

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, June 17, 2004

Chairperson Smith called the meeting to order at 7:00 p.m., with a quorum present. Roll Call was taken by Commissioner Sloan.

Present: Pat Smith, Chairperson Perche Township
 Mike Morgan Bourbon Township
 Keith Neese Columbia Township
 Carl Freiling Cedar Township
 Kristen Heitkamp Katy Township
 Rob Brown Rock Bridge Township
 David Mink Public Works

Absent: Michael Caruthers, Vice-Chairman Centralia Township
 Mary Sloan, Secretary Rocky Fork Township
 Larry Oetting Three Creeks Township
 Russell Duker Missouri Township

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

The minutes of the May 20, 2004 meeting were approved with no corrections. Approved by acclamation.

Chairperson Smith read the procedural statement which stated that the Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The Commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes two conditional use permits, one rezoning request, two planned development plans, and several plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, they are authorized by the Missouri State Statutes to follow their own by-laws. The by-laws provide that all members of the Commission, including the Chairperson, enjoy full privileges of the floor. The Chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

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 29, 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 29, 2004 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

1. Request by the Larry W. Potterfield Revocable Trust for a permit to manufacture and assemble products 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 site was tentatively approved for rezoning to M-LP (planned light industrial) along with a review plan last month. The current zoning for the property is C-GP and will remain so until a Final Plan for the PID is signed and accepted. The list of Allowed Uses on the approved Review Plan contains "manufacture or assembly of metal or fiberglass items such as firearms". This use was approved conditioned upon receiving a CUP for this use as required under the regulations. If approved it will be legitimized as an Allowed Use for the Final Plan; if it is not approved the use will have to be removed from the Final Plan. This use has been an

incidental component of the current business on the site and the CUP is being sought to eliminate any confusion about the level of activity. This use has been a component of the existing business. The master plan designates this area as being suitable for commercial land uses. The proposed conditional uses are consistent with the established activities of the site. As a conditional use permit the proposal must meet the following seven criteria from the zoning ordinance to be eligible for approval:

- a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety or general welfare. The activities have to a limited extent occurred on the property for a while without any incident or complaint and the use should not be detrimental to the public health, safety or welfare.
- b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations. Activities happen inside the buildings so there is no physical impact.
- c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood. The property is already approved for industrial and compatible commercial uses.
- d) All necessary facilities will be available, including, but not limited to utilities, roads, road access and drainage. The property is already in an established and approved industrial district.
- e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district. The property is already in an established and approved industrial district. The proposed uses should not impede normal development of such properties.
- f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property. The uses proposed for conditional approval will not cause congestion on the public streets.
- 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 property scored 80 points on the rating system. Staff notified 17 property owners concerning this request. Staff's analysis of this request is based on the uses described in the application.

Staff recommends approval.

Present: Dan Brush, 506 Nichols St., Columbia.
Stan Frink, 5875 Van Horn Tavern Rd., Columbia.

Mr. Brush stated that the conditional use permit the applicants are requesting at this time is for an existing use of the property.

Chairperson Smith asked the applicants if this would change the way the land is being used right now.

Mr. Frink stated no.

Open to public hearing.

Present speaking in support of the request:

Otto Trachsel, 3702 Wayside Drive, Columbia.

Mr. Trachsel stated that he has been in the manufacturing area. This request is a legitimate one and Mr. Trachsel supports it.

No one spoke in opposition to the request.

Closed to public hearing.

Commissioner Neese made and Commissioner Mink seconded a motion to **approve** the request by the Larry W. Potterfield Revocable Trust for a permit to manufacture and assemble products on 14.28 acres located at 5875 Van Horn Tavern Rd., Columbia:

Pat Smith - Yes	Mike Morgan - Yes
Keith Neese - Yes	Carl Freiling – Yes
Kristen Heitkamp – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on June 29, 2004.

* * * * *

2. Request by Bob and Kristin Baker for a permit for a day care center located at 2337 S El Centro Ct., Columbia.

Director, Stan Shawver gave the staff report stating that this site is located in El Chaparral subdivision, just east of Columbia off of State Highway WW. The property is zoned R-S, as is all of the adjacent property. There is a single family dwelling on the property. The applicants operate a home day care with 10 children on the site. This site is located within the Columbia Public School District. Water service is provided by Public Water District No. 9. The Boone County Fire Protection District operates a fire station across from the entrance to El Chaparral subdivision. Electric service is provided by Boone Electric Cooperative.

This request is for a conditional use permit for a childcare facility, having up to 24 children. This will be a state licensed facility.

Prior to approving a conditional use permit, the Commission must consider whether a proposed use meets the criteria outlined in the zoning regulations. Staff analysis of this request is based upon information provided by the application. 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 applicants currently operate a day care facility on their property. Staff is unaware of any complaints regarding the use and enjoyment of other properties in the vicinity due to the operation of this facility. An increase in clientele should have no impact. However, 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.

There is no indication that the proposed use will impact property values. 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. A fire protection station is located nearby. At this time, no additional construction is proposed for the site, so drainage should not be an issue.

(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.

This is an existing developed area. The applicants already operate a day care facility on their property. The requested expansion of this use will not impact further development in the 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.

The subject site is located at the southernmost end of the subdivision. Traffic is already being generated by the existing use. Traffic generated by the use will increase, however the projected increase in traffic is at a reasonable level. However, public testimony may be indicative as to whether this criterion is met.

(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-S zoning district.

The master plan designates this area as being suitable for residential land uses. The proposed use is consistent with the master plan. Staff notified 73 property owners about this request.

Staff recommends approval.

Present: Kristin Baker, 2337 S. El Centro Ct., Columbia.
Bob Baker, 2337 S. El Centro Ct., Columbia.

Ms. Baker stated that 4 of the 24 children are the applicants children so the applicants are looking at increasing the capacity by 10 children. The applicants have been operating this business together for 8 years and now they have decided to do it full time together and try and meet the needs of the current families. There are 4 children that will go to kindergarten this year and all of those families have asked that their children be able to come back in the summer. Those children need to be replaced with pre school children in order to have the 10 during the school year. For licensing purposes the applicants have to grow in order to have those children. Two of the applicants children are school age and the applicants would like to have a school age program which is a need in the community then allow 4 additional infant openings and toddler openings. At least one will be from a current family who is pregnant with another child. Most of the additional children will be siblings of the families that the applicants already have. Their families are growing and others that are within the neighborhood that have been on a waiting list.

The applicants don't feel that this will increase traffic. The applicants live on a cul de sac so there will be plenty of parking. The applicants talked to the neighbors around them and no one seemed to have a problem; they never have their driveways or mailboxes blocked. There is a fenced back yard that doesn't touch anybody so there are no complaints about children playing in the yard.

Chairperson Smith stated that the Commission received a letter from a resident in opposition to this request. Chairperson Smith read the letter stating that El Chaparral is a residential neighborhood with restrictions for single family homes only. It is not intended to be a mixed use neighborhood...Even if the Planning and Zoning Commission allowed a permit, the Bakers would still be in violation of the neighborhood restrictions, and would be subject to legal remedy by any other resident of the El Chaparral neighborhood. Chairperson Smith asked the applicants if they knew anything about the neighborhood restrictions.

Ms. Baker stated that she had no idea. The applicants mailed a post card prior to the mailings that staff mailed out explaining in detail what the applicants were going to do and gave the neighbors their name, address, and phone number and asked anyone that had any problem at all to contact the applicants ahead of time so they could visit about it. No one contacted the applicants. Ms. Baker stated that she wished that whoever wrote this letter would have contacted the applicants.

Chairperson Smith stated that this won't really create any more traffic because it is just parents who are bringing more children.

Ms. Baker stated that is correct. At most there would be 6 additional cars.

Commissioner Neese stated that the applicants are actually providing a service for the neighborhood so it is not creating more traffic in to the neighborhood.

Ms. Baker stated that is correct. When the applicants mailed out the post cards people contacted the applicants asking the applicants to inform them if there were any openings in the daycare.

Commissioner Neese stated that there are two streets close to the applicants home so they are not really on a long cul de sac. Commissioner Neese asked if the yard was fenced in.

Ms. Baker stated that there is a privacy fence in the back yard.

Commissioner Mink asked if the applicants would have to hire any additional staff.

Ms. Baker stated that the applicants would have to hire two people. The applicants plan to hire two college students majoring in child development; one in the morning and one in the afternoon.

Commissioner Mink asked if there was off street parking for these employees.

Ms. Baker stated yes.

Open to public hearing.

No one spoke in support of the request.

Present speaking in opposition to the request:

Larry Berve, 2061 Alamos, Columbia.

Mr. Berve stated that he is against this request because we do not need to start a business in the back of the subdivision; there is enough problems with traffic. There are speeders running stop signs. Mr. Berve stated that he has heard complaints about the young mothers being late for work and runs the stop signs to get back there. We don't need the business; it is a single family residence back there. We've got our share of duplexes out there and we don't need any more problems with traffic.

Closed to public hearing.

Chairperson Smith asked the applicants if they see any way the business is going to change the nature of the neighborhood.

Mr. Baker stated that the applicants have been running the daycare for 8 ½ years and the maximum increase in children would be 10. Four of those are siblings of people who are already coming through the neighborhood. The majority of those will probably be before and after school children. As far as people being late for work and speeding through stop signs; the applicants have communication with the parents. If that is a problem the parents need to be told that; the applicants have a weekly newsletter.

Chairperson Smith stated that this condition would be just for the day care center, it would not apply to any other business.

Ms. Baker stated that people will not drive in and the outside is not going to look like a commercial day care center. Within the plan the applicants hope to reside their house and it will actually look like a nicer home. It will look like a nice home; it will not look like a day care center with a huge sign in the yard.

Commissioner Neese stated that he thinks it is great to have a day care in a neighborhood because it is a safety issue for the children because they will be out on the highway less, they are not going out on Highway WW to get to another area for child care. Commissioner Neese stated that he thinks it is wonderful what the applicants are doing.

Commissioner Morgan informed the applicants that they should get a copy of the neighborhood restrictions. Commissioner Morgan stated that he is surprised there isn't some sort of covenant on that and asked the applicants if they were aware of any restrictions when they started the daycare.

Ms. Baker stated that a family day care isn't considered a commercial business. The applicants are running a family home day care which is why the applicants had to get a conditional use permit in order to go further with it.

Commissioner Morgan stated that after all these years no one ever protested the day care.

Ms. Baker stated no.

Mr. Baker stated that there have been several people providing day care in the subdivision. There is another lady on the applicant's street that does it.

Commissioner Heitkamp asked the applicants if they were planning to put up a sign.

Ms. Baker stated no.

Mr. Baker stated that all the business the applicants have received is through referrals; the applicants haven't had to advertise.

Commissioner Neese stated that he is in favor of the request because of the way this would help the neighborhood.

Commissioner Neese made and Commissioner Morgan seconded a motion to **approve** the request by Bob and Kristin Baker for a permit for a day care center located at 2337 S El Centro Ct., Columbia:

Pat Smith - Yes	Mike Morgan - Yes
Keith Neese - Yes	Carl Freiling – Yes
Kristen Heitkamp – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on June 29, 2004.

REZONING REQUESTS

1. Request by Kassie Claughton to rezone from R-S (Single Family Residential) to C-G (General Commercial) on 1.56 acres, more or less, located at 2660 Starke Ln., Columbia.

Director, Stan Shawver gave the staff report stating that this property is located just north of Columbia at the intersection of Oakland Gravel Rd., Starke Ave. and Highway 63. The property is zoned R-S (Single

Family Residential). Property to the north across Strake lane is zoned M-L and is the County Fair Grounds. Property to the east, south and west is zoned R-S. There is a modular dwelling on this property. This request is to rezone the site to C-G (General Commercial) zoning. The original application indicated that the applicant was seeking C-G or C-GP (Planned Commercial) zoning; however, none of the required plans were submitted that would allow the staff to evaluate this as a C-GP request, so it has been reviewed strictly on the basis of seeking C-G zoning. This site is located within the Columbia School District. Electric service is provided by Boone Electric Cooperative. Water service is provided by the city of Columbia.

The original zoning for this tract is R-S. The tract itself was created when Highway 63 was constructed and this parcel was separated from the parent tract that is on the other side of Highway 63. The modular home was placed on the property in 1988 and the garage was built in 1996.

The master plan designates this area as being suitable for residential land uses. Staff notified 9 property owners about this request.

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

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

The site is served by Boone Electric Cooperative. The applicant indicates that the proposed use will be a commercial establishment focused on providing family activities; however the C-G zoning permits a wide variety of activities. Boone Electric should have no problem serving the site with additional electric service if it is required.

This is located within the Columbia water service area. Depending on the type of structure built and its actual uses, it may be necessary to upgrade the water service to meet fire flows.

This site is directly off of Highway 63 and access is provided by Starke Ave. There is good access to this site.

The nearest fire station is located within two miles. The Sheriff's Department is on the west side of Highway 63. Other emergency services have ready access to the site due to the proximity of Highway 63.

Staff notes that there are several commercial sites in the vicinity of this request, however, with the exception of the county owned property, these developments have been planned. While this site is being used for residential purposes under the existing zoning, staff does acknowledge the potential for commercial use. However, past commission action has been to limit new commercial zoning to planned developments.

Staff recommends that this request be denied.

Present: Otto Trachsel, step-father of property owner, 3702 Wayside Dr., Columbia.

Mr. Trachsel stated that the applicants want to put a family entertainment center on the property. When the applicants put up the building they would like to fall back to some other uses if the entertainment

center does not succeed. The proposed building size is 70 by 120. The plan is to have a billiard parlor, arcade and draft beer; no hard liquor will be involved. The piece of property to the south is owned by Albright Heating and Air and he has a contract on the piece of property adjacent to his property that goes along the highway. Mr. Albright is going to apply for C-G also.

Chairperson Smith stated that the applicants didn't apply for planned commercial because the applicants want to keep their options open for the 25 uses listed.

Mr. Trachsel stated yes. Some of them would be taken off but he listed some of the things allowed in general commercial. The applicants want to have other options in case their business doesn't succeed.

Chairperson Smith stated that under planned commercial the applicants could always come back with another plan.

Mr. Trachsel stated that people can get in financial situations where that wouldn't work.

Commissioner Morgan asked what type of sewer treatment facility is on the property.

Mr. Trachsel stated that it is the County sewer system that is hooked up to the City.

Open to public hearing.

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

Closed to public hearing.

Commissioner Neese asked how long the applicants have owned the property.

Mr. Trachsel stated 3 years.

Commissioner Neese asked the applicants if they bought the property knowing it was residential.

Mr. Trachsel stated yes.

Commissioner Neese stated that to change from residential to commercial is always a big step. Highway 63 is somewhat of an entrance to the community and there are also plans for the fairgrounds.

Mr. Trachsel agreed.

Commissioner Neese stated that this is at the gateway, so to speak, and is very apprehensive about some of the uses shown.

Commissioner Morgan asked the applicant if he was going to improve the driveway.

Mr. Trachsel stated he probably would. The tenant that lives at the property should be out by the first of the month.

Commissioner Mink stated that this is probably an appropriate site for commercial activity but C-G is too open and he would prefer to see planned. The uses proposed in the application are probably okay but there is no guarantee that this is what would actually end up there.

Chairperson Smith stated that the Commission has a hard time acting on anything that is not planned. For a request like this it is in a very critical area.

Commissioner Freiling stated that when the Commissioners vote, they like to know what they are voting for. There are so many different uses that are of different character from one another. If the Commission approved open zoning it could be a billiard hall for 20 years but who knows what will happen after that.

Mr. Trachsel asked the Commission if they would rather he came back with planned commercial.

Commissioner Freiling stated yes.

Mr. Shawver stated that if the request is denied by the Planning and Zoning Commission the applicant can appeal to the County Commission and if it is denied there; if the applicants were to resubmit planned commercial that is a substantially different application so there would be no lost time. If the applicant tried to resubmit general commercial it would be a six month wait.

Mr. Trachsel asked if he withdrew the request how much of a process do the applicants have to go through again; will there be the same fees?

Mr. Shawver stated the same process and there would be applicable fees.

Mr. Trachsel stated that he saw no need to withdraw the request.

Commissioner Neese made and Commissioner Morgan seconded a motion to **deny** the request Kassie Claughton to rezone from R-S (Single Family Residential) to C-G (General Commercial) on 1.56 acres, more or less, located at 2660 Starke Ln., Columbia:

Pat Smith - Yes	Mike Morgan - Yes
Keith Neese - Yes	Carl Freiling – Yes
Kristen Heitkamp – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to deny request carries unanimously.

Chairperson Smith informed the applicant that if he wished to appeal this decision to the County Commission an appeal form would need to be filed within three working days.

PLANNED DEVELOPMENTS

1. Request by Diane Heuer to approve a revised Review Plan for Nemow Subdivision Planned Commercial Development on 2.86 acres located at 16827 N Old Hwy 63 North, Sturgeon.

Planner, Thad Yonke gave the staff report stating that the site is located on the west side of Old Highway 63 approximately 7 miles south of Sturgeon and 1.5 miles north of the intersection with Highway 124 West. The property is zoned C-GP (Planned Commercial), all of the surrounding property is zoned A-2

(Agriculture). This request is to approve a revised review plan for the property to allow a warehouse/barn to be removed and replaced with an office for the business that will be the same size or smaller than the removed structure. The uses are still limited solely to the insulation business. The area contained within the planned development is 2.86-acres. This property was originally zoned A-2, but in 1975, 5 acres were rezoned REC to allow a commercial stable. At some point thereafter, the original barn was converted and used in conjunction with an insulation business and was granted rezoning in 1997. This site is within the service area of Public Water District No. 10, and is within the Harrisburg School District. Staff notified 18 property owners concerning this request. The property scored 30 points on the rating system.

Staff notified 10 property owners concerning this request.

Staff recommends approval of the revised review plan.

Present: Dan Brush, 506 Nichols St., Columbia
Diane Heuer, 16821 Old Highway 63 N, Sturgeon.

Mr. Brush stated that the plan is to remove an existing warehouse and install an office building in its place. There are no changes for the intended use.

Ms. Heuer stated that there is only one person who works in the office. The office will only have one bathroom. The applicants don't conduct business out of the office but the employees come in at morning and evenings.

Open to public hearing.

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

Closed to public hearing.

Commissioner Morgan made and Commissioner Mink seconded a motion to **approve** the request by Diane Heuer to approve a revised Review Plan for Nemow Subdivision Planned Commercial Development on 2.86 acres located at 16827 N Old Hwy 63 North, Sturgeon:

Pat Smith - Yes	Mike Morgan - Yes
Keith Neese - Yes	Carl Freiling – Yes
Kristen Heitkamp – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Chairperson Smith informed the applicant that this request would go before the County Commission on June 29, 2004.

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2. Request by T-Vine Enterprises, Inc. to approve a Final Plan for Settler's Ridge Planned Commercial Development on 3.72 acres located at 8000 N. Route B.

Planner, Thad Yonke gave the staff report stating that this property is located north of Columbia on state highways B and HH. The property within the boundaries of the plan is part of a 117.02 acre parcel for which a Review Plan and Preliminary Plat was approved in 2002. This Final Development Plan is a portion of the first phase of the development that will also include 61 lots for single family dwellings and 17 lots for two-family dwellings.

The subject tract is zoned A-2 (Agriculture) with CG-P zoning pending approval of the final development plan. Land to the east is zoned R-D and R-S, to the north is A-2 with an approved Review Plan for CG-P, to the west, across Route B is A-2 with an approved Review Plan for RS-P and RD-P, to the south is CG-P.

Although two lots are shown on the development plan, the property has not yet been platted. A final plat for Phase 1 of Settlers Ridge is pending. The property is under a pre-annexation agreement with the City of Columbia for the purpose of obtaining sewer service. A condition of the agreement requires the developer to obtain plat approval from the City of Columbia prior to approval by Boone County. This restriction applies only to the plat, not to the Final Development Plan.

The property is located within the Boone Electric service area. The proposed development lies within the Hallsville R-4 School District.

The purpose of this final plan is to finalize the change in zoning from A-2 to CG-P. No structures are shown on either of the proposed lots therefore no construction can occur on either lot until a Revised Review Plan and Final Plan are approved. A note to this effect appears on the Final Plan.

Both lots will access off of Settlers Ridge Drive, which will be constructed with the first phase of the subdivision.

Water District Number 4 provides water service to the property.

Sewer service will be provided by the City of Columbia.

Staff recommends approval of the plan.

Present: Jeff McCann, Allstate Consultants, 3312 LeMone Industrial Blvd., Columbia.

Mr. McCann had no comments.

Open to public hearing.

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

Closed to public hearing.

Commissioner Neese made and Commissioner Mink seconded a motion to **approve** the request by T-Vine Enterprises, Inc. to approve a Final Plan for Settler's Ridge Planned Commercial Development on 3.72 acres located at 8000 N. Route B:

Pat Smith - Yes

Mike Morgan - Yes

Keith Neese - Yes Carl Freiling – Yes
Kristen Heitkamp – Yes Rob Brown - Yes
David Mink – Yes

Motion to approve request carries unanimously.

Chairperson Smith informed the applicant that this request would go before the County Commission on June 29, 2004.

PLAT REVIEWS

1. Friendship Church Estate. S19-T50-R12W. REC. Herbert and Susan Bastow, owners. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

This 1 lot minor plat is located at the immediate northeast corner of the intersection of N. Sportsman’s Drive and E. Friendship Church Road. The site is approximately 1 mile east of the intersection of E. Friendship Church Road and Highway 63. The site is approximately four miles west of the municipal limits of the City of Hallsville and approximately four miles north of the municipal limits of the City of Columbia. The area being subdivided contains 5.26-acres out of an approximately 192-acre parent parcel. The property is zoned A-2 (Agriculture) as is property to the west, north, east, and the remainder of the parent tract. Zoning to the south is REC (Recreation). These are all the original 1973 zonings except for the subject tract and the parent parcel which were rezoned from REC in 1978. The property is currently vacant. Sewage treatment will be provided by on-site wastewater systems. Any new on-site wastewater system must meet all County Health Department requirements. The site is in Water District 4 service area. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Hallsville School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 29 points on the point rating scale.

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

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve Friendship Church Estate. S19-T50-R12W. REC. Herbert and Susan Bastow, owners. J. Daniel Brush, surveyor with waiver requests:**

Pat Smith - Yes Mike Morgan - Yes
Keith Neese - Yes Carl Freiling – Yes
Kristen Heitkamp – Yes Rob Brown - Yes
David Mink – Yes

Motion to approve plat with staff recommendations carries unanimously.

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- 2. Natures Crosswalk. S9-T49N-R12W. A-2. Donna Sims, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

This 1 lot minor plat is located approximately 1500 feet north of the intersection of N. North Browns Station Road and E. Ketterer Road. The parent parcel is bounded by Route B on the west and N. North Browns Station Road on the east. The portion of the property being platted is the north part of the parent parcel. The site is approximately one mile north of the municipal limits of the City of Columbia. The area being subdivided contains 6.26-acres out of an approximately 45-acre parent parcel. The property is zoned A-2 (Agriculture) as is all surrounding property except property to the east across N. North Browns Station Road which is zoned R-S (residential single family). These are all the original 1973 zonings. There currently is a house and wastewater lagoon on the proposed lot. Sewage treatment will be provided by on-site wastewater systems. Any new on-site wastewater system must meet all County Health Department requirements. The site is in Water District 4 service area. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Hallsville School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 69 points on the point rating scale.

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

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** Natures Crosswalk. S9-T49N-R12W. A-2. Donna Sims, owner. J. Daniel Brush, surveyor **with waiver requests**:

- | | |
|------------------------|---------------------|
| Pat Smith - Yes | Mike Morgan - Yes |
| Keith Neese - Yes | Carl Freiling – Yes |
| Kristen Heitkamp – Yes | Rob Brown - Yes |
| David Mink – Yes | |

Motion to approve the plat with staff recommendations carries unanimously.

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- 3. Fitz. S23-T51N-R13W. A-2. Leslie Fitzgerald, Jason and Cherie Swartz, owners. C. Stephen Heying, surveyor.

The following staff report was entered in to the record:

The property is located on the south side of Crofton Hall Road approximately 1/8 miles west of U.S. 63. The purpose of the plat is to reconfigure the property lines.

Both lots will have frontage on and direct access to Crofton Hall Road. A twenty five foot right of way for Crofton Hall Road was dedicated by Toler Subdivision. Eight-feet of additional of right of way, for a

total half-width of 33-feet, will be dedicated by this plat. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water District Number 10 provides water service in this area.

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

The property scored 33 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** Fitz plat S23-T51N-R13W. A-2. Leslie Fitzgerald, Jason and Cherie Swartz, owners. C. Stephen Heying, surveyor **with the following staff recommendation:**

Pat Smith - Yes	Mike Morgan - Yes
Keith Neese - Yes	Carl Freiling – Yes
Kristen Heitkamp – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve the plat with staff recommendations carries unanimously.

* * * * *

4. Waulters Ridge. S24-T50N-R13W. A-2 Sarah Waulters, owner. Curtis E. Basinger, surveyor.

The following staff report was entered in to the record:

This 3 lot minor plat is located approximately 3000 feet south of the intersection of Highway 63 N. and Old Highway 63 N on the west side of Old Highway 63 N. The site is approximately six miles north of the municipal limits of the City of Columbia. The area being subdivided contains 9.87-acres. The property is zoned A-2 (Agriculture) as is all surrounding property. These are all the original 1973 zonings. There currently is a house, garage, and on-site wastewater system on each of proposed lots 1 and 2. Proposed lot 3 is vacant. Sewage treatment will be provided by on-site wastewater systems. Any new on-site wastewater system must meet all County Health Department requirements. The site is in Consolidated Water District #1 service area. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Harrisburg School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 30 points on the point rating scale.

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

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** Waulters Ridge. S24-T50N-R13W. A-2 Sarah Waulters, owner. Curtis E. Basinger, surveyor **with waiver request and the following condition:**

Pat Smith - Yes	Mike Morgan - Yes
Keith Neese - Yes	Carl Freiling – Yes
Kristen Heitkamp – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve the plat with staff recommendations carries unanimously.

* * * * *

- 5. Kensington Lane. S11-T49N-R13W. R-S. Daniel and Allison Archibeque, owners. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

This 2 lot re-plat of a re-plat of one of the lots originally created as part of County Downes Block V. The property is located at the immediate west and north of where W. Kensington Lane and N. Cavendish Court intersect, approximately 500 feet southwest of the intersection of W. Kensington Lane and W. Akeman Bridge Road. The site is approximately 2&1/2 miles north of the municipal limits of the City of Columbia. The area being subdivided contains 1.67-acres. The property is zoned R-S (single family residential) as is all surrounding property. These are all the original 1973 zonings. There currently is a house on proposed lot 1, proposed lot 2 is vacant. A good portion of proposed lot 2 is in the 100 year floodplain. Sewage treatment will be provided by the central system operated by the BCRSD for the area. The site is in Consolidated Water District #1 service area. Fire hydrants are required for this re-plat because it is a division of a lot that was part of a major plat and is therefore a phase of a major plat. Prior to the plat going to County Commission there will have to be a useable hydrant acceptable to the fire district within 500 feet of the property. The site is in the Columbia School District. A waiver from traffic analysis has been requested. Staff concurs with the granting of this waiver. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 63 points on the point rating scale.

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

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** Kensington Lane. S11-T49N-R13W. R-S. Daniel and Allison Archibeque, owners. J. Daniel Brush, surveyor **with waiver requests**:

Pat Smith - Yes	Mike Morgan - Yes
Keith Neese - Yes	Carl Freiling – Yes
Kristen Heitkamp – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve plat with staff recommendations carries unanimously.

* * * * *

6. Boone Industrial Park, replat lot 6. M-L. S30T-49N-R12W. Questec Properties LLC, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

This 2 lot re-plat will divide an existing lot that is part of the original lot 6 originally created as part of Boone Industrial Park North Block 2. The property being divided is located at the immediate southwest corner of the intersection of Interstate Drive and Boone Industrial Drive. The site is in Boone Industrial Park North which is a development located on the east side of Highway 763. The industrial park is part of a pocket of unincorporated ground that is virtually surrounded by property that has been annexed into the City of Columbia. The area being subdivided contains 7.76-acres. The property is zoned M-L (light industrial) as is all the immediately surrounding property. These are all the original 1973 zonings. There currently is an industrial building on proposed lot 6B. Proposed lot 6A is vacant. Sewage treatment will be provided by the central system operated by the BCRSD that is being transferred to the City of Columbia. The site is in City of Columbia Water service area. Fire hydrants are required for this re-plat because it is a division of a lot that was part of a major plat and is therefore a phase of that major plat. Prior to the plat going to County Commission there will have to be a useable hydrant acceptable to the fire district within 300 feet of the property. The site is in the Columbia School District. A waiver from traffic analysis has been requested. Staff concurs with the granting of this waiver. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 78 points on the point rating scale.

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

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve Boone Industrial Park, replat lot 6. M-L. S30T-49N-R12W. Questec Properties LLC, owner. J. Daniel Brush, surveyor with waiver requests:**

Pat Smith - Yes	Mike Morgan - Yes
Keith Neese - Yes	Carl Freiling – Yes
Kristen Heitkamp – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve plat with staff recommendations carries unanimously.

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7. Lone Oak Country Estates. S12-T51-R13W. A-2. Mark and Stephanie Perkins, owners. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

This 9 lot minor plat is located at the immediate southeast corner of the intersection of E. Harper Road and E. Roy Barnes Road surrounding and excluding a relatively square 2.5-acre tract that actually occupies the immediate corner. The site is located approximately 1000 feet west of the intersection of

Highway 63 and E. Roy Barnes Road. The area being subdivided contains 46.59-acres. The property is zoned A-2 (agriculture) as is all the immediately surrounding property. These are all the original 1973 zonings. There currently is a manufactured home and wastewater lagoon on proposed Lot 5. All the other proposed lots are vacant. Sewage treatment will be provided by on-site wastewater systems. Any new on-site wastewater system must meet all County Health Department requirements. A cost benefit analysis was provided indicating that a central wastewater system was not practical for this development at this time as designed. The site is in Water District #10 service area. Fire hydrants are required for this plat. Prior to the plat going to County Commission there will have to be a useable hydrant network acceptable to the fire district with 500 feet spacing. The site is in the Sturgeon School District. A waiver from traffic analysis has been requested. Staff concurs with the granting of this waiver. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 38 points on the point rating scale.

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

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve Lone Oak Country Estates. S12-T51-R13W. A-2. Mark and Stephanie Perkins, owners. J. Daniel Brush, surveyor with waiver requests:**

Pat Smith - Yes	Mike Morgan - Yes
Keith Neese - Yes	Carl Freiling – Yes
Kristen Heitkamp – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve plat with staff recommendations carries unanimously.

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- 8. Concord Estates Plat 1-A. S21-T48N-R12W. R-S. Property Development Inc., owner. James R. Jeffries, surveyor.

The following staff report was entered in to the record:

This 1 lot re-plat combines 9 lots that were originally platted as part of Concord Estates Plat 1. The property is located approximately 100 feet southeast of the intersection of S. Daniel Boone Boulevard and E. Rex Street approximately 500 feet southeast of the intersection of State Route WW and S. Daniel Boone Boulevard. The site is approximately 1 mile east of the municipal limits of the City of Columbia. The area being subdivided contains 3.44-acres. The property is zoned R-S (single family residential) as is all surrounding property. These are all the original 1973 zonings. The property is currently vacant. Sewage treatment will be provided by the central system operated by the BCRSD for the area. The purpose of this plat is to free-up existing sewer capacity for other area developments by combining the 9 Lots. 8 residential sewer units worth of capacity is freed-up. The site is in Water District #9 service area. Fire hydrants will be required to be installed with the redevelopment of the overall property owned by the same developer. The site is in the Columbia School District. A waiver from traffic analysis has been requested. Staff concurs with the granting of this waiver. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 70 points on the point rating scale.

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

Commissioner Mink made and Commissioner Heitkamp seconded a motion to **approve** Concord Estates Plat 1-A. S21-T48N-R12W. R-S. Property Development Inc., owner. James R. Jeffries, surveyor **with waiver requests**:

Pat Smith - Yes	Mike Morgan - Yes
Keith Neese - Abstain	Carl Freiling – Yes
Kristen Heitkamp – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve plat with staff recommendations carries 6 YES 1 ABSTAIN

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9. Shadowridge. S8-T46N-R12W. A-2. Kevin Nahler, owner. Steven R. Proctor, surveyor.

The following staff report was entered in to the record:

The property is located on the north side of Route M just east of the intersection with Route MM.

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

Consolidated Public Water District Number 1 provides water service to the property through an 8-inch waterline located on the north side of Route M. Fire hydrants will have to be installed at locations approved by the Southern Boone County Fire Protection District and the Water District prior to plat recording.

On site wastewater systems will be used for sewage disposal. A plan showing a suitable location for an on-site wastewater system on has been submitted for each lot. Utility easements are being provided to enable connection to a central collection system if and when such a system is available. The applicant has submitted a request to waive the requirement to provide a wastewater cost benefit analysis.

The property scored 66 points on the rating system.

Staff recommends approval of the plat and waiver requests

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** Shadowridge. S8-T46N-R12W. A-2. Kevin Nahler, owner. Steven R. Proctor, surveyor **with waiver requests**:

Pat Smith - Yes	Mike Morgan - Yes
Keith Neese - Yes	Carl Freiling – Yes
Kristen Heitkamp – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve plat with staff recommendations carries unanimously.

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- 10. Meadow Acres. S32-T47N-R12W. A-2. Carolyn P. Wenneker Principal Residence Trust, owner. James V. Patchett, surveyor.

The following staff report was entered in to the record:

This 3 lot minor plat is located approximately ¼ mile west of the intersection of E. Nashville Church Road and State Route DD. The site is approximately two miles northwest of the municipal limits of the City of Ashland. The area being subdivided contains 24.67-acres. The property is zoned A-2 (Agriculture) as is all property to the south, west, and north. Property to the east across the section line is zoned A-1 (Agriculture). These are all the original 1973 zonings. There currently is a house, barn, and on-site wastewater system on proposed lot 1. Proposed lots 2 & 3 are vacant. Sewage treatment will be provided by on-site wastewater systems. Any new on-site wastewater system must meet all County Health Department requirements. The site is in Consolidated Water District #1 service area. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the South Boone County School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Southern Boone County Fire Protection District and Boone Electric Service areas. This plat has 38 points on the point rating scale.

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

Commissioner Neese made and Commissioner Mink seconded a motion to **approve Meadow Acres. S32-T47N-R12W. A-2. Carolyn P. Wenneker Principal Residence Trust, owner. James V. Patchett, surveyor with waiver requests:**

Pat Smith - Yes
Keith Neese - Yes
Kristen Heitkamp – Yes
David Mink – Yes
Mike Morgan - Yes
Carl Freiling – ABSTAIN
Rob Brown - Yes

Motion to approve plat with staff recommendations carries. 1 YES 1 ABSTAIN

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- 11. K & K Crump. S24-T46N-R13W. A-2. Robert and Joy Beuthien, owners. Curtis E. Basinger, surveyor.

The following staff report was entered in to the record:

The property is located on the north side of State Route M, approximately one-mile north of Wilton. There is an existing home, mobile home and shed on the property.

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

Consolidated Public Water District Number 1 provides water service to the property. The district reports that the existing home and mobile home are being served by the same water meter, which is located on proposed Lot 1. A new meter will need to be installed on proposed Lot 2 for water service to that lot.

On site wastewater systems will be used for sewage disposal. There are currently no lagoons on the property and it is unknown whether there are adequate disposal systems in place. The Columbia/Boone County Health Department has commented that the shape and slope of the lots may preclude the use of lagoons. The Health Department has requested a soils morphology report for the purpose of determining whether the soils can support septic systems. Staff has been notified that such a report exists but has not yet received a copy or confirmation from the Health Department that they have received such a report.

The existing home, shed and mobile home are within the front setback area. The Boone County Board of Adjustment has granted a variance to allow the home, on proposed Lot 1, to remain in the setback. The mobile home is required to be removed prior to recording the plat. The shed, which straddles the proposed lot line between Lots 1 and 2, is required to be shown on the plat. It will also need to be removed prior to recording the plat.

The name, classification and submittal date is not printed on the plat as required by the Subdivision Regulations.

The property scored 28 points on the rating system.

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

1. Wastewater disposal issues must be resolved to the satisfaction of the Columbia/Boone County Health Department prior to recording the plat.
2. The existing mobile home on proposed Lot 2 must be removed prior to recording the plat.
3. The location of the existing shed that straddles the proposed property line between Lots 1 and 2 shall be shown on the plat along with a note indicating that shed is to be removed. The shed shall be removed or moved to a location that complies with Boone County Land Use Regulations prior to recording the plat.
4. The name, classification and submittal date shall be added to the plat.

Commissioner Neese made and Commissioner Mink seconded a motion to **approve K & K Crump, S24-T46N-R13W, A-2, Robert and Joy Beuthien, owners, Curtis E. Basinger, surveyor with waiver requests and the following conditions:**

1. Wastewater disposal issues must be resolved to the satisfaction of the Columbia/Boone County Health Department prior to recording the plat.

2. The existing mobile home on proposed Lot 2 must be removed prior to recording the plat.
3. The location of the existing shed that straddles the proposed property line between Lots 1 and 2 shall be shown on the plat along with a note indicating that shed is to be removed. The shed shall be removed or moved to a location that complies with Boone County Land Use Regulations prior to recording the plat.
4. The name, classification and submittal date shall be added to the plat.

Pat Smith - Yes	Mike Morgan - Yes
Keith Neese - Yes	Carl Freiling – ABSTAIN
Kristen Heitkamp – Yes	Rob Brown - Yes
David Mink – Yes	

Motion to approve plat with staff recommendations carries 1 YES 1 ABSTAIN

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OLD BUSINESS

Director, Stan Shawver informed the Planning and Zoning Commission of the decisions made by the County Commission.

Conditional use permit by Kent Gilbane which was recommended denial was appealed to the County Commission. The County Commission approved the conditional use permit with various conditions.

Rezoning requests by Kallenbach, Big Sky, and Potterfield were approved as recommended.

Rezoning request by Rajiv Shah/Brentwoods Inc., was recommended denial and was appealed to the County Commission. The County Commission approved the rezoning request and review plan.

Review plan for Tyger Hills industrial development was approved as recommended.

NEW BUSINESS

Election of officers will be next month.

Next Monday will be the first open house in Sturgeon at the City Hall at 7:00 p.m.

Commissioner Heitkamp stated that she sent out the City staff growth report to the County Planning and Zoning Commissioners and at some point the Commissioners will probably discuss it.

ADJOURN

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

Respectfully submitted,

Kristen Heitkamp,
Planning and Zoning Commission

Minutes approved on this 15th day of July, 2004.