

TERM OF COMMISSION: November Session of the October 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
Auditor June Pitchford
County Counselor CJ Dykhouse
Director Resource Management Stan Shawver
Planner Uriah Mach
Deputy County Clerk Michelle Thompson

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

Auditor

1. Public Hearing; 2019 Proposed Budget

June Pitchford explained that State law requires the budget officer to prepare and submit a purposed budget to the County Commission by November 15th, which has already done. The budget was presented in full and is mounted on the website along with the highlights document. The law also requires the County Commission conduct at least one public hearing before taking action on the budget. The County Commission's practice for several years has been to hold three public hearings, one at each of the regular meeting times. This is the first of those three. There is another scheduled for Tuesday, December 4th at 9:30 am, and the last one on Thursday, December 6th at 1:30 pm. The primary purpose of the budget hearing is to provide the public with an opportunity to make comment to the County Commission before final action is taken on the budget.

Commissioner Atwill said the Commission knows the Auditor has worked long and hard on this and it is not easy to deal with County finances when our population continues to expand,

and the cost of items continues to increase while the revenue stays pretty low. That is a big challenge and the Commission is grateful for all the effort put in to it.

Commissioner Atwill opened the public hearing.

There was no one present from the public to address this item.

Commissioner Atwill closed the public hearing.

Resource Management

- 2. Public hearing for a request by the Norma J. Keil Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 2.8 acres, more or less, located at 5400 E Hwy 22, Sturgeon.**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their November 15, 2018 meeting.

The minutes for the Planning & Zoning Commission meeting of November 15, 2018, 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 its November 15, 2018 regular meeting. There were eight members of the commission present during the meeting.

The property is located at 5400 E Highway 22, Sturgeon, Missouri. The zoning is

A-1, which is the original zoning. Adjacent property is zoned as follows:

- North – Audrain County
- East – A-1
- South – A-1
- West – A-1 & A-R

The request is to rezone approximately 2.8 acres of the farm to A-2 to allow the owner to conduct estate planning while leaving the remainder of the farm in agricultural production. A single-family residence occupies the property.

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: The home will continue to be served by an onsite wastewater system. There is no requirement for public water. Boone Electric will provide power.

Transportation: The property will continue to have frontage on and direct access to Highway 22.

Public Safety Services: The property is within 1.5 miles of the Boone County Fire Protection District Station 6 in Sturgeon.

Stormwater: Further development on the site will be required to comply with the

Boone County Stormwater Regulations.

Zoning Analysis: The Master Plan designates this property for agricultural and rural residential use. The proposed use is consistent with that designation.

In many cases such as this, A-1P has been used to create a smaller tract without disrupting the integrity of the zoning district. In this case, however, considering proximity to an A-R district, staff is recommending approval.

Staff notified nine property owners about this request. The property scored 26 points on the rating system.

Staff recommended approval of the rezoning.

The Planning & Zoning Commission conducted a public hearing on this request during its November 15, 2018 regular meeting. There were eight 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 was approved unanimously.

There were no comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

Don Bormann was present to speak on this item.

Don Bormann said he was present to represent Mrs. Norma Keil. There is about 2 ½ acres that is currently being used for a residence there. This request would take a little

more of that because there is a ground source heat pump that is on part of this land that is in the agricultural and they want to make sure they get all of that in the boundaries of what she does. The whole farm is pretty much agriculture. This is one small area that is not. Mrs. Keil wants to make sure the farm stays agriculture as much as possible.

There were no comments or questions from the Commission.

There was no one else present from the public to speak on this item.

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 the Norma J. Keil Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 2.8 acres, more or less, located at 5400 E Hwy 22, Sturgeon, Missouri.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #518-2018**

Stan Shawver explained that items 3 and 4 on the agenda were related. Both development rezoning requests are by different property owners and are joined together in a review plan. Therefore, the Planning & Zoning Commission listened to one staff report and conducted one public hearing for both requests.

- 3. Public hearing for a request by Joanna M. Wilson Trust to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) and approve a Review Plan for The Estates on 46.47 acres, more or less, located at 7055 S Quantrills Pass, Columbia.**

-Rezone

-Review Plan

4. **Public hearing for a request by DNT Group, LLC to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) and approve a Review Plan for The Estates on 7.55 acres, more or less, located at 1700 W Cresskill Dr, Columbia.**

-Rezone

-Review Plan

Stan Shawver read the following staff report for items 3 and 4 on the agenda:

The subject property is located approximately 1,000 feet to the east of the City of Columbia, across High Point Lane and a ½ mile south of State Route K. The properties making up The Estates are zoned A-2 (Agriculture), with A-2 zoning to the north, east, and west, and A-2P (Planned Agriculture) and A-2 zoning to the south. The A-2P zoning is Heatherhill Estates, which was finalized in December of 2016. This proposal covers 54.21 acres from two adjacent property owners to be rezoned to A-2P and divided into 11 development lots and one common lot. The property scored 69 points on the point rating system.

The Boone County Master Plan has designated 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 gate-keeping function. Failure to pass the

test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: Consolidated Public Water Service District #1 can provide water service to this property. Sewer capacity with the Boone County Regional Sewer District has been secured to serve these 11 lots. Boone Electric can provide electrical service to this property.

Transportation: The western part of this proposal is set to be served by an extension of Cresskill Drive from the south. This public street extension will be built to the current county standard or a proposed alternative design to serve 8 lots. The proposed alternative is a 50-foot right-of-way with a 26-foot paved surface. That alternative is noticeably narrower than the 50-foot right-of-way with a 32-foot curb and gutter pavement that is Cresskill Drive within Heatherhill Estates. A variance from the road standards will be required to use the proposed alternative design. Off Cresskill, a short private drive is proposed to serve 2 lots. The remaining 3 lots will be served by a private drive extending from the end of the Oradell Court to Quantrills Pass. Both private drives will be dust-free with a minimum of a chip-seal surface.

Public Safety: The property is approximately 3 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.

Zoning Analysis: The Boone County Master Plan indicates that this area is suitable for agriculture and rural residential development. The sufficiency of resources test shows that sufficient resources are present for this development.

The Estates is an expansion of the level of activity approved under Heatherhill Estates. The extension of Cresskill Drive for more developable lots is ideal for this purpose, although discussion of the width and standard of that extension is an issue.

Staff recommended approval of the rezoning and the review plan with the following conditions:

- The minimum pavement width for Cresskill Drive shall be 30 feet unless a variance to the Chapter II Roadway Regulations is granted by County Commission for a narrower pavement width
- Revise Review Plan Note 1 to read as follows: “All cul-de-sacs will consist of a 38-foot pavement radius within a 47-foot radius right-of-way as per Boone County Standards”
- Delete Review Plan Note 4
- Maintenance agreements and covenants for the private drives will be submitted for review with the final plan submission
- Survey work to consolidate any remainder tracts left by this preliminary plat must be completed prior to approval of the final plan

The Planning & Zoning Commission conducted a public hearing on this request during its November 15, 2018 regular meeting. There were eight members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of both rezoning requests. That motion was approved unanimously.

Next, a motion was made to recommend approval of the review plan for The Estates, 46.47 acres, more or less, located at 7055 S Quantrills Pass, Columbia and by DNT Group, LLC on 7.55 acres, more or less, located at 1700 W Cresskill Drive, Columbia, with the following conditions:

- The minimum pavement width for Cresskill Drive shall be 30 feet unless a variance to the Chapter II Roadway Regulations is granted by County Commission for a narrower pavement width
- Revise Review Plan Note 1 to read as follows: “All cul-de-sacs will consist of a 38-foot pavement radius within a 47-foot radius right-of-way as per Boone County Standards”
- Delete Review Plan Note 4
- Maintenance agreements and covenants for the private drives will be submitted for review with the final plan submission
- Survey work to consolidate any remainder tracts left by this preliminary plat must be completed prior to approval of the final plan

That motion also passed unanimously. Staff comes forward with a recommendation for approval.

Commissioner Atwill had a question about the procedure with the mention of the road width being taken up later.

Stan Shawver explained that any request for variance from the road standards is supposed to receive a recommendation from the Road & Bridge Advisory Committee before any action comes from the County Commission. Since there is no longer a Road

& Bridge Advisory Commission, such actions have been brought directly to the County Commission. They do require a waiver from the property owner and developers, stating the understanding that the sequence as laid out in the manual is not what is being followed. Before a variance request will be presented to the County Commission, the Chief Engineer will review the request and make a recommendation to be presented to the Commission and then the Commission will conduct a public hearing. There is no point in doing that if the rezoning and the plans are not approved. Which is why we have held off bringing anything forward at this point.

There were no more comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

Jay Gebhardt was present to speak on this item.

Jay Gebhardt handed out a copy of the plan to the Commission. That handout is included at the end of these minutes.

Jay Gebhardt said that Mr. Shawver's report covered pretty much everything on this. They have spoken to some of the neighbors who had some general questions. He explained that this plan represents two property owners. Mike and Connie Leopard own lots 106, 107, and 108. The rest of these are part of Terry and Joanna Wilson's property. The house on 103 is Terry and Joanna's. This represents the 40-something acres they own. They are pretty large lots. The extension of Cresskill is a public street. They originally wanted to do it as a private drive, so this is kind of a compromise.

Commissioner Parry asked what drove the decision to go from a private street to a public street.

Jay Gebhardt said Resource Management insisted on a public street, so, they tried to

negotiate on that. If it was made a private street, it would have been a 26-foot street. Under the proposed subdivision regulations in A1 and A2, he believes there is a proposal to have a 26-foot street with a 50-foot right-of-way. So, this would match that if that is ever adopted.

CJ Dykhouse explained to the Commissioners that what drives that now is the number of lots served off the road.

Commissioner Parry asked how many lots were served off the road.

Jay Gebhardt said five.

There were no more comments or questions from the Commission.

There was no one else present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by Joanna M. Wilson Trust to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) on 46.47 acres, more or less, located at 7055 S Quantrills Pass, Columbia, Missouri and by DNT Group, LLC to rezone from A-2 (Agriculture) to A-2P (Agriculture Planned) on 7.55 acres, more or less, located at 1700 W Cresskill Drive, Columbia, Missouri.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #519-2018**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the Review Plan for The Estates on 54.02 acres, more or less, as presented by the Joanna M. Wilson Trust and by DNT Group, LLC with the following conditions:

- The minimum pavement width for Cresskill Drive shall be 30 feet unless a variance to the Chapter II Roadway Regulations is granted by County Commission for a narrower pavement width
- Revise Review Plan Note 1 to read as follows: “All cul-de-sacs will consist of a 38-foot pavement radius within a 47-foot radius right-of-way as per Boone County Standards”
- Delete Review Plan Note 4
- Maintenance agreements and covenants for the private drives will be submitted for review with the final plan submission
- Survey work to consolidate any remainder tracts left by this preliminary plat must be completed prior to approval of the final plan.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #520-2018**

5. **Public hearing for a request by RML Investment Properties LLC to approve a revised Review Plan for Lot 2, Concorde South Plat 2 on 2.13 acres located at 4901 E Meyer Industrial Dr., Columbia.**

Stan Shawver read the following staff report:

The subject property is located on Meyer Industrial Drive, south of Highway 63,

to the south of the Magellan Pipeline facility on Tom Bass Road. The property is 2.13 acres in size and vacant. The property was rezoned from A-1 (Agriculture) to M-GP (Planned General Industrial) in 2012, when Meyer Industrial Drive was created. The surrounding properties are zoned M-GP to the south, east, and west, with M-L (Light Industrial) zoning to the north, and C-G (General Commercial) to the northeast. The M-GP zoning was created under the same development plan as the subject property's zoning in 2012; the M-L and C-G are original 1973 zonings.

This proposal is to revise the M-GP review plan to allow a light manufacturing facility on this property. The current plan is a vacant plot with no approved uses. The proposed plan allows the manufacture or assembly of metal or fiberglass products and/or the manufacture or assembly of wood products, wholesale merchandising, or storage warehouse.

The Boone County Master Plan has designated this area as being suitable for industrial 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 gate-keeping function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: This property is served by Consolidated Public Water Service District #1 for water service. Fire protection will be provided by the Boone County Fire Protection District. A permit from the Boone County Regional Sewer District for provision of sewer service will be required.

Transportation: This property has direct access onto Meyer Industrial Drive, a

publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The property is less than a ½ mile to the west of the Boone County Fire Protection District station on Tom Bass Road.

Zoning Analysis: This proposal can meet the requirements of the sufficiency of resources test. The Meyer Industrial Drive area is an ideal location for facilities such as this one, providing access to utilities and public safety services while being served by a public road.

The property scored 83 points on the rating system.

Staff recommended approval of the rezoning. Staff recommends approval of the review plan with the following conditions:

- Sewer service to meet the needs of the development be secured prior to approval of the final plan

Following the public hearing, a motion was made to recommend approval of the revised review plan for Lot 2 Concorde South Plat 2 with the following condition:

- Sewer service to meet the needs of the development be secured prior to approval of the final plan

That motion was approved unanimously.

Commissioner Parry asked if there was capacity at Prairie Meadows or if this would tap into City Sewer.

Stan Shawver said no, there is capacity at Prairie Meadows. It is limited, maybe about 4,000 gallons available. This is well within that availability.

There were no more comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

John Simon was present to speak on this item.

John Simon said they were responsible for preparation of the development for this facility. They are currently located on Heriford Drive; they make the little hand-driven pedal carts. Mr. Simon is trying to get them in a new facility as they have outgrown where they are now.

There were no comments or questions from the Commission.

There was no one else present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by RML Investment Properties LLC to approve a revised Review Plan for Lot 2, Concorde South Plat 2 on 2.13 acres located at 4901 E Meyer Industrial Drive, Columbia, Missouri with the following condition:

- Sewer service to meet the needs of the development be secured prior to approval of the final plan

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #521-2018**

- 6. Public hearing for a request by Omkara, LLC to approve a revised Review Plan for Godas Leatherwood Center on 3.64 acres, more or less, located at 1505 W Rte K, Columbia.**

Stan Shawver read the following staff report:

This proposal is for a Revised Review Plan for Godas Leatherwood Center. This new proposal will replace the currently approved Final Development Plan. The property is located immediately east of the intersection of Old Plank Road and State Route K just north of where Maple Meadows Drive comes off State Route K. The site adjoins the Columbia City Limits on the east. The property is currently zoned C-GP (Planned Commercial) which was rezoned from R-S in 2007. Zoning to the north is R-M and R-S and zoning to the south is R-S and A-2; these are the original 1973 zonings. The current proposal eliminates the proposed strip mall found on the 2007 plan and focuses on making the site function for the convenience store/gas station use that is already an approved use on the existing approved plan. The current proposed plan contains 3.83 acres of the lot, which is the area to be developed. The multi-use plat associated with this development has been approved and recorded in conjunction with the previous plan. Fire hydrants will be required and will have to meet fire and water district approvals. The actual requirement will vary based upon the actual size, uses, and construction methods proposed for the structures. Sewer service is proposed to be from the Boone County Regional Sewer District, Cedarbrook/Leatherwood Hills facility. An agreement for sewer service has been proposed and will have to be finalized prior to submission of the Final Plan for this proposal. Any public sewer infrastructure will have to be installed, inspected, and approved prior to any building permit being issued for this site.

Similarly, all water and fire hydrant infrastructure required for the development must have an approved plan and schedule prior to any building permit being issued. No occupancy of any structure will be allowed until full compliance with the water and hydrant installation is completed to the satisfaction of the water district, fire district, and the Director of Resource Management. The driveway connections to State Route K and Old Plank Road will be required to get approval from the State and City of Columbia as neither is a roadway under Boone County maintenance.

The proposal rates 81 points on the rating scale. Staff notified 123 property owners of this request.

Staff recommended approval subject to the following condition:

- Infrastructure for sewer and water must have an approved plan and schedule prior to issuance of any building permit and no occupancy will be allowed until all infrastructure is installed, inspected, and approved.

Following the public hearing, a motion was made to recommend approval of the revised review plan with the following condition:

- Infrastructure for sewer and water must have an approved plan and schedule prior to issuance of any building permit and no occupancy will be allowed until all infrastructure is installed, inspected, and approved.

The motion passed by a 7-1 vote.

There were no comments or question from the Commission.

Commissioner Atwill opened the public hearing.

John States was present to speak on this item.

John States said they agree with Staff's recommendation. There were a couple of items he wanted to bring to the Commission's attention. The sewer agreement has been reached and signed. One of the Planning & Zoning Commissioners was very concerned about the access onto a city street and asked if they had that approval. Since that meeting, they have acquired an approved right-of-way permit from the City of Columbia to access that street. The plans were approved and building permits were issued from the City. We are reducing the overall amount of building on an approved site that would allow a convenience store to go on it currently. We have also met with MoDOT and they have approved the entrances off Route K. Another item that was brought up at the P & Z meeting was the lighting plan. We have a lighting plan that has already been submitted to the County for review.

Commissioner Thompson asked if the input from MoDOT has addressed the concerns that were raised at the P & Z hearing about increased traffic, accessing the property, etc.

John States said he met with MoDOT prior to that meeting and they had approved it. Their traffic engineers had also looked at it prior to the P & Z meeting. There were concerns of increased traffic with high speeds and as to what they were informed, this will help slow traffic down a little bit.

There were no more comments or questions from the Commission.

There was no one else present from the public to speak on this item.

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 Omkara, LLC to approve a revised Review Plan for Godas Leatherwood Center on 3.63 acres, more or less, located at 1505 W Rte K, Columbia, Missouri with the following condition:

- Infrastructure for sewer and water must have an approved plan and schedule prior to issuance of any building permit and no occupancy will be allowed until all infrastructure is installed, inspected, and approved

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #522-2018**

- 7. Public hearing for a petition submitted by J. Patrick and Barbara L. Fitzgerald for permission to vacate and re-plat Lots 3 and 4 of Oberlin Valley Plat 2 as recorded in Plat Book 25 Page 25 of Boone County Records and located at 1140 W Obermiller Rd., Columbia.**

Stan Shawver read the following staff report:

Patrick and Barbara Fitzgerald have submitted a petition requesting permission to vacate and replat Lots 3 and 4 of Oberlin Valley Plat 2. The Oberlin Valley subdivision is located near the intersection of Obermiller Road and Creasy Springs Road. Oberlin Valley consists of 4 plats that were filed between 1990 and 1998. The zoning is R-S (Single-Family Residential). The petitioners would like permission to vacate their two lots and then replat them into 4 lots. There is an existing house on the

current lot 3.

In accordance with Boone County Subdivision Regulations Section 1.8, the County Commission is required to conduct a public hearing prior to granting permission to vacate and replat a subdivision. Before granting permission, the Commission must find that the action will not adversely affect the character of the neighborhood; traffic conditions; circulation; the proper location, alignment and improvement of streets and road 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.

There were no comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

Jay Gebhardt was present to speak on this item.

Jay Gebhardt handed out a copy of the plan to the Commission. That handout is included at the end of these minutes.

Jay Gebhardt explained the handout contained a page with the proposed 4 lots and a page with 2 lots. As part of the vacation request, they wanted to show what would be done if approved. It is preferred to do the 4-lot layout. Those lots are still considerably larger than those across the street. There is an issue that this subdivision does not have fire flows. It has water lines large enough for fire flows, but it doesn't meet the fire flow requirements. That being the case, if they can't figure out how to solve that issue in a satisfactory manner with the Fire Marshall, they will replat this into 2 lots. This is the

idea being that there are 2 lots now and they would just move the lot line. The reason the lot line is being moved is because there is an electric easement behind the house, and Patrick and Barbara would like to build an outbuilding. They need to be able to move down onto that other lot to be able to do that. The vacation is being requested so that they can vacate all the easements that are there and re-dedicate them with a new plat. There are some easements on the old plat that would no longer be needed.

Commissioner Thompson wanted clarification on what action would be done if the Fire Marshall said no.

Jay Gebhardt explained that the Fire Marshall is saying that, if they can sprinkle the 3 lots that are vacant, he could waive the required 500 gallons per minute. There are 336 gallons per minute now, so they fall below the threshold, but he said if they can figure out a way to sprinkle the buildings and do that in a manner that meets all the rules and regulations without causing issues with the platting of the property, then they can move forward with the 4-lot plan. The vacation will have to be done regardless of which plan they go with, which is why they are bringing this to the Commission now, but it will not take effect until the plat is submitted and approved.

Stan Shawver said he wanted to note that the nature of the easements that are on the property prohibits them from building within that easement, and that is their desired site. The only way to remove that easement is to vacate and replat it. If they were just doing the 2 lots, the fire flow would not be an issue because that is the current existence. Boone County regulations say that they need to have a minimum of 250 gallons of water and there is 330 per minute there, so it needs to meet County regulations, while the Fire Marshall has standards of the 500 gallons per minute. That is not something the County can enforce, and we also cannot require sprinkling of a house as that is against State statutes. So, the County would not be included in any arrangement between the Fire District and the developer.

Commissioner Parry asked if the three new lots would all have driveways onto Oberlin Valley.

Jay Gebhardt said that is correct.

Commissioner Atwill asked what evidence there is that the action will not adversely affect the character of the neighborhood, traffic conditions, circulation, etc.

CJ Dykhouse said evidence at the public hearing and the evidence submitted by Mr. Gebhardt is that the lots would be similar in character to the ones to the south of Oberlin Valley Drive.

Stan Shawver said they notified all property owners within 500 feet of the property of this hearing.

Commissioner Atwill said it appears then that the Commission is relying on the absence of negative evidence.

CJ Dykhouse said that is coupled with the affirmative evidence that Mr. Gebhardt put into record about the nature and character about the adjoining lots.

Commissioner Atwill asked if there has been a traffic study.

Jay Gebhardt said no, there hasn't been a traffic study required. Oberlin Valley is a public street built to County standards, and the number of homes that use it fall way below the threshold of that street. They are adding two more homes that could be the equivalent of about 20 average daily trips. That won't cause any issues at the intersection of Obermiller and Oberlin Valley.

Commissioner Thompson asked how it would affect the neighborhood in terms of property values already within the subdivision.

Jay Gebhardt said the existing homes there were built in the 1990s. Just with the cost of building homes now, these homes will likely cost more than the appraised value of homes on the other side. This is seen as something that would lift the value of the property rather than decrease it.

There were no more comments or questions from the Commission.

There was no one else present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve a petition submitted by J. Patrick and Barbara L. Fitzgerald for permission to vacate and re-plat Lots 3 and 4 of Oberlin Valley Plat 2 as recorded in Plat Book 25 Page 25 of Boone County Records and located at 1140 W Obermiller Road, Columbia, Missouri.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #523-2018**

8. Cole. S10-T48N-R14W. A-2. Alan C. Cole, owner. Jonathon A. Cole, surveyor.

Stan Shawver said the Cole subdivision is located at the eastern end of Sinking Creek Road, approximately 4 miles to the west of the City of Columbia. This plat divides 4.2 acres off the 21.80-acre parent parcel, leaving the remainder to be shown as an administrative survey lot.

9. **McCubbin. S23-T51N-R13W. A-2. Silas E. McCubbin Family Trust, owner. Donald E. Bormann, surveyor.**

Stan Shawver said the McCubbin subdivision is located at the southeast corner of the intersection of State Route NN and Riley Road, approximately 1.5 miles west of US 63.

10. **Cricket Hollow. S21-T51N-R12W. Diversified Property LLC, owner. Steven R. Proctor, surveyor.**

Stan Shawver said the Cricket Hollow subdivision is located at the northeast corner of State Route V and Gordon Road. It is approximately 2.7 miles south of the City of Sturgeon.

11. **Steinman Plat 1. S3-T45N-R12W. Francis & Leonard Steinman & Anita Robinson, owners. Kevin M. Schweikert, surveyor.**

Stan Shawver said Steinman Plat 1 is located on the west side of S North Mount Pleasant Road, approximately 2 ½ miles to the south of Ashland.

All plats done on one order

Commissioner Parry moved on this day the County Commission of the County of Boone does receive and accept the following subdivision plats and authorizes the Presiding Commissioner to sign them:

- Cole. S10-T48N-R14W. A-2. Alan C. Cole, owner. Jonathan A. Cole, surveyor.
- McCubbin. S23-T51N-R13W. A-2. Silas E. McCubbin Family Trust, owner. Donald E. Bormann, surveyor.
- Cricket Hollow. S21-T51N-R12W. Diversified Property LLC, owner. Steven R. Proctor, surveyor.

- Steinman Plat 1. S3-T45N-R12W. Francis & Leonard Steinman & Anita Robinson, owners. Kevin M. Schweikert, surveyor.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #523-2018**

12. Liberty West Estates preliminary plat. S16-T46N-R12W. Carl Henry Trust, owner. Kevin M. Schweikert, surveyor (report only).

Stan Shawver said Liberty West Estates preliminary plat is located on the north side of Liberty Lane, approximately 1200 feet west of the intersection of Liberty Lane and Palis Nichols Road. The property is 30.03 acres in size. This preliminary plat proposes the division of the property into 8 lots. The property is zoned A-2 (Agriculture), as is all the surrounding property which is the original 1973 zoning. The proposed development will get primary access from frontage along Liberty Lane. However, access to lots 1 and 8 is from Henry Lane on the north.

Commission

13. First Reading; Commission Order approving Chapter 100 Industrial Development Plan and Bonds for Aurora Organic Dairy Corp

CJ Dykhouse said tonight is the first reading for the issuance of up to \$142,000,000 of industrial development bonds related to the Aurora Organic Dairy Chapter 100 project. That will be a project that has no credit risk to the County. The payments will come from the revenues of the project in the form of the abatements. Bond counsel will be here Thursday to answer any questions.

There were no comments or questions from the Commission.

14. Public Comment

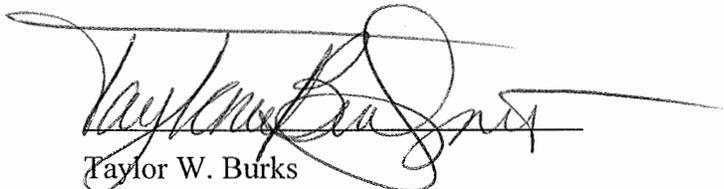
None

15. Commission Reports

None

The meeting adjourned at 7:55 p.m.

Attest:

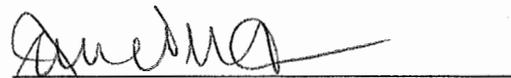

Taylor W. Burks
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner

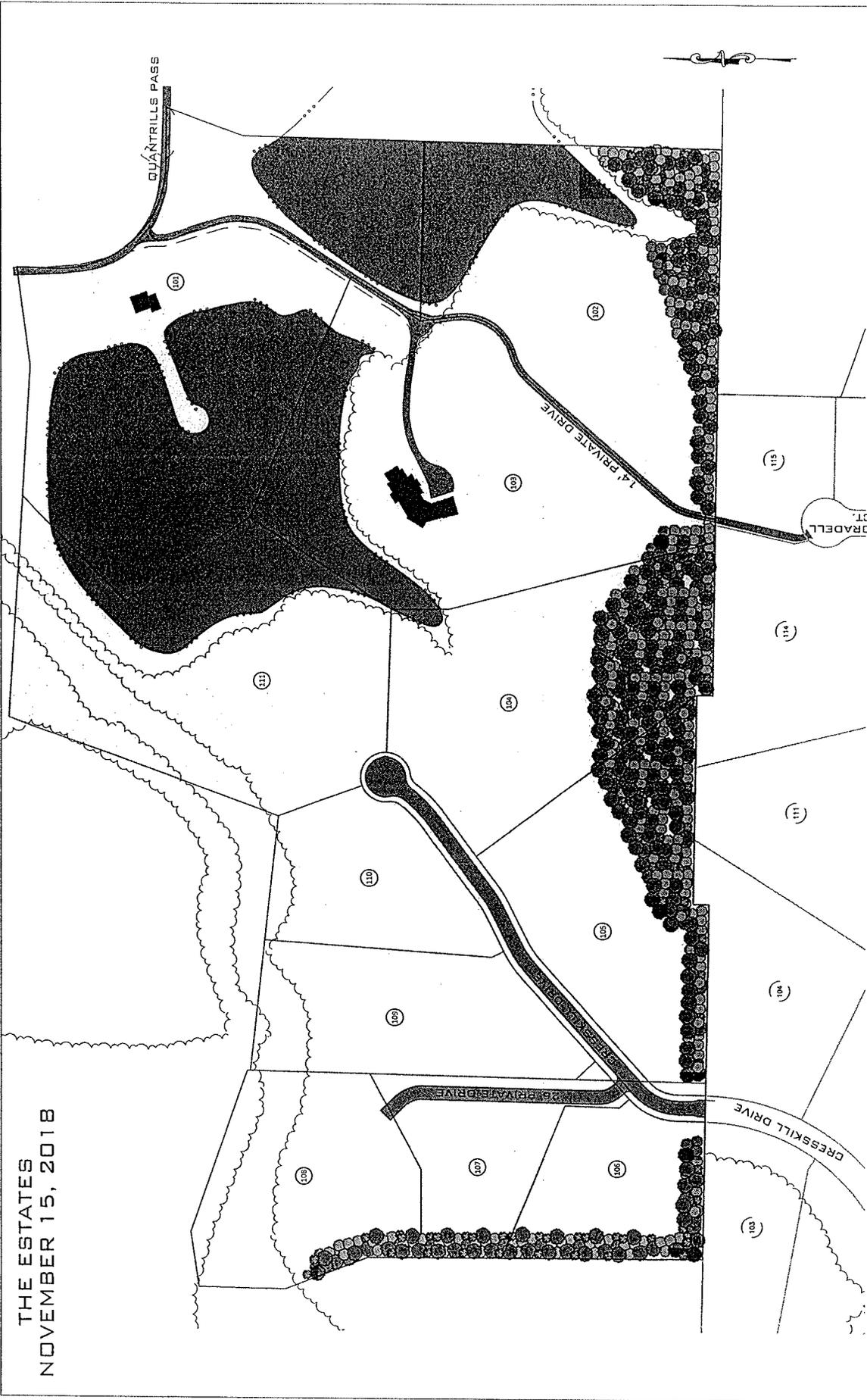


Fred J. Party
District I Commissioner



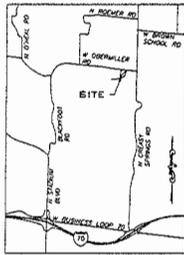
Janet M. Thompson
District II Commissioner

THE ESTATES
NOVEMBER 15, 2018



THE ESTATES
NOVEMBER 15, 2018





LEGEND

- 1/2" BORN MARK W/ CAP #2001008115
E EXISTING
S SURVEY
MCCORD RECORD (PLAT BOOK 25, PAGE 25 UNLESS OTHERWISE NOTED)
(D) ACRES
D=K DIMENSION WITH CHASED "X"
W=K WIDTH MARK (1/2" UNLESS OTHERWISE NOTED)
1.83 AC ACRES
C(25) CURVE NUMBER

CURVE TABLE with columns for #, RADIUS, LENGTH, CHORD, and values for curve C1.

NOTES

- 1 THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR PLAIN PROPERTY AS SET BY MISSOURI BOARD OF LAND SURVEYORS STATUTE 20 CSR 20.01-18.04 SECTION 13.04.
2 ALL CURVE DATA POINTS ARE MEASUREMENTS UNLESS OTHERWISE NOTED AS ON FOR CURVE DATA POINTS.
3 THE LOTS SHOWN ON THIS PLAT MAY BE RE-PLATED BY SUBMITTING A PLAT FOR JUDICIAL REVIEW A WRITING BEING AS SUBMITTED BY SECTION 1.81 OF THE BOONE COUNTY LAND USE REGULATIONS, CHAPTER 1, SUBDIVISION REGULATIONS.
4 AT THE TIME OF THIS SURVEY THE SUBJECT TRACT IS ZONED R-S, BOONE COUNTY ZONING.
5 RECORD TITLE INFORMATION WAS NOT PROVIDED FOR THIS SURVEY, OTHER DOCUMENTS OF RECORD OR NOT OF RECORD, MAY EXIST WHICH AFFECT THE SURVEYED PROPERTY.
6 THIS TRACT IS SUBJECT TO AN AS-INSTALLED WATER LINE EASEMENT RECORDED IN BOOK 1240, PAGE 454.

FLOOD PLAIN STATEMENT

NO PORTION OF THIS TRACT IS LOCATED WITHIN A FLOOD HAZARD AREA AS DETERMINED BY BOONE COUNTY FLOODPLAIN MANAGEMENT ORDINANCE AND FLOOD INSURANCE RATE MAP #2001008086, DATED JANUARY 12, 2011.

STREAM BUFFER STATEMENT

NO PART OF THIS TRACT IS LOCATED WITHIN A STREAM BUFFER AS DEFINED IN THE STREAM BUFFER REGULATIONS, CHAPTER 34 OF THE BOONE COUNTY, MISSOURI ZONING REGULATIONS AS DETERMINED BY THE LOCAL MAP FOR COLUMBIA UNIVERSITY, BOONE COUNTY, MISSOURI.

APPROVED BY THE BOONE COUNTY PLANNING AND ZONING COMMISSION THIS DAY OF 2018

BOON PLANNING COMMISSION RECEIVED AND ACCEPTED BY THE BOONE COUNTY COMMISSION THIS DAY OF 2018

CANCEL # APPROVAL RECORDING COMMISSION FILED W/ BOONE COUNTY CLERK

OBERLIN VALLEY PLAT 5

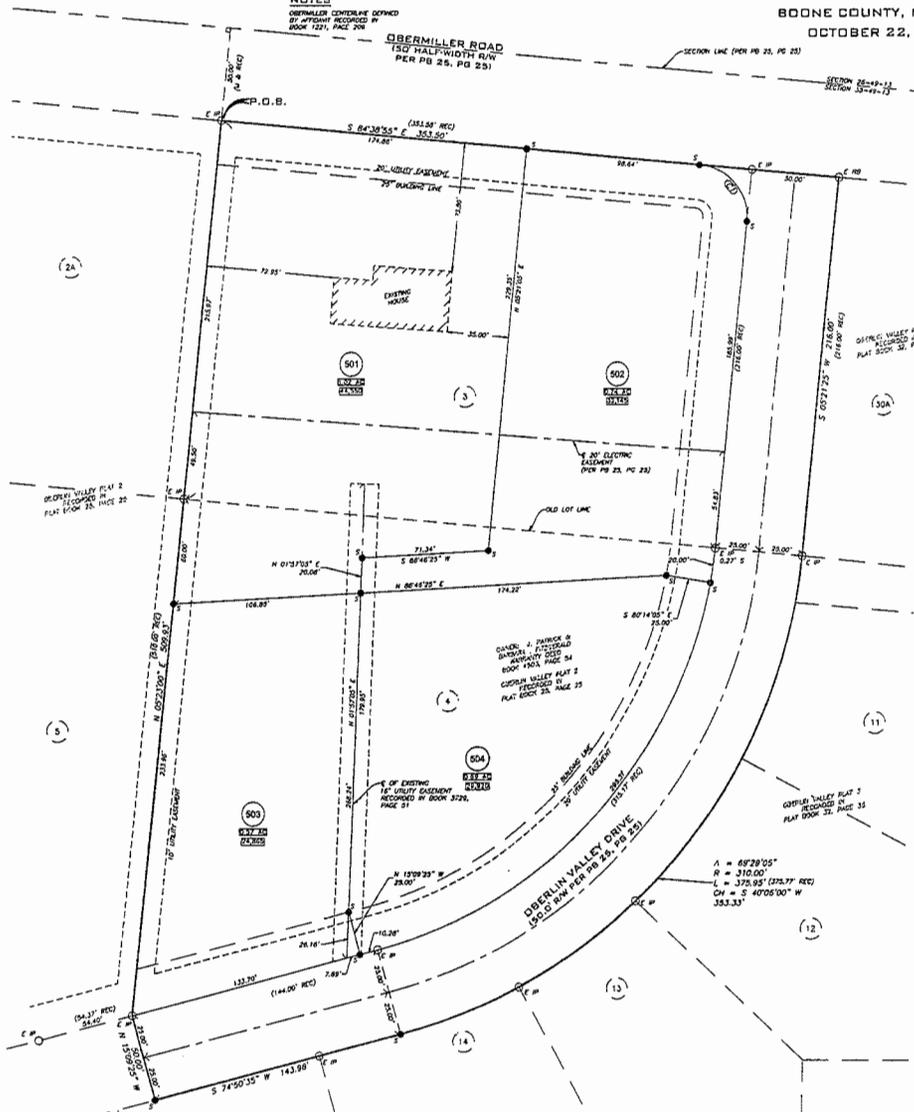
MINOR SUBDIVISION FINAL PLAT

BOONE COUNTY, MISSOURI

OCTOBER 22, 2018

NOTES

OBERMILLER CENTERLINE EXTENDED BY AFFIDAVIT RECORDED IN BOOK 1271, PAGE 204



KNOW ALL MEN BY THESE PRESENTS

J. PATRICK FITZGERALD AND DARBARA L. FITZGERALD, HUSBAND AND WIFE, BEING SOLE OWNERS OF THE BELOW DESCRIBED TRACT, HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THIS PLAT.

THE BOUNDARIES OF THE TRACTS AND AT THE LOCATIONS AS SHOWN, ARE HEREBY DEDICATED TO THE PUBLIC USE FOREVER.

BY WRITING WHEREOF, J. PATRICK FITZGERALD AND DARBARA L. FITZGERALD HAVE CAUSED THESE PRESENTS TO BE SIGNED.

J. PATRICK FITZGERALD DARBARA L. FITZGERALD

STATE OF MISSOURI COUNTY OF BOONE

SUBSCRIBED AND APPROVED BEFORE ME THIS DAY OF 2018

WITNESS MY HAND AND COMMISSION EXPIRES DECEMBER 31, 2021

PROPERTY DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 43 NORTH, RANGE 12 WEST IN BOONE COUNTY, MISSOURI, BEING THE ENTIRETY OF LOT 3 AND LOT 4 OF OBERLIN VALLEY PLAT 4 AS RECORDED IN PLAT BOOK 33, PAGE 32; SAID TRACT ALSO BEING DESCRIBED BY HUMANITY DEED RECORDED IN BOOK 1461, PAGE 34 OF THE BOONE COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING FROM THE NORTHWEST CORNER OF SAID LOT 3, THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 3, S 81°51'30" E 313.83 FEET TO THE NORTHWEST CORNER OF LOT 3A OF OBERLIN VALLEY PLAT 4 AS RECORDED IN PLAT BOOK 33, PAGE 32; THENCE ALONG THE EAST-NORTH-EAST CORNER OF OBERLIN VALLEY DRIVE, S 02°12'25" W 216.00 FEET; THENCE ALONG A 310.00-FOOT RADIUS CURVE TO THE RIGHT, 375.95 FEET; SAID CURVE HAVING A CHORD WHICH BEARS S 42°00'00" W 313.33 FEET; THENCE S 74°50'35" W 143.98 FEET; THENCE N 12°09'33" W 28.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4 AND THE NORTH-NORTH-EAST CORNER OF OBERLIN VALLEY DRIVE; THENCE ALONG THE WESTERLY LINE OF SAID LOT 3 AND LOT 4, N 02°12'25" W 308.83 FEET TO THE NORTHWEST CORNER OF SAID LOT 3 AND THE POINT OF BEGINNING AND CONTAINING 3.82 ACRES.

CERTIFICATION

I, HENRY PUBLIC KEY, COMMISSION EXPIRES DECEMBER 31, 2021, HAVE COMPLETED A SURVEY FOR J. PATRICK FITZGERALD AND DARBARA L. FITZGERALD, INCLUDING THE USE OF THE MOST ACCURATE INSTRUMENTS AND METHODS AVAILABLE TO ME AT THE TIME OF THE SURVEY, AND I HAVE CONFORMED TO THE STANDARDS FOR PROPERTY SURVEYING PRACTICE.

SURVEY AND PLAT BY A CIVIL GROUP, INCORPORATED NUMBER 2001008115

Professional seal and information for A CIVIL GROUP, LLC, MISSOURI LIMITED LIABILITY COMPANY, including address and contact details.

OBERLIN VALLEY PLAT 5

STATE OF MISSOURI COUNTY OF BOONE

SUBSCRIBED AND APPROVED BEFORE ME THIS DAY OF 2018

WITNESS MY HAND AND COMMISSION EXPIRES DECEMBER 31, 2021

