

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, May 21, 2009

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

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
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
Michael Morrison	Columbia Township
Gregory Martin	Katy Township
Dan Haid	Public Works

b. Members Absent:

Paul Zullo	Rock Bridge Township
Vacant Seat	Perche Township

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 April 16, 2009 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris 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 four 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, June 2, 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, June 2, 2009 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 Green Acres Estates LLC on behalf of Columbia Area Jobs Foundation to rezone from A-R (Agriculture Residential) to M-L (Light Industrial) on 210 acres, more or less, located at 1800 N. Rte Z, Columbia.

Planner, Thad Yonke gave the following staff report:

This property is located east of Columbia on the east side of State Route Z approximately 500 ft north of the intersection of I-70 Dr NE and State Route Z. The subject property is situated approximately 1.25 miles east of the closest municipal limits of Columbia. The property of this request is zoned A-R (agriculture – residential). Property to the north is also zoned A-R. To the northeast, east, west, and northwest the zoning is A-1 (agriculture) and these are original 1973 zonings. The zoning to the southeast is R-SP/C-GP (planned residential and planned commercial) and was rezoned from A-R in 2005. The zoning to the south is A-2 agriculture rezoned from A-R in 1993. Additional zoning to the south is A-R and C-G (general commercial) and these are original 1973 zonings. The property to the southwest is zoned C-G and is also an original zoning. The applicant is requesting a rezoning to M-L (light-industrial) on the approximately 210.81 acres. There is a house and several out-buildings on the property. The assessor's information indicates the residential structure is a duplex; a duplex is not a legal use type under permitted uses in the A-R district. The application indicates the residential structure is vacant and un-inhabitable.

This site lies within the Columbia Public School District. The site is in Public Water District #9 and there is a 12 inch waterline on the west side of State Route Z and a 4 inch line on the property itself. Improvements to the water system are likely needed to meet fire requirements for the types of uses proposed as major industrial/business employers. The site is in the Boone County Fire Protection District and fire requirements will be up to the fire district; however, if the property comes under a pre-annexation agreement with the City of Columbia, it will be subject to both standards and will have to meet the greater of the two. Electric service will be provided by Boone Electric Cooperative. Wastewater service is proposed to be provided by a City of Columbia sewer main extension that is anticipated to be at least 3 years from completed installation and is subject to approval/agreement by the BCRSD. The master plan designates this area as being suitable for agriculture and rural residential land uses. The master plan also indicates that new commercial or industrial requests should be of the planned zoning type. The request is not consistent with the master plan. Staff notified 31 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. However, this test only serves a gate keeping function to see if a request merits further detailed analysis.

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 M-L rezoning is to be utilized at anything near the intensities proposed for a major industrial/business employer. Public central sewer service is proposed to be provided by the City of Columbia. This central sewer will most likely be installed and operational at the earliest in 3 years.

Transportation: Access to the site is from State Route Z and would need to be primarily provided by public roads created as part of an Industrial/Business complex. These new public roads would then access State Route Z. While this limited access type of development pattern is supported by the applicant's graphics and presentation materials, there is no way to require the needed performance measures to mitigate impacts under an M-L zoning. It would require an M-LP (planned industrial) zoning to require these performance measures. The subject property is not contained within the current boundary of the CATSO metropolitan transportation area.

Public Safety: The nearest fire station is located within 5 road miles but the travel connections are limited to just two travel paths. These paths are I-70 itself and St. Charles Rd. to State Route Z. Both of these paths present challenges to a quick response time. Potential future roadway improvements in the area may

help this situation, but these new roadways have no timeframe or funding associated with their construction.

So, while it does appear that suitable infrastructure might be able to be provided at some point in the future, the request seems somewhat premature in the context of the general area. There is significant acreage of M-L zoning in the area that is either vacant or significantly under utilized. Most of this existing M-L zoned property has roughly equivalent infrastructure to that of the request in place or planned and is available for development. This situation calls into question the suitability of this request at this time.

Some of the potential M-C uses from the City of Columbia found in the applicants documentation are not actually allowed under the proposed M-L zoning and these differences have a real potential to cause future conflicts in the differing expectations of the multiple parties involved and affected should the rezoning gain approval. Additionally, the size of the request is itself a significant concern: 210 acres of open M-L zoning without the mitigating requirements that would be placed upon a planned rezoning request presents too great a risk of possible unmitigated impacts. The applicant has indicated that the property will be restricted by private covenant and contract. Private covenant/restrictions and contracts can be modified or rescinded and are not suitable replacements for governmental safeguards. Only a small portion of the property is proposed to actually come under direct control of a pseudo-governmental entity with some potential to acquire additional portions of the property in the future. In our experience we have seen large extended timeframe plans fail to materialize as originally envisioned or presented but the zoning is permanent and would stay in place without the benefit of governmentally enforceable restrictive safeguards to mitigate potential impacts to neighboring properties, the surrounding area, and the community in general.

By policy and precedent the Boone County Planning Department has not supported open industrial zoning requests of this size; instead, we have recommended that such industrial requests seek a form of rezoning to a planned type of industrial zoning. Depending upon the details of the request, staff feels that a planned industrial rezoning request could be supported for this property.

For the reasons outlined in this analysis staff can't support the request as presented as an open M-L zoning request and must recommend denial of the request.

Present, representing the request:

Paul Land, 2401 Bernadette Dr., Columbia.

Bernie Andrew, 2205 Bridgewater Dr., Columbia.

Chris Sander, site engineer 2608 N. Stadium, Columbia.

Paul Land: It is never comfortable to speak in discourse or contrary to a staff report. I am appearing tonight as the president of the Columbia Area Jobs Foundation.

Mr. Land presented a hand out from the Columbia Area Jobs Foundation. The handout shows how the directors are selected and the make up of the organization.

Paul Land: We are a not-for-profit organization and have been charged with a mission to benefit the community and try and attract employers to this area. Part of that could entail gifts of real estate, control of real estate and improvement of real estate. That is what brings the applicants before the Commission tonight. I have been a member of the REDI organization for 18 of its 20 years and have been a member of its board of directors for the last 3 years. Being president of a not-for-profit organization like this was never one of my lifetime goals. There has been a lack of appropriate sites in our community that are

appropriately zoned with the appropriate infrastructure, appropriately priced and ready to convey to major employers. 1995 was the last time a 100,000 square foot building was constructed in this community by a major employer in the industrial and manufacturing sector. That was Quaker Oats on Route B; it was put on a property that had conventional zoning, not a planned district.

PL: Surrounding us in every community, during that same fifteen year time period, the communities of Boonville, Mexico, and Jefferson City have all gained major employers exceeding those square footages. They didn't have to fight planning district zoning. They had price points that were attractive to those employers.

Mr. Land presented a drawing of a proposed layout of the property.

PL: It is the applicant's hope that the property would be somewhat close to what is depicted in the drawing. It shows the square footage on here that is going outside of this community. As a resident of this community I think we are behind the times. I can't stand the idea that Boone County is not participating in the process. Part of our dilemma has been that major employers can't stand up to the scrutiny or uncertainty of coming before a public body that they know nothing about and say sit still while we work through this process of this planned district. There are too many choices in today's market place. Our competition isn't always about these communities that are near us. It is about communities in the Midwest. It can be Des Moines or Wichita but what is really painful is when it happens just 30 miles away from here. We want to try and change the element; we want to try to do something different. The things that brought employers along the Route B corridor was they didn't have to face a complicated system. There are some great employers out there; Square D, 3M, Quaker Oats among others. Those are the type of employers we would like to see on this property. We are specifically targeting 50 acre users. It could be 30 acre users but we want to hold out to larger users on this tract. We put different sized boxes on the drawing because we don't know what configuration an employer is going to take. But the drawing is an example of how we are going to mix and match different boxes. That is the Genesis behind the proposal.

PL: To that end we have taken two opportunities to meet with the neighbors. We notified them on March 5 of a meeting we would hold on March 18. We met with the neighbors and sent a subsequent notice on April 9 for a meeting on April 21. The meetings with the neighbors went from starting with concern, to cordial, to responsive, to concerned again. The first meeting revealed that they wanted some control through this process. We looked throughout other areas and thought the best control mechanism would be the M-C zoning district within the city. It defines the setbacks, uses, lighting standards and we thought those standards would give the neighbors some feeling of assurances and I think for the larger extent; that has happened. The Commission may hear testimony tonight to the contrary. For the neighbor immediately to the north of this property along Route Z we have also stated that we would exceed M-C guidelines by creating a 50 foot buffer for any improvements; a parking lot would not be 50 feet within the property line. We are willing to make that statement tonight and are willing to put that in the form of a recorded statement on the plat.

PL: The way we have orchestrated the acquisition of the property is pretty meaningful. Because we are a not-for-profit corporation we don't have a lot of funds to start with but we have been able to leverage through our Board of Directors membership, 4 of which are appointed by the Chamber of Commerce, 3 are appointed by REDI, one is the county Presiding Commissioner, and one is the City Manager. We are able to borrow some money to buy the first 20 acres. Our intention is to acquire the first 20 acres outright. Some of the property we will control through a 10 year agreement with a fixed price point. The next 20 acres we will control through the right of first refusal. We have long term control over this property. The remaining 40 acres will remain with the current property owner who will reap the benefit of the rezoning

that we are seeking tonight. We ask the Commission to support that and give them that gain because it provides us a price advantage on the control of the rest of the property. That price advantage has been the key ingredient that has been missing in our recruitment of major employers. In addition this property provides some unique features that are different than other property that staff alludes to on the south side of I-70 known as Trade Winds. That property has two, forty five acre tracts. It is a long narrow tract and has a depth of 600 feet at its best location and narrower than that along I-70 southwest; it has a 400 foot front.

Mr. Land pointed out the location on the area map.

Paul Land: My company represents Trade Winds; this is a client of mine that I don't want to harm. Trade Winds has limited dimensions that may prohibit some employers. The depth on the applicant's property is 940 feet. We need that additional depth to recruit some of these major employers. We want to be selective about who we will sell this property to. We think they have to meet the community standards; we think the make up of our Board allows us to do that in an efficient manner and a more friendly manner for those employers. The City of Columbia has stated to us that they would provide sewer to this property within a three year period following the installation of the high school. The high school's movement to this area is part of what prompted us to look at this area. We don't think that some of this tract is going to have to go down Route Z. There will be a demand as residents come to this area for more commercial services. I can't say precisely what will happen on that 40 acres but I think it could be retail in the future.

Paul Land: The original zoning was put in place in 1973. That was 35 years ago. Things have changed in this community during that course of time; for one, we've doubled in size. We think there is a need for this kind of property and we think the strongest evidence for it lies in the communities surrounding us that provided it and the success they have had. All that traffic in all those communities comes through this community and Boone County gets no benefit of the tax gain and no benefit of the property tax for those developments.

Paul Land: East Clark Lane, the CATSO plan brought to the edge of the applicants property. The neighbor to the south feels that he would like to have some of that road on his property. The applicants have no objection to that.

Commissioner Schloot: Is the property to the south Loveall RV's?

Paul Land: That's right.

Commissioner Schloot: What kind of timeline are the applicants looking at?

Paul Land: The sooner the better. If we are successful in rezoning we would take title to the property as early as July. As to when a major employer would appear, that I can't answer. There are legitimately a dozen requests that come to the community per year. Most times, those requests come in looking for communities to move out rather than move in. We want to be moved in. There are a number of reasons an employer will pick an area. The basis of not having a site suitable for them shouldn't be one of the. The city has informed the applicants that if a major employer appeared prior to the three year time table that they expect the sewer to appear here, they would make efforts to bring that to us sooner. It is quite possible, for instance, the box sizes we are talking about here that if we have a 200,000 or 300,000 square foot building it is probably a 9 or 12 month construction time period and the city could probably get sewer out there in that time period if we request it.

Commissioner Fowler: Did you say three years after it comes out to the high school?

Paul Land: Yes.

Commissioner Fowler: That has not happened yet and the high school doesn't seem to be on the same pace it was on a year ago.

Paul Land: The sewer is being extended there now. It first went out to the ABC Lab property and I suppose if that extension happens sooner and if we have a major employer in the area the city has said it will step that up.

Commissioner Fowler: The staff report mentioned a pre-annexation agreement. Is Mr. Land involved in negotiating that with the City?

Paul Land: We have had initial discussions with them but it is sort of a moot point until we have this step out of the way. We don't anticipate any problems with that. We know that part of the annexation is in order to gain their sewer you have to accept their zoning guidelines; we would come in under M-1 guidelines. We have had that discussion with the city manager but a pre-annexation agreement has to be approved by Council. It is sort of a chicken and egg deal; you have to get one of these things first and getting the zoning is probably the first step.

Commissioner Fowler: I have been on this Commission for two years and what I continually hear both from my colleagues on the city panel and my understanding of what goes on in the county is we have a preference for planned zoning. What is the applicant's objection to planned zoning?

Paul Land: The objection is the time table and certainty involved with that. The major employers we are recruiting to the area are not familiar with the political process involved. It is an absolute death nail on the attraction of new development. If we are forced us to modify our request to a planned district we will fold up the project and not pursue it. We may appeal the decision to the County Commission but we are going to stay with the request for this conventional zoning district.

Bernie Andrews: Many of these projects are 50 acre users and above. The trend now is to go toward shovel ready sites or certified sites. The whole reason is to minimize the risks. When you go from an open zoning to a planned zoning it goes the other direction, it adds question marks to it. A site selection consultant generally tells us they aren't interested in planned zoning because it has a level of uncertainty.

Commissioner Fowler: Wouldn't that uncertainty be even across communities similar to Columbia? I can't believe that we are alone in the wilderness as a community both as a city and a county that's using that approach to zoning. Don't they face that everywhere they go and isn't the purpose of REDI and the Columbia Area Jobs Foundation to assist them when they come in because you do know the local population and you do know how to navigate this process with us?

Paul Land: Part of that is the step we are taking tonight. We are faced with that competition. We are surrounded by counties that don't have any zoning. That is pretty hard to compete with. We are surrounded by counties that will give them the land and will provide 100 percent tax abatement. That is the reason a million five square feet got built in competing communities that did not get built here. We have done a good job of replacing major employers that have gone out. We have been able to fill every major building that has come in. We have not added one in fifteen years. We have not added a major employer in industrial or manufacturing.

Bernie Andrews: We can assist those companies if we don't get eliminated up front. The situation we are facing now with most of these is when they look at Columbia's land; the land prices are much higher than the surrounding communities and if it is planned zoning, we are eliminated. We aren't even getting the site visits to even get the opportunity to help them.

Paul Land: We realize that this is breaking your norm. We think we are in economic times where you have to break the norm. We think we have found a site where we have minimal, if any, resistance. You may find out differently tonight. But if you don't have that then what is the risk here? The risk is to lose employers. We think we have a site that has the right features; it is close to the interstate, it is on a State road and has the utilities and cooperative neighbors. I don't know why the Commission would turn down this request.

Commissioner Martin: What kind of control are the applicants going to have over the 40 acre site the owner retains once you start your development.

Paul Land: I can't control that site. The only way we can do our project was to bring something to the table. We can bring utilities and open zoning to the table and it increases the likelihood of them realizing their own value. If they get economic value out of that they are willing to give 10 year control to the rest of their property.

Commissioner Martin: Once you start your development it could be used for anything that would fit in the M-L district.

Paul Land: That is correct.

Open to public hearing.

Present, speaking in support of the request:

John John, 1001 Logrange Ct., Columbia.

John John: As a realtor, I represent the current owners of the property, Green Acres LLC. I also do a lot of commercial and industrial sales. I want to anecdotally tell of a large employer who was looking in this county along I-70. He would not look at any of the pieces that were industrially zoned because they were way overpriced for what they could get. The logistics department said that the best site for them would have been the Route Z site, somewhere within ½ mile of the interstate on Route Z. They were willing to go out to either the Millersburg or Hatton exit because the prices were better and they knew they could get exactly what they wanted, when they wanted it, close on the property and start building their building. They would not have to wait for zoning or for plan approval. That development was under contract and fell apart with the economy, they will be back, maybe in a year or two and they may look at this site. They will not be in Boone County if there is not a large enough site. Their site was a 35 acre site and it had to be in an industrial zoning but we were out of the running in Boone County. There was not a site here that they would look at within their price or control. We looked all the way to highway 54 and they didn't really like highway 54.

John John: I was on the Planning and Zoning Commission for the City of Columbia, we liked planned districts also. It is what we liked and what our staff liked but you do have on the Board of the Columbia Area Job Foundation, a Presiding Commissioner and the city manager. You do have government control over this; we have an agreement over the two to maintain respect for each other. Also one of the comments was because this isn't a plan you couldn't control the road access. MoDot will control the road

access; I guarantee you they will not allow access on a highway if they are not comfortable with it; they have the final say. The CATSO 2030 plan does already show Clark Lane running to the south side of this. It has been a long time since 1973; there are 11,000 commercial trucks running I-70 today. They weren't out there 25 years ago. It is a different world out there. The infrastructure is in place. Boring the 12 inch waterline under Route Z is a minor impediment; it would happen in a couple of days. There is a third and fourth route if there were blockages on I-70 or St. Charles Road. It is not far from Richland Road or Mexico Gravel. There are plenty of escape routes if they needed to get out there for fire. Part of the reason we went with the M-C controls is the city does have control over screening, lighting, noise, and landscaping that are in excess of what the county has. That is why we put those controls on for the neighbors to allow those excess controls that the county does not have but the city does have them and it will be coming in under the M-C controls when it came in to the city. We will probably be under an annexation agreement within the next few months.

Present, speaking in opposition to the request:

Dale Loveall, 7801 E. Richland, Columbia

Dale Loveall: I own the 30 acres next to this property. The problem I have at this point is I don't know enough about it. I wonder if we have done enough studies on what we are trying to accomplish. The east part of town is missing quite a few things as far as services to employees in the area. They have to go quite a way to get food or other services. The 40 acres next to me, if you put those together you would have enough room to develop a nice station, a nice restaurant, some services that I feel are needed out in that direction. I am not saying I am opposed to the plan the way it is, I am saying we need to do more study on it. I just want to be sure we know what we are doing.

Closed to public hearing.

Paul Land: We have stated to the neighbors that we would like to use the M-C design guidelines on the north and south half of the site. We've also suggested on the south half of the site that it would be appropriate for C-3. That would be a comparable use to the county's C-G. I think it is a reasonable, expectation that the 40 acres north of Mr. Loveall's land could have C-G uses in the future. We would not restrict that, from a use standpoint, to M-C uses.

Commissioner Freiling: I don't do much commercial real estate but I do real estate for a living and one of the difficulties that Boone County does have is land is worth too much. When you come in with a fixed infrastructure cost and a high land cost it makes it very difficult to offer prices that are competitive with land that has lower infrastructure standards. It seems that what the applicants are saying is that they have taken a land owner and you have locked this property up at a very advantageously low price by offering him the capacity to dramatically improve the value of the 40 acres he is retaining. Is this the exchange?

Paul Land: That is part of the exchange.

Commissioner Oetting: You had it broke down in to the 40 acres the seller is retaining and 40 acres the applicants are purchasing outright and then there is an option on how many acres?

Paul Land: The applicants will control 21 acres through purchase, 120 acres will be controlled through option to purchase for 10 years, and 22 acres through right of first refusal. The lower 40 acres will be developed by the owner.

Commissioner Oetting: The applicants have done a great job of presenting the situation. There is a problem with the size of the property. The applicants have said they wouldn't pursue it if it was a planned rezoning; would the applicants pursue it if it were done with smaller acreage?

Paul Land: When I talked to Economic Development they asked why the applicants are limiting themselves to 200 acres. They asked why we weren't doing 400 acres. I think the answer to your question is no. Part of the reason for the size is that in today's market many of the employers want to be in a campus environment and they may only need 60 acres but they want to have 80 acres because they want to control their expansion. I don't want to limit them.

Commissioner Freiling: (To John John) Have you had circumstances in your experience with REDI in terms of employers that you have a genuine belief that you could have parked in Boone County?

John John: Yes.

Commissioner Freiling: Do you think the price you can offer this property will be competitive?

Bernie Andrews: I called counterparts in the surrounding counties and asked them what their industrial land is selling for. I got everything from \$10,000 an acre to \$2 per square foot. Then I checked with eastern Jackson County and western St. Charles County. I appreciate developers in town putting in shovel ready sites like Mr. Atkins right across I-70. That is all very positive for economic development. The floor right now for industrial land is about \$2 a square foot, it goes up considerably, so we basically have land prices equivalent to eastern Jackson County and St. Charles County. That is our competition. You have higher prices here; it goes down along I-70 and comes back up in Boone County. We are trying to attract employers that have a national customer base. They may be looking at Kansas, Missouri, and Illinois. We have been eliminated on many projects just because our land prices are just too high. A couple of examples: a couple of years ago there was a food manufacturer that couldn't find a site that was for sale. They ended up going to another state because our property wasn't for sale. Dollar General and Wal-Mart are two examples of distribution centers, both of them Boone County was a finalist but they were unimproved sites. There wasn't a site that was shovel ready that we could market so we were always behind the eight ball. Dollar General went to Callaway County and Wal-Mart distribution center went to Moberly. I am not saying we target distribution centers but those are two projects that we have been in the running for and lost.

Commissioner Schloot: Who is involved in the ownership of the Columbia Area Jobs Foundation?

Bernie Andrews: The board is a nine member board consisting of the City Manager of the City of Columbia, the Presiding Commissioner of Boone County, then REDI appoints three members from their membership, and the Chamber of Commerce appoints four members. Right now they are under three year terms. Really this is trying to fill a fifteen year void in terms of adding a community economic organization just focused on shovel ready sites.

Commissioner Harris: (to staff) The city's M-C and C-3 are more stringent guidelines than what our M-L prescribes? What is the relationship there?

Mr. Yonke: The C-G and C-3 are roughly equivalent; I believe our C-G was pretty much created based on the C-3. What I think the applicants are talking about is I believe there are some prescriptive standards in the M-C so that their open zoning has things in it that we would have to put on by condition under planned zoning that are built in to the structure of their M-C performance standard. We do not have those performance standards in our open M-L. While the performance standards they are referring to from the

M-C, if those were put in place; that would be a higher level of control. Some of the uses that are listed under M-C are things that would not be allowed in M-L. There are uses that are not listed but the prescriptive standards themselves would not be an objection.

Commissioner Fowler: Would it be possible to take those prescriptive standards from the city zoning and put them in to a plan on our side and present that plan for approval. Because we don't know who our tenants are going to be or who our landowners are going to be it is too abstract, you really can't do a loose plan based on incorporating those standards.

Mr. Yonke: No, they could do a basic plan that could incorporate all the prescriptive standards as provisions of the plan. I don't think that is the issue because they know what those are. The issue is setting the size and knowing exactly where the roads are going to go. Under our planned districts you can get whatever flexibility we build in. If they are willing to do it, you can be flexible on where the roads go, sizes could say anywhere from a 10,000 square foot to a 200,000 square foot building and show its parking. It is possible to create a plan but what they are saying is people aren't willing to talk with them. While a plan could be created that doesn't seem to be the issue.

Commissioner Freiling: Isn't that the same debate the city had when Elvin Sapp was proposing a large commercial area in his development on the Phillips piece?

John John: That was part of the discussion, the city allows you to say you will have X number of square feet of building and you are done with your plan. You have X number of landscaping and you are done with your plan. You can say it will be no more than seven stories tall and you are done. But even with that, we ended up with some being open zoning and some being planned zoning. As it got closer to the lake it went to planned, as it got closer to the highway it went to open zoning just because they needed that open zoning in the city and the city decided it was to the greater good. They also put some covenants on the signage.

Commissioner Freiling: I understand that when you are in a highly competitive situation with people who can locate where they want to; if you offer obstacles you have lost. Boone County has lost manufacturing jobs in a way that we can not sustain economically. Is there an alternative between placing an impediment that promises to be a killer impediment in the way of economic development and the open rezoning that leaves so much uncertainty. Is there anything in between?

Stan Shawver: Not under our current regulations. We could draft prescriptive standards under our new segment of regulations.

Commissioner Freiling: But not the way it is right now?

Mr. Shawver: No. As a point of clarification, you said Boone County has lost manufacturers. The city of Columbia has lost businesses, as has Ashland and Centralia. The process of revising the regulations does not answer the question that is before the Commission tonight. I don't think their time schedule is such that they want to be involved in discussing the regulations for this site. I think they want, and deserve an answer tonight.

Commissioner Freiling: Given the nature of the Columbia Area Jobs Foundation, obviously there was an accounting made in the staff report of its character. The concern was that within their control period nothing would happen and property would then be 210 acres of open industrial zoning. What is the worst outcome that you can foresee from a community standard for a noxious or undesirable situation?

Mr. Shawver: Individual use under every one of those acres.

Mr. Yonke: The worst case would be that this would turn out to be a bunch of small commercial things that really don't provide any jobs. That really would be the worst situation from a county perspective because the infrastructure would cost and it wouldn't create the jobs.

Commissioner Freiling: The infrastructure cost is still going to be paid by the property owners, not by the county.

Mr. Yonke: The sewer is being paid for by the city rate payers.

Commissioner Freiling: Could you end up with 200 acres of hog processing facilities?

Mr. Shawver: No, that would require M-G zoning.

Mr. Yonke: The other part of the question was from staff's point of view we can't take in to account who the applicant is. We have to look at the merits of it just like we have at every other request. We have no doubt the current applicant has the best of intentions but we can not take who the applicant is in to account. We have never been able to do that so we have to look at it and pretend it is the best person and the worst person.

Commissioner Schloot: This has come up several times in our work sessions. They have been given a gift here; these guys are civic and business leaders and it is a pretty good plan that they are bringing to us and it dovetails pretty nicely with the sub area plan we are talking about going on out with the school and everything comes right up to Route Z. The transportation is there; I hate the idea of chasing away companies like I think we have been in the past with the zoning laws. We need the jobs and who knows how long 3M is going to stay here. We need to attract some new industry. I visited that property and looked it over, it is a great location for just what they are trying to do with this property. It is not in the middle of town, it is not going to be a smoke stack industry and I understand what they are trying to do. You do have to have it shovel ready; it has to be ready to go or they are not interested.

Commissioner Harris: On a straight rezoning request, it is either thumbs up or thumbs down; the Commission doesn't have any latitude to give it any conditions.

Mr. Shawver: That is correct.

Commissioner Fowler: The inventory of other commercially zoned or industrially zoned properties that the geography students assisted with. Are there other parcels of land that already have sewer and infrastructure and come closer to the sufficiency of services?

Mr. Yonke: We didn't review it for that; we reviewed only for this immediate area because it is somewhat area specific as opposed to community wide.

Commissioner Fowler: We hear all the time that we don't have shovel ready sites but we have a fair bit of appropriately zoned property that already has sewer in the County. I don't know where it is located but maybe at some point we can meet as a panel to look at that.

Mr. Yonke: One of the reasons we could prepare that is to show the Commission not with respect to a particular request, but as one of our general work session items, we can show you so you guys will know where the available commercial land with infrastructure is located.

Commissioner Freiling: From a strict real estate standpoint, if this property already had a sufficiency of resources they would not have cut this deal.

Commissioner Fowler: So the problem is the price of land.

Commissioner Freiling: It is a chicken and egg issue and what they have leveraged here with the owner is the expectation that what he is reserving, what that will pay him for what he has is small enough they can make their project work if they buy it. They have users and they will pay him and put in any infrastructure and bring in the users. It will elevate the value of his property and he will make a profit off the 40 acres he is keeping. It is smart. Aside from having a donor to give them the ground that is attractive enough to have the potential to attract a significant manufacturing employer; I am not sure how you do it.

Commissioner Freiling: I understand the economic times and I am a proponent of bringing living wage jobs to the Columbia area, we don't have enough of them. We have a suppressed wage rate in Boone County and Columbia. But also being a citizen that is involved in various discussion groups and going through the visioning process and knowing our colleagues on the city panel and reading I expected to find really no commonality in what I read in the master plan that was revised in 1996. It is consistent with what the citizens are still saying which is we want to make sure that adverse impacts on us are mitigated and we do that through planned zoning. When the citizens repeatedly say that, whether it is in the master plan which was a group of citizens, or the Boone County visioning project in 2000 or the City of Columbia visioning project in 2007; they want those types of planning tools and restrictions in place to protect these surrounding properties to protect the citizens and their quality of life; it hard for me to ignore that.

Commissioner Schloot: I am a little bit with that. If we take a look at what is going on with that new school in that area, and it is going to go out there, we have done the sub area plan.

Commissioner Fowler: This is actually in the sub area plan. The sub area plan area is one mile east of Route Z.

Commissioner Schloot: We didn't know that this was going to happen; maybe our master plan should be updated because we didn't know that the sub area was going to happen. I think for the time being it is a good fit.

Commissioner Freiling: It does correspond with much of the discussion of the sub area plan about creating, not an outer road, but a setback roadway with the specific intent of creating a buffer between the I-70 corridor and the future residential development and keeping us from having that strip mall development along an outer road. Its location on the south property line is exactly where that road proposal was.

Commissioner Oetting: I agree with Commissioner Schloot. It is a good thought, the parcel is commercial designated. There is some danger in it not being planned but I think it something we need to take a chance on and look favorable upon it.

Commissioner Freiling: My personal standard is you don't rezone without a public benefit especially if there is the potential for any negative consequence. Certainly the entire goal here is public benefit. It is not to say that is what will happen; that is our risk. It is not that these people who are working on this project will be paid.

Commissioner Schloot: It is a gamble but it is a gamble with a pretty good set of people like the city manager and the Presiding Commissioner.

Commissioner Freiling: Does anyone have an alternative on how we deal with the fact as a community? Economically, do we think that we can survive without large campus M-L users that will at least periodically choose to locate in our community like the users that chose to locate on Route B 20 years ago? Because if something like this does not happen, we will not have that again. You either do this or you just give up on that economic reality. I can't envision one of these corporations coming in under a different circumstance.

Commissioner Harris: There isn't any provision to take any sort of sunset provision?

Mr. Shawver: No.

Commissioner Oetting made and Commissioner Schloot seconded a motion to **approve** the request Green Acres Estates LLC on behalf of Columbia Area Jobs Foundation to rezone from A-R to M-L on 210 acres, more or less, located at 1800 N. Rte Z, Columbia.

Boyd Harris – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
John Schloot – Yes	Michael Morrison – NO
Gregory Martin – Yes	Pat Fowler – NO
Dan Haid – Yes	

Motion to approve the request carries. 7 YES 2 NO

Chairperson Harris informed the applicants that this request will be heard by the County Commission on Tuesday, June 2, 2009 at 7:00 p.m. and the applicants need to be present.



2. Request by Dolores A. Wolfe to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10 acres, more or less, located at 8900 E. Old Hwy 124, Hallsville.

Planner, Uriah Mach gave the following staff report:

The subject property is a 10 acre tract located approximately 1 mile to the northeast of Hallsville on Old Highway 124. This rezoning is being sought to allow for division of this property by family transfer to allow for an additional dwelling. There is currently a house, shed, and a barn on this property. The property is zoned A-1(Agriculture), and they are seeking a rezoning to A-2(Agriculture) to split the property into two five acre tracts. There is A-R(Agriculture-Residential) zoning to the east, and A-1 zoning to the north, south and west. This is all original 1973 zoning.

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

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

Utilities: This property is served by Public Water Service District #4 Boone County Fire Protection District, & Boone Electric Cooperative. This rezoning will not increase demand on available public utilities.

Transportation: Access to this property is via Old Highway 124 & Level Road. The rezoning will not increase traffic to this site.

Public Safety: This property is approximately 1 mile from the nearest fire station, located in Hallsville. 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 current use of the property. The property is sited at a boundary between A-1 and A-R districts. Rezoning to A-2 is not out of character for this area, as there are some smaller lots in the immediate vicinity, particularly to the east. 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 the request:

Ruby AnnaMarie Wolfe-Boyd, 991 E. Quince, Columbia.
Robert Boyd, 991 E. Quince, Columbia.

Ruby Boyd: I am Dolores Wolfe's daughter.

Robert Boyd: Dolores Wolfe's health is beginning to fail and we need to get out there and help her out. That is the main reason for this.

Commissioner Schloot: How are you looking to divide the property, 5 acre tracts?

Robert Boyd: Yes.

Commissioner Harris: Is it going to be divided north/south or east/west.

Robert Boyd: There is a pond on the center of the property and there is a creek along the tree line on the south end. We are looking to go between the pond and the clearing.

Commissioner Harris: What was the comment in the staff report about the family transfer?

Mr. Mach: That is going to be how the property is divided, via family transfer. At its current zoning it can't be split in any fashion. If it is zoned A-2 it can be split by family transfer being either two five acre tracts or a 7.5 and 2.5 tract, however it is consistent with the zoning. The applicants wrote in their application that it will be divided by a family transfer, most likely there won't be a plat on this.

Commissioner Freiling: The worse case scenario is four lots.

Mr. Mach: The worst case scenario, if the rezoning is approved is a 2.5 acre tract and it will exist somewhere out of the 10 acres.

Commissioner Freiling: But you could have four lots.

Mr. Mach: You could conceivably have four but the configuration would be tough. You could family transfer one and then plat the other three.

Mr. Yonke: You could do multiple family transfers.

Mr. Mach: If there were four children of the current property owner then it could be done with multiple family transfers. There is always that risk with family transfers, it has occurred. The application was presented purposely as two five acre tracts and a family transfer which is not an uncommon behavior.

Robert Boyd: The intention of the applicants is to be out there for our mother, we will probably end up with the whole entire property. In the event of her death down the road, we don't intend to share the property because we don't want any other dwellings on the property.

Open to public hearing.

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

Closed to public hearing.

Commissioner Schloot: I have been to the property and it is very consistent what they are trying to do. I looked at the other houses in the area and it is very consistent.

Commissioner Schloot made and Commissioner Morrison seconded a motion to **approve** the request by Dolores A. Wolfe to rezone from A-1 to A-2 on 10 acres, more or less, located at 8900 E. Old Hwy 124, Hallsville.

Boyd Harris – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
John Schloot – Yes	Michael Morrison – Yes
Gregory Martin – Yes	Pat Fowler – Yes
Dan Haid – Yes	

Motion to approve the request carries unanimously

Chairperson Harris informed the applicants that this request will be heard by the County Commission on Tuesday, June 2, 2009 at 7:00 p.m. and the applicants need to be present.

VII. Planned Developments

1. Request by Three Creeks Co., LLC on behalf of Air Master Corporation to approve a revised Review Plan on 9.82 acres zoned M-LP (Planned Light Industrial located at 10501 S. Hardwick Lane, Columbia.

Planner, Thad Yonke gave the following staff report:

This property is located on the east side of Highway 63 and west of Hardwick Lane approximately 1200 feet south of the intersection of State Route H and Hardwick Lane, adjacent to the Ashland city limits. The current zoning for the site is M-LP (planned industrial) rezoned in 2003 from its original 1973 A-1 (agriculture) zoning. There is no private property to the north between this site and the intersection: it is all ROW. The property to the immediate south is zoned M-LP which was rezoned from C-GP (planned commercial) in April of 2001. The C-GP was rezoned from A-1 (agriculture) in 1991 and a revised review and revised final plan were approved in 2003. All the other surrounding County zoning is A-1 and these are all the original 1973 zonings. The property to the east is in Ashland municipal limits and is zoned Airport Commercial. The subject property contains approximately 9.82 acres.

The property is currently the site of two commercial/industrial structures and a storage yard. This request is to approve a revised review plan allowing for some future expansions of existing building 1 on the plan. Proposed building 3 has never been built and is essentially the same as is currently approved. There is no change in the allowed uses proposed. This site is within the Southern Boone County School District and the Southern Boone County Fire Protection District. The site is located in Boone Electric Cooperative and Consolidated Public Water Service District #1 service areas. When any building permits are taken out for new construction or to expand/intensify the use, current fire district requirements must be met. There is a 4" waterline and hydrant located near the east property line as shown on the proposed review plan. Sewage is currently provided by a sub-surface engineered wastewater system that will be regulated by the Health Department. Any wastewater systems or modifications will have to be engineered. No direct access to highway 63 is allowed. This portion of Hardwick Lane is under MoDot jurisdiction and any driveway relocation/work in the right of way will need to be worked out as appropriate with the State. The site does drain to Bass Creek and concerns with respect to water quality and stormwater are the same as those of the existing approved plan. Since the proposed revision is minor the resources needed under the "sufficiency of resources test" have not changed since the approval of the current plan, and therefore, the test is not detailed further. The only issue that has come to our attention since the original approval is that there is a stormwater/drainage problem between this property and the property to the south. Some form of mitigation is needed. The current approved plan indicates that stormwater from this property will not significantly impact neighboring properties due to run-off.

The master plan designates this area as being suitable for agricultural and rural residential uses. The proposed use is not consistent with the master plan. However, the M-LP zoning node has already been established and the master plan does indicate that where commercial and industrial development is to occur it should be planned. Staff does believe that a limited planned commercial/industrial node is appropriate at this location but would not support continuous strip development of the highway 63 corridor. The request scores 66 points on the point rating scale. Staff notified 8 property owners.

Staff recommends approval of the revised review plan subject to the following eight conditions; most conditions are identical to conditions placed on the original approval.

1. That it is recognized that all drive and parking areas are required to be a minimum of a chip seal surface. Also, that parking is diagrammatic on the plan and that additional parking may be required by the actual size and use of the buildings.

2. That the landscape screening/buffer area should be a minimum of two rows of evergreen trees at an average spacing of 15 feet triangulated on center on both the east and west of the storage yard.
3. That an approved landscaping plan is binding and that all planting and buffering must be maintained in good condition at all times. Any planting materials that die or are not providing proper buffering will be replaced no later than the next growing season with plantings that will provide the required buffering equivalent.
4. That an engineered stormwater and erosion control plan be acceptable to the NRCS, County Public Works, and Planning Departments which will include a riparian buffer along the creek tributary and relocation of the drive to building 3.
5. That the engineered wastewater system be acceptable to the Health Dept. and Director of Planning and that if an acceptable solution cannot be reached the approval of the development is void and will require redesign and resubmittal and a new approval of a revised review plan.
6. That the proposed sign shown on the plan is limited to a single business sign that is ground mounted and of no larger than 80 square feet with a height no higher than 12 feet to the highest point on the sign, and that the sign not be illuminated in any manner.
7. That all lighting on the site be shielded and focused inward and downward.
8. The owner of this property work with the property owner to the south to resolve the stormwater runoff issues between the two properties so as to be in compliance with the approved plans.

Present, representing the request:

Ron Lueck, Marshall Engineering, 300 St. James St., Columbia.
John Rundquist, 17482 Radcliff Dr., 63025

John Rundquist: I am confused as to why this would require a review by the Planning and Zoning Commission in the first place. This has been a two month process and a lot of expense. I think it is because of this planned thing which I understand is a control thing but to be honest I think it puts a lot of constraints on people. Some of the conditions don't seem appropriate for a planned industrial area but I don't think there is anything that is a drastic problem other than I don't understand why a drainage problem that existed five years ago is now being addressed and we have to look at it. The driveway is on the property line and the building is probably 15 feet from the property line I would say it should have probably been set back but I think we can work something out.

Ron Lueck: Most of these conditions are identical to the original plan done in 2003. How many of the conditions are additional.

Mr. Yonke: The only one that is additional is number 8. The other ones were all on the original plan.

Ron Lueck: There is no 25-foot buffer, that thing is well within the 25 foot buffer on that line. I spoke with the adjoining owner and Dierker, the original site developer, dug a ditch for that to divert water but apparently it is not working well enough. That issue should be between Dierker and Mr. Holt.

Mr. Yonke: Basically the way that staff views this is the original plan had a condition on it for Dierker and Dent that no stormwater runoff causes impacts to other properties as part of the plan. Staff wasn't aware of any further problem until they received a complaint following the notification for this hearing. Having received a complaint, if Dierker and Dent were currently the property owners, they would have to deal with it. It is whoever the current owner is that has to be subject to the existing plan. That is why staff raised it in such a way that it be worked out between the two property owners rather than staff placing a condition that says the applicant is required to dig a ditch or put a berm in. We thought this was one of those things that can be worked out better between the two property owners.

Ron Lueck: I am sure they can get together rather quickly. Water has been running off that site since before we were born and it is still coming off there.

John Rundquist: This still has to go through another Commission to be approved and that is ten days away?

Commissioner Freiling: Yes.

John Rundquist: It is the planned zoning that makes it a problem, every decision is micromanaged when someone moves in. They set up the rules in advance so you can control what you want and you don't have to go through this process.

Commissioner Freiling: There are a number of reasons for planned zonings. I would never have approved a rezoning on this site without a planned zoning. It is in a highly visible site on what is a highly attractive, major transportation corridor in Boone County. Had you been given open rezoning it is very possible with what ended up there would have been very undesirable from a community standpoint, which is the Commission's job. Our job is to protect the communities. If this site were an industrial park it wouldn't be an issue, but this site is right on the Highway 63 corridor, it is the only zoning of its type in the area and it is fully visible from Highway 63. So the planned zoning, to me, was a necessary criteria to even consider the rezoning from its original zoning which was Agriculture-Residential. It is a pain but it is not designed to be a pain, it is designed to protect the community and it is a good place to do business in Boone County because it is a nice place to live. Part of keeping it a nice place to live is planned rezoning.

Mr. Yonke: There may be a misconception. It is approved for contracting buildings and storage areas currently. You can move in and operate a business on this property under the existing plan at any time. The expansion potential for the applicant to add on to the buildings is the main driving force for why you have to have a revision to the plan otherwise you wouldn't be able to expand those buildings. You can operate there, you are subject to the conditions already in place, which is why they were put in the staff report but that was more to make sure the applicant is aware that he is already subject to these conditions because they were placed on the original.

Open to public hearing.

No one spoke in support of the request.

Present, speaking in opposition to the request:

Ed Holt, 10601 S. Hardwick Ln., Columbia.

Sharyn Holt, 10601 S. Hardwick Ln., Columbia.

Ed Holt: I am the property owner directly to the south. I came in here this evening in support and to welcome my new neighbor and I changed my mind. The reason I did was because before the meeting I had a conversation in the hallway with the engineer of the property and no one wants to take responsibility for this drainage problem. I brought up this drainage problem when this plan was approved before. I called Phillip Dierker a couple of weeks ago when I got the notice of the revised plan and he never returned my call. On my property, there is a detention pond and it is close to six feet deep and it has a berm that is fifteen feet wide that cost me a considerable amount of money to put in to place because it was destroying the neighboring landowners driveway and I had no objection to putting the detention pond in. If I want to open and run a business I need to be responsible for how it affects my neighbors. Until one

of the two of these people take responsibility and comes up with a reasonable, functional plan, I am going to ask that the Commission table this request tonight.

Sharyn Holt: We did talk to Mr. Dierker about working with us on the drainage and he did do a little bit but it just wasn't enough.

Ed Holt: The rain has been heavy for the past couple of years and the problem is getting worse because it is eating away my driveway; there is no sense in me repairing my driveway and I met all of the conditions and setbacks on my property. Until a reasonable solution is made I ask the Commission to table this request.

Commissioner Haid: (To staff) Is the drainage agreement going to come through Public Works?

Mr. Yonke: That would be the most logical since Public Works has storm water people to deal with some of these issues. In the past it would have been just a zoning violation of the existing plans condition and until that got resolved it would continue to be a zoning violation. But now that we have some stormwater people it would be best if we involved Public Works to see what is reasonable and what isn't.

Ed Holt: This condition was on the original plan.

Mr. Yonke: Yes it was.

Sharyn Holt: Do you have elevation records at all.

Mr. Yonke: I don't have that information.

Commissioner Freiling: There was a diversion created by ditching?

Ed Holt: If you look at the southeast corner which is where the heaviest water comes in, if you go in about 25 feet there was a small ditch that was done to divert the water. It seemed to work while the rain was light but it has had no effect at all. The problem is that the road at that corner sits higher than the property. The driveway on the south side of the property is the apex of the hill so everything from that road south comes over on my property. It has a tendency to run to the front of the property and it gets to the road, the road sits higher than the property itself so it naturally comes back. It crosses and runs down my driveway, around behind my house and then it comes back out.

Commissioner Schloot: That sounds like a public works problem if it runs from the road easement.

Mr. Yonke: It is a MoDot facility right of way, it is not County public works.

Commissioner Freiling: There is no ditch drainage?

Ed Holt: That is the problem; the ditch sits higher than the land. That is why it is so difficult to correct it. If you were to put a diagonal berm that runs about 50 feet in, it doesn't need to be very high, you can divert that water at an angle and it will run in to the drainage ditch but you have to make the berm higher than the ditch itself.

Commissioner Freiling: So by the time the water gets to the ditch the ditch is higher than the water. If you divert the water a little uphill, it would get to the ditch.

Ed Holt: Yes.

Commissioner Freiling: Then it would go through your culvert.

Ed Holt: Now is the time to talk about this issue. I talked about it during the original planning and now is the time to fix it. I want to repair my driveway and until this problem is solved, I can't.

Mr. Yonke: As far as tabling the request goes, that really won't have any material issue on this. It is a zoning violation currently under the existing plan. Since the applicant can move in under the existing plan, whether we table this or not is not going to affect whether or not the condition is on it or whether or not they still have to come to some agreement.

Ed Holt: I came to the meeting to speak in favor and welcome my new neighbor. But this issue has gotten blown up in this room.

Closed to public hearing.

Commissioner Freiling: Assuming the property owner doesn't deal with the issue, what is the remedy.

Mr. Yonke: It is a zoning violation that we have to talk to the County Attorney about trying to prosecute. It will fall back on him researching the State water law and it could get kind of messy.

John Rundquist: All I can say is if the current owners did something to cause the water problem I could understand. But the land slopes that way, you aren't going to change something like that, it is a hill. But if they did something to cause additional runoff I guarantee we could work something out to fix that. I don't know if it is realistic to think you are going to stop all that water running down hill and on to someone else's property. I don't know what it says in the current zoning regulations I think we can fix the problems the owners may have created but I don't think we can change mother nature.

Ron Lueck: Condition eight says that the two owners would work something out; one of the problems you may be looking at is Mr. Holts driveway culvert is not properly sized. Maybe it needs a bigger culvert. Should the applicant have to pay to replace Mr. Holt's driveway? A bigger culvert may alleviate some of the problem.

Commissioner Freiling: Does it seem sensible to make a small berm and keep the water, as it leaves the property, in the road ditch?

Ron Lueck: Some of the stuff that is on the right of way can't be kept out there but the property itself, this funnels down to the southwest out toward highway 63. This slopes from the top of the apex out to the southwest corner.

Commissioner Freiling: How about the southeast corner where the problem is?

Ron Lueck: The problem is the slope of the land. You can try to divert some of that out to the right of way; it is going to be a little tough.

Commissioner Freiling: Is the south end of this property significantly lower than the road?

Ron Lueck: It slopes to highway 63, yes it is significantly lower.

Commissioner Freiling: Mr. Holt's complaint is not on old highway 63.

Ron Lueck: There is some diversion that could be done and put out in to the right of way road ditch of Hardwick Lane.

Commissioner Freiling: If it gets to the road ditch and the culvert is too small, it is his problem. If it is not getting to the road ditch, he can't control it.

Ron Lueck: Correct. That is where they dug a ditch along that property line out there; Mr. Holt claims it isn't helping as much as it needs to. Condition number eight has to be addressed for the expansion of the property.

Commissioner Schloot: Was the neighbor's property cut down for construction purposes?

Ron Lueck: Some time ago it was dropped when the driveway was installed.

Mr. Holt: I think the culvert pipe is adequate. It is very easy to solve this problem. On his property sits an enormous amount of top soil which I gave to them because I got along with my neighbors then. If they would just take that top soil, build a small berm to divert that water this whole thing would be solved, it is very simple.

Ron Lueck: Something would have to be done to meet condition eight.

Commissioner Harris: If nothing else, it is a zoning violation right now. There is some point of law already in place to enforce it.

Mr. Yonke: It will probably be cheaper for the two property owners to figure out some way to move a little bit of dirt than it will be to hire attorneys to defend the applicant.

Commissioner Fowler: Ultimately it is the responsibility of the owner Three Creeks because the violation exists on their property.

Mr. Yonke: I have no idea if there is any potential for them to go back to the previously owner having sold them something that wasn't in compliance at the time.

Commissioner Fowler: That is a different issue; right now it is the current owner's problem and it needs to be resolved.

Commissioner Freiling made and Commissioner Morgan seconded a motion to **approve the request by Three Creeks Co., LLC on behalf of Air Master Corporation to approve a revised Review Plan on 9.82 acres zoned M-LP (Planned Light Industrial located at 10501 S. Hardwick Lane, Columbia with the following eight conditions:**

1. That it is recognized that all drive and parking areas are required to be a minimum of a chip seal surface. Also, that parking is diagrammatic on the plan and that additional parking may be required by the actual size and use of the buildings.
2. That the landscape screening/buffer area should be a minimum of two rows of evergreen trees at an average spacing of 15 feet triangulated on center on both the east and west of the storage yard.

3. That an approved landscaping plan is binding and that all planting and buffering must be maintained in good condition at all times. Any planting materials that die or are not providing proper buffering will be replaced no later than the next growing season with plantings that will provide the required buffering equivalent.
4. That an engineered stormwater and erosion control plan be acceptable to the NRCS, County Public Works, and Planning Departments which will include a riparian buffer along the creek tributary and relocation of the drive to building 3.
5. That the engineered wastewater system be acceptable to the Health Dept. and Director of Planning and that if an acceptable solution cannot be reached the approval of the development is void and will require redesign and resubmittal and a new approval of a revised review plan.
6. That the proposed sign shown on the plan is limited to a single business sign that is ground mounted and of no larger than 80 square feet with a height no higher than 12 feet to the highest point on the sign, and that the sign not be illuminated in any manner.
7. That all lighting on the site be shielded and focused inward and downward.
8. The owner of this property work with the property owner to the south to resolve the stormwater run-off issues between the two properties so as to be in compliance with the approved plans.

Boyd Harris – Yes
Mike Morgan – Yes
John Schloot – Yes
Gregory Martin – Yes
Dan Haid – Yes

Carl Freiling – Yes
Larry Oetting – Yes
Michael Morrison – Yes
Pat Fowler – Yes

Motion to approve the request carries unanimously.

Chairperson Harris informed the applicants that this request will be heard by the County Commission on Tuesday, June 2, 2009 at 7:00 p.m. and the applicants need to be present.

VIII. Plats

1. Meadow Lakes Plat 3. S16T49N-R12W. R-S. James and Eurlene Baylor, owners. J. Daniel Brush, surveyor.

No one present to represent plat.

The following staff report was entered in to the record:

The subject property is located on Lang Drive, approximately 1100 feet from the city limits of Columbia, west of North Brown Station Road. This plat combines two previously platted lots of Meadow Lakes Subdivision into a single lot for purposes of constructing an accessory structure on the western portion of the property. The property is zoned R-S (Residential Single-Family) and is surrounded by R-S zoning. This is all original 1973 zoning.

The property has direct access onto Lang Drive. The applicant as requested a waiver for the traffic study requirement

Water service to the existing dwelling on the eastern portion of this lot is provided by Columbia Water & Light. Fire protection is provided by Boone County Fire Protection District.

Wastewater service is provided by the City of Columbia. The applicant has requested a waiver for the wastewater cost-benefit analysis.

The property scored 67 points on the rating system.

Staff recommends approval of plat and granting the requested waivers.

Commissioner Morgan made and Commissioner Haid seconded a motion to **approve Meadow Lakes Plat 3 with waiver requests:**

Boyd Harris – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
John Schloot – Yes	Michael Morrison – Yes
Gregory Martin – Yes	Pat Fowler – Yes
Dan Haid – Yes	

Motion to approve the plat carries unanimously.



2. Grandview. S15-T50N-R12W. A-2. GW Developers LLC, owner. Christopher M Sander, surveyor.

No one present to represent plat.

The following staff report was entered in to the record:

The subject tract is located west of Hallsville on Frink Road, south of the Route 124/Route U intersection. This plat creates three tracts of 5.08, 5.12, & 5.65 acres from a 59.95 acre parent parcel. The property is zoned A-2 (Agriculture), and has A-2 zoning to the north and west, A-1 (Agriculture) zoning to the south, and the city of Hallsville to the east. This is all original 1973 zoning.

These lots will be served by a private drive easement extending off of Frink Road. None of the new lots will have direct road frontage, and all are above five acres in size. The applicant has submitted a request for a waiver of the traffic study requirement.

Public Water Service District #4 will be providing water service to these lots in an easement extending off of Frink Road. Fire protection will be provided by The Boone County Fire Protection District.

On-site systems will be providing wastewater disposal. A request for the waiver of the cost-benefit analysis has been made.

Any future development of this property will be limited by the exclusive access easement created for these three platted lots, and fire protection will be required for all lots with the creation of the next platted lot.

The property scored 60 points on the rating system.

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

Commissioner Morgan made and Commissioner Haid seconded a motion to approve Grandview with waiver requests:

Boyd Harris – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
John Schloot – Yes	Michael Morrison – Yes
Gregory Martin – Yes	Pat Fowler – Yes
Dan Haid – Yes	

Motion to approve the plat carries unanimously.



3. Street Estates Plat 1. S12-T49N-R13W. A-R. Boone County National Bank, Inc., owner. Neal R. Slattery, surveyor.

No one present to represent plat.

The following staff report was entered in to the record:

The subject property is located to the southeast of the intersection of Hinton Road and Highway VV, at the west end of Daniel Lane. This plat creates 3 lots. One is 2.25 (Lot 101) acres; the others are 5.42 (Lot 103) acres and .85 (Lot 102) acres. The property is zoned A-R (Agriculture-Residential), and has R-S (Residential Single-Family) zoning to the north, and A-R zoning to the south, east, and west. This is all original 1973 zoning.

Access to the property is via Daniel Street to the east and access from State Highway VV across the 2.25 acre lot. The .85 acre lot has access only access from Daniel Street across the 5.42 acre lot. The applicants have submitted a request to waive the requirement for a traffic study on this plat.

The installation of a 6” waterline and 2 fire hydrants has been completed per water district and fire protection district requirements.

Centralized sewer service will be provided by the Boone County Regional Sewer District.

The existing store structure on Lot 101 has received variances for the location of the building and the canopy that is in place. The building and canopy will need to be relocated when that property is replatted.

The property scored 73 points on the rating system.

Staff recommends approval of the plat and the requested waiver.

Commissioner Morgan made and Commissioner Haid seconded a motion to **approve** Street Estates Plat 1 **with waiver requests:**

Boyd Harris – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
John Schloot – Yes	Michael Morrison – Yes
Gregory Martin – Yes	Pat Fowler – Yes
Dan Haid – Yes	

Motion to approve the plat carries unanimously.



4. Street Estates Plat 3. S12-T49N-R13W. A-R. Boone County National Bank, Inc., owner. Neal R. Slattery, surveyor.

No one present to represent plat.

The following staff report was entered in to the record:

The subject property is located to the southeast of the intersection of Hinton Road and Highway VV, at the west end of Daniel Lane. This plat creates 9 lots, ranging in size from 21,935 square feet to 27,645 square feet. This plat is a replat of Street Estates Plat 1, Lot 103. The area being divided by this plat is 5.42 acres. The plat also extends Daniel Street from its previous terminus at the eastern boundary of this lot, as created by Kinkade Crossings Plat 3, to the eastern boundary of Lot 101 of Street Estates Plat 1. The property is zoned A-R (Agriculture-Residential), and has R-S (Residential Single-Family) zoning to the north, and A-R zoning to the south, east, and west. This is all original 1973 zoning.

Access to the property is via Daniel Street to the east as it is extended across this property.

The installation of a 6” waterline and 2 fire hydrants has been completed per water district and fire protection district requirements.

Centralized sewer service will be provided by the Boone County Regional Sewer District.

The property scored 73 points on the rating system.

Staff recommends approval of the plat and the requested waiver.

Commissioner Morgan made and Commissioner Haid seconded a motion to **approve** Street Estates Plat 3 **with waiver requests:**

Boyd Harris – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
John Schloot – Yes	Michael Morrison – Yes
Gregory Martin – Yes	Pat Fowler – Yes
Dan Haid – Yes	

Motion to approve the plat carries unanimously.

IX. Old Business

1. Update on County Commission Decisions

Mr. Shawver informed the Commission of the decisions made by the County Commission. The conditional use permit by Wesselman was denied as recommended. The rezoning request by Naugle was tabled by Mr. Naugle. It will be heard by the County Commission at the June 2, 2009 Commission meeting.



2. Resolution of appreciation for Pat Smith

Mr. Shawver presented the following resolution read in to the record by Commissioner Harris.

Whereas, Patricia Norton Smith was appointed to the Boone County Planning and Zoning Commission in August 1998; and

Whereas, Patricia Norton Smith did serve on the Planning and Zoning Commission representing Perche Township until April 2009; and

Whereas, Patricia Norton Smith did serve as the Chairperson of the Boone County Planning and Zoning Commission from June 2001 until April 2009; and

Whereas, during her service the Boone County Planning and Zoning did consider 99 conditional use permit applications and 146 rezoning requests; and

Whereas, through her leadership the citizens of Boone County were able to be comfortable that all applicants were treated fairly and equally when they appeared before the Commission; and

Whereas, the dedication of Patricia Norton Smith was such that all citizens of Boone County, present and future could rest assured that land use decisions recommended by the Planning and Zoning Commission took the best interests of the citizens at large to heart; therefore be it

Resolved, that Patricia Norton Smith is to be recognized as an upstanding, selfless leader and she will be sorely missed upon her retirement from the Boone County Planning and Zoning Commission.

Done this 21st day of May, 2009.

Commissioner Schloot made and Commissioner Morgan seconded a motion to **accept** the resolution.

Motion passed by acclamation

X. New Business

None.

XI. Adjourn

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

Respectfully submitted,

Secretary
Pat Fowler

Minutes approved on this 18th day of June, 2009