

**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, December 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
Larry Oetting	Three Creeks Township
Michael Morrison	Columbia Township
John Schloot	Rocky Fork Township
Paul Zullo	Rock Bridge Township
Mike Morgan	Bourbon Township
Gregory Martin	Katy Township
Derin Campbell	Public Works

b. Members Absent:

Pat Fowler, Secretary	Missouri Township
Vacant Seat	Centralia Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the November 20, 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 revised review plan for a 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 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, December 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, December 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 David L. Sallee to rezone from A-2 (Agriculture) to R-S (Single Family Residential) on 5.0 acres, more or less, located at 11251 N. Hecht Rd., Hallsville.

Planner, Thad Yonke gave the following staff report:

This property is located on the west side of Hecht Road approximately 3000 ft north of the intersection of Mount Zion Church Road and Hecht Road. The site is approximately 2 miles south of the nearest municipal limits of the City of Hallsville. The subject property for the rezoning is 5 acres. The current

zoning of this property is A-2 (agriculture) as is all the surrounding property and these are all original 1973 zonings. The nearest R-S (residential single family) zoning district is 1.77 miles away. The subject property contains one singlewide mobile home and a wastewater lagoon. The applicant has expressed his intentions to submit a Conditional Use Permit to create a Mobile Home Park on this property should the rezoning be granted. However, while the ability to apply for a MHP CUP is dependant upon a successful rezoning of the property, only the issue of the appropriateness of the requested rezoning is the subject of this hearing. Under an R-S zoning, the theoretical maximum number of dwelling units allowable would be 31 units; under the A-2 zoning, the theoretical maximum number of dwelling units is 2 and as a single 5 acre parcel the actual number of allowable dwelling units is 1. The property is located in Public Water District #4. The district currently has a 2&½ inch water main serving the site that provides at best 100 gpm. The standards for any fire protection start at a minimum of 500 gpm. The closest large water main is 3 miles away. The water district 5 year plan includes running a larger line down Low Crossing Road, but even then the larger line will be approximately 1 mile from the site. In order to use the requested zoning, fire hydrants will be required. The large sewage lagoon on the site is now an on-site wastewater system, since the lagoon only serves the single dwelling unit located on the property. To utilize the R-S zoning, a collector wastewater system would be required. The current lagoon has a DNR No-Discharge permit, however, this permit is not adequate for the lagoon to serve as a collector system under county regulations. To use the existing lagoon as a collector wastewater system would require a CUP for a collector wastewater system not approved under the county subdivision regulations, or the system would have to be brought, at the owner's expense, up to current BCRSD standards and be turned over to the BCRSD. The site is in the Boone Electric service area and Boone County Fire Protection District. The portion of Hecht Road most likely to serve the site is a chip-seal roadway with no shoulders and several blind turns. The potential impact of the rezoning on the road network would yield an increased maximum of approximately 300 ADT to the current road count. The site is within the Hallsville School District. The proposal rates 36 points on the point rating scale. The master plan designates this area as being suitable for agriculture and rural residential land uses. The request is not consistent with the master plan, is not in keeping with the existing character of the area, and would constitute a spot zoning. There have not been any significant changes to the area within which this request falls to justify a change of zoning from the existing A-2 zoning set in 1973. Staff notified 19 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 Public Water District 4. There is not sufficient water or fire flow from the existing waterlines nor will there be sufficient water to support the request in the foreseeable future. The wastewater lagoon does not meet county standards for a collector wastewater system.

Transportation: Access to the site is from Hecht Road. The most recent traffic count showed 203 ADT for the section of road most directly used. The proposed rezoning could increase the ADT by 300 for a total of 503 which is a significant increase but which is less than the 750 ADT threshold for a collector roadway.

Public Safety: The nearest fire station is in Hallsville and is over 3 road miles from the site. Lack of ability to provide fire hydrants makes the potential density of the request inappropriate. The Sheriff's Department has indicated that increased density often corresponds to increased calls but that the Department has the ability to handle the increase.

The request fails the sufficiency of resources test under two of three categories. The degree to which the deficiencies exist with respect to the provision of adequate infrastructure make it impossible for staff to recommend anything other than denial of the rezoning request to R-S zoning. Therefore, staff recommends denial of the request.

Present, representing request:

David Sallee, owner, 3300 E. Mt. Zion Church Rd., Hallsville.

Mr. Sallee stated he has an argument with the facts as they were presented. This is all a bunch of “awfulizing”, this is how bad it could be if everything went to hell in a hand basket. That is not what is happening. Mr. Sallee made arrangements for everything out there for the safety of his men in the mobile home park. Staff stated that the development have the resources necessary and are broken down in to three general categories. Utilities, transportation, and public safety. Mr. Sallee stated staff is going by what could possibly happen. Mr. Sallee stated he has a major argument going on with the County Fire District in regard to safety. Mr. Sallee stated he is not overly interested in extinguishing the fires. That is not the focus; the focus is on early warning and evacuation of anyone in the mobile homes out there. The mobile homes are separated enough that there is no concern about the fire jumping from one home to another. They are separated by 30 to 45 feet between each unit out there. Staff is talking about utilities out there. The site is served by Boone Electric Cooperative. Yes, it is; the entire infrastructure for all the mobile homes out there, approximately eight, all the infrastructure is there. All the water lines are there, all the power lines, and sewer lines, everything is there and has been for 40 years and has been in use up until the last few years when Mr. Sallee started working out there to clean it up. Then through attrition by the Planning and Zoning Commission six mobile home were moved out of there and Boone Electric was not allowed to put meters back in there so he could replace the mobile homes.

Mr. Sallee stated he cleaned up the property and has it well above par right now. Boone Electric is out there and is looking forward to providing service out there for all electric mobile homes. To take out the possibility of fire hazards with any kind of propane. They will all be reasonably new homes, within 10 years, all electric, and all safety applied. Each unit out there is going to have a security system installed when it comes out there with Tiger Security that will alert the fire department and Mr. Sallee if there is any problem out there. The mobile home out there now is occupied by a young couple and two little babies. The fire alarm system out there was tested last summer by the occupants previously there. The lady was frying bacon and it got away from her and the smoke set off the alarm. The system called Mr. Sallee and the fire department. Mr. Sallee got out there and reset the fire alarm. They were outside making fun of the lady’s cooking when the fire department arrived. That is Mr. Sallee’s goal; any fire that occurs out there, whether it is grease smoke or whatever, Mr. Sallee wants everyone outside talking and laughing about situations before the fire department ever arrives. Mr. Sallee is not concerned about putting it out. The worst Mr. Sallee can expect from a fire out there would be a slight increase in insurance rates because he wants to make sure everyone is out of there and safe.

Mr. Sallee stated the wastewater lagoon out there does not meet County standards for a collector wastewater system. The only shortcoming there is that the Boone County Sewer District requires that Mr. Sallee sign the title to the lagoon over to them for them to maintain it so Mr. Sallee can spend \$30 per unit that is using the system. That is all that is required. Mr. Sallee stated he is thinking about that because he doesn’t want any County interference for what Mr. Sallee is trying to do out there. Mr. Sallee is looking at the possibility of a septic tank system out there for the entire parcel and he will get around to that whenever he can.

Mr. Sallee stated the nearest fire station is in Hallsville 3 miles away and the water district is going to send a large line down Low Crossing Road and hopes to get it to the mobile home park. Mr. Sallee stated he doesn't want it called a mobile home park anymore because it is going to be a sanctuary for disabled, handicapped, and homeless vets coming back from overseas. Mr. Sallee stated he talked to Kenny Wise with Public Water Supply District # 4 and he is working up a cost analysis for Mr. Sallee to present to the veterans administration here in Columbia. We will be looking for funds to bring the water line over to the sanctuary as well as all of the 18 or so other mobile homes that are along that road. That water line will serve everyone out there, all 18 mobile homes out there plus the six or eight in Mr. Sallee's mobile home park. It says that sufficient water to support the request is not available in the foreseeable future. Mr. Sallee stated that is hogwash. Plans are in the making now for that water line to be brought over there specifically for the small population density in the sanctuary.

Mr. Sallee stated on public safety, Tiger Security will be there, the system works and it is very effective. What scares Mr. Sallee is that the master plan calls for sufficiency of resource test. There are sufficient resources available out there to cover that whole issue. All of the power lines, sewer lines, and water lines are there and have been for the past 40 years. The lagoon was enlarged in 1993 and Mr. Sallee rebuilt it last year to bring it up to specifications. Planning and Zoning came out and inspected it and the Department of Natural Resources inspected it and all of the requirements for that lagoon is out there. The fence and berm were rebuilt, rip rap was put in. It is large enough, 60 by 120 feet and is good for 10 mobile homes out there; figuring 3.3 people per mobile home that is 33 people. There isn't going to be that many, there are going to be about 8 mobile homes up there with 3 people per unit so there will be 24 people. Everything that has been listed is definitely negative and not accurate to the facts. The facts are that the sheriff's department even indicated an increased density but the department has the ability to handle the increase. Mr. Sallee stated he spoke with some of the sheriff's deputy's out there and requested more patrols out there in case of any problems. Not only with his people but people down the road. There was a meth lab epidemic out there, not in Mr. Sallee's sanctuary but in the homes around there which are mobile homes. Mr. Sallee stated he requested more patrols to help the people around there ease their fears of having this mobile home park revived out there. Specifically, Betty LaRoe; the Commission should have a letter from her. Mr. Sallee stated he doesn't mind her suspicions because she and her husband had problems out there many years ago. The people out there raising cane, partying, meth sales, and who knows what. They have theft of their property, their gasoline and she has a bad taste in her mouth about a mobile home park out there. Mr. Sallee stated he has tried to work with her and tried to allay her fears repeatedly but she still has the attitude that it will fail.

Mr. Sallee stated what he is doing out there is going to be under close supervision by Mr. Sallee and his contemporaries out there to ensure there is no problems. Any problems that are raised out there will be grounds for immediate eviction. Mr. Sallee stated he is working with the DAV (Disabled American Veterans) to provide vans for transport from the sanctuary to Harry S. Truman Memorial Hospital for their appointments, for trips in to town to go to the store or whatever they need. That will be mass transit. A single van, maybe two, on a regularly scheduled route to take them back and forth to town. There isn't going to be any increase in traffic. The lagoon meets all the standards but Mr. Sallee may put in a septic system. Mr. Sallee is working on getting a 10" line extended from Low Crossing Road, that is one mile over to his location, between Low Crossing and Mr. Sallee's property, all the homes will benefit from this line. On Mt. Zion Church Road there is a water line almost out there and it too is a mile to a mile and a half away from Mr. Sallee's property. The Veterans Administration, Kenny Wise, is doing a cost analysis to have that brought out there for a grant from the federal government. That federal government up there, they have a public relations office that has posted information to all the social workers, all the case workers that this sanctuary could be available for their clients to come out there and live there in quiet and solitude outside of the main intensity of therapy at the hospital. They are all interested in it, they are all

saying how great it is. There isn't anything Mr. Sallee can do unless he has the good will of the powers that be, which is the Planning and Zoning Commission.

Chairperson Smith stated one of the reasons for what Mr. Sallee calls the "awfulizing" is because everything Mr. Sallee is talking about has to do with the conditional use permit for what Mr. Sallee wants to specifically want to do with the land. The Commission has to look at it in terms of the rezoning request. It has to go beyond just what the applicant wants to do. The rezoning stays with the land so there is a lot more things that could happen with that land than what Mr. Sallee is going to do. So the Commission has to look at it in terms of the rezoning of the land because it stays. The Commission has to look at whether those resources are there for all the things that will be covered. The Commission is not picking at what Mr. Sallee is talking about doing; they are looking at the big picture because the rezoning stays with the land. The Commission is not "awfulizing", the Commission has to look at that. They have to look at what could happen.

Mr. Sallee stated that the mobile home park could be done under the conditional use permit.

Chairperson Smith stated that is what Mr. Sallee is talking about; it has to do with a conditional use permit. There are other things that can be done with this type of rezoning and the Commission has to look at that.

Mr. Sallee stated the rezoning he is requesting includes the conditional use permit that limits the number of mobile homes that are out there.

Chairperson Smith stated that is the next step.

Mr. Sallee stated that is it and it isn't going any further than that. That is what that place out there will support. Mr. Sallee stated he doesn't want unhealthy or unsafe conditions. To do that he has to maximize the number of mobile homes out there; there will be eight and that is it. Right now we are looking at six or seven.

Chairperson Smith stated the Commission has to look at what the zoning will allow.

Mr. Sallee stated that is the way it is presented. This is what could possibly happen. Is the Commission saying that it is possible to have 31 mobile homes out there, that that is possible? What is going to happen? It will have to have a conditional use permit for it. It says that the staff notified 19 property owners out there concerning this request. Everyone Mr. Sallee talked to said that he needed to get this done with the exception of Betty LaRoe. Ms. LaRoe does have real grounds for her caution because she has had bad experiences out there. All Mr. Sallee can do is reassure her that he or his contemporaries will be out there to ensure safety. Initially Mr. Sallee put a veteran out there who was disabled and Mr. Sallee was focused more on the veteran than the woman he was living with. The woman had problems, she went to Ms. LaRoe's house took her tooth paste and tooth brush over there and wanted to use the phone and move in with her. The next day the lady was in Boone County mental hospital and all their stuff was in storage until they came and got it.

Open to public hearing.

No one spoke in support of the request.

Present, speaking in opposition:

Mary Sloan, 10851 N. Hecht Rd., Hallsville.

Ms. Sloan stated she lives probably less than ¼ mile from this rezoning request. This is a rezoning request tonight and not involved with some of the other particulars. Ms. Sloan stated she wanted to clarify some of the concerns that she have. Ms. Sloan stated she sent an email to the Planning and Zoning Commissioners but some of the Commissioner's may not have gotten a copy of the email. Mr. Sallee had said that everyone out there is in favor of this. Ms. Sloan stated she takes exception to that. Ms. Sloan has been in contact with many of the neighbors and she has not heard one of them say they are in favor of this. At least one neighbor of Ms. Sloan's did send an email to the County Commissioners expressing his dislike of this proposal.

Ms. Sloan stated that Mr. Sallee talks about the fire safety out there not being a problem. Ms. Sloan stated she differs with that because eight years ago a very small fire was started right on the other side of Ms. Sloan's property line. It got out of control and it burned all the way up in to that trailer court and behind it. It came within 25 feet of Ms. Sloan's home and if it hadn't been for some very responsive neighbors her house would have burned. The fire department was out there very quickly and they spent the night in Ms. Sloan's driveway containing fires that were breaking out in the woods. When it is dry those things can catch on fire very quickly and a few sparks from someone's mobile home that catches on fire could destroy a lot of property. The LaRoe's property suffered a lot of damage and they lost some antique tractors. Fire safety is a concern.

Ms. Sloan stated the roads are also a concern. That is a chip and seal road; it is also a speedway for some of the Mario Andretti's. Ms. Sloan lives on a curve and she hears the cars and trucks as they turn off of Mt. Zion Church Road and they see how fast they can get before they get to the curve. They also do the same thing on the other end at Ms. LaRoe's property. Several of the neighbor's dogs have been killed because of this type of driving. There have been three accidents within the past 2 years ending up on Ms. Sloan's property because people can not get around those curves. You can say that these people will not be driving like that but we don't know that. Ms. Sloan stated she has seen Mr. Sallee driving like a bat out of hell up the road and Ms. Sloan has not been very pleased about that either. Mr. Sallee does not have the best driving record as far as she is concerned on Hecht Road.

Ms. Sloan stated in a recent newspaper article in November in the Columbia Missourian, Mr. Sallee stated that he knows everybody up and down that road. Ms. Sloan stated she takes exception to that; he does not know Ms. Sloan as she has never met him except for seeing him drive down the road.

Ms. Sloan stated she doesn't believe this is the place for the type of proposal he has in mind. If it doesn't work out then the rezoning will have been done and there will be many things that could be done with that property that will not be in character with what it was originally planned. Ms. Sloan asked the Planning and Zoning Commission to reject this rezoning.

Closed to public hearing.

Commissioner Freiling stated Mr. Sallee has dealt the Commission an unhappy task. We are a zoning Commission and that is the Commission's obligation. People of Boone County gave up property rights and gave it to the County based on a particular zoning map. The Commission is charged with protecting property owners from undesirable change. The Commission is not here to change neighborhoods unless change is inevitable. Rezoning is permanent; in 25 to 30 years you know that this property is not going to end up being a sanctuary. When we take a proposal that is built around the best intentioned plan to help people that have every right to be helped but put it in a place where the zoning is inappropriate it gives the Commission a nasty task. The Commission is being asked to approve a rezoning that goes against everything the Commissioner's learn sitting up here. If Mr. Sallee didn't have this proposal there would

be silence at this table. If Mr. Sallee just asked the Commission to rezone this tract without any explanation there would be a motion and a second, a unanimous vote against the request without a moments hesitation because the rezoning request isn't appropriate. The only reason that hasn't happened tonight is because everyone on the Commission understands the decency of Mr. Sallee's intentions for this tract. But that is not the Commission's job; their job is zoning. Commissioner Freiling stated he knows this zoning is inappropriate and while he would love to say yes, if he did, he knows it would haunt him. From a Commissioner's standpoint it is the wrong decision. The County Commission has a different set of realities than the Planning and Zoning Commission has. The Planning and Zoning Commissions single issue is zoning.

Mr. Sallee stated that the Commission should abide by the County ordinances.

Commissioner Freiling stated they should abide by the County ordinances unless there has been a change in realities that justify changing the current zoning. Mr. Sallee looks at this and has a focus and his focus is on the veterans. The Commission doesn't just look at this request and not just this site but the fact that if the Commission says yes to a spot rezoning with a big increase in density that at this moment doesn't have resources that our regulations say it is supposed to have. What do we do two months from now when a second person comes in and says that the Commission did it for Mr. Sallee and now someone else wants to put in a different place for people that need help?

Mr. Sallee stated it opens the door to other requests.

Commissioner Freiling stated that is correct. What Mr. Sallee is asking of this body is something that they don't do. The Commission doesn't approve spot rezonings when there aren't currently sufficient resources to handle them and when it is out of character with the neighborhood. Commissioner Freiling stated he understands that Mr. Sallee has extenuating circumstances and at one time this may have been grandfathered. At one time there was a trailer park present on this site. It would be a lot less troublesome if Mr. Sallee didn't have such a good idea.

Mr. Sallee stated it would be a whole lot less trouble if the Commission realized that it is not a trailer house it is a modular home.

Commissioner Freiling stated the issue for the Commission is the zoning density from the present zoning to R-S. It is not an appropriate site for that. The Commission is not supposed to take in to account someone's plan. The County Commission has different things they consider. The Planning and Zoning Commission considers zoning; to consider one type of zoning to a different zoning, whether it fits within the guidelines, sets a precedent that the Commission can live with and is appropriate. This request fails on all three counts.

Mr. Sallee asked how it fails on all three counts. The only thing that Mr. Sallee can see that it fails on is that it does not have sufficient fire flow.

Commissioner Freiling stated if the Commission approves a subdivision density without sufficient water flow how does the Commission say no next time.

Mr. Sallee stated it would be alright for him to put a very dense pig farm out there.

Commissioner Freiling stated that is not the Planning and Zoning Commission's responsibility.

Mr. Sallee asked who he would talk to about the master plan.

Commissioner Freiling stated that is a process that has been developed over time that has had many public hearings. It has been in effect since Planning and Zoning was instituted in 1973.

Commissioner Morgan stated the applicant indicated that these are not trailer houses.

Mr. Sallee stated no.

Commissioner Morgan stated according to the request to rezone the application states “to reoccupy existing infrastructure for eight mobile homes for predominate veteran use”. It states eight mobile homes, isn’t that considered a trailer?

Mr. Sallee stated you can call them trailers if you want.

Commissioner Morgan stated the application didn’t say modular homes, it states mobile homes.

Mr. Sallee stated mobile homes have evolved from trailers to homes that are mobile and modular at the same time. It depends on who you are talking to.

Chairperson Smith stated it is semantics.

Mr. Sallee stated it is not a mobile home park it is a sanctuary.

Chairperson Smith asked if there were any questions or motions.

Commissioner Schloot made and Commissioner Morgan seconded a motion to **deny** the request by David L. Sallee to rezone from A-2 to R-S on 5.0 acres, more or less, located at 11251 N. Hecht Rd., Hallsville.

Pat Smith – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
John Schloot – Yes	Paul Zullo – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Derin Campbell – Yes	

Motion to deny the request carries unanimously.

Chairperson Smith informed the applicant if he wished to appeal the decision to the County Commission and appeal form would need to be filed within three working days.



2. Request by Special Olympics Missouri, Inc. to rezone from A-1 (Agriculture) to C-G (General Commercial) on Tract 1 - .33 acres, Tract 2 - 2.54 acres and Tract 3 - .86 acres, more or less, located at 5455 E. Bonne Femme Church Rd., Columbia.

Planner Uriah Mach gave the following staff report:

The subject property is located near Bonne Femme Church Road, where it goes south from Ponderosa Street, west of Highway 63. The applicant is seeking to rezone three small tracts of .33 acres, 2.54 acres, and .86 acres from A-1(Agriculture) to C-G(General Commercial). The property included in this rezoning will be reconfigured under an approved administrative survey. The majority of the approved administrative survey lot has been zoned C-G since the adoption of planning & zoning by the county. The subject tracts of this rezoning are on the periphery of the existing C-G. The property has A-1 zoning to the south and west, with C-G zoning to the north and east, all of which is original 1973 zoning. Staff notified 19 property owners about this request.

The purpose of this rezoning is to create a single, uniformly zoned tract for use by the Special Olympics of Missouri as a training facility.

The Master Plan designates this property as suitable for residential land uses. As mentioned above, the existing C-G zoning has been present since the beginning of zoning in 1973. 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 Consolidated Public Water Service District #1, Boone County Fire Protection District, Boone County Regional Sewer District, & Boone Electric Cooperative. This rezoning will not noticeably increase demand on available public utilities.

Transportation: Access to this property is via Ponderosa Street and by a shared easement along the southern boundary of this tract coming off of Bonne Femme Church Road. The rezoning will not increase traffic to this site.

Public Safety: This property is 600 feet from the nearest fire station, located to the northwest on Ponderosa Street. This rezoning will not significantly increase risk or require additional service beyond that which is already provided for the current use of the property.

Zoning Analysis: This request is reasonable and consistent with the use of the property as proposed by the Special Olympics. The requirements of the sufficiency of resources test have been met, leading staff to believe that this rezoning is consistent with the policies created by the Boone County Master Plan.

Staff recommends approval of the request.

Present, representing request:

James Jeffries, Allstate Consultants, 3312 Lemone Industrial Blvd., Columbia.

Mr. Jeffries stated there was a landscaping business on this tract it started in 1986 on 7.5 acres. In 1994 the landscaper bought .86 acres which is tract 3 that he owned the property but it wasn't zoned the same as the other piece. The Special Olympics bought the original tract of 7.5 acre and .86 acre this year in May and it adds up to 8.36 acres. They looked at where it was and negotiated with the adjacent neighbor to purchase the other two tracts which are tract 1 and 2. The configuration of it, the west side of the tract is basically along a creek, the south side is along a driveway so it squared up the tract. Since then the Special Olympics has purchased tracts 1 and 2 so they own all the property at this time. An administrative

survey has been approved by Boone County. This request is to make all the property the uniformed zoning. The Special Olympics is on a five year program as far as developing a training center there and the first phase is to purchase the property; this is sort of the clean up process just to get it all zoned the same.

Open to public hearing.

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

Closed to public hearing.

Commissioner Martin made and Commissioner Schloot seconded a motion to **approve** the request by Special Olympics Missouri, Inc. to rezone from A-1 to C-G on Tract 1 - .33 acres, Tract 2 - 2.54 acres and Tract 3 - .86 acres, more or less, located at 5455 E. Bonne Femme Church Rd., Columbia.

Pat Smith – Yes

Mike Morgan – Yes

John Schloot – Yes

Gregory Martin – Yes

Derin Campbell – Yes

Carl Freiling – Yes

Larry Oetting – Yes

Paul Zullo – Yes

Michael Morrison – Yes

Motion to approve the request carries unanimously.

Chairperson Smith informed the applicants that these requests would go before the County Commission on December 30, 2008 and the applicants need to be present for the hearing.

## VII. Planned Developments

1. Request by Larry W. Potterfield Revocable Trust to revise an approved Review Plan for Boone West Planned Industrial Development on 14.83 acres, located at 5875 W. Van Horn Tavern Rd., Columbia. Planner, Thad Yonke gave the following staff report:

This property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1000 feet west of the intersection with U.S. 40. The site is about 1 mile west of the Columbia municipal limits. The area proposed for revision is comprised of two parcels containing 14.28-acres total. The current zoning of the entire property is M-LP (planned industrial) which was rezoned from C-GP (planned commercial). Property to the north across I-70 is zoned part A-2 and part A-R. Property to the east and south is zoned A-R and property to the west is zoned C-GP. All of the zonings with the exception of the C-GP are original 1973 zonings. The site is currently the location of two large commercial/industrial buildings. The property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Consolidated Public Water District No.1. Hydrants are required for commercial structures such as that shown on the plan and any upgrade to waterlines to meet required fire flow will be at the developers cost. Sewer is provided by an on-site commercial wastewater under DNR or the Health Dept. The PID Plan proposes possible expansion areas of both buildings. The only change between the currently approved

plan and this revision is that the expansion areas have been made larger than was proposed on the previous version. The list of Allowed Uses is the same and the property already has been granted a CUP for the manufacture or assembly of metal or fiberglass products: such as firearms. The Master Plan designates this area as suitable for commercial land use. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas. The property scored 80 points on the rating system. Staff notified 18 property owners concerning this request. Since this proposal is virtually identical to the approved version except for somewhat larger areas for the building additions.

Staff recommends approval of the rezoning subject to the following condition (same as last version):

1. The fire lanes and fire protection requirements must satisfy the BCFPD on any building expansion and any waterline relocation must be made in conjunction with the water district at the developer's expense.

Present, representing the request:

Matthew Kriete, Engineering Surveys & Services, 1113 Fay St., Columbia.

Mr. Kriete stated the application is self explanatory it is simply a larger area of building addition to the Battenfeld building than was shown on the previous request.

Open to public hearing.

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

Closed to public hearing.

Commissioner Schloot made and Commissioner Morrison seconded a motion to **approve** the request by Larry W. Potterfield Revocable Trust to revise an approved Review Plan for Boone West Planned Industrial Development on 14.83 acres, located at 5875 W. Van Horn Tavern Rd., Columbia

Pat Smith – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
John Schloot – Yes	Paul Zullo – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Derin Campbell – Yes	

Motion to approve the request carries unanimously.

Chairperson Smith informed the applicants that these requests would go before the County Commission on December 30, 2008 and the applicants need to be present for the hearing.

## VIII. Plats

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

No one present to represent plat.

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 three lots. 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. The Missouri Department of Natural Resources has completed its review of these lots and finds no reason to delay the development of this property

There are currently six lots, with one more lot proposed, on this property. 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.

Commissioner Martin made and Commissioner Morrison seconded a motion to **approve** Shady Brook Estates Plat 4.

Pat Smith – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
John Schloot – Yes	Paul Zullo – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Derin Campbell – Yes	

Motion to approve the plat carries unanimously.



## IX. Old Business

### 1. Update on County Commission Decisions

The conditional use permit for Animal Medical services was approved as recommended.

The McWilliams rezoning request was approved as recommended.

The plats were approved as recommended.



## 2. Proposed Stream Buffer Ordinance

Mr. Shawver stated staff made revisions based on last months meeting. Unless there is discussion or further changes to be made staff would like a motion to recommend adoption by the County Commission.

Commissioner Schloot stated he is not a developer and doesn't have any lands that lie within the proposed stream buffer so he would not lose or gain any money due to the proposed ordinance. Commissioner Schloot stated he does have concerns about the stream buffer. Commissioner Schloot feels that there are some land issues and is afraid some land owners don't realize what is happening and they may not be able to build in certain areas of these lands. The land owners are not being compensated for it and the Assessor is not going to change the tax basis on these areas. There will be some homes that land inside the buffer and they will never be able to add on to their home. We talked about some flexibility but there is no flexibility written in to the ordinance of how these people can be compensated for their loss. There are too many unanswered questions on how that is going to be handled. Commissioner Schloot stated he does love clean streams but this ordinance may be a little far reaching without the public really being up to date and knowledgeable about this. We have had some public meetings but Commissioner Schloot doesn't believe the public understands how far reaching this ordinance is. It almost smacks as eminent domain in some areas where we are actually telling them what kind of grasses they have to have in certain areas and whether or not they can mow. Commissioner Schloot stated he is not all against it but wishes it hit the papers a little more and maybe some more information would be out there for people to make up their minds on this and there may be a little more public discussion happening.

Commissioner Zullo asked if there was a way to see those properties.

Commissioner Schloot stated he is sure there is but we haven't.

Commissioner Zullo suggested getting a map of these properties and maybe those people can be notified.

Commissioner Schloot stated putting a rubber stamp on it is ok. If we vote on it tonight and Commissioner Schloot votes no it is not because he doesn't want clean streams but he wants to see more discussion on it.

Commissioner Freiling stated he put three articles in the Boone County Journal. Almost every land owner in southern Boone County receives it. The only comment Commissioner Freiling got back was in support of the ordinance because of the problems that Ashland has had in an area that is not prone to flooding. Like any of these ordinances over all these years we can try almost person to person and they are not going to be concerned until they decide to do something. It is very difficult to get the public interested until they are personally interested and that is after the ordinance is in place and they find out that they have to live with it. Commissioner Freiling stated any land use regulation constitutes a taking so you don't do it lightly and you only do it when it is better than not doing it. Commissioner Freiling stated he believed the Stream Buffer Ordinance is really pretty moderate given what you need to do to protect streams, it didn't go over board. The focus was on protecting streams not on exercising arbitrary power.

There is no question that it is going to impact landowners. On the other hand, stream degradation impacts the entire community and we see what happens without it in the already developed areas. As a person who has a mild stream on one side and  $\frac{3}{4}$  of a mile of stream on the other side Commissioner Freiling is willing to live with it.

Mr. Shawver stated the ordinance does allow you to add on to your house if you are in the stream buffer. With a non conforming use if you have a total loss you could go back in the same place. The structures that are in the stream buffer, if one is established, those structures are protected.

Commissioner Campbell stated seeing these things, the houses developed built where they are built, it also offers a little protection to maybe what you want to do is maybe not such a good idea. Commissioner Campbell stated he has seen a lot of cases where people have built houses that weren't a good idea.

Commissioner Schloot stated during the work session one of the Commissioners stated that she constantly gets phone calls from people when there is a big flood or something asking why they let them build.

Mr. Shawver stated Georgetown is a good example; some of the developers are still around but they are not still developing so those drainage paths, people build fences around them and grassed them and the water gets higher and higher.

**Commissioner Freiling made and Commissioner Campbell seconded a motion to recommend adoption of the proposed Stream Buffer Ordinance as last amended in November:**

Pat Smith – Yes	Carl Freiling – Yes
Mike Morgan – NO	Larry Oetting – Yes
John Schloot – NO	Paul Zullo – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Derin Campbell – Yes	

Motion to recommend adoption of the Stream Buffer Ordinance carries. 7 YES 2 NO



3. Sub-area plan.

Commissioner Smith stated the sub-area plan is in the works. We have two versions of the plan. They both say the same thing but they say it differently. Commissioner Smith stated she is going to take both of them and put them together. Commissioner Smith asked the Commissioners to watch their email for this. The draft will be sent to the initial sub-committee group for their review. After receiving their comments they will be incorporated and it will be sent to both the City and County Planning Commissions for approval.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Secretary  
Carl Freiling

Minutes approved on this 19<sup>th</sup> day of February, 2009