

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

Minutes

7:00 P.M.

Thursday, November 19, 2015

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
Paul Prevo, Vice-Chairperson	Rocky Fork Township
Eric Kurzejeski, Secretary	Missouri Township
Gregory Martin	Katy Township
Loyd Wilson	Columbia Township
Bill Lloyd	Three Creeks Township
Derin Campbell	County Engineer

b. Members Absent:

Carl Freiling	Cedar Township
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township
Vacant Seat	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the October 15, 2015 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 one conditional use permit, one rezoning request, a request to revise a review plan for a planned development and one subdivision plat.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members of the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

The agenda item will be announced, followed by a report from the planning department staff. At that time, the applicant or the applicant's representative may make a presentation to the commission. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. We ask that any presentation made to the commission be to the point.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

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

Please give your name and mailing address when you address the commission. 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, December 1st. 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, December 1st will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by The Real Estate Investment LLC on behalf of Islamic School of Columbia MO for a daycare center on 3.82 acres located at 5210 S South Cowan Rd., Columbia

Planner, Uriah Mach gave the following staff report:

The subject property is 3.82 acres located approximately 1/4 mile south of Columbia, on South Cowen Road. The property is zoned R-S (Residential Single-Family). There is R-S zoning to the north, south and west, with R-M (Residential Moderate Density) zoning to the east. This is all original 1973 zoning. The existing structure pre-dates county land-use regulations and was originally used as a nursing home. In 1976, a permit was granted to allow expansion of the facility. In 2008, a conditional use permit was granted to operate a day-care center. That conditional use permit lapsed due to inactivity. The property is currently in use as a school.

The applicants are requesting a conditional use permit to operate a day-care center within the existing structure, which is currently used as a school. They are planning to initially serve approximately 6 children, building up over time to approximately 30 children, consistent with their student growth in the school.

The property is located inside the Columbia school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for residential land use. Staff notified 67 property owners about this request.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

If operated in conformance with existing county regulations, the use should comply with this criterion.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

If operated in conformance with existing county regulations, this use should comply with this criterion. Public testimony may be more indicative on whether or not this criterion can be met.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

The use of the property as a school and a day-care center are keeping the building in a good state of repair. This is an improvement over its past periods of being unoccupied between users. However, public testimony may be indicative as to whether this criterion is met.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

Electric service, water service, and sewer are currently available. This property has direct access onto South Cowan Road, a public road maintained by Boone County Public Works.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

Much of the surrounding property has already developed as single-family residential lots. The acreage owned by The Real Estate Investment LLC to the south is largely undeveloped, but is limited by the location of existing infrastructure. Future development of the surrounding property will likely require the installation of additional infrastructure, particularly public roads, for use as residential property.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The existing circle drive is capable of serving the more intense requirements of the school on the property. Public testimony may be indicative as to whether this criterion is met.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to the regulations of the R-S zoning district.

Zoning Analysis: The school use on the property, which is a permitted use, can be considered intense by comparison to the residential uses in the general vicinity. As a complementing activity to the school, the day-care facility's needs are greatly eclipsed by the those of the school use. The potential increase in traffic and activity created by the granting of this conditional use permit is marginal when compared to the increases allowed by the school use. Until such time as the school use is eclipsed by the day-care use, the impacts of the day-care on public infrastructure are minimal.

Staff recommends approval of this conditional use permit with the following condition:

1. That the number of children enrolled in the day-care center be limited to 40.

Present representing the request:

Justin McNutt, 305 Macaw Dr, Columbia

Justin McNutt: Did the staff report indicate that the number of students was limited to 40?

Uriah Mach: The daycare is limited to 40.

Chairperson Harris: You represent the school rather than the property owner?

Justin McNutt: Yes. When I read through the requirements for one of the primary concerns of the board when we chose the location was that we took into account the affect that it is going to have on the neighborhood. The location is fairly close to the outer road and will still permit the parents to get in and

out without causing undue stress on the neighbors. Our long term plan does not involve staying at that site for more than 3 or 4 years at the most, we hope to purchase or construct a building in the city limits. The school parents prefer that the school be located as close to the mosque as possible. We plan to expand the daycare use now, but we don't plan to stay at this site.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Michael Smith, 5211 S Cowan Rd, Columbia

Michael Smith: Are there any plans for the property behind the building?

Chairperson Harris: The applicants will have an opportunity to address the questions.

Michael Smith: Who owns the property behind the building?

Commissioner Harris: The property owner own it. The applicants are leasing the building and immediate grounds.

Gene Allison, 5205 S Cowan Rd, Columbia

Gene Allison: I am interested in knowing if there is going to be any new buildings built beyond what is already there. Are the students coming to this school going to come from another school district? Is there going to be something in writing about the duration of the 3 or 4 year stay that the applicants mentioned? Is that bound in any way?

Chairperson Harris: The conditional use permit stays with the property and as long as the use continues the conditional use permit is valid. This has had a prior conditional use permit and that use lapsed for 12 months. Under the zoning regulations any conditional use that is granted, if that use lapses for 12 months it goes away. But as long as the property is being used in accordance with what the permit was granted for it stays with the land.

Gene Allison: Can they renew it?

Chairperson Harris: There is not a sunset on it unless they cease to use the property for what was permitted.

Gene Allison: Is there a limit on the amount of people and students? They said 40 but can that become 80?

Chairperson Harris: If their enrollment limit under the conditional use permit is 40 then that is all they can have.

Gene Allison: And that will be binding?

Stan Shawver: For clarification, this request is for the daycare, the school is a permitted use and there are no limits on the number of students attending the school, it is only limited by the fire code and the

occupancy load of the building. The condition recommended for the daycare is 40 children who are not students.

Gene Allison: Can we find out the occupancy load?

Stan Shawver: The building is sprinkled so it has a pretty high occupancy load.

Also present speaking in opposition:

Debra Reed, 4821 E Schooner Rd, Columbia

Debra Reed: In the past few years there have been many people asking to buy my property and when I ask them why they want to buy it they wouldn't answer. I never really found out what the plan was or why they wanted to buy the property. I received the letter for this request and I want to know if there is any correlation between this and maybe plans to buying other properties in the area.

Closed to public hearing.

Chairperson Harris: The applicants own the land to the south, are there any plans for the property behind the building?

Justin McNutt: I am not aware of any plans to develop that property and as long as the school is occupying the main building we would be opposed to any development to the south. Construction and learning children don't go well together; that is the main reason we left the site downtown, there is construction intended on the mosque site and the teachers and parents refused to be on that site during construction.

Commissioner Martin: How many students are currently enrolled at the school?

Justin McNutt: We currently have 60 students enrolled counting the daycare. The daycare currently only has six children and that is about to drop to three. The maximum load for children in the building is one per twenty square feet and that is the maximum, the teachers and school districts prefer one per thirty-five or fifty square feet. This facility is not going to last 3 or 4 years at that location, however we can't promise that is the amount of time we will be there because we may not have the funds to build or buy a new site.

Chairperson Harris: There was a question as to what school district the students will come from.

Justin McNutt: As a private school they come from all over. I don't know that enrollment is about to skyrocket because of the location. A lot of the parents are graduate students at Missouri so coming downtown was on their way to work, coming to South Cowan Road is out of the way.

Commissioner Lloyd: This is a request to allow a daycare on the property but the applicant stated there are already six kids in daycare there.

Justin McNutt: Yes.

Commissioner Lloyd: (to staff) Is there already an allowance for a certain number of kids in daycare.

Stan Shawver: Staff didn't realize that they had occupied the structure and the applicants didn't realize that a conditional use permit was required. As soon as staff and the applicants became aware of that the applicants applied for the permit.

Commissioner Prevo made and Commissioner Martin seconded a motion to **approve** the request by The Real Estate Investment LLC on behalf of Islamic School of Columbia MO for a daycare center on 3.82 acres located at 5210 S South Cowan Rd., Columbia **with the following conditions**:

1. That the number of children enrolled in the day-care center be limited to 40.

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes
Loyd Wilson – Yes	Bill Lloyd - 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 December 1, 2015 and the applicant needs to be present at the hearing.

VI. Rezoning

1. Request by Phillip and Brice Hanberry on behalf of Beacon Street Construction LLC to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture Residential) on 49.91 acres, more or less, located at 7770 S High Point Lane, Columbia.

Planner, Bill Florea gave the following staff report:

The property is located on the east side of High Point Lane approximately one-half mile south of the Route K. The zoning is A-2, which is the original zoning. All of the neighboring property is also zoned A-2 except property to the northwest which is in the City of Columbia and is zoned R-1. In 2006 a rezoning to AR-P, Review Plan and Preliminary Plat was approved to allow creation of 45 lots. The internal road network, water lines and some of the sewer lines were installed. The approvals expired before the Final Development Plan and Final Plat were approved. Therefore, the zoning of the property remains A-2.

In 2012 a preliminary plat application was submitted under the A-2 zoning that would have created 12 lots. That preliminary plat was never considered by the Planning and Zoning Commission. In 2015 that application was withdrawn and replaced with a one lot minor plat that was approved and recorded. It is the 49.9 acre remainder of the original property and a small portion of the lot created by the 2015 plat that is the subject of this application for rezoning to AR-P with Review Plan and Preliminary Plat for 50 residential lots.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. The sufficiency of resources test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

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

Utilities: Consolidated Public Water District Number 1 provides water service to the property. Water lines were installed with the previously approved development, however the district has not accepted them for operation and maintenance. The district has provided the developer with a list of items that must be completed prior to accepting the water lines.

Sewage disposal will be provided by Boone County Regional Sewer District. A force main will be constructed from the development to the South Route K Wastewater Treatment Facility.

Boone Electric will provide power.

Transportation: Streets internal to the development were constructed around 2007 and are stubbed out to adjoining property to the north and south. Since a final plat was not approved the streets have remained in private ownership since they were built. The developer has been provided with a list of conditions that must be met in order to address possible deterioration prior to acceptance by the County.

Traffic generated by the development will generally travel north on Highpoint Lane to the intersection with Route K. A traffic study was conducted to analyze the impact to that intersection. The conclusion is that there will be less than a one second increase in delay at the intersection, therefore no improvements to the intersection are warranted.

Public Safety Services: The property is approximately three miles from the Boone County Fire station on Route K and 5 miles from the station at Scott Blvd and Vawter School Road. The water lines in the development will provide the necessary fire flows.

Stormwater: The road in the development were constructed prior to the adoption of the stormwater regulations, which makes compliance with the stormwater regulations difficult. In lieu of strict compliance with the stormwater regulations, the developer has agreed to limit removal of existing trees for purposes of building or infrastructure installation on the lots. A note on the plan states that builders and future home owners should strive to limit tree clearing to a 100'x100' maximum area and that such clearing must be identified on a plot plan prior to issuance of a building permit. The word strive renders the note vague and difficult to enforce. Therefore, a condition of approval will be requested to require removal of the word strive from the note. In addition, this requirement should be included in the restrictive covenants for the development to ensure that builders, lot buyers and homeowners are made aware of it.

Zoning Analysis: The property is less than 500 feet from the city limits of Columbia and approximately ¼ mile from a subdivision containing lots in the 8,000 to 10,000 square foot range. Most of the infrastructure necessary to serve the development has already been installed.

Staff notified 29 property owners about this request. The property scored 69 points on the rating system.

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

1. The Tree Preservation/Stormwater Control Note on the plan shall be amended to remove the words "strive to". The tree clearing limit shall also be included in the restrictive covenants submitted with and to be recorded with all final plats for this development.

Present representing the request:

Jay Gebhardt, A Civil Group, 3401 Broadway Business Park, Columbia
Kara Linnemeyer, Beacon Street Properties, 2615 Belfair Ct, Columbia

Jay Gebhardt: The applicants are redoing the same plan that was done in 2006 which expired. That plan had 45 lots; this one has 50 lots so that is a minor change. Since 2006 the traffic has changed quite a bit so staff asked us to perform a traffic study for the intersection of Route K and High Point Lane and we found that the level of service at the intersection did not change, there was about a one second change in delay, it didn't change the grade of the level of service. This subdivision infrastructure was developed but it has sat since the recession we had and it is now back on the market and Beacon Street would like to purchase the property and get it rezoned and completed almost as originally approved in 2006.

Chairperson Harris: When this first came up wasn't there a concern about the one way in and one way out of the subdivision?

Bill Florea: This meets the fire code requirement which stipulates that 50 lots can be served off of one single access point and the applicants are right at that mark.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Chuck Gooch, 8101S. Country Aire Ln, Columbia

Chuck Gooch: I have lived in the area for the past 20 years. I attended the meeting the last time and the main concern with that tract is it sounds like it is not bad on a 50 acre tract to have 50 homes but if you have been out there and note the topography, when it comes off High Point Lane it goes almost straight up and wraps around to the peak. The concern at that time was that was just a little too many houses and it is out of character for the area. I know the area has changed since then, where it is incorporated in the city toward Route K but it hasn't where we are. I am the Homeowners Association President for the County Aire Homeowners Association and we have approximately 15 property owners there with a minimum lot size of five acres. Our main concerns were the density and the financial viability of the developers of this property. We saw them come in and bulldoze about every tree in there and put in roads and it sat vacant for the past 7 or 8 years and it has really been an eyesore. I would like to have some assurance that whoever develops this property that they show they have the viability to go through with the project and not continue to provide an eyesore for the neighborhood. The character of the neighborhood does not support a development of this sort on such a narrow lot situated on a hill regardless if it is technically permitted by the code. Another issue is the runoff from the development, it is an extreme hillside and it has been addressed to some degree but I question whether that can be properly addressed once the homes are built. If this is approved by the Commission I would like it to have fewer homes so it will fit in with the character of the neighborhood.

Mike Whitworth, 8050 High Point Ln, Columbia

Mike Whitworth: I am not anti-development I am anti-development of these sizes of lots. I am concerned with the drainage, High Point Lane floods as it is and it will get worse once more clearing is done. I

disagree with the Route K traffic situation. The speed limit was recently reduced on Route K from 55 mph to 45 mph because of the heavy traffic conditions. If this plan is approved then the density should be limited.

Mike Leopard, 7560 S High Point Ln, Columbia

Mike Leopard: I have several concerns. I own a subcontracting company and the model today is called "design/build". When they are talking about going from 2.5 acres and 12 houses to 50 houses I thought it would be better if they contacted the neighbors and talk to us about what was going on. I picked up a set of prints and that was the first time I got to see what they were saying. On the set of drawings there is not a written guarantee concerning stormwater retention and the environmental impact from the density being proposed in this plan. A note on the plan indicates removal of existing forestation will be minimized. It was actually minimized before too. That is going to be the beginning of the problem if they just do what they want and it wasn't drawn out what was going to happen with the runoff. My daughter is a civil engineer in Kansas City and she specializes in hydrology and she took a look at the plan. Her notes indicate that based on calculations runoff could increase up to 40% and that is because the property is steep. She also noted that the increased runoff would increase the flow path of the water which increases the timing of the runoff. The timing of the concentration will create a huge impact on our property; an engineering study to determine the final impact to adjacent property owners is a must for a project of this density. They should develop a formal written plan to mitigate additional stormwater being added to the current flooding problems. The slopes are so steep next to my house that I did some calculations off of what they have of where a house might be. Twenty-five to thirty feet above grade there is going to be a retaining wall on all four lots, on top of that they are going to build a two level house. I am looking at 60 to 90 feet out my door and it is because of the steepness in the subdivision. I am not against the subdivision; it is the density and the lots and the lack of concern of where the applicants are putting things. The original applicants put a stub in so I could develop a few houses in the future; now they are going to take up the entire ridge and I get nothing and I don't think that's fair. We could have talked about some of these things but when I couldn't get the plans until Monday I think that shows a little concern on my part. The water flow down there is a problem to where it gets out on the creek and if it increases the flow this much it gets out on the other end too and I don't know if everyone knows that. Everyone is going to be trapped up there if we get that much runoff that fast. I think this request should be tabled. There should be a development there because it is nice for the community but there wasn't enough forethought in this subdivision.

Connie Leopard, 7560 S High Point Ln, Columbia

Connie Leopard: I have lived in the area for 20 years and raised my three children there. We are pro development, we own Quality Drywall Construction. Our livelihood is dependent on development, we are members of the Central Missouri Development Council so we understand Boone County issues in development. We have experienced flooding problems since we purchased the property. My daughter developed her interest in land use and water resources because of issues we have dealt with due to the flooding. It is well known by Karen Miller and Dan Atwill that we wanted a public sewer connection to our property and we worked with the original developers of the subject property and they backed off the number of lots because of some issues that we had brought up to them. We want to have the property developed but the problem is density. It is an urban style development in a rural area and it will impact our home and property by putting that number of homes with that much impervious surface next to my property. This plan lacks transparency; I would like a copy of the traffic study. There needs to be a formal plan for the stormwater as a result of this. I understand developers need a return on their investment and I have no doubt that a good subdivision can be built next to us that will take everything into consideration that needs to happen but it should not come at the cost of me dealing with a flooded front yard. It should

not be an issue that my property value decreases because of the issues that we've brought up with the flooding. This plan is a potential disaster for the people living along the Bonne Femme creek. I don't think the County has taken into consideration the impacts from development that has happened upstream from us otherwise I think the bridge would have been built a little higher.

Mary Ellen Degnan, 1605 W High Point Ln, Columbia

Mary Ellen Degnan: I was at the meeting in 2006 and I still have some concerns. With the exception of Oak Park 2 that is happening at the north end of High Point Lane the road is a rural area and all of us moved there for that reason. When I moved there 25 years ago Planning and Zoning said they were never planning to approve anything that was less than five acres, I know that things change. People have talked about the runoff problem and I am concerned about it too. I looked at the plans on Tuesday and the steep hill people are talking about on the frontage with High Point Lane has the steepest and worst runoff. Houses are planned to be built on it with these giant retaining walls but I question the wisdom of putting any houses on that steep slope. I would love for there to be some development, it is an eyesore now but it would be wonderful if it would be like the last proposal of 2.5 acre lots. When it rains hard we have to get up early so we can try all three ways out in the case of flooding. I don't want this development to add to the flooding problem.

Rick Kitchen, 1650 W High Point Ln, Columbia

Rick Kitchen: I live in the country and that is where I want to retire but the road is dangerous regardless of what the traffic study says. There are cars that drive 65 or 70 mph past my house. I guarantee that in the winter there will be at least one bus off the road at that intersection. When they first put that street up the hill that is where we took our sleds because it is steep. The intersection of High Point and Route K is a blind intersection coming from either direction. When they put the subdivision in I thought the county would require them to change that and fix it. All they have done is turn a quiet country road into an interstate. It needs to be developed but the density is the issue.

Sondra Taylor, 7980 S High Point Ln, Columbia

Sondra Taylor: I have lived in the area for 36 years and my property adjoins the subject property. During the previous development of the property I had a foot of clay on the north side of my yard from the runoff. They managed to fill my pond with clay. Karen Miller was made aware of the problems and actually visited my home and looked at the runoff and water problem. I finally had to file a complaint with the Department of Natural Resources to get the clay cleaned up and taken off my yard. I have not met the applicants, the first indication of this rezoning request was the letter I got in the mail. I have major concerns about runoff once they start construction of the houses. Since the existing road was poured in 2007 there is a river running in the road ditch in front my house and it spills into the road when there is a hard rain. When the houses are built and all the driveways are poured where will all the water go? It will come down the hill and I am afraid it will flood High Point Lane and make it impassible. I would prefer that no subdivision be built but I live in the real world and understand that they will be built but to put this many houses on a hillside is going to keep those of us living in the valley from enjoying our property; it is going to flood the road and diminish property values.

Cindy Kadlec, 7901 S Country Aire Ln, Columbia

Cindy Kadlec: There are a number of residents from Country Aire who would like to express their opposition and simply state that we agree with the previous testimony.

The following people were present in opposition:

Gail Metz, 8000 S Country Aire Ln, Columbia

Dean Linneman, 7900 S Country Aire Ln, Columbia

Shawn Phillips, 7850 S Country Aire Ln, Columbia

Shawn Phillips: 50 houses would be 100 cars every morning trying to get out of that little drive onto Route K.

John Kadlec, 7901 S Country Aire Ln, Columbia

John Kadlec: Opposed due to density and runoff.

Joshua Putnam, 7700 S Country Aire Ln, Columbia

Matt McNamee, 8130 S Country Aire Ln, Columbia

Robert Juhlen, 800 S High Point Ln, Columbia

Robert Juhlen: I have lived in the area for nine years. We cherish our rural atmosphere and I believe from the inception that this subdivision was a poor idea. The topography is not conducive to the density that is there. I wonder if the traffic study factored in the new subdivision of Oak Hills which has approximately 124 homes slated and dumps out to Homestead Lane which dumps out on High Point Lane. You can spend five or ten minutes trying to get out on Route K during the rush hour; it is dangerous and I am concerned about the safety of the road there. The stormwater mitigation needs to be addressed; we have been stranded there a number of times for three days at a time. I believe this project will increase the flooding because of the density. Another concern is light pollution; it will be like a beacon on a hill and will create a pink glow around the neighborhood above our heads. My position is to table the request.

Gordon Brown, 1398 W High Point Ln, Columbia

Gordon Brown: I own 100 acres and I believe I am the lone remaining farmer on that road; I do rotational grazing and raise goats. We know development is coming, the Country Aire development is a good example, it was beautifully done and very rural. The traffic study was either done a long time ago or it is in error because the traffic on Route K in the last few years has increased tremendously. The result of that is now High Point Lane has commuter traffic that comes off Route K to High Point Lane going to east Columbia or to Jefferson City. The flow isn't going to be only to Route K and the notion of waiting a second to get on there is ridiculous. I go on that road almost every day. If you go during the traffic rush you might wait minutes and minutes; it is even more dangerous coming off and turning, there should be turning lanes off of those. The infrastructure will not support this level of continued growth. My concern on High Point Lane is commuter traffic.

Gene Hrdina, 7755 S High Point Ln, Columbia

Gene Hrdina: I own the farm across from the property in question. When development originally started on that property it was a mess, I felt sorry for the Taylors. There are neighbors that have lived in the area for years and they know what is going on; they have been in the area long enough to know the problems so I would listen to them. There are safety concerns, I know there have been several accidents at the

intersection at High Point Lane and Route K and to add 50 to 100 cars per day it is going to be problematic from a safety standpoint. Getting in and out with flooding is going to be a problem. When the Cascades was developed I was told by a friend that with the rooftops, the streets and driveways going in that I was going to get flooded out; I didn't pay attention back then but now, as I see the Cascades being developed, another development up the hill that is being developed and the Beacon Street development on Route K and High Point Lane and the new one that they are talking about; we are getting a tremendous amount of development around our area that add to the watershed. In 1993, the year of the great flood, the water level at my farm was 18 inches from going over where my buildings and office are. The Missouri River was out and caused backwash to come up Perche Creek and that is why the water got so high. We are getting more water in that bottom and it is backing up quicker not because of the Missouri River but we are getting more water in there. The more rooftops and driveways you put in with higher density it is going to continue to cause problems. I think that having one entrance in and out is a safety issue, what are you going to do in the winter when there is an emergency in one of those 50 houses and the ambulance or fire truck can't get up there because there is ice all over the road. I think there will be problems getting safety vehicles in and out because it is such a steep hill.

Tom Mendenhall, 7300 Quantrills Pass, Columbia

Tom Mendenhall: I am here as president of the Bonne Femme Neighborhood Association and also as a property owner. I am not normally down here against development but I think the density is a big concern. I have lived there for 14 years and have owned property in the area for longer than that. When they originally started this subdivision I woke up one morning to see my 13 acre lake turned brown and there was about 3 or 4 feet of silt on Mr. Wilson's property and it is still silted up. I have no problem with anything Beacon Street builds but in this case it is like a cliff and it would be very hard for anyone to get out of there it is so steep. When the new subdivision was built they didn't even require a street light at High Point Lane. I think this request should be tabled so the neighbors and developer can work something out with the density.

Closed to public hearing.

Jay Gebhardt: I apologize for not contacting the neighbors; the applicants assumed that because this was all done in 2006 and the zoning was approved that those hurdles had been crossed. The property is currently zoned A-2 and would currently allow 21 homes. We are talking about an incremental difference between 21 and 50. I don't want that to sound like it doesn't matter because it does to the neighbors. But when you look at this property in proximity to the city of Columbia, Beacon Street Properties is developing Oak Park Subdivision down the road with 7000 square foot lots; it is just a matter of time before the proposed lots are going to be the large lots in the area. Is the time appropriate for this to occur is the question and that is where you go back to your sufficiency of resources test. That was done and there is water and fire protection. The streets flood but it flooded before the applicants got here and it will flood after we are done because it is in a 100 year flood plain of a large drainage area. When you get up to Route K the county recognized that we needed to do a traffic study to look at the situation. The applicants followed the guidelines on how to do that and that information is at the county and it is public information. It shows that the level of service didn't change. That doesn't mean that the time that you have to sit there won't change it just means that the level of service didn't change and it will continue to get worse. This development has an incremental impact to that and we evaluated that impact and found it to be small and there was nothing we could really do to increase that except not to develop. The Fire Department looks at this and they have a rule of one access for 50 lots and we vetted that through them and they were okay with the access. We heard about the steep streets but the fact is that the streets are all built to county standards and they are already there and they meet the county standards for steepness and width. It is not the situation it was in 2006 we actually have the streets built and this development is 90

percent complete so to go back and say we will retrofit things into it now is difficult; it is more difficult than it would be if it were an undeveloped property and didn't have the improvements on it.

We have a couple of issues with flooding and erosion. When you look at the topography we have ridge tops and valleys and if we were doing this today and following the county stormwater regulations for that we would have had a different layout but because the pavement is there to meet those requirements now is going to cause us to remove a tremendous amount of trees to build detention ponds or bio-retention basins and the stormwater BMP's that would be required. I spoke with county staff about this and they felt that the impact was greater to try to implement that by removal of trees. To build detention the applicants would have to take out a tremendous amount of trees and build dams across the detention areas and provide access to them. It was felt that it was better to leave the trees and not destabilize the soil.

The applicants not only did the traffic study to see about level of service but County Public Works asked the applicants to look at the site distance required and all the geometrics for that subdivision meet the requirements. A school bus size vehicle was routed through the subdivision and there were some turns that required the bus to clip into the oncoming lane. The applicants didn't feel it was a severe enough impact that we needed to widen the street. There is a city park being purchased right across the street from this, Mike Tompkins is gifting that to the City of Columbia for a city park; that plat is in the process of being done and that will be done in probably 2016. The City of Columbia is encroaching this way and changing the environment. The applicants understand people don't want to see this change. A question was brought up about the financial viability of the applicants but as far as a quality developer I am proud to represent the applicants; they do really nice homes in all different price ranges and they are interested in this property because it is large lots and can provide a product to display some of the creativity that would be allowed on a larger lot. This is not the same developer that was there before. The applicants are good people that do good work and will be good neighbors.

There has been some talk about retaining walls but those lots are 183 to 250 feet deep from the street to the Leopard's property line and there is a 25 foot front building line, the house will be up by the street. Yes they are steep and there may have to be a sub-basement or a taller basement but there won't be any retaining walls built on property lines. High Point Lane is in the flood plain and there is nothing the applicants can do about that; it floods now and will flood when the applicants are done but the 53 acres is a miniscule portion of that drainage area. Part of the problem right now is that no one is taking care of the storm drainage system that was installed. Those pipes and a lot of the inlets have hay bales across them and they can't be used so a lot of the water runs down hill onto High Point Lane because no one is there to open up the inlet; it was closed off as an erosion measure. The storm drainage system hasn't been allowed to work and it sounds wrong to people in the audience but by developing this some of these issues will improve because there will be maintenance of these systems once the streets are accepted by the county plus the applicants are going to stabilize a lot of places.

Density is a matter of opinion. County staff recommended approval based on the sufficiency of resources test and the things they look at; it is a higher density than what is out there now and what people are accustomed to but these are nice, large lots. I don't see any issues as an engineer, with the storm drainage and not having detention ponds. I know there is another civil engineer that looked at this and talked about the increase but that is a complicated thing to try and explain. There will be an increase in runoff but the trade off is to remove a bunch of trees; it is on a ridge so it drains to different directions. Normally the county doesn't require plot plans when a home is built but the applicants have volunteered to provide plot plans for each of these lots so at the time of building permit each one of these lots can be monitored for the amount of trees that are being removed. There is an idea that developers just like to tear trees down but trees sell lots and it does nothing for the developer to remove more trees than they have to in order to build a home.

Kara Linnemeyer: Beacon Street Properties wants to take over this project and make it the best it can be. The applicants have had a lot of discussion with staff to try to come up with how to take what is there now and do the best they can with it.

Commissioner Martin: After listening to the neighbors they had accepted the density from the original plan and the applicants more than doubled it.

Jay Gebhardt: We went from 45 homes to 50. The original plan was approved with 45 lots, the applicants increased it by 5 lots. The A-RP plan was approved by the County Commission and the streets were built and then there were financial issues and the project stopped. The A-RP plan that was approved expired and that is why the applicants are here. The existing zoning today is A-2 and that would allow 21 homes.

Commissioner Martin: The property was zoned to A-RP?

Bill Florea: Yes, with 45 lots and that is what the infrastructure was based on when it was built.

Commissioner Martin: Talking to the neighbors is a very important piece of this because they need time to adjust to this.

Kara Linnemeyer: We do apologize for that; we were under the assumption that it had been taken care of with the original plan.

Commissioner Loyd: Is the property zoned A-2 now?

Bill Florea: Yes. The history is that the property was originally zoned A-2. In 2006 it was approved to be changed to A-RP with a 45 lot plat. The developer, based on the preliminary approval installed the roads and some of the other infrastructure then a financial crisis hit, they lost the property and the development stalled. Those preliminary approvals have a sunset so they expired. That means that the zoning never permanently changed from the A-2 to A-RP. The applicants are asking to get the zoning that was approved in 2006 with five more additional units than what was proposed in 2006.

Chairperson Harris: What price point do the applicant's envision?

Kara Linnemeyer: We would like to keep it varied; we know there is a need for people to build a smaller home on a larger lot. The prices would be from \$300,000 to \$700,000.

Jay Gebhardt: If the Commission is going to vote it down then table it because the applicants understand now that they should have talked to the neighbors. If the applicants get a vote tonight they will meet with the neighbors before the December 1st meeting.

Commissioner Loyd: It is impactful to sit and listen to a room full of neighbors and it makes me pause and question if we have done everything we need to before making a final decision on it. The water is a problem in the area; it was mentioned that there is more water there than there used to be and that is not the applicants fault but when you start adding more rooftops to that situation we should consider what we can do to mitigate that problem.

Chairperson Harris: Was the 2006 request approved by the Planning and Zoning Commission or the County Commission?

Uriah Mach: Both approved it.

Commissioner Loyd made a motion to table the request to allow for more conversation with the neighbors

No one seconded the motion. Motion dies.

Commissioner Wilson made and Commissioner Martin seconded a motion to **deny** the request by Phillip and Brice Hanberry on behalf of Beacon Street Construction LLC to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture Residential) on 49.91 acres, more or less, located at 7770 S High Point Lane, Columbia:

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – NO	Greg Martin – Yes
Loyd Wilson – Yes	Bill Lloyd - NO
Derin Campbell – NO	

Motion to deny the request passes 4 YES 3 NO

Chairperson Harris informed the applicants that if they wished to appeal to the County Commission they would need to file an appeal form with the Resource Management office within three working days.

VII. Planned Developments

1. Request by Phillip and Brice Hanberry on behalf of Beacon Street Construction LLC to approve a Review Plan and preliminary plat for Heatherhill Estates Planned Development on 49.91 acres located at 7770 S High Point Lane, Columbia.
- Review Plan - Preliminary Plat

See staff report and discussion under Rezoning Requests.

Commissioner Harris made and Commissioner Prevo seconded a motion to **deny** the request by Phillip and Brice Hanberry on behalf of Beacon Street Construction LLC to approve a Review Plan for Heatherhill Estates Planned Development on 49.91 acres located at 7770 S High Point Lane, Columbia:

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes
Loyd Wilson – Yes	Bill Lloyd - Yes
Derin Campbell – Yes	

Motion to deny the request passes unanimously.

Commissioner Poehlman made and Commissioner Martin seconded a motion to **deny** the request by Phillip and Brice Hanberry on behalf of Beacon Street Construction LLC to preliminary plat

for Heatherhill Estates Planned Development on 49.91 acres located at 7770 S High Point Lane, Columbia:

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes
Loyd Wilson – Yes	Bill Lloyd - Yes
Derin Campbell – Yes	

Motion to deny the request passes unanimously.

Chairperson Harris informed the applicants that if they wished to appeal to the County Commission they would need to file an appeal form with the Resource Management office within three working days.

2. Request by Spring Creek Properties LLC to revise an approved Review Plan for Prairie Farms Dairy M-LP planned development on 3.00 acres, located at 6655 N Farrar Rd., Columbia.

Planner, Uriah Mach gave the following staff report:

The property is located in the west side of Farrar Road about 2/3 of a mile north of the intersection with Route VV. The property is three acres in size. The current zoning of the property is M-LP(Planned Light Industrial). The applicant is requesting a revision to the development plan that was approved in 2005, due to a zoning complaint and change in use of the property. The review plan that accompanies this rezoning application shows the following uses: office & distribution facility for a wholesale distributorship, trailer and vehicle towing yard & temporary storage facility, office and insurance adjusting facility, and temporary storage of trailers and storage containers. Staff notified 27 property owners about this request. The property scored 65 points on the rating system.

The Master Plan designates this property as suitable for residential land use. The Master Plan identifies the use of planned districts to establish new commercial and industrial areas. The Master Plan also identifies a “sufficiency of resources” test for analyzing rezoning requests. The Test asks whether there are sufficient resources available for the needs of the proposed development or whether the services can be provided in a cost effective manner.

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

Utilities:

- Water: The property is in the service area of Consolidated Public Water District Number 1. They cannot provide fire protection to this site.
- Sewer: There is an existing engineered system permitted by the Columbia/Boone County Health Department.
- Electric: 3-Phase electric service is available to the property.

Transportation:

- The lot will access on to Farrar Road, which is a state maintained roadway.

Public Safety Services:

- The site is within 3-miles of a fire station and is easily accessed by emergency services.

Most of the site is currently wooded.

Zoning Analysis: The expanded use list makes this proposal somewhat more questionable in an area as underserved by infrastructure is this one is. The previous approval was based on an extremely limited use. The office and distribution facility for a wholesale distributorship use was off-hours and had low visual, noise, and traffic impacts. The trailer & vehicle towing yard, temporary storage facility and insurance adjusting facility uses would, per the information provided in the concept review, not be particularly intense uses, but would regularly present the visual impacts that created the zoning complaint. It also opens the door for a more intense use, that of a junkyard. While the proposal indicates that all damaged vehicles would be stored on a temporary basis, the meaning of temporary is left undefined. It is uncertain whether this revision would prevent further complaints of the operation of a junkyard by the public. Approval of this rezoning would create a situation where there is substantial risk of a zoning enforcement action if the property is not well maintained and operated due to the fine line between the desired M-LP uses and the M-G uses that this property could be mistaken for.

Staff recommends denial of the revised review plan.

Present representing the request:

Caleb Colbert, Attorney, Brown-Willbrand, 601 E Broadway, Columbia

Caleb Colbert: After receiving the staff report late this afternoon the applicants ask that this request be tabled. We think we can come up with some conditions and proposals that will address staff's concerns.

Commissioner Wilson made and Commissioner Harris seconded a motion to **table** the request by Spring Creek Properties LLC to revise an approved Review Plan for Prairie Farms Dairy M-LP planned development on 3.00 acres, located at 6655 N Farrar Rd., Columbia:

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes
Loyd Wilson – Yes	Bill Lloyd - Yes
Derin Campbell – Yes	

Motion to table the request passes unanimously.

Chairperson Harris informed the applicant that this request would be heard before the Planning and Zoning Commission on December 17, 2015.

VIII. Plats

1. K & C. S3-T50N-R14W. A-2. Carla and Kevin Pudenz, owners. Steven R. Proctor, surveyor.

The following staff report was entered in to the record:

The subject property is located to the west of the intersection of Coyote Hill Road and Ridge Road, approximately 1 mile to the north of the City of Harrisburg. 34.85 acres of property, in three separate tracts, are covered by this request. There is currently a modular home and an accessory structure present

on one of the tracts. The property is currently zoned A-2(Agriculture), and has A-1(Agriculture) zoning to the south, A-2(Agriculture) zoning to the north and east and the County line to the west. The property was rezoned from A-1 to A-2 in September of 2015. This plat, when combined with a concurrent administrative survey, will divide the property into one platted lot of 2.53 acres and two larger survey tracts

The subject property has direct access on to Coyote Hill Road, a publicly-dedicated, publicly-maintained right of way. The applicant has requested a waiver to the cost-benefit analysis requirement.

The subject property is in the Public Water Service District #10 service area, but is served under an existing-services agreement by the Thomas Hill Water District. The property is in the Boone Electric Cooperative service area.

The property is served by an existing wastewater system, permitted by the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost/benefit analysis requirement

The property scored 23 points on the rating system.

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

Commissioner Prevo made and Commissioner Harris seconded a motion to approve K & C plat, Carla and Kevin Pudenz, owners.

All members voted in favor, none opposed.

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The cell towers for Sims and Arends were approved as recommended. The plats were also approved as recommended.

X. New Business

None

XI. Adjourn

Being no further business the meeting was adjourned at 9:03p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 17th day of December, 2015