

**BOONE COUNTY PLANNING & ZONING COMMISSION**

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, June 16, 2005

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

Present:	Pat Smith, Chairperson	Perche Township
	Mary Sloan, Vice-Chairperson	Rocky Fork Township
	Kristen Heitkamp, Secretary	Katy Township
	Carl Freiling	Cedar Township
	Larry Oetting	Three Creeks Township
	Boyd Harris	Centralia Township
	Michael Morrison	Columbia Township
	David Mink	Public Works

Absent:	Russell Duker	Missouri Township
	Mike Morgan	Bourbon Township
	Rob Brown	Rock Bridge Township

Also present:	Thad Yonke, Staff	Uriah Mach, Staff
	Bill Florea, Staff	Paula Evans, Staff

The minutes of the May 19, 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 or his representative.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one conditional use permit request, one rezoning request, and one revised review plan for a planned development.

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, June 28, 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, June 28, 2005 will begin at 7:00 p.m. and will convene in this same room.

## **CONDITIONAL USE PERMITS**

1. Request by Robert and Donna Bechtold for a permit to allow a travel trailer park (20 hook-ups) on 60 acres, located at 6401 W Hwy 40, Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located on the north side of Interstate 70 west of Columbia. The property is situated approximately 1&1/2 miles west of the closest municipal limits of Columbia. The property is zoned C-G (General Commercial) which was rezoned from A-R in 1980. Property to the east is zoned C-G, to the south and west is zoned A-R; all of these are original 1973 zonings. Property to the north is zoned C-GP (Planned Commercial) and was rezoned from A-R in 1985. There is a horse stabling building and a portion of the expo-center building on the subject tract. The subject tract is one of a number of parcels that make up the Midway Expo Center complex. The area where the desired travel trailer hook-ups is a grass field. The request is for temporary seasonal hook-ups to accommodate 20 travel trailers or horse trailers for no more than 3 events per year. This site lies within the Columbia Public School District. The site is in Consolidated Public Water District #1. The site

is in the Boone County Fire Protection District and fire requirements will be up to the fire district. Electric service will be provided by Boone Electric Cooperative. Wastewater service for the complex is currently provided under a DNR permit. The master plan designates this area as being suitable for commercial land uses, it should be noted that general commercial zoning already applies to this site. Staff notified 32 property owners about this request.

As a CUP the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.

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

Staff has no reason to believe that the proposed uses will be detrimental to the public health, safety, comfort or general welfare if operated in conformance with existing county regulations.

- (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 commercial zoning already applies; the requested conditional use is primarily auxiliary in nature and limited by the request itself and should not be injurious. Staff is not aware that the proposed conditional use will impact other property owners in the area.

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

There is no indication that the proposed use will have a negative effect on property values.

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

The site is located in an existing commercial complex with multiple uses. It is unlikely that the hook-ups for 20 travel/horse trailers would create significant additional demand or stress on the area facilities.

- (e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

The proposed use will not impede the development of the surrounding area. The request is so limited in scope that it is likely to not even be noticed amongst the other commercial activity at the complex.

- (f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The proposed use should not hinder traffic flow in the area as the primary use of the hook-ups is for people that are already coming to the site.

(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 should be able to conform to other applicable regulations of the C-G zoning district.

Staff supports this request and recommends approval subject to the following condition:

1. That it is recognized that the conditional use permit is limited to what is proposed which in this case is 20 units no more than 3 events per calendar year.

Present: Robert "Joe" Bechtold, 501 Manor Drive, Columbia.

Mr. Bechtold stated that this has come about from a particular National horse show that the applicants hold that has grown over the last six or seven years. They have grown and over the last ten years a common way of travel for show participants is instead of just pulling their horses they now build RV space in to the front of horse trailers so instead of staying in motels they pull their horses and board the horses in barns and stay in the same trailer. This particular show has outgrown the number of hookups that we have.

Chairperson Smith asked if the condition of twenty units and no more than three events per year was alright.

Mr. Bechtold stated that the applicants came to ask for one and Mr. Yonke suggested, just to be safe, to ask for a couple of extra. The show, in order for us to keep them we had to commit to be able to accommodate the number of trailers.

Chairperson Smith stated that it is a small spot but the applicants are asking for a conditional use permit for sixty acres.

Mr. Yonke stated that is the parent parcel.

Commissioner Mink asked if there were going to be any sewer hookups in addition to the electric.

Mr. Bechtold stated no.

Open to public hearing.

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

Closed to public hearing.

Commissioner Freiling made and Commissioner Mink seconded a motion to **approve** the request by Robert and Donna Bechtold for a permit to allow a travel trailer park (20 hook-ups) on 60 acres, located at 6401 W Hwy 40, Columbia **with the following condition:**

1. That it is recognized that the conditional use permit is limited to what is proposed which in this case is 20 units no more than 3 events per calendar year.

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Carl Freiling – Yes	Boyd Harris – Yes
David Mink – Yes	Michael Morrison – Yes

Motion to approve the request carries.                      8 YES                      0 NO

Chairperson Smith informed the applicant that this request would go forward to the County Commission on June 28, 2005 and the applicants would need to be present.

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**REZONING REQUESTS**

1. Request by CEBOCO, LLC to rezone from A-2 (Agriculture) to M-L (Light Industrial) of 7.49 acres, more or less, located at 24 S Rangeline Rd., Columbia.

Planner, Uriah Mach gave the staff report stating that this site is located approximately 2 miles east of Columbia, south of the intersection of I-70 and Rangeline Rd/State Highway Z. The tract consists 7.49 acres currently zoned A-2. It has M-L zoning to the north and west, A-1 to the south, and A-2 to the east. Currently, there is a house and a barn on the property. The original zoning for the site is A-2. In 2001, the previous owner received a conditional use permit for an animal boarding and training facility. This site is located in the Boone Electric service area, and is in the Public Water District #9 service area. It is located in the Columbia School District. It scored 47 points in our point rating system.

The applicants are requesting a rezoning to M-L. If the rezoning is approved, the applicants intend to operate a contractor’s office and storage yard from this site. Staff notified 18 property owners about this request.

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

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

Utilities: Public water is provided by Public Water District Number 9. The existing infrastructure is capable of providing domestic service and fire protection. Boone Electric can provide sufficient electric service to the site. For industrial use, connecting into a centralized sewer system would be the most reasonable action where wastewater is concerned. Boone County Regional Sewer District is the service provider for this utility.

Transportation: Access to the site is by Rangeline Road, which gives close access to I-70. This area is an industrial/commercial area, with a good basic road system in place.

Public Safety: The nearest fire station is in Columbia, approximately three miles away. The existing road network provides ready access for emergency service providers. In rezoning from A-2 to M-L, the presence of properly located fire suppression equipment on the property would be appropriate for this change.

Based upon the existing adjacent zoning and the suggestion of the master plan that this site is suitable for industrial land uses, staff recommends approval of this request.

Present: Don Wilson, Manager, CEBOCO, 7441 E. Sunnyvale Dr., Columbia.

Mr. Wilson stated that the applicants intend to lease the property to Blacktop Paving Company which Mr. Wilson also owns. We are a small paving company that does driveways, parking lots, maintenance and that sort of thing. We operate locally, we don't travel very far. We intend to have an office and storage yard place for all the equipment, trucks, and vehicles. In talking with the planning department there are limitations on what we can do there. The sewer is a big problem as far as trying to do anything big. All we want to do is operate our office and storage yard. With all the development going on east up and down Route WW I see the potential for possibly storage units, maybe some landscape type materials. The immediate need is to just get an office and storage yard for our company and allow it to grow. We don't plan on building that much. In two to four years maybe.

Chairperson Smith asked why the applicants didn't come in for a planned development.

Mr. Wilson stated that the applicants plan is just to operate our office and storage yard. If at some point in the future Columbia continues to grow to the east then we would like to add some other things there within the requirements.

Chairperson Smith stated that the applicants wanted to keep their options open.

Mr. Wilson stated that is correct. If we did anything at all it is going to be down the road, we can't afford to do very much right now.

Commissioner Freiling asked how much of the parent tract does the applicant propose to use for their intended use.

Mr. Wilson stated it has a 75 by 150 pole barn on it. The front part of it has a concrete floor; it has an office and restrooms. They have heat and electricity; everything is there, it is ready to move in to. That is all the applicants plan to use. The applicant would like to turn the rest of it back in to grass. It had a lot of old, wooden, broken down fence; the applicants cleaned a lot of that up and as soon as funds are available we intend to fence it for security purposes.

Commissioner Freiling stated that the Commission's difficulty with this request is substantially an issue of precedent. For some time now, on rezoning requests, particularly for commercial, the Commission has focused on planned requests. Instead of requesting a blanket rezoning that has a wide potential for future use and impact we have expected them to come in with a planned request that defines what that use is so when you sit on this side of the table you can honestly assess the impact of your decision. In the applicant's case, they are in a place that is utterly appropriate. The applicant is not making a request for a zoning that is out of line. Commissioner Freiling stated that he has less concern about a blanket

rezoning in this circumstance that he normally would but having been here long enough Commissioner Freiling knows that you try hard to establish the fact that you want planned requests. Every time you grant one that is not you kick that door back open again. The applicant has presented the Commission with a difficulty because your request is reasonable, the potential consequences don't look bad except as precedent it is probably going to lay some problems for the Commission in the future. Commissioner Freiling stated that he knows a planned request is more expensive. With planned the Commission can control lighting, sound, traffic and other impacts that come off site. In the applicants case they are probably in a spot that the impacts aren't going to be negative in the area but the next guy that comes in will almost certainly have more issues. From the Commissions standpoint of setting a precedent of approving a blanket rezoning that is something that the Commission does not like to do; not saying that the Commission is not going to do it.

Mr. Wilson stated that at the present time we have no plans; we just want to move in there and have an office.

Commissioner Freiling stated that is a plan.

Mr. Wilson stated that there is more land there than the applicants need. We've already had an inquiry about putting a building up and leasing it out. Mr. Wilson stated that he is a conservative person; he doesn't borrow money and take chances.

Commissioner Freiling stated that the zoning lasts longer.

Mr. Wilson stated that because of the sewer situation it is going to be limited on what can go in there, the size of the sewage capacity there. In offering a plan I would try to fit everything in what is there now rather than making a lot of changes. With the developments going on I see the potential for storage buildings, not in the immediate future but it is a prime location and I think that is going to be something that is needed in that area. Landscaping type supplies, not a nursery, but landscaping supplies, again, a lot of building going it will be pretty handy for people to stop there rather than go all the way in to town to get a little bit of mulch or topsoil.

Open to public hearing.

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

Closed to public hearing.

Commissioner Sloan asked staff when the M-L zoning was approved for the other two parcels.

Mr. Mach stated that there was another M-L zoning just north of here that was done in September of last year.

Commissioner Sloan stated that she meant around this particular area that is adjacent to this property.

Mr. Yonke asked if the commission was asking about the 20 acres that is C-G.

Commissioner Sloan stated yes.

Mr. Yonke stated that Mr. Mach was correct; that is the one that the Commission recommended denial and upon appeal the County Commission overturned the recommendation. The trade center was already

developed each of those lots were split. Half of it is C-G and half is M-L which just made it semi-problematic for knowing which half of the lot certain uses could go.

Commissioner Mink stated that there was a conditional use permit granted in 2001. If this zoning change is approved will the conditional use permit terminate?

Mr. Mach stated yes.

Chairperson Smith asked the applicant what they were going to do with the inside arena in the barn.

Mr. Wilson stated that piles of sand would be stored and for storage. A lot of the equipment is small equipment right now it is all sitting outside in the weather. If we can get it inside it will eliminate a lot of headaches for the applicants.

Commissioner Sloan asked if the house was going to be left there.

Mr. Wilson stated no; the applicants want to take down the house. It is leaning and is eaten up with termites. The applicants don't plan on building anything in the immediate future; just clean things up. About the most offensive noise will be our back up alarms at 7:00 or 7:30 on our vehicles when they load and unload. Typically we aren't there during the day, we go out and work all day and we come back in at 5:00 or 6:00 p.m.

Commissioner Oetting stated that he didn't have a problem with it being rezoned to M-L but would like to see it planned. Once it leaves with M-L zoning without any plan we don't have an opportunity to see what goes on with it after that.

Commissioner Freiling stated that one of the things that happens with A-2 zoning to the east; if this becomes industrial that zoning is no longer appropriate, it is probably not appropriate anyway. There is a logic that is going to spread this use along the corridor.

Mr. Wilson asked what planned is.

Chairperson Smith stated that the applicant would come in for a different zoning request; you come in for one that would say this is a planned rezoning. The rezoning would be tied to the plan that is presented.

Mr. Wilson stated that if he prepares a plan showing the existing structure and that is what the applicants plan to use. Future just show a dotted line and a 40 by 50 building on the other side a 40 by 50 building. Do you call that a plan? Is that what the Commission would like?

Commissioner Freiling stated that there are requirements in the regulations on what you have to do to prepare a proper plan to present. Basically in this situation the applicants intend to use a portion of the property and have an intention for it. The applicant could come in and ask for planned rezoning for the entire tract and say that this is their plan for this part. When the applicant decides what to do with the other part they bring a plan back in for that part. What that does for the Commission is that it lets them analyze the impact of their decision. They know what is going to happen as a consequence of their decision. M-L zoning is pretty broad; there is a lot of things that could happen there. In the applicants circumstance Commissioner Freiling feels that the chance for something bad from a public interest is pretty limited but Commissioner Freiling also knows that the next time someone comes in and wants to rezone, every time we grant an open rezoning, instead of insisting on a planned rezoning we make it harder to insist on a planned rezoning next time. Most of the time planned rezoning is very important

because the potential negative impact is greater. It presents the Commission with a problem that extends beyond the applicants specific request. It is not the applicant's fault it is just the fact that every time we set a precedent we have to live with it. If the applicant came in with a planned rezoning request this would be a drop kick without a question. But it is more expensive because you have to have a plan prepared with the assistance of a professional and when the applicants decide what they want to do with the next stage the applicants would have to come back again with another plan. But it limits the use to what is approved in that plan. It doesn't leave everything in M-L zoning open for the future. The applicants use is fine but 20 or 40 years from now someone could come in with a totally different M-L use and they don't have to ask anyone anything and it might not be very good for what is next to it.

Mr. Wilson stated that they would still be limited by the utilities that are there today.

Commissioner Freiling stated not 30 years from now.

Commissioner Sloan stated that she didn't have a problem with what the applicant is talking about but the guy next to you has got A-2 zoning and across the road is A-1 and they could come in and ask for M-L zoning too and the Commission would be hard pressed and maybe not even able to turn them down. Commissioner Sloan stated that she remembers when the current M-L zoning around the applicant came. They came in and asked for M-L zoning and the Planning and Zoning Commission denied their request Commissioner Sloan believes because they wanted it planned and the applicants appealed that to the County Commission and the County Commission said they saw no problem with it and gave the applicants the M-L zoning. They could very well do the same thing for Mr. Wilson if the Planning and Zoning Commission denies this request. The Planning Commission is just trying to safe guard the future rather than what is just happening now.

Commissioner Mink stated that he understands the discussion about planned. In this particular case where this is sort of an infill of a lot of zoning that is already M-L Commissioner Mink is more inclined to go along with it.

Commissioner Mink made and Commissioner Morrison seconded a motion to **approve** the request by CEBOCO, LLC to rezone from A-2 (Agriculture) to M-L (Light Industrial) of 7.49 acres, more or less, located at 24 S Rangeline Rd., Columbia:

Pat Smith – NO	Kristen Heitkamp – Yes
Mary Sloan – NO	Larry Oetting – NO
Carl Freiling – NO	Boyd Harris – Yes
David Mink – Yes	Michael Morrison – Yes

Motion to approve the request does not carry.                      4 YES                      4 NO

Commissioner Sloan made and Commissioner Oetting seconded a motion to **deny** the request by CEBOCO, LLC to rezone from A-2 (Agriculture) to M-L (Light Industrial) of 7.49 acres, more or less, located at 24 S Rangeline Rd., Columbia:

Pat Smith – Yes	Kristen Heitkamp – Yes
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Mary Sloan – Yes  
Carl Freiling – Yes  
David Mink – NO

Larry Oetting – Yes  
Boyd Harris – NO  
Michael Morrison – NO

Motion to deny the request carries.

5 YES

3 NO

Chairperson Smith informed the applicant that if they wished to appeal the decision to the County Commission they would need to file an appeal form with the Planning Department within 3 working days.

## **PLANNED DEVELOPMENTS**

1. Request by Tom and Judy Butcher to revise an approved Review Plan for Mid-Am Commercial Acres on 3.0 acres, located at 7125 W Henderson Rd., Columbia.

Planner, Bill Florea gave the staff report stating that the property is located on the north side of Henderson Road, approximately 1/8-mile west of the intersection with U.S. 40. A rezoning from R-S, Single Family Residential to ML-P, Planned Light Industrial was approved in June 2003. A review plan was approved in November of 2003. The purpose of the revised review plan is to allow the owner to shift the location of the building to 43-feet west of the location shown on the original site review plan. The owner is also requesting to eliminate a landscaped buffer along the east property line. A change in the wastewater disposal system is also proposed. There is no change in allowed uses.

When the first review plan was approved the property to the east was zoned R-S. A landscaped buffer was required to minimize impacts from this property to potential residential uses to the east. The tract to the east has since been rezoned to ML-P and has been developed as industrial property. Therefore, there is no need for the buffer.

A land application wastewater disposal system was proposed for the original review plan. The owner is now proposing a septic tank with a drip field. The Boone County Health Department has not received soils data necessary for them to determine whether such a system can be permitted.

Any proposed signage will be required to be consistent with the County sign regulations. A note regarding exterior lighting appears on the plan.

The property scored 75 points on the rating system.

Staff recommends approval of the review plan subject to the following conditions:

1. Prior to approval of the final development plan the owner must obtain approval for the on-site wastewater system from the Boone County Health Department or State DNR as applicable.
2. The note on the plan regarding signage shall be revised to reflect the requirement to comply with Boone County sign regulations.

Present: Dan Brush, Brush and Associates, 506 Nichols St., Columbia.  
Tom Butcher, 2504 Hillshire, Columbia.

Mr. Brush stated that the staff report pretty well covered everything the only thing to add is that the waste water system is currently being reviewed by the Health Department but applicants were not able to get a return phone call today from Mr. Worley to understand where he was in his review process.

Chairperson Smith asked the applicants if they had any problem with the condition about the signage.

Mr. Brush stated no.

Mr. Butcher stated that the waste water situation with the drip system Columbia turf came in directly east and built the same system so the applicants don't see it as being any problem.

Open to public hearing.

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

Closed to public hearing.

Commissioner Freiling made and Commissioner Harris seconded a motion to **approve** the request by Tom and Judy Butcher to revise an approved Review Plan for Mid-Am Commercial Acres on 3.0 acres, located at 7125 W Henderson Rd., Columbia **with the following conditions:**

1. Prior to approval of the final development plan the owner must obtain approval for the on-site wastewater system from the Boone County Health Department or State DNR as applicable.
2. The note on the plan regarding signage shall be revised to reflect the requirement to comply with Boone County sign regulations.

Pat Smith - Yes

Kristen Heitkamp – Yes

Mary Sloan – Yes

Larry Oetting – Yes

Carl Freiling – Yes

Boyd Harris – Yes

David Mink – Yes

Michael Morrison – Yes

Motion to approve the request carries.

8 YES

0 NO

Chairperson Smith informed the applicants that this request would go forward to the County Commission on June 28, 2005 and the applicants need to be present.

## **PLAT REVIEWS**

None.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

Mr. Florea informed the Commission that the rezoning request for Shadowridge was denied by the County Commission as recommended. The County Commission overturned the recommendation for the conditional use for Tinsley and approved the request.

Commissioner Heitkamp requested that the Planning and Zoning Commission review the County's master plan.

Chairperson Smith suggested that sub-groups be formed to review both the master plan and the Highway 63 corridor. These sub groups will meet once a month with no staff support at this time.

## **ADJOURN**

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

Respectfully submitted,

Kristen Heitkamp,  
Secretary

Minutes approved on this 21st day of July, 2005.