

TERM OF COMMISSION: March Session of the January Adjourned Term

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

PRESENT WERE: 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. Commissioner Miller acted as Presiding Commissioner in the absence of Commissioner Schnarre.

Subject: Planning and Zoning

Commissioner Miller 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. Request by Hilltop Properties LLC for an Equine Boarding and Training Facility on 47 acres located at 2910 W. Akeman Bridge Rd., Columbia.

Mr. Shawver stated the property is located on Akeman Bridge Road approximately 3-miles north of Columbia. The application requests permission to conduct an Equine Boarding Facility for More Than Six Animals and Riding School on a 47 acre portion of a total 135.33 acres owned by Hilltop Properties, L.L.C. In the application, Hilltop Properties describes the proposed uses as "Horse Boarding, Riding Instruction which will not hinder flow of traffic as it will be small boarding operation." The applicant has begun construction of a 7,680 square foot stable that will have 16 stalls, a wash area, tack room and residential apartment. The applicant plans to construct a 27,270 square foot indoor riding arena nearby. The facility will be accessed from Akeman Bridge Road via an approximately 800' long private drive. Staff recommended approval of this request with the following conditions:

- Outdoor lighting shall be restricted to the minimum necessary to provide security and safety. Outdoor riding areas shall not be illuminated in such a way as to allow nighttime riding.
- Manure and other waste material shall be disposed of in an appropriate manner so as to create no impact to adjacent properties.
- Uses other than described in the application are not allowed without specific approval.
- There shall be no more than 24 equine on the property at any point in time.
- A minimum of 10 parking spaces shall be provided.
- Fire protection facilities shall be installed and operational to the satisfaction of the Boone County Fire Protection District prior to commencing the requested uses.

The Planning and Zoning Commission conducted a public hearing on this request on February 19, 2004. There were nine members of the Commission present. A motion was made to approve the request with staff recommended conditions. The motion received a unanimous vote and comes forward with a recommendation for approval.

Commissioner Elkin noted he received another e-mail in support of this request. He asked if the 24 horses includes the owners own horses. Mr. Shawver stated that number does include the owners' horses. He noted this is for boarding purposes. If the owners were to have an invitational event, those horses would not be included.

Commissioner Elkin asked if the County is not requiring any hard surfaces for a parking area or driveway. Mr. Shawver stated that was removed from the regulations and put in to be determined on a case by case basis. The staff did not believe that this request would require the hard surface drive and parking area because of the property being somewhat isolated.

Lora and Jerry Blain, 2910 W. Akeman Bridge Road, Columbia, were present on behalf of this request.

The Blairs did not have any additional comments from the staff report or comments from the Planning and Zoning meeting.

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

There was no one wishing to speak on this request.

Commissioner Miller closed the public hearing.

Commissioner Elkin moved to approve the request by Hilltop Properties LLC for an Equine Boarding and Training Facility on 47 acres, more or less, located at 2910 W. Akeman Bridge Road, Columbia, with the following conditions:

- Outdoor lighting shall be restricted to the minimum necessary to provide security and safety. Outdoor riding areas shall not be illuminated in such a way as to allow nighttime riding.
- Manure and other waste material shall be disposed of in an appropriate manner so as to create no impact to adjacent properties.
- Uses other than described in the application are not allowed without specific approval.
- There shall be no more than 24 equine on the property at any point in time.
- A minimum of 10 parking spaces shall be provided.
- Fire protection facilities shall be installed and operational to the satisfaction of the Boone County Fire Protection District prior to commencing the requested uses.

Commissioner Miller seconded the motion.

Commissioner Miller asked for clarification about the outdoor lighting and night riding. Mrs. Blair stated the outdoor arena will not have lights because there will be an indoor arena.

There was no further discussion and no public comment.

The motion passed 2-0. **Order 72-2004**

B. Request by Hart Creek Development Inc. to rezone from A-R / PRD (Agriculture Residential Planned Residential Development) to A-2 (Agriculture) of 250 acres, more or less, located at 4201 E Christian School Rd., Hartsburg.

Mr. Shawver stated the 250-acre tract is located approximately 1 ½ miles southwest of Ashland. The zoning is A-R/PRD. The surrounding property is zoned A-2. The property has been used for agricultural purposes but is otherwise undeveloped. The request is for approval of a rezoning to A-2. The original zoning of this tract was A-2, but it was rezoned to A-R/PRD in 2002. At that time a review plan and final development plan were approved.

The Master Plan calls for the use of a “Sufficiency of Resources Test” when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner.

The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

It is assumed that adequate resources are available to allow the development of this tract based upon the previous decision to rezone the tract to allow much higher density levels than currently being sought.

Primary access to the development will be via Christian School Road, which is a paved two-lane road and is classified as a collector road. Collector roads carry between 750 and 2500 average daily trips. The additional traffic generated by development will not cause a change in the classification of the road.

The property is in the Southern Boone County Fire District.

The property scored 51 points on the rating system.

47 property owners were notified of this request.

Staff recommends approval of this request.

The Planning and Zoning Commission conducted a public hearing on this request on February 19, 2004. There were nine members of the Commission present. A motion was made to approve the request. The motion received a unanimous vote and comes forward with a recommendation for approval.

Dana Austin, 3920 Christian School Road, Hartsburg, was present on behalf of this request.

Mr. Austin stated he had no additional comments from the staff report or comments from the Planning and Zoning meeting.

Commissioner Elkin commended Mr. Austin for doing what he did. Mr. Austin did it the right way. He is sorry this did not work out because the plan took into consideration everything that the Commission had talked about.

Mr. Austin stated he believes the public is ready for it. He knows the County Planning and Zoning Commission are ready for it.

Commissioner Miller agreed with Commissioner Elkin. She is disappointed that this did not move forward. It was a controversial plan but it was the right thing for the environment; it worked with the environment. There would have been major improvements to the whole area.

Commissioner Miller stated people have to be given choices and there are not that many choices in housing currently. She understands Mr. Austin's decision, as a business owner, to make the request.

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

There was no one wishing to speak on this request.

Commissioner Miller closed the public hearing.

Commissioner Elkin moved to approve the request by Hart Creek Development Inc. to rezone from A-R / PRD (Agriculture Residential Planned Residential Development) to A-2 (Agriculture) of 250 acres, more or less, located at 4201 E Christian School Rd., Hartsburg.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 73-2004**

C. Request by Bomgaars & Associates LLC to rezone from C-G (General Commercial) to M-LP (Planned Industrial) and to approve a review plan for Les Bourgeois Vineyards on 12.33 acres, more or less, located at 12847 W. Hwy BB, Rocheport.

Mr. Shawver stated this property is located at the immediate northeast corner of the intersection of I-70 and State Route BB. This proposal is to rezone the site of the existing Les Bourgeois gift shop and wine production facility and to seek approval of a review plan on the entire 12.33 acre property to ML-P (Planned Industrial). The current zoning for the property is C-G (General Commercial). An approved Final Development plan is required before any new zoning will go in to effect or any building permits can be issued.

The proposal is to legitimize the existing uses and allow additional buildings as shown on the proposed review plan to create a unified complex. The old motel structure that currently houses the bulk of the wine production facility is to be removed with the production facility moved to a new structure. The proposed uses are listed on the face of the plan. Detailed landscape and erosion control plans are proposed to be provided with the final plan.

This site is in the Columbia School District. Water will eventually be provided by Consolidated Public Water District No. 1 but no public lines are currently in the area. Boone Electric provides electric service. Sewer service is to be provided by a DNR regulated system for the complex. Any change in use beyond what is proposed will require a new Revised Review and Revised Final Plan. The proposal rates 32 points on the point rating scale.

Staff recommends approval of the Revised Review Plan with the following 5 conditions.

- That the proposed uses be listed on the face of the review plan as it is required under the regulations.
- That the development meet fire district requirements for commercial/industrial uses as a condition of approval and that specific approval from the Fire Marshall will be required with respect to buildings and construction on the site.
- That it is recognized that all drive, parking, and loading areas must be a minimum of chip-seal surface; gravel surface is not allowed in the development.
- That any lighting be shielded and directed inward and downward to the site so as to minimize light leaving the property.
- That the detailed landscaping and erosion control plan be provided at the final plan stage.

The Planning and Zoning Commission conducted a public hearing on this request on February 19, 2004. A motion was made to approve the rezoning request and the review plan with staff recommended conditions. The motions received a unanimous vote and come forward with a recommendation for approval.

Commissioner Elkin asked about the current water service. Mr. Shawver stated there are wells that service the area now. This is the area that was previously coved by the old Water District #3, which was dissolved in the 1960s to his understanding. Water lines will be extended to the area possibly as soon as this summer.

Stephen Bourgeois, 16 N. 9th Street, Columbia, was present on behalf of these requests.

Mr. Bourgeois stated he had no additional comments from the staff report or comments from the Planning and Zoning meeting.

Commissioner Miller opened the floor for a public hearing on these requests.

There was no one wishing to speak on these requests.

Commissioner Miller closed the public hearing.

Commissioner Elkin moved to approve the request by Bomgaars & Associates to rezone from C-G (General Commercial) to M-LP (Planned Industrial) on 12.33 acres, more or less, located at 12847 W. Highway BB, Rocheport.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 74-2004**

Commissioner Elkin moved to approve the request by Bomgaars & Associates for a Review Plan for Les Bourgeois Vineyard on 12.33 acres, more or less, located at 12847 W. Highway BB, Rocheport, with the following conditions:

- That the proposed uses be listed on the face of the review plan as it is required under the regulations.
- That the development meet fire district requirements for commercial/industrial uses as a condition of approval and that specific approval from the Fire Marshall will be required with respect to buildings and construction on the site.
- That it is recognized that all drive, parking, and loading areas must be a minimum of chip-seal surface; gravel surface is not allowed in the development.
- That any lighting be shielded and directed inward and downward to the site so as to minimize light leaving the property.
- That the detailed landscaping and erosion control plan be provided at the final plan stage.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 75-2004**

D. Request by Breakthrough Construction to vacate and re-plat Lot 4 and part of Lot 3 of Walnut Brook Subdivision Plat 3.

Mr. Shawver stated the department received a petition from Breakthrough Construction requesting to vacate and re-plat Lot 4 and part of Lot 3 of Walnut Brook Subdivision Plat 3. The request is to vacate the two lots and re-plat into one large lot.

Section 1.8 of the subdivision regulations requires the County Commission to hold a public hearing in order to consider any petition to vacate and/or re-plat, taking into consideration character of the neighborhood; traffic conditions; circulation; the proper location and improvement of streets and roads within and adjacent to the subdivision; property values in the subdivision; public utilities; facilities and services and the re-plat 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.

Mr. Shawver noted there is no one present on behalf of this item. In the past the Commission has tabled requests like this when no one was present. There is not a requirement in the regulations that a representative is present but if there was someone in opposition to the request, there would not be anyone to answer questions.

Mr. Shawver noted the Commission approved the vacation of the roadway, Branch Drive,

a few months ago.

The Commission noted they are not setting a precedent by moving forward with this item without representatives of the request present. The Commission is familiar with the situation in this area and that is the reason for moving forward with this item.

Commissioner Miller moved to approve the petition submitted by Breakthrough Construction to vacate and re-plat Lot 4 and part of Lot 3 of Walnut Brook Subdivision Plat 3. Said vacation is not to take place until the re-plat is approved.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 76-2004**

E. Receive and Accept the following plats:

- i. Owl Hollow.
- ii. Hagans Place.
- iii. Slumberland Plat 2.

Mr. Shawver stated Owl Hollow plat is located on Route N. Hagans Place plat is located on Route Y.

Commissioner Elkin moved to receive and accept the following plats:

- Owl Hollow
- Hagans Place

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 77-2004**

Mr. Shawver stated Slumberland Plat 2 is a two lot subdivision zoned C-G (General Commercial) at the Route Z interchange. There is a performance bond CD in the amount of \$43,170 for sewer improvements.

Commissioner Elkin moved to receive and accept Slumberland Plat 2. It is further ordered that the Acting Presiding Commissioner be hereby authorized to sign the Guaranty and Collateral Pledge for bonding of sewer improvements and authorize the County Treasurer to accept the bond.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 78-2004**

Public Comment

Randy Ray, 204 Foxwood Court, Columbia, stated Slumberland is building a new showroom.

There was no further public comment.

The meeting adjourned at 7:27 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Keith Schnarre
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner