

TERM OF COMMISSION: August Session of the May 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 7:04pm.

Subject: GIS License Agreement ICREST BOCOMO

Commissioner Miller stated that this agreement is a request from ICREST, the organization that is working with the GIS Department, Boone Electric Cooperative and the city of Ashland to share GIS information among the different entities. She stated that this is a standard, cooperative agreement.

Commissioner Miller moved to authorize the Presiding Commissioner to sign the License Agreement with the University of Missouri Curators for the Institute of the Development of Commercial Remote Sensing Technologies (ICREST).

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 302-2000**

Subject: Request by Earl and Mariea Caruthers to rezone from A-1 Agriculture) to A-2 (Agriculture) of 13.78 acres, more or less, located at 3901 N Boothe Ln, Columbia

Stan Shawver gave the staff report as follows:

This property is located approximately five miles west of Columbia on Boothe Ln. The property is zoned A-1 (Agriculture). Land to the north, south and west is zoned A-1. Land to the east is zoned A-2. There is a modular home and garage on the property. This request is to rezone the property to A-2, which will allow the property to be split into two lots as part of a family transfer. The original zoning for this site is A-1, and there have been no previous requests submitted on behalf of the property. This site is within the Columbia School District, and electric service is provided by Boone Electric Cooperative. Water service is provided by Consolidated Public Water District No. 1. Staff notified 11 property owners about this request. The Master Plan designates this area as being suitable for agriculture and rural residential lands uses. The proposed use is consistent with the plan. Staff recommends approval of this request.

Stan Shawver stated that a public hearing for this request was held on July 20th in the Planning and Zoning Commission meeting. He stated that there was a motion to approve the request. He stated that the motion received six yes votes and one abstention.

There were no questions of staff.

Commissioner Stamper called the applicant(s) forward for testimony.

Earl and Mariea Caruthers stated that they would like to have the property rezoned in order to give a parcel of the land to their daughter and her husband. They stated that they do not have any plans at present for the rest of the property. They stated that they would like to keep all of the property in the family.

Commissioner Vogt asked if the property is surrounded by A-1 or A-2 zoning.

Stan Shawver stated that the property to the east of the request site is zoned A-2. He stated that the property to the north, south, and west is zoned A-1.

Commissioner Stamper convened a public hearing on the request.

There was no one present that wished to comment.

Commissioner Stamper closed the public hearing.

Commissioner Miller stated that the request seemed very reasonable.

Commissioner Miller moved to approve a request by Earl and Mariea Caruthers to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 13.78 acres, more or less, located at 3901 N Boothe Ln, Columbia.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 305-2000**

Subject: Request by Louie Ray and Judith Yow to approve a Review Plan for Tower Industrial Park, Lot 6 located at 1755 Prathersville Rd, Columbia

Stan Shawver stated that Tower Industrial Park was the original Craig Simon development. He stated that Mr. and Mrs. Yow purchased a portion of the land. He stated that this Review Plan is to provide parking and space for a park.

Stan Shawver stated that the Planning and Zoning Commission conducted a hearing on July 20th. He stated that there was no neighborhood concern expressed. He stated that the Planning and Zoning Commission upheld the recommendation to approve the adoption of the revised Review Plan for Lot 6.

Commissioner Stamper asked if there was anyone present that wished to comment on the Review Plan.

There was no one present that wished to comment.

Commissioner Vogt moved to approve the revised Review Plan for Tower Industrial Park, Lot 6 located at 1755 Prathersville Rd, Columbia.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 307-2000**

Subject: County Surveyor Co-op Contract

Commissioner Stamper stated that this is an agreement between the County of Boone and the Missouri Department of Natural Resources for the establishment of monumentation points within Boone County under a cost-sharing program.

Commissioner Stamper moved to approve the Contract for Services by and between Boone County and the Missouri Department of Natural Resources Contract No. 01-06 and authorize the Presiding Commissioner to sign the agreement pending approval by Legal Counsel.

Commissioner Miller seconded the motion.

Discussion: Commissioner Stamper stated that the County has participated in this program for several years. He stated that this is a program wherein the Missouri Department of Natural Resources provides the County with financial support (\$175 per quarter) for monumentation and the establishment of corners.

The motion passed 3-0. **Order 308A-2000**

Subject: Request by Jeff Crane on behalf of Voicestream Wireless for a permit to allow a 190' tower on 28.9 acres located at 651 Rangeline Rd., Columbia

Ken Jacob, Agent of the Applicant/Attorney with offices at 1001 E Walnut Ste 201A stated that his clients have not received their *No Hazard* form from FFA. He stated that his clients would like to table this request.

Commissioner Vogt moved to table a request by Jeff Crane on behalf of Voicestream Wireless for a permit to allow a 190' tower on 28.9 acres located at 651 Rangeline Rd, Columbia.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 303-2000**

Subject: Request by R. Herbert and Mary Scott on behalf of U. S. Cellular for a permit to allow a transmission facility including a 180' tower on 26.57 acres, more or less, located at 10170 N Hwy VV, Columbia

Stan Shawver presented a staff report as follows:

This property is located approximately 6 miles north of Columbia on State Highway VV. The property is zoned A-2, Agriculture, as is all of the surrounding property. The applicant has requested a permit for a transmission facility that will include a 180' tower. The original zoning for this site is A-2, and there have been no previous requests submitted on behalf of the property. This site is within the Harrisburg R-8 School District, and electric service is provided by Boone Electric Cooperative. Water service is not a requirement for this land use. Staff notified 19 property owners about this request. The Master Plan designates this area as being suitable for agriculture and rural residential lands uses. The proposed use is consistent with the plan. Staff review of the application has not shown any conflicts with 7 tests that conditional use permits are required to meet. Staff recommends approval.

There were no questions of staff.

Commissioner Stamper called the Applicant/Agent of the Applicant forward for testimony.

Ken Jacob-Agent of the Applicant/Attorney, Offices at 1001 E Walnut Ste 201A and Todd Walden, United States Cellular were present on behalf of the applicant.

Ken Jacob called the Commission's attention to the following: Site Plan-Exhibit G, Location of site-Exhibit I and the rural landscape of the area.

Ken Jacob stated that the need for the tower is outlined in Exhibit K of the application. He also stated that the equipment needed for the tower and the propagation maps were included in the application. He stated that this tower is needed in order to provide seamless coverage for the area. He explained to the County Commission the importance of the tower on the coverage in the area.

Ken Jacob stated that the tower itself is illustrated in Exhibit I. He stated that the tower would be a 180' monopole, which is viewed as the most unobtrusive kind. He stated that other users would be able to co-locate on the tower. He stated that the tower's capacity would be as follows: dishes at the 80-120' level, 3 antennae at 180', 2 dishes (at 80' and 95'), 2 runs of wave-guide for microwave and 3 runs of wave-guide for cellular. He stated that there would not be any lighting for this tower, since it is under 200'. He noted that the tower would be galvanized.

Ken Jacob noted that the landscape plan includes cedar trees, an 8' security fence, barbed wire, and an alarm system.

Ken Jacob noted that the tower met all FAA and FCC requirements. He also noted that he had not received any opposition up to this point. He stated that Voicestream has expressed interest in co-locating on this site.

Ken Jacob stated that the other towers in the area and the reasons for their incompatibility are listed on Exhibit I of the application. He also stated that a detailed form is sent to other tower owners, which they are required to fill out and return.

Todd Walden stated that this tower would tie in portable service. He stated that it is necessary to establish towers that are closer together. He stated that this tower would support the Columbia tower and tie in to the Pinnacles area.

Ken Jacob stated that other companies are always interested in putting their antennae on tower sites.

Commissioner Stamper convened a public hearing on the request.

There was no one present that wished to testify.

Commissioner Stamper closed the public hearing.

Commissioner Miller stated that this request meets all criteria.

Commissioner Vogt moved to approve a request by R. Herbert and Mary Scott on behalf of U. S. Cellular for a permit to allow a transmission facility including a 180' tower on 26.57 acres, more or less, located at 10170 N Hwy VV, Columbia.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 304-2000**

Subject: Request by B. C. Investments of Columbia, L. L. C. to rezone from 117.02 acres more or less, from A-2 to the following: Tract A-4.97 to R-S PRD (Single Family Residential/Planned Residential Development); Tract B-24.39 acres to CG-P; Tract C-4.04 acres to C-GP; Tract D-7.53 acres to R-D (Two Family Residential); Tract E-7.20 acres to R-D; Tract F-22.65 to R-S; Tract G-25.17 acres to R-S; Tract H-10.28 acres to R-S PRD; Tract I-10.79 acres to R-M PRD (Moderate Density Planned Residential Development), located at 8000 N Rte B, Columbia (appeal)

Stan Shawver gave a staff report as follows:

This property is located north of Columbia on state highways B and HH. This 117.02 acre parcel is bisected by Route B. The subject tract is zoned A-2 (Agriculture). The land is vacant. The majority of the land adjacent to this site is zoned A-2, however there is a small Planned Commercial node including a convenience store at the southeast corner of Rte B and HH. To the east of this site there is an area zoned R-M that is platted as Sheridan Hills Subdivision. North of the property on the west side of Route B is a area zoned A-2 and platted as Foxcroft North. The property is located within the Boone Electric service area. The proposed development lies within the Hallsville R-4 School District. The development is proposed in four phases according to a phasing plan contained in the traffic study.

The applicant has requested that the land be rezoned to several different categories as follows:

- Tract A, 4.97 acres, RS-PRD with a density limit of 4 dwelling units/acre
- Tract B, 24.39 acres, CG-P
- Tract C, 4.04 acres CG-P
- Tract D, 7.53 acres R-D
- Tract E, 7.20 acres R-D
- Tract F, 22.65 acres R-S
- Tract G, 25.17 acres R-S
- Tract H, 10.28 acres RM-PRD with a density limit of 10 dwelling units per acre
- Tract I, 10.79 acres RM-PRD with a density limit of 14 dwelling units per acre.

The Master Plan designates this area as being suitable for agricultural and rural residential land uses. The proposal includes urban residential and commercial land uses, and therefore, is not consistent with the Master Plan.

Water is provided by Public Water District No. 4. The water district has adequate infrastructure in place to provide potable water and fire flow. The developer in accordance with plans approved by the water district and Boone County Fire District will construct waterlines and fire hydrants, internal to the development.

The City of Columbia will provide sewer service. The City will extend a main from North Hampton Village to the property, a distance of approximately 3600 lineal feet. The developer would be required to provide funding for improvements to the North Hampton Village Pump Station. With those improvements in place, there would be adequate sewer service for this proposal.

The developers have secured a variance from the Boone County Road Standards, which will allow certain roads interior to the development to be built to standards contained in the Subdivision Regulations. The varied items are identified in Boone County Commission Order 285-2000.

A traffic study, prepared by Allstate Consultants has been submitted which contains an analysis of existing conditions and a projection of traffic generated by the development. The key issues include the impact of development generated traffic to the following road sections and intersections:

- **Ketterer Road between North Brown Station Road and Route B**
The traffic generated by the development raises the functional classification of this section of road to Major Collector. Under Boone County Subdivision Regulations Section 1.7.5 and Appendix B.2.1 the developer is required to improve the existing roadway to the Major Collector Road Standard (24' paved road surface with 8' paved shoulders). The developer has not agreed to make the required improvements.
- **The intersection of Ketterer Road and Route B.**
The eastbound and westbound approaches to this intersection are currently operating at acceptable levels of service. With the additional traffic from this development the westbound approach will be reduced to LOS F in the AM and PM peak hours. The eastbound approach will be reduced to LOS E in the AM peak and LOS F in the PM peak. The developer is proposing to build a dedicated right turn lane for the eastbound approach. This is not expected to increase the LOS but will reduce the time delay for vehicles turning south onto Route B.
- **North Brown Station Road between Route HH and Ketterer Road**
The traffic generated by the development raises the functional classification of this section of road to Major Collector. Under Boone County Subdivision Regulations Section 1.7.5 and Appendix B.2.1 the developer is required to improve the existing roadway to the Major Collector Road Standard (24' paved road surface with 8' paved shoulders). The developer has not agreed to make the required improvements.
- **The intersection of Route HH and Route B**
The traffic study indicates that the westbound approach to this intersection is currently operating at Level of Service (LOS) F in the AM peak hours and LOS E in the PM peak. The traffic generated by this development will increase the delay to westbound vehicles in the AM and reduce the LOS to F in the PM peak hours. The developer is proposing to build a northbound right turn lane with Phase 1 of the development and third lane for a portion of Route HH with Phase 4. The addition of the third lane to Route HH is not expected to increase the LOS but will reduce the increased delay to westbound vehicles.

Staff recommends denial of the rezoning request for the following reasons. 1) The request is not consistent with the Master Plan. 2) The addition of development generated traffic overtakes the existing road network and will cause severe delay and potentially hazardous conditions for motorists in the area.

If the rezoning request is denied, staff recommends denial of the review plan and preliminary plat.

If the rezoning request is approved, staff recommends approval of the review plan and preliminary plat subject to the following conditions:

1. A revised review plan and final plan meeting the requirements of the Boone County Zoning Regulations must be submitted prior to any building construction for all planned districts.
2. Ketterer Road between N. Brown Station Road and Route B shall be improved to a major collector standard with shoulders. These improvements shall be made concurrently with Phase 2 of the development.
3. N. Brown Station Road between Route HH and Ketterer Road shall be improved to a major collector standard with shoulders. The portion of N. Brown Station Road adjacent to Phase 1 shall be improved concurrently with Phase 1. The remaining portion of N. Brown Station Road shall be improved concurrently with Phase 2.

Staff notified 83 property owners regarding this request.

The property scored 75 points on the rating system.

Stan Shawver stated that there was a public hearing held on the request at the July 20, 2000 Planning and Zoning Commission meeting. He stated that after extensive testimony and rebuttal there was a motion to recommend approval. He stated that the motion to approve received 2 yes votes and 5 no votes. He stated that the second motion was to approve the request contingent on depositing \$100,000 toward a traffic signal at Rte HH, Rte B or any intersection designated by the state. He stated that this motion received 3 yes votes and 4 no votes.

Stan Shawver stated that finally a motion was made to deny the request. He stated that this motion received 4 yes votes and 3 no votes. He stated that this request comes forward on appeal.

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

Jay Gephart-Civil Engineer Allstate Consultants, Brian Harrington-Traffic Engineer Allstate Consultants, and Rhonda Carlson, applicant (developer) were present on behalf of the request.

Jay Gephart presented a colored map outlining the various zoning districts of the development. He stated that the commercial area (zoning district B) would contain service type businesses; the kind that people could use on the way to and from work. He stated that the owner would also prefer to place a fire station or some other type of community development in the area.

Jay Gephart stated that the PRD would have a maximum density of 14 units on one side and the other side would consist of a PRD-10. He stated that the owner hopes to create a buffer between Rte B and the residential area. He stated that PRD-4 "is a pretty rough piece of ground that can only hold a maximum of 4 units."

Jay Gephart stated that the covenants would detail the landscaping and other specific issues. He gave a brief description of the layout of the development. He stated that this development would provide a lot of affordable housing (\$90,000-\$100,000 units).

Jay Gephart stated that the topography would consist of two large streams (one that drains 250 acres and another that runs through a portion of the property). He stated that the property that the two streams sit on has been farmed in the past. He stated that the trees in the area have been maintained. He stated that the owner would continue to maintain the trees in order to keep the natural buffer between the residential and higher density areas. He stated that the developer has worked hard to establish a plan that matches the land.

Jay Gephart stated that the plan submitted by the developer shows as much detail as possible. He stated that the orange lines show the improvements (which were formulated by MoDOT and the County staff). He stated that this is a good plan with a good location surrounded by collector streets. He noted that the plan received a very high rating (75) on the point system. He further noted that a significant amount of improvements would be made because of this development; however they would benefit the entire area.

Jay Gephart stated that this development should be built because people are already coming into the area (northern Boone County). He stated that the fact that this type of zoning does not match the masterplan (for this area) is not a good reason to deny the request. He stated that mixed use developments are the wave of the future. He noted that these services are needed in this area.

Brian Harrington stated that he performed a traffic study for this area. He stated that Allstate used the published data from MoDOT about existing, traffic conditions. He stated that they supplemented this information with traffic counts of their own on each of the four intersections surrounding the area as well as machine counts that supplied average daily traffic counts along Rte HH, Brown Station Rd, and Ketterer Rd. He stated that they also reviewed the historical counts provided by MoDOT for Rte B. He noted that traffic on Rte B has increased every year by 3% since its creation. He stated that he used this 3% and added that additional traffic throughout the phasing to provide the base traffic. He stated that then for example a Phase 2 traffic figures include existing traffic adjusted for "inflation," the historical increase of traffic, and the traffic created by the development.

Brian Harrington stated that the *Institute of Transportation Engineers Trip General Manual* was used to determine the number of trips per day and per peak hours generated by this development (this is a function of land use and the types of businesses or residences that placed in an area). He stated that the traffic was projected along existing roadways based on the distribution that was apparent and then analyzed for level of service.

Brian Harrington stated that level of service refers to the average delay for each vehicle as it approaches an intersection to make a turn. He stated that several roadways are currently service level F or would become service level F in the very near future. He stated that in order to have a service level F each vehicle must experience an average delay of least 50 seconds. He stated that the average stop cycle in the area is between 1-2 minutes.

Brian Harrington stated that they spoke with MoDOT and the County's traffic consultant in reference to the traffic signal. He stated that the intersection of Rte HH and Rte B does not warrant a traffic signal at this time. He stated that according to the 3% projections, a signal will be needed at this location in five years, which corresponds to phase 2 of the development. He stated that sometimes intersections that are targeted for signals (by MoDOT, State, etc) are delayed funding due to the detrimental impact that this could have on other intersections in the area.

Brian Harrington stated that this development is an appropriate use and density for this area because of intersections, two major state roads, two arterial roads, and because the area is surrounded by collector roads. He stated that this development would be near one of the "major employment districts in the city which would allow people to only travel a few miles to obtain services rather than travelling greater distances which would have an impact on other areas in the City of Columbia and Boone County."

Rhonda Carlson presented a packet of information to the County Commission. She stated that the first items in the packet were three letters in support of the request. The letters read as follows:

August 1, 2000

*Commissioner Don Stamper
Commissioner Karen Miller
Commissioner Linda Vogt
801 E Walnut
Columbia, MO 65201*

RE: Settler's Ridge Subdivision

Dear Commissioners,

I live in Valley Park Subdivision on Zack Road which is less than a mile from the Settler's Ridge proposed development. I will be unable to attend the public hearing tonight but wanted to voice my opinion. I am not opposed to this development. The traffic in the area is and has always been problematic. It will continue to be whether this development goes in or not.

I am not opposed to Settler's Ridge development as it has been proposed and is should be allowed.

Sincerely,

*Glenna Chisholm
7631 N Zack Road*

August 1, 2000

*Boone County Commission
801 East Walnut
Columbia, MO 65201*

RE: Settler's Ridge

Dear Commissioners:

My name is John States and I reside at 7475 N. Fall Creek Drive, Columbia (less than a 1/2 mile from proposed development). Unfortunately I am unable to attend the P & Z meeting this evening, but please let this letter be heard on behalf of my wife and I in regard to the Settler's Ridge development.

We feel a quality development like what is proposed would be an asset to the area. Historically the Carlson's have had numerous quality developments and I am certain Settler's Ridge would be as well. I feel this would open a broad array of opportunity for business growth and development on the "north end."

I would like to think that I could bypass the congestion on the 63/70 intersection and be able to travel north on route B and be able to stop and pick up some groceries on the way to my home after work.

Sincerely,

John L. States

August 1, 2000

*Commissioner Don Stamper
Commissioner Karen Miller
Commissioner Linda Vogt
801 E Walnut St
Columbia, MO 65201*

RE: Settler's Ridge Subdivision

Dear Commissioners:

I live at 3905 Oakland Church Road which directly adjoins this property. I will be unable to attend the public hearing this evening but would like this letter to be read into the record as my opinion on the proposed development.

Our property is in the name of Victoria Heller, my mother, as a trust. I understand that my brother, Phil Heller, has been representing that we are not in favor of this development but he is representing his own interests (1/3) and not mine or my sisters. We each have one-third interest in the ground and I am in favor of the Settler's Ridge Development as proposed.

I am not opposed to Settler's Ridge Development as it has been proposed and it should be approved.

Sincerely,

*Barbara Caroline Heller
3905 Oakland Church Road*

Rhonda Carlson stated that the second item in the packet included the zoning request map.

Rhonda Carlson stated that the third item in the packet was the proposed density (as related to the specific tracts) and the maximum household levels. She stated that the PRDs are based on the actual acreage, which does not allow for the right-of-way. She stated that the total density would be 504 units on 117 acres. She stated that this is an actual density of 4.31 per acres which is substantially less than what a R-S zoning would allow.

Rhonda Carlson stated that she included some illustrations concerning the school tax issue.

Rhonda Carlson stated that she presented the plan for the (future) development up front. She stated that she felt it would be unfair to penalize someone for showing the entire plan up front. She stated that the neighbors in the area deserve to know the entire plan up front. She stated that the development is a 10-12 year plan.

Rhonda Carlson stated that she was asked the question: "why not do the entire project as a planned development?" She stated that the commercial portion of the development is planned. She stated that the single family and R-D would be developed exactly as it appears on the information submitted for this request. She stated that they do not have an exact vision of how they want to develop the PRD or the multifamily, which is why they noted the maximum density.

Rhonda Carlson directed the County Commission's attention to the colored, zoning map. She stated that Phase 1 would not be developed in its entirety. She stated that Phase 1 would be developed as "phases within the phases."

Rhonda Carlson stated that there were people that stated that there was no agreement made with the city of Columbia. She directed the County Commission's attention to a copy of the pre-annexation

agreement. She stated that if the County Commission denied the rezoning request, then the pre-annexation agreement would be a moot point and a loss of \$75,000.

Rhonda Carlson stated that she also included information on three other developments she and husband are currently working on. She stated that they are developing these subdivisions as the sole builder and contractor. She stated that for this particular development (present request) there could be other builders and contractors involved.

Rhonda Carlson stated that she included a draft copy of the subdivision restrictions in the packet. She stated that the restrictions are detailed and in-depth. She stated that the subdivision would have a homeowners' association and would require a contribution from all of the households. She stated that these funds would be used to pay for the entrances to the property, any litigation, enforcement of the restrictive covenants, and maintenance of a neighborhood park.

Rhonda Carlson stated that she and her husband as developers would maintain arbitrary control of the property. She stated that they could place capricious restrictions on the people as they come into the development.

Rhonda Carlson stated that 75 points is a very high score on the rating system.

Rhonda Carlson stated that there were comments about the request not following the masterplan. She asked that if the masterplan must always be followed, then why are there rezoning requests?

Rhonda Carlson stated that the easternmost boundary of the request site is 8-plexes and single-family homes. She stated that it would be natural for the development to occur in this area.

Rhonda Carlson stated, in reference to the colt railroad, that she spoke with Tina Worley who stated that the City of Columbia performed a feasibility study in 1985 on the use of the colt railroad dealing primarily with freight traffic. She stated that Tina Worley stated (after speaking with another member of her department) that passenger travel is possible on the colt railroad, however it would be at such a speed that it would take an 1 to 1 ½ hours to travel from Columbia to Centralia.

Rhonda Carlson stated that she spoke with the Boone County Fire Protection office and informed Chief Paulsell about the tract in the northeast portion of the development (Tract C) that could possibly contain a fire station. She stated that the office gave her a very positive response, however no one had spoken to her since to provide further information.

Rhonda Carlson stated that the widening of Brown Station Rd seems to be "somewhat of an excessive request." She stated that the 8' foot shoulders could possibly disturb some communications tracts (fiber optic cable) running on the west side of (old) Route B.

Rhonda Carlson stated that she feels this is a good development being that it would be so close to available water, sewer etc.

Commissioner Stamper recessed the meeting at 8:35pm.

Commissioner Stamper reconvened the meeting at 8:45pm.

Commissioner Stamper opened the public hearing.

Jay Turner, 7310 N Rogers Rd stated that he would "really like for this development and all other subdivisions to go away and be put back the way it was 40 years ago when I was a kid." He stated that this was not going to happen. He stated that there are people who are wanting to move out of Columbia are required to purchase 2 ½, 5, 10, or 20 acres. He stated that if this is what people want to do, that is fine. He stated however that people should not have to purchase larger acreage because of the sewer problems. He stated that too many people end up having to purchase more land than they want, and it becomes a burden. He stated that he would like to see this subdivision offer people the opportunity to get out of Columbia and not have to purchase a large acreage or worry about sewer.

Greg Harmon, 307 Fairview stated that he owns a property (duplex) in Sheridan Hills. He stated that he has strong feelings about this project going forward because of property values. He stated that there is a need for affordable housing in this area. He stated that he has lived in this area since 1992 and property values have increased since that time. He stated that he also likes the idea of the planned

growth. He stated that there are multiple exits to the property and it lends itself perfectly for a subdivision.

Greg Harmon stated that there is a lot of traffic in the intersections now and something will have to be done regardless of whether this development occurs or not. He stated that people now use the shoulder to turn right onto Rte HH or to pass on the right. He stated that the County should take the opportunity to have those lanes widened.

Greg Harmon stated that he is familiar with the developer's work. He stated that the developer creates quality places to live. He stated that the sewer and utilities available in this development would be far superior to lagoons. He stated that this area will grow substantially in the next five years. He stated that the increased revenue to the Hallsville School District would be of great benefit. He stated that he is in support of the request.

Chad Sayer, 7401 Fall Creek stated that he is in favor of good, planned development. He stated that he is happy to see the establishment of mixed development. He stated that this development would be very convenient and offer easy access. He stated that Ketterer Rd should be developed. He stated that traffic can be a problem, however that situation could be improved. He stated that it makes sense to have density where there are streets, sewer and water. He stated that he is in favor of the request.

Norman Lyndhart, 1118 St Christopher stated that there are a lot of cul-de-sacs in this development which are very hard to service. He stated that cul-de-sacs cost a lot of money and are unsafe. He stated that he did not hear any mention of stormwater control. He stated, in reference to the traffic, that as a community develops it should contribute to the right-of-ways and not put a burden on future residents. He stated that this development should be planned better and address infrastructure costs up front. He stated that he is in favor of the request.

Mark Streeter, 6015 E Hwy HH stated that he "does business with the Carlsons and they do quality work." He stated that he has not had a problem with traffic since the new Rte B was opened. He stated that that the sewer offered by this development is preferable to ponds.

Ken Jacob, Attorney with offices at 1001 E Walnut, Ste 201 and Charles Hatcher were present in representation of several individuals who are opposed to the request.

Ken Jacob submitted the following comments on behalf his clients:

I. Introduction

My name is Ken Jacob, and I represent Phil Heller, Greg Sims, Victoria Heller, the Heller Trust and Lynn Branholtz in support of the Planning and Zoning Commission's denial of Ms. Carlson's rezoning request.

My clients are not here to thwart development or impede progress. Mr. Sims voluntarily and knowingly sold his land for the sewer line expansion to reach Ms. Carlson's property. My clients' position is one of well-directed growth.

The burden of Ms. Carlson 'in a rezoning is to present "competent, substantial evidence that the proposed change in the Zoning District Map is justified." (Zoning Ordinance, p65)

I would like to mention at this time some concern over the apparent conflict between Planning Ordinance and statute 64.875 concerning the number of votes required to overrule the Planning and Zoning Commission's denial of Ms. Carlson's request. The ordinance would require a unanimous vote by the County commission with 20% of the adjoining landowner's objection. The statute would require 2/3 majority vote with 30% of the adjoining landowner's objection. Clearly the intent of the ordinance and the statute were to raise the standard when surrounding landowners objected.

In this case, 4 of the 7 adjoining landowners are among the 80 that have signed the petition and 3 of those have hired my firm to represent them here tonight.

57% of the frontage landowners object to this application.

Staff's opinion was that the **statute would** prevail over the ordinance. Since the statute would only require 2/3 majority - which is already required with only 3 commissioners, I ask that you keep in mind the objections of the landowners. The statute was meant to raise the standard of Ms. Carlson. I would urge the Commission to only overturn the Planning Commission if there is a unanimous vote, in accordance with the intent of the Boone County Ordinance.

II. Objections

Our objections encompass 5 main issues: Local traffic, I-70, education, county commission control, and quality of life.

A. Local Traffic

First, the applicant has not agreed to make all of the required road improvements. (Minutes, p8) In the traffic study, roads are ranked from A to F, F being the worst. Staff found four main local traffic issues:

1. Ketterer between Brown Station & Rt B - the *increase in traffic would designate this a "major collector", requiring the developer to pave the road to 24' with 8' paved shoulders. Applicant **has not** agreed to improve the road.
2. Intersection of Ketterer & Rt B - currently at acceptable levels, the increase in traffic would rate the intersection an F during peak hours.
3. Brown Station between Rt HH & Ketterer - the increase in traffic would designate this a "major collector", requiring the developer to pave the road to 24' with 8' paved shoulders. Applicant **has not** agreed to improve the road.
4. Intersection of Rt HH & Rt B - currently operating at an F and E during a.m. and p.m., respectively, the 'increased traffic would downgrade the p.m. rush hour to F, and generally *increase the traffic delay and congestion.

The applicant agreed that there were traffic problems, but stated that these problems get corrected *after development, not before*.

According to the traffic study there are dramatic increases *in the average daily traffic on all the roads *involved in this application.

- Ketterer between Rte B and Brown Station - 250 cars currently/
1880 cars projected - 7^{1/2} times the amount of current traffic.

- Rte HH between Rte B and Brown Station - 23 5 0 cars currently/ 4100 cars projected - 174% the amount of current traffic.

Brown Station between HH and Ketterer - 920 cars currently/ 1763 cars projected - 191% the amount of current traffic.

- Traffic - 1-70

MoDOT expects to have a preliminary decision by the end of August, possibly September. Based on traffic projections, they expect to need 8 lanes through Columbia for 1-70. Several of the possible solutions include a loop or parallel highway detouring the city limits - potentially through this proposed development. Considering the annexation issues at stake and the binding effect of a decision on the city - the best option other than denying this request to overrule the planning commission is to at least table this motion until MoDOT produces their report - likely only 4-6 weeks away.

- Education - Hallsville School District - they are currently experiencing growth of about 10 to 20 homes annually. This current growth is already a stress on the system. To further increase it will be to put the District at serious financial risk

- Cost - \$4,500 - \$4,700 per student per annum
- Local revenue raised is \$1,275 per student
- A \$ 100,000 home already produces a loss of \$450 [\$100,000 => \$18,000 assessed val. => \$795 taxes]
- Currently every child needs 2 homes to cover the cost of education.
- The size of this development, along with its density have the potential of financially ruining the school district. Ms. Carlson has given an indication that Phase I would be 5 duplexes and 5 homes. (Minutes of July 20, p 12). She has stated that equates to \$20,000 in taxes for the school. The school district's equation shows approximately \$7,950. Even with only 7 children out of these 15 dwellings (we have to guess b/c Ms. Carlson hasn't told anyone whether the duplexes are double, quad or more), at a local contribution of \$1,275 per student, the cost to the County is \$8,925 - slowly putting the district further in the red.
 - Once the residential phases are complete, estimates are 450 to 600 homes, potentially 550 to 800 dwellings when potential duplexes are added. At a very conservative estimate of 1 children per dwelling, 550 children cost \$701,250. Income would be \$357,750 to \$437,250 => a **shortfall** of \$343,500 to \$264,000. A **shortfall** that continues to increase because of the density of this development.

- **Lack of commission control**

Ms. Carlson has requested that the most controversial portion of her plan not be subject to County Commission control. Basically this would allow for her to complete this portion on her own timetable - 1 year or 10 years without preapproval of the commission. This only adds to the traffic and education concerns already listed as the county will **have no input** on this high density area.

- **Quality of life**

When people look for a house, they look to the master plan. This tells them the kind of area they can expect to live in. The County Commission and Planning Commission also require

that landowners with 1,000 feet of proposed zoning changes be notified. They are notified because the surrounding owners have a stake in the land use and their own quality of life.

The county has a master plan in place, and that plan calls for agricultural and rural residential land uses. Ms. Carlson's rezoning request is for urban residential and commercial land uses. This request is in direct conflict with the master plan. If the request is granted, it frustrates surrounding landowners' expectations and defeats the purpose of a master plan.

III. Conclusion

Ms. Carlson has not, and cannot justify a rezoning to such high density residential. Her application to overturn the planning commission should be denied. Ms. Carlson will still be able to develop this property, once she submits a plan that is acceptable to the planning commission. Moreover, her development potentially wreaks havoc with any relief of transportation problems surrounding 1-70.

Staff has recommended denial of the application. The Planning and Zoning Commission denied the application on 3 separate votes. The surrounding residents are against the application. Over half of the adjoining landowners are against the application. We ask that short of a unanimous vote, Ms. Carlson should be allowed to return to the drawing board to develop a better plan more in accordance with the master plan, traffic issues and under the supervision of the commission.

If the commission does not wish to deny the application, we ask that it be tabled at least until MoDOT supplies it preliminary decision on the 1-70 corridor plan. Ms. Carlson has waited since April for an approval, certainly a few more weeks isn't an unjustified request.

After conferring with County Counsel, the County Commission agreed that the petition submitted by Ken Jacob, on behalf the property owners in objection to the request, could not be accepted as an official petition because it did not meet the requirements of the County for such a document. The County Commission stated that the public record would reflect submission of the petition and its acceptance as information.

Commissioner Stamper clarified for the public that the County Commission received a memorandum concerning the County ordinance and State statute issue addressed by Mr. Jacobs in his comments.

Ken Jacobs stated that the timeframe between the Planning and Zoning Commission meeting and the County Commission Planning and Zoning meeting is very short. He stated that the number of people that are opposed to the request is very high in comparison to the short amount of time there was to collect the signatures.

Ken Jacobs stated in closing that he believed most of the people living near the request site are opposed to the request as was the Planning and Building Inspection staff and the Planning and Zoning Commission. He stated that it is "ok to support progress and proposals, but I don't think its necessary to jump on the first plan that comes around." He stated that if there were more opportunity for discussion with the developer then a lot of the issues could be worked out.

Charles Hatcher stated that sovereign immunity is one small detail of the development plan that the County Commission should pay very close attention. He stated that the County Commission would not personally be liable for approving a plan, however one of the allowances to sue for sovereign immunity in the statute is "for dangerous conditions of land." He stated that the County or State could be held liable if there is an automobile accident because of the dangerous conditions of the shoulders, which the applicants are requesting be 4' instead of required 8'.

Charles Hatcher stated that there is another concern: lawsuits for public and private nuisance. He stated that those kinds of lawsuit are a possibility since this will be a high density area in the middle of quite a bit of farmland. He stated that there have been numerous incidents across the nations where new residents filed lawsuits against existing farmers due to the "natural smells" of farms.

Gene Nichols, 311 Hinton Rd stated that he and Dale Nichols own a convenience store in this area. He stated that they would be pleased to have a sewer system in this area. He stated that the sewer system would be preferable to the lagoon in that "the water is not 99% pure when it comes out of the lagoon." He stated that he can not understand why Phil Heller would not want a sewer system since it would increase the property values. He stated that there are traffic problems all over the city. He stated that the request should be approved.

Randy Griffith, 9000 Brown Station Dr stated that this development is too dense for a rural subdivision. He stated that that the schools would be negatively impacted. He stated that the plan is still routed back onto Rte B. He stated that when he moved to the area, the property was zoned A-2. He stated that "it is not fair to the people who purchased houses in this area earlier, to say we are going to put 500 homes on 117 acres." He posed the question: "do we really have

Missouri Department of Transportation approval on the road items that they are going to pay for?" He stated that he agreed with Mr. Jacobs comment: "why even have a masterplan if we are not going to follow it?"

Michael Hunt, 5850 State Rd J (Fulton) stated that he owns 40 acres on Rte HH. He stated that a development of this kind would eventually occur in the area anyway. He stated that it would be best to have a development controlled by trusted developers (such as Rhonda and Cass Carlson) who would do it the right way.

Kathy LaMere, 8393 Buck Rd stated that her family lives in the Foxcroft (north) subdivision. She stated that they have two concerns. She stated that the first concern is the traffic (if one is going north on Rte B and wanting to turn left on Ketterer Rd). He stated that there are very dangerous conditions with this turn. She stated that she is also concerned about the impact (monetary) on the Hallsville School District. She stated that the proposed development looks as though it would add another 75 students each year. She stated that it is very difficult to get bond issues passed in Hallsville. She stated that this development would create problems with overcrowding. She stated that it would take many years for Hallsville to catch up. She stated that the children would be the ones to suffer during that time.

Commissioner Stamper asked Kathy LaMere exactly how many houses are in the Foxcroft subdivision.

Kathy LaMere stated that there are five houses in the subdivision.

Commissioner Stamper asked if the property is platted for more than five houses.

Kathy LaMere stated that the property is platted for seven houses. She stated that the lot sizes range from 2 ½ to 4 acres with onsite sewage.

Roger Conklin, 8758 Brown Station Rd stated that he owns property across from the request site. He stated that he has witnessed a lot of change in the area. He stated that he is not opposed to development, however he feels that this development is "too big, too early." He stated that the main problem is Rte B. He stated that Rte B "is a bottleneck. . . that is getting worse from the north." He stated that there is a lot of water from the two branches that drain from the eastern side of the railroad.

Candor Czekus, 4189 Ketterer Rd stated that this development is maximizing the lots to fit as many people as it possibly can. He stated that "this does not exactly coincide with the neighbors." He stated that people moved out to this area to live in the country. He stated that this development would put the suburbs in their front yard and this is not why they moved to this area. He stated that this area is not that far from town and the commercial activity is not needed.

Candor Czekus stated that traffic is a big problem. He stated that it can be very hazardous turning left from Rte B onto Ketterer Rd. He stated that he is not opposed to development, however this is too much in too little of a space. He stated that increased crime would also be an issue. He stated that a city annexation of this property would make it a part of the city. He reiterated that he did not want to live in the city but rather in the country. He stated that there was not a lot of time to sign the petition opposing the request, however there were a lot of signatures placed on it in that short amount of time.

Toni Miller, 4189 Ketterer Rd stated that this development (with all the additional traffic) would be hazardous to those kids in the area that like to ride their bicycles. She stated that this would limit kids' activities in the area. She stated that the school buses, cafeteria and halls are already overcrowded.

Greg Sims, 8565 N Brown Station Rd stated that he owns the 43 acres directly north of Ketterer Rd, adjacent to this property on the eastern side of Rte B. He stated that he believes that Rhonda and Cass Carlson would build a nice development. He stated however that he is still opposed to the request. He stated that this density is not consistent with the homes already in the area. He

stated that this is a request for “hopscotch rezoning that is not consistent with the County’s masterplan.” He noted that the Planning and Zoning Commission staff recommended denial of the request on more than one occasion. He stated that the traffic problems in the area would increase as a result of the increased number of trips. He stated that there have not been any signal improvements in the area. He stated that people want a good plan, not the one that is being offered. He stated that if this development would improve the lives of the people in the neighborhood, then he would be the first to approve of it. He requested that the developer change the PRD to something “we can all live with.”

Commissioner Stamper asked Greg Sims to state where his numbers for car counts came from.

Greg Sims stated that the figures for car counts were from for the Settler’s Ridge ADT, MoDOT, and the Columbia Planning Department.

Sharon Bradkamp, 8275 N Buck Rd stated that she is concerned about the traffic congestion. She stated that she does not have a problem with her lagoon. She stated that turning off Ketterer onto Rte B taking a left is dangerous. She stated that there is not much visibility on Rte B. She stated that the shoulders are not kept mowed. She stated that this concerns her due to the fact that the school bus uses this route. She stated that this area floods when water comes out of the Foxcroft subdivision over Ketterer Rd and down into the draw.

Sharon Bradkamp stated that she is also afraid the crime rate would go up. She stated that the developer could not guarantee who would move into the development or if the development would draw crime.

Donna Jones, 6725 N Westview Dr stated that she lives in Meadowlake Subdivision. She stated that she is one of the people who collected signatures for the petition. She stated that she only encountered three people that were in favor of the development. She stated that people are very concerned about the traffic. She stated that Rte B can not handle this amount of traffic. She stated that the density is a real problem. She stated that she does not want to see lives sacrificed because of this development.

Commissioner Stamper asked three times if anyone else wished to testify.

There was no one else present that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Stamper called for rebuttal comments from the applicant.

Jay Gephardt stated that the plan shows a given right-of-way for Ketterer Rd. He stated that there is a broken back curve (two curves with a straight section in between) which is a little dangerous. He stated that the developer went through the Road & Bridge Advisory Committee to have one, smooth curve put in for the right-of-way. He stated that this will improve sight distance on this road.

Jay Gephardt stated that Ketterer Rd does flood. He stated that he was not able to find a pipe underneath the road. He stated that the developer would place the proper size pipe under the road, which would eliminate the flooding.

Jay Gephardt stated that he wanted to address the average daily traffic counts. He stated that the numbers given in the plan are very liberal. He stated that these “liberal” figures were needed to estimate the worst-case-scenario in the engineering phase of the development.

Jay Gephardt stated that Cass and Rhonda Carlson are also concerned about the traffic problems. He stated that they would be selling homes in the area and “the last thing they want to do is make such an investment and then not be able to sell homes because of the traffic.” He stated that 1/3 of the traffic would come from the residential portion of the development and 2/3 would come from commercial. He stated that about 30 acres of the 117 acres would create 2/3 of the traffic.

Jay Gephardt stated that the improvements to Rte B and Rte HH were the developers' contribution to the future traffic signal. He stated that there is a significant amount of money being spent for improvement to Rte B. He stated that he did not think it would fair to require the traffic signal as well since a lot of people outside of this development would also use that intersection. He stated that there are a lot of subdivisions being built in the area that impact that intersection, however those subdivisions were not being required to invest in the traffic signal.

Jay Gephardt stated that the school districts generally appreciate commercial areas because they tend to generate more money without adding children to the schools. He stated that not all of the residents would have school age children. He stated that the people that purchase this type of housing are ones that have not had children or whose children are not old enough to attend school.

Jay Gephardt stated that this development is not creating the need. He stated that the need is already there, and the development is creating a place for those people to live.

Jay Gephardt stated that this development must meet both the City of Columbia and County stormwater standards. He stated that the stormwater issues would be regulated by two bodies.

Jay Gephardt stated that there were issues brought forward regarding County Commission control and the speed of development. He stated that the developers are projecting ten years because they believe this is what the market will absorb. He stated that the market would control the rate of absorption.

Jay Gephardt stated that the review plan and final development plan would require public hearings. He stated that as far as the unplanned districts are concerned, the developer has shown as much information as possible.

Jay Gephardt stated that a masterplan should be flexible and shifts as needs arise. He stated that the fact that this plan scored 75 points on the rating scale shows that it has some merit.

Jay Gephardt stated that Rte HH (adjacent to the development) has gravel shoulders. He stated that further down on the road, there are no shoulders. He stated that the gravel shoulders are adequate since there are not a lot of people passing in this area. He stated that if the gravel shoulders are adequate on this part of Rte HH, then the 4' shoulders are adequate on Ketterer Rd since it has less traffic than Rte HH.

Jay Gephardt stated that he also believes that Brown Station Rd is adequate without any shoulders. He stated that this road "will handle a lot less traffic in ten years than it does now."

Jay Gephardt stated that this development should not be held responsible for all of the developments that are needed on Rte B. He stated that the development would contribute its fair share.

Jay Gephardt stated that the level of service would be B in the afternoon and A in the morning (after the development) for turning left on Ketterer Rd into Foxcroft subdivision. He stated that MoDOT is aware of the traffic study and did not require an additional lane for left turns.

Jay Gephardt stated that this development is not a maximum layout. He stated that 504 is the maximum on the PRD. He stated that this is a well-planned subdivision.

Brian Harrington stated that the traffic counts were taken on April 5, 2000 (Tuesday). He stated that Tuesday, Wednesday, and Thursday are nationally recognized days for average traffic.

Brian Harrington noted that some traffic from the northbound, left lane on Rte B and Ketterer will revert to Rte HH. He stated that geometric signals could not be placed without geometric improvements. He stated that MoDOT has stated that they would like to have the geometric improvements in place first.

Brian Harrington stated that the residential area would generate 1/3 of the trips. He stated that the commercial assumes all of the retail businesses in its trip generation count.

Brian Harrington stated that the market would determine the demand for these lots.

Rhonda Carlson stated that if she were going to take out a portion of the development, it would have been the southeastern quadrant (Tract E and F). She stated that the County Commission probably would not have required as many road improvements, and the development itself would have fit the masterplan.

Rhonda Carlson stated that the right-of-way was granted when this tract was developed for Rte B. She stated that there is excessive right-of-way for Rte B and MoDOT indicates that Rte HH has more than enough right-of-way as well.

Rhonda Carlson stated that three of the adjoining property owners are in favor of the development. She noted Barbara Heller (sister of Phil Heller who is opposed to the request) is also completely in favor of the development.

Rhonda Carlson stated that the improvements that are being put in place are in excess of what the City of Columbia requires.

Rhonda Carlson stated that she did speak with the President of the Hallsville School District, Mayor Carl South, who stated that "the development sounded fine." She stated that she used the figures given to her by the County Assessor's Office to discuss the issue with Mayor South. She stated that she also spoke to Jodie Wheeler who was originally opposed to the development because she thought that the development would add 2000 households. She stated that Jodie Wheeler, after finding out that there would only be 504 households, decided not to oppose the development. She noted that 50% of the people that purchase homes from her and husband have children. She stated that the remaining 50% are usually newly married, living together, or older individuals. She stated that one child per household is an extremely high estimate.

Rhonda Carlson stated that there were comments regarding the increased crime that the development could generate. She stated that she made a phone call to the Sheriff's Department (Tom O'Sullivan) who stated that the activity and street lights in the development should discourage crime.

Commissioner Vogt asked if there would be space for a park.

Rhonda Carlson stated that she had mentioned the possibility of a park. She stated that the park would be a small lot, maintained by the Homeowners' Association. She stated that the park "is something that we have always included as part of our developments without being required to do so."

Commissioner Vogt stated that a lot of the discussion tonight was centered on the fact that the developers did not agree to make the improvements suggested by the Planning and Building Inspection Department. She asked Stan Shawver if the County Commission would have the right to condition the final development or the planned requests.

Stan Shawver stated that conditions could be placed on the planned portions of the development or the subdivision regulations requiring offsite improvements.

Rhonda Carlson stated that "the comment about unwillingness might be a little off." She stated that they made all of the improvement suggested by MoDOT. She stated that just last week requests were made to widen roads and add shoulders on Brown Station Rd. She stated that she had complied with so many of the improvements that the last minute, requested improvements were "kind of hard to swallow."

Commissioner Vogt asked how much the state pays for each child in school (Hallsville).

Ken Jacob stated that this is a complicated issue. He stated that there have been problems in the past with school districts losing their funds once families move out of the area. He stated that over the past few years, *harmless provisions* were written to ensure that school districts do not lose so much funding when children move out of the area. He stated that one of the major problems with this is that the school districts that the children then join, do not gain enough revenue to support the influx of students.

Commissioner Vogt asked if the state pays a certain amount of money per student (based on attendance).

Ken Jacob stated that the state pays a certain amount. He stated however that if the local area does not support its educational system or have taxes in place that support the schools, "then there is state aid, but no local support."

Charles Hatcher stated that the total cost is between \$4500-4700. He stated that the local annum is \$1275 and the state then pays the remainder of the cost (between \$3500-\$3700 per year).

Commissioner Stamper stated that "much has been made of the density" of this development. He stated that he posed the following question to those (he spoke to earlier) that were in opposition to the development of, what is an acceptable level of density? He stated that some responded that 2 acres or 2 ½ acres is acceptable. He asked the applicant to explain why she chose 500 units as opposed to other smaller numbers. He further stated that "blended uses" with relatively small lots would have been more desirable (personally).

Rhonda Carlson stated that with the type of housing and the price point housing that they develop, it does not become economically feasible to service those areas with water, sewer, streets, etc. She stated that this basic layout has not changed from what was discussed with the County in October 1999. She stated that "it is a natural progression to have your commercial abutting and then stairstep back." She stated that the 504 units is a very liberal stretch.

Commissioner Stamper stated that some subdivisions set aside a significant amount of greenspace by design. He stated that this particular development appears to be fairly typical of subdivisions at the entry level pricing.

Rhonda Carlson stated that the development preserves as much of the natural greenspace as possible to provide a buffer between Tract D (R-D) and Tract F (R-S). She stated that the PRD on the western side of Tract H is bordered by trees (a natural buffer). She stated that most people would try to maintain that natural buffer when developing their lots.

Commissioner Stamper asked who would supply water to the development.

Jay Gephardt stated that Public Water Supply Districts No. 4 would supply the water, surrounded by 8", 10" and 12" waterlines.

Commissioner Stamper asked the applicant to describe existing developments in the community that are similar in nature.

Rhonda Carlson stated that Cimarron Estates (or Sheridan Hills) is similar in nature, however it is an older development and therefore held to a different standard. She stated that Southridge is also similar in nature being situated near a major highway however they were allowed to do a narrower PRD with no setbacks and smaller lots. She also noted that the density was much higher.

Commissioner Stamper stated (to Ken Jacob) that sewer line for this development must go through the Heller property. He stated that Phil Heller stated that he agreed to the easements for the sewer extension.

Ken Jacob stated that he did not feel that his clients were opposed to *a development*. He also

stated that his clients feel that this development has potential. He stated that his clients are opposed to the density of the development and the impact that the development would have on everything else in the area. He stated that "everyone realizes that there will be a development in this area." He stated however that the development should be one that is more consistent with the existing property owners.

Commissioner Stamper asked Stan Shawver how many points are possible for this kind of development on the point rating system.

Stan Shawver stated that the maximum amount of points possible is 98.

Commissioner Stamper asked Stan Shawver if it would be fair to say that the staff's concerns about development were based on developer's reluctance to make the requested improvements on old Rte B and a portion of Ketterer Rd.

Stan Shawver stated that it would not be fair to say that. He stated that the staff's comments were overstated. He stated that staff stated that the developer did not agree to the improvements, however the developer did not refuse to make the improvements.

Stan Shawver noted that the staff's decision not to recommend approval was based on the fact that the development does not comply with the masterplan and that the traffic situation is already extreme.

Commissioner Stamper asked Stan Shawver to state the maximum amount of density that can be achieved on the land as it is currently zoned.

Stan Shawver stated that it would be about 45 units (with 2 ½ acres for each unit).

Ken Jacob reiterated the comments from staff regarding their recommendation for denial of the request. He stated that he did not understand how the County Commission could vote for things that would cause hazardous conditions.

Commissioner Stamper asked Stan Shawver to describe the city land use plan for the area. He stated that he believed the City of Columbia targeted this area for light industrial uses.

Stan Shawver stated that he believed Commissioner Stamper's comment was correct. He stated that the city staff's comments were based on the preliminary plat. He stated that they did not issue any comments regarding the rezoning requests.

Commissioner Stamper asked if 50% of the proposal is under PRD.

Jay Gephardt stated that about 24 acres is PRD.

Rhonda Carlson stated that there were 168 single-family and 38 duplex lots.

Commissioner Stamper clarified for the public present that the conditions and car count at Ketterer Rd (west) did not qualify this intersection for improvement by the state.

Commissioner Stamper stated that a question was raised about stormwater drainage basins. He asked the applicant what the staff had done to address that.

Stan Shawver stated that those things would be reviewed during the final development plan and the review plan.

Commissioner Stamper asked the applicant if the state would require her to place the conduit in for the signal at Ketterer Rd and Rte HH at the time of improvements.

Jay Gephardt stated that there was no mention of a conduit signal.

Commissioner Miller asked if the 504 units included all individual residences.

Rhonda Carlson stated that the 504 figure refers to households.

Commissioner Stamper stated that this development is a particular dilemma for him. He stated that the County Commission sometimes approves requests (on much smaller increments) things that significantly contribute to the concerns people have for traffic. He stated that it is frustrating to make those decisions that are hard to protect, provide law enforcement for, or provide rural utility services to. He stated that if the same standard that is being placed on the present request were applied to those development, many of the people present tonight would have never been able to move where they live.

Commissioner Stamper stated that the County is approaching a time when it has to focus on making better use of its resources i.e. sustainable development. He stated that the testimony given tonight can not be ignored, however "you can also not continue to chew up the countryside in 2 ½, 5 and 10-acre tracts." He stated that this is not an economic and efficient use of the land. He stated that there is also a tremendous amount of pressure on Boone County.

Commissioner Stamper stated that the question of "will they come?" is the way that the County develops.

Commissioner Stamper stated that the County does lack transportation corridors to the east and west. He stated that this is something that will have to be worked on.

Commissioner Stamper stated that the school district question was an interesting one. He noted however that no housing development in this community pays the appropriate amount of money to its school district. He stated that part of the issue is that the community needs balanced economic growth. He stated that Hallsville needs commercial because that is where greater levels of support are found.

Commissioner Stamper stated that there are parts of the development he really likes and parts that he does not. He stated that he was not moved by the sovereign immunity issue. He stated that the question before the County Commission is whether the problems of this development can be solved in order to approve the request.

Commissioner Vogt stated that the County Commission spent three years working on the most recent comprehensive plan for the County. She stated that it does not address identifying each property into the proper zoning. She stated that they made a process available to the people wherein they could come and make a request to change the zoning on their property. She stated that "the comprehensive plan is a living document that changes as we go through this process." She stated that she is not moved by the comments about this request (development) not being a part of comprehensive plan.

Commissioner Vogt stated that people have property rights in the state of Missouri and a part of those rights is the opportunity to come and have the zoning of the property changed for a different use.

Commissioner Vogt stated that the school issue is a very big issue for her. She stated that she is concerned about how the Hallsville School District will manage with a development of this nature. She stated that this development could bring in new blood that would pass bond issues in order to better support the kids in the district.

Commissioner Vogt stated that the good thing about this development is that it will bring infrastructure improvements to the area. She noted that "traffic problems are going to exist in the Midwest."

Commissioner Miller thanked the developer for being straight forward and showing the entire development at one time. She stated that the County Commission has a duty to the city. She

stated that “you can not build a city with 2 ½ acre tracts. . . or without some density to support the infrastructure that is required to support this development.”

Commissioner Miller stated that she has never seen a development between two state highways. She stated that she was shocked by the recommendation for denial from the Planning and Zoning Commission. She stated that she believes that this is the way the city is growing. She stated that traffic is an issue somewhat, however “it will take something like this to make the state realize that it needs the improvements . . . to go in there.”

Commissioner Stamper stated that the County Commission could deny, approve or table the request. He stated that if the request were approved, then conditions would have to be set.

Stan Shawver stated that the County Commission also had to consider the review plan and the preliminary plat.

Commissioner Vogt noted that there is a development with 120 living units on 20 acre, so therefore this (request) development is not uncommon to the area.

Commissioner Vogt moved to approve a request by B. C. Investments of Columbia, L. L. C. to rezone from 117.02 acres more or less, from A-2 to the following: Tract A-4.97 to R-S PRD (Single Family Residential/Planned Residential Development); Tract B-24.39 acres to CG-P;; Tract C-4.04 acres to C-GP; Tract D-7.53 acres to R-D (Two Family Residential); Tract E-7.20 acres to R-D; Tract F-22.65 to R-S; Tract G-25.17 acres to R-S; Tract H-10.28 acres to R-S PRD; Tract I-10.79 acres to R-M PRD (Moderate Density Planned Residential Development), located at 8000 N Rte B, Columbia (appeal).

Commissioner Miller seconded the motion.

Discussion: Commissioner Vogt stated that she did not place conditions on the motion in order to give the County Commission an opportunity to consider the preliminary plat and place conditions on it.

The motion passed 3-0. **Order 306-2000**

Subject: Setter’s Ridge, preliminary plat. S9-T49-R12W. B. C. Investment, LLC, owner. Michael L. Klasing, surveyor (appeal) until August 15, 2000.

Commissioner Vogt moved to table agenda item #8: Settler’s Ridge, preliminary plat. S9-T49-R12W. B. C. Investment, LLC, owner. Michael L. Klasing, surveyor. (appeal) until August 15, 2000.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 308-2000**

Commissioner Reports

All Commissioner Reports were held until the next County Commission meeting.

There was no public comment.

The meeting adjourned at 11:45pm.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner