

**BOONE COUNTY PLANNING & ZONING COMMISSION**

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, April 15, 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
	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
Absent:	Michael Caruthers, Vice-Chairman	Centralia Township
	Carl Freiling	Cedar Township
	Rob Brown	Rock Bridge Township
	Larry Oetting	Three Creeks Township
Also present:	Stan Shawver, Director	Bill Florea, Staff
	Paula Evans, Staff	Thad Yonke, Staff

The minutes of the March 18, 2004 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 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 rezoning requests:

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

Please give your name and mailing address when you address the commission. We also request that you sign the sheet on the staff table 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, April 27, 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, April 27, 2004 will begin at 7:00 p.m. and will convene in this same room.

## **CONDITIONAL USE PERMITS**

None.

## **REZONING REQUESTS**

1. Request by Crown Diversified Industries Corp. to rezone from R-S (Single Family Residential) to C-GP (Planned Commercial) and approve a Review Plan on 3.75 acres, located at 7208 I-70 Drive SE, Columbia.

Planner, Thad Yonke stated that the report pertained to both rezoning requests and the review plan. These properties are located approximately 2000 feet east of the nearest portion of the Columbia municipal limits on the south side of I-70 Dr. SE and approximately 1 mile east of the Lake of the Woods interchange on I-70. The west parcel is approximately 5.1-acres in area and is currently split by zoning with the north 3.4-acres zoned R-D (residential duplex) and the remaining 1.7-acres zoned R-M (residential moderate density). These zonings went into effect in August of 1993 having been rezoned

from R-S (residential single family). The site currently has a small residential structure on it that is proposed to be removed if the site is redeveloped.

The east parcel is approximately 3.75-acres in area and is zoned R-S (Single Family Residential) which is an original 1973 zoning. The current use of the site is for an equipment service, sales, rental, and repair dealership. The east property has certification of non-conforming use from the Boone County Board of Adjustment for the current use; however, legal non-conforming uses are very limited and can not enlarge or add buildings. Therefore, the request to legitimize the zoning to allow building modification is understandable. If both subject tracts are looked at together, the surrounding zoning to the east, south, and west is R-S and is all original 1973 zoning. Zoning across I-70 to the north is C-G (General Commercial) which was rezoned from A-2 for ABC Labs in 1975. This property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Public Water District No.9. Hydrants are required for commercial structures such as that shown on the plan and any upgrade to waterlines to meet required fire flow will be at the developers cost. Sewer is most likely to be provided as on-site commercial wastewater under DNR or the Health Dept.

The PCD Plan shows a 20,000 sq. ft. warehouse on the west lot and a 1630 sq. ft. addition to the existing building on the east lot. However, the List of Allowed Uses proposed on the face of the plan lists virtually all the uses of the C-G district including almost all the conditional uses. While it is possible to request all these uses on a plan, staff can't support either request as this is essentially an open zoning request masquerading as a planned request. The only aspect that would differ between this request and an open zoning request is that the building locations and sizes are fixed by this plan. Additionally, the uses listed on the rezoning application differ significantly from those listed on the plan causing a procedural problem for this plan and rezoning. The plan was not reviewed for specific impacts of any of these additional uses as the only use listed on the original plan and application was for an equipment sales and service for the east tract and commercial storage for the west tract. The site and plan proposed is not appropriate for a number of the listed uses and staff finds a number of the uses incompatible by nature and the sufficiency of resources test required of all rezonings will most probably fail for some of the uses listed. Therefore, staff must recommend denial of both rezoning requests and the associated review plan. Staff feels that under certain conditions the original proposed uses from the application can be made compatible. 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. Limiting the request to equipment sales, service, repair, and rental and/or commercial storage will meet these tests. This site has 58 points on the point rating system. Staff notified 80 property owners about this request.

Staff recommends denial for failure to comply with the regulations, failure to meet the sufficiency of resources test, and because uses listed on the proposed review plan for the PCD are not compatible with the surrounding area.

Should the commission feel that with the limitation of the uses of the original request (equipment sales, service, repair, and rental and/or commercial storage) are appropriate then Staff feels that the following 9 conditions are needed to make the request compatible.

1. On the PCD plan the section labeled "Land Uses" must be modified to list only "equipment sales, service, repair, and rental and/or commercial storage".

2. That the note on tract 2 titled "Landscaping/Buffering" be amended to add the following to the end of the existing text: "Should any tree cover be removed from the south 300 feet of the property then a Landscape Buffer comprised of at least three rows of eastern red cedars spaced at 15 feet on center with each row offset from the next row to provide a solid visual buffer will be required. The three rows is a minimum with the Director of Planning able to require more if in his opinion it is required to provide the required buffering effect. Specific approval of the Planning Director is required to meet this requirement."
3. That a note be added saying: "Buffering planting materials that die are required to be replaced with living plant material of the same opacity and buffering capability or greater as determined by the Planning Director as that of the original planting materials and that such new plant material be planted in the next growing season after the dead plantings die."
4. That a buffer of at least three rows of eastern red cedars spaced at 15 feet on center with each row offset from the next row to provide a solid visual buffer be planted along the west property line of the west tract, being tract 2 on the plan, for the entire length of the property line that is not already providing a solid visual buffer with existing vegetation.
5. That the continuous driveway cut along the outer road on proposed tract#1 be reworked to the satisfaction of MoDot and the Director of Planning to restrict the vehicular circulation to bring the "driveway" entrance and exit areas into compliance with current MoDot standards for commercial driveways.
6. That all lighting be directed inward and downward.
7. That the existing Billboard be indicated on the plan by size and that the existing Billboard may be maintained as it is currently found but can't be enlarged, can't be raised in height, and can't be altered in any fashion to make it a more permanent structure. Should the Billboard be removed or damaged to greater than 75% of its value immediately prior to its change, the Billboard shall not be replaced and any additional components of the original Billboard must be removed.
8. That it is recognized that no additional structures are allowed on the site without going back through the process and receiving approval of a revised review and revised final plan. This includes freestanding signs.
9. That it is recognized that if a revised review plan is submitted for the property the uses listed on the previous approved review or final plan may or may not be approved on the revised plan and all uses proposed on the revised plans will be evaluated with respect to the specifics of the revised plans. Any such use may still be denied when proposed for a specific tract or tracts in the future and the current approval does not constitute any right to a specific use because of the current approval on a future revised plan.

Chairperson Smith asked Mr. Yonke that due to the fact that the review plan differs so much from the plan the Commission viewed earlier is it an opportunity for the applicants to table this request.

Mr. Yonke stated that an applicant can always ask to have a request tabled. The question in this particular instance would be if the tabling is done to allow for further modifications if it is done to try to comply with certain sets of the regulations like the fact that the application had different uses than this. If the desire is to get more of these uses a new application has to be filed because tabling it won't change the fact that the application doesn't match the review plan. That is one of the technical requirements, resubmittal would have to be done to match. Beyond that, depending on how it is handled, if the uses are cut back to match the application and changed then it is back in compliance with what was originally asked for. That is why staff is not saying that the Commission can't hear the request, there is potential that it could be made compliant if the Commission sees it that way.

Chairperson Smith asked if the Commission could approve the rezoning request and deny the review plan.

Mr. Yonke stated that the Commission could do that; the Commission typically hasn't because the applicants would still be required to bring it back in and that would cause some problems under the new regulations because you have to list the specific uses. If more uses other than what was applied for on the original application are still argued for, which the plan seems to indicate, then there is a technical problem about approving it. Mr. Yonke stated that the Commission can vote to approve it but the reality is whether or not that is really a legal motion. If the desire was to make a match but change it from what was originally applied for a new application could be submitted to do that but it would require a new application and new notice.

Chairperson Smith stated that she new if the Commission denied something then there is a timeframe before the applicants can reapply.

Mr. Yonke stated that is another reason it can be withdrawn. The applicants do not have to withdraw it before hand. It would probably be worthwhile to at least hear what the applicants have to say and ask them how they plan to do it.

Present: Ron Lueck, Surveyor, 300 St. James St., Columbia.  
Harold Chapman, owner, 5393 N. Hwy PP, Columbia.  
Aaron Barnhart, Surveyor, 300 St. James St., Columbia.

Mr. Lueck stated that before the applicants consider tabling this request the applicants would like to have some discussion on this. Losing sight of the ultimate goal of this is what we seemed to accomplish here. Crown Power has been advised to get more than a 3.75 acre tract and land became available next door which they are looking to purchase. The zoning has to be in place and that is the ultimate achievement. The applicants are simply adding on to the existing building on the tract that they now own, a 25 x 65 – foot addition. Somehow we have arrived at this review plan through the ordinances. The application that was turned in with the requested use of this is what the applicants were ultimately looking at. The listing of the land uses on the review plan is everything that is allowed in the C-G zoning district. It was indicated to the applicants to put everything on the plan that the land could possibly be used for. Mr. Lueck stated that he understood the contradiction between the requested use and what the plan shows but this is what the applicants were indicated to put on the plan. These are all the possible uses that could go in this zoning.

Chairperson Smith asked the applicants who indicated that all the uses should be put on the plan. The Commission sees a lot of review plans where people are very specific about what they are going to use it for; it doesn't include everything that it could possibly be used for.

Mr. Lueck stated that it was a little vague on the directions of what to put on here. Mr. Yonke helped the applicants and said to throw everything on there that the applicants might use on the property and that is what the applicants did. This is all the uses possible in this zoning with the exception of a truck stop and a bar; those were omitted because the applicants knew that wouldn't fly with the Commission.

Chairperson Smith stated that when it is planned commercial the commission likes to know what the plan is. When it is open like this it doesn't really reflect the plan.

Mr. Yonke stated that there was obviously a misunderstanding. The applicants have to show all the uses that they want so if any different uses are wanted other than one specific use the applicants have to list

them. For instance if the applicants don't have specifically listed equipment repair and sales that would need to be listed and any other use that is being requested has to be listed on the plan. That doesn't mean that it could be any potential use it could be if it was a different zoning district and in truth a C-G zoning district is a different zoning district from a C-GP zoning district. The applicants are following the proper procedures. Had all of these uses been listed on the original application and reviewed based on that then the applicants could be proposing it this way under a C-GP and the Commission could look at it and decide whether all the uses are appropriate. But that is not what was done. Staff always encourages people, if they think they have one use they want to do but think in the future they may wish to move and market it to somebody else, if they think of those uses and they put the uses on, they have to apply for those as well up front. Then they also put them on the plan. If the Commission approves it that way, that is fine, or the Commission could strike uses. Obviously there has been a misunderstanding from what Mr. Lueck is saying they felt that should mean. If the applicants wish to come back with all of these uses they could be reapplied for and re-noticed. Staff's understand was that the applicants only wanted the two uses that they originally applied for. If the Commission cut it back to just that we can go on or it can be dropped right now and reapplied for with all of the uses and the plan can be reevaluated.

Chairperson Smith stated that we have to decide which direction to go.

Mr. Yonke stated that for example, place of worship which is the first item listed under land uses. That is an existing use of the existing zoning district so as a use staff wouldn't have a problem with that. But the plan that is proposed doesn't comply with County regulations for a church. It doesn't have enough parking based upon the fact that the parking was calculated and shown as a warehouse. Warehouses and Churches calculate differently for parking. The plan doesn't comply with uses that are listed and that is where the problem is. Because those uses weren't specifically designed in to the plan there is a technical incompatibility and almost an impossibility to approve it that way.

Mr. Lueck stated that the ultimate desire was rezoning of the western tract, actually both of them because they are both zoned residential. On the western tract the applicants could build duplexes up front and multi-family in back. What the applicants were looking for was commercial zoning; the review plan could come later.

Commissioner Sloan stated that it would be difficult to do a rezoning request without a review plan.

Commissioner Mink stated that if the plan was reduced back down to match the application then we wouldn't have a problem.

Mr. Yonke stated yes. If the additional uses were struck off the plan or the uses listed on the application then the applicants would be compliant.

Mr. Lueck stated that Mr. Chapman has to talk to another owner in St. Louis.

Mr. Chapman stated the buffer zone never came up in the meetings the applicants had with staff. Mr. Chapman asked if that was an issue because of where it is located or is it standard procedure.

Mr. Yonke stated that it is fairly standard. Anytime there is a commercial zoning district neighboring with a residential district staff will typically asks for buffering. Mr. Yonke stated that it was required for the automotive auction across the road.

Mr. Chapman stated that the applicants moved another line of their business from Callaway county, Millersburg area. There is currently not enough room to show the lawn mowers in the buildings. The

applicants would like to add a show room. At the same time, the applicants are not in compliance with one of their manufacturers in regard to the five acre rule. The applicants have an opportunity to get in compliance with them and that is why the applicants are looking at this. Mr. Chapman stated in five years the applicants may decide they don't want to be a New Holland dealer anymore and wish to sell the property. Is the Commission saying that the only thing that can be on that property is equipment dealership if that is what is put on the plan?

Mr. Yonke stated yes, the plan is binding. If the applicant is satisfied with that for the time being, they can revise the plan to match the application and continue on through the process. This does not preclude them from filing a new application for a Revised Review Plan at some point in the future in order to add to the list of allowed.

Mr. Lueck stated that the review plan isolates the property to just what you request even though other uses are allowed in that zoning district.

Mr. Yonke stated that was also the case under the old regulations as well. You only got what you asked for, it just didn't show it on the face of the plan before which caused a lot of confusion.

Mr. Lueck asked if everyone thought that was a good idea.

Commissioner Heitkamp stated that the Commission understands that the applicants want to move forward with their dealership but legally this request was advertised to the public as these two uses. If the Commission were to approve the review plan that went beyond those two uses Commissioner Heitkamp feels the Commission would be doing something illegal.

Mr. Chapman stated that he understands that. One of the issues is that nothing was brought up in the review plan about 45-foot of trees on the west and south side until now. Mr. Chapman stated that he has to answer to someone else too; he is not the only owner of the property. At this time Mr. Chapman stated that he doesn't feel comfortable giving up 45-foot of property on the west and south side without talking to the other owner. Mr. Chapman stated that he knows what he wants to do with this property, which is try to grow the business that is there now but he is not comfortable with the tree issue. Mr. Chapman stated that he knows he has to abide by the Commission's decision but Mr. Chapman doesn't believe he can make that decision tonight but doesn't know if he wants to table the request.

Commissioner Heitkamp told Mr. Chapman that it would be in his benefit to table the request because if the Commission denies the request then the applicants will have to wait to come back with another request.

Mr. Yonke stated that if the request is tabled then the only thing that can come back is having the request paired back. If the other uses are requested then the request would need to be withdrawn and a new application submitted. As far as the buffering issue is concerned, staff did ask for a landscaping plan. The landscaping plan that was received basically said that the applicants were just going to leave the trees in place. When staff reviews a plan a proposal is usually made for the landscaping. The applicants can propose a landscaping buffer between the residential property and the applicants property that might be lesser but provides what the applicants feel is the same opacity as what staff would propose. If the applicants can convince the Planning and Zoning Commission and County Commission of that, that is fine. What staff has proposed is the standard for when no buffering is proposed between a commercial property and residential property. The applicants can propose something alternate to the standard that staff has proposed.

Chairperson Smith stated that one of the questions the applicants have to ask is if they want to revise the application or the plan because that would mean whether they would withdraw or table the request, or the Commission could act on the request tonight.

Mr. Yonke stated that if the applicants withdraw there is no prejudice if the Commission acts on the request tonight and it is denied and if the applicants don't, the request is dead. If the Commission acts on it and denies the request and the applicants appeal it will go forward to the County Commission with a denial and the reasons for the denial, which would be non compliance. If the County Commission further agrees with that the applicants will have to wait one year to come back with effectively the same request. What is and isn't the same request is up to the Director. If the applicants table the request then they can get issues worked out like the buffering and the uses would have to be the uses listed on the original application. If the request is withdrawn the applicants could resubmit and if there were some of these uses listed on the current plan that the applicants want to have for the property, the applicants could put that on the application and the request would be reviewed based on those uses. The property would still have to have all the resources necessary to support the uses. If it is a use that is going to require more water then the applicants will have to show that they have enough water right now for that future use.

Mr. Chapman asked if there was any way that he could get the plan approved to try to build an addition for a showroom on the property that he is operating currently.

Mr. Yonke stated that they are two separate requests. They are tied together in terms of the plan. One portion of the plan could be deleted but it going to require a new plan to be drawn. Either way the use would have to be limited back to what was asked for originally. If that were the case then the applicants could theoretically have it tabled or go on and ask for the one request and that request would go forward and the other wouldn't. The plan itself is going to have to be significantly modified to make that work.

Commissioner Sloan stated that it would seem that it might be in the applicant's best interest to withdraw this request and talk to the other owner and come back next month with something that works rather than trying to modify this plan.

Mr. Chapman stated that all of these issues came up for the first time tonight and asked if there were any way that there could be some meetings prior to the Planning and Zoning Commission meeting to discuss these issues.

Mr. Yonke stated that the process is so quick in terms of the turn-around for a submission. After submission comments have to be back from other agencies within one week; those comments have to be forwarded to the surveyor who then has less than a week to get back to staff. There is no time to be able to catch other issues because of comments that came back to get all the issues worked out beforehand. That is a problem with how quick the turnaround is. It may seem like a long time to the applicants but with all that has to go on before a request gets to the Planning and Zoning Commission it is too quick to get that back in. For example, when staff asks for the uses to be put on the plan staff expects to just see the uses that were on the application. The applicants have misunderstood that. At that point there was virtually no time then for staff to catch it because the plans had to go out to them and at that time the plans are essentially "fixed". The process is so fast that it makes it difficult. Mr. Yonke stated that he would like to be able to have the staff reports done a week in advance so there was time to work on it. The staff reports are usually done the day of the meeting because there is no time to get them done prior to that.

Mr. Lueck stated that the bottom line is rezoning. Mr. Lueck asked if there was a way to get the zoning approved without a review plan going in to place.

Mr. Yonke stated that under the current regulations you have to have a review plan.

Mr. Florea stated that you have to have a final plan before the zoning would go in to effect. You can't have a final plan without a review.

Mr. Chapman asked the Commission if they had any problem with getting the rezoning so the applicants could do an addition to the existing building. Mr. Chapman stated that he understands the MoDOT issue; that is going to be there regardless. It wouldn't affect the buffering on the trees for that property.

Mr. Yonke stated that the buffering was included because of the residential structures on the other side.

Mr. Chapman stated that on the property he owns is there a problem with that plan. Is there an issue there?

Commissioner Duker stated that it is hard to theorize on a plan you can't see. It is the idea of what could happen in the future that is unplanned. Commissioner Duker stated that he likes the idea of having a buffer between the residential neighborhoods.

Mr. Chapman stated that the property the applicants are on now there is no buffer at the present time. The applicants don't go to the back part of the property, there are no trees planted back there at this time.

Mr. Yonke stated that the nonconforming use is not allowed on the back portion of the property. When the nonconforming use was approved it was only approved for the front 200 or 240 feet of the property. Within the applicants own property due to distance and zoning, there is a buffer because the applicants can't do any commercial activity at the current moment on the back portion.

Mr. Chapman stated that the property the applicants want to purchase is two different zonings. Mr. Chapman asked what the applicants can do on the property with the current zoning.

Mr. Yonke stated that the applicants can propose a subdivision plat which divides the property in to streets and lots and then each of those lots in the front portion can have a duplex on them if they are 10,000 square feet or larger. In the rear portion the applicants can do single family houses, duplexes or apartment buildings. They could be on separate lots or with the apartment complex it could be done on one big lot in the back as long as it has road frontage. At that point the applicants could base it on one unit for every 2500 square feet of area. The applicants have 1.7 acres of R-M zoning there is 43,560 square feet in an acre and for every 2500 of that there could be one unit. The applicants are looking at a good sized apartment building. That is allowed without coming back to the Commission other than for the plat.

Mr. Lueck stated that there are 28 allowable duplexes that could be fit in the front right now.

Mr. Yonke stated that is correct.

Mr. Barnhart stated that he had a question about the timing of this because staff had mentioned the zoning wouldn't go through until the final plan. Can the applicants move forward with this now with the paired back uses and then at a later date if the other owners decide they are not comfortable with the

recommended limitations, can the applicants pull this before the final plan effectively not limiting the uses on the west tract since this final plan will never go through.

Mr. Yonke stated that the applicants can go forward pairing this down back to what was asked for in the original request and the applicants can even go forward arguing the conditions. The nine conditions were recommendations so the applicants can try to see if those can be modified. If the applicants do that and it goes to the County Commission they can modify those conditions right then or if they accept those then the applicants are fixed with that as a review plan. If the applicants wish to change any of those conditions the applicants will have to start the process again. Because a final plan is just a plan that is shown to be in compliance if it were approved with the recommended conditions it would have to come back showing the changes. That is the purpose of the final plan; no new conditions can be placed on it. The final plan is looking for compliance with the regulations and what was asked to be changed on the review plan. That step is more of a formality.

Mr. Yonke added that the applicants could withdraw the request for the bank property and go forward with the other request and pair it back. If the conditions get put on it then the conditions that are applicable to the other tract don't apply. The Planning and Zoning Commission and the County Commission can add or subtract those conditions as they see fit.

Commissioner Duker stated that the Commission would be approving something without a buffer on the west side.

Mr. Yonke stated that because the one tract would be dropped the Commission would be approving something without a buffer. There are some ramifications the Commission would have to be comfortable with for example, there would become a 20-foot perimeter along that property line because the other would no longer be part of the planned district. If you do that the billboard is in the perimeter setback so that somewhat changes some of those technical issues. Those kinds of things could be taken care of easier if we bring it back through the process but it can be handled that way if the Commission so wishes. The drawing would have to be revised to take all that out before it went to the County Commission.

Commissioner Heitkamp stated that there would still have to be a buffer on the west side because it abuts residential land.

Mr. Yonke stated that is correct, it is still zoned residential so if the Commission felt it needed a buffer then the Commission could require that.

Commissioner Sloan stated that if the applicants drop part of it and the Commission denies the request then that could severely constrain the other tract.

Mr. Yonke stated that if the applicants do decide to go ahead with the one request, the Commission is not bound to approve anything.

Commissioner Sloan stated that if the applicants drop part of this and change the review plan it doesn't mean the Commission will automatically approve the request.

Mr. Yonke stated that the only thing that could be appealed if the Planning and Zoning Commission doesn't approve it is what was not approved. If a request is tabled or withdrawn it can't be appealed.

Commissioner Duker asked what would happen to the entrance on this tract.

Mr. Yonke stated that this provision does apply to this tract; the other tract was shown with a driveway location only that would meet MoDOT's access standards. MoDOT did specifically comment at the concept review that they did not want the continuous curb cut to remain, even though it is an existing condition MoDOT gets a shot at it because it is coming back as planned and they would like it to meet their access management standards.

Chairperson Smith stated that if the applicants were to withdraw everything tonight could they come back next month.

Mr. Yonke stated yes; as long as it is before the Commission votes.

Chairperson Smith stated that this would be about a month delay to work out some of these issues.

Commissioner Duker stated that he doesn't have a problem with the plan, just the notes and the buffer.

Chairperson Smith stated that she has a hard time thinking about it because she just saw it when she walked in the door tonight.

Mr. Lueck stated that the bottom line is a 25 by 65 foot addition on the existing building and rezoning of the tracts to something that is complying with what is being done out there.

Chairperson Smith stated that the applicants have to think in terms of what they are going to propose for future use plans in terms of what will be acceptable for the area. There are inconsistencies that make it hard for the Commission to act on tonight.

Mr. Lueck stated that at this point the applicants will withdraw the request.

Mr. Yonke stated if the applicants want to resubmit a new application it will need to be received by the 26<sup>th</sup> then the applicants can get on the May agenda.

Mr. Lueck asked if this would take another mass mailing to those 80 people for the same request that is on the mass mailing.

Mr. Yonke stated yes, that is a State law requirement. If it is a rezoning request and if it goes forward it needs to be done. The reality is unless the applicants pair it back to only what was advertised this time, there is no way around that.

Mr. Lueck stated that the applicants request to withdraw at this point.

Chairperson Smith stated that the request has been withdrawn so there will be no public hearing for this request.

**REQUEST WITHDRAWN.**

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2. Request by Boone National Savings & Loan Assoc. on behalf of Crown Diversified Industries Corp. to rezone and approve a Review Plan for 3.41 acres from R-D (Two Family Residential) to

C-GP (Planned Commercial) and 1.69 acres from R-M (Moderate Density Residential) to C-GP, located at 7106 I-70 Drive SE, Columbia.

**See discussion under previous request.**

**REQUEST WITHDRAWN.**

## **PLANNED DEVELOPMENTS**

None.

## **PLAT REVIEWS**

1. Moreau Road. S32-T49-R13W. A-2. Mark Fields and David L. turner, 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 Moreau Road at the immediate southwest corner of the intersection of Driskel Road and Moreau Road. The site is approximately 1&1/2 miles west of the municipal limits of the City of Columbia. The area being subdivided contains 5.54-acres out of an approximately 84.4-acre parent parcel. The final lot size of the lot created is 4.78-acres. The property is zoned A-2 (agriculture) as is all the surrounding property. These are all the original 1973 zonings. The property proposed to be platted is currently vacant and contains some 100-year floodplain. Sewage treatment will be provided by on-site wastewater systems. Any new on-site wastewater system must meet all County Health Department requirements. The site is in Consolidated Water District #1 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 and we have a wastewater plan in the file. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. Since the actual lot size is less than 5-acres, the platting of this lot will prevent further platting of the parent parcel into lots that won't have direct access to and frontage upon a road dedicated to the public and accepted for public maintenance. Private driveway access easements can't be used in any future plats of the property. This plat has 50 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests with the recognition that the choice of lot size by the subdivider of this plat limits future platting options for the remaining parent parcel.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to **approve** the plat Moreau Road. S32-T49-R13W. A-2. Mark Fields and David L. turner, owners. Curtis E. Basinger, surveyor:

Pat Smith - Yes  
Mary Sloan - Yes  
Keith Neese - Yes

Mike Morgan - Yes  
David Mink - Yes  
Russ Duker - Yes

Kristen Heitkamp – Yes

Motion to approve the plat with staff recommendations carries unanimously.

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- 2. Carlos Meadows. S22-T49N-R13W. A-R. Fernando and Isabela Carlos, owners. Mathew P. Thomas, surveyor.

The following staff report was entered in to the record:

The property is located on the west side of N. Creasy Springs Road just north of the intersection with W. Fenton Road. The property is being divided into two lots, one five-acre tract and a remainder that is being created by Administrative Survey. The lot is currently occupied by a mobile home, two sheds and a lagoon.

The lot will have frontage on and direct access to Creasy Springs 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.

Consolidated Public Water District Number 1 provides water service to the property.

An existing lagoon will continue to provide wastewater disposal for the existing mobile home.

The property scored 52 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to **approve** Carlos Meadows. S22-T49N-R13W. A-R. Fernando and Isabela Carlos, owners. Mathew P. Thomas, surveyor:

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

Motion to approve the plat with staff recommendations carries unanimously.

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- 3. Lee. S15-T50N-R12W. A-R. Alfred and Myrtle Lee, owners. Donald E. Bormann, surveyor.

The following staff report was entered in to the record:

This 2 lot minor plat is located on the north side of Highway 124 approximately 1&1/2 mile west of the intersection of Frink Road, State Route U and Highway 124. The site is approximately 3/4 mile west of the municipal limits of the City of Hallsville. The area being subdivided contains 11.55-acres. The property is zoned A-2 (agriculture) as is all the surrounding property. These are all the original 1973

zonings. The property is currently the site of a home and detached garage/barn on proposed lot 1 proposed lot 2 is vacant. The existing garage encroaches slightly into the setback area and will require a BOA variance. Sewage treatment will be provided by on-site wastewater systems. Any new on-site wastewater system must meet all County Health Department requirements. The site is in Water District 4 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 Hallsville School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested and we have a wastewater plan in the file. 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 65 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests subject to the following condition: That a BOA variance is granted for the garage to be in the required setback area and should the variance not be granted the plat approval is void.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to **approve** Lee. S15-T50N-R12W. A-R. Alfred and Myrtle Lee, owners. Donald E. Bormann, surveyor:

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

Motion to approve plat with staff recommendations carries unanimously.

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4. Byron’s Hills. S16-T50N-R13W. A-2. Beverly Roemer, owner. Steven R. Proctor, surveyor.

The following staff report was entered in to the record:

The property is located on the west side of Route YY just south of the intersection with State Route 124. The purpose of the subdivision is to consolidate to existing lots of record into one for the purpose of replacing an existing singlewide mobile home with a doublewide unit.

The lot has frontage on and an existing access to State Route YY. The right of way is 70-feet wide at this location, which exceeds the standard. Therefore, no additional right of way is being 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 supplies water to the property.

There is an existing lagoon on the property providing wastewater disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The lot does not meet the minimum lot size for the A-2 zoning district. The Boone County Board of Adjustment approved a variance to the minimum lot size on August 28, 2003.

The property scored 31 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to **approve K & K Crump. S24-T46N-R13W. A-2. Kathryn and Kelly Crump, owners. Curtis E. Basinger, surveyor.**

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

Motion to approve plat with staff recommendations carries unanimously.

## **OLD BUSINESS**

Mr. Shawver updated the Commission of the decisions made by the County Commission.

Perche Creek Go-Kart Track and Paint Ball Facility was approved by the Commission as recommended.

The Prime Development preliminary plat did not go to the County Commission, it was not required to go to the County Commission. The review plan did not proceed to the County Commission because there were some conditions that the applicants had not completed yet. It probably won't proceed until next month at the earliest.

All the plats were approved as recommended.

Staff is still holding Walnut Brook plat 4, the applicants have not completed some sewer improvements and they also have not signed their pre-annexation agreement with the City.

The Planning and Zoning Commission discussed general zoning issues.

## **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.