

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, June 20, 2013

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

II. Roll Call:

a. Members Present:

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

b. Members Absent:

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| Larry Oetting | Three Creeks Township |
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c. Staff Present:

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

III. Approval of Minutes:
Minutes from the May 16, 2013 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 two rezoning requests and six 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. Please sign the sheet on the table after you testify. Also, we ask that you 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. 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, July 2nd. 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, July 2nd, will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by James E. and Sylvia L. Crane to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 4.13 acres located at 12501 S Easley River Rd., Columbia.

Planner Uriah Mach gave the following staff report:

The property is located southwest of Columbia just north of Easley and the end of State Highway N and there is a small house on the property. The property is zoned A-1(Agriculture), adjacent zoning to the north and south is also A-1, to the east is A-2(agriculture), and to the west is the Missouri River. This is original 1973 zoning. The small house appears to have been built prior to the adoption of zoning regulations. The applicant would like to be able to subdivide the property to include the house, and is before the commission seeking a rezoning from A-1(Agriculture) to A-2(Agriculture). Staff notified 21 property owners about this request.

The Master Plan designates this property as suitable for agriculture and rural residential land uses. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

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

Utilities: The subject property is in the Consolidated Public Water Service District #1 service area, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District.

Transportation: Access to this property is via Easley River Road from State Route N. This is a publicly-dedicated, publicly-maintained county gravel road.

Public Safety: Southern Boone County Fire Protection District provides fire protection for this property. Their nearest station is in Ashland.

Zoning Analysis: The desire to sever a portion of the parent property for sale to a long-time lessor without encumbering additional property that is not contiguous to the area of interest is quite understandable. While the resources to serve the existing structure are present, due to its continued occupancy, further development will be limited by the size & shape of the tract and limits on existing resources. This rezoning request is reasonable.

Staff recommends approval of the request.

Present representing the request:

James Crane: 2393 E Highway MM, Ashland
Steve Proctor, Surveyor, 7001 W Stidham Rd., Harrisburg

James Crane: I am requesting to rezone this property so I can sell it. The way it is laid, to the north, the river narrows there and to the south there is nothing there, DNR has it cut off.

Chairperson Harris: Is 4.1 acres the entire strip out there?

Uriah Mach: No, the entire parcel is 8 or 9 acres, it is not very buildable.

Chairperson Harris: Will you still have some land south of this parcel?

James Crane: Yes, on the other side of Easley, it runs almost to the creek.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Poehlman made and Commissioner Dollar seconded a motion to **approve** a request by James E. and Sylvia L. Crane to rezone from A-1 to A-2 on 4.13 acres located at 12501 S Easley River Rd., Columbia.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Brian Dollar – Yes

Michael Poehlman – Yes

Paul Prevo – Yes

Kevin Murphy – Yes

Eric Kurzejeski – Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on Tuesday, July 2, 2013 and the applicants need to be present for the hearing.

2. Request by Tompkins Homes and Development Inc. to rezone from R-S (Single Family Residential) to R-SP (Planned Single Family Residential) and approve a Review Plan and preliminary plat for Allton Park Condominiums on 9.43 acres, more or less, located at 6490 S Allton Park Rd., Columbia.

Planner Bill Florea gave the following staff report:

The property is located at the cul-de-sac of Allton Park Road in the Gateway South Subdivision, approximately 3400 feet from the intersection of Gateway Boulevard with Route K. The parcel is 9.43 acres in area and is vacant. In 1976 the Lot was platted as Lot 118 of Gateway South Plat 7 and designated as a park area. In 1996 the County Commission granted permission for the lot to be vacated and re-platted.

The current zoning for this property is R-S, which is the original zoning. Adjacent property is zoned as follows:

- North – R-S
- South – RS-P
- East – R-S
- West – R-S and R-1(City of Columbia)

The Master Plan identifies this site as being suitable for residential land uses.

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 12 single-family attached units. Approximately 14% of the property will be in the development area with the remaining 86% being kept as open space. If approved as proposed, the resulting gross density will be 1 home per .79 acres.

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 the Consolidated Water service area. The existing water line is not capable of providing the necessary fire flow of 800 gallons per minute. The District believes the existing 8 inch main on Route K can provide fire flow. The developer will have to extend a new 6 inch water line to the property from Route K in order to meet fire flow requirements. The new main will be connected to the existing 2-inch main, which will enhance service to the existing customers in the area. A new fire hydrant will be installed at the northwest corner of the property.
- Sewer: Boone County Regional Sewer District will provide wastewater treatment for the development at the South Route K Waste Water Treatment Facility. The developer and District have agreed to share the cost of constructing a new sewer main that will serve the development.
- Electricity is provided by Boone Electric.

Transportation

The development will have direct access to Allton Park Road and then to Route K via West Way and/or Gateway Blvd. A traffic analysis is required for all subdivisions and review plans unless waived by the Commission in cases where preparation of such a report is unnecessary or unreasonable.

The developer’s engineer has submitted a letter in support of granting the waiver. The letter indicates that while the proposed development will add traffic, the increase is not significant enough to require a traffic study or to cause the affected roadways and intersections to fall below proper functioning levels.

Public Safety Services

The property is within 2.3 miles of Boone County Fire District Station 8. Public safety services to this location should be adequate for the needs of the development. The fire district has not submitted any comments indicating any potential difficulty in accessing the property in an emergency.

Stormwater

The development is subject to the Boone County Stormwater Regulations. A Preliminary stormwater plan has been submitted and is printed on the Review Plan. If the rezoning, review plan and preliminary plat are approved the developer will submit detailed plans to Resource Management Engineering for review and approval. Long term maintenance of stormwater infrastructure is addressed via a recorded maintenance agreement.

Zoning Analysis

The Master Plan identifies this property as appropriate for residential land uses but does not specify density. In this case the appropriate density is a function of the zoning designation. The original and current zoning for this property and other properties in Gateway South is RS single family residential. That zoning district establishes a minimum lot size of 7,000 square feet.

A density table is attached to the Commissioner's recommendation sheet and a limited number have been made available for distribution to the audience. The table compares the proposed density of Allton Park with existing density in Gateway South, the portion of Gateway South developed in acreages and the portion of Gateway South developed at higher density. Allowed density under R-S, RS-P and A-R zoning is included to provide context. The proposed density is less than that of Gateway South (aggregated for the entire subdivision), Gateway South (higher density portion), and what would be allowed under R-S, RS-P and AR zoning. It is higher than the acreage portion of Gateway South.

The density that is proposed for Allton Park is well under the maximum density that could be allowed in the RS-P district. It is consistent with the dominant development pattern in the area, which is urban residential.

The property scored 63 points on the rating system. Staff notified 219 property owners about this request.

Staff recommends approval of the request.

Present representing the request:

David Butcher, 2608 N Stadium Blvd, Columbia
Mike Tompkins, 6000 S Highway KK, Columbia

The applicants presented the following:

A copy of the plan

A power point presentation

A rendition of the completed development

David Butcher: For erosion controls we intend to put some sort of protection in place such as bio retention cells. We will have an engineered plan that will meet or exceed the regulations. The entire plan is showing nine acres and we only want to take up a little place in the corner so there will be a lot of buffer between the stream and between the neighbors to the south, west, and east. Developer, Mike Tompkins had a discussion with the neighbor to the north and one of the concerns was there would be

some distraction on his property so we added additional landscaping on the north end. Everything that you would normally see under stormwater we are going to exceed; we will have zero leaving the site, we will detain it long enough during peak flows to keep it from being a problem.

We don't want to be restricted to building one structure at a time or to have to build them all at once so we allow for the opportunity to build them one at a time or build them all at once, depending on the financial situation. Mr. Tompkins plans to begin the project right away.

It was suggested by staff that we address lighting. Mr. Tompkins agreed that he didn't want any light pollution, he wants to be a good neighbor and has decided to put in pedestal lighting so there won't be anything intrusive to the neighbors. The physical and visual details is that he wants to have a circle drive, we want to have condominiums that circle the circle drive, there is a pathway so we can use the natural environment. Because of the stream buffer and the proximity to the stream we would rather not be invasive so we are proposing a non-paved pathway of gravel or mulch so we can have an amenity for the condominium home owners.

Power Point Presentation

Mike Tompkins: these will be upscale, attractive buildings. We think what will sell is nature; the area is loaded with trees. The buildings are designed so all the owners can look out their windows and see woods. Once the plan is approved it will lock in the wooded area as green space. We are asking for RS-P; we are adjacent to RS-P to the south and there is residential zoning all around the property. We are not doing Columbia duplexes or student housing and they will not be marketed to college students; we are marketing to young families. There is currently a small lift station on the property that has been wrought with problems over the years; there have been odor complaints and there are overflows. If we do this development we will eliminate the lift station completely and put in a gravity sewer so everyone upstream will have better sewer and it will be better for the environment. Given that some of Gateway South was built in the early 1960's some new construction in the area might revitalize the area. There is a good buffer of natural vegetation to the north; all other directions are isolated by dense forest. I have been in this town for 26 years building quality projects, I am not someone who tries to go in and do something shoddy. We are going to stand behind this; these are going to be nice buildings and will have ten year warranties on them.

David Butcher: There are some public benefits associated with this project. We are only talking about six buildings and twelve units and one of the public benefits is preservation. This is going to improve fire flows and water service to the neighborhood; there have been complaints. We have heard from the sewer district that there are issues with the sanitary sewer system in the area. The applicants have agreed to help upgrade the sewer system in the area, there is a cost-share associated with it rather than the existing owners paying for it themselves.

Mike Tompkins: I met with the two neighborhood associations most affected by this. The Cascades association have given good support and even sent a letter in support of the request. There will be 12 units on 9.5 acres, we could, without any zoning change, have 27 homes based on standard sized lots. We are not increasing density over what would be allowed anyway.

Commissioner Martin: Are these going to be built on basements?

Mike Tompkins: No.

Commissioner Poehlman: The applicants are calling these condominiums, the definition of condominium means real estate portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interest in the common elements are vested in the unit owners. By that definition are these condominiums?

Mike Tompkins: I think so.

Commissioner Poehlman: So the people that own half of one of those buildings will own a portion of the parking lot and the trail.

Mike Tompkins: Yes, all the land, everything except where their unit literally is.

David Butcher: Under the condominium regulations we could carve out a certain portion of it and only that would be the common elements. But that area would have to include the buildings because those need to be maintained by the condominium association.

Commissioner Poehlman: So who is going to maintain the common area?

Mike Tompkins: We have an association that will have mowing, maintenance, and those types of services set up.

Chairperson Harris: It looks as though half of one of the buildings and a third of another is in the 100 year flood plain.

David Butcher: That is correct.

Chairperson Harris: Will you be able to get those insured?

David Butcher: We will probably have to carry flood insurance on those. It is not in the floodway so there is nothing restricting us from building there; we would have to carry flood insurance. FEMA is going to require that in order for us to build in the flood plain. There will be elevation certificates provided for these.

Mike Tompkins: They will be elevated out of the flood plain.

Chairperson Harris: I went out there this afternoon and spent a little time walking around; the applicants have touted numerous times that these are twelve units on 9.5 acres. What is the actual buildable area that these six buildings will be located on?

Mike Tompkins: I would guess about two acres.

Bill Florea: I guesstimated with our GIS roughly 1.75 acres.

Mike Tompkins: It depends on what all you are including, we are going to have landscaping and the parking lot.

Bill Florea: It did not include the common areas.

Commissioner Kurzejeski: According to the plan the buffer to the north would create 80% opacity; how is that measured? Is it so many feet off the ground?

David Butcher: Typically it is at about the six foot level.

Commissioner Kurzejeski: I assume there are no plans to allow people from the Cascades or Gateway to use the natural area; is that going to be solely for the residents or is there any discussion about greater use.

David Butcher: At this particular time it is solely for the private use of the people that are in the proposed condominiums. If the condominium association decides they want to allow their neighbors to join in on it in the future it is up to them.

Chairperson Harris: The applicants indicated if the pump station is taken out it will be a gravity feed; to what point to the south?

Mike Tompkins: It runs due south to the end of Old Plank Village; it basically follows the creek and hooks in. We have the easements in place; it was all predetermined when they did the earlier development.

Commissioner Murphy: Where does the water come from?

Mike Tompkins: It comes from the water main along Route K.

Commissioner Murphy: Can the applicants give anymore assurances that these will be condominiums?

Mike Tompkins: That is just what I intend to do.

David Butcher: I don't know how to put a guarantee that it will always be a condominium association; that is what this development is intended to be, the things we put on the plan is really the only thing that the Commission can hold anyone too. There is a maintenance agreement that will be filed along with a condominium declaration; those things will be of record and will be part of the final plan.

Commissioner Freiling: (to staff) Since the plat we are looking at actually references it as a condominium community does that have any bearing on the future-ability of the condominium association to come in and decide to go to zero lot line and individual ownership?

Bill Florea: I can't answer that; I don't know.

David Butcher: We originally intended these to have zero lot line capability so we could sell the individual unit with the house so someone could put their own flowers in and their own siding so they could make it their own. We realized that there was too much flexibility so we removed the ability to subdivide this. If someone wanted to go with a zero lot line style development they would have to come back before the Commission for an amendment.

Bill Florea: To divide land that would be true but that is not to say they couldn't dissolve the condominium association and sell it to some other entity under one owner.

David Butcher: A condominium is essentially one owner.

Commissioner Prevo: Are these going to be three or four bedroom?

Mike Tompkins: All of them are three bedroom.

Commissioner Prevo: How much parking is allowed for each one?

David Butcher: A minimum 1 ½ spaces are required for each residence; garage units will be considered.

Open to public hearing.

Chairperson Harris: We have received numerous emails and letters; three were in support of the request received from Brett McAlister, The Cascades Homeowner Association, and Ryan Lidolph. There was also an informational letter from Consolidated Water # 1 stating that they would be able to accommodate the needs for this development.

Present speaking in favor:

Ryan Lidolph: 6911 Madison Creek Dr., Columbia

Ryan Lidolph: As a member of the Cascades there is actually a city park on the southern end and what I was most attracted to with the way that Mr. Tompkins was going to build these things was the young professionals that were going to be there sharing the park with my kids; that excited me. I think it fits really well with the neighborhood. Adding a spark to that development, every place gets older and older so I think new construction, especially with the lower density levels that Mr. Tompkins has proposed is good for both Gateway South and the Cascades. It makes sense and Mr. Tompkins reputation is quite good, he builds very nice things and does them responsibly. I think it is a good addition to what that land could become and what he has proposed would be great for the area. Sharing that park is very helpful and would fit in very nicely.

Also speaking in support:

Cory Ridenhour, Executive Director, The Cascades Homes Assoc., 5565 Waterfront Drive., Columbia

Cory Ridenhour: The developer has committed to a restriction on the forest land so it wouldn't be developed in the future; someone mentioned the land being sold, we believe that will protect that forest area forever to be not developed. This association supports this; it provides a nice buffer between the two developments.

Commissioner Prevo: Would you be satisfied if a development like this was to happen in the Cascades.

Cory Ridenhour: It wouldn't be possible because of the way the Association is established, condominiums are not a permissible use.

Commissioner Prevo: Hypothetically; if you had a nine acre tract or if they were to connect a road over to the Cascades.

Cory Ridenhour: That hasn't been discussed by the Association so I couldn't give an answer on what they would say; it wouldn't be permissible in the Cascades.

The meeting was open to those opposed to the request.

Chairperson Harris: The Commission has received some letters and emails in opposition to the request from Steve Schott, John Boucher, Christine Plato, and Henry and Gayla Hawk.

Chairperson Harris: For those that want to speak in opposition the Commission does want to hear the points and concerns however personal attacks against the applicants will not be tolerated.

Present speaking in opposition:

Chris Korschgen, 6200 S Schuster Rd, Columbia

Chris Korschgen: The applicants had a slide in their power point of a young couple with a child. My question is if that is the target audience how many young professional couples do you know that have only one car? I don't know that Machens sells half a car. This gentleman asked about basements and there are no basements so if you drive through our subdivision or the Cascades you are going to see that half the garages are utilized for storage. In this circumstance we have a shared driveway and I would guess that if you have a child with a bicycle, a barbecue grill and a jet ski those are all going to be parked outside. If you take the garages out of this picture I think there are six parking spaces designated as visitors but Allton Park is going to look like Forum Boulevard by the MAC swimming pool. You will have twelve units with three bedrooms I would say there will be two cars per unit; you are talking about 24 cars. This is not going to revitalize the subdivision I don't know how many homes are in Gateway South but they are all single family. On the backside you have a single home on typically 3 - 5 acres. They wouldn't answer the question about how many acres this is going to be but you are going to have twelve units on 3 or 4 acres because the rest is unbuildable due to the bluff and creek. We don't think this is a financially viable project. These things will probably cost what the average home is in Gateway South Subdivision. If you were a young professional would you really want to go in a subdivision and buy a house that is twice what the average price is in the subdivision of another 200 homes? As a financial project I think it is doomed to fail. The solution will be student housing; they won't guarantee it is not rentals, with rentals you are going to have 3 or 4 cars per unit; that is 48 cars and the traffic it would generate. I am also a bit offended by the Cascades Association's position; there is really no street connection or geographical connection other than touching the boundary of the Cascades. They wouldn't answer the question as to whether they would have this in their subdivision. If they wanted to do one or two single family homes back there that would be fine.

Also in opposition:

Andy Anderson, 6281 Southwest Way, Columbia

Andy Anderson: I want to echo what Mr. Korschgen said but also want to make sure that in reality there is one road going in to this area. As Commissioner Campbell knows, Public Works is swamped and has more to do in the winter time than can ever get done the fact of the matter is this road going in to the subdivision is cleared by Mr. Korschgen; Boone County just can't get out there because they have tons of other subdivisions to do. Eventually they get out there but Mr. Korschgen is the one who keeps it clean. It is a tremendous amount of traffic that is going up and down the road along with all the parking. Gateway South, although it is an older subdivision, it is an established subdivision, there is a lot of opportunity for first time home buyers and opportunities for those who are a little more conservative. Getting into this type of development is the beginning of the erosion; we have seen that in Columbia where these types of condominiums start to erode the neighborhood, they don't take off the way they should and the next thing you know the neighborhood suffers.

Also in opposition:

Nancy Fedorchak, 6281 Southwest Way, Columbia

Nancy Fedorchak: We are concerned it will end up being rental property and the excessive amount of traffic coming in and out of that one street. In the winter with the extra vehicles it is going to be a mess. We are used to being stuck until someone plows us out but I don't know that young professionals that need to get to work and daycare are going to be able to do that. We are all on acreage, three and four acre plots and this is going to be different than what we have in our neighborhood so it will take away a lot.

Also in opposition:

Steve Chott, 6441 S Allton Park, Columbia

Steve Chott: The back section of Gateway subdivision, lots 106 to 121, which this is a part of, are all three and four acre lots with one house on it. I know Commissioner Poehlman was driving through and someone else said they were out there; they are beautiful wooded lots with privacy and quiet. The reason lot 118 was never developed before now is because there is a big creek that runs through it and feeds into the Little Bonne Femme Creek and it floods quite regularly. The shape of the lot makes using the back of the lot nearly impossible so to develop it is near impossible; that is why it was set aside as green space. They called it a park but it is green space. The whole front of the property where it is going to be built is all fill; the guy that worked on the land before brought in several hundred tons of dirt and filled up the front part of the lot. Everything that is going to be built will be on fill dirt. The creek is going to be contaminated, I don't care how many containment ponds they build it already has so much mud running down off of it that it is amazing that there is not silt in there. Part of what the Planning and Zoning Commission is supposed to do is make sure that things are consistent. If this 9.5 acres was right off Route K I would say let him build it, but we are talking an existing subdivision and we have all these beautiful houses and lots. There is no reason the Commission should allow anything other than one house on 3 - 4 acres to be built on that. Why would you ruin this? Please don't.

Also in opposition:

Doug Hardesty, 6460 Allton Park, Columbia

Doug Hardesty: I live on the property directly north. I agree with everything that has been said in opposition I also think that Mr. Tompkins is a good builder. It is not consistent to put twelve families in my front yard. This is not what I was looking for when I bought my property twenty years ago; there were big lots with plenty of trees and privacy. There isn't going to be good parking; the traffic is going to be a problem, those roads aren't really two way roads anyway. There is a low water bridge and sometimes it overflows and it gets trees across it. The Planning and Zoning Commission has to vote but what they should consider is whether they want twelve new families in your front yard, do you want 24 cars going in and out and parking facing your house. I live in an earth contact house; that is the only view I have so whatever they build that is what I have to look at. When I moved in it was all trees, when the next guy came he bulldozed down every tree; that is why there are no trees left to take out. What you see that is wooded is protected is because there is no way you can do anything else with it. If you want to keep things the same back there, one house per three acres would be the equivalent of what is there. For those that went out and saw the property you could see that we are very well spaced out and private. This will not improve my property values. When Mr. Tompkins bought it, it was zoned single family dwellings just like my property is, that is how it should stay. Because someone can come in and build something else that is not consistent and it is not a good way to do business. The development looks nice but it doesn't look nice there; there are places for that.

Also in opposition:

Beverly Spencer, 6461 Allton Park, Columbia

Beverly Spencer: The Commission has heard the concerns about the number of cars, the extra parking spaces face my house; every time a car pulls in to one of those spaces their headlights will shine in my bedroom and living room. There is no buffer because those are going to shine across the cul-de-sac and right up into my house. I would like to point out that the school bus currently turns around at the end of Allton Park, it has to jockey three times to turn around there every morning. If there is one car extra that can't fit in this space they will be parking on the cul-de-sac, the school bus will not be able to turn around. With ten cars, which is feasible, the school bus will have to back up all the way to access Southwest Way. Mr. Tompkins has mentioned that he has been in town for 27 years, no one is disagreeing that he builds quality, beautiful homes. I don't doubt that the condominiums will be beautiful and well built but our concern is that this is not the appropriate place. I have been in town for 62 years and have watched green space disappear and it seems to be more rapid lately because the scramble for green space that is left is up for grabs and I think that is what Mr. Tompkins saw, he saw green space that he could develop and turn a buck. He came up with a beautiful plan and has obviously spent a lot of money, time and energy but I would like to convince the Planning and Zoning Commission members that this development belongs somewhere else.

Beverly Spencer submitted a letter in opposition from Roger & Debbie Karwoski.

Beverly Spencer: I have lived there twelve years and have not smelled sewer; ask the residents if the sewer problems are bad. The removal of the trees by the previous owner required a bulldozer and the fill was dumped; Allton Park was torn into small bits and had to be repaired two times, there are no gutters or curbs, this road is not built for this kind of traffic. What if these condos can't sell? What if he can't even rent? What if they just sit there? We will have an eyesore if it is empty buildings that sit there year after year. The picture that the applicants submitted of the view from the condominiums is the view that the people buying the condominiums will see; what the rest of us will see is a parking lot, cars, bicycles, and barbecue grills. The trees that we see now will be destroyed for us permanently. Lets keep the "park" in Allton Park Road.

Also in opposition:

Betty Hughes, 6481 S Allton Park, Columbia

Betty Hughes: We have a 40-foot fifth wheel trailer and when we pull it out to go camping we have to swing out of our yard all the way back up the road, same thing with the boat. If these condominiums are allowed to be there with the extra cars that would mean we would have to go door to door to find out who owns them and request that they move them in order for us to get our camper and boat out. We moved there 35 years ago for the same reason everyone else did, for the privacy. Mr. Tompkins did ask us to sell him a right of way; we refused.

Also in opposition:

Kim Beasley, 6500 S Gateway, Columbia

Kim Beasley: I don't want anything to change in my neighborhood. I am on disability, it took me two years to find a nice house in a nice neighborhood that I could afford. I work out of my front yard, I see a

lot of my neighbors up and down the street with their kids and pets; we really can't handle more vehicles on that road. There is a big truck that parks across from me and there is one lane of traffic. I just don't want my neighborhood to change.

Closed to public hearing.

David Butcher: Mr. Korschgen was concerned about people storing things that don't belong out there; we are talking about young professionals and people that are going to have to have storage units if they want those things. We are going to put restrictions and covenants in place. As for being an inappropriate place for this development there are a lot of large acre tracts surrounded by highly dense development already; one could make the same argument in the other direction. It is an established neighborhood; that is part of the allure of what we are after. These new residents are going to make a good asset to this neighborhood. I am confident that the people we are trying to market this to are going to be a great fit for this neighborhood. Mr. Chott was very concerned about the topography and I want to reiterate that is exactly why this is appropriate for a planned district and why this is a good example of what a planned district has to offer. The neighbors didn't buy the property, it is not common land and is not a park, it is not intended to be that; it is owned by Mike Tompkins. I understand that people that live in the area don't like change but ultimately we are only talking about a few people.

Mike Tompkins: We think we have put the appropriate amount of parking, I didn't want something that looked like acres of parking lot. We've looked at the impervious surface, it helps to estimate the correct amount of parking. You are going to have some single people that have only one car and we know there will be a few people with two. We think the amount of parking that we came up with is the right amount. We could put more but we don't want to pave the whole thing, we want it to look nice so we think that we have come up with the right amount. The main thing I heard from a lot of the neighbors sounded like fear, they want to keep it the way it is, they are scared of what they are going to get and I think that is very common and it is the "not in my backyard" thing and it does make sense that they might feel that way. I have been known to come into areas and do infill development which is what I would call this, most of the time I get scared neighbors mad and yelling at me in the beginning and by the end we are happy, we're friends, that is typically what happens. I understand the fear that they are all facing but the truth is when the dust settles and we are done building it will be a nice place; we aren't talking about a huge development, this is very minor on 9.5 acres. I think once we are done everyone will be happy with it.

Commissioner Poehlman: (to staff) Typically we would do a traffic study wouldn't we?

Bill Florea: A traffic study is required unless it is waived; the applicants have submitted a waiver request and a letter of justification for why it should be granted. Essentially, while this would add traffic there is not enough additional traffic to cause any of these roads to fail or change classification.

Commissioner Poehlman: What would it take to trigger that study based on that current road?

Bill Florea: Either more traffic or more ambient traffic. For example, West Way has approximately fourteen homes that use it now and you can attribute about ten trips per day to each single family home, Allton Park would add twelve so there would be about 260 cars per day using that road over a 24 hour period; it is not high level traffic, percentage wise they are adding quite a bit but the total number is low.

Commissioner Martin: I have heard all the fears from the neighbors; all the condos I have been associated with have restrictive covenants. I would like for the applicants to address that with the neighbors.

Mike Tompkins: By the time we are done we will have a book of restrictions; we will have people that do the basic maintenance. There will be rules and they won't be able to leave stuff laying around. It is going to be the opposite, the neighbors can do pretty much whatever they want yet our people are going to be controlled, they have to keep everything very nice and we will have mechanisms in place so that they have to.

Chairperson Harris: I would like to clarify the applicant's response to the definition of a condominium as was brought up earlier. On the plat the applicants have a provision to do this in phases; there is nine acres, the applicant's intent is to incorporate the entire parcel into a condominium association with the option to build a phased development. You build structure number one and sell one quickly and it takes months to sell the next one, the applicants decide it isn't working and don't build more. Are those two building owners going to be the sole owners of the entire property at that point?

David Butcher: That is exactly why we are doing this in phases. If it turns out he is only going to have one building completed then there would be two homeowners that would make up the entire association, they would be responsible for maintaining whatever landscaping they have.

Commissioner Freiling: My assumption would be that you have twelve units but the applicants are saying the responsibility for maintenance only begins once the first building is built? So once it is built the owners of the unbuilt lots have no responsibility to the homeowners association?

David Butcher: When you make one unit in the condominium the entire parcel then that one unit becomes a condominium and rest of it is a common element associated with that common area. You can have one condominium in a condominium association; it is no different than him building one single family house there and he is responsible for the entire 9.5 acres to maintain. However, as soon as he gets someone else, they get annexed into the condominium association then the next one until we have all twelve homeowners and they share the cost equally.

Commissioner Martin: What generates no parking signs in the cul-de-sac?

Commissioner Campbell: Usually it is a request made to the Commission; any regulatory sign that you can get a ticket for has to be approved by the County Commission. That might be tough because the rest of the subdivision doesn't have it.

David Butcher: If we made a restriction in the covenants that they had to use their garage as a parking space and not storage that is easily put in the covenants and that would alleviate one issue. These people would be required to use their garage for parking.

Commissioner Prevo: Are you saying you would eliminate any parking outside the garage?

David Butcher: No, I think they would still have to use the driveway. If you have a three bedroom unit you would have to assume the worst, they could have three cars then you have to use your garage, you have a parking space outside and you would use one of the parking spaces that is freed up.

Bill Florea: The way we count parking in the county is if a parking can't be accessed without moving another vehicle it doesn't count. So in this count of 1.5 parking spaces, even though there are two potential parking spaces per unit the garage and driveway, we only let them count one of them. There is actually more parking available especially if they add that to the covenants.

Commissioner Kurzejeski: Are there reasonable designs that you looked at that accommodate more optional non-driveway parking?

David Butcher: When I first did this layout there was parking everywhere and Mr. Tompkins stated he didn't like all the pavement. Mr. Tompkins wanted it trimmed back to a one car garage and a driveway space. We kind of forced him in to having a parking lot. In the original plan there was a lot more pavement and parking spaces; it didn't fit Mr. Tompkins' vision.

Commissioner Kurzejeski: If there is very much parking in the cul-de-sac it could impact some vehicles from using it.

David Butcher: We can put as many restrictions as we can; using that cul-de-sac to navigate is going to be important. We could put in another space or two if the Commission thinks it is needed.

Chairperson Harris: I don't disagree with the concept, I like the idea but when I went to look at the site and looking at the rest of the Gateway South Subdivision and the way it is laid out I don't see how it is going to fit. If your engineer says it will then it will but I have a terrible time visualizing how you are going to get six buildings in an area where most subdivisions have four.

David Butcher: That is the beauty of a planned district, we try to work those out. If the density is too much maybe we need to scale back one. Mr. Tompkins is a visionary, everything he does turns out wonderful. I believe this will be great for this neighborhood; it does need revitalizing and I think this will work. Mr. Tompkins is going to make a good neighbor and so will the people he invites here and you will be impressed when it's over.

Commissioner Freiling: I don't think the practical marketability/feasibility of a project is the Commission's concern. We are not approving the developer, we are approving a plan. I have a sense that the zoning map is a compact with existing owners in a given area; they made decisions that are principal in their life. Aside from where you work and who you marry, where you live is about the third most important thing. Based on an expectation that Boone County Planning and Zoning has meaning; in the face of neighborhood concerns I am always pretty reluctant to change that deal after the fact especially so long after the fact. While the amount of additional traffic may not change the legal definition of the roadway it will absolutely change the practical realities on the roadway. It is unrealistic to expect that people are not going to use their single car garage with no basement for storage. If it is the Commission's wish to approve this I think the parking situation is going to spill out of the development.

Commissioner Poehlman: I appreciate what Mr. Tompkins has done with the plan and while I do feel better about it I feel that Planning and Zoning is there and if you aren't going to use it then you might as well throw the whole thing aside.

Chairperson Harris: There are a lot of things about the project such as the concept in general that I really like and one can say that the density is on nine acres but in reality it is on two as far as what is being used and that is where my concern comes from.

Commissioner Prevo made and Commissioner Poehlman seconded a motion to **deny** a request by Tompkins Homes and Development Inc. to rezone from R-S to R-SP on 9.43 acres, more or less, located at 6490 S Allton Park Rd., Columbia.

Boyd Harris – Yes

Carl Freiling – Yes

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|----------------------|------------------------|
| Gregory Martin – Yes | Michael Morrison – Yes |
| Brian Dollar – Yes | Eric Kurzejeski – Yes |
| Paul Prevo – Yes | Michael Poehlman – Yes |
| Kevin Murphy – Yes | Derin Campbell – Yes |

Motion to deny the request passes unanimously

Commissioner Murphy: I think the development could be made a little more palatable; I don't think increasing the parking is the answer but rather redistributing it so it is not facing someone's house. Much more additional screening not just where the parking is but from the adjoining development.

Commissioner Prevo made and Commissioner Poehlman seconded a motion to **deny** a request by Tompkins Homes and Development Inc. to approve a Review Plan for Allton Park Condominiums on 9.43 acres, more or less, located at 6490 S Allton Park Rd., Columbia.

| | |
|----------------------|------------------------|
| Boyd Harris – Yes | Carl Freiling – Yes |
| Gregory Martin – Yes | Michael Morrison – Yes |
| Brian Dollar – Yes | Eric Kurzejeski – Yes |
| Paul Prevo – Yes | Michael Poehlman – Yes |
| Kevin Murphy – Yes | Derin Campbell – Yes |

Motion to deny the request passes unanimously

Commissioner Martin made and Commissioner Prevo seconded a motion to **deny** a request by Tompkins Homes and Development Inc. to approve a Preliminary Plat for Allton Park Condominiums on 9.43 acres, more or less, located at 6490 S Allton Park Rd., Columbia.

| | |
|----------------------|------------------------|
| Boyd Harris – Yes | Carl Freiling – Yes |
| Gregory Martin – Yes | Michael Morrison – Yes |
| Brian Dollar – Yes | Eric Kurzejeski – Yes |
| Paul Prevo – Yes | Michael Poehlman – Yes |
| Kevin Murphy – Yes | Derin Campbell – Yes |

Motion to deny the request passes unanimously

Chairperson Harris informed the applicant that if he wished to appeal to the County Commission an appeal form would need to be submitted to Resource Management within three working days.

VII. Planned Developments

None

VIII. Plats

Commissioner's Murphy and Dollar excused themselves from the meeting.

The following items were placed on consent agenda:

1. Phillipe Road. S1-T49N-R12W. A-2. Doug Fifer, owner. J. Daniel Brush, surveyor.
2. Whitworth Hills. S30-T46N-R12W. A-2. Tompkins Homes and Development, Inc, owner. David T. Butcher, surveyor.
3. Whiskey Wolff Creek. S14-T49N-R13E. R-S. Gregory R. Wolff, owner. Jay Gebhardt, surveyor.
4. Old Log Cabin. S24-T46N-R13W. A-2. Justin and Laura Crane, owners. Brian David Dollar, surveyor.
5. Wolf. S30-T48N-R13W. A-2. Adam and Hailey Wolf, owners. J. Daniel Brush, surveyor.
6. Biggs Road Plat 2. S4-T46N-R12W. A-2. Charlotte Pisarek, owner. Curtis E. Basinger, surveyor.

Commissioner Prevo made and Commissioner Martin seconded a motion to approve as recommended the items on consent agenda and place the staff reports in to the record.

Boyd Harris – Yes
Gregory Martin – Yes
Eric Kurzejeski – Yes
Paul Prevo – Yes

Carl Freiling – Yes
Michael Morrison – Yes
Michael Poehlman – Yes
Derin Campbell – Yes

Motion passes unanimously

Staff reports:

Phillipe Road

The subject property is located on Phillipe Road, approximately 2 miles to the northeast of the city limits of Columbia, between Spiva Crossing Road & State Route HH. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. The proposal is to divide a 3.32 acres lot from a 19.8 acre parent parcel. The remainder is being shown as a 16.51 acre administrative survey that will be recorded concurrently with the plat when approved. The proposed lot is undeveloped, with an earlier plat, Phillipe Road Plat 1, directly to the south across a private access easement.

The lot will have direct road frontage on to Phillipe Road, an county-maintained public right of way. The lot also has substantial frontage along an existing private drive easement. That easement is not part of the design for this lot, and access is proposed on Phillipe Road. The applicant has requested a waiver to the traffic study requirement.

The property is served by Public Water Service District #4, and in the Boone County Fire Protection District.

The new lot is proposed to use an on-site wastewater system, as permitted by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

The property scored 37 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

Whitworth Hills

The subject property is located on Cedar Tree Lane, approximately 4 miles southwest of the city of Ashland. The property is zoned A-2(Agriculture) and has an existing house and lagoon present. The property is surrounded by A-2 zoning, all of which is original 1973 zoning. The proposal is to split a 2.87 acre lot from a 187 acre parent parcel, separating the developed house site from the remaining acreage. There is a type II stream buffer present along the eastern boundary of the property.

The property has direct access on to Cedar Tree Lane, a county maintained and publicly dedicated road. The applicant has submitted a request to waive the traffic study requirement.

The property is served by an existing service with Consolidated Public Water Service District #1 for water, Boone Electric for electrical service, and the Southern Boone Fire Protection District for fire protection.

The house has an existing on-site lagoon providing wastewater treatment for the lot.

There has been several discussions to plat additional lots along the frontage of the parent parcel. Those proposals, and a large scale administrative survey covering the bulk of the property, have yet to be submitted for official review and approval.

The property scored 13 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

Whiskey Wolff Creek

The property is located on the east side Creasy Springs Road approximately 1700 feet south of the intersection with Mauller Road. The property is currently occupied by one single family dwelling and attached garage.

All lots will have frontage on and direct access to Mauller Road. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

The property is in the Consolidated Water service area. An existing 6-inch waterline can provide domestic water service to the lots.

A wastewater cost benefit analysis was submitted to analyze the cost of connecting to the planned Rocky Fork/Bon Gor Interceptor sewer project. Connection to the Bon Gor interceptor would cost

approximately \$70,000 per lot. The cost to install engineered soil absorption systems on each lot is estimated at \$25,000 per lot.

Since the developer is proposing soil absorption systems, a soils report has been submitted. An onsite wastewater plan has been submitted the shows two alternate locations for absorption fields on each lot.

The property scored 51 points on the rating system.

Staff recommends approval of the plat, traffic analysis waiver and findings of the wastewater cost benefit analysis.

Old Log Cabin

This property is located southwest of Ashland approximately 3.5 miles from the municipal limit line of Ashland. The property has frontage on the south side of State Route M. The subject property is a 4.91 acre property proposed to be split from an approximately 25 acre parent parcel. The property of this request is zoned A-2 (agriculture) as is all the surrounding property and these are all original 1973 zonings.

The current proposal is for a one lot final minor plat and a remainder that is larger than 20 acres. The site is currently vacant. There is no regulated 100 year floodplain on the property. This site lies within the Ashland School District. The site is in Consolidated Public Water District #1 and there is a 3- inch waterline along Route M. The site is in the Southern Boone Fire District but hydrants are not required. Electric service will be provided by Boone Electric Cooperative. Wastewater service is currently proposed to be from on-site system regulated by the health department. A wastewater plan is provided in the folder in the Resource Management office. A waiver for a traffic study has been requested and a waiver from the requirement to provide a cost benefit analysis for central wastewater vs. on-site wastewater and staff supports both the waiver requests. The master plan designates this area as being suitable for agriculture and rural residential land uses. The request is consistent with the master plan. The plat scored 26 on the point rating system.

Staff recommends approval of the request and granting of the waivers.

Wolf

This parent property from which this subdivision is proposed is located adjoining the municipal limits of the City of Columbia. The proposed subdivision will therefore be west of the city limits on the southeastern side of Coats Ln. approximately ¼ mile west of said municipal limit. The subject property is a 5.56 acre property proposed to be split from an approximately 68.17 acre parent parcel. The property of this request is zoned A-2 (agriculture) as is all the surrounding property and these are all original 1973 zonings. The current proposal is for a one lot final minor plat and a remainder that is larger than 20 acres. The site is currently vacant. The entire property is in the regulated 100 year floodplain.

This site lies within the Columbia School District. The site is in Consolidated Public Water District #1 but in an area designated as a City of Columbia service territory for water. The district lines stop approximately 700 ft from the west end of the proposed lot and 200 ft from the east end. There is no public water currently available to the proposed lot without a watermain extension. The site is in the Boone County Fire District but hydrants are not required. 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. A wastewater plan is provided in the file that shows a lagoon location but does not provide details to fully show that a lagoon is a reasonable wastewater system for the property and the health department has concerns that it might be difficult to make a lagoon work, therefore, a note should be added to the plat that states ‘An on-site wastewater system for this lot might be required to be a sub-surface engineered wastewater system and it may not be possible to utilize a wastewater lagoon on this site for sewage treatment.’”

A waiver for a traffic study has been requested and a waiver from the requirement to provide a cost benefit analysis for central wastewater vs. on-site wastewater and staff supports both the waiver requests. The master plan designates this area as being suitable for agriculture and rural residential land uses. The request is consistent with the master plan. The plat scored 31 on the point rating system. Staff recommends approval of the request and granting of the waivers subject to the following condition:

1. Add a note to the plat stating: “An on-site wastewater system for this lot might be required to be a sub-surface engineered wastewater system and it may not be possible to utilize a wastewater lagoon on this site for sewage treatment.”

Biggs Road Plat 2

The subject tract is located on Biggs Road, approximately 1 ½ miles northwest of the city of Ashland. This plat divides a 5.31 acre tract into two lots, one at 2.51 acres, the other at 2.80 acres. The property is zoned A-2(Agriculture), and has A-1P(Planned Agriculture) zoning to the east, A-1 zoning to the north & northeast, and A-2 zoning to the west, southwest, and south. The prior parent tract was denied a rezoning as part of a larger proposal in June of 1994, but the area being platted was rezoned in 2009 from A-1 to A-2. The A-1P area was rezoned as a planned development in August 1995. The A-2 to the south was rezoned from A-1 to A-2 in October and December of 2002.

The property will have direct access onto Biggs Road. The applicant has requested a waiver to the traffic study requirement.

Consolidated Public Water District #1 can provide water service through an existing 4” line along the front of the property. Southern Boone County Fire Protection District will provide fire protection. Boone Electric Cooperative will provide electrical service.

On-site systems are proposed for this lot. The applicant has requested a waiver to providing a cost-benefit analysis.

The property was required to go before the Boone County Board of Adjustment in March of 2013 for a setback variance for an existing structure. That variance was granted under case number 2013-001.

The property scored 36 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The rezoning request for Jerome Niemeier was appealed and during testimony at the County Commission he indicated that between the time he filed his application and the meeting he had sold off ten acres. Therefore he only needed 22.5 acres rezoned. He was able to convince the Commission that since he was only asking for 22.5 acres to be rezoned that there was enough domestic flow and through the subdivision regulations he would be restricted to three units and fire flow was not an issue at that point. The Commission required him to submit a new legal description for the 22.5 acres. The Commission approved the rezoning request.

Buckman Plat 3 on Schooler Road was not appealed.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 9:01p.m.

Respectfully submitted,

Secretary
Michael Morrison

Minutes approved on this 18th day of July, 2013