

BOONE COUNTY PLANNING & ZONING COMMISSION
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS
801 E. WALNUT, COLUMBIA, MISSOURI
(573) 886-4330

Minutes

7:00 P.M.

Thursday, February 18, 2016

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

II. Roll Call:

a. Members Present:

Paul Prevo, Vice-Chairperson

Eric Kurzejeski, Secretary

Carl Freiling

Gregory Martin

Michael Poehlman

Lloyd Wilson

Bill Lloyd

Rocky Fork Township

Missouri Township

Cedar Township

Katy Township

Rock Bridge Township

Columbia Township

Three Creeks Township

b. Members Absent:

Boyd Harris, Chairperson

Kevin Murphy

Derin Campbell

Vacant Seat

Centralia Township

Perche Township

County Engineer

Bourbon Township

c. Staff Present:

Stan Shawver, Director

Bill Florea, Senior Planner

Paula Evans, Staff

Uriah Mach, Planner

Thad Yonke, Senior Planner

III. Approval of Minutes:

Minutes from the December 17, 2015 meeting were approved by acclamation.

IV. Chairperson Statement

Vice Chairperson Prevo 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 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, March 1st. 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, March 1st will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by Keeven Columbia LLC on behalf of Smarr Family Farms to rezone 127.29 acres more or less, from the following: Tract 1- 72.27 acres of R-S (Single Family Residential), 26.19 acres of REC (Recreation) and 8.08 acres of R-M (Moderate Density Residential) to A-1 (Agriculture); Tract 2 – 12.50 acres of REC (Recreation), 3.71 acres of R-M (Moderate Density Residential) and 2.03 acres of A-R (Agriculture-Residential) to M-LP (Planned Light Industrial); Tract 3 - 2.51 acres of REC (Recreation) to M-LP (Planned Light Industrial) and approve a Review Plan for Smarr Family Farms Planned Development, all located at 4949 W I-70 Dr NW, Columbia.

Planner, Bill Florea gave the following staff report:

The property is located on the north side of I-70 Drive Northwest just west of the Columbia City limits and east of Perche Creek. The property is currently being used for agricultural purposes. It is also occupied by an 80' x 120' steel building.

The current zoning of the property is R-S Single Family Residential (72.27 acres), REC Recreation (41.2 acres), A-R Agriculture Residential (2.03 acres) and R-M Residential Moderate Density (11.79 acres).

Adjacent zoning is as follows:

- North A-2
- East R-S/R-M
- South A-R, R-M
- South of I-70 REC, M-L, City of Columbia R1
- West R-S and A-2

Previous zoning requests include 5-acres of R-M to A-R in 1986, which was approved and 38 acres of R-S to REC in 2000, which was approved.

The request has been broken down into three tracts:

Tract 1 is 106.54 acres. The requested zoning is A-1 Agriculture. As an open zoning district the owner would have the right to any use allowed in the A-1 District. The applicant has indicated an intent to conduct agricultural uses and top soil mining. The top soil mining operation will require approval of a conditional use permit that can only be approved after additional public hearings with notice to neighbors within 1000 feet.

Tract 2 is 18.24 acres. The requested zoning is M-LP. The requested allowed uses for this tract are agriculture and composting/mulching.

Tract 3 is 2.51 acres and contains the existing building. The requested zoning is M-LP. The requested allowed uses for this tract are contractor storage and office.

The proposed review plan also identifies several “Future Uses.” Those are uses identified by the proponent that are desirable to them in the future. They are not appropriate now due to lack of infrastructure. The note is advisory only, in that approval of this plan does not result in approval of those uses on this property. When the infrastructure issues are resolved, those uses can only be approved if the developer submits a revised review plan and rezoning application. Then the Commission and County Commission can consider those uses as part of a public rezoning process.

The Master Plan designates this property as suitable for 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. 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 allow the request to be considered and evaluated based on accepted planning principles.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Access issues

The property has frontage on and direct access to I-70 Drive Northwest. That road is maintained by Missouri Department of Transportation. MoDot was notified of this request, attended the pre-submittal concept review meeting and was given the opportunity to comment on the request. MoDot did not indicate any objection to the application other than to state that a permit will be required for any work that is to be done in the right of way.

Water Service/Fire Protection (if applicable)

The property is in the Columbia Water and Light service area. There are also two private wells on the property. There is insufficient water available to the property to provide fire protection uses.

The existing 12,000 square foot structure on Tract 3 is the only structure on the property and, for purposes of the current proposed development plan, fire protection requirements will pertain specifically to it. The Boone County Fire Protection District has approved a plan to install an internal two hour fire wall between the office and the shop area. Fire protection will be addressed in this manner until such time as fire flow is available at the property.

Sewer

There is a City of Columbia sewer main at the property. The City normally requires annexation as a condition of sewer service. However, the property is not contiguous with the city limits. The applicant has submitted an annexation agreement application to the City. The Columbia City Council has not acted on that application. If the annexation agreement is not approved there is sufficient land area for on-site wastewater disposal. A condition of approval requiring resolution of the sewer issue will appear in the recommendation section of this report.

Zoning Analysis:

The breakdown of requested zoning changes is as follows:

- REC to A-1 26.19 acres
- R-S to A-1 72.27 acres
- R-M to A-1 8.08 acres
- Total to A-1 106.54 acres

- REC to M-LP 15.01 acres

- R-M to M-LP 3.71 acres
- A-R to M-LP 2.03 acres
- Total to M-LP 20.75 acres

Neighboring land uses in the area include agriculture and residential. There is an undeveloped subdivision adjacent to the east that is zoned for residential use. There are approximately 16 single family dwellings within 1,000 feet of the property. Since the subject property has been used primarily for agriculture, the rezoning of Tract 1 to A-1 should not create any conflicts with existing land uses. An additional benefit of rezoning Tract 1 is to maintain open space and preserve agricultural uses which align with policies in the City of Columbia Master Plan and Boone County Master Plan respectively.

The majority of the land being requested for M-LP is zoned Recreation. Recreation is similar to a commercial zoning district that allows a range of recreation oriented commercial uses that could generate traffic, noise and exterior lighting impacts. Conditional uses in the REC district include restaurants, race tracks, shooting ranges and travel trailer parks.

The use of planned districts is a tool that can be used to mitigate impacts to surrounding land uses. The proposal limits the uses allowed on Tract 2 (18.24 acres) to composting, mulching and agriculture. The area where composting is allowed is shown on the plan with a containment berm and a collection area for the runoff.

The impacts of the composting operation such as odor and water quality can be influenced by the type of material being composted and the manner in which runoff is handled. Notes on the plan limit the type of material used for composting to horse manure, cow manure and yard waste. An engineered design for handling runoff is also stipulated in the notes. A recommended condition of approval is contained in the recommendation section of this report to ensure that the design notes are complied with.

The future land use map in the Master Plan identifies this property as suitable for residential land use. Comments from the City of Columbia indicate its Master Plan identifies the property as Greenbelt/Open Space and does not support Industrial Use. It should be noted that all of the property is within the 100-year flood plain and approximately 85-acres is in the floodway. Rezoning of 106 acres from recreation and residential zoning districts is a recognition that the land is not well suited for residential use. It will also promote the retention of open space and result in a net increase in land retained for agricultural use, which is an objective of the County Master Plan.

The property scored 68 points on the rating system. Staff notified 37 property owners about this request.

Staff recommends approval of the rezoning and review plan as submitted February 18, 2016 and presented to the Planning and Zoning Commission subject to the following conditions:

1. Prior to approval of the Final Plan the developer shall submit a copy of the permit for the composting operation from Missouri Department of Natural Resources or a letter from MDNR stating that a permit is not required.
2. If MDNR does not require a permit, the developer shall submit documentation from a Registered Professional Engineer licensed to practice in the State of Missouri to prove compliance with the Composting and Irrigation Notes on sheet C301 of the Review Plan.

3. Modify the Stream Buffer Statement on page C101 of the review plan to state that the stream buffer extends 100' each side of the creek from the ordinary high water mark, not the center of the creek.
4. Prior to final plan approval the applicant shall submit an approved copy of the annexation and sewer connection agreement from the City of Columbia. If the connection is not approved the applicant shall provide documentation that an on-site wastewater system has been approved by the Health Department.

Present representing the request:

Jay Gebhardt, A Civil Group, 3401 Broadway Business Park Ct., Columbia
Merle Smarr, 804 W Broadway, Ashland

The applicants made a power point presentation and presented four photos taken at the site looking in each direction.

Jay Gebhardt: The tract consists of 41.2 acres of recreation zoning; 11.8 acres of R-M multi-family zoning; 72.3 acres of R-S single family zoning and 2.0 acres of A-R zoning. The proposal is to down zone 106.54 acres to A-1 zoning and request M-LP planned light industrial for 20.8 acres of the property. The down zoning is to allow the property to be farmed and it is the intent of the applicants to come back and request a conditional use permit for the A-1 property to allow for topsoil removal on the property. The M-LP consists of two separate tracts and each tract has separate and different allowed uses; that is why there are two tracts. Tract 2 is 18.24 acres and would be limited to agriculture and composting. Tract 3 is 2.51 acres and would be limited to storage, a contractors shop, and office uses. It is part of this plan to provide the intent that the above mentioned uses will be expanded in the future along with the addition of self service indoor/outdoor storage and retail sales of the compost, mulch and topsoil. That is after the fire protection infrastructure is in place.

The 106.5 acres being down zoned from REC, R-M and R-S will be used for row crops and if a conditional use permit is granted a small portion of the property will be top soiled each year. The areas within the stream and wetland buffers will not be used for the topsoil operation. A land disturbance permit along with a storm water prevention plan will be obtained from the State and county and all best management practices will be utilized to protect the creek from sediment leaving the site and entering the waterways. The top soiling operation will be operated by the employees of the owner of the property. The topsoil to be hauled from the site is stock piled and removed over time by dump trucks. The majority of the trucks will be operated by the employees of the owner of the property. They go in during the early spring and gather up a pile that is big enough for what they need for that summer and then they put in crops. During the summer they sell from that stock pile and then they may do it again in the fall. The majority of the time the property is farmed and there is a time they will use large farm equipment and build a pile. This is very similar to the operation that is just west of the creek. The estimated number of truck loads on a busy day is 30 loads which is 60 trips because the truck leaves and then comes back. In the spring and early summer they are busy but when it gets really hot they are not busy at all.

Tract 2 of the request is for 18.24 acres of M-LP which will be used to provide an area for composting. Over time all of the M-LP area will be filled as allowed with a flood plain development permit so that it is above the base flood elevation. Of the 18.2 acres, approximately 15 acres will be farmed until it is utilized for future allowed uses. Mining topsoil is not an allowed use in the M-LP zoned areas. Approximately three acres of tract 2 will be used to compost material for incorporation into topsoil to produce a product known as "garden grow". The material to be composted will primarily be horse manure and to a small degree, cow manure, mulch and yard waste. The composting area will be terraced to prevent storm water

from entering it and the water that falls on it will be collected in a two basin holding cell. The holding cell will be designed to hold the rainfall that falls on the site without discharging for six months during the winter and will be land applied during the six summer months to the crops on the property. This is similar to land applications systems used by many communities for wastewater disposal and is a preferred system by The Department of Natural Resources because there is no discharge to the streams of the state.

There is a big concern about smell, there is a fear there will be an unpleasant smell from the composting operation. Stephens Stable in Columbia stockpiles their manure from their property in a bin that is within close proximity to a large number of homes and has done so for many years. Additionally the manure is stored at the generating horse facility for 30 to 90 days before enough volume is accumulated to be picked up. This means the manure has already begun to break down before it is brought to our site. Although the quantity of horse manure will be different than Stephens Stables, the applicants are confident that there will be very little odor from the composting operation.

There is an existing building on Tract 3 which was built as a private indoor tennis facility. It is currently used as storage for the large agricultural equipment used for the sod-turf operation. If granted the zoning, the applicant proposes to use it in a very similar fashion as it is being used now. The proposed uses are storage of contractor equipment, a shop to work on the equipment and offices for the excavation business. The building is above the 100 year flood plain as is the area to be used for equipment storage and the required parking for the business. The expected traffic from the excavation business is from the 21 employees who arrive at their office and some of them leave in company vehicles. In the worst case each employee will come and go from the building 4 times a day or 84 trips.

This isn't really a traffic study but to compare, the existing sod farm use produces approximately 40 to 50 trips per day on a busy day and no trips on slow days. The uses allowed by the existing recreational zoning would allow soccer fields, baseball fields, golf driving range, and indoor tennis courts. For purposes of a traffic comparison Mr. Gebhardt used the ITE trip generation model and has been conservative estimating 3 soccer fields, 10 golf driving positions and the existing indoor tennis facility. The traffic from these uses would be 214 trips for soccer, 137 trips for golf, and 140 for the indoor tennis facility. The total trips per day for the existing REC zoning are 491. The R-M zoning portion of this which is 11.8 acres would only allow approximately 17 units as most of the R-M zoning is in the flood way. If these units were three bedroom units then the traffic generated by this portion of the existing R-M zoning would be approximately 170 trips per day. The 72.3 acres of R-S zoning would allow approximately 40 homes because a large portion of the R-S zoning is in the floodway. These 40 homes would produce approximately 390 trips per day. The total trips per day for the existing allowed uses for all the existing zoning is 1051 trips per day. The proposed uses will generate a total of 144 trips per day.

On a busy day the proposed uses will produce approximately 45 trips per day. On a slow winter day this will be significantly reduced to approximately 10 trips per day. This is not 144 trips per day everyday, it varies with the weather. It should be noted that the drivers for the proposed use are predominately professional operators with CDL licenses. Although their vehicles are larger than the general publics, these people drive for a living and the applicants believe they are safer drivers.

The applicants don't propose any lighting other than basic security lighting at entry doors to the building. The existing zoning would allow sport fields that could be lit at night and have an unwanted impact to the surrounding properties. The proposed uses would be primarily a Monday - Friday, 6:30 am to 5:00 pm operation with limited Saturday operation. The reason it is 6:30 am is that this is an excavation contractor; the workers need to be on the job at 7:00 am when they can start the machines and work. The existing zoning would be seven days a week and the REC uses could be 6:00 am to 11:00 pm operation. If it is similar to an indoor facility like a gym or indoor tennis some people go early and some people stay late.

The noise generated by the proposed use will be difficult to hear over the noise from I-70 which is 24 hours a day.

The applicants considered screening a portion of the property from the property to the east. Unfortunately, the property to the east is over 100 feet of elevation difference and no amount of screening would block the view of this property any better than the existing tree covered slope. The existing zoning doesn't require screening and the proposed use is not much different than how the property is being currently used as a sod/turf operation. There are tractors and equipment there now and there will be with the proposed use.

Slide 11 is a map of the city's average daily traffic (ADT) on I-70 Drive NW and it shows 1974 trips per day. The applicants contacted MoDot concerning the proposed uses and the impact it would have on their roadway and they have not expressed any concerns. MoDot shows the ADT for I-70 NW is 1974 per day which is well within the 750 to 2500 trips per day for a collector street. CATSO's Major Roadway plan shows I-70 Drive NW as a major collector street. The limited uses in the proposed M-LP are appropriate to be located on a major collector.

Slide 12 is the proposed concept plan for the Scott Boulevard interchange. When or if this happens this will change the nature of the area from residential to commercial. The plan shows two round-a-bouts north and south of the Sorrel's overpass and they are building a new outer road that swings out to just east of the applicant's property through the residential area and creates a new intersection with Barberry and Gibbs Road and that would be devastating for the people living there but it goes hand in hand with what the applicants are proposing. This proposed change will change the existing uses in the area. This project is currently unfunded and the estimated cost is \$68 million. The central district budget for the next 5 years for 18 counties is only \$184 million. The M-LP zoning with its limited uses is appropriate if this change does occur.

The sufficiency of resources test is a test that has a rating system to determine the suitability of a proposed rezoning and whether further study is warranted. The worksheet prepared by county staff shows that the site rates 68 points in this test. Any score greater than 50 points indicates that the property is within the urban service area. An area within the urban service area should warrant further study. The high rating is due to the proximity of the development to City of Columbia, the sewer being not just available but on site. The point rating places this property in the urban service area and indicates no reason the zoning is not appropriate.

Slide 14 is a copy of a letter from Assistant Fire Chief, Gale Blomenkamp. Water service for domestic flows is on the site; however the flows do not meet the fire protection criteria. This is why the applicants have worked with the Fire District to redesign the inside of the building to limit the threat from fire and the applicants have gained the districts approval as shown in the letter. No other building can occur until such time the fire protection flows and pressure can be obtained at the property.

The traffic comparison has shown the impact to the roadways from this development is minimal and no offsite improvements are needed. The composting operation provides a safe and environmentally sound method to reuse horse manure. That is probably the biggest issue. There is a need for this operation; there are a lot of small horse operations out there that are not properly disposing of waste. This would provide a way for them to have the material properly disposed of and the material will be reused in a positive manner. The existing zoning will have a greater impact on the surrounding neighbors than the proposed zoning. The REC, RM, RS, and AR zoning will have a greater impact on traffic, lighting and noise than what the applicants propose. The A-1 zoning provides for a more appropriate zoning for the floodway and flood plain areas and will provide a green space corridor along the creek.

The contracted purchasers, Mel and Charlotte Smarr are experienced and quality operators of many businesses with many ties to the community. They have an interest in making this a good fit for the environment, the existing neighbors and the roadways to the property. In general being a good neighbor. They see a need here and mainly what they do is agricultural in nature. They are taking horse manure and manufacturing another product with it by mixing it with topsoil and reselling it so that requires the M-L zoning. The applicants would like to reutilize the existing building for a shop and office for the business. The business office will be right next to the composting area and the applicant is not concerned about him or his employees working next to it. The applicants will be onsite.

Commissioner Freiling: Where will the applicants get the fill to take the floodplain area above flood level?

Mel Smarr: Starting off it will be taken from within the property.

Commissioner Poehlman: There is no conditional use permit on the agenda; the Commission is just looking at the rezoning and review plan tonight.

Bill Florea: That is correct. Any conditional use request will be considered at a later date.

Commissioner Poehlman: What are some examples of each activity allowed in the A-1 district?

Bill Florea: In the agriculture district, agriculture and residential are the two predominately permitted uses. There are some other business type uses that are agriculturally oriented that may be allowed.

Commissioner Freiling: The proposed A-1 area is primarily flood plain.

Jay Gebhardt: That is correct; pretty much the entire west part of the property is floodway. There is a piece toward the M-L request that is out of the floodway.

Commissioner Poehlman: The applicants wouldn't be able to do the topsoil mining until they get a conditional use permit.

Bill Florea: That is correct; it would also require another set of hearings and notice to the neighbors.

Commissioner Poehlman: What about the mixing of the manure and the soil?

Bill Florea: That will occur in the area proposed for M-LP...

Commissioner Poehlman: That could be done if the M-L is approved tonight.

Bill Florea: Yes, it is a permitted use in M-L zoning.

Commissioner Freiling: The applicants are requesting M-LP.

Bill Florea: Yes, so the uses would be limited to only those listed on the approved plan.

Open to public hearing.

No one present to speak in support.

Present with a question, not in support or opposition:

Sara Hughes, 1420 N Abilene Acres Dr, Columbia

Sara Hughes: One concern was about more traffic. I-70 Drive NW gets destroyed by cement trucks. The weight capacity of the bridge, which is falling apart, is also a concern and adding more large trucks over the same roadways that are already falling apart. How are the roadways going to be protected?

Present speaking in opposition:

Allen Garner, Attorney, 3808 S Coachman Ct, Independence

Mr. Garner submitted a letter summarizing concerns.

Allen Garner: My father is an adjoining property owner to the applicant's site. I am here representing my father and some neighbors in the neighborhood. Part of the difficulty in zoning is balancing the use of one property owner against the uses previously approved by those in the surrounding area and balancing those interests understanding that the overall purpose is to provide compatible uses in the neighborhood. One of the things that makes this request challenging is the fact that the floodplain covers 100% of the property and the floodway covers approximately 80% and there are extreme regulations not only by the county but also by other governmental units as they pertain to the protection of wetlands and floodplains. In the County's own Stream Buffer regulations the policy is declared to protect and maintain stream buffers, protect the streams, the wetlands, and floodplains by limiting what can what can take place in those areas. Another planning document that has been mentioned is the County's Comprehensive Plan understanding that on a county basis you have to look at large tracts so it is very normal to have agriculture and residential covering large parts even as has happened in this case where you have residential labels on land that is in a floodway in which you couldn't build anything. If you look at Columbia's Comprehensive Plan they have labeled this, and their comments to this request was that they would not support the use being requested as light industrial, as being contrary to the way they view an appropriate use of what is currently open and green. You have some issues with complying with the comprehensive plan. The reason those plans exist is to try to balance those interests so everyone has an idea of what future uses would take place.

I am not sure that all the wetlands on the property have been properly identified and I would encourage you to make sure that has occurred. What you can and can't do in a designated wetland is very significant and at a minimum you have to provide trade off areas. It is recognized that the historical use has been agriculture which is open and green. When you get back to the requested industrial zoning that is where there is a pretty clear line. The agricultural request as presented appears to fit the comprehensive plans and recognize the nature of the property, the only suggestion for that is that a planned designation gives the county some additional controls to make sure it stays in a use compatible with adjoining property. When you get to the industrial use you may have a difference of opinion as to what the rezoning does. While applying the planned part to the industrial does place some limitations when you grant industrial zoning it is industrial zoning. All of those uses that are listed in the ordinance are available and all you have to do is request. Section 6.1.2.1 of the ordinance states an applicant may request any number of permitted or conditional uses, or combination thereof, from the underlying parent zoning district. So every one of those uses listed is approved if the Commission approves the zoning. All the applicants have to do is come in and submit a new plan; that is quite different than having to come in and ask for a different zoning district. The zoning has already been granted. While the current proposed use requested in the plan has some limitations, the Commission already heard that those are temporary in the sense that they have

told you a little bit of what is behind the curtain and what they plan to do down the road which takes full advantage of the fact that you have now placed an industrial zoned piece of property, if approved, adjacent to all residential and agricultural.

You also heard in the presentation that you really can't buffer this tract. It is impossible to buffer that area from the adjacent residential because the elevation difference is too great. There was speculation of what may happen down the road if the highway comes along it will have an impact. That is not the way you would normally zone. You don't change the zoning thinking that sometime down the road there is going to be new infrastructure and improvements made that will change the nature of the property. As the property and road exists today even with its designation as a collector, if you pull up the engineering standards for such a street I-70 Drive NW will not meet those standards in its current conditions. While MoDot may not have had any concerns they also didn't admit that the road was wide enough for multiple dump trucks in both directions. As of today based on reports from staff and what has been filed there is no fire protection. They are providing a method that you can do on any structure of creating firewalls but that is not the same as fire protection. When there is adequate water and the roads have been changed that is when that type of zoning might be appropriate because the neighborhood's character would have been changed by those things.

If you want to know what the traffic impact is going to be that is when you do a traffic study. When you look at traffic impact it consists of trips per day but it also consists of the nature and type of vehicles making those trips. A trip in a dump truck in terms of road requirements for width and visibility is not the same for a passenger vehicle and the amount of wear and tear is clearly not the same so those trips are not equal. With the current zoning uses you can generate those types of trips per day that you heard but that is not what does exist. You also didn't hear any trips per day associated with the commercial business that was described; there were no trips assigned to the compost operation or the retail sales. The other thing you have to ignore until something changes is the potential impact of the road changes because there is no money for road improvements.

While there was a lot of discussion about horse manure I am not sure that as it was presented it is truly limited to horse manure. In some of the documents cow manure was mentioned which has different odor characteristics. The wind direction is out of the southwest which means it is going to blow toward the residential units on most days. The staff report talks about access issues and while there clearly is a road access that same 100 feet which is the difference between where the operation is and where the road is. All of those dump trucks and heavy equipment has got to hike up 100 feet on a fairly steep slope which in terms of noise it is not the same as driving your Prius up and down the hill. Water service fire protection is not available so when you get a report that says if certain things happen it will become available, that is not the same as saying that it exists in its current state. The same thing with sewer, yes there is a sewer line there but they don't have the right to hook up to it. When you change the zoning with floodway the amount of development is limited and now you are going to create multiple acres of industrial potential uses, the burden on the sewer system is quite different. As it exists today it is not available. The staff report is accurate when it comes to the change to agriculture zoning; it reflects the nature and character of the area.

Allen Garner asked those who have asked him to speak on their behalf to stand.

Approximately 15 people stood.

Commissioner Wilson: Can Mr. Garner address the neighbor's thoughts on the current zoning and the potential uses that could occur. If there is an opportunity to down zone from possible soccer fields, golf courses, and ball fields to a farm; what do the neighbors think about that?

Allen Garner: I believe that part of the request is supported; it makes sense and reflects the character of the property and is a much better zoning. I am glad someone didn't come in and develop that because rivers and streams do not respect human development. The agricultural zoning makes sense and then the applicants will still need the conditional use permit.

Commissioner Wilson: Are there three different zoning requests or just one?

Bill Florea: There are three tracts there and they are three separate requests.

Commissioner Lloyd: There has been a topsoil collection business underway?

Allen Garner: Yes, you can observe it when you drive down I-70.

Commissioner Lloyd: So where some of these concerns are laid out on this zoning request what has been the experience with what is going on there already on the west side of the creek?

Allen Garner: I can't speak for the people who are adjacent to that. By the time you cross the creek you have traveled quite a way from the neighbors for this request. Distance is one of the greatest buffers there is. So the fact that it is on the west side of the creek means you might have some folks who live on the west side of that operation up against it who would have some issues. One of the other noise issues is related to as you bring in material do you have to operate a grinder to turn it in to the appropriate soil?

Commissioner Freiling: There will be a use of this property other than what it is now. The property that is only in the floodplain is eligible to be raised to be above the floodplain and built on. With the existing zoning the future could be far worse than what is being proposed.

Commissioner Poehlman: For a conditional use permit the applicant would have to make an application with the county and there would be another hearing, correct?

Bill Florea: Yes.

Commissioner Poehlman: To change their M-LP plan the applicants would have to come back before the Commission.

Bill Florea: Yes; the applicants are restricted by what they asked for in the allowed uses. If they want to do anything else they have to reapply and come back and get a new review plan and final plan approved by the Planning and Zoning Commission and County Commission. The neighbors would be notified of the requested change.

Steve Sheriff, 607 Westridge, Columbia

Steve Sheriff: I am a lifetime friend of the Krause Family who owns the majority of the land on the east side of the property in question. Growing up I lived on a cattle ranch and we used horses for most of the operation. Composting facilities will be using the horse manure and also cow manure. After cleaning the horse barn after each winter's use I can tell you that horse and cow manure smells. When you spread this manure on hay fields it smells there too. The smell can be detected downwind for several days and depending on the quantity the odor can be overwhelming. The land in question is in the Perche Creek floodplain. The soils are fluvial and easily saturated with water. Imagine what will occur when Perche Creek floods with all the manure. Who will be responsible for the contamination of water wells? In the A-

1 district having a stockyard cannot be within 2640 feet of single family residential zoned land; even a veterinary office can't be within 500 feet with no odor being perceived at the boundary of the premises. Kennels under A-1 should not have odor perceptible at the property boundary. The land being considered adjoins land platted for single family residences, they currently do not have houses built on these lots and placing a manure composting facility within 500 feet or even ½ mile of these lots would exceed the spirit of the restrictions placed on other A-1 zoned facilities. The composting facility will negatively impact the property values of the adjoining lots. The potential for public outrage is great and this outrage could exceed the hog operations considered in Callaway County. How will the County compensate those impacted by allowing the rezoning request?

John Relles, 4563 Gibbs Rd, Columbia.

John Relles: My home is probably closer to the proposed site than anyone. I live above the flood plain and I can hear and see everything and this would have a tremendous impact on my home and my lifestyle. The figures that the applicants gave as far as the current traffic count are very inflated; it is not anywhere close to that. Sorrels overpass is scary in a car and the outer road is not much better; that is the only way out. If Scott Boulevard does happen now all those dump trucks will plow their way in first and second gear up the hill right by my house and passing a few other neighbors. Imagine living in a subdivision and then 60 dump trucks a day go by, that is one every eight minutes. It seems like for every load that goes out there are actually four trips because you have to bring in compost. If you are bringing in stuff to compensate you are talking four loads for every one that goes out so that could be 120. There is no limit to how many loads can come in and out per day.

Anthony Holmes, 1745 N Chapman, Columbia

Anthony Holmes: I have lived on the ridge that over looks the applicant's property for about ten years. We drive along that outer road everyday, I have 14 and 16 year old daughters and along that outer road we have already encountered the dump trucks that are filled with gravel and concrete trucks coming up and down the road because of the development along Scott Boulevard. There are no shoulders on the road and the lines are on broken asphalt because as the heavy trucks travel the road there is already degradation. Adding 20% traffic equivalent to 1000 cars does not include the heavy trucks. Sorrels overpass is in bad shape and every week to two weeks someone crashes into the guard rail because it is an undersized bridge. I frequently have to wait while someone gets lined up to cross the overpass. When there is a traffic accident anywhere between Stadium and Midway the semis take the outer road thinking they can get through to the next exit and there is a traffic jam and that happens frequently. That road wasn't designed for that much traffic. When I go to Google maps I see 40 acres on the applicants operation just west of the proposed site; it is a big area with no vegetation. When I think of agricultural activity I don't think of scraping the topsoil off, I think of it as planting a crop then harvesting it, not a continuous operation. The existing building was recreational and I would probably be much happier having the recreational activities, I wouldn't mind the traffic that comes with recreational because it is usually on the weekend and then it is gone. I think a golf course would raise property values. The way the applicants are going to use the agricultural land does not sound like agricultural activity, it sounds like more industrial you are mining topsoil. The existing building was built as tennis courts and not for industrial use.

Janet Krause, 2812 Wild Plum Ct, Columbia

Janet Krause: I own property adjacent to the proposed site. There will be odor, traffic, and noise problems and property values will decrease in the area if this happens. I have been a realtor for over 30 years and I know from selling real estate that people don't want to be near something that smells. The view of the

country side will no longer be one of beauty; I will be overlooking storage units instead of rolling agricultural land.

Joseph Fiore, 4401 W Gibbs Rd, Columbia

Joseph Fiore: I am not for or against this request. I am retired and I am outside all the time and the noise that travels through that area is quite incredible. I can hear my neighbors talking quietly about 100 yards away and it is like they are standing right next to me. They have been doing sod farming for quite some time and aren't there that often but when they are doing it the noise is incredible. The noise is magnified in that area.

Closed to public hearing.

Jay Gebhardt: I recognize that change is difficult and our office goes through great effort to try to minimize the impacts that these changes would create for adjacent property owners. The applicants feel that the proposal is a good compromise and does mitigate and minimize those concerns. The applicants spoke with MoDot about this request and the issue of trucks did not come up in the conversation. I assume if they had a concern about this operation that would have been brought up. The existing sod farm has semi trucks; dump trucks are a little smaller than that. Mr. Garner talked about the floodplain, floodways, and stream buffers and limiting uses to protect the floodplain. The applicants are doing exactly that, the stream buffer is 100 feet from the ordinary high water mark and we are providing buffers around the wetlands. If there is a wetland out there that is not shown on the plan it will be protected by the time we get through with the land disturbance permitting process through the county. The fact that we are down zoning to A-1 helps provide protection. The city used to have a land use plan called the 20/20 Plan and it showed areas outside the city limits and showed the proposed site as a green space. In 2014 they adopted Columbia Imagined and it has a new land use plan as part of it. It shows an urban service area boundary on it and anything outside the urban service boundary is not part of the plan. This property is outside the urban service area for the city. The old plan from the City of Columbia showed this as a green space but the new plan doesn't recognize this space because it is outside of their planning boundary.

The M-LP uses are predominately agricultural uses; the applicants will come back to the Commission for the mining of topsoil which is an agricultural use but we will make our case for that use at a later date. I only brought it up so everyone knows what the plans are. There was a comment that if the Commission approves the M-L then you are allowing all the permitted uses of M-L and all the applicants have to do is ask for them. On the surface it is a true statement but when I ask for them I have to submit a new plan and go through the same rigorous inspection by staff for the sufficiency of resources, fire protection, water, sewer, and building code; all of those things are going to be looked at as well as noise and light and all of those things. The applicants are trying to be straight forward; we think some day this property will be able to support an expanded use of retail sale of topsoil, mulch, and composting material. The applicants are not asking for a truck depot or any other of the uses that are allowed in M-L. The speculation of the planned road improvements were not brought up to justify the use but to show the request is compatible. I am not trying to say that because they are going to do this some day that this is okay, but if the road improvements on Scott Boulevard were to happen this development would still fit.

The fire protection issue was raised and that is why the applicants went to great lengths to work with the Fire Marshal for the Boone County Fire Protection District to get a letter with his letterhead on it and get that in writing for the Commission. The Fire Marshal is comfortable with the existing building not being sprinkled. Mr. Smarr has hired a design professional to look at potential building code issues and the applicants will have to comply with those. The Fire Marshal has jurisdiction over the fire code and he has said that he has accepted what the applicants propose.

Dump trucks are not equal to cars but if you take a pretty light use of the existing zoning district with the ball fields and apartments that could go there with the existing zoning, you can come up with 1000 trips per day pretty easily. Even if you double the applicants trips because they are trucks instead of cars it will still be 30% of that amount. The applicants are not trying to show that they are equal to cars but to show the impact which is significantly less than the impact the existing zoning would have. Mr. Garner talked about retail sales not being part of the calculated trips and that is because the applicants can't do retail sales yet; that is one of the future uses the applicants are asking for. There will be another public hearing and the applicants will have to justify it at that time. Regarding the noise of the dump trucks, these are Mr. Smarr's employees and he will control the noise and if there are complaints with the neighbors then I encourage them to call Mr. Smarr with issues and he will address it with his employees.

There was concern about putting a burden on the sewer with the future uses but that is not relevant because the proposed future uses that we are talking about don't put a load on the sewer system. It was asked if these requests could be voted on separately, the Commission can do what they want to do but it is a situation where you can't have one without the other. When you say industrial zoning it sounds terrible but the applicants want a zoning that allows a step up from agriculture to be able to do the composting. The applicant's would like the Commission to support both the zoning requests and not cherry pick the request. There will be no grinding of material on the property. Maybe 300 to 400 feet is the closest home to the property, the applicants tried to locate the facility for the composting close to the existing building and the applicant's will be the first ones to smell any odor. Hog and chicken manure were mentioned but it is specifically limited in the request to be horse manure. The applicants included cow manure because there is one location at the University farms that picks up their cow manure and puts it in a bin to be picked up. The applicants are only picking up from places that have combined operations. If that is an issue the applicants can drop that because there is only one location.

Commissioner Freiling: Where do the applicants intend to get their manure from and how much?

Mel Smarr: From horse stables, we will haul in containers when they have enough. Right now we are using 3000 to 4000 yards per year and our business is growing.

Commissioner Freiling: Do you think you will have enough available?

Mel Smarr: I think so. We currently get compost from someone else.

Jay Gebhardt: A question was raised about flooding in the compost area. The compost area will be filled above the 100 year floodplain and above that it will be protected by terraces to keep the water from getting in and only the water that falls in it will be collected in a basin holding cell. The rules for that are pretty strict. The compost is a trade off and is probably the biggest issue here but the trade off is living next to a possible gun range or a Daniel Boone Little League type park where it is lit up until 11:00 pm. Some of those things can be disruptive. The applicants request is not perfect but this is a pretty good trade off. The applicants don't believe the horse manure will smell very much. It was mentioned that there is very little traffic with the sod farm now. The gentleman that runs the sod farm is here tonight and he says that on a busy day he has eight semi loads come and go and he has 20 smaller loads. This is about the same as the applicants propose with the same type of vehicles and traffic. It was said that 30 loads may not be accurate because they will be bringing material in and that is true but as in any operation you want as much efficiency as you can have so if a truck load of topsoil goes out in one of the trucks he is going to make sure it comes back full if he can.

The outer road is scary but I don't know what the applicants can do about that. If the applicants don't do the rezoning request someone could purchase this property and add a lot more traffic to that road which is not any better of a situation. What the applicants are proposing is pretty limiting in traffic. Mr. Smarr's drivers are professional drivers; they do this for a living. Recreational zoning is not the same as a park with just soccer fields; it can be much more than that. The soil is a little different at the operation west of the creek. I agree that the existing use is nice and provides a nice view but try to vision not the existing use but the allowed uses with the exiting zoning and it may not be as picturesque. I live on Perche Creek now about 3 ½ miles from Midway and I can hear truck drivers talking; the noise follows the creek and the applicants can't do anything about it. A lot of these things are growing pains; traffic in the area was different a few years ago. The applicants are trying to do everything that is in proportion to the impact being created and trying to mitigate and minimize as many concerns as they can.

Commissioner Loyd: There will probably be less impacts on the proposed site than there are on the west side of the creek. When you look at the site on the west it looks like it is just dirt. What is the current experience for the neighbors from the operation on the west side of the creek? When you anticipate change like this you have fears of what may happen. In this situation we have live experience to tell us the impacts of the current operation.

Mel Smarr: We have more problems with the road. The current operation does look like nothing but dirt. That property floods a lot so we don't always get our crops in. We currently have a stockpile that will last maybe until September. We have to watch the organic matter in the soil and so far we've been very fortunate. Last fall approximately 30 acres of cover crops were planted but the property flooded and the crops didn't come up. The proposed site has a levee and won't flood as much so the applicants will be able to harvest.

Commissioner Kurzejeski: The applicants indicated that they made modifications based on concerns from the neighbors. Did the applicants meet with the neighbor's?

Jay Gebhardt: Yes, I was not able to make the meeting but my colleague and Mr. Smarr attended a meeting.

Mr. Smarr: We had a rough drawing of what we were going to do; the meeting went fairly well. The plan was fine tuned after the neighbor's feedback.

Commissioner Poehlman: The Commission can only take consideration of what is on the current agenda and the proposed plan.

Jay Gebhardt: Staff is very protective of the neighbors and a lot of the issues that are detailed on the plans were generated by staff

Commissioner Freiling: The urban service area is expanding and we deal with change, what was a country setting becomes urban. I don't think that fire protection is going to be an issue. Cow manure does smell, horse manure not so much, especially in an open area. The two issues are going to be the increased traffic and visual. What would the neighbors rather look at? Something is going to happen, that property is going to change. It could be a motor home park. There are a lot of things that can happen besides the proposed use. I like the recycling of waste; product is now ending up in water sheds in an un-recycled condition. With this site animal waste is going to be brought in where it is confined and processed properly and recycled. What would the neighbors rather have?

Public comment:

Mark Ellersieck, 315 Maplewood Dr, Columbia

Mark Ellersieck: I am not a neighbor out there but I have worked with Mr. Krause for 30 years and I was there when he bought that land. I may buy some land from Mr. Krause but if this is approved I don't know that I will buy any. What is going to happen to the property values?

John Relles: I am all for composting too but it sounds more like land mining and taking the soil out.

Commissioner Freiling: This proposal tonight is not for mining the topsoil.

John Relles: With the traffic and heavy trucks on very poor roads you are talking about life and death here, not property rights. Those trucks have no other way to go but right through our subdivision; that might be the only access and that is going to have a tremendous impact on the neighborhood.

Jane Creed, 1800 N Earthland Rd, Columbia

Jane Creed: My property abuts the current operation. I would say that Mel Smarr is running a good business and the noise that we hear is during the weekdays, we barely hear it on weekends. I drive up and down Cunningham Road at least two to three times a day and I have passed the dump trucks that are coming in and out and it is scary but each time I see one I slow down and so does the driver of the dump truck. I have not had any issues with almost running off the road. There is some deterioration of Cunningham Road but that is part of having all of that traffic and the State is pretty good at keeping up with it. In terms of the current recreation designation, had we known what the Perche Creek Golf Club would be like on the south side of I-70 we probably would have come to the Planning and Zoning meeting about that. We do not like the nighttime lights that you can see across I-70.

Commissioner Loyd made a motion to approve the rezoning requests and review plan. Commissioner Poehlman seconded.

Discussion:

Commissioner Freiling: What else has been addressed in the review plan that is not specifically stated?

Bill Florea: It is a four page document and there is a lot of information on there. There are notes regarding use, general notes, notes on the future use, an erosion control statement, a landscaping and buffering statement, stormwater statements, sanitary sewer statements, stream buffer statement, parking requirements, utility specifications, and more.

Commissioner Loyd made and Commissioner Poehlman seconded a motion to **approve** the request by Keeven Columbia LLC on behalf of Smarr Family Farms to rezone 127.29 acres more or less, from the following: Tract 1- 72.27 acres of R-S (Single Family Residential), 26.19 acres of REC (Recreation) and 8.08 acres of R-M (Moderate Density Residential) to A-1 (Agriculture); Tract 2 – 12.50 acres of REC (Recreation), 3.71 acres of R-M (Moderate Density Residential) and 2.03 acres of A-R (Agriculture-Residential) to M-LP (Planned Light Industrial); Tract 3 - 2.51 acres of REC (Recreation) to M-LP (Planned Light Industrial) and approve a Review Plan for Smarr Family Farms Planned Development, all located at 4949 W I-70 Dr NW, Columbia **with the following conditions:**

1. Prior to approval of the Final Plan the developer shall submit a copy of the permit for the composting operation from Missouri Department of Natural Resources or a letter from MDNR stating that a permit is not required.
2. If MDNR does not require a permit, the developer shall submit documentation from a Registered Professional Engineer licensed to practice in the State of Missouri to prove compliance with the Composting and Irrigation Notes on sheet C301 of the Review Plan.
3. Modify the Stream Buffer Statement on page C101 of the review plan to state that the stream buffer extends 100' each side of the creek from the ordinary high water mark, not the center of the creek.
4. Prior to final plan approval the applicant shall submit an approved copy of the annexation and sewer connection agreement from the City of Columbia. If the connection is not approved the applicant shall provide documentation that an on-site wastewater system has been approved by the Health Department.

Paul Prevo – Yes

Eric Kurzejeski – NO

Carl Freiling – Yes

Greg Martin – Yes

Michael Poehlman – Yes

Loyd Wilson – NO

Bill Lloyd - Yes

Motion to approve the request passes

5 YES

2 NO

Vice Chairperson Prevo informed the applicants that this request would go before the County Commission on March 1, 2016 and the applicant needs to be present at the hearing.

2. Request by Spring Creek Properties LLC to rezone from M-LP (Planned Light Industrial) to M-GP (Planned General Industrial) and approve a Review Plan for Spring Creek planned development on 3.00 acres, located at 6655 N Farrar Rd., Columbia.

Planner, Uriah Mach gave the following staff report:

The property is located in the west side of Farrar Road about 2/3 of a mile north of the intersection with Route VV. The property is three acres in size. The current zoning of the property is M-LP(Planned Light Industrial). The applicant is requesting a change in zoning to M-GP(Planned General Industrial) and revision to the development plan that was approved in 2005, due to a zoning complaint and change in use of the property. The review plan that accompanies this rezoning application shows the following uses: office & distribution facility for a wholesale distributorship, trailer and vehicle towing yard & temporary storage facility, and temporary storage of trailers and storage containers. Staff notified 27 property owners about this request. The property scored 65 points on the rating system.

The Master Plan designates this property as suitable for residential land use. The Master Plan identifies the use of planned districts to establish new commercial and industrial areas. The Master Plan also identifies a “sufficiency of resources” test for analyzing rezoning requests. The Test asks whether there are sufficient resources available for the needs of the proposed development or whether the services can be provided in a cost effective manner.

The resources used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Utilities:

- Water: The property is in the service area of Consolidated Public Water District Number 1. They cannot provide fire protection to this site.
- Sewer: There is an existing engineered system permitted by the Columbia/Boone County Health Department.
- Electric: 3-Phase electric service is available to the property.

Transportation:

- The lot will access on to Farrar Road, which is a state maintained roadway.

Public Safety Services:

- The site is within 3-miles of a fire station and is easily accessed by emergency services. Most of the site is currently wooded.

Zoning Analysis: This proposal has been effectively tailored to limit the off-site impacts of the proposed storage facility conditional uses. Approval of this plan will allow the desired uses, but also allow for those uses to be controlled. Specifically, the fenced storage area will be prevent the off-site visual impacts that would be considered obnoxious and also restrict the use to a controllable level. Expansion beyond what is proposed on this plan should be limited until improvements in water and sewer infrastructure are made to this site.

Staff recommends approval of the rezoning and revised review plan with the following condition:

1. That the installation of the of the 12' privacy fence identified on the plan occur prior to County Commission approval of the Final Development Plan.

Present representing the request:

Kevin Schweikert, Brush & Associates, 506 Nichols St., Columbia
John Berghagen, owner, 3525 Route E, Columbia

Kevin Schweikert: This was presented to the Commission in November 2015 and the applicants worked with staff to put together a plan.

Commissioner Kurzejeski: Has staff heard from any of the neighbors?

Uriah Mach: In November when this originally came in there were a couple of inquiries but no one specified favor or opposition. Staff hasn't heard from any of the neighbors since the resubmission.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

Commissioner Freiling made and Commissioner Martin seconded a motion to **approve the request by Spring Creek Properties LLC to rezone from M-LP (Planned Light Industrial) to M-GP (Planned General Industrial) and approve a Review Plan for Spring Creek planned development on 3.00 acres, located at 6655 N Farrar Rd., Columbia with the following conditions:**

1. That the installation of the of the 12' privacy fence identified on the plan occur prior to County Commission approval of the Final Development Plan.

Paul Prevo – Yes

Eric Kurzejeski – Yes

Carl Freiling – Yes

Greg Martin – Yes

Michael Poehlman – Yes

Loyd Wilson – Yes

Bill Lloyd - Yes

Motion to approve the request passes unanimously.

Vice Chairperson Prevo informed the applicants that this request would go before the County Commission on March 1, 2016 and the applicant needs to be present at the hearing.

VII. Planned Developments

None

VIII. Plats

The following items were placed on consent agenda:

1. Walker. S25-T50N-R13W. A-2. Edward and Jean Walker, owners. Steven R. Proctor, surveyor.

The subject property is located approximately five miles to the north of Columbia on Old Highway 63, north of Dripping Springs Road. The property is approximately 41 acres in size and is zoned A-2(Agriculture). The proposal is to split off a single 3.04 acre lot from the parent property, located along Old Highway 63. There is A-2 zoning to the north, east, and west, and C-N(Neighborhood Commercial) to the south. This is all original, 1973 zoning.

The subject property will have direct access on to Old Highway 63, a publicly-dedicated, publicly-maintained right of way. The applicants have submitted a request to waive the traffic study requirement.

The property is located in the Consolidated Public Water Service District #1 service area, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

On-site wastewater is proposed for this lot. Given the unusual design, placement of the system will be complex. The applicants have submitted a request to waive the traffic study requirement.

The property scored 20 points on the rating system.

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

2. Shelton Acres. S24-T46N-R12W. A-2. Mark Child, Jessica Child, Harold Huff, Monica Huff, owners. Steven R. Proctor, surveyor.

The subject property is located off of the western end of Cedar Hills Road, on a private drive that extends further south and west, approximately 1 ½ miles to the southeast of the City of Ashland. The property is 11.18 acres in size and zoned A-2(Agriculture). The surrounding property is zoned A-2 and this is all original 1973 zoning. The proposal is to reconfigure two lots created by prior survey and swap property with an adjacent property owner.

The proposed lots have access to a private drive which connects to Cedar Hills Road. The applicants have requested a waiver to the traffic study requirement.

The subject property is located in the Consolidated Public Water Service District #1 service area, with lot 1 being served by an existing service. Lot 2, while it could be served by Consolidated #1, is likely better served by a private well. The property is located in the Boone Electric Cooperative service area and in the Southern Boone County Fire Protection District.

On-site systems installed under permit with the Columbia/Boone County Health Department will provide wastewater service. The applicants have requested a waiver to the wastewater cost-benefit analysis requirement

The property scored 40 points on the rating system.

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

3. Locust Grove Hill. S2-T48N-R12W. R-S. Locust Grove Development LLC, owner. David T. Butcher, surveyor.

The subject property is located at the northeastern corner of the intersection of Locust Grove Drive and Lake of the Woods Road. The property is approximately 3.18 acres in size and zoned R-S(Residential-Single Family). This final plat replaces a previously approved preliminary plat, abandoning a proposed public cul-de-sac extending off of Locust Grove Drive. Instead of the seven lots previously proposed, this plat creates four lots along Locust Grove Drive. The surrounding properties are zoned R-S, and this is all original 1973 zoning.

The lots will have direct access Locust Grove Drive, a publicly-dedicated, publicly maintained road.

The City of Columbia Water & Light Department will provide water sufficient for domestic service and fire protection to the site and electrical service. Existing fire protection infrastructure exists to serve this proposal.

Boone County Regional Sewer District will be providing centralized wastewater treatment for this proposal.

The northern 178 feet of each of the proposed lots is covered by a vegetation/forest preservation easement for stormwater purposes. The easement will prevent development on that portion of the property and help alleviate any stormwater/run-off problems on the property.

The property scored 74 points on the rating system.

Staff recommends approval of the plat.

Commissioner Poehlman made and Commissioner Prevo 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.

4. Delmar Estates preliminary plat. S18/19-T49N-R13W. A-2. Hunter's Creek Farms LLC, owner. James R. Jeffries, surveyor.

Thad Yonke gave the following staff report:

This property is located approximately 3.5 miles northwest of the nearest City of Columbia municipal limits and approximately 1.5 miles northwest of the intersection of Hatton Chapel Rd and State Route E. The property contains the plat originally called Nature Trail Ranchettes for which a majority of lots, along with the roadway known as Nature Trail Dr has received approval for vacation and approval to be replatted and replaced with the proposed Delmar Estates. The property has frontage on the north side of Hatton Chapel Rd. The subject property is a 229 acre property proposed to be split into 45 lots each of which is at least 2.5 acres in size and which range from 2.9 acres to 21.7 acres. The property of this request is zoned A-2 (agriculture) as is all the surrounding property and these are all original 1973 zonings.

The current proposal is for a 45 lot preliminary plat that will create an approximately 4700 ft long public main road and four short permanent cul-de-sacs. There is some regulated 100 year floodplain on the property. This site lies within the Columbia School District. The site is in Consolidated Public Water District #1 and there are hydrant and water improvements being installed as part of this project. The site is in the Boone County Fire Protection District and hydrants are required. Electric service will be provided by Boone Electric Cooperative. Wastewater service is currently proposed to be from on-site system regulated by the health department. A wastewater cost benefit analysis was provided and the sewer district agreed with the conclusion. A specific wastewater proposal will be required for each individual lot prior to building permit issuance as is standard procedure for on-site systems. A traffic analysis has been prepared and submitted and the County Engineering staff has concurred that the analysis indicates that the impact from the traffic is not sufficient to require the developer to make off-site roadway improvements. The master plan designates this area as being suitable for agriculture and rural residential land uses. The request is consistent with the master plan. The plat scored 32 on the point rating system.

Staff recommends approval of the request subject to the following 4 conditions:

1. That a 20 ft utility easement be provided along all roadway ROW rather than the 10 ft indicated in note # 1
2. That the road names be finalized to the satisfaction of the Director in consultation with OEM 911 Joint Communications.
3. All common area needs to be provided with a means for maintenance that is reflected in the covenants.
4. That the proposed covenants be provided for review and any corrections needed /requested by the Director be incorporated into the design prior to submission of any Final Plats.

Present representing the request:

James Jeffries, Allstate Consultants, 3312 Lemone Industrial Blvd, Columbia

James Jeffries: We have been working with the owner, staff, and County Commission to try to figure out what to do with Nature Trail Estates Ranchettes and we came up with this preliminary plat and went through the process to vacate the existing lots. Some of the existing lots are less than two acres which doesn't meet the zoning regulations, ours are 3.5 to 4 acres on average and the smallest is 2.9 acres. The applicants have no problems with the conditions and the covenants have been drafted.

Commissioner Prevo made and Commissioner Freiling seconded a motion to approve Delmar Estates preliminary plat with the following conditions:

1. That a 20 ft utility easement be provided along all roadway ROW rather than the 10 ft indicated in note # 1
2. That the road names be finalized to the satisfaction of the Director in consultation with OEM 911 Joint Communications.
3. All common area needs to be provided with a means for maintenance that is reflected in the covenants.
4. That the proposed covenants be provided for review and any corrections needed /requested by the Director be incorporated into the design prior to submission of any Final Plats.

All members voted in favor, none opposed.

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The rezoning request, review plan, and preliminary plat for Toalson was approved as recommended. The CRB plat was approved.

X. New Business

Stan Shawver: The Zoning Board of Adjustment has an opening for a member. The bylaws state that up to two Planning and Zoning Commissioners can also be members of the Board of Adjustment. If anyone is interested please apply.

XI. Adjourn

Being no further business the meeting was adjourned at 9:46 p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 17th day of March, 2016