

**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, July 21, 2011**

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
Gregory Martin	Katy Township
Michael Poehlman	Rock Bridge Township
Paul Prevo	Rocky Fork Township
Kevin Murphy	Perche Township
Derin Campbell	County Engineer

b. Members Absent:

Mike Morrison, Secretary	Columbia Township
Carl Freiling, Vice-Chairperson	Cedar Township
Larry Oetting	Three Creeks Township
Eric Kurzejeski	Missouri Township
Brian Dollar	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the May 19, 2011 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 a conditional use permit, a revised review plan for a planned development, a rezoning request, and four subdivision plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members

of the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

The agenda item will be announced, followed by a report from the planning department staff. At that time, the applicant or the applicant's representative may make a presentation to the commission. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. We ask that any presentation made to the commission be to the point.

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 please 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.

There may be individuals that neither support nor oppose a particular request. Those individuals are welcome to address the commission at any time during the public hearing portion of the request.

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. Also, we ask that you please turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. In that regard, if you would like to recover original material, please see the staff during regular business hours after they have had an opportunity to make a copy of your submission.

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 the 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, August 2<sup>nd</sup>. Interested parties will again have the opportunity to comment on the requests 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 are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 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, August 2<sup>nd</sup>, will begin at 7:00 p.m. and will convene in this same room.

Chairperson Harris stated that in the absence due to the absence of the Mr. Morrison, he requested that Mr. Shawver act as secretary for this meeting.

### Conditional Use Permits

1. Request by Dubas LLC for a permit for a private airstrip on 506 acres, located at 10001 E Turner Farm Rd., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located at the end of Turner Farm Road, approximately 2 ½ miles east of the city limits of Columbia. The subject property is 506 acres in size and is zoned A-1 (Agriculture) and has A-1 zoning to the south, east, and west, with A-2 (Agriculture) zoning to the north. This is all original 1973 zoning. Boone County Master Plan identifies this area as being suitable for rural residential and agricultural land uses. The East Area Plan indicates a similar preference for this area being suitable for agricultural land uses.

The applicant is requesting a conditional use permit to operate a private airstrip. Current design indicates that it will be a maximum of 2850 feet long, and initially a grass strip, but eventually made into an asphalt surface. There have been no prior requests on this property.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

- 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.*

If operated in conformance with existing federal, state, and local regulations, this use should not be detrimental to or endanger the public health, safety, comfort, or general welfare. Public testimony may be indicative as to whether this criterion is met.

- 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.*

While this use has the potential to be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations, appropriate restrictions on intensity of this use and hours of operation should serve to mitigate those impacts. Public testimony may be indicative as to whether this criterion is met.

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

If operated in conformance with existing county regulations, the use should comply with this criterion. Public testimony may be indicative as to whether this criterion is met.

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

All necessary facilities for this use are available, however maintaining full compliance with Boone County stormwater and land disturbance regulations are necessary to meet this criterion.

- 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 establishment of this conditional use permit will not impede the normal and orderly development and improvement of surrounding properties. The limitations of the existing road and utility infrastructure will restrict development far more than approval of this conditional use permit.

- 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.*

Access to this site is off of the end of Turner Farm Road. The request has indicated it is for the property owner's aircraft only, which serves to limit any additional traffic created by the presence of an airfield.

- 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 conforms to other applicable regulations of the A-1 zoning district.

Zoning analysis: This use, while unusual, is made functional by the fact of its isolation and insulation from surrounding properties. Neighboring property owners are the most impacted by this use, and their testimony will be most useful in determining the appropriateness of this request. The comparative proximity of this property to the Quinn property, which received a similar conditional use permit in 1992, shows that this use can work in this part of the county with minimal impacts. Additionally, the application has indicated that that it will not be used more than three days per week, with a maximum of ten operations per day. That would appear to be a reasonable limitation, and staff concurs with that limit.

Staff recommends approval of the request with the following conditions:

1. Private use only, no business operations.
2. No FAA approved flight school
3. No FAA approved repair facility
4. No FAA approved Charter/Air taxi services
5. Airfield must be unlit
6. May not be used more than three days per week, with a maximum 10 operations (take-off or landing) per day.
7. That development of the property must be done in compliance with all Boone County rules & regulations, such as building codes, zoning, stormwater, land disturbance, and subdivision regulations.

Present, representing the request:

Carl Edwards, P.O. Box 1797, Columbia.

Carl Edwards: I own Dubas, LLC. I grew up close to this area and I live a hectic lifestyle, I drive race cars and I'm gone almost every weekend. I've seen a large part of the country and I have decided I like this

area and I like living here. What I have done is buy some farmland around central Missouri and this is one of the pieces I purchased. I bought the property from Mr. Schwabbe and it meant a lot to him for the property to remain the way it is and be a farm like it was in his family. My plan is to build a building on the property and as we built the building and the road we realized we could occasionally land an airplane; flying is one of my hobbies. We started this process and I am applying for an occasional landing site for my private use. We looked at all the ways this could affect someone; the FAA allows in this area and any other area that is not congested for anyone, anytime day or night, to fly at an altitude of 500 feet from any person, building, or structure. FAA regulations say “except when necessary for take off or landing, no person may operate an aircraft below the following altitudes: 500 feet above the surface, except over open water or sparsely populated areas. In those cases the aircraft may not be operated closer to 500 feet to any person, vessel, vehicle, or structure”. I am not asking for anything different than any of the federal FAA guidelines, I will not be closer than that to anyone’s property, house, or people. I feel like the size of this property is conducive to this kind of use.

The next thing I worried about was noise. The current small jet that I own will be the only type of jet that I will ever own, it is too much trouble to learn to fly another one. So we had Cessna send us the decibel information relative to the plane.. At take off, it is 74 decibels loud; landing is at 88 decibels. For comparison a motorcycle at 30 feet is 88 decibels, a subway station is 94 decibels, and a diesel truck at 30 feet is 100 decibels. I was surprised that the noise from this, even at the most extreme use I would use it for would be less than a dump truck driving down the road. As for the frequency of flight, I keep my aircraft in Jefferson City, Missouri for maintenance and landing at the farm would be very infrequent use. We looked at the FAA guidelines and they say it doesn’t require FAA designation as an airport if it is operated no more than three days in any one week and no more than ten operations per day. I feel like I can keep it under that use; I can’t imagine using it more than that. I had a meeting with the neighbors last night and answered a lot of their questions.

Mr. Edwards addressed the criteria for approval of a conditional use permit:

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

The proposed landing area is in an agricultural area with little traffic and sparse population. The landing strip will be for private use only. There will not be any type of aviation business on site.

- 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 landing area will be used infrequently. There is a permitted landing strip owned by Dr. Quinn close to the proposed landing area. There is also a highway close to the site. Based on decibel levels researched, the decibels for landing/take off should not be intrusive.

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

As there is a permitted landing strip in the general vicinity of the proposed site and should have no different effect on the existing properties. Landing/takeoff path will be used to minimize disturbance. Where this strip would be will be in the big field, there is a lot of buffer to the east, west, and north, there is a lot of buffer of trees and growth that should keep the noise down.

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

The proposed site will not interfere with any facilities. Drainage issues have been addressed on the site plan by Allstate Consultants. I have become very familiar with drainage and worked on all that really hard.

- 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.*

Considering the agricultural nature of the land and the fact that I do not plan on doing any development I feel it will not impede development. We are outside the east area plan and we won't be impeding that.

- 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 landing strip will be on private property and approach patters will be over the least noise-sensitive areas.

- 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.*

I didn't know how to address this one. The scope of what I plan on doing is included on this; I don't plan on violating any of the regulations.

Carl Edwards: That is how we addressed the criteria and I hope the Commission will take that in to consideration when making their decision. Regarding the lighting, the only thing I ask is if this gets approved if we ever put up lighting it would be very low intensity lighting and located close to the ground.

Uriah Mach: If at a later time he wished to add lighting the applicant can reapply to amend the conditional use permit.

Carl Edwards: The other thing would be the length of the runway; it would take a bit of an effort to lengthen it, especially to the north because of the stream. But if we ever did; it would be just for a safety margin. Over time that may be done but I am glad to conform to any decibel levels. I am talking about the maximum use when I say these decibel levels. The small little plane that we fly out there most of the time I don't think the neighbors have noticed it.

Uriah Mach: Again, if the applicant wished to amend the conditional use permit he could reapply and go through the process again.

Carl Edwards: I still don't know if I am going to pave this or not; we are asking for everything that I can imagine doing. The short term plan is to have a grassy area.

Chairperson Harris: The 74 decibel levels the applicant mentioned is for a jet aircraft?

Carl Edwards: Yes; I have a Citation CJ3. We got those numbers from Cessna; the 74 decibels was taken from underneath that type of aircraft on take off at gross weight per FAA guidelines.

Chairperson Harris: Of the aircraft the applicant owns that is the worst case scenario. Day to day what the applicant is asking for is a smaller rotary engine.

Carl Edwards: The permit I am asking for is the ability to fly the 74 decibel plane in and out of there.

Chairperson Harris: But the applicant owns a smaller plane than that.

Carl Edwards: Yes; the 74 decibel would be the maximum. One thing we talked about was noise abatement procedures. I fly to places like Santa Monica and some other places where airports are right in the neighborhoods and you fly 40 feet over houses. National Business Aviation Association has a guideline for noise abatement procedures to follow on take off and landing. When used it works really well for those urban area airports. I would voluntarily agree to use those procedures and welcome any measurement of the decibel level.

Commissioner Poehlman: Have you, or will you file a FAA Form 7480 Notice of Landing Area Proposal?

Carl Edwards: We filled one out and I spoke with the gentleman from the FAA a while back about this and he said to make sure that it was okay with local government first. What makes this form necessary to file is if you are going to use an area more than three days a week, ten times a day for a year. We have filled this paperwork out and we were going to make it part of the process if this goes through. They look at the proximity to schools, roads, and things like that. I spoke with Dr. Quinn who has the airstrip nearby and he said it was a fairly straight forward, simple process. I have been flying in and out of there for the past two years; I don't know if anyone has complained or not.

Open to public hearing.

Present speaking in favor of the request:

Roger Craig, 1695 County Road 354, Fulton

Roger Craig: I own the property adjacent to the applicant on the west side. His landing strip is going to run parallel with my property. I have no objections to what he is doing; I am glad to see him take care of the property.

Zane Dodge, 1751 S. Purdy Ln., Columbia.

Zane Dodge: I have property that adjoins the applicant's. My property is to the northwest off Little Cedar Creek. I'm also across the street from Dr. Quinn and his air strip. I was here when Dr. Quinn made his request. In the years that it has been there it has been handled very satisfactorily and as far as decreasing property values, it has not. I would say if you take a look at Dr. Quinn's place it looks good. I took off today and went to an adjoining county east of here to bale hay, while planning and zoning has little quirks you have to follow you might look around somewhere there is no planning and zoning and you will see that is where the decrease in property values is. Even though I don't like to jump through hoops either at the same time there is an advantage. I am in favor of this request.

Lynne Robertson, 3821 E. Broadway, Columbia

Lynne Robertson: I have the property south of the applicant where the plane would fly. I don't have any problem with this request. I have seen the plane every once in a while but I can hardly hear it.

Laura Lewis, 9680 Carter School Rd., Columbia

Laura Lewis: There hasn't been any noise with Dr. Quinn's airstrip. If Mr. Edwards has been flying in and out of his property for two years, I haven't heard him.

Darrell Winkler, 10220 Carter School Rd. Columbia

Darrell Winkler: I have lived on Carter School Road all my life. The farm Mr. Edwards has bought I used to farm years ago. I am honored to have someone that I have known for several years own that property and maintain it. As far as the noise level, Columbia Regional Airport is noisier.

In opposition:

Commissioner Murphy stated the Commissioners received a copy of a letter sent to Dubas LLC., from Carrie Duran in opposition to the request.

Chairperson Harris read the following letter in to the record:

*After reading the article in the Sunday Columbia tribune newspaper, I feel like I need to speak my mind and voice my concerns.*

*Earlier this spring, a woman pulled into my drive as I returned home from work. She told me that she represented Dubas LLC, and left a business card and a flyer. She did not discuss the proposed airstrip, nor did she indicate that it would be within 1000 feet of my property. This was the one and only time that anyone from Dubas LLC has contacted or, to my knowledge, attempted to contact me. There have been no notes on the door, phone calls, etc. I am assuming that I am one of "those property owners" mentioned in the Sunday paper having received notices about the upcoming meeting and that the airstrip will be within 1000 feet of my property. But to quote the paper that a Dubas representative "has been around and talking to all the property owners several times" is not true. This makes me wonder what else might not be true.*

*Following are my major concerns:*

- 1. What are the terms of the conditional use permit? Can anyone fly into and land on the airstrip? What size planes will be landing? Will it be 24/7?*
- 2. Does the permit go with the land or the LLC? If the property is sold does the permit transfer to them and will it have the same terms? Or, is it only with the LLC?*
- 3. Why can't Dubas, LLC drive 10 minutes down Rangeline to the Columbia airport and use the public airstrip there? It is not like its 30 minutes away or even inconvenient.*

*I realize that I am a "little person" in this matter and that the owners of Dubas, LLC are well known in the community. I also realize that the airstrip will likely be built despite any concerns from me or anyone else, but I have worked very hard to get this little piece of property that I have. I looked at places further south on Rangeline and the presence of the airport was a factor in my decision not to buy further south. I live in a quiet neighborhood and enjoy that privacy and quietness. I never expected and do not want an airstrip in my "backyard".*

*Signed, Carrie Duran*

Closed to public hearing.

Chairperson Harris: Has the applicant seen the letter?

Carl Edwards: Yes. Ms. Duran was at the neighborhood meeting last night and I felt that we addressed her concerns. One of the most important things to me is to be a good neighbor and I think the things that we covered earlier in trying to address the noise and proximity to the other homes and properties does that. I don't plan on being a nuisance to her and I felt we addressed her questions yesterday. As far as feeling she was lied to about the newspaper article; I was surprised by the newspaper article myself, no one ever talked to me about anything and I apologize to Ms. Duran for any inaccuracies there. I didn't get asked about that article.

Chairperson Harris: The conditional use permit stays with the property.

Carl Edwards: They would be bound by the same conditions. I don't know how Ms. Duran feels about the request now.

Chairperson Harris asked if Ms. Duran was present at the meeting tonight.

Ms. Duran is not present for the meeting.

Carl Edwards: I believe the letter was sent before the neighborhood meeting last night. We did our best to contact all the property owners and I guess we neglected to explain to her as well as we could or should have.

Commissioner Poehlman: As part of the definition of intermittent use it says "visual flight rules". If we made visual flight rules as one of the conditions of the permit would that be okay?

Carl Edwards asked definition of IFR flight.

Commissioner Poehlman: Doesn't it take extra equipment, it takes lights.

Carl Edwards: I don't know about lights, what happens is a pilot without a published approach -- I don't think you could ever actually land there if it was IFR (instrument flight rules). I don't plan on making it IFR but I don't know enough about it. Was that part of Dr. Quinn's?

Uriah Mach: Dr. Quinn has more or less the same conditions being proposed for your application. No lights, limitations on available FAA certified facilities. The conditions so far as intensity of use with the number of take offs and landings per day and the number of days, I feel like for the most part our conditions answer issues like that because from what it sounds like an IFR approach would require more infrastructure on the ground to support aircraft doing that. It limits itself in that IFR is used in situations where visual flight rules may be limiting.

Carl Edwards: The only reason I am hesitant to say yes is because I don't know enough about the exact definitions; as a pilot if there are IFR conditions if the ceiling is at a certain height you wouldn't even attempt to land somewhere like this. Is Dr. Quinn's use based on intermittent use as well?

Uriah Mach: Dr. Quinn's permit essentially has the same conditions. It was limited and not a high intensity use. He has no lights as well. I don't recall if the air strip is surfaced or not. I think further conditions will only complicate things.

Stan Shawver: It is grass only.

Carl Edwards: I am confused about defining the number of flights.

Uriah Mach: That is what was requested on the application.

Thad Yonke: That is part of the application; to change that would require an amendment to the conditional use permit.

Carl Edwards: That was a mistake that was made. Anyway, I don't plan on using it any more than that.

Thad Yonke: If you need to change something that would just be a matter of coming back through the process.

Commissioner Campbell: Is the applicant rated for IFR?

Carl Edwards: Yes.

Commissioner Campbell: On the application it says grass runway; it is currently aggregate.

Carl Edwards: We have the bed of it done but it is aggregate so our plan is to shape it just a little so it's kind of like Dr. Quinn's and plant grass. We were also thinking about maybe paving it to be done with it but it is up to the excavator and pricing.

Commissioner Martin made and Commissioner Prevo seconded a motion to **approve** the request by Dubas LLC for a permit for a private airstrip on 506 acres, located at 10001 E Turner Farm Rd., Columbia **with the following conditions:**

1. Private use only, no business operations.
2. No FAA approved flight school
3. No FAA approved repair facility
4. No FAA approved Charter/Air taxi services
5. Airfield must be unlit
6. May not be used more than three days per week, with a maximum 10 operations (take-off or landing) per day.
7. That development of the property must be done in compliance with all Boone County rules & regulations, such as building codes, zoning, stormwater, land disturbance, and subdivision regulations.

Boyd Harris – Yes

Michael Poehlman – Yes

Gregory Martin – Yes

Kevin Murphy – Yes

Paul Prevo – Yes

Derin Campbell – NO

Motion to approve request passes.

5 YES

1 NO

Chairperson Harris informed the applicant that this request would go before the County Commission on Tuesday, August 2, 2011 and the applicant or his representative needs to be present for the hearing.

## VI. Rezoning

1. Request by Larry and Ruth Ann Douglas to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 12.0 acres located at 3750 E Highway 124, Hallsville.

Planner, Uriah Mach gave the following staff report:

The subject property is located approximately 1400 feet to the west of the intersection of west Highway 124 and Caldwell Road, 2 miles west of Hallsville. The property is identified as lot 1 of the administrative survey recorded in book 3400 page 102. The property is zoned A-1(Agriculture), with A-1 zoning to the south and west, with A-2(Agriculture) zoning to the north and east. The A-2 to the east was rezoned from A-1 in 1981, all of the other zonings are original 1973 zonings. The applicant is requesting a rezoning of 12 acres for purposes of land division by family transfer.

The Boone County Master Plan identifies this area as suitable of agriculture and rural residential land uses. The Master Plan also identifies a “sufficiency of resources test” to be used in determining whether there are sufficient resources available to support the proposed uses.

The sufficiency of resources test can be broken up into three categories: utilities, transportation, and public safety.

Utilities: This property is served by Public Water Service District #4 for water service and Boone Electric Cooperative for electrical service. On-site wastewater systems will be used as permitted by the Columbia/Boone County Health Department.

Transportation: This property has direct access on to Highway 124, a state highway. Any new driveway accesses will have to be approved by the Missouri Department of Transportation.

Public Safety: This property is located in the Boone County Fire Protection District. The nearest fire station is in Hallsville approximately 2 miles to the east.

Zoning Analysis: This zoning request allows for the division of this property into lots as small as 2.5 acres. Existing services can provide sufficient infrastructure to support the requested zoning on this tract. Further development in this area will likely require additional infrastructure to support greater density in the long term.

The property scored 43 points on the rating system.

Staff recommends approval of this request.

Brooke Crane, 3750 E. Highway 124, Hallsville  
Larry Douglas, 6200 E. Highway 124, Hallsville

Larry Douglas: All I want to do is deed the house and whatever acres to my daughter without doing the whole thing because I need some easements to get to the back property.

Chairperson Harris: If we rezone this is it staying as the 12 acres or are we following up with a subdivision plat with a family transfer.

Uriah Mach: It was identified as a family transfer on the initial application so I am presuming one family transfer lot. Mr. Douglas has indicated the house and outbuildings would be transferred. If it was desired they could plat additional lots out of that. Geometry may limit it to three additional lots for a total of four; the shape of it may make that difficult.

Brooke Crane: The initial request was the 12 acre piece. I live in the house and use the outbuildings, we want to buy that from my father but he doesn't want to lose all of the highway frontage so we had to come here to break the 12 acres down in to whatever we deed off.

Chairperson Harris: So there is no immediate plan to divide it up in to smaller lots.

Larry Douglas: They just want the house.

Brooke Crane: I did initially put the request in for a family transfer but the rezoning has to be approved first. Do we have to do a family transfer?

Uriah Mach: No.

Thad Yonke: If the rezoning goes through, that does not divide the lot; you still have to either do a family transfer or a subdivision plat.

Commissioner Murphy: Does the property have frontage on any other road?

Larry Douglas: It goes to Caldwell but it is a long way.

Open to public hearing.

No one spoke.

Closed to public hearing.

Commissioner Murphy made and Commissioner Prevo seconded a motion to **approve** the request by Larry and Ruth Ann Douglas to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 12.0 acres located at 3750 E Highway 124, Hallsville.

Boyd Harris – Yes

Michael Poehlman – Yes

Gregory Martin – Yes

Kevin Murphy – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on August 2, 2011 and the applicants need to be present.

## VII. Planned Developments

1. Request by William B. McWilliams Revocable Trust for a revised review plan for Ivy Ridge Development on 2.51 acres, more or less, located at 7105 W Henderson Rd., Columbia.

Planner, Uriah Mach gave the following staff report

The subject property is located on Henderson Road, northwest of the Highway 40/Interstate 70 interchange. The applicant is seeking to revise an existing M-LP (Planned Light Industrial) review plan that covers 2.51 acres, and add additional space to the existing structures on the plan. This property was originally rezoned from R-S (Residential Single-Family) in June of 2004. It has original R-S zoning to the north & east, M-LP to the west, and original C-G (General Commercial) to the south. The M-LP to the west was rezoned in November of 2003 and the review plan was revised in June of 2005 and in November of 2008.

The purpose of this planned rezoning is to allow for building expansions to both existing structures.

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 Consolidated Public Water District #1 & Boone Electric Cooperative. This rezoning will not noticeably increase demand on available public utilities. There is an existing hydrant on the property, and it is sufficient to meet the requirements of the Boone County Fire Protection District.

**Transportation:** Access to this property is via Henderson Road. The rezoning will not increase traffic to this site.

**Public Safety:** The Boone County Fire Protection District operates a station approximately 350 feet from this property. The rezoning will not increase the current public safety needs of the property.

**Zoning Analysis:** This rezoning request is consistent with the overall goal of the zoning regulations. The nature of the planned zoning districts is to limit development as described on the approved plan. When those limits have been reached and the property owner wishes to expand beyond that plan, revising the review plan and the final plan is the correct action.

Staff recommends approval of the request.

Present representing the request:

Bill McWilliams, 7105 Henderson Rd., Columbia

Bill McWilliams: I own Columbia Turf and Landscaping and that is our place of business there. We are increasing our office space by 1300 square feet. There is a building in the back, we are adding machinery and equipment storage.

Chairperson Harris: Did this trigger anything about additional parking spaces?

Uriah Mach: The plan indicates that the applicant wants to add office space. They are taking out three parking spaces. The plan shows where those are located; the applicants will be retaining the necessary number of parking spaces.

Open to public hearing.

No one spoke.

Closed to public hearing.

Commissioner Murphy made and Commissioner Martin seconded a motion to **approve** the request by William B. McWilliams Revocable Trust for a revised review plan for Ivy Ridge Development on 2.51 acres, more or less, located at 7105 W Henderson Rd., Columbia.

Boyd Harris – Yes

Michael Poehlman – Yes

Gregory Martin – Yes

Kevin Murphy – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on August 2, 2011 and the applicants need to be present.

## VIII. Plats

1. Rolling Creek Estates Plat 2. S 26-T46N-R12W. R-S. Lester and Roxanne Gilpin, owners. David T. Butcher, surveyor.

The following staff report was entered in to the record:

The subject tract is on Gilpin Road, approximately 1 mile south of Ashland and less than ¼ mile to the east of Highway 63. The tract is 10 acres in size, and the proposed design creates a 3.51 acre tract, and the remainder is being merged with a tract to the east as part of a 12.62 acre tract using a concurrent administrative survey. The property is zoned R-S (Residential Single-Family), and has R-S zoning to the north and west, with A-2 (Agriculture) zoning to the south and east. This is all original 1973 zoning.

The property has direct access on to Gilpin Road, a county-maintained road. The applicant has submitted a request for a waiver of the traffic study requirement.

The property is served by Consolidated Public Water Service District #1 for water service, Boone Electric for electrical service, & the Southern Boone County Fire Protection District for fire protection

The property is currently served by an on-site wastewater system. The applicant has submitted a request for a waiver of the wastewater cost-benefit analysis requirement.

The property scored 59 points on the rating system.

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

Commissioner Prevo made and Commissioner Martin seconded a motion to **approve** Rolling Creek Estates Plat 2 **with waivers**.

Boyd Harris – Yes

Michael Poehlman – Yes

Gregory Martin – Yes

Kevin Murphy – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve the plat carries unanimously.

2. Tutt Estates. S24-T-48N-R14W. A-2. George and Sara Tutt, owners. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The subject property is located on Gillespie Bridge Road, south of Hwy UU, approximately 1 ½ miles to the west of the City of Columbia. The proposal is to split a 2.5 acre lot off of a 42.68 acre parent parcel. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning. This is all original 1973 A-2 zoning.

The subject tract has direct access on to Gillespie Bridge Road, a county-maintained public right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject tract is in the City of Columbia water service area, the Boone Electric service area, and the Boone County Fire Protection District. A 6” water main runs along Gillespie Bridge Road and can serve a new dwelling on this lot.

The subject tract will be served by an on-site wastewater system. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

The property scored 45 points on the rating system.

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

Commissioner Prevo made and Commissioner Martin seconded a motion to **approve** Tutt Estates **with waivers**.

Boyd Harris – Yes

Michael Poehlman – Yes

Gregory Martin – Yes

Kevin Murphy – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve the plat carries unanimously.

3. Knapp. S30-T48N-R13W. A-2. Jo Ann Coats Hofeditz, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The subject property is located on Coats Lane, approximately 1500 feet to the west of the city limits of Columbia. The proposal creates one 5.44 acre lot from a 70 acre parent parcel. The new lot is physically separated from the remainder by Coats Lane. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning, all of which is original 1973 zoning.

The lot will have direct access on to Coats Lane, a county maintained public road. The applicant has submitted a request to waive the traffic study requirement.

The property is in the Consolidated Public Water Service District #1 service area, Boone Electric Cooperative's service area, and the Boone County Fire Protection District. There is no water line on this tract, and any extension to serve this property with public water must be built at the owner's expense by the water district.

On-site systems are proposed to handle wastewater needs on this property. The applicant has submitted a request to waive the central wastewater cost-benefit analysis.

The majority of this property is covered with either floodplain or floodplain and stream buffer for the Type II stream located in eastern part of the property. Development of this property will require a floodplain development permit or related action to comply with regulations regarding floodplain. The establishment of a driveway on to Coats Lane will also require such action.

The property scored 36 points on the rating system.

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

Commissioner Prevo made and Commissioner Martin seconded a motion to **approve Knapp with waivers.**

Boyd Harris – Yes

Michael Poehlman – Yes

Gregory Martin – Yes

Kevin Murphy – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve the plat carries unanimously.

4. Parker. S9-T48N-R11W. R-M. Charles-Mona Trust, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The subject property is located on I-70 Drive Northeast, approximately 4 miles to the east of the city limits of Columbia. The proposal creates one 8.53 acre lot from an 11 acre lot, with the remainder being merged into the next two lots to the east. The property is zoned R-M (Residential Moderate Density), and has R-M zoning to the east and west, with A-1 (Agriculture) zoning to the north and south. These are all original 1973 zonings.

The property has direct access on to I-70 Drive Northeast, a MoDot right-of-way. The applicant has requested a waiver to the traffic study requirement.

The property is in Public Water Service District 9, Boone Electric, and the Boone County Fire Protection District's service areas. Services exist to serve this lot.

An existing on-site wastewater system will be regulated by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property did have a barn with attached lean-to that extended across the western property line into Dave Smith Subdivision. The attached lean-to, which crossed the property line, was removed, and the remaining structure received a variance from the Boone County Board of Adjustment as case # 2011-003.

The property scored 45 points on the rating system.

Commissioner Prevo made and Commissioner Martin seconded a motion to **approve Parker with waivers.**

Boyd Harris – Yes

Michael Poehlman – Yes

Gregory Martin – Yes

Kevin Murphy – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve the plat carries unanimously.

## IX. Old Business

### 1. Update on County Commission Action.

Stan Shawver updated the Planning and Zoning Commission of the decisions made by the County Commission.

The conditional use permit for Miller's Inc was approved as recommended.

The revised review plan for Boone West/VH Properties was approved as recommended.

## X. New Business

### 1. Annual Election of Officers

Stan Shawver, Director took opened the floor for nominations for Chairperson. Commissioner Martin and nominated and Commissioner Poehlman seconded Commissioner Harris for Chairperson. No further nominations.

All members voted in favor, none opposed. Boyd Harris is Chairperson

Chairperson Harris opened the floor for nominations for Vice-Chairperson.

Commissioner Murphy nominated and Commissioner Martin seconded Carl Freiling as Vice-Chairperson. No further nominations.

All members voted in favor, none opposed. Carl Freiling is Vice-Chairperson

Chairperson Harris opened the floor for nominations for Secretary.

Commissioner Martin nominated and Commissioner Murphy seconded Mike Morrison for Secretary. No further nominations.

All members voted in favor, none opposed. Mike Morrison is Secretary.

XI. Adjourn

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

Respectfully submitted,

Acting-Secretary  
Stan Shawver

Minutes approved on this 18<sup>th</sup> day of August, 2011