

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, July 18, 2002

Chairperson Smith called the meeting to order at 7:00 p.m., with a quorum present. Roll Call was taken by Commissioner Sloan.

Present:	Pat Smith, Chairperson	Perche Township
	Mary Sloan, Secretary	Rocky Fork Township
	Mike Morgan	Bourbon Township
	Keith Neese	Columbia Township
	Carl Freiling	Cedar Township
	Kristen Heitkamp	Missouri Township
	David Mink, Director	Public Works
Absent:	Michael Caruthers, Vice-Chairman	Centralia Township
Also present:	Stan Shawver, Director	Bill Florea, Staff
	Thad Yonke, Staff	Paula Evans, Staff

Commissioner Mink made and Commissioner Heitkamp seconded a motion to approve the minutes of the June 20, 2002 meeting with no corrections.

Motion passed by acclamation.

Chairperson Smith explained that the Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The Commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one conditional use permit, two rezoning requests, and two subdivision plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, they are authorized by the Missouri State Statutes to follow their own by-laws. The by-laws provide that all members of the Commission, including the Chairperson, enjoy full privileges of the floor. The Chairperson may debate, vote upon or even make any motion.

The following procedure will be followed for the conditional use permits and the rezoning requests:

The agenda item will be announced, followed by a report from the Planning Department Staff. At that time, the applicant or their representative may make a presentation to the commission. The Commission may request additional information at that time, or later following the hearing. After the applicant's presentation, the floor will be opened for anyone wishing to speak in support of the request. We ask that any presentation made to the Commission be to the point.

Please give your name and mailing address when you address the commission. We also request that you sign the sheet on the staff table when you testify.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the Commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. The agenda tonight could be lengthy, and while we wish to extend an opportunity to everyone that wishes to speak, we ask that you not be repetitious with your remarks. We also recognize that many issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, catcalls or other signs of support or displeasure. Please afford those with a different point of view from you own the same respect and consideration you would like to be shown yourself.

After those opposed to the request have had an opportunity to speak, the applicant will have a chance to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the Commission. The Commission will then discuss the matter and may ask questions of anyone present during discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the County Commission. Please note that the Boone County zoning regulations and subdivision regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Monday, July 29, 2002. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. The County Commission hearing scheduled for Monday, July 29, 2002 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

1. Request by George and Karen Hobson for an animal boarding and training facility on 99.97 acres located at 4801 Ben Williams Rd., Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located 2 ½ miles southeast of Columbia on Ben Williams Road. The property is zoned A-1 (Agriculture) as is all of the surrounding property. There is a house and combination kennel / workshop on the property at this time. The applicants are requesting a permit to allow training and boarding of dogs. The applicant trains dogs for upland game hunting. The applicant owns five dogs and would train an additional three dogs. This site is within the Columbia School District. Electricity is provided by Boone Electric Cooperative. Water service is provided by Public Water District No. 9. The Master Plan designates this area as being suitable for agriculture and rural residential land uses. Staff notified 3 property owners about this request. Staff recommends approval of this request with the following conditions:

- That the driveway and required parking area be dust free with a minimum of a chip and seal surface. Chip and seal surface to be complete within six months of approval.

Present: George Hobson, 4801 Ben Williams Rd., Columbia.

Mr. Hobson stated that he did not wish to take up the Commission's time with a presentation. The driveway has been paved, so that requirement has been met. The parking area is paved as well. The facility will be a small facility and will be run with the aim of providing exceptionally first class boarding facilities. The building is heated and air-conditioned. Mr. Hobson stated that he has received the State Agricultural Department license and permit for that and has also received a registered kennel name and have met all the veterinary requirements to operate this facility.

Chairperson Smith stated that applicant would have an additional three dogs so at anytime there wouldn't be any more than eight dogs.

Mr. Hobson stated that at the present time, that would be the maximum number of dogs that would be there. Mr. Hobson stated that at this time he has four dogs. At the maximum there would be eight dogs there.

Mr. Hobson stated that he lives on the property and Mr. Hobson takes care of the dogs 24 hours a day, 7 days a week.

Chairperson Smith asked how much traffic the training operation would generate. Do people bring their dogs out everyday?

Mr. Hobson stated that the training operation for upland dogs generally runs for a 60 to 90 day period. Mr. Hobson stated that he would have no more than two of those dogs on board at any one time. That is all that Mr. Hobson can devote his time to. Those persons would bring their dogs and leave them. The owners are invited back to watch the training or to participate at any time. The number of personnel involved in that training would be very limited. Mr. Hobson stated that he would also like to present obedience and training for owners of pets, but the class size would be limited to five people at the most and there would be no more than two class nights a week for that. The parking at the facility will permit that on the paved areas.

Commissioner Neese asked how many parking places are paved.

Mr. Hobson stated that the asphalt area could easily handle 6 or 7 cars without anyone getting blocked in. Mr. Hobson stated that he provided an overview of aerial photographs that gives a good idea of the overall area. There is a circular drive in front of the house and a four car parking area right next to the kennel, so 6 or 7 cars could easily park there.

Open to public hearing.

No one spoke in favor of or in opposition to the request.

Closed to public hearing.

Commissioner Heitkamp made and Commissioner Morgan seconded a motion to approve the request by George and Karen Hobson for an animal boarding and training facility on 99.97 acres located at 4801 Ben Williams Rd., Columbia with the following condition:

- That the driveway and required parking area be dust free with a minimum of a chip and seal surface. Chip and seal surface to be complete within six months of approval.

Carl Freiling – Yes

Kristen Heitkamp - Yes

Pat Smith – Yes

Keith Neese – Yes

Mike Morgan – Yes

David Mink – Yes

Mary Sloan – Yes

Motion to approve request carried unanimously.

Chairperson Smith informed the applicants that this matter would go before the County Commission at 7:00 p.m., July 29, 2002.

Mr. Hobson stated he would like to make a comment. Mr. Hobson stated that he has lived at the site for a year and had occasion to ask for a great deal of assistance from Mr. Shawver's office. The help has been excellent and Mr. Hobson stated that he greatly appreciates it. Mr. Hobson stated that he believed that the conduct of Mr. Shawver's office and the people there deserve a commendation.

* * * * *

REZONING REQUESTS

1. Request by Father Eugene Robl K.C. Club, Inc. to rezone from A-2 (Agriculture) to REC (Recreation) of 36.59 acres, more or less, located at 20750 N Hwy 124, Centralia. **(tabled 6/20/02)**

Chairperson Smith asked if there was a staff report for this request.

Mr. Yonke stated that he has a staff report from last month's minutes. Normally when something is brought back, the staff report is not read again.

Chairperson Smith stated that the applicants requested to change the acreage to rezone in the request.

Mr. Yonke stated that the acreage has changed but the staff report has not.

Commissioner Sloan stated that the applicant are now asking for 18.94 acres to be rezoned.

Present: Pat Reichert, 17800 N. Jay Jay, Centralia.

Mr. Reichert stated that the land he is asking to be rezoned, there is only about 5-acres open as it gets up to the northwest corner, there is only about 180-feet left to the line of the power poles.

Chairperson Smith stated that since there was a public hearing at the last meeting for this request, the Commission is not required to hold another public hearing. Chairperson Smith stated that she did want to know if there was anyone in the audience that had any questions about this request since the acreage involved in the request had been reduced.

Open to public hearing.

Present:

Brenda Nichols, 20600 N. Highway 124, Centralia.

Ms. Nichols stated that her land is just south of the Knights of Columbus. This is the first that Ms. Nichols heard about the applicants changing the acreage. Ms. Nichols asked where the lagoon was going to be located and will it be a small lagoon for the size for a small meeting building or is it going to be built for the future building. Ms. Nichols asked where the runoff from the lagoon would go. Ms. Nichols stated that she also had a concern about the water pressure. Right now she has low water pressure and wondered how this new building would affect her water pressure. For the Knights of Columbus meetings, it won't be effected that much, but if the applicants put up buildings and have parties is it going to affect her water pressure. Ms. Nichols asked if it was a Boone County law to have a septic and lagoon now.

LeAnn Frasier, 5696 Middleview Rd., Centralia.

Ms. Frasier stated that she is here on behalf of her grandparents, Roy and Virginia Gibson. Ms. Frasier stated that one of the things she would like to know about this is that last month there were a lot of not sures and what-ifs that are going on. When the applicants brought up the facilities that Centralia needed for meetings and weddings, Centralia has plenty of places for weddings, there is the Country Club, the Legion Hall; there are a lot of church facilities that holds things like that for people.

Closed to public hearing.

Chairperson Smith asked the applicant where the lagoon would be located.

Mr. Reichert stated that the lagoon would be up to DNR.

Chairperson Smith stated that the DNR would determine the size and location of the lagoon.

Mr. Reichert stated that is correct.

Chairperson Smith asked Mr. Reichert if he had any comment on water pressure.

Mr. Reichert stated that he didn't have any comments other than the meetings would be only once a month. Any other gatherings wouldn't be that often and it would be in the evening. Mr. Reichert stated that in the morning is when the water pressure at his home seems to have problems.

Chairperson Smith stated that this sounds like a water district concern.

Commissioner Morgan stated that with a 1200 square foot meeting room, how many people does Mr. Reichert expect to have in the building at a maximum.

Mr. Reichert stated probably 40 to 50 people at the most.

Chairperson Smith stated to address the concerns of the what-ifs, a lot of the concerns were that if the applicants were going to just built the building this size, why did they need to rezone this many acres. The applicants have responded by coming in with a scaled down version. A lot of the what-ifs also had to do with, because it is recreation, what that would allow for if they didn't own it. Because it is a much smaller area, this would normally eliminate some of the options that would be available. The applicants addressed a lot of those concerns with a smaller number of acres.

Mr. Reichert stated that most of that land on the south part is not very usable.

Commissioner Heitkamp asked the applicant if he planned to build a restroom facility prior to building the building. It was mentioned last month that the applicant would build restroom facilities and the plan would be to build on to the restroom facilities. Commissioner Heitkamp asked if that plan had changed.

Mr. Reichert stated that he said they need restrooms first. Along with that the applicants needed a small meeting room. As far as the big building, that would be well down the road.

Commissioner Heitkamp asked if the applicant would have the parking area chip and sealed.

Mr. Reichert stated that he would have to do what is required.

Commissioner Heitkamp asked if the road was chip and sealed now.

Mr. Reichert stated no.

Commissioner Morgan stated that the applicant mentioned the big building and asked if that is the one the Commissioners received a sketch of.

Mr. Reichert stated no, at the last meeting it was stated that the applicants would have maybe 200 people in, but that would be down the road. Right now the applicants just want to start with a meeting room and restroom facilities.

Commissioner Mink made and Commissioner Neese seconded a motion to approve the request by Father Eugene Robl K.C. Club, Inc. to rezone from A-2 (Agriculture) to REC (Recreation) of 36.59 acres, more or less, located at 20750 N Hwy 124, Centralia.

Carl Freiling – Yes
Pat Smith – Yes
Mike Morgan – Yes
Mary Sloan – Yes

Kristen Heitkamp - Yes
Keith Neese – Yes
David Mink – Yes

Motion to approve request carries unanimously. 7 Yes

Chairperson Smith informed the applicants that this matter would go before the County Commission at 7:00 p.m., July 29, 2002.

* * * * *

2. Request by Columbia Curb and Gutter Co. to rezone from R-M (Moderate Density Residential) to M-LP and to approve a Review Plan for Columbia North Industrial Park on 25.61 acres, more or less, located at 6300 N. Masonic Dr., Columbia.

Planner, Bill Florea gave the staff report stating that the 25.6-acre tract is located at the northwest terminus of Masonic Drive, just north of the Columbia City Limits near the Prathersville area. The

applicant proposes a rezoning from Moderate Density Residential, R-M to Planned Light Industrial, ML-P. A review plan has been submitted for review and approval. The property is in the Columbia School District

The Master Plan designates this property as suitable for residential land use but identifies the use of planned districts to establish new commercial and industrial areas. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Columbia Water and Light will provide water. A water main extension will likely be required in order to provide fire protection. Boone Electric will provide electricity. Sewer service can be provided by the City of Columbia upon execution of a pre-annexation agreement and extension of a sewer main to the property. The applicant has chosen to construct an on-site wastewater system to treat the estimated 600 gallons per day of wastewater that will be generated by the development. This should be adequate for the proposed use.

The property is at the dead end of Masonic Drive, a state maintained road that extends approximately ½ mile from Prathersville Road.

The proposed use will not result in a significant increase in demand for public safety services. All such services can be provided efficiently due to the close proximity of the property to the Columbia City Limits

The Commission may reject or approve a Review Plan subject to conditions, which include but are not limited to the following:

- Use
- Layout
- Circulation
- Buffer zones
- Landscaping
- Setbacks
- Off-street parking
- Other factors deemed as being essential to the sound development of the area and for the protection of adjacent areas

The proposed use is classified as industrial, which raises issues as to the compatibility with existing uses and zoning in the project vicinity. There is a residential subdivision adjacent to the northeast of the property and property to the north is zoned A-R and is in residential use. Uses along Masonic Drive include the Scottish Rite and the Blue Lodge, which are classified as recreational and the Masonic Home, the future state office of the Masons that is a commercial office use.

Buffering may be adequate to address the issue of use incompatibility. A 50-foot wide buffer has been shown on the plan. No specific design has been proposed. The design of the buffer should, at a minimum, include an 8-foot tall earthen berm and three staggered rows of evergreen trees.

The proposed use requires only minimal sewer service. However, there are other uses allowed within the Light Industrial district that would require connection to a public sewer. The uses allowed within the industrial park should be limited to those proposed on the Review Plan. If, in the future, a change of use is requested, the owner should be required to file a new Review Plan in order to determine whether adequate services exist to support the new uses.

The circulation pattern within the site looks to be reasonable and adequate. No parking has been shown for the equipment maintenance facility. There is a note on the plan indicating that 20 parking spaces will be provided. The parking spaces must be shown on the Review Plan.

Staff notified 25 property owners about this request.

The property scored 78 points on the rating system.

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

1. The applicant shall submit a buffering plan for review and approval by the Director. The buffer strip shall be improved with an 8' tall berm, which shall be located adjacent to the interior edge of the buffer strip. The buffer shall also be planted with three rows of evergreen trees with the rows spaced at 10-15 feet and trees spaced not more than 15' within the row. The trees in the center row shall be offset from the trees in the outer and inner row. The trees must be a minimum of 1-½ inches in diameter at breast height at the time of planting. The Director may approve an alternative design if it achieves the purpose of providing an all-season barrier to mitigate visual, sound and dust intrusion onto neighboring properties.
2. Any change of use, other than the uses stipulated on the plan, requires the filing of a new review plan.
3. The landowner shall provide proof that a Land Disturbance Permit has been issued for the site by the Missouri Department of Natural Resources prior to any land disturbance on the property.
4. The applicant shall develop and adhere to an erosion control plan developed in consultation with the Natural Resources Conservation Service. The plan must be approved by NRCS prior to any land disturbance on the property.
5. All fueling facilities present on the site shall adhere to applicable federal and state regulations concerning underground storage, above ground storage and dispensers, including spill prevention, control and counter measures. Documentation of compliance shall be provided to Boone County prior to occupancy of the facility.
6. The location of the wastewater treatment facility shall be shown on the Review Plan.
7. Parking for the equipment maintenance facility shall be shown on the plan.
8. The plan shall be revised so that the references to the notes on the graphic portion of the plan correspond to the correct note on the right margin of the review plan.
9. All exterior lighting shall be directed inward and downward.

Present: Ron Shy, 3312 Lemone Industrial Drive, Columbia

Mr. Shy stated that he is representing the owners of the tract. The owner of the tract is Columbia Curb and Gutter Company. Those who are familiar with the construction business have probably heard of Columbia Curb and Gutter. They have been around Columbia for a long time. Their present office is on I-70 Drive northeast, they have outgrown that lot. When this tract became available along 63 north, they felt that would be a good place for their new home. That is what the bottom line of this application will show, that this is where they would like to build their facility for their company. The 26-acre tract is a 20,000 square foot maintenance facility and a 6300 square foot office facility with an area for storing their equipment and also doing routine maintenance on their equipment on the north part of the site. They are planning to have a lake that will be an amenity to the project as well and will have some stormwater capability for detention. That is an important thing for them because they are at the end of Masonic Drive, it is not a thru street. There is not going to be any traffic on that end of Masonic Drive except for their company's vehicles. They have a plan for a unique sign that will be along 63 Highway. It is not an advertising sight just a business identification. They want to use an antique piece of construction equipment and put their sign on it.

Mr. Shy stated that the applicants are proposing an onsite wastewater system. Applicants have visited with the City and also with the Boone County Regional Sewer District with regard to hooking on to the sewer district's sewer. That wasn't possible because of capacity and location. The City said that they would support an on-site system in this case because it wasn't very practical to do otherwise. The owners of this tract are going to have a storage area. They are not planning on doing an awful lot of earthwork on this tract. What they are going to do is build this area out of spoils they conserve from their paving and milling projects to build this parking lot and put those fills in. That will be a situation where that will be built over a period of time. In looking at the stipulations from the planning staff of the buffer area; Mr. Shy stated that he wants to emphasize that this is a very large, long buffer area. Based on the topography, Mr. Shy is not sure that a single type of landscape element would be appropriate for a couple of thousand of feet of boundary around it. The applicants have shown significant buffer areas around the northwest corner of the tract. Mr. Shy stated that he didn't know that this would be appropriate over there. Mr. Shy proposes that when the final development plan is brought in, a landscaping plan will be shown' it will be a variation of this but doubts that the applicants would want to build a berm and all of those trees around a couple of thousand feet of property line. Applicants would like to have a little more variation and a little more originality to it. Mr. Shy stated that this is something he would like to stress.

Commissioner Morgan stated that the applicant stated something about not wanting to put in the berm.

Mr. Shy stated that he didn't want to put in a berm around the entire tract. There are baby berms on the tract where they are needed but would like to have a little variation.

Commissioner Morgan stated that if someone comes along two or three years down the road and wants to put housing on the side where the applicants don't want to put the buffers on, the equipment will be visible to those houses.

Mr. Shy stated that maybe the facility is 20-feet lower than the property line and maybe there is a buffer of trees along the property line that is not disturbed. Mr. Shy stated that he does not object to a buffer, but thinks this tract is large enough that it will take some planning to do a landscaping plan around the buffer. There will be areas where the applicants will put trees but maybe to other areas, that would not warrant trees. For instance, on the northwest corner there are three or four hundred feet at least to the property line to that side, Mr. Shy doesn't see the need to have a buffer in that location, even though the applicants are showing that as a buffer area. That probably won't be disturbed. Mr. Shy stated that he

didn't want to make that an issue, but just wanted to be sure that when the applicants brought in a plan, they would probably have some variations to that.

Commissioner Morgan asked if the size of the tractor trailers coming in there would be 80,000 pounds maximum.

Mr. Shy stated what ever is unique to the construction, if anything is over that, it will have overweight permits, for the most part, Mr. Shy stated he is sure it will be within the legal limits, whatever could be pulled on the highway.

Commissioner Morgan stated that the reason he brought this up is because when the opening of the quarry by Riggs was okayed, they had a lot of problems with dump trucks causing a lot of dust and tearing the roads up. So the quarry was required to go in and blacktop that whole road. Commissioner Morgan stated that he wondered about the access road coming on to the property and how long it would last. It doesn't look that it is designed for heavy use constantly.

Mr. Shy stated that it isn't designed for heavy use. The owners have been talking to MoDOT, it is their road and there is some desire by MoDOT to turn it over to the County for their maintenance but the County wants it brought up to a certain standard before it does. Those issues are still unresolved at this point.

Commissioner Morgan asked if the floor drains in the shop would be run in to a holding tank with oil separators.

Mr. Shy stated that it would have an oil-water separator out of the shop.

Commissioner Freiling asked staff if they were comfortable with the use of the property, the volume and size of the use, the number of vehicles for storage and the amount of impact that could be generated. Commissioner Freiling asked if the plan addressed the limitations or if it is something that year by year the use could be increased or different.

Mr. Florea stated that the plan is fairly clear of what is intended and what is allowed. It is very specific of building square footages, the storage area is pretty clearly defined. Mr. Florea stated that staff is comfortable with the plan being adequate for future use, change of use is something that would be a concern and that is why staff has asked for that condition, there are industrial uses that could have much more impact that this proposal.

Commissioner Freiling asked if there was any specific restriction against asphalt mixing.

Mr. Florea stated yes.

Commissioner Freiling stated that the applicant stated that the proposed lake would have some stormwater retention capacity and asked how much of the developed portion of the site would drain to the lake.

Mr. Shy stated that he doesn't know the exact percentage. Just off the map maybe 30-percent. There are drainage facilities up above this to come in besides just what drains off of the applicants property.

Commissioner Freiling asked if the dam of the lake is to the west.

Mr. Shy stated yes.

Commissioner Freiling stated that probably the majority of the asphalt would drain in to the lake.

Mr. Shy stated that he could not say that, but could say that this is going to intercept upland drainage besides what is on this. Mr. Shy stated that they couldn't make all the drainage run there, but some of it will.

Commissioner Sloan asked what the purpose of the lake was.

Mr. Shy stated it is an amenity. It is right outside the office and the owners want it there.

Commissioner Sloan asked the size of the lake.

Mr. Shy stated that it hasn't been engineered, on the plan it shows about three acres.

Commissioner Sloan asked if it would stocked.

Mr. Shy stated he believed it is just to look at, they may put fish in it. It was primarily an amenity, they just wanted to have a nice looking office environment. When the owners do some clearing, they want to leave a lot of the large oak trees on the tract. That isn't on the plan, but there are a lot of them out there around the office area. It will be quite dramatic coming in to their office to see the amenity.

Commissioner Sloan asked if the applicants are going to use all of the office space themselves.

Mr. Shy stated yes.

Commissioner Heitkamp asked staff about the request for a variation of the buffer and landscaping, Commissioner Heitkamp stated that she believed the tract is wooded on the north and the applicant would suggest leaving the woods rather than tearing them down and replanting.

Mr. Shy stated that it depends on the density and what the person across the fence is really looking at, that is the important thing. Applicants want to obtain the objective that is listed in the report. A screen from noise and visual' applicants want to be screened from the residential areas that may be developed to the north and east of the property. Mr. Shy stated that the only thing he is asking is that rather than saying they will build a berm around the whole thing and put trees on it, Mr. Shy stated that he didn't believe that was appropriate everywhere but if there is some better way to give some variation.

Commissioner Mink stated that the staff's condition number 1 does allow for alternate design on the landscaping.

Mr. Florea stated that it does. Mr. Florea stated that he and Mr. Shy have discussed this and staff has no problem with looking at alternatives as long as they meet the objectives of providing all season screening.

Commissioner Heitkamp stated that she brought that up because Route E just lost a big area of woods due to the concrete plant. Commissioner Heitkamp stated that she called the City and was told that those trees weren't legislated trees. If it wasn't a certain type of tree, Columbia didn't care about it. Mr. Shy is saying that every tree is good if it is a buffer, if it is working, why change it?

Mr. Florea stated that it depends on the trees; deciduous trees don't provide much of a screen or buffer in the winter time. There are not leaves on the trees, no foliage.

Commissioner Heitkamp stated that most of the trees up north are cedars.

Mr. Florea stated that if the property had them then that would be adequate. Staff would look at existing conditions in any kind of plan that is proposed and wouldn't want to take down woods that provide a good buffer just to put something else in. That is the purpose of that last sentence is to allow for site conditions to vary the buffer design.

Commissioner Neese stated that he believed that the staff has made a good recommendation. The equipment is all going to back on site in January and February, in the middle of winter when there is not a lot of leaves on the trees. Having more of the evergreen type is good.

Mr. Shy stated that he didn't disagree. Mr. Shy stated that maybe the applicants could be put in different sizes of boulders. There are a lot of different kinds of things that they can do that could be a variation.

Commissioner Morgan asked what hours the business would be open.

Mr. Shy stated regular work hours, 8:00 a.m. to 5:00 p.m. There will probably be some truck traffic in and out of there pretty early, maybe 6:30 or 7:30 a.m., but that is probably pretty common to the construction business. It is not an all night operation.

Open to public hearing.

Present speaking in favor of the request:

Lou Frech, 703 Wildrose Place, Columbia.

Mr. Frech stated that he is here for a different matter this evening he didn't know that this request was going on. Mr. Frech is currently neighbors with Columbia Curb and Gutter. Mr. Frech stated that Columbia Curb and Gutter is a first rate company, they are very accommodating and if there are any problems with the adjoining areas they will take care of it in a manner that is satisfactory to everyone.

Harold Stearley, 2070 E. Northwood Dr., Columbia.

Mr. Stearley stated that his property borders with the applicants property. Mr. Stearley stated that he had a number of concerns starting with the use of the property. It was stated earlier to maybe restrict the use from the outset. Mr. Stearley stated that he is not familiar with the use, but it sounds like it will be used for the servicing of large trucks in this area. In looking at the zoning regulations it appears that for the planned industrial district we jump to section 6 that throw us back to section D.2. Mr. Stearley stated that he assumes that this is a light industrial district, which is back in section 5 which allows uses for anything under a C-G general commercial district, which could encompass anything from a bar to an entire list of activities listed under this section which includes manufacture or assembly of medical and dental equipment, bottling, packaging, processing of foods, manufacture of textiles, wood products, cosmetics, fiberglass, etcetera. Mr. Stearley stated that his concern initially would be a lot of these activities involving a significant amount of noise, odor, dust, and heat. If a change in zoning is granted, that provision under section 6.D.2 where the Commission can limit any further uses other than what is part of that plan should be enforced and that there not be any other uses allowed unless it comes back before the Commission for review. Otherwise that would open it up to a lot of other uses which are not in any conformity with the surrounding A-R and subdivisions as well as the Mason's project which is ongoing right next door.

Mr. Stearley stated that he would like to point out regarding the buffer zone. Over the last two years the majority of all the trees and underbrush has already been bulldozed out. While some of the large oaks throughout the property have been preserved, the majority of what has been buffer is now removed and the highway noise from Highway 63 has probably magnified two, three, or four times just from the removal of that buffer. All the underbrush and small cedars are gone. Mr. Stearley stated that he is in favor of some type of berm or evergreen buffer zone. Mr. Stearley's property peaks at a small hill and the noise factor from the highway has been incredibly magnified by the removal of those trees. Whatever landscaping or buffer plan might be approved, it would have to be some type of cedar roof for winter time.

Mr. Stearley stated that he is not sure what the total extent of the use of this property is, but the applicants are talking about trucks and truck maintenance and there is also talk about a significant amount of wastewater on a daily basis. Mr. Stearley stated that he had no idea if this is going to involve hazardous material or waste and what is in place for proper control and disposal of those wastes.

Closed to public hearing.

Chairperson Smith stated that Mr. Stearley raised the question of hazardous waste and asked the applicant if that is what he was talking about.

Mr. Shy stated that if there is hazardous waste, there are a lot of regulations regarding that and the applicants are not planning on having any hazardous waste. It will be materials that come from their business, concrete or millings from asphalt. The applicants are going to maintain some trucks but mostly it is their construction equipment. They have a large fleet of construction equipment. They also have an office in Oklahoma and equipment down there that comes back and forth, it will be in there for maintenance or storage. There will be trucks in there but that is not the principal use.

Mr. Shy stated, regarding the buffer areas, that he has not known the property for two years and doesn't think the owners have owned the property for two years. Bill Eckhoff owned it prior to Columbia Curb and Gutter purchasing it. Mr. Shy stated that he didn't know what all Mr. Eckhoff did when he owned it. If there are trees there and applicants have to put a buffer with the trees, the evergreens would be in the way, something similar to what was in the staff report. There are areas that haven't been disturbed and applicants want the chance to utilize them if possible.

Commissioner Mink stated that he can appreciate the idea of using millings or something like that to build a parking surface. Commissioner Mink stated he would be concerned that these areas don't become a construction debris landfill and end up with a big pile of torn out curb. How will those things be addressed, what does the applicant have in mind for bringing in millings to build the parking lot?

Mr. Shy stated that is one reason that the applicants are utilizing that as a storage facility for their equipment, they will build it out of the millings rather than doing a mass excavation project and then putting concrete on top of it; it will be extended over a period of time. As far as the concrete debris; the applicants didn't mention that they would be bringing in concrete debris in there; Mr. Shy doesn't know the answer to that. Applicants aren't going to just pile that up, they would incorporate it in to the fill.

Commissioner Neese asked if the proposed office area square footage is comparable with what the applicants have now and if the applicants are expanding the space now.

Mr. Shy stated he didn't know exactly what the applicants have now, but the proposed building seems to be about double what they have presently. Applicants are in a two-story building now; the new building may be about 1/3 more.

Commissioner Neese stated going back on the road if it is really heavy equipment, it is currently gravel and that is a little bit of concern if there is increased traffic on that how much dust will be there. Maybe the Masons can work out something with Columbia Curb and Gutter for the street.

Mr. Shy stated that he can not speak for MoDOT. Mr. Shy stated that he sent a letter to MoDOT requesting their plan to upgrade that street because it appears that when they put that street there it maybe had about 3 or 4 inches of rock and a thin coat of asphalt on it. It was not in good condition originally, when the Masonic organization started building their buildings, the road went to pieces. Mr. Shy stated that he has talked to the general contractor, not the Masonic people, but the general contractor and he is interested in trying to do a joint effort in upgrading that road to some kind of County standard. Right now, MoDOT owns it and they have said that when the construction is done, something more formal will be done.

Commissioner Freiling asked staff if the storage of construction material on site is something that can be stipulated as not permitted.

Mr. Florea stated yes.

Commissioner Freiling asked staff if they consider that to be a reasonable condition.

Mr. Florea stated that it seems reasonable to do, but the Commission may want to have some flexibility in temporary storage.

Commissioner Freiling stated that the Commission could maybe give the applicants 30-days to remove it.

Mr. Florea stated that anything longer than 90-days the Commission may want to put a restriction on.

Commissioner Freiling made a motion to approve the request to rezone subject to the staff recommendations and a submission of a review plan which includes a restriction for the use of the site as a storage area for construction debris.

Commissioner Freiling asked staff if that was adequately worded.

Director, Stan Shawver asked if the Commission is recommending prohibiting the use of the site from the storage of debris.

Commissioner Freiling asked if the word storage is permanent or if there should be better clarification that this is not a restriction to restrain the applicant from having construction debris on the site but only for a short period of time.

Mr. Shawver stated he believed it would be better to limit storage for a period not to exceed 60 to 90 days.

Commissioner Freiling added to his motion to prohibit the storage of construction debris for a period not greater than 60 days.

Commissioner Freiling made and Commissioner Neese seconded a motion to approve the request by Nicholas Peckham to rezone from R-S (Single Family Residential) to R-D (Two Family Residential) of 10.0 acres, more or less, located at 2101 W Rte K, Columbia with the following conditions:

1. The applicant shall submit a buffering plan for review and approval by the Director. The buffer strip shall be improved with an 8' tall berm, which shall be located adjacent to the interior edge of the buffer strip. The buffer shall also be planted with three rows of evergreen trees with the rows spaced at 10-15 feet and trees spaced not more than 15' within the row. The trees in the center row shall be offset from the trees in the outer and inner row. The trees must be a minimum of 1-½ inches in diameter at breast height at the time of planting. The Director may approve an alternative design if it achieves the purpose of providing an all-season barrier to mitigate visual, sound and dust intrusion onto neighboring properties.
2. Any change of use, other than the uses stipulated on the plan, requires the filing of a new review plan.
3. The landowner shall provide proof that a Land Disturbance Permit has been issued for the site by the Missouri Department of Natural Resources prior to any land disturbance on the property.
4. The applicant shall develop and adhere to an erosion control plan developed in consultation with the Natural Resources Conservation Service. The plan must be approved by NRCS prior to any land disturbance on the property.
5. All fueling facilities present on the site shall adhere to applicable federal and state regulations concerning underground storage, above ground storage and dispensers, including spill prevention, control and counter measures. Documentation of compliance shall be provided to Boone County prior to occupancy of the facility.
6. The location of the wastewater treatment facility shall be shown on the Review Plan.
7. Parking for the equipment maintenance facility shall be shown on the plan.
8. The plan shall be revised so that the references to the notes on the graphic portion of the plan correspond to the correct note on the right margin of the review plan.
9. All exterior lighting shall be directed inward and downward.
10. The storage of construction debris for more than 60 days is prohibited.

Carl Freiling – Yes
Pat Smith – Yes
Mike Morgan – Yes
Mary Sloan – Yes

Kristen Heitkamp - Yes
Keith Neese – Yes
David Mink – Yes

Motion to approve request carries unanimously.

7 Yes

Chairperson Smith informed the applicants that this matter would go before the County Commission at 7:00 p.m., July 29, 2002.

* * * * *

PLAT REVIEWS

1. Pin Oak Block 5. R-S. S2-T48N-R12W. Louis and Betty Frech, owners. Timothy J. Reed, surveyor.

The following staff report was entered in to the record:

This 2 lot re-plat is located on the west side of Pin Oak Boulevard approximately 1000 feet north of the intersection of St. Charles Road and Pin Oak Boulevard. The site is approximately 1 mile east of the municipal limits of the City of Columbia. The area being subdivided contains 2.06-acres. The property is zoned R-S (residential single-family) as is all the surrounding property. These are all the original 1973 zonings. The property is currently vacant. This plat divides Lot 5 of Pin Oak Subdivision Block 2. A tentative vacation of this existing lot was approved by the County Commission on July 2nd of this year. Water service is provided by the City of Columbia. Fire hydrants are required, as this is a re-plat of a phase of a major plat. The site is in the City of Columbia School District. Sewage treatment will be from a central collection wastewater system administered by the BCRSD. Any required sewer plans will need to be submitted to and approved by the BCRSD. A waiver from the traffic analysis has been requested. Staff concurs with the granting of this waiver. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 78 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests.

Commissioner Heitkamp and Commissioner Mink seconded a motion to approve with staff recommendations the plat of Pin Oak Block 5. R-S. S2-T48N-R12W. Louis and Betty Frech, owners. Timothy J. Reed, surveyor.

Carl Freiling – Yes	Kristen Heitkamp - Yes
Pat Smith – Yes	Keith Neese – Yes
Mike Morgan – Yes	David Mink – Yes
Mary Sloan – Yes	

Motion to approve plat carried unanimously.

* * * * *

2. Jose. A-2. S13-T46N-R13W. Phillip and Cathy Jose, owners. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

This 1 lot minor plat is located on the north side of Calvin Drive approximately 4000 feet east of the intersection of Calvin Drive and Wren School Road. The site is approximately 4 miles west of the municipal limits of the City of Ashland. The area being subdivided contains 5.51-acres out of a 25.55-acre parent parcel. An administrative survey has been submitted to create two 10-acre lots out of the remainder of the parent tract immediately north of this proposed plat. The property is zoned A-2 (agriculture). All the surrounding property is zoned A-2 and these are all original 1973 zonings. The property is currently vacant. The site is in Consolidated Water District #1. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Southern Boone County Fire Protection District and Southern Boone County School District. The site is in the Boone Electric Service area. Sewage treatment will most likely be from on-site sewage systems that will have to meet Health department regulations. The Health Department has informed us that the soils in this part of the county may not be suitable for a sewage treatment lagoon. A soil test is recommended. If soils are permeable, a lagoon will need to be lined with 12" of clay or a septic system considered. A waiver for cost benefit analysis for on-site vs central wastewater systems has been requested. A traffic analysis waiver has also been requested. Staff concurs with the granting of these waivers. This plat has 05 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to approve with staff recommendations the plat of Jose. A-2. S13-T46N-R13W. Phillip and Cathy Jose, owners. J. Daniel Brush, surveyor.

Carl Freiling – Yes
Pat Smith – Yes
Mike Morgan – Yes
Mary Sloan – Yes

Kristen Heitkamp - Yes
Keith Neese – Yes
David Mink – Yes

Motion to approve plat carried unanimously.

OLD BUSINESS

Director, Stan Shawver updated the Planning and Zoning Commission of the decisions rendered by the County Commission on July 2, 2002.

The decisions were as follows:

Wright CUP for an animal training and boarding facility. The County Commission approved the request as recommended by the Planning and Zoning Commission.

Davis CUP for an Agri-Business. The County Commission approved the request as recommended by the Planning and Zoning Commission.

Orscheln CUP for a bed and breakfast. The County Commission approved the request as recommended by the Planning and Zoning Commission.

The boarding and training facility for the Gerzens, the Planning and Zoning Commission recommended denial of the request, the County Commission went to the site and looked at the facility and added a lengthy number of conditions including a privacy fence, signage, restricted hours of operation, and approved the request.

The Riehn rezoning request from A-1 to A-2. The County Commission approved the request as recommended by the Planning and Zoning Commission.

County rezoning request from various zoning districts to M-L. The County Commission approved the request as recommended by the Planning and Zoning Commission.

Atkins rezoning request from A-2 to M-LP. The County Commission approved the request as recommended by the Planning and Zoning Commission.

All the plats were approved as recommended.

Mr. Shawver informed the Commission that the Planning and Zoning Commission minutes and agendas are now available under the County's website.

* * * * *

1. Accept proposed Character Preservation Overlay District and required public hearing revisions to the zoning ordinance.

NEW BUSINESS

Mr. Shawver presented copies of the revision to the section of the regulations dealing with public hearings when the zoning regulations are amended and changed the section about the number of public hearings and where they are held. It was clarified by saying that one hearing will be held in each County Commission district outside of the County seat and one in the County seat.

Mr. Shawver stated that the Commissioner can pass the first section 15.F.3, or the Commission can wait.

Commissioner Heitkamp made and Commissioner Freiling seconded a motion to pass Section 15.f.3 revision modification amendment and prepare it for public hearing.

Motion passed by acclamation.

* * * * *

Annual election of officers.

Chairperson Smith turned the proceedings over to Mr. Shawver.

Nominations were taken for the office of Chairperson.

Commissioner Freiling nominated and Commissioner Heitkamp seconded the nomination for Commissioner Smith as the Chairperson, to be approved by acclamation.

Commissioner Smith was selected unanimously.

Mr. Shawver turned the proceedings over to Chairperson Smith.

Nominations were taken for the office of Vice-Chairperson.

Commissioner Morgan nominated and Commissioner Heitkamp seconded the nomination for Commissioner Caruthers as the Vice-Chairperson.

Commissioner Caruthers was selected unanimously as vice-chairperson.

Nominations were taken for the office of Secretary.

Commissioner Heitkamp nominated and Commissioner Morgan seconded the nomination for Commissioner Sloan as the Secretary.

Commissioner Sloan was selected unanimously for the office of Secretary.

ADJOURN

Being no further business, the meeting was adjourned at 8:24 p.m.

Respectfully submitted,

Mary Sloan,
Secretary

Minutes approved on this 15th day of August, 2002.