older couple that owns the duplex and rents the other side for additional income. There are all kinds of people that would look at these. The location is not right by the University, there are a lot of duplexes that students rent in Columbia and those tend to appeal to them more that the proposed duplexes because of their proximity and their nature to come and go so much.

Mr. Gebhardt stated that he wanted to make sure everyone understood that this is not necessarily a situation where everything is on the plus side. R-D is better in some respects than R-S. It could be developed R-S and some of the things may be a little worse and some might be better. There is nothing to say that ~~if rentals are a problem; these homes would not be rented~~ Mr. Gebhardt stated that he wished that he was standing in front of the Commission tonight proposing RS-PRD and wishes he could get the zoning for RS-PRD without a plan but that is not a possibility. In some cases, in most cases RS-PRD would be a better zoning but unfortunately, the applicants can't offer that without coming up with a plan that would be a work of fiction at this point.

Chairperson Smith stated that Mr. Gebhardt was talking about the kinds of duplexes that there would be a duplex with a yard, but really we don't know what kind of duplex if the applicant sells the land to someone else.

Mr. Gebhardt stated that it would have to be a 10,000 square foot lot if it is R-D. Most duplexes are around 3500 square feet. That leaves quite a bit of yard.

Chairperson Smith stated that even though it is not planned, the Commission can be guaranteed that it would have to be a 10,000 square foot lot.

Commissioner Sloan stated that you could put quite a bit of parking on the remainder of it and still have a small yard.

Mr. Gebhardt stated that this is true.

Chairperson Smith stated that it is hard to know what is going to happen. The Commission has to look at if this is an appropriate land use without really knowing what the use is going to be. Sometimes that is hard to answer.

Commissioner Freiling stated that he would like to encourage good behavior in dealing with the homeowners. Commissioner Freiling urged the homeowners not to be discouraged in their pursuit of the issue of the park. There are a variety of resources within Boone County who are eager to see this kind of park land created and who are aware of opportunities for assistance. Commissioner Freiling stated that he wanted to commend Mr. Peckham in being willing to talk to the homeowners about doing that. Given what the Commission has heard tonight, it is clearly the only good solution from the perspective of the landowners. Commissioner Freiling informed the neighbors not to assume that it is financially

impossible. This has been accomplished a few times in other places it is surprising where funding sources can help.

Mr. Peckham stated that there are two separate tracts and as luck would have it, two separate requests. The five acre tract borders with Gateway, the ten acre tract except for a small part doesn't border on anything. As a further commitment to what Commissioner Freiling is talking about, Mr. Peckham stated that he would like to withdraw the request for the five acre rezoning and simply have the Commission vote on the ten acre tract. That will give the community time to consider what would be a possibility for the park land and if the property gets developed like Mr. Gebhardt's sketch whether single family or duplexes in the flat part of the land then there is a big piece of land available. If the neighbors were unable to purchase the five acres there is still the ridge top.

Commissioner Heitkamp asked Mr. Peckham if he considered a voluntary annexation.

Mr. Gebhardt stated that it is something that was considered and it is something that the applicants have an option to do at any time. The engineer for the Cascades are working on that, they are constructing a large pump station south of Route K on Williamson's property and they are probably 6 to 8 months out. Mr. Gebhardt stated that his thought about this is that most of these people live in the County and therefore ~~thought it was more appropriate since there is sewer capacity to come to the County to do this.~~ If the applicants fail here tonight there is always the option to go back and do that, but it would probably be an 8 to 9 month delay because the applicants would have to negotiate with the developer of the Cascades to purchase additional capacity in their pump station and drain that way. It is a timing thing and also just being conscientious of the neighbors.

Mr. Peckham stated that he hadn't considered annexation like that. There are many reasons for the City of Columbia to be as compact as possible in terms of its development and there are many reasons to have the kind of zoning and development regulations that we have. Mr. Peckham stated that he lives a quarter mile from the corner of the proposed development. The population of Boone County is increasing more rapidly than any other county in Missouri.

Chairperson Smith stated that Boone County is third in growth.

Mr. Peckham stated that at any rate it is increasing rapidly.

Commissioner Heitkamp stated that the Cascades have already been approved by the City.

Mr. Gebhardt stated that it is in the process.

Commissioner Heitkamp stated look at the density there. What is more appropriate? The applicants are coming to the County and the applicants know the feelings of the Commission on development and stormwater issues. The neighbors have pointed out and Commissioner Heitkamp stated that she has seen the property. Mr. Gebhardt told the Commission that this isn't really developable land. It can be developed, how it is developed as far as the County looks at is the key to rezoning. For the Commission to give a blanket rezoning not knowing how it will be developed is problematic for the Commission. The applicants have presented the Commission with a problem. Commissioner Heitkamp stated that the problem she sees is the location and the topography. As the applicants know, topography is everything in development and up with it is location. We have a piece of land that fronts on NewTown, it is a hill that all of NewTown looks at. There are stormwater considerations but there is also the Cascades going in right next to it. The Cascades, if that is not urban, Commissioner Heitkamp stated she doesn't know what is. The venue for rezoning this property would be the City not the County.

Mr. Yonke stated that as a point of clarification a lot has been said about RS-PRD, that is not the only planned district type; RD-PRD would be a potential request on this site to allow for duplex style. The RS will allow you to build duplexes but you can do planned districts with different residential underlying zoning. It is a rezoning request so an RD-PRD could also be requested, not just an R-S. The comparison has only been made to R-S.

Commissioner Heitkamp stated that is true but as the applicants have pointed out, the applicants have no plan to show so they can't really come to the Commission with an RD-PRD.

Mr. Yonke stated as a speculative venture no.

Commissioner Heitkamp stated that the parking requirements for duplexes are the same as for single family, two spaces per dwelling unit. In those 10,000 square feet we are going to have four parking spaces minimum.

Mr. Yonke stated that there is no maximum parking.

Chairperson Smith stated that they could concrete the whole thing.

Commissioner Mink stated that if the property was sold to a developer would they have the opportunity to come back with a request such as RD-PRD.

Mr. Yonke stated that any property owner can always come in with a rezoning request to any thing they choose to. ~~If you rezone it from R-S to R-D the only thing they could benefit from would be,~~ since the topography is rough, to try to maximize even more so the amount of dwelling units they could put on the R-D portion?

Commissioner Caruthers asked staff if the Commission was able to withdraw the five acre request at this time.

Mr. Shawver has put the request to withdraw on the table. The Commission could make a motion to accept or withdraw and act on that motion, or the Commission could act on the request.

Commissioner Caruthers made and Commissioner Heitkamp seconded a motion to accept the **withdraw** of the request by Nicholas Peckham to rezone from R-S (Single Family Residential) to R-D (Two Family Residential) of 5.0 acres, more or less, located at 1851 W Rte K, Columbia.

Carl Freiling – Yes

Pat Smith – Yes

Mike Morgan – Yes

Mary Sloan – Yes

Kristen Heitkamp - Yes

Mike Caruthers - Yes

David Mink – Yes

Motion to accept the withdraw of the request carries unanimously.

7 Yes

Chairperson Smith informed the applicants that this request would not go before the County Commission.

\* \* \* \* \*

- 2 Request by Nicholas Peckham to rezone from R-S (Single Family Residential) to R-D (Two Family Residential) of 10.0 acres, more or less, located at 2101 W Rte K, Columbia.

See staff report and related discussion under previous rezoning request.

Commissioner Caruthers made and Commissioner Heitkamp seconded a motion to deny the request by Nicholas Peckham to rezone from R-S (Single Family Residential) to R-D (Two Family Residential) of 10.0 acres, more or less, located at 2101 W Rte K, Columbia.

Carl Freiling – Yes	Kristen Heitkamp - Yes
Pat Smith – Yes	Keith Neese – Yes
Mike Morgan – Yes	David Mink – Yes
Mary Sloan – Yes	

**DRAFT ONLY**  
Motion to deny request carries unanimously. 7 Yes

Chairperson Smith informed the applicants that if they wished to appeal this to the County Commission an appeal formed would need to be turned in within 3 working days.

\* \* \* \* \*

**PLAT REVIEWS**

None.

**OLD BUSINESS**

Mr. Shawver informed the Commission of the decisions of the County Commission.

The Hobson CUP request was approved by the County Commission.

The Knights of Columbus and Columbia Curb and Gutter rezoning requests were approved by the County Commission

Plats, Pin Oak and Jose were approved by the County Commission as recommended by the Planning and Zoning Commission.

Accept proposed regulation for Character Preservation Overlay District.

Mr. Shawver stated that at the work session the Commission went over the character preservation overlay district and Commissioner Mink suggested some final changes to be made. Those changes have been made. Those are now ready for a public hearing. Staff is working on a revision to the regulations also that would provide for a planned recreational district then the whole package would be ready to go to public hearing. The Commission is also asking that the stream buffer ordinance that Mr. Florea has been working on diligently be taken to public hearing at the same time. They are hoping that everyone knows that there is going to be seven public hearings on that. We are not changing the regulations to curtail public hearings. Mr. Shawver stated that he expects the stream buffer ordinance will generate full rooms wherever we go.

Chairperson Smith asked when Mr. Shawver anticipated those public hearings would take place.

Mr. Yonke stated that he is working on the planned recreational. Mr. Yonke stated that he hopes to have a draft for the Commissioners at the next work session.

Mr. Shawver stated that what staff is doing is emulating what is in the regulations currently for the planned commercial, planned industrial, planned residential and inserting a planned recreational. As part of the big review staff has been working on for quite a while which is a cover to cover. This will get something on the books. The last two years there have been more recreational requests than there have been in the ten years previous.

Commissioner Caruthers asked if staff anticipated more recreational as time progresses.

Mr. Shawver stated that everyone is looking for places to recreate.

Mr. Shawver stated that it noted in the newspaper that Taylor's Landing is open again.

Commissioner Heitkamp asked what happened with Katfish Katy's.

Mr. Shawver stated that he had a meeting with the County Commission. The applicants submitted their survey with the plan on it Mr. Shawver stated that he expects that probably on the August 27<sup>th</sup> County Commission will have it back on the agenda for final consideration.

Commissioner Heitkamp asked Mr. Shawver to inform the Planning and Zoning Commission of his recommendations.

Mr. Shawver stated yes.

Commissioner Heitkamp asked if there were still 24 conditions.

Mr. Shawver stated he believed there were 23 conditions.

Chairperson Smith asked Mr. Shawver if that was the most conditions ever put on a conditional use permit.

Mr. Shawver stated no.

Commissioner Sloan asked when Mr. Shawver would inform the Planning and Zoning Commission of the recommendations.

Mr. Shawver stated that he could email the Commissioners what the County Commissioners are considering.

Mr. Shawver stated that he spoke with Mr. Gerzen today and he is acquiring his privacy fencing material to put in place and is getting bids on his chip and seal driveway. Mr. Gerzen was curious as to whether staff had received a complaint because one of the people who were boarding a horse there didn't get the horse back from the rodeo until 9:10 p.m. at night.

Mr. Shawver stated that he told him that the way he understood it is that the operation of the stable, people riding there and taking care of their horses was supposed to end at nine. But someone coming back from a horse show; there is no way to control traffic conditions and other things and horse shows run late.

Commissioner Caruthers made and Commissioner Heitkamp seconded a motion to **accept** the proposed regulation to the character preservation overlay district.

Motion passed by acclamation.

## **NEW BUSINESS**

Accept proposed revision to Subdivision Regulations.

Mr. Shawver stated that the Commission has talked about changes to the subdivision regulations in dealing with family transfers and fees that were listed. The Commissioners were provided copies.

Commissioner Heitkamp stated that she had a question about the minimum lot size; there is no minimum lot size listed.

Mr. Florea stated that the minimum lot size is determined by type of zoning, there is also a provision in there about a minimum width or large enough to support onsite wastewater systems.

Commissioner Caruthers made and Commissioner Morgan seconded a motion to **approve** the proposed revisions to the Boone County subdivision regulations.

Motion passed by acclamation.

**ADJOURN**

Being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Mary Sloan,  
Secretary

Minutes approved on this 19th day of September, 2002.

DRAFT ONLY