

**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 19, 2013**

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
Paul Prevo, Secretary	Rocky Fork Township
Gregory Martin	Katy Township
Kevin Murphy (arrived 7:05)	Perche Township
Michael Poehlman	Rock Bridge Township
Larry Oetting	Three Creeks Township
Loyd Wilson	Columbia Township
Derin Campbell	County Engineer

b. Members Absent:

Eric Kurzejeski	Missouri Township
Vacant Seat	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the November 21, 2013 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 rezoning request and a related conditional use permit, a final development plan for a planned development and three 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. Please sign the sheet on the table after you testify. Also, we ask that you 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. 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 Monday, December 30<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 Monday, December 30<sup>th</sup> will begin at 7:00 p.m. and will convene in this same room.

Chairperson Harris stated that the bylaws indicate that conditional use permits are to be heard first. However, since an applicant on the agenda has both a rezoning request and conditional use permit request the rezoning needs to be heard first since the conditional use permit cannot be considered until the proper

zoning is in place. Chairperson Harris asked for a motion to amend the agenda to address the rezoning request first.

**Commissioner Murphy stated that his firm is involved with the rezoning and conditional use permit and stated that he will recuse himself from the proceedings. Commissioner Murphy left Commission Chambers.**

Commissioner Freiling made and Commissioner Oetting seconded a motion to amend the agenda to consider the rezoning request first and the conditional use permit second.

Boyd Harris – Yes	Carl Freiling – Yes
Gregory Martin – Yes	Paul Prevo – Yes
Larry Oetting – Yes	Michael Poehlman – Yes
Kevin Murphy – RECUSED	Loyd Wilson - Yes
Derin Campbell – Yes	

Motion to amend the December agenda passes 8 YES

#### V. Rezoning

1. Request by the Thomas D. Hilbert Trust, the Angelia H. Hilbert Trust, the Glenn T. Smith Trust and the Lillie Beatrice Smith Trust to rezone from R-S (Single Family Residential) to A-1 (Agriculture) of: Tract A - 84 acres; Tract B - 122 acres; Tract C - 7.6 acres; located at 5395 W Smith Dr., Columbia.

Planner Bill Florea gave the following staff report:

The property is located approximately one half mile west of the terminus of Smith Drive. The 213 acre tract has been in agricultural use for several decades. Nearly 100% of the tract is in the Perche Creek Bottom and within the 100 year floodplain. The site is flat and level and is bounded on the east by a bluff approximately 100 to 120 feet high. Perche Creek is adjacent to the site to the west and south. To the north is additional floodplain.

The current and original zoning is R-S, Single Family Residential. Adjacent zoning is as follows:

- North A-1
- East R-S
- South A-2 and R-S
- West A-2

Land to the north and south is in agricultural use, east (on top of the bluff) is urban density residential and to the west is agricultural (floodplain) and rural residential (bluff top).

The Master Plan identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposal. In this case the proposed rezoning will significantly reduce the potential demand for resources. In addition, the rezoning will increase the likelihood that the property will remain in predominately agricultural use.

Zoning Analysis: Approval of the rezoning will result in a reduction of the potential theoretical residential density of the property from over 900 units to 21. It will also change the Permitted and Conditional Uses that can be permitted on the property.

The A-1 zoning is more consistent with the zoning of most of the adjacent land within the flood plain and is better suited to the land than the current R-S zoning.

The property scored 31 points on the rating system. Staff notified 212 property owners about this request.

Staff recommends approval of the rezoning request.

Present representing the request:

Jay Gebhardt, A Civil Group, 3401 Broadway Business Park, Columbia  
Angelia Hilbert, 10 Kountry Lane, Marthasville, MO

Jay Gebhardt: This is the Smith's farm, it is all flood plain. The only real appropriate use for this property is agricultural because it floods often.

Open to public hearing.

Chairperson Harris reminded the audience that this public hearing is strictly for the rezoning request; the public hearing for the conditional use permit will occur later in the meeting.

No one spoke in favor of the request.

Present, speaking in opposition to the request.

George Batek, 503 Silver Thorne, Columbia

George Batek: I am authorized to speak on behalf of the homeowners association of Stoneridge Estates. I am on the board of the association and I'm also the Vice President. We have numerous concerns that come up regarding the zoning. The homeowners who bought in Stoneridge Estates bought the properties knowing that the entire property behind us was zoned R-S; we are concerned about the property immediately to the west of Stoneridge Estates and all the way to Perche Creek. We understand that it is flood plain and is appropriate for agricultural use if that agricultural use consisted of farming. Smith Drive is a residential collector street and the application has it described as public use. The traffic on Smith is residential other than construction that continues in some of the newer subdivisions to the south. We are also concerned about the impact that this type of operation will have on the land that sits immediately to the west of Stoneridge Estates; what is that going to do to the value of the property? We would like to see similar houses go in with a similar value. We think that an earth moving operation will hurt the value of not only of the land behind us but likely the value of the houses that already sit there. There are over 150 houses in the subdivision and not a single person has spoken in favor. Using the land for agriculture makes sense; it is floodplain. I am concerned about what the zoning would do in affecting what type of traffic would come down Smith Drive and the value of the property west of us. What type of houses does the Commission think would want to go in next to an operation that has 10 acres of land peeled off?

Commissioner Freiling: The zoning does not create that circumstance.

George Batek: The conditional use permit does.

Commissioner Freiling: That is the second part of the hearing.

George Batek: I don't want the zoning to change; we all bought our homes knowing that property was zoned R-S and we want to keep it that way.

Commissioner Freiling: So if they were to come in and do what they did in the Chesterfield bottoms - put a levee in above the flood plain and sell house lots in the R-S zoning and create a subdivision would that be suitable?

George Batek: Our position was it is for residential homes. We bought a house and got the expectation that it was probably going to be developed.

Also present speaking in opposition:

Jerome Rackers, 205 Knollwood Ct., Columbia

Jerome Rackers: Does the R-S zoning not allow agricultural use without a conditional use or is A-1 and R-S able to do the same thing?

Chairperson Harris: The A-1 is strictly for agriculture use and the proposed use would be allowed as a conditional use; the proposed use is not allowable in residential zoning even with a conditional use permit.

Jerome Rackers: I had the same expectation in buying the property that the proposed site was going to be for residential use. I am not sure how the floodplain affects the water surrounding it when you start to have flooding. The density that is around this area is all residential.

Commissioner Martin: If the property is A-1 that would potentially make those estate lots; it doesn't limit single family homes there, it just limits the amount of land they can sit on.

Jerome Rackers: My concern is that when you open it up for just about anything to be done. My fear is that this can be used in any agricultural base. Had I bought land in the county knowing that is what my backyard would be I would be a little more in thought with that.

Bill Florea: The area that is cross-hatched in red on the aerial is the area that is proposed for rezoning. The portion right behind Mr. Rackers' house is remaining R-S.

Jerome Rackers: We didn't get any forms that show us what that is.

Bill Florea: Agriculture is allowed in R-S zoning so anything that is allowed in the agricultural zoning can also be done in R-S zoning. There are two categories of uses in each zoning district, permitted uses and conditional uses. Conditional uses require a special permit; permitted uses are uses that by right, you can conduct those uses on your property. Agriculture is a permitted use in all zoning districts.

Commissioner Freiling: The principal difference between R-S and A-1 is density.

Jerome Rackers: I am not trying to stop people from making money; I just want to protect my property.

Also present speaking in opposition:

Frank Schmidt, 505 Silver Thorne, Columbia

Frank Schmidt: Zoning is a fungible thing; it morphs. Something is zoned one way and then 60 days later it is zoned another way. I also learned that down-zoning cannot be accomplished generally without the consent of the property owner, however, up-zoning occurs on a fairly regular basis. If there was not a conditional use permit request for this land there would not be a down-zoning request from the owners. There is nothing in the request that binds them to not have it up-zoned later on.

Closed to public hearing.

Jay Gebhardt: The property is not just at flood plain level; most of the property sits about 6 feet below the base flood elevation. In order for this to be developed we would need to be annexed into the City of Columbia in order to access the sanitary sewer. The city of Columbia requires a house to be built two-feet above the base flood elevation so we are talking about 8 feet of fill over 224 acres; it is not feasible. The Chesterfield bottom is a weird thing and I don't think the city would ever allow something like that to occur. The A-1 zoning is appropriate because it is how the property should be used. It should not be used for single family homes. The only reason we are here tonight asking for rezoning is because the property is for sale and has been for many years. Ri-Mor approached the owner and is interested in this property because its proximity to the city and their customers. It will be zoned A-1 even if the conditional use permit is denied; we are not taking a risk because A-1 is the only appropriate use for the property. The idea that once it is down-zoned that you could flip this back up to something else is a pretty difficult task. I foresee Smith Drive being extended to Highway UU eventually, it was built as a major collector, it is 38-foot wide and has a 66-foot right of way. If Smith Drive were extended someday, I would hate to see it open up this property for development for single family homes; I don't think it is appropriate. I am also a property owner in Graystone subdivision and I own property that abuts the subject property and I don't oppose the request because I know the people involved and they have taken a lot of steps to protect this.

Commissioner Poehlman: Is the property currently being farmed?

Jay Gebhardt: Yes.

Angelia Hilbert: The property has been in the family for over 100 years. The 100 acres was in the family since the late 1800's; it has switched hands some and is now back in the family. We love that land and I would not be selling it except for the fact that my aunt died and in her will she made the stipulation that her daughters would have to sell it.

Chairperson Harris: (to staff) What is the distance on the north side of Smith drive between the property line and the nearest residential back lot?

Uriah Mach: Approximately 2300 feet

Commissioner Poehlman stated that anytime he has the opportunity to vote on something to rezone from R-S to agriculture he will be very inclined to do it.

Commissioner Poehlman made and Commissioner Martin seconded a motion to approve a request by the Thomas D. Hilbert Trust, the Angelia H. Hilbert Trust, the Glenn T. Smith Trust and the Lillie Beatrice Smith Trust to rezone from R-S (Single Family Residential) to A-1 (Agriculture) of: Tract A - 84 acres; Tract B - 122 acres; Tract C - 7.6 acres; located at 5395 W Smith Dr., Columbia.

Boyd Harris – Yes	Carl Freiling – Yes
Gregory Martin – Yes	Paul Prevo – Yes
Larry Oetting – Yes	Michael Poehlman – Yes
Loyd Wilson - Yes	Derin Campbell – Yes

Motion to approve the request passes 8 YES

Chairperson Harris informed the applicant that this request would go before the County Commission on December 30, 2013 and the applicant needs to be present at the hearing.

## VI. Conditional Use Permit

1. Request by the Thomas D. Hilbert Trust, the Angelia H. Hilbert Trust, the Glenn T. Smith Trust and the Lillie Beatrice Smith Trust for a permit for topsoil management, harvesting, conditioning and stockpiling on 213 acres, more or less, located at 5395 W Smith Dr., Columbia.

Bill Florea gave the following staff report:

This site is located west of Columbia off of the west end of Smith Drive. The zoning for the property is R-S, which is the original zoning. The applicant has also submitted a request to rezone the site to Agriculture A-1. The adjacent land is zoned as follows:

- North A-1
- East R-S
- South A-2, R-S
- West A-2

Nearly 100% of the 213 acre site is within the 100-year floodplain of Perche Creek. The site is mostly level and bordered by bluffs to the east and west. Land to the north and south of the site is floodplain and in agricultural use. The character of the area is described as agricultural with urban density residential to the east and rural density residential to the west. The master plan designates this site as being suitable for residential land uses.

The request is to allow removal, conditioning and export of topsoil. Topsoil will be removed from a portion of the site each year and stockpiled for sale. The operator may utilize equipment such as agricultural tractors, scrapers, bull dozers, loaders, dump trucks and a topsoil screener. Agricultural operations will continue on the site, and will not be subject to the limitations of a conditional use permit (if granted). Truck traffic leaving the site will enter Smith Drive at the intersection with Louisville Drive, and then proceed about 3000' west to Scott Boulevard. Smith Drive is a Neighborhood Collector with a 38-foot paved width with sidewalks. Scott Boulevard is a four lane Major Arterial with sidewalks.

Potential externalities that could result from the use include noise from equipment and traffic and mud/debris on the road caused by trucks hauling soil from the site. With proper conditioning and operations those impacts can be minimized.

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

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

Externalities such as noise, dust and exhaust fumes should not impact the public due to the isolated nature of the project site. Conditions of approval requiring dust control on the access road should adequately address the possibility of dust related impacts. Noise will be mitigated by the elevation difference between the project site and nearby residential areas and limited hours of operation.

(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.

Activities in the area that are already permitted include agricultural and residential uses. Much of the project activity will be similar in nature to the agricultural uses that have been occurring on the property for several decades. For example, topsoil removal utilizes mechanical scrapers which will sound like a farm tractor from a distance. The noise will occur over a longer period of time however, because the topsoil removal occurs between harvest and planting.

The limited hours of operation will confine the likely impacts to hours when most homeowners are at work or school. However, topography and conditions of approval will provide additional mitigation of impacts.

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

Due to the limited nature of the potential offsite impacts and the proposed conditions of approval it is unlikely that the use will result in diminished or impaired property values in the area.

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

The proposed use does not require any public utilities. The proposed use will utilize Smith Drive (collector street) and Scott Boulevard (arterial) for access. Both streets should be able to sustain the additional truck traffic.

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

Most of the surrounding property that is outside of the 100-year floodplain has already been developed. The site is separated by areas not within the floodplain by topography. There is an elevation difference between the site and adjacent residential areas ranging from 70 to 120 feet. This should provide adequate screening of the topsoil operation from adjacent residential uses and any undeveloped properties.

(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 applicant anticipates approximately 20 to 30 truck trips per day. Averaging 30 trips over the 12 hour per day operating window yields an hourly traffic count of 2.5 trucks per hour. This will not result in traffic congestion on area roads.

(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.

Conditions of approval address the need to obtain a Land Disturbance permit and comply with the Stream Buffer Regulations. All other applicable regulations are likewise enforceable.

Staff notified 212 property owners about this request.

Staff recommends approval subject to the following conditions:

1. Hours of operation shall be limited to
  - Monday through Friday 7 AM to 7 PM
  - Saturday 8 AM to 3 PM
  - No operation Sunday
  - No operation on New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day
2. A land disturbance permit shall be acquired prior to any earth moving on the site. The permit shall specifically identify the portion of the site where topsoil is to be removed on an annual basis.
3. When the topsoil removal site is adjacent to Perche Creek the stream buffer shall be staked so as to prevent removal of soil from within the stream buffer.
4. The topsoil removal operation shall be limited to 20 acres per year which will be enforced through the Land Disturbance Permit
5. The operator shall employ the use of management practices to prevent mud, dirt or debris from being deposited on public roads to the satisfaction of the Director of Resource Management.
6. The operator shall maintain the access road in a dust free condition to the satisfaction of the Director of Resource Management.

Present representing the request:

Jay Gebhardt, A Civil Group, 3401 Broadway Business Park, Columbia  
Angelia Hilbert, 10 Kountry Lane, Marthasville, MO  
Charlotte Smarr, potential property owner, 804 W Broadway, Ashland

Jay Gebhardt: The burden of proof is on the applicants to meet the criteria. The property is 213 acres and Ri-Mor Soil will only disturb 10-20 acres at a time. They remove a thin layer of soil and stockpile it. The area that is disturbed is graded back, smoothed, and planted immediately. The bulk of the disturbance will be done during a small window in the spring and fall. There will be additional work being done with tractors and scrapers that will create a stockpile. The stockpile is then utilized by Ri-Mor's own drivers; it isn't open to contract truck drivers. When you order soil from them their driver loads it into the screener where the soil is screened and loaded on to the truck and delivered. People won't be able to go there with their pickup and get a load of top soil; it is not open to the public and a gate is proposed at the top to keep people out. A lot of the concern that people have is the traffic; the truck driver loads himself and delivers it. It is probably about an hour trip. 20 to 25 loads per day is average, 30 loads a day is considered a full day. Smith Drive serves mostly residential but that is not going to be the case forever; it was built as a collector street. Since Louisville Drive has been built Smith Drive is functioning more and more like a collector. As time goes on, the traffic on Smith Drive will increase and it won't just be cars, it will be truck traffic as well. If homes are built there we will have a lot of large vehicles.

Jay Gebhardt: In going through the conditional use criteria, criteria A states “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”. Mr. Florea spoke about the dust and exhaust fumes but the main thing is the elevation that this property is in relation to the existing homes; the people that are mostly affected by this are the applicants. The property that is staying R-S is the property that will be most impacted by this. The subdivisions are far enough away that noise and dust won’t be an issue; they are going to experience truck traffic.

Criteria 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”. This is not a constant business, it is seasonal, people don’t plant in the middle of winter and when it gets hot in the summer the need for top soil doesn’t exist. It is a spring and fall type of business. I don’t believe it will be injurious to the neighbors because it is seasonal and so far away.

Criteria C “The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood” With the distance and elevation and the existence of a major collector street the operation should not diminish property values. If we were trying to access this site through a residential neighborhood it would be a different story; major collector streets are there for this purpose, that is why they are built wider.

Criteria D “All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage” At the end of Smith Drive there is an existing gravel road and that road will not be used. There will be a new road that will be built straight back that will have a dust free surface.

Criteria E “The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district” Most of the land is already developed; the part that hasn’t been developed is the Smith’s property; theirs will be the property mostly impacted. Mr. Gebhardt stated that his own property is closer to the site than most of the neighbors.

Criteria 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” This is a seasonal thing; they won’t be there in January scraping off the land. Most of the business will happen in spring and fall.

Jay Gebhardt: The applicants don’t have any objections to staff conditions. The land disturbance permit is an important part of this because it allows the County to monitor this every year. The applicants will be required to get a permit and identify the area they plan to harvest soil from. Part of that permit will be stabilizing the property which will be planting with some sort of crop. It is limited to 20 acres and the soil here is not as good as their customers expect. Part of what the process will be is that the first two years they own this property will be spent planting corn or soybeans and it will be plowed back in so the organic matter in the soil can be raised. It may take two or three years to do that. The applicants are asking for the ability to disturb 20 acres at a time on 213 acres so that they can take thinner lifts off it. As far as tracking mud and dirt on to the street; Ri-Mor is using their own trucks so that is easily controlled; if someone were on Smith Drive and saw mud on the road they would know exactly who to call. The City of Columbia has inspectors out and they will track down who is tracking mud onto the road. The applicants do not want rock tracked into their soil so they will control that. The applicants are fine with staff conditions. The existing gravel driveway that goes back to the house is a public right of way, there is a no trespassing sign on it but it is still a public street and that will still be there; I don’t think they get much dust from that and the applicants will not be using it.

Commissioner Martin: They don't haul when it is raining do they?

Jay Gebhardt: No; the soil has a pretty high moisture content in it because they don't want their product to blow away. There aren't many landscape people that work in the rain.

Commissioner Campbell: Any idea what the average daily traffic is on Smith Drive?

Jay Gebhardt: No; but it is not very high.

Commissioner Campbell: How many driveways empty out on to Smith?

Jay Gebhardt: There are three homes that have driveways on to Smith Drive.

Commissioner Freiling: The present improved street is in the city?

Jay Gebhardt: Yes. We have spoken with city personnel but they were reluctant to put anything in writing. They know it is a collector street; they don't have an issue with it but they wouldn't put anything in writing.

Commissioner Poehlman: Would there ever be a time when you import material?

Jay Gebhardt: Perhaps fertilizer.

Charlotte Smarr: Just fertilizer; we don't allow anyone to bring in any materials because we do testing and sell top soil to the environmental companies and it has to be free of contaminants and toxins. We test the soil; we work with the University of Missouri and MFA, they do grid testing.

Chairperson Harris: The actual scraping operation is a narrow window and you may scrape for two or three days and stockpile and then that machine is done.

Jay Gebhardt: They probably scrape for a week or two.

Chairperson Harris: But no different than if you were down there with a chisel plow and a field cultivator trying to plant.

Commissioner Freiling: Is there any restraint on the overall depth of cut? Is it possible under this proposal that you could eventually create a depth of cut to where you left a marshy condition?

Jay Gebhardt: We wouldn't want to do that. They have done test soils and suitable soil is down below eight feet. They aren't cleaning those fields off; they want the organic matter in the soil. Development occurs and things change. The reason I am okay with this and representing this is if the property isn't used for something viable there isn't any pressure for it to be developed. It may not be used for what it is today but this is a good use for the property.

Chairperson Harris asked Mr. Gebhardt where his home is located.

Jay Gebhardt pointed out his home on the aerial.

Chairperson Harris: Are you high enough to see over the bottoms?

Jay Gebhardt: Yes.

Chairperson Harris: Smith Drive was built to be a collector and it should handle the load. I assume the Ri-Mor drivers are disciplined enough that Smith will be the thoroughfare that if someone is going south they won't go the back way to Louisville?

Jay Gebhardt: Louisville is also a collector street built to the same standard as Smith. We haven't talked about a restriction for that; Louisville is a curvy road compared to Smith.

Open to public hearing.

No one spoke in favor of the request.

Present, speaking in opposition:

Jerome Rackers, 205 Knollwood Ct, Columbia

Jerome Rackers: I feel a little disadvantaged by the letter we received telling what was going on because there is more information on the recommendations made that we didn't see. This is the first time that I am hearing of things like hours of operation that I've had no previous knowledge of to try to have an opinion as to whether that would work. I would like to be more a part of what would go on in this kind of hearing by having more information before I got here. Maybe you had that somewhere I was supposed to look as a concerned citizen and didn't. I look at hours of operation and I have some concerns there. There is a park less than 150-feet from the entrance; Ri-Mor is an excellent business, I have bought from them and they have employees and drivers like the rest of us. Sometimes as much as you want an employee to do right things happen and shouldn't. Thinking about where the park is in relation to the entrance of this is very important and something that we have to take into consideration. I looked at the list of regulations and what I heard was a lot of management; who is going to manage that? Will it be left to the applicants to manage? What if Ri-Mor sells? Is this conditional use permit allowed to go on to the next owner? Who says the new owners are going to have nice shiny trucks that are always clean and deliver a great topsoil? When the Commission approves something are they looking at the long term effects, not only to the community around but what business is actually there? There are only three driveways on Smith; there are a ton of duplexes that enter onto Louisville. Louisville is a heavily residential area; a semi going through there is not going to make it through. People park on each side of the street, balls can easily end up in the front of things. If a driver were to make the wrong turn coming out of there he would probably find himself a little white-knuckled trying to get through there; I do that myself in a regular pickup truck. Something else mentioned that I don't know enough about is storage of fertilizer. Fertilizer can be a chemical, I don't know how much will be stored or how much would be onsite but it would be a question to know the answer to before I would say that this is a great thing to do. It may be minimal but fertilizer can be very volatile depending on how and where it is stored. I do feel disadvantaged that I don't have a relationship with staff to know ahead of time what was going on; whereas the other parties have been able to be around staff and may have gotten ideas of how to try to make this go.

Chairperson Harris: The letters that are sent subsequent to the request is part of a process that staff has to go through; sending those letters is the first part of that process. Any analysis and recommendation come subsequent to that initial notice going out; the analysis may be done two weeks or two hours prior to the meeting. You weren't shorted of anything; that is just the way the process works.

Jerome Rackers: I just feel that when someone else came in to talk it would be nice to know what the recommendations from the staff is going to be that way I have a chance to prepare my thoughts before I get here rather than sitting in the back of the room and listening. Is there a way to have an email set up where you can request it at a future time, I don't know how that works.

Bill Florea: We are willing to provide people with the information they like. The point of sending out the letters is so you know there is an activity pending; it is then up to the property owner to contact our office; we make the initial contact. Of the 212 mailings that we sent out you can see the people that are present at the meeting who are concerned; it is a small number. We don't continue mailing out information, we rely on them to contact us and we would be glad to provide the information we have.

Jerome Rackers: I think the reason for the small turnout is the night you are having the meeting and it is close to Christmas.

Bill Florea: Never the less, we make the initial contact and rely on people to ask questions.

Jerome Rackers: I am not saying anything is wrong; I am just speaking to the fact that it is nice to have that information before the meeting; I don't have the same relationship with you that the applicants do.

Commissioner Oetting: Wouldn't the storage of fertilizer be governed by some sort of EPA regulation?

Chairperson Harris: If I understand correctly I don't think there was anything said about storing fertilizer. That fertilizer will come in on a truck and be applied directly to the field and the truck is gone; there is no storage and no time frame.

Commissioner Poehlman: It would be no different that what they are doing today.

Also present speaking in opposition:

George Batek, 503 Silver Thorne, Columbia

George Batek: I am also troubled by the timing of this request. I am troubled by the fact that I did go to Planning and Zoning and met with Mr. Mach and asked to see what was available and what I got was essentially the petition that was provided by the applicants and I was given nothing else regarding all the materials that were prepared. That might have not been prepared then, I don't know. I was never told that it would be prepared and I could come pick it up later. Does that mean I should have come back and asked a second or third time? I recommend that you take a look at your procedures. I would suggest that not a single one of you here would feel comfortable having 10 to 20 trucks a day coming through hauling dirt out of a soil operation and hauling it down Smith Drive which is a residential street. There is a park that sits in the corner, children in the neighborhood cross the street to go to the park; there is a basketball court, a fishing lake and all that traffic is coming down Smith and those trucks are going to be subject to kids crossing the street. When I first came up and talked to Mr. Mach he indicated that there was no hours of operation limitations; today I heard 7:00 am to 7:00 pm. I suggest that it is reasonable for us when we sit outside and have dinner on the deck to look out the back of our houses and look at this property and see trucks coming down the access that the applicants propose to build. That is not enhancing our property; it is not an appropriate use. They say that this is a limited operation, they want to do work in the spring, fall, and summer; that is when people are outside enjoying their yards and the park. The children will be out playing in the yards and watch 20 trucks go by. The three people that live across from me are retired so they will hear these trucks all day. I have heard testimony that the layout of the land will keep the noise from affecting us; we can hear I-70 from our property, it roars and it has a lot to do with how the wind

blows, it blows from the west and comes right over our houses. They want to use bulldozers on the site; I understand the need it for their operation but we are going to hear them. I wonder if anyone has gone out and stood at the property and listened. When the wind is blowing from the west we are going to hear all the noise coming from the property. Mr. Gebhardt stated he owns property in Graystone but there is no house; to my knowledge there is only one house developed in Graystone.

Mr. Gebhardt indicated that is his house.

George Batek: There is currently a stop light on Smith at Scott Boulevard, there is a lot of traffic and we will be adding 20 work trucks. How long will this operation be in place and what is this going to do to the creek? I don't see how that type of an operation could be in good standing with FEMA, The Army Corps of Engineers, and DNR; Perche Creek floods. I am concerned that there will be open soil and with the wind blowing to the west it will blow toward our neighborhood. It doesn't add to the enjoyment of my property; this use will not be a good neighbor.

Also present in opposition,

Frank Schmidt, 505 Silver Thorne Dr., Columbia

Frank Schmidt asked to see the topography map.

Uriah Mach showed the topography map on the overhead screen.

Frank Schmidt: There are bluffs on the other side of Perche Creek. We can hear the agricultural operation now, there is a grain dryer somewhere that we hear when it runs. It is not annoying or that loud, but the bluff is on the other side and it echoes. The noise from this operation will not dissipate and float away; it will rebound toward the neighborhood. Another thing is that Perche Creek will be injured by this. The applicants can not give an estimate of the existing traffic flow on Smith Drive. I can't give a number either but I bicycle; I go from Silver Thorne and turn onto Smith Drive and cross Scott Boulevard. I am concerned about the trucks, I am not the only bicyclist, it is a pretty common bicycle route, heavy trucks moving at the speed limit are a unique hazard to bicyclists; they don't see very well, they don't stop very well, and they are big. I think the statement that this is not going to be a big deal on the traffic is not accurate. When I received the letter I called the County office who assured me that this was not going to be a big deal, it was only going to be a couple of loads a day. I was reluctant to come down here because of that fact. Now I find out it is up to 30 trucks per day and it is going to happen on days in the spring when it is not too hot and not too cold; in other words, the times that people want to be outside. If they wanted to run trucks now that might make a difference but their prime time for moving dirt is our prime time for enjoying our property. There are a number of retired people in the neighborhood, hopefully one day I can retire and not have to hear all the trucks going up and down the road. How much noise does a truck make when it goes up a 100 foot grade? I bet they can't give a decibel reading either. I mentioned that my wife and I bicycle fairly regularly, since Louisville has opened up we spend most days waiting for four or five cars to move before we can make our left turn from Silver Thorne on to Smith Drive; what is going to happen to that traffic, which at Louisville makes a yield right turn directly in front of the access to this property when there are trucks moving back and forth. I am sure the applicants are not planning to put in traffic signals. I have given a number of reasons why this conditional use permit does not meet the requirements.

Also speaking in opposition:

Cheryl Rackers, 205 Knollwood Court, Columbia.

Cheryl Rackers: I keep hearing about Smith and Louisville being a collector; the speed limit on Smith is 30 mph. 30 mph to have 20 to 30 trucks go down that street everyday; we have countless numbers of teenage drivers that access that road. I would like to see a traffic count and a count of teenage drivers we have. I would like to see someone from the City of Columbia give us information that shows that the road can handle that weight. I encourage the Commission to get more information before making a recommendation. The family that lives at the corner of Smith and Silver Thorne is a stay at home mom; her house would probably be impacted the most out of anyone.

Also speaking:

Kenneth Barnes, 6155 Gillespie Bridge, Columbia

Mr. Barnes stated he was not speaking in opposition but just has questions.

Kenneth Barnes: How are they going to get up the bluff to Smith Drive and where is the stockpile going to be located?

Jay Gebhardt showed Mr. Barnes the access point on the aerial as well as the location of the stockpile on the plan.

Closed to public hearing.

Jay Gebhardt: There will be no storage of fertilizer on the site. The park has been mentioned several times and although there is a park there the street has been designed as a major street; the Smith family is responsible for that park being there. There was a mention about bicycles; that does not have dedicated bike lanes but it is wide enough; they could do stripes for that but the city has not chosen to do that at this time. Mr. Schmidt was correct about the grain dryer, I hear it all the time; I can hear the train down at McBaine and I hear many concerts at Midway because the noise does travel down in the bottoms; those are noises that are there now. The difference is that there are no bulldozers in this operation now, we have tractors and pull scrapers. The noise may be there at different times and there may be more than there is now but it is the same type of equipment that is used for the agricultural activity going on now. There is a stream buffer required in the county; we can plant and do agricultural activity in the stream buffer area but we can not harvest soil. As part of the land disturbance every year we have to identify area that we will harvest from, we will have to stake out the stream buffer area.

Chairperson Harris: What is the required stream buffer?

Bill Florea: 100-feet.

Jay Gebhardt: It is in a floodplain and a floodplain development permit will be required. You can cut dirt out of the flood way but you cannot build in that area so the stockpile will have to be out of the floodplain. We won't be cutting or stockpiling near the creek. We will want to get the the stripped areas planted as soon as possible but we will also be required by County and State land disturbance permits to stabilize those areas. Someone mentioned that this does not add to the property but it doesn't take away from the property either, if they were in homes on the bluff looking down on the property I couldn't say that but they are ½ mile away. They would have a bigger impact from the property that is remaining R-S when it is developed in the city than they will have from the 20 trucks. We have 100 acres of R-S that will be developed in the city and the average in the city is 2.5 houses per acre; that is 250 homes; if you take 250 homes with 10 trips per day which is what the traffic engineers tell you that is 2500 additional trips and

they won't go down Louisville, they will go down Smith, that is why Smith was built as a collector street because the city recognized that. The difficult part of rezoning is the change that has to happen, everyone wants things to stay the way it is, they want homes to be like their homes and they want it to be developed like theirs but the process usually doesn't work that way; it is what the landowner has the right to do.

Charlotte Smarr: I have probably worked three Saturdays in ten years. I don't like to have the guys working Saturdays but I put that down just in case; sometimes there is an overflow, usually I like to have the guys off by 5:00 pm on weekdays because I don't want to pay overtime. When they say 20 trucks a day; a typical day is one of the drivers with his loads and that is probably 10 loads. If I have to put on another truck then I have another driver who has worked for me for 15 years. It is one guy loading, he loads himself, screens and takes the load out and comes back. As far as 20 different trucks coming up and down the road, that is not how the operation works. It is probably going to be a couple of years of developing; the land has been farmed very heavily and we are going to be working at getting the organic matter back up. Right now the soil tests are showing 1/10 of one percent, we want it up to about two percent of organic matter; we want to bring it back to improve the land, not take it down and strip it.

Commissioner Martin: Are there days that you just haul a few loads? Not everyone uses something every day. There may not be any traffic at all. In regards to the mining operation, getting the top soil, that operation will run continuously until you have your stock pile and then you will have to take care of the ground and that is it.

Charlotte Smarr: Usually that takes about three to five days when we do the scraping and make the stock pile, sometimes two weeks at the most.

Commissioner Martin: You don't generally do any work on the weekends.

Chairperson Harris: The reality is that it is a seasonal thing and on days to say that there will be 20 trucks a day everyday year round is wrong.

Commissioner Freiling: What is the annual amount of truck loads?

Charlotte Smarr: We have done five this week.

Chairperson Harris: The testimony this evening has been that the R-S zoning is acceptable but the agriculture is not. Truck traffic has been a big concern but the reality is were that adjacent 100 acres to be developed the traffic flow would be an astronomical increase.

Jay Gebhardt: It is not whether it will be developed but when.

Commissioner Poehlman: They would have to load a lot of loads of dirt down there to bring it up.

Commissioner Freiling: One of the questions was whether the conditional use permit ran with the land.

Bill Florea: It runs with the land.

Commissioner Freiling: We are all mortal so Ri-Mor will not be the property owner at some point. A conditional use permit is an odd circumstance for Commissioners in that our position is not discretionary. Normally we decide how we feel but as I understand conditional use permits it either falls within the criteria that must be met or it doesn't. For us to approve or deny a conditional use permit is solely based on our judgment that those conditions are either met or not.

From the audience, Frank Schmidt: did the staffs report say that bulldozers were permitted.

Bill Florea: Yes and that was taken from the information that was provided by the applicant.

From the audience, Jerome Rackers: can you go through the conditions that the applicants have met? I am curious as to the conditions that the applicants have or haven't met.

Chairperson Harris: Even if the property changes hands the conditional use permit runs with the land, the conditions placed on this, if approved, would apply to the new owners.

Commissioner Prevo: The applicants indicated earlier that they would be okay with having no bulldozers as one of the conditions.

Charlotte Smarr: We don't use them now.

Jerome Rackers: Are we able to work with the Commission to help form these conditions?

Commissioner Freiling: These are just staff recommendations; the County Commission has the final say.

Jerome Rackers: Is there a process in which we can help make recommendations at the next level?

Commissioner Martin: Come to the County Commission meeting.

Chairperson Harris: We did receive an email from a resident on White Fish Drive in opposition to the request.

Commissioner Freiling: It seems to me that traffic is the main concern. The nature of the operation being requested under the conditional use permit is not dramatically different from normal row crop farming with the exception of traffic. Unfortunately noise is an epidemic issue of modern life. The question is does the introduction of that much truck traffic make a change that is not acceptable under the conditional use permit.

Chairperson Harris: It looked to me like at least half, if not more of the backyards have eight foot high privacy fences around them. As someone who drives semi's, even with a 30 mhp speed limit if I were bringing a truck through there I am not sure I would want to be rolling that fast. Any prudent driver is going to be coming out of there pretty slow. The way the property is zoned and with crop land there it would not be inconceivable that someone could buy that property for row crop production and put up their own grain elevator and be moving grain trucks in and out of the same size and weight as the dump trucks are and we wouldn't be having this discussion. The volume of truck traffic will be very minimal in comparison to what the future holds, if it is two or three years before the soil is in the condition to start harvesting it there could be a lot more houses and cars out there.

Commissioner Freiling: A professional driver is safer for your kids even in a dump truck than a teenage driver.

Jerome Rackers: How can the neighbors be more involved in the process and have input on the conditions?

Jay Gebhardt: I can talk to the neighbors and give them my phone number with any concerns.

Chairperson Harris: I don't want to get the applicants in the position of suggestion by committee.

Thad Yonke: Staff doesn't generate conditions by talking to the applicant or the neighbors. Staff starts by doing the analysis of the information we are given and using the tests and then trying to propose conditions that would mitigate potential impacts from those tests. That is the starting point. Anything that people hear that they feel a condition doesn't hit the mark that is exactly what they should bring up and the Commission can modify those conditions.

Commissioner Poehlman made a motion to approve the conditional use permit with staff conditions and add a condition to restrict bulldozers and track type equipment. Commissioner Poehlman asked for any additional conditions.

Commissioner Freiling: What does the applicants use for a loader?

Jay Gebhardt: Rubber tire equipment.

Commissioner Freiling: Looking at the seven criteria for approval of a conditional use permit I don't see a path to say no. Staff is really good at enforcement. While the applicants intend to meet the conditions I would like to set standards for future owners as well. If Saturday operations are currently minimal I would like to restrict Saturday hours because that is when people are home. I would also like to add a condition that the applicants use only rubber tired or rubber track equipment.

Commissioner Oetting: Could we cut the Saturday hours rather than eliminating them? Perhaps 8:00 am to 11:00 am.

Charlotte Smarr: I have had people ask for delivery on Saturdays; 8:00 to 11:00 will be fine. I don't have a problem with cutting out Saturdays or reducing the hours of operation. I have another lot that I can do Saturday deliveries.

Frank Schmidt: Would it be possible to restrict the number of trucks per day?

Jay Gebhardt: The problem with that it is that it is a seasonal business; if customers need the service we may have to make 40 loads in one day and two the next. It is very short periods that it happens.

Chairperson Harris: It becomes very shaky ground for us under the guise of a condition to restrict trade; I am not willing to do that.

Commissioner Poehlman: They are going to be somewhat limited by the 20 acre limit.

Commissioner Poehlman repeated his motion to approve the conditional use permit with staff conditions and amended to no Saturday hours.

Commissioner Poehlman made and Commissioner Oetting seconded a motion to **approve the request by the Thomas D. Hilbert Trust, the Angelia H. Hilbert Trust, the Glenn T. Smith Trust and the Lillie Beatrice Smith Trust for a permit for topsoil management, harvesting, conditioning and stockpiling on 213 acres, more or less, located at 5395 W Smith Dr., Columbia with the following conditions:**

1. Hours of operation shall be limited to
  - Monday through Friday 7 AM to 7 PM
  - No operation Saturday and Sunday
  - No operation on New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day
2. A land disturbance permit shall be acquired prior to any earth moving on the site. The permit shall specifically identify the portion of the site where topsoil is to be removed on an annual basis.
3. When the topsoil removal site is adjacent to Perche Creek the stream buffer shall be staked so as to prevent removal of soil from within the stream buffer.
4. The topsoil removal operation shall be limited to 20 acres per year which will be enforced through the Land Disturbance Permit
5. The operator shall employ the use of management practices to prevent mud, dirt or debris from being deposited on public roads to the satisfaction of the Director of Resource Management.
6. The operator shall maintain the access road in a dust free condition to the satisfaction of the Director of Resource Management.
7. Rubber track/rubber tired equipment only.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Paul Prevo – Yes

Larry Oetting – Yes

Michael Poehlman – Yes

Loyd Wilson - Yes

Derin Campbell – Yes

Motion to approve the request passes 8 YES

Chairperson Harris informed the applicant that this request would go before the County Commission on December 30, 2013 and the applicant needs to be present at the hearing.

**Commissioner Murphy returned to Commission Chambers.**

## VII. Planned Developments

1. Request by Frank W. Glenn and John D. Glenn to approve a final development plan for Judy School A-1P on 10 acres, more or less, located at 11553 E Judy School Rd., Columbia.

The following staff report was entered into the record:

The subject property is located on Judy School Road, near the intersection of Glendale Drive, approximately 5 miles to the east of the city limits of Columbia. The parent property is 117.5 acres in size and zoned A-1 (Agriculture). The property is vacant and surrounded by A-1 zoning. This is all original 1973 zoning.

The applicant is seeking approval for a final plan covering a 10 acre portion of the property, finalizing the A-1P(Planned Agriculture) zoning. The plan will create a 7.5 acre not-for-development area and a 2.5 acre lot for subdivision and development. The Boone County Planning & Zoning Commission and the Boone County Commission approved the rezoning & review plan for this development on 17 October 2013 and 29 October 2013. The approval of the final plan establishes the site plan and zoning on the site.

The Boone County Master Plan has indicated that this property is suitable for rural residential and agricultural land uses. The master plan also designates a sufficiency of resources test for the approval of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning.

Utilities: The subject property is located in Public Water Service District #9, who has domestic flows available to the property. Boone Electric can provide electrical service and an on-site system inspected by the Columbia/Boone County Health Department will provide wastewater treatment.

Transportation: The property is located at on Judy School Road, a publicly-dedicated and maintained right-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, who maintains a station near Lake of the Woods, approximately 5 miles to the west.

Zoning Analysis: This request is a classic example of the advantages of planned A-1 over A-2 rezoning requests. It allows for smaller lots, but preserves the overall density of the area. By not platting the not-for-development area, it also allows for a revised plan to reconfigure that area more easily should additional smaller lots be created in future rezonings.

The property scored 26 points on the rating system.

No one present to represent the request.

Staff recommends approval of the final plan.

Commissioner Freiling made and Commissioner Martin seconded a motion to **approve** the request by Frank W. Glenn and John D. Glenn to approve a final development plan for Judy School A-1P on 10 acres, more or less, located at 11553 E Judy School Rd., Columbia:

Boyd Harris – Yes	Carl Freiling – Yes
Gregory Martin – Yes	Paul Prevo – Yes
Larry Oetting – Yes	Michael Poehlman – Yes
Kevin Murphy – Yes	Lloyd Wilson - Yes
Derin Campbell – Yes	

Motion to approve the request passes unanimously

Chairperson Harris stated that this request would go before the County Commission on December 30, 2013.

## VIII. Plats

The following items were placed on consent agenda:

1. Old Asbury. S29-T49N-R13W. A-2. Bettie L. Asbury, owner. Brian David Dollar, surveyor.
2. Judy School. S21-T49N-R11W. A-1P. Frank W. and John D. Glenn, owners. J. Daniel Brush, surveyor.

Commissioner Martin made and Commissioner Wilson seconded a motion to approve as recommended the items on consent agenda and place the staff reports in to the record.

All members voted in favor, none opposed.

#### Staff reports

##### Old Asbury

The subject property is located on State Route E, approximately 1 mile to the northwest of the city limits of the Columbia, ½ mile to the south of Hatton Chapel Road. The proposal is to split 3.70 acres from a 4.1 acre parent parcel, with the remainder being transferred to an adjacent property owner. The property has a house, garage, and shed present. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The property has direct access on to State Route E, a publicly-maintained right-of-way. Any modification of existing entrances will need to be done under permit from the Missouri Department of Transportation. The applicant has submitted a request to waive the traffic study requirement.

The property is located in the Boone Electric service area, Consolidated Public Water Service District #1, and the Boone County Fire Protection District. An existing 4” waterline on the east side of Route E provides domestic water service. Existing facilities are sufficient to serve the needs of this development.

An existing on-site system serves the house on the property. Given proximity to a Missouri Department of Natural Resources-designated sinkhole area, any modifications to the existing system will require soils data to be submitted to the Columbia/Boone County Health Department for review. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The garage, being located closer to the front property line than the house, had a vacriance approved (#2013-007) at the 24 October 2013 meeting of the Boone County Board of Adjustment.

The property scored 58 points on the rating system.

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

##### Judy School

The subject property is located on Judy School Road, near the intersection of Glendale Drive, approximately 5 miles to the east of the city limits of Columbia. The parent property is 117.5 acres in size and zoned A-1 (Agriculture). The property is vacant and surrounded by A-1 zoning. This is all original 1973 zoning. The applicant intends to divide the property as described in the Judy School A-1P review & final plans, creating a single 2.5 acre lot.

The property has direct access on to Judy School Road, a publicly-dedicated, publicly-maintained right-of-way. The applicant has requested a waiver to the traffic-study requirement.

The property is in Public Water Service District #9 for water service, the Boone Electric Cooperative service area for electrical service, and the Boone County Fire Protection District for fire protection.

An on-site system is proposed for the new lot. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

This plat is tied to the Judy School A-1P rezoning request. Revisions to this plat will require modification to the approved review & final plans.

The property scored 26 points on the rating system.

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

## IX. Old Business

1. Recommendation on the re-adoption of Sections 1 – 27 of the Boone County Zoning Ordinance and the Boone County Stormwater Ordinance.

Chairperson Harris stated that the Planning and Zoning Commission had a public hearing on this matter in November as well as two additional public hearings in the north and south areas of the county.

Commissioner Harris made and Commissioner Oetting seconded a motion to recommend the re-adoption of Sections 1 – 27 of the Boone County Zoning Ordinance and the Boone County Stormwater Ordinance:

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Paul Prevo – Yes

Larry Oetting – Yes

Michael Poehlman – Yes

Kevin Murphy – Yes

Loyd Wilson - Yes

Derin Campbell – Yes

Motion to recommend approval passes unanimously

2. Update on Commission action.

Stan Shawver updated the Commission as follows:

There were three subdivision plats on the November agenda.

We have had a couple of meetings with the development council representatives on the subdivision regulations we have had good dialogue and have gotten good suggestions.

X. New Business

None

XI. Adjourn

Being no further business the meeting was adjourned at 9:27 p.m.

Respectfully submitted,

Secretary  
Paul Prevo

Minutes approved on this 20<sup>th</sup> day of February, 2014