

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, April 16, 2009

I. Chairperson Smith called the meeting to order at 7:00 p.m., with a quorum present.

II. Roll Call:

a. Members Present:

Carl Freiling, Vice-Chairperson	Cedar Township
Pat Fowler, Secretary	Missouri Township
Mike Morgan	Bourbon Township
John Schloot	Rocky Fork Township
Larry Oetting	Three Creeks Township
Paul Zullo	Rock Bridge Township
Michael Morrison	Columbia Township
Gregory Martin	Katy Township
Boyd Harris	Centralia Township
Derin Campbell	Public Works

b. Members Absent:

Vacant Seat	Perche Township
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c. Staff Present:

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

III. Approval of Minutes:

Minutes from the March 19, 2009 meeting were approved by acclamation.

IV. Chairperson Statement

Vice-Chairperson Freiling read the following procedural statement:

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The Commission is made up of individuals representing each township of the County and the county engineer. The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one request for a conditional use permit, one rezoning request, and three 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, April 28, 2009. 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, April 28, 2009 will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Laura Lorraine Wesselman for a permit for a privately operated outdoor recreational area on 7.0 acres, located at 16853 N. Rte U, Centralia.

The following staff report was given by Planner, Bill Florea:

The site is located on the west side of Highway U approximately 1.2 miles north of Hallsville. The site is currently vacant. The zoning is A-2 as is all of the surrounding property. The applicant owns an adjacent parcel that is developed with a single family dwelling and two accessory buildings. The area is characterized by single family residences built on lots of 5 acres or less. Many of those lots are clustered around a large lake.

The request is to allow operation of a paintball field for recreational play as a privately operated outdoor recreation facility. The playing field is proposed to be 100' by 150' surrounded by a 12-foot tall net. Vinyl inflatable bunkers will be used within the playing field on days when the facility is operating. The application states that a second playing field is possible at some point in the future. A portable shed would be used for equipment storage.

Staff notified 25 property owners about this request.

The application must meet the criteria for issuance of a conditional use permit. Those criteria are addressed as follows:

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The proposed use should not be detrimental to the public health safety and general welfare. The applicant is proposing to have porta-potties available for sanitation. The paintballs themselves are generally considered to be environmentally benign: they bio-degrade within a few weeks depending upon weather conditions.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

Noise generated by the voices of the participants will carry to adjacent properties unless there is some type of mass to break up the sound. Topography in the area is flat and the predominant ground cover is turf grass or water. Noise associated with the proposed use will be injurious to the use and enjoyment of other property in the immediate vicinity due to the residential character of this neighborhood combined with the flat topography and lack of dense stands of trees. Because of this inadequate buffering, neighboring properties will be impacted by noise associated with this use.

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

There is no indication that the proposed use will have a negative effect on property values except as might be expected from the noise associated with the use.

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

Facilities necessary for the proposed use are minimal.

The applicant proposes to utilize porta-potties for sanitation.

Since there are no structures involved fire flow is not an issue.

The existing driveway would be used for access. The applicant will have to improve it to at least a chip and seal surface and conduct regular maintenance to ensure the dust free requirement is met over time.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

Most of the surrounding properties are built out so, the proposed use should not impede the development of the surrounding area.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

Traffic generation data is difficult to obtain for this type of use. For purposes of assessing this criterion it should be assumed that the facility will be used to the fullest extent possible during operating hours. The applicants have proposed a parking area of 50' x 150' which would provide adequate space to park 32 cars. Potentially, there could be several "cycles" of participants over the course of any given weekend. If these cycles occur at 2 hour intervals the result would be 64 in/out movements every 2-hours. This could result in congestion at the entrance to the property off of Route U. It should be noted that it is at least 1/4 mile from the driveway to the property to any horizontal curve on Route U. In other words, the driveway is located on a very straight stretch of the highway.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The applicant has designated a parking area that may provide adequate parking if correctly designed. However, design details have not been provided for review.

Staff recommends denial due to the impact to the use and enjoyment of other properties in the area. If the Commission chooses to recommend approval the following conditions are suggested:

1. All parking spaces and the access drive must be dust free with the minimum standard being chip and seal.
2. Hours of operation shall be limited to Saturday 8:00 A.M. to 7:00 P.M. and Sunday 10:00 A.M. to 6:00 P.M.
3. A detailed parking plan shall be submitted for approval by the Director and parking installed in accordance with that plan prior to commencement of the use.
4. The permit shall be reviewed in one year.
5. The Conditional Use Permit is approved for only one playing field. The applicant may apply to add the second field after the 1-year review has been completed.
6. The playing field, parking lot and staging/viewing area shall not be artificially lighted.

Present: Tim Watring, representing owner, 1505 Furlong Dr., Columbia.

(Power point presentation)

Tim Watring: The applicant is asking for a conditional use permit to operate an outdoor paintball facility. The central Missouri area no longer has a field to play paintball. There used to be one out by Kingdom City and there used to be one out by the Perche Creek driving range. Both of those places have closed over

the past couple of years. Rather than have the local kids that want to participate in this stuff go out and try to do it in their yards or in the woods around their house where it is not safe and unmonitored; we thought we would make this proposal.

TW: The playing field would be approximately 100 x 150 feet. It will be surrounded by a minimum of 12 foot tall paintball safety netting around the whole perimeter. It is basically a black mesh netting and it is ASTM approved. The netting would be supported by telephone poles set every 25 feet around the field and a minimum of 1/4 inch steel cable. More than likely it will be 3/8 inch. The only thing in the field will be inflatable vinyl bunkers that are only set up on days of play. They will be put away every day after use so the weather doesn't get to them and there isn't a chance of them getting damaged. The play will primarily be on the weekends, there may be a few times during the week if there were a special reservation. It will only be during daylight hours, the applicants aren't looking at doing it at night or installing lights. Average attendance, based on fields in the area, is expected to be between 25 to 30 players per weekend day. It has been my experience that this would be a pretty good day. Usually you see anywhere from 15 to 20 on a regular basis.

(Two photographs of paintball field examples)

TW: A staging area will be next to the field with picnic tables for people to get their stuff ready or for spectators. Trash receptacles will be placed around the area. A chemical toilet like a porta-potty will be provided and will be maintained by a licensed company. We would like to put up a storage shed or building to place equipment in. The size is estimated at 16 by 30 feet. There will be a 50' x 150' parking area and will be chip/sealed. There is a possibility of a second field if the demand warrants it; that may be something to look at after the year review.

(Photograph of proposed storage building)

(Two Zoning Maps)

TW: The lot to the left and right of the subject property are both owned by family members who are also part of this proposal.

(Lot Layout)

TW: There is an existing fence which is the dotted line; everything would be contained in that rather than the parking area. It also shows the private drive as well as the staging area and location of the storage building.

TW: Safety is a prime concern. We would be held to some strict safety standards by the insurance company. The guns are never fired outside of the netted area. Protective masks are always worn on the field. There will be a chronograph (radar device) on hand at all times to monitor and check all the guns to make sure they are shooting at a velocity that is safe. They will all be required to have barrel blocking devices which is a plug or sock that goes on the end of the gun when they are not on the field. This is to protect against any misfires. There will be no exceptions to the rules. There is also an injury surveillance system, a national agency, that reports 1/4 out of 1000 people that play get an injury. In relation, that makes paintball safer than bowling or golf.

TW: Concerns of the residents are noise. We did try to go around and talk to everybody in the area, especially those in close proximity. I took a sound measuring device with me to the field I visited. It is not really as loud as people think it is. During game play, if I were standing right next to the net, it is between 68 and 74 decibels. If I stood 100 feet away it was only 60 to 64. On the next day I measured, with the same device, a weed eater at 100 feet was 68 to 72 decibels. A weed eater is slightly louder than the

paintball field would be. The measurements taken at the game was with two full teams playing on both sides. I have a video if anyone would like to see. That was with the full game field loaded with a number of people that were playing a game, all the yelling and everything else. According to nonoise.org on the internet, conversational speech is only 60 decibels and that is at a distance of 3 feet. We aren't really talking about a lot of noise. The nearest home, which is Joel Church's home, sits 400 feet away, the cumulative noise impact to his area is only 56 decibels.

TW: We had a lot of people make the reference that really didn't know the paintball community as the type of people they want around their neighborhood. I took a little offense to that but according to the Sporting Good Manufacturers Association (SGMA) there are almost 8 million people that play paintball now so we are already around the neighborhood that do that. I know Joel Church has a son and he and his friends play paintball in the lot right next to this proposed site. They go out and play in an open lot with no safety monitoring or anything like that. According to SGMA's statistics the main people that come to these kinds of places are people who have birthday parties, they have corporate team building events, and family reunions. The largest group for the last 20 years has been church groups. I have seen a lot of that and they have a real good time when they come out and that shows you that it is not a bad crowd that comes to play paintball. There will be no trespass signs and we will enforce a rule that no one can go outside the fenced area. Some of the neighbors were concerned that some of these people might come off of the property and wander on to theirs.

TW: If we average 25 to 30 people I think there is probably going to be fewer vehicles than that because a lot of people are going to carpool so I don't think we are looking at a whole lot of traffic. Its relationship to Route U and where it sits, I don't think there will be a lot of traffic impact on the area. We also talked about the effects of paintball on the environment. They are totally bio-degradable, the capsule is like a gelatin capsule which would be the same as a vitamin capsule; the same companies that make pills make these paintballs. Non-toxic, 100 percent bio-degradable, and the colored liquid, which they call paint, is a whole lot like children's finger-paint. It washes off easily with water.

TW: On a daily basis, we will pick up the excess paintballs, there is a thing that rolls across the ground; it is almost like a roller you roll across the ground to pick up golf balls.

TW: There were concerns of decrease in property values. After some extensive researching, I came across the Mississippi Department of Natural Resources who was looking into developing land into recreational activities. They looked at things like horseback riding, bird watching, and a paintball facility. They put some of these other elements in there which shows that paintball and the environment can co-habitate without any problem. Their studies showed that recreational paintball use contributed an average increase of \$808.73 or an increase of 36 percent in property value. They also mentioned that the expenditures for paintball field operations and their clientele and the economic impact they brought resulted in a 1.5 multiplier effect so for every dollar they were spending at the paintball field there was \$1.52 of local economic impact.

TW: There are a lot of people from his area that go to St. Louis or Kansas City to play paintball. Last weekend when I was at the field in Wentzville there was a group of 30 plus people that were all from Columbia. Basically, our intention is to provide a clean, organized, monitored place to play paintball. There are a large number of kids that play it in their backyard or in open areas now where it is not necessarily a safe environment. We understand the concerns of the neighboring land owners and the impression of our field is going to be high on our priority list. We don't want to run a field that is going to look trashy or anything like that. The whole purpose is to provide a positive image of the sport of paintball.

TW: This is temporary in our long term plan. If we could actually do this and if we get enough interest in it we would like to buy some land that is already zoned commercial so we can build a larger indoor field that we can operate year round with a couple of other outdoor fields. We don't see this as being a long term thing at this location, it is just something to get our feet wet and see if it takes off and give the local kids someplace to play paintball.

Open to public hearing.

Present, speaking in support of the request:

Brandon Allen, 3707 Coral Dr., Columbia.

Brandon Allen: Anything that parents and kids can do together is good for the community, kids, and parents as well. If you are even remotely opposed to it I think you should try it first; it is a lot of fun, the expense can be low, it can also be quite high. It can generate a lot of dollars. As far as the people that play, I've played a lot of sports and I have never seen a better group of people. As far as the safety issue; players check other players, no one wants to get hurt.

Josh Crawford, 1606 Rosebud Ct., Mexico, MO

Josh Crawford: This would be good for kids. There are a lot of people that play that don't have a place right now. It was mentioned earlier that a lot of people travel to St. Louis and I think it would be good for people around this community to have a place to call their own instead of having to travel. As far as the type of people, a lot of our teammates and teams that we play against are fathers and they bring their kids out there. It is a good way for them to bond. I think it would bring a lot of business to the surrounding area because people like to eat when they are done playing. Our ritual is to go eat afterward every time. Even stopping at the gas station to get water would be good for the surrounding area.

Rick Buford, 1209 Cunningham Rd., Columbia.

Rick Buford: I kind of got mixed up with these guys starting last summer, but one of the reasons I got mixed up with them was when you get in to a new sport you have questions. Tim, Josh, and Scott are fabulous guys for new players, young or old. You buy this complicated gun that you don't really understand and you go out into a field and break it. They will look at it for you, they are very helpful. One of the biggest things that I have missed not having a local field is that it is a lot harder to load my two teenage boys in a car for a 3 or 4 hour round trip to go to St. Louis or Kansas City than it was to drive for 20 minutes to get to Kingdom City. Anybody that has teenage boys knows that you wanted to shoot them at one point or another. It is a lot of hassle to get in the car for that big round trip.

Heather Alton, 2303 Shamrock Dr., Columbia.

Heather Alton: My husband started playing paintball and I eventually got involved and it is not just a game about shooting people. I was amazed at the teamwork and communication that paintball teaches people. I am also a teacher and I hear kids talking about going out to play, they don't have masks on and that always concerns me because they need a place where they can play safely. The people that will be out in the field will teach them the importance of safety so that even if they do play somewhere else they will always remember to keep their masks on.

Scott Alton, 2303 Shamrock Dr., Columbia.

Scott Alton: Like Heather was saying, we have two young boys, one is six, one is four and they can't wait until they get to the age that they can play. We have had them out there, they have worn helmets and my oldest son wanted to shoot me; he got out there and shot at me, she was holding the gun behind him to stable it. He loved it and can't wait to do it again.

Present speaking in opposition to the request:

William Oswald, 16654 N. Crownview Dr., Hallsville.

William Oswald: I live right across the lake from this proposed facility. I am here representing about six homeowners who live across the lake. We are opposed to this because of some of the reasons mentioned in the report by staff. We don't think this is appropriate for a residential neighborhood. This is a community we live in; we use that lake for fishing. This proposed site is within 150 feet of the lake and even if the sound isn't very loud most of us fish the lake. Saturday and Sunday are the days we fish because we work through the week. We moved out there for peace and quiet, for the view and tranquility and because I like to fish. We are sort of concerned about how tournaments would be manned as well as the parking. Even 30 people on a weekend is a lot of people out there in that agricultural area. Does this open up the door for other property owners to open up other things? Would the Commissioners like this in their backyard?

Commissioner Freiling asked the neighbors who Mr. Oswald is speaking for to stand up.

(approximately 8 people stood)

Cristin Mumma, 16601 N. Route U, Centralia

Cristin Mumma: I am speaking on behalf of myself and my husband, Thomas Mumma. I have learned a lot about this sport of paintball over the last month or so and I have to agree for all the reasons previously mentioned. I think it is a great activity for parents and their children, if done properly, it can be very safe and I think it can be a great family activity on the weekends. I have no objections to the actual activity. My objection is that it is in a neighborhood, a lake neighborhood, sound travels over a lake and it is quiet. For the same reasons Mr. Oswald mentioned, we live out there because it is quiet and peaceful. People live on that lake so they can fish and they live there so their children can swim and play and be safe. The noise is a serious problem. You can make that comparison, that it is comparable to a weed eater but if you have 50 weed eaters going from 8:00 a.m. to 7:00 p.m. that is a big difference. Some of those guns can shoot 15 balls per second. If you get on any website, there is a variety, you can see videos of these and see how loud it can be. If more fields were to be included which was mentioned earlier, that sound would probably be compounded. The other thing to consider is of the 33 fields in Missouri not one of those within 150 mile radius of Columbia is located in a neighborhood; they are all located on 10 or 20 plus acres. There is a reason that none of these paintball facilities are in a neighborhood on a small acreage.

Don Dennis, 16820 N. Route U, Centralia.

Don Dennis: I live right across the blacktop road from the proposed facility. I oppose this variance for the same reasons that were already stated. The fact that this is a family farm, I have been out there off and on since 1964 and will hopefully pass the farm on to my boys. We have a great appreciation for the value of the area. I do not oppose paintball as a sport. I oppose having a business across the road from my family farm. In my opinion, there will be increased road activity. From that road activity there will be increased noise and increased risk. If you have ever pulled out of my driveway, I have got to be ready to gun it to get over the hill. The increased traffic is going to increase my risk for pulling out of my

driveway. For a business operation, there is going to be the noise from the guns themselves. I have concern for the refreshment beverages and trash; there are several things that go along with a business entity across the road. I have concerns for the structure they build and whether it fits in a residential community. I question what is next if this is allowed. I also question the lack of a real enforcement agency over this operation. Once it starts, they are going to run it for a year and see how it goes. In the community out there, as most neighbors will know, we had a helicopter issue which was one of my problems with noise. I have talked to the Sheriff's Department, the Conservation, the Prosecuting Attorney, and FAA and I couldn't do anything about helicopters flying directly over my house and land. They basically said I was on my own and I should document it and go to court. My best chance at stopping that operation was to argue disturbance of the peace. Getting back to paintball, it is a disturbance of my peace. I don't know how loud a yapping dog is at 150 meters but I know it is a nuisance on that hill. I think the paintball field would be a nuisance on the community as well. I can argue about property values but that is the least of my concerns but I do believe it would decrease property values in the area. My goal for coming forward is for the protection of the rural residential community we have out there.

Caroline Bamrick, 16053 N. Route U, Centralia.

Caroline Bamrick: My property adjoins the lake and I also have a lake lot on the lake. My mom was on this board for many years and I remember when that lake was first being constructed and she worked very tirelessly to make that a residential area and not a campground or bar and dance hall. I walk out there with my dogs and I ride my bike and I love how beautiful the acreages are and the properties and how well kept the houses are. I cannot even begin to imagine that something like that would go right next door. I cannot believe it could go in to a residential area such as that.

Paul Harwood, 16590 N. Crownview, Centralia.

Paul Harwood: My wife and I live catty-corner across the lake from this property. Mr. Oswald and others have covered most of what I would speak against but I think there are a couple of issues that have been overlooked. My wife and I have moved out here recently because it is a residential lake, it is quiet and private. If I wanted to live next to a paintball thing I would stay in Columbia where I work. I don't want to do that. It sounds to me that those who are for it already have quite a few people interested in playing paintball. It seems that they will go over the 25 or 30 people they propose. I am concerned what that will do in the future; if their business is good they have already said they want to extend it. If it goes defunct, then what happens to the property, what goes in there next? We have already opened the door that most of us that live around the lake do not want to have to deal with. Either way this goes we stand to lose. The majority around the lake don't want it; we are out there just for that reason, peace and quiet. Secondly, I know that most of my neighbors disagree with me but I am against paintball activities. I am a pastor and I deal with little kids. Any of these kinds of things that we promote as a society where it is okay to shoot somebody, even in fun, is going down the wrong road. If you want to bond with your kids on Sunday, bring them to church; don't teach them to shoot each other. The thing of it is as a society we spend thousands of dollars on social psychological problems of our kids and now we want to give them guns. This is unhealthy and it doesn't belong on our lake, the majority of the neighbors don't want it. I have no problem with someone starting a business but if they want to do it in a residential area then what is to stop everyone around the lake from doing it? Pretty soon it isn't a residential area anymore. The lake will belong to whoever comes out there. They will come out to play paintball and they will want to go play in the lake. I oppose this proposal.

Brenda Dennis, 16820 N. Route U. Centralia.

Brenda Dennis: I am not opposed to guns and shooting, but not every weekend all day long. We live on the hilltop, this is kind of on a hilltop and the noise is going to float right across to our house. I know this because we hear the yapping dogs over there. There is a reason we drive 20 miles to work everyday; that is because we want to be out in the country and away from the hustle and bustle of the city and city traffic. It is constant noise on weekends and weekends are our only time to be home during the day because we both work. That is not something that we would like to hear every weekend. They didn't talk about the sound level from reloading the paintball guns. They have to be maintained and we've also been told that there is sound involved with the reloading of that. Not only do you have the paintballs on the weekends but I am sure you are going to have reloading at some point. The limit of players per game; I heard maybe 30 players per game and 60 players coming and going at one time. That is a lot of traffic on that road. Where our driveway is you crest the hill right before you get to our driveway. The paintball facility is just past ours on the left. Anyone flying over that hill, if there is a back up of traffic on that hill someone is going to get rear ended.

Thomas Mumma, 16601 N. Route U, Centralia.

Thomas Mumma: I have looked in to it and have seen a speed ball tournament in action, and it generates a lot of noise, there is a lot of yelling and the guns shoot constantly. If you don't have an idea of what it is like, it would be good to check it out because it is a lot different than what I thought.

Jean Long, 16820 Crownview, Centralia.

Jean Long: One of the things that concerns me is how close it is going to be to the lake; the paintball field itself and where it is located. My concern is the wildlife. My husband and I moved out to the country and one of the things I enjoy is the wildlife. With all the activity going around I might not be able to enjoy watching my birds, geese, blue herons, and squirrels.

Shari Harwood, 16650 N. Crownview, Centralia.

Shari Harwood: One thing that no one has brought up is that Route U is the only paved road out there. Every other road through the subdivision is gravel. I know that people generally don't go straight to someplace and straight back. Especially if there is a little winding road and you get much traffic on those gravel roads there will dust and wear and tear. I see a lot of increased traffic winding around as people look to see what is in the neighborhood.

Bill Florea informed the Commission that staff received a phone call from Scott Lehman in opposition to the request.

Per Scott Lehman: He is unable to attend the meeting tonight but wanted to voice his opinion. He is in opposition to this request as he believes it will generate unwanted noise, traffic, and a bad element. He indicated he drove past the paint ball place on I-70 and it was a disaster, everything was covered in paint. He stated that he cannot believe that someone would want to try and put a commercial enterprise by a private lake. Mr. Lehman stated he has spoken with several neighbors who are also in opposition to the request.

Closed to public hearing.

Tim Watring: Back to the noise that I mentioned earlier, I want to point out that the measurements that I took were from when the field was full. There were two full teams on each side; that noise measurement was with 10 plus guns going. That was not as loud as one weed eater. These games are usually in

sessions of 2 to 5 minutes at the most. There is usually a several minute break so it is kind of in bursts. It is not a full activity from start to finish the whole day long. When we go play it starts between 9 and 10:00, by the time we get done we are usually out of there by 1 or 2:00, it is not usually an all day thing. But in relation to the noise at the same time, one of the things the people failed to point out is there are also boats that run on this lake with gas powered motors running around on weekends and I guarantee it is louder than this paintball field. The lot directly across the lake has a helicopter that he flies on a regular basis. He takes off and lands right next to the lake.

The first picture example I have of the field we go play at in St. Louis shows neighborhoods in the background. Battle Creek that was out by Kingdom City was in as much a residential area as this would be, being in an agricultural setting.

I have heard that Joel Church is pretty opposed to this proposal; when we talked to him he didn't seem that opposed. A couple of neighbors across the lake even pointed out that Joel's teenage son and a lot of his friends play paintball on a lot adjacent to this on a pretty regular basis. If you talk about this being a violent sport; this is a sport that builds camaraderie and teamwork among kids. It gives an opportunity for the kids to do something and keep them away from drugs especially where it is a rural area where there aren't a lot of activities to do.

As far as the increased traffic on the gravel roads around the area, I don't know anyone who would frequent our paintball field that would travel down those roads, not to mention they are a half mile in each direction from our drive. I don't know what the curiosity would be in driving down the gravel roads.

Commissioner Schloot: Someone mentioned CO2 and refilling those.

Tim Watring: It will be housed. It is like an air compressor in your garage.

Commissioner Schloot: What kind of signage are you planning to put up?

Tim Watring: If anything, the fence line comes all the way up to the road, maybe a small sign we can hang up on the weekends.

Commissioner Schloot: Are you planning on any concessions or vending machines?

Tim Watring: At most we may sell some bottled water.

Commissioner Schloot: Are there restrictive covenants out there?

Tim Watring: They were loosely written in the 1960's; there is nothing in the restrictive covenants that would restrict this.

Commissioner Fowler: (to staff) The road that runs has a turn to it and the surface is pretty uneven and is pretty narrow. If you have cars coming in and out at the same time, one shift coming in and one shift going out, how are they going to pass each other on that narrow driveway?

Tim Watring: If that is a concern we can look at making the driveway larger. The only thing that has been done is the placing of gravel.

Commissioner Fowler: I think you have a safety issue on the alignment of the driveway, it comes out at an awkward angle and I understand the Dennis' concern about that. I also understand the Dennis' concern

about where their house sits and the fact that you are up on a plateau. Their visual sightlines, they would be able to watch all the action.

Tim Watring: If you look at this lot about where the crest or section goes out to the north in the middle, you cannot see the field.

Commissioner Fowler: The lot dips down a little bit as you get closer to the lake. You can't see it if you are on the surface of Route E but their house and the way it is situated and the size of their house I would suspect they are going to be able to see it and they certainly will be able to hear it.

Commissioner Campbell: (to staff) Did you do any research on the covenants and how they are written?

Bill Florea: Covenants are privately enforceable; it is not an issue for the Commission.

Commissioner Freiling: My take is that the fear is worse than the reality would be. It is a commercial activity that is better placed in a commercial location.

Commissioner Harris: We have 5 acres and a lake at home and our son and his buddies played paintball all the time and it is a blast. The perception by the neighbors is probably notably worse than what the reality would ever be. The problem I have still comes back to the criteria the Commission has to look at for a conditional use permit and if it is the right thing at the right place. The problem I have is that it is an admirable task and I don't mean to take anything away from your endeavor but as I look at the criteria we have to follow, personally I just don't see that it meets the conditional use permit requirements that we've got that the Commission is bound by. It is just a time and place thing.

Commissioner Schloot: I think it is a great sport. I think it is good that families can get together and enjoy the sport but I see the problem with dropping a business in the middle of a planned development. That is a residential neighborhood and there are a ton of places in Boone County where this would fit and I would like to see one in Boone County; maybe on a bigger acreage. This would bug the neighbors a little too much.

Commissioner Freiling: I agree with staff's analysis that it fails to meet paragraph B of our requirements for a conditional use permit.

Commissioner Harris made and Commissioner Morgan seconded a motion to **deny** the request by Laura Lorraine Wesselman for a permit for a privately operated outdoor recreational area on 7.0 acres, located at 16853 N. Rte U, Centralia.

Boyd Harris – 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

Pat Fowler – Yes

Motion to deny the request carries unanimously.

Vice-Chairperson Freiling informed the applicants that if they wished to appeal the decision to the County Commission an appeal form would need to be filed with the Planning Department within three business days.

VI. Rezoning Requests

1. Request by Gary E. and Edith A. Naugle to rezone from A-1 (Agriculture) to A-R (Agriculture Residential) on 13.67 acres, more or less, located at 1700 N. Dozier Station Rd., Columbia.

The following staff report was given by Planner, Thad Yonke:

This property is located east of Columbia approximately 1/2 mile north of the intersection of I-70 Dr NE and Dozier Station Rd. on the east side of Dozier Station Rd. The property is situated approximately 3 miles east of the closest municipal limits of Columbia. The property of this request is zoned A-1 Agriculture. Property to the north and northeast is developed as Lake LaVista subdivision which was rezoned from A-1 to A-2 in 1975. Property to the east, southeast, and south of the request was rezoned from A-1 to A-2 in 1987. Property to the southwest and west is zoned A-2P and was rezoned from A-1 in 1991. Property to the northwest is zoned A-1 and this is an original 1973 zoning. The applicant is requesting a rezoning to A-R (agriculture-residential) of the approximately 13.67 acres. There is Lake on the property. Just south of the lake on the eastern portion of the property is a home, detached garage and several sheds. In the northwest corner of the property there is a small residence with a wastewater lagoon. On the eastern half of the property there is a large building and parking area that has an occupancy permit for a legal non-conforming use for manufacturing building system components. This site lies within the Columbia Public School District. The site is in Public Water District #9 and it may be possible to increase water flow and pressure to meet potential fire requirements. 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 expected to be provided by a BCRSD facility upgrade that is planned for the facility serving Meadow Village. The master plan designates this area as being suitable for agriculture and rural residential land uses. Staff notified 37 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 Public Water District 9. There are existing district waterlines serving the property but upgrades will be needed if the A-R rezoning is to be utilized at anything near the possible density allowed under the zoning. The only way to utilize the possible density of the requested zoning is to connect to the BCRSD facility that is currently undergoing upgrades.

Transportation: Access to the site is from Dozier Station Rd. which is a major north south connection in this portion of the County.

Public Safety: The nearest fire station is located within 5 road miles.

The actual character of the area is one of mixed size residential lots. There is a block A-R zoning within 1500 ft of the request and R-M (moderate density residential) zoning within 1000 ft. The resources to support the request seem adequate or able to be provided to support the rezoning. Therefore, staff recommends approval of the request.

Gary Naugle, 1700 Dozier Station Rd., Columbia.

Gary Naugle: I would like to give a little bit of demographics on the area. Dozier Station road gets its name from the LT Dozier gas station that used to sit on the corner of Dozier Station road and Highway 40. Maps of the area from 1944 don't show a name there but it does show the city of Harg and the town of Shaw. Both of those towns had 10 buildings or residences within ½ mile of their crossroads. Dozier Station road at that point in 1944 at that intersection of Highway 40 had 8 buildings or residences within ½ mile of that intersection. When I purchased my property in 1969 there were approximately 20 buildings or residences within ½ mile of Dozier Station road. Today, there are approximately 85 buildings or residences within ½ mile of that intersection, three of which are businesses and probably even a few that we don't know about. The Dozier Station area is an established community and will remain so in the future. The situation on the sewer, when they upgrade the sewer there with a new plant the existing lagoon will give them space for additional plans to increase capacity two times what they are going to have when they get this upgrade finished. The space is there for the Sewer District to improve if the need and finances are available. They have said it won't be that long before the city sewer gets out that direction too. What I am proposing is A-R zoning with ½ acre lots which would be the minimum, it would yield about 17 or 18 lots and an additional 2 if I drain the lake in the future.

GN: The zoning makes a transition between Meadow Village subdivision which is R-S and Lake LaVista which is A-2. The development takes advantage of the sewer districts sewer and makes the sewer more available to properties to the east, west, north, and south including Lake LaVista which as time goes by and DNR tightens up their requirements around lakes and so on, that sewer system is going to be a valuable asset to the residents of Lake LaVista subdivision.

GN: This development would also eliminate three or four private lagoons and septic systems by utilizing the sewer. Several others in Lake LaVista would be interested in utilizing the sewer system. There is also a little bit of a problem with the water line across from my property and Lake LaVista where they can't access their line because of being out of the easement. This would allow for a tie to be made on the water line through a line in Lake LaVista. The conditional use permit I have now I would sunset that in 2050 or sooner if one of my sons or grandchildren are not owner operators of the business. It would only apply to three of the lots that we would be developing. It would apply to my residence and to the metal building. That metal building would go back to residential use in 2050. Personally, at my age and health, it is time for me to do the highest and best use of that property and I think this proposal fits in with the area and the way the area is growing.

GN: I concentrated on R-2 but the availability of the sewer and utilizing it would be cost prohibitive to run the sewer for those two lots. On a personal basis, my sister owns a home on lot 2, Lake LaVista, her system is hard to maintain. I have always maintained it for her but I have given up my sewer license. This would allow her to be able to access that sewer through my development. Her lot is immediately north of the cul-de-sac shown on the sketch drawing.

Open to public hearing.

No one spoke in favor of the request.

Present, speaking in opposition to the request:

Leroy Anthony, 1450 Dozier Station Rd., Columbia.

Leroy Anthony: I have been out there for 20 some years, not as long as Mr. Naugle. I have two concerns, one of them was brought to light last night when I was trying to walk down the road. Dozier Station is nice, it is a chip and seal road but it is not very wide. There were a lot of cars coming while I was trying to walk. My first concern was if it is rezoned he can put in 27 houses. Every house out there has at least 2 cars; there will be an increase in traffic. The other thing is the sewer district is going to upgrade the system and my property is directly south of there. Right now it drains on my place; I have fought erosion over there for a long time. Mr. Naugle is talking about adding a number of houses it has to go across the path to Carl's property to get to there. To me, I am going to come out on the short end of the stick on this one. Right now the subdivision is small enough, a new plant will probably be okay then you go add all these others; I just don't know what that will entail down the road because right now I have erosion across my property.

Pat Carl, 2975 S. Rangeline Rd., Columbia.

Pat Carl: I have a lot of objections. My concern is that he is going to go in and put in as many houses as he can. He has already said the least he can do is ½ acre. He is going to build a bunch of cheap houses that are going to fall apart over the years and he may sell out and move but the mess will be there for us. We have three houses across the road from his property and we have two properties along the south side of his property. We are definitely are going to be influenced by it. We don't live there but we have rental property.

(Presented pictures)

PC: These are pictures of the subdivision he developed just south of his site now. We are getting drainage from their lagoon because their lagoon was not built big enough in the first place. If you call the sewer district they will say it is operating at 110 percent and it has been for a long time. The drainage goes across Anthony's place and then goes across. We bought subdivision platted lots south of there because we didn't want this kind of thing to come in there on Dozier so we are protecting it by buying it. We have sewage draining across that too; so it drains across Anthony's place and across our property.

PC: Those pictures are pictures of the subdivision; he built really close houses and they've not been kept up really well. I've noticed that some of them are really starting to take care of their places but we also get some really junky places.

PC: This is two of our properties that we have across the road and next to it. I feel sorry for the people that are having problems with their sewage systems but I believe the house that his sister lives in is also one that he built and it wasn't built well. If she's got sewage problems it is because that wasn't taken in to consideration. I have concerns about the sewage system, the quality of the houses, the concentration of the houses, and the amount of traffic. I don't mind development, I am for that, I didn't mind the high school coming in right in my back yard, I am fine with all of that but I don't want a bunch of cheap houses put across the road from my property.

Commissioner Oetting: (to Pat Carl and Leroy Anthony) The requested zoning is A-R would it make any difference to either party if it was a planned rezoning? The Commission could add a stipulation that they couldn't drain the lake.

Commissioner Freiling: I assume this was discussed sometime during the application process, whether to do planned or straight rezoning.

Thad Yonke: Yes.

Commissioner Freiling: And?

Thad Yonke: The applicant has the option to apply for straight rezoning or planned rezoning; they chose to apply for straight.

Commissioner Oetting: Would it make a difference to the neighbors if it was a planned rezoning?

Pat Carl: If it was planned and there were restrictions on the quality of the property, the houses that would be going in there and things like that, then yes. I could see why he would develop it but I think he is going to try to get as much money as he can out of the property by putting as many houses and making them as cheap as possible.

Commissioner Freiling: A planned rezoning can determine the nature of the lots; the Boone County Building Inspections Department can determine the standard of construction. We can't establish any criteria about size or expense.

Pat Carl: As long as it has siding. It is going to be structurally sound as far as the Planning and Zoning go.

Commissioner Freiling: We don't have any aesthetic control.

Pat Carl: Yes.

Commissioner Martin: (to staff) It still has to be platted.

Thad Yonke: Correct.

Commissioner Martin: That is where some input is still available.

Thad Yonke: The lot layout, road standards, all of that has to be done on compliance with the platting and subdivision requirements. For example, it will have to have a public road and it has to be made to our standards; there is no option for a private road. There will have to be a traffic study, in this case one would not be waived. The study would indicate what the level of traffic is on Dozier Station Road then that would be used to assess any offsite improvements to Dozier Station Road potentially based on the traffic created by the development. The housing type, other than the type that they have to be single family dwelling units, would not. The applicant could, through their own stipulation, specify sizes of structures but they are not required to. If they ask for it they will be bound by it.

Commissioner Freiling: (to Commissioner Campbell) Do the street radius' meet anything near your standards?

Commissioner Campbell: It is hard to tell from those drawings because there is no survey data or radiuses on the curb.

Mark Ledbetter, 10650

Mark Ledbetter: The concern for the traffic is major, that is a tiny little road. If you have 27 people living there or 27 more cars it would be dangerous. I don't want to see the growth of another neighborhood because it is peaceful out there. We moved out there for the serenity.

Closed to public hearing.

Commissioner Harris: If the sewer district takes over what kind of time frame are we looking at?

Gary Naugle: It will be a while.

Thad Yonke: They are already replacing the system that is out there. They are doing that regardless of whether there is a subdivision placed out there.

Commissioner Harris: The concern of erosion on to adjacent properties. The private lagoons that are causing those issues would be eliminated.

Commissioner Freiling: I think it is the public lagoon causing that problem.

Thad Yonke: It is already a Boone County Regional Sewer District facility.

Commissioner Freiling: Just undersized.

Commissioner Harris: That would be remedied?

Thad Yonke: It is going to be modernized no matter what.

Stan Shawver: The sewer district is going to relocate a waste water treatment plant that serves the Rangeline Road industrial park. It is located on Richland road. The north fork sewer extension that has been extended from Old Hawthorne subdivision to Sunrise Estates and the Richland road site, that plant will be taken out of action and will be installed at Meadow Village. That lagoon is a single cell lagoon, it is 40 plus years old. It has been owned and operated by the sewer district for a number of years. The plans are to put the treatment plant in and take the lagoon out of action. It is bigger than what Meadow Village needs. They have additional capacity available, it is available on a first come, first served basis. It would be offered to any home in the neighborhood that have private systems and want to connect but it will be at their cost to connect to it.

Commissioner Freiling: What is the time frame for that?

Stan Shawver: They are hoping to get stimulus money for it which means at the earliest, it would be in the fall. It is part of the capital improvements programs the sewer district was approved for on the ballot last April. It was part of a 5 year improvement program; it was all based on when the Old Hawthorne line got up through the north. That work is just about complete so the treatment plant could be cut over and de-watered, cleaned up, and transported. Probably sometime next fall at the earliest.

Commissioner Freiling: (to staff) Explain the existing conditional use permit.

Thad Yonke: It isn't an existing conditional use permit. It is an occupancy permit for a non-conforming use. This is actually legal grandfather rights.

Gary Naugle: I actually showed up in the early 1970's and got my permit.

Thad Yonke: That runs with the land; there is no sunset. As long as it keeps going it could be there in perpetuity.

Commissioner Freiling: Does it allow for the additional buildings?

Thad Yonke: No you can not add anymore buildings or structures but you can convert the use. It is light industrial so any use equivalent to light industrial or less that does not require additional exterior building renovations or significant upgrades to the exterior structure it could be substituted for it.

Stan Shawver: That runs with the land.

Thad Yonke: If he chooses to cease it for 12 calendar months, he can make it go away.

Gary Naugle: Originally all I had was a little piece of paper saying what it was. I believe 15 or 20 years ago I wanted to make it official so at that point I put additional restrictions on the land to satisfy the people I sell homes to in Meadow Village Subdivision.

Commissioner Freiling: So there are covenant restrictions.

Gary Naugle: Yes but there isn't much.

Commissioner Freiling: If the use discontinues is there a sunset provision that occurs if the building goes vacant or discontinues for a while.

Thad Yonke: If the use discontinues for 12 calendar months it ceases to be grandfathered. You can't replace the structure if it is damaged by more than 75 percent of its value. If a tornado takes it out, it is gone.

Commissioner Oetting: If you put the planned development overlaying the grandfathered use does the County have the authority to stipulate that the use would cease?

Stan Shawver: The applicant would have to consent to that; it is a land use right.

Commissioner Oetting: (to Gary Naugle): Is there a reason you didn't want to go with a planned development?

Gary Naugle: With a half acre you can only get 18 homes; you can get 2 more if you drain the pond. You can't get 30 on there. In the future, 20 years down the road, the pond could be drained and at that point the County would probably approve 2 additional lots on Dozier Station Road.

Gary Naugle: Does anyone actually know the pavement widths on Dozier Station Road?

Commissioner Campbell: 18 or 20 foot wide road.

Gary Naugle: As far as the safety, I think the County is planning to make Dozier Station an arterial road.

Thad Yonke: It is at least a collector road.

Gary Naugle: I believe the pavement is 20 feet wide. The pavement out on the service road is 18 feet wide. You have never been on any road until you have been there when the city had their dump out at Lindburg and we had to pass those garbage trucks head on at 60 mhp everyday. That is unsafe. Dozier Station has 2 more feet in width than the service road and the speed is half of what the service road is. As

far as the houses I build, Ms. Carl was raised in one of them. It was all her mother could afford at the time and she was glad to get it if I remember correctly. It has proper roads and ditches. Every home I have built since 1973 has either been inspected by a building inspector or an architect to cover my 10 year structural warranty that I have had on every home since 1973. I don't think there are too many of them falling down around anybody's ears. Ms. Carl stated she owns property to the south of that. That property is zoned R-M and I know she is interested in erasing lot lines there but I don't see her trying to save tax money. She intends to develop that ground. She already has the lots and you can't even change those lots; she is going to do them the way she wants to. All she has to do is put the streets in to your specifications. So, so much for preserving the area. The sewer situation, Ms. Carl also owns the property to the south of me, I had to breach my south terrace that ran in to my pond because of the runoff from the house she has on that property.

Commissioner Freiling: From the Commission's standpoint, as a general pattern, this Commission has avoided open rezonings. When a landowner requests a rezoning we are, in almost every case, granting them a financial bonus. That is the purpose of the rezoning. The thing that we've come to understand is that with planned rezoning, you do have the capacity of oversight to have the resulting increase in density or intensity of use, be as beneficial to the community as possible. Planned rezoning just gives you more control. From the Commission's standpoint it is an issue of precedence that we have gotten out of the business of granting open rezonings. The second thing is that planned rezonings do give you the capacity to make judgments about what is most beneficial to the community as a whole, which is part of our role. You have a little bit of an unusual circumstance in that the nature of your tract gives you somewhat fewer choices about how you utilize it given the existing structures and lake. It would be much easier for me to support this proposal if it had come to us as a planned rezoning.

Commissioner Schloot: I don't think this is a completely unreasonable plan. This is reminiscent of the James property on Mt. Zion Church and Route B. But their request was too intense of a housing project. As you look at the zoning map, there is a lot of A-1 and A-2 around the area with the exception of Serenity Circle. That road is really not a wide road. I am not sure I can support that intense of a project. I would like to see more A-2, at the very least an A-RP.

Commissioner Freiling: (to Commissioner Campbell): What is your take on that road?

Commissioner Campbell: I've seen better roads. Typically for every lot it is anywhere from 8 to 10 cars per day by the time you figure going to your job and coming back, kids, running errands, and that kind of stuff. 10 times 18 is 180 trips. I don't know what the traffic count is on it today but I do believe Mr. Yonke said something about doing a traffic study and have possible improvements to the road.

Thad Yonke: That is required for any subdivision; planned or not.

Gary Naugle: All the A-2 property around there came off of A-1 property. All I want to do is get a sewer to my house. I am 10 feet away from Dozier Station road. Rather than build a lagoon I thought I could utilize the sewer system.

Stan Shawver: There is nothing to stop him from utilizing the sewer system once the capacity is there.

Gary Naugle: Except for the expense of getting it to the property. I can sell off two lots to pay for the sewer.

Commissioner Freiling: The decrease in density and the reduction in the change in the request for rezoning, this is a pretty big shift.

Gary Naugle: I can always come back for a planned rezoning. I could do the A-2 in such a manner that I could come back.

Stan Shawver: It is inappropriate for the Commission to comment on something without looking at it. You can't commit to anything that is not before you. The Commission should be very cautious with that.

Commissioner Schloot: Can he table this request or withdraw it or should the Commission vote?

Commissioner Freiling: The applicant has two choices; either he can withdraw the request or the Commission can go ahead and vote.

Gary Naugle: I spent my money for this request; I might as well get my vote.

Commissioner Harris: Our objective here is to deal with appropriate land use. I am somewhat taken aback by the inappropriateness of opposition that goes beyond that with personal opinions as to the quality of the contractors building. That is not our purview to deal with; this is certainly not the place to vent those objections.

Commissioner Oetting made and Commissioner Schloot seconded a motion to deny the request by Gary E. and Edith A. Naugle to rezone from A-1 (Agriculture) to A-R (Agriculture Residential) on 13.67 acres, more or less, located at 1700 N. Dozier Station Rd., Columbia.

Boyd Harris – Yes

Carl Freiling – Yes

Mike Morgan – Yes

Larry Oetting – Yes

John Schloot – Yes

Paul Zullo – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Derin Campbell – No

Pat Fowler – Yes

Motion to deny the request carries. 9 YES 1 NO

Vice-Chairperson Freiling informed the applicants that if they wished to appeal the decision to the County Commission an appeal form would need to be filed with the Planning Department within three business days.

VII. Planned Developments

None.

VIII. Plats

1. Ashwood. S12-T49N-R13W. A-2. John & Mark Gonnerman, owners. Ronald G. Lueck, surveyor.

No one present to represent plat.

The following staff report was entered in to the record:

The subject tract is located approximately 2 ½ miles to the east of Columbia, south of the intersection of O’Rear and State Route HH. This plat creates one 6.34 acre lot from a 100 acre parent parcel. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning. This is original 1973 zoning.

The new lot has access to State Route HH via a pre-existing private roadway and utility easement. The applicant has submitted a request to waive the requirement to provide a traffic analysis

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

On-site systems will be providing wastewater disposal. The existing on-site system will be relocated to comply with the requirements of the City/County Health Department. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 51 points on the rating system.

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

Commissioner Schloot made and Commissioner Morrison seconded a motion to approve Ashwood with waiver requests:

Boyd Harris – 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	Pat Fowler – Yes

Motion to approve the plat carries unanimously.



2. Leslie Estates. S8-T46N-R12W. A-2. McLeland Construction LLC, owner. Steven R. Proctor, surveyor.

No one present to represent plat.

The following staff report was entered in to the record:

The property is approximately 2 miles west of the city limits of Ashland, north of the intersection of State Routes M & MM. This plat creates two lots of 6.04 & 6.02 acres. The property is zoned A-2 (Agriculture). It is surrounded by A-2 zoning. This is original 1973 zoning.

Access to this property is via State Route MM. There is a pre-existing drive on Lot 1A that MoDOT has approved to serve two residences. An easement around Lot 1A will allow Lot 1B to have access off of State Route MM. Neither lot will be permitted to use the 30’ driveway easement established to serve the

lots created by the administrative survey recorded in Book 3239, Page 179. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Consolidated Public Water Service District #1 will be providing domestic water service to these lots. Boone Electric Cooperative will be providing electrical service. Fire protection will be provided by the Southern Boone County Fire Protection District. Hydrants will be required and need to be installed at locations satisfactory to 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.

The property scored 46 points on the rating system.

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

1) That fire hydrants be installed to the satisfaction of the Southern Boone County Fire Protection District & Boone County Planning & Building Inspection prior to the recording of the plat.

Commissioner Schloot made and Commissioner Morrison seconded a motion to approve Leslie Estates with waiver requests and the following condition:

1. That fire hydrants be installed to the satisfaction of the Southern Boone County Fire Protection District & Boone County Planning & Building Inspection prior to the recording of the plat.

Boyd Harris – 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	Pat Fowler – Yes

Motion to approve the plat carries unanimously.



3. Holman Lake. S31-T48N-R13W. A-2. City of Columbia, owner. Bill J. Adams, surveyor.

No one present to represent plat.

The following staff report was entered in to the record:

The subject tract is located less than ¼ mile from the city limits of Columbia, southeast of Coats Lane, along the MKT trail. This plat creates two lots, one of 5.46 acres, the other of 14.08 acres. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning. This is original 1973 zoning.

The lots have access to Coats Lane via an existing access easement recorded in Book 1841, on Page 362. The applicant has submitted a request to waive the requirement to provide a traffic analysis

Water service to these lots will be provided by City of Columbia Water & Light. Electrical service will be provided by Boone Electric Cooperative. Fire Protection will be provided by the Boone County Fire Protection District. It is to be noted that neither of the lots created by this plat are expected to be residentially developed.

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

The property scored 49 points on the rating system.

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

Commissioner Schloot made and Commissioner Morrison seconded a motion to **approve Holman Lake with waiver requests:**

Boyd Harris – 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	Pat Fowler – Yes

Motion to approve the plat carries unanimously.



IX. Old Business

1. Update on County Commission Decisions

Mr. Shawver updated the Commission of the decisions of the County Commission.

The rezoning request by William Scott Trust was approved as recommended.

The Commission acted on the request by David Sallee for the lagoon and mobile home park. The Commission overruled the Planning and Zoning Commission's recommendation and approved both requests. The mobile home park was restricted to three units and put a one year review on it.



X. New Business

1. Election of Chairperson

Boyd Harris was elected Chairperson by acclamation.



2. Recognition of Pat Smith

Commissioner Freiling made and Commissioner Morgan seconded a resolution to formally thank Pat Smith for her service and leadership to the Planning and Zoning Commission

Motion passed by acclamation.

XI. Adjourn

Being no further business the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Secretary
Pat Fowler

Minutes approved on this 18th day of May, 2009