

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, July 21, 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
	Russell Duker	Missouri Township
	Mike Morgan	Bourbon Township
	Rob Brown	Rock Bridge Township
	Boyd Harris	Centralia Township
	Michael Morrison	Columbia Township
	David Mink	Public Works
Absent:	Carl Freiling	Cedar Township
	Larry Oetting	Three Creeks Township
Also present:	Stan Shawver	Uriah Mach, Staff
	Bill Florea, Staff	Thad Yonke, Staff
	Paula Evans, Staff	

The minutes of the June 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 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, two rezoning requests, and ten 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 Monday, August 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 Monday, August 1, 2005 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

1. Request by Betty J. Overton for a permit for an existing duplex on .28 acres located at 5005 Creasy Springs Rd., Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located on the west side of Creasy Springs Road to the west of an existing 4-plex unit which is also on this month's agenda for rezoning. The property is approximately 1000 feet north of the intersection of Roemer Road and Creasy Springs Road. The property is situated approximately 1 mile north of the closest municipal limits of Columbia. The property is zoned R-S (residential single family) as is all the surrounding property and these are all original 1973 zonings. The subject property is 0.29-acres and is the site of an existing duplex estimated to have been built in 1972. This structure is connected to the central wastewater system that serves the neighborhood. 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. The master

plan designates this area as being suitable for residential land uses. Staff notified 41 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 structure has been a part of the neighborhood since zoning was first established in Boone County and should not be injurious to the use and enjoyment of other property. 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 has existing utilities and while some improvements could be undertaken the only remaining issue is fire protection.

- (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 to legitimize the existing use.

- (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 already exists and therefore will not change the existing traffic conditions.

- (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 R-S 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 one single duplex structure on the lot and that fire requirements will have to be acceptable to the Fire District & Director of Planning.

Present: Arlene Bolerjack, daughter of owner, 3707 Bedford Dr, Columbia.

Ms. Bolerjack stated the reason the applicants are asking for this is that the owner wants to sale the property and the applicants were not aware that it was not in compliance with County zoning until they put it on the market. The applicants just want to bring it in to compliance with County laws. The building has been there since 1972, the applicants are not asking for any changes.

Open to public hearing.

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

Closed to public hearing.

Mr. Yonke stated that staff received no calls regarding this request.

Chairperson Smith stated that nothing is really changing except that it is going to become legal.

Commissioner Sloan made and Commissioner Morgan seconded a motion to **approve** the request by Betty J. Overton for a permit for an existing duplex on .28 acres located at 5005 Creasy Springs Rd., Columbia **with the following condition:**

1. That it is recognized that the conditional use permit is limited to one single duplex structure on the lot and that fire requirements will have to be acceptable to the Fire District & Director of Planning.

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Russ Duker – Yes
Mike Morgan – Yes	Rob Brown – Yes
Boyd Harris – Yes	Michael Morrison – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Chairperson Smith informed the applicant that this request would go forward to the County Commission on August 1, 2005 and the applicants would need to be present.

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REZONING REQUESTS

1. Request by Betty J. Overton to rezone from R-S (Residential Single Family) to R-MP (Planned Moderate Density Residential) and to approve a Review Plan on 1.27 acres, more or less, located at 5001 Creasy Springs Rd., Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located on the west side of Creasy Springs Road to the east of an existing duplex unit which is also on this month's agenda as a Conditional Use Permit. The property is approximately 1000 feet north of the intersection of Roemer Road and Creasy Springs Road. The property is situated approximately 1 mile north of the closest municipal limits of Columbia. The property is zoned R-S (residential single-family) as is all the surrounding property and these are all original 1973 zonings. The subject property is 1.27-acres and is the site of an existing 4-plex estimated to have been built in 1972. This structure is connected to the central wastewater system that serves the neighborhood. The allowed use under the requested R-MP zoning is limited to a single 4-plex structure on the lot. 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. The master plan designates this area as being suitable for residential land uses. In general the sufficiency of resources tests are used to determine suitability of a rezoning, in this case the use exists and has been served by the area resources for a number of years. Staff notified 41 property owners about this request.

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

1. That it is recognized that the allowed use is limited to a single 4-plex structure on the lot and that fire requirements will have to be acceptable to the Fire District & Director of Planning.

Present: Arlene Bolerjack, 3707 Bedford Dr., Columbia.

Ms. Bolerjack had no comments.

Open to public hearing.

No one spoke in support of the request.

Present speaking in opposition to the request:

Larry Wiggins, 5009 Creasy Springs, Columbia.

Mr. Wiggins stated that he was neither for or against this request but did have some questions. Mr. Wiggins stated that he didn't get notice on this request but he got notice addressed to his deceased father and mother. Since the ruling came, which Mr. Wiggins believes is unfair but yet if you are going to do it for one person we might as well do it for everyone.

Chairperson Smith asked which ruling Mr. Wiggins was speaking of.

Mr. Wiggins stated that if you are going to let the person rebuild the four-plex then they should let everyone in the neighborhood that has structures like that. Mr. Wiggins asked if that is the way it was going to be; structures can be tore down and rebuilt again and get use out of them. We have some buildings in the neighborhood.

Chairperson Smith asked if the buildings were not in compliance with the zoning.

Mr. Wiggins stated that is correct; they can not be used. If they can be torn down and rebuilt that would be revenue for the County.

Chairperson Smith stated that the Commission is thinking in terms of land use, not revenue. If everyone had a concern and that it was similar conditions as the applicants they too could come forth for a conditional use permit.

Mr. Wiggins asked how old this law was.

Mr. Yonke stated that 1973 is when the zoning ordinance went in to effect designating this area for single family homes only.

Commissioner Sloan asked if this four-plex was built before that.

Mr. Yonke stated it was a pre-existing so therefore it could have gone to the Board of Adjustment and tried to establish non-conforming use rights, which most people call grandfather rights. However, at this point in time it is easier for them to come here for and seek to legitimize the zoning on it rather than go through the Board of Adjustment. If they went to the Board of Adjustment the only thing you get is that it legitimizes it as it is right now; if something happens to that structure and it burns down then you can't build it back. However, rezoning the property not only legitimizes the use, but if it were to burn down or be removed it can be put back as a four-plex structure.

Chairperson Smith asked if anyone that is in the neighborhood that has a similar situation could do the same thing?

Mr. Yonke stated that they could come in for a planned rezoning request even if there was a single family house on the property to begin with.

Chairperson Smith stated that the process is open for anyone to do that.

Mr. Yonke stated that if they wanted a four-plex they could site the fact that the other four-plex exists there to justify a change in zoning for themselves.

Mr. Wiggins asked if that was the law for all subdivisions in Boone County.

Mr. Yonke stated it is a little more complicated than that. The zoning districts that are residential single family zoning districts allow conditional uses for two family dwellings but do not allow multi-family dwellings, which is what the four-plex is. Anybody who owns property in an R-S zoning district, which is a single family zoning district, has a right just as any other property owner to ask to have that zoning changed. That is what is happening tonight, they are asking to have it changed from the R-S to an R-MP, which is a planned multi-family district which is where that four-plex would normally fall. Even if someone had vacant land or land that had a single family home on it now and it was in an R-S zoning district, they always have that opportunity to follow the regulations for requesting a rezoning change the same as this request is. Whether it is approved or not would be looked at on its own merits but they have that same opportunity.

Mr. Wiggins stated that he is not really against the request but is just curious what the situation is on some of the other aspects of it.

Closed to public hearing.

Ms. Bolerjack stated that she has a copy of the deed of trust where Mr. Wiggins, the gentleman who built the four-plex, got a deed of release from Boone National Bank in 1972. Ms. Bolerjack stated that is her proof that it was pre-existing the County zoning. All the applicants are asking for is for it to be zoned properly for resale value and also for the applicant's protection, if she decides not to sell it but to keep it that if it would burn down she could rebuild what is there.

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** the request by Betty J. Overton to rezone from R-S (Residential Single Family) to R-MP (Planned Moderate Density Residential) on 1.27 acres, more or less, located at 5001 Creasy Springs Rd., Columbia:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Russ Duker – Yes
Mike Morgan – Yes	Rob Brown – Yes
Boyd Harris – Yes	Michael Morrison – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Discussion on the review plan:

Commissioner Duker asked if this was a four-plex and two single family houses.

Ms. Bolerjack stated that there is a four-plex on 1.25 acres and then the duplex is on an additional lot right behind the four-plex.

Mr. Yonke stated that on the review plan they are required to show the surrounding property within 200-feet and all structures that are on it. It could be structures they don't own, that is to give the Commission a feel for what is around the property.

Commissioner Duker made and Commissioner Heitkamp seconded a motion to **approve** the request by Betty J. Overton to approve a Review Plan on 1.27 acres, more or less, located at 5001 Creasy Springs Rd., Columbia **with the following condition:**

1. That it is recognized that the allowed use is limited to a single 4-plex structure on the lot and that fire requirements will have to be acceptable to the Fire District & Director of Planning.

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Russ Duker – Yes
Mike Morgan – Yes	Rob Brown – Yes
Boyd Harris – Yes	Michael Morrison – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on Monday, August 1, 2005 and applicants need to be present.

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2. Request by Robert and Joan Marshall on behalf of Prairie Farms Dairy to rezone from A-R (Agriculture Residential) to M-LP (Planned Industrial) and approve a Review Plan on 3.0 acres, more or less, located at 6675 Farrar Rd., Columbia.

Planner, Bill Florea gave the staff report stating that the property is located in the west side of Farrar Road about 2/3 of a mile north of the intersection with Route VV. The current zoning of the property is A-R. The applicant is requesting plat approval for a 3.00 acre tract to be rezoned to ML-P. The review plan that accompanies the rezoning application shows 1-permanent structure that will be used as an office. Spaces for 3 trailers and 6 trucks are also identified. The only proposed allowed use is Office and Distribution Facility for a Wholesale Distributorship.

The Master Plan designates this property as suitable for residential land use. The Master Plan identifies the use of planned districts to establish new commercial and industrial areas. The Master Plan also identifies a “sufficiency of resources” test for analyzing rezoning requests. The Test asks whether there are sufficient resources available for the needs of the proposed development or whether the services can be provided in a cost effective manner.

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

Utilities:

- Water: The property is in the service area of Consolidated Public Water District Number 1. The district has stated that they are unable to provide adequate water service to the property and has recommended that the applicant request water service from the City of Columbia. If the Fire Marshall requires installation of a fire hydrant, it will be the applicant’s responsibility to do so.
- Sewer: There is no central sewer service available to the property. The applicant proposes to use an on-site system permitted either by the County Health Department or MoDNR but no specific design has been proposed nor has a location for one been shown on the review plan.
- Electric: 3-Phase electric service is available to the property.

Transportation:

- The lot will access on to Farrar Road, which is a state maintained roadway. At the concept review meeting MoDot indicated that they did not see any significant issue with this proposal.
- According to a letter from Prairie Farms Dairy, Inc. six delivery trucks will operate from the site on a daily basis. The trucks will leave between 3:00 and 4:00 A.M. and return between 1:00 and 4:00 P.M. In addition approximately 10 semi trailers will arrive each week. The semi trailer arrival times will be between 10:00 A.M. and noon more or less evenly distributed throughout the week.

Public Safety Services:

- The site is within 3-miles of a fire station and is easily accessed by emergency services.

Most of the site is currently wooded. The developer should take advantage of the existing vegetation to soften the visual impact of the proposed development. This would require limiting clearing to that which is necessary.

Staff notified 27 property owners about this request. The property scored 65 points on the rating system.

Staff recommends approval of the rezoning.

Staff recommends approval of the review plan with the following conditions:

1. Fire protection shall be provided to the satisfaction of the Boone County Fire Protection District and the Director of Planning and Building Inspection.
2. Prior to final plan approval, a 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.
3. Existing vegetation shall be retained to the maximum extent possible. This shall include areas as shown on the plan and all vegetation within the 50-foot building line except that which is necessary to remove in order to install the entrance. The limits of clearing shall be distinctly marked prior to the beginning of any land disturbance at the site.

Present: Ken Obert, 3509 S. 36th St., Quincy, IL.
Dan Haid, 3703 Coral Drive, Columbia.

Mr. Haid stated that the applicant's only comments were that the applicants spoke with the fire district and they weren't too concerned.

Mr. Obert stated that the applicants were going to have a small structure there to be used just for an office. The employees will not be there other than arriving in the morning, getting in their trucks and going out and making deliveries and coming back. It is more of a depot to drop off paperwork, fax orders in, have a phone and things like that.

Chairperson Smith asked if there was going to be a regular employee there all the time.

Mr. Obert stated not full time. The sales representative is in and out; the drivers come in, get in their truck and go to work. It is more or less a parking depot.

Chairperson Smith asked how many semi-trucks will be there.

Mr. Obert stated 10 a week, approximately, one a day, sometimes there are two. Normally there will be three trailers left on site. The applicant's current location is on Sexton Road, they bring a full trailer load of milk down and three or four of the drivers will off-load that truck today and go out and run their route tomorrow. There is a third trailer there, when they come in they put their empties in so there is always a trailer full of empty milk crates there that they return back to Quincy. It is an off-loading site, they pull up along side the trailer and off-load from the trailer on to their truck, park the truck that night and they are ready to go the next morning.

Mr. Haid stated that the other concerns were the waste water system. The applicants are doing an on-site system and a study will be done before final approval. The third thing was the existing vegetation to be retained to the maximum extent possible. Mr. Haid assumes this was along the entrance side for screening between the property and Highway 63.

Mr. Florea stated that is correct.

Mr. Haid stated one of the things the applicants were looking at was whether or not that's what it was and whether or not it was necessary. The applicants will either leave what is there or other trees will be planted to maintain the screen.

Commissioner Brown stated he assumes there will be enough vegetation on the back side of the property because this is a small enough area that it won't be seen by the adjacent property owners.

Mr. Florea stated there is quite a bit of vegetation on the back. There is an electrical easement that is cleared for power transmission lines but to the west of that there is still a remaining portion of the lot that is vegetated that is proposed to stay.

Mr. Haid stated it will be left, there is also some along the south and east side that it was requested that we keep a 30-foot wide strip of the existing trees. The only change the applicants had to that was that maybe some of those trees might come out during grading of the site but then they could be replaced with new plantings.

Mr. Florea stated to the north is the electrical sub station.

Open to public hearing.

No one spoke in favor of the request.

No one spoke in opposition to the request.

Present stating they are neutral regarding this request:

David Griggs, 6420 Hwy VV, Columbia.

Brad Reichardt, 6280 Hwy VV, Columbia.

Mr. Griggs stated he and Mr. Reichardt are two of five property owners that immediately abut this piece of property on the Highway VV side. Mr. Griggs stated that he went to the Planning office today and looked at the review plan and has no objection to this plan. Mr. Griggs wanted to offer a couple of potential concerns. This is industrial zoning in an area that is traditionally rural Boone County, family farms as well as single family homes on acreage. Mr. Griggs stated that one of the main concerns is that of rezoning of this property from primarily agriculture to industrial. Although Mr. Griggs has no objection to this particular proposal because it won't bother us a bit, the thing that he is concerned about is what it does for the future of this property. Mr. Griggs stated that certainly no one knows what the future is but feel it is appropriate to voice that concern. The other issue is traffic; simply because of the timing of the traffic it won't be a problem. The Farrar Road, Highway VV, Highway 763 interchange is probably in an area of less than 150-feet which if this were during the hours of 7 to 9 and probably 4 to 6 in the evening I would tell you it would be an extremely congested intersection so it would be difficult for tractor trailers to utilize that intersection but the time frame the applicants are proposing I don't think it will have any impact.

Mr. Reichardt stated he was concerned that it would set a precedent for development of the area.

Closed to public hearing.

Commissioner Heitkamp stated the review plan indicates that all three acres would be dust free surface, minimum chip and seal.

Mr. Haid stated that is just the parking lot. The three acres is the entire property. Just the parking area in the middle would be dust free.

Commissioner Sloan stated she thought of the same thing Mr. Griggs had mentioned. Commissioner Sloan asked the applicants how they came to choose this particular piece of property. It is convenient to Highway 63 and probably more convenient than where they are located now but there are other places around Highway 63 that are already zoned for industrial use.

Mr. Obert stated that Cliff Hayword, the branch manager, got in touch with Bob Marshall and he found that location and Bob was willing to sell off part of it next to the electrical sub station and the applicants have pursued it after that, there is no particular reason why we targeted that spot. Mr. Obert stated that he doesn't know how to answer that question except to say Mr. Hayword has been looking for a location that was affordable. The applicants want to stay as close to the Columbia area as they can due to the fact that they do a lot of local business back and forth with the University of Missouri and the school district which requires a lot of hands on contact. One truck is stationed in Salisbury, one used to be stationed in Moberly and the applicants tried to pick a central area. The sales people are here in the Columbia area a lot. Presently the applicants are on Sexton Road and the property owner has shown an indication that he wants to do some future development there and indicated to the applicants they should start looking for another site.

Commissioner Heitkamp stated it has been her experience with this Commission that when you zone primarily agriculture residential to M-LP there is a domino effect and the land adjacent to it comes in to the Commission within a year or two requesting to rezone and before you know it you have an industrial park which hadn't been planned. Commissioner Heitkamp stated that while she feels the use doesn't appear to be intensive with only on three acres it is being proposed in an agriculture residential area and that may constitute spot zoning. On the other had it does have access to highways 763 and 63. Commissioner Heitkamp stated that she didn't know if that was the best use for the area.

Mr. Obert stated he understood that. One of the things Mr. Marshall had looked at was the sub station there and they are using this proposed site as a buffer.

Commissioner Duker stated he thought this individual business would be appropriate there.

Commissioner Heitkamp stated that the applicants are requesting M-LP so the plan is for this and nothing else.

Chairperson Smith stated that the applicants would have to come back and if it was for a more intensive use the Commission could say no; they could refuse the review plan. What we are saying is for this particular use on this particular piece of land the question is if it is an appropriate land use. We are not opening it up for unknowns because this is a known. Commissioner Smith stated that she drives down Highway VV all the time and she recognizes that we don't need a lot more traffic. It is right by the highway so we have to ask ourselves if it is an appropriate land use for this particular request.

Commissioner Duker stated that if people came in the future wanting to rezone to M-LP next door to this request is there any obligation to approve their request.

Chairperson Smith stated no.

Commissioner Heitkamp asked if there was any reason to ask for a traffic study.

Mr. Florea stated no, staff discussed it with MoDot and because of the relatively light traffic and the hours of traffic staff thought it wouldn't be necessary.

Chairperson Smith stated as was pointed out, it is a precedent if this request is approved.

Commissioner Heitkamp asked if the review plan had lighting or signage.

Mr. Florea stated that there is no signage proposed and there is no exterior lighting shown on the plan.

Mr. Obert stated there would be very minimal lighting. The applicants do not need lighting, other than loading off the trailers, but most of the trailers have lights in them. Sometimes what they use at the Sexton Road site is an extension cord with just a light that hangs in the door ways if it is an early morning transfer.

Commissioner Heitkamp asked how much land the applicants have on Sexton Road.

Mr. Obert stated it is approximately 1 ½ to 2 acres.

Commissioner Heitkamp asked the applicant if they did business at night.

Mr. Obert stated they usually load right when they come in in the afternoon.

Commissioner Heitkamp asked what time in the afternoon.

Mr. Obert stated between 1:00 p.m. and 4:00 p.m.

Mr. Haid stated that trucks arrive between 3 and 4:00 a.m. then they return between 1:00 p.m. and 4:00 p.m.

Mr. Obert stated that between 1:00 and 4:00 p.m. they are back; a lot of times they will pull up to the trailer and offload their empties and pull over to the other trailer and load the milk on their truck. They then pull their truck up to the electrical terminal and plug it in, go do their paperwork and go home.

Commissioner Sloan asked Mr. Griggs if this was visible from his home.

Mr. Griggs stated topography wise; this sits up on a hill. Mr. Griggs stated he doubts that it is visible. This tract is probably at least 1/8 of a mile from his house.

Commissioner Heitkamp asked Mr. Reichardt if he heard the highway noise from his property.

Mr. Reichardt stated very little. Now that they are running asphalt trucks he hears them when they jake-brake down the hill but general highway noise when he is inside the house, no.

Mr. Griggs stated it shouldn't be a problem.

Commissioner Mink asked Mr. Griggs if it were possible that noise will carry; it sounds like some reefer units will be running all night.

Mr. Obert stated on the trailers; the trucks we are planning on plugging in on the electric side. Most of the trucks do have a thermal king on them that run on a diesel motor, during the night we normally plug those in to the three-phase electric. The semis do have a thermal king on them that runs on diesel only. Normally there won't be over one or two of those running.

Commissioner Mink asked if there was a concern about the constant noise.

Mr. Obert stated that the site will be 600 or 700 yards from the nearest house. The plant in Quincy is at two major intersections in the city of Quincy in a residential area. They are two of the busiest traffic intersection as well as residences. There are whisper units on the thermal kings now where they run quieter than the old ones used to. Mr. Obert stated that he doesn't see an issue with the noise. You are going to hear more noise off of Highway 63 than the units running.

Mr. Griggs stated that he agrees with that.

Mr. Obert stated the proposed site as you approach it from the Christmas tree farm there is a valley there and the bulk of his property is a higher hill, timber area, this area that we are talking about is more down at the end of that road. The trees that are there mainly are brush cedar trees, not a lot of oak or wooded type trees.

Commissioner Heitkamp stated the advantage of leaving the cedar trees is that they mask noise in the winter.

Mr. Haid stated what was shown on the plan was just scaled off of an aerial photograph. Mr. Haid stated that was what he was addressing, whether or not that was going to be enough or if some trees needed to be added to that to aid in the screening.

Commissioner Morgan made and Commissioner Brown seconded a motion to **approve** the request by Robert and Joan Marshall on behalf of Prairie Farms Dairy to rezone from A-R (Agriculture Residential) to M-LP (Planned Industrial) on 3.0 acres, more or less, located at 6675 Farrar Rd., Columbia:

Pat Smith - Yes	Kristen Heitkamp – NO
Mary Sloan – NO	Russ Duker – NO
Mike Morgan – Yes	Rob Brown – Yes
Boyd Harris – NO	Michael Morrison – Yes
David Mink – Yes	

Motion to approve the request carries.	5 YES	4 NO
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Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** the request by Robert and Joan Marshall on behalf of Prairie Farms Dairy to approve a Review Plan on 3.0 acres, more or less, located at 6675 Farrar Rd., Columbia **with the following conditions:**

1. Fire protection shall be provided to the satisfaction of the Boone County Fire Protection District and the Director of Planning and Building Inspection.
2. Prior to final plan approval, a 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.
3. Existing vegetation shall be retained to the maximum extent possible. This shall include areas as shown on the plan and all vegetation within the 50-foot building line except that which is necessary to remove in order to install the entrance. The limits of clearing shall be distinctly marked prior to the beginning of any land disturbance at the site.

Pat Smith - Yes

Mary Sloan – Yes

Mike Morgan – Yes

Boyd Harris – Yes

David Mink – Yes

Kristen Heitkamp – Yes

Russ Duker – Yes

Rob Brown – Yes

Michael Morrison – Yes

Motion to approve request carries unanimously.

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

PLANNED DEVELOPMENTS

None.

PLAT REVIEWS

1. BLR. S32-T48N-R13W. A-2. Adam P. Wolf, owner. Curtis E. Basinger, surveyor.

The following staff report was entered in to the record:

The property is located approximately three-quarters of a mile west of Scott Boulevard, on Brushwood Lake Road, and is adjacent to the city limits of Columbia. It consists of two lots with areas of 3.00 and 5.17 acres, respectively. The property is zoned A-2 and has A-2 to the north, east, and west, and the City of Columbia's R-1 zoning to the south.

Both lots have frontage on Brushwood Lake Road for road access. The plat dedicates 33' of right of way along Brushwood Lake Road. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

The property is located in the City of Columbia's Water Service area and they will be providing water service.

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

The remainder tract of 20.67 acres is being assigned by deed. The house on lot one has received a variance from the board of adjustment for its position inside the building line. There is a garage on lot one, south of the house indicated on the plat, that did not receive a variance for its location inside the building line and right-of-way.

The property scored 48 points on the rating system.

Staff recommends approval of the plat with the condition that the removal of the garage on lot one has been completed prior to recording.

No one present to represent the plat.

Commissioner Brown made and Commissioner Mink seconded a motion to **approve** BLR. S32-T48N-R13W. A-2. Adam P. Wolf, owner. Curtis E. Basinger, surveyor **with the following condition:**

- **That the removal of the garage on lot one has been completed prior to recording.**

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Russ Duker – Yes
Mike Morgan – Yes	Rob Brown – Yes
Boyd Harris – Yes	Michael Morrison – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

* * * * *

2. Street Estates preliminary plat. SS12-T49N-R13W. Blue Acres, Inc., owner. Neal R. Slattery, surveyor.

Planner, Thad Yonke gave the staff report stating that this preliminary plat is effectively another portion of the Kinkade Crossing development. This proposed preliminary plat contains 10-12 lots. The development is located on State Highway VV and the west proposed road stub of Daniel Street contained in Kinkade Crossing Plat 3, approximately 400 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 8.50-acres. The property is predominantly zoned A-R (agriculture-residential) with a small portion of R-S (residential single family) in the northwest portion of the subject tract. Property to the northwest across Highway VV has some C-N (neighborhood commercial) along with A-R. Property to the north is zoned R-S (residential single family). Property to the east, south, and west is zoned A-R. All these zonings are the original 1973 zonings. The property is currently the site of a convenience store, a single family home, an outbuilding and 5 singlewide mobile homes. The proposed roadway will end in a temporary cul-de-sac until the later phase of the development finishes the road connection to Highway VV. The road, until fully completed, constitutes a non-through road in excess of 1000 feet but is shorter in total length than the approximately 2400 feet long road in Kinkade Crossing

which did receive the proper variances and approvals. The road length will need 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 Kinkade Crossing. The existing store has a variance to encroach into the setback area but will need an additional variance from the BOA to be inside the 50 foot building line along state roads that is required by the subdivision regulations. The site is in Consolidated Public Water District #1. Fire hydrants and watermain extensions are required. The site is in the Columbia School District. One of the accesses 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 subject to the following conditions:

1. That a variance for the 50-foot setback required by the subdivision regulations be obtained prior to final platting of the property.
2. That a variance from the length of a non-through road under the public works regulations be obtained prior to any final platting.
3. That the five singlewide mobile homes be removed prior to final platting.

Present: Neal Slattery, A Civil Group, 1010 Fay Street, Columbia.
Ed Sachs, 11194 Callaway Greens Dr., Fort Meyers, FL.

Mr. Slattery stated this is a continuation of a project that was approved to the east around late last fall. The groundwork for this project should be starting at any time now. The conditions that Mr. Yonke had stated, the 50-foot setback, the variance for the excessive length and the removal of the existing trailers; the applicants have filled out the applications and are on schedule to attend all those meetings to request the necessary variances.

Commissioner Mink stated that no easement is shown for storm sewer pipes going up to the north off Daniel Street.

Mr. Slattery stated that it would be taken care of prior to the final platting. Mr. Slattery stated the land up in this are, the sewer system is one of the biggest issues. The surrounding property has existing lagoons; some of these lagoons have been trouble spots with both the County and the State. Kinkade Crossings along with this project and also another project to the north east with Mr. Nichols. The applicants are working with the Sewer District to provide an agreement and design a local regional treatment facility. This will close out those lagoons and eliminate a lot of problems that have been existing for almost 10 years.

Commissioner Heitkamp asked if Mr. Nichols was before the Commission some time ago about the waste water system.

Mr. Yonke stated yes; this proposal will solve the problem Mr. Nichols has.

Mr. Slattery stated the applicants have met with Mr. Nichols and Boone County Regional Sewer District on more than one occasion. Mr. Nichols owns property immediately south of the intersection of Hinton Road and Highway 63. Mr. Nichols understands that it is to his benefit. He has some lagoons there that have been a problem and he has some interest in developing that property. This is a solution to take care of a number of issues. As far as the access on to Highway VV, the applicants met with MoDot earlier this week and are going to work with MoDot also with Boone County Public Works to determine the most proper location of the proposed access point.

Commissioner Morgan asked if the applicants were talking about pumping stations for Nichols to pump the wastewater treatment facilities. The Nichols property is quite a bit downhill.

Mr. Slattery stated that the applicants had that discussion with Mr. Nichols and his engineers and they are working in coordination. It looks like it will take care of a lot of their tracts with gravity and it will go down to a pump station and pump up to the proposed treatment facility.

Commissioner Sloan made and Commissioner Mink seconded a motion to **approve** Street Estates preliminary plat. SS12-T49N-R13W. Blue Acres, Inc., owner. Neal R. Slattery, surveyor **with the following conditions:**

1. That a variance for the 50-foot setback required by the subdivision regulations be obtained prior to final platting of the property.
2. That a variance from the length of a non-through road under the public works regulations be obtained prior to any final platting.
3. That the five singlewide mobile homes be removed prior to final platting.

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Russ Duker – Yes
Mike Morgan – Yes	Rob Brown – Yes
Boyd Harris – Yes	Michael Morrison – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on August 1, 2005 and the applicants would need to be present.

* * * * *

3. Yanis Estates. S15-T47N-R13W. A-2. Sondra K. Taylor, owner. Jay Gebhardt, surveyor.

The following staff report was entered in to the record:

The property is located approximately 1 mile south of the City of Columbia on High Point Lane. It consists of one lot with an area of 7.0 acres. It is zoned A-2 and is surrounded by A-2 zoning.

The property has frontage on High Point lane and has a 20' ingress-egress access easement along the southern boundary for the remainder tract's access to High Point lane. The plat dedicates 33' of right-of-way to High Point Lane. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Consolidated Public Water Service District #1 will provide water service to the property.

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

An administrative survey of the remainder tract (13.26 acres) has been submitted and is in the process of being concurrently recorded with the subdivision plat. Building #3 is inside the building line of the lot, but has had an application submitted for a variance and is on the agenda for the July 28 Board of Adjustment meeting.

The property scored 61 points on the rating system.

Staff recommends approval of the plat and granting the waivers with the condition that the property receives a variance for the location of building #3 from the Board of Adjustment.

No one present to represent the plat.

Commissioner Brown made and Commissioner Mink seconded a motion to **approve** Yanis Estates. S15-T47N-R13W. A-2. Sondra K. Taylor, owner. Jay Gebhardt, surveyor **with waiver requests and the following condition:**

- **That the property receives a variance for the location of building #3 from the Board of Adjustment.**

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Russ Duker – Yes
Mike Morgan – Yes	Rob Brown – Yes
Boyd Harris – Yes	Michael Morrison – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

* * * * *

4. Prairie Farms Dairy. S13-T49N-R13W. Robert and Joan Marshall, owners. J. Daniel Brush, surveyor.

Planner, Bill Florea gave the staff report stating that the property is located in the west side of Farrar Road about 2/3 of a mile north of the intersection with Route VV. The current zoning of the property is A-2. The applicant is requesting plat approval for a 3.00 acre tract that accompanies a rezoning application and review plan requesting Planned Light Industrial zoning for the purpose of operating a wholesale dairy distribution facility.

The lot will have frontage on and direct access to Farrar Road, which is a state maintained road. Farrar Road is within the U.S. 63 right of way which has a half-width of 120-feet at this location. Therefore, no additional right of way is being dedicated.

The property is within the boundary of the service district for Consolidated Public Water District Number 1. The water district cannot provide fire flow to this property and suggested that the applicant contact Columbia Water and Light to check their capacity to serve this area. Fire flow is not required for a one-lot plat; however, future commercial uses on the property may be limited by lack of fire protection.

An on-site wastewater system is proposed. A wastewater plan has not been submitted. Such a plan must be on file prior to County Commission acceptance of the plat.

The property scored 65 points on the rating system.

Staff recommends approval of the plat subject to the following condition:

- The applicant must submit a wastewater plan for approval by the County Health Department prior to County Commission approval of the plat.

Commissioner Heitkamp stated she had two concerns; one was lighting and the other signage. Commissioner Heitkamp stated she would like to see those on the plat.

Mr. Florea stated that we can not deal with those items for a plat. If the applicants don't show, we have sign regulations that dictate what signage they can have on the property. They can't have a free standing sign because they don't show one on the review plan so any signage will have to be wall mounted signs which will probably be screened from view because of the vegetation they have to leave on the site. The building will be the only place they can place a sign.

Chairperson Smith asked about the lighting.

Mr. Florea stated the applicants didn't show any exterior lighting on the plan. There could be exterior lights on the building but no free standing lights.

Commissioner Mink made and Commissioner Brown seconded a motion to **approve** Prairie Farms Dairy, S13-T49N-R13W. Robert and Joan Marshall, owners. J. Daniel Brush, surveyor with the following condition:

- The applicant must submit a wastewater plan for approval by the County Health Department prior to County Commission approval of the plat.

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Russ Duker – Yes
Mike Morgan – Yes	Rob Brown – Yes
Boyd Harris – Yes	Michael Morrison – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on August 1, 2005 and the applicants would need to be present.

* * * * *

5. Tara North. S35-T51N-R13W. A-2. Ron and Terri McBee and Kimberly Lawson, owners. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The property is located at the intersection of Williams Road and Old Number 7, one mile east of Highway 63, near Riggs. It consists of three five acre lots. The property is zoned A-2, and is surrounded by A-2.

Lot three of this plat has access on both Williams Road and Old Number 7. Lot two has access on Old Number 7. Lot one has access to Old Number 7 via a 25' private access easement that extends across the northern edge of lot two. The plat is dedicating half-width right-of-way to Old Number 7 and Williams Road. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to the property is provided by Public Water Service District #10.

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

An administrative survey covering the remainder tract (14.07 acres) of this plat has been submitted and is in the process of being concurrently recorded with the subdivision plat.

The property scored 30 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

No one present to represent the plat.

Commissioner Brown made and Commissioner Mink seconded a motion to **approve** Tara North, S35-T51N-R13W. A-2. Ron and Terri McBee and Kimberly Lawson, owners. J. Daniel Brush, surveyor **with waiver requests**:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Russ Duker – Yes
Mike Morgan – Yes	Rob Brown – Yes
Boyd Harris – Yes	Michael Morrison – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

* * * * *

6. Cedar Hill Estates. S36-T50N-R13W. A-2. Darrell and Betty Hill, owners. James Jeffries, surveyor.

The following staff report was entered in to the record:

The property is located approximately 5 miles north of Columbia at the intersection of State Route VV and Peabody Road. It consists of three lots of 2.6, 7.59, and 6.51 acres. The property is zoned A-2, has C-G to the west across VV, and A-2 to the north, east, and south.

The property has frontage along State Route VV and Peabody Road. The plat dedicates additional 8' right-of-way to create a 33' half-width right-of-way along both VV and Peabody Road. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to the property is provided by Consolidated Public Water Service District #1.

On-site systems will provide 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 granting the requested waivers.

No one present to represent the plat.

Commissioner Brown made and Commissioner Mink seconded a motion to **approve Cedar Hill Estates, S36-T50N-R13W, A-2, Darrell and Betty Hill, owners. James Jeffries, surveyor with waiver requests:**

- | | |
|-------------------|------------------------|
| Pat Smith - Yes | Kristen Heitkamp – Yes |
| Mary Sloan – Yes | Russ Duker – Yes |
| Mike Morgan – Yes | Rob Brown – Yes |
| Boyd Harris – Yes | Michael Morrison – Yes |
| David Mink – Yes | |

Motion to approve request carries unanimously.

* * * * *

7. Countryside Acres Plat 2. S12-T50N-R12W. A-R. Ronald G. Lueck, surveyor.

The following staff report was entered in to the record:

The property is located one-half mile northeast of Hallsville, at the intersection of State Route 124 and Old State Route 124. It consists of two lots of 9.28 and 9.0 acres. It is zoned A-R to the north, west, and south, with A-1 to the east.

Both lots have frontage on Old State Route 124, and tract C (with 9.28 acres) has frontage on State Route 124. This plat dedicates an additional 3' right-of-way along both 124 and Old 124. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to this property is provided by Public Water Service District #4.

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

The property scored 58 points on the rating system.

Staff recommends of the plat and granting the requested waivers.

No one present to represent the plat.

Commissioner Brown made and Commissioner Mink seconded a motion to **approve** Countryside Acres Plat 2. S12-T50N-R12W. A-R. Ronald G. Lueck, surveyor **with waiver requests**:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Russ Duker – Yes
Mike Morgan – Yes	Rob Brown – Yes
Boyd Harris – Yes	Michael Morrison – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

* * * * *

8. Owensdale. S22-T48N-R13W. A-2. William and Pamela Boyd, owners. C. Stephen Heying, surveyor.

The following staff report was entered in to the record:

The property is located approximately two and one-half miles south of I-70 along State Route O. It consists of two lots with areas of 3.188 and 5.003 acres. The property is zoned A-2, and is surrounded by A-2 zoning.

Both lots have road frontage on State Route O. The plat dedicates an additional 3’ of right-of-way for State Route O. The applicant has submitted a request to waive the requirement to provide a traffic study.

Consolidated Public Water Service District #1 will provide water service to the property.

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

The property scored 26 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

No one present to represent the plat.

Commissioner Brown made and Commissioner Mink seconded a motion to **approve** Owensdale. S22-T48N-R13W. A-2. William and Pamela Boyd, owners. C. Stephen Heying, surveyor **with waiver requests**:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Russ Duker – Yes
Mike Morgan – Yes	Rob Brown – Yes

Boyd Harris – Yes
David Mink – Yes

Michael Morrison – Yes

Motion to approve request carries unanimously.

* * * * *

9. Trade Wind Park, preliminary plat. S12-T48N-R12W. M-L. I-70 LLC, owner.

Planner, Thad Yonke gave the staff report stating that this preliminary plat is proposed to contain 5 large lots and four roadways. The development is located on the south side of I-70 Drive SE between the outer road and Richland Road approximately 1400 feet west of the Route Z interchange on I-70. The site is approximately 1 mile northeast of the municipal limits of the City of Columbia. The area being subdivided contains 138.97-acres. The property is predominantly zoned M-L (light-industrial) with a portion of R-S (residential single family) in the southwest portion of the subject tract south of Sunrise Estates. Property to the north across I-70 is zoned A-2 (agriculture). Property adjoining to the east is zoned M-L. Property to the south across Richland Road is zoned A-1 (agriculture). Property adjoining to the west is zoned R-S (residential single family) with a little R-M (residential moderate density). All these zonings are the original 1973 zonings with the exception of the R-M. The property is currently vacant except for a Billboard structure near the northeast corner of the site. The Billboard is within the 50 feet building line along state roads required by the subdivision regulations and possibly within the utility easement. Variances will be required or the Billboard will have to be removed. The proposed roadway stubs to the east will end in a temporary cul-de-sac until the roads can be extended into adjoining properties. Sewage treatment will be provided by a central BCRSD facility with possibly some temporary on-site systems accompanied by installation of dry sewer mains. The site is in Public Water District #9. Fire hydrants and watermain extensions are required. The site is in the Columbia School District. One of the accesses 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 74 points on the point rating scale.

Staff recommends approval subject to the following conditions:

1. That all central sewer infrastructure be installed with the plats and that any on-site temporary systems be eliminated as soon as capacity at the central system can be obtained.
2. That the issue with respect to the Billboard on the property be worked out to the satisfaction of the Director of Planning by removal of the Billboard, a variance from the subdivision regulations for a structure in the 50 feet building line along state roads and in the required utility easement, or another means allowable under the regulations that is acceptable to the Director.

Present: Tim Crockett, Crockett Engineering, 2608 N. Stadium, Columbia.
Jessica Hudson, 5379 E. Trikalla Dr., Columbia.

Mr. Crockett stated he concurred with the staff report. The first condition is with regard to the sanitary sewer infrastructure. The applicants have been in touch with the Boone County Regional Sewer District. The reason the applicants are asking for a possibility of having some dry mains out there with some temporary onsite sewage treatment is because they have the opportunity to increase the existing Otscn treatment facility in that location. To do that it is going to cost somewhere between \$100,000 to \$150,000. The Otscn treatment facility sits in the northeastern most portion of the Southfork of the

Grindstone that is the determination point of the agreement that the Boone County Regional Sewer District currently has made with the City of Columbia for centralized sewer in that water shed. What we are proposing to do with the Sewer District is to allocate some funding to them possibly to help expedite what they are referring to as section 5 of that agreement. The District has expressed a concern to get these treatment facilities taken care of and on to a centralized sewer system and the applicants are trying to help out in that situation.

Mr. Crockett stated the second situation is with the bill boards. The developer would like to remove the bill boards however, due to an existing lease that has been in effect by a previous land owner there is still 4 years left on a 15 year lease. Once that lease is up it is the developer's intent to remove the bill boards, they have been in contact with the lessee and they desired no willingness to let them out of that lease. The contract is written favoring the lessee and not the applicants and the applicants have no legal rights to end that contract. The applicants will be asking for a variance to that regulation at the Board of Adjustment but it will be just for the remaining portion of the lease and once the lease runs out the applicants have full intentions of removing the bill boards.

Chairperson Smith asked who the lessee was.

Ms. Hudson stated Viacom.

Mr. Crockett stated that they are not the large metal bill board that you typically see, they are the lower wooden structure, they are relatively old structures and not entirely visible.

Commissioner Morgan asked the applicants if they had already started moving dirt for this project.

Mr. Crockett stated no, no dirt has been moved. There has been some logging and some trees have been removed. The applicants have no approved site plans or street plans so no earth moving has been done on the site.

Commissioner Morrison asked if this was the same sewer the City is punching through Billy Sapp's property.

Mr. Crockett stated yes; phases 1, 2, and 3 of that agreement, phase 1 gets it to El Chaparral, phase 2 and 3 get it to the eastern property line of Billy Sapp. The sewer district has phases 4 and 5. Phase 4 gets it up to Sunrise Estates and phase 5 takes it from Sunrise on a little further.

Commissioner Harris stated that he has some trepidation at times with stipulations that are worded "as soon as" capacity can be reached. Does that mean in 6 months or "as soon as" happens to take 10 years is that acceptable?

Mr. Yonke stated the way staff interprets that is as soon as the sewer district tells us that there is capacity they have to connect. It is up to the sewer district to determine how long that temporary can be. When we get the final plats that is where you have to actual worked out agreement that spells all of that out.

Commissioner Harris asked if there was another step before that time frame has to be specified.

Mr. Yonke stated right now we want to get the Commission to be on board with the concepts while they are trying to get their permanent sewer worked out. Theoretically if the Commission is not comfortable with that they can say no. Staff feels that this can be worked out because if they don't get something that is acceptable with the sewer district the sewer district will not okay the final plan.

Mr. Crockett stated that the applicants are going to work with the sewer district; the applicants had the opportunity to add on to the Otsccon treatment facility and completely service their site however, the sewer district feels that with the extension of phase 5 they have the funding in place to make that extension within the next year or two that extension will take place so with that said the applicants are going to go in and expand the treatment plant, expend their money that is just going to be wasted when the treatment plant is removed. The district feels that money could go to help with design or easement acquisition to help the process.

Commissioner Mink asked if the connection of Trade Center Drive is the only gap on the Precision Pre-cast property.

Mr. Crockett stated that is correct.

Commissioner Mink stated it comes up to join on the other side of that property.

Mr. Crockett stated the existing Trade Center Drive terminates in a cul-de-sac. There is no right of way granted from that cul-de-sac to this property line however, we are stubbing to it. The applicants contacted that neighbor and they don't have any desire at this time to make the connection but we feel with the industrial development that is going to take place in that are someday that might be a logical connection.

Commissioner Duker asked when the sanitary sewer extension will take place.

Mr. Crockett stated the gravity sewer will be extended at the time of the final plat. Any time before the final plat the sanitary sewer for that portion will be constructed along with the streets and water lines. They won't have to go back in at a later date and put it in.

Commissioner Heitkamp asked if they will see the setbacks on Southfork Grindstone Creek on a later plat.

Mr. Crockett stated right now it doesn't have any regulations on that but if those regulations do come out by the time of the final plat they will be on there. The applicants have the small cul-de-sac coming off of Richland Road to Southfork of the Grindstone in this area is a Corps regulated waterway. The applicants are intending to stay out of that creek as much as possible.

Commissioner Heitkamp stated the proposed temporary turn around right on the creek. A bridge is proposed over the creek then the temporary turn around.

Mr. Crockett stated the temporary turn around is not over the creek it is over to the side. The applicants have to have a stub, that street was added at a later time per staff comment because they needed another stub street to a neighboring property so the stub was put in so the applicants were forced to make the crossing. It is in the upper reaches of the Grindstone so it is much less detrimental than it is on the southern property. The temporary turn around itself will not be sitting on top of the creek, the road will cross the creek however the temporary turn around will not sit on top of the creek.

Commissioner Heitkamp stated that as far as applicants were concerned they would rather not have a stub.

Mr. Crocket stated that is correct. The applicant's initial submittal to staff did not have that entire street shown on the plat but due to the block length requirement of 1320 feet the applicants were forced to add another stub street.

Commissioner Brown made and Commissioner Mink seconded a motion to **approve Trade Wind Park, preliminary plat. S12-T48N-R12W. M-L. I-70 LLC, owner with the following conditions:**

1. That all central sewer infrastructure be installed with the plats and that any on-site temporary systems be eliminated as soon as capacity at the central system can be obtained.
2. That the issue with respect to the Billboard on the property be worked out to the satisfaction of the Director of Planning by removal of the Billboard, a variance from the subdivision regulations for a structure in the 50 feet building line along state roads and in the required utility easement, or another means allowable under the regulations that is acceptable to the Director.

Pat Smith - Yes	Kristen Heitkamp – NO
Mary Sloan – Yes	Russ Duker – Yes
Mike Morgan – Yes	Rob Brown – Yes
Boyd Harris – Yes	Michael Morrison – Yes
David Mink – Yes	

Motion to approve request carries. 8 YES 1 NO

Commissioner Heitkamp stated she voted in opposition for the reason that she didn't like the stub street where it is.

Chairperson Smith informed the applicants that this request would go before the County Commission on August 1, 2005 and applicants need to be present.

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10. Spencer Hills Phase III preliminary plat. S24-T49N-R13W. R-M. Double D LLC, owner. Jay Gebhardt, surveyor.

Planner, Bill Florea stating that the property is located east of and adjacent to Clearview Subdivision and northeast of Spencer Hills Plats 1 and 2. The property is zoned Moderate Density Residential, R-M. A preliminary plat of 10 single family and 20 duplex lots was approved in August 1998. The first phase of the project, Spencer Hills Plat 1 containing 10 single family lots, was approved in September 1998. A revised preliminary plat of 50-lots was approved in May 1999. This proposal will complete the platting of the property that was within the original boundary of the revised preliminary plat.

A traffic study was submitted analyzing the impact of the plat on the existing road system for the 1999 revised preliminary plat. The study recommended construction of a second outlet in addition to Autumn Drive. The second outlet would be created by building Autumn Drive north to E. Cedar Court and extending E. Cedar Court west to connect with the existing portion of E. Cedar Court in Clearview Subdivision. The Public Works Department concurred with the traffic study with the stipulation that the improvements be completed in accordance with the current road standards prior to platting the 21st lot.

Under the R-M zoning there is the potential for construction of 111 dwelling units in various combinations of two-dwelling and multiple family dwellings. The developer has a proposed agreement with Boone County Regional Sewer District to provide sewer service. Some of the available capacity in the Clearview Treatment Plant is committed to a different land owner whose land may get sewer service from the City of Columbia. When that occurs that capacity will be made available to the developers of Spencer Hills Plat 3. There is a note on the plat that will require the developer to provide a notice of sewer availability for each dwelling unit within a proposed final plat.

The City of Columbia will provide water service. The developer will be responsible for construction of the main that will be built according to plans prepared by City Water and Light. Fire hydrant spacing and fire flow will meet City of Columbia Standards, which exceed Boone County Standards.

The property scores 84 points on the rating system.

Staff recommends approval of the plat.

Present: Neal Slattery, A Civil Group, 1010 Fay Street, Columbia.

Mr. Slattery stated the most significant item on this is the sewer and how it is going to be handled. Mr. Florea had indicated there is an agreement with the Boone County Sewer District for the Clearview treatment plant. Currently the Clearview treatment plant is not running at maximum capacity but it has only so much space allotted for the surrounding properties. Some of this capacity is going to open up and there have already been discussions with Boone County Regional Sewer District to transfer the allotted space to this project. All the applicants are asking for tonight is approval for the preliminary plat as note number 9 indicates the applicants would not seek to final plat this property until proper sewer capacity is in place at Clearview treatment plant.

Commissioner Harris made and Commissioner Morrison seconded a motion to **approve** Spencer Hills Phase III preliminary plat. S24-T49N-R13W. R-M. Double D LLC, owner. Jay Gebhardt, surveyor:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Russ Duker – Yes
Mike Morgan – Yes	Rob Brown – Yes
Boyd Harris – Yes	Michael Morrison – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on August 1, 2005 and applicants need to be present.

OLD BUSINESS

Mr. Shawver informed the Planning and Zoning Commission of the decisions of the County Commission.

CEBOCO rezoning request was recommended denial by the Planning and Zoning Commission; the applicants appealed this decision to the County Commission and they overturned the decision.

Bechtold conditional use permit request was approved as recommended.

Mid-Am Commercial review plan was approved as recommended.

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Chairperson Smith stated that two sub-groups have been formed one to discuss and look at reviewing the master plan and the other group to look at the 63 corridor. Commissioner Freiling is in charge of the 63 corridor group and Commissioner Heitkamp is in charge of the master plan group. The idea is not do a lot of study but just to report back to the group what needs to be done.

NEW BUSINESS

1. Public hearing concerning revision to Section 10 A of the Zoning Regulations.

Mr. Shawver stated that staff received a request to make a change to the setback regulations, specifically Section 10, yard requirements, Section A. The current regulations have a side setback minimum for each zoning district and they are set out to have a total for two sides. Staff did some research and couldn't find any other communities that we checked that had similar regulations. Staff checked with utility providers and the Fire District and they had no problem with changing the regulations.

We are proposing that the entire section of the regulations dealing with side totals be deleted so each district will have a front and rear setback and a side minimum. The Zoning regulations require that we have three public hearings before a recommendation is sent to the County Commission.

More public hearings are scheduled for July 27 at the Fire Station in Hallsville, and then again on August 3 at Ashland City Hall. Both of those public hearings begin at 7:00 p.m. Staff have not received any comments other than from the person that suggested that this change should be made.

Open to public hearing.

No one spoke.

Closed to public hearing.

* * * * *

2. Annual election of officers.

Commissioner Morgan made a motion for Commissioner Smith to remain as Chairperson. Commissioner Brown seconded the motion.

No other nominations were made.

All members voted in favor. None opposed. Commissioner Smith remains Chairperson.

Commissioner Morgan made a motion for Commissioner Sloan to remain as Vice-Chairperson.

Commissioner Brown seconded the motion.

No other nominations were made.

All members voted in favor. None opposed. Commissioner Sloan remains Vice-Chairperson.

Commissioner Morgan made a motion for Commissioner Heitkamp to remain as Secretary.

Commissioner Brown seconded the motion.

No other nominations were made.

All members voted in favor. None opposed. Commissioner Heitkamp remains Secretary.

ADJOURN

Being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Kristen Heitkamp,
Secretary

Minutes approved on this 18th day of August, 2005.