

**BOONE COUNTY PLANNING & ZONING COMMISSION**  
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS  
801 E. WALNUT, COLUMBIA, MISSOURI  
(573) 886-4330

**Minutes**

**7:00 P.M.**

**Thursday, December 15, 2011**

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

II. Roll Call:

a. Members Present:

Mike Morrison, Secretary/Acting Chairman	Columbia Township
Larry Oetting	Three Creeks Township
Eric Kurzejeski	Missouri Township
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township
Paul Prevo	Rocky Fork Township
Derin Campbell	County Engineer

b. Members Absent:

Boyd Harris, Chairperson	Centralia Township
Carl Freiling, Vice-Chairperson	Cedar Township
Gregory Martin	Katy Township
Brian Dollar	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the November 17, 2011 meeting were approved by acclamation.

IV. Chairperson Statement

Acting Chairperson Morrison 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 the renewal of a review plan for a planned development that was previously approved 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, December 27<sup>th</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, December 27<sup>th</sup>, will begin at 7:00 p.m. and will convene in this same room.

## V. Conditional Use Permits

None

VI. Rezoning

None

VII. Planned Developments

1. Request by T-Vine Enterprises, Inc to renew a Review Plan and Preliminary Plat for *Settlers Ridge* Planned Development on 90.59 acres, located at 8000 N. Rte B.

Planner Bill Florea read the following staff report:

The subject property is located north of Columbia on State Highways B and HH. This 90.59 acre parcel is bisected by Route B. A Review Plan and Preliminary Plat were first approved for this project in February, 2001. The planned zoning districts included 4.97 acres RS-P, 21.07 acres RM-P and 28.43 acres CG-P. Several tracts were rezoned to straight zoning districts including 47.82 acres of RS and 14.73 acres of RD. One final plat has been approved and one final plat is pending. One final development plan has been approved that established CG-P zoning for two lots at the intersection of Settlers Ridge Drive and Route HH. The Preliminary Plat and Review Plan were re-approved in January 2007 but will expire in January 2012. The applicant has resubmitted the Review Plan and Preliminary Plat for re-approval.

Since the January 2007 approval, the County has adopted stormwater and stream buffer regulations. Changes have been made to the Plat and Plan to provide stream buffers and set aside areas for stormwater treatment.

A traffic impact analysis was completed in 2000, which identified several offsite road improvements. Those improvements were linked to a development phasing plan so that construction of the improvements would occur concurrently with the phase of the development that created the impact that was being mitigated. The original traffic study has been reviewed by Allstate Consultants for the purpose of determining whether additional mitigation may be required at this time. According to that review the base traffic projections, from the original report, of 3% annual growth were higher than the actual observed increase in traffic on Route B. Therefore, the conditions outlined by the original traffic study are anticipated to be conservative in terms of background traffic. The original traffic study remains valid. All of the previously identified off-site improvements will be adequate to mitigate impacts created by the development.

The original plat and review plan were approved with three conditions. One of those conditions required the developer to abide by the development phasing plan that was proposed in the traffic impact study. In 2006 the developer submitted an updated phasing plan along with a schedule of required offsite improvements. That plan was approved and was re-submitted with this request.

Review Plans have a 2-year expiration date under the current zoning regulations unless otherwise approved. A condition of approval will be included in the recommendation section of this report to grant a 3-year extension to the review plan due to the size and complexity of this project. If granted the review plan and preliminary plat will both have a five year lifespan.

The development will receive sewer service from the City of Columbia via a sewer main that was constructed for this project. A revised annexation agreement was executed on November 25, 2011. The agreement dictates conditions under which sewer service will be provided to the property.

The property scored 71 points on the point rating system. Staff notified 80 property owners about this request.

Staff recommends approval of this request with the following conditions:

1. A revised review plan and final plan meeting the requirements of the Boone County Zoning Regulations must be submitted prior to any building construction within each planned district.
2. Off-site road improvement shall be built by the developer in accordance with the phasing plan and offsite improvement schedule attached to the Preliminary Plat/Review Plan.
3. The review plan approval shall be extended by 3-years for a total of 5-years from the date of approval.

Present:

Ron Shy, Allstate Consultants, 5600 S Highway KK, Columbia  
Rhonda Carlson, T-Vine Development, 1110 Willow Creek Ln., Columbia

Ron Shy: We are here to renew our preliminary plat and go through the exercise of including the requirements of the new stormwater regulations. There is nothing new on this plan other than that.

Commissioner Murphy: On the phasing plan, note five says “not for development tracts must be created due to the platting requirements, offsite improvements for these phases shall not be required until the tract is final platted for development purposes”. Could the applicant explain that?

Ron Shy: Some of those areas are ones we reserved for stormwater.

Open to public hearing.

No one spoke.

Closed to public hearing.

Commissioner Poehlman: Any letters or feedback to the staff?

Bill Florea: No.

Commissioner Morrison: Do the applicants agree with the staff recommendations?

Ron Shy: Yes.

Commissioner Murphy: Extending the plan approval for three years for a total of five years from the date of approval, what happens at that point if it is not completed?

Bill Florea: They will have to come back before the Commission again.

Commissioner Prevo made and Commissioner Murphy seconded a motion to **approve** the request by T-Vine Enterprises, Inc to renew a Review Plan for Settlers Ridge Planned Development on 90.59 acres, located at 8000 N. Rte B with staff recommendations.

Michael Morrison – Yes      Eric Kurzejeski – Yes  
Larry Oetting – Yes      Kevin Murphy – Yes  
Paul Prevo – Yes      Michael Poehlman – Yes  
Derin Campbell – Yes

Motion to approve the request passes unanimously

Commissioner Prevo made and Commissioner Murphy seconded a motion to **approve** the request by T-Vine Enterprises, Inc to renew a Preliminary Plat for Settlers Ridge Planned Development on 90.59 acres, located at 8000 N. Rte B.

Michael Morrison – Yes      Eric Kurzejeski – Yes  
Larry Oetting – Yes      Kevin Murphy – Yes  
Paul Prevo – Yes      Michael Poehlman – Yes  
Derin Campbell – Yes

Motion to approve the request passes unanimously

Commissioner Morrison informed the applicants that these requests would go before the County Commission on December 27, 2011 and the applicants need to be present for the hearing.

## VIII. Plats

### 1. Terrapin Creek Estates Plat 1.

Planner Uriah Mach gave the following staff report:

The subject property is located off of Hickory Grove School Road, approximately 1 ½ miles to the south of Interstate 70, approximately 4 miles to the west of the city of Columbia. The proposal splits two 5 acre lots from a parent parcel of approximately 155 acres. The property is zoned A-2(Agriculture), and is surrounded by A-2 zoning, all of which is original 1973 zoning.

Lot 1 has direct access on to Hickory Grove School Road, and Lot 2 is designed to use an easement to access Hickory Grove School Road. Per the subdivision regulations, this easement must be for the exclusive use of Lots 1 & 2 and will be unable to serve any lots not contained within the plat. The required exclusive easement has not been provided.

Electrical service is provided by Boone Electric Cooperative. Water service is provided by a Consolidated Public Water Service District #1 and there is a 6” water line along the east side of Hickory Grove School Road. Fire protection will be provided by the Boone County Fire Protection District.

On-site wastewater systems are proposed for this development. At this time, limited information has been submitted to the Columbia/Boone County Health Department for review or comment. Unanswered questions about slope and soil type may render this property unsuitable for lagoons. A wastewater site plan has been submitted, but not approved.

Lot 1 is proposed as a Tier Lot. The Subdivision Regulations at Appendix B 1.8.1 establish two criteria that must be satisfied before the Commission can approve the use of a Tier Lot:

- a) When tier lot design is the most feasible means to access a lot due to extreme topographic conditions and,
- b) The stem of a tier lot, that is the portion of the lot which connects the required yard area and buildable area with its public road access, shall be
  - More than twenty feet but less than fifty-nine feet in width and
  - More than twenty five feet but less than 250 feet in length

The applicant has not submitted information demonstrating compliance with Criteria A. As designed, the stem of Lot 1 is 98.55 feet wide at the right of way, which exceeds the maximum width for the stem portion of a tier lot by 39.55 feet and is not compliant with Criteria B.

The property scored 32 points on the rating system.

Staff recommends that the plat be denied because it does not comply with the Boone County Subdivision Regulations Appendix B 1.8.1 and also due to failure to respond to the comments of the Columbia/Boone County Health Department regarding on-site wastewater disposal as required by the Boone County Subdivision Regulations Appendix B 3.2.

If the Commission chooses to approve this plat, staff recommends this plat for conditional approval and tabling under 1.7.3.1 of the Boone County Subdivision Regulations, with the following conditions:

1. That the plat be re-designed to meet all the standards described in the Boone County Subdivision Regulations.
2. That a revised on-site wastewater plan be submitted for review and approval by the Columbia/Boone County Health Department.

If approved in this manner, be advised that under 1.7.3.1 of the Boone County Subdivision Regulations, final approval can be granted by the Planning & Zoning Commission at its next regular meeting assuming any deficiencies in the plat are corrected. If those deficiencies are not amended, the plat will be deemed disapproved.

Commissioner Murphy asked Mr. Mach to go over the issues with the sewer again.

Uriah Mach: The applicant submitted a plan that shows a 75 foot buffer around the property lines. This is the minimum setback for an on-site lagoon. The comments from the Health Department indicate that slopes and soil types may render much of this property unsuitable for lagoons. The health department wanted more information to see what would work since it is a rugged area. Staff believes that the request by the Health Department for additional information is appropriate and necessary to see if the proposed on-site lagoons will work on this site.

Thad Yonke: The applicant is required to submit an acceptable wastewater plan; we have a lot of surveyors that merely turn in the perimeter setback for the lagoon and assume they've met that requirement which the health department has rarely acknowledged as being a sufficient plan. If the property is not suited for lagoons the subdivision regulations require soil data to be submitted with the

initial submission or it is not a complete submission. In this instance if you can't use a lagoon on this site then we don't have a complete submission so it doesn't comply with the regulations.

Planner, Uriah Mach showed the Commissioners a topographical map of the site.

Commissioner Murphy: What about the tier lot; it looks like they are trying to run the driveway down the ridge line. Does the topography not meet the criteria?

Uriah Mach: It was described in the staff report. The tier requirements are very specific as to what qualifies as a tier lot. This doesn't meet it because the stem is wider than what the standards allow. Staff did a couple of scenarios of what the applicant could do to fix the problem. Mr. Basinger received a copy of the staff report on Tuesday.

Commissioner Murphy: Still no response from the surveyor?

Uriah Mach: No.

Commissioner Kurzejeski: If we approved the plat with the staff conditions would it automatically come back to the next meeting?

Uriah Mach: The surveyor would have to make the changes and it would come back before the Commission. If he doesn't then it is automatically denied.

Stan Shawver: If the Commission denied the plat the applicant could still come back in February with a plat that meets the regulations or he could appeal the denial to the County Commission.

Thad Yonke: You have to realize that in revising the plat it may very well violate other provisions of the subdivision regulations and if the surveyor chooses not to solve those we may still be recommending denial even if the couple of issues here have been resolved.

Commissioner Murphy: It seems as though the applicant has had a while to work on this plat and hasn't corrected it. With the recommended revisions and possibly changing something again I would be apt to recommend denial at this point.

Commissioner Murphy made and Commissioner Kurzejeski seconded a motion to **deny** Terrapin Creek Estates Plat 1:

Michael Morrison – Yes

Eric Kurzejeski – Yes

Larry Oetting – Yes

Kevin Murphy – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Derin Campbell – Yes

Motion to deny the plat passes unanimously

2. The following items were placed on consent agenda:

Terrapin Creek Estates Plat 2

Sotta.  
Sunrise Estates Block 12.

Commissioner Campbell made and Commissioner Kurzejeski seconded a motion to approve the items on consent agenda and place the staff reports in to the record.

All members voted in favor, none opposed.

Terrapin Creek Estates Plat 2. S14-T48N-R14W. A-2. William L. Summerfield and Alice L. Landrum Trusts, owner. Curtis E. Basinger, surveyor.

The subject property is located off of Hickory Grove School Road, approximately 1 ½ miles to the south of Interstate 70, approximately 4 miles to the west of the city of Columbia. The proposal divides a 6.92 acre lot from a parent parcel of approximately 155 acres. The property is zoned A-2(Agriculture), and is surrounded by A-2 zoning, all of which is original 1973 zoning.

Lot 1 has direct access on to Hickory Grove School Road. The applicant has submitted a request for a waiver to the traffic study requirement.

Electrical service is provided by Boone Electric Cooperative. Water service is provided by a Consolidated Public Water Service District #1 and there is a 6" water line along the east side of Hickory Grove School Road. Fire protection will be provided by the Boone County Fire Protection District.

On-site wastewater systems are proposed for this development. The applicant has submitted a request for a waiver to the central wastewater cost-benefit analysis.

The property scored 32 points on the rating system.

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

Sotta. S20-T50N-R12W. A-2. Robert T. Sotta, Sr., owner. Steven R. Proctor, surveyor.

The subject property is located on State Route YY near Squire Court Road, approximately 4 miles east of Harrisburg. The proposal splits a 5.04 acre lot from an 18.04 acre parent parcel containing a house and two outbuildings. The remainder of the parent parcel will be reconfigured under a concurrently recorded administrative survey. The subject property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. To the south across State Route YY, Red Rock Church requested a variance on the corner lot setback requirements in 1981, and Terry Ewens (whose property is immediately to the east) requested a variance for the placement of a second dwelling on a lot smaller than 20 acres in 1989. Both of those requests were granted.

The lot has direct access on to State Route YY. The applicant has submitted a request to waive the traffic study requirement.

Consolidated Public Water Service District #1 has an existing service on this property to the house. Boone Electric will provide electrical service and the Boone County Fire Protection District will provide fire protection.

Two existing lagoons provide wastewater service to the property. The applicant has requested a waiver to the central wastewater cost-benefit analysis.

The accompanying administrative survey will be recorded concurrently with this plat.

The property scored 43 points on the rating system.

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

Sunrise Estates Block 12. S12-T48N-R12W. R-S. Kenneth and Velma Epperson, owners. James V. Patchett, surveyor.

The subject property is located on East Court in the Sunrise Estates development, approximately ½ mile to the east of Columbia. The purpose of this plat is to combine two lots previously platted as parts of the Sunrise Estates development. The applicant vacated both lots at the County Commission meeting of 29 November 2011. The new design allows for an accessory structure to be built along the eastern side of the property. The property is zoned R-S(Residential Single-Family), and is surrounded by R-S zoned property. All of this is original 1973 zoning.

The new lot has direct access on to East Court, a county-maintained, public road. The applicant has submitted a request to waive the traffic study requirement.

The property is served by Public Water Service District #9, Boone Electric Cooperative, and the Boone County Fire Protection District for water, electrical, and fire protection services respectively.

The existing house has access to central wastewater disposal via a collector system operated by the Boone County Regional Sewer District.

The property scored 81 points on the rating system.

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

## IX. Old Business

### 1. Update on County Commission Action

Stan Shawver: Last month we had North Battleground LLC. The applicant withdrew the request prior to a vote. As far as we know the applicants are meeting with the neighbors. We don't know when it will come back before the Commission.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Acting-Secretary  
Stan Shawver

Minutes approved on this 16<sup>th</sup> day of February, 2012