

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, February 20, 2014

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

II. Roll Call:

a. Members Present:

Carl Freiling, Vice-Chairperson	Cedar Township
Paul Prevo, Secretary	Rocky Fork Township
Eric Kurzejeski	Missouri Township
Gregory Martin	Katy Township
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township
Larry Oetting	Three Creeks Township
Loyd Wilson	Columbia Township
Derin Campbell	County Engineer

b. Members Absent:

Boyd Harris, Chairperson	Centralia 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 December 19, 2013 meeting were approved by acclamation.

IV. Chairperson Statement

Vice-Chairperson Freiling 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 conditional use permit, one rezoning / planned development request and five 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 Thursday, March 6th. 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 Thursday, March 6th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by David L, Donna M., and Joshua J. Card for a permit for a duplex in the R-S (Single Family Residential) zoning district on 3.26 acres located at 7902 & 7904 Rollingwood Blvd., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Rollingwood Boulevard, across from Northwoods Court, approximately 2 miles to the west of the city limits of Columbia. The property is 3.26 acres in size and currently has two 'A-frame' rental units present. The property is zoned R-S(Residential Single-Family), and is surrounded by R-S zoning. This is original 1973 zoning.

The applicant is requesting a conditional use permit to operate construct a duplex. The existing structures are dilapidated and unattractive, and so after demolishing those pre-Planning & Zoning structures, the applicant would like to maintain the previously established two residential units on this site by constructing a new duplex. One portion of the duplex is proposed as owner-occupied, with the other open for rental. Staff notified 56 property owners about this request. The property scored 70 points on the point rating system.

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 county regulations, the use should comply with this criterion.

(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 use is comparatively non-intrusive. The property has had two dwelling units on it for more than forty years. Reconfiguration of the two dwelling units into a more attractive form will likely improve the overall appearance of the area.

(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. Removal of dilapidated structures and replacement with new construction, generally improves the overall appearance of the neighborhood. 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.

The site has access to public water, electricity, and roads.

(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.

This property and the surrounding property has already developed in compliance with the present zoning(R-S). Public testimony may be indicative as to whether this criterion is met.

(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 site has direct access to Rollingwood Boulevard, a public street. Any new or improved access to Rollingwood Boulevard would be done under county permit.

(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 R-S zoning district.

Zoning Analysis: The proposed use is approvable at this site. The age and state of the existing 'A-frame' structures is such that their removal and replacement with a new structure would likely enhance the overall appearance of the neighborhood. Replacement of that lost density with this conditional use permit is appropriate for this site.

Staff recommends approval of the conditional use permit with the following condition:

1. That the exterior of the new structure be consistent with a single-family dwelling rather than a traditional duplex.

Present representing the request:

Josh Card, 1561 County Road 258, Fulton, MO

Josh Card: We have owned the property since 1982; the entire time we have owned it they have been rentals. They have deteriorated to the point where to rehab them wouldn't be cost effective and we feel it would be better to replace the two A-frames with a duplex.

Josh Card presented photos of the property, the A-frames, the location where the proposed duplex would be placed, and examples of what the proposed duplex will look like.

Josh Card: The A-frames were built in 1972 and have been rentals the entire time. The replacement structure will be a duplex with two bedrooms on each side for a total of four. The current A-frames have three bedrooms each so there will be fewer bedrooms on the property. The duplex will be centered on the property between where the existing structures are located. The duplex looks like a single family residence so it will conform to the look of the surrounding properties which are single family; each side of the duplex looks like a single family structure. All the utilities are already on the property as well as the driveway; we will not be making a new driveway entrance. The only issue we are currently dealing with is the sewer; the current structures have a lagoon serving each one. We are working with the Boone County Regional Sewer District and the Environmental Health Department; we have gotten several estimates but haven't gotten a decision on whether we will have to hook to the county sewer or if we can have an on-site system but it will be one or the other. The applicants agree with the staff report.

Commissioner Martin: Are you going to brick the front of the duplex?

Josh Card: It will be brick or siding; it depends on the cost.

Commissioner Murphy: Where is the sewer line located now in relation to the property?

Josh Card: The closest is Midway Heights Subdivision which is a good distance away.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Martin made and Commissioner Wilson seconded a motion to **approve** the request by David L. Donna M., and Joshua J. Card for a permit for a duplex in the R-S (Residential) zoning district on 3.26 acres located at 7902 & 7904 Rollingwood Blvd., Columbia **with the following condition:**

1. That the exterior of the new structure be consistent with a single-family dwelling rather than a traditional duplex.

Carl Freiling – Yes

Gregory Martin – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Larry Oetting – Yes

Michael Poehlman – Yes

Kevin Murphy – Yes

Loyd Wilson - Yes

Derin Campbell – Yes

Motion to approve the request with condition(s) passes unanimously.

Vice Chairperson Freiling informed the applicant that this request would go before the County Commission on March 6, 2014 and the applicant needs to be present at the hearing.

Mr. Card stated he is unable to attend the March 6th meeting and would like it moved to the April 1, 2014 Commission meeting.

VI. Rezoning

1. Request by Columbia Lodge No. 594 BPOE Etal to approve a Revised Review Plan for Southfork of the Grindstone Plat 1 Lot 1, a Commercial Planned Development, on 3.68 acres located at 4747 E. Elk Park Dr., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Elk Park Drive, just off of State Highway WW, near the City of Columbia. The property is 3.68 acres in size, and is zoned C-GP (Planned General Commercial). Adjacent zoning is as follows: to the south, there is R-S (Residential Single-Family) zoning & the City of Columbia, to the west, there is C-GP (Planned General Commercial), to the north, there is A-R (Agriculture-Residential) zoning, and to the east there is A-1 (Agriculture) zoning. This property was rezoned from R-S (Residential Single-Family) in March of 2004 as part of a larger commercial development and later revised in December of 2004. The December plan was approved and the existing private lodge building for the Elks Lodge of Columbia was constructed.

The applicant is seeking an expansion of use from Private Lodge/Club to include Reception Facility, with accessory uses such as park area, parking & recreation, and a conditional use of RV/Travel Trailer Parking with full hook-ups. The owner will be eligible to apply for the RV Park, a conditional use, once the final plan has been approved by the County Commission.

This expansion will include the construction of three permanent structures, ranging up to a combined total of 5,000 square feet of new structures (one storage/maintenance shed, one building suitable for small gatherings, and one open-sided event stage to serve as a sheltered area for outdoor events). One semi-permanent gazebo-type structure is also proposed, along with space for some recreational activity, such as a horseshoe pit, bocce court, or shuffleboard deck. Additional parking for use of these structures, and for the proposed RV/Travel Trailer Parking, is also indicated, with a maximum of eight RV/Travel Trailer parking spaces. Overlaying some of the proposed parking area is space for a temporary tent set-up site of up to 4,000 square feet. This tent is for additional covered space for single events or receptions at this location. The plan shows a hatched area which designates approximate locations for the proposed structures. The plan proposes that these locations are approximate, and may be revised within the hatched area.

The Boone County Master Plan has indicated that this property is suitable for residential 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: Electrical service is provided by the Boone Electric Cooperative, water service by Public Water Service District #9, and sewer service by the Boone County Regional Sewer District. Existing infrastructure can support this expansion.

Transportation: The property is located on Elk Park Drive, a county-maintained public road. A traffic study was commissioned to evaluate the needs of the original Southfork of the Grindstone proposal. As that proposal was broader in scope than this proposal, the improvements were phased to move along with the completion of that development. At this time, improvements have been made to support the current level of activity at this site. The expansion with this plan should not substantially tax the existing improvements.

Public Safety: The property is in the Boone County Fire Protection District. The new structures will be obligated to meet the requirements of the fire code at the building permit stage, but it is expected that existing infrastructure can meet those needs.

Zoning Analysis: This proposal is a natural outgrowth of the success of the Elks Lodge facility as a private club. Expansion into a Reception Facility, along with the additional fully-enclosed space, is appropriate for the level of activity that is present. The potential for expansion into the proposed conditional use is also an acceptable addition, particularly with the self-imposed limitation of no more

than eight vehicle slots shown on the plan. However, the event stage creates the potential for some activities that are not consistent with the residential aspect of the surrounding properties. Specifically, the space being able to be used as an outdoor stage venue for music events as well as outdoor receptions creates a potential for substantial crowds, noise, and parking difficulties on this property that will directly impact the neighborhood. Another location in the county that operates under a conditional use permit generated complaints from the surrounding property owners. That facility is located in a more rural area, and has periodically caused irritation for its neighbors. In addition, the applicant has not specified the number of seats that could be accommodated at the event stage, which is necessary to determine parking requirements. Therefore, as proposed, the applicant has not demonstrated that they have provided adequate parking. Given the location of this site, staff cannot support the placement of the event stage on this plan. Should that structure be removed from the plan or limited in hours of operation, staff could support approving the revised review plan.

The property scored 81 points on the rating system.

Staff recommends denial of the request due to the event stage.

However, should the Planning and Zoning Commission desire to approve this request, staff recommends the following conditions:

1. That the references on the final plan to 'neighborhood commercial' be struck and replaced with 'general commercial.'
2. That the Allowed Uses for Lot 1 section be revised to read as follows:
Private Club or Lodge (with accessory park area, parking, & recreation)
Reception Facility
3. That the 1/27/13 Revision Note be struck.
4. That outdoor events using the event stage be restricted to daytime hours of operation as defined in the Boone County Zoning Ordinance.
5. The note indicating that building location and parking may be revised shall be removed from the plan. Any changes in building location will have to be requested as a revision to a planned development.

Present representing the request:

Chad Sayre, Surveyor, Allstate Consultants, 3312 LeMone Industrial Blvd, Columbia

Chad Sayre presented a copy of the revised review plan and a copy of the previously approved final development plan.

Chad Sayre: Ten months ago the Elks and their events planning staff decided that there is a need and demand for outdoor wedding venues; heavily landscaped, a lot of picture opportunities with temporary seating and have not only a stage, or focal point, but other features on the property. They also talked about the theme; they wanted something easily themed and timeless. They are looking at different old, historic structures, such as barns, to be donated to meet the timeless perspective. We don't know exactly what size and shape of building that will be donated so we would like clarification on the condition. The uses on the vacant property were already approved for parking, park area, and recreation on the previously recorded final plan and we already had an expansion maximum building area of 25,000 square feet. We are proposing to allow the maximum area and expansion areas to remain the same on the existing building. The existing building is 15,000 square feet and we have two 5,000 square foot expansions shown on the final plan that has already been approved. We are proposing an additional 5,000 square feet on what is a little less than an acre east of the existing facility; we are proposing 30,000 square foot maximum for the

entire site. The parking lot ratios have already been approved; we had three different ratios that were on the original plan.

After that plan was approved we did some stormwater work; there was a ditch that was there and there was an effort to eliminate the ditch, County Public Works staff worked with us on the details of that and the plan was approved. For stormwater sizing and detention we showed a parking area that had a mix between small vehicular parking and RV parking and driveway but that was not part of the final development plan approved by the Commission. There is a hashed area shown on the final plan because we wanted flexibility in the final dimensions, we don't want to exceed the maximum square footage but if the building that is donated is a certain shape or size we wanted to have some flexibility. Right now they have some prospects they are dealing with but it is all about timing and preserving the wood and look. There are a lot of ideas about different recreation that would be popular so we listed several on the plan. We wanted to use the area shown as recreation for outdoor seating and also for croquet, shuffleboard, and horse shoe pits, mainly for the members. We think we could offer the outdoor venue for weddings but also with other organizations that look for the ability to have outdoor events when the weather is suitable.

If the Planning and Zoning Commission approves the request we are agreeable to conditions 1 and 2 (see staff report). The park area and recreation use were part of the original plan but we would like to specifically get the reception facility approved for the expanded facility. We agree with condition 3 which is the revision note; we also agree with condition 4 which we believe to be the biggest concern. The applicants want a stage for a focal point and to be able to have events there. The Elk's agree to restricting that to daytime hours as defined in the regulations. With regard to condition 5, we wouldn't want to come back to the Commission but rather leave it up to staff to determine whether it is a significant change. We have had three membership meetings about this and members went door to door through the neighborhood and invited them to an open house; we received no feedback and no one showed up to the open house. The applicants agree with the conditions but we think it is important to have a permanent stage. They wanted it to be three sided and the open side will be the focal point. The area between the two buildings is where the temporary seating will be, it is focused around the ability to have outdoor weddings right next to an indoor facility. The aisle will be pavers or something like that; they have several different concepts. There will be a water feature which is heavily landscaped, and a covered walk bridge; they said they needed 12 photo opportunities. We didn't give a detailed landscape plan yet, we wanted to see if this was suitable or not. We hope to get a surface donated that has character in the berm area; the idea was to have a lot of photo opportunities for the weddings. We are already having wedding receptions there, we would like to have the weddings there as well to increase the revenue.

Commissioner Oetting: Will the RV park be for members only?

Chad Sayre: There is a demand focused on Elks members nationwide for members that are in the hospitals in the area and also for SEC games, there are a lot of members from out of state that want to attend games and bring their travel trailers. The applicants will have to come back for a conditional use permit but it needed to be shown on the plan. They understood when we did the layout that there would be a limited number of sites.

Commissioner Oetting: This will be a year-round opportunity for people to pull in and park?

Chad Sayre: Yes. It is proposed to be gated because once the word gets out that there is a parking lot that someone can park in people will want to park there. It will not be a fancy security gate but some kind of barrier to keep people from pulling in; reservations will be required.

Commissioner Oetting: So during football weekends they will pull in. Will there be parties going on at the site at the same time?

Chad Sayre: Yes.

Commissioner Oetting: The focus has seemed to be on the weddings but I would be concerned about the RV park if I lived out there with the parties. It is very close to Ms. Perkins' home. This is in the county and they can shoot off fireworks; there wouldn't be any provisions or restrictions against that unless we placed a condition on it.

Chad Sayre: In the original plan, parking, parks, and recreation were part of the original plan approval. Part of the thinking was that the 30 foot buffer that is existing now along the Perkins tract is effective.

Commissioner Oetting: Back then when I heard of a park I thought of a neighborhood park; not an RV park. Regarding the outdoor events, every wedding that I have gone to have had a band; I understand that the applicants are willing to limit it to daytime hours but even in the daytime band noise grows.

Chad Sayre: The original plan included parking, parks, and recreation; there were many Elk's members that thought they were already approved to use the property in this manner; they want to have outdoor events. We believe a substantial amount of the uses have already been approved on the original plan. The applicants have targeted those uses on the plan so they could charge more and that people would be able to have outdoor weddings but it is not limited to that; there will be family reunions and different events. There are other places that have outdoor events but this particular place has good parking ratios, paved roads, it has a signal light which is still not turned on, and it has the base zoning.

Commissioner Oetting: Staff mentioned a place in the county where they have outdoor weddings on 30 acres and they get calls at the Sheriff's department.

Chad Sayre: Is that place also restricted to daytime hours?

Uriah Mach: No, it is also evening hours.

Chad Sayre: The restriction to daytime hours will take care of some of those complaints but people who don't have normal sleeping hours may be affected. The tent was brought up as an issue; they are just trying to have as much flexibility as they can to get more income from their event space. The tent was one of those added features that might get them an outdoor wedding that they wouldn't get normally.

Commissioner Kurzejeski: What type of outdoor events are taking place at the property currently?

Chad Sayre: There is RV parking and that is an issue because it is not very well controlled and the parking lot is not designed for it. They've had some receptions outdoors on the north end.

Robert Young: We also do a Kansas City Barbecue every year, we get between 25 and 30 entrants; it is a state sanctioned barbecue, we've done it for the past three years.

Chad Sayre: We are focused now on dentistry and books. We still do a book fair that has some outdoor activities; the reason it is outdoor is because some of these entities have an RV, like the hearing clinics. It is better to have kids events outdoors. They have fish fry's and they do a lot of fund raising.

Uriah Mach: We received an email from neighbor Beverly Dingman Perkins. She indicated that she had difficulties with people turning around in her driveway, the berm was of no value in dealing with the noise and light, and people park on the road behind the lodge that comes up to her property line.

Open to public hearing.

Present, speaking in favor of the request:

Robert Young, Lodge trustee, 4406 Mexico Gravel Rd., Columbia

Robert Young: In response to Ms. Perkins' email; people do turn around in her driveway, there is no real method of putting signage up for the lodge at Daniel Boone Drive, other than putting a large sign up. We have no control over people turning around in her driveway. The berm, or wooded area between our properties, was constructed at the request of Ms. Perkins, we have not thinned out the woods, it has maintained itself and increased in thickness to prevent noise and light from getting to her property. We do have occasional events where people park on the road, when the parking lot is full that is going to happen and it will probably continue to happen whether this project is approved or not. We did an open house and we didn't have anyone come in and talk to us so we felt that was a sign that we had a good relationship with our neighbors.

Also speaking in favor of the request:

Danny Sapp, 11201 I-70 Drive NE, Columbia

Danny Sapp: If you have been by the Lodge recently you have seen the free dental van that the Elk's sponsor; they give free dental work to everyone in the State of Missouri. We send the van around the state, it has been with us for three weeks and it will be moving on to another Elk's Lodge somewhere. If we can get that dental van off our parking spot on to the parking spaces in the RV area we can also have people coming for free dental care to park over there by the van and keep our regular parking spaces open. As far as people coming in to tailgate; those Elk's will come in and won't know anyone to tailgate with, they come inside the lodge. I don't see a big tailgating party going on in the seven or eight RV parking spaces, most of the people that do come to park their RV's come inside the lodge. We are trying to get our people outside to enjoy the weather. As far as the stage goes, it faces Highway WW so the concerns with bands and music, that is what we are trying to get the barn for; we can shut the doors on that. I don't know of any complaints that have been filed in all the years that the Elk's Lodge has been there; I think we can maintain that integrity by having the barn and with the stage having daylight hours only. In regard to Ms. Perkins, I never saw her in her driveway asking people if they are turning around to get to the lodge, it could have been anyone turning around in her driveway.

Present speaking in opposition to the request:

Beth Riggert, 1605 Ballentine Ln, Columbia

Beth Riggert: I hesitate to speak in opposition to the entirety of the project because the extent of my concerns focus on the use of the property for any kind of outside concert, the stage is my biggest concern. We don't have noise issues right now from anything going on inside the lodge but to the extent that they are suggesting to build some kind of stage so they can have outside events, whether that is during the day or in the evening I don't think it matters. Our community is full of individuals with young children and we have people who work from home during the day so I don't know that restricting events to daytime hours only would fix that problem. I once lived south of town within a couple of miles of the Laurie property

and when they had events outside it could wake everyone up two miles away. I am not suggesting that what they were doing was loud but noise carries in rural areas; any kind of noise that might be happening at the lodge with an outside stage would carry.

Commissioner Murphy: How long has Ms. Riggert lived in the Vineyards?

Beth Riggert: One and a half years.

Commissioner Murphy: Have you noticed when they have outdoor activities during that time?

Beth Riggert: I have seen the book fair van; it seems the events they have had to date have not been an issue, my concern is the expansion of those services and specifically the outside stage to the extent that they want to have an indoor barn for the purpose of having a naturalized wedding venue. I don't see an issue with that my comments are specifically directed to the portion of the request that has to do with building a stage so that there would be any sort of outside entertainment.

Commissioner Murphy: Have you noticed when they have had fish fry's or barbecue?

Beth Riggert: Not any noise related to that; I've seen vehicles parked there. Their request is for a fairly significant expansion of what they do now.

Commissioner Murphy: Would you be more supportive if there was a restriction on amplified sound.

Beth Riggert: No, I have been subject to hearing the kinds of things they have at the Laurie's property, even just human voices carry and those weren't amplified. We can hear some noise now but it is not so substantial that I would object to it. My concern is the stage where there might be music being played.

Commissioner Oetting: Would your thoughts be any different if it was confined to daytime hours?

Beth Riggert: Not necessarily because we have people that have babies and people who work from home in the neighborhood; even if you restricted it to weekends they may need to conduct business from home and it could pose a problem.

Also present speaking in opposition:

Alex Smith, 1605 Ballentine Ln., Columbia

Alex Smith: I would like to see an engineers report; my concern is that this presents a significant noise pollution issue. I do not think the wooded area would present any buffer to a live band playing on stage 1000 feet from the property. Typically those events are in excess of 120 decibels; anyone that has been to a live show knows what it is like to leave with our ears ringing and you can barely hear yourself speak. Most wedding receptions that have a live band will fall into that category; the sound will be significant regardless of the wooded area. Also, the SEC and tailgating events present a lot of noise even if they don't have a band playing. If this goes forward there should be an engineers study to conduct and establish what the decibel level would be.

Closed to public hearing.

Thad Yonke: The recreational uses on the current approved plan are for uses incidental to the lodge's main function. If members go out and play croquet that is the kind of stuff that is allowed as a recreational use that is incidental to the use of a private club.

Commissioner Freiling: Chairperson Harris sent an email stating his concerns about the impact of the proposed expansion upon residential uses in the area, particularly noise. As much as you can't help but have sympathy for any organization that does good work I think we need to consider this just the same as we would consider this request if it were a private commercial enterprise because the impact of the use on the area will be the same whether it is commercial enterprise or this organization.

Commissioner Martin: Is there a current restriction on them using the parking lot outside as a music venue?

Thad Yonke: I don't know that we would consider that to be a function of a private club or lodge.

Commissioner Martin: I was thinking the barbecue when someone is playing a radio; are there restrictions to that kind of stuff?

Thad Yonke: They didn't indicate that this kind of thing was going to be a focus on the original plan that is currently approved. We haven't received any complaints about the barbecue festival or book fair.

Commissioner Oetting: The way recreation was defined in 2005 or 2006 was a little different than what I am hearing in regard tonight to park and recreation. The reasons for it and the causes for it are going to be different than what it was from when the plan was approved. The football games, people come in and don't know anyone, I keep hearing about the SEC, I remember when the Big 8 was around and we had Nebraska fans that outnumbered Missouri fans. They come in droves, they know each other and they will find each other. I feel that this is a different proposal than I was hearing in 2005 when the plan was approved. I don't think the use is compatible with the area.

Commissioner Poehlman: If there were to be some conditions on the plan how would those get communicated and enforced?

Uriah Mach: The sheriff's department has done a fairly good job of establishing a searchable online log for peace disturbance calls; it shows what time and where, if we also receive the complaint we will investigate it.

Chad Sayre: I am very familiar with the Laurie family and the concerts they have there and the size of the stages as well as the 1000 amp service they had to get dropped to operate the facility. This is not anywhere close to that. We don't want to have rock concerts there but we do want to have music for wedding events. The reason that there haven't been complaints that we could find is because they feel that they have been a good neighbor. We don't get 120 decibels with a barbecue contest. The suggestion was made about non amplified sound and that is hard to restrict. I believe they want the stage to be covered with three sides and they want to take the events and expand that to get more money per event; it is important for them to have that outdoor venue. We do noise measurements in our office and it can be deceiving. With sides put on the building the sound would be quite recognizable in one direction but it wouldn't register on the other three sides. A condition of non amplified sound would restrict the Elk's.

Commissioner Campbell: Have the applicants gone to the site and played a boom box and taken decibel readings?

Chad Sayre: No, the actual facility where we specifically said three sided because of the response, one might think that just a temporary facility might be used for that anyway. We put three sides and a roof on the building to try to control noise because the buffer is very dense, it is an effective visual buffer but noise is a funny thing, there are so many things that affect it. I don't know how to restrict the decibels other than to remove the stage from the plan - but they need a place to do these outdoor events; they don't want to have rock concerts. The applicants are okay with restricting this to daytime hours.

Commissioner Kurzejeski: If this is successful how frequently will they be able to host weddings? What is the demand?

Chad Sayre: They did research and looked at the quality of the facility and tallied up the number of weddings, for the last 10 months they asked people that if the Elk's had a facility would they have done it here. There was not one person from a perspective of an outdoor wedding that wouldn't have; some of them said "no we want a church wedding". They talked to people that they've had receptions for and they felt confident enough that they initiated fundraising to try to do this. They don't want the facility just for members only; they want to be able to create more revenue.

Commissioner Murphy: If there is a wedding in the outdoor area will the lodge itself still be open? Will there be employees there and other lodge members around while these events are going on should things get out of hand? Will there is someone there that knows the rules?

Chad Sayre: They have a protocol now, they have people for preparations for approval of plans, they want to know exactly what you are doing and there are people there the entire time they also have clean up people.

Commissioner Murphy: So you aren't only renting the space but you are hiring someone to set up and clean up as well.

Chad Sayre: Yes. They also have an agreement for conduct and there is a large deposit to control activities.

Commissioner Murphy: If they party too late or getting too loud the employees can call the sheriff themselves and have them removed from the property?

Chad Sayre: They are pretty particular; I am confident in saying that they have not had tangible reported issues but they also have an agreement that at a certain time the activity is over. Whether it is a casino night, which is a popular fundraiser or a reception, the time that it ends is the time that it ends.

Danny Sapp: We have had fraternity parties out there, they book with us every year, the first year they got a little out of hand and now we require them to hire the Columbia Police Department to work the party for them so when it is time to leave the Police Department shuts them down.

Commissioner Murphy: The county doesn't have a noise ordinance; we could work after the fact with the Sheriff's Department to monitor complaints and then revisit the issue. The Elk's can police themselves.

Danny Sapp: Our record speaks for itself.

Commissioner Murphy: I think there are good aspects to this plan, noise is obviously the biggest issue. I am not sold on the RV use, I know you have a lot of members from other communities that would enjoy that and maybe they do it at other places but in this setting I am not sure the tailgating potential fits. If you

don't have facilities there for them on a hot summer night they are running generators which are noisy when you have several going and they are running all night long.

Chad Sayre: We plan on having full hookups.

Commissioner Murphy: As long as there is some kind of policing there; no one is equipped with a decibel meter where they can stand at the property line and measure this the whole time. I mentioned the non amplified music, not everyone is going to have a guitar player, a lot of people just want to play the tape of the wedding march. I think even testimony tonight regarding the barbecues and fish fry's where there are a lot of people out in the parking lot as it is hasn't been a particular issue. What are the daytime hours of operation?

Uriah Mach: Daytime hours are set in the ordinance. April through October is 6:00 am - 9:00 pm, November through March is 6:00 am to 7:00 pm.

Commissioner Murphy: I am happy with those hours. If we could address the noise a little better I think the non amplified issue is an avenue to explore.

Commissioner Kurzejeski: Condition 4 states outdoor events using the event stage will be restricted to daytime hours; when I heard mentioning shutting down the party at 9:00 pm that is only a party using an event stage. I would be more inclined to be concerned about any noise after a certain period of time.

Commissioner Murphy: That is a consideration that the applicants would have to make too, for the barbecue they cook all night long.

Uriah Mach: That suggested condition can be applied to all outdoor events; the Commission can amend or add conditions as they see fit.

Commissioner Wilson: With what they are proposing at 9:00 pm they can move inside.

Uriah Mach: That is the idea.

Commissioner Freiling: We are being asked to change this from an Elk's Lodge to a commercial event center in a primarily residential area; it's a big change.

Commissioner Murphy: The Elk's lodge does this anyway; they rent out their facilities. This is an expansion and outdoors, with the activities they currently have outdoors I think this can fall in line with that. If the applicant doesn't mind I think the noise issue can be addressed better. I would be happy to make a motion to table the request while the applicants think about how to address it.

Commissioner Kurzejeski: I think trying to write regulations at this table is awkward and not well thought through.

Commissioner Murphy: I will just put the motion out there to table this.

Thad Yonke: One of the reasons we recommend denial on something is so you don't write conditions at the table.

Uriah Mach: If the event stage is the primary issue and the Commission feels they need more information it is appropriate to deny the request and the applicants can reapply with more information on the event stage.

Commissioner Freiling: The location is such that even though parking can get to be an issue the real issue is the off-site impact of noise, frequency and intensity. The Elk's may have events there now where someone is outside cooking all night and neighbors can also be outside barbecuing all night. The applicants have been very clear that this is the goal because that is how they generate funds.

Commissioner Murphy: What are the pros and cons of either tabling or denying the request?

Thad Yonke: The Commission can table the request if there is a specific issue that you want clarification on; the danger comes when you try to table it for multiple issues because then it is hard to decide what you are actually trying to figure out. You can table the request to get more information on a specific issue.

Commissioner Murphy: If it is denied it can go to County Commission on appeal.

Stan Shawver: The other part of the issue is when you table something for more information, unless you are very clear on what that information is it leaves the applicant hanging and the other members of the audience that are participating because they aren't really sure what the process is or what input they may have in the process.

Commissioner Freiling: Without knowing the nature of the building how do you make an informed decision?

Thad Yonke: If they are getting a building donated one of the things we made clear is you can't just take it apart and put it back together next to the Elks Lodge; it will not meet building code, it has to be designed by an architect because it is a commercial building.

Chad Sayre: We did put a stage with three sides and a roof on the plan. Noise is not an exact science so we put enough detail on there to show that three sides and a roof is required but there is still an open side for the focal point.

Commissioner Murphy: If we deny it and they choose not to appeal so they can rethink it do they have to pay all new filing fees?

Thad Yonke: If it is not a significant change and they come back with the same request they will have to wait a year to do that according to the regulations.

Commissioner Kurzejeski: If we were to change the allowed uses of the lot and the Elk's decide to move to a different location those uses would stay with the land in terms of that being a private club lodge and reception facility.

Thad Yonke: If it is a private club or lodge and they sold it to someone else it can only be used as a private club or lodge, the restrictions run with the land. If it is changed to a reception facility, that is the use a future owner would have.

Commissioner Murphy: I don't believe this is going anywhere tonight; what do the applicants prefer? A denial or tabling of the request?

Stan Shawver: They can also withdraw and resubmit their request.

Chad Sayre: We are asking for a change; the only clarification I can make is that this is not the Laurie stage.

Robert Young (from the audience) : If it is denied we can appeal to the County Commission but what happens if it is tabled?

Thad Yonke: If it is tabled it is scheduled for the next scheduled meeting and it just comes back before the Planning and Zoning Commission, hopefully during that period of time the applicants consultant would get the information that was asked for so the information can be presented at the next meeting.

Danny Sapp: We don't want to pay the \$900 filing fees again, how does that work?

Thad Yonke: If it gets denied and the applicants refile there will be new filing fees required. If you table the request there are no additional fees.

Commissioner Freiling: We have a fiduciary role; we aren't here to restrain change or restrict social changes but we do have a role and obligation to protect the citizens of Boone County from changes that are detrimental to them that aren't part of the public necessity. In this proposal the facts that are of concern are the outdoor stage venue; it won't just be music, there will be people who've had too much to drink and get the microphone and you will be able to hear that in the houses; this is where these people live. The initial permission to have the Elk's Lodge in this location was a very different request than this. How do we find a way to restrain the sound and off-site impact and still accommodate the applicant's interest?

Danny Sapp: We have receptions at the Lodge, it is not outdoor on the stage but that will be limited to daytime hours only. I am not sure that on the original plan whether we put a stage, we can call it a patio then it no longer becomes an event stage, if we put a patio on the recreational uses area we wouldn't even need to be before the Commission.

Thad Yonke: They don't have approval for a reception facility and outdoor aspects of it were not part of the original request.

Chad Sayre: If the outdoor event stage was eliminated would that make any difference? The applicants don't want to delay and don't want the expense of coming back through the process. I don't know that without a noise ordinance that we could offer up a decibel reading.

Commissioner Oetting: The RV park is almost as big of an issue to me as the event stage. There is a condition to shut down the event stage at 9:00 pm how do you shut down anyone that has an RV parked there?

Chad Sayre: I can see the Board saying they could do without a defined stage but the RV parking they definitely feel that parking was approved and I don't see them giving on that issue but we can probably remove the event stage. We are going to stand firm on the RV park, we believe the RV parking is something we've already done, we have the barbecue contest and we haven't gotten any complaints.

Commissioner Murphy: It gets back to the hours of operation; if we remove the event stage they are still going to have the events outside.

Chad Sayre: I think we can maintain the hours for the outside venue.

Commissioner Murphy: I think that is the best enforcement they can have; they can police themselves. If it can be applied not only to the outdoor events but any events related to the RV parking as well so if they did have a tailgate it is going to have to end at 9:00 pm too.

Stan Shawver: The RV parking is shown on the plan because they need to reserve that; if the request is approved they will have to come back for a conditional use permit for the aspect of the RV parking and hookups. Discussing tailgate parties is valid in terms of the entire plan, but the Commission needs to focus on whether they are going to approve, deny or table the plan.

Commissioner Oetting made and Commissioner Poehlman seconded a motion to **deny** a request by Columbia Lodge No. 594 BPOE Etal to approve a Revised Review Plan for Southfork of the Grindstone Plat 1 Lot 1, a Commercial Planned Development, on 3.68 acres located at 4747 E. Elk Park Dr., Columbia.

Carl Freiling – Yes

Gregory Martin – Yes

Paul Prevo – NO

Eric Kurzejeski – Yes

Larry Oetting – Yes

Michael Poehlman – Yes

Kevin Murphy – NO

Loyd Wilson - NO

Derin Campbell – Yes

Motion to deny the request passes 6 YES 3 NO

Vice Chairperson Freiling informed the applicant that if they wished to appeal to the County Commission an appeal form would need to be submitted to Resource Management within three working days.

Commissioner Freiling reminded interested parties that there would be no further notice due to the short time between tonight and the County Commission hearing on March 6, 2014. Parties can contact the Resource Management Department staff to see if the request has been appealed.

VII. Planned Developments

See Rezoning

VIII. Plats

The following items were placed on consent agenda:

1. Old Number 7 Estates Subdivision Plat 1. S35-T51-R13W. A-2. Richard Lee Stone II & Bethany Brook Stone, owners. Dan Brush, surveyor.
2. Marg Hills. S30-T48-R13W. A-2. Wulff Brothers Masonry, owners. Jason Lortz, surveyor.

3. Busted Subdivision. S14-T46-R13W. A-2. Eugene F. Busted & Linda W. Hancik, owners. Dan Brush, surveyor.
4. Dennis Subdivision. S10-T49-R12W. R-S & A-2. Brenda Dennis & Ronald Lee Hoffman, owners. Dan Brush, surveyor.
5. Double Deuce Subdivision. S5-T50-R11W. A-2. Townsquare LLC, owner. Ron Lueck, surveyor.

Commissioner Freiling made and Commissioner Murphy 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 Number 7 Estates Subdivision Plat 1

The subject property is located on Old Number 7, south of Williams Road, approximately 5 miles south of Sturgeon. The subject property is approximately 40.7 acres in size and the proposal is to plat 5 acres for the existing house and outbuildings, leaving the remaining 35 acres. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The property will have direct access on to Old Number 7, a publicly-dedicated and maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

Public Water Service District #10 is currently providing water service to this site. Boone Electric is providing electrical service. Boone County Fire Protection District is currently providing fire protection service to this site.

On-site wastewater is currently providing wastewater treatment to this site. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

The property scored 18 points on the rating system.

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

Marg Hills

The subject property is located on Coats Lane, approximately 1000 feet to the west of the city limits of Columbia. The subject property is 69 acres in size, and the proposal intends to expand a previously-created lot from 1 acre to 3.37 acres in size. The new lot will have a house, garage, and pole barn on the property. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The lot will retain direct access on to Coats Lane, a publicly-dedicated, publicly-maintained right-of-way. The applicant has requested a waiver to the traffic study requirement.

Consolidated Public Water Service District #1 provides water service to this property by line along the west side of this property, extending east-west between the pond and and the southern property line. Boone Electric provides electrical service and the property is located in the Boone County Fire Protection District.

There is an existing septic system on the property serving the home. Any improvements or required upgrades will be done under permit with the Columbia/Boone County Health Department. The applicant has submitted a letter requesting a waiver to the wastewater cost/benefit analysis requirement.

The property scored 54 points on the rating system.

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

Busteed Subdivision

The subject property is located at the northeastern corner of the meeting point of Clubhouse Road, Wren School Road, and Calvin Drive, approximately 4 miles to the west of Ashland. The parent property is approximately 80 acres in size and this proposal is to separate the house and garage from the bulk of the property on a 5 acre lot. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The lot will have direct access onto Calvin Drive & Wren School Road, both publicly-dedicated & publicly-maintained rights-of-way. The applicant has requested a waiver to the traffic study requirement.

Consolidated Public Water Service District #1 currently provides domestic water service to this site. Boone Electric provides electrical service, and the property is located in the Southern Boone County Fire Protection District.

There is an existing on-site wastewater system serving the house on the property. The applicant has requested a waiver to the wastewater cost-benefit study requirement.

The property scored 18 points on the rating system.

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

Dennis Subdivision

The subject property is located along O'Rear road, with some frontage along Browns Station Drive, approximately 1 ½ miles north of the city limits of Columbia. The property is 10.29 acres in size. The proposal is to reconfigure three Old Town Brown's Station lots and a neighboring property into two lots at 3.58 acres and 6.35 acres in size. The property is split zoned R-S (Residential Single-Family) and A-2 (Agriculture). The property has A-2 & R-S zoning to the north, A-2 zoning to the east and south, and R-S zoning to the west. This is all original 1973 zoning.

Lot 1 has direct access on to Browns Station Drive & O'Rear Road. Lot 2 has direct access on to O'Rear Road. Both are publicly dedicated and maintained rights-of-way. The applicant has requested a waiver to the traffic study requirement.

Public Water Service District #4 provides water service to these lots via a main on the north side of O'Rear Road. Boone Electric Cooperative provides electrical service to this property. The Boone County Fire Protection District will provide fire protection services to this property.

On-site wastewater is currently present for the existing dwelling on lot 1. There is also a lagoon serving a nearby home on the property that will be relocated as soon as practicable under permit with the Columbia/Boone County Health Department. A centralized wastewater system is present north of this location, but is currently at capacity. The applicant has submitted a request for a waiver to the wastewater cost-benefit analysis.

The property scored 45 points on the rating system.

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

Double Deuce Subdivision

The subject property is located on Davis Road, north of the COLT rail line, and just north of the start of Kroeger Road. The property is located approximately 2 miles to the northeast of Hallsville and is approximately 21 acres in size. It was previously divided into two tracts as part of a six tract administrative survey. However, the dwellings that were constructed on it were placed on the same tract, rather than straddling the line between the two tracts. This plat reconfigures the tracts, separating the dwellings onto individual tracts. The property is zoned A-2 (Agriculture), with A-R (Agriculture-Residential) & A-2 zoning to the east, and A-2 zoning to the north, south, & west. This is all original 1973 zoning.

Both lots will have direct access on to Davis Road, a publicly-dedicated & publicly-maintained right-of-way. The applicant has requested a waiver to the traffic study requirement.

There is an existing 4" water line along Davis Road serviced by Public Water Service District #4 which provides water to the existing dwellings. Boone Electric provides electrical service and the Boone County Fire Protection District provides fire protection services.

The existing lagoons are paired on the south side of the property. The separating of one lagoon from the dwelling it serves by a lot line will have to be resolved prior to recording this plat. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

The property scored 25 points on the rating system.

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

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The conditional use permit for the top soil management was tabled by the County Commission; they had a work session and finally approved the request with the recommended conditions and added conditions as well.

The County Commission also accepted the recommendation for the re-adoption of the zoning and storm water regulations; that is in the process of finally getting accepted by the County Commission.

X. New Business

The Resource Management and Road and Bridge annual reports are on the county website. In the annual reports is information on how many acres were rezoned in 2013, how many building permits were issued as well as other information.

XI. Adjourn

Being no further business the meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Secretary
Paul Prevo

Minutes approved on this 20th day of March, 2014