

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, February 17, 2005

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

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| Present: | Pat Smith, Chairperson | Perche Township |
| | Mary Sloan, Vice-Chairperson | Rocky Fork Township |
| | Kristen Heitkamp, Secretary | Katy Township |
| | Mike Morgan | Bourbon Township |
| | Keith Neese | Columbia Township |
| | Russell Duker | Missouri Township |
| | Larry Oetting | Three Creeks Township |

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| Absent: | Michael Caruthers | Centralia Township |
| | Carl Freiling | Cedar Township |
| | David Mink | Public Works |
| | Rob Brown | Rock Bridge Township |

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| Also present: | Stan Shawver, Director | Bill Florea, Staff |
| | Thad Yonke, Staff | Chris Crane, Staff |

The minutes of the December 16, 2005 meeting were approved with no corrections. Approved by acclamation.

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

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one rezoning request, one planned development 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, March 1, 2005. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the Planning Office to see if a request that has been denied has filed an appeal as there will be no further public notification due to the short time between this meeting and the County Commission hearing. The County Commission hearing scheduled for Tuesday, March 1, 2005 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

None.

REZONING REQUESTS

1. Request by Brandon Spry to rezone from R-S (Single Family Residential) to M-LP (Planned Industrial) of 3.0 acres, more or less, and to approve a Review Plan for Midway Electric on property located at 7301 W. Henderson Rd., Columbia.

Planner, Bill Florea gave the staff report stating that the property is on the north side of Henderson Road approximately 500 feet east of the intersection with Locust Grove Church Road. The original zoning for the property is R-S. In January of 2001 a rezoning of the property to CG-P was approved with conditions for the purpose of allowing an optical amplifier to be located. The required Review and Final Plans were not submitted. Therefore, the zoning remains R-S. The tract was subsequently platted as Lot 1 of Midway Communications Subdivision Plat 1, also in 2001.

The site plan shows one entrance onto Henderson Road. Traffic patterns internal to the development appear to be adequate.

Water service will be provided by Consolidated Public Water District Number 1. There is an existing 4-inch waterline along Henderson Road that can be tapped for domestic service and fire flow. The water district reports that the existing waterline is capable of provide the necessary 500-gallons per minute for fire protection. The developer will have to pay for the installation of at least one fire hydrant, the location of which is shown on the plan. The developer's engineer has met with the fire district and has identified a suitable hydrant location.

The proposed allowed uses include a contractor's headquarters/warehouse, car wash, office, retail sales, mini-storage and cell tower. All but two of the uses appear to be appropriate to the site. The rezoning approval in 2001 included a restriction that no transmission tower is allowed on the site.

There is inadequate public infrastructure in the area for the wastewater disposal requirements of a carwash. The developer has proposed an on-site wastewater disposal system. This has raised serious concerns from the Boone County Regional Sewer District and the Columbia/Boone County Health Department. The health department is concerned for a variety of reasons including variations in flow because of weather dependant usage, removal of silt, oils and greases from the wastewater and a lack of oversight to ensure adequate monitoring and maintenance of the system. The health department will require an engineered design in order to determine whether a soil absorption system will function adequately prior to final plan approval. If the delay caused by the proposed condition is not acceptable to the developer it would be appropriate to remove the car wash from the plan.

There are several factors supporting a restriction on transmission towers. The site is relatively low in elevation in comparison to other property in the vicinity. The size of the tract will limit the height of a tower to a maximum of 161-feet. There has been no demonstrated demand for a transmission facility at this location. There is an existing 240-foot tall tower on Sugar Creek Drive, approximately 5000-feet from the subject site. Staff has requested the developer to submit documentation supporting the need for a transmission facility at this location. No such information has been submitted.

A buffering and landscape plan has been included on the review plan. This includes fencing and plantings to minimize visual and noise impacts to the residence bordering the property to the west. Landscaping along the Henderson Road frontage is also provided to minimize the visual impact from properties to the south.

A stream crosses the northwest corner of the property. The Natural Resources Conservation Service has recommended a vegetated buffer be established along the stream. The buffer should be a minimum of 25-feet wide on each side of the stream. The developer has shown the buffer on the plan. Significant land clearing has already occurred on the site, which raises the question whether there is sufficient natural vegetation to adequately buffer the stream.

In order for the buffer to function more efficiently as a filter it is important that water sheet flow through it rather than flow through in a linear fashion. The drainage plan uses open ditches to convey stormwater to the stream, with a rip rap pad to dissipate energy at the end of the ditch at a point. An additional structure should be added to distribute the stormwater that leaves the ditch so that it sheet flows through the buffer.

The property scored 78 points on the rating system.

Staff recommends approval of the rezoning request.

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

1. Prior to final plan approval, an engineered wastewater system design shall be submitted to and approved by the Columbia/Boone County Health Department. As an alternative, a design shall be submitted to and approved by the Missouri Department of Natural Resources for the wastewater system.
2. The cell tower shall be deleted from the list of proposed allowed uses and the location of the cell tower on the site plan shall be removed.
3. The developer shall work with the Natural Resources Conservation Service and/or the Missouri Department of Conservation to determine whether the existing vegetation is adequate as a buffer and if not, to develop a plan to enhance the buffer with additional plantings. Such a plan shall be developed prior to final plan approval.
4. Amend the stormwater plan to include a "sheet flow structure" so that stormwater leaving the site flows through the stream buffer in a sheet rather than linear form. The final stormwater plan shall be submitted for approval prior to final plan approval.
5. Since land clearing has already commenced at the site, all erosion control practices shall be installed prior to final plan approval.

Present: Aaron Barnhart, Marshall Engineering, 300 St. James St., Columbia.
Brandon Spry, 7103 W. Elizabeth St., Columbia.

Mr. Barnhart stated that the applicants don't have any problems with the staff comments with the exception of the cellular tower. The applicants don't see a problem with having a cell tower as a proposed use; one of two things could happen. Either the site is not suitable for a perspective person looking for the site, in which case the tower will never be built. If someone can work within the limitations of the height and location then one can be built and the cell tower facilities will have to be constructed to Boone County's and all the applicable regulations. The applicants don't see a public safety concern or any issue like that. The applicants have not demonstrated the demand now but if they come up with one in the future then the applicants would have to go through the review plan process again which will involve more time for the applicants and more time for the Commission. We could deal with it now by approving it; whether it gets approved or not there are regulations in place for its design.

Mr. Barnhart stated that as far as the sanitary sewer facilities; the applicants haven't done the full design on that yet because the applicants didn't want to spend the money if they weren't going to continue. Some preliminary designs have been done. The preliminary study seems to indicate that the applicants have more than enough area to work with that and it will be designed prior to the final plan.

Commissioner Morgan asked when it was put in to the regulations about putting up erosion control devices on construction sites.

Mr. Florea stated that the County has had requirements for erosion control in the subdivision regulations since 1995. As part of a planned district the County has the ability to require them as a planning tool.

Commissioner Morgan asked if they were required before the applicants started pushing dirt.

Mr. Barnhart stated that they are required under the permit the applicants have from DNR. There are erosion control practices out in the field now. We do have vegetative buffers between where the clearing is happening. There is rip-rap already in place where we have concentrated flow. There is a culvert that discharges on to the applicant's property. Additional facilities will be present once we start working on the parking areas and the buildings.

Open to public hearing.

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

Closed to public hearing.

Commissioner Neese stated that the height limitation on the tower is limited by the distance to the perimeter fence.

Mr. Florea stated that it is limited by the distance to the property line, which in this case is 161-feet.

Commissioner Morgan asked how far this site is from the ice plant.

Mr. Spry stated that the property lines adjoin.

Commissioner Morgan asked if the runoff from the wastewater treatment facilities will be draining in the neighboring property's direction.

Mr. Barnhart stated that there is a 4-foot berm all the way around the backside of the property.

Commissioner Morgan asked if this would affect the ice plant's well.

Present: Dennis Sievers, Marshall Engineering, 300 St. James St., Columbia.

Mr. Sievers stated that the proposed on site system is not going to drain and it is not going to discharge in to the creek. This is a no discharge system.

Commissioner Morgan asked if it is absorbed in to the soil.

Mr. Sievers stated yes.

Commissioner Duker stated that at the carwash wax and solution on cars; is that going to go in to the soil too.

Mr. Sievers stated that DNR requires you to treat wastewater from carwashes to a certain degree. You have to remove grit and sand. You have to meet discharge standards so that little or no wax is discharged.

Commissioner Duker stated that it will be a DNR permitted system.

Mr. Sievers stated that he is not too sure who will regulate it; it will probably be DNR.

Mr. Florea stated that the height restriction is in the section under conditional use permits for transmission facilities. Because this would be a permitted use; there would be no restriction on height.

Mr. Shawver stated that there would be no restrictions on height as you would normally see for a tower.

Chairperson Smith stated that the applicants would be able to build the tower as big and high as they wanted.

Chairperson Smith stated that if the Commission approves the request with the idea that they can't have a cellular tower. If the applicants want a cellular tower at a later date they have to come back for a conditional use permit.

Mr. Shawver stated that the applicants would have to revise their plan. At that point the Commission could require the applicants to submit all the requirements for a regular tower.

Chairperson Smith stated that now there would be no restrictions and later there would be.

Commissioner Sloan asked the applicants if a cellular phone company has approached the applicants about putting a tower out here.

Mr. Spry stated not yet; it is just an idea.

Mr. Barnhart asked if it was possible at this point and say if the applicants put in a tower it would be subject to the requirements for a conditional use permit. Why would the applicants need to come back and have the Commission do it at a later date?

Mr. Florea stated that in that case it would become a matter of whether staff approves it or whether the Planning and Zoning Commission wants to approve the use themselves. So if the Commission approved it subject to those conditions they would be giving staff the discretion to determine whether or not they meet the criteria. If the Commission chooses not to approve it then they are saying that they would rather do that themselves.

Commissioner Sloan asked where the nearest cellular tower is located.

Mr. Florea stated it is on Sugar Creek Drive; about 5000 feet away; it is a 240-foot tall tower.

Commissioner Sloan asked if there is still space on that tower if someone wanted to co-locate.

Mr. Florea stated that he didn't know.

Mr. Spry asked why there are two towers on Clark Lane within 100-feet of each other at the City fire station.

Commissioner Sloan stated that it is the City; the County Commission can't answer that.

Mr. Spry stated that the applicants are 5000 feet away from the other tower and the City put 2 within 100-feet.

Mr. Florea stated that the County regulations don't allow that. The County regulations attempt to limit the proliferation of towers and to make maximum usage of the towers that we do permit. In order to get a tower that close to another tower you would have to prove that the old tower doesn't have the capacity to hold the new antenna arrays and that there is no other tower in the area that can meet your needs that has the capacity. It is possible to do that in the County but you have to meet that burden of proof first.

Commissioner Heitkamp asked if any communication was received from neighbors.

Mr. Florea stated no.

Commissioner Heitkamp stated that she was at the site yesterday and looked at the site and met with the neighbors last July. Considering that it is right next to a home, across the street from another house and from the road it is right in front of Locust Grove Church. The applicants have already done the dirt work and left a 25-foot buffer from the creek; a lot of the trees are down.

Mr. Spry stated that there is a good 25-foot buffer to the creek.

Commissioner Heitkamp stated that she noticed the ditch full of rip-rap. On the plan it looks like the applicants are planning to go in to the ditch and plant red cedar. How are the applicants planning to shield their lights and the activity from the neighbors?

Mr. Sievers stated that there is room where the ditch location is and the property line. The plantings will go there. The screening fence for headlights is going to be installed up by the edge of the parking lot so there will be a dual buffer there between the trees.

Mr. Spry stated that he is not opposed to dark sky lighting. You can have pole lights shining back on the property instead of on the building out.

Commissioner Heitkamp stated that every time someone goes through that car wash their lights are going to shine in somebody's bedroom. Commissioner Heitkamp stated that she is surprised the neighbors aren't here.

Mr. Spry stated that his in-laws own that house.

Commissioner Duker asked if there is any outside storage proposed on the plan.

Mr. Florea stated no; none is shown on the plan.

Commissioner Heitkamp stated that this is too intense a use for the property. Commissioner Heitkamp stated that she would be in favor of the applicants putting their warehouse there but can not support a car wash or a cellular tower.

Commissioner Neese asked if the applicants had any problem with the stormwater plan.

Mr. Barnhart stated that is not an issue; the applicants can design around that. The first thing that comes to mind is a level spreader type thing where the flow can be dissipated across a greater length with established vegetation. That is really a non issue. As far as the buffering to the creek the applicants can provide additional plans there under the direction of the conservation service. The applicants want the community friendly establishment; the applicants are not there to take over.

Commissioner Neese made a motion to approve the rezoning and review plan with staff conditions.

Commissioner Duker asked to discuss the staff conditions.

Commissioner Duker stated that he would like to see this go through DNR instead of the Health Department. We don't know how many gallons a day the establishment is going to run through the car wash.

Chairperson Smith asked if that is the kind of recommendation the Commission can make.

Mr. Florea stated he believes the Commission can make that recommendation. In staff's conversations with the Health Department they would prefer that as well. One of the major differences is that number one, if an absorption system proves not to be feasible they could apply for a discharging system. Probably more importantly is DNR will require an operating permit where the Health Department can not do that so there will be periodic inspections and oversight. That was one of the concerns the Health Department registered that if they permit it they don't have the ability to go out and inspect it unless there is a complaint.

Commissioner Duker stated that he would like to change condition number one to DNR.

Commissioner Neese made and Commissioner Oetting seconded a motion to **approve** the request by Brandon Spry to rezone from R-S (Single Family Residential) to M-LP (Planned Industrial) of 3.0 acres, more or less, on property located at 7301 W. Henderson Rd., Columbia:

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|-----------------------|---------------------|
| Kristen Heitkamp - NO | Mary Sloan – NO |
| Mike Morgan – Yes | Larry Oetting – Yes |
| Keith Neese – Yes | Russ Duker – Yes |
| Pat Smith – NO | |

Motion to approve the request carries. 4 YES 3 NO

Commissioner Neese made and Commissioner Duker seconded a motion to **approve** the request by Brandon Spry to approve a Review Plan for Midway Electric on property located at 7301 W. Henderson Rd., Columbia **with the following conditions:**

1. Prior to final plan approval, an engineered wastewater system design shall be submitted to and approved by the Missouri Department of Natural Resources.
2. The cell tower shall be deleted from the list of proposed allowed uses and the location of the cell tower on the site plan shall be removed.
3. The developer shall work with the Natural Resources Conservation Service and/or the Missouri Department of Conservation to determine whether the existing vegetation is adequate as a buffer and if not, to develop a plan to enhance the buffer with additional plantings. Such a plan shall be developed prior to final plan approval.
4. Amend the stormwater plan to include a "sheet flow structure" so that stormwater leaving the site flows through the stream buffer in a sheet rather than linear form. The final stormwater plan shall be submitted for approval prior to final plan approval.

- Since land clearing has already commenced at the site, all erosion control practices shall be installed prior to final plan approval.

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|-----------------------|---------------------|
| Kristen Heitkamp - NO | Mary Sloan – NO |
| Mike Morgan – Yes | Larry Oetting – Yes |
| Keith Neese – Yes | Russ Duker – Yes |
| Pat Smith – NO | |

Motion to approve request carries. 4 YES 3 NO

Chairperson Smith stated that these requests would go before the County Commission on March 1, 2005 and informed the applicants to be present.

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PLANNED DEVELOPMENT

- Request by Sells Development Group LLC to approve a Final Plan 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. A rezoning to RS-P and CG-P and review plan was approved in December 2004.

The Planning and Zoning Commission approved the review plan after a series of modifications to the originally submitted plan.

The County Commission approved the review plan with one condition as follows:

- The restrictive covenants of the development shall state acknowledgement of the kennel to the west of the property.

The draft restrictive covenants on file with the Planning Department include such acknowledgement.

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

Staff recommends approval of the final development plan.

Present: Bill Crockett, 2608 N. Stadium Blvd., Columbia.

Mr. Crockett stated that his firm is the engineer for the project and he is here on behalf of the applicant. Staff has covered the situation very well. The reason this final plan is back before the Commission is to take care of a condition that was added by the County Commission.

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 Morgan seconded a motion to **approve** the request by Sells Development Group LLC to approve a Final Plan for Lenway Estates Planned Development, located at 9689 I-70 Dr. NE, Columbia:

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| Kristen Heitkamp - Yes | Mary Sloan – Yes |
| Mike Morgan – Yes | Larry Oetting – Yes |
| Keith Neese – Yes | Russ Duker – Yes |
| Pat Smith – Yes | |

Motion to approve request carries unanimously.

Chairperson Smith stated that these requests would go before the County Commission on March 1, 2005 and informed the applicants to be present.

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PLAT REVIEWS

1. Biggs Corner. S33-T47N-R12W. A-1. David Biggs, owner. C. Stephen Heying, surveyor.

The following staff report was entered in to the record:

This 1-lot minor plat is located on the east side of State Highway DD approximately 2 & ½ miles north of the intersection of State Highway DD and State Route M. The site is approximately 2 miles north of the main municipal limits of the City of Ashland. The area being subdivided contains 7.62-acres out of an approximately 140-acre parent parcel. The property is zoned A-1 (agriculture) as is all the surrounding property. All surrounding zonings are the original 1973 zonings. This property has received a variance from the minimum lot size in the A-1 zoning district to allow a 7.62- acre parcel to be created. This variance was granted in January of 2005. 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 Ashland 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 56 points on the point rating scale.

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

Commissioner Sloan made and Commissioner Heitkamp seconded a motion to **approve** Biggs Corner. S33-T47N-R12W. A-1. David Biggs, owner. C. Stephen Heying, surveyor **with waiver requests**:

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| Kristen Heitkamp - Yes | Mary Sloan – Yes |
| Mike Morgan – Yes | Larry Oetting – Yes |
| Keith Neese – Yes | Russ Duker – Yes |
| Pat Smith – Yes | |

Motion to approve request carries unanimously.

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2. Southern Boone County Fire Protection District. S3-T45-R12W. A-2. Southern Boone County Fire District, owner. Steven R. Proctor, surveyor.

The following staff report was entered in to the record:

The property is located in the triangle between U.S. 63 South and Old 63, just south of Zumwalt Road.

The lot has frontage on and direct access to Old 63. The existing right of way width for Old 63 is 80-feet and for U.S. 63 the width is 300-feet. Therefore, no additional right of way will be dedicated by this plat. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

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

An existing on-site wastewater system will continue to be used for sewage disposal.

The property scored 40 points on the rating system.

Staff recommends approval of the plat and waiver request.

Commissioner Sloan made and Commissioner Heitkamp seconded a motion to **approve** Southern Boone County Fire Protection District. S3-T45-R12W. A-2. Southern Boone County Fire District, owner. Steven R. Proctor, surveyor **with waiver request**:

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| Kristen Heitkamp - Yes | Mary Sloan – Yes |
| Mike Morgan – Yes | Larry Oetting – Yes |
| Keith Neese – Yes | Russ Duker – Yes |
| Pat Smith – Yes | |

Motion to approve request carries unanimously.

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3. Golf Plat 2. S2_T48N-R12W. R-M. Gary Naugle Co., owner. James V. Patchett, surveyor.

This 2-lot minor plat is located on the west side of Golf Blvd. The site is approximately 1650 feet north of the intersection of Golf Blvd. and St. Charles Road. The site is approximately 1/2 mile east of the municipal limits of the City of Columbia. The area being subdivided contains 0.976 acres. This property is zoned R-S (Residential-Single Family) as is the surrounding property. All of these zonings are the original 1973 zonings. The site is in PWSD #9 service area; however, it is in an area that has a territorial agreement with the City of Columbia. PWSD # 9 indicates that water service will be provided by the City of Columbia. Sewage treatment will be from the BCRSD with ultimate treatment from the City of Columbia. This site is part of the Pin-Oak neighborhood improvement district. It is important to note that the BCRSD has informed us that since the Pin-Oak NID assessment was fixed on the parent tract that if either of the lots in this plat defaults on the NID payment both lots are in jeopardy. The owner has requested a waiver of the requirement for traffic analysis. Staff concurs with this request and recommends that the waiver be granted. The site is in the Columbia Public School District and the Boone County Fire Protection District. This plat has 78 points on the point rating scale.

Staff recommends approval along with granting the waiver request.

Commissioner Sloan made and Commissioner Heitkamp seconded a motion to **approve** Golf Plat 2. S2 T48N-R12W. R-M. Gary Naugle Co., owner. James V. Patchett, surveyor **with waiver request**:

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|------------------------|---------------------|
| Kristen Heitkamp - Yes | Mary Sloan – Yes |
| Mike Morgan – Yes | Larry Oetting – Yes |
| Keith Neese – Yes | Russ Duker – Yes |
| Pat Smith – Yes | |

Motion to approve request carries unanimously.

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4. Kinkaid Crossing Plat 1, Plat 2, Plat 3. S12-T49N-R13W. Garth Coleman Builders, Inc., owner. Neal R. Slattery, surveyor.

These 3 final plats each contain a portion of the overall development of the subdivision. Plat 1 contains 14 lots; Plat 2 contains 14 lots; Plat 3 contains 12 lots. The development is located between State Highway VV and US Highway 63 approximately 900 feet south of the intersection of Hinton Road and State Highway VV. The site is approximately 2 miles north of the municipal limits of the City of Columbia. The area being subdivided contains 29.46-acres. The property is zoned A-R (agriculture-residential) as is property to the south and southwest. Property to the west has some C-N (neighborhood commercial) along with A-R. Property to the north is zoned R-S (residential single family). Property to

the northeast is zoned R-M (moderate density residential). Property to the east across Highway 63 is zoned A-2 (agriculture). All these zonings are the original 1973 zonings. The property is currently vacant. The road network proposed contains a roadway approximately 2400 feet long which is 1400 feet longer than normally allowed under the subdivision regulations but was approved on the preliminary plat. The road length has an approved variance from the County Commission for the length under the public works regulations Sewage treatment will be provided by a central BCRSD facility created for this development by the developer. The site is in Consolidated Public Water District #1. Fire hydrants and water main extensions are required. The site is in the Columbia School District. The access to this property is from a MoDOT controlled road so the new county road connection will have to be worked out with MoDOT. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 73 points on the point rating scale.

Staff recommends approval.

Commissioner Sloan made and Commissioner Heitkamp seconded a motion to approve Kinkaid Crossing Plat 1, Plat 2, Plat 3. S12-T49N-R13W. Garth Coleman Builders, Inc., owner. Neal R. Slattery, surveyor.

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| Kristen Heitkamp - Yes | Mary Sloan – Yes |
| Mike Morgan – Yes | Larry Oetting – Yes |
| Keith Neese – Yes | Russ Duker – Yes |
| Pat Smith – Yes | |

Motion to approve request carries unanimously.

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- 5. Old Plank Meadows. S11-T47N-R13W. R-DP. Suffield Construction, Inc., owner. J. Daniel Brush, surveyor.

This 33-lot major plat is located approximately 900 feet east of the intersection of Old Plank Road and State Route K. The site adjoins the Columbia City Limits on the east and north. The property is currently zoned R-S (residential single family) which is the original 1973 zoning. A rezoning to R-DP is pending Final Plan approval. Adjacent zoning to the north and east is inside the city limits and is zoned R-1. Property to the south of the proposed development is zoned R-S. All the R-S zoning is the original 1973 zoning. Property to the west is zoned R-S with a pending C-GP (planned commercial) designation which will not go into effect until a final development plan is approved. The current proposed plat contains 11.72 acres with 11.32 acres used for density calculations and is also a preliminary plat for the development. The development is comprised of 33 lots with 32 of these lots designated for a single duplex and 1 lot as not for development-common-area with a single picnic structure. Therefore, the total number of dwelling units proposed is 64 units in 32 buildings and the development is limited to this number. The proposal is within the Columbia School District. Consolidated Public Water Service District #1 will provide water service. A 6” waterline exists along State Route K. The water district also has plans to extend a 12” line down towards this development from Bethel Road at some point. Fire hydrants will be required and will have to meet fire & water district approvals along with internal 6” minimum sized mains within the development. The actual requirements will vary based upon the actual size, uses, and

construction methods proposed for the structures. Sewer service is proposed to be from the BCRSD Cedarbrook/Leatherwood Hills facility. There is available capacity at this facility that must be secured and this capacity is on a first come first serve basis. It is a portion of this excess capacity that this development is proposing to secure and use. A looping public road is proposed for this development with both connections off the south side of Old Plank Road. The traffic report indicates that the existing traffic count is 707 ADT and the post development count is predicted to be 1164 ADT, approximately 1/3 of the total trip volume post development. This is a significant percentage and increase but a relatively low total volume. In light of the traffic report the developer should provide improvement to the ½ width of the ROW frontage of Old Plank Road consisting of improved shoulder or a deceleration lane. The exact nature of the improvement should be worked out with and be acceptable to County Public Works and County Planning. Public Works will have to approve the connections to Old Plank Road and these will have to meet their regulations. All existing structures on the property are proposed to be eliminated. There is significant floodplain on the property. The Floodway portion of the floodplain is contained within the common area lot and is not for development. This area is required to be maintained by the homeowners association and provisions for the financial mechanism must be in place as part of the approval process. The stream bank itself shows significant signs of degradation. The stream bank and flood area should be required to be restored with acceptable plantings and management practices. A stream bank protection/restoration plan for the common lot is needed. The proposal rates 68 points on the point rating scale.

Staff recommends approval of the final plat subject to the following 6 conditions.

1. That an agreement with the BCRSD for sewer service be completed to guarantee sewer service for the development or the development approval is void.
2. That the developer is required to create and implement a stream bank restoration plan for the common lot area that is acceptable to NRCS, Boone County Public Works, and the Director of Planning. The plan must be approved by the Director of Planning prior to submission of a Final Development Plan and the specific provisions will be placed upon the final plan.
3. That the entrances onto Old Plank Road are acceptable to and approvable by Boone County Public Works and the Director of Planning and be designed and located to BCPW standards.
4. That the developer install an improved shoulder or deceleration lane along the development frontage on the south side of Old Plank Road the details for the specific improvement to be worked out and in a plan acceptable to and approvable by Boone County Public Works and the Director of Planning and the improvements be designed and located to BCPW standards.
5. That the covenants be provided and acceptable to the Director of Planning prior to the submission of the Final Development Plan. The covenants must include mechanisms for providing for the maintenance of the stream bank restoration and care for the common area.
6. That it is recognized that the normal infrastructure requirements must be finalized and appropriate documentation provided to the planning office prior to plat recording.

No one present to represent the plat.

Commissioner Neese asked if they were going to go back 25-feet. Will the Commission make the applicant maintain a 25-foot buffer where they can't build within that 25-foot buffer?

Mr. Florea stated that yes we are. Not necessarily to provide a stream buffer but that is in the flood way. It is an area that is has a very restrictive ability to build there anyway. It is quite a bit further than 25-feet that the applicants are staying away from the stream. What the applicants have tried to do is minimize the amount of encroachment, even in the 100-year floodplain. They are filling some of the floodplain but not all of it up to the flood way. If effect it will be much more that 25-feet.

Commissioner Morgan asked if there is any erosion control in place with all the dirt work going on. It is not on the plat.

Mr. Florea stated that it is not normally shown on a plat. There should be an erosion control plan on file. Yes, they would be required to follow that erosion control plan.

Commissioner Heitkamp asked why this was coming to the Commission. The property is in the County, it is right next to the City and it is pretty intensive.

Mr. Florea stated that there is sewer availability so there is no service that they need from the City; there is no motivation for them to seek annexation.

Mr. Shawver stated that the City sewer system in that area would require a new pump station and it was cheaper to connect to the Boone County Sewer District's sewer lines to the west as opposed to putting in a new pump station.

Commissioner Heitkamp asked if on lot 13 is 100 year floodplain.

Mr. Florea stated yes; lots 13 through 16 are in the 100 year floodplain.

Commissioner Heitkamp asked how they were going to build on lot 13.

Mr. Florea stated they would fill it.

Commissioner Heitkamp asked if lot 13 was buildable.

Commissioner Neese stated that it can be built on but they should probably have flood insurance on it.

Commissioner Heitkamp asked what would happen to Godas development when they build. Is this going to flood on to the Godas development?

Mr. Florea stated that without a hydraulic study there is no way to tell. They will be buildable lots once they are filled but Mr. Neese is correct in that they will still have to obtain flood insurance because elevating does not get you out of the regulatory flood plain; it elevates you so that you qualify for insurance and probably get a break on your insurance but you still have to have a flood plain development permit for the structure and the fill.

Commissioner Sloan asked if the Commission doesn't approve this plat then what.

Mr. Florea stated that the Commissions ability not to approve it is limited. This is a final plat and the Commission has already reviewed and approved the preliminary plat and the review plan that is virtually identical to this. That would have been the time to raise the issues in terms of flood plain development and fill within the flood plain.

Commissioner Neese made and Commissioner Morgan seconded a motion to **approve** Old Plank Meadows. S11-T47N-R13W. R-DP. Duffield Construction, Inc., owner. J. Daniel Brush, surveyor **with the following six conditions:**

1. That an agreement with the BCRSD for sewer service be completed to guarantee sewer service for the development or the development approval is void.
2. That the developer is required to create and implement a stream bank restoration plan for the common lot area that is acceptable to NRCS, Boone County Public Works, and the Director of Planning. The plan must be approved by the Director of Planning prior to submission of a Final Development Plan and the specific provisions will be placed upon the final plan.
3. That the entrances onto Old Plank Road are acceptable to and approvable by Boone County Public Works and the Director of Planning and be designed and located to BCPW standards.
4. That the developer install an improved shoulder or deceleration lane along the development frontage on the south side of Old Plank Road the details for the specific improvement to be worked out and in a plan acceptable to and approvable by Boone County Public Works and the Director of Planning and the improvements be designed and located to BCPW standards.
5. That the covenants be provided and acceptable to the Director of Planning prior to the submission of the Final Development Plan. The covenants must include mechanisms for providing for the maintenance of the stream bank restoration and care for the common area.
6. That it is recognized that the normal infrastructure requirements must be finalized and appropriate documentation provided to the planning office prior to plat recording.

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| Kristen Heitkamp - NO | Mary Sloan – Yes |
| Mike Morgan – Yes | Larry Oetting – Yes |
| Keith Neese – Yes | Russ Duker – Yes |
| Pat Smith – Yes | |

Motion to approve request carries. 6 YES 1 NO

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6. East Goodwater. S9-T51-R11W. R-M. Roy Waechter, owner. Steven. R. Proctor, surveyor.

The following staff report was entered in to the record:

The property is located north of Highway 22 and south of Fountain Street, just west of the city limits of Centralia.

Lot 1 will have frontage on and access to State Highway 22. Lot 2 will have frontage on and access to Fountain Street. The existing right of way for Hwy. 22 is 120-feet wide. Therefore no additional right of

way will be dedicated. Additional right of way, sufficient to provide a 33-foot half width right of way will be dedicated for Fountain Street.

The property is in the service area of Public Water Supply District 10.

There is a 15” sanitary sewer line approximately 155-feet west of the property. Therefore, the subdivision is required to connect to the central sewer system. Lots within the subdivision do not qualify for on-site sewage treatment.

A significant portion of both lots is within the 100-year floodplain.

The property scored 62 points on the rating system.

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

- Both lots must be connected to the central sewage system prior to recording the plat.

No one present to represent the plat.

Commissioner Neese asked if this property was sitting up next to the city limits of Centralia.

Mr. Florea stated that it is very close; it is not quite right on the city limits.

Commissioner Neese asked if that is where the sewer is coming from.

Mr. Florea stated that it is part of the Centralia system.

Commissioner Neese made and Commissioner Heitkamp seconded a motion to **approve** East Goodwater. S9-T51-R11W. R-M. Roy Waechter, owner. Steven. R. Proctor, surveyor **with the following condition:**

- Both lots must be connected to the central sewage system prior to recording the plat.

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| Kristen Heitkamp - Yes | Mary Sloan – Yes |
| Mike Morgan – Yes | Larry Oetting – Yes |
| Keith Neese – Yes | Russ Duker – Yes |
| Pat Smith – Yes | |

Motion to approve request carries unanimously.

OLD BUSINESS

Mr. Shawver updated the Planning and Zoning Commission of the decisions made by the County Commission.

The Boger conditional use permit was approved by the Commission as recommended. There was one exception to the recommended condition. The County Commission deleted the condition that made the conditional use permit non-transferable. County Council stated that this condition wouldn't be binding. The Shaw conditional use permit was approved by the Commission as recommended. The County Commission deleted the condition that made the conditional use permit non-transferable.

The Gilmore rezoning request was appealed to the Commission however the applicants did not appear before the County Commission; therefore the recommendation for denial was upheld.

The GM Properties rezoning request and review plan was approved as recommended.

The Sells rezoning request and review plan was approved as recommended.

NEW BUSINESS

Mr. Shawver stated that Commissioner Neese and Commissioner Freiling's terms are expiring on the Planning and Zoning Commission. Commissioner Freiling expires on March 1, 2005. Commissioner Neese's term also expires on March 1, 2005 and Mr. Neese indicated he is not going to re-apply. This is Commissioner Neese's last meeting. Mr. Shawver thanked Mr. Neese for his service on the Planning and Zoning Commission.

ADJOURN

Being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Kristen Heitkamp,
Secretary

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