

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, July 15, 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
	Mary Sloan, Secretary	Rocky Fork Township
	Keith Neese	Columbia Township
	Kristen Heitkamp	Katy Township
	Larry Oetting	Three Creeks Township
	Russell Duker	Missouri Township
	Rob Brown	Rock Bridge Township
	David Mink	Public Works

Absent:	Michael Caruthers, Vice-Chairman	Centralia Township
	Mike Morgan	Bourbon Township
	Carl Freiling	Cedar Township

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

The minutes of the June 17, 2003 meeting were approved with no corrections. Approved by acclamation.

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

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes two rezoning requests and four plat reviews.

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:

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 is 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, July 27, 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, July 27, 2004 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

None.

REZONING REQUESTS

1. Request by Phillip Blom to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 53.91 acres, more or less, located at 5251 E. Hwy 163, Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located on Highway 163, approximately ½ mile west of Highway 63 and 1 ½ miles south of Columbia. The property is currently zoned A-1 (Agriculture), as is property to the north, south and west. Property to the east is zoned M-L (Light Industrial). The property is currently vacant, most recently used for row crops. This site is in the Columbia School District, and electric service is provided by Boone Electric Cooperative. Water service is provided by Consolidated Public Water District No. 1. There is no central wastewater service available in this area. The tract is located in the Bonne Femme watershed.

The applicant is requesting that the property be rezoned to A-2 (Agriculture) which will allow the property to be developed into 2 ½ acre lots.

The master plan designates this area as being suitable for agriculture and rural residential land uses. The request is consistent with the master plan.

The Master Plan calls for the use of a “Sufficiency of Resources Test” when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner.

The applicant owns 53.91 acres of land. Based upon a density of one residence per 2 ½ acres of land, the maximum possible density is 21 units. Loss due to required right-of-way dedication would probably result in a realistic density of 19-20 units.

The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

Boone Electric can provide increased electric service to this property without a decrease in service to existing development. Consolidated Water District No. 1 is currently planning the installation of a one million gallon elevated storage facility to the east of this site, so water service requirements for domestic use and fire hydrants should not create any problems.

This area is not served by a wastewater collection system. The application indicates that the applicant plans to install a central wastewater system to be operated by the Boone County Regional Sewer District. Staff contacted the sewer district about this and was advised that they have not had any discussion on such a proposal. It should be noted that the subdivision regulations permit individual on-site wastewater disposal on lots of 2 ½ acres or more.

Access to the site is from Highway 163, a state maintained improve surface road. The addition of as many as 20 residences should not have an impact on this road. However, it should be noted that Highway 163 connects at an “at grade crossing” with Highway 63 very near this property. This is an intersection that has recorded a number of accidents over the years.

The Boone County Fire District is currently constructing a fire station approximately one mile north of this site, and the Southern Boone County Fire District has a station under construction at the airport, approximately 5 miles away.

Staff has concerns about the development of property that is adjacent to property zoned for straight industrial use. The majority of the property zoned M-1 is undeveloped. Staff’s concern is that future development of the M-L zoned property could very possibly result in uses that conflict with adjacent residential properties. The current zoning will restrict residential uses to tracts of 10 acres, allowing property owners to buffer themselves from potentially incompatible industrial land uses. Smaller tracts resulting from the development of this property could conflict with the potential land uses already permitted in the area. Additionally, this tract is located in the Boone Femme watershed, with drainage through the Three Creeks State Forest, which causes additional concern for proper disposal of wastewater and impacts caused by increased discharge of stormwater. Consequently, staff recommends denial of this request.

Present: Phil Blom, 2273 Dripping Springs, Columbia.

Brian Dollar, surveyor, 19230 N. Tucker School Rd., Sturgeon.

Mr. Blom stated that he is requesting A-2 zoning for this area for roughly 3 acre lots. The type of houses to be constructed are somewhere between \$300,000 and \$500,000 on average; some may be more than that. Mr. Blom stated that he plans on living in this development. Mr. Blom stated that he has been doing several developments north of Columbia, most of them are country estate developments; they are 5 to 10 acre lots. Mr. Blom stated that he has had a lot of requests from people who want smaller lots just for the fact that they don't have time to mow or maintain that much property. This piece of property is located close to Columbia and it is far enough in the country where residents will have a country setting. Applicant would like to make a nice development out there with these 3 acre lots. The property is zoned A-1 currently and the applicants can to 10 acre lots currently but applicant has received a lot of requests for smaller lots.

Mr. Dollar stated that the advantages to the 3 acre lots versus 10 acre lots would be paved, hard surface public roads accessing the lots versus a private gravel driveway to the 10 acre pieces. The applicants have discussed generally with Tom Ratermann the central recirculating sand filter systems and the applicants would want to put in a central sewer system for the smaller lots. If the applicants went with the 10 acre lots the wastewater systems would be on site systems. It seems that in the past some of the worst factors as far as stormwater runoff in Boone County are livestock and poorly functioning on site sewer systems and general chemical applications or discharges. The smaller lots would discourage livestock ownership because there are restrictive covenants on smaller lots usually. With 10 acre lots people tend to have horses or livestock.

Mr. Dollar stated that the other concern was stormwater runoff. With ordinary City developments the concern would be adding impervious surfaces and increasing runoff. Land owners, when they live there, there is stuff that winds up going in the stormwater that pollutes the creeks, depending on the density of the development. If there is a home and a half width for a hard surface roadway and a driveway they've added 6000 square feet impervious added per dwelling; that is a big concern if you have a 10,000 or 12,000 square foot lot. These are 130,000 square foot lots and you are talking about adding maybe 5-percent impervious surface to the lots; the rest of it you are improving because right now it is in row crop, it is bare a good part of the year. These small farm tracts are not bad as far as increasing discharge. With these size tracts the applicants would expect people to only mow part of it; some people are energetic and mow all of it. It will be somewhere between a City lawn and a hayfield. The applicants don't see these lots as being a big source of pollution and there could be restrictive covenants restricting application of lawn chemicals which has become popular.

Mr. Blom stated that there will be a set of restrictions and if the Commission wants to partake in that the applicants have no problem with that.

Mr. Dollar stated that as far as the proximity of the industrial; with 10 acres the homes will be the same distance from the industrial land as the 3 acre pieces, probably about 400 feet or so but there will fewer in the 10 acre tracts than in the 3 acre tracts as far as being exposed to the noises of the industrial.

Chairperson Smith asked the applicant when he acquired the land.

Mr. Blom stated two months ago.

Chairperson Smith stated that the applicants stated they wanted to discourage people on 10 acre lots from having horses. Are the same reasons the Commission is looking at this because of its proximity to a recreation area. Some of those things go hand in hand.

Commissioner Duker asked about the sewer system.

Mr. Dollar stated that the applicants discussed in general with Tom Ratermann a central system. With the recirculating sand system the sewer leaves the house and goes to a septic tank then it flows through a collector system to a central treatment area where it is recirculated through a sand filter and it is lined.

Commissioner Duker asked if it would be a DNR system.

Mr. Dollar stated that ownership would be turned over to the Boone County Regional Sewer District and it would be maintained by them. The people who live out there would pay the sewer district monthly. It is a public central sewer system.

Commissioner Duker asked if that is what the applicants intend to do or just what they are hoping to do.

Mr. Dollar stated that is what the applicants intend to do.

Chairperson Smith asked if the applicants talked to the sewer district about this.

Mr. Dollar stated yes; the applicants talked to Mr. Ratermann on a different project and the applicants generally discussed that type of sewer treatment. Mr. Dollar stated that he has not discussed this particular project with Mr. Ratermann. The applicants don't have any specific plans.

Open to public hearing.

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

Closed to public hearing.

Commissioner Neese stated that the drawing submitted shows 11 lots so if the applicants kept with the 3 acre lots the applicants could possibly add another 8 in that larger tract lot. Commissioner Neese asked if there was a reason the larger lot was left at the bottom.

Mr. Dollar stated that there is a ridge where the smaller tracts would be and there will probably be a few 10 acre lots surrounding, tier lots, long driveways back to 10 acre pieces.

Commissioner Neese stated that there is nothing buffering the development from the M-L zoning to the east.

Mr. Blom stated that there is a tree line and a water line going down. The applicants can put a buffer in there if necessary. Mr. Blom has had some requests from people wanting to do some planned commercial zoning on the very southeast corner of the property but there are no plans yet.

Commissioner Neese stated that the concept is not to put in a "U" shaped drive going around the back and having another exit or entrance in to the subdivision for emergency vehicle purposes.

Mr. Dollar stated that it sounds like a good idea. We are talking about a cul-de-sac less than 1000 feet long.

Commissioner Neese stated that it looks to be like a design that might be more advantageous because the plan submitted doesn't really show how all of it is going to be utilized and broken out. For the Commission it would be nice if they saw some type of a draft preliminary plan that would show more of the street.

Mr. Blom stated that the applicants could do that if the Commission requested it. The applicants did not know what the Commission wanted; if the Commission wants a "U" shape in there.

Commissioner Neese stated that he is not trying to design the plan but would like to see more detail because the applicants are leaving about 40 percent and the Commission doesn't have a clue how it might be designed.

Chairperson Smith stated that in general this is a concern that this is just for open zoning and there is no real plan that the Commission can put any restrictions on.

Mr. Blom stated that if the applicants came back with an in and out road then that is what they should do.

Chairperson Smith stated that it is more than just the road. The Commission has to make a decision as to whether this is the appropriate use of the land. It is hard to make that decision not having specific things.

Mr. Yonke stated that in an open rezoning request such as this the Commission has to make the decision without thinking about any form of design on the land because there is no way to control that design through open zoning. The property could be sold to someone who could do something totally different.

Mr. Blom asked if the applicants had to change the request.

Mr. Yonke stated that it would have to be resubmitted as an A2-P to have a binding plan.

Commissioner Duker asked the applicants if they would be willing to do that.

Mr. Blom stated yes.

Commissioner Duker stated that in order to do that the applicants would have to withdraw the request.

Mr. Yonke stated that if this request is denied the applicants could still resubmit next month for a planned development.

Commissioner Duker stated that the applicants could withdraw their request now or the Commission could deny it.

Commissioner Sloan asked what the sinkhole situation around this area.

Mr. Dollar stated that he believes it is surface drainage but this is where the hole to Devil's Ice Box is located. Mr. Dollar asked staff if it was on this property or on the neighbors property.

Mr. Yonke stated that it is on the property immediately north.

Mr. Dollar stated that it is off the property. The surface drainage from here goes in to the swallow hole probably. It goes directly in to Devil's Ice Box.

Mr. Blom stated that there is a tributary that goes to the main watershed area. On the very back side that watershed goes back in to the main tributary. There could be some catch basins there if need be.

Chairperson Smith stated that the Commissioners are very sensitive; there have been a lot of activity lately with rezoning in these kinds of sensitive environmental areas.

Mr. Blom stated that is why the applicants are trying to build 1 house on 3 acres instead of 3 houses on 1 acre. Mr. Blom stated that he doesn't want that type of development.

Commissioner Heitkamp stated that she took a call from an adjacent property owner who is main concern was protecting the stream. The best way to protect a stream is no impervious surface. This would be a island of A-2 zoning. The north and west property owners have A-1 zoning and they probably plan to keep that for quite a while. Commissioner Heitkamp asked the applicant if they talked to any of the neighbors.

Mr. Blom stated that he spoke with the owner of the horse farm and she is glad the applicants are putting houses there instead of a commercial development.

Commissioner Heitkamp stated that open zoning would allow the applicants to put up to 20 houses on it. The Commission can not do anything about the restrictive covenants.

Commissioner Sloan stated that she wanted to go back to the applicant being approached to doing some commercial zoning on this property. This is pretty far off a major highway to be adding more commercial down that road. Historically, from what Commissioner Sloan has heard about developments over the years, Commissioner Sloan would be hard pressed to think that someone would want to spend a half-million dollars on a house that is right next to commercial zoning on a 2 ½ acre lot. If the applicants were to come back with commercial zoning on a piece of property Commissioner Sloan would be hard pressed to think it was a good idea. But there is commercial property in the area now.

Commissioner Sloan asked the applicant what other developments he has done.

Mr. Blom stated he did one off of Route E called Callahan Creek Estates; one on Mexico Gravel Road, little Cedar Creek goes right through it. Mr. Blom stated that he lives north of Columbia off Dripping Springs Road in Silver Creek Estates which is a development of 5 acre lots. Mr. Blom stated that he has a clientele that is looking for smaller lots and he is trying to supply that for them. There is a tremendous amount of interest in that area.

Chairperson Smith stated that the question is if this is appropriate land use for this property because the Commission can't pay attention to the plans at this point. If the Commission denies the request the applicants can resubmit it under a different category but it would still be the question of is this the appropriate land use.

Commissioner Mink made and Commissioner Heitkamp seconded a motion to **deny** the request by Phillip Blom to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 53.91 acres, more or less, located at 5251 E. Hwy 163, Columbia;

Pat Smith - Yes
Mary Sloan – Yes
Keith Neese - Yes

Rob Brown - Yes
Russ Duker - Yes
Kristen Heitkamp – Yes

Larry Oetting – Yes

David Mink – Yes

Motion to **deny** request carries unanimously.

Chairperson Smith informed the applicant that if they wished to file an appeal to the County Commission it would need to be filed within three working days.

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2. Request by Sells Development Group LLC to rezone 17.12 acres REC (Recreation) and 19.82 acres A-R (Agriculture Residential) to R-SP (Planned Single-Family Residential), and to approve a Review Plan and preliminary plat for Lenway Estates, located at 9689 I-70 Dr. NE, Columbia.

Planner, Bill Florea gave the staff report stating the property is located at 6989 I-70 Drive N.E., approximately 4 miles east of Columbia. The 36.94 acre tract was originally zoned A-R. In 1994 17.12 acres was rezoned to Recreation REC, the remaining 19.82 acres retained the original A-R zoning. The golf driving range was first allowed by conditional use permit in 1989.

Zoning adjacent to the property is as follows: north – A-1 and A-R; east – A-R; south – A-2; west – A-2.

There are currently two dwelling units and the golf driving range on the property. In An application to rezone the property to R-S was submitted in May 2004 and subsequently withdrawn. The current application for rezoning to RS-P includes a preliminary plat creating 99 lots, 96 of which are intended for construction of single family residences. Lot 97 (.86 acres) will be the neighborhood park, Lot 98 will house the wastewater treatment system, Lot 99 will contain the buffer and landscape strip.

Density in a PRD is based on the net acreage after subtracting non-residential uses from the gross acreage. Future right of way and common open space are included in the net acreage. The density of the proposed development is 2.6 dwelling units per acre.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan identifies the use of planned districts to establish new commercial and industrial areas. The applicant is not requesting commercial or industrial zoning. However, rezoning land for urban land use in an area designated for agriculture and rural residential development can create conflicts between land uses. Planned zoning can be used to minimize those conflicts in such cases. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Utilities: Public Water District Number 9 provides water service to the property. The district in not able to confirm whether the existing infrastructure available at the property is sufficient to support the level of development that would be allowed if the proposed rezoning is granted. However, there is a sufficient water source located to the west of this property that could be extended to this property at the developers cost. A central sewer system would be built with the future development. Upon completion, ownership of the system would be transferred to the Boone County Regional Sewer District.

Transportation: A traffic analysis prepared by Crockett Engineering Consultants has been submitted. MoDOT has reviewed the traffic study and agrees with the conclusion that no improvements to I-70 Drive N.E. are warranted because the base traffic flow is low enough that even with the additional traffic generated by the proposed development, the street will continue to function at level of service A.

The subdivision regulations require rights of way to be stubbed to adjacent undeveloped properties. The developer has agreed to provide a stub to the property to the west at a location agreed to by both property owners. An appropriate condition will be included in the recommendation section of this report.

Public Safety Services: There is no indication that public safety services are not readily available to the property.

Conflicting Land Uses: Property west of and adjacent to the subject property was rezoned from A-R to A-2 in 1993. Subsequently, and also in 1993, a conditional use permit was issued to allow a dog kennel. The kennel has been operated in compliance with the terms of the conditional use permit since 1993. This use is compatible with the Master Plan land use designation of agriculture and rural residential land uses. There is a potential for conflict between the kennel and the currently proposed residential use. This potential conflict has been mitigated by a proposal to establish a landscaped buffer around the perimeter of the development. The buffer will consist of a 3-foot tall landscaped berm and two offset rows of evergreen trees.

The property scored 56 points on the rating system. 11 property owners were notified of this request.

Staff recommends approval of the rezoning, review plan and preliminary plat subject to the following condition:

1. The developer shall provide a right of way stub to the adjacent property to the west at a location agreed to by both adjoining property owners.

Present: Bruce Beckett, Attorney, 809 S. Happy Hollow, Columbia.
Tim Crockett, Crockett Engineering, 2608 N. Stadium Blvd., Columbia.
Leonard Gilpin, 206 W. Broadway, Columbia.

Mr. Beckett stated that the applicants were before the Commission a month or so ago on a R-S open zoning request and at that time the applicants anticipated they would put 117 single family residential lots in the subdivision with a stub street up to the north. That drew a lot of fire; there were a number of issues which members of the public raised which the applicants have attempted to do coming back to the Commission with this RS-P plan. Specifically, the applicants have knocked down the subdivision from 117 single family lots to 96 lots. That is a loss of 21 lots which is pretty significant in developers jargon; many \$100,000. The applicants want to use this property as a single family development and they are willing to pay that price for it. As staff indicated there are 2.6 units per acre on this 36.96 acre piece of ground in the applicants judgment it is very low density. A-R zoning requires ½ acre lots so you if you multiply 36 acres times 2 you get 72 and take out maybe 10 lots for streets and other infrastructure improvements. The applicants are not that far away from what you might be able to use if you were in an agriculture residential zoning district; that is a significant concession and an appropriate density for this place. The neighbor to the west who runs the pet resort/dog kennel was fearful that putting this subdivision next to her dog kennel may cause some conflict of interest between the two types of uses. The developers have tried to address that by putting a very significant buffer that is 70-feet on the south and almost 100-feet on the north between the two properties. On the plan there is a plan for developing

that buffer with a 3-foot high berm and alternating evergreen trees that reaches a degree of opacity that will screen the two properties from each other in a very short period of time so the applicants tried to address her concerns in that regard. The neighbor also made a comment that she was fearful that young children might wander on to her property, which is a dog kennel, and that would be something not desirable. The developers took that to heart and the plan shows what is essentially a four lot neighborhood park centrally located within the 96 residential lots. There are pedestrian access trails from the streets from the far west and the far east that lead to this park and hopefully that will encourage children in the neighborhood to migrate toward the central part of this development rather than go off the property. In addition to that the applicants think these buffers will provide a natural boundary to keep that from happening. This berm with the evergreen landscape on top will be on the south side of the development and on the west side by the dog kennel. There will be no need to put that on the east side because that will go down in to a flood plain and there is really nothing for the applicants to screen themselves from on that side.

Mr. Beckett stated that there was some talk about some stub streets at the last meeting on this particular piece of property, there was some suspicion, from the comments that were made by the members of the public that came here about a stub street that went to the north. Mr. Godas' property is up there and that is going to be the subject of rezoning in the future. The applicants have eliminated that on this R-SP plan so there won't be a stub up there. The applicants are not trying to collaborate with anyone else; they are just trying to develop this piece of property. There is some discussion with the neighbor to the west about a stub street to the west and the developers are willing to do that. The plan the Commission has tonight does not show that primarily because the applicants were trying to disassociate themselves from the neighbor to the west in lieu of the comments made at the last meeting. They are certainly willing to dedicate a stub street and to build a stub street to the neighbor on the west at a mutually agreeable location and the applicants are agreeable to a condition of approval of this plan on that condition, that a stub is located over there. The applicants believe they have addressed all of her concerns and there is no doubt some concern expressed at the last meeting about the traffic on I-70 drive. In reaction to that the developer has commissioned Crockett Engineering to develop a traffic study and to submit it to MoDOT. The study was done and submitted to MoDOT and they agreed with Crockett's conclusion which was that this road is adequate for this subdivision, even if you superimpose that on top of the traffic that is there. Not only the traffic on I-70 drive but also the intersection of I-70 Drive and Route Z would be adequate for all the traffic which might be generated by this, plus what is on there already. The staff agrees with that conclusion. Staff has also stated that they agree with the location of the entrance drive, which is a split drive with a landscaped entrance there. It is the most appropriate place to get in to this property so they have essentially signed off on this plan. This is something that is appropriate here and the road system can handle it. That was a serious concern and the applicants were concerned as well and they spent some money to address that. As it turns out the MoDOT and the engineers commissioned to look at it agreed, as does staff, that the roads there are sufficient to handle it.

Mr. Beckett stated that there was also a considerable amount of discussion at the last zoning hearing about the school system and there was some fear that Two-Mile Prairie School would be overloaded. Mr. Beckett asked Mr. Crockett to talk with the school district and give some analysis. Mr. Crockett will address the Commission on his findings.

Mr. Crockett stated that he called deputy superintendent Jackie Howard's office to discuss what type of capability they had. They indicated that the current enrollment of Two-Mile Prairie School is 262 students. The current capacity of the school with the mobile classroom is 325. They still have the capacity for 63 more students. They also indicated that the school district uses a 0.5 student per dwelling factor for projecting future enrollments. That number of students is for the most part primarily distributed from K-12 grade; it depends on the type of development housing you are using. But for

projecting future students they use 0.5 across the board and that equates to 48 students from this development in K-12. If you look at grades K-5 it is roughly 43 percent, this subdivision yields 22 students. Looking at the type of development this is the smaller homes, more affordable homes that typically yields a younger family having more younger kids in the elementary grade levels. We assume two-thirds projected students in that development will be between K-5, this still yields 32 students which is still well below the 63 student capacity that the school has.

Mr. Beckett stated that the bottom line here is that the applicants want to develop the property for affordable, starter homes. This is a nice plan; the applicants have tried to address every concern that was brought up at the last meeting and even went as far as talking to the school official. The school is convinced that the school can handle this type of development there. Traffic issues seem to be satisfactory and can handle this development. The applicants don't know what more they can do to take care of the neighbors and make this a pleasant and desirable development.

Commissioner Mink asked what the applicants would set up to provide long term maintenance for the park.

Mr. Beckett stated that one of the requirements in the staff comments is that as it is in most subdivisions that there be some mechanism put in place for that. The applicants drafted a 25 or 30 page set of declaration of covenants for this subdivision to provide an organization of not-for-profit homeowners association, the appointment of an architectural committee and a board of directors. It provides also significant restrictions on use of the property and a mechanism for annual assessments to maintain both the buffer zones and the neighborhood park. This is a set of covenants which the applicants have successfully developed for numerous other subdivisions and it seems to be working fine. In speaking with Mr. Florea it seems to be the norm. The applicants gave a copy of the covenants to Mr. Florea and have not received any adverse comments from him; the applicants assume staff is satisfied with the covenants.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition to the request:

Shelly Wooldridge, 9551 I-70 Drive NE, Columbia.

Ms. Wooldridge stated that she is the property owner to the west who owns the dog kennel. Ms. Wooldridge stated that it should be brought up to the Commission that she has not had any communication or correspondence with any of the applicants. She has lived on the property for over 11 years and her husband passed away 3 ½ months ago and she has to take care of her two kids and the only way she can make a living is to keep this kennel business going. It is a lovely business, the kennel provides a service for the community and it is quite wonderful. Ms. Wooldridge stated that her concern is that in the future she won't be able to operate that business because she will have neighbors and neighbors do not like barking dogs, there is no way around it. One of the services the kennel provides is big, beautiful indoor-outdoor dog runs and the dogs can go outside and bark and come back inside in to the air conditioning and play. Ms. Wooldridge stated that she would love to have neighbors and would love to have someone next door who uses a lawn mower and would be pleased. Ms. Wooldridge stated that she listened to the proposal and it sounded wonderful but she is concerned that this high density population being so close to the kennel, a 3-foot high berm is not going to do anything with the visual aspect. The dog runs face out straight east which will be looking right in to the kitchen windows directly

across the driveway. Ms. Wooldridge stated that she would be happy to talk to these men or work with them but there has been absolutely no communication, she has been pursuing this on her own.

Commissioner Duker stated that the applicants had talked about a mutually convenient place for a stub street and asked Ms. Wooldridge where that could be located.

Ms. Wooldridge stated that the only conversation that she has had about this has been with Mr. Florea. Ms. Wooldridge stated that she thinks that with all the people working for the applicants maybe one of them could have picked up the phone and ask her what she would like.

Commissioner Duker asked Ms. Wooldridge what she would like.

Ms. Wooldridge stated that she would like to have maybe 5 homes on that property. Ms. Wooldridge stated that she built a new home on this property and moved in to it last August on the back of the land and now her understanding is that all of this to the east is going to develop and Mr. Godas is going to develop the 200 acres north of her. Ms. Wooldridge stated that she proposes, if I-70 is not going to be widened on to the front of her land and potentially the front of the applicant's land that the stub would be to the front of her property south of the kennel away from her house. The kennel is a separate entity from the home in the back.

Commissioner Duker asked Ms. Wooldridge if they had come to an agreement because it states "mutually agreed"

Mr. Florea stated that the comment is intended that at some point if this is approved then the developers will negotiate with Ms. Wooldridge.

Commissioner Duker asked what if Ms. Wooldridge becomes un-negotiable.

Ms. Wooldridge stated that if the applicants would use the phone she may be quite willing.

Mr. Florea stated that you have to trust people's best intentions in this case. Mr. Florea has had discussions with Ms. Wooldridge and staff didn't propose this condition until staff had talked to her and she indicated some willingness to work with the applicant. Mr. Florea stated that he would take that as face value. Mr. Florea stated that he had discussed with Neil Cady who works for Crockett Engineering today of the possibility of not requiring the right of way to be stubbed completely to the property and not following the typical procedure which is to require the road be built all the way to the property line. What was discussed as an option would be to build the road to the rear lot line and leave the buffer intact so there is not a 50-foot wide gaping hole through the buffer that is supposed to be providing a disconnection between the two different land uses. If Ms. Wooldridge at some point sells to the developer or decides to develop on her own they can build that short portion of road to connect in to that roadway at that time when the kennel is gone and the need for the buffer is no longer there.

Commissioner Heitkamp asked Ms. Wooldridge if she has seen the plan.

Ms. Wooldridge stated she had a small copy of the plan. That was part of her concern, if you look at the plan and you look at the western edge of that plan a 3-foot high berm with tiny trees and there are some existing trees on that drive up that will eventually mature. All of that land slopes down toward the creek and Ms. Wooldridge's land is higher than the land to the east of her, therefore everything on her land is higher up so they are going to have a straight visual into the dog runs. Something should be done to keep them from barking at the children all day.

Commissioner Heitkamp asked staff the minimum size tree that is required for a buffer.

Mr. Florea stated generally it is about a 4-foot tall tree.

Commissioner Heitkamp informed Ms. Wooldridge that there is a 7-foot buffer and asked if there is a fence.

Mr. Florea stated that there is no fence proposed.

Ms. Wooldridge stated she had double fencing but it is chain link.

Commissioner Heitkamp stated that the boundary line is fenced.

Ms. Wooldridge stated that her property boundary isn't fenced. There is a horse fence there now on the east side of the property but the kennel is set up where all the dogs have individual runs and there is a second-catch fence which is just a big play yard but it isn't as close to the property line. It is probably 20-feet from there to her driveway.

Commissioner Heitkamp stated that the applicants are starting with 7-foot of berm and tree.

Ms. Wooldridge stated that it may be fine but down the road she knows with almost certainty that there will be sad, unhappy housewives, or firemen trying to sleep during the day, they will not be content as her neighbors because of the dogs. Ms. Wooldridge stated that she has one of the only boarding kennels in Columbia where the dogs can get outside and run around and bark. Everyone else puts them in little boxes and locks them on a leash and that is not a good experience.

Commissioner Heitkamp asked Ms. Wooldridge if that would be her concern or Mr. Sells concern.

Ms. Wooldridge stated that she would think it should be Mr. Sell's concern but she has never heard that. It has been her concern because she knows what happens to neighbors that are right next to dog kennels, they are not happy. Therefore, as Mr. Beckett mentioned in the last Planning and Zoning meeting that the conditional use permit and her ability to make a living should not be a priority over their development. Ms. Wooldridge stated maybe it should and maybe it shouldn't, she is a Boone County resident, this man that is coming in to build is an out of townner, he is not going to live on the property. Maybe not next week or next month but five years from now those neighbors are going to get together and make her life impossible and she will have to sell out and move. The value of her land is going to go down. Ms. Wooldridge moved in and bought the property and went through Planning and Zoning and everyone said that is going to be the country and the most potential it had would be to have a business, there is a church next door and they are wonderful neighbors. Everyone out there has 10 acres and a house, that is just the neighborhood. Ms. Wooldridge stated that she would like to have neighbors and beautiful homes.

Commissioner Brown asked Ms. Wooldridge if she was opposed to this development.

Ms. Wooldridge stated that she is opposed as it is unless the applicants are willing to work with her on something that would be appropriate to keep the value of her land and her existing business going.

Larry Sample, 10440 E. I-70 Drive SE, Columbia.

Mr. Sample stated that he is across the interstate. Mr. Sample has 10 ½ acres a couple of horses and dogs. Three of his daughters have worked for Ms. Wooldridge and he has always worried when they went to work on that road. The Commissioners need to go out and see it; it is not that good a road. From looking at the plan the waste area is going to be across the interstate from his house so he can go out front and have a nice view to either side but not across the road. This would be nice if it were 2 miles out of Columbia but when you jump 6 or 10 miles outside of Columbia with this type of development it is wrong for the County. Mr. Sample stated that his neighbor has 3 acres and he can't build a house on those 3 acres and yet we are going to put 97 homes in a limited area. Mr. Sample stated that he went 8 to 10 miles outside of town and thought he was doing pretty good and this development is jumping around and doesn't think the County can allow these developments to jump around in the area that far away from the City.

Chairperson Smith stated that this development is 4 miles from the City.

Mr. Sample stated that the Commission should delay this as long as they can.

Phillip Popham, 1545 N. Dozier Station Rd., Columbia.

Mr. Popham stated that the applicants did work with Crockett Engineering and since May Mr. Popham has seen 5 to 6 wrecks on I-70 between Dozier Station and the Lake of the Woods exit. Crockett would not see what happens when there are 18 wheelers coming down the outer road to escape the traffic on I-70 when I-70 gets backed up east or west. That could be a potential problem and they need to take that in to consideration. Mr. Popham stated that he can't imagine Two-Mile Prairie with 65 more students. They have already put big trailers out there already and he is not sure where they would put more kids. The County Commissioners have already approved a 42 lot trailer park just to the east of this land. If you use their math 0.5 kids per trailer which is probably a little higher for a trailer than it would be for the single families you've already added more kids and if what Ms. Wooldridge said is correct then if you are going to plat another RS-P north of this area then you've got more kids coming and you have doubled the school system. Mr. Popham stated that he moved out to the area to get the country school atmosphere and that will be eliminated if this development is approved. Mr. Popham asked what the land is used for and if we want single family out there that far; it would be the farthest out on the east side. You would be moving out quite a bit, is it necessary, do we need it, are there that many people in Columbia that we absolutely need that. Most of the property owners in the area have bought A-R, A-1 or A-2 property and are expecting some sort of large lot, low density type of situation. Ms. Wooldridge had mentioned perhaps a lower density of houses would be more appropriate for that area; maybe the A-R is more appropriate than putting 98 homes on 36 acres. With the traffic Mr. Popham is more worried about people getting killed because children will be out on the road and people will be going 55 mph, a tractor trailer or whatever it is and it is not going to be long before we see deaths. At least right now with the density it is there are very few kids out in that area.

Parker Naylor, 9255 E. I-70 Drive NE, Columbia.

Mr. Naylor stated that he is to the west of the property and has 18 acres. Part of this property is zoned for recreational. Mr. Naylor stated that he would like to see more of that area in the subdivision recreation dedicated for that because it is already set up for it. Usually when it comes to developers and businesses it really all comes down to the money. The applicant paid a pretty good amount for that property, it figures out to about \$850,000 for the 37 acres. Mr. Naylor asked what kind of expense will the applicants be putting as far as what determines people in that neighborhood by the cost of the lots. Nothing has ever been addressed with that. Mr. Naylor stated that he would like to see the density lowered maybe to 1.5 homes per acre because that would be more of a fit for what is out there now. That would be a better use of the land. With the Gilbane trailer park on the east and with this added to it the numbers at Two-Mile Prairie you will have an extra 62 students already just with those two

developments. They are in trailers in there now so they are over the school amount right now so that should be an indication too.

Chairperson Smith stated that all the schools have trailers; that is how Columbia School District plans.

Mr. Naylor stated that usually it is an indication when you are overcrowded is when they have the trailers. Nothing has been addressed, and it may be a MoDOT issue, about a turning lane out there. The applicants said they did a traffic study, Mr. Naylor stated that he lives out there and knows what the study is; the traffic backs up. It was brought up last time that they just resurfaced that road a month or two ago, in front of the Naylor driveway there is a big chunk out of the road so the roads are really not that great out there. Mr. Naylor has not seen anything for the DNR plan for the sewer; Mr. Naylor asked how that worked if the land was deeded over to the sewer district from there, there was nothing in the plans with what they are going to do with the runoff. A neighborhood association would probably be good if they could have one because subdivisions usually run better if they have something like that. Mr. Naylor asked who would oversee the subdivision will it be the Sells Development Group or is it just within the neighborhood, that wasn't addressed. Mr. Naylor stated that I-70 is going to be 6 lanes and if they are going to build houses there why even start because Old 40 is going to be moved back quite a bit and probably when they do it they are going to put shoulders on it so it will take quite a chunk off of everyone's frontage, that is something to think about. Mr. Naylor stated that he hasn't seen any reports on sewer and water. The last time Mr. Naylor checked there was only a 4-inch line in front of his place and asked if that would be adequate to service this size of development. On the utilities Boone Electric is going to run the electric, Mr. Naylor asked if it was going to be above ground or underground utilities. Above ground in a subdivision is more unsightly than if you can go underground.

Dana Naylor, 9255 E. I-70 Drive NE, Columbia.

Ms. Naylor stated that she lives west of this property. All of the previous concerns are also concerns of hers. Ms. Naylor runs a home daycare and is licensed by the State. Doing this type of business and taking care and raising other community member's children you would think that she would be in favor of this type of rezoning because it would enhance her business and her income however she is not in favor of this sort of zoning in this area. Ms. Naylor stated that she would like to see an A-2 zoning considered instead, do we need to highly develop every country area of Boone County as a subdivision. There is subdivision development south, all of it north, can we not have country settings in Boone County, can we not have any area of the county kept for country folks like Ms. Naylor that want to move out in the country and raise a family with a country school with a small setting, know all the teachers, know the principal and not have a classroom of 25 or 30 children in your child's elementary school which is currently what is going on in the City. Ms. Naylor stated that she would like it to be considered to look at A-2 zoning instead of this type of zoning for this area.

Commissioner Heitkamp stated that the property is currently zoned A-R. A-R is not A-2; A-2 is 2.5 acres per lot.

Mr. Florea stated that A-R is ½ acre per home.

Ms. Naylor stated that she suggests it is kept A-R; at least that.

Susan Altomari, 2571 N. Dozier Station Rd., Columbia.

Ms. Altomari stated that she has two comments to make tonight, something written and something more of a personal note. As part of this community in Boone County Ms. Altomari is coming to the Commission tonight to state her concerns about this development which will affect all of the neighbors in many different ways. The Commission has already heard about many of those individual concerns

tonight, one of this Commission's responsibilities is to look out for the best interest of these citizens and all of the citizens in Boone County. Thankfully, the public is granted the right to speak to the Commission and voice their opinions and hopefully the Commission will listen to and respect the opinions of the community that is here tonight. The developer who has bought this property in this community comes from outside this County. He has bought property here and he naturally wants to make the biggest bang for his buck but he has no or very little interest in what is best for the community. To the best of Ms. Altomari's knowledge the developer has not contacted anyone in the community even after the last meeting when the neighbors stated their concerns. Once this project is complete the developer will probably not live in this community but the neighbors do live there and must live with the consequences that the developer creates at the approval of this Commission. Going from agricultural and recreational to high density single family zoning is not in the best interest of the community and only in the best interest of the developer. Ms. Altomari would like the Commission to consider less dense zoning and something much more appropriate for the rural setting. The neighbors are not adverse to change, change is going to happen and the neighbors welcome it. We are looking for good neighbors who are comfortable and supportive of our community. Ms. Altomari is hopeful and optimistic that this Commission will respond wisely in rezoning this property and will consider the concerns of the residents who it represents.

Ms. Altomari stated on a personal note Shelly Wooldridge is the person who is most affected by this development. Ms. Wooldridge has been struggling; 9 years ago her husband was diagnosed with cancer, he had gone in to remission and a year ago the cancer came back. Ms. Wooldridge struggled with him the entire year, Ms. Wooldridge is a counselor at Lee Elementary School, she was not in school very much, she had to deal with her business, and she had to deal with her children and her jobs and her husband's very serious illness. Unfortunately he died three months ago and at that time was when this development came forward and it couldn't have been a worse time for Ms. Wooldridge. Ms. Wooldridge is struggling and is doing what she needs to do; this is a serious concern, she has been very fair and has not talked to any reporters although many of them have come to her. She would like for the builders to help her on this and she hopes that Commission will help her in this struggle that she has right now. Ms. Altomari stated that this is a story that needs to be told so the Commission is aware of it. Ms. Altomari stated that she hopes that the Commission's job is not just to look at the plans and the builder but to look at the human side of this situation as well.

Dana Naylor, (previous speaker), 9255 E. I-70 Dr. NE., Columbia

Ms. Naylor stated that she wanted to forgo on what Ms. Altomari had stated. All the neighbors in the area are very close. It would be saddening for this kind of development would not permit the closeness in the neighborhood. All the people have 5 or 10 acres but the neighbors are close. To cut that out and bring in 90 families who don't know the current neighbors and they probably don't even care. All the neighbors are nice country families; they all know each other and know each others kids and grandparents. They also know each others personal problems and they all stick together. Ms. Naylor stated that she would hate to see that falter.

Closed to public hearing.

Mr. Beckett stated that Ms. Wooldridge's property is to the west of this development. The applicants heard her concerns at the last meeting. The applicants put a buffer on this plan that starts out at 70-feet on the south and runs all the way to 100-feet on the north end of this development. There are not too many buffers you see on a planned development that are bigger than that. The applicants would be willing to redo a standard landscaping on top of the berm to achieve an 80 percent opacity in five years to further screen her operation from this subdivision if that is a condition that the Commission requests. The applicants want to be reasonable. The applicants did hear the neighbors at the last meeting and the

applicants have addressed every issue they know about. As far as the Two-Mile Prairie School, every school in the Columbia school district has trailers. This school clearly has the capacity to handle this subdivision; this development will not overload the school or cause it to add trailers but they will just use some of the spaces they have available already. The speed limit on I-70 Drive is not 55 mph; it is 40 mph according to the MoDOT. There was some concern that this was a high speed part of I-70 Drive, it is not.

Chairperson Smith stated that all the neighbors are shaking their heads.

Mr. Beckett stated that as far as MoDOT, it is 40 mph; according to MoDOT this road is adequate for this development. Mr. Beckett stated that there are other emotional issues that were raised and the applicants do not wish to address those. It is not something the applicants can change. If someone had an unfortunate circumstance the applicants are sorry, the applicants don't want to make it worse but they did try to address the concerns of the neighbors and the applicants hope that it would be satisfactory.

Chairperson Smith stated that the applicants have a 25 to 30 page covenant and asked if there was any type of covenant that could acknowledge that the kennel business exists and the new neighbors wouldn't be hassling Ms. Wooldridge about her barking dogs. Chairperson Smith asked staff if there was any way to address that in covenants.

Mr. Florea stated that this is actually done in some states to accommodate this very problem where urban uses are encroaching on agricultural uses and to protect the agricultural uses there are notification requirements in some cases. That could be something that the Commission requires.

Mr. Beckett stated that he has never heard of such a covenant. When you drive up to this property it says pet resort right there on the front of Ms. Wooldridge's property. Anyone who is going to buy a house out there is going to know that they are moving out in this area and will be less inclined to do so if they find the pet resort offensive. The applicants are putting the houses a long way away from Ms. Wooldridge's property line and the applicants are doing what they can to buffer her property. The applicants are willing to put the stub streets wherever Ms. Wooldridge wants to increase the value of her property if that is what she wants. That would be a very unusual covenant to put in subdivision restrictions and Mr. Beckett stated that he is not sure that it can be done.

Chairperson Smith stated to the neighbors that the Commission has to look at land use. The Commission is very concerned about sprawl. One gentleman had mentioned that this development was too far out when, in actuality, it wasn't as far out as he thought and that is because the City of Columbia is growing out to the area. To try to prevent sprawl the opposite of that is density so the Commission has to look at planned dense developments in order to eliminate sprawl to keep what country we have. If everyone moved in to Boone County on 2.5 acres with their own septic system it would be a lot less efficient and a lot less neighborly than what is being proposed right now. The people that move in to this subdivision could become just as good neighbors as the people that currently live in the area. Chairperson Smith stated that she would hate for the neighbors to assume that just because they are living in a subdivision that they wouldn't have some of the same country values that the current neighbors have.

Commissioner Brown asked the applicants if the electric service would be underground utilities.

Mr. Crockett stated that it has been typical procedure for Boone Electric to install the utilities inside the subdivision underground. How they get to the site is Boone Electric's discretion. Mr. Crockett stated that he assumes that it will be overhead to the site and then everything internal will be underground. That has been typical policy for Boone Electric.

Commissioner Brown asked staff if that can be made a requirement.

Chairperson Smith stated that we can not make a requirement for Boone Electric.

Mr. Florea stated that the Commission could make it a requirement subject to Boone Electric's approval. Typically Boone Electric does go underground but if there was some technical reason they couldn't there shouldn't be a condition that prevents them from developing the property because Boone Electric can't put the utilities underground.

Commissioner Brown stated that he would like to see something in the subdivision covenants that would make notice of the businesses that exist at the time the subdivision is constructed. That will give Ms. Wooldridge a document later on to be able to show a homeowner.

Mr. Beckett stated that the applicants can do that; it is probably a fair thing to do anyway. The applicants would agree to a condition like that.

Commissioner Sloan stated that she lived in St. Louis County and around the airport in St. Louis County there have been a lot of subdivisions built there throughout the years. The owners in the subdivision turned around and sued the airport authority and received a lot of money because they moved in to an area that was clearly going to have a noise problem but the neighbors wanted to be compensated for that noise problem. Commissioner Sloan stated that she didn't know that barking dogs and jet engines can be compared one to one. You can put anything you want in to a covenant but you can't stop people from complaining. Unless the covenant has some sort of penalty for the person who is doing the complaining then it is not going to make any difference, it is simply going to be a statement that the kennel is here and if you move in here you need to make yourself aware of it. One of the concerns until this afternoon was the location and the widening of I-70 and the Commission received some information this afternoon that I-70 was probably going to be expanded south rather than north. Commissioner Sloan stated if she had not seen that it would have been a huge concern. Commissioner Sloan stated that it doesn't make any difference what is put in the covenants, if people want to complain they are going to.

Mr. Beckett stated that he believes Commissioner Brown's point was full disclosure and that is appropriate and the applicants agree with that.

Commissioner Neese asked what the build out time is for this development. This development is not going to spring out with 96 lots.

Mr. Crockett stated that the build out is a discretionary measure taken by the developer; it depends on how fast he wants to push it. It depends on a lot of factors, his pricing of the property and the builders he brings in with him.

Commissioner Neese stated that the developer will probably not put in all the streets because not all the lots will be sold the first year.

Mr. Gilpin stated that the initial plan was to do two phases. Depending on how many lots are pre-sold; the plan is to do it in two phases, about 45 lots in the first phase then a second phase of 45 lots depending on how fast the first phase sold out.

Mr. Florea stated that the plan says the development is to be platted and constructed in one single phase.

Mr. Gilpin stated that the initial one said two phases.

Mr. Florea stated that the current plan is binding on the applicant.

Mr. Gilpin stated that it would be done in one phase then.

Commissioner Neese stated that the applicant would have to put in all the streets at one time.

Mr. Gilpin stated yes, as well as the storm sewer.

Commissioner Neese stated that since there is one phase everything will have to be built initially, including the berm.

Mr. Gilpin stated that the berm will be the first thing built because the excess dirt from clearing the lots will be used for the berm.

Commissioner Brown asked if all the public improvements; the streets, berm, and park, have to be in place before any building permits are issued.

Mr. Florea stated yes.

Chairperson Smith stated that there was concern about the sewer line.

Mr. Florea stated that there may be an opportunity for the applicants to bond for some of the improvements but all the public improvements including the park, access ways to the park, streets, and sewers will be built or bonded prior to any building permits being issued.

Mr. Crockett stated that he believed the question was about the size of the existing water line. When you take the capacity of the water line you are looking for two different flows, the fire flow and domestic flow. Both of those are considered on two different variations. One is the domestic flow which has less than the fire demand. You must maintain the domestic; it is a smaller amount of water for a prolonged period of time. The fire flow is at a greater demand for a shorter period of time. The applicants have done a preliminary analysis in which the water district has preliminarily approval that states that the applicants have enough water at that location. Before the applicants can get any water on this site the applicants must submit and have the water district approve a water line plan for this development. At that time their engineers will do a more exact analysis of the site to determine if the preliminary fire flow and domestic flow is there. If not the applicants will bring, at their expense, a greater size water line to the site to achieve those flows.

Commissioner Mink stated he assumed the roads were going to be curb and gutter with sidewalks and asked what the roads were going to be made from.

Mr. Gilpin stated they would be all concrete.

Commissioner Mink asked if the storm sewers shown going across through the lots are going to be underground or enclose them.

Mr. Crockett stated yes; everything is proposed to be underground and everything was designed on the required 10 year minimum rainfall intensity and put in overflow structures, hopefully swales, to handle any excess runoff from the 100 year rainfall event.

Mr. Beckett stated that the subdivision declarations that are being prepared to record restrict the ability of the builders that buy the lots to interfere with any stormwater facilities or berms or swales that are constructed in the subdivision. That is an idea that was picked up on here in Columbia because they ran in to a lot of problems where developers would go in and change those grades. The applicants have restrictions that prohibit them from doing that in these declarations.

Commissioner Mink stated that he was also concerned that the I-70 widening might end up chopping the front side of this development off and appreciated staff's report that this was less likely; there is still the possibility but it was less likely than was feared. Commissioner Mink stated that there is the potential for traffic problems when there is a tie up on I-70 and people are searching for a detour that will create some problems. Maybe when that widening does occur that can be mitigated but it could be a problem for a while. There is a potential for some delays at Route Z as cars come up to get on Route Z; that could become a problem. As far as noise, there is also going to be highway noise so anyone that is sensitive to noise is going to have to give it a lot of thought before purchasing a lot in this subdivision. Commissioner Mink stated that he appreciates the efforts that the applicants have done to address the concerns that were raised last time. The central park and the berm is a step in the right direction.

Commissioner Heitkamp stated that when you look at the zoning map Ms. Wooldridge is an island of A-2 surrounded by A-R zoning, A-1 is the University, C-G is at the intersection. Commissioner Heitkamp asked how far from the intersection this development is.

Mr. Crockett stated that he believes it is approximately $\frac{3}{4}$ mile from Route Z.

Commissioner Heitkamp stated that part of the Commission's philosophy of development on the I-70 corridor is to avoid strip malls. Another part of the philosophy is to encourage affordable housing in the County. The Commission had many problems with the original request and at the last meeting the Commission recommended denial of a trailer park that was subsequently approved by the County Commission so there is already 42 homes to the road. Considering the work the applicants have done on this subdivision Commissioner Heitkamp stated that she believes the applicants have, in good faith, tried to answer the Commission's concerns. Commissioner Heitkamp stated that she would request the applicants specify the square foot of the subdivision sign when it comes time for the final plan. Commissioner Heitkamp stated that she appreciates how the neighbors feel but the basic zoning for everything in this area with the exclusion of Ms. Wooldridge is already A-R which is $\frac{1}{2}$ acre per house. The applicants, under the current zoning could put in 70 homes. They could have thrown in 70 cracker-jack houses and the alternative would be no plan.

Commissioner Oetting stated that he had a couple of concerns and likes the way the development is laid out. There were other issues about the schools and the kennel situation; however that can be addressed with communication and negotiation with Ms. Wooldridge. The major concern is with the road; it is still a road that has to be addressed and dealt with. MoDOT is not going to do it and the developer is not going to address it unless the Commission requires it. There is concern with the density of the subdivision and the distance of the development from the city limits. It probably is further out than this type of density subdivision should be but if people want to buy lots out there that is their decision. Commissioner Oetting stated that he doesn't think the developer will address the issue with the road.

Mr. Crockett asked Commissioner Oetting to further explain his concerns.

Commissioner Oetting stated that MoDOT is not going to address the road and the developer is not going to address it unless someone tells the developer to address it. Commissioner Oetting asked the applicants if that was correct; as far as turn signals or widening the road or making the shoulders wider.

Mr. Crockett stated that the applicants have no plans of doing any improvements to I-70 drive at this time. With regard to having a possible turn lane, the applicants have no provisions at this time and no recommendation from MoDOT to do so. Unless MoDOT deems it necessary the applicants will not improve I-70 drive. In preliminary discussions with MoDOT they indicate there is no need for a turn lane at this time at that entrance location.

Commissioner Oetting stated that is his point. It is a major concern to him and it is a major concern to the neighbors. It may not be a major concern to MoDOT but when you live out there and you go up and down that road everyday maybe the developers should trust the neighbors judgment maybe a little more than MoDOT's.

Commissioner Brown asked the applicants if they would consider acceleration/deceleration lanes and a left hand turn lane at the entrance.

Mr. Crockett stated that he believes that is something the applicants would have to look in to and do a little more evaluation on. By reducing the original density from 117 units to 95 units was a significant decrease in the amount of money the developer can generate. With that has to come some concessions. When you talk about acceleration/deceleration and a turn lane, those are some relatively major improvements and in other developments they approached \$300,000 or \$400,000 so it is a major, significant capital improvement to put those in place. At this time the applicants can't say without doing further investigation.

Commissioner Heitkamp stated that she believes a new State statute allows the County Planning and Zoning Commissions to put specifications for bonding for capital improvements.

Mr. Florea stated that what we are talking about is an off site improvement that would have to be tied to an impact caused by the development. The intensity of that improvement has to be proportioned to their contribution to the problem requiring the mitigation in the first place. The problem that you are running in to is that you have lay persons that are saying that there is a problem but you have a State agency who is in charge of the road maintenance saying that there isn't a problem and the road can accommodate the development. It is going to be difficult to place a condition requiring the developer to do off site improvements when the State agency responsible for the road is saying that none is required.

Commissioner Neese stated that we have seen that in other subdivisions that MoDOT doesn't allow lights. You may want to put it in for the surrounding neighborhoods but MoDOT has denied that. The Commission can not put conditions on it because it is not a County road, it is maintained by MoDOT and it would be up to them to allow it. Commissioner Neese stated that he doesn't believe that this is something the Commission would want to do; to have a requirement that MoDOT might not even agree to.

Commissioner Brown stated that his concern is that MoDOT thinks it is a 40 mph that is posted at 55 mph then that needs to be clarified because someone making a left hand turn with a car coming up on them at 55 mph without a left hand turn lane MoDOT probably would not allow that. That is a significant hazard and if MoDOT thinks it is 40 mph and they based their recommendation on a stretch of road that they think is 40 and it is posted at 55 that is a significant difference.

Mr. Florea stated that when he spoke with a MoDOT engineer this morning it was not discussed the posted speed limit on the road. Mr. Florea stated that he doesn't know what speed the engineer was using to make his analysis.

Commissioner Mink stated that it would be a fine amount of traffic once it is built out. There is no connection to the north that would make it a higher volume intersection than it ever would be. It is doubtful that it would ever warrant a signal the way it is shown.

Commissioner Duker stated that he likes the way everything was changed and brought back and the applicants developed great affordable housing in the way it was arranged with the park and streets but based on being so close to I-70 there should be some sort of setback and leave the zoning the way it is.

Commissioner Neese made and Commissioner Mink seconded a motion to **approve** the request by Sells Development Group LLC to rezone 17.12 acres REC (Recreation) and 19.82 acres A-R (Agriculture Residential) to R-SP (Planned Single-Family Residential), located at 9689 I-70 Dr. NE, Columbia **with staff recommendations**:

Pat Smith - Yes	Rob Brown - Yes
Mary Sloan - NO	Russ Duker - NO
Keith Neese - Yes	Kristen Heitkamp - NO
Larry Oetting - NO	David Mink - Yes

Motion to approve request does not carry. 4 YES 4 NO

Chairperson Smith stated that the Commission's options because there was a tie is to entertain another motion to deny or approve and the Commission can act on that. The Commission can make a motion to table the request or the applicants can request to have the request tabled. Not all of the Commissioners are present tonight and if the request was tabled to the next meeting there is a chance that there would be a majority one way or the other.

Commissioner Heitkamp made and Commissioner Duker seconded a motion to **table** the request by Sells Development Group LLC to rezone 17.12 acres REC (Recreation) and 19.82 acres A-R (Agriculture Residential) to R-SP (Planned Single-Family Residential), located at 9689 I-70 Dr. NE, Columbia:

Pat Smith - Yes	Rob Brown - Yes
Mary Sloan - NO	Russ Duker - Yes
Keith Neese - NO	Kristen Heitkamp - Yes
Larry Oetting - NO	David Mink - Yes

Motion to approve table request carries. 5 YES 3 NO

This request is tabled to the August 19, 2004 meeting.

Chairperson Smith stated that the public hearing for this request has been closed so there will be no further public comment at the August meeting. The Commissioners who are absent tonight will be given opportunity to either read the minutes or listen to the tapes.

The Commission requested that before the August meeting that the posted speed limit on I-70 Drive NE be verified by staff.

PLANNED DEVELOPMENTS

None.

PLAT REVIEWS

1. Northeast Gate. S26-T49N-R12W. A-2. Steven and Jenifer Westgate, owners. Brian David Dollar, surveyor.

The following staff report was entered in to the record:

The property is located on the east side of Route PP approximately ¼ mile north of Thompson Road

Both lots have frontage on and direct access to Route PP. Route PP is designated as an arterial on the major thoroughfare plan; right of way sufficient to provide a 50-foot half width is being dedicated by this plat. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Columbia Water and Light provides water service in this area.

On-site systems will be used for wastewater disposal. A plan showing a suitable location for a lagoon on each lot has been submitted. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 71 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Mink made and Commissioner Brown seconded a motion to **approve** Northeast Gate. S26-T49N-R12W. A-2. Steven and Jenifer Westgate, owners. Brian David Dollar, surveyor **with waiver requests**:

Pat Smith - Yes	Rob Brown - Yes
Mary Sloan – Yes	Russ Duker - Yes
Keith Neese - Yes	Kristen Heitkamp – Yes
Larry Oetting – Yes	David Mink – Yes

Motion to approve plat with staff recommendations carries unanimously.

* * * * *

2. Stone Pier Estates Plat 2. S1-T50N-R13W. A-2. Ron and Terri McBee, owners. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The property is located on the south side of Breedlove Drive just west of the intersection with Thomas Hill Road. This is a re-plat of an existing lot. The purpose of the re-plat is to adjust the boundary line with a tract to the west.

Right of way sufficient to provide a 33-foot half width right of way was dedicated by Stone Pier Estates Plat 1. Since this is an existing lot, a traffic analysis is not necessary.

Water District 10 provides water service in this area.

An on-site wastewater system will be used for sewage disposal. Since this is an existing lot, a wastewater cost benefit analysis is not necessary.

The property scored 25 points on the rating system.

Staff recommends approval of the plat.

Commissioner Mink made and Commissioner Brown seconded a motion to **approve** Stone Pier Estates Plat 2. S1-T50N-R13W. A-2. Ron and Terri McBee, owners. J. Daniel Brush, surveyor:

Pat Smith - Yes	Rob Brown - Yes
Mary Sloan – Yes	Russ Duker - Yes
Keith Neese - Yes	Kristen Heitkamp – Yes
Larry Oetting – Yes	David Mink – Yes

Motion to approve the plat carries unanimously.

* * * * *

3. Carl. S7-T48N-R11W. C-G. Mary Frances and Luis Davila-Aponte, owners. Ronald G. Lueck, surveyor.

The following staff report was entered in to the record:

This 2 lot minor plat is located at the immediate Southwest corner of the Route Z/Rangeline Road interchange on I-70 and is the first property on I-70 Dr SE heading back to the west. The site is approximately 2 miles east of the municipal limits of the City of Columbia. The area being subdivided contains 11.85-acres. The property is zoned C-G (general commercial) as is all the surrounding property except the property to the south which is a mix of C-G and M-L (light industrial). All these zonings are all the original 1973 zonings except the M-L which was rezoned in 2002 & 2003. The property is currently the site of a converted house, and shed that are most recently used as a furniture store. Sewage

treatment will be provided initially by a temporary on-site wastewater system but the developer is installing a “dry” sewer extension to facilitate hooking the lots up to the BCRSD central system for the area. Any on-site wastewater system must meet all County Health Department or DNR requirements. The site is in Public Water District #9. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here but are required for commercial buildings. 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 66 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests subject to the recognition that the sewer infrastructure will need to be guaranteed prior to the plat going to County Commission.

Commissioner Mink made and Commissioner Brown seconded a motion to **approve** Carl. S7-T48N-R11W. C-G. Mary Frances and Luis Davila-Aponte, owners. Ronald G. Lueck, surveyor with the following staff recommendations:

- | | |
|---------------------|------------------------|
| Pat Smith - Yes | Rob Brown - Yes |
| Mary Sloan – Yes | Russ Duker - Yes |
| Keith Neese - Yes | Kristen Heitkamp – Yes |
| Larry Oetting – Yes | David Mink – Yes |

Motion to approve the plat with staff recommendations carries unanimously.

* * * * *

4. Settlers Ridge Plat 1. S9-T49N-R12W. T-Vine Enterprises, Inc., owner. James R. Jeffries, surveyor.

The following staff report was entered in to the record:

This property is located north of Columbia on state highways B and HH. This plat is the first phase of a 117.02 acre development that was approved in August 2000.

Water is provided by Public Water District No. 4. The water district has adequate infrastructure in place to provide potable water and fire flow.

The City of Columbia will provide sewer service. The City will extend a main from North Hampton Village to the property, a distance of approximately 3600 lineal feet. The developer would be required to provide funding for improvements to the North Hampton Village Pump Station. With those improvements in place, there would be adequate sewer service for this proposal.

The developers have secured a variance from the Boone County Road Standards, which will allow certain roads interior to the development to be built to standards contained in the Subdivision Regulations. The varied items are identified in Boone County Commission Order 285-2000.

A traffic study, prepared by Allstate Consultants has been submitted which contains an analysis of existing conditions and a projection of traffic generated by the development. Approval of the preliminary plat included conditions requiring the developer to build offsite improvements to adjacent county and state roads. Construction of the improvements will follow the phasing plan proposed by the developer. All offsite improvements will be completed or guaranteed by surety prior to recording the final plat.

As a condition of receiving sewer service from the City of Columbia, the developer was required to sign a pre-annexation agreement. Under the terms of that agreement, the developer is required to obtain plat approval from the City prior to County plat approval. The Columbia City Council passed bill number R127-04A on July 6, 2004, approving Settlers Ridge Plat 1.

The property scored 75 points on the rating system.

Staff recommends approval of the plat.

Commissioner Mink made and Commissioner Brown seconded a motion to **approve** Settlers Ridge Plat 1. S9-T49N-R12W. T-Vine Enterprises, Inc., owner. James R. Jeffries, surveyor:

Pat Smith - Yes	Rob Brown - Yes
Mary Sloan – Yes	Russ Duker - Yes
Keith Neese - Yes	Kristen Heitkamp – Yes
Larry Oetting – Yes	David Mink – Yes

Motion to approve the plat carries unanimously.

* * * * *

OLD BUSINESS

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

The conditional use permit for Potterfield was approved as recommended.
The conditional use permit for the daycare in El Chaparral was approved as recommended.
The revised review plan for Nemow was approved as recommended.
The final development plan for Settlers Ridge was approved as recommended.
All plats were approved as recommended.

Chairperson Smith asked the status of the proposed sign ordinance.

Mr. Shawver stated that he had a work session with the County Commission a month ago. The Commission decided not to have an amortization schedule to take signs off Highway 22. Flashing signs were left in at 3 second intervals. The County Commission decided they wanted to allow variances when topography was such that the height limit would create a problem for a property owner. A low piece of property at 35-feet only gets up to the edge of I-70. The changes were written in to the ordinance and forwarded to the County Commission then on Tuesday a comment was received from one of the Commissioners wanting to know if they could allow for variances in planned districts. Mr. Shawver

stated that the Commission could do what they wanted but it would require revisions to the ordinance and it would require a change in the ordinance to the planned districts which have already been adopted.

Chairperson Smith asked who would deal with the variances.

Mr. Shawver stated that the Zoning Board of Adjustment would hear those variance requests.

NEW BUSINESS

Reports.

Commissioner Heitkamp reported on the South Farm plan.

Commissioner Heitkamp stated that she met in Rocheport for an open house. Commissioner Heitkamp stated that she would email the points of concern to the Planning and Zoning Commissioners.

General Discussion.

Mr. Shawver stated, regarding tonight's tabled request, staff will contact the Commissioners that are not present tonight and make them aware the importance of reading the minutes or coming in and listening to the tapes so they will be prepared to make a decision.

Annual election of officers.

Nominations were taken for Chairperson.

Pat Smith was nominated for Chairperson. No other nominations were made.

Pat Smith was elected Chairperson for the Planning and Zoning Commission.

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Nominations were taken for Vice-Chairperson.

Nominated were: Mary Sloan and Kristen Heitkamp and Keith Neese.

Secret ballots were taken.

Mary Sloan was elected Vice-Chairperson for the Planning and Zoning Commission.

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Nominations were taken for Secretary.

Nominated were: Kristen Heitkamp and Keith Neese.

Secret ballots were taken.

Kristen Heitkamp was elected Secretary for the Planning and Zoning Commission.

ADJOURN

Being no further business, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Mary Sloan,
Secretary

Minutes approved on this 19th day of August, 2004.