

**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, April 19, 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
Boyd Harris, Secretary	Centralia Township
Carl Freiling	Cedar Township
Larry Oetting	Three Creeks Township
Paul Zullo	Rock Bridge Township
Michael Morrison	Columbia Township
Mike Morgan	Bourbon Township
John Schloot	Rocky Fork Township
Gregory Martin	Katy Township
David Mink	Public Works

b. Members Absent:

None

c. Staff Present:

Stan Shawver, Director	Uriah Mach, Planner
Thad Yonke, Senior Planner	Paula Evans

III. Approval of Minutes:

Minutes from the March 15, 2007 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 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 I authorized by the Missouri State statutes to follow it own by-laws. The by-laws provide that all members of the Commission, including the Chairperson, enjoy full privileges of the floor. The Chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

The agenda item will be announced, followed by a report from the planning department staff. At that time, the applicant or their representative may make a presentation to the commission. The commission may request additional information at that time, or later following the hearing. After the applicant's presentation, the floor will be opened for anyone wishing to speak in support of the request. We ask that any presentation made to the Commission be to the point.

Please give your name and mailing address when you address the commission. We also request that you sign the sheet on the 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. We ask that you please 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, May 1<sup>st</sup>. 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 have been denied will not proceed to the County Commission unless the applicant files and appeal form within three 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, May 1<sup>st</sup> 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. Planned Developments

1. Request by Edward and Sharyn Holt to approve a revised development plan for Airport Area Storage on 3.59 acres zoned M-LP (Planned Industrial), located at 10601 S. Hardwick Lane, Columbia.

Planner, Thad Yonke gave the following staff report:

This property is located approximately 1/2 mile south of the intersection of Route H and Hardwick Lane. The original zoning was A-1, which was changed to CG-P in 1991. The property was rezoned from CG-P to the current zoning of ML-P in 2001 for the purpose of building self storage units. All surrounding zoning is A-1 with the exception of the property immediately north which is also zoned M-LP. This northern property was rezoned from A-1 in 2003. This site is within the Southern Boone County School District and the Southern Boone County Fire Protection District. The site is located in Boone Electric Cooperative and Consolidated Public Water Service District #1 service areas.

The property is currently the site of a house and several storage structures that were built after the 2001 rezoning. The purpose of this request is to approve a Revised Review Plan that will decrease the total number of storage buildings but slightly increase the area of storage space under roof. Water service and fire hydrants are required for this land use. Comments regarding fire protection have been received from the Fire District and the Developer is in the process of working with the District to resolve those comments.

There is an existing septic tank and lagoon providing wastewater treatment to the home.

The site does drain to Bass Creek. There is a stormwater control plan in place that was approved with the 2001 rezoning. That plan is still in effect and should provide adequate stormwater control

The developer has installed landscape screening as required by the 2001 Development Plan, which stipulates two alternating rows of evergreen trees. This should provide adequate buffering to offsite land uses.

The master plan designates this area as being suitable for agricultural and rural residential uses. The proposed use is not consistent with the master plan. However, the previous C-GP zoning and existing M-LP zoning are also not consistent and the master plan does indicate that where commercial and industrial development is to occur it should be planned. The request scores 66 points on the point rating scale. Staff notified 10 property owners.

Staff recommends approval of the Revised Review Plan with the following conditions:

1. The developer shall work out fire protection requirements to the satisfaction of the South Boone County Fire District prior to approval of the Revised Final Development Plan.
2. The only uncovered gravel surfaces allowed in the development is the outside storage area.

Present: Ed Holt, 10601 Hardwick Ln., Columbia.  
Sharon Holt, 10601 Hardwick Ln., Columbia

Mr. Holt stated the applicants have added amenities to the property; they are landscaping as time goes on. The applicants spent a lot of money to secure the property. It is an attractive property.

The applicants presented photographs of the property.

Open to public hearing.

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

Commissioner Duker asked the setbacks for M-LP property.

Mr. Yonke stated 20-feet.

Commissioner Duker stated he thought it was 25-foot all the way around.

Mr. Yonke stated that is correct; when it is a planned development the front setback becomes the perimeter setback.

Commissioner Duker stated the plan showed 6-foot setbacks.

Mr. Yonke stated the 6-foot would have been the normal setback for M-L property. The perimeter setback went in to effect after the plan; this is an existing situation. The proposed building on the plan would need to be setback 25-feet. The building would need to be relocated or the applicants would need a Board of Adjustment variance. We've had some instances where the perimeter setbacks have been eased where there is a neighboring property with the same zoning. There have been times where we have eased requirements on buffering of properties that are now under the same zoning but not where it is against a property that is of different zoning.

Commissioner Duker stated it didn't look like he was building anything there anyway.

Mr. Holt stated no; that line is not exactly accurate. The property line actually goes through the neighbors garage to the south.

Commissioner Duker stated it looks like the applicants are putting about 30 feet between the other buildings.

Mr. Holt stated yes.

Commissioner Duker stated the one that is closer to the property line shows 50 feet between it and the other buildings. Commissioner Duker asked if it would hard to move that building 20-feet.

Mr. Holt stated that building is not there.

Commissioner Duker stated the building could be moved then.

Commissioner Freiling asked the intention of that building; there is a 60-foot deep building will that be used for motor homes, travel trailers, and big boats?

Mr. Holt stated he has a 40-foot deep building in the back; a lot of the larger RV's are larger than that; if the building was moved closer you couldn't get them in there.

Commissioner Duker asked about moving the one building all the way up against the other building and bring the road down on the other side; would that work?

Mr. Holt stated it would. But every time you do that you are eliminating units.

Commissioner Duker asked what would be eliminated.

Mr. Holt stated the 30 by 80.

Commissioner Duker asked how the 30 by 80 would be accessed.

Mr. Holt stated there is an existing way to it now; these buildings sit 50 feet from that building. The name of the game in storage is square footage of building. Mr. Holt stated he is trying to build the best development both aesthetically and for functional purposes. If you put in a 60 foot building and you put in an RV that is 40-feet long, you are going to have to have at least 50-feet to get it out. That is why not many people build RV storage because of the amount of space that it takes; it is not the 50-feet to store it but the 50-feet to get it out.

Commissioner Duker stated if that building was moved against the other building instead of having 50-feet you would have 56-feet to get it in and out.

Commissioner Freiling stated Commissioner Duker was talking about bringing the access in from the south in to these buildings instead of from the north.

Mr. Yonke stated driveways can go in the setback.

Commissioner Duker asked how many feet are between the existing building and the 30 by 80.

Mr. Holt stated it is about 30 feet.

Commissioner Duker stated that could push all the way up there too; because all you need is 19 feet.

Mr. Yonke stated that if it makes the Commission more comfortable they can add a condition to allow for that building to be shifted to make it work.

Commissioner Duker stated it would need to be shifted to meet the 25 feet setback.

Commissioner Freiling asked if the Commission could propose that the applicant be offered the option of either relocating the building or applying to the Board of Adjustment.

Mr. Yonke stated yes. If the Commission is comfortable enough that this is a minor enough change they can leave it open ended for staff to work it out with the applicants so he either meets the setback or his other administrative alternative is to get a Board of Adjustment variance. The Commission can also say that they want to see the plan again.

Mr. Shawver stated we don't want to penalize an applicant because of a change in regulations. The previous plan was approved and functioning.

Commissioner Freiling made and Commissioner Duker seconded a motion to approve the Request by Edward and Sharyn Holt to approve a revised development plan for Airport Area Storage on 3.59 acres zoned M-LP (Planned Industrial), located at 10601 S. Hardwick Lane, Columbia with the following conditions:

1. The developer shall work out fire protection requirements to the satisfaction of the South Boone County Fire District prior to approval of the Revised Final Development Plan.
2. The only uncovered gravel surfaces allowed in the development is the outside storage area.
3. The applicant has the option of relocating the building(s) to meet the current setback standard or apply for a variance from the Board of Adjustment

Pat Smith - Yes  
Carl Freiling – Yes  
Larry Oetting – Yes  
Boyd Harris – Yes  
John Schloot – Yes  
David Mink – Yes

Russ Duker – Yes  
Mike Morgan – Yes  
Paul Zullo – Yes  
Michael Morrison – Yes  
Gregory Martin – Yes

Motion to approve the request carries unanimously.



VI. Plats

1. Dumas. S18-T49N-R12W. A-R. Justin A. Dumas, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The property is located approximately  $\frac{3}{4}$  of a mile to the north of the city of Columbia with Wagon Trail Road to the east and Highway 63 to the west. This plat preserves one 2.5 acre lot, and plats one 11.73 acre lot that had been previously created by administrative survey. The property is zoned A-R (Agriculture-Residential) and has A-R zoning to the north, south, east, and west. This is original 1973 zoning.

These lots have direct access on to Wagon Trail Road to the east. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water and electrical service to these lots will be provided by Columbia Water & Light. Fire protection will be provided by Boone County Fire Protection District.

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 64 points on the rating system.

Staff recommends approval of this plat along with the requested waiver.

**Commissioner Morrison made and Commissioner Mink seconded a motion to approve Dumas Subdivision with the waiver request:**

- |                     |                        |
|---------------------|------------------------|
| Pat Smith - Yes     | Russ Duker – Yes       |
| Carl Freiling – Yes | Mike Morgan – Yes      |
| Larry Oetting – Yes | Paul Zullo – Yes       |
| Boyd Harris – Yes   | Michael Morrison – Yes |
| John Schloot – Yes  | Gregory Martin – Yes   |
| David Mink – Yes    |                        |

Motion to approve the plat carries unanimously.



2. Cedar Haven Plat 1. S4-T49N-R12W. A-2. Ronald G. Lueck, surveyor.

The following staff report was entered in to the record:

This site is located approximately 2 miles north of Columbia, west of State Route B, off of Todd Road. The plat creates one lot of 5.85 acres, and a remainder tract of approximately 39 acres. The parent parcel is zoned A-2 (Agriculture). The A-2 is original 1973 zoning.

Access for the new lot will be off of Todd Road, which is located to the south. The applicant has submitted a request to waive the requirement to provide a traffic study.

This property is served by Public Water Service District #4. Fire protection will be provided by Boone County Fire Protection District. Electrical service is to be provided by Boone Electric.

An on-site system 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 43 points on the rating system.

Staff recommends approval of the plat along with the requested waiver.

**Commissioner Schloot made and Commissioner Harris seconded a motion to approve Cedar Haven Plat 1 with the waiver request.**

Pat Smith - Yes  
Carl Freiling – Yes  
Larry Oetting – Yes  
Boyd Harris – Yes  
John Schloot – Yes  
David Mink – Yes

Russ Duker – Yes  
Mike Morgan – Yes  
Paul Zullo – Yes  
Michael Morrison – Yes  
Gregory Martin – Yes

Motion to approve the plat carries unanimously.



3. Trade Winds Park Plat No.1-A. S12-T48N-R12W. M-L. I-70 LLC, owner. David T. Butcher, surveyor.

This re-plat is a proposed two –lot division of Lot 1of Trade Winds Park Plat No. 1. The development is located on the south side of I-70 Drive SE at the immediate southeast corner of the intersection of Trade Winds Parkway and I-70 Drive SE approximately 1400 feet west of the Route Z interchange on I-70. The site is approximately 1 mile northeast of the municipal limits of the City of Columbia. The area being subdivided contains 11.88-acres. The property contained in this proposal is zoned M-L (light-industrial). Property to the north across I-70 is zoned A-2 (agriculture). Property adjoining to the east, south and west of the subject property is zoned M-L. All these zonings are the original 1973 zonings. The property is currently vacant except for a Billboard structure near the northeast corner of the site. The Billboard is within the 50 feet building line along state roads required by the subdivision regulations and within the utility easement. A variance was obtained from the Board of Adjustment case #2005-010 to allow the Billboard to remain temporarily. The Billboard will have to be removed eventually. Sewage treatment is will be provided by a central BCRSD facility. On-site treatment is prohibited. The site is in Public Water District #9. Fire hydrants and watermain extensions have been provided for the original lot in the subdivision; however additional hydrants may be required. The site is in the Columbia School District. Direct access to I-70 Dr. SE is not allowed. The site is in the Boone County Fire Protection District and

Boone Electric Service areas. This plat has 74 points on the point rating scale. Staff would like to clarify that the 4 conditions placed on the original plat are still in effect and binding on this plat.

Staff recommends approval subject to the following condition:

1. That it is understood that this plat is still subject to the 4 conditions placed upon the original plat the created the lot that is being divided.

Commissioner Schloot made and Commissioner Harris seconded a motion to **approve** Trade Winds Park Plat No.1-A with the following (original) conditions:

1. That all central sewer infrastructure be installed with the plats, and that while on-site temporary systems should not be allowed, any on-site temporary systems must be eliminated as soon as capacity at the central system can be obtained.
2. That all off-site easements be presented to and acceptable to the County Public Works department prior to the recording of the final plat.
3. That an amended preliminary plat acceptable to the Director of Planning be provided that addresses the creation of the smaller lots than those shown on the approved preliminary.
4. That the access and drainage issues related to the final plat be worked out to the satisfaction of the Planning Director and Director of Public Works.

Pat Smith - Yes  
Carl Freiling – Yes  
Larry Oetting – Yes  
Boyd Harris – Yes  
John Schloot – Yes  
David Mink – Yes

Russ Duker – Yes  
Mike Morgan – Yes  
Paul Zullo – Yes  
Michael Morrison – Yes  
Gregory Martin – Yes

Motion to approve the plat carries unanimously.



4. Bobcat Estates Plat 1. S7-T48N-R11W. C-GP. EKD Properties V. LLC, owner. Bill R. Crockett, surveyor.

The property is located at 6989 I-70 Drive N.E., approximately 4 miles east of Columbia. The 36.94 acre tract was originally zoned A-R. In 1994 17.12 acres was rezoned to Recreation REC, the remaining 19.82 acres retained the original A-R zoning. A golf driving range was allowed by conditional use permit in 1989. In January 2005 the north 29.44 acres of the property was rezoned to RS-P and the south 7.5 acres was rezoned to CG-P. A final development plan and preliminary plat was also approved showing 88-residential lots and 2-commercial lots. In October 2005 a revised review plan and preliminary plat was approved to rezone an additional 4-acres on the west side of Lenway Drive to CG-P in order to create a 7.97 acre tract for the construction of a maximum 30,000 square foot building.

The proposed plat will create Lot 4 lots and a portion of Lenway Drive. Right of way for Lenway Drive will be dedicated by this plat. Construction of Lenway Drive will have to be completed prior to recording the plat. A temporary turnaround easement is shown on proposed Lot 2 of the plat. The developer proposed construction of a left turn lane into the development from I-70 Drive NE. Plans for the turn lane have been submitted to MoDOT. Construction will have to be complete and accepted by MoDOT prior to recording the plat. The property is the site of a historic cemetery located on proposed Lot 2 and a



commercial building that is currently under construction on proposed Lot 1. Sewage treatment for this plat will be from a central wastewater treatment plant located on proposed Lot 3. This will be a BCRSD plant. Public Water District Number 9 provides water service to the property. Fire hydrants and watermain extensions are required and will have to be in place prior to plat recording. The site is in the Columbia School District. Direct access to I-70 Dr. NE is not allowed. The site is in the Boone County Fire Protection District and Boone Electric Service areas. The property scored 56 points on the rating system.

Staff recommends approval of the plat subject to the following 3 conditions:

1. It should be noted that construction of Lenway Drive, to the satisfaction of the Public Works Department shall be complete prior to plat recording.
2. It should be noted that construction of the left turn lane on I-70 Drive NE to the satisfaction of MoDOT prior to plat recording.
3. The developer shall coordinate planning and construction of wastewater treatment facilities with the Boone County Regional Sewer District.

Commissioner Schloot made and Commissioner Harris seconded a motion to **approve Bobcat Estates Plat 1. with the following three conditions.**

1. It should be noted that construction of Lenway Drive, to the satisfaction of the Public Works Department shall be complete prior to plat recording.
2. It should be noted that construction of the left turn lane on I-70 Drive NE to the satisfaction of MoDOT prior to plat recording.
3. The developer shall coordinate planning and construction of wastewater treatment facilities with the Boone County Regional Sewer District.

Pat Smith - Yes  
Carl Freiling – Yes  
Larry Oetting – Yes  
Boyd Harris – Yes  
John Schloot – Yes  
David Mink – Yes

Russ Duker – Yes  
Mike Morgan – Yes  
Paul Zullo – Yes  
Michael Morrison – Yes  
Gregory Martin – Yes

Motion to approve the plat carries unanimously.



5. Godas Leatherwood Center. S10-T47N-R13W. C-GP. George Godas, owner. David T. Butcher, surveyor.

This one Lot Multi-Use Plat is located immediately east of the intersection of Old Plank Road and State Route K just north of where Maple Meadows Drive comes off State Route K. The site is located approximately 2100' south of the Columbia City Limits. The property is currently zoned R-S (residential single family) which is the original 1973 zoning. A tentative rezoning to C-GP was approved in October of 2004 that will go into effect when a final development plan is approved for the property. Previous to the 2004 plan, in December of 1993 a rezoning was approved that would have not gone into effect until both a review and final development plan were approved for the property. No final development plans have ever been approved for the site. A previous review plan for the property was approved in December of 1993; however, this review plan expired in December of 1997. A revised review plan was approved in July of 1999; however, no final plan, or any physical improvements have been made and this plan is

considered to have expired. The current proposal is a plat of the property. The property being platted contains 5.09 acres with a resultant lot of 3.83 acres. The property is currently vacant. Adjacent zoning to the north, northeast, east and south of the proposed development is zoned R-S and these are original 1973 zonings. Property to the southwest, which is Maple Meadows Subdivision is zoned R-SP This zoning went into effect with the approval of a final development plan in October of 1995. Property to the west is zoned R-M (residential moderate density) and is the location of Cedarbrook subdivision. This property was rezoned in December of 1976 from A-2 (agriculture). The property to the northwest is zoned M-LP (light industrial). This rezoning replaced the previous C-N (neighborhood commercial) that was rezoned from R-S in July of 1975. The subject property is within the Columbia School District. Consolidated Public Water Service District #1 will provide water service. A 6" waterline exists along State Route K. The water district also has plans to extend a 12" line down towards this development from Bethel Road at some point. Fire hydrants will be required and will have to meet fire & water district approvals. The actual requirements will vary based upon the actual size, uses, and construction methods proposed for the structures. Sewer service is proposed to be from the BCRSD Cedarbrook/Leatherwood Hills facility. There is available capacity at this facility that must be secured and this capacity is on a first come first serve basis. It is a portion of this excess capacity that this development is proposing to secure and use. The proposal rates 81 points on the point rating scale.

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

1. It should be noted that all infrastructure required for the development will need to be constructed prior to plat recording.

Commissioner Schloot made and Commissioner Harris seconded a motion to **approve** Godas Leatherwood Center **with the following condition.**

1. That all infrastructure required for the development will need to be constructed prior to plat recording.

Pat Smith - Yes  
Carl Freiling – Yes  
Larry Oetting – Yes  
Boyd Harris – Yes  
John Schloot – Yes  
David Mink – Yes

Russ Duker – Yes  
Mike Morgan – Yes  
Paul Zullo – Yes  
Michael Morrison – Yes  
Gregory Martin – Yes

Motion to approve the plat carries unanimously.



## VII. Old Business

Director, Stan Shawver stated there was not much to report on because the Commission only had plats last month.

## VIII. New Business

This is Commissioner Duker's last meeting as he is moving in to the city limits.

IX. Adjourn

Being no further business the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Boyd Harris  
Secretary

Minutes approved on this 17<sup>th</sup> day of May, 2007