

TERM OF COMMISSION: December Session of the October Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center  
Commission Chambers

PRESENT WERE:

Presiding Commissioner Daniel Atwill  
District I Commissioner Karen Miller  
District II Commissioner Janet Thompson  
County Counselor C. J. Dykhouse  
Director Resource Management Stan Shawver  
Planner Uriah Mach  
Planner Bill Florea  
Deputy County Clerk Mike Yaquinto

The meeting was called to order at 7:00 p.m.

### **Resource Management**

- 1. Receive and Accept the following plat - CRB Plat 2. S19-T50N-R11W. A-2. Rodney and Stephanie Anderson, owners. James R. Jeffries, surveyor.**

Stan Shawver said this is a pretty straight forward subdivision plat located on Hwy. OO, southeast of Hallsville. The Planning & Zoning Commission approved this at the December 17<sup>th</sup> meeting and is now ready to be received and accepted by the Commission.

There were no comments or questions from the Commissioners.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plat and authorize the Presiding Commissioner to sign it:

- CRB Plat 2. S19-T50N-R11W. A-2. Rodney and Stephanie Anderson, owners.  
James R. Jeffries, surveyor.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #617-2015**

**2. First reading; Consultant Services Agreement with Terracon Consultants for Geotechnical Services**

Stan Shawver said this is a proposal for services not to exceed \$2,400 from Terracon Consultants to provide Geotechnical services for Shalimar Drive and Alfalfa Drive in the Shalimar subdivision.

There were no comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

**3. Public Hearing and Petition submitted by Hunter's Creek Farms LLC for permission to vacate and re-plat Nature Trails Ranchettes 1<sup>st</sup> Plat, except Lots 1, 2, 3, 9 and the right-of-way and easements for Hatton Chapel Rd, as shown in Plat Book 11, Page 281; and Nature Trails Ranchettes 2<sup>nd</sup> Plat as shown in Plat Book 11, Page 306, both of Boone County Records, located at Hatton Chapel Rd., Columbia.**

Stan Shawver said Nature Trails Ranchettes subdivision was platted in 1977. The section south of the road which includes three lots is not included in this request because of separate ownership and a lot on the north side of Hatton Chapel Road that is also separate ownership.

Hunter's Creek Farms LLC has acquired this property. As mentioned, it was originally platted in 1977 and never developed at that time other than the lots mentioned. It was used as a hunting preserve for many years.

In 2008, a developer acquired it and proposed to do some platting and built some roads that are in existence at this point. Then they sold it to Hunter's Creek Farms and they wish to plat it doing an entirely different configuration than originally planned. The copy of the aerial map provided shows the proposed plat. Nature Trails had 48 lots and this new development will have 45 lots.

Per 1.8.1.3 of the Subdivision Regulations, no subdivision plat may be vacated in whole or part unless the owner of the land for which vacation is sought petitions the County Commission for the vacation in writing and the County Commission finds after public hearing that vacation will not adversely affect the character of the neighborhood, traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision, property values within the subdivision, public utility facilities and services, and will not generally adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

Before a plat can be re-platted, the Commission is also required to conduct a public hearing per 1.8.1.2 of the Subdivision Regulations. The Commission can conduct both hearings at the same time and consider both the vacation and re-plat.

Commissioner Atwill asked if this is the place where the concrete roads were built.

Mr. Shawver said that is correct.

There were no questions from the Commissioners at this time.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

**James Jeffries** said he is with Allstate Consultants and is here on behalf of Hunter's Creek Farms LLC and would like to point out that the number of lots for the Ranchettes was 48 but did not encompass the entire property. We are at 45 lots so these lots will be much larger.

Commissioner Miller asked what the average size of the proposed lots will be.

Mr. Jefferies said the average size will be four acres with some being larger.

There were no further questions for Mr. Jefferies and Commissioner Atwill asked if there is anyone else present that would like to speak for or against this request.

**Cheryl Williams** said she has several issues. First would be the size of lots 1, 2, 3 and 9. Are these bigger lots or the same size as the proposed new lots. Secondly, what are the plans for sewer and runoff. I have the property adjoining this and we already have a tremendous amount of runoff. If there are more houses, this will create more problems for me. Also, Hatton Chapel Road is a very narrow, winding road and with more traffic, this is a huge safety hazard unless the road is made wider.

Mr. Shawver said that lots 1, 2, and 3 are a total of 6 acres and lot 9 is at 2 acres. They are looking at on-site wastewater systems which must be approved by the state. At present, there is a cost/benefit analysis comparing the cost of a collective system with the central treatment facility vs. on-site wastewater system. The Storm Water Regulations will monitor the runoff created by these lots.

**Paul Morris** said he is the owner of lot 9 and it is 1.9 acres. He spoke with one of the principles of Hunter's Creek and was told there was a little bit of horse trading with the land

that was in the original plat. A piece of land to the east would be traded for a piece of land that goes between it and there would be a second access. At this point I don't see that and am curious about that. Also, I was told several years ago by another developer who bought some of the land and developed it that with this kind of population density the wastewater system could not support it. All the other developments are roughly 10 acres a lot and why is this being waived in this case because the cost of upgrading this line is significant and the taxpayer should not be saddled with it. The developer or the owners should pay for that. Finally, the traffic is a concern. It is a primary detour route when I-70 is closed and that road is borderline at best.

James Jeffries said he is not aware of any horse trading and second access. The developers are not looking for the taxpayers to pay for any upgrade to the line. That is a cost that will be incurred by the developer. As far as the traffic, there have been discussions with the county and Public Works about helping on some improvements for Hatton Chapel Road, whether that occurs or not, I am not sure, but there are discussions.

**Keith Strawn** said he owns the farm to the east of this property. With these 4 acre lots, are they allowed to put a lagoon on them or would it have a septic tank. The added traffic is also a concern and I also heard that there would be a second entrance to the subdivision. The road into the subdivision is non-existent. The north end of that road is there, but there is no south end.

Mr. Jeffries said the entrance would need to be constructed to county standards with permits and the entire road would be used.

Commissioner Miller asked if there were 49 lots with the original plan.

Mr. Shawver said it was 48 lots.

Commissioner Miller asked if the proposed number is now 45 and the four lots now not considered were in the original plan.

Mr. Shawver said that is correct. In the original layout there were areas that were not part of the development, about 30 acres and now that area is part of this new development.

Commissioner Miller noted that with this added area, the lots are larger than before and it has been approved for that building purpose. After tonight, what is the next step for this property. What do they have to do so they can proceed.

Mr. Shawver said if the Commission grants permission to vacate and re-plat, they would need to bring in the preliminary plat and go through the complete review process, then go before the P & Z Commission and report back to County Commission. If approved, they start preparing final development plats, roads, cross sections, storm water plans and wastewater plans. Initially, they had been talking about drip irrigation systems on each lot.

Commissioner Miller said it looks like a lot of review takes place prior to building.

Mr. Shawver said there is considerable review. Infrastructure has to be put in place before selling lots. Roads need to be completed, water lines must be installed.

**Russ Berry** said he has a question on the water line. Presently there is a 4" line under the road. I have a 6" line due to foreseeing development. We wanted to make sure we had the flow.

Mr. Jefferies said that the 4" is not big enough and will need to be replaced with a larger line.

Mr. Berry said the road is in terrible condition. With more traffic, it will be hard to drive on.

Will the road be paved to support the added traffic on Hatton Chapel Road.

Commissioner Miller said it would be very hard for the county to require them to pave Hatton Chapel Road for 45 lots. It is not reasonable. They can pave what is in front of their property , but that is all we can require as off-site kind of things.

Mr. Berry said that road is horrible. That road winds a lot and the grading is horrible and there is not a good job of putting down gravel. With that much traffic, it will not support that road. We would ask the county to upgrade this road with the approval of this request.

Commissioner Miller said there is a process to determine what roads are upgraded in the county. It is a big matrix and several measurements are used along with a formula. What comes to the top are those that need attention most and that is what we focus on and work our way down the list. It will be counted after this development if it already has not had a count. You can call me and I can look it up and see where it stands based on the other roads within the county.

Mr. Berry asked if it is based on the fact it is assessed after the fact when the development is put in.

Commissioner Miller said they are assessed every three years. There are traffic counts and when major changes are done to a road, it is re-assessed as well. I can share this information with you.

**Matt Young** said he lives off Hatton Chapel Road and has been there for about 10 years. He bought out there and it is pretty common when development happens, it is usually 10 acre tracts. My concern is that this will de-value my property. This needs to be in line with everything else in the area, mostly the regulations for houses in the subdivision. The road is a big concern. If the twin bridges flood like they usually do, it is a thoroughfare through there.

When I am pulling out of my driveway, if I see three cars within 1 ½ blocks, I know to go left, not right because the twin bridges are out. I am a plumber here in Columbia and have done multiple water line extensions off Hatton Chapel for different subdivisions and what is there now is not adequate. The Water District will ultimately determine that.

There were no further comments and Commissioner Atwill closed the public hearing.

Commissioner Miller said that the lots will be bigger and more protective of sink holes and the different things in the area which will have a better outcome for the area. There is a concern about Hatton Chapel road and the twin bridges. We dealt with that when the bridges were re-built so we know what can happen. If we could raise the money, there would be no problem paving the road, but at this point, it won't be quick. This is a reasonable way of re-purposing this property, the larger amount of acreage and larger lots as well as bringing the water line out there. You don't get these types of things unless you develop so I am in favor of the vacation and re-plat.

Commissioner Thompson said we need to follow our procedure for the roads and be mindful as to what is coming, in terms of traffic, making certain things don't stay as things move in terms of development and the increasing traffic it might bring. This is a much more reasonable plan than what was in place before. Because of that, I too am in support of this request.

Commissioner Atwill said this property has been on the verge of development for quite some time. I believe some of you who spoke tonight live in the area where it is being developed and it is always nice not to have new neighbors, but that is the nature of growth in the county

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** a petition submitted by Hunter's Creek Farms LLC to vacate and re-plat Nature Trails Ranchettes 1<sup>st</sup> Plat, except Lots 1, 2, 3, 9 and the right-of-way and



easements for Hatton Chapel Rd, as shown in Plat Book 11, Page 281; and Nature Trails Ranchettes 2<sup>nd</sup> Plat as shown in Plat Book 11, Page 306, both of Boone County Records, located on Hatton Chapel Rd., Columbia.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #618-2015**

- 4. Public Hearing and Request by Gara W. Toalson Revocable Trust and Williams N. Toalson, owners, to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) and to approve a Review Plan for Toalson Estates on 81.99 acres, more or less, located at 4505 W Rte K, Columbia.**

**- Rezone - Review Plan**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their December 17, 2015 meeting.

The minutes for the Planning and Zoning Commission meeting of November 19, 2015, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located south of State Route K, bounded by Nursery Road to the east, and Warren School Road to the west. The property is 81.99 acres in size and is zoned A-1(Agriculture). A request to rezone a portion of this property to A-2(Agriculture) was submitted in April of 2015 and was denied. It has the City of Columbia and A-2 zoning to the east, A-1 zoning to the north and west, with A-1P(Planned Agriculture) and A-1 zoning to the south. The A-1P was created in 1996. To the east, a transmission facility conditional use permit was granted in 2001. To the

west, an adjacent property attempted an A-1 to A-2 rezoning in April of 2015 and was denied. That same property came back in July of 2015 with an A-1 to A-2P(Planned Agriculture) rezoning and was approved. The subject property scored 51 points on the rating system.

The applicant proposes to rezone the entire property from A-1(Agriculture) to A-2P(Agriculture) for purposes of development into lots smaller than 10 acres in size. The applicant has also submitted a review plan for approval showing 14 lots.

The Boone County Master Plan has designated this area as being suitable for residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: Boone Electric can provide electrical service to this property. Consolidated Public Water Service District #1 can provide water service to this property and a water study has identified the required improvements to the meet the needs of this proposal. Sewer service is proposed as a central system to be handed over to the Boone County Regional Sewer District for operation.

Transportation: Access to this property is off of State Route K, Nursery Road, and Warren School Road. State Route K is a publicly-dedicated, publicly-maintained right of way. Direct access is controlled by the Missouri Department of Transportation. They have located one access point for the property. Nursery Road is a publicly-maintained gravel road on the east side of the property. It is a one lane gravel road with no shoulders and steep banks on both sides of the road. It also has a difficult turnaround at the end of

the county-maintained portion.

Warren School Road is a publicly-maintained gravel road and is able to provide service to the adjacent property under the existing zoning. Warren School Road is located at the west side of the property.

The proposed development intends to make use of a private road to serve 8 of the 14 lots. The private road will access Route K on the northern end of the property. The remaining 6 lots have access on to publicly-maintained rights-of-way. Private roads may be approved in a planned development that is combined with a major plat. The design standard to which the road will be built is a key element in deciding whether the use of a private road is appropriate in each case. Plans for the private road will need to describe width, depth, grades over the road's length, maximum curvature (both vertical & horizontal), and the proposed surface. While a proposal that identifies a minimum width of 20' has been submitted for consideration, the fire code dictates that a 26' road width would be appropriate for a roadway of this length. Additionally, had this road been proposed as a public road, it would exceed the maximum cul-de-sac length of the County's road regulations.

Maintenance of the private road is another factor to be considered in deciding whether the use of a private road is appropriate. A maintenance agreement is necessary to ensure that issues such as road repair and snow removal are addressed. Without a maintenance agreement to cover how such uses are to be assessed for maintenance, disagreements between property owners may cause difficulties in keeping the road in a good state of repair. At this time, a draft maintenance agreement is proposed to evenly apportion the cost of maintenance across all eight of the tracts that rely on the private road.

The Zoning Regulations Section 6, Planned Developments, provide the Director with the authority to require the submittal of plans to ensure that adequate vehicular circulation is

provided within the planned development. The Subdivision Regulations require the submission of proposed restrictive covenants as part of the submittal.

**Public Safety:** The property is located in the Boone County Fire Protection District, whose station on Route K is the closest to provide emergency services. Warren School Road and Route K can provide access for emergency services. Nursery Road is limited in the level of access it can provide to the subject property. Some form of turnaround needs to be installed for this development along Nursery Road for emergency services.

**Zoning Analysis:** The Boone County Master Plan indicates that this area is suitable for residential development. That stated, the sufficiency of resources test, also in the Boone County Master Plan, would indicate that there are some key design issues regarding transportation for this property. While the overall design makes good use of the property, the fine details needed to answer questions in regards to transportation and access are lacking. Those details, specifically the design of the private road and the agreement for maintenance of the private road, have draft proposals under review by staff.

Staff recommends Approval of the request with the following conditions:

1. Plans for the private road must be approved by the Director of Resource Management and the Boone County Fire Protection District prior to the approval of the Final Plan.
2. The road maintenance agreement must be approved by the Director of Resource Management prior to approval of the Final Plan.
3. The private road must be constructed prior to approval and recording of the Final Plat.
4. A cul-de-sac or similar turnaround must be placed at the end of the private road and at the end of Nursery Road.

5. The private road must be of uniform width for its entire length.

The Planning & Zoning Commission conducted a public hearing on this request during their December 17, 2015 regular meeting. There were nine members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend that the rezoning request and review plan should be approved along with the following conditions:

1. Plans for the private road must be approved by the Director of Resource Management and the Boone County Fire Protection District prior to the approval of the Final Plan.
2. The road maintenance agreement must be approved by the Director of Resource Management prior to approval of the Final Plan.
3. The private road must be constructed prior to approval and recording of the Final Plat.
4. A cul-de-sac or similar turnaround must be placed at the end of the private road and at the end of Nursery Road.
5. The private road must be of uniform width for its entire length.

The motion passed with 8 members voting in favor, and 1 against the motion.

Commissioner Miller asked about the cross section of the road which was presented and is in the packets we received. Does this meet the new rural road standard that staff has been working on which is a 26' width.

Mr. Shawver said that is correct. We have been working on a rural road standard with a 26' width.

Commissioner Atwill opened the public hearing and asked if there is anyone present that

would like to speak on behalf of this request.

**David Butcher** said he is with Crockett Engineering and is representing Bill Toalson and as staff has indicated, the main issue is we would like to re-zone from A-2P to A-1 and we have a couple of items to go over.

First, this property is contiguous with the city limits of Columbia. Mr. Toalson has requested, and would like to keep his property inside the county rather than annexing his property within the city limits and that this development would be best suited to stay in the county.

Second is the Nursery Road issue. Almost a year ago, we brought this property forward with an open A-2 request and even though Mr. Toalson had a similar layout presented, the A-2 request was too frightening for P & Z. They were afraid the open zoning would allow us to fill it full into 40 plus lots.

There were going to have to be improvements to Nursery Road in order for us to access it. Our main point of access at that time was Nursery Road. So, at this point, we have created a private road that will allow access instead of re-building Nursery Road. The private standard by which he is wishing to build this road as I would like to point out a couple of things are the Fire District has indicated as long as it will carry 50,000 pounds and be at least 20' wide, they would be in support of this so we have no problem with the conditions of making sure the Fire District is in support of whatever road we bring forward.

We have no problems with any of the conditions staff has brought forward. Mr. Toalson has indicated his acceptance to all of these conditions. This road will be built prior to platting of the property and we anticipate it to be able to support the emergency access. The 26' wide road we had been talking about in meetings with staff with regard to the new road standard, we are looking to find a public road standard, not a private road standard, so we are hoping

26' is what we would like to have in a rural road standard, that is for public roads to access large acreage tracts. This would be a privately maintained road that Mr. Toalson and all other property owners would maintain. The goal here is functionality as we would like not to over build a road when the reality is just to get Emergency vehicles in there with a safe way to turn around and get back out.

Commissioner Thompson said that looking at the pictures provided, the road would be 20', not 26', but would have three and one half foot shoulders.

Mr. Butcher said that is correct. This is so the emergency vehicles would still have the support for the 50,000 pound load.

Commissioner Miller said it might be a public standard, but private roads should be built to that standard so when a second generation of people want it to be taken over by the county, it has the right of way to be able to do it. There are so many places that have not built it to this standard and then have to go and get the right of way to get it to standard for the county to takeover. This is very painful for the 2<sup>nd</sup> and 3<sup>rd</sup> generation owners.

Mr. Butcher said the existing property is 80 acres and under the current standard, we could build eight properties and build a private road that would access these properties that does not have any requirement to have a maintenance agreement. What we are doing is presenting a maintenance agreement that we will live with and accept and are building it to the standard we promised. For the additional five properties Mr. Toalson would like to build, he is willing to concede and build to a standard that would not bring a complaint in the future.

Commissioner Miller said she read in the minutes that you did not want to do asphalt.

Mr. Butcher said the goal is to put in the asphalt after the fact so the construction equipment does not destroy the road.

Commissioner Miller said what if it takes eight years to sell all the lots. Does that mean the people that bought will have to wait for asphalt for all that time.

Mr. Butcher said that is a valid point that it could potentially be eight years. That is not our goal. Four of the lots are already spoken for and we don't anticipate it will be eight years. It could be, but we are asking for some latitude with building the gravel road and then putting the asphalt finish later.

Commissioner Thompson asked if the gravel road will support the loads.

Mr. Butcher said it would. Also, the water line is an issue and we intend to put in fire hydrants and improve the water line loop, increasing the main to 8". It will bore under the road and connect across the street.

Mr. Shawver said he has a point of clarification as noted in Subdivision Regulations, Appendix B, Section 2.1 – Roads and Streets – Improvements, it states "Any major subdivision or multiple use subdivision plat establishing roads to be constructed within a subdivision shall be paved if the subdivision is located within an urban Service Area as defined by these regulations..."

Commissioner Miller said that is why she was asking when they were going to pave the road.

Mr. Butcher asked if that includes private roads.

Mr. Shawver said it refers to any road.

Mr. Butcher said the intent is to pave the road. We just need a little latitude so we don't pave it twice.



Commissioner Atwill asked if there is anyone else present that would like to speak on this issue. There were no additional speakers and Commissioner Atwill closed the public hearing.

Commissioner Miller said that in the past, we have done things after a certain amount time of construction with the final improvements needing to be completed. What is a logical solution as there are not a lot of lots we are talking about.

Stan Shawver said although this would not be classified as a major subdivision, I can't recall where we have not required the roads to be built prior to any lots being sold short of providing assurances to prove that it is done in the form of a Letter of Credit.

Commissioner Miller said this meets our regulations and their desire to get this done on a time frame that is suitable to them.

There were no further comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby **approve** the request by Gara W. Toalson Revocable Trust and Williams N. Toalson, owners, to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) on 81.99 acres, more or less, located at 4505 W Rte K, Columbia and also **approves** a review plan for Toalson Estates on 81.99 acres, more or less, located at 4505 W Rte K, Columbia with the following conditions:

1. Plans for the private road must be approved by the Director of Resource Management and the Boone County Fire Protection District prior to the approval of the Final Plan.
2. The road maintenance agreement must be approved by the Director of Resource Management prior to approval of the Final Plan.
3. The private road must be constructed prior to approval and recording of the Final

Plat.

4. A cul-de-sac or similar turnaround must be placed at the end of the private road and at the end of Nursery Road.
5. The private road must be of uniform width for its entire length.

Commissioner Miller said she would like to amend the order with a sixth condition as follows:

6. Allow the developer the ability to place an infrastructure security, as authorized by statute, and in an amount determined sufficient by the Director of Resource Management, in lieu of applying asphalt to said private road until such time as foundations are poured on the eight (8) lots that access the private road or such earlier time as the Developer chooses in order to limit costs associated with the required infrastructure security.

Commissioner Thompson accepted the amendment and seconded the motion.

The motion and amendment carried 3 to 0. **Order #619-2015**

- 5. Public Hearing and Request by Phillip and Brice Hanberry on behalf of Beacon Street Properties LLC to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture Residential) on 49.91 acres, more or less, located at 7770 S High Point Lane, Columbia. (APPEAL – tabled 12/1/15)**

Bill Florea read the following staff report:

This request was considered by the Planning & Zoning Commission during their November 19, 2015 meeting.

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

In 2012 a preliminary plat application was submitted under the A-2 zoning that would have created 12 lots. In 2015 that application was withdrawn and replaced with a one lot minor plat that was approved and recorded. It is the 49.9 acre remainder of that property and a small portion of the lot created by the 2015 plat that is the subject of this application for rezoning to AR-P with Review Plan and Preliminary Plat for 50 residential lots.

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

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

Utilities: Consolidated Public Water District Number 1 provides water service to the property. Water lines were installed with the previously approved development, however the district has not accepted them for operation and maintenance. The district

has provided the developer with a list of items that must be completed prior to accepting the water lines.

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

Boone Electric will provide power.

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

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

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

Stormwater: The road in the development was constructed prior to the adoption of the stormwater regulations, which makes compliance with the stormwater regulations difficult. In lieu of strict compliance with the stormwater regulations, the developer has agreed to limit removal of existing trees for purposes of building or infrastructure installation on the lots. A note on the plan states that builders and future home owners

should strive to limit tree clearing to a 100'x100' maximum area and that such clearing must be identified on a plot plan prior to issuance of a building permit. The word strive renders the note vague and difficult to enforce. Therefore, a condition of approval will be requested to require removal of the word strive from the note. In addition, this requirement should be included in the restrictive covenants for the development to ensure that builders, lot buyers and homeowners are made aware of it.

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

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

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

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

The Planning & Zoning Commission conducted a public hearing on this request during their November 19, 2015 regular meeting. There were seven members of the commission present during the meeting.

Following the public hearing, a motion was made to table the request. That motion did not receive a second, so was not voted on. A motion was then made to recommend that

the request be denied. The motion to recommend denial of the request passed with 4 members voting in favor, and 3 members voting against the measure. Subsequently, motions were made to deny the Review Plan and Preliminary plat. Those motions carried unanimously. Applications that receive a recommendation for denial do not proceed to the County Commission unless an appeal is filed by the applicant within 3 working days of the denial. A timely appeal was filed and the December 1, 2015 Commission agenda included this application. At the applicant's request, the County Commission tabled consideration of the application until the December 29, 2015 meeting.

The Commissioners had no questions at this time and Commissioner Atwill opened the public hearing and asked if there is anyone present to speak on behalf of this request.

**Jay Gebhardt** said he is with A Civil Group and with him is **Scott Linnemeyer** representing Beacon Street Properties on this request. I have a lot of information to present tonight as indicated on the hard copies I have given the Commission which will be shown on the overhead screen. First, I would like Scott Linnemeyer to talk about Beacon Street Properties.

Mr. Linnemeyer said he would like to give an overview of the company over the last 8 – 9 years. We began as a real estate investor and over the years different opportunities presented themselves and things morphed us into not just an investor, but a residential developer, home builder and full service real estate company. Over that time, we have built over 800 residential lots. Some of the opportunities were land acquisitions, several of which were in the same state as this particular property, defunct, abandoned, eyesores to the communities and we managed to turn that into a positive for not only those neighborhoods, but the surrounding areas by helping raise the values of those existing homes in the surrounding areas.

Examples of what we have done are 56 lots in Monterrey Hills, 125 lots in Oak Park and 101

lots in Magnolia Falls. This is relevant in the sense that this property is abandoned and the infrastructure is in place and we have managed to turn them around into a positive. We are excited to do the same for this property. We are realists and understand there are concerns and we want to work with the neighbors and hopefully come to a resolution this evening.

Jay Gebhardt said he usually just talks to the Commission during these meetings, but tonight he will be doing a lot of reading because he would like to have this information on the record.

The purpose of the Traffic Impact Study is to determine the number of additional trips generated by the proposed development, assigning the trips from the proposed development to the movements of the adjoining roadway, evaluating the operating condition of the existing High Point Lane and Route K intersection, measuring geometrics of the intersection of High Point Land and Route K and evaluate the information for compliance with accepted engineering standards and determine improvements needed to the intersection to bring it into compliance with accepted standards.

A traffic count was performed on Tuesday, October 20, 2015 in 15 minute increments from 7:00 a.m. to 9:00 am. And again from 4:00 p.m. to 6:00 p.m. which is within standard practices. The highest concentration of traffic in a 15 minute increment was multiplied by 4 to obtain a peak hour count. This is an accepted method as per the highway Capacity manual to obtain the worst case scenario for the existing conditions. The Highway Capacity manual establishes procedures to analyze and rate intersections based on the expected delay. This is expressed as a level of service, with an A being the least amount of delay to a level of service F which is the greatest amount of delay. It is accepted practice that a level of Service of C is acceptable.

As shown on the exhibits, the existing movements have level of services of A and B and it should be noted that Scott Blvd. is currently closed which may cause more traffic at this intersection than if it was not closed. *(per request from the Commission, at this point Mr. Gebhardt reviewed traffic counts on Route K during peak times going in all directions as*

*shown in the handouts.)*

Traffic generated from the proposed development has been determined using the International Traffic Engineer's Trip Generation manual 8<sup>th</sup> Edition. 95% of all traffic from the development is assumed to use High Point Lane Intersection with Route K. Distribution of these trips at Route K was based on the existing traffic distribution.

*Commissioner Thompson confirmed that the table indicates that northbound traffic in the morning would see delays go from 12.9 seconds to 13.4 seconds and in the evening go from 18.8 seconds to 15.0 seconds.*

*Mr. Gebhardt confirmed that.*

Mr. Gebhardt continued and said as you can see in table 3 of your handout, the proposed development adds traffic to the intersection but the level of service for all movements does not change from the existing worst case scenario. The northbound traffic is still a level of service B.

After listening to the neighbors we have also looked into the average daily traffic or the traffic generated over a 24 hour period. The exhibit is the Boone County Traffic map published on the County Web Site and it shows an average daily traffic of 405 trips per day at High Point and Route K in September 2014 and that Hillcreek Road, the next intersection, has 1,007 trips at Route K.

*Commissioner Miller noted that Hillcreek is paved and this one is not. So, that is a big difference.*

The CATSO major roadway plan shows High Point Lane as being a neighborhood collector street. The county regulations state that a collector street is rated to carry an average daily traffic in a range from 750 to 2,500 trips per day. This development will add 476 average daily trips and 95% or 452 trips are assumed to go to the Route K and High Point Lane intersection. This totals 857 trips per day, but is still at the low end of the range for a collector street. Also of note is the proposed connector shown from High Point Lane to



Smith Hatchery Road. In the future, this road will provide increased circulation and could funnel traffic to the Old Plank/Sinclair Road intersection. Old Plank and Route K is the logical place for a future signal or round about on Route K.

*Commissioner Miller noted that just because it is designated a collector street doesn't mean it is built to that standard and that is another point to consider.*

As part of the intersection evaluation we have measured the sight distance at the intersection of High Point and Route K for a 45 mph speed limit on Route K and have found it to be 657 feet looking west and over 1,000 feet looking east. From ASSHTO Geometric Design of Highways and Streets, 2004, Chapter 9, the required sight distance for a 45 mph speed limit is 500 feet for a passenger car and 629 feet for a single unit truck or typical school bus. The sight distance is adequate in both the east and west directions. The sight distance triangle was measured for the intersection and a clear sight triangle exists in both directions. We also looked at all of the turning movements for a single axle unit such as a school bus and found all of the turning movements to be within acceptable standards.

We have analyzed the existing traffic conditions using accepted engineering practices and have found that the additional traffic generated by the proposed development does not have a significant impact based on the expected level of service for the intersection of High Point Lane and Route K. There is clear sight distance for more than the accepted minimum distances. High Point currently has less traffic on it than the minimum amount accepted for a neighborhood collector street.

There are two options concerning storm water and flooding. The proposed development contains approximately 50 acres and from the 1930's to 2007 has had pasture and tree cover. In 2007 a review plan for Providence Heights was approved by the Boone County Commission and grading, street construction and utility construction were completed for the development of 45 residential homes.

In 2015, the disturbed areas of the property have been stabilized with ground cover. However, the storm water infrastructure that was put in place for the streets has not been

maintained properly and BMP's put in place to keep soil from leaving the site have been left in place and as a result a majority of the inlets have not been functioning as designed. This has resulted in more water running out of the streets and into High Point Lane. The contract purchasers would perform the needed maintenance and allow the storm water infrastructure to function as originally designed regardless of which option you choose.

The development is located within the watershed of Little Bonne Femme Creek and this watershed contains 25 square miles of area above the point the creek crosses High Point Lane. The 100 year flood plain is 1,153 feet (1/4 mile) wide at the bridge on High Point Lane.

Both of the options take into account that this is a subdivision that was approved in 2006 and a majority of the land disturbance has been done and a majority of the impervious areas have been installed except for the actual homes on the lots.

The first option was developed by working with Staff and taking into consideration that this is a substantially completed project with the streets and the accompanying storm water management improvements constructed, and the existing tree cover and topography of the site.

The second option was developed after listening to the neighbors' concerns at the Planning and Zoning meeting and again after meeting with the neighbors on Wednesday, December 2, 2015.

Options 1 and 2 have been submitted to the county for their review and have each both been found to be in compliance with the county storm water regulations. We offer either of them to you as a choice based on the pros and cons of each plan.

After taking into account the information provided by the neighbors, we have studied the flooding in the Little Bonne Femme drainage area at High Point Lane and have evaluated the impacts to the surrounding areas for both options. This may be a way to quantify the impacts from each option.

Option 1 provides for the preservation of the existing tree cover on the property. This is accomplished by limiting the disturbed areas on each lot to an area 100' x 100' or 10,000 square feet for the house construction. This is regulated by the requirement to provide a plot plan drawing for each lot at the time of a building permit that shows the disturbed area is less than an area equal to 100' x 100'. This plan takes into consideration that the majority of the land disturbance and impervious areas have been completed for the site and limits the disturbance of the home construction on the steep slopes and the existing tree cover.

Option 1 will incorporate a minimum of 2 new trees to be planted on each lot. The combination of preserving existing trees and planting new trees provides a reduction in the total runoff from the property. It also provides for a soft or natural best management practices such as disconnecting impervious surfaces which will be implemented for all of the home construction.

As you can see from the exhibit, the disturbed areas are represented by the 100' x 100' hatched boxes. 25% of the proposed lots do not have any additional trees to be removed during house construction and only 4 of the 50 lots shown contain 100% tree cover within the 10,000 square foot area the homes can be built within. Assurances that this will protect the neighbors from increased flooding are simpler to manage and enforced by the County Staff with Option 1 and simpler and more manageable by the developer of the lots as the disturbance on the lots is limited. Option 2 cannot limit the disturbance on the property because so much area is required to access and build the storm water BMP's. I prefer the low impact design of Option 1 over Option 2's high impact. Basically, if you don't disturb it by building detention ponds, you haven't created the difficult stabilization and maintenance issues that will impact the neighbors significantly more than the minimal increase in runoff will.

Option 1 was recommended for approval to the Planning and Zoning Commission by the Boone County Resource Management Staff due to the minimum impact the plan would have on the existing tree cover and disturbance to the steep slopes in the valley on the property.

Option 2 substitutes man made best management practices for the existing natural practices

in the form of wet and dry detention basins. These basins are sized to meet the county storm water requirements for runoff reduction. However, by the very nature of these basins, they have to be placed in the valleys at the low spots on the property that are currently tree covered with steep slopes.

Due to the property draining in several directions there are 5 man-made structural BMP's shown that range from a wet pond to several dry ponds that provide runoff reduction and water quality.

*Commissioners Miller and Thompson said they were concerned with the runoff as indicated by the drawings and that physics alone would add to the runoff concern.*

*Mr. Gebhardt said there is pre-development flow and post development flow and you cannot exceed the pre-development flow. You can look at the entire property and if you let more go out on one side of the development, you can over compensate on the other side and let less go out on the other side.*

*Commissioner Miller asked if you can keep the water on each individual lot.*

*Mr. Gebhardt said that each lot can have its own rain garden, but it takes buy in from each of the owners. The county regulations have led us to the conclusion that wet detention ponds for water quality use and dry detention ponds for detention.*

The man-made structural BMP's are sized to take into account the additional runoff created with the removal of the trees for their construction. Man-made BMP's require long term maintenance. If not properly maintained they will fail to perform. Due to the location of these structures it will be a challenge for the HOA to perform needed maintenance. Enforcement of the required maintenance is also difficult and complicated.

The flows leaving each drainage area are shown. On paper, Option 2 provides additional runoff reduction than Option 1, but at a significant cost to the existing tree cover. The disturbed areas will be difficult for the developer to manage for erosion and difficult to stabilize.

As you can see from this table which comes from the County's Flood Study performed in 2011, when the bridge was replaced on High Point Lane, it was designed to have 1.63 feet of water over the bridge with the 5 year storm which is the storm that has a 20% chance of happening any given year. A 100 year storm or storm with 1% chance of happening has 5.51 feet of water over the bridge. This is all before any development occurs. Rainfall data for the rain last weekend was 3.5 inches in a 66 hour period. A 2 year storm is 3.5 inches in a 24 hour period, and a 100 year storm is 7.3 inches in a 24 hour period.

As you can see from the table, there is a slight difference in the height of flooding that occurs at the bridge on High Point Lane for each option. But this difference is tiny due to the large size of the drainage area, 25 square miles, 16,000 acres. This minor difference should not be a large influence in deciding which option to choose.

As a side note, the neighbors indicated to me that there are times that a person would not be able to leave the proposed development due to flooding on High Point in both directions. I asked the county staff if this was correct and the Road and Bridge staff indicated that they have always been able to access the site from Route N up to the proposed subdivision.

In summary:

#### Option 1

- Saves tree cover
- minimizes land disturbance to the existing soil structure
- minimizes off site impacts to the adjoining property owners by limiting disturbance on each lot
- provides better assurance of protection to the neighbors from the impacts of this development
- has an insignificant impact to the existing flooding problems in the area

Option 2:

- provides man-made structures that require maintenance to perform properly
- provides additional runoff reduction than Option 1, but at the expense of the loss of tree cover and creating difficult siltation management for the developer to avoid impact to the owners down stream
- no real difference in flooding reduction is achieved at the bridge on High Point Lane with this option over option 1

The county's professional staff has stated that they prefer option 1. At the December 2<sup>nd</sup> neighborhood meeting it appeared some of the neighbors preferred option 1 and saving the trees, but the choice is ultimately up to you.

The existing zoning is currently A-2, which would technically allow 20 lots, however with the existing street configuration installed it would be difficult to achieve 2.5 acre lots. The A-RP zoning approved in 2006 allowed 45 lots. We have asked to increase this number to 50 lots or 30 lots more than what we are allowed with the existing zoning.

For an overview of existing conditions, the zoning map displayed on the overhead screen shows the A-2 zoning shaded in green. The existing A-R zoning is shown in light blue and yellow is existing R-S zoning. Light gray are areas of R-1 within the city limits of Columbia.

A-R zoning is a transition zoning district. In this case, it is a transition from the larger lots within the county and zoned A-2 and those small lots within the city limits. This transition zoning is best shown with the existing subdivisions to the east of the proposed development. It has established a clear demarcation from the city to the north and the larger lots to the south. In our proposal, the A-R zoning is used to protect the larger lot neighborhoods from being adjacent to small 7,000 sq. ft. lots within the R-1 and R-S zoning districts. Although the majority of the neighbors do not agree with this idea, A-R planned zoning is a way to protect them from having higher densities than what we propose.

A planned A-R district is a compromise between the expectations of the long time neighbors

with large lots and the growing population of Boone County that sees this as a desirable location to own lots larger than what they can acquire within the city.

Annexation of the property is not an option at this time due to the tract not adjoining the current city limits, but it is very close. If annexed, the normal and usual zoning category would be R-1 which allows for lots 7,000 sq. ft. and greater with up to 99 lots with one point of access. It is my belief that the proposed A-R zoning would provide good protection and a buffer to the larger lots to the east and south of the property. I believe this is one of the reasons that your staff has recommended approval of the proposed 50 lots.

The neighbors have asked us to not change the character of their neighborhoods. I believe a change is coming and we are proposing a development that will protect the character of the area. When one looks at the bigger picture, you can see that the city limits is approaching this area.

The A-R zoning we are proposing will prevent this from being R-1 zoning in the city. The city regulations do not protect the surrounding neighborhoods as well as the county regulations do. For example, the city regulations could not prevent 99 lots being built from the one entrance. The city has tree preservation requirements, but only 25% of the trees are required to be saved, we will save approximately 81% with our option 1 storm water plan.

The sufficiency of resources test is a test that has a rating system to determine the suitability of a proposed rezoning and whether further study is warranted and looking at the work sheet prepared by County staff, the site rates 69 points on this test. Any score greater than 50 points indicates that the property is within the urban service area. An area within the urban service area should be considered for planned A-R zoning. The points the staff gave us were a bit in error and should have been 77 points due to there being no flood plain on the property. But even 69 points is a very high rating for the property and it is well within the urban service area as defined by the county regulations. The high rating is due to the proximity of the development to the City of Columbia, the utilities being not just available, but literally on the site, sewer capacity being available and the proximity to schools and Fire Protection. Basically, all of the infrastructure is in place for the proposed 50 homes and

could support a much higher density than what we are proposing.

The traffic study has shown the impact to the roadways from this development is minimal and according to accepted engineering practices, do not require additional infrastructure to handle the additional traffic.

We have given you two options for the storm water impacts to the site, one that is more environmentally friendly and the other that accomplishes similar results with high impact, man-made, Best Management Practices.

The neighbors have asked us to take into consideration the character of the neighborhood and how our proposed development will change the character of the neighborhood. I believe we have taken this into consideration by asking for the AR planned zoning district that will buffer the larger lot neighborhoods from the smaller lot neighborhoods to the north, similar to the large amount of A-R zoning around it.

I made a mistake of not talking to the neighbors before resubmitting this request. I tried to correct that by meeting and listening to their concerns. My job is to eliminate or mitigate those concerns with good engineering practices and common sense. I have studied the concerns that have been raised and shown the actual influence or impact that exists today and what would happen should the development be approved again. I have listened to the neighbors and that is why we are proposing to limit this to A-R planned zoning and not a more dense zoning that would happen when the property is annexed. We have listened to your staff and they have provided an independent review of our work and through their staff report, they have made a recommendation of approval

Lastly, this development was previously approved by a previous Commission. A lot of time has passed and some things have changed. The city limits are now much closer to the property than it was in 2006. The sewer and water infrastructure are still available and capable of meeting urban requirements. A new city park is proposed diagonally to the north and west of the property. A new bridge on High Point Lane has been built. Traffic on High Point has increased, but not even to the level of average daily traffic the road is designated



for. A new, experienced and quality developer, with many ties to the community now has an interest in making this a beautiful neighborhood that they can be proud of.

At this point, we would like to offer a few concessions to our proposal. We have listened to the neighbors and would agree to the following conditions being placed on approval of the review plan: 1) The final plan could be limited to 45 buildable lots and 2) If neighbors object to street lights provided by Boone Electric, we can do without the street lights.

That is my presentation and I thank the Commission for letting me talk without any time limit.

Commissioner Miller asked Mr. Shawver if his staff has been able to review the storm water calculations that were presented for both options.

Mr. Shawver said they did not have calculations for option 1.

Bill Florea said they reviewed the preliminary calculations for option 2 and they were in compliance with county regulations.

Commissioner Atwill complimented Mr. Linnemeyer on the developments in the area and that he has done a superb job. Also, Mr. Gebhardt has spent a lot of time preparing this presentation and has done an excellent job. The question is, you have come before us after a denial by the Planning & Zoning Commission and by what logic would we say to that Commission that they made an error.

Mr. Gebhardt said there had been a lot of confusion. He did not come as prepared because he concluded incorrectly that since it had been approved before, it would be approved again. The traffic study was not presented in a way that the Commissioners could understand as they conveyed that after the meeting. We were not prepared with option 2 of the storm water issue because we had the support of staff on what we were currently doing and not anticipating the neighbors concerns. We listened to what was presented at the P & Z meeting by the neighbors and addressed their issues. We then met with the neighbors and came up with the other storm water option and reduced the lots to 45 from 50. There is quite a bit of

difference to this than what was originally presented to P & Z.

Commissioner Atwill said that what we have seen tonight is different than what was presented to P & Z.

Mr. Gebhardt said that the layout of the lots for Option 1 are the same, and the new Option 2 shows the lots adjusted for the detention. At that time, I had still been working under the assumption of 50 lots.

Commissioner Atwill asked if he is assuming that if P & Z had heard the presentation that was given tonight, they would have given a different result.

Mr. Gebhardt said absolutely.

Commissioner Thompson asked precisely what information was given tonight that they did not receive.

Mr. Gebhardt said he did not have the details presented tonight concerning the traffic study, only the conclusions, not how we got to those conclusions. There was confusion on delays and that was not conveyed by me very well. They heard the staff report on storm water and I hung my hat on the fact they said it was in compliance and did not elaborate at all on this issue. As for the density issue, I talked about the Sufficiency of Resources report, but not the actual points. No zoning map was presented to show the A-R zoning. They got very limited information from me on that.

Commissioner Atwill asked if the development at the intersection of Route K and High Point is a Beacon Street development.

Mr. Linnemeyer said that is correct.

Commissioner Atwill asked what measures were taken in that development to control surface water.

Mr. Gebhardt said that development was done under the City of Columbia storm water regulations and there were no requirements for detention. The development was in

compliance with City of Columbia regulations.

There were no further questions for Mr. Gebhardt or Mr. Linnemeyer.

Commissioner Atwill asked if there is anyone else present that would like to speak on behalf of this request. There were no speakers. Commissioner Atwill then asked if there is anyone present to speak against this request.

**Tom Schneider** said he is an attorney and resides in the Grasslands and all traffic problems are not created equally. When there is only one way to get in and one way to get out, like the Grasslands, and when you add 100 incremental cars, it increases, exponentially, the safety problems, delays and frustrations. That is essentially what they have at Route K and High Point Lane.

I am not familiar with this developer and have heard tonight that they are a good developer, but by extension, that would not make this a good development. They are two entirely different issues. I have given a hard copy of a petition to Commissioner Miller which was circulated by Mike and Cindy Liepard. The petition is titled **PETITION OF NEIGHBORS FOR SENSIBLE DEVELOPMENT IN OPPOSITION TO PROPOSED HEATHERHILL ESTATES DENSITY** and says "The undersigned neighbors to be affected by the Heatherhill development object to the proposed density of 45 to 50 lots. It should be developed under its existing zoning which requires two and half acre lots."

Mr. Schneider said he would like those here tonight to stand if they oppose this development (people stand).

They are not opposed to development, but they are opposed to the density of this development which is basically double the existing zoning and all the land use systems that result from that. The signers of the petition, by majority, are members of the High Point Subdivision, but also nearby subdivisions which would also be affected in some manner. The development has twice been before the Planning & Zoning Commission and in recent minutes there is a statement stating that the P & Z, in 2006 approved it. They did not, they

defeated it by 7-3.

The staff report indicated that all surrounding properties are zoned A-2. So what they are asking is for an island of density within this specific neighborhood. I would also like to mention that the Master Plan calls for agriculture and rural residential in this area. Rural residential sounds like A-2, 2.5 acre lots, not urban development which is what is being proposed.

The Heatherhills request makes them the odd man out. It did back then, and it does today. Tonight, speakers will address three main issues, surface water discharge, traffic and emergency vehicle access. My clients, the Leipards, asked what recourse they would have if their property floods in the future from this new development. They would have no recourse because with surface water runoff, one can't prove causation and that is why they and many others are opposing this development. Heatherhills, from a flooding viewpoint, would make a bad situation worse. It would double the amount of problems that already exist in that watershed.

We discussed the traffic and when you add additional vehicles to morning and evening rush hour, traffic gets backed up and people begin to take chances. This is a one in, one out subdivision which can hamper emergency vehicle response. The Fire District would allow 50 lots for a one in, one out subdivision, but the national code says 30 and with the topography of this development, I would think 30 is more appropriate.

I contacted the Boone County Fire Protection District and they said the topography does cause an issue for secondary access. The issue for access reaches further than just fire response, it takes in an all hazards approach such as weather events, wild land fires, etc.

The Leipards would be the most affected. There is an 80' elevation increase within 200' of where the six new lots would be, overlooking their property, all with unsightly retaining walls. The original proposal did not have these six lots, it was going to be green space. That is not the case today.

Commissioner Miller asked what the preference of the Leipards is, trees or detention ponds.

Amanda Leopard said she is a civil engineer with a Masters in storm water and would like to see the calculations on that. This is the first time we have seen this.

Commissioner Miller asked in general, what is the preference.

Ms. Leopard said in general, low impact development is generally better. If detention ponds are engineered correctly, they can be very beneficial to the area, but on a slope like this, very difficult. I would say that option 1 is the only option for this area.

**Connie Leopard** said they have lived on High Point for 20 years. They are pro development, pro sensible development and are members of the Central Missouri Development Council. We are emotionally attached to our home because of the beauty and environment around us. The proposed development and density is a concern. As mentioned earlier, this was denied at the November 19<sup>th</sup> P & Z meeting and also Jay Gebhardt has said the project has little effect on the 25 mile Little Bonne Femme watershed. I understand that, however, a caveat to that is that if you are on the last three miles of the watershed, what happens above me may not matter 22 miles upstream, but it certainly matters to me. It is not fair to have this storm water information presented that we did not see and have our engineers able to review.

I am asking for careful consideration to the ramifications of 50 additional lots and all the traffic that comes with it. We want a plan for that property to be developed, but it needs to work for the neighbors and the homeowners in the area. Keep the same zoning and for any development, they should be subject to some regulations to keep more storm water from coming than what we already have.

**Mike Leopard** said he has a slide presentation to show what we are talking about and not just with numbers. Slides were shown dating back to 2004 up to present day with various areas in the neighborhood in various stages of flooding.

Mr. Leopard showed slides on streets, old bridges and new bridges being flooded. Also displayed were several maps detailing those locations within the neighborhood plus a video

of the creek that eventually turns into a virtual fast moving river and all the debris that is left behind which floods his fields. Also shown were slides of Bonne Femme Dam overflow, the water impact from the new Oak Park subdivision and a 2013 rescue effort. In these surrounding areas, there is only one way out and it can possibly be blocked and the slides presented show that. The neighbors know this, but the developer does not. People do not understand this until they see the pictures and that is why I have presented this slide show.

**Amanda Leopard** said the storm water issue is extremely hard to calculate and account for. The reason is because of the timing of the water. (a review of an overhead slide was reviewed for explanation) Timing of the water getting to the bridge and further down is very difficult to calculate and even though there is a very small development site, it has a great effect on the nearby homes than the entire watershed.

The calculations used are 2011 FEMA Flood Mapping and all the development has occurred during that time and after and that changes the flood plain, the timing and amount of water getting to the Little Bonne Femme Creek. To say that within a period of a month, a number of calculations were done within the development site will not cause a rise in water is up for argument.

Mr. Leopard continued with the presentation showing several other slides depicting the elevations that he would see from his back yard if homes were built up on the lots above his property, the other developments that have gone up in the area and a map from the Master Plan. In conclusion, Mr. Leopard thanked the Commission for their time and said that these pictures tell the story of what is going on in the area.

**Mary Ellen Degnan** said she and her husband **Phil Wood** live in the subdivision about 1,000 feet to the south of the proposed development. I would like to talk about the Boone County Master Plan that gives some direction specific to this development in the area. While attending the last P & Z meeting, I heard the staff report say the Master plan designates this property under consideration as suitable for agriculture and rural residential land use.

I read the Master Plan which was adopted in 1996. One of the purposes of the Master Plan

was “To help put future decisions into the context of an overall direction, moving towards a set of goals which define the communities desired future.” No revisions have been made since the adoption, so this stands as the document for a decision today. It also states, “Boone County has existing zoning regulations and a zoning map which mandates land usage and places all unincorporated, outside the city property, into particular zoning classifications.”

Ms. Degan reviewed the map titled, “Generalized Future Land Use” and the area which is designated Agricultural, Rural Residential, Undeveloped which is the area that includes this new development. In the Master Plan, it states the assumption “Boone County will continue to experience significant population growth. New growth will disproportionately cluster in and around Columbia.” It also states “Boone County should include both urban areas and rural areas and allow for urban and rural life styles.” There are two areas of dominate growth in Boone County including the southwest quadrant which includes this development. The drafters of the Master Plan wanted Boone County to include both urban and rural areas with continued growth in the southwest and took that into account in the recommended zoning of this future land use map. This area should remain the designation of agricultural, rural residential and undeveloped.

Also included in the Master Plan are sections pertaining to steep slopes and flood plains. It states it should provide “A balance between development and the natural environment, protecting and improving existing conditions where ever possible with an objective of protecting sensitive environmental features and systems such as ground water, sink holes, flood plains and wet lands.”

It seems unwise and insensitive to the neighbors to invite more flooding with more dense development and disturbance of this steep land. I ask that you act in the best interest of the land, flood plain and its neighbors.

**Phil Wood** said they did have a visit from a representative of the DNR and said that this area is very susceptible to erosion. Also, traffic has been mentioned as not being affected. I disagree with that mainly because of all the new developments along Route K which is increasing the traffic. Lastly, High Point is the quickest way to get to Jefferson City from this

area and it is going to have more traffic.

Commissioner Atwill asked Ms. Degnan if she recalls, while reading the Master Plan, what the projection in 1996 was for Boone County population in 2015.

Ms. Degnan said she did not.

Commissioner Atwill said the 2015 population projection for Boone County was 142,000 and we currently have 175,000.

Ms. Degnan said she also noticed, looking at the zoning map, that the areas that have been developed, near us, such as Cascades, Thornbrook and the extension up along Scott Blvd., have just extended the map just a little bit from what it displays. It seems, for the most part, the zoning has gone with the original plan.

Commissioner Miller said those were the easiest areas to develop. They were flatter and easier to layout. Now we are getting into the harder areas for development.

**Dan Keller** said he owns property that is not adjacent to this development, and out of the water hazard. He has been in that location since 1996. They had purchased the 15 acres with the hopes of developing it into lots for homes. The County at that time turned him down because it did not fit their plans of what was going on. One thing that has not changed is the infrastructure, the roads. Route K and High Point were not built for this kind of density. I understand development, but in the right way. Not a lot has changed since I got turned down. A lot of things are going to happen in this area and I hope it is done in the right way. Beacon Street is doing a good job on their developments. The current one is still not done, they have some lots to complete and we don't know the traffic impact once the development is completed. There are two outlets for that subdivision, one on Route K and the other on High Point Lane. Please keep these things in mind during your consideration.

**Tom Mendenhall** said he is the president of the Bonne Femme neighborhood association. After the P & Z meeting, it was the neighbors consensus that the density was too high. Those that currently own the property have done nothing to maintain it. When there is a



development and even though nothing has yet been built, you need to maintain the silt fences, etc. and that has not been done.

**Chuck Gooch** said he lives adjacent, to the east, of the proposed development. Our concern has always been about the amount of density. We are not against development, but are concerned about the density. One has to consider the characteristics of the tract that is being developed. This is very important because it is an almost vertical access to this development off High Point and there is only one access and too many lots. We are all neighbors, we have an association. We like our neighbors and value the sense of community. We are looking for a good, common sense approach and request that this proposed development is denied.

**Rick Kitchen** said he is here tonight to speak in opposition to the proposed development. If this is to happen, two things must occur. First, any new development must follow the current storm water regulations and secondly, any development must include extensive improvements to High Point Lane. Should the developer be required to improve the road, definitely, or at least the part in front of the development and the dangerous parts next to their other property on Route K. I have spoken with many of the neighbors and not one said this is a good idea. Development is not the problem, re-zoning is the problem. High Point Lane is a geographical gift. It is the highest ridge in the county and is not a road, not a street and not a blvd. although it has come close to an Interstate with the amount of dangerous traffic it supports.

High Point Lane is a new shortcut to Hwy. 63. It is a scenic lane and must be safeguarded. As mentioned earlier, this development will double the amount of houses. The re-zoning will create 185,000 extra trips on an annual basis. We ask that you understand the uniqueness of High Point Lane and take this into consideration.

**Bob Juhlin** said he is concerned with the characteristics of the neighborhood. The southwest corridor of Boone County is under assault from developers. The only reason Beacon Street is here tonight is a profit motive at the expense of our neighborhood. We relish our lifestyle along High Point and that is why we live here. Changing the zoning from 2.5 acre lots to ½

acre lots will create a precedent in our neighborhood and an inroad for future high density development. This goes against the Master Plan. It will increase flooding, pesticides and fertilizer and the additional silt will pollute the river. The traffic will increase along with the noise pollution and decrease property values. We just want to keep our rural lifestyle alive.

Commissioner Miller asked those in attendance how many have moved to this area in the last 20 years and built houses. You have changed the character of the neighborhood with your moving out there with your little ranchettes. We all impact somebody else. You need to think about that when you talk about the developer wanting to make money. Every one of you has had an impact on somebody when you built.

There were no additional speakers and Commissioner Atwill closed the public hearing and asked if there is any discussion.

Commissioner Miller said she was shocked by the water pictures. She knew there was a water problem, but had no idea of the magnitude of the problem for the neighborhood. This would be shortsighted to allow anymore development until this is addressed in some way. I made a mistake in 2006 with that decision and want everyone to know that I honestly did not know how bad the water was in that area. Also, just because a road is designated as a collector, if it is not built to a collector standard, it's not able to carry collector status traffic. There is a problem with the road, but the water has me more concerned than anything. So, at this point, I will not support the re-zoning request.

Commissioner Thompson said her concern has to do with something Mr. Schneider brought up tonight. When the P & Z did the resources evaluation, part of the analysis is public safety services and what was listed is that the property is approximately 3 miles from the Boone County fire station on Route K and about 5 miles from the one at Scott Blvd. and Vawter School Road. Mr. Schneider presented evidence from the Boone County Fire Protection District in the form of an e-mail from Gale Blomenkamp that they are concerned about the lack of a secondary access. That concerns me a lot because it is Mr. Blomenkamp's job to ensure the safety of us as a community. This is the first time I have heard of this, so that

causes me great pause.

Commissioner Miller said they follow their policy that they adopted and their standard is 50 houses before a second exit. They can't change that if their policy is 50 as adopted by the board.

Commissioner Thompson said it still is the first time I have heard this and it was not indicated in the P & Z record. There is significant flooding. I don't know what has been presented here tonight has demonstrated, in a quantifiable way to me, that the proposed development is going to have that significant impact. Evidence has been presented to demonstrate that there are significant flooding issues now, but I don't know if there is any quantifiable, substantial evidence demonstrating there is any increased impact. I still come back to the comments by Mr. Blomenkamp and that does give me pause.

Commissioner Atwill said this comes to us because of an appeal from the P & Z where the application was recommended for denial. I hold the P & Z Commission in high regard. I don't think, if we do our role as we should, that we don't give some deference to what happens with P & Z. In other words, for us to override the Planning & Zoning Commission, I think there has to be more than just a good plan, there has to be a great plan to get us to the point and say they are wrong.

I am not convinced the applicant did not have a fair hearing at the Planning & Zoning Commission and that's why I asked some questions about that. These are people devoting their time at no compensation to learn the rules and work hard to do the right thing for the community. So, again, I hold their decision in high regard and it takes something more than just a good plan for me to tell them they made a mistake.

Also, the biggest issue continues to be the infrastructure with respect to roads in the county. We have to find a way, not necessarily with respect to this project, where we allow a competent development, under the rules, that allows growth of the community and the county. That may be the hardest problem we face. To come up with a mechanism to give us the right roads for the developments that are out there. If I had my way, there would be a

traffic study of the entire southwest area because of the development that is going on and the amount of pressure that we see for the development of more housing in all those areas that are down there headed toward the river. We need a very well done traffic study that explores what roads need improvements and which ones can wait. We don't have a mechanism to fund the development of roads like the city has. So, in our case, it is going to have to come from the developers unless something changes.

I also agree that this is not a place to have this kind of development. It is unfortunate because it was approved in 2006 and probably not many paid attention to it at that time. In a way, it is kind of unfair to the people who own the property. I regret that, but there is a higher purpose here for the benefit of more people than just the developer.

There were no further Commissioner comments.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **deny** the request by Phillip and Brice Hanberry on behalf of Beacon Street Properties LLC to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture Residential) on 49.91 acres, more or less, located at 7770 S High Point Lane, Columbia.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #620-2015**

- 6. Public Hearing and Request by Phillip and Brice Hanberry on behalf of Beacon Street Properties LLC to approve a Review Plan and preliminary plat for Heatherhill Estates Planned Development on 49.91 acres located at 7770 S High Point Lane, Columbia. (APPEAL –tabled 12/1/15)**
  - Review Plan    - Preliminary Plat**

Due to the denial of item #5, this item was no longer a valid agenda item.

**7. Second reading; Road & Bridge Improvement Cooperative Agreement – Town of Harrisburg (1<sup>st</sup> read 12-22-15)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Road & Bridge Improvement/Repair Cooperative Agreement between Boone County and the Town of Harrisburg regarding the distribution of certain road sales tax and property tax revenues.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Road & Bridge Improvement/Repair Cooperative Contract.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #621-2015**

**Purchasing**

**8. First reading; Partial bid award 25-15JUN15 – Purchase of Service Contracts for Children's Services Fund**

C. J. Dykhouse read the following memo on behalf of the Purchasing Department:

*Request for Proposal 25-15JUN15 – Purchase of Service Contracts for the Children's Services Fund* closed on June 15, 2015. 19 proposal responses were received.

The following is a partial recommendation of contract award. More contracts will follow at a later date. The contract file will become part of public record as soon as we have completed negotiations of contracts. The first round of contracts was awarded on commission order 535-2015. The second round of contracts will be second read tonight.

The following contracts are being first read:

The Curators of Missouri on behalf of the Department of Psychiatry  
System Offering Actions for Resilience (SOAR) in Early Childhood  
Contract from date of award through December 31, 2016 with two, optional one-year renewals  
\$238,860.48

Missouri Girl's Town Foundation

Keeping Kids Safe

Contract from date of award through December 31, 2016 with two, optional one-year renewals  
\$133,300.00

Invoices will be paid from department 2161 – CCS Funding Opportunities, account 71106 –  
Contracted Services. Eight million was budgeted in 2015.

There were no comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to  
schedule this item for a second reading at the next available commission meeting with  
appropriate order for approval.

**9. First reading; Partial bid award 26-15JUN15 – Purchase of Service and Pilot  
Program Contracts – Community Health Fund**

C. J. Dykhouse read the following memo on behalf of the Purchasing Department:

*Request for Proposal 26-15JUN15 – Purchase of Services and Pilot Program Contracts  
– Community Health Fund* closed on June 15, 2015. 11 proposal responses were  
received.

The following is a partial recommendation of contract award. More contracts will follow  
at a later date. The contract file will become part of public record as soon as we have

completed negotiations of contracts. The first round of contracts was awarded on commission order 536-2015.

The Food Bank for Central and Northeast Missouri, Inc.

Central Pantry

Contract from date of award through December 31, 2016 with two, optional one-year renewals

\$50,000.00

The Curators of the University of Missouri

Adult Day Scholarship Program for Individuals Living in Boone County

Contract from date of award through December 31, 2016 with two, optional one-year renewals

\$12,000.00

Mary Lee Johnston Community Learning

Lifestyle Habits

Contract from date of award through December 31, 2016 with two, optional one-year renewals

\$14,800.00

Cathy D. Richards, Public Administrator of Boone County

Public Administrator's Dental and Eye Care for Adults

Contract from date of award through December 31, 2016 with two, optional one-year renewals

\$20,000.00

Invoices will be paid from department 2130 -- Community Health/MED (Hospital Lease), account 71106 -- Contracted Services. One million was budgeted in 2015.

There were no comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

**10. Second reading; Bid Award 25-15JUN15 – Purchase of Service Contracts for Children’s Services Fund (1<sup>st</sup> red 12-22-15)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the partial recommendation of bid award 25-15JUN15 – Purchase of Service Contracts for Children’s Services Fund as follows:

Harrisburg Early Learning Center

School Age and Early Childhood Services

Contract from date of award through December 31, 2016 with two, optional one-year renewals  
\$35,000.00

Nora Stewart Early Learning Center

Case Management Services

Contract from date of award through December 31, 2016 with two, optional one-year renewals  
\$63,980.80

Central Missouri Foster Care & Adoption Association

Monthly Respite Program

Contract from date of award through December 31, 2016 with two, optional one-year renewals  
\$15,939.00

First Chance for Children

Boone County PAT+Program

Contract from date of award through December 31, 2016 with two, optional one-year renewals



\$191,000.00

Community Playground of Columbia, Inc. d/b/a Fun City Youth Academy

Fun City Youth Academy

Contract from date of award through December 31, 2016 with two, optional one-year renewals

\$80,000.00

The terms of the bid award are stipulated in the attached Agreements. It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreements For Purchase of Services.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #622-2015**

**11. Second reading; Contract Amendment Number One to 52-13NOV14 – Inmate Detention Supplies (1<sup>st</sup> read 12-22-15)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Contract Amendment Number One to 52-13NOV15 – Inmate Detention Supplies for the Boone County Sheriff's Department.

The terms of this amendment are stipulated in the attached Contract Amendment. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Amendment Number One.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #623-2015**

**12. Second reading; Bid Award 75-24NOV15 – Antenna/Feedline Equipment (1<sup>st</sup> read**

12-22-15)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid 75-24NOV15 – Antenna/Feedline Equipment to Talley, Inc. of Olathe, KS.

The terms of the bid award are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #624-2015**

**Sheriff’s Department**

**13. Second reading; Budget Amendment to cover telephone/internet costs (1<sup>st</sup> read 12-17-15)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby acknowledge the following budget amendment for the Sheriff’s Department to increase appropriations in class 4 and 7 to cover telephone/internet costs.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2540	48000	Sheriff Civil Charges	Telephones	900	
2540	71100	Sheriff Civil Charges	Outside Services	100	

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #625-2015**

**Commission**

**14. 1<sup>st</sup> & 2<sup>nd</sup> reading; Correction to the length of term concerning the re-appointment of Richard Shanker and Rockne Corbin to the Industrial Development Authority**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby correct the record concerning the length of term for Richard Shanker and Rockne Corbin to the Industrial Development Authority which was incorrectly stated and then approved on Commission Order 601-2015.

<b>Name</b>	<b>Board</b>	<b>Period</b>
Richard Shanker	Industrial Development Authority	December 1, 2015 through November 30, 2021
Rockne Corbin	Industrial Development Authority	December 1, 2015 through November 30, 2021

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #626-2015**

**15. Public Comment**


None

**16. Commission Reports**

None

The meeting adjourned at 10:35 p.m.

Attest:

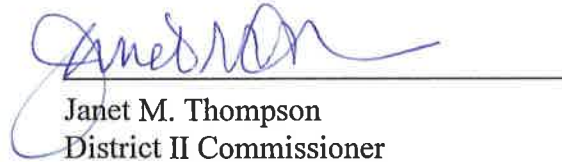
  
Wendy S. Noren  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Karen M. Miller  
District I Commissioner



Janet M. Thompson  
District II Commissioner