

TERM OF COMMISSION: November Session of the October Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Planning and Zoning Director Stan Shawver
County Counselor John Patton
Deputy County Clerk Shawna Victor

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

Subject: Planning and Zoning

Commissioner Schnarre noted that during Planning and Zoning sessions, the Commission will receive a report from staff and then the Commission will have the opportunity to ask staff any questions. The Commission will then move to a presentation from the applicant or agent of the applicant on behalf of their request. After that, the Commission will convene a public hearing where any testimony in favor of or in opposition to will be welcome. Following the public hearing, the Commission will discuss the issue and then vote on the issue.

Stan Shawver, Director of the Planning and Building Inspection Department, stated that the Boone County Zoning Regulations and the Subdivision Regulations are entered into the record. (note - the file copy is retained in the Planning and Building Inspection Department).

A. Petition submitted by Robert C. Smith to vacate and re-plat lots 5 and 6 of Fall Creek Subdivision

Stan Shawver stated the department received a petition to vacate and re-plat lots 5 and 6 of Fall Creek Subdivision. Robert C. Smith owns both lots and would like to re-plat them into one lot to build a house. This subdivision is located off Route HH, across from Lake Capri Subdivision.

Section 1.8.2 of the Subdivision Regulations states that subdivisions that do not have a re-plat exemption noted on the plat can only be re-platted with the authorization of the County Commission following a public hearing. At that public hearing the County Commission is to consider any vacation to vacate and or re-plat, taking into consideration 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

adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

Chad Sayre, 7401 Fall Creek Drive, Columbia, was present on behalf of the applicant. This will convert two 2.5 acre lots into one lot that is approximately five acres. This was previously a stem lot that was platted several years ago. He believes this requests meets all the conditions.

He has discussed this with neighbors and there has been no opposition.

Commissioner Schnarre asked if staff has received any comments on this request. Mr. Shawver stated there have been no comments made.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin moved to approve the petition submitted by Robert C. Smith to vacate and re-plat lots 5 and 6 of Fall Creek Subdivision. Said vacation is not to take place until the re-plat is approved.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 492-2004**

B. Request by Terry Farrar on behalf of Duffield Construction, Inc., to rezone from R-S (Single Family Residential) to R-DP (Planned Two-Family Residential) and to approve a Review Plan for Old Plank Meadows Planned Development on 11.72 acres, more or less, located at 1400 W. Old Plank Road, Columbia

Mr. Shawver stated this proposal is for a rezoning and review plan for a planned residential development. The site is located approximately 900 feet east of the intersection of Old Plank Road and State Route K. The site adjoins the Columbia City Limits on the east and north. The property is currently zoned R-S (single family residential) which is the original 1973 zoning. Adjacent zoning to the north and east is inside the city limits and is zoned R-1. Property to the south of the proposed development is zoned R-S. All the R-S zoning is the original 1973 zoning. Property to the west is zoned R-S with a pending C-GP (planned commercial) designation which will not go into effect until a final development plan is approved.

The current proposed review plan contains 11.72 acres with 11.32 acres used for density calculations and is also a preliminary plat for the development. The development is comprised of 33 lots with 32 of these lots designated for a single duplex and one lot as not for development-common-area with a single picnic structure. Therefore, the total number of dwelling units proposed is 64 units in 32 buildings and the development is limited to this number.

The proposal is within the Columbia School District. Consolidated Public Water Service District #1 will provide water service. A 6" waterline exists along State Route K. The water district also has plans to extend a 12" line down towards this development from Bethel Road at some point. Fire hydrants will be required and will have to meet fire and water district approvals along with internal 6" minimum sized mains within the development. The actual requirements will vary based upon the actual size, uses, and construction methods proposed for these structures. Sewer service is proposed to be from the Boone County Regional Sewer District Cedarbrook/Leatherwood Hills facility. There is available capacity at this facility that must be secured and this capacity is on a first come first serve basis. It is a portion of this excess capacity that this development is proposing to secure and use.

A looping public road is proposed for this development with both connections off the south side of Old Plank Road. The traffic report indicates that the existing traffic count is 707 average daily trips (ADT), and the post development count is predicted to be 1,164 ADT, approximately one-third more trip volume post development. This is a significant percentage and increase but a relatively low total volume. In light of the traffic report the developer should provide improvement to the one-half width of the right of way frontage of Old Plank Road consisting of improved shoulder or a deceleration lane. The exact nature of the improvement should be worked out with and be acceptable to the County Public Works and County Planning Departments. Public Works will have to approve the connections to Old Plank Road and these will have to meet their regulations.

All existing structures on the property are proposed to be eliminated.

There is significant floodplain on this property. The Floodway portion of the floodplain is contained within the common area lot and is not for development. This area is required to be maintained by the homeowners association and provisions for the financial mechanism must be in place as part of the approval process. The stream bank itself shows significant signs of degradation. The stream bank and flood area should be required to be restored with acceptable plantings and management practices. A stream bank protection/restoration plan for the common lot is needed. The proposal rates 68 points on the point rating scale.

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

- That an agreement with the Boone County Regional Sewer District for sewer service be completed to guarantee sewer service for the development or the development approval is void.
- That the developer is required to create and implement a stream bank restoration plan for the common lot area that is acceptable to NRCS, Boone County Public Works and the Director of Planning. The plan must be approved by the Director of Planning prior to submission of a Final Development Plan and the specific provisions will be placed upon the final development plan.
- That the entrances onto Old Plank Road are acceptable to and approvable by Boone County Public Works and the Director of Planning and be designed and located to Boone County Public Works standards.
- That the developer install an improved shoulder or deceleration lane along the development frontage on the south side of Old Plank Road the details for the specific improvements must be worked out and in a plan acceptable to and approvable by Boone County Public Works and the Director of Planning and the improvements be designed and located to Boone County Public Works standards.
- That the covenants be provided and acceptable to the Director of Planning prior to the submission of the Final Development Plan. The covenants must include mechanisms for providing for the maintenance of the stream bank restoration and care for the common area.

The Planning and Zoning Commission conducted a public hearing on this request at their November 18, 2004 meeting. There were six members of the Planning and Zoning Commission present. After public hearing, the Commission made two motions, one to approve the rezoning request which received unanimous approval and another motion to approve the review plan with staff conditions which received unanimous approval.

Craig VanMatre, 1103 E. Broadway, Columbia, Dan Brush, 506 Nichols Street, Columbia, and Bryan Duffield, 502 Parkwood, Columbia were present on behalf of the applicants.

Mr. VanMatre and Mr. Brush gave a PowerPoint presentation. In this presentation they discussed the reason for the requests and what type of development this would be. Traffic, stormwater issues, the riparian buffer and development density were also discussed. They believe this is good transitional zoning for this area.

Mr. VanMatre stated they believe there will be an agreement with the Boone County Regional Sewer District before the end of the year. All staff recommendations are acceptable to the developer.

Commissioner Schnarre asked if the riparian buffer would be exempt from the weed ordinance. Commissioner Miller stated until a buffer ordinance is adopted that specifies native grasses are exempt from the nuisance ordinance, she is not sure.

Mr. Patton stated he believes native grasses are already exempt.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Miller stated she believes this is a well thought out development. She believes the developer has addressed the concerns that were brought up in the Planning and Zoning Commission meeting.

Commissioner Elkin stated he does not have any problems with this request.

John Patton and Mr. VanMatre discussed the possible power of the condominium board.

There was no further discussion on this request.

Commissioner Miller moved to approve the request by Terry Farrar on behalf of Duffield Construction, Inc., to rezone from R-S (Single Family Residential) to R-DP (Planned Two-Family Residential) on 11.72 acres, more or less, located at 1400 W. Old Plank Road, Columbia.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 493-2004**

Commissioner Miller moved to approve the request by Terry Farrar on behalf of Duffield Construction, Inc., for a Review Plan for Old Plank Meadows Planned Development on 11.72 acres, more or less, located at 1400 W. Old Plank Road, Columbia, with the following conditions:

- That an agreement with the Boone County Regional Sewer District for sewer service be completed to guarantee sewer service for the development or the development approval is void.
- That the developer is required to create and implement a stream bank restoration plan for the common lot area that is acceptable to NRCS, Boone County Public Works and the Director of Planning. The plan must be approved by the Director of Planning prior to submission of a Final Development Plan and the specific provisions will be placed upon the final development plan.
- That the entrances onto Old Plank Road are acceptable to and approvable by Boone County Public Works and the Director of Planning and be designed and located to Boone County Public Works standards.

- That the developer install an improved shoulder or deceleration lane along the development frontage on the south side of Old Plank Road the details for the specific improvements must be worked out and in a plan acceptable to and approvable by Boone County Public Works and the Director of Planning and the improvements be designed and located to Boone County Public Works standards.
- That the covenants be provided and acceptable to the Director of Planning prior to the submission of the Final Development Plan. The covenants must include mechanisms for providing for the maintenance of the stream bank restoration and care for the common area.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 494-2004**

C. Receive and Accept the following plats:

- **Old Ways Estates. S3-T49N-R12W. A-2. David R. Strodtman Trust, owner.**
- **Harper Road Estates plat 2. S11-T51N-R13W. A-2. Edward and Virginia Pollock, owners.**

Mr. Shawver stated Old Ways Estates Plat is a two lot subdivision located near Spiva Crossing and Mt. Zion Church Road. The lots are accessed by an easement.

Harper Road Estates Plat 2 is a two lot subdivision is located on Route K.

Commissioner Elkin moved to receive and accept the following plats and authorize the Presiding Commissioner to sign said plats:

- Old Ways Estates
- Harper Road Estates Plat 2

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 495-2004**

**Subject: Public Hearing and Approval of Boone County Roadway Regulations
Chapter I: Vehicular Traffic Regulations**

Commissioner Schnarre stated this is the final public hearing for setting the speed limit on Liberty Lane to 45 mph.

There was no one present to comment on this issue.

Commissioner Miller moved to approve the following revision to the Boone County Roadway Regulations Chapter 1: Vehicular Traffic Regulations, having published notice of public hearings and conducted three public hearings as required by Section 304.130 RSMo.:

- Liberty Lane (Route M to Ashland City Limits) set speed limit at 45 mph

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 496-2004**

Subject: Sheriff’s Department – Second Reading and Public Hearing for Approval of Budget Amendment

Commissioner Elkin moved to approve the following budget amendment:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT INCREASE
2540-71100: Sheriff Civil Process Fund – Outside Services	\$368.00

Said budget amendment is to establish a budget for personnel testing at the Boone County Sheriff’s Department.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 497-2004**

Subject: Second Reading and Approval of Recommendation from Health Trust Committee

Commissioner Miller moved to approve the following recommendations from the Boone County Self-Health Trust Committee:

- Increase funding of health benefits plan by 9.78% for FY2005(Totaling \$4,419.00 per employee per year)
- Increase dependent premiums by \$35 for employees who have spouse only coverage, spouse plus one child coverage, spouse plus two children coverage, and spouse plus three children coverage for FY2005

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 498-2004**

There was no public comment.

The meeting adjourned at 7:30 p.m.

Attest:

Keith Schnarre
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner