

**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, July 18, 2019**

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
Michael Poehlman, Secretary	Rock Bridge Township
Gregory Martin	Katy Township
Eric Kurzejeski	Missouri Township
Rhonda Proctor	Perche Township
Steve Koirtyohann	Rocky Fork Township
Jeff McCann	County Engineer

b. Members Absent:

Carl Freiling, Vice Chairperson	Cedar Township
Bill Lloyd	Three Creeks Township
Fred Furlong	Bourbon Township
Vacant Seat	Columbia Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the June 20, 2019 meeting were approved by acclamation.

IV. Chairperson Statement

The following Chairperson statement was entered into the record:

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one rezoning request and nine 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. When you address the commission please speak directly into the microphone so that your remarks are properly recorded. Please sign the sheet on the table after you testify. Also, we ask that you turn off or silence 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 30<sup>th</sup>. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, July 30<sup>th</sup> will begin at 7:00 p.m. and will convene in this same room.

## V. Rezoning Requests

1. Request by Fred Overton Development, Inc. to rezone from A-2 (Agriculture) to R-SP (Planned Single-Family Residential) and approve a review plan for Perche Ridge Planned Development on 17.0 acres, more or less, located at 6001 W Gillespie Bridge Rd., Columbia.

Planner, Thad Yonke read the following staff report:

The property is located on the north side of Gillespie Bridge Road at the intersection of Gillespie Bridge Road and Coats Lane. The zoning is A-2 (Agriculture) as is all the surrounding zoning and these are all original 1973 zonings. The request is to rezone the approximately 17-acres to R-SP (Planned Residential Single Family) and to create a residential subdivision of public streets, 34 home lots, and 2 common lots. The area sought to be rezoned is currently vacant.

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:

The area proposed for rezoning is proposed to be served with sewer by the BCRSD with ultimate treatment by the City of Columbia. It is our understanding that an agreement with the city to provide the treatment has been obtained. The design of the sewage collector system will have to be designed to meet the BCRSD standards.

Consolidated Public Water District # 1 provides water in the area and has a tower/storage tank within 3500 ft of the property. Fire hydrants and public water is required for the proposed development. There may need to be some upgrades or relocations of waterlines that will need to be coordinated and will be at the developer’s expense.

Boone Electric currently serves the area and any facilities that will need to be re-worked and/or relocated will be at the developer’s expense.

Stormwater: Development on the site will be required to comply with the Boone County Stormwater Regulations. There is some designated Floodplain on the eastern portion of the property. Most of the Floodplain is contained on the large proposed common lot. The fringe edge of the 100-year floodplain does extend onto six of the thirty-four proposed development lots. These six or so lots will need Floodplain Development permits and elevation certificates.

Transportation:

The property has frontage on Gillespie Bridge Road and will provide two hard surface public road connections along with a west-bound right turn lane at the proposed 4-way intersection with Coats Lane. The right turn lane is proposed to mitigate traffic impact from the new development at the expanded intersection of Coats Lane and Gillespie Bridge Road. Gillespie Bridge Road is designated as an Arterial roadway on the CATSO Major Thoroughfare Plan and Coats Lane is designated as a Collector. No direct driveway access to Gillespie Bridge Road will be allowed from any of the proposed lots. The existing private drive on the western edge of the property that intersects Gillespie Bridge Road creates some potential conflicts with the proposed Tamarack Drive intersection. The exact location of these connections will need to be coordinated as/and if the development moves forward. Some modification during the design refinement process is likely going to be required to meet sight distance and construction standards.

Public Safety Services: The site is within 2.6 road miles of County Fire Station 14 on Scott Blvd, and 5.9 road miles from County Fire Station 9 on Henderson Road.

Zoning Analysis:

The Master Plan designates this property for residential use. The proposed use is consistent with that designation. The proposed design is at two units per acre which is the equivalent density of an A-R zoning district. The maximum density possible to propose under an R-SP would be six units per acre. The proposal is essentially at one third of the theoretical maximum density possible to have been proposed under the zoning sought.

The request does meet the sufficiency of resources test for service availability or potential availability. However, there may still need to be some coordination work with utility providers. The exact location of the western public road connection may need some adjusting and a possible conflict with the gravel private drive to the west of this new roadway connection will need to be resolved. While the existing land use and zoning of the area is rural residential in nature with newly created tracts of 2.5-acres and larger, this character and zoning was set at a time when the existing infrastructure of the area was not available to support higher densities. However, the Master Plan anticipates this area to be suitable for smaller lot sizes and hence zoning changes, this suitability is dependent upon upgrades to infrastructure to support higher densities. Water in the area has been upgraded to where it is possible to provide fire flows. Gillespie Bridge Road, while subject to occasional flooding, is designated and built as an Arterial roadway and is one of the better county roadways. The provision of public central sewer is the last of the three primary hard infrastructure upgrades needed to support the density anticipated in the Master Plan. The residential use is surrounded by other residential uses with the only real difference amongst all the residential uses being density created by variation in lot size. The proposal appears to be compatible with what was anticipated by the future land use map for the area in the Master Plan.

Staff notified 10 property owners about this request. The property scored 63 points on the rating system.

Staff recommends approval of the rezoning with the following conditions

1. The issues related to the intersection of proposed Tamarack Drive and Gillespie Bridge Road, shall be worked out to the satisfaction of the County Engineer and the Director of Resource Management prior to submission of a Final Plan:
  - Sight distance and location issues
  - Conflict with the existing Drive
2. A right turn lane shall be installed in accordance with Boone County Roadway Regulations and to the satisfaction of the County Engineer and Director of Resource Management prior to recording any final plat.

Present representing the request:

Tim Crockett, Crockett Engineering, 1000 W Nifong, Columbia  
Fred Overton, property owner, 2712 Chapel Wood View, Columbia

The applicants presented a power point presentation

Tim Crockett: Staff did a good job with the staff report. The 17 acre tract is zoned A-2 and we are asking to be approved for 34 single family residential lots, it is located in an area noted as residential in the Boone

County Master Plan. All utilities are on or near the subject site and it will meet all the Boone County regulations. Development will be in accordance with the annexation agreement with the City of Columbia. The city has no desire to annex this area at this time. The annexation agreement was a condition of a connection agreement for the sanitary sewer. Several months ago a preliminary plat went through the City of Columbia to annex this area and we were led to believe that was the intent of City Council but when it came to a vote they decided they didn't want to annex the property and approve the preliminary plat. They did approve a connection agreement with the Boone County Regional Sewer District (BCRSD) to serve this area with sanitary sewer and consequently the annexation agreement that goes with that.

We are asking for R-SP zoning so any modifications to the plan will have to come back to the Commission. The Boone County Master Plan (Master Plan herein) notes this area as future "residential". That is not to be confused with agriculture-residential. The property is located 1/3 mile from the city limits, we are not asking to rezone a piece of property that is far out in the county off a gravel road. The tract is located off an arterial roadway as designated by the CATSO plan. It is not uncommon for this type of plan to be approved in Boone County. (The applicant presented a map of other residential developments in Boone County including Twin Lakes Estates, Settlers Ridge, Hillview Acres, Sun Valley Estates, Lake Chateau, New Town, Gateway South, Trails West, and Midway Crossings.) Those are all single family residential developments and it is not uncommon for these developments to be embedded in A-2 zoning. We are looking at 1/2 acre lot density on average; that would be more in line with A-R zoning but we are asking for R-SP just to make sure in case, once the survey is done, that the survey was slightly off the 1/2 acre lot size. The proposed site is about a 2.0 density per acre, other developments mentioned are 2.8, 1.3, 3.3, 4.7, etc., so other sites are similar in density. The Master Plan was created by a consultant with the county but it also had a lot of input, it had 30 plus steering committee members so it was generated with a lot of input by residents of Boone County, it wasn't just prepared by a consultant or staff. The Master Plan talks about future land use, it was developed as a guide and it also talks about the sufficiency of resources tests. It is based on the fact that Boone County will continue to grow and will necessitate the conversion of large amounts of what is now agricultural or otherwise undeveloped, privately-owned land.

The applicants presented a copy of the future land use map from the Master Plan.

Tim Crockett: The yellow is designated as residential, not to be construed as agricultural-residential or rural residential. The subject property is in the yellow area. With regard to the utilities, water is adjacent to the property and provided by Consolidated #1, there is ample water and fire flow to serve the property and there is storage capacity not too far down the road. There is also electric adjacent to the property and Boone Electric Co-op have indicated there should be no problem serving this property with electric service. Boone County Regional Sewer District will provide sewer and they will have a connection agreement with the City of Columbia. Traffic will be a point of concern tonight as well. Gillespie Bridge Road is classified as an arterial roadway; it is the second highest classification of roadway maintained by Boone County; the only thing higher than that is a major arterial roadway. There is available capacity on Gillespie Bridge Road to handle the additional traffic. I believe the County Engineer has reviewed that and we had a traffic engineer review it as well. The site distances will meet or exceed county requirements, that is a condition of the rezoning approval. We are going to propose a right turn lane on Gillespie Bridge Road and that is another condition of approval, however it is also shown on the plan, that was asked of us by county staff and we concurred and added it to the plan. The staff report indicated that Gillespie Bridge Road is one of the better roadways in the county. The applicants will comply with all the county stormwater regulations with regard to detention and water quality, that will not be an issue. Before we obtain any construction permits the engineering department has to review and approve those plans.

Flooding and Floodplain.

Tim Crockett: The road does flood but there are alternative ways in and out. It doesn't flood on a routine basis - it floods on occasion but there are ways in and out, you can go down Hwy UU to I-70. Highway 40 in west Boone County was closed for weeks and that road handles a lot more traffic than Gillespie Bridge

Road but those people on Hwy 40 found an alternative route. A small portion of the proposed development will be in the 100 year floodplain which is determined by FEMA and we have to work and design the development around FEMA regulations; they have provisions and standards and safeguards in place. The county has a Floodplain Manager who reviews all applications; they look at floodplain development permits and elevation certificates to make sure the applicants are conforming with all of the FEMA regulations. FEMA requires our building sites to be at or above the base flood elevation, the county has added to that to require two feet above base floodplain elevation. We will request for a Letter of Map Revision from FEMA; there is a difference between floodway and floodplain; we are working in the floodplain which is the outlying area. The floodway is the area which is highly protected as it floods more often and is the area FEMA is the most concerned about. We are not in the floodway. They allow us to fill in the floodplain. FEMA redid their maps in 2017 and this property is part of the 2017 revision so this is current information with regard to the flooding of that area. We have six lots that are impacted by the floodplain but only about three of them have floodplain in the building area. We are elevating all six of those lots above the base flood elevation so that we won't have any concerns.

#### Emergency Response

Tim Crockett: If Gillespie Bridge Road floods - the Boone County Fire Protection District (BCFPD) stated the primary response will come from Station 14 on Scott Boulevard; the secondary response will come from Station 9 at Midway which is a little over five miles so they have no concerns. When the applicants asked BCFPD about it they stated that this is what they do when it floods now so it is well within their response time. The BCFPD has approved the development and the residents can be served from either location.

The staff report indicated the Master Plan designates this area for residential use. The proposed design is two units per acre which is comparable to A-R but we are asking for R-S just to make sure in case the survey comes back a little bit off that we aren't going to be under the threshold. The 34-lot proposal cannot be modified unless the applicants come back with revised plan. It meets the sufficiency of resources test. While the existing land use and zoning of the area is rural residential in nature with newly created tracts of 2.5 acres and larger this character and zoning was set at a time when the existing infrastructure of the area was not available to support higher densities. There wasn't adequate water and sewer when the Master Plan was created, but they are now available and the road has been reconstructed to provide better access. The Master Plan anticipates this area to be suitable for smaller lot sizes and hence zoning changes. The proposal is compatible with what was anticipated by the future land use map for the area in the Master Plan and staff recommended approval with conditions which the applicants agree to.

Commissioner Kurzejeski: The applicant didn't spend much time on the issues with the private drive on the west side and what those issues are.

Tim Crockett: The applicants are proposing a public street entrance on the west side of the property. There is currently a private drive serving Mr. Barnes' property to the north; I believe it was an old, abandoned county road that serves Mr. Barnes' property; he has an easement that goes across the proposed site. The issue is the spacing between the private drive and the proposed public street entrance. That will be worked out with the engineering staff.

The applicants presented six letters in support of the request from:

Kenneth Barnes, Robert Akin, Kevin Tutt, Rodney & Lori Rapp, George Tutt, and Mike Kelly.

Chairperson Harris: Regarding the potential conflicts with the existing roadway I assume that is going to involve a shift in the location of the entrance. Is there enough room to resolve that and not conflict the one across the road?

Tim Crockett: There should be no conflict with the one across the road.

Commissioner Martin: What is the price point for the homes?

Fred Overton: They will probably start at \$200,000 and go up.

Commissioner Koirtyohann: The applicant mentioned they are going to raise the lots two feet for the 100 year flood plain, how does that line up with the 500 year flood plain?

Tim Crockett: The 500 year is in there, they don't have a base flood elevation for the 500. The requirement for FEMA is at or above base floodplain elevation of the 100 year floodplain; in this case I don't believe it will be above the 500 feet with those two additional feet of fill.

Commissioner Kurzejeski: Did the applicants consider a denser development?

Tim Crockett: The idea is to do single family residential. We didn't look at a more dense development; the reason for that is we have some grade on the streets, they aren't steep but there is enough where we don't want yards stepping down and having retaining walls on every lot. We want it graded out.

A member of the audience asked to review the letters in support that were submitted by the applicant.

The audience member was given copies to review.

Open to public hearing.

Present speaking in support of the request:

Kenneth Barnes, 6155 W Gillespie Bridge Rd, Columbia

Kenneth Barnes: I live adjacent to the proposed development. I am in support of this development, my family has been out there since 1940 and we have seen a lot of change over those years. It's a prime location for a development being this close to the City of Columbia and all of the infrastructure that is already there.

Present speaking in opposition:

Heather Thomas, Representing Perche Hills Coalition, 6301 W Druid Ln, Columbia

Heather Thomas: Our coalition is made up of 69 members residing in 34 households in the neighborhood that would be impacted by the proposed R-SP rezoning application for a 17 acre tract of land on which developer Fred Overton wishes to build a thirty-four house subdivision on the north side of Gillespie Bridge Road at Coats Lane. The Perche Hills Neighborhood Coalition strongly opposes Mr. Overton's application for rezoning and the building of a subdivision on the said tract of land. Perche Hills Coalition previously sent each Commissioner a letter describing our reasons for opposing the development. The County is well aware of the flooding history on the pertinent section of Gillespie Bridge Road between Coats Lane and the Perche Creek Bridge. According to the Boone County Department of Road and Bridge records this section of Gillespie Bridge Road was closed due to flooding twenty-eight times between 2009 and 2019, for a total of all or part of 70 days. BCFPD Assistant Chief Blomenkamp informed us that the primary fire and ambulance responders for the proposed Perche Ridge Subdivision would be Station 14 at Scott Boulevard and Vawter School Rd. Station 14 would not have access to the proposed subdivision during flooding of Gillespie Bridge Road. Alternative responses would come from Station 8 on Route K or Station 9 at Midway, with significantly longer emergency response time. We therefore seriously question the appropriateness and public safety of building a housing subdivision in this flood-prone location.

The proposed subdivision includes six lots that are within the 100 year floodplain, and one lot that is bordered by it. FEMA floodplain maps cannot take into the account the heightening impact and frequency of weather events, and therefore aren't adequate to demonstrate the increasing potential and extent of future flooding in the area. As we see it, the County must consider two questions: first, whether to allow 34 houses to be built on the tract of land in question; secondly, whether development should be allowed at all in and contiguous to this increasingly vulnerable floodplain. By granting a zoning designation of R-SP for this tract of land, the County would confer its implicit certification of the tract as safe and suitable for high-density housing – a position with which we strongly disagree. We understand that the developer may be planning to elevate the eastern edge of the tract, which sits within the 100 year floodplain. We believe this action could detrimentally impact the floodplain, further increasing the severity of flooding over Gillespie Bridge Road, and worsening the effects of flooding for existing residents. A 34 house subdivision, assuming three people and two vehicles per household, would bring at least 102 additional residents to this concentrated area, and at least 68 vehicles, all relying on Gillespie Bridge Road for access to services. We believe this would not be wise. Gillespie Bridge Road has multiple traffic safety issues near Coats Lane. There is a high speed downward hill with minimal visibility as one enters from Coats Lane on the south. There is even less visibility from the north side where the proposed Perche Ridge Subdivision would gain access to Gillespie Bridge Road at its eastern entrance. Worse still, its second proposed access to Gillespie Bridge Road at the subdivisions western edge would be located just beyond the blind downhill curve of the east bound lane, an accident waiting to happen on a road with increasingly heavy traffic. In addition, Gillespie Bridge Road intersects with Highway UU on another dangerous blind curve.

During floods there would be a significant increase in numbers of people and vehicles required to use the alternate route of Hwy UU and I-70 to circumvent flooding in order to get to and from Columbia. Those choosing to live in a densely populated subdivision such as the one proposed, would likely not be accustomed to both the benefits and drawbacks of a rural lifestyle, and might very well put pressure on the county to elevate Gillespie Bridge Road in order to provide unencumbered access to the city and to emergency services during episodes of flooding. By granting Mr. Overton's request to rezone for purpose of building this city density subdivision, the county would be encouraging other developers to likewise seek rezoning for lucrative, city-like subdivisions west of Perche Creek, with the potential of transforming this rural countryside into a zone of suburban sprawl and density. This lovely area to the west of Columbia could become a de facto, unplanned city annexation of the county with similar population density to the city. We would like to remind the Commission that the Columbia City Council rejected Mr. Overton's application for city annexation of the subject 17 acre tract in 2017 specifically due to concerns regarding the floodplain and the flooding of Gillespie Bridge Road with the implication of possible financial liability for the need to elevate Gillespie Bridge Road in order to maintain access to the city emergency response for the proposed subdivision residents during flooding events. The Coalition would welcome a city/county planning commission to determine a westward expansion plan for the city and/or the creation of a character preservation overlay district as currently allowed by the county. Without such a plan, development is likely to be fostered by momentum generated from individual developer's land holdings and their desire for profit. We believe a planned process is a far preferable approach to managing Columbia's westward expansion into the county.

Finally, we believe that the proposed subdivision in this rural setting would irrevocably alter the character and beauty of this lovely area and our neighborhood and community in a manner that we consider to be detrimental. Other than the developer himself, rezoning benefits no one – not the homeowners who would be persuaded to buy homes in a flood prone area, not the existing residents whose rural lifestyles and surroundings would be forever disrupted, not the Columbia residents who enjoy the immediate proximity to our rural area, not to those who farm the surrounding cropland, and not to the county, whose burden of obligation for increased citizen access to emergency services and ease of ingress and egress would be intensified. The Perche Hills Neighborhood Coalition therefore respectfully requests that the proposal by

Fred Overton to rezone the said tract of land from its current designation of A-2 to the designation R-SP for the purpose of developing a 34 house subdivision be denied.

Chairperson Harris asked how many in attendance were part of the Perche Hills Coalition. Approximately 15 people raised their hand. Chairperson Harris asked if Ms. Thomas covered all of their concerns.

Some audience members stated no.

Also speaking in opposition:

Kim Stonecipher-Fisher, 1900 Surrey Ct, Columbia

Kim Fisher: There are total of 12 houses in Westcliff Subdivision that border the back of the county line. Of those, the average acreage per home is 1.67 acres. We believe Mr. Overton's request for 34 homes on 17 acres, part of which would require altering the floodplain and filling in a lake, is excessive. We believe this should remain A-2 and follow the area's standard zoning. My understanding of Section 22, Article 3, Section A would require you to issue a special permit to build in a floodplain, we believe that is a bad idea that would ultimately cause issue to our property because we are in the floodplain. The six floodplain development permits should not be granted, raising these lots may jeopardize creek flow with other homes, wetlands, and business that currently see flooding in the Perche Creek area. When Mr. Overton brought this item before City Council for the rezoning and sewer extension it was denied. At that point in time our entire neighborhood was also notified because we were abutting it because he was also trying to annex that floodplain area. Two units per acre is high, the request is excessive, the Master Plan of higher density is a bad idea considering how often Gillespie Bridge floods. It is also a bad idea as stated before due to additional traffic. The top of the hill and trying to make a left hand turn off of Louisville with that many additional cars onto Chapel Hill Road could potentially be a horrible problem within the city limits. Mr. Crockett talks about how close it is to the city, what he doesn't talk about is there is a bit of floodplain in between. While he did mention other high density projects close to A-2 he didn't mention that they are not abutting a floodplain. While the capacity may be there for the roadway, the roadway is often flooded. The discussion of the new driveway at the top of the crest of that hill on Gillespie Bridge Road is a horrible idea. We don't want urban sprawl to the west, especially adjacent to a floodplain.

Also speaking in opposition:

Steve Callis, 6304 Normandy Ln, Columbia

Mr. Callis presented a power point presentation.

The power point included a copy of the proposed plat which shows the floodplain area, the blue arrow points to the entrance of the subdivision. Mr. Callis explained the photos stating for most of the year Gillespie Bridge Road is the primary route to and from Columbia for residents and first responders. There is a road barrier in the road right of way and it is stored there permanently so it can be quickly placed when Perche Creek floods. When the road floods residents have to take the long way around which is an inconvenience. The power point also included an aerial photograph of the area immediately to the east of the Overton property, the yellow line indicates the eastern edge of the proposed development. This photo demonstrates the extent of the flooding in the area. Does the county want to allow a subdivision where six of the 34 lots are in the 100 year floodplain? Do they want to allow a subdivision where immediate access for first responders is blocked for several days a year? 34 homeowners would routinely be impacted.

Also speaking in opposition:

Carolyn Amparan, Osage Group Sierra Club, 4804 Shale Oaks, Columbia

Carolyn Amparan: We have 4200 members and supporters (of the Sirerra Club) that reside in Boone County. This proposal includes adding fill so that houses can be lifted above the elevation of an anticipated flood. This removes them from the federal flood regulations. Healthy floodplains are the result of thousands of years of floods and meanders, they store flood waters and lower flood depths, recharge groundwaters and reduce pollution. Filling in the floodplain just moves the floodwaters downstream and across the landscape to other areas less suited to perform these services. The best and most reasonable use of floodplains are for wetlands, agriculture, parks, and greenbelts. This property is at greater risk of floods going forward than it has been in the past. The role of human induced climate change is increasing, the frequency and severity of extreme weather events is well established. For each one degree Celsius of warming the air cooled to capacity for water vapor goes up by 70%. With more water vapor in the air there is more water available to precipitate in single event, extreme downpours. According to the US National Climate assessment the heaviest rainfall events have become heavier and more frequent across most of the United States. Since 1991 the amount of rain falling in very heavy precipitation events has been significantly above average. The Midwest has experienced a 37% increase in heavy downpours between 1958 and 2012. The Columbia area has already experienced a 10% increase in precipitation and is projected to experience a 7% increase in annual rainfall. If this development is approved as proposed not only will some of the houses be exposed to a historical 100 year flood, even more will be exposed to a 500 year flood and even more than that to a 1000 year flood. There have been seventeen 1000 year downpour events in the last nine years in the United States. Scientists are saying that communities should plan defenses and emergency responses based on the climate of the future, not the past. Today's 500 year floodplain could be tomorrow's 100 year flood plain. Additionally, we need to remember that FEMA maps are only estimates. According to a 2013 report from the congressional research service, just 18% of American's living in flood zones have the required insurance. This is bad news for them and the government who must help with relief after a flooding disaster. Who will be responsible to explain to the new homeowners the real flood risk for their home and how it might change over the next 10 to 50 years? Who will explain that perhaps they should buy flood insurance even though the Federal Government doesn't require it? That "who" is not likely to be the developer. After this parcel was rejected for city annexation last year it was noted that the Perche Creek area needs some thoughtful consideration ahead of development pressure. When a pre-annexation agreement was passed by a 4-3 vote at the July 17, 2019 City Council meeting the overriding issue was the threat of sewage treatment discharging into the already impaired Hinkson Creek unless a connection to the Columbia sewer system was allowed. At that time several City Council members voiced the desire for a West Area planning process, similar to the East Area Plan process completed a few years ago. They want a process that includes City and County landowners and stakeholders that will discuss how best to protect what is valuable about this rural area as more development occurs. We are told that this discussion is ongoing and a report will be presented at the next Columbia City Council meeting on August 5, 2019. This rezoning should be postponed until a larger community process takes place. We strongly urge that the proposed rezoning be denied.

Also speaking in opposition:

Ernie Chapman, 7073 W Gillespie Bridge Rd, Columbia

Ernie Chapman: I live at the corner of Hwy UU and Gillespie Bridge Road. I have noticed an increase in traffic over the years which Hwy UU is not able to handle. There have been multiple wrecks at the corner and I have went out and worked them myself in the middle of the night. The bridge over Perche Creek is not the best in the world but if a new subdivision went in there I am sure you would have to replace the bridge and put in sidewalks as well as a bike lane. It is not a one time thing, there are going to be additional costs not only for the city but for the county. My biggest concern would be the beauty of the countryside. People need to think down the road what this is going to cost.

Also speaking in opposition:

Penny Arafe, 3081 Celtic Dr, Columbia

Penny Arafe: Regarding the letters in support that the applicant submitted, four of those letter writers have an interest in developing subdivisions in the future, Mr. Rapp has property he wants to develop, the Tutts have mentioned that they are interested in developing their property with a subdivision. This development, if approved is going to pave the way for future development and we are going to end up with all of Gillespie Bridge Road being subdivisions. I wonder about the weather conditions, the whole Perche Creek valley fills with odors from the city's wastewater plant located just downstream. The gas is so strong that it can bring tears to your eyes and I would compare it to the smell of a confined animal operation. How can people live in an area like that? Why build a whole subdivision and subject people to those conditions? People living along Johnmeyer Lane are at a high enough elevation that are not subject to the smell but many times I have driven through the smell on Gillespie Bridge Road and I would never buy a house down there.

Scott Mullins, 6100 W Gillespie Bridge Rd, Columbia

Scott Mullins: I live right across the street from the proposed development. I am not completely against development in the area but I would ask that you do something that fits the area. The property I live on has been in the same family for over 150 years and it is a beautiful area and that is the way everyone likes it. I would like something that fits the area and the existing zoning laws instead of an unsightly, city type, high density development that doesn't fit the area. There is no other development like that within miles of that site so you would be creating an island of high density out in an area of much larger properties. There is nothing else between the city and this lot except for the floodplain which is almost a mile wide. You have the city on the east side of the creek then the huge floodplain, when you drive from east to west you go from city to instant beauty. This development would be blight to the area to have a city type, high density area right as you start to come into paradise then you have a blemish, it doesn't fit the area. Until the existing surrounding areas catch up to pace and are developed it doesn't make sense to have an island of high density by itself. I would like the Commission to consider that when the property is developed that you preserve the feel of the area including any big trees that are on the lot because there a lot of huge trees on the lot. There is a small lake on the lot and they plan to fill that in and kill any wildlife that is in the area and building a street over top of it. To build a street right on top of a pond doesn't seem appropriate. They want to build 34 lots on 17 acres but I don't see any provision in the plan for common or park space in that area for people to relax or walk their dogs. Someone said that the 17 acres would make 34 half-acre lots, I don't understand how that works when part of it is in the floodplain so you will have less than 17 acres and with streets, sidewalks and drainage areas the lots are going to be considerably less than half an acre each. Someone mentioned the conflict with the west entrance; there will be a direct conflict with my driveway which is directly across the road from the proposed west entrance. If you are coming down Gillespie Bridge Road it is a 50 mhp zone but a lot of people go considerably faster than that. There was an incident right before I bought my property where a person flew off the road and hit the old barn that was on the edge of my property. When I purchased my property Boone County insisted I tear the barn down because they needed 10-foot more right of way for the road. The road is already wider than any other road in the area so when they took the right of way they said the whole barn needed to come down. Highway UU is not an improved roadway, it is very narrow, there is no shoulder and if all of that traffic gets diverted to Highway UU it is a very dangerous road. The bridge that crosses from the city over Perche Creek, although it was improved in 1994 with the road, they did make some major improvements along the road, however that bridge was built adjacent to the old one and now the new bridge is on a dangerous curve. The speed limit goes from 40 mhp in the city, down to 30 mhp on the bridge because it is a narrow bridge on a dangerous curve and there is barely room for two cars and immediately after the bridge it goes back up to 50 mph. Most of the people that drive down the road tend to speed up when they get to that dangerous curve on the bridge, with increased traffic it seems like a very good potential for a head-on collisions on the bridge. Allowing more and more urban sprawl on an already stressed roadway doesn't make sense. I am not opposed to development in the area but do it with something that fits the area. There are about three houses within a half-mile from my house and it doesn't make sense to build 34 homes basically in my front yard. Everything else that was out there has been done with consideration of existing zoning and existing laws that are already in place and have been put in place for a reason. Anything else that is done in

the area are larger lots; there is another development on Highway UU and they are bigger lots. Anyone else that has done any development within miles of this area, other than the city itself, has always been done with consideration of existing laws and existing neighbors and their lifestyle which is the way it should be.

Closed to public hearing.

Tim Crockett: One of the speakers stated that a resident in this development would not be accustomed to country lifestyle; that is a pretty bold statement to make. The county has R-S zoning for a reason, there is R-S developments all over the county; maybe someone can't afford or can't maintain a larger lot so I don't believe that is a fair statement. A comment was made about a West Area plan. The City of Columbia has discussed a West Area Plan for quite some time but I have seen nothing come forward on that. I don't believe that there has been any talk on the county side with regard to a West Area Plan. The area plan we are talking about is the Boone County Master Plan with the future land use plan that is incorporated in there. That is the current land use plan that we use in the county at this time so discussing a West Area Plan in the City of Columbia, given that the city didn't want to annex the property but was willing to give sewer service, it's a little hard to understand that they are going to come to the table and be progressive with a West Area Plan. Mr. Mullins talked about the preservation of the big trees and he is correct, there are some large trees on that site. One of the items with regards to the annexation agreement that the applicants signed is that this site must also conform to the City of Columbia Tree Preservation plan so the applicants have to preserve a substantial amount of climax forest as well as significant trees, that is a condition of the annexation agreement and the county cannot give us final approval until such time as the city has approved our tree preservation plan for the site.

Commissioner Kurzejeski: What percent of trees?

Tim Crockett: 25 percent. Regarding the site distance along Gillespie Bridge Road, there are some locations that don't have site distance but there are locations that do. That is checked by our engineers and by the County engineers, there will be site distance provided at the entrances. This proposal is in conformance with the Master Plan and it will be in conformance with all the regulations. FEMA is the one who dictates the floodplain and they are the ones who set the rules with how we can work within the floodplain. The county has a Floodplain Manager on staff who is very well versed and very thorough with that and the applicants will abide by those regulations.

Stan Shawver: Mr. Crockett made reference to a West Area Plan, the City Council did request a report from city staff as to what a West Area Plan would entail and what would be involved. I had a meeting with Tim Teddy, the city's Development Director to talk about the process that was used with the East Area Plan and the Northeast Area Plan; what would be involved, how long it would take, what the plan should cover, citizen involvement and all of the things we did in creating those plans. There is not a West Area Plan, there is discussion of what would be required but there has been no call by the City Council or the County Commission to start that process.

Commissioner Kurzejeski: How long did the process take for the East Area and Northeast Area Plans?

Stan Shawver: It took about 18 to 24 months.

Chairperson Harris: There was a comment made with regard to removing a couple of ponds.

Tim Crockett: The roadway will be constructed over one existing pond. There will be provisions in order to do that; the county engineers will make sure we don't just build a road over the top of a pond, we have to remove some material and get a good base before we can build a road.

Chairperson Harris: There was also a comment about a lack of common area and green space.

Tim Crockett: We have a large common area; it may not be a big open field but it is a nature area. I believe it is about four acres in size so given the size of the development it is a substantial piece of the property.

Chairperson Harris: Would that be part of the Homeowners Association?

Tim Crockett: Yes, it would be maintained by the Homeowners Association.

Commissioner McCann: What is the surface area of the fill area for those lots in the floodplain? It looks to be a pretty small surface area.

Tim Crockett: It is roughly 20,000 square feet, which is less than a half acre.

Commissioner Poehlman: Did we hear anything from the property owner to the east?

Thad Yonke: I don't know.

Commissioner Poehlman: Were there any other letters?

Thad Yonke: We had people come to the counter to view what we had. We've also had emails and phone calls from people who had asked questions or expressed concerns. All of that should be in the record.

Commissioner Kurzejeski made a motion to approve the rezoning request.

Commissioner Kurzejeski: This is consistent with residential development in the Master Plan. It is not unplanned development, it is consistent with the way that things are probably going to continue to expand in the county. I can remember when that was all gravel road and things change and land use and development in the county, being planned as this is, I think is a much better scenario than having an unplanned situation that many counties do. I also feel that there is potential that the site down the road could have a much higher density developed on it. The plan is reasonable and provides some common area, green space, and tree preservation. It will have minimal floodplain impacts so that is my rationale.

Commissioner Kurzejeski made and Commissioner Proctor seconded a motion to **approve** the request by Fred Overton Development, Inc. to rezone from A-2 to R-SP, 17.0 acres, more or less, located at 6001 W Gillespie Bridge Rd., Columbia:

Boyd Harris – Yes	Michael Poehlman – NO
Eric Kurzejeski – Yes	Greg Martin – NO
Rhonda Proctor – Yes	Steve Koirtyohann – Yes
Jeff McCann – Yes	

Motion to approve the request passes    5 YES            2 NO

Commissioner Martin: I am voting no, not to oppose the subdivision but I am the Katy Township representative and I see a tremendous amount of opposition so I will favor to the opposition but development within a third of a mile from the city is coming. This is a well planned development, it could be a lot different up the road.

Commissioner Poehlman: I am also voting no, I believe A-2 is the best fit for the property.

Commissioner Kurzejeski made and Commissioner Proctor seconded a motion to **approve** the request by Fred Overton Development, Inc. to approve a review plan for Perche Ridge Planned Development on 17.0 acres, more or less, located at 6001 W Gillespie Bridge Rd., Columbia **with the following conditions:**

1. The issues related to the intersection of proposed Tamarack Drive and Gillespie Bridge Road, shall be worked out to the satisfaction of the County Engineer and the Director of Resource Management prior to submission of a Final Plan:
  - Sight distance and location issues
  - Conflict with the existing Drive
2. A right turn lane shall be installed in accordance with Boone County Roadway Regulations and to the satisfaction of the County Engineer and Director of Resource Management prior to recording any final plat.

Boyd Harris – Yes	Michael Poehlman – NO
Eric Kurzejeski – Yes	Greg Martin – NO
Rhonda Proctor – Yes	Steve Koirtyohann – Yes
Jeff McCann – Yes	

Motion to approve the request passes    5 YES            2 NO

Chairperson Harris informed the applicants that this request would move forward to the County Commission on Tuesday, July 30, 2019 at 7:00 pm and there will be another public hearing.

### 3. Plats

The following plats were placed on consent agenda. Item 7 was removed from the agenda due to lack of receiving a signed original by the submittal deadline.

1. Hagans Ridge Plat 3. S13-T48N-R12W. A-2. Tracey Fritchey, owner. Derek Forbis, surveyor.

The following staff report was entered into the record:

The subject property is located on Bentlage Drive, approximately 1 ½ miles to the east of the City of Ashland. There is a house under construction on the property. This proposal is a reconfiguration of the previously platted Lot 3 of Hagans Ridge Subdivision Plat 2. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The subject property has direct access on to Bentlage Road, a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive traffic study requirement.

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

This site will be using 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.

There is a concurrent administrative survey in progress to resolve the changes to the property to the south.

The property scored 31 points on the rating system.

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

2. Golf Plat 3. S2-T48N-R12W. R-M. Matthew and Robin Cadwell, owners. Frederick E. Carroz, surveyor.

The following staff report was entered into the record:

The subject property is located on Golf Boulevard, north of St. Charles Road, near the Columbia City Golf Course. The property is just under one acre in size and is zoned R-S(Residential Single-Family). This proposal shows the property divided into two lots, one at .37 acres, the other at .62 acres. The existing dwelling is to remain on the .62 acre lot.

Both lots will have direct access on to Golf Boulevard, a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is served by Public Water Service District #9, Boone Electric Coopeartive, and the Boone County Fire Protection District.

Connection to a central sewer administered by the Boone County Regional Sewer District or City of Columbia will be required.

The property scored 78 points on the rating system.

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

3. Bax Point. S30-T46N-R12W. A-2. Carrie Bax, owner. David T. Butcher, surveyor.

The following staff report was entered into the record:

The subject property is located on Cedar Tree Lane, just east of the intersection of Mackie Lane with Cedar Tree Lane, approximately 5 miles southwest of the City of Ashland. This property is being platted to make it a legal lot of record. The subject property is 2.64 acres in size and zoned A-2(Agriculture). This property is surrounded by A-2 zoning. This is all original 1973 zoning.

The subject property has direct access on to Cedar Tree Lane, a publicly dedicated, publicly maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

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

The subject property will 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.

The property scored 16 points on the rating system.

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

4. Beckville. S26-T50N-R12W. A-2. Raymond and Delilah Beck, owners. James R. Jeffries, surveyor.

The following staff report was entered into the record:

The subject property is located on Varnon School Road, approximately 2 miles south of the City of Hallsville. The parent parcel is 74.74 acres in size and zoned A-2(Agriculture). The property is surrounded by A-2 zoning. This is all original 1973 zoning. This proposal shows three lots, each at 5.20 acres in size. All of the proposed lots are vacant.

All three proposed lots have direct access on to Varnon School Road, a publicly-dedicated, publicly-maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Public Water Service District #4, the Boone Electric Cooperative service are, and the Boone County Fire Protection District.

All three lots are proposed to use on-site wastewater treatment systems under permit from the Columbia/Boone County Health Department.

The property scored 43 points on the rating system.

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

5. Wolfie Acres. S22-T49N-R13W. A-R. Eldon Smith, owner. Anthony Derboven, surveyor.

The following staff report was entered into the record:

The subject property is located on Creasy Springs Road, north of the intersection of Creasy Springs and Sycamore Hills Road, approximately 2 miles to the northwest of the City of Columbia. The subject property is 9.86 acres in size and has several outbuildings present. The property is zoned A-R(Agriculture-Residential) and is surrounded by A-R zoning. This is all 1973 zoning. This proposal consolidates two lots, previously known as Apple Grove Subdivision (vacated under Commission Order 226-2019) with adjacent property to form a single, contiguous lot of 9.86 acres.

The property has direct access on to Creasy Springs Road, a publicly dedicated, publicly maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

The subject tract is served by a Consolidated Public Water Service District #1 2" line for water service, by the Boone Electric Cooperative for electrical service, and is located in the Boone County Fire Protection District.

Any new construction on this lot will 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.

The property scored 58 points on the rating system.

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

6. Country Paradise. S3-T51N-R13W. A-2. TWW and EAB Revocable Trust, owner. Steven R. Proctor, surveyor.

The following staff report was entered into the record:

The subject property is approximately 4 ½ miles to the west of the City of Sturgeon, on Bourbon Road, south of the intersection of Bourbon Road and State Route F. The property is 10.66 acres in size and zoned A-2(Agriculture). The property is surrounded by A-2 zoning. This is original 1973 zoning. The property has an existing house, lagoon, and shed present. This proposal divides the subject tract into two lots, one at 6.44 acres, the other at 3.41 acres, placing the house and lagoon on the 3.41 acre tract, and the shed on the 6.44 acre tract.

The lots have direct access to Bourbon Road, a publicly dedicated, publicly maintained right of way. As the parent tract was originally created using an administrative survey and a 10.70-acre tract from that survey is to the west, an access easement is present on the property for that access. The applicant has submitted a request to waive the traffic study requirement.

The subject tract is located in Public Water Service District #10, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

The existing house is served by a lagoon, permitted by the Columbia/Boone County Health Department. Development on Lot 3C will require an on-site system to be constructed under permit from the Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 22 points on the rating system.

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

- ~~7. The Estates Plat 1. S10 T47N R13W. A 2P. DNT Group LLC, owner. Jay Alan Gephardt, surveyor.~~

THE ESTATES PLAT 1 WAS REMOVED FROM THE AGENDA

8. Perche Ridge Preliminary Plat. S19-T48N-R13W. Fred Overton Development Inc., owner

SEE STAFF REPORT UNDER REZONING REQUEST

9. Pauley Acres Plat 2. S12-T47N-R12W. A-1. Kerry and Christina Pudenz, owners. Steven R. Proctor, surveyor.

The following staff report was entered into the record:

The subject property is located on State Highway AB, approximately 2200 feet west of the intersection of State Highway AB and Rangeline Road, and approximately two miles from both the City of Columbia and the City of Ashland city limits. The subject property consists of a 6.00-acre lot and a 4.00-acre lot that were created as part of Pauley Acres Planned Residential Development in 1990. Tract 1 currently has a house and

an out-building located on it. Tract 2 is vacant and currently not eligible for any structures. In August 2018, the property was rezoned from A-1P to A-1 to allow consolidation of the lots into one ten-acre lot.

The lot will have frontage on and direct access to Route AB.

Consolidated Water provides service in this area.

An onsite wastewater system is used for sewage disposal.

The property scored 48 points on the rating system.

Staff recommends Approval.

Commissioner Martin made and Commissioner Koirtyohann seconded a motion to approve the items on consent agenda with staff recommendations and conditions:

All members voted in favor.

## VII. Old Business

### 1. Update on Commission action.

Director, Stan Shawver updated the Commission on the actions taken by the County Commission as follows:

The Final Development Plan for Wilson & DNT Group was approved as recommended. Commission Order 272-2019.

The Final Development Plan for Koirtyohann was approved as recommended. Commission Order 273-2019

The Final Development Plan for New Field LLC was approved as recommended. Commission Order 274-2019

Keil Subdivision Plat was approved as recommended. Commission Order 275-2019

## VIII. New Business

### 1. Annual Election of Officers.

The floor was open for nominations for Chairperson.

Commissioner Martin nominated and Commissioner Kurzejeski seconded to elect Commissioner Harris as Chairperson. No other nominations were made. All members voted in favor of Commissioner Harris as Chairperson.

The floor was open for nominations for Vice-Chairperson.

Commissioner Poehlman nominated and Commissioner Martin seconded to elect Commissioner Kurzejeski as Vice-Chairperson. No other nominations were made. All members voted in favor of Commissioner Kurzejeski as Vice-Chairperson.

The floor was open for nominations for Secretary. Commissioner Martin nominated and Commissioner Koirtyohann seconded to elect Commissioner Poehlman as Secretary. No other nominations were made. All members voted in favor of Commissioner Poehlman as Secretary.

IX. Adjourn

Being no further business the meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Secretary  
Michael Poehlman

Minutes approved on this 15<sup>th</sup> day of August, 2019