

**BOONE COUNTY PLANNING & ZONING COMMISSION**  
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS  
801 E. WALNUT, COLUMBIA, MISSOURI  
(573) 886-4330

**Minutes**

**7:00 P.M.**

**Thursday, November 17, 2011**

I. Chairperson Harris called the meeting to order at 7:00 p.m., with a quorum present.

II. Roll Call:

a. Members Present:

Carl Freiling, Vice-Chairperson	Cedar Township
Mike Morrison, Secretary	Columbia Township
Larry Oetting	Three Creeks Township
Eric Kurzejeski	Missouri Township
Gregory Martin	Katy Township
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township
Paul Prevo	Rocky Fork Township
Brian Dollar	Bourbon Township
Derin Campbell	County Engineer

b. Members Absent:

Boyd Harris, Chairperson	Centralia Township
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c. Staff Present:

Stan Shawver, Director	Uriah Mach, Planner
Thad Yonke, Senior Planner	Paula Evans, Staff
Bill Florea, Senior Planner	

III. Approval of Minutes:

Minutes from the October 20, 2011 meeting were approved by acclamation.

IV. Chairperson Statement

Vice Chairperson Freiling read the following procedural statement:

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 rezoning request which includes a review plan and a preliminary plat.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its 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 the applicant's representative may make a presentation to the commission. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. We ask that any presentation made to the commission be to the point.

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. We ask that you please not be repetitious with your remarks. We also recognize that some 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.

There may be individuals that neither support nor oppose a particular request. Those individuals are welcome to address the commission at any time during the public hearing portion of the request.

Please give your name and mailing address when you address the commission. We also request that you sign the sheet on the table after you testify. Also, we ask that you please turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. In that regard, if you would like to recover original material, please see the staff during regular business hours after they have had an opportunity to make a copy of your submission.

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 the 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, November 29<sup>th</sup>. 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 the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, November 29<sup>th</sup>, will begin at 7:00 p.m. and will convene in this same room.

## V. Conditional Use Permits

None

## VI. Rezoning

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

Planner, Bill Florea gave the following staff report:

The property is located on the north side of St. Charles Road approximately 1700-feet west of Route Z. The parent tract is 38 acres in area and is occupied by a single family dwelling and several farm buildings. The current zoning for this property is A-2, which is the original zoning. Adjacent property is zoned as follows:

- North - A-2
- South – A-2
- East – A-1
- West – A-2 and AR-P

The Northeast Columbia Area Plan identifies this site as being suitable for residential land uses. No previous requests have been made on behalf of this property.

The application includes a request to rezone the property to Planned Single Family Residential (RS-P) along with the required review plan and a preliminary plat. The proposal is to create 100-residential lots varying in size from about 7,500 to 20,000 square feet. If approved as proposed, the resulting density will be 2.7 homes per acre.

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

Utilities:

- Water: The property is in Public Water Supply District 9.
- Sewer: The City of Columbia and The Boone County Regional Sewer District have a connection agreement for the service area that includes North Battleground PRD. Under the terms of the agreement the residents of the development will be Sewer District customers. As a requirement to receive sewer service the developer has entered into an annexation agreement with the city of Columbia. Construction of the trunk line that will allow service to this development is scheduled for completion in November 2012.
- Electricity is provided by Boone Electric.

Transportation

The development proposes two new public street connections to St. Charles. All lots within the development will have frontage on and direct access to the internal street network. The proposed street layout is interconnected with undeveloped property to the east and west. All internal streets will be designed and built to Boone County Standards. County regulations require subdivision streets to be stubbed out to adjacent properties in order to provide an interconnected road network. The streets in North Battleground are stubbed to adjacent property at four locations.

A traffic study was conducted by Crawford, Bunte, Brammeier. The study was built upon a traffic study that was completed for Battle High School by the same firm. Several recommendations were made as a result of the high school traffic study. That study also factored in anticipated residential development in the area until the year 2030 (numbers were supplied by CATSO).

The study analyzes traffic impacts of the proposed development in terms of school arrival and dismissal peak hour trips. North Battleground is expected to generate 80 trips during the arrival peak hour and 105 trips during the dismissal peak hour. Those values were added to the base volume calculated in the high school study. Traffic volumes were then reanalyzed to identify the impacts of the proposed development. The conclusion is that the proposed development will result in negligible differences in delay along St. Charles Road after accounting for the improvements identified in the high school study.

The traffic analysis also used MoDOT's access management guidelines to determine whether left and right turn auxiliary lanes were warranted on St. Charles at Manassas Drive and/or Traveller Drive. The conclusion is that they were not warranted.

#### Public Safety Services

The property is within 2.3 miles of the nearest fire station. Public safety services to this location should be adequate for the needs of the development. However, there may be increased response times due to inadequacies of existing roads.

#### Stormwater

The development is subject to the Boone County Stormwater Regulations. The annexation agreement with Columbia requires the development to comply with the Columbia Stormwater Regulations. It is unclear how the developer will be able to demonstrate compliance with both sets of regulations.

#### Zoning Analysis

The Northeast Columbia Area Plan identifies this property as suitable for residential use but does not specify an appropriate density. The subject property is less than ½ mile west of Route Z, which is the eastern boundary of the area designated for residential use in the Northeast Columbia Area Plan.

The original zoning for this area is A-2 and several tracts have been developed at that density on the south side of St. Charles. Copper Creek, the development adjacent to the west, was rezoned from A-2 to AR-P in 1999. That was the first rezoning in this area since zoning was first established in 1973. Therefore, Copper Creek can be seen as the foundation in establishing a new character of development. Copper Creek was approved as a planned residential development with lots ranging in size from 2.6 acres to 1.1 acres. The gross density in Copper Creek is six-tenths (0.55) of a dwelling unit per acre: approximately one third of the potential density allowed in an AR-P district.

The proposed density of North Battlefield is 2.7 dwelling units per acre: approximately half of the potential density allowed in an RS-P district.

The construction of a new high school, potential elementary school and sewer trunk line are material facts that have changed since the approval of Copper Creek and which change the outlook for potential density in this area. These new elements of infrastructure indicate that a policy of increased density would be appropriate to this area. However, this policy should not be undertaken to the detriment of existing property owners. New development in this area should blend with the scale and pattern of existing development.

Although the subject property is appropriate for new development there are compatibility issues between the proposed development and existing development to the west and south. Those issues can be addressed through either through density or design.

- Density: The developers of Copper Creek utilized approximately 27% of the available density in an AR-PRD. North Battleground is proposed at approximately 50% of the available density in an RS-PRD. Reducing the proposed number of dwelling units in order to utilize the same proportion of density as was done in Copper Creek would result in 64 dwelling units on the North Battleground site. Design elements such as architectural controls and landscaping and common areas would help to ensure a quality development.
- Design: Compatibility through refined design could be addressed in several ways including:
  - Increase lot sizes adjacent to Copper Creek to a minimum of 80% of the average size of Lots 20-25 in Copper Creek (1.16 acres) and decreasing lots sizes for successive tiers of lots, radiating away from Copper Creek, using the same factor of 80%.
  - Establishing architectural controls that define minimum house size, the number and type of accessory structures allowed and exterior building materials for all structures.
  - Use of landscaping along the exterior boundary of and within the development to help soften the transition from lower density to higher density.

With appropriate design, the compatibility issues between the proposed and existing development can be mitigated.

The property scored 78 points on the rating system. Staff notified 42 property owners about this request.

Staff received a petition in opposition to the request with 32 signatures and 19 letters in opposition to the request.

Staff recommends approval of the rezoning.

Staff recommends denial of the Review Plan with the understanding that a new plan may be submitted for review, hearing and consideration by the Planning and Zoning Commission. The new plan should adequately address the compatibility issues outlined in the body of this report. The plan shall be submitted and reviewed according to the schedule of Boone County Planning and Zoning Commission Meetings and Filing Dates.

If the Commission chooses to approve the Review Plan staff suggests the following conditions:

1. A new review plan shall be submitted that adequately addresses the compatibility issues noted in the body of this report by:
  - A. Increasing the lot sizes in the development to a size more compatible with the character of development established by Copper Creek.
  - B. Submit a graphic landscaping plan for the development with particular attention to the portion adjacent to Copper Creek. The goal should be to soften the transition from Copper Creek to North Battleground and along the St. Charles Road frontage. The plan should include the use of meandering berms, shrubs and trees but its intent should be to blend the new development into the existing character rather than to separate it. The plan should also provide detail regarding landscaping of all not for development areas.
  - C. Submit proposed architectural guidelines that address minimum building size, the type of exterior building materials, and the size and type of outbuildings that will be allowed. The standard that the guidelines shall meet is to establish building types that are compatible and complementary to the homes in Copper Creek.
  - D. Submit proposed restrictive covenants that include mechanisms to enforce architectural and landscaping design guidelines.
2. The new review plan shall be submitted on or before January 23, 2012 in order to be placed upon the agenda for the February 16, 2012 Planning and Zoning Commission meeting.
3. The new review plan shall comply with the applicable stipulations in the Annexation Agreement with Columbia.

Staff recommends denial of the Preliminary Plat until such time as a corresponding Review Plan is approved.

Present representing the request:

Tim Crockett, Crockett Engineering, 2608 N Stadium Blvd, Columbia

Tim Crockett: The property is 38 acres in size and roughly 100 single family residential units are being proposed. The property is zoned A-2, the proposed zoning is R-SP. The plan is in compliance with the Northeast Area Columbia Plan which was adopted several years ago for this area. The site is a tough site to develop; it is a long narrow piece of property and has a stream running through the property. Along with the stream comes a stream buffer. There is a natural gas pipeline that runs across the property as well that has a relatively large easement that is a factor in the layout of the development. We also have the neighboring development, Copper Creek to the west which we have taken under consideration.

This project started with a concept review in April 2011; we have been working on it for quite some time. It is something in which we have gone through many versions, many renditions of the plan and there has been a lot of changes to it as the process went on. A lot of that came from input from staff. Some of the revisions that were made were due to concerns from the neighbors. One of the revisions that were made was an increase in lot size adjacent to Copper Creek. They originally had some concern with the lot size originally proposed in that area, therefore we went back and took a look at it and increased the lot size by basically doubling those lots. It is not comparable to the size of Copper Creek but it is something much larger than originally proposed. We have to have stub connections to the neighboring properties; we had one on our far north end as well as one about halfway through the property. The reason for that is if you look at the county site, the existing drive coming up to this location stops here. The natural progression of Slickrock drive would come directly in to our property line. We felt that was a needed connection and

appropriate to make, however I think the neighbors had a strong concern over that connection being made. We talked to the county staff to see if we could eliminate that and after they looked it over we agreed that we could eliminate that connection and put a cul-de-sac on our property and we wouldn't direct traffic into Copper Creek.

We also reconfigured Traveller Drive, the street that goes along the east side going north and south. Originally our main drive crossed over the property to break it up a little bit. The concern there was that the neighbors didn't want the additional traffic from our development utilizing this roadway in this area. They wanted to push it further to the east so it wasn't up against their development.

In an R-SP you are allowed to have duplex units in there; we have removed that from the use on the plan. The staff report indicates that we don't have architectural controls for minimum home size and the exterior materials of the building; we added that to the plan about a week ago. We had comments from staff that specifically asked for the type of accessory structures, the minimum size for primary structures, and the types of exterior building materials that are allowed; that has all been added to the plan. Our square footages for houses are very complimentary to Copper Creek, they are a little smaller in nature but we have increased any lot that abuts up to Copper Creek and they are very close to the minimums in Copper Creek. I don't believe the covenants for Copper Creek illustrate what kind of materials you can or cannot use for your building. We have restricted that 40% of our front facades must be of hard surface; hardy board, stone, brick, stucco, and things of that nature. We have eliminated any accessory buildings; there can be no detached garages, sheds, or storage units on the property.

There was concern with the landscaping; we have added notes about landscaping about how we are going to enhance the landscaping along the common property line as well as along St. Charles Road. A comment I received last week from staff was they reviewed our note and the only concern that they had was that it did not restrict the owners of the property to eliminate the landscaping so we added a note that would restrict the owners from eliminating any landscaping and they can only cut and remove dead trees, once they do they have to be replaced with something of substantial size. Additional landscaping notes about trees, shrubs, and berms and locations are due to the applicants. We received a new staff report that we got at noon today. That was a new comment that we had never seen; we were under the impression that the comment we had was fine.

Some of the issues expressed were about density. Given the makeup of the property and the location of the area with a new high school and elementary school we are going to see an influx of development in the entire area. The density is something that we are going to have to overcome and I believe this area is prone for development and the City of Columbia as well as Boone County and the schools are putting a lot of infrastructure in the area. We talk about growing beyond our means and not having the infrastructure in place, this area is going to have a lot of infrastructure in place in the next few years. If we don't want to experience development in the far reaches of Boone County we need to keep it isolated in the areas where we put infrastructure; this is a prime candidate for that area.

I had a discussion with staff today and they had concerns about the covenants of the area for items such as storage of exterior personal property such as trailers, boats, and types of fences. If that is something we need to do we will. We are going to have covenants for the subdivision but putting them in place right now as something to review with this document is a little concerning to me because I am not sure that the County wants to be in a position where they are reviewing complaints about fences and boats being stored outside. It is a fine line we need to be careful on; do we cross it or do we not? Is it going to be a County enforcement or not? Keep in mind restrictive covenants in a subdivision are a civil matter. If someone violates those it is between the neighborhood association and the resident, the County has no jurisdiction over that.

We talked about the landscaping, covenants, and the density. This project has gone through many renditions since it first started and I think we worked with trying to accommodate as many comments and concerns as we could. Any time the county has given us comments we have responded back in a positive manner. I don't think there is anything that we were asked to make changes to that we haven't.

Commissioner Murphy asked the applicant to explain item three of the staff conditions "the new review plan shall comply with the applicable stipulations in the Annexation Agreement with Columbia".

Tim Crockett: We are in a district where it is always going to remain Boone County Regional Sewer District customers; however it will discharge in to the city sewers. Therefore the City is requiring us to have an annexation agreement. Basically what they want us to do is develop to city standards for streets and anything along those lines; that is basically what is in the annexation agreement. It is very simple and straight forward; they just want to make sure they have their design standards adhered to.

Commissioner Murphy: Is that addressed on the current plan?

Tim Crockett: Yes, everything is on the current plan, it should be addressed to that.

Bill Florea: Some of those are engineering design standards that we wouldn't get to at this point but would review later during the actual design phase. All those items are stipulated in the annexation agreement.

Commissioner Poehlman: I know the staff is very good at suggesting that the developer have meetings with the neighbors. Did the applicants have formal meetings with the neighbors?

Tim Crockett: No we didn't have any formal meetings.

Commissioner Poehlman: Why?

Tim Crockett: We had contact with the neighbors through a third party, another land owner that had property in the area, our realtor had met with them and gotten feedback through them. We also discussed it with planning. We got a very good feel with the neighbors having discussions with the Planning Department; we thought we had a very good feel on what their concerns were.

Commissioner Oetting: Do the applicants have an idea on the building sizes?

Tim Crockett: It is on the plan; the minimum building size for the lots that back up to Copper Creek is 1600 square feet which is comparable to Copper Creek, I believe they are 1700 square foot with a slab if it is a single story, 1600 if it is on a basement. A two story has different provisions, 1200 square foot for the main floor for a total of 2000 square foot. The rest of the development is 1400 square feet for the lots that don't back up to Copper Creek.

Open to public hearing.

No one spoke in favor of the request.

Present, speaking in opposition to the request:

Sam Budach, 2200 Whitewater Drive, Columbia

Sam Budach: I am a resident of Copper Creek which is just to the west of the proposed site. We welcome the new development; it should enhance the whole area and bring in more people and revenue. My concern is density. The smaller the size of the lots the more density you will have. The applicant has made changes on the plan that were beneficial but he can go back and do a little more. It becomes costly for him to shrink the size if they can't make a big enough profit, I understand that too. I can't speak for everyone but I have never been contacted, my input was never requested, nor was I ever given a forum to give my input. If the Commissioners lived there they wouldn't want twice as many homes on the property that they are proposing. I have one of the smallest lots in Copper Creek and it is over an acre. The applicant says their development is going to blend but I don't see that.

Michael Schuster, 2151 Slickrock Drive, Columbia

Michael Schuster: I am a member of the board of the homeowners association at Copper Creek. We are not against progress or further development in the area however we do have some concerns about the way we see the presentation. We think it is rare that the community would have an opportunity such as this to plan an entire neighborhood. Columbia was listed as the thirteenth most highly educated municipality in the United States. The city was also ranked as the second best place to live by Money Magazine. That position could only have been achieved through the Planning and Zoning Commission where you make logical and intelligent zoning decisions in the county surrounding the city. We are bordering the Battle High School property but we don't see that it makes sense to place the high density properties of up to six homes per acre next to a property that has approximately 1.5 acres per home. Copper Creek has 32 lots, all single family dwellings on approximately 60 acres. The Battleground LLC proposes 100 single family and/or two family residential lots on 38 acres. We are asking for a more gradual transition to the higher density dwellings. This is about much more than what we can see out our backdoor. If it is completed as it is proposed this high density housing will definitely change the character of our neighborhood and it will cause an adverse impact on the surrounding area. Mr. Crockett mentioned that they had gone back with a second drawing that changed some of the lot sizes; the first drawing had 101 lots, this drawing has 100 lots. What they changed were the six lots that back up to Copper Creek and made them larger but in doing so they reduced the size of many of the lots and approximately 1/3 of those lots have a street frontage of 60 to 63 feet; very narrow and difficult to put any kind of a home on it that would have a garage.

Vice-Chairperson Freiling: The proposed two-family dwellings have been removed from the current plan.

Michael Schuster: On behalf of all of the homeowners in Copper Creek we are asking that the Battleground LLC 38 acre property be restricted to single family only and that all of the lots be on property of at least one acre in size in order to give us a more gradual transition to higher density. Putting 100 homes on 38 acres is tight and if you look at the plan where you have 60 foot frontage it is just a lot of homes. We appreciate the fact that the applicants put in a cul-de-sac and our complaint was not that they couldn't or that we didn't want them to use Slickrock Drive in their transition, it was that we would prefer they not funnel their traffic in through Copper Creek on Slickrock.

Commissioner Prevo: Are there any zero lot lines proposed?

Bill Florea: No.

Someone from the audience asked if these will be basement or slab homes.

Vice-Chairperson Freiling: It would be up to the person who purchases the lot; they could be either.

Another audience member asked the price for the homes.

Vice-Chairperson Freiling: I doubt that has been established.

Dave Grone, 1801 N Route Z, Columbia

Dave Grone: Our northern border is in close proximity to the proposed site. My family has owned this property 65 years. Our family is more motivated toward future development of Columbia as it pertains to Route Z and St. Charles Road. About 40 years ago there was a development that took place on the northern border and I don't think they had any rules and regulations against buildings in the backyard. From what I can see is that we are setting ourselves up for more of the same, 100 homes on 38 acres with a creek running through it is like putting a size twelve foot in a size nine shoe. I think there needs to be some quality standards and size standards. With 61 to 63 feet wide pieces of property no one can put an RV in the driveway because that would be the entire lot. These are tiny lots and would certainly have a negative effect on the homeowners of Copper Creek which is a nice development and needs to be replicated as closely as possible. The only reason a developer would want to have this level of density of homes is to maximize the profits; everyone wants profits but at whose expense? It is safe to say we aren't in agreement with the developers and what they are proposing. I think because of the turnout tonight I don't think I am the only one that feels that way. I feel strongly enough about this that I made the trip from St. Louis.

Commissioner Poehlman: On a 60 foot wide lot, how wide of a house could you put on it?

Bill Florea: There is a 6 foot side setback on each side.

Roger McClung, 8021 Payette Dr., Columbia

Roger McClung: I am not opposed to progress. My house is one of the lowest houses on the stream; as they develop and put higher density houses more water is going to come from the stream. Who can assure me that with this development I won't have a basement full of water? There is a sewer manhole in my backyard at the low point. Who here tonight can assure me that the sewer has the capacity to handle all of this without backing up and filling my yard up with sewer?

Vice-Chairperson Freiling: None of us can assure you; life is too full of surprises. But Boone County has adopted strict and effective stormwater regulations. The plat contains design elements whose engineering says it will not increase runoff rate to a point that it would create a problem.

Roger McClung: I lived in Springfield for a while and I was around the retention ponds before I ever saw them in this part of the country. The retention ponds if they were designed for a three-inch rain work fine but if you got a four inch rain then the water was running over the top plus you were getting the three inch rain let out the bottom and for the people that were next to it, it made it much worse. It was very effective for downstream but it was not effective for people that lived close to it. How many inches of rain do these retention ponds plan on retaining.

Commissioner Murphy: This development will be built to the City of Columbia stormwater standards which is more restrictive than the county's. The developers will have to design this to where no water leaves this property than it did pre-development. They will design to meet the one, two, ten, and one hundred year storms.

Marcia DeVier, 2881 N. Route Z, Columbia

Marcia DeVier: My south property line is the applicant's north property line. I was not contacted, period. My home is over 3000 square feet with a two-car garage, and a very large yard; I have 105 acres. I believe development is imminent but the size of the lots' width is about as long as my house. I think people need to look at what 60 feet is because it is little and I would hate to see it happen like it did at the corner of Route Z and St. Charles Road with little houses, no yards, and basically it is a junk yard now. 1000 square feet is a very small house, 1500 square feet is a very small house. They are just one step up from a medium sized trailer. I would like to know the value, what price range; that would make a big difference. I would like to have been contacted, my phone number is in the book and I think a meeting would have been appropriate because they put a lot of money in this and they expect to get a lot of money out of it. My acreage is zoned 2.5 acre lots except for the east side and that is 10 acres.

Steve Kochert, 2220 N. Slickrock Dr., Columbia

I agree with all my neighbors. The whole function of the Planning and Zoning Commission is to assure that Boone County is built to standards and that we have a plan. I challenge the Commission, right now we are trying to redistrict our school and driving demographics will be the driving principal to the extent that transportation distances are reasonable. As the current approaches currently exist for free and reduced lunch the percentages are, at best, 49% for Battle High. For our county to properly plan it seems to me we would want to plan to try and change those demographics for the new high school.

Tim Shaneberger, 8270 E. St. Charles Rd., Columbia

I live directly across the street from the proposed development; my driveway will be directly across the street from the new subdivision. I heard a comment from the developer and I disagree with Mr. Crockett's assessment that he has a good handle on what the homeowners think and believe. He has never contacted nor has he discussed his plans with any of the people and if you look at the number of people here you can see that he does not. I have lived in the area for 14 years and I have always supported development around me, I was a big supporter of the Copper Creek development. The high school is wonderful and I know that the whole area is going to grow but I think this type of development does not fit. The only way his development fits the plan is that it is residential; it does not fit the density portion of the plan.

Commissioner Poehlman: I assume when you are talking about the plan you are referring to the North East Area Plan?

Tim Shaneberger: Yes.

Andy Wiesel, 2401 N. Slickrock Dr., Columbia

Power point presentation.

The point of this presentation, if you count the white dots (on the photo) in the area which goes from the new high school on the left all the way to Turkey Farm Lake (on the University property) on the right you can't even count 100 dots, or houses, in the whole area. They are proposing putting 100 new dots in a small area. The area is 9000 feet by 5000 feet with 100 houses and they want to put 100 more in this little area. We have 28 houses in Copper Creek currently built and there are 32 lots. The proposed site is a little more dense. No one contacted me either; I don't know of anyone in Copper Creek that was contacted.

Mark Gilmore, 8150 E. St. Charles Rd., Columbia

Mark Gilmore: I have been in the area since 1996 and I think this is the third time I've been in front of the Commission for various things they have wanted to do in this area. Back when Copper Creek was first being developed the developers made a point to get with the neighbors in the area to go over what their plan was to develop this area. The developers went to great lengths to make sure that Copper Creek fit in with the rest of the area. I think it is very important with how this area is going to be developed. I don't have any problems with the property being developed but I think part of the beauty of the area is the fact that everyone has a beautiful lot and by putting 100 homes in 38 acres will take away some of that beauty.

Melissa Pasley, 2370 N. Slickrock Dr., Columbia

Melissa Pasley: My property backs up to the proposed development. I moved in to this area a year ago, we moved six times before we got to this house because we knew we wanted to live in Copper Creek so we saved and moved, and saved and moved. We are finally here and now we get this in our backyard. I ask that you re-check the density and look at it again and make something similar to Copper Creek. I have one of the smallest houses in the neighborhood but my kids love the yard; we are always outside.

Ira Hubbell, 7350 Mexico Gravel Rd., Columbia

Ira Hubbell: I have been in the area since 1972. I have seen the area behind the new high school and I've seen it flooded over St. Charles Road, not once or twice but once or twice a year, sometimes more. I saw the road closed for quite some time. They put a new culvert under the road that is large enough to drive a couple of cars through; that will probably take the water. I have been in the area since 1972 and I know what the water does, it is not going to decrease; if you put pavement and a lot of roofs in there will be more. Have provisions been made to take care of all the water?

Commissioner Campbell: It is supposed to be built according to the City of Columbia stormwater guidelines.

Ira Hubbell: We are talking about an area east of the new school; it is much like the Hinkson bottom. It is not going to bother me on my farm because I am upstream but I want to make sure the Commission does what is right for wastewater and runoff.

Jeremy Hughes, 2051 N. Whitewater Dr., Columbia

Jeremy Hughes: I am on the Board of Directors for Copper Creek. I will say that I was contacted by the developers once and that was to tell me before the October meeting was cancelled. The only reason any of us knew about this was because of the letters that the County sent out. My understanding is that those letters go to people that live within 1000 feet of the new development. I would say 75 or 80% of Copper Creek did not receive those letters because of our lot size. I live on Whitewater so I didn't get a letter. That points you at how large our lots are that only a very small portion of our subdivision received notification about this. Had we not received notification most of us that don't about the property wouldn't have known anything about it. I know you have heard about density and it is a major concern because if you want to continue the look of this area the proposed development is not consistent with what Copper Creek has. If we think about Battle High School when it is finished it will be drawing people from all over the state; it is a big school. I see that being used for regional sporting events and it will represent Columbia; do we want them coming in and getting a good feel for Columbia and thinking it is a nice place to live? That is the image we want to project. As everyone else has said, we are not against development, it is a fact of life but we want it done correctly and smartly. We need to look at what is existing and the new development needs to compliment the existing development. As it stands right now it sticks out like a sore thumb. We want something that is going to enhance the community as opposed to detracting from it.

Frederick Vaught, 8300 E. St. Charles Rd., Columbia

Frederick Vaught: I bought my house about three years ago and I looked everywhere. When I drove west on St. Charles and we saw Copper Creek, it is a beautiful place. To think that it is going to change and how it is going to impact me, I will have to do a lot of landscaping and pick up garbage everyday.

Closed to public hearing.

Tim Crockett: Obviously the neighbors have spoken and we have heard their concerns and we fully believed we had most of their concerns addressed in our plan. Given the circumstances and their concerns we would like to withdraw our request at this time. Our intent tonight is to go back to the neighbors and make a workable plan that is agreeable to all parties. I apologize to the Commission, staff, and neighbors for taking up their time.

Vice-Chairperson Freiling: That is a good decision.

Tim Crockett: I would again like to apologize to the neighbors and we will be in contact.

Commissioner Murphy: This is a developing area and there is going to be more development. The Northeast Area Plan does specify this area as residential. I don't recall when Copper Creek was developed if you look at the large tracts all around, Copper Creek is much more dense than those. There is a new high school going in and I feel strongly about having affordable homes around our schools. A lot of the affordable homes today are stuck in certain areas like downtown or close to Hickman High School; it is important to have a diverse neighborhood. This density issue as a residential single family development would be twice as dense and this density even comparable to the city is less. There is talk about Columbia being the number two place to live, some of these things should be thought about to get us to number one to show it is not just about "my backyard" and "we only want what we have around us". I think the applicants have made some concessions. I think at this point the neighbors need to go back and realize that it is not necessarily going to be one or two acre tracts just like Copper Creek forever. There is a school going in and it is going to change a lot. There are questions about stormwater, the city and county both have stormwater regulations.

Ira Hubbell: I was at the some meetings at Two-Mile Prairie School, was there a plan out then?

Vice-Chairperson Freiling: Yes, that is the North East Area Plan.

Ira Hubbell: Did the plan go to the people or to the newspaper?

Vice-Chairperson Freiling: Yes, it is available online and it was quite an effort.

Ira Hubbell: This request doesn't seem like it fits the plan.

Vice-Chairperson Freiling: The plan itself was broad in nature; you aren't trying to dictate to individual property owners but you are trying to decide where different densities and different types of uses went and the plan laid that out trying to keep the heavier commercial and light-industrial uses near I-70 buffered by some commercial and multi-family and then transitioning to single family. Those things were accomplished; I think the plan that came out was a good one but it doesn't address all the issues because you can't anticipate all events.

Thad Yonke: I was the planner that worked on the Northeast Area Plan; it was a conscience decision not to set densities in that document. The basic information you heard here tonight reflected about the Northeast Area Plan is that this property was represented as being residential in nature as opposed to rural residential in nature; that is about as far as the plan went. The reason for that is this property has the potential to get sewer, similar to Copper Creek. So Copper Creek would have been considered to be residential in nature because it has sewer, meaning that it allows for lots smaller than what you have to have for an onsite wastewater system. The rural residential ones, being across the water shed line and not being able to have sewer lines that were going up in the area have to be of a larger size because they have on-site wastewater systems. That was the distinction made in the plan between residential and rural residential. It is reasonable for him to make the argument that what he is proposing is in compliance with the plan. Just like it is reasonable for the neighbors to argue that what is in Copper Creek is what should be in the plan.

VII. Planned Developments

None

VIII. Plats

1. North Battleground preliminary plat. S1-T48N-R12W. North Battleground LLC, owner.

Request was withdrawn by the applicant.

IX. Old Business

1. Update on County Commission Action

Liberty Baptist Church is speaking with the City. Staff is not sure when this request will return to the Commission.

Both plats were accepted by the County Commission.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Secretary  
Michael Morrison

Minutes approved on this 15<sup>th</sup> day of December, 2011