

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, October 16, 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
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:

Carl Freiling, Vice-Chairperson	Cedar Township
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 September 18, 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 and nine 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 short and 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 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, October 28, 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, October 28, 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 Glendale Family Company LLC on behalf of Stacy and Kent Swala to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and approve a Review Plan for Glendale Stables on 10.31 acres, more or less, located at 4700 N. Glendale Dr., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Glendale Drive, north of Mexico Gravel Road, east of Route Z. The applicant is seeking to rezone 10.31 acres of approximately 152 acres from A-1 (Agriculture) to A-1P (Planned Agriculture). The property included in this rezoning will be reconfigured under a new minor plat and concurrent administrative survey to resolve some prior land division inconsistencies and keep the

stable structures on the appropriate tracts. The property is surrounded by A-1 zoning, all of which is original 1973 zoning.

The purpose of this planned rezoning is to divide the property into one 2.50 acre lot, upon which a house is being constructed under permit, and a 7.50 acre lot which will be reserved for agricultural activity. The agricultural activity is expected be consistent with the current use of the property, and the 7.50 acre tract will be held by the Glendale Family Company LLC. The 2.50 acre tract will be transferred to the Swalas as their home site.

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

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

Utilities: This property is served by Public Water Service District #9, Boone County Fire Protection District, & Boone Electric Cooperative. This rezoning will not noticeably increase demand on available public utilities. The City/County Health Department has approved of the on-site wastewater situation between the revised administrative survey lot to the south of this property and the property being rezoned, and has taken steps to ensure compliance with the appropriate regulations.

Transportation: Access to this property is via Glendale Drive. The rezoning will not increase traffic to this site.

Public Safety: This property is in excess of five miles from the nearest fire station, which would be on Clark Lane near the city limits of Columbia. This rezoning will not significantly increase risk or require additional service beyond that which is already provided or needed for the current use of the property.

Zoning Analysis: This rezoning request is consistent with the overall goal of the zoning regulations. Taking advantage of the of the available but unused density of the A-1 zoning of this property to create a smaller lot while reserving the majority of the subject tract for the large lot agricultural activity currently in evidence is consistent with the overall purpose of planned districts.

Staff recommends approval of the request.

Present representing request:

Nate Kohl, 1080 Route Y, Harrisburg.

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

Open to public hearing.

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

Closed to public hearing.

Commissioner Morrison made and Commissioner Schloot seconded a motion to **approve** the request by Glendale Family Company LLC on behalf of Stacy and Kent Swala to rezone from A-1

(Agriculture) to A-1P (Planned Agriculture) on 10.31 acres, more or less, located at 4700 N. Glendale Dr., Columbia.

Pat Smith – Yes	Paul Zullo – Yes
Mike Morgan – Yes	Michael Morrison – Yes
John Schloot – Yes	Patricia Fowler – Yes
David Mink – Yes	Gregory Martin – Yes

Motion to approve the request carries unanimously.

Commissioner Schloot made and Commissioner Morrison seconded a motion to **approve** the request by Glendale Family Company LLC on behalf of Stacy and Kent Swala to approve a Review Plan for Glendale Stables on 10.31 acres, more or less, located at 4700 N. Glendale Dr., Columbia.

Pat Smith – Yes	Paul Zullo – Yes
Mike Morgan – Yes	Michael Morrison – Yes
John Schloot – Yes	Patricia Fowler – Yes
David Mink – Yes	Gregory Martin – Yes

Motion to approve the request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on October 28, 2008 and the applicants need to be present for the hearing.



2. Request by Robert and Donna Bechtold Trust to rezone from C-G (General Commercial) to M-L (Light industrial) on 3.07 acres, more or less, located at 6401 W. Hwy 40, Columbia.

Planner, Thad Yonke gave the following staff report:

This portion of the parent parcel containing the requested zoning change is located at the immediate northwest corner of the intersection of I-70 and US Hwy 40. The area of the rezoning is approximately 3.07 acres of the 19 acre parent parcel. The site is approximately 1.5 miles west of the nearest municipal limits of the City of Columbia. The current zoning of the property proposed for rezoning is C-G (general commercial) as is all the surrounding property and these are all original 1973 zonings. The subject property contains inconsequential buildings and shipping containers associated with a fireworks distribution business. The property is located in Consolidated Public Water District #1. The district currently has a watermain of at least 8” serving the area. Fire hydrants will be required due to the commercial or industrial uses of the site. The large sewage lagoon immediately south of the requested rezoning serves as the wastewater system. The site is in the Boone Electric service area and Boone County Fire Protection District service area. The site is within the Columbia Public School District. The proposal rates 83 points on the point rating scale. The master plan designates this area as being suitable for commercial uses; however, several of the traditional uses of this site are more commonly associated with light industrial zoning types than those commonly associated as purely commercial. Therefore, the request is arguably consistent with the master plan and generally in keeping with the existing character of the area. The remainder of the parent parcel and surrounding additional parcels remain commercially zoned

and can be considered a limited type of buffer to the requested industrial zoning. Staff notified 18 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. There is at least an 8” watermain at the site currently. Any new structures constructed will have to meet fire district approval for hydrants and fire protection. The site has a collector wastewater lagoon system that serves the varied uses of the site.

Transportation: Access to the site is from US Highway 40. The total property has 3 entrances onto the highway.

Public Safety: The nearest fire station is $\frac{3}{4}$ of a mile up Highway 40 to the northwest.

The request requires roughly the same resources as the existing zoning and would more accurately reflect the traditional uses of the property. Therefore, staff recommends approval of the request.

Present representing request:

Jay Gebhardt, A Civil Group, 1123 Wilkes Blvd., Columbia.

Mr. Gebhardt stated the owners have a bunch of semi trailer storage units that they have been using for this business. They would like to build a structure with a roof and open on the sides and eliminate some of these cargo containers; they asked for a building permit and found out at that time that they didn’t have the proper zoning for the business that has been operating there. The applicants spoke with staff and decided to ask for M-L zoning because it seemed more appropriate. All the applicants want to do is build a structure to keep the rain off their containers.

Open to public hearing.

Present:

Linda Thornhill, 1301 Denninghoff Rd., Columbia.

Ms. Thornhill stated she lives right across the Interstate from the Expo Center. Ms. Thornhill asked if there was going to be a lot of noise with this.

Closed to public hearing.

Mr. Gebhardt stated his understanding is that this request won’t change anything from what the applicants are doing now. They just want to be able have a covered building. It shouldn’t change anything.

Ms. Thornhill stated her main complaint was the noise from all the bands.

Mr. Gebhardt stated some of the trailers will be moved out.

Commissioner Fowler stated we talked in the work session about whether this was going to be a closed building because it says 1450 square foot warehouse. Is there a difference between building a giant carport versus a warehouse and does that raise any issues?

Mr. Shawver stated no, it is still being used as a warehouse whether it is open or closed. It becomes more of a building construction issue more than anything else. The actual land use is the same.

Commissioner Schloot made and Commissioner Martin seconded a motion to **approve** the request by Robert and Donna Bechtold Trust to rezone from C-G (General Commercial) to M-L (Light industrial) on 3.07 acres, more or less, located at 6401 W. Hwy 40, Columbia.

Pat Smith – Yes

Paul Zullo – Yes

Mike Morgan – Yes

Michael Morrison – Yes

John Schloot – Yes

Patricia Fowler – Yes

David Mink – Yes

Gregory Martin – Yes

Motion to approve the request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on October 28, 2008 and the applicants need to be present for the hearing.

VII. Planned Developments

None.

VIII. Plats

1. Brandywine Creek. S15-T47N-R12W. A-2. Peter and Donna Grathwohl, owners. J. Daniel Brush, surveyor.

Planner, Uriah Mach gave the following staff report:

The subject property is located approximately 2 miles to the north of Ashland, west of the intersection Brandywine Creek Road and Highway 63. This plat creates one 4.75 acre lot and one 2.50 acre lot. The property is zoned A-2 (Agriculture) and was rezoned from A-1 (Agriculture) in 1976, and is surrounded by A-2 zoning, which was also rezoned under the same County Commission order in 1976.

Lot 1 has direct access onto Brandywine Creek Road. Lot 2 has an existing MoDOT-approved access onto Highway 63. MoDOT has indicated that no further accesses to Highway 63 off this property will be granted. 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 service will be provided by the Southern 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.

This property, in order to be platted, applied to the Boone County Board of Adjustment for two variances. The first variance was for the location of the house on Lot 2. This house is located inside the front building setback. A variance was granted under case #2008-004A. The second variance was for the allowance of an accessory structure on a lot without a primary structure. This was for Lot 1, where an existing barn and shed were permitted to remain on the property with a one year review of the situation. This variance was granted under case #2008-004B.

The property scored 55 points on the rating system.

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

No one present to represent plat.

Commissioner Morrison made and Commissioner Morgan seconded a motion to **approve** Brandywine Creek **with waiver requests.**

Pat Smith – Yes

Paul Zullo – Yes

Mike Morgan – Yes

Michael Morrison – Yes

John Schloot – Yes

Patricia Fowler – Yes

David Mink – Yes

Gregory Martin – Yes

Motion to approve the plat carries unanimously.



2. Conrad Remnant. S28-T50N-R14W. A-2. Darlene Strawn, owner. Nathanael E. Kohl, surveyor.

Planner, Uriah Mach gave the following staff report:

The subject tract is located just south of the intersection of Conrad Road with Callahan Creek Road, southwest of Harrisburg. This property is being divided into two lots, one at 2.50 acres and the other at 2.60 acres. On lot 1, there is an old garage structure which will be removed prior to recording the plat. This property was originally zoned A-1 (Agriculture), but was rezoned to A-2(Agriculture) in April of 2008. There is original 1973 A-1 zoning to the north, south and west and original 1973 A-2 zoning to the east.

Both lots have direct access on to Conrad Road. The applicant has submitted a request to waive the traffic study requirement.

This property is served by Consolidated Public Water Service District #1, Boone County Regional Fire Protection District, and the Boone Electric Cooperative. Water service will be provided by a 4” main running along Conrad Road. Existing infrastructure will support the electrical needs of this plat. Boone County Fire Protection District will provide emergency fire protection services to this property.

On-site systems will provide for wastewater disposal. There is currently one lagoon in operation on this property, however its location in relation to the pond and lagoon sites for the other building site will require a lagoon easement to be recorded in order to ensure that wastewater needs for this plat can be met.

The property scored 26 points on the rating system.

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

No one present to represent plat.

Commissioner Morrison made and Commissioner Morgan seconded a motion to **approve** Conrad Remnant **with waiver request**:

Pat Smith – Yes

Mike Morgan – Yes

John Schloot – Yes

David Mink – Yes

Paul Zullo – Yes

Michael Morrison – Yes

Patricia Fowler – Yes

Gregory Martin – Yes

Motion to approve the plat carries unanimously.



3. Phillippe Remnant. S11-T49N-R13W. A-R. Mary Phillippe, owner. Nathanael E. Kohl, surveyor.

Planner, Uriah Mach gave the following staff report:

The subject tract is located near the intersection of Wade School and Akeman Bridge Roads. A single 2.72 acre lot is being split off of a 20 acre piece, and the remainder is being incorporated into a larger 30+ acre property held by an adjacent property owner. There is a house, garage, and shed currently on the property. The property is zoned A-R (Agriculture-Residential) and has A-R zoning to the east, west, and north, with R-S (Residential Single-Family) zoning to the south. These are original 1973 zonings.

The proposed lot has direct access onto Akeman Bridge Road. The applicant has submitted a request to waive the traffic study requirement.

This property is served by Consolidated Public Water Service District #1, Boone County Regional Fire Protection District, and the Boone Electric Cooperative. Water service will be provided by an existing 3” waterline along the front of this lot. Existing infrastructure will support the electrical needs of this plat. Boone County Fire Protection District will provide emergency fire protection services to this property.

An existing on-site system will provide for wastewater disposal. There were some outstanding issues on this system under permit with the City/County Health Department. Successful resolution of those issues is in progress to the satisfaction of the Health Department. The applicant has submitted a request to waive the cost-benefit analysis.

The property scored 34 points on the rating system.

Staff recommends recommendation

No one present to represent plat.

Commissioner Morrison made and Commissioner Morgan seconded a motion to **approve** Phillippe Remnant

Pat Smith – Yes

Paul Zullo – Yes

Mike Morgan – Yes
John Schloot – Yes
David Mink – Yes

Michael Morrison – Yes
Patricia Fowler – Yes
Gregory Martin – Yes

Motion to approve the plat carries unanimously.



4. Shady Brook Estates Plat 3. S34-T50N-T12W. A-2. George E. James, owner. James V. Patchett, surveyor.

Planner, Uriah Mach gave the following staff report:

The subject property is located approximately 2 ½ miles to the south of Hallsville, 1000 feet to the east of State Route B along Mount Zion Church Road. This plat creates one lot. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning. This is original 1973 zoning.

These lots have direct access on Mount Zion Church Road to the south. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to these lots will be provided by Public Water Service District #4. Electrical service will be provided by Boone Electric Cooperative. Fire protection will be provided by Boone County Fire Protection District and fire hydrants have been installed placed per the requirements of the Fire Protection District on the north side of Mount Zion Church Road.

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. Further lots from this parent parcel are being reviewed by the Missouri Department of Natural Resources.

There are currently five lots, with another four proposed along the Mount Zion Church Road frontage of the parent parcel. At this time, any further development of the parent parcel would require reconfiguration of some lots to allow for the development of the area with public roads.

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 plat.

Commissioner Morrison made and Commissioner Morgan seconded a motion to **approve Shady Brook Estates Plat 3 with waiver requests:**

Pat Smith – Yes
Mike Morgan – Yes
John Schloot – Yes
David Mink – Yes

Paul Zullo – Yes
Michael Morrison – Yes
Patricia Fowler – Yes
Gregory Martin – Yes

Motion to approve the plat carries unanimously.



5. Starshine. S26-T50N-R12W. A-2. Davies Farm III LLC, owner. Brian David Dollar, surveyor.

Planner, Uriah Mach gave the following staff report:

The subject property is located approximately 1 to 1 ½ miles to the south of Hallsville, west of the intersection of Low Crossing Road and Varnon School Road. This plat creates one 4.05 acre lot from a 37.34 parent parcel. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning. This is all original 1973 zoning.

Lot 1 has direct access onto Low Crossing Road. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to these lots will be provided by Public Water Service District #4. Electrical service will be provided by Boone Electric Cooperative. Fire protection service will be provided by the Boone County Region Fire Protection District.

On-site systems will be providing wastewater disposal. The City/County health department is still reviewing the ability of these lots to use on-site disposal, and their approval of such systems will be required prior to final approval and recording of the plat. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 42 points on the rating system.

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

No one present to represent plat.

Commissioner Morrison made and Commissioner Morgan seconded a motion to **approve** Starshine with waiver request:

Pat Smith – Yes
Mike Morgan – Yes
John Schloot – Yes
David Mink – Yes

Paul Zullo – Yes
Michael Morrison – Yes
Patricia Fowler – Yes
Gregory Martin – Yes

Motion to approve the plat carries unanimously.



6. Starshadow. S26-T50N-R12W. A-2. Davies Farm IV LLC, owner. Brian David Dollar, surveyor.

Planner, Uriah Mach gave the following staff report:

The subject property is located approximately 1 to 1 ½ miles to the south of Hallsville, at the intersection of Low Crossing Road and Varnon School Road. This plat creates two lots, one at 3.88 acres and the other at 3.35 acres from a 37.35 parent parcel. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning. This is all original 1973 zoning.

Lot 2 has direct access onto Low Crossing Road and Varnon School Road. Lot 3 has direct access onto Varnon School Road. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to these lots will be provided by Public Water Service District #4. Electrical service will be provided by Boone Electric Cooperative. Fire protection service will be provided by the Boone County Region Fire Protection District.

On-site systems will be providing wastewater disposal. The City/County health department is still reviewing the ability of these lots to use on-site disposal, and their approval of such systems will be required prior to final approval and recording of the plat. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 42 points on the rating system.

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

1. That final approval and recording of the plat will not be permitted without approval of the on-site wastewater design by the City/County Health department.

No one present to represent plat.

Commissioner Morrison made and Commissioner Morgan seconded a motion to **approve** Starshadow with waiver request and the following condition:

1. That final approval and recording of the plat will not be permitted without approval of the on-site wastewater design by the City/County Health department.

Pat Smith – Yes

Paul Zullo – Yes

Mike Morgan – Yes

Michael Morrison – Yes

John Schloot – Yes

Patricia Fowler – Yes

David Mink – Yes

Gregory Martin – Yes

Motion to approve the plat carries unanimously.



7. Addison Ridge Estates. S18-T49N-R13W. A-2. Addison River Farms LLC, owner. J. Daniel Brush, surveyor.

Planner, Uriah Mach gave the following staff report:

The property is located on Nature Trail Road (which is to be renamed in the future) off of Hatton Chapel Road. This plat, when combined with a concurrent administrative survey, is re-dividing the Nature Trail Ranchettes plats into lots that comply with current regulations. The plat is creating three lots, at 6.16 acres, 5.26 acres, and 5.06 acres. The remaining acreage in Nature Trail Ranchettes along Nature Trail Road is being divided by the concurrent administrative survey. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning. These are original 1973 zonings.

These lots will have access on Addison Ridge (previously Nature Trail Road). Addison Ridge will need to be built and approved by Boone County Public Works. The applicant has submitted a request to waive the traffic study requirement for this plat.

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

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

The property scored 31 points on the rating system.

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

1. The road construction of Addison Ridge must be completed to the satisfaction of Boone County Public Works before the final plat can be recorded.
2. The water infrastructure upgrades must be completed before the final plat can be recorded.

No one present to represent plat.

Commissioner Morrison made and Commissioner Morgan seconded a motion to **approve Addison Ridge Estates with waiver requests and the following conditions:**

1. The road construction of Addison Ridge must be completed to the satisfaction of Boone County Public Works before the final plat can be recorded.
2. The water infrastructure upgrades must be completed before the final plat can be recorded.

Pat Smith – Yes

Paul Zullo – Yes

Mike Morgan – Yes

Michael Morrison – Yes

John Schloot – Yes

Patricia Fowler – Yes

David Mink – Yes

Gregory Martin – Yes

Motion to approve the plat carries unanimously.



8. Tara North. S35-T51N-R13W. A-2. Ronald and Teri McBee, owners. J. Daniel Brush, surveyor.

Planner, Uriah Mach gave the following staff report:

The property is located at the intersection of Williams Road and Old Number 7, one mile east of Highway 63, near Riggs. It consists of two lots, one at 5 acres and the other at 4.41 acres. A final plat was submitted in 2006 reconfiguring the property at this location, however, it was never followed through on and due to the transfer of properties involve a new final plat was required to divide the property. The property is zoned A-2 (Agriculture), and is surrounded by A-2 (Agriculture) zoning. This is all original 1973 zoning.

Lot one has direct access to Old Number 7 and Williams Road. It also has a 25' private access easement that extends across the northeastern edge of the property to allow for access to the administrative survey lot to the east. Lot two has direct access on Old Number 7. The plat is dedicating half-width right-of-way to Old Number 7 and Williams Road. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to the property is provided by Public Water Service District #10. Fire protection is provided by the Boone County Fire Protection District. Electrical service is provided by Boone Electric.

On-site systems will provide wastewater disposal. There is a lagoon easement along the eastern side of lot one to allow for the location of the lagoon on the adjacent property. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 30 points on the rating system.

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

No one present to represent plat.

Commissioner Morrison made and Commissioner Morgan seconded a motion to approve Tara North with waiver requests:

Pat Smith – Yes	Paul Zullo – Yes
Mike Morgan – Yes	Michael Morrison – Yes
John Schloot – Yes	Patricia Fowler – Yes
David Mink – Yes	Gregory Martin – Yes

Motion to approve the plat carries unanimously.



9. Callahan Crossing. S30-T49N-R13W. A-2. Addison River Farms LLC, owner. David T. Butcher, surveyor.

Planner, Uriah Mach gave the following staff report:

The subject property is located at the northwestern quadrant of the intersection of Yeager and Driskel Road, west of State Route E and south of Hatton Chapel Road. The parent parcel is a 70 acre tract, and this plat splits three lots from it. Those three lots are 2.67 acres, 2.53 acres, and 2.50 acres in size. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is original 1973 zoning. Previously, there was a conditional use permit issued for the placement of two additional mobile homes in 1992 for a total of three on the property. The permit was granted for those mobile homes to be used as workshop space, not as residences. Per the intentions stated by the developer, all existing structures on this site are to be removed.

Lot 1 has direct access onto Driskel Road. Lot 2 has access onto Driskel and Yeager Roads. Lot 3 has direct access onto Yeager Road. There is a proposed location for a private road easement along the northern boundary of Lot 3, but there is no current proposal for future division of the property to the west of the platted area. The applicant has submitted a request to waive the traffic study requirement.

Consolidated Public Water Service District #1 can provide domestic water service from 4” lines along Driskel & Yeager roads. Fire protection will be provided by Boone County Fire Protection District.

On-site wastewater plans have been approved by the health department. The applicant has submitted a request to waive the cost-benefit analysis.

The property scored 36 points on the rating system.

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

No one present to represent plat.

Commissioner Morrison made and Commissioner Morgan seconded a motion to **approve Callahan Crossing with waiver requests:**

Pat Smith – Yes

Paul Zullo – Yes

Mike Morgan – Yes

Michael Morrison – Yes

John Schloot – Yes

Patricia Fowler – Yes

David Mink – Yes

Gregory Martin – Yes

Motion to approve the plat carries unanimously.

IX. Old Business

1. Update on County Commission Decisions

The Cooper rezoning request was approved as recommended.

The I-70 LLC rezoning request was approved as recommended.

The revised review plan for the Bourgeois Family was approved as recommended.



2. Stream Buffer Hearing

Mr. Shawver stated the Planning and Zoning Commission conducted three public hearings as required by the regulations for the proposed stream buffer ordinance. Mr. Florea has prepared information for the Commission. At the first hearing there was support. At the second hearing in Ashland there were questions that were answered. At the third public hearing in Hallsville there were people that had lengthy questions and suggestions. Comments were provided in writing and Mr. Florea has tried to address those comments. There are some issues that still need discussion.

Mr. Florea stated the package prepared for the commission has the proposed regulations, the written comments that staff has received, and staff’s proposed response to those comments. Staff’s response was sent to the people who submitted comments and there are additional comments from the citizens. Mr. Florea stated he met with County Counselor, C.J. Dykhouse and neither he nor Mr. Florea was very comfortable with the enforcement abatement process that was outlined in the original draft which was adopted in another community in Kansas. Mr. Dykhouse agreed to rewrite that section of the ordinance.

Probably by this time next month we will have the updated version. Something that is more in line with the practices that the County currently has with regard to enforcement.

Mr. Florea stated staff would like the Commission to look through the packet and bring questions or comments to the next work session and we will go from there. If the Commissioner's have questions before then they can call Mr. Florea.



3. Joint P & Z Meetings

Chairperson Smith stated the Sub Area planning is moving along.

Commissioner Fowler stated the last meeting was very brief; there were three people there and a reporter from the Missourian. We talked about two different formats for the document. There are some distinct areas there, there is area around the high school and area around the proposed elementary school then there is the residential area. There is an area where there are historic concerns. There are areas that are appropriate for campus. One way to write the plan is to write it by section and address all of the topics within that section so they would be discreet and people that are interested in any section could just read that section. The other way is to go and write about the roads as they impact all of the areas and then go to stream buffers. The next level; whatever kind of buffers for architectural design and various other component pieces. We are deciding right now, which one way should the document be formatted so it would be easier to understand to those who read it.

Chairperson Smith stated she is focusing on what it should say before we decide how to say it.

Commissioner Fowler stated we discussed a sketch that Commissioner Fowler made based on her recollection of all the comments about what the plan would contain and how you would identify those areas.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Secretary
Patricia Fowler

Minutes approved on this 20th day of November, 2008