

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, May 20, 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: Michael Caruthers, Vice-Chairman Centralia Township
 Mary Sloan, Secretary Rocky Fork Township
 Mike Morgan Bourbon Township
 Kristen Heitkamp Katy Township
 Russell Duker Missouri Township
 Larry Oetting Three Creeks Township
 David Mink Public Works

Absent: Pat Smith, Chairperson Perche Township
 Rob Brown Rock Bridge Township
 Carl Freiling Cedar Township
 Keith Neese Columbia Township

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

The minutes of the April 15, 2004 meeting were approved with an addition under new business to state that the Commission had a discussion of summer open house plans for the master plan review. Minutes approved as corrected by acclamation.

Vice-Chairperson Caruthers 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, six rezoning requests and one development review plan.

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:

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 is 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, June 1, 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, June 1, 2004 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

1. Request by Kent and Vicki Gilbane for a permit to expand a mobile home park on 10 acres, located at I-70 Dr. NE, Columbia.

Planner, Bill Florea gave the staff report stating that the property is located at 10221 I-70 Drive N.E. approximately 3.5 miles east of Columbia. The property is occupied by two single family dwellings and several mobile homes. An on-site lagoon is being used for wastewater disposal. The Master Plan designates this property as suitable for agriculture and rural residential land uses. The zoning is Moderate Density Residential, R-M, which is the original zoning designation. The zoning of adjacent property is as follows: north - A-1, east - R-M, south (across I-70) - A-2, west - A-R. There have been no previous requests submitted for this tract. Staff notified 16 property owners regarding this request.

The applicant is requesting approval to expand the mobile home park to allow 38 single-wide spaces and 5 double-wide spaces for a total of 43 spaces. Two storage buildings and a fenced storage area are proposed to be built for use by the occupants.

Mobile home parks can be permitted by conditional use permit, in the R-M district, if they comply with the existing mobile home park ordinance and meet the criteria for issuance of a conditional use permit.

Compliance with the existing mobile home park ordinance:

Boone County adopted the Mobile Home Park Ordinance in 1971. Many of its provisions have been superseded by the adoption of more strict regulations such as the Zoning Regulations, building and fire codes.

In general, the application conforms to the applicable portions of the Mobile Home Park Ordinance. This section of the report will focus on areas where the application does not appear to meet the minimum standards.

- Section 7.1.e requires a fifty-foot landscaped strip adjacent to a state highway or county road and a twenty five-foot landscaped strip along all other lot lines. The fifty foot strip has been provided, although a landscape plan has not been submitted. The twenty five foot strip has been provided except at the ends of the cul-de-sacs. The cul-de-sacs should be shortened so that the minimum 25' buffer can be provided. Note: a more restrictive condition will be requested for the end of the main park street in the conditional use section of this report.
- Section 7.3 requires the site to be graded so as to drain all surface water in an efficient manner.
- Section 7.6 requires that a recreation area be provided at a ratio of 200 square feet per mobile home unit or a minimum of 5,000 square feet. No such recreation area is proposed.
- Section 7.8.e requires illumination, especially at potentially hazardous locations such as intersections and parking areas for community facilities. Care should be taken however to shield illumination so as to eliminate off-site glare.
- Section 12 addresses refuse handling. The park operator is required to ensure proper disposal of refuse by providing on-site collection facilities and off-site hauling.

In addition to meeting the requirements of the mobile home ordinance, the application must meet the criteria for issuance of a conditional use permit. Those criteria are addressed as follows:

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

If operated in conformance with existing county regulations, the use should comply with this criterion

(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.

The property is adjacent to zoning districts on the west and north where mobile home parks are not allowed. This raises an issue of incompatibility between neighboring land uses. This can probably be overcome by proper buffering between the conflicting uses. A condition will be proposed to require buffering in excess of that required by the mobile home park ordinance on the north and west property lines. Public testimony may be indicative as to whether this criterion is met.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

Mobile home parks do not inherently diminish or impair the value of other properties in the vicinity. However, public testimony may be indicative as to whether this criterion is met.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The site has access to public water and roads. The developer proposes to build a sewage treatment system for wastewater disposal. Such a system will require an operating permit from the State Department of Natural Resources. The Mobile Home Ordinance requires that the site be graded so as to drain properly. This drainage requirement, however, does not address issues such as increase in the rate and volume or reduction in the quality of stormwater leaving the site.

(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 developed in accordance with the Mobile Home Park Ordinance and the conditional use criteria, the development should not impede development in this area.

(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.

I-70 Drive N.E., the public roadway providing access to the property, is under the jurisdiction of the Missouri Department of Transportation. Currently there are two points of access from I-70 Drive N.E. to the property. The site plan shows the elimination of one of those access points. Any improvements in the right of way, necessary to provide access to the development will require a construction permit from MoDOT.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the R-M zoning district.

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

1. Prior to construction, the applicant shall submit a landscaping plan addressing the following:
 - Landscaping in the 50-foot setback area
 - Landscaping on south end of proposed storage buildings
 - Increase perimeter buffer to 50' including three rows of evergreen trees on west and north property lines
 - All trees shall be at least 4' in height at the time of planting and shall be a species that is suited to this location and climate
 - Any dead or diseased trees shall be replaced within one calendar year

The site plan shall be amended to meet these conditions.

2. Prior to any grading on site, an engineering grading plan must be submitted that has been designed so as to ensure proper drainage from the site. In addition, the applicant shall provide the county with a copy of a land disturbance permit issued by the Missouri Department of Natural Resources.
3. Provide a recreation area at least 5,000 square feet in area. Said recreation area shall be shown on the site plan.
4. Illumination must be provided at all street intersections and at all parking areas for community facilities. All illumination must be directed and/or shielded so as to prevent offsite glare.
5. The applicant shall provide a refuse handling plan that conforms to Section 12 of the mobile home park ordinance. All refuse collection stand shall be shown on the site plan.

Present: Kent Gilbane, 4026 N. Creasy Springs, Columbia.

Mr. Gilbane presented an aerial photograph of the property. Mr. Gilbane stated that he purchased this property in September and already owned the adjoining property. The property was purchased for two reasons, one is its general proximity to the applicant's present business and because of this the applicant will be able to better supervise and control what went on there. The other reason is because of its existing zoning with is R-M which allows for a mobile home park. The applicant has been looking for property in Boone County for a while to do this. This site is already approved for six mobile homes. There are presently two homes on it and expect two more soon.

Mr. Gilbane presented a site plan stating that there are currently two mobile homes there and there is an inadequate lagoon system. The existing lagoon is large enough to handle what is there now but it will probably have to be upgraded as the mobile home park gets larger. There are some new regulations coming out and DNR believes that a two-cell system would work, if it wouldn't then the applicants can go with a sand filtration system or a mechanical system which would take up no more space than half of one of the existing cells out there.

The applicants are currently having problems with the existing sewer and water and this is one of the reasons the applicants want to do this development. The applicants would like to develop it in two phases. Part of the problem is that there is an existing house where some of the mobile homes are supposed to go and the applicants recently signed a one year lease with the residents of the house and they do not want to move. The applicants want to develop in two sections. Mr. Gilbane pointed out the location of the tree line stating that the tree line is near the creek and the applicants want to develop the front half improving the lagoon system, roads, sewer, and water adding some fire hydrants then coming back in about 36 months and developing the back section depending on how quickly the applicant rents out the existing spaces up front.

Staff had made a comment about a park. The applicant spoke with staff after this plan was submitted. At the tree line area there is a creek that is very low and it is not conducive to have any homes in that area. An area in there could be set aside for this park. There are some large trees in the area. The applicants have not talked about putting up a playground or anything like that because of the liability; it would be

more of a green area leaving most of the trees there which will make it look like two separate developments with the front section and the rear section.

Under R-M the applicants are allowed to have up to 7 units per acre. The applicants are proposing 4 units per acre so it is relatively a low density. Staff also said that you are required to have a minimum of 10-feet in between each unit, the applicants are offering up to 20-feet. A lot of mobile home parks in Columbia are getting either closed down because of future development or it is just obsolete due to the size of the spaces. The spaces of these parks were set up to 10-foot 50-long mobile homes where the applicants are set up for 16-wides and 90-foot units.

Commissioner Morgan asked the applicant if he would be taking out the lake that is on the back side of the property.

Mr. Gilbane stated that it is more of a pond than a lake it is very shallow. The applicant is going to drain it and fill it in.

Commissioner Morgan asked if the applicants will have to pump the waste water from the last mobile homes to the lagoon that are below the treatment plant.

Mr. Gilbane stated that they have a slight grade downhill.

Commissioner Morgan asked if the homes were above the lagoon.

Mr. Gilbane stated yes. Flow is not an issue.

Commissioner Oetting stated that there is a fire hydrant shown on the plat and asked if the applicant has talked to water district 9.

Mr. Gilbane stated that the applicants did a water flow when the other property was developed. There was more than enough adequate water pressure.

Commissioner Oetting asked if there was enough water pressure for a fire hydrant.

Mr. Gilbane stated that there is a fire hydrant existing in the front of the property and that is where the test was done.

Commissioner Oetting asked if the applicant heard that from the water district.

Mr. Gilbane stated he was informed this by the fire district.

Commissioner Duker asked the applicant if he had any problems with the notes.

Mr. Gilbane stated generally not. The only issue would be the area setback on the north and west side. The applicants are presently 25-foot back. If you had residential homes you could get by with as much as 25 or 35 foot back. Mobile homes shouldn't be kept to a higher standard than a residential home. That would be the only dispute. The applicants tried to show landscaping but the trees are probably not staggered as staff would like. Mr. Gilbane stated that he hoped to work out something in between. The applicants forgot about the area of refuge. The applicants talked about the park and agreed to the location as shown on the plan. On the illumination the applicants show some street lights on the plan at

the three main intersections. Mr. Gilbane stated that he didn't know if staff wanted something more than is shown on the plan.

Mr. Gilbane stated that a lot of mobile home parks have problems with their tenants. There are a lot of multiple cars, boats, and campers. Mr. Gilbane stated that the applicants have proposed a parking area so that people that have these items will be able to park there, it will be required in the lease and they won't be able to keep these items on their lots. People have a tendency to put a lot of storage units in. There is a current tenant that has three of them now. In the lease the applicants will limit them to one storage unit and put units in front. In the first phase they will build one unit and during the second phase the second unit will be built. These units will be available to the tenants; they will not be free, there will be a small charge but it will be cheaper than a storage unit in town. There will be some walk-in storage units and some garage style units.

Commissioner Duker stated that staff had a comment about cul-de-sac's.

Mr. Florea stated that was in regard to the buffering because the cul-de-sac's project in to the 25-foot parameter buffer.

Commissioner Duker asked the applicant if he had a problem with moving the cul-de-sac's.

Mr. Gilbane stated no.

Commissioner Morgan asked if the cul-de-sac's were going to be big enough to turn a vehicle around in.

Mr. Gilbane stated that they are supposed to be in the state they are in now. If staff wants that changed the applicant will have to turn them another way or make them more circular.

Commissioner Morgan stated that it is good setup for someone who just wants to park their car in.

Mr. Gilbane stated that you have that problem when you have to manage just like an apartment complex or trailer parks when you have individuals coming in there. Maybe more of a circular would cause less of that.

Commissioner Sloan asked the applicant if he was going to own the units on the lots.

Mr. Gilbane stated no; maybe just three or four. 95-percent are going to be leased.

Commissioner Duker asked if the applicant would allow others to lease.

Mr. Gilbane stated no. When you get owners in there they don't maintain the property. Mr. Gilbane stated that he wants the people who own the trailers to live there.

Commissioner Sloan stated that the size allows for 16 by 90-foot homes and asked if that is the size that will be required.

Mr. Gilbane stated that most trailers are about 80-feet long. Some of these parks are limited in their expansion by not making enough space for future lengths.

Commissioner Sloan asked the applicant if he was going to require fairly new homes.

Mr. Gilbane stated that they would probably require something in the mid 1990's; that would be ten years old, nothing more than that.

Commissioner Mink asked if the applicant would allow any car ports to be built.

Mr. Gilbane stated he didn't know. When you get more stuff built you start to lose control of what happens in the park. Mr. Gilbane stated that the applicants will mow all the lawns instead of having the owners do it because with the owners doing it you get a sporadic maintenance pattern.

Commissioner Duker asked the applicant about fencing.

Mr. Gilbane stated that there will be a fence around the existing lagoon and around the car storage area. There is no other fencing proposed other than the natural trees. What we are experiencing on the property here is that when you get large storms the fences continually come down.

Commissioner Duker asked about fencing by the occupants.

Mr. Gilbane stated that he probably would not allow that either. It breaks up the property and the owners get in to arguments of whose space is whose.

Commissioner Duker asked about pets.

Mr. Gilbane stated that the applicants will allow pets; they have to stay in the unit and they can't be left out at night and there will probably be a limit of one dog per house.

Commissioner Oetting stated that the park area that is proposed would be to the east of the lagoon.

Mr. Gilbane stated that it is north of the lagoon. There are very large trees there. Some of the trees are going to have to be removed because they are too close to the lagoon.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Mark Altomari, 2571 N. Dozier Station Rd., Columbia.

Mr. Altomari stated that this development is likely to increase traffic and litter on north Dozier Station Road and will degrade the character of the road as well as the quality of life of the people who live on the road. An application to Boone County Public Works' Adopt-A-Road program is now pending and the residents of the unpaved portion of Dozier Station have requested to provide litter control on that part of the road. The neighbors did this because they appreciate the unique tree canopy over the road, a site less and less common in Boone County. Mr. Altomari stated that he moved here from the east coast and recognize the hazards of urban sprawl. It begins with land where few people live because the land is agricultural and undeveloped. Mr. Altomari asked the Commission to consider preserving a more appealing vista on the eastern edge of Boone County and requested the Commission deny the request.

Jeff Bear, 1451 Dozier Station Rd., Columbia

Mr. Bear stated that his property lies directly north of this development. Mr. Bear believes his comfort and enjoyment will be diminished by the mobile home park, the noise level, and excess artificial lighting.

It is unfavorable to have such a high density development next door to agricultural property due to livestock purposes and barbed-wire fence. There will be problems with the animals and kids. The applicant stated that one buffer zone will be less than 10-feet from his property line. Mr. Bear stated that each lot is 123-feet by 45-feet. It is unfavorable to have this next to his property.

Commissioner Heitkamp asked Mr. Bear if he knew this property was already zoned for apartments.

Mr. Bear stated yes.

Commissioner Heitkamp stated that would be 7 units per acre. What Mr. Gilbane is suggesting are 4-units per acre.

Mr. Bear stated yes.

Commissioner Heitkamp stated that the zoning for the property is already for apartments so the alternative could be apartment houses.

Mr. Bear stated he was aware of this.

Commissioner Heitkamp stated that if the applicant decided to put in apartments he wouldn't need a conditional use permit.

Chris Beckett, 2275 N. Dozier Station Rd., Columbia.

Mr. Beckett stated that he is about 1 mile north of this development. One main concern is the sewage lagoon system on the lagoon. The mobile home park was previously shut down because of sewage problems. Mr. Beckett stated that the ground is hard clay which will not absorb any lateral system. Mr. Beckett stated that he would like to see a permeability study because it will drain in to Little Cedar Creek. Mr. Beckett stated that he would like to have directional lighting specified to direct the lighting down. One of the reasons you go to the County is to get away from the lights.

Shelly Wooldridge, 9551 I-70 Drive NE, Columbia.

Ms. Wooldridge stated that she owns a kennel. Her concern is traffic congestion due to adding this many people. Right now there is a lot of traffic and there have been many wrecks out there. The comfort and general welfare of the neighborhood is going to be diminished and therefore the property values will be diminished. The sewage and drainage is an issue and will probably drain in to the creek. Ms. Wooldridge stated that she is acquainted with people who live in trailer parks and a lot of them have vehicles that don't work and they will be very far out.

Elton Fay, 2351 Dozier Station Rd., Columbia.

Mr. Fay stated that north of this property is A-1 zoning where it takes one family for 10-acres. That is what happens all the way to the north. What you are doing is putting 45 units on a 10-acre tract; anything north of there it is one family for 10-acres. That particular road access along that interstate is the Old Highway 40. It is extremely narrow and deep banked where it goes between itself and the interstate. Mr. Fay stated that he has lived in the area for 31 years and almost every month he comes across someone who is either in a ditch or has a wreck and it is usually late at night or it is a very severe wreck. We will be adding 45-units in which many will have children in that park. You have 45-units in a rural setting where land around it and you do not have adequate recreation area, there isn't anywhere for the kids to go, there is no neighborhood school. If the kids want to go to the school they have to go three miles north to Two-Mile Prairie school up Route Z. When they get up there, there is a playground. Down the road on the other side of Dozier Station there were some A-Frames and there were several of

those and the people that moved in and out were transients. A lot of those kids end up north where he lives on Dozier Station Road. They have every right to walk down the road but they are looking for places to go and to do things. Whether that is trespassing on Mr. Fay's property looking for mushrooms or running four-wheelers; that is what happens. Take the two mobile homes that are there now and this is what is going on now. If that is increased to 45-familys and put storage units up next to the access road you are making a box that you are going to put 45, usually lower income family's, in a ten acre tract with nothing for their kids to do, no school or recreation areas for them to go and the neighbors around them have nice homes and are good neighbors. The kids are going to either go play in the creek, which can be bad after a rain, or they are going to be out on the access road which is a short distance from the interstate or they are going to be trespassing on their neighbor's property. That is the way it is.

Mr. Fay stated that he recognizes what the zoning is but that is not a good area for either apartments or mobile homes. If you go along I-70 Drive northeast there are two to four houses along the interstate that are perpetually for sale. They have been for sale forever. Someone moves in and within six months it is back up for sale. The reason is that this particular stretch of the interstate going both ways has degraded. Mr. Fay stated that he lives a mile north and surrounded by woods and his house is made of brick and is well insulated and at night he can still hear the trucks on the interstate. Mr. Fay stated that he can only imagine what it would be like for the people in the mobile homes that are next to the interstate. You are going to end up with a lot of people moving in and out.

Mr. Fay asked that the Commission deny the request. Mr. Fay stated that there appears to be two 24 by 82-foot storage units proposed. Mr. Fay stated that he did not see this in the request.

Mr. Florea stated that the storage units are not allowed as an outright use but this is incidental to a residential use.

Mr. Fay stated that because interstate 70 has a lot of traffic and because there is an access at Millersburg and one at Centralia, whenever there is an accident anywhere along that stretch I-70 drive gets all of the semis going down the access road because they can't go on the other side. That is the only relief out. When you get down toward the Route Z exit, the traffic is already pretty intense. Years ago it was discussed putting in a Petro Truck Stop in where Loveall RV is located and there is an interstate bridge over the interstate bridge they were repairing a fourth of the surface because the bottom was falling out. In the morning there is traffic coming up and down Route Z and if you add 45-more plus the proposal for the old Tiger Tee, you are talking about an awful lot of traffic on a very narrow access road that can't be widened. They are talking about having the interstate widened anyway.

Dana Naylor, 9255 E. I-70 Drive NE, Columbia.

Ms. Naylor stated that she is also concerned with the sewage over flow. That needs to be addressed because there is the Little Cedar Creek which is right next to this property; it could very well be detrimental to the creek in the future. Ms. Naylor stated that she is also concerned about the children that will reside in the mobile homes and where they will play and for recreation. Ms. Naylor stated that she currently runs a home daycare and she knows that young children need a lot of outside play area. A larger recreational area is needed as well as more play grassy area. She would like the Commission to do a traffic flow assessment during regular normal traffic days as well as I-70 routed traffic times. As mentioned before when there are accidents on I-70 diesel trucks and all the cars on I-70 will use east I-70 drive as an access. Ms. Naylor stated that she would like to have the Commission consider doing that traffic flow assessment during those times before considering this kind of expansion in this area.

Phillip Popham, 1545 N. Dozier Station Rd., Columbia.

Mr. Popham stated that he would like to echo all of what Mr. Fay has stated. This development would add a lot more children to the school district which is going to force that change in districting or perhaps a new school. At the moment Two-Mile Prairie is very full and trailers have already been brought in. Several of the big trees would be cut down. Now there are plenty of sound problems in the back and you can hear the trucks from the highway; every tree you cut down will make it worse. Many of the big trees will get cut down and you can replace them with buffers but the buffers won't grow for 10 to 20 years and you have to make sure you maintain those trees or they will die. Mr. Popham stated that he has lived there for several years and has seen Cedar Creek come up high. When that kind of rain comes there will be a lot of trouble keeping that sewage in the facility and not having it overflow directly in to Cedar Creek without some sort of a buffer and you will end up with raw sewage in the creek which can be a potentially dangerous situation. Mr. Popham stated that he doesn't know how many of the DNR people have seen the creek at flood stage. If you have 36 sets and later another 100 from a different proposal all those kids roaming in situations there are many cows and horses to the north. If you have kids those are potential situations for injury which the landowners will have to take liability for and it may drive the owners insurance up.

Larry Sample, 10440 E. I-70 Dr. SE, Columbia.

Mr. Sample stated that he lives across the interstate and has had three daughters that work at the kennel. One of his daughters had a wreck because of the narrow width of the road and snowy conditions. It is not a very good road. Mr. Sample stated that when the applicant was stating what he was probably going to do. There were a lot of probably's. If he is going to make a proposition he needs to be definite as to what he is going to do.

Closed to public hearing.

Mr. Gilbane stated that the main thing here is the present zoning of the property, it is zoned R-M. Mr. Gilbane stated that he feels the best use of the property is the mobile home park. There are a lot of parks disappearing in the city and there are people that need space for these units. Someone made the comment that they are low income. Sometimes these people have as much money as a lot of us. Mr. Gilbane stated that he could go ahead and put apartments there and put section 8 units there and wouldn't have to go through all this and just build what he wants. Mr. Gilbane stated that he believed the park would be a good use for the area. There are mobile homes to the east, two mobile home sales businesses down the road so it is not that much of a stretch of the imagination to have this type of development in that area. Mr. Gilbane stated that he had someone from DNR come down to look at where the system is now in relation to the creek, to the property lines and they felt with the number of units they felt it was no problem to adequately take care of the sewage treatment in the area. He didn't know if the two-cell system would do it but a sand system would do it or a mechanical system. He tested the water and sent in samples for the water and the checked for pc's discharge to see how the water is in respect to the requirements the State has.

Mr. Gilbane stated that staff has already mentioned the lighting being directed down. Mr. Gilbane stated that he could have a higher rate of density from apartment houses. The outer road is 55 mph; obviously the highway department doesn't feel the road is so dangerous that they would drop the speed down to 45 mph as it is in some areas in town. The property is zoned R-M and the applicants are going to develop it as something, whether it is this or something else. The applicant bought the property with the intent to develop it. The mobile home park is the way the applicant wanted to go and is willing to work with staff.

Commissioner Mink stated that there was a comment about too many probably's and that is a valid concern. Commissioner Mink asked if the applicant was going to have some covenants or something that

the Commission could see demonstrated that this won't be a probably but more of a for sure thing. A lot of the things the applicant was talking about like restricting fences and parked cars.

Mr. Gilbane asked if Commissioner Mink if he meant a lease because that would be more restrictive use.

Commissioner Mink asked the applicant if he was going to create restrictive covenants. How else could things like this be controlled?

Mr. Gilbane stated that he could put things in the lease that restrict vehicles, animals, outside buildings, fencing, dogs and all of those things. It is no different than someone moving in to an apartment house. There are certain requirements and restrictions that you have to give them. The applicants don't plan to have units there as rentals except for maybe a few.

Commissioner Sloan asked if there was going to be an onsite manager.

Mr. Gilbane stated that his property is right next door to this and they are there every day, seven days a week. Mr. Gilbane can walk out his building now and view everything that goes on at the park.

Commissioner Duker asked if the applicant would be opposed to having a 10 by 10 area per bedroom. Most of these mobile homes are three bedrooms. A 10 by 10 green space for the kids to play is not a lot of space; a lot of these homes will have two kids. The landowners have a valid complaint.

Mr. Gilbane stated that he is setting some ground aside probably larger than 5000.

Commissioner Duker asked if the applicant would be willing to put a 10 by 10 per bedroom.

Mr. Gilbane stated that he would have to look at that space. If there were apartment houses the applicant wouldn't be under that same requirement.

Commissioner Duker asked if that was a yes or no.

Mr. Gilbane stated that he would have to take a look and see. Mr. Gilbane stated that he is not saying yes and he is not saying no.

Commissioner Caruthers asked if the applicant was proposing that the creek itself be considered the 5000 square foot.

Mr. Gilbane stated that it is a small drainage area and it is larger than the creek area and yes, he was proposing that area to be set aside. It is larger than 5000 square foot.

Commissioner Caruthers asked who would take the liability if a child slipped on a rock.

Mr. Gilbane stated that obviously it is his property. In any business you try to limit your liability as much as you can. Mr. Gilbane stated that he didn't want to provide jungle gym's and swing sets down there. It is not a daycare; it is a development and the applicant is not creating a ball field or anything that will expose the applicant to more than a normal liability.

Commissioner Caruthers stated that a gentleman has spoken of electric fencing around the cattle.

Mr. Gilbane stated that he didn't know anyone that borders his three sides that have electric fences. Most of the fencing is either poor or non-existing; certainly on the east side and on the west side. It is falling down now, there is no electric fence. The gentleman to the west has 50 acres and he doesn't run any cattle and wouldn't be able to because of the condition of the fence.

Commissioner Sloan stated that Dr. Altomari had pointed out the character of Dozier Station Road. Commissioner Sloan informed the neighbors that there are provisions within the County regulations to have an overlay district where the neighbors could get together and have character preservation along that road. The neighbors might want to look in to that if they are interested in preserving the area.

Commissioner Heitkamp stated that what the Commission has before them is not a question of a rezoning, it has already been zoned R-M, it is zoned for higher density than the neighborhood currently is. It is on a major highway. At some point in the distant future MoDOT will do something to old 40 and upgrade it at a future point. This will at some point be a commercial node along I-70. Currently it is not, currently from what the neighbors have said this is a predominately rural area. We have traffic considerations, noise considerations but also most important the considerations of putting these families in a place where there is no neighborhood grocery and no easy way to get to the show or go to a park or for children or families to have recreation other than to get in their car and drive away. Putting a mobile home park designed like this at this place could only further deprive the people living in those mobile homes of quality of life that we would all like to have for ourselves. For that reason Commissioner Heitkamp stated that she didn't believe a conditional use is appropriate at this time.

Commissioner Duker stated that he thinks the use is fine out there. Commissioner Duker also agrees with Mr. Fay that kids are going to find a place to go. You aren't going to stop kids from playing so there needs to be some sort of area set aside at least 75 by 150 and not just along the creek. There also needs to be some kind of covenants where if Mr. Gilbane were to sell the property the next owner wouldn't just change the lease.

Commissioner Heitkamp stated that the Commission is not here to design the covenants of the mobile home park, the Commission is here to decide on the conditional use of zoning which will carry whether Mr. Gilbane keeps the property or not.

Commissioner Duker asked if the Commission could put any conditions on the design on it.

Mr. Florea stated that the Commission can put conditions on the approval.

Commissioner Heitkamp stated that they can't tell the applicant to put covenants in their leases.

Mr. Florea stated that if it is necessary to condition the request in order to meet criteria and that involves requiring the applicant to develop rules about how he operates the park then yes, the Commission can place conditions like that.

Commissioner Duker stated that the Commission can put conditions on for size of an area and no fencing.

Mr. Florea stated yes if they are areas of concern then it is within the Commissions right to require the applicant to develop rules to address those concerns.

Commissioner Oetting stated that he doesn't think he can agree with the proposal because of the roads. Commissioner Oetting stated that he talked to water district 9 they said they had a 4-inch line going

down I-70 drive but they had a 12-inch main by Loveall RV. Commissioner Oetting stated that he got the impression that they did have a question about the fire flow as far as fire hydrants. Regardless of the zoning the Commission has to take a chance on that. It is not a good situation to approve.

Commissioner Sloan asked Commissioner Mink if he had any comment about the traffic, speed, or condition of the road.

Commissioner Mink stated that 45 units will probably add 450 to 500 trips a day on that road which is quite a few. Commissioner Mink stated that he can't comment on the condition of the road as it has been a while since he has been out there and can't recall what it was like. Obviously it will have an impact as all these cars approach Route Z and try to get on Route Z; it is going to make it more difficult than it is presently.

Commissioner Duker stated that it was mentioned to restrict sheds, outbuildings, carports, and fences to make it a different type of development

Commissioner Mink stated that as the Commission was going through the discussion and it was stated that the Commission would probably restrict the dogs and fences and have parking set aside for the overflow parking that was a good effort to make this a nicer community but there are no guarantees that if this is approved that it will actually come to pass.

Mr. Gilbane stated that the parking spaces set aside on the plan are part of the design it is space dedicated for that purpose.

Commissioner Sloan asked if the Commission granted the conditional use permit with a variety of different conditions on it the Commission could also make it reviewable in a year. If those conditions weren't met it could be revoked.

Mr. Florea stated that the Commission could do that. For that matter at any point in time after the conditional use permit is issued it is reviewable and the applicant is bound to any conditions placed on the permit. If they don't abide by the conditions then the County Commission can withdraw the conditional use permit.

Commissioner Sloan stated that this would force the applicant to remove the mobile homes that are there and put the property back to its original state.

Mr. Florea stated that it wouldn't necessarily require returning the property to its current use but it would require the removal of the mobile homes and it would have to cease operating as a mobile home park.

Commissioner Duker stated that conditions could be placed on it that only the residents could use the storage facility. Commissioner Duker asked the applicant if their intent was to keep the grass and not to allow any fencing.

Mr. Gilbane stated yes.

Commissioner Duker asked about a small area per bedroom, a 10 by 10 area per bedroom. Commissioner Duker asked the applicant if that was asking too much.

Mr. Gilbane asked where that area would be.

Commissioner Duker stated that it shouldn't be surrounding the lagoon.

Mr. Gilbane stated that it wasn't surrounding the lagoon; the lagoon was on one side of the road the main area was on the other. The applicant will designate the entire creek area.

Commissioner Duker stated that the lagoon drains to the creek and that should not be designated as a play area. Commissioner Duker asked the applicant if he would have a problem with a 10 by 10 area per bedroom.

Mr. Gilbane stated that he would have to look and see how much space this is going to take. Mr. Gilbane requests that the issue be tabled until he could look at it.

Commissioner Mink stated that if you assume three bedrooms per home with 45 units it would be about 135 units so it would be about 13,500 feet. That would be about a quarter of an acre.

Mr. Gilbane stated if the area on the east side of the road could be included in to that space.

Commissioner Duker asked if there could be an area that is 75 by 150 where the kids could play soccer or kick-ball.

Mr. Gilbane stated that area could be designated for that.

Commissioner Duker asked if there could be a little field so they could throw a ball rather than having the trees.

Mr. Gilbane stated that he thought the trees would be a value considering that most of the area has no trees. The only real trees on the property is in that area, typically you don't want a lot of trees in an area where you are moving a 90-foot mobile home in.

Commissioner Duker asked the applicant if he wanted to table the whole discussion.

Mr. Gilbane stated that he doesn't know where he would carve out the proposed space and how many units he will have to take out. If taking out several units is going to make the project viable in respect to cost and loss of income.

Commissioner Caruthers stated that there are a lot of things that look like they haven't been completely looked at yet. The applicant may want to take another look at it and work with staff and get a further developed plan. Commissioner Caruthers asked the applicant if he wished to do this.

Mr. Gilbane stated that he wants to try and get something that will be palatable to all. As stated before the applicants will try to work with staff in addressing the road situation and recreational area.

Commissioner Caruthers stated that the applicant does not wish to table the request at this time.

Mr. Gilbane stated that is correct.

Commissioner Sloan stated that what we are talking about does not address the concerns that the neighbors brought up about traffic, children, schools and a variety of other things.

Mr. Gilbane stated that what he understands from staff he could put apartment buildings there and not go through this process.

Mr. Florea stated that is correct; the apartments would be a permitted use and would not require a conditional use permit.

Mr. Gilbane stated that he could just build what he wants.

Mr. Florea stated that he would have to get a building permit and meet the zoning regulations but there is no discretionary element to obtaining the permit.

Mr. Gilbane stated that he would not have to have a park area.

Mr. Florea stated that is correct.

Commissioner Duker stated that it seems like a park area is advantageous to attracting tenants.

Mr. Gilbane stated that it would; it is unfortunate that it is out in the middle of nowhere. A lot of times people do not want this kind of housing in the back. Mr. Gilbane stated that he has tenants out there now there is one house that has 7 or 8 people living in them and there are other trailers out there, they all have kids and they all seem to get along. They find the area enjoyable even though they are on interstate 70.

Commissioner Heitkamp asked how many trailers are out there now.

Mr. Gilbane stated that he has 2 now and 2 more coming in the next 60 days which he has already signed leases for prior to making this application. With a new development and a new lagoon system it would help the whole area. Mr. Gilbane stated that this is the way he wants to go. He could very well build duplexes and rent them out to section 8, there is a need there and the neighbors probably wouldn't care for that either.

Commissioner Sloan stated that she gets disturbed when someone comes in and says that they could do this or that.

Mr. Gilbane stated that he is trying to do it this way and is putting himself under a tremendous amount of conditions which he would not need to otherwise.

Commissioner Caruthers stated that it would probably be a little more cost prohibitive for the applicant to go ahead and build buildings otherwise he would have already done it. Four units and an apartment complex would certainly house more tenants than a mobile home park.

Mr. Gilbane stated that it could.

Commissioner Caruthers stated that it is probably cost prohibitive.

Mr. Gilbane stated that it is not.

Commissioner Duker made a motion to approve the request with staff conditions, 50-foot buffer, grading, illumination, refuge handling, owner occupied units only with the exception of the owner of the property, only one shed on the place 80 square feet, applicant responsible for landscaping, the storage units are only for the residents, a space of at least 75 by 150 in one spot for children to play.

Commissioner Morgan seconded the motion.

Commissioner Duker made and Commissioner Morgan seconded a motion to **approve** the request by Kent and Vicki Gilbane for a permit to expand a mobile home park on 10 acres, located at I-70 Dr. NE, Columbia **with staff conditions and the additional conditions added by the Commission:**

50-foot buffer, grading, illumination, refuse handling, owner occupied units only with the exception of the owner of the property, only one shed on the place 80 square feet, applicant responsible for landscaping, the storage units are only for the residents, a space of at least 75 by 150 in one spot for children to play

Mike Caruthers – NO	Mary Sloan – NO
Kristen Heitkamp – NO	Russell Duker - Yes
Larry Oetting – NO	Mike Morgan - Yes
David Mink – NO	

Motion to approve request fails 2 YES 5 NO

Commissioner Heitkamp made and Commissioner Caruthers seconded a motion to **deny** the request by Kent and Vicki Gilbane for a permit to expand a mobile home park on 10 acres, located at I-70 Dr. NE, Columbia:

Mike Caruthers – Yes	Mary Sloan – Yes
Kristen Heitkamp – Yes	Russell Duker - NO
Larry Oetting – Yes	Mike Morgan - NO
David Mink – Yes	

Motion to deny request carries.

Vice-Chairperson Caruthers informed the applicants that if they wished to appeal to the County Commission they would need to file within three working days.

REZONING REQUESTS

1. Request by John and Nena Kallenbach to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10 acres, located at 11220 N Rte Z, Hallsville.

Planner, Thad Yonke gave the staff report stating that this site is located 3 miles southeast of Hallsville on State Highway Z. The property is zoned A-1, as is all the surrounding property. This is the original zoning in the area. There is an existing house on the property. The applicants are requesting that their land be rezoned to A-2. If approved, the applicants propose to deed 2.5 acres to their son so that he may build a house. This site is within the Boone Electric service area and is on the border between Public Water District No. 4 and No. 9. The site is located in the Hallsville School District.

The master plan designates this area as being suitable for agriculture and rural residential land uses. The request is consistent with the master plan.

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 applicants only own 10 acres of land and propose creating one additional tract of 2.5 acres. If approved, the maximum possible density would be four dwellings.

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

Splitting this tract will not result in a decrease of available utility services in the area.

Access to the site is State Highway Z. The addition of one additional dwelling will have little impact on the road.

The nearest fire station is located in Hallsville, approximately 3 miles away. The addition of one dwelling unit in the area should not result in an increased demand on other public safety services.

While the Commission has expressed concern in the past about changing the zoning of low density agricultural areas for purposes of allowing family transfers, the low impact of this request is such that staff recommends approval.

Present: John Kallenbach, 11220 N. Route Z, Centralia.

Mr. Kallenbach stated that this request is it allow for a family transfer.

Open to public hearing.

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

Closed to public hearing.

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** the request by John and Nena Kallenbach to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10 acres, located at 11220 N Rte Z, Hallsville:

Mike Caruthers – Yes	Mary Sloan – Yes
Kristen Heitkamp – Yes	Russell Duker - Yes
Larry Oetting – Yes	Mike Morgan - Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Vice-Chairperson Caruthers informed the applicants that this request would go before the County Commission on June 1, 2004.

* * * * *

2. Request by Robert and Anita Beall to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10.9 acres, located at 10800 E St. Charles Rd., Columbia.

Planner, Bill Florea gave the staff report stating that this site is located 4 miles east of Columbia on St. Charles Rd. The property is zoned A-1, as is all the surrounding property. This is the original zoning in the area. There is an existing house on the property. The applicants are requesting that their land be rezoned to A-2. If approved, the applicants propose to deed 2.5 acres to their son so that he may build a house. This site is within the Boone Electric service area and is in the Public Water District No. 9 service area. It is located in the Columbia School District.

The master plan designates this area as being suitable for agriculture and rural residential land uses. The request is consistent with the master plan.

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 applicants only own 10 acres of land and propose creating one additional tract of 2.5 acres. If approved, the maximum possible density would be four dwellings.

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

Splitting this tract will not result in a decrease of available utility services in the area.

Access to the site is St. Charles Rd., a county maintained road. The addition of one additional dwelling will have little impact on the road.

The nearest fire station is located at Lake of the Woods, approximately 3 1/2 miles away. The addition of one dwelling unit in the area should not result in an increased demand on other public safety services.

While the Commission has expressed concern in the past about changing the zoning of low density agricultural areas for purposes of allowing family transfer, the low impact of this request is such that staff recommends approval.

Present: Bob Beall, 10800 E. St. Charles Rd., Columbia.
Anita Beall, 10800 E. St. Charles Rd., Columbia.

Mr. Beall stated that he is disabled and would like to have his son live on the land.

Mrs. Beall stated that her son has worked for the University of Missouri for four years and is very responsible.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Elton Fay, 2351 Dozier Station Rd., Columbia.

Mr. Fay stated, looking at the plat map, he owns land to the west of this request. This is a spot zoning, there is A-1 zoning all around. Mr. Fay stated that the objections he has to this request is that at one point several years ago he purchased the 45 acres immediately west and came before this Commission and asked to rezone a 2.5 acre tract in the northeast corner of this tract to build one house and the rest of the property would remain A-1. Mr. Fay was denied that request. Mr. Fay stated that he has no problem with the Beall's wanting their son there but his concern is that immediately south there is the Lake La Vista subdivision. In 1975 Lake La Vista was the type of lake that you could go over there on a Saturday morning and go fishing and it was fine. Then they developed 2.5 acre tracts around it and that soil does not take care of the sewage on 2.5 acres. Mr. Fay stated that he has sewage draining down his back yard right now from a 2.5 acre tract that is up the hill because it can not be maintained in the 2.5 acres. Mr. Fay stated that he will no longer eat fish out of Lake La Vista because the sewage system around that lake is horrible. The fish, instead of coming out white come out with a gray color because it has turned in to the lagoon. Until we get a central sewage system out there 2.5 acres is not adequate in that area. Mr. Fay stated that his concern of owning land right next door of spot zoning is when the current owners either move or sell they can put up to four houses in an area where we have one house on 45-acres. Mr. Fay asked the Commission to deny the request. Mr. Fay stated that he is not sure if there is a way the Commission could put a condition on this that if the applicants agree to give 2.5 acres to their son and take the remaining 8.4 acres where the applicants house is and somehow make that a nonconforming use. Mr. Fay stated that he does not want to see four houses in an area that is spot zoned where everything around it is A-1.

Commissioner Duker stated if there are complaints about sewage the County does provide a way to report that.

Mr. Fay stated that most of the people who live in the area don't move. They are out there for good and you can't complain about your neighbors. You can't take care of sewage on 2.5 acres out there. If there is a way this request to be approved without allowing the applicants to have four houses on a spot zoning that would be fine.

Commissioner Morgan asked staff if there was a way the Commission could do this.

Mr. Florea stated it couldn't be done with this request. The only way to do that would be to deny this request and advise the applicants to come back with a review plan and a planned district and their site plan which would restrict the number of dwellings.

Commissioner Sloan asked if the Commission needed to deny this request to do this or ask the applicants to withdraw the request.

Mr. Florea stated that the Commission could ask the Commission to withdraw the request. The Commission doesn't have to deny it.

Mark Altomari, 2571 N. Dozier Station Rd., Columbia.

Mr. Altomari stated that he owns the property adjacent to Elton Fay and the sewage that is in his back yard is also in his.

Commissioner Caruthers asked if either Mr. Altomari or Mr. Fay had contacted the County Health Department.

Mr. Altomari stated that he hadn't.

Commissioner Caruthers stated that they must not be worried too much about the sewage.

Mr. Altomari stated that if the applicants wanted to come back with another request as discussed Mr. Altomari would be in favor of that.

Buff Chance, 10750 E. St. Charles Rd., Columbia.

Mr. Chance stated that he thought the strategic plan of the County was to keep the more dense acreages, more dense populations toward the County so there would be infrastructure.

Jerry Knigge, 10901 E. St. Charles Rd., Columbia.

Mr. Knigge stated that the Beall's are neighbors across the road and he has nothing against them and understands the applicants wanting their son to live there. All of this is A-1 zoning. Mr. Knigge stated that he owns an 80-acre farm across the road if you are going to go out in the fringes of the County and start rezoning then Mr. Knigge wants to rezone his land too. There is a lot of rezoning in the area that is on the agenda tonight and it is his understanding that Columbia wanted to grow where there was infrastructure, roads and sewers to take care of the more populated areas. If you are going to go way out in the County and start spot rezoning then the Commission is opening a can of wax because a lot of us have farms that will be in here wanting to rezone and you are going to have a mess. It is not feasible to start spot rezoning way out on the edge of the County.

Closed to public hearing.

Mr. Beall stated that he and his wife own the property jointly and they would have to talk it over and see. If it would be allowable to just split of 2.5 acres and freeze the rest of the acreage where it couldn't be built on they would do that.

Commissioner Caruthers asked staff the best way to go.

Mr. Shawver stated that there are costs involved with surveying and a plan. The applicants could withdraw the request and come back with a planned rezoning request.

Commissioner Caruthers asked the applicants if they would be willing to withdraw their application and resubmit. The applicants could work closely with staff and they could come up with something that works out with everybody.

Commissioner Sloan asked staff what kind of time frame and costs would be involved to do this.

Mr. Florea stated that he couldn't guess what the cost would be but the applicants will have to hire an architect or engineer to draw the plan and that is a private sector cost. The next submittal deadline is Monday, May 24th and it is not feasible that the applicants could meet that deadline. The applicants would then have to submit in July for the August agenda.

Commissioner Caruthers asked the applicants when they expected their son to move.

Mrs. Beall stated that their son lives with the applicants now and is going to get married. When the applicants submitted this plan it was submitted as 2.5 acres joining St. Charles Road. In that corner would be where the 2.5 acres would be with the house. The applicant's part would be whatever is left and does not want it subdivided any further. The land adjoining the applicants land was A-2 zoned. Either way that property falls away from Mr. Chance's land and Mr. Fay's land.

Commissioner Caruthers advised the applicants to withdraw the request and get with staff to work out the best plan possible. There won't be the concerns that there are now. The neighbors have legitimate concerns now.

Mr. Beall stated that the applicants will withdraw the request.

Request withdrawn.

* * * * *

3. Request by Bigsky Investments LLC to rezone from R-S (Single Family Residential) to M-LP (Planned Industrial) on 2.5 acres and to approve a Review Plan for Ivy Ridge Development, located at 7105 Henderson Rd, Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located on the north side of Henderson Road, approximately 1/8-mile west of the intersection with U.S. 40. and about 2 miles west of the Columbia municipal limits. The area proposed for rezoning is 1.89-acres of a 34.10-acre parent parcel and no division of the land is proposed at this time. The current zoning of the entire current parent parcel is R-S (residential single family). Therefore due to the placement of the request, the zoning of the property to the north and east of the area to be rezoned is an original 1973 zoning of R-S and is still part of the parent parcel. Property across Henderson Road to the south is zoned C-G. Property to the west is zoned M-LP as is the property to the northwest and these were rezoned and divided from the same original parent parcel over the last few years. The site is currently vacant. The 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 Consolidated Public Water District No.1. 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 PID Plan proposes a 6,852 sq. ft. warehouse/office building. The list of Allowed Uses proposed on the face of the plan lists only the landscaping business and therefore the use is limited to only this use. The Master Plan designates this area as suitable for residential land use, but also identifies a significant commercial node in the Midway area. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas. The Master Plan identifies a sufficiency of resources test as a means to judge the suitability of land proposed for rezoning. The resources necessary to support the proposed rezoning can be broken down into three general categories, Utilities, Public Safety Services and Transportation.

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

- Boone Electric has adequate infrastructure in place for the needs for the development.
- Consolidated Public Water District Number 1 provides water service. There is a four-inch main along Henderson Road and a twelve-inch line near the property, which is capable of providing over 1000 gallons per minute.
- There is no public sewer service available to the property.

The property is located within ¼ mile of a Boone County Fire District Station. Law enforcement and emergency medical services can easily access the property due to its proximity to US 40 and I-70.

The property scored 78 points on the rating system.

Staff notified 22 property owners concerning this request.

Staff recommends approval of the rezoning and review plan subject to the following 2 conditions.

1. 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.
2. That proper wastewater approval be shown prior to construction of the building.

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

Bill McWilliams, owner Big Sky Investments, 4800 Forum, Columbia.

Mr. Brush stated that the applicants are here to request the small area be rezoned so Mr. McWilliams can place his landscaping business on the site adjacent to the existing ML-P zoning.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Marianne Van Sciver, 2601 N. Ivy Lane, Columbia.

Ms. Van Sciver stated that she is not really opposed to the request but requests that if there is any lighting that it will be hooded and pointed down.

Jeff Crawford, 2455 N. Ivy Lane, Columbia.

Mr. Crawford stated that he is directly northeast, adjacent to the parent parcel. Mr. Crawford stated that he is not directly opposed to the request to rezone the 2 acres but his concern is the review of the overall plan for the future of the 30 acres that remain. As a person who lives out there his concern is that there is one manufacturing plant and an ice house under construction. What we are seeing is a lot of creep of industrial property in to the residential land. Mr. Crawford stated that he would like this recognized by this Commission and have an opportunity to voice his concerns of the plan.

Commissioner Caruthers stated that the applicants are only asking to rezone 2.5 acres and the discussion needs to be kept to that request only.

Closed to public hearing.

Commissioner Heitkamp stated that the fact that the applicants are only asking for rezoning for a very small part of the parcel that joins Ivy Lane people Commissioner Heitkamp stated that she was wondering if the applicants foresee additional development coming to us this year.

Mr. McWilliams stated that he bought the 34 acres. He owns Columbia Turf and needs to build a new warehouse and wants to build it on the 2.5 acres. The applicants are being neighborhood friendly and originally wanted to build it up on the far side but withdrew it at staff's request and moved it down closer to where the commercial property is. If you go out there, there is Tiger Ice, the one next to the applicant's property, and the applicant's property so eventually it will be a commercial planned development. The applicants request right now is to get the building underway and would like rezoning for the 2.5 acres. As far as what is going to happen with the rest of the property, the applicants don't know yet. The applicants do foresee a commercial development there.

Commissioner Caruthers asked if the commercial development would be on the 34 acres.

Mr. McWilliams stated yes.

Commissioner Heitkamp stated that she doesn't believe there is adequate water flow for the entire property.

Mr. McWilliams stated that there is a 12-inch line that runs under the property.

Commissioner Heitkamp asked the applicants about the lighting.

Mr. McWilliams stated that she agrees with Ms. Van Sciver that Tiger Ice is pretty lit up.

Commissioner Heitkamp stated that the Commission has heard many complaints about Tiger Ice.

Mr. McWilliams stated that his business is run dusk to dawn and a building is being built where everything will be inside. All that is proposed now is security lighting pointing down.

Mr. Yonke stated that the reason staff didn't condition lighting is because it is already on the plan so the applicants are bound to that.

Commissioner Heitkamp stated that she understands the sign is going to be on the building.

Mr. McWilliams stated yes.

Commissioner Heitkamp asked if that is the freestanding sign.

Mr. McWilliams stated that there will be no additional freestanding signs.

Mr. Yonke stated that if the applicants wanted another sign they would have to come back before the Commission since it is not shown on the plan.

Commissioner Caruthers asked Commissioner Mink if there were any concerns from Public Works.

Commissioner Mink stated that there has been a lot of rezoning on Henderson and the road that is there is appropriate.

Commissioner Mink made and Commissioner Heitkamp seconded a motion to **approve** the request by Bigsky Investments LLC to rezone from R-S (Single Family Residential) to M-LP (Planned Industrial) on 2.5 acres located at 7105 Henderson Rd, Columbia.

Mike Caruthers – Yes	Mary Sloan – Yes
Kristen Heitkamp – Yes	Russell Duker - Yes
Larry Oetting – Yes	Mike Morgan - Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to **approve** a Review Plan for Ivy Ridge Development, located at 7105 Henderson Rd, Columbia **with the following conditions:**

1. 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.
2. That proper wastewater approval be shown prior to construction of the building.

Mike Caruthers – Yes	Mary Sloan – Yes
Kristen Heitkamp – Yes	Russell Duker - Yes
Larry Oetting – Yes	Mike Morgan - Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Vice-Chairperson Caruthers informed the applicants that this request would go before the County Commission on June 1, 2004.

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4. Request by the Larry W. Potterfield Revocable Trust to rezone from C-GP (Planned Commercial) and approve a revised Review Plan for Boone West Planned Commercial Tract on 14.28 acres located at 5875 Van Horn Tavern Rd., Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1000 feet west of the intersection with U.S. 40. The site is about 1 mile west of the Columbia municipal limits. The area proposed for rezoning is comprised of two parcels containing 14.28-acres total. The current zoning of the entire property is C-GP (planned commercial) which was primarily rezoned from A-R (agriculture residential) in 1988. Property to the north across I-70 is zoned part A-2 and part A-R. Property to the east and south is zoned A-R and property to the west is zoned C-GP. All of the zonings with the exception of the C-GP are original 1973 zonings. The site is currently the location of a large commercial building. The 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 Consolidated Public Water District No.1. 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 PID Plan proposes an expansion of the existing building and the phased addition of two other commercial/industrial structures. The list of Allowed Uses proposed on the face of the plan contains manufacture or assembly of metal or fiberglass items such as firearms. This use has been a component of the existing business. This use, however, requires a conditional use permit in addition to approval here. Staff feels that at this time the proposed zoning is the most legitimate zoning district for the current use. Traditionally billboards have not been approved in planned developments. Because the size of the freestanding sign is 128 square feet it is by definition a billboard. If the max size of the freestanding sign were limited to less than 120 square feet it would not be a billboard. The Master Plan designates this area as suitable for commercial land use. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas. The Master Plan identifies a sufficiency of resources test as a means to judge the suitability of land proposed for rezoning. The resources necessary to support the proposed rezoning can be broken down into three general categories, Utilities, Public Safety Services and Transportation.

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

- Boone Electric has adequate infrastructure in place for the needs for the development.
- Consolidated Public Water District Number 1 provides water service. There is a six-inch main and a twelve-inch line near the property.
- There is no public sewer service available to the property.

The property is located within 3 miles of a Boone County Fire District Station. Law enforcement and emergency medical services can easily access the property due to its proximity to US 40 and I-70.

The property scored 80 points on the rating system.

Staff notified 17 property owners concerning this request.

Staff recommends approval of the rezoning subject to the following 5 conditions:

1. On the PID plan the section labeled "Proposed Uses" strike the note numbered 1.
2. That the sign note 1 be modified to indicate less than 120 Sq Ft instead of 128 Sq Ft.
3. That verification of the approval of the wastewater system be provided prior to construction of additional buildings.
4. That if the use of any of the structures becomes traffic intensive or retail oriented such as the proposed use of lumberyard & building materials then a traffic study and road improvements will be required to be worked out to the satisfaction of the County Planning and Public Works Departments.
5. That it is understood that a Conditional Use Permit must be obtained for the assembly or manufacture of metal or fiberglass items such as firearms.

Present: Dan Brush, surveyor, 506 Nichols St., Columbia.
Larry Potterfield, 8251 W. Highway 40, Columbia.
Stan Frink, 2675 Locust Grove Church Rd., Columbia.

Mr. Brush stated that basically the applicants are asking to rezone and come back with a review plan.

Commissioner Duker asked the applicants if they had any problems with the conditions proposed by staff.

Mr. Brush stated no.

Commissioner Morgan asked what kind of business would be located there.

Mr. Potterfield stated that there are two businesses proposed. One is Battonfield Technologies and Midway USA. Both businesses have outgrown their current location. Battonfield needs more space. In 2005 we anticipate the Midway business will need more space so there is no anticipation of doing anything other than expanding the two family businesses.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition to the request:

Jim Beckett, 5830 Van Horn Tavern Rd., Columbia.

Mr. Beckett stated that his property is across the road from the property in question. Being opposed is not really a proper category as Mr. Beckett is not really opposed to what the applicants are doing but just has some questions. Mr. Potterfield and Midway Arms have been a good neighbor. When Mr. Potterfield came in with that business they did a lot of things out there and Planning and Zoning worked very well; the applicants put a berm up. From Mr. Beckett's yard you would not even know that there is a business across the road. Mr. Beckett stated that the proposed uses that are on the plan is what concerns him. There were seven proposed uses on the plan originally, of those 7 staff made a recommendation about one of those, other proposed uses were lumberyard and building materials, whole sale establishment or warehouse, manufacturer of medical and dental equipment, contractors building and storage yards, manufacturer of metal or fiberglass products, and lab testing and research. Of those possibilities two of

those give Mr. Beckett heartburn. Primarily number 5 and 2. There is already a contractors building and storage yard on highway UU and would not like to see another one across the road from his home. Mr. Potterfield had stated that he doesn't intend to do that but if his business continues to grow at the rate that it has been in recent years he may sell in another three or four years and move out to a couple hundred of acres to build a new building. If those uses are not on the plan as proposed uses now then if he does sell it the new owner could come back to discuss what kind of business may come on to the property under the planned industrial. If the Commission approves this request at the present time then that won't happen. Mr. Potterfield stated that he had the same concerns about lumber yards and building materials which was somewhat addressed by staff on the traffic problem that this use may generate to the area. Mr. Potterfield hopes the Commission will give some consideration to perhaps not including those two uses.

Closed to public hearing.

Commissioner Heitkamp asked the applicants if they are opposed to number 2 and 5 on the plan being stricken as well as staff condition number 4.

Mr. Yonke stated that condition 4 becomes rather moot if you strike the two proposed uses.

Mr. Brush stated that the applicants were okay with that.

Commissioner Heitkamp stated that since this is ML-P if they grew or changed could they return.

Mr. Yonke stated that if the applicants were to sell the property to someone interested in those uses the new owners could come back with a revised review plan and ask for those uses. Then there would be the public input that Mr. Beckett expressed. Nothing bars them from coming back. The difference in this case is that we encourage people to build a little flexibility in to their plans so they are not just limited to one use so if they do have to move, certain things that are similar in character can go back in.

Commissioner Caruthers stated that all business have a reasonable expectation to grow and also to integrate.

Commissioner Heitkamp made and Commissioner Duker seconded a motion to **approve** the request by the Larry W. Potterfield Revocable Trust to rezone from C-GP (Planned Commercial) on 14.28 acres located at 5875 Van Horn Tavern Rd., Columbia:

Mike Caruthers – Yes	Mary Sloan – Yes
Kristen Heitkamp – Yes	Russell Duker - Yes
Larry Oetting – Yes	Mike Morgan - Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Commissioner Heitkamp made and Commissioner Duker seconded a motion to **approve** a revised Review Plan for Boone West Planned Commercial Tract on 14.28 acres located at 5875 Van Horn Tavern Rd., Columbia **with the following conditions:**

1. On the PID plan the section labeled “Proposed Uses” strike the notes numbered 1, 2, and 5.

2. That the sign note 1 be modified to indicate less than 120 Sq Ft instead of 128 Sq Ft.
3. That verification of the approval of the wastewater system be provided prior to construction of additional buildings.
4. That it is understood that a Conditional Use Permit must be obtained for the assembly or manufacture of metal or fiberglass items such as firearms.

Mike Caruthers – Yes	Mary Sloan – Yes
Kristen Heitkamp – Yes	Russell Duker - Yes
Larry Oetting – Yes	Mike Morgan - Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Vice-Chairperson Caruthers informed the applicants that this request would go before the County Commission on June 1, 2004.

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5. Request by Sells Development Group LLC to rezone 17.12 acres REC (Recreation) and 19.82 acres A-R (Agriculture Residential) to R-S (Single Family Residential), located at 9689 I-70 Dr. NE, Columbia.

Planner, Bill Florea gave the staff report stating that the property is located at 6989 I-70 Drive N.E., approximately 4 miles east of Columbia. The 36.94 acre tract was originally zoned A-R. In 1994 17.12 acres was rezoned to Recreation REC, the remaining 19.82 acres retained the original A-R zoning. The golf driving range was first allowed by conditional use permit in 1989.

Zoning adjacent to the property is as follows: north – A-1 and A-R; east – A-R; south – A-2; west – A-2.

There are currently two dwelling units and the golf driving range on the property. In March 2004 a concept review meeting was held in which the developer disclosed an intent to develop the property into approximately 117 lots for single family residential use.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan identifies the use of planned districts to establish new commercial and industrial areas. The applicant is not requesting commercial or industrial zoning. However, rezoning land for urban land use in an area designated for agriculture and rural residential development can create conflicts between land uses. Planned zoning can be used to minimize those conflicts in such cases. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

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

Utilities: Public Water District Number 9 provides water service to the property. The district is not able to confirm whether the existing infrastructure, available at the property, is sufficient to support the level of development that would be allowed if the proposed rezoning is granted. However, there is a sufficient

water source located to the west of this property that could be extended to this property at the developers cost. A central sewer system would be built with the future development. Upon completion, ownership of the system would be transferred to the Boone County Regional Sewer District.

Transportation: The property is accessed from I-70 Drive N.E. Without a formal traffic study it is difficult to estimate the impact that would be caused by the proposed rezoning. Traffic impacts could range from minimal to very significant dependant upon the types of uses allowed under the current zoning and the future development proposal.

Public Safety Services: There is no indication that public safety services are not readily available to the property.

Conflicting Land Uses: Property west of and adjacent to subject property was rezoned from A-R to A-2 in 1993. Subsequently and also in 1993 a conditional use permit was issued to allow a dog kennel. The kennel has been operated in compliance with the terms of the conditional use permit since 1993. This use is compatible with the Master Plan land use designation of agriculture and rural residential land uses. The rezoning of adjacent property for urban density residential use creates a likely conflict between uses. This conflict could probably be minimized by appropriate design considerations. Such design considerations can only be enforced by use of a planned zoning designation.

The property scored 56 points on the rating system. 11 property owners were notified of this request.

Staff recommends the request be denied due to the conflict between existing and requested land uses with the suggestion that the conflict could be mitigated by appropriate design that could be required with a planned zoning designation.

Present: Bruce Beckett, Attorney, 111 S. 9th Street, Columbia.
Leonard Gilpin, 315 Deerfield Place, Jefferson City.
Tim Crockett, Crockett Engineering, 2608 N. Stadium Blvd., Columbia

Mr. Beckett stated that up until this afternoon the applicants thought that staff was going to recommend approval so they were a little surprised with the adverse staff report that they received this afternoon. The applicants believe that if there was a piece of property appropriate for R-S zoning in Boone County it is this tract. As staff indicated the applicants have accessible water supply to make sure that any required fire flows are provided to this property even if the applicants have to extend the main from the west out along I-70 Drive SE. There is a 12-inch water line that could be extended currently served by a 4-inch water main. The applicants can not tell with existing testing whether it would provide sufficient fire flows but if the 12-inch line has to be brought in from the intersection of Highway 70 and Route Z to achieve those fire flows the applicants are willing to do so. The applicants would never be able to get an occupancy permit for any houses put on this property if the fire flows weren't achieved.

Mr. Beckett stated that staff correctly stated that it is the intention of the developer to construct an onsite treatment facility and dedicate that facility and the mains to the regional sewer district. They have indicated a willingness to accept a dedication of that treatment facility and the mains assuming that it is built in accordance to their regulations. With respect to the access to this property along I-70 drive southwest, it is a State maintained highway. The applicants would have to satisfy any requirements placed on them by the Missouri Department of Transportation in regard to accessing this site off I-70 Drive Southwest. It is the MoDOT's road, it is a good road, it is striped and in good condition and well maintained by the State and of good enough quality to serve a subdivision of this size which is not an enormous size, we are only talking about 36 acres. It is the developer's intention to come back with a

117 lot subdivision which would dictate a lot size of around 9600 square feet which is 2600 square feet more than the minimum required.

Mr. Beckett stated that immediately adjacent to this 36 acre piece of ground are a variety of agricultural zoning districts but that doesn't tell the whole picture of the vicinity in which this property is located. If you stand back and look at the intersection of Route Z and interstate 70 and look at the County zoning map you will see that on every corner of interstate 70 and Route Z there is what is left of a 40 acre quarter section of land which is zoned C-G which is the broadest commercial zoning district we have in the County. If you look at the assessors aerial photos you can see that there are two fairly intense R-1 subdivision within three-quarters of a mile of the intersection, one is to the north which is Copper Creek and one is to the southwest which is Sunrise Estates. This particular tract is also three-quarters of a mile from the intersection of Route Z and interstate 70. If you go south of Route Z past the corners that are C-G on the east side of Route Z extended to the south you run in to I-70 Drive Industrial Park where there are numerous industrial uses underway on that property now. Right across the street from that on the southeast corner of Route Z and interstate 70 is Concorde East industrial park which has dozens of industrial users. As you turn north and come back across the interstate on Route Z there is commercial zoning on the left of about 30 acres and commercial zoning on the right of about 30 acres. If you come to this property from that intersection along I-70 Drive NE the first place you come to is 30 acres of Loveall RV Center then you head east from that and you run in to Coachman Mobile Homes sales, the next business is 12 acres of Wilson trailer sales, the next use after that is Rite-Built mobile home sales, then you come to the kennel that was referred to in the staff report and is just to the west of this property. The only thing lacking in this area is R-S single family residential subdivisions. There is a lot of business activity in this area and there is probably a need for this residential zoning in the area and the applicants feel this property is appropriate for it. Just to the east of this property is the creek bottom and flood plain and there probably will not ever be any development down in that area because it is in the floodplain. The neighbor to the west is the kennel that is referred to; it is not reasonable to believe that a kennel operating under a conditional use permit should prevent this 36 acre tract from being zoned for single family residential purposes. That is a conditional use controlling a reasonable use lying adjacent to it and the applicants don't think it is appropriate to let that stand in the way.

The applicants realize that there is a propensity and a desire on the part of all governmental bodies today to use planned zoning and in certain circumstances it is appropriate, certainly where there is any environmentally concerns that need to be considered; there are none here. Where there are neighborhoods adjoining the property that could be detrimentally effected by too intense a development but we don't have that here. The only people we are going to effect are the dog kennel, the two mobile home sales, and an RV center lying to the west. There is no effect on anybody else and the applicants would appreciate favorable consideration of this proposal and make a favorable recommendation to the County Commission.

Commissioner Sloan asked the applicants why they didn't go to RS-P.

Mr. Beckett stated that the applicants had concept meetings and the applicants proposed open zoning and did not receive an adverse reaction out of staff. The proposal was presented like it was and that is why the applicants are here tonight.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition to the request:

Shelly Wooldridge, 9551 I-70 Drive NE., Columbia.

Ms. Wooldridge stated that she owns the 17 acres directly west of this proposed development. Ms. Wooldridge has successfully been operating a show kennel and boarding kennel that provides services for the community. It provides full time employment for four people and their families. The development is not appropriate to have 117 smack up against a dog kennel because there will be children. A kennel would not be an appropriate neighbor. Going back to all of the concerns stated about the mobile home park which was potentially down the road. This area is on I-70 we have traffic off the freeway there is always a broken down vehicle out in front and all of the traffic comes down the outer road at about 65 mph on top of all the traffic from I-70 when it is blocked for whatever reason. Ms. Wooldridge stated that her son was hit pulling out making a left hand turn by someone going 65 mph. At this proposed development there is no recreation, there is no place for the kids to play. The map that is proposed for these homes shows only areas for lots for the homes; there is no play area. If you have 117 homes and you multiply that times 2 adults and 2 kids and all of those cars that is going to take country living and take it away from the current residents. Ms. Wooldridge stated that she built a new house on the back of her land and she hears traffic noise that is very minimal in the back and that would change. There is also another concern; there is a road leading directly north out of this proposed development.

Commissioner Heitkamp stated that the plan has two streets dead ending on Ms. Wooldridge's property.

Commissioner Caruthers asked if these were just stubs.

Commissioner Heitkamp stated yes.

Ms. Wooldridge stated that it doesn't look well thought out because the entire left portion of this picture is the side of her property.

Commissioner Heitkamp stated that the Commission is looking at a rezoning request not a plan. The Commission can not rule on the plan.

Ms. Wooldridge stated that she has been at the property for 11 years and no one has come to her to express any concerns or interest or asked her if she thought this was appropriate.

Susan Altomari, 2571 N. Dozier Station Rd., Columbia.

Ms. Altomari stated that her main concern is the enormous amount of traffic if this is rezoned to accommodate this kind of residential area. The Commission can triple the amount of concerns heard for the mobile home development with this density of population. Ms. Altomari stated that the retraffic of so much traffic and how it is going to retract itself if I-70 drive is so highly used a lot of residents are going to restructure how they get in to the development which will affect the area that she lives in. It is going to retract a lot of traffic and rezone all over the place and cause a lot of dangerous situations. Ms. Altomari stated that she is concerned for the high density of so many children in that area. Ms. Altomari stated that she likes to see children with lots of areas they can play in and be involved in activities that will help them. Ms. Altomari stated that she requests the Commission deny this request.

Larry Sample, 10440 E. I-70 Drive SE, Columbia.

Mr. Sample stated that Mr. Beckett must not have been on the same outer road that Mr. Sample had because it is barely suitable for the traffic on there now. Mr. Beckett had brought up all the businesses that are coming to the area so it seems that we need to protect what we have because too much is already being rezoned. Safety issues are a major concern.

Elton Fay, 2351 Dozier Station Road, Columbia.

Mr. Fay stated that half of that land out there has been rezoned for a recreational area and when the driving range was put in it was a good use; it was always busy. Now the applicants don't want to take the property back to the zoning it was before it was recreational. The applicants want to go from 21,780 square feet per house, which is what it was before at A-R back to an R-S. That is totally foreign to that particular part of the County. Mr. Beckett does not live in the east part of Boone County. Mr. Fay stated that he moved out there in 1975 and has chosen to stay out there partly because of the quality of school we have in Two-Mile Prairie school; it is still a country school much like Midway. If this is zoned to R-S you are going to double the size of that public school very easily because you are talking about lower priced houses that will attract folks that have young kids, which is fine, we have those in the neighborhood already, but we have one for every ten acres. In here we are taking a little less than 40 acres and putting 117 different houses on that acreage. With respect to the dog kennel next door that is a pretty good operation out there. Mr. Fay stated that he doesn't see that 117 houses are going to be very compatible with an R-S zoning because they have a lot of dogs, they do bark and they do some odor. That is a well kept kennel but it will not be very compatible. What the applicants are asking you to do is rezone this down to a minimum 7000 square feet per house from what is already 21,780. A half an acre in an area like this should be more than that. One half an acre is a bare minimum.

Mr. Fay stated that Mr. Beckett indicated that this is a safe road. That is anything but a safe road. The rezoning of that will dump 117 households on a road that is 55 mph, it is on a crown with deep ditches and it is a dangerous road. The traffic safety issues out there will multiply. When people come out of that subdivision which will triple or quadruple the number of people that normally use that access to get on to Route Z to go in to town every morning, you triple or quadruple that every morning and they are going to line up around that "S" curve by Loveall RV's and there is no traffic light there. There is a lot of traffic on Route Z coming in every morning. There is a lot of traffic coming off of I-70 turning left going to ABC Lane and when they back up around that "S" curve where are those people going to go? There is only one other place; they can either go 5 miles down to the Millersburg exit and get back on the interstate or they can go about a half mile and turn north on Dozier Station Road. The County of Boone has blacktopped half of Dozier Station Road but the north end of that is all gravel, it winds through the woods, it is a dangerous road but the Altomari's and Mr. Fay own both sides of that road. They have asked the County and are in the process of having this an Overlay District because the neighbors along that road walk down there every evening in the summer. If we increase and send a bunch of traffic down that road it is going to make it more dangerous and will increase the traffic on St. Charles Road and make a bottleneck. By rezoning this now it will double the number of people in the neighborhood but you will be putting it all on 36 acres. Mr. Fay asked that this request be denied.

Dana Naylor, 9255 E. I-70 Drive NE, Columbia.

Ms. Naylor stated that she would like the Commission to consider doing a traffic flow assessment before considering this amount of home expansions in this area with the rezoning. Ms. Naylor stated that she had requested a reduction, earlier in the Gilbane request it was asked why there hadn't been any requests to have the speed limit reduced on this road. Ms. Naylor stated that she herself had requested to have the speed limit reduced on this road from the current 55 mph on Old Highway 40 about 2 years ago. MoDOT looked in to the request and after their assessment they felt the 55 mph speed limit needed to remain to handle the overflow traffic from I-70 highway. Ms. Naylor stated that she has constructed a circle drive up to her house to accommodate the first student bus system so that it could pick up her daycare children at her house instead of down at the road because of the safety issues. The amount of accidents along this road have not prompted MoDOT to take the speed limit in to consideration, neither did her request.

Ms. Naylor stated that she lives just west of this proposed development and is a resident on 18 acres between the right way mobile homes, the Victory Baptist Church and the pet resort; Ms. Naylor runs a daycare there. This development would affect her and her country home daycare. There have been no improvements to the I-70 Drive SE except occasional sloppy patchwork at the times have been requested such as the I-70 Drive area on Sunrise Estates which has had major improvements to that intersection to not only handle the already existing subdivisions that are in the area but also future growth in the Lake of the Woods Road area. Ms. Naylor stated that she would like to have this taken in to consideration because we have not had that at the Route Z exit. The Route Z exit is patched every month from trucks and the amount of cars that go through there. Ms. Naylor stated that she agrees with Mr. Fay about the quality of the Two-Mile Prairie school district. Let's not put the City in to the Country and then have to put trailers out around the school to handle the overflow of the children of the area just like the City of Columbia does. They put trailers all around the school to handle the overflow of children.

Phillip Popham, 1545 N. Dozier Station Rd., Columbia.

Mr. Popham stated that he echo's the same school problem, you are going to double the school, you might as well put the school in the middle of the new development. The road structure is not appropriate for doubling or quadrupling. We already have a problem when there is snow and ice; this road is one of the last to get cleared and serviced, it is very treacherous for the users right now. If you add another 117 cars per day times two perhaps you are only going to make that worse than it already is. We should keep the A-R designation to preserve the sanctity of what we have right now and not triple or quadruple the number of people that would be out there and change the school system.

Jerry Knigge, 10901 E. St. Charles Rd., Columbia.

Mr. Knigge stated that he has lived in the area for 44 years and his wife was on the staff at Two-Mile Prairie School for many years. Mr. Knigge stated that he would like to ask the applicants if they plan on building a new school with their development because this would double the size of Two-Mile Prairie. There are four trailers out there already and it is busting at the seams. Mr. Knigge stated that where the northeast road intersects with Route Z we have had quite a few wrecks there, there are no traffic lights just a metal stop sign and there is a problem now with people coming out of the northeast outer road and not stopping at Route Z there is a congestion problem there already.

Closed to public hearing.

Mr. Beckett stated that there was a comment asking about the stub roads. Requirements usually require you to stub your roads off to your neighbors; it is not a choice by the applicants. If they had the choice they wouldn't spend the money to do it. Mr. Beckett stated that the applicants can sympathize with the neighbors about the issue of Two-Mile Prairie School; it is a fine school. As populations grow the schools grow, they are fueled by populations, by houses, and are built by taxes paid by people who own houses and businesses and that is the natural order of things. I-70 Drive SW is as good a road as serves many county subdivisions over county roads. Any time a subdivision goes anywhere there is going to be increased traffic, this is not a huge subdivision though. This is not something that is going to overwhelm a road system, this is only 117 houses. If we were talking about 500 or 600 acres then yes, a new interchange should be built or signal lights should be placed at Route Z. But this development is not of that scale and doesn't deserve to carry all of those burdens on this small 36 acre tract of ground. All of these road issues are under the MoDOT jurisdiction; if there are issues that have to be addressed with them MoDOT is responsible for taking care of those and the applicants are willing to comply with anything that they require them to do in order to access this property safely.

Commissioner Duker asked the applicants if they would be willing to table this request and come back with a planned development.

Mr. Beckett stated that he wished he had time to even think about that but he has not had time to discuss that with his clients. At this point the applicants ask that the Commission rule on the application and make a recommendation on it. The applicants are not willing to withdraw the request at this point.

Commissioner Heitkamp stated that as the applicants stated there is considerable commercial at that node and when the map was drawn in 1996 for the master plan the nodes on I-70 were designated as commercial nodes. The residential use in this neighborhood from the plat map shows that almost every residence is on just about 10 acres. From looking at the plat map there are very few large land owners; everyone else is on at least 10 acres so an R-S use here would be spot zoning and it wouldn't be advisable to do that at this time.

Mr. Beckett presented an aerial photo of I-70 and Route Z.

Mr. Beckett pointed out the property in question which is about three-quarters of a mile from Route Z. Sunrise Estates is a very intense residential subdivision and it is three-quarters of a mile from Route Z. Copper Creek subdivision is a more intense use which is within a mile from the intersection of Route Z and interstate 70. The proposed development is within the same proximity of Route Z as the other two developments.

Commissioner Heitkamp stated that these developments are in the path of Columbia, that is urban development. We are still talking about a neighborhood that is in rural Boone County. So it would be spot zoning at this time. Eventually this is all going to develop but at this time giving straight R-S without any plan wouldn't be appropriate.

Mr. Beckett asked the Commission if they considered the proposition that this may be down zoning. This was a very busy driving range and there was lots of activity. The applicants want to go from a commercial activity down to a residential activity.

Commissioner Heitkamp asked if it would be a good to put it a golf course residential area. The applicants could put houses on a golf course.

Mr. Beckett stated that you can't do that with 36 acres.

Commissioner Mink stated that he has infrastructure concerns about this development and questions the appropriateness of placing this residential; it kind of seems like it is being forced in to this area. There are concerns of not very alternate routes to get out of this area if there was a problem and it sounds like there periodically are problems with additional traffic. There are no good alternate ways if there are trucks lined up along this road there isn't any way of getting in and out of this area. You can add on to schools but that will become an issue at some point; it will have to be dealt with. With a kennel adjacent and the highway noise Commissioner Mink stated that he didn't think it would be a highly desirable residential area. We hear a lot from neighborhoods complaining about highway noise and the Commission has heard complaints about kennel noise so that will be a concern as well. Commissioner Mink stated that he has a lot of hesitation to approve this.

Commissioner Morgan stated that in the past we have had people come in here to put dog kennels in residential areas. All of those people in those houses complain about the odor and the dogs barking. Now we have a reversed problem. Any time you put a subdivision next to a hog lot those people will complain about the hog smell even though the hog lot was there first. With this development four or five

years from now people will start to complain about the dogs. This kennel has been established for several years and there would be a lot of clashing going on.

Mr. Beckett stated that after conferring with his clients the applicants wish to withdraw this request.

Commissioner Sloan stated that she wanted to caution the applicants that withdrawing this proposal and coming back as a planned development does not necessarily mean that attitudes are going to change and we will probably see the neighbors back here again opposing this development because they feel it is the wrong thing in the wrong place. Commissioner Sloan stated that she shares some of the concerns of the neighbors because they are people who have lived in this area for a long time and while it is great that people can buy land and do developments the neighbors in the area who have live there for a reason have rights to maintain the quality of life that they have right now. Just because someone buys a piece of property and wants to put in a subdivision doesn't negate the rights of those neighbors. If the applicants withdraw the request and come back to the Commission with a planned development does not guarantee the applicants anything.

The applicants withdrew the request.

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6. Request by Rajiv Shah/Brentwoods Inc. to rezone from C-N (Neighborhood Commercial) and R-M (Moderate Density Residential) to M-LP (Planned Industrial) and to approve a Review Plan for Leatherwood Hills Planned Development on 1.65 acres, located at 1641 W Rte K, Columbia.

Planner, Bill Florea gave the staff report stating that the property is located at 1641 W. Route K. The original zoning for this tract is R-S. It was rezoned to C-N and a conditional use permit for fuel sales was issued in 1975. The property is currently occupied by a convenience store with fuel pumps and a canopy. The applicants want to expand the existing store, add an office/retail building, add additional gas pumps and build 4 self-storage buildings. Each of the storage buildings is 20' x 150'.

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

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

Utilities: Public water is provided by Consolidated Public Water Supply District Number 1. The existing infrastructure is capable of providing domestic service and fire protection. Boone County Regional Sewer District provides wastewater collection and treatment. Additional sewer capacity is available as needed.

Transportation: The property has frontage on and access to State Route K. The additional land uses on the property will increase traffic generation to some degree but given the existing level of traffic on Route K the increase will not cause a significant impact.

Public Safety Services: There is no indication that the proposed uses will cause any increase in demand for public safety services.

Conflicting Land Uses: The existing C-N zoning designation has been in effect for nearly 30-years, the store has been integrated into the neighborhood. The requested allowed uses, with the exception of the self storage buildings, do not raise any issues of incompatibility.

The storage buildings can be a benefit to the neighborhood and surrounding area by providing a service that does not exist. However, this use and the intensity of the proposed use does raise issues of compatibility with the residential neighborhood. Those issues can probably be overcome by providing adequate buffering along the north and east property lines.

The property scored 81 points on the rating system. Staff notified 117 property owners about this request.

Staff recommends approval of the rezoning request and review plan with the following condition:

1. The developer shall submit a buffering plan for the north and east property lines. The buffer shall provide a solid, all season buffer so as to minimize visual intrusion to and from surrounding residentially zoned property. The final plan cannot be submitted until an adequate buffering plan has been approved by the Planning Department. The south 60-feet of the east property line can be excluded from the buffering requirement.

Present: Rajiv Shah, 113 Coventry Ct., Columbia.
David Oldham, A Civil Group, 1010 Fay St., Columbia.

Mr. Oldham presented a site plan.

Mr. Oldham pointed out the location of the Conoco Station stating that it is a filling station, convenience store, and a restaurant with a fairly large undeveloped back area. At this point of the process the applicants have had a concept meeting, a drawing submittal and staff has circulated that for comments and the applicants have received comments from various parties and incorporated those comments and submitted drawing revisions. The applicants received the staff report today with some additional comments on the buffering to the north and east sides. Out of 117 property owners who were notified the applicants received two responses, one of which was the immediate adjacent property owner who came in to talk to staff. Upon learning that there were concerns by that property owner Mr. Shah contacted that property owner and discussed the proposal and we found in those discussions that the property owner was in favor of this development and saw it as an improvement to his property. The applicants see a little of a disparity between the applicants communication with the adjacent property owner and the staff recommendation with regard to the buffer but the applicants want to put a proposal forward that is going to be mutually acceptable so the applicants are willing to learn of any additional comments or discuss any possibilities for changing their plan.

Mr. Oldham stated that the applicants are proposing additional space for pump bays and an expansion of the existing convenience store and restaurant and a new building and then the four storage buildings. It is at least a six phase development. In general this area was formerly a trailer park; there is a circle drive. There are currently no trailers on that site; it is basically an abandoned trailer site. Any improvement or development to this is an improvement to the overall area. In discussions with the adjacent property owners to the north and the east they have indicated that they feel that this is an improvement to the site

and don't have any specific development plans but they see this as a development. The neighbors did not express to the applicants any specific concerns that there was inadequate buffering.

Commissioner Sloan asked staff why the applicants are going to ML-P zoning instead of keeping it C-N.

Mr. Florea stated that the ML-P is required for the storage units. Storage units are not allowed in C-N zoning. C-N is a very light commercial zoning geared at providing primarily services to neighborhoods; small convenience stores, barber shops, and things of that nature.

Commissioner Heitkamp asked if there was an easement to the back property.

Mr. Oldham stated yes, that is documented as an ingress/egress easement. The former entrance to the trailer park was along the area of the circle drive. The eastern most 25-feet of this tract of land is an ingress/egress easement.

Commissioner Heitkamp asked if the applicants were agreeable to condition 1.

Mr. Shah stated that he would be agreeable but would have to talk to his neighbor.

Mr. Florea stated that without appropriate buffering, in writing the staff report the staff was on the fence of recommending denial or approval with a condition. Without appropriate buffering in staff's opinion that the land use proposed is inappropriate for residential neighborhoods. That is the key to making the development work.

Commissioner Duker stated that would mean they would have to eliminate the easement through there.

Mr. Florea stated that they would have to design some type of buffering. Options would be to approach the neighboring property owner to abandon that easement. He has access from two other points to Old Plank Road and Route K as well. Another option is to work with it and inset their development and reduce the intensity.

Commissioner Caruthers stated that folks like to have their own sense of community, sense of ownership and a sense of place. The applicant stated that he would have to talk to his neighbor about condition 1 and at this point in time, this request is concerning the applicant's property. Commissioner Caruthers asked the applicant if he had a problem with condition 1.

Mr. Shah stated no; applicants are willing to put in the buffering as requested but doesn't have the right to at this point.

Commissioner Caruthers stated that the applicant could if it was on his land.

Commissioner Duker stated that if the applicant made the development smaller they could put the buffer on the west side of the easement.

Commissioner Caruthers stated that the intensity of the development is maxed out. If the applicant made the development smaller and put in the buffer the neighbors would appreciate it a little more and it would be a little more aesthetic.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition to the request:

William Trogdon, 8401 Old Plank Road, Columbia.

Mr. Trogdon stated that he has been a resident of the area for 20 years. It seems the theme of tonight is spot zoning and this request appears to be another example. Between Highway 163 and McBaine, a distance of about 8 miles, there is only one commercial development and that is the gas station we are talking about and none of the neighbors are opposed to that but the neighbors have great fears of the wedge suddenly in this agricultural residential neighborhood with high end houses right above the storage sheds and moderate income houses right on eye level with the sheds; the neighbors have great concern that this is the wedge for industrial zoning. Given the twisted, narrow, shoulder-less nature of Highway K is we can see this becoming another Route B so several of the neighbors are here tonight to ask the Commission not to let this wedge of industrial zoning slip in. The neighbors don't want two storage sheds there; they don't want any storage sheds there. Buffering is not going to help you are going to increase the traffic which some of the neighbors will address.

Tammy Swanson, 1601 W. Old Plank Rd., Columbia.

Ms. Swanson stated that her property is east of the easement. Ms. Swanson stated that she has two small children and has a privacy fence because Route K is a bad intersection where Old Plank Road and Route K meet. It is incredibly busy; it is hard to see around the corner. They say that it will not create more traffic but there will be traffic later at night. Right now the gas station closes at 10:00 p.m. most of the time the lights are off at about 10:30 p.m. so there will be light issues with the new storage sheds because there will probably need to be security lighting. Ms. Swanson stated that currently she has a 6-foot privacy fence and there is still a lot of light that comes in to her bedroom. Ms. Swanson stated that she doesn't have any nightlights in her house because between the lawn mower repair and the property in question there is no need; it is already well lit. There is concern about the noise later at night with the development and there is concern of her property value. Ms. Swanson stated that she is concerned that this development will decrease the value of her house. The appearance of storage units is not going to be good for the area. Before the easement issue when the property was the mobile home park they had a tennis court; when Ms. Swanson first bought the house they had issues with water. As soon as the tennis court was torn out all of the drainage issues have gone away. If they pour more concrete in that area then she will have drainage issues again.

Laura Mueller, 6361 S. Gateway Blvd., Columbia.

Ms. Mueller stated that she has lived in the area for 12 years. Regarding the trailer court, the word abandoned is a strong word, they were asked to leave because they wanted to develop. Ms. Mueller stated that she was told they were going to develop apartments back there. To hear commercial industrial rezoning shocked Ms. Mueller. She has never been opposed to any development in that area but it has all been residential single family dwelling homes. The Highlands neighborhood is right behind where this property butts up and can't imagine having commercial industrial being approved to go in by a residential neighborhood. Ms. Mueller stated that there are storage units 4 miles up the road so it is not a big need in the area. The area tends to have a lot of theft and vandalism and this type of development would bring more of that to the area.

JoAnn Trogdon, 8401 S. Old Plank Rd., Columbia.

Ms. Trogdon asked if the proposed development is approved and the storage units are built under the planned industrial zoning, if they close or are not completed for whatever reason, how long does the designation of industrial zoning stay with that area.

Commissioner Sloan stated forever.

Ms. Trodgon stated that she objects to changing the zoning to planned industrial because basically it is very incompatible with the character of the area. The area is rural and it is becoming residential, it is lovely, hilly, and there are some woods. Residential is moving in, the Cascades Development, the big development is going in at the corner of Route K and Sinclair. Many people have not built their homes there yet but future owners are judging the area and deciding to buy there based on the character of the area as it is now. This will cause problems if it does become industrial nearby. They may feel that they've been betrayed or that they were not fully informed. They will also have children and there are children in the area now; it is not compatible for this reason too. The roads are narrow, that is not compatible with industrial use. Two-story units that can be up to 45-feet tall, that is not compatible with the character of the area. When the trailer park that was there closed the neighbors were told that the area would remain residential, for it to become industrial almost seems like a bait and switch. Ms. Trodgon stated that her basic fear in changing this to planned industrial is that it will open the door to heavier uses in the area.

Jeff Wiese, 1771 W. Crockett Dr., Columbia.

Mr. Wiese stated that he heard a lot of talk of buffering to the east and north but nothing to the west for the subdivision. As other people have said this development is not characteristic.

Mr. Shah stated that he was not the owner when the promises were made to keep the property R-S he has only owned the property for one year.

Mr. Oldham stated that there was a comment about houses being above this area. If you look at the topography of this site it is rather flat so the implication that other houses look down upon this tract is not a valid perception. There are trees at the majority of the western boarder of the property. Those trees are around 50-feet in height and that covers the majority of the western side of the property. The applicants have adjusted the plans so this tree line would not be affected. None of the trees that are along the western edge are going to be affected by this. There were several comments with regard to traffic, you don't have to take the applicants word with regard to traffic the Commission has staff's statement that this development is not anticipated to significantly affect traffic. Mr. Oldham stated that he is not going to stand here and say what could be done on the property but will compare to what was previously done on the property. Previously there were trailers; there was a higher traffic load from trailer park. There was a statement made about late night activities. Comparing to what was on the tract before; applicants don't feel that as a storage facility that there will be an increase in traffic compared to residences. With regard to stormwater applicants had several discussions with staff. What the applicants have done is develop a grading plan, which is required, that grading plan shows that the stormwater splits at about the center point of the building and travels both to the east and the west. The portion that goes to the west is first interrupted by the perimeter of grass area so you do get some retention for erosion before going to the western drainage area. The portion that goes to the east is more of a controlled situation that what is there now. Mr. Oldham stated that he drove that area today and in general there is some overgrown grass, gravel and definite evidence of a sediment trail. The proposed development has more control of that stormwater to control the direction that it goes and how it is treated offsite.

Mr. Oldham stated that there was a comment about apartments. Regarding the applicants proposed use compared to apartments the applicants don't see it as being an increase in traffic. There were comments about commercial and industrial zoning. That is certainly a scary term when you are talking about it being adjacent to a neighborhood and Mr. Florea explained why the applicants had to go with this zoning. It is a planned district, it is not an open zoning so we have a specific plan as to what will be put on the tract and the applicants are committing to that plan. So it is not as though the applicants have

some future intent to significantly change this and make it any more industrial than it is currently proposed to be.

Mr. Oldham stated that 45-foot is currently the limit under the zoning regulations. If that is some sort of a major sticking point the applicants would be willing to accept some reduction. The applicants anticipate that there will be approximately 12-foot at the front gutters. The applicants have no intent to put in 45-foot tall structures.

Commissioner Sloan stated that she believes what has happened is something that the Commission hears is that someone buys a piece of property and the previous owners have said one thing to the neighborhood and someone else comes in and buys the property and things change because the new owner wants to do something totally different than what the other people said. Maybe the neighbors were okay with the first owners idea aren't so happy with this one. Commissioner Sloan stated that she is not really in favor of this request at all for the reason that storage units are pretty unobtrusive and not very exciting. With all the convenience stores around Boone County it would not be good for everyone who owns a convenience store to come in and want to put a group of storage units around their building. Under its current neighborhood commercial zoning there are other uses that people would not object to but getting in to storage units and maybe something else wouldn't be good.

Commissioner Heitkamp stated that she thinks there is a need out there for a good neighborhood commercial district which this property is already zoned for. The property is maybe an eighth of a mile from the Columbia City limits but probably four miles from shopping except for the convenience store. The uses in a neighborhood commercial district suit this area well. Although there is planned commercial across the road and in New Town and when the Cascades gets built and Sinclair backs up they are all going to be on Route K and they are going to be looking for a place to buy cigarettes and diapers like everyone else in the County and will need some neighborhood commercial. It would be nice if the applicants could think in those lines rather than limiting themselves to storage units that may not be able to serve the applicant in the future. If storage units are put in and the applicants get locked in to ML-P then they wouldn't be able to serve the neighborhood any more. Neighborhood commercial serves a purpose, it creates community; everybody goes to the convenience store for a cup of coffee or they stop in to find out if the roads are closed in McBaine. The applicants have put a wall up between their neighbors where you don't have to really do that.

Mr. Shah stated that the convenience store remains. The reason the applicants are thinking of this is because neighbors who are customers came to Mr. Shah and asked him if he would consider putting up storage units. The properties and houses around this property are not necessarily very large houses and they have need for storage units. The current public storage unit which is about four miles from Leatherwood Hills and all of the larger ones available, the smaller units were full; the need is bigger than what is served now. Mr. Shah stated that he would not want to jeopardize his customers because his store depends on his customers.

Mr. Shah stated that he took over this store about one year ago and spent tens of thousands of dollars renovating the store inside and most of the customers have appreciated it. The store has been around for more than 25 years and for the last 10 years it was owned by the previous owner and apparently he had not spent much money in the store. Mr. Shah came in and renovated the store and in spite of this project the whole property is going to be much better than what it is right now. Mr. Shah stated that he doesn't want to abandon his customers and this project is being driven by his customers.

Mr. Oldham stated that the development is in response to a demand and this development does include commercial. The commercial is an integral part of the development. This building requires that the existing above ground gasoline storage tanks and those would be put to below ground storage.

Commissioner Caruthers stated that something should be done at the property but has a problem with the ML-P industrial designation. Commissioner Caruthers stated that he likes the idea of a commercial neighborhood and if the applicants could look through those uses and possibly find something more conducive to the applicants and to the neighbors the applicants would probably come out on the winning end.

Commissioner Mink asked if the expansion of the store and the additional pump could be done under the C-N.

Mr. Florea stated yes.

Commissioner Mink stated that the reason for the rezoning is for the storage units.

Mr. Florea stated that is correct.

Commissioner Caruthers advised the applicants to withdraw the request and do the additions to the store then come back and look at something of that nature but try to stay out of the industrial side. The word industrial scares everyone because Mr. Shah has only owned the property for a year. What about the next person?

Mr. Shah stated that he understands and he would probably be skeptical of the word industrial but it is a planned development and nothing can change without coming back to the Commission and trying to go through everything again. It is a technicality that storage units fall under industrial zoning.

Commissioner Caruthers stated that the reason that storage units fall under industrial is because a lot of times people will either run a business out of them and a lot of times there are hazardous materials involved so industrial is appropriate for storage units.

Commissioner Heitkamp asked the applicants if they would be comfortable buying a home that is next to land that is zoned industrial.

Mr. Shah stated that the word industrial scares him. But associating the word industrial with what he is going to get, forget the zoning, forget the words, see what is coming there in reality and it can not change.

Mr. Oldham stated that the applicants appreciate the comments of the neighbors but you also have to consider the other 170 adjacent homeowners who received certified letters from staff that didn't have a problem with this development and have also chose not to respond to staff.

Commissioner Caruthers made and Commissioner Heitkamp seconded a motion to **deny** the request by Rajiv Shah/Brentwoods Inc. to rezone from C-N (Neighborhood Commercial) and R-M (Moderate Density Residential) to M-LP (Planned Industrial) on 1.65 acres, located at 1641 W Rte K, Columbia.

Mike Caruthers – Yes	Mary Sloan – Yes
Kristen Heitkamp – Yes	Russell Duker - NO
Larry Oetting – Yes	Mike Morgan - Yes
David Mink – NO	

Motion to deny request carries 5 Yes 2 NO

Vice-Chairperson Caruthers informed the applicants if they wished to appeal this request to the County Commission a form would need to be filed within three working days.

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PLANNED DEVELOPMENTS

1. Request by Michael and Neta Teel to approve a Review Plan for Tyger Hills Planned Development on 8.93 acres located at 14458 N. Barnes School Rd., Hallsville.

Planner, Thad Yonke gave the staff report stating that the site is located on the East side of Barnes School Road approximately 1/4 mile north of the intersection of Barnes School Road and Highway 124. The site is located approximately 2&1/2 miles west of the Hallsville City Limits. The property contained within the proposal is currently zoned M-LP (planned industrial) and comprises 8.93-acres. This property was rezoned in 1991 from the original 1973 zoning of A-2. All adjacent zoning is A-2. These are all original 1973 zonings. The current use is vacant but the approved use was limited to a sawmill with conditions. The development is within the Hallsville School District. The development is within Water District #4. Water infrastructure extensions and up grades may be required for this development and the costs of these are the developer's responsibility. The site is located in the Boone County Fire Protection District. Fire hydrants will be required and will have to meet fire & water district approvals. The actual requirements will vary based upon the actual size, uses, and construction methods proposed for the structures. Sewer service is provided from a STEP collector sewer system on the lot to the east. The BCRSD will need to approve any sewer proposal. The proposed use is for 8 buildings for warehouse, self-storage, and light manufacturing related to construction. The master plan does show this area as suitable for agricultural and rural residential development. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas and the zoning is already in place. Staff has some concern that the intensity of development of the site in an otherwise rural area, but does recommend approval.

The property scored 21 points on the rating system.

Staff notified 10 property owners concerning this request.

Staff recommends approval of the revised review plan subject to the following 2 conditions.

1. That it is recognized that all drive, loading, parking, and lane areas must be a minimum of chip-seal and that gravel is not allowed as a permanent surface.
2. That no access other than for emergency services be provided off the cul-de-sac connection of Quarter Mile Drive.

Present: Don Bormann, 101 W. Singleton, Centralia.
Mike Teel, 16255 N. Route V, Sturgeon.

Mr. Bormann stated that Mr. Teel bought the property and it was a mess, he cleaned it up. It took a rather extensive amount of time to get all the junk metal off the site. Mr. Teel then allowed the County to come in and redo the road so the road is not so dangerous. Mr. Teel owns property adjacent to this property and this property was developed as a subdivision and has every reason to keep this rather nice.

Commissioner Caruthers stated that the subdivision is not at build out yet.

Mr. Teel stated that he believes there are 14 lots and maybe 5 or 6 have been built on.

Open to public hearing.

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

Closed to public hearing.

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

Mr. Bormann stated no.

Commissioner Mink stated that staff commented that fire hydrants needed to be shown and asked the applicants if they received that comment.

Mr. Yonke stated that they have to have the fire hydrants shown on the final plan. When Ken Hines only recently sent back a fire hydrant plan so the applicants have not seen it yet but they do understand that they don't have any say in where those go; they've got to put them wherever they are told to.

Commissioner Heitkamp asked if the Commission could add a condition that the lights be shielded. Commissioner Heitkamp stated that she was wondering if the street lights were going to shine in to the house on lot 11 and maybe those lights should be shielded down.

Mr. Teel stated that the back of the building will be adjacent to lot 11 and the light will be on the front of the building.

Commissioner Heitkamp stated that is not what is on the review plan. The light poles were between the house and the building.

Mr. Bormann stated that the applicants don't have a problem with shielding that.

Commissioner Heitkamp asked that this condition be added and on the landscape red oak, maple or other similar trees are deciduous so in the winter will the applicants add any cedar.

Mr. Teel stated that they will put in pine trees. Mr. Teel stated that he discussed the landscaping with the adjacent landowners and maple was one of the landowner's requests.

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** the request by Michael and Neta Teel to approve a Review Plan for Tyger Hills Planned Development on 8.93 acres located at 14458 N. Barnes School Rd., Hallsville with the following conditions:

1. That it is recognized that all drive, loading, parking, and lane areas must be a minimum of chip-seal and that gravel is not allowed as a permanent surface.
2. That no access other than for emergency services be provided off the cul-de-sac connection of Quarter Mile Drive.
3. Lighting be shielded and directed downward.

Mike Caruthers – Yes

Mary Sloan – Yes

Kristen Heitkamp – Yes

Russell Duker - Yes

Larry Oetting – Yes

Mike Morgan - Yes

David Mink – Yes

Motion to approve request carries unanimously.

Vice-Chairperson Caruthers informed the applicants that this request would go before the County Commission on June 1, 2004.

PLAT REVIEWS

None.

OLD BUSINESS

None.

NEW BUSINESS

Commissioner Heitkamp stated that she and Chairperson Smith will put together a power point presentation for the open houses. The County Commissioners stated that they approve of the open houses and indicated that they will go along if they can.

Commissioner Caruthers stated that the open houses had to be advertised if they are going to do them.

Commissioner Sloan stated that maybe at the next work session the Planning and Zoning Commissioners could get a plan for doing these open houses.

Commissioner Morgan stated that he has already talked to people in Sturgeon and are scheduled for the third week of June.

ADJOURN

Being no further business, the meeting was adjourned at 11:04 p.m.

Respectfully submitted,

Mary Sloan,
Secretary

Minutes approved on this 17th day of June, 2004.