

TERM OF COMMISSION: August Session of the August Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
County Counsel John Patton
Deputy County Clerk Melanie Stapleton

The meeting was called to order by the Presiding Commissioner at 7:00pm.

Commissioner Stamper stated that the primary purpose of this meeting was to discuss planning and zoning issues. He stated that the format for the meeting would be as follows: staff report, comments from applicant or agent of applicant, public hearing, rebuttal by applicant or agent of the applicant, discussion of the commission. He also asked that all those giving comments sign in, state their name and address for the public record, and state if whether they are present in support of or opposition to the issue. He also asked that all testimony be succinct and focused.

Subject: Request by Keith and Chastity Samuel to rezone from A-2 (Agriculture) to A-R/PRD Agriculture Residential/Planned Residential Development) and to approve a Review Plan and preliminary plat on 94.04 acres, more or less, located at 9200 S Rte N, Columbia to be known as Brookfield Estates (appeal)

Stan Shawver presented a staff report as follows:

This property is located at the northeast corner of the intersection of State Route N & Bluebird Lane. The site is approximately 3 & 1/2 miles south of the Columbia municipal limits. The subject tract is zoned A-2 (Agriculture) as is all the surrounding property. These are all original 1973 zonings. In November of 1989 and July of 1990 requests were submitted to place a radio tower on this property, both were denied. The property is currently vacant. Construction has begun on the lakes that are shown on the review plan/preliminary plat. The applicant is requesting rezoning of the entire 94.04 acre parcel to A-R/PRD (agricultural-residential/planned residential development). A review plan/preliminary plat has been submitted showing, 41 lots for single family dwellings, a lot for a central wastewater system, 2 common area lots each containing a lake, and a single not-for development common area lot. If the rezoning is granted, it will not go into effect until appropriate review and final plans have been approved. This property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Consolidated Public Water District No.1. The water district engineers have indicated that there is not sufficient water service for this development at this time. Water line extensions and up-grades will be required to meet the required fire flow for the development and these will be at the developer's cost. Additional Right-of-Way to provide a minimum 33' 1/2 width as measured from the existing centerlines of both Bluebird Lane and State Route N will be required. The review plan/preliminary plat shows a realignment corridor for the intersection of Bluebird Lane and State Route N. The exact location of this corridor and associated road improvements or construction will need to be worked out with both County Public Works and MoDOT. Proposed Chastity Lane is a required road connection to meet the maximum block length requirements, as shown, this connection ties into the realignment corridor for Bluebird Lane. As shown, the developer will be responsible for building the realignment of Bluebird Lane since a required road connection relies upon this realignment. If the developer does not intend to commit himself to building the realignment then Chastity Lane will need to be appropriately relocated to the east to tie into the existing and undisturbed portion of Bluebird Lane. If this change is made, it will need to be worked out with staff prior to final plat submission. Lot 3 does not comply with the subdivision regulation length to width requirements and must be reconfigured. A road stub to the property to the east is required and has not been provided. Staff does not feel there are any topographic or other good causes to not meet this requirement. The note on the plat indicating the average lot size of 2.3 acres is somewhat misleading. If you take the 94.04 acres and divide that number by the number of dwelling units proposed for the site which is 41, then you obtain the 2.29 acres. This is not an average lot size but rather the average residential density on the entire site. The two are not the same thing. Average lot size would need to be calculated by calculating the individual acreage of each lot and averaging the total. The proposed acreage of each lot is not provided. In absence of this information, it is probably

more appropriate to look to the graphic to get a feel for the sizes of lots being proposed. If this is done then one determines that of the 41 lots proposed for residential development there are at least 16 lots that are right at the 1 acre size, a number between 1 to 2 acres, and only a few over the 2 acre size. The Master Plan designates this area as being suitable for agriculture and rural residential land uses. An A-R zoning designation is not consistent with the plan; however, the plan does recommend the use of planned developments to make developments more compatible. The lots around the perimeter of the development proposal do tend to be the larger lots more in keeping with the area than those proposed for the internal portion of the development. The proposal has 58 points on the point rating system. 29 property owners were notified of this request.

If the commission approves the rezoning request, then staff recommends approval of the review plan and preliminary plat subject to the following 8 conditions.

1. That no buildings be allowed in the green space easement and no direct access be allowed to State Route N or Bluebird Lane.
2. That Lot 3 be brought into compliance with the subdivision regulations.
3. That required water improvements are completed to provide required fire flow and that it be recognized that this is the developer cost.
4. That the required road stub to the east property be provided and the location worked out with the planning & public works staff.
5. If the required connection of Chastity Lane remains where it is, that the developer is required to build the relocation of Bluebird Lane. If Chastity Lane is moved then this issue will need to be re-evaluated and must be worked out with the planning & public works staff.
6. That the exact relocation of Bluebird Lane be worked out with staff & MoDOT prior to final platting.
7. That the stormwater & erosion control suggestions for the lakes & site provided by the NRCS be followed as requirements.
8. Since the wastewater plant is proposed along the edge of the development against a neighboring property, buffering should be required and an acceptable landscaping plan submitted.

Stan Shawver stated that the Planning and Zoning Commission considered this request on August 17th. He stated that the motion to approve the request was denied. He stated that another motion was made to deny the request. He stated that the motion to deny received 5 yes votes and 2 no votes. He stated that this request is being presented to the County Commission on appeal.

There were no questions of staff.

Commissioner Stamper called for the applicant/agent of the applicant.

Bruce Beckett, Agent of the Applicant/Attorney with offices at 901 E Broadway and Keith and Chastity Samuel, owners were present on behalf of the request.

Bruce Beckett stated that the Samuels recently purchased this property with the intention of establishing a single-family residential development. He stated that the zoning on the property is A-2, which requires 2.5 acre lots and a 50 ft setback. He stated that the request is to rezone from A-2 to A-R, which would require only ½ acre lots. He stated that the Samuels do not intend to place ½ lots on the property. He stated that they intend to submit a plan for approval, which would be binding and provide for a slightly higher number of lots than allowed under the A-2 zoning.

Bruce Beckett stated that the review plan showed 41 lots. He stated that the Planning and Building Inspection staff indicated that 2.3 acres of the plan was misleading. He stated that there was no "evil intent," however this was the number (2.3) that one arrived at when 41 was divided by 94.04. He stated that he indicated that within the boundary lots there was 72 ½ acres, creating an average lot size of 1 ¾ acres. He stated that this figure is misleading, in that there are several common areas within the 94.04 acres including the treatment plant (1.38 acres), a large lake (7.84 acres), a smaller lake (3.08 acres), and a heavily tree covered remnant that would remain if Bluebird were realigned (1/10 of an acre).

Bruce Beckett stated that there would be 15, 1-acre lots all of which lie in the interior of the lakes. He stated that there are 14 lots that are over 1 acre, but less than 2 acres, 10 lots from 2 acres to 3.1 acres, and 2 lots in excess of 5 acres. He stated that combining the

acreage in the lots and the common areas results in 85.5 acres, which provides 8.9 acres for roads or proposed roads (including the proposed realignment for Bluebird Ln).

Bruce Beckett stated that this subdivision has a substantial amount of greenspace. He stated that the lots (in the southeast corner of the subdivision) have a greenspace easement, of approximately 4 acres. He stated that there is also greenspace in the northwest portion of the subdivision along Rte N (6 acres) and 1.1 acres of greenspace in common lot D. He stated that this totals 22 acres of lakes and greenspace, slightly over 23% of the 94.04 of the subdivision.

Bruce Beckett stated that the Review Plan is a very positive thing for this area. He stated that the Review plan provides for a centralized sewer system for the 41 lots rather a lot of individual treatment plants. He stated that it was Mr. Samuel's idea to realign Bluebird Lane, however it was not his intention to pave the intersection. He stated that staff stated that if Mr. Samuel did not wish to pave Bluebird, then Chastity would have to be slightly realigned. He stated that Mr. Samuel agreed to this recommendation.

Bruce Beckett stated that the Review Plan also allows for the 50' setback. He stated that the larger lots around the perimeter buffers the interior lots from the neighboring property owners. He stated that this Review Plan is attractive and "takes the neighbors interest into consideration." He also noted that the developer is only requesting seven more lots than he is allowed to place under the current zoning.

Keith Samuel stated that there are two very large, oak species on the property that he would like to preserve, hence the need for the greenspace easements. He noted however that if the zoning remains A-2, then he would not be able to preserve the trees.

Bruce Beckett also stated that it would be the developer's intention to slightly realign the greenspace triangle on a final plan in order to place a building lot in that area. He stated that any greenspace that is lost could be added to lot 6.

Jim Brush, Professional Engineer and Land Surveyor with offices at 506 Nickels St stated that the developer met with the (Missouri) highway department to determine a suitable entrance location. He stated that the highway department indicated that the developer selected the proper location.

Commissioner Stamper noted that the County Commission received a lot of calls on this issue. He stated that a precedent would be set, if the issue was approved. He stated that the County Commission prefers PRDs because they provide better control. He noted however that the neighborhood might not like the possibility of a PRD because of the density it could create. He also noted that there were a variety of infrastructure concerns to take into consideration in this area, such as water, sewer, and traffic on a narrow state, highway.

Commissioner Stamper convened a public hearing on the request.

Commissioner Stamper acknowledged that the County Commission received two petitions regarding this request for the public record. He stated that the intention of the first petition was to require unanimous decision by the County Commission under the Planning and Zoning rules. He stated that the other petition was advisory in nature, in that the individuals that signed it live further away (than 1000' from the request site). He stated that the petitions were given to County Planning staff and Legal Counsel for review.

James Comas & Anna Ragland submitted the following statement for the public record:

*Dr. James Comas & Anna Ragland
1231 E Bluebird Ln
Columbia, MO 65201
573-657-1449 * ComasJ@missouri.edu - RaglandA@missouri.edu*

14 Aug 2000

*Stan Shawver, Director
Planning & Zoning Commission
Boone County Government Center
801 East Walnut Room 245
Columbia, MO 65201-7732*

*RE: Request by Keith & Chastity Samuel to rezone from A-2 to A-R/PRD & to approve a
Review Plan and Preliminary Plat on 94.04 acres at 9200 S. Rte. N, Columbia (Brookfield
Estates)*

Dear Mr. Shawver:

As owners of property adjacent to the real estate described in the above request, we are writing to all members of the Planning & Zoning Commission to express our objections to the proposed change in zoning and to the Review Plan and Preliminary Plat. We purchased our home just over a year ago, moving to a rural area after, living in Syracuse, New York for several years. As you consider your recommendation to the County Commission, we hope you will consider carefully the following concerns:

- creation of spot zoning*
- creation of urban sprawl*
- lack of adequate water supply*
- lack of proper fire protection*
- lack of proper police protection*
- lack of proper storm water control*
- creation of nuisance from sewer treatment site*
- creation of traffic congestion, including the new intersection in front of Rock Bridge Elementary School*
- incompatibility with surrounding zoning*
- failure to conform to the general principle and land-use recommendations of the Boone County Master Plan*
- violation of rights of adjacent property owners who purchased property in reliance of the existing A-2 zoning.*

We plan to attend the Planning & Zoning Board meeting on 17 August and look forward to meeting you.

Sincerely,

James Comas

Anna Ragland

James Comas elaborated on his list objections and concerns. He stated that three families have recently purchased property in this area under the current A-2 zoning. He stated that these families wanted to live in a rural, agriculture community. He stated that approval of this request

would be breaking a promise to the existing landowners.

James Comas stated that this request does not conform to the Boone Count Masterplan. He stated that the lands to the north, west and east of Rockbridge State Park should remain rural, residential property. He stated that it would put a burden on the developer to make the site palatable to the neighboring property owners. He stated that there would be consequences if this request were approved. He noted that it would be “the beginning of the end “of the rural area south of and next to the Rockbridge State Park.

James Comas stated that this development is only superior to other options of development when compared to areas of the County where the average property size is 2.5 acres. He stated however that this development is not superior in an area where the average lot size is over 19 acres or when the average size of adjacent property is 68 acres.

James Comas stated that “infrastructure is absent.” He stated that there is not sufficient water for this kind of development at this time. He stated that the upgraded water system would actually contribute very little to the area. He also stated that that this development would create numerous dangers along Rte N that the County does not have money to remedy at this time.

James Comas stated that the developer has not shown the benefits or provided adequate information regarding the proposed sewage treatment system. He also stated that the planning of this development has been very poor. He stated that this development raises serious questions about the likely consequences to the Little Bonne Femme Watershed and possibly neighboring watersheds.

James Comas stated that there are also environmental concerns to be taken into consideration. He stated that the additional homes, streets and sewer structure would increase the impervious surfaces. He presented a preliminary study on sink holes. The study identified 83 new, sink holes, not including those that could be created by the proposed development.

Jeff Mitchell, 5117 Louisville Dr stated that he and his wife Catherine Linder own 28.8 acres to the east and south of the proposed development. He stated that their property has 2300’ of common boundary with the proposed development. He stated that they are opposed to the zoning request.

Patrice Albert, 2000 W Gleason stated that she was present on behalf of Carl Gerhardt (resident at 607 Morningside Dr) who was not able to attend. Mr. Gerhardt’s statement was as follows:

To the Boone County Commission

I, H. C. Gerhardt purchased land near Easley, MO under the assumption that this property and that situated along Rte N which lies between my land and my place of work in Columbia, was zoned for Agriculture-Rural Residential use and that the zoning restrictions regarding the minimum lot size of 2.5 acres would be enforced. I attended the public hearing of the Planning and Zoning Commission on August 17th and listened carefully to all of the arguments. In my opinion the request by the developers of Brookfield Estates to rezone is unwarranted and should be denied. I feel furthermore that the developers arguments represent an obvious, implied threat. Unless the rezoning is approved, there is a good possibility that the development will not only proceed, but will lack any of the planned “voluntary” improvements that were offered as inducements for approval of the rezoning in the first place.

*H. C. Gerhardt
August 28, 2000*

Ken Midkiff, 1005 Belleview Ct stated that he is the Director of the Missouri Sierra Club and that he was present tonight on behalf of that organization. He stated that the Sierra Club has three concerns. He stated that they are concerned about the following: urban sprawl with little infrastructure, a new, on-site sewage system, and the change in the nature of the area. He stated that if this request is approved that then the County Commission should stipulate that the developer “hook onto a County-wide sewer system and move the sewage off site because of the

environmental dangers.” He also stated that Rockbridge State Park and Three Creeks Conservation are “starting to resemble green islands in a sea of development.” He stated that it is time for this to stop and “this is the time to stop it.”

Ruth Samuel, (address not given) stated that Keith Samuel is not a stranger or city boy to this area. She stated that he and his wife have lived on this end of town for many years. She stated that her family has been seeking a piece of property in this area for many years. She stated however that either property was not available or when it became available it was too large to purchase. She stated that by decreasing the lot sizes, the average family could afford the house and the lot. She stated that there are a lot of restrictions placed on a subdivision to ensure the beauty and upkeep of the homes and lots. She stated that there are many beautiful trees and a lake on the property. She stated that this land has been zoned and on the market for many years. She stated that people could “have researched the empty fields around them to see who might someday be their neighbor.”

Ruth Samuel stated that this is not a “get-rich-quick” project. She stated that there has been time, money, and sweat placed before this project and will remain throughout its completion.

Vickie Samuel, 6400 Scott Blvd stated that she wanted to express her concerns over the comments given at the last meeting (August 17th public hearing). She stated that traffic is a problem anywhere. She noted that Rte N is no exception especially with its MKT Trails and bluffs. She stated that sewer would not be a problem because of the Boone County Regional Sewer District’s strict guidelines. She stated that she spoke with Mr. Mendendorf in the Missouri Department of Natural Resources Geological Survey department who stated that “there is no data to support the appearance of sink holes.”

Vickie Samuel stated that the adjacent land owners opposing the request are misleading the community in believing that all 41 homes would be placed on one or two acre lots. She stated that Brookfield Estates is “a thorough and detailed plan that exhibits the thoroughness Keith Samuels represents.” She stated that the County Planning staff recommended eight conditions if the Review Plan were approved. She stated that Keith Samuels agreed to all of those conditions. She asked the County Commission to approve the request.

Troy Potter, 8799 S Rte N stated that the greenspace was referred to as being for the neighbors. He asked, then why is the sewer system being placed next to the adjacent landowners? He also noted that the seven, additional houses *would* generate more money for the developer.

Danny O’Brien, 8810 Tomlin Hill Rd stated that he seconded most of the objections expressed by the first speaker (James Comas). He stated that there are other ways of developing the property that are consistent with the values of the Pierpoint neighborhood. He cited the example of the Foxcroft property, which was purchased by surrounding landowners in order to prevent 2.5-acre lots. He stated that there were also covenants put in place to keep the lot sizes large for the next thirty years. He stated that he realized that Columbia would grow and that this area would not remain rural forever. He noted however that in thirty years the infrastructure “will have grown with to accommodate this kind of high density development.” He stated that he hoped “if Mr. Samuel wants to be a good neighbor that he will develop his property in a way that is consistent with the land is used and developed now.”

Jim Gibson, 406 Robin Ridge Rd stated that he has lived at this address for 26 years. He stated that he is impressed with the planning and thought of the developers. He stated however that approval of this request would set a precedent. He stated that seven, additional lots would create a lot of money. He stated that this is a request for spot zoning and urban sprawl. He stated that the rules should not be changed to benefit the real estate and development community.

Sara Keithly, 10233 S Rte N stated that she has lived at this address her whole life. She stated that Rte N is narrow enough. She stated “anytime something adds to the people in an area, then it also changes the traffic in that area.” She stated that the area would become more congested. She stated that the school buses have a very difficult time as it is. She stated that the traffic on this road terrifies her to death. She stated that she does see why the people who have lived here for years should have to put up with worsening conditions when they already have to deal with

the present conditions.

Greg Keimig, 7851 S Rte N stated that he lives near a similar intersection, which is also dangerous. He stated that the developer has the right idea in trying to straighten out the curve on Rte N. He stated that he is not opposed to the subdivision "because growth is imminent in the city." He stated however that he has a couple of concerns. He stated that the traffic should be addressed as well as the smell that would be created by the sewer system.

James Camp, 1172 E Bluebird Lane stated that he is opposed to the development. He stated that Keith Samuel's heart is in the right place however this development would represent a threat to the way of life in this area. He stated that at present this area is clean with not a lot of noise. He also noted that people paid money to have this kind of space. He stated that he enjoys seeing the stars.

Terry Finger, 9882 Rte N stated that he is opposed to the request. He stated that he shares many of the concerns listed this evening. He produced a lot distribution chart. He stated that this development is a lot of houses on smaller lots. He stated that the development is not consistent with the existent land use in the area or the zoning. He stated that if this were approved it would be the same as saying the zoning and masterplan are meaningless. He stated that he does not "think that PRD is a dirty word." He stated planning and planned developments are fine, but to take something that is planned and say that it is good no matter where you plop it down is ludicrous. He stated that the development still has to relate somehow to the existing land uses in the area.

Libby Mason, 4206 I-70 Dr SE stated that this development is a good idea. She stated that Keith and Chastity Samuel are not money hungry. She stated that everyone else (opposed) is selfish because they do not want anyone else to live where they live or enjoy the place where they live.

Phil Miller 900 E Bluebird Lane stated that most of the people that live in this area own livestock. He stated that the people coming in on smaller lots would not know anything about livestock. He stated that it was mentioned at the public hearing that the sewer plant would be turned over to the County. He asked if the County would want to pay for "a half worn-out sewer plant." He stated that there is no way to realign Bluebird Lane safely.

Johnny Samuel, 6400 S Scott Blvd stated that he understood what most of the people (opposed) to the request are going through. He stated that the Thornbrook Subdivision was created around this property and created a similar situation with the roads. He stated however that they "got through it." He noted that the only people that have wrecks (in the request area) are the ones that are not familiar with the roads.

Johnny Samuel stated in reference to the sewer system that "nowadays you have to comply with the County." He stated that most people should go out and look at their sewer system. He stated that most of those sewer systems probably run over into their neighbors' property.

Jillian Borchard, 1700 E Nashville stated that she lives on the Bonne Femme Watershed. She stated that her main concern is the watershed. She stated that she moved to this area because of the beautiful creeks. She stated that she would like to see them remain beautiful. She stated that she is opposed to the development for this reason and all the others that have been stated. She provided a pamphlet regarding the Bonne Femme Watersheds to the County Commission.

Kurt Albert, 2000 W Gleason Rd stated that he is not impressed with old sewer plants either. He stated that the average household has 1.75 cars. He stated that if each car in the households of the proposed development were to make one trip to town per day, then this would generate 164 trips per day on the roads. He stated that he believes that the A-2 zoning is a covenant with the rest of the property owners in the area. He asked the County Commission not to change that covenant.

Linda Flowers, 1311 Georgetown Ct gave the following statement: (her statement will be inserted later).

Pat Timberlake, 9221 S Rte N stated that she has lived in this area since 1975 and owns 75 acres. She recapped the objections stated in the opening testimony by James Comas and throughout the public hearing. She stated that the traffic congestion as well as the added entrance onto Rte N would be a serious problem. She also cited the proposed development's failure to comply with the Boone County Masterplan. She stated that it would not be compatible to have such a dense development in an area that has an average property size of 68 acres. She stated that 21 of the lots (½ of the development) are 1.5 acres. She stated that she also felt that "the zoning is a promise to existing landowners and approval of this request would be breaking the County's promise to those landowners." She acknowledged the petitions submitted in opposition to the request.

There was no one else that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Stamper called the applicant/agent of the applicant for rebuttal comments.

Bruce Beckett stated that a comment was made that approval of this request would set a precedent of allowing more A-R zoning or ½ acre lots in this area. He stated that he disagreed with this statement. He stated that the only precedent this would set is that, "if one is going to deviate from A-2, then it would have to be done in a planned district that has a density that is not substantially different than A-2." He stated that this development has 41 lots on 94 acres, which is not substantially different than what could occur under A-2 zoning.

Bruce Beckett stated that there was also discussion about the infrastructure. He stated that an inquiry was made in July by Mr. Brush (development surveyor) to the Consolidated Public Water District No. 1 engineering firm as to whether there would be adequate water pressure to provide fire protection for this subdivision. He stated that a letter was sent stating that there *was* adequate water pressure to provide fire protection. He stated however that a few days before the Planning and Zoning Commission, the engineer sent an apology and a very different answer. He stated that the engineer then indicated what would be necessary *in order to provide* adequate fire protection to the subdivision. He stated that those guidelines were listed as one of the /conditions given by the County Planning and Building Inspection staff, if the request were to be approved. He stated that the Samuels agreed to comply with that condition. He further stated that the Samuels are willing to accept all eight conditions recommended by staff.

Bruce Beckett stated that there was also discussion about spot zoning. He stated that "spot zoning is when one brings in a use that is totally incompatible with the way the neighboring property is zoned." He stated that all of the property is zoned for 2.5-acre tracts. He stated that this development would put in tracts that are 2.0 acres in size, which is not a big difference.

Bruce Beckett stated that the comment was made "why would the County want to take over an old sewer, treatment plant." He stated that this is not what was going to occur. He stated that this would be a new treatment plant. He stated that it is typical for a developer to build these plants with a collector line and then turn them over to the Boone County Regional Sewer District for operation of the treatment facility. He stated that this would allow all of the lots to be served by a public utility in accordance with Missouri Department of Natural Resources regulations. He stated that the affluents would be controlled, "which is substantially more than you can say for the treatment facilities that are serving our neighbors."

Bruce Beckett stated that there was considerable discussion about the traffic in this area. He stated that if this property were developed under A-2 zoning, the developer could place six or seven lots and entrances along Rte N. He stated that this development is far better than allowing multiple, private entrances along Rte N. He stated that one of the block entrances along Bluebird Lane could be eliminated.

Bruce Beckett stated that there were also a number of comments regarding environmental concerns. He stated that there was not one speaker present that could say that there are sink

holes on this property. He stated that the Boone County Zoning Ordinance identifies the sink hole areas that are of concern in the County, and they do not include this piece of property.

Bruce Beckett stated that this piece (development) of property does not drain into Rockbridge State Park.

Bruce Beckett stated that there were also comments given about the implied threat if the Samuels are unable to develop this property in accordance with the request. He stated that there is no implication or threat. He stated that it would be a necessity to develop the property as allowed under A-2 zoning. He stated that Keith and Chastity Samuel purchased this piece of property to develop. He stated that if necessary, then the Samuels would develop it according to a different plan. He stated that he and the Samuels believe that this plan is better than the alternative. He stated that if there are some adjustments that need to be made that would allow the developer the same result, then the developer would be amenable to them. He stated however that the property has to be developed.

Keith Samuels stated that he has been around a lot of residential treatment plants. He stated that the odor is not bad compared "to a sitting lagoon that is not being aerated or circulated."

Commissioner Stamper stated that it has been the County's policy to work with developers who are installing collection systems. He stated that collection systems are encouraged on a development with a certain amount of density. He stated that the systems are brought into public ownership after they are installed and operating. He stated that the systems are then taken over by the Boone County Regional Sewer District. He stated that the people utilizing the systems are charged a monthly fee for the maintenance of the plant.

Commissioner Stamper asked the applicant where the sewer plant would be located on the tract.

Bruce Beckett stated that the drainage from this vicinity runs from the north and is therefore a natural place for the sewer plant.

Stan Shawver stated that the process of water and sewer approval with the Missouri Department of Natural Resources is as follows: all construction plans are submitted to the Boone County Regional Sewer District, the BCRSD engineer reviews them for compliance with standard engineering practices. He stated that the plans are then forwarded to the MO Department of Natural Resources who reviews them. He stated that if the plans meet approval by MO DNR, then a construction permit is issued. He stated that construction takes place and it is inspected by the Boone County Regional Sewer District and the MO DNR. He stated that a bill of sale is prepared and reviewed by Legal Counsel for the Boone County Regional Sewer District. He stated that one should be careful with the term bill of sale because Boone County Regional Sewer District does not pay for the facilities, however they do require a bill of sale in order to obtain clear ownership to the facilities.

Stan Shawver stated that the facilities have to be operating and tested in order to be found in compliance with operating standards and procedures. He stated that then the facilities are taken over by the Boone County Regional Sewer District. He stated that the users are billed for tap fees and maintenance.

Commissioner Stamper asked Stan Shawver to describe the difference in scrutiny of the developer under a PRD versus a standard A-2 development.

Stan Shawver stated that it would simplifying matters to say that there is no scrutiny in a straight A-2 zoning subdivision. He stated that A-2 subdivision regulations require that a subdivision plat and preliminary plat be submitted. He stated that the preliminary plat is reviewed for compliance with the subdivision regulations and by all of the related utilities, Public Works, and MoDOT. He stated that all of the requirements are provided to the developer who is then allowed to proceed with a final development plat. He stated that the designs have to meet County approval and standards. He also noted that the MO DNR has minimum subdivision regulations that must be met.

Stan Shawver stated that in a PRD, the developer has a certain amount of flexibility so far as setback regulations are concerned. He stated that there is a greater degree of flexibility internally. He stated that within the overall zoning category, the developer could have any size lots necessary as long as the allowable density is not exceeded. He stated that the developer could decrease the cost of infrastructure. He stated that the developer is also allowed more flexibility in the use of open space and preserving natural features of the property.

Stan Shawver stated that the Planning and Zoning Commission and the Boone County Commission have a great deal of leverage in approving a PRD. He stated that they could exact improvements buffering additional open space requirements and anything else reasonable that comes out during a public hearing.

Commissioner Stamper stated that he was given the impression (during Mr. Beckett's testimony) that if a person in this development purchased a 5-acre tract, there would be some prohibition against subdividing and building up on the green space.

Bruce Beckett stated that the prohibition would be against putting buildings in the green space. He stated that this refers to the portion of the develops that "is up against Rte N, . . . in the southwest corner." He stated that one of staff's conditions was there would be no buildings in the greenspace easements shown on the Review Plan.

Commissioner Stamper asked if this is the same plan that was heard by the Planning and Zoning Commission on August 17th.

Stan Shawver stated that it appeared to be the same.

Stan Shawver reiterated the staff's comments regarding the development as listed in the staff report.

Commissioner Miller stated that this development is not in the urban service area. She stated that this development is far from the same type of situation as Thornbrook. She stated that Thornbrook was actually going to become part of the city (of Columbia). She stated that the proposed development is very rural. She stated that she believed "if there were Planning and Zoning development today as there was in 1973, this piece of property would be zoned A-1 instead of A-2."

Commissioner Miller stated that she prefers PRDs. She stated however that "PRDs are desirable where development is desirable." She stated that the people sitting in this room (neighbors) should have an opportunity to determine their future, since they own the land around the proposed development. She stated that when a person sells their land, they are making the statement "we are transitioning here." She stated that someone offered this land up and it was transitioned to the Samuels. She stated that the only way to control the rural perspective of this area is to determine the ownership and the future plans of the buyers. She stated that she could not support approval of the request.

Commissioner Vogt stated that she reviewed this property earlier today. She stated that she too likes the idea of a PRD. She stated that the property is zoned A-2, which means the property could be developed with 2.5 acre lots. She stated that there is value in the following: leaving greenspace around the perimeter of the property, in making better use of the ponds and lakes on the property, and the developer working with the County and the public utilities to provide infrastructure on this property.

Commissioner Vogt stated that she heard the surrounding property owners say that they do not want seven more houses on the property. She stated however that even if the developer puts 34 lots on the property, there is still value in developing this property as a PRD.

Commissioner Stamper stated that there is a lot of misinformation given during a public hearing. He stated that it is clear that the neighbors do not want this development and fear that it will change the character of the neighborhood. He stated that he talked to a farmer earlier today, who stated that most people appearing at the public hearing on this request are part of urban sprawl.

Commissioner Stamper stated that the County is growing at an incredible rate. He stated that the reason that the County Commission likes PRDs is that it allows them to work with the developer to create an environment wherein greater density is possible without “chewing up 10, 5 and 2.5 acre tracts at a time.” He stated that everyone in the County is not able to live on 2.5 acres. He stated that the County prefers however to have PRDs a little closer to the city and near an urban service area. He stated that had the proposed development been near an urban service area, he probably would have voted for it.

Commissioner Stamper stated that this was a very well planned, quality development. He stated however that he did not like the precedent that approval of this request would set. He noted that the masterplan is not written in stone and is changed from time to time based on the growth patterns.

Commissioner Stamper stated that he would not vote for approval of the request because the proposed development “is in the wrong place.”

Commissioner Miller asked if this property would still have to meet the fire protection and water pressure standards regardless of the manner in which it is developed.

Stan Shawver answered affirmatively.

Commissioner Miller moved to deny the request by Keith and Chastity Samuel to rezone from A-2 (Agriculture) to A-R (Agriculture Residential/Planned Residential Development) on 94.04 acres, more or less, located at 9200 S Rte N, Columbia to be known as Brookfield Estates.

Commissioner Stamper seconded the motion.

There was no discussion.

The motion passed 2-1. Commissioner Stamper and Commissioner Miller were in favor of the motion. Commissioner Vogt was opposed. Order 344B-2000

Commissioner Stamper stated that the petitions received required a unanimous decision of the County Commission, which did not occur.

Commissioner Miller moved to deny the Review Plan and Preliminary Plat located on 94.04 acres at 9200 S Rte N, Columbia to be known as Brookfield Estates.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 344C-2000**

Subject: Request by Louie Ray Yow to vacate and re-plat Lot 6 Tower Industrial Park located at 1701 Prathersville Rd, Columbia

Stan Shawver that this is a former, Craig Simon property located in Prathersville. He stated that Mr. Yow purchased a portion of one of the lots. He stated that Mr. Yow owns the convenience store across from Crescent Meadows. He stated that Mr. Yow is considering placing private restrooms and a small, private neighborhood park in this area. He stated that Mr. Yow is asking permission to vacate and re-plat Lot 6.

Ron Shy presented a drawing of the area.

Commissioner Stamper convened a public hearing on the request.

There was no one present to comment.

Commissioner Stamper closed the public hearing.

Commissioner Miller moved to approve the petition to vacate Lot 6 Tower Industrial Park located at 1701 Prathersville Rd, Columbia with the vacation to take effect upon the approval of the plat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 345-2000**

Subject: Request by Mike and Joetta Connell to vacate and re-plat Lot 3, Bentwood Estates, located at 16255 Bentwood Lane, Centralia

Stan Shawver stated that this property is located north of Hallsville with a zoning of A-2. He stated that the Connells own a 5-acre lot. He stated that if the vacation and re-plat is approved, the Connells plan to split the lot into two lots. He stated that they would build a new home on one of the lots and sell the remaining lot.

Commissioner Stamper convened a public hearing on the request.

There was no public present to comment.

Commissioner Stamper closed the public hearing.

Commissioner Vogt moved to approve the request by Mike and Joetta Connell to vacate and re-plat Lot 3, Bentwood Estates, located at 16255 Bentwood Lane, Centralia.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 346-2000**

Subject: Silver Fork Estates. A-2. S27-T50N-R13W. Phil Blom, owner. Brian David Dollar, surveyor.

Stan Shawver stated that this is a three-lot, minor plat located west of Old No. 7.

Commissioner Vogt moved to receive and accept Silver Fork Estates and authorize the Presiding Commissioner to sign the plat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 347-2000**

Subject: Martin. A-2. S5-T50N-R11W. Kenneth S. Martin Trust, owners. Donald E Bormann, surveyor.

Stan Shawver stated that this is a one-lot, 2.5 acre tract.

Commissioner Vogt moved to receive and accept a minor plat subdivision, Martin, and authorize the Presiding Commissioner to sign the plat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 348-2000**

Subject: Wellin. A-2. S5-T50N-R11W. Phillip & Sharon Wellin, owners. Donald E. Bormann, surveyor.

Stan Shawver stated that this is a three-lot subdivision on Wallace Lane.

Commissioner Vogt moved to receive and accept a minor plat, Wellin, and authorize the Presiding Commissioner to sign the plat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 349-2000**

Subject: Schultz. A-2. S9-T50N-R11W. David & Claudia Schultz, owners. Donald E. Bormann, surveyor.

Commissioner Vogt moved to receive and accept Schultz subdivision, a minor plat and authorize the Presiding Commissioner to sign the plat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 350-2000**

Subject: American Legion Plat 1. R-S. S16-T48N-R12W. American Legion Post 202, owner. James R. Jeffries, surveyor.

Commissioner Vogt moved to receive and accept the American Legion Plat 1 and authorize the Presiding Commissioner to sign the plat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 351-2000**

Subject: Printer Purchase for the Public Works Department

Commissioner Stamper stated that the warranty on a printer at the Public Works Department has expired. He stated that the department is in need of a new printer and would like to make the purchase from Class 9 funds.

Commissioner Stamper moved to approve the reallocation of Class 9 funds in Account 2040-91301 to purchase a printer at the estimated cost of \$700.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 352-2000**

Subject: First Reading of a \$778,000 Budget Amendment for Public Works

Commissioner Stamper read a budget amendment into the public record as follows:

AMOUNT	(increasing) ACCOUNT
\$255,000	2040-71100 Outside Services (\$50,000-Chip Seal Hauling) (\$80,000-Asphalt Overlay) (\$125,000-El Chaparral Change Order)
\$18,000	2040-26200 Rock
\$100,000	2040-86800 Emergency
\$305,000	2045-71100 Outside Services (\$175,000-Gans Rd) (\$130,000-Gibbs Rd)
\$100,000	2045-86800 Emergency

Said amendment is to cover additional fund needs for completion of Public Works Projects.

Commissioner Stamper stated that this budget amendment would be returned for a public hearing on approval following the ten-day waiting period for public comment.

Subject: Hire Above the Base in the County Commission Office

Commissioner Miller stated that the County Commission Office needed to hire a staff member. She stated that Betty Dickneite, Human Resources Director was out on medical leave at this time and therefore the necessary documentation for an above the base hire could not be provided at this time. She stated that funds are available for the hiring of the employee at the requested rate.

Commissioner Miller moved to authorize the hiring of an individual for position #535, AA/Clerk II at the rate of pay of \$9.50, which is \$1.27 above the base of the range.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 353-2000**

There were no Commissioner Reports.

There was no public comment.

The meeting adjourned at 9:45pm.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner