

**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, June 19, 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
Michael Poehlman	Rock Bridge Township
Loyd Wilson	Columbia Township
Derin Campbell	County Engineer

b. Members Absent:

Boyd Harris, Chairperson	Centralia Township
Kevin Murphy	Perche Township
Larry Oetting	Three Creeks 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 May 15, 2014 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 two rezoning requests, a revised development plan and six 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 Tuesday, July 1<sup>st</sup>. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, July 1<sup>st</sup> will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by Ralph and Mary Ann Gates to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and approve a review plan on 20 acres, more or less, located at 12055 E St. Charles Rd., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is approximately 150 feet to the west of the county boundary with Calloway County, near the intersection of Johnson Lane and Saint Charles Road. The rezoning request covers the properties owned by Ralph Gates and Jason Peck, totaling 20.57 acres. The properties have several sheds, a barn, and a house present. The properties are zoned A-1 (Agriculture), and surrounded by A-1 zoning. This is all original 1973 zoning.

The proposal is to take advantage of the 20.57 acres of density present on this property and under an A-1P (Planned A-1) rezoning and review plan, use the 1 dwelling unit per 10 acre density, and create two lots. The A-1P plan proposes one 7.07 acre lot and on 12.86 acre lot.

The Boone County Master Plan has indicated that this property is suitable for agricultural and rural 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: The property is located in Public Water Service District #9, the Boone Electric Cooperative service area, and in the Boone County Fire Protection District. There is existing service to the house on proposed Lot 2.

Transportation: Proposed lot 2 has direct access on to St. Charles Road and Johnson Lane, both publicly-dedicated, publicly-maintained roads. Proposed lot 1 has direct access on Johnson Lane, a publicly-dedicated and publicly-maintained road.

Public Safety: The property is located in the Boone County Fire Protection District, whose closest station is at Lake of the Woods, approximately 5 miles to the west.

Zoning Analysis: The A-1P zoning district is designed to allow for lots that are smaller than 10 acres in size by securing sufficient density to permit the 1 residence per 10 acres under the plan. This proposal is designed to take advantage of the available density to create one slightly smaller lot than the minimum lot size for the zoning district, but not affect the overall density of the area.

The property scored 31 points on the rating system.

Staff recommends approval of the request.

Present representing the request:

Steve Proctor, Surveyor, Trabue, Hansen & Hinshaw, 1901 Pennsylvania, Columbia

Mr. Proctor stated his client is Jason Peck who is the potential buyer of lot 1. Mr. Peck owns the land to the immediate west and a house with a pond. He wants lot 1 because he is an avid deer hunter; the property would be used for that and possibly some agricultural use.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

Commissioner Martin made and Commissioner Kurzejeski seconded a motion to **approve** a request by Ralph and Mary Ann Gates to rezone from A-1 to A-1P on 20 acres, more or less, located at 12055 E St. Charles Rd., Columbia.

Carl Freiling – Yes

Gregory Martin – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Eric Kurzejeski – Yes

Loyd Wilson - Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously

Commissioner Freiling made and Commissioner Martin seconded a motion to **approve** a request by Ralph and Mary Ann Gates to approve a review plan on 20 acres, more or less, located at 12055 E St. Charles Rd., Columbia

Carl Freiling – Yes

Gregory Martin – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Eric Kurzejeski – Yes

Loyd Wilson - Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously

Vice Chairperson Freiling informed the applicant that this request would be heard by the County Commission on Tuesday, July 1, 2014 at 7:00 pm in the Commission Chambers.

2. Request by North Battleground LLC to rezone from A-2 (Agriculture) to R-SP (Planned Single Family Residential) and approve a Review Plan and Preliminary Plat for North Battleground on 37.92 acres, more or less, located at 8321 E St. Charles Rd., Columbia

Planner Bill Florea gave the following staff report:

The property is located on the north side of St. Charles Road approximately 1700-feet west of Route Z. The parent tract is 38 acres in area and is occupied by a single family dwelling and several farm buildings.

The current zoning for this property is A-2, which is the original zoning. Adjacent property is zoned as follows:

- North - A-2
- South – A-2
- East – A-1
- West – A-2 and AR-P

The Northeast Columbia Area Plan identifies this site as being suitable for residential land uses. A similar development plan for this property was on the Planning and Zoning Commission Agenda in November, 2011 with 100 single family dwellings at a gross density of 2.7 homes per acre. That request was withdrawn prior to the Commission making a recommendation. A second plan was proposed in February 2012 which was denied by the Commission. The applicant appealed the denial to the County Commission. The request was tabled by the County Commission.

The current application includes a request to rezone the property to Planned Single Family Residential (RS-P) along with the required review plan and a preliminary plat. The proposal is to create up to 88-residential lots varying in size from about 8,300 to 27,000 square feet. If approved as proposed, the resulting gross density will be 2.3 homes per acre.

The Master Plan identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposed rezoning. The sufficiency of resource test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis. The resources used in the test can generally be broken down into three categories: utilities, transportation and public safety services.

#### Utilities:

- Water: The property is in Public Water Supply District 9.
- Sewer: The City of Columbia and The Boone County Regional Sewer District have a connection agreement for the service area that includes North Battleground PRD. The Developer has entered into an annexation agreement with the City of Columbia as a condition of receiving sewer service.
- Electricity is provided by Boone Electric.

#### Transportation

The development proposes two new public street connections to St. Charles. All lots within the development will have frontage on and direct access to the internal street network. The proposed street layout is interconnected with undeveloped property to the east and west. County regulations require subdivision streets to be stubbed out to adjacent properties in order to provide an interconnected road network. The streets in North Battleground are stubbed to adjacent properties at three locations All internal streets will be designed and built to Boone County Standards.

In October 2012 the County published the Boone County Northeast Transportation Plan that was prepared by the firm of Crawford, Bunte and Brammeier. The plan projected future land use and the development generated traffic in the area. It also defines a road network to accommodate the projected traffic. The plan also estimated the cost of the necessary road improvements and generated a per unit cost for the various types of development. The per unit cost is a proportional dollar amount that would be necessary to mitigate the impacts that are directly attributable to development in the study area. The plan is silent

regarding the method for obtaining the mitigation fee but suggests that there may be several options including cash payment or construction of segments of the identified roadways.

The plan also identified future rights of way and suggested that right of way dedications should be obtained as development occurs. One of the future roads identified in the plan aligns with the north property line of this development. The developer has agreed to dedicate a half width right of way along the north boundary of the development for future roadway purposes.

#### Public Safety Services

The property is within 2.3 miles of the nearest fire station. Public safety services to this location should be adequate for the needs of the development. However, there may be increased response times due to inadequacies of existing roads. Comments received from the Boone County Fire District indicated that the internal street network is inadequate to meet the International Fire Code Appendix D section 107 which states, "Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3."

Section D104.3 Remoteness. "Where two access roads are required, they shall be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the property or area served, measured in a straight line between accesses."

The developer and the Fire District have agreed to address this issue by staging the development. The southern portion of the development will be the Stage 1 and will include Lots 1-12, 54-88. The northern portion of the development will be Stage 2 and include all of the remaining lots. Stage 1 will be considered to meet the Fire Code Access standard. No portion of Stage 2 may be developed until a second access, in compliance with the Fire Code, is developed. Development of the Stages may be phased in accordance with the phasing plan on the Development Plan.

#### Stormwater

The development is subject to the Boone County Stormwater Regulations. The current annexation agreement, which is necessary in order for the development to receive sewer service, includes a requirement that the development must comply with Columbia Stormwater Regulations. Columbia has revised its policy regarding extraterritorial enforcement of its storm water regulations. A new annexation agreement may be sought by the developer that reflects the change in policy.

#### Zoning Analysis

The Northeast Columbia Area Plan identifies this property as suitable for residential use but does not specify an appropriate density. The subject property is less than ½ mile west of Route Z, which is the eastern boundary of the area designated for residential use in the Northeast Columbia Area Plan.

The original zoning for this area is A-2 and several tracts have been developed at that density on the south side of St. Charles. Copper Creek, the development adjacent to the west, was rezoned from A-2 to AR-P in 1999. That was the first rezoning in this area since zoning was established in 1973. Therefore, Copper Creek can be seen as the foundation in establishing a new character of development. Copper Creek was approved as a planned residential development with lots ranging in size from 2.6 acres to 1.1 acres. The gross density in Copper Creek is six-tenths (0.55) of a dwelling unit per acre: approximately one third of the potential density allowed in an AR-P district.

The proposed density of North Battleground is 2.3 dwelling units per acre: approximately half of the potential density allowed in an RS-P district.

The construction of a new high school, elementary school, sewer trunk line and roundabouts on St. Charles at Clark Lane, Lake of the Woods and Route Z are material facts that have occurred since the approval of Copper Creek and which change the outlook for potential density in this area. These new elements of infrastructure indicate that a policy of increased density would be appropriate to this area. However, this policy should not be undertaken to the detriment of existing property owners. New development in this area should tend to blend with the scale and pattern of existing development.

Neighborhood objections at the previous hearings were raised regarding the density and quality of housing in North Battleground. With appropriate design, the compatibility issues between the proposed and existing development can be mitigated.

The developer has addressed these stated compatibility issues by:

- Reducing the total number of lots from 100 to 88
- Increasing the size of lots directly adjacent to Copper Creek
- Establishing a landscape buffer adjacent to Copper Creek
- Proposing minimum housing standards and use restrictions in the restrictive covenants

The property scored 78 points on the rating system. Staff notified 40 property owners about this request.

Staff recommends approval of the rezoning, review plan and preliminary plat subject to the following conditions:

1. Prior to approval of the final development plan the developer shall enter into a development agreement, addressing traffic impact mitigation, with Boone County.
2. In order to comply with Fire Code access requirements the development shall occur in two stages. Stage 1 will include Lots 1-12 and Lots 54-88, C1, C2 and C3, a total of 47 building lots and 3 common lots. Stage 2 will include the remaining lots. Development of Stage 2 shall not occur until a second remote access is developed meeting the Fire District's approval. The note on the plan addressing phasing shall be modified to meet this condition.
3. Prior to final plan submission the developer shall submit preliminary water quality BMP calculations on Boone County Stormwater Forms for review and approval by the Director. The Director may require submittal of a revised review plan and preliminary plat if warranted by the findings of the preliminary calculations.
4. Prior to final plan approval the developer may submit a new annexation agreement with Columbia that does not require compliance with Columbia's Storm Water Regulations.
5. If conditions require shifting the location of the unnamed future collector street on the north end of the development, the Director may approve amendments to the Review and/or Final Development Plans that are necessary to accommodate the shift in road alignment.

Present, representing the request:

Tim Crockett, Crockett Engineering, 2608 N. Stadium, Columbia

Mr. Crockett stated that this plan is similar to the plan that was before the Commission previously. The applicants have made some modifications to the plan; the density has been changed from 110 lots to 88 lots. There has been a lot of activity in the area since 2012 with regards to infrastructure and the elementary and high school. In 2012 the County looked at this area and identified that over a period of time this will be an area that will see a lot of requests and a lot of growth. The County had a consultant prepare a transportation plan for this whole area; they have gone back to whoever develops in this area and asked for support and assistance to pay for those offsite improvements. I think this is the first request that encounters that type of scenario; with that being said it was brought to our attention early this week. I believe that is reflected in condition 1 which states before a final plan can come back through the process we will identify what the requirements will be for the developer to help pay for some of those offsite improvements. There is a lot that goes in to this; it is probably not something that will take place on the preliminary plan, it is something that can be addressed on the final plan when we have more information and we can work through that with staff.

Mr. Crockett stated there are conditions on the plan; applicants agree with the conditions. One of the items addressed fire code; that is a substantial issue, however I think there is a way to address that by limiting the amount of development that can take place on this piece of property until we achieve another entrance into the development. That entrance may come from various means. One of the options that the county is looking at is a road along the north property line; we will work with the fire department and county staff to address that concern. Our plan did take in to account that Copper Creek is zoned as an AR-P development; those are some larger tracts however they are smaller than the A-2 zoning that was out there originally. This whole area is going to change over time, with the high school and elementary school it is inevitable, it is going to change. I compare this area similar to what the Rock Bridge High School area went through in the 1970's and 1980's. It was a largely agricultural area that changed greatly over time. Our plan is similar in nature, we have put in buffer strips against the neighbors and we are making our lots a little bigger on that side and tried to buffer and put in landscaping and berms. We put further restrictions on the plan to limit the type of building materials, square footage, and accessory buildings. While we understand the area is going to change we understand that those neighbors are there and we will try to protect what they have.

Commissioner Freiling stated that the issue with the fire department is the length of Traveler Drive and the fact that it turns in to a single road to access the north part.

Mr. Crockett stated that is correct. What we would be allowed to do is develop the south half of the development until there is additional access to the development.

Commissioner Freiling asked if Elwood Arms Drive would accomplish the goal.

Mr. Crockett stated no. Looking along the extreme north property line you see 33 ½ feet of additional right of way for a collector street. That collector street is projected to go east to west and is identified in the 2012 Transportation Study; it is projected to go all the way out to Route Z.

Open to public hearing.

No one spoke in favor of the request.

Present, speaking in opposition:

Tim Shaneberger, 8270 E St. Charles Rd., Columbia

Mr. Shaneberger stated that he appreciated that the applicants tried to minimize the density of the development. Mr. Shaneberger stated his daughter goes to Battle High and she had to walk to school and there are no shoulders and no sidewalks along St. Charles Rd. When you add 88 new homes all of those people will have to have some way to walk to school. When the elementary school is built there will be smaller kids walking to school.

Commissioner Poehlman asked if his daughter walks to school because she lives so close.

Mr. Shaneberger stated yes; the bus will not pick her up.

Bill Florea stated that North Battleground was required to build sidewalks on their property.

Commissioner Freiling asked staff if in the proposal to work out developer contributions to transportation improvements in the area is there enough existing right of way for sidewalks and would it be within the scope to utilize part of that development agreement to complete the sidewalk from the development to the school?

Bill Florea stated sidewalks weren't identified in the plan; the plan only looked at road improvements. That is not to say that it couldn't be something that is on the table.

Commissioner Freiling stated that one developer isn't going to pay enough money to make a substantial change in the roadway. It is conceivable that you could solve the sidewalk issue.

Also present speaking in opposition:

James Pasley, 2370 N Slickrock Dr., Columbia

Mr. Pasley stated one of his concerns was the fire department access; Mr. Pasley would like to see the additional access come from the east side of the property. They may lose a lot there but it would still be in fire code compliance. The topic of the school has been brought up; keep in mind that all of Ballenger Lane will be going to Battle High School next year and also when the elementary school comes; there will be a lot more traffic on St. Charles. The road is not sufficient; there are no turn lanes, no shoulders, and no sidewalks. Even if they do put in sidewalks on their own property will the county require Copper Creek to put in sidewalks as well or are the kids going to walk through the neighbor's yards to get to school?

Commissioner Freiling asked the location of Battle High School in relation to Copper Creek.

Mr. Pasley stated Copper Creek is west of North Battleground Subdivision and Battle High School is west of Copper Creek Subdivision. As far as public safety, the fire station at Lake of the Woods is not manned 24 hours a day.

Also present speaking in opposition:

Melissa Pasley, 2370 Slickrock Dr., Columbia

Ms. Pasley stated her concern is density. This is our chance to make the north side of town be the new south side of town. With this development I feel we are going backwards; we are going back to the north side that everybody knows. The south side is where everybody wants to be, it is booming, I think this is

the opportunity to make the north side of town do that. Part of that is by building nice houses with nice big yards. Putting houses on top of each other doesn't give kids the opportunity to play outside.

Also present speaking in opposition:

Marcy Devier, 2881 N Route Z, Columbia

Ms. Devier stated she has a farm on the north side of this property. Ms. Devier still questions the density and how many people would be moving in to that area and provisions for sidewalks and a wider street. The traffic is already bad and there is no place to go off along the highway. The applicants mentioned a north road, are the applicants giving up some property for that north road?

Bill Florea stated yes.

Ms. Devier asked the Commission if they have seen the busses go around those corners. That is why they had to put a roundabout in. I don't see the infrastructure happening yet and I still believe the lots are too small in proportion to what is in Copper Creek.

Commissioner Freiling stated the pattern of development throughout Missouri is incremental development followed by incremental improvements to infrastructure because it is a matter of money.

Ms. Devier stated she would like to see larger lots; when you have a small lot you have a small house and what is that going to do to the property values in Copper Creek? Ms. Devier stated she proposes 50 lots.

Also present speaking in opposition:

Tom Fick, 2451 Slickrock Dr., Columbia

Mr. Fick stated with 88 lots you are going to add 176 cars because most families have two cars. It boils down to improving Columbia the way we want our section of town to be known and as a place where people want to live. It is kind of obvious with the developer wanting to put 4 to 6 houses across the north property line that he feels like he has to hide the rest of the subdivision.

Also present speaking in opposition:

Carol Fick, 2451 Slickrock Dr., Columbia

Ms. Fick stated her house faces the proposed development. We have people who walk in our subdivision an they walk on the open roads. The people from these 88 homes will also use our property so there will be a lot of people and a lot of cars going through our subdivision. My house is the last house on Slickrock Drive; people from the new development will come through our subdivision rather than use their own roads. On St. Charles Road there is Lake of the Woods golf course, then Battle High School, then Copper Creek; one of the reasons Ms. Fick bought there was because she wanted the space and still be close to Columbia.

Commissioner Freiling stated the Commission has a good understanding of the density issue and asked if there were any other comments.

Closed to public hearing.

Mr. Crockett stated that the applicants are willing to discuss the option of sidewalks as part of the offsite improvement requirement. The 2012 traffic plan identifies a lot of improvements and it also identifies how it is going to get paid for; they basically assessed a value based on a per unit basis. We need to increase the density to help pay for some of those improvements. This is in Boone County Fire Protection District (BCFPD) and it is an unmanned station but a lot of Columbia is served by BCFPD, a lot of residents are concerned about that but when you call, they are there when ever they're needed.

Commissioner Freiling asked whether Slickrock Drive would be extended, what is required? Was there an easement granted?

Bill Florea stated there is no easement and no right of way.

Commissioner Wilson stated condition 1 describes the developer's commitment to contribute to the development of the area. Can the sidewalks be part of that?

Bill Florea stated it wasn't contemplated in the transportation plan but it can be discussed.

Commissioner Wilson stated he didn't realize that there weren't side walks and believes it should be part of this discussion.

Planner Thad Yonke stated that the cost that the study derived is solely for vehicular traffic; the cost of things like sidewalks is above and beyond that, it doesn't mean that it isn't possible it just means that is not contemplated in the cost.

Commissioner Freiling stated it would be in addition to traffic improvements.

Thad Yonke stated it doesn't mean that this developer has to pay anything in addition to what has already been discussed.

Commissioner Freiling asked if there was sufficient existing right of way easement along the north side of St. Charles Road. If funds were to be found is there a place to put the sidewalk?

Bill Florea stated he doesn't know where the road sits within the right of way. When Copper Creek was developed the county obtained additional right of way along St. Charles so theoretically there should be sufficient right of way to allow sidewalks.

Commissioner Kurzejeski asked how much is dedicated to common area or green space.

Mr. Crockett guessed five to six acres.

Commissioner Freiling stated he suspected between four and five acres which represents a tenth of the development.

Commissioner Martin asked the density of some of the subdivisions on the south side of town.

Thad Yonke stated the larger ones are probably two units per acre.

Commissioner Freiling stated in Old Hawthorne that is a pretty common lot size.

Mr. Crockett stated the Wyndam Ridge property is 2 ½ units per acre; those are comparable to this development.

Commissioner Campbell stated that as long as the development is done in phases it takes away a lot of the fire departments concerns. We did have concerns in 2012 when we were thinking about realigning St. Charles Road but the round a bout was installed since then.

Commissioner Poehlman stated he didn't know the right number when it comes to density. I am happy to see the development be reduced from 120 to 88 lots and that is probably a good enough number for me. Mr. Crockett mentioned something about Rock Bridge; Commissioner Poehlman stated he lives on Old Plank Road which got passed by when it came to infrastructure and he doesn't want to see it here. Commissioner Poehlman stated he is happy to see staff and the applicants work together to improve the infrastructure and to make it happen at the same time, not five years down the road. I see this as a way to make it happen. Condition 1 is pretty general so we are trusting staff to look out for everyone. Timing is as important as anything else; Commissioner Poehlman stated he doesn't want to see the money sitting in escrow for years.

Commissioner Freiling stated he understands that these kinds of changes next door aren't what everyone wants. Unfortunately because that new high school is out there the neighbors are looking at a sequence of events; that area is going to be developed. The biggest issue for the neighbors is density; density in land use has value if it is done in a way that is responsible taking into consideration safety and environmental impacts. With the growth in Boone County and Columbia and the nature of the terrain in the south and west it is literally being developed out. There is no question that the recent change in the last decade of growth north and east is only going to accelerate and if it is going to do that then utilizing ground that lays in a way that allows for ground to be used in an efficient way is the essence of proper planning.

Commissioner Martin made and Commissioner Kurzejeski seconded a motion to **approve** a request by North Battleground LLC to rezone from A-2 to R-SP on 37.92 acres, more or less, located at 8321 E St. Charles Rd., Columbia.

Carl Freiling – Yes

Gregory Martin – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Eric Kurzejeski – Yes

Lloyd Wilson - NO

Derin Campbell – Yes

Motion to approve the request passes    6 YES                    1 NO

Commissioner Martin made and Commissioner Kurzejeski seconded a motion to **approve** a request by North Battleground LLC to approve a Review Plan for North Battleground on 37.92 acres, more or less, located at 8321 E St. Charles Rd., Columbia **with the following conditions:**

1. Prior to approval of the final development plan the developer shall enter into a development agreement, addressing traffic impact mitigation, with Boone County.
2. In order to comply with Fire Code access requirements the development shall occur in two stages. Stage 1 will include Lots 1-12 and Lots 54-88, C1, C2 and C3, a total of 47 building lots and 3 common lots. Stage 2 will include the remaining lots. Development of Stage 2

shall not occur until a second remote access is developed meeting the Fire District's approval. The note on the plan addressing phasing shall be modified to meet this condition.

3. Prior to final plan submission the developer shall submit preliminary water quality BMP calculations on Boone County Stormwater Forms for review and approval by the Director. The Director may require submittal of a revised review plan and preliminary plat if warranted by the findings of the preliminary calculations.
4. Prior to final plan approval the developer may submit a new annexation agreement with Columbia that does not require compliance with Columbia's Storm Water Regulations.
5. If conditions require shifting the location of the unnamed future collector street on the north end of the development, the Director may approve amendments to the Review and/or Final Development Plans that are necessary to accommodate the shift in road alignment.

Carl Freiling – Yes

Gregory Martin – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Eric Kurzejeski – Yes

Loyd Wilson - NO

Derin Campbell – Yes

Motion to approve the request passes 6 YES 1 NO

Commissioner Kurzejeski made and Commissioner Poehlman seconded a motion to **approve** a request by North Battleground LLC approve Preliminary Plat for North Battleground on 37.92 acres, more or less, located at 8321 E St. Charles Rd., Columbia **with the following conditions:**

1. Prior to approval of the final development plan the developer shall enter into a development agreement, addressing traffic impact mitigation, with Boone County.
2. In order to comply with Fire Code access requirements the development shall occur in two stages. Stage 1 will include Lots 1-12 and Lots 54-88, C1, C2 and C3, a total of 47 building lots and 3 common lots. Stage 2 will include the remaining lots. Development of Stage 2 shall not occur until a second remote access is developed meeting the Fire District's approval. The note on the plan addressing phasing shall be modified to meet this condition.
3. Prior to final plan submission the developer shall submit preliminary water quality BMP calculations on Boone County Stormwater Forms for review and approval by the Director. The Director may require submittal of a revised review plan and preliminary plat if warranted by the findings of the preliminary calculations.
4. Prior to final plan approval the developer may submit a new annexation agreement with Columbia that does not require compliance with Columbia's Storm Water Regulations.
5. If conditions require shifting the location of the unnamed future collector street on the north end of the development, the Director may approve amendments to the Review and/or Final Development Plans that are necessary to accommodate the shift in road alignment.

Carl Freiling – Yes	Gregory Martin – Yes
Paul Prevo – Yes	Michael Poehlman – Yes
Eric Kurzejeski – Yes	Loyd Wilson - NO
Derin Campbell – Yes	

Motion to approve the request passes    6 YES            1 NO

Vice Chairperson Freiling informed the applicants that this request would be heard by the County Commission on Tuesday, July 1, 2014 at 7:00 pm in the Commission Chambers.

## VII. Planned Developments

1. Request by VH Properties LLC to approve a revised Review Plan for the Midway USA Campus on 21.51 acres, more or less, located on the north side of Van Horn Tavern Road, Columbia

This property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1000 feet west of the intersection with U.S. 40. The site is about 1 mile west of the Columbia municipal limits. The subject property is 21.51 acres in size and zoned M-LP (Planned Light Industrial). Property to the northwest across I-70 is zoned C-G (General Commercial), north is zoned A-2 (Agriculture), northeast is zoned A-R (Agriculture-Residential). Property to the east and south is zoned A-R and property to the west is zoned C-GP. All of the zonings with the exception of the M-LP and C-GP are original 1973 zonings. Staff notified 21 property owners concerning this request.

The proposed changes involve creating lot lines for the future subdivision of this property into four separate lots. Otherwise, there are no changes in use or structures for this property.

The Boone County Master Plan designates this area as suitable for commercial land use. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas. 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 served by Consolidated Public Water Service District #1 and Boone Electric Cooperative for utility service. The property has been developed for quite some time, and existing services are sufficient to maintain the uses identified on the plan.

Public Safety: The subject property is approximately 1 mile from the nearest Boone County Fire Protection District station, located near Henderson Road.

Transportation: The subject property has direct access on to Van Horn Tavern Road, a publicly-dedicated, publicly-maintained right-of-way.

Zoning Analysis: This proposal is straightforward. No significant changes to the existing plan except for the addition of future lot lines, permitting the subdivision of this property. A subdivision plat accompanying the final plan will divide this property, the revised review plan and final plan lay the groundwork for that action.

The property scored 80 points on the rating system.

Staff recommends approval of the Revised M-LP Review Plan subject to the following recognition. (same as last version):

1. The fire lanes and fire protection requirements must satisfy the BCFPD on any building expansion and any waterline relocation must be made in conjunction with the water district at the developer's expense.

Present representing the request:

Tim Crockett, Crockett Engineering, 2608 Stadium Blvd, Columbia

Mr. Crockett stated he would be happy to answer any questions.

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** a request by VH Properties LLC to approve a revised Review Plan for the Midway USA Campus on 21.51 acres, more or less, located on the north side of Van Horn Tavern Road, Columbia **with the following condition:**

1. The fire lanes and fire protection requirements must satisfy the BCFPD on any building expansion and any waterline relocation must be made in conjunction with the water district at the developer's expense.

Carl Freiling – Yes

Gregory Martin – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Eric Kurzejeski – Yes

Loyd Wilson - Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously

Vice Chairperson Freiling informed the applicant that this request would be heard by the County Commission on Tuesday, July 1, 2014 at 7:00 pm in the Commission Chambers.

## VIII. Plats

The following items were placed on consent agenda:

1. Whitworth Hills Plat No. 3. S30-T46N-R13W. A-2. Tompkins Homes and Development, Inc., owner. David T. Butcher, surveyor.
2. Wicks Bend. S3-T49N-R12W. A-2. Thomas and Linda Wicks, owners. David T. Butcher, surveyor.

3. Bise Estates. S32-T51N-R11W. A-2. Barry and Kimberly Bise, owners. Steven R. Proctor, surveyor.
4. VH Acres Plat 2. S7-T48N-R13W. M-LP VH Properties LLC, owner. David T. Butcher, surveyor.
5. Midway Crossings Phase III preliminary plat. S1-T48N-R14W. R-S. Amicus Terra Development, owner. Jay Gebhardt, surveyor.
6. Buckman preliminary plat. S11-T50-R12W. A-R. Buckman Properties LLC, owner. Kevin M Schweikert, surveyor.

Commissioner Freiling made and Commissioner Kurzejeski 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

### Whitworth Hills Plat No 3

The subject property is located on Cedar Tree Lane, approximately 4 miles southwest of the city of Ashland. The property is zoned A-2(Agriculture) and is in use as a residential site. The property is surrounded by A-2 zoning, all of which is original 1973 zoning. The proposal is to split a 4.80 acre lot from a 25 acre parent parcel. There is an existing house and shed on the property.

The property has direct access on to Cedar Tree Lane, a county maintained and publicly dedicated road. The applicant has submitted a request to waive the traffic study requirement.

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

There is a lagoon that serves the existing house for wastewater treatment.

The remainder tract from the parent parcel will persist as a 20+ acre lot and stand outside the requirements of the subdivision regulations.

The property scored 13 points on the rating system.

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

### Wicks Bend

The subject property is located two miles to the north of the city limits of Columbia, on Spiva Crossing Road, east of Brown School Road and State Route B. The property is approximately 32.54 acres in size, and is zoned A-2(Agriculture), and is surrounded by A-2 zoning. This is all original 1973 zoning. The property is currently undeveloped and has a large pond and creek on the western portion of the property. This proposal divides the property into six lots, five at 5 acres apiece, and one at 6.78 acres.

Two of the lots have direct access on to Spiva Crossing Road. The other four lots have access to Spiva Crossing road via a private access easement. The applicant has submitted a request for a waiver to the traffic study requirement.

This property is in the Public Water Service District #4 service area, the Boone Electric Cooperative service area, and the Boone County Fire Protection District. Public Water Service District #4 has an 8" line on the east side of the railroad tracks to the west of this property that can provide the required water, but upgrades to the line along Spiva Crossing, as well as fire hydrants set to meet the requirements of the Boone County Fire Protection District.

The developer is proposing on-site wastewater systems for this development. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 53 points on the rating system.

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

### Bise

The subject property is located approximately 450 feet to the east of the intersection of Highway 124, Little Creek Road, and Jay Jay Road. It is 18.16 acres in size and zoned A-2(Agriculture). The surrounding properties are also zoned A-2. This is original 1973 zoning. There is an existing house and shop on the property. The proposal divides this property into three lots. One lot at 5 acres, one at 5.08 acres, and the other at 7.99 acres. The 7.99 acre lot retains the house and shop, as well as the large lake on the property.

Lots 2 & 3 have direct access to Jay Jay Road. Lot 1 has access to Jay Jay via a private access easement. The applicant has submitted a request to waive the traffic study requirement.

This property is on the border between Public Water Service District #10 and Public Water Service District #4. PWSD #4 can provide water service to lot 2, but an agreement between both districts will be necessary to determine who will provide the other new service on this property.

On-site systems are proposed for the new lots, with an existing system on lot three service the house. The applicant has submitted a request to waive the waste-water cost-benefit analysis requirement.

The property scored 38 points on the rating system.

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

### VH Acres Plat 2

This property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1000 feet west of the intersection with U.S. 40. The site is about 1 mile west of the Columbia municipal limits. The subject property is 21.51 acres in size and zoned M-LP (Planned Light Industrial). This proposal creates four lots, each around one of the buildings in this industrial campus. Property to the northwest across I-70 is zoned C-G (General Commercial), north is zoned A-2 (Agriculture), northeast is zoned A-R (Agriculture-Residential). Property to the east and south is zoned A-R and property to the west is zoned C-GP. All of the zonings with the exception of the M-LP and C-GP are original 1973 zonings.

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

The subject property is served by Consolidated Public Water Service District #1 and Boone Electric Cooperative for utility service. The property has been developed for quite some time, and existing services are sufficient to maintain the uses identified on the plan.

There is a package plant for wastewater treatment on this property that is operated by the Boone County Regional Sewer District.

The subject property is approximately 1 mile from the nearest Boone County Fire Protection District station, located near Henderson Road.

The property scored 80 points on the rating system.

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

#### Midway Crossings Phase III preliminary plat

The property is located on the west side of Rollingwood Boulevard approximately 530-feet south of US-40. The 9.19-acre tract is zoned R-S Single Family Residential as is most of the surrounding land. There is a small R-M district adjacent to the northeast corner of the property.

Rollingwood will be the primary access point from US-40; it is a 22-foot wide hard surfaced road. The subdivision will have two access points to Rollingwood Boulevard and this phase provides the second. There are two existing rights of way that stub to the property through previously platted subdivisions from the north. Ely Drive is an unimproved two-lane gravel road that connects to the northwest quadrant of the property. Hawthorn Drive is a privately maintained two-lane hard surfaced road that connects to the northeast quadrant of the property.

A Traffic Impact Study was completed for the original development by Charles Schwinger, PE of Bucher Willis Ratliff Corporation. The study analyzed the impact of the development to existing roadways and rights of way in the vicinity. The recommendations include the following:

- All streets internal to the development must comply with Boone County standards and regulations for local streets.
- Ely Drive and Hawthorn Drive between the Midway Crossings north property line and US-40 must be brought up to Boone County local street standards.

- Post a side road warning sign, with a 25-mph speed advisory, 300-feet in advance of Red Cedar Drive (now proposed as Owl Creek Dr.) for southbound Rollingwood Boulevard traffic.
- Construct a westbound left turn lane of 200-feet length plus taper on US-40 and Rollingwood Boulevard and Hawthorn Drive.

Staff is recommending that all of the recommendations be required as conditions of approval except for the turn lane for Hawthorn Drive and the improvements to HWY 40 since these improvements were completed as part of an earlier phase of this development. Staff is also recommending that the streets interior to the development not be required to connect to Hawthorn for the following reasons:

- The distance between Rollingwood Boulevard and Hawthorn Drive and between Hawthorne Drive and Ely Drive does not meet the separation requirement of  $\frac{1}{4}$  mile.
- Connection to Hawthorn would have little to no benefit in dispersing traffic in and out of Midway Crossings.
- Hawthorn would have to be rebuilt to current County Standards which would result in disruption to the neighborhood.

Bucher, Willis Ratliff was consulted regarding the impact of not connecting to Hawthorn Drive. The response was that the level of service at Rollingwood/US 40 intersection was unchanged; the warrant for the left turn lane at Hawthorn Drive disappeared. This road connection was replaced with a sidewalk to allow for some means of interconnectivity between the two subdivisions without requiring a road connection.

Consolidated Public Water District Number 1 provides water service to this property. Water upgrades were completed for the earlier phases of development since there was not initially a sufficient water supply to provide domestic service and fire flow. The District identified several offsite improvements which were provided to provide the necessary service. Such service will be extended into this current phase.

Sewer service must come from the central plant serving the area and operated by the BCRSD. The details of exactly how the sewer is to function will need to be worked out. The sewer district has concerns about exactly how the plan for the lots on the north side of Owl Creek Dr are going to be served by sewers. Additionally, a 20 ft utility/sewer easement is required along the south side of the north property line from lot 309 to lot 315.

The property scored 88 points on the rating system.

Staff recommends approval of the preliminary plat subject to the following conditions:

1. This phase of the development must be Final Platted and constructed as a single phase.
2. Prior to recording the developer must post a side road warning sign with a 25-mph speed advisory 300-feet in advance of Owl Creek DR for southbound Rollingwood Boulevard traffic.
3. Prior to recording the developer shall construct Ely Drive from the north property line to US-40 based upon plans approved by the County Engineer and the Director of Resource Management.
4. The sidewalk between lots 306 and 307 will need to be built by the developer along with the road network and will need to be based upon plans submitted to and approved by the Director.
5. A Sewer easement acceptable to the Director and to BCRSD be placed upon the final plat to cover the areas of concern to BCRSD.

Buckman preliminary plat

The subject tract is located on the north side of Schooler Road, east of State Route U, north of Hallsville. The tract is approximately 65 acres in size. The property is zoned A-R (Agriculture-Residential), and has A-R zoning to the east, west and south, with A-2 (Agriculture) zoning to the north. This is all original 1973 zoning. The proposal is to split nine lots from the tract, ranging from 2.95 acres in size to 5.43 acres in size, with the remainder in excess of 20 acres. There is a mobile home and two barns on lot 1, a site-built home on lot 2, and a mobile home on lot 7 that is to be removed. There is a three acre lot created by deed in 1983 that is in the center of this proposal but is under separate ownership.

All nine lots have direct access onto Schooler Road. The applicant has submitted a request to waive the traffic study requirement.

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

The applicant has proposed on-site wastewater systems for the new lots. The applicant has provided a wastewater cost-benefit analysis. After consideration by staff and representatives of the Columbia/Boone County Health Department and the Boone County Regional Sewer District, the analysis justifies the proposed on-site wastewater systems for these lots.

The property scored 55 points on the rating system.

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

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The rezoning request for Leigh was approved as recommended.

X. New Business

Mr. Shawver stated that the annual election of officers will be during next month's meeting.

XI. Adjourn

Being no further business the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Secretary  
Paul Prevo

Minutes approved on this 17<sup>th</sup> day of July, 2014