

TERM OF COMMISSION: September 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.

**Subject: Public Hearing on Appeal of Windy Point Development, LLC and B-SIB, LLC**

Commissioner Stamper stated that this meeting was called for the specific purpose of holding a public hearing on the Windy Point issue. He stated that the County Commission received a large amount of documents prior to this evening and more would be submitted throughout the evening. He stated that the County Commission would hear and receive all of this information for the public record, however no decision would be made at this hearing. He stated that the County Commission would need time to process and review all of the information.

Commissioner Stamper stated that the County Commission would schedule this issue on the County Commission agenda after review of the information and Legal Counsels' submission of findings of fact and conclusions of law.

Thad Yonke read the Planning and Building Inspection, staff report as follows:

**STAFF REPORT WINDY POINT 9/19/2000**

(CUP & Review Plan, Preliminary Plat)- This report relates to the version of the submission acted upon by the P&Z Commission in June & July of 2000. This proposal is for a CUP for a hybrid of a Mobile Home Park/Subdivision as part of a planned residential development. The project is located immediately North and East of Bon Gor Subdivision and runs to the intersection of Mauller Road and Highway VV. The site is approximately 300 feet East of the intersection of Wade School Road and Cunningham Drive. The site is located approximately 2 miles North of the Columbia City Limits. The property contained within the proposal is currently zoned R-S (residential single family) 86.1 acres and there is also a small portion of R-M (residential moderate density) 7.7 acres. These are the original 1973 zonings. Adjacent zoning to the North and South of the proposed development is R-S. Property to the West, within Bon Gor Subdivision, contains a mixture of zonings, R-S, R-M, and a small piece of C-N (neighborhood commercial). Property to the East across Highway VV is zoned A-R (agricultural-residential). These are all also original 1973 zonings. The current proposed review plan encompasses 93.8 acres. The proposed density for the entire PRD is 316 units. The practical maximum density for the PRD area is 438 units. The Mobile Home portion encompasses approximately 40 acres of the 93.8 and is proposed to have 84 lots, 18 lots for individual units, 52 lots set up for 2 units on each, 10 lots set up for 3 units on each, and 1 lot set up for 4 units. The total number of Mobile Homes proposed is 154 units, 50 more units than last year's proposal, which contained 104 units. The remaining lots within the planned area contains 4 proposed 4-plex structures, 7 duplex structures, 132 single-family lots, the lake lot, a small park lot, 2 lots for residential storage buildings for the mobile home component, and 1 lot for a community building and park/sales office. The development proposes the 4-plexes to adjoin the existing apartments, the duplexes to adjoin the existing duplexes, and the remainder of the property on the West side of the lake to be single-family homes. The development on the East side of the lake is the Mobile Home portion of the development. The mobile home lots abut the property to the North and East with only a minimal

landscape easement proposed as a buffer, as opposed to the larger buffer proposed in last year's submittal. Staff does not feel that the current proposed landscape easement provides an adequate buffer. A continuous site proof privacy type fence in addition to the landscape easement would provide a better buffer to this property. The development is within the Columbia School District. The development is within Water District #7 and a note on the plan indicates service will be provided by Public Water Service District #7. This should be corrected as to reflect that Water District #7 has merged with Consolidated Public Water Service District #1. Water infrastructure extensions and up grades will be required for this development and the costs of these are the developer's responsibility. Additionally, part of the original proposed project was to eliminate the small water service system that serves Bon Gor by bringing it up to standards acceptable to Water District #7 and turning it over to them. Fire hydrants will be required and will have to meet fire & water district approvals. The actual requirements will vary based upon the actual size, uses, and construction methods proposed for the structures. Sewer service is proposed to be from the BCRSD. The developer has proposed eliminating the existing lagoon facility at Bon Gor by replacing it with a new facility to serve this development and the existing structures in Bon Gor. This again is at the developer's cost. The BCRSD will need to approve any sewer proposal. A phasing plan has been submitted indicating the order of the phases that final plats and plans will follow. The development will be built in 8 phases. Additionally, a preliminary driveway plan has been provided. This is necessary since the lot sizes and road classifications make the placement of driveway locations critical in many locations. Driveway locations need to be shown on the road plans submitted with all final plats. There are a number of off-site road improvements that will be required as part of this development to mitigate traffic impacts caused by the development itself. These improvements have been identified by County Public Works in conjunction with both the PW consulting traffic engineering firm and the developers consulting traffic engineer's traffic analysis. All road infrastructure off-site as well as on-site are at the developer's cost. The first of these improvements is the improvement of the existing western portion of Cunningham Drive. This will need to be brought up to collector status to match the extension of this road as is contained within the proposed development. Cunningham Drive improvements will need to be made with phase 8 of the phasing plan. Improvements to Mauller Road are required and improvements at the intersection of Mauller Road & Highway VV are also required. The specific nature of these off-site improvements shall be worked out with BCPW & BC Planning when more specific and engineered plans are produced and submitted for the development. However, these improvements will need to include at a minimum the turn lanes proposed by the developer's traffic engineer, an 8' hard surface shoulder on the North side of Mauller Road, and the reworking of the existing road profile of Mauller Road to achieve appropriate site distance. These improvements are keyed to Phase 1 of the phasing plan and are at the developer's cost. Improvements are required to the dam, spillway, and lake. These improvements will need to be keyed to Phase 2 of the development. Lot 85 needs to be included in Phase 2 of the phasing plan. These improvements will need to be acceptable to NRCS, BCPW, & BC Planning. These improvements are also at the developer's cost. Sidewalks are required throughout the development. A portion of the Boone's Lick Trail may be near and or be contained within the development area. The commission should assess the impact of this development with respect to the trail and any related historic assets. **As a CUP the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.**

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

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

***3. The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.***

***4. All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.***

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

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

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

The master plan does show this area as suitable for residential development. The proposal rates 64 points on the point rating scale.

If the commission feels this application can comply with these criteria and is appropriate for the area, then:

Staff recommends approval of the application subject to the all of the following 10 conditions, which are intended to mitigate impacts based within the criteria.

- 1. A Site-Proof continuous privacy type fence of 6' height be required to be installed and maintained by the developer along the entire PRD boundary of lot 72, lots 1-3, and lots 14-25, as well as across the end of the road stub of Starboard Avenue until such time as the road is extended as a through road. This condition is necessary for the CUP to attempt to meet the conditional use tests #2 and #3 as listed in the staff report and proper development of the review plan area.**
- 2. All off-site road improvements including, the improvement of the existing portion of Cunningham Drive, improvements to Mauller Road, and improvements to the intersection of Mauller Road and Highway VV -including left turn lanes, be designed and built by the developer after being approved by BCPW as a condition of approval. The specific nature of these improvements will be determined by BCPW & BC Planning when detailed engineering plans are provided with any final plat. The improvements to Cunningham Drive are required with phase 8. These are all required to meet CUP tests #2, #4, #5 and #6 as listed in the staff report and proper development of the review plan area.**
- 3. The improvements to the intersection of Mauller Road and Highway VV, as well as the improvements to Mauller Road (between the intersection of Mauller Road and Highway VV and Starboard Avenue) including the reworking the existing road profile and the provision of an 8' hard surface shoulder are required with phase 1. The specific nature of these improvements will be determined by BCPW & BC Planning when detailed engineering plans are provided with any final plat. This is required to meet CUP tests #2, #4, #5 and #6 as listed in the staff report and proper development of the review plan area.**
- 4. The improvements to the dam, spillway, and lake area, all of which must be acceptable to the NRCS, BCPW, and BC Planning, as well as improvements to Mauller Road including the provision of an 8' hard surface shoulder (between Starboard Avenue and the Western lot line of lot 225) are required with phase 2. These are all required to meet CUP tests #2, #4, #5 and #6 as listed in the staff report and proper development of the review plan area.**
- 5. That lot 85 be included in phase 2 of the project. This is required to meet CUP tests #4, #5, and #6 as listed in the staff report and proper development of the review plan area.**
- 6. That any change in Water or Sewer service provider as proposed be considered a change in the CUP and Review Plan and require coming back for a new hearing as these issues are contained within the scope of the proposal. This is required to meet CUP tests #4 and #5 as listed in the staff report and proper development of the review plan area.**
- 7. That the phasing plan is considered binding. That before submission of the final plat for a phase of development, all preceding phases have been platted, constructed, and been recorded complete with all infrastructure including all off-site improvements required for the specific phase shown on the final plat and**

any preceding phase. In order to insure orderly development in compliance with the phasing plan bonding is not allowed. This is required to meet CUP tests #2, #4, #5, and #6 as listed in the staff report and proper development of the review plan area.

8. That a binding landscaping plan acceptable to the commission must be submitted and approved for each final plat and that if the plantings are not installed and maintained it constitute a violation of the CUP and review plan. All plantings that die must be replaced in the next growing season with an equivalent plant of equivalent size or larger. This is required to meet CUP tests #2 and #5 as listed in the staff report and proper development of the review plan area.
9. That final plats submitted can be required to include ROW stubs and common areas such as park space or any other area or lot contained within the development that the Planning Director feels is necessary for orderly and timely development. This is required to meet CUP tests #2 and #5 as listed in the staff report and proper development of the review plan area.
10. That the driveway plan be considered binding and that the driveway locations be shown and located on the final plat and associated road plans submitted for all phases. This is required to meet CUP tests #2 and #5 as listed in the staff report and proper development of the review plan area.

If the CUP is approved, then Staff recommends approval of the review plan subject to the same conditions numbered 1-10 above.

If the CUP & Review Plan is approved then Staff recommends approval of the preliminary plat subject again to the same conditions 1-10 above.

Commissioner Stamper called the Applicant(s)/Agent of the Applicants for testimony.

Craig Van Matre, Attorney with offices at 1103 E Broadway stated that the applicant testimony would include (a master list of) evidence to be submitted for the public record. The list is given at the end of this document. He stated that there would also be testimony given by seven witnesses as follows: Cris Burnam, Ron Kettering, Bill Marshall, Tom Maloney, Alan Moore, and Steve Hullibarger.

Cris Burnam stated that Windy Point Partners includes two other members of his family (sister and brother).

Cris Burnam stated that the following tracts surround the proposed development: Lochhaas, Smith, Canole, and Davis. He also noted that there is an intersection with Hwy VV. *(Testimony given on behalf of or by the applicant references the exhibits listed on the master list at the end of the document. These exhibits were submitted for the public record. Copies of the written reports (exhibits) in the County Clerk's office. The foam board presentations (exhibits) can be reviewed in the Planning and Building Inspection Department.)*

Cris Burnam stated that there would be various offsite improvements. He presented exhibit P, which illustrated the sewage treatment plant. He stated that the plant would be surrounded by a 40 x 100 fence. He stated that it would be a great benefit to those on the currently living on (near) the lagoon.

Cris Burnam stated that there would be an 8' line extended from Akeman Bridge Rd that would subsequently increase the water pressure and provide fire hydrant service.

Cris Burnam stated that the on-site improvements were addressed in exhibit FFF. HE stated that these improvements included the addition of 20-35 ft between homes in the (multi/single family home section). He stated that exhibit GGG addressed the portion of property that would be part of historic Booneslick Trail.

Cris Burnam stated that exhibit HHH illustrated the landscaping. He stated that a very elaborate buffer would exist between the neighbors and the development. He stated that exhibit III addressed the entrances, which would be well-maintained with stone pillars and wrought iron fences.

Cris Burnam explained exhibit VVV, which addressed the Homeowner's Association maintenance of the character of the neighborhood. He stated that there would be five classes of voting rights in the Homeowners Association. He noted that the developer would hold 42% of the votes and provide 48% of the annual budget at the outset of the development. He stated that any, new purchaser would have to adhere to the laws and the association would be responsible for the enforcement of the laws. He submitted exhibit CCC into the public record.

Cris Burnam stated that the manufactured homes would be 1997 models or newer and owner-occupied. He noted that those on the western side of the development would own the land and those on the east would own their homes and lease their land. He stated that there would be no outside pets or out-buildings allowed. He also stated that neither RVs nor semis would be permitted on the property. He stated that the restrictions could not change without Commission approval.

Cris Burnam submitted exhibit UUU for the public record. He gave an illustration of what the development would look like in the year 2010. He noted that with the enforcement of the laws, condition of homes, and prohibited uses, this would become a highly desirable place to live.

Cris Burnam showed the illustration of the layout of the homes. He stated that there would be 48 lots (multi/single family), a clubhouse with white columns, a playground, and beach access. He stated that there would only be one area permitted for driveways on Tradewind Avenue. He stated that the northwest corner would hold four lots with 73 sq ft homes. He submitted exhibit XXX and WWW into the public record. He stated that approximately 7,250 ft would be provided per home, which exceeded the County's standards. He elaborated on the setup of the lake lots.

Craig Van Matre stated that he understood that there was some trepidation at the Planning and Zoning Commission meeting concerning the 154 units. He stated therefore that the applicant proposed to eliminate the northern 12.5 acres and the units from the 154 lot request.

Commissioner Stamper noted that he did feel that the 48 lots provided 7,250 ft per lot.

Cris Burnam noted that a PRD shifts the density.

Cris Burnam asked the County Commission to think about the people that would be using the lots. He stated that lake lots would be available at a cost of \$200 per month. He stated that the development has met most of the conditions put in place by the Planning and Building Inspection Department.

Cris Burnam submitted exhibit O for the public record. He showed photos of the existing treatment center at Bon Gor. He submitted exhibit BBB, an overhead photo of the development, for the public record. He also submitted an aerial shot of Windy Point, Bon Gor, and the sewage lagoons.

Ron Kettering of Shafer, Kline & Warren listed his professional qualifications as a registered engineer (18 years with MoDOT, and a certified professional, traffic operations engineer). He submitted exhibit AAA into the public record—his resume and relevant background experience.

He stated that he was retained to conduct a traffic impact analysis. He stated that his study was performed on May 16, 2000. He stated that the study included a review of the site of the development, number of homes, generated traffic figures, projected traffic, operational features, potential problem areas and necessary improvements. He also cited his use of the Trip Generation Manual in his study. He stated that his study included the following five things:

- Estimated traffic on revised plat—160 new trips in the morning and 214 in the evening
- Count of traffic along Moberly Drive, correlation between what is proposed and what is expected

- Figures then applied to the roadway system—Mauler Rd, Hwy VV, and all others in the section
- Traffic volumes in operation (exhibit TTT introduced for the public record)
- Level of Service for the area

Ron Kettering cited the offsite improvement suggested by the developer at Hwy VV and Mauler Rd. He stated that the left turn lane would be developed for safety rather than capacity.

He submitted exhibits SS and TT for the public record.

Commissioner Stamper asked if there were any comments from the Public Works staff regarding the traffic study.

Stan Shawver stated that he was not aware of any.

Craig Van Matre introduced exhibit AAA2 for the public record. He stated that Ron Kettering's work received a positive review by Bucher, Willis & Ratliff.

Craig Van Matre submitted the deposition of William Marshall, exhibit MMM, for the public record.

William Marshall stated that the plat was revised at the request of the developer from 154 lots to 90 lots. He introduced exhibit VV and XX into the public record. He stated that VV is a drawing of each lot and the allotted square footage. He noted that XX showed the plats that he prepared of the site (154 lots and 90 lots).

Commissioner Stamper noted that the County had not formally received or authorized the proposal of the 90 lots versus 154 lots. He stated that the County Commission could not accept the 90 lot proposal officially.

Craig Van Matre stated that he sent a letter to the County Commission stating that amendments were allowed in other instances without a formal acceptance or official procedure.

Commissioner Stamper stated that the County Commission would take the 90 lot proposal under advisement, however they would not accept it officially.

Craig Van Matre noted that there was no law that stated that the 90 lot proposal could not be accepted or considered.

Tim Maloney, offices at 2450 Trails West stated that he is the head designer for Rost Landscaping. He stated that he has a Bachelor's Degree in Plant Science with an emphasis in Landscape Design from the University of Missouri-Columbia. He stated that he had been working as a landscape designer in Boone County for ten years. He stated that exhibit DDD is a preliminary placement plan for the Windy Point Subdivision. He stated that this exhibit showed the tree plantings for the south side of the lake as well as the dam area. He stated that he attempted to create a very aesthetic, park-like setting with this design. He also stated that he attempted to select trees that would last for many years.

Craig Van Matre submitted exhibit DDD for the public record.

Tim Maloney cited the number of the plantings was far greater than he had ever been asked to design for a residential development. He stated there would be in excess of \$15,000-\$20,000 for the tree plantings alone. He explained the buffer zone on the east and northeast portion of the property (which included a 6' privacy fence). He stated that plantings would be provided to cover the fence for aesthetic purposes.

Tim Maloney submitted exhibits AAA4 and EEE into the public record.

Tim Maloney stated that exhibit AAA4 illustrated the trees on the actual lots. He showed the tree planting that were designed for the interior lots. He stated that there would be

100 trees and 90 lots. He stated that shade trees (as well as aesthetic) would be provided for the lots to provide year-round color and ornamental characteristics.

Tim Maloney submitted exhibit ZZZ into the public record. He cited the (June 2000) original drawing for the buffer zone. He stated that the buffer was extended to include the northern portion (12.5 acres).

Allan Moore, Real Estate Appraiser with offices at 609 E Broadway submitted his report exhibit RR into the public record. He stated that the April 2000 report reflected the prior planned development which was drawn up to show how the proposed development would influence the value of nearby property. He stated that the reduction in the number of manufactured home lots (for the proposed development) would not change the opinion he presented in the report. He stated that his report included the study of the neighborhood, evaluation factors, and other market considerations. He stated that the manufactured homes were the primary focus of the study. He noted that the landscaping is an excellent buffer. He also stated that there are other, land uses in the neighborhood including an 80+ mobile home subdivision, a rock quarry, and duplexes. He stated that all uses prepared for this development already exist in the neighborhood and are influencing the property values.

Allan Moore stated that no other mobile home parks have the kind of restrictions that the proposed development is suggesting. He cited the following: Mobile home prices in Bon Gor range from \$60-75,000 in fair to good condition, removal of the lagoon would be of benefit to residents of Bon Gor, maps listed on Pages 5,6,7, and 8 of his study listing the location, homes in Bon Gor, and lagoons respectively.

Allan Moore stated that his report discussed the valuation factors and addressed the following question: does this development affect the surrounding property? He stated that his report included 6 studies. He elaborated on the studies. He stated that the conclusion of his report was that proximity to manufactured homes does not affect property values.

Allan Moore also noted that there is a very strong demand for mobile home lots in the city (of Columbia). He stated that the proposed development would be more restrictive and appealing. He stated that there would probably be 100% occupancy of the development based on the demand. He stated that the average cost of the site built manufactured home is \$127,000 in Columbia and \$107,000 in Boone County. He stated that the mobile homes for this development would be 50% cheaper. He stated that it was his conclusion that this development would not affect the health, safety, general welfare, of the surrounding properties or the property values in the area, or impede the normal development of the area or impair the traffic in the area.

Steve Hullibarger listed his credentials in marketing. He stated that he is a licensed real estate broker and resident of California. He stated that he has been involved in the production of 20,000 manufactured homes. He stated that manufactured homes are produced to a different code—the HUD code. He stated that manufactured homes must meet wind load, heat loss, seismic standards, and resist substantial vibrations of highway travel. He noted that the mortgage terms and down payments are the same as on site built homes.

Steve Hullibarger stated that there are many myths surrounding manufactured homes, however the values follow the same patterns as other site built homes. He noted that the homes move with the market. He submitted a research report from the National Association of Site Built Homes in exhibit QQ for the public record which included a summary of cost analysis on the standards, density, controls of site built homes versus manufacturing housing. He stated in conclusion that it was his opinion that Windy Point would be a good transitional site and would be of no detriment to the property value in the area.

Exhibits PP, A-FF, YY, ZZ, SSS, GG, H, JJ, KK, LL, MM, NN, UU, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, XXX, YYY, AAA1, HHH, KKK, HH, OO, III, and TTT as well as others on the master list were submitted for the public record.

**Public Hearing**

Tom Schneider, Attorney with offices at 11 N 7<sup>th</sup> St stated that he was hired by opponents of the development to represent them before the County Commission. He stated the City of Columbia followed the practice of sending applicants back to the Planning and Zoning Commission to present any changes in their request including decreases in the size of the development.

Tom Schneider stated that the County Commission should consider the following in their consideration of this request:

- Density of the mobile homes on 77 ft sq lots
- The precedent that would be set by approving the development in this format. (He stated that it would be a “de facto” approval of the 154 lots
- The Planning and Zoning Commission’s denial of the request
- The Planning and Building Inspection staff did not recommend the concept of the development
- If any lots were added to the present subdivision, a treatment center would be required
- There was no evidence submitted that this kind of density is needed in this area
- Affordable Housing should not cancel the need for a good development
- The development of Hwy VV will define the development of the entire area
- The study (he submitted) from the Journal of Economic Development
- Exhibit 1-the study of 3,000 samples
- The fact that many properties along Hwy 63 are being sold
- The letter regarding crime written by Major O J Stone (of the Sheriff’s Department)
- The fact that County Downes and Bon Gor which were both developed by the applicant’s father, prohibit mobile homes on their sites
- The fact that there is no guarantee of continued common ownership
- There was no address of the runoff into the lake
- The fact that this development would not preserve the integrity of the Booneslick Trail-historic site
- The problem of the modification of covenants

Tom Schneider stated in conclusion that “the phasing in of a bad product is still a bad product.” He submitted Exhibit 2--a petition opposing the development—for the public record.

Lynn Foster, 1610 Kitty Hawk Dr stated that it would be nice to have affordable housing for a single person. She stated that her only concern was that she would like to see the development taken care of down the road.

Jim Paul, 7120 Moberly Dr stated that the removal of the lagoon would improve the value of the homes as would the addition of the new homes around the lake. He stated that he was in favor of the development.

Shelly Herme, 7112 N Moberly Dr stated that mobile home parks and trailer parks are not the same. He stated that “some are permanent and some are movable.” He stated that there is already a lot of traffic on Mauller Rd, Hwy VV, and Moberly drive. He stated that accidents would increase if the development were approved.

Larry Luther, 7200 Wade School Rd asked the County Commission to look at the traffic study again. He stated that it was flawed in that it could not be realistic considering the number of units that the development would add. He stated that there would be no permanency in residency in this subdivision. He stated that the only benefit of the development would be to the developer. He stated that there would not be any place for the kids to play and the neighbors enjoyment of the area. He also noted that if the development failed, then that would have a negative effect on the surrounding property.

Mark Holsinger, 7502 N Hwy VV stated that he visited mobile home parks in the County and counted 264 vacant lots. He stated that he was not sure what kind of tree (as referenced in the developer’s presentation) would mature in ten years. He stated that

there are already traffic problems on various roads in the area. He stated that Alan Moore's study used Green Hills Subdivision for comparison, however Green Hills was already in place before the County had zoning regulations. He noted that he knew someone who owned a manufactured home and they were not good quality homes. He also noted that the values decrease on trailer every year according to the County Assessor.

Charles Lockwood, 7700 N Hwy VV stated that he opposed the development because of the diminishing property values (the development would cause). He submitted a housing trend study for the public record. He stated that Habitat for Humanity and national housing programs do not recommend those types (manufactured) of homes because of their concerns about conservation and home ownership. He noted that affordable housing should be near or no the bus system (route).

Chuck Good, 7123 Moberly Dr stated that he moved from California to improve his quality of life. He noted that the occupancy rate in Green Meadows fluctuates and most mobile home parks "are pig sties." He noted that there would be a lot cars parked along the street since most families own two cars. He stated that traffic accidents would also increase. He stated that the quality of life in this quite area is good at present, however the development would change that.

Dave Lochhaas, 7501 N Hwy VV stated that part of his property still holds an original portion of Booneslick Trail. He stated that he would like to see that preserved. He stated that he offered the Burnams a deal in order to try to preserve that part of the trail.

Commissioner Stamper noted that the deal referenced by Dave Lochhaas was private between him and Mr. Burnam and was not part of the County Commission's consideration.

Dave Lochhaas noted that Green Hills Mobile Home Park predated the Planning and Zoning Regulations. He also noted that the criteria for the Conditional Use Permit is not being met by this request.

Dan Hargis, 7701 Chesley stated that mobile home parks have significantly higher crime rates than other areas. He stated that Hwy VV would have to be widened as a result of this development. He also stated that this development would harm the general welfare of the neighborhood.

Scott Dunn, 7133 N Moberly Dr stated that he represented the Bon Gor Homeowner's Association. He stated that the treatment center would be required with the addition of any development. He stated that someone made a comment about affordable housing, however the modular homes would sit on rented property. He stated that this would not be a good investment. He also stated that this would negatively affect the quality of life in this area. He stated that the County Commission should consider the vision of Boone County. He stated that an area should not be added to just because a certain thing already exists there.

Jerry Carrington, 729 Demaret stated that in 1997, 24% of all new homes were manufactured. He asked the following questions: What will happen to the lots below the house, if someone loses their house? What will happen to the land? When the lagoon is drained, who will pay for the environmental control? and Who will repair the sidewalks?

Cindy Lochhaas, 7501 N Hwy VV stated that trailers have very little yard space. She asked where the children would play. She noted that were no areas provided for play except the swimming pool and playground.

Chris Farmer, 7809 Pembroke Ct stated that data can be manipulated or misread. He stated that the traffic in this area is already bad and would increase. He also noted that not all of the traffic is cars, a lot of it is dump trucks.

Commissioner Stamper noted that traffic in this area would increase regardless of this development. He stated that this area is already zoned for high density.

Dave Griggs, 6420 Hwy VV stated that he is opposed to the development. He asked the County Commission to honor the present zoning. He stated that it is very important to have owner-occupied homes.

Vicky Trower, (address not available) stated that she is a single person that purchased a home. She stated that she would sell her home if this development were put in place.

Erik Miller, 3619 Southland Dr stated that he is a licensed architect. He stated that experts have not approved of this development. He noted that manufactured homes are not a better way to build houses.

Reta Nicholson, 6600 N O'Neal stated that there are already a lot of traffic concerns on Hwy 763. She stated that at present the traffic already detours onto O'Neal Rd. She stated that the development is too dense for the property with the current conditions. She stated that she is concerned about the expectation of covenants might become the County's responsibility.

There was no one else that wanted to speak.

Commissioner Stamper closed the public hearing.

### **Rebuttal Comments**

Craig Van Matre stated that the CUP limits the number of mobile home units to 90. He stated that another request would have to be made to develop the remaining 12 acre section.

Craig Van Matre called Bill Marshall forward to elaborate on the point that a treatment center would not be required for a new development. Bill Marshall noted that a separate treatment unit could be established.

Commissioner Stamper noted that the Boone County Regional Sewer District would oppose that treatment unit.

Bill Marshall stated that one could be applied for however.

Craig Van Matre pointed out that this development is not asking for the maximum density, rather a more practical density including a lake area. He stated that the applicant is willing to stipulate that the 12 acres would have to come back as a separate request at a later date. He stated for the public record his objection to the consideration of exhibit 1 and the Sheriff's deputy letter (Major Stone) since he was not present to explain his opinion..

Commissioner Stamper asked about the sequencing of the phases.

Craig Van Matre stated that exhibit SSS illustrated the 8 phases of the original (154 lots) request. He stated that the phases would be blended from west to east and would move north. He stated that the phases would protect people from unilaterally changing the covenants.

Craig Van Matre also noted that the runoffs into the lake was addressed in William Marshall's deposition.

William Marshall stated that Public Works requires a plan for storm drainage and underground piping, which was addressed in the Public Work's review of the development.

Commissioner Vogt stated that the Booneslick trail roadways are used in other areas, however there should be some identification of them as historic sites.

Cris Burnam illustrated the green space setbacks in response to a question posed by Karen Miller, noting that the setbacks are in excess of the County standards.

Commissioner Miller stated that significant, water improvement are needed in this area.

**Commission Comments (conclusion)**

Commissioner Stamper stated that the Planning and Zoning Commission is the recommending body to the County Commission. He stated that land use in the State of Missouri is a right. He stated that the County Commission has an enormous task in making this decision. He stated that they appreciated the comments given by all, however their decision would be based on appropriate land use. He noted that growth would inevitably occur in this area and change the character of this neighborhood.

Commissioner Vogt stated that the Planning and Zoning Commission makes a recommendation to the County Commission. She stated that the appeals process is an added benefit.

Commissioner Miller stated that she received e-mails predisposing the County Commission’s decision on this matter. She stated that the County Commission would review the data, however everyone would need to be patient in order to allow them time to thoroughly address the issues. She thanked everyone for participating.

Commissioner Vogt stated that the other attorneys present were also welcome to submit their findings of fact and conclusions of law for the County Commission’s review.

**Subject: Authorize a Closed Session pursuant to Section 610.021 (3)**

Commissioner Miller moved to authorize on Wednesday, September 20, 2000 at 2:00pm in Rm 245 of the Boone County Government Center located at 801 E. Walnut Columbia, MO. The tentative agenda for the meeting was to include a discussion of the hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded pursuant to Section 610.021 (3) RSMo.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 376-2000.**

There were no Commissioner Reports

There was no public comment.

The meeting adjourned at 11:40pm

**DOCUMENTARY EVIDENCE REGARDING APPEAL TO  
BOONE COUNTY  
COMMISSION OF WINDY POINT, L.L.C., AND B-SIB,  
L.L.C., OF DENIAL BY  
PLANNING AND ZONING COMMISSION FOR A  
CONDITIONAL USE PERMIT**

Exhibit Letter	Description of Exhibit	Offered	Admitted
A	Windy Point plat		
B	Photograph, taken August 2000. Frontal view of a home with blue siding, white shutters and white porch railings, located in The Shalimar Gardens development, Columbia, Missouri		
C	Photograph, taken August 2000. Frontal view of a home with brown siding, black shutters and concrete porch and rock garden, located in the Shalimar Gardens development, Columbia, Missouri		
D	Photograph, taken August 2000. Comer/Frontal view of a		

	home with white siding, black shutters and concrete porch, Located in the Shalimar Gardens development, Columbia, Missouri		
E	CV of Teddy Jack Blaylock, MAI, including copy of Real Estate Appraiser certificate issued by the State of Missouri		
F	Report of Teddy Jack Blaylock, dated September 6, 2000, regarding the Windy Point project concerning: Supply and Demand, Compatibility of Proposed Use with Existing Uses, Effect on Value of Existing Property, and Economic Impact on the Community		
G	Cross Neighborhood Comparisons of Police/Sheriff Responses to Complaints of Suspected Criminal Conduct, with regard to Creekwood Estates, Woodstock Mobile Home Community, and the Parkade neighborhood in Columbia, Missouri, along with verification affidavit by Sergeant Richard Jenkins of the City of Columbia Police Department		
H	Large diagram with clear plastic overlays, that consists of an aerial photo of the area surrounding the proposed site for the Windy Point development, marked showing the locations of various properties in the area and containing photographs, taken in August and September of 2000, showing details of some residences located in said area		

<b>Exhibit Letter</b>	<b>Description of Exhibit</b>	<b>Offered</b>	<b>Admitted</b>
I	Photograph, taken in August 2000, in the upper left-hand Quarter of Exhibit H, of a property located to the east of County Downes Lake, showing the driveway area and the exterior of The dwelling with some trees planted with two vehicles parked In the yard and drive area and an accumulation of trash		
J	Photograph, taken in August 2000, and attached to Exhibit H, Of a property located east of County Downes Lake of a story-And-a-half structure with an attached two car garage		
K	Photograph, taken in August 2000, and attached to Exhibit H, Of the southern entrance to Green Hills Mobile Home Park Showing US Highway 763 in the foreground		
L	Photograph, taken in September 2000, and attached to Exhibit H, of an area known as the Canole tract, on the West side of US 763 and abutting the proposed Windy Point site		
M	Photograph, taken in September 2000, and attached to Exhibit H, of an area known as the Canole tract, on the West side of US 763 and abutting the proposed Windy Point site, from a slightly More southerly viewpoint than Exhibit L		
N	Photograph, taken in August 2000, and attached to Exhibit H, Of a property on the south side of Bon-Gor estates and Mauller Road, depicting a white house surrounded by tall grass and Refuse in the yard		
*	Large fawn board exhibit, titled Sewage Treatment Facilities to Be Replaced, with three photos affixed, depicting, from top to Bottom, (1) a view from the edge of a Bon-Gor Estates lagoon, Looking out over the lagoon surface; (2) a close up of the waste-Water facility at Bon-Gor, looking through a chain-link fence an Effluence spout discharging sewage into a tank, and (3) a Picture of the waste-water sub-station facility located at Bon-Gor Estates, showing the facility and its surrounding chain-link Fence		
P	A large foam board exhibit showing an aerial view of the five Lagoon cells located at Bon-Gor Estates, looking in an easterly Direction with residential housing in the foreground		

<b>Exhibit Letter</b>		<b>Offered</b>	<b>Admitted</b>

	<b>Description of Exhibit</b>		
Q	Photograph, taken in August 2000, and attached to Exhibit H, of a residence just north of the largest cell of the Bon-Gor Estates development's lagoon system, showing a view from the rear of the residence, depicting part of the side of the house, Mauller road in the background, and the lagoon cell		
R	Photograph, taken in August 2000, and attached to Exhibit H, showing a property located on Moberly Drive and backing up to the Windy Point development, from a side view showing refuse gathered along a chain link fence in the rear of the residence		
S	Photograph, taken in August 2000, and attached to Exhibit H, of a comer/frontal view of a property located on Moberly Drive, showing tall grass and a collection of trash and vehicles in the yard		
T	Photograph, taken in August 2000, and attached to Exhibit H, of a frontal view of the property located on Moberly Drive and labeled above as Exhibit S, showing tall grass and a collection of trash and vehicles in the yard		
U	Photograph, taken in August 2000, and attached to Exhibit H, of a two family dwelling located on Mauller Road to the west of the Bon-Gor lagoons showing refuse in the yard and some exterior damage		
V	Photograph, taken in August 2000, and attached to Exhibit H, of a single family dwelling located on the east side of Moberly Drive		
W	Photograph, taken in August 2000, and attached to Exhibit H, of the end view of a property located on Moberly Drive, showing some deterioration and a collection of personal property in the yard		
X	Study authored by Guoqiang Shen and Richard A. Stephenson of the Department of Planning, School of Industry and Technology, East Carolina University of Greenville, North Carolina, and titled The Impact of Manufactured Housing on Adjacent Site-Built Residential Properties in North Carolina		
Y	Statistical report on income, housing, residential costs and mobile/manufactured home site availability		

<b>Exhibit Letter</b>	<b>Description of Exhibit</b>	<b>Offered</b>	<b>Admitted</b>
Z	CV of William L. Marshall, P.E., engineer and owner of Marshall Engineering and Surveying, Inc., including Professional Engineer certificate issued by the State of Missouri		
AA	Large foam board chart labeled Impact of Modern Treatment Plants vs. Lagoons, showing comparisons between lagoons and Treatment plants with respect to suspended solids in milligrams Per liter and biological oxygen demand in milligrams per liter		
BB	Revisions to Windy Point Storm Drainage and Detention Calculations, done by Marshall Engineering and dated June 6, 2000		
CC	Driveway diagram of Windy Point, done by Marshall Engineering and dated May 10, 2000		
DD	Version 13 of the Windy Point Plat submitted to Boone County		
EE	Letter, dated May 1, 2000, to Stan Shawver from Tom Ratermann, P.E., of the Boone County Regional Sewer District Regarding the planned closure of existing lagoon sites at Bon-Gor Estates and the building of a waste treatment facility		
FF	Letter, dated July 20, 2000, to Cris Burnam from William L. Marshall, P.E., describing costs estimates for off-site Improvements for the Windy Point development		
GG	Bound volume titled, City of Columbia Consolidated Plan, A Strategy for Community Needs 1999-2004, produced by the		

	City of Columbia, Missouri, Department of Planning and Development, and adopted by the city of Columbia, Missouri, City Council on October 18, 1999		
HH	Mortgage underwriting statistics from Union Planter Bank, dated August 11, 2000, Columbia, Missouri, showing policies regarding residential loans		
	Zoning Ordinance for Boone County, Missouri, Boone County Planning and Zoning Commission, dated May 1985 and revised in September, 1991, as recorded on May 11, 1993, as Document Number 953 1, recorded in Book 98 1, Page 182 of the records of the Boone County Recorder of Deeds		

Exhibit Utter	Description of Exhibit		
		Offered	Admitted
JJ	Ordinance Governing Mobile Home Parks, as recorded on September 22, 1971 as Document Number 7350, recorded in Book 396, Page 362, of the records of the Boone County Recorder of Deeds		
KK	Boone County Missouri Land Use Regulations, Chapter 1, Subdivision Regulations, as recorded on April 27, 1995 as Document Number 6766, recorded in Book 1148, Page 211, of the records of the Boone County Recorder of Deeds		
LL	Certificate of Good Standing for a Limited Liability Company, issued by the Missouri Secretary of State, Rebecca McDowell Cook, to Windy Point Partners, L.L.C., dated August 9, 2000		
MM	Certificate of Corporate Records, issued by the Missouri Secretary of State, Rebecca McDowell Cook, Windy Point Partners, L.L.C., dated August 9, 2000, along with copies of the original corporate documents on file and of record in the office of the Secretary of State of Missouri		
NN	Certificate of Good Standing for a Limited Liability Company, issued by the Missouri Secretary of State, Rebecca McDowell Cook, to B-SIB, L.L.C., dated August 18, 2000		
00	Certificate of Corporate Records, issued by the Missouri Secretary of State, Rebecca McDowell Cook, B-SIB, L.L.C., dated August 18, 2000, along with copies of the original corporate documents on file and of record in the office of the Secretary of State of Missouri		
PP	CV of Steve G. Hullibarger, manufactured housing expert, along with an article authored by Steve G. Hullibarger, titled Manufactured Homes on Infill Lots: Compatibility and conformity with homes in the existing neighborhood are keys to strong market performance		
QQ	Report prepared for the US Department of Housing and Urban Development, Office of Policy Development and Research, by the NAHB Research Center, Inc., dated October 1998 and titled Factory and Site-Built Housing A Comparison for the 2 1 st Century		
RR	Bound volume titled Windy Point Subdivision Impact Study prepared by Alan J. Moore, MAI, dated April 10, 2000		

Exhibit Letter	Description of Exhibit	Offered	Admitted
SS	Bound volume titled Windy Point Residential Development Traffic Impact Analysis, prepared by Shafer, Kline & Warren, Inc., dated May 16, 2000		
TT	Letter, dated July 28, 2000, to Cris Burnam from Shafer, Kline & Warren, Inc., modifying the Traffic Impact Analysis		
UU	Housing and Urban Development Regulations, Chapter XX-- Office of Assistant Secretary for housing--Federal Housing Commissioner, Department of Housing and Urban Development, Part 3280, titled Manufactured Home Construction and Safety Standards		
VV	Windy Point lot sizes plat prepared by Marshall Engineering		

	and Surveying, Inc., and dated September 7, 2000		
WW	Windy Point driveway locations plat prepared by Marshall Engineering and Surveying, Inc., and dated September 7, 2000		
XX	Revised Windy Point plat, prepared by Marshall Engineering and Surveying, Inc., and dated September 7, 2000		
YY	Declaration of Covenants, Easements, and Restrictions of Windy Point Subdivision		
ZZ	Application for Conditional Use Permit by B-SIB, L.L.C. and Windy Point Partners, L.L.C., to Boone County, dated March 29 2000		
AAA	Aerial photograph of the Windy Point site		
BBB	Photograph of the Windy Point site looking north		
CCC	Chart summarizing the Windy Point neighborhood covenants		
DDD	Windy Point landscape plan, prepared by Rost Landscape and Design, dated June 15, 2000, depicting the buffer zone along the east side of the Windy Point tract		
EEE	Windy Point landscape plan, prepared by Rost Landscape and Design, dated September 19, 2000, depicting landscaping along dam and south part of the Windy Point lake		
FFF	Depictions of and photographs of proposed amenities and residences in mobile home component of the Windy Point development		

Exhibit Letter	Description of Exhibit	Offered	Admitted
GGG	Photograph of proposed monument on the site of Windy Point, commemorating the Booneslick Trail		
HHH	Depiction of landscaping plan for the interior of the Windy Point development		
III	Depiction of the landscaping plan for the entrance into the Windy Point development		
JJJ	Photograph of residences next to the Rustic Meadows Mobile Home Park located on Highway 763 in Columbia, Missouri		
KKK	Foam board exhibit chart depicting crime statistics between January 1, 1998 and August 23, 1999, comparing the Woodstock Mobile Home Community, Creekwood Estates Mobile Home Community and the Parkade neighborhood		
LLL	Missouri mobile/manufactured home statutes §§700.010-700.115 RSMo. (1994) and Supplement		
MMM	Deposition, taken on September 6, 2000, of William L. Marshal		
NNN	Deposition, taken on September 6, 2000, of Teddy J. Blaylock		
000	Deposition, taken on September 6, 2000, of Larry Benton		
PPP	Deposition, taken on September 6, 2000, of Mitchell D. Nitsch		
QQQ	Deposition, taken on September 6, 2000, of Gary Nienkamp		
RRR	Deposition, taken on September 15, 2000, of Richard Jenkins		
SSS	Proposed Conditional Use Permit for Windy Point development, prepared by Van Matre and Harrison, P.C.		
TTT	Large foam board exhibit, depicting traffic flow conditions with regard to the Windy Point development, dated 9-19-2000		
UUU	Large foam board exhibit, titled Windy Point in 2010, dated 9-19-2000		

VVV	Large foam board exhibit, titled Windy Point Resident's Association, dated 9-19-2000		
WW W	Large foam board exhibit, titled Land Area per Home, dated 9-19-2000		
XXX	Large foam board exhibit, titled Windy Point in 2010, dated 6-15-2000		
YYY	Large foam board exhibit, titled Windy Point Resident's Association, dated 6-15-2000		
ZZZ	June 15 rendition of the preliminary screening for mobile home section, dated 6-15-2000		
AAA1	Large foam board exhibit, titled Land Area per Home. Dated 6-		

	15-2000		
AAA2	Large foam board exhibit, depicting traffic flow conditions with regard to the Windy Point development, dated 6-15-2000		
AAA3	CV of Ronald D. Petering, P.E., President and Managing Partner of Shafer, Kline & Warren, Inc.		
AAA4	Foam board exhibit: Preliminary Tree Placement for Mobile Home Section for Windy Point, prepared by Rost Landscaping and Design, Inc.		

Attest:

\_\_\_\_\_  
Wendy S. Noren  
Clerk of the County Commission

\_\_\_\_\_  
Don Stamper  
Presiding Commissioner

\_\_\_\_\_  
Karen M. Miller  
District I Commissioner

\_\_\_\_\_  
Linda Vogt  
District II Commissioner