

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, October 16, 2003

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
	Keith Neese	Columbia Township
	Kristen Heitkamp	Katy Township
	Larry Oetting	Three Creeks Township
	Russell Duker	Missouri Township
	David Mink	Public Works

Absent:	Rob Brown	Rock Bridge Township
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Also present:	Stan Shawver, Director	Bill Florea, Staff
	Thad Yonke, Staff	Paula Evans, Staff

The minutes of the September 18, 2003 meeting were approved with no corrections. Approved by acclamation.

Chairperson Smith read the procedural statement which stated 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 request that has several parts and one subdivision plat.

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.

The following procedure will be followed this evening:

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 may not 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 or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

Chairperson Smith stated that if she thought people were being too repetitious she may remind the speaker during their comments to come back to the point and to be brief as there are a lot of people present tonight wishing to speak.

After those opposed to the request have had a chance to speak, the applicant will have an opportunity to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the Commission. The Commission will then discuss the matter and may ask questions of anyone present during 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, October 28, 2003. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the Planning Office to see if a request that has been denied has filed an appeal as there will be no further public notification due to the short time between this meeting and the County Commission hearing. The County Commission hearing scheduled for Tuesday, October 28, 2003 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

None.

REZONING REQUESTS

Commissioner Neese recused himself from the proceedings due to his involvement in the project.

1. Request by Klifton Altis on behalf of Prime Development Corp. to rezone **Tract A**, 15.36 acres from R-S (Single Family Residential) to C-GP (Planned Commercial); **Tract B**, 4.98 acres from R-S to C-GP; **Tract C**, 26.35 acres from R-S to R-S/PRD (Single Family Residential / Planned Residential Development); and to approve a Review Plan for Southfork of the Grindstone Planned Development, on property located at 4750 E. Hwy WW, Columbia.

Planner, Thad Yonke gave the staff report stating that this is general information related to all three components of the rezoning request. This property is located approximately 1/2 mile east of the Columbia municipal limits on the south side of State Highway WW. The parent parcels comprise approximately 200-acres. The portion of the parent parcels that are proposed for rezoning are immediately east of the school and immediately south of the existing duplex and multifamily units that are south of the school, this would be immediately north and west of the existing subdivision of Concorde Estates. The entire subject tract is zoned R-S (Single Family Residential). The portion of El Chaparral to the west of the parent parcel is zoned R-S, the property north of the proposed PRD (Planned Residential Development) including the school property but south of Highway WW is zoned R-M (Moderate Density Residential), property to the north across WW is zoned A-R (Agriculture Residential), property to the east is zoned A-1 (Agriculture), property to the south of the parent parcel is zoned R-S, as is Concorde Estates. These are all original 1973 zonings. While it is anticipated that a development for the entire property will be proposed at some future point, the only things under consideration currently are the three rezonings and the associated review plans for the area proposed to be rezoned. This property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Public Water District No.9. The Master Plan designates this area as being suitable for residential land uses, but the plan does indicate that where commercial rezonings are proposed they should be planned. Sewer is proposed to be from a central system to be operated by the BCRSD.

(Rezoning and Review Plan for the R-S/PRD portion of the request.) 26.35-acres of the parent parcel is proposed for a planned residential development containing 69 lots with two single family attached units on each lot. If the proposed lots are to be divided in order to facilitate sale of one of a pair of units separately from that attached to it, then the review plan and corresponding plats will need to have this aspect designated by note and delineated on the graphics. Additionally, as a practical matter the lot line dividing any of these proposed structures will have to be surveyed during construction to insure that the division lot line will fall within the common wall of the pair of units. Even though the number of units will remain the same the number of lots will double to 138 under this option. If the lots are not to be divided then the structures will need to be built to the single family attached provisions of the building code but will be treated as duplexes in terms of land use. Sheet 4 of the review plan shows the units that are proposed, driveway width and spacing between driveways will need to meet the current county specifications and can't be varied under a PRD, there are no dimensions but scaling would indicate that the proposed width is 43 feet at the point of connection with the road and spacing proposed is 49 feet. When the typical unit layout is compared with the proposed lot layout for this portion of the development it appears highly unlikely that the development design for this portion can be approved. Additionally, corner lots must be especially scrutinized as they are designed to make sure they can comply with the regulations. In this instance the proposed structures and drives need to be shown on the proposed lots to prove that the proposal will meet the regulations. If the proposal can't be made to meet the regulations then it needs to be redesigned or modified so that it meets the regulations. Variances would not be appropriate as the design of the proposal would create the need for the variances and therefore not be eligible for variances as it would be a self created hardship. An alternative would be to redesign or propose a mixture of dwelling units that would meet the regulations. For example, proposing single family dwellings on the lots that have narrower frontages could solve driveway spacing problems, regardless, a scaled diagram with the lots, structures, drives, and other components of the design must be added to the review plan and it must be reviewed for compliance with the required regulations. Planned developments allow some flexibility with respect to the regulation standards but require that all the pieces of the design be carefully fitted together in an approvable manner.

(Rezoning and Review Plan for the C-G/P portion of the request.) The C-G/P component of this request is comprised of two sections. One of the sections is 4.98-acres of the parent parcel containing a single lot.

This portion of the development is shown as vacant with a stipulation that when a use is proposed for this lot, the use proposed will be from the C-O (Commercial Office) uses. This means that no building or use of the property is allowed until a revised review and revised final plan are approved showing any desired structures and specifically specified use or uses chosen from the C-O uses. Any specific use proposed on a revision may be denied for any specific design or lot. Approval of the current proposal does not constitute approval of uses for the vacant lots, merely the list from which proposals might be made, any of which may be denied when evaluated in the context of a future revision proposal. If the lot is proposed to be split the new lot divisions will also have to be shown on and approved as well. The other section of the C-G/P request is 15.36-acres of the parent parcel containing six proposed lots. Lots 3-6 of this portion of the development are shown as vacant with a stipulation that when a use is proposed for these lots the use proposed will be from the C-N (Neighborhood Commercial) uses. This means that no building or use of the property is allowed until a revised review and revised final plan are approved showing any desired structures and specifically specified use or uses chosen from the C-N uses. Any specific use proposed on a revision may be denied for any specific design or lot. Approval of the current proposal does not constitute approval of uses for the vacant lots, merely the list from which proposals might be made, any of which may be denied when evaluated in the context of a future revision proposal. Lots 1 and 2 have proposed uses. The proposed use of lot 1 is for open space and future additional parking. No structure is proposed or will be allowed on this lot. Lot 2 is proposed for an Elk's Lodge building. This is the only proposed use if approved the use is limited specifically to only this use. The review plan does indicate that the Elks Lodge will be a maximum of 15,000 square feet initially with the potential to expand in the future to an additional 8500 square feet. There is an existing underutilized neighborhood sized commercial node ¼ mile to the west at the entrance of El Chaparral Subdivision and a regional commercial node approximately 1 mile to the west. Consideration should be given as to whether or not there is a need for the amount of commercial property requested and whether or not it is needed at this location.

The Master Plan calls for the use of a "Sufficiency of Resources Test" when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner. The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

Utilities: Water District #9 indicates that they can serve the development with water and fire flows. Boone Electric can serve the development. There is some concern about the stormwater impacts from the project upon the surrounding areas and this issue will have to be handled at the platting/design stage. The applicant has indicated that they are going to utilize or make improvements to one of two BCRSD facilities in the area. These two facilities are the El Chaparral Plant and the Concorde Estates Plant. Both these facilities discharge to the same drainage. Neither facility has capacity currently for the development. From familiarity with the systems and discussions with the BCRSD it is unclear that upgrades or additional plants in this drainage will be allowed or available in a timely manner. A planned temporary upgrade to the El Chaparral Plant, to serve a different development, has found it difficult to obtain approval from the State DNR. The other development is first in line for any additional capacity. Additionally, it should be noted that it may be difficult to secure sewer capacity for the development of this property even if no rezonings are involved.

Transportation: The development has access to State Highway WW which is designated on the MTP (Major Thoroughfare Plan) as an arterial street. A traffic study will be required with the preliminary plat in order to determine the level of impact the development will have on the road network and the level of improvement for which the developer will be responsible. This impact and responsibility would exist even if no rezoning was involved in the development. In absence of detailed land use proposals and

traffic information, it is difficult to specifically assess the difference in traffic that is anticipated from the portion of the project proposed for rezoning with the potential impact from possible development under the existing zoning. The maximum theoretical density for the entire 186.74-acres under the existing zoning would be 1162 units. A practical maximum density can be estimated at 872 units if the entire property was developed as a single family subdivision. If the 20.34-acres of proposed planned commercial is taken out, the maximum theoretical density for the portion of property not proposed for commercial rezoning would be 1035 units. A practical maximum density can be estimated at 776 for a possible single family development. Therefore, the potential difference in traffic from the commercial component of this plan would have to be greater than the impact from the 95 homes that could be practically proposed on the same amount of acreage which equates to 950 ADT. If approved, uses that can generate ADT of greater than 950 could be proposed in the future on the vacant planned commercial lots.

Public Safety Services: The property is in the Boone County Fire Protection District. There is a district fire station located within 1/2 road miles of this site.

The master plan designates this area as being suitable for residential land uses. The existing zonings are consistent with the master plan. The master plan does indicate where commercial rezonings are requested they should be planned. Staff would generally support the rezoning of the two lots for the proposed Elk's Lodge, however, the development as a whole does not seem to meet the sufficiency of resources test. This factor in conjunction with the lack of some information to show that the design meets the requirements that can't be waived is of significant concern to Staff. This site has 74 points on the point rating system. Staff notified 348 property owners about this request.

Staff recommends denial of the Rezoning Request and Review Plan for the R-S/PRD request. If the commission feels this rezoning is appropriate then Staff still recommends denial of the Review Plan since it is in need of modification to show that it can meet the site design regulations.

Staff recommends denial of the Rezoning Request and Review Plan for the C-G/P request for the 4.98-acres proposed to be limited to the C-O uses. If the commission feels this rezoning is appropriate then the Review Plan will need the following 2 conditions should the commission feel they can approve the Review Plan.

1. That it is recognized that the lot (lot 7) on the review plan that corresponds to this rezoning is currently shown as vacant and current approval will not allow development of this lot without going back through the process and receiving approval of a revised review and revised final plan.
2. That it is recognized that the C-G/P limited to C-O uses does not constitute approval of any of the specific uses found in the C-O zoning classification. Approval of this review plan simply limits the uses that can be proposed in the future on the required revised review and revised final plan. Any such use may still be denied when proposed for a specific lot or lots in the future and the current approval does not constitute any right to a specific use because of the current approval.

Staff recommends denial of the Rezoning Request and Review Plan for the C-G/P request for the 15.36-acres proposed to be limited to the C-N uses. If the commission feels this rezoning is appropriate then the Review Plan will need the following 4 conditions should the commission feel they can approve the Review Plan.

1. That it is recognized that no additional structures are allowed on the site without going back through the process and receiving approval of a revised review and revised final plan. This includes freestanding signs.
2. That it is recognized that uses of the existing structures is limited to those uses proposed on the face of the review plan and that any modification of the uses will require going back through the process and receiving approval of a revised review and revised final plan.
3. That it is recognized that the lots 3-6 on the review plan that correspond to this rezoning are currently shown as vacant and current approval will not allow development of these lots without going back through the process and receiving approval of a revised review and revised final plan.
4. That it is recognized that the C-G/P limited to C-N uses does not constitute approval of any of the specific uses found in the C-N zoning classification. Approval of this review plan simply limits the uses that can be proposed in the future on the required revised review and revised final plan. Any such use may still be denied when proposed for a specific lot or lots in the future and the current approval does not constitute any right to a specific use because of the current approval.

ADDENDUM

At 3:30pm this afternoon Thursday October 16, 2003 our office received an Engineering Report for Wastewater services for this development. Because lateness of this submission the report has not been evaluated or reviewed. The coversheet indicates that the report was delivered to the BCRSD yesterday. At this point our office has not had comment with respect to the report from the BCRSD and it is likely that the BCRSD has not had time to review the report. The report may address some of the issues with respect to wastewater services. Accompanying the report our office has received a proposed agreement for provision of wastewater services from the developers to the BCRSD. The agreement has yet to be reviewed formally for a decision by the BCRSD. However, at this point there can be no change in the staff recommendations as no additional information was able to be reviewed to induce a change.

Present: Chad Sayre, Vice-President, Allstate Consultants, 3312 Lemone Industrial Blvd., Columbia.
Ron Shy, President, Allstate Consultants, 3312 Lemone Industrial Blvd., Columbia
Brian Connell, Connell Architects, 28 N. 8th Street, Columbia.
Rob Smith, President, Prime Development Corp., 2311 E. Walnut, Columbia.

Chairperson Smith stated that on the form it says that it is being submitted to the Columbia City Planning and Zoning Commission. Chairperson Smith asked why that was on the form.

Mr. Smith stated that it didn't get edited out of the plan.

Mr. Shy stated that Chad Sayre is the lead engineer on the project. Mr. Shy stated that he has known this property for years and have had numerous people in his office looking at the tract interested in developing it. Mr. Shy stated that he always wondered why the property wasn't developed. There were issues with the tract; it is a great location with a 12 acre lake and it is attached to a major arterial that goes to the City of Columbia to downtown in 10 minutes or so. It is a great location for development. There has always been issues with the property and until Mr. Smith came to him there was no one willing to overcome all the issues that were present with the project. This is a development that Mr. Smith has proposed that has not been without a great deal of input from other people and the applicants have tried to accomplish a goal they have for development these days in trying to make them as sustainable as possible for the area they are working with. Mr. Shy asked the Commission to understand the thought process that went through this; we are looking at this area as is this a proper land use for this tract.

Mr. Sayre stated that he met with staff on several occasions and prior to recommending Mr. Smith proceed with contracting this tract. Mr. Sayre stated that Mr. Yonke made some points that were very important. The existing zoning is R-S; Mr. Yonke came up with a few more eligible units for this parcel as far as potential. Realistically to get the 1100 to 1200 units under the existing zoning is not possible in a responsible fashion. If you look at gross density and net density Mr. Sayre proposed to the staff as the applicants valuation was more like 700 to 800 units assuming a gross density of 12,500 square feet in that area. This is a tract that has a lot of history around Allstate's office. They are quite familiar with the El Chaparral Subdivision and have a couple of people who have lived in the El Chaparral that have been employed by Allstate. Whenever the applicants looked at the tract initially they looked at homogeneous development but not to the point where it could be a single use. It has been proven through the years that multi-use as long as it is planned, and this will be back in front of the Commission, every aspect of this proposal. We are in the initial stage; we are here to talk about the question of whether this land use is appropriate. That is what the applicants goals are from leaving this meeting tonight is to get input from the Planning and Zoning Commission.

When looking at the adjacent uses, Mr. Sayre stated that he is going to focus on the El Chaparral subdivision that is the massive use that is adjacent to this tract. The location of the tract, some of the comments and questions that we've gotten, like with the confusion of the backing statement, that was the preliminary drawing the applicants submitted approximately a month ago as a courtesy, it is not really required by rezoning the property but the applicants try to put forth as much information that they think is practical for their client. It is very expensive to develop final plans before you even have the zoning for the property so in agreement with Mr. Yonke every aspect of this development will be back in front of the Commission numerous times with revisions. The preliminary plat and review plan for different tracts would be the next step if the rezoning is acceptable.

Mr. Sayre presented an aerial photo.

Mr. Sayre pointed out the city limits in relation to the subject tract.

Mr. Sayre stated that the tract is not contiguous and there is more than one tract to get it contiguous and it would be up to an attorney to tell us whether it could be considered contiguous. The applicants are moving forward in the County zoning process for that very reason. The sewage issue has been the focus of the applicants concerns, in looking at the adjacent development, the applicants looked at the number of lots, the approximate acreage, the type of use and taking in to consideration that some of the uses that are adjacent to this parcel would be non-conforming. It was not the intention of the zoning regulations for some of these to be used in the condition that they are. El Chaparral subdivision is approximately 200 acres. There is approximately 86 duplex lots, this was done just from a field survey and approximately 280 plus residential lots on the 200 acres. The applicants also looked at the quantity of green space. Part of this development is a major esthetic common area; it is the lake, it has a massive dam which will have to be evaluated as part of this process from a safety aspect, but it is a wonderful structure. The applicants looked at the amount of green space, the commercial acreage, and the amount of residential area.

Mr. Sayre stated that the applicants are proposing approximately 69 residential duplex lots and 15 acres of planned neighborhood commercial and approximately 5 acres of planned office commercial. The applicants are proposing approximately 32 acres of green space and common area. There is about 10 acres in El Chaparral. The applicants tried to minimize the number of lots that backed up to existing residences and then provided a perimeter setback, it is required by zoning ordinance but the applicants plan on developing that in to a berm. There are six lots that back up to El Chaparral in the residential portion. Six out of the R-D portion are contiguous with the residential portion in the El Chaparral. One of those will be needed for detention. The applicants have provided the development with approximately

20 percent less duplexes and duplex use and triple the green space and common area. It is not unusable common area or isolated common area without trail heads or public access. The applicants have single fronted an entire flat, developable, and large common area. A lot of the development of this will be up to the home owners association of Concorde Estates during the development of this parcel.

Mr. Sayre stated that when looking at what they've evaluated as far as utilities and infrastructure the applicants evaluated water and it turns out that there is an 8-inch main crossing Highway WW, it ends approximately at the entrance of the existing subdivision. The applicants would need a second crossing to service the entire subdivision development and the mains inside it would have to be looped and tied together. Mr. Yonke touched upon the sewer issues; the applicants look at this as an opportunity to cut the potential density of this site in half. There is some quantitative measurement of the density that goes along with planned commercial. Mr. Sayre stated that he looks at it from a sewer aspect from of the number of equivalent units that goes along with commercial. The applicants have allocated approximately eleven units per acre to the neighborhood commercial. In the applicants past experience for planned neighborhood commercial, or soft commercial, that has been adequate. The planned office is usually less than residential uses as far as the number of equivalent units that you should allocate toward that. The applicants are very confident in obtaining with support of the sewer district a permit for the expansion of this facility. If the sewer district wishes the applicants to, they would also expand the Concorde Estates facility, but he applicants feel it is more realistic to further regionalize the El Chaparral facility. It is a sensitive issue right now; the sewer district is trying to obtain a permit for the Woodlands development which has about 70 lots. The applicants are trying to do that in the same fashion.

Mr. Sayre stated that the site has one built in advantage; that is a large lake. In fact it is a 12 to 14 acre facility. A good percentage of the area is currently tributary to the lake. The applicants idea was to concentrate the development and the density to try to get as much of the storm water in to the facility as possible for equalization. It is quite large in comparison to the property, about a 5 or 6 to 1 ratio of runoff. Mr. Sayre stated that he didn't have any reports on storm water. The applicants stated that the areas that are not feasible to run in to the lake will have to route from the exiting down stream culvert in the subdivision to make sure they don't have a negative impact down stream from a storm water aspect. The only area that the applicants foresee mass grading is where the development is concentrated. That is where the largest concern with storm water runoff and sediment collection. On the area where it is less dense will remain with the residential zoning but the idea is larger lots. The applicants feel they can transition in to quite large, even estate type lots. The applicants have a massive stream setback, as far as common space the idea is that hopefully one of these days there will be some amenity extended up the south fork pedestrian biking system that will be able to connect with the subdivision.

Mr. Sayre stated that the applicants want to make the most of the walking area and about 60 percent is abutted by common space and it is fully accessible from a single frontage street. Mr. Sayre pointed out the location of another setback on one of the displays stating this is so the developer has control of working with a system if and when it is extended up to south fork. The applicants evaluated the tract for the potential for development and then looked at how the residences have approached the care of their homes and the costs of getting there on single fronting lots. The applicants tried to focus the green space as much as they could towards the El Chaparral space and concentrate density where density is most concentrated in the El Chaparral subdivision.

Mr. Sayre stated that streets are an interesting part of this project. The internal streets are an issue in Concorde Estates, Mr. Sayre stated that his understanding is that internal streets of Concorde Estates are considered private. There are approximately 44 lots in the Concorde Estates and about 13 are owned privately, the rest would go along with the contracted purchase by Mr. Smith. It is difficult to make the numbers work on this portion of the subdivision. Mr. Smith has agreed to replace all of the streets in

Concorde Estates and address the change in concept of their access. The applicants had contact with some homeowners and traffic was an issue. The applicants are trying to take the traffic around the existing subdivision and put cul-de-sacs at the end. The effect is positive from a traffic standpoint, it is going to be a little further to get around to get out of the subdivision for those residences but there is also some other issues within the subdivision from a legal surveying standpoint. The applicants plan on working those issues out with staff. Mr. Smith's concern other than affecting someone else's lot is a lot owned by Dale Cook. The applicants have to give assurance at this stage that the applicants will have to work with staff and Mr. Cook on the lot. It is a lot where the applicant's development will affect the way Mr. Cook's lot fronts. The lot will get larger but there will have to be private improvements made for Mr. Cook to sustain his lot. Mr. Sayre stated that this is an issue that the applicants foresaw early in the process. Mr. Cook would have input in any replat upon his lot or for any street configuration change. This lot is of some concern to the applicant's, the rest of the lots will maintain their frontage and will continue with the existing subdivision. The applicants have not turned in a preliminary plat; they are just trying to get the amount of density that makes this project yield like it should. Mr. Sayre stated that part of the preliminary platting of this property shall include an evaluation of sub grade issues. The applicants plan on working those out with public works.

Mr. Sayre stated that electric service will be provided by Boone Electric, they have adequate facilities on site. There is an issue out front where Boone Electric wants to replace a switching pole and they are waiting on that to see how the applicants get along with the development. The applicants met with Steve Brown with MoDot on site and he performed the site distance measurements to make sure the site distance of the two locations is appropriate. It is appropriate for speed limits in excess of what is there now. The applicants also talked about potential improvements to Route WW. The applicants assumed some widening would be necessary. A left turn lane is not likely because of the distribution of traffic, not much traffic will be turning in to the subdivision coming from the east. Most traffic will be coming from the west turning right in to the subdivision and left turning going toward town. The applicants anticipated a right turn, or deceleration lane at the concept review, the MoDot representative stated that he did not know if that would be likely to be approved.

Mr. Sayre stated that there is gas service on site provided by Union Electric. The effect on Concorde Estates; right now they are an island within a 200 acre piece of ground with a lake and there is a lot of use on that lake. The applicants have every intention of incorporating Concorde Estates in to the development and working with them on what they feel is appropriate. Their concern is people from other subdivisions being able to access the lake and use the common area. The applicants will try to address that through covenants but that is hard to enforce. Mr. Sayre stated that he has gone through the engineering issues.

Mr. Sayre presented a color coded map display showing the various proposed zonings and the proposed locations for these zoning districts.

Mr. Connell stated that he is representing the contract purchaser of this property. Mr. Connell stated that he will be assisting Allstate and Mr. Smith in crafting and implementing restrictive covenants for this project which will include architectural control. If the rezoning goes forward and the applicants are able to proceed with development then Mr. Connell will be involved during the development process and the enforcement of review and enforcement of architectural control and the restrictive covenants. There are covenants currently in place in Concorde Estates, the covenants the new development will have will be compatible and will probably exceed them.

Mr. Connell referred to the color coded map and stated that he believes it is very appropriate when you look at the way the land lays, the terrain and geology lends itself to a variety of different types of density

and different types of development. The applicants stated that he believes that this is in keeping with good zoning practice. The development starts in the back with larger lots, when you move up toward the front the lots get smaller but are still nice size lots, further up is appropriate planned commercial uses with C-N and C-O designations which the applicants believe to be very appropriate for this corridor; there will be neighborhood oriented services.

Mr. Sayre stated that the applicants talked about minimizing the number of lots developed against the adjacent subdivision but one thing the applicants were required to do was connect to the El Chaparral subdivision. Mr. Sayre stated that he has gotten a couple of calls to that as the cause for major concern. The stub street that was projected isn't constructed but it is one thing that the applicants have been told that they need to do. The applicants have shown another stub street to the east.

Mr. Sayre stated that whenever the applicants set out their goals for this project the applicants lay them out every time, they talk about utilities, the development, adjacent uses, trying to be homogeneous yet planned and sustainable. Mr. Sayre stated that he believes the applicants have done that. The applicants have produced a plan that has less density than the adjacent subdivision, three times the amount of green space and cuts the potential development of this tract in half from the existing zoning. The applicants anticipate doing a traffic study based upon a layout very similar to this one and plan on being improvements.

Commissioner Caruthers stated that lot 3 of the commercial district is currently vacant and asked if there are any plans for this lot or has anyone approached the applicants.

Mr. Sayre stated that the only prospect for neighborhood commercial is the Elks lodge.

Mr. Smith stated that there has been some interest, there are no contracts currently pending or otherwise. There has been a bank approach Mr. Smith regarding a motor bank facility on that lot.

Open to public hearing.

Speaking in favor of the request.

Present:

Brent Stewart, 4603 John Garry Dr., Suite 11, Columbia.

Mr. Stewart stated that he is here on behalf of the Columbia Elks Lodge. Part of the planned commercial rezoning request involves the construction of the Elks Lodge facility. Mr. Stewart gave a history of the Elks stated that they are a charitable, non-profit organization with over 100 years of history in Columbia. Most of the members are over 45 years old with a significant number of those being retirees and veterans. The Elks members come from all walks of life and most notably include a former Governor of the State, a past and present County Commissioner, two former city councilmen and Boone County Prosecuting Attorney. Some of the community and charitable work include our strong support both financial and in terms of man power for Boone County Group Homes, Coyote Hills, St. Francis House, the Boy Scouts and Girl Scouts, the annual youth hoop shoot, the youth Olympics, diamond council softball, annual youth scholarships, Americanism youth essay contests, work at the Truman Veterans hospital and other veteran support activities, the Columbia Police Department D.A.R.E. program and law enforcement appreciation activities. The Elks also took a leadership role in the Ellis Fischel guest house project and conducted Flag Day ceremonies here in the Commission Chambers over the last three or four years. The Elks have outgrown their current location and they've been there since 1968 and are now looking for a safe, family oriented, soft commercial new location. That is why Prime Developments plan is so

attractive to the Elks and have been very appreciative in all of the help Mr. Smith has given and his many efforts to secure the Elks in the new location.

Mr. Stewart stated that as to the use of the land itself, the Elk's basic hours of operation are from 2:00 to 10:00 p.m. daily with dinner served on Wednesday and Friday nights and special events throughout the year. There are regular lodge meetings on the first and third Tuesday of each month and have recently reached an agreement with the Central Missouri Area Agency on Aging to provide kitchen and dining facilities for seniors during the day, the building will be opening up a little early for that. Mr. Stewart stated that they also host the State Elks dental unit four weeks a year where they provide free dental services to area under-privileged children so there will be a large van parked outside the facility at least four weeks out of the year. In terms of the daily operation, the Elks operate much like a country club even though there is no golf course. Historically the Elks have always enjoyed a good relationship with their neighbors and with the community at large and this will be a positive addition and an asset if this rezoning request is approved. The Elks want to be good neighbors and have shown that they are and would like the opportunity to move forward with the project.

Commissioner Morgan asked how late the building would stay open.

Mr. Stewart stated 10:00 p.m. and 12:00 a.m. on Saturdays.

Present speaking in opposition to the request:

Fred Giesler, 1540 S. Mesa Dr., Columbia. (El Chaparral)

Mr. Giesler stated that he has lived in El Chaparral for 28 years and has served on this Commission. Many of the residents who live in El Chaparral, with whom Mr. Giesler represents, would like to see the Planning and Zoning Commission deny this request. Mr. Giesler stated that they hope the request is not tabled but hope that it is denied. Many of the issues were brought out in the staff report, one thing was the distance may have been somewhat varied. El Chaparral is only 4/10 of a mile from the Daniel Boone turn off in to the Concorde Estates and El Chaparral is only 1 mile from where Highway WW crosses Highway 63.

John Dwyer, 1480 S. Daniel Boone Blvd., Columbia. (Concorde Estates)

Mr. Dwyer stated that he has lived there since 1983. Mr. Dwyer stated that he has been asked by the majority of the families who live in Concorde Estates to address some issues they believe will have a severe impact on their residential area if the rezoning request is granted.

Mr. Dwyer stated that he wanted to address four issues; one being a fairness and economic justification, safety, land stewardship, and property value. When the residents purchased their homes in Concorde Estates they expected that future development would entail new single family homes, as was planned by Mr. Altis and also shown in the Boone County Planning and Zoning Commissions long range plan for that area. Now the residents are faced with a rezoning request by Prime Development for open, not planned, commercial businesses. The residents do not believe this request is fair because they all had a reasonable expectation that commercial businesses would not be the mix for their subdivision. Furthermore, there was not market feasibility information given to the residents that would justify a true economic need for such commercial development. The strip mall development at the front of El Chaparral could be pointed to as a less than stellar example of a good business opportunity. Another concern is safety on Highway WW. The applicants believe that with the existing problems of a narrow roadway, no shoulders, and lack of clear site, increased traffic load from the proposed residences and business will only add to an already existing problem. Unlike Scott's Boulevard with residential and commercial development, there are no cross streets such as Vawter School Road or Chapel Hill Road to

take the pressure off Highway WW. All traffic that comes off Highway WW must come back to Highway WW. In the mornings after 7:00 a.m. it is not unusual to sit for 2 or 3 minutes at the Daniel Boone egress before getting on to Highway WW. How will the traffic flow be handled at the new intersection near the school? We foresee parents dropping their students off along the new road east of the school because it will be a shorter walk to their trailers than to the main building. To ensure that no one loses their life over a development the residents are asking that the developers have an in depth traffic study.

Mr. Dwyer stated that he didn't think there was a person in this room who would not join forces with any developer in trying to improve Highway WW. From a land stewardship perspective we have two concerns, storm water runoff and sewage treatment and their negative impacts on South Grindstone Creek. Mr. Dwyer stated that both of his sons have camped along Grindstone, one is an artist who has spent many enjoyable hours painting scenes along the creek. Mr. Dwyer stated that he has watched both of them wading and playing in the creek but now has worries that the quantity and quality of storm water runoff may prevent future generations from enjoying these experiences. The quality of the streams represents the quality of life. The problem is the soils in Concorde Estates have high clay content and they are severely eroded even prior to current development. These soils have low infiltration rates and during a storm event they do not store water at a fast enough rate so there is a lot of runoff. With the significant increase in impervious ground surface covered by asphalt, concrete or roof drip lines, the quantity of storm water runoff will increase dramatically. Scientific studies have demonstrated impervious surfaces as low as 15-percent in density can significantly reduce the macrone verdibrites that comprise our streams. The quantity, intensity, and duration of these events will add considerable pollutants to South Grindstone creek. Both south and north Grindstone fluent to Hinkson creek, which has been put on the environmental protection agency's list of impaired streams since 1998. In order to mitigate these potential downstream impacts a green buffer zone should be left along South Grindstone Creek. With the increased number of residents and potential business the big question is sewage transport and treatment. How will it be handled to ensure quality effluent discharge in to South Grindstone? We should ask the developers to look at alternatives other than a lagoon system to handling the sewage. Once the duplexes are constructed the owner or landlord of the units could set a rate schedule such that prospective tenants could qualify for government assistance. It is not unreasonable to assume that under this scenario single family residences adjacent to and in close proximity to the units will see a reduction in the market value of the homes. Whether or not the duplexes are maintained is irrelevant because the market place operates often times on perception. In Columbia we have many options where to live, given the location of a single family residence in and around government subsidized housing versus an area where there is none is not a stretch to conclude that market prices will be lower.

Mr. Dwyer stated that he thinks we have to stop taking a piece or shotgun pattern approach to planning and begin to consider all projects within the Grindstone watershed. Taking a water shed approach will help all parties understand the impacts on the land and begin to address these in the context of a coordinated and participatory process that will ensure that everyone's concerns are heard. Mr. Dwyer stated that he would like to say that we have a good community to live in not just because we have good schools, low unemployment, fast economic growth, good hospitals, but we have a richer tradition of caring for the land and protecting the quality of the water flowing through these water sheds.

Mr. Giesler stated that the applicants drawing showed the streets in the subdivision and the commercial ground. Route WW, once it passes the American legion building it no longer has shoulders, it has 40 mph speed limit signs at the bridge where according to reports that there is at least one accident a week occurs on that bridge. With no shoulders with the poor roadway at that point and you come up a strong hill past the El Chaparral subdivisions and then down past Rosetta which runs immediately west of the school. Those two intersections are only 1 or 1.5 mile apart. The proposed second exit which would run

immediately east of the school would only be less than two-tenths of a mile up the hill. The applicants testimony indicated that a traffic engineer had looked at the site distance. Mr. Giesler stated that he drives a pick-up truck and at that point when he looks up he can not see past the Daniel Boone entrance and he is only two-tenths of a mile away. Oncoming cars from the east would not be in site distance. Mr. Giesler stated that he can not see that in any way except at a preliminary, initial, report.

Mr. Giesler stated that highway WW not having shoulders at that point, even if it is widened, the traffic that would come out of the subdivision would go west, Mr. Giesler stated that he hasn't heard anything about widening highway WW on that respect. It is hard enough to get out of El Chaparral in the morning between 7:30 and 8:00 a.m. and if you have this many residences coming in at this subdivision it is even going to be greater. Mr. Giesler stated that many developers do not want to put up the money to have in-depth planning. The staff report indicated that only the wastewater treatment report was received late today. Many things have not been planned yet for this subdivision. There has been very little talk other than one time the mention of a berm that would separate the duplex lots from the single family lots in El Chaparral, they made a point of saying that there were only 7 lots. It only takes one duplex lot behind a single family house to be one too many. These duplexes also border to the duplexes in El Chaparral which are immediately south of the school, that puts a tremendous number of duplexes in one area. The applicants referred time and time again about how the density would be more favorable than what is currently in El Chaparral. Mr. Giesler stated that he wouldn't argue that point, it could be, no one said that El Chaparral was a perfect subdivision. Bringing the entrance in through the back of the subdivision in to El Chaparral obviously would increase traffic at that point to the point that we already have two stop signs on El Chaparral Boulevard, it is very difficult to find at least 20 percent of the cars that run the stop signs, now we are going to have that many more people leaving the subdivision. The plan of backing commercial up to single family residences, whether it be existing or future, on this particular plan occurs in several places and it is not good planning. Buffers can be proposed, existing tree lines are probably much better buffers that trying to plant new evergreens as some members have indicated might occur. Existing residences in Concorde Estates may or may not come under the covenants of the new proposal, Mr. Giesler stated that he doubts they will, how do they control from a neighborhood association the fourteen houses that are already there. The common area that is shown on the map looks good, some of that common area would need to be there for wastewater improvements or whatever they come up with on how to solve the wastewater. Staff had indicated that there were three main proposals and none of them are good. The common areas, once wastewater does go in and goes off the subdivision, which would probably be the best solution, the common area could be additional lots. The applicants plan shows that the subdivision could be expanded in to the common areas and the applicants could get rid of the lake.

Mr. Giesler stated that he could touch on many other things. Mr. Giesler urged the Commission to deny the request.

Shirley Bogart, 1742 S. Sonora Dr., Columbia. (El Chaparral)

Ms. Bogart stated that her concern is the school. Ms. Bogart stated she has heard nothing about the school in El Chaparral, Cedar Ridge Elementary. With the increase of the housing there will be an increase in traffic. The safety of the children and the busses are a concern. There are a lot of children that walk and ride bikes and with the increase in traffic there is a concern how the children are going to get home safely; there are few sidewalks out there

Nathan Rippetto, 1502 S. Pecos Ave., Columbia. (El Chaparral)

Mr. Rippetto pointed out the location of his home on the map stating that the duplexes will be in his immediate back yard. Mr. Rippetto stated that his main concern is not only is the applicant talking about putting 69 lots with duplexes in his backyard, it is unknown what the separation is, whether it is pines

planted 2-feet apart or 25-feet apart. Mr. Rippetto doesn't feel that the applicants have taken in to consideration privacy which is why Mr. Rippetto lives there. The other main concern is the storm water runoff. Right now the water runs through the ditch along highway WW and connects to the creek. That creek runs behind Mr. Rippetto's house and when it rains heavily or continuously, that creek will flood and bring up tree limbs, trash and the water is in his yard, when the water recedes it takes portions of his property with it. Mr. Rippetto stated that when his parents moved in to their home, the creek was about 4-feet wide now you literally have to have a bridge to get across it. If the applicants are going to add all the commercial plus all of the new residential and change the graphics of that land where is it going to send all that water? Right down in that little creek and it is going to swell all the time, more than when it just rains. Mr. Rippetto stated that is his major concern along with his privacy, because his privacy will be invaded. That is something that is going to have to be taken in to consideration and dealt with no matter what.

Lawrence Luck, 2258 S. El Centro Ct., Columbia. (El Chaparral)

Mr. Luck stated that the staff report was very thorough. A main concern is sewer, the staff recommends denial partly because of no sewer plan that looks like it may work. Hooking in to the existing Concorde estate plan even if they expanded it greatly probably is not very viable, it dumps a lot more effluent in to the south fork of the Grindstone which as mentioned earlier, dumps in to a protected water shed. Hooking in to El Chaparral also doesn't appear to be very viable. It is already at capacity as mentioned there is already the Woodlands trying to hook in to it. There is no method to even guarantee that even they will find a satisfactory way to enhance this plan to where it will work. That effluent will move in to the south fork of the Grindstone creek and eventually in to a protected water shed. There is no continuous property to the City that has been mentioned for sewer so it doesn't appear there is a viable way to hook there in any foreseeable future. If for no other reason than that he sees no way this property development without further change can be anything but denied. Another major concern is, applicants tried to show some pictures that look like they have a lot of green space on them. The majority of them are in areas that are not up for reconsideration with this rezoning, nothing is guaranteed that those zones would stay there.

Mr. Luck stated that he didn't know what a berm would do. Denying is the right thing but leaving some of that forest if this development takes place would probably be appropriate. The applicants are talking about fairly large size divisions on the commercial rezoning request. There is probably not anything to stop them from coming back and subdividing that. Also in relation to the commercial request, it is spot zoning, Mr. Luck stated that he is not sure that is a good idea in planning. El Chaparral has a small commercial development, not only is it less than stellar it is no where near fully occupied and never has been. There is not a need for more commercial when there is already a lot of vacant commercial property not far from there already. In today's economy Mr. Luck is not sure why more duplexes would be needed either. With the low interest rates you can buy a home lower than you can pay rent. Traffic is also a concern, Mr. Luck stated that he is concerned about the lake. There is also a gas pipeline that crosses this property that has not been mentioned once tonight; it is at least a 10-inch pipeline and it looks like the cross country type. Mr. Luck asked if this has been looked at for appropriate easement, what does it cross on this property? Mr. Luck stated that he doesn't see anything on the plan for water detention, the DNR and EPA will be concerned about more than sewer with this development. He was under the impression that DNR couldn't let one more drop of water go off the property.

Commissioner Caruthers stated that there was underutilization of commercial property currently.

Mr. Luck stated that he believes that there is not a need for it, El Chaparral is less than a mile from Highway 63; people don't mind driving one and a half minutes down highway WW to get to the existing commercial property. There is already bank services available there, there are restaurants available there,

shopping available. There has not been a sustainable need for it because there is already commercial zoning not that far away that provides services that people need. It has been said more than once that Boone Electric can provide service for this property. Mr. Luck stated that there are frequent drops in voltage and some neighbors have noticed the same thing. There is some concern that if this level of development is added anywhere the electrical service will be less than stellar, we may have frequent outages, there are some already. The traffic on highway WW is already bad, this development plus any others that would be on out east of this is going to make a lot of deaths occur.

Barry Poulton, 19485 Old Highway 63 S., Hartsburg.

Mr. Poulton stated that he doesn't live in either of these developments but his children live in Concorde Estates and they use the lake a lot. This is one of the highest quality bodies of water we have left in Boone County. Even after heavy rainfall events this lake remains clear, the lake clarity is very good and that is because we already have a well vegetated buffer around the lake and because we don't have any development that is close to the waters edge. The value of having a body of water close by to all of the residents that have equal access is very important. As soon as we allow the quality of this body of water to decline it is going to be bad for property values surrounding this entire area. Mr. Poulton stated that he would like to see a development that is planned around the lake to not only provide green space but around the entire lake, maybe something like a hiking or biking trail, something that access to everybody and a good vegetation buffer not only on the creek but also around the lake itself. Something that is going to allow everybody to have equal access to it and it is going to keep its recreational and esthetic value. Mr. Poulton stated that he has spent a lot of time on this lake and it has very high quality recreational and esthetic value and if it is not maintained it is going to negatively affect property values. If that means no development at all, fine. Mr. Poulton stated that to avert stormwater in to the lake will ruin the lake and it will affect the property values. Mr. Poulton stated that he is in opposition to the rezoning and thinks the property values around the lake can be increased by other types of plans other than the one presented, especially in looking at plans that would preserve the lakes quality.

Don Day, 1173 S. Pecos Court, Columbia. (El Chaparral)

Mr. Day stated that he affirms everything the first gentleman in opposition stated. Mr. Day stated that he has been informed by many different people that water district number 9 is not only at peak performance but is unstable water. Besides the road you are going to double or triple the traffic and traffic lights will be required, that has not been mentioned at all. Mr. Day stated that he leaves at all hours and has near misses frequently coming out of El Chaparral. Mr. Day urged the Commission to vote no.

Hazel Schlottach, 4203 E. St. Charles Rd., Columbia.

Ms. Schlottach stated that she owned property in Concorde Estates but does not reside there and was not invited to any of the meetings when the developer went over the plans. Ms. Schlottach stated that her concern is when she purchased her property on Daniel Boone Boulevard it was one of the first houses in the neighborhood; she was promised roads which are still substandard and have no faith that the new developer or Mr. Altis would make good on any promises that he is now making to change the substandard condition of the roads. The applicants want to divert her access to her property which is going to devalue her property because she would have to go past heavily populated areas to get access to her property. The lake which is a part of the subdivision covenants and is supposed to be developed with common areas would now have to be shared with multi-family duplexes that were never in the plan to begin with and we see no reason to change from the single property residential zoning that is currently there to a multi-use zoning, including the commercial property.

Rickard Walk, 4580 E. Todd St., Columbia. (Concorde Estates)

Mr. Walk stated that there were a lot of promises from the initial developer, Altis and Poland, none of which have been kept, especially the roads and the fact that there are certain agreements that if the

neighbors provided certain services they would be reimbursed. Mr. Walk stated that he has yet to see any money from the old development company. The duplexes were not in the original plat that he is aware of. The school will be land locked, commercial development on one side, excessive multi-family on the other. We are talking about a major increase in students for an elementary school, the school district will have to find another satellite area to handle these students. By putting the commercial development and the road where it is the school will be landlocked and they have no where to expand right now. The trailers should have permanent buildings but the amount of people who will be coming in to this area, that area in Cedar Ridge school is not adequate for the increase in population that will be coming. The Williams pipeline runs across the property, the applicants know it is there and they haven't done any feasible studies yet. Mr. Walk stated that he understands there are two pipelines running through the land

Mr. Walk stated that as much as he would like to see development out there the commercial and multi-family was not what was initially sold to the residents in 1980. Mr. Walk stated that he is very uncomfortable with the way it is laid out at this point.

Don Jackson, 1441 S. Daniel Boone Blvd., Columbia. (Concorde Estates)

Mr. Jackson stated that he and his neighbors are anti-business and pro-progress. Mr. Jackson stated that he is concerned about the pressure this development will put on highway WW. There are 800 or 900 houses being built just east of us and another addition going in north of the road and the bridge is still two lane. The sheriffs department says there is an accident on the average of every five days there now. This proposal is not entirely bad but it is not time. We need to determine how we are going to get all of these people to town before the intensity is doubled. If there is a disaster how are we going to evacuate, how are we going to get medical personnel in to see about them.

Leilani Logan, 1546 S. Pecos Ct., Columbia. (El Chaparral)

Ms. Logan stated that when her house was built in 1995 it was a nice, quiet, clean area. The dry creek runs behind her property, when it rains it get very high and fierce, every time it rains a little more of her property leaves. When she first moved in there Mr. Altis had said that they would be given the chance to purchase on back the other side of the creek if they desired when the opportunity came up. Nothing has ever been said. Ms. Logan asked if anyone had driven around and looked at the condition of the existing duplexes. There are many of them that are for rent, windows are falling out; we don't need more duplexes. That is going to back up to her land. Ms. Logan stated that she is opposed to this request.

Tad Herin, 1560 S. Daniel Boone Blvd., Columbia. (Concorde Estates)

Mr. Herin stated that Mr. Sayre had stated that the residents of Concorde Estates were concerned about the lake. Mr. Herin stated that at the neighborhood meeting they voiced their concerns about the duplexes and the planned commercial property. The neighbors are against either of those. Mr. Herin stated that he asked the developer if they would be willing to compensate all the current and contiguous land owners for any loss of market value of their property and they said no. Tonight all that has been discussed is all the expenses that would be involved in this development. Mr. Herin stated he can not see the County allowing one developer to profit at the County and residents expense.

Commissioner Heitkamp stated that someone had mentioned a lake covenant for Concorde Lake Estates and asked if there was anyone present who could address that lake covenant.

Mr. Herin stated he didn't know.

Wesley Meyers, 1900 El Centro, Columbia. (El Chaparral)

Mr. Meyers stated that one issue that has not been addressed that needs to be is the issue of law enforcement. Recently the Casey's store got remodeled but it has been robbed about three times, employees have been held up at knife point. Other instances have happened on his own street, in the last three or four years crime has become an issue, his car has been broken in to twice. Mr. Meyers stated that he has lived on El Centro for 8 years, prior to that he lived on Santa Barbara in one of the duplexes. Duplexes are not bad, most of the people are good but unfortunately there are issues. There is already have a traffic situation on El Chaparral and there is no issue in the proposal for any of this to address what is going to happen to law enforcement.

Don Mc Kenzie, 4521 E. Todd St., Columbia.

Mr. Mc Kenzie stated that the lake is just for the Concorde Estates residents.

Commissioner Heitkamp asked who owns the lake.

Mr. Mc Kenzie stated Concorde Estates; anyone who owns property in Concorde Estates.

Commissioner Heitkamp asked if it was maintained by the neighborhood association.

Mr. Mc Kenzie stated more or less. They don't have a neighborhood association because of the legal fees. Everyone who lives out there takes care of the lake.

Commissioner Duker asked the size of the dam.

Mr. Mc Kenzie stated that he didn't know.

Commissioner Heitkamp asked who was responsible for keeping the dam.

Mr. Mc Kenzie stated that all the residents chip in and mow it.

Commissioner Heitkamp asked if there was a problem with the dam who is responsible for fixing it?

Mr. Mc Kenzie stated that they have never had a problem with it.

Rickard Walk, 4580 E. Todd St., Columbia. (Concorde Estates)

Mr. Walk stated that the dam and the lake is still owned by Cliff Altis Development. When he bought the property in 1980 it was his understanding via the covenants that the lake was exclusively for that subdivision. The mowing has been done by all of the residents. Due to broken promises, the problems with the street that was never accepted by the county despite Cliff Altis' and Gordon Tolans assurances that the street was standard at the time it was built in 1981 and again in 1982 a lawyer, with whom Mr. Walk was in contact with because of some issues he had, recommended that the neighbors do not meet and do not form a homeowners association due to the ongoing liability issues of many unanswered questions, many broken promises and the residents are such a small number that they didn't want to incur the liability of the usage of the lake, which the homeowners association would. Plus there are a lot of issues as to whether Boone County Sewer District would ever accept the sewer treatment plant. Initially Mr. Walk bought out there under the impression that everything met standards, after he moved in he found out that there are a lot of upgrades that the developers still had to do before it was accepted by the Sewer District. There have been a lot of things that have been promised and a lot of things that have been broken. So based on his own private attorney who said do not meet, do not form an association because the residents would be open to liabilities due to the poor conditions and the broken promises.

Commissioner Caruthers stated that basically there is no one in Concorde Estates that actually has a liability issue.

Mr. Walk stated that Cliff Altis still has that as far as he knows. He has sent out notices to those that have been caught trespassing even though it is in the covenants that the residents can use the lake Mr. Altis sent a letter within the last three years saying that due to liability issues Mr. Altis prefers even the existing homeowners not use the lake or the surrounding property.

Commissioner Caruthers asked if Mr. Walk had a copy of the covenants.

Mr. Walk stated he didn't have them with him. There are a lot of big issues out there as far as covenants and Cliff Altis has not enforced any of them.

Commissioner Oetting asked if the restrictions and covenants just covered Concorde Estates or is it over the whole 200 acres.

Mr. Walk stated that he would have to re read the covenants but believes it specifically refers to Concorde Estates but his understanding when he bought the property that the existing 200 plus acres in addition to the area that was already platted was considered part of Concorde Estates for further development. They were referring to the entire acreage as Concorde Estates at the time he purchased.

Commissioner Oetting stated that Mr. Walk is assuming that the restrictions cover the entire acreage.

Mr. Walk stated that would be his understanding without re-reading the covenants. There are a lot of verbal communications, not too much of it was written at the time. There are a lot of broken promises and a lot of issues and he has a very sour feeling with the developer. Without having the covenants and re-reading them he is not sure of the question.

Fran Herin, 1560 Daniel Boone, Columbia. (Concorde Estates)

Mr. Herin stated that Mr. Sayre has the information on the quality of the dam. Evidently the dam is quite adequate.

Commissioner Morgan asked for people in the audience who are in opposition to the request to raise their hand.

Closed to Public Hearing.

Commissioner Freiling thanked the audience for being concise, to the point and polite.

Mr. Sayre stated that any changes in the plan would have to be brought back to the Commission. This is a rezoning and land use question that the applicants are asking the Commission tonight. There are details about the plan that the applicants are excited about working on, a majority of the issues the applicants agree with. The applicants have the same concerns about highway WW. The applicants want the support of Boone County to work in the safety of entrance and exit from the subdivision. As far as El Chaparral's entrance and exit, possibly something the applicants do could aid that but the applicants can't speak to that tonight because it is a land use question and there are studies that would have to be done along with the plan when it comes back and would be commented on in the same fashion, knowing staff, even more stringently because it is a large development. The applicants tried to show their intentions on the 200 acre parcel. It is difficult to do that, it is a duel edged sword, and looking at small rezonings or

trying to submit, for lack of a better term, a plan that is a guess just to meet the main submittal requirement of the plan.

Mr. Sayre stated that the first gentleman indicated that he had concerns about access. The applicants have those same concerns and plan to try to increase the safety. The applicants worked with the MoDot representative, Steve Brown, who was on site with the proper equipment that measured site distance. There are a lot of perceptions about distance, the site distance for this tract exceeds that of the speed limit that is now placed. It meets the requirements for an even higher speed limit. If the applicants were simply requesting an access permit he could have issued it in the field that day. The applicants told him that they did not want a simple access permit but wanted to talk about right turn lanes. Later at the concept review when MoDot is present, Trent Brooks indicated that left hand turns would not be effective because of the distribution of traffic, the left turn movements would not be the dominant traffic movement and would actually account for a small percentage of the turn movements in and out of the subdivision because of its proximity to the City of Columbia. Mr. Sayre stated that he appreciates the site distance, it is deceiving, applicants met with the MoDot prior to submitting the rezoning request, it was an issue. Through the planned process the applicants will be back to the Commission and back to the public process for every aspect of this plan except the piece that is zoned R-S. The piece that would remain R-S, if the applicants were successful, there would be some flexibility but that would quickly be submitted in whole to the Commission because that is how staff prefers it to be done with the planned portion. The applicants would not anticipate very few changes except for maybe more streets because of excessive length cul-de-sacs, but these are not issues at hand tonight. This is land use issues. There is not a plan for review tonight except for the preliminary review plan for the Elks. It takes up about 25-percent of the planned commercial, it is a very soft use from a wastewater aspect, the applicants would have to deal with more peak flows from them but not a sustained daily flow. The applicants have presented what the equivalent units would be for that to try to handle that with the existing Concorde Estates plant is in need of some maintenance and have talked to the sewer district about them working with the applicants in an interim plan to use that facility while trying to get permits for the El Chaparral. Wastewater permitting will control the development on this parcel whether or not the zoning is in place. The zoning is in place for R-S. The applicants are cutting the potential density in half for this tract, the question of the number of the units will no longer be there as we move through the planning process the applicants will be back in front of the Commission.

Mr. Sayre stated that the applicants used the tools that they have at this time and that is the actual equipment inside the vehicle of Steve Brown that measures site distance and the targets that he placed. Mr. Brown gave 120-feet of flexibility with the lower access. The applicants will wind up placing it to try and miss their switch pole, the applicants met with Doug Gardner with Boone Electric and he said that they wanted to move it to a little more of a mid span. There are approximately 120-feet that still meets the site distance requirements for a 60 mph zone but that will be determined in final plan when a final plan is submitted through MoDot review and County review.

The applicants are also concerned about the lack of shoulders on highway WW. There are a lot of opinions about densities and concentration of densities in a subdivision development. In using some of the concerns in El Chaparral about the performance of the commercial property, the planned commercial and neighborhood commercial is an advantage for the input and for targeting prospects. It is an advantage for the developer. The applicants don't think that everyone should have to drive to the Broadway Marketplace to use a banking facility or to fill up with gas. The applicants can't put up a 6 pump gas station on highway WW in front of the subdivision. The detail on that will be diligently looked at and the applicants will be back in front of the Commission with every detail. This is a planned development, one gentleman mentioned it is open commercial, it is not. It is a huge advantage over the un-modern approach that was used in El Chaparral many years ago.

The school is an asset to this area and to the applicants. A lot of people look at schools and peoples proximity to schools, the applicants will comply with the sidewalk, the applicants have no intention not to provide or to apply for a variance for sidewalks; that will also be done through the final plan. The applicants want the sidewalk to be walk able and tied to the future pedestrian system and biking system.

If the Commission hasn't been lucky enough to walk Grindstone creek it is quite impressive. The applicants are doing their best to back these large, over 400-foot deep lots, up to this area. The applicants have not developed a plan for this area, the applicants are trying to give the Commission and the neighbors an idea of what they are trying to do in this area. The applicants do not want to affect the Southfork of the Grindstone Creek. That is an asset to the State, the Community, to the County, and also to this development. It is a beautiful creek and the applicants want to have the least amount of impact as possible. Mr. Sayre stated that the first time he went on this property he was there about seven minutes and two people tracked him down quickly and they explained a lot of things about this property. Part of the reason for this is some massive oak trees, you don't tear those out. The applicants are going to do tree surveys, this plan is not going to be quickly developed, it is going to be very well thought out. The applicants want to prove to the neighbors that they are creating less density, a greater market of lots, there should always be movement in this subdivision from the marketability standpoint. The applicants tried to exceed the size of R-1 lots of the El Chaparral subdivision. The proposed development is less dense than the Concorde Estate subdivision at about 2.62 lots per acre in the Concorde Estates subdivision. Applicants are at an equivalent of 2 units per acre on the entire subdivision even including a number of units that were allotted to the commercial.

Mr. Sayre stated that applicants are going to need storm water retention and detention facilities on some of these areas. Hopefully, applicants will develop around one lot and design the system to try and ease the issues in the area; storm water production will be increased and it needs to be handled. The applicants plan on handling it on a larger scale in the residential areas and in both an on site scale in the planned commercial areas but applicants are also going to use the existing lake. One gentleman confirmed that the lake is a huge asset to this development, it is a wonderful lake that has a lot of growth that the applicants don't think is appropriate as far as maintenance. There will be a substantial amount of funds necessary to improve the banks so they are more accessible in certain locations. Above it there will probably have to be a system of heavy sediment collection facilities. People do their best during construction to control sediment, this lake is a substantial impoundment. It is a very wide dam and at one point there was a road proposed over it and there are issues with that with the County. The applicants are not to that stage, we are just talking about land use. The applicants agree that detention basins are needed. The applicants are aware of a couple of culvert capacities down stream from this development and they are not comfortable increasing but a lot more comfortable decreasing the peak flows that go through those culverts.

Government subsidies were mentioned by a speaker. There is no intention and no benefit to the marketability, to the neighborhood, or to this developer to look at government programs to subsidize rent. The lot rents for the proposed duplexes are in excess of \$700 to date. Some of those go to \$900 depending on the number of bedrooms. The applicants don't anticipate or think it is a benefit to any marketability or any financial aspect of the development to market a government subsidy within a planned, upscale neighborhood. This is a neighborhood plan, even in the unplanned portions of the development the applicants are going to address covenants, concepts, and buffering through the planning process. The plan submitted is not the plan, it is just the land use meeting. Mr. Connell's job will be a tough one in structuring covenants because of topography, lot size and the anticipated package price on those facilities, there will be studies on that prior to getting the zoning. This is not the time to do those

but the applicants have experience in those areas and feel that this multi-neighborhood approach and concept of access, street widths, lot size, and lot depth.

There was mention of a gas line; Mr. Sayre showed the location of the gas main on the map. Applicants tried to isolate the gas main and single front it on the side of the street. The applicants want to stay off the easement and have left a substantial amount of room for development of the common area. A mountainous area of common area will not be left. It is somewhat developed because the people of Concorde have taken care of where the applicants thought the access should be. Looking at a three-sided approach, two sides will be fully accessed and fully accessible to the massive amount of common area. There are more contours but it is open and it doesn't appear to ever been logged and is a huge asset and the applicants will plan around the common areas that are there.

The applicants tried to minimize the amount of frontage to El Chaparral and understand the residents concerns. Through the planning process, Mr. Sayre has no doubt that staff will make the applicants address those even in the subdivision regulations in PUD they discuss those with minimum setbacks and buffering and applicants anticipate working with the neighbors to try to appease them. The common area is in line with a transmission main. Mr. Sayre stated that he lives about 250-feet from a transmission main and there is about 50-feet of mature trees between his house and the transmission and he can't see it and doesn't notice it any time of the year. Mr. Sayre stated that he used that concept from his own experience because of the lot sizes. Mr. Sayre stated that the applicants will have to comply with Williams Pipelines permitting with the gas main, which are very stringent about residential placement along their gas main.

Mr. Sayre stated that this is planned commercial zoning and planned residential zoning, the applicants will have to come back with detailed plans, not just one. Sidewalks are proposed throughout the subdivision. Applicants hope to work with public works on street type and don't want to get the freeway concepts in the less dense areas toward the back of the subdivision which comes through the final plan development, not the rezoning. Mr. Sayre stated that privacy is the one thing he can not address but can try through buffering and setbacks. The area is going to change. The Rippetto's have a nice farm of their own and they take care of it, that is going to change.

It is the applicants goal to use the existing lake for storm water detention, the applicants want to knock the peaks off of existing flows and the proposed flows. There may be other things that the applicants incorporate, this is a land use question. There is massive amount of lot depth in the area mainly because at this level, locating the actual location of the water way, the applicants have to locate that in detailed format and then lay out around it. Mr. Smith has no intention of developing, it is not economical nor is it a good market strategy to eliminate those water ways. Mr. Sayre stated that it is not a good idea to come to this Commission and to staff because their memories are long in a green space approach and then change it through an already zoned piece of property through the preliminary platting process. The applicants have no intentions of changing this as long as this zoning is successful. The real planning issues are replacing streets in an existing subdivision and you don't get to sell all the lots along those streets, it is an expensive proposition. The applicants have addressed this head on and knows that they will satisfy public works in their approach on that, but it is expensive. The applicants have kept the density down and cut the potential development units in half with this proposal. The preliminary plat will define those areas and it will have to come back to this Commission; the applicants have no intention of reducing green space unless requested or thought well of from staff or public works. In one case they may want a street crossing and the applicants would have to comply. The green space is the asset along with the lake.

Neighborhood services in commercial is a totally different concept than a high density, high return commercial property. The applicants are looking for transitions in to the residential property; the applicants respect the concerns of Concorde Estates because what now is a field is proposed as development. The applicants were very clear with their concerns at the home owners meeting. The applicants can't replace the Broadway Marketplace. The neighborhood commercial is planned and is a huge asset to have it planned to make the potential prospects go through the planning process, those prospects like the planned commercial because they get input in to their neighbors. Unplanned gas stations or commercial units don't happen in planned commercial, everyone gets input.

Regarding property values, Mr. Sayre stated that he would wager by putting in new streets and removing the issue of high speed traffic in the subdivision way of life could change. The existing zoning allows the same thing to occur. The applicants are going to ensure there are covenants that are recorded, there is a home owners association that is recorded that speaks for themselves and staff will have a shot at those as we move through the planning process. This is about land use. The applicants approach is to try to work with the home owners the covenants need to be modernized they were developed many years ago. There are 42 or 43 lots in the Concorde Estates subdivision 13 or 14 are owned by someone other than Mr. Altis. If this project is successful Mr. Smith will own those lots and will have input in to the covenants and making sure that the applicants protect the interest of the neighbors and the interests of his investment.

The lake is very valuable and Mr. Smith is going to do everything he can do to make that even more of an amenity than it is to the existing neighbors right now. One speaker mentioned they would like to see a hiking trail, recreational uses of the lake expanded, that is the applicants intention and the strip across the dam is exactly that.

Mr. Sayre stated that he will let public staff review the quality of the water; applicants have no concerns about the quality of the water or the flows but that will also have to go through the engineering department on what improvements have to be made. There was mention of traffic lights on highway WW, those will be explored and will have to be explored throughout a traffic study on the planned portion of the parcel. It was mentioned that it was unlikely that MoDot would see the warrant for those lights.

Mr. Sayre stated that there were apparently past promises made. One thing about the planned process is you can't make many promises and get away from those. There was mention of duplexes at the home owners association meeting but no one knew the amount that Mr. Altis had mentioned.

Mr. Sayre stated that the applicants are here to talk about land use and the Commission's concerns with that, this is not the final plan, the applicants will have to go through a completely new process on the plans.

Mr. Shy stated that the waste water issues are governed by Boone County Regional Sewer District and DNR. If the applicants can't perform that no one is going to do anything to that development. The applicants aren't here to talk about the details of how that gets done, the applicants are here to talk about land use. The applicants have no problem with public water district 9, they have to answer to DNR as well, there are water quality standards that they have to adhere to. DNR has stormwater regulations, everything the applicants propose will have to pass the scrutiny of Boone County Public Works and the soil conservation services. Public works will dictate how the roads are designed and built. The applicants are controlled in everything. We can argue about the merits of the plan all day but we are talking about land use. It is everyone's responsibility to maintain the quality of Grindstone, everyone in El Chaparral is just as responsible as Mr. Smith who is trying to do a development; degradation occurs in

degrees and El Chaparral has been there a long time but they were not subject to a lot of scrutiny that the applicants are today. This project will not occur overnight, it will take several years to develop, the school and law enforcement will have to grow in to it just like any other development. Should this development be here or 5 miles down the road.

Mr. Smith stated that there is a lot of talk about broken promises and misrepresentations. Mr. Smith stated that he can not address that or speak to how often that occurred or not. Mr. Smith stated that he is a developer in Boone County and in the City of Columbia and plans on doing that for a number of years. The applicants have the same concerns as everyone here. Mr. Smith stated that his record will speak for itself that he doesn't break promises and he does what he says he is going to do.

Chairperson Smith reminded the Commission that they have seen the big picture but have remember that they are looking at a smaller picture tonight that doesn't involve the lake or a lot of other issues brought up.

Commissioner Mink asked if the applicants were talking about sidewalks on both sides of every street or just selected areas.

Mr. Sayre stated that the applicants are proposing sidewalks on both sides unless a wider pedestrian trail can be of greater use on one side. The applicants don't have the final details on that but plan to comply with existing regulations. The applicants intention is sidewalks on both sides of the streets.

Commissioner Mink asked if that included the redone streets in Concorde.

Mr. Sayre stated that the applicants think that sidewalks would be dependent on final street width and the owners concerns about tearing up their yards. There were some concerns raised about narrower streets and sidewalks at back of curb or different street types. The applicants believe that they would work that out with them and come to a proposal with public works. In redoing the streets staff had indicated the applicants would have to comply with current regulations. There will be a replat to try to clear up a few encroachments and things that staff and the owners are not comfortable with if they are successful.

Commissioner Mink asked if the applicants are planning curb and gutter with an underground storm water system with curb inlets or an open ditch.

Mr. Sayre stated that currently there is not enough storm water easements within the existing subdivision; the applicants think Mr. Smith owns enough lots and there is enough concerns from the home owners that they will work with the applicants to dedicate easements necessary. The streets doesn't have the capacity from looking at and listening to the concerns of the neighbors there will have to be some collection system where there is denser lots shown, the curb and gutter has proven to be effective. In this case there are big, wide ridges and in the past in Boone County applicants have been successful in estate lot type roadways where curb and gutters aren't installed and the roads are on the ridge. There would be a variance necessary because where that would be proposed is in the currently zoned R-S area.

Commissioner Oetting stated that on page 4 on the letter to staff it was stated that the developer did not anticipate assisting current home owners.

Mr. Sayre stated that in the subdivision covenants obtained from the Records office it mentioned assessments to the subdivision the majority or percentage of lots necessary to vote positive to get those; at some point public works or county had proposed a neighborhood improvement district (NID) and the reason that was put in was because there was a question of if the applicants were proposing a NID, right

now that is not the applicants proposal, it depends on a lot of economics and the yield the applicants get from the proposed rezoning. There has been a lot of complaints about streets and a lot of discussion from the owners of Concorde Estates with the County about trying to get the County to maintain those roads. The assessment mentioned roads and a lot of things including common area, the applicants planned no assessments at this time.

Commissioner Oetting stated that the road improvements would be at Mr. Smiths expense and not the home owners.

Mr. Sayre stated that there would be some responsibility to the homeowner in finished work. The applicants would try to seed and straw but after a period of time and rainfall they would do their best but there will be responsibility to the homeowner over the next few years to maintain their yard. With a new street we won't see a lot of argument from the homeowners that they need to work with the yard next to the curb. It will be difficult when you go in to an existing street just the quantity of concrete that will be removed will have to be trucked and will have to be taken out half at a time because access to the homeowners will have to be maintained. If the applicants can go with a narrower street when they bring pavers in there they would have to go 4-feet behind the existing back of curb minimum and that starts getting in to some important stuff, some planting and good sod. If the applicants go back with a flexible pavement some of the homeowners don't want that, it would take more sub-grade reinforcement but the applicants would not have to go as far back in the yard to get the paving machine in there. The applicants are expecting that from the homeowners standpoint sidewalks at back of curb will be suitable because it doesn't get in to their lot as far. Geotechnical boarings and a sub-grade analysis will have to be done before they propose and that will have to be part of the final plat process.

Commissioner Oetting stated that the applicants are looking for the homeowners to assume as far as cost is just maintaining the yards that will be redone. Commissioner Oetting asked what would happen if the applicants ran over budget on the construction of the roads; will the applicants come back and under budget the cost of the roads.

Mr. Sayre stated that he didn't know how to assure the homeowners or the County but if the homeowners were assessed Mr. Smith owns approximately 2/3 of the lots in the subdivision. The applicants are not intending to assess the homeowners as a matter of record. Anything for those streets other than working with the applicants for storm drainage easements and helping the applicants in fixing their yards. It is very difficult when you go in and effect someone's yard it is difficult for satisfaction; a year from now there may be settlement and Mr. Smith isn't going to go away for some time but the applicants are going to try and draw the line through public works in this process; the homeowners may be expected to take over some of the responsibility of the yard. The applicants think this is minor compared to the benefit of a new street.

Commissioner Sloan stated that the Commission is only dealing with three parcels of land and the applicants have given a lot of information, however in reality the Commission only has three issues before them. Commissioner Sloan asked the applicants the timeline for this.

Mr. Sayre stated that hopefully from Mr. Smith's standpoint they would sell quickly, from the process itself and being planned commercial there are a lot of issues; the applicants would try to come back with a preliminary plat as soon as they could to start this process. Hopefully the applicants would have a plan in front of the Commission by the first of the year.

Commissioner Sloan asked how long to build out.

Mr. Sayre stated several years, the applicants hope less than ten years.

Mr. Shy stated that there are about 300 lots; that would probably take 5 or 6 years minimum.

Commissioner Sloan stated that if the Commission denied the request tonight things can still happen on that piece of property and it is possible for this area to be annexed in to the City. Any conditions that the County puts on this plan, if approved, would become a moot point once it got annexed. Commissioner Sloan stated that she hears the concerns of the neighbors and hope everyone understands that if this request is denied that doesn't mean that this piece of property might not start changing very soon.

Chairperson Smith stated that it could be developed the way it is zoned now. It could still be pretty densely developed as it is now.

Commissioner Sloan stated that if this request is denied that doesn't mean that everything stops.

Mr. Yonke stated that the current zoning is R-S. The portion of the staff report that dealt with transportation did a preliminary assessment of what the applicants could do with this piece of property without any of the rezonings. If you take out the existing Concorde Estates and assume it will not be touched and you deal with the other 186.74 acres, if you divide that acreage by the minimum lot size which is 7000 square feet that is allowed by right to be proposed for this area that is where you get the 1162 units. That is a theoretical density because that doesn't take in to account the practical issues of roads. With a practical density which is a 25-percent calculation, you would end up with 872 units. The traffic assessment will be there no matter how the property is developed; the sewer issue will have to be addressed. If sewer capacity is not approved by DNR it doesn't matter what the zoning is. If the applicants proposed a straight single family subdivision on this piece of property no matter how many lots they proposed, if it met the regulations there is no public hearing process and no input from the neighborhood and no ability under the regulations or State law for anyone to have any input in that even if it is a crummy design if it meets the regulations the Commission is obligated to approve it.

Commissioner Sloan asked if the City annexed the property.

Mr. Yonke stated that it is all off the table anyway. If the applicants choose to annex the process starts over at the City and typically they don't look at what the County has done.

Commissioner Freiling addressed the neighbors stating that there are issues that are beyond the County's control. The biggest issue that is of the most concern is highway WW. The MoDot has engineering and budgetary considerations that make their decisions a mystery. The County has no control over highway WW and whether it will be widened or stop lights added. Any development that goes in east of the neighborhood will have the same impact as the one going in next to them. While no developer is apt to go in and develop 7000 square foot lots as a practical matter in the market a developer of this property could propose a much greater density than requested by the applicants tonight, on the other hand there would be no commercial. However this 40 acres of commercial may have less of an impact than 40 acres of more houses. The Commission likes planned developments. Commissioner Freiling stated that his concern with this plan is that we have planned commercial without planned residential. Even if the present request were approved there is no guarantee of what would happen in the future. One thing that always enters in to consideration is not the individual but what will be allowed in the future.

Chairperson Smith stated that she has a hard time reaching a decision on this because there is a major component missing and it has to do with the addendum and the waste water services report. Mr. Sayre

had stated that the applicants feel certain that they will allow him to expand the capacity. Chairperson Smith asked Mr. Sayre why he felt certain.

Mr. Sayre stated that on a planning process you normally don't have to and don't finalize waste water through the land use component. The applicants can't develop the property without the proper amount of wastewater treatment capacity permitted through DNR and approved by the Boone County Regional Sewer District. The applicants have to satisfy the sewer district. The Concorde Estates plant is 29,600 gallons per day. The reason for the addendum; Mr. Sayre stated that he didn't request an addendum. Through the process of a concept review Mr. Rattermann thought it was appropriate that the applicants make a proposal; the applicants used the Woodlands proposal as a guide to get on the sewer districts agenda. This will still be looked at as an interim facility. The ultimate solution for this for any sewer issue is the City of Columbia, in the applicants case they are governed by the Boone County Regional Sewer District and will continue to be that way. Mr. Sayre stated that his certainty is the fact that whether or not the applicants have zoning or now, they will still have to obtain the proper permit and proper wastewater treatment plant capacity or you don't develop more lots. The sewer district has indicated they feel obligated to serve the existing lots in Concorde Estates because it is a recorded plat and there is a facility that has been dedicated to them that was intended to serve that property. The applicants have been very successful in obtaining permits that discharge in to classified waters; in this case there is a precedent of downstream water quality to work with and past agreements. Mr. Yonke got more information so he wrote an amendment; Mr. Sayre stated that it was not his intention to get an amendment. Mr. Sayre stated that his deadline was yesterday for the sewer district and that is when he submitted the report to the sewer district. It was not intended to effect whether or not the land use was appropriate.

Mr. Shy stated that the solution that the applicants would propose would not be a lagoon.

Commissioner Heitkamp stated that she is very impressed by the review plan and wishes the applicants would have asked the Commission to approve the entire review plan and not simply commercial and duplex. Commissioner Heitkamp stated that she would be more comfortable knowing that any decision the Commission makes on rezoning of those parcels would be contingent on approval a plan that includes this amount of green space. The entire plan, if there were adequate sewage service, is well thought out. The applicants have given a convincing case showing that they have taken pains to address the topographical issues as well as the Southfork of the Grindstone. However the Commission can not make a decision based on what the applicants have presented tonight. Had the applicants brought forward planned residential development in addition to the duplexes and commercial the Commission would have a much task.

Mr. Sayre stated that the applicants did approach it in a planned format. Mr. Smith has had the same plan since week three of the goals; Mr. Sayre feels the applicants have met those goals. Someone made the comment that the land could be sold and that is a valid point.

Commissioner Heitkamp asked the applicants if they had any intention of rethinking.

Chairperson Smith asked if this request were tabled would the applicants rethink that.

Mr. Sayre stated that there is no intention of requesting tabling the development. The only open zoning is the residential part; the applicants have to come back on the plan and the applicants are here to see if the use is appropriate. The applicants have no intentions of changing the concept of the development.

Chairperson Smith stated that no one is asking the applicants to change the concept of the development.

Mr. Yonke stated that tabling the request would not solve the problem. The Commission is saying that they would like to see a planned development on the entire property. That would not work as a tabling because that has to be requested as a rezoning. The applicants would have to resubmit a new rezoning request for the whole thing; it can't be done as tabling.

Commissioner Freiling stated that of the proposals in here that Mr. Freiling would find the most difficult to support is the size and the presence of duplex development within this structure.

Commissioner Caruthers stated that Boone County in general has a real lack of affordable housing. There is more than either or, there are more alternatives. The fact that the applicants came forth with the entire idea knowing that the Commission only have before them these three issues; Commissioner Caruthers finds that to be very credible, very honest, and very up front.

Commissioner Oetting stated that Mr. Freiling stated that it may have more value or might see more value with the commercial property if it was soft commercial. Where the neighborhood might have a problem is the multi-family and Mr. Oetting has a problem with that too. This is not the area for multi-family.

Commissioner Duker asked if the stormwater from the duplexes will be channeled to the lake or will it go through the El Chaparral subdivision.

Mr. Sayre stated that part of it can realistically be presented to the lake; detention facilities would be required. Mr. Sayre stated that if he was guessing 65-percent would go through El Chaparral.

Commissioner Duker asked if that would be through a detention pond.

Mr. Sayre stated that it would have to be through a detention pond or will have to do work to a downstream culvert.

Commissioner Duker asked the applicants if they had a neighborhood meeting.

Mr. Sayre stated that they had a neighborhood meeting with Concorde Estates and that is the only association the applicants met with.

Commissioner Duker asked if El Chaparral have the option.

Mr. Sayre stated that the applicants did not schedule one but understands that they did have a meeting to discuss the development. Applicants did not attend the meeting. Mr. Sayre stated that he handed out his card and got several comments.

Commissioner Duker asked if any changes were made on the plan based on the neighborhood associations comments.

Mr. Sayre stated that the applicants talked about concepts in zoning and land use and didn't make any changes but maybe added a few, a pedestrian trail to the R-S portion since that time. A few road changes but no conceptual changes in density or the land use concept from the meeting but did receive a lot of input on the storm water issue. Applicants also investigated a few other issues received from comments.

Commissioner Duker stated that there doesn't seem to be any plan for storm water retention on the plan.

Mr. Sayre stated the applicants have to come back to the Commission with a detailed PRD plan then through the planned process they can require the applicants to address storm water and all the other issues.

Commissioner Duker stated that if the PRD was not approved tonight and the commercial was what would the applicants do for sewer.

Mr. Sayre stated that the sewer districts approach is that they feel obligated to serve the existing lots or an equivalent to those lots with the existing Concorde plan. The regional solution as Mr. Yonke stated could take some time so there is risk there. The applicants know they have a short term solution for the Elks.

Commissioner Duker asked what that short term solution was.

Mr. Sayre stated that the short term solution would be a vacation of a number of lots in the existing Concorde plat to insure the sewer district that those lots wouldn't be built upon. That number of lots was what was in the report, it was more of the next step for the Elks more than the land use plan. Mr. Sayre stated that he wanted to make the October agenda for the sewer district. The number he calculated based on a years worth of data for the Elks was that five residential lots would have to be vacated in order to insure that the Concorde Estates plant would be serving the equivalent in sewage terms to the original subdivision. The sewer district hasn't commented on that and they would define what the applicants would have to do. No matter what the applicants approach is building permit number one in Concorde Estates, or the equivalent to that, there needs to be an access road easement granted to the sewer district. A regional solution is not going to occur in three months, the permitting process is more like six months for the upgrades. The applicants could probably get smaller upgrades permitted quicker than that to the Concorde plant but that is not applicants intention right now. We have 29,600 gallons per day capacity and approximately 1/4 of that is being used right now.

Commissioner Mink asked which area the Elks are proposing to be located.

Mr. Sayre showed the location. The Elks lot will be approximately 4 acres but it has not been platted yet.

Commissioner Mink stated that with the underutilized commercial existing at El Chaparral what makes the applicants think that they will attract offices and banks to locate at the applicants site when there is space available that is not being utilized.

Mr. Sayre stated that the applicants have a letter of intent from the Elks which is 25-percent of the CGP. The Elks want green, they want planned and want room to do the things that they do. Well planned neighborhood commercial will raise the interest in those commercial properties.

Commissioner Mink stated that some people who live in El Chaparral talked about how difficult it is to come out of the neighborhood and make a left turn; it seems that this being upstream from that would create more traffic that will be in conflict. If a traffic signal became warranted at that location what is the process for the developer assisting with the cost.

Mr. Sayre stated that that will be addressed in the traffic study.

Commissioner Mink stated that it is a little unusual being MoDot and not under County jurisdiction. If a traffic signal is warranted how do those costs come in to play?

Mr. Yonke stated that MoDot would have to approve anything that is an improvement to their road however in the past they have taken substantial interest when a County road connection comes in to their road. If the County is going to secure the funding for the improvement by having the developer pay for it because it is their impact, unless there is a mitigating circumstance where they don't want that improvement, they will accept that improvement and defer to the County, since the County's road connects in to it, for how those improvements get worked out.

Mr. Sayre stated that we would use this process, the applicants know there is an existing issue and the trick is if you are the first guy that comes along when there is an existing issue you get hammered. If a signal is allowed without constructing an expressway then the signal at this location would create gaps for those entrances from the Casey's store. The problem with this, without going through the traffic study, is determining if and when they pull the trigger on something the applicants don't think is reasonable. The signal will be promoted by Mr. Smith at one of the entrances. They have ruled out the right turn lane, they were not receptive to the D-cell lanes on applicants side, Mr. Smith owns the right of way, there wouldn't be a question as to whether the applicants could improve that, but MoDot has seen problems with those, although they may be looked at as a safety benefit they have seen issues with people being able to see past the lane. The traffic study is an important requirement and is a good thing but if it doesn't warrant the improvements that people think then the applicants get shot down on improvements the applicants would like to make. The other difficulty is actually determining the amount of public cost versus a private developers cost. A signal at one of the entrances would create gaps, it would improve the ability to get out.

Mr. Shy stated that he would have to caution on a 3-legged intersection like that as far as being approved by MoDot. Mr. Shy cautioned the Commission not to get their hopes up too much on a signal at this time.

Commissioner Mink stated that he was merely addressing some of the concerns that were brought up. Another comment about the duplex area; it seems a lot of times in duplex areas there is a lot of cars to park on the street and it gets very congested with on-street parking. What plans do the applicants have to provide off-street parking that might mitigate that?

Mr. Sayre stated that at this stage the applicants don't have any plans for off-street parking but the applicants will welcome input when the final plan is brought in. The applicants plan on having three spaces minimum per unit, six places per structure. That is what the applicants would propose or in excess of that. Parking in the street is an issue but off street parking areas have their own issues in fencing them and access and how they are used. The applicants would hope to submit a plan that had adequate parking.

Commissioner Mink stated that it becomes a concern during snow removal operations when there are cars on the streets.

Mr. Sayre stated that the applicants would anticipate comments from public works on their plan.

Mr. Yonke stated that there appears to be some misunderstanding; the proposal for the RS-PRD portion the reason that you use the PRD from a developers point of view instead of going with straight zoning is that the density is exactly the same potentially as you have under the existing zoning. The only benefit you get is flexibility in the structure types that you can propose. In this case the applicants are proposing that on the 26.35 acres is to allow for duplexes where they otherwise would have to go through a different process to do duplexes. There is another process where you could go in to a straight residential

single family subdivision and get approval for duplexes as a conditional use permit. The number of units the applicants can propose on that area is no more than they could have had housing units under the original zoning. The master plan indicates that where commercial and industrial projects are proposed there is a preference toward planned, it doesn't go that far on residential. The applicants are not bound by the lot configuration and everything that they've shown here, they will probably have to modify it because there are certain aspects of it that probably won't meet regulations. That aspect of it is not going to gain a whole lot by bringing the rest of the property in as a planned development any more so than you are being held to the same subdivision and the same basic infrastructure requirements whether you are proposing a regular subdivision or a planned development. There is not a whole lot of difference other than the amount of open space that they are proposing would be bound. The design issues are really what is going to govern that property.

Commissioner Freiling stated that his take on this is that he is not sure that he wants to establish a pattern of rezoning large tract developments.

Mr. Yonke stated that it is a valid concern for the Commission. Mr. Yonke stated that he just wanted to point out that the master plan does specify the preferred method for commercial and industrial, it doesn't go that far for residential.

Commissioner Mink stated since part of this includes some existing developed areas in Concorde Estates how would that be handled if planned R-S was requested with some of it already having been done.

Mr. Yonke stated that the portion that is already Concorde Estates, the applicants could request the lots he owns to be rezoned to part of the planned development, you can't ask for somebody else's property to be rezoned. Anyone who owns a lot there would have to be a participant in the request to be part of it. Otherwise it happens around them and they are not included in it. They may benefit from it and may be able to work with the developer on it but unless they are party to the rezoning they are not part of the request.

A speaker from the audience asked to show the Commission something on the map that they may have missed.

Chairperson Smith informed the speaker that the public hearing had been closed.

The speaker stated that it referred to the location of her home in relation to the commercial development. It is not just that the residents want to live in a 200-acre farm, it is the fact that the planned commercial development is going right behind the existing houses. The residents realize that there would be a subdivision and more houses going in at some point but their houses are right next to the commercial area. Down from that is where the duplexes are going in.

Commissioner Caruthers made a motion to approve tract A from R-S to CG-P with staff recommendations.

No one seconded the motion.

Commissioner Freiling stated that he had a problem with the commercial zoning up front. It is a logical buffer between the busy street and the development and it follows the same pattern with El Chaparral. The proposed zoning has strong controls. Commissioner Freiling stated that his objection to it is not to the proposed use but because he doesn't want to spot rezone without dealing with the entire property.

Commissioner Sloan made a motion to deny the request. Commissioner Heitkamp seconded the motion.

Commissioner Sloan made and Commissioner Heitkamp seconded a motion to deny the request by Klifton Altis on behalf of Prime Development Corp. to rezone **Tract A**, 15.36 acres from R-S (Single Family Residential) to C-GP (Planned Commercial), located at 4750 E. Hwy WW, Columbia.

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers - NO	Carl Freiling - Yes
Mary Sloan – Yes	Larry Oetting - NO
David Mink – NO	Kristen Heitkamp - Yes
Russell Duker - Yes	

Motion to deny request carries. 6 - YES 3 - NO

Commissioner Oetting made and Commissioner Morgan seconded a motion to deny the request by Klifton Altis on behalf of Prime Development Corp. to rezone **Tract B**, 4.98 acres from R-S to C-GP, located at 4750 E. Hwy WW, Columbia.

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers - NO	Carl Freiling - Yes
Mary Sloan – Yes	Larry Oetting - Yes
David Mink – Yes	Kristen Heitkamp - Yes
Russell Duker - Yes	

Motion to deny request carries. 8 - YES 1 - NO

Commissioner Oetting made and Commissioner Sloan seconded a motion to deny the request by Klifton Altis on behalf of Prime Development Corp. to rezone **Tract C**, 26.35 acres from R-S to R-S/PRD (Single Family Residential / Planned Residential Development), located at 4750 E. Hwy WW, Columbia.

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers - NO	Carl Freiling - Yes
Mary Sloan – Yes	Larry Oetting - Yes
David Mink – Yes	Kristen Heitkamp - Yes
Russell Duker - Yes	

Motion to deny request carries. 8 - YES 1 - NO

Chairperson Smith informed the applicants that if he wished to appeal to the County Commission an appeal form would need to be turned in to the Planning Department within three working days.

PLAT REVIEWS

1. Dieckmann. S1-T48N-R14W. R-S. Steven R. Proctor, surveyor.

The following staff report was entered in to the record:

The property is located to the northeast of the intersection of Rollingwood Blvd, and Trails West Avenue. The two lots are each occupied by a single family home and one out building. The purpose of the subdivision is to adjust the boundary between the two lots.

Lot 1 has frontage on and access to Trails West Avenue, Lot 2 has frontage on and access to Rollingwood Blvd. Right of way sufficient to provide a 33-foot half-width for each road is dedicated by this plat. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

The property is in the service area of Consolidated Public Water District Number 1. Lot 1 is currently being served by a well; Lot 2 is being served by the water district.

Both lots use a common lagoon that is partially located on Lot 1, for wastewater disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 93 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Heitkamp made and Commissioner Freiling seconded a motion to **approve with staff recommendations** the plat of Dieckmann. S1-T48N-R14W. R-S. Steven R. Proctor, surveyor:

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers - Yes	Carl Freiling - Yes
Mary Sloan – Yes	Larry Oetting - Yes
David Mink – Yes	Kristen Heitkamp - Yes
Russell Duker - Yes	

Motion to approve plat with staff recommendations carries unanimously.

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OLD BUSINESS

Stan Shawver updated that Commission of the decisions of the County Commission.

The CUP by McManama was approved by the County Commission as recommended.

The rezoning request by Souder was appealed to the County Commission and was denied.

Chairperson Smith reminded the Commission of the joint City/County Planning and Zoning Commission on Saturday at 9:00 p.m.

ADJOURN

Being no further business, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Mary Sloan,
Secretary

Minutes approved on this 20th day of November, 2003.