

**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, October 16, 2014**

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

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Paul Prevo, Vice-Chairperson	Rocky Fork Township
Eric Kurzejeski, Secretary	Missouri Township
Kevin Murphy	Perche Township
Loyd Wilson	Columbia Township
Derin Campbell	County Engineer

b. Members Absent:

Carl Freiling	Cedar Township
Gregory Martin	Katy Township
Michael Poehlman	Rock Bridge 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 September 18, 2014 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris read the following procedural statement:

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes two rezoning requests and one subdivision plat. The applicant for one of the rezoning requests has made a request that their application be tabled.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members of the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

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

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

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

Please give your name and mailing address when you address the commission. Please sign the sheet on the table after you testify. Also, we ask that you turn off your cell phones.

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

After those opposed to the request have had a chance to speak, the applicant will have an opportunity to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the commission. The commission will then discuss the matter and may ask questions of anyone present during the discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the county commission. Please note that the Boone County Zoning Regulations and Subdivision Regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the county Commission. They will conduct another public hearing on Monday, October 27<sup>th</sup>. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Monday, October 27<sup>th</sup> will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by Fred Overton Development, Inc. to rezone 65.51 acres currently zoned A-R (Agriculture Residential) and 21.5 acres currently zoned R-S (Single Family Residential) to R-SP (Planned Residential); and 4.07 acres currently zoned A-R (Agriculture Residential) to C-GP (Planned Commercial); all acreages being more or less; all located at 7200 W Hwy 40, Columbia

Planner, Uriah Mach gave the following staff report:

The subject property is located on the east side of Rollingwood Boulevard, at the intersection of Rollingwood & US Highway 40. The subject property is approximately 91 acres in size. The property is split-zoned, with 69.58 acres is currently zoned A-R (Agriculture-Residential) and 21.5 acres is currently zoned R-S (Residential-Single Family). The property is currently vacant. There is R-S zoning to the west, A-R zoning to the south, A-R and C-GP (Planned General Commercial) zoning to the east, and A-R, R-S, and C-G (General Commercial) zoning to the north across US Highway 40. With the exception of the C-GP zoning, which was rezoned in 1985, this is all original 1973 zoning.

The Boone County Master Plan identifies this area as suitable for residential land uses. This request is for 87 acres of R-S & A-R zoned property to be rezoned to R-SP, and for 4 acres of A-R to be rezoned to C-GP. The proposal is for a 170 lot residential subdivision zoned R-SP, and 2 lots zoned C-GP. The R-SP lots range from approximately 10,000 to 20,000 square feet in size, with a density of approximately 1.95 lots per acre.

The Boone County Master Plan also identifies a sufficiency of resources test for determining if 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: The subject property is served by a Consolidated Public Water Service District #1 6” line for water, the Boone County Regional Sewer District for wastewater treatment, and Boone Electric for electrical service. Sufficient infrastructure is either present (in the case of Boone Electric & the Boone County Regional Sewer District) or infrastructure improvements are agreed upon for provision of services to this proposal (in the case of Consolidated Public Water Service District #1).

Transportation: The proposal includes three new public street connections, one to US Highway 40, and two to Rollingwood Boulevard. All lots within the development will have direct frontage on and direct access to the internal street network. The proposed street layout is interconnected with property to the east at two points. Most internal streets will be built to Boone County Standards, with the exception of the eyebrow and teardrop designs requiring variances from the Boone County Road and Bridge Advisory Board for reduced widths.

A traffic study was conducted by Crawford, Bunte, & Brammeier, a firm specializing in traffic analysis. The study recommended improvement of US Highway 40, specifically eastbound and westbound turn

lanes at the access point for Renfield Drive. The amount of traffic generated by the proposal would require Renfield Drive to US Highway 40 to be built to County Commercial standard along the proposed commercial lots, and then to a County Collector standard to Renfield's connection to Ravenwood Drive.

The potential for development of the property to the east, as informed by an addendum to the traffic study has shown staff that a County Collector road right of way with a County Local road pavement be proposed to allow for future improvement of Beltran and the portion of Ravenwood between Beltran & Renfield. That future improvement would allow for additional traffic from the property to the east to be handled without a need to acquire additional right-of-way, only expansion of existing pavement.

The traffic study indicates that Rollingwood Boulevard is sufficient to support the increased traffic of this development, as at completion, most traffic will leave the development via US Highway 40, limiting its impact on Rollingwood. However, it is of note that the first two phases of this development, 52 lots, will exclusively use Rollingwood Boulevard to leave the development, at least until the third phase of the development is completed. The resulting additional 650 ADT (Average Daily Trips), per the traffic study, should not have any impact on level of service currently present at Rollingwood Boulevard. However, County regulations are based on the ADT rather than level of service, so level of service is only a supplemental factor in the analysis from the County point of view. The existing ADT for Rollingwood Blvd is 851 so the first two phases will add 650 ADT. Staff consideration of this increase advised improvement to Rollingwood Boulevard at US Highway 40, and a left turn lane at this intersection is proposed by the applicant. The specifics of the improvements to Rollingwood Blvd must be worked out with the County Chief Engineer.

With the improvements to the Rollingwood /US 40 intersection and turn lanes on US 40 at Renfield Drive there will be sufficient transportation infrastructure to meet the needs of this proposal.

**Public Safety:** The property is approximately ½ mile to the west of the Midway Boone County Fire Protection District Station. Infrastructure upgrades to Consolidated Public Water Service District #1 water lines will be sufficient to provide fire flows to the property at required levels of service. The phasing plan proposed by this development is structured such to meet the access point requirements of the Fire Code.

**Stormwater:** The proposal is subject to the requirements of the Boone County Stormwater Regulations. The plan shows potential detention/bio-retention sites on the common areas of the property. The area proposed is based on preliminary stormwater calculations. If additional area is required at the time of final design, the proposed sites will be modified to meet those requirements.

**Zoning Analysis:** The proposal is located in an area described by the Boone County Master Plan as suitable for residential use. It is located to the east of an established residential area and the density is comparable to the density of that area. The availability of existing utility infrastructure, specifically sewer, and a major transportation node make this location suitable for development with reasonable investment in infrastructure improvements.

The property scored 73 points on the rating system.

Staff recommends approval of the rezoning request and the review plan subject to the following conditions:

1. Improvements to Rollingwood/40 shall be complete prior to the first phase and prior to the first final development plan and subject to approval by the Chief Engineer and Director.

2. Improvements to Renfield/US 40 shall be complete prior to the phase that contains the Renfield/40 intersection.

Present representing the request:

Tim Crockett, Crockett Engineering, 2608 N Stadium, Columbia

Mr. Crockett stated he concurs with the staff report. The property is currently zoned A-R and R-S and the applicants are looking for roughly 170 lots in the development which would be under two lots per acre. Basically it is the same type of zoning already there but in a different configuration, it allows for smaller lots and a more cohesive layout and increasing the green space on the development. It also helps with the preservation of the lower lying areas and allows for better handling of stormwater. While it is a rezoning request the applicants aren't looking to dramatically increase the zoning from what is already allowed. On September 30, 2014 the applicants had a meeting with the neighbors and had about 20 to 30 residents show up. The neighbors voiced their concerns and the applicants were able to answer their questions and address their concerns. The utilities are either present at the property now or they will be upgraded for this development. A traffic study was commissioned for this development that talked about traffic on Highway 40 as well as Rollingwood the applicants worked with staff to come to terms on what kind of improvements are needed at the intersection of Highway 40 and Rollingwood; turn lanes will be added. The applicants believe the transportation items can be addressed relatively easily. As stated in the master plan this area is suitable for residential land uses. The applicants are asking for a little commercial on two lots roughly four acres in size; the applicants believe that land adjacent to Highway 40 is more suitable for commercial uses as opposed to residential uses. The applicants are not asking for specific allowed uses at this time - any use will have to come back through this commission in the future. The applicants are looking for a placeholder at this time to reserve the area for commercial use but there are no plans in place to develop it at this time.

Commissioner Harris stated the first phase was about 50 lots; what portion of the development is phase one?

Mr. Crockett stated there is a phasing diagram on the plans submitted to the Commission. With the new county regulations in regard to the fire code there has to be adequate access to all parts of the development at all times and that phasing diagram is in conformance with the new regulations. The commission may question why the applicants are starting the development in the back and that is because the sanitary sewer system is back there.

Commissioner Harris stated the lot sizes are about the same as the lots in the neighboring subdivisions.

Mr. Crockett stated that was correct; most of the proposed lots are a bit bigger.

Commissioner Harris stated that this was a creative layout. It looks as though most of the roads are following the ridge tops; is that what precipitated that design?

Mr. Crockett stated yes. The applicants will go to the Road and Bridge Advisory Board for the tear drop cul-de-sac's; they don't meet county standards however the fire district likes them better. They can get around them a lot better than in a standard cul-de-sac. The applicants have run modeling software and there is no issue with their fire apparatus making those. If the Road and Bridge Advisory Board doesn't approve it the applicants have provisions in place that could modify the common space in the middle of all the common lots to obtain the added right of way to conform to current standards.

Commissioner Harris asked how those worked with regard to on street parking?

Mr. Crockett stated he believed there is restrictive parking on one or possibly both sides of the street; it is a one-way roadway. There may be concerns with the 20-foot width so parking may have to be eliminated on one side if not both.

Open to public hearing.

No one spoke in support of the request.

Present, speaking in opposition:

Bruce Stephens, Board Member, Rolling Hills Homeowners Association, 1700 N Mapleview Drive, Columbia

Mr. Stephens stated after the applicant's presentation to the Rollingwoods Homeowners Association on September 30<sup>th</sup> the board met and had concerns about the intersection of Rollingwood and Highway 40. Right now it is deteriorating, there are some potholes and there seems to be some confusion as to who maintains that section of roadway. According to the plan there would be a left turn lane put in; most of the traffic goes to the right. The left turn lane may not be very effective. When the development first starts all of the traffic is going to be on Rollingwood Boulevard. Mr. Stephens has doubts as to whether it can support all the concrete trucks without it deteriorating very quickly. With the early start times for the elementary school a lot of kids get dropped off and there is congestion at Trails West and Highway 40 at both drop off and pick up times, traffic gets backed up there. With 170 houses, several of them with kids, that will compound that problem and that is one of two main arteries to get out of the subdivision. The plans are to add a sidewalk along Rollingwood but Mr. Stephens doubts that this will take effect very quickly. A lot of people walk along there so with the increased traffic, whether it is from construction or once the people move in, we are adding danger since there is currently no sidewalk.

Closed to public hearing.

Mr. Crockett stated regarding the left hand turn at Rollingwood and Highway 40. The applicants are actually putting in a right hand turn pocket. The applicants spoke with county staff and the concern is you have traffic coming in and if you have one individual who wants to make a left hand turn they could potentially back up traffic on Rollingwood, the majority of which wants to make a right hand turn. The applicants want to separate that and allow a vehicle to sit at the intersection to make a left hand turn while the right hand lane has free flow to get on Highway 40. Part of the reason this development is coming to the Commission now is because the traffic study is done; however when the applicants first started doing the design it was before school was in session. The traffic engineer suggested the applicants wait until school is in session for a week or two so when traffic counts are done they will have an accurate count for the area with school traffic. The traffic study reflects current volumes with school in session. There are no sidewalks along Rollingwood however it would be a requirement of this development to construct sidewalks.

Commissioner Harris stated sidewalks at the beginning of a development are a bad idea because regardless of who the developer is you have to pay for them twice due to the bulldozers and concrete trucks that run over them. There was concern expressed over the intersection of Rollingwood and who maintains it.

Mr. Crockett stated county maintenance doesn't begin until you get back on the right of way of Rollingwood. With the amount of construction traffic that is taking place out there they are bringing in

construction traffic as well and as far as I can tell the road is holding up pretty well with the construction traffic. Although the third entrance to Highway 40 will take place in the third phase of the development the applicants want to get it in as quickly as they can. Once it is in the applicants believe that the majority of the people in the development will use that third entrance and stay off of Rollingwood.

Commissioner Wilson asked if MoDot has to approve the entrance.

Mr. Crockett stated yes; they've reviewed it and approved it.

Commissioner Wilson asked the speed limit on Highway 40.

Mr. Crockett stated he believed it was 45 mph at this section.

Mr. Yonke stated regarding the sidewalk on Rollingwood, most of the land along there is common space which means there can't be a building on it and therefore doesn't require sidewalks.

Mr. Crockett stated he understood that but that sidewalks are something the applicants have committed to.

Commissioner Wilson made and Commissioner Murphy seconded a motion to **approve** a request by Fred Overton Development, Inc. to rezone 65.51 acres currently zoned A-R (Agriculture Residential) and 21.5 acres currently zoned R-S (Single Family Residential) to R-SP (Planned Residential); and 4.07 acres currently zoned A-R (Agriculture Residential) to C-GP (Planned Commercial); all acreages being more or less; all located at 7200 W Hwy 40, Columbia.

Boyd Harris – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Kevin Murphy – Yes

Loyd Wilson - Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would be heard by the County Commission on Monday, October 27, 2014.

2. Request by Phoenix Property Development, LLC to rezone from C-G (General Commercial) to M-L (Light Industrial) on 2.1 acres, more or less, located at 8650 E I-70 Dr SE, Columbia.

Director Shawver stated as a point of order that this item had been tabled at the September 18, 2014 Planning & Zoning Commission meeting. A motion to remove the item from the table should be the first order of business.

Commissioner Prevo made and Commissioner Harris seconded a motion to remove from the table Phoenix Property Development, LLC to rezone from C-G (General Commercial) to M-L (Light Industrial) on 2.1 acres, more or less, located at 8650 E I-70 Dr SE, Columbia.

All members voted in favor. None opposed.

Planner, Uriah Mach gave the following staff report:

The subject property is located near the Interstate 70/State Route Z interchange, approximately 2 miles to the east of the city limits of Columbia. It is 2.1 acres in size, and currently has a 27,000 square foot building on the site being used as an antique mall. The subject property is zoned C-G (General Commercial), and is surrounded by C-G zoning. This is all original 1973 zoning.

The applicant is seeking to rezone the property from C-G (General Commercial) to M-L (Light Industrial) to convert the existing building to a mattress factory.

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

Utilities: The subject property is located in Public Water Service District #9, which provides commercial water service to the property. Boone Electric provides electrical service and the Boone County Regional Sewer District should provide sewer service.

Transportation: The property is located on I-70 Drive Southeast, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, who maintains a station on St. Charles Road, near the Lake of the Woods exit from Interstate 70.

Zoning Analysis: Under the current zoning, this property is in an established commercial/industrial node. An increase in intensity of zoning to M-L (Light Industrial) is justified under the sufficiency of resources test. Both the East Area Plan and the Boone County Master Plan have this vicinity identified as a commercial/industrial area, further giving reason for a rezoning of this type.

The property scored 62 points on the rating system.

Staff recommends approval.

Present representing the request:

Kevin Schweikert, 506 Nichols, Suite A, Columbia

Mr. Schweikert stated the staff report adequately explained the request.

Commissioner Murphy asked if the building was currently occupied.

Mr. Schweikert stated he believes it is.

Commissioner Murphy asked how many jobs this will create.

Mr. Schweikert stated he didn't know. It will be a small mattress manufacturing company.

Commissioner Harris stated if the applicants are going to manufacture which includes shipping product in and out would the applicants encroach on the neighbor's property to get their trucks to the dock?

Mr. Schweikert stated there will be increased truck traffic. Mr. Schweikert believes there is an agreement with the neighbor to the west. There could be agreements made between the property owners.

Commissioner Wilson stated it is currently an antique mall. Does the change in zoning mean they can't do retail on the property?

Mr. Mach stated the M-L includes uses from the C-G district so they can still operate a retail facility there if they can meet the building and fire code.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Murphy made and Commissioner Wilson seconded a motion to **approve** a request by Phoenix Property Development, LLC to rezone from C-G (General Commercial) to M-L (Light Industrial) on 2.1 acres, more or less, located at 8650 E I-70 Dr SE, Columbia.

Boyd Harris – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Kevin Murphy – Yes

Lloyd Wilson - Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would be heard by the County Commission on Monday, October 27, 2014.

## VII. Planned Developments

1. Request by Fred Overton Development, Inc to approve a Review Plan for Ravenwood Planned Development on 87.01 acres located at 7200 W Highway 40 Columbia.

See hearing under rezoning requests.

Commissioner Murphy made and Commissioner Wilson seconded a motion to **approve** a Review Plan for Ravenwood Planned Development on 87.01 acres located at 7200 W Highway 40 Columbia **with the following conditions:**

1. Improvements to Rollingwood/40 shall be complete prior to the first phase and prior to the first final development plan and subject to approval by the Chief Engineer and Director.
2. Improvements to Renfield/US 40 shall be complete prior to the phase that contains the Renfield/40 intersection.

Boyd Harris – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Kevin Murphy – Yes

Lloyd Wilson - Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would be heard by the County Commission on Monday, October 27, 2014.

VIII. Plats

1. Ravenwood (preliminary plat). S1-T48N-R14W. Fred Overton Development Inc, owner. David Butcher, surveyor.

See staff report under rezoning requests.

Commissioner Murphy made and Commissioner Wilson seconded a motion to approve Ravenwood (preliminary plat). Fred Overton Development Inc, owner. David Butcher, surveyor with the following conditions:

1. Improvements to Rollingwood/40 shall be complete prior to the first phase and prior to the first final development plan and subject to approval by the Chief Engineer and Director.
2. Improvements to Renfield/US 40 shall be complete prior to the phase that contains the Renfield/40 intersection.

Boyd Harris – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Kevin Murphy – Yes

Loyd Wilson - Yes

Derin Campbell – Yes

Motion to approve the plat passes unanimously

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The conditional use permit for the cellular tower for the Wade property was approved. The County Commission did not require the tower to be stealth however they did approve with the other recommended conditions.

The SWC Properties was approved as recommended.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Secretary  
Eric Kurzejeski

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