

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, November 17, 2005

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

Present:	Pat Smith, Chairperson	Perche Township
	Mary Sloan, Vice-Chairperson	Rocky Fork Township
	Kristen Heitkamp, Secretary	Katy Township
	Larry Oetting	Three Creeks Township
	Mike Morgan	Bourbon Township
	Boyd Harris	Centralia Township
	Russell Duker	Missouri Township
	David Mink	Public Works
Absent:	Carl Freiling	Cedar Township
	Michael Morrison	Columbia Township
	Vacant Seat	Rock Bridge Township

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

The minutes of the October 20, 2005 meeting were approved with no corrections. Approved by acclamation.

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

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

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

The following procedure will be followed:

The agenda item will be announced, followed by a report from the Planning Department Staff. At that time, the applicant or their representative may make a presentation to the commission. The Commission may request additional information at that time, or later following the hearing. After the applicant's

presentation, the floor will be opened for anyone wishing to speak in support of the request. We ask that any presentation made to the Commission be to the point.

Please give your name and mailing address when you address the commission. We also request that you sign the sheet on the staff table after you testify.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the Commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. The agenda tonight may not be lengthy and while we wish to extend an opportunity to everyone that wishes to speak, we ask that you not be repetitious with your remarks. We also recognize that many issues can be quite emotional. In that regard we ask that you refrain from any signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

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

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, November 29, 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, November 29, 2005 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

None.

REZONING REQUESTS

1. Request by Kirby McKenzie Construction, Inc. to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 10.31 acres, more or less, located at 5260 Liddell Ln., Columbia.

This property is located approximately 2 miles east of the municipal limits of the city of Columbia and is immediately to the east of the intersection of Dusty Rhodes Lane and Liddell Lane. This property is zoned A-1 (Agriculture) as is all the surrounding property on the north, northeast, east, southeast, and south and these are all original 1973 zonings. The zoning to the southwest, west, and northwest is A-2 (agriculture) and these are also the original 1973 zonings. The property is currently the site of one single family dwelling. This site is located within the Columbia School District. Electric service is provided by

Boone Electric Cooperative. Water service is provided by the City of Columbia. There have been no previous requests to rezone this property. The master plan designates this area as being suitable for residential land uses. Staff notified 16 property owners concerning this request. The Master Plan calls for the use of a "Sufficiency of Resources Test" when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner. The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

Utilities: This site is served by Boone Electric Cooperative and City of Columbia Water. There is both a 6-inch and 8-inch waterline in the area. A central waste-water system is not available for this site. The developer is proposing the use of individual on-site waste-water systems.

Transportation: Access to the site is from Liddell Lane, a, county maintained road.

Public Safety: The property is in the Boone County Fire Protection District. There are several fire stations located approximately 5 miles from this site.

The sufficiency of resources test is not the only measure of the appropriateness of a rezoning; it is essentially a "gate keeping" function. If a rezoning proposal does not meet the sufficiency of resources test it should be denied. If a proposal does meet the sufficiency of resources test it does not mean that the property should be rezoned; it only means that further arguments about the suitability of the request should be evaluated.

In this situation the dividing line between the A-1 and the A-2 zoning districts follows the section/range line for 4 miles from just north of I-70 to Mt. Hope Road. Along the property in question the section/range line is in the road making the road the boundary line between zoning districts. The only deviation from the section/range line as the district boundary is that the road becomes the west boundary edge of the A-1 zoning district all the way to Mt. Hope Road. This is true with the exception of a single 1-acre nonconforming lot on the east side of Liddell Lane at one of the 90 degree bends in the road. The land between the section/range line on the west side of the road was rezoned from A-1 to A-2 to bring land under a single ownership under a single zoning and to make the road the district dividing line in this area by bringing the properties west of the road under a single zoning rather than having a split in zoning districts within single tracts. Part of the justification for these rezonings was that the road was an identifiable and "natural" boundary for the zoning districts. The A-1 zoning of the subject tract is the same as all the property continuing to the east all the way to the county line which is approximately 4 miles. A rezoning of this property would open the door to justification of additional requests to rezone from A-1 to A-2 for purely speculative reasons. Additionally, recent decisions on similar requests to rezone from A-1 to A-2, even those proposed to facilitate family transfers, have been denied by this commission and the County Commission. In most cases the denial was accompanied with the suggestion that planned requests have traditionally had better chances of getting approved. In this case even a planned request to rezone from A-1 to A-2P (planned agriculture 2) would seem inappropriate. Staff recommends that this request be denied.

Present: Gene Basinger, surveyor, Marshall Engineering, 300 St. James St., Columbia.
Kirby McKenzie, 6381 N. Liddell Ln., Columbia.

Mr. Basinger presented a proposed division of the tract to the Commission.

Mr. Basinger stated the tract of land is approximately 10 acres it is a very long and narrow tract of land. It has road frontage all along the west boundary and all along the south boundary. What the applicants are looking at in changing the zoning so they can divide the property in a manner similar to what we show on the plat. It may be exactly that way; it might be a little different as far as the line between the two tracts would move. The property, as staff has stated to the west of this is all A-2 zoning. The property surrounding this tract of land is non-agricultural, generally speaking. The land due south of this is agricultural land; it is in a large tract and all under one ownership. There is a minor subdivision that is due west of this tract across the road south of Dusty Rhodes Lane that is a subdivision that was done for the owners of the agricultural land to the south of this tract. The tract due east of this is approximately a 14 acre tract with a single family home on it. The tract due east of that one is approximately 10 acre tract and the one east of that is approximately a 12 acre tract. North of this tract of land is a small tract that is approximately 5.5 acres, the next tract of land north is a 20 acre tract and north of that is a 5.6 acre tract of land. The land surrounding this tract is all smaller acreage even though it is in A-1 zoning it is not agricultural use. Agricultural use is to the south of this therefore the applicants believe this would be an appropriate place to actually have A-2 zoning being A-2 is considered an agricultural district generally speaking to be as farmlands. The zonings were set up so that the larger farms wouldn't be divided up in to small tracts of land without rezoning. In this case Mr. Basinger doesn't believe this to be applicable. For this reason the applicants are asking for this rezoning request.

Chairperson Smith asked Mr. McKenzie how long he has had this land.

Mr. McKenzie stated his family has lived out there for over 100 years. This piece of ground he acquired this summer. Mr. McKenzie stated he intends on staying there and keeping the property in the family. Applicant's mother is handicapped and he intends to build her a place there where she is closer to the applicant's home.

Commissioner Mink stated it looks like the proposed lot dividing line divides the lake in half.

Mr. Basinger stated that is correct.

Commissioner Mink asked if that was a good idea.

Mr. Basinger stated that is what the applicant desired.

Mr. McKenzie stated the reason he wanted to do that is because the house and the majority of the lake he is going to sell. The reason he bought that piece of ground was for that extra 5 acres and would like to have lake rights.

Open to public hearing.

No one spoke regarding the request.

Closed to public hearing.

Commissioner Duker asked the applicants why they didn't request A-2P.

Mr. Basinger stated that usually on a planning district you deal with a lot more problems as far as going through the process and getting it completed. It has a lot more opportunities for asking for different things that could be a problem. It is a 10 acre tract of land; there is very little you can do with it.

Chairperson Smith stated you could put 4 houses on it according to the zoning regulations.

Mr. McKenzie stated that is not his intention.

Chairperson Smith stated if the applicant sold it to someone else they could put 4 houses on it.

Mr. Basinger stated you couldn't build 4 houses on it with the lake that is on there; it is not possible. You could do three possibly but the north part of this tract of land has a creek running through it and it wouldn't be feasible to make three tracts out of this and put three homes on it.

Commissioner Sloan asked if the applicants were thinking about keeping the second lot and sell lot 1.

Mr. McKenzie stated yes.

Commissioner Sloan stated on the second lot the applicant is going to build a house on it.

Mr. McKenzie stated yes.

Commissioner Heitkamp stated the applicant wants to build a house for his mother.

Mr. McKenzie stated yes.

Commissioner Heitkamp stated the applicant doesn't live there.

Mr. McKenzie stated he lives right down the road. The applicants own the property on Liddell and Mt. Hope. That ground has been in the family for over 100 years. Mr. McKenzie stated he has been there for 9 years.

Commissioner Sloan stated the applicants have no plans to take this lot and break it in half.

Mr. McKenzie stated no.

Commissioner Sloan asked staff down the road, if this request is approved, is the way it is laid out with the dividing line across the lake create any problems.

Mr. Yonke stated he didn't know; he has no plat. This is a rezoning request; a plat was submitted that could not be processed because the zoning didn't comply which is the reason they are here for a rezoning request because they need to have it rezoned before the plat can be done. The way it is proposed it is probably possible to divide but it doesn't mean there is any requirement to divide it in that manner.

Commissioner Duker stated that the applicants could have private driveways and private water lines.

Mr. Yonke stated there is enough road frontage that there is no need to build a private drive.

Commissioner Duker stated on A-2 they could have shared private driveways.

Mr. Yonke stated the property has road frontage so they could do a common driveway between two tracts that have the same road frontage but Mr. Yonke doesn't know if that would gain anything.

Commissioner Duker stated he is just asking in general.

Mr. Yonke stated it is possible if everything is 5 acres or larger; since it is 10 acres that would only be two tracts. That would be if you had a long, thin ten acre piece.

Commissioner Duker stated he is not specifically asking about this request but in general.

Mr. Yonke stated you can create 5 acre or larger pieces or larger pieces served by a private driveway easement.

Commissioner Duker stated that this doesn't look like a great tract of land to farm. Commissioner Duker stated he is wondering what it is appropriate for but it is not appropriate for A-2 unplanned.

Mr. Yonke stated the A-1 and A-2 zoning districts have exactly the same uses. The only exception is the amount of land you have to have for a rural residential house. That is the only difference; one is a 10 acre minimum the other is a 2.5 acre minimum.

Commissioner Harris stated the worst thing about this is looking back over the decisions that the Commission has made over the last few months. Commissioner Harris stated that he is afraid this could start a precedent that is not good in the long run. Looking at the community and the lakes that are out there he is not sure where it would stop.

Mr. McKenzie stated he has spoken with all the neighbors out there; they were all fine with the request.

Commissioner Harris stated in some ways that is the downfall in that it opens the flood gates for the dominoes to start falling and the next thing you know there are small lots clear out to Route Z. Looking at the things the Commission has given consideration to the past few months and try to make sure we are using land in the way it should be in the areas it should be.

Chairperson Smith stated she did not want to establish a precedent for the next person with A-1 zoning to come in and say that the Commission approved this request and now they want A-2 zoning as well.

Mr. Basinger asked if the Commission is saying that they are not going to consider any A-1 zoning to be changed to something else.

Chairperson Smith stated if it was surrounded by A-2. But right now with all the A-1 around it; because of the road being the natural boundary it is opening up this whole flood gate to the east.

Mr. Basinger stated if you are looking at farmland which is what A-1 was created for, was to keep from doing development of small tracts on farmland and pretty much everyone understood that. You have a situation where you have a piece of land that is pretty much surrounded by small tracts already. Some of these are 5 acre tracts; the only large tract you have is to the south. If this was a large farm surrounding this and this was just a small piece it would be hard to argue against what the Commission is saying but with everything already divided up in small tracts Mr. Basinger doesn't see that it has much effect on anything.

Commissioner Sloan stated if all of this is A-1 how can there be 2 and 5 acre tracts.

Commissioner Heitkamp stated what he said was everything is 5 acres or larger out there with the exception of one.

Mr. Yonke stated it depends on where you are. If you are in an A-1 zoning district you have to create lots that are 10 acres or larger. If you have lots that were created prior to 1973 that is what is known as a legal lot of record. You have a lot of 1 acre school lots that you will find in the middle of them.

Commissioner Sloan stated that these are things that were created 30 years ago.

Mr. Yonke stated it is possible. Prior to 1985 family transfers didn't have to meet the minimum lot size. Typically most of the tracts to the east of Liddell Lane are larger tracts.

Commissioner Heitkamp stated if the Commission had a plat dividing it in to two 5 acre lots Commissioner Heitkamp would be more amenable to the request.

Mr. Basinger stated there is no way to create two 5 acre tracts here. Once you take the right of way out for the road that has to be dedicated to the County you end up with a little more than 9 acres so there is no way to divide the land and get two 5 acre tracts.

Mr. McKenzie stated he had 10.3 acres and the rest was donated to the County.

Commissioner Oetting stated he wouldn't have too much of a problem with the request if it was planned. He can see the staff's point of view in Liddell Lane being a natural boundary line but when you have A-2 and A-R right across the road from it you won't lose that much by rezoning it to A-2 but Commissioner Oetting would like to see it planned.

Mr. McKenzie stated that is all he intends to do with the ground is the two lots.

Mr. Basinger stated the maximum number of lots on that tract would be 3 lots no matter what.

Commissioner Heitkamp stated that is correct so ask for planned instead of a straight zoning.

Mr. Basinger stated the applicants can do that if that is what they have to do. But planned zoning is a problem.

Commissioner Heitkamp asked why.

Mr. Basinger stated there is a lot more too it; everything is economics. When you start dealing with planned you've opened up a can of worms where everyone puts their fingers in the pie and asks for something and pretty soon you have a situation that is not economically feasible.

Commissioner Heitkamp asked if it was because MoDot and the Regional Sewer District have a say. Commissioner Heitkamp asked who are the people that put their hands in the pie.

Mr. Basinger stated the Planning Department, the Planning and Zoning Commission, the County Commission, anybody.

Commissioner Heitkamp stated the Commission puts people who are asking for recreation and commercial and industrial, we put their feet to the fire and ask them for planned. Family transfers the Commission understands. The Commission's problem is they set a precedent and then we have to stand by the precedent so that we are fair to everyone.

Mr. Basinger stated he understands what she is saying but doesn't see the difference. Mr. Basinger stated he is not sure why the Commission wants planned because once you do it to A-2, whether it is planned A-2 or straight A-2 you are talking about setting a precedent. That doesn't mean that property owners to the east or south can't come through the door and ask for planned. What is the difference?

Commissioner Heitkamp stated the difference is the Commission wouldn't give straight A-2.

Mr. Basinger stated that they can come in and ask for planned A-2. Anyone can come in and ask for anything but what the Commission is saying is that they don't want to set a precedent by giving A-2 zoning because maybe the neighbor will come in wanting A-2 zoning. But now you are saying to come in with planned A-2; hasn't the Commission opened the same door? The neighbor can come in for planned A-2 and expect the same thing. What is the difference? Mr. Basinger stated he is not sure what the planned is doing for the Commission.

Chairperson Smith stated it limits the development.

Mr. Basinger stated development is already limited; there can only be a maximum of 3 tracts. The applicant only wants to do 2 tracts. That doesn't mean that a future owner couldn't come back with the second tract and ask for a re-division of that tract but that would have to be vacated which the County Commission only has the power to grant.

Mr. McKenzie stated he would be willing to do that; the applicants are just trying to get things going.

Mr. Basinger stated the division line that was done was because Mr. McKenzie wanted part of the lake on the other tract so he would have access to the lake. That was the reason for it; there is nothing else out there.

Mr. McKenzie stated if he needs to bring it back to get it rezoned the applicants will do it.

Commissioner Heitkamp stated Mr. McKenzie is living in the area now and is not planning on moving.

Mr. McKenzie stated that is correct.

Commissioner Heitkamp stated that this could be sold to someone else and can do whatever they want with it once it is A-2. That is what the Commission is faced with.

Chairperson Smith stated the zoning stays with the land; the applicant may have every intention of doing exactly what he is saying but circumstances happen and the applicant could sell it in a year and someone comes in and they've got A-2 zoning and they figure out how to put in 4 houses in there.

Mr. McKenzie stated they can move the property line so it is less than 5 acres then they can't do anything with it.

Mr. Basinger stated that if the Commission asks staff they can tell you that if it is under 10 acres; the minimum in A-2 is 2.5 acres and we've got 9 plus acres so that is 3 tracts, that is a maximum of 3 tracts. Mr. McKenzie only wants to do two. Could somebody do three? Yes, that is true but if he does two tracts then to come back and replat one of those you have to ask for a vacation that is where the Commission has the power to say no.

Commissioner Mink stated the applicants mentioned terrain problems on the north end.

Mr. McKenzie stated there is a creek. There is no way you will get more than one more house on that lot.

Mr. Basinger stated you could build a house; there might be room to build a house on the north side of that creek but you couldn't build a house and put in a sewer system. Realistically it is not possible; it is not impossible but it is highly improbable that you could put 3 homes on this tract of land.

Mr. Yonke stated if the property is 10.3 acres before they plat it then Mr. Basinger is correct, with the amount of road frontage that they have they will lose more than 1.3 acres in road right of way dedication. It will most likely be 9 acres by the time they are finished. The only difference between A-2 and A-2 P is one lot. They could get 2 or 3.

Mr. Basinger stated that if the Commission looks on the plat that was presented, lot 1 is 3.35 acres; lot 2 is 5.70 acres so you have 9.09 acres. The rest of the 10.3 acres went to the road right of way. Even with planned if you came in and asked for 3 lots versus 2 you have the same possibility there. Mr. Basinger stated that if this was a large tract of land where you could put 15 or 20 homes on it Mr. Basinger could see the Commissioners argument but when you are talking about a tract of land where the plan is to put homes; but using the worst case scenario if you put 3 on it Mr. Basinger is not sure what the Commission is opening a door to. Mr. Basinger stated his opinion is you are opening a door with planned just as well as straight zoning.

Chairperson Smith stated it is one of those awkward situations where you look at it and it seems like a good idea but then you look and see all of the other A-1 zoning out there. Regardless of what the applicants say how many houses there are it is also A-1 and that is the big picture the Commission has to look at. The little picture, the Commission would just love to say yes to everything but the big picture is sometimes harder.

Commissioner Harris made and Commissioner Morgan seconded a motion to **deny** the request by Kirby McKenzie Construction, Inc. to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 10.31 acres, more or less, located at 5260 Liddell Ln., Columbia:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – NO
Mike Morgan – Yes	Russ Duker – Yes
Boyd Harris – Yes	David Mink – NO
Motion to deny request carries.	6 YES 2 NO

Chairperson Smith informed the applicants that if they chose to appeal this request they would need to file an appeal form with the Planning Department within three working days.

PLANNED DEVELOPMENTS

1. Request by James and Melanie Abernathy and Hemme Construction LLC to approve a Final Development Plan for Golf View Gardens on 14.1 acres located at 7400 E. St. Charles Rd., Columbia.

Planner, Thad Yonke gave the staff report stating that this proposal is for a revised final plan for a 34-lot planned residential development that is located on the south side of St. Charles Road immediately east of Stanton Subdivision. The site is located approximately 1 mile northeast of the Columbia City Limits. The property is currently split zoned with the portion north of the creek zoned R-S (residential single family), the portion currently approved as Abernathy PRD zoned R-SP (planned residential) and the portion south of the creek zoned A-2 (agriculture). The R-S and A-2 are original 1973 zonings. The R-SP went into effect December of 1995 and was revised in March of 1997. A revised review plan for this current proposal was approved by the County Commission in November of 2004. With the approval of this current revised final plan the entire property will become zoned R-SP. The total development proposed is for approximately 13.95- acres. The surrounding zonings also follow the creek with the properties north of the creek being zoned R-S and those properties that are south zoned A-2. These are all original 1973 zonings. The site is within the Columbia School District. Public Water District #9 will provide water service. Fire hydrants will be required and will have to meet fire & water district approvals. The actual requirements will vary based upon the actual size, uses, and construction methods proposed for the structures. The site is in the Boone Electric service area and Boone County Fire Protection District. Sewer service is proposed to be from the BCRSD facility serving Stanton Subdivision. There is available capacity at this facility but it is limited and this capacity is on a first come first serve basis. It is a portion of this excess capacity that this development is proposing to secure and use; this will have to be fully finalized prior to the plat going to County Commission. The location of the new public road connection to St. Charles Road will have to meet BCPW standards. The proposal rates 80 points on the point rating scale.

Staff recommends approval as long as the following issue is recognized:

1. That it is recognized that when the final plan is recorded that the lots shown on the final plan have not been created and do not exist and can not be legally transferred until the recording of the final Plat.

Present: Tim Crockett, Crockett Engineering, 2608 N. Stadium Blvd., Columbia.

Mr. Crockett stated the applicants concur with staff and believe it fairly complies with the original review plan for this site. The applicants understand comment number 1 which will be addressed later on tonight if this is approved with the approval of the final plat which is accompanying this tonight.

Commissioner Mink asked if the applicants looked at site distance on St. Charles where they are proposing to connect.

Mr. Crockett stated the applicants did look at that and measured it. It does comply with Boone County regulations with site distance regulations.

Mr. Yonke stated that one of the reasons this was brought back even though it is a final plan is that there were 7 conditions on it; a number of which were open ended and at the review plan stage Commissioner Oetting had a question about the stream buffer for example and what it meant. One of the conditions was to work out some detail and there is a note that has some detail on that. Because there were conditions

which the Commission had some concerns about, it was brought back so that the Commission could look and see how staff has worked with the developer and the owner to resolve those issues.

Open to public hearing.

No one spoke regarding this request.

Closed to public hearing.

Commissioner Mink made and Commissioner Duker seconded a motion to **approve** the request by James and Melanie Abernathy and Hemme Construction LLC to approve a Final Development Plan for Golf View Gardens on 14.1 acres located at 7400 E. St. Charles Rd., Columbia **with the following condition:**

1. That it is recognized that when the final plan is recorded that the lots shown on the final plan have not been created and do not exist and can not be legally transferred until the recording of the final Plat.

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Mike Morgan – Yes	Russ Duker – Yes
Boyd Harris – 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 Tuesday, November 29, 2005. Applicants need to be present.

PLAT REVIEWS

1. Midway Crossings. Preliminary Plat. S1-T48N-R14W. R-S. Developments Far West Boone, LLC, owner. James V. Patchett, surveyor.

Planner, Bill Florea gave the staff report stating that the property is located on the west side of Rollingwood Boulevard approximately 530-feet south of US-40. The 37-acre tract is zone R-S Single Family Residential as is most of the surrounding land. There is a small R-M district adjacent to the northeast corner of the property.

Rollingwood will be the primary access point from US-40; it is a 22-foot wide hard surfaced road. The subdivision will have two access points to Rollingwood Boulevard. There are two existing rights of way that stub to the property through previously platted subdivisions from the north. Ely Drive is an unimproved two-lane gravel road that connects to the northwest quadrant of the property. Hawthorne Drive is a privately maintained two-lane hard surfaced road that connects to the northeast quadrant of the property.

A Traffic Impact Study was completed for this development by Charles Schwinger, PE of Bucher Willis Ratliff Corporation. The study analyzed the impact of the development to existing roadways and rights of way in the vicinity. The recommendations include the following:

- All streets internal to the development must comply with Boone County standards and regulations for local streets.
- Ely Drive and Hawthorne Drive between the Midway Crossings north property line and US-40 must be brought up to Boone County local street standards.
- Post a side road warning sign, with a 25-mph speed advisory, 300-feet in advance of Red Cedar Drive for southbound Rollingwood Boulevard traffic.
- Construct a westbound left turn lane of 200-feet length plus taper on US-40 and Rollingwood Boulevard and Hawthorne Drive.

Staff is recommending that all of the recommendations be required as conditions of approval except for the turn lane for Hawthorne Drive. Staff is also recommending that the streets interior to the development not be required to connect to Hawthorne for the following reasons:

- The distance between Rollingwood Boulevard and Hawthorne Drive and between Hawthorne Drive and Ely Drive does not meet the separation requirement of ¼ mile.
- Connection to Hawthorne would have little to no benefit in dispersing traffic in and out of Midway Crossings.
- Hawthorne would have to be rebuilt to current County Standards which would result in disruption to the neighborhood.

Bucher, Willis Ratliff was consulted regarding the impact of not connecting to Hawthorne Drive. The response was that the level of service at Rollingwood/US 40 intersection was unchanged; the warrant for the left turn lane at Hawthorne Drive disappeared.

Consolidated Public Water District Number 1 provides water service to this property. There is not a sufficient water supply to provide domestic service and fire flow. The District has identified several offsite improvements that can be made in order to provide the necessary service.

There is no available capacity in any of the existing central sewer systems in the vicinity. The developer has entered into an agreement with the Boone County Regional Sewer District to construct a new treatment plant on an adjacent tract. Most of the lots in the subdivision will drain to the new plant by gravity. Sewage from Lots 45-57, 64-66 and 70 would drain to the wastewater treatment plant for Rollingwood Plat 1, which does not have enough capacity to serve the additional lots from this development. The Rollingwood Plat 1 WWTP should be replaced with a pump station that pumps to the new plant being constructed by the developer. A cost-share agreement between BCRSD and the developer needs to be negotiated and implemented prior to recording the final plat for Midway Crossings.

The Natural Resources Conservation Service has reported a number of concerns regarding the proposed development. There is a lake to the south of this property that may not be able to handle the runoff from this site due to the impervious surfaces that will be created. Consideration should be given to retention storage on-site. Consideration should also be given to controlling erosion during construction and keeping sediment on the site.

The property scored 88 points on the rating system.

Staff recommends approval of the preliminary plat subject to the following conditions:

1. Final Plat phasing must be in accordance with the phasing plan outlined on the preliminary plat.
2. Prior to recording Phase 1, all offsite improvements necessary to provide domestic water service and fire flow to the property must be made.
3. Prior to recording Phase 1 the turn the developer must construct a west bound left turn lane of 200-foot length plus taper on US-40 at Rollingwood Boulevard and post a side road warning sign with a 25-mph speed advisory 300-feet in advance of Red Cedar Drive for southbound Rollingwood Boulevard traffic.
4. Prior to recording Phase 4 the developer shall improve Ely Drive from Red Cedar Drive to US-40 to Boone County local street standards and construct a 5-foot wide sidewalk connecting Red Cedar Drive to Hawthorne Drive.
5. Prior to recording Phase 4 the developer shall enter into a cost-share agreement with Boone County Regional Sewer District to construct the pump station that is necessary to provide sewer service to Lots 45-57, 64-66 and 70.
6. Prior to any land disturbance the developer must provide Boone County with an erosion control plan to be reviewed and approved. The developer shall also demonstrate that they have obtained a land disturbance permit from Missouri Department of Natural Resources. The erosion control plan shall include stormwater runoff element that addresses to what extent stormwater retention or detention is required in order to protect downstream properties and the downstream lake.

Present: Tim Crockett, Crockett Engineering, 2608 N. Stadium Blvd., Columbia.

Mr. Crockett stated with regard to the offsite water improvements. The water district has been contacted. Mr. Crockett spoke with their engineer and they have identified some improvements that would be needed to service this development; the applicants understand those improvements and concur that those need to be made and agree to do so. With regard to the sanitary sewer system. The applicants are in contact with the Boone County Regional Sewer District to re do a regional facility. The facility will be constructed on property in which the applicants currently own across the street; it will serve much more than this development and include a lot of the surrounding area as well. With regard to the reconstruction of the pump station in the existing Rollingwood subdivision; the applicants agree to that should it be necessary. It might be a situation in which once we get in to the development of this property the site can be graded and no pump station may be needed and the applicants may be able to serve all of their own property by gravity flow. Therefore the applicants would not be discharging any additional effluent in to that pump station; therefore it would not need to be reconstructed. All those will be worked with the applicant's agreement with the Boone County Regional Sewer District.

Mr. Crockett stated a traffic study was completed by a third party traffic engineer. The applicants contacted the road and bridge department to see who they recommend and used a reputable company that they referred the applicants to. The applicants wanted someone who was more third party so that we don't get in to a situation where there are disagreements on the findings of the study. The applicants reviewed it and concur with the findings of it and also concurred with the staff report.

Commissioner Morgan asked if the applicants were going to have to use a proposed lift station.

Mr. Crockett stated he is not saying they won't have to; it is a possibility that they may not have to.

Commissioner Morgan asked if it was going to be in the middle of the 5-foot sidewalk easement.

Mr. Crockett stated no; the pump station is below grade so lots of times it is a lower level type of situation. The sidewalk easement will go around or to the side of that situation, it won't be a problem.

Commissioner Mink asked if the sidewalk is constructed would that be maintained by the development as well as the 50-foot no build area would there be some kind of covenant that would provide for the maintenance of that strip of land.

Mr. Crockett stated if that was a condition they could make that a provision of the final plat; that the sidewalk be maintained by the homeowners association. With regard to the no-build area, that will be dedicated most likely by an easement which will be on a lot of ownership in which the underlying maintenance of that lot would be the underlying lot owner. Either that or it could be a platted lot separately that could be dedicated to the home owners association that would be dedicated to Boone County should the connection to Rollingwood ever be desired.

Commissioner Mink stated he wanted to make sure that there was no thought that the Boone County Public Works Department would take over maintenance of that sidewalk.

Mr. Crockett stated he didn't believe that would be a problem the applicants can commit to take that to the homeowners association.

Commissioner Harris stated number 6 in staff recommendation what is the applicants plan for containing the sites own runoff.

Mr. Crockett stated at the time of final plat during the grading design of this site; the applicants are on top of the watershed so the applicants don't have a lot of water running through the property. The site drains to several sub watersheds so there is not a vast amount of water running in any certain watershed. The applicants will identify a preconstruction and a post construction run off factor for this site and do an analysis on any down stream structure whether it be a home or lake or pond and do an analysis on that, run a stormwater model and if that stormwater structure downstream can not handle it or if it becomes a burdening situation then onsite detention would be required. With the sub watersheds that the site discharges to the applicants don't have any one location a lot of water. If onsite detention is required it can be done with some very small basins contained in easements and rear yards.

Commissioner Harris asked the applicants if they would fully address that.

Mr. Crockett stated yes.

Commissioner Oetting stated he has had conversations with a few people that live out there and they heard where DNR had frowned on the sewer situation that there wouldn't be enough room in the existing system to add this plat to it. Commissioner Oetting asked if that had been taken care of. Commissioner Oetting stated the applicants are talking about building a new system.

Mr. Crockett stated the applicants are proposing a new system. It would be across the road to the east of the property and further to the south. All the improvements will be done in accordance with the Boone County Regional Sewer District which in turn will be through permits granted by DNR.

Commissioner Oetting asked if Hawthorn Lane is a dead end road.

Mr. Florea stated yes.

Commissioner Oetting asked why there is a 5-foot sidewalk proposed.

Mr. Florea stated it is for pedestrian activity between the two developments. Technically in the regulations they are required to connect the road to Hawthorn. In this case, because of the reasons outlined in the staff report it doesn't provide any benefit. In fact, it probably creates more impact to US Hwy 40 by making that connection than by not making the connection. From a cost benefit perspective it didn't make sense to require them to do that. They did want to have some sort of pedestrian access back and forth without going out to Rollingwood or over Ely and down highway 40 and back up to Rollingwood plat 1.

Commissioner Harris made and Commissioner Mink seconded a motion to **approve** Midway Crossings. Preliminary Plat, **with staff recommendations**:

1. Final Plat phasing must be in accordance with the phasing plan outlined on the preliminary plat.
2. Prior to recording Phase 1, all offsite improvements necessary to provide domestic water service and fire flow to the property must be made.
3. Prior to recording Phase 1 the turn the developer must construct a west bound left turn lane of 200-foot length plus taper on US-40 at Rollingwood Boulevard and post a side road warning sign with a 25-mph speed advisory 300-feet in advance of Red Cedar Drive for southbound Rollingwood Boulevard traffic.
4. Prior to recording Phase 4 the developer shall improve Ely Drive from Red Cedar Drive to US-40 to Boone County local street standards and construct a 5-foot wide sidewalk connecting Red Cedar Drive to Hawthorne Drive.
5. Prior to recording Phase 4 the developer shall enter into a cost-share agreement with Boone County Regional Sewer District to construct the pump station that is necessary to provide sewer service to Lots 45-57, 64-66 and 70.
6. Prior to any land disturbance the developer must provide Boone County with an erosion control plan to be reviewed and approved. The developer shall also demonstrate that they have obtained a land disturbance permit from Missouri Department of Natural Resources. The erosion control plan shall include stormwater runoff element that addresses to what extent stormwater retention or detention is required in order to protect downstream properties and the downstream lake.

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Mike Morgan – Yes	Russ Duker – Yes
Boyd Harris – 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 November 29, 2005 and the applicants need to be present.

* * * * *

2. Golf View Gardens. S1-T48N-R12W. R-SP. Golf View Development LLC, owner. Matthew P. Thomas, surveyor.

Planner, Thad Yonke gave the staff report stating that this proposal is for a final plat for a 34-lot subdivision for a planned residential development that is located on the south side of St. Charles Road immediately east of Stanton Subdivision. The site is located approximately 1 mile northeast of the Columbia City Limits. With the approval of the final plan the property zoning changed to R-SP (planned residential) for the entire property contained within the development. The total development proposed contains 13.95- acres. The surrounding zonings also follow the creek with the properties north of the creek being zoned R-S and those properties that are south zoned A-2. These are all original 1973 zonings. The site is within the Columbia School District. Public Water District #9 will provide water service. Fire hydrants will be required and will have to meet fire & water district approvals. The actual requirements will vary based upon the actual size, uses, and construction methods proposed for the structures. The site is in the Boone Electric service area and Boone County Fire Protection District. Sewer service is proposed to be from the BCRSD facility serving Stanton Subdivision. There is available capacity at this facility but it is limited and this capacity is on a first come first serve basis. It is a portion of this excess capacity that this development is proposing to secure and use; this will have to be fully finalized prior to the plat going to County Commission. The location of the new public road connection to St. Charles Road will have to meet BCPW standards. The proposal rates 80 points on the point rating scale.

Staff recommends approval.

No one spoke on the plat.

Commissioner Mink made and Commissioner Sloan seconded a motion to **approve** Golf View Gardens subdivision:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Mike Morgan – Yes	Russ Duker – Yes
Boyd Harris – Yes	David Mink – Yes

Motion to approve request carries unanimously.

Chairperson Smith stated this plat would go before the County Commission on November 29, 2005.

* * * * *

3. Perche Hills Estates Plat 2. S30-T-48N-R13W. A-2. Boone National Savings and Loan, owner. J. Daniel Brush, surveyor.

Planner, Uriah Mach gave the staff report stating that the property is located approximately ¼ mile north of the city limits of Columbia, on Celtic Drive, approximately 1 mile south of the intersection of Gillespie Bridge Road and Coates Lane. It consists of two lots, one at 2.36 acres and the other at 2.77 acres. The property is zoned A-2 and is surrounded by A-2 zoning. The northern lot has an existing house and in-ground swimming pool and the southern lot is vacant.

Both lots have direct access to Celtic Drive. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

The property has water service provided by Columbia Water and Light and electrical service provided by the Boone Electric Cooperative. Fire protection is provided by the Boone County Fire Protection District

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

This replat will be returning the property to its original state of two lots. The previous owner of these lots vacated and replatted them in 2000 into a single lot. Since then, the property has been transferred to the current owner and one of the original lots was sold through an illegal land transfer. This replat is to rectify the errors made in that transfer and bring the intentions and actions of the current owner into compliance with County regulations.

The property scored 49 points on the rating system.

Staff recommends approval of the plat and the requested waivers.

Commissioner Mink made and Commissioner Duker seconded a motion to **approve** Perche Hills Estates Plat 2 **with waiver requests**:

- | | |
|-------------------|------------------------|
| Pat Smith - Yes | Kristen Heitkamp – Yes |
| Mary Sloan – Yes | Larry Oetting – Yes |
| Mike Morgan – Yes | Russ Duker – Yes |
| Boyd Harris – Yes | David Mink – Yes |

Motion to approve request carries unanimously.

* * * * *

OLD BUSINESS

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

Mr. Yonke stated that the Bobcat of St. Louis request was tabled by the Commission by request of the applicants. The Commission will hear this request November 29, 2005.

NEW BUSINESS

None.

ADJOURN

Being no further business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Kristen Heitkamp,
Secretary

Minutes approved on this 15th day of December, 2005.