

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, December 18, 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
	Mary Sloan, Secretary	Rocky Fork Township
	Mike Morgan	Bourbon Township
	Keith Neese	Columbia Township
	Kristen Heitkamp	Katy Township
	Russell Duker	Missouri Township
	David Mink	Public Works
	Rob Brown	Rock Bridge Township

Absent:	Michael Caruthers, Vice-Chairman	Centralia Township
	Carl Freiling	Cedar Township
	Larry Oetting	Three Creeks Township

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

The minutes of the November 20, 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 conditional use permit, one rezoning request, a revised review plan for a planned development 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 30, 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 30, 2003 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

1. Request by Arlon and Vera Gelder for an agri-business on 11.5 acres located at 6800 N Kircher Rd., Columbia.

Planner, Bill Florea gave the staff report stating that this property is located 1 ½ miles northeast of Columbia on Kircher Rd. The property is zoned A-2 (Agriculture), as is all of the surrounding area. Currently there is a house and detached garage on the property, as well as several green houses, chicken house and loafing shed. This request is for a conditional use permit for an agri-business. The applicants want to convert the detached garage to a honey extracting kitchen. The master plan designates this area as being suitable for agriculture and rural residential land uses. The proposed use is consistent with the master plan. The original zoning for this tract is A-2. There have been no previous requests submitted on behalf of this tract. Staff notified 6 property owners about this request. Staff recommends approval of the request.

Present: Arlon & Vera Gelder, 6800 N. Kircher Road, Columbia.

Mr. Gelder stated that the purpose for this request is that due to certain government rulings that have come up being with the state bee keepers association we found that it is becoming a little more difficult

for bee keepers to process honey to be able to sell it in the farmers market. We have heard that coming from the federal government with the homeland securities act and things like that they are going to be requesting stricter regulations on the processing of food articles to be sold. With the bee keeping business the applicants feel that having the kitchen and having it certified the applicants will be able to circumvent some of these concerns and be able to process the honey in to creamed honey, possibly honey vinegars, and infused honey's for sale through local businesses.

Ms. Gelder stated that the applicants also have green houses and a herd of dairy goats and extensive gardens. The applicants are hoping to use not only the honey extracting facility but the certified kitchen part to possibly go ahead and process some of those other products. One of the things the applicants want to do is go ahead and make the extracting facility available to other bee keepers in the area so they can use that. Honey is a sticky mess. Bees wax tends to leave tracks all over. To use another certified kitchen is probably not too feasible, they might let you do it the first time but that will be the last time.

Chairperson Smith asked the applicants if they were building any additional buildings or if they were just remodeling what they have now.

Mr. Gelder stated that they will remodel what they have now.

Chairperson Smith asked how it would change what the applicants are doing now, will there be more traffic?

Ms. Gelder stated that the applicants already have lots of field trips. This year the applicants have had over 2500 children and adults visit. That is one of the big things the applicants do. A little more traffic for a bee keeper in the evening to come and use the extracting room. The applicants have adequate parking; there have been at least two large school busses plus however many parents come along, 25 or more cars at a time.

Commissioner Mink asked the name of the place.

Ms. Gelder stated Walk About Acres.

Mr. Gelder stated that the applicants service a large number of schools; there were 2500 kids alone not including parents and teachers who go through. The applicants have always received good comments on the field trips. The applicants try to have it as an educational venue as well.

Commissioner Sloan stated that when there is something going on out there, what kind of traffic is there.

Mr. Gelder stated the biggest would be the two school busses and several cars of people who come along with the kids that will be parking on the yard. The applicants have a long driveway and have made an area for parking.

Commissioner Sloan asked staff if the Commission needed to be concerned with parking.

Mr. Florea stated he didn't believe so. The Commission needs to look at the application which is for the honey processing facility.

Commissioner Sloan stated that the applicants are doing a lot more than honey processing.

Mr. Florea stated that as an agricultural operation they can as an accessory use; sell what they produce on the property. Mr. Florea stated that he doesn't know how to classify the field trips other than an accessory use.

Ms. Gelder stated that there is no parking on the road. The applicants have a lot of parking.

Commissioner Sloan stated she is not concerned so much about the space but the Commission requires other types of businesses to have chip and seal parking lots. This is an agriculture activity but again, it is not something the applicants are doing for themselves, it is a commercial venture.

Mr. Florea stated that it is but it is accessory to an agricultural use, we typically don't require hard surface or dust free parking lots for agricultural uses.

Commissioner Sloan stated that if the applicants would apply for a recreation district as they have indicated they may do, at that point in time then the parking would need to be addressed.

Mr. Florea stated yes.

Commissioner Duker asked about the wastewater system.

Ms. Gelder stated that the applicants have a lagoon. The applicants have a letter from the Health Department.

Mr. Gelder stated that the Health Department has come out to look at it and has approved it.

Commissioner Duker asked if they have approved it for a kitchen.

Mr. Gelder stated yes.

Ms. Gelder stated that the Health Department stated that due to the limited nature of the proposed food service establishment, the wastewater volume will be low and the nature of the waste stream will not be highly concentrated.

Mr. Gelder read the letter which stated the existing wastewater treatment lagoon currently serves a single family residence on property. The lagoon is adequately sized and has been well maintained in addition, the lagoon is received by a septic tank further reducing the amount of solids entering the lagoon.

Commissioner Duker asked what the applicants do for the field trips. Where do people go to the bathroom?

Ms. Gelder stated that at this point the applicants get port-a-potty's that they rent for a couple of months. April, May, and usually the first part of June is when the applicants have the big field trips. The applicants can have about 120 kids at one time so it does get to be a lot. The rest of the year they have bathrooms. The applicants have talked about changing that because port-a-pots are not ideal.

Commissioner Mink stated that he was out there on a field trip with Partners in Education and it was a nice place and well maintained.

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 Arlon and Vera Gelder for an agri-business on 11.5 acres located at 6800 N Kircher Rd., Columbia:

Pat Smith - Yes

Mary Sloan – Yes

Keith Neese - Yes

David Mink – Yes

Mike Morgan - Yes

Rob Brown - 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 30, 2003.

REZONING REQUESTS

1. Request by Harry and Ruth Brotzman to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 9 acres, more or less, located at 8805 Hwy 63 South, Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located on Highway 63 South, approximately 4 miles north of Ashland, on the west side of the highway. The property is zoned A-1 (Agriculture). Land to the east, south and west is zoned A-1. Land to the north, including land owned by the applicant, is zoned A-2. There is a house and barn on the property. This request is to rezone approximately 9 acres to A-2. If approved, the applicant will subdivide the property and build a second house. The original zoning for this tract is A-1. There have been no previous requests submitted on behalf of the property. The master plan designates this area as being suitable for agricultural and rural residential land uses. The request is consistent with the master plan.

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.

The configuration of the existing lot will prevent it from being divided to the full extent that A-2 zoning would allow. There is adequate infrastructure available to serve this tract should the request be granted. Staff notified 11 property owners about this request. Staff recommends approval of the request.

Present: Patrick Cronan, attorney for owners, 13750 Highway BB, Rocheport.

Mr. Cronan presented an aerial photograph of the property to the Commission.

Mr. Cronan stated that the property is near Deer park on the west side of Highway 63. The road shown on the extreme edge of the aerial photograph is highway 63. The property is shown on the map as two different tracts. The number 7.01 at the top has 1.8 acres is located in the Columbia Public School District and it is zoned A-2. The tract below it marked 1.01 and has 7.8 acres is located in the Ashland Public School District, it is in a different section of land and is zoned A-1. Mr. and Mrs. Brotzman are retired, Mr. Brotzman was an auto worker and has lived on the property for about 4 years and has cleaned up the property. Mr. Brotzman has discovered that the house which has 3200 square feet is larger than what he and his wife require. Mr. Brotzman attempted to sell the property last year but there were not too many interested takers in a house with a 9 acre lawn so Mr. Brotzman decided he would like to build a smaller house perhaps back where the barn is. The road to the south of the property is a private lane; it serves one other house and the barn. The owner of the house that is served by the private lane is Hank Waters and he has given his permission, or has indicated that there is no opposition to Mr. Brotzman building a house that would be served from that lane. Mr. Brotzman has spoken with most of his neighbors and he believes that they are not opposed to the plan. This lot is relatively flat, although it is near several environmentally sensitive creeks. This particular land is flat, there is not much runoff, in the northwest corner of the 9 acres there is a small pond, it is that corner that is the lowest in elevation and where the drainage goes to. There is a septic tank for the existing house; it is located in the front yard of that house. If a new house is built the plan is to put in a septic system.

Commissioner Mink stated that he did not understand the lot line drawn through the structure.

Mr. Yonke stated that it was a taxing line. It is really one parcel of property but a section line splits the property and it is in two different school districts so the tax allotments go to different places. The photographs that you get are generated by the tax assessor's office so they are predominately for purposes of taxation. Not necessarily for purposes of land division in showing which pieces are different and which ones are whole pieces. Since there is a section line there that also happens to be the zoning district line so the piece of property, which is considered one piece of property, has two different zonings which happen to correspond to that same taxing line.

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 Duker seconded a motion to **approve** the request by Harry and Ruth Brotzman to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 9 acres, more or less, located at 8805 Hwy 63 South, Columbia:

Pat Smith - Yes	Mike Morgan - Yes
Mary Sloan - Yes	Rob Brown - Yes
Keith Neese - Yes	Kristen Heitkamp - Yes
David Mink - 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 30, 2003.

PLANNED DEVELOPMENTS

1. Request by Randy and Kathleen Gibbs to approve a revised Review Plan for Ponderosa Subdivision Planned Industrial Subdivision located at 5481 S. Ponderosa St., Columbia.

Planner, Thad Yonke gave the staff report stating that This property is located on Ponderosa Street, off of the west side of 63 south, immediately south of Prairie Meadows Estates and north of Williams Brother's tank farm. This proposal is to modify the portion of the approved Final Development Plan approved in July 1999; Lot 1, currently containing 2.50 acres, is proposed to be reduced to 1.59 acres. The portions of the existing final plan for Lot 2 of Ponderosa Subdivision are unmodified other than an increase in the acreage. A lot line adjustment survey will be used to modify the existing Lots 1 & 2. This survey is dependant upon a connection to the BCRSD facility for Prairie Meadows and approval of this revised plan. The current zoning on the existing Lot 1 and proposed Lot 1A is M-LP (Planned Industrial). This was rezoned in 1999 and went into effect with the signing of the current Final Development Plan. The original zoning was split between R-S (Residential Single Family) and C-G. Property to the south-southeast, the site of the tank farm, is zoned M-L (Light Industrial) backed up by a strip of C-G. To the south of the subject property, south of proposed Lot 2A, the land is zoned R-S. Land to the west, which includes Prairie Meadow Estates, is zoned R-M (Residential Moderate Density). Adjacent land to the north is zoned C-G and R-S. The land to the north across Highway 63 is zoned A-1 (Agriculture). All these surrounding zonings are all original 1973 zonings. A review plan and tentative rezoning of this property to M-L was approved with conditions in June of 1999. If this Revised Review Plan is approved a Revised Final Development Plan is still required. This property is currently the site of a roof truss manufacturing business on Lot 2 and self storage units on Lot 1. The proposal is to add three structures to the plan area on proposed Lot 1A, a 40' x 40' office building, and two 48' x 48' warehouse buildings. One of the warehouses has already been built the other will be new construction. This site is in the New Haven R-2 School Districts. Water is provided by Consolidated Public Water District No. 1. Boone Electric provides electric service. Sewer service is to be provided by connection to the BCRSD system for Prairie Meadows. Fire hydrants and flows will be required to meet fire district approval. The use of this property will be limited to warehousing, self storage, and office use as indicated on the plan since that is all the applicant has requested, had other or alternative uses been desired the applicant would have had to request them. Any change in use will require a new Revised Review and Revised Final Plan. The proposal rates 55 points on the point rating scale.

Staff recommends approval of the Revised Review Plan with the following 5 conditions:

1. That the connection to the BCRSD is required due to the modified lot size. The lot line adjustment survey is required but can't be signed until the BCRSD is satisfied with the connection to their sewer system. Sign-off by the BCRSD is required to be obtained prior to any issuance of any further permits on the property.
2. That the development meet fire district requirements for commercial/industrial uses as a condition of approval and that use or continued use of the property without this approval be considered a violation of this condition.
3. That there is no outside storage allowed on Lot 1 (Lot 1A).
4. That it is recognized that all drive, parking, and loading areas must be a minimum of chip-seal surface; gravel surface is not allowed in the development.

5. That any lighting be shielded and directed inward and downward to the site so as to minimize light leaving the property.

Present: Dan Brush, 506 Nichols Street, Columbia.
Randy Gibbs, 5481 S. Ponderosa St., Columbia.

Mr. Brush stated that the applicants did not have a problem with the conditions.

Open to public hearing.

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

Closed to public hearing.

Commissioner Mink made and Commissioner Morgan seconded a motion to approve the request by Randy and Kathleen Gibbs to approve a revised Review Plan for Ponderosa Subdivision Planned Industrial Subdivision located at 5481 S. Ponderosa St., Columbia **with the following conditions:**

- **That the connection to the BCRSD is required due to the modified lot size. The lot line adjustment survey is required but can't be signed until the BCRSD is satisfied with the connection to their sewer system. Sign-off by the BCRSD is required to be obtained prior to any issuance of any further permits on the property.**
- **That the development meet fire district requirements for commercial/industrial uses as a condition of approval and that use or continued use of the property without this approval be considered a violation of this condition.**
- **That there is no outside storage allowed on Lot 1 (Lot 1A).**
- **That it is recognized that all drive, parking, and loading areas must be a minimum of chip-seal surface; gravel surface is not allowed in the development.**
- **That any lighting be shielded and directed inward and downward to the site so as to minimize light leaving the property.**

Pat Smith - Yes

Mary Sloan – Yes

Keith Neese - Yes

David Mink – Yes

Mike Morgan - Yes

Rob Brown - Yes

Kristen Heitkamp - Yes

Russell Duker - Yes

Motion to approve the request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on December 30, 2003.

PLAT REVIEWS

1. Bird Song Acres. S18-T49N-R12W. A-R. Donald O’Bannon, Joyce O’Bannon and Bessie Brown, owners. Nathanael Kohl, surveyor.

The following staff report was entered in to the record:

This 2 lot minor plat is located on the east side Wagon Trail Road approximately 1600 feet north of where Wagon Trail Road crosses over Highway 63. The site is approximately 3/4 mile north of the municipal limits of the City of Columbia. The area being subdivided contains 15.08-acres. The property is zoned A-R (agriculture-residential) as is all the property to the south, west, and north. Property to the east across the quarter section line is zoned A-2 (agriculture). These are all the original 1973 zonings. The property is currently the site of an existing one story house and on-site wastewater lagoon 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. The site is in the City of Columbia Water service area. 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 68 points on the point rating scale.

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

Commissioner Heitkamp and Commissioner Brown seconded a motion to **approve Bird Song Acres. S18-T49N-R12W. A-R. Donald O’Bannon, Joyce O’Bannon and Bessie Brown, owners. Nathanael Kohl, surveyor with waiver requests**

Pat Smith - Yes	Mike Morgan - Yes
Mary Sloan – Yes	Rob Brown - Yes
Keith Neese - Yes	Kristen Heitkamp - Yes
David Mink – Yes	Russell Duker - Yes

Motion to approve plat with staff recommendations carries unanimously.

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2. McBride Manor. S12-T49N-R14W. A-2. Wallace & Shirley Drane, owners. Curtis E. Basinger, surveyor.

The following staff report was entered in to the record:

This 1 lot minor plat is located on the west side of Nature Lane approximately ½ mile south of the intersection of Wilhite Road and Nature Lane. The site is approximately 5 miles north of Midway. The area being subdivided contains 5.00-acres out of an approximately 185-acre tract. The property is zoned A-2 (agriculture) as is all the surrounding. These zonings are all the original 1973 zonings. The property is currently vacant. 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 16 points on the point rating scale.

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

Commissioner Heitkamp made and Commissioner Brown seconded a motion to **approve** McBride Manor. S12-T49N-R14W. A-2. Wallace & Shirley Drane, owners. Curtis E. Basinger, surveyor **with waiver requests**:

Pat Smith - Yes	Mike Morgan - Yes
Mary Sloan – Yes	Rob Brown - Yes
Keith Neese - Yes	Kristen Heitkamp - Yes
David Mink – Yes	Russell Duker - Yes

Motion to approve plat with staff recommendations carries unanimously.

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3. Lake of the Woods Little General. S10-T48N-R12W. C-G. Blue Acres, Inc., owner. James R. Jeffries, surveyor.

The following staff report was entered in to the record:

The property is located on the north side of St. Charles Road just south of the I-70 interchange. The applicant owns a platted lot and an adjacent unplatted lot. The intent of the subdivision is to consolidate adjust the boundary between the two lots.

Both lots have frontage upon and direct access to St. Charles Road. St. Charles is designated as an expressway at this location, which would normally require a 50-foot half-width right of way dedication. Due to a development on the north side of St. Charles there is an existing set of plans to improve the road at this location. Right of way necessary to accommodate the new construction has already been donated by applicant. The Board of Adjustment granted a variance to allow the existing right of way to remain and to not require dedication of additional right of way. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Public Water Supply District 9 provides water to the property.

Sewer service will be provided by Boone County Regional Sewer District. A short main extension will be required. Acceptance of the extension and any other necessary sewer infrastructure must be completed or guaranteed by bond prior to plat recording.

The property scored 78 points on the rating system.

Staff recommends approval of the plat and waiver request subject to the following condition:

All required public sewer improvements must be installed and accepted or guaranteed with appropriate security prior to recording the plat.

Commissioner Heitkamp made and Commissioner Brown seconded a motion to **approve** Lake of the Woods Little General. S10-T48N-R12W. C-G. Blue Acres, Inc., owner. James R. Jeffries, surveyor **with waiver request and the following condition:**

- **All required public sewer improvements must be installed and accepted or guaranteed with appropriate security prior to recording the plat**

Pat Smith - Yes

Mary Sloan – Yes

Keith Neese - Yes

David Mink – Yes

Mike Morgan - Yes

Rob Brown - Yes

Kristen Heitkamp - Yes

Russell Duker - Yes

Motion to approve the plat with staff recommendations carries unanimously.

OLD BUSINESS

Mr. Shawver updated the Commission of the decisions of the County Commission and stated that the County Commission is scheduled to hear the Altis/Prime Development request in a special meeting on December 23, 2003 at 5:30 p.m.

The Planning and Zoning Commission scheduled a work session on January 8, 2004 at 4:30 p.m. to discuss the master plan.

NEW BUSINESS

None.

ADJOURN

Being no further business, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Mary Sloan,
Secretary

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