

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

DRAFT

801 E. WALNUT ST., COLUMBIA, MO.

DRAFT

Thursday, August 17, 2006

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

Present:	Russell Duker, Vice Chairperson	Missouri Township
	Boyd Harris, Secretary	Centralia Township
	Carl Freiling	Cedar Township
	Mike Morgan	Bourbon Township
	Paul Zullo	Rock Bridge Township
	David Mink	Public Works
Absent:	Pat Smith, Chairperson	Perche Township
	Larry Oetting	Three Creeks Township
	Michael Morrison	Columbia Township
	John Schloot	Rocky Fork Township
	Vacant Seat	Katy Township
Also present:	Stan Shawver, Director	Thad Yonke, Staff
	Uriah Mach, Staff	Paula Evans, Staff
	Bill Florea, Staff	

The minutes of the July 20, 2006 meeting were approved with no corrections. Approved by acclamation.

Vice-Chairperson Duker read the procedural statement which stated that the Boone County Planning and Zoning Commission is an advisory Commission to the County Commission. The Commission is made up of individuals representing each township of the County and the County Engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes two conditional use permit requests, four rezoning requests, one revised review plan, and three subdivision plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri State Statutes to follow its 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 the applicant's 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 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 who wishes to speak, we ask that you not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other 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, August 29th. 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 the hearing tonight and the County Commission Hearing. The County Commission hearing scheduled for Tuesday, August 29th will begin at 7:00 p.m. and will convene in this same room.

Vice-Chairperson Duker asked if there were any questions about how the meeting will be conducted.

CONDITIONAL USE PERMITS

1. Request by Joe and Elaine McDow on behalf of Verizon Wireless to allow a transmission facility including 147' tower on 73.13 acres, located at 5900 E. Log Providence Rd., Columbia.

Planner Uriah Mach gave the staff report stating the property is approximately 1 mile north of the City of Ashland, at the intersection of Highway 63, Log Providence Road, and State Route H. The property is zoned A-1 (Agricultural). This property has A-1 zoning to the north, west, and south, and M-LP (Planned Light Industrial) zoning to the west. The M-LP zoning was created in 2003 and the subject property and the other tracts are all original 1973 zonings.

A description of the lease area site has been submitted by the applicant as Exhibit F in the application materials. The lease area for the tower is approximately 10,000 square feet out of the 73.13 acre parent tract. No proposal has been submitted to subdivide the property. Given the proposed tower location,

subdivision would be possible. The parent parcel has eight structures present. A 147' monopole tower and small ground facilities are proposed inside a fenced compound.

The property is located inside the South Boone County R-1 school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for agriculture and rural residential land use. Staff notified 14 property owners about this request.

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners. As a conditional use permit, 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.

If operated in conformance with existing county regulations, the use should comply with this criterion.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

While the surrounding zoning will allow for a significant number of residential units, there is a lack of an adequate public road network to the surrounding properties to support the densities allowable under the current zoning. Public testimony may be indicative as to whether this criterion can be met.

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

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

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

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

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

This area is zoned A-1, with residential uses limited to 10 acre tracts or larger. Future development of the area will be accomplished through the existing zoning, or will require rezoning to achieve a higher density of development. The nature of the site and its location with respect to road infrastructure will likely have a greater negative impact on the area development than the proposal. However, public testimony may be indicative as to whether this criterion is met.

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

The proposed use is a minimal traffic generator and should not hinder traffic or cause congestion on public streets.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-1 zoning district, particularly since no land division is proposed. Public necessity has been discussed by the Federal Telecommunications Act of 1997 to allow for widest dissemination of wireless communication services. The Planning & Zoning Commission and the County Commission will make the determination of public necessity for this site.

Staff recommends approval of this conditional use permit.

Present: Curtis Holland, Attorney representing Verizon Wireless, 6201 College Blvd, # 500, Overland Park, KS

Mr. Holland presented a copy of the aerial photograph and pointed out the location of the proposed tower.

Mr. Holland stated Verizon Wireless is building out a new network in Boone County. The applicants have been before the Commission many times to discuss the plans to construct this network. Verizon is attempting wherever possible to collocate their antenna facilities on to existing structures where they can so that new communication tower structures do not need to be introduced in to the county. As an example of this the site that is immediately to the south is a collocation site in the City of Ashland. The applicants have been here previously on another application that was called Rock Bridge; it was a fire station to the north and the applicants received approval by the Commission on that application and recently came through with a plan amendment. That is the site that is to the north and it will interface with this proposed tower. As you are driving north to south or vice versa along highway 63 the goal would be to have uninterrupted wireless coverage for Verizon customers. This particular site would enable the applicants to provide that uninterrupted service along highway 63.

As mentioned previously the applicants try to collocate where they can and if they can't they bring applications before the Commission. There will be 8 new towers in the County and the applicants have been through more than half of them and only have a couple left including those tonight so they are almost through the process. When the applicants can't find collocations they try to locate these facilities on properties to minimize their impact on adjoining property owners. The applicants have tried to locate them close to the highways on larger tracts of land and try where they can to locate them away from residential and more dense areas of residential uses. The applicants have done that in this particular case.

In looking at the aerial map there is literally no residential uses in the area at all. In that regard it is much like the other applications the applicants had before the Commission. Staff is recommending approval at this site. This particular site was a little bit of a struggle for the applicants because of its location next to Columbia Regional Airport. The original search area for this site was a little further north. That original search area would have put the applicants in the middle of the approach and take off paths for the airport. The applicants met with the airport representatives early on in this case and they had said the tower needed to be further south. The applicants worked with them and staff to find an appropriate location that doesn't interfere with the airport activities. The FAA has approved this site so it has been through the FAA review process and it doesn't require lighting or any markings of any kind.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Harris in the application there are two letters indicating offers of collocation. Have those been rejected for some reason?

Mr. Holland stated there are not towers immediately within the area where they will put the tower. The ones Commissioner Harris is referring to; one is the water tank to the north and for whatever reason Columbia Water District doesn't allow antenna's on their structure. That would put it further to the north and it isn't helpful to the applicants in this particular case.

Commissioner Harris asked how far from the highway is the antenna.

Mr. Holland stated 60 yards.

Commissioner Harris asked if there was adequate space if the intersection would be changed where it would not have to be moved.

Mr. Holland stated he believes so; the applicants don't have any particular knowledge about where the interchange is or if it moves. The applicants are quite a bit further south of where the intersection is. The applicants are proceeding at risk if that is the case.

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** the request by Joe and Elaine McDow on behalf of Verizon Wireless to allow a transmission facility including 147' tower on 73.13 acres, located at 5900 E. Log Providence Rd., Columbia:

Russ Duker – Yes	Carl Freiling – Yes
Boyd Harris – Yes	Paul Zullo – Yes
Mike Morgan – Yes	David Mink – Yes

Motion to approve request carries unanimously.

Vice-Chairperson Duker informed the applicants that this request would go before the County Commission on August 29, 2006 and the applicants need to be present for the hearing.

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- Request by Ralph and Rometta Mertensmeyer on behalf of Verizon Wireless to allow a transmission facility including 127' tower on 25.76 acres, located at 21350 S. Westbrook Dr., Hartsburg

Planner, Uriah Mach gave the staff report stating the property is approximately 4 miles to the south of the City of Ashland. The property is zoned A-1 (Agricultural). This property has A-1 zoning to the north, and east, A-R (Agriculture-Residential) and C-GP (Planned General Commercial) to the west and A-1

and A-2 (Agricultural) zoning is to the south. The zoning of the subject property and the surrounding tracts are all original 1973 zonings.

A description of the lease area site has been submitted by the applicant as Exhibit F in the application materials. The lease area for the tower is approximately 10,000 square feet out of the 25.76 acre parent tract. No proposal has been submitted to subdivide the property. Given the proposed tower location, subdivision would be possible. The parent parcel has six structures present, and a pond to the northeast. A 127' monopole tower and small ground facilities are proposed inside a fenced compound.

The property is located inside the South Boone County R-1 school district and the Southern Boone County Fire Protection District. The Master Plan describes this area as being suitable for agriculture and rural residential land use. Staff notified 19 property owners about this request.

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners. As a conditional use permit, 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.

If operated in conformance with existing county regulations, the use should comply with this criterion.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

While the surrounding zoning will allow for a significant number of residential units, there is a lack of an adequate public road network to the surrounding properties to support the densities allowable under the current zoning. Public testimony may be indicative as to whether this criterion can be met.

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

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

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

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

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

This area is zoned A-1, with residential uses limited to 10 acre tracts or larger. Future development of the area will be accomplished through the existing zoning, or will require rezoning to achieve a higher density of development. The nature of the site and its location with respect to road infrastructure will likely have a greater negative impact on the area development than the proposal. However, public testimony may be indicative as to whether this criterion is met.

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

The proposed use is a minimal traffic generator and should not hinder traffic or cause congestion on public streets.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-1 zoning district, particularly since no land division is proposed. Public necessity has been discussed by the Federal Telecommunications Act of 1997 to allow for widest dissemination of wireless communication services. The Planning & Zoning Commission and the County Commission will make the determination of public necessity for this site.

Staff recommends approval of this conditional use permit.

Present: Curtis Holland, Attorney representing Verizon Wireless, 6201 College Blvd, # 500, Overland Park, KS

Mr. Holland presented an aerial photograph of the property and pointed out the location of the proposed tower.

Mr. Holland stated he would like to incorporate some of the comments from the previous request in regard to Verizon and their attempt to build a new network in Boone County. The reason the applicants are requesting a new tower is because the applicants couldn't find a suitable structure to collocate on in the area. As evidence of the applicants willingness to collocate on existing structures the site to the south of this proposed site is a collocation. This area did not have a communication tower that would serve our needs in the area so the applicants are forced to present this application to the Commission. The proposed tower is close to a highway and it is in an area that is not really near residential areas and it is on a larger tract of ground. It is nearly a 26 acre tract of ground. It is a relatively short monopole; this 120 foot tall monopole; with the antennas the overall height would be 127 feet. It is not going to need lighting; it is a monopole structure to serve Verizon's network needs in the area along Highway 63.

Open to public hearing.

Present speaking in favor of the request:

Ralph Mertensmeyer, 21350 S. Westbrook Dr., Hartsburg.

Mr. Mertensmeyer stated he heard this question on the last request. Would a highway overpass interfere with this tower? When the four-lane highway went through in 1978 they purchased land from Mr. Mertensmeyer at that time so they had full area for an overpass if they desired one in that area.

No one spoke in opposition to the request.

Closed to public hearing.

Commissioner Freiling made and Commissioner Mink seconded a motion to **approve** the request by Ralph and Rometta Mertensmeyer on behalf of Verizon Wireless to allow a transmission facility including 127' tower on 25.76 acres, located at 21350 S. Westbrook Dr., Hartsburg:

Russ Duker – Yes

Carl Freiling – Yes

Boyd Harris – Yes

Paul Zullo – Yes

Mike Morgan – Yes

David Mink – Yes

Motion to approve request carries unanimously.

Vice-Chairperson Duker informed the applicants that this request would go before the County Commission on August 29, 2006 and the applicants need to be present for the hearing.

REZONING REQUESTS

1. Request by Robert and Susan McConnell on behalf of Verizon Wireless to rezone from A-R (Agriculture Residential) to C-GP (Planned Commercial) and to approve a Review Plan on 8.05 acres, more or less, located at 1601 N. Earthland Dr., Columbia.
 - Rezone.
 - Review Plan.

Planner, Uriah Mach gave the staff report stating the property is located approximately 1 mile to the west of the city of Columbia, on Earthland Road. The parent tract is 10.09 acres, of which, approximately 8 acres is being rezoned by this request. The property is currently zoned A-R(Agriculture-Residential), and has A-R zoning to the west and north, A-2(Agriculture) zoning to the east, and REC(Recreational) zoning to the south. The REC zoning was created in 1993, and all of the other zonings are original 1973 zoning. In 1986, the previous owner submitted a request to rezone a small piece of the property to C-G so that a billboard could be placed on the property. That request was withdrawn. Currently, there is a single-family dwelling and seven accessory structures on the property. It is located in the Boone Electric service area, Consolidated Public Water Service District #1's service area, and in the Columbia School District. It scored 58 points on the point rating system.

The applicants are requesting a rezoning to C-GP (Planned General Commercial). The rezoning is being sought to expand out the existing greenhouse business on the property and to submit a conditional use permit request for a transmission facility. If the rezoning is approved, the greenhouse business will be expanded into a lawn and garden center and a conditional use permit application for a transmission facility will be submitted. Staff notified 23 property owners about this request.

The Master Plan designates this property as suitable for residential land use. The Master Plan also identifies a "sufficiency of resources" test for determining whether there are sufficient resources available for the needs of the proposal.

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

Utilities: Public water is provided by Consolidated Public Water Service District #1. The existing infrastructure is capable of providing domestic service. However, there is not sufficient infrastructure available to provide fire flows as required for a commercial use on this property. A water study has been commissioned and waterline upgrades will likely be necessary to support commercial fire protection to this site. Fire hydrants will need to be installed to meet the requirements of the Boone County Fire Protection District. Boone Electric can provide sufficient electrical service to meet the needs of the requested uses. Wastewater for the site will need to be upgraded to support the new buildings proposed at the southern end of the site. This upgrade will likely consist of an engineered on-site system approved by the Columbia/Boone County Health Department. This proposal's current inability to supply sufficient water for fire flows fails to meet the utilities element of the sufficiency of resources test.

Transportation: The site has access to Earthland Road, which, via Cunningham Drive, has access to Highway 40 at Midway. Cunningham Drive serves residential and incidental commercial traffic around the site and some commercial traffic near the access to Highway 40. The commercial zoning served by Cunningham Drive is within approximately 1/3 of a mile of the access to Highway 40. The ability of Cunningham Drive and Earthland Road to serve a retail operation approximately three times that distance from the access to Highway 40 is questionable. The plan's parking calculations are accurate, requiring 23 parking spaces. Both parking areas and the driveway access will need to be installed with a dust-free surface, minimum chip-and-seal, to meet the requirements as outlined in the Zoning Ordinance. The limitations of the local road network fail to meet the requirements of the transportation element of the sufficiency of resources test.

Public Safety: The nearest fire station is approximately 1½ miles away at Midway on Henderson Road. The existing road network provides access for emergency service providers. In rezoning from A-R to C-GP, the presence of properly located fire suppression equipment on the property would be appropriate for this change. The applicant has not demonstrated that fire flow can be provided to this property. Therefore, the proposal fails to meet the public safety element of the sufficiency of resources test.

Based on the current land use, current adjacent land use, location of desired zoning, the recommendation of the master plan that this site is useful for residential uses, and the failure of the proposal to meet the requirements of the Sufficiency of Resources test, staff recommends denial of this request.

If approved, staff recommends the following conditions:

1. That all driveway, parking, and loading spaces be paved with a dust-free surface with a minimum of chip & seal prior to the recording of the final plan.
2. That all fire hydrants be installed in locations set by the Boone County Fire Protection District prior to the recording of the final plan.
3. That the conditional use of transmission facility be struck from the list of proposed uses.

Present: Curtis Holland, Attorney representing Verizon Wireless and Robert McConnell, 6201 College Blvd, # 500, Overland Park, KS

Robert McConnell, property owner, 1601 N. Earthland Dr., Columbia.

Mr. Holland stated relative to the communication tower aspect that portion of this is really not up for consideration tonight except for the fact that it is shown as a potential use on the review plan. In terms of the rezoning case regardless of whether or not a communication tower is ever submitted for approval to this Commission the rezoning is necessary for Mr. McConnell to pursue his plans to further develop the property and expand its current use which is a greenhouse. The purpose of the application is to allow Mr.

McConnell to expand their greenhouse operation and incidentally if Verizon is fortunate later on they would submit an application for a communication tower.

There has been a greenhouse operation on the property for many years; the McConnell's live on the property and because of certain restrictions under the current zoning regulations they are unable to operate the greenhouse as they would. Right now the way they can operate is they are limited to selling products that they grow on their own property and it is Mr. McConnell's intention to be able to bring in outside product on to the property such as mulch, stone, rock for landscape bedding, plants, and other greenery that is grown offsite to also sell on the property. That is the emphasis for the rezoning request; to allow the McConnell's to do essentially what he is already doing on the property but giving him a little more flexibility an opportunity to sell different products to his customers. It is currently a retail and wholesale operation. As mentioned it is used for greenhouse purposes.

Mr. Holland presented an aerial photograph of the property and pointed out the location of the greenhouse and the McConnell's house.

The applicants submitted a review plan in support of the rezoning case.

Mr. Holland presented a copy of the review plan.

Mr. Holland stated that all of the structures are identified showing the existing structures on the property. If the applicants get the rezoning approved Mr. McConnell does have future plans to put another greenhouse and office building on the property. Mr. Holland pointed out the locations of the proposed structures as well as the future stock-piling of the materials. The proposed communication tower is also located on the plan.

Mr. Holland stated that staff had recommended, if the rezoning goes forward, that the communication tower be removed from the plan. The tower is shown because the applicants hope to come back before the Commission. Regardless of whether it is on the plan or not the applicants have to come back through with a conditional use permit and it will have a full hearing and everyone will get an opportunity to talk about the tower at that point in time. Ultimately if it is approved the applicants would have to come back and amend the plan. Relative to staffs suggestion that it be stricken at this point in time the applicants don't necessarily have a true objection to it as long as they are allowed to come back, if they choose in the future, for a conditional use permit application and have it approved by the Commission. The rezoning case that is before the Commission, as staff mentioned, it divides the property in to two. It would keep the same A-R designation that it currently is, that is where the McConnell's live and the CG-P which would allow for the expanded use of the greenhouse. There is a future sign proposed on the property apparently under federal law relative to signage along highways you have to be in a commercial district. It is hard to see the business as you are driving by the highway currently without the sign there. The applicants intend to put a sign on the property which would also be allowed by the zoning the applicants are asking for.

Mr. Holland stated staff raised some issues about fire and the road system. At the present time the applicants aren't intending to necessarily build or expand the operation for the greenhouse and office right now. The business would essentially be operated as it is but we give Mr. McConnell the opportunity to do those things in the future. In the future those types of infrastructure is needed, certainly it would have to be addressed before he could go forward with those plans. Mr. Holland suggested even the expansion uses are relatively small, it is a greenhouse. Mr. Holland stated he didn't know the building codes in Boone County relative to fire flows and what is necessary but suggests it seems to be a rather small operation and doesn't know how much more water flow would be needed. It

isn't clear from staff's report what needs to be done there except perhaps upgrades may be necessary. Mr. Holland suggests that we stipulate to if those issues should be studied before we move forward to do any additional construction on the property that would need fire flow.

Mr. Holland stated the traffic issue and it's proximity to Highway 40 and the other adjoining roads; the business isn't going to be operated substantially different than it is today it just would enable Mr. McConnell to sell some different products on the property. The applicants don't anticipate a huge increase in customers; of course they expect some increase but it is really not going to change significantly from the way it is operated today and in that respect having the business be where it is operating currently as it does and it's proximity to the road network really is not a significant change to what is there today. Mr. Holland stated there are 15 or 18 existing parking spaces; under the code you would need 23 parking spaces there. The applicants don't need the additional parking spaces; there is a provision in the ordinance that allows the applicant to request a lesser amount of parking and the applicants make that request with this application that the applicants do 18 parking spaces. The applicants would like to add that to their proposal.

Staff has talked about the land use and perhaps its conflict with the adjoining land uses; there is some residential area, Country Shire subdivision to the west. There are some people here tonight from that subdivision and maybe they are more worked up about the communication tower than the greenhouse building which isn't going to change significantly. We do have a recreational area to the south which is the golf course, there is M-L zoning, there is a school district building. The point is this isn't truly an exclusively residential area; there are mixed uses in the area. Mr. Holland asked the Commission not to focus so much of what the zoning label is on the property but what the intended use is on the property and that is to operate it exactly as it is today, which is a commercial greenhouse. The applicants aren't changing the use at all but because of the restrictions in the code needing to change the classification of it to enable him some flexibility in the products that he sells.

The applicants have a letter that was submitted to the County today; it is a letter from an adjoining property owner to the east that is supportive of the request and is asking the Commission to approve it.

Mr. McConnell stated he has been in the greenhouse business in Boone County since 1972. He moved to this site about 7 years ago to the house he has lived in since 1988. As stated the applicants really aren't going to change much of the operation other than selling garden rock and decorative rock, mulch and possibly buy in some plant materials from other sources so he could sell a few items that he can't grow. The way the law states right now he legally can't do that. It hasn't been enforced in Boone County but it could be and Mr. McConnell stated he always tries to do things within the law. In that respect he would like to get it right. Mr. McConnell stated he has wanted to have a sign there for quite some time because he gets a lot of people that don't know he is open and that he sells retail as well as wholesale. You have to be able to compete in today's market. The box stores have changed the greenhouse business a lot. If people don't know you're there they won't come. Being able to have a sign there and do it with a proper sign rather than put it on a trailer that you haul your material to the farmers market and park it out in front by the road makes a lot more sense. The applicants have always tried to be a good neighbor and believe in aesthetics. Mr. McConnell believes he has one of the prettiest entrances to the Columbia area that there is around.

Commissioner Duker asked Mr. McConnell to address the fire flow issue and the residential neighborhood.

Mr. McConnell stated the plan shows a fire hydrant near the entrance to the tower road which would be near where the future building would be. There will have to be a 6 inch main from the main on the front

road up to that fire hydrant in order to handle fire flow. Right now that is a 2 inch main and it wouldn't handle it. There is the original 4 inch main that goes along Cunningham road it has 120 pounds of pressure; the applicants have to have two pressure reducers in order to hold faucets in the houses and that is off of the two inch line. We would have to put in a 6 inch line from the original down Cunningham up to where that fire hydrant would be located. The applicants have no qualms about that it would have to be upgraded because you have to have facilities that will handle it. It is residential use but if anyone is out there at night and see all the light pollution coming off the golf course and listen to the noise off the interstate which is echoed back at you because of the bluff and the hill that comes up; it is not really a residential area. It would be very poorly suited to develop residentially. There is a high voltage transmission power line that goes right across the front of it that you would be viewing; it has several strikes against it as far as developing it for any type of residential use. The reason for planned commercial was so that any changes to this plan would have to be brought before the neighbors and they would have a chance to object to anything else.

Mr. Holland stated it is clear that Mr. McConnell has a need for the rezoning to enhance his ability to work there.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition to the request:

Ken Hutchinson, President, Country Shire Homeowners Association, 1419 Country Shire Dr., Columbia.

Mr. Hutchinson stated he didn't believe the characterization of the subdivision being worked up is right; they simply want to express their point of view. Mr. Hutchinson built his home in Country Shire 30 years ago in 1976. His neighbor to the right Dr. Caldwell and Winn they were already there. The neighbor to the left Fred and Jan Hinshaw were already there. Mr. Hutchinson stated his point is it is a very highly stable neighborhood and many families have raised their children from birth to adulthood in this neighborhood so they value and try to protect what they feel is a great environmental setting and more importantly a great community setting. Country Shire estates is immediately to the west of the McConnell property. The association's opposition focuses on the following considerations. First it appears to be a classic case of spot zoning. If there is other property available that it would be received priority consideration. It appears there is other commercial property around the Midway exit area other than the subject property. Cunningham Drive and Earthland road is a dead end road and would not support additional traffic. The request by Verizon and Mr. McConnell would create a more intense zoning which would add more traffic with only one way out. The road is dangerous now; it is not set for commercial, there are no sides to the road. It was mentioned that the applicants are planning on reducing the number of spaces but we are looking at it as long haul and what might be put in there and future considerations by future Commissions. The requested commercial zoning is too intense adjacent to a residential subdivision and the Association requests the Commission deny this request. There are quite a few people here tonight which clearly is an expression of their concern.

Commissioner Freiling asked all residents of Country Shire who are opposed to this request to stand.

(Approximately 10 people stood.)

Janet Hinshaw, 1420 N. Country Shire Dr., Columbia.

Ms. Hinshaw stated she would like to reiterate what Mr. Hutchinson stated. It is a stable neighborhood and she has lived there for over 30 years. The McConnells may not plan to do much changing now but once it is rezoned commercial there is a lot that could be put on commercial property and the McConnell may not own the property 5 years from now. Ms. Hinshaw stated she feels it is inappropriate for the area and the road can not handle traffic for commercial. There are no shoulders and it is pretty tight.

Gabe Borbeau, 1416 Country Shire Dr., Columbia.

Mr. Borbeau stated he is opposed to the request there are 15 homeowners out there; 9 are here this evening, there are two other people that have asked Mr. Borbeau to speak on their behalf, Leo Lewis and Dale Smith, neither one of them could be here. There are two on vacation. Mr. Borbeau stated he is very opposed to this request; it is a matter of a chicken and the egg and the classic case of a camel with a cold nose trying to get his nose in the tent. The minute this is zoned commercial obviously we will have the tower. Mr. Borbeau stated he is very opposed to the transmission tower because the tower will be right in his line of sight. Mr. McConnell's property is 600 feet above sea level; Mr. Borbeau's house is exactly at 720 feet above sea level so he will see right above all of the tree line.

Closed to public hearing.

Mr. Holland stated he wanted to address a couple of the issues. One of them is the question of whether or not the Commission approves this rezoning what comes next? Maybe it is not the greenhouse, maybe it is something else. As was stated earlier that is the reason for having this a planned zoning district. There couldn't be any other uses other than a greenhouse that could be considered without having to come back and review the plan through a public hearing process. The plan itself clearly identifies greenhouse uses, greenhouse buildings. It is probably not very suitable to alteration or use as a different type of use. The applicants are here only requesting the zoning for a greenhouse use and it would limit the zoning request to that approval so there is no real issue with future uses and what is next here. Relative to commercial uses, just because you have a residential area nearby doesn't necessarily mean that an adjoining property is not appropriate for a commercial use. You have it everywhere; not just in Boone County but in the City of Columbia and in every part of this country. We do have uses that aren't necessarily identical but they do coexist with each other and there is often commercial uses adjacent to residential uses; in fact there are much worse uses adjacent to commercial uses. That said you do have an obligation to appropriately require uses that aren't necessarily identical abut next to each other that there is planning and items that are in place to mitigate those impacts that are adjacent to each other; one of those items is buffers.

Mr. Holland asked the Commission not to just consider whether or not there is a commercial or residential uses adjacent. The applicants acknowledge that but what we have today is a commercial use on the property next to these residential uses. They have coexisted there for at least 7 years. What the applicants are saying is they are not doing anything any different than how the property has been used all this time. Relative to the proximity of these different uses next to each other as Mr. Borbeau stated is 120 feet above Mr. McConnell's property; that is true. There is a huge bluff there, Mr. McConnell is in the low part and it is thick with trees you can not see Mr. McConnell's property. The access uses between the two land uses don't conflict with each other there is no direct access either way between the residential and commercial uses. In this respect consideration should be given to the fact that there has been a long term use of the property for a commercial green house that essentially has not changing the use and can be compatible and is compatible just simply by the history of the fact that they've been here this long and there hasn't been any complaints about it and you have a significant berm and trees so these particular uses in this particular case can coexist with each other. The applicants asked the Commission to look at that. Relative to the gentleman's statement about the camel's nose under the tent the applicants

aren't trying to hide the ball; they are likely to come back with an application for a communication tower. The applicants would have to make their case to the Commission on that issue at that time. If it helps Mr. McConnell to have that tower stricken from the plan the applicants ask that it be stricken at this point in time and the applicants can come back at another date on that issue. Verizon doesn't want to do anything that would hinder or impact Mr. McConnell in terms of his proposed use of the property and what he wants to accomplish with his land. Timing wise this is good for him to seek the rezoning but we can separate those issues tonight relative to the rezoning application and simply deal with that particular issue at hand. The applicants aren't doing anything any different than has been done on the property and that hasn't been done on the property already for 7 years.

Mr. Mach stated as point of information on the review plan as submitted the permitted uses are agricultural activity and retail store. Of the structures set on site two of them are proposed retail facilities, they do not have a specific use linking them to the agricultural activity that is on there currently. It could be converted in to any form of retail operation; there is no guarantee. If Mr. McConnell were to get this rezoning approved and get it through the process and if he were to sell immediately afterwards the new buyer could construct any form of retail at those two sites and at that square footage. The tower is submitted at the location as identified by Selective Site Consultants, no height has been specified. It is on there as a conditional use, the plan is set up to support that tower. If it was stricken and there was going to be an effort to place a tower on there via conditional use permit the plan would have to come back through as a revised review plan and then final plan to get the tower sited as requested by Selective Site Consultants and Verizon.

Vice-Chairperson Duker stated as a Commission they are looking at both.

Mr. Mach stated yes; the Commission is looking at everything, the agricultural activity, the retail store as permitted uses and the conditional use as a tower. If the conditional use as a tower is stricken when this is approved as recommended by staff then they can't put up the tower unless they come back through with that.

Mr. Holland stated he just modified the applicant's proposal when he asked that the tower be stricken from the plan. Mr. Holland stated he would like to take that modification off the table. Relative to retail the applicants aren't requesting any other retail operation than a green house. That is what those future buildings are intended to be; if they need to be limited by some note on the plan that they are green house buildings and only green house buildings then they will. Or limit the rezoning request to the green house uses. It is planned zoning so the Commission can limit the use that is on the property. It is limited to those items that are approved on the plan so you can control in the future what other commercial uses could go on this property.

Mr. Mach stated if that is the case, removing the retail store controlling it just to the agricultural activity as defined on the review plan would limit Mr. McConnell to the extent of his current operations. There would be no purpose for this rezoning and he can do everything he would request under agricultural activity under his current zoning. To be able to expand his operation he is required to submit to retail level to move forward with this.

Mr. Holland stated maybe he misconstrued what is meant by retail. If it is general retail Mr. Holland would agree but we are talking about green house retail. It is already green house retail on the property but what he can't do is sell other product from the property like mulch and rock, products that aren't grown on this property in the A-R district.

Mr. Mach stated that is correct. The agricultural activity that is allowed is purely the green house operation and only materials that are raised up on that site. To expand beyond that you have to request the retail use which is what spurred the request for C-G zoning.

Mr. Holland stated in that regard he would agree; retailing so far as it is green house retail. Mr. Holland stated he was misconstruing he thought staff was opening up to some other general retail which the applicants aren't asking for.

Mr. Mach stated the line between agricultural activity and the general retail is pretty clearly understood by Mr. McConnell that is what limits his current operation. In order for him to expand he has to request that general retail use. We don't have a specific use in any of the agriculture districts to operate a lawn and garden center that is under general commercial zoning. That is what Mr. McConnell is asking to be able to do. We don't make a distinction at that level beyond the agricultural activity which is what his current use is under to lawn and garden center where you can sell the mulch, rock, and plants that are brought on site for sale. Everything that is on his current use he is doing; he is using that at the highest possible intensity of the zoning. To expand beyond that, beyond the materials that are raised on site is what is requiring the movement to retail store so it is requiring the move to general commercial zoning.

Mr. Holland stated he agreed with that. It is planned zoning and in that regard the applicants request is for the retail, which it is currently retail, that would allow the applicants to sell bulk product that is brought in off site to be limited to green house retail.

Commissioner Freiling stated Mr. McConnell's intention is not to do anything retail other than what is discussed. What staff is saying is that is fine but that is not what the rezoning allows.

Mr. Mach stated if he is only going to be selling what is raised on his property as he is currently doing that is under the definition of agricultural activity in the zoning ordinance. To expand as Mr. McConnell is requesting that would require him to move up to general commercial and retail store.

Commissioner Freiling stated if the Commission were to approve general commercial that allows an owner of this property, Mr. McConnell's successor, to do other things other than just sell mulch and stone.

Mr. Mach stated that is close. At this time he can not sell the mulch or stone but it would allow a successor to sell whatever he desired at a retail level and it would not have to come back before the Commission.

Commissioner Freiling stated the Commission is not granting a rezoning to Mr. McConnell's intentions; the Commission is being asked to grant a rezoning on a piece of land that will outlast us all and that is a different issue.

Mr. Holland stated he didn't think so and disagrees with staff. In a planned zoning district you can limit it to green house commercial uses and that is clearly what this is for.

Mr. Yonke stated he believes the issue is not that you can limit it the issue is that the plan as it is currently proposed says retail. Without further defining that in a very limiting way we have had places in the past where a new owner gets it and says it says retail and they put in a bookstore or whatever other use. If it says retail then the assumption is that it was looked at for retail.

Mr. Florea stated the allowed uses that can be proposed as a planned development have to come from the underlying zoning district. There is no green house retail so we can't further limit that retail. The use has to come from the district so if it isn't listed in the district the applicant can't propose it.

Mr. Holland stated he disagrees. In a planned zoning district you can limit the types of retail even though they are not specifically listed. The minutes of this record are clear as to what the intention is with respect to this property and you have ample authority whenever another person would come in to request something other than a green house retail to say no; it is not zoned for that at this time and be able to support that quite strongly. That is the applicant's position. Even if you said general retail it is limited to the size of this building.

Mr. Mach stated it would allow for modification of the existing structures to that level to support whatever is requested. Right now those structures are identified; those could be adapted to whatever retail use is requested.

Mr. McConnell stated that future building number 13 originally said green house. It did not get on that plan as green house. Future building number 13 should state green house. Future building number 12 is a head house which is basically a garden center head house that you would sell your hard goods from. That would be considered a general commercial building but future building 13 was to be a green house. So that you tie the green house with the head house in front of it for a garden center operation. If you wanted to write green house on that 3000 to 5000 square foot the 1500 to 3000 square foot would be a general commercial building but that is all it would be, a general commercial building. The other is a green house it is what it is designed on that plan for.

Mr. Mach stated he recommend everyone consider what was mentioned earlier in the staff report so far as the sufficiency of resources test. Sufficient capability for fire flows is not present at this site. The road network is questionable so far as being able to support a retail operation at this site. Fire protection ties right back in to the fact of insufficient water to provide fire flows to the structures at this site. That is a focus issue for considering the availability of this rezoning; the review plan, whatever disagreements the applicant, staff, and whatever opinions the Planning and Zoning Commission have to make their ruling on it. You can take those as you take them. The sufficiency of resources test indicates this rezoning is not a possibility at this time.

Mr. Holland stated it is very common, and someone mentioned the chicken and egg as an example for those types of issues which are design detail issues to be addressed as we move forward through the process. The applicants aren't going to go out and spend the money to upgrade the water line if they are going to be denied the zoning request. Clearly it is in the record, we say clearly it is in the record, but there is a suggestion that the applicants don't have adequate fire flows the land owner is on record saying he would need to make improvements to the water line. Those are clearly items that are down the road, detailed items that would need to be addressed as we move forward. They can be stipulations to the plan approval if the Commission would like to make them but they shouldn't be a reason to deny the rezoning request. Those are just design engineering issues that need to be addressed as you move forward not related to the underlying land use. Infrastructure is important when you consider these things but there is a way to address them as we move forward.

Commissioner Harris asked if the water district indicated that they have the capacity and/or the willingness to supply the necessary fire flow if the investment is made to upgrade the infrastructure.

Mr. Mach stated the water district has indicated that a water study is in progress, they will not have the results of that for a month. At this time the existing infrastructure can not support fire flows for this

property and this rezoning request is to be considered with the existing infrastructure and not what may be. It may be best for the applicants to withdraw the request and wait for the result of that study.

Mr. Yonke stated what you end up with is the County's regulations are designed for a sufficiency of resources test the gate keeping function of a rezoning. It is incumbent on the applicant to show that those services could be provided. If it is not shown that those services are provided the natural assumption is that they are not there. If you could provide them over time then it is one of those things where that could be considered at a future time if this were tabled. As it stands now in the absence of having information from the water district that they can upgrade that the staff has to look at the sufficiency of resources test the best as they can with the water out there now.

Mr. McConnell stated about 5 or 6 years ago when they were putting in fire hydrants, they put one in Country Shire, had Mr. McConnell paid \$1600 there would be a fire hydrant down in front. Mr. Paulsell told Mr. McConnell he didn't think Mr. McConnell needed to do that because he didn't need it and it will never pay out for him on insurance. They knew at that point they had the capability of doing it but Mr. Paulsell said he didn't need it. \$1600 may have been a cheap investment. Mr. McConnell stated he knows the capability is there and he knows to bring that up Earthland road to where it is shown on the plan will require upgrading that line that goes along Earthland because it is not sufficient to carry the fire flow.

Commissioner Mink made a motion to deny the request. Commissioner Morgan seconded the motion.

Mr. Holland asked the Commission to state the reasons for the denial.

Commissioner Freiling stated the right to use your property as it is zoned by the governmental agency; there was a deal made in 1973 between the people of Boone County and County government which was we will surrender some of our private property prerogatives and in return the County government will protect the citizens. At that time parent zoning was laid down the wisdom of some of it can be questioned but every decision that has been made since that time relative to land use should have been made with the knowledge of zoning as a part of the decision. Certainly most people who buy property or build homes or businesses know the zoning. To change that zoning there has to be a reason not just an individual seeks a more liberal use which is almost always the case. There has to have been a change in the public reality that makes this sensible from a public perspective because that is the Commission's charge is to protect the public interest in this case the use of the agricultural property for agricultural purposes is clearly spelled out and Mr. McConnell has operated under that. To change that to commercial is a monster change even though his intended use is small. To rezone from an agricultural, residential use to a commercial use in an area that has infrastructure and neighbor issues is inappropriate. The Commission's role is not to make things easier for someone while making it harder on someone else unless there is a public benefit or need. In this case as it was pointed out earlier there is a lot of commercially zoned property available where a broader retail operation could be carried on. That is Commissioner Freiling's reason to deny a more liberal zoning.

Commissioner Mink made and Commissioner Morgan seconded a motion to **deny** the request by Robert and Susan McConnell on behalf of Verizon Wireless to rezone from A-R (Agriculture Residential) to C-GP (Planned Commercial) on 8.05 acres, more or less, located at 1601 N. Earthland Dr., Columbia:

Russ Duker – Yes
Boyd Harris – Yes
Mike Morgan – Yes

Carl Freiling – Yes
Paul Zullo – Yes
David Mink – Yes

Motion to deny the request carries unanimously.

Commissioner Mink made and Commissioner Morgan seconded a motion to deny the request by Robert and Susan McConnell on behalf of Verizon Wireless to approve a review plan on 8.05 acres, more or less, located at 1601 N. Earthland Dr., Columbia:

Russ Duker – Yes	Carl Freiling – Yes
Boyd Harris – Yes	Paul Zullo – Yes
Mike Morgan – Yes	David Mink – Yes

Motion to deny the request carries unanimously.

Vice-Chairperson Duker informed the applicants that if they wished to appeal to the County Commission they would need to file an appeal form within 3 working days.

* * * * *

- Request by Duane and Charlotte St. John to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 37.28 acres, more or less, located at 280 S. Rangeline Rd., Columbia.

Planner, Uriah Mach gave the staff report stating this property is located off of Rangeline Road, approximately ¼ mile south of the intersection of Rangeline Road and Carter School Road. Access to the subject tract is by an easement approximately ¼ mile long. The subject tract contains 37.28 acres, all of which is zoned A-1 (Agriculture). All of the surrounding land is zoned A-1 as well. The subject tract includes a single family dwelling and several out buildings. The applicants are requesting that the property be rezoned to A-2 (Agriculture) so that the property can be subdivided into four tracts; a five acre tract, 2 seven acre tracts and a 19 acre tract.

This property is located within the Columbia Public School District and the Boone County Fire Protection District. Electric service is provided by Boone Electric Cooperative. Public water in this area is provided by Public Water District No. 9. This site scores 34.5 points on the point rating scale.

The original zoning for this tract is A-1. In 1986, the applicant requested a variance of the minimum lot size from the Zoning Board of Adjustment. That request was denied. Staff notified 18 property owners about this request.

The master plan designates this area as being suitable for agriculture and rural residential land uses. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

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

Utilities: Public water is provided by Public Water District Number 9. The existing infrastructure is capable of providing domestic service. The division of property that the applicant has indicated on his application will result in a 3 lot subdivision and an administrative survey tract. The subdivision

regulation requirement for fire hydrants will not apply in this case. Boone Electric can provide sufficient electric service to the site.

Transportation: Access to the site is by a private easement that connects the property to Rangeline Road. The two tracts of land that the easement crosses have direct access to Rangeline Road. Consequently, the easement will only allow the parent parcel to be split into no more than 4 tracts unless a county standard road is built to access the tracts.

Public Safety: The nearest fire station is on State Highway WW, approximately 5 miles away.

Staff notes that ostensibly all of the land south of Carter School Road is zoned A-1, having tracts larger than 10 acres. The applicant currently has the right to subdivide the tract into 3 pieces in conformance with the existing zoning. Staff has concerns that the tract is apparently accessed by an easement. Staff believes that rezoning of this tract would constitute a spot zoning. Staff cannot support this request and recommends that it be denied.

Present: Clint & Mitzi St. John, 280 S. Rangeline Rd., Columbia.

Mr. St. John stated he didn't know what the Commission had in front of them as far as material is concerned. Mr. St. John stated he didn't have an easel or a large map of his property to show but he does have a smaller version.

Mr. St. John presented the Commission a folder which included an aerial photo, survey, deed, and a letter to the neighbors.

Mr. St. John stated when he applied for the rezoning one of the things that the applicants had to do was to notify everyone within 1000 feet of their property. The thing that most amazed Mr. St. John was he had no idea at the time that he had 18 neighbors within 1000 feet of his property. The applicants have lived at that address for 23 years and there have been many more neighbors. The interesting thing about looking at his property and his neighbor's property is that the 18 people that were listed that notices went out to that the St. Johns are possibly the only ones that have that many neighbors within 1000 feet. Mr. Mach mentioned that the property is currently zoned A-1 and the applicants have a blueberry farm on the property. Of the applicant's property and the surrounding property the applicants probably have the most agricultural use out of all of them. The applicants don't see that changing the property from A-1 to A-2 that the use of the property will really change the applicants do intend to get out of the berry business but the impact on the neighborhood will probably be beneficial to the neighborhood. The property has a driveway that is served by an easement; it is approximately ¼ mile long. The only people that use the driveway are the applicant's family. During the berry season approximately 2000 or 3000 customers use that driveway. With the berry farm not there the traffic count on the drive will diminish drastically.

The first thing in the folder is a letter that the applicants sent to their neighbors spelling out exactly what they had in mind for the use of the property. The applicant's intent was not to have any of the neighbors left in the dark of what the applicants were going to do. The map shows that the property is going to be divided in to four tracts; the applicants intend to put in a 6 or 7 acre lake in the middle of the property to help enhance property value. To divide the property in to thirds would require the applicants to survey off at least one tract of land of extremely irregular dimensions. To adhere to A-1 zoning the applicants are currently under, the survey of the irregular tract, to market it for sell would be a hardship on the applicants.

Also in the folder is a schematic of how that quarter section was surveyed off in its beginning. The properties that surround the applicants that are impacted the most are the ones that are duly adjacent to the driveway. Neither of those property owners use that driveway for their personal entrance except the long narrow one that uses about the first 100 feet. In the past 22 years the St. John's family has maintained the upkeep of approximately 1200 feet of that 1400 foot long driveway. The applicants intend to market their lots to individuals wanting to build quality single family homes. The applicants intend to put a restriction in the deed for a minimum size as well as deed restrictions that will ensure that they will be adding quality neighbors to the neighborhood. Most of these building sites on the tracts without houses will not be visible from the adjacent properties. The only other impact the neighbors may have is noise and the applicants intend to restrict the use of ATV's, motorcycles, and motorized watercraft on the lake. Tract 4 is a 20-acre tract or less it is currently enrolled in CRP until the year 2013 and the applicants can not subdivide that part of it without coming back in and meeting many more county restrictions. The one that would be the most restricted to us would be if they added another tract it would be subject to central sewer system which would be cost prohibitive to the applicants.

The applicants intend to make good neighbors and intend to listen to the neighbors in the future while the property is being developed so their concerns are being addressed. Potentially the driveway issue could be listed as an issue and it would be very easy for the applicants to require future owners of that property to agree to cost share on a pro-rated basis to maintain the driveway. The applicants feel the rezoning request enhances the area; it is not changing the use of the area. The applicants feel it is good for their family and it is good for the neighbors and the county at large.

Vice-Chairperson Duker stated this is a straight rezoning request so all of the applicant's intentions the applicants can't even look at. The applicants have 37.28 acres and they can divide it considerably more than what is shown.

Mr. St. John asked how many lots it could be divided in to.

Vice-Chairperson Duker stated 2.5 acre lots.

Mr. St. John asked where the four lot number came from.

Vice-Chairperson Duker stated the subdivision regulations.

Mr. Mach stated four lots triggers the end requirement. For more than four lots you need a county standard approved road and fire protection. If the applicants had 2.5 acre or greater lots the applicants could avoid centralized sewer but the big thing is fire flows and fire protection to the site and in this case if there were more than four lots the applicants would need a county accepted and maintained public right of way to serve the lots.

Mr. St. John stated the applicants currently have a 50-foot easement on their road which was there when the applicants purchased the property in 1984; that was acceptable for the County to accept maintenance of it. It is no longer an acceptable width.

Commissioner Mink asked if the driveway went to Rangeline.

Mr. St. John stated yes; it is the only entrance to the applicant's property. It runs ¼ mile on the east side of Rangeline.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition to the request:

John Roosset, 440 S. Rangeline Rd., Columbia.

Mr. Roosset stated he has nothing against the St. John's and what they would like to do but he does have concerns about the integrity of the neighborhood. Mr. Roosset stated he has live out there for 20 years and bought there purposely because of the A-1 zoning. He has lived in neighborhoods before and didn't like it; he wanted breathing room. The biggest concern is if this is approved it is just a stepping stone. Everything around it is A-1; pretty soon the whole area could be subject to rezoning.

Henry Uhlemeyer, 200 S. Rangeline Rd., Columbia.

Mr. Uhlemeyer stated the applicants drive down his property and he is concerned about who would maintain that road. Mr. Uhlemeyer stated he frequently uses the road but doesn't want the burden of maintaining the road. He prefers they give it to the County to do what they need to, it is a narrow road Mr. St. John stated the berry farm has been there but cars are always pulling off in the yard and ditch to get back there because it is so narrow. Mr. Uhlemeyer stated he would like to see conditions in writing that there would be no trailers back there and there be a minimum home size of 2000 square feet. Mr. Uhlemeyer is concerned that he would have to maintain the road so there would need to be some provision against that; he doesn't use it often but he does occasionally. Mr. Uhlemeyer prefers the property be zoned A-1; he doesn't oppose A-2 but there should be conditions to get it zoned A-2.

Kerry Lewis, 9680 Carter School Rd, Columbia.

Mr. Lewis stated he has lived at this location since 1996. His original intent in moving out there was because of the zoning; specifically it gives more latitude to breathe. At the time Mr. St. John talked to Mr. Lewis, it was about 3 weeks ago and Mr. St. John stated his intent was to subdivide and to increase the value of the land as well as the surrounding properties. The intent was further expansion of single dwelling homes on the land. Mr. Lewis stated his property adjoins the St. John's on the east for about 1000 feet. When he moved out there it was very peaceful, what he is seeing now is further expansion in to the County. Mr. Lewis has 20 acres and it is a single dwelling home; he has neighbors to his east and west and recently a home went up to the southeast. It was a home on property that was on a family farm that was subdivided; the neighbors had no consideration in how it was going to be done at all. Mr. Lewis stated he appreciated Mr. St. John speaking to the neighbors however he would like to see the integrity of the community stay as it is. It won't be long before I-70 corridor will be further encroaching on him to the north and he doesn't want anything encroaching to the south as well.

Closed to public hearing.

Mr. St. John stated the applicants currently have land zoned A-2 within 1000 feet of his property now.

Commissioner Freiling stated it seems that the set up rezoning precedent to A-2 with no public road frontage when all the applicants are creating is one extra lot; it is not sensible.

Commissioner Harris asked if the 50-foot easement that is there for access now is that indeed a 50-foot easement.

Commissioner Freiling stated there is no public road frontage.

Commissioner Harris asked if it was conceivable that a variance could be granted that it could be constructed in a manner that the County would take.

Mr. Shawver stated if it was platted and it would have to be built to county road standards. Minimum right of way width for local standard road is 50-feet.

Commissioner Harris stated it is conceivable if someone wanted to rezone and put the money in to it, build the roads, and divide in to 2.5 acre lots.

Mr. St. John stated they would have to get easements from the landowners; he doesn't own the land on both sides.

Commissioner Harris made and Commissioner Mink seconded a motion to deny the request by Duane and Charlotte St. John to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 37.28 acres, more or less, located at 280 S. Rangeline Rd., Columbia:

Russ Duker – Yes	Carl Freiling – Yes
Boyd Harris – Yes	Paul Zullo – Yes
Mike Morgan – Yes	David Mink – Yes

Motion to deny the request carries unanimously.

Vice-Chairperson Duker informed the applicants that if they wished to appeal to the County Commission they would need to file an appeal form within 3 working days.

* * * * *

3. Request by Bigsky Investments LLC to rezone from R-S (Single Family Residential) to M-LP (Planned Light Industrial) and to approve a Review Plan on 14.0 acres, more or less, located at 7001 W. Henderson Rd., Columbia.
 - Rezone.
 - Review Plan.

Planner, Thad Yonke gave the staff report stating this property is located on the north side of Henderson Road, approximately 1/8-mile west of the intersection with U.S. 40 and about 2 miles west of the Columbia municipal limits. The area proposed for rezoning is 14.00-acres of the approximately 35-acre parent parcel. The 14-acres were divided by administrative survey from the parent parcel. Except for the 1.8 acres that was rezoned to M-LP (planned light industrial) as Ivy Ridge, the current zoning of the entire parent parcel is R-S (residential single family). The zoning of the property to the north and west, excluding Ivy Ridge, is an original 1973 zoning of R-S and is still part of the parent parcel. Property across Henderson Road to the south is zoned C-G. Property to the east, across Ivy Lane, is zoned A-2 (agriculture). Property adjoining the area of this request to the south is also C-G with the exception of an approximately 1-acre square parcel “notched” out of the southeast corner of the area of the request. This parcel was split off years ago. This square parcel is zoned R-S. The site is currently vacant. The property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Consolidated Public Water District No.1. Hydrants are required for commercial structures such as that shown on the plan and any upgrade to waterlines to meet required fire flow will be at the developers cost. Sewer is most likely to be provided as on-site soil

absorption system as a temporary measure. Eventually, when additional development is desired then a commercial collector system for the entire area will be required. The PID Plan proposes a 2000 to 4000 sq. ft. office building and three workshop/warehouse structures each 4000 to 5000 sq. ft. in size. Proposed lots 102 to 108 are shown for context however they are currently vacant and staff expects the lots to remain vacant until a revised review plan is provided showing more specific uses and details for these lots. The Master Plan designates this area as suitable for residential land use, but also identifies a significant commercial node in the Midway area. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas. Previous planned rezonings have established a small planned industrial district in the area already. The Master Plan identifies a sufficiency of resources test as a means to judge the suitability of land proposed for rezoning. The resources necessary to support the proposed rezoning can be broken down into three general categories, Utilities, Public Safety Services and Transportation.

Utilities currently available to the property include electricity, telephone and water.

- Boone Electric has adequate infrastructure in place for the needs for the development.
- Consolidated Public Water District Number 1 provides water service. There is a four-inch main along Henderson Road and a twelve-inch line near the property, which is capable of providing over 1000 gallons per minute. A watermain extension with hydrants is planned as part of this proposal.
- There is no public sewer service available to the property. The current sewer proposal is temporary and the site will eventually be served by a BCRSD central facility.

The property adjoins a Boone County Fire District Station. Law enforcement and emergency medical services can easily access the property due to its proximity to US 40 and I-70.

The property scored 86 points on the rating system.

Staff notified 28 property owners concerning this request.

Staff recommends approval of the rezoning and review plan subject to the following 4 conditions.

1. The current approval is for a single business entity to occupy the proposed structures on proposed lot 101 and that no leasing or operation of multiple businesses including activities such as at an office park or strip-mall are allowed without coming back through the process for a new approval.
2. That it is recognized that no additional structures are allowed on proposed lots 101-108 without going back through the process and receiving approval of a revised review and revised final plan.
3. A commercial public road will need to be built along the west property line of this 14-acres when any of the lots are platted or uses are proposed for lots proposed lots 102-108. This public road must start at Henderson Road if it is not built as a through road in a single phase.
4. Any proposal to subdivide this property further or introduce additional uses will trigger the requirements to construct a collector wastewater system acceptable to BCRSD and such system is to be turned over to BCRSD.

Present: Jay Gebhardt, A Civil Group, 1010 Fay Street, Columbia.
Gary Lenger, 1200 Cosmos Place, Columbia.

Mr. Gebhardt stated the applicants have owned a kitchen counter top business in town for several years and they need to expand their business. When they have done this they have gone out and looked around

and talked with staff. This area in Midway was identified as having the potential of being an industrial type area.

Mr. Gebhardt presented an aerial photograph and pointed out the locations of the property in question, Columbia Turf, and the ice plant.

Mr. Gebhardt stated there are already some industrial type uses on the property. All the property to the south looks like homes. All but one of those are already zoned CG-P. The Commission has two issues before them tonight, one is the rezoning, the other is the review plan.

Commissioner Mink stated he knows Ivy Lane was paved only to a certain area then it is chip/seal. Commissioner Mink stated he has a little concern about a chip seal road serving a commercial business.

Mr. Gebhardt stated that concern is addressed in staff's conditions; applicants have no problems with staff conditions. The applicants want to do kitchen counter tops. The condition states the applicants can't do anything until they bring back a new plan with new uses and show how the road will be built, address the offsite issues. Really this is a two-phase plan; the first phase is building kitchen craft on 14 acres. The applicants won't do anything else. If someone wants to buy the lot it can't be sold until an approved plan. The applicants have to start building Henderson road and put water and sewer in. The condition states the applicants can't sell the lot until the conditions are met. The reason the condition was worded the way it was is because the applicants didn't want to start off Ivy Lane and bring the traffic in off of there. If the Commission wants to add a condition about Ivy Lane it would be appropriate when the applicants bring in the plans for these different lots and what these uses are. If the applicants bring in something that is going to bring 18-wheelers up Ivy Lane then the applicants will need to address that issue.

Commissioner Mink stated it would probably be the section directly east of the green area on the map. The asphalt ended at the property line at the last home then it goes chip seal. Commissioner Mink stated he wouldn't want to see that public road coming back in and then having that 200 feet without improving it. The rest of it south of there is already done.

Mr. Gebhardt stated the applicants are amenable with that it is just however staff wants to include that in their conditions.

Mr. Yonke stated that is essentially what the conditions say is if they come back with any form of proposal on that you get a full crack at the offsite improvements. Staff doesn't want to try to key it to this because for example one of the uses that is listed is agricultural activity. If they just row crop and that is what they decide they want to do on those two lots and leave it that way it wouldn't seem appropriate to require an offsite improvement to do something they could already do on the property.

Mr. Gebhardt stated he didn't want the Commission to get too wrapped up in these lots. The applicants are in a catch 22. They need to show how this area needs to develop as an industrial area but right now all they want to do is build kitchen counter tops and have their own business in the back. When five or ten years go by and it becomes economically feasible the applicants are showing how they see this developing. Someone may buy this lot or maybe they will buy all three lots and then develop it themselves. Mr. Gebhardt stated what he is trying to show is what the applicants want to do now and how they are going to do it and then also do some planning for the future of how it could develop. The applicants are trying to do this in phases so they don't have to build all the infrastructure just to build kitchen counters.

Mr. Gebhardt showed the plan and the location of the office and explained the kitchen counter operation stating there is a truck that comes in once a week with supplies.

Mr. Gebhardt stated he believes this is appropriate zoning for the area. The applicants worked with staff to try to come up with a plan with the four conditions so they can do this in a step phase.

Commissioner Harris asked about moving the driveway and when it would be moved.

Mr. Gebhardt stated it is not a given that the drive would be moved; the applicants were keeping the flexibility to be able to do that. If the applicants come back with a plan and the Commission has the ability at that time to say for example it is too close to the street and want to get rid of it. The applicants haven't closed the door on that possibility.

Commissioner Mink asked if the proposed public road land included in the rezoning request.

Mr. Gebhardt stated it is not; it is part of the seller's property and they have an agreement with them that they will share the cost of that road with them and he is to provide all the right of way. It is a condition of the zoning; they have a contract with the people they are buying it from.

Commissioner Mink asked how big the parent tract is.

Mr. Gebhardt stated the parent tract originally went all the way over and they have cut it in to these small tracts for the ice plan, turf and tree and all that.

Mr. Gebhardt pointed out the location on the map.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition to the request:

Mary Ann VanSciver, 2601 N Ivy Lane, Columbia.

Ms. VanSciver stated the applicants talk like this is already done and zoned for commercial; it is not, it is zoned residential. There have never been any commercial come up on Ivy Lane. Ivy Lane is a very narrow road, it has no sides on it, it has a big curve in it, and it would be terrible to have anymore traffic on it than there already is. To have a road from Henderson to Ivy Lane would devalue Ms. VanSciver's property. There has been no commercial property on Ivy Lane; that is all single family. Down on Henderson Road there is a lot of commercial property but it doesn't come up Ivy Lane where she lives and it is not zoned for that and it shouldn't be. Ms. VanSciver stated she is very much opposed to the request.

Commissioner Mink asked which home was Ms. VanSciver's.

Ms. VanSciver pointed out her home on the aerial map.

Closed to public hearing.

Mr. Gebhardt pointed out commercially zoned property on the aerial photo and stated that some of the commercial zoned property has homes on them and people are living in those homes as a residential use but they are not zoned residential. The applicants don't plan on using Ivy Lane at this time and if the condition is not clear enough the applicants will be happy to modify the condition. The applicants are coming back to the Commission and they can address that.

Commissioner Mink made and Commissioner Freiling seconded a motion to **approve** the request by Bigsky Investments LLC to rezone from R-S (Single Family Residential) to M-LP (Planned Light Industrial) on 14.0 acres, more or less, located at 7001 W. Henderson Rd., Columbia:

Russ Duker – Yes Carl Freiling – Yes
Boyd Harris – Yes Paul Zullo – Yes
Mike Morgan – Yes David Mink – Yes

Motion to approve request carries unanimously.

Commissioner Freiling made and Commissioner Morgan seconded a motion to **approve** the request by Bigsky Investments LLC to approve a Review Plan on 14.0 acres, more or less, located at 7001 W. Henderson Rd., Columbia **with the following conditions:**

1. The current approval is for a single business entity to occupy the proposed structures on proposed lot 101 and that no leasing or operation of multiple businesses including activities such as at an office park or strip-mall are allowed without coming back through the process for a new approval.
2. That it is recognized that no additional structures are allowed on proposed lots 101-108 without going back through the process and receiving approval of a revised review and revised final plan.
3. A commercial public road will need to be built along the west property line of this 14-acres when any of the lots are platted or uses are proposed for lots proposed lots 102-108. This public road must start at Henderson Road if it is not built as a through road in a single phase.
4. Any proposal to subdivide this property further or introduce additional uses will trigger the requirements to construct a collector wastewater system acceptable to BCRSD and such system is to be turned over to BCRSD.

Russ Duker – Yes Carl Freiling – Yes
Boyd Harris – Yes Paul Zullo – Yes
Mike Morgan – Yes David Mink – Yes

Motion to approve the request carries unanimously.

Vice-Chairperson Duker informed the applicants that these requests would go before the County Commission on August 29, 2006 and the applicants need to be present for the hearing.

* * * * *

4. Request by GL & D LLC to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) and to approve a Review Plan on 12.38 acres, more or less, located at 3200 E. Hwy 124, Hallsville.

- Rezone.
- Review Plan.

Planner, Bill Florea gave the staff report stating the property is located on the south side of Highway 124 approximately 2.5 miles west of Hallsville and 600-feet east of the intersection of Robinson Road and Hwy. 124. The proposal includes a request to rezone the 12.38 acre tract from A-1 to A-2 with a review plan showing 3-building lots. The property is currently occupied by a home and several outbuildings, a wastewater lagoon and a pond. This is the third rezoning request on what was originally an 80-acre parcel with A-1 zoning. In 1997 15.83 acres was rezoned to A-2, and in 1999 an additional 20-acres was rezoned to A-2.

The Master Plan designates this property as suitable for agricultural and rural residential land use. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

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

Utilities: The property is located in Public Water Supply District Number 4. There is an 8-inch waterline along Hwy 124 that can be tapped for domestic service and fire flow. At least one fire hydrant must be installed before approval of the final development plan.

The existing home uses an on-site wastewater system for sewage disposal. On site wastewater systems are proposed for the two additional lots.

Transportation: The property has frontage on and direct access to Hwy 124. Traffic impact of the proposed development should be minimal. The Missouri Department of Transportation has reported that the two additional lots have locations that meet MoDOT standards for a private entrance.

Public Safety Services: There is no indication that public safety services are not readily available to the property. As noted above, at least one fire hydrant will be installed along the Hwy 124 frontage prior to approval of the final development plan.

Zoning Analysis:

This tract is a remnant of an original 80 acre tract. Approximately half of that parent parcel has been rezoned to A-2. The property is adjacent to A-2 zoned land to the west and north of Hwy 124. The proposal is consistent with the changes in the land use pattern in this area over the past 10-years.

The property scored 41 points on the rating system. 17 property owners were notified of this request.

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

1. Prior to approval of the final plan, the developer shall install fire hydrant or hydrants at spacings not to exceed 500-feet. The actual location of the hydrants shall be determined by the Boone County Fire Protection District and Public Water Supply District Number 4.

David Butcher, Crockett Engineering, 2608 N. Stadium Blvd., Columbia.
Glenn Nichols, 13900 Robinson Rd., Hallsville.

Mr. Butcher stated this is a pretty straight forward request; the applicants are okay with the staff's recommendations for the fire hydrants. Mr. Nichols has a family member that is currently living in the house and his intention was to divide off another tract for another family member, it is not a family member that is eligible for a family transfer. The third lot is one that will help cover the cost of what it takes to do these things.

Open to public hearing.

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

Closed to public hearing.

Commissioner Freiling made and Commissioner Mink seconded a motion to **approve** the request by GL & D LLC to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) on 12.38 acres, more or less, located at 3200 E. Hwy 124, Hallsville:

Russ Duker – Yes	Carl Freiling – Yes
Boyd Harris – Yes	Paul Zullo – Yes
Mike Morgan – Yes	David Mink – Yes

Motion to approve the request carries unanimously.

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** the request by GL & D LLC to approve a Review Plan on 12.38 acres, more or less, located at 3200 E. Hwy 124, Hallsville **with the following conditions:**

1. Prior to approval of the final plan, the developer shall install fire hydrant or hydrants at spacings not to exceed 500-feet. The actual location of the hydrants shall be determined by the Boone County Fire Protection District and Public Water Supply District Number 4.

Russ Duker – Yes	Carl Freiling – Yes
Boyd Harris – Yes	Paul Zullo – Yes
Mike Morgan – Yes	David Mink – Yes

Motion to approve the request carries unanimously.

Vice-Chairperson Duker informed the applicants that these requests would go before the County Commission on August 29, 2006 and the applicants need to be present for the hearing.

* * * * *

PLANNED DEVELOPMENTS

1. Request by Golf View Development, LLC to approve a revised Review Plan on 14.1 acres, more or less, located at 7400 E. St. Charles Rd., Columbia.

Planner, Thad Yonke gave the staff report stating this proposal is for a rezoning and revised review 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 zoned R-SP (planned single family residential) which went into effect with the approval of the Final Plan for the previous iteration of this project. It was rezoned from being split-zoned with the portion north of the creek zoned R-S (residential single family), the portion previously approved as Abernathy PRD zoned R-SP (planned single family residential) and the portion south of the creek zoned A-2 (agriculture). The R-S and A-2 were original 1973 zonings. The original R-SP went into effect December of 1995 and was revised in March of 1997. The only change proposed by this revision is to change the typical building footprint from that which was previously shown to match what is actually being built. 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 proposal rates 80 points on the point rating scale. Staff notified 13 property owners about this request.

Staff recommends approval.

Present: Jay Wilson, 2604 Oak Gate Ct., Columbia.

Mr. Wilson stated he would be happy to answer any questions.

Commissioner Harris asked if all the Commission was doing is looking at a technical change in the drawing.

Mr. Yonke stated yes; basically there was a miscommunication between the original plan and the builders as to what the shape of the building was going to be. Whether it was going to be a shared common wall driveway or split driveway. They started to build the split driveway and it wasn't caught until later on in the process. Every one of them being built out there are all being built the same way so they match a typical drawing. The drawing wasn't what was approved on the plan so they were required to come back and make this change.

Open to public hearing.

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

Closed to public hearing.

Commissioner Harris made and Commissioner Mink seconded a motion to **approve** the request by Golf View Development, LLC to approve a revised Review Plan on 14.1 acres, more or less, located at 7400 E. St. Charles Rd., Columbia:

Russ Duker – Yes

Carl Freiling – Yes

Boyd Harris – Yes

Paul Zullo – Yes

Mike Morgan – Yes

David Mink – Yes

Motion to approve the request carries unanimously.

Vice-Chairperson Duker informed the applicants that this request would go before the County Commission on August 29, 2006 and the applicants need to be present for the hearing.

PLAT REVIEWS

- 1. Old Orchard Estates. S33-T46N-R12W. A-2. John and Kathy Leffert, owners. Brian David Dollar, surveyor.

The following staff report was entered in to the record:

The property is located south of Christian School Road, approximately 2 ½ miles southwest of Ashland. The plat creates two 5 acre lots and leaves approximately 24 acres out of a 36 acre parent parcel. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. These are original 1973 zonings.

This lot has access to Christian School Road via an easement recorded in Book 1179 Page 193. The remainder tract has access via a private access and utility easement off of the original easement cited above. At this time, the private access and utility easement can support one additional lot beyond those that have been platted. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Domestic water service is provided by Consolidated Public Water District #1. Fire protection is provided by the Southern Boone Fire Protection District, and electrical service is provided by Boone Electric Cooperative.

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 32 points on the rating system.

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

Commissioner Mink made and Commissioner Harris seconded a motion to **approve** Old Orchard Estates. S33-T46N-R12W. A-2. John and Kathy Leffert, owners. Brian David Dollar, surveyor with waiver requests:

Russ Duker – Yes Carl Freiling – Yes
Boyd Harris – Yes Paul Zullo – Yes
Mike Morgan – Yes David Mink – Yes

Motion to approve request carries unanimously.

* * * * *

- 2. Jacobs Ridge Blocks 1. S35-T50N-R14W. A-2. Farms LLC., owner. Brian David Dollar, surveyor.

The following staff report was entered in to the record:

The property is located south of Sweringen Road, near the intersection of Sweringen and Evert School Roads. It is approximately 4 ½ miles south of Harrisburg. The plat creates three lots of 4.73 acres, 4.61 acres, and 4.26 acres respectively. These lots are created from an administrative survey tract of 15.02 acres. The property is zoned A-2 (Agriculture) and has A-2 zoning to the west, north, and east, with A-1 (Agriculture) zoning to the south. These are original 1973 zonings.

All of the lots have direct access onto Sweringen Road to the north. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to these lots will be provided by Consolidated Public Water Service District #1. Fire protection will be provided by Boone County Fire Protection District. Electrical service will be provided by Boone Electric.

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.

Commissioner Mink stated public works had a question about the dedication of right of way.

Mr. Mach stated that would be taken up with Mr. Dollar to revise the original. He has submitted an original at this point he is going to have to modify that so it will be specifically identified as public right of way. It currently indicates that the easement that is currently running along the bordering property line needs to be moved over and converted directly to public right of way. It needs to be clearly labeled on the plat before it can be recorded.

Commissioner Mink made and Commissioner Harris seconded a motion to **approve** Jacobs Ridge Blocks 1. S35-T50N-R14W. A-2. Farms LLC., owner. Brian David Dollar, surveyor **with waiver requests**:

Russ Duker – Yes	Carl Freiling – Yes
Boyd Harris – Yes	Paul Zullo – Yes
Mike Morgan – Yes	David Mink – Yes

Motion to approve request carries unanimously.

* * * * *

3. Addison Ridge Estates. S19-T49N-R13W. A-2. Addison River Farms LLC, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The property is located on Nature Trail Road (which is to be renamed in the future) off of Hatton Chapel Road. This plat, when combined with a concurrent administrative survey, is re-dividing the Nature Trail Ranchettes plats into lots that comply with current regulations. The plat is creating three lots, at 6.16 acres, 5.26 acres, and 5.06 acres. The remaining acreage in Nature Trail Ranchettes along Nature Trail

Road is being divided by the concurrent administrative survey. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning. These are original 1973 zonings.

These lots will have access on Nature Trail Road. Nature Trail Road will need to be built and approved by Boone County Public Works.

Water service to these lots will be provided by Consolidated Public Water Service District #1. Water infrastructure upgrades will need to be installed as per Consolidated #1's requirements to provide service. Fire protection will be provided by Boone County Fire Protection District. Electrical service will be provided by Boone Electric.

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 31 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers with the following conditions:

1. The road construction of Nature Trail Road must be completed before the final plat can be recorded.
2. The water infrastructure upgrades must be completed before the final plat can be recorded.

Commissioner Mink made and Commissioner Harris seconded a motion to **approve Addison Ridge Estates, S19-T49N-R13W, A-2, Addison River Farms LLC, owner, J. Daniel Brush, surveyor with waiver request and the following conditions:**

1. The road construction of Nature Trail Road must be completed before the final plat can be recorded.
2. The water infrastructure upgrades must be completed before the final plat can be recorded.

Russ Duker – Yes	Carl Freiling – Yes
Boyd Harris – Yes	Paul Zullo – Yes
Mike Morgan – Yes	David Mink – Yes

Motion to approve request carries unanimously.

* * * * *

OLD BUSINESS

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

- The conditional use permit request for Pendurthi was approved as recommended.
- The conditional use permit request for Verizon/Quinn was approved as recommended.
- The rezoning request for Finke was recommended denial; the applicants appealed to the County Commission but asked that their request be tabled to the August 29, 2006 meeting.
- The rezoning request for Kinkead was recommended denial; the applicants appealed to the County Commission but asked that their request be tabled to the October 2, 2006 meeting.

- The revised review plan for Boone County Fire Protection District was approved as recommended.

NEW BUSINESS

None.

ADJOURN

Being no further business, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Boyd Harris,
Secretary

Minutes approved on this 21st day of September, 2006.