

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, November 20, 2003

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
	Michael Caruthers, Vice-Chairman	Centralia Township
	Mary Sloan, Secretary	Rocky Fork Township
	Mike Morgan	Bourbon Township
	Carl Freiling	Cedar Township
	Keith Neese	Columbia Township
	Kristen Heitkamp	Katy Township
	Larry Oetting	Three Creeks Township
	Russell Duker	Missouri Township
	David Mink	Public Works
	Rob Brown	Rock Bridge Township

Absent: None.

Also present:	Stan Shawver, Director	Bill Florea, Staff
	Thad Yonke, Staff	Paula Evans, Staff

The minutes of the October 16, 2003 meeting were approved with no corrections. Approved by acclamation.

Chairperson Smith read the procedural statement which stated 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 rezoning request, one review plan and several 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 permit and rezoning request:

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 after 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 may not 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 or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

After those opposed to the request have had a chance to speak, the applicant will have an opportunity 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 Tuesday, December 2, 2003. 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. Please contact the Planning Office to see if a request that has been denied has filed an appeal as there will be no further public notification due to the short time between this meeting and the County Commission hearing. The County Commission hearing scheduled for Tuesday, December 2, 2003 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

NONE.

REZONING REQUESTS

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

Planner, Thad Yonke gave the staff report stating that this property is located approximately 1 mile west of Centralia near the intersection of State Highway 22 and March Rd. The property is zoned A-2 (Agriculture). Land to the north is zoned A-1, to the east is A-2, to the south land is zoned A-1 and A-2. The property to the west is zoned A-1. The property is vacant. This site is within the Centralia R-6 school district. Water is provided by Public Water District No. 10. The original zoning for this tract is

A-1. In 1999 the zoning was changed to A-2 by the previous property owner, and platted as part of McManama Subdivision.

This request is to rezone Lot 1 of McManama Subdivision to M-LP (Planned Industrial). The applicant has not submitted a Review Plan at this time; however the application and a sketch that accompanied the application indicate that the proposed use for the tract is a 10,000 sq. ft. warehouse. It should be noted that a Review Plan and Final Development Plan will be required before the zoning on the property actually changes.

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

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

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

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

The subject site has direct access to State Highway 22.

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

Present: Boyd Harris, representative for Troyer and Meeks, 1397 E. Hwy 22, Centralia.

Commissioner Caruthers asked what the applicants plan to do with the remaining 7 acres proposed for rezoning.

Mr. Harris stated that there are no immediate plans but would anticipate that the remaining property would be used for some use that is permissible in the MLP category.

Open to public hearing.

Present to speak in favor of the request:

Don Bormann, Vice President of Centralia Chamber of Commerce, 524 S. Miles, Centralia.

Mr. Bormann stated that on Tuesday the Centralia Chamber of Commerce met and passed a resolution in support of this request. Mr. Bormann presented a letter from the Chamber of Commerce.

Jerry Parmeley, Mayor of Centralia, 137 S. Denton, Centralia.

Mr. Parmeley stated that the City supports this request and feels that it would be a benefit not only to Boone County but also to the City of Centralia.

No one spoke in opposition to the request.

Closed to public hearing.

Commissioner Sloan asked what would be stored in the warehouse.

Mr. Harris stated that at this time the initial for the development is a warehouse is for the applicants business which is wholesale paper distribution.

Commissioner Neese asked how the applicants are going to overcome the low flow of water.

Mr. Harris stated that he has had several discussions with the Boone County Fire District about a dry hydrant that would be required and they have indicated, subject to engineering, that it would be adequate.

Commissioner Sloan asked if the applicants have talked to the water district in the area.

Mr. Harris stated that he has. Mr. Harris stated that he has had numerous discussions with the water district on this issue; the initial position is that their job is to provide domestic water supply and not fire flow. Is there a point of compromise there? Mr. Harris stated that he can't answer that question as far as a fire hydrant from the district is concerned. For this particular development we might agree to go with a dry hydrant structure. In discussions with the fire district applicants will more than adequately meet the fire flow demand that the fire district will have. Applicants will extend a 6 inch line to the site as part of the development if the applicants can talk the water district in to putting a hydrant in then that would be better.

Commissioner Morgan stated that he is not familiar with fire codes and asked if a sprinkler system would be installed.

Mr. Harris stated that as he understands the size of the warehouse would be a little less than 10,000 feet which is under the minimum that is required for a sprinkler. Mr. Harris stated that he can not answer that question until the building permit is reviewed. At 9400 square feet it is under the size required for a sprinkler system.

Mr. Shawver stated that is correct but without building plans it is hard to say. The building itself could go up to 12,000 square feet without a sprinkler then you have considerations to what is stored, how tall it is stacked and that could come in to play.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **approve** the request by the Meeks Family Trust on behalf of Michael Troyer to rezone from A-2 (Agriculture) to M-LP (Planned Industrial) of 7.08 acres, more or less, located at 10555 E. Hwy 22, Centralia with the following **staff recommendations**:

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

Pat Smith - Yes

Mike Morgan - Yes

Mike Caruthers - Yes	Rob Brown - Yes
Keith Neese - Yes	Carl Freiling - Yes
Mary Sloan – Yes	Larry Oetting - Yes
David Mink – Yes	Kristen Heitkamp - Yes
Russell Duker - Yes	

Motion to approve request carries unanimously.

Chairperson Smith informed the applicant that this request would go before the County Commission on December 2, 2003.

PLANNED DEVELOPMENTS

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

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

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

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

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

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

Notes regarding exterior lighting and signage appear on the plan.

The property scored 75 points on the rating system.

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

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

Present: Dan Brush, engineer, 506 Nichols, Columbia.

Tom Butcher, owner, Mid-Am Construction, 2504 Hillshire Dr., Columbia.

Commissioner Caruthers stated that he noticed the 20-foot water easement is that 10-feet on each side of the road. (Note 2).

Mr. Brush stated that the easement is defined as being 10-feet on each side of the water line where it is installed so that installation covers the location of the water line easement. The additional 10-foot easement shown on the plan is required by the subdivision regulations.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition to the request:

Marianne Van Scriver, 2601 N. Ivy Ln, Columbia.

Ms. Van Scriver stated that they have put an ice plant up and they have so many lights on it, it looks like a cruise ship. Ms. Van Scriver stated that she likes to live in the country and hopes the applicants don't put lights out there and make light pollution.

Closed to public hearing.

Mr. Butcher stated that he needs security lights in the back but they will be facing towards the ice plant. There will probably be a light in the office area. As far as major lights and parking lot lights those won't be there.

Chairperson Smith asked the applicants if they have been out and seen the ice plants lights.

Mr. Butcher stated no.

Chairperson Smith stated that there will be probably be fewer lights than the ice plant.

Mr. Butcher stated yes, the applicant's building is not as large as the ice plant. The electric company has agreed that they are going to supply applicants with a night light on the power pole but the other lights will be strictly on the building.

Commissioner Neese asked what the storage facility is for.

Mr. Butcher stated it is for sanitary waste.

Commissioner Neese asked what is on the application area.

Mr. Butcher stated that is where the material is spread out.

Commissioner Neese asked if Mr. Butcher was a general contractor.

Mr. Butcher stated yes.

Commissioner Neese asked what type of trucks will be going in.

Mr. Butcher stated that it is basically just pick ups and some lifts now and then. As far as heavy semi traffic there is not that many. There may be a delivery to the warehouse once every two weeks, most of the time the material is delivered right to the job site.

Commissioner Duker asked why this type of septic system was chosen.

Mr. Brush stated that the land application system is one that is recommended by DNR for a low flow situation which is what this is with only 6 employees you are only looking at about 100 gallons per day flow versus a single family residence which is around 300.

Commissioner Duker asked if the applicants weren't supposed to plan for 150 with 6 employees. Commissioner Duker asked if the soils were tested out there and what it came back at.

Mr. Brush stated that a standard septic system would not work.

Commissioner Duker asked the number.

Mr. Brush stated that he didn't remember that off the top of his head.

Commissioner Caruthers asked how much impervious surface we are looking at here.

Mr. Brush stated that he did not compute it since there is only 3 acres and the applicants aren't using over half of it.

Commissioner Morgan asked which way the ground slopes on the application area.

Mr. Brush stated that the ground slopes from where the application area is back towards the southeast corner of the property. The application area is sized so that as per DNR guidelines the waste should absorb what is applied June through August during the dry months so the application of the wastewater is absorbed in the ground with no runoff. The system is a non-discharge permitted system through DNR so it is not allowed to discharge any waste.

Commissioner Morgan asked if the storage facility is pumped out for solids.

Mr. Brush stated the solids are caught in a septic tank, it is only the gray water that goes in to the storage and that water is stored in the storage facility, the storage facility is sized to store 6 months worth then it will be applied through the dry summer months.

Commissioner Mink asked if the storage facility was buried or above ground.

Mr. Brush stated that it is buried. It is basically a deep lagoon. It will have a 2-foot depth that it stays at all the time then it has about a 4-foot operating depth to take in the flows from the year then it gets pumped back down to a 2-foot depth.

Commissioner Mink stated that the top was opened.

Mr. Brush stated that it will all be enclosed with a fence as per the DNR guidelines.

Commissioner Mink asked if the application area was vegetated.

Mr. Brush stated it will be a grass area.

Commissioner Duker stated that it would be about 150 gallons a day if you used the average with 6 employees for 30 days for 6 months and then one month it will all be discharged on to the surface of the ground.

Mr. Brush stated that it will be discharged in about 3 months, June, July and August. There is a requirement from DNR that they go ahead and maintain a log book as far as when they discharge and how much, there is also a requirement on the maximum rate that they can discharge in a 30 day period and then a week period.

Commissioner Duker asked if the land had been scraped off before.

Mr. Brush stated that he had no previous knowledge of that.

Commissioner Duker stated that it seems that there are a lot larger systems out in that area that are sub surface.

Mr. Brush stated that Paul Minor did the soil test.

Commissioner Neese made and Commissioner Mink seconded a motion to approve the request by Mid-Am Construction Co. to approve a Review Plan and subdivision plat for Mid-Am Commercial Acres Planned Commercial Development on 3.0 acres located at 7125 W. Henderson Rd., Columbia **with the following condition:**

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

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers - Yes	Rob Brown - Yes
Keith Neese - Yes	Carl Freiling - Yes
Mary Sloan - Yes	Larry Oetting - Yes
David Mink - Yes	Kristen Heitkamp - Yes
Russell Duker - Yes	

Motion to approve the request carries unanimously.

Chairperson Smith informed the applicants that these requests would go before the County Commission on December 2, 2003.

PLAT REVIEWS

1. Neta/Johnnie. A-2. S9-T46N-R12W. Harry Winfrey and Adelia Buckman, owners. Timothy J. Reed, surveyor.

The following staff report was entered in to the record:

The property is located on the west side of State Route DD, 411 feet south of the intersection with Edwards Road. The 2.5 acre tract is being divided from a 38-acre parent tract.

The lot will have frontage on and direct access to Route DD. Right of way sufficient to provide a 33-foot half-width right of way will be dedicated by this plat. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Consolidated Public Water District Number 1 provides water service to the property via a 2-inch waterline adjacent to Route DD.

An on-site wastewater system will continue to be used for wastewater disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 46 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Caruthers made and Commissioner Morgan seconded a motion to **approve with waiver requests** the plat Neta/Johnnie. A-2. S9-T46N-R12W. Harry Winfrey and Adelia Buckman, owners. Timothy J. Reed, surveyor:

- | | |
|----------------------|------------------------|
| Pat Smith - Yes | Mike Morgan - Yes |
| Mike Caruthers - Yes | Rob Brown - Yes |
| Keith Neese - Yes | Carl Freiling - Yes |
| Mary Sloan – Yes | Larry Oetting - Yes |
| David Mink – Yes | Kristen Heitkamp - Yes |
| Russell Duker - Yes | |

Motion to approve plat with staff recommendations carries unanimously.

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2. Slumberland Furniture Store. C-G. S12-T-48N-R12W. Henry Ray, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

– (Final-Minor Plat) This 2 lot minor plat is located on the south side of I-70 Drive SE approximately 850 feet west of the Route Z interchange on I-70. The site is approximately 1 mile east of the municipal limits of the City of Columbia. The area being subdivided contains 10.90-acres. The property is zoned predominantly C-G (general commercial) with a small portion of M-L (light industrial) on the portion of the development that falls in section 12 and these are all the original 1973 zonings. To the northwest across I-70 the zoning is A-2 (agriculture) to the immediate north across I-70 the zoning is C-G as is all

the property to the northeast and immediate east of the subject tract and these zonings are all the original 1973 zonings. Property to the southeast, south and southwest is zoned M-L some of which is original and some of which was rezoned. The property is currently the site of an existing commercial building located on proposed lot 1. Sewage treatment will be provided by an on-site wastewater systems and an existing lagoon is found upon proposed lot 1. Any on-site wastewater system must meet all County Health Department requirements or DNR requirements as appropriate. The site is in Public Water District #9. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here; however, hydrants will be required in conjunction with the building plans & permit process due to the size and type of structures proposed. The site is in the Columbia School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 67 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests subject to recognition that fire hydrant and fire protection issues will come up in conjunction with the building permit process.

Commissioner Caruthers made and Commissioner Morgan seconded a motion to **approve** the plat Slumberland Furniture Store. C-G. S12-T-48N-R12W. Henry Ray, owner. J. Daniel Brush, surveyor **with the following recommendations:**

- **Granting of the waiver requests subject to recognition that fire hydrant and fire protection issues will come up in conjunction with the building permit process.**

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers - Yes	Rob Brown - Yes
Keith Neese - Yes	Carl Freiling - Yes
Mary Sloan – Yes	Larry Oetting - Yes
David Mink – Yes	Kristen Heitkamp - Yes
Russell Duker - Yes	

Motion to approve plat with staff recommendations carries unanimously.

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3. Hodges. A-2. S12-T51N-R12W. Josephine and James Hodges, owners. Donald E. Bormann, surveyor.

Planner, Bill Florea gave the staff report stating that the property is located at the northeast quadrant of the intersection of Route CC and U.S. 63. The 7.91 acre tract is being subdivided into two lots. Both lots have frontage on Route CC. Section 1.6.3 of the subdivision regulations requires that all lots in a minor plat must have direct access to and frontage upon an existing public road unless all lots in the subdivision are five acres or more. The Missouri Department of Transportation has reported that there is one existing driveway that is legal. The second driveway to the property is illegal and does not meet access management standards. In addition, MoDOT has stated that the access rights were purchased from the property owner when additional right of way was purchased. The access rights were purchased by MoDOT for the purpose of limiting access. The property is limited to one driveway and therefore does

not qualify as a minor subdivision and must be denied. The property scored 35 points on the rating system. Staff recommends denial of the plat for failure to comply with the subdivision regulations.

Commissioner Caruthers made a motion to deny the plat.

Present: Don Bormann, surveyor, 524 Miles, Centralia.

Mr. Bormann stated that he got comments from Bill Florea today and had just talked to the highway engineer shortly before that. Mr. Bormann stated that he has reviewed the highway plans and have reviewed the deed. Unfortunately, they are mistaken. Lot one of the subdivision has a driveway, a legal driveway; it is on the highway plans. Lot two has about 60-feet of access that they did not purchase the right of way access to. It does have access to the highway. Mr. Bormann stated that he had information to that effect.

Mr. Bormann presented information to the Commission.

Chairperson Smith asked Mr. Florea if he was aware of that.

Mr. Florea stated no. Mr. Florea stated that he discussed this with the highway department this afternoon and suggested that this request be withdrawn or tabled until next month and give the applicant an opportunity to resolve this with the highway department.

Mr. Bormann stated that the applicants do not wish to withdraw the request. The applicants have access.

Commissioner Caruthers asked if the applicants wished to table the request.

Mr. Bormann stated no. There is a contract to sell this lot.

Commissioner Sloan stated that she had a problem with approving something that hasn't been looked at by staff, not to discount what Mr. Bormann says, but she needs to go with staff's information first.

Chairperson Smith asked if there was any verification from the highway department; did they not send a fax or has the applicant taken this back to staff.

Mr. Bormann stated no.

Chairperson Smith stated this had to be done.

Mr. Bormann stated that they have not purchased all of the right of way access along the front of this. It is clearly on their plan, they show it.

Commissioner Duker asked if staff had problems other than the driveway.

Mr. Florea stated this was started with comments that were received from the highway department that indicated that any new accesses would have to meet access management standards. Mr. Florea stated that even if there is a strip that wasn't purchased the review process for a new access point still needs to be permitted by MoDot at that location. Until that permit is granted or that approval is given we still don't have any guarantee that there is actually direct access to highway CC.

Mr. Bormann asked if Mr. Florea is stating that from now on any subdivision plats that are submitted have to have approval for driveways from MoDot before getting the plat through.

Mr. Florea stated that the applicant has to verify or staff has to verify that there is direct access.

Mr. Bormann stated that he has verified that, it is on the information that was submitted this evening. The applicants didn't get any of this information from MoDot until today.

Mr. Shawver explained to Mr. Bormann that he may have asserted that this is the case but staff has not been able to examine it. All we can do in this case is table it until staff has a chance to examine it.

Mr. Bormann stated that there is an engineer here that can look at it; it is very plain in the deed.

Mr. Shawver informed Mr. Bormann that he should have supplied staff with the information sooner.

Mr. Bormann stated that he didn't have the information any sooner.

Mr. Shawver explained to Mr. Bormann that he was notified two weeks ago that there were questions and problems.

Commissioner Duker asked how long it would take for staff could verify it.

Mr. Florea stated that it is not staff's call; it is for staff to hear from MoDot, it is their road. Neither Mr. Mink nor staff has the ability to make any kind of commitments.

Commissioner Sloan asked if the applicants don't want to withdraw or table the request and the Commission denies it, what is the situation.

Mr. Florea stated that the applicants would have the ability to go and verify access and resubmit.

Commissioner Sloan stated that it won't be held up; one isn't going to be better than the other.

Commissioner Freiling asked if there is a vehicle by which this can be approved with a condition.

Chairperson Smith stated that if the request were denied and appealed to the County Commission would it go to the County Commission.

Mr. Shawver stated that the regulations state that the Commission shall review any final plat submitted to it and upon review shall approve or disapprove the final plat. The Commission may conditionally approve the final plat and table final approval if the Commission determines that any deficient in the final plat can and will be corrected prior to its next regular meeting; otherwise, such final plat shall be deemed disapproved. If approved, the final plat shall be signed by the Chairperson of the Commission and forwarded to the County Commission for review; if disapproved, the reasons for disapproval shall be set forth in the Commission's minutes and shall be final unless the subdivider whose final plat has been disapproved files an appeal of the disapproval with the County Commission within 3 working days. So the Commission can deny it, the applicant can appeal it. Or the Commission can conditionally approve it and it has to be as a tabling motion until the next meeting or the Commission can approve it.

Commissioner Caruthers stated that his motion to deny stands.

Commissioner Heitkamp seconded the motion.

Discussion on the motion.

Commissioner Duker asked if it can be denied with a condition that the Commission recommends approval if the applicant can prove he has access.

Commissioner Heitkamp stated that if the Commission denies the plat, the applicant can appeal and it will go forward to the County Commission.

Commissioner Freiling asked if it would be appropriate in the minutes to reference the reason for denial is the uncertainty of legal access or of an approved access to this lot. Commissioner Freiling asked if that is the only staff objection to the plat.

Mr. Florea stated that is correct.

Commissioner Freiling stated that should be noted in the minutes. That way if it does come to the County Commission with a verification that he has access then it is clear what the single objection was.

Commissioner Sloan asked if it was denied and the proper verification is in place by the Commissions December 2 meeting then essentially nothing happens. Even if the applicant appeals the verification would have to be in place.

Commissioner Caruthers asked Mr. Florea if he got a general feel from the highway department on what their general conception thinking would be.

Mr. Florea stated that this is a limited access portion of the highway which is why they purchased what they purchased to prevent access. The gentleman that Mr. Florea spoke to said that if they had information that was contrary to what he had that he would review it. But not having that information, what he told Mr. Florea was that there is no additional access for the second lot.

Chairperson Smith stated that the Planning and Zoning Commission and Mr. Bormann can appeal and get the information and go forward to the County Commission.

Mr. Bormann stated that he would appeal.

Chairperson Smith stated that is the quickest way to go. If it is tabled then it is another month but the Planning and Zoning Commission can't approve it because we don't have the information at this point. If this request is denied and the information is brought to the County Commission the applicants would be on the same track.

Mr. Bormann stated that he understood. But what the Commission is saying that we are going to have to get approval for all driveways on any subdivided property along the highway from now on before the plat is approved.

Commissioner Freiling stated that his understanding is that the issue is because it is a restricted access portion of this highway.

Mr. Florea stated that is correct and staff has comments from the highway department indicating that they are concerned about this access.

Mr. Bormann stated that their plan shows that they did not take all of it; it shows where the property line is in relation to the limited access.

Commissioner Freiling stated that even though you have land that fronts the road doesn't mean they will give you an access permit.

Mr. Bormann stated that this is true.

Commissioner Freiling stated that in this case since we have before us an indication from them that they don't think they would approve or would grant access there the Commission doesn't have a choice. Mr. Freiling stated that he wouldn't want to sit up here on the next plat that has no comment from the highway department and make that assumption. The Commission's hands are tied here because of the comments they have received from the highway department.

Mr. Bormann stated that he is making his assumption that there is no access based upon that they bought all the access and they didn't buy all the access.

Commissioner Sloan stated that she believed that Mr. Bormann's argument is with the highway department not with the Commission.

Mr. Bormann stated that his argument is with the Commission too, they are denying the plat.

Commissioner Sloan stated that the Commission doesn't have any way to approve it based on the information that they have and based on the information that staff gave the Commission prior to this meeting.

Mr. Bormann stated that he just gave the Commission information.

Commissioner Sloan stated that the information needed to go to the highway department first. This may only happen once in a blue moon but every time there is a hold up the Commission can't be debating with the other person that someone else could be approving this so they could move forward. At that point people could be running in at the last minute with all kinds of things.

Commissioner Caruthers made and Commissioner Heitkamp seconded a motion to **deny** the plat Hodges. A-2. S12-T51N-R12W. Josephine and James Hodges, owners. Donald E. Bormann, surveyor:

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers - Yes	Rob Brown - Yes
Keith Neese - Yes	Carl Freiling - Yes
Mary Sloan - Yes	Larry Oetting - Yes
David Mink - Yes	Kristen Heitkamp - Yes
Russell Duker - Yes	

Motion to deny the plat carries unanimously.

Chairperson Smith informed the applicant if they wished to file an appeal to the County Commission it would need to be done within three working days.

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4. Earthland Acres. A-2. S5-T48N-R13W. Lee and Verna Lanes, owners. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

– (Final-Minor Plat) This 2 lot minor plat is located on the north end of Earthland Road on the north side of I-70 approximately 3400 feet north of the start of Earthland Road at the end of Cunningham Road approximately 3/4 mile west of the Midway exit on I-70. The site is approximately 1 mile west of the municipal limits of the City of Columbia. The area being subdivided contains 11.49-acres. The property is zoned A-2 (agriculture) as is all the surrounding. These zonings are all the original 1973 zonings. The property is currently the site of an existing garage structure located on proposed lot 2. Sewage treatment will be provided by an on-site wastewater systems and an appropriate wastewater plan is located in the file. Any on-site wastewater system must meet all County Health Department requirements. The site is in Consolidated Public 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 Columbia School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 50 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests subject to the following conditions:

1. That the book and page of the private access easement that extends from the end of the public road be shown on the face of the plat.
2. That the details of exactly where the public portion of the road is to end as a cul-de-sac be worked out with Boone County Public Works and the Planning Department.
3. That the site location map be corrected to show all the property under the same ownership as required by the regulations.

Commissioner Caruthers made and Commissioner Morgan seconded a motion to **approve** the plat Earthland Acres. A-2. S5-T48N-R13W. Lee and Verna Lanes, owners. J. Daniel Brush, surveyor with the following recommendations:

- **Granting of the waiver requests subject to the following conditions:**

1. **That the book and page of the private access easement that extends from the end of the public road be shown on the face of the plat.**
2. **That the details of exactly where the public portion of the road is to end as a cul-de-sac be worked out with Boone County Public Works and the Planning Department.**
3. **That the site location map be corrected to show all the property under the same ownership as required by the regulations.**

Pat Smith - Yes
Mike Caruthers - Yes
Keith Neese - Yes
Mary Sloan – Yes
David Mink – Yes

Mike Morgan - Yes
Rob Brown - Yes
Carl Freiling - Yes
Larry Oetting - Yes
Kristen Heitkamp - Yes

Russell Duker - Yes

Motion to approve plat with staff recommendations carries unanimously.

OLD BUSINESS

Mr. Shawver updated the Commission of the activities of the County Commission.

The rezoning request by Prime Development in which the Planning and Zoning Commission denied was appealed to the County Commission. The applicants asked that it be tabled until the December 2, 2003 meeting.

NEW BUSINESS

Commissioner Heitkamp made and Commissioner Morgan seconded a motion for the Planning and Zoning Commission to review the master plan.

Motion passes by acclamation.

ADJOURN

Being no further business, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Mary Sloan,
Secretary

Minutes approved on this 18th day of December, 2003.