

BOONE COUNTY PLANNING & ZONING COMMISSION
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS
801 E. WALNUT ST., COLUMBIA, MO.
(573) 886-4330

Minutes

7:00 P.M.

Thursday, February 15, 2007

I. Chairperson Smith called the meeting to order at 7:00 p.m., with a quorum present.

II. Roll Call:

a. Members Present:

Pat Smith, Chairperson	Perche Township
Russell Duker, Vice Chairperson	Missouri Township
Michael Morrison	Columbia Township
Carl Freiling	Cedar Township
Mike Morgan	Bourbon Township
John Schloot	Rocky Fork Township
Gregory Martin	Katy Township
David Mink	Public Works

b. Members Absent:

Boyd Harris, Secretary	Centralia Township
Larry Oetting	Three Creeks Township
Paul Zullo	Rock Bridge Township

c. Staff Present:

Stan Shawver, Director	Uriah Mach, Planner
Thad Yonke, Senior Planner	Paula Evans, Recording Secretary
Bill Florea, Senior Planner	

III. Approval of Minutes:

Minutes from the December 21, 2006 meeting were approved by acclamation.

IV. Chairperson Statement:

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

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one conditional use permit, one rezoning request with a review plan, a revised review plan for a planned development and five 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 Statues 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, February 27, 2007. 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, February 27, 2007 will begin at 7:00 p.m. and will convene in this same room.

Chairperson Smith asked if there were any questions about how the meeting will be conducted.

V. Conditional Use Permit Requests

1. Request by Catherine and Richard Stickann for a permit for an agri-business and riding school on 6.4 acres, located at 12100 W Hwy EE, Rocheport.

Planner, Uriah Mach gave the following staff report:

The property is approximately 1 ¼ miles east of the county border with Howard County, along State Route EE. The property is approximately 6.4 acres, platted as lot 2 of Sycamore Creek Subdivision. The property is zoned A-2 (Agricultural). This property has A-2 zoning to the east and west, with A-1 (Agricultural) zoning to the south and across State Route EE to the north. The zoning of the subject

property was rezoned to A-2 from A-1 in 1974, along with the other lots of Sycamore Creek Subdivision. The A-1 zoning to the north and south is original 1973 zoning.

The applicants are seeking a conditional use permit for activities which fall under the definition of riding school. The definition for a riding school, as published in the Boone County Zoning Ordinance, is as follows: "A building and/or land where humans, other than the owner, resident or leaseholder of the property on which the use is occurring, are trained in riding and/or driving and/or handling animals." The use the applicants are seeking falls under the 'handling animals' portion of the riding school definition. They are intending to hold week-long summer day-camp sessions for no more than 10 children, ranging in age from 8-12 years old. The classes will be focused around the alpacas which the applicants own and the day-to-day activity and overall management of the animals. As specifically outlined in their request, their activities will cover a variety of topics, including farm management, fiber processing, sustainable agriculture and non-traditional farming methods. The applicants wish to hold three non-consecutive camp sessions during the summer months.

The property is located inside the Columbia Public School district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and rural residential land use. Staff notified 13 property owners about this request.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(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.

The applicants' property is located in an agricultural area. The requested use, as described by the applicants, should not be injurious to the use and enjoyment of other property in the immediate vicinity.

(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 property's existing utility infrastructure is capable of supporting the requested use. Road access to the property is from State Route EE and any expansion of the existing driveway will need to be done under permit from the Missouri Department of Transportation. A parking area capable of holding two to five vehicles needs to be identified on the property. The parking area and the driveway should also have some sort of dust-control mechanism in place that meets with the approval of Boone County Planning & Building Inspection.

(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 property is zoned A-2 (Agriculture). The other lots of Sycamore Creek subdivision are also zoned A-2. The property surrounding Sycamore Creek subdivision is zoned A-1 (Agriculture). 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 and utility 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 traffic generated by this request is limited to three non-consecutive weeks of the summer. While State Route EE may be affected by this request, the number of participants and schedule of activity in the application limits the traffic impacts to the surrounding area.

(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-2 zoning district, particularly since no land division is proposed.

Staff recommends approval of this conditional use permit with the following conditions:

1. A parking area that can support two to five vehicles will be identified on the property.
2. The driveway off of State Route EE should be widened to 30 feet.
3. Both the driveway and the parking area should have dust control in place to limit the effects of increased vehicle activity on this property to the satisfaction of Boone County Planning & Building Inspection.

Present: Richard Stickann, 12100 W. Hwy EE, Rocheport.
Catherine Stickann, 12100 W. Hwy EE, Rocheport.

Mr. Stickann stated the applicants contacted all of the neighbors within 1000 feet of the property with the exception of two. Everyone the applicants contacted had no problem with the request.

Chairperson Smith asked if the applicants had any questions about the proposed conditions.

Mr. Stickann asked if the 30 foot wide driveway applied to the entire driveway.

Mr. Mach stated the access off Highway EE should be 30-feet wide; a quick measurement indicated it to be approximately 20 feet which may be a problem if you are going to see an increase in traffic.

Mr. Stickann stated there will be an increase in traffic but not in parking. The way this is set up the parents would drop off the children.

Mr. Stickann stated he didn't have a problem with the dust control but didn't know how to accomplish it.

Mrs. Stickann stated the applicants currently have parking for 3 to 5 vehicles. The applicants don't know if they will be able to widen that with the amount of money they bring in to teach.

Mr. Mach stated since there wasn't any indication of available parking provided with the applications so staff made the assumption that there needs to be some provision for it with dropping off and picking up so as not to cause any kind of congestion. If the applicants have the existing parking they just need to work something out with the Planning Department so far as dust control and speak to MoDot about widening the driveway access.

Commissioner Morgan stated there is 6.4 acres and asked if the animals graze.

Mr. Stickann stated yes; they graze and the applicants feed them hay and grain.

Commissioner Morgan asked how much of the 6.4 acres is wooded.

Mr. Stickann stated about a quarter.

Commissioner Morgan asked how much land is covered with buildings.

Mr. Stickann stated there is a 24' X 18' barn; a 1900 square foot house; a 600 hundred square foot barn; a 180 square foot shed; a 96 square foot storage shed; and a proposed 320 square foot private processing building.

Commissioner Morgan stated there will be less than 4 acres for the animals to graze; how many animals do the applicants have now?

Mr. Stickann stated they have 10. You can accommodate 8 to 10 alpacas per acre, they don't eat as much as a horse or cow. The applicants rotate the pastures; they are partitioned off in three separate pastures in the back and two in the front and they are rotated every month.

Commissioner Morgan asked with this zoning can someone else come in 30 years down the road and put horses and cattle on this piece of property.

Mr. Mach stated the zoning already exists.

Mr. Stickann stated the applicants aren't asking for the animals they have been there for 2 years.

Mr. Yonke stated the conditional use permit is not animal specific.

Commissioner Morgan stated he was leery when you don't have much land for the animals to graze on.

Chairperson Smith asked what the riding school would consist of.

Mr. Stickann stated when the applicants first started to look in to this they looked at the regulations and couldn't find anything they thought it would fit under. The applicants contacted the planning staff and Mr. Florea and Mr. Mach suggested the applicants use riding school because it included not just the riding of the animals but handling of animals and that is what they are going to teach the children.

Commissioner Freiling asked if the conditional use went with the land.

Mr. Florea stated yes. But someone couldn't come in and operate a horse riding facility here because the applicants are asking for the training of alpacas not riding horses.

Commissioner Freiling stated that it is animal specific then.

Mr. Florea stated yes.

Open to public hearing.

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

Closed to public hearing.

Commissioner Duker made and Commissioner Mink seconded a motion to **approve** the request by Catherine and Richard Stickann for a permit for an agri-business and riding school on 6.4 acres, located at 12100 W Hwy EE, Rocheport **with the following three conditions:**

1. A parking area that can support two to five vehicles will be identified on the property.
2. The driveway off of State Route EE should be widened to 30 feet.
3. Both the driveway and the parking area should have dust control in place to limit the effects of increased vehicle activity on this property to the satisfaction of Boone County Planning & Building Inspection.

Pat Smith - Yes	Russ Duker – Yes
Carl Freiling – Yes	Mike Morgan – Yes
Michael Morrison – Yes	John Schloot – Yes
Gregory Martin – Yes	David Mink – Yes

Motion to approve the request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on February 27, 2007 and the applicants need to be present for the hearing.

VI. Rezoning Requests

1. Request by Duane and Charlotte St. John to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and approve a Review Plan for Cedar Glen Planned Development of 30.92 acres, more or less, located at 280 S. Rangeline Rd., Columbia.

Planner, Uriah Mach gave the following staff report:

This site is located approximately 4 ½ miles east of Columbia, south of I-70, off of Rangeline Road. The subject tract is 30.92 acres and is zoned A-1 (Agricultural). This is original 1973 zoning. The applicants requested a variance from the Board of Adjustment in 1986 for a variance in minimum lot size and were denied. In August of 2006, a request to rezone this property and an adjacent lot to A-2 (Agriculture) was submitted. It was denied. This property is surrounded by A-1 zoning, also original 1973 zoning.

Currently, there is a house and a garage on the property. This site is located in the Boone Electric service area, and is in the Public Water Supply District #9 service area. It is located in the Columbia School District.

The applicants are requesting a rezoning to A-1P (Planned Agriculture). This rezoning is being sought to allow subdivision of this property. If the rezoning is approved, the applicants intend to complete the subdivision process with a plat to create three new lots to add to the single existing lot. Staff notified 19 property owners about this request.

The Master Plan designates this property as suitable for agricultural 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 Service District Number 9. The existing infrastructure is capable of providing domestic service. Boone Electric can provide sufficient electric service to the site. The property currently has a lagoon which is draining across neighboring property and that issue will need to be resolved to the satisfaction of the City/County Health Department.

Transportation: Access to the site is by an existing 50’ private access and utility easement. When a subdivision plat is submitted to execute the division of the property, the access easement will allow for one additional lot to be served. However, the design of this plan and the A-1P density allowance of 1 lot per 10 acres will not allow for an additional new lot to be created at this property.

Public Safety: The nearest fire station is in Columbia, approximately 4 miles away. The existing road network provides access for emergency service providers.

Based upon the existing adjacent zoning, and current land use of the surrounding property, staff recommends approval of this request, with the following condition:

1. That the problems with the existing on-site wastewater system be resolved to the satisfaction of the City/County Health Department prior to the recording of the final plan.
2. That the final plan has the proposed impoundment site located and identified as such.

Present: Duane “Clint” St. John, 280 S. Rangeline Rd., Columbia.

Mr. St. John presented a packet to the Commission consisting of the following:

- a. Table of contents
- b. Reduced sized copy of the review plan
- c. Description of the proposal
- d. A-1 versus A-1P zoning comparison
- e. List of benefits
- f. List showing comments received by various utilities
- g. Copy of an onsite sewage construction permit
- h. Description of the utility easement
- i. Copy of the proposed restricted covenants which also describes the maintenance of the roadway.

Mr. St. John explained the following:
A and B are self explanatory.

Regarding item C: The project consists of creating three single family tracts by subdividing the parent tract. The parent tract is approximately 31 acres and is currently zoned A-1. Smaller tract sizes are requested while maintaining the A-1 zoning density, or A-1P zoning. Allowable density under A-1P zoning will be limited to the three tracts. Under A-1P the A-1 uses would still be in effect so the land uses would not change. Those would include agricultural uses, home occupations and the construction of single family homes and their appurtenant out buildings. There will not be any A-1 conditional uses in this development.

Item D: The comparison shows that both zonings allow for 3 tracts and three homes. Both will allow agricultural use. The differences are that under A-1 it can be rezoned in the future whereas under A-1P it cannot. Under A-1 you can gain conditional uses and it can not gain conditional uses under A-1P. Conditional uses in this case range from an airport, cemetery, livestock sales barn and stockyard, water towers, rock quarries, and bed and breakfasts. These things can not be done under A-1P.

Item E: The benefits of a planned development adds stability to the neighborhood. Mr. St. John stated of the properties within 1000 feet of this tract he owns the largest tract of land. This planned development solidifies A-1 uses on the largest tract in the immediate area. Mr. St. John stated he is asking for the ability to have two smaller tracts. There will be two tracts that will be smaller than your typical A-1 but it does preserve a 20 acre tract which lessens the impact on the area's environment. It improves property line and shape issues. The applicants tried to configure the 31 acres to 10 acre tracts and it is very difficult to do so without having a long pan handle off of the tract of land or having to encumber one tract with a utility easement by cutting it in half to reach another tract. This configuration is very good; it allows for a very simple extension of an existing road and utility easement with minimal encumbrance on any of the subdivided properties. The road and utility easement between tract one and two using their property lines as the center line of the easement which also makes the encumbrance on those two properties less than if it were to cut one of them in half. The easement document that the applicants have proposed provides the maintenance and cost sharing of maintenance of the private road leading in to the development. This plan was submitted to all the utilities and emergency providers which brings us to item F.

Item F: The plan came back with no comments from Boone County Fire District, Boone Electric. The City/County health department at this point does not have a problem, Joint Communications didn't send comments nor did CenturyTel. The water district approved the plan and the City of Columbia had no comments.

Item G: Mr. St. John feels he owes an apology to his neighbors. When he and his wife purchased the property in 1984 they purchased it from an estate. The applicants discovered that they had purchased a piece of property where the sewage system spilled out off of the property line. At that point in time the applicants just "let it ride". No one said anything to the applicants and they realized that it would be an expense to try and upgrade. For the past 23 years it has been exactly like that. Any inconvenience the applicants have caused any individual that lives around there where the sewer has inconvenienced anyone the applicants apologize. Mr. St. John stated he has taken out a wastewater permit today to reconstruct the system and make it so it applies to all local and State ordinances.

Item H: Utility/road easement. At that time the applicant's property was the only one out of the estate that had been sold adjacent to that road and it was not an issue. As people moved in to it, it started becoming more of an issue. There is no language in that recorded easement stipulating maintenance or sharing the cost of maintenance. Over the years since the applicants were the only ones who used 99 percent of that

road; the applicants supplied 99 percent of all the cost of maintaining it. If the property is going to be divided that is going to change. If the property is sold to someone else there will be something in place that forces them to maintain the road in a proper manner and also accounts for their ability to split the cost to pay for it. There is no way the applicant can force any of his neighbors to co-share the cost of maintaining that road. If that easement is passed on there is no way those individuals can force the other property owners adjacent to the private road to either maintain or cost share the maintenance of that road unless there is a change or they somehow damage the road.

Item J: Is a proposed easement. In that document it clearly stipulates that the owners of the properties will maintain it and pay for maintenance of the private road. The easement can not be amended and the easement will run with the land. In the proposed easement there is not the addition of the easement that Boone Electric required because the easement was drawn up before the applicants found out that Boone Electric wanted the additional easement that is shown on the review plan. If this is approved the Commission will receive updated information to include the easement for Boone Electric alongside the 50-foot road utility easement which results in a 70-foot easement through that property.

Mr. St. John stated a zoning change will not alter the number of tracts that can be created under the current zoning; it will not alter the number of homes built or the possible permitted uses of the land. This zoning change is desirable for the neighborhood because it will lock in A-1P zoning and A-1 land uses and lock out conditional use possibilities forever or until the land passes out of County control.

Open to public hearing.

No one spoke in support of the request.

Present speaking in opposition:

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

Mr. Uhlemeyer stated all of the neighbors have 10 acre lots and he doesn't mind the lot split up in smaller pieces but they shouldn't vary more than 10 or 15 percent. The proposed lots are a little small for what is out there. Mr. Uhlemeyer stated he looked at the fence line and is concerned that the applicant is keeping the utilities in his easement. When the applicant does all this easement stuff and finds where the easement is make sure the contractors stay inside the easement. There was some variance in the front of it and part of it was because it was pre-owned. The applicant stated he does all the maintenance. Mr. Uhlemeyer uses the first 150 feet and maintains 90 percent of that part of the road. Mr. Uhlemeyer maintains the road as far back as he uses it.

Jim Tunink, 9400 E. Carter School Rd., Columbia.

Mr. Tunink stated he and his family are the ones who raised the concern of the sewage. Last year he saw water coming out of a PVC pipe. Mr. Tunink raised the issue last year and they raised it again this year; it looks like this time they finally have some resolution as far as getting things taken care of. Mr. Tunink stated the power lines go across his property and asked if the 70 feet easement runs across his property or is that somewhere else. Right now the power line is within 50-feet of his house, if it is widened he would lose quite a bit of trees. Mr. Tunink stated his main concern is maintaining the quality of the living of people. The biggest concern was the sewer which drained in to his pond. Mr. Tunink used to fish in it and the kids used to swim in it and they had to stop.

Chairperson Smith asked if he felt that was being addressed.

Mr. Tunink stated he hopes so.

Deborah Jameson, 340 S. Rangeline Rd., Columbia.

Ms. Jameson stated she is not necessarily in opposition but not necessarily in favor. Ms. Jameson stated she appreciates all the work Mr. St. John put in to this and it answered a lot of questions. Ms. Jameson stated she lives on the tract that has the easement of the road that goes back, she shares that with the Uhlemeyer's. Ms. Jameson stated she had questions about the easement, is she going to be losing any land? If Mr. St. John does subdivide it further past three homes. If people are driving back there they need to have good access, it needs to be snow plowed. Will Ms. Jameson be responsible for clearing that when she doesn't use it? If the applicants were to extend the easement to make it wider it could potentially take some trees that the applicants planted 20 years ago so that would be a concern. The size of a couple of the lots are 5 or 6 acres, it is a 30 acre lot and they will have 3 houses; it could go 10 acres per lot. It might set a precedent if it is approved. If some of the other property owners who have 21 acres want to chop off 5 acres. If we are going to let the applicants do it who is next? Most of the neighbors have lived there for 20 years and enjoy a nice community with closeness yet elbow room. Ms. Jameson stated her husband wrote a letter to the Commission.

Commissioner Duker asked if this private easement connected to another private easement.

Mr. Mach stated the applicant is proposing a private easement on the 30 acres that would connect to an existing private drive easement. The drive easement that affects the Jameson's and the Uhlemeyer's is pre-existent for all of these tracts. As mentioned in the staff report this property is pretty much maxed out for any kind of subdivision on it.

Commissioner Duker asked if the applicant could put three lots on it under A-1

Mr. Mach stated with the 30 acres he can just get the 3 lots. There is one other pre-existing lot that came about shortly after the easement that is identified on the plan as St. John and it is 6.36. He could have sold that lot off as it is an existing legal lot of record; that does give it maximum capacity at 4 lots. Unless more property is acquired or something else is done, for examples putting in public roads there can't be any further subdivision.

Commissioner Duker stated the applicant could come back for conditional use permit.

Mr. Mach stated he would have to go back through with a revised review plan since his conditional uses are none at this point.

Answering Ms. Jameson's question, Commissioner Freiling stated that a neighbor can't put an easement on her property.

Closed to public hearing.

Commissioner Schloot asked if the waste water issue is getting taken care of.

Mr. St. John stated yes.

Commissioner Duker asked the meaning of proposed condition number 2 that the final plan has the proposed impoundment site located and identified as such.

Mr. Mach stated the review plans that were mailed to the Commission didn't have an impoundment identified, that had been discussed early on but wasn't depicted through some miscommunication.

Commissioner Duker asked if this was regarding the on site sewage.

Mr. Mach stated it is a lake that is being put up; it is about a 6 acre lake.

Commissioner Schloot made a motion to approve the rezoning request. Commissioner Morgan seconded the motion.

Discussion:

Commissioner Freiling addressed the neighbors stating that when you add more houses it is always an uncertainty. From the Planning and Zoning Commission perspective this is the way the Commission prefers seeing the regulations used. You have a tract that can be divided in to three ten acre tracts but the layout wouldn't be very good; or you can make it three tracts and have the same density but have it laid out differently. A planned development allows you to apply common sense. The Commission would rather see this type of development. You will attract better homeowners because the lots are rational.

Commissioner Schloot made and Commissioner Morgan seconded a motion to **approve** the request by Duane and Charlotte St. John to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) of 30.92 acres, more or less, located at 280 S. Rangeline Rd., Columbia:

Pat Smith - Yes	Russ Duker – Yes
Carl Freiling – Yes	Mike Morgan – Yes
Michael Morrison – Yes	John Schloot – Yes
Gregory Martin – Yes	David Mink – Yes

Commissioner Mink made and Commissioner Schloot seconded a motion to **approve** the request by Duane and Charlotte St. for a Review Plan for Cedar Glen Planned Development of 30.92 acres, more or less, located at 280 S. Rangeline Rd., Columbia **with the following two conditions:**

1. That the problems with the existing on-site wastewater system be resolved to the satisfaction of the City/County Health Department prior to the recording of the final plan.
2. That the final plan has the proposed impoundment site located and identified as such.

Pat Smith - Yes	Russ Duker – Yes
Carl Freiling – Yes	Mike Morgan – Yes
Michael Morrison – Yes	John Schloot – Yes
Gregory Martin – Yes	David Mink – Yes

Chairperson Smith informed the applicants that these requests would go before the County Commission on February 27, 2007 and the applicants need to be present for the hearing.

VII. Planned Developments

1. Request by Brandon Spry for a revised Review Plan for Midway Electric (zoned M-LP, Planned Industrial) on 3.0 acres located at 7301 W. Henderson Rd., Columbia.

Planner Bill Florea gave the following staff report:

The property is on the north side of Henderson Road approximately 500 feet east of the intersection with Locust Grove Church Road. The original zoning for the property is R-S. In January of 2001 a rezoning of the property to CG-P was approved with conditions for the purpose of allowing an optical amplifier to be located. The required Review and Final Plans were not submitted. The tract was subsequently platted as Lot 1 of Midway Communications Subdivision Plat 1, also in 2001. The property was rezoned to ML-P in 2006 along with approval of a new review plan.

The previous review plan showed locations for two buildings, one of 9900 square feet and a second of up to 6,250 square feet. The owner would like to add additional buildings as shown on the proposed Review Plan.

The site plan shows one entrance onto Henderson Road. This entrance is unchanged relative to the previous Review Plan and Final Plan. Traffic patterns internal to the development appear to be adequate.

Water service will be provided by Consolidated Public Water District Number 1. There is an existing 4-inch waterline along Henderson Road that can be tapped for domestic service and fire flow. The water district reports that the existing waterline is capable of providing 500-gallons per minute for fire protection. The developer has paid for the installation of one fire hydrant, the location of which is shown on the plan. . The revised plan will probably need additional fire protection. Specific comments have not been received from the Fire District; however the developer will be required to provide fire protection as required by the Fire District prior to final plan approval.

The proposed allowed uses are the same as those on the previous review plan. All of the currently proposed Allowed Uses appear to be appropriate to the site.

A buffering and landscape plan has been included on the review plan. Landscaping along the Henderson Road frontage is also provided to minimize the visual impact from properties to the south.

A stream crosses the northwest corner of the property. A buffer of approximately 25-feet wide on each side of the stream was provided on the previous plan and will be maintained. Other best management practices were installed with the previous plan and will be maintained on this plan.

Loading areas are required to be provided in accordance with the zoning regulations. Locations for loading areas are shown on the plan but do not meet the minimum standards for size.

The project engineer has provided a drainage study for the purpose of verifying that the additional stormwater generated by this development will not overwhelm and/or damage the existing elevated drip field and stormwater infrastructure. That report is being reviewed by the Public Works Department.

The property scored 78 points on the rating system; staff notified 41 property owners about this request.

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

1. The Review Plan shall be amended to show appropriately sized and located loading areas.
2. Prior to approval of the Final Development Plan, the developer must obtain the approval of Boone County Public Works that adequate drainage facilities are provided.

3. Prior to approval of the Final Development Plan the developer must provide adequate fire flow to the property to the approval of the Boone County Fire District and Consolidated Public Water District Number 1.

Present: Brandon Spry, 7301 W. Henderson Rd., Columbia.

Aaron Barnhart, Marshall Engineering, 300 St. James St., Columbia.

Mr. Barnhart stated Mr. Spry started the project a couple of years ago and now has a better idea of what he wants to do with the property. The applicants don't have any real issues with the conditions.

Commissioner Morgan asked what kind of waste water system was out there.

Mr. Barnhart stated it has an existing sanitary drip field sized to accommodate the building.

Commissioner Morgan asked what the 1000 gallon septic tank going to be used for.

Mr. Barnhart stated you have to have a holding tank for the solids and the applicants will have to add an additional one for the two new buildings.

Open to public hearing.

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

Closed to public hearing.

Commissioner Morgan asked what the hours of operation are.

Mr. Florea stated there weren't any hours listed on the original and staff did not propose any.

Mr. Spry stated it is an 8:00 a.m. to 5:00 p.m. business. The guys come in and are there from 7:00 p.m. to 3:30 p.m.

Commissioner Duker made and Commissioner Morgan seconded a motion to **approve the request by Brandon Spry for a revised Review Plan for Midway Electric (zoned M-LP, Planned Industrial) on 3.0 acres located at 7301 W. Henderson Rd., Columbia with the following three conditions:**

1. The Review Plan shall be amended to show appropriately sized and located loading areas.
2. Prior to approval of the Final Development Plan, the developer must obtain the approval of Boone County Public Works that adequate drainage facilities are provided.
3. Prior to approval of the Final Development Plan the developer must provide adequate fire flow to the property to the approval of the Boone County Fire District and Consolidated Public Water District Number 1.

Pat Smith - Yes

Russ Duker – Yes

Carl Freiling – Yes

Mike Morgan – Yes

Michael Morrison – Yes

John Schloot – Yes

Gregory Martin – Yes

David Mink – Yes

Motion to approve the request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on February 27, 2007 and the applicants need to be present for the hearing.

VIII. Plats

1. Timberbrook Estates Plats I & II. S30-T51N-R11W. A-2. H2 Holdings LLC, owner. Steven R. Proctor, surveyor.

The following staff reports were entered in to the record:

Timberbrook Estates Plat 1.

This two lot plat is located on the north side of Lake San-Lynn Road. The subdivision does not touch the public right of way for Lake San-Lynn Road and is accessed by an approximately 1200 ft. private easement across another property. Both proposed lots are larger than 5-acres allowing use of a private access. Fewer than the 4 maximum number of lots will have been created since June 1995 which is also one of the limiting factors. The site is located approximately 3500 feet west of the intersection of State Highway 124 and Lake San-Lynn Road. The municipal limits of the City of Centralia are approximately two and one half miles northeast of the site. The 70.93 acre parent parcel is zoned A-2 (agriculture) as is all the surrounding zoning and these are all the original 1973 zonings. The property is currently vacant. Sewage treatment will be provided by on-site wastewater systems. Any new on-site wastewater system must meet all County Health Department requirements. The site is in Water District 10 service area. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Centralia School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Union Electric Service areas. This plat has 28 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests subject to the following condition: The word "utility" needs to be added to the dedication statement prior to the word "easements".

Timberbrook Plat 2.

This one lot plat is located on the north side of Lake San-Lynn Road. The subdivision does not touch the public right of way for Lake San-Lynn Road and is accessed by an approximately 1200 ft. private easement across another property. The proposed lot is larger than 5-acres allowing use of a private access. Fewer than the 4 maximum number of lots will have been created since June 1995 which is also one of the limiting factors. The site is located approximately 2000 feet west of the intersection of State Highway 124 and Lake San-Lynn Road. The municipal limits of the City of Centralia are approximately two and one half miles northeast of the site. The 70.93 acre parent parcel is zoned A-2 (agriculture) as is all the surrounding zoning and these are all the original 1973 zonings. The property is currently vacant. Sewage treatment will be provided by on-site wastewater systems. Any new on-site wastewater system must meet all County Health Department requirements. The site is in Water District 10 service area. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Centralia School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Union Electric Service areas. This plat has 28 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests subject to the following condition: The word “utility” needs to be added to the dedication statement prior to the word “easements”.

No one present to represent the plats.

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** Timberbrook Estates Plats I & II. S30-T51N-R11W. A-2. H2 Holdings LLC, owner. Steven R. Proctor, surveyor **with waiver requests and the following condition on both plats.**

1. The word “utility” needs to be added to the dedication statement prior to the word “easements”.

Pat Smith - Yes	Russ Duker – Yes
Carl Freiling – Yes	Mike Morgan – Yes
Michael Morrison – Yes	John Schloot – Yes
Gregory Martin – Yes	David Mink – Yes

Motion to approve the plats carries unanimously.



2. Dripping Springs Estate Plat 1. S27-T50N-R13W. A-2. Twyla Perkins and Linda Lee Diemert, owners. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The property is located approximately five miles to the northwest of Columbia, on Dripping Springs Road, north of Highway VV. The plat creates one lot of 7.01 acres and an administrative survey lot of 10.11 acres. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is original 1973 zoning.

Both of the lots have direct access onto Dripping Springs Road to the west. 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 Supply District #1. Fire protection will be provided by Boone County Fire Protection District. Electrical service is provided to the existing house by Boone Electric.

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

There is substantial floodplain on the parent parcel, but the majority of it is located on the administrative survey tract.

The property scored 21 points on the rating system.

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

1. That the administrative survey, plat, and supporting easements be concurrently recorded to facilitate cross-referencing between the assorted documents.

No one present to represent the plat.

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** Dripping Springs Estate Plat 1. S27-T50N-R13W. A-2. Twyla Perkins and Linda Lee Diemert, owners. J. Daniel Brush, surveyor **with waiver requests the following condition:**

1. That the administrative survey, plat, and supporting easements be concurrently recorded to facilitate cross-referencing between the assorted documents.

Pat Smith - Yes	Russ Duker – Yes
Carl Freiling – Yes	Mike Morgan – Yes
Michael Morrison – Yes	John Schloot – Yes
Gregory Martin – Yes	David Mink – Yes

Motion to approve the plat carries unanimously.



3. McMillen Acres. S22-T46N-R12W. A-2. Virlen & Deborah Hoffman and John & Connie McMillen, owners. Ronald G. Lueck, surveyor.

The following staff report was entered in to the record:

The property is located approximately 600 feet from the city limits of Ashland, on Bullard Road off of Old Highway 63 South. The plat creates two lots at 6.11 acres apiece. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is original 1973 zoning.

Both of the lots have direct access onto Bullard 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 Supply District #1. Fire protection will be provided by Boone County Fire Protection District. Electrical service is provided to the existing house by Boone Electric.

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

The property scored 58 points on the rating system.

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

No one present to represent the plat.

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** McMillen Acres. S22-T46N-R12W. A-2. Virlen & Deborah Hoffman and John & Connie McMillen, owners. Ronald G. Lueck, surveyor **with waver requests:**

Pat Smith - Yes	Russ Duker – Yes
Carl Freiling – Yes	Mike Morgan – Yes

Michael Morrison – Yes John Schloot – Yes
Gregory Martin – Yes David Mink – Yes

Motion to approve the plat passes unanimously.



4. Grand View Estates Plats 1 & 2. S19-T50N-R11W. A-2. Danny & Gwendolyn Staples, Kevin & Rebecca Schweikert and James D. & Nancy Brush, owners. J. Daniel Brush, surveyor.

The following staff reports were entered in to the record:

Plat 1

The property is located approximately one mile to the southeast of Hallsville, on Highway OO, west of Doris Boulevard. This plat creates one lot of 3.64 acres. The property is zoned A-2 (Agriculture) and has A-2 zoning to the north, west, and south, with A-1 (Agriculture) zoning to the east. This is original 1973 zoning.

This lot has direct access onto Highway OO to the west. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to this lot will be provided by Public Water Supply District #4. Fire protection will be provided by Boone County Fire Protection District. Electrical service is provided to the existing house by Boone Electric.

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

The property scored 53 points on the rating system.

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

Plat 2

The property is located approximately one mile to the southeast of Hallsville, on Highway OO, west of Doris Boulevard. This plat creates two five acre lots. The property is zoned A-2 (Agriculture) and has A-2 zoning to the east, west, and south, with A-1 (Agriculture) zoning to the north. This is original 1973 zoning.

These lots have direct access onto Highway OO 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 Public Water Supply District #4. Fire protection will be provided by Boone County Fire Protection District. Electrical service is provided to the existing house by Boone Electric.

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

The property scored 53 points on the rating system.

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

No one present to represent the plat.

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** Grand View Estates Plats 1 & 2. S19-T50N-R11W. A-2. Danny & Gwendolyn Staples, Kevin & Rebecca Schweikert and James D. & Nancy Brush, owners. J. Daniel Brush, surveyor **with waiver requests**:

Pat Smith - Yes	Russ Duker – Yes
Carl Freiling – Yes	Mike Morgan – Yes
Michael Morrison – Yes	John Schloot – Yes
Gregory Martin – Yes	David Mink – Yes

Motion to approve the plats passes unanimously.



5. Midway Crossings Plat 2. S 1-T49N-R14W. R-S. Developments Far West Boone LLC, owner. James V. Patchett, surveyor.

The property is located on the west side of Rollingwood Boulevard approximately 530-feet south of US-40. The 37-acre tract is zone R-S Single Family Residential as is most of the surrounding land. There is a small R-M district adjacent to the northeast corner of the property. This plat is the second phase of the development authorized by the preliminary plat approved in November 2005.

This phase of the subdivision will have two access points to Rollingwood Boulevard: Golden Willow Drive and Black Walnut Drive, which are future public streets being built for Midway Crossings Phase 1. Those streets will have to be accepted for maintenance by Boone County prior to recording Phase 2.

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

The developer has entered into an agreement with the Boone County Regional Sewer District to construct a new treatment plant on an adjacent tract. The plant will provide treatment capacity for all phases of Midway Crossings.

The property scored 88 points on the rating system.

Staff recommends approval of the plat subject to the conditions:

1. Final Plat phasing must be in accordance with the phasing plan outlined on the preliminary plat.
2. Plat 1 must be recorded prior to Plat 2.
3. Prior to recording Plat 4 the developer shall improve Ely Drive from Red Cedar Drive to US-40 to Boone County local street standards and construct a 5-foot wide sidewalk connecting Red Cedar Drive to Hawthorne Drive.

4. Prior to recording Phase 4 the developer shall enter into a cost-share agreement with Boone County Regional Sewer District to construct the pump station that is necessary to provide sewer service to Lots 45-57, 64-66 and 70. Or obtain a letter from the District indicating that such an agreement is not necessary.

No one present to represent the plat.

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve Midway Crossings Plat 2. S 1-T49N-R14W. R-S. Developments Far West Boone LLC, owner. James V. Patchett, surveyor with the following conditions:**

1. Final Plat phasing must be in accordance with the phasing plan outlined on the preliminary plat.
2. Plat 1 must be recorded prior to Plat 2.
3. Prior to recording Plat 4 the developer shall improve Ely Drive from Red Cedar Drive to US-40 to Boone County local street standards and construct a 5-foot wide sidewalk connecting Red Cedar Drive to Hawthorne Drive.
4. Prior to recording Phase 4 the developer shall enter into a cost-share agreement with Boone County Regional Sewer District to construct the pump station that is necessary to provide sewer service to Lots 45-57, 64-66 and 70. Or obtain a letter from the District indicating that such an agreement is not necessary.

Pat Smith - Yes	Russ Duker – Yes
Carl Freiling – Yes	Mike Morgan – Yes
Michael Morrison – Yes	John Schloot – Yes
Gregory Martin – Yes	David Mink – Yes

Motion to approve the plat passes unanimously.

IX. Old Business

Director, Stan Shawver updated the Commission on the decisions by the County Commission.

X. New Business

Bonne Femme Watershed Update

Mr. Florea stated for the last 3 ½ years we have been involved in a grant funded project involving the Bonne Femme and Little Bonne Femme watersheds. We have done a variety of activities with the grant money. One of which was to convene a stakeholders group for the purpose of developing a land use plan for those watersheds. As of Monday night they are done with their work. We met with our policy committee about two weeks ago which includes members of this Commission, City Planning and Zoning Commission, Ashland Board of Alderman, County Commission, City Council of Columbia, and representatives from Water Districts 1 and 9 and the Boone County Regional Sewer District. Jerry Wade is the representative from the City Planning and Zoning Commission and we were talking with him about how to introduce this plan to the Planning and Zoning Commissions. It was Mr. Wade's suggestion that we hold a joint meeting between the Planning and Zoning Commission's for that purpose. That would be

City Planning and Zoning Commission, County Planning and Zoning Commission, and Ashland Planning and Zoning Commission. Staff is in the process of sending a letter that will go out to the chair's of each of those Planning and Zoning Commissions and the respective Planning Directors for those bodies, in the case of Ashland it would be the City Manager as they don't have a Planning Director. Mr. Wade wanted to have the meeting as soon as possible and staff would like to do that too. We are hoping for a date early to mid-March so hopefully the Commissioners can start thinking about that and looking at their calendars. Historically these joint meetings Saturday mornings and that is probably what Mr. Wade had intended. Mr. Wade plans to call Chairperson Smith and talk this over. This is the way we intend to introduce this in to the public arena. We are in final editing right now; the document goes to the printer next Tuesday and we are expecting to get about 500 copies back on the 29th so we can begin distributing them at that time. We also have a series of public meetings tentatively scheduled; we are going to hold at least three public meetings in April. The joint Planning Commission is the kickoff of the public participation portion of the adoption process.

XI. Adjourn

Being no further business the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Michael Morrison
Interim Secretary

Minutes approved on this 15th day of March, 2007