

**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, February 16, 2012**

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

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Carl Freiling, Vice-Chairperson	Cedar Township
Mike Morrison, Secretary/Acting Chairman	Columbia Township
Gregory Martin	Katy Township
Larry Oetting	Three Creeks Township
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township
Paul Prevo (arrived 7:05)	Rocky Fork Township
Brian Dollar	Bourbon Township
Derin Campbell	County Engineer

b. Members Absent:

Eric Kurzejeski	Missouri Township
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c. Staff Present:

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

III. Approval of Minutes:

Minutes from the December 15, 2011 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris 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 several rezoning requests and two subdivision plats.

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, February 28<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, February 28<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 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 read 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. A similar development plan for this property was on the Planning and Zoning Commission Agenda in November, 2011 with 100 single family dwellings at a gross density of 2.7 homes per acre. That request was withdrawn prior to the Commission making a recommendation.

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 up to 92-residential lots varying in size from about 8,300 to 27,000 square feet. If approved as proposed, the resulting gross density will be 2.4 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 properties at three locations.

Under the current zoning, A-2, the property could yield a maximum of 15 single family lots. Each single family home is generally considered to generate 10 average daily trips (ADT). Therefore, development of the property under the existing zoning would generate a maximum of 150 ADT. The proposed 92 lot subdivision would generate 920 ADT an increase by a factor of six.

A traffic study was conducted by Crawford, Bunte, Brammeier a firm specializing in traffic analysis. The study was built upon a traffic study that was completed for Battle High School in 2009 by the same firm. The Battle High School study included an analysis of the 2033 "no build" traffic conditions which are traffic conditions based on projections of future development in the area but not including construction of Battle High School. A list of 11 improvements was generated as a means to enhance the 2033 no build conditions. One of the items on that list is construction of a roundabout at St. Charles Road and Route Z. This improvement has been identified as a priority by Boone County.

The North Battleground traffic study states that with the planned improvements the additional traffic associated with the proposed residential development would result in negligible differences in delay along St. Charles Road. That statement assumes that the improvements have been or will be made. However, those improvements have not been made. Therefore, the conclusion that North Battleground will have a negligible impact on St. Charles road may be false.

A request was made for the developer to re-analyze the traffic impacts of the development with the intent to assess what mitigation should be required. Specifically, to look at improvements to the Route Z intersection and identify the proportion of the cost of those improvements that should be assigned to North Battleground. The developer declined to provide that information. Due to the lack of that information staff cannot conclude that the roadways are adequate to serve the needs of the proposed rezoning.

#### 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. Comments received from the Boone County Fire District indicated that the internal street network is inadequate to meet the International Fire Code Appendix D section 107 which states, "Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3."

Section D104.3 Remoteness. "Where two access roads are required, they shall be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the property or area served, measured in a straight line between accesses." The developer was asked to respond to this comment but declined to provide the information. Due to the lack of that information staff cannot conclude that public safety services are adequate for the needs of this development.

The developer and the Fire District have agreed to address this issue by staging the development. The southern portion of the development will be the Stage 1 and will include Lots 1-12, 58-92. The northern portion of the development will be Stage 2 and include Lots 13-57. Stage 1 will be considered to meet the

Fire Code Access standard. No portion of Stage 2 may be developed until a second access, in compliance with the Fire Code, is developed. Development of the Stages may be phased in accordance with the phasing plan on the Development Plan.

#### Stormwater

The development is subject to the Boone County Stormwater Regulations. Preliminary stormwater calculations were submitted but were designed to meet City of Columbia, not Boone County, requirements. Preliminary water quality calculations that conform to Boone County Standards are required. It should be noted that the review plan does provide flexibility for the design engineer to add additional area to the lots designated for stormwater management purposes if that need should arise. However, due to the lack of information it is not possible to conclude whether adequate provision has been made for stormwater management.

The current annexation agreement, which is necessary in order for the development to receive sewer service, included a requirement that the development must comply with Columbia Stormwater Regulations. Columbia is in the process of revising the stormwater policy. A new annexation agreement will be required that reflects the change in policy.

#### 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 2.4 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 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 39% 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. The developer has established design controls on the development plan such as landscaping and architectural controls in order to blend the character of the development with Copper Creek.

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.

Section 6.2.6 of the Zoning Regulations allows the Commission to table a proposal if there is inadequate information on which to base a recommendation. The traffic study submitted by the developer is based on a false assumption. Additional information is required in order to determine what offsite impacts this development will have. Staff recommends tabling of the proposal until the next regularly scheduled meeting March 15, 2012 in order to provide additional information regarding the impacts of this development on the transportation system.

An alternative to tabling the request is to deny the request due to failure of the proposal to meet the Transportation portion of the sufficiency of resources test

If the Commission chooses to approve the request the following conditions are recommended:

1. Prior to final plan submittal the developer shall submit a revised traffic study for review and approval by the Director. The Director may require submission of a revised Review Plan and Preliminary Plat if warranted by the findings of the traffic study.
2. In order to comply with Fire Code access requirements the development shall occur in two stages. Stage 1 will include Lots 1-12 and 58-92 as shown on the current plan. Stage 2 will include Lots 13-57. Development of Stage 2 shall not occur until a second remote access is developed meeting the Fire District's approval. A note to this effect shall be included on the Final Development Plan.
3. Prior to final plan submission the developer shall submit preliminary water quality BMP calculations on Boone County Stormwater Forms for review and approval by the Director. The Director may require submittal of a revised review plan and preliminary plat if warranted by the findings of the preliminary calculations.
4. Prior to final plan submission the developer shall submit a new annexation agreement with Columbia that does not require compliance with Columbia's Storm Water Regulations.
5. The final plan shall be revised so that the Conceptual Stormwater Management Area shown on Lot 24 is either removed from Lot 24 or Lot 24 is designated as a common area.
6. The Landscape and Buffering Plan shall be revised to include Lot 9 as it was on the original submittal January 23, 2012.

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

Tim Crockett: This is a project that the Commission has seen before; it was originally submitted for concept review in April 2011. This has been a long, drawn-out, frustrating process in some aspects. It is 38 acres with 92 residential lots, and six common lots currently zoned A-2. The applicants are requesting RS-P zoning. The density that is being proposed is for 2.4 units per acre, in our mind that is not a heavily dense residential development. This is the second time we have been before this commission; the first time we withdrew the request. We listened to a lot of the neighbor's complaints and they had some issues that we wanted to take back so we withdrew our original request. Since that time we went back to the neighbors and met with the Board of Copper Creek Association and listened to their concerns, we drew a

plan and resubmitted it to the Planning Department. We met with the Board members again at a later date to go over some of the additional concerns that they had. Some of the items we addressed from the original plan was we increased the size of the lots backing up to Copper Creek at their request. We shifted the road alignment down again; our intersections on St. Charles Road are, for the most part, fairly fixed. We took out our internal green space and increased the lot sizes backing up to their development. We reduced the overall development, we are down to 92 lots now and we also increased the landscaping/buffer strip between their development and ours and along St. Charles Rd.

In regard to the staff report, staff stated that the Commission can table the request, deny it, or approve it with conditions. The applicants prefer the Commission approves the request with conditions. I take exception to some of the comments in the staff report. One item is that the applicants declined to submit additional traffic information, this project was started in April 2011; at that time the applicants commissioned a traffic engineer to do the traffic work and asked the engineer to discuss with County individuals to see what the scope of services would be for that traffic study. It was given to our traffic engineer and she completed the traffic study at their request identifying the exact locations and exact intersections that the county deemed necessary. Right at two weeks ago we got a request that says it is not sufficient, things have changed, the school increments aren't being done so we need to change our traffic study. This has been going on for eight or nine months and we were given two weeks to change our traffic report which simply isn't enough time. I have talked to the traffic engineer about this, it isn't a concern as far as the traffic report goes but it takes time to regenerate the numbers and regenerate the report. Therefore, under the conditions it states that "prior to final plan submittal the developer shall submit a revised traffic study for review...and approved by the director". We fully think we can comply with that condition, we request that the Commission vote on the project before them tonight with the fact that the condition can be addressed before the final plan is submitted.

It also talks about the fire code issue. Again, this issue came to us less than two weeks ago, it is something that this plan has been before the county for months and within less than two weeks we get an issue with the fire code. We have gone through five submittals and nothing has ever been picked up until just now. We have worked with Boone County Fire Protection District (BCFPD) to resolve this issue and I think we have. What we are willing to do at their request is to limit the first phase and not develop any portion of the rear part of the development until we have a secondary access in to the rear portion. We are willing to make that commitment to meet the code. The water quality BMPs on Boone County standard forms; it is not a problem, we have run the preliminary calculations and we can meet all stormwater calculations. However, part of the delay was the fact that one of the requirements of the County was that we had to go through the City process for an annexation agreement as well as using their stormwater calculations. It is a situation where regulations are changing all the time; we can make this work, it is not a fact that we ignored the requirement.

We were asked to go through the city of Columbia process to get the annexation agreement, we did that and now it's changing, it is just a process that we have to go back through again. The conceptual stormwater management area on lot 24, that is an administrative fix, it is not a big issue as well as the landscape buffering plan. It is our request tonight that this project be considered and we are in complete agreement that we can conform to all the conditions and ask that it be reviewed and voted on.

Commissioner Murphy: Regarding the traffic engineer revising the traffic reports, what does the applicant expect the outcome to be?

Tim Crockett: I talked to Shawn White (with Crawford, Bunte, Brammeier) this afternoon and she was running some numbers. If you look at the no-build rate she looked at it and to be honest, she didn't want to commit fully but her preliminary analysis is that there will be no additional improvements needed at the

intersection of Route Z and St. Charles Road or at the other end of St. Charles Road due to this development alone. She is going to double check her numbers and revise the report.

Commissioner Murphy: What is generating this? Is it a future report? Staff comments indicate that the school was not taken in to account for any of these traffic numbers?

Tim Crockett: It is my understanding that the school had identified seven issues that needed to be resolved, basically what they wanted us to look at our development with the high school traffic with the improvements that the high school knew needed to be improved. The original traffic study for the high school noted seven items that needed to be addressed, if those items were addressed they want us to take our development and add to that ADT with the high school and evaluate the situation and make sure all the intersections still functioned at an adequate level of service.

Bill Florea: That is not the way I understand it. The way I understand; the section we looked at was what they called the no-build condition in 2033 and that is looking at traffic conditions that would result from normal development of the area but not the construction of the high school. If the area develops normally without the high school there is a list of improvements that would need to be done in order for St. Charles to function. That is what we are asking you to look at, not anything due to impacts of the school district because they should not be assigned to private development.

Tim Crockett: I took Commissioner Murphy's question to be "what did our traffic engineer look at originally. So now our traffic engineer is going to review the situation as if our development is a stand-alone development, the road system is out there as it is now and what improvements are, if any, are needed on St. Charles Road and the appropriate intersections due to this development with the existing road conditions. That is what our traffic engineer is being asked for by staff.

Chairperson Harris: So the applicants are saying their traffic engineer indicates that as the road exists right now, with no changes to the intersection of Route Z and St. Charles Road, that intersection is adequate to handle an extra 920 vehicles a day?

Tim Crockett: No, she is saying with the trip generation from the development, keeping in mind that not all 920 vehicles are going to go to the Route Z intersection, some are going to go to the west and go that way on St. Charles Road.

Chairperson Harris: So St. Charles Road, as it exists today, in the engineer's opinion, can handle another 920 trips a day.

Tim Crockett: Absolutely. That is their opinion; all they do is traffic engineering. They are a very reputable traffic engineering company out of St. Louis, that is why we used them.

Commissioner Campbell: The applicants are assuming we are asking the applicants to look at no-build as in, what is the natural growth rate for that area in 2033.

Tim Crockett: The no-build was 2013, not 2033.

Bill Florea: It was 2033.

Tim Crockett: I think we can look at either one, but at the same time you are looking at the normal growth rate. I think that has to be in consideration as well.

Commissioner Campbell: It is not just 920 cars a day.

Tim Crockett: Right, but if it is good for 2013 what is going to be the tipping point in 2033? Additional development, so at some point it is going to be pushed over the edge. What we are stating is that this development does not do that. I think our traffic study will indicate that. Our traffic engineers work closely with the Public Works Department to make sure their criteria is met specifically.

Commissioner Poehlmann made a motion to table the request until the March meeting.

No second, motion dies.

Commissioner Murphy: Did the high school have to do a traffic study as well?

Bill Florea: The high school did do a fairly significant traffic study. I don't know what it says in relation to the high school, it was just in terms of how it relates to the traffic study for Battleground.

Thad Yonke: One of the issues of the traffic study for the high school is that it is a big picture study evaluating what the high school's impact is going to be on the whole area and identifying things that need to be improved for the entire area. It does take in to account things like the no-build background, the high school itself, and the rest of the area developing around it at the 2033 time frame. What it doesn't do is delve in to the smaller issues of what proportion of those improvements need to be attributable to any individual area to develop. What we need from traffic studies for individual developments is what portion of the improvement is attributable to the development.

Commissioner Murphy: What does the high school have to provide?

Thad Yonke: They may not have to provide anything because they are already a permitted use, they didn't have to plat which is where we get offsite improvements or ask for a change in zoning. We are in negotiations with them because they recognize there is an issue with needing road improvements in the area.

Commissioner Murphy: It seems to me that the high school is the generator of development out there. It is also going to be a big generator of the traffic. What mechanisms do we have for proportioning that?

Thad Yonke: That is what a traffic impact should attribute is what level of impact of the change in existing zoning to what we are asking for is attributable to this development and that could be weighted back to the level of service or a certain dollar value.

Tim Crockett: That is what our revised traffic study will illustrate, what is our share of any improvements, if any. It is not going to be a traffic study that we submit and the county has to live with; they will have say-so and will agree with it or not and we will have to come to terms with that study to find out what our share is.

Bill Florea: There is an impact; every development has an impact. It is finding out the proportional amount of that impact. We are talking a six-fold increase in traffic from this property due to the rezoning.

Commissioner Murphy: The county has an obligation to the community to improve roads. I don't know the last time this section of St. Charles has been improved; the community also has values of improvement too and gets to enjoy it. Is that factored in as well?

Bill Florea: The county is probably the biggest player here.

Chairperson Harris: What is the applicants anticipated price point for homes? What type of houses? How quickly do they anticipate the market absorbing these lots?

Tim Crockett: The absorption rate in the market is an extremely tricky questions, it is hard to say in this area with the new high school. We really anticipate the first phase to take two to three years for build out. We aren't going to go in and do all 46 lots in phase one at once; it will probably be 20 and 20. It may happen all it one time, it is hard to say, but the anticipation at this time is that it is going to be a two phase process for the first portion. The price point is somewhere in the low to mid \$200,000 and a little more for walk-outs. The covenants that we have put on the property exceed those of the neighboring properties in most instances. We accommodate their needs as well; our square footages are in proportion to theirs, we've added some additional items such as putting hard surfaces on the front, architectural controls. We adopted the same covenants with regard to no exterior buildings, exterior storage, or trailers.

Open to public hearing.

No one spoke in favor of the request.

Present, speaking in opposition:

Jeremy Hughes, Board Member Copper Creek HOA, 2051 N Whitewater Dr., Columbia

Jeremy Hughes: Since our last meeting we have met with the applicants to discuss some of our concerns. Some of the minor concerns were addressed as far as making sure there are architectural controls in the subdivision that mimic what Copper Creek has. The major concern that we had expressed was the density of the proposed subdivision. We had taken their revised plan and shared it with the neighborhood and had a meeting; the overwhelming responses were that the architectural changes were okay but the major concern of the density has not been addressed at all.

Mr. Hughes presented a sketch.

Jeremy Hughes: This is a northeast area (the sketch showed an area roughly from the golf course on the west to Route Z on the east; north to Mexico Gravel Road and south to I-70), you can see where Copper Creek is drawn out. The Copper Creek drawing is what we would call phase 1 and, if it is ever developed, phase 2 of Copper Creek. The entire area that is shown is about 45 million square feet. If you go through, zoom in and count each house in the area there is less than 100 houses in the area now. The proposed development at 92 houses is 1.5 million square feet and it is going to have about 92 houses on it. Following the staff report no change in zoning should be detrimental to the existing neighborhoods, it should blend with the scale and pattern of an existing development. In no way, shape, or form does the proposal blend in the existing neighborhood. That is Copper Creek's major concern with this development.

Commissioner Murphy: You indicate that density is a concern and the applicants haven't addressed that; if I recall the applicant's initial submission had 130 homes lots.

Bill Florea: They had proposed 100 homes; we never saw 130 lots.

Michael Schuster, Board Member Copper Creek HOA, 2151 N Slickrock Dr., Columbia

Michael Schuster: On the number of lots, it started out at 101 lots with the option to put duplexes on as many as 101 lots, they changed that to take the duplexes off and have moved from 101 down to 92. Our original request was that they have spacing of 1 dwelling per acre which would be approximately 37 or 38 homes over there. After meeting with our homeowners we changed to 64, we would like to move that number to 76. Seeing how we have increased our reasonable density by 100 percent when they only came down approximately 10 percent of the number that they first proposed. It is the density and the fact that there is only a barbed wire fence that is between us and the proposed site.

Commissioner Prevo: Just as a hypothetical question, would it be better for Copper Creek if instead of the applicants putting in a larger residential development if they were to come forward with a request for heavy manufacturing and put in some factories rather than residential? It is very close to two intersections with I-70. This is an alternative in the future. I want to make sure that the neighbors understand that development will take place but it may not be residential.

Michael Schuster: We have no complaints about further development, we expect it. But not changing the density from 15 home sites on 38 acres to 92 homes on 38 acres; it doesn't mix and there is a lot more land out there to be developed. They have industrial sites that are along the I-70 outer road which is less than a mile from our development. We are well aware of what could happen, all we are saying is that the mix of the density from where we are, and we don't expect everyone to develop in that open space like we have, but certainly a more gradual transition to the higher density would be more acceptable.

Commissioner Prevo: What distance from Copper Creek do you think it will be acceptable?

Michael Schuster: I haven't addressed that, I haven't looked at it but perhaps move over a couple of lots closer to Route Z. We are talking from one side of a barbed wire fence to the other, a change in density like that doesn't mix.

Marci DeVier, 2881 N Route Z, Columbia

Marci DeVier: I addressed this request last time and they told me the size of the lot and I couldn't believe it. If you look at the map, my property line is their north property line. It is a bit of a joke that they only went down to 92 homes. If you look at the lots in the back he didn't say how large they were but the last time they were about the size of my house and I see the back ones are quite a lot smaller than the ones up front. If I would ever choose to develop my property I would not want the density there. Copper Creek is a wonderful looking subdivision and I think it is something to look at as a good way to go in the community. I strongly object to the density and as to commercial, Route Z and St. Charles, you can barely turn with a bus and a semi gets hung up on that corner all the time. I think in a short amount of time they are going to have to widen St. Charles Road to a four lane, it almost needs it now. If they are talking about that many more people we are looking at quite a traffic problem.

Commissioner Poehlman: (to Ms. DeVier) Did the developer take time to meet with you?

Marci DeVier: No.

Commissioner Prevo: I would like to remind the public that if they are just going to be talking about density or lot sizes we've already heard those comments so we don't need to hear them again.

Katie Grone, 1801 N Route Z, Columbia

Katie Grone: I am one of the owners of the property that stretches from the interstate to St. Charles Road. When there was a little road construction going with St. Charles Road we got a lot more traffic down Route Z. The way the road is set up right now is pretty dangerous. In the last three months I had a semi turn over and 1000 tons of dry concrete dumped in my front yard. I had another semi go through my front yard and another car run through a gate on my property. I think if we do have all this increased traffic we need to look at Route Z and maybe do something with the embankments on the sides of the road making it a little more safe to travel.

Commissioner Freiling: (to the audience) So there is no repetition, how many people whose primary concern is density?

Approximately 20 people.

Commissioner Murphy: How many people with traffic concerns.

Approximately 15 people.

David Mason, 8200 E St. Charles Road, Columbia

David Mason: The condition of St. Charles is killing the front end of everyone's cars. It's always been a bad turn going from Route Z onto St. Charles Rd.; I can't imagine what 450 more vehicles going each way would do.

Steve Kochert, 2220 N Slickrock Dr., Columbia

Steve Kochert: At the last meeting we discussed water runoff. My understanding was that the runoff plan was going to be based on the city plan and now my understanding is that the green space has been removed, there was an area that had a reservoir to help with the runoff and it is no longer on the plan. My concern is the runoff and where the water is going to go. How will that be addressed? From what I've heard tonight is that the stormwater isn't going to meet the city rules anymore and that there are new rules coming out.

Bill Florea: There aren't any new rules coming out. The issue was that through the annexation agreement Columbia was requiring the developer to comply with their stormwater regulations. Boone County also has stormwater regulations and they would have had to comply with ours as well because we can't waive them. Columbia is in the process of revising their policy so that they won't require compliance with the city regulations. The stormwater regulations don't work the same way, every engineer that I have talked to says there is no way to design a system to meet both sets of regulations; it is impractical. We approached Columbia on that topic and they agreed that since it is extra-territorial, it is in Boone County and since we can't waive our regulations, that our stormwater regulations would be followed. There aren't any new regulations; they have been on the books for about two years. Boone County regulations will be followed and will address both water quality and quantity. A different means than the City of Columbia but generally gets to the same place.

Steve Kochert: The preliminary look has shown that the runoff is not going to be detrimental to the existing waterways out there?

Bill Florea: I don't know that they've gotten that far yet. I am not an engineer but the way I understand it they can look at water quality measures but it is difficult to look at water quantity until they do more engineering work and they do that after preliminary approval. There are standards that they have to meet

to protect those waterways. Boone County staff will be reviewing their plans to make sure that they meet those standards.

Commissioner Freiling: The Boone County regulations are not any easier on the developer than the City regulations. Because development in the County and City normally occur on a different scale and in a different existing density there were differences in how stormwater issues were addressed. It is not that you can go in to the county and skate by.

Commissioner Campbell: I think the green space actually moved a little bit on the plan.

Steve Kochert: My concern is, if it did move, is the water going to run on to my property now?

Chairperson Harris: It is still subject to the stormwater regulations and design standards. While it may not appear the same, the net result as far as the way it manages containment and disbursement of that stormwater is still going to have to meet standards. There can't be anymore runoff to the next guy than what the original design would have allowed.

Commissioner Murphy: They won't be redirecting any flows; the water will still be going in the same direction and the stormwater regulations assure that there won't be any more water.

Steve Kochert: According to the regulations there can't be a greater amount of water coming my direction than there is right now.

Commissioner Murphy: That is correct.

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

Mark Gilmore: We have the high school going in and talking about developing out there and it has been a few years back, before Copper Creek was developed, someone talked about putting a sports complex out there. St. Charles Road is no different now than it was back then and the problem then was the traffic issue. Right now you have a high school going in; what is going to happen to St. Charles Road? Are there any plans for it by the time the school opens? Is it going to be widened? St. Charles Road is going to be the way it is now when they open up the high school and we are talking about putting in a subdivision that is going to have 92 units. We would be kidding ourselves to say we aren't creating a problem with the way the road is right now. It would be in our best interests to curtail development out there until we have the infrastructure.

Jim Pasley, 2370 N Slickrock Dr., Columbia

Jim Pasley: The original proposal was for 102 houses, they've come down to 92 homes. We, as a Homeowners Association, came up with 64 which we feel is a nice density for the area. Members of the board themselves were possibly going to table this, others have said they wanted more information. People in the audience have questions tonight. None of us here wants this tabled; we would rather see it declined or go to the 64 homes we proposed. But there are a lot of questions that are unanswered at this point.

Pamela Mason, 8200 E St. Charles Rd., Columbia

Pamela Mason: I have not heard any concerns about the speed limit; the current limit is 45 mph. With the new subdivision coming in will the speed limit change? It is dangerous, the roads are not wide enough.

Closed to public hearing.

Tim Crockett: Regarding the blending of the density from Copper Creek over. If you recall there is a rather high dense development further to the east at the Karen Drive area. It is a high density development, it is probably over 3 units per acre, you also have Golf View Development, it is an RS-P development and is all duplexes and more dense of a development. If we are talking about blending in with the area Copper Creek isn't the only development that we have to look at. It was mentioned to push it two farms over on the other side of Route Z; lets take the more dense development and push it further outside the city of Columbia. If we were to develop this in to one acre tracts then what do you do with the next development? The applicants have done their best to try to mitigate and increase the size of the lots that directly impact Copper Creek. We feel that we are trying to transition the density from their development in to ours. We think that is a natural progression for the density.

Tim Crockett: We can talk about stormwater quality and come pretty close to nailing it right on the head on what we can do as far as the quality aspects. The detention aspect at this state is extremely difficult to do. We basically have to design the subdivision and know where every bit of water is going and how it is going to be addressed. All we can do is use our experience and some rough calculations to get a good idea on what we are presenting right now. We feel we have done that; we feel that we can fully comply with stormwater regulations with this layout. Whether we can or can't, the county is going to hold our feet to the fire. We have to comply with those standards regardless of what we say we are going to do. If that means come back later because we made some calculation errors at the preliminary plat stage and we have to burn up a whole section of extra lots to comply with those standards then that is what we will have to do.

Tim Crockett: We feel that this is a justified request. We bring it to the Commission and ask that they have a favorable approach when evaluating the situation. We feel that we can comply with the conditions that are put on the request. Most of them can be reviewed on an administrative level and we request that the Commission consider approval of this development with the conditions.

Chairperson Harris: How big and how dense is the landscape buffer on the common boundary of Copper Creek?

Tim Crockett: It is going to take a little time for those trees to grow but our vision is to get a large evergreen tree, I believe six per lot, for each lot. If desired we can put them on a landscape berm or do a number of things there. The idea is to create a physical, visible barrier between the two developments. Furthermore, between this submittal and the last submittal we pulled that buffer down in an attempt to get more in line with the distance. We feel that we are trying to make our lots as deep as the ones in Copper Creek.

Commissioner Dollar asked about condition number five (The final plan shall be revised so that the Conceptual Stormwater Management Area shown on Lot 24 is either removed from Lot 24 or Lot 24 is designated as a common area.)

Tim Crockett: We put a stormwater BMP on a lot, it was our understanding we could use that as a location for a BMP. If that BMP is needed at that location we will burn lot 24 and it will be combined with lot C-5 as a common area. We made provisions under the stormwater notes on the plan that indicate that any of those lots needed for additional stormwater BMP's can be combined with the common lot for that purpose.

Commissioner Murphy: On the note on the plan it says that if any additional stormwater areas are needed that they may use some of those lots.

Tim Crockett: We fully believe that what we have shown is what will be sufficient but that was a request by staff to make sure that we had that added protection in there.

Commissioner Murphy: One of the speakers mentioned proposing 76 lots; is that an option?

Tim Crockett: We have looked at that option and looked at reducing the density, at this time we feel that 92 is the number we want to stick with; it is 2.4 units per acre which is comparable density to Bellwood or a moderate sized density development like that.

Commissioner Murphy: How many lots could the applicant get with straight R-S zoning?

Bill Florea: In a PRD they could have 236 units maximum.

Commissioner Freiling: It doesn't mean you could get streets too.

Bill Florea: It would be lots smaller than 7000 square feet.

Chairperson Harris: The high school is being built but in the course of that project there are no provisions for any upgrades to St. Charles Road?

Thad Yonke: The traffic study was conducted at Columbia Public School's expense because we required them to do it to assess what impacts on the road network were going to be attributable to them dropping a school out where we never planned. They did the study and identified the improvements that needed to be made. Staff's understanding of the traffic study is that we take that information and typically go to a developer and ask what portion is attributable to the development and what portion are they going to accept as their responsibility. The problem we have in this instance is the regulatory hooks that we have are tied to platting of property or rezoning where you need changes of use or changes of density. Neither of those things were required by the school; their use was allowed in the zoning district and their lot is 80 acres. They are also a public entity which is another issue. By the time you look at all of that there aren't any of the normal triggers. It doesn't mean they aren't going to do anything. What they are doing is working with the county to try to figure out what will have to happen. It is their busses that are going to have the problems and their people that will have these issues. I can't say that the school isn't going to help with any of these improvements, it is just that we have not gotten a firm number or specific project that they are going to do attributed directly toward the high school.

Commissioner Prevo: With the traffic studies we have now do we have the information on how many cars use the two main intersections currently?

Thad Yonke: We have the existing traffic count data; we do not concur with the information. The traffic study did a 50/50 split and that is not the way it works out there; most of the traffic goes to Route Z.

Commissioner Prevo: What is the total number? I am just wondering if it is 500 now is it going to go to 1400?

Thad Yonke: We can look up information.

Commissioner Oetting: Where did the funds come from doing the improvements to the west side of the high school?

Thad Yonke: Columbia Public Schools is currently constructing Battle Avenue which is the arterial roadway to the west but that is not really an off-site improvement; that is directly dependent on the fact that they designed the school site with the need to have a road where there wasn't one.

Commissioner Campbell: It was fire access.

Thad Yonke: That road had to be built as part of the development next door to them and because of the school.

Commissioner Prevo: Hypothetically, if we were to say there was going to be a 75 percent increase in traffic at Route Z due to this development does the developer then have to assume 75 percent of the cost of the improvement to make it a three lane at that interchange.

Thad Yonke: They would be responsible for the portion of the impact that is directly attributed to their development; we cannot assess them for greater impact than that.

Tim Crockett: It is a fair share.

Commissioner Murphy: Is that basically what condition number one is saying? (Prior to final plan submittal the developer shall submit a revised traffic study for review and approval by the Director. The Director may require submission of a revised Review Plan and Preliminary Plat if warranted by the findings of the traffic study.)

Bill Florea: That is what we are asking for.

Commissioner Prevo: Is the developer in agreement that the front half of the development is the first phase?

Tim Crockett: Yes. We stated we would only do the front half and that is all that will be allowed for us to develop. Boone County Fire will not allow us to develop any portion of the development until we get access on either side. We are in agreement to that and it is also a regulation that we cannot expand beyond that without the secondary point of access.

Chairperson Harris: We have two basic issues; density and traffic. We look at the location of this development and in reality it is a fairly short distance as things go out to Route Z. Most of the traffic from the school for this development would probably default and go out to Route Z because that is the better intersection coming off the highway and the lesser distance on St. Charles Road. My question is what is fair? If they said the solution is that the developer from Battleground out to Route Z rebuilds that road and builds a new intersection. If the traffic study showed that they were going to be 40 percent of the increased burden then the developer would be responsible for 40 percent? Would the high school be responsible for some of that or does it all fall back on the county?

Bill Florea: We don't seem to have the authority to make the high school get involved. It is up to them to make that decision. If not, then yes, it is the county's responsibility and any other development that might occur out there that might have an impact as well.

Commissioner Freiling: Realistically I don't believe there is any way that a single development is going to be paying a high percentage of the cost of improvement from this development to Route Z.

Bill Florea: We don't have the numbers to say but it is proportional to their impact.

Commissioner Murphy: The neighbors understand that development is going to happen out there. We have an opportunity with the new high school going in to allow a mix in density, I believe they can and do work and I think it is a necessity. The developer has tried to accommodate as much as they can; this is a narrow tract of land and they've done as much to address as they feel they can. With the high school going in I don't think the only people that can afford to live around the high school should have to be able to afford \$300,000 houses. This development is going to have to provide sidewalks along St. Charles Road whether the road is improved or not and when it is improved there are going to be sidewalks along Copper Creek. I think this is a good opportunity to have a mixed community to allow walk-ability to schools. I don't believe 2.4 units per acre is very dense at all. I think the school is a big generator for this development; it is going to be a big part of the traffic, it should be fair and equitable, the regulations that the county has addresses that. I support county staff looking into the speed limit as well. I think I can support this request with the conditions.

Commissioner Prevo: Will the developer be open to the idea that the second egress come out the east side so as not to divert more traffic through before they can develop the second half.

Tim Crockett: I can't commit to that because we don't have control over the other property. I don't think the developer can make a commitment on which side it will actually come out of because there are other property owners involved that we have not spoken to.

Commissioner Freiling: Zoning is issued for a reason, so people can make plans and have some comfort about what the future holds. I will say that when Copper Creek was approved it was a change in density. My personal feeling is that this is a pretty big skip from their density in development to create an island of this proposed density of development. I would be more comfortable if this development was closer to the city with better infrastructure. The business of traffic safety and the potential for human tragedy that my vote can contribute to, these are one of the things that change after being on the Commission you begin to realize that these changes have implications beyond just the developer and the current homeowners in the area. This is the first hearing we are going to have on this issue and this is a very dense development this far out in the county and if we say yes to this on what basis are we going to say no in the future? Once you set that precedent you can't play favorites; this is a request in land use that is significant but it would set a standard that would make those roads a nightmare if we had three or four more come up in the next year.

Commissioner Poehlman: I am a big proponent of how things get done and I feel that staff is very approachable and easy to work with. I feel that staff has bent over backwards trying to make this happen and I feel like the public hasn't been completely heard and the developer hasn't done a good job working with them. The idea of a developer coming in to Boone County and doing whatever they want, those days are gone. From now on it is different and I see that all the time, people work together and things get done and a good example is the next item on the agenda. I am disappointed in how it happened and maybe how it didn't happen.

Commissioner Dollar: If this request is denied how long before they can come back?

Bill Florea: A year for a similar request; but they can come back in with a substantially different request.

Commissioner Dollar: With all the work that the developer has done we don't want to deny the request. I think we either need to table it or approve it.

Commissioner Murphy: I believe the developer wants to move ahead. As far as the traffic issues, unless we stop all development until these improvements are done, it is not practical. How are the improvements going to get done if the development is not going to be there to help chip in on improvements? The county and citizens will end up paying for all of it.

Commissioner Murphy made and Commissioner Prevo seconded a motion to **approve** the request by North Battleground LLC to rezone from A-2 to R-SP on 38 acres, more or less, located at 8321 E St Charles Rd., Columbia.

Boyd Harris – Yes	Carl Freiling – NO
Gregory Martin – NO	Michael Morrison – NO
Brian Dollar – Yes	Larry Oetting – Yes
Paul Prevo – Yes	Michael Poehlman – NO
Derin Campbell – NO	Kevin Murphy – Yes

Motion to approve the request does not pass.

Commissioner Prevo made and Commissioner Martin seconded a motion to **deny** the request by North Battleground LLC to rezone from A-2 to R-SP on 38 acres, more or less, located at 8321 E St Charles Rd., Columbia.

Boyd Harris – NO	Carl Freiling – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Brian Dollar – NO	Larry Oetting – NO
Paul Prevo – Yes	Michael Poehlman – Yes
Derin Campbell – Yes	Kevin Murphy – NO

Motion to deny the request passes      6 YES      4 NO

Chairperson Harris informed the applicants that if they wished to appeal the decision to the County Commission an appeal form would need to be filed with the Planning Department within three working days.

- Request by Robert M. LeMone Marital Trust to rezone from A-1 (Agriculture) to M-GP (Planned General Industrial) on 29.58 acres; from R-S (Single Family Residential) to M-GP on 42.64 acres; from R-S to M-LP (Planned Light Industrial) on .32 acres; and, R-S to R-M (Moderate Density Residential) on .37 acres, all more or less, and approve a Review Plan and Preliminary Plat on property located at 5515 S Ponderosa St., Columbia.

Planner Thad Yonke gave the following staff report:

This property is located southeast of Columbia at the existing end of Meyer Industrial Drive. The subject property consists of two parent parcels comprising approximately 80 acres that sit immediately southwest of Boone County Public Works South Facility and the property containing Magellan Pipeline's Large White Storage Tanks. The nearest municipal limit of the City of Columbia is approximately 1200 ft northeast of the subject property across Highway 63. This property is currently zoned A-1 (agriculture) and R-S (residential single family) with the section line between sections 3 and 4 as the dividing line. The A-1 property is east of the section line in section 3 and the R-S portion on the western side in section 4. These are original 1973 zonings.

Adjacent property is zoned as follows:

- North - R-M(moderate density residential) and M-LP(planned industrial)
- South – A-1, R-SP(planned residential), R-S
- East – M-LP, M-L(light industrial) and C-G(general commercial)
- West – R-S

These are all original 1973 zonings except for the two M-LP areas and the R-SP area containing the Martha's Grove PRD.

The current proposal consists of a preliminary plat to start to create 9 lots and a roadway that will extend Meyer Industrial Dr to the northwest. Meyer Industrial Dr will be carried on across the next property until it connects with Ponderosa. The roadway is actually proposed to be built in a single phase. In conjunction with the preliminary plat there is the required review plan for the proposed planned rezonings. Additionally, a non-planned rezoning is proposed from R-S to R-M for the 0.37 acre portion of the property that has frontage on Prairie Circle. A rezoning request for a 0.32 acre portion of the property which adjoins the existing Ponderosa Subdivision PID is proposed to be rezoned from R-S to M-LP and then it is to be incorporated into a new revised review plan for the development now named Ponderosa Subdivision Phase 2 which is also on the agenda tonight. The remaining 72.22 acres of the property is proposed to be rezoned to M-GP (planned general industrial). It should be noted however that the only M-G use proposed is the wholesale/bulk storage of gasoline which is similar to the existing tank farm facility. Additionally, this specific M-G use requires a CUP in addition to a revised review and final plan specifically tailored for the proposed lot. Otherwise, the proposed uses are all M-L or lower category uses.

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 Consolidated Public Water Supply District #1
- Sewer: The Boone County Regional Sewer District has a central sewer that serves the area. Some additional capacity exists at this time which will allow for some of the proposed uses. The proposed review plan breaks down the proposed uses into categories and those that require more sewer capacity than is present can not be specifically proposed unless/until provision of the additional sewer capacity is provided in connection with such a request.
- Electricity is provided by Boone Electric.

#### Transportation:

- The development proposes construction of a connection of Meyer Industrial Dr with the existing portion of Ponderosa in such a way as to provide a continuous two way outer roadway to support the improvements to Highway 63. All lots within the development will have frontage on and direct access to this new section of roadway.

#### Public Safety Services:

- The property is within 500 feet of the nearest fire station. Public safety services to this location should be adequate for the needs of the development. The requirements for specific uses and site plans to come back through the public process will allow this issue to be revisited for each specific proposal.

#### Stormwater

- The development is subject to the Boone County Stormwater Regulations. The development is addressing the stormwater issues created from the construction of the road on proposed lot 6 and on a lot proposed as part of the Ponderosa Subdivision Phase 2 request. The requirements for specific uses and site plans to come back through the public process will allow this issue to be revisited for each specific proposal.

#### Zoning Analysis

This request is essentially a first step in the enhancement of the existing commercial/industrial node. This request conceptually establishes the list of uses that can be proposed within the development and allows the installation of the basic supporting infrastructure needed.

The issue of whether any specific use listed under allowed uses for the overall development is appropriate on a specific proposed lot or at a specific location on the property still remains open and will need to be addressed at the time specific uses are proposed for specific lots. It may be that a use on the allowed use list may be denied on a future revised review plan because it is not appropriate in the location shown or has other aspects of the specific proposal that make the proposal inappropriate. Since the ability to fully control the proposed lots and uses with the future proposals is understood to be an aspect integrated into this request, the request is compatible with the area.

The current proposal meets the sufficiency of resources test for the level of detail proposed at this time. The utilities available or being installed will support some level of development, as will the roadways and emergency services and the evaluation of whether a specific request is compatible with the level of the resources available at any particular point in the future will be addressed on that future request.

The Master Plan designates this area as suitable for residential development but also acknowledges the existing commercial/industrial node. The Master Plan promotes the use of Planned Districts as a means to establish or expand commercial and industrial areas. The property scored 83 points on the rating system. Staff notified 64 property owners concerning this request. Staff recommends approval of the rezoning requests. Additionally, Staff recommends approval of the PID Review Plan and Preliminary Plat titled Concorde South Phase 3 subject to the following 2 conditions.

1. The last sentence of the paragraph labeled Phasing Plan be revised to remove the letters M-LP so the final text will be “A revised review/final plan will be required prior to the development of any of the proposed lots.”
2. That it is recognized that inherent to the proposal, the uses listed for this development establishes the pool from which future specific uses will be drawn. However, the issue of whether any of these uses is appropriate for a specific location within the development or whether any of these uses as specifically proposed in the future has not been determined and is a feature of the future request and it is possible said future request may not be approved.

Jay Burchfield, Development Manager for LeMone Trust, 2509 Limerick Ln., Columbia.

Jay Burchfield: We agree with the staff report, we have worked closely with staff to get all of this worked out. We have one additional condition that we will add to the planned industrial development plan. The area shown as lot six is a regional detention area. Along that border where the Magellan Pipeline currently exists we will place a no-access easement on that plat that will restrict future access in or out in that direction.

Commissioner Murphy: There is a dark line on the plan outlining the southwest portion, what is being zoned here?

Thad Yonke: Lot five is being rezoned from R-S to R-M to comply with the rest of the Prairie Meadows neighborhood; that portion will be platted off as a separate lot which will then be allowed to have the same kind of development as any other lot that is already developed in that portion. The portion that is immediately proximate to the next rezoning request on the agenda is the thin strip. That strip is being rezoned from R-S to ML-P because it is being incorporated into the ML-P plan of the next agenda item. The remainder of the property is proposed to be MG-P with the only MG use listed being that they can potentially come back for an expansion of the tank storage farm, but all the other MG uses that could be proposed are not part of this request. The only one they could propose is the bulk storage; that would require a specific plan showing exactly where they wanted to do; plus it would require a conditional use permit. Otherwise they just want the MG-P area to have ML uses. Lot nine on the preliminary plat is actually zoned C-G; it is on the plan as part of its preliminary plat but it is not within the planned zoning district so no review plan or final plan will come in for that one.

Open to public hearing.

Present speaking in support:

Randy Rippey, 5002 S Cowan Loop, Columbia

Randy Rippey: I had the opportunity to speak with the applicants and they alleviated all of my concerns that I had; I look forward to whatever they are going to be doing.

Tracy Desmit: 5008 S. Cowan Loop, Columbia

Tracy Desmit: After speaking with the applicants I was concerned about what would be back there because they have no concrete plans but we realize this makes it more feasible for them to develop. Our concern about joining on to Cowan is a valid concern. When they do develop the property what are they going to do about sewage? I understand they are almost at capacity now. Will that be addressed when they submit plans in the future?

Jan Weaver, 412 ½ W Walnut, Columbia

Jan Weaver: I am a downstream neighbor of this property because I am a user of Rock Bridge Memorial State Park. My concern is that if the industrial use increase that in the event of a spill there are retention ponds to capture anything that flows off this site so there is time for responders to get to the spill and take care of it before it can cross over land in to the Gans or get in to the Bonne Femme Watershed. This industrial park straddles the Gans and Bonne Femme. The Bonne Femme watershed in particular is a concern because it is a losing stream. The water that drains in to the Bonne Femme eventually gets in to Rock Bridge State Park where in addition to having some rare and unusual species like the pink planarian and the bats, the caving trips at some point will begin again and involve full body contact. I think it is important to capture anything that comes off any kind of industrial property as it's developed.

Present in opposition to the request:

Gary Straub, 1904 Holly Ave., Columbia

Gary Straub: I have a petition in opposition with approximately 40 signatures from people who either own property or live in residences immediately surrounding this development. After listening to Mr. Yonke's speech which I found a little bit disconcerting I have a few other questions. I would like to know where all the industrial development is. Right now there is a fire department, a transportation department, the police training academy, the gas tanks, and a couple of very small businesses. The vast majority of the area is surrounded by residences. I find it a little bit disconcerting that it was misrepresented. I am opposed to this rezoning request for several reasons. As a part owner of a residential subdivision which is connected to these properties the degrading of property values this or any other industrial park would create is of great concern to me and surely to the owners that surround this property on three sides. The excess traffic and noise that would accompany a development such as this would be a detriment to the safety and well being to the hundreds of residents that would be directly affected by a junk yard, freight terminal, chemical lab, crematories, grain elevators, puppy mills, and other uses of these types. However, I have worked hard and spent a huge amount of time and money to help set a precedent as to how to balance the growth of our city with a stewardship of our natural resources. I am opposed to all the environmental damage a development like this would create. As you know the Bonne Femme watershed is a very sensitive ecosystem, one which would suffer greatly from the increased stormwater that would be created by the sure mass of impervious surfaces that would be needed. Stormwater would be polluted by the volume of large vehicles and possibly some of the industrial materials which would be used and stored and of course the strain on our already fragile sewer system. From a purely logistical standpoint the traffic problems this would create would be tremendous. The changes proposed with access of highway 63 by the State would create more problems than can be imagined. An industrial park a couple of miles north of this has created such traffic conditions that the city was forced to create, at great expense, an interior exit. This option would not even be possible in this development as all sides are residential except for the northeast side. As a strong believer in property owner rights I also believe those rights must not infringe on the rights of the community as a whole and I urge the Commission to deny this request.

Mark Russo, Special Olympics, 520 Dix Rd, Ste C, Jefferson City

Mark Russo: I have concerns about what we are planning to do with the land we already purchased. It is the training for life camp and we will have up to 200 athletes there in any given week. Many of the training facilities will be outdoors, softball, soccer, and track and field. The concerns that we have are spills, as mentioned previously, and our biggest concern we would have is noise because of the coaches ability to coach the athletes in the outdoor facilities. The other concerns are air quality issues. It sounds as

though the Commission intend to have all those uses reviewed before people move forward, we just want to be sure that the Commission is aware of our intentions for our land. It is going to be a world class training facility and we are excited about being in Columbia, we hope to open that facility without any concerns of any industrial use that will create challenges for us.

Commissioner Freiling: Your primary concerns relate to anything that would interfere with your ability to use the outside for sports and training opportunities of the property.

Mark Russo: Yes. A lot of our training will be done outdoors, the majority will be done outdoors.

John Payne, 10951 I-70 Drive NE, Columbia

John Payne: I own 22 acres to the north, I am not actually against the rezoning but I heard something tonight that throws me a curve ball. I heard that they don't have any intentions of stubbing out a road to the north to my property. I think that goes against everything that I've heard in this room at any time. When I go to develop my 22 acres the first thing the fire department is going to tell me is that there needs to be a second access. By allowing them not to stub out to the north, if I develop my property I have to stub out to the south, that is going to be a requirement, it always is. I have no problem with the rezoning request, I know the road is a done deal but I think not stubbing out to the adjoining property owners goes in violation of what has been accepted practice in this room for years.

Pam Stephenson, 4814 B Schooner Rd., Columbia

Pam Stephenson: My concern is the property values once all this goes through and starts being developed. When the road goes through, that particular neighborhood is kind of transient because there is a lot of rental property but also there are a lot of kids that live out there and they have been able to run through the whole neighborhood because there are no fences or anything and it has been a safe place for them to be. I am not saying that I am opposed because I don't know that much about it but those are my main concerns.

Ian Straub, 4586 Bonne Femme Church Rd., Columbia

Ian Straub: I was born and raised on this land and I have multiple concerns. What is the process in informing people when something gets rezoned? I read in the letter that people within 1000 feet are notified. If you take a look, 1000 feet doesn't even cover it. Most of us live on 10 to 30 acres so you aren't even touching people that live right next to it. How can you make a decision like this and not inform enough of the people that actually live there now and have lived there forever?

Commissioner Freiling: That is the State Statute.

Thad Yonke: We notified 1000 feet from the boundary of the perimeter of the property; that is the State Statute.

Stan Shawver: The statutes actually say 600 feet.

Ian Straub: For industrial?

Thad Yonke: For any rezoning request. We also do not notify people who live there, only people who own the property, there is no mechanism to identify a renters. Property ownership is the information that we have and that is what the State expects us to notify. When it comes to zoning, that is what we are required to do.

Ian Straub: My next question is how this whole entire road coming back through there and getting extended and coming out, it is only fair that everyone here tonight hears exactly how that road came in to fruition if someone is willing to explain. I know that road didn't come in just for this request, there is another reason why this road is being built.

Chairperson Harris: If you have information we are not privy too feel free to enlighten us.

Ian Straub: My understanding is with all the changes that is going on highway 63 and they are putting all the J turns in, as part of the J turns, my understanding is the county was told that with highway 63 shutting that off there needed to be a way that Ponderosa could get extended so there needed to be a solution.

Thad Yonke: Not exactly. Basically the state is going to cut off all of those cross over highway accesses. They are going to install the J turns and there are two options that were going to happen to provide an outer road. The first option was trying to stick two additional lanes between Williams Pipeline and the new lanes on highway 63. The other option was for the county to work out a connection behind that would provide access. One way or the other there was going to be an outer road that connected all the way from Gans Road to the airport. There was going to be an outer road; it was just a matter of which option.

Ian Straub: Why was this option chosen? Now it is turning in to a request for an industrial rezoning. If the county wasn't building that road I don't think we would be having this discussion because if you put the road in front of the pipeline then there wouldn't be a road getting built around there so that wouldn't be able to be zoned to industrial.

Thad Yonke: The road in front of the pipeline doesn't actually work very well; that is actually the lesser option because there is not enough room to have an adequate road. This is the preferred solution. This property has been requested for industrial zoning in the past and it was denied because it didn't have proper access to roadways. You have a road that exists halfway into this property already so extending that road up and connecting it to the other road made sense from a road continuity point of view and the property owners came forward with a request.

Ian Straub: Were you given the land for the road?

Bill Florea: It will be donated.

Ian Straub: So basically that land was donated to the county to make a decision of how they could now turn this in to an industrial area.

Commissioner Freiling: For any plat for public roadway, the land is given.

Thad Yonke: All roadways are given to the county.

Commissioner Freiling: I think you are correct in your assumption. Had the state not needed a solution to the compressed right of way that they have between channel 8 and the pipeline this probably wouldn't have come up at this time. I also believe that your suggestion that this was a quid-pro-quo of "we will give you this if you do this", I think that's incorrect. I think the state's need for an outer road connection is the driving force behind this but it would be a mistake to give the impression that there was something more sinister or under the table than that. I really wouldn't want that impression to get out in the community.

Ian Straub: I think it should be out in the community that this was rejected because it didn't have access. Now there was a need by the county to get access, land was donated to get that access and now its going to be approved hands down.

Commissioner Freiling: Public roadways are always given to the public.

Ian Straub: Then let the public make the decision.

Commissioner Freiling: This is not a unique circumstance and to me that is the implication I am receiving from you, that there was a unique quid-pro-quo here and that is not the case.

Commissioner Martin: This road is being built by the property owners themselves and will be turned over once it meets our standards.

Ian Straub: It's a good deal.

Commissioner Martin: As a county owner, we don't have to pay for it. I just want to make it clear that the county is not going to pave this road for them.

Ian Straub: I am in no way accusing the county of doing something for someone else. What is going on here is the county is letting a rezoning occur with no issue; I was in complete shock when staff gave complete support for this. I am curious where we can go find precedent for when an area that is surrounded on all three sides by residences gets rezoned industrial. Can you give an example of somewhere this has been done?

Thad Yonke: Just north of I-70 on Route Z, 200 acres were zoned light industrial from agricultural.

Ian Straub: Was it residential that was around it?

Thad Yonke: It is residential in the same way that all of our agricultural properties are low density residential.

Ian Straub: So that is becoming the precedent now.

Commissioner Freiling: No.

Thad Yonke: You asked for an example.

Ian Straub: Earlier the Commission was talking about when they make a decision they are setting a precedent so I was only asking if this was the new precedent, does it matter if residences exist?

Commissioner Martin: You were just in on the other rezoning request; this could have been one for a couple thousand homes in this location.

Ian Straub: I would be much happier with a couple thousand homes.

Commissioner Freiling: Obviously the expansion of any high intensity use like industrial you consider location, access, and the existing area. There is no where in Boone County that doesn't have some residential use nearby. You either don't do it at all or in some places you do it close to existing residential uses, there is no way around that. When you have an area like this that has existing uses and right on the

highway and with the added benefit of allowing this outer road completion there is weight in that package; it seems like it is in the public interest to approve that kind of rezoning. That is how I see it; we are here to represent public interest.

Ian Straub: It makes sense but we are not going a little ways back, we are going way back. I take my kid to school everyday and there are about 100 turkeys that live across the road and you are getting rid of it. Maybe that is immaterial to the Commission but it is important to me and my neighbors. We have done a good job of building 10 acre plots; we have large houses and large lots, if you put this there then you are putting an end to that. The issue was discussed about if a big disaster happens and one of those oil tanks goes down; it is great to contain when the disaster happens. None of this will flow in to Gans, this is all runoff that will go straight into Bonne Femme Creek. Right before Bonne Femme hits highway 63 there is a sinkhole; when I was a child they put blue dye in there and it came out in Rock Bridge State Park. It doesn't take a disaster to destroy one of the best parks we have in the State; all it takes is enough runoff. I think everyone who did show up tonight should be a little bit more concerned about having industry in your backyard and giving up. There is going to be light and noise pollution and runoff.

Tricia Straub, 4604 E Bonne Femme Church Rd., Columbia

Tricia Straub: My concern is that it is all residential, I understand having the commercial property by the highway but I don't understand rezoning the back of the property when it is all surrounded by residences. When this was proposed before I went around to the neighborhoods along Cowan and Brock Rodgers and the people on Brock Rodgers were not notified about this. We took a petition around and there was not one person who did not sign the petition last time because of the traffic concerns; Ponderosa can not take more traffic there. Those people have trouble getting on to the road as it is; it is dangerous, you have the big gas trucks and it is not a safe road.

Gary Straub: About a month ago there was a meeting with the state transportation department concerning the highway that is being built. I was given the impression by them that they have not made a decision, I was under the impression that this road was being built as a continuation, or access, for Ponderosa. I don't think anyone has seen an access road like that. Is this set in stone with the state now, if not are they going to build the road regardless?

Bill Florea: The way I understand there are two options and neither one is set in stone yet.

Gary Straub: If this is dependent on this road being built I think it is a little premature to change the zoning on land that might not have access to it in the first place; once you change the zoning it is changed. They don't even know what they are going to build on the land yet; they just want it rezoned to industrial. I have been through this process and the way I was grilled and treated because of the little residential development I wanted to build because of the Bonne Femme watershed, it seems like no one cares anymore. If that road is not going to be the option the state department takes is that road still going to be built?

Bill Florea: I don't think it's the state's option; I think the state is waiting for us to make a decision. If the road isn't built then it can't be platted and there will be no development out there.

Gary Straub: But it will be rezoned.

Bill Florea: There is a second process to go through with the final development plan before it is rezoned and even then they have to have specific building locations and uses on the plan. For any development to occur this process has to happen again.

Gary Straub: I understand that but once it is rezoned it is rezoned.

Chairperson Harris: The plan they've brought is all planned rezoning; so this is just the first step. At the plan step any requested use, if it is not appropriate, will not go forward.

Gary Straub: I understand that but it was brought forth at this meeting that they have no plan. Is it common to give industrial zoning to someone that doesn't have a plan?

Commissioner Freiling: We have pretty much stopped giving open rezonings which means you have approved a zoning change and don't require a plan. On the other hand, it is a two step process to have planned developments because the plan doesn't have to be concurrent with the zoning; it is just a requirement to use the zoning. You decide if that location is appropriate for that zoning then you decide if that plan is appropriate for that location. Sometimes you have people that make a request and know exactly what they are going to do with it and you see the plan at the same time. It is often the case that you have to have the known ability of what you can do before you can determine what you are going to do.

Gary Straub: I just wanted to make sure that everyone that is on the board is aware that the state highway department is not necessarily approving this plan.

Woman from audience: Anyone who spoke in favor of this request was because of that restrictive point and the neighbors who spoke in favor before were told that there was going to be restricted access so if that is not going to be part of it like they offered then I, who spoke in favor, retract that.

Closed to public hearing.

Commissioner Murphy: At the back of the tank farm facility there is a pond. Is that for potential spills? If it is, is it a requirement for this type of facility?

Brian Harrington, 3312 LeMone Industrial Blvd., Columbia

Brian Harrington: That is existing

Commissioner Murphy: Is that an industry standard?

Thad Yonke: Yes. It is complying with federal standards for the pipeline but beyond that the whole point of the way this request is structured is that all of those issues must be addressed when they propose a specific use for any particular part of this property. How they are going to deal with stormwater or spill containment is all going to have to be addressed on the site specific plan. If it is not addressed to the satisfaction of the Planning and Zoning Commission and County Commission then that use is not going to get approved. This is merely to get the idea that the existing commercial node that is shown on the master plan and that was codified in the original 1973 zoning ordinance in this location is being proposed for expansion.

Commissioner Murphy: This area was identified many years ago on the master plan and on zoning as appropriate for commercial use?

Thad Yonke: It is not that specific; it draws a box along highway 63.

Commissioner Murphy asked about the stubs to Mr. Payne's property.

Thad Yonke: We don't require access from an industrial property through a residential property. That is part of the reason that the appendage on this property that does connect to a residential property is being required essentially to be down zoned and split off so that no one comes in later to put in another road access.

Commissioner Murphy: Mr. Payne was wondering how that is going to affect his property, is that going to limit his opportunity to develop.

Thad Yonke: We have not received any requests from him to rezone or develop his property; currently it is residentially zoned, if it is connected to the residential road network it is part of that residential property.

Commissioner Murphy: I don't know what the length of that property is, what is the maximum length of a cul-de-sac?

Thad Yonke: The configuration of that property probably limits its desirability and applicability to make it develop.

Chairperson Harris: Mr. Payne's access is all of that frontage not just the little stem.

Commissioner Murphy: Number 5 appears to have a stem with access to Cowan Road and that could potentially be a public street?

Thad Yonke: The entire 22 acres, if rezoned, it would be expected to be a residential property we are going to expect it to connect up to the existing residential property. We've got no proposal - we aren't going to go in and design this speculatively on our own. We react to the requests that come in but we don't typically make an industrial property connect to a residential road.

Commissioner Prevo: Was there any discussion as to limiting the industrial use to within the potential road so it is only industrial inside that road and the rest of it remain residential?

Thad Yonke: That is not what was requested.

Commissioner Freiling: Is there an elevated standard for the type of storage facility that is there in terms of worst-case disasters to really provide realistic protection downstream?

Thad Yonke: We are not familiar with any specifics on that but in the past when a pipeline has asked us about things we found that in many things they are exempt to our zoning ordinances because they are regulated by the federal government.

Bill Florea: Are you talking about the pipeline or the storage tanks?

Commissioner Freiling: Their storage tanks.

Commissioner Campbell: They currently have a no-discharge permit.

Bill Florea: They are regulated by the EPA.

Commissioner Prevo made and Commissioner Poehlman seconded a motion to **approve** the request by Robert M. LeMone Marital Trust to rezone:

from A-1 to M-GP on 29.58 acres;

from R-S to M-GP on 42.64 acres;

from R-S to M-LP on .32 acres;

R-S to R-M on .37 acres,

all more or less, on property located at 5515 S Ponderosa St, Columbia.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Brian Dollar – Yes

Larry Oetting – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Derin Campbell – Yes

Kevin Murphy – Yes

Motion to approve the request passes unanimously

Commissioner Harris made and Commissioner Freiling seconded a motion to **approve** review plan and preliminary plat by Robert M. LeMone Marital Trust on property located at 5515 S Ponderosa St, Columbia with staff conditions.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Brian Dollar – Yes

Larry Oetting – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Derin Campbell – Yes

Kevin Murphy – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicants that these requests would go before the County Commission on February 28, 2012 and the applicants need to be present for the hearing.

3. Request by Randy and Kathleen Gibbs to rezone from C-G (General Commercial) to M-LP (Planned Industrial) on 2.13 acres, more or less, and approve a Review Plan on property located at 5481 S Ponderosa St, Columbia.

Planner Thad Yonke gave the following staff report:

Because the Gibbs request and the Cunningham request are shown together on a single preliminary plat/review plan staff has combined the requests for the purposes of the staff report. This property is located southeast of Columbia at the existing interruption of Ponderosa St. approximately 300 ft south of the intersection of Prairie Circle and Ponderosa St. The subject property consists of two parent parcels, the 2.5 acre Gibbs property and the 4.55 acre Cunningham property. The southeastern property line of these two properties adjoins the property containing Magellan Pipeline's Large White Storage Tanks. The nearest municipal limit of the City of Columbia is approximately 400 ft east of the subject property across

Highway 63. The Gibbs property is currently zoned C-G (general commercial) which is an original zoning and the Cunningham property is zoned M-LP(planned industrial) which was rezoned in 1999.

Adjacent property is zoned as follows:

- North - R-M(moderate density residential) and C-G
- South – A-1(agriculture), M-L(light industrial), and R-S
- East – M-L
- West – R-S

These are all original 1973 zonings.

The current proposal consists of a 5 lot preliminary plat and review plan to reconfigure the Gibbs and Cunningham properties along with the right-of-way for an extension of Meyer Industrial Dr. The Turnberry property is included on the graphic as part of the preliminary plat since this property is proposed to be reconfigured as well. The roadway shown is actually proposed to be built in a single phase along with the portion of the road on the adjoining Lemone property. In conjunction with the preliminary plat there is the required review plan for the proposed planned rezonings. The review plan represents a proposed rezoning of the Gibbs Property from C-G to M-LP and comprises a revised review plan for the Cunningham property. Revised review plans are treated the same as rezoning requests. A 0.32 acre portion of the Lemone property which adjoins the existing Cunningham property, currently known as Ponderosa Subdivision PID, is to be incorporated into this revised review plan which is now proposed to be named Ponderosa Subdivision Phase 2 PID.

Effectively, this proposal allows the existing uses of the properties to be legitimized and reconfigured to appropriately address the new roadway.

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 Consolidated Public Water Supply District #1
- Sewer: The Boone County Regional Sewer District has a central sewer that serves the area. The property contained within the review plan has limited sewer capacity allocated to it and this limitation will buffer the scale of the uses proposed for the property. However, the existing contractor’s lot and buildings, truss manufacturer, and self storage can be supported by the existing level of service.
- Electricity is provided by Boone Electric.

Transportation:

- The development proposes construction of a connection of Meyer Industrial Dr with the existing portion of Ponderosa in such a way as to provide a continuous two way outer roadway to support the improvements to Highway 63. All lots within the development will have frontage on and direct access to this new section of roadway.

Public Safety Services:

- The property is within ½ mile of the nearest fire station and the construction of the new roadway will make access easier and safer than under the existing conditions. Public safety services to this location should be adequate for the needs of the development. The limited scale of the possible uses of the property keep the potential public safety needs to a minimum.

#### Stormwater

- The development is subject to the Boone County Stormwater Regulations. The development is addressing the stormwater issues created from the construction of the road on proposed lot 3. Additionally, the stormwater needs for the proposed level of development shown on the plan have been incorporated into the features of the facilities on lot 3.

#### Zoning Analysis

This request is essentially a clean up of existing conditions and a means to have the interactions of the uses on these properties interact appropriately with the new roadway segment. The building sizes and locations shown on the plan when combined with the list of allowed uses limits these properties in intensity sufficiently to make these good buffering uses between the new roadway and the pipeline tank facility. This combination should make these properties productive while still having a low number of people on site.

The current proposal meets the sufficiency of resources test for the uses and sizes of structures proposed for the site. The utilities available or being installed will support this limited level of development and will act as a governor on the intensity of activity possible for these lots. The new roadway will provide better access to the properties involved as well as better public safety response/access.

The Master Plan designates this area as suitable for industrial land uses and the existing M-LP development of a portion of this request would be consistent. Additionally, the Master Plan promotes the use of Planned Districts as a means to establish or expand commercial and industrial areas. The property scored 83 points on the rating system. Staff notified 40 to 41 property owners concerning these requests.

While these items have been combined for purposes of the staff report, staff recommends the following in terms of actions on the individual requests:

Staff recommends that the public hearing for the Gibbs Requests and the public hearings for the Cunningham Request be held concurrently.

Then because they are shown on a single combined preliminary plat which also doubles as the required review plan for Gibbs and the revised review plan for Cunningham, staff recommends that motions related to the preliminary plat, review plan, and revised review plan be made encompassing of both requests.

Therefore:

Staff recommends approval of Gibbs Rezoning from C-G to M-LP

Staff recommends approval of the preliminary plat and review plan for Ponderosa Subdivision Phase 2 with the recognition that this approval constitutes the approval of the revised review plan for the Cunningham request, the approval of the required review plan for the Gibbs request and approval of the preliminary plat.

Present representing the request:

Brian Harrington, Allstate Consultants, 3312 LeMone Industrial Blvd., Columbia

Brian Harrington: I don't have anything to add but would be happy to answer questions.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Prevo made and Commissioner Dollar seconded a motion to **approve** the request by Randy and Kathleen Gibbs to rezone from C-G (General Commercial) to M-LP (Planned Industrial) on 2.13 acres, more or less, on property located at 5481 S Ponderosa St, Columbia.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Brian Dollar – Yes

Larry Oetting – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Derin Campbell – Yes

Kevin Murphy – Yes

Motion to approve the rezoning request passes unanimously

Commissioner Dollar made and Commissioner Prevo seconded a motion to **approve** a review plan and preliminary plat by Randy and Kathleen Gibbs on 2.13 acres, more or less, on property located at 5481 S Ponderosa St, Columbia.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Brian Dollar – Yes

Larry Oetting – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Derin Campbell – Yes

Kevin Murphy – Yes

Motion to approve the review plan passes unanimously

Chairperson Harris informed the applicants that these requests would go before the County Commission on February 28, 2012 and the applicants need to be present for the hearing.

4. Request by Turnberry Properties LLC to rezone from R-M (Moderate Density Residential) to C-G (General Commercial) on 4,695 sq. ft. (.107 acres), located at 4802 Meadow Lark Ln., Columbia.

Planner Thad Yonke gave the following staff report:

This property is located southeast of Columbia approximately 200 ft southwest of the corner of the intersection of Prairie Circle and Ponderosa St. The subject property consists of a 4695 square foot portion of Lot 72 of Prairie Meadows Plat 8 that is proposed for rezoning. The nearest municipal limit of the City of Columbia is approximately 400 ft east of the subject property across Highway 63. Lot 72 is currently zoned R-M(moderate density residential) which is an original zoning.

Adjacent property is zoned as follows:

- North - R-M
- South – C-G(general commercial)
- East – C-G
- West – R-M

These are all original 1973 zonings.

The current proposal consists of a 4695 square foot portion of Lot 72 that if rezoned from R-M to C-G will be combined and platted into a new configuration of lot 73. This new configuration will move the property line so that it is parallel to the wall of the structure existing on Lot 72. As has been mentioned previously existing lot 73 is proposed to be reconfigured to allow the creation of roadway right-of-way for the extension of Meyer Industrial Dr. The reconfiguration is shown on the preliminary plat component of Ponderosa Subdivision Phase 2.

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 Consolidated Public Water Supply District #1
- Sewer: The Boone County Regional Sewer District has a central sewer that serves the area. The rezoning will not substantially change the anticipated land uses or needs of the lots from the existing conditions.
- Electricity is provided by Boone Electric.

Transportation:

- The proposal will have no impact on the transportation network other than there may be improved driveway access to lot 73 in the future from Meadow Lark Lane.

Public Safety Services:

- The property is within ½ mile of the nearest fire station and the rezoning will have no impact on these services.

Stormwater

- The development is subject to the Boone County Stormwater Regulations. The rezoning will not on its own effect Stormwater on the property.

### Zoning Analysis

While lot lines are supposed to intersect road right-of-way at perpendicular angles the existing lot line does not intersect at a 90 degree angle. The current lot line and zoning district boundary line is the section line. Essentially if the rezoning request is approved the lots can be reconfigured to make sure that the resultant lots only have one zoning. The oblique angle of the lot line simply reverses which lot the triangular portion of the property is associated with. Additionally, it should be noted that the County Commission will hold a public hearing on the vacation of the lots from the existing plat and on the concept of the replat as shown on the preliminary plat of Ponderosa Subdivision Phase 2. This hearing will determine whether or not the lots can be replatted. The County Commission hearing is set for Tuesday February 28<sup>th</sup> 2012.

The Master Plan designates this area as suitable for residential land uses but this request doesn't establish a new commercial lot and amounts to adjusting zoning and lot lines to accommodate the new road construction. The property scored 83 points on the rating system. Staff notified 124 property owners concerning this request.

Staff recommends approval of the request from R-M to C-G.

Present representing the request:

Brian Harrington, Allstate Consultants, 3312 LeMone Industrial Blvd., Columbia

Brian Harrington: I have nothing to add.

Commissioner Murphy: What did staff say about Meadow Lark Lane?

Thad Yonke: You might be able to access it better in the future; you will have more distance further away from the intersection.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Prevo made and Commissioner Dollar seconded a motion to **approve** the request by Turnberry Properties LLC to rezone from R-M to C-G on 4,695 sq. ft. (.107 acres), located at 4802 Meadow Lark Ln., Columbia.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Brian Dollar – Yes

Larry Oetting – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Derin Campbell – Yes

Kevin Murphy – Yes

Motion to approve the rezoning request passes unanimously

Chairperson Harris informed the applicants that this request would go before the County Commission on February 28, 2012 and the applicants need to be present for the hearing.

VII. Planned Developments

1. Request by Harold & Wanda Cunningham for revised review plan on 4.55 acres in the ML-P (Planned Industrial) zoning district located at 5495 S Ponderosa St. Columbia.

See staff report and public hearing under Gibbs rezoning request.

Commissioner Dollar made and Commissioner Prevo seconded a motion to **approve** a revised review plan by Harold & Wanda Cunningham for revised review plan on 4.55 acres in the ML-P zoning district located at 5495 S Ponderosa St. Columbia.

Boyd Harris – Yes	Carl Freiling – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Brian Dollar – Yes	Larry Oetting – Yes
Paul Prevo – Yes	Michael Poehlman – Yes
Derin Campbell – Yes	Kevin Murphy – Yes

Motion to approve the revised review plan passes unanimously

Chairperson Harris informed the applicants that these requests would go before the County Commission on February 28, 2012 and the applicants need to be present for the hearing.

VIII. Plats

The following items were placed on consent agenda

Somerset Village Plat 1  
Somerset Village Plat 2

Commissioner Prevo made and Commissioner Martin seconded a motion to **approve** the items placed on consent agenda with staff conditions and place the staff reports in to the record:

Boyd Harris – Yes	Carl Freiling – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Brian Dollar – Yes	Larry Oetting – Yes
Paul Prevo – Yes	Michael Poehlman – Yes
Derin Campbell – Yes	Kevin Murphy – Yes

Motion to approve with conditions passes unanimously

The following staff report was entered in to the record:

### Somerset Village Plat 1

This property is located northeast of Columbia and shares the western boundary of the property acquired by Columbia Public Schools for Battle High School. The property has frontage on the north side of St. Charles Rd. approximately 3900 feet northeast of the intersection of Golf Blvd. and St. Charles Rd. The subject property is situated approximately 2000 feet north of the nearest municipal limit of Columbia. The property of this request is zoned predominantly A-2 (agriculture) with a small portion of R-S (residential-single family) along the St. Charles Rd. frontage. Property to the south across the St. Charles Rd. frontage is also zoned R-S, as is the property to the west of the site comprised of the golf course owned by the City of Columbia. The property north of the golf course but west of the current proposed plat is zoned A-2 as is all the property to the north. Property to the east is zoned A-2 and is comprised of the Battle High School site. All the zoning of the adjoining tracts are original 1973 zonings.

The current proposal is for a three lot final plat with two sections of new public roadways and is based upon the approved second preliminary plat for the property. This version of Somerset Village Plat 1 will replace the version approved by the Planning & Zoning Commission in October of 2010. This request contains 48.80 acres out of the total 203.88 acres shown on the preliminary. The current submittal includes a small lot to be added to the CPS property, 2 large "holding lots" and R.O.W for, Spartan Drive and Battle Avenue. It should be recognized that these lots will have to come back through the planning processes before they will be eligible for anything more than one or two houses on proposed lots 101, 102, and a note to this effect is on the plat. It is anticipated that these later phases will be proposed for modification when specific uses are conceived for their development. During review for these proposed changes, all the additional information such as traffic studies and CATSO roadways will be looked at to see what is required. The current platting of this property will not be considered to vest any specific proposal for re-development from the need to address providing adequate infrastructure such as additional public roadways.

The site is currently vacant. This site lies within the Columbia Public School District. The site is in Public Water District #9 and there is a 12 inch waterline along St. Charles Rd. At a minimum, additional waterline will need to be installed in conjunction with the portion of Battle Avenue and Spartan Drive that is proposed in this plat. It would be prudent, if more intensive development is intended to be proposed in the future, to build the larger capacity with the first phase rather than having to come back and upsize a line that is already in service. The site is in the Boone County Fire Protection District and fire requirements will be up to the fire district; however, the property comes under a pre-annexation agreement with the City of Columbia so the exact requirements have yet to be worked out. Electric service will be provided by Boone Electric Cooperative. Wastewater service is currently proposed to be from on-site systems regulated by the health department. Since the lots proposed are really only larger chunks of vacant property intended for more intensive development proposals in the future, on-site wastewater seems a reasonable safeguard as such limited development is unlikely. This conclusion is supported because each tract proposed is only eligible for one or two single family dwellings at most. It seems unlikely that any residential construction will actually occur prior to some additional new request that will be required to have central sewer. This site will eventually be served by a sewer main extension that is being brought by City of Columbia to the area to serve the new High School. Please be aware that the BCRSD has commented that an agreement exists between the District and the City of Columbia that would require annexation or pre-annexation agreements when central sewer service is required or desired. A draft annexation agreement has been reviewed. The master plan designates this area as being suitable for residential land uses. The request is consistent with the master plan. The plat scored 73 on the point rating system.

Staff recommends approval subject to the following conditions:

1. That it is recognized that re-development or even rezoning of the property contained in this plat will require applicants to provide additional analysis and information and may even be required to go through the process to obtain approval of a new preliminary plat if anything more intensive is proposed than one or two houses for any individual lot.
2. Should central sewer service become available to serve the lots prior to construction of any buildings on the property, connection to such a central sewer system can be required along with all the requirements to secure such central sewer service.

### Somerset Village Plat 2

This property is located northeast of Columbia and shares the northern boundary of the property acquired by Columbia Public Schools for Battle High School. The property is immediately north of Somerset Village Plat 1 and is dependant upon the finalization of plat 1 to create Battle Avenue which is the only public road access to this plat. This property is approximately 1 mile northeast of the intersection of Golf Blvd. and St. Charles Rd. The subject property is situated approximately 3500 feet north of the nearest municipal limit of Columbia. The property of this request is zoned A-2 (agriculture) as is all the surrounding property. All the zoning is original 1973 zoning.

The current proposal is for a three lot final plat with the further extension of Battle Avenue continuing to the north and is based upon the approved second preliminary plat for the property. This request contains 107.08 acres out of the total 203.88 acres shown on the preliminary. The current submittal includes a 30.18 acre lot that is proposed to be sold to the City of Columbia as a park, a 32.01 acre lot [proposed to be sold to CPS for a future elementary school, a 40.86 acre "holding lot" and R.O.W for Battle Avenue. It should be recognized that these lots will have to come back through the planning processes before they will be eligible for anything more than one or two houses on proposed lots 201, 202, or 203 and a note to this effect is on the plat. It is anticipated that these later phases will be proposed for modification when specific uses are conceived for their development. During review for these proposed changes, all the additional information such as traffic studies and CATSO roadways will be looked at to see what is required. The current platting of this property will not be considered to vest any specific proposal for re-development from the need to address providing adequate infrastructure such as additional public roadways.

The site is currently vacant. This site lies within the Columbia Public School District. The site is in Public Water District #9 and there is a 12 inch waterline along St. Charles Rd. At a minimum, additional waterline will need to be installed in conjunction with the portion of Battle Avenue that is proposed in this plat. It would be prudent, if more intensive development is intended to be proposed in the future, to build the larger capacity with the first phase rather than having to come back and upsize a line that is already in service. The site is in the Boone County Fire Protection District and fire requirements will be up to the fire district; however, the property comes under a pre-annexation agreement with the City of Columbia so the exact requirements have yet to be worked out. Electric service will be provided by Boone Electric Cooperative. Wastewater service is currently proposed to be from on-site systems regulated by the health department. Since the lots proposed are really only larger chunks of vacant property intended for more intensive development proposals in the future, on-site wastewater seems a reasonable safeguard as such limited development is unlikely. This conclusion is supported because each tract proposed is only eligible for one or two single family dwellings at most. It seems unlikely that any residential construction will actually occur prior to some additional new request that will be required to have central sewer. This site will eventually be served by a sewer main extension that is being brought by City of Columbia to the area

to serve the new High School. Please be aware that the BCRSD has commented that an agreement exists between the District and the City of Columbia that would require annexation or pre-annexation agreements when central sewer service is required or desired. A draft annexation agreement has been reviewed. The master plan designates this area as being suitable for residential land uses. The request is consistent with the master plan. The plat scored 73 on the point rating system.

Staff recommends approval subject to the following conditions:

1. That it is recognized that re-development or even rezoning of the property contained in this plat will require applicants to provide additional analysis and information and may even be required to go through the process to obtain approval of a new preliminary plat if anything more intensive is proposed than one or two houses for any individual lot.
2. Should central sewer service become available to serve the lots prior to construction of any buildings on the property, connection to such a central sewer system can be required along with all the requirements to secure such central sewer service.

IX. Old Business

1. Update on County Commission Action

Stan Shawver updated the Commission on the following decisions made by the County Commission: The review plan and preliminary plat renewal for T-Vine Development was approved as recommended.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Secretary  
Michael Morrison

Minutes approved on this 15<sup>th</sup> day of March, 2012