

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, December 20, 2007
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I. Commissioner 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
Carl Freiling, Vice-Chairperson	Cedar Township
Boyd Harris, Secretary	Centralia Township
Mike Morgan	Bourbon Township
Larry Oetting	Three Creeks Township
John Schloot	Rocky Fork Township
Gregory Martin	Katy Township
Michael Morrison	Columbia Township
Patricia Fowler	Missouri Township
David Mink	Public Works

b. Members Absent:

Paul Zullo	Rock Bridge Township
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c. Staff Present:

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

III. Approval of Minutes:

Minutes from the November 15, 2007 meeting were approved with corrections by acclamation.

IV. Chairperson Statement:

Chairperson Smith announced that the rezoning request for George James on Mt. Zion Church Road was withdrawn by the applicants prior to tonight's meeting.

Chairperson Smith read the following procedural statement:

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 and four 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 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, January 8, 2008. Interested parties will again have the opportunity to comment on the request 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 are been denied will not proceed to the County Commission unless the applicant files an appeal form within three working days (deadline for appeals is Thursday, December 27, 2007 due to holidays). 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, January 8, 2008 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 Permits

1. Request by Hollis and Shari Dale for a permit for a boarding kennel on 5 acres located at 3590 E. Biggs, Rd., Ashland.

Planner, Uriah Mach gave the staff report as follows:

The subject property is 5 acres located approximately 1-1/2 miles northwest of Ashland, on Biggs Road. The property is zoned A-2 (Agriculture), which is original 1973 zoning. There is A-1 (Agriculture) zoning to the northeast, and A-2 in all other directions. In 1990, a conditional use permit for a cellular tower was approved on this property. After the tower was installed, the tower site was separated from the parent parcel.

The applicants are requesting a conditional use permit to operate a boarding kennel for dogs & cats. Currently, there is a single-family dwelling and shed on the property. If approved, the applicants plan to have 20 climate-controlled, indoor/outdoor kennel runs in a new structure built for that purpose.

The property is located inside the Southern Boone County school district and the Southern Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and rural residential land use. Staff notified 15 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 requested use has the potential to be injurious to the use and enjoyment of other property in the immediate vicinity. However, the design of the proposed kennel building may mitigate those impacts. Public testimony may be more indicative as to whether this criterion is met.

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

The proposed use may have a negative impact on property values in the area. The applicant has taken steps to mitigate and control those impacts. However, public testimony may be indicative as to whether this criterion is met.

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

The site has access to public water, electricity and roads. A wastewater system design has been submitted to and approved by the City/County Health Department.

(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), with residential uses limited to 2.5 acre lots. Future development of the area will be accomplished through the existing zoning, or will require rezoning to achieve a higher density of development. Noise and odors emanating from the site, unless adequately controlled, could discourage future residential development at a higher density. 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 site has direct access to Biggs Road. The proposed use 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-2 zoning district, particularly since no land division is proposed.

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

1. That the kennel be limited to 20 boarded animals.

Present: Hollis Dale, 3590 Biggs Rd., Ashland.

Shari Dale, 3590 Biggs Rd., Ashland.

Mr. Dale stated he and his wife would like to request a conditional permit to be issued to their present A-2 zoning to construct a state of the art dog and cat boarding facility on 5 acres at their home in southern Boone County located at 3590 Biggs Road. It is the applicant's intent to build the facility using the most up to date techniques and materials specifically designed for pet boarding facilities. The applicants have enlisted the help of Don Day with the University of Missouri Extension office for their ventilation design, sound control materials, and general construction. It is the applicant's plan to have 20 climate controlled indoor and outdoor covered kennel runs with a one acre fenced exercise area. The applicants will also be applying for the State approved "Blue Ribbon Kennel Clubs" Program. The applicants have received approval from the Boone County Health Department for a waste management system that was designed by Marshall Engineering in Columbia. In doing market research, the applicants have found a substantial need for quality pet boarding kennels in Boone County. Right now there is up to a six month reservation requirement for summer and holidays. With one of the largest kennel's, Kenwick, closing January 1 for commercial boarding purposes there appears to be an increasing need for pet boarding facilities in Boone County. The applicants have also found that there are no boarding facilities in southern Boone County.

Chairperson Smith asked the applicants if they had a problem with the proposed condition.

Mr. Dale stated no.

Commissioner Morgan asked the applicants if there were any sinkholes on the property.

Mr. Dale stated no.

Commissioner Martin asked where the kennel would be located on the property.

Mr. Dale stated behind the barn there is a 5 acre pasture. The kennel will be directly behind the barn and the house.

Commissioner Fowler asked how close the kennel would be to adjacent homes.

Mr. Dale stated the closest house would be approximately 400 feet; that is the applicant's daughter's home.

Commissioner Fowler asked what the closest house was besides his daughter's home.

Mr. Dale stated he is not sure. There is a house at the end of the applicant's driveway and it is empty, no one lives there. Someone could live there as it is a nice house. Mr. Dale stated he is not sure of the distance; the kennel would be the same distance from that house as it is from his daughter's house.

Open to public hearing.

Present, speaking in support of the request:

David Biggs, (no address given)

Mr. Biggs stated he lives in the area. Mr. Biggs stated he has a lot of neighbors here and they are nice people but they may not be for this request. Mr. Biggs stated he is in support of this request and it would be pretty nice. There needs to be more businesses in southern Boone County. How many of the Commissioners have dogs and want to go on vacation? It would be handy to have this down there. Mr. Biggs stated this request would be fine with him.

Present, speaking in opposition to the request:

Suzanne Spees, 3377 E. Biggs Rd., Ashland

Ms. Spees stated she lives northwest of the Dale property on the north side of Biggs Road and is approximately 600 feet from her southeast property to the Dale northwest property corner. Several months ago the Dale's daughter purchased the 2.5 acres and put the home there. This is mostly open land between Ms. Spees house and the Dale's with little or no buffer for noise from the east side of their home. Sound carries tremendously and even more so since the ice storm and the loss of several trees lately. Ms. Spees stated she had a concern about the orientation or the direction of the kennel and the runs, which direction would they face? What is the lighting for the facility? The type and amount? Hours of use and time of day, and duration? We know about the public access. We also know that Biggs Road is a dead end gravel road; what about dust abatement? We all have memories about this past summer and the drought. The dust was rolling across Mr. Biggs field as far up as the "S" curve where the property is located. What are the odor, and more importantly, noise containment plans? What is the nature of the operation, is it long or short term boarding? Is there any training facility in mind or are there any plans for breeding or sales? What type of business signs are planned for Biggs Road? What kind of water quality assurances regarding erosion and stormwater runoff will be involved? Will there be an environmental survey done? What about the Bonne Femme Watershed issues? The map that the Commission is surely familiar with says that this is extremely close to the Hunter Cave/Three Creeks recharge area. Is this proposed kennel really a public necessity?

Ms. Spees stated that zoning to the conditional use is essentially commercial; it is a money making enterprise. There is the concern of this setting a precedent in this area and it proving to be injurious to the use and enjoyment of Ms. Spees' property. An earlier statement was made about the possibility of this

lowering property values that might substantially diminish or impair Ms. Spees property values. Excess noise from barking dogs at any or all hours of the day and night; there is no noise ordinance in Boone County. There was a Senate bill that was proposed, Senate Bill 319 in 2003 that specifically addressed barking dogs but it is uncertain and Ms. Spees was not able to find out from any of the Boone County Commissioners whether or not that is indeed in place at this time. The County Prosecutors office has said that they will not prosecute cases of barking dogs. The Sheriff's Department said they will come out to a setting and talk with the owner. What recourse would we have for this?

Ms. Spees stated she pulled some notes from the Commission in 2004. It was regarding a kennel that was proposed and one of the neighbors at this time...

Chairperson Smith asked what kennel Ms. Spees was talking about.

Ms. Spees stated this was the McGrath kennel and it was denied at the time.

Chairperson Smith stated that was the breeding kennel; that was an entirely different kind of operation.

Ms. Spees stated it was for 40 to 50 dogs.

Chairperson Smith stated it was a breeding operation; it was a completely different sort of commercial endeavor.

Ms. Spees stated the point being, when dogs see a rabbit walk by or other dogs start barking, dogs are dogs. This sets the stage for intrusive noise. It is not necessarily a noise that you can shut your windows or door from. At that same time Jack Blalock, who was a realtor, indicated that he felt that you will find a reduction in value of 10 to 20 percent for a venue of that nature. This is something different but this was noted also in 2004, he viewed that the falling in values was a permanent nuisance and based on the issues of noise, odor, drainage, and visual appearance...

Chairperson Smith asked who it was that said that.

Ms. Spees stated Jack Blalock.

Chairperson Smith stated he is an appraiser.

Ms. Spees stated she is concerned with the intrusive ambient lighting resulting from the operation. Odor generated from the waste. Erosion and uncontrolled stormwater runoff. This is an issue right now on Biggs Road. What resources are available? What regulations are in place? What recourse does a private landowner have for the abuses of the condition? Biggs Road is a dead end gravel road.

Ms. Spees stated at 6:30 a.m. she sat on her porch and she heard four dogs. One dog barked for 20 minutes. These obviously are permanent residents and dogs are going to be dogs. Ms. Spees stated she did not want to hear twenty additional dog voices on top of the permanent residents in the neighborhood. Ms. Spees stated she is an avid gardener; she lives on five acres and has no less than 17 flower beds. To work 17 flower beds you have to be outside a lot. Ms. Spees is also an avid bird watcher and is a member of the Audubon Club. She spends countless hours watching birds all over her property. You would not be able to hear a (type of bird) and identify it if the barking was consistent. Ms. Spees uses her porch and the yard for relaxation and enjoyment. Ms. Spees stated she wanted this Board to consider that there are environmental stewardship issues on top of personal property

Bruce Bauer, 3850 E. Biggs Rd., Ashland.

Mr. Bauer stated the west border of his property is about 750 feet east of the Dale property. The proposed kennel would be close to the east border. Mr. Bauer stated his only concern was losing the quiet and enjoyment of his property. Mr. Bauer spends a lot of time outside and hears voices carrying from the Dale property on the right kind of day if there is a slight breeze from the west or on a very calm day. He can also hear the dog barking. An occasional dog bark doesn't bother Mr. Bauer but 20 dogs might.

Frances Albane, 3151 E. Biggs Rd., Ashland

Ms. Albane stated she lives to the northwest of the proposed site on about 5 acres of land. Ms. Albane stated she has a fairly large buffer of trees between her property and the Dale's. Over the years, with the way the land runs, this does not prevent any kind of noise coming from there. Earlier this year, someone who lives on the further side of the Dale property had bought a dog and put it in a pen and that dog cried day and night for a long time. From her property she could hear the dog outside and inside with the windows closed. One dog can be an annoyance but 20 dogs are a nuisance. The Dale's have put together a plan and have tried to address some of these issues but an acre of open exercise yard is not going to prevent the noise from the dogs. There are coyotes, deer, and rabbits out there, dogs are going to bark. In addition to this, Ms. Albane questions if this is a public necessity. The Dale's have done their marketing research and have a market and they will have customers but whether or not a boarding kennel is a public necessity is the question. Necessity being the key word. Ms. Albane stated she is also concerned about the odor and lighting. Ms. Albane uses her outdoor area; it is an extension of her indoor living space. The house is set back from the road so she is about 900 feet away from the road. She would not like to see a situation develop where she has to take refuge in her house or shut her house up because of the noise from down the road. We are all neighbors and we all make noises sometimes. Ms. Albane is opposed to a constant day and night, 24/7 operation.

Fred Blythe, 3800 E. Biggs Rd., Ashland.

Mr. Blythe stated his property joins Mr. Bauer's and his concerns are about identical. Mr. Blythe stated he can see the Dale's property and can hear noise from there already. All of the other concerns mentioned are also his concerns. The main concern is noise. During the presentation the applicants said they had a state of the art noise abatement system. Mr. Blythe stated he didn't know what that was and is curious to know. At this point his main concern is noise. He would like to enjoy his evening out especially in the summer time and if we can do something about that it is fine.

Closed to public hearing.

Chairperson Smith asked the applicants if they had dogs now.

Mr. Dale stated yes; two.

Chairperson Smith asked if the other neighbors had dogs.

Mr. Dale stated he believed every adjoining property owner besides Mr. Biggs has a dog or multiple dogs and some run loose. Mr. Dale stated his dogs are fenced in.

Chairperson Smith stated she is wondering about the barking and the coyote issue.

Mr. Dale stated just about any time of the day or night you can stand out on the deck and hear one of the dogs within 2000 feet barking. One will bark, then the other ones start barking then they all get quiet. It is typical country living; that is just the way it is. The applicants understand two dogs barking for five minutes and then being quiet when all the other dogs are quiet and they get tired of barking is one thing

and 20 dogs barking is another. The way the applicants plan to do the kennel is all dogs will be kept inside during the night from dusk until dawn; they will all be indoors. Don Day with the University of Missouri Extension office has assured the applicants that with the new types of materials he can reduce the sound indoors; he can contain the sound indoors as well as any other livestock building or agricultural building or business. There are materials that can sound proof buildings for dog barking.

Mr. Dale stated the applicants talked with Marshall Engineering about odor control. The type of waste management system they designed for the applicants is kind of special because of the soil analysis that was done on the property. The type Marshall Engineering has designed has been used for kennels here in Boone County and they have been approved and there are no problems with them. That is the aggregate system with the septic and a pump. That will just be used when the kennels are rinsed off; that will be the amount of water runoff. Don Day and the engineering office has calculated out how much water is going to be used. The hours of operation are going to be during the day. There will be someone there 24 hours a day, 7 days a week. The applicants have other family that lives on the property so there will always be someone there. The applicants already have lighting; there is a barn light that lights up the whole front yard and it is going to be shut down at night. The applicants have done research and if you shut the lights down and put some soft music on the dogs will be quiet. If you drive by some of the kennels in Boone County you won't hear the dogs barking at night uncontrollably. The noise would only be when the dogs are in the outside kennel runs. You can't control what dogs are doing when they are outside so during the day when there are multiple dogs out in the kennel runs there might be some barking.

Chairperson Smith asked if the applicants were going to regulate their time outside.

Mr. Dale stated yes.

Chairperson Smith stated there wouldn't be 20 dogs outside at the same time.

Mrs. Dale stated there are going to be two dogs out at a time.

Mr. Dale stated another thing concerning noise; the cell tower in their yard that was approved makes noise 24 hours a day; it buzzes, it clangs, and you can hear the generators kicking on. There is a continuing noise that emanates from this area anyway; the cell tower is constantly making noise. It is not like dogs barking but it is there and we know that but it is a part of living. As far as the lighting goes, the lighting would not be any different than what it is right now. The applicants aren't going to need much signage; there will probably be a small sign at the end of the driveway. Word of mouth will be all the advertisement needed. Mr. and Mrs. Dale both work at the University of Missouri and they have dozens of people that are waiting for them to open because they can't find a place to board their animals.

Chairperson Smith asked if this was going to be like a dog daycare where people are bringing them out for a day.

Mr. Dale stated no.

Mr. Dale stated there was a question about training; the applicants aren't going to do any training there other than controlling the dogs and there will be no breeding.

Chairperson Smith stated a conditional use permit is required it will be for this condition only; any changes would be in violation. When people are in violation it is forwarded to the sheriff and the Prosecutor.

Commissioner Martin asked the applicants if they have plans for any buffer.

Mr. Dale stated yes; the applicants are going to plant trees along the road. There was a nice buffer on the property next to the applicants but someone has taken it all out.

Commissioner Martin asked if the applicants have any plans for a privacy fence.

Mr. Dale stated no. If that is what the applicants need to do then they will. The applicants want the neighbors to like this and would like them to use the facility as well because they all have dogs. Mr. Dale stated he wants this to be something good for Boone County. This is going to be built and designed specifically for boarding. Usually a boarding kennel is a building that was changed over; someone had a barn and poured a concrete floor in it and put up some chain link and called it a boarding kennel. The local veterinarians do boarding too but when you think about that, now your animals are being boarded next to sick animals and there is no exercise yard. A lot of people don't like boarding at their local veterinarian but that is their only option.

Commissioner Oetting stated the applicants are going to have 20 dogs does that mean there will be 20 runs as well.

Mr. Dale stated yes.

Commissioner Oetting asked how many dogs will be outside at one time.

Mr. Dale stated as the kennels are being cleaned they will be let out in the exercise area. What the applicants have found in talking to other kennel owners is that dogs really don't mess in their kennel runs that much. They know they are going to be let out and they wait and go in the yard. The applicants will clean up after every dog so there won't be a smell issue.

Commissioner Oetting stated the dogs will have access to that one acre exercise area two times a day.

Mr. Dale stated yes.

Commissioner Oetting stated there will be a dog out there all day.

Mr. Dale stated yes; just like there is now. The applicants have dogs and about one acre of fenced area around the house.

Commissioner Oetting stated the applicants have one dog in a one acre lot all the time; how many dogs will be on the runs at one time.

Mr. Dale stated they could potentially all be out.

Commissioner Oetting stated there could be 20 dogs out all at one time.

Mr. Dale stated during the daytime, yes.

Commissioner Oetting asked if the applicants heard anything from Mr. Day, with the University, about the methods he was talking about. Do the applicants have any problem with designing the building the way Mr. Day recommends?

Mr. Dale stated he does not have a problem designing the building as recommended. That is why the applicants went to him because they wanted to do it right. Missouri has caught a lot of heat because of the puppy mills. Right now there are about 26,000 kennels in the State of Missouri, not all of them are licensed and there are only about a half a dozen inspectors so it is a problem. The Department of Agriculture has a Blue Ribbon Kennel program; they have separate inspectors and you have to meet certain standards. One of the biggest standards is the kennel has to be specifically designed and built for boarding purposes or as a kennel. You can't adapt a building in to a kennel. There are a whole lot of criteria you have to meet. This is what a lot of responsible dog owners, breeders, and boarders want to do to clean up the State and do it right and be proud of what we have.

Commissioner Oetting asked if Mr. Day assured the applicants that he could solve noise problems inside the building.

Mr. Dale stated noise and ventilation, that is Mr. Day's expertise.

Commissioner Oetting asked if Mr. Day had given any recommendation for the noise outside the building.

Mr. Dale stated no.

Chairperson Smith stated the applicant hasn't mentioned cats at all.

Mr. Dale stated there will be an indoor cat room. They will never go outside.

Chairperson Smith stated 20 animals is the maximum.

Commissioner Schloot asked how far the outside play area will be from the nearest neighboring property.

Mr. Dale stated on one side is the cellular tower, the other side is woods, the next one is Mr. Bauer's. The other property has a house which is not occupied. Most of the other houses are on down the road.

An audience member stated that someone does live in that house.

Mr. Dale stated they come out sometimes on the weekends but they don't stay there during the week.

The audience member stated they were there all week.

Mr. Dale stated he has not seen them; they are not at the meeting tonight.

Commissioner Freiling stated he would like to thank the applicants for the care and effort they put in to their proposal. When the Commission gets requests for a non agricultural business use in what is to virtually everyone else a residential area, that is a serious issue. Obviously it is possible to apply for these conditional use permits but to Commissioner Freiling that is the kind of change, we have a zoning map established. People buy land, build houses, and buy homes based on what they expect around them. One of the basic decisions in life beyond having children is your house and it really seems that to approve a business use, even one involving beloved pets, in an area where it will unquestionably have a negative impact on people within shouting distance falls outside the parameters we are allowed to use for conditional use permits. Over the years Commissioner Freiling has become much more concerned with approving changes that impact peoples lives. It seems that a business use that extends beyond the property boundaries belongs in a commercial area and not in a residential area.

Commissioner Oetting stated he agrees with Commissioner Freiling. Commissioner Oetting stated he has concerns about the noise. This type of operation belongs in a commercial area.

Commissioner Freiling made a motion to recommend denial of the request. Commissioner Freiling does not believe this request meets the criteria for a conditional use permit, specifically that it will have an adverse impact on the surrounding area.

Commissioner Freiling made and Commissioner Oetting seconded a motion to deny the request by Hollis and Shari Dale for a permit for a boarding kennel on 5 acres located at 3590 E. Biggs, Rd., Ashland

Pat Smith – NO	Boyd Harris – Yes
Carl Freiling – Yes	Mike Morgan – Yes
Larry Oetting – Yes	John Schloot – Yes
Gregory Martin – Yes	Michael Morrison – Yes
David Mink – Yes	Patricia Fowler – NO

Motion to deny the request carries. 8 YES 2 NO

Chairperson Smith informed the applicants if they wished to appeal to the County Commission they would need to file an appeal form with the Planning Department within three business days which would be Thursday, December 27, 2007.

VI. Rezoning Requests

1. Request by George E. James to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture-Residential) and approve a review plan for Shady Brook Estates Planned Development on 75.57 acres, more or less, located at 5601 E. Mt. Zion Church Rd., Hallsville.
- Rezone - Review Plan.

This item was withdrawn by the applicants prior to the meeting.



2. Request by Martha Straub Trust to rezone 1.16 acres from A-1 (Agriculture) to R-SP (Planned Single Family Residential); .99 acres from R-SP (Planned Single Family Residential) to A-1 (Agriculture); and approve a revised Review Plan for Martha's Grove Planned Development, located at 4975 E. Bonne Femme Church Rd., Columbia.
-Rezone 1.16 acres A-1 to R-SP - Rezone .99 acres R-SP to A-1 -Review Plan.

Planner Thad Yonke gave the staff report as follows:

This property is located one mile south of the general Columbia municipal limits to the north. The site is situated on the north side of Bonne Femme Church Road approximately 3000 feet southwest of the intersection of Highway 63 South and Bonne Femme Church Road. The site is immediately west of Bonne Femme Mobile Home Park. The site of the proposal comprises 20-acres of a 64.85-acre parent parcel. The

property of the request is currently a mixture of zonings. The basic concepts of the current proposal are exactly the same as what was represented at the public hearings at which the development was approved. Unfortunately the existing structures that were intended to remain on the original farm outside of the planned development were not located or shown on the graphics. It turns out that several of the structures including a house falling inside the area that was rezoned making the existing approved plan inherently flawed and requiring a corrective action such as you have here. By rezoning 1.16 acres from A-1 (Agriculture) to R-SP (Planned Single Family Residential); .99 acres from R-SP (Planned Single Family Residential) to A-1 (Agriculture); and with approval of a revised Review Plan the development will reflect the substantive portion of what was actually approved in 2005. The proposed plan will then have 40 dwelling units in 20 structures on 20 acres with common area surrounding in the PRD and the farm house and its associated buildings on the A-1 remainder. A replat will be required to make property boundaries match the new plan. The proposed structures are still single family attached units which externally resemble a duplex but have to be built to a higher standard under the building code. The development is proposing a private drive for internal circulation which would be treated similarly to an apartment complex parking lot. The vehicular circulation as proposed can not be made into public roads. There is some 100-year Floodplain on the property near the proposed entry drive and the property is in the watershed of environmentally sensitive streams. The *master plan* designates this area as being suitable for residential land uses. Both the existing and proposed zonings are consistent with the *master plan*. This site has 56 points on the point rating system. Staff notified 24 property owners about this request.

Staff recommends approval of the Rezoning Request, and Review Plan, subject to the following 7 conditions from the original approval still in effect:

1. That the development not be gated. The private drive/vehicular circulation system within the development is not allowed to have access limiting equipment or fixtures installed. This provision must be added as a note to the review plan and preliminary plat.
2. That it is recognized that the private drive/vehicular circulation system within the development can not become public roads and will not be accepted by the county for maintenance.
3. That waterline upgrades and hydrants be installed, along with all needed easements required and that these improvements be acceptable to the Consolidated Water District #1, Director of Planning, and Boone County Fire District.
4. That the road improvements required by the development be worked out with Boone County Public Works and be acceptable to both the Public Works and Planning Directors.
5. That the specifics of the wastewater system and the steps taken to mitigate the potential impact of the effluent be acceptable to the BCRSD, the Director of Planning, and DNR. It should be recognized that the Director of Planning will take into account the concerns of Rock Bridge State Park when determining acceptability. The acceptable solution may require more than the minimum DNR would require to simply permit the wastewater system. This is an essential issue and if an acceptable solution is not worked out or followed then the development approval is essentially voided.
6. That the two proposed locations for the wastewater system can be amended on a permanent final review plan without the need to resubmit the proposal provided the Director of Planning agrees to the clarifications and all notes and comments from the planning department are followed on the revision and are acceptable to the Director of Planning.

7. That the location, spacing from structures, and other considerations with regards to the centralized propane tanks and suitability of the emergency access drives be acceptable to the Boone County Fire District and the Director of Planning. The locations of the central tanks and applicable notes and notations can be amended on a permanent final review plan without the need to resubmit the proposal provided Fire Marshall and the Director of Planning agree to the clarifications and all notes and comments from the planning department are followed on the revision and are acceptable to the Director of Planning.

Present: Brent Brown, A Civil Group, 1123 Wilkes Blvd., Suite 450, Columbia.

Mr. Brown stated that there was an error and the applicants are here to correct it.

Open to public hearing.

No one spoke on the request.

Closed to public hearing.

No comments from the Commissioners.

Commissioner Schloot made and Commissioner Morgan seconded a motion to **approve** the request by Martha Straub Trust to rezone 1.16 acres from A-1 to R-SP and to rezone .99 acres from R-SP to A-1 for Martha's Grove Planned Development, located at 4975 E. Bonne Femme Church Rd., Columbia.

Pat Smith - Yes

Boyd Harris – Yes

Carl Freiling – Yes

Mike Morgan – Yes

Larry Oetting – Yes

John Schloot – Yes

Gregory Martin – Yes

Michael Morrison – Yes

David Mink – Yes

Patricia Fowler – Yes

Motion to approve the request carries unanimously. 10 YES 0 NO

Commissioner Schloot made and Commissioner Morgan seconded a motion to **approve** the request by Martha Straub Trust to approve a revised Review Plan for Martha's Grove Planned Development, located at 4975 E. Bonne Femme Church Rd., Columbia **with the following conditions.**

1. That the development not be gated. The private drive/vehicular circulation system within the development is not allowed to have access limiting equipment or fixtures installed. This provision must be added as a note to the review plan and preliminary plat.
2. That it is recognized that the private drive/vehicular circulation system within the development can not become public roads and will not be accepted by the county for maintenance.
3. That waterline upgrades and hydrants be installed, along with all needed easements required and that these improvements be acceptable to the Consolidated Water District #1, Director of Planning, and Boone County Fire District.

4. That the road improvements required by the development be worked out with Boone County Public Works and be acceptable to both the Public Works and Planning Directors.
5. That the specifics of the wastewater system and the steps taken to mitigate the potential impact of the effluent be acceptable to the BCRSD, the Director of Planning, and DNR. It should be recognized that the Director of Planning will take into account the concerns of Rock Bridge State Park when determining acceptability. The acceptable solution may require more than the minimum DNR would require to simply permit the wastewater system. This is an essential issue and if an acceptable solution is not worked out or followed then the development approval is essentially voided.
6. That the two proposed locations for the wastewater system can be amended on a permanent final review plan without the need to resubmit the proposal provided the Director of Planning agrees to the clarifications and all notes and comments from the planning department are followed on the revision and are acceptable to the Director of Planning.
7. That the location, spacing from structures, and other considerations with regards to the centralized propane tanks and suitability of the emergency access drives be acceptable to the Boone County Fire District and the Director of Planning. The locations of the central tanks and applicable notes and notations can be amended on a permanent final review plan without the need to resubmit the proposal provided Fire Marshall and the Director of Planning agree to the clarifications and all notes and comments from the planning department are followed on the revision and are acceptable to the Director of Planning.

Pat Smith - Yes
Carl Freiling – Yes
Larry Oetting – Yes
Gregory Martin – Yes
David Mink – Yes

Boyd Harris – Yes
Mike Morgan – Yes
John Schloot – Yes
Michael Morrison – Yes
Patricia Fowler – Yes

Motion to approve the request carries unanimously. 10 YES 0 NO

Chairperson Smith informed the applicants that this request would go before the County Commission on January 8, 2008 at 7:00 p.m. and the applicants need to be present.

VII. Planned Developments
None.

VIII. Plats

1. Nature’s Trail. S27-T49N-R13W. McNeall Family Trust, owner. David T. Butcher, surveyor.

The following staff report was entered in to the record.

The property is located 1 ½ mile north of the City of Columbia, off of O’Neal Road. The property in question is being divided into two lots, one at 5 acres, and the other at 5.41 acres. The property is zoned A-R (Agriculture-Residential), and is surrounded by A-R zoning. This is original 1973 zoning.

This property has access to O’Neal road via an existing private drive easement. The creation of these two lots will prevent any additional lots from being served by this easement. 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. Electrical service will be provided by Boone Electric Cooperative. 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.

As previously mentioned, these two lots and the other existing lots are all that can be served by this easement.

The property scored 41 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 Nature’s Trail with waiver requests:

Pat Smith - Yes	Boyd Harris – Yes
Carl Freiling – Yes	Mike Morgan – Yes
Larry Oetting – Yes	John Schloot – Yes
Gregory Martin – Yes	Michael Morrison – Yes
David Mink – Yes	Patricia Fowler – Yes

Motion to approve the plat carries unanimously.



2. SFMC. S1-T48N-R14W. Developments Far West Boone LLC, owner. James V. Patchett, surveyor.

The following staff report was entered in to the record:

The property is located approximately 3000 feet directly south of the intersection of Rollingwood Boulevard and US 40, in Midway. The purpose of this plat is to further divide the 6-acre tract into a 5-acre lot and a 1 acre lot for the sewer plant.

Access to Rollingwood Boulevard will be provided by a 30-foot wide easement. Since the lot does not have frontage on a public road, no right of way will be dedicated. The applicant has submitted a request to

waive the requirement to provide a traffic study. It should be noted that a traffic study was completed to assess the impacts of Midway Crossings.

Consolidated Public Water Supply District Number 1 provides water service in this area. The Boone County Fire Protection District will provide fire protection. Electrical service is provided by Boone Electric Cooperative.

The property scored 88 points on the rating system.

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

No one present to represent the plat.

Commissioner Mink made and Commissioner Morgan seconded a motion to approve SFMC with waiver request:

Pat Smith - Yes	Boyd Harris – Yes
Carl Freiling – Yes	Mike Morgan – Yes
Larry Oetting – Yes	John Schloot – Yes
Gregory Martin – Yes	Michael Morrison – Yes
David Mink – Yes	Patricia Fowler – Yes

Motion to approve the plat carries unanimously.



3. Sunny Meadows Block 3. S12-T48N-R14W. Jason and Rebecca Mott Revocable Trust, owner. Timothy J. Reed, surveyor.

The following staff report was entered in to the record.

The property is located approximately 2 ½ miles from the City of Columbia, south of Sugar Creek Drive on Wehmeyer Road. The property is being platted into two lots, one at 4.01 acres and the other at 5.30 acres. This plat resolves a property line issue with an existing barn. The Property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning. This is original 1973 zoning.

Both lots will have direct access on Wehmeyer Road. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Consolidated Public Water District #1 currently provides water service to lot 1. Lot 2 is proposed to have a well to provide water to the site. Public water to lot 2 would require main extension from Sugar Creek or from Denninghoff Road. The Boone County Fire Protection District will provide fire protection.

On-site systems will be providing wastewater disposal. The existing lagoon is expected to be removed and replaced with a new system. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 39 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 Sunny Meadows Block 3 with waiver requests:**

Pat Smith - Yes	Boyd Harris – Yes
Carl Freiling – Yes	Mike Morgan – Yes
Larry Oetting – Yes	John Schloot – Yes
Gregory Martin – Yes	Michael Morrison – Yes
David Mink – Yes	Patricia Fowler – Yes

Motion to approve the plat carries unanimously.



4. The Clubhouse. A-2. S19-T47N-R12W. BRB Revocable Trust and JKB 2007 Revocable Trust, owners. Brian David Dollar, surveyor.

The following staff report was entered in to the record.

The property is located on a private drive approximately 2000-feet south of a point on Bluebird Lane that is 2400-feet west of Tomlin Hill Road. The 5-acre lot is being created from portions of two lots that were created by Administrative Survey in 2006.

The lot will have access to Bluebird Lane via the existing private drive. The developer has not submitted the required traffic analysis or a request to waive the requirement to provide a traffic analysis.

The property lies within the Consolidated Public Water District Number 1 service area. No public water service is currently available to the property.

An on site system will be used for sewage disposal. The developer has not submitted a wastewater plan, a wastewater cost benefit analysis or a request to waive the requirement to provide a wastewater cost benefit analysis.

There are several standards, from the Subdivision Regulations Appendices, with which the plat is inconsistent. Those inconsistencies were outlined in a memo to the surveyor on September 7, 2007. To date they have not been corrected. Several conditions of approval are outlined below that require correction of those items prior to acceptance of the plat by the County Commission and recording of the plat.

The property scored 13 points on the rating system.

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

1. Provide separate access and utility easements. Those documents will have to be submitted for review, recorded prior to recording the plat and the recorded book and page shall be cross referenced on the face of the plat.
2. The spelling of the word “remainder” shall be corrected.
3. The deed references in the description shall be changed to reflect the recorded book and page of the latest recorded ownership deed.
4. Prior to recording the developer shall provide a plan approved by the Columbia/Boone County Health Department that shows a suitable location on the lot for a wastewater system.
5. Provide a traffic analysis or submit a request to waive the requirement to provide a traffic analysis.
6. Provide a wastewater cost benefit analysis or submit a request to waive the requirement to provide a cost benefit analysis.

No one present to represent the plat.

Commissioner Mink made and Commissioner Morgan seconded a motion to **approve** The Clubhouse with the following conditions:

1. Provide separate access and utility easements. Those documents will have to be submitted for review, recorded prior to recording the plat and the recorded book and page shall be cross referenced on the face of the plat.
2. The spelling of the word “remainder” shall be corrected.
3. The deed references in the description shall be changed to reflect the recorded book and page of the latest recorded ownership deed.
4. Prior to recording the developer shall provide a plan approved by the Columbia/Boone County Health Department that shows a suitable location on the lot for a wastewater system.
5. Provide a traffic analysis or submit a request to waive the requirement to provide a traffic analysis.
6. Provide a wastewater cost benefit analysis or submit a request to waive the requirement to provide a cost benefit analysis.

Pat Smith - Yes
Carl Freiling – Yes
Larry Oetting – Yes
Gregory Martin – Yes
David Mink – Yes

Boyd Harris – Yes
Mike Morgan – Yes
John Schloot – Yes
Michael Morrison – Yes
Patricia Fowler – Yes

Motion to approve the plat carries unanimously.



5. Shady Brook Estates (Preliminary Plat). S34-T50N-R12W. George E. James, owner. James V. Patchett, surveyor.

This plat was withdrawn by the applicants prior to tonight’s meeting.



V. Old Business

Update on County Commission Decisions

Director, Stan Shawver stated the rezoning request for Malone which the Planning and Zoning Commission recommended denial was appealed to the County Commission. The County Commission overturned the Planning and Zoning Commission's recommendation and approved the rezoning request. The county Commission was concerned that the cost of extending water lines and fire hydrants was going to be a substantial cost. The Commission pointed out that if the owners changed their minds and split up the land in to smaller lots that any tract split beyond the family transfer would result in the need for fire hydrants and fire flow.

The plats that went forward to the County Commission were approved as recommended.

VI. New Business

Chairperson Smith stated that the joint City-County Planning and Zoning Commission meeting will be held on Saturday, January 12, 2008 at the Daniel Boone Regional Library.

VII. Adjourn

Being no further business the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Boyd Harris
Secretary

Minutes approved on this 20th day of March, 2008