

TERM OF COMMISSION: December Session of the October 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
Deputy County Clerk Shawna Victor
Planning and Zoning Director Stan Shawver
County Counselor John Patton

The meeting was called to order at 7:00 p.m. Commissioner Miller acted as Presiding Commissioner in the absence of Commissioner Schnarre.

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).

Subject: Planning and Zoning

A. Request by the Meeks Family Trust on behalf of Michael Troyer to rezone from A-2 (Agriculture) to M-LP (Planned Industrial) of 7.08 acres, more or less, located at 10555 E. Hwy 22, Centralia.

Stan Shawver stated this property is located approximately 1 mile west of Centralia near the intersection of State Highway 22 and March Rd. The property is zoned A-2 (Agriculture). Land to the north is zoned A-1, to the east is A-2, to the south land is zoned A-1 and A-2. The property to the west is zoned A-1. The property is vacant. This site is within the Centralia R-6 school district. Water is provided by Public Water District No. 10. The original zoning for this tract is A-1. In 1999 the zoning was changed to A-2 by the previous property owner, and platted as part of McManama Subdivision.

This request is to rezone Lot 1 of McManama Subdivision to M-LP (Planned Industrial). The applicant has not submitted a Review Plan at this time, however the application and a sketch that accompanied the application indicate that the proposed use for the tract is a

10,000 sq. ft. warehouse. It should be noted that a Review Plan and Final Development Plan will be required before the zoning on the property actually changes.

The Master Plan designates this area as being suitable for agriculture and rural residential land uses. The Master Plan identifies a sufficiency of resources test as a means to judge the suitability of land proposed for rezoning. The resources necessary to support the proposed rezoning can be broken down into three general categories, Utilities, Public Safety Services and Transportation.

Utilities currently available to the property include electricity, telephone and water.

- Boone Electric has adequate infrastructure in place for the needs for the development.
- Public Water District Number 10 provides domestic water service to this area. It should be noted that industrial development of this tract may require the installation of a fire hydrant. Water District No. 10 does not provide fire flows, so an alternative method of providing fire flows will have to be developed that will be acceptable to the Boone County Fire Protection District.
- The development proposes the use of an on-site wastewater system which would have to conform to MoDNR standards.

The property is located within 1 mile travel distance of a Boone County Fire District Station. Law enforcement and emergency medical services can easily access the property due to its proximity to Highway 124 and Highway 22.

The subject site has direct access to State Highway 22.

Staff recommended approval of the request with the recognition that the zoning does not go into effect nor can building permits be issued prior to submission and approval of the required Review Plan and required Final Development Plan.

The Planning and Zoning Commission held a public hearing on this request at their November 20, 2003 meeting. All eleven Planning and Zoning Commissioners were present. A motion was made to approve this request with staff's recommendation. This motion received unanimous support.

Boyd Harris, 19510 N. Drew Road, Centralia, was present on behalf of the applicants.

Boyd Harris stated he agreed with the staff report. They are at a position in this project to be assured the zoning can be changed before they can proceed any further.

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 stated he believes this will be an appropriate use of this land.

Commissioner Elkin moved to approve the request by the Meeks Family Trust on behalf of Michael Troyer to rezone from A-2 (Agriculture) to M-LP (Planned Industrial) of 7.08 acres, more or less, located at 10555 E. Hwy 22, Centralia. Said rezoning does not go into effect nor can building permits be issued prior to submission and approval of the required Review Plan and required Final Development Plan.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 534-2003**

B. Request by Mid-Am Construction Co. to approve a Review Plan and subdivision plat for Mid-Am Commercial Acres Planned Commercial Development on 3.0 acres located at 7125 W. Henderson Rd., Columbia.

Mr. Shawver stated the property is located on the north side of Henderson Road, approximately 1/8-mile west of the intersection with U.S. 40. A rezoning from R-S, Single Family Residential to ML-P, Planned Light Industrial was approved in June 2003. A review plan was not proposed with the earlier rezoning. The proposed review plan and minor plat will create a lot on which the applicant intends to build a contractors office and headquarters.

The property will access directly onto Henderson Road. Internal traffic circulation appears to be adequate.

Consolidated Public Water District Number 1 provides water service to the property. A four-inch main capable of providing 500 GPM will provide adequate flow for fire protection.

A land application wastewater disposal system is proposed. Such a system requires an operating permit from the Missouri Department of Natural Resources.

A buffer strip consisting of two rows of predominately evergreen trees is shown adjacent to the east property line to buffer the R-S zoned land to the east.

Notes regarding exterior lighting and signage appear on the plan.

The property scored 75 points on the rating system.

Staff recommends approval of the review plan subject to the following conditions:

1. No additional structures shall be allowed on the site, including above ground fuel tanks, other than those that are shown on the plan.

The Planning and Zoning Commission held a public hearing on this request at their November 20, 2003 meeting. All eleven Planning and Zoning Commissioners were present. A motion was made to approve this request with staff's recommended condition. This motion received unanimous support.

Dan Brush, 506 Nichols Street, Columbia, and Terry Timmerman, 2315 Magnolia, Columbia, were present on behalf of this item.

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 Mid-Am Construction Co. to approve a Review Plan and subdivision plat for Mid-Am Commercial Acres Planned Commercial Development on 3.0 acres located at 7125 W. Henderson Rd., Columbia, with the following condition:

- No additional structures shall be allowed on the site, including above ground fuel tanks, other than those that are shown on the plan.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 535-2003**

C. Petition submitted by P. A. B. Properties LLC to vacate and re-plat Lot 2, Lakeland Acres Plat 6.

Mr. Shawver stated the department received a petition requesting permission to vacate and re-plat Lot 2 Lakeland Acres Plat 6 by P. A. B. Properties. This lot is zoned R-S (Single Family Residential).

Section 1.8. of the subdivision regulations require 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.

Commissioner Miller asked if this request has already been heard by the Commission. Mr. Shawver stated this lot is part of a previous request brought forward to the Commission. That specific request was withdrawn.

Chad Sayre, Engineer with Allstate Consultants, and Danny Miller, 10 Southampton, Columbia, were present on behalf of this item.

Chad Sayre stated at the last meeting he covered what he believed to be the requirements for the request. There were questions raised during the public comment portion that he could not answer at that time, mainly questions regarding flooding of the tract and flood plain elevation. He had not looked at this issue and felt inappropriate at that time to discuss the flooding questions. Since that time, he has been able to review all criteria for a vacation request.

Regarding the criteria for character of the neighborhood, the lot will be split into two lots, one of 17,000 square feet and the other 13,000 square feet. Surrounding lots sizes range from 8,000 to 16,000 square feet. There are larger lots in the other subdivision. He believes the splitting of this lot into two lots will make an excellent transition between subdivisions.

He reviewed the flooding issue that was previously brought up by neighbors. In looking at the topography of the lot, it is not a flood prone piece of property. They have shown where the finish floors can easily be put at 2' plus above the roadway overflow elevation and this would be their recommendation. The owner does not want to develop properties that have potential for flooding. They have also recommended, as they did on the plat, the extension of a public storm drainage easement to provide adequate waterway behind the dam.

The applicants feel that the homes proposed and lot sizes are homogenous with the adjacent neighborhoods and would be consistent with the character of the neighborhood. The applicant does not believe the addition of one more house will affect the traffic flow. Both lots are on an existing roadway and have adequate frontage to allow driveways. The surrounding property values will not be affected by the lot size or the proposed homes that will be built on the lots. The property does have public utilities. It is the opinion of the applicants that this will not adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision

Danny Miller stated the reason he bought this property was to guarantee it to be developed in a harmonious fashion with the remainder of what was occurring in Breezewood. If the lots are too big, then they become unsellable and this is the reason

why he purchased Lot 54. Large lots are split and resold to fit the character of the neighborhood.

Commissioner Elkin asked for clarification of the location of the original drainage easement. There was discussion of the location of easements.

Commissioner Miller asked why the proposed easement has been placed where it is. Mr. Sayre stated it is his opinion that the owner needs to extend the pipe and remove the existing ditch.

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

John and Marilee Bomar, 6311 E. Molly Lane, Columbia, were present to testify in opposition to this request.

Marilee Bomar stated they just purchased the house on Lot 54. When they originally looked at the property, it was sold before they got there. They were interested in the lot size as it was. She disagrees that lot sizes like that would not sell in that area. When the lot came up for sale again, they made several trips to the property even though it was under contract when it rained. There were significant rains in July and August. They made these trips to make sure they would not be buying a home that would have problems. She is surprised that the engineer says there is no flooding issue because there was water in the roadway and water in the drainage area for a number of weeks after a rain.

Mrs. Bomar stated the surrounding lot size and where the drainage ditch is located, a natural transition to Breezewood. The trees that will have to be removed to build homes will greatly change the character of the area.

Mrs. Bomar stated she is biased; she does not want two houses that close to her home. They were notified two days before they closed on this house of the request, their neighbors informed them of the request when they moved in and that is when the issue was first tabled. Those houses will sit right next to the drainage area. When she looks at the rest of Lakeland Acres and sees drainage areas in the backs of peoples' property that is most logical. It is not logical to have drainage go between two homes which does not look like the rest of the neighborhood. She believes this does affect the character and integrity of the neighborhood.

Mr. Bomar stated this lot is the transition between the old Lakeland subdivision and the Breezewood subdivision and that drainage would be a natural progression.

There was discussion about the original lot lines of the property in question.

Mr. Bomar stated the triangle area close to the dam was proposed to be given to them if

they did not oppose during these proceedings.

David and Lanette Bowring, 6306 E. Molly Lane, Columbia, were present to testify in opposition to this request.

Lanette Bowring submitted five pictures to the Public Record in opposition to this request.

David Bowring stated he believes the Commission should leave this property as it was originally platted. He noted that the lots on Lakeland Drive are actually double lots; there are property owners who own two lots. So, these are single homes on large lots.

As far as the drainage issues, due to the continued development of this area, there is more silt in the lake. He has been told by residents of the neighborhood when Breezewood was originally platted that promises were made that there would be maintenance done to the lake.

Commissioner Miller stated she does not remember anything like that and she was in office when Breezewood was platted.

Mr. Bowring stated he knows that is hearsay. In the picture of the dam they submitted, the additional drainage is haphazard and it does not seem that any future plans were made to address the drainage. When it rains, the drainage goes through the valley on the property. If there is a significant rain, the water will go over the road. On the other side, it has become a swamp like area with shallow standing water. He believes there should be more studies on the hydrology of the area.

Mrs. Bowring stated lot 51 has a lower elevation and if the land is built up to put two houses there then the drainage will begin to come into their property.

Mr. Bowring stated there was a drainage easement that went through lot 2 on the original plat.

He is also concerned with the additional traffic.

Mrs. Bowring stated they understand the owner has the right to build a house on the lot but they do not believe two houses should be built because it would be cramming them onto the lot.

Heidi Barnhouse, 2637 Penny Lane, was present to testify in opposition to this request.

She submitted two letters to the Public Record in opposition to this request, one from Karl and Adeniyi Adeshakin and Danny and Tina Sattler.

Heidi Barnhouse stated she agrees with Mrs. Bowring that it would be cramming the two houses onto the lot. The lot is actually a valley, used as a drainage area for both lakes. She lives on Lot 52 Breezewood and the dam is located on her property. The water flow that comes out of the dam is enormous, flows on to that lot and that lot becomes a lake when it rains. If they have to build up the land to place homes on the lot, then the drainage will backup onto her land. There is a culvert and drainage ditch that borders her property. If this is not allowed to drain properly then where will the water go, on to her property? This will cause sewer problems for many residents, water across the road, and the other lake to backup. If only one house is built on the lot then there may be a way to design a drainage system but if two houses are put on the property then there will not be any room for a drainage system.

She believes it is not consistent with the character of the neighborhood to have two houses.

Susan Botkin, 2651 Penny Lane, stated she is also in opposition to this request.

Barb Carman, 2701 Penny Lane, was present to testify in opposition to this request.

Barb Carman stated she owns Lot 56 Breezewood subdivision and owns half of lot 55 Breezewood. She believes others have expressed valid concerns. The development in the area is creating more flooding.

Another issue that has not been brought up is that there are muskrats in Penny Lake and trees along the dam and these two items overtime will deteriorate a dam. Because of this, there may be leakage in the dam, if not already and there may have to be maintenance done to the dam. There is an easement into Penny Lake on lot 54 but in reality if any work has to be done on the dam the proposed two houses on lot 2 will make it impossible to do the work.

She is opposed to the request to re-plat and build two houses because it could cause property loss for someone, not necessarily property values. In the past three years the water flows have changed and increased.

She does not believe this is smart or safe progress. She does not believe this is suitable land for a home.

There was no further public comment.

Commissioner Miller closed the public hearing.

Commissioner Miller stated there are significant concerns and the applicant should address these concerns.

Danny Miller stated he never made an offer for anything to anyone if they did not oppose him. Also he did not say anything about dredging the lake.

Chad Sayre stated the current approach taken for storm drainage he considers to be not modern. One thing that should be done is to dedicate a storm drainage easement to the County. He agrees with the neighbors and went to the property after a heavy rain fall. The culvert under the road is blocked and the road bed is not deep enough to allow for a bigger culvert to give it enough capacity to carry some of the peak flows. An extension of a pipe would allow for the culvert to be built up, allow normal inlet water to occur in front of the roadway and it will not change the roadway flow elevation. It appeared to him that water had flown over the roadway due to damage to the asphalt.

They took an approach not that this area does not flood, because when the culvert is blocked it does flood, but with better maintenance to the culvert it will keep flooding from happening.

Mr. Sayre agrees with the comments made about the dam. There was no dam safety analysis and he has not analyzed the capacity of the dam. He believes that if the homes are kept above the roadway elevation and a proper drainage easement is granted to the County then the homes can be maintained successfully.

He discussed the drainage of the two lakes in the area and the variations of the water flow out of the lake.

Mr. Sayre noted the drainage easement has been projected to go into the dam for future dam maintenance.

Mr. Sayre discussed the foot prints for the houses and how those compare to other foot prints in the neighborhoods. He explained how the lots would be built up, the drainage and how high the water would have to be flowing to be over the roadway.

Commissioner Miller asked about the culvert under the road. Mr. Sayre stated they did not do an analysis of the culvert. If the houses are kept above the roadway overflow elevation they can be safe.

Commissioner Miller asked if the houses are raised if more backwater would be created. Mr. Sayre stated when the houses are raised the backwater is from a blockage in the culvert not from a capacity issue, from the way he looked at this. He cannot say what the capacity of the culvert is but can say the houses can be placed at an elevation where they will not flood in design events. Mr. Sayre stated the culvert should be extended.

There was discussion about the various lot sizes in the subdivisions.

Commissioner Miller stated she is concerned with the storm water issue. This is a

county-wide used. She believes that it is not a good idea to split this lot into two. She believes it would be safer to place one house on the lot than split the lot and have two houses. She does not believe that if a culvert is placed there and there is a backup that it will not affect the neighbors.

Commissioner Elkin stated there is no culvert big enough to address the water flow issues. He believes if this was approved by the Commission then it would set a precedent for others to come forward and request lots to be split. He cannot support splitting this lot.

There was no further discussion.

Commissioner Elkin moved to deny the petition submitted by P. A. B. Properties LLC to vacate and re-plat Lot 2 Lakeland Acres Plat 6.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 536-2003**

E. Request by Klifton Altis on behalf of Prime Development Corp. to rezone Tract A, 15.36 acres from R-S (Single Family Residential) to C-GP (Planned Commercial); Tract B, 4.98 acres from R-S to C-GP; Tract C, 26.35 acres from R-S to R-S/PRD (Single Family Residential / Planned Residential Development); and to approve a Review Plan for Southfork of the Grindstone Planned Development, on property located at 4750 E. Hwy WW, Columbia. (Appeal tabled 10/28/03).

The Commissioners and the applicants discussed how this item should be handled in the absence of Commissioner Schnarre.

The Commissioners agreed that this item will be heard at a meeting on a date to be determined at a later time.

F. Receive and Accept the following plats:

- i. Neta/Johnnie. A-2. S9-T46N-R12W. Harry Winfrey and Adelia Buckman, owners. Timothy J. Reed, surveyor.
- ii. Slumberland Furniture Store. C-G. S12-T-48N-R12W. Henry Ray, owner. J. Daniel Brush, surveyor.
- iii. Earthland Acres. A-2. S5-T48N-R13W. Lee and Verna Lanes, owners. J. Daniel Brush, surveyor.

Commissioner Elkin moved to approve receive and accept the following plats and authorize the acting presiding commissioner to sign:

- Neta/Johnnie
- Slumberland Furniture Store
- Earthland Acres

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 537-2003**

G. Hodges. A-2. S12-T51N-R12W. Josephine and James Hodges, owners. Donald E. Bormann, surveyor. (Appeal)

Mr. Shawver stated there was an issue with this plat at the Planning and Zoning meeting. The issue was with MoDOT and the placement of a driveway. This item has been worked out and the plat is ready to be approved by the County Commission.

Commissioner Elkin moved to approve receive and accept Hodges plat.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 538-2003**

Public Comment

Jason Simmons, Macon, MO, asked about the driveway permit being issued by MoDOT. Mr. Shawver explained how driveway permits are issued by MoDOT.

The meeting adjourned at 8:28 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