

TERM OF COMMISSION: May Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill  
District I Commissioner Fred Parry  
District II Commissioner Janet Thompson  
Director Resource Management Stan Shawver  
County Counselor C. J. Dykhouse  
Deputy County Clerk Mike Yaquinto

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

### **Resource Management**

- 1. Public Hearing and Request by J. Alan Investments LLC and GP Property Investments to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 4 acres, more or less, located at 8661 S Rangeline Rd., Columbia.**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their May 18, 2017 meeting.

The minutes for the Planning and Zoning Commission meeting of May 18, 2017, along with the Boone County Zoning Regulations and Subdivision Regulations, are entered into the record of this meeting.

The Planning & Zoning Commission conducted a public hearing on this request during their May 18, 2017 regular meeting. There were seven members of the commission present during the meeting.

The subject properties are located on Rangeline Road, just north of the intersection with Hubbard Road. The properties are located approximately 2 miles north of Ashland. The subject properties are each two acres in size, created by survey in 1973. The properties are zoned A-1(Agriculture) and there is A-1 zoning to the east, west, and south, with A-2(Agriculture) zoning to the north. The A-2 zoned properties were rezoned in 1975.

The applicant is seeking to rezone to A-2(Agriculture) zoning in order to consolidate and reconfigure this property with adjacent property to the north.

The Boone County Master Plan identifies this area as being suitable for agriculture and rural 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: The subject property is located in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District.

Transportation: The property has direct access to Rangeline Road, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The property is located in the Southern Boone County Fire Protection District, with the station on the airport access road being closest for service.

Zoning Analysis: The proposed rezoning allows for reconfiguration of these properties and an adjacent property from 3 lots into 2 lots. Available infrastructure can support the proposed rezoning request.

Staff recommended approval of the request.

The Planning & Zoning Commission conducted a public hearing on this request during their May 18, 2017 regular meeting. There were seven members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the rezoning request. That motion carried unanimously, so the request comes forward with a recommendation for approval.

The Commissioners had no questions at this time and Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak to this issue.

David Butcher said he is representing J. Alan Investments. I have provided some documents with the layout of the property. There is a new home on the north parcel, just north of the existing two barns. The goal is to attach one of these barns to the home to the north and there is an existing home to the south and we would like to attach the other barn to it.

The zoning is such that I just cannot reconfigure those lots because they are not larger than 10 acres, so I'm stuck in this position and I can't reconfigure without Commission help. My request to is rezone from A-1 to A-2.

The Commissioners had no questions and Commissioner Atwill asked if there is anyone else present that would like to speak on this request. There were no speakers and Commissioner Atwill closed the public hearing.

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the request by J. Alan Investments LLC and GP Property Investments to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 4 acres, more or less, located at 8661 S. Rangeline Rd., Columbia.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #250-2017**

**2. Request by 3WT Properties LLC to approve a Final Development Plan for Arrowhead Lakes Estates Planned Development on 59.15 acres located at 3151 W Rte. K, Columbia.**

Stan Shawver read the following staff report:

The subject property is located on State Route K, on the eastern side of Arrowhead Lake Drive's connection with State Route K. The subject property is 59.15 acres in size and zoned A-2(Agriculture). This is original 1973 zoning. The property has A-2 zoning to the north, east and west, with State Route K and the City of Columbia to the south. The property scored 74 points on the point rating system. The property had an A-2P review plan and preliminary plat approved by the County Commission on March 28<sup>th</sup>, 2017 with the following conditions:

1. Revision of the Phasing Plan to create three phases of development. Phase 1 will remain the same, covering lots 1-5 and C-1. Phase 2 will cover lots 10-14. Phase 3 will cover lots 6-9.
  
2. The proposed design for the private road to serve Phases 2 & 3 will require approval of the Director of Boone County Resource Management and the Boone County Fire Protection District.

- a. Plans for construction of the road will be required to be submitted for approval prior to construction.
  - b. Road construction may be phased but shall be complete prior to recording any final plat containing lots to be served by the private road.
  - c. The road shall, at a minimum, consist of a 20-foot wide paved surface and be capable of supporting a 50,000-pound vehicle.
  - d. Where fire hydrants are located adjacent to the road, the width shall be increased to 26-feet for a distance of 20-feet on both sides of the hydrant.
  - e. Maximum grade of the road shall not exceed 12.5%, contingent upon approval by the Director of Resource Management and Boone County Fire Protection District.
3. Prior to Final Plan approval the developer shall provide verification of sewer service from the City of Columbia and Boone County Regional Sewer District for each lot in the development.
  4. Prior to Final Plan approval the developer shall provide documentation from Consolidated Water that adequate volume and flow is available to the property to provide for fire protection requirements.
  5. Fire hydrants shall be installed prior to final plat approval at each phase of development. The location of the hydrants shall be approved by the Director, Boone County Fire Protection District, and Consolidated Water.
  6. The list of Allowed Uses shall be revised on the Final Plan to exclude uses that are inconsistent with the proposed restrictive covenants; e.g. Kennel or Hobby Kennel, Water Tower, Sewage Lagoon or Mechanical Treatment Plant where not approved by County Subdivision Regulations, Public Park, Place of Worship, and Family Day Care Home and Group Day Care Home.
  7. Lot 5 shall be adjusted to meet the minimum lot depth requirement of 250-feet.

The applicant has submitted a final plan to finalize the rezoning of the subject property to A-2P. Under Section 6.2.14, Standards for Approval of the Final Development Plan, Boone County Zoning Ordinance, The Commission shall approve the Final Plan when it is satisfied of the following:

- All required information is accurately portrayed on the plan.
- The Final Plan conforms to the approved Review Plan.
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

During review of the current Final Plan, staff has determined that the proposal meets the standards identified in 6.2.14, and does meet the conditions placed on it by the Commission in June of 2016 and the County Commission in March of 2017.

Plan Analysis: Boone County Zoning Regulations Section 6.2.14 establishes three criteria for approval of a Final Plan. As established above, the Final Plan for Arrowhead Lake Estates is in compliance with the three criteria and, therefore should be approved.

Staff recommended Approval of the Final Plan for Arrowhead Lake Estates.

The Planning & Zoning Commission reviewed the Final Development Plan for Arrowhead Lake Estates during their May 18, 2017 regular meeting. There were seven members of the commission present during the meeting. The motion to approve the final development plan passed with 6 votes in favor, and one abstention.

The Commissioners had no comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by 3WT Properties LLC to approve a Final Development Plan for Arrowhead Lakes Estates Planned Development on 59.15 acres located at 3151 W Rte. K, Columbia.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #251-2017**

**3. Request by Gara Toalson Trust to approve a Final Development Plan for Toalson Estates Planned Development on 81.99 acres located at 4505 W Rte. K, Columbia.**

Stan Shawver read the following staff report:

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. To the east it has the City of Columbia and R-S zoning, A-1 zoning to the north and west, with A-1P (Planned Agriculture) and A-1 zoning to the south. A request to rezone this property from A-1 to A-2P with a Review Plan and Preliminary Plat was approved in December of 2015(Commission Order 619-2015) 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.
- 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 uniform width for its entire length.

6) Allow the developer to place 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.

The applicant has submitted a final plan to finalize the rezoning of the subject property to A-2P. Under Section 6.2.14, Standards for Approval of the Final Development Plan, Boone County Zoning Ordinance, The Commission shall approve the Final Plan when it is satisfied of the following:

- All required information is accurately portrayed on the plan.
- The Final Plan conforms to the approved Review Plan.
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

During review of the current Final Plan, staff has determined that the proposal meets the standards identified in 6.2.14, and does it meet the conditions placed on it by the County Commission in December of 2015.

Plan Analysis: Boone County Zoning Regulations Section 6.2.14 establishes three criteria for approval of a Final Plan. As established above, the Final Plan for Toalson Estates is in compliance with the three criteria and, therefore should be approved.

Staff recommended Approval of the Final Plan for Toalson.

The Planning & Zoning Commission reviewed the Final Development Plan for Toalson during their May 18, 2017 regular meeting. There were seven members of the commission present during the meeting. The motion to approve the final development plan passed with 6 votes in favor, and one abstention.



The Commissioners had no comments or questions.

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the request by Gara Toalson Trust to approve a Final Development Plan for Toalson Estates Planned Development on 81.99 acres located at 4505 W Rte. K, Columbia.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #252-2017**

**4. Receive and Accept the following plats:**

- **Cole. S10-T48N-R14W. A-2. Alan Carrol Cole, owner. Jonathan A. Cole, surveyor.**
  
- **Oxford Estates. S14-T47N-R13W. A-2. David and Jeanette Oxford, owners. David W. Borden, surveyor.**
  
- **Lot 202 Trade Winds Park Plat 2B (preliminary plat – report only). S12-T48N-R12W. M-L. Trade Winds Technology Development LLC, owner. Jay Gebhardt, surveyor.**

Stan Shawver read the following plat descriptions:

Cole Subdivision is a two-lot subdivision located at the east end of Sinking Creek Rd., approximately 4 miles west of Columbia. The land is zoned A-2 (Agriculture).

Oxford Estates is a two-lot subdivision located on High Point Ln, approximately 1.5 miles from Columbia.

Tradewinds (preliminary plat)-The subject property is located at the northwestern corner of the intersection of Trade Winds Parkway and Richland Road, approximately ½ mile to the east of the city limits of Columbia. The property is 28.53 acres in size and zoned M-L. They plan for 16 lots ranging in size from .91 acres to 2.43 acres.

There were no comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorize the presiding commissioner to sign them:

- Cole. S10-T48N-R14W. A-2. Alan Carrol Cole, owner. Jonathan A. Cole, surveyor.
- Oxford Estates. S14-T47N-R13W. A-2. David and Jeanette Oxford, owners. David W. Borden, surveyor.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #253-2017**

**5. Second reading; Consultant Services Agreement with Allstate Consultants for St. Charles Road FDR project (1<sup>st</sup> read 5-25-17)**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the attached Consultant Services Agreement with Allstate Consultants related to proctor sampling and testing for the St. Charles Road FDR project.

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

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #254-2017**

**6. Second reading; Adopt-a-Road approval for various applications (1<sup>st</sup> read 5-25-17)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve applications for the Adopt-a-Road Program for the following sections of roadway for 3 years:

1. New Applications

- Rock Quarry Road – from Gans Road to the Rock Bridge State Park – Adopted by Range Free Bakery & Café
- Crump & Martin Lane – from the High School to New Salem Road – Adopted by Ashland FFA

2. Renewal Applications

- David Allen Road - from Rangeline Road to 1 mile East of Rangeline Road – Adopted by David Allen Road Neighborhood
- Judy School Road – from State Route Z to Callaway County Line – Adopted by Two Mile Prairie Neighbors
- Glendale Drive – from Judy School Road to St Charles Road – Adopted by Two Mile Prairie Neighbors
- Gans Road – from Rock Quarry Road to Gans Creek Road – Adopted by The Horses of Gans
- Easley River Road – from Easley, MO to Smith Hatchery Road – Adopted by Missouri River Relief
- Old Highway 63 South – from 16535 Old Highway 63 to Christian School Road – Adopted by Ashland United Methodist Church

- Old Plank Road – from State Route K to Cooper’s Landing – Adopted by The River Folks of Cooper’s Landing
- Gillespie Bridge Road – from the Bridge to State Route UU – Adopted by Friends of Gillespie Bridge Road
- Grace Lane – from St Charles Road to Richland Road – Adopted by the Miller Morrow Family
- Mauller Road – from State Route VV to Creasy Springs Road – Adopted by Friends of Mauller Road

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #255-2017**

**Prosecuting Attorney**

**7. Second reading; Approve VOCA grant application (1<sup>st</sup> read 5-25-17)**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the attached 2017 Victims of Crime Act Grant (VOCA) application as offered by the Missouri Department of Public Safety.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #256-2017**

**Commission**

**8. Public Comment**

None

**9. Commissioner Reports**


None

The meeting adjourned at 7:23 p.m.

Attest:



Wendy S. Noren  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Fred J. Parry  
District I Commissioner



Janet M. Thompson  
District II Commissioner

