

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, February 19, 2004

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
	Keith Neese	Columbia Township
	Carl Freiling	Cedar Township
	Kristen Heitkamp	Katy Township
	Larry Oetting	Three Creeks Township
	David Mink	Public Works

Absent:	Russell Duker	Missouri Township
	Rob Brown	Rock Bridge Township

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

The minutes of the December 18, 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, two rezoning requests, 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, March 2, 2004. 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, March 2, 2004 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

1. Request by Hilltop Properties LLC for an Equine Boarding and Training Facility on 47 acres located at 2910 W. Akeman Bridge Rd., Columbia.

Planner Bill Florea gave the staff report stating that the property is located on Akeman Bridge Road approximately 3-miles north of Columbia. The application requests permission to conduct an Equine Boarding Facility for More Than Six Animals and Riding School on a 47 acre portion of a total 135.33 acres owned by Hilltop Properties, L.L.C. In the application, Hilltop Properties describes the proposed uses as "Horse Boarding, Riding Instruction will not hinder flow of traffic as it will be small boarding operation." The applicant has begun construction of a 7,680 square foot stable that will have 16 stalls, a wash area, tack room and residential apartment. The applicant plans to construct a 27,270 square foot indoor riding arena. The facility will be accessed from Akeman Bridge Road via an approximately 800' long private drive.

- a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety or general welfare. Improper manure disposal has

created impacts to neighboring properties at other similar facilities in Boone County. There appears to be adequate land area for manure disposal on site and it is not anticipated that waste disposal will be a problem in this case. However, a condition will be proposed to ensure proper manure disposal. If conditioned as proposed and if the uses are limited to those described in the application, the proposal should not be detrimental to the public health, safety or welfare.

- b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations. Outdoor lighting, other than that which is characteristic of rural areas, can be injurious to the use and enjoyment of other property. The application states that the outdoor riding area will not be lit. This should be reinforced with a condition to limit outdoor lighting to the minimum necessary for security and safety.

The facility will be accessed by an 800-foot long private drive. Due to the limited use of the facility, as described in the application and the lack of any close neighbors it is unlikely that dust generated from a gravel surfaced drive will produce any offsite impact. However, if more intensive uses are requested in the future a hard surfaced/dust free drive should be required.

- c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood. There is no indication that this use will diminish property values in the neighborhood if the use of the property is kept at the intensity described in the application.
- d) All necessary facilities will be available, including, but not limited to utilities, roads, road access and drainage. Adequate fire flow will be required for the construction of the riding arena and stable. The applicant proposes to use an existing pond as a water source for a dry hydrant system. The Fire District has agreed to allow the use of a dry hydrant system subject to compliance with the applicable fire code regulations. A condition should be placed on the approval to prohibit the proposed use until such time as the dry hydrant system is installed and approved by the Fire District.
- e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district. If the uses are limited to those described in the application there should be no impact on the normal and orderly development and improvement of surrounding properties.
- f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property. If the uses are limited to those described in the application traffic generation will be minimal. And, due to relatively low traffic volume on Akeman Bridge Road, traffic impacts should be insignificant.
- g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. Applicable zoning regulations will be enforced during the building permit process. However, parking should be addressed with the conditional use permit. A minimum of eight parking spaces should be provided for the conditional use permit. Two additional parking spaces are required for the apartment for a total of ten required parking spaces.

Staff's analysis of this request is based on the uses described in the application. If more intensive uses, such as large group events, are contemplated in the future the applicant should be

required to amend the conditional use permit accordingly. Any event that results in more than 24 equine on the property at any time should be considered a large event.

Staff recommends approval of the request subject to the following conditions:

1. Outdoor lighting shall be restricted to the minimum necessary to provide security and safety. Outdoor riding areas shall not be illuminated in such a way as to allow nighttime riding.
2. Manure and other waste material shall be disposed of in an appropriate manner so as to create no impact to adjacent properties.
3. Uses other than described in the application are not allowed without specific approval.
4. There shall be no more than 24 equine on the property at any point in time.
5. A minimum of 10 parking spaces shall be provided.
6. Fire protection facilities shall be installed and operational to the satisfaction of the Boone County Fire Protection District prior to commencing the requested uses.

Present: Lora Blair, 2910 Akeman Bridge Rd., Columbia.
Jerry Blair, 2910 Akeman Bridge Rd., Columbia.

Mr. Blair stated that in general the applicants plan for the facility is not as a major commercial operation but rather more of a family operation, some light boarding and a teaching facility.

Chairperson Smith asked the applicants if they had heard and understood the suggested staff conditions.

Mr. Blair asked how staff arrived at a set number of equine on the property. The other thing to remember about this property is that it is a family farm before an equine facility. Is there a separation between recreational equine animals and livestock, which is being raised on the family farm. Mr. Blair stated that he considered horses more as livestock. Horses on the property can also be viewed as livestock being raised for production and sale, not only for teaching and riding purposes.

Chairperson Smith stated the Commission addresses the equine issue a lot because according to the Boone County ordinances they are not livestock because they are not raised for food or fiber. That is one thing that the Commission has to consider. Chairperson Smith asked Mr. Florea how he arrived at a specific number of horses.

Mr. Florea stated that there was no magic calculation; staff took the number of stalls proposed and multiplied by one and a half. What staff was looking for was a way to control the scale of the operation. It is impossible for staff during a site inspection to distinguish between animals that the applicants own and animals that are boarded which is why staff seized on a total number of animals as a trigger to gauge the scale of the operation. There is no magic to the number 24. Staff will leave it to the Commission to decide if that is an appropriate number.

Chairperson Smith asked the applicants how many horses at one time will ever be on the property.

Ms. Blair stated that the applicants children are involved in Hinkson Valley Pony Club. The applicants in the past have had a small fund raiser for the pony club on the other farm that the applicants owned. Guests would come to do a fun show. Ms. Blair stated that the applicants would like to do another fund raiser for the pony club. Ms. Blair stated that she is not sure how many horses would be there; there would be more than 10.

Mr. Blair stated that it would be once or twice a year event. If the applicants had 16 horses of their own and 20 horses showed up for one afternoon to do a fun show technically the applicants would be in violation.

Ms. Blair stated that people are in and out a lot of times for those fun shows and sometimes there are opportunities to do clinics. An instructor would come in and do a lesson for a small group of kids; it would be more than just a normal riding lesson and there would be 5 or 6 kids at a time.

Mr. Blair stated that it is not the applicants intent to run a large horse production operation with pins and feeding lots. In those short instances the applicants might be over the number momentarily.

Ms. Blair stated that it wouldn't be often.

Commissioner Freiling stated that Planning and Zoning violation response time would protect the applicants from a one day violation.

Mr. Blair stated that he understood if the applicants upgraded to a 50 horse operation.

Chairperson Smith stated that she believed that it is reasonable to have a certain number. Chairperson Smith asked the applicants if they were planning on any three day events or anything like that where hundreds of horses would be there.

Ms. Blair stated no; not hundreds.

Commissioner Caruthers asked the applicants what number they would suggest.

Ms. Blair stated that 50 horses would be safer maybe once a year.

Mr. Blair stated that if there were 24 horses living at the property, there wouldn't be more than 24 more there temporarily.

Commissioner Caruthers asked the applicants how many horses they own now.

Ms. Blair stated six.

Commissioner Caruthers asked if the applicants are breeding horses.

Ms. Blair stated not right now.

Mr. Blair stated that they are for possible resale but not for breeding.

Commissioner Caruthers stated that the applicants have 6 horses now the condition allows for an additional 18 horses.

Mr. Blair asked if Commissioner Caruthers was asking if the applicants foresee having 24 horses there on a regular basis.

Commissioner Caruthers stated that the Commission has to deal with the here and now. Commissioner Caruthers asked the applicants if 24 horses was unreasonable now.

Mr. Blair stated only under the circumstances of once or twice a year when the club shows up.

Commissioner Freiling stated that the applicants made it clear that those horses won't be boarded.

Mr. Blair stated that is correct.

Commissioner Heitkamp asked if the condition should state that there be no more than 24 equine boarded on the property.

Mr. Florea stated that this is the Commission's decision but the reason for the condition is to maintain some kind of scale. If there are going to be events when there are going to be a significant number of animals, staff has to look at this request in terms of the applicants not being the owners forever, if the applicants choose to sell to someone else the staff needs to write the rules so that the eventuality is covered. The applicants good intentions are taken by staff but they also have to think of the possibility that the applicants won't be operating the facility forever which is why a scale should be maintained. If you only regulate the number of horses being boarded then one time events, like the three day event where you are bringing in hundreds of horses could happen. Given the conditions that staff is recommending on the application; it is not appropriate. If that were to be the case staff would have to rethink their recommendation.

Commissioner Heitkamp stated that would be more of a recreational type zoning.

Mr. Florea stated that traffic would be different as well as health requirements.

Mr. Blair asked if the conditional use permit conveyed with the property.

Mr. Florea stated yes.

Commissioner Morgan asked if 50 horses showed up for a weekend fundraiser would the horses have to stay within the 47 acres.

Chairperson Smith stated that it would depend on the event. For example if it was an equine clinic people come and go all the time, you have your spot. If you are going to a big event there is stabling available and usually there is limited stabling on the facility and often times you have to go stable somewhere else. They would only be able to have as many horses as they would have stabling for a long time. Horses would come and use the facility then eventually they would leave.

Mr. Florea stated if there were temporary pins for holding animals overnight for a longer term event those would have to be maintained on the 47 acres.

Commissioner Sloan stated that staff is recommending a minimum of 10 parking spaces. Commissioner Sloan asked the applicants how many people would be using the facility at one time.

Ms. Blair stated that since half of the horses are the applicants the other half would be boarders, about 8 boarders, but they come and go.

Commissioner Sloan stated that not all of them would be there at the same time.

Ms. Blair stated that some boarders may own two horses.

Mr. Blair stated that their experience has been small numbers at one time. Generally a lot of boarders board their horses and they may be there once a week or once a month, then you have another group that is there daily to check on their animals.

Commissioner Sloan stated that when the applicants talk about the special events where a limit of maybe 50 horses would be appropriate it is conceivable that a lot more than 10 people would show up, you would need a lot more than 10 parking spaces for something like that.

Mr. Blair stated that they would be coming and going during the course of the day because events are set up in different classes.

Commissioner Sloan asked if the participants stayed to watch others.

Mr. Blair stated that some do but many don't. The horses are brought in by truck and trailer, unloaded and tied up to the trailer then loaded back on. Generally the vehicles are parked in an empty field.

Commissioner Caruthers asked the applicants if they did any picketing or hobbling.

Mr. Blair stated no.

Open to public hearing.

Speaking in support of the request:

Susan Russell, 4207 W. Ridge Trail Rd., Clark.

Ms. Russell stated that she is the leader of the Hinkson Valley Pony Club. The pony club has used the applicants facility when they were located on Creasy Springs road. The pony club is a youth oriented organization they graduate out at the age of 21. It is a very safety conscience organization, very curriculum oriented geared toward teaching young people responsible use of horses, horsemanship, and horse management. The applicants have been more than generous in allowing the club to have use of their facility. They are very careful; at the applicants previous place they had onsite residences and apartments and they requested the club honor the restrictions so that they didn't disturb the residence when they came in. The pony club does not have a permanent home; they rely on the graciousness of our parents and surrounding barn owners to give the club members a place to ride and to bring the kids together so that they can learn these lessons.

Ms. Russell stated that no one has been more safety conscience and more conscience of what happens with their property and with the people around and with the kids. We know the kids are going to be safe when they are with Ms. Blair. The facility that the applicants are looking at is a personal place to ride and occasionally have the pony club as they did in the past so the kids would have a place to ride that is safe and surrounded. That is what the applicants intend to do now. We have an occasional meeting and a fund raiser there and we will know the children are safe.

Commissioner Freiling stated that if he decided to host these kids at his farm would there be a zoning requirement.

Mr. Florea stated probably not.

Commissioner Freiling stated that the boarding is the issue so the Commission should probably not get carried away with one day use but anything that exceeds that one day period like people at the property overnight or extended overnight hours that is a different issue.

Mr. Florea stated that Commissioner Freiling doesn't have a 20,000 square foot arena at his property. Not that staff is questioning the applicants intentions, however, there is potential for fairly significant use of the property.

Ms. Russell stated that it would be nice to have a place to ride in when it is raining; currently the club has to cancel meetings when it rains.

Mr. Florea stated that staff is not against that, but it wasn't proposed in the application and staff reacts to what the application says. The conditions that staff suggests are in response to the information submitted on the application; staff didn't contemplate any more significant use than the very minimal use that was stated in the application.

No one spoke in opposition to the request.

Closed to public hearing.

Commissioner Oetting asked if the parking lot would need to be chip and sealed.

Mr. Florea stated that staffs recommendation was for gravel.

Commissioner Oetting asked when that was changed.

Chairperson Smith stated that it was changed with the last ordinance change.

Commissioner Freiling suggested that the Commission address this as a boarding facility and stay with a limit that seems comfortable given the location and make the assumption that where there is no harm there is no foul. Commissioner Freiling stated that if the applicants or a subsequent owner were to do more than the minimum where a lot of people and horses are coming in on a consistent basis Commissioner Freiling would like to withhold permission to do that so that in the event it does exceed comfortable boundaries the County still has the ability to deal with it. Clearly there is no opposition within the community so as long as the applicants don't create any opposition they shouldn't have a problem.

Chairperson Smith stated that she lives on Akeman Bridge Road. The extra cars that come to the applicants house will go by Chairperson Smith's house. Chairperson Smith stated that of all the uses that are compatible with this land, she is not opposed to this request. But she wouldn't someone deciding to raise killer horses down there in 20 years. Chairperson Smith stated that she would like a condition stating a number of horses because she doesn't want this place becoming too big too fast.

Commissioner Freiling stated that if someone changes the use from the applicants intended use it forces them to come back before the Commission.

Commissioner Caruthers stated that the applicants can also come back to the Commission to increase their use if they would like to wait and see how things go.

Chairperson Smith asked staff if the condition that stated that uses other than described in the application are not allowed without specific approval will be enough of a condition so if anyone changes the use they have to come back before the Commission.

Commissioner Heitkamp stated that she would prefer to list uses.

Mr. Florea stated that the uses are very specific in the application; riding school and horse boarding facility for more than 6 animals, it is described in the application how many stalls the applicants are building, granted they could theoretically board more horses than they have stalls for. If the Commission wants to make it more specific they could add more conditions.

Commissioner Caruthers stated that by having a number of animals on a given place at any one time covers that.

Mr. Florea agreed.

Commissioner Heitkamp stated that the applicants could own and board no more than 24 horses at one time. The Commission in the past have set conditions on hours, noise, signage, and lighting. No conditions have been set on the request regarding signage, noise or hours and sewage hasn't been addressed either. Commissioner Heitkamp asked the applicants had a port-a-potty.

Mr. Blair stated that the applicants have had to treat this as a commercial building which costs more in building costs. By having a residence facility there the applicants are able to have a lagoon system. There will be a bathroom on site for the customers of the stabling operation. If a fundraiser or club meeting were to be held there, there would be port-a-pottys.

Commissioner Heitkamp asked if the hours of operation for training and boarding would be from dawn to dusk.

Ms. Blair stated probably. There may be some evening riding in the indoor arena; that is why the applicants have the indoor arena. There will be no lights in the outdoor arena.

Mr. Blair stated that it is not the applicants intent to have parties and haven't applied for that.

Commissioner Heitkamp stated that the applicants may not have but a subsequent owner could.

Mr. Blair stated that they would have to apply for that privilege.

Commissioner Heitkamp stated that the subsequent owner may assume.

Commissioner Morgan stated that the driveway is on a curve and asked the applicants if there was a lot of brush and trees by the drive or close to it.

Mr. Blair stated that there was brush and a tree line there but it has been cleared.

Commissioner Caruthers asked if the north side of the property is fenced.

Mr. Blair stated that the north side had terrible fencing and it was taken out. It will be used as a hay field.

Commissioner Caruthers stated that the facility would be on the south side of Akeman Bridge and asked the applicants if that portion would be fenced.

Ms. Blair stated that it is fenced; the applicants put up new vinyl fence on the road frontage and up to the drive and inside the pasture there will be new electric fencing.

Commissioner Oetting asked staff the requirements of the outdoor lighting.

Mr. Florea stated that previous requests have stipulated that lighting be pointed in and down and shielded so it doesn't glare offsite.

Commissioner Caruthers made and Commissioner Morgan seconded a motion to **approve** the request by Hilltop Properties LLC for an Equine Boarding and Training Facility on 47 acres located at 2910 W. Akeman Bridge Rd., Columbia **with the following conditions:**

1. Outdoor lighting shall be restricted to the minimum necessary to provide security and safety. Outdoor riding areas shall not be illuminated in such a way as to allow nighttime riding.
2. Manure and other waste material shall be disposed of in an appropriate manner so as to create no impact to adjacent properties.
3. Uses other than described in the application are not allowed without specific approval.
4. There shall be no more than 24 equine on the property at any point in time.
5. A minimum of 10 parking spaces shall be provided.
6. Fire protection facilities shall be installed and operational to the satisfaction of the Boone County Fire Protection District prior to commencing the requested uses.

Pat Smith - Yes

Mike Caruthers – Yes

Keith Neese - Yes

Kristen Heitkamp – Yes

David Mink – Yes

Mike Morgan - Yes

Mary Sloan – Yes

Carl Freiling – Yes

Larry Oetting - Yes

Motion to approve request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on March 2, 2004.

Commissioner Caruthers informed the applicants if they planned on getting more than 24 horses on a permanent boarding basis they would need to come back before the Commission.

REZONING REQUESTS

1. Request by Hart Creek Development Inc. to rezone from A-R / PRD (Agriculture Residential Planned Residential Development) to A-2 (Agriculture) of 250 acres, more or less, located at 4201 E Christian School Rd., Hartsburg.

Director, Stan Shawver gave the staff report stating that the 250-acre tract is located approximately 1 ½ miles southwest of Ashland. The zoning is A-R/PRD. The surrounding property is zoned A-2. The

property has been used for agricultural purposes but is otherwise undeveloped. The request is for approval of a rezoning to A-2. The original zoning of this tract was A-2, but it was rezoned to A-R/PRD in 2002. At that time a review plan and final development plan were approved.

The Master Plan calls for the use of a “Sufficiency of Resources Test” when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner.

The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation, and public safety services.

It is assumed that adequate resources are available to allow the development of this tract based upon the previous decision to rezone the tract to allow much higher density levels than currently being sought.

Primary access to the development will be via Christian School Road, which is a paved two-lane road and is classified as a collector road. Collector roads carry between 750 and 2500 average daily trips. The additional traffic generated by development will not cause a change in the classification of the road.

The property is in the Southern Boone County Fire District.

The property scored 51 points on the rating system.

47 property owners were notified of this request.

Staff recommends approval of this request.

Present: Dana Austin, 3920 Christian School Rd., Hartsburg.

Open to public hearing.

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

Closed to public hearing.

Commissioner Mink asked what became of the offsite improvement to Christian School Road that was negotiated.

Mr. Florea stated that with the down zoning the nexus in order to require the offsite improvement has gone away. There is no impact that justifies that expense.

Commissioner Sloan asked why the applicant is going back to the A-2 zoning.

Mr. Austin stated to offer a larger lot development as opposed to the PRD.

Commissioner Caruthers made and Commissioner Oetting seconded a motion to **approve** the request by Hart Creek Development Inc. to rezone from A-R / PRD (Agriculture Residential

Planned Residential Development) to A-2 (Agriculture) of 250 acres, more or less, located at 4201 E Christian School Rd., Hartsburg:

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

Motion to approve request carries unanimously.

Chairperson Smith informed the applicant that this request would go before the County Commission on March 2, 2004.

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2. Request by Bomgaars & Associates LLC to rezone from C-G (General Commercial) to M-LP (Planned Industrial) and to approve a review plan for Les Bourgeois Vineyards on 12.33 acres, more or less, located at 12847 Hwy BB, Rocheport.

Planner, Bill Florea gave the staff report stating that this property is located at the immediate northeast corner of the intersection of I-70 and State Route BB. This proposal is to rezone the site of the existing Les Bourgeois gift shop and wine production facility and to seek approval of a review plan on the entire 12.33 acre property to ML-P (Planned Industrial). The current zoning for the property is C-G (General Commercial). Property to the east on the north side of I-70 is zoned A-2 (Agriculture) as is property to the north and northwest. Property to the west but north of I-70 is C-G. All these surrounding zonings are all original 1973 zonings. An approved Final Development plan is required before any new zoning will go in to effect or any building permits can be issued.

This property is currently the site of the Les Bourgeois gift shop and wine production facility while the gift shop is a use that would fit in the original C-G District the wine production facility would need a minimum M-L or M-LP zoning designation to actually comply with the zoning ordinance. The proposal is to legitimize the existing uses and allow additional buildings as shown on the proposed review plan to create a unified complex. The old motel structure that currently houses the bulk of the wine production facility is to be removed with the production facility moved to a new structure. The proposed uses are listed on the face of the plan. Detailed landscape and erosion control plans are proposed to be provided with the final plan.

This site is in the Columbia School District. Water will eventually be provided by Consolidated Public Water District No. 1 but no lines are currently in the area. Boone Electric provides electric service. Sewer service is to be provided by a DNR regulated system for the complex. We have documentation that Marshall Engineering will be doing the design for the sewer. Fire hydrants and flows will be required to meet fire district approval. The Fire Marshall will have to approve any systems before construction or occupancy will be allowed. Until public water is brought to the site a dry hydrant system is proposed to provide fire protection. The water holding ponds for the system have been designed to be a site amenity as well as a fire protection facility. The use of this property will be limited to that indicated on the plan and since the regulations require that all specific uses be listed the uses from the

zoning ordinance will need to be added to the original face of the plan. Any change in use beyond what is proposed will require a new Revised Review and Revised Final Plan. The proposal rates 32 points on the point rating scale.

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

1. That the proposed uses be listed on the face of the review plan as it is required under the regulations.
2. That the development meet fire district requirements for commercial/industrial uses as a condition of approval and that specific approval from the Fire Marshall will be required with respect to buildings and construction on the site.
3. 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.
4. That any lighting be shielded and directed inward and downward to the site so as to minimize light leaving the property.
5. That the detailed landscaping and erosion control plan be provided at the final plan stage.

Present: Curtis Bourgeois, 12075 Sinking Creek Rd., Rocheport.
Stephen Bourgeois, 1613 N. 9th Street, Columbia.

Mr. S. Bourgeois stated that this request is to bring the current facility in to compliance as a M-L district and to also provide for a new facility and to provide for the future development on the acreage.

Chairperson Smith asked the applicants if they thought of the new I-70 interchange.

Mr. C. Bourgeois stated yes. The applicants stay in touch with MoDOT and go to the meetings but MoDOT can't give any information as to what is going to happen, whether it is going to be north or south of the applicants property. Right now the best bet is that the interstate is going to go on the applicants side; the best estimate is 15 to 20 years and they still haven't made the decision what side they are going to go on. The applicants can't afford to wait for MoDOT to make a decision on how they are going to expand the interstate. The applicants have been in their facility for 15 years now and have tried to make the most of the space that they have including gutting the motel and using it for inventory storage but the applicants have reached their maximum ability to make this a functioning space and now they need to move to the next step of a more effective storage facility. The building is still a winery inside what was a dysfunctional restaurant, gift shop, and hotel and are trying to move toward something more recognizable.

Commissioner Neese asked the applicants how many signs they project in the future for that property. There are two future signs proposed on the plan.

Mr. S. Bourgeois stated that the current plan is to maintain the existing signage. The future signs are for any future building developments.

Mr. C. Bourgeois stated that the applicants have one sign right now that has been refurbished and have taken one sign down. The applicants have taken one gas station down and have taken down as much clutter as they can up to this point. Applicants don't have any intentions of going any further than the sign that is already there.

Commissioner Heitkamp asked if the applicants have a sign on the gift shop or the hotel.

Mr. S. Bourgeois stated that the sign is on the portion of the winery facility.

Mr. C. Bourgeois stated that the sign is on the back side of the gift shop and that is coming down.

Commissioner Heitkamp asked if that is the sign painted on the building.

Mr. C. Bourgeois stated that the sign has been up there since 1992 and is where the new bathroom facility will be located. That whole area is going to be dealt with. It is not going to be dealt with in another sign, but with landscaping and how it is connected with the other building.

Commissioner Caruthers asked the applicants what the projected build out is.

Mr. S. Bourgeois stated that the newest facility will be started this spring or early summer. This would be the 10,000 square foot building. The future development is further in the future.

Mr. C. Bourgeois stated that the applicants are trying to get Show-Me-State or Missouri made products to try and create a destination point village stop along with the winery. If the winery and gift shop is successful and the applicants get tourist traffic they will keep trying to amend that with craftsmen in other spots; that is the applicants goal. In the beginning the applicants need a facility that they can work on ergonomics and create a space that has more visual aesthetics.

Commissioner Caruthers asked the applicants if they had any problems with the conditions.

Mr. C. Bourgeois stated no.

Open to public hearing.

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

Closed to public hearing.

Commissioner Heitkamp stated that the winery has been an economic boon to Rocheport. It has been used as a standard for tourism development in the County. Commissioner Heitkamp stated that her only concern is that the highway will come through some day.

Mr. C. Bourgeois stated there are many businesses along I-70, the applicants won't be the first to deal with it and won't be the last. MoDOT has some real challenges ahead of them, more than the applicants. There is a chance the applicants bought four more acres in case the applicants get run over by the interstate and if the applicants have to move the winery they will. It has taken the applicants 15 years to get up to this point but they are to the point where they need to keep the quality of production and several growers in Boone County now where their grapes are going to be coming in and the applicants have to have a facility to be ready for the next few years. The applicants have gone to the MoDOT meetings and tried to talk to the guys that are going to do the feasibility studies and they couldn't give any insight. They haven't even determined when the feasibility study is going to be done. It looks like they will be going on the applicants side of the interstate but they won't confirm that.

Commissioner Heitkamp stated that in the meetings with MoDOT the Commissioner's talked to them about this because it looked like they were going to cut the applicants right out. But it could be 20 years down the road, who knows when that bridge goes in. The applicants may have to move to the south side.

Mr. C. Bourgeois stated that the applicants may have a problem where people might not be able to get out to the business. I-70 is a problem for the applicants in a number of ways. That building is important for the applicants, they use it for many things and the applicants are trying to get the production out of the old Pete's Café so the applicants can have it as more of a show piece and let people go through the tours. The applicants can't wait for MoDOT to decide what to do and the applicants are expecting them to pay fair market value for what the applicants build. If the State can't do that the applicants are in real trouble.

Commissioner Heitkamp made and Commissioner Neese seconded a motion to **approve** the request by Bomgaars & Associates LLC to rezone from C-G (General Commercial) to M-LP (Planned Industrial) for Les Bourgeois Vineyards on 12.33 acres, more or less, located at 12847 Hwy BB, Rocheport:

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

Motion to approve request carries unanimously.

Commissioner Caruthers made and Commissioner Heitkamp seconded a motion to **approve** the request by Bomgaars & Associates LLC to approve a review plan for Les Bourgeois Vineyards on 12.33 acres, more or less, located at 12847 Hwy BB, Rocheport **with the following conditions:**

1. That the proposed uses be listed on the face of the review plan as it is required under the regulations.
2. That the development meet fire district requirements for commercial/industrial uses as a condition of approval and that specific approval from the Fire Marshall will be required with respect to buildings and construction on the site.
3. 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.
4. That any lighting be shielded and directed inward and downward to the site so as to minimize light leaving the property.
5. That the detailed landscaping and erosion control plan be provided at the final plan stage.

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

Motion to approve request carries unanimously.

Chairperson Smith informed the applicant that this request would go before the County Commission on March 2, 2004.

PLANNED DEVELOPMENTS

None.

PLAT REVIEWS

1. Bow and Arrow. S 9-T48N-R11W. A-2. Philip and Mary Hamilton, owners. James V. Patchett, surveyor.

The following staff report was entered in to the record:

This 7 lot minor plat is located on the south side of I-70 Dr. SE approximately 3000 feet east of the intersection of I-70 Dr. SE and Carter School Road. The site is approximately 3 ½ miles east of the municipal limits of the City of Columbia. The area being subdivided contains 35.08 acres. The property is zoned A-2 (agriculture) as is all the property to the south, west, and east. Property to the north across I-70 is zoned R-M (Moderate Density Residential). These are all the original 1973 zonings. The property is currently the site of several homes, outbuildings and lagoons. Each home and its corresponding wastewater system will end up on its own lot. Sewage treatment will be provided by on-site wastewater systems. Any on-site wastewater system must meet all County Health Department requirements. The site is in the Water District #9 service area. Fire hydrants are required for minor plats containing 4 lots or more, 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 48 points on the point rating scale.

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

Commissioner Morgan stated that there are going to be problems with the 30-foot easements. Commissioner Morgan asked staff if the easements are wide enough.

Mr. Florea stated that there is no standard for private access easements, it is up to the developer and his consultants to be sure they are adequate for access.

Commissioner Sloan made and Commissioner Caruthers seconded a motion to **approve** Bow and Arrow. S 9-T48N-R11W. A-2. Philip and Mary Hamilton, owners. James V. Patchett, surveyor **with waiver requests**:

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

Motion to approve plat with staff recommendations carries unanimously.

* * * * *

2. Owl Hollow. S18-T47N-R12W. A-2. Nancy L. Boon Trust, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The property is located on the north side of Route N approximately ¼ mile south of the intersection with High Point Lane. The purpose of the subdivision is to vacate the plat of Sunnyside Acres and consolidate it with other tracts under the same ownership. The property is occupied by two dwelling units.

The lot will have frontage on and direct access to Route N. The right of way for Route N is 70-feet wide at this location therefore; no additional 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.

On site wastewater systems will continue to be used for sewage disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost/benefit analysis.

As noted earlier in this report, the property is occupied by two dwelling units. This complies with the Boone County Zoning Regulations, which allow up to two dwelling units on a tract that is greater than 20-acres in area.

The property scored 52 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Sloan made and Commissioner Caruthers seconded a motion to Owl Hollow. S18-T47N-R12W. A-2. Nancy L. Boon Trust, owner. J. Daniel Brush, surveyor **with waiver requests:**

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

Motion to approve the plat with staff recommendations carries unanimously.

3. Slumberland Furniture Store 2. C-G. S7-T48N-R11W. Henry Ray, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

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. It is a further division of Lot 1 of the original Slumberland Furniture Store Subdivision. The

area being subdivided contains 5.61 acres. The property is zoned C-G (general commercial) and this is the original 1973 zoning. 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 1A. If sewage treatment is to be from a collector system for all three lots then it may require BCRSD involvement. If sewage treatment will be provided by on-site wastewater systems and an existing lagoon is found upon proposed lot 1 then 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 and 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 and that a collector wastewater system is required to be offered to the BCRSD. If the BCRSD does want the collector system the plat will have to be redesigned to accommodate BCRSD requirements.

Commissioner Sloan made and Commissioner Caruthers seconded a motion to **approve Slumberland Furniture Store 2, C-G, S7-T48N-R11W, Henry Ray, owner, J. Daniel Brush, surveyor with the following staff recommendation:**

- **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 and that a collector wastewater system is required to be offered to the BCRSD. If the BCRSD does want the collector system the plat will have to be redesigned to accommodate BCRSD requirements.**

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

Motion to approve the plat with staff recommendations carries unanimously.

4. Inscore Plat 2. A-2. S17-T50N-R12W. GL & D LLC, owner. Christopher M. Sander, surveyor.

The following staff report was entered in to the record:

The property is located on the east side of Robinson Road approximately 1200-feet south of Highway 124. The two lot plat is the second phase of Inscore Subdivision Plat 1 that was platted in 1997. Both

lots are currently vacant. An accompanying Administrative Survey divides the remainder of the parent parcel into lots greater than 10-acres.

Both lots will have frontage on and direct access to Robinson Road. Right of way sufficient to provide a 33-foot half-width right of way is being dedicated by this plat. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water District Number 4 provides water service to the property. The total number of lots resulting from platting Inscore subdivision Plat 1 and Plat 2 is five lots. Therefore, fire flow is required and hydrants must be installed at locations approved by the water district and Boone County Fire Protection District. The subdivision regulations require that hydrants be spaced no more than 500-feet. The fire protection requirement applies to the lots in Inscore Subdivision Plat 1 and Plat 2 because they are derived from the same parent tract.

On-site wastewater systems will be used for sewage disposal. The applicant has shown a suitable location for a wastewater system on each lot. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 35 points on the rating system.

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

- Prior to recording the plat, the developer shall install fire hydrants at locations approved by Boone County Fire Protection District and Public Water Supply District Number 4. Said locations shall meet the specifications contained in the Boone County Subdivision Regulations, which require hydrants spaced at no more than 500-feet. This condition requires hydrants to be located within 500 feet of the lots in Inscore Subdivision Plats 1 and 2.

Commissioner Sloan made and Commissioner Caruthers seconded a motion to **approve** Inscore Plat 2, A-2, S17-T50N-R12W, GL & D LLC, owner. Christopher M. Sander, surveyor **with waiver request and the following condition:**

- **Prior to recording the plat, the developer shall install fire hydrants at locations approved by Boone County Fire Protection District and Public Water Supply District Number 4. Said locations shall meet the specifications contained in the Boone County Subdivision Regulations, which require hydrants spaced at no more than 500-feet. This condition requires hydrants to be located within 500 feet of the lots in Inscore Subdivision Plats 1 and 2.**

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

Motion to approve the plat with staff recommendations carries unanimously.

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5. Hagans Place. A-2. S13-T46N-R12W. Roger and Linda Higgins, owners. C. Stephen Heying, surveyor.

The following staff report was entered in to the record:

The property is located in the southeast quadrant of the intersection of State Route Y and Hagans Road. The tract being created is occupied by a home a barn and a shed.

The lot has frontage on and direct access to Hagans Road. Right of way sufficient to provide a 33-foot wide half width right of way for Hagans Road is dedicated by this plat. The existing right of way for Route Y is 70-feet; therefore no additional right of way is being dedicated. 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.

The existing lagoon will continue to be used for wastewater disposal.

The existing home sits within the 50-foot setback adjacent to Hagans Road. The Boone County Board of Adjustment granted a variance to allow the home to remain in its current location. A note on the plat references the Board of Adjustment Decision.

The property scored 66 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Sloan made and Commissioner Caruthers seconded a motion to **approve Hagans Place. A-2. S13-T46N-R12W. Roger and Linda Higgins, owners. C. Stephen Heying, surveyor with waiver requests:**

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

Motion to approve plat with staff recommendations carries unanimously.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURN

Being no further business, the meeting was adjourned at 8:06 p.m.

Respectfully submitted,

Mary Sloan,
Secretary

Minutes approved on this 18th day of March, 2004.