

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

Minutes

7:00 P.M.

Thursday, September 18, 2008

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
Carl Freiling, Vice-Chairperson	Cedar Township
John Schloot	Rocky Fork Township
Paul Zullo	Rock Bridge Township
David Mink	Public Works
Mike Morgan	Bourbon Township
Michael Morrison	Columbia Township
Gregory Martin	Katy Township
Pat Fowler	Missouri Township

b. Members Absent:

Larry Oetting	Three Creeks Township
Vacant Seat	Centralia Township

c. Staff Present:

Stan Shawver, Director	Uriah Mach, Planner
Bill Florea, Senior Planner	Thad Yonke, Senior Planner
Christina Crane, Staff	

III. Approval of Minutes:

Minutes from the August 21, 2008 meeting were approved by acclamation.

IV. Chairperson Statement

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 two rezoning requests, one planned development, and one subdivision plat.

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, September 30, 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 that have been denied will not proceed to the County Commission unless the applicant files an 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, September 30, 2008 will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits
None.

VI. Rezoning Requests

1. Request by Michael Cooper to rezone from A-1 (Agriculture) to REC (Recreation) on .36 acres, more or less, located at 11505 S. Smith Hatchery Rd., Columbia.

Planner Thad Yonke gave the following staff report:

This property is located southwest of Columbia approximately 1 mile north of Easley on the west side of Smith Hatchery Road between the Katy Trail and the Missouri River. The property is situated approximately 3&1/2 miles south of the closest municipal limits of Columbia. The property of this request is zoned A-1 Agriculture. The remainder of the property under the same ownership is zoned REC (Recreational) which was rezoned from A-1 in 1986. All property in this area to the west of the Katy Trail, excluding that owned by the applicant, is zoned A-1, while all the adjoining property on the east side of the Trail is zoned A-2. These are all original 1973 zonings. There is a mobile home residence that is partly in the A-1 zoning and partly in the REC zoning. The applicant has used the subject property for RV camping. This site lies within the Columbia Public School District. The site is in Consolidated Public Water District #1 and there is a private well on the property in the REC area. The site is in the Boone County Fire Protection District and fire requirements will be up to the fire district. Electric service will be provided by Boone Electric Cooperative. Wastewater service is required by the approved conditional use permit to be provided by engineered wastewater systems for all site activities. The applicant has made some steps with regard to wastewater compliance but still needs to bring the property into total compliance with the conditions of the CUP. The master plan designates this area as being suitable for agriculture and rural residential land uses, it should be noted that recreational zoning already applies to this remainder of the property. Staff notified 5 property owners about this request.

The Master Plan calls for the use of a “Sufficiency of Resources Test” when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner. The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

Utilities: This site is served by Boone Electric Cooperative and while in Consolidated Public Water District 1. The travel trailers that have been found on the site are already subject to a requirement to install an engineered wastewater system since they are under the CUP conditions should this rezoning go forward.

Transportation: Access to the site is from Smith Hatchery Road.

Public Safety: The nearest fire station is located over 5 miles away and the property is adjoining the Missouri River and is in the 100 year Floodplain.

While staff would not recommend approval of a request for REC zoning at this location if there were no REC zoning existing in the area. The request is essentially the shifting of the district boundary edge by a relatively small amount to encompass a single property. The resources needed for the additional property of the request represent no greater need than is needed for the existing portion of REC zoning. Therefore, staff recommends approval of the request.

Mike Cooper, 11505 Smith Hatchery Rd., Columbia.

Mr. Cooper stated he is the owner of Cooper’s Landing. Mr. Cooper stated there was a document that was circulated among the neighbors by someone. Mr. Cooper stated he didn’t know if there were any negative or positive letters received by the Commission. Mr. Cooper stated he would like to address some of the issues in the letter point by point.

Mr. Cooper read one of the letters sent by a neighboring property owner.

On September 18, 2008, Mike Cooper’s Landing is asking Planning and Zoning Commission to approve rezoning of .36 acres from agriculture to recreation. This will allow him to legally expand his RV/trailer

park compound meaning more noise, more trash, and more traffic congestion. Please join us in opposing this rezoning approval.

Mr. Cooper stated he is not asking to add any new RV sites, there will not be any expansion of the services provided and it should have no effect on trash or traffic.

Mr. Cooper continued reading the letter stating that *people can oppose this request by calling or faxing Planning and Zoning or come to the meeting. Planning and Zoning is pushing for the rezoning of the north end of Cooper's Landing because he is an administrative headache. They are aware of the lack of adequate septic system on this part of his property.*

Mr. Cooper stated to address that; there are three septic systems at Cooper's Landing. One of them is on this section of the property.

Continuing the letter; Mr. Cooper read *Jerry Worley of the Health Department agrees that an adequate septic system should be in place before rezoning.*

Mr. Cooper stated he has had frequent meetings with Gerry Worley and began consulting him before he installed his first septic system. He has had a say in every septic system that has been installed since then.

Cooper has yet to comply fully with the Planning and Zoning on the part that is already zoned recreational. This includes the restaurant. Planning and Zoning is aware of this. Even Katy Trail campers have left messages on the web referring to his landing as "Poopers Landing". His septic system, or lack of, does not support the hundreds of people that congregate there. Please say no to rezoning.

Mr. Cooper stated he has already indicated that there are three septic systems and they are all in excellent condition, we also have three port-a-potties that get serviced weekly. We have no problems with the septic systems, they are very well maintained.

Chairperson Smith asked staff to respond to the letter with regard to Planning and Zoning's opinion of this.

Mr. Yonke stated staff recommended approval because we see it is essentially administrative.

Chairperson Smith asked if there have ever been any complaints.

Mr. Yonke stated yes. Staff has gotten six phone calls and two letters.

Commissioner Freiling stated it is better to incorporate this under the overall conditional use.

Mr. Yonke stated staff is making progress with the applicant towards the overall goal of all the conditions of the conditional use permit.

Commissioner Freiling stated you might as well have it all under one umbrella.

Mr. Yonke stated the issue is that this portion of the property had three of the RV locations located on the plan. At the time the conditional use permit was issued it was unclear as to whether or not that piece of land was part of the recreational zoning or part of the A-1 zoning. One of the conditions on the conditional use permit was that Mr. Cooper had to pay for an engineered site plan to show what was and wasn't there. The plan showed that this part has three travel trailer sites that weren't in recreational

zoning, so technically you can't have them there. Mr. Cooper didn't own it at that point. That had worked out, so consequently in order for him to use that portion in compliance with the plan that the Commission had approved, he has got to get the recreational zoning because you can't get a conditional use permit to operate the travel trailers on the A-1. Staff sees this as getting everything in line administratively if the Commission grants the rezoning. If the Commission doesn't then that portion of the plan is void and he will be allowed to move the three units to the other portion. He is still limited to 12 total RV's on the site. He will have to accommodate those within the other portion. Everyone is kind of right in the way they are looking at this. Most of the complaints are about music activities and too many people for the site. That isn't part of any of the issues because that is part of the original REC zoning and staff doesn't have any way to deal with that aspect.

Commissioner Fowler asked where we were with the septic issues.

Mr. Yonke stated the applicant has installed at least one additional septic tank since the last time. Staff talked to Mr. Worley and the Health Department does tend to forget at times that we have given them the ability to get whatever they want on this by the conditional use permit so it is just a matter of them working it out with Mr. Cooper; they haven't had anything decided. When they reminded Mr. Worley of that he remembered that they could; they just haven't gotten to that part yet.

Commissioner Fowler asked how far out of compliance with the conditional use permit are they on the septic issue.

Mr. Yonke stated the hook ups for all of the sites are not necessarily in place but we won't let them hook them up in this section of the plan until they get a rezoning because he can't have them there. Until the Commission says yes on the zoning he can't do anything on that. Other than that we have an engineered site plan now and they have made some progress under some of the building permits. He didn't do the expansion that he was trying to do but he did take out a permit to start doing it. We are getting better compliance but we are not fully compliant.

Open to public hearing.

No one spoke in support of the request.

Present, speaking in opposition to the request:

David Rechten, 11602 S. Hatchery Rd., Columbia.

Chris Glaser, 11602 S. Hatchery Rd., Columbia.

Mr. Rechten stated he lives across the street from Coopers Landing. Mr. Rechten stated he can speak for the other adjoining property owners. Mr. Rechten is adamantly opposed to giving this rezoning. It is too much on too little; twelve RV sites, a mobile home, rental building, convenience store, restaurant, marina, gas station, and a one way road that is currently under water and has been under water three times this year. There are ads in the paper and around town for dances with bands and shindigs that last who knows how long. Mr. Rechten stated he agreed with the conditional use permit thinking it was going to be a bait shop and marina and it has turned in to this nightmare. All of the adjoining property owners are against it. Anything to limit the size of this operation is a positive thing. It is looking for trouble to keep this stuff up; it is just a disaster waiting to happen.

Ms. Glaser stated there are a lot of people who live down there. According to the survey it is .74 acres. It is not 1.5 acres. You have people living there in pull behind trailers. There are campers on the weekend and hundreds of people and they are spilling on to the neighbor's properties and driveways.

Mr. Rechten stated the RV's have been down there for years, they have never moved. They are permanent and have people living in them. It is not campers moving in and out on the weekends, those campers are there all the time.

Ms. Glaser stated along with all of those people that live there permanently we have campers. This little piece of property just can't hold this big operation.

Mr. Rechten stated there are concerts advertised in the Tribune, it is crazy.

Chairperson Smith stated whether the request is approved or denied none of that is probably going to change. The Commission is just looking at land use; it is not going to change anything.

Mr. Rechten stated the applicants haven't complied with their conditional use permit.

Ms. Glaser stated she believes the applicants should comply first then talk about rezoning.

Mr. Rechten stated the applicant moved trailers in and it wasn't even his property.

Ms. Glaser stated her main concern is that there is an RV park here. We would be happy with a little camp ground but people are living there.

Commissioner Fowler asked staff what is in the conditional use permit and what is staff's estimate of where compliance is now.

Mr. Yonke stated the conditions that were placed on the conditional use permit are:

1. "No single wide mobile homes may be used for any purpose on the site except as a residence in compliance with the applicable regulations. Only the existing occupied mobile home is allowed on the site and when it is removed for any reason it is not to be replaced with a singlewide.
2. Four parking spaces are required for the store plus 2 for the residence for a total of 6.
3. All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
4. An engineered wastewater system for the activities including restaurant use must be designed and installed.
5. Lighting is oriented inward and downward so as to minimize light leaving the site except at the boat landing and dock.
6. The number of travel trailer slots is limited to a maximum of 12.
7. Comply with all site requirements of the Boone County Fire Protection District.
8. Comply with all requirements of the building code.
9. Must meet Health Department requirements for food service and wastewater.
10. A site plan be made of the property by a licensed engineer that addresses the conditions and activities and is to the satisfaction of the Director of Planning.
11. Said conditions must be complied with by December 31, 2006."

Commissioner Fowler asked if there were any County regulations for campgrounds and the duration that people may stay before they become permanent residents.

Mr. Yonke stated there is nothing in the zoning regulations. It would depend on the type of permits that they have. We have some regulations that say things like you can't use a travel trailer as a mobile home but that is more of we aren't going to let you set a travel trailer up in a mobile home park. It would be difficult to say a travel trailer that stays in a travel trailer park is a dwelling.

Commissioner Schloot stated he researched it as well and could find nothing as far as duration. A prime example would be the Boone County Fairgrounds (Cotton Woods RV Park); there are people that live out there year-round.

Closed to public hearing.

Commissioner Fowler asked the applicant if he had any limit on the duration that people can stay.

Mr. Cooper stated he owns one camper and it is there permanently. The other campers that are there come and stay for a few months at a time. People come in to the area under contract. There is an emergency room nurse that has been there for about five or six months now. Someone just left who was under contract with the telephone company and was here for about 10 months. There aren't really any strict limits on how long they stay. All of the campers that are there now, except for the one Mr. Cooper owns, have been there no more than a year.

Commissioner Schloot made and Commissioner Morgan seconded a motion to **approve** the request by Michael Cooper to rezone from A-1 (Agriculture) to REC (Recreation) on .36 acres, more or less, located at 11505 S. Smith Hatchery Rd., Columbia.

Pat Smith – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Michael Morrison – Yes
John Schloot – Yes	Paul Zullo – Yes
Gregory Martin – Yes	Patricia Fowler – NO
David Mink – Yes	

Motion to approve the request carries. 8 YES 1 NO

Chairperson Smith informed the applicants that this request would go before the County Commission on September 30, 2008 and the applicants need to be present for the hearing.



2. Request by I-70 LLC to rezone from R-S (Single Family Residential) to M-L (Light Industrial) on 17.32 acres, more or less, located at 7901 E. Richland Rd., Columbia.

Planner, Bill Florea gave the following staff report:

The property is located east of Columbia on the north side of Richland Road, adjacent to and southeast of Sunrise Estates. The land is currently vacant and is zoned RS, which is the original zoning. The proponent is currently developing land adjacent and to the east as a light industrial park and desires to incorporate this tract into the park. The request excludes a fifty-foot wide strip of land that would retain its RS zoning. The purpose of that strip is to prohibit industrial activity within 50-feet of adjacent RS zoned land.

The land to the north and west is currently zoned RS and is used for residential purposes. Land to the south, across Richland Road, is zoned A-1 and is in residential and agricultural use. Land to the east is zoned ML and is being developed as an industrial park.

The Master Plan identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposal. The sufficiency of resources test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis. The resources used in the test can generally be broken down into three categories: utilities, transportation and public safety services.

Utilities:

- Water: Public Water Supply District Number 9 provides service to the property. Water main extensions and fire hydrants have been installed on the property adjacent to the east. There is sufficient water to meet the needs of the request.
- Sewer: A sewer connection to the Boone County Regional Sewer District collection system is planned and a construction contract has been let. When that connection is complete there will be adequate sewer service available to this property.
- Electricity: Electric service is provided by Boone Electric and is sufficient for the needs of this proposal.

Transportation: Access to I-70 is via Richland Road to Rangeline Road or Trade Winds Parkway to I-70 Drive SE. The property is well served by the transportation network.

Public Safety Services: The Boone County Sheriff provides law enforcement service. Boone County Fire Protection District provides fire service.

Zoning Analysis:

- There are adequate public services available to this property if the rezoning is granted.
- The property is adjacent to existing ML zoning which is being developed as a light industrial park. Development of this property for light industrial use is not out of character with the pattern of development in the area.

The property scored 78.5 points on the rating system. Staff notified 132 property owners about this request.

Staff recommends approval of the rezoning request.

Present representing request:

Robert Hollis, Attorney for Applicant, 1103 E. Broadway, Columbia.
Tim Crockett, Crockett Engineering, 2608 N. Stadium, Columbia.

(Much of Mr. Hollis’ testimony could not be heard on the recording.)

Mr. Hollis made a power point presentation to the Commission.

Mr. Hollis pointed out the locations of the buffer site.

Mr. Hollis stated the Commission has copies of a letter of support that is signed by Mr. Tripp. Mr. Tripp also signed an acknowledgement of a letter sent to him by Mr. Hollis. Mr. Tripp owns property in the area. Mr. Hollis stated this is a unique site. It is more contiguous open zone industrial acreage near I-70. A survey of the property was presented.

Mr. Crockett stated the Boone County Regional Sewer District recently bid a sewer main extension to serve the area. In the contract the sewer line comes in from the southwest. Once it was bid they put an alternate in to serve additional property for more intense uses. With regard to water, this site is somewhat unique in the fact that it supplies over 1,000,000 gallons a day to two different locations. We have a 12 inch water main running on Richland Road and a 12 inch water line that runs internal across the property. The applicants have moved the system north and south. Boone Electric is the utility provider and there is ample services to serve the site as well as natural gas.

Mr. Hollis stated the million gallons per day is an important number. Some of the large users such as a call center can't find a site large enough that is zoned properly that has the ability to provide and discharge a million gallons per day. This site does.

Mr. Hollis stated that in the Commissioner's packets they have five letters from neighbors in support of the request; there is also a petition signed by 50 people in support.

Mr. Hollis presented copies of letters from Eric Blume, Brian Schultz, and the Loveall's in support of the request.

Mr. Crockett stated the concern over having a planned district is when we come back in with a development plan is how do we address the concern that we are going to encounter when we have cross zoning, or open zoning in a planned zoning district. In talking with County staff the applicants feel the request before the Commission in keeping it open zoning instead of a planned district is more appropriate.

Open to public hearing.

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

Closed to public hearing.

Commissioner Schloot stated that this is an excellent location. All of the infrastructure is laid out; the applicants did their homework and put in a 50-foot buffer. There are places that are looking for locations just like this; the applicants did a good job.

Commissioner Martin made and Commissioner Mink seconded a motion to **approve** the request by I-70 LLC to rezone from R-S (Single Family Residential) to M-L (Light Industrial) on 17.32 acres, more or less, located at 7901 E. Richland Rd., Columbia.

Pat Smith – Yes

Carl Freiling – Yes

Mike Morgan – Yes

Michael Morrison – Yes

John Schloot – Yes

Paul Zullo – Yes

Gregory Martin – Yes

Patricia Fowler – 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 September 30, 2008 and the applicants need to be present for the hearing.

VII. Planned Developments

1. Request by The Bourgeois Family LLC to approve a revised Review Plan for “The Winery” on 12.33 acres, more or less, located at 12847 W. Hwy BB, Rocheport.

Planner, Thad Yonke gave the following staff report:

This property is located at the immediate northeast corner of the intersection of I-70 and State Route BB. This is a proposal for a revised review plan for the site of the existing Les Bourgeois gift shop and wine production facility and to seek approval of a review plan on a majority of the property under M-LP (Planned Industrial) zoning. A small 0.29-acre portion of the parent parcel, that actually contains the gift-shop structure, is proposed to remain C-G (general commercial). The current zoning for the property is technically C-G (General Commercial) since a 2004 rezoning process was never finalized by obtaining an approved Final Development plan. Property to the east on the north side of I-70 is zoned A-2 (Agriculture) as is property to the north and northwest. Property to the west but north of I-70 is C-G. All these surrounding zonings are all original 1973 zonings. An approved Final Development Plan is required before any new zoning will go into effect or any building permits can be issued. This property is currently the site of the Les Bourgeois gift shop and wine production facility while the gift shop is a use that would fit in the original C-G district the wine production facility would need a minimum M-L or M-LP zoning designation to actually comply with the zoning ordinance. The proposal is to legitimize the existing uses and allow additional buildings as shown on the proposed review plan to create a unified complex. The old motel structure that was previously on the site has been removed. The proposed uses are listed on the face of the plan under Allowed Uses, as is required. This site is in the Columbia School District. Water will eventually be provided by Consolidated Public Water District No. 1. Boone Electric provides electric service. Sewer service is to be provided by a DNR regulated system for the complex. We have documentation that Marshall Engineering has done the design for the sewer. Fire hydrants and flows will be required to meet fire district approval and the Fire Marshall will have to approve any systems before construction or occupancy will be allowed. Any change in use beyond what is proposed will require a new Revised Review and Revised Final Plan. The proposal rates 32 points on the point rating scale. The master plan designates this area as being suitable for commercial land uses. Staff notified 15 property owners concerning this request. The Master Plan calls for the use of a “Sufficiency of Resources Test” when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner. The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

Utilities: This site is served by Boone Electric Cooperative and Consolidated Public Water District #1 and waterlines capable of providing fire flow are required to be installed. A commercial waste-water system has been designed and is required.

Transportation: Access to the site from State Route BB and the site is at the I-70 interchange.

Public Safety: The property is located approximately 2.5 miles from a Boone County Fire Protection District Station which is located in the city of Rocheport.

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

1. That the development meet fire district requirements for commercial/industrial uses as a condition of approval and that specific approval from the Fire Marshall will be required with respect to buildings and construction on the site. Adjustments to the site plan can be made to accommodate fire district requirements without another revision of the plan as long as the adjustments are not deemed significant by the Director of Planning.

Present representing request:

Curtis Bourgeois, 12075 Sinking Creek, Rocheport.

Mr. Bourgeois stated he had no comments.

The Commission had no questions or comments.

Open to public hearing.

Present, speaking in support of the request:

Mark Skinner, Marshall Engineering, 21999 N. Devils Washboard, Clark.

Mr. Skinner stated the Bourgeois Family are trying to come in to compliance with the processing of the wine. The Fire Marshal has been contacted and his issue was that the road had to be 20-feet wide coming in and the Fire Marshal has also required a fire hydrant.

No one is opposition to the request.

Closed to public hearing.

Commissioner Freiling stated he would like to compliment the applicants on cleaning up a spot in Boone County that is an entrance to the County in a way that is very pleasant.

Commissioner Freiling made and Commissioner Mink seconded a motion to **approve** the request by The Bourgeois Family LLC to approve a revised Review Plan for “The Winery” on 12.33 acres, more or less, located at 12847 W. Hwy BB, Rocheport **with the following condition:**

1. That the development meet fire district requirements for commercial/industrial uses as a condition of approval and that specific approval from the Fire Marshall will be required with respect to buildings and construction on the site. Adjustments to the site plan can be made to accommodate fire district requirements without another revision of the plan as long as the adjustments are not deemed significant by the Director of Planning.

Pat Smith – Yes

Mike Morgan – Yes

John Schloot – Yes

Gregory Martin – Yes

David Mink – Yes

Carl Freiling – Yes

Michael Morrison – Yes

Paul Zullo – Yes

Patricia Fowler – Yes

Motion to approve the request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on September 30, 2008 and the applicants need to be present for the hearing.

VIII. Plats

1. Lake View South. S27-T46N-R12W. A-2. Richard D. McCubbin, owner. Neal R. Slattery, surveyor.

Planner, Uriah Mach gave the following staff report:

The property is located on Christian School Road, at the northwestern corner of the intersection of Christian School Road and Old Highway 63. This plat cuts a 37.95 acre parcel into eight lots ranging from 6.33 acres to 5.00 acres in size. The property is zoned A-2 (Agriculture), with R-M (Residential Moderate Density) zoning to the south and A-2 zoning to the north, east, and west. The R-M and A-2 are original 1973 county zonings. The property has several existing structures that will be removed.

This property has an existing access onto Old Highway 63 & Christian School Road. Lots 2, 5, 7, & 8 are served by private drive easements off of Christian School & Old Highway 63. The applicant has requested a waiver of the traffic study.

The property is served by Consolidated Public Water District #1, Boone Electric, and the Southern Boone County Fire Protection District for utilities and fire protection. Consolidated #1 will be improving water service to this property in conjunction with the developer by the upgrading of an existing 4" line to an 8" line. Fire hydrants will be required and installed per the requirements of the Southern Boone County Fire Protection District. Due to a peak use failure to meet fire flows with the waterline upgrade, a dry hydrant system has been approved by Southern Boone Fire, and will be installed to serve this property in addition to the standard hydrants.

This development will be served by individual on-site systems. The applicant has submitted a central sewer vs. on-site system cost benefit analysis. That cost-benefit analysis has been reviewed by the Boone County Regional Sewer District and the City/County Health Department. They have approved of the cost-benefit analysis' conclusions.

The property scored 50 points on the rating system.

Staff recommends approval of the plat.

Present representing plat:

Neal Slattery, A Civil Group, 1123 Wilkes Boulevard, Columbia.
Richard McCubbin, 15890 Palis Nichols Rd., Hartsburg.

Mr. Slattery stated as staff has indicated the property is mostly open pasture. The applicants are proposing single family homes in compliance with the current zoning. All the lots are between 5 and 6

acres. The project is served by two private roads, one off of Christian School Road and one off of Old Highway 63. This project will require a water line upgrade.

Commissioner Mink stated with the pond being divided so many different ways is there some kind of covenant that will allow for major maintenance of the pond or the pond dam.

Mr. Slattery stated there will be restrictive covenants; they are currently in the draft stage right now. Maintenance and access issues will be addressed.

Commissioner Freiling stated the State law concerning common lakes, liability, and use are an interesting issue.

Commissioner Mink stated they aren't showing it as common land, they are showing it as actually private property clear out to a point in the middle. If the dam fails, who has to fix it?

Mr. Slattery stated it is part of the covenants. There may be some kind of access easement around the lake.

Commissioner Freiling stated Missouri law states if you own any shore line you have rights to the entire surface.

Commissioner Freiling made and Commissioner Schloot seconded a motion to **approve** Lake View South.

Pat Smith – Yes

Carl Freiling – Yes

Mike Morgan – Yes

Michael Morrison – Yes

John Schloot – Yes

Paul Zullo – Yes

Gregory Martin – Yes

Patricia Fowler – Yes

David Mink – Yes

Motion to approve the plat carries unanimously.



IX. Old Business

1. Update on County Commission Decisions

The LeFabvre rezoning request was approved as recommended.

The Sapp rezoning request was denied as recommended.

The subdivision plats that were approved as recommended.

2. Stream Buffer Hearing

Mr. Shawver reminded the Commission that the third public hearing for the proposed stream buffer ordinance is on Tuesday, September 23 at 7:00 p.m. at the Hallsville Fire Station on Route B.

X. New Business

1. Joint P & Z Meetings

The next joint meeting is September 30, 2008.

Chairperson Smith stated the location of this meeting is to be determined.

Chairperson Smith stated the people on the sub-committee that are working on joint planning have asked Chairperson Smith that all Commissioners come to the meeting on September 30th.

Mr. Shawver stated there has been some concern that the county has not been participating in the process.

Mr. Shawver reminded the Commission that according to the Sunshine Law, all meetings are to be posted at least 24 hours in advance.



Commissioner Schloot stated one thing the Commission does need to talk about is the dog kennels. Perhaps the Commission needs to get a better definition of what a kennel is and what the restrictions are and how much land it can go to and maybe have some better guidelines for the future.

Chairperson Smith stated there is inconsistency.

XI. Adjourn

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

Respectfully submitted,

Secretary
Patricia Fowler

Minutes approved on this 16th day of October, 2008