

# BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, December 16, 2004

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

Present:	Pat Smith, Chairperson	Perche Township
	Mary Sloan, Vice-Chairperson	Rocky Fork Township
	Kristen Heitkamp, Secretary	Katy Township
	Mike Morgan	Bourbon Township
	Russell Duker	Missouri Township
	Rob Brown	Rock Bridge Township
	Keith Neese	Columbia Township
	Carl Freiling	Cedar Township
	Larry Oetting	Three Creeks Township
	David Mink	Public Works
Absent:	Michael Caruthers	Centralia Township
Also present:	Stan Shawver, Director	Bill Florea, Staff
	Thad Yonke, Staff	Chris Crane, Staff

The minutes of the November 18, 2004 meeting were approved with no corrections. Approved by acclamation.

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

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes two conditional use permit, three rezoning request, and six plat reviews.

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 may not be lengthy and while we wish to extend an opportunity to everyone that wishes to speak, we ask that you not be repetitious with your remarks. We also recognize that many issues can be quite emotional. In that regard we ask that you refrain from any signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

After those opposed to the request have had a chance to speak, the applicant will have an opportunity to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the Commission. The Commission will then discuss the matter and may ask questions of anyone present during discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the County Commission. Please note that the Boone County zoning regulations and subdivision regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, December 28, 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, December 28, 2004 will begin at 7:00 p.m. and will convene in this same room.

## **CONDITIONAL USE PERMITS**

1. Request by Loren Boger for a permit for a kennel on 23.65 acres located at 3150 N Rte Z, Columbia.

Planner, Thad Yonke gave the staff report stating that is located on State Highway Z, 2 ½ miles east of Columbia and 1 ½ miles north of Interstate 70. The property is zoned A-1, as is all of the surrounding property. This request is a for a dog breeding kennel. There is a house and shop on the property. This site is located within the Columbia School District and the Boone County Fire Protection District. Electric service is provided by the Boone Electric Cooperative. Water service is provided by Public Water District 9. The master plan designates this area as being suitable for agriculture and rural residential land uses. There have been no previous requests submitted for this tract. Staff notified 14 property owners about this request.

The zoning regulations list the criteria that the Commission is to consider before granting a conditional use permit. Staff analysis of the request is based upon the application.

- (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 applicant has indicated to the staff that they have discussed this request with the closest neighbors. The applicant indicates that the neighbors are not opposed to this request. However, public testimony may be indicative as to whether this criterion can be met.

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

Staff has no reason to believe that the proposed use will have a negative impact on property values in the area. 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, electricity and roads. An improved wastewater system will be required.

- (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 area is zoned A-1, with residential uses limited to 10 acre tracts or larger. Future development of the area will be accomplished through the existing zoning, or will require rezoning to achieve a higher density of development. Noise and odors emanating from the site, unless adequately controlled, could discourage future residential development at a higher density. However, public testimony may be indicative as to whether this criterion is met.

- (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.

This site has direct access from State Highway Z. The proposed use should not hinder traffic or cause congestion on 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 County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-1 zoning district.

County regulations require that a kennel of this type comply with the minimum standards of the United States Department of Agriculture. The applicants have indicated that their intent is to comply with these standards.

If the Commission decides to approve the permit, staff suggests the following conditions:

- Facility to comply with USDA standards within 90 days.
- Provide proof of USDA license within 90 days.
- Install sight proof fence around facility within 90 days.
- Install wastewater system for the kennel within 90 days.
- Kennel building must be at least 100 feet from property lines.

Present: Loren Boger, 3150 N. Route Z., Columbia.

Mr. Boger stated that the use of the kennel would be for raising English bulldogs at this time. It would be considered a hobby/show as far as the Department of Agriculture is concerned. Until Mr. Boger gets over three dogs he does not need a license. If it is a hobby/show it would be considered registered until he gets 10 dogs. Mr. Boger stated that he has no problem getting licensed at a smaller amount of dogs. The applicant plans on staying hobby/show. The applicant has already purchased a building it is 14 x 48. Thanks to a neighbor he found it in an auction and Mr. Boger went to the auction and got the building cheap. Mr. Boger stated that he has done a lot of research since turning in his application so he plans on changing the information in his application a little. The stacked units originally proposed; there will be four lower units with outside runs that are 6 x 10. The applicants haven't decided how to make the outside runs and whether or not they are going to be concrete, pea gravel or a mat. With English bulldogs there are some issues with concrete. Each one will have a pen draining to a lagoon/septic system.

There are some small kennels that will be stacked above these; that is more for training purposes for house breaking English bulldogs. Also inside the building there are some bigger inside pens that are 6 x 6 they will be used when it is really cold or hot outside. On the west side of the building where the 6 x 10 pens are out the applicants were planning on putting a privacy fence around there. This is by no means a soundproof pen. It will muffle the sound a little bit but you can't make a sound proof fence but it will keep the dogs from seeing rabbits going by and barking. While we are on the subject of noise; the book Mr. Boger has on English bulldogs it pretty much specifies that English bulldogs don't bark an awful lot and that is pretty much the way his dog acts; it doesn't bark a lot. Noise should not be an issue. Inside this building it is a total grated floor so it all runs in to the sewer system; the whole building is grated. On the east side we are planning on putting a fence so we can allow these dogs to exercise in a bigger pen. On the 6 x 10 runs the interior portion of that run is 3 x 6. Mr. Boger stated he plans on having two dogs per run. English bulldogs and a lot of other dogs need a companion, by having two dogs they get along better.

This is a dog house; this is not the place that they play or a place they run, this is a dog house. If you were to go buy a dog house anywhere the biggest dog house you can buy is 2.5 x 3 square feet, this is 3 x 6. All the books that you read will tell you that you don't want the pen to be too large because they start going to the bathroom on the inside pens and we don't want that. We don't want the inside pens to be too awful large so it is considered an inside dog house. This building will be air conditioned and heated it will have a filtering system for odor, it will also have an exhaust fan. All of these are electronically regulated so they go on and off and keep the temperature constant. There will be enough room for cleaning and grooming.

Regarding the lagoon, the applicant has talked to Dennis Seaver and Cynthia Smith from DNR and the Commission should have a letter on that. Since then the applicants have started preliminary lagoon setup for it. As of right now the applicants home has laterals and they were built before code. One thing the applicants will be doing with the lagoon is draining the septic in to the lagoon from the house as well as the water coming from the septic tank of the kennel. This is a non discharge lagoon. This lagoon will go out and we will sprinkler half an acre of land on all of those months where the ground is not either frozen or totally saturated. There are three or four months out of the year that the applicants will not be able to aerate. This lagoon is a two step lagoon; there will be one lagoon collecting the gray water and another lagoon for the storage. That helps the applicants get their house up to code and helps in the kennel.

Mr. Boger has talked to all the neighbors and a good portion are here tonight on the applicants behalf.

Chairperson Smith stated that the applicant has one English bulldog now.

Mr. Boger stated yes; she is 10 months old and he bought her in the process in believing he was going to breed. She has now come down with hip dysplasia and he tried to get that fixed but nothing could be done because the hips were too bad. The applicants are willing to pay whatever it takes to keep the dogs healthy. She will be spayed.

Chairperson Smith asked how many dogs the applicants plan to sell; does the applicant have any idea they will be breeding and raising.

Mr. Boger stated that he was thinking about getting three. The problem with the Department of Agriculture is a dog over 6 months old is not spayed is considered female. So if you have three breedable females and you start saving some of the puppies to see what they are going to look like you could quickly get over their limit of 9 for hobby/show. 10 would be licensed hobby/show. On English bulldogs, somewhere around the third or fourth year you need to quit breeding them at that point in time you either need to find them a home or the applicants will keep them around. Then they will be a spayed animal. The applicants will need the space to keep them around. Mr. Boger stated that almost all of his animals are pets so it would be hard to get rid of one.

Commissioner Duker stated that the applicants wanted to stay hobby/show so the application is for nine dogs or less.

Mr. Boger stated that it could be nine dogs or less. If the applicant is licensed in the Department of Agriculture.

Commissioner Duker asked the applicant how many dogs they are asking for in this permit.

Mr. Boger stated that he was never asking for any certain number but he could ask for 10 or 9. The comments that were made earlier about being licensed by the Department of Agriculture; if the applicant is "hobby show" and registered he doesn't have to be licenses until he has 10 dogs.

Commissioner Duker asked the applicant if he was going to keep 9 dogs or 20 dogs.

Mr. Boger stated that he was thinking more around 9 or 10; whatever the Commission would be comfortable with. If the applicant had three or four dogs that were breeding, those dogs trying to get the genetics built up, and then started saving back some of the puppies to see how they are going to grow, as

soon as they hit six months old they are now considered as breeders. If he kept three dogs, and kept two females out of each dog to see how they are going to look, to see if they are show quality, then he is at 9 right there. So he would have to be getting some off of there. Whatever you feel comfortable with.

Commissioner Duker asked how many males he will have if he has 9 or 10 females.

Mr. Boger said he would have no males because he would be looking for the genetics and would be going to other breeders for the males.

Commissioner Duker asked if he would then keep all the puppies for six months. Mr. Boger responded that he would keep the puppies for up to a year to see what they are going to turn out like. Somewhere around the 9 month age, then you might sell them at that point in time.

Chairperson Smith asked the applicant if he had ever shown dogs before. Mr. Boger stated that he had never shown a dog, he was just starting to get into it. But he doesn't want all the dogs in his house, so he is trying to find a place for them.

Chairperson Smith asked the staff the definition of a "hobby kennel."

Director Shawver read from the regulations "**Kennel, Hobby: a kennel that is not a commercial operation.**" "**Kennel: an establishment where small animals are boarded for comensation or where dogs are bred, raised or sold on a commercial scale or where two or more breeding females are kept or bred.**" Director Shawver indicated that there is a difference between a "hobby kennel" and a regular "kennel". The applicant just wrote "kennel" on the application, if the applicant is only interested in a "hobby kennel" then the commission should limit it to a "hobby Kennel" if they decide to approve the permit.

Chairperson Smith stated that if they limited it to a "hobby kennel" then he wouldn't be selling puppies.

Commissioner Heitkamp said that our definition of a "hobby kennel" is different than the USDA.

Chairperson Smith asked the applicant if he was going to be able to dispose of the dogs he doesn't keep? Mr. Boger said there is a high demand for English Bulldogs. They are very hard to raise. He would keep the pick of the litter, and then sell the rest. Newspapers, brokers, other breeders and people that show dogs.

Chairperson Smith explained that a permit could be issued for breeding dogs, that goes with the land, not the person. Mr. Boger said he thought the permit went with the owner. Could it be restricted to him, for his neighbor's comfort? Or not just to him, but to his family?

Commissioner Freiling pointed out that raising coonhounds would have a different impact on the neighborhood than raising English Bulldogs. Can the permit be restricted to a specific breed? Director Shawver indicated that would be too specific.

Commissioner Heitkamp explained to Mr. Boger that he could sell his land to somebody that raises a variety of dogs. This may not sit well with the neighbors, and they would have no recourse.

Chairperson Smith asked the applicant if his prime motivation is to develop show dogs for himself, and not to raise puppies, or, to raise puppies and enjoy the show dogs in the meantime? Mr. Boger stated he would be doing both, raise show dogs and sell puppies. And dogs.

Chairperson Smith explained that the seven conditions of approval have to be considered, and one that bothers her is whether there is a "public necessity" for the conditional use permit. She has a hard time believe there is a public necessity for a lot more puppies in Boone County, in the state or in the world. When someone comes in and says their desire is to raise lots and lots of puppies, as opposed to someone who wants to do something else, and the puppies are the by-product, this is a problem.

Mr. Boger stated that brokers will take any English Bulldog they can get. A lot of people want a pure-bred dog. They don't want a puppy from the pound that they don't know what it is. Mr. Boger said he had talked to the Humane Society, and they rarely put down dogs unless they are sick or have a bad temperament. He had also spoken with them about being in the foster program, but they were looking more for a home type environment, and not a kennel.

Chairperson Smith opened the public hearing.

Marie Pasley stated that she is the closest neighbor to the Bogers. This sounds like it will be a quality facility, and they have no opposition, but they would like the permit to stay with Mr. Boger.

Kevin Bramon stated that he is to the south. He has no problem with the kennel, but would like to see it restricted to Mr. Boger.

Alberta Weaver stated she is across the road. Mr. Boger keeps his place nice and will do right with this kennel. She supports it.

J. W. Stafford is to the north. Good neighbors. Supports the permit.

Allen Ronnebaum stated that he is to the south and supports the request.

There was no opposition to the request.

Mr. Boger returned and asked about the requirement to have a lagoon in 90 days. He is going to have to go through DNR, which may take up to six months. He is also okay with getting a USDA license, but he doesn't need one unless he sells to a broker.

Mr. Yonke explained that the 90 day restriction is from the date the kennel beginning operation, not 90 days from approval.

Mr. Boger asked if the building is set, is it okay to have two dogs before the lagoon is installed? Mr. Yonke explained that he can function up to the limit in the regulations without having to comply with restrictions.

Staff member Yonke asked for clarification on the USDA number limit. Does the 9 dog limit by the USDA only apply to the number of breeding females, or does it apply to the total number of dogs on site. Mr. Boger responded that the state department of Agriculture allows up to 9 breeding females. The USDA doesn't care about a number until you sell to a broker.

Mr. Yonke wanted to make sure the P & Z Commission understood that the limits are on the number of breeding females as opposed to the total number of dogs.

Commissioner Morgan asked the staff if the applicant will be allowed to have a sign. Staff member Florea indicated that he would be able to have a sign.

Commissioner Oetting asked the applicant if he should have a regular kennel permit, or a hobby kennel. Director Shawver explained that the regulations provide a classification for a hobby kennel, but the same permit covers both types of permit. The "hobby kennel" designation was added to the regulations because some of the breeders registered with the American Kennel Association indicated that their dog breed organizations do not allow commercial breeders. So we now allow a kennel to be either a commercial kennel, or a hobby kennel that would breed purebred animals. If Mr. Boger is interested in only being a Hobby Kennel, then it may be in his interest for the commission to restrict his permit to just that. However, I believe he would not be able to sell dogs to a broker if that is the case. He has indicated tonight that he may be selling dogs to brokers, in which case the regular kennel permit is the one to act on.

Commissioner Mink asked the applicant if he had any problems with complying with USDA standards. Mr. Boger stated that the USDA standards are pretty low, and he will exceed them in most cases.

Commissioner Duker made and Commissioner Neese seconded a motion to **approve** the request by Loren Boger for a permit for a kennel on 23.65 acres located at 3150 N Rte Z, Columbia **with the following conditions:**

- Facility to comply with USDA standards within 90 days.
- Facility limited to 9 breeding females.
- Install sight proof fence around facility within 90 days.
- Install wastewater system for the kennel within 90 days.
- Kennel building must be at least 100 feet from property lines.
- Permit expires upon transfer of the land.

Russ Duker - Yes	Keith Neese – Yes
Pat Smith – No	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – No
Mary Sloan – Yes	Rob Brown – Yes
David Mink – Yes	Kristen Heitkamp – Yes

Motion to approve request carries.      8 YES      2 NO

Chairperson Smith informed the applicants that if they wished to appeal this decision to the County Commission they would need to file an appeal form within 3 working days.

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2. Request by Teresa Shaw for a permit for seasonal deer / game processing facility on 17.38 acres, located at 6400 W Hwy 124, Harrisburg.

Planner Bill Florea gave the staff report stating that this site is located approximately 1 mile east of Harrisburg on State Highway 124. The property is zoned A-2, as is all of the surrounding property. There is a house, pole barn, lean-to, skinning shed and meat shop on the property. This request is for a permit to allow a "seasonal deer / game processing" business. This site is located within the Harrisburg, R-8 School District. Water is provided by Consolidated Public Water District No. 1. The master plan designates this area as being suitable for agriculture and rural residential land uses. The Planning Commission has not considered any previous requests for this tract. The zoning Board of Adjustment granted a temporary permit to allow a mobile home to be placed on the property in 2000. The mobile home was removed upon completion of the single family dwelling which was completed in 2003. Staff notified 7 property owners about this request.

The zoning regulations list the criteria that the Commission is to consider before granting a conditional use permit. Staff analysis of the request is based upon the application.

*(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 according to state requirements, 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.*

**Public testimony may be indicative as to whether this criterion can be met.**

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

Staff has no reason to believe that the proposed use will have a negative impact on property values in the area. 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, electricity and roads.**

*(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 area is zoned A-2, with residential uses limited to 2.5 acre tracts or larger. Future development of the area will be accomplished through the existing zoning, or will require rezoning to achieve a higher density of development. However, public testimony may be indicative as to whether this criterion is met.**

*(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.*

This site has direct access from State Highway 124. The proposed use should not hinder traffic or cause congestion on 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 County Commission shall find that there is a public necessity for the conditional use permit.*

The proposal conforms to other applicable regulations of the A-2 zoning district.

Previous requests of this nature have been approved that have included restrictions on the number of domestic animals processed, and restrictions that the permit cannot be transferred. Staff recommends approval of this request.

Teresa Shaw and Sarah Froese approached the Commission. Ms. Shaw stated that she and her partner process deer on their property. They have a permit from the Missouri Department of Conservation. All they do is the public that brings them deer. They do not advertise at all and rely on word of mouth. They average between 210 and 250 deer a year. The work is seasonal and lasts about three months.

Commissioner Sloan asked if they process any domestic livestock. Ms. Shaw indicated that they had done one. She stated that they do not slaughter at their place.

The chairperson opened the public hearing.

Jeff Koppelman stated his property is to the north on Highway 124. He stated that the applicant is a good neighbor and he supports their request.

There was no opposition and the public hearing was closed.

Commissioner Sloan made and Commissioner Mink seconded a motion to **approve** the request by Teresa Shaw for a permit for seasonal deer / game processing facility on 17.38 acres, located at 6400 W Hwy 124, Harrisburg **with the following conditions:**

- Permit expires upon transfer of the land.
- Domestic livestock processed on site limited to 5 per month.
- Slaughter of animals not permitted on premises.

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Keith Neese – Yes	Rob Brown – Yes
David Mink – Yes	Russ Duker – Yes

Motion to approve request carries. 10 YES

Chairperson Smith stated that this request would go before the County Commission on December 28, 2004 and informed the applicants to be present.

## **REZONING REQUESTS**

1. Request by Gilmore Investments LLC to rezone from A-2 (Agriculture) to C-G (General Commercial) of 5.0 acres, more or less, located at 6051 Gilmore Ln., Ashland.

Commissioner Freiling stated that he would have to recuse himself from this request and left the room at 8:10 P.M.

Planner Bill Florea gave the staff report and stated that this site is located on Highway 63 South, approximately 2 ½ miles south of Ashland. The property is currently zoned A-2. There is a 5500 sq. ft. metal building on the site. This request is to rezone the property to A-2 (Agriculture). This site is located within the Boone Electric service area and Consolidated Public Water District No. 1 and Southern Boone R-1 school district. The original zoning for this tract is A-2. There is a nonconforming commercial use on this property. As a nonconforming use, the existing building cannot be expanded or replaced should it suffer damage greater than 75% of the value.

Generally, when considering a rezoning request, the commission utilizes a “Sufficiency of Resources Test” prior to recommending approval. 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.

Rezoning of this tract should not result in a decrease of utility services in the area. The applicant has not indicated the future use of the property, so it is impossible to determine whether there is sufficient water service available to provide fire protection to a future commercial use. The developer will be responsible to provide any upgrade of service needed for fire sprinklers or fire hydrants that become necessary as a result of more intensive commercial use of the property.

Access to the site is from Gilmore Lane, directly off of U.S. Highway 63. The location of the commercial activity at this intersection should have minimal impact on the area.

The nearest fire station is located approximately 1 ½ miles south of this site.

The Commission has a history of mixed approval of rezoning of nonconforming land uses. This site is adjacent to a major highway. The master plan suggests that commercial activities reasonably can occur at intersections of the major highways when developed using the planned commercial or industrial district. While staff recognizes that there is a long commercial use established at this site, it has been limited through the legal restrictions imposed as a nonconforming use. Staff cannot support the unrestricted commercial use of these five acres that the current rezoning request would allow. Staff recommends **denial of the request.**

Gene Basinger approached the commission and stated that he would be representing the applicant who is out of state at this time. Mr. Basinger explained that the property was originally owned by the applicant’s grandfather. The property had been used for the sale of farm equipment and parts and some used cars. There is a building on the property now that houses the applicant’s office. The applicant wants to have the land rezoned to commercial. The applicant has no particular plans for the property, but would like for the zoning to conform to the use that is there. Mr. Basinger related that the applicant had been in contact with the Planning office, but that the problem with planned zoning is the fear that he would have to have a plan. The plan would just show what is there, as he has no plans for the property.

He was concerned about conditions that might be placed on a plan like screening, signs, parking improvements and so on. Mr. Basinger explained that while he is familiar with the property, he may not be able to answer all of the questions that the commission may have.

The Chairperson opened the public hearing. There was no support or opposition from the public.

Chairperson Smith stated that it is difficult to review the request when the applicant is not present to answer questions.

Commissioner Sloan stated that she understood the applicant's concerns, but she stated it was almost impossible for her to support straight commercial zoning with no idea of what is going to happen to the land, especially on the Highway 63 corridor.

Commissioner Duker suggested that perhaps the applicant would like to withdraw his request.

Mr. Basinger pointed out that the property is grandfathered, and there is a commercial use taking place on the property now. As far as he knows there are no plans to change anything. The applicant understands the plan concept. Mr. Basinger stated he doesn't understand why there is straight zoning when they don't allow it. If the straight zoning isn't approved he will continue with the grandfather rights.

Commissioner Mink asked why they are going through this process if they aren't going to change anything. Mr. Basinger stated he could not answer that question. As far as he knows he has no plans, but that could change tomorrow.

Mr. Basinger stated that the applicant understood the interest in "planned developments" but he didn't see the need to spend any money to develop a plan when he wasn't going to do anything with the land.

Planner Bill Flores clarified that it is assumed that the property has non-conforming use classification. However the regulations require that such uses possess a certificate of occupancy for a non conforming use. If a property does not have a certificate, then the existence is a question of fact that has to be determined by the Zoning Board of Adjustment.

Commissioner Heitkamp made and Commissioner Brown seconded a motion to **deny** the request by Gilmore Investments LLC to rezone from A-2 (Agriculture) to C-G (General Commercial) of 5.0 acres, more or less, located at 6051 Gilmore Ln., Ashland:

Kristen Heitkamp - Yes	Rob Brown - Yes
Mary Sloan - Yes	Carl Freiling - (absent)
Mike Morgan - Yes	Larry Oetting - Yes
Keith Neese - Yes	Russ Duker - Yes
David Mink - No	Pat Smith - Yes

Motion to deny the request passes by a vote of 8 yes, 1 no.

Chairperson Smith informed the applicants that if they wished to appeal this decision to the County Commission they would need to file an appeal form within 3 working days

Commissioner Freiling returned at 8:25 P.M

\* \* \* \* \*

2. Request by GM Columbia Properties LLC to rezone from R-S (Single Family Residential) to C-GP (Planned Commercial) and approve a Review Plan on 3.68 acres, more or less, on property located at 4750 E. Hwy WW, Columbia.

Commissioner Neese stated that he would have to recuse himself from this request and left the room at 8:25 P.M.

Planner Thad Yonke gave the staff report stating that this proposal is for a revised review plan for a planned commercial development and it is treated as a rezoning. The proposed revisions are for a part of a larger planned commercial development that received review plan approval with conditions in March of 2004. The current proposal is exclusive to the proposed lot for the Elks, proposed future Lot 1, and no other part of the development is proposed for change from that which is already approved. A plat to create the actual lot has not been proposed at this time but will need to be submitted at some point in the future prior to the land changing hands. This property is located approximately 1/2 mile east of the Columbia municipal limits on the south side of State Highway WW. The current proposal comprises 3.68-acres of the previously approved 11.78-acres that currently have pending C-GP approval. The proposal is in the northeast corner of the overall development. The entire subject tract is zoned R-S (Single Family Residential). Zoning to the north across WW is A-R (agriculture-residential) and to the east the zoning is A-1 (agriculture). These are original 1973 zonings. A site is not actually rezoned until a review plan and a final plan have been approved by the Commission. The PCD Plan proposed use of Lot 1 is for an Elk's Lodge building. The revised review plan indicates that the Elks Lodge will be a maximum of 15,000 square feet initially with the potential to expand up to an additional 10,000 square feet with at most 5000 square feet north and 5000 square feet south of the original building. The only use proposed for Lot 1 is private club or lodge. This property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Public Water District No.9. Sewer is proposed to be from a central system to be operated by the BCRSD. The details of sewer service have yet to be finalized. A traffic study has been presented for the previous submission. Any traffic impacts from this current proposal, since it is of a limited nature, will be deferred to the overall development or Final Plat stage as determined by the Director of Planning and the Director of Public Works. The developer may be responsible for off-site improvements that will be determined at the final platting stage. Fire hydrants and public water improvements will have to be made prior to any occupancy of any building. Stormwater runoff is a concern with the development. The County Public Works Department recommends that post development runoff not exceed the peak pre-development runoff. A Stormwater plan should be submitted with each final development plan and/or final plat to show that this standard is met with each phase of the development. The County has adopted sign regulations since the previous submission. The number of signs indicated does not comply with the ordinance at this time. A 20 ft perimeter setback is required in planned commercial districts, signs, the dumpster area, and any other structure cannot be inside this area. There is a residence on the adjoining property to the east within 200 ft of this proposal, so buffering is needed. This site has 74 points on the point rating system. Staff notified 36 property owners about this request.

Staff recommends approval of the Revised Review Plan subject to the following 8 conditions:

- For the PCD plan, sewer capacity must be secured by a means acceptable to the BCRSD and documentation of the acceptable agreement must be provided to the Director of Planning prior to final plan approval.
- That the signs shown on the plan be removed and that new signage in compliance with the zoning ordinance be approved by staff prior to final plan approval with the new locations and information shown on the final plan.
- That the plan be modified to move all structures such as signs and dumpster enclosures out of the required 20' perimeter setback as well as the 50' setback that will be required along Highway WW when it is platted. This 50' setback is behind the additional ROW that will be required by plat.
- The developer shall submit a stormwater plan with each final plat and/or final plan that shows that the post development runoff does not exceed the pre-development runoff.
- Fire hydrants and fire protection for the building must be worked out in a plan acceptable to the BCFPD prior to occupancy of any building.
- Traffic improvements that might be caused by this phase of the development are deferred to either the final plat stage that contains Lot 1 or with any additional development of the original property as determined by the Director of Planning.
- 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.
- The 30 ft buffering of existing vegetation shown on the plan must be maintained in good and healthy condition, plantings that die or are failing to thrive will be replaced with a healthy specimen of equal size or greater than the original plant would have been if it was healthy in the next growing season. Additional plantings are required to shore-up the thin spots or gaps in the existing plantings.

Chad Sayre, engineer with Allstate Consultants approached the commission. Mr. Sayre showed the commission a graphic display that showed the ownership of the property and the new plan for this property. He stated that he does not see any real problems with any of the conditions suggested by the staff report. They have already added some of the conditions to the review plan, such as landscaping and buffering. The intent of the plan is to establish something so that the Elks Lodge can be built.

Mr. Sayre stated that they have been working with the Boone County Regional Sewer District to secure sewer service for this tract.

Commissioner Oetting asked about the access to the site. Mr. Sayre stated that the plan for the Elks Lodge is a defined tract that fronts on Daniel Boone Blvd. There are changes planned to this road and the street design, but that is not part of the plan at this time.

Chairperson Smith commented that all they can act on is what is on the agenda tonight, which is just the review plan for the Elk's Lodge.

Chairperson Smith opened the public hearing.

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

Commissioner Mink made and Commissioner Freiling seconded a motion to **approve** the request by GM Columbia Properties LLC to rezone from R-S (Single Family Residential) to C-GP (Planned Commercial) on 3.68 acres, more or less, on property located at 4750 E. Hwy WW, Columbia:

David Mink - Yes	Carl Freiling – Yes
Mary Sloan – Yes	Pat Smith – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Keith Neese – (absent)	Rob Brown – Yes
Kristen Heitkamp – Yes	Russ Duker – Yes

Motion to approve request carries unanimously.

\* \* \* \* \*

Commissioner Heitkamp made and Commissioner Mink seconded a motion to **approve the request by GM Columbia Properties LLC to approve a Review Plan on 3.68 acres, more or less, on property located at 4750 E. Hwy WW, Columbia with the following conditions:**

- For the PCD plan, sewer capacity must be secured by a means acceptable to the BCRSD and documentation of the acceptable agreement must be provided to the Director of Planning prior to temporary or final occupancy.
- That the signs shown on the plan be removed and that new signage in compliance with the zoning ordinance be approved by staff prior to final plan approval with the new locations and information shown on the final plan.
- That the plan be modified to move all structures such as signs and dumpster enclosures out of the required 20’ perimeter setback as well as the 50’ setback that will be required along Highway WW when it is platted. This 50’ setback is behind the additional ROW that will be required by plat.
- The developer shall submit a stormwater plan with each final plat and/or final plan that shows that the post development runoff does not exceed the pre-development runoff.
- Fire hydrants and fire protection for the building must be worked out in a plan acceptable to the BCFPD prior to occupancy of any building.
- Traffic improvements that might be caused by this phase of the development are deferred to either the final plat stage that contains Lot 1 or with any additional development of the original property as determined by the Director of Planning.
- 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.
- The 30 ft buffering of existing vegetation shown on the plan must be maintained in good and healthy condition, plantings that die or are failing to thrive will be replaced with a healthy specimen of equal size or greater than the original plant would have been if it was healthy in the next growing season. Additional plantings are required to shore-up the thin spots or gaps in the existing plantings.

Kristen Heitkamp - Yes	David Mink – Yes
Mary Sloan – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Keith Neese – (absent)	Rob Brown – Yes
Pat Smith – Yes	Russ Duker – Yes

Motion to approve request carries unanimously.

Chairperson Smith stated that these requests would go before the County Commission on December 28, 2004 and informed the applicants to be present.

Commissioner Neese returned at 8:50 P.M.

\* \* \* \* \*

3. Request by Sells Development Group LLC to rezone 17.12 acres REC (Recreation) and 19.82 acres A-R (Agriculture Residential) to 28.34 acres of R-SP (Planned Single-Family Residential), and 8.6 acres of C-GP (Planned Commercial) and to approve a Review Plan and preliminary plat for Lenway Estates Planned Development, 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 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. An application to rezone the property to R-S was submitted in May 2004 and subsequently withdrawn. A second application to rezone the property to RS-P was submitted. The Planning and Zoning Commission recommended approval of that request. The County Commission denied that request.

The current application is to request rezoning to RS-P and CG-P. The review plan and preliminary plat for the residential request includes 88 lots, 86 of which are intended for residential use. The other two are reserved for the neighborhood park and the wastewater treatment plant respectively. Lots 89 and 90 are being reserved for future commercial use at such time as a revised review and final plan are approved. Lot 91 will contain the buffer and landscape strip.

Density in a PRD is based on the net acreage after subtracting non-residential uses from the gross acreage. 29.44 acres of the 36.94 acre parcel will be in the residential portion. Future right of way and common open space are included in the net acreage. The proposed residential density is one home per 0.34-acres ( $29.44/86=0.34$ ). For comparison, A-R zoning would allow a total of 58 homes; R-S would allow 183 homes.

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. 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 by the developer. Upon completion, ownership of the system would be transferred to the Boone County Regional Sewer District.

Transportation: A traffic analysis prepared by Crockett Engineering Consultants has been submitted. MoDOT has reviewed the traffic study and agrees with the conclusion that no improvements to I-70 Drive N.E. are warranted because the base traffic flow is low enough that even with the additional traffic generated by the proposed development, the street will continue to function at level of service A. The developer has agreed to construct a left turn lane adjacent to the development. The left turn lane will be built under a permit from MoDOT to MoDOT specifications.

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 the 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. There is a potential for conflict between the kennel and the currently proposed residential use. This potential conflict has been mitigated by a proposal to establish a landscaped buffer around the perimeter of the development. The buffer will consist of a 5-foot tall landscaped berm and two offset rows of evergreen trees spaced on 20-foot centers.

As further mitigation, the developer has modified the restrictive covenants so that future homeowner's will have notice of the existing kennel. A hold harmless statement is also included that requires the future lot owners to waive and release all claims for nuisance against the owner of the kennel or the developer in regard to the operation of the kennel.

A note on the plan indicates that there are no uses proposed for the commercial portion of the site, although the developer is requesting C-GP zoning. If the rezoning to C-GP and review plan is approved, there can be no use of the property until such time as a revised review and final plan are submitted and approved.

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

All of the conditions of approval that were adopted by the Planning and Zoning Commission have been incorporated into the current proposed plan. Staff recommends approval of the rezoning, review plan and preliminary plat.

Present: Tim Crockett, 2608 N. Stadium Blvd., Columbia.  
Lenny Gilpin, 315 Deerfield, Columbia.

Tim Crockett and Lenny Gilpin approached the commission. Mr. Crockett stated that the proposal had been before the commission several months ago. That proposal had been approved by Planning & Zoning, but the request was denied by the County Commission. They indicated there were several items then would like to see.

One item was they felt that the outer road was more suited for commercial use.

They also indicated they would like to see a turn lane out there. Again, the traffic study they submitted, which was reviewed and approved by MoDOT, indicated that a turn lane was not needed, however, the applicants have added the lane at the County Commission's request.

The other item they wanted to see was a decrease in the number of residential units. They did this in conjunction with the adding commercial area.

The developer had taken the comments and applied them to the plan, reviewed the plan with the commission and the staff and are now presenting it for approval.

At this time they are showing the commercial tracts, but they are not asking for a use, simply because they don't know. This will be addressed in the future and appropriate plans will be presented at that time.

Mr. Crockett indicated the new location of proposed Colfax Drive, which they hope will give better access to the area. It will be a commercial drive and will access possible future sites.

Mr. Crockett stated that the density of the residential units had been reduced from 96 to 86 units. That was a concern of the county commission.

Commissioner Mink asked why the road was stubbed to the west and not to the east. Mr. Crockett explained that there is floodplain located to the east. If they stubbed to the east they would have to cross a Corp of Engineers regulated waterway, which would not be worth the cost to make such a connection.

Commissioner Mink asked if the commercial lots will be from Lenway Drive, Colfax Drive or I-70 Drive NE. Mr. Crockett stated that they anticipate that Lenway and Colfax will probably be the access drives to the commercial tracts. He doesn't think that MoDOT will grant access to I-70 DR NE due to sight distance problems.

Mr. Mink noted that there are some traffic calming tables being used and he thought that was a nice touch.

Commissioner Oetting asked about access to the northwest. Mr. Crockett stated that the connection to the northwest had been deleted. It is felt that if that property does develop, it will cause traffic problems with this development.

Chairperson Smith opened the public hearing.

No one spoke in support of the request.

Shelly Wooldridge stated that she is the property owner on the west side. She stated that she operates a kennel on her property. The five foot berm they show along the property line is good, but the land slopes down from her property, therefore all of the homes on her east boundary will have a view of her kennel. She believes that the residents will be unhappy with her operation.

Alicia Altomari stated that she does not live close by, but she is concerned about the traffic flow. She sees this as 28.34 acres with 86 houses and commercial property. The traffic flow will exceed the road capacity. She understands that MoDOT has indicated that the roads are good enough for the development and existing use. She doesn't understand how you can gauge impact when you have all of this commercial zoning without any specific use shown. Traffic will increase all over the area. She is

also concerned with the increased urbanization in the area. She understands that eventually it will come, but right now her residential area is safe. This is an exploitation of the residents in the area. Finally she is concerned about the impact on Shelly Wooldridge. New residents may complain about the kennel which will be a problem for Shelly.

Parker Naylor stated that he had looked at the new plan submitted. He sees lots of improvements. He still would like to see the speed limit lowered by the state. He acknowledged that the developer did add the turn lane, which is a good thing. He doesn't think it will affect his family, but he is concerned about the impact on Shelly Wooldridge. He thinks the requirement to have the kennel disclosed in the covenants is a good idea. Mr. Naylor noted that the park has been scaled down. He isn't sure that the space allowed for the park is adequate. The commercial part of the request is okay with him. He would prefer fewer homes.

Larry Sample stated that he lives across Interstate 70. He is concerned about the impact on Shelly Wooldridge. He has had three daughters work for Shelly. He just wants to make sure that everything is done right for her business. He doesn't think the road is as good as MoDOT thinks it is. Adding 86 homes will be a lot of traffic. He also likes the agricultural setting, and would like to see development put off another 10 – 15 years.

Chairperson Smith asked if the park was smaller than it had been originally. Mr. Crockett acknowledged that it is smaller. When they had to reduce the number of lots, and add the commercial tract, economics dictated that the park had to be smaller. It was four lots originally, now it is 2 lots. It will still serve as a neighborhood park. They can put a shelter house on it, maybe a ball field or just common space.

Chairperson Smith asked about the covenants. Mr. Crockett stated that the covenants do provide notice of the kennel as previously discussed.

Commissioner Heitkamp asked how far the houses will be from the kennel. The kennel is 20 feet from the property line. The buffer strip varies from 70 to 100 feet in depth. Then you add the house setback to that.

Commissioner Sloan stated that she had boarded her dogs at Ms. Wooldridge's. There are a lot of dogs, and the dogs bark at any distraction. The new residents won't be happy if the dogs are barking. Mr. Crockett stated that the covenants will give notice to the buyers that the kennel is there.

Commissioner Freiling made and Commissioner Mink seconded a motion to **approve** the request by Sells Development Group LLC to rezone 17.12 acres REC (Recreation) and 19.82 acres A-R (Agriculture Residential) to 28.34 acres of R-SP (Planned Single-Family Residential), and 8.6 acres of C-GP (Planned Commercial) for Lenway Estates Planned Development, located at 9689 I-70 Dr. NE, Columbia:

Carl Freiling - Yes	David Mink – Yes
Mary Sloan – No	Kristen Heitkamp – No
Mike Morgan – No	Larry Oetting – No
Keith Neese – Yes	Rob Brown – Yes
Pat Smith – Yes	Russ Duker – Yes

Motion to approve request carries 6 – 4.

\* \* \* \* \*

Commissioner Neese made and Commissioner Mink seconded a motion to **approve** the request by Sells Development Group LLC to approve a Review Plan for Lenway Estates Planned Development, located at 9689 I-70 Dr. NE, Columbia:

Keith Neese - Yes	David Mink – Yes
Mary Sloan – No	Carl Freiling – Yes
Mike Morgan – No	Larry Oetting – Yes
Pat Smith – Yes	Rob Brown – Yes
Kristen Heitkamp – No	Russ Duker – Yes

Motion to approve request carries 7 - 3.

\* \* \* \* \*

Commissioner Mink made and Commissioner Brown seconded a motion to **approve** the request by Sells Development Group LLC to approve a Preliminary Plat for Lenway Estates Planned Development, located at 9689 I-70 Dr. NE, Columbia:

Keith Neese - Yes	David Mink – Yes
Mary Sloan – No	Carl Freiling – Yes
Mike Morgan – No	Larry Oetting – Yes
Pat Smith – Yes	Rob Brown – Yes
Kristen Heitkamp – No	Russ Duker – Yes

Motion to approve request carries 7 - 3.

Chairperson Smith stated that these requests would go before the County Commission on December 28, 2005 and informed the applicants to be present.

## **PLAT REVIEWS**

1. Worstell Lane Estates. S2-T49N-R13W. A-R. Duane and Maude Worstell, owners. Brian David Dollar, surveyor.

The following staff report was entered in to the record:

This 1-lot minor plat is located on the south side of Worstell Lane approximately ½ mile west of the intersection of State Highway VV and Worstell Lane. The site is approximately 3&1/2 miles north of the municipal limits of the City of Columbia. The area being subdivided contains 2.66-acres out of an

approximately 70-acre parent parcel. The property is zoned A-R (agriculture-residential) as is all the surrounding property. All surrounding zonings are the original 1973 zonings. The property contained within the area of the proposed plat is vacant. Sewage treatment will be provided by on-site wastewater systems and an appropriate wastewater plan is in the file. Any on-site wastewater system must meet all County Health Department requirements. The site is in Consolidated Public Water District #1. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Columbia School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 39 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** Worstell Lane Estates. S2-T49N-R13W. A-R. Duane and Maude Worstell, owners. Brian David Dollar, surveyor **with waiver requests**:

- |                   |                        |
|-------------------|------------------------|
| Pat Smith - Yes   | Kristen Heitkamp – Yes |
| Mary Sloan – Yes  | Carl Freiling – Yes    |
| Mike Morgan – Yes | Larry Oetting – Yes    |
| Keith Neese – Yes | Rob Brown – Yes        |
| David Mink – Yes  | Russ Duker – Yes       |

Motion to approve request carries unanimously.

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2. Memar Road. S1-T49N-R14W. A-2. Eugene and Sandra Arens, owners. Curtis E. Basinger, surveyor.

The following staff report was entered in to the record:

This 1-lot minor plat is located on the west side of Memar Road approximately 3/4 mile north of the intersection of Wilhite Road and Memar Road. The site is approximately 4&1/2 miles south of the municipal limits of the City of Harrisburg. The area being subdivided contains 6.27-acres out of an approximately 96-acre parent parcel. The property is zoned A-2 (urban agriculture) as is all the surrounding property. All surrounding zonings are the original 1973 zonings. The property contained within the area of the proposed plat has an existing home, detached garage, barn, and shop structure. Sewage service will be by an on-site wastewater system and an appropriate wastewater plan is in the file. Any on-site wastewater system must meet all County Health Department requirements. The site is in Consolidated Public Water District #1. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Columbia School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 05 points on the point rating scale.

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

Commissioner Duker made and Commissioner Neese seconded a motion to **approve** Memar Road. S1-T49N-R14W. A-2. Eugene and Sandra Arens, owners. Curtis E. Basinger, surveyor **with waiver requests:**

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Keith Neese – Yes	Rob Brown – Yes
David Mink – Yes	Russ Duker – Yes

Motion to approve request carries unanimously.

\* \* \* \* \*

3. Maple Lawn Plat 2. S1-T48N-R14W. R-S. Danny and Betty DeYoung, owners. Timothy J. Reed, surveyor.

The following staff report was entered in to the record:

The property is located on the south side of U.S. 40, at the intersection with Ely Avenue. The property owner is seeking to divide Lot 3 of Maple Lawn Subdivision into two lots.

Both lots will have frontage on and access to Ely Avenue. There is an existing 50-foot platted right of way for Ely Avenue. No additional dedication is required 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 property owner is required to connect to a public sewer service in order to subdivision the property. A sewer main extension to the Boone County Regional Sewer District system in Rollingwood Subdivision is required; engineered sewer plans have been submitted and are being reviewed by Boone County Regional Sewer District. The sewer main will have to be constructed with a stub to Lot 3B and a connection to the existing house on Lot 3A prior to recording the plat.

The Board of Adjustment granted a variance to allow the garage to remain in the front setback.

The property scored 93 points on the rating system.

Staff recommends approval of the plat and waiver request.

Commissioner Duker made and Commissioner Neese seconded a motion to **approve** Maple Lawn Plat 2. S1-T48N-R14W. R-S. Danny and Betty DeYoung, owners. Timothy J. Reed, surveyor:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Keith Neese – Yes	Rob Brown – Yes
David Mink – Yes	Russ Duker – Yes

Motion to approve request carries unanimously.

\* \* \* \* \*

4. Secrease. S27-T50N-R13W. A-2. Nina Secrease, owner. Ronald G. Lueck, surveyor.

The following staff report was entered in to the record:

The property is located on the east side of Dripping Springs Road. The 15-acre tract is being subdivided into two lots, each greater than 5-acres.

Lot 1A will have frontage on and direct access to Dripping Springs Road. Lot 2A will have access to Dripping Springs Road via an access easement across Lot 1A. Right of way sufficient to provide a 33-foot half-width right of way is 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 in this area.

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

The property scored 36 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Duker made and Commissioner Neese seconded a motion to **approve** Secrease. S27-T50N-R13W. A-2. Nina Secrease, owner. Ronald G. Lueck, surveyor **with waiver requests**:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Keith Neese – Yes	Rob Brown – Yes
David Mink – Yes	Russ Duker – Yes

Motion to approve request carries unanimously.

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- 5. Fall Creek Plat 1-A. S 15-T49N-R12W. A-2. Robert C. and Sandra Smith, owners. James R. Jeffries, surveyor.

The following staff report was entered in to the record:

This 1-lot replat is combining 2 lots from the original plat into a single lot. The site is located at the south west end of Fall Creek Drive. The site is approximately 1/2 mile west of the intersection of Highway HH and Rodgers Road. The site is 1/2 mile north of the municipal limits of the City of Columbia. The area being subdivided contains 5.14 acres. This property is zoned A-2, (agriculture) as is all the surrounding zoning. These are the original 1973 zonings. The property contained within the area of the proposed plat is vacant. Water service will be provided by Water District #4. Hydrants are required as this is a phase of a major plat. Sewage treatment is proposed to be from a central system. The proposed system is a sand filter collector treatment system with S.T.E.P. collection systems for each property. The BCRSD operates and maintains the sewage collector system. The wastewater system for the entire main subdivision is located on Lot 4A immediately south of this proposed replat. A waiver of the traffic analysis is being requested. The planning staff concurs with the request. This plat has 76 points on the point rating scale.

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

Commissioner Duker made and Commissioner Neese seconded a motion to **approve** Fall Creek Plat 1-A. S 15-T49N-R12W. A-2. Robert C. and Sandra Smith, owners. James R. Jeffries, surveyor **with waiver requests**:

- |                   |                        |
|-------------------|------------------------|
| Pat Smith - Yes   | Kristen Heitkamp – Yes |
| Mary Sloan – Yes  | Carl Freiling – Yes    |
| Mike Morgan – Yes | Larry Oetting – Yes    |
| Keith Neese – Yes | Rob Brown – Yes        |
| David Mink – Yes  | Russ Duker – Yes       |

Motion to approve request carries unanimously.

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- 6. Heather’s Hedge. S13-T50N-R14W. A-2. Edward and Heather Strawn, Jr., owners. Nathanael E. Kohl, surveyor.

The following staff report was entered in to the record:

This 2-lot minor plat is located on the west side of State Route E approximately 1/2 mile south of the intersection of State Highway 124 and State Route E. The site is approximately 3/4 mile south of the municipal limits of the City of Harrisburg. The area being subdivided contains 5.01-acres out of an approximately 10-acre parent parcel, the remainder of this parent parcel is being combined with another tract and the survey for this combining is required to be concurrently recorded with this plat. The property is zoned A-2 (urban agriculture) as is all the surrounding property. All surrounding zonings are the original 1973 zonings. Proposed Lot 1 is vacant and proposed Lot 2 is the site of an existing home and on-site wastewater lagoon. Sewage service will be by on-site wastewater systems that are proposed

to utilize an easement since they will not meet the 75 ft distance to a property line enforced by the Health Department. The Health Department must approve the easement prior to recording of this plat. Any on-site wastewater system must meet all County Health Department requirements. The site is in Consolidated Public Water District #1. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the 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 63 points on the point rating scale.

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

Commissioner Duker made and Commissioner Neese seconded a motion to **approve** Heather's Hedge. S13-T50N-R14W. A-2. Edward and Heather Strawn, Jr., owners. Nathanael E. Kohl, surveyor **with waiver requests**:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Keith Neese – Yes	Rob Brown – Yes
David Mink – Yes	Russ Duker – Yes

Motion to approve request carries unanimously.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

None.

## **ADJOURN**

Being no further business, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Kristen Heitkamp,  
Secretary

Minutes approved on this 17th day of February, 2005.