

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, March 18, 2010

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
Eric Kurzejewski	Missouri Township
Brian Dollar	Bourbon Township
Paul Prevo	Rocky Fork Township
Mike Morrison	Columbia Township, Acting-Secretary
Gregory Martin	Katy Township
Derin Campbell	Public Works

b. Members Absent:

Paul Zullo	Rock Bridge Township
Larry Oetting	Three Creeks 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 February 18, 2010 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 one request for a conditional use permit, two rezoning requests, 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. Also, we ask that you please turn off your cell phones.

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, March 30, 2010. 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, March 30, 2010 will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Christopher Campbell for a permit for a Day Care Facility on .61 acres, located at 21 E. Clearview Dr., Columbia.

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

This property is located at the immediate northeast corner of the intersection of Clearview Dr and Clearview Rd. The property is approximately 1000 feet west of the northern portion of the municipal limits of the City of Columbia. The property is zoned R-S (residential single family) as is all the immediately surrounding property and these are all the original 1973 zonings. There currently is an existing home structure used as a Group Day Care Home which allows up to 10 children. Under the regulations, the CUP is required for the desired increase in the number of children that can be

accommodated beyond the 10. There is also a two story garage under construction as an accessory structure and it is in the upper portion of this structure that the applicant desires to operate the day care center. There have been no other requests for this property, however, a similar day care request was granted in 2006 for a property approximately 800 ft to the north. This site lies within the Columbia Public School District. The site is in the City water service area. The site is in the Boone County Fire Protection District and fire requirements will be up to the fire district. Electric service will be provided by Boone Electric Cooperative. Sewer service is from a central sewer system operated by the BCRSD serving the subdivision. The master plan designates this area as being suitable for residential land uses and at a limited scale the proposal is in compliance with the master plan as a supporting neighborhood function. Staff notified 96 property owners about this request.

As a CUP the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.

(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.

Staff has no reason to believe that the proposed use will be detrimental to the public health, safety, comfort or general welfare if operated in conformance with existing county regulations, including the building codes.

(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.

The house currently is serving as a residence and day care home and the site should be able to accommodate the increase in children served by the relocation to the new facility provided that the maximum number of children is limited and all county regulations are followed, if this is the case the use should not be injurious.

(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 if proper facilities are provided.

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

The facility needs for this request should be similar to those of a single family dwelling or the multi-family dwellings in the area with the exception of the fire and safety requirements; these requirements will need to be worked out with the Boone County Fire Protection District and Building Inspection Department. As a daycare center the structure utilized will likely have to comply with the commercial building codes and standards.

(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.

The proposed use will not impede the development of the surrounding area as it is virtually the same as the existing use in terms of impact as long as the facility has a limit on the total number of children. This is necessary to keep the proposed use consistent with the scope and scale of the surrounding residential uses.

(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.

The proposed use has an existing driveway off a county maintained road and traffic volume generated by the site will be similar to its current use provided the increased number of children is limited. If there is not a limit on the number of children, then the traffic generated by drop off and pick up trips could cause bottleneck type traffic conflicts during the peak traffic times due to the location of the property at the primary entrance to the subdivision.

(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 proposal for the conditional use conforms to other applicable regulations of the R-S zoning district if limited by conditions and it complies with other applicable codes.

Staff supports this request and recommends approval subject to the following 5 conditions:

1. That the total number of children for the day care center is limited to a maximum of 17 in order to remain consistent with the scale of the area and the approval of the other daycare in the neighborhood granted in 2006.
2. That all drive, loading, and parking spaces be dust free to a minimum of chip & seal.
3. That it is recognized that any signage must comply with the sign ordinance.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.

These five conditions are the same conditions that were placed upon the other day care center located approximately 800 ft to the north.

Present:

Chris Campbell, 21 E. Clearview Rd., Columbia

Chris Campbell: I want to bring another daycare facility to the area for kids that don't have anywhere to play. I talked to a lot of different people and they send their kids different places and some of them are on the other side of town. I want to make it where you can drop off your kid and not have to go to the other side of town.

Commissioner Harris: Right now you are permitted for 10 children that you have in your home now.

Chris Campbell: Yes.

Commissioner Harris: Looking at the photos you provided; what you are looking at using is the three car garage. Will the lower level of the garage be used as a garage with vehicles parked?

Chris Campbell: Yes. I never intended to use my home as a daycare. I have kids myself and I wanted that life private and separate from the daycare.

Open to public hearing.

No one spoke regarding the request.

Closed to public hearing.

Commissioner Prevo: Have you already been working with a state license? And making sure you aren't going to have any issues with cars pulling in and out of the driveway?

Chris Campbell: Yes, I have been working with them for about a year now. I have been licensed for two months now.

Commissioner Harris: It looked like in the photograph that there was one set of stairs on one end of the building. Will this sort of use require multiple ingress and egress as far as fire code?

Thad Yonke: The building is not being constructed as a commercial building at the moment; it is a garage, that is what the permit was issued for. If the conditional use permit is granted then the Building Inspection department will have to work out things with the applicant.

Commissioner Martin made and Commissioner Dollar seconded a motion to **approve** the request by Christopher Campbell for a permit for a Day Care Facility on .61 acres, located at 21 E. Clearview Dr., Columbia **with the following conditions:**

1. That the total number of children for the day care center is limited to a maximum of 17 in order to remain consistent with the scale of the area and the approval of the other daycare in the neighborhood granted in 2006.
2. That all drive, loading, and parking spaces be dust free to a minimum of chip & seal.
3. That it is recognized that any signage must comply with the sign ordinance.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Brian Dollar – Yes

Eric Kurzejeski – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve the request carries unanimously.

Chairperson Harris informed the applicants that this request would go before the County Commission on March 30, 2010 and the applicant needs to be present for the hearing.

VI. Rezoning Requests

1. Request by Donald McKenzie to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 14.57 acres, more or less, located at 5240 N. Liddell Ln., Columbia.

The following staff report was given by Planner, Uriah Mach.

The subject tract is located on Liddell Lane, northeast of the City of Columbia, approximately 1 mile west of Route Z. The applicant is seeking a rezoning of 14.57 acres of A-1 (Agriculture) zoning to A-2(Agriculture) zoning for purposes of dividing the property. That division would create a 4.57 acre lot with the existing house and outbuildings and a 10 acre lot to be sold. Currently, the property is zoned A-1, which is original 1973 zoning. It has A-1 zoning to the north, south, and east, and A-2 zoning to the west. The A-2 zoning was rezoned from A-1 in November of 2005.

Currently, the property has a house and two outbuildings on the property. Staff notified 18 property owners about this request.

The Master Plan designates this property as suitable for 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 the City of Columbia for water, Boone Electric Cooperative for electrical service, and uses an on-site wastewater system regulated by the Columbia/Boone County Health Department.

Transportation: This property has direct access on to Liddell Lane, a county maintained road.

Public Safety: The property is in the Boone County Fire Protection District. There are several fire stations located approximately 5 miles from this site

Zoning Analysis: Given the precedent set by the County Commission in 2005, this rezoning request may be considered as appropriate to this area as the prior one was. However, the subject of this rezoning request is somewhat different. The road frontage available to this property is limited when compared to the earlier rezoning to the west. The only way to develop the property is by use of a private driveway easement to serve the northern portion of the property, as opposed to the direct street frontage available to the adjacent property.

While this property can meet the sufficiency of resources test, limited direct road frontage make it less appropriate for higher density zoning than the property to the west.

Staff recommends denial of this request.

Present representing the request:

Joe Wade, representative, 5301 N. Liddell Ln., Columbia
Donald McKenzie, 4250 N. Liddell Ln., Columbia

The applicants presented an aerial map showing the potential layout of the property.

Joe Wade: We are requesting this rezoning due to a couple of reasons. One is financial; the other is that the owner is in a situation where it looks as though he may lose the entire property if he can't rezone it. The rezoning request is to leave the house with 4.57 acres and the additional 10 acres will be sold. I am going to try to buy this land; I have no intention of developing it but I will use it for investment purposes.

Open to public hearing.

Present speaking in favor:

Shane Talbert, 5260 N. Liddell Ln., Columbia

Shane Talbert: I will speak in favor of this for the same reason Mr. Wade is; because I would have interest in purchasing the property as well.

Doug Phillips, 5350 N. Liddell Ln., Columbia.

Doug Phillips: I too would like to be able to talk to Mr. McKenzie about purchasing the property.

Present, speaking in opposition:

Hunter Ortis, 5210 N. Liddell Ln., Columbia.

Hunter Ortis: I am not necessarily against this request. Once it is rezoned, can it be split in to multiple tracts without having another hearing or does it have to stay in that ten acre piece? If it can be split in to multiple chunks without another hearing I don't know if I like that.

Commissioner Harris: In A-2 zoning, land could be divided down to 2.5 acre tracts. Yes, it could be divided into 2.5 acre tracts, there would be some logistical concern as to access and meeting the sufficiency and needs test. It would have to come back before the Commission to be platted but there would be no public hearing.

Commissioner Freiling: There are two layers to developing property, the first layer is zoning; the second layer is meeting the regulations. To get below five acres changes platting requirements and lot configurations; you could make it two five acre tracts without anything other than meeting platting requirements.

Thad Yonke: You could do family transfers and create 2.5 acre tracts out of the whole thing.

Hunter Ortis: Just the way they are presenting it I would have no problem; but I would hate for it to be split into multiple lots.

Closed to public hearing.

Joe Wade: I want to clarify to Mr. Ortis that when I buy the property I have no intention of developing it; it will always be a ten acre tract.

Commissioner Freiling: Was there any discussion of the possibility of platting off the 4.5 acres and selling the balance without a rezoning understanding that only a small portion of roughly five acres could ever count toward a building lot.

Uriah Mach: "Not-for-development surveys" as part of this process is not something staff has ever done. You could do it with an A-1P and reserve that 10 acres solely for agricultural use. Staff mentioned it to the applicant when they initially asked about this but the applicants were not interested in pursuing a planned development.

Joe Wade: I don't remember hearing anything about it.

Uriah Mach: Staff typically mentions planned rezoning when someone inquires about rezoning.

Commissioner Kurzejeski: The amount of road frontage might be a concern not knowing exactly how that tract could be configured.

Uriah Mach: The applicant submitted the application stating a 4.5 acre tract would be split off without a lot of detail of how it would be realized.

Commissioner Harris: How much road frontage is there?

Uriah Mach: Approximately 500 feet now.

Commissioner Harris: What would the remainder be on the stem lot?

Thad Yonke: It has to be 150 feet or you can't do it.

Commissioner Dollar made and Commissioner Prevo seconded a motion to **approve** the request by Donald McKenzie to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 14.57 acres, more or less, located at 5240 N. Liddell Ln., Columbia.

Boyd Harris – NO	Carl Freiling – NO
Gregory Martin – NO	Michael Morrison – NO
Brian Dollar – Yes	Eric Kurzejeski – Yes
Paul Prevo – Yes	Derin Campbell – NO

Motion to approve the request does not carry: 3 YES 5 NO

Commissioner Harris made and Commissioner Martin seconded a motion to **deny** the request by Donald McKenzie to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 14.57 acres, more or less, located at 5240 N. Liddell Ln., Columbia.

Boyd Harris – Yes	Carl Freiling – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Brian Dollar – NO	Eric Kurzejeski – NO
Paul Prevo – NO	Derin Campbell – Yes

Motion to deny the request carries. 5 YES 3 NO

Chairperson Harris informed the applicants if they wished to appeal this decision to the County Commission the applicants would need to file an appeal form with the Planning Department staff within three working days.



2. Request by Grant and Mary Stauffer Revocable Trust to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture 2) and to approve a Review Plan on 20 acres, more or less, located at 6521 S. Scott Blvd., Columbia.

The following staff report was given by Planner, Uriah Mach:

The property is located at the end of Scott Boulevard, less than ½ of a mile north of State Route K. The property is 19.12 acres in size and is currently zoned A-1 (Agriculture). There is A-1 zoning to the north, south, and west, with A-2 (Agriculture) zoning and the city limits of Columbia to the east. The applicants are seeking a rezoning to A-2P (Planned Agriculture) for purposes of subdividing the property into three lots. The property currently has a house and shed present, and they will be retained on one of the proposed lots.

The Master Plan designates this property as suitable for residential land use. 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: The property is served by a Consolidated Public Water Service #1 12” line and a 4” line. Boone Electric Cooperative provides electrical service. The Boone County Fire Protection District will provide fire protection.

Transportation: All three lots have direct frontage on Scott Boulevard. Scott Boulevard, at this point, is classified as a minor arterial and will eventually be pushed through to Route K.

Public Safety: The nearest fire station is on Scott Boulevard, approximately 2 miles away. This rezoning will not significantly increase risk beyond that which is already provided for the current use of the property.

Zoning Analysis: This property has rugged topography. That topography, when combined with the stream buffer present on the property, renders much of it unsuitable for development. The controls placed on a property by a planned district allow for those physical characteristics to be identified and understood by all those involved prior to earth being moved and construction begun.

Staff did a field visit to consider issues presented regarding impacts on adjacent property owners. The nearest property owner’s residence, located to the north of the subject tract is screened by the existing trees. While an argument can be made for additional vegetative screening, the elevation differences between the neighbor’s residence and the northern-most building site make any solution a long-term one. It may take as long as ten years for any new tree growth to reach sufficient height to make any noticeable difference. As long as existing trees and vegetation are preserved as best as practicable, visual impacts on the adjacent properties will be mitigated.

While the density is greater than that of the surrounding properties, the number of lots proposed, the topography, and the tree coverage of the property will allow the subject tract to retain the low-density feel of the surrounding properties. It is strongly recommended that as much of the existing tree cover be retained for purposes of retaining that feel to the property.

This property can meet the requirements of the sufficiency of resources test and complies with master plan.

The property scored 66 points on the rating system.

Staff recommends approval of this request.

Present, representing request:

Jay Gebhardt, A Civil Group, 711 W. Ash St., Columbia
Grant Stauffer, 6521 S. Scotts Blvd., Columbia

Jay Gebhardt: The applicants are asking for a planned rezoning to alleviate some of the concerns; we are trying to eliminate fears and concerns of this property being subdivided any further. We are showing a 5.5 acre, a 5.3 acre, and a 8.4 acre tract. By doing a planned district we are assuring that these are the three tracts that are going to be and we can't change that without coming back through the public hearings and new plan. It is a little more difficult for the applicants but it also provides protection for the neighbors. If you look at the tracts from an engineering point of view there are really three building sites on 20 acres. That is why we have three lots; there will be two additional homes. As far as traffic impact, Scott Boulevard is a minor arterial and we feel like adding two more homes will not provide any disruption or impact with traffic. The utilities and fire protection, as the staff report mentioned, is in place. I've heard that the neighbor to the north has concerns about visibility from their home. There is a gravel driveway on the north side of this property which provides access to the 20 acres to the west of this tract. That driveway would provide access to lot 101. We didn't feel that we needed to provide any additional screening because we don't have a need to remove a lot of vegetation in that area. We will have to get water and electric service out there but we can feel we can do that with minimum disturbance to the trees existing there. Hopefully, especially in the summer but even in the winter, there will be enough of a buffer there. I know there is a 150 foot portion on lot 101 that goes back to the creek and widens out; the house will be built in the back. There are no plans to build a home in that 150 foot portion of lot 101.

Open to public hearing.

Present speaking in favor:

Ken Hough, 710 W. Green Meadows Rd., Columbia.

Ken Hough: My business owns the property directly across the street. In looking at what the applicants want to do on this I can't see how it is going to impact that area. If you go further south it is subdivided in to 35 home lots with four other lots right along the lake. I don't know how two extra lots are going to impact traffic any more once they put Scott Boulevard through to Route K.

Present, speaking in opposition:

Letha Albright, 6301 S. Scotts Blvd., Columbia

Presented handout of a photograph taken of the view from her window showing the existing access road as well as a photograph taken from her bedroom window showing a sign advertising an auction of 18.8 acres on the east side of Scott Boulevard across from her property.

Letha Albright: I oppose this request for several reasons. I feel it is important to preserve the unique character of the neighborhood. The value in these plots of land so close to the city of Columbia lies not only in their development potential but their preservation of space for privacy, agriculture, and environmental purposes. Rezoning this property will likely have a domino effect. Approving the Stauffer request will set the stage for the approval of future rezoning requests in our neighborhood and in particular 18.8 acres of A-1 land directly to the east of our property which will be auctioned on April 16th. If you vote yes on the Stauffer rezoning request we think it is likely that the 18.8 acres will be purchased by a developer and will be up for rezoning next. In a short time the neighborhood we enjoy today will no longer exist. My husband and I purchased our property with certain expectations based on its current zoning. We realize that we live on an arterial street and it will be joined to Route K. However, we felt the eventual loss of privacy in our front yard was off set by the quiet beauty of the western view behind us. With the stem lot that is being proposed we would lose that privacy. One of the proposed lots would be accessed by a driveway that runs less than 70 feet from our bedroom window. Our peace would be disturbed by the noise of passing vehicles and our privacy would be impaired by the removal of trees in order to widen the driveway and build a house on that lot. I am asking the Commission to consider the many factors that concern me and my neighbors and please vote no on this rezoning request. Should you decide in favor of rezoning we ask that approval be conditioned on mitigation of factors that will directly affect our quality of life. In particular, we are concerned about the road that runs so close to our bedroom. To pave the road would probably require an additional 12 feet of space. Since the road is so close to us already we request that you require any road improvements to be made on the south side of the existing road in order to preserve the existing visual screening and to assist with noise abatement. If any trees must be removed between our property and the road we request that the landowner be required to replace them. In addition we request that you require preservation of the existing visual screening between our house and any future structure that may be built on the northwest lot of the Stauffer's plat. There is a row of cedars there now that would be perfect screening and if they are preserved then I don't have a problem with that. This will ensure that we continue to enjoy the privacy that is important to the enjoyment of our property.

Letha Albright: My neighbor down the road Elaine Lawless who lives at 6200 S. Scotts Boulevard was unable to come to the meeting this evening. She sent me an email and asked that it be presented tonight.

Letha Albright read the following email in to the record from Elaine Lawless:

We want to add our voices to those of the other residents on the dead-end portion of Scotts Boulevard off Highway K in Boone County. In every way possible and with all the energy we have, we are opposed to the request that has been made to rezone the Stauffer property of 6521 S. Scotts Boulevard to allow for more than one house to be built on that 10 acre lot, as well as an additional pond. All the lots on this portion of Scotts Boulevard are currently zoned for one house per lot. We have lived at 6200 S. Scott for nearly eighteen years and moved out here just for this reason. We wanted a rural setting without noises from other houses, minimal traffic, and only trees, ponds, and fields as our view. The short length of Scotts Boulevard is precious to all of us who live on it. We moved here for the seclusion and privacy and we want to protect this at all costs. If the Stauffer's wanted to build more than one house, then they should have bought a lot where that was already permissible. We totally support the rights of the Albrights to not have three houses on the property next to their own. Likewise, we have great fear that if this rezoning is allowed, the 18.8 acres next to our own land will also be rezoned for more than one house per 10 acres. Already, with the building of the Thornbrook subdivision just north of us on Scotts Boulevard, the traffic in this area has increased at a staggering pace. Traffic after 5:00 is backed up from Scotts Boulevard to Forum Boulevard with no lights to help facilitate the congestion. Adding more houses on Scott Boulevard would only make this traffic and pollution greater. The dead end of Scotts Boulevard is hardly even a half-mile long. It already has eight houses, barns, and sheds on it. Please do not sign this rezoning

permission. Allow us to keep our road exactly as we have it now. We do not need more ponds or more houses. This area was never meant to be a development area. Help us keep it as it is.

Commissioner Harris: (To Mrs. Albright) When did you move to or build your house?

Letha Albright: We moved there in October 2007.

Commissioner Harris: When was the driveway that runs across the north side of the Stauffer property constructed?

Gary Stauffer: The road was already there when I bought the property.

Commissioner Harris: When the Albright's bought their property was the road already there?

Letha Albright: Yes.

Commissioner Harris: So you bought your house knowing that the road was there.

Letha Albright: Yes we did but I would say it is an unimproved country lane. Our neighbor Jimmy Again that owns that property lives in Hawaii 50 weeks a year. There is really no traffic on that road.

Steve Morris, 6201 S. Scotts Blvd., Columbia.

Steve Morris: River Hills subdivision was created in the 1970's and the A-1 zoning was intentionally retained so that lots would have to be 10 acres or more. My wife and I built a house on our ten acre lot in 1979 and we've been there ever since. I agree with Mrs. Albright that if this zoning was approved or is approved then particularly that property just to the east of the Albright's will likely be requested to rezone. I looked up in the Boone County zoning regulations and it says the purpose of the regulations is to promote health, safety, morals, comfort, general welfare, and conserve the value of the property throughout the county. I can't claim that the A-1 zoning in River Hills have improved my morals but I do believe that it has conserved the value of our property. I would like to say that the Stauffer's coming in to this neighborhood, knowing what the zoning was, and why it was there, it seems like there is a burden on the Stauffer's to show some compelling reason for rezoning that property. If you look around River Hills subdivision within a short distance in every direction there are subdivisions, there are literally hundreds of lots within a mile or less of River Hills subdivision of all sizes from ¼ acre to ten acres or more that are available right now for building. There is no compelling need to create more building in and around River Hills. For this reason I feel like the Stauffer's have not met their burden for this rezoning request and I am opposed to it.

Gary Mitchell, 5209 Spring Ct., Columbia.

Gary Mitchell: When I bought my property the original plan was to be 10 or 20 acre lots. So now my only concern is if they break it up there are 20 acres for sale across the road, do we break it up? Presently I garden and I keep it down to 10 acres and I think that's what it should be. Across the highway it is all going to be in the city, in fact the city limits are going to come through there. On to the south, that is going to be subdivided. It would be nice to have some greenery in the middle of it.

Willie Morris, 6201 S. Scotts Blvd., Columbia

Willie Morris: I like living on ten acres and would like to keep the neighborhood that way. My main objection is I am worried about the 18 acres directly across the street from me. If the Stauffer's are successful in getting their land rezoned that will set a precedent and that land may also be rezoned. I feel the same way as several other people that have spoken. The Stauffer's knew that the land was zoned A-1. I don't understand why you would move in to a neighborhood where everything is A-1 and then try to change it. I am also concerned about a statement that Mr. Gebhardt made. I received a letter from Mr. Stauffer that stated if this request went through then it could never go any further than just his three lots being proposed. Mr. Gebhardt intimated that perhaps in the future it was a possibility and they would have to go through the process again.

Closed to public hearing.

Jay Gebhardt: The aerial map says a lot; there is an area with large lots being surrounded. There is a lot of A-2 there; the city limits abuts us on the southeast corner of the tract. This area is in an area of change and once Scott Boulevard goes through there will be some change. What the Stauffer's are trying to do, even though unpopular, is try to establish the way this change will happen and by choosing to do this as a planned district everyone has input in the process and we are able to set an example. What happens with the 18 acres across the street is a concern but we are hoping we are setting a good example of how it should be done, if it is done. I understand it is human nature to not want change especially for people that have lived there a good portion of their lives. Sometimes changes happen no matter what so we are trying to put our best foot forward. The idea of preservation of space, there are three buildable areas here; we are not trying to put houses where there shouldn't be any. The disturbance to the area is going to be minimal for the homes and infrastructure so we feel we are preserving green space. It is a domino effect but we are trying to do this in a positive way, in a way we believe is respectful to the neighbors. With regard to the loss of privacy; we are going to do everything we can to try to preserve the visual buffer. As much as they like their privacy the new owner will probably like privacy too. There is a positive reason for both parties to want to maintain that buffer; there is no advantage to either side to remove it. One of the gentlemen asked the compelling reason for this rezoning. There is always a balance; we have an improved road, a 12 inch waterline, and a fire station nearby. We have all these resources and infrastructure in place. Ten acre lots is not a very efficient use of those resources. Where do you strike a balance between that and trying to have this preservation of green space? We are trying to strike that balance with this plan; we are not trying to do five lots. This is a 20 acre tract; it is shown as 19 but that is because of the right of way. Right now we really could do two lots, we are asking for one additional; we aren't asking for a lot. As far as the conditions and mitigation for some of the concerns of Mrs. Albright; I have no problem with improvements to the road occurring on the south side. We don't have any interest in removing trees; we want that buffer as much as they do. Sometimes trees get removed as Boone Electric goes through and puts the power line through but if it is something due to our development, and not the development of the Again property to the west then I don't have a problem replacing the trees. I just want to make sure that when the condition is written that the applicants are not responsible for the potentially four lots or whatever is going to be west of us on that 20 acres. We could put up some protective fencing during construction for the trees between the road and the north property line.

Commissioner Freiling: To those that live in the neighborhood that are opposed to this request I agree with everything you say. The one thing that occurred to me prior to anyone saying anything was what I see in the near future in this area is a continuation of what has been occurring in the recent past; which is annexation in to the city of Columbia and high density development. I would like the neighbors to consider whether it is better to have one extra house now or in five years have another Cascades or a similar density development in your backyard. I think this development might be the lesser of two evils. It doesn't mean that once it is annexed in to the city of Columbia that Columbia city government wouldn't

allow it to be rezoned but if it has three homes on it, it is much less attractive to a developer trying to work around those existing structures than if it is bare land. I agree with both sides.

Commissioner Kurzejeski made a motion to approve the request. Commissioner Harris seconded.

Discussion on the motion.

Commissioner Freiling: If I vote in favor of this it will be because the planned development has severely restricted the amount of development.

Commissioner Harris: I understand the concerns of the neighbors; this request is notably different from the one we just dealt with. With rezoning requests I ask myself if it is the right thing in the right place. While we could all have a different interpretation of that there is still the precedent and it is the type of growth that is in the area yet a very well designed plan. That does give the neighborhood some protection because of that plan that will most likely preclude any further development. The reality of the tract across the street is regardless of what happens here tonight the request on that tract either will or won't come regardless of what we do tonight. Personally, as I make my decision it comes back to whether it is an appropriate use of the land in that location. The plan offers some very good protection.

Commissioner Campbell: Just the way the lots lay I would hate to see it be developed much denser than the way it is proposed on the plan. It seems that the plan is laid out very sensibly.

Commissioner Martin: I drove to the neighborhood and I have known that neighborhood for a number of years. I understand the concerns but I also understand the property owners concern and when it comes to rezoning a planned district means the Commission has very definite controls. That, for me, relieves me because it helps me know that the neighbors are protected and it still allows the property owner to do things that we control. I see that the city is surrounding you. That 18 acres across the road is another issue and it will have to come before the Commission and they will have to sit in front of us and they have to overcome the fact that we allowed a planned district if they want to do anything different than that.

Commissioner Kurzejeski made and Commissioner Harris seconded a motion to **approve the request by Grant and Mary Stauffer Revocable Trust to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture 2) on 20 acres, more or less, located at 6521 S. Scott Blvd., Columbia.**

Boyd Harris – Yes

Carl Freiling – Abstain

Gregory Martin – Yes

Michael Morrison – NO

Brian Dollar – Yes

Eric Kurzejeski – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve the request carries 6 YES 1 NO 1 ABSTAIN

Discussion on review plan:

Commissioner Freiling: I think that any development changes that occur on the current access drive be should be made to the south of the existing driveway. I am not sure how you can effectively protect the tree count but we could place the restriction that no existing vegetation would be removed north of the existing roadway.

Jay Gebhardt: There is a 50 foot ingress/egress easement there that provides access to this tract and to the 20 acres west of this tract. Please take care that any condition applies to what the applicants do in that easement. The owner to the west has the rights to use the whole 50 foot access; we can't control that. I am in favor of this condition as long as it applies to what the applicants have control over.

Thad Yonke: The property to the west is a 20 acre piece that today could be divided into two 10 acre pieces and have two houses placed there and they could clear that whole 50 foot strip to get their utilities in. The applicants wouldn't have any ability to control it.

Commissioner Kurzejeski: The access to that site is the existing drive; will the applicants provide more access to the south therefore removing more vegetation.

Jay Gebhardt: The logical thing is to use the existing driveway and resurface it and maybe improve the drainage.

Commissioner Freiling made a motion to approve the review plan with the following condition:

- any woody stem vegetation north of the existing driveway on lot 101 that is removed as a result of actions by the applicants must be replaced.

Commissioner Martin seconded the motion.

Commissioner Freiling made and Commissioner Martin seconded a motion to **approve the request by Grant and Mary Stauffer Revocable Trust to approve a Review Plan on 20 acres, more or less, located at 6521 S. Scott Blvd., Columbia with the following condition:**

- any woody stem vegetation north of the existing driveway on lot 101 that is removed as a result of actions by the applicants must be replaced.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Brian Dollar – Yes

Eric Kurzejeski – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve the request carries unanimously.

Chairperson Harris informed the applicants that these requests would go before the County Commission on March 30, 2010 and the applicants need to be present for the hearing.

VII. Planned Developments

None.

VIII. Plats

1. Squirrel Ridge Estates. S10-T50N-R13W. A-2. H-Town Properties LLC, owner. Steven R. Proctor, surveyor.

The following staff report was entered in to the record:

The property is located along Old Number 7, just north of the intersection of Highway 124 and Old Number 7. This plat creates two lots at 5.04 acres and 5.13 acres and leaves a remainder parcel of approximately 50 acres. The property is zoned A-2 (Agriculture) and has A-2 zoning to the north, west, and south, with the A-R (Agriculture-Residential) zoning to the west. The A-2 is original 1973 zoning, but the A-R zoning was rezoned from A-2 to A-R in 1976.

These lots have direct access on to Old Number 7. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

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

On-site systems will be providing wastewater service to these lots. The Columbia/Boone County Health Department will approve all designs for on-site systems. The applicant has submitted a request to waive the requirement to provide a cost-benefit analysis.

The property scored 28 points on the rating system.

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

Commissioner Martin made and Commissioner Kurzjeski seconded a motion to **approve** Squirrel Ridge Estates with waiver requests:

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Brian Dollar – Yes

Eric Kurzejeski – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve the request carries unanimously



2. Settlers Ridge Plat 1-A. S9-T49N-R12W. R-DP. T-Vine Development Corp., owner. James R. Jeffies, surveyor.

The following staff report was entered in to the record:

This property is located north of Columbia in the northeast quadrant of the intersection of State Highways B and HH. The original zoning for this tract is A-2. In 2000 the property was rezoned to R-D, Two Family Residential as part of a larger development plan. In 2005 the land was platted as Settlers Ridge

Plat 1 and was composed of 17 lots suitable for two-family dwelling construction. All of the infrastructure necessary to support Settlers Ridge Plat 1 was installed at that time.

A Review Plan rezoning the property to RD-P, Planned-Two Family Residential and Preliminary plat to replat into 34 lots was approved in February 2010.

Water is provided by Public Water District No. 4. The water district has adequate infrastructure in place to provide potable water and fire flow.

The City of Columbia provides sewer service. Two short sewer main extensions will be required in order to provide sewer service to proposed Lots 101A and 117B. A pre-annexation agreement with the City of Columbia was required in 2000 as a condition of receiving sewer service.

The property is located within the Boone Electric service area.

Natural gas is provided by Ameren UE.

All necessary right of way and utility easements were dedicated on the original plat. Utility easements will be rededicated by this plat.

The property scored 79 points on the rating system.

Staff recommends approval subject to the following condition:

1. The sewer main extensions necessary to provide service to lots 101A and 117B must be installed and accepted by the City of Columbia or guaranteed by suitable security prior to recording the plat.

Commissioner Martin made and Commissioner Kurzejeski seconded a motion to **approve Settlers Ridge Plat 1-A with the following condition:**

1. The sewer main extensions necessary to provide service to lots 101A and 117B must be installed and accepted by the City of Columbia or guaranteed by suitable security prior to recording the plat.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Brian Dollar – Yes

Eric Kurzejeski – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve the request carries unanimously



3. Audubon Estates Plat 3. S25-T47N-R13W. A-2. Anna Marie Albert-Lewis and Gary Lewis, owners. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The subject tract is located on Audubon Road, off of State Route N, approximately 5 miles south of the city limits of Columbia. The applicant is splitting off a 5.09 acre tract from an approximately 30 acre parent parcel. The property is zoned A-2(Agriculture), and is surrounded A-2 zoning. The western portion of this lot was rezoned from R-S to A-2 in December of 2009. The remainder are original 1973 zonings.

The property has direct access on to Audubon Road. The applicant has requested a waiver to the traffic study requirement.

There is a 4" waterline on the north side of Audubon Road that can provide domestic water service. Electric service will be provided by Boone Electric Cooperative. Fire protection will be provided by the Southern Boone County Fire Protection District.

On-site wastewater is proposed for this lot. The applicant has requested a waiver to the cost-benefit analysis requirement.

The property scored 16 points on the rating system.

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

Commissioner Martin made and Commissioner Kurzejeski seconded a motion to approve Audubon Estates Plat 3 with waiver requests:

Boyd Harris – Yes	Carl Freiling – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Brian Dollar – Yes	Eric Kurzejeski – Yes
Paul Prevo – Yes	Derin Campbell – Yes

Motion to approve the request carries unanimously



4. Buckman Plat 2. S11-T50N-R12W. A-R . Buckman Properties LLC, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The subject tract is located a on the north side of Schooler Road, east of State Route U, north of Hallsville. This plat divides the remainder parcel left by Buckman Subdivision Plat 1 into 5 five acre lots. The property is zoned A-R (Agriculture-Residential), and has A-R zoning to the east, west and south, with A-2 (Agriculture) zoning to the north. This is all original 1973 zoning.

The one lot has direct access onto Schooler Road. The remaining four lots use a private access easement that is centered on the eastern boundary of lot 3 of Buckman Subdivision Plat 1 and the western boundary of lot 2 of Buckman Subdivision Plat 1. The applicant has requested a waiver to the traffic study requirement.

Public Water Service District #4 will be providing water service to these lots from a main on the south side of Schooler Road. Electrical service will be provided by Boone Electric Cooperative. Fire protection will be provided by the Boone County Fire Protection District and fire hydrants will be required.

The applicant has submitted a cost-benefit analysis for the use of on-site wastewater to these lots. Given that information and the distance to reach available central sewer, on-site systems will be used for this development.

The property scored 55 points on the rating system.

Staff recommends approval of the plat and the requested waiver.

Commissioner Martin made and Commissioner Kurzejeski seconded a motion to approve Buckman Plat 2 with waiver request:

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Brian Dollar – Yes

Eric Kurzejeski – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve the request carries unanimously

IX. Old Business

1. Update on County Commission Action

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

The conditional use permit request for the Homan's was denied by the Planning and Zoning Commission. The applicants appealed the decision to the County Commission who overturned the recommendation and approved the request with conditions.

The conditional use permit request by Diller was approved by the Planning and Zoning Commission. The County Commission tabled the request. The neighbors that supported the request but had questions decided that they were opposed to it by the time it came before the County Commission.

The rezoning request for T-Vine Development/Settlers Ridge was approved as recommended.

The rezoning request for Greenwing was approved as recommended.



X. New Business

1. Procedural announcements

Mr. Shawver reminded the Commission that anything presented to the Commission needs to be turned in to staff for the permanent record – including letters, photographs, maps, etc.

2. Announcement

Mr. Shawver stated that the next work session is April 8th and informed the Commission that the Parks Board would like to meet with the Planning and Zoning Commission to make sure they are aware of the need for open space, parks, and the extension of greenways and trails in the county as land is developed.

XI. Adjourn

Being no further business the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Secretary
Michael Morrison, Acting-Secretary

Minutes approved on this 15th day of April, 2010