

**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, August 20, 2015**

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 (left 8:15pm)	Rocky Fork Township
Eric Kurzejeski, Secretary	Missouri Township
Carl Freiling	Cedar Township
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township
Derin Campbell	County Engineer

b. Members Absent:

Gregory Martin	Katy Township
Loyd Wilson	Columbia Township
Vacant Seat	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 July 16, 2015 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 three conditional use permits, one rezoning request, three planned developments and four subdivision plats.

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

The following procedure will be followed:

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

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

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

Please give your name and mailing address when you address the commission. 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, September 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, September 1<sup>st</sup> will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by David L. Sallee to amend a permit for a sewage lagoon on 5.0 acres, located at 11251 N. Hecht Rd., Hallsville.

Planner, Thad Yonke gave the following staff report: this request is for a permit to amend a conditional use permit for a lagoon that was approved in 2009.

On April 28, 2009 the County Commission issued Commission Order 199-2009 which included the Findings of Fact and Conclusions of Law that included the following three conditions required to justify said findings and conclusions:

- A. No structure be connected to the collector lagoon system other than Mobile Homes with county permits which are shown and approved in accordance with the Mobile Home Park Ordinance and other county regulations.
- B. The sewage lagoon is restricted to serving only units lawfully placed upon the 5.0 acre tract and is not allowed to serve any structure or use on any other property or parcel.
- C. A proper permit to operate the lagoon from the Missouri Department of Natural Resources must be maintained at all times.

The current application to modify the CUP is for operation of a private collector sewer states "Provide sewer link to adjacent property" with the listed justification indicating "allow service to single home within capacity of lagoon".

The application does not directly list the CUP sought but rather the actions the applicant wishes to undertake which are currently prohibited. It has therefore been determined that the applicant wishes to have condition "A" of the existing CUP modified and condition "B" of the existing CUP eliminated.

Condition "A" restricts the collection lagoon system to Mobile Homes shown on the approved MHP plan and therefore would have to be modified to allow connection of Mobile Homes that are not contained in the Mobile Home Park.

Condition "B" restricts the sewage lagoon to serving the Mobile Home Park and does not allow crossing any property lines to serve other properties or uses.

The County Commission placed these conditions upon the issuance of the original CUP so that the Conditional Use Permit would be able to meet the seven criteria that are required to be met before a CUP can be approved or issued. The importance of these conditions is documented in the very first sentence of the Findings of Fact and Conclusions of Law issued for the existing CUP through the inclusion of the phrase "subject to the conditions of approval,;" this shows that the entire findings and conclusions are predicated upon the conditions the County Commission agreed are necessary for the CUP to be approved and operated. Staff is not aware of any substantive change in the surrounding area nor in the underlying facts since the original CUP issuance.

Under the Zoning Ordinance the official CUP that can actually be sought is "sewage lagoon or mechanical treatment plant where not approved under the County Subdivision Regulations" and this use is specified to require a CUP to control the establishment of new private sewer companies. If approved as requested the County would be allowing the de-facto creation of a private sewer company by allowing connection outside of the Mobile Home Park itself. Such private sewer companies have proved problematic in the

past and so the county policy is that collector sewers serving multiple properties need to be operated by a governmental entity. Only collector sewers operated by governmental entities provide the expected level of accountability for proper and continued operation. Both conditions A & B were placed upon the original CUP to reinforce this longstanding policy.

The findings and conclusion for the collector sewage lagoon indicate that in addition to conditions A, B, & C, part of the reason the existing CUP meets the criteria required for approval is that it is inherently limited by the density restriction placed upon the related Mobile Home Park CUP. The Mobile Home Park is limited to three units. These findings, specifically #1 & #7 would be undone by approving the request and opening up the system for other properties and uses.

The topography indicates this property is within the Hinkson Creek watershed. The County, along with the City of Columbia, University of Missouri, DNR and EPA are working to improve the water quality of Hinkson Creek, which is on the state 303(d) list of impaired waters. Hinkson Creek is listed as being polluted from unknown sources. One known source of contamination is sewage facilities both on-site and collector. When contamination occurs it is a difficult task to determine the specific source of contamination and this difficulty is increased with non-governmentally operated wastewater systems. We have received a letter from the BCRSD opposing this request because the request removes the conditions limiting the private sewage lagoon to only serving the MHP. The problems created when two or more marketable properties are served by a private system as noted by the BCRSD as the basis for their opposition, reinforces the County policy that required the placement of the conditions on the original CUP.

Should the request be approved there would be little to prevent the connection of other properties in the area to the system; as allowing one adjoining property to connect but not another would be an arbitrary and un-defendable restriction. This is why existing condition A and B were so critical for the original CUP to be approved.

It is our understanding that the driving desire behind this request is to place a Mobile Home unit on the 5-acre property to the north of the current Mobile Home Park. This property is not owned by the applicant. Even if this request is denied, a permit can be issued for the placement of the Mobile Home with a health department regulated on-site wastewater system on this adjoining parcel and such a permit could be issued at any time.

Staff recommends denial of the request and recommends leaving the existing CUP as it is with the existing conditions since these conditions were critical as safeguards on the original approval. While the applicant desires to not have the limitations imposed by the current conditions there has been no appreciable change to warrant removal or lessening of the restrictions imposed originally.

Should the commission decide to approve the request then the existing condition language will be difficult to modify so as to retain any meaningful enforceability, but at a minimum a new condition should be added:

The sewage collection lines and system, as well as any additional modifications or connections to the system shall be designed by a Professional Engineer licensed to practice in the state of Missouri; a copy of an approved set of such plans be submitted to the director and BCRSD; such plans must be acceptable to and approvable by both the director and BCRSD; and an installation report prepared by a Professional Engineer licensed to practice in the state of Missouri certifying that any expansion/modification including installation of new lines was constructed in compliance with the approved plans be provided to the director and BCRSD .

Present representing the request:

David Sallee, 3300 E Mt. Zion Church Rd, Hallsville

David Sallee: This is a simple and straightforward request to increase my neighborhood's efficiency. Mr. Sallee stated that he has a sewer easement and a sewer line discharge easement that has been filed with the Recorder of Deeds. He also has a Missouri State Operating Permit that states he is in good standing for use of the lagoon for a design population equivalent to 30 individuals or 10 mobile homes. He also stated he has a letter of agreement from DNR who monitors the waste water treatment facility regularly. The letter states DNR has no problem with it as long as it meets the criteria of the capacity for the mobile homes that are going to be using it. I am in good standing with everyone but Planning and Zoning and the staff report that was just read defeats me, just the words itself. My former business partner owns property adjacent to mine. There is a sewer line running from that property to that lagoon and has been for years. All he wants to do is run one sewer line from there to the lagoon. The lagoon itself is not simply a lagoon, it is a waste water treatment facility in which he is under a great number of obligations to the government and which he has met consistently through the years. He said that he can do the same with up to 10 homes using the waste water treatment facility. It is his intention to have six mobile homes on the mobile home park tract: Sallee Veterans Sanctuary; and two eventually on the adjacent tract to the north. All of it has to be approved through the Commission. At this point I am just asking for the Commission's good graces to pursue this course and do so successfully. If the Commission has any questions show me the law and all I see is separation; separation from what is neighborly, functional, and positive for everyone involved. All I hear is negation from the Planning and Zoning Board. If you have anything to change my mind, please do so.

Mr. Sallee left the meeting stating it is a waste of his time. Chariman Harris asked that the record reflect that Mr. Sallee left the meeting at 7:20 PM in an agitated state.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Jeff Williams, 7825 Mt. Zion Church Rd, Hallsville.

Jeff Williams: I bought a 40 acre tract between the applicant's property and Hinkson Creek. In getting electric to the site it was easier to pull off of Mr. Sallee's power pole so in exchange we made an agreement to allow him to continue to pump his lagoon on to my property. He pumps it into my big field along the property line whenever it rains which isn't healthy or ideal with the Hinkson Creek being right at the edge of the field. Mr. Sallee's property cannot support what he is doing right now and I don't think it would be wise to allow any more properties to connect to the waste water facility.

Commissioner Freiling: Does the discharge happen during periods of heavy rain?

Jeff Williams: Yes. Usually the ground is already saturated and the lagoon fills up, there is a pump in it that pumps it down to my property and it is usually in the rainy season. I know there are certain months of the year he is not allowed to pump but that is what he does.

Commissioner Freiling: So the discharge is part of the DNR permitting?

Stan Shawver: His DNR permit is for land application, it is a no-discharge lagoon. The idea is that when ground conditions are suitable it is applied on land, it is a surface application and used for irrigation or something of that sort. Mr. Williams has given the applicant an easement to land apply his overflow.

Jeff Williams: That is correct but that was when he had two homes there at the time of the agreement. I don't think the agreement is specific but that was at the time that there was two homes there and I was okay with that and he has been doing it for years. Since then we dug a well which is right at the back of his property not far from where he runs his discharge lines.

Stan Shawver: Commissioner Freiling may be familiar with the lagoon land application at the airport and they have enough capacity to store six months so in the winter they have capacity and they apply it in summer on adjoining property, most of which the city has acquired. The idea is that you apply it during the dry season. Mr. Williams has indicated that when the ground is saturated and when it is raining is when Mr. Sallee is applying it.

Jeff Williams: I don't watch like a hawk but I have seen it pumping while it is wet; I have also watched the runoff go into Hinkson Creek. The main thing for me is that five acres can't support much more than what he has on there now. I am also afraid that it can compromise the integrity of my property.

Also present speaking in opposition:

Mary Sloan, 10851 N Hecht Rd, Hallsville

Mary Sloan: Harold and Betty Laroe who own the property just south of Mr. Sallee's property and Leon Johnson who owns the property directly north of the property in question have both authorized me to speak on their behalf and say that they are not in favor of this request. This is a continuation of something Mr. Sallee wanted to do back in 2008 when he wanted to have a trailer court on a five acre tract. His request for a Veterans Sanctuary mobile home park was unfortunately granted. The County Commission changed the zoning on that five acre tract to R-S which was spot zoning and it is the only type of zoning like that in the area. At the time Mr. Sallee wanted to put five, or hopefully, eight trailers on the five acre tract, that was denied and now it looks like he wants to move it next door. All the information about his previous wishes and requests are in the Planning and Zoning Commission minutes of June 2008, December 18 and 30<sup>th</sup> 2008, February 2009, and subsequent Boone County Commission minutes including March 31, 2009. Planning and Zoning Commission denied his request but the County Commission did grant him the conditional use permit for a mobile home park that was referred to on March 31 for up to three trailers. He now has three mobile homes on that property. He also has a flatbed trailer which he has taken the wheels off and put it on the property. He can't have more than what he has on that property without a hard surface and without proper water lines and fire flows and none of that has happened. The staff report outlined the reasons why this should be denied. There is a lack of timely enforcement by the DNR. I was a member of the Planning and Zoning Commission for ten years and during that time the commission dealt with these private sewer systems from time to time. It was not a good thing at the time, it created a lot of problems and animosity and there was a lot of abuse and irresponsibility and there was little that Boone County could do about it because of lack of enforcement. If this is approved and something goes wrong, neither the County or the State will be able to do much about it, not because they don't want to but because they don't have the manpower, resources, or time to do it.

Planner Thad Yonke presented a letter from the Boone County Regional Sewer District.

Closed to public hearing.

Chairperson Harris stated from the original request Mr. Sallee's intent and objective can be admirable but conditions and stipulations were agreed upon, somewhat restrictive possibly but that is what was agreed to at the time and there are reasons those were set in place and we have to abide by those to maintain the integrity of our neighborhoods and adjacent property owners.

Commissioner Freiling: Can two separate dwellings utilize one septic system doesn't that (inaudible)

Stan Shawver: The health department regulations don't permit that to occur. There may be some out there that predate the health department regulations and building inspections.

Thad Yonke: The distinction is that the State regulates collector wastewater systems and they have delegated some of that authority to the Boone County Regional Sewer District which is why the sewer district is weighing in on this. They are the entity that looks at collector systems and sewage treatment facilities a little more closely for the state. The health department is charged with individual on-site wastewater systems that serve a single home.

Commissioner Freiling made and Commissioner Poehlman seconded a motion to **deny** the request by David L. Sallee to amend a permit for a sewage lagoon on 5.0 acres, located at 11251 N. Hecht Rd., Hallsville for failure to meet criteria A and G of the conditional use permit test:

Boyd Harris – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Carl Freiling – Yes

Kevin Murphy – Yes

Michael Poehlman – Yes

Derin Campbell – Yes

Motion to deny the request passes unanimously.

Chairperson Harris informed the audience that the applicant has three working days to appeal the decision to the County Commission which will meet at 7:00 pm on September 1, 2015.

2. Request by MD Storage of Columbia LLC for a permit for self- storage units on 1.46 acres located at 1080 E Shalimar Dr., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on the south side of Shalimar Drive, west of the city limits of Columbia across Highway 763. The property is approximately 1.46 acres in size, and is zoned C-G (General Commercial). It has R-S (Residential Single-Family) zoning to the west, and C-G zoning to the north, south, and east. This property was rezoned to C-G in 1975. The property is currently vacant. The application indicates that the property was previously used to store mobile homes pending sale.

The applicant is applying for a conditional use permit for self-storage units. Staff notified 97 property owners about this request. The property scored 81 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 and state 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.

Self-storage facilities are typically non-intrusive. Proper conditioning of an approval for this request should mitigate any potential off-site impacts.

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

There is no indication that the proposed use will have a negative effect on property values. When compared to other permitted C-G uses, this should not have a significant negative impact on surrounding properties.

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

The subject property is located on Shalimar Drive, a publicly-dedicated, publicly-maintained right of way. All necessary facilities will be available.

(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.

The surrounding properties have already developed in a manner consistent with their present zoning. The establishment of this conditional use permit should not impede any further development of the surrounding properties.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The subject property is located on Shalimar Drive, off of Highway 763. The site's proximity to Highway 763 allows for limited traffic impact on the residential neighborhood to the west. The proposed self-storage units are also a limited traffic generator when compared to permitted C-G uses for this property.

(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 C-G zoning district.

Zoning Analysis: The proposed conditional use is comparatively non-intrusive. When the site location is considered, staff considers this proposal one of the more acceptable uses for this property. Self-storage units do not generally generate much traffic. While the structures themselves are not particularly offensive, the design requirements to insure their security can be. Conditions to limit the impact of those

requirements on adjacent properties are recommended in order to soften the appearance of the storage units and the commercial/industrial appearance of the facility.

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

1. Dust-free paving, minimum chip-seal, is required for all drive surfaces.
2. Exterior lighting must be focused inward and downward to prevent light from leaving the site.
3. Vegetative screening is to be maintained to soften visual impacts on surrounding properties. The screening is to be based on two off-set rows of conifers with 15' triangulated centers. When a planting dies, it must be replaced with a similarly-sized element.
4. A site plan, including landscaping, fencing, and lighting details be provided as part of the permitting process.

Present representing the request:

Wes Bolton, Allstate Consultants, 3312 Lemone Industrial Blvd, Columbia  
Shane Dixon, Co-Owner, 5062 N O'Neal Rd, Columbia

Wes Bolton: The site was previously used for mobile home storage the applicants feel like their use will be an improvement over that. The applicants feel that self storage is an appropriate use for the tract because it is low intensity compared to many of the approved uses in commercial zoning. The facility will have low light and low noise. We have been working with county staff to meet all the county requirements and submitted a site plan and worked with staff to meet all of the stormwater criteria. We appreciate staff's analysis and agree with all of the conditions with two caveats. One is n regard to the lighting, the verbiage mentions all lighting focused inward and downward. All the light will be wall packs which will be downward facing; we may need a couple pointing north and south but no light will leave the site. Early in the process the applicants sent letters to the surrounding property owners and heard back from one who requested we do some screening and preferred that the existing 6-foot privacy fence stay. The applicants propose on the west and south a 6-foot privacy fence, the east side is proposed to be chain-link and the north side is proposed as a decorative fence with landscaping.

Mr. Bolton presented a picture showing the proposed fence and landscaping.

Wes Bolton: There is some green space that will be utilized for landscaping.

Commissioner Murphy: What is the hesitation of adding landscaping to the west and south?

Wes Bolton: The only hesitation is the fact that we planned for the fence to be on the perimeter, we can put landscaping behind the fence. On the south side we have the detention area right next to the property line so we don't have the room to do landscaping and a fence; the neighboring property owner requested a privacy fence.

Open to public hearing.

No one spoke in support.

Present speaking in opposition:

Alice Weiss, 4961 N Jasmine Way, Columbia

Ms. Weiss presented a folder containing photos of the subdivision and several internet articles regarding storage facilities and how to protect them from hazardous materials and criminal activity.

Alice Weiss: I have spoken with about 50 people in the subdivision and they are all opposed to the request. Shalimar Drive is the only practical way to enter the subdivision, it is how everyone goes in and out every day and this facility is going to be located at the entrance to the subdivision which is unattractive and unappealing. If you go down the street on Rangeline there are two other storage facilities. Storage Masters is close to the Vanderveen Subdivision but it is not right at the entrance, it is several blocks away and it is surrounded by trees and screened from the subdivision. The residents of Shalimar Gardens are upset for three reasons: the location being right at the entrance of the subdivision, there are two other storage facilities on Rangeline that seem to be meeting the needs, I've been told there is a third one proposed for Rangeline and Brown School Road. I don't think we need another storage facility on Rangeline. It was mentioned that this lot was used for mobile home storage which is not exactly accurate, it was the Benton Homes lot where they would keep the modular and manufactured homes they had sold, they would store them for a few days before they were setup; the lot was usually empty.

Commissioner Freiling: Given the fact that this property is zoned commercial have you read the list of approved uses?

Alice Weiss: Yes. We don't want a porn video store either but that is not is what is on the agenda tonight.

Also present speaking in opposition:

Tyler Avis, 5241 N Burning Bush, Columbia

Tyler Avis: Section 15.2.E of the Boone County Zoning Regulations states that establishment will not impede the normal and orderly development of the surrounding property. This is the main entrance into Shalimar Gardens which has 102 single family residences, 98 of those were notified about this development. This does not meet the normal and orderly development of the surrounding property. We understand that this is zoned General Commercial, this does not mesh well with the normal development of the surrounding property, there are other things that could go there that wouldn't be open for 24 hour service like a storage site would. Enrich Construction is the property to the east of the proposed site and they are only open from 7:30 am to 5:00 pm Monday through Friday. That type of use makes very good sense for a residential road. Item 2G of the regulations states that the County Commission shall find that there is a public necessity for the conditional use permit. I presented some documents to the Planning and Zoning staff that mentioned the possibility for another self storage site to be built on Brown School Road and Rangeline. This was submitted to the city and they had a concept review on it. That request is going to be much larger and makes more sense because it is located at a major thoroughfare. The location of this proposed request does not abut Rangeline. What type of signage is going to be used to advertise? I realize that may not be part of the site plan for the first initial conditional use process but I would like to know because we would not like a giant sign right at the entrance to the subdivision, especially since Enrich Construction just took over the current signage of the mobile home sales company. The agent for the applicant stated that he talked to staff and has met all the requirements for the landscape and site development plan. I ask that you require more, not just to meet the standards but to exceed them. There are plenty of other instances where there have been more landscaping requirements for these types of developments. If the Commission believes that this will be a great site for this development then make it something that the 102 single family households won't mind looking at everyday and is pleasing to the eye. Another thing I would like to recommend is that the Commission reviews the materials I submitted and proposed for this development as well as the recommendations from the homeowners association that

was submitted to staff. If the Commission hasn't had time to review that material I request that the Commission table the request until they have reviewed it.

Also present speaking in opposition:

Glenda Basinger, 5060 N Lotus Loop, Columbia

Glenda Basinger: I am opposed to the request. There has already been a meth lab in our neighborhood and it caused all kinds of unwanted traffic and it would be easier if were in a storage facility and that same traffic would still be on our streets and in our yards.

Also present speaking in opposition:

Kerri Henness, 902 E Nance Drive, Columbia

Kerri Henness: I am not so much in opposition of the proposed usage I could think of many other things that could be less desirable there but I want to stress that I would appreciate having the lot and the property look very nice and not be a detriment.

Commissioner Freiling: I assume your comments mean you prefer landscaping?

Kerri Henness: Yes, the landscaping and the signage that was mentioned previously. If the signage is not obtrusive and unattractive and if the landscaping is kept up, not just put there and left to decline but if it is maintained well and continually maintained.

Commissioner Freiling: Would you prefer landscaping or privacy fence or both?

Kerri Henness: On the frontage along Shalimar Drive I think landscaping would be appropriate; for the south and west sides I think privacy fence would be sufficient.

Closed to public hearing.

Chairperson Harris: To those who have spoken in opposition to the request, what I am hearing is that a use which has relatively low traffic is more objectionable to you than a use such as a heavy equipment repair shop that could be open 24 hours a day with semis in and out all day which could be put in there with no hearing at all, it is a permitted use and there would be no questions and no notice. What I am hearing is that use would be more desirable to you than a storage facility, something that is very low traffic and low impact.

Wes Bolton: I don't have much else to add, we fully intend to maintain the landscaping. We are proposing a six foot privacy fence and we believe that is appropriate.

Commissioner Kurzejeski: Could you address the proposed signage?

Wes Bolton: I believe the intent right now is there won't be any pylon signage on this lot, there will eventually be a sign on Rangeline.

Chairperson Harris: In the material that was submitted with the application there was a one page color brochure from Central Storage Works, is this the company or the type of building that we would expect to see there?

Shane Dixson: Yes.

Chairperson Harris: Do you have opposition to the staff condition relative to vegetative screening versus privacy fence if the request is approved with the conditions that the staff recommended?

Wes Bolton: The only issue that we have with that is that it requires more land. From the concept review stage our layout hasn't changed. We've shown fencing around the entire property. In order for us to put in a fence and effectively screen that it would require more of the property. There is a drainage swale on the west side and it would get into that and make it a little more complicated to drain. The biggest reason is that we contacted the abutting property owners and they said they wanted the fence to stay.

Chairperson Harris: A couple of the pictures showed that the fence wasn't in the greatest condition right now, is that going to be rectified?

Wes Bolton: Yes, in discussing with the neighbor the fence would be repaired or reconstructed, likely reconstructed.

Chairperson Harris: There was some discussion as to the type of building mounted light packs; is what they had in mind acceptable?

Uriah Mach: I believe so. If they are going to do light packs they have to be focused inward and downward, they have to be set up so light doesn't leave the site. We spoke this morning about lighting to cover the entrance but it will still be shielded. Staff will be requesting a lighting plan as part of their submission.

Commissioner Murphy: Will the facility be open 24 hours?

Shane Dixson: Probably not, we would like to have a secured gate that is card operated.

Commissioner Murphy: Would the applicant be willing if a condition is put on there that there would be no storage of hazardous materials?

Stan Shawver: With enclosed storage there is no way for staff to enforce such a restriction. I am pretty sure that management will have a lease that restricts that anyway.

Chairperson Harris: Will there be a small office there?

Wes Bolton: An office is required on-site.

Commissioner Murphy: The fence on the rear is still a condition; I don't see a problem with leaving it.

Commissioner Freiling: If there is going to be a fence it should be new.

Stan Shawver: The neighbors have expressed a desire for a privacy type fence on the south and west sides. Staff's condition was that it have some type of security fence and in trying to help the development mesh with the neighborhood we asked for landscaping but if a privacy fence works to accommodate the developer and the neighborhood's interest that is reasonable.

Commissioner Murphy made and Commissioner Poehlman seconded a motion to **approve** the request by MD Storage of Columbia LLC for a permit for self- storage units on 1.46 acres located at 1080 E Shalimar Dr., Columbia **with the following conditions:**

1. Dust-free paving, minimum chip-seal, is required for all drive surfaces.
2. Exterior lighting must be focused inward and downward to prevent light from leaving the site.
3. A new privacy fence to be installed and maintained in good condition on the south and west sides, a chain link fence on the east side, and landscape screening and architectural fence on the north side. The screening is to be based on two off-set rows of conifers with 15' triangulated centers. When a planting dies, it must be replaced with a similarly-sized element. (amended from staff recommendation)
4. A site plan, including landscaping, fencing, and lighting details be provided as part of the permitting process.

Boyd Harris – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Carl Freiling – Yes

Kevin Murphy – Yes

Michael Poehlman – Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on September 1, 2015 and the applicant needs to be present at the hearing.

3. Request by Sally Leann Frazier on behalf of USCOC of Greater Missouri LLC for a transmission facility, including a 190' tower, on 37.59 acres, located at 20305 N Hwy 124, Centralia.

Commissioner Prevo left the meeting due to an emergency at 8:15 P.M.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Highway 124, approximately  $\frac{3}{4}$  of a mile to the southwest of Centralia. The property is approximately 40 acres in size and is zoned A-2(Agriculture). The property has A-2 zoning to the north, south and west and REC (Recreation) zoning to the east. The REC zoning was rezoned in 2002. The A-2 zoning is all original 1973 zoning. The property is currently undeveloped. The Master Plan describes this area as being suitable for agriculture and rural residential land use. Staff notified 49 property owners about this request.

A description of the lease area site has been submitted by the applicant in the application materials. The lease area for the tower is approximately 10,000 square feet out of the 39.70 acre parent tract. The siting of the tower may cause difficulties in the future if subdivision is desired. The proposal for a transmission facility is for a 190' monopole tower and support facilities. The applicants have met the submission requirements identified for a conditional use permit for a transmission facility

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners. As a conditional use permit, the proposal must meet the following criteria from the zoning ordinance to be eligible for approval:

(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.

If operated in conformance with existing regulations, this use should not be injurious to the use & enjoyment of other property in the immediate vicinity for purposes already permitted by the regulations. Public testimony may be indicative as to whether this criterion can be met.

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

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

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

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

(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 area is zoned A-2, with residential uses limited to 2.5 acre tracts or larger. The surrounding properties are mainly large-lot agricultural properties, with limited access to public right of way. Those along Highway 124 are limited in development potential by Missouri Department of Transportation access requirements. The existing infrastructure or lack thereof, is a greater factor in increased development than the placement of this transmission facility.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The proposed use is a minimal traffic generator and should not hinder traffic or cause congestion on public streets.

(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 A-2 zoning district, particularly since no land division is proposed. Public necessity has been discussed by the Federal Telecommunications Act of 1997 to allow for widest dissemination of wireless communication services.

Staff recommends approval of this conditional use permit.  
Present representing the request:

Tracey Malone, Faulk & Foster, 678 Front Ave NW, Grand Rapids, MI

Tracey Malone: I have read the staff report and agree with the recommendation. I noted in the staff report some issues that may come up: specifically the impact of the proposal on properties in the immediate vicinity. The balance of the property is intended to remain in agricultural use. I walked the site today and also visited quite extensively with the community for about two hours to make some observations. The area is dense with mature trees in the vicinity. I also noted a similar structure at Highway 124 and March Road; it is a galvanized steel monopole that is the same type of design that is proposed tonight. When I was at the site I stood where the staking was at the center of the tower I could barely make out one garage for residential use across highway 124 that was visible through the trees. This residential garage was a little bit north but almost directly across from the proposed site. Highway 124 is fairly dense with trees on both sides that provide good screening. When I was standing on the property at the staking I could see one utility building on the same side of Highway 124 that appeared to have a window in it and the neighbors to the north were proposed alternatives. It is my understanding that the utility building is owned by an alternative location that was investigated for the placement of this tower. The Frazier property was selected over the other candidates that were evaluated because it has a more favorable visual impact; it has a small outcropping of mature trees near the direct placement of the staking. The mature trees are also included on the property to the north and south and they line both sides of Highway 124. The views from the western owners are also impeded by the trees that line that direction. This is a smart placement and it affords a lot of mature tree coverage, when I drove the neighboring residential communities I noticed that there were a lot of mature trees surrounding most of the homes. A lot of times when neighbors are opposed to a wireless facility it is because of lighting, this tower is short enough so that lighting will not be required. The need for this tower is clear, my GPS didn't work anywhere in the area and the data I tried to use was extremely slow. This is an unacceptable status quo given an age where data usage on cell phones is increasing and the number of homes going to wireless is almost approaching 45 percent in Missouri. For various emergency response reasons alone this tower provides a benefit to the community and it fixes poor coverage along Highway 124 and provides support for data usage in Centralia. US Cellular wants to improve their customer experience because there is only one antenna array, one directional antenna on one tower that would be three antennas total that are currently serving this whole community.

Commissioner Freiling: I assume the Commission is under the same circumstance where we have to go through this and our authority is superseded by higher powers.

Stan Shawver: That is correct.

Commissioner Freiling: For the audience the Federal Government regulates access to the services provided by these towers, Boone County Regulations say that when there is a request made we have to have a hearing. The Federal Government says we can't say no if the applicant has proven a need to provide this service.

Uriah Mach: It is the Federal 1997 Telecommunications Act that deals with that. In the past two years the Missouri State Legislature has passed additional legislation that essentially says cell companies can get what they want.

Chairperson Harris: It is a monopole tower under 190 feet, no lighting on it at all.

Tracey Malone: Correct, though there will be security lighting that is motion activated at the equipment shelter.

Chairperson Harris: Will it have a single antenna on it?

Tracey Malone: It will have a triangulation array structure; it will have a maximum of four antennas on each side.

Chairperson Harris: Will US Cellular use all of these or will there be collocation?

Tracey Malone: This will facilitate collocation at different tower height levels, US Cellular will be going at the highest level and then other users could go underneath, typical separation distance is 20 feet, sometimes you can get away with 10 feet.

Chairperson Harris: But only a total of three arrays?

Tracey Malone: It is designed structurally for four users.

Chairperson Harris: Do they anticipate that this will improve existing cell service within the Centralia community.

Tracey Malone: Yes.

Chairperson Harris: Where on the property is the proposed site?

Tracey Malone: There is a farm cross fence located on the property and it is staked to be about 100 feet in from the farm fence.

Open to public hearing.

No one spoke in favor of the request.

Chairperson Harris: I had three phone calls regarding this request and they were all of the opinion that if it will make cell service better the callers were for it.

Present speaking in opposition:

Ed Bettenhausen: 19930 N Jay Jay, Centralia

Ed Bettenhausen: They just picked this up this last two or three weeks. I don't think it is the right way to go; we don't have a chance to check out what is going on. There are other people living there and livestock; there is usually livestock in that lot where the tower is going. I don't think enough advertisement has been put out to let the community know.

Chairperson Harris: So Mr. Bettenhausen's concern is the time frame to notice the neighbors which staff would have met the statutory requirement to do that.

Ed Bettenhausen: How would you like someone to come to your house and say you are going to do this and you don't know anything about it? There are some people that couldn't be here tonight to express their opinion; they don't like this tower going up and I am opposed to it myself. What is going to happen with the airplanes spreading my fields with chemicals? They don't stay up at 190 feet, they are closer to

the ground and they will get tangled up in those cables. I don't think it is very polite to put this in and nobody knows anything about it.

Also present speaking in opposition:

Carole Wallace, 10350 E Swiney Ln, Centralia

Bill Bodard, 10350 E Swiney Ln, Centralia

Carole Wallace: This is right across from my house. I am horrified because if this was here I wouldn't have bought the property. It is going to ruin my property values. Ms. Malone is talking about looking at the trees, this thing is way up in the air and will be seen anywhere like a big dinosaur sitting there looking at me and you are telling me this is a moot point. I brought another man, he sent me a letter but it is all moot so I don't even know why you sent the letter out because it is a done deal. The health affect it has on livestock and people it is just awful, I don't understand why the tower has to go there. Why not on top of the water tower in downtown Centralia. If they are worried about the reception in Centralia and I don't even think this woman lives on the property she doesn't have to look at it. But I guess it is all moot. I don't think any of the Commissioners would like this tower next to their house.

Commissioner Freiling: We share your same frustration.

Carole Wallace: But why there? Why couldn't they put it on top of the water tower?

Commissioner Murphy: Our county regulations require us to go through this process. There used to be a little more leeway with the federal regulations but the State of Missouri has passed a law that says the cellular companies can figure out where the best place is to place a tower, even if there is another tower right next door, we can't make them collocate and we can't tell them what it has to look like. It really has the Commission's hands tied.

Carole Wallace: The City of Franklin contested it and had it defeated.

Commissioner Murphy: I am not sure when that was but this legislation just passed last year.

Carole Wallace: So State's rights count for nothing anymore?

Chairperson Harris: It may be a timing element too as Commissioner Murphy said, that may have happened before the state legislation. I understand your frustration, we have these concerns every time the issue comes up but our hands are tied.

Stan Shawver: The best thing I can suggest is to contact your State Representatives because very clearly the State Legislature has said we cannot consider any health concerns or require consideration of an alternative location. All we can look at is the location proposed. We cannot require collocation as Commissioner Murphy mentioned. What the state is saying is that all citizens deserve access to cellular and wireless services. They have given a number of grants to companies to provide wireless services to the rural parts of the state and all parts of the state. It is extremely frustrating not only for the Planning and Zoning Commission and the County Commission but for staff as well.

Thad Yonke: We used to have a number of regulations cellular companies had to meet which meant it had to go through the exercises showing there were no other places available to collocate. All of that was removed from local authority by the state.

Carole Wallace: What if this tower falls down?

Stan Shawver: Our regulations still require that any fall has to be contained on the property. That is to provide protection against ice fall or if the tower laterally fails.

Bill Bodard: I am very resentful of someone coming in and walking around on the property for two hours and we've lived there for almost 30 years.

Chairperson Harris: I understand your frustration. I don't want anyone thinking this was a done deal, you cannot direct your frustration at this Commission, the frustration is shared by this Commission but we are bound by state statute. I can assure you that the time I have spent on this Commission before that statute was passed the representatives for the tower companies had bad evenings at these meetings.

Also present speaking in opposition:

Brian Boos, 10360 E Swiney Ln, Centralia

Brian Boos: Can we walk on this property to see exactly where the tower will be placed?

Commissioner Murphy: It is private property.

Brian Boos: If the tower falls, it cannot fall on anyone else's property?

Chairperson Harris: That is correct.

Thad Yonke: The building inspector will check the setback.

Chairperson Harris: It will be at least 190 feet from any property line.

Brian Boos: Has it all been done? Have the plans been reviewed?

Stan Shawver: The site plan has been submitted and complies with the regulations.

Brian Boos: So they have gone out and measured?

Stan Shawver: It has been surveyed.

Brian Boos: The applicant stated she spent two hours on the property talking to neighbors, I never saw her.

Also present speaking in opposition:

Doug Bollo, 13422 Highway 151, Centralia

Doug Bollo: I farm Mr. Bettenhausen's property. You talked about necessity, I am a US Cellular customer and I never had any problems with cellular service around the Centralia area, it is one of the better places I get reception. My trip down here is a north and south route and in a 15 mile radius I counted five cellular towers that I could see, it seems to me like necessity may be getting overrun. I don't know whether this board or any board has any authority to question that necessity but at some point we are going to have to figure out the necessity.

Chairperson Harris: While I understand what you are saying the necessity in this case got dictated by the legislature.

Closed to public hearing.

Tracey Malone: There is a wireless ordinance that is in place in the county and I did submit materials in response to the ordinance to show how this tower complies. The search area did not include any of the local water towers; they are too short to provide the intended necessary service. The setbacks are met, the site plan was filed with the application and I understand that it will be additionally reviewed at the building permit stage.

Commissioner Kurzejeski: Do you have a process where you would hold a get together or meeting with the neighbors?

Tracey Malone: We do neighborhood meetings. Not in this case, but we do those.

Chairperson Harris: According to the plan the center point of the tower is 1000 feet from the north property line, 400 feet off the west, 1300 feet from the south, and 400 feet off the east so it is well contained within the property.

Commissioner Poehlman: There was a question about guyed wires, there are no guyed wires.

Tracey Malone: There are no guyed wires on this tower; it is a monopole that is supported by a foundation. The foundation is designed based on the soil conditions at the property.

Commissioner Poehlman: Even though we have repeatedly stated that things are out of our hands there are a number of regulations the applicants have to comply with.

Uriah Mach: That is correct, with this particular application I spent a pretty good amount of time conversing with the applicant. The process itself is not as rigorous as it was but compared to a lot of communities it is a pretty rigorous process.

Commissioner Murphy made and Commissioner Poehlman seconded a motion to **approve** the request by Sally Leann Frazier on behalf of USCOC of Greater Missouri LLC for a transmission facility, including a 190' tower, on 37.59 acres, located at 20305 N Hwy 124, Centralia:

Boyd Harris – Yes

Eric Kurzejeski – Yes

Carl Freiling – Yes

Kevin Murphy – Yes

Michael Poehlman – Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on September 1, 2015 and the applicant needs to be present at the hearing.

## VI. Rezoning

1. Request by Walter and Katherine Garrett to rezone from C-N (Neighborhood Commercial) to R-S (Single Family Residential) on .58 acres, more or less, located at 9800 W Wilhite Rd., Rocheport.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Wilhite Road off of Route J, approximately 5 miles to the south of Harrisburg. The property is approximately 4.36 acres in size, and split-zoned R-S (Residential Single-Family) and C-N (Neighborhood Commercial). There are two houses and an outbuilding present on the property. The property has R-S zoned property to the north, south, and west, with A-1 (Agriculture) zoning to the east. This is all original 1973 zoning. The property scored 20 points on the rating system.

The applicant is seeking to rezone the C-N portion of this property to R-S. The applicant has no commercial uses on the property and its status as commercially-zoned is a limitation on its ability to be sold for rural residential land uses.

The Boone County Master Plan identifies this area as being suitable for agriculture and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation 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. The sufficiency of resources 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.

Utilities: The property is in the Consolidated Public Water Service District #1 service area for water service. It is in the Boone Electric Cooperative Service area for electrical service. The existing wastewater systems serving the dwellings on these lots are subject to the regulations of the Columbia/Boone County Health Department.

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

Public Safety: The property is located in the Boone County Fire Protection District, with stations in Harrisburg and on State Route E that can service this property.

Zoning Analysis: The C-N zoning was established by the original 1973 zoning map. At that time, it is believed that C-N was appropriate to provide opportunities for additional commercial activity in this vicinity. Since then, there has been no interest for commercial development. Given the current use of the property, it is appropriate to reduce the intensity of the zoning on this property as requested by the current owner.

Staff recommends approval of the rezoning request.

Present representing the request:

Kathy Garrett, 2800 W Wilhite Rd, Rocheport

Kathy Garrett: There is a very small portion of the property that is commercially zoned. It has been used residential and continues to be used that way.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Freiling made and Commissioner Harris seconded a motion to **approve** a request by Walter and Katherine Garrett to rezone from C-N (Neighborhood Commercial) to R-S (Single Family Residential) on .58 acres, more or less, located at 9800 W Wilhite Rd., Rocheport.

Boyd Harris – Yes

Eric Kurzejeski – Yes

Carl Freiling – Yes

Kevin Murphy – Yes

Michael Poehlman – Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on September 1, 2015 and the applicant needs to be present at the hearing.

## VII. Planned Developments

1. Request by Jerome and Jeannie Taylor to approve a revised Review Plan for Happy Hollow Estates Lot 4 on 15.30 acres, more or less, located at 801 E Happy Hollow Rd., Columbia.

Commissioner Murphy stated he would abstain from the vote on this request.

Planner, Uriah Mach gave the following staff report:

The subject property is located off of Highway 163, to the east of the city limits of Columbia. The subject property is 15.3 acres in size. It has an existing house, pool, and shed present on the property. The property is zoned A-2P (Planned Agriculture), and has A-2P zoning to the north and east, and A-1 (Agriculture) zoning to the south and west (Rock Bridge State Park). This property was rezoned from A-1 (Agriculture) to A-2P (Planned Agriculture) in 1986.

The proposal is to reconfigure the current plan to allow for the creation of an additional building site and lot. This new design would show one 11.97 acre lot with the existing structures and one 3.33 acre lot, allowing for the additional building site. Staff notified 18 property owners about this request.

The Master Plan designates this property as suitable for agricultural and rural residential land use. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. Failing to meet the sufficiency of resources test should result in denial of the requested zoning change. Success in meeting the sufficiency of resources test should result in further analysis.

The resources necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities: The subject property is located in Consolidated Public Water Service District #1 and the Boone Electric Cooperative service area. Wastewater treatment for the existing house is through an on-site

wastewater system that was permitted by the Columbia/Boone County Health Department. Wastewater service for the new house will be required to be by the City of Columbia sewer utility, due to proximity to existing services.

Transportation: These two lots will access Highway 163 by Happy Hollow Road, a private drive created by the previously approved plan and plats for this and the surrounding properties.

Public Safety: The subject property is located in the Boone County Fire Protection District service area, with the nearest station on State Route K.

Zoning Analysis: This property can meet the sufficiency of resources test. However, the question of wastewater service is a significant roadblock in the complete approval of the proposal. At this time, the City of Columbia's policy of requiring pre-annexation or annexation for sewer service will restrict the final approval of this plan. Once an agreement can be reached on how sewer service will be provided and the consequences of that provision of service, a final plan can be approved.

The property scored 86 points on the rating system.

Staff recommends approval of the revised plan with the following condition:

- 1) That no final plan or plat be submitted or approved until an agreement on the provision of sewer service be made to the satisfaction of the City of Columbia, the Boone County Regional Sewer District, and the Director of Boone County Resource Management.

Present representing the request:

Jay Gebhardt, A Civil Group, 3401 Broadway Business Park Ct, Columbia  
Jerome Taylor III, 12051 E Clinkenbeard Rd, Ashland

Jay Gebhardt: The applicants are okay with the condition. Jerry and his wife purchased this property in 1986 and they are the ones that zoned it A-2P. Jerry and Jeannie take the Rock Bridge State Park and the protection of it very seriously and as part of that this 20 acre tract was zoned A-2P. The applicants live in the main home and have a garage and a swimming pool and they would like to build a guest house. The idea with this is eventually their son will move in to the main home with his family and Jerry and Jeannie will stay in the guest house when they are in town. There is no intention right now to subdivide the property, it will stay in the Taylor family and Jerry has indicated that he has no desire to subdivide it because he wants to protect the park. The applicants are working with the city of Columbia to try and get a waiver from their policy of requiring a pre-annexation agreement in order to connect to the city sewer. The property directly to the east, Happy Hollow Estates is served by the Boone County Regional Sewer District and that runs to a city line. There is a connection agreement with those homes that allow them to connect without annexing. Jerry doesn't have any problems with the city of Columbia other than he thinks that Boone County and the existing zoning is a more appropriate to protect the park. The applicants will not bring a final plan forward until we have a resolution to the sewer matter that meets City, County, and Boone County Regional Sewer District agreements. The only lots in Happy Hollow Estates that are not connected are the applicant's and Bruce Beckett's property. The applicants would like to stay in the county but be able to utilize the Boone County Regional Sewer District system that is already in place for their neighbors but because it is pumped to a city facility the city staff's hands are tied at this point.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Harris made and Commissioner Poehlman seconded a motion to **approve** a request by Jerome and Jeannie Taylor to approve a revised Review Plan for Happy Hollow Estates Lot 4 on 15.30 acres, more or less, located at 801 E Happy Hollow Rd., Columbia with the following condition:

1. That no final plan or plat be submitted or approved until an agreement on the provision of sewer service be made to the satisfaction of the City of Columbia, the Boone County Regional Sewer District, and the Director of Boone County Resource Management.

Boyd Harris – Yes

Eric Kurzejeski – Yes

Carl Freiling – Yes

Kevin Murphy – Abstain

Michael Poehlman – Yes

Derin Campbell – Yes

Motion to approve the request passes 5 YES 1 ABSTAIN

Chairperson Harris informed the applicant that this request would go before the County Commission on September 1, 2015 and the applicant needs to be present at the hearing.

2. Request by Darren and Katie Nickerson to approve a Final Development Plan for Nickerson Estates on 10.73 acres, more or less, located at 7400 S Warren School Rd., Columbia.

Commissioner Murphy stated he would abstain from the vote for this request.

The following staff report was entered into the record:

The subject property is located on Warren School Road, south of State Route K, approximately ½ mile to the west of the city limits of the City of Columbia. The subject property is 10.73 acres in size, and zoned A-1 (Agriculture). The property currently has a single-family house, a shed, and a barn present. The property is surrounded by A-1 (Agriculture) zoning. This is all original 1973 zoning. The applicant submitted a request on the April 2015 Planning & Zoning Commission agenda to rezone the property to A-2 (Agriculture). That request was denied by the Planning & Zoning Commission and the County Commission. The applicant received approval for an A-2P rezoning and review plan at the July 30 Boone County Commission meeting. The property scored 55 points on the rating system.

The proposed zoning change is to facilitate further subdivision of the property for purposes of building a new house. The approved review plan describes two lots, one at 2.5 acres in size, separating the existing house, shop, and wastewater system; the other at 8.23 acres in size, placing a house, shop, pool, and wastewater system on the property. The final plan matches the approved review plan.

The Boone County Master Plan has designated this area as being suitable for residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation 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. The sufficiency of resources 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.

Utilities: Boone Electric can provide electrical service to this property. Consolidated Public Water Service District #1 can provide water service to this property. Wastewater will be an on-site system permitted by the Columbia/Boone County Health Department.

Transportation: The property has direct access on to Warren School Road, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, whose station on Route K is the closest to provide emergency services.

Zoning Analysis: The overall character of this area has long been rural in nature, with larger (10+ acre) tracts being the norm. The lack of development in this part of the county shows that interest has been in maintaining that rural character for the longer term. The denial of the earlier A-2 rezoning request reflected a desire to retain that rural character. This request allows for controls to be placed on development potential of the property in order to preserve the rural character of the area and allow for more detailed public consideration of the proposal.

Staff recommends approval of the request.

Commissioner Harris made and Commissioner Poehlman seconded a motion to **approve** a request by Darren and Katie Nickerson to approve a Final Development Plan for Nickerson Estates on 10.73 acres, more or less, located at 7400 S Warren School Rd., Columbia.

Boyd Harris – Yes

Eric Kurzejeski – Yes

Carl Freiling – Yes

Kevin Murphy – Abstain

Michael Poehlman – Yes

Derin Campbell – Yes

Motion to approve the request passes 5 YES 1 ABSTAIN

Chairperson Harris informed the applicant that this request would go before the County Commission on September 1, 2015 and the applicant needs to be present at the hearing.

3. Request by SUERONDOW Farms LLC to approve a Final Development Plan on 1.56 acres, more or less located at 5020 N Rte Z, Columbia.

The following staff report was entered into the record:

The subject property is located on State Route Z, south of Judy School Road. The property is approximately 231 acres in size, however only 1.56 acres of the property is proposed to be rezoned. The entire property has a house and barn present, those structures are 250 feet and 80 feet, respectively, from the portion being rezoned. The property is currently zoned A-1 (Agriculture) and is

surrounded by A-1 zoning. This is original 1973 zoning. A review plan and rezoning for this property was approved by the Boone County Commission at their 28 July 2015 meeting.

The proposal is to rezone the identified 1.56 acres from A-1 (Agriculture) to M-LP (Planned Light Industrial). The proposed uses are for a bulk storage propane facility and agriculture. The applicant, citing problems with access for an existing grandfathered facility approximately 1 and ½ miles to the north, desires to open a new facility on the subject tract.

The Boone County Master Plan has designated this area as being suitable for agricultural and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation 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. The sufficiency of resources 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.

Utilities: Boone Electric can provide electrical service to this property. Public Water Service District #9 can provide water service and fire flows to this property. Wastewater will be an on-site system permitted by the Columbia/Boone County Health Department.

Transportation: The property has direct access on to State Route Z, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The Boone County Fire Protection District will provide fire protection services to this property from their station at Lake of the Woods. Water is present at the level necessary to provide fire flows at Route Z; however extensions will be necessary to provide hydrants at the site.

Zoning Analysis: This proposal is best described as a spot zoning. The creation of a site to support a use that is out of character with the surrounding properties is generally frowned upon by the Boone County Master Plan. The approval of this final plan is based on the prior approval of the review plan and rezoning on the July 2015 agenda.

The property scored 25 points on the rating system.

Staff advises approval of the request consistent with the prior approval of the review plan & rezoning on the July 2015 agenda.

1. Dust-free surfacing (minimum chip and seal) will be required on the access drive and circulation areas of the proposal.
2. Construction will be to the standards of the building and fire codes as administered by the Boone County Building Inspection Department and Boone County Fire Protection District.

Commissioner Freiling made and Commissioner Murphy seconded a motion to **approve** a request by SUERONDOW Farms LLC to approve a Final Development Plan on 1.56 acres, more or less located at 5020 N Rte Z, Columbia with the following conditions:

1. Dust-free surfacing (minimum chip and seal) will be required on the access drive and circulation areas of the proposal.

2. Construction will be to the standards of the building and fire codes as administered by the Boone County Building Inspection Department and Boone County Fire Protection District.

Boyd Harris – Yes	Eric Kurzejeski – Yes
Carl Freiling – Yes	Kevin Murphy – Yes
Michael Poehlman – Yes	Derin Campbell – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on September 1, 2015 and the applicant needs to be present at the hearing.

### VIII. Plats

Nickerson Estates. S8-T47N-R13W. A-2P. Darren and Katie Nickerson, owners. Jay Gebhardt, surveyor.

Commissioner Murphy stated he would abstain from the vote for this plat.

The following staff report was entered into the record:

The subject property is located on Warren School Road, south of State Route K, approximately ½ mile to the west of the city limits of the City of Columbia. The subject property is 10.73 acres in size, and zoned A-1 (Agriculture). The property currently has a single-family house, a shed, and a barn present. The property is surrounded by A-1 (Agriculture) zoning. This is all original 1973 zoning. The applicant submitted a request on the April 2015 Planning & Zoning Commission agenda to rezone the property to A-2 (Agriculture). That request was denied by the Planning & Zoning Commission and the County Commission. The applicant received approval for an A-2P rezoning and review plan at the July 30 Boone County Commission meeting. The approval of this final plat completes the land division desired by the applicants.

Utilities: Boone Electric can provide electrical service to this property. Consolidated Public Water Service District #1 can provide water service to this property. Wastewater will be an on-site system permitted by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

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

Public Safety: The property is located in the Boone County Fire Protection District, whose station on Route K is the closest to provide emergency services.

The property scored 55 points on the rating system.

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

Commissioner Harris made and Commissioner Poehlman seconded a motion to **approve** Nickerson Estates.

Boyd Harris – Yes	Eric Kurzejeski – Yes
Carl Freiling – Yes	Kevin Murphy – Abstain
Michael Poehlman – Yes	Derin Campbell – Yes

Motion to approve the request passes 5 YES 1 ABSTAIN

The following items were placed on consent agenda:

Replat of East Locust Grove Plat 1. S2-T48N-R12W. R-S. David and Sandra Day, owners. Ronald G. Lueck, surveyor.

The subject property is approximately 1000 feet west of the city limits of the City of Columbia, located, on Locust Grove Drive. The property is about .95 acres in size and has a house present on the western lot. The proposal is to replat the two lots into a single lot for purposes of constructing a detached garage. The property was originally surveyed into a single lot, but then split via subdivision plat in 2000. A petition to vacate the plat upon approval of a replat was approved by the County Commission in June of 2015. The property is zoned R-S (Residential Single-Family) and is surrounded by R-S zoning. This is all original 1973 zoning.

The proposed lot has direct access on to Locust Grove Drive, a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The property is served by PWS#9 for water service, Boone Electric Cooperative for electrical service, and is in the Boone County Fire Protection District for fire protection.

The property is served by the Boone County Regional Sewer District for wastewater treatment.

The property scored 83 points on the rating system.

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

Jefferson Acres. S30-T47N-R12W. A-2. Patrick W. Lee, owner. C. Stephen Heying, surveyor.

The subject property is located on Nashville Church Road, two miles south of the village of Pierpont. The property is a 31 acre tract that is proposed to be split into four pieces, three lots at 5.89, 5.31, and 5.31 acres and a 14.52 acre remainder described by a concurrent administrative survey. The property has an existing house and two outbuildings. The subject property is zoned A-2(Agriculture), and is surrounded by A-2 zoning. This is all original 1973 zoning.

The proposed lots all have direct access on to Nashville Church Road, a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request for a waiver to the traffic study requirement.

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

The existing home is served by an on-site wastewater system and the new lots are proposed to be served in the same fashion. The applicant has requested a waiver to the wastewater cost-benefit analysis.

Proposed Lot 3 of this property received a variance from the Boone County Board of Adjustment on their June 25 2015 meeting for setback issues.

The property scored 42 points on the rating system.

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

Lake Chateau Plat 2. S29T48N-R11W. R-S. R. Newton and Joyce Riley, owners. Timothy J. Reed, surveyor.

The subject property is located on Montrose Avenue off of State Highway WW, approximately 4 miles to the east of the city of Columbia. This proposal consolidates fourteen smaller lots into one larger lot. The property has an existing house and wastewater system present. This property was platted as Blocks II & III of Lake Chateau Subdivision, and permission to vacate the platted lots upon submission of a replat was granted in June 2015. The property is zoned R-S (Residential Single-Family) and is surrounded by R-S zoning. This is all original 1973 zoning.

The new lot has frontage on Montrose Avenue, a private road. Montrose connects to State Highway WW. The applicant has requested a waiver to the traffic study requirement.

The subject property is located in Public Water Service District #9, the Boone Electric Service area, and the Boone County Fire Protection District.

An existing wastewater system serves the property, as permitted by the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis.

The property scored 36 points on the rating system.

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

Commissioner Freiling made and Commissioner Poehlman 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.

## IX. Old Business

### 1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

Last month we had a conditional use permit for Mr. Sallee, he did not appear for the meeting so the request was placed on this month's agenda.

The Nickerson rezoning request was approved as recommended.

The SUERONDOW Farms rezoning request was approved as recommended.

The plats were approved.

There was public comment at the last meeting and staff prepared a report which was given to the Planning and Zoning Commission this evening. This can be discussed at the next work session.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Secretary  
Eric Kurzejeski

Minutes approved on this 17<sup>th</sup> day of September, 2015