

**BOONE COUNTY PLANNING & ZONING COMMISSION**

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, March 18, 2004

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
	Rob Brown	Rock Bridge Township
	Carl Freiling	Cedar Township
	Kristen Heitkamp	Katy Township
	Larry Oetting	Three Creeks Township
	David Mink	Public Works

Absent:	Russell Duker	Missouri Township
	Keith Neese	Columbia Township

Also present:	Stan Shawver, Director	Bill Florea, Staff
	Paula Evans, Staff	

The minutes of the February 19, 2004 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 conditional use permit, two planned developments, and several subdivision plats.

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 for the conditional use permit and rezoning request:

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.

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, March 30, 2004. 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, March 30, 2004 will begin at 7:00 p.m. and will convene in this same room.

## **CONDITIONAL USE PERMITS**

1. Request by Scott-Poe Properties LLC for a go-kart track and a paintball field on property located at 5500 W Van Horn Tavern Rd., Columbia.

Director, Stan Shawver gave the staff report stating that this property is located just west of Columbia on the south side of Interstate 70 at the end of Van Horne Tavern Rd. The property is zoned REC. Land to the north, across I-70, is zoned A-2. Land to the east, across Perche Creek is zoned R-S and M-L. Land to the south is zoned A-1. Land to the west is zoned A-R. The subject site is the Perche Creek Golf Club, which currently includes a golf driving range, miniature golf course, par 3 golf course, batting cages and a club house. This request is to add a go-cart track to the facility, and a paintball game area. The original zoning for this site is A-1. It was rezoned to REC in 1993. The master plan designates this area as being suitable for residential land uses. The proposed additional uses are consistent with the established recreational activities occurring on the site; however staff has concerns about the potential for noise generated by the go-carts. The applicant has submitted a sound study conducted by a consulting engineer on a similar facility in Michigan. Review of that material would seem to indicate that the

operation of a go-cart track could be compatible with the surrounding area, weighing in such factors as the proximity to the interstate highway and the distance between the track and residential properties in the area. The closest residence would be more than 800 feet away from the track, if installed as shown on the site plan. Staff did receive an e-mail from a property owner in the Hamlet subdivision to the southeast stating that they can hear farm equipment operating in the Perche Creek bottoms in the evening. They expressed concern that noise from the go-carts would be a problem.

- a) **The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety or general welfare.** If conditioned as proposed the use should not be detrimental to the public health, safety or welfare.
- b) **The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.** By placing limits on the hours of operation and the horsepower of the go-carts this use should be compatible with surrounding properties.
- c) **The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.** There is no indication that this use will diminish property values in the neighborhood.
- d) **All necessary facilities will be available, including, but not limited to utilities, roads, road access and drainage.** The proposed uses should not increase demand on utilities.
- e) **The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.** Property to the east is across Perche Creek and is primarily used for commercial uses. Land to the south is agricultural and floodplain. Land to the east is partially in the floodplain and is primarily commercial. The proposed uses should not impede normal development of such properties.
- f) **The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.** Van Horne Tavern Road dead ends at this property, which is a destination point. It is not anticipated that the proposed use will cause congestion on the public streets.
- g) **The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located.**

Staff's analysis of this request is based on the uses described in the application.

Staff recommends approval of the go-cart track with the following conditions:

- Track open from 10 AM to 10 PM.
- Additional lighting be directed inward and downward.
- No privately owned go-carts allowed on the track.
- Go-carts are restricted to 6.5 horsepower.

Staff recommends approval of the paintball facility with the following conditions:

- Hours of operation from 10 AM to 10 PM.
- Additional lighting be directed inward and downward.

Richard Poe, owner, 1201 Danforth Circle, Columbia.

Peggy Poe, owner, 1201 Danforth Circle, Columbia.

Mr. Poe stated that staff's report included most of the things that Mr. Poe was going to say. About 9 years ago this Committee recommended this area to be zoned recreational as being the best use of the land. At that time the applicants stated their intention to create a family recreation center with an emphasis on golf. The applicants have added other things as the community expressed interest in other activities. They started with a driving range, mini golf and have added batting cages and a par 3 course. The applicants are now proposing to add a small go-kart track about 70 by 140-feet, there would be only about 4 to 6 go carts at the most that would be operational at one time. Sometimes there may only be 1 or 2. The 6 ½ horse power is the maximum that the carts would be. The paint ball field is something that there is a lot of interest in within the community. The applicants get a lot of phone calls about both of these activities. At the present time neither one exists in Boone County. The applicants believe these uses would fit in with the existing operation and they would provide additional recreational opportunities for the youth of the community. Hopefully it won't create any problems for the neighbors as the applicants don't want to do that. The noise factor affects the owners as well as the neighbors because there is golf there. If the noise were something that bothered the people then the applicants wouldn't do it anyway.

Mr. Poe stated that in summary the applicants have tried to create a facility that serves the entire community and one the community can be proud of. There are customers from 3 years old to 85 years old. Mr. Poe stated that he hopes the applicants have earned the Commission's confidence to allow the applicants to proceed with this project.

Chairperson Smith asked the applicants if they had any problems with the conditions.

Mr. Poe stated that this is the first time he has heard them but doesn't see it as a problem. Most of the time the hours are 10:00 a.m. to 7:00 p.m. and in the summer they are open later than 10:00 p.m. on the weekends for the driving range, sometimes until 11:00 or 11:30 on Friday and Saturday night on the driving range and mini golf because people come out at a certain time and if they start at 10:00 it takes an hour or so before they are done. The restriction on the paint ball and go-carts would be no problem.

Commissioner Caruthers asked if the go-carts would be powered by Briggs and Stratton type engines or something else.

Mr. Poe stated that Commissioner Caruthers knew more about it than the applicants. Mr. Poe stated that he did not know, he hasn't gotten that far and didn't want to proceed too far without knowing whether or not they could do it. The go-carts the applicants have looked at would be for the slick track which is a small oval track; it is not a race track that is being built where go-carts go for a long distance, it is an oval where they just go around, it is in between a go-cart track and bumper cars. Mr. Poe stated that he couldn't really say what type of engine would be in there.

Commissioner Caruthers asked staff if there was any way to calculate horse power in to cc's.

Mr. Shawver stated no. The material staff looked at in doing the background on this request, the standard carts seemed to range between 5 and 9 ½ horse power. The higher horsepower ones are restricted to 16 years and older to operate.

Commissioner Sloan stated that a couple of other times go-carts have been tried in this county and they have also been associated with other recreational facilities and they have failed. What makes the applicants think this will succeed.

Mr. Poe stated that it might not; that is what business is all about. This type of go-cart track is different than the other two that were in Boone County and it does seem to be very popular among college students and young adults and even older adults. There seems to be some demand for it. Mr. Poe stated that he is willing to invest the money to see but can't promise that it will be successful. The facility is a little bigger and other things are included such as the batting cages, the driving range, and the par 3 course. There is probably more activity than the other two facilities that tried it.

Commissioner Sloan stated that under the terms of the conditional use permit, this is what this is for so if it doesn't succeed or if the paint ball doesn't succeed the applicants can't put something else in there.

Mr. Shawver stated that the applicants can put any permitted recreational use there.

Mr. Poe stated that the land is zoned recreational and there are certain permitted uses under the recreational use.

Commissioner Caruthers stated that most of this operation is in the flood plain. Commissioner Caruthers asked if the facility was insured.

Mr. Poe stated that the go-cart track, the building, driving range, mini-golf, and batting cages are all built up above the flood plain and that is where the go-cart track is too. The paint ball field will be in the flood plain and the Commission thought that this was the best use of the land. These uses can be there without building levee's or anything to protect them. The go-cart track is above the flood plain.

Commissioner Oetting stated that the applicant states there will be 4 to 6 go-carts out there. Commissioner Oetting asked if that was going to be a limit or if the business takes off will there be 10 or 12 go-carts.

Mr. Poe stated that he believes the type of space that he has is above the flood plain where the go-cart track would be is a very limited area and this size track is 70 by 140-feet and it is not real big. Mr. Poe stated that he is only looking at this size track, if the Commission would like to add that as a condition and the applicants have to come back to the Commission if the project is expanded, that is fine.

Commissioner Oetting asked the size of the paint ball area, how many participants do the applicants expect.

Mr. Poe stated that this is an operation that the applicants don't have a lot of expertise with. The sample fields are 110 by 150-feet. There is a field where Van Horn Tavern Road dead ends and just past that dead end is a large field of several acres in the flood plain and is surrounded by trees, that is where the paint ball field will be. There is ample room for several people. Mr. Poe stated that he didn't know, the applicants were just going to put a field in and hope people use it.

Commissioner Oetting asked if it would be 10 to 15 people at a time.

Mr. Poe stated he hoped so. There are generally groups of 10 at a time, it is usually a small group and they are there for a limited amount of time. It is just like the go-cart tracks, they go around a few times. The paint ball is the same, maybe 30 minutes then another group comes in.

Commissioner Caruthers stated that the applicants are proposing a 30 by 30 multi-use building independent of the go-cart improvement.

Mr. Poe stated that there is a small building where the golf balls are washed and distributed. The building being proposed will handle that and it will be at the edge of the track where the go-carts will be housed. It will just be a maintenance type building.

Open to public hearing.

No one spoke in support of the request.

Present speaking in opposition to the request:

Dee Dokken, 804 Again St., Columbia.

Ms. Dokken stated that she is not necessarily in opposition but did have some concerns. There is city land across the creek nearby this between Strawn Road and Perche Creek, it is 100-acres. Ms. Dokken stated that she suspects that someday this property will be a park and that is something to be aware of. The other thing is that the City and County will probably have a green belt trail going along Perche Creek someday. Right now when you are on this city land I-70 is a back ground hum but it is still a very peaceful place. Maybe it won't be that much extra noise.

Ms. Dokken presented to the Commission a map of the land from the County website.

Robert McConnell, 1601 N. Earthland Rd., Columbia.

Mr. McConnell stated that he lived directly across the interstate from the site in question. Mr. McConnell stated that he had concerns and questions. The applicants stated that they would be willing to have a 10:00 deadline and gave his normal hours of business but at times the miniature golf course has lights on until 1:30 to 2:00 a.m. on some weekends. If this is for college parties and the like and it is going to have the same kind of activity it could be very disruptive to the neighborhood. At this time the applicant has not lit the par 3 golf course but it appears there are light standards in place to also light that golf course which is expanded activity; that does not tend to show up in this unit because they have all been put in place this winter. Mr. McConnell stated that he thought the paintball fields were going to be on the east end of the golf course, it was actually going to be done at night when they weren't playing golf but coming to this meeting it doesn't sound like that is the case. In 1993 when this was proposed the lights were supposedly not going to be a problem to Mr. McConnell because they weren't supposed to shine on to his property. Anyone that comes down I-70 can tell you that they shine directly on to his property; it is a very bright operation. Mr. McConnell encouraged the Commission to put restrictions as to times the lights can be on.

Commissioner Heitkamp asked what the horsepower of Mr. McConnells tractors are.

Mr. McConnell stated that they are about 20 horsepower but it doesn't make as much noise as his 2 horsepower chainsaw.

Commissioner Freiling asked if there was ever a time that the applicant is able to hear the facility across the highway over the highway noise itself.

Mr. McConnell stated yes. He can hear talking at times; it is not a lot, just when the wind is right and it is not a big problem. The highway noise is always a hum, you get used to that, you always hear the siren, and the different noises. That will probably be heard over and above the highway noise; the neighbors will probably get used to it, but it won't be a consistent noise so it won't be like the highway noise in that it is something steady and calm in the background, it will be an up and down thing with the go-carts and they will be heard.

Donald Wesselmann, 1700 N Earthland Rd., Columbia.

Mr. Wesselmann stated that he lived directly north across the road. Mr. Wesselmann stated that he is not opposed and is not for the request. The biggest concern is restrictions on hours because there are nights that he lays in bed until 1:00 or 2:00 a.m. waiting for the lights to be turned off in the summertime so he can go to sleep, the lights shine in the front windows of the house. When the lights were first turned on in 1993 when they got them in, it lit up just like daylight, they re-adjusted them down after that but it still lights up the house pretty good. The applicants put poles up this winter on the golf course and the neighbors don't know how much more it will be lit. We get used to noise but Mr. Wesselmann is not looking forward to the added noise but if restrictions are set for definite hours Mr. Wesselmann will not oppose.

Chairperson Smith stated that the Commission is addressing concerns to the current request, not the existing lighting.

Mr. Wesselmann stated that he is aware of that but would like limits set so it doesn't go to 1:00 or 2:00 a.m. as it is now.

Chairperson Smith stated that the Commission would address those concerns.

Jim Beckett, 5830 Van Horn Tavern Rd., Columbia.

Mr. Beckett stated that he lived immediately west of the golf course. Mr. Beckett stated that he had concerns and the primary one is the noise. Staff recommended a limit of 6 ½ horsepower. It was alluded to a little bit ago about the kind of motor that would be used; Mr. Beckett stated he had that question too because there is a tempo magnitude difference in noise between a 6 ½ horsepower 2-cycle motor and a 6 ½ horsepower 4-cycle motor. Some go-cart tracks have the 2-cycle motors and they sound like chain saws or an angry hornets nest going all the time at a much higher decibel reading than the 4-cycle motors do. The other thing with noise is it is an accumulative thing. Between Mr. Beckett's house and the highway is a house, barn, garage, a large commercial building and a lot of trees, it makes a lot of difference than just being in an open valley. The applicants survey by BDN Industrial Hygiene Consultants, as quoted in the Columbia Daily Tribune, said that it showed steady noise levels of 70 to 80 decibels when combined with the interstate in Michigan. Compared with a background noise of I-94 that showed it was 60 to 68 decibels, which was considered acceptable during daytime activities, and 52 decibels at night. The survey also indicated that this was cumulative and the noise would be added to the noise from the highway not taken away from it or masked by it. If it goes until 10:00 p.m. it is not going to be pleasant. Mr. Wesselmann had stated that the neighbors would get used to it. Mr. Beckett asks why should the neighbors have to get used to it. The neighbors were there before this development so he is not sure why he has to adjust to them, perhaps it wouldn't hurt for the applicants to adjust to the neighbors.

Mr. Beckett stated that he does not know paint ball but has heard that these guns have the ability to shoot a projectile 200-yards with a pretty significant force. That will not get to Mr. Beckett as he is more than 200-yards away from the field but he is concerned about some of the characters getting carried away with

their equipment. Mr. Beckett would like a restriction on the hours of operation because there is a lot of traffic going by well after 10:00 p.m., particularly on weekends. People go by at 12:00 and 1:00 a.m. and it seems like most of them are car jockeys who want to see how fast they can speed up the road. Either that or they are the music buffs who want to make everything vibrate around when they go by. Mr. Beckett stated that he doesn't want this request to add to the problem.

Mr. Beckett stated that he presumes this course will be lighted and wants to point out that light also has a cumulative effect. The lights on the operation now have destroyed his opportunity to build a home on the back part of his property because he doesn't want to live under the flood lights all the time. The hillside that is south of the applicants property is now totally lit up, you can go back there at night and read a paper.

Closed to public hearing.

Chairperson Smith stated that it does matter what size the engines are.

Mr. Poe stated that he didn't speak very well to that previously. Some go-cart tracks want noisy engines but with the applicants golf operation as the main attraction Mr. Poe stated he would get the quietest engines available. Mr. Poe stated that he would do more studying about it and he is not 100-percent that he would even do the go-cart track anyway. The applicants would use the quietest engines available. Mr. Poe stated that he would have the same reason to have it quiet as the neighbors would.

Commissioner Caruthers asked staff if it would be possible to amend the 6 ½ horsepower restriction to a 4-stroke engine.

Mr. Shawver stated that the Commission could add whatever conditions they felt were necessary.

Commissioner Caruthers asked the applicants if they had any opposition to limiting the go-carts to 4-stroke engines.

Mr. Poe stated not really. It is to the applicants benefit for it to be as quiet as possible. To go around a 140-foot track you don't need to go that fast. Mr. Poe stated that he doesn't have a problem with that assuming those size engines are available.

Commissioner Morgan asked the applicant if they planned on putting up a sound barrier.

Mr. Poe stated he hadn't planned to. There would be a wooden fence between the go-cart track and the mini-golf. The building that is proposed would be between Mr. Beckett and the go-cart track so that would act as a barrier.

Commissioner Heitkamp stated that she would have a problem voting for this without a background noise study and without setting a decibel level on this project. Commissioner Heitkamp stated that she feels that 10:00 p.m. is too late for a go-cart track. There is background noise from the highway and that is generally 55 to 65 decibels for a passenger car going about 55 miles per hour. Go-carts can go up to 80 decibels which is the equivalent of a motorcycle and if you live on Highway UU you can hear motorcycles go by all the way down to the Perche valley. Commissioner Heitkamp stated that she would be more comfortable considering this request if there was a noise study done. If the applicant knows the decibel level for the go-cart the Commission would be happy to hear that but right now Commissioner Heitkamp can not make any judgment of whether this would be good for the community.

Commissioner Heitkamp asked the applicant what the lighting would be on the paint ball field. This will have an impact on city property and assumes that at some point the metro green belt will go through and there will be a green belt adjoining that property on the east. There is a major highway but as the folks who have lived on that highway for many years have stated, you get used to that background. A little noise study would be applicable in this situation. If the applicant would like to come back to the Commission with their ducks more in a row the Commission would be happy to talk to him about it then.

Mr. Poe stated that all would agree that it is more enjoyable to come in to the City from the west side than it is from the east. The applicants have tried and felt like what the applicants have done there with the golf and the paint ball will be natural. The applicants don't intend to conflict with anything. There have been levees built upstream and downstream that has affected the water flow quite a bit whereas the applicants haven't done anything like that; they have kept it so the water can still come in. Mr. Poe stated that he knows there is going to be noise from the go-carts and wouldn't dispute that; and any noise is going to be too much for some people. Mr. Poe stated that his statement to that is does the Commission think that the development on that property has been an asset to the community. It is surrounded pretty much by commercial and other types of land use. The only other thing about the go-carts is that they have the electric ones now; the applicants were going to look in to that. Mr. Poe stated that he hasn't decided what to do; applicants didn't want to invest that much more time and money until he knew whether or not he could even do it.

Commissioner Heitkamp asked the applicant if he has looked in to bumper cars.

Mr. Poe stated that this type of track is kind of in between bumper cars and go-carts.

Commissioner Heitkamp asked if it was a paved surface.

Mr. Poe stated that it is asphalt but the surface is slick so the cars can spin out when they go around. It is not a race track. Mr. Poe stated that he believes it would be an asset to the community; there are people that would use it. The overall impact would be negligible because of the highway; maybe the increased noise would be a problem. There are 40,000 cars and trucks that go down the highway and even though it is a hum, it is a very loud hum. The go-cart track would add to the sound.

Commissioner Heitkamp stated that it is an incremental addition it is not a geometric addition. In other words if you had 2 go-carts at 60 decibel level it wouldn't be 120 decibel it would be something like 63. You probably have a back ground noise of about 60. As far as the property being zoned recreation and this being a good use for that; the applicants neighbor is also Bob Bechtold and it is obviously a commercial node on I-70. Commissioner Heitkamp stated that she didn't have a problem with that.

Chairperson Smith asked staff if the Commission has ever required sound analysis before?

Mr. Shawver stated that there have been two planned commercial districts that have had noise restrictions. The Midway Expo center when it was initially approved there was a sound restriction on it and the fairgrounds when it was originally zoned by a private entity. What you run in to is enforcement; if there is a complaint, it will require expert testimony and the County has to hire a consulting engineer to go out and take sound readings so the testimony would be admissible in court. Mr. Shawver stated that since the County doesn't have a noise ordinance staff's recommendation would be to not place a sound limit as a condition.

Chairperson Smith stated that the Commission has information that has different noise levels from a different number of go-carts, it is old information. Chairperson Smith stated that it is dated 1978.

Mr. Shawver stated that one study was from 1997 and staff reviewed that in relationship to the ones that had noise restrictions, staff had to familiarize themselves with standards. All the information provided to the Commission is consistent with the standards and was consistent with the information that staff got from Shell engineering when they were paid to do a sound study at the fairgrounds.

Chairperson Smith asked if any of the data has changed.

Mr. Shawver stated no; noise doesn't change and the way it is measured doesn't change.

Chairperson Smith stated that if you look at the distance from the track it gives a lot of decibel information.

Commissioner Caruthers stated that normal conversations of talking are about 50 decibels.

Commissioner Sloan stated that right now the applicants have a golf course, a mini golf course and a driving range, those are relatively quiet activities. Older adults are using those, people don't make a lot of noise on a driving range; mini golf courses are family oriented activities. If a paint ball facility is put out there and a go-cart track then the applicants will have an entirely different clientele. It will be a noisier situation just with the people who will come out there. The noise level of the go-carts is one thing. The comments the Commission has heard about the lighting and so forth and because in 1993 when the property was rezoned there were no restrictions that could be put on lighting. Anybody who has driven down I-70 at night and has seen this site knows it is very bright and this will add to it. Commissioner Sloan stated that she does have concern for the neighbors having a lot more lighted facilities. Commissioner Sloan doesn't anticipate the applicants will shut off the lights at 10:00 p.m. and shoo everybody off the course. There will be things going on after 10:00 p.m., maybe not intentional, but it will still be a cause for concern and dismay from the neighbors.

Mr. Poe stated that the applicants can control the paint ball field, and in the summer it is basically light until 9:00 or 9:30 p.m. anyway, there is not a lot of light but you could limit that by time to make sure they were off at 10:00 p.m., that wouldn't be a problem, whereas the mini golf is a little more difficult where people start the game and want to finish. As far as lighting for the go-carts there would be no additional lighting, part of the driving range tee would be where the track would go so it would be the same lighting and that could be controlled on the 10:00 p.m. part.

Chairperson Smith stated that the applicant is not going to put more lights.

Mr. Poe stated that there would not be any additional lighting for the go-cart track. Where it is located it is already lit. It might actually be less because part of that area is used for the driving range tee where it is lit out in to the landing area and it would be on that same side. Truthfully the applicants haven't considered lighting the paint ball field.

Commissioner Heitkamp asked what about dawn to dusk as a limitation.

Chairperson Smith stated that dawn is a little early.

Chairperson Smith stated that there will be no additional lighting for this request.

Mr. Poe stated that is correct.

Commissioner Caruthers stated that if the paint ball field were lit it would probably be a detriment to the customers.

Mr. Poe stated that he never intended to light it.

Commissioner Mink asked the applicant if he would have a problem if that were added as a condition.

Mr. Poe stated no.

Chairperson Smith stated that a question of the clientele was brought up earlier. Has the applicant thought any of who this would appeal to and how it would be advertised and promoted.

Mr. Poe stated that this type of go-cart track appeals to kids and families so it wouldn't be a different clientele than they have now. Usually at a recreation center such as this you don't necessarily have a lot more people come when you add an activity; it is just the people that are there do one more thing. When the batting cages were added a lot of the people that were at the mini golf then went down and used the batting cages. Mr. Poe stated that he didn't think there would be different clientele at all but still very family oriented. The paint ball is a little different; a lot of different corporations use paint ball facilities to try and create team work. It is one of the biggest fund raising activities that the University of Missouri has; one of the sororities does it in another county.

Mr. Poe stated that he was in Wal-Mart today and noticed that there was as much shelf space for paint ball activities as there was for soccer which is interesting because Boone County doesn't have a paint ball facility. People are leaving the County to do it. Mr. Poe stated that he doesn't expect a different clientele. The people that have asked him about it seemed to be the same ones that come and use the current facility.

Commissioner Mink stated that he believes Commissioner Sloan was referring to the impromptu parties that might occur after dark after the last paint ball game in the parking lot. Commissioner Mink asked Mr. Poe how he would control people hanging around making a lot of racket after the paintball facility was shut down.

Mr. Poe stated that you deal with any problem as they arise. If that were an issue, if it happened, this is a family owned operation and the applicants don't want any activities like that either; Mr. Poe and his wife own it and their son runs it. It is not an investor owned operation from somebody in Chicago or something. The owners are there everyday.

Commissioner Heitkamp stated that a conditional use permit conveys with the property so when the current applicants are gone it could be someone from Chicago operating it.

Mr. Poe stated that his son is running the facility now, he is 27 years old. The lease on the land is up in 12 years, who knows what the land use is going to be there in 12 or 15 years anyway. The applicants wanted to come and ask for a conditional use permit and don't know if it is in the similar recreational uses anyway, which are in the permitted uses. The applicants felt since it was different they would ask for a conditional use permit and it gives the neighbors a chance to speak their peace. Mr. Poe stated that he didn't want to do anything that would harm the community or the facility that the applicants have now.

Commissioner Caruthers made a motion to approve the request for a conditional use permit according to staff provisions and that no additional lighting be utilized for the paint ball facility and the go-carts are restricted to 6.5 horsepower 4-stroke engines only.

Commissioner Heitkamp asked about the number of go-carts.

Commissioner Caruthers stated that the type of track the applicant has listed it is not conducive to more than a few so it would be impossible to run more than a few.

Commissioner Mink seconded the motion.

Mr. Shawver asked if both requests were on the same motion.

Commissioner Caruthers stated yes.

Mr. Shawver asked if the additional lighting applies to the paint ball but not the go-cart track.

Commissioner Caruthers stated that the no additional lighting applies to the paint ball only and the go-carts would be limited to 6.5 horsepower, 4-stroke engines only.

Commissioner Morgan stated that the Commission talked about cutting the hours back too.

Chairperson Smith stated that the Commission did talk about it.

Commissioner Caruthers stated that the Commission talked about it but Commissioner Caruthers does not care to include that in his motion.

Commissioner Heitkamp stated that Chapel Hill was required to close at 9:00 p.m.

Chairperson Smith stated that she believes the Commission should think about that.

Commissioner Oetting stated at least tie it to sundown.

Chairperson Smith stated that they are not going to be on the paint ball field after dark anyway and there are no lights. The Commission should consider the hours.

Commissioner Caruthers stated that his motion stands. Commissioner Caruthers stated that he believed the hours should remain as recommended and stated that in the course of the operation Mr. Poe will have an idea of about how long it takes to run the course of the operation. Commissioner Caruthers asked Mr. Poe to make sure they are done by 10:00 p.m.

Chairperson Smith stated that she wanted to amend the motion to similar things the Commission has done which is 9:00 p.m.

Commissioner Heitkamp stated that is what the Commission has done with planned recreation.

Mr. Shawver stated that those were conditional use permits on outdoor recreational facilities.

Commissioner Freiling stated that in this instance we have an existing use that extends well past 10:00 p.m. and that is a relatively standard bedtime. It would seem that since there is already an existing recreational use there that clearly runs much later it is not going to accomplish much to limit the other.

Mr. Shawver stated that the rationale that staff used to come up with 10:00 a.m. to 10:00 p.m. is that staff has looked at other uses that had the 9:00 p.m. deadline and they were A-2 zoned properties and conditional use permits for outdoor recreational facilities. Staff looked at conditional use permits for go-cart tracks that were passed in 1991 and 1993 and both of those had 10:00 a.m. to 10:00 p.m.

Chairperson Smith stated that consistency is what she was looking for. Commissioner Caruthers' motion stands as made.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **approve** the request by Scott-Poe Properties LLC for a go-kart track and a paintball field on property located at 5500 W Van Horn Tavern Rd., Columbia **with the following conditions:**

Go-cart track conditions:

- Track open from 10 AM to 10 PM.
- Additional lighting be directed inward and downward.
- No privately owned go-carts allowed on the track.
- Go-carts are restricted to 6.5 horsepower 4-stroke engines only.

Paintball facility conditions:

- Hours of operation from 10 AM to 10 PM.
- No additional lighting.

Pat Smith - Yes

Mike Caruthers – Yes

Carl Freiling – Yes

Larry Oetting – Yes

David Mink – Yes

Mike Morgan - Yes

Mary Sloan – Yes

Kristen Heitkamp – Yes

Rob Brown - Yes

Motion to approve request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on March 30, 2004.

## **REZONING REQUESTS**

None.

## **PLANNED DEVELOPMENTS**

1. Request by Prime Development Corp. to approve a review plan for Southfork of the Grindstone planned commercial development.

Planner, Bill Florea stated that the staff report covered the two review plans and the preliminary plat.

Planner, Bill Florea gave the staff report stating that 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 included in the review plans are immediately east of Cedar Ridge School and immediately south of the existing duplex and multifamily units that are south of the school. The entire subject tract is zoned R-S (Single Family Residential). In October of last year the rezoning requests associated with the current proposed plans were considered by the Planning & Zoning Commission. The County Commission granted the requests in December. A site is not actually rezoned until a review plan and a final plan have been approved by the Commission.

The PCD Plan shows 8 lots for the proposed planned commercial area. Lot 1 is the only lot that has a specific use and building proposed at this time.

The proposed use of Lot 1 is for an Elk's Lodge building. The review plan indicates that the Elks Lodge will be a maximum of 15,000 square feet initially with the potential to expand an additional 10,000 square feet.

The applicant has indicated that Lot 8 will be restricted to uses from the C-O (Commercial Office) district; however, until a revised review and final plan are approved showing structures and proposed use from the C-O classification, no construction on this lot is permitted.

The other section of the C-G/P request contains Lots 2-7. This portion of the development is 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) classification. As with Lot 8, until a revised review and final plan are approved showing structures and proposed use from the C-N classification, no construction on these lots will be permitted.

The PRD Plan shows 128 single family attached units.

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. Sewer is proposed to be from a central system to be operated by the BCRSD.

With respect to the preliminary plat for the property an internal traffic study has been presented along with an initial study of HWY WW. The study for Hwy WW is being made in cooperation with another developer, the county, the city of Columbia and the State. That study is not yet complete making it difficult to identify off-site improvements at this time. Therefore the developer may be responsible for off-site improvements that will be determined at the final platting stage. Road names will need to be worked out with joint communications as some are not acceptable. Fire hydrants and public water improvements will have to be made prior to any construction taking place. The street designated as Locust Trace Drive on the preliminary plat is a cul-de-sac approximately 1800-feet long, which is in excess of the 1000 foot maximum length allowed in the subdivision regulations. A private emergency lane has been shown across the dam. Public Works has concerns as to how this private access will be

maintained and kept clear for emergency vehicles. Therefore, it should be looked at as to whether a public road should be required to connect Locust Trace in a way to make the length less than 1000 feet. The commission does have the ability to approve a cul-de-sac greater than 1000-feet in length due to topography or other unique feature. It should be noted that the traffic study assigns 350 daily trips to this cul-de-sac. In the commercial portion of this development the pavement width is shown as 38-feet. The minimum standard for a commercial street is 42-feet in width. This notation should be changed on the plat.

Stormwater runoff is a concern with the development. The County Public Works Department recommends that post development runoff not exceed the peak pre-development runoff. A Stormwater plan should be submitted with each final development plan and/or final plat to show that this standard is met with each phase of the development.

The County Commission identified a set of issues, when they approved the rezoning for this property that must be resolved prior County Commission approval of the proposed review plans. To date some of those issues remain unresolved.

Finally the development should be phased to make sure that the required connection to El Dorado Drive is completed with the last phase of the development. This will inhibit use of the streets of El Chaparral subdivision from being used for construction access to this site.

This site has 74 points on the point rating system. Staff notified 348 property owners about this request.

Staff recommends approval of the two Review Plans subject to the following:

- For the PCD plan, sewer capacity must be secured by combining existing undeveloped lots in the existing Concord Estates to free up existing capacity if this phase is to be brought forward prior to other sewer options to be completed.
- No final plat or plan shall be submitted for the development until an agreement is worked out between the BCRSD and the developer for sewer improvements in El-Chaparral.
- The boundary of the PRD needs to follow lot lines so no lot is split zoned.
- Road names will need to be worked out with joint communications as some are not acceptable.
- An additional Public Road connection needs to be added to lessen the length of Locust Trace Drive. The details of the additional public roadway should be worked out with County Planning and Public Works.
- The development shall be phased in such a way as that the required connection to El Dorado Drive is done in the last phase of the development so that no construction traffic will come through El-Chaparral subdivision.
- 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.
- The developer shall submit a stormwater plan with each final plat and/or final plan that shows that the post development runoff does not exceed the pre-development runoff.
- Pavement width in the commercial portion of this development shall be 42-feet, not 38-feet as shown on the preliminary plat.

Present: Chad Sayre, Allstate Consultants, 7401 Fall Creek, Columbia.

Mr. Sayre stated that he had a question about the condition that says no final plat or plan shall be submitted for the development until an agreement is worked out between the Boone County Regional

Sewer District and the developer for sewer improvements in El-Chaparral. Mr. Sayre stated that he and Mr. Florea had discussed earlier in a sewer study and with Mr. Rattermann the possibility of vacating some lots in existing Concord estates plat an equivalent amount equal to what would serve the Elks and that wouldn't go to the El Chaparral sewer system but to the Concord estates sewer system. The developer has agreed to work with the sewer district to get an access road as they requested. Mr. Sayre asked where it says "the development" would that be the development tributary to the El Chaparral facility or proposed to be served by the El Chaparral facility or can we check on that.

Mr. Florea stated that he believed that was the intent there because the previous condition addresses the Concord Estates replatting. Mr. Florea stated he believes that is consistent with what is intended.

Mr. Sayre stated that he is representing the owner, Prime Development and GM Columbia Properties LLC. The original rezoning that was presented discussed several different concepts with the property. None of those concepts have changed as far as the number of lots, the peak number of units, the street layout concept that is more curve linear. The applicants have more contour information as they move to the preliminary plat stage. The street layout in the PRD section, the applicants have lowered the number of units, basically took in to account the comments the applicants received through the original process and tried to address those the best they could. On the preliminary plat the issue with the street access and excessive length cul-de-sac, applicants have the same concerns. Mr. Sayre stated that he agreed with the condition that it be finalized through public works. The applicants goal is to allow emergency access, dedicate public right of way or sign an agreement that secures who is responsible for that pavement. The County has in the past, allowed the County to be responsible for surface but not for sub-grade and for structural components and in talking to him we need to make sure and have an agreement that defines who is responsible for that pavement. It is a large, tree covered ravine behind the dam, if it comes that the applicants need to put a public street across the dam the applicants would address as public works has in the past and specify who is responsible for what so the taxpayers aren't responsible for anything that is not acceptable to public works.

The applicants intent is to combine this emergency access roadway in to the pedestrian train that is shown and to provide the emergency access on the excessive length cul-de-sac. The 20 some lots that are on that cul-de-sac, it is a low density area and if we look at a 750 or 1000-foot cul-de-sac with 70-foot frontage lots Mr. Sayre stated he believes the applicants are at or below the density that you could get on a normal cul-de-sac with smaller lots; these lots are quite roomy. The length is longer but the density of the amount of units that are served there is more. Mr. Sayre stated that his understanding is that this would still need to go to road and bridge after Commission approval.

Mr. Sayre stated that the applicants do not want to extend the street across the ravine and put a large fill in to meet the street requirements of public works because of the terrain. That is one of the assets that the applicants are trying to preserve but the top of the dam is quite massive. The applicants understanding from the original owner is that his intent was to put a public road across it and that is the reason it is so massive.

Mr. Sayre stated that he agrees with the concerns of snow removal and those types of things and those need to be worked out with specific agreements for each condition as we move through the final plat stage before anything is built out there. The 42-foot street was put as a minimum, some of the streets will be in excess of that and there are medians and other things that will take special agreements; that allows for the installation of a left turn lane anywhere along the commercial area in the future if it is needed, like a painted middle lane.

Mr. Sayre stated, regarding the preliminary plat, layout as far as the street access, the applicants have had the site distance studies completed for those, the field check was done by Steve Brown and both of those met the site distance requirements. Applicants had already agreed to the platting condition.

On the PRD area, the concept is not conventional from the standpoint of layout of these attached single family, or duplex units. Whenever the applicants come back in with a final plan they will need to be refined on their footprints and on the floor plan. The reason the floor plan is not completed is due to a sewer capacity issue, the sewer district asked if the units were 2, 3, or 4 bedroom units, Mr. Sayre stated that he put a mixture of those; that will need to be refined. The concept right now from the architect is that they will be different types of units; each pod may have different floor plans.

The idea is for quite a bit of area between the two to use as stormwater detention and other things that aren't part of the review plan at this stage. But it is important to note the setback requirements and buffers that were originally intended and they have been met or exceeded.

The applicants reduced the amount of PRD area from the original request and it came from finalizing the layout. This layout with less impervious area provides more parking and requires less space and those things can be an advantage from a concentration of density, which should be more efficient from a cost standpoint. But it will also provide a better quality aesthetically. Only the units along the road are going to be visible and they are going to be landscaped.

Commissioner Mink asked if the units will have garages.

Mr. Sayre stated yes. Each side would have a one car interior garage, no exterior carports are proposed at this time. The parking requirements are exceeded which is not an issue as long as they are not massive. The street parking that can occur with these units was one of the concerns that the applicants tried to address.

Referring to the area adjacent to the neighbors Mr. Sayre stated that there was a cross street and some bulbs and when that was laid out it pushed the applicants too far back so they took a step back and looked at ways to make it more efficient. Regarding the buffer area there are detention ponds (Mr. Sayre pointed out the locations on the map) there are other detention ponds that are smaller up in the area that will also be combined with silt traps during the grading phase. This type of review plan, this stage, has not been analyzed but the analysis will have to be turned in to David Nichols with public works and the planning department for review and the applicants will have to confirm the pre-development runoff and post-development runoff and the applicants agree with that condition. The applicants are trying to get the conceptual review plan approval, or comments, on that so that it can be modified and the applicants can move forward following the traffic study completion.

Mr. Sayre stated that the applicants rezoned an area to neighborhood commercial and the applicants defined those uses in more detail. One is for office type uses, there is not a whole lot of definition on those yet but the goal with this process is to move forward with the Elks plan and plat 1 and that is why there was question about the sewer service. There is a sewer man hole on the Elks lot at this time but there are things that need to be done, applicants need to make sure the sewer service is adequate. Some of that sewer hasn't ever been used it has been setting in the ground for years so there is still some work to be done on that before the final plat is completed.

Mr. Sayre presented a copy of the existing Concord Estates.

Mr. Sayre stated that there is a home on lot 22A. It doesn't require that it be vacated and replatted with plat 1 but the applicants want to have all those details worked out prior to doing the final plat. The uses are listed for the planned commercial development. The Elks, who are a prospective client, the same footprint has been maintained, the elevations haven't changed from what was originally talked about as far as in relationship to the subdivision. Once the process begins you figure out a way to use the natural ground and modify the natural ground but in the planned commercial area with office uses is basically going to be 18 lower than these lots and that in itself will help the applicants. It burns a lot of land space but it will serve a lot of the same purposes as landscape berms. The applicants maintained a 30 to 40-foot area and that it is showing a berm there and there is a fence that will be installed there. Some of the concerns was that the neighbors would be looking at dumpsters. It burned some land space but with it being grassed and maybe a combination of retaining walls in and out will be quite attractive.

Mr. Sayre stated that the applicants agree with the storm water analysis. There are multiple ponds, the applicants tried to affect all the stormwater that was running off the site but in the process the applicants have to pick up some that is coming from another area because of the terrain that is there. This is a jurisdictional water and there are existing issues in the subdivision and the applicants have said they would analyze those for the county and public works is expecting that, there is one culvert in particular that the applicants are going to take a look at.

Commissioner Morgan asked if the applicants were going to vacate lot 22.

Mr. Sayre stated not with this request.

Commissioner Morgan asked if there was a house on the lot.

Mr. Sayre stated yes; this lot is proposed to get larger and then there is a group of lots that will be affected by the cul-de-sac bulb on both ends, all of those lots will all have to be vacated prior to being replatted. The proposal from the developer has been made. This homeowner has to be addressed in the final plat stage as far as access, and turning the lot in to a cul-de-sac lot, they would have to be in agreement with that to make their lot larger. We are not encroaching on the lot with the proposed replat; it would be replatted, it wouldn't have to be, but the applicants assume they will be replatting it for the lot owner if they decided to maintain ownership of the home or if they decided to sell it to the developer. Those discussions have occurred between the developer and the homeowner.

Commissioner Mink stated lot 2 of the commercial part looks like there is a break in the median for future access point. Commissioner Mink asked if anyone has checked to make sure the applicants met the setback requirements. Commissioner Mink asked if the median is wide enough where a storage bay could be built there so that anyone turning left in to lot 2 could get out of the way of everybody that is trying to come off the highway.

Mr. Sayre stated yes; what is shown on the preliminary plat is just that, it is preliminary. As the applicants looked at that in more detail through other meetings David Nichols brought up the idea and with county planning. The median is shown as 20-foot wide and it has been extended to where we can have a common lot entry and past it would be a taper with some paint and it would allow for a 4 car left turn bay. The applicants would have to comply with public works access requirements in the final plat stage. That is being taken in to account. The applicants are trying to account for the possible improvement that the applicants are wanting but that hasn't been finalized yet.

Commissioner Freiling stated that there was a 60-foot gas line coming up Locust Trace Drive and asked the applicants if they could build over that easement.

Mr. Sayre stated that the applicants will still be getting comments from Williams Pipeline and everyone that is out there but the applicants have to go through this process in order to get those comments. The applicants tried to parallel the road to that and use a 30-foot setback. The applicants tried to delineate the easement that they felt was reasonable in width as far as no encroachment. The applicants can get permits to build roads on those but assume that line is old so they want to stay away from it. They tried to put some curves in the roadway just for linear benefits on the long stretch, it was an issue in the layout and it is also an issue on some of those lots as far as setbacks for homes.

Commissioner Freiling asked if the easement language allow the applicants to build over it.

Mr. Sayre stated yes but it has to be permitted. They don't allow a home to be built on the easement but they allow street crossings and parking lots to be built but it has to be done with a permit; but no inhabitable structures. In final layout the applicants will have to really get refined in home placement.

Commissioner Freiling stated that there will be some un-buildable lots.

Mr. Sayre stated if you look at the contours, back in the middle of the lot is higher than the street and it is possible these homes could be up to 100 to 125-feet away from the gas line. One lot would be the biggest concern and it will take a more in-depth design.

Commissioner Freiling stated that he is looking at lots 100, 79, 76, and 63; the north end of Locust.

Mr. Sayre stated that some of those could be an issue. Lot 100 has an extra large frontage on the corner; it probably has 80-foot of available free frontage outside the easement. Lot 79 would be tough. If we look at some of the sizes of those lots we would probably have to make that frontage larger or that may wind up being a common lot because of its location. The applicants tried to address it in the layout.

Commissioner Freiling stated that clearly it is in no ones advantage to have an un-buildable lot.

Commissioner Freiling asked if the layout around the existing lake is going to give an adequate width to have a sustainable use area around the lake. Commissioner Freiling asked if part of the intent was to provide public access around the lake.

Mr. Sayre stated that the intent is only across the dam and along one side will be a fairly large common area. Then the applicants showed the buffer that is in the existing covenants that were recorded in 1981. It is a 40-foot grass buffer strip to the lake and the applicants showed it on the preliminary plat; those would not have common public access, those would be private access only.

Commissioner Freiling stated that if they don't abut the lake they don't use the shore line.

Mr. Sayre stated that is correct.

Commissioner Freiling asked if there was neighborhood use provided for the water or just along the shoreline.

Mr. Sayre stated that that the common area, the dam, and the entire water surface is common up to an elevation that is not defined yet but will be defined in the final stages. Mr. Sayre stated that it is not a junky common area; it is a nice flat grade and is going to be developable in to a usable common space.

Commissioner Freiling stated that the only private portion of the lake will be the abutting residential lots.

Mr. Sayre stated yes. The original covenants have things that were amended by the applicants but they don't allow docks. The reason the grass buffer is on there is because there are restrictions, like the removal of trees and work along the lake will have to go through the homeowners association. The marketability of these lots is better without that 5 or 10-foot public access but the common area and the total homeowners association access is quite large. Mr. Sayre stated that he refrained from putting lots in the common area even though there is potential for very nice lake lots but the applicants wanted to keep the area accessible.

Commissioner Freiling stated that is the applicants trade off.

Mr. Sayre stated that this is a requirement for true optimum marketability from the homeowners that are within walking distance to make it walk able. Mr. Sayre stated that if he owned that lot he wouldn't want that 5 or 10-foot public strip. Mr. Sayre stated that there can be docks in the common area but not on the private lots.

Commissioner Heitkamp asked if this lake was a DNR recreation lake or a stormwater detention lake.

Mr. Sayre stated that it is going to be used for detention. There is a good portion of the development that is tributary to it now. One of the conditions is that the applicants have to analyze the dam and evaluate the structure prior to final platting and show the detention calculations that they used. The applicants are proposing to use it as detention, there may be a heavy sediment area on the erosion control plan up stream and some silt traps during construction to limit the silt that goes in to the lake. That is also the idea with the minimum 40-foot buffer, there shouldn't be grading operations around the lake on the dam or the other side because we are matching existing grades as good as they can, so there should be a significant grass buffer then there will the potential for sediment to occur as the developer mass grades the commercial area. The residential area won't take a lot of mass grading but the commercial area will. That is where the silt trap and the rock check filters have been shown on the plan. The applicants do not have a land disturbance permit yet.

Commissioner Mink asked what kind of spillway structure the dam has.

Mr. Sayre stated a projecting pipe; it will probably need some modernization. It has a principal pipe and an emergency spillway.

Commissioner Freiling asked what the drainage was.

Mr. Sayre stated that he did not know those details. It has sustained itself well.

Commissioner Mink asked what the provision is for the emergency spillway.

Mr. Sayre stated that it was an existing structure. Applicants will have to do an analysis. Mr. Sayre stated he couldn't tell for sure; it is basically a depression in the top of the dam.

Commissioner Mink asked if it would be in the C-2 area.

Mr. Sayre stated yes. Storm drainage easements will probably be addressed at the time the analysis is done also.

Commissioner Mink asked if any common structures were planned.

Mr. Sayre stated yes, nothing definite, but as the applicants move through the process they will see what the feeling is of the Concord residents. The developer has plans for those and long term maintenance dues from homeowners of the area. Shelter houses and other facilities are being considered.

Commissioner Oetting stated that he was curious as to the progress of the road study, have the applicants been given any indication as to the improvements that will have to be done.

Mr. Sayre stated that the only thing the applicants have gotten on the Route WW study is that it was commissioned. The scope was reviewed by the project partners on that, the County, State, City and two development teams. The counts have been taken, the trip distribution, where the cars go, where the potential cars will go that are created by this development and the other larger development. It has been reviewed and the study was expanded a little more to go to the affect on Stadium and AC exit. There were some trips there that MoDOT wanted to be analyzed. In 30 days the applicants are supposed to have a preliminary back from the traffic consultant on improvements. There are existing improvements that they see from the initial counts from the existing situation but they are also trying to analyze how the extension of roadways in the area will affect it. 30 days from now the applicants will have more of an idea of what the recommendations are for short-term needs, short-term impacts, long-term impacts and then future concept of what Highway WW will look like. It will take a few months after that to sift through all of the issues.

Open to public hearing.

No one spoke in support of the request.

Present speaking in opposition of the request:

Linda Moore, 1461 Daniel Boone Blvd., Columbia

Mary Ellen Buddemeyer, 1928 El Centro Ct., Columbia.

Ms. Moore stated that she would like to address the issue of Elks Lodge. Ms. Moore stated that she lives at Concord Estates and feels that if restrictions aren't placed upon Elks Lodge it could adversely impact Concord Estates. Ms. Moore stated that some questions pop in to her mind when she thinks about an Elks Lodge and one of those is would the Elks Lodge provide for private parties and event rentals. If so, would there be restrictions on the hours. If not, late night events could cause noise and activity that would directly impact Concord Estates with the coming and going of people from the events. At the same time Ms. Moore questions parking. Would the Elks Lodge provide enough room for parking that would allow the parking not to flow on to the streets of Concord Estates. Another question is would the lighting of the parking lot directly impact Concord Estates. These are some things that need to be considered and addressed to the Elks Lodge and thought about.

Ms. Buddemeyer stated that she knows the Commission heard many of the concerns before so the Commission is well aware of the concerns of the neighborhood. Ms. Buddemeyer stated that her concern now is that some of these were addressed by the Commission with certain things that they asked to have happen. The way this is worded it says that there should be a waste water collection and treatment service agreement with the sewer district prior to approval of the review plan. The developer shall provide a traffic study for the entire development, etcetera, etcetera, and the review plan shall include proposals for implementation of all recommendations made on the traffic study. There has also been discussion about the storm water runoff and to the neighbors it seems they hear the same thing. The applicants say they will get to that later. The applicants know it is a problem but don't have any details

and they say they will get to it later. This is the review plan and what the neighbors are hearing is in 30 days the applicants will have a preliminary report on the traffic study and in a few months we can talk about the details. Ms. Buddemeyer stated that the Commission is here to possibly approve the review plan and the applicants want to move forward with the Elks Lodge yet we do not know how the sewer is going to be provided for the development. We are talking about trying to squeeze a little more out of the Concord Estates treatment facility or add a little more on to the El Chaparral facility which we've already been told is over worked. We are not really dealing with the big issue we are cutting it up in to little pieces and that was not what the neighbors understood was going to happen. Another concern was the buffer between the new multi-family dwellings and the single family dwellings on Pecos and El Chaparral. They do have the buffer on the plans; it is marked as a common area. Ms. Buddemeyer asked how will we know that this will be maintained as it was discussed as a buffer with trees. Down the road can somebody decide to chop down the trees and make that a park and suddenly the kids are playing back there. Is there any limitation on that and how it would be maintained as a buffer, which is what it was set up for.

Closed to public hearing.

Mr. Sayre stated that this is not the approval. Before the applicants spend thousands of dollars that it is going to take to analyze not just their own stormwater but also existing stormwater problems that are off site, some of which will not be affected by the development of this tract. Upstream of this is how far this study will reach. The applicants have to come back with a final plan with final details. That is where the recommendations from staff come in; that is an appropriate process to get the concept approved. The applicants are trying to show as much detail as they can, and can afford to, without having a concept approval. Stormwater is a huge issue, land disturbance activities are even a larger issue. Mr. Sayre stated that the applicants have to develop a plan to satisfy staff, this Commission, and the County Commission. The applicants have to come back, it is a long drawn out process and there is a reason why. The concerns about the Elks are valid. On the review plan the applicants tried to show that they can exceed the minimum parking requirements and even with additional square footage addition on the plan, the applicants can still exceed the minimum requirements. The Elks are also concerned with the parking and that is why there is quite a massive amount of parking. Applicants will get comments with the final plan that may say there is too much paved surface but that is part of the reason they are trying to acquire larger acreage to account for some of the pavement that they will have to install.

Mr. Sayre stated that the lighting is a valid concern. The applicants tried to restrict lighting height on the plan; there will probably be comments on that in the final plan review because staff will look at where the lights are placed and the applicants will offer the lighting standard to be reviewed by the Commission. The applicants are going to try to satisfy everyone, but they won't. There will be more light; spillover can be minimized. The Elks Lodge is being held at an elevation that is substantially lower than the Daniel Boone residents. If the applicants used a 25-foot light standard that would mean it would only project 9-feet up or maybe at the first floor or even mid-way, the light standard itself that is encased that has the deflectors on it would be pointed down from an eye level standpoint on Daniel Boone Boulevard. The elevation differences will help.

Mr. Sayre stated that he made it clear that the applicants were going to have to put detention ponds in the buffer area. The concern about what can happen with the buffer area is valid and the applicants will try to address that on the final submittal with more detail about those. Mr. Sayre stated that he hasn't talked to them about final details of the buffer area. There will be some grass slopes that will be visible from these lots, the applicants extended the distance to the units. Home to home will greatly exceed the 150-feet that the applicants planned around. That is one of the reasons the bulbs were taken out to make more room for detention. When this became jurisdictional from the field review, that whole area on the other

side of the stream can not be developed but it does need to be tied down and more defined, maybe identified as the El Chaparral, El Centro buffer in the covenants. That is the reason draft covenants were submitted with this concept process. Mr. Sayre stated that he understands the concern with him saying that the applicants will try to address this concern in 30 days but the process is long and there is a reason why there is a preliminary review plan so the applicants can move forward with the concept. This Commission and others will place conditions on this plat.

Chairperson Smith stated that the Commission is not really approving any review plan tonight they are merely making a recommendation to the County Commission and the applicants have 10 days to prepare for that meeting and if they are not prepared then it would not be on the agenda. This is a preliminary review plan and this Commission is making a recommendation to the County Commission. It is a process, it is one step at a time and the applicants can move forward from here but at anytime the Commission can pull back. The applicants have another final review plan which will have to be approved and it goes from this Commission to the County Commission. Everything this Commission does is contingent on what the staff recommendations are.

Commissioner Freiling stated that as long as the developers and his engineers meet what County staff and Commissioners consider reasonable standards it is hard to say no to a development. In a since you get the feeling that it is a done deal but in fact it is not. This is a multi-step process.

Commissioner Sloan asked Mr. Sayre if there was going to be anymore conversation with the neighbors in the area as to what they are seeing or is it going to come before the Commission and it be up to the neighbors to find out and figure it out on their own.

Mr. Sayre stated that the applicants have submitted some draft covenants, amendments to have meetings with the homeowners association, specifically focusing on the common area. Other issues will arise and the applicants will try to update them on the traffic study. Mr. Sayre stated the answer is yes, the applicants plan on having more meetings, they are not scheduled but hope to have something to show them as they move through the process. Something that came up was that nothing could occur until the review plan was approved. Does that mean the preliminary review plan or the final review plan, or has that been determined.

Mr. Florea stated that a building permit can not be issued until the final plans are approved.

Mr. Sayre stated that the only meetings that have occurred have been one on one with a couple of homeowners between the developer and the owner.

Commissioner Mink stated that he is pleased to see all the off street parking for the duplexes.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **recommend approval** of the request by Prime Development Corp. to approve a review plan for Southfork of the Grindstone planned commercial development **with the following conditions:**

- For the PCD plan, sewer capacity must be secured by combining existing undeveloped lots in the existing Concord Estates to free up existing capacity if this phase is to be brought forward prior to other sewer options to be completed.

- No final plat or plan shall be submitted for the development until an agreement is worked out between the BCRSD and the developer for sewer improvements in El-Chaparral.
- The boundary of the PRD needs to follow lot lines so no lot is split zoned.
- Road names will need to be worked out with joint communications as some are not acceptable.
- An additional Public Road connection needs to be added to lessen the length of Locust Trace Drive. The details of the additional public roadway should be worked out with County Planning and Public Works.
- The development shall be phased in such a way as that the required connection to El Dorado Drive is done in the last phase of the development so that no construction traffic will come through El-Chaparral subdivision.
- 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.
- The developer shall submit a stormwater plan with each final plat and/or final plan that shows that the post development runoff does not exceed the pre-development runoff.
- Pavement width in the commercial portion of this development shall be 42-feet, not 38-feet as shown on the preliminary plat.

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

Motion to recommend approval of the request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on March 30, 2004.

\* \* \* \* \*

2. Request by Prime Development Corp. to approve a review plan for Southfork of the Grindstone planned residential development.

See discussion and staff report under previous request.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **recommend approval** of the request by Prime Development Corp. to approve a review plan for Southfork of the Grindstone planned residential development **with the following conditions:**

- For the PCD plan, sewer capacity must be secured by combining existing undeveloped lots in the existing Concord Estates to free up existing capacity if this phase is to be brought forward prior to other sewer options to be completed.

- No final plat or plan shall be submitted for the development until an agreement is worked out between the BCRSD and the developer for sewer improvements in El-Chaparral.
- The boundary of the PRD needs to follow lot lines so no lot is split zoned.
- Road names will need to be worked out with joint communications as some are not acceptable.
- An additional Public Road connection needs to be added to lessen the length of Locust Trace Drive. The details of the additional public roadway should be worked out with County Planning and Public Works.
- The development shall be phased in such a way as that the required connection to El Dorado Drive is done in the last phase of the development so that no construction traffic will come through El-Chaparral subdivision.
- 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.
- The developer shall submit a stormwater plan with each final plat and/or final plan that shows that the post development runoff does not exceed the pre-development runoff.
- Pavement width in the commercial portion of this development shall be 42-feet, not 38-feet as shown on the preliminary plat.

Pat Smith - Yes

Mike Caruthers – Yes

Carl Freiling – Yes

Larry Oetting – Yes

David Mink – Yes

Mike Morgan - Yes

Mary Sloan – Yes

Kristen Heitkamp – Yes

Rob Brown - Yes

Motion to recommend approval of the request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on March 30, 2004.

## **PLAT REVIEWS**

1. Southfork of the Grindstone (preliminary plat). S21-T48N-R12W. Prime Development Corp., owner.

See combined staff report under Planned Developments.

Staff recommends approval of the Preliminary Plat subject to the following:

- Off-site improvements for roads that the developer will be responsible for will be determined at the final plat stage.
- Amend the plat to show the correct location of the zoning district boundary for the planned residential development so that no lot within the preliminary plat is shown as having split zoning.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **approve** Southfork of the Grindstone (preliminary plat). S21-T48N-R12W. Prime Development Corp., owner **with the following conditions:**

- Off-site improvements for roads that the developer will be responsible for will be determined at the final plat stage.
- Amend the plat to show the correct location of the zoning district boundary for the planned residential development so that no lot within the preliminary plat is shown as having split zoning.

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

Motion to approve plat with staff recommendations carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on March 30, 2004.

\* \* \* \* \*

\* Commissioner Freiling left the meeting.

2. T-Bone. S2-T48N-R12W. R-S. Richard-Joan Sorrels Trust, owners. James. V. Patchett, surveyor.

The following staff report was entered in to the record:

This 2 lot minor plat is located on the east side of Lake of the Woods Road immediately across from the intersection of Limoges Drive and Lake of the Woods Road. The site is approximately 800 feet northeast of the municipal limits of the City of Columbia. The area being subdivided contains 5.73-acres. The property is zoned R-S (Single Family Residential) as is all the surrounding property. These are all the original 1973 zonings. The property is currently the site of a home and detached garage/barn on proposed lot 1 proposed lot 2 is the site of an existing shed. The intent of this plat is to create a lot for the son to build on. Sewage treatment will be provided by connection to a BCRSD facility that already serves the area. The site is in the City of Columbia Water service area. Fire hydrants are not required for minor plats containing 4 lots or less, as is the case here. The site is in the Columbia School District. A waiver from traffic analysis has been requested and staff concurs with the granting of this waiver. However, there is an issue related to roadways that must be addressed. Lake of the Woods Road is an arterial roadway and as such new lots are not to be created in such a way as to allow additional direct driveway connections to the arterial roadway. The subdivision regulations require that this be addressed with an outer road. An outer road would not work for these two lots. Therefore, if a single shared driveway location is used for both lots and a note placed upon the plat indicating this restriction the intent of the regulation is met in the eyes of the department. The 50' x 50' shared driveway easement needs to be

indicated as a private easement and listed with the book & page recording reference. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 80 points on the point rating scale.

Staff recommends approval along with the granting of the waiver request.

Commissioner Caruthers made and Commissioner Mink seconded a motion to approve T-Bone. S2-T48N-R12W. R-S. Richard-Joan Sorrels Trust, owners. James. V. Patchett, surveyor with waiver request:

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers – Yes	Mary Sloan – Yes
Carl Freiling – Absent	Kristen Heitkamp – Yes
Larry Oetting – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve the plat with staff recommendations carries. 8 – Yes 1 - Absent

\* \* \* \* \*

- 3. Walnut Brook Plat 4. S2-T47N-R13W. R-M. Walnut Brook Investments, LLC, owner. David T. Butcher, surveyor.

The following staff report was entered in to the record:

This 1 lot minor replat is located on the west side of Bethel Church Road approximately 300 feet south of the intersection of Old Plank Road and Bethel Church Road. The site is approximately 400 feet south of the municipal limits of the City of Columbia. The area being subdivided contains 5.02-acres. The property is zoned R-M (Moderate Density Residential) as is all the surrounding property. These are all the original 1973 zonings. The proposal is to combine lots 3 & 4 of Walnut Brook Subdivision Plat 3 vacated Branch Drive and a previously unplatted parcel into a single lot for an apartment complex. The 4.98-acres of the resultant lot will allow a maximum of 86 units on the property. The site is currently vacant. Sewage treatment will be provided by connection to a BCRSD facility that already serves the area but is connected to the City, a pre-annexation agreement will be required. The site is in the Consolidated Public Water District 1 service area. Fire hydrants are not required for minor plats containing 4 lots or less, as is the case here, however, they are required for apartment buildings and will be part of the site development rather than the plat. The site is in the Columbia School District. A waiver from traffic analysis has been requested and staff does not concur with the granting of this waiver. A traffic letter has been provided and the County Public Works, County Planning, and the developers and their engineers will work to determine the level of impact and off-site improvements the developer is responsible for. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 72 points on the point rating scale.

Staff recommends approval subject to the following conditions:

1. Any sewer issues with respect to easements or installation of sewer mains be worked out to the satisfaction of Boone County Regional Sewer District and Boone County Planning prior to the recording of the plat.
2. Required off-site road improvements for which the developer is responsible for will be worked out to the satisfaction of Boone County Public Works and Boone County Planning prior to the recording of the plat.
3. That it is recognized that fire hydrant and fire protection issues will come up in conjunction with the building permit process.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **approve** Walnut Brook Plat 4. S2-T47N-R13W. R-M. Walnut Brook Investments, LLC, owner. David T. Butcher, surveyor **with the following conditions:**

1. Any sewer issues with respect to easements or installation of sewer mains be worked out to the satisfaction of Boone County Regional Sewer District and Boone County Planning prior to the recording of the plat.
2. Required off-site road improvements for which the developer is responsible for will be worked out to the satisfaction of Boone County Public Works and Boone County Planning prior to the recording of the plat.
3. That it is recognized that fire hydrant and fire protection issues will come up in conjunction with the building permit process.

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers – Yes	Mary Sloan – Yes
Carl Freiling – Absent	Kristen Heitkamp – Yes
Larry Oetting – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve the plat with staff recommendations carries. 8 – Yes 1 - Absent

\* \* \* \* \*

4. Hart Creek Estates Plat 1. S28-T46N-R12W. A-2. Hart Creek Development, Inc., owner. Neal R. Slattery, surveyor.

The following staff report was entered in to the record:

The 250-acre tract is located approximately 1 ½ miles southwest of Ashland. The property was rezoned from A-2 to AR-PRD and a review plan approved in May 2002. A preliminary plat and final plan was approved in June 2002. In January 2004 the property owner filed for rezoning back to A-2. That rezoning request was granted in February 2004. The current request is to plat 3 lots into lots of approximately 5-acres each. The rest of the property will be divided into 10-acre to 20-acre tracts.

All lots in the subdivision will have frontage on and direct access to Christian School Road. Right of way sufficient to provide a 33-foot half-width right of way along the frontage of the development is

being dedicated by this plat. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Consolidated Public Water District Number 1 will provide water service to the platted lots via a three inch waterline along Christian School Road.

On site wastewater systems will be used for sewage disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost benefit analysis.

The property scored 33 points on the point rating scale.

Staff recommends approval of the plat and waiver requests.

Commissioner Caruthers made and Commissioner Mink seconded a motion to Hart Creek Estates Plat 1. S28-T46N-R12W. A-2. Hart Creek Development, Inc., owner. Neal R. Slattery, surveyor with waiver request:

- |                        |                        |
|------------------------|------------------------|
| Pat Smith - Yes        | Mike Morgan - Yes      |
| Mike Caruthers – Yes   | Mary Sloan – Yes       |
| Carl Freiling – Absent | Kristen Heitkamp – Yes |
| Larry Oetting – Yes    | Rob Brown - Yes        |
| David Mink – Yes       |                        |

Motion to approve the plat with staff recommendations carries. 8 – Yes 1 - Absent

\* \* \* \* \*

- 5. Vera Ridge. S4-T48N-R13W. R-S. Roxie Grant Revocable Trust, owner. James V. Patchett, surveyor.

The following staff report was entered in to the record:

The property is located on the north side of Gibbs Road approximately .8-miles from the intersection with I-70 Drive NW. The applicant seeks to create a 2.5-acre tract.

The lot will have frontage on and direct access to Gibbs Road. Right of way sufficient to provide a 33-foot half-width will be dedicated by this plat. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Consolidated Public Water District Number 1 provides water service to the property.

An on site wastewater system will be used for sewage disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 63 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **approve Vera Ridge. S4-T48N-R13W. R-S. Roxie Grant Revocable Trust, owner. James V. Patchett, surveyor with waiver requests:**

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers – Yes	Mary Sloan – Yes
Carl Freiling – Absent	Kristen Heitkamp – Yes
Larry Oetting – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve the plat with staff recommendations carries. 8 – Yes 1 - Absent

\* \* \* \* \*

6. Lazy Acres. S23-T49N-R12W. A-2. Gary and Cathy Nowlin, owner. James V. Patchett, surveyor.

The following staff report was entered in to the record:

This 2 lot minor plat is located on the north side of Guy Nowlin Road approximately 500 feet northwest of the intersection of Kircher Road and Guy Nowlin Road. Guy Nowlin Road is a private road. The site is approximately 4500 feet east of the municipal limits of the City of Columbia. The area being subdivided contains 11.42-acres. The property is zoned A-2 (Agriculture) as is all the surrounding property. These are all the original 1973 zonings. The proposal is to take two existing lots, one which is large and another that is quite small and plat them into two lots of more equal and usable sizes. Since both proposed lots will be greater than 5 acres the private road does not become an issue. It does not appear that any plats have been completed utilizing this private drive since 1995 which is the criteria used to count up to the limit of 4 plated lots for the easement. There are two homes currently on the site, one for each current and proposed lots. The home on proposed lot 1 is within the normal side and front setback area and a variance was required and obtained from this requirement. Sewage treatment will be provided by on-site wastewater systems. Any new on-site wastewater system must meet all County Health Department requirements. The site is in Water District 4 service area. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Columbia School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 47 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests subject to adding the note that BOA variance granted to the required setback for the existing buildings on Lot 1.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **approve Lazy Acres. S23-T49N-R12W. A-2. Gary and Cathy Nowlin, owner. James V. Patchett, surveyor with waiver requests subject to adding the note that BOA variance granted to the required setback for the existing buildings on Lot 1:**

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers – Yes	Mary Sloan – Yes
Carl Freiling – Absent	Kristen Heitkamp – Yes
Larry Oetting – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve the plat with staff recommendations carries.                      8 – Yes            1 - Absent

## **OLD BUSINESS**

Mr. Shawver updated the Commission on the actions of the County Commission.

The conditional use permit for Hilltop Properties was approved by the County Commission as well as the rezoning requests for Hart Creek Development and Bomgaars & Associates. All plats were also approved as recommended.

## **NEW BUSINESS**

None.

## **ADJOURN**

Being no further business, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Mary Sloan,  
Secretary

Minutes approved on this 18th day of March, 2004.